

"Federation Corner" column
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Appalling behavior at council hearing

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On the evening of Tuesday, November 23, the County Council held a public hearing on the proposal to sell the former Peary High School to the Berman Hebrew Academy, which has been leasing the site since the mid-1990s. I will not address the merits of the proposal in this column except to say that the Montgomery County Civic Federation opposes the sale, just as we did in 2005 when a prior Council rejected the first attempt by the Academy to purchase the facility from the county.

This column is about the display of appalling behavior by the overflow crowd of citizens attending that hearing, the majority of which apparently supported the sale. As the parade of citizens who had registered to testify was called up before the Council to deliver their oral statements, the crowd began applauding and cheering the individuals whose testimony supported the sale. Then audience members began booing citizens testifying in opposition to the sale, who believe it is a poor financial deal for the county or bad policy to sell a school site in a county anticipating as much growth as Montgomery.

Again, I don't want to weigh the merits of the issue one way or the other in this column. What I do want to know is why Council President Nancy Floreen did nothing to stop the show of disrespect to witnesses whose opinions were different than the majority of the mob filling the hearing room.

We have seen this kind of rude behavior at hearings in the past. The most notable instance I can recall occurred in 2004 when former Councilmember Steven Silverman was President of the Council. It was a rare occurrence when Mr. Silverman agreed with the Civic Federation, or this author, on any issue. But at that hearing over five years ago, when Mr. Silverman heard the first derisive booing coming from the audience he stopped the hearing and said that if there was one more audible reaction from the audience he would clear the Council chambers.

"I will insure that everyone who testifies before this Council is treated with respect," Mr. Silverman had stated. I certainly agreed with him on that occasion.

It is not only negative crowd reaction which is inappropriate at a Council hearing. At the October 2009 hearing on the White Flint Sector Plan revision, members of the developers' White Flint Partnership and their supporters in the audience started applauding those whose testimony supported approval of the Plan. Then those in the audience concerned about the amount of development allowed in the Plan began cheering those who testified for a reduction in density. Neither was appropriate, yet then-President of the Council Phil Andrews did not step in and silence the crowd.

A County Council hearing is not a game show, with the "winning" testimony being selected based on crowd reaction. It is a process by which members of Council invite citizens in to their place of business, to share their best advice on a decision under consideration. And in a representative democracy we cannot allow attempts by the mob to rule by intimidating those who hold differing opinions.

So I ask again, why didn't Council President Floreen call a halt to the audience hissing and booing of witnesses at the November 23rd hearing? And why did no other Council member speak up to put a stop to the bullying by the crowd? We should all be dismayed to be living in a county in which this kind of behavior was not instantly and forcefully halted. Shame on the crowd for exhibiting such rudeness, and shame on the Council for not stopping it.

The next time Councilmember Leventhal wonders aloud why the Council only sees the same individuals testifying before it on issue after issue, he should remember what happened at the hearing the evening of November 23, 2010. Imagine, Mr. Councilmember, the chilling effect that seeing this outrageous event on county cable television had on any county resident debating whether or not to testify before Council for the first time. Why would any average citizen risk exposing himself to such public humiliation, when it is clear from watching the video that no member of this Council would stand up to protect those who supported an "unpopular" position?

If our county officials are to claim they value the inclusion of citizens in government decision making, then they must back up their words with action. The County Executive, and members of the County Council, the Board of Appeals, the Planning Board, and employees throughout county government should not only allow but encourage residents to share their opinions and comments, and insure they are treated with respect when they do so.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to theelms518@earthlink.net