March 6, 2026

Dear House Ethics Panel,

Thank you for permitting the submission of the following supplemental information in support of the complaint filed on behalf of myself and the Jewish Voice for Peace VT/NH Chapter.

Vermont's Code of Ethics reflects the fundamental principle that public servants must act in the interests of the people they represent and must avoid circumstances that could allow undue influence or the appearance of undue influence. The statute therefore generally prohibits public servants from accepting valuable gifts connected to their public duties, subject only to limited exceptions defined by the Legislature. These exceptions must be applied carefully so that they do not undermine the purpose of the statute. In addition, the Code of Ethics expressly requires public servants to avoid circumstances that create the appearance that the Code has been violated. These safeguards exist to preserve public confidence that decisions of Vermont public officials are made in the interests of Vermonters. And not in response to valuable gifts from outside interests.

Statutory Exceptions Do Not Apply, and the Trip Created the Appearance of a Violation of the Code of Ethics

The joint response from the five legislators ("the joint response") relies on two statutory exceptions in 3 V.S.A. § 1203g(a) to justify acceptance of airfare, lodging, meals, and related benefits provided by a foreign government. Those exceptions are subsection (7) (widely attended events) and subsection (10) (training or education).

Neither exception applies. Because these provisions are narrow exceptions to the Code of Ethics' general prohibition on gifts to public servants, they must be applied only when all their statutory conditions are satisfied. Here, one or more of those conditions are not met. In addition, the circumstances of the trip created the appearance of a violation under 3 V.S.A. § 1203b.

This supplemental submission explains why the two statutory exceptions relied upon in the joint response do not apply and why the legislators' acceptance of the gifts created the appearance of a violation of Vermont's Code of Ethics. First, Exception 7 cannot apply because the event involved no admission fees or tickets, the legislators did not "participate" in the event as the statute requires, their attendance at the event was not in their "official capacities," and the statute's phrase "free attendance may include" does not authorize lodging or other substantial benefits beyond those specifically listed. Second, Exception 10 cannot apply because it allows acceptance only of "attendance" at training or educational events. It does not authorize travel, lodging, meals, or other gifts. Finally, regardless of whether either exception applies, the acceptance of substantial gifts from a foreign government that had an interest in influencing state legislation, and had a record to obtaining legislation in many other states, created the appearance of unethical conduct under 3 V.S.A. § 1203b.

I. Exception 7 does not Apply because its Statutory Conditions are not all Satisfied

The applicability of Exception 7 must be determined by the statutory text enacted by the Legislature. Where a statute sets out specific conditions for an exception to a general rule, those conditions must be satisfied before the exception can apply. If any required condition is absent, the exception is unavailable. Exception 7 permits a public servant to accept free attendance at a widely attended event only if 8 conditions are met. The statute provides:

> (7) Admission fees and tickets. A public servant may accept free attendance to a widely attended charitable, cultural, political, or civic event at which a public servant participates in the public servant's official capacity, provided such tickets or admission is provided by the primary sponsoring entity. Free attendance may include all or part of the cost of admission; transportation to and from the event; and food, refreshments, entertainment, and instructional materials provided to all event attendees.

The statute therefore establishes multiple independent statutory conditions that must all be satisfied before the exception can apply:

1. An event involving admission fees or tickets;
2. That the event be widely attended;
3. That the event be charitable, cultural, political, or civic;
4. That the public servant participate in the event;
5. That the participation be in an official capacity;
6. That such tickets or admission be provided by the primary sponsoring entity;
7. That any covered items fall within enumerated categories; and
8. That such items be provided to all attendees.

The structure of the exception requires all 8 of these conditions to be satisfied. Failure of any one renders the exception inapplicable.

A. The Event Did Not Involve Admission Fees or Tickets

The title of Exception 7 is "Admission fees and tickets." The body repeats this as "such tickets or admission be provided by the primary sponsoring entity." The title and the repetition of its words in the text show that the Legislature was addressing events for which admission fees and/or tickets are provided. The presence of tickets or admission is therefore a threshold condition for the exception to apply. Especially where a statute repeatedly refers to a specific condition, courts presume the Legislature intended that condition to have operative effect rather than be ignored as mere surplusage.

"50 States, One Israel" was not the type of event that had either admission fees or tickets: The sponsoring entity issued no tickets and charged no admission fee. Because this threshold requirement is not met, Exception 7 does not apply by its plain language. Exception 7 is inapplicable on its face.

B. The Event did not have the Legislators "Participate" in their Official Capacities

Exception 7 requires the event to be "at which the public servant **participates** in the public servant's **official capacity**." That phrase contains two distinct requirements:

1. The legislators must have "participated" in the event, not merely attended; and
2. That participation must have been in their "official capacities."

Neither requirement was met.

1. "Participation" Requires Active Involvement, not Mere Attendance

The Legislature chose the word "participate," not "attend" or "be present."

"If the intent of the Legislature is apparent on the face of the statute because the plain language of the statute is clear and unambiguous, we implement the statute according to that plain language." *State v. Berard*, 2019 VT 65

In ordinary language, to participate means to take part actively — as a speaker, moderator, contributor, honoree, or otherwise to play a functional role in the proceedings. The Legislature chose the word "participate," not "attend." This choice reflects an intent to limit the exception to situations in which a public servant actively takes part in the event itself. Exception 7 does not cover sponsored events or travel to merely observe or listen as an attendee.[1]

Vermont criminal law consistently distinguishes participation from mere presence. For example, in **State v. Green, 2006 VT 51,**[2] the Vermont Supreme Court held, "Moreover, the court specifically charged the elements of accomplice liability, including that **mere presence** at the scene was **insufficient to prove participation** in a common plan."

The five legislators had no speaking role, no moderating function, no presentation responsibilities, and no formal authorized role representing the Vermont House. They attended presentations and listened. That is mere presence or attendance, not participation. Reading "participate" to mean simply "attend" would erase a meaningful distinction and render the Legislature's chosen word superfluous.

2. Even if there had been Participation, it Was Not in an "Official Capacity"

The joint response provides no citation or evidence supporting its contention (p. 4) that "our participation on the '50 States, One Israel' event was in our official capacities as members of the Vermont General Assembly."[3] (p. 4). Nor does the joint response present supporting authority for their opinion that they "were there [in Israel] as a bipartisan delegation of members representing the State of Vermont." (p. 4).

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[1] By contrast, Exception 10 allows mere attendance, but only for education or training.

[2] https://caselaw.findlaw.com/court/vt-supreme-court/1277984.html

[3] The Oregon citation (p. 4) does not mention participation in their official capacity.

(a) Participation in an "Official Capacity" Requires Authority from the Vermont House

Participation in an "official capacity" implies participation undertaken pursuant to the authority of the office—authorized by, accountable to, or carried out on behalf of the Vermont House.

The joint response cites no authority allowing the legislators to "participate **in [their] official capacities**" under Exception 7 when the travel was not paid for or authorized by the Vermont House and when it was paid for by an outside entity.

For comparison, the *United States House of Representatives Ethics Manual*[4] states that "[**o]fficial travel** is travel **paid for** or **authorized** by the House." (p. 106). It further states, "**outside entities may not pay for official travel**, whether monetary or in-kind. (p.107). (emphasis added).

Under the standard in the *U.S. House Ethics Manual*, the trip could not qualify as official travel. It was <u>not</u> funded, approved, or formally authorized by the Vermont House of Representatives. Furthermore, it was paid for by an outside entity.

When travel is financed entirely by an outside government, evidence of connection to official Vermont state authority and evidence of participation in their official capacities are absent. Participation under these circumstances resembles privately sponsored travel, not official activity undertaken on behalf of the Vermont House or the State of Vermont.

This case is an extreme of what the Vermont Code of Ethics and the *US House Ethics Manual* guard against: Israel is an "outside entity" that has a long record of lobbying for legislation in state governments through its US supporters. It succeeded in getting anti-boycott legislation adopted in 27 US states by 2019.[5] Since then the number of states with anti-boycott laws, executive orders, or resolutions has increased to 37.[6] As the Israeli Foreign Minister told the assembled legislators, "The best answer against BDS, until this day - has been anti-BDS legislation by your States. You did it. And thank you for that."[7]

Especially, in those circumstances, when that outside entity had established a record of successfully lobbying for legislation in many other state governments, the free travel that was paid for by that outside entity does not qualify the legislators to "participate **in [their] official capacities**" under Exception 7.

(b) Travel Financed and Controlled by an Interested Foreign Government is Inconsistent with Participation in an Official Capacity

The legislators' airfare, lodging, and meals for the event were funded entirely by a

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[4] https://ethics.house.gov/wp-content/uploads/2023/12/Dec-2022-House-Ethics-Manual-website-version.pdf

[5] Human Rights Watch, "States Use Anti-Boycott Laws to Punish Responsible Businesses," April 23, 2019. https://www.hrw.org/news/2019/04/23/us-states-use-anti-boycott-laws-punish-responsible-businesses

[6] Just Vision legislative timeline, https://justvision.org/boycott/legislation-timeline

[7] https://www.gov.il/en/pages/fm-sa-ar-addresses-delegation-of-250-us-state-legislators-15-sep-2025

foreign sovereign. The Itinerary and programming of the event were entirely controlled by that foreign sovereign, the Israeli government. An event undertaken pursuant to benefits conferred by Israel and with programming controlled by Israel creates a tension between the public servant's duty to the State of Vermont and to the interests of the government of Israel. Therefore, even if the legislators had "participate[d]," in the event, this event was inconsistent with participation in an official capacity.

(c) The Gifts Create a Conflict between Duty to Constituents and the Sponsor's Interests

Public office is a public trust: Officials owe their loyalty to the people they serve.

Acceptance of substantial gifts from a foreign government seeking legislative outcomes creates at minimum the appearance of a conflict between:

- The legislators' duty to serve their constituents in Vermont, and
- The interests of the sponsoring foreign government.

Vermont's Ethics Code is designed to prevent such influence over official conduct. The acceptance of significant benefits from an interested foreign sovereign raises conflict-of-interest concerns, including conflicts with participating in their official capacities and conflicts with their duty to serve constituents in Vermont.

For all these reasons, therefore, even if the event could somehow be characterized as one in which the legislators "participated" — which it cannot — that participation was not in their "official capacity."

C. The phrase, "Free Attendance May Include" does <u>not</u> Authorize Lodging or Other Unlisted Benefits

Statutory interpretation begins with the language chosen by the Legislature. Each word of the statute must be given effect, and courts avoid interpretations that either render statutory language superfluous or expand an exception beyond its terms.

By omitting lodging from the list of gifts in Exception 7, the legislature limited the monetary value of the gifts for widely attended events. The joint submission seeks to expand Exception 7 by adding lodging.

To do so, the joint submission relies on 1 V.S.A. § 145 for its definition of the terms "include," "includes," and "including." However, Exception 7 uses the term "**may** include," which is **not** defined in 1 V.S.A. § 145. The word "may" in the term, "may include" in a Vermont statute cannot properly be ignored as mere surplusage. "In construing a statute, every part of the statute must be considered, and every word, clause, and sentence given effect if possible, rather than treated as surplusage." *State v. Stevens*, 137 Vt. 473, 408 A.2d 622 (1979).

The Legislature inserted the word "may" before "include." That choice gives the phrase a

different meaning from the standalone term “include” defined in 1 V.S.A. §145. Otherwise, the word “may” would serve no purpose in the statute. If the legislature intended Exception 7 to be illustrative and not exhaustive it could readily have used the term “include,” “includes,” or “including” instead of “may include.” The Legislature did not choose those broader terms. Instead, it chose the term “may include,” indicating that the listed items are the benefits that may be accepted as part of “free attendance,” not examples of a broader and unlimited category.

Under established interpretive principles:

- **Plain meaning**: “May include” permits or allows the listed items. It does not transform the list into an open-ended category that allows additional items of any type or value.
- **Surplusage**: Every word must be given effect. *State v. Stevens*.
- ***Expressio unius***: Listing specific items implies exclusion of others.
- **Avoidance of unreasonable consequences**: Statutes must be construed to avoid unreasonable results inconsistent with legislative intent.

Evidence of its plain meaning is found in the *U.S. House Ethics Manual,* which uses the term “may include” 9 times.[8] 7 of the times demonstrate its use **as permission to provide the listed benefits or items.** In some of these times the term is expanded to “may include, for example” and “may include, among others.” In the other 2, “may include” is used in a sentence that prohibits permission. As used in the *US House Ethics Manual*, the plain meaning of the phrase “may include” is that a public servant meeting all its other conditions is **allowed to** obtain one, several, or all the benefits in the list that follows. “May include” by itself is not used to allow adding items beyond the listed categories.

To add another category—lodging--and to expand it to allow any number of nights and any level of hotel cost would significantly enlarge the value of the permitted gift beyond the categories the Legislature chose to list. The unlimited magnitude of the gifts so created is an unreasonable consequence that conflicts with the clear intent of the legislature for ethical conduct. “[W]e construe statutes to avoid unreasonable consequences that are at odds with the Legislature's apparent intent. *Delta Psi Fraternity v. City of Burlington*, 2008 VT 129, ¶ 7, 185 Vt. 129, 969 A.2d 54” as quoted in *Vermont v. Hurley,* 2015 VT 46. Interpreting “may include” to permit unlimited additional categories of gifts would allow the exception to swallow the rule, undermining the statute’s purpose of limiting the gifts to public servants. Therefore, the gift of lodging is not available under Exception 7.

For these reasons, Exception 7 is not available to justify acceptance of the gifts received by the five legislators.

[8] U.S. House Ethics Manual, pp. 75, 116 FN 54, 146, 149, 171, 186, 215, 327, 341. https://ethics.house.gov/manual/

II. Exception 10 does not Apply Because it Authorizes only "Attendance"

Exception 10 states: "(10) Training or education. A public servant may accept attendance to training or similar events determined to be in the interest of the public servant's agency or department."

Unlike Exception 7, the Legislature did not list any additional permissible benefits. The joint response does not counter the point raised in the Complaint (p. 7) that, "In any case, unlike exception 7, no expenses for travel, meals, etc., are included in exception 10."

While the joint response states, "there were significant educational components to the entire trip," the joint response does not present facts or argument showing that their attendance benefitted their agency, the Vermont House, as required by Exception 10.

The joint response does not contend that a fee for those alleged educational components was paid as part of or in addition to all the disclosed gifts to each legislator that added up to $6500. Nor does the joint response explain how all those other gifts could be contained in Exception 10 that only allows the gift of "attendance at training or educational events."

- **Plain meaning:** Exception 10 allows attendance only; it does not allow travel, lodging, meals, or entertainment.
- **Expressio unius:** Unlike Exception 7, which explicitly lists permitted items, Exception 10 lists nothing else, so the additional gifts, beyond attendance, are excluded.
- **Avoidance of unreasonable consequences:** The structural difference between Exception 7 and Exception 10 implemented by the legislature is significant. Expanding Exception 10 to cover what Exception 7 covers (and more) would render the structure of Exception 7 meaningless.

Therefore, Exception 10 is not available to justify acceptance of the gifts.

III. The Circumstances Created the Appearance of a Violation of the Code of Ethics Under 3 V.S.A. §1203b

> 3 V.S.A. § 1203b states:
> **§ 1203b. Appearance of unethical conduct**
> A public servant shall avoid any actions creating the appearance that the public servant is violating the Code of Ethics. Whether particular circumstances create an appearance that the Code of Ethics have been violated shall be determined from the perspective of a reasonable individual with knowledge of the relevant facts.

The appearance standard is intentionally broad. The statute focuses on how the circumstances would appear to a reasonable individual with knowledge of the relevant facts. The question therefore is not whether the legislators intended to violate the Code of Ethics, but

whether a reasonable individual with knowledge of the facts would determine that the Code of Ethics has been violated.

A. Requests for Legislation by Israeli Officials were Foreseeable

Although the joint response itself tacitly acknowledges that "lobbying or propaganda" was part of the trip (Joint Response, p. 3.), it asserts that the Complaints "are holding us responsible after the fact based on the content of others' speech, over which we had no control." (Joint Response p. 10). This argument is misplaced because requests for legislation by Israeli officials were foreseeable.

Foreseeability of harm is embedded in Vermont law. It does not require certainty. "Foresight of harm lies at the foundation of negligence. The opportunity for knowledge, when available by the exercise of reasonable care, is the equivalent of knowledge itself. Such knowledge may be implied, imputed and constructed from the circumstances." *Endres v. Endres*, 2008 VT 124, citing *Lane Constr. Corp. v. State*, 128 Vt. 421, 428, 265 A.2d 441, 445 (1970). Thus, where there is the opportunity of knowledge of an outcome, the law treats that outcome as foreseeable even if the actor denies specific prior knowledge or intent.

Here, the relevant facts are that the sponsor was Israel, a foreign government with a long record (see p. 4 above) of successfully advocating for anti-boycott legislation favorable to Israel in U.S. states through its U.S. supporters. The invitees were five sitting legislators with authority to propose and vote on such legislation. The legislators accepted and received a free trip paid for by the Israel government for travel with an itinerary controlled by the Israeli government.

Under these factual circumstances, the outcome, direct lobbying during the trip, was not speculative. The legislators had the opportunity to know of the long record of advocacy for legislation favorable to Israel in many US states with the exercise of reasonable care. Some of them had themselves submitted such legislation. It was foreseeable that Israeli government officials would request specific legislative actions during the trip.

The Itinerary distributed to the legislators (Complaint, A-4), the May 29, 2025 letter (Complaint, A-6) and an undated letter (Complaint, A-7), both from the Consul General provided additional warning: high level Israeli leaders, including the Prime Minister and the Foreign Minister, would be speaking. The long record of advocacy for legislation favorable to Israel made it foreseeable that among the purposes and topics of those high-level speakers would be advocacy that the state legislators seek adoption of state legislation favorable to Israel.

Therefore, a reasonable individual with knowledge of the relevant facts would determine that Vermont legislators accepting and receiving this free trip from the government of Israel created the appearance that the five legislators violated the Code of Ethics.

B. Accepting Valuable Gifts to Attend an Event Featuring Israeli Officials Accused of Genocide itself Created the Appearance of a Violation

The joint response characterizes the event as "cultural and political." However, the event was structured to encourage state legislators to advance legislation favorable to Israel while Israel was being condemned by a deluge of human rights reports and court decisions for committing genocide in Gaza in violation of the Genocide Convention[9] that had been signed and ratified by the US Senate, with implementing legislation enacted by Congress.[10]

Legislation that would bar boycott and chill speech that delegitimizes Israel was needed by Israel because of its declining public sympathy in the United States since 2018, as shown in the data points in the graphs of the Gallop Poll, issued February 27, 2026.[11] Data points accessible on these graphs show that the declining sympathy for Isreal accelerated downward in 2024. They also show that sympathy for Palestinians has been steadily increasing since 2018, with that support accelerating upward since 2024.[12]

The joint response does not dispute that Israel used the assembled legislators from 50 states to counter Israel's loss of legitimacy. That loss of legitimacy was highlighted by the Foreign Minister in his speech to the legislators. (See the Complaint p. 5). That loss of legitimacy was also highlighted by the facts in the following reports and court decisions:

- Israel's own leading human rights organizations—B'Tselem[13] and Physicians for Human Rights–Israel (PHRI)[14]—had issued reports in July 2025 that provided evidence that Israeli forces under Prime Minister Netanyahu's command were mass murdering civilians in Gaza, including children; demolishing homes, schools, hospitals, water and sanitation, farms, and farm animals; intentionally blocking aid to cause mass starvation; repeatedly causing forced displacement of the population; and torturing prisoners. These Israeli human rights reports concluded that Israeli forces were committing war crimes and genocide in Gaza.

- The B'Tselem and PHRI findings were consistent with reports from Human Rights Watch,

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[9] Convention on the Prevention and Punishment of the Crime of Genocide https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide

[10] The Genocide Convention Implementation Act of 1987 (the "Proxmire Act"), signed in 1988, implemented the UN Genocide Convention into U.S. law, codifying genocide as a federal crime under 18 U.S.C. § 1091, https://www.law.cornell.edu/uscode/text/18/1091

[11] Gallop Poll, February 27, 2026. Use cursor to see the data points. https://news.gallup.com/poll/702440/israelis-no-longer-ahead-americans-middle-east-sympathies.aspx

[12] The latest 2026 data point shows sympathy for Palestinians now higher than for Israelis, 41% to 36% following the nearly two years of Israeli military assaults on densely populated communities in Gaza.

[13] B'Tselem "Our Genocide," 8-minute film and report, July 2025, https://www.btselem.org/publications/202507_our_genocide

[14] Physicians for Human Rights–Israel, "Destruction of Conditions of Life: A Health Analysis of the Gaza Genocide," July 2025, https://www.phr.org.il/wp-content/uploads/2025/07/Genocide-in-Gaza-PHRI-English.pdf

Amnesty International, Genocide Watch, Oxfam, Doctors Without Borders, the International Association of Genocide Scholars, the U.N. Special Rapporteur on the occupied Palestinian Territories, and the U.N. Independent International Commission of Inquiry.

- The International Court of Justice (ICJ) issued a January 26, 2024 order finding that Israel was plausibly committing genocide in Gaza, followed by binding provisional measures on March 28 and May 24, 2024[15] to enforce the Genocide Convention.

- The ICJ's July 19, 2024 advisory opinion[16] found that Israel's continued presence in Gaza and the West Bank was unlawful, that its settlement policy violated international law, and that Israel was violating Palestinians' right to self-determination and the prohibition on racial discrimination.

- The International Criminal Court (ICC) issued arrest warrants for Prime Minister Netanyahu[17] and then-Defense Minister Yoav Gallant on November 21, 2024, finding reasonable grounds to believe that Netanyahu bore criminal responsibility for war crimes and crimes against humanity, including murder, persecution, and other inhumane acts related to the assault on Gaza. All ICC member states are obliged to cooperate in the arrest of Netanyahu and transfer him to the Hague for proceedings.

At the "50 States, One Israel" event, the Israeli Foreign Minister expressed gratitude for legislation previously introduced or adopted in many states, and requested more such legislation, including measures that would chill speech critical of Israel, including barring boycott, divestment, and sanctions (BDS) legislation.

Given the scale of the horrors the Israel government was committing in Gaza, a reasonable person with knowledge of the facts daily visible on screens and in those reports and court decisions would have determined that the gifts were not for a mere "cultural and political" event. Such a reasonable person with knowledge of the itinerary showing that it included attending sessions for listening to officials accused of genocide, including Prime Minister Netanyahu, and listening to their foreseeable requests for anti-boycott and anti-delegitimization legislation, would have also determined that the attendance by the five legislators created the appearance that they violated Vermont's Code of Ethics.

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[15] International Court of Justice, *Orders on the Situation in Gaza*, Jan. 26, 2024 https://www.icj-cij.org/node/203447; Mar. 28, 2024 https://www.icj-cij.org/node/203847; May 24, 2024 https://www.icj-cij.org/node/204091

[16] International Court of Justice, Advisory Opinion July 19, 2024 https://www.icj-cij.org/index.php/node/204160

[17] Netanyahu Arrest warrant issued on 21 November 2024, ICC, "Allegedly responsible for the war crimes of starvation as a method of warfare and of intentionally directing an attack against the civilian population; and the crimes against humanity of murder, persecution, and other inhumane acts from at least 8 October 2023 until at least 20 May 2024," https://www.icc-cpi.int/defendant/netanyahu

The Sequence of Gifts and Legislative Advocacy Created the Appearance of a Quid Pro Quo

The circumstances surrounding the trip created the appearance of a *quid pro quo* in two independent ways. The appearance arises whether the legislative action follows the gift or precedes it.

1. Gifts Followed by Direct Lobbying During the Trip

Ethics rules exist precisely to prevent public servants from accepting gifts that place them in situations where sponsors can seek legislative favors.

The facts presented in the *Valley News* editorial[18] and in the Complaint show why a reasonable observer could conclude that the circumstances created the appearance of an exchange between gifts and legislative advocacy: The five legislators accepted valuable gifts—including airfare, lodging, and meals—and traveled to Israel under an itinerary organized and controlled by the sponsor. During that trip, Israeli officials foreseeably used scheduled events on the itinerary to make direct requests that the legislators "spread the Israeli narrative" and support legislation favorable to the sponsor.

Under the appearance standard of 3 V.S.A. §1203b, it is not necessary to show that the legislators agreed with the sponsor's requests, nor is it necessary to wait to see whether the legislators later complied with those requests. The appearance arises from the facts that the legislators accepted the gift of free travel to Israel, a foreign sovereign with a record of interest in state-level legislation, where the itinerary was set by Israel. Those gifts placed them in circumstances where they would predictably receive direct lobbying for legislation favorable to that sovereign from leading Israeli government officials. A reasonable individual with knowledge of those facts would determine that this created the appearance that the Code of Ethics had been violated.

2. Legislative Action Followed by Gifts

A second appearance of quid pro quo arises from the sequence involving H.310.

The joint response asserts that the bill cannot be part of a quid pro quo because it was introduced by the four sponsoring legislators months before they were invited on the trip. (p. 8). This argument misunderstands the appearance standard.

The issue is not whether the legislation was introduced in response to the trip. Nor is it related to the intent of the four sponsoring legislators. Rather, the issue is whether the sequence of events would lead a reasonable individual with knowledge of the relevant facts to conclude that the trip appeared to be a reward for legislative action favorable to the sponsor.

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[18] A copy of the full editorial, as published in the *Valley News* on October 3, 2025, was also attached to the Complaint in appendix A-11 & A-12.

The four legislators introduced H.310 in January 2025, legislation that was favorable to the Israeli government by chilling certain speech critical of its form of government. Those same legislators later accepted a free trip to Israel in September 2025 paid for by the same foreign government.

From the perspective of a reasonable observer, that sequence of events can readily appear as an exchange in which legislative action was followed by a valuable benefit.

Vermont's bribery statute recognizes that either side of a *quid pro quo* may occur first. See 13 V.S.A. §1102. Likewise, under the appearance standard of 3 V.S.A. §1203b, either side of the appearance of a *quid pro quo* may occur first. But under the appearance standard the question is not whether bribery occurred, but whether the sequence of events would create the appearance of an exchange to a reasonable individual with knowledge of the relevant facts.

Here the sequence was straightforward: four legislators (1) introduced legislation favorable to the interests of the sponsoring government and later (2) accepted and received valuable gifts from that same government in the form of airfare, lodging, and meals for a trip to Israel.

To an ordinary observer, the appearance is straightforward: legislators who had already advanced legislation favorable to the sponsor later accepted valuable gifts from that same sponsor. That sequence is sufficient for a reasonable individual with knowledge of the relevant facts to determine that the legislators' conduct created the appearance that the Code of Ethics had been violated.

Conclusion: The Gifts fall Outside the Statutory Exceptions and Created the Appearance of Unethical Conduct

Statutory exceptions 7 and 10 do not apply, and the circumstances created by the five legislators created the appearance of a violation of Vermont's Code of Ethics and the circumstances created by four of those legislators created the appearance of another violation of Vermont's Code of Ethics.

1. Exception 7 does not apply.

Exception 7 fails for several independent reasons. The event did not involve tickets or admission fees as expressly required by the statute. The legislators merely attended the event; they did not "participate" in it as the statute requires. Any attendance was not in their official capacities because the trip was neither authorized nor funded by the Vermont House and was instead financed by a foreign government with a demonstrated interest in influencing state legislation. In addition, the statute's phrase "free attendance may include" does not authorize lodging or other substantial benefits beyond the specific items listed in the statute.

2. Exception 10 does not apply.

Exception 10 allows only acceptance of attendance at training or educational events determined to be in the interest of the public servant's agency or department. It does not

authorize the additional benefits received here, including airfare, lodging, meals, and other gifts. Expanding Exception 10 to cover such benefits would effectively nullify the carefully limited structure of Exception 7.

3. The circumstances created by the legislators created the appearance of a violation under 3 V.S.A. §1203b.

Regardless of whether Exception 7 or 10 could arguably apply—and neither does—the circumstances created by the legislators created the appearance that the Code of Ethics had been violated. The legislators accepted valuable gifts from a foreign government widely accused of conducting a genocide that had a foreseeable interest in influencing state legislation. The itinerary included opportunities for that government's officials to lobby the legislators for legislative action favorable to that government. In addition, four legislators had previously introduced H.310, legislation favorable to the that government's interests, and later accepted valuable gifts from that same sponsor in the form of travel and hospitality.

From the perspective required by §1203b—a reasonable individual with knowledge of the relevant facts—the act of the legislators' to accept and receive the gifts from an interested foreign government created the appearance that the legislators violated Vermont's Code of Ethics.

That the legislators accepted gifts and traveled to meet Israeli government officials who were the subject of credible reports, international court decisions, and for its Prime Minister an arrest warrant, charging mass murdering the civilian population in Gaza, separately created the appearance that the legislators violated Vermont's Code of Ethics.

In short, the statutory exceptions relied upon in the joint response do not apply to the gifts accepted by the legislators. Accepting valuable gifts from an interested foreign government under circumstances where that government foreseeably requested legislative action and was widely charged with war crimes, crimes against humanity, and genocide, created the appearance of a violation of Vermont's Code of Ethics under 3 V.S.A. §1203b.

Respectfully submitted,

/s/ Elizabeth Blum

Elizabeth Blum