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H.387

Introduced by Representatives Cina of Burlington, Bluemle of Burlington,
Christie of Hartford, Colburn of Burlington, Colston of
Winooski, Cordes of Lincoln, Small of Winooski, Surprenant of
Barnard, Toleno of Brattleboro, and Vyhovsky of Essex

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to establish the
Task Force to Study and Develop Reparation Proposals for the Institution of
Chattel Slavery 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 the Task Force to Study and Develop
Reparation Proposals for the Institution of Chattel Slavery

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

2 Sec. 1. TASK FORCE TO STUDY AND DEVELOP REPARATION

3 PROPOSALS FOR THE INSTITUTION OF CHATTEL SLAVERY

4 (a) The General Assembly finds and declares:

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

8 (2) From 1789 through 1865, the United States constitutionally and
9 statutorily sanctioned the institution of slavery.

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

13 (4) An inquiry into the ongoing effects of the institution of slavery and
14 its legacy of persistent systemic structures of discrimination on living African
15 Americans and society in the United States can be based in a preponderance of
16 academic research, legal documentation, community evidence, and culture
17 markers.

18 (5) Following the abolition of slavery, government at the federal, state,
19 and local level continued to perpetuate, condone, and often profit from
20 continued practices that brutalized and disadvantaged African Americans.
21 These practices included sharecropping, convict leasing, Jim Crow laws,

1 redlining, unequal education, and disproportionate treatment at the hands of the
2 criminal justice system.

3 (6) As a result of both historic and continued discrimination, African
4 Americans currently suffer debilitating economic, educational, and health
5 hardships, including:

6 (A) having nearly 1,000,000 Black people incarcerated;

7 (B) an unemployment rate more than twice the current White
8 unemployment rate; and

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

11 (b) It is the purpose of this chapter to establish the Task Force to Study and
12 Develop Reparation Proposals for the Institution of Chattel Slavery to:

13 (1) study and develop reparation proposals for any person as a result of:

14 (A) the institution of slavery, including:

15 (i) the transatlantic and domestic slave trade that existed from
16 1565 in colonial Florida and from 1619 through 1865 within the other colonies
17 that became the United States; and

18 (ii) the constitutional and statutory support for the institution of
19 slavery by both federal and state governments;

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 use of instructional resources and technologies to deny the
8 inhumanity of slavery and the crime against the humanity of people of African
9 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 public and private institutions, including
13 institutions of higher education, corporations, religious institutions, and
14 associations;

15 (2) recommend appropriate ways to educate the Vermont public of the
16 Task Force's findings;

17 (3) recommend appropriate remedies in consideration of the Task
18 Force's findings on the matters described in this section; and

19 (4) submit to the General Assembly the study completed pursuant to
20 Sec. 2 of this act, together with any recommendations.

1 Sec. 2. TASK FORCE TO STUDY AND DEVELOP REPARATIONS
2 PROPOSALS FOR THE INSTITUTION OF CHATTEL SLAVERY;
3 DUTIES

4 (a) There is established the Task Force to Study and Develop Reparation
5 Proposals for the Institution of Chattel Slavery.

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

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

11 (A) the capture and procurement of Africans;

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

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

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

20 (E) the extensive denial of humanity, sexual abuse, and trade of
21 persons as chattel property;

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 have discriminated against African
7 Americans and their descendants from 1868 to the present;

8 (H) the other forms of discrimination in the public and private sectors
9 against African Americans and their descendants from 1868 to the present,
10 including redlining, educational funding discrepancies, and predatory financial
11 practices; and

12 (I) the lingering negative effects of the institution of slavery on living
13 African Americans and society in the United States.

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
17 Force's findings. In making recommendations, the Task Force shall address
18 the following:

19 (A) how the recommendations comport with international standards
20 of remedy for wrongs and injuries caused by the State, which include full

1 reparations and special measures, as understood by various relevant
2 international protocols, laws, and findings;

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

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

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

13 (E) how any form of compensation to the descendants of enslaved
14 persons should be calculated;

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

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

20 (c) The Task Force shall submit a written report of its findings and
21 recommendations to the General Assembly not later than the date that is one

1 year after the date of the first meeting of the Task Force held pursuant to Sec. 3
2 of this act.

3 Sec. 3. MEMBERSHIP

4 (a) Number and appointment.

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

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

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

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

14 (iii) At minimum, four appointees shall represent major civil
15 society and reparations organizations that have historically championed the
16 cause of reparatory justice, including the NAACP, Vermont Racial Justice
17 Alliance, and Black Lives Matter.

18 (2) Members shall be drawn from diverse backgrounds to represent the
19 interests of communities of color throughout the State, have experience
20 working to implement racial justice reform, and, to the extent possible,
21 represent geographically diverse areas of the State.

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

5 (c) First meeting. The Governor shall call the first meeting of the Task
6 Force to occur on or before January 1, 2021.

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

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

11 (f) Compensation.

12 (1) For attendance at meetings during adjournment of the General
13 Assembly, a legislative member of the Task Force shall be entitled to per diem
14 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
15 not more than 20 meetings. These payments shall be made from monies
16 appropriated to the General Assembly.

17 (2) Other members of the Task Force shall be entitled to per diem
18 compensation and reimbursement of expenses as permitted under 32 V.S.A.
19 § 1010 for not more than 20 meetings. These payments shall be made from
20 monies appropriated to the Task Force.

1 Sec. 4. POWERS

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

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

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

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

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

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

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

1 Sec. 5. ADMINISTRATIVE PROVISIONS

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

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

6 (c) Contracts. The Task Force may:

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

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

13 Sec. 6. TERMINATION

14 The Task Force shall terminate 30 days after the date on which the Task
15 Force submits the report to the General Assembly pursuant to Sec. 2 of this act.

16 Sec. 7. APPROPRIATION

17 The sum of \$200,000.00 is appropriated from the General Fund to the
18 Human Rights Commission in the fiscal year 2022 for the purpose of per diem
19 compensation, reimbursement of expenses, and the discharge of the duties and
20 powers granted to the Task Force by this act.

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on July 1, 2021.