



The Fundamental Freedoms Act

Sen. Harriette Chandler, S.787 | Rep. Jay Kaufman, H.873

Massachusetts is the birthplace of American liberty. As a new administration takes the reins in Washington, the Commonwealth must continue to lead freedom forward by example.

We must build on the legacy of our forebears and take concrete action to safeguard the dignity of all Massachusetts residents and stand up for the core values of the First Amendment.

The Fundamental Freedoms Act will protect Massachusetts residents from two kinds of anti-democratic government monitoring. It will:

1. Bar state agencies and employees from establishing or helping the federal government to establish any **discriminatory “registration”** system based on religion, national origin, or any other protected identity.
2. Prevent government agencies from collecting information about residents’ **protected First Amendment activities** — their speech, associations, or religious beliefs — except when law enforcement has reasonable grounds to suspect a person is involved in a crime and their protected activities are directly relevant to the investigation.

STAND AGAINST DISCRIMINATORY “REGISTRATION”

Discriminatory identity-based registration is not merely an abstract, bombastic political threat. The United States has implemented such programs in the past, from internment of Japanese Americans during World War II to the "Special Registration" program that required foreign nationals from 25 primarily Arabic and/or Muslim countries, to register their presence in the United States beginning in 2002.

Massachusetts has silently acquiesced to these programs. Our residents have suffered the indignity of being treated differently based solely on their religion or national origin. It’s time to say “never again.”

STAND UP FOR THE FIRST AMENDMENT

Political surveillance of ordinary Massachusetts residents has a long and troubling history. It's time to put an end to it.

Today, most people condemn the surveillance conducted by the FBI under J. Edgar Hoover of Martin Luther King, Jr. and protesters against the Vietnam War.

Yet a 2012 ACLU report revealed that the Boston Regional Intelligence Center (BRIC), a local law enforcement “fusion center,” engaged in extensive operations aimed at well-known peace groups, including Veterans for Peace and Stop the Wars Coalition.¹ Police officers assigned to the BRIC created and retained “intelligence reports” detailing purely non-criminal political acts by peaceful protesters — such as handing out flyers and attending anti-war rallies. BRIC also monitored the Occupy Wall Street protests in Boston and issued “intelligence bulletins” about peaceful activities, including appearances by people suspected of no wrongdoing, including environmentalist and scholar Bill McKibben and a staff member of the ACLU of Massachusetts.²

Investigating political organizations and speech, without a nexus to criminal activity, is wrong. Tracking First Amendment activity goes far beyond the bounds of ordinary law enforcement investigations, which focus on specific threats or crimes; it wastes scarce tax dollars, undermines effective law enforcement, and chills free speech. The Fundamental Freedoms Act would prevent secretive intelligence operations from being directed against people simply for voicing their desire for change.

“Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.”

— Supreme Court Justice William O. Douglas

¹ ACLU of Massachusetts & National Lawyers Guild Massachusetts, *Policing Dissent: Police Surveillance of Lawful Political Activity in Boston*, October 2012, available at:

http://www.aclum.org/sites/all/files/policing_dissent.pdf.

² “Officials Cast Wide Net in Monitoring Occupy Protests,” *New York Times*, May 22, 2014, available at: <https://www.nytimes.com/2014/05/23/us/officials-cast-wide-net-in-monitoring-occupy-protests.html>.