



Written by [Alex Newman](#) on September 1, 2009

Mass. Health Bill Would Allow Warrantless Arrests, Quarantines

A pandemic and disaster preparation bill (S. 2028) passed unanimously by the Massachusetts Senate earlier this year is receiving wide-spread criticism as citizens mobilize to oppose its passage in the commonwealth's House of Representatives.

"Under this bill, Massachusetts becomes a medical police state. There is no debating it," wrote *Natural News* editor Michael Adams in an August 28 article entitled "[Wake Up, America: Forced vaccinations, quarantine camps, health care interrogations and mandatory 'decontaminations.'](#)" where he suggested America was delving into medical fascism.

"The citizens of Massachusetts will have no rights, period. The Constitution is ancient history. You are now the property of the State."



The bill contains a number of controversial, alarming, and blatantly unconstitutional provisions. Under an emergency declared by the governor, the statute purports to give the health commissioner, and law enforcement and medical personnel broad authority to mobilize forces, vaccinate the population, enter private property with no warrants, and even quarantine people against their will.

The legislation provides severe penalties — \$1,000 fine per day and possible jail time — for not complying with state orders, while also claiming to shield everyone involved from liability. It gives local health authorities the power "to restrict or prohibit assemblages of persons" and gives government agents the authority to "arrest without a warrant any person whom the officer has probable cause to believe has violated an order" while using "reasonable diligence to enforce such order." Also, law-enforcement authorities "shall assist" medical personnel in the "involuntary transportation" of people to "treatment centers."

The provision on vaccines does give citizens the authority to refuse the vaccination, but people who do can be "isolated or quarantined." The same fate awaits those are "unable or unwilling to submit to decontamination or procedures necessary for diagnosis." One part of the legislation requires that owners or occupiers of a property "permit entry into and investigation of the premises," and another section creates price controls.

Draconian measures like this to supposedly deal with pandemics and outbreaks of disease are getting a boost with the hysteria surrounding swine flu, but critics are warning of the dangers of such tactics and fighting back. "In this time of fear, we can't let that fear take away our freedom to make voluntary health decisions," said Barbara Loe Fisher, the president of the National Vaccine Information Center.



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She offered a chilling analysis of the legislation in Massachusetts and the national situation, saying “it looks like few choices will be allowed.” But she encouraged people to find out what their rights are.

Though it breezed past the Senate with a 36 to 0 vote, the Massachusetts bill is still languishing in the House after being referred to the committee on health care financing. “One of the reasons the bill is stalled in the house is because those house reps are being bombarded with phone calls from constituents saying, ‘I will refuse the vaccine,’” explained writer Devvy Kidd in a piece about important bills to defeat where she said the reaction to this legislation may have been blown out of proportion.

But while opposition to the plan may be mounting, there are many in power who believe — like Obama’s chief of staff Rahm Emmanuel — that the government shouldn’t let “crises” go to “waste.” This bill has been debated in the Massachusetts legislature before, but the House and Senate could never agree on a final version. So some lawmakers are using concern over the swine flu outbreak as a tool for pushing their agenda and getting it passed this time around.

“It’s too bad that we have to have something like that pending to get us to finally act,” said Democratic Massachusetts Senator Richard Moore in a televised interview, referring to the spread of the H1N1 virus. “This was actually on the calendar before that became a news story,” he explained, but “it does give us another reason why it’s a good idea to have this one the books.” If the House passes it, a veto by the governor will likely be the last thing that could stop it.

Unfortunately, people hoping that the judicial branch will step in and restore some sanity may be left wanting. “Judges will not stand in the way of emergency actions taken to protect the public from a clear and present danger, and if they do, the state appeals court will over turn their rulings in a matter of hours,” explained a piece written by Louisiana State University director of the program in law, science and public health Edward Richards and Dr. Katherine Rathbun. “The history of judicial restraint on emergency powers is one of blind obedience to civil and military authority.”

A great deal of tyrannical federal statutes dealing with health emergencies already exist, and some other states are considering vast power grabs of their own. Maine recently had its National Guard engaging in swine flu vaccine scenario drills at a school while the military draws up plans to help FEMA with the swine flu situation across the country.

But it is past time for citizens to demand that their leaders respect the people’s medical freedom and individual rights. Massachusetts should kill this bill and other states should fight to preserve the liberty of their citizens. Government officials at all levels should finally obey their oaths to the Constitution and the bill of rights, especially in the life-and-death field of healthcare.

Photo: Massachusetts State House



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