

# ASSEMBLY, No. 5968

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 18, 2019

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Jasey, Assemblyman Wimberly and Assemblywoman Speight**

**SYNOPSIS**

Establishes “New Jersey Reparations Task Force.”

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 1/7/2020)

A5968 SUMTER, TIMBERLAKE

2

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 data.  
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 l. 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 organize  
34 as soon as practicable after the appointment of a majority of its  
35 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 chattellization 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

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

22

23

24

STATEMENT

25

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

29 The task force would consist of 11 members, comprised of four  
30 legislators and seven public members. Three members would be  
31 appointed by the Governor and eight members would be appointed  
32 by the Legislative leadership. At a minimum, four of the public  
33 members would be appointed from persons recommended by  
34 organizations concerned with the issues of civil rights, human  
35 rights, racial, social and economic justice and equality, reparations  
36 and other issues concerning the African-American community. The  
37 members of the task force will appoint a chair and a vice chair of  
38 the task force. The members of the task force would not be  
39 compensated but may be reimbursed for expenses actually incurred  
40 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;

**A5968 SUMTER, TIMBERLAKE**

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.