



October 20, 2020

Bristol Town Council
c/o Mr. Louis P. Cirillo, Bristol Town Clerk
10 Court Street
Bristol, Rhode Island 02809

2020 OCT 20 AM 9:29

TOWN CLERK'S OFFICE
BRISTOL, RHODE ISLAND

**RE: OBJECTION
to Pending Petition To Establish a "Committee on Diversity, Equity, and Inclusion"**

Dear Honorable Bristol Town Council:

Please accept this submission as a formal objection to the pending petition to establish a "Committee on Diversity, Equity and Inclusion," (hereinafter, "DEIC"), for the official record of hearing on said petition and your overall consideration thereon.

The Honorable Bristol Town Council must reject the pending petition for the proposed DEIC because such committee is, (1) not necessary, (2) would set a dangerous precedent for Bristol, (3) is inconsistent with the letter and spirit of the Bristol Town Charter and the Rhode Island Constitution, and, (4) is not in the best interest of the people of Bristol.

Bristolians rely on their Honorable Town Council to govern by reason and not by emotion.

I. The proposed DEIC "advisory committee" is not necessary based on objective criterion. To prematurely impute the current devastating problems of other cities in America to Bristol will cause grave harm to the well-established and long-enduring fabric of our town, its citizens, and its visitors.

First, there exists no objective empirical evidence of pervasive or trending racism or discrimination in the Town of Bristol - - by its residents or first responders. To the contrary, the day-to-day life in Bristol is marked by the outreach of its first responders to schools, the elderly, and the most vulnerable. Nor is there any evidence that the daily protection of Bristol's citizens is scarred by excessive force or disproportionate profiling of any one group of Bristolians or visitors to the town. One need only walk about town at sunset, on any beautiful evening, to see the genuine and generous heartbeat of our town's people.

Second, the vast majority of Bristolians are sensitive to the fact that we are also a town of great tourism. It is second nature for Bristolians to welcome the new face in town. In the rare instance of resistance, where an individual is less than open and welcoming to a new friend, the better alternative to an

“advisory committee” is for the person of “good will” who witnesses the event to reach out in charity with fraternal correction - - and, to personally make the effort to show compassion and acceptance to compensate for the error of another. The best example of the wide open arms of Bristol can be seen in the weeks leading up to Bristol’s 4th of July Parade. I remember a time when there were reportedly 250,000 people, in a town of roughly 25,000 residents, to celebrate. Even then, peace, joy, and harmony predominated the atmosphere among citizens, visitors, and the guardians of law enforcement and first responders.

Third, within walking distance to the Town Common, there are three Catholic Churches, one Congregational Church, one Episcopal Church, one Baptist Church, a non-denominational church, and one Jewish synagogue. I humbly suggest that most Bristolians would agree that, collectively therein, is the Town’s built-in “advisory committee,” constantly reminding us to “love our neighbor.” Bristol currently has myriad programs that feed the hungry, clothe and support the poor, visit the infirm, support the unborn and displaced, and celebrate all its citizens.

There is simply no great outcry or need for any “advisory committee,” like the proposed DEIC, to mandate that Bristolians do what a significant vast majority do as a matter of course. To force charity through a passive-aggressive tool such as a wholly subjective “advisory committee,” like a DEIC, would be deleterious to the peace and stability of our overwhelmingly proud, diverse, and inclusive community. Bristolians overwhelmingly and routinely stand with humility against bias and discrimination wherever it is found.

II. The establishment of a DEIC sets a dangerous legal precedent that would destabilize the government structure of the Town of Bristol, and generally demoralize Bristolians.

A. The proposed establishment of a DEIC is inconsistent with the Bristol Government Structure established in the Town Charter of Bristol.

Article 2, Section 207, of the Bristol Town Charter provides that, “The town council **shall** be the policy-determining body of the town....” Moreover, Article 1, Section 102, establishes the form of government for Bristol wherein, “... all powers of the town **shall** be vested in an **elected** town council * * * and in a town administrator **elected by the voters of the town....**” Any acceptance or establishment of an “advisory committee,” like a DEIC, destabilizes our government structure by giving unelected individuals, not provided for in the Bristol Town Charter, a recognized say in the administration of the town.

Specifically, the stated “goal” of the proposed DEIC is, “*to create and provide equitable policies to the Town of Bristol.*” The mandatory language of the Bristol Town Charter leaves no room for the delegation of creating and providing equitable policies of the kind proposed by the current petition. Alarming, the petition omits any “goal” of the proposed DEIC when the Town Council refuses to adopt any “policy” or “initiative” said proposed DEIC puts forth. Tacitly ceding any policy-making authority, specifically granted by Town Charter to the Town Council, sets a dangerous legal precedent for other groups to eventually usurp the powers of the duly elected officials that the Bristol Town Charter mandates govern this Town.

Currently, nothing in the Bristol Town Charter prohibits a well-intentioned citizen from submitting a letter of concern or suggestion regarding town policies to the Bristol Town Council. Raising those well-intentioned unelected citizens to the status of some DEIC "advisory committee," however, implicitly and impermissibly changes the structure of the Bristol Town Government, itself. A plain reading of the Bristol Town Charter prohibits such unilateral elevation of unelected individuals.

Additionally, Article 2, Section 201, of the Bristol Town Charter provides that, "The legislative powers of the town shall be vested in a town council which **shall** consist of five (5) members elected at large from the town, each to serve for a term of two (2) years...." Compounding the structural problems of the proposed DEIC, is the fact that the pending petition seeks *in perpetuity* status of the proposed DEIC - - stating no limitation of term for either its members or the committee itself. Again, the mandatory language of the Town Charter sets the limitations of the elected individuals which will establish the policies and laws for the Town of Bristol.

Inevitably, while the petitioner indicated at the initial hearing the proposed DEIC does not seek a seat on the Town Council, history reveals that - - within a short time - - it is reasonable for this Honorable Town Council to expect that this, or another similar group, will demand formal recognition by a seat on the Town Council. And, failure of the Bristol Town Council to acquiesce to such a demand will most assuredly result in this Honorable Town Council and Bristolians being labeled as discriminatory, at best.

These insurmountable defects, in the current petition to establish a DEIC, are fatal. And, such establishment will most assuredly lead to unwanted litigation against the Town of Bristol alleging violations of the Bristol Town Charter. To preserve the established governmental structure and integrity of the Town of Bristol, as established by the Bristol Town Charter, this Honorable Town Council must reject the pending petition to establish any kind of policy or initiative making "advisory committee," like the proposed DEIC.

B. The establishment of a DEIC will have a repressive effect on Bristolians.

The establishment of the proposed DEIC, with no over-riding basis of need, will have a repressive effect, wherein Bristolians (of every race, religion, creed, status, and orientation) will be demoralized by the unsupported and irrational belief that we are not, in fact, who we really are - - a gracious, open, harmonious, other-centered, and cohesive community. Worse, such an unnecessary committee sets a presumption that our neighbors of color and LGBTQ+ are somehow *per se* on an unequal footing in Bristol - - in need of rescue by some nebulous committee - - instead of being the inherently valuable part of our community that they are from the outset. Specifically, the term "equity" is itself antithetical to diversity, to the extent that Miriam-Webster's dictionary defines it as synonymous with "neutralism," or like "apathy," "indifference," and "unconcern."

Moreover, the proposed DEIC would deteriorate the very foundation of our community, where all Bristolians enjoy the presumption of equal citizenship. Ultimately, the petition for a proposed DEIC is not in the best interest of the people of Bristol, and this Honorable Town Council must reject it.

III. The establishment of the proposed DEIC is inconsistent with the letter and spirit of the Bristol Town Charter and the Rhode Island Constitution.

The founding fathers established the government of the United States of America on the principle of federalism - - where an individual's rights and guarantees are best served and preserved by the lowest level of government closest to the people. In this instance, it is the Honorable Bristol Town Council.

Significantly, the Founding Fathers viewed individual liberty as paramount. John Adams emphatically stated, "Liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood." The "due process" clause of Article I, Section 2, of the Rhode Island Constitution guarantees this liberty.

Committees of unelected non-council members, like a DEIC undermine such individual liberty by substituting individualism with a collectivism philosophy, as defined by unelected overseers - - irreparably diluting the very foundation of the guarantees promised each individual Bristolian. The founders of America would not tolerate such dilution. And, this Honorable Town Council must not abide. This Honorable Town Council must reject the pending petition.

IV. Standing to raise objection to the pending petition for the proposed DEIC.

As to my standing to bring forth this objection and opposition argument, I offer the following facts:

My family came to Bristol from Ireland in the early 1860's, literally forged their future in Bristol, raised multiple generations here, and have known financial and other hardships. My husband's family, many who still live in Bristol, shares the same historical foundations here.

I have many beloved family and friends that are part of the LGBTQ+ community. As a child, I witnessed their discrimination in the 1970's when they could not acknowledge in public being a gay couple - - long before the term "LGBTQ+" even existed.

As to the marginalized in our society, for the past 13 years I have served as appellate legal counsel for the indigent poor (of all races, creeds, color, orientation, and status). As an attorney, I have witnessed and defended against, all too often, insidious discrimination in all its ugly forms.

I taught law at Roger Williams University for eight years. And, this Fall I begin my seventh term as an adjunct faculty, teaching Constitutional Law, at a Boston law school.

I respectfully represent that there are a significant number of Bristolians that support this **objection**.

V. Conclusion.

We must always strive to nurture the "better angels" of our nature - - and so we must. The natural evolution of the history of Bristol bears this out. But, each person's moral compass resides within him/her. If we surrender that to a third party we are lost.

Absent objective evidence of paramount need for the proposed DEIC "advisory committee," and a firm legal footing consistent with the Bristol Town Charter and the Rhode Island Constitution, Bristol may rightly be accused of our local government being run by emotions and not reason.

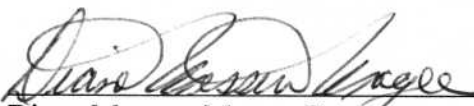
WHEREFORE, for all the foregoing reasons, this Honorable Bristol Town Council must reject the pending, and any similar, petition to establish a "Committee on Diversity, Equity, and Inclusion," and must further make findings that:

- (1) based on objective criterion, the proposed DEIC is not necessary for the Town of Bristol;
- (2) that such proposed DEIC of unelected persons sets a dangerous legal precedent destabilizing the mandatory elected government structure of the Town of Bristol, as established by Town Charter;
- (3) that establishment of the proposed DEIC runs afoul of the letter and spirit of the Bristol Town Charter and the Rhode Island Constitution in the areas of our liberty guarantee and due process rights; and
- (4) that the proposed DEIC is not in the best interest of the people of Bristol, as set forth above.

I also move this Honorable Town Council to establish by resolution and vote that any expansion of the Town Council's number of seats of five (5), as currently provided for in the Bristol Town Charter, requires unanimous consent of the duly elected Bristol Town Council members and a majority vote of Bristol's domiciled residents.

Thank you for your kind attention and consideration.

Respectfully submitted,


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(Licensed: RI, MA, U.S. Supreme Court)
Bristol Resident since 1986

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