

SENATE, No. 322
STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senators Singleton, Weinberg, Turner, Gill and Stack

SYNOPSIS

Establishes "New Jersey Reparations Task Force."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing the “New Jersey Reparations Task Force” to develop reparatory proposals and recommendations to address harm caused by New Jersey’s role in America’s institution of slavery and systemic racial discrimination.

BE IT ENACTED by the Senate and General Assembly of the State

1. The Legislature finds and declares:

a. Four hundred years ago this year, enslaved Africans were brought to Virginia as captives.

b. From 1619 to 1865, approximately 4,000,000 Africans were brought to the United States under a practice that was constitutionally and statutorily sanctioned in the United States and the colonies that became the United States.

c. The system of slavery that flourished in the United States was a shameful, and inhumane deprivation of the life, liberty, humanity, and heritage of Africans and also denied them, among other things, the opportunity upon which this country, and its economy, was built.

d. An overwhelming body of scholarship, legal and historical documentation, and the modern day lived experiences of the descendants of Africans form the basis for inquiry into the ongoing effects of the institution and its legacy of persistent systemic structures of discrimination on Black communities in the United States.

e. Following the abolition of slavery, state actors at the federal level continued to perpetuate, condone, and profit from practices that continue to systemically disadvantage Black people, including sharecropping, Jim Crow laws, redlining, unequal education, and disproportionate treatment in the criminal justice system.

f. Contrary to what many people believe, slavery was not just a distant historical event and took root very deeply in New Jersey. In the early 17th Century, African people arrived in New Netherland, a Dutch settlement on the East Atlantic, which included portions of present day New Jersey. As time increased, the number of enslaved African people imported to New Jersey grew, with Bergen County becoming the largest slaveholding county in the Province. In 1704, the Province of New Jersey introduced the “Slave Code,” which prohibited enslaved Africans and free Africans from owning property and making contracts, and staying out past curfew, illegal for Black people. Although New Jersey banned the importation of enslaved Africans in 1786 and enacted a law in 1792 that gradually, the State Legislature passed “Peace Resolutions” in 1804, it retained Lincoln’s power to emancipate slaves and later voted against the ratification of the United States Constitution.

g. In 1844, New Jersey also restricted access to the ballot box for Black people with criminal convictions the same year it restricted voting rights in a Northern state to do so.

h. While many Northern states abolished slavery following the Civil War, New Jersey opposed the Emancipation Proclamation and was the last Northern state to do so. Following the Civil War, New Jersey refused to ratify the Reconstruction Amendments.

i. New Jersey's deep roots in American slavery and its vestiges are still present today. A direct line can be traced from New Jersey's role in the slave system today of voter suppression, racial wealth disparities, mass segregation, and crumbling infrastructure in Black communities in current elevated lead levels in water and homes.

j. The full effects of the institution and legacy of slavery in Black communities in New Jersey have not been sufficiently examined, and remedies for past injustice and present harm, or sufficient efforts to address the result of historic and continued systemic racial discrimination, Black communities confront some of the worst racial disparities in America, including the following areas:

(1) Access to Democracy: New Jersey suffers from mass disenfranchisement, denying the vote to over 100,000 people in the state on probation, according to State data. Almost half are Black, though just 15 percent of the State's population. The racism of the criminal justice system directly imported into the franchise.

(2) Youth Justice: Generations of Black kids have experienced the criminal justice system. Just two years after the Civil War, New Jersey had the largest youth prison for boys. Today, Black children are 30 times more likely to be in the system than white children, the highest disparity rate in America, even though Black children commit most offenses at similar rates. As of May 1, 2019, 1,113 children are incarcerated in New Jersey, compared to 113 Black children in the rest of the State data.

(3) Housing and the Racial Wealth Gap: New Jersey allowed restrictive covenants that prohibited Black people from buying property, and redlining, which targeted Black people for denying housing loans. That legacy of systemic housing discrimination has led to a large discrepancy in New Jersey home ownership rates: 75.8 percent for white households and 37.8 percent for Black households. Because home ownership is a primary source of wealth, Black and Latino people in New Jersey confront one of the largest wealth gaps in America. The median net worth for New Jersey's white families is the highest in the nation. For New Jersey's Black and Latino families, it is \$5,900 and \$7,020, respectively, according to the Prosperity Now report. New Jersey also leads the nation in home foreclosures, according to ATTOM Data Solutions.

(4) Racial Segregation: Racial segregation itself, born from slavery, pervades New Jersey, which, while one of the most racially diverse states, is also among the most segregated. New Jersey's racial diversity combined with its extreme wealth and punishing poverty, has created some of the fiercest segregation by race, ethnic group, and income in the country. Nearly half of New Jersey's Black and Latino students are in schools that are more than 90 percent nonwhite. Almost two-thirds go to schools that are 80 percent nonwhite.

k. To address these systemic challenges in New Jersey, the "Task Force" will research, write, and publish a report that will include recommendations for reparations in New Jersey and outline policy recommendations to address the harm that has resulted from America's original sin in the Garden of Eden.

1. It is in the interest of the State and of the people of New Jersey to initiate and foster methods of improving knowledge and African-Americans and other ethnic groups in New Jersey and to foster communication and dialogue, for the purpose of achieving and reparation.

m. Therefore, it is in the interest of the State and the people of the New Jersey Reparations Task Force to urge New Jersey to take a role in American slavery and its aftermath, and to set forth comprehensive policy recommendations aimed to develop profound and reparative investments in Black communities impacted by New Jersey's historical discrimination.

n. The urgency for the establishment of this task force is the African-American population, some of whom are the grandchildren of Black people and can bear direct witness to some of the severe oppression, is advancing in age. As too many generations of Black people have passed without benefit of any remedies for the injustices they endured in New Jersey make the establishment of this task force an imperative.

2. There is hereby established in the Department of State in the State Government a task force to be known as the "New Jersey Reparations Task Force."

a. The task force shall consist of 11 members, at least seven of whom shall be public members, to be appointed as follows:

(1) three members shall be appointed by the Governor, not more than one shall be from the same political party; and

(2) eight members shall be appointed by the Legislative leaders:

(a) two members appointed by the Senate President, not more than one shall be a member of the Senate;

(b) two members appointed by the Minority Leader of the Senate, not more than one of whom shall be a member of the Senate;

(c) two members appointed by the Speaker of the General Assembly, not more than one of whom shall be a member of the General Assembly; and

(d) two members appointed by the Minority Leader of the General Assembly, not more than one of whom shall be a member of the General Assembly.

At a minimum, four of the public members of the task force shall be persons recommended by organizations concerned with the issues of human rights; racial, social and economic justice and equality; reparations concerning the African-American community, including the New Jersey Branch of the National Association for the Advancement of Colored People, the National Association for Social Justice, the Rutgers University Inclusion Project, and the New Jersey Center for Social Justice.

b. The members shall serve until the task force submits its report to the Governor and the Legislature. This report shall be made publicly available. The members in the membership of the task force shall be filled in the same manner as the appointment was made.

3. a. The “New Jersey Reparations Task Force” shall be organized and shall begin its work as soon as practicable after the appointment of a majority of its members and a vice chair among its members and a secretary who need not be a member. The presence of six members of the task force shall constitute a quorum. The task force may conduct business without a quorum, but may only vote when a quorum is present. The task force may incur traveling and other expenses as it may deem necessary, within the limits of funds made available for its purposes. Members of the task force shall serve without compensation and shall not be reimbursed for expenses actually incurred in the performance of their duties.

b. (1) The task force shall hold at least six public meetings throughout the State, including Camden, Paterson, Newark, New Brunswick, Atlantic City, and Trenton, at such times and places as the task force shall determine, but not later than 180 days after enactment. The task force shall invite to testify the mayor or the mayor-designate of the city or municipality in which the meeting is held, and at least two members of the local board of Freeholders and two members of the Human Relations Committee of the city or municipality in which the meeting is held. The task force shall invite to testify community leaders in African-American organizations or communities, or individuals who have a special interest in the history of slavery in America, New Jersey history, African-American history, African-Caribbean history, labor history, human rights enforcement, economics, education, health, housing, human services, religion, or sociology. All issues raised by those testifying at the meetings shall be recorded and included, together with the task force’s responses, in a report to the Governor and the Legislature.

(2) The Governor shall call the first meeting of the task force to be held on the first day of the third month after enactment.

c. The task force shall invite public comment, including testimony, on the issues the task force is required to address as part of its responsibilities, and shall encourage public participation.

d. The Department of State shall publicize the task force’s mission and activities on the department’s website.

e. The task force shall be entitled to avail itself of the assistance of the staff of the Department of State, and of the employees of any board, bureau, commission, or agency, as it may require and as may be necessary for its purposes.

f. The task force may avail itself of the assistance of members of the public in the submission of any information or research with regard to the duties set forth by section 4 of this act.

4. It shall be the duty of the “New Jersey Reparations Task Force” to develop reparations proposals for Black people in this State.

a. In performing this duty, the commission shall:

(1) Identify, compile, and synthesize the relevant corpus of evidence regarding the institution of slavery that existed within the United States from 1619 through 1865. The task force’s examination shall include the facts related to:

(a) the capture and procurement of Africans;

(b) the transport of Africans to the United States and the c United States for the purpose of enslavement, including their treatn

(c) the sale and acquisition of Africans as chattel property in commerce;

(d) the treatment of African slaves in the colonies and the Uni deprivation of their freedom, exploitation of their labor, and dest language, religion, and families;

(e) the extensive denial of humanity, sexual abuse, and chattell

(f) the role of the federal and state governments of the United institution of slavery in constitutional and statutory provisions, which the governments prevented, opposed, or restricted effort: Africans and their descendants to repatriate to their homeland;

(g) the federal and state laws that discriminated against forn and their descendants who were deemed United States citizens fron

(h) other forms of systemic racial discrimination in the pu against enslaved African people and their descendants who were citizens from 1868 to the present, including redlining, Jim Crow covenants, mass incarceration, voter suppression, educational fun predatory financial practices; and

(i) the lingering negative effects of the institution of slavery at in this section on living African-Americans and on society in the U

(2) Recommend appropriate ways to educate the New Jersey p findings.

(3) Recommend appropriate remedies in consideration of the the matters described in this section.

b. In making recommendations, the task force shall address an

(1) how the recommendations comport with international s wrongs and injuries caused by the State, that include full reparatio as understood by various relevant international protocols, laws, and

(2) how the State of New Jersey will offer a formal apology or New Jersey for the perpetration of gross human rights violatic humanity on African slaves and their descendants;

(3) how New Jersey laws and policies that continue to negatively affect African-Americans as a group and how those that effects, both material and psychosocial, can be eliminated;

(4) how the injuries resulting from matters described in this and provide appropriate policies, programs, projects, and recommel of reversing the injuries;

(5) how, in consideration of the task force's findings, any form descendants of enslaved Africans is calculated;

(6) what form of compensation should be awarded, through and who should be eligible for such compensation; and

(7) how, in consideration of the task force's findings, any othe or restitution to African descendants is warranted and what the fi measures should take.

5. The “New Jersey Reparations Task Force” shall issue progress to the Governor and the Legislature no later than 12 months after its initial meeting, and shall submit its final report and recommendations to the Legislature no later than 24 months following the initial meeting. The final report shall be submitted to the Legislature in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1). The task force shall submit its final report.

6. This act shall take effect immediately, and shall expire on the date of issuance of its final report and recommendations to the Governor and the Legislature.

STATEMENT

This bill establishes the “New Jersey Reparations Task Force” to study and make reparations proposals for African-Americans in this State.

The task force would consist of 11 members, comprised of five public members. Three members would be appointed by the Governor and two members would be appointed by the Legislative leadership. At a minimum, five members would be appointed from persons recommended by organizations that focus on the issues of civil rights, human rights, racial, social and economic justice. The members of the task force will appoint a chair and a vice chair of the task force. The members of the task force would not be compensated but may be reimbursed for expenses incurred in the performance of their duties.

This bill, among other things, requires the task force to:

- (1) examine the institution of slavery within the State of New Jersey;
- (2) examine the extent to which the State of New Jersey has failed to recognize, prevented, opposed, or restricted efforts of former enslaved persons who are considered United States’ citizens to economically thrive and prosper; slavery;
- (3) examine the lingering negative effects of slavery on living and working conditions on society in New Jersey and the United States;
- (4) research methods and materials for facilitating education, symbolic acknowledgement, and other formal actions leading to reparations remedies, a sense of justice, and economic justice among the enslaved African people in this State;
- (5) make recommendations for what remedies should be implemented, and to whom those remedies should be awarded;
- (6) address how said recommendations comport with national standards of remedy for wrongs and injuries caused by the State.

The task force will hold at least six public meetings in different locations, including Camden, Paterson, Newark, New Brunswick, Atlantic City, and Trenton. The Governor will call the first meeting of the task force to occur on or before the third month after enactment.

The task force will issue an interim report of its progress to the Legislature no later than 12 months following the initial meeting, submit its final report and recommendations to the Governor and the Legislature no later than 24 months following the initial meeting. The task force will issue its final report.