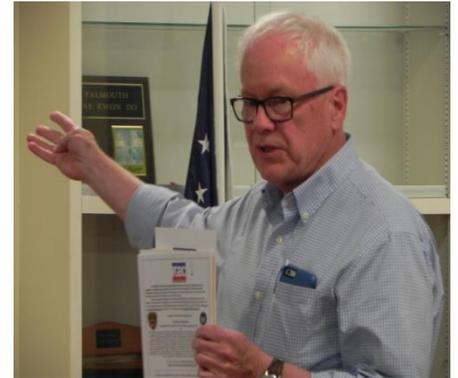




Falmouth, Cape Cod, MA

Falmouth Democratic Town Committee Monthly Meeting, May 16, 2018

Megan English Braga, Chair, called the meeting to order and thanked **Pam Harting- Barrat** for picking up the coffee and refreshments. **Joanne Treistman** announced the Unitarian Universalist Green Planet Faire on Saturday, May 19 at the Fellowship on Sandwich Road. Food, Vendors, Displays and Goats will be in attendance to publicize concerns about how to live more sustainably. **Deb Rudolf**, Democrat, running for the State Senate seat in Plymouth now occupied by **Vinny DeMachado**, gave a request for support, particularly for someone to help with lawn signs. **Tom Stone** from the Coalition for the Falmouth Gun Buyback reminded us of the June 9th Gun BuyBack with the Falmouth Police Department and the Waquoit Congregational Church from 9 am to



Tom Stone

noon at the Falmouth Police Department. Questions can be addressed to: falmgunbuyback2018@gmail.com.

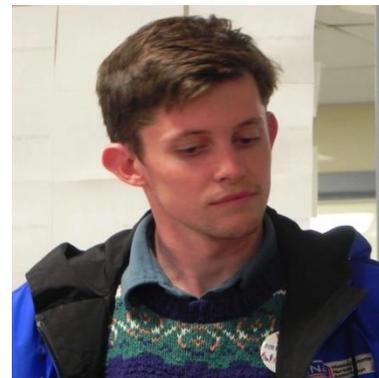
Representatives from the Massachusetts Nurses Association spoke. **Beth Piknick**, a nurse, discussed the Patient Safety Act which is on the ballot in November and urged a Yes vote. Nurses are now overloaded and this question will limit the number of patients a nurse can take care of at any one time. Hospital executives are opposed to this act, but in



Beth Piknick

2004 California established maximum limits on the number of patients per nurse and the results have been universally positive. This act will dramatically improve patient safety in MA hospitals by setting a safe maximum limit on patients and will provide flexibility to adjust patient assignments based on specific patient needs according to **Ross Berry**,

Field Organizer for the Ballot Campaign who also spoke. Nurses have been working for 20 years to get this question passed and it is part of the Democratic Party's platform for this year.



Ross Berry

Dylan Fernandes, our Democratic State Representative, explained that the Extreme Risk Protection Order for increased gun safety, may be considered next week on Beacon Hill. The bill would allow families to directly ask that guns be kept temporarily from an



Dylan Fernandes

unstable family member. He urged us to support this bill by contacting The Joint Committee on the Judiciary to support House Bill 3081. Goggle for contact information.

Kirstin Moritz introduced the topic for the evening, “Massachusetts Gun Laws in Post-Heller America: Can Massachusetts be a Model for the Nation” and the two speakers: **Jane Scarborough**, retired professor from Northeastern Law School and Constitutional Law expert as well as a current teacher of adults on the Cape, and **Jack McDevitt**, Associate dean for Research in the Northeastern College of Social Sciences and Humanities, and Director, Northeastern University’s Institute of Race and Justice. He is the author of several books and an expert on hate crimes, racial profiling and security issues. In 2013, he was asked by **Speaker DeLeo** of the MA House to lead a special commission on gun violence and to study MA gun laws.

Jane Scarborough gave an historical overview of the 2nd Amendment which, for most of its history, was understood to be a collective right of states to arm and form militias, the precursor to today’s National Guard. There were three 2nd Amendment cases prior to *Heller*. The last case, *United States v. Miller* in 1939 challenged the National Firearms Act signed by FDR, which provided for the taxation of transportation of these weapons. The Court in *Miller* held that these national regulations did not violate the 2nd Amendment which has led to both sides of the gun politics debate to claim it supports their claims.



Jane Scarborough

Heller in 2008 was a challenge to the D.C.’s strict gun law that required handguns held in the home to be registered and rendered nonfunctional through gun locks or disassembly. Writing for the majority in the 5-4 decision, Justice Antonin Scalia, abandoning his signature, “originalism,” transformed the Framers’ collective states right into an individual right to own firearms unconnected with service in the militia, for traditionally lawful purposes, such as self-defense in the home. However, he did not preclude reasonable restrictions on gun ownership and use, particularly

with respect to “dangerous and unusual weapons.”

Since *Heller* there has been no immediate effort to expand its meaning except to say *Heller* applies equally to the states, as to the federal government. More promising for gun control advocates, the Supreme Court declined to review a case in 2017 which raised the issue of whether the concealed right to carry on private property extended into the public sphere as well.

Finally, after giving a brief history of the NRA, **Dr. Scarborough** cited an article written on the day *Heller* was argued by Yale Law Professor Akhil Amar. In his article titled, “Making the 2nd Amendment Second”, Amar urges the Court and constitutional scholars to move away from the past obsession with the 2nd Amendment. Amar suggests looking to other sources of rights as in the 9th and 14th Amendments which may be unenumerated and thus part of his “Unwritten Constitution,” but equally as viable, and in his mind a more honest approach to a debate about gun control in our world today.

Jack McDevitt gave the second talk of the night. He started by speaking favorably about gun buybacks. Then he went on to discuss his work on the **DeLeo Commission** which he led. The Commission came out with 44 recommendations in 2014. It supported Extreme Risk Protection Laws because it found that



Jack McDevitt with Ann Stone

neither the police, psychiatrists, lawyers or judges would tell accurately when someone was mentally ill and should not have a gun. Only families seem to be able to tell so they need to be able to request that guns be taken from an unstable family member. Presently, as Dylan Fernandes reminded us, MA is considering such an Extreme Risk law. The report gave a broad range of suggestions including broadening background checks, enrolling MA in a national mental health database, beefing up gun safety courses to include hands on experience with guns, limiting gun purchases to one a month, and having MA join the National Instant Background Check system. Other findings centered on longer term solutions, such as increasing funding for youth jobs and mental health and drug counseling. More comprehensive school safety plans should be developed according to the report. Some of these recommendations have been implemented and others

have not. The report is being used as a guide for the state in going forward on concerns about gun safety.

Prof. McDevitt noted that MA has the strictest gun laws in the nation and the lowest death by gun in the nation. In MA 17-24% of households have guns, compared to 40 to 50% in the South. There should be federal laws regulating guns so there are set state standards. The NRA wants a federal concealed carry law which would mean that nobody would be restricted from traveling to any state with a gun. This is not the kind of federal law McDevitt recommends. He lauded **Maura Healey's** assault gun ban and her ban on copycat assault weapons. Guns in the house increase by six times the likelihood of accidents and by three times the suicide possibilities. Finally he noted that women are increasingly buying guns and gun purchases rise each time there is a mass shooting because of fear of the possibility of gun regulation.

The meeting ended with a lively question and answer period.

Submitted by **Kirstin Moritz**, Newsletter Editor and photos by **Martha Gillis**, FDTC photographer

Calendar:

June 1st and 2nd: MA Dems State Convention in Worcester at the DCU Center.

June 20: FDTC monthly meeting at the Gus Canty Center at 7 pm featuring **Deb Goldberg**, MA State Treasurer.

July and August: We will have a fundraiser and also our annual picnic. Details will be sent on Dmail.

FDTC Officers:

Chair: **Megan English Braga** at 508-540-3434 Ext. 4 and attymeb@gmail.com

Vice Chair: **Scott Simenas** at 508-540-3490 and scott_simenas@comcast.net

Treasurer: **David Barrat** at 508-392-9914 and dbarrat5@gmail.com

Corresponding Secretary: **Judy Ziss** at 508-548-1339 and judith_ziss@comcast.net

Newsletter Editor and Recording Secretary: **Kirstin Moritz** at 508-540-8528 and kmoritz@verizon.net

Affirmative Action/Outreach Advisor: **Hugh Gregory** at 508-548-4696 and moohu38@yahoo.com

Please note that annual dues for April 1, 2017 to March 31, 2018 should be submitted. Contributions to the Thelma Goldstein Scholarship Fund can also be made at any time and submitted to the address below . Include the following:

Name: Address: Precinct

Email Address and Phone

Elected Committee Members: \$25 a year

Associate Member: \$15 a year Newsletter by U.S. mail is \$10 extra a year

Please mail to FDTC, PO Box 312, Falmouth, MA 02541