

STATE OF NEW YORK

2904--C

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sens. SANDERS, HOYLMAN, PARKER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 New York state community commission on reparations 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 determinations regarding compensation; 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 "New York
2 state community commission on reparations remedies".

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

11 The first slaves arrived in New Amsterdam, a Dutch settlement estab-
12 lished at the southern tip of Manhattan Island, around 1627. These

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

LBD00029-08-0

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

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

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

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

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

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

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

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

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

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

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

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

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

18 § 3. Establishment, purpose and duties of the commission. a. Estab-
19 lishment. There is hereby established the New York state community
20 commission on reparations remedies (hereinafter referred to as the
21 "commission").

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

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

26 (A) the capture and procurement of Africans;

27 (B) the transport of Africans to the United States and the colonies
28 that became the United States for the purpose of enslavement, including
29 their treatment during transport;

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

32 (D) the treatment of enslaved Africans in the city of New York and the
33 state of New York, including the deprivation of their freedom, exploita-
34 tion of their labor, and destruction of their culture, language, reli-
35 gion, and families.

36 (2) Examine the extent to which the federal and state governments of
37 the United States supported the institution of slavery in constitutional
38 and statutory provisions, including the extent to which such governments
39 prevented, opposed, or restricted efforts of freed enslaved Africans to
40 repatriate to their homeland.

41 (3) Examine federal and state laws that discriminated against freed
42 enslaved Africans and their descendants during the period between the
43 end of the Civil War and the present.

44 (4) Examine other forms of discrimination in the public and private
45 sectors against freed enslaved Africans and their descendants during the
46 period between the end of the Civil War and the present.

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

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

53 (7) Recommend appropriate remedies in consideration of the commis-
54 sion's findings on the matters described in paragraphs (1), (2), (3),
55 and (4) of this subdivision. The commission shall determine the form of

1 compensation, the amount of compensation and who should be eligible for
2 such compensation.

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

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

12 (1) three members shall be appointed by the governor;

13 (2) three members shall be appointed by the speaker of the assembly;

14 (3) three members shall be appointed by the temporary president of the
15 senate; and

16 (4) six members shall be selected from the major civil society and
17 reparations organizations that have historically championed the cause of
18 reparatory justice. The commission shall determine these major civil
19 society and reparations organizations and such civil society and repara-
20 tions organizations shall select a member for the commission.

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

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

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

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

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

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

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

48 c. Obtaining official data. The commission may acquire directly from
49 the head of any department, agency, or instrumentality of the executive
50 branch of the government, available information which the commission
51 considers useful in the discharge of its duties. All departments, agen-
52 cies, and instrumentalities of the executive branch of the government
53 shall cooperate with the commission with respect to such information and
54 shall furnish all information requested by the commission to the extent
55 permitted by law.

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

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

11 c. Contracts. The commission may:

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

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

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

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

29 § 9. The sum of two hundred fifty thousand dollars (\$250,000), or so
30 much thereof as may be necessary, is hereby appropriated to the New York
31 state community commission to study reparations remedies from any moneys
32 in the state treasury in the general fund, not otherwise appropriated,
33 for the purposes of carrying out the provisions of this act. Such sum
34 shall be payable on the audit and warrant of the state chair of the New
35 York state community commission to study reparations remedies, or his or
36 her duly designated representative in the manner provided by law.

37 § 10. This act shall take effect immediately and shall expire and be
38 deemed repealed 30 days after the New York state community commission to
39 study reparations remedies submits its report to the temporary president
40 of the senate, the speaker of the assembly, the minority leaders of the
41 senate and the assembly and the governor as provided in subdivision c of
42 section three of this act; provided that, the chair of the New York
43 state community commission to study reparations remedies shall notify
44 the legislative bill drafting commission upon the submission of its
45 report as provided in subdivision c of section three of this act in
46 order that the commission may maintain an accurate and timely effective
47 data base of the official text of the laws of the state of New York in
48 furtherance of effecting the provisions of section 44 of the legislative
49 law and section 70-b of the public officers law.