

Vermont General Assembly Government Operations Committee

28 February, 2019

3:15 pm.

Room 4

Testimony

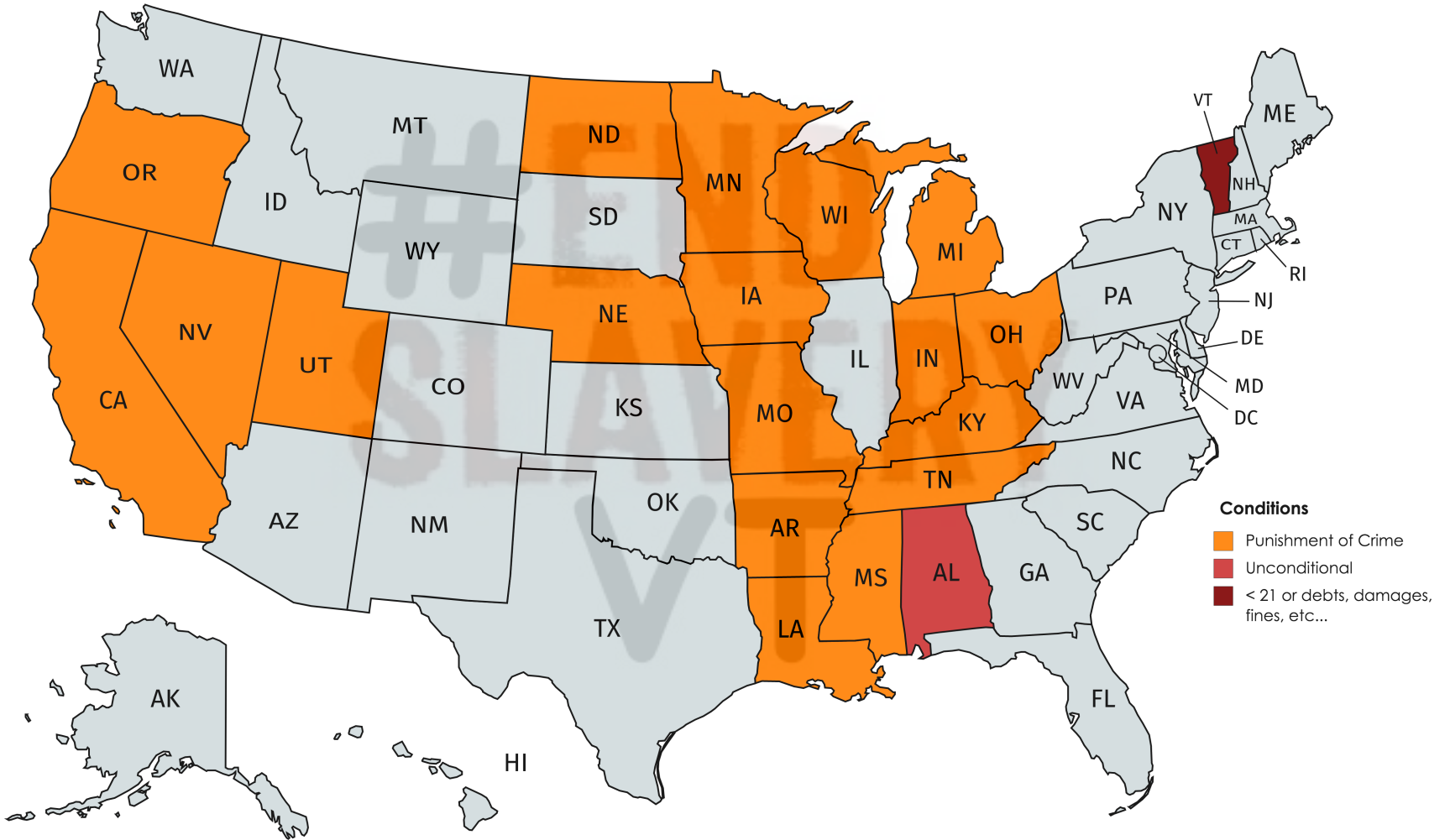
PR.2

**Declaration of rights; eliminating
reference to slavery**



Mark Hughes, Executive Director
Justice For All
Racial Justice Alliance, Coordinator

Slavery in the United States



History

Vermont – has had some form of constitutional slavery longer than any other state in United States history!

- Original 1777 constitution, revised and adopted 1786 and 1793
- Conventions in 1828, 1836, 1850, 1870
- By the people in 1888 and 1913
- Changing language for slavery for women from 18 to the age of 21
- 27 additional amendments; most recent 2010

Vermont Constitutional Slavery

This language in the Vermont Constitution has remained largely unchanged over the past **242 years!**

Article 1. [All persons born free; their natural rights; slavery prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, **after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.**

Recent History

- **Justice For All and Black Lives Matter** Interview the candidates on racial justice issues and the constitutional amendment 6/16 – 8/16
- **The Vermont Democratic Party** places a position to remove slavery from the Constitution on the Platform - 8/16

“The Vermont Democratic Party will work to amend Article I of the Vermont Constitution **to clarify that slavery in any form is absolutely prohibited.**”

- **The Racial Justice Reform Coalition** requests the Senate leadership to urge the 2019 Senate to propose a constitutional amendment, removing slavery. No Response. - 3/18
- The Racial Justice Reform Coalition submits a second request to Senate leadership. Refused - 4/18.
- **The Racial justice Reform Coalition** requests the House introduce a proposal, urging the 2019 Senate to introduce a constitutional Amendment to remove slavery. Rep Cina sponsors (with 63 other representatives) H.R.25. The Resolution dies in Government Operations Committee. 5/18

More Recent History

- The **Vermont Democratic Party reaffirms its position** on prohibiting slavery by accepting the language in its platform for the second consecutive Platform Convention. - 8/18
- **Justice For All** and the **Racial Justice Alliance** (formerly the Racial Justice Reform Coalition) put forward language for a proposal for the Constitutional Amendment, to removing slavery. - 9/18
- **The Vermont League of Cities and Towns** unanimously passes a resolution, expressing their desire that the constitution be amended to reflect "Slavery and involuntary Servitude in all forms are prohibited"
- **The Senate**, by Senator Ingram (and 23 other Senators) introduces PR.2 a proposal to amend the constitution, removing slavery. - 1/19
- Testimony opens for PR.2 in Senate Government Operations Committee. 1/19
- **The Vermont Episcopal Diocese Council** Unanimously approves the release of a letter to the Senate Government Operations Committee, supporting PR.2. 2/19
- **The Governors Workforce Equity and Diversity Council** unanimously vote in favor of PR. 2. 2/19

Vermont Racial Justice Alliance

Proposed Senate Resolution 3/18

Senate resolution relating to encouraging its members, in 2019, to initiate an amendment to the Vermont Constitution regarding the removal of all reference to slavery.

Whereas, the original Vermont Constitution of 1777, allowed for the holding of males until the age of 21, females until the age of 18 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves.

Whereas, the revised Vermont Constitution of 1786, continued to allow for the holding of males until the age of 21, females until the age of 18 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves.

Whereas, the adopted Vermont Constitution of 1793, continued to allow for the holding of males until the age of 21, females until the age of 18 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves

Whereas, the Vermont Constitution being amended by Conventions in 1828, 1836, 1850, and 1870, continued to allow for the holding of males until the age of 21, females until the age of 18 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves

Vermont Racial Justice Alliance

Proposed Senate Resolution 3/18

Whereas, the Vermont Constitution being amended by the people in 1883 and 1913 continued to allow for the holding of males until the age of 21, females until the age of 18 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves

Whereas, the Vermont Constitution being amended by the people in 1924 continued to allow for the holding of males until the age of 21, changed the age of females from 18 to 21 and continued to allow anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves

Whereas, the Vermont Constitution being amended by the people 27 additional times, 25 of which were ratified, the last of which being as recent as 2010, to this day continues to allow for the holding of males AND females until the age of 21 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves.

Whereas, Vermont is the ONLY state in the United States that constitutionally allows for the holding of males AND females until the age of 21 and anyone bound by law for payment of debts, damages, fines, costs, or the like to be held as slaves.

Vermont Racial Justice Alliance

Proposed Senate Resolution 3/18

Whereas, every voter solemnly swears (or affirms) that whenever they giving their vote or suffrage, touching any matter that concerns the State of Vermont, they will do it so as in their conscience they shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person.

Whereas, every officer, whether judicial, executive, or military, in authority under this State, solemnly swears (or affirms) that they will be true and faithful to the State of Vermont, and that they will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof.

Whereas, every State Representative solemnly swears (or affirms) that as a member of the Assembly, they will not propose, or assent to, any bill, vote or resolution, which shall appear to them injurious to the people, nor do nor consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State.

Whereas, the Vermont Constitution is the foundation of governmental structure, political processes, and limitations on the use of power and underpins all of the laws of the Green Mountain State of Vermont.

Vermont Racial Justice Alliance

Proposed Senate Resolution 3/18

Resolved by the Senate:

That the Senate of the State of Vermont encourages its members, in 2019, to initiate a Vermont Constitutional Amendment to read as follows:

“Article 1. [All persons born free; their natural rights; slavery prohibited]

“That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, ~~after arriving to the age of twenty one years, unless bound by the person’s own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.”~~

“~~VOTER QUALIFICATIONS OF FREEMEN AND FREEWOMEN~~ OATH”

42. [VOTER’S QUALIFICATIONS AND OATH

PR.2 Senate Government Operations

Language 2/21/12

This proposal would amend the Constitution of the State of Vermont to clarify that slavery in any form is prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery prohibited]

“That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore slavery in any form is prohibited; and no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, ~~slave~~ or apprentice, ~~after arriving to the age of twenty-one years,~~ unless bound by the person’s own consent, ~~after arriving to such age,~~ or bound by law for the payment of debts, damages, fines, costs, or the like.”

Legislative Council Draft

(a) History. While Vermont was the first state to include a partial prohibition on slavery in its constitution, Vermont's slavery prohibition was only applicable to adults of a certain age., "unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like."

(1) The 1777, 1786, and 1793 Vermont Constitutions each prohibited slavery of males who reached 21 years of age and females who reached 18 years of age, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

(2) The 13th Amendment to the U.S. Constitution, ratified in 1865, prohibited slavery within the United States, "except as a punishment for crime whereof the party shall have been duly convicted".

(3) In 1924, the Vermont Constitution was amended to ~~eliminate specific reference to~~ change the slavery prohibition age ~~for females in its slavery prohibition~~ from 18 to 21.

(4) In 1994, the Vermont Constitution was revised to be gender inclusive, resulting in our current language that refers to a prohibition on slavery of "persons" reaching 21 years of age.

(b) Purpose. This proposal would amend the Constitution of the State of Vermont to eliminate reference to a ~~qualified prohibition on~~ slavery. Eliminating reference to slavery in the Vermont constitution will serve as a foundation in addressing systemic racism in Vermont laws, rules and institutions.

PR.2 STATED PURPOSE

Sec. 1. HISTORY; PURPOSE

(a) History. While Vermont was the first state to include a prohibition on slavery in its Constitution in 1777, it was only a partial prohibition, applicable to adults reaching a certain age, “unless bound by the person’s own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.” **The 13th Amendment to the U.S. Constitution, ratified in 1865, prohibited slavery within the United States “except as a punishment for crime whereof the party shall have been duly convicted[.]”** Despite subsequent revisions to it, the Vermont Constitution continues to contain only a partial prohibition on slavery.

(b) Purpose. This proposal would amend the Constitution of the State of Vermont **to eliminate reference to slavery**. Eliminating reference to slavery in the Vermont Constitution **will serve as a foundation for addressing systemic racism in our State’s laws and institutions**.

Systemic Racism

“While slavery has been outlawed in this country for over 150 years, the vestiges of it and of Jim Crow remain today in the form of systemic racism. Despite amendments to the United States Constitution and the 1866 Civil Rights Act, which were intended to promote equality of opportunity, that equality remains elusive for many People of Color (POC)6 both nationally and within Vermont.”¹

There is created within the Executive Branch the position of Executive Director of Racial Equity to identify and work to eradicate systemic racism within State government”²

“The Executive Director of Racial Equity (Director) shall work with the agencies and departments to implement a program of continuing coordination and improvement of activities in State government in order to combat systemic racial disparities and measure progress toward fair and impartial governance...”³

¹ ATTORNEY GENERAL AND HUMAN RIGHTS COMMISSION TASK FORCE ON ACT 54- RACIAL DISPARITIES IN STATE SYSTEMS REPORT AND RECOMMENDATIONS, p5

^{2,3} 3 V.S.A. § 5001.

Systemic Impact

- Statutes
- Rules
- Institutions
- Government
- Legislation
- Courts

Implications

- Incarcerated
- Vermont Correctional Industries
- **Human Trafficking**
- Labor (Migrant Labor)
- Department of Children and Family
- Woodside

Vermont – Beyond the Call

- Immigration
- Hemp and Cannabis
- Right to Choice
- Slavery?

Priorities

- Cannabis Taxation and Regulation
- School Discipline Disparities
- Act 250 and implications
- Civilian Oversight of law enforcement
- THE CONSTITUTION
- Civil liberties and Equal Protection Under the Law
- Legislation
 - Use of Force
 - Reparations
 - Racial Equity
 - Racial Profiling
 - Ethnic Studies

Beginning the Work to Unpack Systemic Racism

- Vermont Constitution Chapter II. §42
- 17 V.S.A Chapter 32
- 3 V.S.A § 2311 - Population Level Quality Of Life Outcomes
- Senate Rule 84
- S.54 - An act relating to the regulation of cannabis
- Act 250 – 50 years
- 9 V.S.A (Commerce)

Racial Disparities

- One in 14 African American Males Incarcerated
- 11 Percent of those incarcerated are black
- Blacks are five times more likely to have been sexually abused against them
- White people have 13 times the wealth of African Americans
- 17% blacks own homes 71 whites, in Vermont
- Blacks are 3 times more likely to turn over state jobs
- Blacks are less likely to have a primary care provider
- Blacks are disciplined in schools at exponentially higher rates than white children

Recommendations

1. Adopt the language we originally offered

“Article 1. [All persons born free; their natural rights; slavery prohibited]

“That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, ~~after arriving to the age of twenty one years, unless bound by the person’s own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.~~”

~~“VOTER QUALIFICATIONS OF FREEMEN AND FREEWOMEN OATH”~~

42. [VOTER’S QUALIFICATIONS AND OATH

Recommendations

2. Initiate a Joint Resolution making application under US constitution rescinding and replacing the 13th Amendment to ensure that slavery is prohibited, without exception in the United States

- Application under US constitution
- Rescinding and replace the 13th Amendment
- Slavery is prohibited, without exception in the United States

3. Amend 17 V.S.A Chapter 32 – Remove 16 occurrences of “Freeman” language

4. Amend 3 V.S.A § 2311 - Add Population Level Quality of Life Outcome

Recommended: *Black Vermonters are proportionately represented and treated fairly .*

5. Senate Rule 84 – Remove the term “freemen”

Closing

Vermont has serious issues to address in terms of racial justice, equity and diversity. Not unlike the rest of the nation, these issues exist as a result of our racist national past. They live in our racist national present. Officials have made progress in identifying the challenge and beginning the process to address it through Act 54 (2017) and Act 9 (2018). Now more is required of us. Now is the time to do the hard work of deconstructing the foundation of institutionalized racism in Vermont – our constitution.

Then we must work diligently each day to seek out, identify and course correct the statutes, rules and institutions that continue to perpetuate disparities and hurt people 242 years after our constitution promised us that “all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.”

Thank you for your time and thank you for your service.