



## Freedom is on the Ballot



**James Duff Lyall**  
Executive Director

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**N NO UNCERTAIN TERMS, OUR** most basic freedoms are on the line in this year's general election. Here in Vermont and at ACLU offices nationwide, we are organizing networks of volunteers, working

to ensure a free and fair election, and preparing to respond to attacks on our rights — and our democracy — **no matter what happens this November.**

The ACLU is a nonpartisan organization that neither endorses nor opposes candidates for elected office, but we know that we know that either a Trump or Harris administration will bring drastically divergent outcomes when it comes to our civil rights and civil liberties. Our national legal and policy experts have examined the ways in which another Trump administration would be disastrous for our most fundamental rights and freedoms. A Harris administration would bring both challenges and opportunities when it comes to protecting and advancing our civil rights and civil liberties.

No matter who wins the election in November, the ACLU will be ready to meet the moment. Thanks to your support, our legal, policy, and advocacy experts have analyzed the

constitutional implications each candidate's policy platform and are planning concrete actions the ACLU will take in response. That includes protecting immigrants' rights, abortion access, LGBTQ justice, racial equity, police reform, and more.

We know that civic engagement is essential to a functioning democracy. Here at the ACLU of Vermont, we are connecting community members with candidates for elected office, publishing non-partisan voter education materials, and supporting get-out-the-vote efforts across the state. Vermont is one of two states that allows incarcerated people to vote, so we are partnering with the Secretary of State's office to ensure incarcerated people know their voting rights and co-hosting a candidate forum for voters in the Springfield Correctional Facility to hear directly from candidates on the ballot this November.

As a nationwide organization, the ACLU is uniquely prepared to defend our democracy and hold our government accountable. None of this would be possible without committed ACLU supporters like you who continue to demand a more just, inclusive, and equitable future for everyone. Thank you for staying with us through this election year and beyond.

# STATE HOUSE



Want to get more involved in our work?  
Join the ACLU-VT Action Team.  
Learn more at [acluvt.org/team](https://acluvt.org/team).

The 2023-2024 biennium ended in June, and we are grateful to the thousands of ACLU supporters who contacted their elected representatives, urging them to defend civil liberties and address the challenges facing our communities – we accomplished so much together this year, and we could not do it without you!

## SMART JUSTICE

This was a challenging year in our ongoing efforts to create a smarter justice system in Vermont. Through our steadfast advocacy we successfully defeated some of the most extreme and harmful criminal justice proposals we've seen in years, with enormous real world impacts. Still, we were disappointed to see lawmakers falling back on the failed “tough-on-crime” rhetoric and policies of the past.

Despite our many successes, the legislature sadly enacted multiple bills that will send more people to prison without addressing the root causes of the complex challenges facing our communities. These bills increase penalties for low-level thefts, further criminalize drug-related offenses, and will result in more juveniles being charged as adults.

As ever, we are undeterred. Ahead of the 2024 election, more than sixty candidates for state legislature have taken our “Smart Justice Candidate pledge” and we look forward to working with them to resume progress towards a smarter, fairer justice system. You

can see where your candidates stand on these and other civil liberties issues at [acluvt.org/SJpledge](https://acluvt.org/SJpledge).

## ECONOMIC JUSTICE

When we invest in meeting the basic needs of our people and communities, everyone can thrive—from working class families and young people to small business owners and retirees, and every Vermonter in between. Amid a historic housing crisis and at a time of growing wealth inequality, Vermont’s House of Representatives made historic progress on fair taxation, advancing a measure that would raise taxes on our state’s highest earners and would have generated nearly \$75 million in annual revenue to serve Vermonters and our communities.

While the Senate did not follow through this year, we will continue working alongside the Fund Vermont’s Future coalition to build a Vermont that works for all of us by advancing legislation that ensures the wealthiest among us pay their fair share.

## POLICE ACCOUNTABILITY

Overcoming the opposition of law enforcement to meaningful reforms is challenging every year. That being said, we did make notable progress this year, including a “Smarter Stops” bill – which would reform traffic enforcement on our roadways and address persistent racial disparities – which received initial hearings in both the House and Senate and will be back up for consideration next year.

Unfortunately, Vermont legislators had little appetite for increasing police oversight and accountability this biennium. Meaningful reform proposals either failed to pass the legislature or fell short of overcoming the governor’s veto. That included legislation that would have prevented police from lying to people during interrogations – a tactic known to elicit false confessions and deny communities access to justice.



James Duff Lyall, Indi Schoenherr, and Falko Schilling at the Vermont State House

## YOU'RE INVITED:

# ANNUAL MEETING

**Date:** October 24, 2024  
**Time:** 5:30 to 6:30pm  
**Location:** Virtual on Zoom

**RSVP today** for the Annual Meeting and invite a friend to join you! [acluvt.org/AM24](https://acluvt.org/AM24).

**As we look to the 2024 election, we know that our democracy is on the line.** During this year’s Annual Meeting, you will hear from ACLU of Vermont staff about how we are preparing for this election – and its aftermath – both locally and nationally. With affiliates in every state and our legal and policy expertise, the ACLU is ready to defend our democracy and fight for our rights no matter who wins in November. We were built for moments like this – and thanks to your support, we are not backing down.

## The ACLU’s 3-Part Plan to Defend Democracy

### 1 Safeguard the Election

Because all civil liberties depend on a fair, safe, and secure election, we are working year-round to stem the tide of racial gerrymandering and voter suppression efforts.



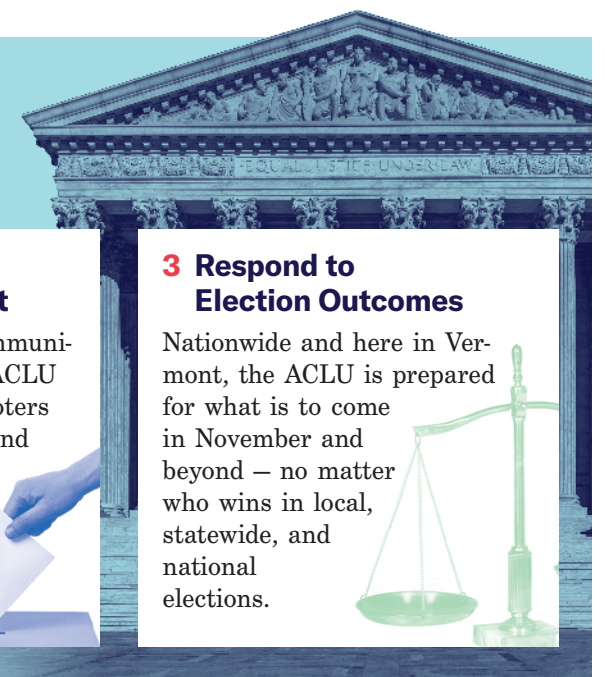
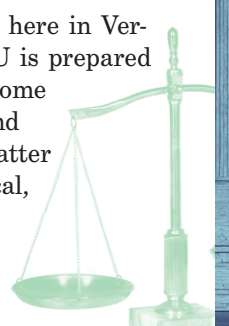
### 2 Advance Abortion Rights at the Ballot

As a trusted voice in communities across the country, ACLU affiliates are educating voters about down-ticket races and ballot measures in states where abortion rights are on the line.



### 3 Respond to Election Outcomes

Nationwide and here in Vermont, the ACLU is prepared for what is to come in November and beyond – no matter who wins in local, statewide, and national elections.



# OVERDOSE PREVENTION CENTERS SAVE LIVES



## PUBLIC HEALTH PROBLEMS REQUIRE PUBLIC HEALTH SOLUTIONS

**T**he road to creating an overdose prevention center in Vermont has been long, and this year we celebrated a historic victory. After years of advocacy, we are pleased to share that the Vermont legislature successfully overrode Governor Scott's veto of H.72 this June, officially authorizing the creation of Vermont's first overdose prevention center in Burlington.

## WHAT IS AN OVERDOSE PREVENTION CENTER?

Overdose prevention centers are facilities where people can use opioids in a safe, non-judgmental space that offers life-saving care. These centers are not only proven to save lives—they also make our communities healthier, result in fewer discarded needles in public spaces, and reduce the transmission of life-threatening diseases by giving people

access to sterile needles and disposal boxes.

In creating a shame-free space where people who use drugs can interact with professionals, overdose prevention centers provide a new, low-barrier avenue for people to connect with long-term recovery programs. Instead of driving drug use underground through threats of fines and incarceration, these centers create new pathways to healing, harm reduction, and recovery.

## RESPONDING WITH HOPE, NOT HANDCUFFS

Substance use disorder is a public health problem, not a legal one — and the so-called “war on drugs” has failed our communities for generations. Criminalization is an ineffective and counterproductive strategy for addressing the complex biological and social factors that contribute to substance use. Becoming involved in the justice system triggers a cascade of negative impacts on the lives of people who are arrested and their loved ones, making it even harder to secure employment and housing, and ultimately creating a cycle of despair and disconnection. These challenges are known to make recovery more difficult to obtain and maintain, not easier.

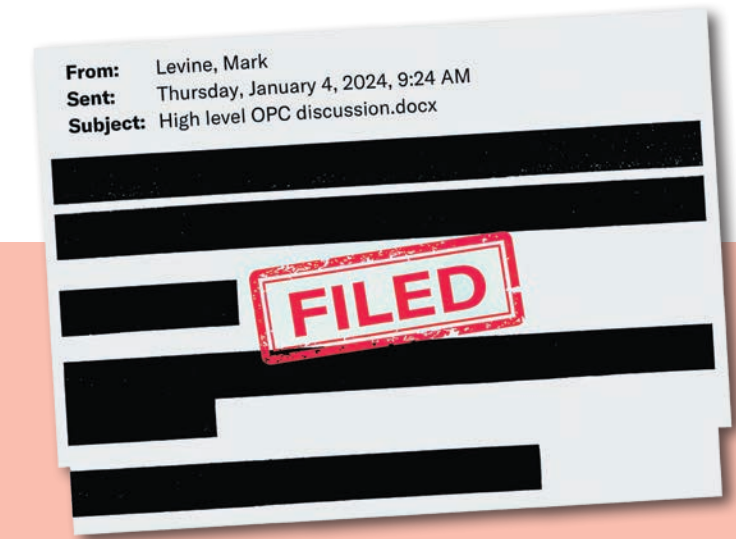
In addition to the human toll that criminalization and incarceration take on our communities, it is extraordinarily expensive to lock people in prison. The annual costs of incarcerating someone in Vermont is \$95,000. This is an especially significant waste of resources when we know that prisons are not a place for rehabilitation, and often exacerbates the challenges people with substance use disorder face.

Responding to Vermont's substance use crisis from a public health rather than punitive perspective creates an opportunity to reduce our overreliance on incarceration and reinvest those savings into programs that actually serve our communities: housing, job training, education, prevention programs, treatment programs, and more.

## WHAT'S NEXT

As plans to create an overdose prevention center in Burlington move forward, state leaders should invest in additional public health infrastructure that addresses substance use disorder and its impacts on our communities. This includes improving access to overdose reversal medications, drug checking services, fentanyl and xylazine test supplies, sterile safe injection devices and disposal boxes, and medication assisted treatment. The state should also improve protections for people who are seeking emergency health care for overdoses and increase resources for rural Vermonters — like mobile medication assisted treatment, mobile overdose prevention, and improved transportation access.

With the influx of tens of millions of dollars from opioid settlement funds to Vermont—paid for by the pharmaceutical and distribution companies responsible for the opioid crisis over the next decade — it is not money that we lack, but political will. Tens of thousands of our family members, friends, and neighbors continue to grapple with substance use disorder here in Vermont. To save lives and make our communities healthier, safer, and more resilient, we must utilize every tool in the toolbox to alter the trajectory of this crisis.



## ACLU Sues Scott Administration for Opioid Settlement Records

**Policymaking should not happen behind closed doors, and that is especially true when the policies in question have life and death consequences.** In July, we sued the Scott Administration to obtain records related to the Opioid Settlement Advisory Committee that were wrongfully withheld by the Vermont Department of Health.

The Advisory Committee — composed of public health experts and people with lived experience with opioid use disorder—is charged with making recommendations to on how to spend settlement funds paid out by opioid pharmaceutical and distribution companies responsible for this deadly crisis.

A top funding recommendation was to allocate \$2.6 million in funding for overdose prevention centers, a life-saving harm reduction strategy opposed by Governor Scott but adopted by the legislature over the governor's veto this year.

A public records request we filed in 2024 revealed email correspondence was exchanged within the Scott administration before the Advisory Committee's non-voting chair, Health Commissioner Dr. Mark Levine unilaterally removed that recommendation from the final report before submitting it to the legislature.

Citing “executive privilege,” the administration heavily redacted these email communications — even though “executive privilege” applies only to communications with the Governor of Vermont, not their staff.

By playing politics and violating both the Vermont Open Meeting Law and the Vermont Public Records Act, the Scott administration not only threatened Vermonter's access to life-saving overdose prevention centers—they also eroded trust between government officials and the people they are supposed to represent.

Read more about the case at [acluvt.org/OPC-case](https://acluvt.org/OPC-case).

## Justice for ACLU client following unconstitutional arrest

Police need to respect everyone's First Amendment rights – even for things they consider offensive or insulting. Alongside the Foundation for Individual Rights and Expression (FIRE), we settled a lawsuit in June against the Vermont State Police on behalf of Gregory Bombard, whose First Amendment rights were violated after an unnecessary traffic stop and retaliatory arrest in 2018. The settlement agreement includes \$100,000 in damages paid to Bombard and \$75,000 in legal fees.

State Trooper Jay Riggen stopped Bombard's vehicle in St. Albans in 2018 because he believed Bombard gave him the middle finger. Bombard denied making any such gesture but was harangued and detained by Riggen for several minutes of questioning. Once the initial stop and detention concluded, Bombard cursed and did display his middle finger—upon which Riggen arrested him



Gregory Bombard

KEVIN GODDARD PHOTOGRAPHY

for disorderly conduct. Bombard was jailed for over an hour, cited to criminal court, and forced to navigate criminal proceedings for nearly a year before the charge was dismissed. We are grateful to have secured this settle-

ment agreement for our client and will continue advocating for Smarter Stops legislation in order to reform traffic enforcement and reduce overpolicing on Vermont's roadways.

## Seeking Records On Sheriff's Immigration Involvement

In May, we filed a lawsuit to obtain public records wrongfully withheld by the Essex County Sheriff's Department (ECSD). At issue is the ECSD's compliance with Vermont's Fair and Impartial Policing Policy (FIPP) – which limits local police involvement in immigration enforcement.

Our investigation was motivated by public comments Essex County Sheriff Trevor Colby made in December 2023, stating that "he would likely call immigration authorities after a traffic stop if he thought the people in the car were undocumented." To be clear, such a call would likely violate the FIPP and, if based on race or other protected categories, could also violate the constitution.

Rather than complying with our records request and the Vermont Public Records Act, ECSD insisted that our staff come and "inspect" the documents in person instead of providing them electronically as requested.

Vermont's Public Records Act ensures access to public information, a foundation of transparent and accountable government. Sheriff Colby's refusal to comply with that law is deeply troubling, particularly since the records concern his office's compliance with the state's FIPP. Local law enforcement should not be in the business of enforcing federal immigration law, and we will hold them accountable under our state and federal laws and constitutions.



1987 | 4 employees  
Scott Skinner, Nancy Wires Cunningham, Andrea, Tim Mazur

## The LEGACY of a LIFETIME

This fall, the ACLU of Vermont is preparing to say a fond farewell to Associate Director Andrea Warnke, whose legacy at this organization spans an incredible 43-year career.

Andrea joined the ACLU as a part-time Office Manager in 1981. She and the Executive Director shared office space—and our sole computer—with several other organizations. In the ensuing four decades, working alongside seven different executive directors, twenty-four board presidents, and countless staff members, volunteers, donors, and friends of the ACLU, Andrea has played a central role in the evolution of this affiliate and the safeguarding of civil liberties in Vermont.

Through it all, in addition to a selfless and unwavering commitment to our clients and our mission, Andrea has brought a tremendous amount of warmth, care, and humor to sustain everyone in this community in this important and difficult work—

and that is why, on numerous occasions over the years, her admiring colleagues have been heard to say, "Andrea is the heart of the Vermont ACLU." She has carried the torch for this organization, and we would not be the vibrant, impactful, and resilient organization that we are today without her thoughtful stewardship.

For that, and for all she has done to keep this organization in existence, on track, and ultimately, to flourish, we are forever grateful. On behalf of the entire ACLU family, we wish Andrea all the very best in her retirement!

2024 | 12 employees  
Summer staff retreat 2024



2009 | first "An Evening Without," Norwich, Andrea & author Emily Bernard

Lia Ernst, Hillary Rich, and Harrison Stark with Ivo Skoric following Vermont Supreme Court hearing.



## ACLU IN THE VERMONT SUPREME COURT

Senior Staff Attorney Harrison Stark argued before the Vermont Supreme Court on May 29, 2023 on behalf of Ivo Skoric, a Rutland resident who has a state-issued medical cannabis card but was denied state unemployment benefits when he was terminated from his job after testing positive for cannabis.

Off-duty use of state-authorized marijuana to treat a debilitating condition like Mr. Skoric's should not count as "misconduct" that disqualifies someone from state unemployment benefits. The federal government may still be fighting the failed "war on drugs," but that doesn't mean Vermont should be.



**ACLU of Vermont**

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# The ACLU is Built for This Moment

**JOIN US!**



There has never been a time in our history when the ACLU's work is more necessary. The existential threats to our democracy in this election year are **exactly why the ACLU exists**. We have a tested and proven playbook for defending our most fundamental rights — **but we need you with us to keep up the fight.**

Please donate to the ACLU Foundation of Vermont today and join us in defending all of our rights.

For ways to give, visit [www.acluvt.org/give](http://www.acluvt.org/give)

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

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