



Union-Tribune

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MONDAY • MAY 23, 2022

OFFICIALS STRUGGLE WITH CIVIL MEETING DISCOURSE

Speakers at public sessions test limits of decorum, democracy

BY DEBORAH SULLIVAN BRENNAN

A routine meeting of the San Diego County Board of Supervisors this month displayed the task local leaders face balancing democracy with decorum, a dilemma that places the county and city halls on the front lines of fights over free speech.

The flashpoint was an ordinance opposing discrimination against women, which sparked protests over language on transgender rights. Several hours of passionate but mostly polite discourse were peppered with moments of profanity, vulgarity and absurdity.

"Children are in school, they have litter boxes in the bathroom because they identify as a cat," one regular commentator told the supervisors. "Everything you guys do is treason."

What prompted the meeting closure wasn't the person who insisted that supervisors be "arrested and imprisoned," the speaker who called the proposed ordinance "a turd in a taco," or the man who proclaimed that a part of his anatomy "identifies as a woman."

Instead, it was two women shouting from the back of the audience, violating board rules on when and where speakers can comment.

"There is no outburst, there is no clapping," board Chair Nathan Fletcher warned audience members.

After the shouts continued, sheriff's deputies removed the women and cleared the room. The hearing resumed an hour later with speakers entering one at a time to deliver comments.

The incident reflects the polarization of U.S. politics, even at the local level. And it illustrates the extraordinary freedom speakers have to state ideas — however of-

SEE MEETINGS • A8



BERNAT ARMANGUE AP

Two members of Ukraine's national guard visit the grave of a soldier in a Kharkiv cemetery in eastern Ukraine on Sunday.

UKRAINE UNDER ATTACK

RUSSIAN FORCES PRESS EASTERN OFFENSIVE

Polish president travels to Kyiv to address parliament, support EU membership for Ukraine

BY ELENA BECATOROS, OLEKSANDR STASHEVSKYI & RICARDO MAZALAN

KYIV, Ukraine

Russia pressed its offensive in eastern Ukraine on Sunday as Poland's president traveled to Kyiv to support the country's European Union aspirations, becoming the first foreign leader to address the Ukrainian parliament since the start of the war.

Lawmakers gave a standing ovation to President Andrzej Duda, who thanked them for the honor of speaking where "the

heart of a free, independent and democratic Ukraine beats." Duda said that to end the conflict, Ukraine did not need to submit to conditions given by Russian President Vladimir Putin.

"Unfortunately, in Europe there have also been disturbing voices in recent times demanding that Ukraine yield to Putin's demands," he said. "I want to say clearly: Only Ukraine has the right to decide about its future. Only Ukraine has the right to decide for itself."

Duda's visit, his second to Kyiv since April, came as Russian and Ukrainian forces battled along a

342-mile wedge of the country's eastern industrial heartland.

After declaring full control of a sprawling seaside steel plant that was the last defensive holdout in the port city of Mariupol, Russia launched artillery and missile attacks to expand the territory that Moscow-backed separatists have held since 2014 in the region known as the Donbas.

To bolster its defenses, Ukraine's parliament voted Sunday to extend martial law and the mobilization of armed forces for a third time, until Aug. 23.

Ukrainian President Volodymyr

Zelenskyy has stressed that the EU should expedite his country's request to join. Ukraine's potential candidacy is set to be discussed at a Brussels summit in June.

France's European Affairs minister Clement Beaune on Sunday told Radio J it would be a "long time" before Ukraine gains EU membership, perhaps up to two decades.

"We have to be honest," he said. "If you say Ukraine is going to join the EU in six months, or a year or two, you're lying."

But Poland is ramping up ef-

SEE UKRAINE • A10

DEFENSE TO BEGIN ITS CASE IN TRIAL OF EX-NAVAL OFFICERS

Substantial motions hang in the balance as prosecution rests

BY KRISTINA DAVIS

After roughly nine weeks of presenting evidence, the prosecution in the "Fat Leonard" Navy bribery trial has rested.

Now, it's the defense's turn.

Beginning today, attorneys for five former naval officers on trial will have the floor as they work to reshape the narrative that has been laid out by prosecutors and their 20 or so witnesses.

The defendants — former Rear Adm. Bruce Loveless; former Capt. David Newland, James Dolan and David Lausman; and former Cmdr. Mario Herrera — are accused of taking bribes from Singapore-based military contractor Leonard Glenn Francis as part of his sweeping conspiracy to gain influence within the Navy and ultimately millions in contracting dollars. The perks included lavish meals, luxury hotel rooms, and in some cases the services of prostitutes, according to prosecutors.

The trial has garnered special attention not only for its high-ranking defendants, but because it is the first and likely only case to

SEE BRIBERY • A7

SOME FAMILIES IN DIRE NEED OF BABY FORMULA

Children with special conditions rely on it as only source of nutrition

BY PAUL SISSON

Samuel Tebbs is approaching his sixth birthday, but his life hangs in the balance of the nation's baby formula shortage.

A rare genetic condition makes it impossible for the young boy to digest normal food, leaving him dependent on EleCare Jr for his daily sustenance. A product of Abbott Nutrition, the formula is one of those caught up in a nationwide recall after bacterial contamination was detected at the company's main plant in Michigan.



NELVIN C. CEPEDA U-T

Ali Tebbs checks on her son Samuel's feeding tube. Samuel is fed formula through a feeding tube two to three times a day.

EMERGENCY SUPPLY ARRIVES FROM EUROPE

A12 • Airplane brings 78,000 pounds of baby formula to the United States to help ease shortage.

Ali Tebbs, Samuel's mother, said that she was able to find a substitute that her son can tolerate relatively well when delivered through his feeding tube or an oral syringe, but as many have recently learned, the Abbott shutdown has quickly soaked up available supply from other vendors.

It recently got so bad, she said, that she was forced to hunt down a regional sales representative and ask for samples.

"Thankfully, she was able to

SEE FORMULA • A12

SPORTS PADRES ROUT GIANTS, COMPLETE S.F. SWEEP D1 • Led by Eric Hosmer (left) and Manny Machado, the Padres enjoy their first sweep at Oracle Park in nearly six years with a 10-1 win and a season-high 17 hits.

SOUTHERN BAPTIST LEADERS COVERED UP SEX ABUSE SCANDAL, FINDINGS ALLEGE

Report: Survivors were often ignored and 'even vilified'

BY SARAH PULLIAM BAILEY

Leaders in the Southern Baptist Convention on Sunday released a third-party investigation that found that sex abuse survivors were often ignored, minimized and "even vilified" by top clergy in the nation's largest Protestant denomination.

The findings of nearly 300

pages include shocking new details about specific abuse cases and shine a light on how leaders for decades resisted calls for abuse prevention and reform. Evidence in the report suggests leaders lied to Southern Baptists over whether they could maintain a database of offenders to prevent more abuse when top leaders were secretly keeping a private list for years.

The report is expected to send shock waves throughout a conservative Christian community that has had intense internal battles over

how to handle sex abuse. The 13 million-member denomination, along with other religious institutions in the U.S., has struggled with declining membership for the past 15 years. Its leaders have resisted comparisons between its sexual abuse crisis and that of the Catholic Church, saying the total number of abuse cases among Southern Baptists was small.

The investigation finds that for almost two decades, survivors of abuse and other concerned Southern Bap-

SEE BAPTISTS • A7

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MEETINGS

FROM A1

fensive — and the challenge of maintaining both order and liberty at county meetings, city halls and school boards.

Other local government bodies have faced similar issues as they grapple with pandemic-era policies, a bitterly divided political climate and the ubiquitous presence of video and social media.

Conflicts have cropped up in local school districts, where board meetings have become battlegrounds for issues such as COVID-19 and racial politics. For example, in the San Dieguito Union High School District, where community members are divided over what to do with their superintendent who made controversial comments about Asian students, public commentators have called people names and shouted at and interrupted board members, administrators and other audience members in recent meetings.

At a recent city council meeting in North County, a man speaking under a pseudonym of the notorious British sex offender “Jimmy Savile” delivered an apparent parody on transgender rights. Poway council members looked perplexed as the man, wearing a blond wig and glasses, claimed he had neutered an adopted child to cultivate gender-nonbinary identity.

Speakers who capitalize on shock value have myriad motives, experts said, ranging from suppressing opposing viewpoints to engaging in a crude version of civic theater.

“Some disruptors want to prevent contrary voices from being heard,” San Diego City Attorney Mara Elliott wrote in a guest opinion in the La Jolla Light. “Others hope to stop government in its tracks. Still others are merely seeking an audience.”

Carl Luna, a professor at San Diego Mesa College and director of the Institute for Civil Civic Engagement, said speakers who use vitriol to gain likes or clicks may simply seek attention, but can inspire others to real violence.

“The people who do this do it for ego, social media presence as a branding exercise for themselves,” he said. “They’re less dangerous on the surface, because they’re never going to act on it. But they’re also insidious because they’re normalizing such behavior.”

Vulgar remarks and disruptive behavior became routine at county board hearings during the pandemic, as some activists frustrated with COVID-19 policies resorted to profanity and personal attacks. In November, supervisors updated their public comment policy after a speaker directed a racist slur at Public Health Officer Wilma Wooten, and also issued veiled threats against supervisors.

In addition to time limits in some circumstances and changes to consent calendar protocol, the rules adopted last year prohibit “loud or threatening language,” whistling, clapping, stamping of feet, and speaking over or interrupting the recognized speaker if those actions disrupt “the orderly conduct of any meeting.” That was the basis for the decision to remove speakers and recess the meeting this month.

Officials must be exceedingly careful in applying such rules, University of San Diego law professor Miranda McGowan said. The board “cannot simply prohibit profane or abusive speech on the theory that it is inherently disruptive,” she wrote in a guest opinion in The San Diego Union-Tribune last year.

Meetings of the Board of Supervisors, local city councils and school district boards fall under the category of “limited public forums” for the purpose of public speech, McGowan said. Unlike parks, streets or town squares, which are open to all speech at any time, local government hearings can be subject to “time, place and manner restrictions.”

Authorities can set time limits on speakers, restrict comment to certain portions of the meeting, require speakers to stay on topic and prohibit them from speaking out of turn.

“If we’re talking about people yelling during parts of the meeting when they don’t have the floor, or

there’s not a public comment, they can be ejected for that,” McGowan said. “There’s no problem with that.”

What officials cannot do is restrict speech based on the viewpoints expressed, she said. That provision protects even the most offensive viewpoints, including those espousing racism, misogyny and hate, she said.

“They can’t even say you can’t use foul language to describe people,” McGowan said. “Because often what we consider foul or offensive or racist is presenting a particular viewpoint.”

What about obscenity? Can’t vulgar expletives be restricted in public speech? No, McGowan said. Although there is some court precedent on obscenity, it’s so tightly defined that it’s virtually unenforceable, she said.

“Obscenity is incredibly, incredibly, incredibly narrow,” she said. “Swearing is not obscenity. Saying the N-word is not obscenity. Saying the C-word or the F-word is not obscenity. The courts haven’t decided an obscenity case since the 1970s, and that’s because there’s so little that’s considered obscene.”

So what can officials do to rein in vulgar and abusive comments?

Elliott said she sees room for discretion within the category of disruption, and she said much of it depends on who holds the gavel, with some leaders maintaining tighter control and others permitting a freer flow of discussion. A 1990 9th Circuit Court of Appeals case, *White v. City of Norwalk*, offers guidance for that, she said.

“It talks about how, at a public meeting, speakers don’t have an unfettered right to say whatever they want, whenever they want to, because it can become a disruption,” Elliott said. “If speech is irrelevant, repetitive, lengthy, speaking out of turn, refusing to leave the podium, hateful obscene gestures, thoughts of harm, those are all considered disruption.”

She acknowledged that applying it requires careful judgment: “Because what I think is a threat, someone else might not.”

Moreover, she said, criti-



BILL WECHTER FOR THE U-T

Local governments have increasingly dealt with vehement reactions, profane comments and outlandish behavior at public meetings.

cism and insults are clearly protected speech, and politicians must be thick-skinned about those affronts.

“People can say you’re an idiot, you don’t understand your community, you should never have been elected,” Elliott said “All of that is fair game.”

Local leaders can encourage respectful speech by setting clear standards of conduct, said Steve Dinkin, president of the National Center for Conflict Resolution. Key to that is promoting an inclusive environment, listening intently, respecting viewpoints even amid disagreement, presenting ideas fairly and avoiding personal attacks, he said.

“At the very first instance where things start to spiral out of control, public officials can remind the public that these are the core principles that everyone needs to adhere to in order to have a productive meeting,” he said.

Elliott agreed that clear, fair ground rules can help keep speakers on topic and keep meetings on track.

“If we can control a meeting so that everybody understands the expectations, we probably will be OK,” Elliott said. “These are weird times. Everybody knows that.”

Modeling decorum among elected officials also helps set the tone for public speakers, experts said. Although the county supervisors hold different political views, they typically maintain cordial, professional interactions at meetings. That’s not the case everywhere, however, and on

other boards where leaders are warring against each other, that animosity can sour the tone of public discourse.

Leaders should also display interest and curiosity toward public concerns, Dinkin said.

“When a speaker comes in with intent to be disruptive, if they feel that the official is being attentive and listening, that can de-escalate,” Dinkin said.

Luna said he thinks there’s a need to refine public meeting legislation including California’s Brown Act, in light of the potential for disruptive commentary to undermine free speech for the broader public.

“Under the current interpretations of the law, speech is speech and gets the same protections,” he said. “But when speech is being used as a weapon to suppress other people’s speech, such equivalency should be reconsidered.”

For instance, he said, public agencies could set standards that restrict profanity or threats at the podium, while allowing unlimited comment in writing.

“What should probably be done is to allow terrible, egregious speech, but not in a face-to-face format,” he said. “There’s nothing that requires government bodies to accept that in a face-to-face format. They can confine it to print.”

Luna also said that local government proceedings could be held to federal obscenity standards that ban certain speech from the public airwaves, particularly since many public hearings are now streamed online.

“Given that this is the government of all the people, including children, there has to be a reasoned and allowable argument to provide that public speech at public forums be suitable for anyone (including those under 18) to hear,” he said.

In the meantime, Fletcher said he views offensive or abusive episodes as a teachable moment on the rights and responsibilities of the First Amendment.

“If my children were watching I would tell them that in America we have the right to free speech, and you have the right to say anything you want even if you’re making a fool out of yourself,” he said.

Perhaps most importantly, free speech is not a one-way exchange. Baked into the First Amendment are tools to counter those who abuse it, McGowan said.

“The very forum that insulates a speaker’s slurs gives public officials a unique and effective platform to challenge, criticize and condemn those who spout racist invective,” she wrote about the racist incident at the Board of Supervisors last fall.

Fletcher pointed to an exchange in April when he paused a speaker’s scatological and racist rant to note that such tirades undermine the credibility of others who object to board decisions.

“We often use our free speech to tell people that their comments are vile and disgusting and unwelcome, even while acknowledging that they have the legal right to make them,” he said.

Officials said the goal of creating guardrails for civility in public comment is to open the floor for meaningful debate, rather than restricting it.

“That’s what our democracy is about, it’s about the sharing of ideas and perspectives,” Dinkin said. “That’s how one can come to a greater good than if there were not differences of opinion. The key is to try to air those disagreements in a respectful way.”

Staff writers Kristen Taketa and Laura Groch contributed to this report. deborah.brennan@sduniontribune.com

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