

COURTESY OF CALIFORNIA SECRETARY OF STATE/CALIFORNIA STATE ARCHIVES

## I. Introduction

AB 3121 charges the Task Force with recommending appropriate ways to educate the California public of the Task Force's findings.<sup>1</sup> To achieve this goal, the Task Force consulted academic experts to develop a concept for educating students of all ages and backgrounds, as well as the public in general, through a curriculum designed to make the Task Force's work accessible.

The Task Force recommends that the Legislature adopt the concepts discussed herein, which the Task Force developed with the support of these experts, as a standard curriculum. The Task Force further recommends that the Legislature fund the implementation of age-appropriate curricula across all grade levels, as well as the delivery of these curricula in schools across California. The Legislature should also create a public education fund, specifically dedicated to educating the public about African American history, and support the initial and ongoing education about the Task Force's findings. Additionally, in order to facilitate continued conversations in communities across California following the publication of this report, the Task Force has developed materials included within this chapter that will help answer some potential questions people may have about reparations. These questions are expected to come from—and the answers should be responsive to—those who support reparations but want to better understand their justification, those who might be unaware of the need for or purpose of reparations, and those who are opposed to reparations but may benefit from additional information.

## II. Educating the Public

### The Task Force's Initial Efforts to Educate the Public

In order to educate the public about the significant findings and recommendations contained in this report, the Task Force engaged in extensive outreach, both through its members and through the Ralph J. Bunche Center at UCLA (Bunche Center), as detailed in Chapter 32 of this report. All of the Task Force's meetings took place in public, either via a videoconference platform or through in-person meetings that took place in San

Sec. 7.  
available, by sufficient sureties, unless for capital  
sumption great.

Sec. 8.  
old, to answer for a capital or otherwise infamous  
ent, and in cases of militia when in actual service  
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and in cases of petit larceny under the regulation  
ent or indictment of a grand jury; and in c  
only accused shall be allowed to appear and  
in civil actions. No person shall be subject  
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rate property be taken for public use without just

Sec. 9.  
speak, write, and publish his sentiments on  
buse of that right; and no law shall be passed  
or of the press. In all criminal prosecutions  
given in evidence to the jury; and if it shall app  
libellous is true, and was published with goo  
erty shall be acquitted; and the jury shall have  
fact.

Sec. 10.  
the right freely to assemble together to consult  
mentatives, and to petition the legislature for redress of gr

Sec. 11.  
ature shall have a uniform operation.

Sec. 12.  
subordinate to the civil power. No standing ar  
e of peace; and in time of war no appropriation for  
ne than two years.

Sec. 13.  
peace, be quartered in any house, without the consen  
in the manner to be prescribed by law.

Sec. 14.  
be apportioned according to population.

Sec. 15.  
prisoned for debt, in any civil action on mone  
ed; and no person shall be imprisoned for a

Sec. 16.  
ex post facto law, or law impairing the obligation

Sec. 17.  
, or who may hereafter become bona fide residents  
to in respect to the possession, enjoyment, and  
tients.

Sec. 18.  
ior involuntary servitude, unless for the pu  
erated in this state.

Sec. 19.  
The right of the people to be secure in their persons, houses,

Article I, Section 18 of the California Constitution declares "Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state." (1849)

San Francisco (March 2022), Los Angeles (September 2022), Oakland (December 2022), San Diego (January 2023), Sacramento (March 2023), Oakland (May 2023), and Sacramento (June 2023). All meetings were also live-streamed through the California Department of Justice's website. All materials considered by the Task Force in

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The public gives input during a California Reparations Task Force meeting in Los Angeles. (2022)

these meetings were posted on the website hosted by the Department of Justice for the Task Force's administrative support: <https://oag.ca.gov/ab3121>. These materials have included not only drafts of report components and expert reports considered by Task Force members to generate the legislative recommendations contained in this report, but also presentations made to the Task Force by witnesses appearing before it and public comments and emails submitted to the Task Force's email intake portal. Various Task Force members engaged in community outreach and engagement through national and local news media broadcast and social media, and appeared on numerous panels and at events addressing the subject matter of the Task Force's work. Following the issuance of its Interim Report in June 2022, the Task Force received scores of organizational endorsements of the work of the Task Force, the study of reparations, or both. This support has come from large and small organizations, including social service providers, bar associations, civil rights advocates, professional national psychological associations, educators and social workers, and groups representing the faith community.

The work of the Task Force has prompted individuals and organizations to pursue independent public education initiatives including serial television programs based on the harms chronicled in this report; and documentary film projects capturing Task Force proceedings, findings, recommendations, and remarks by Task Force members. The Task Force anticipates that these productions will contribute to the public's understanding of the reverberating impact of 246 years of enslavement and its

lingering effects, and also generate discussion and support for reparations for African Americans in California. Therefore, while these independent projects are neither subject to approval nor endorsed by the Task Force, the Task Force welcomes and encourages the wide dissemination, across multiple platforms, of the information contained in this report.

The groundbreaking work of the Task Force, its members, consulting experts, and the attorneys, researchers, and staff of the California Department of Justice's Civil Rights Enforcement Section and Research Center has illuminated a history of discrimination and its resulting harms—heretofore ignored, buried, or willfully forgotten. It has also established the foundation for further educational efforts to make clear the necessity for policies to address such harms and deter their repetition.

### Principles Underpinning a Concept to Educate the General Public

The Task Force recommends that the Legislature continue the development of a curriculum based upon the Task Force's final report for grades 9-12 school students. In furtherance of this recommendation, the Task Force retained two professors, Dr. Travis J. Bristol, an associate professor of teacher education and education policy at the University of California, Berkeley, School of Education, and Dr. Tolani A. Britton, assistant professor at the University of California, Berkeley, School of Education, to advise the Task Force on the structure, components, and process of an appropriate curriculum and pedagogy. Their feedback provided the basis on which the Task Force formulated the recommendations set forth in this chapter.

The development of such curriculum will benefit the public at large, including students in other states, by teaching a major portion of American history that is largely unknown. For example, Chapters 1-13 of the report summarize the harms and “lingering negative effects of the institution of slavery and . . . discrimination . . . on living African Americans and on society in California and the United States.”<sup>2</sup> Chapter 32 further details the legacy of these historical and present-day harms. And Chapters 34-40 detail the vast extent to which federal and California laws created a system of subjugation of African Americans as a group and exacerbate lingering material and psychosocial effects of the enslavement and post-enslavement periods.

The initial work of Professors Bristol and Britton will focus on grades 9-12, but as discussed below, the Task Force further recommends that the Legislature fund

the establishment and implementation of standard educational programming at age-appropriate grade levels, from early elementary school through college.

In addition, the Legislature should ensure that the Task Force's final report is circulated as widely as possible, in both electronic and paper formats, throughout California—including to universities and colleges, schools, governmental bodies, libraries, private organizations, and other institutions as well as to members of the public. Translated versions should also be available in Spanish and other languages that are frequently used at the state and local level, as appropriate.

The Task Force believes that the Legislature should be mindful of several important goals in ensuring the public is educated about both the critical historical information contained in the Task Force's report and the Task Force's findings and recommendations. The Legislature should also seek to build a collective base of knowledge, to inform racially diverse communities and to appeal to different ways of learning. California is an extremely diverse state, and so the task of educating the public should be approached in a manner that will ensure that educational content be accessible to every Californian. Few subjects in America are more difficult to discuss, more polarizing, and more prone to misinterpretation than race. Conversations in the absence of factual historical and contemporary issues opens the door to increased polarization, misunderstanding, and division. Accordingly, California's educational effort should be designed to encourage honest, informed conversations about race among the general public, in schools, in religious institutions, at dinner tables, in board rooms, and in other parts of society. This can inspire reflection and requisite action that supports the more perfect union that has been repeatedly cited as a foundational principle for California and the nation.

As documented in this report, the harm to African Americans spans centuries, and therefore, the repairs should be long in the implementation, involving immediate remedial action, a longstanding commitment scaled over years to address the enormous harm, and guarantees of non-repetition. Accordingly, broad public education about the Task Force's findings will help effectuate these outcomes.

To ensure that this report and its call for reparations is not a passing moment to be soon forgotten, the Task Force recommends that there be consistent messaging

to create a common understanding that reparations is fundamentally about justice—one that should matter to all Californians because it goes to the heart of the ideals that America aspires to embody. Concise statements and simplified messaging should be developed (e.g., through video, infographics, slogans, and tag lines) to define what “reparations” means, make this complex and contentious subject matter easier to understand, and reveal that this is an issue in which all Americans should have a vested interest.

### Public Education Fund

The Task Force also recommends that the Legislature create a public education fund specifically dedicated to educating the public about African American history in the United States and in California. One model for such a public education fund can be found in the Japanese American incarceration reparations commission's recommendation of a Civil Liberties Public Education Fund (CLPEF), the government-sponsored program that was developed out of the Civil Liberties Act of 1988.<sup>3</sup> CLPEF's mission was to educate the public on the issues surrounding the wartime incarceration of Americans of Japanese ancestry. In 1996, President Bill Clinton appointed a board of directors to oversee its operation.<sup>4</sup>

The CLPEF board's stated mission was to publish and distribute the records of the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians (CWRIC) so that the events surrounding the exclusion, forced remov-

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al, and incarceration of persons of Japanese ancestry would be remembered, and the causes and circumstances of this and similar events illuminated and understood.<sup>5</sup> The CLPEF board was also charged with making disbursements of \$5 million in federal funds, a portion of which was used to republish the findings of the CWRIC. CLPEF also oversaw the editing of more than 4,500 pages of transcripts from CWRIC hearings to provide a complete and accessible record for the public's use in understanding what occurred, and the



rationale for the reparations program implemented at the Commission's recommendation.

An additional \$3.3 million was distributed to fund 135 projects, including 18 national fellowships in the areas of curriculum, landmarks/exhibits, art/media, community development, research, research resources, and national fellowships. Among the diverse recipients from 20 states and the District of Columbia were museums, educational institutions, libraries, artist and theater groups, as well as individuals. Projects ranged in funding from \$2,000 to \$100,000.<sup>6</sup>

In 1997, CLPEF held a national curriculum summit involving 50 curriculum grant recipients and educators, with the goal of integrating lessons learned into a national education curriculum. CLPEF also held a national conference in San Francisco in 1998 to allow grant recipients to share and discuss their projects. Earlier in the same year, CLPEF and the Smithsonian Institution co-sponsored national Days of Remembrance in Washington, D.C. to commemorate President Franklin D. Roosevelt's signing of Executive Order 9066 and call national attention to this landmark event. Several public service announcements were also produced with CLPEF funds.<sup>7</sup>

After the federal CLPEF expired in 1998, the California Civil Liberties Public Education Program (CCLPEP) continued and extended the work of the federal effort. CCLPEP sponsored projects to ensure that "events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered, and so that the causes and circumstance of this and similar events may be illuminated and understood."<sup>8</sup> In 1998, the California Civil Liberties Public Education Act authorized \$1 million in state funding to support the development of educational resources about World War II incarceration and the importance of protecting civil liberties, even in times of national crisis. Administered by the California State Library, CCLPEP awarded nearly \$9 million over 12 years to nonprofit organizations, colleges and universities, public libraries, community groups, teachers, writers, researchers, and artists.<sup>9</sup>

Like its federal predecessor, CCLPEP funded a wide variety of projects including: books; videos (documentaries or films); curricula (lesson plans as well as teachers' guides and/or teacher training sessions); exhibits; collections or digitization of existing collections; oral histories; artistic works, including poetry, music, and art

installations; conferences, field trips, or other types of special events; academic resources and research; memorials or public honors; and website development.<sup>10</sup>

CCLPEP's competitive grant program also supported the creation and dissemination of educational and public awareness resources concerning the history and the lessons of civil rights violations or civil liberties injustices carried out against communities or populations. These included civil rights violations or civil liberties injustices perpetrated on the basis of an individual's race, national origin, immigration status, religion, gender, or sexual orientation.<sup>11</sup>

The Task Force recommends that the Legislature adopt a public education fund model that similarly allows for versatile projects to support public education, including curricula, audio books, public arts displays, literary works, documentary films, student essay contests, seminars, podcasts, and any other media that may be appropriate to educate all Californians about "[t]he lingering negative effects of the institution of slavery and the discrimination described in [this report] on living African Americans and on society in California and the United States," and all of the findings and recommendations set forth in this report.<sup>12</sup>

**One seminal study found that when high school students from historically marginalized racial and ethnic groups that were at-risk of dropping out took an ethnic studies course, their attendance rate increased by 21 percent, their grade point average increased by 1.4 points, and they earned, on average, 23 more credits.**

### **Ensuring the Curriculum Benefits the African American Community, Including Descendants of People Enslaved in the United States**

Not only should an appropriately-developed and comprehensive curriculum benefit California children and the public generally, it should also be designed with the goal of specifically educating the African American community, particularly children who are descendants of people enslaved in the United States. Access to a culturally relevant and sustaining curriculum increases engagement and academic outcomes for students from diverse racial and ethnic groups.<sup>13</sup> For example, one seminal study found that when high school students from historically marginalized racial and ethnic groups that were at-risk of dropping out took an ethnic studies course, their attendance rate increased by 21 percent, their grade point

average increased by 1.4 points, and they earned, on average, 23 more credits.<sup>14</sup> Another study found longer-term benefits for students of color who had been enrolled in an ethnic studies course, including that these students had higher rates of attendance and graduation, and an increased likelihood of attending college when compared to their peers who did not have access to an ethnic studies course.<sup>15</sup> While culturally relevant work remains

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important for all students, disengagement in high school is associated with fewer positive life outcomes such as a lower likelihood of high school graduation and college enrollment.<sup>16</sup> Since high school is an important time to prepare students for life and a career, part of that preparation should include a curriculum that speaks to both the structural challenges and opportunities that children face.

Given the clear and compelling evidence on the short- and long-term positive academic impacts of culturally relevant curriculum on students of color,<sup>17</sup> there is a particular urgency to develop a curriculum on the historical and contemporary lived experiences of African American students in California. On both academic *and* non-academic outcomes, African American students perform at lower levels when compared to their peers. For example, in the 2021-2022 school year, only 30 percent of African American students performed at or above grade level on the California Assessment of Student Performance and Progress (CAASPP) literacy assessment, compared to 61 percent of white students.<sup>18</sup> Similar outcome disparities arise in the CAASPP math assessment, where only 16 percent of African American students performed at or above grade level compared to 48 percent of white students.<sup>19</sup>

### **The Task Force Recommends a Reparations Curriculum**

In order to educate Californians about the findings and recommendations of the Task Force, and because of the stubborn opportunity gap between African American students and their peers, the Task Force recommends that the Legislature fund the development and

implementation of a standard curriculum encompassing the contents of this final report. In rendering this recommendation, the Task Force recognizes that access to a curriculum that reflects the diversity of an increasingly interconnected world will allow *all* of California's children to expand their understanding of our state and nation. The Task Force recommends that appropriate curricula be developed across every grade level and the initial curriculum be designed for high school students and young adults, followed by a curriculum for younger children, and one specifically for young adults in carceral settings. These curricula could also be adapted for use by adults in community popular education aimed at increasing civic engagement. Finally, a curriculum should be developed for advanced learning and to further the academic study of

these issues at the college and university level. The proposed curriculum should be cross-disciplinary and seek to connect history, literature, math, and science, as the final report details the breadth of the harms that need to be understood by the public. The curriculum should include lessons on reparations that can be embedded in existing required high school coursework.

The Task Force offers the following detailed design plan, developed in consultation with the Task Force's educational curriculum experts, Dr. Travis J. Bristol and Dr. Tolani A. Britton.

The initial step requires selection of specific lead curriculum designers who have a clear sense of the scope of the curriculum. Those leads and their selected teams should conduct a landscape analysis of existing Black or African American studies high school curricula. This should include extensive engagement with teachers and community programs that have developed and are delivering coursework on Black or African American studies and/or reparations. The planning team should execute a brainstorming day in which a consultation group comes together to share curriculum design ideas based on existing reparations lessons in workshops and to begin the collective design process. During this process, the team should consider all ideas, including unique and novel ones.

Following this initial process, the design teams should develop a draft outline of model curriculum with the lead curriculum co-designers. Using high school as an example, the outline should differentiate content across grade levels 9-12. The team should design essential questions based on each chapter of the reparations report, appropriate for grade levels 9/10 and 11/12. The team

should then scope and sequence the curricular units based on each chapter of the report, as appropriate for grades 9/10 and 11/12. Finally, the team should ensure the essential questions cut across content areas and align to Common Core State Standards.

In order to test the conceptual product, the design team should run one or more one-week curriculum institutes, both virtually and in-person, to refine the outline of the model curriculum with various groups of teachers, students, and community-based educators. The participants should be surveyed about the process and contents of the curriculum, and the lead team should meet to review the results, assess progress and feasibility, and assess the remainder of the process.

Following the completion of this preliminary concept development, the lead team of curriculum co-designers should proceed with working with selected teachers, students, and community-based educators to pilot activities related to the implementation and real-world testing of the model curriculum and collect lesson examples for each content area across grades 9/10 and 11/12. The lead team should convene smaller work groups of teachers based on grade and subject taught. These groups should meet at least three times per semester.

The smaller work groups and the larger group of teachers, students, and community-based educators should have one or more dedicated meetings that include design time and feedback loops in small groups based on the grade and subjects taught in order to fine-tune the contents and deployment of the curriculum.

This process should be followed by further demonstration and test sessions—both virtually and in-person—to solicit feedback for curricular content for grades 9/10 and 11/12 from students, community-based educators, school-based teachers, parents, and administrators. The design team should develop assessments based on student work from the test period for curricular content across content areas for grades 9/10 and 11/12.

Following the development of the curriculum using this model recommended by the Task Force, the design team should produce a report detailing the methodology for the development of the curriculum and make the curriculum widely available. The Task Force recommends that the Legislature hold hearings at an appropriate time to study the development and contents of the curriculum and, subject to the Legislature's findings with regard to the curriculum, fund and otherwise encourage its implementation across the state.

### III. Responses to Questions About the Task Force's Reparations Proposals

With any major initiative, such as reparations, it is natural that there would be questions from members of the public—whether supporting, opposing, or simply seeking answers about reparations. The following are anticipated questions and responses to concerns that members of the public may have about reparations for African Americans in the State of California. This section is not intended to be exhaustive. Instead, the Task Force offers it as a perspective to contribute to a developing national public dialogue and to encourage these difficult and essential conversations in the homes of every American. The answers provided here are intended to ensure that there are clear responses to challenges to reparations, as well as to help facilitate those conversations.

#### **California was a “free state,” not a “slave state.” Why should it be responsible for reparations at all?**

Even though California entered the Union in 1850 as a “free state,” the state government at the time nonetheless permitted and committed grave injustices against African Americans and allowed its residents to enslave African Americans. These injustices—which all took place *in California*—included enslavement, legal public and private segregation, discrimination in state funding and programming, and stigmatization that upheld a white supremacist racial hierarchy that remains in place to this day.

**California fugitive slave law.** California passed and enforced a fugitive slave law, and some scholars estimate that up to 1,500 enslaved African Americans lived in California in 1852.<sup>20</sup> In fact, numerous enslavers who actively supported the Confederacy moved to California before and during the Civil War and brought with them or sent ahead the persons they enslaved and



saw as their chattel property to work on farms and ranches, and to mine gold on their behalf.<sup>21</sup> Some of these individuals established leadership roles in the young state; for example, Confederate John LeConte,

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a physicist who employed his scientific knowledge to make gunpowder for the Confederate army, was UC Berkeley's first acting president.<sup>22</sup> Enslaved people labored under violent conditions, and even "free" African Americans lived under racist laws that restricted their rights and rendered them vulnerable to violence and exploitation.<sup>23</sup> Thus, California bears direct responsibility for atrocities that occurred during the enslavement era, which can only be redressed through comprehensive reparations.

**California and the Fourteenth and Fifteenth Amendments.** Enslavement, even with all its atrocities and horrors, is far from the lone basis for the case for reparations at either the national or state level. Post-enslavement atrocities, as detailed in this report, are a critical dimension of the justification for reparations. For example, during Reconstruction, Congress passed the Fourteenth Amendment, which promised equal rights for all citizens, and the Fifteenth Amendment, which prohibited states from denying a person's right to vote on the basis of race; California did not ratify these amendments until 1959 and 1962, respectively.<sup>24</sup>

**California and the Ku Klux Klan.** After slavery ended in 1865, Jim Crow found a home in California. For example, in the 1920s, California

became a "strong Klan state" with a sizable Ku Klux Klan presence in Los Angeles, Oakland, Fresno, Riverside, Sacramento, Anaheim, and San Jose.<sup>25</sup>

**Housing Segregation.** In the decades that followed enslavement, the federal, State of California, and local governments acted with private actors to create and intensify housing segregation. Government actions intertwined with private action and segregated America, leading to enormous wealth disparities, environmental harms, unequal educational and health outcomes, vast wealth differentials, and over-policing of African American neighborhoods in California and across the nation that all continue to this day.<sup>26</sup> For example, California allowed extensive use of racially restrictive covenants, which were widely used throughout the state.<sup>27</sup> According to the 1973 U.S. Commission on Civil Rights Report, by 1940, 80 percent of homes in Los Angeles contained restrictive covenants barring African American families from owning homes.<sup>28</sup> Some of these covenants remain a part of public record. From 1937 to 1948, more than 100 lawsuits attempted to enforce covenants and evict African American families from their homes in Los Angeles.<sup>29</sup>

In other words, while California was a "free state," it was deeply complicit with the institution of slavery and an active participant in perpetuating its badges and incidents. Further, in the decades that followed, the state implemented laws and policies infected with racism that flowed from the institution of enslavement, targeting African American people. These laws and policies continue to have effect, as they have resulted in the cumulative, compounding, and cascading inter-generational harm experienced by African Americans in California today.

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An engraving showing an enslaved family trying to run away. (1864)

**The United States fought a Civil War to end enslavement and implemented Reconstruction programs. Why was that not enough to address the harms caused by the practice?**

Enslavement was foundational to the creation of the United States. For 246 years, the United States had built one of the largest and most profitable enslaved labor economies in the world<sup>30</sup> with almost four million enslaved people,<sup>31</sup> and cotton was the economic engine that powered the nation. The Constitution protected enslavement and gave Southern states outsized political power.<sup>32</sup> Half of the nation's pre-Civil War presidents were enslavers while in office.<sup>33</sup> More than 1,800 Congressmen, representing 40 states, once enslaved African Americans.<sup>34</sup>

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An African American Union soldier of the American Civil War. (c. 1863)

Merely ending enslavement did not provide reparations for enslavement.<sup>35</sup> The Civil War did not provide compensation for the atrocities committed on enslaved persons before the war. Additionally, the emancipation of those who were enslaved could have been achieved without the war, as proposed by President Abraham Lincoln in 1862.<sup>36</sup> Further, white people alone did not deliver freedom—African Americans fought beside them in the Union army and risked their lives to emancipate themselves.<sup>37</sup>

At the end of the Civil War, Congress seized land from wealthy Southerners intending to distribute 40 acres to each formerly enslaved person to address the harms of slavery.<sup>38</sup> In January 1865, 400,000 acres in South

Carolina and Georgia were deeded to 40,000 formerly enslaved persons who settled on and worked the land.<sup>39</sup>

But by April of 1865, President Lincoln had been assassinated. Vice President Andrew Johnson assumed the Presidency, and soon declared: “This is a country for white men, and by God, as long as I am President; it shall be a government for white men[.]”<sup>40</sup> President Johnson rescinded the land reparations program, ordered the Black settlers off land they owned, and returned it to former enslavers.<sup>41</sup>

In the end, four million men, women, and children across the nation were released from enslavement without acknowledgment, apology, compensation, or resources. There were no meaningful or lasting changes to laws, institutions, or systems, and there were none of the requisite legal, medical, psychological, and other care and services. All of the disparities detailed in this report result directly from the subjugation of African American during slavery, and the comprehensive legal, political, financial, and social systems established thereafter to maintain the oppression of African Americans and their descendants. Moreover, these were the harms visiting on those *living* at the time of emancipation—many thousands did not live to see emancipation.

And for the descendants of those who were enslaved, 90 years of legal segregation and subjugation followed, during which California was an active participant in the exclusionary laws and practices that swept the nation.<sup>42</sup> Legal segregation in the United States ended only about 50 years ago,<sup>43</sup> but its effects have had a lasting and devastating impact and there has been no meaningful repair.

**Since the Civil War, the United States and California have both implemented many programs to try to foster equality—especially in housing, education, and government programs. Why do we need reparations and more policy changes when we have already done so much?**

While many programs have been implemented following emancipation, as discussed in this report, most if not all of them benefitted non-African American people of color or even white people more than they benefitted African Americans, much less descendants of formerly enslaved persons or formerly enslaved persons themselves. In fact, beginning with the Homestead Act of 1862, which gave over a million white households 160-acre land grants in the western territories, all the way through the expansion of government assistance programs during the 1930s New Deal era, government



programs consistently *excluded* African Americans.<sup>44</sup> Today, the majority of recipients of government assistance are white.<sup>45</sup> Specifically with regard to “welfare,” these types of programs do not address the group-specific harms directed at descendants of enslaved persons or the African American community more generally, nor were they so intended. They do not pay the debt owed for unpaid labor, nullification of generational wealth production, denial of humanity, creation of a permanent slave race status, an ever-present psychological state of terror and impending threat and doom, and a state of perpetual anti-Blackness with no recognized social existence.<sup>46</sup>

With respect to housing and education, America is as segregated today as it was in the 1940s when the wholesale exclusion of African Americans from equal education, employment, and the benefits of the New Deal, like federally insured home loans, deprived them of choices as fundamental as where they would live.<sup>47</sup> The opportunities that created America’s *white* middle class, resulting in white households having nine times more assets than African American households, have simply never been accessible to the African American community. The cumulative, unrelenting impact of centuries of anti-Black laws and policies has led this country to where we stand today, with African Americans having shorter life expectancies than the rest of the population, African American women dying at three to four times the rate of white women from complications related to pregnancy or childbirth, and huge persistent disparities in nearly every aspect of American life, from individuals experiencing homelessness to policing. All of these disparities result not only from the subjugation of African Americans during enslavement, but also from the comprehensive legal, political, financial, and social systems established thereafter to maintain the oppression of African Americans and descendants.

Similarly, affirmative action was not intended to be reparations. Affirmative action policies developed as an antidiscrimination measure to create opportunities for unjustly excluded groups whose members could not gain entrance despite their qualifications and merit.<sup>48</sup> It does not compensate for keeping those groups out in the past. Furthermore, affirmative action alone cannot eliminate the Black-white wealth inequality, which is a main goal of reparations.<sup>49</sup> Affirmative action programs have also been very limited, and they have failed to remedy the gross disparities and discrimination in

employment, housing, wealth, and income to which African Americans continue to be subjected. Finally, since the passage of Proposition 209 in 1996, governmental affirmative action has not existed in California for more than 25 years.

**As a result of 400 years of anti-Black sentiments and denial of humanity, we live in a society where real progress toward equality for African Americans is treated as too much to ask. The federal government has and continues to engage in restitution initiatives and pays compensation to so many others, but again, not to African Americans.**

**The United States is a nation of self-made success in which lots of people have suffered harms but have not looked to the government to solve their problems. Why should the government step in here to address these issues?**

This is simply not true. When people have been victimized, when tragedy strikes, and when a large group of people are collectively impacted by an event, the government has stepped in numerous times to provide reparations—in the form of compensation paid for a harm suffered. For example, the federal and state governments have compensated farmers, fishermen, veterans, people exposed to pesticides or other toxic chemicals, miners affected by black lung disease, and those whose properties have been damaged in a natural disaster. Those reparations programs seem to find wide acceptance by the public, including those not affected by the underlying harm.

In addition, when someone commits a crime, the state requires that restitution be paid by the offender. However, when it comes to harms that the state commits, accountability is exceptionally rare. This is a form of denying those who are wronged the right to repair. The federal government has and continues to engage in restitution initiatives and pay compensation to many others—but not to African Americans. Some relatively recent examples discussed in chapter 15 include payments to: Japanese Americans incarcerated during World War II; families who lost loved ones during the September 11, 2001 terrorist attacks (47 of whom were from California); the victims of the Boston Marathon bombings; and Americans taken hostage in Iran (\$4.4 million per person for the 444 days they were held hostage).

Morality also compels California to make reparations. Every act of injustice necessitates the duty of atonement.

American society, including Californian society, rests upon a financial foundation of centuries of the stolen labor of enslaved Africans. The nation and state continue to benefit from the stolen lives and labor of millions of African Americans. The bedrock document of American government and society—the federal Constitution—embraced slavery. The deprivation of freedom, extraction of free labor from enslaved persons, and countless other atrocities committed upon African Americans since 1619 have not been repaired. California has never atoned for its role in the horror of slavery and its badges and incidents.

**Enslavement and its enduring effects are a national responsibility. Why should California, rather than the federal government, engage in reparations instead of waiting for the federal government to act?**

The debt that is owed to African Americans belongs to all of the United States, including California. Although the federal government and other states have thus far forsaken this debt and failed to take any meaningful steps to redress it, that does not give California a free pass, particularly for wrongs committed by California. On the contrary, when others fail to act, it is even more important for those committed to the American ideals of liberty and justice for all to fulfill their moral duty. Governments can and often do step in to acknowledge grievous wrongs and help alleviate the pain of those who have suffered, even where they have not directly caused all of the harm suffered. The federal government, for example, undertook reparatory efforts following the terrorist attacks of September 11, the mass shooting of children at Sandy Hook Elementary School, and the Iran hostage crisis—all despite not being the party directly responsible. California has this same power to provide repair for African Americans in our state. In the face of federal inaction, and particularly with respect to historic and modern-day harms against African Americans perpetrated by California, an even stronger moral imperative exists to acknowledge and redress the injustice and injury experienced by African Americans in California.

California stepping into the breach no less diminishes the responsibility of the federal government. The harms meted out against African Americans resulted from national and local collusion. While California has a clear responsibility to make reparations as detailed in this report, the Task Force strongly believes that the federal government has a duty to engage in a national reparations effort. Aside from the need for a uniform and

equal reparations program across the country, federal reparations could also be more far-reaching with the resources of the federal government. For example, the combined budgets of all state and local governments in the country amount to around \$3.5 trillion, while the federal government annually spends about \$6 trillion.<sup>50</sup>

**The Task Force’s recommendations would benefit descendants in California, even if their ancestors lived and/or were enslaved in other states. Why should California be responsible for reparations for people who migrated from other states?**

First, through enactment and enforcement of the Fugitive Slave Act, California was responsible for the re-enslavement of and forced relocation of African Americans to other states. Thus, California bears complicity in and responsibility for many Californian descendants whose ancestors were enslaved in other states, as California forced many of those ancestors back into enslavement in those other states.

Second, while reparations are rooted first and foremost in enslavement, California, like other states, sanctioned racial terror and discrimination following emancipation. California used its legal and authoritative framework to ensure that the badges and incidents of enslavement persisted without remedy, profiting in the process. Consequently, even if Californian descendants had ancestors who were enslaved in other states, when those descendants or their ancestors became Californians, they experienced the continued badges and incidents of slavery and lingering discrimination that California perpetuated (as documented throughout Chapters 1-13 of this report).

**If California is taking responsibility for atrocities that took place outside of California and providing reparations for those whose families lived outside of California, why not also provide reparations for those whose ancestors suffered the same atrocities, but outside of the United States?**

A case can be made that the United States should pay reparations to descendants of persons who were enslaved in other locations that were part of the Atlantic slave trade system, also known as the “Triangle Trade,” as well as to those who died during the brutal forced passage to the Americas during this period. The Task Force strongly urges any government that benefitted from this historical blight on humanity to make reparations for the same types of atrocities detailed in this report.

However, this Task Force was charged with making a recommendation to the California Legislature regarding a reparations program operated by the State of California. To that end, the Task Force voted to limit eligibility to Californians who are able to trace their lineage to being an African American descendant of a chattel enslaved person or a descendant of a free African American living in the United States prior to the end of the 19th Century. This decision reflects AB 3121's direction to the Task Force and the Task Force's judgment that California's moral obligation extends first and foremost to those within the community of eligibility. This focus on descendants of African American enslaved persons or free persons in the United States is therefore warranted because California

and dehumanized. The Task Force has accordingly recommended this harm-based approach.

But to reserve monetary reparations to those who are descended from enslaved persons does not require ignoring the ongoing harm to the larger African American community that can be addressed by changes in policy. As set forth in Chapters 1-13 of this report, African Americans in California and across the United States have and continue to experience myriad harms and atrocities that are the direct result of a system in place since the time of chattel slavery, including legal segregation and government discrimination, designed to suppress, exploit, exclude, and subjugate African Americans on the

basis of race. As the international law framework for reparations and AB 3121 both recognize, the community of persons who are considered "victims" of this system is broad and inclusive of those who continue to suffer the unrelenting legacy of enslavement.<sup>52</sup> Through the changes to laws and policies recommended in Chapters 18-30 of this report, the Task Force aims to address the harms that persist and extend to all African American Californians.

**The harm here can never be undone, but to the extent financial reparations can seek to restore, the decision was made to trace reparations payments back to those who suffered the original harm—to the lives taken, the labor stolen, the families destroyed, the bodies and souls brutalized and dehumanized. The Task Force has accordingly recommended this harm-based approach.**

played a more direct role in the commission of atrocities and harms to the ancestors of these community members than it did to others who were similarly harmed by enslavement beyond the borders of the United States.

These legislative reforms are no less essential to reparations, but take a different form of satisfaction, rehabilitation, and guarantee of non-repetition beyond monetary payments or restitution.

**The Task Force's final report documents how African Americans as a group have been subjected to inter-generational harm up through the present. Why limit monetary reparations only for those within the eligible class?**

**People of color of all different ancestries have suffered numerous harms throughout California's and the United States' history. Why should African Americans and even more specifically, the eligible class, get reparations while others do not?**

The UN Principles on Reparation include five forms of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>51</sup> Reserving monetary reparations (including monetary-equivalent reparations such as free tuition or loan forgiveness), or restitution, for the eligible class is appropriate since restitution's central purpose in the reparations context is to endeavor to restore victims to the status they would have had in the absence of the atrocities suffered. The harm here can never be undone, but to the extent financial reparations can seek to restore victims to their prior status, the decision was made to trace reparations payments back to those who suffered the original harm—to the lives taken, the labor stolen, the families destroyed, the bodies and souls brutalized

AB 3121 created the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States. As conveyed by the Task Force's name, the Legislature's specific charge to the Task Force was to "[s]tudy and develop reparation proposals for African Americans" to address the lingering harms flowing from "[t]he institution of slavery" as well as from "de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination."<sup>53</sup> This is the mandate assigned to, and carried out by, the Task Force.



While other people of color have suffered harms, the experience of 246 years of enslavement, 90 years of legal segregation and racial terror, and decades more of systematic subjugation and exclusion is unique to African Americans and without near equivalence, resulting in persistent lingering consequences today.

Making reparations to African Americans for the incomparable atrocities suffered by their ancestors and for harms that have persisted need not be to the exclusion of reparations for other groups that have endured harms that also warrant reparations under international law. Our history to date, however, is that African Americans have repeatedly been promised and then denied their humanity and reparations. Promises have been made, beginning with “40 acres and a mule,”<sup>54</sup> running through “[s]eparate educational facilities are inherently unequal”<sup>55</sup> and even to the present day, and have been broken. As the examples discussed in Chapter 15, Examples of Other Reparatory Efforts and the History of the Reparations Movement in the United States, demonstrate, the United States and others have provided reparations—however imperfectly—for a host of harms, and yet African Americans continue to be left behind, having received no reparations from the federal government, nor from any state, for enslavement nor for the extensive pattern of government-sanctioned race-based discrimination and subjugation they have suffered.

Moreover, reparations need not be a zero-sum game. Just as there have been numerous reparatory initiatives prior to this report, the cases for redress for others can and should be made. The Task Force hopes this report—and the implementation of its recommendations by the Legislature—can serve as a model for future efforts.

**While other people of color have suffered harms, the experience of 246 years of enslavement, 90 years of Jim Crow and racial terror, and decades more of systematic subjugation and exclusion is unique to African Americans and without near equivalence, resulting in persistent lingering consequences today.**

But, for example, just as the 1988 Japanese American mass incarceration reparations commission was not asked to account for reparations for others wrongly incarcerated, so, too, does this Task Force’s focus need to remain on the task at hand.

**Other groups of people endured specific harms in California, such as railroad workers and miners from China, and Indigenous individuals subjugated through the Mission system. Why prioritize reparations in California for African Americans?**

To prioritize reparations for African American Californians is not to prioritize African American Californians “over” others—it is to begin a long overdue process of acknowledging, atoning for, and seeking to repair an historical wrong that has persisted for over 400 years. And California has taken steps to acknowledge and atone for other state sins. Some of these efforts are outlined in Chapter 15, Examples of Other Reparatory Efforts and the History of the Reparations Movement in the United States. Undoubtedly, there is more work to be done and more harms to others that warrant repair, and the Task Force hopes that this report can provide a model for other efforts to examine and redress the harms others have suffered in California and in the United States.

**Enacting reparations in California could potentially cost California residents a lot of money. But neither I nor my family ever enslaved anyone. So why should we have to take responsibility for reparations for African Americans?**

*Reparations is a collective debt.* As a democracy, we share an individual and a collective obligation to the common good. As we reap the benefits of democracy, so too do we accrue its obligations and liabilities. And while African Americans are among those who cherish most American democratic ideals associated with the common good, they have been among

those least likely to benefit from these ideals. The nation was enriched not only by two and one-half centuries of forced free labor from generational enslavement, but also by the iterations of racial exclusion that continued for more than 100 years thereafter into the present day. California’s white population, business interests, and leaders

reaped enormous economic, political, and social advantages by separating the state into devalued African American neighborhoods and enhanced-value white neighborhoods, and by excluding African Americans from the rights, benefits, and opportunities available to its white residents.

This wealth was achieved at an incalculable long-term cost to African Americans, resulting in huge and growing disparities for them in income, wealth, housing, health outcomes and life expectancy, education, and other crucial metrics as noted below.

Reparations is not a hand-out—it is not welfare. As detailed in this report, reparations is in recognition of a debt owed from the cumulative, compounding, and lingering effects of stolen lives, wages, property, opportunities, protections, and government benefits. This is a debt African Americans have been trying to collect on since 1898, when Callie House and Rev. Isaiah Dickerson launched the first mass-based reparations movement in the United States.<sup>56</sup> It is a debt imposed upon the United States by the United Nations' Universal Declaration of Human Rights which stipulated that the United States has an obligation to eliminate all forms and relics of slavery, an obligation that the United States has failed to satisfy.<sup>57</sup>

Moreover, the debt is a collective one—just as any other societal debt that our nation incurred years, decades, or even more than a century ago, such as from wars, public works projects, natural disasters and human-caused wrongs, pension and social security disbursements and other entitlements. For example, an Associated Press analysis in 2013 of federal payment records found that the government is still making monthly payments to relatives of Civil War veterans—148 years after the conflict ended.<sup>58</sup> Ironically, the first to receive reparations post emancipation were slave holders,<sup>59</sup> while the formerly enslaved and their descendants' efforts for compensatory justice were dismissed, evaded, stalled, or outright refused at every turn.<sup>60</sup> Adding to the collective nature of this unpaid debt is the reality that “every institution with some degree of history in America, be it public, be it private, has a history of extracting wealth and resources out of the African-American community.”<sup>61</sup> Finally, American law established a general principle that taxpayers are liable for the acts of our government officials acting under the protection of law.<sup>62</sup> And corporations are liable for the actions taken by their employees on behalf of the corporation. Among the liabilities we have incurred as a society is repairing the damage done to African Americans by the U.S. federal and state governments.<sup>63</sup>

As a democracy that prides itself on truth and justice, reparations is simply an act in which America honors its debt to African Americans; a long overdue debt to

which “America has defaulted on this promissory.”<sup>64</sup> Dr. King goes further, stating: “Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked ‘insufficient funds.’”<sup>65</sup>

### **The historical impact of racial discrimination and its present-day consequences**

Some have argued that white hostility has been more important than Black self-determination in the history of this country.<sup>66</sup> The Civil War ended enslavement of African Americans in 1865—but the South was determined to reinstate laws that closely approximated it.<sup>67</sup> And no wonder—for 246 years, the U.S. had built one of the largest and most profitable enslaved labor econ-

**“Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked ‘insufficient funds.’ — Dr. Martin Luther King, Jr.**

omies in the world.<sup>68</sup> The enslaved population of the United States was almost four million,<sup>69</sup> and cotton was the economic engine reaping profit for the entire country.<sup>70</sup> The nation's constitution protected enslavement and gave Southern states outsized political power.<sup>71</sup> Half of the nation's pre-Civil War presidents were enslavers while in office.<sup>72</sup> More than 1,800 congressmen, representing 40 states, once enslaved African Americans.<sup>73</sup>

*California did not protect African Americans from enslavement.* While California entered the Union in 1850 as a non-slave state, California's 1849 antislavery state constitution meant little because it was not a crime to keep someone enslaved.<sup>74</sup> From 1852 to 1855, the California legislature passed Fugitive Slave Laws allowing anyone accused of escaping enslavement to be chased down, dragged before a court, and sent back to the South, even if they had been living in the free State of California.<sup>75</sup>

*California compromised African Americans' right to vote and equal protection under the law.* During that 12-year period from 1865 to 1877 called “Reconstruction,” when Congress sought to protect the rights of newly freed African Americans, the Fourteenth Amendment was ratified in 1868—ostensibly guaranteeing the equal protection of the laws.<sup>76</sup> The Fifteenth Amendment was ratified in 1870—ostensibly prohibiting states from discriminating against voters on the basis of race.<sup>77</sup>

But California officials openly refused to abide by the Fifteenth Amendment.<sup>78</sup> California's Attorney General instructed county clerks not to register African American voters until Congress passed legislation commanding them to do so.<sup>79</sup> It would take California nearly another decade to change its constitution in 1879 to partly conform to the Fifteenth Amendment's requirements,<sup>80</sup> and nearly another century to formally ratify the Fourteenth and Fifteenth Amendments in 1959 and 1962, respectively.<sup>81</sup>

*California allowed African Americans to be terrorized because of their race.* Much of legal segregation found its way into California. White supremacy groups flourished in the West.<sup>82</sup> In the 1920s, California became a "strong Klan state" with sizable Klan chapters<sup>83</sup> emerging in San Francisco, Los Angeles, Oakland, Fresno, Riverside, Sacramento, Anaheim, and San Jose.<sup>84</sup>

*California did not protect African Americans' housing rights.* While the harms suffered by African Americans as a result of racial discrimination are too numerous to mention here, California's history of housing discrimination is a stark example of the devastating impact today for California's African American residents:

- Between 1939 and 1945, the Home Owners' Loan Corporation created maps to guide lenders of home mortgages.<sup>85</sup> These maps rated neighborhoods from "A," for the best neighborhoods, to "D," the worst neighborhoods.<sup>86</sup> Grade "A" was shaded in green on the maps and assigned to blocks in neighborhoods that were new and all white.<sup>87</sup> Grade "B," shaded in blue, was assigned to stable, outlying, Jewish and white working-class neighborhoods.<sup>88</sup> Grade "C", shaded in yellow, was for inner-city neighborhoods bordering mostly African American communities or neighborhoods that already had a small African American population.<sup>89</sup> Grade "D", shaded in red, was the worst category, and reserved for all-African American neighborhoods, even if it was middle class.<sup>90</sup> This process was called "redlining."<sup>91</sup> Historians generally agree that redlining resulted in the devaluation of African American homes across the entire country, making it difficult for African Americans to buy, build, or renovate their homes.<sup>92</sup>

*Consequently, the redlining maps of yesteryear correspond with many of California's most segregated, impoverished, underserved, and polluted neighborhoods of today.*

**The effects of 400 years of compounding governmental and private acts of racial violence and discrimination have resulted in disparities between African American Californians and white Californians in almost every corner of life.**

- The Federal Housing Administration, Veterans Administration, and the Home Owners' Loan Corporation helped millions of mostly white Americans buy houses, while refusing the same opportunity to African Americans.<sup>93</sup> Between 1934 and 1962, the federal government had issued \$120 billion in home loans creating America's middle class, 98 percent of which went to white people,<sup>94</sup> *thereby depriving African Americans from being able to accumulate and pass on generational wealth.*
- California was a leader in racially restrictive covenants. By 1940, 80 percent of homes in Los Angeles contained racially restrictive covenants barring African Americans.<sup>95</sup>
- Racial exclusionary policies enhanced the value of white neighborhoods, and diminished the value of African American ones:
  - » City officials zoned African American residential communities as commercial or industrial regardless of their residential character.<sup>96</sup> This created a vicious cycle. African American residential communities zoned as commercial or industrial attracted polluting industries and lowered property values.<sup>97</sup> White families would be less likely to move into the industrial zone, as white families generally had more money.<sup>98</sup>
  - » The construction of freeways, subways, commercial and upscale residential developments, and parks that led to vast increases in regional productivity and wealth were often disproportionately routed through African American neighborhoods, dispossessing residents of their homes and businesses. One study in 2007 found that between 1949 and 1973, 2,532 eminent domain projects in



992 cities displaced a million people, two-thirds of whom were African American.<sup>99</sup>

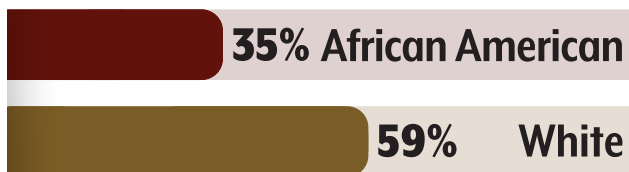
- » In 1954, Los Angeles destroyed the prosperous African American neighborhood of Sugar Hill by building the Interstate 10 freeway.<sup>100</sup>
- » In 1956, so-called “Urban Renewal” policies enabled San Francisco to condemn and tear down the Fillmore District, resulting in 20,000 African American residents being displaced and 883 African American businesses destroyed.<sup>101</sup>

### Reckoning with the consequences of 400 years of racial discrimination

The Task Force was charged with revealing the extent of America’s (including California’s) collective debt resulting from racial discrimination.

As noted in the Introduction to this report, the effects of 400 years of compounding governmental and private acts of racial violence and discrimination have resulted in disparities between African American Californians and white Californians in almost every corner of life.

### CALIFORNIA HOMEOWNERSHIP IN 2019



- *Income disparities.* In 2018, on average, African American Californians earned \$53,565, compared to \$87,078 for white Californians.<sup>102</sup> Around 19.4 percent of African American Californians live below the poverty line, compared to nine percent of white Californians.<sup>103</sup> African American Californians are also 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>104</sup> In fact, African

American homeownership in California in the 2010s has been lower than in the 1960s, when sellers could still legally discriminate against them.<sup>105</sup>

- *Wealth disparities.* Today, white American households continue to be far more likely to hold assets, and the types of assets they hold are worth, on average, more than those of African American households.<sup>106</sup> In 2019, the total financial assets of white households had a value more than nine times higher than those of African American households.<sup>107</sup> The median African American household wealth was approximately \$24,100, while median white household wealth was approximately \$188,200—a difference of \$164,100.<sup>108</sup>
- *Housing disparities.* The burden of homelessness falls heaviest on African American Californians. Nearly 40 percent of California’s unhoused people are African American, even though they represent only six percent of the state’s total population.<sup>109</sup>
- *Life expectancy disparities.* In 2021, an African American Californian’s life expectancy is six years shorter than the state average,<sup>110</sup> African American babies in California are more likely to die in infancy,<sup>111</sup> and African American California mothers giving birth die at a rate of almost four times higher than the average Californian mother.<sup>112</sup> Compared with white Californians, African American Californians are more likely to have diabetes,<sup>113</sup> to die from cancer,<sup>114</sup> or be hospitalized for heart disease.<sup>115</sup>

These disparities resulting from continuing patterns and practices of racial exclusion call upon us as Californians to remember that each time America has owned up to its collective wrongs, repaired them, and become more inclusive and more faithful to its ideals, our nation and our state has become stronger, better, and a more perfect union. While no amount of money can compensate for 400 years of humiliation, dehumanization, emotional distress, and trauma, vis-à-vis reparations, African Americans are “fighting to win material benefits, to live better and in peace, to see their lives go forward, to guarantee the future of their children.”<sup>116</sup>

# Endnotes

<sup>1</sup> Gov. Code, §§ 8301, subd. (b)(2); 8301.1, subd. (b)(2).

<sup>2</sup> Gov. Code, § 8301, subd. (b)(1)(C).

<sup>3</sup> Com. on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians, Part 2: Recommendations* (June 1983), p. 9 (as of June 1, 2023).

<sup>4</sup> Yamato, *Civil Liberties Public Education Fund* (Mar. 19, 2023) Densho Encyclopedia (as of May 18, 2023).

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Ed. Code, § 13000, subd. (a); Assembly Bill No. 491 created an advisory board and brought additional funding to the California Civil Liberties Public Education Program. (Assem. Bill No. 491 (2017-2018 Reg. Sess.).)

<sup>9</sup> Wood, *California Civil Liberties Public Education Program* (Aug. 5, 2014) Densho Encyclopedia (as of May 31, 2023).

<sup>10</sup> *Ibid.*

<sup>11</sup> Cal. State Library, *California Civil Liberties Program* (as of May 31, 2023).

<sup>12</sup> Gov. Code, § 8301, subd. (b)(1)(C).

<sup>13</sup> Bristol, *Teaching Boys: Towards a Theory of Gender Relevant Pedagogy* (2014) Gender and Education, p. 12; Ladson-Billings, *Culturally relevant pedagogy 2.0: A. K. A. the Remix* (2014) 84 Harvard Educational Rev. 1, 74–84.

<sup>14</sup> Dee and Penner, *The Causal Effects of Cultural Relevance: Evidence from an Ethnic Studies Curriculum* (Feb. 2017) 54 Am. Educational Research J. 1, 127 (hereafter Causal Effects).

<sup>15</sup> Bonilla et al., *Ethnic Studies Increases Longer-Run Academic Engagement and Attainment* (2021) Proceedings of the Nat. Academy of Sciences, 118(37), pp. 1, 5–7.

<sup>16</sup> Henry et al., *School Disengagement as a Predictor of Dropout, Delinquency, and Problem Substance Use During Adolescence*

*and Early Adulthood* (Feb. 2012) J. of Youth and Adolescence 41(2) pp. 156–166.

<sup>17</sup> Dee, Causal Effects, *supra*, at p. 127, fn. 14.

<sup>18</sup> Cal. Dept. of Ed., *2017– 2022 CAASPP ELA/Literacy Results for All Achievement Levels by Selected Race/Ethnicity* (as of May 19, 2023).

<sup>19</sup> Cal. Dept. of Ed., *2017–22 CAASPP Mathematics Results for All Achievement Levels by Selected Race/Ethnicity* (as of May 19, 2023).

<sup>20</sup> Chapter 2, Enslavement.

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

<sup>22</sup> Dowd, *UC Berkeley Removes Names of 2 Halls that Honored White Supremacists* (Nov. 18, 2020) SFGate (as of May 19, 2023); Smith, *UC Berkeley to Remove Names of LeConte and Barrows Halls Due to ‘Controversial Legacies’* (Nov. 18, 2020) L.A. Times (as of May 19, 2023).

<sup>23</sup> See, e.g., Chapter 2, Enslavement; Hemmendinger, *Black Testimony Exclusion Law* (2016) Colored Conventions Project (as of May 19, 2023).

<sup>24</sup> Les Benedict, *The Ratification of the Fourteenth Amendment* (June 2018) Origins, Or. State Univ. (as of May 19, 2023); Cottrell, *It Took 92 Years for California to Ratify the 15th Amendment* (Jun. 26, 2020) The Union (as of May 19, 2023).

<sup>25</sup> Hudson, *West of Jim Crow: The Fight Against California’s Color Line* (2020) pp. 171–172.

<sup>26</sup> See, e.g., Chapter 5, Housing Segregation; Chapter 6, Separate and Unequal Education; Chapter 7, Racism in Environment and Infrastructure; Chapter 11, An Unjust Legal System; Chapter 13, The Wealth Gap.

<sup>27</sup> See Chapter 5, Housing Segregation.

<sup>28</sup> *Understanding Fair Housing* (Feb. 1973) U.S. Com. on Civil Rights, p. 4.

<sup>29</sup> Rothstein, *The Color of Law* (2017) pp. 80–81.

<sup>30</sup> See Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (2014) p. xxiii.

<sup>31</sup> Bourne, *Slavery in the United States* (Mar. 26, 2008) EH.Net, Economic Hist. Assn. (as of May 19, 2023).

<sup>32</sup> Baptist, *supra*, at pp. 9–11. For an in depth discussion, see Chapter 2.

<sup>33</sup> See Rosenwald, *Slave-Owning Presidents Become Targets of Protestors* (June 3, 2020) Wash. Post (as of May 19, 2023).

<sup>34</sup> Weil et al., *More than 1,800 Congressmen Once Enslaved Black People. This Is Who They Were, and How They Shaped the Nation* (Nov. 28, 2022) Wash. Post (as of May 19, 2023).

<sup>35</sup> See Darity and Mullen, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (2nd ed. 2022) p. 246.

<sup>36</sup> Darity and Mullen, *supra*, at pp. 100–101.

<sup>37</sup> See Chapter 2, Enslavement.

<sup>38</sup> See Chapter 13, The Wealth Gap.

<sup>39</sup> Barton, *Sherman’s Field Order No. 15* (Sept. 30, 2020) New Ga. Encyclopedia (as of May 19, 2023). (hereafter Sherman’s Field Order).

<sup>40</sup> Petrella and Loggins, *“This is a Country for White Men”: White Supremacy and U.S. Politics* (Jan. 5. 2017) Black Perspectives, African Am. Intellectual Hist. Society (as of May 19, 2023).

<sup>41</sup> Barton, *Sherman’s Field Order, supra*, at fn. 45.

<sup>42</sup> See, e.g., Executive Summary.

<sup>43</sup> Darity and Mullen, *supra*, at pp. 100–101.

<sup>44</sup> See, e.g., Chapter 13, The Wealth Gap; Chapter 10, Stolen Labor and Hindered Opportunity.

<sup>45</sup> King, *New Interactive Data Tool Shows Characteristics of Those Who Receive Assistance From Government Programs*

(May 24, 2022) U.S. Census Bur. (as of May 19, 2023).

<sup>46</sup> Vargas and Jung, [Antiblackness of the Social and the Human](#) in *AntiBlackness* (2021) pp. 2, 4, 7-8, 10.

<sup>47</sup> Frey, [Neighborhood Segregation Persists for Black, Latino or Hispanic, and Asian Americans](#) (Apr. 6, 2021) Brookings Inst. (as of May, 19, 2023).

<sup>48</sup> Darity and Mullen, *supra*, at pp. 248.

<sup>49</sup> *Id.* at p. 249.

<sup>50</sup> Urban Inst., *State and Local Expenditures* (as of May 19, 2023); FiscalData, *How Much Has the U.S. Government Spent This Year? U.S. Treasury* (as of May 19, 2023).

<sup>51</sup> See Chapter 14, International Reparations Framework for more detail.

<sup>52</sup> As discussed in Chapter 14, International Reparations Framework, The UN Principles on Reparation defines victims as “persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law.” (U.N. Gen. Assem., *Adopted Resolution 60/147: 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* (Mar. 21, 2006), p. 5.) The International Commission of Jurists has explained that the term “victim” was intended to be broad under the United Nations Principles on Reparation—a “victim is not only the person who was the direct target of the violation, but any person affected by it directly or indirectly.” (Internat. Com. of Jurists, *The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners’ Guide* (Revised Edition, 2018) p. 34.) For its part, AB 3121 conveys the Legislature’s recognition that, while descendants of enslaved persons are due special consideration, the larger African American community has suffered

and continues to suffer the weight of anti-Black bias and racism. Gov. Code, § 8301, subds. (a)(4)-(6), (b)(1)(C).

<sup>53</sup> Gov. Code, § 8301, subd. (b)(1)(B)-(C).

<sup>54</sup> See Chapter 13, The Wealth Gap.

<sup>55</sup> *Brown v. Bd. of Ed.* (1954) 347 U.S. 483, 495.

<sup>56</sup> Darity and Mullen, *supra*, at p. 11.

<sup>57</sup> See Chapters 2-13 and 14 of the Task Force report.

<sup>58</sup> Baker, [America is STILL paying for the Civil War](#), Business Insider (Mar. 19, 2013) (as of May 25, 2023).

<sup>59</sup> Hunter, [When Slaveowners Got Reparations](#), N.Y. Times (Apr. 16, 2019) (as of May 30, 2023).

<sup>60</sup> Bunn et al., *Say Their Names* (2021) pp. 298-299.

<sup>61</sup> [Ta-Nehisi Coates Revisits the Case for Reparations](#) (interview with Ta-Nehisi Coates) (June 10, 2019) New Yorker (as of May 25, 2023).

<sup>62</sup> See, e.g., 28 U.S.C. § 2674.

<sup>63</sup> See generally Brophy, *Reparations Pro and Con* (2006).

<sup>64</sup> [Read Martin Luther King Jr.’s ‘I Have a Dream’ Speech in its Entirety](#) (Jan. 16, 2023) NPR (as of May 25, 2023).

<sup>65</sup> *Ibid.*

<sup>66</sup> Bittker, *The Case for Black Reparations* (1973) p. 75.

<sup>67</sup> See, e.g., Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (1988) pp. 597-561.

<sup>68</sup> See Baptist, *The Half Has Never Been Told*, *supra*, at p. xxi.

<sup>69</sup> Bourne, [Slavery in the United States](#), Economic History Association (as of May 25, 2023).

<sup>70</sup> See Baptist, *supra*, at p. xxi.

<sup>71</sup> *Id.* at pp. 9-11.

<sup>72</sup> See Rosenwald, [Slave-Ownning Presidents Become Targets of Protestors](#), Wash. Post (June 3, 2020) (as of May 25, 2023).

<sup>73</sup> Weil et al., *More than 1,800 Congressmen Once Enslaved Black People. This Is Who They Were, and*

*How They Shaped the Nation*, Wash. Post (Jan. 20, 2022) (as of May 26, 2023).

<sup>74</sup> See Smith, *Freedom’s Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (2013) pp. 65-68.

<sup>75</sup> An Act Respecting Fugitives from Labor, and Slaves brought to this State prior to her Admission into the Union (Apr. 15, 1852) ch. 33, Cal. Stat., at 67-69; An Act to Amend an Act respecting Fugitives from Labor and Slaves Brought to this State prior to Her Admission into the Union (Apr. 15, 1853) ch. 67, Cal. Stat., at 94; An Act Amendatory to an Act to Amend an Act respecting Fugitives from Labor and Slaves Brought to this State prior to her Admission into the Union (Act of Apr. 13, 1854) ch. 22, Cal. Stat., at 30; Smith, *Freedom’s Frontier*, *supra*, at pp. 67-72.

<sup>76</sup> U.S. Const., 14th Amend.

<sup>77</sup> U.S. Const., 15th Amend.

<sup>78</sup> See Report of the Attorney-General for the Years 1868 and 1869 (Sacramento: D.W. Gelwicks, c. 1870) pp. 6-7.

<sup>79</sup> *Ibid.*; Shaffer, [California Reluctantly Implements the Fifteenth Amendment: White Californians Respond to Black Suffrage, March – June 1870](#) (2020) Cal Poly Pomona, p. 42 (as of May 26, 2023).

<sup>80</sup> Cal. Const. of 1879, art. II, § 1.

<sup>81</sup> Cottrell, [It Took 92 Years for California to Ratify the 15th Amendment](#) (June 26, 2020) The Union (as of May 26, 2023).

<sup>82</sup> Smith, [California’s Last Slave Case](#) (Mar. 5, 2014) N.Y. Times (as of May 26, 2023).

<sup>83</sup> Kent, [The Hidden History of Culver City Racism](#) (Apr. 5, 2019) Streets Blog LA (as of Apr. 5, 2022).

<sup>84</sup> Hudson, *West of Jim Crow*, *supra*, at pp. 171-172.

<sup>85</sup> Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (2014) p. 236.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

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



<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Id.* at p. 237.

<sup>93</sup> See Chapter 5, Housing Segregation; Public Broadcasting Service, [Go Deeper: Where Race Lives](#) (as of May 26, 2023).

<sup>94</sup> Public Broadcasting Service, [Go Deeper: Where Race Lives](#), *supra*.

<sup>95</sup> U.S. Com. on Civil Rights, Understanding Fair Housing (Feb. 1973) p. 4.

<sup>96</sup> Taylor, Toxic Communities, *supra*, at pp. 184–186.

<sup>97</sup> *Ibid.*

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

<sup>99</sup> Fullilove, [Eminent Domain & African Americans: What Is the Price of the Commons?](#) (2007) Inst. for Justice. p. 2 (as of May 26, 2023).

<sup>100</sup> Rothstein, The Color of Law, *supra*, at p. 131.

<sup>101</sup> Taylor, [How ‘Urban Renewal’ Decimated the Fillmore District, and Took Jazz](#)

[with It](#) (June 25, 2020) KQED (as of May 26, 2023).

<sup>102</sup> Sen. Joint Economic Com., [Rep. on The Economic State of Black America in 2020](#) (Feb. 14, 2020) p. 28 (as of May 26, 2023).

<sup>103</sup> *Ibid.*

<sup>104</sup> Cal. Forward, [Building Racial and Economic Equity Through Home Ownership](#) (Apr. 2021) (as of May 26, 2023).

<sup>105</sup> Cal. Housing Finance Agency, [Black Homeownership Initiative: Building Black Wealth](#) (as of May 26, 2023); Reid, [Crisis, Response, and Recovery: The Federal Government and the Black/White Homeownership Gap](#) (Mar. 2021) UC Berkeley Turner Center for Housing Innovation, p. 2 (as of May 26, 2023).

<sup>106</sup> Hicks et al., [Still Running Up the Down Escalator: How Narratives Shape our Understanding of Racial Wealthy Inequality](#) (2021) Insight Center for Community Economic Development, Duke University, p. 8 (as of May 26, 2023).

<sup>107</sup> *Ibid.*

<sup>108</sup> *Id.* at p. 6.

<sup>109</sup> Cimini, [Black People Disproportionately Homeless in California](#) (Oct. 5, 2019) Cal Matters (as of May 26, 2023).

<sup>110</sup> Thomas and Valentine, [Health Disparities by Race and Ethnicity in California: Pattern of Inequity](#) (Oct. 22, 2021) Cal. Health Care Foundation, p. 7 (as of May 26, 2023).

<sup>111</sup> *Id.* at p. 42.

<sup>112</sup> Cal. Maternal Quality Care Collaborative, [The California Pregnancy-Associated Mortality Review](#) (2018) p. 21 (as of May 26, 2023).

<sup>113</sup> Thomas and Valentine, Health Disparities by Race and Ethnicity in California, *supra*, at p. 25.

<sup>114</sup> *Id.* at p. 28.

<sup>115</sup> *Id.* at p. 19.

<sup>116</sup> [Tell No Lies, Claim No Easy Victories, Amilcar Cabral](#), The African Perspective (as of May 26, 2023).