

Criminal Defence Lawyer

(905) 527-4495 (Phone)
(905) 527-4496 (Fax)
(905) 512-8008 (Cell)
michael.puskas@bellnet.ca

VIA e-MAIL

June 3, 2011

Hamilton Spectator
44 Frid Street
Hamilton, Ontario
L8N 3G3

Dear Sirs:

Re: Terry Whitehead

I am writing to reply to the coverage your paper has given Councillor Terry Whitehead concerning the defamation lawsuit which recently ended. It seems to me that the majority of the coverage, and the entirety of the opinion, in your paper has been overwhelmingly negative. I would like to try to balance that coverage, if I can.

Just so that my bias is clear, I've known Councillor Whitehead for years. I have dealt with him in a professional capacity, and have been with him in social situations. Although we are friendly, we do not socialize together. I can say the same thing of a number of other City Councillors. I am writing this letter, however, because it is the right thing to do.

That having been said, I think that people have rushed to judge Councillor Whitehead without taking into account the full picture.

Councillor Whitehead has served the City of Hamilton since 2003. At the moment, he sits on over 25 committees. Over the years, he has consistently been on more committees than any other Councillor. Councillors do not get paid extra to sit on committees; he sacrifices his time with his family to lend his time, effort, and expertise to the City.

Without meaning to sound like a campaign brochure: Councillor Whitehead, anticipating the downturn in the economy, lobbied the federal government to establish a Southern Ontario Development Fund. His efforts were successful and a billion dollar federal fund was set up to help developing business in Southern Ontario. Hamilton has been the beneficiary of this fund. For example, it helped attract Canada Bread here, which will soon employ 350 people.

He also initiated the business ambassador program to track new businesses to the City of Hamilton; initiated the film policy in Hamilton which has attracted many films and millions of dollars to the City over the years; initiated the downtown wireless program; and has personally raised over \$30,000 in the last 3 years to host neighbourhood movie nights.

With respect to Flamborough, the public debate was spearheaded by Mr. Whitehead. His goal was to add over 3 million dollars to the public coffers annually. That he was successful in doing this has benefited the broader community.

He did not have to go to Flamborough and engage those hostile to him. He voluntarily did so in an effort to try to persuade Flamborough why his position was the right one, in an effort to bring the City together behind a policy which was the right thing to do.

During this debate, Councillor Whitehead's life was threatened, his wife and children's lives were threatened, and he received threatening calls on his home telephone. He agonized over this. He had many sleepless nights. During the course of one of those nights, he received an e-mail and he over-reacted. He said something he shouldn't have. The taxpayers of Hamilton are now on the hook for this mistake.

It is an unfortunate irony that in the midst of successfully working to keeping City property's taxes down, and in light of the other money he has raised for the City, Councillor Whitehead put himself in the position where he finds himself vilified for costing the tax payers what is, in comparison, a relatively minor amount of money.

No one can expect a standard of perfection from our City Councillors. So, where does that leave us? We cannot have a Council filled with robots, mindlessly filling their seats, too timid to try to accomplish anything. Hamilton is a mess. We need councillors who have a passion for the City, willing to say the tough things that we need to hear, willing to make the tough decisions. Without this, we will continue down the road to bankruptcy.

During the course of these type of fights, Councillors will make mistakes. Councillor Whitehead made a mistake. His mistake will cost the City a lot of money. There is no doubt about that. However, he made this mistake in the course of fighting for the greater good of the City, in the midst of an emotional time where he and his family were being threatened, and in the heat of the moment.

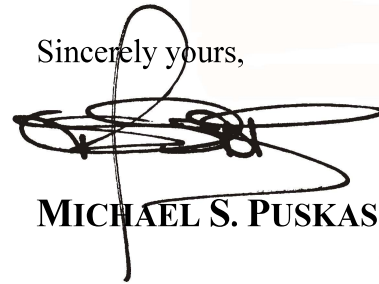
He has apologized for his mistake, he has promised to try to make it right. At this point, do we throw the baby out with the bathwater? Do we cut off our nose to spite our face? Councillor Whitehead is an honourable man who has worked hard, and accomplished much, for this City.

As one might expect, someone with Councillor Whitehead's experience has been offered other jobs, earning much more money than he does now. If he left Council for the money, he would have much more time for his family and face much less ridicule in the press. If a man with the talent, dedication, and passion for Hamilton was not on Council, who would take his place?

Do we think that there is a line up of talented, capable, experienced people in the private sector just waiting to try to fix the mess that is presently Hamilton and to have their name denigrated in the media on a daily basis in the process? I haven't seen this line up. Even if it existed, which one of these mythical figures is going to be perfect and never make a mistake.

Who knows how any of us would react if our family's lives were threatened? People claim to be fed up with politicians who do not care about the public they are supposed to serve. Is it better to have a politician who doesn't care or one who makes an error as a result of being over-passionate in his constituents' interest? With all of his positive accomplishments, it is hard to see how anyone could be so unwilling to forgive a mistake.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. Puskas", is written over a light-colored rectangular background. The signature is stylized and somewhat illegible due to the cursive and overlapping lines.

MICHAEL S. PUSKAS