

Chapter 41

(House Bill 307)

AN ACT concerning

Maryland Lynching Truth and Reconciliation Commission

FOR the purpose of establishing a Maryland Lynching Truth and Reconciliation Commission; providing for the composition, chair, and staffing of the Commission; authorizing the staff member provided by the Office of the Attorney General to issue certain subpoenas; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to hold certain public meetings, receive certain recommendations, and make certain recommendations; authorizing the Commission to ~~investigate~~ research certain cases of racially motivated lynching; requiring the Commission to submit an interim report and a final report to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Maryland Lynching Truth and Reconciliation Commission.

Preamble

WHEREAS, Lynching, or the extralegal murder of an individual in an act of mob violence, is a violation of the rights to due process and equal protection of the law; and

WHEREAS, At least 40 ~~African American men~~ African Americans were lynched by white mobs in Maryland between 1854 and 1933; and

WHEREAS, No person was ever tried, convicted, or otherwise brought to justice for participating in these racially motivated lynchings; and

WHEREAS, Various State, county, and local government entities colluded in the commission of these crimes and conspired to conceal the identities of the parties involved; and

WHEREAS, These crimes far exceeded any notion of “justice”, just retribution, or just punishment, but were intended to terrorize African American communities and force them into silence and subservience to the ideology of white supremacy; and

WHEREAS, No victim’s family or community ever received a formal apology or compensation from State, county, or local government entities for the violent loss of their men; and

WHEREAS, Restorative justice requires a full knowledge, understanding, and acceptance of the truth before there can be any meaningful reconciliation; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) There is a Maryland Lynching Truth and Reconciliation Commission.

(b) The Commission consists of the following members:

~~(1) one member of the Senate of Maryland, appointed by the President of the Senate;~~

~~(2) one member of the House of Delegates, appointed by the Speaker of the House~~ the Chair of the Commission on Civil Rights, or the Chair's designee;

~~(3)~~ (2) the State Archivist, or the State Archivist's designee;

~~(4)~~ (3) the Director of the Maryland Historical Trust, or the Director's designee;

~~(5)~~ (4) the Chair of the Commission on African American History and Culture, or the Chair's designee;

~~(6)~~ (5) the President of the Maryland State Conference of the National Association for the Advancement of Colored People, or the President's designee;

~~(7)~~ (6) the Executive Director of the Reginald F. Lewis Museum of African American History and Culture, or the Executive Director's designee;

~~(8)~~ (7) the President of the National Great Blacks in Wax Museum, or the President's designee;

~~(9)~~ (8) the President of the Maryland Historical Society, or the President's designee;

~~(10)~~ (9) the President of the Maryland Lynching Memorial Project, or the President's designee;

~~(11)~~ (10) the Director of the Lillie Mae Carroll Jackson Civil Rights Museum, or the Director's designee;

~~(12)~~ (11) one historian from each of the following historically black colleges and universities, appointed by the President of the institution:

(i) Bowie State University;

(ii) Coppin State University;

(iii) Morgan State University; and

(iv) University of Maryland Eastern Shore; and

~~(13)~~ (12) four members of the public, nominated by members of the Commission and appointed by the Governor.

(c) The chair of the Commission shall be elected from among the members of the Commission.

(d) (1) ~~The Maryland State Archives~~ Bowie State University, in consultation with the Maryland Lynching Memorial Project, shall provide staff for the Commission.

(2) (i) The Office of the Attorney General shall provide a staff member to assist the Commission.

(ii) The staff member provided under subparagraph (i) of this paragraph may issue a subpoena for the attendance of a witness to testify or for the production of documents in connection with any investigation or hearing conducted by the Commission under this section.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall:

(1) hold regional hearings open to the public in ~~each county~~ areas in which a lynching of an African American by a white mob has been documented;

(2) receive from the public, including those from the families and communities affected by racially motivated lynchings, recommendations for addressing, engaging, and reconciling communities affected by racially motivated lynchings, including the erection of memorial plaques or signage at or near the sites of racially motivated lynchings; and

(3) make recommendations for addressing the legacy of lynching that are rooted in the spirit of restorative justice.

(g) In the hearings conducted under subsection (f) of this section, the Commission may ~~investigate~~ research:

(1) cases of racially motivated lynchings for which there is no documentation, should those cases be brought to the Commission's attention; and

(2) the involvement of State, county, and local government entities and relevant news media in cases of racially motivated lynching.

(h) (1) On or before September 1, 2020, the Commission shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2021, the Commission shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 18, 2019.