



History Day 2025 Essays

By JING WILLIAMS AND QUINCY SABICK

Each year, hundreds of students across the state submit a project for Vermont History Day, coordinated by the Vermont Historical Society. Their topics range from local history, such as a documentary on journalist Horace Greeley’s apprenticeship in Vermont, to international history with an exhibit on the Halifax disaster. Each year, a select few projects qualify for the National History Day (NHD) contest. There, students compete against their peers from across the United States and NHD’s international affiliates. They explore a college campus for the first time, visit their national museums, and engage in a high-stakes pin trade (as a small state, Vermont’s button becomes a high-value trade). Throughout the week, there is constant energy and excitement surrounding history.

Students must center their projects around an annual theme; in 2025 they examined “Rights and Responsibilities Throughout History.” For many students, this theme presented a challenge. The first section of the theme lends itself to projects on civics topics, prompting students to pour themselves into the corkscrew turns of legal documents. But the component of responsibilities throughout history is equally important. How do citizens take on the responsibility of directing their communities toward a successful future, or more importantly, when do we see people fail to maintain these responsibilities in the past?

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For many students, History Day is their first expanded research project and provides them with a chance to make meaningful connections to their own interests and family histories. During a preparation session for NHD, I learned that a student documentarian discovered a connection between her own great-grandmother and the women's suffrage movement, all during her research into Alice Paul's protests. The two senior student papers selected for this edition of *Vermont History* embody the very best components of a History Day project: scholarly rigor and connections between national topics and state history. Jing Williams makes meaningful connections between the impact of Vermont's groundbreaking 2000 Civil Union decision and the national LGBTQ+ civil rights movement. Quincy Sabick examines a little-known case of book censorship in Addison County, with her oral history interviews shedding light on the community's internal conflicts in the 1970s.

In both papers, Williams and Sabick contribute to the wider range of scholarship in *Vermont History*. As they move forward into the next steps of their academic careers, we congratulate them on their hard work and encourage them to take the skills they've learned through their research projects into their respective fields. We hope that Vermont History Day continues to encourage more students to follow in their footsteps. We also thank their teachers Rebecca Coffey and Josh Brooks, for their continued support and dedication to their students. Vermont History Day remains our largest annual educational event, and is possible due to our students, teachers, and supporters.

DANIELLE HARRIS-BURNETT

“The Natural Rights of Human Nature”: How the Vermont Constitution and Responsibility Vermont felt for Gay Couples Led to Marriage Access for All

By JING WILLIAMS

Senior Division Historical Paper

PROCESS PAPER

Civil unions, which guaranteed marriage rights for same-sex couples, were first legalized in Vermont in 2000, following the case *Baker v. Vermont*. When choosing a topic for this paper, I came across the 2004 book *Legalizing Gay Marriage* by Michael Mello, a personal argument about both the success and limitations of civil unions. Before reading this book, I had never heard about civil unions, and although I knew Vermont was one of the first places to legalize gay marriage, I didn't realize what an important role we played in it. For peers and myself who have grown up with ample education of LGBTQ+ rights in a progressive state, it can be hard to remember how short of a time these rights have been protected, which inspires me to learn more about their history in my state.

The *Baker* case and legalization of civil unions was a triumph of the interaction between determining responsibility and granting rights. Civil unions were a controversial topic, and instead of shying away from it Vermonters, lawyers, plaintiffs, and legislators only got more involved, sharing their opinions and responsibility for same-sex couples while they discussed and determined the rights at stake. The legalization of civil unions in Vermont paved the way for other states to legalize gay marriage, and eventually for the federal government to ensure same-sex marriage rights across America.

After reading Mello's book, which provided information on the history of the *Baker* case as well as the atmosphere of Vermont at the time, my research consisted of reading various articles, law cases, and interviewing those involved. My interviews with former Governor Peter Shumlin and plaintiffs Stan Baker and Peter Harrigan were key in forming my argument about the responsibility that legislators, residents and lawyers involved in the case felt for same-sex couples, providing a different angle to the narrative of Mello's book. I created my project by looking through my notes, outlining the different aspects of rights and responsibilities present in *Baker* and the legislation that followed, and gathering evidence to support my thesis.

My historical argument in this paper is that there were various people who took on the responsibility of winning the *Baker* case and passing civil union legislation, essentially granting the rights of marriage to same-sex couples. It was a complicated time in Vermont, and although some were very upset, people felt able to express their opinions, and in doing so, they opened themselves up to education about the topic and people involved. Although these events took place only twenty-five years ago, *Baker* and civil unions have led to enormous successes for the same-sex couple community, and these events in Vermont hold large historical significance for same-sex couples across the nation and the world. At this point in time, with the federal government undergoing huge changes and legal precedents being overturned, it seems more important than ever to recognize the democracy, open conversations, and advocacy that led to civil unions, and eventually to federally protected same-sex marriage.

INTRODUCTION

Vermont is no stranger to breaking barriers of social and political ground: its 1777 constitution was the first to outlaw adult slavery, establish voting rights for all men, and mandate public education for children.¹ On April 6, 2000, Vermont changed the course of history once again by becoming the first state in America to legally recognize same-sex couples through civil union legislation, meaning gay and lesbian couples could receive almost all of the same benefits and rights opposite-sex couples were entitled to through marriage.²

This legislation came following the case *Baker v. Vermont*, which ruled that the exclusion of same-sex couples from marriage benefits was unconstitutional under the Common Benefits Clause outlined in Vermont's constitution.³ The Court did not offer a solution to this issue, instead leaving it to the legislature to devise a plan for either same-sex marriage or a parallel system within "a reasonable period of time."⁴ The

Baker case began in 1997 when three same-sex couples in Vermont filed for and were denied marriage licenses from their respective town clerks. On July 22, 1997, they sued the state of Vermont for discrimination from the rights and benefits of marriage under the Common Benefits Clause, Chapter 1, Article 7, of the Vermont constitution.⁵ The case followed the 1990 failed case *Baehr v. Miike*, involving three same-sex couples in Hawaii who argued that discrimination against their right to marry violated the constitution of Hawaii, which was dismissed in 1999, prompting Congress to pass the Defense of Marriage Act (DOMA).⁶

The passing of civil union legislation following the 1999 *Baker* decision was momentous: Vermont became the first state in America, and one of the first places in the world, to grant same-sex couples legal status and almost the same benefits as marital rights, with a different name. The backlash was instantaneous, costing politicians their careers and causing multiple states, including Nevada and Nebraska, to modify their state constitutions to define marriage as a union between a man and a woman.⁷ In Vermont, the response was mixed, with some residents angry to the point of changing party affiliations, but for many couples, such as Carolyn Conrad and Kathleen Peterson, the first lesbian couple to get a civil union, it was a dream realized many years in the making.⁸

THESIS

The groundbreaking enactment of civil unions following *Baker v. Vermont* was possible because of the responsibility that the plaintiffs, lawyers, politicians, and residents of Vermont felt toward the same-sex-couples community, and their careful determination and recognition of the rights that were being violated by denying marriage to this group of people.

THE RESPONSIBILITY BEFALLING THE PLAINTIFFS

The plaintiffs in the *Baker* case were three couples residing in Shelburne, Burlington, and Milton, Vermont: Stan Baker and Phil Harrigan, Stacey Jolles and Nina Beck, and Holly Puterbaugh and Lois Farnham (Appendix A). The couples had been recruited from the grassroots organization Vermont Freedom to Marry Task Force, a community-based group who played a key role in organizing the case. While the plaintiffs all had different paths to becoming part of the case, Harrigan's statement seems to ring true for all of the couples: "We did it . . . because we felt safe enough doing it, because we both had a reasonable amount of job security, we had support of our families and our friends."⁹ Lacking the right to marry was taxing not only on their ability to be seen as legitimate couples, but on their ability to care for their children and fami-

lies as well. At the time of the case, Jolles and Beck had two children whom they were both legal parents to under Vermont law, but they didn't "have a legal connection to each other and . . . had rights and responsibilities to our family that didn't then confer down to our children."¹⁰

Stan Baker said that in using his last name to represent *Baker*, he felt the responsibility that came with it: "My name stood for this case, this movement and for something that went beyond who I am as an individual."¹¹

THE COURT'S INTERPRETATION OF MARRIAGE

Marriage has many meanings, both socially and romantically as a commitment to another, as well as legally and financially as laid out in state and federal constitutions. In the *Baker* case, determining what marriage meant was a key part of deciding whether same-sex couples had the right to it. In Chief Justice Jeffrey Amestoy's *Baker* opinion, he drew on past cases for guidance, including *Loving v. Virginia*, the famous Supreme Court case that led to legalization of interracial marriage and called marriage "one of the vital personal rights."¹² Prior to *Loving*, the Supreme Court had called the "reciprocal rights and responsibilities flowing from the marriage laws as 'the natural rights of human nature.'"¹³

THE COMMON BENEFITS CLAUSE AND ITS ROLE IN *BAKER*

The Common Benefits Clause of the Vermont Constitution, Chapter 1, Article 7, is one of the document's key components:

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.¹⁴

In essence, it argues that any right given to one citizen should be given to all of them, and the government should not permit advantage to any class of citizens. This clause was what *Baker* rested on: that by not providing same-sex couples the rights that come with marriage, the State was creating a hierarchy where certain citizens had more rights than others. Unique to Vermont's constitution, the Common Benefits Clause was one of the sole reasons this case succeeded in Vermont before it did in other states, laying out a clear and unique set of rights the court couldn't ignore, formative in structuring the legislation to follow.

Vermont Chief Justice Jeffrey Amestoy interpreted the Common Benefits Clause in the *Baker* decision as a "vision of government that af-

forded every Vermonter its benefit and protection and provided no Vermonter particular advantage.”¹⁵ Amestoy went on to say that because “the law effectively excludes them [same-sex couples] from a broad array of legal benefits and protections incident to the marital relation, including access to a spouse’s medical, life, and disability insurance, hospital visitation and other medical decisionmaking privileges,” the rights outlined in the Common Benefits Clause were being violated.¹⁶

One of the key arguments in opposition to granting same-sex marriage rights was that it hinders the State’s goal to promote the “link between procreation and child rearing.”¹⁷ Amestoy argued this point did not hold up against evidence that many opposite-sex couples do not or can’t have children, and they have no different legal right to get married and “furthermore . . . a significant number of children today are actually being raised by same-sex parents, and increasing numbers of children are being conceived by such parents through a variety of assisted-reproductive techniques.”¹⁸ Notably, Vermont had already granted rights for same-sex couples to adopt children in 1996, so many were frustrated that they were allowed to adopt children without having the additional protections and benefits that come with marriage.¹⁹

RESPONSIBILITY TAKEN ON BY VERMONT’S LEGISLATORS AND POLITICIANS

Following the *Baker* decision, the Vermont House of Representatives introduced civil union legislation, which would provide almost all of the same rights and protections as marriage, under a different name. After many rounds of testimony, the senate voted in favor of civil unions 19–11 on April 19, 2000, followed by the house with a favorable vote of 79–68 on April 25. Governor Howard Dean signed it into law on April 26.²⁰ The fallout was swift: in the election season that year, six incumbent legislators lost their seats as a result of voting for civil unions (Appendix C). Even the popular Governor Dean, who triumphed with 70.5 percent of the vote in 1996, won with just 50.5 percent support in 2000 to anti-civil union opponent Ruth Dwyer.²¹

Speaking about the vote, President Pro Tem of the Senate Peter Shumlin said, “You see senators in tears—they know this vote may well be their last . . . I’ve never seen a vote that required more courage.”²² As to what inspired this courage to put civil unions over political careers, Shumlin answered, “Our common humanity . . . It was really an example of elected officials knowing they were ahead of many of their constituents, willing to sacrifice their job and their passion for public ser-

vice for the good of people who'd been kicked in the teeth for a long time."²³

Difficult decisions were made throughout the civil union legislation process, from the final house vote to the confusion after *Baker* was decided in December 1999, when the senate was left to propose either gay marriage or a parallel system with the same rights and benefits. "The atmosphere . . . was brutal. Neighbors were fighting neighbors," said Shumlin, and as "more and more hatred, more and more shock" continued to spread, many politicians including Dick Sears, chair of the senate Judiciary Committee, felt gay marriage seemed too far out of reach.²⁴ If it got passed, they believed the elections that year would swing toward anti-gay-marriage representatives who would repeal the legislation once in office. In choosing to pursue civil unions over marriage, Shumlin was aware he was called a "compromising politician," but he and other officials were worried that the possibility of the legislation getting repealed after election season would "set back the issue of marriage equality for generations."²⁵ Plaintiff Stan Baker, while disappointed by the decision to wait on gay marriage, said later that words from Justice Denise Johnson, who opposed *Baker* because it was not marriage, were comforting: "It's not definite that the Supreme Court would've given you marriage . . . as much as it was disappointing, it was probably a necessary step."²⁶

UPHOLDING DEMOCRACY THROUGH ENGAGING IN DISCUSSIONS —WHAT VERMONTERS EMBRACED

Although much of the responsibility for the enactment of civil unions came from the lawyers, plaintiffs, legislature, and politicians involved following the *Baker* case, Vermont residents also played a key role through participating in open discussions, town meetings, and events that led to greater understanding of same-sex couples and the rights they desired to have. The responses from Vermonters were mixed, with a prominent image of "Take Back Vermont" painted on a barn still burned in many residents' minds, with one describing how "it really saddened me and it angered me" almost twenty-five years after the fact (Appendix B).²⁷

The *Baker* case beginnings were unique as supported by the Vermont Freedom to Marry Task Force, which "realized early on that the way to help people understand same-sex marriage was for us to tell our personal stories and relationships. So when we would go out and speak, we would talk about how we met, how we fell in love about our relationship and then often . . . we'd ask people there to tell us about their relationship stories."²⁸ To plaintiffs Stan Baker and Phil Harrigan, these community forums were one of the ways Vermonters started to feel more

comfortable with same-sex marriage over time, and although the discussions could become heated, people generally remained respectful, filling the forums with unprecedented numbers. “I began to feel proud about how civil the discourse has been. Yes, I dislike being called a disease-spreading sodomite as much as the next guy, but at least the person saying that let me speak my turn,” read an op-ed in the LGBTQ+ Vermont newspaper *Out in the Mountains*.²⁹ Many involved in the case felt the largely respectful public discourse would not have occurred in other states due to Vermont’s small size and close communities. “As difficult as it [passing civil unions] was even in Vermont, it would’ve been impossible in almost every other state,” said Shumlin.³⁰

Constituents were a major influence on the votes of Vermont politicians, at times forcing their representatives to choose between reelection and their moral grounding. Senator Mark MacDonald, a middle school teacher who voted in favor of civil unions, explained this situation: “Politicians can fool themselves and they can choose to fool their constituents, but how do you tell a kid you voted against a bill for the sole purpose of being reelected?”

THE IMPLICATIONS OF THIS CASE IN CURRENT POLITICS

In 2015, the federal case *Obergefell v. Hodges* guaranteed “that the Fourteenth Amendment requires states to license and recognize same-sex marriage,” a monumental win for same-sex couples. Although this is currently the law of the land, many officials believe that with the drastic changes occurring in the federal government in 2025, as well as the overturning of the case *Roe v. Wade*, which *Obergefell* drew heavily upon, rights for same-sex couples could be in jeopardy.

Supreme Court Justice Clarence Thomas wrote in a dissent to *Obergefell* that “aside from undermining the political processes that protect our liberty, the majority’s decision threatens the religious liberty our Nation has long sought to protect.”³¹ Thomas was a key proponent against the 2004 case *Lawrence v. Texas*, the federal ruling that decided sodomy laws were unconstitutional, writing a dissent with Justice Antonin Scalia and Chief Justice William Rehnquist that read, “‘State laws against bigamy . . . adult incest, prostitution, masturbation, adultery, fornication, bestiality and obscenity’ as well as laws barring same-sex marriage, ‘are called into question by today’s decision’ in *Lawrence*.”³²

Clarence Thomas is still sitting on the Supreme Court, along with several other conservative justices, who hold the majority makeup of the court. It is unclear what the future holds for the rights of same-sex couples, but with President Donald Trump making comments in the past about “appointing Supreme Court justices who would overturn the

Obergefell case for same-sex marriage,” it is reasonable to be worried about the future of same-sex marriage.³³ The Supreme Court, which once called marriage one of “the natural rights of human nature,” could once again leave some citizens without that “vital personal” right.³⁴

CONCLUSION

In many ways, civil unions were a revolutionary step for same-sex couples, and in enacting them, Vermont became “a catalyst for national developments on an issue of widespread national interest and importance.”³⁵ To many same-sex couples and advocates, civil unions came with disappointment because they weren’t marriage, and didn’t include certain rights such as “Social Security, federal taxes, immigration and other benefits dependent upon national laws.”³⁶ Although complex, civil unions were the first time same-sex couples were recognized legally in America due to many factors unique to Vermont at the time: the Common Benefits Clause, plaintiffs traveling around Vermont to tell their story, and politicians willing to sacrifice their jobs for “our common humanity.”³⁷ A state with close-knit communities, residents willing to speak up and speak with their neighbors and a willingness to make change, Vermont was the place where the recognition of rights for all by plaintiffs, lawyers, politicians, and residents helped the Vermont Legislature realize its responsibility to provide marriage rights to same-sex couples.

APPENDIX A



Plaintiffs of the Baker case. Left from rear: Stacey Jolles, Nina Beck, Peter Harrigan, Stan Baker, Holly Puterbaugh, Lois Farnham. Source: Jane Lindholm, “20 Years Later: What Vermont’s Baker Decision Did for LGBTQ Rights,” Vermont Public,

www.vermontpublic.org/programs/2019-12-13/20-years-later-what-vermonts-baker-decision-did-for-lgbtq-rights.

APPENDIX B



The infamous “Take Back Vermont” barn. Source: “Take Back Vermont,” MutualArt, www.mutualart.com/Exhibition/Take-Back-Vermont/77F71C10A6EF255B.

APPENDIX C



Anti-Civil Union Protest at Vermont’s State House, April 2000, with “We Will

Remember in November” signs. Source: Liz Halloran, “How Vermont’s ‘Civil’ War Fueled the Gay Marriage Movement.” NPR News, Colorado News, www.kunc.org/npr-news/2013-03-23/how-vermonts-civil-war-fueled-the-gay-marriage-movement.

ANNOTATED BIBLIOGRAPHY

PRIMARY SOURCES

“2000 Governor General Election.” Vermont Official State Website. n.d. <https://electionarchive.vermont.gov/elections/view/75638>.

This source provided the numerical data from the Vermont 2000 governor’s election, which helped me understand how voting patterns changed in Vermont after the civil unions vote, and how much closer Howard Dean came to losing this election compared to past ones, demonstrating the broader impact that the civil unions vote had on Vermont.

Amestoy, Jeffrey. “Opinion by Chief Justice Amestoy,” 1999. Exploring Constitutional Law. <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/bakervvermont.html>.

This was one of the most important resources for my project, as the very detailed opinion by Amestoy gave great insight into what the court was considering during the case, the perspectives of the justices, and ultimately, what factors led to their decision. It helped me understand what previous cases and events informed the court’s ruling and how this led to the legislation to come, as well as how difficult the decision was for them to make.

Baker v. Nelson, 191 N.W.2d 185 (Minn. 1971). <https://law.justia.com/cases/minnesota/supreme-court/1971/43009-1.html>.

This resource detailing the decision of *Baker v. Nelson* was very informative about the reasons that the fight for gay marriage in 1971 was not successful, helping me gain more context for why same-sex marriage cases prior to *Baker v. Vermont* failed, and why the lawyers in Vermont chose to use Stan Baker’s last name.

Baker, Stan, and Peter Harrigan. Personal telephone interview with Jing Williams. 4 March 2025.

This interview with two of the plaintiffs from the *Baker* case was extremely informative, adding personal stories and reflection to the information I had been reading about, and providing context to the case and atmosphere around Vermont. It was helpful to hear about the work Baker and Harrigan did with the Vermont Freedom to Marry Task Force and how telling their story around the state played a large part in gaining support for the cause.

Baker v. State, 744 A. 2d 864 (VT 1999). <https://law.justia.com/cases/vermont/supreme-court/1999/98-032op.html>.

This opinion from Chief Justice Jeffrey Amestoy was integral in my understanding of how the *Baker* case was decided, and the arguments that the court made to deem that not allowing same-sex couples to marry was unconstitutional. His opinion was referenced by many of the people I interviewed and seemed to have made a large impact on the same-sex community in Vermont, paving the way for other civil union and gay marriage cases to pass.

“Constitution of the State of Vermont.” 1793. Vermont General Assembly. <https://legislature.vermont.gov/statutes/constitution-of-the-state-of-vermont/>.

The Vermont Constitution was integral in my understanding of what marriage statutes look like now and how they have been amended after the *Baker* case, as well as providing the context for The Common Benefits Clause, Chapter 1, Article 7, a key part of the *Baker* case and has shaped many Vermont policies. To develop my argument about the rights in the Vermont Constitution that led to civil unions getting passed, this resource was both influential and informative.

Lindholm, Jane. “20 Years Later: What Vermont’s Baker Decision Did For LGBTQ Rights.” Vermont Public. 13 December 2019, www.vermontpublic.org/programs/2019-12-13/20-years-later-what-vermonts-baker-decision-did-for-lgbtq-rights.

This interview with four of the plaintiffs from the *Baker* case exposed me to what the atmosphere of Vermont was like at the time, as well as what it felt like to not have a legal connection to someone that you have children with and share a house with. The interview broadened my understanding of how much education around LGBTQ+ rights has increased in the last twenty-five years, and just how many rights have been granted to this community during that time.

Loving v. Virginia, 388 U.S. 1 (1967). <https://supreme.justia.com/cases/federal/us/388/1/>.

The *Loving v. Virginia* case was influential in the *Baker* decision, with many parallels to be drawn between the cases, both fighting for marriage equality, and reading it furthered my understanding of how marriage laws have changed and developed in America over the years, solidifying just how important the right to marriage is in the US and how much citizens care about it.

Obergefell v. Hodges. 2014. Justice.gov. www.justice.gov/sites/default/files/crt/legacy/2015/06/26/obergefellhodesopinion.pdf.

This article with information on the *Obergefell* case was useful in extending my argument to apply to current events and understanding how *Baker* paved the way for federal law to protect same-sex marriage just fifteen years later. This case demonstrated the decades of advocacy work and arguments to define the human right to marriage and was a huge accomplishment to occur in just a short period of civil rights work.

Out in the Mountains. University of Vermont Libraries Digital Collections. 2000. https://cdi.uvm.edu/collection/uvmcdi-uvmcdioutinthemountains=vol_v58s&sid=bookmark-GPS&xid=cf6daf5f.

This edition of the *Out in the Mountains* newspaper, now out of print, that was published by a Vermont-based LGBTQ+ group, really demonstrated the feelings of the LGBTQ+ community in Vermont at the time that civil unions passed, feeling both ecstatic and proud, and also disappointed that it wasn't marriage. It also provided a broader range of the atmosphere at the time, and the hardships and successes that they were experiencing at this momentous time.

Shumlin, Peter. Personal telephone interview with Jing Williams. 21 January 2025.

Talking with former Governor Shumlin gave me a clear sense of the responsibility that he and other members of the senate and the house felt toward the gay and lesbian community at the time, and the complicated political reality that led to the decision to go for civil unions rather than marriage. His life-long experience in Vermont, growing up here and working in politics during his adult life, helped him explain the change that the state has gone through surrounding this issue in the last forty years, as well as all the work that went into granting marriage rights.

"Take Back Vermont." MutualArt. 2015. <https://www.mutualart.com/Exhibition/Take-Back-Vermont/77F71C10A6EF255B>.

This photograph of an infamous Vermont barn with the words "Take Back Vermont" painted in large letters was an image that came up a lot in interviews, and being able to access it helped me understand why it still sticks in so many Vermonters' brains as a testament to that contentious time.

“The Vermont Statutes Online.” 2024. Vermont General Assembly. <https://legislature.vermont.gov/statutes/fullchapter/15/023#:~:text=%C2%A7%201202.&text=For%20a%20civil%20union%20to,set%20forth%20in%2018%20V.S.A.>

Reading the Vermont statutes for marriage helped me understand the quantity of rights that come with marriage and how these protections are deeply ingrained in our society and understanding of marriage. It provided a window into the lives of plaintiffs who were missing access to so many rights related to marriage, and helped me see what it may have felt like to be in that situation.

SECONDARY SOURCES

Barabak, Mark Z. “Gays May Have the Fastest of All Civil Rights Movements.” *Los Angeles Times*. 20 May 2012. www.latimes.com/style/la-xpm-2012-may-20-la-na-gay-rights-movement-20120521-story.html.

This source was very helpful in detailing statistical evidence underscoring the popular sentiment I heard through interviews that gay rights, especially in relation to marriage, were one of the fastest growing and successful civil rights movements. It helped me reflect on my own thoughts about the matter and consider the argument from a variety of perspectives.

Barnard, Anne. “Michigan Says No to Question on Vouchers.” *Boston Globe*. 2000. <https://web.archive.org/web/20160304130122/www.highbeam.com/doc/1P2-8617995.html>.

This article on the backlash that followed the *Baker* case, including states that went on to define marriage as between one man and one woman in their constitution, demonstrated just how far the effects of the *Baker* case stretched and what the atmosphere was like in the country after civil unions were passed.

Blanks, Valerie, Brett Dockwell, and Gregory J. Wallace. “Adoption by Gays and Lesbians: A Survey of the Law in the 50 States and the District of Columbia.” Center for Adoption Policy. n.d. www.adoptionpolicy.org/pdf/gaysandlesbian.pdf.

This source, detailing the adoption rules for gay couples in Vermont prior to the passing of gay marriage, was helpful in my understanding of how two of the *Baker* plaintiffs had legal connections to their children, but not to each other. This article was a keen reminder of just how much rights for gay and lesbian couples have changed and grown over the last couple of decades.

“Gay Marriage Begins in Vermont.” *Democracy Now*. 6 July 2000.

www.democracynow.org/2000/7/6/gay_marriage_begins_in_vermont.

This source provided information on the first couple who got a civil union right after the legislation went through, which demonstrated how meaningful the passing of civil unions was to many people, and how immediately it took effect.

Goldberg, Carey. “Vermont Moves Step Closer to Same-Sex Civil Unions.” *New York Times*, 19 April 2000. www.nytimes.com/2000/04/19/us/vermont-moves-step-closer-to-same-sex-civil-unions.html.

This article dove into the tensions surrounding the civil union legislation in 2000 and the interviews they conducted helped me to piece together how politicians and residents were thinking about civil unions at the time and what their concerns were. Many articles written at this time were by Vermont residents, so it was helpful to see an outside perspective.

———. “Vermont Senate Votes for Gay Civil Unions.” *New York Times*. 20 April 2000. www.nytimes.com/2009/04/08/us/08vermont.html.

This source provided in-depth information on the numbers in the house and the senate from the civil unions vote, as well as giving me a sense for what the atmosphere was like immediately after the vote, not only in Vermont, but in large cities across America.

Gregory, Sarah. “Will Marriage Equality Be Safe Under Trump? Here’s What You Need to Know.” *Them*. 14 January 2025. www.them.us/story/will-marriage-equality-be-safe-under-trump-heres-what-you-need-to-know.

This article compiled quotations from President Trump concerning gay marriage, as well as other information regarding concern about the status of gay marriage with the current Supreme Court. I found this very useful in understanding how gay marriage and all the work that went into making it happen could quickly be gone soon, and the supports that it rests on.

Halloran, Liz. 2013. “How Vermont’s ‘Civil’ War Fueled the Gay Marriage Movement.” NPR News, Colorado News. 23 March 2013. www.kunc.org/npr-news/2013-03-23/how-vermonts-civil-war-fueled-the-gay-marriage-movement.

The picture from this resource of a civil union protest in Vermont really demonstrated to me the controversy over the issue at the time, which is hard to fathom for many peers my age, and how

people felt comfortable to share their opinions, no matter which side they landed on, which some believe was an important part of Vermont eventually passing gay marriage.

Lacey, Linda J. “The Take Back Vermont Campaign: A Classic Case of Media Manipulation.” 2001. Penn State Law eLibrary. <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1508&context=psilr>.

This source offered a rich explanation of the Take Back Vermont and Take It to The People movements that I had trouble finding information about from other resources. These groups played a large role in the contentious atmosphere in Vermont during and following civil union legislation, and learning more about them and their history helped me understand their motivations and impact.

McCall, Melissa, and Melissa Bender. “The First Major Same-Sex Marriage Case: *Baehr v. Lewin* (Miike).” 18 July 2023. FindLaw. www.findlaw.com/family/marriage/1993-the-hawaii-case-of-baehr-v-lewin.html.

This source summarizes the *Baehr v. Lewin* (Miike) case and explained the history behind it that predated the *Baker* case, strengthening my understanding of why the case did not work in the plaintiffs favor in Hawaii and giving me an idea of some reasons that it did work in Vermont, including Hawaii’s referendum laws.

Mello, Michael. *Legalizing Gay Marriage: Vermont and the National Debate*. Philadelphia: Temple University Press. 2004.

This book was one of my most helpful sources, consisting of a complicated argument about why civil unions created a separate but equal system, drawing many similarities to race issues, and while an important step, were not enough. The book, written in 2004, was contentious for its time, as most people were still celebrating having civil unions, but eventually Mello’s opinion became more widespread and the book really helped me grasp the history, limitations, and consequences of passing civil unions.

Socarides, Richard. 2013. “Why Bill Clinton Signed the Defense of Marriage Act.” *New Yorker*. 8 March 2013. www.newyorker.com/news/news-desk/why-bill-clinton-signed-the-defense-of-marriage-act.

This article explained the effects of the *Baker* case on the national scale, notably Bill Clinton signing the DOMA act, which made the fight for marriage equality in America that much more difficult. To understand the impact that *Baker* made on the question of marriage in American's minds was key to my argument that there were many people who shared responsibility for finally gaining these rights.

Wickman, Don. "Vermont Firsts." Rutland Herald Online. 17 October 2018. www.rutlandherald.com/news/vermont-firsts/article_a831c884-872c-58a0-abcf-6a6ac818c66d.html.

This source, which compiled many examples of Vermont being the first state to guarantee certain rights and accomplishments, helped me make the statement that Vermont has long been a prime place for new ideas, and the government of the state has been brave enough to implement them, just as it was with civil unions.

NOTES

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² Michael Mello, *Legalizing Gay Marriage: Vermont and the National Debate* (Philadelphia: Temple University Press, 2004), 2.

³ Mello, *Legalizing Gay Marriage*, 36.

⁴ *Baker v. State* 744 A. 2d 864 (VT 1999) <https://law.justia.com/cases/vermont/supreme-court/1999/98-032op.html>.

⁵ Mello, *Legalizing Gay Marriage*, 36.

⁶ Richard Socarides, "Why Bill Clinton Signed the Defense of Marriage Act," *New Yorker* 8 March 2013, www.newyorker.com/news/news-desk/why-bill-clinton-signed-the-defense-of-marriage-act.

⁷ Anne Barnard, "Michigan Says No to Question on Vouchers," *Boston Globe*, 2000, <https://web.archive.org/web/20160304130122/http://www.highbeam.com/doc/1P2-8617995.html>.

⁸ "Gay Marriage Begins in Vermont," *Democracy Now*, July 6, 2000, www.democracynow.org/2000/7/6/gay_marriage_begins_in_vermont.

⁹ Stan Baker and Peter Harrigan, telephone interview with the author, 4 March 2025.

¹⁰ Jane Lindholm, "20 Years Later: What Vermont's Baker Decision Did for LGBTQ Rights," Vermont Public, December 13, 2019, www.vermontpublic.org/programs/2019-12-13/20-years-later-what-vermonts-baker-decision-did-for-lgbtq-rights.

¹¹ Baker and Harrigan interview.

¹² *Loving v. Virginia* 388 U.S. 1 (1967), <https://supreme.justia.com/cases/federal/us/388/1/>.

¹³ *Baker v. State*, 744 A. 2d 864 (VT 1999).

¹⁴ "Constitution of the State of Vermont," 1793, <https://legislature.vermont.gov/statutes/constitution-of-the-state-of-vermont/>.

¹⁵ *Baker v. State*.

¹⁶ *Baker v. State*.

¹⁷ *Baker v. State*.

¹⁸ *Baker v. State*.

¹⁹ Valerie Blanks, Brett Dockwell, and Gregory J. Wallance, "Adoption by Gays and Lesbians: A Survey of the Law in the 50 States and the District of Columbia." Center for Adoption Policy, n.d., www.adoptionpolicy.org/pdf/gaysandlesbian.pdf.

²⁰ Carey Goldberg, “Vermont Moves Step Closer to Same-Sex Civil Unions,” *New York Times*, 19 April 2000, www.nytimes.com/2000/04/19/us/vermont-moves-step-closer-to-same-sex-civil-unions.html.

²¹ “2000 Governor General Election,” Vermont Official State Website. <https://electionarchive.vermont.gov/elections/view/75638>.

²² Carey Goldberg, “Vermont Senate Votes for Gay Civil Unions,” *New York Times*, 20 April 2000, www.nytimes.com/2009/04/08/us/08vermont.html.

²³ Peter Shumlin, Peter, interview with author, 21 January 2025.

²⁴ Peter Shumlin interview.

²⁵ Peter Shumlin interview.

²⁶ Lindholm, “20 Years Later.”

²⁷ Lindholm, “20 Years Later.”

²⁸ Baker and Harrigan interview.

²⁹ “Out in the Mountains,” University of Vermont Libraries Digital Collections, 2000, https://cdi.uvm.edu/collection/uvmcdi-uvmcdioutinthemountains. =vol_v58s&sid=bookmark-GPS&xid = cf6daf5f.

³⁰ Shumlin interview.

³¹ *Obergefell v. Hodges*, 2014, Justice.gov, www.justice.gov/sites/default/files/crt/legacy/2015/06/26/obergefellhodesopinion.pdf.

³² Mello, *Legalizing Gay Marriage*, 4.

³³ Sarah Gregory, “Will Marriage Equality Be Safe Under Trump? Here’s What You Need to Know,” *Them*, 14 January 2025, www.them.us/story/will-marriage-equality-be-safe-under-trump-heres-what-you-need-to-know.

³⁴ *Baker v. State; Loving v. Virginia*.

³⁵ Mello, *Legalizing Gay Marriage*, 13.

³⁶ Mello, *Legalizing Gay Marriage*, 13.

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The Right to Read: The First Amendment and Book Banning in Vermont Schools

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PROCESS PAPER

CHOOSING MY TOPIC

This year, I found my Vermont History Day topic while researching article ideas for my school newspaper. I learned about a court case involving my school in the 1970s and quickly learned that it was part of a much larger issue. The topic of censorship aligned well with this year's theme, "rights and responsibilities," as well as with my own interests in law and politics.

RIGHTS AND RESPONSIBILITIES AROUND BOOK BANNING

Book banning falls under the First Amendment to the Constitution, which protects American citizens' rights to free speech, freedom of expression, access to information, and more. Library censorship based on the personal views and opinions of the library's governing entity is a violation of the First Amendment because the patrons' access to information is being restricted. Book banning in schools also involves many groups with differing views on who is responsible for managing access to potentially harmful content. Parents, students, and school administrators all feel they are responsible for the well-being and safety of schoolchildren.

CONDUCTING RESEARCH AND PROJECT CREATION

I began my research with interviews. I spoke with several students who filed *Bicknell v. Vergennes Union High School* as well as two attorneys with opposing viewpoints. Their anecdotes of personal experi-

ences and their explanations for their opinions on book banning opened new avenues for my research and helped me understand the human side of the case. I flipped through years of newspapers at the local *Addison Independent* to find articles from the time period. I also reached out to the American Civil Liberties Union, the district court, and the superintendent for more primary sources and perspectives.

Next, I widened my research to study book banning at the national level. I read Supreme Court cases to understand the legal background of *Bicknell* and examined how *Pico v. Island Trees Free School District* differed in process and outcome. I then looked into how book banning has changed in the decades since these cases both locally and nationally.

I organized my research and created my paper, intentionally focusing on prioritizing primary sources while keeping a balance of perspectives. The purpose of this project is to tell the story of book banning by schools in Vermont and the country as a whole. I felt it was important to remind my community that decades ago our small town was faced with the same fight for constitutional rights that exists today.

HISTORICAL SIGNIFICANCE

While book banning has come up time and again throughout history, the number of books challenged in America has reached an all-time high in recent years. Remembering cases like *Bicknell* and *Pico* is imperative in the fight to protect constitutional rights. If the history of book banning is not understood, Americans run the risk of repeating the mistakes of our past and forgetting the importance of our First Amendment right to access information. Books not only carry the stories of our country's collective past and present, they are tools for a better future.

ESSAY

“Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.”—James Madison

One of the most fundamental rights for all Americans is the First Amendment to the Constitution. This amendment encompasses a wide range of protections for US citizens: freedom of expression, freedom of the press, and freedom of speech to name a few. One aspect of this amendment protects the right to receive information, yet over the years controversy has arisen regarding when this freedom should be restricted for young people. It is undeniable that American citizens have the constitutional right to access information, but the limitations of this freedom for children is an issue that Vermont has grappled with for decades.

Throughout the modern history of our state there have been arguments both for and against restricting children's access to books, and the country as a whole has had to wrestle with an important question: Whose responsibility is it to decide what information children should have access to at school?

FIRST AMENDMENT CHALLENGES IN PUBLIC SCHOOLS

The first major Supreme Court case relating to the First Amendment freedoms of high school students came in 1969 through *Tinker vs. Des Moines School District*. The court's ruling extended the First Amendment's protection of free speech and expression to high school students and set a precedent for future First Amendment cases. In *Tinker*, high school students in Des Moines, Iowa, sued their school district after being suspended for wearing anti-Vietnam War armbands to school. The case made it to the Supreme Court, which ruled in favor of the students. The Des Moines students were an example for future generations that legal action could be taken to protect their First Amendment rights, and this case continues to be a point of reference for other free speech cases regarding high school students (Ricci 167).

Almost twenty years later, two cases would emerge in the Northeast that took the precedent set in *Tinker* to another level. In the Island Trees Free School District in Long Island, New York, the school board decided in 1975 that a list of books should be removed from the school library for being "anti-American," "objectionable," and "improper fare" based on their content (Mauro). These books included classics like *Slaughterhouse Five* by Kurt Vonnegut and *Black Boy* by Richard Wright. Steven Pico, along with other students, saw the injustice of the school board's decision and decided to take legal action to protect their First Amendment rights (United States, U.S. Supreme Court [U.S.]). *Pico v. Island Trees Free School District* was the first case of its kind in the Supreme Court and would have an ongoing impact on library censorship for decades.

Meanwhile, in a small school in the Champlain Valley of Vermont in 1976, a similar situation was unfolding. After complaints from numerous town religious groups and parents, the Vergennes Union High School Board of Directors looked into the creation of a policy that outlined a vetting process for newly purchased books as well as a procedure to deal with removal requests (Bicknell). They contacted a highly regarded local attorney to inquire about the legality of this proposed policy. Attorney Peter Langrock wrote to the superintendent in September 1976 stating plainly, "It is my opinion that the operation of such a committee violates the First Amendment rights of Vergennes students"

(Langrock Letter). Against Langrock's legal judgment, the board instituted a policy outlining library selection and book removal protocol (United States, Second Circuit Court [2d Cir.]).

This policy stated that the librarian could freely choose books that fell into the categories of "Dorothy Canfield Fisher, science fiction and high interest-low vocabulary" works. Any books beyond these must be approved by the board committee. Through the new procedure, parents argued for the removal of two books: *The Wanderers* by Richard Price and *Dog Day Afternoon* by Patrick Mann. The board heeded the community's request and removed *The Wanderers* from the shelf altogether and placed *Dog Day Afternoon* on a restricted shelf (United States, Second Circuit Court [2d Cir.]). Over time, more books were added to this shelf, which could only be accessed by students over the age of eighteen. The exact number of restricted books has been forgotten over the years, but students from that time suggest that dozens of titles were removed from general circulation (Steponaitis). Some students even believed that books were removed from the shelves without going through the prescribed procedures. David Bicknell, a member of the class of 1979 who opposed the school's censorship, said that "those books would disappear and nothing would be said about it." Just like in Long Island, David and several of his classmates saw the board's actions as unjust. They felt it was their responsibility to take legal action against the school.

Though these two cases unfolded parallel to each other, with the right circumstances and some luck *Pico* was able to make headlines in ways that *Bicknell vs. Vergennes UHS* never would. The local Long Island district court sided with the school board, defending their choice to remove the books. The students chose to challenge this ruling and took the case to a court of appeals, which sided with them. In 1982 the case was taken to the Supreme Court, which ruled that the banning of books for reasons based on the school board's personal tastes was unconstitutional and violated the First Amendment rights of the students (United States, U.S. Supreme Court [U.S.]).

In Vergennes, David Bicknell, Linda Devino, and other high school students represented by their guardians, sued their school in 1978. The American Civil Liberties Union (ACLU) caught wind of the case and provided lawyers to the students ("Vergennes Censorship"). The district court sided with the school board in August 1979, ruling that the actions taken to remove library materials were within the administration's rights ("Court Upholds"). The Second Circuit appellate court also ruled in the school board's favor in 1981. After losing in the Second Circuit, the students, represented legally by the ACLU, did not petition the Supreme Court for review.

COMMUNITY ARGUMENTS FOR AND AGAINST LIBRARY CENSORSHIP

In both *Bicknell* and *Pico*, the values of the school board, local communities, and students butted heads regarding whose responsibility it should be to decide what media children can access. From the school's perspective, it was the responsibility of the school board to decide which books are allowed in the library. Tony Lamb, an attorney of record for Vergennes, explained his argument in the courtroom: "I began by saying [to the judge] the book contains this [explicit] passage and then I said, the question is: Is that appropriate for 12- and 13-year-old kids? And I said, the answer is, you don't have to answer that. That's what we have a school board for, to make that determination."

Students felt this attitude was dismissive of their decision-making skills as developing young people. They worried that the administration and board were restricting books based on their own personal preferences, and not taking into account the need for diverse perspectives in their library. Additionally, the students from Vergennes who led the charge against their school board expressed that they found it ironic that while their elders encouraged literacy, simultaneously some wanted to limit the accessibility of the books already available. Cookie Steponaitis, a member of the class of 1979, said: "To say that you were going to limit what we could read would be like saying . . . 'You've got a driver's license, but we're going to limit where you can drive.' It just didn't make any sense." Ultimately, the students believed that their First Amendment rights to access information were being violated by the school board's decisions and their only choice was to take legal action.

On the other hand, some parents felt it was their responsibility to protect their children from the content in books like *The Wanderers* and *Dog Day Afternoon*. Topics such as homosexuality, gang violence, and anti-Christian rhetoric, as well as detailed sexual scenes were found in many of the books placed on the restricted shelf ("Court Upholds"). Parents felt that they had to take a stand against these books to protect their children from these adult topics.

The viewpoints of each group conflicted with one another, with each believing that the others were going against the students' best interests. In the city of Vergennes, the school district has made enormous strides since the 1970s toward a clear, detailed policy regarding library materials. The current district policy, last updated in October 2022, states: "[The librarian will] place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality, in order to assure a comprehensive collection appropriate to the users of the library/media center" ("Selection of Library"). The policy places an

emphasis on including diverse perspectives in both curriculum and the general library, a massive shift from the policy during *Bicknell*. The current policy is intended to acknowledge the board's legal responsibility to select age-appropriate materials while allowing parents and students to have input on the content available.

BOOK BANNING TODAY

In the decades that have passed since these two cases, library censorship has only become more prevalent across the country. Even Vermont, which has generally become more liberal in the years since *Bicknell v. Vergennes UHS*, has not been immune to the rising censorship movement. In the past year in Middlebury, just ten miles down the road from Vergennes, parents and community members have been fighting for the removal of certain books from the elementary school's instructional materials (Garrett).

Parents have called for the removal of seven books, all of which center around LGBTQ+ characters and stories. Some titles include *They He She Me: Free to Be!* by Maya Christina Gonzales and Matthew Smith Gonzales; *Bodies Are Cool* by Tyler Feder; and *It Feels Good to Be Yourself* by Theresa Thorn. The parents who support removing these books have said that the topics in them are too confusing for young children and go against their religious beliefs (Flowers).

Perhaps if the Supreme Court ruling on *Pico* had come only months earlier, the trajectory of *Bicknell v. Vergennes UHS* would have been entirely different. Had this happened, the case would have Supreme Court precedent in the students' favor and, maybe, the issue of book banning would not have been so quickly forgotten in Addison County. Students who filed the lawsuit in 1979 had to move on with their lives after high school when it was dismissed by the Second Circuit and not taken to the Supreme Court. Today in the small town, the case is remembered by only a few long-time residents. When reflecting on his experience with the case, David Bicknell stated, "I believe now, as I believed then, that . . . you have to fight for what you believe your rights are, because nobody else will" (Bicknell).

It's encouraging to supporters of free speech to see new policies like Vergennes' that put First Amendment rights and responsibilities of students at the forefront of their ideology, but situations like the one in Middlebury serve as a reminder that censorship is not just a thing of the past; many groups nationwide still support book banning based on their personal preferences and beliefs. In fact, reports from PEN America, a nonprofit focused on protecting First Amendment rights, estimate that during the 2023–2024 school year over 10,000 books were challenged

and banned in school districts across the country. This is the highest number of bans in the course of a school year ever recorded (“Banned in the USA”).

It seems that despite the pioneering efforts of students from Long Island and Vergennes, their work was largely in vain. Justin Driver, a professor at Yale Law School, stated in an interview with Freedom Forum that he believes “[*Pico*] may well be the most overlooked Supreme Court decision involving students’ rights in the nation’s history” (quoted in Mauro). For free-speech proponents, the implications of a short memory for Vermonters and the broader American public are troubling as the number of challenged books grows every year. As Cookie Steponaitis states, “When you start banning books, it’s a slippery slope out of democracy into something else.”

Despite the growing trend of library censorship, community members are standing up to those who push for book bans. In Middlebury, the Addison Central School District Board heard personal stories from several parents and town residents following the book challenges. Midd Pride, a local LGBTQ+ rights group, as well as parents of transgender children and Middlebury College students, gave public comment during December 2024 and January 2025 board meetings emphasizing the importance of diverse voices in school curriculum (Flowers). As of this writing there has been no official update on the status of the books in question.

It’s not likely that the events in Middlebury will escalate in the way *Bicknell* did. A new Vermont law taking effect July 1, 2025, protects school library materials from challenges on topics of sexual orientation, race, ethnicity, politics, gender identity, and other controversial topics (Stewart). The bill was passed on May 10, 2024. Former Lieutenant Governor David Zuckerman has been a supporter of students’ First Amendment rights for years. In a press release about the bill he said, “In this moment when too many are trying to restrict children’s access to factual history, gender and sex education, and diverse thoughts and perspectives, it is critical that we support our teachers and librarians to use their professional expertise without political pressures” (quoted in “Lt. Gov.”).

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ANNOTATED BIBLIOGRAPHY

PRIMARY SOURCES

Bicknell, David. Videoconference interview with the author. 6 February 2025.

David Bicknell, the namesake of the Vergennes case, explained to me the community's reaction to certain books in the library and he aided in my understanding of the student's feelings about the bans. He provided helpful anecdotes from the time period that gave me more context on the administration's attitude toward students.

"Court Upholds Book Bans at Vergennes High School." *Addison Independent* (Middlebury), 1981.

This article explained the community's reaction to the court of appeals dismissing *Bicknell* and provided the press' perspective on the issue. It also provided valuable information on the proceedings of school board meetings throughout the case.

Devino, Linda. Personal interview with the author. 4 February 2025.

I interviewed Linda Devino, a plaintiff in the *Bicknell* case, and she told me more about the students' perspective on the legality of the book banning in Vergennes. This interview not only provided me with more potential interview candidates but was also key in understanding why the students felt it was necessary to take legal action against the school.

Lamb, Tony. Personal interview with the author. 5 February 2025.

I spoke with Tony Lamb, a lawyer representing the Vergennes School Board in the *Bicknell* case. He gave me context surrounding the case and explained the legal history of First Amendment cases that contributed to this one. He also provided a helpful counterperspective to that of the students by making good points about the responsibilities of the school. This interview helped balance the antiban attitude of the students and contributed another perspective to the ongoing debate discussed in the project.

Langrock, Peter. Letter to David Potter. 21 September 1976, Addison Northwest School District. Manuscript.

This correspondence between the Vergennes superintendent and a local attorney was a starting point for several of my interviews. It also gave me the attorney's perspective on the constitutionality of banning books.

———. Personal interview with the author. 12 February 2025.

I interviewed Peter Langrock, a local attorney and legal reference for Vergennes High School in the 1970s, who explained the legal background of First Amendment cases regarding school-aged children. He provided context for a letter written by himself at the time and gave his own perspective on the case. This interview was helpful because it allowed me to understand Supreme Court cases that influenced the courts' decisions in *Bicknell*.

"Lt. Gov. Zuckerman Statement on S. 220." *The Office of the Lieutenant Governor*, 26 March 2024, ltgov.vermont.gov/news-lt-gov-zuckerman-statement-s-220. Accessed 17 March 2025.

This press release on the book-banning bill in Vermont gave me the previous lieutenant governor's opinion on library censorship. It also gave me details about what the bill entails for public libraries.

Paviour, Robert. "ACLU Plans to Challenge Book Ban Ruling." *Addison Independent*, 1979.

This newspaper article from the time of *Bicknell* provided me with the community's perspective on the issue. An Addison County resident is quoted explaining that he feels the case is a tax burden, a perspective I did not find from other sources.

"Selection of Library Materials Procedure." *Addison Northwest School District*, October 2022. Accessed 16 Mar. 2025.

This board policy regarding library materials helped me contrast the current library policy at Vergennes with that from the 1970s when *Bicknell* occurred.

Steponaitis, Cookie. Videoconference interview with the author. 13 February 2025.

This interview with Cookie Steponaitis, a member of the Vergennes High School class of 1979, provided a timeline of the *Bicknell* case and a better understanding of the student perspective on book banning. She also explained the small-town culture at the time and how that influenced the community's views on explicit library materials.

United States, Second Circuit Court (2d Cir.). *David Bicknell, by his guardian Donald Bicknell, et. al v. Vergennes Union High School Board of Directors*. *Federal Reporter, Second Series*, vol. 638, 2 October 1980.

This document outlined the court proceedings in the Second

Circuit when *Bicknell* was appealed. It listed the cases referenced by the lawyers and helped me understand the legal background of First Amendment cases regarding high school students.

———, U.S. Supreme Court (U.S.). *John F. TINKER and Mary Beth Tinker, Minors, etc., et al. v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT et al.* *Supreme Court Reporter*, vol. 89, 24 February 1969, www.law.cornell.edu/supremecourt/text/393/503. Accessed 10 March 2025.

This summary of the *Tinker v. Des Moines* case helped me understand the context of the case as well as cases of reference in the court proceedings. This was a launching point for my project and gave me more information to compare with the *Pico* and *Bicknell* cases.

———, ———. *Steven Pico v. Board of Education, Island Trees Union Free School District. United States Reports*, vol. 457, 25 June 1982, www.oyez.org/cases/1981/80-2043. Accessed 10 March 2025.

This outline of *Pico* was my main source for understanding the legal proceedings of the case and the arguments from both the board and the students. This case was central to my project and I used information from this source to compare *Pico* and *Bicknell* from a legal perspective.

“Vergennes Censorship Case: Decision Still Awaited.” *The Defender: The Newsletter of the American Civil Liberties Union of Vermont, Inc.*, March 1979.

This article about *Bicknell* gave me great insight into the legal proceedings of the case as well as specifics of the arguments made by the ACLU lawyers representing the Vergennes students.

Vergennes Union High School 1979 Yearbook. Vergennes, VT, 1979.

This blurb from the 1979 yearbook gave a new perspective on the *Bicknell* case and revealed that some students still praised the work of the school board despite their actions to restrict library materials.

SECONDARY SOURCES

“Banned in the USA: Beyond the Shelves.” *PEN America*, 1 November 2024, pen.org/report/beyond-the-shelves/. Accessed 15 Mar. 2025.

This page gave me statistics on how many books have been challenged and banned in the US over the past several years. This

gave me some perspective on how quickly bans have escalated since the 1970s.

Flowers, John. "Parents Complain about Gender Curriculum in Kindergarten." *Addison Independent* [Middlebury], 9 December 2024, www.addisonindependent.com/2024/12/09/parents-complain-about-gender-curriculum-in-kindergarten/. Accessed 15 March 2025.

This article gave me background on the book-banning issue in Middlebury, VT. It helped me understand current complaints about library materials to compare with the complaints in *Bicknell* and *Pico*.

Garrett, Langan. "Addison County Schools Weigh Parent Complaints, Controversy over Gender-related Children's Books." *Middlebury Campus* [Middlebury], 23 January 2025, www.middleburycampus.com/article/2025/01/addison-county-schools-weigh-parent-complaints-controversy-over-gender-related-childrens-books. Accessed 15 Mar. 2025.

From this article, I gained information on the recent book-banning attempts in Middlebury, VT. This helped me compare the cases from the 1970s with current events.

Gladstone, Brooke, host. "Inside the SCOTUS Case on School Library Censorship." *On the Media*, 4 February 2022, www.wnystudios.org/podcasts/otm/segments/first-supreme-court-case-banned-school-books-on-the-media. Accessed 10 March 2025.

This interview helped me gain an understanding of the modern perspective on the *Pico* case. Hearing how Steven Pico reflects on the case forty years later contributed to how I built the comparison of viewpoints on book banning.

Hudson Jr., David L. "What Is Book Banning and Is It Unconstitutional? The Complete Guide." *Freedom Forum*, www.freedomforum.org/book-banning-unconstitutional/. Accessed 10 March 2025.

This source explained the history of book banning in America and the legal cases that protect the freedoms of students. It also helped me understand why book banning falls under the First Amendment.

Mauro, Tony. “How a 40-Year-Old Supreme Court Ruling May Quash the Book Banning Wave.” Freedom Forum, www.freedomforum.org/how-a-40-year-old-supreme-court-ruling-may-quash-the-book-banning-wave/. Accessed 15 March 2025.

This article provided information about the modern viewpoint on *Pico* by legal professionals. I used the explanation to reflect on how views on book banning have changed over the decades.

Ricci, Richard. “Public School Library Book Removals: Community Values v. First Amendment Freedoms.” *Notre Dame Law Review* 57, no. 1 (December 1981). [Database Name], scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2447&context=ndlr.

This collection of book-banning cases gave me the legal context of the *Bicknell* case and enhanced my understanding of the opposing viewpoints on this topic.

Stewart, Megan. “Book Banning Just Got Harder in Vermont. Here’s What to Know about the New Law.” *Burlington Free Press*, 3 July 2024, www.burlingtonfreepress.com/story/news/local/vermont/2024/07/03/vermont-law-protects-libraries-book-banning-censorship-gay-lgbtq-race/73732414007/. Accessed 16 March 2025.

This article provided me with information about the new state law preventing book banning based on personal beliefs. This gave me a perspective to contrast the approach toward censorship in the 1970s.

Wilborn, S. Elizabeth. “Teaching the New Three Rs—Repression, Rights, and Respect: A Primer of Student Speech Activities.” *Boston College Law Review* 37, no. 119 (1995).

This summary of cases in which schools have violated the First Amendment rights of students provided me with background on the issue of book banning as well as other forms of free speech violation. *Bicknell* and *Pico* are both referenced in the document and I gained additional understanding of why these cases fall into similar categories as *Tinker* and others.