

*The region's leading
defender of First Amendment
freedoms and government
transparency — the foundation
of a healthy democracy.*

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SUBMITTED VIA EMAIL TO DDAWES@GEORGETOWNMA.GOV

Town of Georgetown
Board of Selectmen
1 Library Street
Georgetown, MA 01833
Attn: Board Chair Douglas W. Dawes

RE: Public Comment Policy / Removal of Resident Kevin Wood

July 8, 2026

Dear Chair Dawes,

I'm writing on behalf of the New England First Amendment Coalition. NEFAC is the region's leading advocate for First Amendment freedoms and the public's right to know about government. The coalition is a non-partisan and non-profit organization that believes in the power of citizen engagement in a democratic society. Its Board of Directors and Advisors include many of the state's top media attorneys, journalists and fellow open government advocates.ⁱ

First, we want to recognize that these are tenuous times and it can often be challenging to manage town meetings while also providing a forum for public comment. Nonetheless, we are concerned with the Board of Selectmen's ("Board") public comment guidelines and events that occurred during your April 27 meeting.

During this meeting, resident Kevin Wood began to comment on an agenda topic during the public comment session. When Wood criticized the conduct of certain Board members, however, then-Chair Robert Hoover interrupted him, shouted over him and ultimately ordered him removed by police.^{ii iii}

These actions are in violation of Wood's First Amendment rights. As we will explain, the Board's public comment guidelines conflict, at least in part, with both federal and state law.

We request you take immediate action to revise these guidelines according to our suggestions below and to reaffirm your commitment to upholding the First Amendment rights of your constituents.

Removal of Mr. Wood

The Board's public comment guidelines state that "no person may discuss the reputation [or] character...of a particular individual," and they consider "engaging in personal attacks on any person or entity" to be disruptive behavior which would subject the speaker to a warning and subsequent removal.^{iv}

Under the First Amendment, a limited public forum is created when members of the public are given an opportunity to speak during a town meeting. While content-based restrictions on speech may be permissible under the First Amendment in these circumstances, those restrictions must be both reasonable and viewpoint-neutral.

While the first restriction may be viewpoint-neutral, it is not reasonable. One of the fundamental purposes of a public comment period is to provide an opportunity for residents to critique the work of those who represent them. Any critical comment could be construed as a judgment on one's reputation or character. For similar reasons, limiting comments that could be considered a "personal attack" is unreasonable. Restricting "personal attacks" is also viewpoint discrimination in that, notably, all speech complimentary of individuals is still allowed during your meetings.

During the public comment session at the April 27 Board meeting, Wood was recognized by Hoover to speak on an agenda topic. During his comment, Wood stated that members of the Board had violated their oath of office by improperly retaining a law firm. Wood alleged that Town Administrator Orlando Pacheco had "screwed up royally" and that Hoover was "covering up for him." Hoover immediately interrupted Wood and told him repeatedly, "Let's not go there with that stuff." When Wood refused to yield the two minutes remaining in his comment time and attempted to continue speaking, Hoover shouted over him and then invited the Chief of Police — who was attending the meeting on other business — to intervene and eventually to remove Wood from the meeting.

While the Board gave no explicit reason for Wood's removal, its guidelines suggest that it construed his comments as a judgment on the reputation and character of public officials as well as a disruptive "personal attack" on Pacheco and Hoover. As stated above, these limitations are not reasonable because allowing citizens to voice their criticism of elected representatives is crucial to the spirit of public comment periods. It is to be expected that the critique of public officials may bring into question their character or reputation, and so to restrict any such speech is unreasonable, unconstitutional and defeats the purpose of the public comment period.

Furthermore, if Wood had chosen to stand up and extol the virtues of those same officials, there is little doubt that he would have been allotted his full three minutes for public comment with no interruptions, warnings, or removal. Because Wood's critical discussion of public officials was punished while laudatory speech would not have been, this is a clear example of impermissible viewpoint discrimination that must be corrected.

Criticism of Government Officials

By running afoul of our federal and state constitutions, your guidelines ignore the need for Georgetown residents to hold their public officials accountable — and the protected practice of those in Massachusetts doing so through town meetings.

A recent Supreme Judicial Court decision highlights our long and storied history of assembling to express our opinions on local matters. It is a right protected by the First Amendment of the U.S. Constitution and Article 19 of the Massachusetts Declaration of Rights.^v Article 19 provides:

"The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer."

The court noted that "the assembly provision arose out of fierce opposition to governmental authority, and it was designed to protect such opposition, even if it was rude, personal, and disrespectful to public figures."

Although appropriate restrictions may be placed on public comment sessions to ensure orderly and peaceable meetings, the court emphasized that "civility restraints on the content of speech at a public comment session in a public meeting are forbidden," and ultimately held that "discourteous, rude, disrespectful, or personal speech about government officials and governmental actions" was "clearly protected."

Revisiting Board's Restrictions

Although unreasonable civility restraints that focus on the viewpoint of speakers are forbidden in public meetings, guidelines that otherwise ensure meetings proceed in an orderly and peaceable

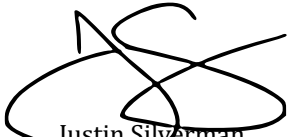
manner may be appropriate. As the court above reminds us, such reasonable restrictions include designating when public comment shall be allowed in the governmental meeting, the time limits for each person speaking, and rules preventing speakers from disrupting others.

The Board's guideline against discussing the reputation and character of an individual is an unreasonable restraint on speech that should be abandoned. The prohibition on "personal attacks" is both unreasonable and viewpoint discriminatory. It too should be rescinded. The remaining listed disruptive behaviors – such as interrupting, speaking when not recognized and speaking while the meeting is proceeding – are all reasonable, viewpoint-neutral restrictions and need not be removed.

June 11 Meeting

In addition to the concerns above, we must express our disappointment that a public comment period was not provided during your June 11 meeting. According to your own guidelines, the board "**shall** reserve time for Public Comment on its open meeting agenda." (emphasis added) This appears to be a violation of your own guidelines. We again emphasize how vital public comment periods are to the democratic process and implore you to continue providing them at each meeting as your guidelines require.

Thank you for your time and consideration.



Justin Silverman
Executive Director

ⁱ Please visit nefac.org to learn more about the New England First Amendment Coalition and its leadership.

ⁱⁱ See Stewart Lytle, *Monday Night at the Fights*, The Town Common, May 6, 2026, <https://thetowncommon.com/2026/05/06/monday-night-at-the-fights-in-historic-move-chair-cuts-off-public-comment-by-critic-mid-sentence-asks-police-chief-to-intervene-ejects-speaker-from-meeting/> (last visited July 7, 2026).

ⁱⁱⁱ See Recording of Selectmen's Meeting Minutes, 11:45-13:56, <http://gctv.georgetownma.gov/show/8441> (last visited July 7, 2026).

^{iv} See "Public Comment Guidelines," Standard Operating Policies, https://www.georgetownma.gov/government/boards__commissions/board_of_selectmen/standard_operating_policies.php#outer-154 (last visited July 7, 2026).

^v See *Barron v. Kolenda*, 291 Mass. 408 (2023).