

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SM 974

INTRODUCER: Senator Pizzo

SUBJECT: Jean-Jacques Dessalines Day

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SM 974 is a memorial to the Congress of the United States urging Congress to recognize October 17 as Jean-Jacques Dessalines Day.

A memorial is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.

II. Present Situation:

Jean-Jacques Dessalines

Jean-Jacques Dessalines (1758-1806) was an important military and political leader during the Haitian revolution and the first president and emperor of Haiti following their independence in 1804. Under Dessalines, Haiti became the first new-world country to permanently abolish slavery.

During the Haitian Revolution¹

Born into slavery², Dessalines was a field hand until he joined a massive slave rebellion in 1791 that would sprawl into the Haitian revolution. Dessalines joined the local rebellion military and

¹ See throughout Encyclopedia Britannica, *Jean-Jacques Dessalines*, <https://www.britannica.com/biography/Jean-Jacques-Dessalines> (last visited December 27, 2019); Biography, *Jean-Jacques Dessalines*, March 16, 2015 (Updated June 18, 2019), <https://www.biography.com/political-figure/jean-jacques-dessalines> (last accessed January 15, 2020); The Louverture Project, *Jean Jacques Dessalines*, https://thelouvertureproject.org/index.php?title=Jean-Jacques_Dessalines (last visited December 27, 2019); Brown Library, *Haitian Independence*, <https://library.brown.edu/haitihistory/11.html> (last visited December 27, 2019); Girard, Philippe R. "Caribbean genocide: racial war in Haiti, 1802-4." *Patterns of Prejudice* 39.2 (2005): 138-161.

² Haitian tradition holds that Dessalines was born in West Africa and transported as a slave, while historians believe he was born in Haiti.

eventually travelled to Santo Domingo (in modern-day Dominican Republic, then under Spanish control), where he enlisted with the Spanish army against the French colony of Saint-Domingue. Here, Dessalines met and became chief lieutenant to Toussaint Louverture, who would become the first leader of the Haitian Revolution.

After France ended slavery in 1794, Louverture and Dessalines realigned in alliance with France. Over the following years Louverture and Dessalines established a semi-autonomous colony through military rule. Dessalines was successful as a military commander, facing Spanish and British forces as well as insurrection within the colony. While remaining loyal to France, Louverture became governor of newly autonomous Saint-Domingue with their own constitution.

In 1802, with the intent of reestablishing French control over Saint-Domingue, Napoleon Bonaparte officially reinstated slavery on the island and sent an expeditionary force to Saint-Domingue to wrest power from Louverture's government. Louverture and Dessalines led Haitian forces against the French forces and defeated them in the Battle of Crête-à-Pierrot. Following this battle, Dessalines briefly allied with the French against Louverture, who surrendered before being jailed and brought to France, where he would die of pneumonia the following year.

The Haitian rebels would be shortly reunited under Dessalines against the French, owing to the French military's brutal tactics and their heavy losses due to yellow fever. Dessalines became the leader of the revolution and, after several victories the French colonial army surrendered all of its territory to Dessalines.

Leader of Haiti³

On January 1, 1804, Dessalines declared the colony's independence and renamed it Haiti, an indigenous name meaning "land of high mountains." He declared himself Governor-General-for-life, until later that year when he would be crowned Emperor Jacques I of Haiti. The new country abolished slavery, becoming the first country in the Americas to do so. Dessalines continued many of Louverture's policies, including a regime of forced labor referred to as agrarian militarism, where the government demanded all citizens either work as soldiers or as laborers on plantations.

The Massacre of 1804⁴

In 1804, following the declaration of an independent Haiti, Dessalines ordered that all white people on the island should be killed. Between February and April, Haitian forces killed as many as 5,000 whites including women and children, essentially eradicating white Haitians.⁵ The Constitution of 1805 also banned white men from owning land, with few exceptions.⁶

³ See *supra*, footnote 1.

⁴ *Id.*

⁵ Biography, *Jean-Jacques Dessalines*, March 16, 2015 (Updated June 18, 2019), <https://www.biography.com/political-figure/jean-jacques-dessalines> (last accessed January 15, 2020); see also McKey, Colin, *The Economic Consequences of the Haitian Revolution*, June 2016, available at <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/20330/Final%20Thesis-McKey.pdf?sequence=1> (Last visited January 15, 2020).

⁶ The 1805 Constitution of Haiti, Article 12, reads "No whiteman of whatever nation he may be, shall put his foot on this territory with the title of master or proprietor, neither shall he in future acquire any property therein." Available at <https://web.archive.org/web/20051228150910/http://www.webster.edu/~corbete/haiti/history/earlyhaiti/1805-const.htm>.

End of Dessalines' Rule and Legacy⁷

As resistance to Dessalines's rule grew in certain circles, revolt broke out. Dessalines was assassinated during an effort to quell revolt in 1806. For much of the 19th Century Dessalines was reviled by Haitians for his brutality and autocratic rule. The turn of the 20th century, however, saw a revision of how Dessalines is seen, and now he is considered a founding father of Haiti. The Haitian national anthem, written in 1903, is entitled "La Dessalinienne." Dessalines Day is a national holiday in Haiti, observed on October 17th each year, the anniversary of his death.⁸

Federal Recognition of Other Commemorative Events

Congress has passed legislation relating to national observances and commemorative months on several occasions. For example, Congress has passed legislation to commemorate or authorize the President to proclaim February as "National African American History Month," November as "Native American Heritage Month,"⁹ May as "Jewish American Heritage Month," May as "Asian Pacific Heritage Month," and the period beginning September 15 and ending October 15 as "National Hispanic Heritage Month".¹⁰ In addition, Congress has passed legislation to commemorate or authorize the President to proclaim several days of national observance such as Flag Day on June 14,¹¹ and Native American Heritage Day on the first Friday after Thanksgiving.¹²

Observances and Ceremonies

National and Patriotic Observances and Ceremonies are governed by Title 36 of the United States Code. There are forty-six patriotic and national observances specified by the United States Code, from American Heart Month to Veterans Day.¹³ These observances designate a certain day for observation and request that the president issue a proclamation calling for appropriate observance and ceremony.¹⁴ Each of the observances and ceremonies are American, related to American history.

⁷ *Supra*, note 5.

⁸ OfficeHolidays, *Dessalines Day in Haiti in 2020*, <https://www.officeholidays.com/holidays/haiti/dessalines-day> (last visited January 14, 2020).

⁹ The observance was first authorized by President H.W. Bush in 1990 under the title 'National American Indian Heritage Month' and has since been titled under several variations. The current title of the observation is 'Native American Heritage Month.' LIBRARY OF CONGRESS, *About Native American Heritage Month*, <http://nativeamericanheritagemonth.gov/about/> (last visited January 14, 2020).

¹⁰ Library of Congress, *Commemorative Observances*, <http://www.loc.gov/law/help/commemorative-observations/> (Last visited January 14, 2020).

¹¹ House Joint Resolution 211, Pub. L. 99-54 (1985), available at <https://www.gpo.gov/fdsys/pkg/STATUTE-99/pdf/STATUTE-99-Pg97.pdf>

¹² House Joint Resolution 40, Pub. L. 111-33 (2009), available at <https://www.congress.gov/bill/111th-congress/house-joint-resolution/40/text>

¹³ See 36 U.S.C. ss. 101-145 (2019).

¹⁴ See, e.g., 36 U.S.C. s 109 Father's Day (2019).

Senate Memorial

A Senate Memorial is “a measure addressed to an executive agency or another legislative body, usually congress, which expresses the consensus of the Florida Legislature or urges that certain action be taken on a matter within the jurisdiction of the agency or body to which it is addressed. When both houses adopt the measure, the memorial is signed by the legislative officers and transmitted to the Secretary of State for presentation to the addressee. A memorial is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.”¹⁵

III. Effect of Proposed Changes:

The Senate Memorial would urge the United States Congress to recognize October 17 as Jean-Jacques Dessalines Day, and dispatch a message to that effect.

Copies of the memorial will be sent by Florida’s Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

The Memorial contains five whereas clauses. The clauses outline Dessalines’s status as founding father and celebrated ruler, state that Haiti was the first country in the Americas to abolish slavery, and state that the anniversary of his assassination is celebrated in Haiti as Dessalines Day.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

As SM 974 is a memorial requesting an action of the federal government, mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties’ or municipalities’ ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ Senate Glossary, <https://www.flsenate.gov/Reference/Glossary>.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.