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:

Section 1. This act shall be known and may be cited as the "New York state community commission on reparations remedies".

§ 2. Legislative intent. Contrary to what many people believe, slavery was not just a southern institution. Prior to the American Revolution, there were more enslaved Africans in New York City than in any other city except Charleston, South Carolina. During this period, slaves accounted for 20% of the population of New York and approximately 40% of colonial New York's households owned slaves. These slaves were an integral part of the population which settled and developed what we now know as the state of New York.

The first slaves arrived in New Amsterdam, a Dutch settlement established 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

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

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

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

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

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

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

Enslaved Africans refused to submit to the slave existence. The conditions of their lives gave rise to rebellions and the development in the city of a network of the Underground Railroad.

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

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

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

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

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

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

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

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

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

(A) the capture and procurement of Africans;

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

(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) the treatment of enslaved Africans in the city of New York and the state of New York, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

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

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

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

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

(6) Recommend appropriate ways to educate the American public of the 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. The commission shall determine the form of

compensation, the amount of compensation 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 fifteen members who shall be appointed within 90 days after the effective date of this act, as follows:

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

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

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

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

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, hold such hearings and sit and act at such times and at such places in the United States, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the commission considers appropriate.

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

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

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

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

c. Contracts. The commission may:

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

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

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

§ 8. The performance of the commission's duties, purposes and objectives shall be executed within amounts made available by appropriation therefor.

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

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