

# Free Speech Protection Act

Sen. Harriette Chandler (S.734)

Protecting speech and association from government surveillance



*The First Amendment guarantees freedom of speech, association and assembly. These basic rights are put in jeopardy when law enforcement monitors and tracks law abiding people, community events and political activity.*

*This bill would protect MA residents from surveillance of their lawful First Amendment activity by prohibiting law enforcement collection of information about individuals' political and religious views, associations, or activities without reasonable suspicion of criminal conduct.*

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## Political surveillance of ordinary Americans is a problem in Massachusetts.

- In Boston, the local data “fusion center,” the Boston Regional Intelligence Center (BRIC), engaged in extensive spying operations directed against entirely peaceful anti-war protesters, including against Veterans for Peace.
- These groups and individuals working in them were listed as "HomeSec-Domestic" and "Groups-Extremists" in databases at the BRIC, which may be accessible to other state fusion centers and even the federal government.
- BRIC also monitored the Occupy protests in Boston and issued “intelligence bulletins” about peaceful activities, from protests about “irresponsible lending practices” to yoga classes.
- BRIC reports about Occupy listed appearances by people suspected of no wrongdoing, including environmentalist and scholar Bill McKibben and a staff member of the ACLU of Massachusetts.

## The Free Speech Act would:

- Prohibit law enforcement collection of information about a person’s political and religious views, associations, or activities — unless it directly relates to an investigation based on reasonable suspicion of criminal conduct.
- Prevent secretive intelligence operations from being directed against people simply for voicing their desire for change.
- Focus law enforcement resources on stopping and solving crime.
- Require internal audits of fusion centers’ handling of protected First Amendment activity to ensure transparency, and grant access to the Inspector General.

# The New York Times

## Officials Cast Wide Net in Monitoring Occupy Protests

By Colin Moynihan

MAY 22, 2014



An Occupy protester in 2011 in a tent at Dewey Square in Boston. Credit Gretchen Ertl for The New York Times

“ The Boston Regional Intelligence Center, one of the most active centers, issued scores of bulletins listing hundreds of events including a protest of “irresponsible lending practices,” a food drive and multiple “yoga, faith & spirituality” classes.

The reports also listed appearances by people including a professor at the Harvard Divinity School, the linguist Noam Chomsky and an official at the American Civil Liberties Union of Massachusetts, who was to discuss the Patriot Act. Some reports noted that a man scheduled to join in a teach-in at Dewey Square had written a film about Sacco and Vanzetti and wondered whether he was “a known/respected figure within the anarchist movement.” Others described Bill McKibben, an environmentalist and scholar at Middlebury College, stating, “McKibben organized a sit-in near the White House in August of this year to protest construction of a pipeline,” and was arrested but not charged. ”

*Investigating political organizations and speech is the wrong approach.*

*Monitoring protected First Amendment activity goes far beyond the bounds of ordinary law enforcement investigations, which focus on specific threats or crimes.*

*The U.S. Department of Homeland Security has explicitly stated that it's up to the states to provide privacy protection for fusion center operations. The Free Speech Protection Act responds to that challenge.*

*Our fundamental freedoms are at stake.*