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John C. Vaughn statement about rights of persons under the age of majority

John C. Vaughn

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- A. "Those under the age of majority are persons."

I feel that this statement has already been the ruling of state and federal courts. I also feel that such a simple statement defeats the purpose of having a statement at all. Future legislators, I am afraid, would concern themselves about as long as it takes to say the words and pay very little or no attention to our intent.

- B. "Every child and youth shall have all of the rights of a Montana person except for those rights specifically precluded by law."

In this statement I feel that "child and youth" should be changed to "a person under the age of majority". But more than that, I feel that simply stating "except for those rights specifically precluded by law" does not adequately safeguard against the possibilities of detrimental legislation. There is nothing in that statement that protects the passage of bad laws designed to punish youth, teach them a lesson, or assign undue, unnecessary responsibility to such persons under the age of majority.

- C. "Those under the age of majority are persons. Such persons have the right to that emotional, social, physical, educational and moral environment necessary to attain the full potential. In accordance with this state of principle, the rights of persons under the age of majority shall include, but not be limited to, all the fundamental rights on a Montana person, except where specifically precluded by law and the demands of a proper parent/child relationship."

This statement, I feel, is most critical of all of the statements and must not be considered for inclusion in the Bill of Rights. There are too many qualifiers contained within this statement and there is, to my notion, contradiction within the statement. I feel that there has been enough comments during testimony regarding this statement and I need not dwell on the concerns that we might share.

- D. "Every person under the age of majority shall have all of the rights of a Montana person except for those rights specifically precluded by law which enhance the protection of such persons."

Wade J. Dahood
February 3, 1972
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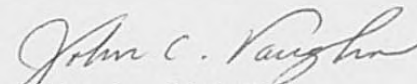
This statement, slightly modified, is the statement that I originally sent to the Constitutional Convention Commission for your consideration. I would like to explain a little of the theory and thought behind the statement. First of all, it indicates that we want persons under the age of majority to have those rights of every Montana person. The remaining part of the statement points out that only law which would enhance the protection of such persons could and should be considered in future legislation. It is my contention that juvenile codes and the intent for such law is a sound theory that needs to be updated and expanded on periodically. I feel that the present law, for the most part, protects the vast majority of our children and youth and that the courts which work with the law have equal concern for the protection of our young people.

I am convinced that a simple qualifier in the statement high-lighting any preclusion of a child and youths' rights should be specifically for the reason to enhance the protection of such persons. This I feel will then be consistent with current and proposed legislation to our juvenile courts. It will also put the burden of proof on legislators to show that subsequent legislation fully considers the constitutional rights stated within the Bill of Rights.

In closing, let me first wish you success in your endeavors. Good fortune is needed when it comes to timing and balance of testimony and the utilization of wisdom by yourselves, staff and concerned Montana citizens.

I would also like to commend you for the manner in which you have allowed witnesses to express themselves and your honest attempt to get to the issues at hand. The entire Committee's sincerity is obvious. Finally, I would like to thank you, not only for MACCY, the Youth Development Bureau, and all other youth-serving institutions, but for myself as a citizen and most of all from the youth of Montana.

Respectfully submitted,



JOHN C. VAUGHN,
Bureau Chief

JCV/dlh