

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of
1995

INTRODUCED BY RICHARDSON, CURRY, ROBINSON AND CARN,
FEBRUARY 28, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 1995

AN ACT

1 Acknowledging the fundamental injustice, cruelty, brutality and
2 inhumanity of slavery in the United States and the 13
3 American colonies between 1619 and 1865, and in Pennsylvania
4 during a portion of that time; establishing the African-
5 American Reparation Study Commission to examine the
6 institution of slavery, subsequent de jure and de facto
7 racial and economic discrimination against African-Americans
8 and the impact of these forces on living African-Americans;
9 making recommendations to the General Assembly on appropriate
10 remedies; and making an appropriation.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the African-
15 American Reparation Study Commission Act.

16 Section 2. Legislative findings and purpose.

17 (a) Findings.--The General Assembly finds as follows:

18 (1) That approximately 4,000,000 Africans and their
19 descendants were enslaved in the United States and the
20 colonies that became the United States from 1619 to 1865.

21 (2) That the institution of slavery was constitutionally
22 and statutorily sanctioned by the Federal Government from

1 1789 through 1865.

2 (3) That William Penn and other Quakers owned slaves in
3 the Province of Pennsylvania. As a result of the Gradual
4 Emancipation Act of 1780, the 3,737 black slave population of
5 1790 dropped to 64 by 1840, and by 1850 all Pennsylvania
6 blacks were free unless they were fugitives from the South.

7 (4) That the slavery that flourished in the United
8 States constituted an immoral and inhumane deprivation of
9 Africans' life, liberty, African citizenship rights and
10 cultural heritage and denied them the fruits of their own
11 labor.

12 (5) That sufficient inquiry has not been made into the
13 effects of the institution of slavery on living African-
14 Americans and society in the United States.

15 (b) Purpose.--The purpose of this act is to establish a
16 commission:

17 (1) To examine the institution of slavery which existed
18 within Pennsylvania, including the extent to which the
19 provincial and State government constitutionally and
20 statutorily supported the institution of slavery.

21 (2) To examine de jure and de facto discrimination
22 against freed slaves and their descendants from the end of
23 the Civil War to the present, including economic, political
24 and social discrimination.

25 (3) To examine the lingering negative effects of the
26 institution of slavery and the discrimination described in
27 paragraph (2) on living African-Americans and on society in
28 this Commonwealth.

29 (4) To recommend appropriate ways to educate the
30 American public of the African-American Reparation Study

Commission's findings.

(5) To recommend appropriate remedies in consideration of the African-American Reparation Study Commission's findings on the matters described in paragraphs (1) and (2).

(6) To submit to the General Assembly the results of this examination, together with such recommendations as it deems necessary.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The African-American Reparation Study Commission established in section 4.

Section 4. Commission.

(a) Establishment.--There is hereby established the African-American Reparation Study Commission.

(b) Composition.--

(1) The commission shall be composed of seven members, who shall be appointed, within 90 days after the effective date of this act, as follows:

(i) Three members shall be appointed by the Governor.

(ii) One member shall be appointed by the President pro tempore of the Senate.

(iii) Three members shall be appointed by the Speaker of the House of Representatives.

(2) All members of the commission shall be persons who are especially qualified to serve on the commission by virtue of their education, training or experience, particularly in the field of African-American studies.

1 (c) Terms.--The term of office for members shall be for the
2 life of the commission. A vacancy in the commission shall not
3 affect the powers of the commission and shall be filled in the
4 same manner in which the original appointment was made.

5 (d) First meeting.--The Governor shall call the first
6 meeting of the commission within 120 days after the effective
7 date of this act.

8 (e) Quorum.--Four members of the commission shall constitute
9 a quorum, but a lesser number may hold hearings.

10 (f) Chairman and vice chairman.--The commission shall elect
11 a chairman and vice chairman from among its members. The term of
12 office of each shall be for the life of the commission.

13 (g) Expenses.--Members of the commission shall receive no
14 compensation, but shall be entitled to reimbursement for all
15 reasonable and necessary expenses, in accordance with the rules
16 of the Executive Board.

17 Section 5. Powers and duties.

18 (a) Powers and duties enumerated.--The commission shall:

19 (1) Examine the institution of slavery which existed
20 within the United States and the colonies that became the
21 United States from 1619 through 1865. The commission's
22 examination shall include an examination of the following:

23 (i) The capture and procurement of Africans.

24 (ii) The transport of Africans to the United States
25 and the colonies that became the United States for the
26 purpose of enslavement, including their treatment during
27 transport.

28 (iii) The sale and acquisition of Africans as
29 chattel property in interstate and intrastate commerce.

30 (iv) The treatment of African slaves in

1 Pennsylvania, including the deprivation of their freedom,
2 exploitation of their labor and destruction of their
3 culture, language, religion and family.

4 (2) Examine the extent to which our State government
5 supported the institution of slavery in constitutional and
6 statutory provisions, including the extent to which our
7 government prevented, opposed or restricted efforts of freed
8 African slaves to repatriate to their home land.

9 (3) Examine State laws that discriminated against freed
10 African slaves and their descendants during the period
11 between the end of the Civil War and the present.

12 (4) Examine other forms of discrimination in the public
13 and private sectors against freed African slaves and their
14 descendants during the period between the end of the Civil
15 War and the present.

16 (5) Examine the lingering negative effects of the
17 institution of slavery and the matters described in
18 paragraphs (1), (2), (3) and (4) on living African-Americans
19 and on society within this Commonwealth.

20 (6) Recommend appropriate ways to educate the citizens
21 of Pennsylvania of the commission's findings.

22 (7) Recommend appropriate remedies in consideration of
23 the commission's findings on the matters described in
24 paragraphs (1), (2), (3) and (4). In making recommendations,
25 the commission shall address, among other issues, the
26 following questions:

27 (i) Whether the Commonwealth should offer a formal
28 apology on behalf of the people of Pennsylvania for the
29 perpetration of gross human rights violations on African
30 slaves and their descendants.

1 (ii) Whether African-Americans still suffer from the
2 lingering affects of the matters described in paragraphs
3 (1), (2), (3) and (4).

4 (iii) Whether, in consideration of the commission's
5 findings, any form of compensation to the descendants of
6 African slaves is warranted.

7 (iv) If the commission finds that such compensation
8 is warranted, what should be the amount of compensation,
9 what form of compensation should be awarded and who
10 should be eligible for such compensation.

11 (b) Report to General Assembly.--The commission shall submit
12 a written report of its findings and recommendations to the
13 General Assembly not later than the date which is one year after
14 the date of the first meeting of the commission held under
15 section 4(d).

16 Section 6. Procedure.

17 (a) Hearings and sessions.--The commission may, for the
18 purpose of carrying out the provisions of this act, hold
19 hearings and sit at such times and at such places in this
20 Commonwealth, and request the attendance and testimony of such
21 witnesses and the production of such books, records,
22 correspondence, memoranda, papers and documents, as the
23 commission considers appropriate. The commission may issue
24 subpoenas for the production of records and to require the
25 attendance and testimony of witnesses.

26 (b) Powers of subcommittees and members.--Any subcommittee
27 or member of the commission may, if authorized by the
28 commission, take any action which the commission is authorized
29 to take by this section.

30 (c) Obtaining official data.--The commission may acquire

1 directly from the head of any department, agency or
2 instrumentality of the executive branch of the government,
3 available information which the commission considers useful in
4 the discharge of its duties. All departments, agencies and
5 instrumentalities of the executive branch of the government
6 shall cooperate with the commission with respect to such
7 information and shall furnish all information requested by the
8 commission to the extent permitted by law.

9 Section 7. Administrative provisions.

10 (a) Staff.--The commission may appoint and fix the
11 compensation of an executive director and such other personnel
12 as the commission considers appropriate, all of whom shall serve
13 at the pleasure of the commission.

14 (b) Experts and consultants.--The commission may procure the
15 services of experts and consultants as it deems necessary.

16 (c) Administrative support services.--The commission may
17 enter into agreements with the Department of General Services
18 for procurement of financial and administrative services
19 necessary for the discharge of the duties of the commission.
20 Payment for the services shall be made by reimbursement from
21 funds of the commission in such amounts as may be agreed upon by
22 the chairman of the commission and the department.

23 (d) Contracts.--The commission may:

24 (1) procure supplies, services and property by contract
25 in accordance with applicable laws and regulations; and

26 (2) enter into contracts with departments, agencies and
27 instrumentalities of the Commonwealth, and private firms,
28 institutions and agencies, for the conduct of research or
29 surveys, the preparation of reports and other activities
30 necessary for the discharge of the duties of the commission.

1 Section 8. Termination.

2 The commission shall terminate 90 days after the date on
3 which the commission submits its report to the General Assembly
4 under section 5(b).

5 Section 9. Appropriation.

6 The sum of \$3,000,000, or as much thereof as may be
7 necessary, is hereby appropriated to the African-American
8 Reparation Study Commission for the 18-month period commencing
9 on the effective date of this act, to carry out the purposes of
10 this act.

11 Section 10. Effective date.

12 This act shall take effect immediately.