

Town of Brewster

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OFFICE OF:
COLETTE WILLIAMS CMC/CMMC
TOWN CLERK
JUSTICE OF THE PEACE

September 13, 2017

To Whom It May Concern:

At the Fall Town Meeting, held, Monday, November 17, 2003 with a quorum being present the following article was adopted:

PROTECTION OF CIVIL LIBERTIES

ARTICLE NO. 28: To see if the Town will vote to adopt the following resolution to protect civil liberties of Brewster residents:

Whereas Patriots of the town of Brewster, then the North Parish of the town of Harwich, in 1774 joined with other Cape Townsmen to block the opening of the September session of the King's Courts, Common Pleas and General Sessions, in Barnstable in the first overt resistance on Cape Cod to the Tyranny of Kings George III and

Whereas once again Cape towns are joining in resistance to Acts that can lead to tyranny, we join here with the towns of Orleans, Eastham, Wellfleet and Provincetown to adopt a resolution to protect the civil liberties of our residents, and

Whereas the rights and liberties of the citizens and non-citizen residents of Brewster protected by the Constitutions of the Commonwealth of Massachusetts and the united States of America include:

- Freedom of speech and assembly;
- The right to privacy;
- The rights to counsel and due process in judicial proceedings;
- Protection from unreasonable searches and seizures;
- The right to be notified of charges against them, and

Whereas the Constitutional protections of Brewster residents are threatened under provisions of existing and proposed federal laws and regulations, which include the U.S.A. Patriot Act, The Homeland Security Act, the Patriot Act II, the Terrorist Information Awareness and T.I.P.S. programs and executive orders, which authorized or would authorize:

- detaining Brewster citizens and residents without bringing legal charges, and denying their right to counsel;
- monitoring residents' telephone, internet and library use, video rentals, book and grocery purchases, banking and medical records and other activities without evidence of criminal behavior and without court order;

- spying on domestic organizations without evidence of wrongdoing, designating organizations as "terrorist" without evidence of intent to act against the United States of America, and deporting Brewster citizens and residents who contribute to these organizations, even unaware of the "terrorist" designation;
- conducting secret military tribunals without fundamental legal protections for the accused;
- secretly searching the homes of Brewster residents when they are absent;
- blocking public access to meetings of government advisory committees and some public records;
- unregulated ethnic profiling of individuals; and

Whereas the United States Attorney General has made threatening statements regarding legal opposition to these policies, and

Whereas these aforementioned laws, regulations and executive orders have current and potential impact on residents and citizens alike, including those exercising their Constitutional rights to speak out against local, state or national policy,

It is Therefore Resolved and the Town Meeting is petitioned to forbid all local and non-local officials in Brewster, in the absence of probable cause of criminal activity, to the extent legally permissible, from:

1. Participating in or cooperating with any inquiry, investigation, surveillance or detention.
2. Recording, using and keeping any intelligence information about persons and organizations in Brewster, including political views and media use, even if authorized by federal law enforcement officials acting under the cited or allied laws or executive order. Intelligence information currently held shall be identified and disposed of at the direction of the Selectmen.
3. Enforcing immigration matters.
4. Profiling based on race, ethnicity, citizenship, religion, or political values.

It is Further Resolved that all Federal, State and County law enforcement officials are requested, and local law enforcement officials directed, to the extent legally permissible, to report to the Brewster Board of Selectmen publicly in writing monthly the extent and manner in which they have acted under the cited and allied laws and executive orders, including but not limited to:

- the names of any Brewster residents detained here or elsewhere and non-residents detained in the area for more than 48 hours as a result of terrorism investigations, and the circumstances, charges against, and names of counsel for each detainee;
- the number of search warrants that have been executed in Brewster without due notice to the subject, and the legal justification for each warrant; and
- the extent of governmental electronic surveillance, monitoring of political, religious and other activities, and obtaining of education, library, video and bookstore records in Brewster.

It is Further Resolved that the Brewster Town Clerk shall communicate this resolution to all town departments, all Federal, State, and local law enforcement officials, the Governor of Massachusetts, the President and Attorney General of the United States, and the Massachusetts Congressional Delegation, and to ask that Delegation to act to repeal provisions of the cited and allied laws and executive orders that violate the protections of the Massachusetts and United States Constitutions.

It is Finally Resolved that if any part of these provisions or their applicability is declared invalid by a court of competent jurisdiction, that part shall be severable and the remainder shall remain in full force and effect.

Or to take any other action relative thereto.

(Majority Vote Required)

(Citizens Petition)


SUMMARY

The purpose of this article is to take a second look at federal laws and regulations which were meant to address terrorist threats, most notable the USA Patriot Act. These laws and regulations were passed without a thorough review, and many people now believe they contain provisions which are dangerous to American freedoms. They give broad powers to federal law enforcement agencies, and remove certain checks and balances which the constitution put into place to protect the liberty and privacy of innocent persons. A "yes" vote will cause the town to inform our congressional leaders that we want them to repeal sections of any law that violate freedoms which are protected by the Bill of Rights. A "yes" vote will ask that Brewster officials act to protect the civil liberties of Brewster residents, to the extent permissible by law.

Motion: I move that town vote to approve article no. 28 as printed in the warrant.

Action: Adopted

A True Copy Attest:


Colette M. Williams
CMC/CMMC
Town Clerk
Brewster, MA