

LIBUR

Out in the Mountains

UNIVERSITY OF VERMONT

SEP 16 1993

LIBRARY

VERMONT'S NEWSPAPER FOR LESBIANS, GAY MEN, AND BISEXUALS

Volume VIII, Number 6

September 1993

Vermont Supreme Court Upholds Hate Crime Law

In a long-awaited ruling, the Vermont Supreme Court rejected a constitutional challenge to Vermont's hate crimes law brought by a man convicted of assaulting a gay man near a Burlington, Vermont gay bar in 1990. The Court's July 1st ruling held that Vermont's law - which enhances penalties for people convicted of committing crimes motivated by a victim's actual or perceived race, color, religion, national origin, ancestry, age, Veteran status, handicap, or sexual orientation, does not violate a defendant's First Amendment right to free expression.

The Court followed the United States Supreme Court's recent decision in *Wisconsin v. Mitchell* upholding Wisconsin's penalty enhancement statute against similar constitutional challenges. Like the U.S. Supreme Court in *Mitchell*, the Vermont Court held that the law, passed by Vermont's legislature to "protect the right of every person to enjoy the public peace" did not unconstitutionally chill a defendant's ability to express bigoted thoughts. Rather, the Vermont Court recognized that the penalty enhancement statute aimed to prohibit conduct not protected by the First Amendment.

In addition, the Court rejected the defendant's argument that the statute privileged some people over others by noting that the statute protects all victims targeted for hate-motivated crimes regardless of whether they are minority or majority members of a protected class.

"The Court's ruling underscores the basic truth that bias-motivated violence against lesbians, gay men, and others harms an entire society," commented Lambda Staff Attorney Suzanne Goldberg who, along with New York attorney Theodore R. Bohn, filed Lambda's amicus brief in the case. "For legislators, the Court's ruling is an affirmation that by condemning hate-motivated violence they are acting properly to enhance social welfare," Goldberg added.

The Vermont law is one of forty-six similar penalty enhancement statutes that have been adopted by states around the country. ▼

Ben & Jerry's Grants to Gay Groups

Ben & Jerry's announced four lesbian and gay groups among recipients of its grant making branch this summer. Among other grant recipients were AIDS service organizations, including the Brattleboro Area AIDS Project, and the National Breast Cancer Coalition.

Outright VT, serving gay and lesbians youth in Vermont, received \$5,000 for its outreach programs to schools and the development of a booklet entitled *Coming Out, Coming Home*. Other gay groups receiving grants were the African American Gay and Lesbian Studies in Los Angeles, the Lesbian Community Education Project of Portland, OR and the Santa Cruz Lesbian, Gay, and Bisexual Center.

The Schoolhouse, an organization working to "infuse a Multicultural/anti-bias perspective into Vermont school curriculums" also received a grant of \$10,000. ▼

Vermont Scouts May Lose Funding

Carol

The United Way of Upper Valley, based in Lebanon, NH, funds agencies in Vermont as well as New Hampshire. It has been in the spotlight recently because of the controversy surrounding its funding of the Green Mountain Council, the Vermont Chapter of the Boy Scouts of America. The source of the controversy is the Green Mountain Council's refusal to admit lesbians and gays, and the fact that the Upper Valley United Way funded the organization this year in the amount of \$10,500.

John G. Crane, a gay man who grew up in St. Johnsbury and now lives in West Hartford, told *OITM* that the Boy Scout tradition runs deep in the Crane family. He and his four brothers all became Eagle Scouts in the Green Mountain Council, which was an important part of their lives. The Council's open discrimination against homosexuals was for Crane, "one of several nails that kept the closet door shut," for a time.

Dartmouth College, like many organizations, offers to its employees the option of contribution to the United Way in the form of payroll deduction. The college, which funds an office and part time staff person for that effort, became involved in the United Way issue last fall. In an effort to pry loose one of those nails from the closet door, John Crane, Administrative Services Librarian, and Susan Ackerman, Assistant Professor of religion, became co-convenors of the Coalition for Gay, Lesbian, and Bisexual Concerns at Dartmouth College. The Coalition had four main concerns:

Continued on page 5