

HOUSE BILL No. 5570

February 12, 1998, Introduced by Reps. Vaughn, Scott, Wallace, LaForge, Hale, Hood, Parks, Kilpatrick, Stallworth, Rison, Thomas, DeHart and Murphy and referred to the Committee on House Oversight and Ethics.

A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of that discrimination on living African-Americans; and to make recommendations to the legislature on appropriate remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "commission to study reparation proposals for African-Americans
3 act".

4 (2) As used in this act, "commission" means the commission
5 to study reparation proposals for African-Americans, established
6 under section 3.

1 Sec. 2. The legislature acknowledges all of the following:

2 (a) Approximately 4,000,000 Africans and their descendants
3 were enslaved from 1619 to 1865 in the United States and the col-
4 onies that became the United States.

5 (b) The institution of slavery was constitutionally and
6 statutorily sanctioned by the government of the United States
7 from 1789 through 1865.

8 (c) The slavery that flourished in the United States consti-
9 tuted an immoral and inhumane deprivation of Africans' life, lib-
10 erty, citizenship rights, and cultural heritage, and denied them
11 the fruits of their own labor.

12 (d) Sufficient inquiry has not been made into the effects of
13 the institution of slavery on living African-Americans and soci-
14 ety in the United States.

15 Sec. 3. (1) The commission to study reparation proposals
16 for African-Americans is created within the department of civil
17 rights and shall perform the following duties:

18 (a) Examine the institution of slavery that existed from
19 1619 through 1865 in the United States and the colonies that
20 became the United States, including examination of all of the
21 following:

22 (i) The capture and procurement of Africans.

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

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

1 (iv) 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 (b) Examine the extent to which the federal and state gov-
6 ernments of the United States supported the institution of slav-
7 ery by constitution and by statute, including the extent to which
8 those governments prevented, opposed, or restricted efforts of
9 freed African slaves to repatriate to their homeland.

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

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

17 (e) Examine the lingering negative effects of the institu-
18 tion of slavery and the matters described in subdivisions (a),
19 (b), (c), and (d) on living African-Americans and on society in
20 the United States.

21 (f) Recommend appropriate ways to educate the American
22 public of the commission's findings.

23 (g) Recommend appropriate remedies in consideration of the
24 commission's findings on the matters described in
25 subdivisions (a), (b), (c), and (d). In making those recommenda-
26 tions, the commission shall address, among other issues, the
27 following questions:

1 (i) Whether the government of the United States should offer
2 a formal apology on behalf of the people of the United States for
3 the perpetration of gross human rights violations on African
4 slaves and their descendants.

5 (ii) Whether African-Americans still suffer from the linger-
6 ing effects of the matters described in subdivisions (a), (b),
7 (c), and (d).

8 (iii) Whether, in consideration of the commission's find-
9 ings, any form of compensation to the descendants of African
10 slaves is warranted.

11 (iv) If the commission finds that compensation is warranted,
12 what should be the amount of compensation, what form of compensa-
13 tion should be awarded, and who should be eligible for that
14 compensation.

15 (2) The commission shall submit a written report of its
16 findings and recommendations to the standing committees of each
17 house of the legislature that address civil rights issues not
18 more than 1 year after the effective date of this act.

19 Sec. 4. (1) The commission shall be composed of 7 members,
20 who shall be appointed in the following manner within 90 days
21 after the effective date of this act:

22 (a) Three members shall be appointed by the governor.

23 (b) Three members shall be appointed by the speaker of the
24 house of representatives.

25 (c) One member shall be appointed by the majority leader of
26 the senate.

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

5 (3) The term of office for members shall be for the life of
6 the commission. A vacancy in the commission shall not affect the
7 powers of the commission and shall be filled in the same manner
8 in which the original appointment was made.

9 (4) The governor shall call the first meeting of the commis-
10 sion within 120 days after the effective date of this act, or
11 within 30 days after the date on which legislation is enacted
12 making appropriations to carry out this act, whichever date is
13 later.

14 (5) Four members of the commission constitute a quorum, but
15 a lesser number may hold hearings.

16 (6) The commission shall elect a chairperson and
17 vice-chairperson from among its members at the commission's first
18 meeting. The term of office of each shall be for the life of the
19 commission.

20 (7) Members of the commission shall serve without
21 compensation. However, members of the commission may be reim-
22 bursed for their actual and necessary expenses incurred in the
23 performance of their official duties as members of the
24 commission.

25 (8) The business that the commission may perform shall be
26 conducted at a public meeting of the commission held in

1 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
2 15.275.

3 (9) A writing prepared, owned, used, in the possession of,
4 or retained by the commission in the performance of an official
5 function is subject to the freedom of information act, 1976
6 PA 442, MCL 15.231 to 15.246.

7 Sec. 5. (1) The commission may, for the purpose of carrying
8 out this act, hold the hearings and sit and act at the times and
9 at the places in the state, and request the attendance and testi-
10 mony of the witnesses and the production of the books, records,
11 correspondence, memoranda, papers, and documents, that the com-
12 mission determines are appropriate. The commission may seek a
13 court order to compel attendance, testimony, or production of
14 documents.

15 (2) The commission may create a subcommittee to take any
16 action that the commission is authorized to take by this
17 section. The commission may also authorize an individual member
18 to act on its behalf under this section.

19 (3) The commission may acquire directly from the head of any
20 department, agency, or instrumentality of the executive branch of
21 the government, available information that the commission consid-
22 ers useful in the discharge of its duties. All departments,
23 agencies, and instrumentalities of the executive branch of gov-
24 ernment shall cooperate with the commission with respect to this
25 information and shall furnish all information requested by the
26 commission to the extent permitted by law.

1 Sec. 6. (1) The commission may appoint and fix the
2 compensation of personnel that the commission considers
3 appropriate.

4 (2) The commission may procure the services of experts and
5 consultants that the commission determines necessary.

6 (3) The commission may do both of the following:

7 (a) Procure supplies, services, or property by contract in
8 accordance with applicable laws and regulations, if the legisla-
9 ture has appropriated money for those supplies, services, or
10 property.

11 (b) Enter into contracts with departments, agencies, and
12 instrumentalities of the federal government, state agencies, or
13 private firms, institutions, or agencies, for research or sur-
14 veys, the preparation of reports, or other activities necessary
15 for the discharge of the duties of the commission. The commis-
16 sion shall not execute a contract that requires expenditure of
17 state money unless the legislature has appropriated money to the
18 commission that will pay for the expenditure.

19 Sec. 7. The commission shall dissolve 90 days after the
20 date on which the commission submits its report to the standing
21 committees of each house of the legislature that address civil
22 rights issues under section 3(2).