

SOCIAL EQUITY CAUCUS WORK GROUP

Report of Policy Recommendations

The Social Equity Caucus Work Group, comprised of 14 community members and six legislators, met seven times over the course of four months to develop policy recommendations to address and/or dismantle barriers to equal opportunity for Vermonters with lived experience of discrimination and oppression based primarily on race, ethnicity, immigration status, LGBTQIA status, and/or perceived mental state. This is a report of the Work Group's analysis and policy recommendations.

Wilda L. White and Rep. Hal Colston
Co-Chairs

January 6, 2021



1/6/2021

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Table of Contents

EXECUTIVE SUMMARY	4
S.54 (ACT 164): BACKGROUND AND POLICY RECOMMENDATIONS	5
<i>S.54 (Act 164) Background</i>	5
<i>S.54 (Act 164) Policy Recommendations</i>	5
COMMUNITY ACCESS TO THE LEGISLATIVE PROCESS: BACKGROUND AND POLICY RECOMMENDATIONS	8
<i>Legislative Access Background</i>	8
<i>Legislative Access Policy Recommendations</i>	8
DISMANTLING BARRIERS TO ECONOMIC OPPORTUNITY FOR BLACK, INDIGENOUS, PEOPLE OF COLOR	10
<i>Economic Opportunity Background</i>	10
<i>Economic Opportunity Policy Recommendations</i>	10
SOCIAL EQUITY LENS TOOLS	11
INTRODUCTION	13
WORK GROUP MEMBERSHIP	13
COMMUNITY MEMBERS	13
LEGISLATIVE MEMBERS	14
INTERN	15
WORK GROUP PROCESS	15
OVERVIEW OF MEETINGS	15
IDENTIFYING LEGISLATIVE PRIORITIES	16
<i>Individual Legislative Priorities of Work Group Community Members</i>	16
<i>Group Legislative Priorities</i>	18
WORK GROUP CHALLENGES	18
<i>Inadequate Time</i>	18
<i>Inadequate Commitment to Language Access</i>	18
<i>Equity Re: Meeting Times</i>	19
POLICY RECOMMENDATIONS TO DISMANTLE BARRIERS	19
S.54 (ACT 164) – AN ACT RELATING TO REGULATION OF CANNABIS	20
<i>Act 164 Social Equity Issues</i>	21
<i>Act 164 Policy Recommendations</i>	24
COMMUNITY ACCESS TO THE LEGISLATIVE PROCESS	27
<i>Barriers to Accessing the Legislative Process</i>	28
<i>Policy Recommendations to Increase Access to Legislative Process</i>	30
ECONOMIC OPPORTUNITY FOR BLACK, INDIGENOUS AND PEOPLE OF COLOR	31
<i>Barriers to economic opportunity</i>	31
<i>Policy Recommendations to Dismantle Barriers to Economic Opportunity</i>	34
SOCIAL EQUITY LENS FOR POLICYMAKERS	35
COMMENTS ABOUT THE SOCIAL EQUITY LENS	36
SUGGESTIONS FOR NEXT STEPS	38

APPENDIX A: WORK GROUP MEETING NOTES	39
OCTOBER 28, 2020	40
NOVEMBER 4, 2020	42
NOVEMBER 18, 2020	46
DECEMBER 9, 2020	51
DECEMBER 16, 2020	55
APPENDIX B: APPLYING A SOCIAL EQUITY LENS FOR POLICYMAKERS (DRAFT IN PROGRESS 12-1-20)	58
ENDNOTES	62

EXECUTIVE SUMMARY

The Social Equity Caucus Work Group (Work Group or SEC Work Group) was empaneled by the Vermont legislature’s Social Equity Caucus (SEC) to develop policy recommendations to address racial and social justice legislation to achieve “social equity.”

Launched in August 2018, the SEC is a group of about 78 Vermont legislators and 105 community members and organizations whose mission is to focus deliberately on “improving outcomes for marginalized peoples and create a vehicle for Vermonters to access their representation, leadership and community.”¹ The SEC meets weekly and engages in a multitude of activities to advance its mission.

The SEC Work Group is comprised of 14 community members with lived experience of discrimination and oppression, and six legislators, including two senators and four representatives. The community members were compensated for their work through a grant from the Vermont Community Foundation.

The Work Group met seven times, two hours each time, via Zoom between October 28, 2020 and January 6, 2021. Meeting notes are included in Appendix A.

The Work Group encountered several challenges that should be taken into consideration by the SEC should it embark on a similar process in the future.

First, there was not enough time to give the issues the depth of the analysis they required. Second, there must be a greater effort to meet the language access needs of every Work Group member. One Work Group member, whose first language is Spanish, did not have the opportunity to participate fully in the Work Group because there was not an adequate plan to provide translation. And finally, there were challenges in finding an equitable time to meet.

At the SEC’s request, the Work Group reviewed and analyzed the social equity implications of S.54 (Act 164) – an act relating to the regulation of cannabis, and recommended policies to amend and supplement the legislation.

The Work Group also discussed barriers to community participation in the legislative process, identified barriers to economic opportunity for black, indigenous and people of color, and recommended policies to address barriers in each area.

This is a report of the Work Group’s process, analysis and policy recommendations.

This Executive Summary sets forth the Work Group’s recommendations in their entirety. For more information about the Work Group’s analysis, please refer to the full report.

¹ Social Equity Caucus: An Inclusive Learning Community, October 15, 2020.

S.54 (Act 164): Background and Policy Recommendations

S.54 (Act 164) Background

According to *[A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform](#)*, a 2020 research report by the American Civil Liberties Union, in 2018, Vermont's cannabis possession arrest rate was 21.54. The black arrest rate was 126.26; the white arrest rate was 20.83. The black/white rate ratio was 6.06, meaning black people were more than six times more likely to be arrested for cannabis possession in Vermont in 2018. This is the case despite cannabis usage rates between whites and non-whites being similar.

Fifty percent of federal drug cases are brought against people classified as Hispanic even though Hispanics make up just 17 percent of the U.S. population.² Marijuana possession is the fourth most common cause of deportation for any offense.

Legalizing cannabis does not undo past arrests, and record expungement does not make up for the years and decades of fewer educational, employment, and other related opportunities that result from a drug arrest. Nor does record expungement assist the people who have been negatively affected by a family member's drug arrest and/or incarceration.

S.54 (Act 164) Policy Recommendations

Educational Issues

The State of Vermont should partner with advocates to educate non-U.S. citizens that for immigration purposes, it is federal law that controls, and it remains a federal offense to possess marijuana. Education efforts might include the distribution of community flyers in multiple languages, talks to local groups, ads in community media including newspapers, radio, television and social media. The message should be: Immigration law treats any marijuana-related activity as a crime, with harsh penalties, even if it is permitted under Vermont law.

Vermont should ensure that Act 164 is translated into the first languages of Vermonters whose native language is not English and make those translations widely available and accessible.

²Drug Policy Alliance, Latinxs and the Drug War, <https://drugpolicy.org/latinxs-and-drug-war>

Reparations for individuals adversely affected by cannabis prohibition laws

Act 164 should be supplemented to include provisions that explicitly provide that those formerly incarcerated because of cannabis prohibition laws may participate in the cannabis industry. In addition, if any state jobs are created, those formerly incarcerated because of cannabis prohibition laws should be given a preference in employment.

Act 164 should be supplemented to provide for the release of individuals currently imprisoned because of cannabis prohibition laws

Act 164 should be amended to incorporate explicit criteria for making decisions about license applications from non-violent drug offenders.

Act 164 should be amended to include a provision for making whole, individuals who have been adversely affected by unequal enforcement of cannabis prohibition laws. To make individuals whole, opportunity costs, fines paid, and time served should all be taken into account.

Reparations for African slavery, genocide, and ongoing oppression, including the war on drugs

Vermont should adopt a model cannabis taxation program for repairing harm to black, indigenous (specifically, Abenaki people) and people of color from genocide, slavery, and the war on drugs.

The program should favor grants over loans to BIPOC [black, indigenous, people of color] entrepreneurs who wish to enter the cannabis industry. The program should also include revolving loan funds for BIPOC low-income housing, BIPOC new entrepreneurs, and BIPOC farming.

Black, indigenous and people of color should be offered free vocational training and continuing education to learn about running businesses and applying for loans and grants.

Vermont should adopt a program through its Vermont Agricultural Credit Corporation Loan Program and similar agencies that is specifically geared to assisting members of communities disproportionately impacted by cannabis prohibition laws to acquire land, through purchase or lease, to enable them to participate as cultivators in the cannabis industry. Assistance should include, but not be limited to, help creating business plans and pro forma financial statements, completing loan applications, preparing for interviews, and other technical assistance.

Structural racism in the legislation itself

Act 164's provisions for appointing individuals to the Cannabis Control Board, the Advisory Committee, the Executive Director, and the Appellate Officer should be repealed and replaced with a system that does not perpetuate structural racism by using a process to consider individuals with diverse voices, experiences and perspectives. The Cannabis Control Board should have gender, racial and ethnic, and geographic diversity. Expertise and qualifications should be broadly defined to include transferrable skills and experience rather than limited to academic degrees and work titles.

Act 164 should be supplemented with a statement of legislative intent, which incorporates an intent to include on the Nominating Committee, Cannabis Control Board, Advisory Council, Executive Director, and Appellate Officer, individuals from communities who have been structurally excluded from governmental positions based on race and ethnicity and persons who have been arrested or convicted under cannabis prohibition laws.

Inadequate social equity provisions

Act 164 should be amended to include legislative findings about the disproportionate impact of cannabis prohibition laws on black, indigenous and people of color and an explicit legislative intent to remedy historical injustices. Research should be conducted to identify and specify the individuals and groups who have been disproportionately impacted by cannabis prohibition.

Act 164 should be amended to remove the word "minority" to refer to people who are not white.

Act 164 should be amended to include a definition of the phrase "individuals who have historically been disproportionately impacted by cannabis prohibition."

Act 164 should be amended to replace the word "priority" with the word "preference."

Act 164 should be amended to give preferences in state jobs to those disproportionately impacted from cannabis prohibition laws and such amendment should include the following specific language:

In certification for appointment, in appointment, in employing, in retention of employment position, whether in classified or unclassified civil service, whether for temporary or for extended time, wherever state funds furnish the payroll, preference shall be given to:

- 1) Individuals formerly incarcerated and/or convicted under cannabis prohibition laws;
- 2) The children of individuals formerly incarcerated and/or convicted under cannabis prohibition laws; and
- 3) The spouses of individuals formerly incarcerated and/or convicted under cannabis prohibition laws.

For purposes of this section, preference is defined and shall be interpreted as the term is defined and interpreted in 20 V.S.A. §1543 and 3 V.S.A. §310 (f).

Act 164 should be amended to include language to prevent racial bias at the local level in regulating the cannabis industry.

Act 164 should be amended to require an assessment of the impact of Act 164 on small growers, particularly regarding homesteaders who want to do mutual aid and sustain themselves.

Act 164 should be amended to require an assessment of the impact of the cannabis industry fee structure on prospective entrepreneurs who are black, indigenous and people of color.

Community Access to the Legislative Process: Background and Policy Recommendations

Legislative Access Background

There are roughly four stages of the legislative process. The stages include:

- 1) Agenda Setting and Content Development of a Bill (identification of issues and a range of legislative outcomes);
- 2) Bill Drafting (decisions regarding what text is to be included in a specific bill);
- 3) Review of Bills and Voting on Bills (consideration of a particular draft of a specific bill and voting on a specific bill); and
- 4) Oversight (review of the implementation of government policy and/or an investigation of a specific situation).

The legislature is also responsible for reviewing and amending the budget and enacting it into law as well as for budget oversight.

There are also a range of ways a legislature might engage community members at each stage of the legislative process, from simply informing the community of its rights and responsibilities and of decisions taken to empowering the community itself to make decisions.

The Work Group members reported that in their experience the legislature seldom informs, consults, involves, collaborates with or empowers black, indigenous, people of color in the legislative process, including the budget enactment process.

Legislative Access Policy Recommendations

Agenda Setting and Content Development of Bill

Use a mix of engagement mechanisms such as town halls and focus groups that are proportionate to the scale and impact of the issue being considered to solicit input early in the process.

Drafting of Bill

Allow sufficient time in the various phases of the legislative process for the public to provide input.

Take committees on the road and hold hearings in communities during the evening and provide for childcare.

Provide early drafts of bills to individuals and groups whose mission is to advance social justice and solicit their input.

Review of Bill and Vote on Bill

Require Agendas to be posted on the preceding Friday; expressly disallow the use of TBD on Agendas.

Allow equitable time for non-lobbyists to testify.

Hold some hearings in the evenings and on weekends.

Allow community members to testify via Zoom in ordinary times and be paid for their time.

Stream committee hearings via YouTube in ordinary times to allow community access to legislative committee work at the community's convenience.

Educate legislators about their implicit and explicit biases around mental illness, particularly around dehumanizing and offensive language such as “the mentally ill,” “crazy,” “insane,” “nuts,” etc.

Educate legislators that the Director of Racial Equity does not and cannot speak for all black people and that individual black people are credible witnesses to their own experiences. The position of Director of Racial Equity should not serve to limit the participation of black people in the legislative process.

Oversight

Allocate money to allow for the translation of bills that become law into first languages of community members.

With community input, develop a new system to appoint community members to commissions, work groups and task forces that does not rely on a nominating committee consisting of elected officials.

Legislative Budget Process

Develop a tool for the community that allows the community to visualize budgetary allocations, including historical information.

Develop a series of visualizations, data, indicators and tools on the allocation and expenses of public resources to allow for community oversight

Develop a plain English publication that explains the budget process and identifies early opportunities for community input.

Hold additional hearings on the budget to allow more time for community members to testify.

Dismantling Barriers to Economic Opportunity for Black, Indigenous, People of Color

Economic Opportunity Background

The Work Group analyzed barriers to (1) workforce participation; (2) home and land ownership; and (3) financial navigation.

The main barrier identified to workforce participation was discrimination based on (1) race; (2) previous criminal conviction for a so-called violent crime; (3) transphobia; (4) immigration status; and (5) perceived mental state.

Barriers to land and home ownership for indigenous communities is the history of stolen land. Barriers to land and home ownership for black people and people of color is the history of stolen labor, and the consequences of that history, such as the lack of generational wealth and redlining. The migrant community faces unlivable wages and a lack of access to housing, whether to rent or to own. New Americans and the migrant community also have

large debts incurred in coming to the United States. The debt is a barrier to economic opportunity.

The Work Group was emphatic that financial literacy is not a barrier to economic opportunity for black, indigenous and people of color. Rather, a lack of access to mentors, and lack of awareness about programs and available funding are the real barriers to economic opportunity. The migrant community, in particular, is also systematically excluded from loan and grant programs.

Economic Opportunity Policy Recommendations

Workforce Barriers

Pass legislation requiring farmers to pay the Vermont minimum wage to all workers regardless of immigration status.

Pass legislation that creates a path to expungement of so-called violent crimes.

Pass legislation that specifically makes unlawful, discrimination based on LGBTQIA status and perceived mental state. The law should include provisions for attorney's fees, a minimum, statutory damage award when liability has been proven, and treble actual damages.

Land and Home Ownership Barriers

Pass legislation that creates incentives for financial markets to create new mortgage products specifically for black, indigenous and people of color who have been excluded from homeownership because of racism.

Pass legislation that creates incentives for markets to develop new products that enable low-income renters to become homeowners, including new credit-scoring system that enables those who have not had the ability to accrue assets, to get credit for paying bills on time and showing consistency.

Pass legislation to create incentives for developing housing for first-time buyers, including cooperative housing in terms of ownership, where multiple families can have a share in a property that they collectively own.

Pass legislation that prevents the exclusion of residents from economic programs, including housing, based on immigration status.

Financial Barriers

Pass legislation that creates a state agency whose only mission is to close the wealth gap between white Vermonters and non-white Vermonters by dismantling barriers to economic opportunity for black, indigenous and people of color. Programs should include the creation of new ways to develop wealth that go beyond housing; targeted outreach to black, indigenous and people of color; the provision of mentors; no- and low-interest loans and grants; business planning education; and workforce readiness skills. The legislation should preclude immigration status as a basis of exclusion from programs.

Social Equity Lens Tools

The SEC also asked the Work Group to provide feedback on a social equity lens tool. A copy of the document is included in Appendix B.

A special meeting was convened to consider the document. Participation was voluntary. Nine of 14 Work Group community members and four of six Work Group legislators attended the special meeting.

Community members offered the following comments about the document.

1. Redefine the goal of the document.
2. Widen the focus of the social equity lens.
3. Be mindful of objectifying language and terminology in the document.
4. Adopt a more inclusive document creation process.
5. Develop a more legislator-friendly tool to root out structural racism.
6. Re-examine implicit assumptions in the document.
7. Include additional tools with the document, such as a glossary and a “how to use this document” section.

Community members offered the following suggestions for next steps.

1. Start over.
2. Include community members in any re-drafting.
3. Aim to create a document with no more than five questions to identify issues of structural racism and systemic bias in every piece of proposed legislation, not just legislation with a racial or social justice theme.
4. Consider inviting community members to SEC meetings to educate legislators about the challenges presented by the various axes of oppression and discrimination.

SOCIAL EQUITY CAUCUS WORK GROUP

Report of Policy Recommendations

INTRODUCTION

In August 2019, a group of about 20 Vermont legislators and a handful of community members and organizations launched the Social Equity Caucus (SEC) whose mission is to focus deliberately on “improving outcomes for marginalized peoples and create a vehicle for Vermonters to access their representation, leadership and community.”³ The SEC meets weekly and engages in a multitude of activities to advance its mission. Today, the SEC has about 78 legislative members and 105 community, individual and group members.

In fall 2020, the SEC empaneled the Social Equity Caucus Work Group (Work Group or SEC Work Group) and charged it with developing policy recommendations to address racial and social justice legislation to achieve “social equity.”⁴

³ Social Equity Caucus: An Inclusive Learning Community, October 15, 2020.

⁴ The Social Equity Caucus has not indicated what it means by the term “social equity.” Definitions of equity include Rawls’ theory of “justice as fairness” (1971); Adler’s definition of social equity as “equal treatment to which all are entitled by virtue of being human” (Adler, 1981); and Falk’s description of equity as “impartiality, fairness, and justice.” (Falk et al, 1993).

Other more “complex” definitions expand the concept of social equity and apply it to public rights, access, and redistribution policy (Svara and Brunet, 2005). The World Bank describes equity as “equal access to the opportunities that allow people to pursue a life of their own choosing and to avoid extreme deprivations in outcomes.” (2006).

The Standing Panel on Social Equity in Governance of the National Academy of Public Administration (NAPA) defines Social Equity as “The fair, just and equitable management of all institutions serving the public directly or by contract, and the fair and equitable distribution of public services, and implementation of public policy, and the commitment to promote fairness, justice, and equity in the formation of public policy.”

Later in its Strategic Plan, NAPA identified Social Equity as being the fourth pillar of Public Administration. Goal 2 of this Plan states “The Academy’s Board of Directors adopted social equity as the fourth pillar of public administration, along with economy, efficiency and effectiveness.” (NAPAWash, 2005)

More recently, Johnson and Svara (2011) proposed a new definition of Social Equity. “Social Equity is the active commitment to fairness, justice, and equality in the formulation of public policy, distribution of public services, implementation of public policy, and management of all

In empaneling the work group, the SEC sought to shift the paradigm. For example, the Work Group would predominately comprise individuals with lived experience of discrimination and oppression. The Work Group would also be co-chaired by a community member.⁵ Community members of the Work Group would also receive compensation for their participation through a grant from the Vermont Community Foundation. Finally, the Work Group would be supported administratively by a paid intern.

The SEC's goals for the Work Group included (1) prioritizing legislative racial justice work into short, medium and long-term strategies; (2) building power and expanding leadership among Vermont black, indigenous and people of color; and (3) expanding the role of the community to hold the SEC accountable.⁶

WORK GROUP MEMBERSHIP

Community Members

Name	Location	Affiliation(s)
Uriel Calvo	Chittenden County	Migrant Justice
Zymora Cleopatra Davinchi	Chittenden County and Northeast Kingdom	ShiftMeals: BIPOC Food Sovereignty Program Manager & 2021 BIPOC GrowTeam Manager
Jameson Davis	Windsor County	Reparations research
Steffen Gillom	Windham County	NAACP
Gavin Johnson	Bennington County	Mt. Anthony Union High School /Senior Class President 2021
Patricia Johnson MS, RN	Bennington County	Southwestern Vermont Medical Center at Dartmouth Hitchcock Emergency Department Nurse and Recovery House Inc Nurse Manager

institutions serving the public directly or by contract. Public administrators, including all persons involved in public governance should seek to prevent and reduce inequality and

injustice based on significant social characteristics and to promote greater equality in access to services, procedural fairness, quality of services and social outcomes.”

⁵ *Id.*

⁶ Social Equity Caucus Work Group Statement of Purpose

1/6/2021

Saudia LaMonte	Lamoille County	REAL (Racial Equity Alliance of Lamoille valley)
Ashley LaPorte	Chittenden and Lamoille Counties	Black Perspective
Abel Luna (Interpreter)	Chittenden County	Migrant Justice
Alicia (Nizhoni) (Maddox) Barrow	Windsor County	Co-founder and Executive Director, Safe Spaces
Carol McGranaghan	Northeast Kingdom	Chair, Vermont Commission on Native American Affairs; Abenaki Community Member
Gustavo Mercado Muñiz	Chittenden County	Pride Center of Vermont
Mohamed Shariff	Chittenden County	Black Perspective
Wilda White, Co-Chair	Rutland County	MadFreedom

Legislative Members

Name	Location	Affiliation
Sen. Becca Balint	Brattleboro	Windham District
Sen. Alison Clarkson	Woodstock	Windsor District
Rep. Hal Colson, Co-Chair	Winooski	Chittenden-6-7
Rep. Anne Donahue	Northfield	Washington-1
Rep. John Gannon	Wilmington	Windham-6
Rep. Martin LaLonde	Burlington	Chittenden-7-1

Intern

The Work Group’s administrative needs were supported by intern, Alyssa Chen. Alyssa is an educator, community organizer, and member of the Education Justice Coalition of Vermont formerly called the Vermont Coalition for Ethnic & Social Equity in Schools.

WORK GROUP PROCESS

The Work Group met six times, two hours each time, via Zoom between October 28, 2020 and January 6, 2021.

The Work Group agreed to resolve issues through consensus rather than majority vote.

The Work Group met both in breakout groups and meetings of the whole.

Legislators functioned primarily as subject-matter experts and observers during breakout groups and report backs.

Overview of Meetings

The October 28, 2020 meeting was an introduction and orientation.

The November 4, 2020 meeting was devoted to finalizing the group’s “comfort agreement” and identifying legislative priorities for individual members of the Work Group and narrowing down priorities for the group as a whole.

The November 18, 2020 meeting was devoted to a review and equity analysis of S.54 (Act 164) – an act relating to the regulation of cannabis.

The December 9, 2020 meeting was devoted to reviewing policy recommendations regarding S. 54 (Act 164) – an act relating to the regulation of cannabis; and initiating a discussion of barriers to economic opportunity for Vermont black, indigenous and people of color.

During the December 16, 2020 meeting, the Work Group continued its discussion of barriers to economic opportunity and briefly reviewed its policy recommendations regarding S.54 (Act 164).

The January 6, 2021 meeting was devoted to finalizing the report of the SEC Work Group.

Notes from each meeting are included in Appendix A.

Identifying Legislative Priorities

The Work Group identified legislative priorities for the group as a whole as well as priorities of individual work group members.

Individual priorities of community members were identified through a survey distributed to Work Group members before the Work Group's first meeting.

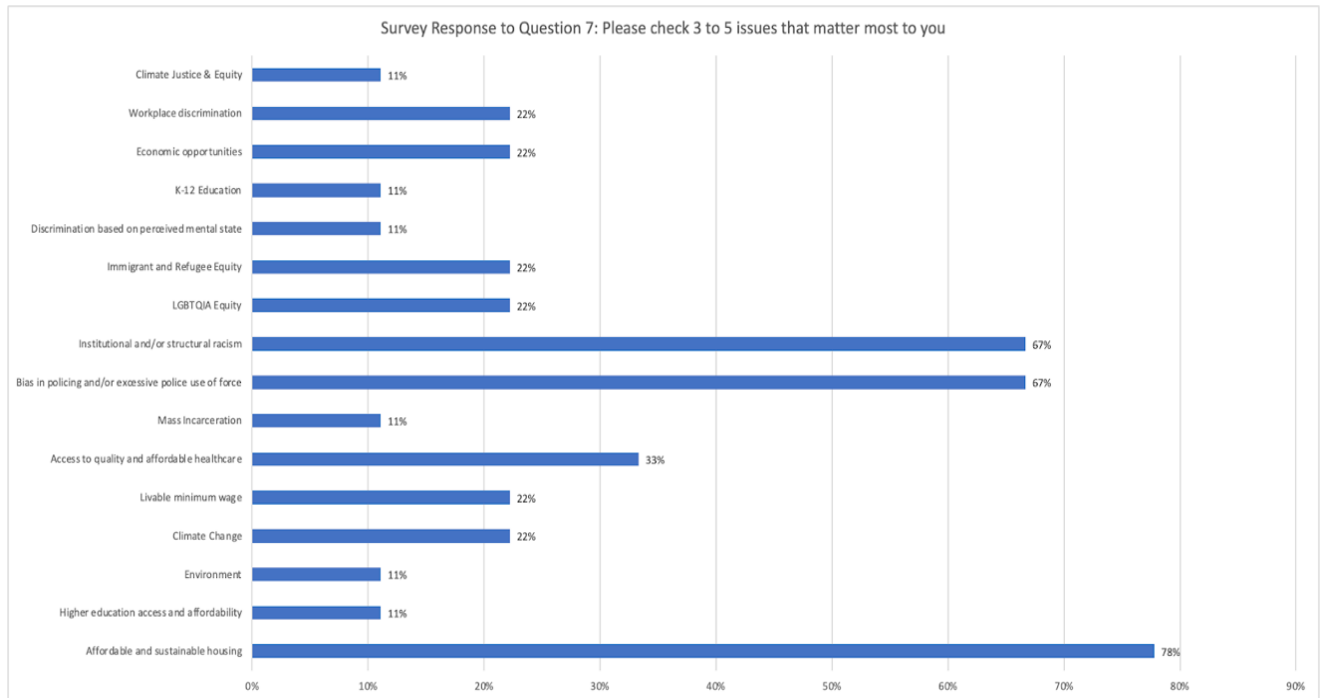
The group's priorities were identified through discussion in breakout groups and a report back to the whole Work Group.

So as not to overlook or lose sight of individual voices and priorities, a summary of the individual responses to the survey are also included in this report.

Individual Legislative Priorities of Work Group Community Members

Two of the questions on the survey distributed to community Work Group members before the first meeting were about legislative priorities.

In response to the first question, "Please check three to five issues that matter most to you," community members of the Work Group responded as follows:



In response to the second question, "Are there specific areas in the above categories you'd like to talk about?" Work Group community members responded as follows:

Access to Quality and Affordable Healthcare

- Poor treatment of BIPOC individuals by healthcare providers

Economic Opportunity

- Access to new business capital for BIPOC [black, indigenous and people of color] Vermonters

Bias in policing and/or excessive police use of force

- History of policing as it relates to the overall law enforcement system, resulting in bias
- Racial biases in policing

Climate Change

- The future of the world as it relates to climate change

LGBTQIA Equity

- Trans discrimination and protections

Institutional and/or Structural Racism

- Access to education and scholarships for Abenaki
- Reparations and land sovereignty
- Dismantling systemic racism in the Legislature
- Racial biases in systems, in general
- It seems most legislators are not aware Abenaki should be given a voice when bills are discussed which impact our culture (e.g., tobacco legislation). We are still here and need to have a voice

Affordable and sustainable housing

- Housing that is actually affordable on a person's wages

K-12 Education

- Teaching accurate history in our schools
- Equity and access in the school system

Group Legislative Priorities

The Work Group did not have the time to reduce the list of legislative priorities to four. However, it was able to reduce the list to six.

The numbers below in parentheses refer to the number of Work Group members who identified the item as a priority.

1. Economic Opportunities - Home ownership, land ownership, business support, work readiness/vocational skills (5)
2. Discrimination- Space for LGBTQ infrastructure, migrant, race, ability, citizenship, housing status (2)
3. Reparations – black, people of color and indigenous communities (2)
4. Healthcare - equitable and accessible healthcare, health disparities data, access regardless of citizenship status (4)
5. Education – K-12 and higher education, scholarships for Abenaki (2)
6. Accessibility to the legislative process (all)

Because of time constraints, the Work Group discussed in detail only the priority of eliminating barriers to economic opportunities. However, issues of legislative access were a recurring theme and subject of discussion even when it was not a specific agenda item.

Work Group Challenges

Inadequate Time

The Work Group was challenged by inadequate time given the enormity of the task. Despite the group's best effort, it simply did not have the time to develop policy recommendations in four, separate areas as the Work Group initially attempted to do.

Inadequate Commitment to Language Access

All the meetings were conducted in English only although the first language of at least one member of the Work Group was not English. The SEC did not provide for a translator.

While the Work Group member did arrange for his own translator and the Work Group had access to the Zoom translation feature, the Work Group member whose first language not English was nonetheless deprived of fully participating in the group.

Work group members often spoke too fast, and for too long with no pauses between shifts in ideas. There were also written materials that were not translated into Spanish. For example, the Zoom chat was not translated into Spanish, many of the PowerPoint slides were not translated into Spanish. The Agendas and Minutes were not provided in Spanish. Documents that were under review were also not provided in Spanish.

The non-English speaking Work Group member also had difficulty contributing his ideas because he was often overlooked in the queue of those waiting to speak because he was often not visible in the Zoom gallery because of the logistics of using the Zoom translation function.

On at least one occasion, the Work Group member was without a translator altogether for a portion of the meeting because the translator was late arriving because of a conflicting obligation.

Should the SEC endeavor to include the community in its work in the future, it is strongly recommended that resources be committed to improving language access for people whose first language is not English. This would include retaining a translator at the SEC's expense, translating documents into Spanish, educating native English speakers about what is required of them to improve language access for all, and otherwise ensuring language equity.

Equity Re: Meeting Times

Initially, the meeting co-chairs set the Work Group meeting time from 6:00 p.m. to 8:00 p.m. After the first meeting, we learned that one Work Group member did not get off work until 6:15 p.m. Thereafter, the meeting time was changed to 6:30 p.m. to 8:00 p.m., which some Work Group members expressed was inconvenient for them. However, no one ceased attending the meetings as a result of moving the meetings from 6:00 p.m. to 6:30 p.m.

The meetings also conflicted with another Work Group member's longstanding obligation, which meant he was unable to attend several Work Group meetings.

POLICY RECOMMENDATIONS TO DISMANTLE BARRIERS

The Social Equity Caucus asked the Work Group to review S.54 (Act 164) – an act relating to the regulation of cannabis and to recommend policies, if it concluded any were necessary.

The Work Group decided as a group also to recommend policies regarding (1) increasing community access to the legislative process and (2) increasing economic opportunities for Vermonters who experience structural barriers because of race, ethnicity, LGBTQIA status, immigration status, ableness, perceived mental state, former incarceration, and/or other oppression and discrimination.

S.54 (Act 164) – an act relating to regulation of cannabis

Most Work Group members possessed deep and sophisticated knowledge about the impact of cannabis prohibition laws on non-white communities. Some of that knowledge is included here to provide a context for the Work Group’s Act 164 analysis and policy recommendations.

Background

Despite cannabis usage rates between whites and non-whites being similar, nationally, black Americans are four times more likely than white Americans to be arrested for cannabis offenses.⁷ According to *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform*, a 2020 research report by the American Civil Liberties Union, in 2018, Vermont’s cannabis possession arrest rate was 21.54. The black arrest rate was 126.26; the white arrest rate was 20.83. The black/white rate ratio was 6.06, meaning black people were more than six times more likely to be arrested for cannabis possession in Vermont in 2018. This is the case despite cannabis usage rates between whites and non-whites being similar.

Fifty percent of federal drug cases are brought against people classified as Hispanic even though Hispanics make up just 17 percent of the U.S. population.⁸

Much as the drug war drives mass incarceration, it is also a major driver of mass deportation. Marijuana possession is the fourth most common cause of deportation for any offense.

Legalizing cannabis does not undo past arrests, and record expungement does not make up for the years and decades of fewer educational, employment, and other related opportunities that result from a drug arrest. Nor does record expungement assist the people who have been negatively affected by a family member’s drug arrest and/or incarceration.

⁷ ACLU, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform* (ACLU Research Report, 2020) <https://www.aclu.org/report/tale-two-countries-racially-targeted-arrests-era-marijuana-reform>

⁸Drug Policy Alliance, *Latinxs and the Drug War*, <https://drugpolicy.org/latinxs-and-drug-war>

Process

The Work Group was provided a copy of S.54, as well as summaries of the law, and a document entitled “S.54 (Act 164) Social Equity Provisions.” Work Group member, Rep. John Gannon, also orally summarized the main provisions of S.54 (Act 164) for the Work Group and answered Work Group member questions.

The Work Group was thereafter divided into four breakout groups. Over the course of approximately one hour, each breakout group was asked to address and report back to the whole group their responses to the following two questions:

1. What issues of structural racism, racial inequity and/or social justice, if any, are raised by the legislation; and
2. What provisions of Act 164, if any, should be repealed, amended and/or supplemented?

The Work Group identified roughly six categories of social equity issues pertaining to Act 164: (1) educational; (2) reparations for individuals adversely affected by cannabis prohibition laws; (3) reparations for African slavery, genocide, and ongoing oppression, including the war on drugs; (4) structural racism in the legislation itself; (5) inadequate social equity provisions; and (6) economic issues.

Act 164 Social Equity Issues

Educational Issues

Cannabis possession and use is regulated differently under Vermont state law and federal law. The difference presents immigration risks to non-U.S. citizens. For example, a non-U.S. citizen who admits to an immigration official that she possessed marijuana can be found inadmissible, denied entry into the United States, or have her application for lawful status or even naturalization denied. Depending on the circumstances, it can make a lawful permanent resident deportable. This is true even if the conduct was permitted under state law, the person never was convicted of a crime, and the conduct took place in her own home. However, this may not be widely known or understood by law enforcement and/or non-U.S.-citizens.

Currently, the text of Act 164 is available only in English. This disadvantages residents whose first language is not English.

Reparations for individuals adversely affected by cannabis prohibition laws

Act 164 does not provide for release of individuals whose imprisonment arises from cannabis prohibition laws.

Act 164 does not include explicit provisions allowing for individuals formerly incarcerated because of cannabis prohibition laws to participate in the cannabis industry

Act 164 does not include any criteria for making decisions on license applications from non-violent drug offenders. S.54 invests too much discretion in the Cannabis Control Board in this regard.

Act 164 does not include provisions for making whole individuals who have been adversely affected by cannabis prohibition laws. Making whole includes compensation for fines paid, time served, and opportunity costs of criminal system involvement.

Reparations for African slavery, genocide, and ongoing oppression, including the war on drugs

Act 164 does not recognize or address the disproportionate, adverse impact that unequal enforcement of cannabis prohibition laws has had on black, indigenous and people of color.

Act 164 does not provide for grants and/or loans to black, indigenous and entrepreneurs of color who have been disproportionately harmed by unequal enforcement of cannabis prohibition laws.

Act 164 makes no provision for vocational and continuing education opportunities for entrepreneurs from black, indigenous and communities of color that have been disproportionately, adversely affected by unequal enforcement of cannabis prohibition laws.

Structural racism in the legislation itself

The most glaring and troubling manifestation of structural racism in Act 164 is the mechanism for selecting the Cannabis Control Board, Advisory Committee, Executive Director and Appellate Officer.

Under Act 164, the cannabis industry will be overseen by a board that will structurally exclude black, indigenous and people of color in its formation because appointments to the Cannabis Control Board will be made by a nominating committee selected by the Governor, the Speaker of the House and the Senate Committee on Committees. None of these entities include black, indigenous or people of color.

Under Act 164, the Cannabis Control Board appoints the Executive Director and the Appellate Officer. The Cannabis Control Board is also charged with drafting rules and regulations for the cannabis industry. The Governor, the Speaker of the House, the Senate Committee on Committees and the State Treasurer appoint members to the Advisory Committee. Again, none of these individuals or entities include black, indigenous or people of color.

Act 164 also structurally and unduly excludes certain categories of individuals from participating on the Advisory Committee because it privileges higher education degrees and work titles over skills and experience, either direct or transferable.

Act 164 uses the term “minority” presumably to reference people who are not white. Act 164 does not include a definition of the term “minority.” If used to characterize people who are not white, many consider the word “minority” demeaning. As one Work Group member put it:

“The word minority is not in my personal vocabulary. I think that is demeaning. And I think that it diminishes our experiences. We are not a minority. We're actually the global majority.”

■ Zymora Cleopatra Davinchi, Work Group member

Act 164 also includes the terms “priority” or “individuals who have historically been disproportionately impacted by cannabis prohibition.” None of these terms are defined. Act 164 leaves it to the Cannabis Control Board to adopt rules that establish “priorities” and to interpret what is meant by the term “minority” and “individuals who have been disproportionately impacted by cannabis prohibition.” Act 164 invests too much discretion in the Cannabis Control Board through its rulemaking powers.

Inadequate social equity provisions

There are no objective measures in Act 164 to assess effectiveness of “social equity” provisions.

There are insufficient legislative findings about the disproportionate impact of cannabis prohibition laws on black, indigenous and people of color and Act 164 does not include an explicit statement of legislative intent to remedy historical injustices.

There is an absence of provisions to ensure racial bias does not influence licensing decisions at the local level.

Economic issues

The impact of Act 164 on small growers needs more analysis, particularly regarding homesteaders who want to do mutual aid and sustain themselves.

It is unclear whether fees adopted pursuant to Act 164 will be cost prohibitive for black, indigenous and people of color who want to enter the cannabis industry.

Act 164 Policy Recommendations

Educational Issues

The State of Vermont should partner with advocates to educate non-U.S. citizens that for immigration purposes, it is federal law that controls, and it remains a federal offense to possess marijuana. Education efforts might include the distribution of community flyers in multiple languages, talks to local groups, ads in community media including newspapers, radio, television and social media. The message should be: Immigration law treats any marijuana-related activity as a crime, with harsh penalties, even if it is permitted under Vermont law.

Vermont should ensure that Act 164 is translated into the first languages of Vermonters whose native language is not English and make those translations widely available and accessible.

Reparations for individuals adversely affected by cannabis prohibition laws

Act 164 should be supplemented to include provisions that explicitly provide that those formerly incarcerated because of cannabis prohibition laws may participate in the cannabis industry. In addition, if any state jobs are created, those formerly incarcerated because of cannabis prohibition laws should be given a preference in employment as described more fully below.

Act 164 should be supplemented to provide for the release of individuals currently imprisoned because of cannabis prohibition laws

Act 164 should be amended to incorporate explicit criteria for making decisions about license applications from non-violent drug offenders.

Act 164 should be amended to include a provision for making whole, individuals who have been adversely affected by unequal enforcement of cannabis prohibition laws. To make individuals whole, opportunity costs, fines paid, and time served should all be taken into account.

Reparations for African slavery, genocide, and ongoing oppression, including the war on drugs

Vermont should adopt a model cannabis taxation program for repairing harm to black, indigenous (specifically, Abenaki people) and people of color from genocide, slavery, war on drugs, etc.

The program should favor grants over loans to BIPOC entrepreneurs who wish to enter the cannabis industry. The program should also include revolving loan funds for BIPOC low-income housing, BIPOC new entrepreneurs, and BIPOC farming.

Black, indigenous and people of color should be offered free vocational training and continuing education to learn about running businesses and applying for loans and grants.

Vermont should adopt a program through its Vermont Agricultural Credit Corporation Loan Program and similar agencies that is specifically geared to assisting members of communities disproportionately impacted by cannabis prohibition laws to acquire land, through purchase or lease, to enable them to participate as cultivators in the cannabis industry. Assistance should include, but not be limited to, help creating business plans and pro forma financial statements, completing loan applications, preparing for interviews, and other technical assistance.

Structural racism in the legislation itself

Act 164's provisions for appointing individuals to the Cannabis Control Board, the Advisory Committee, the Executive Director, and the Appellate Officer should be repealed and replaced with a system that does not perpetuate structural racism. The Cannabis Control Board should have gender, racial and ethnic, and geographic diversity. Expertise and qualifications should be broadly defined to include transferrable skills and experience rather than limited to academic degrees and work titles.

Act 164 should be supplemented with a statement of legislative intent, which incorporates an intent to include on the Nominating Committee, Cannabis Control Board, Advisory Council, Executive Director, and Appellate Officer, individuals from communities who have been structurally excluded from governmental positions based on race and ethnicity and persons who have been arrested or convicted under cannabis prohibition laws.

Inadequate social equity provisions

Act 164 should be amended to include legislative findings about the disproportionate impact of cannabis prohibition laws on black, indigenous and people of color and an explicit legislative intent to remedy historical injustices. Research should be conducted to identify and specify the individuals and groups who have been disproportionately impacted by cannabis prohibition.

Act 164 should be amended to remove the word "minority" to refer to people who are not white.

Act 164 should be amended to include a definition of the phrase “individuals who have historically been disproportionately impacted by cannabis prohibition.”

Act 164 should be amended to replace the word “priority” with the word “preference.”

Act 164 should be amended to give preferences in state jobs to those disproportionately impacted from cannabis prohibition laws and such amendment should include the following specific language:

In certification for appointment, in appointment, in employing, in retention of employment position, whether in classified or unclassified civil service, whether for temporary or for extended time, wherever state funds furnish the payroll, preference shall be given to:

- 4) Individuals formerly incarcerated and/or convicted under cannabis prohibition laws;
- 5) The children of individuals formerly incarcerated and/or convicted under cannabis prohibition laws; and
- 6) The spouses of individuals formerly incarcerated and/or convicted under cannabis prohibition laws.

For purposes of this section, preference is defined and shall be interpreted as the term is defined and interpreted in 20 V.S.A. §1543 and 3 V.S.A. §310 (f).

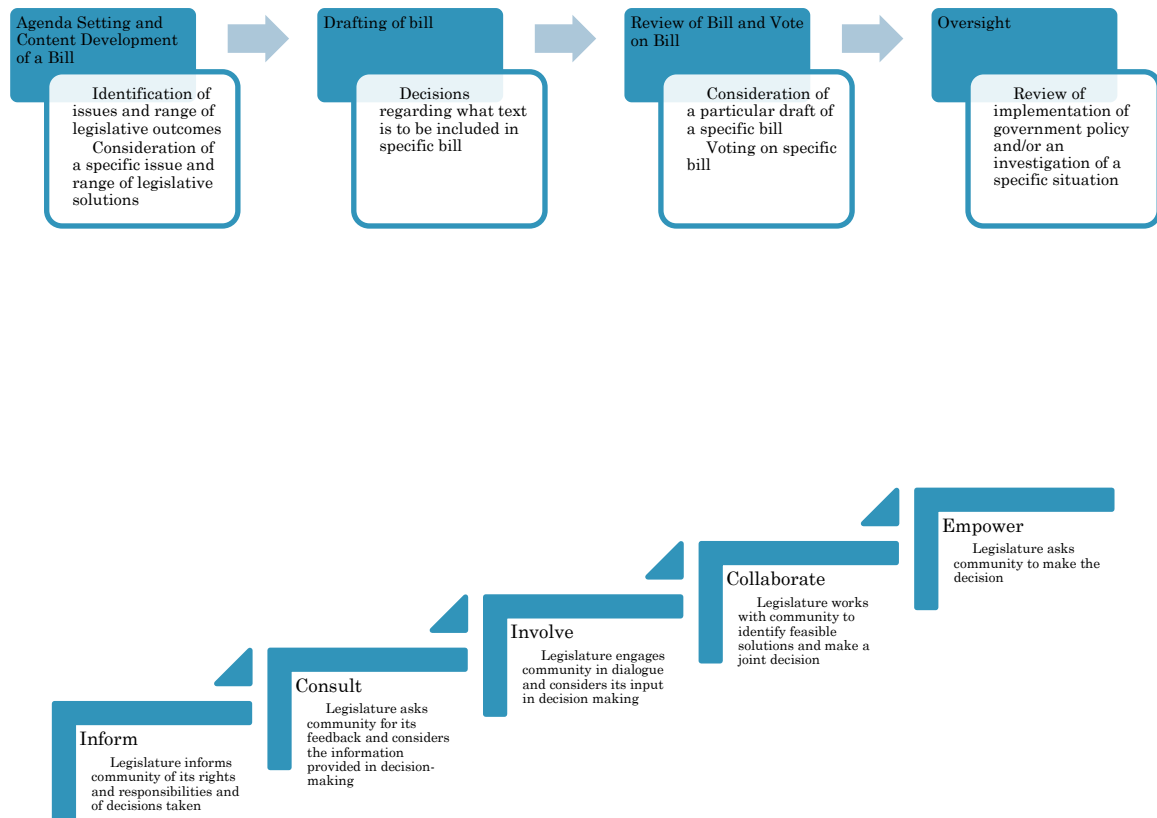
Act 164 should be amended to include language to prevent racial bias at the local level in regulating the cannabis industry.

Act 164 should be amended to require an assessment of the impact of Act 164 on small growers, particularly regarding homesteaders who want to do mutual aid and sustain themselves.

Act 164 should be amended to require an assessment of the impact of the cannabis industry fee structure on prospective entrepreneurs who are black, indigenous and people of color.

Community Access to the Legislative Process

There are roughly four stages in the legislative process and a range of ways a legislature might engage community members at each stage of the legislative process, as illustrated below.



The legislature is also responsible for reviewing and amending the budget and enacting it into law as well as for budget oversight.

Although the Work Group did not delve directly into issues of access to the legislative process, Work Group members did volunteer problems they encountered in accessing the legislative process.

In short, Work Group members reported that the legislature seldom informs, consults, involves, collaborates or empowers the BIPOC community in the legislative process or the budget enactment process.

This section summarizes the specific comments and offers recommendations to address the issues raised.

Barriers to Accessing the Legislative Process

Agenda Setting and Content Development of Bill

Legislators do not reach out to affected communities before introducing bills. For example, the tobacco legislation that raised the minimum age had an adverse impact on the Abenaki community and the community was not consulted before or during the legislative process.

Legislators do not engage black, indigenous and people of color early in the process while a range of options is still open.

Legislators never engage psychiatric survivors early in the process on bills that directly affect us.

Drafting of Bill

The same five, black, indigenous, and/or people of color are consulted on issues thought to involve race and ethnicity.

Black, indigenous and/or people of color are typically not consulted on bills that do not involved issues of race and ethnicity.

Review of and Vote on Bill

People who are NOT the same five black, indigenous and/or people of color who are typically consulted are contacted to testify late in the process, after a bill is far along in the process.

Committee agendas are not timely created and distributed.

There is insufficient time allotted for people who are not lobbyists to testify.

The act of testifying can feel adversarial and rude.

Sometimes I am asked to testify, and it feels like the environment is going to be adversarial and you wonder why I am even going to do it. I've had legislators tell me what I need to do and it can come off as fresh sometimes. Then people don't want to go testify again.

■ Steffen Gillom, Work Group Member

Testifying has typically required a trip to Montpelier during most people's workday. This limits participation to those who have transportation, those with childcare, and those who can take leave from work

Legislators use demeaning language to refer to people they perceive as having a mental illness. Legislators frequently use the phrase "the mentally ill," which is objectifying and dehumanizing. People who have been labeled or diagnosed with mental illnesses are more than an illness. We are still fully human and are entitled to the same dignity and respect as other community members. Legislators and witnesses also routinely use words such as "crazy," "insane," or "nuts" as a default way to disparage something or someone. Such language perpetuates discrimination and oppression of people based on perceived mental state.

Votes come on bills before there has been sufficient time in the various phases of the legislative process for the public to provide input.

Some legislators have come to believe that the Director of Racial Equity speaks for all black people and that they no longer have to listen or believe the testimony of individual witnesses who are black. For example, Senator Dick McCormack was more interested in the Director of Racial Equity's views on a bill involving the intersection of racism and mental illness than the views of the founder of MadFreedom, who was speaking on behalf of a membership organization. When reminded that MadFreedom's founder was a black, psychiatric survivor, he replied: "She's just one person." The implication was that the Director of Racial Equity is more than one person and/or her views are paramount regardless of the subject matter.

Oversight

Bills are not translated into languages for all Vermonters to understand.

There is no formal process for informing Vermonters of opportunities or risks created by legislation (e.g., cannabis laws and its impact in immigration proceedings).

Whenever the legislature appoints an ad hoc group, task force or other work group, it always appoints the same people, by title or position, to the work group and/or uses an appointment process that perpetuates structural oppression.

Budget

The budgetary and financial information are not presented in an accessible manner for public participation at any stage of the process.

There is not enough time allotted for the public to speak at public hearings involving the budget.

Policy Recommendations to Increase Access to Legislative Process

Agenda Setting and Content Development of Bill

Use a mix of engagement mechanisms such as town halls and focus groups that are proportionate to the scale and impact of the issue being considered to solicit input early in the process.

Drafting of Bill

Allow sufficient time in the various phases of the legislative process for the public to provide input.

Take committees on the road and hold hearings in communities during the evening and provide for childcare.

Provide early drafts of bills to individuals and groups whose mission is to advance social justice and solicit their input.

Review of Bill and Vote on Bill

Require Agendas to be posted on the preceding Friday; expressly disallow the use of TBD on Agendas.

Allow equitable time for non-lobbyists to testify.

Hold some hearings in the evenings and on weekends.

Allow community members to testify via Zoom in ordinary times.

Stream committee hearings via YouTube in ordinary times to allow community access to legislative committee work at the community's convenience.

Educate legislators about their implicit and explicit biases around mental illness, particularly around dehumanizing and offensive language such as “the mentally ill,” “crazy,” “insane,” “nuts,” etc.

Educate legislators that the Director of Racial Equity does not and cannot speak for all black people and that individual black people are credible witnesses to their own experiences. The position of Director of Racial Equity should not serve to limit the participation of black people in the legislative process.

Oversight

Allocate money to allow for the translation of bills that become law into first languages of community members.

With community input, develop a new system to appoint community members to commissions, work groups and task forces that does not rely on a nominating committee consisting of elected officials.

Budget

Develop a tool for the community that allows the community to visualize budgetary allocations, including historical information.

Develop a series of visualizations, data, indicators and tools on the allocation and expenses of public resources to allow for community oversight

Develop a plain English publication that explains the budget process and identifies early opportunities for community input.

Hold additional hearings on the budget to allow more time for community members to testify.

Economic opportunity for black, indigenous and people of color

Barriers to economic opportunity

The Work Group discussed barriers to economic opportunity during two meetings of the Work Group. In the first meeting, three breakout groups were created with each focused on a different aspect of economic opportunity. The three groups were (1) workforce readiness and vocational education; (2) land and home ownership; and (3) financial navigation. Work Group members self-selected their breakout groups.

Work Group members were asked to identify barriers to economic opportunity and recommend policies to address the barriers and report back to the group as a whole.

During the second meeting, the Work Group as a whole discussed the identified barriers and suggested policy recommendations.

This section synthesizes both discussions.

Workforce Barriers

The main barrier identified to workforce participation was discrimination; discrimination based on (1) race; (2) previous criminal conviction for a so-called violent crime; (3) transphobia; (4) immigration status; and (5) perceived mental state.

The discrimination both prevented access to the workplace and in the case of immigration status, it prevented access to a livable wage.

Farmers are exempt from Vermont's minimum wage. As a result, farmers, by law, may pay migrant farmworkers the federal minimum wage which is \$7.25 per hour. The Vermont minimum wage, on the other hand, will be \$11.75 as of January 1, 2021. It should need no explanation why a minimum wage of \$7.25 an hour is a barrier to economic opportunity.

Even though farmers are not required to pay Vermont's minimum wage, many if not all do pay, at the very least, Vermont's minimum wage to U.S. citizens. One Work Group member who works in farming reported that the farmer for whom she works pays \$15 an hour to U.S. citizens, and much less to Jamaicans who come to Vermont on work visas.

At least one Work Group member reported experiencing employment discrimination based on a 14-year-old conviction for aggravated assault that arose from her acting in self-defense. The conviction has prevented her, a college graduate who lost her nursing license after the conviction, from supporting herself and her children and subjected her children to over-surveillance by the state based on her conviction.

One Work Group member did not support expungement of criminal convictions for so-called violent crimes because she said as an employer, she did not want to subject herself to liability for hiring a person with a criminal conviction. However, if a conviction has been expunged, an employer would not be liable for hiring a person with a criminal conviction.

Other Work Group members voiced that the ideology, including the stigma, around so-called violent crimes was just another expression of white fragility and racism. They recognized that certain members of our community often have to act in self-defense for their very survival and an unjust criminal justice system often turns those acts of self-defense into crimes and disenfranchisement.

“Every year, we read a list of the trans folks who have been murdered in the past year, and this year, we had 350 trans people who had been killed. And so many people see a violent crime as their only option for survival when their life is threatened as a trans person. So, I also want to put that lens on this issue as well. These people needed to survive and are now unable to access support, or care, or resources that should be available to them as a human being in the world.”

■ Gustavo Mercado Muñiz, Work Group member

Another Work Group member reported being discriminated against based on her psychiatric history. Despite advanced degrees, licenses to practice law, and a successful work history, she reported that she has been unable to secure gainful employment in Vermont. She was even refused a clerk's position at a neighborhood convenience store with the store manager telling her she was not qualified even though the position required no previous experience.

People with psychiatric histories have the highest rates of unemployment despite most people with psychiatric histories being able and willing to work.⁹ Research has demonstrated that employers routinely discriminate with impunity against prospective employees based on perceived mental state.¹⁰

Transgender people also face employment discrimination and discrimination on the basis of LGBTQIA status is generally lawful just falling inside of the law.

Other workforce barriers mentioned included nonavailability of childcare, lack of broadband access and lack of public transportation.

Land and Home Ownership Barriers

Barriers to land and home ownership for indigenous communities is the history of stolen land. Barriers to land and home ownership for black people and people of color is the history of stolen labor, and the consequences of that history, such as the lack of generational wealth and redlining.

The migrant community faces unlivable wages and a lack of access to housing, whether to rent or to own.

New Americans and the migrant community also have large debts incurred in coming to the United States. The debt is a barrier to economic opportunity.

Financial Barriers

The Work Group was emphatic that financial literacy is not a barrier to economic opportunity for black, indigenous and people of color. Rather, a lack of access to mentors, and

⁹ Henry, A D, Barkoff, A, Mathis, J, Lilly, B and Fishman, J (2016). Policy opportunities for promoting employment for people with psychiatric disabilities. Shrewsbury: University of Massachusetts Medical School and the Bazelon Center for Mental Health Law.

¹⁰ Stuart, H (2006) Mental Illness and Employment Discrimination. *Current Opinion in Psychiatry* 19(5):522-526.

lack of awareness about programs and available funding are the real barriers to economic opportunity. The migrant community, in particular, is also systematically excluded from loan and grant programs

Work Group members did not think Vermont's community action agencies served well the specific needs of black, indigenous and people of color, who face racism as a barrier to economic opportunity, which must be specifically addressed.

The same interventions that work for white Vermonters are not necessarily going to work for black, indigenous and people of color.

Policy Recommendations to Dismantle Barriers to Economic Opportunity

Workforce Barriers

Pass legislation requiring farmers to pay the Vermont minimum wage to all workers regardless of immigration status.

Pass legislation that creates a path to expungement of so-called violent crimes.

Pass legislation that specifically makes unlawful, discrimination based on LGBTQIA status and perceived mental state. The law should include provisions for attorney's fees, a minimum, statutory damage award when liability has been proven, and treble actual damages.

Land and Home Ownership Barriers

Pass legislation that creates incentives for financial markets to create new mortgage products specifically for black, indigenous and people of color who have been excluded from homeownership because of racism.

Pass legislation that creates incentives for markets to develop new products that enable low-income renters to become homeowners, including new credit-scoring system that enables those who have not had the ability to accrue assets, to get credit for paying bills on time and showing consistency.

Pass legislation to create incentives for developing housing for first-time buyers, including cooperative housing in terms of ownership, where multiple families can have a share in a property that they collectively own.

Pass legislation that prevents the exclusion of residents from economic programs, including housing, based on immigration status.

Financial Barriers

Pass legislation that creates a state agency whose only mission is to close the wealth gap between white Vermonters and non-white Vermonters by dismantling barriers to economic opportunity for black, indigenous and people of color. Programs should include the creation of new ways to develop wealth that go beyond housing; targeted outreach to black, indigenous and people of color; the provision of mentors; no- and low-interest loans and grants; business planning education; and workforce readiness skills. The legislation should preclude immigration status as a basis of exclusion from programs.

SOCIAL EQUITY LENS FOR POLICYMAKERS

The Social Equity Caucus asked the Work Group to provide comments on a document intended to serve as a social equity lens for legislators. The group was asked to consider how the document engaged and advanced equity in the legislative process. A copy of the document is included in Appendix B.

A special meeting was convened via Zoom on December 21, 2020 from 6:30 p.m. to 7:30 p.m., to solicit feedback. Participation was voluntary. Work Group members were compensated for their work.

The following Work Group members attended the meeting.

Alyssa Chen	Rep. Kevin “Coach” Christie
Zymora Cleopatra Davinchi	Rep. Hal Colston, Co-Chair
Steffen Gillom	Rep. John Gannon
Gavin Johnson	Rep. Martin LaLonde
Patricia Johnson	Sen. Alison Clarkson
Saudia Lamonte	
Ashley LaPorte	
Gustavo Mercado Muñiz	
Wilda White, Co-Chair	

Rep. Hal Colston chaired the meeting. After a brief explanation about the process, attendees were randomly assigned to two breakout groups and after 20 minutes or so returned to the full group for a report back.

This section organizes and synthesizes comments from the attendees of the special meeting and their suggested next steps.

The comments addressed (1) the goals of the document; (2) the focus of the social equity lens; (3) the document's language and terminology; (4) the process for creating the document; (5) the document's utility; (6) the implicit assumptions in the document; (7) and the inclusion of additional tools to improve the document's utility.

Comments about the Social Equity Lens

Redefine the goal of the document

The goal of the document should simply be to aid legislators as they actively work to dismantle inequity in all forms.

Widen the focus of the social equity lens

In addition to the groups mentioned in the document, also include formerly incarcerated people, people with physical disabilities, people with substance use issues, LGBTQIA community, undocumented Vermonters, black and brown students impacted by the school-to-prison pipeline, including the suspension and expulsion rate, and those “historically marginalized,” i.e., groups that are marginalized because systems of power, like the ones we operate in, have systemically worked to keep them out.

Be mindful of objectifying language and terminology

The document uses words to refer to people that some find offensive. The document also betrays an ignorance about psychiatric oppression that it is concerning.

Terms such as “racial and ethnic minorities,” “vulnerable people,” and even “marginalized peoples” feel more objectifying than humanizing. People are not *per se* vulnerable or marginal. They are made so by our white supremacist culture. And people who may be a numerical minority under the United States racial caste system, are only so in the United States. Most of the world is not white (or black for that matter). Identifying people by the result of their oppression simply normalizes and thus reinforces the oppression.

The term “those with psychiatric disabilities as a distinctly marginalized subset” is also problematic. First, referring to people as a subset is objectifying. Second, not everyone diagnosed with a mental illness or perceived to have a mental illness is disabled. Mental illnesses are not *per se* disabling. It depends on the individual. Thus, it is inappropriate to describe the universe of people with a mental health condition or perceived to have such a condition as “those with psychiatric disabilities.”

However, oppression and discrimination based on perceived mental state exists whether or not one identifies as having a psychiatric disability. Thus, discrimination and oppression based on perceived mental state is a matter to which the legislature should concern itself.

Adopt a more inclusive document creation process

Rather than create a new social equity lens tool, ask who is already doing this work and bring those folks into the process at the front end, not after the fact.

The whole premise of this document is wrong. The Work Group was brought into the process too late.

Develop a more legislator-friendly tool to root out structural racism

The “Questions to Consider” and the “Filtering criteria and tool,” are cumbersome, difficult, if not impossible to apply, and would not tease out issues of structural racism.

Not only are there too many questions, but also, with all due respect, the questions require a level of intelligence about oppression and discrimination that is likely beyond the ken of most legislators. For example, one question asks, “which communities or individuals might be impacted by the proposal?” The legislature raised the legal age for purchasing cigarettes without the knowledge of how that change might impact the Abenaki community, which uses tobacco in its spiritual practices.

In another instance, the criteria ask, “how much potential does this legislation have to combat racial and/or social inequities, particularly systemic or structural inequities?” Some Work Group members have concerns that any critical mass of legislators could answer this question with any precision.

Re-examine implicit assumptions in document

There is an implicit assumption in the document that only certain legislation impacts what the document refers to as “marginalized peoples.” In fact, every bill passed by the legislature affects every, individual Vermonter. It’s important that legislators understand this if they wish to “advance equity for all those who live, work, play, and learn in our state.”

There is also an implicit assumption that the social equity lens applies only to bills that specifically take into account “racial equity, gender equity, individuals with psychiatric disabilities, and economic justice concerns.” However, people who are not white, male, abled, wealthy, straight, documented, and deemed sane are likely more harmed by bills that do not purport to address issues of equity because such bills perpetuate a social order that favors and privileges whiteness.

For example, Act 164 creates a mechanism for appointing individuals to the newly created Cannabis Control Board, Advisory Board, and hiring an Executive Director and an Appellate Officer. These will become well-paying jobs with lots of discretionary decision-making power. However, the mechanism chosen to fill these positions excludes people who are not white. In addition, the legal requirements for these positions are written in a way that effectively excludes people who are not white. So, while Act 164 is not on its face a social equity bill, because of structural racism, the bill harms people who are not white because it favors people who are.

All proposed legislation has bias systemically embedded in it. The legislature’s work has to be to actively find and eliminate the bias. Part of that work is to ask who is not at the table and to know the correct response.

[Include additional tools within the social equity lens document](#)

Include a glossary of terms and have contact information about how to reach different “marginalized groups.”

Consider adding a “How to use this document” section.

Suggestions for Next Steps

Start over.

Include community members in any re-drafting.

Narrow the goal of the document.

Aim to create a document with five questions designed to identify issues of structural racism and systemic bias in every piece of proposed legislation, not just legislation with a racial or social justice theme.

Consider inviting community members to SEC meetings to educate legislators about the challenges created for them by the various axes of oppression and discrimination.

1/6/2021

APPENDIX A: WORK GROUP MEETING NOTES

October 28, 2020

SEC Work Group Meeting Notes

10/28 - 6:00-8:00

Members in Attendance:

Rep. Hal Colston, Wilda White, Rep. John Gannon, Rep. Martin LaLonde. Sen. Alison Clark, Sen. Becca Balint, Rep. Anne Donahue, Rep. Emilie Kornheiser, Rep. Kevin Coach Christie, Gustavo Mercado Muniz, Mohamed Shariff, Ashley LaPorte, Nizhoni (Alicia) Barrow, Steffen Gillom, Carol McGranghan, Saudia Lamonte, Jameson Davis, Uriel Calvo, Zymora Cleopatra Davinci, Interpreter Will Lambek

1. Introductions

Ice breaker for sharing out about the significance of our names

Contacts for questions & support

lyssa.chen@gmail.com 802 829 1816 (call or text)

ekornheiser@leg.state.vt.us or 802-258-0599 (call or text)

Binder and W9 form are being sent in the mail. Please send W9 back in the envelope provided to get paid each month.

Decision Making

Discussion around whether we want to use consensus or voting or another process

Idea around documenting if someone does not approve a decision

Group decided to use consensus for decision making

2. Purpose of SEC Working Group and how the legislative process works

Rep. Kevin Coach Christie shared about the history and purpose of SEC Work Group.

Goal of this group is to give input on legislation and get new ideas and put new voices of marginalized Vermonters at the front of the conversation.

What issues do legislators focus on and what keys do they hold?

Sen. Becca Balint - Windham County - Economic Development & Housing & Finance, majority leader, may be the next Pro-Temp which is the Senate leadership role, equity around housing, implicit bias and inclusion

Rep. Anne Donahue - Vice Chair of Healthcare Committee, interested in healthcare and healthcare reform and health disparities, background with mental health advocacy based on experience as a psychiatric survivor.

Sen. Alison Clarkson - 16 years in legislature and it's a way to express care and concern for each other, Vice Chair of Economic Development and Housing and addressed inequalities in pay and housing, on the Government Operations Committee, helped create the Director of Racial Equity role. Interests include: equitable economic development, workforce development, and mitigating climate change.

Rep. Hal Colston - Gov. Operations Committee, interested in racial and social justice, Act 10 to allow New Americans to work in the fields they did in their home country.

Rep. John Gannon - Vice Chair of House Gov. Operations, dealing with systemic racism because we oversee government and law enforcement, passed S. 124 to support effective policing, involved in S. 54 the cannabis bill. Interested in education equity.

Rep. Martin LaLonde - Judiciary Committee, works on access to justice and criminal justice reform, overlap with Gov. Operations around criminal justice reform, involved in fair and impartial policing policy, criminalized choke holds and regulate the use of force, on South Burlington School Board and does diversity and inclusion work there, can get more done in the committee you sit on but need connections with others

Rep. Kevin Coach Christie - 5th term, was on House Education Committee, then on House General & Housing Committee, has done work with housing and foster kids, currently on Judiciary Committee, school finance, background with SEC caucus

3. Discussion on timing

Trying to decide on 6:00, 6:30, or 7:00 start - will follow-up with a Doodle poll

November 4, 2020

SEC Work Group Meeting Notes

November 4, 2020 - 6:30 p.m. to 8:30 p.m.

Members in Attendance:

Rep. Hal Colston, Wilda White, Rep. John Gannon, Sen. Becca Balint, Rep. Anne Donahue, Rep. Kevin Coach Christie, Gustavo Mercado Muniz, Ashley LaPorte, Nizhoni (Alicia) Barrow, Steffen Gillom, Saudia LaMont, Uriel Calvo, Zymora Cleopatra Davinchi, interpreter Abel Luna, Patricia Johnson

Form W-9: Do not use the W-9 form received in the mail; you can either print a [form](#), fill it out, and mail it back in the self-addressed envelope that you were provided; if you do not have access to a printer, contact Alyssa, and she will mail you a new Form W-9

SEC Work Group - Group Agreements

Refrain from using words like crazy, insane, nuts to disparage something or someone.

Abstente de usar palabras como "crazy", "insane," "nuts," etc., como formas predeterminadas de menospreciar algo o alguien.

Ending on time and agreeing ahead of time if we need to go over. */Terminando a tiempo y acordando con anticipación si necesitamos repasar.*

Encouraging but not requiring video. */Animar pero no exigir video*

Group commitment to complete deliverables ("homework") outside of the meetings.

/Compromiso del grupo para completar los entregables ("tarea") fuera de las reuniones

Slow talking; we have members whose first language isn't English and interpretation will be happening, so let's be mindful. */Hablar lento; tenemos miembros cuyo primer idioma no es el inglés y habrá interpretación, así que seamos conscientes*

Invite people to indulge in whatever makes them feel safe or comfortable (e.g., incense, essential oils, candles, crystals, weed, food, their altar, etc.). */Invite a las personas a disfrutar de lo que les haga sentir seguros o cómodos (por ejemplo, incienso, aceites esenciales, velas, cristales, hierba, comida, su altar, etc.).*

Setting the tone and having a clear sense of mutual understanding and agreement as to why we are here and how we wish to interact. */Marcando el tono y teniendo un claro sentido de entendimiento mutuo y acuerdo sobre por qué estamos aquí y cómo deseamos interactuar.*

Encouraging people to take care of their bodies by sitting in comfortable positions. */Alentar a las personas a cuidar su cuerpo sentándose en posiciones cómodas.*

If we use big words please explain those words */Si usamos palabras grandes, explique lo que quiere decir*

3. **October 28, 2020 meeting minutes were approved**

4. **Elements of policy development and an equitable process from the perspective of legislators and community members**

The same five people get tapped to testify in committee for issues related to race and gender and we feel like there are so many people that are not in the room. Then additional people get contacted in the last five days once. Slowing down the process. Hear from the right people; the right people means many voices.

People that tend to participate are lobbyists and we don't hear from a lot of people. Public hearings to testify for two minutes is not enough time to express thoughts with a complex issue. There are issues we need to hear from a lot of people and issues where we do not.

Sometimes legislators will say "we put it on the agenda" and so, if someone wants to talk, they can. This is an unrealistic expectation for Vermonters to monitor agendas.

Tricky because we say we want more voices, and we need to slow down to do this but, if we slow down then we won't get anything done. Finding new ways and new mechanisms to get community input. There must be an approach where legislators are working hard to get community input from BIPOC individuals. Not be stuck and beholden to racist systems. We keep getting answers back that say oh we can't do this because we don't have money or its illegal. We need to name the process is racist and then we need to figure out how to break the rules.

Sometimes I am asked to testify, and it feels like the environment is going to be adversarial and you wonder why I am even going to do it. Had legislators tell me what I need to do, and it can come off fresh sometimes. Then people don't want to go testify again.

How much time do people have to prepare to go over the agenda in the legislature in terms of how much time are the meetings warned?

Supposed to be posted by Monday for the week Tuesday to Friday which gives very short notice. It may only be a day or two. The further in the session the more rushed things are. In Gov. Ops we set the agenda each Friday and plan what bills and what witnesses we'd like to hear from. Some committees do TBD on a regular basis and this isn't fair to anyone. Looking to see how we can incorporate zoom or something similar into our regular practices.

This is our opportunity to shift the paradigm. The fact that we were able to find funding to value your time is important. Why can't we have mutual committee meetings with house and senate so that the public can speak once to both committees. It's time to shift things around and be creative, we have the technology. When we're talking about education why wouldn't we talk with teachers and kids directly using video technology?

Thinking about how we can financially support people especially around transportation to testify. See the Zoom platform as a way to bring folks in that are not able to.

Do we have some language we could share with people and how could we share that with community members so they can testify and actively engage in this type of work? Thinking about doing it systemically and in community.

Ecosystems/structural work and thinking about a more accessible approach where we go to people of color and delegations go to their own justice leaders. When we look at the ecosystem, people of color are forced to come outside our own ecosystem and interact in systems in ways that are harmful for us. How can we engage communities in ways that respect their limits and enhance their limits?

Second everything that has been said and we are not just dealing with folks from VT. Trans folks and folks from other countries may have an experience that if you speak to politicians you risk your status in the community/country. Not everyone feels safe sharing their testimony because of where they are coming from.

Policy Priority Development -- Decision was made to begin the next meeting with a discussion of S.54 (An act relating to the regulation of cannabis) and economic opportunities. See process notes [here](#).

Policy priorities identified:

Economic Opportunities - Home ownership, land ownership, business support, work readiness/vocational skills (5)

Discrimination- Space for LGBTQ infrastructure, migrant, race, ability, citizenship, housing status (2)

Reparations - BIPOC, Indigenous communities (2)

Healthcare - equitable and accessible healthcare, health disparities data, access regardless of citizenship status (4)

Education - K 12 and higher ed, scholarships for Abenaki (2)

Accessibility to the legislative process

November 18, 2020

[DRAFT] SEC Work Group Meeting Notes

November 18, 2020 - 6:30 p.m. to 8:30 p.m.

Via Zoom

Attendees:

Rep. Hal Colston, Wilda White, Rep. John Gannon, Sen. Alison Clark, Sen. Becca Balint, Rep. Anne Donahue, Rep. Emilie Kornheiser, Rep. Kevin Coach Christie, Gustavo Mercado Muñiz, Mohamed Shariff, Ashley LaPorte, Patricia Johnson, Gavin Johnson, Alicia (Nizhoni) Barrow, Carol McGranghan, Saudia Lamonte, Jameson Davis, Abel Luna (Spanish language interpreter), Uriel Calvo, Zymora Cleopatra Davinchi

Absences:

Steffen Gillom, Rep. Martin LaLonde

Review of S.54 (Act No. 164) – an act relating to the regulation of cannabis

Rep. John Gannon provided an overview of Act 164, which was followed by questions and answers. There was one unanswered question about S.234, which will expunge marijuana convictions. The question was “where does the number 10,000 come from.” Rep. Gannon replied that we needed to follow-up with Rep. Martin LaLonde.

S. 54 (Act No. 164) through a social justice lens

Work group members were randomly divided into four work groups with legislators randomly assigned to listen in. Each work group was asked to consider two questions and report back when the whole work group reconvened.

The questions were: (1) what issues of structural racism, racial inequity and/or social justice, if any, are raised by the legislation; and (2) what provisions of S.54, if any, should be repealed, amended and/or supplemented.

The work groups reported back the following:

Group 1 – Gustavo, Uriel, Abel

Law enforcement training about the difference between federal and Vermont cannabis law and how it will affect deportation proceedings for individuals who are not U.S. citizens

Outreach to black, indigenous and people of color to educate about the difference between federal and Vermont state law on cannabis possession and use

Release imprisoned individuals whose convictions arise from cannabis laws

Translate cannabis laws into first languages of New Americans

Group 2 – Jameson Davis, Ashley LaPorte, Alicia Barrow

Money should be allocated for black, indigenous and people of color (e.g., low-income housing revolving loan fund; new entrepreneur loan fund; farm fund)

Policy should include provision for formerly incarcerated persons because of cannabis laws to enter the cannabis industry

Policy should include a definition of “minority” and “priority”; the current law invests too much discretion in Cannabis Control Board

Policy should include a rubric for making decisions about license applications from non-violent drug offenders; the current law invests too much discretion in Cannabis Control Board

There should be more community members on the Cannabis Control Board and Advisory Committee; “expertise” should be broadly defined to include community members who are black, indigenous and people of color; the current law privileges higher education and titles

S.54 does not include objective measures to assess effectiveness of “social equity” provisions

Nominating committee provision should include language that there is an intent that historically excluded community members should be represented on the Cannabis Control Board and the Advisory Committee; those who have been arrested for and/or convicted of cannabis laws should be represented on Cannabis Control Board and the Advisory Committee

The law should include a provision for making whole people who have been affected by cannabis laws, including the opportunity costs, not just fines paid and prison release; ways of making people whole can include direct cash payments, priority in access to capital

The impact of S.54 on small growers needs more analysis, particularly regarding homesteaders who want to do mutual aid and sustain themselves

The fee schedule need clarification to ensure that licensing fees will not be cost prohibitive for black, indigenous and people of color who want to enter the industry

Group 3 – Zymora, Gavin and Alyssa

The law should define terms such as “minority” and “priority”; law should explicitly reference black, indigenous and people of color

The Cannabis Control Board should include a specific number of members who are black, indigenous and people of color

Vermont should adopt a model cannabis taxation program for reparations; a certain percent of tax dollars should be set aside for descendants of African slaves and/or social equity programs; restitution should be not only for slavery, but for everything that has followed including the “war on drugs”

The Cannabis Control Board should have geographic and gender diversity

Abenaki people should be included in any reparations and perhaps the word reparations should not be used because it has come to be associated with reparations for African slavery only; Abenaki have been harmed and have never been compensated for that harm

Group 4 – Saudia, Patty and Mohamed

Law should include language that specifically recruits “minorities”

Provisions should be made for offering vocational education to learn about the bill, how to run a business, and grant money; affirmative action should be used to make grants and offer vocational education

The law should prevent racial bias at the local level in regulating cannabis industry

Grants, rather than loans, should be offered to black, indigenous and people of color, who want to enter cannabis industry because of historical inequities

Group 5 – Wilda

Biggest piece of structural racism in the law is the way the Cannabis Control Board is constituted; its reliance on elected legislators ensures that the Board will be predominately white; the power lives in the Board, not in the so-called social equity

provisions; black, indigenous and people of color will always be excluded if this is how we choose boards; black, indigenous and people of color need access to these boards because that is where the power resides and decisions are made; this structural racism analysis also includes the Advisory Board, the Executive Director, the Executive Director's staff, and the appellate process

Legislators who were present were asked if they had any questions or comments about what they had heard. At least one legislator said that the nominating process for the Cannabis Control Board was already underway.

In response, a Work Group member remarked that in her experience whenever she is asked to provide feedback in situations such as these, it is always met by a response that refers to "process and precedence." She would rather the response be "I hear you and I'm really going to think about this."

There was at least one comment that perhaps revisions to S.54 should be a model bill where we start to make deep changes.

[For your information, the timeline for appointing individuals to the Cannabis Control Board and the Advisory Committee is as follows:

Who	What	Deadline
Governor	Forwards five names of potential candidates to the Cannabis Control Nominating Committee	11/4/2020
Cannabis Control Nominating Committee	Recommends candidates to Governor	12/18/2020
Governor	Appoints candidates to Cannabis Control Board	1/15/2021
Senate	"Advice and consent" to Governor's appointments	1/14/2021
Cannabis Control Board	Terms begin	1/19/2021

The **Cannabis Control Board** consists of one Chairperson and two members whose initial terms are three years (Chair), two years (one member) and one year (one member).

The **Cannabis Control Board Nominating Committee** is comprised of seven members. Three are appointed by the Governor from the Executive Branch; two are appointed by the Speaker of the House from the House of Representatives; and two are appointed by the Senate Committee on Committees from the Senate.

The **Senate Committee on Committees** is a three-member committee comprised of the Lieutenant Governor (David Zuckerman), the President Pro Tempore ([Tim Ashe](#)), and one senator elected by the Senate (Sen. [Dick Mazza](#), D-Grand Isle).

The **Advisory Committee** is required to be appointed on or before May 1, 2021. The Advisory Committee consists of 12 members. Four are appointed by the Governor; two are appointed by the Speaker of the House; three are appointed by the Senate Committee on Committees; two are appointed by the State Treasurer; and two are appointed by the Attorney General.]

Drafting consensus policy recommendations regarding S.54 (Act No. 164)

Due to time constraints, the Work Group agreed that Wilda will draft policy recommendations based on the report back from each group and the work group will discuss and reach consensus on them at the December 9th meeting.

Next Steps

The Work Group agreed to meet five minutes beyond the time set to conclude the meeting in order to select a topic for the next meeting.

The Work Group agreed that for the next meeting, the topics would be “economic opportunities” and “making the legislative process accessible.”

The next meeting is December 9, 2020 at 6:30 p.m., via [Zoom](#).

December 9, 2020

SEC Work Group Meeting Notes

December 9th, 2020 - 6:30 p.m. to 8:30 p.m.

Via Zoom

Attendees:

Rep. Hal Colston, Wilda White, Zymora Cleopatra Davinchi, Steffen Gillom, Sen. Alison Clark, Sen. Becca Balint, Rep. Anne Donahue, Rep. Kevin Coach Christie, Gustavo Mercado Muñiz, Alicia (Nizhoni) Barrow, Mohamed Shariff, Ashley LaPorte, Uriel Calvo, Marita Canedo (Spanish language interpreter), Gavin Johnson, Jameson Davis, Rep. Martin LaLonde, Patricia Johnson, Saudia Lamonte

Absences:

Rep. John Gannon, Carol McGranahan

Updates

New leadership roles in Vermont General Assembly

	Senate	House
President of the Senate	Lt. Gov. Elect Molly Gray (D)	Not Applicable
President Pro Tem/Speaker of the House	Becca Balint (Windham)	Jill Krowinski (Chittenden- 6-3)
Majority Leader	Alison Clarkson (Windsor)	Emily Long (Windham-5)
Assistant Majority Leader	Cheryl Hooker (D/P - Rutland)	Martin LaLonde (Chittenden-7-1) Marybeth Redmond (Chittenden-8-1)
Majority Leader Whip	Not Applicable	Michael McCarthy (Franklin-3-1)

Yellow = member of SEC Work Group

Feedback & Approve of S. 54

Appreciate language of including Abenaki people in this process and can we use language of truth and reconciliation and land back.

Explicitly state that if there are jobs at the state level around cannabis that some certain percentage of those jobs are available to those that were incarcerated because of cannabis.

Important to explicitly state the groups of folks that tend to be marginalized and be specific about which groups of people have been left out

Could there be a mention of pathways to license for cultivation? I'm wondering if there are pathways to licensure that could be made such as a lottery system or funds because the licensure is so expensive. How do we remove the barriers to entry?

Could we define what "minority" and "priority" means? Minority diminishes our experience; we are a global majority. Other language we could use that has a similar meaning. Recommend removing the word minority and place a more humanizing word in. Do we want to put BIPOC or should we be more specific?

Thinking about what we could put in that would pass constitutional muster?

Asking folks to make comments in the document and then Wilda will take another pass at updating it and bring it back to the group. [Please leave your comments!](#)

Small Groups around Economic Opportunities

Thinking that maybe we don't need a financial literacy group because that can often be used in a paternalistic way. The problem is not necessarily literacy; it's not having money.

Making people aware of the technical assistance opportunities and of special funding for POC businesses this could fall in financial literacy.

Thinking about defining what financial literacy means and making it broader about access to financial resources

Group Report Back on Financial Literacy (Financial Navigation)

Barriers

How do you talk about financial wealth management if you have so much debt (e.g., student debt or being a New American)?

Racism is a barrier

Push back on the narrative that POC need hands on literacy training b/c as we can see from examples such Black Wall Street that's not true.

Recommendations

Getting Black and Brown counterparts into financial spaces

Pairing POC with accountants and businesspeople that are POC for mentoring.

Learning proper channels of investment.

Community action agencies all have financial literacy centers

What about creating BIPOC navigators at these centers.

Group Report Back on Land & Homeownership

Barriers

History of stolen land from indigenous communities

History of redlining and how it still exists

Generational wealth allows certain people to own land

When you get here you come with debt that you have to pay off before you even get here. It would be helpful that have that debt eliminated.

Undocumented community doesn't have access to those programs

Recommendations

Access to capital

Homebuyer loan

Allowing you to buy without a big down payment

Cultural land trusts (e.g., land trust for BIPOC)

Reparations tax to accumulate capital to go to BIPOC people

Eliminating debt that New Americans get when they get to the US

Immigration status should not impact your access to these programs

Group Report Back on Work Readiness & Job Training

Barriers

Trans discrimination in the workplace that is not "illegal" (e.g., many trans people and trans people of color have been disproportionately furloughed during COVID-19 pandemic)

1/6/2021

Childcare, transportation, and broadband access

Race discrimination as a barrier

Criminal records as a barrier

Vermont is an at will state

Recommendations

Creating a database for safe spaces for trans folks and trans people of color to work (Pride Center is working on this)

Wrap around services for people out of recovery

Find jobs that build to careers and have room for advancement

Expungement of records (Violent crimes in self-defense, 10 years after occurred)

Higher minimum wage / raising minimum wage

Better healthcare / universal healthcare

Mandate that you have to have a diverse staff (example in state jobs, state contracts, and city contracts)

Addressing barriers such as childcare, broadband access, and transportation

Next Steps

Review and approved updated version of S.54 (Act 164) Policy Recommendations

Continue economic opportunities discussion

Finish legislative access policy recommendations

December 16, 2020

[DRAFT] SEC Work Group Meeting Notes

December 16th, 2020 - 6:30 p.m. to 8:30 p.m.

Via Zoom

Attendees:

Rep. Hal Colston, Wilda White, Rep. Kevin Coach Christie, Patricia Johnson, Rep. Anne Donahue, Abel Luna (Interpreter), Saudia Lamonte, Alyssa Chen, Alicia (Nizhoni) Barrow, Carol McGranghan, Gavin Johnson, Gustavo Mercado Muñiz, Zymora Cleopatra Davinchi, Steffen Gillom, Sen. Alison Clark, Sen. Becca Balint, Jameson Davis, Rep. John Gannon, Ashley LaPorte, Uriel Calvo

Absences:

Mohamed Shariff, Rep. Martin LaLonde

Updates

Optional meeting Monday, December 21st 6:30-7:30 to [review SEC Lens for Policy Makers](#) (paid meeting)

Our last meeting will be on January 6th

Resource Links - [Willie Lynch Letter](#), [National Domestic Workers Alliance](#), [Soul Fire Farms](#), [Soul Fire Farms - Reparations](#), [Vermont Releaf Collective](#)

Steffen Gillom and Rep. Cina are working on -a land and home ownership bill; Work Group could potentially endorse this

Reviewed updated S. 54 Recommendations; comments can be made on Google document

Increasing BIPOC Economic Opportunities

The Work Group continued its discussion of decreasing/eliminating barriers to black, indigenous and people of color economic opportunities.

The discussion centered on two areas of economic opportunity: (1) workforce readiness and vocational education; and (2) financial navigation.

Workforce Readiness and Vocational Education

A conviction for a so-called violent crime is a structural barrier to BIPOC economic opportunities. It impedes access to housing, employment, financial aid in higher education, to name a few.

The ideology of so-called violent crimes is also a structural barrier. The ideology of so-called violent crimes is based on the perspective of white people and their fragility, especially to fear of people who are not white.

One Work Group member reported that when he was in high school, a fistfight between classmates could result in a criminal conviction for a so-called violent crime. A member also noted that people who engage in certain types of work for survival are often charged and convicted of so-called violent crimes while acting in defense of their lives.

A Work Group member reported that she was a college graduate, and while working several jobs to support her family, she was physically attacked, acted in self-defense and was ultimately charged and convicted of aggravated assault. She lost her nursing license, lost her home, and lost her ability to financially support herself and her family. This is still the case 14 years after the conviction. If she does manage to find a job, her employment situation is precarious. She's the first let go in a downturn or when a new person assumes leadership at her place of employment. Her children are also subjected to greater state surveillance because of their mother's past conviction.

A Work Group member reported that they see similar situations arise with gay men, regardless of race and ethnicity, who are in relationships with abusive partners. They have had to resort to things considered violent crimes to get themselves out of those situations alive. As a result, they've been unable to access subsidized housing. The Work Group member also reported a similar situation with trans women. Trans women have a difficult time accessing employment and they have a difficult time accessing support from the state because a lot of shelters and anti-violence organizations still define woman as assigned at birth and will reject trans women looking for support. In 2020, 350 trans people have been killed. Some trans people see so-called violent crime as their only option for survival.

Immigration status is also a barrier to economic opportunity. It's difficult to secure housing because landlords do not believe you can afford the rent. You also make yourself vulnerable by disclosing your social security number on rental applications because you do not know if the prospective landlord will share the number with immigration authorities.

Another structural barrier to economic opportunity is that migrant communities are excluded from the Vermont minimum wage. Farmers do not have to pay the Vermont minimum wage. They are allowed to pay the federal minimum wage, which is \$7.25 an hour versus the 2021 Vermont minimum wage of \$11.75 an hour.

Financial Navigation

State should create an entity whose mission is to decrease barriers to economic opportunity for black, indigenous and people of color in Vermont; one barrier to economic opportunity is unawareness about existing programs or structural barriers to accessing the programs. There needs to be a place with one-stop shopping for black, indigenous and people of color economic

1/6/2021

opportunity. Among the programs this department should offer targeted education about creating wealth in black, indigenous and people of color communities.

Rep. Alison Clarkson suggested that the existing community action agencies already do this but perhaps not everyone is aware of these agencies and their roles. Ashley LaPorte senses that the programs are not working sufficiently to get the word out about their programs. The onus should not be on people to find the programs. The programs should make the effort to spread the word about the program.

The National Domestic Workers Alliance found a way to scale barriers to their participation in sick leave programs, and retirement programs. They created an app that provides a mechanism for clients of domestic workers to add to the base pay of domestic workers and domestic workers can access the money similar to using Venmo.

Next Steps

Final meeting is January 6, 2021 at 6:30 p.m. via Zoom. We will review final document of policy recommendations.

1/6/2021

APPENDIX B: APPLYING A SOCIAL EQUITY LENS FOR POLICYMAKERS (DRAFT IN PROGRESS 12-1-20)

DRAFT IN PROGRESS 12-1-20

Applying a Social Equity Lens for Policymakers

As legislators, we uphold a duty to advocate for all of our constituents and a commitment to advance equity for all those who live, work, play, and learn in our state. The Social Equity Caucus is focused on improving outcomes for marginalized peoples and creating a vehicle for Vermonters to access their representation, leadership and community and to institutionalize equity and inclusivity.

The use of a social equity lens will encourage engagement of communities that would be most impacted by policies, programs or investments of the legislature. The social equity lens will help policy makers craft budgetary and programmatic proposals that take into account racial equity, gender equity, individuals with psychiatric disabilities, and economic justice concerns.

This guide aims to help legislators identify strategies to ensure that time in committee is engaging, relevant, and useful to inform responsible policy — for individual members and the committee as a whole.

Questions to Consider

As a committee member, there are simple questions you can ask or consider when listening to testimony or evaluating proposed legislation:

1. Clarifying the Proposed Policy, Program, Practice or Budget Decision
 - What is the problem that the proposed legislation is intending to address?
 - What are the intended outcomes of the proposed legislation?
 - What might be the unintended outcomes?
 - Does this proposal advance a strategic goal and/or key performance indicator for advancing equity or addressing systemic racism?
 - What are the consequences of not implementing this proposal?
 - Are there fiscal implications of this bill for the Agency/Department?
2. Data
 - What evidence informed this policy?
 - Is a target population for the policy identified? Is there demographic information such as race, ethnicity, sexual orientation, gender identity or expression, age, etc.?
 - Are the desired outcomes specific and measurable?
3. Engaging Communities
 - Which communities or individuals might be impacted by the proposal?
 - How have the people who might be impacted by this proposed legislation been engaged with this proposal? Are we hearing from those people?
 - How are we making access to the process available to a diversity of perspectives?
 - Are we hearing from people who will implement this legislation in impacted communities?

4. Analysis and Strategy

- Who benefits from or will be burdened by the legislation?
- What are the strategies for advancing racial equity or mitigating unintended consequences?

5. Implementation, Accountability and Evaluation

- What is the plan for implementation?
- Is the plan realistic? adequately funded and resourced with personnel to collect data, to enforce, to engage communities and report outcomes?
- How will impacts be documented and evaluated?

Filtering criteria and tool

Below are some questions for you to keep in mind that can help you evaluate the goals of the proposed policy and its ability to advance access, economic security/opportunity and personal well-being for vulnerable people in Vermont, particularly: Abenaki/Indigenous Persons, Racial and Ethnic Minorities, Women, LGBTQIA, Individuals with Disabilities (*with recognition of those with psychiatric disabilities as a distinctly marginalized subset*), Older Vermonters, New Americans/Migrant Community, Children/Youth/Emerging Adults or Poor/Working Poor.

Criteria	True/False
1. Legislation has potential to reduce inequities in income, business ownership, or access to capital/loans	
2. Legislation has potential to reduce disparities in access to timely and affordable public health, preventive care, primary care, including mental health and substance use care, specialty care, and other health care services.	
3. Legislation has potential to reduce disparities in education outcomes (including early childhood education); access to educational curriculum (including social emotional learning); and school policies and practices that may contribute to positive educational experiences such as truancy reform.	
4. Legislation has potential to increase safety by reducing disproportionate violence and/or incarceration rates and/or increasing equal access to the law.	
5. Legislation has potential to increase open, effective, government by increasing equitable political representation and/or participation, and increasing access to state administration (such as interpretation/translation, smartphone interoperability, or public meetings with accommodations)	
6. Legislation has potential to increase the stability of families by decreasing disparate impacts of DCF intervention, increasing prenatal care, increasing food security and access to state benefits	

7. Legislation has potential to reduce racial inequities in any other social determinants of health and state infrastructure, including housing, transportation, and internet access	
8. Legislation has potential to create positive systemic change in generational living conditions so Vermonters can live with dignity in settings they prefer regardless of age or disability status.	
9. Legislation does not include exclusions that could directly or indirectly create inequitable access to services, protections, or opportunities or have the potential to directly or indirectly increase racial inequities	
10. Legislation has potential to create more anti-discrimination protections for racially marginalized populations	
<p>On a scale of 1-5, with 5 being “extremely high” and 1 being “extremely low”, how much potential does this legislation have to combat racial and/or social inequities, particularly systemic or structural inequities:</p>	

1/6/2021

ENDNOTES