

HOUSE No. 1859

By Mr. Nazzaro of Boston, petition of Gabriel Francis Piemonte for an investigation by a special commission (including members of the General Court) relative to violations of rights of individuals by intercepting telephone and other communications and to the recording thereof. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO VIOLATIONS OF RIGHTS OF INDIVIDUALS BY INTERCEPTING TELEPHONE AND OTHER COMMUNICATIONS AND BY IMPROPERLY RECORDING CONVERSATIONS.

1 *Whereas*, The rights of the people to be secure in their persons,
2 houses, papers and effects from unreasonable searches and
3 seizures and from unreasonable interception of telephone and
4 telegraph communications are among the most fundamental
5 and cherished possessions guaranteed to them by our state con-
6 stitution; and

7 *Whereas*, Modern inventions, particularly in the field of
8 electronics, have greatly contributed to the ease with which
9 telephone and telegraph communications and personal conver-
10 sations can be intercepted, thus greatly increasing the number
11 of unlawful interceptions of such communications and the con-
12 sequent invasion of privacy of the individual; therefore be it

13 *Resolved*, That an unpaid special commission, to consist of
14 two members of the senate to be designated by the president
15 thereof, five members of the house of representatives to be desig-
16 nated by the speaker thereof, and three persons to be appointed
17 by the governor, is hereby established to make a thorough inves-
18 tigation and study of such invasions of the rights of the indi-
19 vidual, the methods employed or which can be employed in
20 making such unlawful interceptions, and the measures which
21 may be taken to overcome such unlawful practices. The said

22 commission shall organize by the selection from its own number
23 of a chairman, a vice-chairman and a secretary, and may employ
24 and at pleasure remove counsel and other employees and assist-
25 ants as may be necessary. Any vacancy in the membership of
26 the commission shall be filled by the officer authorized to make
27 the original appointment. The members of the commission shall
28 serve without compensation for their services, but shall be
29 entitled to their actual expenses incurred in the performance
30 of their duties. Said commission may travel within and without
31 the commonwealth, shall be provided with quarters in the state
32 house or elsewhere, may hold hearings, may require by summons
33 the attendance and testimony of witnesses and the production
34 of books and papers, and may request and receive from all
35 public officers, departments and agencies of the commonwealth
36 and its political subdivisions such assistance and data as will
37 assist it in carrying out its duties. Said commission may expend
38 for the purposes of this resolve such sums as may be appro-
39 priated therefor. The said commission shall report from time
40 to time to the general court the results of its investigation and
41 study and its recommendations, if any, together with drafts of
42 legislation necessary to carry its recommendations into effect,
43 and shall file its final report with the clerk of the house of repre-
44 sentatives not later than the first Wednesday of December in
45 the current year.