

### The strength of our democracy is rooted in three words, “We the people.”

These words reflect our shared responsibility to one another and the power of the people to realize a more perfect union. Yet as the Trump administration pursues its overtly racist and xenophobic agenda — with predictable and tragic results — it is clear democracy itself is under assault.

On our southern border, our government still separates children from their families, detains people in horrific conditions, and seeks to deny asylum to the people our laws are designed to protect. In Vermont, Border Patrol has initiated surprise checkpoints for the first time in a decade, ICE continues targeting immigrant farmworkers, and other community members are being told, “go back to where you came from.”



U.S. Border Patrol agents at first interior checkpoint to operate in Vermont in ten years, South Hero, May 2019.

Many of us feel compelled to do something — to act, to have our outrage heard. We share in that outrage and we are fighting back. The ACLU has already blocked many of the Trump administration’s most extreme policies — including multiple lawsuits to protect asylum seekers and

their families, and successfully preventing the addition of a citizenship question to the 2020 census.

In Vermont, we are suing to vindicate the rights of immigrant farmworkers, working to end local police involvement in ICE and Border Patrol operations, and sharing Know Your Rights information across the state. Together we are sending a clear message to government — local, state, and federal — that we will steadfastly defend the rights of all our community members.

In the coming months, as we approach another Vermont legislative session and the 2020 election, we will need your help pushing for a more just and equitable state, and in holding our government accountable. We will call on you to take action — to contact your representatives at critical times, voice your support for ambitious reforms, protest violations of our rights and our values, and share your story.

This is the strength of our democracy: “We the people.” Together, with your support, we will continue the difficult work of building a more perfect union and advancing the civil liberties of all Vermonters.

**Thank you for standing with us.** *-The ACLU of Vermont*



### Meet our new Advocacy Director

**Falko Schilling** has been working to promote positive social change in Vermont since 2009. A native of Vermont, Falko received his law degree from Vermont Law School after attending Skidmore College. Prior to joining the ACLU, Falko led advocacy campaigns for Vermont Public Interest Research Group and worked for Action Circles to improve the well-being of all Vermonters.

**What can you do today to defend and advance our civil liberties?**

**Sign up for our action alerts at [acluvt.org](http://acluvt.org) on the top of the home page.**

## Take Part in Our LEGACY CHALLENGE

By including a gift  
to the ACLU in your  
will, you will unlock  
matching funds to  
defend our  
freedom.

Contact  
[legacy@aclu.org](mailto:legacy@aclu.org) for  
more information.



# Reproductive Freedom

The past legislative session resulted in a historic win for reproductive rights in Vermont, and the ACLU was proud to have played a central role in this victory.

As of July 1st, no government entity can infringe upon or restrict Vermonters' right to reproductive health services, including abortion.

In addition, Proposition 5 – the constitutional amendment that will enshrine reproductive autonomy into Vermont's constitution – cleared the first hurdle in the process to becoming a part of our state constitution by passing the Vermont House and Senate (it needs to pass again in the next biennium before going to the voters for final approval in 2022).

The ACLU of Vermont – together with Planned Parenthood, legislative leadership, and other partners – worked through the fall and into the session on these bills, helping to develop language, testifying on the legal and policy implications, and calling on hundreds of our members who contacted their legislators and the governor at key points along the way.

Looking ahead, the continued involvement of our supporters will be critical to ensuring reproductive rights are permanently secured in Vermont's constitution. Legislators need to hear from their constituents so that when Prop 5 is up for another vote, there is no question that Vermonters support reproductive freedom for all.

## Please DONATE today

at [www.acluvt.org](http://www.acluvt.org)  
or by mail:  
ACLU Foundation of Vermont  
PO Box 277  
Montpelier, VT 05601

**THANK YOU!**

## Smart Justice

The ACLU of Vermont's Smart Justice campaign is working to usher in a new era with a smarter, fairer criminal justice system: one that is substantially smaller, more reliant on proven alternatives to prison, and committed to the personal safety, health, and dignity of every Vermonter.

During the 2019 legislative session, Vermont built on recent progress and took some important steps forward. In yet another indication of our campaign's impact, this year's state budget explicitly committed to creating a "smarter criminal justice system." That includes an extensive package of reform proposals that will be on the table in 2020 and the creation of a criminal justice working group on which the ACLU serves. We also helped reiterate Vermonters' opposition to proposals for a massive "prison campus," and will continue fighting prison expansion at every turn.

With our community partners and allies, we are building on the momentum of the last year to finally address the root causes of incarceration – so that prisons are used as the very last resort, instead of the first. The ACLU of Vermont – with the power of a growing advocacy program and your support – will keep fighting until we have a criminal justice system that invests in people and communities, not prisons.



Meet our new Smart Justice team! Advocacy Director Falko Schilling, Communications Director S. Beth Nolan, and Smart Justice Organizer Ashley Messier (from left to right).

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# Case Docket



## Featured Case: **West v. Gobeille**

In May, after years of advocating for Vermont prisoners to have access to life-saving medication for Hepatitis C Virus (HCV), the ACLU of Vermont and the Center for Health Law and Policy Innovation at Harvard Law School, with cooperating counsel James Valente, filed a class action lawsuit challenging the state's refusal to treat hundreds of inmates diagnosed with chronic Hepatitis C.

The Plaintiffs assert the Agency of Human Services (AHS), Department of Corrections (DOC), and private health care provider Centurion of Vermont systematically deny the HCV cure to prisoners diagnosed with chronic HCV in violation of the Eighth Amendment's prohibition on cruel and unusual punishment and the Americans with Disabilities Act. They are asking the court to end the Defendants' policy of categorically denying effective, efficient, and medically appropriate HCV treatment.

The ACLU of Vermont asserts that state officials are purposefully withholding the cure for Hepatitis C from hundreds of Vermont inmates based on cost alone, many of whom would have received it long ago if they were not imprisoned. For DOC to rely on financial considerations to justify unlawful treatment of people in its care and custody is not only inhumane and short-sighted — it is unconstitutional.

### **Racial Justice:**

ACLU of Vermont client Gregory Zullo settled his racial profiling lawsuit in June after a historic Vermont Supreme Court ruling in May of 2018 — sending a clear message that if police engage in racial profiling, they can and will be held accountable. In the settlement, the State Police acknowledged the 2014 stop and seizure of Mr. Zullo was unreasonable and agreed to pay Mr. Zullo \$50,000 plus mediation costs to resolve the case.

### **Police Accountability:**

The Vermont Supreme Court heard oral arguments in April on a case filed in 2017 on behalf of ACLU client, Reed Doyle, whose request to inspect police body camera footage from a use-of-force incident was originally denied. The ACLU of Vermont argued imposing inspection fees to view the footage would run counter to state law and undermine principles of government transparency and accountability. A decision from the Court is expected soon.

### **Freedom of Expression:**

In June, ACLU of Vermont client Jason Ploof settled his lawsuit challenging a Burlington “No Trespass” ordinance that barred individuals from visiting City Hall Park if they had committed prior offenses there. Burlington agreed to policy changes that guarantee the right to exercise constitutionally protected activities on city property. The City agreed to work with the ACLU to draft an ordinance governing no-trespass orders and will pay Mr. Ploof \$13,500.

### **How can you help?**

Champion the ACLU of Vermont! Let others know why you are involved.

And **invest in our work.**

Those of us who care deeply about civil rights know the road ahead is long — but together we will prevail.



### **Thanks to you**

the ACLU of Vermont is growing stronger. At times, the weight of the attacks on our communities and democracy itself can feel overwhelming. But we're not backing down. With the power of the people and the Constitution on our side, we will defend and advance our civil liberties. Whether it's immigrants' rights, reproductive freedom, racial justice, or LGBTQ rights, the ACLU is fighting in Vermont and across the country — and **we are winning.**

Additional cases involving immigrants' rights, the criminalization of poverty, and racial profiling are also pending. For further details on our current docket, please visit [acluvt.org/cases](http://acluvt.org/cases).



Vermont

PO BOX 277  
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Join us for the  
Vermont Pride Parade  
on Sunday, September 8th!

[Details at acluvt.org](http://acluvt.org)

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## Save the Date: 2019 Annual Meeting

All members and friends of the ACLU of Vermont are invited to join us for our 52nd Annual Membership Meeting.

This year, we'll feature our landmark win for racial justice and police accountability at the Vermont Supreme Court in the case of Zullo v. State. We will have a discussion with ACLU client Gregory Zullo and his attorneys will give a firsthand account of the court process and talk about the legal implications of this historic case for future generations of Vermonters.

ACLU of Vermont members are eligible to vote on proposed changes to our by-laws and for new board members prior to the meeting. Ballots can be cast in person the day of the meeting, or online at [acluvt.org/election2019](http://acluvt.org/election2019).

Please **RSVP for the annual meeting online at [acluvt.org/2019annualmeeting](http://acluvt.org/2019annualmeeting).**

