Testimony of Rev. Mark Hughes
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House Judiciary Committee
April 21, 2026
Proposal 4 (P.R.4): Equal Protection Amendment to the Vermont Constitution

Good morning, Chair and members of the House Judiciary Committee.

My name is Reverend Mark Hughes. I serve as Executive Director of the Vermont Racial Justice Alliance, and I have worked for many years with communities and state partners addressing civil rights, systemic racism, and democratic integrity.

I appear before you today in strong support of Proposal 4, the Equal Protection Amendment to the Vermont Constitution.

I want to begin by stating something plainly for the record:

The warnings that brought us here were correct.

What we anticipated—constitutionally, legally, and morally—
has now materialized.

And I want to acknowledge the gravity of this moment.

This Committee is not simply considering a proposal.

You are operating at the intersection of:

- constitutional amendment,
- federal civil rights collapse,
- and long-term judicial stewardship of the State of Vermont.

History will look back on moments like this
not by what was debated—
but by what was secured.

Several years ago, we advanced this amendment
because we were following two things:

First, Vermont's own trajectory toward equity and justice.
Second, the direction of federal constitutional law.

Vermont has made clear, through action, that equity matters.

That trajectory includes:

- Act 54 — Racial Disparities Advisory Panel
- Act 9 — Office of Racial Equity
- Executive Order 04-18 - Office of Racial Equity
- Proposal 2 — Abolition of slavery
- Act 33 — Health Equity Advisory Commission and Office of Health Equity
- Resolution R-113 — Joint Resolution: Racism: a Public Health Emergency
- Act 182 — Land Access Opportunity Board

In 2022, 88% of Vermonters voted to abolish slavery in Vermont

That was not symbolic.

It reflected a shared understanding:
Truth is the foundation of justice.

At that time, we warned of something specific:

That **statutory progress without constitutional grounding**
would not survive a hostile turn in federal doctrine.

That warning has now been validated.

We are no longer talking about erosion.

We are witnessing **systemic dismantling.**

Over the past year, the federal government has:

- Neutralized the Department of Justice Civil Rights Division
- Weakened the EEOC and OFCCP
- Dismantled fair housing enforcement
- Crippled Title VI enforcement

- Closed environmental justice offices
- Abandoned remedies for documented discrimination
- Chilled civil rights policy nationwide

At the same time, the Supreme Court has:

- Ended affirmative action
- Weakened voting rights enforcement
- Narrowed precedent
- Reframed equal protection as abstract neutrality

Let me be clear:

This is one of the most hostile federal civil rights environments since the nineteenth century.

We have seen this before.

After Reconstruction:

- Constitutional amendments existed
- Enforcement collapsed
- Courts narrowed doctrine
- States were left exposed

And equality became symbolic rather than real.

History teaches us:

When equal protection collapses, democracy collapses with it.

Modern discrimination does not operate the way the law assumes.

It does not always declare intent.

It operates through systems:

- housing
- employment
- education
- policing
- algorithms

Systems that appear neutral—
but produce unequal outcomes.

Under current doctrine:

- intent is required
- impact is discounted
- structural harm is often invisible

When courts refuse to see impact,
they legitimize inequality.

That is how equal protection becomes hollow.

Now we come to Vermont.

Despite all of this—

Vermont has no Equal Protection clause in its Constitution.

Article 7 is not equal protection.

It addresses special privilege—not classification-based discrimination.

Using it for this purpose is using the wrong tool.

In today's environment,
that absence is not academic—

it is dangerous.

When federal protection weakens,
states become the last line of defense.

And at those moments, three things matter:

- judicial independence
- constitutional clarity
- moral courage

That is the role before you.

Proposal 4 provides Vermont with:

- A constitutional foundation for equal protection
- Independence from federal doctrinal collapse
- The ability to evaluate both purpose and effect
- Capacity to address systemic and algorithmic harm
- Support for durable civil rights policy

Let me also be clear about what it does not do:

- It does not mandate outcomes
- It does not override federal law
- It does not eliminate judicial review

It provides **clarity and authority**.

Courts interpret constitutions through text and intent.

And Vermont has already declared—repeatedly—

that eradicating systemic racism is a compelling state interest.

So I want to state this clearly for the constitutional record:

Proposal 4 is intended to give constitutional effect
to Vermont's determination that eradicating systemic racism
is a compelling state interest,
and to ensure that state action may be evaluated
based on both purpose and effect.

Now let me speak directly to this Committee.

You are not just reviewing a proposal.

You are:

- building a constitutional record
- shaping judicial interpretation
- determining whether Vermont acts in time

And time matters.

The legislative window is limited.

Procedural requirements are real.

Delay is not neutral.

Delay determines outcome.

As a Christian minister, I must also say this:

Our traditions teach us:

- defend the oppressed
- care for the vulnerable
- stand in the gap

And they also teach us:

Silence in the face of injustice is not neutrality—it is complicity.

Let me address this directly:

Equal protection is not special treatment.

It is the condition under which law is legitimate.

It is the foundation of democracy.

After Reconstruction, this country failed to act.

And it paid a terrible price.

Vermont now has an opportunity to choose differently.

Closing

This is not routine.

This is not abstract.

This is not distant.

This is a constitutional moment.

And the question is simple:

Will Vermont make equal protection explicit,
durable,
and real?

I urge this Committee to:

- Pass Proposal 4
- Build a clear and disciplined record
- Vote it out of committee in the affirmative

And ensure that equal protection in Vermont
is not symbolic,
not contingent,
and not left to chance.

Stand Up. Speak Out. Hold Up The Shield.

Thank you for your careful attention.

I am prepared to answer questions.

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