

1 Introduced by House Committee on General, Housing, and Military Affairs

2 Referred to Committee on

3 Date:

4 Subject: State-sanctioned sterilizations; eugenics; Truth and Reconciliation

5 Commission Development Task Force

6 Statement of purpose of bill as introduced: This bill proposes to create a task
7 force to develop a proposal for a Truth and Reconciliation Commission to
8 examine the history and impacts of Vermont’s State-sanctioned and
9 eugenically inspired sterilization, institutionalization, segregation,
10 discrimination, historic bias, and systemic racism [State-sanctioned
11 segregation, discrimination, and systemic bias, including eugenically inspired
12 sterilizations and historical and systemic racism].

13 An act relating to creating the Truth and Reconciliation Commission
14 Development Task Force

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. TRUTH AND RECONCILIATION COMMISSION

17 DEVELOPMENT TASK FORCE; REPORT

18 (a) Creation. There is created the Truth and Reconciliation Commission
19 Development Task Force to develop a proposal for legislation to create a
20 Truth and Reconciliation Commission to examine the historical record and

1 adverse impacts of Vermont’s State-sanctioned and eugenically inspired
2 sterilization, institutionalization, segregation, discrimination, historic bias,
3 and systemic racism [State-sanctioned segregation, discrimination, and
4 systemic bias, including eugenically inspired sterilizations and historical and
5 systemic racism].

6 (b) Membership. The Task Force shall be composed of the following
7 members:

8 (1) a member of a Native American Indian tribe that is recognized
9 pursuant to 1 V.S.A. chapter 23, who shall be appointed by the Vermont
10 Commission on Native American Affairs;

11 (2) four members, one from each of the Native American Indian tribes
12 that is recognized pursuant to 1 V.S.A. chapter 23, who shall be appointed by
13 the leadership of their respective tribes;

14 (3) an individual with a developmental disability, who shall be
15 appointed by the Green Mountain Self Advocates;

16 (4) an individual with a psychiatric disability, who shall be appointed
17 by the Vermont Psychiatric Survivors;

18 (5) an [two or three] individual[s] who has [have] a disability or
19 advocate[s] for disabled Vermonters, who shall be appointed by the Vermont
20 Developmental Disability Council [Vermont Center for Independent Living
21 or Vermont Coalition for Disability Rights];

1 (6) an individual with experience working to implement racial justice
2 reforms or representing communities of color in Vermont, who shall be
3 appointed by the Racial Equity Advisory Panel;

4 (7) a member of the French-Canadian community of Vermont, who
5 shall be appointed by the Vermont French-Canadian Society;

6 (8) an individual with expertise in the protection of human rights and
7 prevention of discrimination, who shall be appointed by the Vermont Human
8 Rights Commission;

9 (9) an individual with expertise in the treatment of psychological
10 trauma within distinct communities and groups, who shall be appointed by
11 the Committee on Committees;

12 (10) a historian with expertise in the history of the eugenics movement
13 in Vermont, who shall be appointed by the Governor;

14 (11) an individual with expertise in restorative justice, who shall be
15 appointed by the Speaker of the House; and

16 (12) three representatives of major civil society organizations that have
17 historically championed the cause of reparatory justice, who shall be jointly
18 appointed by the Speaker of the House and the Committee on Committees
19 from a list of candidates prepared by the Social Justice Caucus of the
20 Vermont General Assembly.

21 (c) Powers and duties.

1 (1) The Task Force shall develop a proposal for legislation to create a
2 Truth and Reconciliation Commission to examine the historical record and
3 adverse impacts of Vermont’s State-sanctioned and eugenically inspired
4 sterilization, institutionalization, segregation, discrimination, historic bias,
5 and systemic racism [State-sanctioned segregation, discrimination, and
6 systemic bias, including eugenically inspired sterilizations and historical and
7 systemic racism]. The proposal shall address the following:
8 (A) the membership of the Commission;
9 (B) the specific issues to be examined by the Commission;
10 (C) the work product to be produced by the Commission, including
11 whether that work product will include the creation of a comprehensive
12 historical record of State-sanctioned and eugenically inspired sterilization,
13 institutionalization, segregation, discrimination, historic bias, and systemic
14 racism [State-sanctioned segregation, discrimination, and systemic bias,
15 including eugenically inspired sterilizations and historical and systemic
16 racism] in Vermont, an examination of the long-term impacts of State-
17 sanctioned and eugenically inspired sterilization, institutionalization,
18 segregation, discrimination, historic bias, and systemic racism [State-
19 sanctioned segregation, discrimination, and systemic bias, including
20 eugenically inspired sterilizations and historical and systemic racism] on the
21 communities targeted by the Vermont Eugenics Survey, and

1 recommendations for legislative action to address or mitigate long-term
2 impacts that the Commission identifies;

3 (D) the amount of time in which the Commission will conduct its
4 work and the date by which the Commission will produce a final work
5 product;

6 (E) the technical, administrative, and legal support that should be
7 provided to the Commission, including whether the Commission should be
8 permitted to hire staff or utilize State resources to assist with its work;

9 (F) the amount of funding that should be provided to the
10 Commission and potential sources for that funding, including State
11 appropriations, and grants and donations from public and private sources;

12 (G) whether the Commissioners will be engaged in their work for
13 the Commission on a full-time or part-time basis;

14 (H) the amount of compensation that should be provided to each
15 Commissioner;

16 (I) whether the State should be required to cooperate with the
17 Commission;

18 (J) whether the Commission should have access to documents and
19 records that would otherwise be kept confidential;

1 (K) whether the Commission should be given the power to issue
2 subpoenas to compel the attendance of witnesses and the production of
3 documents;

4 (L) whether the Commission should be given the power to enter and
5 inspect buildings and properties that had a role in relation to State-sanctioned
6 and eugenically inspired sterilization, institutionalization, segregation,
7 discrimination, historic bias, and systemic racism [State-sanctioned
8 segregation, discrimination, and systemic bias, including eugenically inspired
9 sterilizations and historical and systemic racism] that occurred in Vermont;

10 (M) whether it may be necessary to prevent the use in other
11 proceedings of information that is provided to the Commission; and

12 (N) what will happen to the complete record of the Commission’s
13 work and findings after the Commission ceases to exist, including how to
14 address privacy concerns of communities, families, and individuals harmed
15 by State-sanctioned and eugenically inspired sterilization, institutionalization,
16 segregation, discrimination, historic bias, and systemic racism [State-
17 sanctioned segregation, discrimination, and systemic bias, including
18 eugenically inspired sterilizations and historical and systemic racism].

19 (2) In developing its proposal, the Task Force shall solicit and consider
20 input from:

1 (A) members of communities that were targeted by the Vermont

2 Eugenics Survey;

3 (B) scholars and others who have studied the history of Vermont’s

4 State-sanctioned and eugenically inspired sterilization, institutionalization,

5 segregation, discrimination, historic bias, and systemic racism [State-

6 sanctioned segregation, discrimination, and systemic bias, including

7 eugenically inspired sterilizations and historical and systemic racism];

8 (C) individuals with expertise in restorative and community justice;

9 (D) individuals with expertise in the formation or operation of truth

10 and reconciliation commissions; and

11 (E) the general public.

12 (d) Assistance. For the sole purpose of preparing recommended

13 legislation, the Task Force shall have the assistance of the Office of

14 Legislative Council.

15 (e) Report. On or before January 15, 2021, the Task Force shall submit a

16 written report to the House Committee on General, Housing, and Military

17 Affairs and the Senate Committee on Economic Development, Housing and

18 General Affairs with its recommendations for legislative action. The report

19 shall include recommended legislation for consideration by the General

20 Assembly.

21 (f) Meetings.

1 (1) The member appointed by the Speaker of the House shall call the
2 first meeting of the Task Force to occur on or before September 1, 2020.

3 (2) The Task Force shall select a chair from among its members at the
4 first meeting.

5 (3) A majority of the membership shall constitute a quorum.

6 (4) The Task Force shall cease to exist on January 30, 2021.

7 (g) Compensation and reimbursement. For attendance at meetings,
8 members of the Task Force shall be entitled to per diem compensation and
9 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
10 than six meetings.

11 (h) Appropriation. The sum of \$5,500.00 \$14,500.00 is appropriated
12 from the General Fund in fiscal year 2021 for per diem compensation and
13 reimbursement of expenses for members of the Task Force.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2020.