

# STATE OF NEW YORK

7828--B

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 -- again reported from said committee with amendments, 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:

- 1 Section 1. This act shall be known and may be cited as the "New York  
2 State American Freedmen 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,

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

LBD07407-08-3

1 citizenship rights, and cultural heritage and denied them the fruits of  
2 their own labor.

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

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

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

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

43 § 3. Definition. For the purposes of this act, the term American  
44 Freedmen shall mean those persons who have at least one ancestor that  
45 was enslaved in the United States of America, who was emancipated in  
46 1863 by way of the Emancipation Proclamation or in 1865 by way of the  
47 13th Amendment to the Constitution, and have been despoiled their rights  
48 as citizens due to the badges, incidents and vestiges of slavery.

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

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

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

1 the 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 American Freedmen  
4 and their descendants from the end of the Civil War to the present,  
5 including economic, political, educational, and social discrimination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to the legislature no later than fourteen months after the preliminary  
2 report is submitted.

3 (vi) Designate individuals who are American Freedmen as the population  
4 that will be the focus and sole beneficiaries of the task force's analy-  
5 sis.

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

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

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

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

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

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

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

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

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

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

26 (iv) Task force members shall be in support of American Freedmen line-  
27 age-based reparations.

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

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

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

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

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

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

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

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

55 (i) create subcommittees.

56 (ii) create its own bylaws.

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

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

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

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

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

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

23 § 8. Administrative provisions. (a) The task force may appoint and fix  
24 the compensation of such personnel as the task force considers appropri-  
25 ate.

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

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

32 (d) The task force may enter into contracts for the purposes of  
33 conducting research or surveys, preparing reports, and performing other  
34 activities necessary for the discharge of the duties of the task force  
35 with state departments, agencies, and other instrumentalities, federal  
36 departments, agencies, and other instrumentalities, and private enti-  
37 ties.

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

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

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

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

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

9 (i) Member reimbursement: two hundred fifty thousand dollars  
10 (\$250,000). Member reimbursement shall not exceed two hundred fifty  
11 thousand dollars (\$250,000) over the life of the task force. Receipts  
12 shall be required for any reimbursement and only preauthorized expenses  
13 shall be covered from any funds appropriated to the task force.

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

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

17 (iv) Community outreach and education: ten million dollars  
18 (\$10,000,000).

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

21 § 12. Appropriation. The sum of seventy-two million dollars  
22 (\$72,000,000), or so much thereof as may be necessary, is hereby appro-  
23 priated to the New York state American Freedmen task force on repara-  
24 tions remedies and the New York freedmen's bureau from any moneys in the  
25 state treasury in the general fund to the credit of the state purposes  
26 account not otherwise appropriated for the purposes of carrying out the  
27 provisions of this act. Such sum shall be payable on the audit and  
28 warrant of the state comptroller on vouchers certified or approved by  
29 the chair of the New York state American Freedmen task force on repara-  
30 tions remedies or the director of the New York state freedmen's bureau,  
31 or their duly designated representative in the manner provided by law.

32 § 13. This act shall take effect immediately and sections three, four,  
33 five, six, seven, and eight of this act shall expire and be deemed  
34 repealed ninety days after the New York state American Freedmen task  
35 force on reparations remedies submits its final report to the legisla-  
36 ture as provided in paragraph (v) of subdivision (b) of section four of  
37 this act; provided that, the chair of the New York state American Freed-  
38 men task force on reparations remedies shall notify the legislative bill  
39 drafting commission upon the submission of its report as provided in  
40 paragraph (v) of subdivision (b) of section four of this act in order  
41 that the commission may maintain an accurate and timely effective data  
42 base of the official text of the laws of the state of New York in furth-  
43 erance of effectuating the provisions of section 44 of the legislative  
44 law and section 70-b of the public officers law.