

# LAND ACKNOWLEDGEMENT

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.



# EMBLEMATIC CASES – DAY 3

Vermont Truth and Reconciliation Commission

# AGENDA

## Emblematic Cases –Public Meeting #3

1:00 pm	Accessibility (including ASL Communication needs)	Melody
3 Min	Land Acknowledgement	Mia
2 Min	Attendance & Welcome ( <i>place name, pronouns, where from, email, in chat; optional unless speaking during meeting</i> )	Melody
3 Min	Agenda	Melody
10 Min	Working Pledge and Declaration of Understandings	Melody
3 Min	Explanation of Timing and Civility (* <i>Content Disclaimer</i> )	Faith
5 Min	Case Review Explanation	Adam
2 Min	Explanation of Jam Board	Ann
45 Min	Public Accommodations	5 minutes per case
	Public Comment	3 minutes per person
45 Min	Historic Context for Present Truths	5 minutes per case
	Public Comment	3 minutes per person
45 Min	Incarceration	5 minutes per case
	Public Comment	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 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 TIMING AND CIVILITY

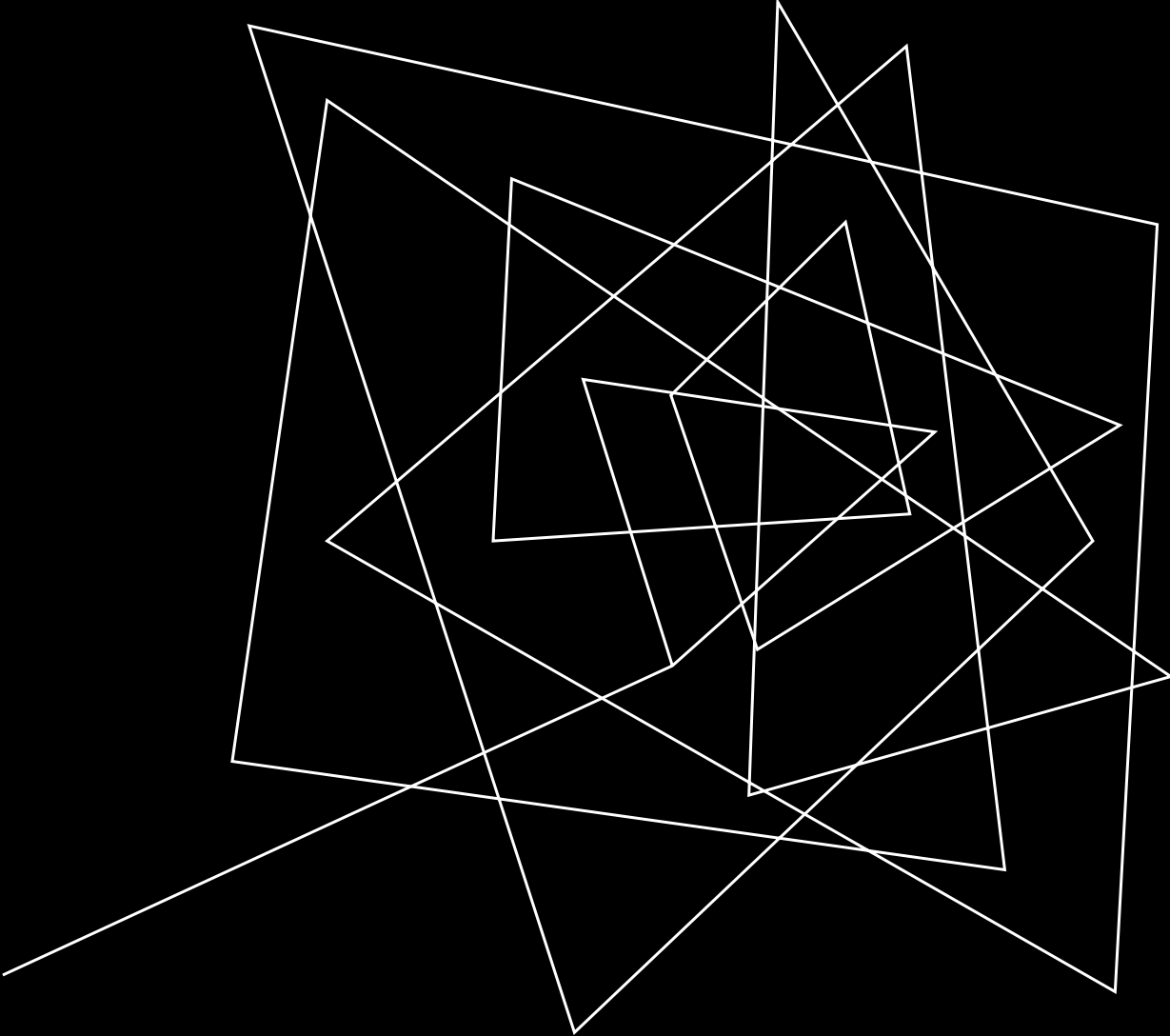
- **Personal Responsibility and Community Support (1-minute warnings in the chat)**
- **Uphold VTRC Agreements for Public Meetings (slide 4)**
- **Consequence for Neglecting Agreements**
  - **First – a warning and gentle reminder of VTRC Agreement that was violated.**
  - **Second – person’s speaking/contribution 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: (45 minutes each)
  - Public accommodations
  - Historical context for present truths
  - Incarceration
- 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



# PUBLIC ACCOMMODATIONS



# **PUBLIC ACCOMMODATIONS IN VERMONT**

Waterbury Summer  
Camp and Disability

Language and Public  
Accommodations

Care for People with  
Developmental  
Disabilities

# WATERBURY SUMMER CAMP AND DISABILITY

## **Facts**

- The Vermont Human Rights Commission sued the Town of Waterbury government for discriminating against a disabled boy.
- One day at camp, when a ball hit the boy and children began to yell at him and tell him to leave a game, the boy yelled, ran away, hid, and threw backpacks and tennis balls over a fence.
- The former recreation director physically restrained the boy until police arrived.
- At the time of the event, neither the rec director nor the police knew of the boy's needs and/or disability.
- When the adoptive parents of the boy emailed the rec director to notify her of their son's disabilities, the director responded, "this is not an ADA camp."
- The parents were told that their child was not welcome to return to the camp.

## WATERBURY SUMMER CAMP AND DISABILITY CONT.

- After the incident, the boy's adoptive father contacted the Municipal Manager, asking for some accommodations such as designating some trusted adults to work with the child when he was upset. The Manager replied that their child was not welcome back to the camp.
- The talks for the case continued out of court after the VHRC and the town could not reach a settlement agreement after six months. The town's perspective was that it had done nothing wrong.
- VHRC found "reasonable grounds" that the town had discriminated against the boy by not accommodating his disability.

# IS THIS WITHIN THE VTRC'S PURVIEW

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*Is this an instance of institutional, structural and systematic discrimination in **Vermont** that has been permitted by state laws and policies?*

# WATERBURY SUMMER CAMP AND DISABILITY

## Issues presented

Failure to accommodate disabilities for the children attending camp

Failure to apply de-escalation techniques

## Systems involvement and resolution

The Town of Waterbury

The Human Rights Commission

## Injury or harm resulting

Harm to this child from learning that resolution doesn't happen

Harm to the other children from not getting resolution

Harm to families with children that are excluded from the camp due to disabilities

# JAM BOARD

[Emblematic Cases – Google Jamboard](#)

*Right click and open the link above in order to join*



# LANGUAGE AND PUBLIC ACCOMMODATIONS

- It is federal law that any entity receiving federal money must ensure that people who speak or sign languages other than English can access that entity's services, programs, and activities.
- Likewise, 1 VSA § 332 gives any person a right to an interpreter when that person is conducting business with a State board or agency, participating in any State-sponsored activity (such as public hearings and public meetings), or is participating in any State legislative activities.
- Failure to provide translation or interpretive services can further perpetuate certain populations' exclusion from society and essential services.

# LANGUAGE AND PUBLIC ACCOMMODATIONS

- During emergencies, having access to timely information can be a matter of life and death.
- The Office of Racial Equity's Language Access Report found that most of the State's emergency communication is only available English and are "seldom translated into ASL or other signed languages."
- 1 in 5 requests for interpreters at Vermont courts are for ASL interpretation.
- During recent flooding in Vermont, people who speak or sign languages other than English did not receive the same level of emergency warnings as English speakers.

# LANGUAGE AND PUBLIC ACCOMMODATIONS

- Some people receive information outside of typical emergency communication channels. For example, many people prefer to use WhatsApp to communicate and may be looking for timely information there.
- Some people may prefer non-written communication and require videos rather than solely text.
- State employees had to rely upon community partners to provide timely information to people who speak or sign languages other than English.
- State websites have information available in languages other than English, but this information is not always timely and doesn't provide active updates. These issues extend to accessing many other services and sources of information from the State of Vermont.

## LANGUAGE AND PUBLIC ACCOMMODATIONS

- In Vermont, deaf Bhutanese people, who use Nepali sign language, face specific obstacles. Only the Howard Center offers ASL classes for immigrants. However, to take these classes a person must:
  - Have a developmental disability or be on the autism spectrum ***and***
  - Be a resident of Chittenden County.
- As a result, many deaf Bhutanese folks don't have a way to receive important information or to communicate outside of their community.

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# LANGUAGE AND PUBLIC ACCOMMODATIONS

## Issues presented

Impeded access to essential services and messaging, especially during times of emergency.

These difficulties are present among people living in Vermont who speak a language other than English; difficulties are amplified when a person uses a signed language.

## Systems involvement and resolution

Vermont Language Justice Project, with funding from the Department of Health, released videos about flood safety in 16 different languages within 24 hours of the floods' beginning. This was a community effort.

Vermont Emergency Management released flood-related information in 9 languages. Its website also has an emergency preparedness workbook in 15 languages with varying topics.

## Injury or harm resulting

Perpetuation of marginalization of peoples who speak or sign languages other than English.

Decreased safety for these populations, particularly during emergencies.

# JAM BOARD

[Emblematic Cases – Google Jamboard](#)

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# CARE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- Before the creation of State institutions, people with developmental and other disabilities were frequently abused, starved, and isolated from others (Draper 1887).
- From the mid 1800s to the 1980s, Vermont's approach to addressing the needs of people with intellectual and developmental disabilities was to institutionalize them.
- In the first half of the 20<sup>th</sup> century, one of the chief justifications for institutionalization was to prevent this population from having children so they didn't "spread" their genetics among people without intellectual and developmental disabilities.
- Vermont began the process of de-institutionalization along with most of the rest of the US with the goal of providing people with care that is based in the community and/or their family instead of placing them in an institution and isolating them from their loved ones.
- Long-term care largely passed from the State to local nonprofits.
- The problem is not de-institutionalization, but there are some problems with how de-institutionalization has been implemented.



# CARE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- In some instances, people are placed in “staffed living” placements, where a client lives with 24-hour staff.
- Many community nonprofits are facing severe staff shortages and funding challenges, meaning they are less able or unable to provide essential care and services for people with intellectual and developmental disabilities.
- In the past 6 years, 2 adults with autism have died in Vermont residential care. Reports have found that in one instance, the care provider did not notify their supervisors about the illness, did not record medical information, and did not consistently bring the patient to their doctor’s appointments.
- In some cases, people with developmental and/or intellectual disabilities have been placed in facilities guarded by local Sheriff’s offices.
- Vermont is not in compliance with 2014 federal rules that states that patient case managers should not work for the same entity providing services (VT Dept of Disabilities, Aging, and Independent Living (DAIL) has submitted a corrective plan for this to federal authorities).

# CARE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

- Some family members of people in residential care complain that their loved ones are isolated from friends and family and that sometimes patients have unexplained injuries when they meet with family.
- In instances where someone's parent is a caregiver for a child or adult with developmental and/or intellectual disabilities, providing that care is often a full-time job. This makes it difficult for households to earn the income needed to pay for essential services for their loved ones.
- These caregivers are not paid because of concerns that doing this might encourage a disabled person to not have full independence. Some have advocated paying family members for caring for their loved ones; others have argued that this money should be spent on wages to attract better workers.
- Some parents are pushing the State to establish more residential programs.

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# CARE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

## Issues presented

Care options for people with developmental and intellectual disabilities are severely limited.

State agencies are unable to provide necessary services because of staff shortages.

What is the State's culpability in the staffing shortages?

What systems of accountability exist for caregivers who are not acting appropriately?

Community care orgs are underfunded

## Systems involvement and resolution

DAIL submitted a federal report detailing how it would address its noncompliance with federal rules.

Act 186 (H.720) requires people with developmental disabilities receive full information about their options are included in conversations about systems change, and created a limited service position to address this.

## Injury or harm resulting

A lack of housing options for people with intellectual and developmental disabilities results in de facto discrimination against this group.

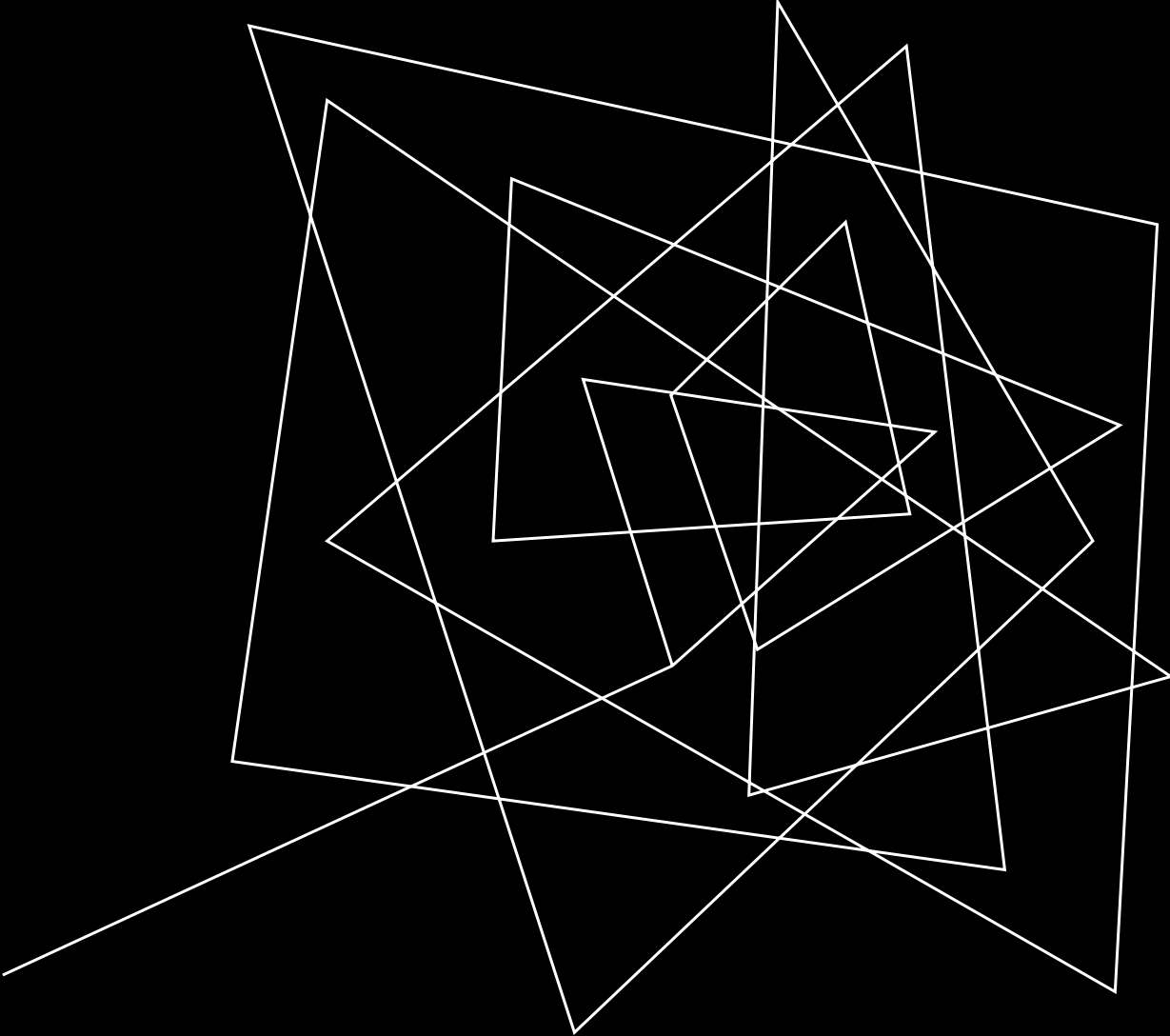
Parents who must care for their children with intellectual and developmental disabilities may have to endure financial hardship to do so.

Perpetuation of ableist discrimination that characterized the eugenics movement.

# JAM BOARD

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HISTORIC  
CONTEXT FOR  
PRESENT TRUTHS



# HISTORIC CONTEXT FOR PRESENT TRUTHS

Enslavement in  
Vermont

Murder of John  
Harrison – Black  
Minister

The Irasburg Affair

Unmarked Graves  
and State Institutions

# MURDER OF JOHN HARRISON A BLACK MINISTER 1880S

## Confession

An article in the *St. Albans Messenger* in 1896 says William Eastman was badly injured, and “supposing himself on his deathbed,” he made a confession that he and three others murdered Harrison, “then buried the body in the cellar of his house” (Krupp 2024).



## NORWICH – LEFT FOR DEAD ON "DARKEY CORNER"

Newspapers in Burlington at the time said:

That in the fall of 1890, about two weeks before Harrison disappeared, “the two Eastman boys made Harrison 'a call,' and left him for dead.”

The description of what they did to Harrison is hard to read. It says: “The boys had pounded the negro on the head with an iron kettle until the bale broken and left a big ridge across his forehead. The boys then went up the village and told what they had done, and it is said that they afterward boasted that they would ‘finish him yet.’”

## JOHN HARRISON

John Harrison was a son of parents who died when he was very young. His father had been enslaved. He was adopted by a white family and became a preacher as a young man. Moving to Vermont made sense because rural ministers were scarce, and he became a minister that traveled to preach and drew crowds. But he was targeted by racial violence that was made nearly invisible despite the newspapers and a full confession. The racial names for him and his land have lasted as they appear still on the deed of people living on the spot his house existed.

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# MURDER OF A BLACK MINISTER

## Issues presented

Racist violence

Public coverup

Legacy of racism in  
Vermont

## Systems involvement and resolution

Justice System inaction

## Injury or harm resulting

John Harrison was murdered

The message to other Black  
people that they aren't  
welcome in Vermont

# JAM BOARD

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## ENSLAVEMENT IN VERMONT

- Slavery was not fully illegal in Vermont until 2023.
- The part of the State Constitution that outlawed slavery did not outlaw slavery for men under the age of 21 or women under the age of 18; enslaving children remained legal.

# ENSLAVEMENT IN VERMONT

There were no enforcement mechanisms for antislavery legislation

“Vermont slavery continued for nearly thirty years after the advent of the state constitution. It persisted in two distinct ways.

First, enslavers defied the law by purchasing and selling slaves. The limited evidence does not point to enslavers exhibiting any sort of embarrassment in breaking the law. Indeed, those individuals who continued owning slaves included some of the most respectable citizens of the state, ranging from judges to military officers.

Second, some white Vermonters stylized African Americans as ‘servants’ but this euphemism merely hid the fact that some of these people were either chattel or de facto slaves. As Guyette and Winter show, indentured Black children live in extraordinarily dangerous situations in a state that allowed child slavery. They could easily be sold out of state before they reached majority age, which would have offered pecuniary benefits to their owners.

The open violation of the constitution and continued enslavement of African Americans was implicitly condoned.

The scattered examples of slavery’s open persistence can be found in bills of sale, probate records, court proceedings, church records, and town histories. These instances exist across the state, indicating that the widespread practice of continued enslavement was not confined to a single town or region of Vermont.”

- Harvey Amani Whitfield in *The Problem of Slavery in Early Vermont, 1770-1810* (2014, 19).



# ENSLAVEMENT IN VERMONT

- In 1780, a man, an enslaver, moved to Bennington to become pastor for the Congregational Church there. He brought an enslaved woman with him. Although some people in town were outraged that he did so, no one attempted to enforce Vermont's antislavery laws. The pastor and enslaver, David Avery, was a prominent member of town and was frequently around people such as Moses Robinson who became a governor, senator, and Supreme Court Justice.
- In the late 1770s, Pompey Brakkee sued Elijah Lovell for enslaving him. Lovell claimed to have a bill of sale that he thought demonstrated Brakkee was his property. Lovell failed to appear in court three times. Judges awarded Brakkee 412 pounds.
- In 1782, a man and enslaver named John Armstrong died without a will. Commissioners divided his estate which included "one Negro boy" valued at 60 pounds. According to historian Harvey Amani Whitfield (2014, 22), "The meaning of the word 'Boy' is not clear. Given that Black children in Vermont were seen as being worth less than adults because of the pecuniary costs of having to raise a child before she/he could provide valuable labor, it seems likely that the slave was not underage." The fate of this person is unknown.

# ENSLAVEMENT IN VERMONT

- One of the more famous instances of enslavement in Vermont involves Dinah Mason, a Black woman who Stephen Jacob enslaved. Dinah was brought to Windsor where John White sold her to Stephen Jacob in 1793. Jacob received a bill of sale that a town leader witnessed.
- By the time Dinah was 47 years old, she had become sick. Jacob threw out Dinah, who requested town support. Windsor residents denied her request by a vote.
- Voters urged the town Selectman to try Jacob for the money instead. Jacob, a judge, presided over this trial and dismissed the charges.
- The case made its way to the Vermont Supreme Court, and Jacob recused himself from the case (Forbes 1910).
- The plaintiffs, the town Selectman, produced a bill of sale showing that Dinah was Jacob's "property." However, the judges ruled that because slavery is illegal in Vermont, Jacob was not responsible for paying to support her.
- After this trial, Dinah was "warned out" of Windsor and a deacon's son assaulted her. She refused to leave and died in poverty.

# ENSLAVEMENT IN VERMONT

- Other Vermont enslavers include Levi Allen, Ethan Allen's daughter Lucy Hitchcock, Lewis Morris, Captain Moses Sage, among others.
- People who slaveowners freed still faced racism and hardship. Jeffrey Brace was a Black man who white slavers kidnapped as a teenager. Brace was sold to someone in Barbados, then an English ship captain.
- Brace fought in the French and Indian War and then eventually in the Revolutionary War. After his service, the man who "owned" him freed him.
- Brace moved to Vermont, knowing that slavery was outlawed there. He met his wife, Susannah Dublin, and they bought property in Poultney.
- Because of harassment, property damage, and their neighbor's desire to "bind out" the Brace's children as indentured servants, they moved to Sheldon, VT then to Georgia, VT.

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# ENSLAVEMENT IN VERMONT

## Issues presented

Chattel slavery was permitted in Vermont, despite its illegality.

State officials made little to no effort to uphold the law and de facto permitted enslavement.

The popular narrative in Vermont is that Vermont entirely outlawed slavery; people sometimes use this misunderstanding of history to point to Vermont's "progressive" racial politics.

## Injury or harm resulting

The indescribable harm, violence, and dehumanization that chattel slavery involves.

An ongoing legacy of economic inequality that stems from slavery.

The tendency to deny that slavery ever existed in Vermont downplays and dismisses the reality of the treatment of Black people in Vermont.

# ENSLAVEMENT IN VERMONT

## Systems Involvement and Resolution

The 1786 Sale and Transportation Act attempted to fill in gaps in enforcement and acknowledged that slavery was still practiced in Vermont. It attempted to outlaw kidnapping Black people and the sale of enslaved people across State lines. It did not address the sale of enslaved people in Vermont.

The 1791 Negro and Mulatto Act attempted to overturn the 1786 law by allowing Vermonters to “indenture” “idle” Black people and encouraged people to hunt down runaway slaves. The law did not pass.

In 1806, the Act to Prevent Kidnapping introduced the law “because stealing and selling Black people became so noticeable and embarrassing that the government felt pressured to initiate action” (Whitfield 2014, 39).

Vermont continued to allow “slave transit” and “slaveowner sojourns”

Vermont finally outlawed slavery in 2023. The State still must contend with the ongoing legacy of slavery and continued anti-Blackness.

# JAM BOARD

[Emblematic Cases – Google Jamboard](#)

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# THE IRASBURG AFFAIR

- Rev Johnson and his family moved from California to Vermont to escape racial unrest in California.
- In Vermont, on July 19, 1968, three men drove by in a car. One of the men fired shots at a house occupied by Reverend David Lee Johnson, a Black Baptist minister, his family, and a neighbor from California. Rev Johnson, a veteran, fired back. The shooters fled. Police focused on Rev Johnson rather than the perpetrators.
- Instead of focusing the investigation on the shooter, they focused on Rev Johnson, checking to see if his car was stolen property, if he was really a Reverend, investigated whether he was involved in "pimping," etc.
- State troopers placed a trooper to guard Rev Johnson's house. Three days after the incident, the Johnson family got a phone in their home. The police decided that was a form of protection and removed the guard.
- A resident of Glover, Larry Conley, the shooter, was charged with a "breach of peace" and pled no contest. He had been arrested before for verbally assaulting black children.
- The State AG recommended charging Conley with assault to kill, but instead the Orleans County State's Attorney filed breach of the peace charges. Conley received a suspended 6-month sentence and paid \$500.



# THE IRASBURG AFFAIR

- Troopers withheld information from the AG.
- One of the troopers guarding Rev Johnson's house claimed to see Rev Johnson having sex with a white woman. Rev Johnson and his houseguest were charged with adultery and arrested at gunpoint.
- When police interviewed this woman, they only asked her about the shooting for 15 minutes and spent the rest of the interview discussing the alleged affair.
- The Johnson family received threats at their home, including that their home would be burned down. Rev Johnson was verbally assaulted at his home.
- The woman pled no contest, paid a fine, received a 6-12 month suspended sentence, and left the state. She later claimed her plea was coerced. She never returned to Vermont and the charges against Rev Johnson were eventually dropped. Rev Johnson refused to plead at all, citing racism in the process.
- The Orleans County State's Attorney, Leonard Pearson, flew to California to request the woman be extradited to Vermont. A California judge rejected this and the charges were dropped.

## THE IRASBURG AFFAIR

- Newspapers continued to publish op-eds about Johnson's relationships with white women.
- Adultery was a rarely used charge at the time. The newspaper backlash focused more on it being an interracial relationship than it being a supposed extramarital affair.
- The trooper who made the claim later admitted that he wasn't sure of what he saw.
- Gov Hoff appointed a board of inquiry and found that State police acted inappropriately when they focused on the investigation against Rev Johnson instead of focusing on the shooting.
- Public Safety Commissioner EA Alexander refused to discipline his troopers and praised them instead.
- The Johnson family moved back to California.

## THE IRASBURG AFFAIR

Several members of the public wrote the Governor to express their disapproval over how the State handled the case

One Black man writing to the governor said: "Had the conditions referred to in [the Life magazine article] occurred in Mississippi or one of the deep southern states I would not have been surprised. I have allywas [sic] been under the impression that your state was enlightened and above such atrocities but events proved it to be otherwise."

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# THE IRASBURG AFFAIR

## Issues presented

Racist threats, violence, and intimidation

State police did not comply with governor's orders

## Systems involvement and resolution

Justice system, State police

The charges were eventually dropped but there were no restorative measures.

The public safety commissioner refused to follow the governor's orders.

## Injury or harm resulting

Acute and intense trauma from the shooting.

Pain associated with being accused of adultery in a very public manner.

The media storm associated with this likely added to the stress.

Clear racism throughout the incident.

Letting a white shooter off the hook so easily could encourage others to do similar things.

# JAM BOARD

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## UNMARKED GRAVES AND STATE INSTITUTIONS

During the operation of State institutions like the Vermont State Hospital in Waterbury (1834-2011\*), when a person died in the institution, their relatives had roughly 48 hours to claim bodies or provide instructions for burial.

Before, during, and after the Eugenics Survey of Vermont, the State placed people in these institutions because the State deemed them “defective.” The goal was to separate them from society to prevent their reproduction and socialization with “non-defectives.”

We will discuss these institutions more at another Emblematic Case Meeting.

\*The Vermont State Hospital was founded as the Vermont Asylum for the Insane in 1834. The name was changed to the Vermont State Hospital for the Insane in 1898 and then to the Vermont State Hospital in 1943.

# UNMARKED GRAVES AND STATE INSTITUTIONS

When bodies were unclaimed, one of two things happened:

- 1) Some people were placed in unmarked graves, sometimes with no formal record of the burial.
- 2) Up to this point, medical schools and institutions as well as medical students robbed graves to get cadavers to study anatomy. A law passed in 1884 to address graverobbing but allowed use of unclaimed bodies from those who died at State institutions for scientific and educational purposes. If a body was unclaimed, a doctor could request this body. This practice persisted into the 1960s at UVM; people did not explicitly provide consent for their bodies to be used in this manner.
  - Note: this was a common practice across the US. Doctors and medical students across the country disproportionately targeted Black bodies to use as cadavers (Nuriddin et al. 2020).



## UNMARKED GRAVES AND STATE INSTITUTIONS

- In the case of an unmarked gravesite at the Waterbury hospital, this site was abandoned for decades.
- The site has somewhere between 19 and 30 people, who have not all been identified. One person in the gravesite is a woman who died in childbirth; she is buried with her child. We don't know why everyone in the gravesite died; one person died from being scalded to death. Some of the reasons for a person being an inmate at the hospital include "change of life," "genetics," and "masturbation."
- In 1991, a marker was placed at the gravesite, but the site was abandoned again until 2012 when the State began to maintain the site again.
- The site is now near a biking trail and will be maintained and fenced off.

## UNMARKED GRAVES AND STATE INSTITUTIONS

- Vermont Representative Ann Donahue found in her research that there was likely a second unmarked site, but she has not yet been able to identify it.
- Poor farms and other state institutions may have more unmarked gravesites. Many have unmaintained gravesites and graves without named markers.
- These graves were most often for people that society had marginalized and discriminated against.
- The Rutland Poor Farm cemetery almost became a site for a Regional Transfer Station (waste disposal). Thomas Griffin, President of the Vermont Old Cemetery Association, worked to ensure that the people there would be remembered by placing a marble marker.

# IS THIS WITHIN THE VTRC'S PURVIEW

**Is this a case of discrimination against an Act 128 community or another group?**

**\*Discrimination:** *The treatment or consideration of people differently based on their group, class, or category, rather than on individual merit. For example, discrimination against a person or people class of people on the based on their age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. Discrimination can involve granting or denying privileges, rights, or opportunities to a certain class arbitrarily or unfairly.*

*Is this an instance of institutional, structural and systematic discrimination in **Vermont** that has been permitted by state laws and policies?*

# UNMARKED GRAVES AND STATE INSTITUTIONS

## Issues presented

Unmarked and unknown gravesites mean that many instances of discrimination are now hidden. Further, the people interred in these sites have not had the dignity of marked graves or records that might better contextualize their deaths within specific instances of systemic discrimination.

Use of bodies of marginalization populations for medical research/education. UVM has not formally or publicly apologized for this practice.

## Systems involvement and resolution

Vermont repealed the law allowing exhumation of corpses for scientific or educational purposes.

The legislature passed a resolution (H.555) asking that the unmarked gravesite at Waterbury hospital be maintained.

Rep Ann Donahue has introduced a bill (H.528) seeking to create an inventory of unmarked grave sites across the State - this could be a key step in providing closure for families and dignity for those who were buried.

## Injury or harm resulting

Lack of dignity provided by a proper and marked burial.

Erasure of the context of their deaths, many of which likely deal with systematic discrimination against people with disabilities.

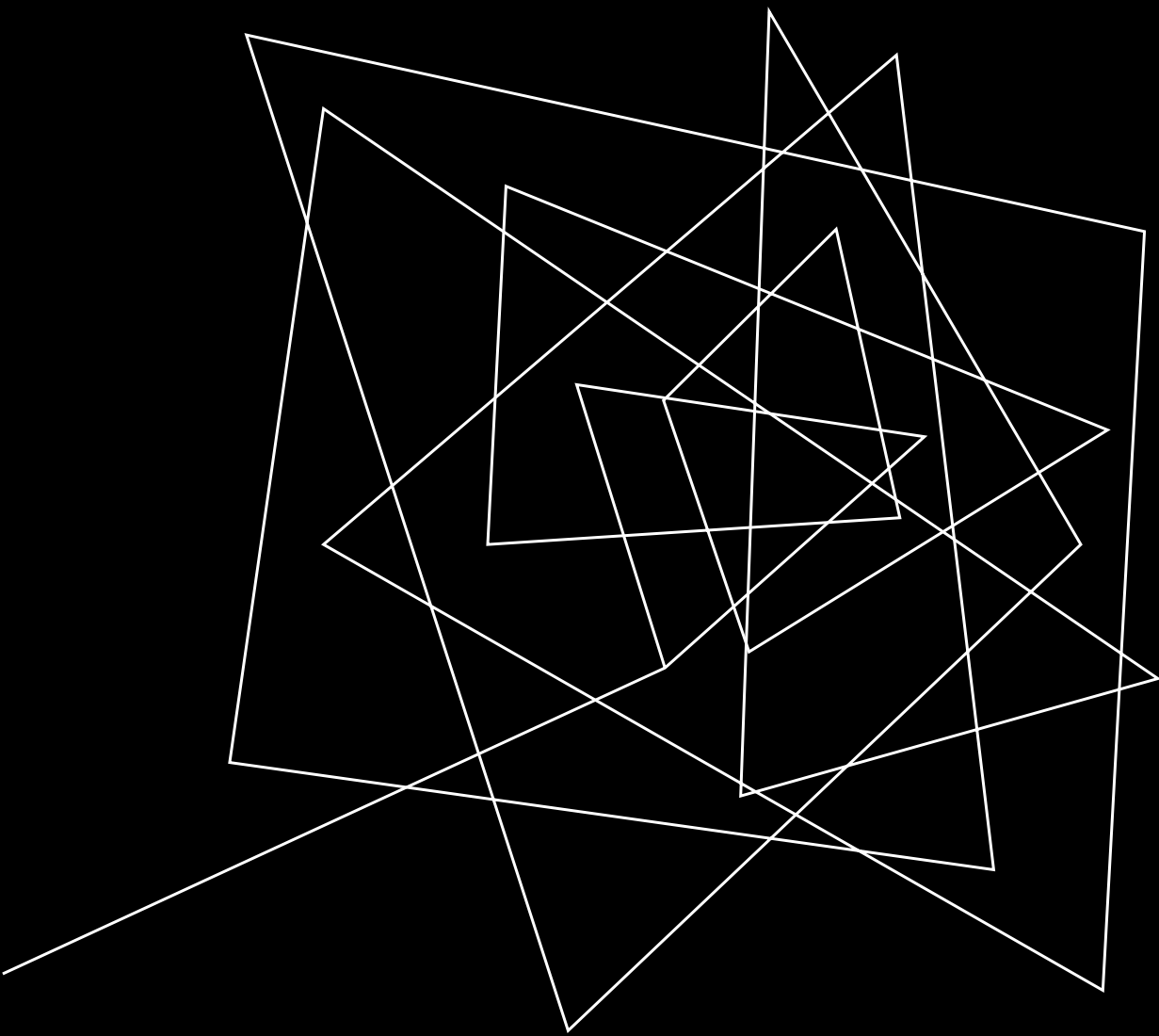
Lack of closure for the families of those who essentially disappeared in State institutions.

The use of corpses in medical research that the person never consented to while living.

# JAM BOARD

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**INCARCERATION**



# SENTENCING AND RACE

Medical care and  
incarceration

Racial disparities in  
prisons

## MEDICAL CARE AND INCARCERATION

- A Black man complained of shortness of breath while incarcerated. On the night he died, he spent four hours asking to go to the hospital. Nursing staff told him to be quiet and threatened to move him to a cell without a bed if he did not stop. The next morning, staff found that the man was not breathing. He was transported to the hospital and pronounced dead.
- A white man had told prison staff about chest pain and difficulty breathing while incarcerated. The medical provider gave him a word search to help with his “anxiety.” The man died of bacterial endocarditis.
- In 2019 the ACLU and the Center of Law and Health Policy Innovation at Harvard Law School filed a lawsuit challenging the State’s refusal to treat inmates with chronic Hepatitis C, a dangerous and potentially fatal infectious disease. A drug is available that has few side effects and can cure Hepatitis C. Hepatitis C can be prevented.
- On October 18, 2021, the US DOJ reached a settlement with the VT DOC over failure to comply with the ADA, including for patients with mobility and hearing needs.



# IS THIS WITHIN THE VTRC'S PURVIEW

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*Is this an instance of institutional, structural and systematic discrimination in **Vermont** that has been permitted by state laws and policies?*

# MEDICAL CARE AND INCARCERATION

## Issues presented

Inequitable access for care for prisoners with disabilities.

Lack of provision of essential medical care and technologies in Vermont prisons.

Lack of ADA compliance.

## Systems involvement and resolution

DOC

VTDOC and USDOJ reached a settlement over failure to comply with the ADA. Recent court records argue the problem is ongoing.

## Injury or harm resulting

Death.

Severe health outcomes, potentially including death, for individuals with Hepatitis C.

Lack of appropriate care for prisoners with disabilities.

# JAM BOARD

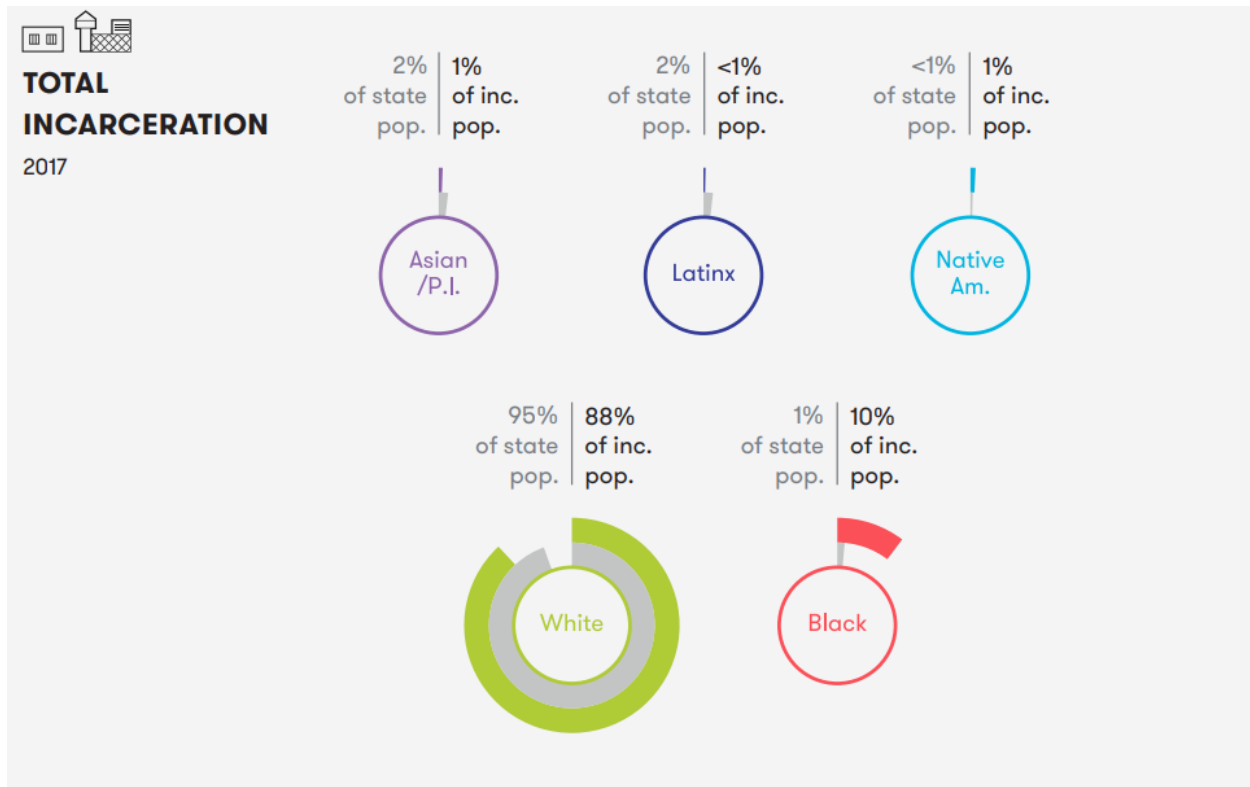
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## RACIAL DISPARITIES IN PRISONS

- Vermont incarcerates more of its population (288 of 100,000) than the UK (129 per 100,000), Portugal, Canada, France, Belgium, Italy, and other countries. However, Vermont's incarceration rate is lower than the US's rate of 664 per 100,000 people.
- According to a 2016 report, Vermont has the highest rate of incarcerated Black adult men in the country and the third highest rate of incarceration for African-Americans overall (The Sentencing Project 2016).
- Black Vermonters make up 1% of the State's population but 10% of incarcerated Vermonters.
- Since 1978, Black incarceration in Vermont has increased 1904%.
- In 2017, Black people in Vermont were incarcerated at 7.6x the rate of White people.

# RACE DISPARITIES IN PRISONS



- This is a chart from the Vera Institute showing incarceration trends in Vermont in 2017.
- Asian and Pacific Islanders make up 2% of the State population and 1% of the incarcerated population.
- Latinx/e people make up 2% of the state population and less than 1% of the incarcerated population.
- Native Americans make up less than 1% of the State population and 1% of the incarcerated population.
- White people make up 95% of the state population and 88% of the incarcerated population.
- Black people make up 1% of the State population and 10% of the incarcerated population.

## RACIAL DISPARITIES IN PRISONS

- Black Vermonters are 14x more likely than white Vermonters to be a defendant in a felony drug case (Bastomski et al. 2022).
- Black Vermonters convicted of a felony drug offense are also 18% more likely to be incarcerated than white Vermonters, who are often given more alternatives to incarceration.
- Compared to white Vermonters, Black Vermonters are 3.5x more likely to be defendants in a misdemeanor case and 5.9x more likely to be defendants in felony cases.
- This is a result and legacy of enslavement.

# RACIAL DISPARITIES IN PRISONS

- The impacts of the enslavement of millions of Africans continue to be felt today.
- Lack of ability to accumulate generational wealth because of discriminatory lending policies have contributed to lack of economic stability among Black people.
- In Vermont and across the country, Black people make up a disproportionate amount of the prison population and arrests.
- Black students make up 3% of the school population but 13% of school arrests and 9% of referrals to law enforcement (Police Out of Schools 2023).
- Black boys with disabilities have the highest overall arrest rates in schools; Black girls are the most disproportionately represented in school arrests.
- 72% of white households in Vermont own their homes compared to 24% of Black households (Vermont Housing Needs Assessment 2020).
- In Burlington, white non-Hispanic median income is \$63,000 compared to \$39,000 for Black Vermonters, and \$48,000 for Hispanic Vermonters.

# RACE DISPARITIES IN INCARCERATION

- From school age to adulthood, Black people are told that they are criminals.
- Lack of economic opportunity means that people must pursue extralegal means to get financial security for themselves and their families.
- Black people are then disproportionately targeted by law enforcement and placed into institutions that are also disproportionately Black.
- In many states, prisoners perform hard labor at prison plantations, which produce roughly \$2 billion of goods annually (Moser 2023).
- As a result, the US is reaping benefits from the legacy of enslavement and ongoing violence against Black people and other people of color. Even in states where slavery is illegal, the legacy of enslavement continues to drive inequity.



# IS THIS WITHIN THE VTRC'S PURVIEW

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*Is this an instance of institutional, structural and systematic discrimination in **Vermont** that has been permitted by state laws and policies?*

# RACIAL DISPARITIES IN PRISONS

## Issues presented

Vermont's justice system disproportionately imprisons Black Vermonters.

## Systems involvement and resolution

Vermont justice system, VT DOC.

Introduction of S.108, a bill proposing establishment of Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel. It is in committee since 2021.

## Injury or harm resulting

Lack of access to livelihoods, emotional health, familial health, etc., that is disproportionate among Black Vermonters relative to other Vermonters.

These disparities exacerbate systemic inequality and oppression in Vermont and send consistent messaging about who is and is not welcome in society.

These trends exemplify and contribute to stereotypes of Black people being more “dangerous” than other races. This messaging causes significant harm to Black Vermonters.

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# THANK YOU!

Our next emblematic case meeting will be March 20th from 1-4pm.

# REFERENCES

"A Murder Mystery: Two Norwich Men Suspected of Killing a Preacher Five Years Ago." *The Burlington Independent* Feb 1, 1896.

"A Murder Mystery: Norwich Excited Over Disappearance of a Preacher." *St Albans Messenger*, January 30, 1896.

Bastomski, Sara, Dardeau, Madeline, and Sackey, Lorretta. 2022. *Justice Reinvestment in Vermont: Results of Racial Equity in Sentencing Analysis*. Council of State Governments. [Justice Reinvestment in Vermont Results of Racial Equity in Sentencing Analysis \(csgjusticecenter.org\)](#)

Department of Disabilities, Aging, and Independent Living. 2023. "DAIL Needs to Comply with Requirements for Timeliness of Inspections of Assisted Living Residences and Residential Care Homes, and Make Other Changes, to Ensure that Vulnerable Vermonters Are Safe." [LTC DAIL Report Final 23-04.pdf \(vermont.gov\)](#)

Draper, J. 1887. *The Vermont Asylum for the Insane: Its Annals for Fifty Years*. Brattleboro: Hildreth & Fales.

Forbes, Charles S. 1910. "The Vermonter." Vol 19.

Krupp, Lexi. 2024. "A Black Preacher Disappeared from Norwich in 1890. His Alleged Killer Confessed, but Was Never Charged." Vermont Public [A Black preacher disappeared from Norwich in 1890. His alleged killer confessed, but was never charged | Vermont Public](#)

Moser, Ryan. 2023. "Slavery and the Modern-Day Plantation Prison." JSTOR [Slavery and the Modern-Day Prison Plantation - JSTOR Daily](#).

Nuriddin, Ayah, Graham Mooney, Alexandre IR White. 2020. "Reckoning with Histories of Medical Racism and Violence in the USA." *The Lancet* 396 no. 10256: 949-951.

Police Out of Schools. 2023. "Vermont Organizing Toolkit." Education Justice Coalition of Vermont. [Police Out of Schools Toolkit - Google Drive](#)

State of Vermont Executive Department Board of Inquiry into the So-Called Irasburg Affair, volume I, November 7-22,1968. PRA 209 PRA 00858 Middlesex: Vermont State Archives.

US Department of Justice. 2021. "Justice Department Reaches Agreement with Vermont Department of Corrections to Improve Access for Inmates with Disabilities." USDOJ Press Release. [Office of Public Affairs | Justice Department Reaches Agreement with Vermont Department of Corrections to Improve Access for Inmates with Disabilities | United States Department of Justice](#)

The Vera Institute. Incarceration Trends in Vermont. [Incarceration Trends in Vermont \(vera.org\)](#) Accessed January 24, 2024.

Vermont State Legislature. 2023. 1 VSA § 332 Right to interpreter; Communication Access Realtime Translation (CART) services; assistive listening equipment [Vermont Laws](#)

----- 2024. H.555 An Act Relating to Enclosing the Vermont State Hospital Cemetery. [Bill Status H.555 \(vermont.gov\)](#)

----- 2024. H.528 An Act Relating to the Historical Review and Study of Burial Grounds. [Bill Status H.528 \(vermont.gov\)](#)

----- 2022. H.720 (Act 186) An act relating to the systems of care for people with developmental disabilities. [Bill Status H.720 \(Act 186\) \(vermont.gov\)](#).

----- 2021. S.108 An Act Relating to Establishing the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel. [Bill Status S.108 \(vermont.gov\)](#)

Whitfield, Harvey Amani. 2014. *The Problem of Slavery in Early Vermont, 1777-1810: Essay and Primary Sources*. Barre: Vermont Historical Society.