

Testimony Concerning House Bill 1422
State Government – Maryland Reparations Commission
Position: Favorable

To: Delegate Joseline A. Pena-Melnyk, Chair
Delegate Bonnie Cullison, Vice Chair
Members of the Health and Government Operations Committee

From: Brandon Miller, Ereik L. Barron Fellow, Monique L. Dixon, Executive Director,
and Michael Pinard, Faculty Director, Gibson-Banks Center for Race and the Law

Date: February 21, 2025

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or “Center”) at the University of Maryland Francis King Carey School of Law,¹ we appreciate the opportunity to submit testimony in support of House Bill 1422 (“HB 1422”), which would, among other things, establish a Maryland Reparations Commission to study and make recommendations relating to the appropriate benefits to be offered to Black people whose ancestors were enslaved in the state or impacted by inequitable government policies during the years 1877-1965. We urge the committee to issue a favorable report because the bill would: (1) confront and bring Maryland closer to addressing the history of racially oppressive institutions, policies, and practices in Maryland; (2) add Maryland to the growing list of jurisdictions that have created reparations commissions, which should inform the work of Maryland’s proposed commission; and (3) build upon examples of existing mechanisms within the state that embody the principle of reparative justice.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex or disability, and advances racial justice in a variety of issue areas. The Gibson-Banks Center strives to contribute to a future in Maryland and across the country where slavery and its vestiges no longer negatively impact the experiences, outcomes, and life circumstances of Black people and prevent the realization of the promise of equal citizenship. It is with this background that we support HB 1422, which is a long overdue step

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law or the University of Maryland, Baltimore.

toward studying and making amends for Maryland's role in authorizing, supporting, and reinforcing dehumanizing and discriminatory policies and practices against Black people.

HB 1422 Will Examine and Begin to Address a Long and Shameful History of Government-Sanctioned Racism and Pervasive Racial Discrimination in Maryland That Has Led to Ongoing Racial Disparities.

From the time of its founding as a colony in 1634 until slavery's abolition in the state in 1864, the state of Maryland and its residents accumulated wealth, power, and privilege off of the brutal enslavement of Africans and their descendants.² Legislative action facilitated the expansion of chattel slavery in Maryland. In 1664, the Maryland General Assembly codified lifetime and hereditary slavery for enslaved Black people.³ The law also consolidated a strict color line by providing that children borne of a marriage between an enslaved Black man and a white woman would be born enslaved.⁴ Against this legal backdrop and pursuant to the growing demand for tobacco, slavery in Maryland boomed as “[s]laves no longer dribbled into Maryland in small numbers . . . Rather, they entered the colony by the boatful, crowded into the holds of ships under the worst of conditions.”⁵ Nearly 100,000 enslaved people entered Maryland in the three quarters of a century prior to the American Revolution, and by 1750 about 1/3 of the state population was Black.⁶

As they labored on the tobacco plantations that fueled the state's economy, enslaved Black people endured cruel and debilitating conditions, deadly diseases, and the relentless assault on dignity inherent in the institution of slavery.⁷ As the Cotton Revolution took off in more southern states, enslaved Black people were subjected to a Second Middle Passage that ripped apart and scattered families as slaveholders reaped the profits of trafficking husbands, wives, and children to buyers further south.⁸ The state legislature did not spare free Black Marylanders from racial subjugation, depriving them of civil and political rights.⁹ Lawmakers' efforts in this regard included prohibiting free Black people from testifying in freedom suits and imposing strict vagrancy laws on them, and enacting a state constitutional amendment in 1802 that disenfranchised free Black people.¹⁰

The abolition of slavery in Maryland in 1864, after more than 200 years of barbaric oppression, did not deliver justice or restitution to the institution's victims and their descendants, though the Maryland legislature was moved to seek compensation for slaveholders impacted by

² MARYLAND STATE ARCHIVES & UNIVERSITY OF MARYLAND, COLLEGE PARK, A GUIDE TO THE HISTORY OF SLAVERY IN MARYLAND 1 (2020) [Hereinafter A GUIDE TO THE HISTORY OF SLAVERY IN MARYLAND], [HTTPS://MSA.MARYLAND.GOV/MSA/MDSLAVERY/PDF/MD-SLAVERY-GUIDE-2020.PDF](https://msa.maryland.gov/msa/mdslavery/pdf/md-slavery-guide-2020.pdf).

³ Archives of Maryland: Proceedings and Acts of the General Assembly of Maryland, 1637-1664, Vol. 1, 533-34, <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000001/html/am1--533.html>.

⁴ *Id.*

⁵ A GUIDE TO THE HISTORY OF SLAVERY IN MARYLAND, *supra* note 2 at 4.

⁶ *Id.*

⁷ *Id.* at 5.

⁸ *Id.* at 11-14.

⁹ *Id.* at 10.

¹⁰ *Id.*; David S. Bogen, *The Maryland Context of Dred Scott: The Decline in the Legal Status of Maryland Free Blacks 1776-1810*, 34 AM. J. OF LEGAL HISTORY 381, 400 (1990), https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1765&context=fac_pubs.

emancipation.¹¹ Instead, the subjugation of Black people in Maryland continued, as both government and private actors worked to violate, harm, and discriminate against Black citizens. Jim Crow laws passed by the state and local governments between 1877 and 1965, such as laws mandating the racial segregation of railroad passenger cars, proscribing interracial marriage, and restricting voting rights in local elections, relegated Black people to second-class citizenship.¹² These legislative developments coincided with the terrorism of white vigilantes: the Maryland Lynching Truth and Reconciliation Commission has reported that there is evidence of approximately 42 racial terror lynchings in Maryland.¹³

Discriminatory housing practices played a pivotal role in perpetuating racial inequality in Maryland. In 1910, Baltimore became the first city in the nation to pass a residential segregation ordinance that prohibited Black people from moving into a “white” neighborhood, inspiring a wave of similar laws in cities across the country.¹⁴ After the Supreme Court declared such laws unconstitutional in *Buchanan v. Warley*,¹⁵ private real estate actors across the state took it upon themselves to further the cause of residential segregation through practices such as racially restrictive covenants, which prohibited the resale of property to Black people.¹⁶

The problem of racially segregated housing in Maryland worsened in the 1930s when the federal government, through the Home Owners’ Loan Corporation (HOLC), published a color-coded map that graded communities according to the financial risks they posed to lenders and investors.¹⁷ Black communities were “redlined,” meaning that they were colored red on the HOLC maps, indicating that they were the least desirable candidates for mortgages and other investments.¹⁸ Black residents in these areas accordingly struggled to access loans and suffered discrimination from mortgage lenders and real estate brokers as well as overall disinvestment.¹⁹ As white Marylanders ascended to the status of middle-class homeowners and established

¹¹ Archives of Maryland: Proceedings and Acts of the General Assembly of Maryland, 1867, Vol. 133, 4559-60, <https://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000133/html/am133--4559.html>.

¹² 107 Op. Atty. Gen. Md. 140, 141 (2022),

<https://www.marylandattorneygeneral.gov/Opinions%20Documents/2022/107oag140.pdf>.

¹³ MARYLAND LYNCHING TRUTH AND RECONCILIATION COMMITTEE INTERIM REPORT 6-7 (Sept. 18, 2020),

<https://msa.maryland.gov/lynching-truth-reconciliation/pdf/interim-report.pdf>.

¹⁴ DENNIS PATRICK HALPIN, A BROTHERHOOD OF LIBERTY BLACK RECONSTRUCTION AND ITS LEGACIES IN BALTIMORE, 1865-1920, UNIVERSITY OF PENNSYLVANIA PRESS, 162-176 (2019), Matthew Yglesias, *How Baltimore Invented Neighborhood Segregation*, VOX (May. 10, 2015), <https://www.vox.com/2015/5/10/8578077/baltimore-segregation-pietila>; Garrett Power, *Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913*, 42 MD. L. REV. 289 (1983), <https://digitalcommons.law.umaryland.edu/mlr/vol42/iss2/4/>.

¹⁵ 245 U.S. 60 (1917).

¹⁶ See, e.g., Power, *supra* note 14, at 319; MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF JUST COMMUNITIES, SEPARATE AND UNEQUAL NEIGHBORHOODS 13 (2024) [Hereinafter SEPARATE AND UNEQUAL], <https://dhcd.maryland.gov/Just-Communities/Documents/Baseline-Report.pdf> (“Racially restrictive covenants, clauses in residential deeds barring the sale of homes to non-whites, were common in Montgomery County . . .”)

¹⁷ David Armenti & Alex Lothstein, *Baltimore’s Pursuit of Fair Housing: A Brief History*, MARYLAND CENTER FOR HISTORY AND CULTURE, <https://www.mdhistory.org/baltimores-pursuit-of-fair-housing-a-brief-history/>.

¹⁸ *Id.*

¹⁹ See *id.*; SEPARATE AND UNEQUAL, *supra* note 16, at 7.

intergenerational wealth, Black Marylanders were left behind and locked out of such wealth-building opportunities as homeownership.²⁰

The legacies of slavery, Jim Crow, and other forms of 20th century racial discrimination live on in Maryland in ongoing racial disparities and contemporary injustices. In 2024, the Maryland Department of Housing and Community Development Division of Just Communities conveyed that Marylanders of color, including Black Marylanders, face “bias in the rental housing market, mortgage lending, and housing valuation, and disparities in housing stability, homeownership retention, and intergenerational wealth creation.”²¹ By concentrating poverty in Black communities and fostering residential segregation, redlining also fostered the conditions for racially unequal public health outcomes. For example, a study focusing on Baltimore found that historically redlined areas suffer lower life expectancies.²² This history of racial subordination—through slavery, Jim Crow laws, segregation, and concentrated poverty—also connects directly to other institutions in Maryland, such as the criminal legal system, which continue to marginalize Black adults, children, and communities.²³

HB 1422 Will Bring Maryland in Line with Other Jurisdictions That Have Begun Reparative Efforts, Which Should Inform Maryland’s Proposed Commission.

Legislatures in other jurisdictions have already taken steps toward repairing the harms of racial injustices. In 1993, the Florida legislature commissioned a study of the 1923 Rosewood race massacre, a white riot in a Black town that claimed the lives of dozens of Black residents and resulted in the burning down of all of Rosewood.²⁴ The report informed the eventual reparations bill that the governor signed into law on May 4, 1994.²⁵ The bill provided \$150,000 to each of the nine Rosewood survivors and a \$500,000 appropriation for property compensation for affected families.²⁶ The bill also set up a scholarship fund for direct descendants of

²⁰ 1937: *The Eugenics Color Map*, THE BALTIMORE STORY, <https://www.thebaltimorestory.org/history-1/1937-the-eugenics-color-map>.

²¹ SEPARATE AND UNEQUAL, *supra* note 16, at 2.

²² Shuo Jim Huang & Neil Jay Sehgal, *Association of Historic Redlining and Present-day Health in Baltimore*, PLOS ONE 1 (2022), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0261028>.

²³ See, e.g., JUSTICE POLICY INSTITUTE, RETHINKING APPROACHES TO OVER INCARCERATION OF BLACK YOUNG ADULTS IN MARYLAND 15 (2019), https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf (“Maryland has the most extreme racial disparities for those incarcerated for long terms in the United States . . . These disparities are rooted in policing practices that target communities of color, a lack of investment and opportunity in historically disadvantaged neighborhoods, and an overly punitive sentencing, parole, and corrections system that focuses on punishment with insufficient attention given to programming and rehabilitative services that have been proven to improve public safety outcomes.”).

²⁴ C. Jeanne Bassett, *House Bill 591: Florida Compensates Rosewood Victims and Their Families for a Seventy-One-Year-Old Injury*, 22 FLA. ST. U. L. REV. 503, 513 (1994); *On This Day – Jan 05, 1923: White Mob Destroys Black Community of Rosewood, Florida*, EQUAL JUSTICE INITIATIVE, <https://calendar.eji.org/racial-injustice/jan/05>.

²⁵ Bassett, *supra* note 24, at 503.

²⁶ *Id.* at 517-518; Victor Luckerson, *What a Florida Reparations Case Can Teach Us About Justice in America*, TIME (Sept. 10, 2020), <https://time.com/5887247/reparations-america-rosewood-massacre/>.

Rosewood families and minority Floridians more broadly.²⁷ Each year, up to 50 eligible students may receive up to \$6,100.²⁸

In 2019, the City of Evanston in Illinois established a subcommittee of its City Council to study the feasibility and viability of reparations policies relating to housing assistance and economic development.²⁹ In 2020, the City Council codified an expanded Reparations Committee to advise on funding the reparations initiative.³⁰ Evanston became the first city to materially redress its history of racial discrimination in 2021, when it created the Restorative Housing Program, which provides reparations for harms to Black residents stemming from the city’s discriminatory housing policies and practices between 1919 and 1969.³¹ Approved applicants may qualify for \$25,000, which can be allocated toward housing benefits such as mortgage assistance or home infrastructure improvement, or fund cash payouts.³² The Reparations Committee plans on developing additional reparations initiatives through additional community outreach.³³

In 2020, with the enactment of Assembly Bill No. 3121, California became the first state in the nation to create a task force to study and develop reparation proposals for Black people.³⁴ The Task Force’s mandate covered the history of institutions that engaged in racial discrimination and carried out harmful practices against Black people throughout the United States beginning in 1619.³⁵ In addition to recommendations on how to educate the public regarding the Task Force’s findings, the bill charged the Task Force with recommending “appropriate remedies” that accord with international law and standards on reparations.³⁶ The bill

²⁷ Basset, *supra* note 24, at 518.

²⁸ Kate Payne, *Scholarships for Rosewood, Ocoee Descendants Are Set to Continue Despite DEI Ban, Official Says*, WUSF (Jan. 30, 2024), <https://www.wusf.org/education/2024-01-30/scholarships-rosewood-ocoe-descendants-set-continue-dei-ban-florida-colleges>.

²⁹ Evanston Local Reparations, CITY OF EVANSTON, <https://www.cityofevanston.org/government/city-council/reparations> [Hereinafter Evanston Local Reparations].

³⁰ EVANSTON, ILL., CODE 2-17-1 (2020).

³¹ Stephanie Kulke, *Overwhelming Support for Evanston Reparations Program, Survey Finds*, NORTHWESTERN (Oct. 24, 2024), <https://news.northwestern.edu/stories/2023/10/reparations-survey-conducted-by-northwestern-center-reveals-overwhelming-community-support-for-evanston-program-across-every-ethnic-and-racial-demographic-group/>; Michela Moscufo, *House Repairs, a Car, Grandkids: Where Evanston's Reparations Payments are Going*, NBC NEWS (Dec. 23, 2024), <https://www.nbcnews.com/news/nbcblk/reparations-evanston-il-transforming-lives-black-residents-rcna173534>.

³² CITY OF EVANSTON, LOCAL REPARATIONS: RESTORATIVE HOUSING PROGRAM: OFFICIAL PROGRAM GUIDELINES 7 (2021), <https://www.cityofevanston.org/home/showpublisheddocument/66184>; Rick Hutzell, *The Idea of Slavery Reparations Has Stalled in Maryland. Local Campaigns Could Change That*, BALTIMORE BANNER (Jul. 11, 2023), <https://www.thebaltimorebanner.com/opinion/column/reparations-evanston-rue-simmons-wes-moore-PTGMTWLFGBBCZJLFFFKX7VDVNU/>.

³³ Evanston Local Reparations, *supra* note 29.

³⁴ Wendy Fry, Erica Yee, & Rya Jetha, *California is the First State to Tackle Reparations for Black Residents. What That Really Means*, CALMATTERS (Jun. 29, 2023), <https://calmatters.org/explainers/reparations-california/>.

³⁵ Assemb. B. 3121, 2019–2020 Leg. Reg. Sess. (Cal. 2020). https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3121.

³⁶ *Id.*; In 2005, the United Nations General Assembly adopted The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which outlined 5 forms of remedy and reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. G.A. Res. 60/147, Basic Principles and Guidelines on

also required that the recommendations address how to calculate compensation and the logistics of such compensation.³⁷ The Task Force held 16 public meetings to help inform its mandated report.³⁸ During public meetings, it considered public comments, expert, and personal witness testimony, as well as extensive written submissions.³⁹ The Task Force issued its final report on June 23, 2023, setting forth hundreds of recommendations for repairing racism’s harms.⁴⁰ Following the report, California’s Legislative Black Caucus introduced 14 reparations bills addressing issues such as education, criminal justice, and civil rights.⁴¹ The legislature passed several of the bills in 2024, including one calling for an official state apology for California’s role in slavery.⁴²

In 2023, New York became the second state to establish a commission to study slavery and its ongoing consequences.⁴³ The New York State Community Commission on Reparations Remedies examines, among other things, the institution of slavery as it existed in New York, the treatment and economic, political, and social conditions of Black people between the end of the Civil War and the present, and the role of the state and local governments of New York and the federal government in racial discrimination.⁴⁴ Like the California Task Force, the Commission is tasked with studying and making recommendations regarding the formulation and administration of reparations to reverse the injuries of racial inequities.⁴⁵

The Gibson-Banks Center urges Maryland legislators to follow the lead of the California reparations commission by including in HB 1422 a provision requiring the commission to hold public hearings to inform its work.

Reparative Justice Informs Existing Laws in Maryland.

The Maryland General Assembly has already taken steps to repair harms resulting from unjust policies and practices in the state. For example, in 2022, the General Assembly established the Community Reinvestment and Repair Fund, “to provide funds to community-based organizations that serve communities determined by the Office of the Attorney General to have been the most impacted by disproportionate enforcement of the cannabis prohibition before

the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Dec. 16, 2005), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

³⁷ *Id.*

³⁸ TASK FORCE TO STUDY AND DEVELOP REPARATION PROPOSALS FOR AFRICAN AMERICANS, EXECUTIVE SUMMARY: “THE CALIFORNIA REPARATIONS REPORT” 4 (2023), <https://oag.ca.gov/system/files/media/full-ca-reparations.pdf>.

³⁹ *Id.*

⁴⁰ Fry, Yee, & Jetha, *supra* note 34.

⁴¹ Lara Korte, *California Introduces First-in-Nation Slavery Reparations Package*, POLITICO (Jan. 31, 2024), <https://www.politico.com/news/2024/01/31/california-black-reparations-bills-00138854>.

⁴² Megan Myscofski, *First-in-the-Nation Reparations Bills are Headed to Newsom’s Desk, but Not Without Some Tension*, CAPRADIO (Sept. 12, 2024), <https://www.caprдио.org/articles/2024/09/12/first-in-the-nation-reparations-bills-are-headed-to-newsoms-desk-but-not-without-some-tension/>.

⁴³ James Sanders Jr., *New York Takes Historic Step: Reparations Commission Announced*, THE NEW YORK STATE SENATE (February 29, 2024), <https://www.nysenate.gov/newsroom/press-releases/2024/james-sanders-jr/new-york-takes-historic-step-reparations-commission>.

⁴⁴ S. B. No. 1163A, 2023-2024 Reg. Sess (N.Y. 2023), <https://legislation.nysenate.gov/pdf/bills/2023/S1163A>.

⁴⁵ *Id.*

July 1, 2022.”⁴⁶ The fund is drawn from at least 30% of the revenues generated from adult-use cannabis, among other things.⁴⁷ The reform, which allocates funds to counties in proportion to the number of marijuana arrests in the county compared to the state from 2002 to 2022, reflects an awareness of the harms associated with the “War on Drugs” and a commitment to making amends.⁴⁸

As another example, in 2021, Maryland passed the Walter Lomax Act, which established a court-directed process of mandatory compensation for wrongfully convicted individuals.⁴⁹ By eliminating the discretion of the Board of Public Works to deny financial compensation to those wrongfully convicted and providing a fairer and more straightforward process, the General Assembly reinforced the state’s responsibility for facilitating the healing of those victimized by state wrongdoing.⁵⁰

By establishing a commission to study potential reparations benefits, HB 1422 is a step toward redressing historical and current day racial discrimination and oppression experienced by Black Marylanders. For these reasons, we ask for a favorable report on HB 1422.

⁴⁶ Cannabis Reform, HB 837, 2022 Leg., 444th Sess. (Md. 2022), https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_26_hb0837E.pdf.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ The Walter Lomax Act, SB 14, 2021 Leg., 443rd Sess. (Md. 2021), https://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_76_sb0014T.pdf.

⁵⁰ *See id.*