



MICHAEL J MERRITT

10 AUG 2022

MEMORANDUM

From: Michael J. Merritt, USN Retired/Writer
PO BOX 187
Newton, IA 50208
pyrebird@phoenixharbor.com

To: City of Newton, IA
Personal Service

Iowa Public Information Board
Electronic Service

Iowa Civil Rights Commission
Electronic Service

Subj: IOWA OPEN RECORDS REQUEST – CITY OF NEWTON, IA – #010

Ref: 1. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records)

- Enc: 1. Memorandum – Matthew Brick – Brick Gentry, P.C. – 05 AUG 2022
2. Electronic Mail – Michael J. Merritt – 05 AUG 2022 – 1654
3. Memorandum – Voluntary Sworn Statement – Iowa Open Records Request – Michael J. Merritt – 08 AUG 2022.
4. Electronic Mail – Matthew Brick – Brick Gentry Law, P.C. – 08 AUG 2022 – 1139
5. Iowa Open Records Request – City of Newton, IA - #009 – 09 AUG 2022

1. Requested Information

(a.) The City of Newton, IA is requested to provide body cam footage produced in the Newton, IA Police Department business lobby on 10 AUG 2022 at approximately 1330 while an officer was speaking to Michael J. Merritt.

(b.) Michael J. Merritt presented himself to the Newton, IA Police Department in their front business lobby at approximately 1330 on 10 AUG 2022 of his own free after no previous direction from the Newton, IA Police Department or indication of an investigation or desire to speak with him regarding allegations of a violation of Iowa Code Chapter 708.7. Michael J. Merritt presented himself to the Newton, IA Police Department on 10 AUG 2022 for the purpose of answering any required questions the Newton, IA Police Department had regarding allegations of a violation of Iowa Code Chapter 708.7 that were made against him by City Attorney Matthew Brick in Enclosure 4 on 08 AUG 2022.

(c.) The desired format of requested data: Thumb drive (at the City of Newton, IA published rate).

(d.) The originator of this request is not responsible for any costs generated by the production or organization of this data if the clerical, professional, clerical staff, legal fees, or any other required actions or costs exceed 10 hours or \$1000 (whichever comes first) without prior coordination and approval from the originator of this request.

(e.) Distribution of Requested Data: Priority Mail sent to the originator of this request.

2. Conclusion

City Attorney Matthew Brick communicated in Enclosure 4 on 08 AUG 2022:

"Over the course of the past few months, you have sent City officials and staff dozens of emails. Your correspondence is beyond the scope of standard government and citizen communications and has reached the level of harassment. Given your past attempts to threaten and intimidate City personnel, effective immediately, any future emails from you to City staff and elected officials will not be delivered to City email addresses. This ban will last for a period of six months. This ban does not prevent you from contacting City staff or elected officials for routine City-related business via other means (i.e., letter, telephone, in person, etc.)

Please take notice and govern yourself accordingly."

An officer of the Newton, IA Police Department communicated on 10 AUG 2022:

"...but there's been no charges, we have no charges pending for you, theres... if there was an investigation...or something...then someone...I think one of the Detectives or Chief or someone would..."

1st Amendment to the Constitution of the United States of America

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

14th Amendment to the Constitution of the United States of America

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Section 2, of Article 1 of the Constitution of the State of Iowa

*“**Political power.** All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.”*

Section 7, of Article 1 of the Constitution of the State of Iowa

*“**Liberty of speech and press.** Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears* to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.*

**In the original text, the word is “appear”, see original Constitution, Art. I, §7”*

Respectfully,



Michael J. Merritt
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