



## Racial, Equity, Inclusion, and Belonging

**Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room**

Join Zoom Meeting

<https://zoom.us/j/92744162495>

Meeting ID: 927 4416 2495

### 1. Call to Order

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### 2. Adopt the Agenda

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### 3. Adopt Minutes

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|----------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>3.1. 9.28.24 minutes</b>                                                                                           |
| Meeting        | October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room |
| Category       | 3. Adopt Minutes                                                                                                      |
| Department     | Racial Equity, Inclusion, & Belonging (REIB)                                                                          |
| Type           |                                                                                                                       |

### 4. Public Forum

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### 5. REIB Updates

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|----------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Subject</b> | <b>5.1. Reparations Report</b>                                                                                        |
| Meeting        | October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room |
| Category       | 5. REIB Updates                                                                                                       |
| Department     | Racial Equity, Inclusion, & Belonging (REIB)                                                                          |
| Type           |                                                                                                                       |
| <b>Subject</b> | <b>5.2. Mission/Vision update</b>                                                                                     |

Meeting October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room

Category 5. REIB Updates

Department Racial Equity, Inclusion, & Belonging (REIB)

Type

**Subject 5.3. Empowerment Fund Application**

Meeting October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room

Category 5. REIB Updates

Department Racial Equity, Inclusion, & Belonging (REIB)

Type

## 6. Community Forum

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## 7. Adjournment

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**Subject 7.1. Motion to adjourn**

Meeting October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room

Category 7. Adjournment

Department Council and Board

Type

Recommended Action

## 8. Informational and Non-Discrimination Statements

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**Subject 8.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.**

Meeting October 15, 2024 - REIB City Council Committee - Tuesday, October 15, 2024, 5:30 PM, 149 City Hall Sharon Bushor Room

Category 8. Informational and Non-Discrimination Statements

Department Council and Board

Type

REIB City Council Committee Meeting  
August 28th, 2024  
5:30pm – 7:00pm  
Sharon Bushor Room, 1st Floor City Hall and Zoom  
Minutes

Attendance: Central District Councilor Melo Grant, Ward 2 Councilor Gene Bergman, Ward 6 Councilor Becca Brown McKnight, Phet Keomanyvanh, Jessica Brown, Mark Hughes, Christine Hughes

Meeting Start: 5:36pm

Motion to Approve the 8.28.24 agenda

Councilor Grant motion to approve the agenda. Councilor Bergman moves. Councilor Brown McKnight seconds. Agenda is approved.

Motion to approve the meeting minutes from 7.16.24

Councilor Grant motion to approve the minutes  
Councilor Bergman moves.  
Councilor Brown McKnight Seconds.

Public Forum

No Public Forum

REIB Updates

- REIB Website update, Interim Director Phet Keomanyvanh

In October, REIB along with other City departments will have a new city website platform that will have updated websites that will be much more user friendly, accessible and new graphics. REIB the department's website, history of the department, past projects and current projects, staff page. This comes in time in rolling out our empowerment fund grants that for the community which will be available in the fall time and springtime.

- Reparations update

The Reparations Task force committee has created a report of the work they have a done and recommendations to share to the full City Council tentatively on September 9th. The Task Force will first meet with each other on September 3rd to discuss the report in full. Some committee members has some questions about it, and the report may likely be delayed to go to full council on Sept. 9th. The Mayor's office is also planning on attending the 9.3.24 Reparations meeting.

- Mission and Vision Engagement

Working with the Mayor's Office, REIB has crafted a new mission and vision. The office will be engaging the community at different community centers over the next 2 months to ask people what they think about the new mission and vision. The will help inform the future work of the city's equity work.

## Community Forum

Councilor Grant and Bergman discuss the REIB past Strategic Road map and to be on the agenda for 9.17.24 and there has been a lot of good equity work in the past that shouldn't get lost.

[https://www.burlingtonvt.gov/sites/default/files/Burlington%20Racial%20Equity%20Strategic%20Road map Spread.pdf](https://www.burlingtonvt.gov/sites/default/files/Burlington%20Racial%20Equity%20Strategic%20Road%20map%20Spread.pdf)

Councilor Bergman: For the next agenda. Update on the community empowerment grants and where they are, and just to get into the details and in relationship to the website. An update on the gunfire task force with the Congolese community to have someone from the King Street Center to come to share about their Youth initiative.

Councilor Grant brings up the City's efficiency study and the Mayor's office reviewing the goals for each department to make determinations about how the city moves forward.

Councilor Grant will look into meeting with the Mayor how to strategically support long term REIB going forward and report back at next month's Sept. meeting.

Wards 2 and 3 NPA voted to split last month due to different interest. Redistricting pulled in more people from King St. that used to be Ward 5. Before redistricting Wards 2 and 3 NPA had more attendees that were Ward 2 and much of the focus was on ONE neighborhood. The newly formed Ward 3 are concerned more with the downtown community safety concerns.

There are some concerns and questions how the split's process went down but CEDO and City Attorney's Office shared there were rules that were violated and Open Meeting Law was followed. The Ward. 3 meeting will be in the library which technically Ward so will need to find a meeting spot in Ward 3. Will also need to do better to diversify this Ward so more voices take part in community safety discussions.

Christine Hughes: There's concern in the resolution, in turning in a report to City Council is sun setting, or completion of the work of the task force. In the resolution, a report and recommendations is putting in motion that the task force to shut down. It sets a 90 day clock.

Along the lines of public safety or community safety the Richard Kemp Center is reframing it like community wellness and have regular meetings on this subject.

Rev Mark Hughes (VRJA): Wards 2 and 3 NPAs meetings have been occurring at 20 Allen Street forever. This is the first time just hearing of this. What is problematic with the process is around 8 people decided that that that NPAs was going to divide. This is an objection and further investigation need to looked into and ask the Council to consult internally and find out what actually happened with that particular situation as well.

Councilor Grant: There's been a lot of conversations going on with regards to that process and was at that meeting. The minimum to vote didn't violate anything but people who voted is being looked at. It would have been preferred that it would have been taken up as an agenda item at the regularly scheduled meeting that everyone was used to so the meeting didn't have a lower turnout of actual ward residents.

Rev Mark Hughes (VRJA): This is a disservice to our community and wasn't done in the best spirit, and it wasn't done in the essence of unity. Changes in the demographic that the meeting was done at an alternate location at an alternate time and we want to get away from intent and talk about outcomes and what it has created.

Councilor Grant: The whole process is not good look but the motivation to create a situation where there's more attention on the immediate community safety needs in the downtown area. There's multiple things at play here. The way this was done was meant to create this separation to bring attention to what's going on downtown for the downtown residents were not coming to the Ward 3 weren't coming to 20 Allen Street Wards 2 and 3 NPA. As a City Councilor, whatever attention we continue to get on the issues downtown, we need to be doing that.

Councilor Brown McKnight: In trying to look at the relationship between the City Council and the NPAs and kind of like setting up some guardrails, it may be interesting to sort this recent situation as a discussion point on that committee. If anyone's up for kind of passing that along or flagging, that in their consideration of how things might change in terms of democracy. The NPAs, when it works well, right is a great thing but this type of situation is always a reminder that NPAs are not elected and can not be democratic. This is just a reminder that, we could have a discussion around resources because NPAs is an all-volunteer base and without a great outreach effort can reinforce institutionalized racism. The work that's being done in the CDNR Committee hopefully can be relevant or help improve things in the future.

Rev Mark Hughes (VRJA): The city's commitment was as follows, quote, create a new public health equity, manager position to expand the city's public health capacity, support the efforts of the city and partners who have declared systemic racism a public health emergency and assist in crafting a strategic plan for the city's racial health equity work. The strategic plan will involve the restructuring of the city's operations to support this new capacity.

The second point, it says, is work in partnership with the Racial Justice Alliance to deploy a Million Dollar fund for racial justice created in the city's fiscal year 2021 budget to advance the goals laid out in the Racial Justice Alliance's operation, Phoenix rise, agenda, expanding economic opportunity and creating office of racial equity, inclusion, and belonging. This work will include conducting a full review of the city's existing procurement policies

Rev Mark Hughes (VRJA): and economic opportunity in racial justice programs as well as lay a foundation for securing the substantial additional resources that will be needed in the years to come to achieve the transformative goal of eradicating systemic racism.

The 3rd thing, it says is, create a new all employee training initiative aimed at eradicating systemic racism within the institution of the city of Burlington. This work will include review of the city advertising, recruiting, compensation and retention practices and look at employee demographic data to identify potential barriers to hiring BIPOC individuals. The reason why I wanted to get that on record is, is the process of reviewing its mission as well as taking a closer look at its priorities is if these commitments that we have on record here within the declaration, that we revisit these and that, and that we prioritize them.

Councilor Grant: We can be going back and looking at these things and a lot of them will be part of the conversation, but happy to verify that with director and with the mayor. This department started with ARPA and there was no long-range strategy.

September 17 is the next REIB CC meeting

The community safety forum is on September 5<sup>th</sup>.

<https://burlingtonvt.portal.civicclerk.com/event/7405/files>

Meeting adjourn 6:59pm

Minutes by Phet Keomanyvanh, Interim Director REIB

# Report of the City of Burlington Reparations Taskforce

Prepared by Pablo Bose<sup>1</sup> and Josie Daigle<sup>2</sup>  
January 2024

## **I Overview – Taskforce Mandate, Composition and Activities**

The Burlington Reparations Taskforce was established in August 2020 through a [City Council Resolution](#). It was created with reference to US Congressional Resolution [H.R. 40](#) and [H. 478](#), which consider reparations on a national and municipal level respectively. The resolution considers city level data across a range of socioeconomic disparities. These distinctions – including in housing access, employment rates, health outcomes, and policing practices – suggest that there are continued and marked differences in socioeconomic outcomes for African Americans and especially the descendants of chattel slavery in the US. The resolution was meant to initiate a study of the historical involvement and impacts of the institution of slavery in the City of Burlington and to develop a proposal to address said history – including the possibility of enacting reparations policies and creating a public apology on behalf of the civic government. The resolution created a taskforce to carry out this mission, whose mandate was to study and create reparations plans, recommendations, and educational outcomes regarding racial histories and contemporary relationships within the city of Burlington, Vermont.

Membership within this taskforce was determined through negotiation by several stakeholder communities. These led to appointments to the taskforce of five members, one each selected by the City Council President, the Vermont Racial Justice Alliance, the Mayor of Burlington, and the Vermont Human Rights Commission, as well as the Director of the City of Burlington’s Racial Equity, Inclusion and Belonging Department<sup>3</sup>. Current and past members are listed below:

|                         |                                                                                              |
|-------------------------|----------------------------------------------------------------------------------------------|
| REIB Director:          | Kim Carson (2022-2024)<br>Phet Kheomanyvanh (2021-2022, 2024-)<br>Tyeastia Green (2020-2021) |
| VT HRC:                 | Roy Hill (2022-)<br>Hal Colston (2020-2021)                                                  |
| City Council President: | Rebecca Zietlow (2020-2023)                                                                  |
| VTRJA:                  | Christine Hughes (2020-)                                                                     |
| Burlington Mayor:       | Pablo Bose (2020-)                                                                           |

The Taskforce also included non-voting guests including experts such as William Darity, a national expert as a Professor of Economics at UNC Chapel Hill as well as participation during meetings by paid consultants including Elise Guyette, Rashad Williams, and Laura Hill.

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<sup>1</sup> Professor of Geography and Geosciences, University of Vermont.

<sup>2</sup> Reparations Taskforce Assistant.

<sup>3</sup> Members were selected due to their expertise and experience in various related fields (e.g. Christine Hughes is a longtime racial justice activist, Rebecca Zietlow is a nationally-recognized legal scholar on constitutional law and the Reconstruction Era, Pablo Bose is an urban geographer who studies socioeconomic disparities, Hal Colston was a VT State legislator and council member from Winooski).

Members of the public were also present during warned taskforce public meetings. The activities undertaken by the Taskforce have included monthly meetings throughout much of 2020, the first half of 2021 and again beginning in late 2023, the creation and dissemination of RFPs to solicit appropriate research on reparations-related topics, the selection and oversight of research consultants, deliberation on their reports, presentations to city council, working with researchers at the University of Vermont to supplement these studies, and developing a set of recommendations to present to the City Council of Burlington for this final report. Studies commissioned by the taskforce are included as appendices to this overview and are summarized in section 3.

## **II Defining Reparations**

### *Scales*

Reparations are, in their basic form, the idea that some sort of restitution should be made for a harm or injustice caused to a specific group or individual. There are a wide range of possible kinds of reparations that we can see either proposed or enacted within the US and internationally, distinguished by scale and by type. In terms of scale, reparations might operate at an international level, across borders or, nationally, across state lines. Reparations might also be conceived of in a more insular form in the US within the jurisdiction of an individual state or – as in the case of this taskforce – at a more granular or local level, that of the municipality or town. Reparations can also take on very different forms – typically we tend to imagine reparations in economic terms through cash payments or economic compensation. But there are other kinds of reparations that may take legal, cultural, land-based or more symbolic forms as well.

International reparations are intended to address violations of international human rights and humanitarian law. At this scale, reparations have often been developed in order to promote justice and make efforts to make whole groups or individuals who have experienced harms. Such efforts may emphasize either (or both) monetary compensation and satisfaction of non-material injury. Such international or multilateral actions are often difficult to enact due to the scale and scope of the harms and proposed reparations. Some representative examples include war crimes, art theft, and other violations of international humanitarian laws:

- [UN Standards of Reparations](#)
- [Unidroit Convention on Stolen of Illegally Exported Cultural Objects](#)
- [Luxembourg Agreement](#)
- [The JUST Act- Germany](#)

National reparations refer to some form of repair, whether economic, cultural, social or other (see types of reparations below), based upon historical wrongdoings instigated, supported or condoned by a national government. The intent in such reparations efforts is to deconstruct and repair the nationwide systems and relationships which resulted in this wrongdoing. Such an approach is best highlighted by H.R. 40, a reparations policy proposed in the US Congress which highlights how specific governmental policies have contributed to racial injustice in the past, and how both the legacies of such actions and ongoing federal policies continue to affect modern day

African Americans and especially the descendants of chattel slavery. National reparations can come in almost any form - often economic, but also may include some element of symbolic reparations, as well as the revision or even retraction of certain laws and legal frameworks:

- [Civil Liberties Act of 1988 \(H.R.442\)](#)
- [National African American Reparations Commission Recommendations](#)
- [H.R.6130](#)
- [NAACP Recommendations](#)

Reparations at the state level are structured in a very similar manner to those at the national level, with wider reaching policies oriented towards state specific action rather than national ones. These reparations look at state action as a whole and aim to make a particular state a more equitable place to live. Paralleling national-level reparations, such an approach is often based less on individual cases and actions, but rather seek to address wider-ranging policies which resulted in inequalities currently affecting the state:

- California
  - [Materials and Executive Summary](#)
  - [Policy Recommendations](#)
  - [Approval and Links to Extended Documents](#)
- [New York Senate Bill S1163A](#)
- [Maryland Education Reforms](#)
- [Virginia Victims of Eugenics Sterilization Compensation Program](#)

City level policies are among the most narrowly-defined, concrete and action-oriented level of reparations currently being created, often specifically citing one injustice and taking action to repair it based on that city's actions (or inactions) in creating the situation. Local policy is created to analyze and attempt to repair the city sponsored actions which lead to injustice in the first place. The resulting reparations may consist of monetary reparations for those descendants of enslaved persons, but for some cities, the broader aim is to alter ongoing and future municipal policies in order to both prevent inequality in outcomes and to uplift African American residents of the present and future. Such an approach can include changing policy, investing in business ventures, developing cultural centers, and similar actions (see types of reparations). There are also local-scale reparations carried out by other organizations such as universities, churches, community groups and other entities which attempt to create small scale reparations based specifically on that organization's history and interactions with the institution of slavery. Such examples are usually to be found on a more case-by-case basis and are often less policy based and instead look at more specific scenarios:

- [City of Evanston Local Reparations: Restorative Housing Program](#)
- [Resolution No. 20-128 \(Asheville, NC\)](#)
- [Resolution No. 20210304-067 \(Austin, TX\)](#)
- [Reparations for Burge Torture Victims Ordinance](#)

## *Types*

Legal reparations often arise from court decisions or as a result of legislative policymaking, often in response to specific instances of injustice on an individual or group basis. In some cases, such reparative actions do not necessarily not provide a legal precedent for future actions, though they might be referenced by other jurisdictions. Examples of legal reparations might include responses to instances of police brutality, loss of property, and other similar events. Such actions often take place at the local level rather than at a larger scale:

- [42 U.S.C. 1983 - Civil action for deprivation of rights](#)
- [Reparations for Burge Torture Victims Ordinance](#)
- [Corrective Justice and Reparations for Black Slavery](#)
- [Reparations For Police Violence](#)

Cultural reparations can aid with repairing cultural harms created by both group or individual injustice, as we can see with the legacy of slavery and racial discrimination within the US. This form of reparation can take place with the return of artifacts, establishment of cultural centers, and other cultural goods. This type of reparations can be found across multiple scales, from city-based community centers to nationwide racial education policy:

- [From Slavery to Genocide: The Fallacy of Debt in Reparations Discourse](#)
- [Native American Graves Protection and Repatriation Act of 1990](#)
- [California's Cultural Reparations](#)
- [Providence, RI- Report of Reparations Commission](#)

Economic reparations include a range of different variations, and there are multiple models and forms that these can take. They might include lump sum payments, investments into properties and businesses, and specific payments over time. This is a common form of reparations, and the size and scope of payments as well as eligibility of recipients are often contested and controversial. Economic reparations are, however, one of the most concrete forms of reparative action, in which direct restitution can be made to injured parties. Some of the different institutions that have explored economic reparations (or been called upon to provide them) include governments at various levels, private corporations, non-profit and non-governmental organizations, and educational institutions:

- [Reparations and Persistent Racial Wealth Gaps](#)
- [The Economics of Reparations](#)
- [Georgetown Reconciliation Fund](#)
- [Virginia Victims of Eugenics Sterilization Compensation Program](#)

Land reparations is also sometimes referred to as land repatriation. Land repatriation not only requires giving the physical land back to the original owners but also adding legal and political frameworks to help uphold sovereignty. This form of reparations includes a call to redraw boundaries from the way that a particular area, country or jurisdiction has been historically codified and redefine the way land is structured, and property owned. There is an emphasis in

repatriation on redefining land, property, ownership and mapping through a decolonial lens. This can be done through several platforms, tools and instruments. A key example of this approach is the Indigenous land back rights movement:

- [Reparative Infrastructures](#)
- [Returning Land, Expanding Landscape](#)
- [Land Reparations and Indigenous Solidarity Toolkit](#)

Symbolic reparations primarily take the form of apologies and other ways of seeking forgiveness for past injustices. These include formal announcements, speeches, the creation of a statue, plaque, memorial or tribute, or an official document adopted by a legislature or other institutional body. This form of reparations is often paired with a more concrete form of reparations such as economic restitution. Perhaps the most essential part of this reparative form is documenting an official acknowledgement of wrongdoing and harm:

- [Reconciliation and Reparations](#)
- [Civil Liberties Act of 1988 \(H.R.442\)](#)

### **III Cases and Models**

Various (if limited) examples of reparations in their many forms have appeared throughout modern history, and can be demonstrated in several case studies, as either enacted by governments and organizations or proposed by advocacy groups and victims themselves. One prominent US example are Japanese reparations in response to the unjustified displacement and confinement of and economic harm to Japanese immigrants and American citizens of Japanese descent during the World War 2.<sup>4</sup> More than 100,000 first- and second-generation Japanese Americans as well as Japanese immigrants were removed from homes and businesses (primarily in California) and placed in relocation centers and eventually internment camps hundreds of miles away. After four decades of activism and struggle, a reparations effort was successful during the 1980s. The actual reparations consisted of returning objects (or the monetary value of said objects) taken during the original internment process (which had been documented by the federal administration) and included no monetary payouts or reparations for the injustice itself but rather for the value of goods and property lost (as long as it was documented).<sup>5</sup> Victims could file claims and receive some compensation, managed through the Office of Redress Administration (ORA) for Restitution Payment, with a 10-year program and \$20,000 to each eligible person. \$1.6 billion was actually paid out, but very few people actually received the full amount.<sup>6</sup> This case more represents a local reparations principle, repairing for a specific act/loss in narrow terms of economic loss rather than in terms of the injustice represented by internment itself.

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<sup>4</sup> Yoshida, H. (n.d.). *Redress and reparations for Japanese American incarceration*: . The National WWII Museum | New Orleans. <https://www.nationalww2museum.org/war/articles/redress-and-reparations-japanese-american-incarceration>

<sup>5</sup> Sarah L. Brew, Making Amends for History: Legislative Reparations for Japanese Americans and Other Minority Groups, 8(1) LAW & INEQ. 179 (1990).

<sup>6</sup> GovTrack.us. (2024). H.R. 442 — 100th Congress: Civil Liberties Act of 1987. Retrieved from <https://www.govtrack.us/congress/bills/100/hr442>

Justice for the victims of the Holocaust of Jewish and other populations during WWII also serve as another prominent example of reparative policy. There are several forms of reparations related to the Holocaust. These include economic reparations to those harmed by the Holocaust<sup>7</sup>, symbolic reparations via public apologies, as well as cultural reparations through art return, return of stolen property, and other kinds of restitution<sup>8</sup>. This scale has mainly been transnational, and reparations have often been concluded through treaties between countries and organizations. The United Nations has also been involved in some cases, as many of the actual harms were violations of international law and are matters of international importance<sup>9</sup>. Some can also be considered as a form of national reparations, as some reparative acts were specifically from one country to its residents.

Another significant case (and the one with the most relevance to our work) are reparations for African American communities, referencing a wide range of injustices but generally beginning with the ‘original sin’ of American slavery.<sup>10</sup> Beyond this most prominent example, reparations for African Americans also include the many other longstanding examples of racial injustice including for the victims of Jim Crow laws, racial violence and terrorism such as lynching, disenfranchisement through barriers to political participation (such as poll taxes), racialized housing covenants, blockbusting, redlining and other forms of residential segregation, discriminatory policies in hiring, education and healthcare and other forms of discrimination experienced by African Americans.<sup>11</sup> More recently, many efforts at reparation target modern-day disparities, such as the wealth gap, housing inequality, and police brutality that continue to lead to widely disparate socioeconomic injustices based on race. Due to the wide-reaching impacts of racism, it can be difficult to target a distinctive scale and type of reparation, as both harms and policies are felt across many types, scales and levels.<sup>12</sup>

Finally, indigenous reparations are articulated through various processes, including territorial return, access to traditional practices (through hunting and fishing licenses), resource rights (such as oil and gas and mineral rights), land back movements, return of artwork, archeological and cultural artifacts, and monetary payments. It is important to note that such efforts have made little progress beyond proposals and have resulted in few impactful examples of actual reparations.<sup>13</sup> Those that have occurred have been made primarily on a national scale,

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<sup>7</sup> Goschler, Constantin, “Luxembourg Agreement”, in: Encyclopedia of Jewish History and Culture Online, Original German Language Edition: Enzyklopädie Jüdischer Geschichte und Kultur. Im Auftrag der Sächsischen Akademie der Wissenschaften zu Leipzig herausgegeben von Dan Diner. © J.B. Metzler, Stuttgart/Springer-Verlag GmbH Deutschland 2011–2017.

<sup>8</sup> Unidroit Convention on Stolen or Illegally Exported Cultural Objects Rome, 24 June 1995

<sup>9</sup> UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 10 January 2024]

<sup>10</sup> Darity, William A., and A. Kirsten Mullen. *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, University of North Carolina Press, 2020. ProQuest Ebook Central, <https://ebookcentral.proquest.com/lib/uvm/detail.action?docID=6126519>.

<sup>11</sup> Kaplan, Jonathan, and Andrew Valls. “Housing Discrimination as a Basis for Black Reparations.” *Public Affairs Quarterly*, vol. 21, no. 3, 2007, pp. 255–73. JSTOR, <http://www.jstor.org/stable/40441462>. Accessed 10 Feb. 2023.

<sup>12</sup> Danielson, Mishael A, and Alexis Pimentel. “Give Them Their Due: An African-American Reparations Program Based on the Native American Federal Aid Model.” *Washington and Lee Journal of Civil Rights and Social Justice*, vol. 10, no. 1, 2004, pp. 89–114., <https://doi.org/https://scholarlycommons.law.wlu.edu/crsj/vol10/iss1/7>.

<sup>13</sup> Dinab, Shbelton, ‘Reparations for Indigenous Peoples: The Present Value of Past Wrongs’, in Federico Lenzerini (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives* (Oxford, 2008; online edn, Oxford Academic, 22 Mar. 2012), <https://doi.org/10.1093/acprof:oso/9780199235605.003.0003>, accessed 10 Jan. 2024.

with some movements on a state-by-state basis.<sup>14</sup> Indigenous reparations also come in a variety of types, often including land acknowledgements, symbolic, and cultural reparative acts.<sup>15</sup>

There are also multiple models considered by governments and academics in this area. One exploratory model created by the United Nations is the UN Standards of Reparations. The UN defines reparations as “adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law.” This definition of reparations is made for more wider ranging injustices, such as Holocaust reparations, justice for those wronged by war crimes, and other wider ranging international incidents. In order to have reparations under the UN’s definition there are 5 conditions: Cessation (assurances and guarantees of non-repetition), Restitution and repatriation, Compensation, Satisfaction, Rehabilitation. These conditions give a step-by-step list of requirements in order to fully gain reparations, highlighting the steps of compensation and rehabilitation. This definition requires the encapsulation of multiple forms of reparations – there cannot just be symbolic or monetary compensation, but a mixture of multiple forms must be employed in order to most fully repair the wrongdoing.<sup>16</sup>

Another model was created by Dr. William Darity, an economist specializing in reparations efforts. He calculates economic reparations based on a post-Civil War promise of 40 acres worth of land (which in 2024 would equal roughly \$80,000 per person). Due to his background and work, he mainly focuses on the economic form of compensation, though he has proposed multiple versions of his monetary models, most resulting in a higher sum of reparations. His work is valuable as it gives a variety of options for monetary compensation, often the most difficult part of determining reparations.<sup>17</sup>

One current model is that being developed in the State of California. California follows the UN Principles of Reparations definition, as well as the 5 conditions required in order to properly calculate and address reparations. They then break down several racial historical issues and create a step-by-step list of how to address each condition under each category. The reparations favor those descended from slaves, though some of the components apply to all Black Americans who live within California. The goal of these reparations is to take responsibility for the ways in which California and the California government have actively taken part in racism, and to undo some of the long-lasting effects.

The categories which are addressed are listed as Enslavement, Racial Terror, Policies Addressing Political Disenfranchisement, Housing Segregation and Unjust Property Takings, Separate and Unequal Education, Racism in Environment, Pathologizing of African American Families, Control Over Creative, Cultural and Intellectual Life, Stolen Labor and Hindered

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<sup>14</sup> Danika Cooper (UC, Berkeley) Returning Land, Expanding Landscapes

<sup>15</sup> Native American Grave Protection and Repatriation Act, Pub. L. No. 101-601, 104 Stat.

<sup>16</sup> UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 10 January 2024]

<sup>17</sup> Darity, William A., and A. Kirsten Mullen. *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, University of North Carolina Press, 2020. *ProQuest Ebook Central*, <https://ebookcentral.proquest.com/lib/uvm/detail.action?docID=6126519>.

Opportunity, Unjust Legal System, Mental and Physical Harm and Neglect, and the Wealth Gap. Each of these categories is then separately repaired for using the conditions created by the UN.<sup>18</sup>

A similar model can be found in Evanston, IL, which aims to address a specific case of injustice. The city recognizes that the percentage of black homeowners declined precipitously between the 1920s and 1970s, directly as a result of racist and segregationist policies. Evanston's approach has been to adopt an action-oriented form of reparations, with specific focus on housing reparations within the city. The city works both with investments into black housing ownership efforts, as well as lump sum payments to those who can prove evidence of housing discrimination in their family's time living in the city. This is determined by a committee within the city, and the benefits are distributed to those who apply via application, with the city utilizing its cannabis tax receipts to fund the program. The components of the policy include home ownership benefit, through down payment and closing cost assistance for black residents, home improvement benefits consisting of funds to repair, modernize, and improve housing within the city, and mortgage assistance benefits through money for down mortgage principal, interest, and/or late penalties for property. The city recognizes that their discriminatory housing practices (primarily through racial zoning and housing covenants) were assisted by the city and have caused ongoing racialized issues and supported the wealth gap. This model is particularly action oriented, with current, ongoing, steps taken by the city government.<sup>19</sup>

Providence, RI, uses the process of Truth, Reconciliation, and Reparations in order to address systematic racism. Eligibility for this program is available to Indigenous people, those of African descent, qualified census tracts and neighborhoods, and residents facing poverty (not reliant of the race of those residing there). This is considered a race neutral reparations policy, though the plan does specifically aim to address racism within the city. This policy is not necessarily a racial or slavery reparations policy, but rather to prevent ongoing inequality within the city. They utilize a 11-point reparations plan, including symbolic, economic, and cultural reparations efforts. By using multiple types of reparative processes, they are able to more fully address various claims, including those that are not entirely race based. They aim to repair for slavery, urban renewal, racist laws, and more. The plan is more specifically broken down in the report on reparations policy overview.<sup>20</sup>

Another city, Asheville, NC, prepared a resolution suggesting a 3-phase process for reparations, with the steps being Information Sharing and Truth-Telling, Formation of a Reparations Commission, and Finalizing and Presenting the Report. Asheville's taskforce has determined 5 categories they aim to pass reparative policy for: Criminal Justice, Economic Development, Education, Health & Wellness, and Housing. Asheville does not provide direct monetary payouts, and instead aims to create generational wealth. This is an economic based policy which focuses on investments rather than personal compensation. There is also the

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<sup>18</sup> Bonta, Rob. "AB3121 Interim Report - Oag.ca.gov." *State of California Department of Justice*, 2022, [https://oag.ca.gov/system/files/media/ab3121-interim-report-executive-summary-2022.pdf?aff\\_id=1037](https://oag.ca.gov/system/files/media/ab3121-interim-report-executive-summary-2022.pdf?aff_id=1037).

<sup>19</sup> City of Evanston. "Reparations- Restorative Housing Program Guidelines 2021 - City of Evanston." <https://www.cityofevanston.org/>, 2021, <https://www.cityofevanston.org/home/showpublisheddocument/66184/637677439011570000>.

<sup>20</sup> Providence Municipal Reparations Commission (2022) Report of The Providence Municipal Reparations Commission

element of symbolic reparations with a formal apology on behalf of the city's participation in systematic racism and slavery.<sup>21</sup>

A final model of reparations was created by the NAACP, which highlights the 40 acres and a mule promises not met during Reconstruction. This would consist of a 40-acre land grant for each family of 3 or more individuals with no taxes for the first 5 years. Under social services, descendants of enslaved people get social security benefits, access to Medicare, and other old age programs earlier (due to disparities in life expectancy). These components are listed as first steps, which must be followed by a systematic overhaul of our social system completed with structural changes. This is a national reparations effort which could not be recreated at a smaller level, particularly the full recall of our social and law system. Similar to Darity, they base their suggestions on the promises which were stolen away post the Civil War but go at this from a slightly more literal approach.<sup>22</sup>

#### **IV Challenges and Barriers**

There are multiple challenges that we can imagine confronting a reparations effort. Among these are the issues in determining funding, scale and eligibility of recipients. The vastness and entanglement of the entirety of American society in the slave economy means that there are really no parts of the country that can be held blameless in the efforts to address this 'original sin'. In this sense the City of Burlington is implicated in the US history of slavery regardless of the historical presence of actual enslaved persons within its boundaries. Yet – as some of the experts we consulted suggested – is it appropriate for a small city to try and right the wrongs of this historical injustice? Could it actually do so, given the cost and scale of the enterprise?

The very question of who pays for reparations can be one of the biggest challenges faced in getting attempts off of the ground. There are political issues that abound, especially within a country, state and city that is as deeply divided on all fronts to try and engage in such efforts. The very notion of reparations seems to demand proof of both harm and of intentionality to create harm. For a historical wrong, both can be difficult to produce. In order to create a reparations framework, there also needs to be a clear source of funding, with clear parameters of who and where this money goes towards. Determining scale of reparations can also be a clear challenge. Beyond the material and structural challenges, there is also the issue of public perception, and convincing the public that reparations are a valuable use of city funds and time. It is crucial, in any reparations effort to have a robust education and outreach strategy to engage with affected communities.

Finally, determining eligibility for any reparations program will be tricky. How does one go about – at the city level – deciding who is and who is not to be eligible for any such program? Who will be empowered at city hall to declare one applicant legitimate and another not? What types of oversight and appeals processes will be needed? Will there be different kinds of

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<sup>21</sup> Resolution Supporting Community Reparations for Black Asheville, Resolution No. 20-128 (2020)

<sup>22</sup> *Reparations*. NAACP. (2022, June 13). <https://naacp.org/resources/reparations>

reparations for different kinds of harms? What sources will funds be drawn from, and will there be potential differences in compensation based on type of harm?

All of these conceptual, structural and institutional issues does not preclude the *necessity* of engaging in reparations work – the moral obligation is clear such challenges notwithstanding. But these challenges need to be addressed seriously and intentionally by the City of Burlington if it is to engage in this effort in good faith.

## **V Recommendations**

Based on our review of the reports commissioned by this Taskforce, our research into the history, scope and scale of reparations efforts, and our own deliberations, we suggest the following next steps for the City Council:

## **VI Appendices**

Burlington City Council Resolution 7.06

Consultant 1 Reports – History of Enslaved Persons in Burlington

Consultant 2 Reports – Approach to Studying Racialized Covenants

Consultant 3 Reports – Discrimination and Reparations

UVM Report – Use of Racialized Covenants in Burlington (Pilot Study)

Expert Review of Recommendations

Financial Report

### *Report Synopses*

#### Census data on enslaved persons in Burlington and Vermont (commissioned report)

This report analyses the history of slavery, and more generally black residency, within Burlington and Vermont more fully. While slavery was immediately outlawed upon Vermont gaining statehood, slavery still very much existed within the state and city, with specific provisions hidden inside state laws allowing for forms of slavery, the utilization of roles as servants and other actions that served to advance racialized divisions within the population. The report also reviews the ways in which Vermont benefited from slavery, financially and otherwise. These effects are wide ranging over time and continue to affect the state today. Another section of report includes vignettes of black Vermonters and Burlington residents and their history in the state, highlighting the struggles and discrimination faced in what was supposed to be a non-slave state. These struggles come both from pre-civil war era US, as well as post reconstruction discriminatory practices done within Vermont. The general outcome of this report is evidence of state sponsored racially based discrimination and further information on Vermont's long history with racism.

#### Housing record search on racialized covenants (commissioned report on methodology, UVM report detailing search)

This report systematically searches through landholding and lease records, historical land records, archival newspapers, and census data to search for evidence of racialized covenant

language within Burlington. The outputs of this report found evidence of some sort of discriminatory covenants on several properties, but there was no specifically racialized language that appear systematically within leases or other historical text. These covenants are suggestive that racialization of housing practices *may* have existed within the city on an individual basis but there is no direct evidence of systematic exclusions on the basis of race.

#### Overview of discriminatory laws in the US and elsewhere (commissioned report)

This is a series of reports outlining the various ways that reparations are created, and the historical context behind racism in lawmaking. Despite Vermont not being established as a slave state, there were several laws within the state and city which promoted racist ideals. This report also provides an overview of laws created within the wider United States. Another output of this report is the documentation of the history of racial harm in Vermont in areas such as healthcare, wealth disparities, education, incarceration, and land ownership. There is also a major cultural element of this type of discrimination.

#### Overview of models of reparation (UVM report)

This report outlines the various reparations policies and proposed models from within the United States, as well as internationally. It serves as an example of various ways that reparative policy can be implemented within specific circumstances and provides various historical and cultural definitions of what reparations can mean in a practical sense. This report highlights potential applied forms of reparations and provides background on reparative policies which have been implemented in the past.