

An Act establishing the New Jersey African-American Reconciliation Study Commission and making an appropriation.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:

a. The institution of slavery in America dates back to the beginning of the colonial period. Slavery was constitutionally and statutorily sanctioned by the United States government from 1789 through 1865. During that period, millions of persons of African origin were brought to this country against their will, deprived of their liberty, their property, their children and often their lives. Slavery assaulted the dignity and humanity of the persons who were enslaved, treating them as property and forced them to work under brutal physical and psychological conditions.

b. The presence of slavery in New Jersey can be dated from the beginnings of Dutch settlement, between 1625 and 1626.

c. The growing influence of the abolitionist movement in this State led to the outlawing of the importation of slaves in 1786, the progressive manumission of slaves in 1794, and legislation enacted in 1804 to abolish slavery gradually.

d. Slavery continued in New Jersey despite these laws. The State Legislature passed "Peace Resolutions" denying President Lincoln's power to emancipate slaves and later voted against the 13th Amendment to the United States Constitution. Slavery was not abolished in this State until the 1865 enactment of the 13th Amendment.

e. Emancipation was followed by over one hundred years of legal segregation and widespread discrimination against African-Americans. Core elements of our democracy were affected, including voting and other political and constitutional rights and our system of civil and criminal justice. These legacies of slavery impeded African-American efforts to protect themselves and their communities through political action.

f. Slaves and their descendants were deprived of access to real property, public accommodations, public benefits and other resources that have enabled voluntary immigrant groups to advance economically in America.

g. The legacy of slavery survives in New Jersey to this day, in the form of racial discrimination, racial profiling and social and economic segregation. These legacies affect all areas of individual and community life, including housing, education, employment, health care, spiritual life, political rights, law enforcement and justice.

h. The full effects of the institution and legacies of slavery on African-Americans living in New Jersey and their communities have never been sufficiently examined, nor has there been formal

acknowledgment of such effects, remedies for past injustice and present harm, or sufficient efforts at reconciliation.

i. Reconciliation between the African-Americans community and other communities in New Jersey would benefit all persons in this State.

j. Precedents in our country for reconciliation and remedies for past injustice have involved Native Americans, Japanese Americans, Jews, Filipino veterans and African-Americans victimized by the 1930s' syphilis experiments, and the Rosewood riots.

k. The Legislature declares that it is in the interest of the State and of the people of New Jersey for government to initiate and foster methods of improving knowledge and understanding between African-Americans and other peoples in New Jersey and adopting and initiating tested methods to foster communication and dialogue, for the purpose of achieving reconciliation and peace.

2. There is established in the Executive Branch of the State Government a commission to be known as the New Jersey African-American Reconciliation Study Commission. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of State.

3. a. The commission shall consist of 39 members, chosen to ensure ethnic diversity and broad geographic representation within New Jersey. Commission members shall be persons who are leaders in African-American organizations or communities, or have training or a verifiable interest in the history of slavery in America, New Jersey history and political science, African-American history, African-Caribbean history, labor history, penal history and law enforcement, economics, education, health, housing, human services, law, psychology, religion or sociology.

b. The Secretary of State shall be a member of the commission. The Governor shall appoint 31 public members, three shall be historians, two shall be students or members of youth organizations that support the work of the commission, two shall be members of the public, one person shall have expertise in public health administration and policies affecting the African-American community, one shall be recommended by the Director of the Division on Civil Rights in the Department of Law and Public Safety, one shall be recommended by the Director of the Office of Bias Crimes and Community Relations in the Division of Criminal Justice in the Department of Law and Public safety, one shall be recommended by Amnesty International-USA, one shall be recommended by the American Civil Liberties Union of New Jersey, one shall be recommended by the National Association for the Advancement of Colored People, one shall be recommended by the New Jersey Human and Civil Rights Association, one shall be recommended by the New Jersey Black Issues Convention, one shall be recommended by the National Coalition of Blacks for Reparations in America, one shall be recommended by the New Jersey Coalition for Reparations, one shall be recommended by the Coalition for Justice, one shall be recommended by the Urban League, one shall be recommended by the New Jersey Chapter of the Association of Black Psychologists; one attorney shall be recommended by the Association of Black Women Lawyers of New Jersey and one attorney shall be recommended by the New Jersey Bar Association, each of which shall have experience in reparations, the representation of African-Americans or advocacy on behalf of the interests of African-Americans; one shall be recommended by the Black Cops Against Police Brutality, one shall be recommended by the Black Minister's Council, one shall be recommended

by the Black Psychiatrists of America, one shall be recommended by the Black Trade Unionists, one shall be recommended by the Education Law Center, one shall be recommended by the Fair Share Housing Center, one shall be recommended by the New Jersey Chapter of the National Economic Association, one shall be recommended by the New Jersey Association of Black Sociologists, and one shall be recommended by the New Jersey Association on Correction. No more than 16 members appointed by the Governor shall be members of the same political party.

c. Each Senate President shall appoint one member of the Senate, each of whom shall be a member of a different political party. The Speaker of the General Assembly and the Majority Leader and the Minority Leader of the General Assembly shall each appoint one member of the General Assembly, no more than two of which shall be members of the same political party. The Senate Presidents, together with the Speaker of the General Assembly and the Minority leader thereof shall jointly appoint two additional members, each shall be recommended by the Black and Latino Caucus and each shall be members of different political parties.

d. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

4. The members of the commission shall be appointed and shall hold their initial organizational meeting within 60 days after the effective date of this act. The members shall elect one of the members to serve as chair and the chair may appoint a secretary, who need not be a member of the commission. The members of the commission shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties within the limits of funds appropriated or otherwise made available to the commission for its purposes. In addition, the commission shall solicit, receive and accept appropriations, gifts and donations. Legislative members shall serve during the term for which they were elected or selected.

5. The commission shall meet at least monthly and at the call of the chair. A meeting of the commission shall be called upon the request of 20 of the commission's members and 20 members of the commission shall constitute a quorum at any meeting thereof.

6. a. The commission shall hold at least five public hearings in different parts of the State, including Newark, Paterson, New Brunswick, Trenton and Camden at such times and places as the commission shall determine. The mayor of the city or municipality in which the hearing is held, the members of the board of chosen freeholds and the members of the Human Relations Committee of the county in which the city or municipality is located shall be invited to testify before the commission. All issues raised by those testifying at the hearings shall be recorded and included, together with the commission's responses if any, in the commission's report to the Governor and Legislature.

b. The commission shall publicize its mission and procedures throughout the State, through county human rights committees, the organizations recommending members of the commission and other ways. The commission shall invite public comment on the issues raised by the commission as part of its responsibilities.

7. The commission shall have the following responsibilities:

a. examine the institution of slavery and its legacies in the colony and the State between 1625 and the present;

b. examine the extent to which the State supported the institution of slavery in its Constitutional and statutory law and in its regulations, policies, practices and judicial decisions;

c. identify the State-created or supported entities that profited or attempted to profit from commercial involvement with the international and domestic trade of African slaves or from the forced labor of African slaves and their descendants;

d. examine the extent to which State laws that discriminated against freed African slaves, their decedents and other African-Americans residing in New Jersey, and to identify policies and practices, including economic, political and social discrimination by the State and State-created or supported entities, between 1865 and the present;

e. examine the extent to which the State and State-created and supported entities benefited from the institution and legacies of slavery;

f. examine the effects of the institution and legacies of slavery on African-Americans and their communities in New Jersey;

g. quantify the debt owed by the State of New Jersey, local governments and State-created and supported entities to African-Americans residing in New Jersey for wages, benefits, interest and compensation for the de jure and de facto support and protection of the institution of slavery and its legacies;

h. recommend specific remedies be offered to African-Americans residing in New Jersey and their communities for violations of the human and civil rights of African-Americans during two centuries of slavery, and the continuing suffering and harm caused by segregation, discrimination and other social, economic and political effects of slavery and its legacies;

i. determine eligibility requirements for individuals and communities to be offered such remedies;

j. research methods and materials for facilitating education, community dialogue, symbolic acknowledgment and other formal actions leading to reconciliation and a sense of justice among the peoples of this State;

k. make recommendations for local, county and Statewide actions to follow up the commission's recommendations;

l. estimate the intended benefits and costs of the commission's recommendations; and

m. consider such other matters relating to the institution and legacies of slavery in New Jersey as the members of the commission may deem appropriate.

8. a. The commission is authorized to call upon any department, office, division or agency of the State, or of any county, municipality or school district of the State, to supply such data, program reports and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this act.

b. These departments, offices, divisions and agencies shall, to the extent possible and not inconsistent with any other law of this State, cooperate with the commission and shall furnish it with such information, personnel and assistance as may be necessary or helpful to accomplish the purposes of this act.

c. The commission is authorized to procure the services of such experts and consultants to assist with its work as it deems necessary.

9. The commission shall report its initial findings and recommendations to the Governor, the Legislature and the public within 16 months of its initial organizational meeting. The initial report shall be disseminated widely throughout the State, with notice given that additional comments received by the commission within 60 days after the release of the initial report shall be forwarded to the Governor and the Legislature. After the initial report is released, the commission shall provide quarterly reports of its activities and findings to the Governor and the Legislature for the duration of its existence.

10. There shall be appropriated from the General Fund to the commission the sum of \$75,000 to effectuate its provisions.

11. This act shall take effect immediately and shall expire on the day exactly five years after the commission submits its findings and recommendations to the Governor and Legislature.

STATEMENT

This bill establishes in the Department of State a 39-member New Jersey African-American Reconciliation Study Commission.

The commission has the following responsibilities:

- 1) examine the institution of slavery and its legacies in the colony and the State between 1625 and the present;
- 2) examine the extent to which the State supported the institution of slavery in its Constitutional and statutory law and in its regulations, policies, practices and judicial decisions;
- 3) identify the State-created or supported entities that profited or attempted to profit from commercial involvement with the international and domestic trade of African slaves or from the forced labor of African slaves and their descendants;

- 4) examine the extent to which State laws that discriminated against freed African slaves, their decedents and other African-Americans residing in New Jersey, and to identify policies and practices, including economic, political and social discrimination by the State and State-created or supported entities, between 1865 and the present;
- 5) examine the extent to which the State and State-created and supported entities benefited from the institution and legacies of slavery;
- 6) examine the effects of the institution and legacies of slavery on African-Americans and their communities in New Jersey;
- 7) quantify the debt owed by the State of New Jersey, local governments and State-created and supported entities to African-Americans residing in New Jersey for wages, benefits, interest and compensation for the de jure and de facto support and protection of the institution of slavery and its legacies;
- 8) recommend specific remedies be offered to African-Americans residing in New Jersey and their communities for violations of the human and civil rights of African-Americans during two centuries of slavery, and the continuing suffering and harm caused by segregation, discrimination and other social, economic and political effects of slavery and its legacies;
- 9) determine eligibility requirements for individuals and communities to be offered such remedies;
- 10) research methods and materials for facilitating education, community dialogue, symbolic acknowledgment and other formal actions leading to reconciliation and a sense of justice among the peoples of this State;
- 11) make recommendations for local, county and Statewide actions to follow up the commission's recommendations;
- 12) estimate the intended benefits and costs of the commission's recommendations; and
- 13) consider such other matters relating to the institution and legacies of slavery in New Jersey as the members of the commission may deem appropriate.

The commission is to include among its 39 members the Secretary of State. The Governor would appoint 31 public members, three historians, two students or members of youth organizations that support the work of the commission, two members of the public, one person with expertise in public health administration and policies affecting the African-American community, one recommended by the Director of the Division on Civil Rights in the Department of Law and Public Safety, one recommended by the Director of the Office of Bias Crimes and Community Relations in the Division of Criminal Justice in the Department of Law and Public safety, one recommended by Amnesty International-USA, one recommended by the American Civil Liberties Union of New Jersey, one recommended by the National Association for the Advancement of Colored People,

one recommended by the New Jersey Human and Civil Rights Association, one recommended by the New Jersey Black Issues Convention, one recommended by the National Coalition of Blacks for Reparations in America, one recommended by the New Jersey Coalition for Reparations, one recommended by the Coalition for Justice, one recommended by the Urban League, one recommended by the New Jersey Chapter of the Association of Black Psychologists; one attorney recommended by the Association of Black Women Lawyers of New Jersey and one attorney recommended by the New Jersey Bar Association, each of which must have experience in reparations, the representation of African-Americans or advocacy on behalf of the interests of African-Americans; one recommended by the Black Cops Against Police Brutality, one recommended by the Black Minister's Council, one recommended by the Black Psychiatrists of America, one recommended by the Black Trade Unionists, one recommended by the Education Law Center, one recommended by the Fair Share Housing Center, one recommended by the New Jersey Chapter of the National Economic Association, one recommended by the New Jersey Association of Black Sociologists, and one recommended by the New Jersey Association on Correction. No more than 16 members appointed by the Governor could be members of the same political party. Each Senate President would appoint one member of the Senate, each of which must be a member of a different political party. The Speaker of the General Assembly and the Majority Leader and the Minority Leader of the General Assembly would each appoint one member of the General Assembly, no more than two of which can be members of the same political party. The Senate Presidents, together with the Speaker of the General Assembly and the Minority leader thereof would jointly appoint two additional members, each of which must be recommended by the Black and Latino Caucus and members of different political parties. Legislative members shall serve during the term for which they were elected or selected. The commission is to report its initial findings and recommendations to the Governor and Legislature within 16 months of its initial organizational meeting, which is to occur within 60 days of the date the bill becomes law. After the initial report is released, the commission is to provide quarterly reports of its activities and findings to the Governor and the Legislature for the duration of its five-year existence. Finally, the bill appropriates from the General Fund to the commission the sum of \$75,000 to effectuate its provisions.

Establishes 39-member New Jersey African-American Reconciliation Study Commission; appropriates \$75,000.