

This legislative history compilation follows what became known as the “Massachusetts Burma Law.” The law restricted entities doing business in Massachusetts from trading or purchasing with Burma or companies doing business with Burma. It garnered more than its fair share of media attention and was controversial for a number of reasons.

The law was passed in response to egregious human rights violations taking place in Burma. There were known instances of forced labor dating back to the 1960’s, as well as a lack of freedom of the press, freedom of religion, and state-sanctioned torture, rape, and abuse of children.¹

Part I of the compilation relates to the original passing of the Massachusetts Burma Law. During drafting negotiations, numerous doubts were expressed about the constitutionality of the bill. Part II tracks the constitutional challenge to the law as it rose through the federal court system, culminating with the Supreme Court striking it down. As feared, the law infringed on the federal monopoly on foreign policy making authority. Part III tracks a recent attempt at reviving the law. It is still in bill stage and may never move forward from it, but I have nevertheless compiled all relevant legislative history for the bill thus far.

What follows is an explanation of the documents contained herein. The documents within each section are clearly numbered in their document titles, so it is obvious in which section they belong. Additionally, it is clear in which order the documents should be read to best achieve logical flow.

Part I

- Document I.A is a PDF of the bill as it was introduced in 1995. It was retrieved from the “Legislative Documents” 1995-1996 volume at the State House library.
- Document I.B is a master timeline of the bill, from introduction to being signed into law. Every legislative occurrence on this bill is accounted for. Additionally, articles from the State House News Service, documenting the passage of this bill, are included in chronological order. They provide the only transcriptions of the debates that are available. Recordkeeping was less robust 15 years ago than it is now. I have confirmed with several sources that there is no way to obtain the amendments and any other documentation, unfortunately. This Document, along with Document I.C, is probably the most probative portion of the entire compilation.
- Document I.C is a PDF of all of the entries mentioned in Document I.B, in the exact order as they appear in the timeline. These entries were retrieved from the House and Senate Journals. Document I.B can be seen as an explanatory table of contents for Document I.C. Read from start to finish, it tells the entire story, although it’s rather lengthy.
- Document I.D is a copy of the final law as it was passed in 1996.

Part II

- Document II.A is a master timeline of the litigation, from the date the constitutional challenge was filed until the Supreme Court opinion was published. I have included the

¹ See generally Karen State, *FBR REPORT: Western Burma Update: Burma Army abuses in both conflict and non-conflict areas*, FREE BURMA RANGERS, May 2, 2012, <http://www.freeburmarangers.org/Reports/2012/20120502.html>.

most salient excerpts from the District, Circuit, and Supreme Court opinions within the timeline itself, to provide a little more substance, in case a reader of this compilation wouldn't want to go through all the court opinions to get the legal reasoning contained therein.

- Document II.B is a PDF of all of the opinions, together. The first few pages are a PDF of the docket, which details every single action in the litigation. However, with the exception of opinions and briefs, the vast majority of those documents are unavailable. After the opinions are three State House News Service articles, cataloging the District, Circuit, and Supreme Court opinions, in that order.

Part III

- Document III.A is House Bill No. 2483, the recent attempt to revive the Massachusetts Burma Law, albeit in a way that would be constitutional. It relies on pensions rather than purchasing. This copy of the bill is as it appeared when introduced. I retrieved copies of it from the state's website, as well as from the committee. The copies were identical.
- Document III.B is a PDF of the legislative history of H. 2483 thus far. It is scarce and there have been only few legislative transactions on it. The hearing mentioned was neither videotaped, nor audiotaped, nor transcribed in any way. The committee did not have any notes or documents in its file for the bill. Additionally, I have confirmed that the legislative history provided by the Commonwealth's website is complete by cross-referencing with legislative history databases in both LexisNexis and Westlaw.
- Document III.C is a news story announcing that Representative Rushing had introduced the bill in question. It provides some commentary on point.
- Document III.D is a diary of my attempts to get more information; who I spoke to and when I spoke to them. It does two things: one, it confirms there is no information available on this bill, as it essentially died before it got anywhere; two, this diary provides *some* substantive information that I was able to get out of chatting with someone in the committee. The reason why it was referred to the committee to which it was referred, as well as an admission that the bill is all but dead, are contained in this document and come straight from the mouth of someone in the committee.
- Document III.E is a law journal article about the Massachusetts Burma Law and its tortuous path of legislative history. It is both interesting and elucidating.

At the moment, there is no Massachusetts law on the books that declares dissatisfaction with Burma's human rights record in the way that the Massachusetts Burma Law set out to do. H. 2483 is, for all practical purposes, dead. However, Burma might be changing. Aung San Suu Kyi was long regarded as the pinnacle of all that was wrong with Burma, having been held under house arrest for 15 years with no due process to speak of. She was released in 2010 and was sworn into her newly-elected seat in Burma's Parliament on May 2, 2012.² While few would argue that Burma should be heralded for its spotless human rights record, this is certainly a change for the better. Perhaps even in failing to make viable law, Massachusetts has contributed to something for the history books.

² *Burma's Aung San Suu Kyi sworn in to parliament*, BBC (May 2, 2012 3:03 AM), <http://www.bbc.co.uk/news/world-asia-17918414>.