

LAW, JUSTICE, AND ETHICS

Resolution LJE-21-30

A RESOLUTION TO STUDY AND DEVELOP REPARATION PROPOSALS FOR AFRICAN AMERICANS

WHEREAS, the institution of slavery, including both the transatlantic and domestic “trade” that existed from 1565 in colonial Florida and from 1619 to 1865, inclusive, within the other colonies that became the United States, including the federal and state governments, constitutionally and statutorily supported the institution of slavery;

WHEREAS, more than 4,000,000 Africans and their descendants were enslaved in the United States and the colonies that became the United States from 1619 to 1865;

WHEREAS, the native-born slave population expanded, and by 1860, the nation’s African-American slave population was 3.9 million (roughly 90 percent of the 4.4 million African Americans living in the U.S.);

WHEREAS, slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans’ life, liberty, African citizenship rights and cultural heritage, and denied them the fruits of their own labor;

WHEREAS, the 1852 Fugitive Slave Act, affirmed that enslavers who brought enslaved persons from other states were not affected by the anti-slavery clause in the constitution;

WHEREAS, in the 1857 Dred Scott decision, the United States Supreme Court held that African-American descendants of slaves were not, and could not become, citizens of the United States;

WHEREAS, laws permitted enslavers to subject enslaved persons to inhumane treatment as a matter of course: the “chattel” principle, which declared African American slaves to be property, not people, was used to justify enslavers’ torture, rape, mutilation, and murder of African- Americans;

WHEREAS, following the abolition of slavery, the United States government at the federal, state, and local levels continued to perpetuate, condone, and often profit from practices that continued to brutalize and disadvantage African Americans, including sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionately-harsh treatment at the hands of the criminal justice system;

WHEREAS, instructional resources and technologies are being used to deny the inhumanity of slavery and the crime against humanity of people of African descent in the United States.

WHEREAS, due to the historic and continued discrimination, African Americans continue to suffer debilitating economic, educational, and health hardships, including, but not limited to, all of the following:

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1. Having nearly 1,000,000 Black people incarcerated in the U.S.;
2. An unemployment rate more than twice the current white unemployment rate;
3. An average of less than one-sixteenth of the wealth of white families, a disparity that has worsened not improved, over time;

WHEREAS, in 1988, The United States provided restitution to citizens and permanent resident aliens of Japanese ancestry, their spouses, and their families because they were confined to concentration camps during World War II. (50 U.S.C. §§ 4211-4220.);

WHEREAS, the U.S. government has made some payments for, and returned some, stolen land to certain Native American tribes, and provide native tribes with dedicated funding in most federal programs;

WHEREAS, following World War II, the United States partially funded German reparations to Holocaust victims through the Marshall Plan; and

WHEREAS, the United States currently administrates a reparations fund on behalf of France, distributing payments to former World War II prisoners who were transported to Nazi death camps on French trains.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) finds that African American descendants of enslaved persons merit inclusion in any reparations, restitution, assistance, economic support, and financial programs for which they would be eligible but for the fact that the lingering negative effects of the institution of slavery on living African Americans descendants of enslaved persons, continues in the United States today;

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to establish a Task Force comprised of 13 appointed members, to study and develop reparations proposals for African- Americans due to the aforementioned history above;

BE IT FURTHER RESOLVED, that members of such a Task Force shall be drawn from diverse backgrounds to represent the interests of communities of color, have experience working to implement racial justice reform, strong understanding of the history of the African American Community, and, to the extent possible represent geographically diverse areas of the country;

BE IT FURTHER RESOLVED, the Task Force recommend appropriate remedies that consider, among other things, how any form of compensation should be awarded, through what instrumentalities, and who should be eligible for such compensation; and how to eliminate current state and federal laws that continue to disproportionately and negatively affect African Americans;

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BE IT FURTHER RESOLVED, that The Task Force will recommend appropriate ways to educate the American public on the Task Forces' remedies in consideration of the findings on the matters described in the aforementioned history above;

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to request and obtain information from insurers licensed and doing business in the United States regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era;

BE IT FURTHER RESOLVED, the Task Force may acquire directly from the head of any department, agency, or instrumentality of the executive branch of the Government, available information which the Task Force considers useful in the discharge of its duties;

BE IT FURTHER RESOLVED, all departments, agencies, and instrumentalities of the executive branch of the Government shall cooperate with the Task Force with respect to such information and shall furnish all information requested by the Task Force to the extent permitted by state and federal law;

BE IT FURTHER RESOLVED, the Task force shall submit a completed written report of its initial findings and recommendations to Congress no later than one year after its first convening and in each subsequent year; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Senator Steven Bradford (CA)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2020

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President