



City of Cambridge

16.

IN CITY COUNCIL

May 1, 1995

COUNCILLOR TRIANTAFILLOU

WHEREAS: Justice Nolan is expected to retire shortly from the Supreme Judicial Court and Governor Weld is likely to nominate as his replacement Charles Fried, who served as Solicitor-General in the Reagan Administration; and

WHEREAS: This appointment to the State's highest court marks the first opportunity for the Governor to shape the court as a new century approaches; and

WHEREAS: Charles Fried, in his career in the Reagan Administration, argued for restricting the rights of women to make their own reproductive choices in a half-dozen cases, including the Rust decision, which imposed a gag rule on doctors and other health professionals to keep them from advising women about the possibility of abortion; and

WHEREAS: Charles Fried also argued that the civil rights of gays and lesbians in matters of employment can be abridged; making such discrimination possible; and

WHEREAS: Charles Fried argued that striking workers should be denied the right to obtain food stamps while engaged in a labor dispute with their employer; and

WHEREAS: Charles Fried opposed the passage of the Civil Rights Act of 1991; and

WHEREAS: Charles Fried provided pro bono assistance to the real estate industry to undermine the rights of tenants to secure housing in Boston, Brookline and Cambridge by arguing that voters across Massachusetts should be allowed to decide to eradicate the housing policy for these three communities in the 1994 state elections; and

WHEREAS: Charles Fried argued and editorialized during the campaign last year around Question 9 that the home-rule powers of communities are not rights to allow communities to govern themselves but a privilege to be granted or withdrawn by the state as it sees fit; and

WHEREAS: Charles Fried vilified the city of Cambridge and those who govern it, describing Cambridge to readers of the Boston Globe (July 21, 1994) as "not only a sore thumb but also one whose infection may spread" and calling into question his ability to deal impartially with any matter concerning the city; now therefore be it

RESOLVED: That this City Council voice its strong opposition to the appointment of Charles Fried to the Supreme Judicial Court of the Commonwealth of Massachusetts; and be it further

RESOLVED: That this City Council urge the Governor to appoint to the court instead an individual capable of being impartial who will seek to maintain democratic rights rather than restrict them, and who will increase the diversity of the state's highest court as the twenty-first century approaches; and be it further

RESOLVED: That the City Clerk be and hereby be requested to prepare a suitably engrossed copy of this resolution to the Governor and all members of the Governor's Council.

In City Council May 1, 1995

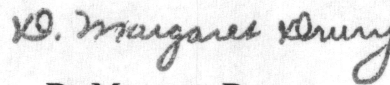
Order failed adoption by a yea and nay vote.

Yeas 3; Nays 4; Absent 0; Present 1; Abstain 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-



D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council

5/1

1995

Order No 16

YEA	NAY	ABSENT	PRESENT	
			✓ <i>abs</i>	Ms. Kathleen L. Born
			✓	Mr. Francis H. Duehay
	✓			Mr. Anthony Galluccio
✓				Mr. Jonathan S. Myers
	✓			Mrs. Sheila T. Russell
	✓			Mr. Michael A. Sullivan
	✓			Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Kenneth E. Reeves
3	4	0	2	

Already
typed. 16

ORDER OPPOSING THE APPOINTMENT OF CHARLES FRIED
TO THE SUPREME JUDICIAL COURT

- WHEREAS: Justice Nolan is expected to retire shortly from the Supreme Judicial Court and Governor Weld is likely to nominate as his replacement Charles Fried, who served as Solicitor-General in the Reagan Administration; and
- WHEREAS: This appointment to the State's highest court marks the first opportunity for the Governor to shape the court as a new century approaches; and
- WHEREAS: Charles Fried, in his career in the Reagan Administration, argued for restricting the rights of women to make their own reproductive choices in a half-dozen cases, including the Rust decision, which imposed a gag rule on doctors and other health professionals to keep them from advising women about the possibility of abortion; and
- WHEREAS: Charles Fried also argued that the civil rights of gays and lesbians in matters of employment can be abridged; making such discrimination possible; and
- WHEREAS: Charles Fried argued that striking workers should be denied the right to obtain food stamps while engaged in a labor dispute with their employer; and
- WHEREAS: Charles Fried opposed the passage of the Civil Rights Act of 1991; and
- WHEREAS: Charles Fried provided pro bono assistance to the real estate industry to undermine the rights of tenants to secure housing in Boston, Brookline and Cambridge by arguing that voters across Massachusetts should be allowed to decide to eradicate the housing policy for these three communities in the 1994 state elections; and
- WHEREAS: Charles Fried argued and editorialized during the campaign last year around Question 9 that the home-rule powers of communities are not rights to allow communities to govern themselves but a privilege to be granted or withdrawn by the state as it sees fit; and
- WHEREAS: Charles Fried vilified the city of Cambridge and those who govern it, describing Cambridge to readers of the Boston Globe (July 21, 1994) as "not only a sore thumb but also one whose infection may spread" and calling into question his ability to deal impartially with any matter concerning the city; therefore be it
- RESOLVED: That this City Council voice its strong opposition to the appointment of Charles Fried to the Supreme Judicial Court of the Commonwealth of Massachusetts; and be it further

RESOLVED: That this City Council urge the Governor to appoint to the court instead, an individual capable of being impartial who will seek to maintain democratic rights rather than restrict them, and who will increase the diversity of the state's highest court as the twenty-first century approaches; and be it further

RESOLVED: The Clerk be and is hereby requested to send copies of this order to the Governor and to all members of the Governor's Council.



City of Cambridge

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RESOLVED: That the City Clerk be and hereby be requested to prepare a suitably engrossed copy of this resolution to the Governor and all members of the Governor's Council.

Consent Order #16

R-399

Councillor Triantafillou re: Opposition to
the appointment of Charles Fried tot he Supreme
Judicial Court of the Commonwelath of Masschusetts.

In City Council May 1, 1995

Order failed

3-4-0-1-1