



Commonwealth of Virginia  
Office of the Governor

## Executive Order

### AMENDED NUMBER THIRTY-TWO

#### CONTINUING THE COMMISSION TO EXAMINE RACIAL INEQUITY IN VIRGINIA LAW

##### Importance of the Initiative

The Commonwealth of Virginia has a long and complex history, which includes a lengthy and pervasive history of racial inequities and racially-discriminatory laws. The purpose of this Commission is to review the Virginia *Acts of Assembly*, *Code of Virginia*, and administrative regulations with the goal of identifying and making recommendations to address laws that were intended to or could have the effect of promoting or enabling racial discrimination or inequity. Such laws have no place in Virginia or its law books. The Commission is also, where appropriate, to propose new laws, regulations, or other policy changes that would help to address such inequities.

The first year of the Commission's work further demonstrated the needs for its continuing efforts. Throughout the summer and fall of 2019, the Commission, along with considerable research assistance from law students from the University of Richmond School of Law, law students from the University of Virginia School of Law, students from Virginia Commonwealth University. My staff reviewed *Acts of Assembly* from 1900 to 1960. In conducting the review, staff and student volunteers specifically highlighted sections of the *Acts of Assembly*, which contained explicit racist or discriminatory language or had clear discriminatory intent.

On December 5, 2019, the Commission issued its first [interim report](#), which identified dozens of instances of overtly discriminatory language still on our books, including laws prohibiting black and white children from attending the same school, prohibiting interracial marriage and prohibiting those of different races from traveling in the same railcars. These laws and others demonstrated the pervasive and extensive racism and segregation in Virginia, racism and segregation that were intentional, deliberate, and cut across all areas of life. And while many of these laws were obviated by court rulings, or federal or state legislative action, they remained in the *Acts* as an all-but-hidden reminder of our Commonwealth's painful and damaging history.

During the 2020 General Assembly Session, seven bills were introduced to repeal these *Acts of Assembly*. Every bill passed unanimously in both the House and the Senate. When the Governor signed the bills, a total of 91 *Acts of Assembly* were repealed.

The work of this Commission remains unsettlingly necessary. As recent police brutality and targeted community attacks have led to the deaths of people of color across the nation, including George Floyd, Breonna Taylor, and Ahmaud Arbery. Concurrently, the Coronavirus (COVID-19) pandemic, which has swept across the world and across this Commonwealth has further exposed racial disparities in access to health care, employee protections, workplace safety, housing and education. The work of this Commission is more important now than ever. The Commission is charged with identifying laws and policies to be amended, repealed or added with the goal of addressing the underlying inequalities that are the tragic legacy of Virginia's racist past and give rise to the problems we are seeing today.

This Commission will continue to work to identify the vestiges of inequity and inequality in Virginia's laws, laying the groundwork for the redefining of the Commonwealth in the 21st century as a state committed to the success and equitable treatment of every citizen.

### **Establishment of the Commission to Examine Racial Inequity in Virginia Law**

Accordingly, by virtue of the authority vested in me as Governor, under Article V of the Constitution of Virginia and §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Commission to Examine Racial Inequity in Virginia Law (Commission). The Commission will identify laws in Virginia that have the effect or could have the effect of enabling or promoting racial inequity or inequality. Furthermore, the Commission will explore the collected data and research regarding the impact these laws have had on minority communities across the Commonwealth and will make policy or legislative recommendations to the Governor to ameliorate the discriminatory effects of these practices or laws.

### **Composition and Support of the Commission**

The Commission's members and chair(s) will be appointed by the Governor. The Governor will select experts, scholars, and community leaders with knowledge of and/or experience in civil rights, race and equity, and the law. The Governor may appoint other members at any time to carry out the assigned functions of the Commission. The Commission will have an advisory role and the members will serve without compensation, in accordance with § 2.2- 2100 of the *Code of Virginia*. In carrying out its duties, the Commission may appoint working groups as it deems appropriate, and may solicit participation from relevant subject matter experts, practitioners and historical analysts.

Staff support for the Commission will be provided by the Office of the Governor and any other agencies or offices as may be designated by the Governor. An estimated 250 hours of staff time will be required to support the work of the Commission.

**Duties of the Commission**

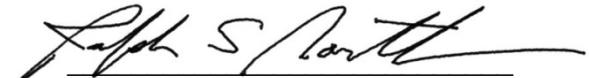
The Commission will meet upon the call of the chair(s) and will issue an interim report with its findings and recommendations no later than November 15, 2020, and any additional reports and recommendations as necessary or as requested by the Governor. This report may also include a proposed framework for the continuation of the Commission’s work. The Commission’s findings and recommendations will be distributed to promote best practices across the Commonwealth.

**Effective Date of the Executive Order**

This Executive Order shall be effective upon signing and shall remain in full force and effect for a year from its signing order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 4<sup>th</sup> day of June, 2020.



  
Ralph S. Northam, Governor

Attest:

  
Kelly Thomasson, Secretary of the Commonwealth