

New England First Amendment Coalition

*The region's leading
defender of First Amendment
freedoms and government
transparency — the foundation
of a healthy democracy.*

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SUBMITTED VIA EMAIL TO VTRC@VERMONT.GOV

Vermont Truth & Reconciliation Commission
133 State Street
Montpelier, VT 05633-8160
Attn: Dr. Faith Yacubian, Executive Director

November 14, 2025

RE: Press Restrictions at St. Johnsbury Event

Dear Dr. Yacubian,

We are writing on behalf of the New England First Amendment Coalition, a regional nonprofit and non-partisan advocate for the public's right to know about government, and the Vermont Press Association. NEFAC's directors and advisors include many of Vermont's leading media attorneys and journalists. The VPA is based at St. Michael's College and represents about four dozen newspapers in the state. ¹

First, we would like to acknowledge the important work of the Vermont Truth & Reconciliation Commission (VTRC). Those in our communities who have experienced institutional harm need opportunities to speak about their experiences. The public sessions you are providing are a critical way for all of us to learn from those experiences, provide support for our neighbors and seek accountability from those responsible for that harm.

While we understand the vulnerability of many participants at your sessions and appreciate the *suggested* guidelines you provided, we respectfully ask you to rescind the following *mandatory* limitation on press coverage of your program tomorrow at St. Johnsbury Elementary School:

"Recording, photography, and interviews are not allowed inside the truth-telling space unless explicit permission is granted by the Commission and by those directly involved." ²

The First Amendment and the Vermont Constitution provide strong protections for journalists covering government-led meetings in public spaces. In addition to protecting the freedom to initiate conversations and associate with those at these meetings, the First Amendment gives members of the press — and other members of the public — the right to record.

As explained by "numerous [federal] circuit and district courts," the "First Amendment protects the filming of government officials in public spaces." *Glik v. Cunniffe*, 655 F.3d 78, 83 (1st Cir. 2011) (listing cases). Similarly, Article 6 of the Constitution of Vermont states: "That all power being originally inherent in and co[n]sequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them." Vermont's Open Meetings Law (OML) exists to effectuate this value: "[P]ublic commissions, boards, and councils and other public agencies in this State exist to aid in the conduct of the people's business and are accountable to them pursuant to Chapter I, Article VI of the Vermont Constitution." 1 V.S.A. § 311(a).

The public's right to record meetings is solidly established in Vermont law and practice. In its 2019 Guide to Open Meetings, the Vermont Secretary of State's Office declared "the open meeting law to permit members of the public to record or film public meetings, so long as this is not done in a manner that disrupts the meeting." Recording, in short, cannot be considered disruptive on its own and cannot be limited at your sole discretion.

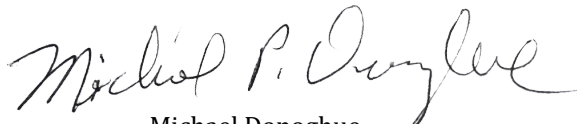
Again, we appreciate the sensitivity of the VTRC programs and we're grateful for the work being done on behalf of those who have suffered harm. Still, the constitutionally protected rights of journalists must be respected and your restriction must be rescinded. We ask that you at the very least make the recording, photography and interviewing requirement optional and inform all members of the press present tomorrow of this change.

Thank you for your time and consideration.

Sincerely,



Justin Silverman
NEFAC Executive Director



Michael Donoghue
VPA Executive Director

1 Please visit nefac.org for more information about the New England First Amendment Coalition, including a full list of its Board of Directors and advisors. Learn more about the Vermont Press Association at vtpress.org.

2 See VTRC Media Kit, *Press Attendance and Guidelines*,

(https://www.canva.com/design/DAGtQWEfBgA/o2GOSlqaakpNA_cz1zYaTQ/view?utm_content=DAGtQWEfBgA&utm_campaign=designshare&utm_medium=link2&utm_source=uniqueLinks&utm_id=h3f548edef1#1).