

SENATE No. 1053

The Commonwealth of Massachusetts

PRESENTED BY:

Liz Miranda

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a commission to study reparations in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/8/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/8/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/13/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/2/2023</i>

SENATE No. 1053

By Ms. Miranda, a petition (accompanied by bill, Senate, No. 1053) of Liz Miranda, Lydia Edwards, Jason M. Lewis, Mindy Domb and others for legislation to establish a commission to study reparations in Massachusetts. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing a commission to study reparations in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 DEFINITIONS

2 (1) Whereas, Reparations are a form of “transitional justice and reparatory justice,” which
3 by international law is defined by the United Nations as “Adequate, effective and prompt
4 reparation is intended to promote justice by redressing gross violations of international human
5 rights law or serious violations of international humanitarian law.

6 (a) Reparation should be proportional to the gravity of the violations and the harm
7 suffered. In accordance with its domestic laws and international legal obligations, a State shall
8 provide reparation to victims for acts or omissions which can be attributed to the State and
9 constitute gross violations of international human rights law or serious violations of international
10 humanitarian law. In cases where a person, a legal person, or other entity is found liable for
11 reparation to a victim, such party should provide reparation to the victim or compensate the State
12 if the State has already provided reparation to the victim." and;

13 (2) Whereas, Reparations can take many forms, including: Restitution, which seeks to
14 restore a victim to their original state of sovereignty before the violations occurred;
15 Compensation, which is a financial award for harms; Rehabilitation, which seeks to provide care
16 and services for victims beyond monetary payment; Satisfaction, which includes symbolic
17 reparations such as public apologies and verifying facts; and Guarantee of non-repetition, which
18 assures that this kind of harm shall never be repeated, and;

19 (3) Whereas, more than 4,000,000 African Americans/US Freedman and their
20 descendants were enslaved in the United States and the colonies that became the United States
21 from 1619 to 1865, inclusive.

22 (4) Whereas, the institution of slavery was constitutionally and statutorily sanctioned by
23 the United States from 1789 through 1865, inclusive.

24 (5) Whereas, the slavery that flourished in the United States constituted an immoral and
25 inhumane deprivation of African Americans/US Freedman' life, liberty, citizenship rights, and
26 cultural heritage and denied them the fruits of their own labor.

27 (6) Whereas, a preponderance of scholarly, legal, and community evidentiary
28 documentation, as well as popular culture markers, constitute the basis for inquiry into the
29 ongoing effects of the institution of slavery and its legacy of persistent systemic structures of
30 discrimination on living African Americans/U.S. Freedman and society in the United States.

31 (7) Whereas, Following the abolition of slavery, the United States government at the
32 federal, state, and local levels continued to perpetuate, condone, and often profit from practices
33 that continued to brutalize and disadvantage African Americans/ U.S. Freedman, including
34 Chattel Enslavement, Sharecropping, forced labor towards consumer capitalism contributing to

35 climate change, Jim Crow, Black Codes, White Domestic Terrorism in Desegregation Era,
36 genocide, environmental racism, conversion of slave catchers to police, Racial Massacres, Racial
37 property seizures, Medical Experimentation and apartheid, Convict Leasing, Homestead ACT
38 Exclusion, GI Bill Exclusions, New Deal Exclusions, Unethical Foreclosures/Seizures of
39 Property, FHA Mortgage Exclusions, Contract Buying, Redlining, racially discriminatory
40 practices of financial systems, cultural and spiritual erasure, Urban Renewal, War on Drugs, theft
41 of intellectual property, Mass Incarceration, Ongoing police terrorism, Racial Profiling, the Lack
42 of Protection for Ant-Black Hate Crimes, state sponsored terrorism through bombings of Black
43 communities and trafficking of guns and drugs, denied access to education and technology, loss
44 of 40 acres per General William T. Sherman's Special Field Order No. 15 .

45 (8) Whereas, As a result of the historic and continued discrimination, African Americans/
46 U.S. continue to suffer debilitating economic, educational, and health hardships, including, but
47 not limited to, all of the following:

48 (A) Massachusetts inmate population race/ethnicity is 29% Black in comparison to only
49 being a total of 6.8% of Massachusetts population.

50 (B) An unemployment rate more than twice the current white unemployment rate.

51 (C) An average of less than one-sixteenth of the wealth of white families, a disparity that
52 has worsened, not improved, over time.

53 (b) It is the purpose of this chapter to establish a commission that will do all of the
54 following:

55 (1) Study and develop reparation proposals for African American/US Freedman as a
56 result of:

57 (A) The institution of slavery, including both the transatlantic and domestic “trade” that
58 existed from 1565 in colonial Florida and from 1619 to 1865, inclusive, within the other colonies
59 that became the United States, and that included the federal and state governments, that
60 constitutionally and statutorily supported the institution of slavery.

61 (B) The de jure and de facto discrimination against freed slaves and their descendants
62 from the end of the Civil War to the present, including economic, political, educational, and
63 social discrimination.

64 (C) The lingering negative effects of the institution of slavery and the discrimination
65 described in paragraphs (5) and (6) of subdivision (a) on living African Americans and on
66 society in California and the United States.

67 (D) The manner in which instructional resources and technologies are being used to deny
68 the inhumanity of slavery and the crime against humanity committed against people of African
69 descent in California and the United States.

70 (E) The role of Northern complicity in the Southern-based institution of slavery.

71 (F) The direct benefits to societal institutions, public and private, including higher
72 education, corporate, religious, and associational.

73 (2) Recommend and deploy appropriate ways to educate the Massachusetts public of the
74 commission’s findings.

75 (3) Recommend appropriate remedies in consideration of the commission’s findings on
76 the matters described in this section.

77 SECTION 1. (a) There is hereby established a commission to study and develop
78 reparation proposals for African Americans, with a Special Consideration for African Americans
79 who are descendants of persons enslaved in the United States.

80 (b) The commission shall:

81 (i) identify, compile, and synthesize the relevant corpus of evidentiary documentation of
82 the institution of slavery that existed within the United States and the colonies that became the
83 United States from 1619 to 1865, inclusive. The commission’s documentation and examination
84 shall include the facts related to the:

85 (A) capture and procurement of human beings in Africans;

86 (B) transport of human beings to the United States and the colonies that became the
87 United States for the purpose of enslavement, including their treatment during transport;

88 (C) sale and acquisition of African Americans and freedmen and freedwomen as chattel
89 property in interstate and intrastate commerce; (D) treatment of African Americans and freedmen
90 and freewomen slaves in the colonies and the United States, including the deprivation of their
91 freedom, exploitation of their labor, and destruction of their culture, language, religion and
92 families; (E) extensive denial of humanity, sexual abuse and chattelization of persons; (F) federal
93 and state laws that produced loss of sovereignty and discriminated against formerly enslaved
94 African Americans and freedmen and freedwomen and their descendants who were deemed
95 United States citizens from 1868 to the present; (G) other forms of discrimination in the public

96 and private sectors against African Americans and freedmen and freedwomen and their
97 descendants who were deemed United

98 States citizens from 1868 to the present, including, but not limited to, redlining,
99 educational funding discrepancies and predatory financial practices; and (H) lingering negative
100 effects of the institution of slavery and the matters described in this section on living African
101 Americans who are descendants of persons enslaved in the United and on society as a whole in
102 the United States;

103 (ii) recommend appropriate ways to educate the public of the commission's findings;

104 (iii) recommend appropriate remedies in consideration of the commission's findings on
105 the matters described in this section. In making recommendations, the commission shall address,
106 among other issues:

107 (A) how the recommendations comport with international standards of remedy for
108 wrongs and injuries caused by the state, that include full reparations and special measures, as
109 understood by various relevant international protocols, laws and findings; (B) how the
110 commonwealth will offer a formal apology on behalf of the people of the commonwealth for the
111 perpetration of gross human rights violations and crimes against humanity on African Americans
112 and freedmen and freedwomen and their descendants; (C) how laws and policies of the
113 commonwealth that continue to disproportionately and negatively affect African Americans and
114 freedmen and freedwomen as a group and perpetuate the lingering material and psychosocial
115 effects of slavery can be eliminated; (D) how the injuries resulting from matters described in this
116 section can be reversed and how to provide appropriate policies, programs, projects, and
117 recommendations for the purpose of reversing the injuries; (E) how, in consideration of the

118 commission's findings, any form of compensation to African Americans, with a special
119 consideration for African Americans who are descendants of persons enslaved in the United
120 States, is calculated; (F) what form of compensation should be awarded, through what
121 instrumentalities, and who should be eligible for such compensation; and (G) how, in
122 consideration of the commission's findings, any other forms of rehabilitation or restitution to
123 African Americans and freedmen and freewomen descendants are warranted and what form and
124 scope those measures should take; and

125 (iv) seek the assistance of agencies of the commonwealth to develop and evaluate
126 processes and applications for reparations; requiring the Governor to include in the annual
127 budget bill such sums as necessary to carry out the Act.

128 (c) The commission shall submit a written report of its findings and recommendations to
129 the clerks of the senate and house of representatives not later than 2 years after the date of the
130 first meeting of the commission.

131 SECTION 2. (a) The commission shall consist of: 9 members appointed by the governor
132 with recommendations from Senate President to provide to the Governor to choose from, 1 of
133 whom shall be from the field of academia that has expertise in reparatory justice and sovereignty,
134 1 of whom shall be in the field of academia with expertise in genealogy, 2 of whom shall be from
135 major civil society and reparations organizations that have historically championed the cause of
136 reparatory justice and 5 of whom shall have a respected track record in grassroots organizing; 2
137 members appointed by the senate president and 2 member appointed by the speaker of the house
138 of representatives; 1 member appointed by the attorney general's, who shall work within the civil
139 rights division of the office of the attorney general. Not more than 4 members shall be members

140 of the legislature. Members shall be drawn from diverse backgrounds to represent the interests of
141 communities of color throughout the commonwealth and shall have experience working to
142 implement

143 restorative justice reform and, to the extent possible, represent geographically diverse
144 areas of the commonwealth. The commission shall elect a chair and vice chair from among its
145 members.

146 (b) A vacancy in the Commission shall not affect the powers of the commission and shall
147 be filled in the same manner that the original appointment was made.

148 (c) The governor shall call the first meeting of the commission to occur not later than 90
149 days after the enactment of this bill.

150 (d) Five members of the commission shall constitute a quorum.

151 (e) For attendance at meetings, a legislative member of the commission shall be entitled
152 to per diem compensation and reimbursement of expenses for not more than 10 meetings, subject
153 to appropriation.

154 (j) Non-legislative members of the commission shall be entitled to per diem
155 compensation and reimbursement of expenses for not more than 10 meetings, compensation for
156 research and labor, subject to appropriation.

157 SECTION 3. (a) For the purpose of carrying out the provisions of this act, the
158 commission may:

159 (i) hold hearings and sit and act at any time and location in the commonwealth; (ii)
160 request the attendance and testimony of witnesses;

161 (iii) request the production of books, records, correspondence, memoranda, papers and
162 documents; (iv) Research methods and materials for facilitating education, community dialogue,
163 symbolic acknowledgment and other formal actions leading toward repair and a sense of justice
164 among the people of the commonwealth;

165 (v) make recommendations for appropriate ways to educate the public about the findings
166 and recommendations in the commission's report; (vi) consider such other matters relating to the
167 institution and legacies of slavery in the commonwealth as the members of the commission may
168 deem appropriate; (vii) provide lineage based research and tools to residents of the
169 commonwealth who are descendants of chattel slavery within the United States; and (viii) seek
170 an order from a Superior Court compelling testimony or compliance with a subpoena.

171 (b) Any subcommittee or member of the commission may, if authorized by the
172 commission, take any action that the commission may take pursuant to this section.

173 (c) The commission may acquire directly from the head of any state agency available
174 information that the commission considers useful in the discharge of its duties. All state agencies
175 shall cooperate with the commission with respect to such information and shall furnish all
176 information requested by the commission to the extent permitted by law. The commission shall
177 keep confidential any information received from a state agency that is confidential or not
178 considered a public record under section 7 of chapter 4 of the General Laws and chapter 66 of
179 the General Laws.

180 SECTION 4. (a) The commission may appoint and fix the compensation of such
181 personnel as the commission considers appropriate.

182 (a) The Commission may procure supplies, services and property by contract in
183 accordance with applicable laws and rules.

184 (b) The Commission may enter into contracts for the purposes of conducting research or
185 surveys, preparing reports and performing other activities necessary for the discharge of the
186 duties of the commission with state departments, agencies and other instrumentalities, federal
187 departments, agencies and other instrumentalities and private entities.

188 SECTION 5. Any reparation actions undertaken pursuant to this act shall be in addition to
189 any reparation actions taken at the federal or local level.