

ACLU-VT Senate Judiciary Testimony – March 2, 2018

I want to thank all of you for your careful consideration of this very important issue. In the light of recent incidents and tragedies, I commend you for taking this issue seriously and proceeding with eyes towards both public safety as well as the protection of fundamental rights.

While we at the ACLU work to defend constitutional and civil rights, we do not believe the Second Amendment or Article 16 preclude taking action on gun violence. We support reasonable and constitutional regulations of firearms, which is why it is so important that any bills on this subject passed by the Legislature are crafted to withstand challenges – it would be futile to pass laws only to have them overturned by the courts.

There are a few key due process principles that we feel are paramount when discussing fundamental rights. First, we support court proceedings and hearings rather than vesting judicial level decisions with law enforcement. Second, we support higher standards of evidence when fundamental rights are at stake. Third, we believe pre-deprivation hearings, as opposed to post-deprivation proceedings, provide the most robust protection of fundamental rights. These core principles, of course, are critical when examining bills passed and under consideration by the House and Senate.

We know that this committee, and the members of the Vermont General Assembly as a whole, care deeply both about the well-being and safety of their constituents as well as about safeguarding fundamental freedoms. There are numerous options when it comes to bills that we think would be consistent with the Constitution, and we believe it is possible to craft legislation that respects both of these underlying concerns.