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## Testimony in support of S.281 A Bill to establish Racial Equity in State Systems of VT

Christine Kemp Longmore

Co Founder Ccaleovt – Constitutional Council of Accountability with Law Enforcement Officials 2016  
Chair, Attorney General’s Advisory Panel on Racial Disparities in the Juvenile and Criminal Justice System 2017  
Chair, BPD Commission, 3 year term, serving until June 2018  
Agency Member of Racial Justice Reform Coalition 2017  
Co Founder Uncommon Alliance 2005 dismantling racial and ethnic disparities in the Justice System of VT

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S.281 The Systemic Racism Mitigation Oversight and Equity Review Board will provide systemic change and accountability to address the structural race based deficiencies in our state that have existed for countless years. If passed it will dismantle the disparities of a set of broken systems and improve the quality of life that racial discrimination often prohibits for thousands of non-white individual Vermonters, our families, friends, coworkers and neighbors.

I am of mixed heritage and identify as Black American. Part of my heritage can be traced to slavery. Part of my heritage can be traced to the indentured servitude of Irish people in this country as well. I submit this testimony with real hope that it will impact your thinking as public servants.

My hope is shared with black, brown, white, and native people that Vermont will once and for all, take responsibility for its part in the national systemic oppression of its black and brown citizens. While the total population of global majority citizens represent a small percentage of VT’s total population, we have a right to trust that elected officials can insure that the written protections by both the Vermont and United States Constitutions are more than words on an old document. It is significant to note that legalized slavery is still allowed and functioning in Vermont as a punishment for crime. Our state sponsored slavery system is overseen and managed through the collaborative partnerships of VT Dept of Public Safety, 79+ Police departments, VT Judicial system’s Judges and Prosecutors, VT Dept of Corrections, and private industries like <sup>1</sup>CCA that together feed black, brown and economically disadvantaged Caucasian lives to prisons for profit.

Vermont has been my home since 1974. In spite of the odds against them, I have raised 4 amazing children. They are all adults now. As they build their own families and futures, I’m sure they will choose to take their accomplishments and contributions as members of the VT community to other states where significant racial

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<sup>1</sup> <http://www.correctionscorp.com/>

justice progress has been accomplished. I have dedicated my career to serving vulnerable populations including youth, adults with disabilities, and most recently serious/violent offenders returning to our communities from prison. I have always participated in my community by serving as a volunteer on Boards, Commissions, grass roots organizations, and my church. I take my civic duty seriously and my history demonstrates that. Do you? Does your legislative history or current priorities demonstrate that?

Many Black and brown Vermonters have lived here a lifetime and have seen well-meaning people and organizations come and go and treat Racial Justice as a means to the hollow end of a public declaration that they are not racist.

The extent of systemic race based abuses have been partially uncovered and defined through recent reports, data, and damaged lives that illustrate the poor outcomes our systems have produced. Non White Vermonters have experienced inequalities in;

- delivery of health care services
- primary and secondary education opportunities
- job opportunities
- economic development opportunities
- access to formal and informal community services
- access to decent/affordable housing
- overall protection of civil and human rights

<sup>2</sup>Act 54-Racial Disparities in State Systems Report and Recommendations, submitted by the Vermont Attorney General and Human Rights Commission on December 15, 2017 is full of facts that prove these points to be true.

<sup>3</sup>Additionally, the Racial Justice Reform Coalition Legislative Research Report and Recommendations document addresses the facts, history and impact of persistent racial disparities in VT and the continuous failure to address them.

These outcomes mirror outcomes in our Country that in VT and other American states have existed for centuries. In fact without the use of hundreds of years of free and/or low cost labor that established a viable business model that affords wealth, power and control to a select few, this business model would have failed. Vermont, a state that publically and politically prides itself on quality of life, concern for vulnerable populations and protected classes fares much worse in comparison to neighboring states like Maine in its response to these troubling, and well documented disparities.

<sup>4</sup>Seven years ago in May 2011 Maine, a state with similar racial demographics to VT established a Racial Justice Policy Guide.

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<http://hrc.vermont.gov/sites/hrc/files/publications/2017-12-15%20Report%20and%20Recommendations%20Act%2054%20Final.pdf>

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<https://racialjusticereformomnibusbillvt.files.wordpress.com/2018/01/coalition-research-systemic-racism-11202017-docx-1.pdf>

<sup>4</sup> [http://mprc.me/documents/ME\\_racial\\_justice\\_policy\\_guide.pdf](http://mprc.me/documents/ME_racial_justice_policy_guide.pdf)

As Americans living anywhere in our country, our constitution says we are all entitled to the same protections of rights in all aspects of life. We are taught from the time we are young that fairness and equity are virtues and reasonable expectations we can place on our neighbors, elected officials, teachers, police, health care providers and ourselves as individuals. We are also taught and promised that if our rights are violated or otherwise not honored there are checks and balances in place to rectify violations of those rights.

In the absence of adequately funded agencies as well as competent, individuals charged with ensuring we all get equal protection of rights and opportunities regardless of race, religion or class under the law, each individual who experiences race based inequity is faced with the question of “why” and questions about what remedies are available. Sadly the necessary remedies are lacking. Remedies are not only needed to right these wrongs but necessary to restore balance in ones life.

Since most of the people who may hear or read this testimony have no idea what it is like to suffer economically by being unemployed, suffer emotionally with your family, receive poor medical treatment that often worsens sickness and disease, or fight with education systems for a child’s right to education, miss out on economic opportunities like business ownership ventures because banks don’t easily loan or help black or brown business, and have never been otherwise excluded from basic survival above poverty, substandard housing, and basic freedom to enjoy lives free of discrimination, I don’t realistically expect them to understand.

Many elected officials in Vermont have the shameful behavior of calling on the same people with brown skin who value the attention they get and the financial gain of personal business relationships they maintain individually by providing things like diversity consulting that has not affected any real change. These codependent relationships dictate that these purposefully selected individuals profess lies as truth and in doing so fraudulently represent all non-white Vermonters. In other words, just because you can get the same one or two brown skinned folks to say “everything is ok” or “things will get better over time”, it does not mean it is true or representative of the sentiments of the majority of the impacted people. **Delaying progress actually serves the business objectives of some individuals.** False statements like “Black and Brown people have a problem with immediate gratification” and “the reality is, it will take years to accomplish change” are crafted because it is comfortable for white ears and minds to receive. It fits in their limited perception of reality and supports the fallacy that the problem is not that bad. Watering down the truth provides a false comfort that appeases guilt. This behavior of elected officials and individuals who make themselves available for “official purposes” like testifying at racial justice hearings, exacts a horrible disservice to **all** Vermonters and in my opinion is disgraceful.

As the appointed Chair of the Attorney Generals Racial Disparities in the Juvenile and Criminal Justice System of VT, I serve as a volunteer because this issue directly affects the life of my immediate and extended family, friends, neighbors and the future of this state.

I am among other things;

- a survivor of the Burlington School system where in the 1980’s the Student Council sponsored an annual event called “Slave Day”
  - a victim of racial harassment in a South Burlington Neighborhood that the VT HRC failed to protect me and my family from because and I quote; “they are not burning crosses on your lawn”
  - a child of a Black man from Brooklyn who was regularly harassed and called racial slurs in front of me
  - A Johnson State College drop out because of racial incidents on campus
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In the face of the failure of efforts to achieve success in various aspects of life, individuals naturally contemplate where the true responsibility of an individual life meets the responsibility of systems lead by elected officials or state agency professionals to carry out roles and responsibilities in education, labor, employment, economic development, housing, health and human services or civilian life we all need to trust that there is some type of recourse available. Most people including children accept the teaching at least in theory that by putting forth individual effort, observing societal rules, laws and reasonable expectations of equality and fairness, we will never have to turn to systems of recourse to achieve what we all hope to achieve in life. Using systems of recourse is (possibly by design) an unpleasant last resort most people don't want to rely on.

Government funded agencies rely on tax payers hard earned contributions and are responsible to all constituents without regard to race, class or religion. Special concern and provisions for identified groups of people considered vulnerable populations and protected classes is a legally required responsibility inherent to public and private sectors and the public servants they employ. In fact there are even groups that don't normally have legally protected status (certain felony level offenders) that enjoy these types of provisions and protections under law. In terms of the percentage of Vermonters total population, this group is small. A small group of people in need of protection have a law designed specifically for them.

<sup>5</sup>Act 248, is a law that allows developmentally disabled felony offenders including sex offenders a pass to avoid incarceration- in part because they don't have the cognitive ability to navigate prison. Act 248 was adopted in 1987 to address a hole in the law. It also allocates resources through Community Mental Health and/or Community based Developmental Disability Service Agencies for case management, employment support, respite services, and re-assessment of public safety risk.

Both subordinates and leaders in our systems have to be held accountable if they or the organizations they are charged with leading or working in fail to ensure they consistently carry out their responsibilities in a way that is based in fairness and equity. **It is 2018!** As a state, Vermont cannot tout itself with any real integrity as a leader or model in Human Rights, Civil Rights or overall quality of life until it successfully addresses the alarming racial disparities in its systems. S.281, will establish a systemic framework that seeks to help Vermont live up to its professed creed.

By passing this bill, there will be hope that Vermont will finally become the state it advertises itself to be. We can't afford to stay in this condition particularly considering data that documents;

Higher rates of incarceration for blacks compared to whites

<sup>6</sup> Key Findings in the Color of Justice racial and ethnic disparities in state prisons show

African Americans are incarcerated in state prisons at a rate that is 5.1 times the imprisonment of whites. In five states (Iowa, Minnesota, New Jersey, Vermont, and Wisconsin), the disparity is more than 10 to 1.

<sup>7</sup>In Burlington, according to BPD Data, Use of Force data by police is deployed at a higher rate with people of color than whites

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<https://legislature.vermont.gov/assets/Documents/2014/WorkGroups/House%20Judiciary/Bills/H.555/Witness%20Testimony/H.555~Susan%20Wehry~Act%20248%20Handout~2-27-2014.pdf>

<sup>6</sup> <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

<sup>8</sup>Health disparities of Black and Brown Vermonters

<sup>9</sup>Disparate Educational outcomes and high rates of school suspensions for black youth

<sup>10</sup>In 2015 Economic Data shows a huge income gap between whites and blacks. The median income of white households was \$67,095 compared to \$40,873 for Black Vermonters.

Relying on the assumption that individuals who carry out their duties on behalf of the agencies they are employed by in a manner that is responsible, compassionate and considerate of the level of discretion they possess and the impact their decisions have on individual lives and collectively on a whole group of a protected class of people according to state and federal law HAS NOT WORKED. We do not need another report or set of recommendations. It is actually not that complicated. We need to begin carrying out our responsibility as a state to adhere to, comply with and enforce laws that are designed to address these historical abuses.

Of all the protected classes some of which are also deemed to be vulnerable populations including people who come here from other countries who we call “new americans”, black and brown American people are afforded none of the same legally enforced protections, resources and support. LBGTQA self - identifying people, people with disabilities, women, and other marginalized groups have been deemed so based on the knowledge that by the very nature of who they are routinely experience disparate treatment. The state and its elected officials need to develop an institutional understanding and more importantly, work toward equity for all Vermonters. Regardless of the economic benefits or costs, doing anything other than addressing this with a comprehensive approach like the Racial Equity Commission is wrong. This Commission is the step to take to honor our laws and basic human decency.

<sup>11</sup>The action of Uncommon Alliance, a grassroots organization founded and lead by people of color in 2005 was the impetus for Fair and Impartial policing policy. It was a catalyst for the first implementation of race data in traffic stops in VT. Black/brown Americans in VT have not benefitted from the enforcement of and the protection afforded by these policies. Furthermore, Laws that exist on the books but are never enforced and selectively used when there is an economic gain are meaningless. They are more like codes used to benefit white people and institutions economically.

<sup>12</sup>This has been the case with the recent activity of the VT Criminal Justice Training Council when they changed the policy without adhering to the letter of the law that relates to who should be represented at the table in the process of updating or changing the policy.

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<sup>7</sup> <http://www.burlingtonfreepress.com/story/news/local/2017/01/25/burlington-police-release-use-force-data/96926464/>

<sup>8</sup> [http://www.healthvermont.gov/sites/default/files/documents/2016/12/brfss\\_data\\_brief\\_20165\\_rem.pdf](http://www.healthvermont.gov/sites/default/files/documents/2016/12/brfss_data_brief_20165_rem.pdf)

<sup>9</sup> <http://www.bsdt.org/wp-content/uploads/2017/07/EIR-Report-2013-2014.pdf>

<sup>10</sup> <https://datausa.io/profile/geo/vermont/#economy>

<sup>11</sup> <https://vtdigger.org/2012/04/03/police-report-shows-blacks-more-likely-to-be-stopped/>

<sup>12</sup> <https://legislature.vermont.gov/statutes/section/20/151/02352>

The only organization who black and brown Vermonters have to protect them, VT Human Rights Commission was not informed of the meeting or included in the process. Clearly, the VT Criminal Justice Training Council, a group that prides itself on "law and order" deliberately excluded the one group and negated the protection designed by law knowingly because doing so may have disrupted the portion of the profits of VT's participation in the prison industrial complex through Federal C.O.P.S grants. This same group deliberately included the ACLU and Migrant Justice because including them based on the population they represent translates to Federal money. This mis step is at the least shameful and regrettable. Clearly, black and brown American Vermonters can't rely on any existing VT based organizations or institutions to protect us.

A day in a life (of a person of color)

Imagine your neighbor lied to your landlord accusing you of being a drug dealer

Imagine the landlord chooses to believe them and not you

Imagine that the landlord tells the police and the police come to your home to ask you about these false allegations

Imagine that when it is time to renew your lease, it won't be renewed

Imagine taking the time to tell this story to the VT Human Rights Commission and they say they can't help unless crosses are being burned on your lawn

Imagine at the same time you are called into school because your son has been accused of sexting and the Principal is threatening to call the police on your 12 year old son while the 12 year old white female who initiated the sexting is not being reprimanded at all

Imagine on that same day you go to a store and the store owner follows you and then throws your change on the counter instead of placing it in your hand as she did with the customer in front of you

Imagine you get a letter in the mail telling you the promotion you applied for was given to a white woman with less experience

Imagine your spouse comes home saying he wants to quit his job because someone left a miniature noose on his desk

At the end of a day like that how would you feel? Could you manage this level of **toxic stress**?

Would you be looking forward to going through the same kinds of things the next day, next week, next month, year....?

I wonder how you would feel and how necessary you would think a remedy like s.281 is

Please pass this legislation and establish the Racial Equity Commission

Thank you for your time and service to our state.