



Written by [Alex Newman](#) on October 13, 2009

Massachusetts House Approves Quarantine Bill

The Massachusetts House of Representatives voted overwhelmingly late last week in favor of a draconian bill that purports to give public health and law-enforcement officials extraordinary authority during “public health emergencies” declared by the Governor.



The pandemic and disaster preparedness legislation ([H.B. 4271](#)), which passed 114 to 36, claims to allow isolation of individuals, forcible quarantines, and any actions deemed “necessary” by the health commissioner to prevent the spread of disease. Anyone who violates government orders is subject to six months in jail and possibly fines. The bill also provides blanket immunity for state enforcers.

Media reports and lawmakers touted the elimination of a few controversial and unconstitutional provisions from the original Senate bill in an attempt to portray the approval as a victory for civil liberties. For instance, the House legislation does not directly and openly restrict the right of the people to assemble, nor can it draft private nurses into state service. And also unlike its Senate companion, which passed unanimously in April, it does not contain a specific provision claiming to allow warrantless searches and arrests.

“The bill strikes that balance between protecting the community in the case of an emergency but also protecting the civil liberties of individuals,” the Democratic Chairman of the Committee on Public Health, Jeffrey Sanchez, told the Associated Press. The Boston Representative also noted that local boards of health play a bigger role under the new bill, while specific reauthorization is required to extend emergencies beyond 90 days.

Massachusetts Governor Deval Patrick expressed strong support for the measures and indicated that he would sign the legislation without delay when it is ready. “The authority that the bill provides, I think, gives us maximum latitude to assure public safety in the event of a pandemic emergency,” he boasted. “I think the Legislature is doing the right thing by taking it up.”

But critics of the legislation are proliferating. Some insist it is unconstitutional and gives government too much power, while others maintain that it is an overreaction to a non-existent problem. “Swine flu hasn’t taken off as a pandemic,” said Democratic State Representative Sean Curran. “We’re jumping the gun with this legislation that could potentially quarantine people.”

Another legislator who voted against the bill, Republican Todd Smola, blasted the move because of the broad powers it gives to public health officials. “People have enough concerns right now relative to government control invading in their personal space and in their personal lives,” he said.

The Liberty Preservation Association of Massachusetts, which has led the charge to stop the legislation,



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is not at all satisfied with the changes made in the House. But it said the fight is not over yet. “There are still many unconstitutional provisions left in the bill,” the organization noted on its [website](#). “Please contact your Reps. and Senators and tell them that you want your rights protected as that is why they were elected.”

The House and Senate still need to come together to create a compromise bill that would have to be approved again in both chambers before heading to the Governor’s desk for a signature to become statute. Legislators have failed to reach an agreement over the last several years, but with the arrival of the swine flu, that will likely change this year.

As judicial analyst and former federal judge [Andrew Napolitano warned on Fox News](#), the possibility of people resisting these sorts of measures is great. If the state succeeds in passing legislation that violates the rights of the people, which appears likely, the courts should step in to restore the rule of law.

But more importantly, voters in Massachusetts should fire any legislator who votes to infringe on their God-given liberty. This would allow constitutional legislators to reverse the damage and to prevent future violations.



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