

VIDEO: State sells DUI videos while arguing against it in court

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Democratic party to the Republican party last year, is in a re-election contest with Democrat Douglas Hoffer. Burlington lawyer John Franco, a Hoffer supporter, sought the video's release but said he did it on his own and not at Hoffer's request.

The video shows Salmon doing field dexterity tests and submitting to a roadside alcohol breath test that recorded a 0.095 percent blood-alcohol content. The legal limit for driving in Vermont is 0.08. Salmon, according to the video, initially tells the officer he had two drinks, but later admits he had five.

At one point, Salmon asks the officer if he knows who he is.

"You know I am the state auditor, right?" he asks. "You know, like state treasurer, governor or lieutenant governor."

The trooper responds that he understood who Salmon is and is just "doing my job."

Salmon later demonstrates contrition for what he'd said.

"I want to apologize for that, um, that kind of 'do you know who I am?' kind of thing," Salmon says on the videotape. "That's not appropriate."

The trooper responds, "No, sir. That was not. I appreciate the apology, though."

Salmon pleaded guilty in December 2009 to the DUI charge and paid \$876 in fines and fees. He has not opposed release of the video but said in an interview Wednesday that its release would be painful for his family.

Sorrell said he was glad Judge Geoffrey Crawford's order to release the video did not cite the inconsistency between the department's legal position in the case and its promotion of DUI video sales on its website.

Instead, Crawford alluded to the fact that traffic

stops like the one involving Salmon are events that occur in public and cannot afterward be considered private.

"A roadside stop and initial DUI investigation with field sobriety exercises is an inherently public event," Crawford wrote. "A bystander or a news team could watch the entire process."

State Public Safety Commissioner Thomas Tremblay, who has insisted the video not be released because it was part of a criminal investigation, did not return three phone calls requesting comment about Crawford's ruling and about his department's policy of selling DUI videos through its website.

The department's offer of DUI videos for sale was still on the department's website Thursday night.

"You may now request Vermont State Police DUI video on line," reads a passage of the wording about the purchase of DUI videos. "To obtain a copy of these videos you will need to contact the barracks that covers the area where the arrest took place. ... As with other reports all requests must be made in writing and the fee sent in with the request. If the video is not available, the fee will be returned to you."

Franco said he followed the online directions in September, when he first tried to acquire the Salmon video. Franco said it seemed only fair the department release the Salmon video, because it had released a similar recording in June that shows Democratic gubernatorial candidate Peter Shumlin being stopped for speeding.

Documents Franco provided the court in his subsequent case against Tremblay show the department initially agreed to send him the video and even accepted a credit-card payment for the material.

"The DPS Information Officer has received your order and is making every

effort to get the information you requested to you in a timely manner," a Sept. 7 e-mail to Franco said. "The charge on your credit card will say 'Vermont Government Services.'"

The department reversed itself Sept. 15 and sent Franco a form with a box checked off next to a paragraph that read in part: "The information you requested is a record dealing with the detection and investigation of a crime."

Franco protested the decision in a letter to Tremblay, who wrote back Sept. 29 defending the decision not to release the video, saying its release was not allowed because it was part of a criminal investigation and not merely a record reflecting an initial arrest, which is a public record.

"While it also depicts Mr. Salmon being handcuffed it is not a record, such as an arrest warrant or citation, which is in fact a record reflecting the initial arrest," Tremblay wrote. He also apologized in the letter for the conflicting messages the department had early given Franco.

Sorrell said his office agrees with Tremblay that the video was part of a criminal record but decided not to seek a stay of Crawford's order. He said his office has 30 days to decide whether to appeal the ruling to the state Supreme Court.

Sorrell said he was concerned Crawford's ruling could end up being used to make all police cruiser videos public.

"Does this mean all trooper videos ... are a public record?" Sorrell said. "What if the traffic stop results in a shootout? What if there's a hostage-taking? We are concerned and we are going to take a hard look at whether to appeal the decision."

Contact Sam Hemingway at 660-1850 or shemingway@burlingtonfreepress.com. To have Free Press headlines delivered free to your e-mail, sign up at www.burlingtonfreepress.com/newsletters.

Saudi prince backs moving NYC mosque

The Associated Press

DUBAI, United Arab Emirates — A Saudi prince who has aided the imam spearheading a proposed Islamic center near New York's ground zero is appealing for another site not associated with the "wound" of the Sept. 11 attacks, a report said Thursday.

In interview excerpts published by the Dubai-based Arabian Business magazine, Prince Alwaleed

bin Talal was quoted as saying that moving the planned mosque, health club and cultural center would respect the memory of those killed in the 2001 attacks and allow American Muslims to choose a more suitable location.

The comments are reportedly the prince's first public views on the dispute, which has stirred street protests and fiery debates between religious and political leaders over America's free-

dom of worship versus the lingering anger over the 9/11 attacks.

Prince Alwaleed's Kingdom Foundation has contributed to the group run by New York's Imam Feisal Abdul Rauf, but said he has given no funds to the planned center.

Prince Alwaleed urged the backers of the proposed Islamic center not to "agitate the wound by saying, 'We need to put the mosque next to the 9/11 site.'"

NUKES: Democrats clarify policy

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ocratic Governors Association. Bittner did not respond to repeated requests for an interview with Daschle about the letter's content.

According to campaign finance filings, the Democratic group spent more than \$500,000 to fund a set of television ads put out through its Green Mountain Future affiliate that target conditions at Vermont Yankee and Republican gubernatorial candidate Brian Dubie's stance on the plant.

"Too many dangerous leaks," the voice in one of the ads intones as images of the plant flash across the screen. "An independent investigation finds the plant's owners can't operate it reliably. The state Legislature votes overwhelmingly against relicensing. Brian Dubie says he would have voted no."

Dubie modified his position on relicensing the plant after small amounts of the radioactive substance tritium were found in an unused drinking water well near the plant. Dubie now says he wants assurances from state and federal officials that the plant is safe before he'll support relicensing.

Shumlin has said the plant's owner, Entergy Nuclear, can't be trusted to run the facility responsibly and that the plant should be shut down in 2012. As the state Senate majority leader, he orchestrated the vote on the resolution opposing the relicensing of the plant.

Daschle's letter also con-

tained an acknowledgement of the nuclear industry's ongoing "support" to the Democratic Governors Association.

"We have greatly appreciated your commitment and membership in the DGA and value all that you do for our organization," Daschle wrote. "I hope our political activity does not impair our relationship going forward."

According to a review of the organization's campaign finance filings, the Democratic Governors Association received at least \$890,000 from six companies in the nuclear industry, including \$200,000 in the third quarter of 2010.

The industry or some of

its executives individually also gave at least at least \$893,000 to the Republican Governors Association, including \$350,000 in the third quarter.

Eric Davis, a Middlebury-based political analyst, said it's not unusual for national party groups to receive money from interest groups or industries and then spend some of the funds on campaign activities diametrically opposed to the donors' policies and positions.

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