

Reflections of Becoming Director of the Vermont Human Rights Commission

By ROBERT APPEL

I am delighted to be the new director of the Human Rights Commission. This appointment enables me to continue to work on the issues that have motivated me to become a legal worker, and serve the people of Vermont. The essence of those issues is simple – equal justice and equal opportunity for all persons. Being at the Commission gives me the chance to pursue the advancement of human rights and dignity through enforcement and educational efforts.

I very strongly identify with the mission of the Commission which is: 1) to promote full civil and human rights for all people in Vermont through enforcing laws that protect people from discrimination in housing, state government employment, and in places of public accommodation such as restaurants, stores, and schools; 2) to conduct educational workshops on civil and human rights issues for diverse audiences; and, 3) to provide the public with information and referrals as appropriate on human and civil rights issues.

I have been privileged during my career to advocate for human rights through civil rights enforcement and by protecting individual rights by ensuring through a criminal defense practice that the protections of individual liberty embodied in the Bill of Rights are honored. Returning to the field of civil and human rights advocacy allows me to continue to address these critical issues from a different perspective.

My belief is that, in large measure, most Vermonters harbor no desire to discriminate. Failures to treat people respectfully often stem not so much out of malice as insensitivity. The primary challenge facing the Human Rights Commission is to provide the leadership necessary to increase communities' awareness of diverse population, while helping to prevent discriminatory and emotionally destructive incidents that on occasion may become violent acts. My personal challenge on assuming the directorship is to provide both the internal management expertise and to pursue the external outreach to raise the profile of the Commission as an effective enforcement agency.

The areas of most acute concern presently facing the Commission include:

The continuing backlash against the passage of Vermont's civil union legislation that has engendered some heated, rude and destructive rhetoric. Anti-gay and anti-lesbian bias both in the workplace and particularly in

schools needs to be addressed by the Commission. As a member of the Legislature's Civil Union Review Commission, I am advocating that the landmark legislation be in effect without revision for a substantial period of time prior to any efforts at improvement.

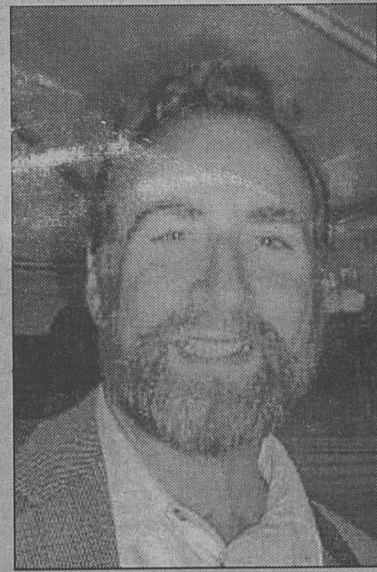
Vermont schools are all too often the sites of harassment based on race, gender, sexual orientation and mental and physical disabilities. In fact, over the past seven years, school harassment complaints constitute nearly one-third of all public accommodation complaints filed with the Commission. I am committed to forming partnerships with the state Department of Education, as well as district and school administrators, to act in concert to proactively address these hostile and destructive learning environments which deprive some of our children of full and equal educational opportunity.

Making Vermont a more welcoming and sustaining environment for people of color, who frequently report being the subject of various forms of "profiling" by retailers, law enforcement, prosecutors, the judiciary and corrections.

Assuring that new immigrants to Vermont from all parts of the globe are successfully and fully integrated into our communities.

Effectively policing the very tight housing market to ensure compliance with fair housing laws perhaps to include the use of paired "testers" to ferret out different treatment of applicants for rentals or sales because of race, disability, sexual orientation, presence of minor children, receipt of public assistance or national origin.

Although the list of challenges is substantial, there are plenty of allies, people of good will, who are committed to seeing these efforts succeed. I look forward to collaborating on these efforts to make Vermont a better and healthier community for all who live in or visit Vermont.



VT Human Rights Commission

By JUANITA L. LERCH
OITM Staff Writer

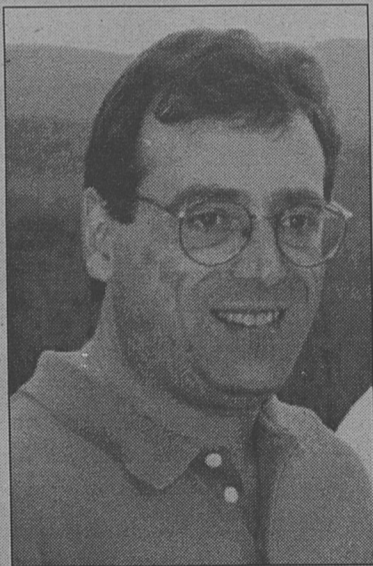
During the 1988 legislative session, the Vermont Legislature passed Senate Bill S-308 re-establishing the Vermont Human Rights Commission. S-308 outlines the duties, jurisdiction and powers of the Commission: a) the Commission shall endeavor through public education to increase awareness of the importance of full civil and human rights for each inhabitant of the state, b) the Commission shall have jurisdiction to investigate and enforce complaints of unlawful discrimination in public accommodations and rental and sale of real estate. The Commission shall also have jurisdiction when the party complained against is a state agency in matters for which the Attorney General would otherwise have jurisdiction.

Two major changes have taken place as of late at the Vermont Human Rights Commission, Gov. Howard Dean recently appointed Chuck Kletecka, an openly gay man living with HIV, to a five-year term as one of the five commissioners. Also, Robert Appel, the state's former defender general, began work as the agency's new Executive Director on Nov. 1.

Kletecka, 48, has lived in Vermont for eight years and formerly served on the board of the Vermont Coalition for People with AIDS. Prior to moving to Vermont, he worked as a social worker. He currently lives in Waterbury Center with his partner, openly gay state Rep. Robert Dostis. Kletecka sees his appointment to the Human Rights Commission as a plus for Vermont's gay and lesbian community.

Appel, 50, served as Vermont's defender general where he provided legal counsel to criminal defendants unable to afford legal representation, prior to his appointment to the Commission. From 1988 to 1993, he served as the state's assistant attorney general for civil rights. An enthusiastic response from gay activists greets both of these appointments to the Vermont Human Rights Commission.

For more information on the Vermont Human Rights Commission, log on at: www.hrc.state.vt.us or on Senate Bill S-308: www.leg.state.vt.us or www.mountainpridemedia.org/oitm/issues/1988/11nov1988/vthrc.html for an *Out in the Mountains* archive story on the re-establishment of the Vermont Human Rights Commission.



Chuck Kletecka

Landmark Georgia and Massachusetts Cases

By PAT ROBINSON
OITM Staff Writer

The landmark decision might not come till late March 2002.

The case of *Burns vs. Burns* was heard before the Georgia State court of Appeals October, 2001. Many arguments, both for and against, were heard during the court session. A brief filed by the three Vermont Legislators, Reps Lippert and Little, and State Sen. McCormack, who were instrumental in bringing about the Civil Union Law in Vermont weighed some balance in the arguments. The case of *Burns vs. Burns*, heard in October before the Georgia Court of Appeals is simply that, Susan Freer (nee Burns) is a part of a "relationship of the second degree" and therefore meets with the agreement she is a part of regarding visitation rights with her ex-husband regarding their children.

In Massachusetts, seven couples wait patiently for the results of the brief filed last August 2001 that should be resolved some time in January 2002.

Other states are watching the outcome of these cases. Each one of these decisions will affect many people in the respective states courts they represent. Grass roots organizations will certainly pay close attention to the outcomes of these very important court cases.

One of the states watching closely is New Hampshire. The New Hampshire Freedom To Marry Coalition is getting active around the state with meetings, sharing ideas for legal steps, fundraising, and gathering volunteers for the coming struggle of equal rights for the LGBT community. Certainly, the location of New Hampshire between Vermont and Massachusetts, makes this state seem a likely place for a victory in this regard. All three states share a unique place in location, politics, economies, and environments and are affected by each other in many ways.

For more information regarding the Massachusetts case, go to www.glad.org. A complete listing of the case and its participants is available. For more information regarding the Georgia case, go to www.acluga.org or go to www.appeals.courts.state.ga.us. For more information regarding the NH Freedom To Marry Coalition, write to P.O. Box 4064, Concord, NH 03302-4064, (603) 223-0309, or NHFTMC@mediaone.net