

*Office of the Vermont Secretary of State*  
**Vermont State Archives**

**Veto Message: Governor Proctor  
1945 (H.149)**

**An act relating to commitments to the Weeks school.**

STATE OF VERMONT  
Executive Department.  
Montpelier, Vt., March 29, 1945

Was taken up and the Speaker laid before the House the following communication from His Excellency, the Governor:

*To the House of Representatives:*

I have the honor to return without my approval House Bill Number 149 entitled:

'An act relating to commitments to the Weeks School,' which was presented to me March 27, 1945.

Article 13<sup>th</sup> of the Constitution of Vermont provides:

'That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.'

Commitments to the Weeks School are transactions of government, and I have been advised by the Attorney General in a written opinion, a copy of which is attached, that the freedom of the press may not constitutionally be restrained by prohibiting the publicizing of such cases.

The First and Fourteenth Amendments of the United States Constitution are, in part, as follows:

'Article I. Congress shall make no law. . . . abridging the

freedom of speech or of the press;. . . .’

‘Article XIV. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; . . . . .’

History tells us of the long struggle which took place in England between the government and the proponents of a free press. The two evils which were used to control the press were censorship and taxation. In the opinion of Mr. Justice Sturtevant in *State vs. Greaves*, 112 Vt. at p. 227, the following statements appear:

‘It is evident that the restricted rules of the English law in respect of the freedom of the press in force when the Constitution was adopted were never accepted by the American colonists, and that by the First Amendment it was meant to preclude the national government, and by the Fourteenth Amendment to preclude the states, from adopting any form of previous restraint upon printed publications, or their circulation, including that which had theretofore been effected by those two well-known and odious methods.’

and again,

‘The evils to be prevented were not the censorship of the press merely, but any action of the government by means of which it might prevent such free and general discussion of public matters as seem absolutely essential to prepare the people for an intelligent exercise of their rights as citizens.’

Moreover a prohibition against publicizing juvenile cases could result in improper or illegal commitments being innocently or secretly made. Such a prohibition, instead of protecting and shielding the juvenile, might operate to his disadvantage.

While it is true that this bill provides that a relative of the juvenile or his attorney may have access to the records, there still could be

no publicity of the facts of the case, no public discussion, no publicized criticism of the prosecution or of the officials responsible for an improper or illegal commitment. Crimes and offenses committed by juveniles would be unsolved so far as the public was concerned as no person could speak, write or print of such cases without violating the statute.

Publicity is a deterrent to crime and in some cases brings retribution to the parents who so often are primarily responsible for such delinquency.

The public should know how our juvenile courts, our probation and enforcement officers are functioning, and it is only by the spoken, written or printed word that such knowledge may be brought to public attention. Frank discussion should be encouraged and not throttled.

I quote from the opinion of the Attorney General:

'It is to the advantage of the court to permit acquaintance with its work that will win the understanding and cooperation of the community and free the court from the suspicious criticism of holding 'star chamber sessions.' Undue privacy may be as injurious to the work of the court as undue publicity. Privacy should not appear to be secrecy.'

I am in favor of the policy of committing a juvenile delinquent to the Weeks School without referring to any specific criminal violation so that such child may not acquire a criminal record. I am in accord with the provision that such commitments shall be construed as non-penal proceedings. The intent of the measure was well meaning in that its sponsor sought to protect the child from undue publicity and I commend him for his interest in child welfare. However, the objectionable features of the bill so outweigh the good provisions that a veto is necessary for the public good.

MORTIMER R. PROCTOR,  
Governor

## Governor's Veto Sustained H.149 1945

The Governor's veto was sustained in the House:  
**Yeas 0 Nays 199**

---

Sources: *Journal of the House*, February 27, 1945 (pages 230-232)