

# STATE OF NEW YORK

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7274--A

2017-2018 Regular Sessions

## IN ASSEMBLY

April 17, 2017

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Introduced by M. of A. BARRON, HARRIS, PRETLOW, WRIGHT, SEPULVEDA, DICKENS, AUBRY, WALKER, BLAKE, WILLIAMS, RICHARDSON, CRESPO, SOLAGES, PICHARDO, ARROYO, RODRIGUEZ, MOSLEY, PEOPLES-STOKES, COOK, RIVERA, DE LA ROSA, PERRY, VANEL, TITUS, HYNDMAN, HOOPER, CAHILL, GANTT, JEAN-PIERRE -- Multi-Sponsored by -- M. of A. FARRELL -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 The first slaves arrived in New Amsterdam, a Dutch settlement estab-  
2 lished at the southern tip of Manhattan Island, around 1627. These  
3 enslaved Africans did not belong to individuals, but worked for the  
4 Dutch West India Company. The Dutch East India Company had established  
5 Fort Amsterdam, a fortification located on the southern tip of the  
6 island of Manhattan, for the purpose of defending the company's fur  
7 trade operations in the North River, now known as the Hudson River. In  
8 1624, New Amsterdam became a provincial extension of the Dutch Republic  
9 and it was designated the capital of the province in 1625.

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

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

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

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

37 Penalties for breaking these and other laws were severe. Beatings,  
38 mutilations and executions were common.

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

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

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

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

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

10 In 1991, a huge African burial ground was discovered in the heart of  
11 New York's financial district during construction of a skyscraper. The  
12 excavations that followed the termination of the construction project  
13 yielded the skeletal remains of 419 Africans, many of whom were women  
14 and children.

15 The slavery that flourished in the New York state constituted an  
16 immoral and inhumane deprivation of Africans' life, liberty, African  
17 citizenship rights, and cultural heritage, and denied them the fruits of  
18 their own labor. Sufficient inquiry has not been made into the effects  
19 of the institution of slavery on living African-Americans and society in  
20 New York.

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

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

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

29 (A) the capture and procurement of Africans;

30 (B) the transport of Africans to the United States and the colonies  
31 that became the United States for the purpose of enslavement, including  
32 their treatment during transport;

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

35 (D) the treatment of African slaves in the city of New York and the  
36 state of New York, including the deprivation of their freedom, exploita-  
37 tion of their labor, and destruction of their culture, language, reli-  
38 gion, and families.

39 (2) Examine the extent to which the federal and state governments of  
40 the United States supported the institution of slavery in constitutional  
41 and statutory provisions, including the extent to which such governments  
42 prevented, opposed, or restricted efforts of freed African slaves to  
43 repatriate to their homeland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) one member shall be appointed by the minority leader of the assembly;

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

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

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

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

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

c. First meeting. The chair shall call the first meeting of the commission within 120 days after the effective date of this act or within 30 days after the date on which legislation is enacted making appropriations to carry out this act, whichever date is later.

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

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

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

§ 5. Powers of the commission. a. Hearings and sessions. The commission may, for the purpose of carrying out the provisions of this act,

1 hold such hearings and sit and act at such times and at such places in  
2 the United States, and request the attendance and testimony of such  
3 witnesses and the production of such books, records, correspondence,  
4 memoranda, papers, and documents, as the commission considers appropri-  
5 ate.

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

9 c. Obtaining official data. The commission may acquire directly from  
10 the head of any department, agency, or instrumentality of the executive  
11 branch of the government, available information which the commission  
12 considers useful in the discharge of its duties. All departments, agen-  
13 cies, and instrumentalities of the executive branch of the government  
14 shall cooperate with the commission with respect to such information and  
15 shall furnish all information requested by the commission to the extent  
16 permitted by law.

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

20 b. Administrative support services. The commission may enter into  
21 agreements with the commissioner of general services for procurement of  
22 financial and administrative services necessary for the discharge of the  
23 duties of the commission. Payment for such services shall be made by  
24 reimbursement from funds of the commission in such amounts as may be  
25 agreed upon by the chair of the commission and the commissioner of  
26 general services.

27 c. Contracts. The commission may:

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

31 (2) enter into contracts with departments, agencies, and instrumentality  
32 of the federal government, state agencies, and private firms,  
33 institutions, and agencies, for the conduct of research or surveys, the  
34 preparation of reports, and other activities necessary for the discharge  
35 of the duties of the commission, to the extent or in such amounts as are  
36 provided in appropriations acts.

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

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

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

54 § 10. This act shall take effect immediately and shall expire and be  
55 deemed repealed 30 days after the Commission to Study Reparations for  
56 African-Americans and to Recommend Remedies submits its report to the

1 temporary president of the senate, the speaker of the assembly, the  
2 minority leaders of the senate and the assembly and the governor as  
3 provided in subdivision c of section three of this act; provided that,  
4 the chair of the Commission to Study Reparations for African-Americans  
5 and to Recommend Remedies shall notify the legislative bill drafting  
6 commission upon the submission of its report as provided in subdivision  
7 c of section three of this act in order that the commission may maintain  
8 an accurate and timely effective data base of the official text of the  
9 laws of the state of New York in furtherance of effecting the provisions  
10 of section 44 of the legislative law and section 70-b of the public  
11 officers law.