

Proposal 4

Recently, the founding members of the Declaration of Inclusion Initiative distributed a commentary supporting Proposal 4.

We have long prided ourselves on living in a state where equality and individual liberty are deeply held values. But there's a striking gap between those ideals and the language of the state Constitution: Vermont has never explicitly guaranteed equal protection under state constitutional law.

Proposal 4 fixes that.

The amendment would add a new Article 23 to Chapter I of the Vermont Constitution, declaring that "the people are guaranteed equal protection under the law." It would prohibit the state from denying equal treatment on the basis of race, ethnicity, sex, religion, disability, sexual orientation, gender identity, gender expression or national origin. It would also make clear that the Constitution may not be used to prevent measures intended to provide equal treatment and opportunity to groups that have historically experienced discrimination.

That's not a radical departure from Vermont's constitutional tradition. It is an effort to finish the job.

In their endorsement, the members of the initiative write, "At its core, Proposal 4 is about guaranteeing everyone a dignified life. It establishes a constitutional benchmark that state policy must actively work toward substantive equity — not merely equality on paper. Economically, it affirms the right of every resident to a fair opportunity to work, earn a living, and support their family. It recognizes that access to housing, healthcare, and education forms the bedrock of individual freedom and community well-being."

Critics of Proposal 4 deserve to be heard, particularly because constitutional amendments should receive careful scrutiny. Some of the proposal's opponents argue that the list of protected characteristics is too specific and potentially creates different standards for different groups. Some lawmakers have raised concerns that equal protection should mean equal protection for every Vermonter rather than a constitutional framework that appears to distinguish among groups. Others, including the Vermont Family Alliance, have argued that the amendment could generate litigation, increase government costs, or provide a constitutional basis for policies they believe could disadvantage people outside the listed categories.

Those are legitimate questions about wording and consequences, and voters should consider them. But they do not erase the central problem Proposal 4 addresses.

The amendment begins with an extraordinarily broad promise: "equal protection under the law." The listed categories identify forms of discrimination that the Constitution would expressly prohibit, while the final provision recognizes that government may take measures intended to provide equal treatment and opportunity to groups that have historically faced discrimination.

In other words, Proposal 4 is not declaring that some Vermonters are entitled to rights while others are not. It is establishing equality as a constitutional rule and acknowledging that achieving equal opportunity can sometimes require

addressing unequal conditions.

That's how lawmakers saw it, too.

Proposal 4 was approved in two successive legislative sessions, as required for a constitutional amendment. In May 2026, the House approved it 128-14; the Senate had approved it 29-0 in March. It is headed to voters for ratification on Nov. 3.

The initiative members point out that a "yes" vote "prohibits the state from denying equal rights to anyone based on who they are. It ensures that no Vermonter faces discrimination, unequal treatment, or social exclusion because of their background, identity, or community. The proposal's language is clear: adding these protections does not limit any existing rights, nor does it elevate one group at the expense of another. Equity is not a zero-sum game."

For us, that makes sense. Proposal 4 dots the "i" and crosses the "t" in equal rights.

Why wouldn't we want that? We would argue it does not have to be a partisan issue. And yet it has become so. Critics say the state's Constitution already covers equality; why bother saying what is already implied? And there you have it: It assumes, so it needs to be more explicit.

The existing Constitution does contain powerful language about equality. Article 1 says all people are born "equally free and independent," while Article 7 says government exists for the common benefit, protection and security of the people. Vermont courts have relied on Article 7's "common benefits" provision when considering claims of unequal treatment.

But a constitutional principle should not have to be inferred from a neighboring provision when the principle itself is fundamental.

Vermont has never had an explicit equal-protection clause and that courts have consequently had to use Article 7 to perform a job for which it was not specifically designed. Adding an equal-protection guarantee would give Vermont a clearer constitutional foundation for addressing discrimination.

Ordinary statutes can be amended, repealed or overtaken by changing political circumstances. A constitutional guarantee is different. It establishes a durable rule against which government action can be measured, regardless of which party controls the State House or who occupies the Governor's office.

This is not not simply about adding "another civil-rights statute" to the books. It's about defining a basic constitutional relationship between government and the people it serves.

The question before Vermonters is ultimately a straightforward one: Should equal protection be an explicit promise of Vermont's Constitution, rather than a principle courts must derive from other language?

A Constitution should state clearly — one could use the word "explicitly" to put a finer point on it — what a state believes government owes its people. Vermont already says that people are born free and that government exists for the common benefit. Proposal 4 would add the missing constitutional sentence: "Everyone is entitled to equal protection under the law."