



Vermont Truth & Reconciliation Commission (VTRC)

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To: House Committee on Judiciary

From: Commissioners, Mia Schultz, Melody Mackin, and Amanda Garcés, Vermont Truth and Reconciliation Commission

Date: April 29, 2026

Re: Testimony from the Vermont Truth and Reconciliation Commission in Support of Proposition 4, Vermont Constitutional Equal Rights Amendment.

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Thank you for the opportunity to submit testimony. We write in strong support of Proposition 4, the Equal Rights Amendment to the Vermont Constitution.

The work of the Vermont Truth and Reconciliation Commission (VTRC) provides important context for why this amendment is both necessary and timely. The VTRC's mandate is to examine Vermont's history of systemic harms, including eugenics policies, discrimination, and exclusion, and to elevate the experiences of those who have been marginalized or "othered" by law and policy. Our purpose is to document harm and to inform structural change so that harms are not repeated.

Historically, this question of "Who is a Vermonter?"<sup>1</sup> has not been neutral. Cultural narratives of a "real Vermonter" have often centered a narrow vision rooted in New England Protestant ancestry, excluding Indigenous peoples, people with disabilities, immigrants, and others who did not fit that mold. As scholars like Nancy Gallagher<sup>2</sup> and Mercedes de Guardiola<sup>3</sup> have documented, institutions like the Eugenics Survey of Vermont reinforced ideas of a "hardy race" while labeling others as "degenerate," embedding racism, ableism, xenophobia, and intolerance into public policy.<sup>4</sup>

These narratives left out deeper truths. The land now called Vermont exists within the ancestral homelands of the Abenaki and Mohican peoples, whose presence long predates the State. And, even as Vermont's constitution sought to limit slavery, exclusion and dehumanization persisted.

The narrow definition of who counts as a Vermonter is not just part of the past; it still influences how people experience belonging today. For many, the question of whether they are truly seen as Vermonters is not abstract; it shows up in everyday interactions and in how their rights are understood.

A truth teller who shared their experience with this Commission said:

“And so I can't sit here expecting people to receive my story with such tenderness and compassion without acknowledging that this country was set up not to see me. Was set up to not see me as human. That I'm still three fifths. And I feel that still even in 2025.”<sup>5</sup>

This testimony reflects the ongoing impact of systems that have denied full humanity to Black, Indigenous, disabled, queer and trans Vermonters.

The crux of discrimination past and present set the criteria for is a Vermonter.

An essential part of Vermont's identity lies in the founding constitutional provision that outlawed slavery. While adult slavery was outlawed, youth could still be exploited through systems, such as poor auctions and state work programs for more than a century afterward. The step of outlawing slavery within the constitution was certainly an essential move forward but it was only a half measure. It was a testament to what Vermonters aspired to be, but in actuality cultural norms take a while to catch up to legal statutes and policies. Through the VTRC truth-telling process, we have heard from many folks. Despite the existence of laws and policies that should protect them, bias and discrimination still find a way. It is not enough to have statutes and policies that seek to create equal protection. It must be in the core of who we are. Half measures of equality allow discrimination and bias to persist in a place that has never been free from it.

Professor Harvey Whitfield highlighted Dinah's story in his book regarding slavery in Vermont. The 1791 and 1800 census show that she lived in the home of Judge Stephen Jacobs. He kept her as his slave, and yet he was a prominent lawyer, representative, and eventually VT Supreme Court judge. When Dinah became too sick to work for him, she was discarded after 17 years and abandoned to public charity. When Windsor's selectman tried to warn her out of town when she became ill around 1806-7, some people in town cared for her until her death. Windsor brought suit against Judge Jacobs for the cost of her care. To prove she was enslaved, a bill of sale was required. The bill of sale that did exist was thrown out as evidence because technically slavery was outlawed and therefore must be void even though he had in practice held her in bondage. People in town knew of Dinah's circumstance as well as fellow lawmakers and legal colleagues. Slavery was allowed to persist and with someone at the heart of who Vermont considered a prominent member of their society. From lawmakers to townspeople, their complicity was the thread in the fabric that held racism together. They may have taken pity on her in her final time as a community, but they certainly turned away from her as a black enslaved woman whose life was held captive to a man that knew better. As a judge, he had the power to create and maintain laws that shaped Vermont.

Why is this important in May of 2026? Systems like this still do not protect all Vermonters. Proposal 4 reflects the lessons of that history. It establishes a clear

constitutional boundary: that no group of people may be denied equal protection based on who they are.

Across the State, Vermonters have come forward to the VTRC with deeply personal accounts of harm, survival, and resilience from systems that continue to shape their lives. One of the clearest throughline across the testimonies is that harm does not happen in isolation. It occurs where race, disability, gender, poverty, mental health, and other lived realities meet systems that already hold power over people's safety, care, housing, freedom, and belonging.

Truth-tellers have described navigating overlapping realities, including race, disability, mental health, gender identity, poverty, and involvement with state systems. These experiences compound. They affect how people are seen, how they are treated, and whether they are protected.

The Commission has heard from people in mental health crisis who were met with force instead of care. It has heard from people impacted by the carceral system who describe being dehumanized. It has heard from Vermonters who continue to face barriers to safety, dignity, and opportunity because of who they are and how systems respond to them.

This testimony makes clear that discrimination and disparate impact are not theoretical. They are ongoing realities.

For that reason, claims that existing protections are sufficient do not reflect what the Commission is hearing directly from Vermonters. Protections in statute do not always become protection in practice. The gap between what is promised and what is lived remains real.

Proposition 4 offers Vermont an opportunity to close that gap by placing equal protection at the constitutional level. It recognizes that Vermonters do not live single-issue lives. Their experiences are layered, and their protections must be strong enough to meet that reality.

In light of Vermont's history and its ongoing commitment to truth and accountability, this amendment is both appropriate and necessary. Proposition 4 asks a simple but urgent question: who is Vermont willing to protect?

And the answer should be all of us.