

Dear Senator Hashim,

Thank you for inviting me to testify this morning. I wanted to quickly follow up on a couple of your colleagues' questions.

First, on the question Senator Vyhovsky asked about Colorado, I believe the state law she is referring to is SB 276. As far as I can tell, that law (which also contains other provisions) has been challenged by the DOJ as part of a broader lawsuit against Colorado's "sanctuary" laws and policies. The case is pending; to date, the litigation has focused mostly on the state's control over state and local officials and attendant anticommandeering doctrine rather than on SB 276's protections. The ACLU has compiled the relevant documents at the bottom of [this page](#) if they are of interest.

In addition, the district court decision that I mentioned concerning New York's sensitive-places executive orders (as well as the Protect Our Courts Act) is available [here](#).

Second, Senator Mattos asked about defining the people of Vermont. As a general matter, states in our federal system have great authority to define their political communities, subject to the federal floor provided in particular by the 14th Amendment (which requires that states recognize as state citizens any American citizen who resides in the state). Questions about defining the state's political community can be quite important when it comes to legislation concerning the franchise or officeholding, for example, but I do not believe they are relevant to S-209 (or S-208). Vermont would be adopting this legislation not to define the political community but rather to protect its own sovereign authority over state facilities and functions. Accordingly, as you noted during the session, the reference to "people" in the bill is best understood as a reference to all human beings, not only a subset of persons with a special relationship to Vermont.

Please feel welcome to share this with your colleagues, and please let me know if you have additional questions or if I can be of further assistance.

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