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—For section.....Voices/Letters from readers
—Format.....LETTERS - Opinions - Letters to the Editor
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Notes from editor (not for publication):



HEADLINE ELEMENTS:

####BEGIN HED####

1 Linton pursued court case to the end, with courage,
2 fortitude, and love

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4 TEXT BODY:

####BEGIN TEXT####

5 I had forgotten about the case of *Zorn v. Linton* until I
6 heard the small blurb on Vermont Public reporting that the
7 Supreme Court of the United States (SCOTUS) had ruled against
8 Shela Linton, director of the Root Social Justice Center of
9 Brattleboro.

10 The ruling denied her access to litigation to sue for
11 damages from Vermont State Police Sergeant Jacob Zorn for

12 injuring her wrist and inflicting psychological harm while
13 arresting her for peacefully protesting for universal health care for
14 in the Vermont State House at Gov. Peter Shumlin's inauguration
15 in 2015, a violation of her Fourth Amendment rights.

16 Over litigation lasting a tortuous 11 years, the Federal
17 District Court of Vermont found that Zorn was entitled to
18 qualified immunity from suit and granted his motion for summary
19 judgement to dismiss Linton's lawsuit.

20 The Second Circuit Court of Appeals reversed that
21 decision.

22 Finally, in a per curiam decision issued on March 23,
23 SCOTUS overruled the Second Circuit and reinstated the District
24 Court's order dismissing the case.

25 Linton never got a chance to present the merits of her
26 case to a jury on a technicality.

27 SCOTUS has ruled that the complainant has to show that
28 there is a previous case (i.e., precedent, remember that concept?)
29 with the exact same circumstances where qualified immunity was
30 denied, in order to win a defendant's motion to dismiss due to
31 qualified immunity and get your case to a jury. No legal
32 hypocrisy here, right?

33 A.I. defines "per curiam" as "a Latin term meaning 'by
34 the court,' used in law to describe an unsigned judicial opinion
35 issued by a court as a whole rather than attributed to a specific
36 judge. These decisions are usually short, unanimous, and deal
37 with non-controversial or straightforward issues."

38 However, under the current Roberts-run SCOTUS, per
39 curiam decisions on controversial issues are routinely issued on
40 the court's "shadow docket" with no or brief explanations. As a
41 result, justices are more likely to make their opinions known with
42 concurring and dissenting opinions than in the past.

43 In a powerful and detailed dissent in this case, Justice
44 Sonia Sotomayor carefully parsed the evidence and called out the
45 court's hypocrisy. She recognized Shela Linton's pain.

46 She concluded, quoting herself from previous dissents:

47 "This case unfortunately represents a resurgence and
48 perpetuation of [a] 'one-sided approach to qualified immunity'
49 that 'transforms the doctrine into an absolute shield for law
50 enforcement officers, gutting the deterrent effect of the Fourth
51 Amendment.' The majority today gives officers license to inflict
52 gratuitous pain on a nonviolent protestor even where there is no
53 threat to officer safety or any other reason to do so. That is plainly
54 inconsistent with the Fourth Amendment's fundamental guarantee
55 that officers may only use 'the amount of force that is necessary'
56 under the circumstances. Therefore, I respectfully dissent."

57 Shela Linton was seriously and permanently harmed by
58 Zorn. She demonstrated tremendous courage, fortitude, and love
59 by pursuing this case to the bitter end.

60 Shela points out in her statement following the decision
61 that people of color are disproportionately affected by this and
62 like decisions, legal and otherwise. She challenges us to "pay
63 attention to the systems you are a part of and the decisions you
64 make within them. Speak up when you see harm, especially if
65 you hold power."

66 Shela Linton, thank you for your courage, your hard
67 work, and your leadership.

68 Love from your community, country, and world,

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BIO/COATTAIL:

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LOGLINE (SOCIAL MEDIA):

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