

HOUSE No. 3239

By Mr. Rushing of Boston, petition of Byron Rushing and others relative to the history of slavery in the Commonwealth and regulating the awarding of certain contracts by public agencies. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

PETITION OF:

| | |
|------------------|-------------------------|
| Byron Rushing | William N. Brownsberger |
| Gloria L. Fox | Kay Khan |
| Benjamin Swan | Elizabeth A. Malia |
| William Lantigua | Willie Mae Allen |
| Ruth B. Balsler | Alice K. Wolf |

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE HISTORY OF SLAVERY IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 7 of the General Laws is hereby amended by adding a
2 new Section:—

3 For the purposes of this section, the following words shall, unless
4 the context indicates otherwise, have the following meanings:—

5 “Company” means any person, firm, corporation, partnership or
6 combination of these.

7 “Contract” means any agreement, franchise, lease or concession
8 including an agreement for any occasional professional or technical
9 personal services, the performance of any work or service, the provi-
10 sion of any materials or supplies or rendering of any service to any
11 state agency or state authority of the public, which is let, awarded, or
12 entered into with or on behalf of any state agency or state authority.

13 “Enslaved Person” means any person who was wholly subject to
14 the will of another and whose person and services were wholly
15 under the control of another and who was in a state of enforced com-
16 pulsory service to another during the Slavery Era.

17 “Investment” means to make use of an Enslaved Person for future
18 benefits or advantages.

19 “License” means permission granted by a person to another to
20 exercise a certain privilege or to carry on a particular business.

21 “Majority-owned subsidiary” means a company that is at least
22 fifty-one percent owned by another company.

23 “Person” means any individual and any partnership, firm, associa-
24 tion, corporation, or other entity, or their subsidiaries.

25 “Participation” means having been a Slaveholder during the
26 Slavery Era.

27 “Predecessor Company” means an entity whose ownership, title
28 and interest, including all rights, benefits, duties, and liabilities were
29 acquired in an uninterrupted chain of succession by the company.

30 “Profits” means any economic advantage or financial benefit
31 derived from the use of Enslaved Persons.

32 “Secretary” means the Secretary of Administration and Finance.

33 “Slavery” means the practice of owning Enslaved Persons.

34 “Slavery Era” means the period of time in the United States of
35 America prior to 1865.

36 “Slaveholder” means holders of Enslaved Persons, owners of
37 business enterprises using Enslaved Persons, owners of vessels car-
38 rying Enslaved Persons or other means of transporting Enslaved Per-
39 sons, merchants or financiers dealing in the purchase, sale or
40 financing of the business of Enslaved Persons.

41 “Slaveholder Insurance Policies” means policies issued to or for
42 the benefit of Slaveholders to insure them against the death of, or
43 injury to, Enslaved Persons.

44 “State agency”, all awarding authorities of the Commonwealth,
45 including, but not limited to, all executive offices, agencies, depart-
46 ments, commissions, and public institutions of higher education, and
47 any office, department or division of the judiciary.

48 “State authority”, shall include, but not be limited to the: Bay
49 State Skills Corporation, centers of excellence, Community Eco-
50 nomic Development Assistance Corporation, Community Develop-
51 ment Finance Corporation, Government Land Bank, Massachusetts
52 Bay Transportation Authority, Massachusetts Business Development
53 Corporation, Massachusetts Capital Resource Company, Massachu-
54 setts Convention Center Authority, Massachusetts Corporation for
55 Educational Telecommunications, Massachusetts educational loan

56 authority, Massachusetts Health and Educational Facilities
57 Authority, Massachusetts Higher Education Assistance Corporation,
58 Massachusetts Housing Finance Agency, Massachusetts Horse
59 Racing Authority, Massachusetts Industrial Finance Agency, Massa-
60 chusetts Industrial Service Program, Massachusetts Legal Assistance
61 Corporation, Massachusetts Port Authority, Massachusetts Product
62 Development Corporation, Massachusetts Technology Development
63 Corporation, Massachusetts Technology Park Corporation, Massa-
64 chusetts Turnpike Authority, Massachusetts Water Resources
65 Authority, Nantucket Land Bank, New England Loan Marketing
66 Corporation, pension reserves investment management board, State
67 College Building Authority, Southeastern Massachusetts University
68 Building Authority, Thrift Institutions Fund for Economic Develop-
69 ment, University of Lowell Building Authority, University of Massa-
70 chusetts Building Authority, victim and witness board, and the
71 Woods Hole, Martha's Vineyard, and Nantucket Steamship
72 Authority.

73 Section 1. The Secretary, state agency or state authority shall
74 require that any company that enters into a contract with the Com-
75 monwealth, whether the contract is subject to competitive bidding or
76 not, shall complete an affidavit, prior to or contemporaneous with
77 entering into the contract, certifying that:—

78 A.) The company has searched any and all records of the com-
79 pany or majority-owned subsidiary and any predecessor company or
80 its majority-owned subsidiary regarding records of participation or
81 investments in, or profits derived, from slavery, including slave-
82 holder insurance policies issued during the slavery era; and

83 B.) The company has disclosed any and all records of participa-
84 tion in or profits derived by the company or majority-owned sub-
85 sidiary and any predecessor company or its majority-owned
86 subsidiary from slavery, including issuance of slaveholder insurance
87 policies, during the slavery era, and identified names of any enslaved
88 persons or slaveholders described in the records.

89 The Secretary, state agency, or state authority may terminate the
90 contract if a company fails to fully and accurately complete the affi-
91 davit.

92 Section 2. Notwithstanding the provisions of any law to the con-
93 trary the Secretary of State is hereby authorized to publish a history
94 of slavery in the Massachusetts Bay and Plymouth colonies and in

95 the Commonwealth of Massachusetts and a history of the participa-
96 tion and involvement of the colonies and the Commonwealth in the
97 slave trade.

98 Such publication shall include but not be limited to:—

99 1.) An examination of the institution of slavery which existed
100 within Massachusetts and the colonies that became Massachusetts.

101 The Secretary's publication shall include an examination of:—

102 a.) The capture and procurement of Africans;

103 b.) The transport of Africans to Massachusetts for the purpose of
104 enslavement, including their treatment during transport;

105 c.) The sale and acquisition of Africans as chattel property in
106 interstate and intrastate commerce; and

107 d.) The treatment of African slaves in Massachusetts, including
108 the deprivation of their freedom, exploitation of their labor, and
109 destruction of their culture, language, religion, and families.

110 e. An estimate of the value of the enslaved persons as capital
111 property and the profits accumulated by their ownership.

112 2.) An examination of the extent to which the Federal and Massa-
113 chusetts governments supported the institution of slavery in constitu-
114 tional and statutory provisions, including the extent to which said
115 governments prevented, opposed, or restricted efforts of freed
116 African slaves to repatriate to their homeland.

117 3.) An examination of other forms of Federal and Massachusetts
118 laws that discriminated against freed African slaves.

119 4.) An examination of other forms of discrimination in the public
120 and private sectors against freed African slaves.

121 5.) An examination of the participation and involvement of
122 Massachusetts persons and companies in the slave trade before 1638,
123 during the period of legalized slavery in Massachusetts, and after
124 1790. Such examination will include estimates of the profits earned
125 from such trade and concomitant transactions.

126 6.) Recommendations of appropriate ways to educate the Massa-
127 chusetts public of the publication's findings.