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PR.2 Testimony  
Senate Government Operations Committee  
Room 11, Vermont Statehouse  
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Good afternoon Madam Chair and Senate Government Operations Committee. For Committee record, I am Mark Hughes, Director of Justice For All and Coordinator for the Racial Justice Reform Alliance. We brought you Act 54 (2017), racial Disparities in the Criminal and Juvenile Justice System Advisory Panel and Act 9 (2018), Racial Equity Panel and Director.

The Attorney General and Human Rights Commission Act 54 Task Force Report stated "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". Act 9 "created within the Executive Branch the position of Executive Director of Racial Equity to "identify and work to eradicate systemic racism within State government". Now we bring you PR. 2. As introduced and sponsored by all of you and 19 additional senators, the purpose of this this bipartisan bill was to "amend the Constitution of the State of Vermont to eliminate reference to slavery". The purpose went on to say "Eliminating reference to slavery in the Vermont Constitution will serve as a foundation for addressing systemic racism in our State's laws and institutions."

We have all come to understand that though well intended, our pleas to "remove slavery from the constitution fell short of our collective true intention to ensure that the constitution expressly prohibited slavery. Our purpose however remains clear – "to serve as the foundation for addressing systemic racism in Vermont". I ask that the essence of this intent not be erased and that it be restored to the purpose language along with the history of partial prohibition and that of the 13<sup>th</sup> amendment of the United States constitution.

Second, I ask that you consider the removal of the language indicating "or bound by law for the payment of debts, damages, fines, costs, or the like" from the Vermont constitution. This language supports the criminalization of poverty. 13 V.S.A. § 7180 is clear on the fact that incarceration is a remedy for failure to pay fines, costs, surcharges, and penalties. The United States constitution is even clearer that those incarcerated for the punishment of a crime are slaves. Outside of the federal implications the implications of this type of servitude amounts to modern day trafficking in Vermont. Finally, with wealth of whites being 13 times that of African Americans, clearly the impact is disproportionate.

Third, moving to Chapter II of the Vermont constitution, the words “Freemen” and “Freewomen” appear in Chapter II. §42 as descriptors for eligible voters in the constitutionally mandated general referendum required to amend the constitution. This should be replaced with [Voters Qualifications and Oath]. Note that the terms “Freemen” and “Freewomen” appear 16 additional times in 17 V.S.A Chapter §32 and the term is also in Senate Rule 84. All occurrences ominously pertain to voter qualifications in the general referendum to amend the constitution. I ask that they be replaced.

Lastly, It would be irresponsible if I didn't provide some clarity surrounding the premise that language the constitution probably never intended to permit slavery. Jacobs vs. Vermont Supreme Court was NOT a decision on the question of constitutional intent surrounding slavery. The case was about a Supreme Court Judge who owned and employed a slave (Dinah) for 17 years. Windsor brought claim against the judge because the town was caring for her, being homeless (in that she was blind and sick) because Jacobs would not. After Jacobs recusal, the purchase receipt was challenged and a Judge Tylor stated that the purchase receipt was inadmissible because slavery was prohibited in Vermont. This, arguably one of the worst court technicalities in Vermont Judiciary is a far cry from a decision on the constitutional intent surrounding slavery.

This is time where who we are as a nation has come to the surface and there is allot to unpack. SE State prison is 6-minute car ride from where Dinah lived the last 25 years of her life. A woman, black, a slave, sick, disabled, homeless, unemployed, uninsured, she represented almost all of what as a society has historically neglected, abused, oppressed and criminalized. Let's use her legacy to embrace our history commit to our future. We can't go on criminalizing black and brown and poor people. This is our opportunity to make a clean break. Let's stay the course and continue the work that we have started and continue to live up to who we are as Vermont. Whether it has been immigration, cannabis legalization nor the fight for women's rights to choose concerning their own bodies, nothing has deterred us in our fight for what is right. Let us continue that fight against the oppression and criminalization of black and brown and poor folks in Vermont.

Thanks for taking my testimony.

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