

# ***Town of Brewster***



## ***SPECIAL & ANNUAL TOWN MEETING WARRANT***

*for*  
**MAY 1, 2017**

**At**

**7:00 PM**

***STONY BROOK ELEMENTARY SCHOOL  
384 UNDERPASS ROAD***

Please bring this copy of the warrant to Town Meeting  
Large print copies of the warrant are available at the Brewster Town Offices

\*\*\* Material omitted \*\*\*

### **CITIZENS PETITION/Federal Immigration Laws**

**ARTICLE NO. 31:** To see if the Town will vote to request the Brewster Selectmen to authorize all Town officials to continue current practices, to the extent permissible by law, regarding federal immigration laws, that is to refrain from using Town Funds and other resources to enforce said laws unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution; and

To see if the Town will vote to request the Brewster Selectmen to continue to uphold the civil liberties and human rights of all Brewster residents and visitors regardless of age, race, ethnicity, ability, sexual and gender identity, marital or economic status, national origin, or citizenship and immigrant status.

(Citizens Petition)

(Majority Vote Required)

**Motion:** Move to adopt as printed in the warrant.

### **COMMENT**

This article seeks to establish Brewster as a Safe Community for all persons.

The practices described are meant to encourage trust among town officials, immigrant populations and others, and to allow law enforcement to focus on local policing.

The intent is also to reaffirm the town's commitment to the values of freedom, justice, and equality for all Brewster residents and visitors and support all residents and visitors in leading lives of peace and dignity free from fear, harassment, and violence. To take this action at this time is a vital contribution to public safety and a sense of community.

### **BACKGROUND:**

At Town Meeting in November 2003, Brewster adopted "Protection of Civil Liberties" in response to the invasive provisions of the U.S. Patriot Act. The article resolved to protect and preserve fundamental rights: privacy, right to counsel and due process as guaranteed by the U.S. Constitution. This article seeks to reaffirm the terms of this resolution, and to maintain the civil liberties and safety of all Brewster residents.

### ***What the Article Says:***

1) Local resources will remain devoted to local purposes. It is unconstitutional for the federal government to assign tasks to local law enforcement, such as enforcing federal immigration law. Local officers already have enough to do. If they were expected to execute federal duties,

it would require added taxpayer expense. *The execution of federal duties is solely the responsibility of federal agencies.*

2) Personal privacy will be protected. Except in cases where there is a valid warrant, or arrest for serious crime, the personal information of Brewster residents, visitors and workers, will remain off limits to access by federal agencies.

3) Public safety will be strengthened. Without fear of detention or deportation, or investigation of documentation status, the undocumented are more likely to come forward to report crimes, serve as witnesses, or volunteer for public service.

4) Local officials will be shielded against lawsuits related to unlawful search and seizure. Being in the U.S. without documentation is not a crime; however, unreasonable search and seizure is violation of the 4<sup>th</sup> Amendment. *Undocumented is not synonymous with criminal.*

5) Families will not be broken apart at taxpayer expense. Children born in the U.S. of undocumented parents are legal citizens. If their parents are detained or deported, their children are traumatized and likely to be assigned to the Department of Children and Families, requiring social services which are funded by taxpayers.

*What the Article Does Not Say:*

1) It does NOT GRANT ASYLUM to criminals, who are arrested and where applicable reported to federal authorities.

2) It does NOT PROHIBIT, PREVENT OR RESTRAIN federal agencies, i.e. Immigration and Customs Enforcement (ICE), from doing their job.

3) It does NOT CHANGE current practice.

4) It does NOT EXPOSE BREWSTER TO FEDERAL FUNDING RETALIATION. Courts have held that it is unconstitutional for federal funds to be withheld in the absence of any violation to specific terms of that funding. Since no federal funding to Brewster has been preconditioned on local enforcement of immigration laws, it cannot be lawfully withheld. Brewster Police Department receives no direct federal funding.

5) It does NOT GRANT SPECIAL RIGHTS OR PROTECTIONS to any class of persons.

6) It does NOT COMPROMISE PUBLIC SAFETY. Rather, by promoting an atmosphere of greater trust and cooperation with local law enforcement, it results in a safer community for ALL residents. Such policies are favored by many municipalities and police departments.

**Selectmen: Yes 5, No 0, Abs 0**

**Finance Committee: Yes 6, No 0, Abs 1**