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For Immediate Release
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News Release

Early Vermont Constitution Records Now Online

MONTPELIER – Secretary of State Jim Condos announced today that records relating to the first hundred years of the Vermont Constitution, including proposals of amendments, are now available online at: http://vermont-archives.org/publications/publicat/pdf/Council_of_Censors.pdf

Secretary Condos noted, “The records of the Vermont Council of Censors, 1777-1870 provide unique insights not only into the evolution of our state constitution but also on persisting issues such as the nature of representation, constitutions, and citizenship.”

The Council of Censors was a constitutional body of thirteen men, elected to one year terms every seven years. It had the authority to review the actions of state government in the preceding seven years to see if they conformed to constitutional requirements. It also was the sole body that could propose amendments to the constitution. Proposed amendments would then be presented to a constitutional convention for ratification or rejection.

The publication of the Council’s records was originally done in 1991 under then Secretary of State Jim Douglas. The Council’s journals were transcribed and annotated by Paul Gillies and Gregory Sanford.

Secretary Condos explained that, “Putting Gillies and Sanford’s work online reflects our enhanced opportunities for distributing information through technology. It is part of my commitment to making public information as broadly available, for free, as we can.”

The Censors successfully proposed two-year terms of office; the creation of a state senate; and their own replacement with the current amendment process, though with a ten-year time lock as opposed to the current four years. The Council also foreshadowed the current make-up of the House of Representatives when in 1856 it proposed replacing town-representation with a 150 member chamber based on population. While their proposals failed at the time, their system of proportional representation was essentially adopted in 1965.

The debates surrounding even the Council's failure are fascinating. The 1869 Council's debates over extending the vote to women followed along the lines of 20th Century debates over the equal rights amendment. The Council's proposal in support of women's suffrage lost in convention 1 to 233.

"Making records on the evolution of our state constitution widely accessible is important to our civic education, as students and as Vermonters," said Condos. The online presentation is full-text searchable, easing the ability to search issues over time.

Secretary of State Jim Condos has over 20 years of elected public service, including 18 years at the local level and 8 years as a Vermont State Senator, in addition to more than 30 years of private sector business experience.

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Selections from the Records of the Council of Censors, 1770-1870

On Women's Suffrage

"We believe that woman, married or unmarried, was made to be the companion of man and not his mere servant; that she has the same right to control her property that he has to control his; that she has the same right to aspire to any occupation, profession, or position, the duties of which she is competent to discharge, that he has. A right is worth nothing without the power to protect it. The ballot alone can do this."

July 28, 1869 (p. 642)

On the Creation of a Senate

"With these views, we propose, as a safeguard against hasty and improvident legislation, and to remedy, in some degree, the inequality of representation in the most numerous branch of the legislature, a Senate as a substitute for the present Council. The Senate to consist of thirty members, to be apportioned to the several counties, as near as may be, in the ratio of population--providing however, that each county shall have, at least, one Senator."

January 16, 1835 (p. 374)

On the Disadvantage of Annual Sessions of the Legislature

"Your committee are of the opinion that a careful scrutiny of the history of our State Legislature for the past twenty years will show that in most cases our public legislation has been confined to trivial matters, and that no important changes have been made in our laws as often as once in two years, nor indeed for much longer periods. Such scrutiny will also show that in many instances, such changes as have been made, have been had unadvisedly, so that no inconsiderable part of the business has been to undo and repeal what had been so hastily done the year before. In this view your committee are of opinion that we have had too much legislation; that the continual tinkering of the laws, by making amendments one year and repealing them the next, and the numerous minor modifications of our statute which our legislation has produced, have not been profitable to the State."

July 29, 1869 (p. 645)

Foreshadowing Current Use

In our enquiry, "whether the public taxes have been justly laid and collected in all parts of this commonwealth," we are of opinion, that the act passed by the legislature in October 1797, laying a tax of one cent per acre, on all lands in this state indiscriminately," was unequal and unjust. It is a principle universally allowed, that property ought to be taxed in proportion to its real value, and annual income; and though it is impossible by any general rule to do perfect justice, yet the mode that makes the nearest approach thereto is to be preferred. The taxing the wild and uncultivated mountains per acre, equal to the lands of the highest cultivation, or covered with elegant buildings, can bear no proportionate estimate, either in value or income.

Feb 4, 1800 (p. 170)

On the People's Role in Amending the Constitution

It is evident that the people at the present time take but little interest in amending their Constitution, nor have they since 1850. They have become so indifferent that it is a matter of doubt whether one in ten really knows and understands what our Constitution is, or how it is amended; and the question arises, is it best or expedient to perpetuate and continue a system so little understood, and in which so little interest is manifested? It should be brought home nearer to the people; they should have a direct influence, instead of an indirect and remote one. This is an age of improvement, and a republican government is never wiser nor better, in our State, at least, and at the present time, than the people who elect it; and such a government fails to answer its design when the people become indifferent to its workings.

The people of Vermont are at the present time vastly more intelligent, better informed, better educated than formerly, and no good reason exists in the opinion of the minority for not trusting them directly in the final amendments to their Constitution.

July 31, 1869 (pp. 659-660)

On the Purpose of a Constitution

"Again it is urged that the Council of Censors is a body unknown to sister states, and has arrived at that "respectable old age" in our own that entitles it to funeral honors. We are unable to see any force in this argument. The very soul of an organic law--of a constitution for a commonwealth, is permanency. The people demand some permanent law so that legislatures of partisan bias shall not trample upon the rights of minorities."

August 3, 1869 (p. 680)