STATE OF NEW YORK

7828--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Freedmen 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; and providing for the repeal of certain 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 American Freedmen Task Force on Reparations Remedies Act".

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

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

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

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

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

LBD07407-07-3

(d) A preponderance of scholarly, legal, and community evidentiary documentation, as well as popular culture markers, constitute the basis for inquiry into the ongoing effects of the institution of slavery and its legacy embodied in persistent systemic structures of discrimination on living descendants of persons enslaved in the United States, American Freedmen.

(e) 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 households owned slaves. 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 on or affect all enslaved people. Rather, it provided for gradual manumission. All children born to enslaved women after July 4, 1799, would be freed, but only after their most productive years: age 28 for men and age 25 for women. Enslaved persons already in servitude before July 4, 1799, were reclassified as "indentured servants", but in reality, remained enslaved for the duration of their lives. In 1817, the Legislature enacted a statute that gave freedom to New York enslaved people 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 part-time residents were allowed to bring their slaves into the state temporarily. The nine-month exception remained law until its repeal in 1841 when the North was redefining itself as the "free" region in advance of the Civil War.

(f) Following the abolition of slavery, the United States government at the federal, state, and local levels continued to perpetuate, condone, and often profit from practices that maintained brutalization and disadvantage for descendants of persons enslaved in the United States, American Freedmen, including but not limited to Black Codes, sharecropping, convict leasing, Jim Crow laws, lynching, redlining, unequal education, etc.

(g) As a result of the badges and incidents of slavery, Jim Crow, and continued targeted discriminatory policy, the descendants of persons enslaved in the United States, American Freedmen, continue to suffer debilitating economic, educational, and health hardships.

§ 3. Definition. For the purposes of this act, the term American Freedmen shall mean those persons who have at least one ancestor that was enslaved in the United States of America, who was emancipated in 1863 by way of the Emancipation Proclamation or in 1865 by way of the 13th Amendment to the Constitution, and have been despoiled their rights as citizens due to the badges, incidents and vestiges of slavery.

§ 4. Establishment, purpose, and duties of the task force. (a) Establishment. There is hereby established the New York State American Freedmen Task Force on Reparations Remedies, which may be referred to in this act as the "task force".

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

(i) Study the current condition of individuals who descend from persons enslaved in the United States, American Freedmen, both across the nation, generally, and in the state of New York, specifically, as a result of:

(A) The de jure and de facto discrimination against American Freedmen and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination.

(B) The lingering negative effects of the institution of slavery and discrimination on living descendants of persons enslaved in the United States, American Freedmen.

(C) The manner in which instructional resources and technologies are being used to deny the inhumanity of slavery and the crime against humanity committed against descendants of persons enslaved in the United States, American Freedmen, in New York state and the United States.

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

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

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

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

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

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

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

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

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

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

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

(A) Determine how the state of New York will offer a formal apology on behalf of the people of New York for the perpetration of gross human rights violations and crimes against humanity on individuals who descend from persons enslaved in the United States.

(B) Document the injuries resulting from matters described in this subdivision can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversal of the injuries.

(C) Propose the form and scope that measures should be taken from the task force's findings in consideration of the task force's findings, any other forms of recompense to descendants of persons enslaved in the United States, American Freedmen are warranted and what form and scope those measures should take.

(D) Draft a resolution on how the state of New York can advocate the adoption of a national plan for reparations for descendants of persons enslaved in the United States.

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

(vi) Designate individuals who are American Freedmen as the population that will be the focus and sole beneficiaries of the task force's analysis.

(vii) Ensure that reparations proposals adhere to the five forms of reparations as defined by international law: (A) compensation; (B) rehabilitation; (C) restitution; (D) satisfaction; and (E) guarantees of non-repetition.

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

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

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

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

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

(B) One appointee with experience working to implement racial justice reform.

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

(D) One appointee who is an expert in constitutional law.

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

(iv) Task force members shall be in support of American Freedmen lineage-based reparations.

(b) Qualification of members. All members shall have demonstrated through prior community service and/or professional activities that they represent the interests of American Freedmen within communities throughout the state, possess expertise, at least, in the fields of history, civil rights, law, economics, and psychology, and, to the extent possible, represent geographically diverse areas of the state.

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

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

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

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

(ii) For attendance at meetings during adjournment of the legislature, a legislative member of the task force shall be entitled to per diem compensation and reimbursement of expenses upon appropriation by the legislature.

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

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

(i) create subcommittees.

(ii) create its own bylaws.

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

(iv) request the production of books, records, correspondence, memoranda, papers, and documents.

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

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

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

§ 7. Termination. The task force shall terminate ninety days after the date on which the task force submits its final report to the Legislature as provided in paragraph (v) of subdivision (b) of section four of this act.

§ 8. Administrative provisions. (a) The task force may appoint and fix the compensation of such personnel as the task force considers appropriate.

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

(c) The task force may procure supplies, services, and property by contract in accordance with applicable laws and rules including, but not limited to, sections one hundred three and one hundred four of the general municipal law.

(d) The task force may enter into contracts for the purposes of conducting research or surveys, preparing reports, and performing other activities necessary for the discharge of the duties of the task force with state departments, agencies, and other instrumentalities, federal departments, agencies, and other instrumentalities, and private entities.

§ 9. New York state freedmen's bureau. There is hereby established the New York state freedmen's bureau, which may be referred to in this act as the "freedmen's bureau", charged with the distribution of reparations and reparative justice as recommended by the task force and further passed in legislation by the state. In addition, the bureau shall focus on, but not be limited to: genealogical research, community life, education, and workforce development for American Freedmen. The bureau's initial tasks upon formation will be genealogical research specifically for connecting American Freedmen with their lineage. Also, during the task force's existence the bureau will serve to take on all genealogical work directed by the task force. Once the task force concludes, its findings and recommendations will direct the continued scope of the New York freedmen's bureau which will be tasked with being the central administrator of programs recommended by the task force which become law.

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

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

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

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

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

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

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

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

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

§ 12. Appropriation. The sum of seventy-two million dollars ($72,000,000), or so much thereof as may be necessary, is hereby appropriated to the New York state American Freedmen task force on reparations remedies and the New York freedmen's bureau from any moneys in the state treasury in the general fund to the credit of the state purposes account 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 comptroller on vouchers certified or approved by the chair of the New York state American Freedmen task force on reparations remedies or the director of the New York state freedmen's bureau, or their duly designated representative in the manner provided by law.

§ 13. This act shall take effect immediately and sections three, four, five, six, seven, and eight of this act shall expire and be deemed repealed ninety days after the New York state American Freedmen task force on reparations remedies submits its final report to the legislature as provided in paragraph (v) of subdivision (b) of section four of this act; provided that, the chair of the New York state American Freedmen task force on reparations remedies shall notify the legislative bill drafting commission upon the submission of its report as provided in paragraph (v) of subdivision (b) of section four 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 effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.