

DRAFT EXECUTIVE ORDER 24-XX

Establishing The Washington State Citizen's Commission to

**Study and make Legislative Recommendations on Reparations, Remedies,
Land Restoration, Healing and Reconciliation for
Descendants of United States' Enslaved African-Americans**

WHEREAS, from 1619 to 1865, approximately 4,000,000 Africans and their descendants were enslaved in the United States (U.S.) and the 13 British colonies which preceded the U.S. and have never been compensated by either the United States or the United Kingdom¹; and

WHEREAS, chattel slavery was documented in the Washington territory as early as 1860, when James Tilton, appointed Surveyor General of the Washington Territory by U.S. President Franklin Pierce, owned Charles Mitchell a young black slave who escaped from Olympia to his freedom in Victoria, British Columbia Canada via the Puget Sound Underground Railroad²;

WHEREAS, the institution of U.S. Chattel Slavery was constitutionally and statutorily sanctioned by the United States Government from 1789³ through 1865⁴; and

WHEREAS, the chattel slavery that flourished in the United States denied African-Americans compensation for their more than 400 years of manual labor; and constituted an immoral and dehumanizing deprivation of life, liberty, and human dignity which still stains our nation today; and

WHEREAS, U.S. chattel slavery's free labor system helped accelerate the United States rapid transformation from a colonial economy to the largest industrial and military power in the world⁵; and

¹ H.R.40 - 117th Congress (2021-2022): Commission to Study and Develop Reparation Proposals for African Americans Act. (2021, April 14). <https://www.congress.gov/bill/117th-congress/house-bill/40>

² McConaghy, L. (2012, July 14). Charles Mitchell, Slavery, and Washington Territory in 1860. Blackpast.org. Retrieved from <https://www.blackpast.org/african-american-history/charles-mitchell-slavery-and-washington-territory-1860/>

³ National Archives. (n.d.). The Constitution of the United States: A transcription. National Archives. Retrieved July 7, 2024, from <https://www.archives.gov/founding-docs/constitution-transcript>

⁴ National Archives. (n.d.). 13th Amendment to the U.S. Constitution: Abolition of slavery (1865). In Milestone Documents. Retrieved from <https://www.archives.gov/milestone-documents/13th-amendment>

⁵ McGill, S. (2021, September 7). How slavery became the economic engine of the South. History.com. Retrieved from <https://www.history.com/news/slavery-profitable-southern-economy>

WHEREAS, the concept of slavery reparations was first pioneered in the late 1700's by white abolitionists like Virginia-born Quaker Warner Mifflin, who championed the doctrine that freed slaves were entitled to restitution in the form of cash payments and land or shared crop arrangements; [Warner Mifflin - Wikipedia](#) and

WHEREAS, on January 1, 1863, U.S. President Abraham Lincoln declared in the Emancipation Proclamation, *"I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons."*⁶

WHEREAS, on January 16, 1865, following the U.S. Civil War, Union Army General William T. Sherman issued [Special Field Order \(SFO\) No. 15](#) declaring that 400,000 acres of land had been exclusively reserved for the settlement of the **"negroes now made free"** by the Civil war and President Abraham Lincoln's Emancipation Proclamation⁷.

WHEREAS, 40,000 freed slaves trusted SFO No.15 and settled on this land, but less than two months after President Lincoln's April 14, 1865 assassination, Confederate landowners forcibly removed the former slaves from their land against their will in violation of General Sherman's Order⁸;

WHEREAS, in 1878, former slave Henrietta Wood sued Zebulon Ward for restitution reparations in the federal court case, **Wood vs. Ward**, to which the jury unanimously awarded her \$2,500.00, an amount equal to more than \$65,000.00 today and history's largest award for U.S. slavery reparations⁹; and

WHEREAS, in 2009 the U.S. apologized for slavery in [Senate Concurrent Resolution No. 26](#), neither the federal nor any state government has ever

⁶ National Archives. (n.d.). Emancipation Proclamation (1863). In Milestone Documents. Retrieved from <https://www.archives.gov/milestone-documents/emancipation-proclamation>

⁷ Library of Congress. (n.d.). James Madison to Thomas Jefferson, October 24, 1787. Retrieved July 7, 2024, from <https://www.loc.gov/item/mss83434256>

⁸ National Archives. (2010). Black soldiers, black sailors, black ink: Researching African Americans in the U.S. Navy, Civil War Pension Files. National Archives. Retrieved July 7, 2024, from <https://www.archives.gov/publications/prologue/2010/summer/slave-pension.html>

⁹ Grinspan, J. (2020, July). The enslaved woman who sued for reparations and won. Smithsonian Magazine. Retrieved July 7, 2024, from <https://www.smithsonianmag.com/history/henrietta-wood-sued-reparations-won-180972845/>

issued reparations to the descendants of enslaved African-Americans¹⁰; and

WHEREAS, from 1945 to 2018, the German government paid approximately \$86.8 billion in restitution and compensation to Holocaust victims and their heirs¹¹, and

WHEREAS, In 1946, Congress created the Indian Claims Commission, which conducted extensive historical research on wrongly seized land claims and awarded \$1.3 billion to 176 federally recognized tribes¹²; and

WHEREAS, in 1948 and 1989, the U. S. government paid Japanese reparations totaling \$38 million in 1948, and \$1.6 billion through the Civil Liberties Act of 1988 to formerly interned Japanese Americans¹³; and

WHEREAS, according to the latest U.S. Bureau of the Census, nearly 400,000 African-Americans currently reside in Washington State, none of whom have ever received slavery reparations¹⁴; and

WHEREAS, Washington's state and territorial complicity to U.S. chattel slavery is undeniable, including but not limited to the following facts:

- (1) Washington State is named in honor of U.S. President George Washington, a slaveowner who with his wife, owned more than 300 slaves and who as President, signed the 1793 Fugitive Slave Law, which guaranteed the right of slaveholders to recover escaped slaves across state lines¹⁵, and
- (2) Eight (8) of Washington state's counties were named in honor of some of the most prominent slaveowners in American history, including Thomas Jefferson; Benjamin Franklin; Meriwether Lewis;

¹⁰ U.S. Congress. (2009). Senate Concurrent Resolution 26—111th Congress (2009-2010). Retrieved July 7, 2024, from <https://www.congress.gov/111/bills/sconres26/BILLS-111sconres26es.pdf>

¹¹ U.S. Department of State. (n.d.). Just Act Report to Congress: Germany. Retrieved July 7, 2024, from <https://www.state.gov/reports/just-act-report-to-congress/germany/>

¹² Klein, C. (2021, April 14). The thorny history of reparations in the United States. History.com. Retrieved July 7, 2024, from <https://www.history.com/news/reparations-slavery-native-americans-japanese-internment>

¹³ Federal Reserve Bank of St. Louis. (n.d.). Japanese-American internment during World War II. Federal Reserve History. Retrieved July 7, 2024, from <https://www.federalreservehistory.org/essays/japanese-during-wwii>

¹⁴ Office of Financial Management. (n.d.). Population by race. Washington State Office of Financial Management. Retrieved July 7, 2024, from <https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/population-changes/population-race>

¹⁵ U.S. Congress. (n.d.). Article IV, Section 2, Clause 3: The Fugitive Slave Clause. Constitution Annotated. Retrieved July 7, 2024, from https://constitution.congress.gov/browse/essay/artIV-S2-C3-1/ALDE_00013571/

William Clark; William Rufus De Vane King; Ulysses S. Grant; Thomas Hart Benton; and Stephen A. Douglas¹⁶; and

- (3) In September, 1850, Oregon Territorial Representative Samuel R. Thurston, in whose honor Thurston county is named, led the passage of the Donation Land Claim Act (DLCA). The DLCA provided free land exclusively to white males, and prohibited free or enslaved blacks from owning land in the Oregon Territory, thereby depriving African-American families the opportunity to begin building generational wealth on the lands which would later become Washington state¹⁷; and
- (4) In 1857, the Washington Territorial Legislature passed a resolution supporting the U.S. Supreme Court's Dred Scott Decision expanding legalized slavery throughout all U.S. Territories¹⁸; and
- (5) In January 1861, the citizens of the Washington Territory elected their first Governor, Isaac Stevens, a pro-slavery Democrat¹⁹; and
- (6) In 1926, the United Daughters of the Confederacy erected the United Confederate Veterans Memorial in Seattle, Washington's Lake View Cemetery, where it remained for ninety-four (94) years until its removal in September, 2020²⁰; and
- (7) In April, 2008 the Pacific Northwest chapter of the Sons of Confederate Veterans established Jefferson Davis Park near Interstate 5, outside Ridgefield, Washington, which today commemorates on Washington state soil, Jefferson Davis, the pro-slavery President of the Confederate States of America²¹; and

¹⁶ Lund, J. (2020, June 24). 8 Washington counties that carry the racist legacy of their names. Crosscut. Retrieved July 7, 2024, from <https://crosscut.com/2020/06/8-washington-counties-carry-racist-legacy-their-names>

¹⁷ Thompson, N. (2010, February 16). Washington Territory created on March 2, 1853. HistoryLink. Retrieved July 7, 2024, from <https://www.historylink.org/File/9501>

¹⁸ Tate, C. (2012, January 18). Washington Territorial Legislature expresses support for Dred Scott decision on January 30, 1857. HistoryLink. Retrieved July 7, 2024, from <https://www.historylink.org/File/10253>

¹⁹ Tate, C. (2012, January 18). Washington Territorial Legislature expresses support for Dred Scott decision on January 30, 1857. HistoryLink. Retrieved July 7, 2024, from <https://www.historylink.org/File/10253>

²⁰ Hobbs, R. (2020, July 8). The history behind the Confederate Monument in Seattle's Lake View Cemetery. Seattle PI. Retrieved July 7, 2024, from <https://www.seattlepi.com/seattlenews/article/The-history-behind-the-Confederate-Monument-15394463.php>

²¹ Hobbs, R. (2017, August 11). Washington's Confederate monument along I-5: 'Racist' relic or piece of history? Seattle PI. Retrieved July 7, 2024, from <https://www.seattlepi.com/seattlenews/article/Wash-Confederate-monument-along-I-5-Racist-11821079.php>

WHEREAS, strong precedent for states studying the issue of slavery reparations has been established by both California and New York which have respectively created and funded 1) **California’s Task Force to Study and Develop Reparation Proposals for African Americans** in 2020²², and 2) **New York State’s Community Commission on Reparations Remedies** in December, 2023²³; and

WHEREAS, numerous state and national studies have thoroughly documented the following economic, employment, housing, health and wealth disparities suffered by Black Washingtonians: 1) The Economic Policy Institute (EPI), announced during the 1st quarter of 2024, that 6.8% of Black Washingtonians were unemployed compared to only 4.7% of whites; [2024 Q1 | State Unemployment by Race and Ethnicity | Economic Policy Institute \(epi.org\)](#). 2) In 2021, the Prison Policy Initiative reported that Black Washingtonians are incarcerated at a rate 5.7 times higher than whites; [Washington State profile | Prison Policy Initiative](#) 3) According to Dept. of Children & Family Services, from 2010-2022, the poverty rate of Washington’s African American families was nearly three times the poverty rate for White families;²⁴ [Economic Stability | Washington State Department of Children, Youth, and Families](#) 4) According to the National Association of Realtors (NAR) as of October, 2023, only 35% of Black households in Washington state own their own homes compared with 68% of white households; <https://www.nar.realtor/sites/default/files/documents/2023-snapshot-of-race-and-home-buying-in-the-us-03-02-2023.pdf> 5) In 2023, a study commissioned by King County found that since 1950, racially discriminatory housing policies have caused Black households’ an estimated intergenerational wealth loss between \$5.4 billion and \$15.8 billion; [Microsoft Word - Redlining and Wealth Loss Final.docx \(econw.com\)](#) 6) Finally, in February, 2024, the Washington Department of Health reported that during the COVID-19 pandemic, Black populations’

²² California Office of the Attorney General. (n.d.). California Task Force to Study and Develop Reparation Proposals for African Americans (AB 3121). Retrieved July 7, 2024, from <https://oag.ca.gov/ab3121>

²³ New York State Senate. (2023). Senate Bill S1163, Amendment A. Retrieved July 7, 2024, from <https://www.nysenate.gov/legislation/bills/2023/S1163/amendment/A>

²⁴ Percent of Washington State Families with Children, Living Below Poverty Level, by Race/Ethnicity, 2010-2022 Retrieved July 7, 2024 from [Economic Stability | Washington State Department of Children, Youth, and Families](#)

COVID-19 death rates were about twice as high as the state's white populations' COVID-19 death rates. [COVID-19 morbidity and mortality by race, ethnicity and spoken language in Washington state](#)

WHEREAS, it is the public policy of the State of Washington to ensure equal protection for all of its citizens; and

NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, by virtue of the power vested in me, hereby direct as follows:

1. There is created a Washington State Citizen's Commission to Study Reparations, Remedies, Land Restoration and Reconciliation for Descendants of African-Americans Enslaved in the United States hereinafter referred to as "the Commission". The Commission shall be administered by a salaried Executive Director, who shall be nominated by the Commission and appointed by the Governor.

2. The Commission shall consist of fifteen (15) total members.

- Eleven (11) non-elected citizen members shall be appointed by the Governor.
- Nine (9) of the Governor appointed members shall represent the counties with the highest percentage of African-Americans (the Descendant Community): King, Pierce, Snohomish, Clark, Thurston, Kitsap, Spokane, Benton and Whatcom counties.
- Two (2) of the Governor appointed Members-at-Large must reside in counties not represented by the nine (9) appointed members.
- Four (4) members of the Commission shall be bi-partisan, non-voting ex-officio members of the Washington State Legislature.

(The Governor shall appoint two (2) Members of the Washington State Senate, representing each of the two major political parties and nominated by the Senate Majority Leader and two (2) Members of the Washington State House of Representatives, representing each of the two major political parties and nominated by the Speaker of the House.)

(A) All Commission members shall be selected from the African-American descendant community and possess professional expertise in the field of reparative justice.

(B) Qualifications. To serve as a member of the Washington State Citizens' Commission on Reparations, Candidates must meet the following qualifications:

- Must be a U.S. citizen and at least 18 years of age;

- Must be committed to engaging and enacting reparations public policy which is consistent with the Federal and State constitutions;
- Must possess previous experience enacting and implementing reparations legislation for U.S. citizens of color;
- Must have studied or authored published authoritative research on reparations or U.S. Chattel slavery;
- Must possess expertise in calculating present value of previously unpaid compensation for labor;
- Candidates must possess knowledge, background and expertise on the doctrine and history of reparations, and be open to a reparations procedure that would require every U.S. citizen seeking slavery reparations to prove they are a descendant of individuals who were enslaved in American chattel slavery between 1776 and 1865.

(C) All Commissioners must take an Oath of Office to abide by Washington state and federal constitutions, statutes and laws.

(D) At least one Commissioner shall be an attorney trained in constitutional law.

(E) At least one Commissioner shall be an experienced economist.

(F) At least one Commissioner shall be an experienced genealogist.

(G) Non-profit organizations chartered in Washington State may recommend their members to serve on the Washington State Citizens' Commission on Reparations.

(H) No Commissioner may serve more than two full consecutive terms.

(I) Members shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(J) Eight (8) Commissioners shall constitute a quorum for the purposes of voting and conducting business.

(K) At least four (4) Commissioners shall be bi-partisan, non-voting ex-officio members of the Washington State Legislature.

i) The Governor shall appoint two (2) Members of the Washington State Senate, representing each of the two major political parties, and two (2) Members of the Washington State House of Representatives, representing each of the two major political parties.

3. The Commission shall have the following powers and duties:

(A) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the vestiges of slavery that existed within the Oregon Territory from 1848 to 1853, after which it was separated from Oregon and established as the Washington Territory. Washington became the 42nd state of the United States in 1889.

(B) Research all Territorial and State laws that discriminated against formerly enslaved descendants who were deemed United States citizens from 1868 to the present.

(C) Recommend appropriate ways to educate Washington citizens on the Commission's findings.

(D) Timely attend all Commission meetings and hearings;

(E) Recommend appropriate remedies in consideration of the Commission's findings on the matters described in this section. In making recommendations, the Commission shall address, among other issues, all of the following:

(1) How the recommendations comport with international standards of remedies for wrongs and injuries caused by the state, which include full reparations and special measures, as understood by various relevant international protocols, laws, and findings.

(2) How the State of Washington may offer a formal apology on behalf of the people of Washington for the perpetration of gross human rights violations and crimes against humanity on the Descendant Community in the United States.

(3) How Washington's laws and policies continue to disproportionately and negatively affect the Descendant Community.

(4) How the injuries resulting from matters described in this subdivision can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

(5) How any form of compensation to members of the Descendant Community in the United States is calculated.

(6) Whether direct cash payments as a form of compensation should be awarded, through what instrumentalities, and who should be eligible to receive such compensation.

(7) Whether any other forms of rehabilitation or restitution to members of the Descendant Community in the United States are warranted and what form and scope those measures should take.

E. Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the Commission and expend, without legislative appropriation, the same or any income therefrom according to the terms of such private or public gifts, grants or endowments.

The Commission shall publish a written report of its findings and recommendations and submit to the Governor, Washington State Legislature and Washington state's members of the U.S. Congress and U.S. Senate no later than one calendar year following the date of the first meeting of the Commission. The report shall be submitted in compliance with Washington statutory law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this ____th day of July A.D., two thousand and twenty-four.

Jay Inslee

Governor of Washington State

BY THE GOVERNOR:

Secretary of State