

Offered by Councilors Julia Mejia and Tania Fernandes-Anderson



CITY OF BOSTON IN CITY COUNCIL

An Ordinance Creating a Commission to Study and Develop Reparation Proposals for African Americans

- WHEREAS,** The City of Boston and its founding political leadership created conditions legalizing the immoral and inhumane system of slavery in their colony; *and*
- WHEREAS,** From the Massachusetts constitutional end of slavery in 1780 to 1865 the City of Boston and its residents continued to benefit from and remain complicit in supporting and financing systemic relationships to the institutionalized system of slavery; *and*
- WHEREAS,** After the Emancipation the city of Boston established a political economy which limited opportunity, access, economic and political inclusion the expansion and development of the community; *and*
- WHEREAS,** Educational opportunities for mobility were foreclosed by the political leadership of the Boston School Committee requiring federal intervention to open access nearly twenty years after the mandate of Brown v. Board of education of Topeka, Ks.; *and*
- WHEREAS,** Federal mandates were required in the city of Boston due to the segregated housing patterns that defined community boundaries; *and*
- WHEREAS,** The 2015 *Color of Wealth In Boston* report of the Federal Reserve Bank of Boston shows the disgraceful residual wealth gap between the median wealth of White families as \$247,500 and Black families as \$8.00; *and*
- WHEREAS,** Senator Bill Owens, the first Black State Senator in Massachusetts history in 1988 introduced legislation calling for a commission to study the issue of reparations for prior harms and injustices done to the African American community; *and*
- WHEREAS,** There is a need for the City of Boston to reconcile its history with slavery and its consequences resulting in systemic racism and discrimination, both in confirming

and presenting a common understanding of the city’s history and in exploring the issuance of reparations to the descendants of those impacted by that history; *and*

WHEREAS, The first step in repairing harms done is acknowledging the injustices with a formal apology; *and*

WHEREAS, Reparations are a form of “transitional justice,” which the International Center for Transitional Justice defines as “emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response”; *and*

WHEREAS, Reparations, repair for social, political, economic and other harms done for which there are no statutes of limitations, can take many forms, including, but not limited to: A. Rehabilitation, which seeks to provide care and services for victims beyond monetary payment; B. Restitution, which seeks to restore a victim to their position before the violations occurred; C. Compensation, which is a financial award for harms; and D. Guarantee of non-repetition, which assures that this kind of harm shall never be repeated; *and*

WHEREAS, Reparations provide an intersectional bridge between acknowledgement and atonement with redemption and reconciliation; *and*

WHEREAS, The City of Boston addressing these critical, local injustices does not negate the need for both the state of Massachusetts and our nation to support policy initiatives such as H.R. 40, a current Congressional bill originally submitted by Rep. John Conyers which seeks to form a national commission to study and develop reparations proposals for African Americans; ***NOW THEREFORE BE IT***

Ordained in the City Council of Boston, as follows:

SECTION 1:

The City of Boston, Ordinances, Chapter XV shall be amended by adding at the end thereof, the following new section and subsections:

Section 15-12. Commission to Study and Develop Reparation Proposals for African Americans

Section 15-12.1: *Established.* There shall be established in the City a special Commission to be known as the Commission on the Study of Reparation Proposals (hereinafter the “Commission”).

Section 15-12.2: *Organization.*

- A. *Membership.* Appointed by the Mayor, the Commission shall consist of fifteen (15) members. At least two members shall be youth members. The composition of the Commission shall be as follows:
 - a. One (1) representative from the NAACP Boston

- b. One (1) representative from the New Democracy Coalition
 - c. One (1) representative from King Boston
 - d. One (1) representative from the UMass Boston Africana Studies Department
 - e. One (1) representative from Encuentro Diaspora Afro
 - f. Ten (10) members from a pool of applicants recommended by the above appointed commissioners in consultation with the Mayor's Office and the Boston City Council.
- B. Terms.* Commissioners shall be appointed for the duration of the Commission's existence. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made. A final report of findings and policy recommendations shall conclude the initial work of the commission.
- C. Co-Chair.* Two members voted on by the Commission shall serve as the chairpersons of the Commission.
- D. Compensation.* Each member will be paid one hundred dollars (\$100.00) per hour for their service, not to exceed fifty thousand dollars (\$50,000.00) per year. Members of the Commission are hereby designated special municipal employees. Reimbursement for expenses associated with commission duties shall also be awarded to the extent allowed.

Section 15-12.3 *Duties and Responsibilities*

The Commission shall:

- A. Define Reparations as it relates to the reality of the Boston community;
- B. Examine the major ideas associated with reparations in local, urban, national, and international areas;
- C. Study the disparities that have existed in Boston and continue as they relate to the inequality faced by the African American community;
- D. Collect data and document historic harms and inequities experienced by African Americans in Boston including but not limited to: mental, physical, and reproductive health outcomes, social determinants of health, housing, economic development, education, and criminal justice, compiled through literature reviews, archival research, books, records, correspondence, memoranda, papers, documents, and other data available;
- E. Document personal stories, oral histories, and qualitative impacts of individuals currently experiencing systemic and historic harms in order to create an archive;
- F. Create forums/spaces in the Boston community to gather/share information regarding historic harms and conditions, including holding hearings at any time/location that is pertinent acquiring/disseminating information to fulfill the charge of the Commission subject to open meeting law;
- G. Seek an order from a Superior Court compelling testimony or compliance with a subpoena upon majority vote of the commission;
- H. Request information from the heads of City of Boston departments pertinent to the charge of this commission. All departments shall provide such information to the extent permitted by law. The Commission shall keep confidential any information received in confidentiality or exempt from Massachusetts Public Records Act;

- I. Provide a platform and framework for community and institutions-based feedback in their restorative justice process;
- J. Provide an initial report with updates and ongoing reports to the Boston City Council and the Mayor's Office within the first twenty-four months of the Commission's existence.

Section 15-12.4: Creation of a Report Detailing Recommendations for the Implementation of Reparations in the City of Boston

The Commission shall develop a report with specific reparations proposals to address historic and contemporary inequalities resulting from structures and policies which have produced harm. The report's recommendations should include appropriate ways to educate members of the public of the Commission's findings. The Commission shall address issues including but not limited to:

- A. How the recommendations comport with international standards of remedy for wrongs and injuries caused by the city that include full reparations and special measures;
- B. How the City of Boston will offer a formal apology on behalf of the people of Boston for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendents;
- C. How City of Boston laws and policies that continue to disproportionately and negatively impact African Americans as a group and perpetuate the lingering material and psychological effects of slavery can be eliminated;
- D. How the injuries resulting from matters described can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

Section 15-12.5 Administrative Powers

- A. The Commission staff shall consist of an Executive Director, and such personnel as the Commission, upon recommendation of the Executive Director, may deem expedient subject to appropriation. The Executive Director, who shall be appointed by and serve at the pleasure of the Mayor, shall be tasked with the following responsibilities:
 - a. Hiring for an administrative assistant position created to assist the Commission with any administrative needs;
 - b. Submitting a budget within the first thirty (30) days of formation to the Mayor and the City Council;
 - c. Assisting with the procurement of supplies, services, and property in accordance with applicable laws and regulations;
 - d. Ensuring that there are sufficient resources being made available to support community based hearings, gathering documentation, data analysis, and the initial report to be issued within the first twenty four months.

SECTION 2.

Severability. The provisions of this ordinance are severable, and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such

unconstitutionality or invalidity will not affect the remaining provisions, which will remain in full force and effect.

SECTION 3.

Effective Date.

This ordinance shall be effective immediately upon passage.

Filed in City Council: