

Opinion/Editorial  
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### **An Unfortunate Amendment**

There is an effort afoot to amend the Vermont Constitution to alter the 1777 language prohibiting slavery, the first prohibition of slavery in North America. I think doing this is a bad idea. As I understand it, supporters of amending object to the anti-slavery language because it limits protection from slavery to persons over twenty-one years old. I agree that this is indeed a flaw.

I also agree that the Vermont Constitution is a living, amendable document. Other early language has been amended. But to change the law, not to falsify the historic record. The language in question has not been actual law since preemption by the 13<sup>th</sup> Amendment to the U.S. Constitution which prohibits slavery in the U.S. So, the flaws in the Vermont language have no practical, legal impact, and amending them will not actually change anything constitutionally.

But the language is especially important historical language, and its presence in our constitution is part of the record of the founding of the independent State of Vermont, often called the Republic of Vermont. The founding language of our constitution reflects the characters and values of Vermont's founders; including freedom, equality, human dignity. Vermonters continue to respect these values which define our view of ourselves. Being the first North American polity to outlaw slavery has been a point of pride for generations of Vermonters, deserving of preservation.

But, yes, the failure to prohibit ALL slavery was a flaw. Our history is flawed. The Emancipation Proclamation didn't actually free the mass of slaves at the time, but it did proclaim emancipation. The Declaration of Independence claimed certain "unalienable rights" for "all men", but not for women, and it was blatantly racist regarding "the savage Indians". But it was and is a thunderclap for freedom. The Magna Carta did very little for common people, mainly serving the wealthy nobles, but it established the consent of the governed as the authority for the just powers of government. So too Vermont's ban on slavery failed to do what it failed to do, yet did what it did.

Then why not just delete the obnoxious part? If it were current law it should be deleted. But altering the historic record to make it worthier than it actually is would be dishonest revisionism. Making historical figures appear to say what we wish they'd said, instead of what they did say, puts a smiley face on the darker side of our history. The good of our history, like Vermont's first in America prohibition of slavery, deserves our respect. The darker side is something to which we must face up frankly. Respect for the good is often denigrated as jingoist. Frankness about the bad is condemned as unpatriotic. But actually, both are simply respect for the truth.

What will we have if the amendment becomes constitutional language? It won't be law because it will be moot. Slavery is already banned, has been banned under the U.S. Constitution for a century and a half. Nor will we any longer have an historical artifact because the language won't be what Vermont's founders said, but what we wish they'd said. We'll have neither law nor history, but a statement that in this late century Vermont is against slavery. I dread the well-deserved mockery from FOX to Saturday Night Live.