

I. Introduction

Reparative apologies situate the harms of the past in society's present injustices, pay tribute to victims, and encourage communal reflection to ensure the historic wrongs are never forgotten and never repeated. The international framework for reparations reflects this understanding, as set forth in the United Nations General Assembly Resolution 60/147, which delineates the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (hereafter UN Principles on Reparation).¹

The UN Principles on Reparation include the principle of "satisfaction."² "Satisfaction" for victims will differ with the atrocity.³ It can include a public apology that constitutes an "acknowledgement of the facts and acceptance of responsibility," "judicial and administrative sanctions against persons liable for the violations," and "commemorations and tributes to the victims," among others.⁴

Apologies alone are inadequate to provide justice to victims or redress wrongs.⁵ But when combined with material forms of reparations, apologies provide an opportunity for communal reckoning with the past and repair for moral, physical, and dignitary harms.⁶ An effective apology should both acknowledge and express regret for what was done to victims and their relatives and take responsibility for the culpability of the apologizing party.⁷ Subtle differences in phrasing can denote unequivocal acceptance of responsibility for providing redress to victims and for making the changes necessary to guarantee non-repetition.⁸ An apology should also be accompanied by a request for forgiveness.⁹ As an example, when tribal leaders in Ghana performed a traditional ceremony of atonement for their role in the slave trade, they asked first for forgiveness for the horrors of slavery and their complicity in them.¹⁰

A universally satisfactory apology does not exist, because each victim group has unique needs. However, in 2012, the Inter-American Court of Human Rights determined that the following elements form a "good" apology: (1) it must be made publicly; (2) it must be made at the place where the events occurred; (3) it must acknowledge responsibility for the violations that have been committed;



(4) it must be made in the presence and with the participation of a considerable number of survivors and next of kin; (5) it must involve the highest state authority and senior state officials; and (6) it must be broadcast and disseminated fully throughout the state.¹¹

California has issued apologies in the compensation programs enacted for the human rights abuses in its eugenics sterilization program, violence and destruction of tribal communities, and incarceration of Japanese Americans. In 2003, the Legislature, Governor Gray Davis, and Attorney General Bill Lockyer all issued formal apologies for the 1909-1979 eugenics sterilization program that forcibly sterilized patients in state hospitals and homes without true consent.¹² Governor Davis's apology came quickly after he was informed of the sterilizations, but the apology was issued through a press release and did not call for deeper examination of the program. Reaction to the apology was mixed, with some expressing that it had come prematurely, without adequate examination of the history and without sufficient effort to identify the individuals who would have been the recipients of an apology.¹³ Later, in 2021, the Legislature passed Assembly Bill No. 137 (2021-2022 Reg. Sess.), apologizing for sterilizations at state prisons, creating the California Forced or Involuntary Sterilization Compensation Program, ordering the creation of memorial plaques in consultation with stakeholders, and allocating \$4.5 million for financial compensation to those sterilized by the state.¹⁴

In June 2019, Governor Gavin Newsom signed Executive Order N-15-19, issuing an apology on behalf of the State of California to California Native Americans for the many instances of violence, exploitation, dispossession, and the attempted destruction of tribal communities inflicted upon California Native Americans throughout the state's history.¹⁵ Executive Order N-15-19 established a Truth and Healing Council to "bear witness to, record, examine existing documentation of, and receive California Native American narratives regarding the historical relationship between the State of California and California Native Americans in order to clarify the historical record of this relationship in the spirit of truth and healing."¹⁶ This apology was not accompanied by compensation or remuneration or any other form of reparations intended to redress the violence, exploitation, dispossession, and the attempted destruction of tribal communities, but the Council established by Executive Order N-15-19 may recommend further measures of reparation and restoration.¹⁷

More recently, in February 2020, the Assembly adopted a resolution that apologized to all Americans of Japanese ancestry for the state's past actions in support of the unjust exclusion, removal, and incarceration of Japanese Americans during World War II, and for its failure to support and defend the civil rights and civil liberties of Japanese Americans during this period.¹⁸ Similar to the apology to Native Americans in June 2019, this apology was not accompanied by any form of monetary compensation, nor any other affirmative act.

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The Task Force recommends the Legislature build upon the structure of previous state apologies and conform to international standards for the principle of satisfaction. The Legislature must apologize on behalf of the State of California for the perpetration of gross human rights violations and genocide of Africans who were enslaved and their descendants through public apology, requests for forgiveness, censure of state perpetrators, and tributes to victims. But the Task Force does not recommend the Legislature issue an apology without taking other required steps recommended by the Task Force to conform to the international standards for satisfaction; such an apology would be hollow and ineffective.

In issuing its apology, the Legislature must formally apologize on its own behalf, and on behalf of the State of California, for all of the harms delineated in this report, and for the atrocities committed by California state actors who promoted, facilitated, enforced, and permitted the institution of chattel slavery and its legacy of ongoing badges and incidents of slavery that form the systemic structures of discrimination. California—its executive, judicial, and legislative branches—denied African Americans their fundamental liberties and denied their humanity throughout the state's history, from before the Civil War to the present. By participating in these horrors, California further perpetuated the harms African Americans faced, imbuing racial prejudice throughout society through segregation, public and private discrimination, and unequal disbursement of state and federal funding.

The apology must also include a censure of the gravest barbarities carried out on behalf of the state by its representative officers, governing bodies, and the people. A non-exhaustive list includes:

- An avid white supremacist, the first elected California Governor, Peter Hardeman Burnett (1849-1851), encouraged laws to exclude African Americans from the state.¹⁹ When the laws failed to pass, Burnett scorned the Legislature in an 1851 speech that claimed any “free persons of color” Californians would become so poor and disgruntled with unequal civil rights that they would start a race war against whites.²⁰ Later, as a justice of the California Supreme Court, Burnett enforced the 1852 California fugitive slave law and ordered the return of fugitive slave Archy Lee to his enslaver.²¹
- John LeConte, a physicist and Confederate from South Carolina, was the first acting President of the University of California (1869-70).²²
- Although California entered the Union in 1850 outlawing slavery, the California Supreme Court stated that the antislavery law in the California Constitution was only a “declaration of a principle” in a unanimous decision authored by Chief Justice Hugh C. Murray, and joined by Justice Alexander Anderson (who also wrote a concurrence) and Justice Solomon Heydenfeldt.²³ The California Constitution said the state would not tolerate enslavement, but California had not enacted any laws to enforce this provision and emancipate slaves.²⁴ The California Supreme Court also enforced the federal fugitive slave law until the official end of enslavement in 1865.²⁵

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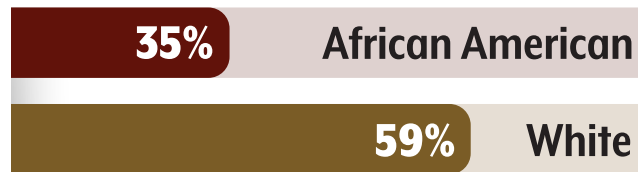
Effects of the Fugitive-Slave Law. The California Supreme Court enforced the federal fugitive slave law until the official end of enslavement in 1865. (1850)

- California disenfranchised African American citizens through racial barriers to voting such as poll taxes and literacy tests.²⁹
 - California prohibited interracial marriage and passed an anti-miscegenation law in its first legislative session in 1850.³⁰ The Legislature repeatedly refused to repeal the law after the California Supreme Court struck it down in 1948, and only did so 11 years later.³¹
 - California constructed monuments, memorials, state markers, and plaques memorializing and preserving confederate culture and glorifying slavery and white supremacy.³²
 - From the brutality of enslavement to contemporary police killings, state and local government-sanctioned violence, such as lynching, coercive sterilization, torture, and property destruction, inflicted death, physical injuries, and psychological harms on African Americans.³³ In particular, the Ku Klux Klan exerted significant political influence in local governments across California.³⁴
 - California endorsed minstrel shows.³⁵
 - California openly allowed segregation and discrimination against African Americans in the United States with respect to musicians, workers, and artists.³⁶
 - California crafted restrictive zoning ordinances, licensing laws, fire and safety codes, and anti-nuisance laws to disrupt African American businesses and their customers. Through racially targeted enforcement, eminent domain, and outright exclusion, these restrictions disproportionately and adversely affected African Americans, especially descendants.³⁷ California also targeted African American musicians, including hip-hop artists, and African American-owned businesses that provided leisure opportunities and safe communal spaces to African Americans in California.³⁸
 - California censored cinematic depictions of discrimination and African Americans integrating in white society.³⁹
 - California implemented anti-cruising/anti-gathering laws and curfews that disproportionately and adversely affected African Americans, especially descendants. In 2021, California law recognized the celebrated history and culture of cruising by encouraging local
- California prevented African Americans from testifying in court against a white person, leading to what one legislator called “a legislative license for the commission of crimes.”²⁶ The ban on African American testimony was repealed in 1863.²⁷
 - The California Legislature and Governor Henry Haight (1867-1871) opposed Congress’s Reconstruction

officials and law enforcement to work with local car clubs to conduct safe cruising events, in effect condemning anti-cruising/anti-gathering laws.⁴⁰

- California law enforcement and local governments harassed and suppressed the Black Panther Party in the 1960s and 1970s.⁴¹
- Discriminatory housing policies including redlining, residential zoning ordinances, and loan practices have produced persistent and longstanding housing segregation and inequities in home ownership in California.⁴² By 2019, African American Californians' homeownership rate was less than in the 1960s, when certain forms of housing discrimination were legal.⁴³

2019 CALIFORNIA HOMEOWNERSHIP BY RACE



- The State of California and local governments targeted property owned by African Americans in urban renewal and development projects for unjust uses of eminent domain, often without providing just compensation.⁴⁴ As a result, the construction of public infrastructure in California disproportionately displaced and fractured African American communities.⁴⁵
- Added by voters in 1950 through the passage of Proposition 10, Article XXXIV of the California Constitution requires local voter approval before any state agency can build low-income housing projects.⁴⁶ Proponents of Proposition 10 appealed to racist fears of integrating neighborhoods to ensure its passage.⁴⁷ State Senator Earl Desmond authored the argument in favor of Proposition 10 in the official ballot guide, and it was also supported by State Senator Arthur H. Breed Jr.⁴⁸ Article XXXIV has been an impediment to efficiently building affordable housing and promoting residential racial integration.⁴⁹
- California enabled oil and gas production and hazardous waste facilities to be disproportionately located near African American-majority neighborhoods, leading to increased exposure to carcinogenic chemicals and greater health consequences like asthma, especially for African American children growing up in those neighborhoods.⁵⁰
- State and local segregation laws historically excluded African Americans from outdoor recreation, public transit, and other public infrastructure.⁵¹ “Whites Only” policies erected barriers to myriad facets of life, from where one could swim to where one could live.⁵²
- Prior to school segregation ending in 1890, California either denied education to African American children completely or forced them to attend segregated schools with fewer resources and funding than the schools attended by white children.⁵³ Even after 1890, African American students continued to attend inadequately funded, under-resourced, and highly segregated public schools. Government policies segregated schools and school funding by neighborhood through racially-restrictive covenants, opposition to integration plans, and the use of local property tax revenue for education funding.⁵⁴ Unequal funding led to fewer opportunities for African American students, including less competitive courses for college admissions and heightened referral to law enforcement for school code infractions.⁵⁵
- From November 1964 until 1967, when it was declared unconstitutional by the U.S. Supreme Court, Proposition 14 amended the California Constitution to nullify the 1963 Rumford Fair Housing Act and earlier fair housing provisions, and allowed California property sellers, landlords, and agents to continue to segregate communities on racial grounds when selling or renting accommodations, undermining efforts to integrate schools through the desegregation of communities.⁵⁶ State Senator Jack Schrade authored the argument in favor of Proposition 14 for the official ballot guide,⁵⁷ and the Los Angeles Times and Oakland Tribune explicitly supported passage of Proposition 14.⁵⁸ The Proposition was also supported by the California Republican Assembly, the largest California Republican organization, and the United Republicans of California, a smaller Republican organization.⁵⁹
- California voters and courts intentionally segregated students by race after the Brown v. Board of Education Supreme Court ruling in 1954. In 1979, majority-white Californians approved Proposition 1, a law that stopped courts from ordering school desegregation plans, unless families or students suing to desegregate the schools could prove that intentional discrimination by school officials caused the segregation or a federal court could impose the same order.⁶⁰ Proposition 1 was spearheaded by Alan Robbins, State Senator from the 20th District (San Fernando Valley), and was in fact also referred to as

the “Robbins Amendment.”⁶¹ From the mid- to late-1970s through the 1990s, courts removed or limited desegregation orders in many California districts.⁶²

- California’s then-Governor Ronald Reagan (1967–1975) was recorded making racist remarks to then-President Nixon regarding African delegates to the United Nations.⁶³
- In 1996, California voters approved Proposition 209, which terminated state and local government affirmative action programs in public employment, public education, and public contracting to the extent these programs involved “preferential treatment” based on race, sex, color, ethnicity, or national origin.⁶⁴ Proposition 209 was supported by Governor Pete Wilson (1991–1999), who authored the arguments in favor of Proposition 209 in the official voter guide, and Attorney General Daniel Lungren.⁶⁵ Ward Connerly, a member of the University of California Board of Regents, was chairperson of the campaign, along with Darrell Issa.⁶⁶ This resulted in an annual loss of more than \$1 billion for minority and women-owned businesses, perpetuating the wealth gap between races.⁶⁷ Proposition 209 also significantly reduced the enrollment level of African American students at California public universities.⁶⁸ Still further, Proposition 209 substantially limits the state from remedying the systemic racism in California, in education, housing, wealth, employment, and health-care, which is implanted in laws, policies, and institutions that perpetuate racial inequalities. Demonstrating how challenges to equity for African Americans continue to today, Proposition 209 was reaffirmed in 2020 when California voters failed to pass Proposition 16, which would have permitted the reintroduction of these critical programs in California.⁶⁹
- California’s child welfare system has experienced some of the worst racial disparities in the country, with African American children suffering the highest rate of system involvement and the correspondingly heightened risks and harms associated with entering foster care.⁷⁰ Among other inequities, youth who enter foster care exhibit achievement gaps compared to children not involved in foster care.⁷¹
- The eugenics movement thrived in California and thousands of African Americans were forcibly sterilized or were the subjects of medical experiments

without consent.⁷² State psychological institutions contributed to the over-incarceration, forced sterilization, and denial of educational opportunities for African Americans in California.⁷³

- California law enforcement disproportionately stops, arrests, injures, and kills people perceived to be Black or African American.⁷⁴
- Partially as a direct result of the above, African Americans are overrepresented in state correctional facilities, and African American youth are overrepresented in juvenile facilities.⁷⁵ Consequently, the collateral effects of arrests and convictions also disproportionately impact African Americans in California.
- The California Constitution continues to permit involuntary servitude as a form of criminal punishment, an “exception” that disproportionately harms African Americans given the over-policing and over-incarceration of African American Californians and other biases in the criminal legal system.⁷⁶
- California historically barred African Americans from serving on juries.⁷⁷ Today, California prosecutors’ discriminatory use of peremptory challenges continues to disproportionately exclude African Americans from juries.⁷⁸

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- African American Californians experience persistent discrimination in healthcare services and access through inaccurate diagnoses, use of involuntary force, high costs, and a lack of culturally competent services.⁷⁹ As a result, African Americans suffer disparate health outcomes. African American mothers experience significantly higher rates of maternal mortality and infant death than any other ethnic group.⁸⁰ The life expectancy of an average African American Californian is 75.1 years, six years shorter than the state average. Compared with white Californians, Black Californians are more likely to have diabetes, die from cancer, or be hospitalized for heart disease.⁸¹

- State licensure systems historically worked in tandem with unions and professional societies to exclude African American workers from skilled, higher-paying jobs.⁸²
- State and local governments failed to meaningfully protect the equal rights of African Americans workers and job applicants, denying African Americans secure jobs, higher pay, and career advancement, particularly in public-sector employment.⁸³
- African Americans have been routinely excluded from professional careers in California. For example, African American physicians, psychologists, and psychiatrists are underrepresented in California's medical fields, further exacerbating the inequities in the healthcare system.⁸⁴ And African Americans comprise 6 percent of the adult population in California but only 3 percent of all attorneys, while in contrast, white people comprise 39 percent of California's adult population but 66 percent of the state's active licensed attorneys.⁸⁵

harms and guarantee non-repetition. To be effective, a considerable number of survivors and their relatives must participate in the development of the apology. As occurred with the apology to California tribal communities, the Legislature should establish a program or government body, such as the California American Freedman Affairs Agency, to facilitate listening sessions that allow victims and their relatives to narrate personal experiences and recount specific injustices caused by the State of California. The listening sessions should inform the language of the Legislature's apology and the methods enacted by the Legislature to satisfy victims. In rendering its apology, the Legislature should also find a way to effect specific recognition of all who come forward to participate in these listening sessions and share their personal stories of harm, loss, and deprivations of liberty.

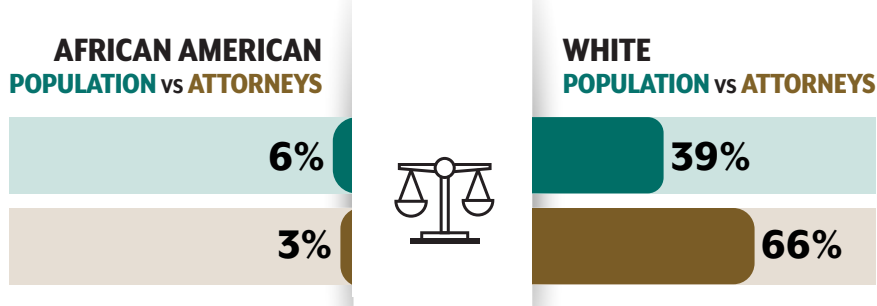
Additionally, the Legislature should order the commission of plaques or other public commemorative tributes to secure communities' memory of the victims and the injustices, as occurred in California's apology for forced

sterilizations. Physical markers of past atrocities serve as reminders of the terror and harm and ensure the collective memory does not gloss over the past. Created in collaboration with the victims of the atrocities delineated in this report and their families and advocates, plaques and memorials should honor survivors and raise awareness of descendants' ongoing struggle for justice.

For all aspects of the state's apology, the Task Force recommends that there be an intensive public education and communications strategy.

The Legislature should ensure that pursuit of the Task Force's recommendations for educating the public, set forth in Chapter 33, includes this requirement and funding for its development and implementation.

UNDERREPRESENTED PROFESSIONS 2022 CALIFORNIA LICENSED ATTORNEYS



In addition to acknowledging these and other of the atrocities committed by the state, as delineated in this report, the Legislature's formal apology should also acknowledge California's responsibility to repair the

Endnotes

¹U.N. Gen. Assem., [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#) (Dec. 2005) Res. No. 60/147 (hereafter UN Principles on Reparation).

²See Chapter 14, International Reparations Framework, for a fuller discussion of satisfaction as an essential element of reparations.

³See Internat. Center for Transitional J., [Reparative Justice: More Than Words: Apologies as a Form of Reparation](#) (Dec. 2015) p. 18 (hereafter Reparative Justice).

⁴U.N. Gen. Assem., UN Principles on Reparation, *supra*, at p. 8; U.N. Gen. Assem., [Responsibility of States for Internationally Wrongful Acts](#) (Dec. 2001) Res. No. 56/83, Art. 37 (“Satisfaction may consist in an acknowledgment of the breach, an expression of regret, a formal apology or another appropriate modality.”).

⁵Internat. Center for Transitional J., Reparative Justice, *supra*, at p. 1.

⁶See Wijaya, [Public Apology as a Form of Reparation](#) (2019) 2 Internat. J. of Global Community 2 (as of May 25, 2023).

⁷Internat. Center for Transitional J., Reparative Justice, *supra*, at p. 12.

⁸*Id.* at p. 13.

⁹*Id.* at p. 9.

¹⁰*Id.* at p. 8, fn. 19.

¹¹Internat. Center for Transitional J., Reparative Justice, *supra*, at p. 18, fn. 68, citing Inter-American Court of Human Rights, Case of the Massacres of El Mozote and Nearby Places v. El Salvador, Judgment of October 25, 2012 (Merits, reparations and costs), para. 357.

¹²Sen. Res. No. 20 (2003–2004 Reg. Sess.); Ingram, [State Issues Apology for Policy of Sterilization](#), L.A. Times (Mar. 12, 2003) (as of May 22, 2023); Attorney General Bill Lockyer, letter to Sen. Dede Alpert, Mar. 11, 2003.

¹³Zitner, Davis’ Apology Sheds No Light on Sterilizations in California, L.A. Times (Mar. 16, 2003) (as of May 22, 2023).

¹⁴Assem. Bill No. 137 (2021–2022 Reg. Sess.); Galpern, [Social Justice Coalition Key to Success in California’s New Sterilization Compensation Program](#) (Jan. 26, 2022) Center for Genetics and Society (as of May 22, 2023).

¹⁵Governor’s Exec. Order No. [N-15-19](#) (June 18, 2019).

¹⁶*Ibid.*

¹⁷Reparations for the California Native community may include, but not be limited to, restorative actions, statutory amendments, funding opportunities, and capacity building. (Governor’s Office of Tribal Affairs, [California Truth & Healing Council FAQs](#) (as of May 30, 2023).)

¹⁸Assem. Res. No. 77 (2019–2020 Reg. Sess.).

¹⁹See Chapter 2, Enslavement.

²⁰Peter Burnett, First Governor of California, 1849–1851, [State of the State Address](#) (Jan. 6, 1851).

²¹Barber, [Archy Lee’s Quest for Freedom](#), California State Library (as of May 24, 2023).

²²Joseph Le Conte, [The Autobiography of Joseph Le Conte](#) (1903) pp. 204–215; University of California, [Previous UC Presidents: 1869–2020](#) (as of May 23, 2023).

²³In re Perkins (1852) 2 Cal. 424, 456.

²⁴*Id.* at pp. 455–457.

²⁵See Chapter 2, Enslavement.

²⁶Chandler, Friends in Time of Need: Republicans and Black Civil Rights in Cal. during the Civil War Era (1982) 24 Ariz. and the West 319, 326–327.

²⁷See Chapter 4, Political Disenfranchisement.

²⁸See Chapter 2, Enslavement.

²⁹See Chapter 4, Political Disenfranchisement.

³⁰[Stats. 1850, ch. 140, § 3](#), p. 424. The act, “An Act regulating marriages,” is actually older than the state itself: it passed on April 22, 1850, just over four months before California was granted official statehood.

³¹See Chapter 4, Political Disenfranchisement.

³²See Chapter 2, Enslavement, and Chapter 9, Control Over Creative, Cultural & Intellectual Life.

³³See Chapter 3, Racial Terror.

³⁴*Ibid.*

³⁵See Chapter 9, Control Over Creative, Cultural & Intellectual Life.

³⁶*Ibid.*

³⁷*Ibid.*

³⁸*Ibid.*

³⁹*Ibid.*

⁴⁰Assem. Conc. Res. No. 176, Stats. 2022 (2021–2022 Reg. Sess.) res. Ch. 161. On February 6, 2023, a bill was introduced in the California Legislature to remove the authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising. As of this publication, the bill is pending. (See Assem. Bill No. 436 (2023–2024 Reg. Sess.) as introduced Feb. 6, 2003.)

⁴¹See Chapter 4, Political Disenfranchisement.

⁴²*Ibid.*

⁴³Cal. Housing Finance Agency, [Black Homeownership Initiative: Building Black Wealth](#) (as of May 24, 2023).

⁴⁴See Chapter 5, Housing Discrimination.

⁴⁵*Ibid.*

⁴⁶Cal. Const., art. XXXIV, § 1.

⁴⁷Times Staff, [Why it’s Been So Hard to Kill Article 34, California’s ‘Racist’ Barrier to Affordable Housing](#), L.A. Times (March 14, 2022) (as of May 24, 2023).

⁴⁸[Ballot Pamp., Gen. Elec. \(Nov. 7, 1950\)](#), p. 13; Cohan, *San Franciscan Heads Realty*

Men: Proposition 10 Given Strong Support in Addresses at Santa Cruz Convention, L.A. Times (Oct. 6, 1950) p. 18.

⁴⁹ *Ibid.*

⁵⁰ See Chapter 7, Racism in Environment and Infrastructure.

⁵¹ Asmelash, [Outdoor Recreation Has Historically Excluded People of Color. That's Beginning to Change](#) (Dec. 14, 2021) CNN (as of May 24, 2023); see also Chapter 4, Political Disenfranchisement.

⁵² Bennett, [Who Gets to Go to the Pool?](#), N.Y. Times (June 10, 2015) (as of May 23, 2023); Del Real, [How Racism Ripples Through Rural California's Pipes](#), N.Y. Times (Nov. 30, 2019) (as of May 23, 2023).

⁵³ See Chapter 6, Separate and Unequal Education.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Cal. Const. art., I, § 26, as adopted Nov. 3, 1964, and repealed Nov. 5, 1974. (Reft, [How Prop 14 Shaped California's Racial Covenants](#), (Sept. 20, 2017) KCET (as of May 24, 2023).)

⁵⁷ [Ballot Pamp., Gen. Elec. \(Nov. 3, 1964\)](#) argument in favor of Prop. 14, at p. 19 (as of Mar. 20, 2023).

⁵⁸ Fleischer, [How the L.A. Times helped write segregation into California's Constitution](#), L.A. Times (Oct. 21, 2020) (as of May 24, 2023); Hartgraves, [A Study of Proposition 14 of the 1964 California general election](#), (1967) (M.A. Thesis, Univ. of the Pacific), p. 32 (as of Mar. 20, 2023).

⁵⁹ Hartgraves, *A Study of Proposition 14*, *supra*, at pp. 27, 31-32.

⁶⁰ Cal. Const., art. I, § 7 (Prop. 1, as approved by voters, Gen. Elec. (Nov. 6, 1979)).

⁶¹ [Ballot Pamp., Special Statewide Election \(Nov. 6, 1979\)](#) argument in favor of Prop. 1, p. 8; *id.*, rebuttal to argument against Prop. 1, p. 9.

⁶² Orfield and Ee, [Segregating California's Future: Inequality and Its Alternative 60 Years after Brown v. Board of Education](#) (May 2014) The Civil Rights Project/ Proyecto Derechos Civiles, pp. 3, 12-18.

⁶³ Naftali, [Ronald Reagan's Long-Hidden Racist Conversation with Richard Nixon](#), The Atlantic (July 30, 2019) (as of May 23, 2023).

⁶⁴ [Ballot Pamp., Gen. Elec. \(Nov. 5, 1996\)](#) text of Prop. 209 (as of May 23, 2023).

⁶⁵ [Ballot Pamp., Gen. Elec. \(Nov. 5, 1996\)](#) argument in favor of Prop. 209 (as of May 23, 2023); Pear, [In California, Foes of Affirmative Action See a New Day](#), N.Y. Times (Nov. 7, 1996) (as of May 23, 2023).

⁶⁶ Pamphlet, *supra*, argument in favor of Prop. 209; Monteagudo, [From 'stand back' voice on car alarms to Congress: The career of Darrell Issa](#), San Diego Union-Tribune (Jan. 13, 2018) (as of May 24, 2023).

⁶⁷ Lohrentz, [The Impact of Proposition 209 on California's MWBE's: One Billion in Contract Dollars Lost Annually by Businesses Owned by Women and People of Color Due to Proposition 209](#) (Jan. 2015) p. 2.

⁶⁸ Watanabe, [Prop. 209's Affirmative Action Ban Drove Down Black and Latino UC Enrollment and Wages, Study Finds](#), L.A. Times (Aug. 22, 2020) (as of June 22, 2021); Bleemer, *Affirmative Action, Mismatch, and Economic Mobility After California's Proposition 209* (2021) 137 Quarterly J. Economics 115; Harper et al., [Access and Equity for African American Students in Higher Education: A Critical Race Historical Analysis of Policy Efforts](#), 80 J. Higher Education 389, 401.

⁶⁹ [Ballot Pamp., Gen. Elec. \(Nov. 3, 2020\)](#) argument in favor of Prop. 16, p. 28.

⁷⁰ KidsData, [Children in Foster Care, by Race/Ethnicity](#) (as of May 24, 2023).

⁷¹ See Chapter 8, Pathologizing Black Families.

⁷² See Chapter 12, Mental and Physical Harm and Neglect.

⁷³ *Ibid.*

⁷⁴ See Chapter 11, An Unjust Legal System.

⁷⁵ *Ibid.*

⁷⁶ See Cal. Const. art. I, § .

⁷⁷ Stats. 1851, ch. 1, § 394, p. 113; Stats. 1850, ch. 99, § 14, p. 230.

⁷⁸ Berkeley Law Death Penalty Clinic, [Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors](#) (June 2020) pp. 13-19.

⁷⁹ See Chapter 12, Mental and Physical Harm and Neglect.

⁸⁰ California Health Care Foundation, [California Health Care Almanac: Health Disparities by Race and Ethnicity in California: Pattern of Inequity](#) (Oct. 2021) pp. 42-43.

⁸¹ *Id.* at pp. 19, 25, 28.

⁸² See Chapter 10, Stolen Labor and Hindered Opportunity.

⁸³ *Ibid.*

⁸⁴ California Health Care Foundation, California Health Care Almanac, *supra*, at p. 12.

⁸⁵ The State Bar of California, [Diversity of 2022 California Licensed Attorneys](#) (as of May 24, 2023).