

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1113 Session of
2001

INTRODUCED BY MYERS, ROEBUCK, ROBINSON, WATERS, C. WILLIAMS,
LAUGHLIN, YOUNGBLOOD, WASHINGTON, JOSEPHS, JAMES, THOMAS,
CURRY, HORSEY, MANDERINO, KIRKLAND, OLIVER, J. WILLIAMS,
D. EVANS, PRESTON AND CRUZ, MARCH 21, 2001

REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 21, 2001

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

1 and statutorily sanctioned by the Federal Government from
2 1789 through 1865.

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

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

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

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

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

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

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

30 (4) To recommend appropriate ways to educate the

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

1 the field of African-American studies.

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

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

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

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

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

18 Section 5. Powers and duties.

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

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

24 (i) The capture and procurement of Africans.

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

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

1 (iv) The treatment of African slaves in
2 Pennsylvania, including the deprivation of their freedom,
3 exploitation of their labor and destruction of their
4 culture, language, religion and family.

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

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

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

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

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

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

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

1 slaves and their descendants.

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

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

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

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

17 Section 6. Procedure.

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

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

(c) Obtaining official data.--The commission may acquire directly from the head of any department, agency or instrumentality of the executive branch of the government, available information which the commission considers useful in the discharge of its duties. All departments, agencies and instrumentalities of the executive branch of the government shall cooperate with the commission with respect to such information and shall furnish all information requested by the commission to the extent permitted by law.

Section 7. Administrative provisions.

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

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

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

(d) Contracts.--The commission may:

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

(2) enter into contracts with departments, agencies and instrumentalities of the Commonwealth, and private firms, institutions and agencies, for the conduct of research or surveys, the preparation of reports and other activities

1 necessary for the discharge of the duties of the commission.

2 Section 8. Termination.

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

6 Section 9. Appropriation.

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

12 Section 10. Effective date.

13 This act shall take effect immediately.