

Megan B. Bayer
Acting City Solicitor

Elliott J. Veloso
First Assistant City Solicitor



Assistant City Solicitors

Paul S. Kawai
Sean M. McKendry
Diane O. Pires
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Sydney M. Wright
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Andrea Carrillo-Rhoads

Public Records Access Officer

Seah Levy

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

November 20, 2023

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Recommended edits to clarify American Freedmen Committee Ordinance language, as discussed at the Ordinance Committee meeting on November 9, 2023

Dear Mr. Huang:

At the Ordinance Committee meeting, held on November 9, 2023, the Committee voted to refer the proposed ordinance, establishing an American Freedmen Commission, to the Law Department for clarifying edits to the proposed ordinance language. Attached for the Council's consideration, with proposed edits, are a marked copy and a clean copy of the draft American Freedmen Commission Ordinance.

Additionally, to clarify the intent of the Council, there are a few points the Council may wish to further consider, including: (1) the breadth of the definition of "Cambridge Resident"; (2) the breadth of the definition of "American Freedmen"; and (3) whether there should be a Cambridge residency requirement for commission members.

I will be available to answer questions about the proposed ordinance at the Council's meeting.

Very truly yours,

Megan B. Bayer
Acting City Solicitor

Chapter 2.131 - American Freedmen Commission

2.131.010 – Established.

There shall be a Cambridge American Freedmen Commission (“Commission”) consisting of no less than nine and no more than fifteen members, at least 85% of them identifying as American Freedmen.

2.131.020 - Definitions.

1. “Cambridge Resident” shall mean: a person who has established residency in the City of Cambridge.
2. “Transitional Justice” shall mean: adequate, effective, and prompt reparations to redress gross or serious violations of international human rights law, including but not limited to enslavement, genocide, racism, land theft, denial of healthcare, denial of housing, denial of economic opportunity, mass incarceration, and other historical, systemic, and ongoing injustices perpetrated by the Federal, Massachusetts, and/or Cambridge governments against Cambridge Residents.
3. “Chattel Slavery” shall mean: the enslaving and owning of persons as property, including their descendants, from the 14th through 19th centuries.
4. “American Freedmen” shall mean: persons freed from Chattel Slavery within the United States and their descendants.

2.131.030 - Membership

A. The members of the Commission shall be appointed by the City Manager to serve for the following terms:

1. One-third of members shall serve for a one-year term;
2. One-third of members shall serve for a two-year term;
3. One-third of members shall serve for a three-year term.

After the initial terms all members shall be appointed for a term of three years.

B. The members shall elect a Chairperson from among the members of the Commission. The Chairperson shall be elected at the first meeting each year. The members shall try to rotate the election of a Chairperson each year thereafter.

C. The Commission shall convene at the direction of the Chairperson. All meetings of the Commission shall be conducted in accordance with the open meeting laws of the Commonwealth. All records of the Commission shall be public except as provided by State law.

D. The Commission may adopt rules and regulations consistent with this chapter and the laws of the Commonwealth to carry out the policy and provisions of this chapter and the powers and duties of the Commission in connection therewith, which shall be reviewed and approved by the City Manager and/or the City Manager’s designee(s) prior to adoption.

E. Members shall be paid a stipend. The City Manager shall determine the amount and timing of any stipend paid members.

2.131.040 – Executive Director

A. There shall be an Executive Director of the Commission whose selection and conditions of employment shall be determined by the City Manager with the advice of the Commission, subject to appropriation. The Executive Director shall be responsible for the administration of the Commission.

B. The Executive Director shall attend Commission meetings. The Executive Director shall not serve as a voting member of the Commission.

2.131.050 – Purpose

A. The Commission shall make recommendations to the City Manager and/or the City Manager's designee(s) concerning implementing Transitional Justice for Cambridge Resident American Freedmen. At the request of the City Manager and/or the City Manager's designee(s), the Commission shall work with the City Manager and/or the City Manager's designee(s) to implement Transitional Justice for Cambridge Resident American Freedmen. The Commission will also investigate and report on any historic, systemic, and/or ongoing harms done to American Freedmen by the Federal, Massachusetts, and/or Cambridge governments, and identify adequate, effective, and prompt reparations.

B. The Commission shall perform such further work as agreed upon by the City Manager and/or the City Manager's designee(s) and the Commission.

Chapter 2.131 - American Freedmen Commission

2.131.010 — Established.

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2.131.020 - Definitions.

1. "Cambridge Residents" shall mean: a persons who hasve established residency in the City of Cambridge, ~~legal or otherwise, including immigrants, citizens and people who were born and or raised in whole or in part in Cambridge.~~
2. "Transitional Justice" shall mean: Aadequate, effective, and prompt reparations to redress gross or serious violations of international human rights law, including but not limited to enslavement, genocide, racism, land theft, denial of healthcare, denial of housing, denial of economic opportunity, mass incarceration, and other historical, systemic, and ongoing injustices perpetrated by the Federal, Massachusetts, and/or Cambridge governments ~~State~~ against Cambridge Residents.
3. "Chattel Slavery" shall mean: the ~~practice of~~ enslaving and owning ~~people of persons~~ as property, including their descendants, ~~starting infrom~~ the 14th ~~century, and ending in the~~ through 19th centuryiesy.
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After the initial terms all members shall be appointed for a term of three years.

B. The members shall elect a Chairperson from among the members of the Commission. The Chairperson shall be elected at the first meeting each year. The members shall try to rotate the election of a Chairperson each year thereafter.

C. The Commission shall convene at the direction of the Chairperson. All meetings of the Commission shall be conducted in accordance with the open meeting laws of the Commonwealth. All records of the Commission shall be public except as provided by State law.

2.131.020—Establishment and Purpose

D. The Commission may adopt rules and regulations consistent with this chapter and the laws of the Commonwealth to carry out the policy and provisions of this chapter and the powers and duties of the Commission in connection therewith, which shall be reviewed and approved by the City Manager and/or the City Manager's designee(s) prior to adoption.

E. Members shall be paid a stipend. The City Manager shall determine the amount and timing of any stipend paid members.

~~A. There shall be a Cambridge American Freedmen Commission consisting of no less than five and no more than fifteen members, at least 85% of them identifying as American Freedmen.~~

~~B. The Commission shall be considered a department of the City, with all the rights and responsibilities thereof. The Executive Director of the Commission shall be considered the Department Head.~~

~~C. Commissioners shall be paid a stipend.~~
2.131.040 – Executive Director

A. There shall be an Executive Director of the Commission whose selection and conditions of employment shall be determined by the City Manager with the advice of the Commission, subject to appropriation. The Executive Director shall be responsible for the administration of the Commission.

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~~BE. The Commission shall perform such further work as agreed upon by the City Manager and/or the City Manager's designee(s) and the Commission. The City Manager through the Office of Equity and Inclusion shall have the power to issue additional regulations to facilitate and further the work of the Commission.~~