

STATE OF NEW YORK

2904

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sens. SANDERS, PARKER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to acknowledge the fundamental injustice, cruelty, brutality and inhumanity of slavery in the city of New York and the state of New York; to establish the Commission to Study Reparations for African-Americans and to Recommend Remedies, to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans and to make recommendations on appropriate remedies; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Repara-
2 tions commission on slavery in New York state; a study and call for
3 remedies act".

4 § 2. Legislative intent. Contrary to what many people believe, slav-
5 ery was not just a southern institution. Prior to the American Revo-
6 lution, there were more enslaved Africans in New York City than in any
7 other city except Charleston, South Carolina. During this period, slaves
8 accounted for 20% of the population of New York and approximately 40% of
9 colonial New York's households owned slaves. These slaves were an inte-
10 gral part of the population which settled and developed what we now know
11 as the state of New York.

12 The first slaves arrived in New Amsterdam, a Dutch settlement estab-
13 lished at the southern tip of Manhattan Island, around 1627. These
14 enslaved Africans did not belong to individuals, but worked for the
15 Dutch West India Company. The Dutch East India Company had established
16 Fort Amsterdam, a fortification located on the southern tip of the
17 island of Manhattan, for the purpose of defending the company's fur
18 trade operations in the North River, now known as the Hudson River. In
19 1624, New Amsterdam became a provincial extension of the Dutch Republic
20 and it was designated the capital of the province in 1625.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 These first enslaved Africans cleared forests, prepared land for agri-
2 culture and built an infrastructure of roads, buildings and walls of
3 timber and earthwork, including the wall that gives Wall Street its
4 name. During the following years, more and more enslaved Africans were
5 brought to the New World for the purpose of expanding the settlement.

6 New Amsterdam came under English control in 1664 and was renamed New
7 York in honor of the then Duke of York, in whose name the English had
8 captured it. Three years later, the Dutch gave up their claim to the
9 town and the rest of the colony, in exchange for control of certain
10 trade routes and areas.

11 The change of control of the city did not deter slavery; it was an
12 enormously profitable enterprise and it continued under the English. New
13 York businesses engaged directly in slave trade and also in the
14 production of supplies used in the slave trade. They supplied food,
15 tools and grain to slave plantations in North America and in the West
16 Indies. Slave labor built and maintained ships used for trade between
17 North America, Europe, the Caribbean and Africa. Slaves produced goods
18 for sale and worked in private homes. Even newspapers benefited from
19 slavery: advertisements of slaves for purchase were a major source of
20 revenue for the papers during the eighteenth century.

21 Life was repressive for slaves in New York. The New York City Common
22 Council passed a number of restrictive laws designed at curtailing the
23 rights and freedoms of slaves. Slaves were barred from owning signif-
24 icant property and from bequeathing what they did own to their children.
25 The number of people of African descent who could gather in one place
26 was limited. Restrictions on movement included requiring slaves to carry
27 lanterns after dark and to remain in certain geographic areas.

28 Penalties for breaking these and other laws were severe. Beatings,
29 mutilations and executions were common.

30 Enslaved Africans refused to submit to the slave existence. The condi-
31 tions of their lives gave rise to rebellions and the development in the
32 city of a network of the Underground Railroad.

33 Not all citizens of New York agreed with slavery. A powerful aboli-
34 tionist movement developed, but the end of slavery in New York did not
35 come easily or quickly. Those who profited from the slave economy fought
36 to maintain the system.

37 In 1799 the New York state legislature passed "An Act for the Gradual
38 Abolition of Slavery". This legislation was a first step in the direc-
39 tion of emancipation, but did not have an immediate effect or affect all
40 slaves. Rather, it provided for gradual manumission. All children born
41 to slave women after July 4, 1799 would be freed, but only after their
42 most productive years: age 28 for men and age 25 for women. Slaves
43 already in servitude before July 4, 1799 were reclassified as "inden-
44 tured servants", but in reality, remained slaves for the duration of
45 their lives.

46 In 1817, the Legislature enacted a statute that gave freedom to New
47 York slaves who had been born before July 4, 1799. This statute did not
48 become effective until July 4, 1827, however.

49 Despite these laws, there were exceptions under which certain persons
50 could still own slaves. Non-residents could enter New York with slaves
51 for up to nine months, and allowing part-time residents to bring their
52 slaves into the state temporarily. The nine-months exception remained
53 law until its repeal in 1841, when the North was re-defining itself as
54 the "free" region in advance of the civil war.

55 In 1991, a huge African burial ground was discovered in the heart of
56 New York's financial district during construction of a skyscraper. The

1 excavations that followed the termination of the construction project
2 yielded the skeletal remains of 419 Africans, many of whom were women
3 and children.

4 The slavery that flourished in the New York state constituted an
5 immoral and inhumane deprivation of Africans' life, liberty, African
6 citizenship rights, and cultural heritage, and denied them the fruits of
7 their own labor. Sufficient inquiry has not been made into the effects
8 of the institution of slavery on living African-Americans and society in
9 New York.

10 § 3. Establishment, purpose and duties of the commission. a. Estab-
11 lishment. There is hereby established the Commission to Study Repara-
12 tions for African-Americans and to Recommend Remedies (hereinafter
13 referred to as the "commission").

14 b. Duties. The commission shall perform the following duties:

15 (1) Examine the institution of slavery which existed within the state
16 of New York and in the city of New York. The commission's examination
17 shall include an examination of:

18 (A) the capture and procurement of Africans;

19 (B) the transport of Africans to the United States and the colonies
20 that became the United States for the purpose of enslavement, including
21 their treatment during transport;

22 (C) the sale and acquisition of Africans as chattel property in inter-
23 state and intrastate commerce; and

24 (D) the treatment of African slaves in the city of New York and the
25 state of New York, including the deprivation of their freedom, exploita-
26 tion of their labor, and destruction of their culture, language, reli-
27 gion, and families.

28 (2) Examine the extent to which the federal and state governments of
29 the United States supported the institution of slavery in constitutional
30 and statutory provisions, including the extent to which such governments
31 prevented, opposed, or restricted efforts of freed African slaves to
32 repatriate to their homeland.

33 (3) Examine federal and state laws that discriminated against freed
34 African slaves and their descendants during the period between the end
35 of the Civil War and the present.

36 (4) Examine other forms of discrimination in the public and private
37 sectors against freed African slaves and their descendants during the
38 period between the end of the Civil War and the present.

39 (5) Examine the lingering negative effects of the institution of slav-
40 ery and the matters described in paragraphs (1), (2), (3), and (4) of
41 this subdivision on living African-Americans and on society in the
42 United States.

43 (6) Recommend appropriate ways to educate the American public of the
44 commission's findings.

45 (7) Recommend appropriate remedies in consideration of the commis-
46 sion's findings on the matters described in paragraphs (1), (2), (3),
47 and (4) of this subdivision. In making such recommendations, the commis-
48 sion shall address among other issues, the following questions:

49 (A) whether the New York state legislature should offer a formal apol-
50 ogy on behalf of the people of the United States for the perpetration of
51 gross human rights violations on African slaves and their descendants;

52 (B) whether African-Americans still suffer from the lingering effects
53 of the matters described in paragraphs (1), (2), (3), and (4) of this
54 subdivision;

55 (C) whether, in consideration of the commission's findings, any form
56 of compensation to the descendants of African slaves is warranted; and

1 (D) if the commission finds that such compensation is warranted, what
2 should be the amount of compensation, what form of compensation should
3 be awarded, and who should be eligible for such compensation.

4 c. Report to the legislature. The commission shall submit a written
5 report of its findings and recommendations to the temporary president of
6 the senate, the speaker of the assembly, the minority leaders of the
7 senate and the assembly and the governor not later than the date which
8 is one year after the date of the first meeting of the commission held
9 pursuant to subdivision c of section four of this act.

10 § 4. Membership. a. The commission shall be composed of eleven members
11 who shall be appointed within 90 days after the effective date of this
12 act, as follows:

13 (1) one member shall be appointed by the governor;

14 (2) one member shall be appointed by the speaker of the assembly;

15 (3) one member shall be appointed by the temporary president of the
16 senate;

17 (4) one member shall be appointed by the minority leader of the assem-
18 bly;

19 (5) one member shall be appointed by the minority leader of the
20 senate;

21 (6) two members shall be appointed by the National Coalition of Blacks
22 for Reparations in America (N.C.O.B.R.A.);

23 (7) two members shall be appointed by the December 12th Movement; and

24 (8) two members shall be appointed by Dr. Ron Daniels of the Institute
25 of the Black World.

26 b. All members of the commission shall be persons who are especially
27 qualified to serve on the commission by virtue of their education,
28 training, or experience, particularly in the field of African-American
29 studies.

30 c. First meeting. The chair shall call the first meeting of the
31 commission within 120 days after the effective date of this act or with-
32 in 30 days after the date on which legislation is enacted making appro-
33 priations to carry out this act, whichever date is later.

34 d. Quorum. Eight members of the commission shall constitute a quorum,
35 but a lesser number may hold hearings.

36 e. Chair and vice chair. The commission shall elect a Chair and Vice
37 Chair from among its members. The term of office for each shall be for
38 one year.

39 f. Compensation. The members of the commission shall receive no
40 compensation for their services as members, but shall be reimbursed for
41 their actual and necessary expenses incurred in the performance of their
42 duties.

43 § 5. Powers of the commission. a. Hearings and sessions. The commis-
44 sion may, for the purpose of carrying out the provisions of this act,
45 hold such hearings and sit and act at such times and at such places in
46 the United States, and request the attendance and testimony of such
47 witnesses and the production of such books, records, correspondence,
48 memoranda, papers, and documents, as the commission considers appropri-
49 ate.

50 b. Powers of subcommittees and members. Any subcommittee or member of
51 the commission may, if authorized by the commission, take any action
52 which the commission is authorized to take by this section.

53 c. Obtaining official data. The commission may acquire directly from
54 the head of any department, agency, or instrumentality of the executive
55 branch of the government, available information which the commission
56 considers useful in the discharge of its duties. All departments, agen-

1 cies, and instrumentalities of the executive branch of the government
2 shall cooperate with the commission with respect to such information and
3 shall furnish all information requested by the commission to the extent
4 permitted by law.

5 § 6. Administrative provisions. a. Experts and consultants. The
6 commission may procure through a competitive process the services of
7 experts and consultants.

8 b. Administrative support services. The commission may enter into
9 agreements with the commissioner of general services for procurement of
10 financial and administrative services necessary for the discharge of the
11 duties of the commission. Payment for such services shall be made by
12 reimbursement from funds of the commission in such amounts as may be
13 agreed upon by the chair of the commission and the commissioner of
14 general services.

15 c. Contracts. The commission may:

16 (1) procure supplies, services, and property by contract in accordance
17 with applicable laws and regulations and to the extent or in such
18 amounts as are provided in appropriations acts; and

19 (2) enter into contracts with departments, agencies, and instrumental-
20 ities of the federal government, state agencies, and private firms,
21 institutions, and agencies, for the conduct of research or surveys, the
22 preparation of reports, and other activities necessary for the discharge
23 of the duties of the commission, to the extent or in such amounts as are
24 provided in appropriations acts.

25 § 7. Termination. The commission shall terminate 90 days after the
26 date on which the commission submits its report to the temporary presi-
27 dent of the senate, the speaker of the assembly, the minority leaders of
28 the senate and the assembly and the governor as provided in subdivision
29 c of section three of this act.

30 § 8. The performance of the commission's duties, purposes and objec-
31 tives shall be executed within amounts made available by appropriation
32 therefor.

33 § 9. The sum of two hundred fifty thousand dollars (\$250,000), or so
34 much thereof as may be necessary, is hereby appropriated to the Commis-
35 sion to Study Reparations for African-Americans and to Recommend Reme-
36 dies from any moneys in the state treasury in the general fund, not
37 otherwise appropriated, for the purposes of carrying out the provisions
38 of this act. Such sum shall be payable on the audit and warrant of the
39 state chair of the Commission to Study Reparations for African-Americans
40 and to Recommend Remedies, or his or her duly designated representative
41 in the manner provided by law.

42 § 10. This act shall take effect immediately and shall expire and be
43 deemed repealed 30 days after the Commission to Study Reparations for
44 African-Americans and to Recommend Remedies submits its report to the
45 temporary president of the senate, the speaker of the assembly, the
46 minority leaders of the senate and the assembly and the governor as
47 provided in subdivision c of section three of this act; provided that,
48 the chair of the Commission to Study Reparations for African-Americans
49 and to Recommend Remedies shall notify the legislative bill drafting
50 commission upon the submission of its report as provided in subdivision
51 c of section three of this act in order that the commission may maintain
52 an accurate and timely effective data base of the official text of the
53 laws of the state of New York in furtherance of effecting the provisions
54 of section 44 of the legislative law and section 70-b of the public
55 officers law.