

Truth and Reconciliation Commission FINAL Minutes – Emblematic Meeting #4 March 20, 2024

Meeting opened at 1:00 PM by Commissioner Mackin

Attendance: Melody Mackin, Mia Schultz, Faith Yacubian, Adam Kersch, Michele Olvera and Ann Miller.

Members of the public included: Charlie, Rachel, Jules, Vera, Lexi Krupp, Breanna Sheehan, Charlene Galarneau, Britaney Watson, Rich Holschuh, Hawk Schulmeisters, Van Dora, David Savoie, Donald Stevens, Francine Jones, Diane Stevens, and phone 802-999-1798, .

Commissioner Schultz facilitated the meeting and started by thanking our Lead Researcher, Adam Kersch and Legal Counsel, and Michele Olvera for their hard work and dedication to this emblematic case work. They have worked diligently to put this together for us.

Next explained was our language accessibility. We ask that the public request access to any assistance needed in language translation or ASL via our email at least 72 hours in advance of any public meeting the VTRC holds. Captions available in Teams for anyone that needs them. If there are any issues accessing the captions, please let us know and we will troubleshoot.

Commissioner Mackin shared our land acknowledgement which is found on our website: <u>Land Acknowledgement.pdf (vermont.gov)</u> and in addition, mentioned the coming of the spring equinox and that we are headed towards a new phase.

Agenda was reviewed by Commissioner Schultz.

Commissioner Schultz reviewed the VTRC's working pledge which is posted here: <u>About Us | Vermont Truth and Reconciliation Commission</u>. Also reviewed were the protocols of the open meeting.

Staff (self) introductions were made. Commissioner Schultz explained the Declarations of Understanding and expectations of treatment of each other.

Executive Director Yacubian addressed Civility and Timing procedure that would take place during the meeting.

Ann Miller shared the Jam Board screen, demonstrating access for public participation. Link placed in chat.

Lead Researcher Adam Kersch began by explaining the process of this 4th and final emblematic session and the Power Point Presentation itself, explaining the categories, slightly different than we had done in the past. These will be grouped by cases starting with the first being indigenous health in Vermont. Please see attached full presentation of the PowerPoint. Presentations were made by Adam Kersch and Michel Olvera, alternating.

In between each presentation or emblematic session, the Commissioners were polled for yes/no as far as purview of the VTRC Commission. Each item was approved by both Commissioners.

Commissioner Schultz opened the floor to the public as the jam board was brought forward for participation. Public could have staff place items on the jam board for them if they preferred that to typing on their own.

Public Comments:

<u>Jules</u>: Adam, you mentioned that, when it's talking about using this derogatory term for people of Roma descent, that they're kind of speculating and that we can't necessarily take the documents at face value, but then you're taking the documents at face value in other places. Curious because I know one family that specifically had a pedigree chart made about them. You probably know which family I am talking about. If you want, I'll say their name. It refers to that family as possibly quote "like Indian". But then in the media, genealogists have actually researched that claim and found that they weren't of that descent of those people who you know are still related to that family -not Native American. I'm wondering if you could speak to that and where you have greater confidence in some of the documents than others?

Adam Kersch: I will try to do my best to get to every aspect of your question. The first aspect is not taking the documents at face value. When you are looking to measure bias among police, you don't ask people to self-report their race, you ask police officers to report what they perceive the persons race to be. What we are measuring is the bias against these populations and that they were perceived to be a part of these categories. I am not indigenous. Not an expert on tribal enrollment. I am not qualified or capable of assessing who is and who is not indigenous as well. That is outside of the scope of our work as we were assigned by the legislature.

<u>Commissioner Schultz</u>: It pertains to the media coming out with a pedigree of a particular person. It is perception, absolutely. Refer to pledges and some arrangements and not charged with checking identities of people. Not in our purview.

Jules: If talking about traffic stops, what is actually significant is what the police officer thought, right? When looking at racial biases in eugenics, thinking about those families and communities, descendants of the people who were perceived in a certain way, seems appropriate in this scope of work. Question is, if we should be understanding them the same way given that genealogy has shown that it is not true, those were racist assumptions or racial assumptions. Might mean we would say something instead of people who are indigenous by the eugenics survey. Would like to understand what VTRC is saying. Take it at face value in terms of discrimination. Isn't the work to create justice in the present, not the 1930's? Hope you are making recommendations for the present-day justice and make sure that you are thinking about specific people and communities related to the people who are harmed by this, not larger groups based on identity.

<u>Commissioner Schultz</u>: what the Commission is charged with is to look at discrimination and not put people in categories or look at their pedigrees, if that is the language you are using. Currently in emblematic building and planning phase to figure out how to collect the stories and themes. Again, not discussing an individual's pedigree. Everyone identifies differently.

Don Stevens: I would like to make a comment first. Thank you for your work and also to say that there are a lot of opinions about this and 'll just say that credentials can be widely seen about who is an actor on what. In my family's situation, who is in eugenics? Records at that point in time there was no benefit to lie about who they were. It was detrimental because they were targeted as part of the eugenics program, and I think that there is evidence that shows the connection from those ancestors to us. I know my grandmother was listed in the eugenics survey specifically, and I knew her. She died in '94, so that historic trauma continues today. If you perpetuate opinions that are not from that community, it continues the harm. Without that experience or being in that community, it is basically the story of ours to tell. What the VTRC is trying to do is, I believe, as a Commission, distinguish what you know based on what you have for information and also hearing the historic trauma from those individuals who are still affected. I'm still traumatized today because of other situations that are happening even currently, and we still see it playing out, including in this and what we're hearing here, it's still it's, it's still is a little disturbing to hear people making opinions and comments when it is up to the role of what you're doing in the apology of the state is to trying to uplift people, not trying to dismiss people's lived experiences or their stories. There's still a lot of historical trauma. I can only speak for myself about my family's involvement in the eugenics, and I would be happy to tell our story anytime you'd like to know and how that

has affected us and also my ancestors that are listed and who were potentially sterilized some of them. I won't go into names, but we have a pretty clear understanding. We were one of the largest families that were studied, so I'll just leave it there.

Later - <u>Donald Stevens</u>: I just wanted to say thank you. Just because if my community asks about these questions, I wanted to at least give them some sort of answers or guidance. So thank you for that. I appreciate it. Later asked about committees and other types of things, how are we ensuring safety. People can be attacked or questioned. People are afraid of the historic trauma and have been a subject or target. How do we make them feel comfortable?

<u>Commissioner Schultz</u>: Addressed our safety protocols which are under way and of primary concern to us.

<u>Lexi Krupp</u> asked about committee applications, how advertised, limited to the website and meetings?

<u>Executive Director Yacubian</u>: Posted in meetings, on our website, constant contact rollout notifications (via email). Please share it out, all.

Deadline for this first Committee is March 31st.

Jules: Paid internship and paid committee members and future committees.

Commissioner Schultz explained the \$50 stipend for Committee Members and the committees that will be formed as time allows and opportunities come up. As a State Government we follow the protocols.

With no further questions or comments, Commissioner Schultz closed the emblematic meeting at 4:00 PM.

Respectfully Submitted,
Ann Miller, Administrative Assist
Faith Yacubian, Executive Director

NEXT PUBLIC MEETING is SCHEDULED for TUESDAY, April 2, 2024 at 5pm.

Emblematic Cases Day 4

Land Acknowledgment

- First, we must acknowledge that Vermont is part of the homeland of the Mohican people and the Alnôbak, the Western Abenaki people.
- We are all part of the circle of creation and the health of our human communities has an impact on all our relations, human and nonhuman.
- ► We want to take this moment to recognize the land itself, Mother Earth, and the many blessings that we are given. We hope you will take the time to think about your relationship to place and what land means to you.

AGENDA		
1:00 PM	Accessibility (including ASL Communication needs)	Mia
3 min	Land Acknowledgement	Melody
2 min	Attendance & Welcome (place name, pronouns, where from, email in the chat; optional unless speaking during the meeting.)	Mia
3 min	Agenda	Mia
10 min	Working Agreements and Declaration of Understandings	Mia
3 min	Explanation of Timing and Civility (*Content Disclaimer)	Faith
5 min	Case Review Explanation	Adam
2 min	Explanation of Jam Board	Ann
45 min	Cases 1 – 4 Case 1 – Indigenous Health in Vermont Case 2 – Discrimination in Doula Program Admissions Case 3 – Mental Health Related to Child Removal Case 4 – Boarding School for Indigenous Americans in Vermont	5 minutes per case
	Public Comment	3 minutes per person
45 min	Cases 5 – 7 Case 5 – Migrant Dairy Worker Conditions Case 6 – Eugenics Case 7 – The Winooski Mills and Working Conditions	5 minutes per case
	Public Comment	3 Minutes per person
15 min	SUMMARY of ALL EMBLEMATIC CASES	Adam and Michele
	Public Comments	3 minutes per person
4:00 pm	Adjourn	

Working Pledge

As we explore complex and challenging topics such as race, disability, oppression, and discrimination, we collectively pledge to approach these discussions with a commitment to extend grace, humility, and empathy with each other.

- We recognize that we are all on both an individual and collective journey to dismantle oppression and discrimination from our culture and systems. Therefore, we pledge to cultivate dignity and respect even in moments of disagreement and discomfort.
- We expect and accept non-closure and with that we engage in courageous conversations with curiosity and an open mind.
- We dedicate ourselves to refrain from judgement, embrace active listening, and use "I" statements to foster open communication. In this space, we understand the "Platinum Rule" where we pledge to abide by each other's unique preferences thereby building better relationships and collaboration.
- We come into this with good intentions but also recognize that even when we do not intend to do harm there is an impact.
- We commit to prioritizing Act 128 Communities and acknowledge that there is no such thing as a single-issue struggle, our lives are interconnected.
- ▶ We vow to treat each other, our stories, our dreams and struggles with sacred care.
- We honor vulnerability. We embrace the spirit of co-creation; we affirm that we are the active agents of change, and we are committed to doing the work to create understanding amongst and with each other.

The journey to collective liberation is filled with discomfort and painful truths but the final destination is community where everyone can thrive together. This is a shared space, grounded in the principles of this pledge.

Truth and Reconciliation Commission Declaration of Understanding

- ▶ The VTRC is charged with examining discrimination that has been perpetrated by the state. The definition of discrimination that is being referenced today is: "The treatment or consideration of people differently based on their perceived or real group, class, or category, rather than on individual merit. Discrimination can involve granting or denying privileges, rights, or opportunities to a certain class arbitrarily or unfairly."
- Today the VTRC is not taking testimony or conducting interviews. This constitutes one of the processes aimed at extracting themes that will serve as valuable guides in shaping our work.
- The VTRC has not been tasked with distribution of money in the form of reparations.

Truth and Reconciliation Commission Declaration of Understanding

- ► The VTRC understands that painful tension and different truths exist, and therefore, we are declaring the following acknowledgements and understandings for the VTRC in this special meeting on Emblematic cases.
- ► The VTRC's mission is to create pathways to healing and community. We will honor the rights of individuals and groups who have actively advocated for and earned them.
- ► The VTRC is not a judicial body, and this is not a court of law. This is a commission empowered by the State of Vermont to review laws and policies and their relationship to discrimination. This will be done through the power of truth telling from the perspective of the communities who have been historically and presently invisible.

Truth and Reconciliation Commission Declaration of Understanding

- ► The VTRC understands that race and identity classification are social constructs that have "roots in colonial history, devised to legitimize the enslavement of Africans and the genocide of Native Americans" (Brown 2023). For this reason, we have made an intentional decision to discuss identity as self-affirming, without ignoring the way stereotyping leads to inaccurate labeling.
- ► The VTRC also understands that gender is a social construct, culturally and historically contextualized, and has real consequences relative to human rights and constitutional protections.
- ► The VTRC recognizes the World Health Organization declaration that disability is part of being human (World Health Organization 2023). Almost everyone will temporarily or permanently experience disability at some point in their life.
- ► The VTRC understands that people do not fit into neat categories or boxes. For example, race, ethnicity, religion, and gender are reflections of one's inner self.
- What we hear today might be stressful and activating. If it gets to be too much, self-care is prioritized and please take breaks.

Explanation of Time and Civility

- Personal Responsibility and Community Support (1-minute warnings in the chat)
- Uphold VTRC Agreements for Public Meetings (slide 4)
- Consequence for Neglecting Agreements
 - First a warning and gentle reminder of VTRC Agreement that was violated.
 - Second person's speaking/contribution privileges are revoked.
 - Third person will be removed from meeting.

Agenda for Case Review

Introduction

- Why we chose these cases
- The case categories -introductions by Commissioners
- Categories are:
 - Cases 1-3 (~45 minutes)
 - □ Cases 4-7 (~45 minutes)
 - Emblematic Case Summary (15 minutes)
- Present the facts of each case
- Determine if it is within the VTRC's purview
- Create themes on Jam Board
- Primary Goal: To create themes together

Indigenous Health in Vermont Case #1

Indigenous Health in Vermont

- Just as is true in any state in the US, not all the Indigenous people living in Vermont are citizens of tribes whose governments or historic homelands are in Vermont.
- The 2018 Vermont State Health Assessment found that Native American/Alaska Native people living in Vermont report higher rates of poor mental and physical health than any other ethnic or racial group in the State (Populations in Focus 2018).
- ➤ This assessment also found that Native American and Alaska Native people in Vermont report the second highest rates of depression (30%) of any ethnic or racial group in Vermont (the highest being 37% among multi-racial people in Vermont).

Indigenous Health in Vermont

- People who are citizens of federally recognized tribal governments qualify for reduced-cost healthcare through Indian Health Services (IHS) if they seek healthcare through an Indian health provider.
- There are no such providers in Vermont. The nearest locations are in Hogansburg, NY, Onedia, NY, and Boston, MA. This makes it more difficult for Indigenous people in Vermont to find affordable and culturally competent care.
- However, pursuing healthcare through the IHS system can be an unappealing option for many Indigenous people due to the IHS's history of medical abuses.
- Because of medical abuses, such as non-consensual medical experimentation, and genocide, many Indigenous people are wary of the medical establishment generally.

Indigenous Health in Vermont

- ▶ UVM Medical Center's 2022 Community Health Needs Assessment (CHNA) for Chittenden and Grand Isle Counties highlighted the need for more culturally competent medical education.
 - Over 65% of respondents to the CHNA as a whole felt their cultural values were accepted and valued in a medical setting.
 - For Native American and Alaska Native people in Vermont, about half of respondents felt their healthcare provider respected their cultural identity. Only a little over a third of Kānaka Maoli (Native Hawaiians) and Pacific Islanders felt their culture was respected.
- Not feeling culturally accepted in a healthcare setting will only increase these feelings and overall distrust of the medical establishment, likely leading to poorer health outcomes in the long term.
- Indigenous Vermonters which includes people who are not from State-recognized tribes were not mentioned in Act 113, Joint Resolution Relating to Racism as a Public Health Emergency, despite nationally-present health disparities among Indigenous people.
- For example, a 2010 IHS report found that mortality rates among Alaska Natives and American Indians over 30% higher than the rate among the entire US population.

Indigenous Health in Vermont

Issues Presented

Health disparities due to the violence of attempted genocide.

Health disparities between
Indigenous people in Vermont
and other populations
(particularly white people in
Vermont) are exacerbated by a
shortage of culturally
competent healthcare
providers.

Lack of inclusion of Indigenous Vermonters in the declaration of racism as a public health crisis.

Systems Involvement and Resolution

Healthcare system

State government

No known resolution

Injury or Harm Resulting

Dismissive, culturally insensitive, exclusionary, and discriminatory actions towards Indigenous people in Vermont make historically-rooted mistrust of medical professionals worse.

Continuation of health inequities.

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Immigrant Housing in Vermont Case #2

Immigrant Housing Testimony to the Vermont Senate Economic Development Committee

- Previous emblematic case meetings have discussed significant housing discrimination that immigrants experience in Vermont.
- An immigrant construction worker testified in February before the Senate Economic Development Committee describing their experiences finding housing.
- The person experienced discrimination in finding housing, including landlords arbitrarily raising housing prices and a landlord requiring this person to pay over \$10,000 to move in (2 months' rent and 2 security deposits).
- That landlord then gave the person a "loan," since the person couldn't pay \$10,000 immediately, creating a difficult situation.
- Another landlord raised rent by \$400 per month and excluded utilities when they found out the applicant is an immigrant without a social security number.
- ▶ People like the submitter of this letter are helping to build Vermont but are unable to find affordable housing.

Immigrant Housing-letter to the Vermont Senate Economic Development Committee

Issues Presented

Housing discrimination against people without social security numbers and immigrants.

Landlords arbitrarily inflating housing costs for vulnerable people.

Requiring social security numbers makes it more difficult for some immigrants to find housing.

Systems Involvement and Resolution

The VT Senate Committee on Economic Development, Housing, and General Affairs has introduced a bill to define immigrants as a protected class and to provide alternatives to social security numbers in the housing application process.

Injury or Harm Resulting

Housing discrimination against immigrants and people who are helping to build Vermont.

Housing insecurity causes significant and ongoing stress.

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Mental Health Related to Child Removal Case #3

- ► There is a broader pattern across the US of white adoptive parents raising Indigenous children in such a way that these children have little to no awareness of their background and culture.
- In response to this, the federal government passed the Indian Child Welfare Act (ICWA) in 1970, which established federal standards to ensure Indigenous children are adopted by families who can raise them in a more appropriate cultural context.
- Congress did this because 25% 35% of all Native children were being 'scooped' away from their parents without clear issues being presented. 85% of them were being placed mostly with middle class, White families — even when fit and willing Native relatives were available.
- However, ICWA does not cover state-recognized tribes or Indigenous people who are not citizens of a federally recognize tribe.

Mental Health Related to Child Removal

- ► A member of the public submitted an emblematic case about a low-income Indigenous woman living in Vermont who became pregnant. Employees in the Agency of Human Services strongly discouraged her from raising her child, telling her, "You're not raising your kid on our social welfare program."
- She said that employees of State and non-State agencies "practically coerced" her into giving up her first and second child, citing her poverty and mental illness as reasons that she was unfit to be a mother. Her rights as a parent were not explained to her and she put both her children up for adoption.

Mental Health Related to Child Removal

- Likewise, when seeking employment assistance, a county employee referred to her as a "stupid criminal." She was instead signed up for disability benefits, as employees told her that they had no faith in her ability to find a job. This has made it harder for her to support herself.
- ➤ To this day, this woman still feels significant anguish at losing her two children. She does not know where her children are. This situation exacerbated and contributed to pre-existing mental health conditions.

Mental
Health
Related to
Child
Removal

Maternal Health Related to Child Removal

Issues Presented

Discriminatory attitudes toward Indigenous
Vermonters when making decisions about raising children, leading to emotional anguish.

Systems Involvement and Resolution

Vermont Children's Aid Society

Employment assistance programs

VT Department of Children and Families created an Indian Child Welfare Act Coordinator position.

Injury or Harm Resulting

Unquantifiable pain associated with losing two children.

Worsening of short term and long term physical and mental health problems.

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Indigenous Students Sent to a Vermont **Boarding School by the** "Civilization Fund"

Case #4

- A Vermont mystery emerged from a federal investigation last year of Indian boarding schools in the United States. Buried deep in the report is a brief mention of Castleton Academy, saying only the commissioner of Indian Affairs noted in 1828, 1830 and 1831 that the school had been contracted for "Indian pupils" through the federal "Civilization Fund."
- There is a record of Indian boarding schools in the United States, where hundreds of Indian children, stripped of their cultural identities, died from disease and abuse.
- The Department of Interior report (May 2022) makes clear the real goal of the Indian boarding schools was a massive land grab. The report confirms "the United States directly targeted American Indian, Alaska Native, and Native Hawaiian Children in the pursuit of a policy of cultural assimilation that coincided with Indian territorial dispossession."

- ▶ A Burlington Free Press investigation found no historical evidence of an Indian boarding school in Vermont, but they did identify the Indian pupils referenced in the federal report. They were two Potawatomi boys named Saswa and Conauda, 17 years old and 15 years old respectively, who were sent to Vermont by Isaac McCoy, a Baptist missionary who established Carey Mission among the Potawatomi in 1822 on the St. Joseph River, near present-day Niles, Michigan.
- McCoy wanted the boys to attend Castleton Medical College, the first private medical school in the nation. After the boys were trained as doctors, he wanted them to return to practice among the Potawatomi in the Great Lakes region.



► This stereograph from 1867 shows Potawatomi Indians at the St. Mary's Mission, Pottawatomie County, Kansas. It is from Alexander Gardner's series, Across the Continent on the Union Pacific Railway, Eastern Division.

PROVIDED BY THE KANSAS HISTORICAL SOCIETY.

- In 1827, two young Potawatomi men arrived in Castleton to attend the nation's first private medical school. A few years later they were both dead.
- Within four years, by 1831, both boys would be dead from tuberculosis, and their stories would recede into obscurity for nearly two centuries, until an investigation of Indian Boarding Schools by the U.S. Department of the Interior was published in May 2022.
- In that report, "Castleton Academy" in Castleton, is mentioned briefly, with few details − saying only the Commissioner of Indian Affairs noted in 1828, 1830 and 1831 that the school had been contracted for "Indian pupils" through the federal "Civilization Fund."

- Saswa would never return to his people, dying in Vermont. Conauda would return to Carey Mission briefly, only to die soon thereafter. McCoy's vision for the two boys practicing medicine among their people was never realized, perhaps not surprising as his scheme, ostensibly to aid the the Potawatomi, was still part of the larger effort of assimilating and destroying Native American cultures.
- ▶ "The ultimate goal was to eradicate Indian people and tribal nations from the face of the planet," said Matthew Fletcher, a professor of law at the University of Michigan and chief justice of the Pokagon Band of the Potawatomi Indians. "No matter how nice you describe it, that's the goal. People like McCoy were part of the thinking at the time that the only way to save the Indians was to assimilate them or move them out of the way. Assimilate means making them no longer Indian."

- The Civilization Fund referenced in the Department of Interior investigation was created by the U.S. Congress through the Civilization Act of 1819. It provided \$10,000 annually to turn Indians into the white version of farmers, and teach their children reading, writing and math. The goal, according to the act, was to prevent "the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States."
- The Department of Interior Report from May 2022 states, "... the United States directly targeted American Indian, Alaska Native, and Native Hawaiian Children in the pursuit of a policy of cultural assimilation that coincided with Indian territorial dispossession."
- Secretary of the Interior Deb Haaland, who is the first Native American to hold that post, commissioned the investigative report.

- ▶ Based on the available evidence, there was not an Indian Boarding School at Castleton Academy in the same way there was an Indian Boarding School in Carlisle, Pennsylvania. The Carlisle Industrial Indian School operated from 1879 to 1918 and took in more than 10,000 Native American children during that period. The motto of Carlisle's founder, Lt. Richard Henry Pratt, was "Kill the Indian, Save the Man."
- As far as we know, only Saswa and Conauda were sent to Castleton, but they were no less the victims of the United States policy of cultural assimilation than the thousands of Native American children sent to Carlisle and the other 407 boarding schools the United States government operated across 37 states (or then-territories).
- The Department of the Interior's report has identified more than 500 child deaths associated with just 19 of those Federal Indian boarding schools.
- No trace, no gravesite remains of the two boys in Castleton or nearby Poultney.

History

- ► The policy of separating Native Americans from their land went back to the earliest days of the United States, when in 1803, President Thomas Jefferson told Congress in a confidential message that the strategy was to "dispossess Indian Tribes of their territories in part by assimilation," the Department of the Interior report indicates.
- "According to President Jefferson, a policy of assimilation would make it easier and less costly in lives and funding for the United States to separate Indian Tribes from their territories," the report says.
- ▶ Jefferson proposed a two-prong strategy to achieve assimilation of Native Americans. First, turn them into farmers rather than hunters. And second, encourage them to buy goods on credit, so they fall into debt and are forced to cede their lands to pay off those debts. The money earned from selling those lands would later be used to fund the Federal Indian boarding school system.

- "considerable opposition" to the policy advocated by McCoy, by "groups which felt the Indians were being cheated of their ancestral homes and given instead an area considered by many to be nothing more than a desert."
- Those critics included Vermonters like Adin Kendrick and Ezekiel Buel, who wrote to the Vermont Statesman newspaper in Castleton on Nov. 14, 1827, about the "two Indian boys who were brought from their forest homes, for the purpose of obtaining a Medical Education at this place."
- ► The undersigned believe, that, if the claims of any people on our charities are to be recognized if there are any who have a right to demand our sympathies, it is the scattered remnant of the once powerful lords of this land; the descendants of those who have been driven far, far towards the setting sun, and who have been rendered alike weak and wretched, by the avarice and cupidity of the white man."

Indigenous Students Sent to a Vermont Boarding School by the "Civilization Fund"

Issues Presented

Loss of children from their people and from their homes in order to take their land and homes. Systems Involvement and Resolution

Federal and State of Vermont government and education system. Injury or Harm Resulting

These young men lost their lives and their whole community suffered the loss.

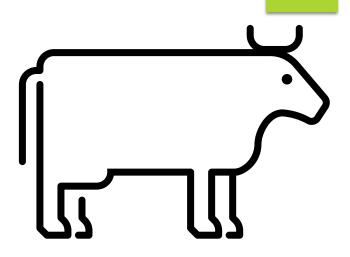
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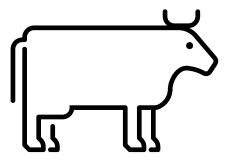
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Migrant Dairy Workers and Immigration in Vermont Case #5

Migrant Dairy Workers and Immigration in Vermont

- Vermont produces 63% of all milk produced in New England.
- A 2019 Health and Safety survey on working conditions at Vermont dairy farms found that 40% of those surveyed reported exposure to acid, manure, iodine, and/or foot baths. All of these can harm humans.
- Only 25% of those surveyed said they were trained on the risks of these chemicals.
- 55% of respondents reported exposure to formaldehyde.
- Exposure to these chemicals can cause burns, eye irritations, vision problems, dizziness, nausea, vomiting, and nosebleeds.
- 92% of those surveyed said they did not receive training on biological risks; 65% said they did not receive training on using PPE.
- Worker advocates in Vermont have said that they often will not call OSHA when a farmworker is injured or killed because they are so used to OSHA saying it can't investigate.





Migrant Dairy Workers and Immigration in Vermont Cont.

- In one instance, VT State OSHA refused to investigate the death of a worker because a farm had too few employees.
- > VT OSHA has also said work on dairies is not "of a seasonal or temporary nature."
- Compounding these issues is the fact that organizations such as the Windham County Sherrif's Office share people's immigration status or citizenship with federal authorities. The Sherrif's office has said changing this policy might put deputies in violation of federal law. This is just one example of the types of roadblocks that might keep a farmworker from reporting a labor violation.
- According to a survey from Vermont Migrant Justice, farm workers in Vermont experience high rates of workplace injuries and illness.
- ► There is one documented instance in Vermont where a farm owner assaulted a farm worker. The police were called. They spoke with the owner but not the worker. The worker was ultimately fired.
- In general, many people with irregular immigration status in Vermont often fear calling the police because they fear the police will involve immigration authorities.
- In 2021, a police officer in Newport pulled over a man for speeding. The officer called Border Patrol to "translate" for the case. When the man who was pulled over began translating through an app on his phone, the officer told Border Patrol to still come because he suspected "this person is probably illegally here." The ACLU has said this was a violation of Vermont's Fair and Impartial Policing policy.

Issues Presented

- Economic and legal precarity cause many immigrants to pursue jobs in agriculture.
- Working in this area involves risk of exposure to dangerous chemicals and other hazards.
- Workers are not receiving appropriate safety training.

Systems involvement and resolution:

A working group is crafting an update to the Fair and Impartial Policing Policy. This has included proposals such as preventing immigration authorities from accessing people in police custody and one that would keep Vermont police officers from sharing information with immigration authorities unless doing so is necessary as part of an investigation into a felony that is not immigration-related.

Injury or harm resulting:

- Violation of workers' rights.
- ▶ An environment of fear of deportation that prevents workers' from exercising their right to a safe workplace.
- This creates the possibility for employers to not appropriately provide for their employees' safety as a result of their immigration status.
- Crimes are not investigated or charged because police don't hear about them.

Jam Board

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Eugenics Case #6

A Primer on Information from the Eugenics Survey

- Henry Perkins founded the Eugenics Survey of Vermont (ESV) in 1925 to survey "degeneracy" among Vermonters. The ESV advocated for sterilization and segregation of "degenerate" persons to improve the "stock" of Vermont.
- ► UVM sponsored the ESV and several elected State officials worked for the ESV in their public roles.
- ► Surveyors inconsistently applied labels like "feeble-minded" and "degenerate" to justify institutionalization, segregation, abuse, and sterilization of people in poverty, people with disabilities, LGBTQIA+ people, French-Canadians, Indigenous people, and people of color, among others.
- Eugenic ideas were present before the ESV began in 1925 and are still around today.

"Discrimination played a definite role: those who could pass as white usually chose to do so. Authorities themselves sometimes classified family members as different races based on skin color instead of by family – though when it came down to a question of 'degeneracy,' non-white ancestry was often quickly remembered."

-de Guardiola (2023, 93)

A Note on Race

- Race is not a biological reality. It is socially constructed and has profound social effects (Omi and Winant 2014).
- Race and racial categories do not mean the same thing in different times and places.
- In the 1800s, European scientists began to argue that biology determined social, ethnic, and political belonging. These ideas inspired eugenics.
- ► These scientists measured a person's belonging based on "percentages" of "blood." Their arguments are scientifically inaccurate; people do not evenly inherit DNA from each of their ancestors.
- ► They did this to take power from Indigenous people, Black people, and people of color.

A Note on Race

- According to Chickasaw scholar Dr. Elizabeth Rule (2018), "Blood quantum emerged as a way to measure 'Indian-ness' through a construct of race. So that over time, Indians would literally breed themselves out and rid the federal government of their legal duties to uphold treaty obligations."
- Indigenous people are the only racial group in the US required to "prove" their identity.
- ► Tribal governments have the sovereign right to determine who is and is not a citizen of that tribe.
- Today, some tribal governments use blood quantum to determine citizenship, while others do not and use more kin-based citizenship.
- In some instances, people with no Indigenous ancestry have become tribal citizens, as is the case with Cherokee Freedmen.

Two Quotes on French Canadians in Vermont

- ► Paul Moody, president of Middlebury College, who worked with Henry Perkins in the Vermont Commission on Country Life said:
 - ► "the whole of the French Canadian population could be wiped out of Middlebury, and no one would miss it" (Dann 1991).
- Charles Davenport, a major eugenicists in the US and someone who communicated with the ESV multiple times wrote:
 - "...French Canadian constituents of the population ... contain an undue proportion of defectives. I wrote to a friend in St. Johnsbury about this and she made some inquiries and concluded that, indeed, there is a large number of gross defects among the French Canadians at that place. Sometimes the population of an island, possibly like Grand Isle in the lake, reveals a high amount of inbreeding and an unusual percentages of defectives. Also, high mountain valleys, such as I imagine are to be found in Lamoille county are places to which the subnormal or unsocial have retreated and produced communities characterized by mental or temperamental defects" (Davenport 1923).

A Note on Race

- Eugenicists in Vermont during the early 1900s often argued that French-Canadian people were racially distinct from and inferior to "Yankees."
- ► This was partially because of an assumption that French-Canadians were intermixed with Indigenous Americans (de Guardiola 2023, 6-7; Kaelber undated).
- ► It was also because of widespread anti-Catholic sentiment and the assumption that Catholics would be more loyal to the Pope than the US.
- ► The images we will show contain a slur (g*psy) for Roma people. Use of the word does not mean that any of the people were Roma, but rather reflects prejudicial and broad use of the term.

Key to the Following Documents

- We have included the archival location of each document so that members of the public can view the records for themselves.
- ▶ Because people were included in these files without their consent, in accordance with VSARA policy, and in compliance with our legal mandate to protect individuals' privacy, we have redacted the names of people in these files.
- Some folders within archival boxes are organized by family names. Some of these families self-identified as Indigenous during the survey and some of their descendants do today.
- ➤ To protect families' right to privacy, in some cases we include the archival box location, but not the specific folder in that box or the family name. These folders are available at the State Archives.

From PRA 005 PRA 00010 < name redacted > Pedigree Folder 7

INDIVIDUAL: -----

SOURCE OF INFORMATION: Mr. Bartoo, principal of the High School in

Essex Junction, who formerly was located in

Swanton for four years, gave the names of

the following people who could give information

which he said would be absolutely reliable

about families in Swanton.

Mr. Bartoo says that Back Bay, Swanton, was settled by the French when they thought they were settling in Canada. The restilt is a French and Indian mixture. He says that the St. Francis Indians are French and Indian mixture. From PRA 005 PRA 00012 <name redacted> Pedigree Folder 12

he left Canada. had French and Indian blood. It is not known whether "Old "had negro blood or not, but there is no question that most, if not all of his children had negro blood. It is of course possible that it was his wife who brought the negro blood into the family.

From PRA 005 PRA 00012 < name redacted > Pedigree Folder 6

I will, however, at this time, state that state 's mother's name was or that came of what was known as a "gypsy" family which was part negro, part French and part Indian; that the family have appeared over and over again in the Courts and State Institutions in Vermont and also in New York State to such an extent that we felt that it was worth while investigating them.

The Vermont Commission on Country Life's (VCCL) Citizenship Study

- A main researcher from the eugenics survey, Elin Anderson, described the Eugenics Survey of Vermont as the "parent" of the VCCL (de Guardiola 2023, 108).
- ► After outrage about the ESV, much of the ESV's work continued through the VCCL, focusing on "positive" eugenics (encouraging "ideal" populations to have more children) instead of "negative" eugenics (sterilization and segregation).
- ► The VCCL conducted a "citizenship" survey in part to show Anglo "superiority" by showing that Anglo Vermonters held more positions of power.
- ▶ "The specific purpose in collecting these data has been to try to determine what attributes seemed to promote good citizenship and what attributes seemed to accompany poor citizenship with the end view ultimately of trying to locate and eliminate that which tend of hamper development of good citizenship" (Rural Vermont 1931, 334-335).

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From PRA 005 PRA 03531

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From PRA 005 PRA 03531

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From PRA 005 PRA 03531

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From PRA 005 PRA 03531

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From PRA 005 PRA 03531

Eugenics

- ➤ Regardless of disagreements about identity, it is a fact that people working for the ESV considered a population in Vermont to be "Indian" and targeted them as such.
- Likewise, French-Canadians and/or people of mixed French-Canadian descent were targeted in part because the assumption that French-Canadians and Indigenous people were intermixed, and in part because as Catholics, French-Canadians were seen "as foreign agents of the hated Roman Pope" (de Guardiola 2023, 7).
- Discrimination against people labeled as "Indian" was often combined with discrimination against Black people and other people of color in Vermont.

Eugenics

Issues Presented

ESV targeted families that it identified as French Canadian and/or "Indian" because they assumed they were racially inferior.

ESV recorded information about these families without consent and targeted them to be placed in State institutions.

Systems Involvement and Resolution

(incomplete list)

ESV & VCCL

UVM

VT Board of Health

VT Industrial School

VT State Prison

VT State Hospital for the Insane

VT State School for the Feeble-Minded

VT Children's Aid Society

Brandon Training School

Injury or Harm Resulting

Abuse, sterilization, institutionalization, and other forms of violence against targeted populations, affecting both past and present.

Dehumanization.

Racism.

Violation of privacy.

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French Canadians and the Mills at Winooski Case #7

Background for The Mills at Winooski

- French-Canadians moved to Vermont to escape political repression and to find new economic opportunities. They faced consistent discrimination (Leslie 2018; Wolfson and Sénecal 1983).
- ► There was widespread anti-Catholic sentiment in Vermont and in the US generally. Those involved in the Eugenics Survey of Vermont (some of whom were also KKK members) wrote about concerns that "Yankees" would be entirely replaced by "'foreign' Catholic immigrants, primarily French Canadians from Quebec" (Gallagher 1999, 45).
- This discrimination was demonstrated in the book *Rural Vermont: A Program for the Future*, which noted that the "English and Irish [were]... 2932% more likely to hold office than French-Canadians" (Rural Vermont 1931, 330).

French-Canadians and the Mills at Winooski

- After the US Civil War, many men left Vermont. Many others left for the West and Midwest to seek better opportunity leading to a labor shortage and a drop in land prices (Metraux 2010). Factories often hired unmarried women.
- ► Employers in the US, such as those in Vermont, favored French-Canadian workers because of their willingness to work for low wages; 3 out of 4 working Quebecois men were in low-paying jobs (Beattie 2000).
- ► Mill owners often owned the housing that workers lived in. This helped owners to leverage more control over factor workers outside of working hours (Ouellette 2000).
- ▶ Anglo-American workers at the Winooski mill protested multiple times over poor labor conditions. Employers then turned to French Canadian workers.
- ► "Factory conditions deteriorated, wages fluctuated, and the decent boarding houses were now deemed unnecessary as immigrants did not have insistent parents to protect them" (Ouellette and Harrigan 2017).



French-Canadians and the Mills at Winooski

- It was local authorities' responsibility to regulate child labor until 1867; Vermont was the last New England state to regular child labor (Gillies 2000).
- Stories of labor abuses surfaced a legislative committee found thirteen children under the age of six working at the American Woolen Company mill in Winooski.
- Addie Card (pictured left), a French Canadian child, became the face of the child labor movement in the US after photographer Lewis Hine photographed her at a factor in North Pownal, Vermont (Winthrop 2006). This helped bring about national child labor laws.

The Ongoing Legacy of Child Labor

- ► Today, employers still take advantage of the circumstances of vulnerable populations, such as immigrants and children.
- In 2022, the US labor department found that McDonald's and Dunkin' Donuts locations across Vermont violated federal child labor laws (Thys 2022).
- Children and immigrants are both vulnerable populations who often do not have political power to ensure that they are treated with dignity and respect.

French-Canadians and the Mills at Winooski

Issues Presented

Vermont employers took advantage of French Canadians' economic circumstances.

This was done while discrimination against French Canadians was widespread in Vermont.

Employers' ownership of employee housing meant they could control employees off the clock.

Employers continue to take advantage of vulnerable populations for cheap labor.

Systems Involvement and Resolution

Vermont gradually regulated child labor and was the last New England state to do so.

Federal labor regulations ultimately helped to improve the working conditions of children.

Injury or Harm Resulting

Employers targeting French Canadians in Vermont.

Reduced economic opportunity and injuries resulting from low pay and poor working conditions, respectively.

This was yet another form of discrimination against French-Canadians in Vermont.

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Emblematic Case Meetings Summary

What are some themes we heard from the public?

- ► **Health**: stigmatizing processes, lack of understanding of patients' perspectives, taking away people's rights and ability to decide, racism, transphobia, poor access to care.
- ▶ **Criminal Justice**: police profiling, excessive police response, white jurors' deciding people of colors' fates, white rage, embedded racism in positions of power, parental accountability.
- Education: inadequate policies protecting students (esp. Students of color and/or with disabilities), lack of accountability, need for better educator training on rights and discrimination, chronic stress placed on BIPOC students, need for laws on restraint and seclusion, teachers fearing retaliation when speaking up about rights.

Summary of Emblematic Case Meetings

Themes we heard from the public on...

- ▶ **Eugenics**: need a list of perpetrators and who benefitted from eugenics, generational harm, targeting families, VTRC's duty to find and disseminate the truth, othering, lack of bodily autonomy, poverty as a main underlying factor, horrific treatment of children.
- Housing: discrimination in maintenance request responses, racism, xenophobia, antisemitism, VT keeping people who are "different" from living here, "band aids on problems that need surgery," zoning bans on multi-generational homes, racist foreclosures, settler colonialism.
- Safety: lack of accountability, hate speech, ignorance, attack on Black women in leadership, no protection from law enforcement, protection of perpetrators but not victims, bias in law enforcement, police not believing Black women, lack of respect, fear, issues with free speech.

Summary of Emblematic Case Meetings

- ▶ **Public Accommodations:** harsh punishment, failure to see disabled children as normal, accessibility in policymaking, ableism, dehumanization, lack of accountability, VT's history of treating disabled people horribly, need for the State to offer accessible information, lack of compliance with Fed laws, individualizing access needs, continuing the harm that eugenics caused.
- Historic Context for Present Truths: invisibility and hypervisibility, normalization of racism, mass incarceration as slavery, racist social consciousness, VT not wanting Black folks, VT marking itself as a white space, insidious racism, government complicity, impunity and lack of safety, invisibility even in death.
- ▶ **Incarceration**: asking if VT profits off prison labor, incarcerated people treated as expendable, racism in criminal justice, school to prison pipeline, media influencing people's perceptions, racialized definitions of crime, lack of economic opportunity leading to crime, ongoing legacy of slavery.

Summary of Emblematic Case Meetings

- Indigenous Health: medical colonization, lack of laws, lack of cultural humility/cultural competency, lack of intercultural approaches in medicine, failure of government to meet Indigenous needs, racism, lack of Indigenous representation in healthcare, eugenics playing a role in mistrust, dominance of biomedical model, continued forms of generational violence and erasure, intergenerational trauma, origins of modern healthcare in eugenics.
- Immigrant Housing and Labor: discrimination, lack of resources for undocumented folks, everyone deserving housing and security, lack of legal framework to facilitate housing for undocumented folks, trying to keep Vermont looking a certain way, taking advantage of undocumented people, horrible working conditions, lack of regulation for undocumented laborers, exploitation, taking advantage of lack of enforcement.
- "Civilization Fund" and Indigenous Medical Students: Vermont not being exceptional, agency of Indigenous youth, Vermont institutions complicit in Indigenous genocide, erasure of complicity, forced assimilation.
- Eugenics: racial identification ambiguity, intergenerational harm, oppressive social statuses, blood quantum not being a fact, paper genocide, intentional and unintentional erasure, identities mention in eugenics survey being understood differently over time by different people.
- French Canadian Labor: harm to children, targeting populations due to lack of institutional power, difficult lives for Franco-Americans in VT, exploitation of children and link to enslavement, systems not working proactively to protect people, ongoing lived experience of discrimination.

Summary of Emblematic Case Meetings (added 4/26/24)

Overall Themes

- ► Lack of respect for people's rights.
- Failing to recognize people as human beings.
- Lack of accountability.
- Lack of protections for individuals and populations.
- Embedded forms of discrimination racism, sexism, ableism, transphobia, homophobia, antisemitism, xenophobia.

- White people deciding people of color's fate.
- Stigmatizing processes and policies.
- Need for better training on bias
- Police not believing Black people.
- Invisibility of certain population in VT.
- Continuing historic harms through present systems.

- These themes help us to focus our work on addressing specific issues that people in Vermont are facing.
- They help us to identify systems that are causing harm.
- ▶ They show us that our work is needed.
- ► They also show the need for reforming systems, institutions, and widespread attitudes in Vermont.

Why do these matter?

Thank you for your participation!

We will continue to update the public about the direction of our work. Please stay tuned.

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