



Legislation Text

File #: Res 1172-2007, **Version:** *

Res. No. 1172

Resolution calling upon the New York State Legislature to amend the Penal Law to add etching, painting, drawing or otherwise placing or displaying a noose, a symbol of racism and intimidation, on a building or other real property to ways of committing aggravated harassment in the first degree.

By Council Members Vallone Jr., Jackson, White Jr., Felder, Fidler, Foster, Gentile, Liu, Mealy, Nelson, Stewart, Weprin, Arroyo, Gerson and Oddo

Whereas, According to the New York State Penal Law, “A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she...etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property”; and

Whereas, Aggravated harassment in the first degree also includes causing damage to premises primarily used for religious purposes that exceeds fifty dollars and setting a cross on fire in public view; and

Whereas, Hangman’s nooses symbolize a history of racially motivated intimidation and terror during the Jim Crow Era, which lasted from 1877 to the mid-1960s; a racial caste system, which relegated African Americans to an underclass status, operated throughout this period, reinforced by rigid anti-Black laws; and

Whereas, The lynching of African-Americans was pervasive and rampant throughout the Jim Crow Era, which often resulted in death by hanging; the vast majority of the thousands slain by lynching during this period were African-American; lynchings were furtive occurrences as well as community events, attended by

hundreds of spectators, including children and families, who would look on as a person was burned and mutilated before being hung; and

Whereas, In the wake of the Jena Six case in Louisiana, in which six African-American youths were arrested in 2006 and accused of assaulting a Caucasian youth whom they suspected was involved in hanging nooses from a tree at Jena High School that was considered a “whites-only” preserve, there have been several instances of hangman’s nooses appearing throughout New York City recently; in October 2007, a noose was found attached to the office door of an African-American professor at Teachers College at Columbia University; also in October 2007, a noose was found outside of a Lower Manhattan post office that was damaged during the September 11 terrorist attacks; later in October 2007, the principal of a Brooklyn high school, who is African-American, received a package containing a noose and a racially derogatory letter; following that incident, a noose was found hanging from a tree in a playground in Queens and nooses were found inside the lockers of two African-American supervisors at the New York City Department of Parks and Recreation; and

Whereas, New York State Senator Dean G. Skelos introduced a Senate bill, S6499, which adds etching, painting, drawing or otherwise placing or displaying a noose on real property without the express permission of the owner to ways of committing aggravated harassment in the first degree, which would make the display of a noose a class E felony under New York State’s aggravated harassment statute; the State Senate passed this bill on October 22, 2007 and was delivered to the State Assembly where it is currently referred to the Committee on Codes; and

Whereas, The enactment of this bill by the New York State Legislature would emphasize that exhibiting the hateful symbol of the noose, which is a threatening reminder of a chilling history of racism and violence targeting African-Americans, will not be tolerated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law to add etching, painting, drawing or otherwise placing or displaying a noose, a symbol of

racism and intimidation, on a building or other real property to ways of committing aggravated harassment in the first degree.

JPV
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