

# ACLU

## Vermont



# The Defender

## FALL 2023 NEWSLETTER



CREDIT: BOBBI LOCICERO

**F**OLLOWING THIS SUMMER'S catastrophic flooding, the people of Vermont wasted no time coming together to clean up, rebuild, and support their neighbors. For all the devastation we witnessed, we continue to find inspiration in the strength of our communities and the willingness of so many people to show up for one another. Once again, we are reminded that cooperation and mutual aid are truly powerful forces for change.

Still, the fact remains that this disaster will have lasting impacts, and those impacts will not be shared equally. So many Vermonters were already struggling with economic insecurity, a statewide housing crisis, and rising healthcare costs, even before flooding displaced hundreds more people from their homes and businesses.

At a time of historic inequality and worsening climate-related disasters, we need to act with greater urgency, creativity, and compassion to meet these challenges.

Vermont has the resources to better support all our residents; what we need is leadership. State legislators this year started to make investments needed for more stable, resilient communities—in housing, childcare, harm reduction strategies, and climate solutions. We applaud those efforts, and at the same time, we know we must do far more.

When people don't have access to necessities, they are prevented from exercising their civil rights and civil liberties,

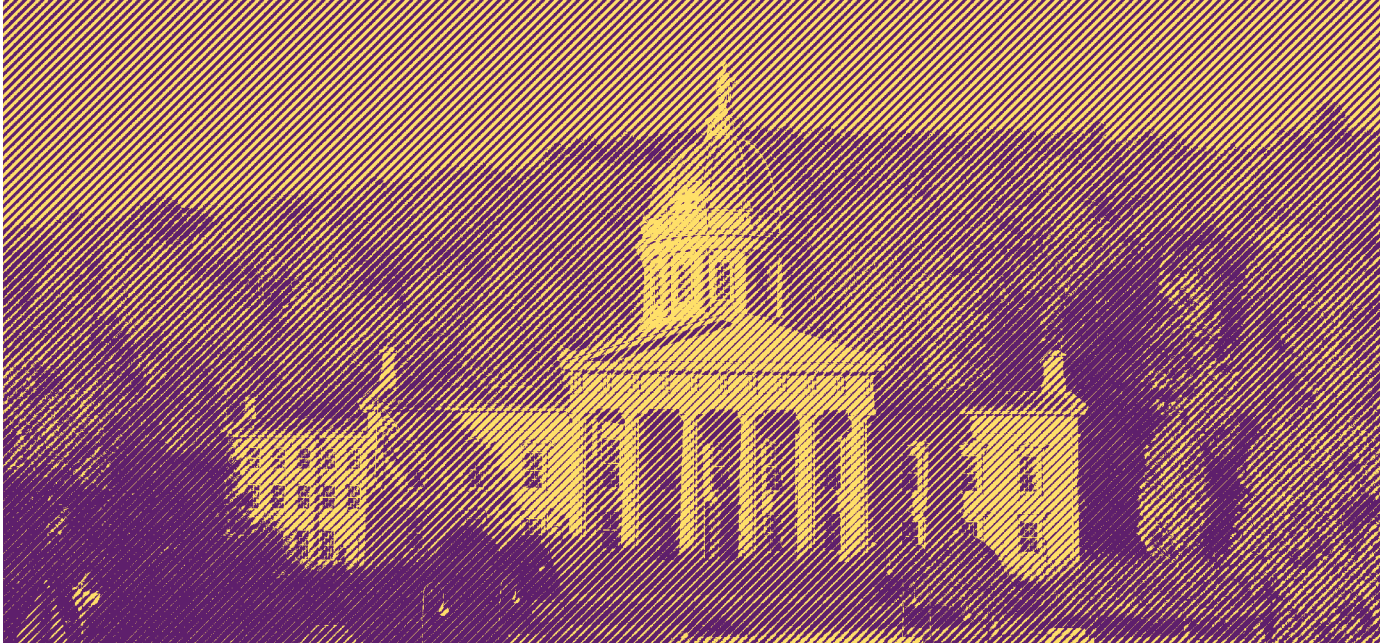
and cannot fully participate in our democracy or experience true freedom and equality in our society. The ACLU's case docket and advocacy priorities have reflected that reality for over 100 years, and we are committed to redoubling those efforts to meet the challenges of the future.

To advance a bolder vision for economic justice in Vermont, we need to harness the grassroots energy and initiative we saw this summer to demand that our friends and neighbors are not being left behind.

Together, we can build a state and a country where everyone's rights and liberties are respected, and where our government is more responsive to our needs and reflective of our values. Economic justice will remain central to that mission, and we are grateful to our members for supporting these efforts. **Thank you.**



James Duff Lyall  
Executive Director



# IN THE STATE HOUSE

**T**HIS YEAR, ACLU advocacy advanced historic and urgent priorities in Vermont. Far more remains to be done—on housing, education equity, drug policy, criminal justice, police accountability, and more. We'll be advocating on all of these fronts in the next legislative session.

For now, we are celebrating some hard-earned wins and thanking the countless supporters who made them possible.

## REPRODUCTIVE RIGHTS AND BODILY AUTONOMY

In the face of ongoing, nationwide assaults on reproductive liberty and the rights of trans youth, we helped pass “shield laws” (H.89 and S.37) so that people seeking reproductive and gender-affirming care can access it in Vermont. The laws guard against frivolous and abusive out-of-state litigation or unjust criminal investigations targeting patients and providers.

## HARM REDUCTION

As part of the Decriminalize Vermont coalition, the ACLU supported multiple bills that enable the state to respond to substance use disorder with care and compassion, instead of criminalization. Two of these were signed into law, and others will be top priorities going into the next legislative session.

We will keep fighting for a public health approach to substance use

disorder that promotes harm reduction like naloxone distribution and overdose prevention sites, decriminalizes drug use, and fosters meaningful investments in people and communities.

## POLICE REFORM AND SMART JUSTICE

We advocated for S.6, which would prevent police from threatening and lying to people under the age of 22 in custodial interrogations. Unfortunately, Governor Scott bowed to law enforcement pressure and vetoed the bill, and the Senate failed to override the veto. Still, we are hopeful this law will be passed in the coming year.

The ACLU was outspoken in opposing a major expansion of Vermont's prison system, and will continue advancing more effective, lower-cost, community-based alternatives to incarceration, along with criminal legal reforms to reduce our reliance on prisons, like ending cash bail.



# NATIONWIDE IMPACT

When you hear or read about ACLU wins in Michigan, Florida, or Texas, remember that you helped make it happen. That's because part of your support for the ACLU in Vermont goes into bolstering ACLU advocacy nationwide. Here are just some of the fights we're taking on this year, beyond our state:

- After *Roe v. Wade* was overturned, the ACLU launched the Abortion Criminal Defense Initiative to connect people who face abortion-related criminal investigation or prosecution with a network of defense attorneys.
- In Florida, the ACLU sued to block the discriminatory "Stop W.O.K.E. Act," which prevents educators and students from expressing viewpoints on racism and sexism disfavored by state lawmakers.
- The U.S. Supreme Court ruled in the ACLU's favor that Alabama's congressional map violates the Voting Rights Act by diluting Black political power.
- In Arkansas, we sued the state for banning gender-affirming care for transgender youth—and a federal judge overturned the ban.
- The ACLU sued the Biden administration over its sweeping asylum ban that is returning many people to countries where they face grave danger. A federal court ruled against this policy in July.

## YOU HELP PUT US ON THE MAP.

There are so many ways to give to the ACLU of Vermont, including a planned legacy gift. Visit [acluvt.org/give](https://acluvt.org/give) to learn more.

# "Rights & Bites"

We're hosting a free community event series this fall, coming to a town near you. Meet and mingle with ACLU staff and supporters and learn more about our work over refreshments.

## BURLINGTON

Tue, Oct. 3 – Main Street Landing  
5:30-7:00pm

## RUTLAND

Thu, Oct. 5 – Speakeasy Café  
5:30-7:00pm

## WHITE RIVER JUNCTION

Tue, Oct. 10 – Center for  
Cartoon Studies  
5:30-7:00pm

## BRATTLEBORO

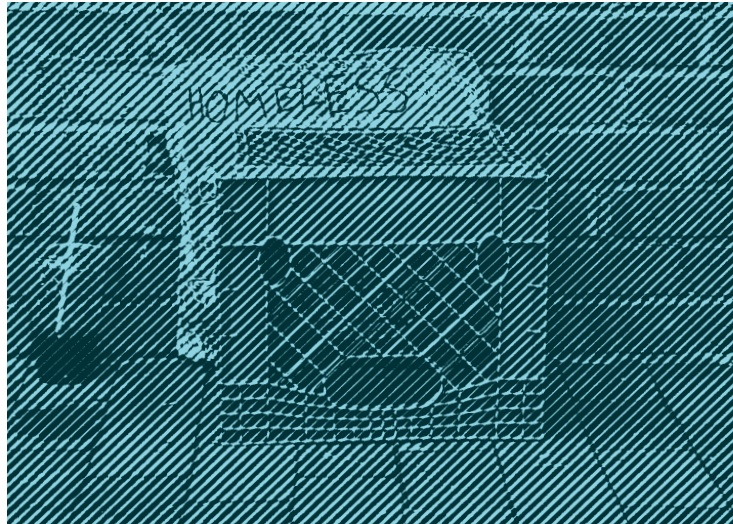
Thu, Oct. 12 – Saxtons River  
Distillery  
5:30-7:00pm

## MONTPELIER

Wed, Oct. 25 – Barr Hill Distillery  
5:30-8:00pm  
**Annual Meeting** (see p. 7)

# HOUSING IS A HUMAN RIGHT

**I**N A STATE that prides itself on its compassion and strong, vibrant communities, everyone should have a safe and secure place to live. But Vermont's housing policies have contributed to the second-worst rate of homelessness in the nation, and 2023 was an especially dire period for people facing housing insecurity.



Last spring, we joined advocates and legislators demanding an extension of Vermont's emergency housing program to prevent the unhousing of more than 3,000 Vermonters. The governor and the legislature responded with a compromise to partially extend the program, but that last-minute deal still resulted in significant cuts, eliminating housing for scores of people without adequate alternatives in place, while making it much harder for those remaining to

keep their housing. A month later, flooding displaced hundreds more from their homes and sheltering sites, compounding an historic housing crunch even further.

As Dr. Martin Luther King, Jr. taught us nearly 60 years ago, the housing crisis is, in fact, a civil rights crisis—both the cause and effect of systemic rights deprivations. In Vermont

today, the wait for affordable housing can last years, landlords often charge sky-high rent, and people are being pushed out with nowhere to go.

Once that happens, they face countless obstacles and abuses. In recent years, we have had to intervene to prevent municipalities from criminalizing and expelling unhoused residents via unconstitutional bans on camping and panhandling; similar efforts are underway nationwide.

## Know Your Rights

We all have a right to exist in public spaces. If you or someone you know is unsheltered or experiencing homelessness, use our “Know Your Rights” guide to understand your rights and find answers to commonly asked questions. Here are some we get asked frequently:

### **DO I HAVE THE RIGHT TO CAMP OR SLEEP OUTSIDE IF I HAVE NOWHERE ELSE TO GO?**

Yes. Police cannot legally arrest or ticket you for sleeping, sitting, lying down, eating, camping, etc. on public land when alternative space is not available.

### **CAN POLICE OR GOVERNMENT OFFICIALS THROW MY BELONGINGS IN THE TRASH?**

No. If police or government officials have taken your belongings, they must store them and give you a reasonable opportunity to pick them up.

### **CAN I PANHANDLE OR OTHERWISE REQUEST SUPPORT FROM PEOPLE AROUND ME?**

Yes. It is unconstitutional for cities and towns to limit your speech by punishing you for asking for money.

Find the full “Know Your Rights: Unsheltered in Vermont” guide at [acluvt.org](https://acluvt.org).

We can't solve this human rights crisis or create a sustainable future consistent with our values by discriminating against people without housing. Instead, we need to invest in real solutions.

We and our partners will keep urging Governor Scott and state legislators to prioritize housing policy reforms and investments. The status quo is not sustainable, and Vermont's small cities and towns cannot be expected to remedy a statewide housing policy failure on their own.

At the same time, as more Vermonters are unhoused, municipal officials across the state must ensure that they are respecting the rights and dignity of all residents, no matter who they are, or what their living circumstances might be.



That's why we wrote to Vermont's municipal leaders and agencies this summer to reiterate the legal protections afforded to all, including the constitutional rights of unhoused residents to shelter on public land, ask people for money, and access public spaces.

You can help. Whether it's your select board, city council, town manager, or police chief, you can refer them to our letter and urge them to extend humane and compassionate support to people experiencing homelessness. Please also urge them to join us in calling on state legislators and the governor to prioritize and invest in more housing solutions.

Together, we can build a Vermont where the human right to housing is finally realized for all. The well-being of our neighbors, our communities, and our state depends on it.

**Find the full letter  
at [acluvt.org](https://acluvt.org).**

# Showing Up for Economic Justice

**The ACLU of Vermont has intervened repeatedly in recent years to defend the civil rights of unhoused people and people experiencing poverty.**

- In 2016, we challenged Burlington's policy of pressuring landlords to evict tenants for calling police for help "too frequently." That's what happened to our client Joseph Montagno after he called the police to report problems and request assistance. Without notifying him, officials contacted Mr. Montagno's landlord, resulting in his eviction and leaving him without shelter. After the city refused to negotiate, we sued, and ultimately won a settlement and policy changes.
- In 2017, we filed a class action lawsuit to stop Burlington from evicting homeless residents camping on public property and confiscating their possessions in violation of their constitutional rights. The city agreed to policy reforms to prevent confiscation and destruction of private property without due process.
- In 2018, we persuaded several Vermont cities and towns—Bennington, Brattleboro, Montpelier, Rutland Town, and Winooski—to repeal their unconstitutional anti-panhandling ordinances. Asking for help should never be a crime, and Vermonters expect their government to respect the rights and dignity of all our neighbors.
- In 2023, we advocated for legislators to fund solutions to Vermont's housing crisis and extend the emergency housing program to prevent thousands of people from being unhoused. We continue urging policymakers to prioritize housing policy reforms and invest in affordable housing.



# Combating Systemic Racism

**N**O ONE SHOULD be afraid to report police abuse. In July, we filed a lawsuit against the Town of Bennington for unlawfully retaliating against an interracial couple after they reported facing surveillance and intimidation by the Bennington Police Department (BPD).

Our clients Cassandra Keating and Joel Fowler experienced numerous instances of racially motivated police harassment while living in Bennington in 2020. They submitted formal complaints about eight separate incidents, but they were ignored by BPD.

When the Bennington Select Board took up our clients' complaints, officials failed to even contact our clients and

quickly cleared BPD of any wrongdoing. Then, the Board voted to publish a 62-page document detailing nearly every aspect of the couple's lives, including highly sensitive personal information that put them at risk.

The Town's actions weren't just wrong, they were illegal. We're proud to represent our clients as they seek to vindicate their constitutional rights and ensure that the same legal protections are afforded to others.

Visit our website at [acluvt.org/cases](https://acluvt.org/cases) for more updates.

## Border Patrol Checkpoints

In May, with our colleagues at the ACLU affiliates in New Hampshire and Maine, we settled a federal lawsuit challenging the constitutionality of U.S. Border Patrol checkpoints. With clients Jesse Drewniak and Sebastian Fuentes, the ACLU argued that these checkpoints—conducted for the claimed primary purpose of general crime control and drug interdiction—are beyond the scope of authority of U.S. Customs and Border Protection (CBP).

The ACLU first filed suit in August 2020, following a series of unlawful searches and seizures at a Border Patrol checkpoint in Woodstock, N.H., a small town in the White Mountains approximately 90 miles from the Canadian border. In exchange for the withdrawal of this lawsuit, Border Patrol has agreed to refrain from operating the Woodstock checkpoint until January 1, 2025.

Prior to our legal action, CBP had detained hundreds, if not thousands, of individuals lawfully traveling in northern New England during the summer and fall tourist seasons without any suspicion that they may have committed a crime.

## Health Care In Prisons

In 2019, after years of advocating for incarcerated people in Vermont to have access to life-saving medication for Hepatitis C, the ACLU filed a class action lawsuit challenging the state's refusal to treat hundreds of people diagnosed with a chronic form of this condition.

In 2021, we reached a settlement agreement with the Department of Corrections, which dragged its feet and limited access to treatment—so we went back to court. In June of this year, a federal court ordered the Department of Corrections to fulfill its legal obligation to provide lifesaving health care to more people in Vermont prisons.

As part of our continued advocacy to reduce incarceration in this state, the ACLU remains committed to ensuring that people in our prisons are treated with dignity and respect—and given access to the medical care they need.

ACLU-VT staff gathered at Common Ground Center in Starksboro for our 2023 annual retreat



## Board Updates

Peter Asch (Burlington), Geoffrey Jones (Monkton), and Bernie Lambek (Montpelier) concluded their time on our Board of Directors this year. We thank them for their expertise, insight, and myriad contributions to the ACLU.

We also want to acknowledge and express our gratitude for the leadership of Dr. William Boyd (Burlington), who completes his term as Board President this year and will continue to serve on our Board.

*Thank you for your service!*

## 2023 Interns

We are grateful to Ariel Murphy and Louisa Braun, our summer interns, for their roles in our legal and advocacy programs. Louisa traveled the state engaging communities around civil liberties issues. Ariel worked on police accountability, housing justice, and more, and will start a clerkship with Justice Nancy Waples of the Vermont Supreme Court next fall.



**Ariel Murphy**



**Louisa Braun**

## Annual Membership Meeting

**Wednesday,  
October 25, 5:30pm  
BARR HILL DISTILLERY  
Montpelier, VT**

We're excited to welcome ACLU-VT supporters for an evening of cocktails and conversation as we re-cap our year of advocacy and honor outgoing Board members.

Stay tuned for details at [acluvt.org](https://acluvt.org).

# ACLU

Vermont

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Vermont

## CELEBRATING PRIDE, BUILDING COMMUNITY



We hope you had a chance to meet our staff and volunteers as we hit the road this summer to celebrate Pride in towns across the state! We connected with hundreds of Vermonters, met and thanked supporters, and signed up new members and volunteers to join.

This fall, we're hosting a series of "Rights and Bites" events around the state—opportunities to meet ACLU staff and volunteers while learning more about our work. **For dates and locations, see page 3 and visit us at [acluvt.org](http://acluvt.org).**

[www.acluvt.org](http://www.acluvt.org)

Follow us on social media @ACLUVermont

