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**TESTIMONY IN OPPOSITION TO 20-H 7543,
AN ACT RELATING TO DISORDERLY CONDUCT
March 10, 2020**

The ACLU opposes this legislation, which would make it a crime for a person to wear gas masks, protective clothing or equipment designed to prevent a person from injury, or a mask with the “intent to intimidate another person” in the context of a parade, demonstration or rally. We believe this bill raises serious First Amendment concerns and is unjustifiable as a matter of policy.

It was within the lifetime of some of the members of this committee that peaceful protesters were met with fire hoses, billy clubs and German Shepherds while advocating for civil rights for people of color. To make it a crime for protesters to protect themselves from physical harm – whether from police themselves or, as has happened in recent years, from violent counter-protesters – is extraordinary.

Further, to ban, for example, an environmental group from wearing gas masks at a rally to protest pollution or a company’s manufacturing of poisonous weapons of war simply cannot withstand constitutional scrutiny. Beyond this, it should not be left up to the government to decide whether the wearing of a mask in an otherwise lawful exercise of First Amendment rights is “intimidating or threatening.”

We therefore urge rejection of this legislation.