



COURTESY OF PHOTO12/UNIVERSAL IMAGES GROUP VIA GETTY IMAGES

## I. California's Stories

### Why Reparations in California?

After all, California promised to be a free territory not once, but twice. First, in 1823 as a part of Mexico.<sup>1</sup> Then again in 1850, by the time California entered the Union and declared in its Constitution that “neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state.”<sup>2</sup>

So why is California considering reparations for African Americans and descendants of enslaved people?

Consider Basil Campbell. Campbell was born enslaved in Missouri, where he married a woman named Mary Stephens and had two sons.<sup>3</sup> In 1854, four years after California joined the Union as a free state, a man named J.D. Stephens bought Campbell for \$1,200 and forcibly moved him 1,500 miles away to a farm in Yolo County, California.<sup>4</sup> Campbell never saw his wife or two sons again.<sup>5</sup> J.D. Stephens enslaved Basil Campbell in California, ignoring California's status as a free state, for another seven years, until Stephens decided that Campbell had sufficiently paid off his purchase price.<sup>6</sup> Over the rest of his life, Campbell married again, adopted his wife's children, and amassed a small fortune in land and livestock.<sup>7</sup> A few years after his death in 1906, his two sons from his first marriage in Missouri filed a petition for a portion of Campbell's estate.<sup>8</sup> A California appellate judge concluded that a marriage between enslaved people “is not a marriage relation, and it is mockery to speak of it as such.”<sup>9</sup> The land once owned by Campbell is now a nature preserve.<sup>10</sup>

Consider the Short family. In December 1945, O'Day Short, his wife Helen, their seven-year-old daughter Carol Ann, and their nine-year-old son Barry moved into the house that they had built in Fontana, California.<sup>11</sup> In 1945, Fontana was a white neighborhood.<sup>12</sup> Deputy sheriffs warned Short that he was “out of bounds,” and that to avoid “disagreeableness,” Short should move his family back to the segregated African American neighborhood on “the other side of the Baseline.”<sup>13</sup> The real estate agent who sold the property to the Shorts warned them on December 3, 1945 that a “vigilante committee had a meeting on your case last night. They are a tough bunch to deal with. If I were you, I'd get my family off this property at once.”<sup>14</sup>



Enslaved people working in California's Gold Mines. (1852)

On December 6, an explosion and a fire engulfed the house.<sup>15</sup> Neighbors reported seeing Helen try to beat down the flames consuming her children.<sup>16</sup> Helen, Carol Ann, and Barry died in the hospital.<sup>17</sup> The San Bernardino County Coroner and District Attorney concluded that the explosion was an accident.<sup>18</sup> The District Attorney based this conclusion partly on a statement given by O'Day while he was in the hospital. During the same conversation, O'Day also said, "I am here on my sick bed, my hair burned off my head, my legs twisted under me. You have no respect for my position. All you want to do is get the information you are looking for."<sup>19</sup> The District Attorney told O'Day that his wife and two young children had died when doctors had been keeping the information from him for fear that his condition would worsen.<sup>20</sup> O'Day Short died a few days later.<sup>21</sup> A subsequent California Attorney General report investigating the murders concluded that no evidence of vigilante activity in Fontana could be found.<sup>22</sup>

Consider Alfred Simmons, an African American school teacher who rented a house from his white colleague in the Elmwood district of Berkeley in 1958.<sup>23</sup> The Berkeley chief of police asked the Federal Bureau of Investigation (FBI) to investigate how Simmons managed to live in the all-white community.<sup>24</sup> The FBI referred the case to the U.S. Attorney, who did not prosecute because no laws had been broken.<sup>25</sup> The Federal Housing Administration, the agency created by the federal government to help Americans buy homes, then wrote to Simmons's white landlord to tell him that his future mortgage insurance applications would be

rejected because renting to a African American was an "Unsatisfactory Risk Determination."<sup>26</sup>

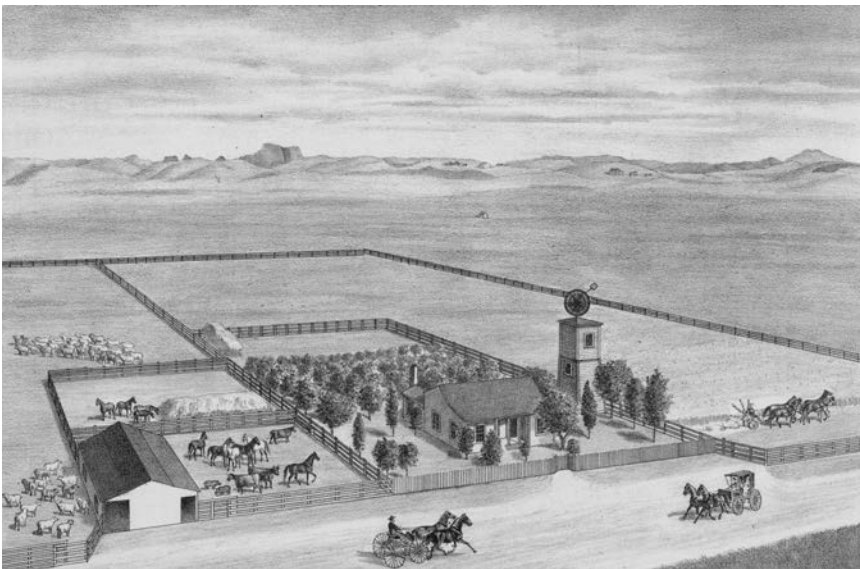
Consider Paul Austin and Tenisha Tate-Austin, who bought a home in Marin City in 2016. Three years later, a white appraiser valued their home for \$500,000 less than it was worth, calling it a "distinct, marketable area."<sup>27</sup> "I took that as code word as: it's a Black area," said Paul Austin, who testified before the Task Force that he felt physically sick when he read the appraisal report.<sup>28</sup> Paul Austin testified that his grandparents had moved to California in the 1940s to work in the shipyards in Sausalito.<sup>29</sup> When they had saved up enough money to buy a house, his grandparents realized that they could not buy homes outside of Marin City due to redlining.<sup>30</sup> Redlining is a set of government policies that helped white families buy homes in the suburbs while forcing African American families to remain in

**A California appellate judge concluded that a marriage between enslaved people "is not a marriage relation, and it is mockery to speak of it as such."**

urban centers.<sup>31</sup> These policies have devalued African American neighborhoods<sup>32</sup> and led to continued education segregation.<sup>33</sup> In 2019, a California Attorney General investigation found that the Sausalito-Marin City School District intentionally established a racially and ethnically segregated elementary and middle school, by offering inferior education programming and directly harming

a mostly African American and Latino student body.<sup>34</sup> In the 1950s, Paul Austin's paternal grandparents were one of the first African American families to move to Mill Valley, a white neighborhood.<sup>35</sup> Paul's grandfather built a home where the driveway dropped 90 degrees so that the house could not be seen from the road. "Grandson," Paul's grandfather told him, "I had to build this home at nights and on weekends, so we wouldn't be detected, because they didn't want any Black families living in their city."<sup>36</sup> A white man picked up the lumber for them.<sup>37</sup> Like Alfred Simmons's white landlord, the white woman who sold her land to Paul's grandfather was, in Paul's words, "blackballed," because the neighbors found out that she had

COURTESY OF DE PUE & COMPANY/DIGITAL PUBLIC LIBRARY OF AMERICA



"Residence & Ranch Basil Campbell, near Fairview, Yolo Co." Basil Campbell became one of the wealthiest African Americans in California and owned this ranch. (1879)



sold her property to an African American family.<sup>38</sup> In 2021, Paul testified that the smaller houses in a white neighborhood that are a mile away from Paul and Tenisha's house are valued at \$200,000 to \$300,000 more.<sup>39</sup>

**Consider Paul Austin and Tenisha Tate-Austin, who bought a home in Marin City in 2016. Three years later, a white appraiser valued their home for \$500,000 less than it was worth, calling it a “distinct, marketable area.”**

What does California owe the Campbells, the Shorts, the Simmonses, the Austins, and the 2.28 million African American Californians who have experienced different versions of these stories throughout their lives, their parents' lives, their grandparents' lives, and their great-grandparents' lives, some of whom were enslaved?

Similar stories are repeated throughout the history of California and the nation.

As W.E.B. Du Bois asked in 1935: “Nations reel and stagger on their way; they make hideous mistakes; they commit frightful wrongs; they do great and beautiful things. And shall we not best guide humanity by telling the truth about all this, so far as the truth is ascertainable?”<sup>40</sup>

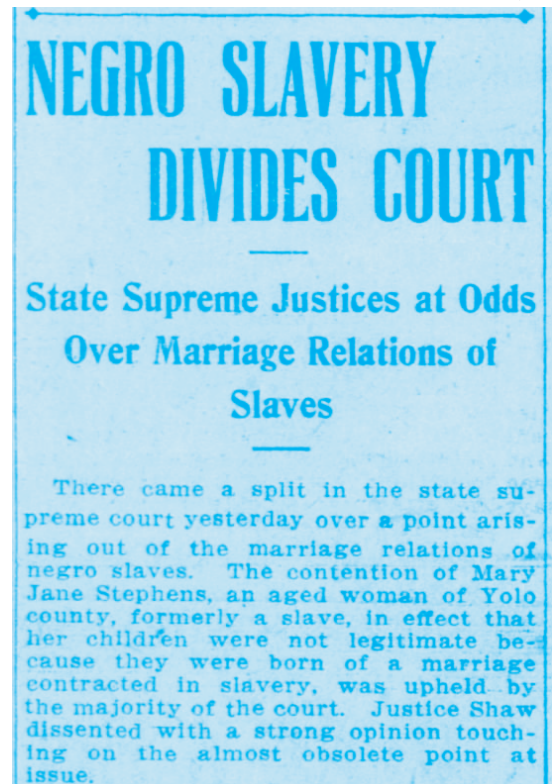
To that end, the following twelve chapters will recount the horrors and harms perpetrated against African Americans in California and the nation in a number of different areas:

To maintain a system of enslavement and subjugation in the United States, white government leaders used the belief system of white supremacy to restrict the freedom of African Americans and the flourishing of African American culture and prosperity.<sup>41</sup> These belief systems have served to normalize and perpetuate crimes against humanity and systemic racism in our governmental institutions. These beliefs created dehumanizing stereotypes of African Americans, which mainstream arts and culture disseminated and amplified, fueling racial terror and violence long after enslavement ended. These beliefs were enshrined into the United States' laws, court decisions, and government policies and practices, and into California's laws, court decisions, and government policies and practices.<sup>42</sup>

Government actors used these laws and practices to suppress and criminalize African American political participation and rip apart African American families. Federal, California, and local government, acting in tandem and in parallel with private actors, created and intensified housing segregation. Government actions intertwined with private action and segregated America, leading to environmental harms, unequal educational and health outcomes, and over-policing of African American neighborhoods in California and across the nation.

Government actions and failures over 400 years have created a wealth gap that persists between African Americans and white Americans at all levels of income, regardless of education or family status. In fact, the wealth gap today is the same size it was two years before the passage of the Civil Rights Act of 1964.<sup>43</sup>

COURTESY OF THE SAN FRANCISCO CALL (MAY 8, 1910)



In 1910, the California Supreme Court decided that California law did not recognize the family that Basil Campbell created while he was enslaved, and that family could not inherit his fortune.

## II. The Task Force's Charge

What does California owe its African American residents?

Assembly Bill No. 3121 (S. Weber) established this Task Force to Study and Develop Reparation Proposals for African Americans.<sup>44</sup> The Task Force consisted of nine members<sup>45</sup> charged with studying the institution of slavery and its lingering negative effects on society and on living African Americans, including descendants of persons enslaved in the United States.<sup>46</sup> The Task Force synthesized documentary evidence of the capture, procurement, and transportation of Africans for the purpose of enslavement; the domestic trade of trafficked African Americans; the treatment of enslaved people; the denial of humanity and the abuse of African Americans;

compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>54</sup> American courts of law have long recognized a similar concept—that parties must redress the harms caused by their actions or omissions where there was a duty to act.<sup>55</sup> Advocates frame reparations as a program that seeks acknowledgment, redress, and closure for injustice.<sup>56</sup>

This report has been created by the Task Force to support the Legislature in its future effort to acknowledge the wrongful actions and negligence of California as well as the wrongful actions and negligence of the local governments within its jurisdiction that have harmed African Americans.

**In order to maintain slavery, American government officials used the belief system of white supremacy to restrict the freedom and prosperity of African Americans. These beliefs were enshrined into the laws, court decisions, and policies and practices of the United States and of the state of California.**

In addition to California's potential legal obligations, repairing a wrong is a political and moral obligation. America's and California's democratic forms of government exist to embody the will of the people.<sup>57</sup> In accepting this system, we, as Americans and as Californians, are more than a random group of people who live in the same geographic area; we bind ourselves into a com-

and the discrimination and lingering negative effects that followed in the colonies that eventually became the United States, and the United States of today.<sup>47</sup>

The Task Force recommends appropriate remedies of compensation, rehabilitation, and restitution for African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States.<sup>48</sup> The Task Force's recommendations address how they comport with international standards and how the State of California will apologize for its role in perpetuating gross human rights violations and crimes against humanity on enslaved Africans and their descendants.<sup>49</sup> The Task Force addresses the role of California laws and policies in continuing the negative lingering effects on African Americans as a group and how these injuries can be reversed.<sup>50</sup> The recommendations include how to calculate compensation, what form it will take, and who should be eligible.<sup>51</sup>

Under international law, a government is responsible where its wrongful actions or negligence caused injury to a specific group of people.<sup>52</sup> Once proven, governments have a duty to remedy wrongful actions.<sup>53</sup> Reparations offer such a remedy, and the United Nations recognizes five formal categories of reparations: restitution,

community that lives beyond the lifespans of its individual members.<sup>58</sup> Through government, a community channels its visions for the society it wants to create through the laws that govern it.<sup>59</sup>

Following the charge of AB 3121 to describe the trade of trafficked African people across the oceans and within the lands of the United States, in this report the Task Force recounts the moral and legal wrongs the American and Californian governments have inflicted upon their own African American citizens and residents. Chapter 2 describes the institution of slavery as it existed in the geographic territory of the United States, and the legal, political, economic, and cultural systems maintaining and enriched by enslavement. The subsequent 11 chapters describe how these racist systems metastasized throughout America and California, reaching into all corners of American life. Each chapter traces an issue from its historic foundations in slavery, through successive discriminatory government actions, and government failures to correct and remedy the harms of anti-Black racism. Each chapter describes the uncorrected, compounding, and continuous harms all levels of the American government inflicted upon African Americans, as well as the modern-day effects of those harms.

By focusing on the role of government actors at all levels of local, state, and national authority in enslavement and racial discrimination, this report does not and cannot ignore the countless racist actions of private citizens throughout American history. The government's role does not absolve private actors of their own responsibility or prevent private individuals and entities who benefited from this state of affairs for generations from offering their own apologies and engaging in their own acts of reparations.<sup>60</sup> As the report makes clear in the following pages, federal, state, and local governments often worked in tandem with private individuals<sup>61</sup> to build and maintain a system placing African Americans in the lowest social strata of this country.<sup>62</sup>

The report's focus on African Americans also does not and cannot ignore the countless ways in which the

Californian government and its private citizens enslaved, dehumanized, or discriminated against other marginalized communities.

Often, government discrimination or racist mob violence targeted many communities at once. During the Zoot Suit Riots of 1943, white mobs of U.S. servicemen, off-duty police officers, and civilians indiscriminately attacked Latino, African American, and Filipino men in Los Angeles.<sup>63</sup> Sometimes, one racial group committed violence against another. As AB 3121 charged this Task Force solely with investigating the history of systemic racism as it relates to African American Californians, it did not focus on the innumerable acts of racist violence and discrimination by government officials and private citizens against other people of color.

### III. Immigration and Migration Patterns

The first ship carrying enslaved people landed in what would become the United States in 1619 on the shores of Virginia.<sup>64</sup> Although Congress outlawed the trans-Atlantic slave trade in 1807, between 1525 and 1866, approximately 388,000 enslaved people were trafficked to the United States.<sup>65</sup> These African men, women, and children were mostly captured on the west coast of the African continent between modern day Senegal and Angola.<sup>66</sup> Once in the United States, the majority of enslaved people remained in the South, although Southern enslavers often brought enslaved people into free states.<sup>67</sup>

In the 1800s and early 1900s, very few African people voluntarily immigrated to the United States, due to immigration laws that limited the number of African immigrants.<sup>68</sup> Between 1870 and 1920, 17,376 African immigrants arrived in the United States, representing 0.06 percent of the total immigrant population at the time.<sup>69</sup> The Johnson-Reed Act of 1924 established an immigration system that limited the number of immigrants from the African continent.<sup>70</sup> Between 1920 and 1970, 58,449 African individuals entered the United States, or about 0.51 percent of the total immigrant population.<sup>71</sup> Beginning in the 1960s, Congress passed immigration reforms which significantly increased Caribbean and African immigration to the United States.<sup>72</sup> As a result, the African American population of the United States became increasingly diverse. In 1990, 363,819 African immigrants entered the United States.<sup>73</sup>

Today, approximately 47 million African American people live in the United States, according to the 2020 census.<sup>74</sup>

Of those 47 million African American individuals, academics and other experts differ on the number who are the descendants of people enslaved in the United States. About 12 percent of African American people in America were born in a foreign country.<sup>75</sup> Nine percent of African Americans have at least one foreign-born parent.<sup>76</sup> By 2060, the Black foreign-born population is projected to make up about one-third of the U.S. Black population.<sup>77</sup> Fifty-eight percent of Black immigrants arrived in the United States after 2000.<sup>78</sup> Every U.S. census conducted since 1970 has found that Black immigrants from the English speaking Caribbean earn more, are more likely to be employed than U.S.-born African Americans, are more likely to hold more financial assets,<sup>79</sup> are more likely to own their home,<sup>80</sup> and most are more likely to be healthy than U.S.-born African Americans.<sup>81</sup>

COURTESY OF BUYENLARGE/GETTY IMAGES



African Americans take a break from their work on the railroad. (1938)



In California, the African American population remained small until World War II. Unlike the English speaking colonies on the East Coast, racial boundaries were not strict, and a multiracial population lived in California as a Spanish colony in the 1500s.<sup>82</sup> By 1850, when California entered the Union, the African American population of California was a mix of African Americans from the North and South, foreign-born Black Afro-Latinos from Mexico, Peru and Chile, and Jamaicans.<sup>83</sup> The 1860 census counted 4,086 “total free colored” people in California.<sup>84</sup> Sources vary in the estimates of enslaved people in California, with some sources estimating up to 1,500 enslaved African Americans lived

in California in 1852.<sup>85</sup> The 1920 census counted 38,763 African Americans, out of a total population of 3.4 million in the state.<sup>86</sup>

California’s African American population increased significantly during World War II, as many moved to the state in search of war industry jobs.<sup>87</sup> More African American people moved to California in the 1940s than in the entire previous century of statehood combined.<sup>88</sup> The African American population of California ballooned from 124,306 in 1940 to 1,400,143 in 1970.<sup>89</sup>

## IV. State of African Americans in California

California is home to the fifth largest African American population in the United States, after Texas, Florida, Georgia, and New York.<sup>90</sup> As of 2020, about 39.5 million people live in California, of whom about 2.8 million self-identify as African American.<sup>91</sup> Of the current 2.8 million African American Californians, 244,969 are foreign born, according to the U.S. Census Bureau.<sup>92</sup>

While the number of African American Californians has increased in the last 30 years, the overall percentage of African American Californians has fallen over the same period.<sup>93</sup> African American Californians make up about six percent of the state’s population today, a decrease from 8.1 percent of the state’s population in 1990.<sup>94</sup>

African American Californians live in all 58 Californian counties, but most African American Californians live in Los Angeles County (943,145), San Bernardino County (223,116), San Diego County (211,354), Alameda County (198,250), and Riverside County (197,329).<sup>95</sup> The counties with the highest number of African American Californians, as a percentage of the total population, are Solano County (16.87 percent), Sacramento County (12.43 percent), Alameda County (11.78 percent), Contra Costa County (10.69 percent), and San Bernardino County (10.23 percent).<sup>96</sup> In the past three decades, about 275,000 African American Californians have left expensive coastal cities to move inland or to other states.<sup>97</sup> During the same timeframe, the African American populations of some of California’s historically African American neighborhoods in cities across California have plunged: Compton by 45 percent, San Francisco by 43 percent, and Oakland by 40 percent.<sup>98</sup>

Despite the history of African American voter suppression throughout the United States and California, California has steadily improved voting access since the late 20th century.<sup>99</sup> Surveys from 2019 show that six

percent of likely voters are African American, equal to their share of the population in California.<sup>100</sup>

Nevertheless, the effects of 400 years of compounding governmental and private acts of racial violence and discrimination described in this report have resulted in disparities between African American and white Californians in almost every corner of life. Compared to white Californians, African American Californians earn less and are more likely to be impoverished. In 2018, on average, African American Californians earned \$53,565, compared to \$87,078 for white Californians.<sup>101</sup> Around 19.4 percent of African American Californians live below the poverty line, compared to nine percent of white Californians.<sup>102</sup> African American Californians are also

**Compared to white Californians,  
African American Californians are**

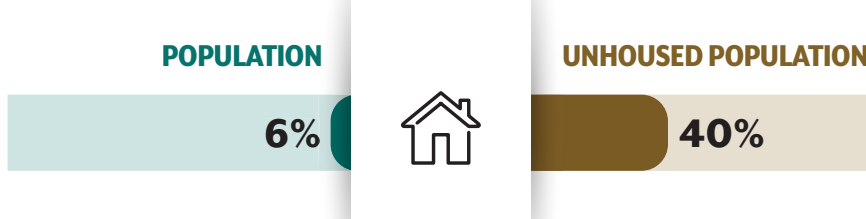
**2x** to live below  
the poverty line  
MORE LIKELY

far less likely to own a home than white Californians; in 2019, 59 percent of white households owned their homes, compared with 35 percent of African American Californians.<sup>103</sup> And in contrast to the advances in voting rights in California, the rates of African American homeownership in California have declined by over 11 percent since 2010.<sup>104</sup> In fact, African American homeownership in California in the 2010s was lower than in the 1960s, when sellers could still legally discriminate against African American home buyers.<sup>105</sup>

Homelessness is a more acute problem in California than in the rest of the country, and the burden falls heaviest

on African American Californians. Almost 50 percent—or nearly one in every two African American Californians—lives in a household where rent or mortgage payments eat up more than 30 percent of the residents' income, compared to about 30 percent of white Californians who suffer similar housing cost burdens.<sup>106</sup> Nearly 40 percent of California's unhoused people are African American, even though African American Californians represent only six percent of the state's total population.<sup>107</sup>

## AFRICAN AMERICAN CALIFORNIANS



The pervasive effects of racial discrimination have seriously harmed the health of African American Californians. In 2021, the life expectancy of an average African American Californian was 75.1 years, six years shorter than the state average.<sup>108</sup> African American babies are more likely to die in infancy,<sup>109</sup> and African American mothers giving birth die at a rate of almost four times higher than the average Californian mother.<sup>110</sup> Compared with white Californians, African American Californians are more likely to have diabetes,<sup>111</sup> to die from cancer,<sup>112</sup> or be hospitalized for heart disease.<sup>113</sup>

Racial discrimination in housing, education, and the legal system, along with institutionally racist approaches and a militarized culture, have collectively resulted in the over-policing of African American communities and the mass incarceration of African American citizens.<sup>114</sup> According to data from 2020, the police are more than two times more likely to stop and search African Americans in California than white Americans, even though officers reported no criminal activity for the African American individuals stopped more than twice as often as they did for the white individuals

stopped.<sup>115</sup> In 2020, law enforcement officers used force against African Americans in California more than twice as often than they did against white Americans,<sup>116</sup> and data from 2016 to 2019 indicates that law enforcement officers in California are three times more likely to seriously injure, shoot, or kill an African American in California, even when other factors are taken into account.<sup>117</sup> About 28 percent of people imprisoned in California are African American—even though they make up about six percent of the population in the state.<sup>118</sup>

African American youth in the state also face a heightened risk of punishment. African American students in California are suspended at rates 2.4 times higher than the state-wide average,<sup>119</sup> and lose the most number of days of instruction to suspensions when compared with

other racial groups.<sup>120</sup> Recently, the California Attorney General's Office identified racial disparities in discipline for African American students across three different school districts.<sup>121</sup>

Further, school discipline is often the first step toward law enforcement involvement. African American students in California are disproportionately referred by schools to law enforcement.<sup>122</sup> A California Attorney General's Office investigation found that, since 2015, African American and Latino students in Stockton Unified School District were significantly more likely to experience severe policing outcomes than other students, including being cited or booked into police custody.<sup>123</sup>

As a result, compared to white youth in California, African American youth are over 30 times more likely to be held in a juvenile justice facility in the State.<sup>124</sup> In 2019, African American youth comprised 36 percent of those ordered to be placed in state juvenile detention facilities, even though they make up only 14 percent of the youth population in California.<sup>125</sup>

# Endnotes

<sup>1</sup> Lapp, [Blacks in Gold Rush California](#) (1977) pp. 3-9, 130-139.

<sup>2</sup> Cal. Const. of 1849, art. I, § 18; *id.* at p. 127.

<sup>3</sup> L.H., [The Roots of Slavery in Woodland](#) (Mar. 20, 2016) The Davis Vanguard (as of Mar. 28, 2022); Smith, [Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction](#) (2013), pp. 231-233.

<sup>4</sup> L.H., *supra*; Smith, *supra*, at pp. 231-233.

<sup>5</sup> L.H., *supra*; Smith, *supra*, at pp. 231-233.

<sup>6</sup> L.H., *supra*; Smith, *supra*, at pp. 231-233.

<sup>7</sup> L.H., *supra*; Smith, *supra*, at pp. 231-233.

<sup>8</sup> L.H., *supra*; Smith, *supra*, at pp. 231-233.

<sup>9</sup> *In re Campbell's Estate* (1910) 12 Cal.App. 707, 718.

<sup>10</sup> Restore/Restory: A People's History of the Cache Creek Nature Preserve, [Basil Campbell](#) Restore/Restory (as of Mar. 28, 2022).

<sup>11</sup> Hudson, [West of Jim Crow: The Fight Against California's Color Line](#) (2020) p. 190.

<sup>12</sup> *Id.* at p. 192.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Id.* at p. 193

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Id.* at p. 194.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Id.* at p. 204.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Rothstein, [The Color of Law: A Forgotten History of How Our Government Segregated America](#) (2017) pp. 66-67.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> California Task Force to Study and Develop Reparation Proposals for African Americans (Oct. 13,

2021), [Testimony of Paul Austin](#) (as of Mar. 28, 2021).

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Perry and Harshbarger, [America's Formerly Redlined Neighborhoods Have Changed, and So Must Solutions to Rectify Them](#) (Oct. 14, 2019) Brookings Inst. (as of Apr. 4, 2022).

<sup>32</sup> Perry, et al., [The Devaluation of Assets in Black Neighborhoods](#) (Nov. 2018) Brookings Inst. pp. 10-19 (as of Apr. 5, 2022).

<sup>33</sup> *Ibid.*; Guastaferrero, [Why Racial Inequities in America's Schools are Rooted in Housing Policies of the Past](#) (Nov. 2, 2020) USA Today (as of Apr. 5, 2022); Oliver and Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (2006) pp. 8-9, 22-23.

<sup>34</sup> Cal. Atty. Gen., [Sausalito Marin City School District Agrees to End Segregation in its Schools](#) (Aug. 9, 2019) Cal. Dept. of J. (as of Apr. 5, 2022).

<sup>35</sup> California Task Force to Study and Develop Reparation Proposals for African Americans (Oct. 13, 2021), [Testimony of Paul Austin](#) (as of Mar. 28, 2021).

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Du Bois, [Black Reconstruction in America](#) (1935) p. 714.

<sup>41</sup> See generally Kendi, [Stamped from the Beginning: The Definitive History of Racist Ideas in America](#) (2016).

<sup>42</sup> See, e.g., U.S. Const., art. I, § 2, cl. 3; *id.*, art. I, § 9, cl. 1; *id.*, art. IV, § 2, cl. 3; Cal. Const. of 1849, art. II, § 1; Stats. 1852, ch. 33, § 1 et seq., pp. 67-69; *Dred Scott v. Sanford* (1857) 60 U.S. 393; *People v. Hall* (1854) 4 Cal. 399, 403.

<sup>43</sup> Aliprantis and Carroll, [What is Behind the Persistence of the Racial Wealth Gap?](#)

(Feb. 28, 2019) Fed. Reserve Bank of Cleveland (as of Apr. 5, 2022).

<sup>44</sup> Assem. Bill No. 3121 (2019-2020 Reg. Sess.).

<sup>45</sup> Gov. Code, § 8301.2, subd. (a).

<sup>46</sup> Gov. Code, § 8301, subd. (b)(1).

<sup>47</sup> Gov. Code, § 8301.1, subd. (b)(1).

<sup>48</sup> *Id.*, subd. (b)(3).

<sup>49</sup> *Id.*, subd. (b)(3)(A)-(B).

<sup>50</sup> *Id.*, subd. (b)(3)(C)-(D).

<sup>51</sup> *Id.*, subd. (b)(3)(E)-(G).

<sup>52</sup> [Responsibility of States for Internationally Wrongful Acts](#), 53rd Sess., art. 31, 39, U.N. Doc. A/56/83 (Dec. 12, 2021).

<sup>53</sup> *Ibid.*

<sup>54</sup> G.A. Res. 60/147, ¶¶ 19-23 (Mar. 21, 2006).

<sup>55</sup> See, e.g., *Merrill v. Los Angeles Gas & Elec. Co.* (1910) 158 Cal; 499, 503-04; Rest.2d Torts, §§ 4, 430, 431.

<sup>56</sup> Darity and Mullen, [From Here to Equality](#) (2020) p. 2.

<sup>57</sup> *Reynolds v. Sims* (1964) 377 U.S. 533, 562; see also U.S. Const., preamble; Cal. Const., preamble.

<sup>58</sup> See U.S. Const., preamble; Cal. Const., preamble; Hamilton, [Federalist No. 1](#) (as of Apr. 21, 2021); [Testimony of Ta-Nehisi Coates](#), Hearings before House Com. on Jud. on H.R. 40, 116th Cong., 1st Sess. (2019).

<sup>59</sup> Testimony of Ta-Nehisi Coates, *supra*.

<sup>60</sup> See, e.g., Desai, [The First Reparations Attempt at an American College Comes from its Students](#) (Apr. 18, 2019) The Atlantic (as of Apr. 21, 2022); Lockhart, [A Virginia Seminary Is the First School to Create a Reparations Fund](#) (Sept. 10, 2019) Vox (as of Apr. 21, 2022).

<sup>61</sup> See, e.g., *Burton v. Wilmington Parking Auth.* (1961) 365 U.S. 715, 716-26; *Shelley v. Kraemer* (1948) 334 U.S. 1, 13-23.

<sup>62</sup> See generally, Wilkerson, *Caste: The Origins of Our Discontents* (2020).



<sup>63</sup>Gerber, [Zoot Suit Riots: After 75 Years, L.A. Looks Back on a Violent Summer](#) (June 4, 2018) L.A. Times (as of Apr. 21, 2022).

<sup>64</sup>[Selections: Massachusetts and Virginia. The May-Flower at Plymouth, and the First Slave Ship at Jamestown](#) (Sep. 28, 1860) *Liberator* (1831-1865) p. 1.

<sup>65</sup>Gates, Jr., [How Many Slaves Landed in the U.S.?](#) (Sep. 19, 2013) PBS (as of Apr. 21, 2022).

<sup>66</sup>Pruitt, [What Part of Africa Did Most Enslaved People Come From?](#) (Jun. 19, 2019) History (as of Apr. 21, 2022); Rice University, [Trans-Atlantic Slave Trade - Database Slave Voyages](#) (as of Apr. 21, 2022).

<sup>67</sup>Mullen, [These Maps Reveal How Slavery Expanded Across the United States](#) (May 15, 2014) Smithsonian Magazine (as of Apr. 21, 2022).

<sup>68</sup>Capps et al., [Diverse Streams: Black African Migration to the United States](#) (April 2012) Migration Policy Institute (as of Apr. 21, 2022); see also U.S. Dept of State Office of the Historian, [The Immigration Act of 1924 \(The Johnson-Reed Act\)](#) U.S. Dept of State Office of the Historian (as of Mar. 21, 2022).

<sup>69</sup>Newton, [Injecting Diversity into U.S. Immigration Policy: The Diversity Visa Program and the Missing Discourse on its Impact on African Immigration to the United States](#) (2005) 38 Cornell Internat. L. J. 3 at p. 1061.

<sup>70</sup>U.S. Dept of State Office of the Historian, *supra*; The Immigration Act of 1924 (Johnson-Reed Act), Pub. L. 68-139, 43 Stat. 153.

<sup>71</sup>Newton, *supra* at p. 1061.

<sup>72</sup>Rumbaut, [Origins and Destinies: Immigration to the United States Since World War II](#) (1994) 9 Sociological Forum 4 at pp. 588, 595.

<sup>73</sup>*Id.* at p. 95.

<sup>74</sup>Jones et al., [2020 Census Illuminates Racial and Ethnic Composition of the Country](#) (Aug. 12, 2021) U.S. Census Bureau (as of Apr. 21, 2022).

<sup>75</sup>Tamir, [Key Findings about Black Immigrants in the U.S.](#) (Jan. 27, 2022) Pew Research (as of Apr. 21, 2022).

<sup>76</sup>*Ibid.*

<sup>77</sup>*Ibid.*

<sup>78</sup>*Ibid.*

<sup>79</sup>Hamilton, *Immigration and the Remaking of Black America* (2009).

<sup>80</sup>*Id.*

<sup>81</sup>*Ibid.*

<sup>82</sup>Taylor, [In Search of the Racial Frontier: African Americans in the American West 1528-1990](#) (1998) p. 30.

<sup>83</sup>*Id.* at p. 83

<sup>84</sup>U.S. Census Bureau, [Population of the United States in 1860: California](#) (as of Apr. 22, 2022) p. 28.

<sup>85</sup>Smith, *Freedom's Frontier*, *supra*, at p. 40.

<sup>86</sup>U.S. Census Bureau, [1920 Census: Population, Composition and Characteristics of the Population by States](#) (as of Apr. 22, 2022) p. 106.

<sup>87</sup>Wilkerson, *The Warmth of Other Suns* (2010), p. 188

<sup>88</sup>*Id.* at *Ibid.*

<sup>89</sup>Gibson and Jung, [Historical Census Statistics on Population Totals by Race, 1790-1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States](#) (Sept. 2002) U.S. Census Bureau (as of Apr. 20, 2022) p. 47.

<sup>90</sup>The Campaign for College Opportunity, [The State of Higher Education for Black Californians](#) (Feb. 2021) The Campaign for College Opportunity (as of Apr. 20, 2021) p. 10.

<sup>91</sup>U.S. Census Bureau, [Race \(2020\)](#) (as of Nov. 3, 2021). This number includes all Californians who identify solely as Black or as Black and at least one other race.

<sup>92</sup>U.S. Census Bureau, [Place of Birth for the Foreign-Born Population in California](#) (as of Apr. 20, 2022).

<sup>93</sup>Compare U.S. Census Bureau, [Race \(2020\)](#) (as of Apr. 20, 2022) with Raphael and Stoll, [The State of Black California](#)

(Feb. 1, 2008) UCLA: School of Public Affairs (as of Apr. 22, 2022) p. 78.

<sup>94</sup>U.S. Census Bureau, [Quick Facts: California \(2020\)](#) U.S. Census Bureau (as of Apr. 22, 2022).

<sup>95</sup>U.S. Census Bureau, [Race \(2020\)](#) (as of Nov. 3, 2021).

<sup>96</sup>*Ibid.*

<sup>97</sup>Hepler, [The Hidden Toll of California's Black Exodus](#) (Jul. 15, 2020) Cal Matters (as of Apr. 20, 2022).

<sup>98</sup>*Ibid.*

<sup>99</sup>See Katz, et al., [Reckoning with our Rights: The Evolution of Voter Access in California](#) (Sept. 2020) UCLA Luskin Center for History and Policy (as of Apr. 17, 2022) pp. 20-27.

<sup>100</sup>Baldassare et al., [California's Likely Voters](#) (Sept. 2021) Public Policy Institute of California (as of Apr. 21, 2022).

<sup>101</sup>Sen. Joint Economic Com., [The Economic State of Black America in 2020](#) (2020) Sen. Joint Economic Com. (as of Apr. 22, 2022) p. 28.

<sup>102</sup>*Ibid.*

<sup>103</sup>California Forward, [Building Racial and Economic Equity Through Home Ownership](#) (Apr. 2021) California Forward (as of Apr. 22, 2022) p. 17.

<sup>104</sup>*Ibid.*

<sup>105</sup>California Housing Finance Agency, [Black Homeownership Initiative: Building Black Wealth](#) California Housing Finance Agency (as of Apr. 20, 2022); Reid, [Crisis, Response, and Recovery: The Federal Government and the Black/White Homeownership Gap](#) (Mar. 2021) UC Berkeley Turner Center for Housing Innovation (as of Apr. 22, 2022) p. 2.

<sup>106</sup>Levin, [Black Californians' Housing Crisis, by the Numbers](#) (June 19, 2020) Cal Matters (as of Apr. 22, 2022).

<sup>107</sup>Cimini, [Black People Disproportionately Homeless in California](#) (Oct. 5, 2019) Cal Matters (as of Apr. 22, 2022).

<sup>108</sup>California Health Care Foundation, [Health Disparities by Race and Ethnicity in California: Pattern of Inequity](#) (Oct.

22, 2021) California Health Care Foundation (as of Apr. 22, 2022) p. 7.

<sup>109</sup> *Id.* at p. 42.

<sup>110</sup> Cal. Maternal Quality Care Collaborative, [The California Pregnancy-Associated Mortality Review](#) (2018) Cal. Maternal Quality Care Collaborative (as of Apr. 21, 2022) p. 21.

<sup>111</sup> Cal. Health Care Foundation, *supra* at p. 25.

<sup>112</sup> *Id.* at p. 28.

<sup>113</sup> *Id.* at p. 19.

<sup>114</sup> Reskin, [The Race Discrimination System](#) (2012) 38 Annual Rev. of Soc. pp. 17–35.

<sup>115</sup> Racial and Identity Profiling Advisory Board, [2022 Report Quick Facts](#) (2022) Racial and Identity Profiling Advisory Board (as of Apr. 19, 2022) p. 1; see also Premkumar et al., [Police Use of Force and Misconduct in California](#) (Oct. 2021) Public Policy Institute of California (as of Apr. 22, 2022).

<sup>116</sup> Racial and Identity Profiling Advisory Board, *supra*.

<sup>117</sup> Premkumar et al., *supra*.

<sup>118</sup> Vera Institute of Justice, [Incarceration Trends in California](#) (Dec. 2019) Vera Institute of Justice (as of Apr. 22, 2022).

<sup>119</sup> Wood et al., [Suspending Our Future: How Inequitable Disciplinary Practices Disenfranchise Black Kids in California's Public Schools](#) (Feb. 17, 2021) Black Minds Matter Coalition (as of Apr. 22, 2022) p. 4.

<sup>120</sup> Losen & Martin, [The Unequal Impact of Suspension on the Opportunity to Learn in California](#) (Sep. 18, 2018) The Civil Rights Project (as of Apr. 22, 2022) pp. 4–5; see also Office for Civil Rights, [An Overview of Exclusionary Discipline Practices in Public Schools for the 2017–2018 School Year](#) (June 2021) U.S. Dept. of Ed. (as of Apr. 22, 2022) pp. 6–7.

<sup>121</sup> Office of the Attorney General, [Attorney General Becerra Secures](#)

[Settlements with Barstow and Oroville School Districts to Address Discriminatory Treatment of Students Based on Race and Disability Status](#) (Aug. 25, 2020) Cal. Dept. of Justice (as of Apr. 22, 2022).

<sup>122</sup> Black Organizing Project et al., [From Report Card to Criminal Record: The Impact of Policing Oakland Youth](#) (Aug. 2013) Black Organizing Project (as of Apr. 22, 2022) p. 17.

<sup>123</sup> [State of Cal. v. Stockton Unified School District](#), Complaint for Injunctive Relief (2019) at pp. 5–6.

<sup>124</sup> Ridolfi, et al., [California Youth Face Heightened Racial and Ethnic Disparities in Division of Juvenile Justice](#) (Aug. 2020) Center on Juvenile and Criminal Justice (as of Apr. 22, 2022).

<sup>125</sup> *Ibid.*