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Notes from editor (not for publication):



HEADLINE ELEMENTS:

####BEGIN HED####

1 This is progress, but it is also disappointing

####END HED####

####BEGIN SUBHED####

2 We started with a bill to prohibit federal agents from
3 concealing their identities with masks and require them to
4 identify themselves. The House just voted on the bill, which now
5 applies only to state law enforcement. What happened?

####END SUBHED####

6 TEXT BODY:

####BEGIN TEXT####

7 DURING THE summer and fall of 2025, I worked with a
8 number of my colleagues in both the House and Senate to
9 develop language for a bill that would address ICE (Immigration
10 and Customs Enforcement) and other federal agents coming into

11 Vermont masked and without wearing uniforms or name tags as
12 they engaged in immigration enforcement and other activities.

13 Law enforcement officers usually display badges that
14 identify them so they can be held accountable for their treatment
15 of people taken into custody. But with masks, unmarked black
16 cars, and no identification, it is like the wild west. If someone is
17 detained or arrested by a masked and unidentified person, it can
18 be hard to figure out where loved ones are. We need all officers
19 to be accountable and identifiable.

20 Our efforts resulted in two companion bills, meaning
21 that the same bill was filed in the House and the Senate. I was a
22 co-sponsor for the House version and had worked with Sen.
23 Nader Hashim and others to finalize the language in the two
24 original bills, which addressed masking and lack of identification
25 on federal agents.

26 The Senate worked on their bill first and passed it,
27 sending it back to the House for our consideration.

28 What came back to us was a very different version of this
29 important bill, which I voted on with House members on May
30 19.

31 This is the story of how a bill that started out this winter
32 as a response to the policies of federal immigration enforcement
33 agencies and the behavior of their officers ended up last week
34 affecting only Vermont law enforcement.

35 * * *

36 AT THE START of this Legislative session in January, “the
37 masking bill” was on the minds of many Vermonters. Our
38 constituents asked us about it repeatedly. Many in the Legislature
39 were eager to stop federal overreach, to protect Vermonters and,
40 we hoped, to ensure them due process.

41 The House and Senate initially had virtually identical
42 visions: to stop ICE and federal officers from appearing in
43 Vermont without ID and with masks that are scaring our
44 residents.

45 The Senate Judiciary Committee, with Sen. Nader
46 Hashim as chair, made a major amendment to the bill before it
47 returned to the House. Under the Senate version, Vermont
48 officers would also be forbidden from masking and also be
49 required to have visible identification.

50 I believe this extension was added after ICE, with backup
51 from the Burlington Police Department, sought to arrest three
52 individuals in South Burlington on March 11. Many of the
53 Vermont officers were masked and behaved aggressively against
54 peaceful protestors and witnesses.

55 Meanwhile, five other states had passed similar laws that
56 prevent masking and require identification for federal officers.
57 Vermont could have been the sixth state to do so.

58 But in April, the 9th U.S. Circuit Court of Appeals ruled
59 that due to the supremacy clause — the constitutional principle
60 that federal law overrules contradictory state law — California’s
61 masking law was overturned.

62 The House Judiciary Committee then made a dramatic
63 amendment to remove the bill’s language that would apply to
64 federal officers, leaving only the new language and changing
65 entirely the people the legislation was designed to regulate.

66 The committee chair felt strongly that because of the 9th
67 Circuit decision, we should pass this strongly revised version of
68 the bill, as any such law directed at regulating federal agents in
69 Vermont would be more likely to face a challenge in the courts.

70 As the vote drew closer, a cluster of three Democrats
71 made a plan to offer an amendment that would restore the
72 language to prevent masking and require ID for federal officers.

73 We also heard that Gov. Phil Scott would veto the bill if
74 it included the restriction on federal officers. If we were to
75 support the new House version, there was a chance the governor
76 would sign it.

77 * * *

78 FOR THE PAST FOUR YEARS, the delegation representing the
79 voters of Westminster, Rockingham and Brookline have held

80 monthly meetings at the Rockingham Free Public Library on the
81 third Saturday of each month. Both our senators, Sen. Hashim
82 and Sen. Wendy Harrison, usually attend, as do my district-mate,
83 retiring Rep. Leslie Goldman (oh, how I will miss her!) and I.

84 Our May 13 meeting drew an average crowd, about 20
85 constituents. We started the meeting with Rep. Goldman
86 explaining that we would have to cast a difficult vote the
87 following week.

88 We asked our constituents: Should we vote for S.208 in
89 this new form? Or should we approve the amendment that would
90 restore the language about federal officers?

91 One by one, our constituents raised their hands and said
92 why they thought we should “represent their values,” that
93 “people who came to Vermont need to be protected,” and that
94 the “Vermont-only bill is not enough to keep people from being
95 very afraid.”

96 Every person who spoke advised us to support adding
97 regulation of federal agents back in, even if doing so would
98 increase the chance of a veto or constitutional challenge.

99 * * *

100 SO, ON MAY 19, when we returned from our weekend
101 recess, we voted on the House version of S.208.

102 Some in the Windham County delegation really are
103 convinced that the ruling in California would make a similar laws
104 a deal breaker everywhere else. This was a difficult and divisive
105 topic.

106 What followed was the most compelling series of floor
107 speeches I have heard in six years in the chamber. We took a roll
108 call vote, meaning our votes were recorded by name, one by
109 one.

110 But unlike many partisan roll call votes, many Democrats
111 voted yes and slightly more voted no. Seven Republicans voted to
112 support the amendment to add the feds back in.

113 All but one of the independents and all the Progressives
114 supported the amendment. Two committee chairs voted for it,

115 voting against the official vote of the House Judiciary Committee
116 — this almost never happens.

117 The amendment lost, 67–88, but the willingness of
118 people to vote their conscience was moving, as were the
119 multitude of compelling speeches reminding us all why we need
120 this.

121 Rep. Barbara Rachelson, who serves on the House
122 Committee on the Judiciary, said in her floor report: “My
123 constituents ask me why would Vermont not take every
124 reasonable action we can to prohibit secret police in our state.

125 “They want to know why California, Washington State,
126 New Jersey, and more recently Connecticut adopted a law to
127 require federal, state and local law enforcement to be unmasked
128 and to have visible identification [...] and New York is close to
129 passing similar legislation as well.”

130 Rep. Conor Casey said: “If this body had waited for every
131 constitutional question to be fully settled before acting, we never
132 would have led on civil unions. We never would have led on
133 death with dignity. Almost every consequential thing this body is
134 remembered for faced legal uncertainty when we passed it. We
135 acted because we believed something was right.”

136 I agree with them.

137 I thought of the horrific incident last year where Mohsen
138 Mahdawi — a legal resident who thought he was called to the
139 U.S. Customs and Border Protection building in St. Albans for his
140 final meeting before becoming a citizen — was grabbed in front
141 of the building by masked men. They refused to identify
142 themselves to Sen. Becca White, who was there as Mohsen’s
143 friend and to be a witness. Other incidents are equally alarming.

144 I voted for the amendment. When it failed, I then
145 supported the revised House version, which would prevent
146 Vermont officers from masking.

147 * * *

148 OUR COUNTRY should not be like this, but it is. As a
149 teacher of social studies, including civics, for many years, I am
150 alarmed by the erosion in our democracy.

151 The system of checks and balances is not working as it
152 was intended. The Fourth Amendment (no unreasonable search
153 and seizure) is also being violated often in the past couple of
154 years with federal overreach.

155 As state representatives, we make policies about what
156 happens in Vermont. We need to protect our people — at least by
157 letting them know the name of the person who is arresting you or
158 a loved one and on whose behalf that person is representing —
159 the U.S. Immigration Service or some other entity.

160 Vermonters have a right to know this.

161 Working on legislation like this — trying to protect the
162 rights of all who live in Vermont to be treated with respect if they
163 should find themselves facing a federal authority — is part of the
164 reason I serve.

165 * * *

166 THE BILL HAS GONE to Conference Committee, where
167 three representatives and three senators are working through the
168 differences between the two versions. Then both House and
169 Senate will vote the bill up or down with no amendments.

170 What is likely to happen, likely by next week, is not what
171 I want or what my constituents want. I expect that the final bill
172 will not change much from the House version, that both the
173 House and Senate will pass it, and that the governor might sign it.

174 Senate conferees could win over the House negotiators
175 and convince them to restore the regulation of federal agents or
176 add language that could trigger this outcome if a condition is
177 met; i.e., if another state's similar law is ruled constitutional.

178 That outcome is not impossible, but I believe the House
179 will not budge.

180 The final version will likely help bring about a Vermont
181 that is closer to what most Vermonters want than what exists now.
182 This is progress, but it is also disappointing.

183 I want to be part of a body of Legislators who legislate
184 boldly striving to make justice. We're going in the right direction,
185 but we just aren't going far enough.

186 Change takes time. Maybe next biennium?

####END TEXT####

BIO/COATTAIL:

####BEGIN BIO/COATTAIL####

187 **MICHELLE BOS-LUN** (D-Windham-3), is a third-term
188 Democrat representing Westminster, Rockingham, and Brookline.
189 She is a teacher and has worked in restorative justice.

####END BIO/COATTAIL####

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