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H.478

Introduced by Representatives Cina of Burlington, Christie of Hartford,
Colburn of Burlington, Colston of Winooski, Cordes of
Lincoln, and Gonzalez of Winooski

Referred to Committee on

Date:

Subject: Executive Branch; General Assembly; Task Force to Study and
Develop Reparation Proposals for African Americans

Statement of purpose of bill as introduced: This bill proposes to establish a
task force to:

- (1) study and consider a State apology and proposal for reparations for
the institution of slavery; and
- (2) make recommendations to the General Assembly on appropriate
remedies.

An act relating to establishing a task force to study and consider a State
apology and proposal for reparations for the institution of slavery

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 3 V.S.A. chapter 70 is added to read:

3 CHAPTER 70. REPARATIONS FOR THE INSTITUTION OF SLAVERY

4 § 5201. FINDINGS AND PURPOSE

5 (a) The General Assembly finds and declares:

6 (1) Approximately 4,000,000 Africans and their descendants were
7 enslaved in the United States and the colonies that became the United States
8 from 1619 to 1865.

9 (2) The institution of slavery was constitutionally and statutorily
10 sanctioned by the United States from 1789 through 1865.

11 (3) The slavery that flourished in the United States constituted an
12 immoral and inhumane deprivation of Africans' life, liberty, African
13 citizenship rights, and cultural heritage and denied them the fruits of their own
14 labor.

15 (4) A preponderance of scholarly, legal, and community evidentiary
16 documentation, as well as popular culture markers, constitute the basis for
17 inquiry into the ongoing effects of the institution of slavery and its legacy of
18 persistent systemic structures of discrimination on living African Americans
19 and society in the United States.

20 (5) Following the abolition of slavery, the U.S. government at the
21 federal, state, and local level continued to perpetuate, condone, and often profit

1 from practices that continued to brutalize and disadvantage African Americans,
2 including sharecropping, convict leasing, Jim Crow laws, redlining, unequal
3 education, and disproportionate treatment at the hands of the criminal justice
4 system.

5 (6) As a result of the historic and continued discrimination, African
6 Americans continue to suffer debilitating economic, educational, and health
7 hardships, including:

8 (A) having nearly 1,000,000 black people incarcerated;

9 (B) an unemployment rate more than twice the current white
10 unemployment rate; and

11 (C) an average of less than 1/16 of the wealth of white families, a
12 disparity that has worsened, not improved, over time.

13 (b) It is the purpose of this chapter to establish a task force to:

14 (1) study and develop reparation proposals for African Americans as a
15 result of:

16 (A) the institution of slavery, including both the transatlantic and
17 domestic “trade” that existed from 1565 in colonial Florida and from
18 1619 through 1865 within the other colonies that became the United States,
19 and that included the federal and state governments, that constitutionally and
20 statutorily supported the institution of slavery;

1 (B) the de jure and de facto discrimination against freed slaves and
2 their descendants from the end of the Civil War to the present, including
3 economic, political, educational, and social discrimination;

4 (C) the lingering negative effects of the institution of slavery and the
5 discrimination described in subdivisions (1) and (2) of this subsection (b) on
6 living African Americans and on society in Vermont and the United States;

7 (D) the manner in which instructional resources and technologies are
8 being used to deny the inhumanity of slavery and the crime against humanity
9 of people of African descent in Vermont and the United States;

10 (E) the role of Northern complicity in the Southern-based institution
11 of slavery; and

12 (F) the direct benefits to societal institutions, public and private,
13 including higher education, corporate, religious, and associational;

14 (2) recommend appropriate ways to educate the Vermont public of the
15 task force's findings;

16 (3) recommend appropriate remedies in consideration of the task force's
17 findings on the matters described in this section; and

18 (4) submit to the General Assembly the study completed pursuant to
19 section 5202 of this chapter, together with any recommendations.

1 § 5202. TASK FORCE TO STUDY AND DEVELOP REPARATION

2 PROPOSALS FOR AFRICAN AMERICANS; DUTIES

3 (a) There is established the Task Force to Study and Develop Reparation
4 Proposals for African Americans (Task Force).

5 (b) The Task Force shall perform the following duties:

6 (1) Identify, compile, and synthesize the relevant corpus of evidentiary
7 documentation of the institution of slavery that existed within the United States
8 and the colonies that became the United States from 1619 through 1865. The
9 Task Force's documentation and examination shall include the facts related to:

10 (A) the capture and procurement of Africans;

11 (B) the transport of Africans to the United States and the colonies
12 that became the United States for the purpose of enslavement, including their
13 treatment during transport;

14 (C) the sale and acquisition of Africans as chattel property in
15 interstate and intrastate commerce;

16 (D) the treatment of African slaves in the colonies and the United
17 States, including the deprivation of their freedom, exploitation of their labor,
18 and destruction of their culture, language, religion, and families;

19 (E) the extensive denial of humanity, sexual abuse, and
20 chattelization of persons;

1 (F) the role of the federal and state governments of the United States
2 in supporting the institution of slavery in constitutional and statutory
3 provisions, including the extent to which the governments prevented, opposed,
4 or restricted efforts of formerly enslaved Africans and their descendants to
5 repatriate to their homeland;

6 (G) the federal and state laws that discriminated against formerly
7 enslaved Africans and their descendants who were deemed U.S. citizens from
8 1868 to the present;

9 (H) the other forms of discrimination in the public and private sectors
10 against freed African slaves and their descendants who were deemed
11 U.S. citizens from 1868 to the present, including redlining, educational funding
12 discrepancies, and predatory financial practices; and

13 (I) the lingering negative effects of the institution of slavery and the
14 matters described in this section on living African Americans and on society in
15 the United States.

16 (2) Recommend appropriate ways to educate the Vermont public of the
17 Task Force's findings.

18 (3) Recommend appropriate remedies in consideration of the Task
19 Force's findings on the matters described in this section. In making
20 recommendations, the Task Force shall address among other issues, the
21 following:

1 (A) how the recommendations comport with international standards
2 of remedy for wrongs and injuries caused by the State, that include full
3 reparations and special measures, as understood by various relevant
4 international protocols, laws, and findings;

5 (B) how the State of Vermont will offer a formal apology on behalf
6 of the people of Vermont for the perpetration of gross human rights violations
7 and crimes against humanity on African slaves and their descendants;

8 (C) how Vermont laws and policies that continue to
9 disproportionately and negatively affect African Americans as a group, and
10 how those that perpetuate the lingering effects, both material and psychosocial,
11 can be eliminated;

12 (D) how the injuries resulting from matters described in this section
13 can be reversed and provide appropriate policies, programs, projects, and
14 recommendations for the purpose of reversing the injuries;

15 (E) how, in consideration of the Task Force's findings, any form of
16 compensation to the descendants of enslaved Africans is calculated;

17 (F) what form of compensation should be awarded, through what
18 instrumentalities, and who should be eligible for such compensation; and

19 (G) how, in consideration of the Task Force's findings, any other
20 forms of rehabilitation or restitution to African descendants is warranted and
21 what the form and scope of those measures should take.

1 (c) The Task Force shall submit a written report of its findings and
2 recommendations to the General Assembly not later than the date that is
3 one year after the date of the first meeting of the Task Force held pursuant to
4 section 5203 of this chapter.

5 § 5203. MEMBERSHIP

6 (a) Number and appointment.

7 (1) The Task Force shall consist of 11 members, appointed as follows:

8 (A) Three members shall be appointed by the Governor, not more
9 than two of whom shall be from one political party.

10 (B)(i) Eight members shall be appointed by the General Assembly,
11 four by the Senate Committee on Committees, and four by the Speaker of the
12 House.

13 (ii) Not more than four appointees shall be members of the
14 General Assembly, and each appointing authority shall appoint not more than
15 two members from the same political party.

16 (iii) At minimum, four appointees shall represent major civil
17 society and reparations organizations that have historically championed the
18 cause of reparatory justice, including the NAACP, Justice For All, and Black
19 Lives Matter.

20 (2) Members shall be drawn from diverse backgrounds to represent the
21 interests of communities of color throughout the State, have experience

1 working to implement racial justice reform, and, to the extent possible,
2 represent geographically diverse areas of the State.

3 (b) Terms. The term of office for members shall be for the life of the Task
4 Force. A vacancy in the Task Force shall not affect the powers of the Task
5 Force and shall be filled in the same manner that the original appointment was
6 made.

7 (c) First meeting. The Governor shall call the first meeting of the Task
8 Force to occur on or before January 1, 2020.

9 (d) Quorum. Seven members of the Task Force shall constitute a quorum.

10 (e) Chair and vice chair. The Task Force shall elect a chair and vice chair
11 from among its members. The term of office of each shall be for the life of the
12 Task Force.

13 (f) Compensation.

14 (1) For attendance at meetings during adjournment of the General
15 Assembly, a legislative member of the Task Force shall be entitled to per
16 diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
17 § 406 for not more than 10 meetings. These payments shall be made from
18 monies appropriated to the General Assembly.

19 (2) Other members of the Task Force shall be entitled to per diem
20 compensation and reimbursement of expenses as permitted under 32 V.S.A.

1 § 1010 for not more than 10 meetings. These payments shall be made from
2 monies appropriated to the Task Force.

3 § 5204. POWERS

4 (a) Hearings and sessions. For the purpose of carrying out the provisions
5 of this chapter, the Task Force may:

6 (1) hold hearings and sit and act at any time and location in Vermont;

7 (2) request the attendance and testimony of witnesses;

8 (3) request the production of books, records, correspondence,
9 memoranda, papers, and documents; and

10 (4) seek an order from the Civil Division of the Superior Court
11 compelling testimony or compliance with a subpoena.

12 (b) Powers of subcommittees and members. Any subcommittee or
13 member of the Task Force may, if authorized by the Task Force, take any
14 action that the Task Force is authorized to take pursuant to this section.

15 (c) Obtaining official data. The Task Force may acquire directly from the
16 head of any department, agency, or instrumentality of the Executive Branch
17 of the State available information that the Task Force considers useful in the
18 discharge of its duties. All departments, agencies, and instrumentalities of
19 the Executive Branch shall cooperate with the Task Force with respect to
20 such information and shall furnish all information requested by the Task
21 Force to the extent permitted by law. The Task Force shall keep confidential

1 any information received from a public agency that is confidential or exempt
2 from the Public Records Act.

3 § 5205. ADMINISTRATIVE PROVISIONS

4 (a) Staff. The Task Force may appoint and fix the compensation of such
5 personnel as the Task Force considers appropriate.

6 (b) Assistance. The Task Force shall have the administrative, technical,
7 and legal assistance of the Human Rights Commission.

8 (c) Contracts. The Task Force may:

9 (1) procure supplies, services, and property by contract in accordance
10 with applicable laws and rules; and

11 (2) enter into contracts with departments, agencies, and instrumentalities
12 of the United States; State agencies; and private firms, institutions, and
13 agencies for the conduct of research or surveys, the preparation of reports, and
14 other activities necessary for the discharge of the duties of the Task Force.

15 § 5206. TERMINATION

16 The Task Force shall terminate 90 days after the date on which the Task
17 Force submits the report to the General Assembly pursuant to section 5202 of
18 this chapter.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2019.