

February 27, 2023

Dear Members of the Health and Government Operations Committee,

My name is Virginie Ladisch. I am a resident of Takoma Park, District 20. I am testifying in opposition to HB409 and HB875 unless significant amendments are made.

It is a positive step to see the topic of reparations being discussed and legislated in Maryland. However, drawing on my own experience supporting and accompanying reparations programs around the world and in the United States, as a Senior Expert at the [International Center for Transitional Justice](#), I have several concerns that this bill falls short of providing an avenue for meaningful repair. I also support the National Coalition of Blacks for Reparations in America's position on these bills.

With the aim of creating a stronger bill, I respectfully submit the following points for your consideration:

I) Reparations are much more than compensation.

I would strongly urge you to expand the definition of reparations in this bill to be in line with the internationally accepted definitions of repair as defined by the [United Nations 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 defines five areas of repair:

1. Restitution – which includes restoration of liberty and human rights, and the return of property.
2. Compensation for damages, including physical harm as well as lost opportunities and earnings.
3. Rehabilitation – from the health and psychological effects of enslavement and institutional racism.
4. Satisfaction – cessation of human rights violations and abuses, establishment of truth-seeking commissions, public apologies, and the establishment of sites to commemorate the history of enslavement.
5. Guarantees of non-repetition – the reforms needed to ensure the prevention of future abuses.

II) The Importance of Public Consultation

Following horrific human rights violations, it is not possible to achieve full repair; nothing can ever bring back someone's life or missed opportunities. Therefore, for reparations to be meaningful to the intended beneficiaries, it is essential that they *perceive* them to be reparatory. To that end, the beneficiaries of these reparations must have a say in what types of reparations are offered.

I would therefore suggest that you include a provision for broad public consultation and involvement, for example through community-based hearings, town halls, and opportunities for the public to submit input in writing if they cannot attend the public events.

III) Feasibility of Implementation

The current composition of 18 volunteer commissioners risks making the process unwieldy. The task of consulting, defining, and implementing reparations requires a dedicated full-time team that includes people with expertise in how to work with different government agencies and/or banks and businesses to design and implement reparations programs, as well as members with expertise in carrying out public consultation and who have trust and legitimacy among the intended beneficiaries of the reparations program.

IV) Learn from national and international experiences

Attempting to repair the irreparable is no small task. It is therefore essential to take every opportunity to learn from past experiences to make this process more meaningful and implementable. I encourage you to take several steps back and study the work of the California Task Force to Study and Develop Reparation Proposals for African Americans as well as review their [Interim Report](#) and watch their [community hearings](#). In Maryland we can do an even better job than California because we can study their experiences and develop lessons learned.

In addition to national experiences, there is much to be learned from international experiences in reparations. The [ICTJ](#) is a resource and can provide comparative expertise and technical support in crafting a bill that provides a path towards meaningful repair.

V) Do not put the burden of proof on those whose rights were violated

The current bill seems to put the burden of proof on the descendants of individuals enslaved in Maryland by requiring information that will likely be impossible to prove given the passage of time and the lack of documentation. Furthermore, it is problematic to make reparations benefits dependent on the length and conditions of enslavement. The entire institution was a horrific violation of rights and human dignity with consequences that persist to the present.

It is for these reasons that I am encouraging you to oppose HB409 and HB875. I recommend that you start over, study the experiences in California and around the world, seek the guidance of the qualified individuals in Maryland, and create a bill that includes full repair (the five areas mentioned above) as well as public input.

I appreciate your time, service, and consideration.

Sincerely,

Virginie Ladisch
7301 Willow Avenue
Takoma Park, MD 20912