



March 14, 2020

The Hon. Charlie Baker
Governor of Massachusetts
The State House
24 Beacon St., Room 280
Boston, MA, 02133

RE: COVID-19 Response Planning & Civil Liberties

Dear Governor Baker,

As you respond to COVID-19, please consider the ACLU of Massachusetts as a resource in your work to develop a plan that protects the health, safety, and civil liberties of all Massachusetts residents.

During a disease outbreak, we recognize the need to protect both public health and individual liberties, and to avoid false tradeoffs. We would be glad to share ideas and serve as a sounding board for you or your staff about how to keep the public safe while preserving the liberties that are the foundation of American ideals and our democratic system of government.

As you develop measures to keep the public safe, we encourage you to consider the following. We recognize that many of these suggestions may already be on your radar. If so, we hope that this letter helps to reinforce their importance. We would be glad to know they are under active consideration or in the process of being implemented.

- **Ensure measures that limit people's movements are supported by science and proportional to the threat.** We strongly encourage you to continue to promote voluntary isolation measures as an alternative to quarantines or other mandatory restrictions, to the maximum extent possible and as supported by scientific evidence. To the extent that mandatory measures are truly needed, please keep in mind that individuals have a due process right to challenge any quarantine order or movement-restricting policy, and mechanisms of appeal should be clear and prompt. In emergencies, when rights are on the line, it is particularly important for our government to uphold fundamental democratic principles and processes, not succumb to unwarranted changes to police powers or government authority.
- **Keep the public informed with accurate, timely information.** Public officials should be trusted messengers of vital public health information, grounded in scientific evidence. We encourage you to maintain multiple channels of communication that are accessible to all audiences, on- and off-line, and in the top languages spoken in Massachusetts.
- **Protect vulnerable populations.** Public health experts stress the need to protect vulnerable populations during an outbreak. Vulnerable populations have been defined as those without adequate health insurance or access to regular medical care. Responses to the virus, including testing, must be available to all Massachusetts residents, regardless of whether they have health insurance. We commend the steps that Massachusetts has already taken to guarantee [insurers cover the full cost](#) of coronavirus testing and treatment, and to [help uninsured residents](#) get coverage.



We are especially concerned about two groups who are vulnerable to outbreaks of contagious illnesses and have severely limited ability to inform themselves about risks and take preventative measures: (1) people in prisons or jails; and (2) people experiencing homelessness or housing insecurity.

We encourage state and local officials to reduce the number of people in custody by not arresting or jailing people for probation violations or offenses that do not create an immediate threat of physical harm to the community; otherwise exercising discretion regarding enforcement, arrest, and bail; and calling on ICE to halt immigration detentions in the Commonwealth. Special effort is required to ensure that people who are currently incarcerated in jail or prison, in addition to prison guards and staff, stay healthy during the COVID-19 outbreak.

We also encourage officials to halt evictions and foreclosures during the course of the pandemic, and to pay particular attention to communicating with and meeting the health needs of people living in shelters and on the streets.

- **Pay deliberate attention to equity and non-discrimination in distribution of resources.** In a public health emergency, everyone relies on government information, support, and assistance. It is imperative to avoid replicating existing inequities regarding access to health care, make sure that resources are made available to all, and communicate to the public about where resources are being directed and why.
- **Help everyone feel confident to get tested.** If they are experiencing symptoms, immigrants may be hesitant to visit a hospital or testing facility, frustrating efforts to mitigate spread of the virus. State officials should work with ICE to declare and publicize health care facilities as safe zones, where no immigration enforcement will take place. It is in the best interests of all Massachusetts residents for everyone to feel confident that they can come forward to be tested.
- **Ensure that people who are sick can afford to stay home.** We all face increased risk if people with symptoms of COVID-19 don't stay home from work for fear of missing a paycheck. Government can play a vital role in encouraging employers to offer sick leave and other supportive measures for workers to keep the community safe, as well as acting to directly increase access to sick leave and unemployment insurance coverage.

As you work to keep our communities safe and strong, we are happy to confer and discuss how best to protect civil liberties in your COVID-19 response planning. Please contact me at crose@aclum.org if our team at the ACLU of Massachusetts can be of service.

Wishing you and your family all good health.

Sincerely,

A handwritten signature in black ink that reads "Carol Rose". The signature is fluid and cursive, with the first name "Carol" and last name "Rose" clearly distinguishable.

Carol Rose
Executive Director



March 14, 2020

Hon. Karen Spilka, President
Massachusetts Senate
24 Beacon St.
Room 332
Boston, MA, 02133

RE: COVID-19 Response Planning & Civil Liberties

Dear President Spilka,

As you respond to COVID-19, please consider the ACLU of Massachusetts as a resource in your work to develop a plan that protects the health, safety, and civil liberties of all Massachusetts residents.

During a disease outbreak, we recognize the need to protect both public health and individual liberties, and to avoid false tradeoffs. We would be glad to share ideas and serve as a sounding board for you or your staff about how to keep the public safe while preserving the liberties that are the foundation of American ideals and our democratic system of government.

As you develop measures to keep the public safe, we encourage you to consider the following. We recognize that many of these suggestions may already be on your radar. If so, we hope that this letter helps to reinforce their importance. We would be glad to know they are under active consideration or in the process of being implemented.

- **Ensure measures that limit people's movements are supported by science and proportional to the threat.** We strongly encourage you to continue to promote voluntary isolation measures as an alternative to quarantines or other mandatory restrictions, to the maximum extent possible and as supported by scientific evidence. To the extent that mandatory measures are truly needed, please keep in mind that individuals have a due process right to challenge any quarantine order or movement-restricting policy, and mechanisms of appeal should be clear and prompt. In emergencies, when rights are on the line, it is particularly important for our government to uphold fundamental democratic principles and processes, not succumb to unwarranted changes to police powers or government authority.
- **Keep the public informed with accurate, timely information.** Public officials should be trusted messengers of vital public health information, grounded in scientific evidence. We encourage you to maintain multiple channels of communication that are accessible to all audiences, on- and off-line, and in the top languages spoken in Massachusetts.
- **Protect vulnerable populations.** Public health experts stress the need to protect vulnerable populations during an outbreak. Vulnerable populations have been defined as those without adequate health insurance or access to regular medical care. Responses to the virus, including testing, must be available to all Massachusetts residents, regardless of whether they have health insurance. We commend the steps



that Massachusetts has already taken to guarantee [insurers cover the full cost](#) of coronavirus testing and treatment, and to [help uninsured residents](#) get coverage.

We are especially concerned about two groups who are vulnerable to outbreaks of contagious illnesses and have severely limited ability to inform themselves about risks and take preventative measures: (1) people in prisons or jails; and (2) people experiencing homelessness or housing insecurity.

We encourage state and local officials to reduce the number of people in custody by not arresting or jailing people for probation violations or offenses that do not create an immediate threat of physical harm to the community; otherwise exercising discretion regarding enforcement, arrest, and bail; and calling on ICE to halt immigration detentions in the Commonwealth. Special effort is required to ensure that people who are currently incarcerated in jail or prison, in addition to prison guards and staff, stay healthy during the COVID-19 outbreak.

We also encourage officials to halt evictions and foreclosures during the course of the pandemic, and to pay particular attention to communicating with and meeting the health needs of people living in shelters and on the streets.

- **Pay deliberate attention to equity and non-discrimination in distribution of resources.** In a public health emergency, everyone relies on government information, support, and assistance. It is imperative to avoid replicating existing inequities regarding access to health care, make sure that resources are made available to all, and communicate to the public about where resources are being directed and why.
- **Help everyone feel confident to get tested.** If they are experiencing symptoms, immigrants may be hesitant to visit a hospital or testing facility, frustrating efforts to mitigate spread of the virus. State officials should work with ICE to declare and publicize health care facilities as safe zones, where no immigration enforcement will take place. It is in the best interests of all Massachusetts residents for everyone to feel confident that they can come forward to be tested.
- **Ensure that people who are sick can afford to stay home.** We all face increased risk if people with symptoms of COVID-19 don't stay home from work for fear of missing a paycheck. Government can play a vital role in encouraging employers to offer sick leave and other supportive measures for workers to keep the community safe, as well as acting to directly increase access to sick leave and unemployment insurance coverage.

As you work to keep our communities safe and strong, we are happy to confer and discuss how best to protect civil liberties in your COVID-19 response planning. Please contact me at crose@aclum.org if our team at the ACLU of Massachusetts can be of service.

Sincerely,

A handwritten signature in black ink that reads "Carol Rose". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Carol Rose
Executive Director



March 14, 2020

Hon. Robert DeLeo, Speaker
The State House
24 Beacon St.
Room 356
Boston, MA, 02133

RE: COVID-19 Response Planning & Civil Liberties

Dear Speaker DeLeo,

As you respond to COVID-19, please consider the ACLU of Massachusetts as a resource in your work to develop a plan that protects the health, safety, and civil liberties of all Massachusetts residents.

During a disease outbreak, we recognize the need to protect both public health and individual liberties, and to avoid false tradeoffs. We would be glad to share ideas and serve as a sounding board for you or your staff about how to keep the public safe while preserving the liberties that are the foundation of American ideals and our democratic system of government.

As you develop measures to keep the public safe, we encourage you to consider the following. We recognize that many of these suggestions may already be on your radar. If so, we hope that this letter helps to reinforce their importance. We would be glad to know they are under active consideration or in the process of being implemented.

- **Ensure measures that limit people's movements are supported by science and proportional to the threat.** We strongly encourage you to continue to promote voluntary isolation measures as an alternative to quarantines or other mandatory restrictions, to the maximum extent possible and as supported by scientific evidence. To the extent that mandatory measures are truly needed, please keep in mind that individuals have a due process right to challenge any quarantine order or movement-restricting policy, and mechanisms of appeal should be clear and prompt. In emergencies, when rights are on the line, it is particularly important for our government to uphold fundamental democratic principles and processes, not succumb to unwarranted changes to police powers or government authority.
- **Keep the public informed with accurate, timely information.** Public officials should be trusted messengers of vital public health information, grounded in scientific evidence. We encourage you to maintain multiple channels of communication that are accessible to all audiences, on- and off-line, and in the top languages spoken in Massachusetts.
- **Protect vulnerable populations.** Public health experts stress the need to protect vulnerable populations during an outbreak. Vulnerable populations have been defined as those without adequate health insurance or access to regular medical care. Responses to the virus, including testing, must be available to all Massachusetts residents, regardless of whether they have health insurance. We commend the steps



that Massachusetts has already taken to guarantee [insurers cover the full cost](#) of coronavirus testing and treatment, and to [help uninsured residents](#) get coverage.

We are especially concerned about two groups who are vulnerable to outbreaks of contagious illnesses and have severely limited ability to inform themselves about risks and take preventative measures: (1) people in prisons or jails; and (2) people experiencing homelessness or housing insecurity.

We encourage state and local officials to reduce the number of people in custody by not arresting or jailing people for probation violations or offenses that do not create an immediate threat of physical harm to the community; otherwise exercising discretion regarding enforcement, arrest, and bail; and calling on ICE to halt immigration detentions in the Commonwealth. Special effort is required to ensure that people who are currently incarcerated in jail or prison, in addition to prison guards and staff, stay healthy during the COVID-19 outbreak.

We also encourage officials to halt evictions and foreclosures during the course of the pandemic, and to pay particular attention to communicating with and meeting the health needs of people living in shelters and on the streets.

- **Pay deliberate attention to equity and non-discrimination in distribution of resources.** In a public health emergency, everyone relies on government information, support, and assistance. It is imperative to avoid replicating existing inequities regarding access to health care, make sure that resources are made available to all, and communicate to the public about where resources are being directed and why.
- **Help everyone feel confident to get tested.** If they are experiencing symptoms, immigrants may be hesitant to visit a hospital or testing facility, frustrating efforts to mitigate spread of the virus. State officials should work with ICE to declare and publicize health care facilities as safe zones, where no immigration enforcement will take place. It is in the best interests of all Massachusetts residents for everyone to feel confident that they can come forward to be tested.
- **Ensure that people who are sick can afford to stay home.** We all face increased risk if people with symptoms of COVID-19 don't stay home from work for fear of missing a paycheck. Government can play a vital role in encouraging employers to offer sick leave and other supportive measures for workers to keep the community safe, as well as acting to directly increase access to sick leave and unemployment insurance coverage.

As you work to keep our communities safe and strong, we are happy to confer and discuss how best to protect civil liberties in your COVID-19 response planning. Please contact me at crose@aclum.org if our team at the ACLU of Massachusetts can be of service.

Sincerely,

A handwritten signature in black ink that reads "Carol V Rose". The signature is fluid and cursive, with a large, stylized "C" and "R".

Carol Rose
Executive Director