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1. Judicial discretion and the "[basic analysis](#)" doctrine of the equal protection clause of the 14th amendment (Jurisprudence)
 - serves as an obstacle for the creation protective and corrective policies and programs
 - threatens civil liberties of certain protected classes in the future
 - fails to provide sufficient protection to some protected classes (disabilities)
 - **establishes an environment for and fails to prevent harmful discriminatory algorithms used in policy creation**
2. The State of Vermont requires a constitutional amendment ([which is doctrinally sound](#)) to provide protections that the Federal Government doesn't provide, nor do Articles 1 and 7 of the VT State constitution collectively*
3. The State's **compelling state interest should be** "addressing the impact of systemic racism and other systems of oppression" through the use of "protective and corrective policy and programs." Contemporaneous notes and [numerous policies and initiatives](#) by all branches of state government provide the legislative history that the courts will rely upon in moving forward. The overwhelming case for this compelling interest is as follows:
 - **Systemic Racism**
 - Wealth Disparities
 - Cultural Disempowerment
 - Adverse racial disparities in housing, education, employment, health services, transportation, justice systems and beyond
 - Cultural erasure and appropriation directly and indirectly affect the health and wellness of Black individuals and communities
 - Threatens **Statewide** economic development
 - Economic inequity **places Democracy at risk**
 - Racial inequity **jeopardizes social health and wellness of ALL Vermonters (Public Safety)**
1. The language should be introduced as **Article 23** of the Vermont Constitution (PR.4, 2019 is an example and **includes religion**).
2. I will submit a proposal for the final language in the coming day
3. **The AG's testimony on this amendment would be appreciated** in that it is the AG who would have the responsibility of defending it
4. I would think that the ACLU would also like to weigh in on an **equal protection constitutional amendment**

5. The amendment should include language like "The Legislature shall have power to enforce, by appropriate legislation, the provisions of this article." This includes private actions for damages, court fees to prevailing plaintiffs on state constitutional claims.