



Truth and Reconciliation Commission
DRAFT Minutes – Public Meeting #2
October 3, 2023

Meeting opened at 4:59 by Michele Olevera

Start Time: 5:00pm

A public meeting was held on October 3, 2023, starting at 5:00pm. Members of the Commission present were Melody Mackin, Mia Schultz, Patrick Standen, Faith Yacubian, Michele Olvera, Adam Kersch and Ann Miller with Eric Darius attending as the ASL Interpreter.

Members of the Public included: Richard Witting, Graduate student of History at UVM; Dave Searles; Jen Daniels; Rachel Lewis; Michelle Gawerc, Loyola University Maryland; Rhonda Besaw, Whitefield, NH Representing tribal family; Van Dora Williams, Colchester; David Savoie (Radio Canada); and Maria Reba Pratt.

Commissioner Schultz confirmed all Commissioners were present and Eric Darius, our interpreter, is with us today as he was last public meeting. Thanks to all that have joined. Commissioners will be rotating as facilitators each month with Mia Schultz to facilitate this public meeting.

Language accessibility: if anyone requires translation services, please contact us at vtrc@vermont.gov and we can arrange for those services.

Ann Miller shared the October 3 Agenda for this meeting on the screen for all to see. Agenda was read through by Commissioner Schultz. A change to the agenda was announced. Added to the Agenda was an Act 128 review and logo contest discussion/next steps. Commissioners Mackin, Standen and Schultz voted approval to add/adjust the agenda. No discussion. Public comments at the end of this meeting.

Land Acknowledgement was read by Commissioner Schultz. VT is part of the homeland of the Western Abenaki people as well as the Mohican People for me down in Bennington, Vermont, we recognize the Mohican as the original caretakers and that we are all part of the circle of creation with the help of our human communities that have an impact on human and non-human.

Please take this moment to recognize the land itself, Mother Earth and the many blessings that we are given. I have been challenged by my fellow Commissioner Melody Mackin to leave you with a prompt, something to take away with you in our land acknowledgement. In relationship to the land we are in a period of seasonal transition into Fall. As we approach Indigenous Peoples Day on October 12th, I would like to take a moment to reflect; how does the changing landscape around us in autumn connect us to the Indigenous People who have long stewarded this land? Can we learn from their deep relationship with the earth as we witness the colors of the leaves and the shifting rhythms of nature?

These are questions for your own internal reflection. We recognize that it is Indigenous Peoples Day coming up, it is also Hispanic and Latino Heritage month as well. There is an October 14th event happening as part of the State of Vermont.

Please note that we are transcribing this meeting as a matter of accurate record keeping because we understand we are public and our records will last after we are done with this commission, which is set to end in 2026. We do take attendance at our Public Meetings. Please add your names, pronouns and where from in the chat.

Agreements reviewed by Commissioner Schultz just as a reminder, this is not in full detail, but we use it in our day-to-day environment.

- ◆ Speak your truth.
- ◆ Experience discomfort as we deal with the reality of the topics that we research and discuss.
- ◆ Expect and accept non-closure.
- ◆ Give grace with ourselves and others.
- ◆ Where there is intent, there is also impact.
- ◆ Treat one another with dignity and respect.
- ◆ Actively listen and be open-minded with all suggestions. Avoid games and politics.
- ◆ We encourage constructive silence and celebrate our accomplishments.

Commissioner Schultz called for a vote from the 3 Commissioners to accept the Draft-September 5, 2023 meeting minutes. All three commissioners voted “yes,” meeting minutes accepted as final.

Commissioner Schultz called for an update from each member of the VTRC regarding what they have each been engaged in. Commented on VTRC 2-day Retreat, one of which facilitated by Dr. Roz Whittaker-Heck. Team building and cultural humility as we embark on this important work. Thank you Dr. Roz!

Faith Yacubian, Executive Director commented on the 7 members of the team. Retreat allowed us to get to know each other at a deeper level. Everyday work involves keeping up with the amount of literature and thanks to the writers and scholars with other TRC’s for their sharing. Setting up technology and platforms with the help of Ann Miller, Admin. Ordering equipment, building staff, preparing for a legislative session that is up & coming, as well as understanding open meeting laws, which are complex.

Ann Miller, Administrative Assistant. Setting up our website, ordering equipment, getting all the team on board as far as how we file things, keeping systems in order, taking minutes, organizing retreats.

Adam Kersch, Lead Researcher. Quick overview of approach to the research. Taking every step to protect participants identities. This work comes with significant responsibilities and obligations for us as individuals and collectively as a team because we want the research to be based around building Community, not just extractive research. It is an honor to us that someone share their story and experience. Large portion of the research involves archival research and the information should be treated with sensitivities. Interviews; particularly because there are people living today who can be affected by the information in these archival records.

Trained in medical anthropology, so methods are archival research, spending time in the archives, looking through historical and archival material to establish context. Looking at family and life histories is crucial for getting more holistic understanding of what happened over time, particularly important because not all history is written, oral and life histories are essential to this work. Interviewing: important for understanding how an event effects people today and what their life experiences were. Desire is to have these interviews be a space for people to fundamentally feel heard. Staff at the State Archives have been incredibly helpful.

Continuation with concept mapping, connecting between different ideas. Wanting to build relationships with people in Vermont to get a better understanding of and make sure the research is centered in community building. Literature reviews.

Michele Olvera: Doing legal research at the archives, as well as basic research about the background of Vermont and eugenics. Learning some laws all related to eugenics. Announced new legal intern who will start working with Michele on Friday, October 6th at the Archives in Middlesex.

Commissioner Schultz explained that although it may take little time to explain what we are doing, the actual work and digging in takes considerable time.

Commissioner Standen: discussed that VTRC established its mission and vision to guide the commission forward. Staff met with a number of organizations and people and members of other TRC's from across the globe. We have listened carefully to the advice given. We worked with Dr. Roz on establishing some primary values, personally and as a commission. We used the resources to put together a mission statement in our team retreat. Commissioner Standen read the following draft version. Public is welcome to contact us at VTRC@vermont.gov with comments or suggestions to consider.

The Vermont Truth and Reconciliation Commission exists in a pursuit of community - centered justice and holistic healing centered on impacted intergenerational Act 128 communities.

We seek collective liberation from institutional, systemic, violence and racism by uplifting community voices through storytelling, researching, and community-relationships.

Commissioner Standen expressed again the appreciation to the International Center for Traditional Transitional Justice who has helped the Commission over the summer.

This mission statement will be voted on by the Commissioners in the next public meeting. We look forward to hearing from the public for input between now and then.

Michele Olvera shared her screen with a few slides regarding: [Act 128](#). **See attached for slides as presented.* “We are centering the Act 128 communities as you heard in the mission, those communities are laid out here and it never hurts to say them again because it is really the focus of the work with Native American or Indigenous people, people with mental, physical, psychiatric conditions or disabilities, black individuals or individuals of color, French-Canadian, French-Indian or other mixed ethnic or racial heritage. VTRC forming committees that will investigate the discrimination that has been faced within Vermont.”

First interim report due in January to the Legislature. Ultimately, final report due in 2026.

Discussion of what the Commission has special access to (some state records). Confidentiality of those records is incredibly important. Personally identifying information, though some folks that talk to us may waive the privacy right. Default will always be anonymous unless otherwise specified.

Commissioner Schultz asked that anyone that has comments or questions regarding Act 128, please send them to VTRC@vermont.gov.

We are unique in scope and vision, and we can envision this as if constructing a house of healing and understanding, that Commissioners are the architects tasked with crafting the blueprint that guides us into this. Our house is built with contributions of the public. Our consultants provide things like plumbing and electricity as knowledge from every voice and perspective contributes to the foundation that is our shared space. Together we will assemble a home where truth and reconciliation can dwell. Stories integrated into the fabric of our collective future.

Commissioner Mackin explained the desire for public input with emblematic stories of nature, victories, or something that displays the injustice of our mission. Not necessarily personal stories, but perhaps have gained attention and will help frame the work. To define emblematic: serving as a symbol of a particular quality or concept. We want to create a blueprint to define this work.

We will also be looking into a logo contest reviewing some rules and guidelines for a design to share with the public next month. We hope that students of all ages will participate and offer some creativity. We are looking for a logo that will represent who and what we are. Parameters of the contest to follow.

Any comments and you would like to speak, you have the floor, please keep them to two minutes per person. Questions can be emailed to VTRC@vermont.gov. Much of the agenda of his meeting was built around comments and suggestions that we received from the public, so thank you for participating. We will not respond to questions in this forum but will by email.

Discussion occurred:

Jen Daniels: Social Equity Caucus is a community member. Thank you for this work. I appreciate how massive it is and the sensitivity and just being able to be a fly on the wall. I know you want us to be active, but I know you all have a lot of work to do and I respect that. "Thank you for your work."

Maria Reba Pratt: Has more questions than remarks. Personal remarks about health. Asked about where she could find the Act 128. Shared the website and the Act 128 itself with Maria. She will review. Maria shared that they helped write the State Statute for prevention of abuse of children. Proud of that contribution and was aware that it contributed to the law as a precedence at that time (1992). Interested in what VTRC is attempting to achieve and committed to it.

David Searles: Rutland. Committee is not yet set up to start taking stories and processes that have happened. He will wait until VTRC is ready to hear his story.

Commissioners voted to adjourn the meeting. Meeting Adjourned at 5: 52 pm

Dated at Barre, Vermont on this 3rd day of October 2023.

Minutes Taken: Ann Miller

Respectfully submitted:

/Faith Yacubain
Executive Director

Act 128

Vermont Truth and
Reconciliation Commission

*Note

Commission

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Commissioners,
committees and staff

Purpose

1) Examine and begin the process of dismantling institutional, structural and systematic discrimination in Vermont, both past and present, that has been caused or permitted by State laws and policies.

Purpose

2) Establish a public record of institutional, structural and systematic discrimination in Vermont that has been caused or permitted by State laws and policies; and

Purpose

3) Identify potential actions that can be taken by the State to repair the damage caused by institutional, structural and systematic discrimination in Vermont that has been caused or permitted by State laws and policies and prevent the recurrence of such discrimination in the future.

What is The Commission?

- The Truth and Reconciliation Commission is constituted a public instrumentality exercising public and essential government functions and the exercise by the Commission of the power conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.
- The Commission shall consist of three commissioners appointed pursuant to section 905 of this chapter and shall include one or more committees established by the commissioners to examine institutional, structural, and systemic discrimination caused or permitted by State laws and policies experienced by each of the following populations and communities in Vermont

Act 128 Communities

- Act 128 Communities The 3 Commissioners shall create one or more committees to examine institutional, structural and systematic discrimination caused/permitted by State laws and policies experienced by Act 128 communities. Act 128 communities are:
 - a. Individuals who identify as Native American or Indigenous;
 - b. Individuals with a mental, physical or psychiatric condition or disability;
 - c. Black individuals or individuals of color;
 - d. Individuals with French Canadian, French Indian or other mixed ethnic or racial heritage; and
 - e. In the commissioner's discretion other populations that have experienced discrimination • Section 902(b)

Act 128 Communities-Committees

- (2)(A) Each committee shall consist of the commissioners and members appointed by the commissioners in consultation with the populations and communities identified
- (B) The Commissioners shall ensure that the committees shall be broadly representative of the populations who are the subject of that committee's work.
- (C) Not more than 30 committee members
- (D) Per diem compensation-not more than eight meetings per year

*Note

- Nothing in this subsection shall be construed to require the commission to examine institutional, structural and systematic discrimination experienced by the populations and communities identified in isolation or separately from each other.

Powers and Duties of Commissioners- Section 906

Duties:

- 1) Establish Committees to examine systematic discrimination experienced by Act 128 Communities (which in part Commissioners decide).
- 2) Determine, in consultation with historians, social scientists, experts in restorative justice etc., the scope and objectives of the committee work.
- 3) Develop and implement a process for each committee.

Powers and Duties of Commissioners- Section 906 cont.

4) Work with committees and Commission staff to carry out research, public engagement and other work necessary to

- A) Identify and examine historic and ongoing discrimination
- B) Determine the current status of members of the populations and communities
- C) Satisfy the scope of work and objectives set out above (power 1).

Powers and Duties of Commissioners- Section 906 cont.

5) Create and improve opportunities for or to eliminate disparities experienced by Act 128 Communities.

6) Identify potential education programs related to historic and ongoing discrimination of Act 128 communities.

7) Work to ensure that the work of the Commission is open transparent, inclusive, and meaningful.

8) Supervise the work of the Executive Director.

Powers and Duties of Commissioners- Section 906 cont.

Powers:

- 1) Adopt rules in accordance with # VSA Chapter 25 (rules ie audits, inspections with public comment);
- 2) Adopt procedures for the duties above;
- 3) Establish and maintain a principal office
- 4) Meet and hold hearings;
- 5) Consult with experts on TRC Commissions and restorative Justice;
- 6) Interview and take statements from individuals who experienced discrimination;
- 7) Study research and investigate and report findings;

Powers and Duties of Commissioners- Section 906 cont.

8) Enter into cooperative agreements with private organizations or individuals to carry out Act 128;

9) Make legal documents to exercise the commission's powers and duties;

10) Hire consultants and contractors to carry out the Commissions duties and powers;

11) Seek grants to further the work; and

12) Take other actions necessary to carry out the provisions of Act 128.

Reports- Section 908

- On or before January 15, 2024 and interim report to the Governor and General assembly on:
 - **the Commissions progress to date,**
 - **the committees established,**
 - **the scope and objectives of their work,**
 - **emerging themes and issues, and**
 - **any preliminary findings and recommendations for legislative action.**

Reports- Section 908

On or before June 15, 2026 the Commission shall submit a final report incorporating the findings and recommendations of each committee including actions that can be taken to address discrimination.

*In January of 2026 a draft will be due.

Access to Information Confidentiality-Section 909

a) Access to State records and information

1) The Commission shall have access to and the right to copy any record or other information held by all executive, administrative, and judicial agencies and departments and all instrumentalities of the State. All executive, administrative, and judicial agencies and departments and all instrumentalities of the State shall cooperate with the Commission with respect to any request for access to any record or other information and shall provide all records or other information requested by the Commission to the extent permitted by law.

2) The Commission shall keep confidential any information received from an executive, administrative, or judicial agency or department or an instrumentality of the State that is confidential or is exempt from the Public Records Act.

Access to Information Confidentiality-Section 909 cont.

(b) Confidentiality requirements.

(1) Except as otherwise provided pursuant to subsection (c) of this section, information and records acquired by or provided to the Commission that would in any manner reveal an individual's identity shall be kept confidential and shall be exempt from public inspection and copying under the Public Records Act.

(2) The Commission shall not include the personally identifying information of any individual in any report that it produces without the express, written consent of the individual.

Exception –Section 909(c) & (d)

All information provided with individuals being anonymous unless they provide express and written consent via waiver.

Any individual interviewed shall be able to elect that any recording be kept confidential and only be revealed in an anonymous form. •

The commission shall adopt procedures to ensure that any interview conducted is not in a manner open to the public unless there is a knowing and express written waiver.