

STATE OF NEW YORK

7828

2023-2024 Regular Sessions

IN ASSEMBLY

June 23, 2023

Introduced by M. of A. LUCAS -- read once and referred to the Committee on Governmental Operations

AN ACT to acknowledge New York state's role in the fundamental injustice and inhumanity of the institution of slavery; to establish the New York State American Freedom Equity Task Force on Reparations Remedies; to examine all aspects of slavery, subsequent de jure and de facto racial, social and economic discrimination against American freedmen and the impact of these forces on living American freedmen and to make determinations regarding compensation and repair; to establish a New York state freedmen's bureau charged with the distribution of reparations & reparative justice passed in legislature by the state; and making an appropriation therefor

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 "New York
2 State American Freedmen Equity Task Force on Reparations Remedies Act".

3 § 2. Legislative intent. The Legislature makes the following findings
4 and declarations:

5 (a) Approximately 450,000+ Africans were trafficked and enslaved in
6 the United States and the colonies that became the United States from
7 1619 to 1865, inclusive. At the peak of slavery their descendants
8 numbered 4,000,000.

9 (b) The institution of slavery was constitutionally and statutorily
10 sanctioned by the United States from 1776 through 1865, inclusive.

11 (c) The chattel slavery that flourished in the United States consti-
12 tuted an immoral and inhumane deprivation of Africans' life, liberty,
13 citizenship rights, and cultural heritage and denied them the fruits of
14 their own labor.

15 (d) A preponderance of scholarly, legal, and community evidentiary
16 documentation, as well as popular culture markers, constitute the basis
17 for inquiry into the ongoing effects of the institution of slavery and

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

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1 its legacy embodied in persistent systemic structures of discrimination
2 on living descendants of persons enslaved in the United States, American
3 freedmen, and society in the United States.

4 (e) Contrary to what many people believe, slavery was not just a
5 southern institution. Prior to the American Revolution, there were more
6 enslaved Africans in New York City than in any other city except Charle-
7 ston, South Carolina. During this period, slaves accounted for 20% of
8 the population of New York and approximately 40% of colonial New York
9 households owned slaves. In 1799 the New York State Legislature passed
10 "An Act for the Gradual Abolition of Slavery". This legislation was a
11 first step in the direction of emancipation but did not have an immedi-
12 ate effect or affect all enslaved people. Rather, it provided for gradu-
13 al manumission. All children born to enslaved women after July 4, 1799,
14 would be freed, but only after their most productive years: age 28 for
15 men and age 25 for women. Enslaved persons already in servitude before
16 July 4, 1799, were reclassified as "indentured servants", but in reali-
17 ty, remained enslaved for the duration of their lives. In 1817, the
18 Legislature enacted a statute that gave freedom to New York enslaved
19 people who had been born before July 4, 1799. This statute did not
20 become effective until July 4, 1827, however, despite these laws, there
21 were exceptions under which certain persons could still own slaves.
22 Non-residents could enter New York with slaves for up to nine months,
23 and allowed part-time residents to bring their slaves into the state
24 temporarily. The nine-month exception remained law until its repeal in
25 1841 when the North was redefining itself as the "free" region in
26 advance of the Civil War.

27 (f) Following the abolition of slavery, the United States government
28 at the federal, state, and local levels continued to perpetuate,
29 condone, and often profit from practices that maintained brutalization
30 and disadvantage for African-American descendants of persons enslaved in
31 the United States, American freedmen including, but not limited to Black
32 Codes, sharecropping, convict leasing, Jim Crow laws, lynching, redlin-
33 ing, unequal education, etc.

34 (g) As a result of the badges and incidents of slavery, Jim Crow, and
35 continued targeted discriminatory policy, African Americans who are
36 descendants of persons enslaved in the United States, American freedmen
37 continue to suffer debilitating economic, educational, and health hard-
38 ships, including, but not limited to, the following:

39 (i) In New York state, more than half the prison population identifies
40 as Black/African American. According to the 2020 census, the total Black
41 population is only 12.4 percent.

42 (ii) An unemployment rate more than twice the current white unemploy-
43 ment rate.

44 (iii) An average of less than one-sixteenth of the wealth of white
45 families, a disparity that has worsened, not improved, over time.

46 (iv) Covid-19 highlighted existing racial health disparities with
47 individuals who identify as Black/African American dying at a dispropor-
48 tionately higher rate due to underlying conditions.

49 § 3. Establishment, purpose, and duties of the task force. (a) Estab-
50 lishment. There is hereby established the New York State American Freed-
51 men Equity Task Force on Reparations Remedies, which may be referred to
52 in this act as the "task force".

53 (b) Duties. The task force shall perform the following duties:

54 (i) Study the current condition of African Americans who descend from
55 persons enslaved in the United States, American freedmen both across the

1 nation, generally, and in the state of New York, specifically, as a
2 result of:

3 (A) The de jure and de facto discrimination against freed slaves and
4 their descendants from the end of the Civil War to the present, includ-
5 ing economic, political, educational, and social discrimination.

6 (B) The lingering negative effects of the institution of slavery and
7 discrimination on living African-American descendants of persons
8 enslaved in the United States, American freedmen and on society in New
9 York state and the United States.

10 (C) The manner in which instructional resources and technologies are
11 being used to deny the inhumanity of slavery and the crime against
12 humanity committed against African-American descendants of persons
13 enslaved in the United States, American freedmen in New York state and
14 the United States.

15 (D) The larger role of northern complicity in the disproportionately
16 southern-based institution of slavery:

17 1. The state of New York mercantile merchants profited immensely from
18 the sale of raw cotton to European mills transported from the southern
19 states.

20 2. New York businessmen assisted planters in purchasing the land
21 slaves worked, and the tools they used to labor.

22 3. New York's textile industry specialized in the clothes slaves wore
23 called "negro-cloth".

24 4. New York manufactured whips that overseers wielded, the books that
25 planters read, and the finery plantation mistresses prized.

26 5. New York lenders loaned money to allow planters to purchase slaves,
27 and insurance to protect their investments.

28 6. New York invested in transatlantic, international, and coastal
29 shipping lines that shipped between southern ports and New York.

30 (E) The direct benefits of slavery and discrimination to societal
31 institutions, public and private, including higher education, corporate,
32 religious, and associational.

33 (ii) Develop reparations remedies from which New York ratified the
34 U.S. Constitution and entered the Union as the eleventh State in 1788.

35 (iii) Recommend appropriate ways to educate the New York and American
36 public of the task force's findings.

37 (iv) Recommend appropriate remedies in consideration of the task
38 force's findings on the matters described in this section, including,
39 but not limited to:

40 (A) How the state of New York will offer a formal apology on behalf of
41 the people of New York for the perpetration of gross human rights
42 violations and crimes against humanity on African Americans who descend
43 from persons enslaved in the United States.

44 (B) How to change New York laws and policies that continue to dispro-
45 proportionately and negatively affect African-American descendants of
46 persons enslaved in the United States, American freedmen as a group, and
47 perpetuate the lingering material and psychosocial effects of slavery.

48 (C) How the injuries resulting from matters described in this subdivi-
49 sion can be reversed and how to provide appropriate policies, programs,
50 projects, and recommendations for the purpose of reversal of the inju-
51 ries.

52 (D) How in consideration of the task force's findings, any other forms
53 of recompense to African American descendants of persons enslaved in the
54 United States, American freedmen are warranted and what form and scope
55 those measures should take.

1 (E) How the state of New York can advocate the adoption of a national
2 plan for reparations for African-American descendants of persons
3 enslaved in the United States, at the federal level of the United States
4 government.

5 (v) Submit a preliminary report of its findings to the legislature no
6 later than sixteen months after the date of the first meeting of the
7 task force. The final report of its recommendations shall be submitted
8 to the legislature no later than fourteen months after the preliminary
9 report is submitted.

10 (vi) Designate individuals who are African American descendants of a
11 chattel enslaved person or the descendant of a free black person living
12 in the United States prior to the end of the nineteenth century in the
13 state of New York, as the population that will be the focus and sole
14 beneficiaries of the task force's analysis for achieving economic and
15 social equity.

16 § 4. Membership of the task force. (a) Appointment of members. (i) The
17 task force shall be composed of eleven members who shall be appointed
18 within ninety days after the effective date of this act, as follows:

19 (A) Five members shall be appointed by the governor; and

20 (B) Three members each shall be appointed by the president pro tempore
21 of the senate and the speaker of the assembly.

22 (ii) The governor's appointees shall include all of the following:

23 (A) One appointee from the field of academia that has expertise in
24 civil rights.

25 (B) Two appointees with experience working to implement racial justice
26 reform.

27 (C) Two appointees from grassroots organizations that are presently
28 championing the cause of reparatory justice for American freedmen.

29 (iii) No more than four members of the legislature shall be on the
30 task force.

31 (iv) Task force members shall be in support of American freedmen line-
32 age-based reparations.

33 (b) Qualification of members. (i) All members shall have demonstrated
34 through prior community service and/or professional activities that they
35 represent the interests of African-American descendants of persons
36 enslaved in the United States, American freedmen within communities
37 throughout the state, possess expertise, at least, in the fields of
38 history, civil rights, law, economics, and psychology, and, to the
39 extent possible, represent geographically diverse areas of the state.

40 (ii) At all times the composition of the task force shall be composed
41 of a majority of members who are American freedmen, African-American
42 descendants of persons enslaved in the United States.

43 (c) Meetings of the task force. (i) The governor shall call the first
44 meeting no later than thirty days after the members of the task force
45 have been appointed.

46 (ii) Six members of the task force shall constitute a quorum.

47 (iii) The task force shall elect a chair and vice-chair from among its
48 members. The term of office of each shall be for the life of the task
49 force.

50 (d) Compensation. (i) The members of the task force shall receive no
51 compensation for their service as members, but shall be reimbursed for
52 their actual and necessary expenses incurred in the performance of their
53 duties.

54 (ii) For attendance at meetings during adjournment of the legislature,
55 a legislative member of the task force shall be entitled to per diem

1 compensation and reimbursement of expenses upon appropriation by the
2 legislature.

3 (iii) Non-legislative members of the task force shall be entitled to
4 per diem compensation and reimbursement of expenses upon appropriation
5 by the legislature.

6 § 5. Powers of the task force. (a) Powers; generally. The task force,
7 for the purpose of carrying out the provisions of this act, has the
8 authority to:

9 (i) create subcommittees.

10 (ii) create its own bylaws.

11 (iii) hold such hearings and sit and act at such times and at such
12 places in the United States, as the task force considers appropriate.

13 (iv) request the production of books, records, correspondence, memo-
14 randa, papers, and documents.

15 (v) seek an order from a Superior Court compelling testimony or
16 compliance with a subpoena.

17 (b) Powers of subcommittees and members. Any subcommittee or member of
18 the task force may, if authorized by the task force, take any action
19 which the task force is authorized to take by this section.

20 (c) Obtaining official data. The task force may acquire directly from
21 the head of any state agency, or instrumentality of the state, available
22 information which the task force considers useful in the discharge of
23 its duties. All departments, agencies, and instrumentalities of the
24 state shall cooperate with the task force with respect to such informa-
25 tion and shall furnish all information requested by the task force to
26 the extent permitted by law. The task force shall keep confidential any
27 information received from a state agency that is meant to be confiden-
28 tial or exempt from article 6 of the public officers law.

29 § 6. Termination. The task force shall terminate ninety days after the
30 date on which the task force submits its final report to the legislature
31 as provided in paragraph (v) of subdivision (b) of section three of this
32 act.

33 § 7. Administrative provisions. (a) The task force may appoint and fix
34 the compensation of such personnel as the task force considers appropri-
35 ate.

36 (b) The task force shall have the administrative, technical, and legal
37 assistance of the state.

38 (c) The task force may procure supplies, services, and property by
39 contract in accordance with applicable laws and rules.

40 (d) The task force may enter into contracts for the purposes of
41 conducting research or surveys, preparing reports, and performing other
42 activities necessary for the discharge of the duties of the task force
43 with state departments, agencies, and other instrumentalities, federal
44 departments, agencies, and other instrumentalities, and private enti-
45 ties.

46 § 8. New York state freedmen's bureau. There is hereby established the
47 New York state freedmen's bureau, which may be referred to in this act
48 as the "freedmen's bureau", charged with the distribution of reparations
49 and reparative justice as recommended by the task force and further
50 passed in legislation by the state. In addition, the bureau shall focus
51 on, but not be limited to: genealogical research, community life, educa-
52 tion, and workforce development for American freedmen. The freedmen's
53 bureau will be established and funded as its own state agency reporting
54 directly to the governor. The bureau's initial tasks upon formation will
55 be genealogical research specifically for connecting American freedmen
56 with their lineage. Also, during the task force's existence the bureau

1 will serve to take on all genealogical work directed by the task force.
2 Once the task force concludes, its findings and recommendations will
3 direct the continued scope of the New York freedmen's bureau which will
4 be tasked with being the central administrator of programs recommended
5 by the task force which become law.

6 § 9. Federal reparations. Any state-level reparation actions that are
7 undertaken as a result of this task force are not a replacement for any
8 reparations enacted at the federal level, and shall not be interpreted
9 as such.

10 § 10. Budget. Monies appropriated for the New York state American
11 freedmen equity task force on reparations remedies and the New York
12 state freedmen's bureau shall be distributed as follows:

13 (a) New York freedmen's bureau: fifty million dollars (\$50,000,000)
14 per fiscal year.

15 (b) New York state American freedmen equity task force on reparations
16 remedies: twenty-two million dollars (\$22,000,000) which shall be used
17 as follows:

18 (i) Member reimbursement: two hundred fifty thousand dollars
19 (\$250,000). Member reimbursement shall not exceed two hundred fifty
20 thousand dollars (\$250,000) over the life of the task force. Receipts
21 shall be required for any reimbursement and only preauthorized expenses
22 shall be covered from any funds appropriated to the task force.

23 (ii) Expert witness travel, lodging and incidental costs: five hundred
24 thousand dollars (\$500,000).

25 (iii) Marketing: ten million dollars (\$10,000,000).

26 (iv) Community outreach and education: ten million dollars
27 (\$10,000,000).

28 (v) Administrative staff, equipment and office space: one million two
29 hundred fifty thousand dollars (\$1,250,000).

30 § 11. Appropriation. The sum of seventy-two million dollars
31 (\$72,000,000), or so much thereof as may be necessary, is hereby appro-
32 priated to the New York state American freedmen equity task force on
33 reparations remedies and the New York freedmen's bureau from any moneys
34 in the state treasury in the general fund to the credit of the state
35 purposes account not otherwise appropriated for the purposes of carrying
36 out the provisions of this act. Such sum shall be payable on the audit
37 and warrant of the state comptroller on vouchers certified or approved
38 by the chair of the New York state American freedmen equity task force
39 on reparations remedies or the director of the New York state freedmen's
40 bureau, or their duly designated representative in the manner provided
41 by law.

42 § 12. This act shall take effect immediately and sections two, three,
43 four, five, six, and seven of this act shall expire and be deemed
44 repealed ninety days after the New York state American freedmen equity
45 task force on reparations remedies submits its final report to the
46 legislature as provided in paragraph (v) of subdivision (b) of section
47 three of this act; provided that, the chair of the New York state Ameri-
48 can freedmen equity task force on reparations remedies shall notify the
49 legislative bill drafting commission upon the submission of its report
50 as provided in paragraph (v) of subdivision (b) of section three of this
51 act in order that the commission may maintain an accurate and timely
52 effective data base of the official text of the laws of the state of New
53 York in furtherance of effectuating the provisions of section 44 of the
54 legislative law and section 70-b of the public officers law.