

My name is Wendy Mays and I am the Executive Director of the Vermont Association of Broadcasters.

Thank you for allowing me to speak on behalf of Vermont's trusted local television and radio broadcast newsrooms who are dedicated to keeping the public informed with fact-based, non-bias reporting.

We understand that there are sections of H.649 that need to pass in order for the Vermont Truth & Reconciliation Commission to do their work, including a process by which a replacement commissioner can be appointed. But there are other sections of the bill that are not critical to job performance and it is those sections where we have concerns.

While deliberating H.649, in particular sections nine and ten, I urge your committee to take into consideration the intent of Act 128 which created the Vermont Truth and Reconciliation Commission.

Section one of [Act 128](#) states that the *intent* of the Vermont Truth and Reconciliation Commission, among other things, is to “*examine and establish a public record of institutional, structural, and systemic discrimination in Vermont caused or permitted by State laws and policies.*”

Yet sections nine and 10 of [H.649](#) propose that elements of the Vermont Truth and Reconciliation commission work be done confidentially and exempted from open meeting law. How can a public record of discrimination be established if the public does not have access to information that led to the recommendations in the commission's final report?

Section nine, subsection (d) (1) on page 19 says that *any* individual can have their interview kept confidential. Since there is nothing to prevent every single person from invoking confidentiality, the risk is high that there will be no public record of any interviews. But the same section goes on to say all interview records shall only be available to the public in an anonymized form. Since *that* part protects the interviewee's identity from being released publicly, why is there a need for the extra step of making it confidential which is what results in no public record. We encourage your committee to consider striking out the first part about confidentiality since identities are already kept from the public thanks to the second part.

Section ten, subsection (b)(1) on page 23 says the deliberations of a quorum or more of the members of the commission shall not be subject to the Vermont Open Meeting Law. It is our understanding that the reason for this request is because anytime the two commissioners want to discuss business, it triggers open meeting law, so exempting them would make it convenient. Exempting this commission simply because it has only three members is not a valid reason to suspend transparency, one of the most important elements of democracy. In addition, exempting this commission sets precedent for every other three-member board, council and commission who will likely want the same exemption. That is a very slippery slope.

Sometimes it's helpful to present a scenario of how unintended consequences can negatively impact what is otherwise a noble initiative. Let's say H.649 passes as proposed and the commission goes on, does their work and presents their final report with recommendations to the state legislature. It's now April 15, 2027, I am a member of the public who has questions about how they reached some of the recommendations in their report. So I do a public records request and find out 99% of the interviews that were conducted are confidential, so there's no way to verify any of the information they claim to have heard. I as a member of the public then say, "ok, then I'll watch the commissioners discuss and deliberate about the experiences/stories they heard that led to their recommendations." But then I'm told, "sorry, there are no public recordings of their discussions or deliberations because they were exempt from open meeting law."

It seems ironic that the intent of the Vermont Truth and Reconciliation Commission is to get out in the open and shine a light on discrimination caused by state laws and policies, yet the commission is asking for exemptions and special rules that would make it so the experiences and stories they discover remain veiled behind a cloak of confidentiality.

Again, the intent of Act 128 in creating The Vermont Truth and Reconciliation Commission is listed among other things as *"to examine and establish a public record of institutional, structural, and systemic discrimination in Vermont caused or permitted by State laws and policies."* Because subsection (d)(1) of section nine and subsection (b) (1) of section ten contradict the intent of Act 128, the Vermont Association of Broadcasters oppose those subsections of H.649 and urge your committee to consider removing them from the bill.

Thank you.