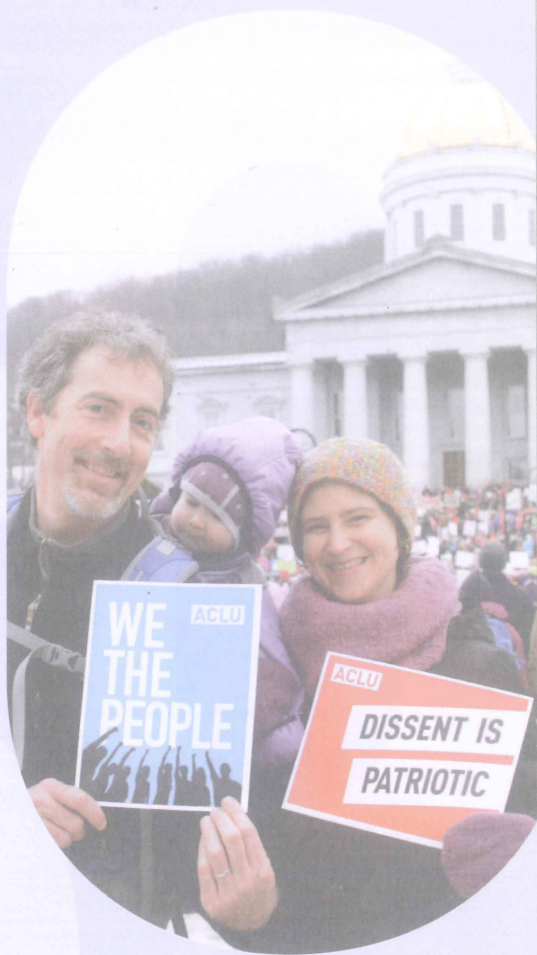



# 50 YEARS OF DEFENDING LIBERTY IN VERMONT: 1967-2017



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
of VERMONT



**Dedicated to the members,  
donors, and volunteers who have  
sustained and driven our work for  
five decades and counting.**

## THE ACLU OF VERMONT: 1967-2017

In 1967, the United States was nearing the apex of one of the most tumultuous eras in its history—a time that, not unlike the present, presented enormous threats to civil rights, as well as historic opportunities. The civil rights movement and the “rights revolution” of the 1960s were well underway, and broad opposition to the Vietnam War was surging, as was the U.S. government’s secret campaign to derail the burgeoning social movements of the day.

Many of the rights the ACLU still fights to defend—the rights of women, prisoners, immigrants, people with disabilities, people of color, LGBT individuals, and many others—were far less established, and many legal protections that did exist were under attack, just as they are today.

It was in this context and in response to these events that the ACLU of Vermont was formed, as an affiliate of the national ACLU.

In the 50 years since its founding, the ACLU of Vermont has fought to protect the civil liberties of all Vermonters, and to extend the promise of the “rights revolution” to everyone. Through strategic litigation and advocacy, and with the support of thousands of members, volunteers, and donors, in the past five decades we have transformed Vermont’s civil rights landscape.



First ACLU  
Logo - 1967



ACLU-VT Torch Logo  
1980s - 2004

Still, in the words of national ACLU founder Roger Baldwin, **“No fight for civil liberties ever stays won.”** It is clear, now more than ever, that the work of the ACLU will remain critical both for preserving the victories of the last 50 years and continuing the long march towards a more just and equitable society.

Dear ACLU supporter,

This year marks the 50th anniversary of the American Civil Liberties Union of Vermont. Over five decades, the ACLU of Vermont has worked tirelessly in the courts, the legislature, and in communities across the state to expand the constitutional protections afforded to all Vermonters, regardless of background or ideology. That work continues today.

Many people are unaware that there was a time when workers in this state were required to swear loyalty oaths; when Vermont voters were disenfranchised by strict residency requirements; when Vermont police conducted roadside strip searches; and when Vermont women could not legally obtain an abortion, and could be denied employment on the basis of their gender, or fired if they became pregnant. All of that has changed, for the better, in large part due to the hard work of the ACLU and its countless supporters.

While Vermont still has a long way to go to realize the promise of justice and equality for all residents, it's no exaggeration to say that when it comes to constitutional rights, no organization has had a bigger impact on the daily lives of generations of Vermonters.

To commemorate 50 years in defense of civil liberties, we're looking back over some of the cases and controversies that have changed the state and in which the ACLU has played a key role. Many of these issues remain hotly contested to this day, and as we pause to reflect on a long record of accomplishments, it's clear that the ACLU's work on behalf of all Vermonters has never been more essential than it is now.



James Lyall  
Executive Director  
American Civil Liberties Union of Vermont





## 50 YEARS OF DEFENDING LIBERTY IN VERMONT

**1967:** Filed amicus brief in case involving loyalty oath challenge by an Essex Junction librarian.

**1989:** Won two separate settlements in cases involving strip searches conducted during routine traffic stops.

**1997:** Won landmark Vermont Supreme Court decision, *Brigham v. State*, finding Vermont's inequitable school funding system unconstitutional.

**1981:** Intervened on behalf of peace activists denied permission to assemble on the Statehouse lawn.

**1992:** Helped pass legislation prohibiting discrimination based on sexual orientation.

**1960-70s**

**1980s**

**1990s**

**1970:** Participated in legal challenge to overturn Vermont law prohibiting abortions.

**1982:** Filed First Amendment challenge on behalf of police officer fired for criticizing employer.

**1993:** Sued on behalf of Vermont inmates alleging lack of adequate medical and mental health care.

**1976:** Successfully sued on behalf of a Marine discharged because she was pregnant.

**1984:** Sued Lamoille County Mental Health for discriminating against a worker with disabilities.

**2007:** Prevailed in the free speech case of a middle school student suspended for wearing a T-shirt critical of President George W. Bush.

**2016:** Helped secure passage of sweeping privacy legislation to rein in the use of surveillance technology by law enforcement.

**2002-2003:** Helped defeat state legislation that mirrored the provisions of the USA PATRIOT Act.

**2012:** Obtained a favorable settlement on behalf of a lesbian couple turned away by an inn that refused to host their wedding reception.

## 2000s

## 2010s



**2000:** Worked in a broad coalition to help win passage of Vermont's landmark civil union legislation in 2000, and full marriage equality in 2009.

**2012:** Won challenge to practice of including Christian prayer in Franklin town meetings.

**2006:** Won U.S. Supreme Court ruling that Vermont campaign finance law was unconstitutional.

**2016:** Won settlement on behalf of immigrant unlawfully detained by DMV officials in collusion with immigration agents after he applied for a driver's license.

## Freedom of Speech



The Women's March in Montpelier, Jan. 21, 2017

**Freedom of speech.** Free speech is the foundation of a vibrant democracy. One of the first cases taken on by the newly formed ACLU of Vermont was that of an Essex Junction librarian who refused to sign a loyalty oath. We went on to defend the free speech rights of Vietnam War protesters, intervene to ensure demonstrators access to the Statehouse lawn, oppose bans on outdoor rock concerts, and represent union workers fired for organizing, as well as a police officer fired for criticizing his boss. First Amendment freedoms—which include the right to express unpopular or dissenting views—have been central to the ACLU's work since its founding, and remain so to this day.



## Women's Rights



The 1989 March for Women's Lives

**Women's Rights.** The ACLU has long fought to end gender-based discrimination in Vermont. In 1976, we filed suit on behalf of a Marine who was discharged because she was pregnant. Two years later, we represented a woman denied the opportunity to become a fish and game instructor on account of her gender. A decade later, we sued on behalf of a sheriff's deputy discriminated against on the basis of her pregnancy. In 2002, we won a settlement on behalf of a postal worker suspended without pay because she was pregnant. The ACLU and our supporters remain committed to ending pervasive discrimination and winning full equality for women in Vermont.



## Police Accountability



**Police Accountability.** The ACLU has been at the forefront of efforts to reform the way police departments interact with local communities. Throughout its history, our affiliate has challenged a wide range of abusive police practices, including an unlawful police raid of a local commune (1977), strip searches conducted during roadside stops (1989), confiscation of private property (1988, 1990, 1994), excessive force (1978, 1991, 1994, 1997), and racial profiling (2014, 2016). The ACLU continues to fight for stronger measures to make police accountable to the people they serve.

## Criminal Justice Reform

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**Criminal Justice Reform.** The ACLU's persistent efforts to protect the rights of individuals in Vermont's criminal justice system have resulted in lasting reforms. In 1993 we, along with the ACLU's National Prison Project, filed a class action challenge on behalf of Vermont inmates alleging a lack of adequate medical and mental health care, filthy and overcrowded conditions, excessive force, and discrimination against disabled prisoners. The case resulted in a settlement that reaffirmed the dignity and constitutional rights of all Vermont inmates. Still, the ACLU is fighting to address persistent injustices at every level of Vermont's criminal justice system, including glaring racial disparities and the continued use of for-profit, out-of-state prisons.

## Reproductive Freedom

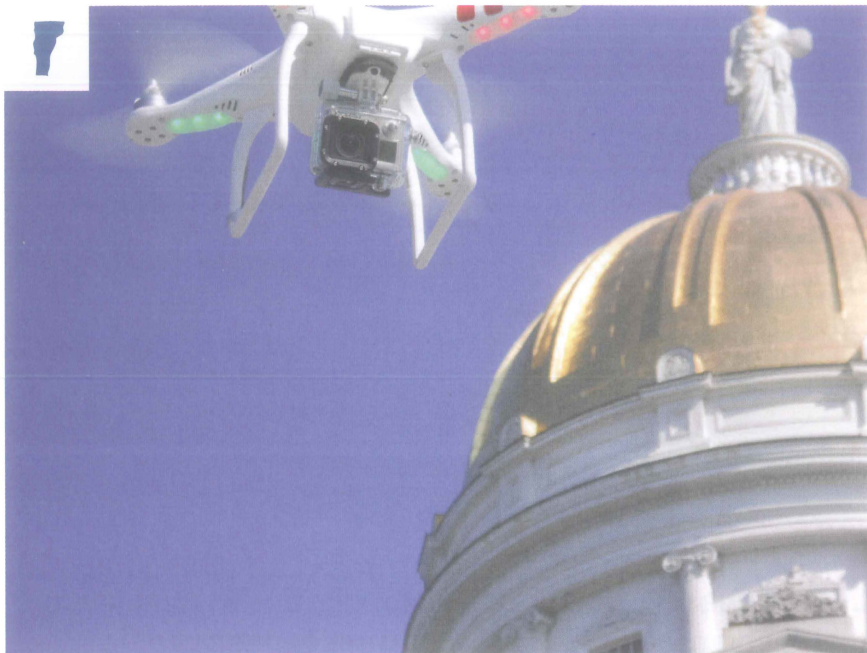


**Reproductive Freedom.** Protecting the reproductive freedom of Vermonters has always been central to the ACLU's work. In 1970, the ACLU joined a challenge to a Vermont law that prohibited abortions. In 1982, we helped defeat parental notification legislation, and four years later, we won a ruling that Vermont's refusal to pay for medically necessary abortions as part of the Medicaid program violated the state Constitution. Today, the ACLU's work to defend access to abortion is more important than ever before, with reproductive rights under heavy attack nationwide and Vermont still lacking constitutional or statutory protections guaranteeing women the right to reproductive health care.



## Privacy and Surveillance

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**Privacy and Surveillance.** Throughout its history, the ACLU has worked to expand the right to privacy and increase the control Vermonters have over their personal information. During the George W. Bush Administration, the ACLU of Vermont fended off state legislation that mirrored the USA PATRIOT Act, and the next year won passage of a resolution opposing the Act. Most recently, we pushed for limits on the use of modern technologies by law enforcement, including drones, Stingrays, and license plate readers. As technology evolves, so too will our strategies for defending Vermonters' privacy.



## LGBT Equality

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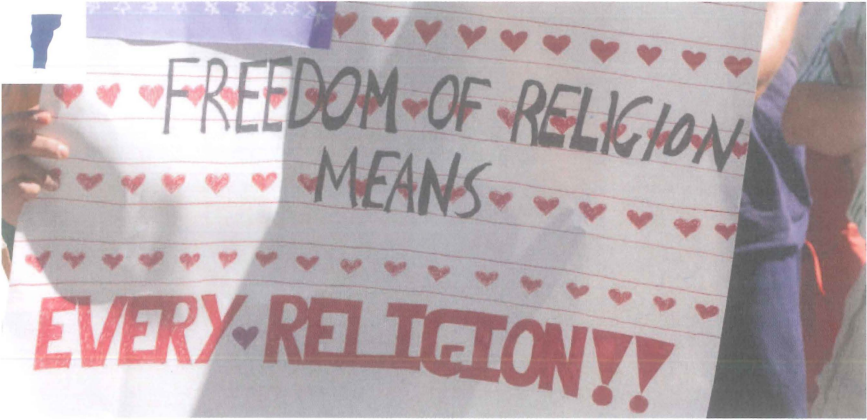


**LGBT Equality.** The ACLU has fought tirelessly to ensure that lesbian, gay, bisexual and transgender people can live openly without discrimination. In 1992, the ACLU of Vermont helped to pass legislation prohibiting discrimination based on sexual orientation. In 1998, we filed an amicus brief with the Vermont Supreme Court in support of same-sex marriage, arguing that the state and federal Constitutions require that same-sex couples be afforded the same opportunity to marry as others. Working in coalition, we advocated for the passage, two years later, of Vermont's landmark civil union legislation, and for full marriage equality in 2009. The ACLU remains vigilant in support of LGBT equality, including a successful 2012 lawsuit against the owners of a Vermont inn who refused to host the wedding reception of a lesbian couple.

**THE ACLU OF VERMONT AT 50:  
CASES THAT CHANGED VERMONT**

## Religious Liberty

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Credit Chris Rojas/Flickr

**Religious Liberty.** The ACLU has defended the religious freedom of all Vermonters, including religious minorities, while also successfully challenging efforts to import religion into schools, town meetings, and other public spaces. Those efforts included a 1970 challenge to the observance of religious holidays in Rutland schools; a 1980 challenge to another school's practice of daily prayer and Bible readings; a 1999 challenge to Chittenden School District's use of public funds to pay for students to attend a religious school; and a 2012 challenge to the practice of including Christian prayer in Franklin town meetings. The ACLU will always be a steadfast defender of the freedom of religion and the separation of church and state.

## Students' Rights

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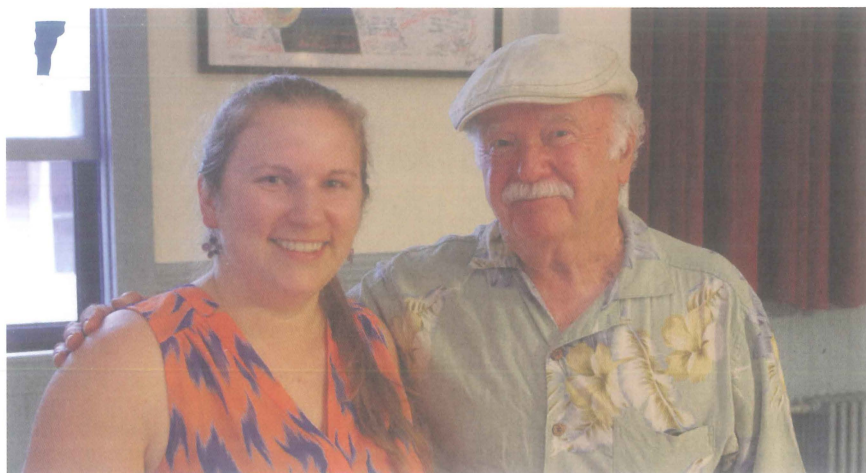


ACLU client Zachary Guiles

**Students' Rights.** Beginning with the ACLU's advocacy for the Vermont Student Movement in the '60s, and continuing through multiple, successful challenges in school censorship cases, the ACLU has fought to ensure that constitutional freedoms extend to all students. In *Guiles v. Marineau* (2006), the Second Circuit Court of Appeals sided with the ACLU in the case of a middle school student who was suspended for wearing a T-shirt critical of President George W. Bush, vindicating the free speech rights of another generation of Vermont students.

## Vulnerable Populations

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ACLU client Amanda Brigham and school equity advocate Ernie Broadwater

**Vulnerable Populations.** The ACLU continues fighting for groups and individuals to whom the full protections of the Bill of Rights are too often and too easily denied, including homeless people, people with disabilities, juvenile defendants, immigrants, and low-income families. In *Brigham v. State* (1997), the Vermont Supreme Court ruled that Vermont's education funding system was unconstitutional due to gross inequities in education funding among Vermont towns. Twenty years later, in *Montagno v. Burlington* (2016), we sued on behalf of a homeless man who was evicted without due process after city officials concluded he was requesting police assistance "too frequently." The principle of basic fairness for all—in education, housing, and criminal justice—remains central to the ACLU's work.



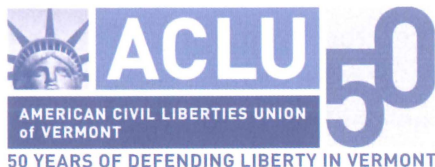
# Thank You

These accomplishments are an enduring testament to the dedication of our staff, board members, cooperating counsel, donors, volunteers, and supporters across the state.

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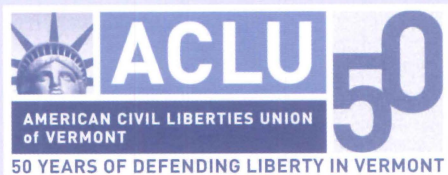
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