

The image of the towers falling on 9-11 and the faces of the people are emblazoned in our memories. But we are Americans, "Land of the Free and Home of the Brave." As Americans we united in our horror and our grief and united in our sense of purpose. We may have felt feeble in our attempts to react; we gave blood, wrote a check and hung a flag. It is in this context that we can understand the sense of urgency Congress felt. How they could have acted in haste passing the USA PATRIOT Act.

Parts of the PATRIOT Act though are neither patriotic nor liberal nor conservative. They are simply un-American. We are a free people and we do not cower. We do not diminish our Constitution in the face of threats. It would be shameful of us, to have become so complacent in our freedoms that we forgot those who gave their lives to provide them for us. We in effect do forget those brave souls, if we don't take proper care to pass on our precious civil rights to our children and future generations, if we willingly give them away at the first sign of crisis.

As John Stuart Mill wrote, "a people may prefer a free government, but if from indolence or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if by momentary discouragement or temporary panic, they can be deluded by the artifices used to cheat them out of it; or if in a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of even a good man, in all these cases, they are more or less unfit for liberty. And though it may have been to their good to have had it for a short time, they are unlikely long to enjoy it."

It has been both Conservative and Liberal organizations that sounded the alarm, from the ACLU to the CATO Institute. But it has been ordinary citizens all over the country that have come together in their own communities to stand up and let their voices be heard. 255 communities throughout the country have passed Resolutions similar to the one we are now considering. In Acton, it was a single individual that sent out an e-mail almost a year ago, simply asking who else is concerned, and so began the Acton Citizens for the Bill of Rights, ACBOR for short, to reaffirm our civil liberties in the manner of those that came before us. When we think of the checks and balances of power, it is the Judicial, Legislative and Executive branches we think of most often. The 3 branches of government protect their own powers from being usurped by the other branches. Lost in theory often is the power of the citizenry. It is our responsibility as free citizens to speak up when these rights are infringed upon. In this spirit we offer this Resolution for consideration at Town Meeting.

In the first 3 paragraphs we denounce terrorism and reiterate our appreciation of those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, and health service professionals.

We state that we value a diverse population whose contributions to the community are essential to its vitality and character, and

We acknowledge the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts.

The next 5 paragraphs are a list of Amendments from the Bill of Rights that are threatened by parts of the USA PATRIOT Act.

The First Amendment,
The Fourth Amendment,
The Sixth Amendment,
The Eighth Amendment,
The Fourteenth Amendment,

The Resolution before Town Meeting questions the constitutional legitimacy of certain sections of the Act and asks that Congress reconsider its legality and wisdom. For instance: Section 216 all but eliminates judicial supervision of telephone and Internet surveillance; Section 213 greatly expands the government's ability to conduct secret searches; Sections 411 and 802 give the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as "terrorist organizations", and Sections 215, 218, 358 and 508 grant the FBI broad and unsupervised access to sensitive medical, mental health, financial, and education records about individuals without having to show evidence of a crime and without a court order.

In addition, there have been Federal Executive Orders that reflect the disturbing approach of the PATRIOT Act, such as:

Establish secret military tribunals for terrorism suspects; 66FR 57833

Permits wiretapping of conversations between federal prisoners and their lawyers; 28 CFR 501.3

Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI; Attorney General's guidelines 5/30/02

Limits the disclosure of public documents and records under the Freedom of Information Act. Attorney General Memo 10/12/01

Currently American troops are in Iraq risking their lives to bring the protections we have enjoyed to the Iraqi people. A new Constitution has been developed that will give them rights and so protect them from future Sadams. We must not believe that men like Sadam only exist in foreign countries. We must remember that it is our Constitution that protects us from the insidious loss of civil liberty and ruthless dictators. The delicate balance between maintaining security – protection from external threats such as terrorism – while also maintaining our dearly held freedoms – protection from the internal threats, tyranny and repression. Because of our Constitutional civil rights we have not had to fear our own government, we may have become complacent. But we have only to look around us to see the horrors inflicted on people by their own governments, when they do not have the protections we may have begun to take for granted.

Let us remember that Acton has been first in the fight for liberty.

On October 3, 1774, Acton citizens became the first colonists to hold a forbidden Town Meeting, in defiance of the Intolerable Acts.

On April 19, 1775, Captain Isaac Davis, when asked if he was afraid to lead his Acton Minute Company into Concord for the town's defense, "or die in the attempt," proclaimed, "No, I am not and I haven't a man that is."

On April 19, 1861, after the fall of Fort Sumter, the Company E. Davis Guards of the 6th Massachusetts Volunteer Militia, including many brave young men from Acton, were the first uniformed men to set out on the road to Washington at the request of President Lincoln.

Therefore, in keeping with the spirit and history of the Town of Acton, we ask the voters of Town Meeting to Resolve that:

The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.

The Town of Acton calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others' civil rights & civil liberties.

The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.

The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S. Attorney General accompanied by a letter urging them to:

Thoroughly and immediately assess the impact of the USA PATRIOT Act and other laws and regulations that infringe on civil liberties:

Closely monitor federal anti-terrorism tactics:

Oppose further legislation and Executive Branch Orders that violate our Bill of Rights.

The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

This is our Resolution. In the year since we began, the effort to re access the USA PATRIOT act has been gaining momentum from both Republicans and Democrats. This is a testament to a groundswell of true grassroots activism.

To date, 19 Massachusetts communities that have passed similar Resolutions. Some neighboring communities which have groups currently working to pass similar Resolutions include: Concord, Carlisle, Sudbury, Lexington, and Littleton.

Town Meeting is the embodiment of liberty, passed onto us by the courage and conviction of Acton's earliest patriots. As our freedoms have been handed to us without any effort on our part, we rarely have an opportunity to stand up for liberty. But I assert that it is not only our right to petition the government, but our responsibility and obligation as free citizens to speak up when our rights or the rights of others are infringed upon. I urge you to take this unique opportunity to do so tonight. Speak up for freedom and liberty. Vote "yes" on this Resolution.