



# OLR RESEARCH REPORT

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## **SLAVERY ERA INSURANCE REGISTRY LAWS**

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You asked for a description of legislation adopted in other states requiring insurance companies to provide registries of insurance they provided to slaveholders.

### **SUMMARY**

California, Illinois, and Maryland have adopted legislation requiring insurance companies to determine whether they have records going back to when slavery existed in this country and, if so, to provide information on insurance policies held by slaveholders on slaves to the state's insurance department. The Iowa House passed similar legislation, asking the insurance commissioner to request this information from insurers. In each state, the department was required to report its findings to the legislature.

The departments in California, Illinois, and Iowa have submitted their reports; the report in Maryland is due in April 2012. According to all three reports, the vast majority of insurers have responded to the departments' inquiries. The responses have been similar across states. Most insurers report that either they or their predecessors were not writing policies before 1865 or that they no longer have records from that period. However, a number of insurers have provided information. Among the insurers active in the Connecticut market that have provided information are Aetna, AIG, and New York Life.

In addition to these state initiatives, a number of municipalities have required insurers and financial companies with which they do business to provide information on slavery era policies or investments the companies or their predecessors may have made or entered into. These municipalities included Berkeley, Chicago, Detroit, Milwaukee, Oakland, and San Francisco.

## **CALIFORNIA**

### ***Legislation***

In 2000, the legislature passed [SB 2199](#) (Cal. Insurance Code section 13810 et seq.). The law required the insurance commissioner to (1) request and obtain information from insurers licensed and doing business in California regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, (2) obtain the names of any slaveholders or slaves described in those insurance records, and (3) make the information available to the public and the Legislature.

The law required each insurer licensed and doing business in the state to research and report to the commissioner with respect to any records within its possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for injury or death of their slaves. It entitled descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, to full disclosure of this information.

### ***Implementation***

In 2001, the Insurance Department issued a notice to insurers regarding the law. The notice also indicated that the department would hold hearings in order to gather public comment regarding a proposed regulation to implement the statute. The hearings were held in San Francisco and Los Angeles. In addition, the department mailed a document that included the text of the proposed regulation and described the department's rationale for the regulation to (1) all California property and casualty and life insurance companies, (2) a statutorily mandated list of persons requesting notice of all department regulatory actions, and (3) a list of interested parties. The department sent a special invitation to the hearings to 19 insurers that (1) were identified in the press as having written slavery era insurance policies or

(2) the department had identified as having transacted business in California when the Office of the Insurance Commissioner was established (1868).

The final regulation required insurers to provide the names of slaves and slaveholders electronically as well as on paper.

### ***Company Reports***

In a 2002 report to the legislature, the department noted that 92% of insurers in the state had responded to its notice. The vast majority of responses indicated the insurer had been incorporated after the end of the slavery era and there was no predecessor company that existed during the applicable period. As a result, the insurer had nothing to report.

The department also received a few responses indicting that the company or its predecessor was doing business during the period, and had conducted a thorough search of its archives and records, but was unable to find responsive information or documents. Some insurers routinely destroyed documents beyond a certain age and therefore had no way of knowing whether or not a slavery era predecessor existed. In other cases, a slavery era predecessor existed, but responsive documents had been lost or destroyed.

The following insurers were able to locate information or records responsive to the regulation and provide them to the department.

**ACE USA.** The company is the successor to the Insurance Company of North America (ICNA) and Aetna Fire, which conducted business during the slavery era. Ace reported that to comply with the regulation, it retained a law firm to assist in its efforts to identify and compile all of the records and information related to slavery era insurance policies. Ace said that it contacted archivists and historians from several universities and historical societies and obtained insights on how they might most fully identify any responsive data located in its archives.

To help its search, Ace acquired a database of information about the transatlantic slave trade that contains the records of 27,233 transatlantic slave ship voyages made between 1595 and 1866. Ace reported that it also reviewed the historical records that it received from its predecessor corporations.

Ace reported that it found a copy of a slave policy written in 1855 by Aetna Life. Although this was after Aetna Life's separation from Aetna Fire, in the interests of full disclosure Ace submit the document to department. This policy was issued in Mississippi and insured the life of a slave named Peter, identified as a laborer.

**Aetna.** Aetna filed a report on behalf of its four companies presently licensed to do business in California. It stated that Aetna Life Insurance Company (ALIC) is the only one of those companies that was in existence during the slavery era. It reported that ALIC was incorporated in Connecticut in 1853 and was first licensed to write life insurance in California in 1868.

Aetna reported that it established a team of lawyers, paralegals, and business people who were charged with coordinating its response and overseeing its compliance with the regulation. Aetna reported that the team conducted a thorough review of potentially relevant practices of all of its companies that issued life insurance anywhere in the United States. The team reviewed all pertinent documents in its possession and also communicated with former subsidiaries for all potentially applicable materials. It reported on materials and information still located within the company as well as materials and information transferred to the former subsidiaries.

Aetna reported an extensive internal search through its archives to locate records, files, and other information required by the statute and to determine the extent, location and nature of its business activity and operations from the slavery era. The search included historical policies, annual reports, company publications, rare books, agent instruction manuals, communications to agents, records housed outside of the company, among other types of documents, as well as communications with the South Carolina Historical Society.

Aetna also reported that its team spoke to former employees now employed at its former subsidiary, who told them that the administrative database that tracks all of the former life insurance policies does not contain any policies from the slavery era. Aetna reported that the system automatically deletes the files after the policies have terminated, and therefore, no life records would exist either in paper or electronic format. The oldest policy in the database was issued in 1923. Aetna reported that after reasonable efforts and due diligence, the team was not able to identify any additional records relating to slavery era insurance.

Aetna's search uncovered seven policies, some of which cover multiple lives. In most instances, there is no record of the last name of the insured slave. Five of the policies were found in the company's archive, and two from outside sources. Aetna produced a list of sixteen first names of slaves culled from the seven policies. Sometime after its initial report, Aetna discovered a ledger book containing the names of slaves and slaveholders and submitted those additional names as well.

**AIG.** AIG reported that in August 2001 it acquired America General Corporation (AGC), comprised of 17 insurers licensed to do business in California. AIG reported that of those 17, only United States Life Insurance Company in the City of New York (U.S. Life) did business during the slavery era.

AIG reported that it used a professional staff of certified archivists to research the records of the company and its subsidiaries. It reported that its corporate archivist researched records and interviewed staff in all ACG offices and that all potentially relevant documents, both paper and microfilm, were examined. AIG also interviewed records administrators in their facilities in several states and at its outside storage facility.

While AIG's research failed to uncover copies of any slavery era insurance policies, the search did locate a magazine article which contains a replica of a policy issued to a slaveholder in the amount of \$550.00 on the life of one male slave known as "Charles." The article recites the provisions of the policy. AIG also provided a list of the names of slaves and slaveholders culled from U.S. Life bound registries.

**Manhattan Life.** Manhattan Life provided one policy that insured shippers for their cargo of 700 Chinese contract laborers on a journey from China in 1854, but provided no records regarding slaves.

**New York Life.** The company reported that it undertook an extensive review of its slavery era archival records, including published histories of the company, policy registers, index of applicants, and death claim books. The company also reports that it retained outside professional archivists to assist with this research effort.

The company reported that its predecessor, Nautilus Insurance Company began writing life insurance policies in 1845 and sold slaveholder life insurance policies for approximately two years in the 1840's until the Trustees voted to end the sale of such policies in 1848. New York Life reported that of the first 1,000 policies written by the predecessor, 339 were on the lives of slaves and that these policies were usually written for less than \$500 and for a term of one year. New York

Life reported that there were three death claims under slave policies in the period under review, with a total of \$1,050 paid. New York Life provided a list of 484 names of slaves and 233 names of slaveholders

The company stated that it abhors the practice of slavery and profoundly regrets that its predecessor was associated in any way with that contemptible practice for even a brief period of time. It went on to state that the fact that slavery was legal in certain parts of the United States during that time does not make it any less repugnant. New York Life stated that while it regrets this history, it understands the historical value of its archival records and that contributing to our society's understanding of the slavery era and helping people trace their genealogy are laudable objectives.

***Penn Mutual Life Insurance Company.*** The company reported that during the slavery era it was licensed to do business in Pennsylvania only and so wrote no slave insurance in California. It reports that it was licensed to write insurance in Virginia as of 1912.

Penn Mutual reported that it found two documents in its archives regarding insurance policies issued to slaveholders that provided coverage for the death of slaves in Virginia. The documents provided no indication of the identity of the insurance company that issued those policies, and no indication of how or why Penn Mutual had acquired the documents in its archive. Copies of the documents were provided along with the report.

***Providence Washington.*** The company reported that, as part of its 200<sup>th</sup> anniversary celebration in 1999, it went through all of its files, along with material at the Rhode Island Historical Society. Although no material was found indicating that it had insured slaves, the company did find an entry in one of its historical reference books setting forth the account of a meeting held in 1799, where the company adopted a policy of not providing insurance on slaves.

***Royal & Sun Alliance.*** The company submitted a consolidated report on behalf of all of its companies licensed in California. It reported that it conducted a thorough search for records of policies issued to slaveholders during the slavery era for injury to or death of slaves and found that they had no such records in their possession.

The company reported, however, that historical records exist, indicating that London Assurance, one of their member companies, was a marine insurer starting in 1720 and limited evidence suggests that it may have insured owners of slave-carrying vessels. Royal & Sun Alliance

reported that it was not possible for them to quantify the extent of the insurance written by this affiliate. The company reported that the slave trade was abolished in England in 1806, pursuant to Parliament's passage of the Abolition of Slaves Act, and the insurance of slaves and ships was prohibited in the United Kingdom in 1811 pursuant to the Slave Trade Act.

### ***Further Information***

Royal & Sun Alliance submitted excerpts of a corporate history of London Assurance written in 1949 which described the insurance of a number of slaves.

Further information about California's law and the subsequent filings is available at <http://www.insurance.ca.gov/0100-consumers/0300-public-programs/0200-slavery-era-insur/slavery-era-report.cfm>.

## **ILLINOIS**

### ***Law and its Implementation***

Illinois' law, adopted in 2003, is nearly identical to California's ([215 Ill. Con. Stat. Sec. 5/155.39](#)).

On March 10, 2004, the Insurance Division of the Department of Financial and Professional Regulation sent a bulletin to all licensed insurers in the state. It requested that they conduct research to determine if they possessed information responsive to the act. The division asked insurers to advise it whether or not such information was found and to provide the research methodology used. If a company found slavery era policies or information regarding slavery era policies, they were required to report the names of slaves and slaveholders. The bulletin was sent to approximately 1,700 insurers, with an approximate response of 99.6%.

In 2004, the division submitted its [report](#) to the legislature. It reported that most of the responding insurers and their predecessors, if any, had been incorporated after the end of the slavery era (pre-1865) and therefore had no information to report. The division received a few responses from companies that were in business during the slavery era, but whose search of their records and archives revealed no information.

## **Company Reports**

The following companies provided information about their policies from the slavery era: ACE, Aetna, New York Life, Penn Mutual, and the United States Life Insurance Company in New York City.

The last company had not submitted a report to California. The American Home Assurance Company reported on behalf of the United States Life Insurance Company in New York City, successor to The United States Life Insurance Company in the City Of New York. The company located two U.S. Life bound registries that contained a list of policies issued between 1850 and 1872 and claims paid in this period. Two certified archivists used the two registers to create lists of slaveholder policies issued by the company. A majority of the policies include only the first name of the insured slave. As a result of this effort, the company reported 174 slave policies.

The company also found a magazine article from The American Conservationalist, A Magazine of Information and Inspiration for Life Insurance Men (June 1935), which contained a copy of an actual policy issued by The United States Life Insurance Company in the City of New York. That policy was issued to John G. Tillman on September 3, 1852 on the life of a slave named Charles. The policy was issued in Lexington, Kentucky.

The other companies provided information that was very similar to that provided to California. ACE's report noted that the one policy it previously found was written for a man named Francis Fountain in Harrison County, Mississippi. Aetna Life Insurance Company followed the same procedures in Illinois as it had in California. However, by the time it reported to Illinois, it was able to provide 24 policies, although in some cases the names of the slaves were not available. New York Life Insurance's report was also very similar to the one it made in California, although it was able to identify one additional slavery era policy, bring the total to 485. Penn Mutual was able to provide some more information about its archival data than it provided in the California report, noting the name of the agent of the unidentified insurance company, was Franklin Slaughter, of Fredericksburg, Virginia. The Illinois report noted that there was every indication in Penn Mutual's records that it could not have been the company issuing those policies, as the company has no records of agents during the slavery era. The report by the Providence Washington Insurance Company was essentially identical to the California report.

## **IOWA**

### ***Legislation***

In 2003, the Iowa House of Representatives adopted House Resolution 29, which urges the insurance commissioner to request slaveholder insurance policy records Iowa-licensed insurance companies, including subsidiaries of international insurance corporations.

The resolution stated that the House intended to rely on the voluntary cooperation and good example of insurers licensed to do business in Iowa. It asked the insurance commissioner to seek the slaveholder insurance policy information from such insurers by request.

The resolution requested that the commissioner report his findings to the general assembly by December 1, 2004.

### ***Implementation***

Since insurance companies doing business in Illinois were required to report information about slavery era insurance policies at the same time the Iowa Insurance Division was seeking similar information, the division decided to request information only from those companies doing business in Iowa, but not in Illinois. The Illinois Insurance Division and the California Department of Insurance shared their findings and information with Iowa.

On May 21, 2004, the division sent a letter to 112 insurance companies, requesting their cooperation in searching for any records of insurance policies issued during the slavery era. The division requested that the companies provide:

1. the name, address, telephone number, and National Association of Insurance Commissioners (NAIC) number for the main office of the insurer making the report;
2. the name, address, and telephone number of the insurer's contact person;
3. a description of the research methodology used to identify and compile the records requested, including a description of the record, whether the insurer found responsive data, and a summary of the responsive data; and

4. names of slaves, slaveholders, beneficiaries, and policyholders; a copy of the responsive policy; and other identifying information.

The division allowed holding companies to submit a consolidated report on behalf of all of its members. The reports were due at the division on August 16, 2004. On August 23, 2004, the division sent a second letter reminding the companies of the earlier request. All insurance companies were given a final deadline of September 1, 2004.

### ***Company Reports***

All of the 112 insurance companies responded to the division's request for information regarding any records of insurance policies issued during the slavery era. Many of the companies filed consolidated reports and included information about companies for which the division did not seek information.

Most of the responses indicated that the insurer and its predecessor, if any, had been incorporated after the end of the slavery era and thus had no information to report. A few of the responses stated that the company or its predecessor were in business during the slavery era, but a diligent search of their records did not reveal any responsive information. A few of these insurers reported that old records were routinely destroyed.

It appears that all of the information supplied by the companies doing business in Iowa had been reported to California or Illinois. A copy of the division's report to the legislature is available at <http://www.iid.state.ia.us/slavery>.

### **MARYLAND**

During the 2009 session, the general assembly adopted legislation that requires insurers to produce documents relating to slaveholder insurance policies issued in Maryland before 1865 ([Md. Code Secs. 30-101 to 30-103](#)). The law required the insurance commissioner to adopt regulations by January 1, 2010 on the form and content of the report. The insurers were required to provide information by October 1, 2011 and holding companies could file a consolidated report. The insurance commissioner must provide a report to the legislature by April 1, 2012 based on the information provided by the insurers.

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