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From: **Louella Bryant** <louellabry@gmail.com>

Date: Mon, Jun 20, 2022 at 9:44 AM

Subject: Clark zoning permit appeal

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Cc: <lmurphy@mskvt.com>

As a follow-up to my previous letter to the ZBA regarding the legal privilege of practicing one's lifestyle, please note that the pursuit of a chosen lifestyle is granted by the U.S. Constitution under the title Civil Liberties. Flying airplanes is the Clark family's primary interest. Three members of the family hold pilot's licenses and their son plans to obtain his when he turns 17, the legal age for piloting an airplane solo.

Cornell Law Review says: "A compelling mission of the U.S. Constitution has been to protect sanctuaries of individual behavior from the hand of the state.... The Bill of Rights teaches that human dignity is meaningless without a proper measure of personal freedom from governmental interference. That dignity is seriously diminished unless it includes those choices that most express our uniqueness and individuality.

"The purposes served by protection of lifestyle choices are also strikingly similar to those served by the first amendment. In personal behavior as well as in ideas, protection of individual choices preserves dissent from the tastes of the majority. Like protection of first amendment values, lifestyle protection attests to society's faith that a free market in lifestyles, as well as in ideas, best aids the individual in developing his own identity."

According to the Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others."

Fourteenth Amendment: "No state shall make or enforce any law which shall abridge the privileges of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law."

According to the website of Legal Information Institute: "Civil liberties are rights guaranteed by the Constitution (primarily from the First Amendment). They have been described as natural rights which are inherent to each person. While they are



commonly referred to as 'rights,' civil liberties actually operate as restraints on how the government can treat its citizens. As such, the First Amendment's language ('congress shall make no law') explicitly prohibits the government from infringing on liberties."

According to The National Constitution Center website: "The Due Process Clause of the Fourteenth Amendment echoes that of the Fifth Amendment... After the Civil War, Congress adopted a number of measures to protect individual rights from interference by the states."

In the 1958 case of *Kent v. Dulles*, the Court ruled that "freedom to travel is, indeed, an important aspect of the citizen's 'liberty.'"

According to records presented by Mr. Murphy, on June 10 of this year, 25 airplanes and two helicopters flew over Lincoln. In the past, the ear-splitting F-35s engaged in flight training and shook our house with their 140db. I have heard no complaints about any of those aircraft.

In the video presented by Ms. Safar of Mr. Clark's flying ability, the flight appeared to take no more than a few minutes, was so high that we couldn't see the plane projected on the large screen, and caused a commotion in the town. There appears to be a double standard here or at least a vendetta for some unknown reason against our Orchard Road neighbor.

Note also at the June 15 hearing Ms. Safar commented, as was quoted in the VT Digger article of June 16 (<https://vtdigger.org/2022/06/16/beta-technologies-founder-kyle-clark-faces-questions-about-airplane-acrobatics-at-hearing-over-home-landing-strip/>), "Flying his low-flying aircraft across neighbors' rooftops,' Safar said. 'It's what he did in Underhill. It's what he's going to do here.'" Likewise, it appears that Safar edited Ms. Ganahl's video of Clark's aerial display to cut Ganahl's comment, "This what we're in for, folks" (point 1:11 on the attached video). Not only am I amazed that both women are able to predict the future for a man they barely know, but I also wonder whether evidence that has been edited and tampered with should be admissible in a legal hearing.

I'm not trained in the law, but I assume if a person inhibits the constitutionally granted civil liberties of a fellow citizen, that person is liable for legal action. I caution all of us to be careful what we say, what we video, what we write, and especially what we sign, and I urge the ZBA immediately to deny the appeal and reinstate Mr. Clark's permit to use a piece of his own land as he wishes.

Truly,
Ellie Bryant

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