

SENATE, No. 322

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Establishes “New Jersey Reparations Task Force.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing the “New Jersey Reparations Task Force” to
2 conduct research and develop reparatory proposals and
3 recommendations to address the generational harms caused by
4 New Jersey’s role in America’s institution of slavery and its
5 legacy of systemic racial discrimination.

6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9

10 1. The Legislature finds and declares:

11 a. Four hundred years ago this year, enslave Africans were
12 brought to Jamestown, Virginia as captives.

13 b. From 1619 to 1865, approximately 4,000,000 Africans and
14 their descendants, under a practice that was constitutionally and
15 statutorily sanctioned, were enslaved in the United States and the
16 colonies that became the United States.

17 c. The system of slavery that flourished in the United States
18 constituted an immoral, shameful, and inhumane deprivation of the
19 life, liberty, humanity, citizenship, and cultural heritage of Africans
20 and also denied them, among other things, the fruits of their own
21 labor upon which this country, and its economy, was built.

22 d. An overwhelming body of scholarship, legal and community
23 evidentiary documentation, and the modern day lived experiences
24 of the descendants of enslaved Africans form the basis for inquiry
25 into the ongoing effects of the institution of slavery and its legacy
26 of persistent systemic structures of discrimination on living Black
27 people and communities in the United States.

28 e. Following the abolition of slavery, state actors at the federal,
29 state, and local level continued to perpetuate, condone, and profit
30 from practices that continued to brutalize and systemically
31 disadvantage Black people, including sharecropping, convict
32 leasing, Jim Crow laws, redlining, unequal education, and
33 disproportionate treatment at the hands of the criminal justice
34 system.

35 f. Contrary to what many people believe, slavery was not just a
36 Southern institution and took root very deeply in New Jersey. In
37 the early 17th Century, the first enslaved African people arrived in
38 New Netherland, a Dutch settlement established in the Mid-
39 Atlantic, which included portions of present day New Jersey. As
40 the demand for labor increased, the number of enslaved African
41 people imported to New Jersey increased, with Bergen County
42 becoming the largest slaveholding county in the Province of New
43 Jersey. In 1704, the Province of New Jersey introduced the “Slave
44 Code,” which prohibited enslaved Africans and free Africans from
45 owning property and made certain actions, like staying out past
46 curfew, illegal for Black people. Although New Jersey outlawed
47 the importation of enslaved Africans in 1786 and enacted a law in
48 1804 to abolish slavery gradually, the State Legislature passed

1 “Peace Resolutions” in 1863 denying President Lincoln’s power to
2 emancipate slaves and later voted against the 13th amendment to
3 the United States Constitution.

4 g. In 1844, New Jersey also restricted access to the ballot box
5 by denying the vote to people with criminal convictions the same
6 year it restricted voting to white men, the first Northern state to do
7 so.

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

12 i. New Jersey’s deep roots in American slavery and its vestiges
13 have endured to the present day. A direct line can be traced from
14 New Jersey’s role in American slavery to its system today of voter
15 suppression, racial wealth disparities, mass incarceration, racial
16 segregation, and crumbling infrastructure in Black communities in
17 New Jersey, such as the current elevated lead levels in water and
18 homes.

19 j. The full effects of the institution and legacy of slavery on
20 Black people and communities in New Jersey have not been
21 sufficiently examined, nor have there been remedies for past
22 injustice and present harm, or sufficient efforts at transformation.
23 As a result of historic and continued systemic racial discrimination,
24 Black people in New Jersey confront some of the worst racial
25 disparities in America, including but not limited to these areas:

26 (1) Access to Democracy: New Jersey suffers from racialized
27 voter disenfranchisement, denying the vote to over 100,000 people
28 in prison, on parole, or on probation, according to State date.
29 Almost half are Black, though Black people comprise just 15
30 percent of the State’s population. The racism of the criminal justice
31 system is directly imported into the franchise.

32 (2) Youth Justice: Generations of Black kids have experienced
33 racism in the youth justice system. Just two years after the Civil
34 War, New Jersey opened Jamesburg, its largest youth prison for
35 boys. Today, Black children are 30 times more likely to be locked
36 up than white children, the highest disparity rate in America, even
37 though Black and white children commit most offenses at similar
38 rates. As of May 1, 2019, just eight white children are incarcerated
39 in New Jersey, compared to 113 Black children, according to State
40 data.

41 (3) Housing and the Racial Wealth Gap: New Jersey also
42 experienced racially restrictive covenants that prohibited Black
43 people from buying, leasing, or occupying property based on race,
44 and redlining, which targeted Black people who were refused
45 housing loans. That legacy of systemic housing discrimination
46 spills into today’s vast discrepancy in New Jersey home ownership
47 rates: 75.8 percent for white households and 37.8 percent for Black
48 households. Because home ownership is a primary driver of wealth,

1 Black and Latino people in New Jersey confront one of the worst
2 racial wealth gaps in America. The median net worth for New
3 Jersey's white families is \$309,000, the highest in the nation. For
4 New Jersey's Black and Latino families, it is incredibly just \$5,900
5 and \$7,020, respectively, according to the Prosperity Now
6 Scorecard. New Jersey also leads the nation in home foreclosures,
7 according to ATTOM Data Solutions.

8 (4) Racial Segregation: Racial segregation itself, born from the
9 vestiges of slavery, pervades New Jersey, which, while one of the
10 most racially diverse states in America, is also among the most
11 segregated. New Jersey's racial diversity and racial segregation,
12 combined with its extreme wealth and punishing poverty, has
13 created in New Jersey's public classrooms some of the fiercest
14 segregation by race, ethnicity, and income in this country. Nearly
15 half of New Jersey's Black and Latino students attend schools that
16 are more than 90 percent nonwhite. Almost two-thirds go to schools
17 that are more than 75 percent nonwhite.

18 k. To address these systemic challenges in New Jersey, the
19 "New Jersey Reparations Task Force" will research, write, and
20 publish a report that will make the case for State-based reparations
21 in New Jersey and outline policy recommendations that seek to
22 repair the harm that has resulted from America's original sin in the
23 Garden State.

24 1. It is in the interest of the State and of the people of New
25 Jersey for the government to initiate and foster methods of
26 improving knowledge and understanding between African-
27 Americans and other ethnic groups in New Jersey and to adopt and
28 initiate means to foster communication and dialogue, for the
29 purpose of achieving truth, transformation, and reparation.

30 m. Therefore, it is in the interest of the State and the people of
31 New Jersey to establish the New Jersey Reparations Task Force to
32 urge New Jersey to take responsibility for its role in American
33 slavery and its aftermath, and to set forth comprehensive and
34 sweeping policy recommendations aimed to develop profound and
35 reparative financial and other investments in Black communities
36 impacted by New Jersey's history of systemic racial discrimination.

37 n. The urgency for the establishment of this task force is
38 compelling. The elder African-American population, some of
39 whom are the grandchildren of formerly enslaved Black people and
40 can bear direct witness to some of the severest forms of racism and
41 oppression, is advancing in age. As too many generations of Black
42 people have already passed without benefit of any remedies for the
43 injustices they endured, it is important that New Jersey make the
44 establishment of this task force an imperative.

45

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

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

3 (1) three members shall be appointed by the Governor, not more
4 than two of whom shall be from the same political party; and

5 (2) eight members shall be appointed by the Legislative
6 leadership, as follows:

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

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

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

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

18 At a minimum, four of the public members of the task force shall
19 be appointed from persons recommended by organizations
20 concerned with the issues of civil rights; human rights; racial, social
21 and economic justice and equality; reparations; and other issues
22 concerning the African-American community, including the New
23 Jersey State Conference of the National Association for the
24 Advancement of Colored People, New Jersey Institute for Social
25 Justice, the Rutgers University Inclusion Project, and Salvation and
26 Social Justice.

27 b. The members shall serve until the task force submits its final
28 report to the Governor and the Legislature. This report shall be
29 made publicly available. Any vacancy in the membership of the
30 task force shall be filled in the same manner as the original
31 appointment was made.

32

33 3. a. The "New Jersey Reparations Task Force" shall
34 organize as soon as practicable after the appointment of a majority
35 of its members and shall select a chair and a vice chair among its
36 members and a secretary who need not be a member of the task
37 force. The presence of six members of the task force shall
38 constitute a quorum. The task force may conduct business without
39 a quorum, but may only vote on recommendations when a quorum
40 is present. The task force may incur traveling and other
41 miscellaneous expenses as it may deem necessary, within the limits
42 of funds made available to it for its purposes. Members of the task
43 force shall serve without compensation, but may be reimbursed for
44 expenses actually incurred in the performance of their duties.

45 b. (1) The task force shall hold at least six public meetings in
46 different parts of the State, including Camden, Paterson, Newark,
47 New Brunswick, Atlantic City, and Trenton, at such times and
48 places as the task force shall determine, but no later than six months

1 after enactment. The task force shall invite to testify the mayor of
2 the city or municipality in which the meeting is held, and at least
3 two members of the Board of Chosen Freeholders and two members
4 of the Human Relations Committee of the county in which the city
5 or municipality is located. The task force shall invite to testify
6 persons who are leaders in African-American organizations or
7 communities, or have training or a verifiable interest in the history
8 of slavery in America, New Jersey history and political science,
9 African-American history, African-Caribbean history, labor history,
10 penal history and law enforcement, economics, education, health,
11 housing, human services, law, psychology, religion, or sociology.
12 All issues raised by those testifying at the meetings shall be
13 recorded and included, together with the task force's responses, if
14 any, in the task force's report to the Governor and the Legislature.

15 (2) The Governor shall call the first meeting of the task force to
16 occur on or before the first day of the third month after enactment.

17 c. The task force shall invite public comment, including
18 testimony at its meetings, on the issues the task force is required to
19 address as part of its responsibilities, in a manner that encourages
20 public participation.

21 d. The Department of State shall publicize the task force's
22 mission and procedures on the department's website.

23 e. The task force shall be entitled to avail itself of the
24 assistance and services of the staff of the Department of State, and
25 of the employees of any other State department, board, bureau,
26 commission, or agency, as it may require and as may be available to
27 it for its purposes.

28 f. The task force may avail itself of the assistance of members
29 of the public for submissions of any information or research with
30 regard to the duties of the task force set forth by section 4 of this
31 act.

32

33 4. It shall be the duty of the "New Jersey Reparations Task
34 Force" to study and develop reparations proposals for Black people
35 in this State.

36 a. In performing this duty, the commission shall:

37 (1) Identify, compile, and synthesize the relevant corpus of
38 evidentiary documentation of the institution of slavery that existed
39 within the United States and the colonies that became the United
40 States from 1619 through 1865. The task force's documentation
41 and examination shall include the facts related to:

42 (a) the capture and procurement of Africans;

43 (b) the transport of Africans to the United States and the
44 colonies that became the United States for the purpose of
45 enslavement, including their treatment during transport;

46 (c) the sale and acquisition of Africans as chattel property in
47 interstate and intrastate commerce;

1 (d) the treatment of African slaves in the colonies and the
2 United States, including the deprivation of their freedom,
3 exploitation of their labor, and destruction of their culture,
4 language, religion, and families;

5 (e) the extensive denial of humanity, sexual abuse, and
6 chattelization of persons;

7 (f) the role of the federal and state governments of the United
8 States in supporting the institution of slavery in constitutional and
9 statutory provisions, including the extent to which the governments
10 prevented, opposed, or restricted efforts of formerly enslaved
11 Africans and their descendants to repatriate to their homeland;

12 (g) the federal and state laws that discriminated against formerly
13 enslaved Africans and their descendants who were deemed United
14 States citizens from 1868 to the present;

15 (h) other forms of systemic racial discrimination in the public
16 and private sectors against enslaved African people and their
17 descendants who were deemed United States citizens from 1868 to
18 the present, including redlining, Jim Crow segregation, restrictive
19 covenants, mass incarceration, voter suppression, educational
20 funding discrepancies, and predatory financial practices; and

21 (i) the lingering negative effects of the institution of slavery and
22 the matters described in this section on living African-Americans
23 and on society in the United States.

24 (2) Recommend appropriate ways to educate the New Jersey
25 public of the task force's findings.

26 (3) Recommend appropriate remedies in consideration of the
27 task force's findings on the matters described in this section.

28 b. In making recommendations, the task force shall address
29 among other issues:

30 (1) how the recommendations comport with international
31 standards of remedy for wrongs and injuries caused by the State,
32 that include full reparations and special measures, as understood by
33 various relevant international protocols, laws, and findings;

34 (2) how the State of New Jersey will offer a formal apology on
35 behalf of the people of New Jersey for the perpetration of gross
36 human rights violations and crimes against humanity on African
37 slaves and their descendants;

38 (3) how New Jersey laws and policies that continue to
39 disproportionately and negatively affect African-Americans as a
40 group and how those that perpetuate the lingering effects, both
41 material and psychosocial, can be eliminated;

42 (4) how the injuries resulting from matters described in this
43 section can be reversed and provide appropriate policies, programs,
44 projects, and recommendations for the purpose of reversing the
45 injuries;

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

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

(7) how, in consideration of the task force's findings, any other forms of rehabilitation or restitution to African descendants is warranted and what the form and scope of those measures should take.

8

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

18

19 6. This act shall take effect immediately, and shall expire upon
20 the task force's issuance of its final report and recommendations to
21 the Governor and the Legislature.

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23

STATEMENT

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

The task force would consist of 11 members, comprised of four legislators and seven public members. Three members would be appointed by the Governor and eight members would be appointed by the Legislative leadership. At a minimum, four of the public members would be appointed from persons recommended by organizations concerned with the issues of civil rights, human rights, racial, social and economic justice and equality, reparations and other issues concerning the African-American community. 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 actually incurred in the performance of their duties.

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

42 (1) examine the institution of slavery within the State of New
43 Jersey;

44 (2) examine the extent to which the State of New Jersey and the
45 federal government prevented, opposed, or restricted efforts of
46 former enslaved persons and their descendants who are considered
47 United States' citizens to economically thrive upon the ending of
48 slavery;

1 (3) examine the lingering negative effects of slavery on living
2 African-Americans and on society in New Jersey and the United
3 States;

4 (4) research methods and materials for facilitating education,
5 community dialogue, symbolic acknowledgement, and other formal
6 actions leading toward transformation, reparations remedies, a sense
7 of justice, and economic justice among the descendants of enslaved
8 African people in this State;

9 (5) make recommendations for what remedies should be
10 awarded, through what instrumentalities, and to whom those
11 remedies should be awarded; and

12 (6) address how said recommendations comport with national
13 and international standards of remedy for wrongs and injuries
14 caused by the State.

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

20 The task force will issue an interim report of its progress to the
21 Governor and the Legislature no later than 12 months following the
22 initial meeting. The task force will submit its final report and
23 recommendations to the Governor and the Legislature no later than
24 24 months following the initial meeting. The task force will expire
25 upon issuance of its final report.