

vermont news

VERMONT ELECTIONS

Rita Phelps Opposes Jim Mongeon

Gay Supporters on Opposite Sides in Rutland Co. State's Attorney Race

BY LYNN MCNICOL

BRANDON - Political newcomer Rita Phelps wants to stomp out crime in Rutland County, and she's running for office to do just that. Phelps is opposing incumbent Republican Jim Mongeon who is state's attorney for this central Vermont county.

Phelps has the support of Leo Porter, a Brandon resident who was stalked and harassed for years by a neighbor who used abusive language and homophobic slurs against him. Neither the Brandon police and nor the Rutland County state's attorney managed to remedy the situation, Porter charges, and he's ready for a change.

Mongeon is also supported by a campaigner who is gay: Steve Howard, a Democratic representative from Rutland. Howard is working on behalf of Mongeon, an incumbent he believes is still the best person for the job.

Phelps, who is running as an Independent, says she is "an avid victims' advocate." She emphasizes



PHOTO PROVIDED

es that drug-related crimes are on the increase in Rutland County, and she plans if elected to hold more trials instead of settling so many cases. Although not an attorney, Phelps, as a paralegal, says she has worked on behalf of crime victims in many areas including domestic violence, child abuse and disability law.

Born in Brandon, Phelps studied at Johnson State College and focused on paralegal studies at Woodbury College. She says she became involved in victims' rights legislation as a volunteer after her divorce and subsequent discovery of sexual abuse within her own family. Phelps later remarried and moved with her second husband to Florida for a time, then returned to Brandon.

Phelps now works for Vermont Protection and Advocacy, a non-

profit that works for the rights of people living with disabilities.

If elected, Phelps said she will support police departments, negotiate for long sentences for drug dealers, and enforce domestic violence restraining orders and truancy laws.

"The Rutland County State's Attorneys Office, under James Mongeon's leadership, is notorious among attorneys who defend criminals, as being easier to settle a case with than any other state's attorney's office in the region," Phelps's website charges.

Leo Porter, the homophobically harassed Brandon resident, works as Phelps's campaign publicist, and supports her contention that Mongeon has not been tough enough on criminals.

"I myself [...] was victimized by neighbors with years of hate crimes that were never prosecuted even though piles of affidavits and evidence that was delivered to his office; that is why I am so dedicated to this cause," Porter told *OITM*.

Porter's story was reported in *Seven Days* newspaper ("Bullied in Brandon," Sept. 29-Oct. 6, 2004). Porter, who lived with his mother, uncle and brother, said when the Martels moved in next door a number of years before, everything seemed to be fine. But

within a couple of years, harassment, primarily from David Martel, Sr., suddenly began, then escalated and persisted for years.

"We have no clue," Porter told *Seven Days*. "The only conclusion we can come to is that he [David Martel] assumed I was a homosexual." Much of Martel's language repeated in the news story is threatening and homophobic toward Porter.

Despite numerous phone calls to Brandon police over the three-year period, only Sgt. Laurie Krupp responded by thoroughly investigating the complaints. Krupp said that other officers not only refused to take Porter's complaints seriously, but verbalized "unprofessional comments" in regard to Leo Porter, the report said.

Porter, who eventually won a hate-crimes protection order, and later came out as a gay man, said that order was also violated. After his mother died, he did not feel like pursuing the violations, he said. He said the Martels have since moved out of state.

Phelps said she was not living in Vermont at the time of Porter's ordeal. However, when she was a crime victim herself in Rutland County, Phelps said that the state's attorney office didn't provide the help she needed. "The state's attorney office does not respond to you."

"Only since I've started running [for office] have they stood up in court and asked for lengthier sentences," Phelps maintained. While acknowledging that trials are expensive, Phelps said she is especially concerned that the arrival of "major drug dealers" arriving from New York and Massachusetts are "having a devastating impact" on Rutland County. She cited increases in crimes involving credit cards, burglaries, and armed robberies that "didn't used to exist" in the area.

Mongeon has faced election opposition only one other time in his 26 years as state's attorney. He is running on both the Republican and Democratic tickets this year.

Rep. Steve Howard introduced a resolution in the state legislature honoring Mongeon's service to the community. Howard spoke of Mongeon as someone very involved in the community, including joining Green-Up Days and working with the Rutland United Neighborhood as a way to combat crime.

"My experience with him is that he's very responsible and very eager to help victims of crime," Howard said. "I believe Jim does the best job he can with the resources provided."

Asked about the harassment against Porter and his family, Howard said it was "the first I've heard of it," and he could not comment on the case.

7 Days reported in its story that the attorney general's office was involved with the case.

Mongeon also would not comment on Porter's case. "I don't comment on attorney general cases," he told *OITM*. "I don't recall how the attorney general (became) involved," he said.

Mongeon has four attorneys in his office. He said one attorney handles mostly motor vehicle and DUI cases; one takes care of juvenile, family and domestic abuse cases; a third handles the remainder of domestic abuse and sexual assault cases, and misdemeanors, and the fourth attorney primarily covers drug court, felonies and misdemeanors.

"I handle all of the homicide and death" cases, Mongeon said, plus escapes, other felonies and aggravated assault cases.

He said in working together with the U.S. Attorney General's office on drug-related crimes, "dozens of persons" have been indicted and sent to federal prison.

As for settling cases, Mongeon said "we look at where the issues are" when reviewing cases brought to him by police. Many times, cases don't need to go to trial. It's also a matter of resources, as trials take time and money from other work that needs to be done.

He said a victim's advocate works in the state's attorneys office and helps victims of crimes "depending on what the person needs."

Mongeon said it's "very clear the state's attorney needs to be an attorney."

"I think the people in any county need to have a state's attorney... an attorney who can go into court, present cases and argue motions," Mongeon said. If the state's attorney was not an attorney, "that would have a major negative impact on the office," he said.

Phelps said if she is elected state's attorney, she will be handling the agenda and decisions about sending cases to reparative justice and diversion. She said she will reassign cases within the office, and that there may be staff changes, as well as budget considerations that may permit the hiring of a part-time attorney.

Phelps said she is not simply running against Mongeon, but because she wants to work to stop the growing problem of crime in the Rutland area.

"It's the larger issue of what's going on in the county," she said. ▽

OPENLY GAY AND LESBIAN CANDIDATES CAMPAIGN IN VERMONT

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cident, is running for re-election this year.

Vermont's House of Representatives is also likely to see openly gay and lesbian members next year. Steve Howard, a graduate of Boston College, is running for re-election in Rutland. He previously represented Rutland Town in the Vermont House of Representatives for six years. In 1998, he left the House in an unsuccessful bid for the state Senate. He was re-elected to the House in 2005.

Democrat Jason Lorber, a non-profit consultant and part-time comedian, is running for re-election in Burlington. Lorber's website highlights his legislative priorities. "We must protect everyone's rights and liberties by adopting laws that outlaw discrimination against transgender Vermonters, and we should recognize equal marriage rights for same-gender couples," he says.

State Reps. Bill Lippert (D-

Hinesburg) and Robert Dostis (D-Waterbury) are also both seeking re-election to the House. Lippert, a leader in Vermont's landmark civil union legislation, was first appointed to his seat by former Gov. Howard Dean in 1994. Dostis was first elected in 2001.

In her first race for the statehouse, Progressive Jean Szilva would like to represent Winooski in Vermont's House of Representatives. Szilva, a former physician, faces Democrats Rep. Kenneth Atkins and Winooski Mayor Clement Bissonnette. Szilva's legislative priorities include health care, energy, the environment, livable wages, and affordable housing. "Progressives have an impressive track record in the Statehouse and I am eager to add to their voice," she says on her website. "Only with more independent voices in Montpelier do the working families have a chance to be well-represented in their state government."

Two candidates who will not appear on the ballot this year are Democrat Tim Palmer and Republican Karen Kerin. In the Democratic primary for the state Senate in Chittenden County, Palmer lost his race by 29 votes. Palmer previously worked as Executive Director of Vermont CARES, the state's largest AIDS service organization.

Karen Kerin, a transgender Vermonter, lost her primary campaign for the GOP nomination for Attorney General. Kerin, a civil engineer with a law degree from Vermont Law School, was born Charles Kerin and had a sex change operation after she was diagnosed with cancer and was treated with female hormones. In 2000 she ran unsuccessfully for the U.S. House of Representatives. ▽

➔ Paul Olsen is the Vermont correspondent for Boston's *In Newsweekly*.