

To: [City Council](#)
Subject: Addressing hurtful speech during Public Comment on Zoom
Date: Thursday, April 11, 2024 2:52:51 AM

To the Mayor and Members of the Sebastopol City Council:

Greetings from a near neighbor. I used to live and vote in Sebastopol; now I live just outside the city limits.

I have read news reports of participants who have disrupted city council meetings and disturbed listeners during the Public Comment period on Zoom. One recent article is attached, below. I sympathize with the conundrum of trying to conduct city business and honor free speech rights, when some individuals abuse this freedom with hurtful words.

Although my background is limited, I would like to offer a few questions, in the interest of finding solutions to this conundrum.

- 1) Does the chair have the ability to set a time limit for each speaker? (I believe the answer is yes.)
- 2) Must comments pertain to subjects within the jurisdiction of the city council? Stated another way, if the subject is not on today's council agenda, is it eligible to be placed on a future agenda? (Or, can I take your valuable meeting time to share a recipe, travelogue, family photos, or you-name-it?)
- 3) During Public Comment, can priority be given to residents, business owners or others with significant ties to the city? Then, others may comment, as time permits.

I understand that the council cannot compel speakers to identify themselves, if they choose not to. However, to promote an orderly and efficient meeting, I have seen the Sonoma County Board of Supervisors ask individuals who wish to comment, to fill out a speaker card, specifying the agenda item they wish to address, and turn it in to the clerk.

Respectfully,
Elizabeth McCarthy

Begin forwarded message:

> From: From Sebastopol Times <sebastopol@substack.com>
> Date: April 2, 2024 at 9:50:58 AM PDT

> Subject: Neo-Nazi comments lead city council to reconsider public commenting via Zoom
> Reply-To: From Sebastopol Times
<reply+2d93se&1nwd5s&&82b6873772a45a0d0406d704ab438bb1d005895cec970063fa03f8be7c56c7cb@mg1.substack.com>
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>
> View in browser
>
> Neo-Nazi comments lead city council to reconsider public commenting via Zoom
> A proposal to bring back in-person-only commenting rears its head again at the Sebastopol City Council
> LAURA HAGAR RUSH
> APR 2
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> READ IN APP
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> Distress over antisemitic public comments during council meetings has led the city council to reconsider discontinuing

public commenting via Zoom for a period of two months.

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> According to the staff report, “In recent months, there has been an uptick in racist, hateful, and sometimes vulgar and offensive remote public comments during public meetings, not just in the City of Sebastopol but also throughout California. This is commonly known as “Zoom bombings” — people interrupting online meetings by saying or displaying lewd, racist, or offensive material. It has become an ongoing problem throughout the state and around the country and unfortunately for Sebastopol it is progressively getting worse. These incidents interfere with the public’s right to weigh in on important local issues, slow routine business, and take a mental toll on city officials, staff and members of the public. The volume of these comments have prevented the city’s ability to conduct orderly and efficient public meetings. Also, this speech could be perceived as demeaning, discriminatory, or harassing.”

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> Although the staff report lumps all such comments under the category of “Zoom bombing,” City Attorney Larry McLaughlin said there are actually two different phenomena going on. The first is a classic Zoom bombing, where someone breaks into the Zoom feed, taking over the screen with lewd materials or yelling random racist epithets. The constitution allows the city to mute or otherwise suppress this kind of behavior as a purposeful interruption of a public meeting.

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> Hate speech is another matter altogether.

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> “These days people use the term “hate speech” a lot, but hate speech per se has no definition that's been set forth in a court case...and by in large is afforded First Amendment protection,” McLaughlin said. “So that's basically the approach that cities have to take with a person calling and, in a normal way, expressing their opinion about something. You could characterize what they say as hate speech—if it's racist, or something similar to that—but they're basically expressing their point of view and they're afforded First Amendment protection.”

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> Hate speech is rather like obscenity—it’s a “I know it when I hear it” phenomenon, McLaughlin said—but unlike obscenity, it’s a protected form of expression.

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> “We can't really cut people off for hate speech per se,” he said. “What we do have the right to do—and what's difficult for the mayor to assess on the fly—is that we are entitled to prevent actual disruption of a council meeting.”

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> And this is where things get tricky.

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> “Disruption doesn't necessarily mean that the speaker is actively doing something to disrupt the meeting,” McLaughlin said. “It's the effect of the speaker on others who are in the room, potentially waiting to speak, who are outraged by what they heard or most importantly, afraid to speak for fear of being challenged by people who are expressing these hate words. It has achieved a chilling effect on the people who might speak.”

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> Mayor Diana Rich said she’s heard from several people who no longer attend council meetings because they find the kind of hate speech that’s been going on so offensive.

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> “I had so many people write me saying, ‘I had to leave the meeting because I found it so upsetting.’” Rich said, noting “the chilling effect that those very negative comments have, and the truly disruptive nature that they have, not just in the moment, but in terms of people's willingness and comfort level, feeling of safety, about sharing their own opinions, and feeling that they're safe in that room or on that meeting. I've had a number of people who have said to me that they're not going to come to anymore meetings.”

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> The council meeting on March 19 provided examples of both classic Zoom bombing and hate speech during public comment on Zoom. The first was easily quashed by turning off the person’s microphone, giving them a verbal warning, then giving them another chance— and if the disruption continued, cutting them off again.

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> One commenter, however, managed to get in a full-on antisemitic diatribe by claiming to be a transgender person alarmed by a flyer he’d gotten. He then proceeded to read in a calm voice a long list of antisemitic claims supposedly contained in that flyer.

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> Looking pained and torn, Mayor Rich had no choice but to let him continue.

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> On Sunday, March 31, Mayor Rich sent out an email asking constituents for their opinion about what the city council should

do about this situation. She offered three options:

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> Discontinue public comments via zoom? This would mean that those signing on remotely could view meetings in real time, but could not make public comments during the meetings. They would continue to have avenues for submitting their public comments to Council via email and phone messages (as is currently the case). Only those present in-person at the meetings could offer public comments during the meetings.

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> Continue to allow public comments via zoom? This would maintain the current policy, with public comment during a meeting available to those signing on remotely as well as those present in-person.

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> Discontinue public comments but only for a trial period, say 60 days? This would allow us to test the impact of discontinuing public comment via Zoom on our community before making any final decision. It would also allow a "cooling off period" that hopefully would interrupt the current Zoom attack that seems to be targeting Sebastopol.

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> This is my "ask:" If you have an opinion on this topic, please email the City Council at citycouncil@cityofsebastopol.gov.

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> If you attended the March 19 meeting, please mention that in your email. Comments from this group, who experienced the Zoom bombing themselves, would be particularly helpful.

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> Please send in your comments by no later than Tuesday afternoon April 2, so all on the Council have the opportunity to consider what you've submitted.

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> Sebastopol resident Angela Ford immediately shot back a response (and copied the Sebastopol Times):

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> I am a fierce defender of the Constitution and in particular the 1st Amendment— Freedom of Speech. Freedom of speech is foundational to the health and vitality of our democracy. No matter how ugly. Democracy is not about stepping back and taking a break. It's about facing such challenges and assaults with integrity and imagination. We as a community—and you as a council—are able to do so. I urge you to uphold and strengthen our democracy by continuing Zoom citizen involvement.

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> Here's the hitch, pausing Zoom commenting might not stop the hate speech problem. At least one of the antisemitic commenters said he and his friends (who appear to be associated with the Sonoma County-based white supremacy group the Goyim Defense League (GDL)) might appear in person at the next meeting if Zoom commenting is discontinued or if the council tries to suppress constitutionally protected speech.

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> At tonight's city council meeting, the council will once again take up the question of whether or not to continue public commenting via Zoom. The last time they did this, the public response came down squarely on the side of increasing public engagement by continuing with public commenting via Zoom.

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> Tune in tonight, starting at 6 pm, to add your thoughts to the debate and see what the council decides, but prepare yourself for a long slog—they've got a packed agenda and it could be a wild ride. We will of course report the upshot in our city council recap this week.

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> 524 South Main Street, Sebastopol, CA 95472.

> Call 707-322-8696 with questions. We are aligned with the Sonoma County Local News Initiative.

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