BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint Against Mike Taylor	)))	**SUMMARY OF FACTS** **AND** **STATEMENT OF FINDINGS**

Sandra Shook of Charlo, Montana, (Complainant) filed a complaint on July 9, 1996, against Mike Taylor of Proctor, Montana, (Respondent) alleging that Respondent violated section 13-35-213(2), Montana Code Annotated (MCA), by willfully disturbing a public meeting.

SUMMARY OF FACTS

1. Complainant and Respondent were among approximately 70 people in attendance at a public meeting in Polson, Montana, on May 30, 1996. Complainant assisted in organizing the meeting. Respondent was a candidate in the primary election and was concerned about the topic which he believed would be discussed at the meeting.

2. Various advertisements were placed in the newspaper by the sponsors of the meeting, namely, Roland Morris and his wife, Lisa Morris. They referred to themselves as the "Signatories of the Bison Range Petition."

3. The advertisements as well as the "Community Notes" section of the Lake County Leader newspaper did not clearly reflect the purpose of the meeting. The ads indicated that the meeting was regarding the bison range issue. The bison range issue is an issue of local controversy concerning the management of the bison range at Moiese, Montana, and whether tribal management or federal management would be the best management choice.

4. The "Signatories of the Bison Range Petition," apparently did not intend the meeting to be a general discussion of bison range management. Many of the people in attendance at the meeting, including both parties to this complaint, were unclear as to the intent of the meeting. Host Lisa Morris and Complainant submitted editorials to the local newspaper after the meeting was held, apologizing for the misunderstanding regarding the purpose of the meeting and also for using the name "Signatories of the Bison Range Petition."

5. No written agenda was circulated or posted which would indicate the purpose or planned course of the meeting. During the course of the meeting, Host Lisa Morris indicated that the meeting would consist of a candidates' forum which would end in endorsement of the group's choice for candidates in the upcoming primary election. None of the candidates present knew of the endorsement component of the meeting until the moment they were endorsed by the group.

6. Some individuals inquired as to the group's identity at the onset of the meeting. Respondent was among those questioning the identity of the group.

7. Respondent was upset and concerned that because he had signed the petition against turning management of the bison range over to the tribe, the group would misrepresent his political beliefs. Respondent and others were unclear as to the primary purpose and political intentions of the group, "Signatories of the Bison Range Petition" and what actions the group intended to take based on those political intentions. Respondent stood up and indicated this concern in a strongly-worded commentary which lasted approximately one minute to one and a half minutes. At no time was any physical aggression or violence of any type noted.

8. After Respondent indicated his concerns, another individual also stood up and began to speak about her concerns. This combined exchange together with Host Lisa Morris' comments lasted approximately 10 minutes.

9. The meeting continued, candidates spoke in turn, a video clip was shown, a question and answer period ensued, Respondent read a position statement prepared by the Governor, the meeting ended, and cookies and coffee were served.

10. Accounts of the meeting and comments by various individuals were published in the Missoulian and the Char-Koosta newspapers. According to witnesses at the meeting, the newspaper accounts were an accurate depiction of the meeting.

11. Complainant believes that Respondent's comments changed the intended course of the meeting, and that the question and answer period was not as long as it would have been if Respondent had not "interrupted" the meeting with his

comments. Complainant is not sure what the course of the meeting should have been or precisely what the purpose of the meeting really was, even though she assisted in organizing the meeting and included herself as part of the group entitled "Signatories of the Bison Range Petition." Complainant cannot recall whether any effort to redirect the meeting ever occurred. All witnesses interviewed had varying perceptions of the purpose of the meeting.

STATEMENT OF FINDINGS

Section 13-35-213, MCA, Montana's public meeting statute, provides:

> **Preventing public meetings of electors.** (1) A person who, by threats, intimidations, or violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions is guilty of a misdemeanor.
>
> (2) A person who willfully disturbs or breaks up a public meeting of electors or others, lawfully being held for the purpose of considering public questions, or a public school meeting is guilty of a misdemeanor.

The threshold issue in this complaint is whether or not Respondent "willfully disturbed" the meeting of May 30, 1996. Section 1-1-204(5), MCA, defines the state of mind necessary to prove that an act was done "willfully."

> (5) "Willfully", when applied to the intent with which an act is done or omitted, denotes a purpose or willingness to commit the act or make the omission referred to . . .

Black's Law Dictionary (sixth edition), defines "disturb" as "to throw into disorder; to throw out of course or order." The facts in this case do not indicate that Respondent willfully disturbed the meeting. In fact, the meeting was not well

organized and many of those in attendance were misinformed as to the very purpose of the meeting. Numerous individuals, including other candidates and tribal members voiced their opinions regarding numerous issues of community concern. At no time did the meeting break up, or become delayed. The hosts of the meeting made no appreciable effort to guide the meeting in any direction. While Complainant may have found Respondent's oration offensive, the comments did not disturb the meeting. The Respondent could not have disrupted the course or order of the meeting when no course or order had been determined to begin with. In addition, topics of great interest and controversy often cause tempers to flare and can result in heated debate. This type of verbal exchange is to be expected whenever a public meeting with discussion of such issues is held.

Based on the preceding, there is insufficient evidence to conclude that Mike Taylor violated section 13-35-213(2), MCA.

Dated this 5th day of August, 1996.

ED ARGENBRIGHT, Ed.D.
Commissioner of Political Practices