



# **40 YEARS IN REVIEW**

**1967-2007**

# CREDITS

## UNDERWRITING

We are particularly pleased to have received underwriting support for recognizing the 40th anniversary of the founding of the ACLU of Vermont from Langrock, Sperry & Wool, the law firm of one of our founding board members, Peter Langrock. We appreciate the many ways the firm has demonstrated its support of the ACLU over the years, not only financially, but through the contribution of the legal expertise of many of its fine lawyers.

## PROFILES

The founders' profiles in this booklet were written by current board members Will Lindner and Virginia Lindauer Simmon, both professional writers and editors. They interviewed as many of the members of the founding board as they were able to contact, along with several other founding members. Heartfelt thanks to Will and Virginia for their wonderful work in helping to capture a feel for the times and for the people involved in establishing the Vermont affiliate of the ACLU.

## EDITING

Associate Director Andrea Warnke, who herself has been with the organization since 1981, pulled together the yearly highlights and the lists of the people involved over the years, and edited this anniversary booklet. She would gratefully accept for the record any additions, corrections, or clarifications.



# 40 YEARS IN REVIEW

## CELEBRATING THE ACLU OF VERMONT

**N**ever doubt the impact that a small group of citizens, united by a deep respect for the Constitution, can have on their state – and in some cases, the rest of the country.

The American Civil Liberties of Vermont was founded 40 years ago, in 1967, following a gathering in Woodstock, Vermont. It was a different era – the Interstate highway system through the state hadn't even yet been completed. More importantly – as former Gov. Phil Hoff recounts in an interview in this booklet – only 10 years earlier, a young woman had been denied a motel room in South Burlington because she was African-American. The motel proprietor said it was their policy “not to accept colored people.”

Race issues were at the center of civil liberties challenges in those early years. They remain important issues, 40 years later. But many other issues have arisen as well – arisen in part, no doubt, because of the greater focus on individual freedoms spawned by the civil rights struggles of mid-century.

The ACLU has been involved in a good many of those issues. We wanted in this booklet to reflect on the breadth and scope of our work over the years, and to show the impact this organization has had in Vermont – and in some cases, throughout the country.

Any nonprofit organization that turns 40 has reason to celebrate. Essential to an organization's survival are dedication among members, steadfastness by committees and boards, and hard work by staff. This is especially true when the organization labors in an area fraught with controversy, conflict, and opposition – as the ACLU does.

Today, the ACLU of Vermont is a well-established and highly respected organization on the Vermont scene. This is due to the efforts of the many people listed, mentioned, or interviewed in this special 40<sup>th</sup> anniversary booklet. The fact that it's hard to imagine Vermont without an ACLU – and even more poignantly, the United States without an ACLU – is testimony to the efforts of those mentioned in this booklet, those recalled in individual memories, and those working today.

Justice Robert Jackson wrote that “There is no such thing as an achieved liberty; like electricity, there can be no substantial storage and it must be generated as it is enjoyed, or the lights go out.” Thanks to everyone over the years for providing some of that electricity.

– Allen Gilbert, executive director

## CONTENTS

### FOUNDING (page 2)

- ♦ Founding of the ACLU of Vermont
- ♦ Members of the founding board
- ♦ The work of the ACLU

### PROFILES (pages 3-7)

- ♦ Betty Clark: The Stirring Up of Things
- ♦ Philip Hoff: His Influence Was Strong
- ♦ Peter Langrock: An Amazing Board
- ♦ John L. Williams: Let's Do Something
- ♦ Herbert McArthur: Motivated by McCarthyism
- ♦ George Little: Freedom of Conscience
- ♦ Graham Newell: A Walk Down Fifth Avenue
- ♦ Kitty Shumlin: It's So Important Right Now

### HIGHLIGHTS (pages 8-14)

- ♦ A year-by-year summary of ACLU actions



# 40 YEARS IN REVIEW: FOUNDING

## FOUNDING

Expo 67 opened in Montreal, Dr. Benjamin Spock and Allen Ginsberg were arrested for protesting the Vietnam War, Thurgood Marshall became the first African-American appointed to the U.S. Supreme Court, Tennessee's "monkey law" was finally repealed, and San Francisco was unofficial host of a "summer of love" while other American cities erupted in race riots.

Here in Vermont in 1967, Phil Hoff was governor – and the American Civil Liberties Union of Vermont was formed by a dedicated group of civil libertarians.

There was no narrative record of the founding written then, but subsequent accounts from some of those involved at the time provide some of the details.

In the mid-'60s, approximately 250 Vermonters belonged to the national ACLU. There was no state affiliate. It was then that Vermont attorney John L. Williams happened into a conversation at a conference in New York. The person he was speaking to turned out to be the person in charge of organizing ACLU affiliates, and he told Williams that Vermont's national membership numbers were the greatest of any state without an affiliate.



*The Woodstock Inn*

Prompted by what Williams had learned, in 1966 attorney Donald Hackel had a letter sent to the mailing list of ACLU members in Vermont, inviting them to a meeting to discuss founding a Vermont ACLU affiliate. More than 100, including some of Vermont's most prominent citizens, came together in the old Woodstock Inn at an extraordinary gathering that came to be known as "the Woodstock meeting."

Those gathered had come in a variety of ways to an understanding of the need for a statewide organization able to serve as an independent advocate for civil liberties. As the profiles of some of the founders interviewed for this publication show, some were prompted by first-hand experience with the excesses of McCarthyism, others were motivated by civil rights struggles taking place in the South or at home in Vermont, and still others were influenced by their experiences in World War II or in the world of education.

Soon after the Woodstock meeting, the first meeting of the ACLU of Vermont incorporators was held in December of 1966, recessing until January of 1967. Donald Hackel was elected as the first president, and at the first membership meeting in March of 1967, a letter was read from the national ACLU accepting the American Civil Liberties Union of Vermont as an affiliate.

## MEMBERS OF THE FOUNDING BOARD, 1967

Frank T. Adams	George T. Little
Dory Bayer	Msgr. John A. Lynch
Benjamin Bloomfield	Herbert McArthur
John S. Burgess, vice-president	William Meyer
Louise Cunningham	Hubert Moore, treasurer
Donald Hackel, president	Graham Newell
Pennington Haile	Ann Schlabach
Joseph Joseph	Kitty Shumlin
Edward C. Kirkland	Evangeline Wilcox
Philip A. Kolvoord	John L. Williams, secretary
Peter Langrock	

## THE WORK OF THE ACLU

In the 40 years since its founding, the Vermont affiliate has relied on the work of literally hundreds of volunteers, and the financial support of thousands of donors, in carrying out its mission to protect and enhance the civil liberties of all Vermonters.

This work has been carried out through its three main program areas.

The legal program of the ACLU Foundation (ACLUF) represents, through litigation or other legal advocacy, individuals whose civil liberties have been threatened.

The public education program of the ACLUF seeks to bring awareness of individual rights through the presentation of public seminars, through its publications and Web site, and through visits to schools and other organizations.

The legislative program is carried out by the American Civil Liberties Union rather than the ACLUF. The advocacy work of the ACLU is advanced through maintaining a strong presence at the Statehouse and mobilizing those who share the ACLU's concerns on various civil liberties issues.



# 40 YEARS IN REVIEW: PROFILES

## BETTY CLARK: 'The Stirring Up of Things'

In November 1963, a modest, unassuming Baptist minister from Rutland, Vermont, was arrested at a civil rights demonstration in Wilmington, North Carolina. Back home, many of his neighbors and parishioners who should have been scandalized that people's rights were (sometimes violently) being infringed in the United States solely because of their race, were perhaps more scandalized that Reverend Roger MacDonald had gotten himself thrown in jail.

Betty Clark of Chittenden, then 34, was the organist at MacDonald's church. In her estimation, MacDonald's arrest in faraway North Carolina played a significant part in the founding, four years later, of the Vermont chapter of the ACLU. By the time people in Rutland and the broader Rutland County region had sorted through their responses to MacDonald's arrest, those who cherished civil liberties and were committed to defending them had discovered each other. Over the next four years their community grew to people throughout the state. And when ACLU-Vermont was chartered in 1967, Betty and her husband Dick, an artist, were founding members.

MacDonald's arrest, Clark explained, "caused a terrible uproar in Rutland. You have to remember what it was like in 1963. They really, I think..." (Clark struggled for the right words) "...they were good people, but they really didn't know what to think. This was such an unheard-of thing, for somebody they knew to have been arrested! They were very confused."

As if to magnify the shock, MacDonald returned to Rutland on November 22, the day President Kennedy was assassinated. "It was a

traumatic time in all of our lives," said Clark.

Indeed, it was a traumatic time for the nation, as the battle for civil rights amidst brutal repression stirred and motivated citizens everywhere. Increasingly, that grew to include the famously "rock-ribbed Republican" Vermont. MacDonald's acquaintances in North Carolina came to spread their message and raise funds; the father of murdered civil rights worker Michael Schwerner visited, too. Frequently these activists were hosted by Catholic nuns in Rutland, and Clark praises that city's Catholic community for supporting the civil rights cause. (Monsignor John Lynch was a founding director of the ACLU-Vermont.)

As Vermont emerged from its

**Indeed, it was a traumatic time for the nation, as the battle for civil rights amidst brutal repression stirred and motivated citizens everywhere.**

isolation and somnambulism, momentum grew among MacDonald's defenders. The cause soon surpassed the MacDonald case. "There was so much energy generated by this event," said Clark, "...and a lot of us thought, 'It's a shame to let this dissipate.'" But no local organization existed for promoting constitutional or progressive causes.

Yet the circle of activists was growing, and at that time included the Clarks as well as Paul and Sonia Hackel, Paul's brother Donald Hackel, Pennington Haile of Norwich, Dartmouth poet Alex Lang, and

former U.S. Rep. William Meyer of Rupert (many of them names that would appear on the ACLU's roster of founding members and directors). Together, Clark said, they struggled with what to do with their commitment. "Should we start a new Vermont group? Or should we join something that already existed?" There was no precise "fit."

Forty years later, Betty Clark does not recall how the decision was made to form an ACLU chapter, but since her husband had belonged to the national ACLU for years it was an agreeable outcome for them. Betty's commitment has never waned; at 78, and a widow now, she still travels regularly from Chittenden in Rutland County to volunteer at the affiliate's Montpelier office.

"I'm sure [people have] different stories," she said. But for her, the arrest of a mild-mannered Vermont minister for defending the rights of oppressed Americans was the seed from which the Vermont ACLU germinated in 1967. As Clark said, "It started the stirring up of things."

— Will Lindner

## PHILIP HOFF: His Influence Was Strong

"My record in civil rights is the most important thing I did." That's former governor Philip Hoff, describing his longtime interest and involvement in civil rights issues.

Hoff came to Vermont in 1951. Within several years, he was deep in Vermont's civil rights affairs. He vividly recalls a 1957 incident that brought civil rights to the forefront of the state's attention and made a lasting impression on Hoff: the case of Leroy Williams Jr.

Williams, one of only seven African-American students at the University of Vermont, had invited a

date to attend a UVM event. When she tried to check in to a local motel, she wasn't allowed to stay there, being told instead that Williston Road motel operators had a policy against accepting "colored people."

"That caused a stir," says Hoff. In response, Vermont's first public accommodations bill was passed into law.

Hoff was elected to the Vermont House in 1960 and, in 1962, became the first Democrat elected governor in over 100 years. Among his accomplishments in office were the creation of the Governor's Commission on the Status of Women; his activities with an organization called the Vermont Civil Rights Union, including promotion of civil rights in the South through the Vermont in Mississippi project; legislation prohibiting discrimination in housing, which led to the formation of the Vermont Commission on Human Rights; and, in partnership with New York Mayor John Lindsay, the founding of the New York-Vermont Summer Youth Project, or the Hoff-Lindsay Program. Hoff's term as governor ended in 1968.\*

Hoff's influence during the ACLU

**"All during that campaign I kept waiting for ... his making an issue of that, but it never happened."**

**— Governor Philip Hoff**

founding years was strong. Although he did not become a member of the ACLU of Vermont board until 1969, he had participated as the state correspondent to the national ACLU, providing information and advice on local matters, beginning in 1959. He served in that role until 1962 when he was elected governor. The position was then taken up by John S. Burgess.

Hoff chuckles as he recalls his 1962 run for governor against the incumbent. "I'd been a longtime member of the ACLU at the national level," he said, "All during that campaign I kept waiting for ... his

making an issue of that, but it never happened."

Hoff returned to public service in the 1980s, serving three terms in the Vermont Senate. He continues to practice law and to be tapped as an expert in civil rights issues.

\*(Some of the material in this profile was drawn from Chapter 14, "Civil and Human Rights," by Richard T. Cassidy, in *Vermont Government Since 1965*, edited by Michael Sherman.)

— Virginia Lindauer Simmon

## **PETER LANGROCK: An Amazing Board**

Prominent among Peter Langrock's recollections of the early years of the ACLU of Vermont is the non-partisan approach of the participants. "John Burgess was a Republican, Phil Hoff was a Democrat, and the political parties were not thought of particularly," he says.

Langrock is a Middlebury attorney who, even before the Vermont affiliate was launched, had an interest in ACLU projects. "Then Don Hackel got us together — I think the first meeting might have been in his home."

Langrock became the Vermont affiliate's third president in 1971, following Hackel and attorney Bill Mikell.

"I remember certain members of the board of directors then; it was an amazing board," he says. "We had Phil Hoff, who had just finished his six years as governor, and John S. Burgess, the incumbent lieutenant governor."

"At that time, the ACLU was not really as controversial as it has become in some ways," says Langrock. "It was the protector of the Constitution, and when you wanted an opinion on the Constitution, it was consulted," he says.

During Langrock's service on the board, the organization hired its first part-time director, Gael Steffens, "for a pittance," he adds.

"All my life, I have been energized by an absolute hatred for the misuse of arbitrary authority," Langrock says. "That exists today. This is the type of

**"All my life, I have been energized by an absolute hatred for the misuse of arbitrary authority."**

**— Peter Langrock**

thinking that the Constitution was meant to protect the citizens from. When citizens [are] challenged by governmental action, the challenge [is] to use the support system to protect them."

To Langrock, the law is the highest calling. He and his firm have been involved in numerous high-profile cases on issues such as civil unions, and, as cooperating attorneys with the ACLU, on campaign finance and equal education opportunity.

He is also the author of *Addison County Justice* and *Beyond the Courthouse*.

— Virginia Lindauer Simmon

## **JOHN L. WILLIAMS: Let's Do Something**

John L. Williams believes a chance encounter he had in New York City might have been the springboard that eventually launched a Vermont ACLU affiliate.

Williams is a Putney native and an alumnus of Middlebury College. In 1967, he was practicing law in Poultney and Rutland.

He traveled, he recalls, with Donald Hackel (who would become the first ACLU-VT president) and John Burgess of Brattleboro (who would later serve as lieutenant governor) to New York University for a conference. At the meeting, Williams had a chance conversation with the person in charge of organizing affiliates for the ACLU. "He told me that Vermont had the largest number of ACLU members not belonging to an affiliate in the country," says Williams. "I said, 'Well, let's do something.'"

Back in Vermont, Hackel notified the folks on the ACLU list and set up a meeting. "Don Hackel and I, maybe just because nobody else wanted to do



it, ended up organizing things, setting things up,” says Williams.

That first meeting generated a lot of

**“There were a lot of people out there interested; people you would never have expected to be interested in this thing.”**

**— John L. Williams**

enthusiasm, says Williams. “There were a lot of people out there interested; people you would never have expected to be interested in this thing.” Several meetings were held to set up organizational bylaws and get things going.

At some time in those early years, Williams recalls, he approached Middlebury attorney Peter Langrock about serving as president and later served on a committee with Langrock to hire the first executive director.

As the years proceeded, Williams continued to practice law in Vermont and eventually in Florida. He moved on to other pursuits, and confesses to disappointment in the general direction the ACLU has taken in recent years, feeling it has strayed from its “core principles.”

He moved his permanent home to Sarasota, Fla., around 1990 and retired from practice in 2004 (although he admits he still goes in to the office).

He hasn’t left Vermont entirely, however. “I come back for deer season, that’s it,” he says.

*— Virginia Lindauer Simmon*

## **HERBERT McARTHUR: Motivated by McCarthyism**

**A**CLU-Vermont marks its 40<sup>th</sup> anniversary this year during a troubling, but not unique, period in our national history. When perceived “threats” from the outside unnerve a populace, the climate is ripe for an assault on civil liberties by political leaders employing fear and jingoism to quash dissent and enhance their power. The pattern has been the

handmaiden of our national history, from the Alien and Sedition Acts of 1798 to the PATRIOT Act and other measures following September 11, 2001.

Herbert McArthur lived through a similar period 50 years ago. His discomfort with the intrusion of the U.S. government and public institutions into the civil liberties of American citizens later led him to participate as a founding board member of ACLU-Vermont.

McArthur, who is now retired and living in Essex Junction, was then an English professor at the University of Vermont.

“When I first started teaching in 1950 I was a World War II vet and very proud of it,” he recalled recently. “It was a good war to fight, and everyone was involved in it. But we came out of that war and what happened? Korea, and [the scaremongering of Sen. Joseph] McCarthy.”

McArthur grew up in the Southeast and attended Harvard on a scholarship; there he met his future wife, a Vermonter, and it was this connection that brought him to Vermont and UVM. But soon the dark suspicions of the McCarthy era – suspicion, especially, of academics – had crept into Vermont. They reached their crescendo in 1953, when Prof. Alex Novikoff was fired by the university after taking the Fifth Amendment rather than cooperate with investigations by Congress and the FBI into Communist groups at Brooklyn College (where Novikoff, a brilliant biologist, had previously taught).

“Some of us were very disappointed in the university and the university president,” said McArthur.

But a further threat loomed. “The Vermont Legislature was going to have us swear a loyalty oath,” McArthur explained. He was among a number of professors who expressed their objections – a stand not without risk for the young, untenured teacher who had started a family and could not afford to lose his job. “Those times were very bleak.”

Eventually, he said, the Legislature “backed down,” and UVM’s faculty

was spared the wrenching decision of academics elsewhere who refused to sign loyalty oaths and lost their jobs by the thousands.

The Novikoff case preceded ACLU-Vermont’s founding by more than a dozen years, but it was formative for McArthur, who saw what could happen to civil liberties at the hand of a repressive government and a cowed university administration. “Those days of the 1950s put a stamp on a lot of us,” he said, “[that] you had to do something to fight intolerance and oppression.”

Also formative was McArthur’s acquaintance with political science professor George Little, whom he later joined as a founding member of the ACLU board. McArthur credits Little with broadening his intellectual and professional horizons beyond English literature. McArthur became a librarian and administrator at the university, then left in 1968 to work at the National Endowment for the Humanities in Washington, D.C. (He was fired during the Watergate scandal, which he considers “a badge of honor.”) He finished his career at SUNY Albany, and retired to Vermont in 1988.

**“Those days of the 1950s put a stamp on a lot of us... [that] you had to do something to fight intolerance and oppression.”**

**— Herbert McArthur**

Because of McArthur’s departure from Vermont a year after the chapter’s founding, his involvement with the new ACLU affiliate was short-lived. He has few memories of the chapter’s activities and major players. He does remember that ACLU-Vermont took up the case of a high school girl who was prevented from attending classes because she was pregnant.

“They claimed the sight of a pregnant girl would be bad for the rest of the girls,” said McArthur. “You

can't condemn a girl and not let her get her high school diploma for getting pregnant."

He never knew the outcome of that case, and he emphasized that his involvement was peripheral to the new organization. But he strongly identifies with the battles facing civil liberties groups today.

However, McArthur also knows that civil liberties can triumph in the end. Thomas Jefferson rolled back the Alien and Sedition laws; McCarthy was repudiated (thanks in part to Vermont Sen. Ralph Flanders). And in 1983, UVM brought Dr. Novikoff back to Burlington to confer an honorary degree upon the professor it had shamefully dismissed 30 years earlier.

— Will Lindner

## GEORGE LITTLE: Freedom of Conscience

The principle of civil liberties has been a prominent thread throughout George Little's life. His interest in academic freedom and his embracing of Quaker precepts have informed much of his activity.

A conscientious objector who spent four years in the Civilian Public Service during the Second World War, Little arrived in Vermont following the war in 1950, having accepted a position at the University of Vermont teaching international law as a specialty. It was near the beginning of an academic career that involved teaching at New Haven Junior College of Commerce, Yale University, Swarthmore College, University of Connecticut, UVM, Johnson State College, and the National Political University in Taiwan.

By 1967 and the founding of the ACLU Vermont affiliate, Little was recognized as a strong advocate of academic freedom and civil rights through his work with the American Association of University Professors (AAUP) and the national ACLU.

"When I came to Vermont, there wasn't any ACLU here," says Little, adding, "There was an AAUP." Little was quite active in the AAUP and became president while he was still a young assistant professor. He recalls

the case of Alex Novikoff, who was dismissed in 1953 from the UVM medical school faculty because he refused to testify before the U.S. House Un-American Activities Committee. "Both the [national] ACLU and the AAUP were less than honorably engaged in the affair," he wrote in 1997.

**A friend of his, Patrick Malin, was executive director of the national ACLU during the 1950s ... and often called on Little when traveling ...**

A friend of his, Patrick Malin, was executive director of the national ACLU during the 1950s, and in the late '50s Malin often called on Little when traveling from New York City to Hanover, N.H., where Malin's sons were students at Dartmouth. On one such trip, Malin asked Little why he didn't do anything with the ACLU. "I was young, not very well connected," says Little, but he did ask to see a list of ACLU members in Vermont and found, he says, "a very impressive list of names."

Finding the time to organize something, however, was a challenge; he was teaching full time and organizing and running the Vermont Council on World Affairs. He was delighted, therefore, when he learned of the effort to create a Vermont affiliate in the '60s.

Little recalls that the founding meeting was at the Woodstock Inn. He joined the first board and continued for some time, chairing two committees: the academic freedom committee and the church and state committee. He also served as board secretary for a period.

A civil liberties issue that Little believes should continue to be of interest to the ACLU involves conscientious objection, especially of enrolled service men. He urges the organization to keep abreast of any cases.

— Virginia Lindauer Simmon

## GRAHAM NEWELL: A Walk Down Fifth Avenue

Graham Newell calls himself a "seventh-generation Caledonia County Vermonter" who elected to attend the University of Chicago after two years at Middlebury College. "I loved Middlebury — I still do," says Newell, "but I was smart enough to know even then if I was going to live the rest of my life in Vermont, I had better get out" for a while.

Newell earned his bachelor of arts in political science and returned to teach at St. Johnsbury Academy. He returned to Chicago for his master's degree in Latin language and literature in 1949 and stayed on to work for his doctorate, but his father's ill health required that he return to Vermont. "That's when I decided to run for the Legislature," he says.

He was elected to the House in 1953, "back when every town had one representative. I was *the* representative from St. Johnsbury." Also in the House that year was Consuelo Northrop Bailey, whom Newell supported for Speaker. In 1955, when Newell was elected to the Senate, Bailey was elected lieutenant governor, the first woman in the United States to attain that office. To repay his loyalty, he says, he was appointed chairman of the Senate Education Committee.

Newell dates his interest in the ACLU to that year. He hadn't been chairman of the Education Committee long before a bill came before the members "to have the public buses pick up those attending Catholic schools," he says. He was opposed, but didn't find much support.

He turned to the ACLU. He can still picture his walk down Fifth Avenue to the national headquarters, where he obtained research data and materials on how other states had addressed the issue.

Newell returned to Vermont and kept the bill from moving forward. His speech during Senate debate was "really a defense of the public school system," he says. In it he had concluded, "Passage of this measure could threaten one of our greatest legacies — the principle of the free



**“I got a lot of commendation and a lot of hate mail from it... [a speech on church-state separation]”**

**— Graham Newell**

public school which provides a common education for future citizens of a free country.” The complete text of Newell’s remarks was picked up by the national ACLU, which reprinted it and sent it around the country. “I got a lot of commendation and a lot of hate mail from it,” he says.

The next year, when Newell ran for re-election, there was quite a push to defeat him, but he won overwhelmingly.

He continued to keep in touch with the ACLU. He remembers Don Hackel, a lawyer in Rutland, coming up to Montpelier and interesting “a few ... people from the Legislature” [including John S. Burgess] in becoming involved with the newly forming state affiliate.

Newell retired from the Senate in 1979, the same year he retired from Lyndon State College, where he was chairman of the history department and had taught since 1959.

*— Virginia Lindauer Simmon*

## KITTY SHUMLIN: It’s So Important Right Now

“I think my appointment to the first board was purely accidental,” says

Kitty Shumlin of her involvement as a founding director of the ACLU of Vermont. “Now this is what I remember. I’m Dutch; I became a naturalized citizen in 1956. The person I married, George Shumlin, was, when we got married, a member of the national ACLU. I don’t know whether my name was also on the membership, but at a certain point, we got a letter saying they would like to form a Vermont ACLU, and would we come to a founding meeting, which both of us attended.”

To her surprise, she says, they asked if she would serve on the board of directors. “Why they asked me this, I haven’t the foggiest idea, to this moment, because my husband, his nose was a little out of joint because they hadn’t asked him. He was the original member and had been interested in civil liberties because his uncle, who had been a director and producer on Broadway, had been blackballed during the McCarthy era.”

Several people stand out in Shumlin’s memory of those early days. “One is Jack Burgess from Brattleboro, who... [was] lieutenant governor of the state [from 1971-75]; another is Don Hackel from Rutland.”

Others she recalls from her part of the state — Shumlin is from Putney — “were Hubert Moore, now deceased, from Marlboro and [beginning in 1968] John Kristensen, a lawyer who is still with us.”

Shumlin accepted the appointment to the board, she says, “but I really had no particular background. I mean, I know about civil liberties, and I’d been a teacher, and my husband and I

had founded Putney Student Travel, which is now run by our sons, Peter [currently president pro tempore of the Vermont Senate] and Jeffrey.

“So I have a sneaking feeling, but I couldn’t prove this, that maybe they asked me because there weren’t any women on the board.”

Shumlin, who is now retired from teaching, served two terms on the board and says she “picked up a few things along the line.”

**“I’m very happy to have seen how the Vermont chapter has flourished and become quite professional... That is very great; and it’s so important right now.”**

**— Kitty Shumlin**

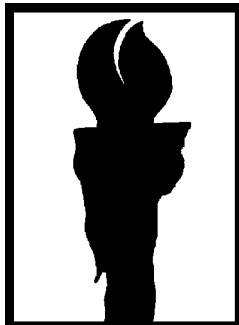
She added, “I’m very happy to have seen how the Vermont chapter has flourished and become quite professional ... That is very great; and it’s so important right now.”

*— Virginia Lindauer Simmon*

## THE CHANGING FACE OF THE VERMONT ACLU



*First ACLU of Vermont logo, 1967*



*Logo used from late '70s until 2004*



*Logo used beginning in 2004*

## THE EARLY YEARS: 1967-69

### 1967

- ◆ Concluded first meeting of board of directors (begun on December 17 but recessed until January 1967).
- ◆ Convened first meeting of the membership in March, at which a letter was read from the national ACLU accepting the American Civil Liberties Union of Vermont as an affiliate.
- ◆ Closely monitored plans to build a high school in Swanton with a privately owned religious school built directly adjacent.



the  
voice

Topics in This Issue: That School in Swanton; Vermont Teachers' Loyalty Oath; Free Press, Free Trial; Vol. 1, No. 1, Sept., 1967, Plainfield, VT, a quarterly newsletter published by the Vermont Chapter, American Civil Liberties Union.



ACLU Joins Suit

### Loyalty Oath Challenged By Essex Junction Librarian

The first ACLU-VT newsletter, 1967, with lead article by Donald H. Hackel

### The Swanton Proposal

BY DONALD H. HACKEL

The Swanton school venture has been in a state of flux since its inception. Now its proposals are considered about thirty years old.

Essentially, it is a union high school, publicly owned, with an adjacent religious school, privately owned, and with some system of released or dismissed public school time to permit students to use the adjacent religious facility. If such a plan is put into operation, St. Anne's Academy would probably close, and parochial secondary education in Franklin County, as we know it today, would terminate.

1. The original plans called for a campus of six-circle ultra-modern design, with one circle designated as the religious school. The religious building,

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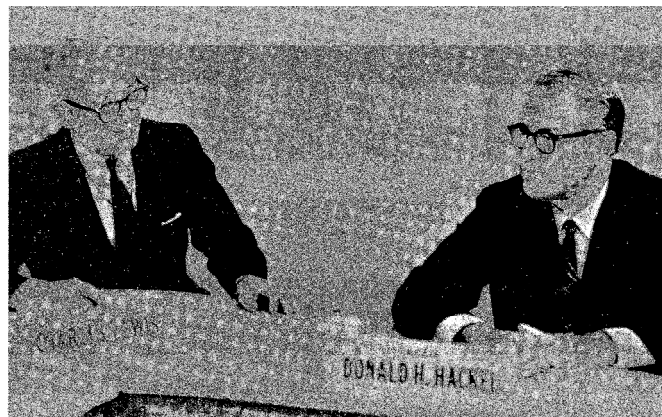
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Founding president Donald H. Hackel is quizzed by Charles Lewis of WCAX-TV on "You Can Quote Me," 1968

- ◆ Scrutinized proposed state wiretap law.

### 1969

- ◆ Hired first executive director, Gael Steffens.
- ◆ Considered "this long-haired issue" in Vermont schools.

## THE '70s

### 1970

- ◆ Took on issue of racial discrimination by organizations receiving government benefits.
- ◆ Participated in court effort to overturn Vermont law prohibiting abortions.
- ◆ Challenged Rutland's effort to celebrate Christmas as a religious holiday in the public schools.

### 1971

- ◆ Successfully defended in court the voting rights of Middlebury College students.
- ◆ Battled local ordinances forbidding outdoor rock festivals.
- ◆ Issued position paper on prayer in public schools as unconstitutional.

### 1972

- ◆ Brought court challenge to affirm the right of a married woman to retain or resume maiden name.
- ◆ Moved office from Burlington to Montpelier, with annual rent of \$300.

### 1968

- ◆ Became involved in church-state issue of proposed "released time" in Bennington.
- ◆ Opposed obscenity law proposal.
- ◆ Active in enactment of Mental Health Reform bill.
- ◆ Featured panel discussion on "What are the Permissible Limits of Protest?" at annual meeting.
- ◆ Intervened in confiscation of two Cuban newspapers at the Canadian border.
- ◆ Co-sponsored Vermont Student Conference on Human Rights.

- ◆ Issued joint national-Vermont ACLU statement on academic termination of UVM professor.
- ◆ Challenged use of Social Security numbers on Vermont drivers' licenses.

### 1973

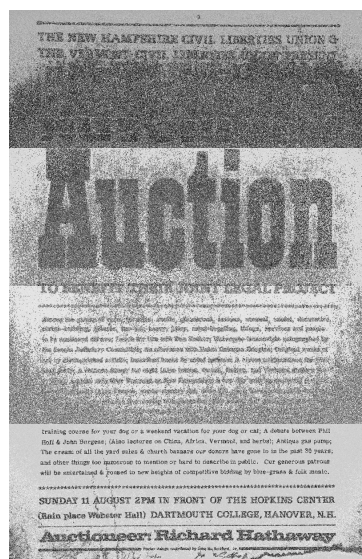
- ◆ Succeeded in sweeping aside restrictive residency requirements for voting in Vermont.
- ◆ Advocated for passage of Right to Know legislation and Equal Rights Amendment.

### 1974

- ◆ Lobbied to pass Fair Credit for Women legislation.
- ◆ Filed *amicus* in case involving reporter's right to protect confidentiality of sources.
- ◆ Featured annual meeting topics on impeachment, rights of children, and efforts to combat book censorship.
- ◆ Held first auction, to jointly benefit the Vermont and New Hampshire affiliates.

### 1975

- ◆ Won right of Windsor inmates to publish newspaper.
- ◆ Prevailed in school district apportionment challenge upholding the right of individuals to fair representation.
- ◆ Lobbied on issues including proposed death penalty, public access to government records, sex-based discrimination, privacy and data collection, corporal punishment, reproductive freedom – and a threatened legislative investigation of the ACLU of Vermont.



### 1976

- ◆ Took on involuntary sterilization case.
- ◆ Successfully sued on behalf of female Marine discharged solely because she was pregnant.
- ◆ Organized a series of regional police/community seminars.
- ◆ Conducted Title IX (sex discrimination) survey.

### 1977

- ◆ Defended First Amendment rights of censored nightclub entertainer.
- ◆ Filed civil suit claiming illegal search and seizure and other violations in raid of Vermont commune.
- ◆ Involved in coalition opposing proposed obscenity bill.
- ◆ Sent legal observers to monitor anti-nuclear demonstration in Vernon.

### 1978

- ◆ Represented students and others in book censorship case at Vergennes high school.
- ◆ Filed suit on behalf of 16-year-old whose arm was broken while being transported to jail.
- ◆ Advocated for women's right to abortion.

### 1979

- ◆ Prevailed before Vermont Supreme Court in case challenging the discretionary and arbitrary suspension of drivers' licenses.
- ◆ Spoke out against corporal punishment in Vermont schools.

## THE '80s

### 1980

- ◆ Represented parents concerned over the practice of daily prayer and Bible reading at their local school.
- ◆ Represented worker fired for union organizing.
- ◆ Supported legislation providing protections against spouse abuse.
- ◆ Helped defeat legislation attempting to limit the right to an abortion.



Cartoonist Alice Blodgett's impression of the Vermont ACLU office in the early 1980s

### 1981

- ◆ Represented woman denied opportunity to become a fish and game instructor because of her sex.
- ◆ Intervened to assist peace advocates denied permission to assemble on the Statehouse lawn.
- ◆ Lobbied for legislation outlawing employment discrimination based on age or disability.

### 1982

- ◆ Stopped censors attempting to ban *The Grapes of Wrath* from Richford High School; drafted and distributed model school book selection policy.
- ◆ Won right of female student to play ice hockey.
- ◆ Filed free speech case on behalf of police academy officer fired for criticizing his former employers.
- ◆ Represented woman victimized by abuse of grand jury process and by police harassment.
- ◆ Filed vagueness challenge to Hartford loitering ordinance on behalf of a woman who had been arrested two weeks before the ordinance went into effect.
- ◆ Helped defeat death penalty bill (co-sponsored by 70 members of Vermont House) in an 80-57 floor vote.
- ◆ Helped prevent passage of parental notification legislation.



Alice Blodgett

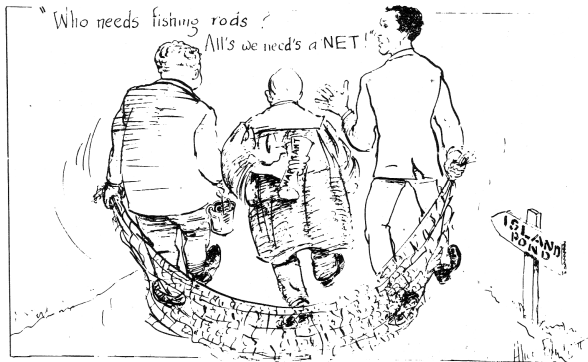


**1983**

- ◆ Filed state constitutional due process and equal protection challenge to Vermont's failure to fund medically necessary abortions for Medicaid-eligible women.
- ◆ Defended free speech rights of citizens on privately owned property open to public use in case of women arrested for petitioning and leafletting at supermarket.
- ◆ Sued Hartford police in abuse case.
- ◆ Filed class action suit in defense of due process rights violated by seizure of federal income tax refunds.
- ◆ Defended students' right to form disarmament club at a Lamoille County school.
- ◆ Lobbied for passage of Vermont Equal Rights Amendment, which was passed by the Senate and sent to the House.

**1984**

- ◆ Condemned and initiated investigations into the violation of individual rights in the rounding up of 112 children by 90 armed state troopers. The raid was an attempt to prove allegations of child abuse among mem-



Alice Blodgett

bers of a controversial religious sect based in Island Pond. A team of ACLU-VT cooperating attorneys was on the scene almost immediately after learning of the raid, and took part in the first court hearing the following week.

- ◆ Filed suit against Lamoille County Mental Health for illegally discriminating against worker with handicapping condition.
- ◆ Intervened to protect privacy rights of patients of psychologist who had medical records subpoenaed in Medicaid review.
- ◆ Threatened to file suit when the town of Burke passed an ordinance prohibiting more than 50 Lyndon State College students from congregating in one place anywhere in town; the ordinance was rescinded.
- ◆ Intervened successfully when officials at the correctional center in St. Albans refused to let a Catholic priest bring wine into the



Alice Blodgett

prison in order to help an inmate celebrate Mass.

- ◆ Defeated restrictive bail amendment.
- ◆ Formed Development Committee.

**1985**

- ◆ Successfully filed suit on behalf of a Vermont carpenter fired because his truck sported a bumper sticker that offended his employer.
- ◆ Intervened to protect privacy rights when employees of the Vermont Yankee Nuclear Power Plant complained that they were being required to provide urine samples in full view of a plant official.
- ◆ Won lifting of Hartford loitering ordinance on grounds that it was unconstitutionally vague.
- ◆ Raised \$40,000 from gifts and membership fees.
- ◆ Recruited over 250 new ACLU-VT members.

**1986**

- ◆ Won major victory when a Superior Court judge agreed that the state's refusal to pay for medically necessary abortions as part of the Medicaid program violated the Vermont Constitution.
- ◆ Filed suit on behalf of child taken by police in the Island Pond raid, charging five former high state officials with state and federal constitutional violations of her rights.



Alice Blodgett

- ◆ Initiated change in state insurance regulations to ensure that policies that discriminate against women by omitting maternity coverage not be allowed.
- ◆ Fought unsuccessfully for passage of the Vermont Equal Rights Amendment in a statewide referendum.
- ◆ Saw passage of ACLU-initiated libel bill.

**1987**

- ◆ Hired first-ever development director.
- ◆ Filed suit against the government display of a lighted cross on a Christmas tree in front of Hyde Park courthouse.
- ◆ Won right of male student to play field hockey.
- ◆ Helped turn back death penalty legislation.
- ◆ Won passage of ACLU-initiated bill limiting workplace drug testing.
- ◆ Joined in bicentennial celebration of the U.S. Constitution.
- ◆ Sponsored statewide essay contest for high schoolers.
- ◆ Inaugurated major gifts fund drive.

**1988**

- ◆ Filed suit on behalf of deputy sheriff alleging sex discrimination based on her pregnancy.
- ◆ Represented woman whose motorboat was seized by the U.S. Customs Service under the federal "Zero Tolerance" policy allowing property seizures without due process.
- ◆ Filed suit to bar the city of Burlington from erecting a menorah in City Hall Park during the Hanukkah season.
- ◆ Won passage of ACLU-initiated bill improving prisoners' access to adequate medical care.
- ◆ Supported legislation revitalizing the Vermont Human Rights Commission, which was originally established in 1967.
- ◆ Successfully advocated for state legislation prohibiting mandatory HIV testing.
- ◆ Saw large increase in ACLU membership after slurs of "card-carrying members" of the ACLU during Bush-Dukakis presidential campaign.

GUESS WHICH CITIZEN IS A CARD-CARRYING MEMBER OF THE ACLU?



Tim Newcomb

**1989**

- ◆ Won public apology and compensatory damages on behalf of five Stowe students banned from graduation.
- ◆ Won two separate settlements in cases involving strip searches conducted during routine traffic stops.
- ◆ Took on case protecting the associational rights of tenants of a trailer park.
- ◆ Prevailed in case challenging bail provision that required defendant to provide urine sample to any law enforcement official at any time.
- ◆ Joined in pro-choice coalition activities.
- ◆ Helped defeat legislation that would have allowed wire-tapping by state police.
- ◆ Mobilized members to testify at a public hearing on anti-discrimination legislation to protect civil rights of gays and lesbians.
- ◆ Supported legislation to streamline voter registration.
- ◆ Formed Public Education Committee and Legal Advisory Panel.

**THE '90s****1990**

- ◆ Reached settlement in case of child visitor caught in the 1984 pre-dawn raid at Island Pond.
- ◆ Settled illegal confiscation by state police of automobile parked on private property.

**1991**

- ◆ Welcomed participants at national ACLU biennial conference held in Burlington.
- ◆ Filed claim on behalf of woman mistakenly caught in Drug Enforcement Agency drug raid in Burlington and wrestled to the ground at gunpoint by law enforcement agents who refused to identify themselves.
- ◆ Sponsored Rosenberg-era art exhibit and opening talk by the son of Julius and Ethel Rosenberg (a member of the board of the Massachusetts ACLU).
- ◆ Marked the 200<sup>th</sup> anniversary of the ratification of the Bill of Rights.

**1992**

- ◆ Launched investigation following death of inmate who choked on his own vomit after being beaten by guards.
- ◆ Weathered Montpelier flood, with staff working from their homes for a month in the aftermath.



ACLU office, circled, in March 1992. Photo by Jane Walker Richmond

- ◆ Helped pass bill outlawing discrimination in employment, housing, and public accommodation on the basis of sexual orientation.
- ◆ Represented student suspended from high school for refusing, for religious reasons, to doff his hat to a teacher.

**1993**

- ◆ Collaborated in class action suit filed by the ACLU National Prison Project on behalf of Vermont inmates alleging, among other things, lack of adequate medical and mental health care, serious overcrowding and filthy conditions, use of excessive force, discrimination against physically and mentally disabled prisoners, and failure to protect prisoners.
- ◆ Distributed interactive computer program on the First Amendment to every high school library and social studies department in the state.
- ◆ Responded to Vermont school censorship, prayer, and creationism issues.
- ◆ Distributed 600 balsam seedlings, with a bookmark with the Bill of Rights attached, around the state.

**1994**

- ◆ Decided to take on equal access to education challenge (ultimately, *Brigham v. State*).
- ◆ Reached settlement in civil rights suit brought on behalf of Swanton man subjected to police brutality during and following his arrest for driving a car with Abenaki Nation license plates.
- ◆ Successfully challenged two Drug Enforcement Agency vehicle seizures in Vermont.

**1995**

- ◆ Received favorable ruling in appeal filed on behalf of couple who were threatened with the loss of their Medicaid and food stamp benefits when they refused to obtain Social Security numbers for their children on the basis of their sincerely held religious beliefs.
- ◆ Reached settlement with printer who refused, claiming First Amendment rights, to do business with a woman on the basis of religious beliefs; the woman had sought to have membership cards printed for Vermont Catholics for Free Choice but was told the job would not be completed because she could not be both Catholic and pro-choice. Neither side conceded liability, and the stipulation expressly stated that it could not “be construed to reflect any opinion as to the merits of the respective parties’ legal position.”
- ◆ Hosted a contingent of attorneys and judges from four East African countries.

**1996**

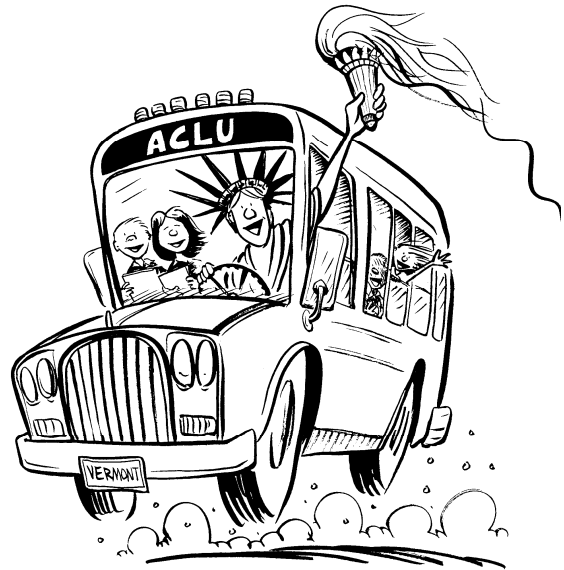
- ◆ Challenged the Chittenden Town School District for its decision to use public tax money to pay tuition for students attending a nearby Catholic high school.
- ◆ Reached settlement agreement in suit filed by ACLU National Prison Project on behalf of Vermont inmates, under which independent experts were to monitor the prisons and make public reports over the next two years.
- ◆ Became the ninth ACLU affiliate on the Internet after launching the first ACLU of Vermont Web site.
- ◆ Reciprocated the 1995 visit of East African judges and attorneys with a trip to Uganda by three Legal Advisory Panel members to provide technical assistance and training in constitutional law, human rights, and access to justice.
- ◆ Hosted judges, lawyers, and court officials from Poltava, Ukraine.
- ◆ Accepted gift establishing the Axelrod Education Fund, to be used exclusively to promote education on civil liberties among Vermont students in grades K-12.

**1997**

- ◆ Won landmark victory when Vermont Supreme Court handed down its decision in *Brigham v. State*, finding that the current local education funding system was unconstitutional because of the gross inequities in education funding among Vermont towns. The court di-

rected the legislature to fashion a solution, and it responded with passage of Act 60, the Equal Education Opportunity Act. The ACLU neither supported nor opposed the bill, although it declared that the law appeared to be constitutional as passed.

- ◆ Won judgment (promptly appealed by opposing side, aided by the Washington, D.C. based Center for Justice) from Superior Court in *Chittenden* case (see 1996, above), agreeing that it is a violation of both the U.S. and Vermont Constitutions for taxpayer money to be used to pay tuition for students to attend a pervasively sectarian high school.



Tim Newcomb

- ◆ Decided, after consideration by an ACLU summer study committee, to mount legal challenge to certain provisions of Vermont’s new campaign finance reform law viewed as unconstitutional.
- ◆ Represented a high school student whose study of a nude had been arbitrarily withheld from a showing of student artwork in Montpelier’s City Hall because of the subject. Within 24 hours, the painting was hung and she had received an apology.
- ◆ Reached settlement in case of man arrested for disorderly conduct and, while in the custody of Burlington police, handcuffed to a wall and put in leg irons, sprayed with pepper spray three times, and pushed against the wall by an officer who broke the plaintiff’s arm.
- ◆ Presented the first two Continuing Legal Education (CLE) programs designed for lay people as well as attorneys receiving CLE credits from the Vermont Bar, thus establishing a new and wide-ranging public education/development tradition. The programs were “Anatomy of a Vermont Constitutional Claim: Challenging School Funding and Education Equity in *Brigham v. State*,” and “Making Civil Rights a Part of Your Practice.”
- ◆ Hosted humorist, columnist, and political commentator Molly Ivins in a benefit speech to an enthusiastic crowd in Burlington.



## 1998

- ◆ Filed an *amicus* brief with the Vermont Supreme Court in support of same-sex marriage, arguing that the equal treatment provisions of the state and federal Constitutions require that gays and lesbians be afforded the same opportunity to marry as heterosexuals. The brief provided a detailed examination of the range of Vermont laws that create responsibilities and privileges for married couples and said that permitting same-sex couples to marry would well serve the purposes underlying the state marriage statutes.
- ◆ Represented attorney whose office and home were searched and whose computer records were seized, including records entirely unrelated to the search that held private, privileged, and highly personal information about plaintiff's wife and his law clients.
- ◆ Represented state college professor to prevent the Office of Foreign Assets Control from imposing fines for travel to Cuba without a license.
- ◆ Represented man subjected to racially motivated harassment, abuse, and intimidation by Winhall police officers.
- ◆ Presented Continuing Legal Education (CLE) programs on "Disability Law Basics," "Civil Rights in the Workplace," and "Rights of Authors, Artists and Other Creative People."

## 1999

- ◆ Won judgment in *Chittenden* case (see 1996 and 1997, above) when Vermont Supreme Court ruled that using public funds to support religious education would violate the state Constitution. The ruling marked the first time that the Court had looked closely at the taxpayers' side of "establishment clause" issues.
- ◆ Filed challenge in U.S. District Court to certain provisions of Vermont's campaign finance law. The provisions were viewed by the Vermont ACLU as not only violating the First Amendment, but failing in their professed intent to prevent corruption and give a fair chance to all candidates.
- ◆ Presented Continuing Legal Education (CLE) programs on "Making Medical Decisions about the End of Life: Practice and Ethics," "Same Sex Marriage and the Constitution," and "Immigration and Civil Rights."
- ◆ Printed limited edition woodcut created for ACLU-Vermont by Vermont artist and Caldecott Medal recipient Mary Azarian.



If we don't believe in freedom of expression for people we despise, we don't believe in it at all.  
Virginia Woolf

## THE '00s

## 2000

- ◆ Settled southern Vermont SLAPP suit case sparked by public criticism of a regional Solid Waste District.
- ◆ Offered Continuing Legal Education (CLE) programs on "Making Civil Rights a Part of Your Practice" and "CyberLiberties."
- ◆ Worked as part of broad alliance to help bring about passage of Vermont's landmark civil union legislation.

## 2001

- ◆ Filed suit challenging Vermont law censoring Internet content deemed to be "harmful to minors."
- ◆ Represented family of student who faced racial harassment at Vermont high school.
- ◆ Presented statewide forum and CLE on "Law and Liberty in the Post-September America," in the wake of the tragic events of September 11 and of the passage of the USA PATRIOT Act.
- ◆ Joined with the University of Vermont to present a seminar and CLE on genetics and privacy.
- ◆ Collaborated to bring German volunteer to Vermont to do public education work on how liberties can be lost and constitutional values safeguarded.

## 2002

- ◆ Won favorable settlement for postal worker suspended from her job without pay because she was pregnant.
- ◆ Successfully opposed the transfer of the mental health unit of Burlington's Fletcher Allen Hospital to a hospital in which sectarian rules would have denied patients certain reproductive health counseling and services.
- ◆ Fended off troublesome portions of proposed Vermont legislation that mirrored provisions in the USA PATRIOT Act. Spoke out extensively throughout the state to educate Vermonters about the civil liberties problems inherent in the act.
- ◆ Provided underwriting through Axelrod Education Fund for exploration of diversity by young playwrights.
- ◆ Welcomed 385 new ACLU of Vermont members joining in the wake of rights curtailments following 9/11.

## 2003

- ◆ Investigated harassment complaints by two Northeast Kingdom residents who were cited for loitering — at a rest area.
- ◆ Convinced Vergennes officials that weekly peace vigils could be held without the necessity to apply for a permit each time.
- ◆ Prevailed in U.S. Second Circuit in case challenging Vermont law censoring Internet content.
- ◆ Successfully lobbied Vermont legislature to pass resolution criticizing provisions of the USA PATRIOT Act.
- ◆ Welcomed back journalist-humorist Molly Ivins to speak at benefit in Burlington.

**2004**

- ◆ Agreed to represent commuter caught up in homeland security measures calling for random searches on ferries crossing Lake Champlain.
- ◆ Took on case of middle school student suspended for wearing T-shirt critical of President George W. Bush that included images alluding to the president's alleged drug and alcohol use.
- ◆ Provided one of the only voices opposing legislation creating a Vermont online sex offender registry.

**2005**

- ◆ Investigated practice of shackling children transported while in state custody.
- ◆ Successfully settled case of volunteer firefighter discriminated against because of his religion.
- ◆ Expanded scope of legal program with the hiring of first-ever staff attorney.
- ◆ Helped establish a statewide coalition opposing the federal government's insistence on using the death penalty in Vermont's first death penalty trial in 43 years.
- ◆ Held first student "Bill of Rights 101" conference.



Tim Newcomb

**2006**

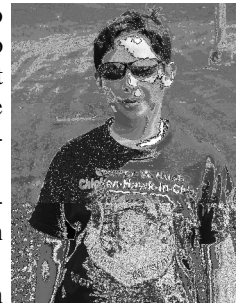
- ◆ Filed complaint with Public Service Board to determine whether access to Vermonters' phone records had been given to the National Security Agency by telephone companies.
- ◆ Settled case of search of woman's car without reasonable, articulable suspicion.
- ◆ Prevailed in U.S. Supreme Court ruling that campaign finance limits placed by the state of Vermont were unconstitutional.
- ◆ Intervened on behalf of a woman prohibited from displaying a political sign on her lawn.
- ◆ Revealed that Vermont peace groups were targets of Department of Defense spying.
- ◆ Lobbied on behalf of a bill passed to prohibit shackling of children transported while in state custody.
- ◆ Advocated for "open government bill" ultimately passed by the legislature.
- ◆ Worked for passage of a new law clarifying rights of students to opt out of receiving military recruitment

materials while still receiving materials from colleges.

- ◆ Helped defeat civil commitment proposal that would have indefinitely detained "maxed-out" offenders judged to be at high risk to re-offend.
- ◆ Examined privacy issues with national and state experts as part of public policy seminar and CLE.
- ◆ Brought John Dean, presidential legal counsel during the Watergate scandal, to speak on administrative abuse of power.

**2007**

- ◆ Won final victory in challenge to middle school student's right to wear T-shirt critical of President Bush when the U.S. Supreme Court declined to take up defendant's appeal.
- ◆ Lost on appeal challenge to security searches on Lake Champlain ferries.
- ◆ Helped pass innocence protection bill.
- ◆ Supported passage of a bill prohibiting discrimination based on gender identity.
- ◆ Brought together representatives of varied points of view for public policy seminar and CLE on drug and alcohol use.
- ◆ Celebrated 40th anniversary of the founding of the ACLU of Vermont.

Photo by David Delcore  
courtesy of Times Argus.

# TEN REASONS TO SUPPORT THE ACLU

## *Amendment I*

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

## *Amendment II*

*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*

## *Amendment III*

*No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

## *Amendment IV*

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

## *Amendment V*

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

## *Amendment VI*

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

## *Amendment VII*

*In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*

## *Amendment VIII*

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

## *Amendment IX*

*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*

## *Amendment X*

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*