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AGENDA ITEM 3

OCTOBER MEETING MINUTES

October Meeting Minutes

AB 3121 TASK FORCE TO STUDY AND DEVELOP REPARATIONS PROPOSALS FOR AFRICAN AMERICANS

MEETING MINUTES **October 12, 2021, 9:00 A.M.** **<https://oag.ca.gov/ab3121>**

The meeting of the Task Force was conducted via Blue Jeans video and telephone conference at <https://primetime.bluejeans.com/a2m/live-event/wtzpbzcv>.

Members Present: Chair Person Kamilah V. Moore, Vice Chair Dr. Amos Brown, Senator Steven Bradford, Dr. Cheryl Grills, Lisa Holder, Dr. Jovan Scott Lewis, Don Tamaki, Assembly member Reginald Jones Sawyer, Councilwoman Monica Montgomery-Steppe.

1. Chairperson Welcome

Chairperson Kamilah Moore welcomed everyone to day one of the October AB 3121 hearing and opened the meeting just after 9:00 a.m.

Chair Moore called for a roll call attendance to establish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Sarah Belton to call the roll. Ms. Belton called the roll. Members present were Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Scott Lewis, and Member Tamaki. Member Reginald Jones Sawyer and Montgomery Steppe were not present. Five (5) members were needed for a quorum, there were seven present and a quorum was established.

Chair Moore opened the meeting by giving background on AB 3121, discussing previous meetings, and summarizing the agenda for the October meeting. Chair Moore then moved to public comment.

2. Public Comment

Aisha Martin-Walton, with the California Department of Justice provided directions for public comment. There were approximately four public comments. Comments touched on topics such as income inequality, and housing. One commenter requested that reparations be given only to African American descendants of slavery. One commenter requested that task force members attend community meetings. One commenter emphasized return of land as reparations. The public comment hour was paused by Chair Moore due to the lack of commenters in the queue and the consensus of the Task Force was that the Task Force would return to public comment after the next agenda item and Chair Moore made this announcement.

3. Action Item: Approval of September 23-24 Meeting Minutes

Chair Moore called for a motion to approve the September Meeting Minutes.

MOTION: Vice Chair Brown moved for the approval of the September Meeting Minutes as presented. It was seconded by Member Scott Lewis. There was no discussion. Chair Moore called for the vote.

AYE: Moore, Brown, Grills, Holder, Scott Lewis, Tamaki

ABSTENTION: Bradford

NAY: 0

NOT PRESENT: Jones-Sawyer and Montgomery Steppe

The vote was six members voting aye, one-member abstaining and two members not present. The motion passed, 6 to zero and the September 23 and 24, 2021 meeting minutes were adopted as presented

Public Comment Continued

The task force returned to public comment. There were approximately 10-15 additional comments. One comment emphasized the importance of the book “From Here to Equality” by William Darity and Kirsten Mullen. Another comment discussed environmental racism and its effect on Black communities. One comment discussed the importance of Black media and the systemic discrimination faced by Black media makers. One commenter requested the return of his family’s land, which was seized through eminent domain. One comment discussed gentrification and racism and implored the task force to launch empirical research related to reparations. Commenters requested that reparations include lifetime cash payments and land. One commenter recommended a witness to testify in the upcoming task force meetings. One commenter requested the task force subpoena banks to determine whether they engage in discriminatory practices against Black communities. Public comment ended at 10:15 AM. All public comments were video recorded and can be found on <https://oag.ca.gov>

Chair Moore introduced all of the speakers. Chair Moore stated that Bobby Seale, who had been scheduled to testify, would not be able to testify.

4. Witness Panel #1: Housing and Education Segregation

a. Testimony: Stephen Menendian

Stephen Menendian is the Assistant Director and Director of Research at the Othering & Belonging Institute at the University of California, Berkeley. Mr. Menendian spearheaded the “Roots of Structural Racism” study revealing the persistence of racial residential segregation and its consequences. Mr. Menendian discussed racial residential segregation, the racial wealth gap and how government policy extended and deepened racial discrimination against Black people.

b. Testimony: Kawika Smith

Kawika Smith grew up in Los Angeles, California. In 2019, Mr. Smith was a named plaintiff in the lawsuit against the University of California for its discriminatory use of the SAT and the ACT in college admissions. Mr. Smith is currently a student at Morehouse College in Atlanta and recounted how the SAT was racially discriminatory and the barriers he encountered as a high school student. After Mr. Smith’s lawsuit, the UC system has admitted the most diverse class of students. Mr. Smith recommended universal pre-K, freedom schools, changes in school funding that would allow equal access to education, as well as funding and supporting Black students in college.

c. Testimony Jacob Jackson

Jacob Jackson grew up in Los Angeles and is currently a Los Angeles County Youth Commissioner. Mr. Jackson described how he experienced racial profiling and police violence as a young person at Crenshaw High School. He emphasized the need for mental health support, accessibility in schools, holistic youth departments, healthy grocery stores, proper infrastructure, and revitalization of arts, culture, and parks and recreation in Black neighborhoods. Mr. Jackson explained how his family was targeted by the criminal justice system, including the Los Angeles Sheriff's Department, when sheriff's deputies shot and killed his brother.

d. Testimony: Dr. Rucker Johnson

Dr. Rucker Johnson is the Chancellor's Professor of Public Policy in the Goldman School of Public Policy at the University of California, Berkeley. He specializes in the economics of education, is the author of the 2019 book *Children of the Dream: Why School Integration Works*. Mr. Johnson discussed educational policy and unequal school resources which perpetuate structural racism. He described how racial stigma, neighborhood segregation, school segregation, disparities in access to higher education, labor market disparities, and criminal justice disparities, all impact generational social mobility for Black communities.

e. Task Force Comments and Questions

A question and answer session followed the witness testimony. The witnesses' written and recorded testimony can be found on <https://oag.ca.gov/ab3121>

5. Lunch

Chair Moore reconvened the meeting and called for a roll call attendance to reestablish quorum. Sarah Belton called roll. Chair Moore, Vice Chair Brown, member Grills, Member Scott Lewis, Member Tamaki, and Member Montgomery Steppe were all present. Six members were present. Five members were needed for a quorum, and a quorum was established.

6. Witness Panel #2: Environmental Racism

a. Testimony: Anthony Rogers-Wright

Anthony Rogers-Wright is the Director of Environmental Justice at New York Lawyers for the Public Interest, Inc., a non-profit civil rights law firm in New York City. Mr. Rogers-Wright discussed anti-black racism, colonization, genocide, and white supremacy in the United States. Mr. Rogers-Wright discussed the harmful effects of Proposition 13 in California, which exacerbated racial segregation in California. He discussed how low-income communities of color are the most impacted by climate change—a phenomenon known as the climate gap.

b. Testimony: C.N.E Corbin, Ph.D.

Dr. C.N.E Corbin is an Assistant professor at Portland State University and a board member of the Oakland Parks and Recreation Foundation. Dr. Corbin discussed how Black people in Oakland were dispossessed of quality housing and healthy green environments over the course of the 20th and 21st centuries.

c. Testimony: Helen Kang, J.D.

Helen Kang is a law professor and the Director of the Environmental Law and Justice Clinic at Golden Gate University. She discussed the environmental racism experienced by Black communities in Bayview-Hunter's Point due to government-created segregation through redlining. Ms. Kang discussed the displacement of Black communities in San Francisco due to predatory lending, the subprime mortgage crisis, and gentrification. Ms. Kang described how Black residents of Bayview have experienced adverse health consequences due to pollution.

d. Task Force Comments and Questions

A question and answer session followed the witness testimony. The witnesses' written and recorded testimony can be found on <https://oag.ca.gov/ab3121>.

7. Potential Action Item: Community of Eligibility

Chair Moore introduced the topic to be discussed, stating the overarching question as community of eligibility., e.g., who should be eligible for reparations in the state of CA. An open dialogue with the task force members sharing their thoughts, with the possibility of a straw poll on who should be eligible for reparations.

Task force members discussed the community of eligibility.

Member Grills expressed concern about forcing people to trace their own history to a direct descendant of an enslaved person to be eligible for reparations—for example Black children in the foster care system.

Member Holder was similarly concerned about individuals who are not able to trace their history, but experience anti-Black discrimination, and she stated that this should continue to be discussed by the task force. She stated that task force discussions should be informed by legal frameworks and thought leaders and that special consideration of the statute should be addressed. The task Force should recognize the intent of the statute and be grounded in his language of the statute.

Member Jones Sawyer advised that as someone who worked on the legislation, spoke with the author and voted for the bill, his understanding of the author's intent of AB 3121's and what he voted for is exactly as it is written which is to look at the harm done to African Americans with special consideration for descendants of enslaved people. People who were not adversely affected by slavery/Jim Crow should not be eligible and that reparations should be issued in proportion to the harm experienced. There is a

difference of injury between 400 years of injustice versus one century, one year, one month or one hour. The effect of slavery did not go away because Lincoln freed the slaves. Member Jones Sawyer stated that the topic of community of eligibility should be a priority for the task force to study, get help from experts and that Dr. Weber could be invited to a future meeting to explain her intent directly to the task force members. He attested that Dr. Weber fought hard for every word in the bill and that every word was deliberate.

Member Scott-Lewis discussed the importance of defining the community of eligibility and asked general questions about how to determine not just when eligibility should begin, but where and how should it end. Also that the task members should be thinking about these questions as they continue to hear testimony from witnesses.

Member Bradford agreed with member Jones Sawyer as someone who discussed the intent of the bill with Dr. Weber and who voted for the bill. If a hypothetical African American person was a free person, but subjected to the effects of Jim Crow and segregation and all those horrible acts that in many ways are still happening today, then the Task Force could consider prioritizing reparations by the level of harm. However, the harm should start with those who can trace their lineage to someone who was enslaved in this country. He agreed that Dr. Weber could be invited to share directly her intent of the bill regarding eligibility.

Vice Chair Brown shared his own personal lineage going back to enslaved people which he found through the Mormon registry and the Freedmen's Bureau's recently-publicized information.

Chair Moore summarized different viewpoints regarding eligibility for reparations, and stated that while not agreeing or disagreeing, she emphasized William Darity's viewpoint expressed in his book, *From Here to Equality*, that reparations (Federal) should be for people who can trace their ancestry back to chattel slavery and not for people who voluntarily immigrate to the U.S. She also stated facts that reflected differential wealth points with respect to descendants of enslaved people and immigrant communities.

Member Tamaki stated that he treads lightly on this issue, but would like to hear more. He thought that a communications consultant should be hired and that there should be additional listening sessions on this matter. He stated that reparations schemes could accommodate descendants of enslaved people as well as people who immigrated during Jim Crow or experienced redlining.

Member Montgomery Steppe stated that the intent of the bill is important, particularly the special consideration for descendants of enslaved people. She stated that she would appreciate a focus on both descendants of enslaved people and immigrants from Africa who migrated during earlier periods of American history.

Chair Moore emphasized that this discussion could be continued and added to the agenda for the December Hearing.

MOTION: Vice Chair Brown moved that the Secretary of State, Dr. Shirley Weber, address the Task Force regarding the topic of community of eligibility at a future meeting. The motion was seconded following the discussion.

AYE: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Scott Lewis, Member Tamaki, Member Montgomery Steppe

NAY: 0

The motion passed with nine votes in support and zero votes against.

8. Break

Following the break, Chair Moore reconvened the meeting and called for attendance by roll call to reestablish the presence of a quorum. Parliamentarian Doreatha Johnson asked DOJ Staff Belton to call the roll. Ms. Belton called the roll, and eight Task Force Members answered present. Member Jovan Scott-Lewis did not answer present, but was noted as present on the video. Five members were needed for a quorum, there were nine members present and a quorum was established. Chair Moore resumed the meeting.

9. Potential Action Item: Subpoena Power of the Task Force

Michael Newman from the Department of Justice gave a presentation summarizing the subpoena powers of the task force. The presentation explained what the task force can seek in a subpoena, who a subpoena can be issued to, and what it means to compel compliance with a subpoena.

Chair Moore invited the task force to comment on the presentation given. Member Holder asked if there could be closed sessions for a subcommittee dealing with subpoena power. Mr. Newman stated that putting a subpoena together would not allow for a closed session initially. Chair Moore asked for further explanation of the different kinds of subpoenas. Mr. Newman stated that the DOJ could engage in further analysis on this matter.

Chair Moore requested Mr. Newman provide a timeline for the subpoena process. Member Grills stated that this information led her to believe a subpoena should be issued sooner rather than later, if issued.

Member Holder suggested the task force members take a day to think about the issue and revisit it in the next day's meeting. Member Tamaki asked what industries would be good to target for a subpoena. Holder suggested banking, the real estate industry, and insurance agencies. Member Grills agreed. Vice Chair Brown suggested redevelopment agencies.

Chair Moore asked if the federal government could be targeted for a subpoena. Mr. Newman suggested that further analysis would have to be done.

MOTION: Vice Chair Brown moved that a two-member advisory committee on subpoena power be established and for the committee to report back in December. The motion was seconded by Member Montgomery Steppe.

Following discussion Chair Moore called for the vote

AYE: Chair Moore, Vice Chair Brown, Member Grills, Member Holder, Member Jones Sawyer, Member Scott Lewis, Member Tamaki, Member Montgomery Steppe, Member Bradford.

NAY: 0

The motion passed with nine votes in support and zero votes against.

Chair Moore stated that the advisory committee will be comprised of Members Tamaki and Holder.

Member Tamaki requests that a DOJ Liaison be appointed to communicate with the task force members regarding agendas, subpoena power, and other such matters. Mr. Newman said the DOJ would develop a method of communication that would be helpful.

10. Information Item: Department of Justice Updates

Chair Moore invited Michael Newman to provide DOJ updates. Mr. Newman stated that the sole role of the DOJ here is to support the Task Force in executing on its landmark opportunity to shape the national conversation around reparations, and to do so in a way that fully complies with the procedural requirements in which we are operating. Mr. Newman stated that the DOJ is not and will not make any decision regarding whether something should or should not be placed on the agenda unless a particular agenda item would violate the Bagley-Keene Act. Mr. Newman stated that all witnesses are coming through recommendations from the Task Force members themselves. Even where potential witnesses recommended by Task Force members are not available for meetings, DOJ staff is working with Task Force members to elicit additional recommendations to fill gaps in various subject matter areas. On behalf of the DOJ, Mr. Newman apologized for any miscommunication or misunderstanding on the part of anybody as to the setting of the agenda or the coordination of witnesses for these meetings. Mr. Newman stated that the DOJ will conduct an analysis and provide a report at the next meeting regarding the feasibility of Saturday meetings. Mr. Newman also presented three options the Task Force could consider to structure itself that might help the members craft the conclusions and the final report. This could be agendized for discussion at a future meeting. Mr. Newman stated that the DOJ will defer to the Task Force to provide direction on enabling the chat function during meetings, including whether to agendize the issue for discussion and action in a future meeting.

Chair Moore stated that press inquiries and the Blue Jeans chat capability would be discussed in the next day agenda item regarding the December meeting. Member Tamaki shared that in his view the outlines provided thus far by DOJ include the findings and conclusions and that the Task Force may not need to craft them as a separate mechanism.

MOTION: Member Tamaki moved that the DOJ outline serve as the evidentiary draft, evidentiary findings and conclusions: that Task Force members will of course be charged with reading and reviewing and if they so desire submit, edit, make corrections, augments, improvements, additions etc. The DOJ then takes comments and incorporates them into the outline and the task force then approves the outlines as revised and uses that to produce the first rough draft of the report for that particular section. The task force has the opportunity to review the rough draft of the report and use that as a basis of making changes for the final version of the report. Member Grills seconded the motion.

Chair Moore asked for discussion. Mr. Newman advised that he would confer and get back to the task force. Chair Moore restated the motion and called for the vote.

AYE: Chair Moore, Vice Chair Brown, Member Grills, Member Holder, Member Scott Lewis, Member Tamaki, Member Montgomery Steppe

NAY: 0

NOT PRESENT: Member Jones Sawyer and Member Bradford

The motion passed with seven voted.in support. Zero votes against.

Chair Moore recessed the meeting until 9:00 am October 13.

October 13, 2021, 9:00 A.M.

11. Chairperson Welcome

Chairperson Kamilah Moore reconvened the meeting at 9:00 am and welcomed everyone to day two of the October AB 3121 hearing and opened the meeting just after 9:00 a.m.

Chair Moore called for a roll call attendance to establish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Belton to call the roll. Ms. Belton called the roll. Members present Chair Member Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Scott Lewis, Member Tamaki, Member Jones Sawyer and Member Montgomery Steppe. Five members are needed for a quorum, there were 9 members present and a quorum was established.

Chair Moore opened the meeting by giving background on AB 3121, discussing previous meetings, and summarizing the agenda for day two of the October meeting. Chair Moore then moved to public comment.

12. Public Comment

Aisha Martin-Walton provided directions for public comment. There were approximately 22. Comments touched on topics such as eligibility, responsiveness by the DOJ, the chat function, and personal stories. A commenter expressed that as a white conservative his political paradigm has shifted by engaging in conversations on Clubhouse social media platform and expressed his support of the taskforce. One commenter described her experience of racism from the state of Connecticut and the discrimination she has experienced. Several commenters urged the Task Force to limit the definition of eligibility for reparations as descendants of U.S. slavery. A commenter spoke about the need for DOJ to address emails from the public. One commenter emphasized the importance of the “special consideration” language in the bill and urged that Secretary of State Weber testify about why the language was drafted that way. He encouraged the Task Force to continue to engage in the nuanced conversation of eligibility. He spoke about his support of disaggregation (AB 105) and encouraged the Task Force to support legislation like this one. One commenter urged the Task Force to consider reimbursement for ancestry searches. One commenter urged that reparations not be a community development program. She stated that it is impossible to define eligibility before defining what reparations mean. One commenter urged the Task Force to look into the shortcomings of past civil rights legislation in the U.S. A commenter asked the Task Force to invite the attorney Antonio Moore to testify and urged a yes vote for the chat function to be restored. One commenter stated that affirmative action has not helped the Black community because it is too broad. ry. One commenter emphasized that California is at the forefront of this effort and should get it right by limiting reparations to American descendants of slavery.

13. Witness Panel #3: Racism in Banking, Tax and Labor

Chair Moore stated that panelist Mr. David Smith would not be testifying due to a family emergency.

a. Testimony: Williams Spriggs, Ph.D.

Dr. William Spriggs is a professor in the Department of Economics at Howard University and was formerly the Chair of the Department of Economics. He currently serves as Chief Economist to the AFL-CIO. Previously, he served as the Assistant Secretary for the Office of Policy at the United States Department of Labor. Dr. Spriggs testified about the importance of labor to this

conversation. He started by showing the average hourly wage gap between Blacks and Whites and how it has increased throughout time. He explained that where there is a wage gap, there will also be a savings gap. This gets compounded year after year, which explodes into the wealth gap between Blacks and Whites. Dr. Spriggs gave examples of how actions of the state, other workers, and companies contributed to this phenomenon. A study of Black teachers throughout time illustrates how state action contributed to lower wages in the first half of the twentieth century. A second study of railroad workers before and after the 1920s shows how Black men were chased out of the profession as these jobs became more desirable due to acts of discrimination that created hierarchies within the industry. A third example about the careers of Black men in the military show how the telephone industry discriminated against Black men despite their backgrounds in radio technology.

b. Testimony: Jacqueline Jones, Ph.D.

Dr. Jacqueline Jones is a Professor of History at the University of Texas, Austin. She is the author of several books, including, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family from Slavery to the Present*, which was a finalist for the Pulitzer Prize and won the Bancroft Prize. Dr. Jones spoke about how governmental entities played a significant part in promoting and sustaining racist entities, specifically the history of American slavery and its roots in the Constitution. She spoke about the failures of federal welfare programs, especially in the 1920s. She emphasized that the combination of the actions of bankers, real estate agents, city officials, and builders contributed to the history of exclusion of Black families from owning their own homes. Dr. Jones emphasized how the COVID pandemic has had disastrous effects on Black families.

c. Testimony: Lawrence Lucas

Lawrence Lucas is the President Emeritus for the United States Department of Agriculture Coalition of Minority Employees, which represents thousands of employees within the USDA, and also advocates on behalf of Black farmers unfairly impacted by the department's practices. Mr. Lucas has testified before both houses of Congress about discrimination faced by USDA employees and the farmers they serve. Mr. Lucas spoke about the vast amount of land lost by Black farmers in the United States. He urged the Task Force to do justice for the Black community with reparations. He emphasized the power of the state of California to promote this kind of justice. Mr. Lucas described the ongoing lawsuits from Black farmers. He spoke about the discrimination at the heart of the US Department of Agriculture.

d. Testimony: Mehrsa Baradaran, J.D.

Mehrsa Baradaran is a professor of banking law, financial inclusion, inequality, and the racial wealth gap at the University of California Irvine Law School. Her book, *The Color of Money: Black Banks and the Racial Wealth Gap* was awarded the Best Book of the Year by the Urban Affairs Association. Ms. Baradaran defined the wealth gap to be where past injustice breeds present suffering. The racial wealth gap was created -- through public policy in a coordinated way by federal, state and local governments throughout history that created a race-based bifurcated economy. First through the use of Black bodies to build wealth for White southerners by slavery and for white northerners by the sale of cotton. From reconstruction and sharecropping through the 1930's whites built wealth with the help of the federal government by

engaging in land theft, especially in California. Post New Deal, she explained how redlined communities were targeted with toxic loans during the subprime crisis, which blew up and cost the Black community to lose another 53% of its wealth. Ms. Baradaran described how the COVID crisis has perpetuated harm. She urged policies to be aimed specifically at closing the wealth gap. To move forward requires federal, state and local levels of government to take actions that disrupt the patterns which maintain tangible disparities of wealth via taxation, banking, housing private markets sustained by government policies.

e. Task Force Comments and Questions

The video containing the question and answer session and the witness statements provided can be found on <https://oag.ca.gov/ab3121>.

14. Lunch

Chairperson Kamilah Moore reconvened the meeting. Chair Moore called for a roll call attendance to establish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Belton to call the roll. Ms. Belton called the roll. Members present were Chair Moore, Vice Chair Brown, Member Jones Sawyer, Member Bradford, Member Tamaki, Member Holder, Member Montgomery Steppe, Member Grills and Member Scott Lewis. Five members are needed for a quorum, there were 9 members present and a quorum was established.

Chair Moore introduced the speakers for panel #4.

15. Witness Panel #4: The Wealth Gap

a. Testimony: Thomas Craemer, Ph.D.

Dr. Thomas Craemer is an associate professor in the Department of Public Policy at the University of Connecticut. He has conducted numerous studies on the psychology of race and has written numerous papers on reparations for slavery. Dr. Craemer testified about the wealth gap and lost wages due to slavery. His research uses average household wealth to compute the Black-white wealth gap. He stated that if the goal of reparations is the elimination of the wealth gap, the minimum dollar amount based on the wealth gap in 2019 would have to be \$358,293 per household. Dr. Craemer also testified about the wages stolen from slaves between 1790-1860, and the current amount in U.S. dollars. In 2019 dollars, the net capita amount due to Black non-Hispanics is \$406,785. He testified about his personal motivation in the subject due to his experience of growing up in Germany and learning about the reparations paid to descendants of the Holocaust.

b. Testimony Kavon Ward

Kavon Ward is the founder of Justice for Bruce's Beach and the co-founder of Where is My Land. Kavon is a PhD Student at Antioch University and an award-winning spoken word artist. Ms. Ward described the return of stolen land from the City of Manhattan Beach to the Bruce family, but emphasized that this is not enough. She urged the Task Force to consider reparations in the form of support for organizations like Where is My Land. She also encouraged the establishing

tiers for reparations so that all Black people in America can benefit, not just American descendants of slavery. Ms. Ward shared poetry in conclusion.

c. Testimony: Paul Austin

Paul Austin is a resident of Marin City and the founder and CEO of Play Marin, a non-profit dedicated to providing adequate access to extracurricular and athletic opportunity in Marin City. Mr. Austin testified about the inequality that exists in Marin County. Mr. Austin who is Black, provided personal testimony about discrimination he and his wife experienced in the area of housing when they received a significantly undervalued appraisal for their home. They employed assistance from a white friend to pose as his wife, which resulted in a higher re-appraisal. Mr. Austin's story received national attention and resulted in the passing of legislation in California related to appraisals. He also emphasized the educational disparities and home values in Marin City compared with the rest of Marin.

d. Testimony: Terrance Dean

Dr. Terrance Dean is a Professor of Black Studies at Denison University in Ohio. Mr. Dean was formerly an MTV executive and is the author of numerous books. Dr. Dean testified about the migration of Black families from the Midwest to California. He spoke about the town of Allensworth, which was founded exclusively by Black residents in the early twentieth century.

e. Task Force Comments and Questions

The video containing the question and answer session and the witness statements provided can be found on <https://oag.ca.gov/ab3121>.

16. Break

17. Action Item: Adoptions of Findings

This is a moot action item because the Task Force took action on this item on October 12.

18. Action Item: Agenda for December Hearing

Chair Moore facilitated a discussion about the draft agenda for the December meeting, potential topics, and potential panelists. She explained that Day 1 should be about gentrification, infrastructure, homelessness, and Day 2 should be about entertainment and arts and culture.

Member Grills stated that mental health is not the same as public health and asked for clarification about what is under the category of public health in the next agenda. She stated that the topic of mental health needs a significant amount of time outside of the general public health conversation. The Task Force had a discussion about the disparities in the field of medicine and the proposal for one whole day to discuss about the topic of medicine and mental health.

In response to Members' questions from the previous day, Michael Newman from the DOJ discussed agendaizing the review of the outlines. These outlines should reflect the Task Force's conclusions and findings through this process. Mr. Newman provided a timeline for consideration by the Task Force of when the drafting of the final report may take place as follows: By mid-November, DOJ will send Task

Force all outlines for all 12 sections of the first report. At the December 7-8 hearing, the Task Force discusses, provides edits, and votes on approving the 12 sections. At the mid-February hearing, the Task Force discusses and provides edits on the first draft report. At the mid-March hearing, the Task Force discusses, provides edits, and votes on a final draft. The Task Force discussed this proposal and the drafting process of the report.

Chair Moore introduced some potential witnesses for the gentrification and public health panels. She proposed that the Task Force consider inviting non-high profile speakers for the panel on entertainment. The Task Force discussed topics that should be prioritized, including the proposal to devote an entire day to a wider discussion of public health, physical health, and mental health.

Member Lewis discussed the need to focus on a bigger set of questions relating to entertainment beyond merely discussing exclusion. He spoke about the unrecognized contributions of Black Americans to the entertainment industry, and spoke about Tik Tok as a modern example.

Member Tamaki spoke about his ongoing research related to Task Force's subpoenas. He requested that there be time on the agenda for a presentation on the question of subpoenas. Task Force members discussed the need to expand the conversations on the agenda. Member Grills spoke about including news media in the discussion of entertainment, especially how it shapes bias.

The Task Force discussed the need to add a section for unfinished business to the agenda.

MOTION: Assembly member Jones-Sawyer moved to adopt the outline and draft agenda schedule as it appeared on the screen for December 7-8, 2021. The motion was seconded by Member Bradford.

Chair entertained discussion of the motion. Member Tamaki, indicated that the outlines might take much more time and perhaps the testimonies could be shortened or summarized.

Member Brown had an emergency and needed to leave the meeting. Eight Task Force members remained at the meeting and a quorum was still present. The discussion of the motion continued.

It was noted that a separate meeting may be necessary to discuss 'health' as it may need a full day. This will free up one of the sessions on Tuesday, allowing more time for the action item on outlines. Discussion was also held to remove Technology from the December 7/8.

Parliamentarian asked for clarification as to whether they wanted to amend the schedule presented, add another meeting date.

Grills sought to make a friendly amendment to make several different motions to remove Health from the December agenda, add a separate meeting for Mental Health, Public Health and Physical Health, add separate meeting for the live chat, subpoenas, technology and infrastructure.

Jones Sawyer withdrew his motion regarding the agenda. Bradford withdrew his second.

Chair Moore summarized the discussion. Mr. Newman indicated that regarding the previous discussion on Saturday meetings, DOJ would poll the task force members to determine availability for a quorum. DOJ would then report those findings and date options at the December meeting in the DOJ update.

Following further discussion, the following motion was made:

MOTION: Member Steppe moved to adopt the December 7 and 8 agenda as presented, with the following modifications: remove public health section, add discussion on the twelve outline sections, subpoena powers, chat function, and add a stand-alone meeting to discuss health in general. Senator Bradford seconded the motion.

During the discussion of the motion, Member Tamaki sought to make a friendly amendment to the motion to include removal of the discrimination in technology section. The Parliamentarian stated that the proposed amendment was substantive and needed to be voted on by the body before voting on the original motion as amended. The maker of the original motion withdrew the motion and the second was withdrawn. A new motion was made.

MOTION: Member Steppe moved to adopt the December 7-8 agenda, with the following modifications: removal of the public health section, removal of discrimination in technology section, addition of discussion on approving all twelve outlines, addition of discussion on subpoena power, restoring live chat function and adding a standalone meeting on health in general. Member Bradford seconded the motion. The Chair restated the motion. There was no further discussion and the Chair called for the vote:

AYE: Chair Moore, Member Bradford, Member Grills, Member Holder, Member Scott Lewis, Member Tamaki, Member Montgomery-Steppe.

ABSTAIN: Member Jones-Sawyer

NAY: 0

NOT PRESENT: Vice Chair Brown

Eight members present and voting, seven Ayes, one abstention.

The motion passed with seven votes in support and zero votes against with one abstention.

Chair Moore reminded the Task force members and members of the public that the next Task Force meeting was scheduled for December 7th and 8th. Chair Moore adjourned the meeting.

AGENDA ITEMS 4, 7, 8, and 16

AVAILABLE WITNESS STATEMENTS
AND PRESENTATIONS

(Not all witnesses have submitted written
statements and presentations)

Summary of Testimony for AB3121 Meeting, December 2021

Dr. Joseph Gibbons, *San Diego State University*

Gentrification has stirred considerable concern for its potential to displace Black communities or make them feel more isolated in these neighborhoods as they change (Easton et al. 2020; Elliott-Cooper, Hubbard, and Lees 2020; Tuttle 2021). Gentrification is the latest link in a long cycle of targeted disinvestment and unequal reinvestment that undermine Black places. Each step of the way the government at all levels has guided these practices, allowing local authorities considerable latitude in adopting housing policies which are at worst outright racist and at the very least ignore the concerns of Black communities.

A key moment in the government's involvement in racially adverse housing policies was with the New Deal era's Home Owner's Loan Corporation (HOLC). Set up to refinance troubled mortgages, this program avoided refinancing homes in neighborhoods with Black populations. HOLC assessors, composed of local bankers and realtors, were given considerable freedom to express racist views about Black communities and use these opinions as grounds for denial of refinancing. These teams creating vivid maps of areas in cities to be granted refinancing and those to be denied refinanced. Neighborhoods ranged from 'A,' the most ideal for refinancing, to D, the least ideal. This type of practice is today considered a form of redlining (Aaronson, Hartley, and Mazumder 2021; Gordon 2008; Jackson 1985; Rutan and Glass 2018).

This redlining is argued to have made it harder to build wealth in Black communities, carrying consequences for these places (Aaronson et al. 2021; Gordon 2008; Rothstein 2017). For one, it was harder for Black residents to move to other communities with better housing and resources, effectively confining them and future generations to these redlined neighborhoods (Sharkey 2013). As Table 1 shows, contemporary Black residents are more represented in the poorly rated redlined neighborhoods. Being confined to undervalued neighborhoods facilitated the long-term decline in the quality of these neighborhoods quality (Aaronson et al. 2021; Gordon 2008; Rutan and Glass 2018), which itself contributes to future problems in these places such as health disparities (Collin et al. 2021; Krieger et al. 2020).

Table 1. Gentrification in California By HOLC Grade by Year Started

Grade	1940	1980	2019
A	0.00%	4.64%	5.03%
B	0.00%	11.39%	7.73%
C	0.31%	20.36%	9.12%
D	6.18%	23.64%	9.08%
Overall	0.63%	12.70%	7.56%

The impact of redlining would eventually make these neighborhoods appealing for redevelopment. Activists and scholars have noted an overlap between historically redlined communities and contemporary gentrification (Causa Justa 2014; Chapple, Thomas, and Greenberg 2018). Indeed, a close evaluation of the HOLC data, Census data and American Community Survey

Table 2. Gentrification in California By HOLC Grade by Year Started

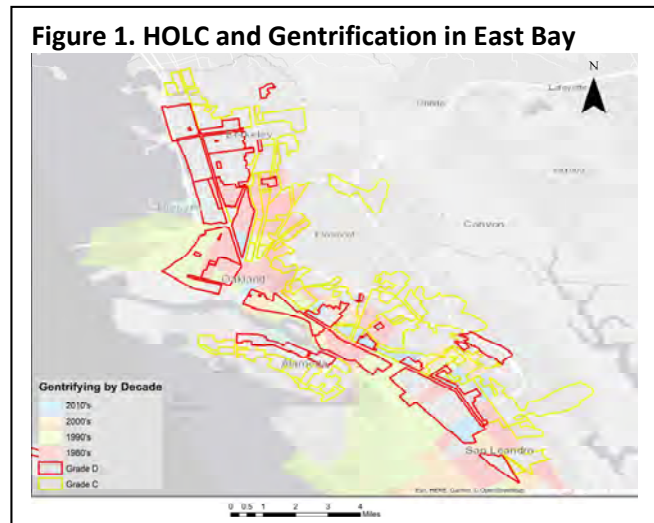
Grade	1980	1990	2000	2010
A	5.00%	0.00%	0.00%	0.00%
B	17.24%	6.90%	4.60%	2.30%
C	18.25%	15.61%	12.70%	9.79%
D	17.34%	18.95%	9.27%	10.08%
Overall	0.1349	9.95%	8.43%	6.83%

data, reported in Table 2, show that poorly graded neighborhoods gentrify at a higher rate than other neighborhoods. This is also visualized in figure 1, looking specifically at the East Bay region.

There are several reasons as for why this reinvestment is taking place. First, the undervaluing of neighborhoods from redlining means there is often a large gap between their existing and potential value. This ‘rent gap’ is a driver of gentrification given the potential profit from turning properties around (Smith 1996). Second, poor HOLC ratings are related to contemporary racial ethnic concentrations (Gordon 2008; Jackson 1985; Rothstein 2017; Sugrue 1996). In recent years there has been a growing interest in historically Black neighborhoods by non-Black residents due to efforts from local governments to make these places more appealing for development (Hyra 2008, 2017).

Adverse effects from gentrification are well-documented. The most common concern surrounding gentrification is the outright displacement of Black residents from their long-term communities. There are numerous local accounts of this taking place in cities across the west coast. Even if Black residents can stay in these neighborhoods, they may still experience some troubles. My own research has shown gentrification has adverse health effects on local residents (Gibbons and Barton 2016; Gibbons, Barton, and Brault 2018), including higher rates of stress from Black residents (Gibbons 2019). The fear of eventual displacement is a source of considerable stress among Black residents in anticipation of possible future displacement (Elliott-Cooper et al. 2020; Hicken, Lee, and Hing 2018). Also, residents may feel isolated, that they have become strangers in their own communities (Tuttle 2021).

Reparations are the government taking concrete fiscal responsibility for their involvement in this cycle of unequal investment and targeted disinvestment. Gentrification does not have to spell the destruction of Black communities. It does lead to the reinvestment in under-invested places, which longstanding residents can approve of (Brown-Saracino 2009; Freeman 2006; Hyra 2017). To ensure these changes are equitable, the state government should implement measures to ensure Black residents are able to remain in these neighborhoods if they so choose and have a say in the future of these places. One concrete way this can be done is cash-based assistance to renters, one of the most vulnerable populations to gentrification (Nyden, Edlynn, and Davis 2006). Other steps can be made to encourage local businesses through the dispersal of low-interest loans to Black residents seeking to form businesses in these neighborhoods. Efforts like this would give neighborhood residents a greater stake in their communities and more equal footing.



References

- Aaronson, Daniel, Daniel Hartley, and Bhashkar Mazumder. 2021. "The Effects of the 1930s HOLC 'Redlining' Maps." *American Economic Journal: Economic Policy* 13(4):355–92. doi: 10.1257/pol.20190414.
- Brown-Saracino, Japonica. 2009. *A Neighborhood That Never Changes: Gentrification, Social Preservation and the Search for Authenticity*. Chicago: University of Chicago Press.
- Causa Justa. 2014. *Development without Displacement: Resisting Gentrification in the Bay Area*. Oakland, CA: Causa Justa::Just Cause.
- Chapple, Karen, Tim Thomas, and Julia Greenberg. 2018. *The Legacy of Redlining*. Berkely, CA: Urban Displacement Project.
- Collin, Lindsay J., Anne H. Gaglioti, Kristen M. Beyer, Yuhong Zhou, Miranda A. Moore, Rebecca Nash, Jeffrey M. Switchenko, Jasmine M. Miller-Kleinhenz, Kevin C. Ward, and Lauren E. McCullough. 2021. "Neighborhood-Level Redlining and Lending Bias Are Associated with Breast Cancer Mortality in a Large and Diverse Metropolitan Area." *Cancer Epidemiology Biomarkers & Prevention* 30(1):53–60. doi: 10.1158/1055-9965.EPI-20-1038.
- Easton, Sue, Loretta Lees, Phil Hubbard, and Nicholas Tate. 2020. "Measuring and Mapping Displacement: The Problem of Quantification in the Battle against Gentrification." *Urban Studies* 57(2):286–306. doi: 10.1177/0042098019851953.
- Elliott-Cooper, Adam, Phil Hubbard, and Loretta Lees. 2020. "Moving beyond Marcuse: Gentrification, Displacement and the Violence of Un-Homing." *Progress in Human Geography* 44(3):492–509. doi: 10.1177/0309132519830511.
- Freeman, Lance. 2006. *There Goes the 'Hood: Views of Gentrification from the Ground Up*. Philadelphia, PA: Temple University Press.
- Gibbons, Joseph R. 2019. "Are Gentrifying Neighborhoods More Stressful? A Multilevel Analysis of Self-Rated Stress." *SSM - Population Health* 7:100358. doi: 10.1016/j.ssmph.2019.100358.
- Gibbons, Joseph R., and Michael S. Barton. 2016. "The Association of Minority Self-Rated Health with Black versus White Gentrification." *Journal of Urban Health* 93(6):909–22. doi: 10.1007/s11524-016-0087-0.
- Gibbons, Joseph R., Michael S. Barton, and Elizabeth Brault. 2018. "Evaluating Gentrification's Relation to Neighborhood and City Health." *PLOS ONE* 13(11):1–18. doi: 10.1371/journal.pone.0207432.
- Gordon, Colin. 2008. *Mapping Decline: St. Louis and the Fate of the American City*. Philadelphia, PA: University of Pennsylvania Press.

- Hicken, Margaret T., Hedwig Lee, and Anna K. Hing. 2018. "The Weight of Racism: Vigilance and Racial Inequalities in Weight-Related Measures." *Social Science & Medicine* 199:157–66. doi: 10.1016/j.socscimed.2017.03.058.
- Hyra, Derek S. 2008. *The New Urban Renewal: The Economic Transformation of Harlem and Bronzeville*. Chicago: University Of Chicago Press.
- Hyra, Derek S. 2017. *Race, Class, and Politics in the Cappuccino City*. Chicago: University Of Chicago Press.
- Jackson, Kenneth T. 1985. *Crabgrass Frontier: The Suburbanization of the United States*. New York, NY: Oxford University Press.
- Krieger, Nancy, Gretchen Van Wye, Mary Huynh, Pamela D. Waterman, Gil Maduro, Wenhui Li, R. Charon Gwynn, Oxiris Barbot, and Mary T. Bassett. 2020. "Structural Racism, Historical Redlining, and Risk of Preterm Birth in New York City, 2013–2017." *American Journal of Public Health* 110(7):1046–53. doi: 10.2105/AJPH.2020.305656.
- Nyden, Philip W., Emily Edlynn, and Julie Davis. 2006. *The Differential Impact of Gentrification on Communities in Chicago*. Loyola University Chicago Center for Urban Research and Learning Chicago, IL.
- Rothstein, Richard. 2017. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright.
- Rutan, Devin Q., and Michael R. Glass. 2018. "The Lingering Effects of Neighborhood Appraisal: Evaluating Redlining's Legacy in Pittsburgh." *Professional Geographer* 70(3):339–49. doi: 10.1080/00330124.2017.1371610.
- Sharkey, Patrick. 2013. *Stuck in Place: Urban Neighborhoods and the End of Progress Toward Racial Equality*. 1st ed. Chicago, Illinois: University of Chicago Press.
- Smith, Neil. 1996. *The New Urban Frontier: Gentrification and the Revanchist City*. New York, NY: Routledge.
- Sugrue, Thomas J. 1996. *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*. Princeton, NJ: Princeton University Press.
- Tuttle, Steven. 2021. "Place Attachment and Alienation from Place: Cultural Displacement in Gentrifying Ethnic Enclaves." *Critical Sociology* 089692052110293. doi: 10.1177/08969205211029363.

Reparations and Infrastructure Testimony for AB3121 Meeting, December 2021

Dr. Bruce Appleyard, Associate Professor, San Diego State University

I am an Associate Professor of City Planning at San Diego State University. I earned my PhD from UC Berkeley and I recently authored the book *Livable Streets 2.0* about the conflict, power, and promise of our streets. I also grew up in Berkeley, California during a period of what I call “earnest integration” where white kids were bussed to black neighborhoods and vice versa. Starting at nine years old I attended Malcolm X Elementary School for three years before going to West Campus and then Berkeley High. I credit this value of diversity and inclusion in my upbringing with granting me a unique perspective which also gives me a sense of purpose and urgency for what we will discuss today.

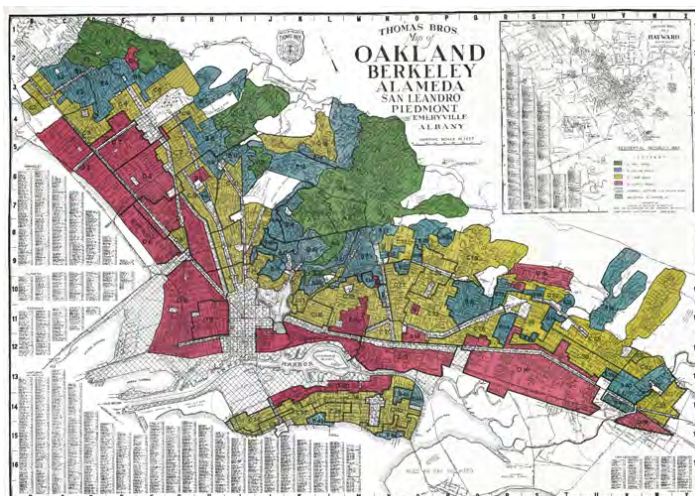
In thinking about reparations and infrastructure we need to think about the bigger ecosystem of transportation, housing, and land use and the ways the public and private sectors have created inequities and harms to African Americans through a multi-dimensional and systematic array of apartheid-like policies of discrimination from the federal government on down. This legacy of injustices and harms must be corrected.

To give an overview, African Americans have been harmed in the following ways:

- By being barred from having access to federally insured home mortgages in their own communities.
- By the building of freeways through their communities that ripped them apart and barricading them off from opportunities.
- By being barred from buying houses in the white, affluent suburbs - unable to access schools and other career advancing opportunities
- By being less served by the bus transit system they relied upon for mobility
- By being more vulnerable on the streets to both police and traffic violence.
- And now, to growing forces of gentrification and displacement due to California’s climate action goals and a renewed interest in the inner city.

Discrimination in Home Ownership

“Redlining” was one of the first major harms waged on inner-city African American communities by the federal government. The Federal Housing Administration, which was established in 1934 to solve the housing crisis, furthered discriminatory practices by refusing to insure mortgages in and near African-American neighborhoods. Through the policy known as “redlining” (see figure below), where African American communities were marked with red and given a grade of D or “hazardous investment”, residents effectively could not obtain government insured mortgages to buy homes (Rothstein, 2017).



Highway Displacement

Another major harm came in the way of highway development through black neighborhoods that forcibly carved and ripped up whole communities while walling them off from otherwise adjacent opportunities (see figure below). A freeway also impacts noise, pollution, barrier effects, and traffic violence in the surrounding community, which I discuss more below (Appleyard et al. 2021).

It should be noted that the Interstate Highway System cost approximately \$500 billion (in 2016 dollars), and predominantly favored the development of the white suburbs while leading to displacement of African American communities for the inner-city freeways.



Banned from the Suburbs

On top of redlining and highway building, the FHA was subsidizing builders who were mass-producing entire subdivisions for whites — with the requirement that none of the homes be sold to African-Americans, which were often written into the deeds and/or covenants of the newly created suburban homes. It should be noted that private citizens provided additional means of intimidation. All the above created a cascade of harms to African Americans in that they could not access rich wealthier communities that saw growth in property wealth, higher quality schools and the important effects of social connections that give people a leg up in this world (Appleyard & Appleyard, 2021; Rothstein, 2017).

Urban Renewal

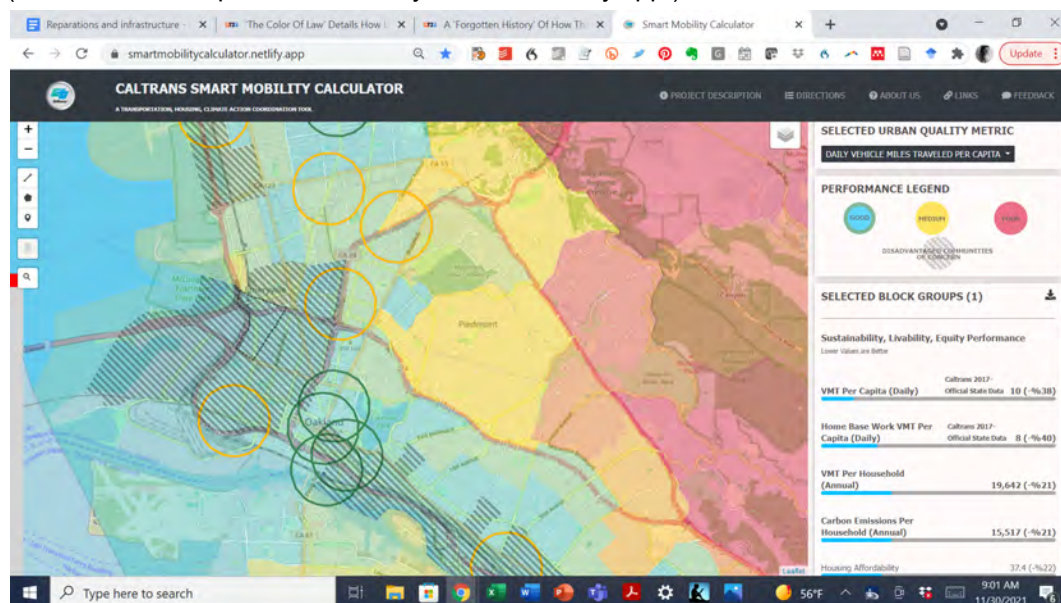
Places like West Oakland were also ravaged by forces of urban renewal from public housing to military port reclamation. In the 1950s, when the federal government started distributing millions for urban renewal projects, the city declared the redlined areas “slums” and began to clear them out.

All of this at the hands of the federal government, which was effectively an unreachable force that community members could not access and communicate with, like they could a Mayor or City Councilor.

Concerns over Gentrification

Fast forward to today and we can see that the areas that were redlined are now ripe for redevelopment as they are in more accessible locations (to transit and highways) and to many, now more attractive than the auto-dependent suburbs. Through the use of the Smart Mobility Calculator (see figure below) I developed for Caltrans we can also see the areas of disadvantaged communities (in hatched areas) have some of the lowest Vehicle Miles Traveled (VMT) and greenhouse gas emissions (GHGs), which now make them attractive for development to meet California's climate action goals, especially through such bills as SB 10, SB 743 (CEQA exemption for areas of low VMT) and SB 35 (streamlining CEQA processes for affordable housing). These means measures need to be put in place to help stop displacement that can come from gentrification.

(For more, see <https://smartmobilitycalculator.netlify.app/>)



According to Rothstein (2017), today African-American incomes on average are about 60 percent of average white incomes. But African-American wealth is only about 5 percent of white wealth. Most middle-class families in this country gain their wealth from the equity they have in their homes. So this enormous difference between a 60 percent income ratio and a 5 percent wealth ratio “is almost entirely attributable to federal housing policy implemented through the 20th century” (Rothstein, 2017).

Public Transit

Another way infrastructure has created inequities and discriminations is in how public transit has been funded and operated. Oftentimes transit funding has been the development of expensive rail projects that serve white suburbs at the expense of bus service that serve African American communities. Several famous cases have fought this battle, namely the LA Busriders Union in the 90s and the Darensberg vs. MTC case in the SF Bay Area in the 90s and 2000s (Golub et al. 2013).

African American communities in the East Bay were, in effect, “imprisoned through a series of public private policies which, on the one hand, immobilized them and, on the other hand imposed on them the burden of others’ mobility by running regional transportation infrastructure through their communities” (Golub et al. 2013).

Police Stops and Traffic Violence

When thinking of infrastructure we also need to think of how things affect people walking, bicycling, and driving. The first item in this area could be police stops, which inordinately occur to African Americans. Among drivers of color, the percentage is estimated to be double the national average (24% vs. 12%) (Engel & Calnon, 2004; Epp, et al., 2014). For black drivers, the likelihood of being searched has ranged from no-difference, to two (Engel, et al., 2009) to four times (Armentrout, Goodrich, Nguyen, Ortega, Smith, & Khadjavi, 2007; Barnum & Perfetti, 2010) as frequently as White drivers (Chanin in Appleyard et al. 2021).

The graphic below shows that African Americans, in this case San Jose, were stopped at an inordinate rate as compared to their underlying population, especially in areas bordering redlined areas. This has been well documented with the rise of phone based videos and is shown in research (Chanin in Appleyard et al. 2021). These stops have also resulted in many deaths.

The other harm we should consider is that African American are not only stopped at an inordinate rate by police, but they are victims of traffic violence at a higher rate than their underlying population, and at a higher rate than their white counterparts (Appleyard & Appleyard, 2021).

Streets of low-income communities and those of color are disproportionately at risk of traffic-related deaths or serious injury. For example, Fox and Shahum (2017) point to the following studies illustrating this inequity:

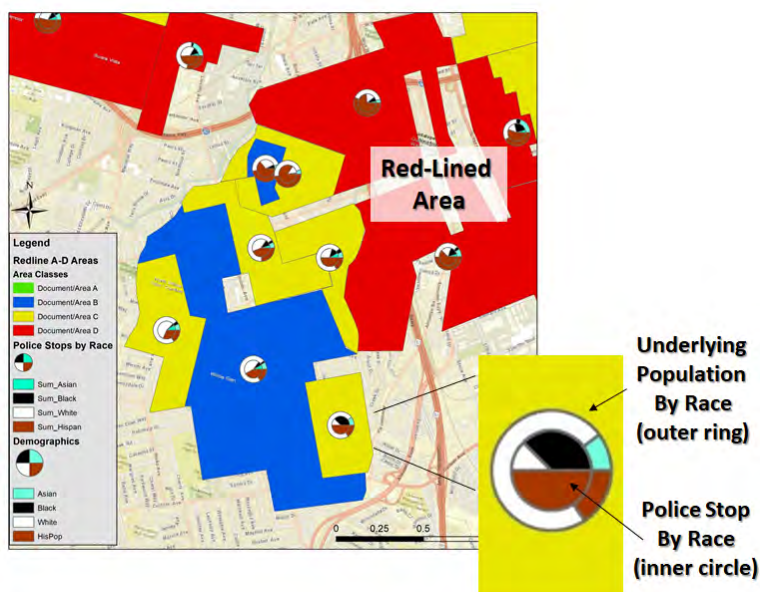
1. People killed while walking are twice as likely to have a low income.
2. African-American children are twice as likely and Latino children are 40% more likely than white children to be killed while walking. (Fox & Shahum, 2017, p. 1).

In an ongoing study with SDSU faculty colleagues Joshua Chanin and Joseph Gibbons, some of our preliminary finding show what appears to be an underlying spatial pattern of discrimination associated with police stops in San Jose, CA. The map below shows a side-by-side comparison of *Police Stop By Race* (inner circle) against the *Underlying Population By Race* (outer ring), with former redlining districts shown in the background.

Through this comparison we can see not only physical patterns of a spatial legacy of racial

discrimination, but also a possible functional/operational pattern of discrimination carried out by “enforcers” in and around the Street Ecology.

Looking at this and other similar maps, one can start to visually detect a possible pattern where areas bordering between white and more diverse communities have higher rates of people of color being stopped by the police--creating a functional barrier, alongside the physical ones (Appleyard et al. 2021).



Homelessness

African Americans are also often over-represented in the homeless population. From surveys in San Diego, they have amounted to over 31 percent of the homeless population, while only constituting about 5 percent of the underlying population (Welsh et al., 2021)

Recapitulation

To sum things up, African Americans have been harmed in the following ways:

- By being barred from having access to federally insured home mortgages in their own communities.
- By the building of freeways through their communities that ripped them apart and barricading them off from opportunities.
- By being barred from buying houses in the white, affluent suburbs - unable to access schools and other career advancing opportunities
- By being less served by the bus transit system they rely upon for mobility
- By being more vulnerable on the streets to both police and traffic violence.
- And now, to growing forces of gentrification and displacement due to California's climate action goals and a renewed interest in the inner city.

Through all the above, many African Americans have been denied the right to get ahead and move into the Middle Class.

Policy Recommendations

On top of reparations we can think about policy remedies that can open up the affluent suburbs to African Americans, such as getting rid of exclusionary single family zoning and allowing townhomes and apartments in single family housing zones. SB 9 and SB 35 both go a long way toward making this happen. But banks also need to make changes to facilitate financing for home ownership in these types of developments. These starter homes would allow more access to build wealth and enter the middle class. For highways that were built through neighborhoods, we can offer reparations and funding programs like those offered in Syracuse, New York. We can also tear them down or run them underground and reconnect the community. For neighborhoods attracting gentrification, we can create anti-displacement programs which can include rental and home-buying assistance, business loans, and other programs.

In closing, there has been a multidimensional array of policies that systematically robbed African Americans of the ability to get ahead. This must be made right.

Key References

- Appleyard and Appleyard. 2021. *Livable Streets 2.0*. Elsevier Press.
- Rothstein, R. 2017. *Color of Law*. Liveright
- Aaron Golub, Richard A Marcantonio, Thomas W Sanchez. 2013. Race, Space, and Struggles for Mobility: Transportation Impacts on African Americans in Oakland and the East Bay. *Urban Geography*
- Welsh, Gutierrez, Flanigan. 2021. *Black Lives Experiencing Homelessness Matter*.
- Darity, William A. . From Here to Equality (p. 254). The University of North Carolina Press.

Statement of Deborah N. Archer
Professor of Clinical Law and Faculty Director of the Center on Race, Inequality
and the Law at NYU School of Law
President, American Civil Liberties Union

For too long, reparations have been considered taboo in mainstream America. Yet, in 2020 we saw COVID's devastating and racially disparate impact, we fought sweeping efforts to suppress and weaken the Black vote, and heard the millions of people who took to the streets in response to police violence against Black people nationwide to demand a more racially just tomorrow.

Intentional public policies have systemically destroyed families for generations and prevented entire communities from prospering—and those policies have been validated and perpetuated through our laws for the entirety of our national history. One often overlooked area is transportation infrastructure and policy. Our transportation infrastructure and policies have always been a driver of racial inequality and helped make many Black communities inhospitable for health, success, and economic opportunity. The nation's transportation infrastructure was built at the expense of Black communities and – from highways, to roads, bridges, sidewalks, and public transit – have been planned, developed, and sustained to contribute to the underdevelopment of Black communities. For decades, using public transportation was a daily reminder of the legal and social inferiority of Black people, particularly in the South. Black people were relegated to the back of the bus and required to give up their seats to white people on demand. In train stations, Black people were forced to wait in separate waiting areas, with separate bathrooms and drinking fountains. Today, transportation policy and infrastructure remains a daily reminder of how Black people have been, and continue to be, sacrificed to feed America's growth and expansion.

The renewed momentum in the century-long fight for reparations offers America the opportunity to grapple with how to address the full legacy of slavery, including the government-sponsored efforts that drove Black people from their homes, the theft of Black peoples' land, wealth, and community, and the isolation and destruction of Black communities.

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ACADEMIC POSITIONS

NEW YORK UNIVERSITY SCHOOL OF LAW

Professor of Clinical Law

Jacob K. Javits Professor at New York University

Co-Faculty Director, Center on Race, Inequality, and the Law

Associate Professor of Clinical Law

New York, NY

December 2020 – Present

2020 – 2021

February 2019 – Present

July 2018 – December 2020

Teach and direct live-client clinic in the areas of civil rights, criminal justice reform, voting rights, employment discrimination, and educational equity. Teach seminars and first-year reading group on race, critical race theory, and social justice lawyering. Serve as Co-Faculty Director of a center that provides opportunities for students, scholars, practitioners, and community members to examine and exchange ideas related to race, inequality, and leadership through advocacy, lectures, symposia, and scholarship.

NEW YORK LAW SCHOOL

Professor of Law

Associate Professor of Law

New York, NY

June 2007 – June 2018

July 2003 – June 2007

Taught live-client clinics in the areas of civil rights, food equity, special education, education reform and poverty law; taught courses on social justice advocacy; Anti-Discrimination Law and Policy; Civil Procedure; Problem Solving; and Racial Discrimination and American Law.

Founder and Director, Racial Justice Project

July 2008 – June 2018

Founded and directed legal advocacy program dedicated to protecting the constitutional and civil rights of people who have been denied their rights on the basis of race.

Associate Dean for Academic Affairs and Student Engagement

August 2012 – June 2015

Served as the chief academic officer. Provided leadership in academic program planning, development, and implementation. Managed and supervised Office of Academic Affairs, Registrar's Office, Office of Student Life, Office of Diversity and Inclusion, and Office of Academic Advising.

Founder and Co-Director, Impact Center for Public Interest Law

July 2014 – June 2018

Founded and co-directed academic center focused on expanding access to justice, eliminating the barriers to equal opportunity, and enhancing the quality of public services.

Dean of Diversity and Inclusion

June 2015 – August 2016

Served as the law school's inaugural Dean of Diversity and Inclusion. Developed and led the Office of Diversity and Inclusion. Served as the law school's Chief Diversity Officer.

PROFESSIONAL EXPERIENCE

AMERICAN CIVIL LIBERTIES UNION

President

New York, NY

February 2021 – Present

President of the country's premier civil liberties and civil rights organizations, with almost 2 million members. Chairs the National Board of Directors and lead on matters of organizational policy, substantive civil liberties policies, and financial management.

NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD

Acting Chair

Board Member

New York, NY

April 2016 – August 2016, August 2017 – December 2017

October 2014 – December 2017

Served as a Board Member and Acting Chair of the nation's oldest and largest civilian police oversight agency. The Civilian Complaint Review Board investigates, mediates, hears, makes findings, and recommends action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language.

SIMPSON THACHER & BARTLETT

Litigation Associate

Participated in all aspects of litigation practice.

New York, NY

September 2000 – June 2003

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

Assistant Counsel

Responsible for trial and appellate litigation in the areas of employment discrimination, voting rights, and educational equity. Directed legal internship program.

New York, NY

September 1998 – August 2000

THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION

Marvin M. Karpatkin Fellow

Participated in complex litigation at all levels of federal and state judiciary addressing issues of race and poverty. Assisted in discovery, settlement discussions, motions practice, and trial. Directed legal internship program.

New York, NY

September 1997 – August 1998

JUDGE ALVIN W. THOMPSON, U.S. DISTRICT COURT, DISTRICT OF CONNECTICUT

Law Clerk

Researched and drafted orders and dispositive rulings. Assisted Judge in preparation for, and assisted during, evidentiary hearings, criminal and civil trials, oral arguments, sentencings, and status conferences.

Hartford, CT

September 1996 – September 1997

EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., June 1996

Honors: Charles G. Albom Prize for excellence in judicial appellate advocacy

Activities: Morris Tyler Moot Court of Appeals, Board of Directors

Yale Law and Policy Review, Staff Editor

Yale Journal of Law and Feminism, Editor

Black Law Students Association

Student Director, Advocacy for People with Disabilities Clinic

SMITH COLLEGE, Northampton, MA

B.A. in government, *cum laude*, May 1993

LEGAL SCHOLARSHIP: ARTICLES AND ESSAYS

The Fire Next Time: A Framework to Understand How Racism Persists in its Power, 120 Michigan Law Review (forthcoming 2021)

Reparations and the Right to Return, N.Y.U. Review of Law and Social Change (forthcoming 2021) (symposium)

Transportation Policy and the Underdevelopment of the Black Community, 106 Iowa Law Review 101 (2021) (reprinted in the ABA Journal of Affordable Housing & Community Development Law)

“White Men’s Roads Through Black Men’s Homes”: Advancing Racial Equity Through Highway Reconstruction, 73 Vanderbilt Law Review 101 (2020) (2021 winner of Law and Society Association’s John Hope Franklin Prize, Honorable Mention for “exceptional scholarship in the field of race, racism, and the law”)

Exile From Main Street, 55 Harvard Civil Rights-Civil Liberties Law Review 788 (2020)

The New Housing Segregation: The Jim Crow Effects of Crime-Free Housing Ordinances, 118 Michigan Law Review 173 (2019)

Political Lawyering for the 21st Century, 96 *Denver Law Review* 399 (2019)

Open to Justice: The Importance of Student Selection Decisions in Law School Clinics, 24 *Clinical Law Review* 301 (2017)

We Built It and They Did Not Come: Using New Governance Theory in the Fight for Food Justice in Low-Income Communities of Color, 15 *Seattle Journal for Social Justice* 307 (2016) (with Tamara C. Belinfanti) (symposium)

Still Fighting After All These Years: Minority Voting Rights 50 Years After the March on Washington, 17 *Berkeley J. Afr.-Am. L. & Pol'y* 69 (2015) (symposium)

There is No Santa Claus: The Challenge of Teaching the Next Generation of Civil Rights Lawyers in a "Post-Racial" Society, 4.1 *Columbia Journal of Race and Law* 55 (2014)

Collective or Individual Benefits?: Measuring the Educational Benefits of Race-Conscious Admissions Programs, 57 *Howard Law Journal* 557 (2014) (symposium)

Introduction: Challenging the School-to-Prison Pipeline, 54 *New York Law School L. Rev.* 867 (2010) (symposium)

Failing Students or Failing Schools?: Holding States Accountable for the High School Dropout Crisis, 12 *Lewis & Clark L. Rev.* 1253 (2008)

Moving Beyond Strict Scrutiny: The Need for a More Nuanced Standard of Equal Protection Analysis for K Through 12 Integration Programs, 9 *U. PA. J. Const. L.* 1 (2007)

Making America "The Land of Second Chances": Restoring the Social Safety Net for Ex-Offenders, 30 *N.Y.U. Review of Law & Social Change* 527 (2006) (with Kele S. Williams)

BOOKS AND BOOK CHAPTERS

OTHER SIDE OF THE TRACKS (Liveright Publishing/W. W. Norton & Company forthcoming)

"Black Rage" and the Architecture of Racial Oppression in *FIGHT THE POWER!: LAW AND POLICY THROUGH HIP HOP SONGS*, edited by Gregory S. Parks and Frank Rudy Cooper (Cambridge University Press forthcoming 2022)

Race and Clinical Work in *THE OXFORD HANDBOOK OF RACE AND LAW IN THE UNITED STATES*, edited by Devon Carbado, Khiara Bridges, and Emily Houh, (Oxford University Press forthcoming 2022)

SPECIAL EDUCATION LAW AND PRACTICE (with Richard Marsico) (Carolina Academic Press 2017)

Political Participation: African American Political Participation from the Antebellum Period through Reconstruction in *ENCYCLOPEDIA OF AFRICAN AMERICAN HISTORY, 1619-1895: FROM THE COLONIAL PERIOD TO THE AGE OF FREDERICK DOUGLASS (THE AFRICAN-AMERICAN HISTORY REFERENCE SERIES)*, edited by Paul Finkelman (with Paul Finkelman)

SELECTED COMMENTARY

We the People, *The New York Times* (August 2021)

Legislating Racial Equity Impact Studies in Transportation and Infrastructure Policy, *Just Security* (November 2020)

Crime-Free Housing Ordinances Perpetuate Racial Segregation, *American Constitution Society Expert Forum* (February 2020)

Racial Exclusion Through Crime-Free Housing Ordinances, American Constitution Society Issue Brief (November 2019)

What Do You Have to Lose?: The Coming Assault on Race-Conscious Admissions Programs, American Constitution Society Blog (August 2017)

The Role of the Twenty-Fourth Amendment in Challenging Financial Burdens on the Right to Vote, The Interactive Constitution, The National Constitution Center (2017)

The Twenty-Fourth Amendment, The Interactive Constitution, The National Constitution Center (2017) (with Derek T. Muller)

Bringing School Segregation Out of the Shadows, The Huffington Post (April 12, 2017)

Children, Not Criminals: Bringing Restorative Justice to Our Schools, The Huffington Post (February 2, 2016)

Playing the Long Game: Fisher v. University of Texas and the Future of Race-Conscious Admissions Programs, The Huffington Post (October 5, 2015)

Stuck on Simple: The Challenge of Moving Beyond Diversity to Inclusion, The Huffington Post (September 14, 2015)

Is Post-Racialism an Implicit Bias, The Huffington Post (March 16, 2015)

Separate and Unequal: The Supreme Court, Affirmative Action and Ballot Initiatives, The Huffington Post (June 26, 2013)

Diversity Lives to See Another Day, The Huffington Post (June 26, 2013)

Strong Medicine: The Continuing Struggle for the Protection of Voting Rights, The Huffington Post (February 26, 2013)

Why Section 5 of the Voting Rights Act Still Matters, American Constitution Society Blog (February 2013)

The Soft Bigotry of Low Expectations: Why Affirmative Action Still Matters, The Huffington Post (October 8, 2012)

Why We Need Race Conscious Admissions, The National Jurist (October 10, 2012)

AWARDS AND RECOGNITION

2021 Podell Distinguished Teaching Award (New York University School of Law)

2021 John Hope Franklin Prize for Exceptional Scholarship, Honorable Mention (Law and Society Association)

2021 Jacob K. Javits Visiting Professorship (New York University)

2021 Stephen Ellmann Memorial Clinical Scholarship Award (Association of American Law Schools)

2021 Women of Color Collaborative Woman of the Year (Boston University School of Law)

2021 Law Power 100 (City & State Magazine)

2021 Above and Beyond Award (City & State Magazine)

2020 Education Power 100 (City & State Magazine)

2019 Constance Baker Motley Award (Columbia Law School Empowering Women of Color)

2018 Otto L. Walter Distinguished Writing Award (New York Law School)

2017 Diversity Champion Award (New York Law School)

2016 Judge Jane M. Bolin Alumni Service Award (Yale Law School)

2016 Top Women in Law Award (New York Law Journal)

2014 Haywood Burns/Shanara Gilbert Award (Northeast People of Color Legal Scholarship Conference)

2011 Faculty Honoree, Black Law Students Association (New York Law School)

2009 Aspen Ideas Festival Scholar

2001 Top 30 Leaders of the Future Under 30 (*Ebony* magazine)

1993 Truman Scholar

SELECTED SCHOLARLY LECTURES, PANELS, & PRESENTATIONS

Keynote Speaker, *Jim Crow in the 21st Century: The Impact of Crime Free Housing Ordinances and Mass Criminalization on Racial Segregation*, Flaschner Judicial Institute (2021)

Democracy, Inequality, and Civil Unrest, Jacob K. Javits Professorship Lecture, New York University (2021)

Jim Crow in the 21st Century: Policing-Based Housing Policies, Racial Segregation, and Mass Criminalization, David H. Bodiker Lecture on Criminal Law, Ohio State University, Moritz College of Law (2021)

Preserving Our Democracy: From the Ballot Box to the Rule of Law, Gwendolyn S. and Colbert I. King Endowed Chair in Public Policy Lecture Series, Howard University (2021)

Keynote Speaker, Civil Liberties in the Biden Era: National and Local Priorities, Mitchell Hamline School of Law (2021)

Keynote Speaker, Martin Luther King Jr. Lecture, Villanova University School of Law (2021)

Panelist, *White Terror, Then and Now: The Future of Race and Racism in Light of the Ku Klux Klan Act of 1871*, American Association of Law Schools Annual Meeting (2021)

Featured Speaker, *The Future of Law and Transportation*, Iowa Law School (2020)

Jim Crow in the 21st Century: Crime Free Housing Ordinances, Racial Segregation, and Mass Criminalization, New York University Scholars Lecture Series (2020)

Jim Crow in the 21st Century: The Impact of Crime Free Housing Ordinances and Mass Criminalization on Racial Segregation, Barbara Jordan Lecture Series on Race, Law, and Inequality, Boston University Law School (2020)

“White Men’s Roads Through Black Men’s Homes”: Advancing Racial Equity Through Highway Reconstruction, Faculty Workshop, Brooklyn Law School (2020)

“White Men’s Roads Through Black Men’s Homes”: Advancing Racial Equity Through Highway Reconstruction, Faculty Workshop, Miami Law School (2020)

Keynote Speaker, *From “Living While Black” to the Fight Against Affirmative Action: Contextualizing, Understanding and Fighting the Movement to Reclaim “White Spaces”*, Otelia Cromwell Day, Smith College (2019)

Panelist, *Emerging Ideas in Experiential Education: Riding the Wave or Moving Against the Tide?*, Southeastern Association of Law Schools Annual Meeting (2019)

Paper Presenter, *Exile From Main Street*, Duke Law School, Culp Colloquium (2019)

Panelist, *Moving Beyond the Traditional Big Case Versus Small Case Debate: Embracing Opportunities to Engage Students in Transformational Advocacy*, Association of American Law Schools Conference on Clinical Legal Education (2019)

Keynote Speaker and Honoree, Columbia Law School Empowering Women of Color Annual Constance Baker Motley Gala (2019)

Panelist, *The Widening Reach of the Criminal Legal System and the Impact on Communities of Color*, Fourth National People of Color Legal Scholarship Conference (2019)

Panelist, *Race and Class in the U.S.: The Legal Academy’s and Profession’s Role in Pacification and Social Change*, American Association of Law Schools Annual Meeting (2019)

Panelist, *Teaching the Next Generation of Racial Justice Champions*, Midwest Clinical Conference (2018)

Panelist, *Promoting Inclusion and Equity*, Southeastern Association of Law Schools Annual Meeting (2018)

Paper Presenter, Southern Methodist University Dedman School of Law, Lutie Lytle Faculty Writing Workshop, *Attacking Systemic Racial Exclusion: Crime-Free Municipal Ordinances and Segregative Effects Claims Under the Fair Housing Act* (2018)

Panelist, *Structural and Procedural Hurdles to Justice Affecting Minorities*, Association of American Law Schools Annual Meeting (2018)

Panelist, *Teaching Through Injustice*, Southeastern Association of Law Schools Annual Meeting (2017)

Panelist, *To Serve and Protect: New Paradigms in Community Policing*, Yale Law School (2016)

Panelist, *Voting Rights Institute*, 2016 American Constitution Society National Convention (2016)

Panelist, *Race, Poverty, Identity: Diversity Issues and Access to Justice*, Fifth Annual Law School Access to Justice Conference (2016)

Presenter, *Unshared Bounty: Initiatives to Challenge Food Disparity and Food Insecurity in Low-Income Communities*, Poverty Law: Academic Activism Conference, Seattle Law School (2016)

Panelist, *Commemorating the 50th Anniversary of the Voting Rights Act of 1965*, Franklin and Marshall College (2015)

Panelist, *American Constitution Society Supreme Court Preview, 2015-2016*, National Press Club (2015)

Panelist, *Ferguson as Text*, Southeastern Association of Law Schools Annual Meeting (2015)

Presenter, *Implicit Bias*, Association of American Law Schools Conference on Clinical Legal Education (2015)

Panelist, *Getting the Most Out of Law School: Student and Administration Integration*, American Bar Association Student Division Leadership Summit (2014)

Panelist, *Still Dreaming: Progress and Struggles Fifty Years After the March on Washington*, Southeastern Association of Law Schools Annual Meeting (2013)

Participant, Discussion Group, *Post-Civil Rights and Post-Racial: Teaching and Training the Next Generation of Advocates*, Southeastern Association of Law Schools Annual Meeting (2012)

Panelist, *Teaching Social Justice Through Policy Advocacy*, 2012 Society of American Law Teachers Teaching Conference (2012)

Panelist, *Civil Rights and the K through 12 Reform Agenda*, Southeastern Association of Law Schools Annual Meeting (2011)

Race Working Group Leader, Association of American Law Schools Conference on Clinical Legal Education (2011)

Panelist, *Racial Structure and Culture in Lawyering*, Association of American Law Schools Conference on Clinical Legal Education (2010)

Panelist, *Has President Obama's Election Made a Difference in Race Relations*, Southeastern Association of Law Schools Annual Meeting (2010)

Panelist, *Challenging the School to Prison Pipeline*, Southeastern Association of Law Schools Annual Meeting (2009)

Keynote Speaker, *Challenging the School to Prison Pipeline*, Smith College Constitution Day Keynote Address (2009)

SELECTED COMMUNITY LECTURES, PANELS, & PRESENTATIONS

Keynote Speaker, *This Land of Broken Dreams*, Park Avenue Armory (2021)

Panelist, *Legislative Backlash: Anti-Protest Bills, Voter Suppression Laws and Critical Race Theory*, American Bar Association Social Justice Policy Summit (2021)

Featured Speaker, The Hill's *A More Perfect Union* (2021)

Keynote and Featured Speaker, Web Summit, Lisbon, Portugal (2021)

Keynote Speaker, Fordham Law Leadership Academy for Women in Law (2021)

Featured Speaker, Civil Rights Forum, National Bar Association Annual Convention (2021)

Featured Speaker, 2021 University of Pittsburgh Diversity Forum (2021)

Keynote Speaker, New York State Permanent Commission on Access to Justice Annual Conference (2021)

Featured Guest, *Helga: The Armory Conversations*, Park Avenue Armory (2021)

Keynote Speaker, National Posse Foundation Alumni Leadership Conference (2021)

Participant, *Remaking American Infrastructure*, Aspen Digital (A Program of the Aspen Institute) (2021)

The Arc of Justice: Race, Civil Rights, and the Law, Westminster Town Hall Forum (2021)

Featured Speaker, *Protecting Communities from Pandemic Fallout*, Collision Conference (2021)

Featured Speaker, Black Women Lead Equity Forum, All in Together/Oprah Winfrey Network (2021)

Keynote Speaker, *Dismantling Systemic Racism in the Courts*, Franklin H. Williams Judicial Commission (2021)

Featured Speaker, *The Role of History: Understanding Systemic Racism and How Bias Can be Baked into Structures and Systems*, Florida State New Judges Training (2020)

Featured Speaker, *The Challenge of Systemic Racism*, Page Society Annual Conference (2020)

Racial Justice and Equity in the Time of COVID-19, SXSW Sessions Online (2020)

Keynote Speaker, *155 Years Since the End of American Slavery: Global Reflections on Juneteenth*, White & Case LLP (2020)

Panelist, *Envisioning Economic Justice: Housing, Banking, and Beyond*, 2019 NAACP Legal Defense Fund Civil Rights Training Institute (2019)

Panelist, *Disparate Impact under the Fair Housing Act after Texas Department of Housing & Community Affairs v. Inclusive Communities Project*, Lawyers' Committee for Civil Rights Racial Justice Institute (2019)

Panelist, *Where Women Stand: Year One of the New Administration*, New York Women's Foundation (2018)

Keynote Speaker, Women's Bar Association of the State of New York 2016 Convention (2016)

Panelist, *Where Women Stand: The First 100 Days of the New Administration*, New York Women's Foundation (2017)

Debater, Intelligence Squared U.S. Debate, *Resolution: The Equal Protection Clause Forbids Racial Preferences in State University Admissions*, argued against the resolution (partnered with Dean Erwin Chemerinsky) (2016)

Keynote Speaker, African American History Month Program, United States Equal Employment Opportunity Commission New York District Office (2016)

SELECTED AMICUS CURIAE BRIEFS

Edwards v. Darrel, United States Supreme Court *amicus curiae* brief filed on behalf of the Fred T. Korematsu Center for Law and Equality, the Aoki Center for Critical Race and Nation Studies, the Center on Race, Inequality, and the Law at NYU Law (2020)

Department of Commerce, et al. v. New York, et al., United States Supreme Court *amicus curiae* brief filed on behalf of the KIPP Foundation, Advocates for Children of New York, New Jersey Institute for Social Justice, and UnidosUS (2019)

Husted v. A. Philip Randolph Institute, United States Supreme Court *amicus curiae* brief filed on behalf of VoteVets Action Fund (2017)

Buck v. Davis, United States Supreme Court *amicus curiae* brief filed on behalf of the National Black Law Students Association (2016)

Fisher v. University of Texas at Austin, United States Supreme Court *amicus curiae* brief filed on behalf of the New York Law School Racial Justice Project (2015)

Texas Dept. of Housing and Community Affairs v. The Inclusive Communities Project, United States Supreme Court *amicus curiae* brief filed on behalf of the National Black Law Students Association (2014)

Shelby County v. Holder, United States Supreme Court *amicus curiae* brief filed on behalf of the Honorable Congressman John Lewis (2013)

Fisher v. University of Texas at Austin, United States Supreme Court *amicus curiae* brief filed on behalf of the National Black Law Students Association (2012)

Hithon v. Tyson Foods, Inc., United States Court of Appeals for the Eleventh Circuit *amicus curiae* brief filed on behalf of civil rights leaders, including Honorable U.W. Clemens, Dorothy Cotton, Honorable Andrew Young, Rev. Fred L. Shuttlesworth, Rev. C.T. Vivian, and Rev. Joseph Lowery (2010)

Ricci v. DeStefano, United States Supreme Court *amicus curiae* brief filed on behalf of the New York Law School Racial Justice Project (2009)

PROFESSIONAL AFFILIATIONS AND COMMUNITY ACTIVITIES

American Civil Liberties Union

President (2021 – present)
National Board of Directors (2009 – present)
Executive Committee (2016 – 2021)
General Counsel to the Board (2017 – 2021)
National Affiliate Equity Officer (2010 – 2021)

Legal Aid Society

Board of Directors (2016 – present)

National Center for Law and Economic Justice

Board of Directors (2019 – present)

Voting Rights Institute

Advisory Board Member (2015 – present)

Law and Society Association

2021 Program Committee (2020-2021)
John Hope Franklin Prize Committee (2020)

New York University Press

Faculty Advisory Council (2018-2021)

Association of American Law Schools Section on Civil Rights

Chair (January 2019 – January 2020)
Executive Committee (January 2018 – 2020)

Clinical Legal Education Association Committee for Faculty Equity and Inclusion

Member (2016 – 2020)

Association of American Law Schools Section on Minority Groups

Chair (January 2018 – January 2019)
Executive Committee (2014 – 2019)

New York Civil Liberties Union

Board of Directors (2008 – 2017)
Executive Committee (2015 – 2017)

New York City Civilian Complaint Review Board

Acting Chair (2016, 2017)
Board Member (2014 – 2017)

2020 Second Circuit Judicial Conference
Member, Program Planning Committee (2020)

New York City Charter Revision Commission
Commissioner (2018)

Association of the Bar of the City of New York
Task Force on the Civil Right to Counsel (2018 – 2020)

Yale Law School Association
Executive Committee (2016 – 2020)

Brooklyn Community Foundation
Racial Justice Advisory Board (2015 – 2018)
Board of Directors (2015 – 2017)

Clinical Law Teaching and Practice eJournal
Advisory Board (2012 – present)

Testimony for the December 7, 2021 meeting of the A.B. 3121 Task Force
to Study and Develop Reparations Proposals for African Americans

Isaac William Martin

Thank you for the opportunity to address this task force. My name is Isaac Martin. I am a professor at the University of California, San Diego, where I also chair the Department of Urban Studies and Planning. My testimony here is my own.

My testimony will concern just some of the enduring effects of twentieth-century urban renewal on African American communities in California.

“Urban renewal” is a name for several related policies that provided federal funding to state and local governments for the purpose of remaking cities in partnership with private businesses. Those policies included, among others, the Federal Housing Acts of 1937, 1949, and 1954; the Federal-Aid Highway Act of 1956; various state laws, such as California’s Community Redevelopment Law of 1951, that authorized the creation of redevelopment agencies; and the local implementing actions that created redevelopment agencies and made use of them to condemn and redevelop property.¹

In the mid-20th century, the policymakers and planners who led urban renewal efforts explicitly aimed to reduce density and to separate land uses from each other. Urban renewal was used to clear the land for the development of both privately owned structures and public infrastructure, especially but by no means only freeways. Clearing the way for major infrastructure investments meant displacing existing land uses, including residential communities. By 1969, according to the estimates of the urban planning scholar Emily Talen, at least 910,000 units were demolished with financing from federal urban renewal programs, 330,000 of them specifically to make way for highways.² Often plans for urban renewal called for replacement housing, but housing was not replaced on a one-for-one basis, and it often was not affordable to previous residents of a redeveloped area. The communities targeted for urban renewal were predominantly low-income.

Many of them also were disproportionately Black. One particularly well-known example in California is the Fillmore District in San Francisco. This diverse neighborhood was home to a large African American community when the San Francisco City Planning Commission declared it blighted and announced a plan for its redevelopment in 1947. The plan included new schools, parks, recreation facilities, a freeway extension, and thousands of new apartments for middle- and upper-income families.³ Not all the development happened as planned, but the demolition did. The city planning scholar Clement Lai has reported that redevelopment of the area displaced 8,000 residents over the next two decades, many of them Black. It also displaced a small but

¹ Jon C. Teaford, in “Urban Renewal and Its Aftermath” (*Housing Policy Debate*, vol. 11, no. 2, 2000), reserves the term “urban renewal” for federal matching funds provided under Title I of the Housing Act of 1949, but most recent scholarship, uses the term “urban renewal” more generally to refer to a constellation of policies rather than “one singular policy” (Eric Avila and Mark H. Rose, “Race, Culture, Politics, and Urban Renewal,” *Journal of Urban History*, vol. 35, no. 3, p. 335).

² Emily Talen, “Housing Demolition during Urban Renewal,” *City and Community*, vol. 13, no. 3, p. 238.

³ San Francisco City Planning Commission, *New City: San Francisco Redeveloped*, 1947.

important enclave of Black-owned businesses and community institutions that served the broader African American community of San Francisco and beyond.⁴

Another especially well-documented example from California is West Oakland. State and local government agencies demolished thousands of homes in this once-thriving, majority-Black neighborhood in order to make way for new highways and light rail that would funnel commuters from the suburbs into San Francisco. The historian Robert Self has estimated that West Oakland “lost between 6,600 and 9,700 housing units in the first six years of the 1960s,” displacing “more than 10,000 people.”⁵ Landon Williams, who grew up in West Oakland in the 1950s, recalled it as a Black community with a “vibrant” commercial strip running through it, where his paper route took him past dozens of retail businesses that would later disappear when the Nimitz Freeway and Bay Area Rapid Transit carved through the neighborhood. “I can remember little cleaners, you know, meat markets, grocery stores, liquor stores, furniture stores, you name it, you know, pharmacies.... I can remember people walking down the street laughing and, you know, feeling good,” he said in an interview with the West Oakland Oral History Project: “Then I can remember redevelopment and the wiping out of where I used to live around Linden Street, they wiped it out and the ground lay fallow for like ten years.”⁶

These examples both come from the San Francisco Bay Area, but they are not unique to the Bay Area. Many other Black communities were disrupted by major transportation infrastructure investments. The economists Jeffrey Brinkman and Jeffrey Lin have documented in a sample of 50 U.S. cities that “the predicted probability of freeway selection in 1966 was more than 6 percentage points higher for an all-black neighborhood compared with an all-white neighborhood,” holding constant other neighborhood characteristics.⁷ Although these urban renewal projects did bring major infrastructure investments into neighborhoods with many Black residents, they also displaced many of those Black residents, and most of the people who enjoyed the benefits of the infrastructure investment were not the Black people who had previously resided in those neighborhoods. The costs of these infrastructure investments were shared by all taxpayers insofar as these investments were paid for, in part, by state and federal tax revenues. They also, however, had other kinds of costs that were borne most especially by the previous residents who stayed in, or were displaced from, those neighborhoods. The costs to those who were displaced included the expense of moving and, in some unknown number of cases, an increase in their rent. The costs to those who remained included such disamenities as obstacles to travel within the neighborhood, and new exposure to air pollution from nearby freeways. These disamenities, in turn, imposed economic harms: for example, it could become much harder to

⁴ Clement Lai, “The Racial Triangulation of Space: The Case of Urban Renewal in the Fillmore District,” *Annals of the Association of American Geographers*, vol. 102, no. 1, p. 158; Destin Jenkins, *The Bonds of Inequality: Debt and the Making of the American City*, University of Chicago Press, 2021, pp. 105-106; Christina Jackson and Nikki Jones, “Remember the Fillmore: The Lingering History of Urban Renewal in Black San Francisco,” in *Black California Dreamin’: The Crises of California’s African American Communities*, UC Santa Barbara Center for Black Studies Research, 2012, pp. 57-73.

⁵ Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland*, University of California Press, 2003, p. 155.

⁶ Landon Williams with Marjorie Dobkin and Bill Jersey, *West Oakland Oral History Interview: Landon Williams Interview*, California Department of Transportation, 1994, at 35:58. Retrieved from <https://californiarevealed.org/islandora/object/cavpp%3A21472>

⁷ Jeffrey Brinkman and Jeffrey Lin, “Freeway Revolts!”, Federal Reserve Bank of Philadelphia Working Paper 19-29, July 2019, p. 16.

sustain a small retail business when a new freeway condemned the houses of your customer base and cut you off from foot traffic. The particular costs to the neighbors in an urban renewal area also included non-economic harms that are difficult to quantify. There is something priceless about having a community of friends and neighbors, and there is something lost when that community is cut off by a freeway.

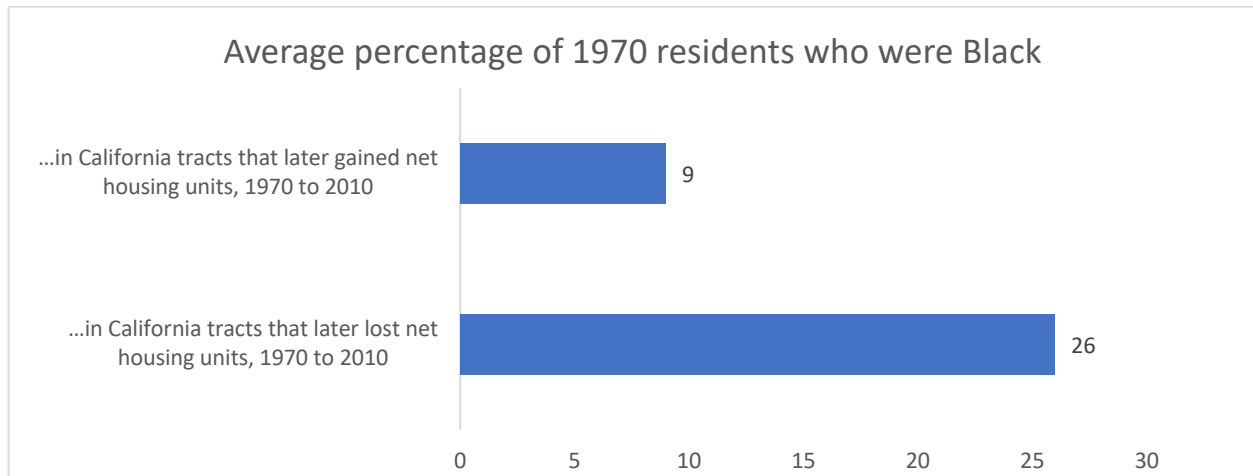
The flows of federal money for urban redevelopment and highway construction contracted in the 1970s, but urban freeway construction and state-led redevelopment of the urban core continued. One way to document the ongoing legacy of redevelopment in Black communities is to compare the changing availability of housing in Census tracts that were predominantly Black and Census tracts that were predominantly non-Black. I report here the results of an analysis of net housing units lost, by Census tract, in California, from 1970 to 2010. This comparison makes use of the decennial Census to take quantitative snapshots of the number of housing units at two different points in time. It thereby allows us to identify the characteristics of neighborhoods that lost more housing units than they gained over a 40-year period.⁸ This 40-year period came after the period conventionally regarded as the era of urban renewal, but it included the heyday of the California redevelopment agencies, the construction of hundreds of miles of freeways, and ongoing struggles over the location of urban infrastructure.⁹ It also included many other events such as fires and earthquakes that may have reduced the number of housing units. What the comparison can tell us is whether lost housing units were replaced.

Most California Census tracts added more housing units than they lost after 1970. Some, however, lost housing units overall. Of the 1,064 California Census tracts in the sample analyzed here, 117, or 11%, lost more housing units than they gained. The tracts that lost net housing were disproportionately home to Black people. At the start of the 40-year period, in the Census tracts that would subsequently gain housing units, on average, 9% of tract residents were Black. In Census tracts that would lose housing units, on average, 26% of tract residents were Black.

⁸ My method here was inspired by the approach of the planning scholar Emily Talen (“Housing Demolition and Urban Renewal”), who compared Census tracts in 1940, 1950, 1960 and 1970 in order to evaluate the effects of urban renewal on housing demolition. Talen’s sample included 5,974 Census tracts from major U.S. cities. She found no statistical association between the percentage of tract residents who were “nonwhite” and the percentage of housing units lost to demolition in the following decade. The analysis I report here differs from hers in a few respects: my sample is limited to California, my comparison is limited to the beginning and ending of the 40-year period from 1970 to 2010, and I focus on the net loss of housing units in absolute terms, rather than as a percentage of prior housing units in the tract. Because Census tract boundaries have changed, estimates of change over time are subject to error. In order to compare over time, I relied on 1970 Census data imputed to tracts as defined by 2010 boundaries, and I limited the analysis to 1,064 tracts that either had not undergone boundary changes, or had been formed from the union of multiple, whole 1970 Census tracts. The data were aggregated and matched to 2010 Census tract boundaries by *Social Explorer* (New York, 2021) (retrieved from <http://www.socialexplorer.com/pub/reportdata/HtmlResults.aspx?reportid=R12974410> and <http://www.socialexplorer.com/pub/reportdata/HtmlResults.aspx?reportid=R12974411>).

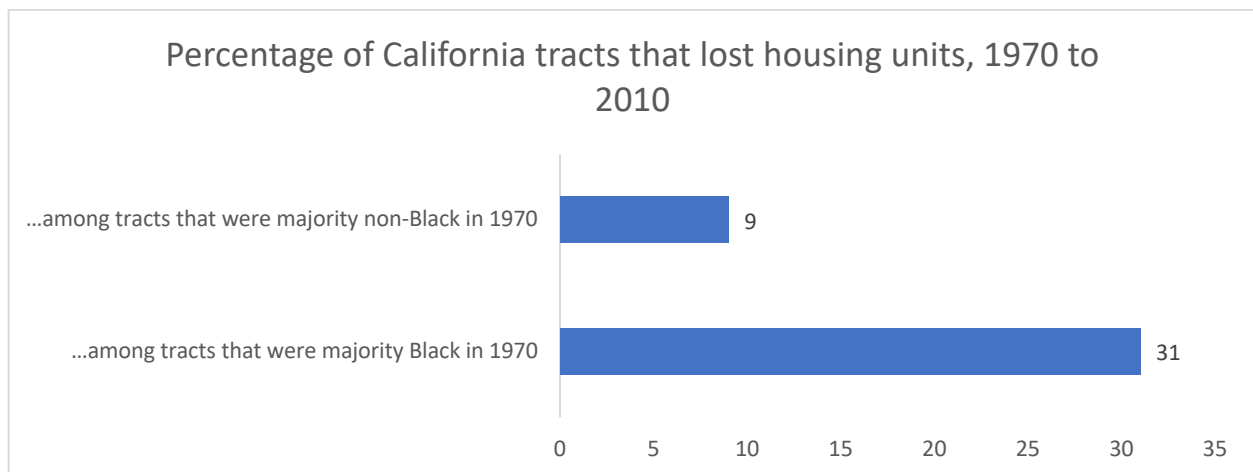
⁹ On the slowing pace of freeway construction, see Brian D. Taylor, “When Finance Leads Planning: Urban Planning, Highway Planning, and Metropolitan Freeways in California,” *Journal of Planning Education and Research*, vol. 20, no. 1, 2000; on the state’s redevelopment agencies, see Michael Dardia, *Subsidizing Redevelopment in California*, Public Policy Institute of California, 1998.

Figure 1. Percentages of residents who were Black circa 1970 in Census tracts that respectively gained and lost net housing units after 1970



Of the 1,064 California Census tracts in the sample analyzed here, 968, or 91%, had residents a majority of whom were non-Black, and 96, or 9%, had residents a majority of whom were Black. Among Census tracts the majority of whose residents were non-Black in 1970, 9% lost more housing units than they gained by 2010. Among Census tracts the majority of whose residents were Black in 1970, 31% lost more housing than they gained.

Figure 2. Percentage of Census tracts that lost housing units, by the percentage of tract residents circa 1970 who were Black



Neighborhoods that lost housing also lost Black residents. The Census tracts in this sample that lost net housing units, on average, also lost an average of 229 Black residents over this 40-year period, compared to the Census tracts that gained net housing units, which gained an average of 30 Black residents in the same period.

In short, many of the African American residential communities that existed in California in 1970 would eventually lose more housing units to the bulldozer and the wrecking ball than they would gain from new investment over the next 40 years. Some maps will provide a visual illustration of the association between the location of African American residential communities and the location of subsequent housing demolition. This simple descriptive comparison does not tell us what caused the destruction of housing units in any particular neighborhood. It does reveal where redevelopment failed to replace housing that was destroyed during this period.

Figure 3. Black population share, 1970, and net housing loss, 1970 to 2010, for selected Census tracts in Alameda County

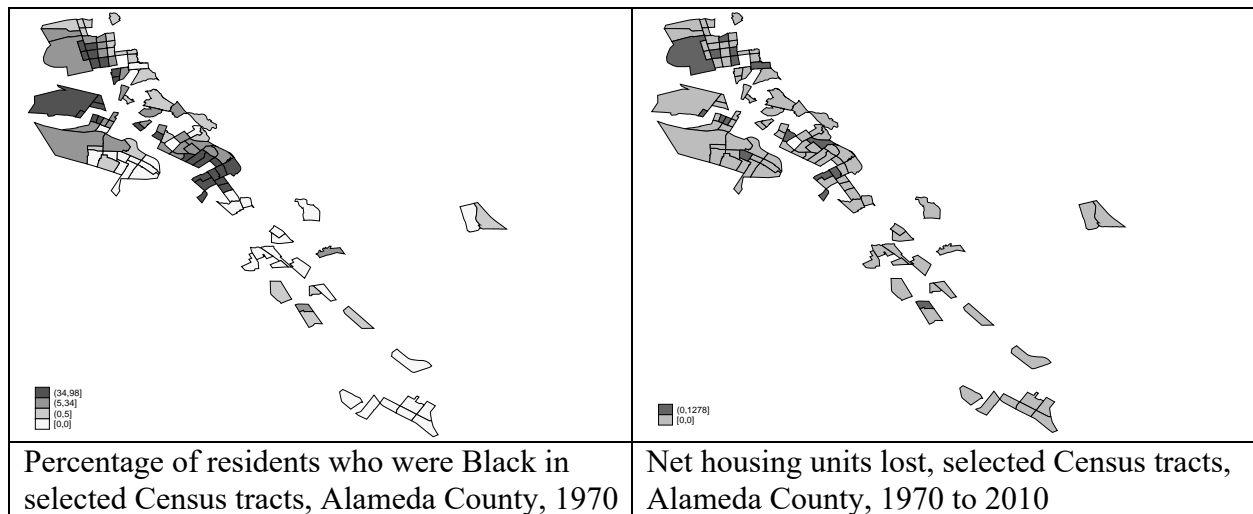
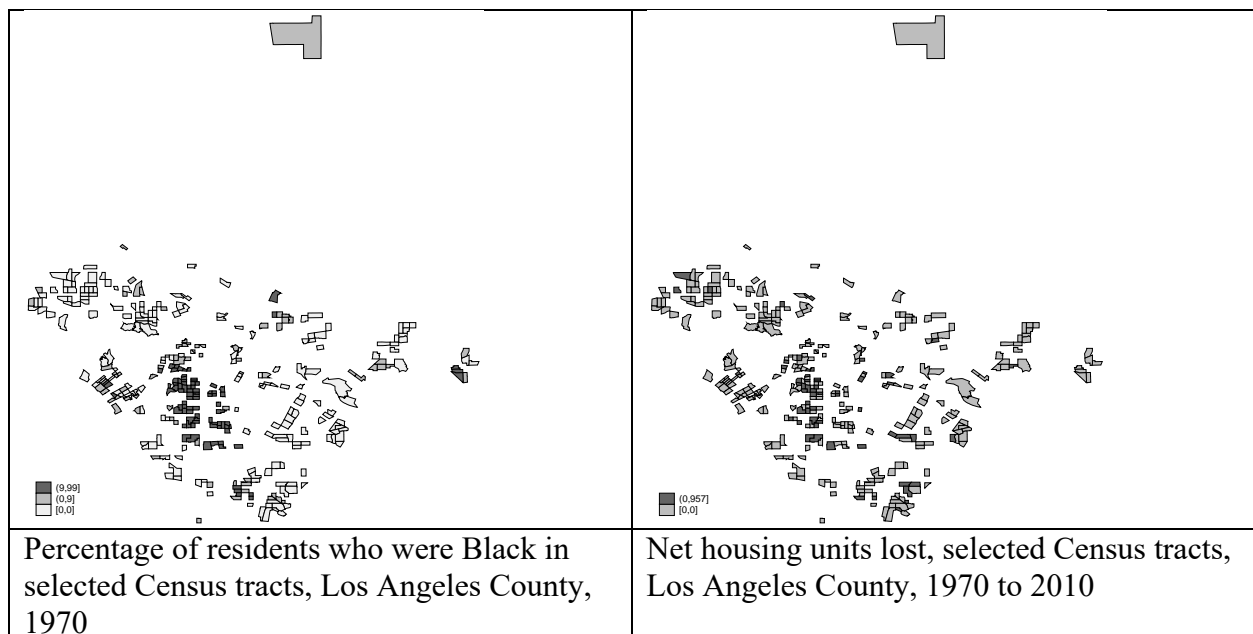


Figure 4. Black population share, 1970, and net housing loss, 1970 to 2010, for selected Census tracts in Los Angeles County



Many caveats are in order about this comparison: it does not tell us whether destruction of housing units in one neighborhood was later made up by the construction of new housing units elsewhere in the same city, nor does it tell us what happened to the residents who were displaced, nor how many of those residents were worse off than they would have been in the absence of redevelopment. At a minimum, however, it shows that 40 years of redevelopment after 1970 yielded different amounts of housing in predominantly Black and predominantly non-Black neighborhoods. That descriptive comparison should suffice to show that the legacy of urban renewal differed across neighborhoods. It should also tell us that the stories of loss passed down to us from residents of the Fillmore and West Oakland are not unique. Historians have recorded many of the stories of residents from these particular places, but the former residents of many other African American communities in California could tell similar stories.

I would like to conclude with a few general remarks that may be relevant to the deliberations of this task force.

First, the legacy of urban renewal in California includes negative consequences that were sometimes felt by Californians of all races and ethnicities, but that were disproportionately felt by African American people who lived in predominantly African American communities. The net impact of urban renewal on wealth creation for African American people has not yet, to my knowledge, been measured. That impact may have been negative in many cities, and the negative economic impacts of urban renewal on many Black individuals and families may be assumed to have compounded other, well-documented harms associated with intergenerational dispossession and ongoing racial discrimination in housing and credit markets.

Second, both public and private investments in infrastructure sometimes contributed to displacing Black people, Black-owned businesses, and Black community institutions. Many neighborhoods that were targeted for urban renewal badly needed new infrastructure. But in many cases, that infrastructure was provided in a way that did not benefit residents of those neighborhoods. Investment in a place does not always benefit the particular people who live there. This point may be particularly true of transportation investments that serve people who are only passing through.

Third, I would also note that the effects of urban renewal on community institutions in some predominantly African American neighborhoods might be regarded as a collective injury. To the extent that the opportunity for Black people to live in the same urban neighborhood with other Black people created new opportunities for Black people's economic and political empowerment in the second half of the twentieth century, we might regard the disruption caused by urban renewal as a collective harm, affecting even Black people who lived outside of the most directly affected neighborhoods.

Fourth, urban renewal took place within living memory, and the legacies of urban renewal include physical structures such as freeways that still divide neighborhoods, organizations such as redevelopment agencies that persisted into the twenty-first century, and processes of neighborhood transformation that have continued to take place long after the heyday of urban

renewal was past. If urban renewal caused harms that could be addressed by reparations, those harms are not in the distant past. Our elders remember them.

Written Testimony of

Eric J. Miller

Professor of Law and Leo J O'Brien Fellow

Loyola Marymount University

Before the

California Reparations Taskforce

AB 3121 Reparations Hearings

on December 7, 2021

Madam Chair, Members of the Committee:

The California Reparations Taskforce has an historic opportunity to set the agenda for current and future reparations determinations. I would encourage the Taskforce to recognize that the production of a report that fully accounts for the history of intergenerational race-based wrongdoing, and its continuing significant impact, is an important end in itself, independent of the ability to legislate an adequate slate of remedies to address those wrongs.

My work includes developing national and local litigation and legislation strategies seeking reparations on behalf of the descendants of enslaved people and of victims of Jim Crow segregation and racial violence. In particular, I have worked for 20 years seeking reparations for the victims of the Tulsa race massacre, as well as being briefly involved with some of the lawyers representing the Georgetown 272 Descendants movement, seeking justice for the descendants of people enslaved and sold by Georgetown University. Accordingly, my work engages with reparations from enslavement to contemporary policing.

I think of reparations as set of remedies, featuring economic, institutional, social, political, legal, economic, and cultural rebuilding, owed to the victims of some significant, intergenerational, group-based or race-targeted dignity wrong.

Reparations is might be called a wrong-based remedy, to contrast it with a variety of other ways of remediating racial injustice, one that responds to race-based intergenerational injury. These intergenerational wrongs are ones that occurred, and are still being perpetrated, at the national, state, and municipal level. They featured the actions of governments, corporations, other institutions, and individuals.

Reparations is thus both backwards-looking, towards some historical wrong (although the temporal gap between wrong and demand may be brief); and forwards-looking, towards the remediation of that wrong. Reparations sounds in the domain of morality, seeking to hold those responsible to account for past wrongdoing, and in the domain of politics, demanding that members of the victim-group be given the power to determine for themselves what should be the remedy.

The wrongs that are addressed by AB 1321, included, certainly, the expropriation of life and labor from enslaved people. However, AB 1321 goes much further, to include not only the wrongs of enslavement, but also “sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system,” as well as debilitating economic, educational, and health hardships,” occurred in different ways to different groups at different times. These wrongs thus include the destruction proscription of social, cultural, economic, educational, and medicinal institutions as a means of disempowering Black people and preventing their social and political organization and self-determination. For

these wrongs, direct monetary payments are insufficient. Only the creation of social, economic, and political institutions will suffice.

The century-long effort to gain reparations for the Tulsa Race Massacre, which gained its contemporary political traction beginning about 1996, is exemplary here. Over a night of incredible violence, on May 31-June 1, 1921, hundreds of white people entered Greenwood, the Black district of Tulsa, Oklahoma, murdering around 300 Black people and burning about 40 city blocks to the ground, rendering about 8,000 people homeless and destitute. The Tulsa massacre, was a massive, intergenerational, race-targeted act of violence that destroyed a whole community's social and economic institutions: its residential and business districts, its schools, a library, and a hospital. The City and State inflicted catastrophic mental and emotional trauma upon a generation of African American Tulsans, The City and State prevented the residents of Greenwood from rebuilding their town, and reduced them to a dependent state. And to cover its tracks, the City and State erased the massacre from the official history of the state, and suppressed reporting of the massacre, so that subsequent generations did not know about the massacre or did not believe that it had happened.

The damage wrought by the Tulsa race massacre extended beyond the victims and their descendants. It impacted every African American who lived in Tulsa, in the State of Oklahoma, and indeed (as a recent study of Black entrepreneurship made clear) across the United States. The City and State communicated a clear message about African Americans' subordinate status. The City and State ensured the dependent status of Black Tulsans when it destroyed the social, political, legal, economic, and cultural institutions and infrastructure that had been created by African Americans in the Greenwood district of Tulsa. The City and State then prevented their reconstruction. Reparations in Greenwood would thus take the form, in part, of responding to these wrongs by creating and investing in local institutions, identified and created by African Americans, run by African Americans, employing African Americans, serving African Americans, because it was these African American community institutions and infrastructure that was targeted for destruction.

It is not only the direct mistreatment of Black people that warrants reparations. In many counties and cities, as well as organizations and institutions, Black people have been excluded and prevented from accessing white dominated areas of wealth and affluence. Sun down towns are exemplary of this type of race-based wrongdoing, and the intergenerational impacts are extensive.

Thus, focusing too narrowly on direct money payments for lost labor and lives will must sort of stating the full restitution due. The work of reparations requires an holistic and transformative account of the repair due for the multiple different types of wrong and categories of wrongdoer that have injured Black people in California and across the United States. To catalog these wrongs and wrongdoers, the Task Force should not be bound at the investigation, accounting,

and recommendation stage to present a report with the hope of reconciliation with individuals who continue to benefit from 400 years of white supremacy.

Again, the Tulsa experience is instructive. After gaining bipartisan legislative support for an investigation, and Support from the Governor, the 2001 Commission to Study the Tulsa Race Riot of 1921 focused on detailing the history of the Massacre, but only very tentatively proposed reparations. Despite this effort at reconciliation, the State enacted a statute that completely ignored reparations and disavowed any legal responsibility for the Massacre, while acknowledging the facts of its involvement in the Massacre. For the 20 years since the Commission's Report, the survivors and descendants of the Massacre have remained disgusted by the City's and State's response, and pursued a variety of litigative and legislative strategies to gain reparations.

The California Task Force has the opportunity to be exemplary, not only in its investigation, reporting, and proposals but also in its practice. Reparations is also a political movement, as well as a form of remedy. It demands bottom-up participation empowers descendants and current victims to participate and determine for themselves what sorts of payments and institutions are needed. In this way, reparations is quite different from more traditional, top-down, civil rights struggles and organizations. Real reparations includes this sort of wide, grassroots, participation, not just a scholarship and a cash payoff.

Indeed, historically, reparations movements have been led by people overlooked or even rejected by mainstream groups and experts: people like Callie House or Queen Mother Audley Moore. This Taskforce should embrace not only the spirit, but the reparative practice of House and Moore, by reaching out not just to community leaders, but to the community members themselves, and develop innovative ways for seeking their input and lifting up their voices to determine what reparations looks like for the impacted communities of California.

Conclusion

State, county, and municipal governments, along with other organizations and institutions, have been slow to acknowledge the multiple ways they has actively participated in, and passively facilitated, race-targeted dignity harms that have a continuing effect on African American communities throughout this state. By adopting a broad, wrong-based definition of reparations, and engaging in a bottom-up, inclusive process of investigating and reporting, this Task Force as an historic opportunity to establish California as a model for reparations nationally and internationally.

Eric J. Miller

Professor

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Loyola Law School, Los Angeles, Los Angeles, CA, 2013-present

Professor of Law

Leo J. O'Brien Fellow, 2016-present.

Coordinator, Policing Los Angeles Forum

Courses: Evidence, Criminal Procedure, Jurisprudence

Center for Teaching Excellence: Certificate for Online and Hybrid Teaching and Learning

Saint Louis University School of Law, St. Louis, MO, 2005-2012

Professor, 2010-2013; *Associate Professor*, 2008-2009; *Assistant Professor*, 2005-2008. Tenured, 2008.

Kathy W. Humphrey Award for Diversity (2011)

Advisor, Black Law Students Association (2006-2013)

Advisor, American Constitution Society (2009-2013)

Western New England College School of Law, Springfield, MA, 2003-2005

Assistant Professor, 2003-2005

Dr. Martin Luther King, Jr. Recognition of Achievement Award (2005)

Advisor, Multicultural Students Association (2003-2005)

Advisor, American Constitution Society (2003-2005)

Visiting Positions

Washington University in St. Louis School of Law, St. Louis, MO, Fall and Spring 2016-17

Visiting Professor of Law

BLSA Outstanding Faculty Member (2017)

Loyola Law School, Los Angeles, Los Angeles, CA, Fall 2012

Visiting Professor of Law

Oxford University, Faculty of Law, Oxford, UK, Hilary and Trinity 2012

Academic Visitor

Member, Brasenose College Senior Common Room

Washington University in St. Louis School of Law, St. Louis, MO, Spring 2011

Visiting Professor of Law

Education

Joint Fellow, Harvard Criminal Justice Institute & Harvard Civil Rights Project
Harvard Law School, Cambridge, MA (2002-2003)

Charles Hamilton Houston Fellow
Harvard Law School, Cambridge, MA (2001-2002)

Visiting Scholar
Harvard Law School, Cambridge, MA (1996-1997)

Master of Laws
Harvard Law School, Cambridge, MA (1993)

Bachelor of Laws
University of Edinburgh, Edinburgh, UK (1991)
Honors: First Class Honors
Henry Dalgetty Award for Academic Excellence

Editorial Positions

Jotwell
Contributing Editor, 2016-present.

Research Grants

Saint Louis University
Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?
President's Research Fund, Saint Louis University, September 2011-September 2012

Publications

Books

CRIMINAL LAW: A CRITICAL APPROACH (Roger A. Farfax, I. Bennett Capers & Eric J. Miller, eds. Forthcoming 2021)

THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds. (2019)

Articles and Book Chapters

Policing Disability in DIS/ABILITY IN MEDIA, LAW, AND HISTORY: EMBODIED AND SOCIALLY CONSTRUCTED (Micky Lee et al. eds., forthcoming 2002)

Knowing Your Place: The Police Role in the Reproduction of Racial Hierarchy, GEO. WASH. L. REV. (forthcoming 2021)

Just Relationships: Desistance for Reentry Courts, IND. L. REV. (forthcoming 2021)

Municipal Exclusion, 89 FORDHAM L. REV. ONLINE 193 (2021)

Republican, Rebellious Reparations, 63 HOW. L.J. 363 (2020)

The Moral Burdens of Police Wrongdoing, 96 RES PHILOSOPHICA 219 (2020)

Property, Persons, and Institutionalized Police Interdiction in Byrd v. United States, 52 LOYOLA L. REV. 107 (2019)

Reasonably Radical: Terry's Attack on Race-Based Policing, SEARCH & SEIZURE L. RPT. (2019)

Introduction in THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds., 2019) (with Tamara Lave)

The Police as Civic Neighbors in THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds., 2019)

Reasonably Radical: Terry's Attack on Race-Based Policing, 54 IDAHO L. REV. 479 (2018)

Evidence in STAY AHEAD OF THE PACK: YOUR COMPREHENSIVE GUIDE TO THE UPPER LEVEL CURRICULUM (Robert Glicksman et al., eds., 2018)

A Fair Cop and a Fair Trial in OBSTACLES TO FAIRNESS IN CRIMINAL PROCEEDINGS: INDIVIDUAL RIGHTS AND INSTITUTIONAL FORMS (John Jackson & Sarah Summers, eds. 2018)

On Behalf of the Community, FORDHAM URB. L.J. CITY SQUARE (2017), <http://urbanlawjournal.com/category/discrimination-in-the-sharing-economy-and-new-york-citys-answer-to-gentrification/policing-in-america/>

Encountering Resistance: Non-Compliance, Non-Cooperation and Procedural Justice, 2016 U. CHI. LEGAL F. 295 (2016)

Police Encounters with Race and Gender, 5 U. IRVINE L. REV. 735 (2015)

Challenging Police Discretion, 58 HOW. L.J. 521 (2015)

Foreword: Some Perspective on Problem-Solving in JANE C. DONOGHUE, TRANSFORMING CRIMINAL JUSTICE? PROBLEM SOLVING AND COURT SPECIALIZATION (2014)

Permissive Justification, 47 IND. L. REV. 689 (2014)

Judging in Bad Faith, 1 REV. FORUMUL JUDECĂTORILOR 63 (2012)

Detective Fiction: Race, Authority and the Fourth Amendment, 44 ARIZ. ST. L.J. 213 (2012)

The Warren Court's Regulatory Revolution in Criminal Procedure, 43 CONN. L. REV. 1 (2010)

Putting the Practice into Theory, 7 OHIO ST. J. CRIM. L. 31 (2009)

Drugs, Courts, and the New Penology, 20 STAN. L. & POL'Y REV. 417 (2009)

Judicial Preferences, 44 HOUS. L. REV. 1276 (2008)

The Therapeutic Effects of Managerial Reentry Courts, 20 FED. SENT'G REP. 127 (2007)

Role-Based Policing: Restraining Police Conduct "Outside the Legitimate Investigative Sphere," 94 CAL. L. REV. 617 (2006)

Foundering Democracy: Felony Disenfranchisement in the American Tradition of Vote Suppression, 16 NAT'L BLACK L.J. 32 (2005)

Keeping It Real: Empathy and Heroism in the Work of Charles J. Ogletree, Jr., 22 HARV. BLACKLETTER L.J. 131 (2005)

Embracing Addiction: Drug Courts and the False Promise of Judicial Interventionism, 65 OHIO ST. L.J. 1479 (2004)

Representing the Race: Standing to Sue in Reparations Lawsuits, 20 HARV. BLACKLETTER L.J. 91 (2004)

Reconceiving Reparations: Multiple Strategies in the Reparations Debate, 24 B.C. THIRD WORLD L.J. 45 (2004)

"Sympathetic Exchange:" Adam Smith and Punishment, 9 RATIO JURIS 182 (1996)

Book Reviews

Book Review: Picking on the Weak and Vulnerable, 15 CRIM. L. & PHIL. (August 21, 2021).

Book Review: The End of the Criminal Law? THE NEW RAMBLER (Oct. 15, 2020)

Book Review: Breaking Windows as Corrective Justice: Impure Resistance in Urban Ghettos, 53 TULSA L. REV. 313 (2018)

Book Review: Lynch Mobs and the Killing State, 31 ETHNIC & RACIAL STUD. 209 (2008)

Book Review: Signifyin' Nothing?: Conversations on Race, Color, and Community, 13 Harv. BLACKLETTER L.J. 241 (1997)

Other

Time's Wounds: The Criminal Process's Accounting for Past Wrongs (reviewing Michelle Madden Dempsey, *Coercion, Consent, and Time*, 121 Ethics 345 (1921)) (forthcoming 2021)

Controlling the Lens of History: From Tulsa to the Capital Mob, JUST SECURITY (May 31, 2021), <https://www.justsecurity.org/76726/controlling-the-lens-of-history-from-tulsa-to-the-capitol-mob/>

The Shield Behind The Badge, JOTWELL (October 12, 2020) (reviewing Rachel Moran, *Contesting Police Credibility*, 93 WASH. L. REV. 1339 (2018)), <https://crim.jotwell.com/the-shield-behind-the-badge/>

The Punishment and Treatment is the Process, JOTWELL (September 18, 2019) (reviewing Wendy Bach, *Prosecuting Poverty, Criminalizing Care*, 60 WM. & MARY L. REV. 809 (2019)), <https://crim.jotwell.com/the-punishment-and-treatment-is-the-process/>.

Out of Touch and Out of Order: Frisking as a Form of Sexual Harassment, JOTWELL (September 26, 2018) (reviewing Josephine Ross, *What the #Metoo Campaign Teaches About Stop and Frisk*, ____ IDAHO L. REV. ____ (forthcoming 2018), available at SSRN), <https://crim.jotwell.com/out-of-touch-and-out-of-order-frisking-as-a-form-of-sexual-harassment/>.

It Gets Worse Before It Gets Better: Victims' Duties to Resist Injustice, JOTWELL (Oct. 4, 2017), <https://crim.jotwell.com/it-gets-worse-before-it-gets-better-victims-duties-to-resist-injustice/> (reviewing Ashwini Vasanthakumar, *Epistemic Privilege and Victims' Duties to Resist their Oppression*, 35 J. APPLIED PHIL. 465 (2018))

Rendering the Community—and the Constitution—Incomprehensible Through Police Training JOTWELL (Nov. 10, 2016), <https://crim.jotwell.com/rendering-the-community-and-the-constitution-incomprehensible-through-police-training/> (reviewing Nancy C. Marcus, *Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform*, 59 HOW. L.J. 5 (2015))

Testimony

Testimony before the House Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Civil Liberties Hearing on Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre
United States Congress, House of Representatives, Washington, D.C., May 19, 2021

Testimony before the Inter-American Commission on Human Rights on Reparation for Slavery and Other Forms of Structural Racial Discrimination in the United States, Washington, D.C., September 24, 2019

Testimony before the House Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Civil Liberties Hearing on HR40 and the Path to Restorative Justice
United States Congress, House of Representatives, Washington, D.C., June 19, 2019

Testimony before the Federal Judicial Center's 2018 National Workshop for U.S. Magistrate Judges
Denver, CO, July 30, 2018

Testimony to the Indiana University Grand Challenge Project, "Legal and Policy Best Practices in Response to the Substance Abuse Crisis"
Indiana Law School, Indianapolis, IN, July 16, 2018

Testimony before the Federal Judicial Center's 2018 National Workshop for U.S. Magistrate Judges
New Orleans, LA, April, 12, 2018

Testimony before the 2017 Eighth Circuit Chief Judges' Conference on Specialty Courts
Little Rock, AK, August 3, 2017

Testimony submitted to the Missouri Senate Hearing on Senate Bill No. 287 on Biased Policing
Jefferson City, MO, March 6, 2017.

Testimony before the Scottish Government Judicial Studies Committee on Problem-Solving Courts
Edinburgh, UK, September 27, 2012

Testimony before the Scottish Commission on Women Offenders on the Operation of Problem-Solving Courts
Glasgow, UK, March 15, 2012

Testimony before the United States Sentencing Commission Public Hearing on Alternatives to Incarceration, Reentry and Community Impact
University of Texas, Austin, TX, November 19, 2009

Testimony before the House Judiciary Subcommittee on the Legacy of the Trans-Atlantic Slave Trade in America
United States Congress, House of Representatives, Washington, D.C., December 17, 2007

Speeches, Presentations & Panels

Reading “A Feminist Critique of Police Stops” Law and Society which will be held in virtually May 27-30, 2021

Reparations as Public Nuisance: Litigating the Tulsa Massacre of 1921, American Society of International Law–University of the West Indies Symposium on Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean, 20 & 21 May 2021

Litigating Reparations
Reparations 2021 Conference, African American Racial Redress Network, April 10, 2021

The Police Function of Drug Courts
Northern Kentucky Law Review Symposium on the Future of Drug Policy, March 26, 2021

Reparations as Racial Justice
Loyola Anti-Racism Center Conference, March 26 LLS

Knowing Your Place: The Police Role in the Reproduction of Racial Hierarchy
Intellectual Life Speaker Series, Tulane Law School (online) March 8, 2021

An Anti-Racist Approach to Teaching Criminal Law
U. Miami Law School Pedagogy Series (online) February 26, 2021

The Public Authority Model of the Police
Criminal Law Theory Conference, Hebrew University of Jerusalem (online) February 4, 2021

Reading and Responding to Michelle Dempsey’s Coercion, Consent, and Time, PEA Soup (online blog) February 1-2, 2021

Knowing Your Place: The Police Role in the Reproduction of Racial Hierarchy
Addressing the Crisis in Policing in America Today: The Role of Race and Masculinity in Officer Involved Shootings, George Washington Law School, October 24, 2020

Policing Disability, SoCal Criminal Justice Workshop (online conference) July 27, 2020

Sheriff Gangs, CrimWip Workshop (online workshop) July 16, 2020

Policing Disability, Crimfest (online conference) July 13, 2020

Sheriff Gangs (with Sean Kennedy), New Frontiers in Independent Oversight of Jails, Prisons, and Police Conference, National Association for Civilian Oversight of Law Enforcement, University of Texas, Austin, TX, March 5-6, 2020

Criminal Justice Scorecard, Criminal Justice & Immigration: Where do the Democratic Presidential Candidates Stand? Experts Grade the Proposals William S. Boyd School of Law, UNLV, Las Vegas, NV. Feb. 18, 2020

The Dark Ghettos of Criminal Law, Racial Bias, Disparities and Oppression in the 1L Curriculum: A Critical Approach to the Canonical First Year Law School Subjects, Boston University School of Law, Boston, MA, February 28th-29th 2020.

Reparations and Economic Justice, Socio-Economics panel on Economic Justice & Racial Justice, AALS Conference, January 2-6, 2020

Police as Civic Neighbors, Symposium on Policing in the United States, AALS Conference, January 2-6, 2020

Search Incident to Arrest, SouthWest Criminal Justice Workshop, UNLV Law School, Las Vegas, Nevada, October 22-23, 2019

The Police as Civic Neighbors, Cambridge Handbook of Policing in the United States 2: Policing Discrimination, 2019 Annual Meeting on Law and Society in Washington, DC, May 30 - June 2, 2019.

The Diffuse Burdens of Police Wrongdoing Southern California Law and Philosophy Workshop April 23, 2019

The Cambridge Handbook of Policing in the United States, National People of Color Conference, Washington, D.C., March 21-24, 2019

The Diffuse Burdens of Police Wrongdoing, Res Philosophica Conference, Saint Louis University, St. Louis, MO, March 20-22, 2019

The Diffuse Burdens of Police Wrongdoing Law of the Police Conference, University of S. Carolina, Feb. 28-March 2, 2019

Justice Kavanaugh on Criminal Justice, *Civil Rights in the Aftermath of the Kavanaugh Hearings and Confirmation* AALS Conference, January 2-6, 2019

Property, Persons, and Institutionalized Police Interdiction in Byrd v. United States, Arizona State University School of Law, Phoenix, AZ, Nov. 20, 2018

Policing Fragmentation, Western Law Professors of Color Conference: October 18-21, 2018

Policing and Technology, County of Los Angeles Sheriff Civilian Oversight Commission Conference, Los Angeles, CA, October 15, 2018

Reasonably Radical: Terry's Attack on Race-Based Policing
2018 Idaho Law Review Symposium: Terry v. Ohio at 50: Considering the Past, Present and Future of Stop-and-Frisk, University of Idaho School of Law, Boise, Idaho April 6, 2018

The Police as Civic Neighbors
University of Colorado Law School, Boulder, CO, February 23, 2018

Policing Class
Plenary: Neoliberalism's Leviathan: Debtfare, Workfare, Prisonfare, Class Crits, Tulane University School of Law, New Orleans, LA, November 11, 2017

In Harm's Way: The Moral Dangers of Policing
Law and Humanities Conference, Cardozo School of Law, New York, NY, April 7, 2017

#Black Lives Matter: Balancing Security with Dignity in American Policing
AALS Annual Meeting, San Francisco CA, January 6, 2017

A Fair Cop and a Fair Trial
Vanderbilt Law School Annual Criminal Justice Round Table, Vanderbilt Law School, Nashville, TN, November 12, 2016

A Fair Cop and a Fair Trial
Philosophy of Criminal Procedure Conference, Osgoode Hall Law School, York University, Ontario, Canada, November 5, 2016

A Fair Cop and a Fair Trial
Workshop in Politics, Ethics, and Society, Washington University in St. Louis, St. Louis, MO, October 21, 2016

A Fair Cop and a Fair Trial
Obstacles to Fairness in Criminal Proceedings MLR Seminar at the Centre for Criminal Justice Research, University of Nottingham School of Law, Nottingham, UK, September 1-2, 2016

Challenging Police Procedure
The University of Chicago Legal Forum Symposium, *Policing the Police*, University of Chicago Law School, Chicago, IL, November 6, 2015

Community Control of Police Discretion

Taslitz Galaxy Conference, Howard Law School, Washington, D.C., September 19, 2014

Convictions, Collars, and Control

Obstacles to Fairness in Criminal Proceedings and the Irrelation between Criminal Procedural Law and Criminology, Zurich University, Zurich, Switzerland, September 4-5, 2014

Reassessing the Criminal Offender

ABA Criminal Justice Section, Sixth Annual Fall Institute Program, Washington, D.C., November 1, 2013

Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?

XXXIIIrd International Congress on Law and Mental Health, Amsterdam, Netherlands, July 18, 2013

The Politics of Problem-Solving Justice

Midwest Political Science Association Conference, Chicago, IL, April 11, 2013

The Politics of Problem-Solving Justice

Center for the Interdisciplinary Study of Law Symposium: Our Self-Medicating Culture, Saint Louis University School of Law, April 5, 2013

Legal Standards in Problem-Solving Courts

The Bruce J. Winick Fall 2012 Colloquium: Standards in the Problem Solving Courts, University of Miami School of Law, Miami, FL, October 5, 2012

Holistic Justice: Therapeutic Agents and the Place of Law

Symposium on Therapeutic Jurisprudence and Problem-Solving Justice, Balliol College, University of Oxford, UK, August 7, 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

Strathclyde University, UK, March 14, 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

All Souls College, University of Oxford, UK, March 7, 2012

Incommensurability, Practices, and Points of View: Revitalizing H.L.A. Hart's Practice Thesis

Oxford Jurisprudence Discussion Group, University of Oxford, UK February 16, 2012

Detective Fiction: Race, Authority and the Fourth Amendment

U.C. Irvine School of Law, Irvine, CA, December 6, 2011

Project on Problem-Solving Courts Problem-Solving Courts in Theory and Practice

Columbia Law School, New York, NY, December 1-2, 2011

The Epistemology of Suspicion

Criminal Justice Roundtable, Yale Law School, Hartford, CT, April 30, 2011

Reparations: Conservative and Republican on panel Marking Space, Marking Time: Sovereignty and Orientalism

Law and Humanities Conference, Las Vegas, NV, March 11, 2011

Blue Above All: Anti-Subordination and Police Professionalism

National People of Color Conference, Newark, NJ, September 10, 2010

The 1921 Tulsa Race Riot, 150th Anniversary of Dred Scott v. Sandford: Race, Citizenship & Justice

Harvard law School, Cambridge, MA, April 6, 2007

Service

Academic

AALS Criminal Justice Section Executive Committee 2015-2020 (Chair in 2019)

Coordinator, *Policing Los Angeles Forum* (2018-present)

Western People of Color Legal Scholarship Conference, Committee Member (2018-present)

ABA Judicial Division, Lawyer's Conference Co-Chair of the Committee on Promoting Specialized Courts (2016-2017)

Northeast People of Color Legal Scholarship Conference, Committee Member (2004-2019)

New Voices in Legal Theory Organizing Committee Member (2009-present)

Committees

Loyola Marymount University Presidential Black Leadership Accountability Council (2020-present)

Loyola Marymount University Intercultural Advisory Committee (2020-present)

Loyola Law School, Los Angeles, Library Committee (2020-2021)

Loyola Law School, Los Angeles, Scholarship Committee (2020-present)

Loyola Law School, Los Angeles, Equity and Inclusion Committee (2019-present) (Co-Chair, 2020-present)

Loyola Law School, Los Angeles, Curriculum Committee, Member (2018-2019)

Loyola Law School, Rains & Deans Fellows Faculty Advisor (2017-2019)

Loyola Law School, Los Angeles, Appointments Committee (2018-2019)

Loyola Law School, Los Angeles, Dean's Advisory Committee (2017-2018)

Loyola Law School, Los Angeles, Research and Sabbatical Grants Committee, Co-Chair, (2014-2016)

Loyola Law School, Los Angeles, Curriculum Committee, Member (2014-15)

Saint Louis University Appointments Committee (2008-2011)

Saint Louis University Scholarship Committee (2008-2009)

Community Service

Arch City Defenders (2010-2013, 2016-2019)
Coach, Saint Louis University BLSA Mock Trial Team (2007-2009)
Coach/Supervisor, Saint Louis University BLSA Moot Court Team (2007-2011)
Coach, Mock Trial Team, Grace Hill Community Project (2007)

Other Professional Experience

Clerkships

Hon. Stephen Reinhardt, Ninth Circuit (2000-2001)
Hon. Myron H. Thompson, Middle District, Alabama (1998-1999)

Litigation

Litigation Team Member

Advocates for Justice for Greenwood Litigation Team, Tulsa, OK (2020-present)
Chicago Slavery Ordinance Litigation Team, Chicago, IL (2006)
The Legacy of the Georgetown 272 Alliance (2016-2017)
Reparations Coordinating Committee, Washington, D.C. (2001-2010)

Litigation Associate

Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles (1997-1998, 1999-2000)

Memberships

State Bar of California
Central District of California
Ninth Circuit Court of Appeals

Scope of Work: Providing Expert Advice to the Task Force to Study and Develop Reparation Proposals for Black Americans, with a Special Consideration for Black Americans Who are Descendants of Persons Enslaved in the United States

November 18, 2021

Summary

California Assembly Bill 3121 establishes 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 (Task Force). Dr. Darrick Hamilton, Professor of Economics and Urban Policy and his team proposes to provide expert advice to the Task Force.

Process and Deliverables

Over generations, government has directly and indirectly delivered, facilitated, and condoned many harms to African Americans residing in California. To ameliorate those harms, Dr. Hamilton will partner with the Task Force, to explore innovative policies and policy frameworks to develop potential ways to remunerate Black Americans, with special consideration for Black Americans who are descendants of persons enslaved in the United States, helping the Task Force to answer legislative mandate GC 8301.1.(b)(3)(F) "What form of compensation should be awarded, through what instrumentalities...".

Ideas and research discussion topics may include closing the Black-White racial wealth gap in California, and the potential for transfers of various kinds of resources, including money, land, and financial instruments (stocks, bonds, etc.) to increase the equity of typical Black Californians to match those of typical of White Californians. Dr. Hamilton and his team will create a report that describes various policies that can help to achieve this goal in substantial and transformative ways. Over the course of 2022 and the first half of 2023, through June 30, 2023, Dr. Hamilton will be available for up to 20 to 40 hours of direct consultation with the Task Force, its members, and the agency facilitating the Task Force, the California DOJ.

This scope is limited to the aspects outlined in the previous paragraph (paragraph 3). Further, this scope does not purport to be an exhaustive enumeration of every harm done to African American Californians, nor a costing-out of the damages of such harms as such a task goes beyond the time frame and scale of work practicable with the Task Force's time-limited mission and resources. The scope does not include determining the harms or amount of compensation owed. Rather, in practical terms, this scope of work encompasses initial action research to

produce schematic approaches of major and transformative transfers to promote equity as well as means to effect such transfers.

About the Institute

Inequalities that formed over centuries cannot be undone with small ideas. Structural problems require transformational actions and policies grounded in rigorous research. As a premier cross-disciplinary hub, the Institute on Race, Power, and Political Economy draws on researchers from across The New School and across academia. It provides researchers and practitioners with the support necessary to fuse insights from multiple disciplines. Rooted in values, the Institute's research and communications agenda go beyond atomistic notions of individual agency that lead to so-called "natural," "efficient," "fair," and "color-blind" market allocations to reveal the roles of power, capital, and identity in shaping our political economy. Research identifies creative, transformative ideas, policies, and structures that lead to more equitable and fairer distributions. Communications combat empirically unsubstantiated rhetoric that positions group-based inequality in individual deficits and personal responsibility tropes and explain the need for and the promise of transformational progress towards equity.

Content Expertise and Qualifications

Dr. Hamilton has a track record of innovative thought leadership and policy advocacy on issues including public investment, asset-building, wealth, and income generation; jobs and employment; health and family care; democracy and civic engagement; housing; and creativity, culture, and the arts. In 2021 Dr. Hamilton has provided strategic advisory support to leading institutions ranging from the Detroit, MI-based Kresge Foundation to the Silicon Valley-based Omidyar Network. He serves as an appointed member of the New York City Racial Justice Commission. In 2021, Dr. Darrick Hamilton has provided expert testimony to important policymaking bodies including the U.S. Senate Banking Committee, the Joint Economic Committee, and the House Progressive Caucus. Dr. Hamilton is a university professor, Henry Cohen Professor of Economics and Urban Policy, and founding director of the Institute on Race, Power, and Political Economy at The New School. Considered one of the nation's foremost public intellectuals, Dr. Hamilton has been profiled in the *New York Times*, *Mother Jones*, and the *Wall Street Journal*. In 2017, he was featured in *Politico's* 50 Ideas Shaping American Politics and the People Behind Them issue. In 2020, Darrick was named a Freedom Scholar by the Marguerite Casey Foundation and the Group Health Foundation. Darrick has been involved in crafting policy proposals that have garnered media attention and inspired legislative proposals at the federal, state, and local levels, including baby bonds, guaranteed income, and a federal job guarantee. He has testified before several Senate and House committees, including the Joint Economic Committee and the Senate Banking Committee. Darrick was born and raised in the Bedford-Stuyvesant section of Brooklyn, New York. He is a graduate of Oberlin College and received a PhD in Economics from the University of North Carolina.

Other Team Members

To conduct this work, Dr. Hamilton may subcontract with individuals of his choosing, such as research associates or research assistants. Such colleagues may include:

Grieve Chelwa, Inaugural Postdoctoral Fellow: Grieve Chelwa leads the Institute's work on inclusive economic rights. Before joining the New School, Grieve was a senior lecturer (assistant professor) in economics at the University of Cape Town's Graduate School of Business and before that was the Inaugural Postdoctoral Fellow at the Center for African Studies at Harvard University. He was previously a visiting postdoctoral fellow at the Wits Institute for Social and Economic Research at the University of the Witwatersrand. Grieve holds a BA in Economics from the University of Zambia and advanced degrees in economics, including a PhD, from the University of Cape Town. Before his academic career, Grieve was a banker with Citi, with whom he worked in Congo (DR), Kenya, Nigeria, and South Africa.

Avi Green, Senior Director of Strategy: For 25 years, Avi Green has worked to build organizations, support rising leaders, and advance justice. From 2013-2020, Avi served the Scholars Strategy Network as executive director, where he helped grow a pilot program dedicated to increasing the use of research to improve public policy and strengthen democracy into a national organization of more than 1,500 member researchers and a budget of more than \$3 million. An editor and media strategist, he helped professors communicate in venues ranging from *The New York Times* to *The Daily Show*. As executive director of MassVOTE from 2006-2012, Avi helped reduce the racial turnout gap in Massachusetts and helped lead a nonpartisan redistricting coalition that resulted in a bipartisan vote that doubled the number of majority-minority districts in Massachusetts. For his work, Avi was awarded the Kivie Kaplan Humanitarian Award by the Boston Branch of the NAACP.

Fees and Expenses

Dr. Hamilton shall charge up to \$45,000 for this project with workload and hours capped up to that point.

Invoices will be submitted monthly. The project fee is inclusive of telephone, mail, internet, and all routine office expenses. If other potential expenses or additional travel expenses arise, they will be cleared in advance with the CA DOJ.

Contact

Avi Green

greena@newschool.edu



Northern
California

November 30, 2021

Brandon Greene

Program Director, Racial and Economic Justice Program
ACLU of Northern California

Adjunct and Contributing Scholar, Center for Race and Economic Justice
UC Hastings School of Law

**Testimony Before the AB 3121 Task Force to Study and Develop Reparation Proposals
December 7, 2021**

Good afternoon reparations task force members. My name is Brandon Greene, and I am the Racial and Economic Justice Program Director for the American Civil Liberties Union of Northern California. Thank you for having me and allowing me to participate in today's discussion.

In my testimony today, I will first discuss some of the work that the ACLU of Northern California has been engaging in around the issue of homelessness alongside our colleagues at the other California affiliates. I will then focus on contextual factors that contribute to Black families' disproportionately high risk of homelessness. Finally, I will highlight legislative campaign efforts that the ACLU and other coalition colleagues are engaged in to enshrine more protections for unhoused populations.

Current Work of the ACLU of Northern California

My team at the ACLU of Northern California is currently engaged in litigation and investigative efforts across the region to combat the criminalization of homelessness. As I will note, Black folks are disproportionately represented in every single one of these jurisdictions. This is unsurprising. Depending on what estimates you look at, approximately 40-50% of all unhoused people in the state of California are Black. This truth is evident in our work and profiled in our recently released report "Outside the Law: The Legal War Against Unhoused People."

For example, in Chico, California, where 44% of the Butte County unhoused population resides, Black people are overrepresented by close to a factor of two. In Santa Cruz, Black people represent 1% of the County's total population but 8% of its unhoused population. In San Mateo County, where we recently litigated a RV parking ban, Black people make up only 2% of the total population but are overrepresented in the emergency shelter, transitional housing, and unsheltered populations. Finally in San Francisco, only 5% of the overall population is Black while approximately 37% of the unhoused population is Black.

American Civil Liberties Union of Northern California

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Contributing Factors: Housing/Rent Burden

That Black people are overrepresented in the unhoused population is neither incidental nor accidental. According to Cal Matters, nearly 50% of Black Californians lived in households that were cost burdened in 2018; nearly a quarter paid more than 50% of their income towards housing costs.¹ This rental burden has not only pushed Black families closer to houselessness but has also pushed Black families further into the suburbs and contributed to gentrification, something my fellow panelists will likely touch on in more depth.

For example, the City of Oakland's Department of Race and Equity put out an equity indicators report in 2018.² The report found African Americans were 41.76 times more likely than Asians to be homeless. Additionally, of those housed, almost one in four African Americans did not own their homes and Majority African American census tracts had the highest rates of eviction notices. African American households were also 1.67 times more likely to be rent burdened than White households. Furthermore, the home loan denial rates for African Americans were 2.13 times higher than the rates for Whites, and White homeowners were the least likely to still have a mortgage or loan on their homes (69.8%), while African American homeowners were the most likely to have a mortgage (79.7%).

According to Cal Matters, the Black population has plunged by 43% in San Francisco and 40% in Oakland, respectively.³ The intersecting factors have been of great concern for our colleagues and partners in Oakland who work on education equity issues, particularly around the direct correlation between school closures, predatory lending, and a disappearing Black population. Recent reporting has highlighted racial discrimination in other aspects of housing, including housing appraisals, wherein researchers found that 12.5% of homes appraised in Black communities were valued at less than the original cost of constructing the home.⁴ That figure compares to 7.4% of homes in White neighborhoods and 9.4% of homes in Latino areas, the analysis found.

Contributing Factors: Systems Involvement

Not only are Black people disproportionately represented among the unhoused populations of California, but they are also overrepresented in the carceral system. These two realities are inextricably linked. A 2018 California Health Policy Strategies brief using data from Orange County, Los Angeles, and San Diego found there was a 26% increase in the number of unsheltered

¹ Black Californians' housing crisis, by the numbers - CalMatters

² CITY OF OAKLAND, Oakland Equity Indicators: Measuring Change Toward Greater Equity in Oakland (2018).

³ Lauren Helper, The hidden toll of California's Black exodus, CAL MATTERS (July 15, 2020).

⁴ Khristopher J. Brooks, There's a big "appraisal gap" between Black and White homeowners, CBS NEWS (Sept. 24, 2021).

homeless individuals from 2013 to 2017.⁵ Furthermore, it reported that, of these unhoused populations:

- 70% report a history of incarceration;
- 28% report having recently been released from jail or prison;
- 13% report being presently under community supervision, probation or parole;
- 32% report both having “mental health issues” and being formerly incarcerated; and
- 15% report both a “serious mental illness” and being formerly incarcerated.

The Southern California data syncs up with what we know from the 2019 Point in Time Count in three Northern California Counties as well:

Percent with CL Involvement	Butte County	San Mateo County	Santa Clara County	Santa Cruz County
Unhoused Pop (2019 PIT Count)	70%*	23%**	27%*****	28%***

*Percentage with interaction with law enforcement in last year

**Percentage on probation

***Percentage with one night or more of a jail/prison stay in last year

*****Percentage with history of incarceration

The ties between homelessness and the carceral system are important because of the impact of the carceral system as an originating life factor for people. It is also important due to the ways in which jurisdictions develop and implement ordinances that further criminalize unhoused populations as a means of pushing those communities out. This approach has been borne out in the various jurisdictions profiled in our report who, as a means of either controlling or pushing out unhoused populations, enacted ordinances that have cascading economic consequences and carceral consequences. These anti-homeless laws are crafted to avoid judicial scrutiny but enforced to regulate public space like their Exclusionary Law predecessors (i.e., Jim Crow, anti-ugly, etc.). They do this by creating scenarios where unhoused individuals are forced to either leave the jurisdiction or break the law, and by empowering police to remove homeless individuals from public spaces.

⁵ Council on Criminal Justice and Behavioral Health, Homelessness, Mental Illness & Justice-Involvement (Mar. 19, 2019).

These approaches to homelessness have historical undertones and direct parallels to anti-vagrancy laws and segregationist policy wherein people of color were excluded from public spaces and accommodations because they were said to be dangerous or diseased.

Reparations

Any discussion of reparations must take into consideration that surrounding factors that contribute not only to the lack of wealth accumulation for Black people but the current ways in which Black people are actively being both pushed into homelessness and out of communities in which they have historically resided.

Along with our coalition partners, we at the ACLU of Northern California are hoping to introduce a piece of legislation that would making housing status a protected category to give unhoused communities one more layer of protection and advocates one more tool to fight against policies that although framed in a racially neutral way or racially discriminatory in impact.

Darrell Owens is a housing and transportation activist from Berkeley, California. Owens works at California YIMBY, a nonprofit focused on reforming land use laws, as a data and policy analyst. He has been extensively featured in national publications like the New York Times and the Atlantic for leading the movement to remove police from traffic enforcement. His work in building neighborhood support for housing with East Bay for Everyone, a pro-housing nonprofit based out of Oakland, California, has been heralded by the National Low Income Housing Coalition and UC Berkeley's Othering and Belonging Institute.



ATT: AB 3121 Reparations Hearing Committee Members & CDOJ Staff

Prepared By: Arianne C. Edmonds

Session: December 8, 2021 10:05 am - 12:00 pm PT

I want to thank the AB 3121 Reparations Hearing Committee Members, The California Department of Justice and all those who support behind the scenes for inviting me to present my family legacy and offer my views on reparations. Black Americans were excluded in the framing of the American constitution; reparations offer us an attempt to re-examine the 13th and 14th Amendments. These amendments left room for the continuance of legalized oppression and enslavement with the birth of the prison industrial complex and civil rights violations. In my testimony, I'm looking to address the broken constitutional promises at its root. Together, I'd like to explore how to peel back the layers of our unjust system that dishonors our status as full citizens.

Back in 1876, my great great grandfather, Jefferson Lewis Edmonds, a formerly enslaved man turned newspaper editor, farmer and civil rights advocate, stood before a United States Senate committee and testified about the voter suppression and violence he experienced in Mississippi after the passing of the 14th Amendment. His testimony exists in the public record as a rallying cry and challenge to the American political system to honor the constitutional promises made to him after emancipation.

I've been invited, by all of you, to finish the work Jefferson started. My great great grandfather demanded protection from the American government and wanted honesty from its lawmakers. He spent his lifetime defining and refining what true, evolved and full African American citizenship should look like. What it should feel like. On December 8th, I look forward to continuing the conversation. I hope to explore how we might co-create policies that ensure that this country honors its agreements and begin the road to recovery, reconciliation and restoration.

Enclosed in this statement is my personal bio, background information on Jefferson Lewis Edmonds' life & legacy, the significance of our family newspaper, The Liberator and information links about the work of the J.L. Edmonds Project.

BIOGRAPHY

Arianne Edmonds is 5th generation Angeleno, archivist, curator and founder of the J.L. Edmonds Project, an initiative dedicated to preserving the history and culture of the Black American West. She has curated exhibitions and presented her research about Black history, memory and legacy at cultural institutions like California African American Museum and Schomburg Center for Research in Black Culture. Her family archives stretch back to the 1850's and her story as the keeper of her family archives can be found in the *New York Times 1619 Project*, *The Root* and *LA Weekly*. Ms. Edmonds is currently writing her forthcoming book for *Oxford University Press*, about the American Black press and her family's 20th century newspaper, *The Liberator*. In 2021, Ms. Edmonds became a Senior Civic Media fellow at USC Annenberg funded by the MacArthur Foundation and appointed one of the newest Commissioners of the Los Angeles Public Library.

LIFE OF JEFFERSON LEWIS EDMONDS

Jefferson was a newspaper editor and political activist in late 19th Century Los Angeles. But his life started very differently. He was enslaved for the first 20 years of his life, and lived a life of forced physical labor in tobacco and cotton fields on the Edmonds Plantation in Crawford, Mississippi.

Upon being freed in 1865, he relocated to Clay County, Mississippi and pursued an education in a series of "freedman schools." funded by the Freedmen's Bureau under the Lincoln administration. In 1875, he began teaching in Mississippi, and did it for 11 years. In 1888, he bought a small farm in Northern Mississippi, about 35 miles south of Memphis, Tennessee. During that time, he was active in local politics, helping to get candidates elected during the Reconstruction Era. Due to the threats of violence in Mississippi, Jefferson decided to move his wife and nine children to Los Angeles in the late 1880's. He began writing for newspapers like the *LA Herald* and *Los Angeles Times* and purchased farm land.

In 1896, Jefferson published his first newspaper, the *Pasadena Searchlight*. He used the paper to support the candidacy of Democrat William Jennings Bryan. But many in the community were upset about this and complained to the paper. As a result, Jefferson was removed as editor. Four years later in 1900, he started a second paper, and I called it *The Liberator*. He ran *The Liberator*, for fourteen years and had his daughter Susie and son Jefferson Jr. help as associate editors. Jefferson featured articles with Booker T Washington and documented W.E.B Dubois first visit to LA. His paper was known for its support of working class black Angelenos, fighting for civil rights, and supporting candidates of any party who he felt supported black community objectives.

Edmonds, along with Rev. Jarrett E. Edwards, pastor of the First AME Church, and John Wesley Coleman, a businessman, started the LA Forum in 1903. The forum was a community activist group that would meet every Sunday at the Odd Fellows Hall at 4 pm to read newspaper articles from around the country and give updates on all happenings in the community. The Forum members raised money for causes as diverse as the San Francisco earthquake, the 28th Street YMCA, black agricultural homesteading experiments, and sending Ruth Temple, the first black female doctor on the west coast, to medical school. By 1910, The Forum became a source of support for newly arrived black Angelenos to find jobs, start business and purchase homes. After Jefferson passed away in 1914, many people called Jefferson a California "booster." His belief was that formerly enslaved men and women turned sharecroppers from the south could come to Los Angeles for a fresh start and a chance to have true political freedom and economic advancement.

"If we erase from the pages of American history the negro's presence, it would be a short, uninteresting story"
- Jefferson Lewis Edmonds (*Liberator* 1919)

ABOUT THE LIBERATOR

The Liberator was an early 20th-century newspaper that documented the emerging African American population in Los Angeles. Founded in 1900 by Jefferson Lewis Edmonds, formerly enslaved man who advocated for improved social and economic conditions for Black men and women, the publication reported on local, national, and international news and provided a source of racial upliftment for over a decade. Edmonds also used his journalistic platform as a vehicle to denounce injustices both locally and abroad. As *The Liberator's* editor, Edmonds portrayed Los Angeles as a city of hope for African Americans, particularly compared to the violence and hardship they experienced in the South, and the paper contributed significantly to the city's rapidly increasing black population in the 1940's and 1960's.

THE ARCHIVE

From 1900-1914 J.L. Edmonds owned and operated *The Liberator* newspaper. During that time, he had the foresight to save each issue of the paper and archive it in bound books. These volumes were passed down in the Edmonds family for over 100 years. The Edmonds family partnered with the *Los Angeles Public Library* and California Revealed, a *California State Library* initiative to digitize the physical copies of the paper and make this vestige of American history available for public viewing worldwide.

MORE INFORMATION

- [J.L. Edmonds Project Website](#)
- [Press | Unearthing the Black newspaper that sold the California dream to freed slaves](#)
- [Liberator Newspaper | High School Lesson Plan](#)
- [Liberator Newspaper Digital Archive](#)

⁷⁰
J.L. EDMONDS

The
J.L. Edmonds
Project

jledmondsproject.com

[@jledproject](https://www.instagram.com/jledproject)

⁷¹
J.L. EDMONDS

Life of Jefferson L. Edmonds

jledmondsproject.com

[@jledproject](https://twitter.com/jledproject)



THE EMANCIPATED.

BY JOHN S. MCGROARTY.

When out of the chaos earth was hurled,
And God's great mandate spread;
When He made the races to fill the world—
Yellow and white and red—
There was one made black, and the other three
Seeing him, asked to know
Whence, from what darkness cometh he?
And whither does he go?

What is the destiny of the American negro? Whither does he go? Is he to survive, or is he to be ground between the upper and nether millstones of time, to be blown as dust on the winds of fate; to disappear as the American Indian is disappearing and as many another race has disappeared since the world began? It is a timely question to ask on this the one hundredth anniversary of the birth of Abraham Lincoln, "The Great Emancipator," two generations after Antietam, when he flung at the heels of McClellan's victorious army the immortal proclamation that struck the shackles from the limbs of 4,000,000 slaves.

Men will answer this question, each in his own way, according to his light and prophetic vision; according to his faith in the negro or his prejudice against him. No one ever seems to think it worth while to ask the negro himself for an answer. The Times, however, does think it worth while, and has, accordingly, invited the negro people of Los Angeles and Southern California, and the great negro leader, Booker T. Washington, to speak for themselves. This they have done through the columns of The Times, this morning, in a section of the paper devoted to their statements. Attention is called to the story of emancipation as told by J. L. Edmonds, a former slave, now a prosperous farmer at Sawtelle; to the articles on the religious, social, professional and business life of the negroes in this vicinity, and to the article on negro women.

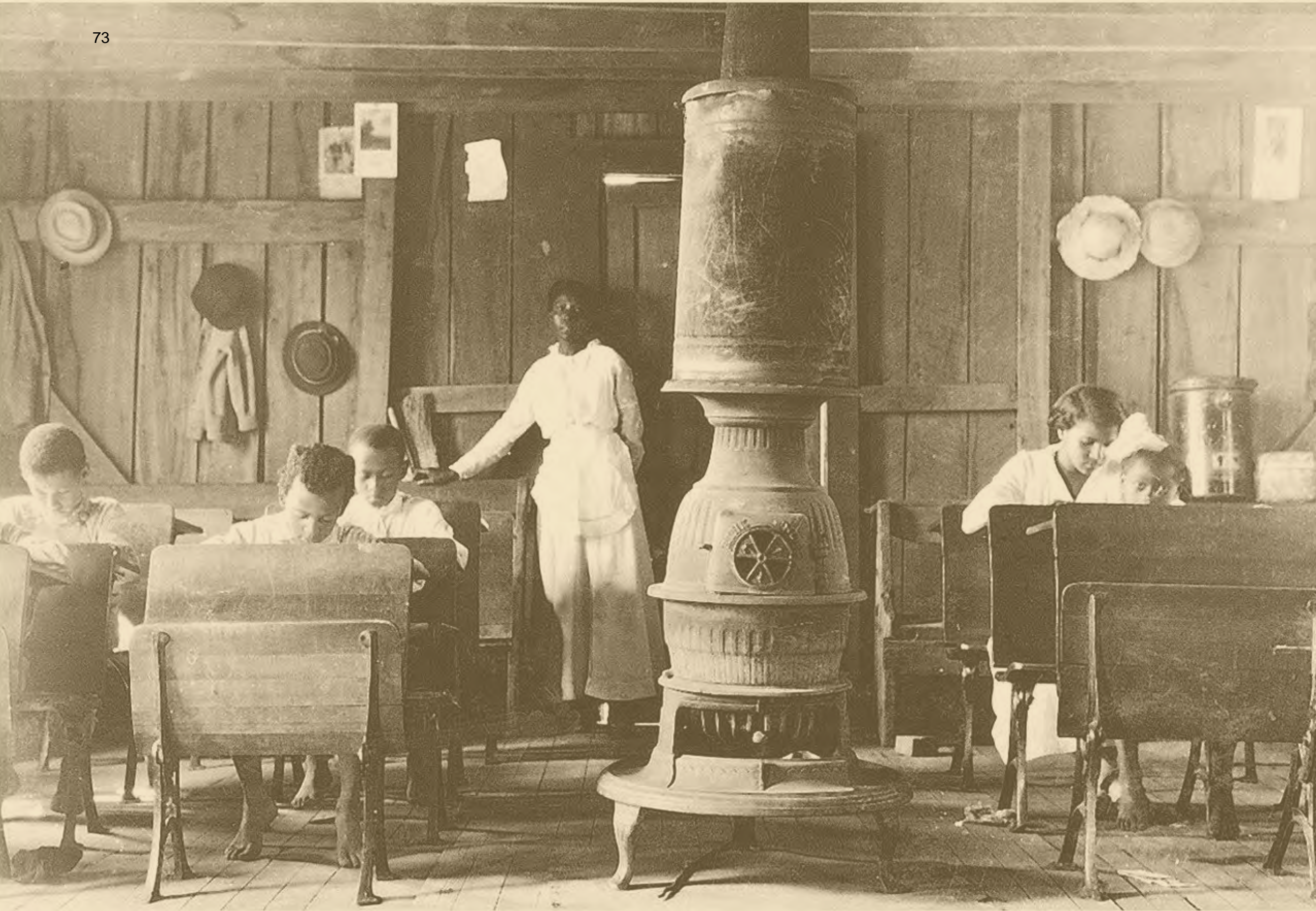
As will be seen, the answer is voluminous, and even luminous. However it be that the black man has fared or is faring in other parts of the country and the world, his voice in this Lincoln Day issue of The Times is not tremulous with defeat or querulous with despair. Instead, it is the voice of people who have traveled far and well with the vibrant march of progress, and who look out on life with level gaze from victories won. They have apparently come to the wise conclusion that they must work out their own salvation—the only safe rule for them to follow. As Booker T. Washington says, they must make obstacle an opportunity.

As a rule, the white man's knowledge of the negro is superficial. We know our brothers in black only from meeting them on the highways or from the jokes that are printed about them in the comic papers. Sometimes our impressions are gained from none too friendly sources—from those who hate the negro blindly and without reason. This section of today's issue of The Times—a departure unique in journalism—contains the story of the negroes whom fate has cast in this part of the country. It is their own story told by themselves. The Times has, as it were, invited them to throw open their doors that their white neighbors may look in on them in their family life, their business and professional and social life, and see for themselves how the negro lives and toils and, has his being in our own loved California of the South.

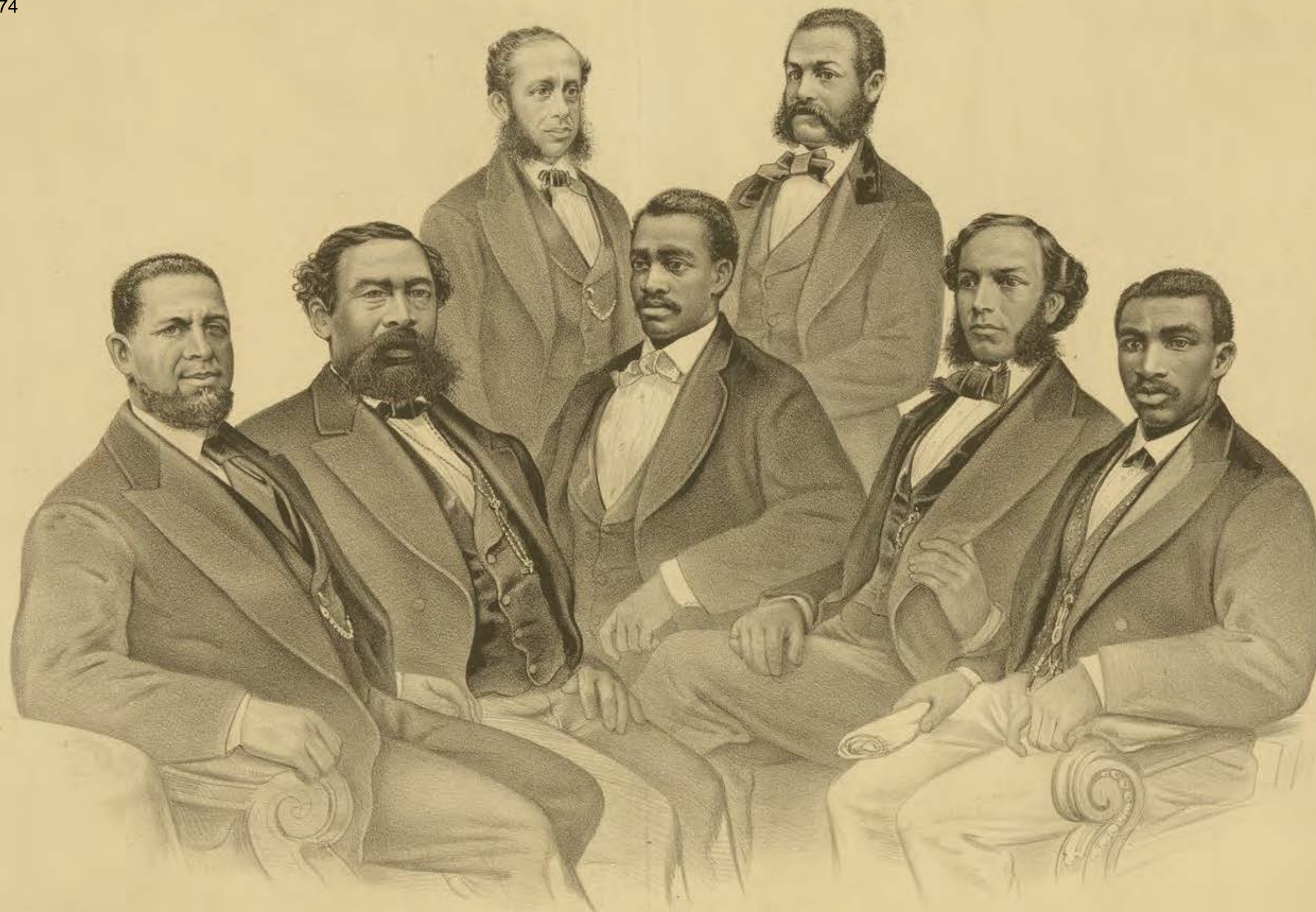
I was glad when the editor-in-chief of The Times announced that he was to make this feature a part of the paper's celebration of the one hundredth anniversary of the birth of Abraham Lincoln.

"MEASURE OUR SUCCESSES FROM THE DEPTHS FROM WHICH WE HAVE COME
RATHER THAN THE HEIGHTS TO WHICH WE HOPE TO ASCEND"—*Frederick Douglass*





Photo, page 461
America: A Concise History, Third Edition
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Entered according to act of Congress in the year 1872 by Currier & Ives, in the Office of the Librarian of Congress at Washington.

ROBERT C. DE LARGE, M.C. of S. Carolina.

JEFFERSON H. LONG, M.C. of Georgia.

U.S. Senator H.R. REVELS, of Mississippi.

BENJ. S. TURNER, M.C. of Alabama.

JOSIAH T. WALLS, M.C. of Florida.

JOSEPH H. RAINY, M.C. of S. Carolina.

R. BROWN ELLIOT, M.C. of S. Carolina.

THE FIRST COLORED SENATOR AND REPRESENTATIVES.

In the 41st and 42nd Congress of the United States.

NEW YORK, PUBLISHED BY CURRIER & IVES, 125 NASSAU STREET.

703804



P A C I F I C

OFFICIAL MAP
OF THE COUNTY OF

Los Angeles

CALIFORNIA

Copyright 1893

W. H. H. Co.

1893

Scale of Miles

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0 1 2 3 4 5 6 7 8 9 10

HANDS - SAN PIERRE

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THE LIBERATOR

A Weekly Newspaper Devoted to the Cause of Good Government and the Advancement of the American Negro

Vol. XI 5 cts. a copy LOS ANGELES, CAL., MARCH 21, 1913 \$1.50 a year No. 22

Vote This Ballot To Guard Your Rights

Recommendations of The Executive Committee of People's Charter Conference.

Save This SAMPLE BALLOT Until Election Day and Vote as Recommended If You Desire the Best Interests of Los Angeles -44144-

INSTRUCTIONS TO VOTERS:

To vote on a proposition stamp a cross (X) in the voting square to the right of and opposite the answer you desire to give. ALL MARKS EXCEPT THE CROSS (X) ARE FORBIDDEN. ALL DISTINGUISHING MARKS OR ERASURES ARE FORBIDDEN AND MAKE THE BALLOT VOID. IF YOU WRONGLY STAMP, TEAR OR DEFACE THIS BALLOT, return it to the inspector of election and obtain another. As to any proposed charter amendment and its alternative you may vote FOR either one of them, or FOR either one and AGAINST the other, or you may vote AGAINST both, BUT DO NOT VOTE FOR BOTH; A VOTE FOR BOTH WILL NOT BE COUNTED IN FAVOR OF EITHER.

PROPOSED CHARTER AMENDMENTS		PROPOSED CHARTER AMENDMENTS	
Shall proposed charter amendment number ONE, relating to the powers of the city in acquiring public utilities now privately owned and to the disposition of the surplus product or service of any public utility owned by the city, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number ELEVEN, relating to the sale of real property owned by the city, be ratified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Shall proposed charter amendment number TWO, relating to the granting of franchises for, and the powers of control of the city over, privately owned public utilities, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number TWELVE, providing for the creation, maintenance and disbursement of a firemen's relief, health, life insurance and pension fund, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>
Shall proposed charter amendment number THREE, relating to the city's power to license, regulate and control certain businesses, relating to city elections and to the limitation of the purposes and the amount of the expenditure of money in connection therewith, relating to the use of the bed of the Los Angeles River, relating to excess condemnation and to the construction of passageways across public alleys, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number THIRTEEN, providing for the creation, maintenance and disbursement of a policemen's relief, health, life insurance and pension fund, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>
Shall proposed charter amendment number FOUR, authorizing the city to exercise any power which a municipal corporation might or could exercise under the Constitution of California, and relating to the property which may be held and controlled by the city and to the businesses in which the city may engage, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number FOURTEEN, providing that the City Council shall not appropriate or provide any public money for the printing, publication, sale or distribution of a municipal newspaper, be ratified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Shall proposed charter amendment number FIVE, relating to the power of the Council to issue instructions to appointive boards, commissions and officers of the city, and relating to grouping the functions of the city government into nine divisions, and appointing the members of the Council as council committeemen for such divisions, and prescribing their duties as such, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number FIFTEEN, relating to the power of the Board of Park Commissioners to expend park funds, to fix and regulate the salaries and wages of employees in the Park Department, and to the operation of concessions in the public parks, be ratified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Shall proposed charter amendment number SIX, relating to the salaries of officers of the city, and fixing the times for the meetings of the Council, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number SIXTEEN, providing for the election and payment of salaries of the members of the Board of Harbor Commissioners, establishing a harbor district comprising the territory embraced within the former cities of San Pedro and Wilmington, and relating to the management of the Harbor Department, control and use of the waterfront, tide and submerged lands and to the regulation, control and use of the waterfront, tide and submerged lands belonging to the city, be ratified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Shall proposed charter amendment number SEVEN, providing for a primary nominating election in May and a general municipal election in June of the present year and of each odd numbered year thereafter, terminating the terms of office of the present officers of the city on the first Monday in July, 1913, prohibiting officers of the city from being interested in city contracts, and relating to the recall of appointive officers of the city, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number SEVENTEEN, providing for the division of the city into fifteen council districts and for the election of one councilman from each of said districts and for the election of six councilmen-at-large, be ratified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Shall proposed charter amendment number EIGHT, relating to proportional representation in the City Council, be ratified?	Yes <input checked="" type="checkbox"/> X No <input type="checkbox"/>	Shall proposed charter amendment number EIGHTEEN, relating to the salaries of officers of the city, be ratified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Shall proposed charter amendment number NINE, providing for the appointment of the members of the Board of Harbor Commissioners, establishing a harbor district comprising the tide and submerged lands and lands adjacent thereto in Los Angeles Harbor, and relating to the regulation, control and use of the waterfront, tide and submerged lands in said harbor, be ratified?	Yes <input type="checkbox"/> No <input type="checkbox"/>	END OF PROPOSED CHARTER AMENDMENTS	
Shall proposed charter amendment number SIXTEEN, hereinafter referred to as an alternative to this proposed charter amendment number NINE, As to these two proposed charter amendments, you may vote for either one of them, or for either one and against the other, or you may vote against both, but do not vote for both; a vote for both will not be counted in favor of either.	Yes <input type="checkbox"/> No <input type="checkbox"/>	INITIATIVE ORDINANCE	
Shall proposed charter amendment number TEN, fixing the amounts of bonds of certain city officers, and relating to the payment by the city of the premium on such bonds executed by corporate sureties, be ratified?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Shall the ordinance regulating public dances and public dance halls and providing for the granting and revocation of permits therefor, be adopted?	Yes <input type="checkbox"/> No <input type="checkbox"/>

THE LIBERATOR

A Weekly Newspaper Devoted to the Cause of Good Government and the Advancement of the American Negro.

Vol. X 5 cts. a copy LOS ANGELES, CAL., APRIL 12, 1912 \$1.50 a year No. 21

Why Negroes Should Own Farms in California

(Reprint by request from issue of Aug. 11, 1911)

The first and chief value of a California farm is that life is as safe as respect for law can make it. The value of land depends more upon the safety of life than the fertility of the soil. Hence, where life isn't safe, property is without value. California therefore, offers the home seeker two of the chief essentials to success as a farmer: viz: absolute freedom in the enjoyment of life, liberty and the pursuit of happiness, coupled with the most fertile and productive soil under the sun.

PUBLIC SCHOOLS

The next essential, no less important than the two mentioned, is the facilities offered the farmer for educating his children. In this particular, California is second to none. Every community has its grammar school with nine months sessions each year and high school districts are so situated that every farmer's boy or girl is within four miles of the district high school. Graduating from the high schools the State University and Normal schools are opened free to all. All of the large cities of the state have Polytechnic High Schools where the farmer's boys can learn the trades free and those who are unable to attend the day schools, can enter the night classes which are also free. The state maintains a number of normal schools situated in the large centers of population making them of easy access to the children in every part of the state. So the farmer who brings his children to California owns free of cost the absolute protection

of the laws and facilities for educating his children that are unsurpassed.

With these and a small farm, say ten to forty acres of land, he is absolutely independent. The farmer who wishes to conserve his energies while living decently and independently, should come to California. This does not mean that he can live without work, but it does mean that well directed labor produces more in California than it does anywhere else in the United States.

FARMS

The California farmer knows nothing of the privations endured by the farmers of the rural districts of the East and South. He has the enjoyment of all the facilities enjoyed by the Eastern villagers. His church and school is at his door, the grocer supplies him each day, the butcher and baker supplies fresh meat and bread for each meal. The daily paper is at his door early in the morning, the rural mail carrier hands him his mail each day and his telephone puts him in speaking distance with the business people of distant cities. Everything his soil produces finds a ready market at his door.

The system of public roads maintained by the county are the best in the country. So that driving and automobiling are two great sources of pleasure among the farmers and their children.

THE PRODUCTIVENESS OF THE SOIL

The soil in California is so productive that the farmer needs

only a small well cared for tract of land. For instance, a farmer with a family of five can make a good living and educate his children on ten acres of land. Such a farmer would have time for reading and recreation and would not be a slave to the farm, but with one fourth of the labor, get better results than a southern farmer can get on forty acres.

A young farmer in King's County gathered 1000 sacks of onions from three and three-fourths acres of land worth \$1.50 per sack, or \$1,500. Upon this same land he can harvest another crop. This is merely one of thousands of instances to be found anywhere in California. Owing to California's matchless climate, wealth and diversity of soil, the farmers of California engage with great profit in almost every agricultural pursuit known to the country. The fruit growing of this state is conducted on such a large scale, that it is engaged in principally by men of large means. There are yet tens of thousands of opportunities for men of small means to engage in the business with absolute certainty of success; as many thousands of acres of valuable fruit lands are being reclaimed annually and thrown on the market at low prices and easy terms.

COTTON GROWING

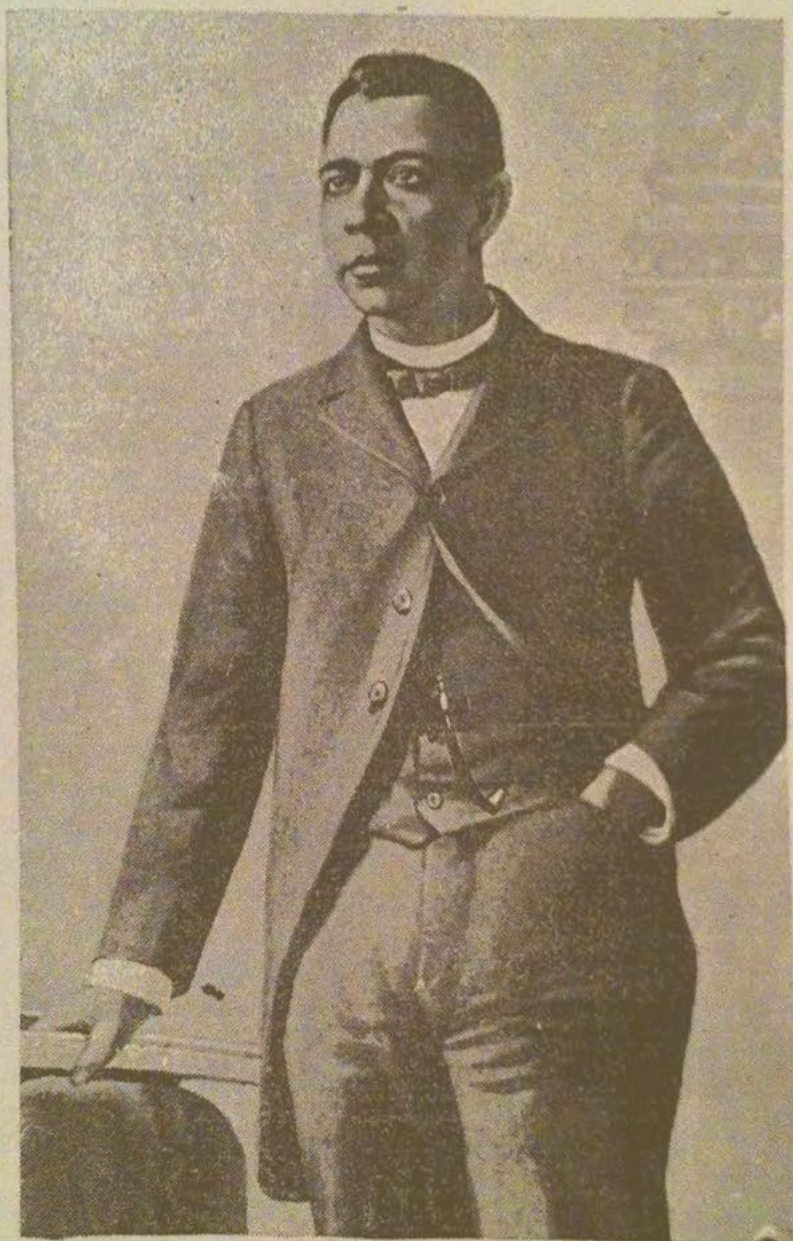
Besides the millions of dollars, produced annually from farming, cattle raising, mining and manufacturing in this state, the introduction of cotton growing in the great Imperial valley will add its

The Liberator Extra

Devoted to the Cause of Good Government and the Advancement of the Afro-American.

LOS ANGELES, CAL., DECEMBER, 1902.

No. 8.



BOOKER T. WASHINGTON.

BEER OR SCHUMANN PIANO

Every home should own one.

WHOLESALE AND RETAIL

Artlett Music Company, 233-235 South Broadway
Los Angeles, Cal.

DO COLORED BUSINESS MEN PATRONIZE RACE EN- TERPRISES?

Elsewhere in these columns we published a letter from Mr. Alfred Summers, prominent citizen of Pasadena, in which he discusses at some length the attitude of colored business men toward race enterprises. Its perusal will doubtless be beneficial to those of the race who are interested in its advancement. We regret to admit that the charges made against our business men are too well founded, and hope that the appearance of their cards in some race journal will place them in the attitude of consistency. Our business men are by force of circumstances leaders, and a display of a little less selfishness on their part might greatly enhance their business. If we even had the aid of our business men by way of subscriptions to the paper it would increase our facilities for educating our people to patronize their stores. What we need, Bro. Summers, is a few more wide-awake business men like Mr. T. B. Walker of our city. His card is to be seen in several race papers. This has much to do with his popularity and business success.

Because the services a man is trying to render needy people are not appreciated, is absolutely no reason for their continuance. The negro race has got to be lifted up. If the negro of the present does not appreciate the services of those who are carrying the load, a generation is coming that will. To labor and make sacrifices to broaden the opportunities of the little boys and girls are looking to us men of today; to their little feet in the right paths, is the sweetest and most sacred duty that falls to the lot of man. That's what we're trying to do, and the washerwomen, men like Bro. Summers who carry a load and do other similar labor, are doing by us loyally. If our labors are not tributed in the least to the advancement of the race, they will not have been in vain. That of itself is an imperishable reward. But for the present let us get away from selfishness and concentrate our efforts to uplift the race. "Today is the day of salvation."

NEW EXCHANGES.

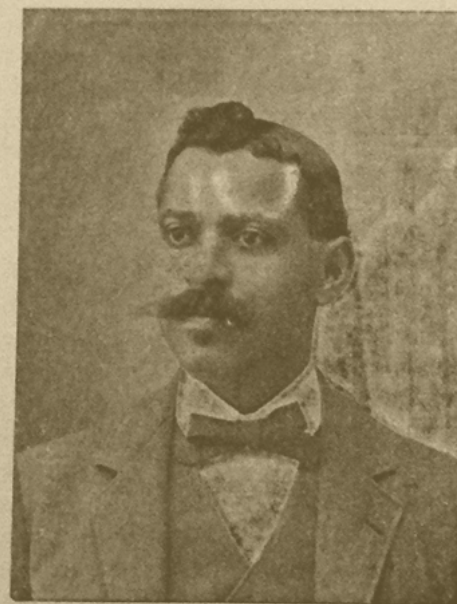
We are pleased to put on our exchange list the St. Joseph Radical of St. Joseph, Mo., and the Advocate, Portland, Oregon. Both are splendidly gotten up. The Radical is a fighter of

THE LIBERATOR.



MR. V. W. MORRIS.

Will be pleased to serve dinner to all of the church going people and others at his restaurant, Odd Fellows' building, corner 8th and Wall streets; meals, 15 cents. Everything first-class.



J. B. LOVING.

If you want to buy a house, lot or acreage property. J. B. Loving is the man to see. If you have a lot and want money to build a house, he will fix it for you. Office, 128 N. Main.

BUSY MEN AND WOMEN,

Just a short talk. The Globe (weekly) is read by "Busy Men and Women." It tells you how to do things and be busy. Send 4 cents stamps for sample copy. The Globe, 218 West 6th St.

Notice.—Many of our readers are indebted to this paper for information and other small amounts. Friends will do us a favor to pay once. This will enable us to make improvements that we contemplate. Whatever you owe please pay it without further notice. We are ambitious with your liberal support to increase our efforts in the elevation of the colored race. If you are not a subscriber, please send a dollar to push the good work.

CHARLES GRIM

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to California, Arizona,
New Mexico will be
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Santa Fe

All agents will



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Devoted to the Cause of Good Government and the Advancement of the Afro-American

LOS ANGELES, CAL., AUGUST, 1902.



MISS SUSIE EVA EDMONDS.



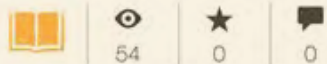
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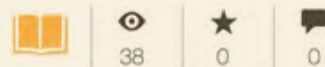
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Liberator - 1903-01
by Edmonds, Jefferson Lewis



Liberator - 1905-11
by Edmonds, Jefferson Lewis



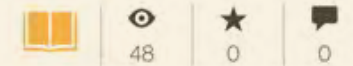
Liberator - 1913-02-07
by Edmonds, Jefferson Lewis



Liberator - 1911-06-09
by Edmonds, Jefferson Lewis



Liberator - 1913-01-03
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Liberator - 1911-06-30
by Edmonds, Jefferson Lewis



Liberator - 1913-06-27
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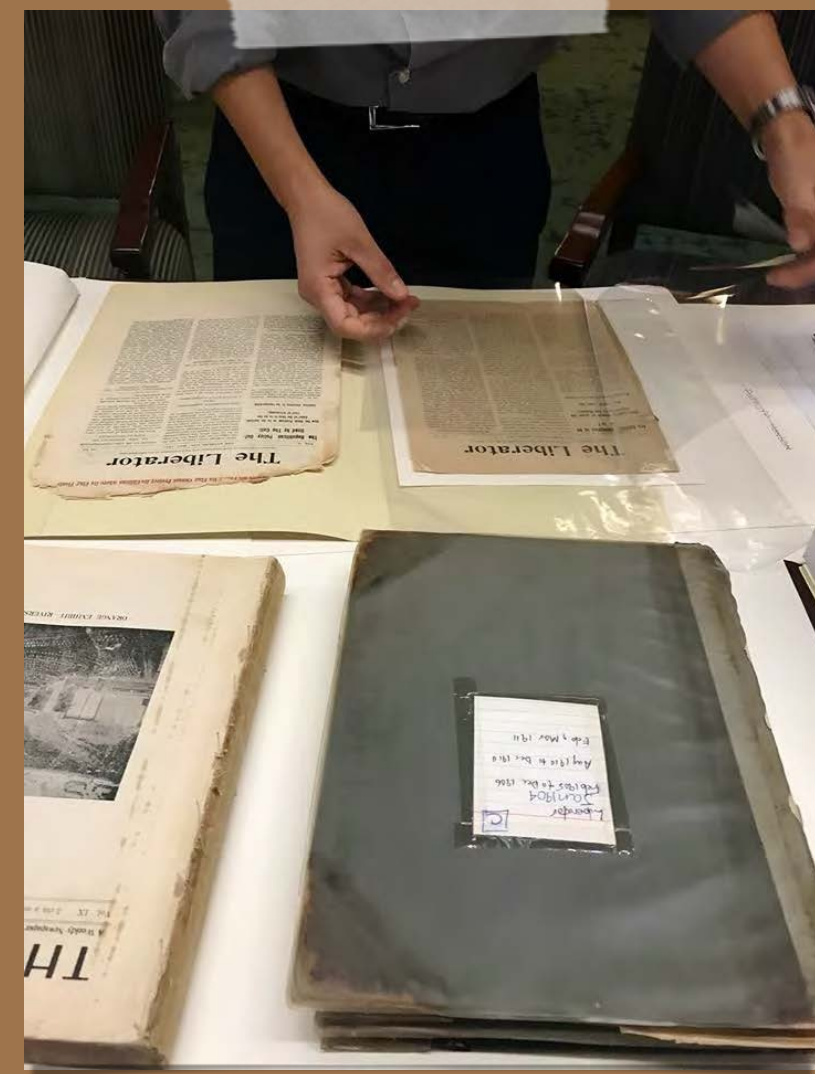
Liberator - 1913-09-05
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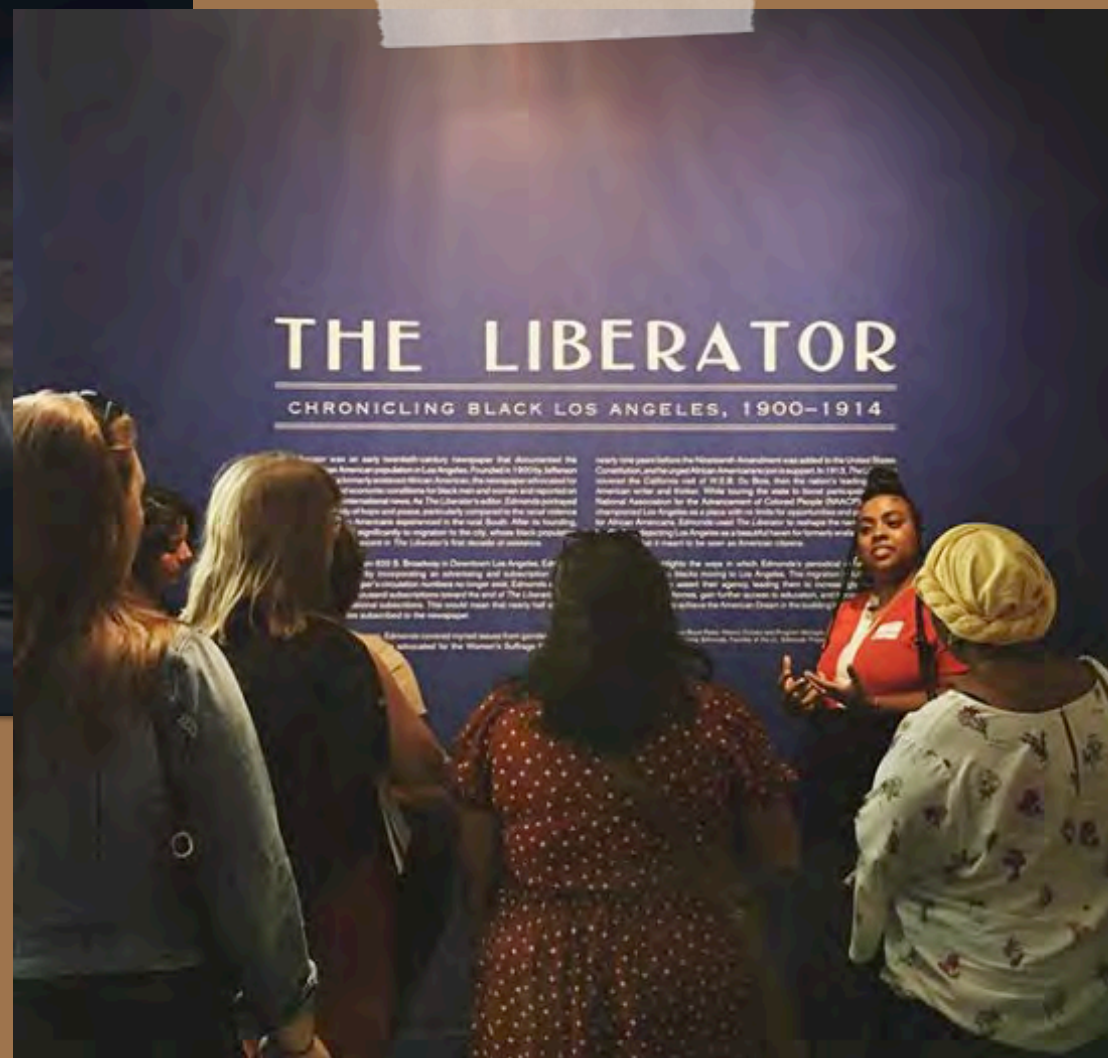


Liberator - 1904-06
by Edmonds, Jefferson Lewis



Liberator - 1913-08-08
by Edmonds, Jefferson Lewis







Stronger together



IF WE ERASE FROM THE PAGES OF AMERICAN HISTORY THE NEGRO'S PRESENCE,
IT WOULD BE A SHORT, UNINTERESTING STORY.

-JEFFERSON LEWIS EDMONDS, THE LOS ANGELES TIMES (1909)

@ALDVELANDGEPROJECT

*What will your legacy
be?*

Testimony for the AB 3121 Reparations Hearings
 Darnell M. Hunt, PhD
 Dean of Social Sciences, UCLA
 Professor of Sociology and African American Studies
 December 8, 2021

My name is Darnell Hunt, and I have studied the status of Black Americans in the Hollywood entertainment industry for nearly thirty years. I am currently Dean of Social Sciences at UCLA and Professor of Sociology and African American Studies. Since 2014, I have been the lead author on a series of annual UCLA reports documenting the progress of people of color and women in front of and behind the camera in the Hollywood Industry. Before this, I authored a series of reports for the Writers Guild of America, West on diversity among Hollywood writers, a study on the state of African American inclusion in primetime television for the Screen Actors Guild, and I helped staff Hollywood interviews for testimony before the U.S. Commission on Civil Rights' 1993 Los Angeles hearings in the aftermath of the 1992 uprisings.

I am here today to testify about the significant impact that Black exclusion from and underemployment in the Hollywood industry has had on the group's position in America. First, it is important to consider that the Hollywood industry was born in the early years of the 20th century during the height of the Jim Crow era, itself a backlash against Reconstruction and unfinished efforts to address the damages suffered by Blacks during centuries of American slavery. A product of that moment, the Hollywood industry was structured by the same doctrine of white supremacy that organized life throughout American society. Though recent years have seen some advances for Black talent in the industry — mostly on-screen¹ — white males remain firmly in control, calling the shots behind the scenes.

But why does any of this matter in the overall scheme of things? Given the very real challenges that the legacy of American slavery continues to pose for Black Americans in terms of economic, political, and social justice, why should we care about how the group has been treated by Hollywood?

The answer is simple: While the films and television shows Hollywood produces are entertaining, they are much more than mere entertainment. It is no accident that one of the earliest campaigns of the National Association for the Advancement of Colored People (NAACP) centered around protesting the highly popular and racist 1915 film, *Birth of a Nation*. The NAACP recognized the power of media — of the stereotypical and dehumanizing images of blackness promoted in the film — to undermine its efforts to integrate Black Americans into a

¹ See UCLA's "2021 Hollywood Diversity Report: Pandemic in Progress," (Parts 1 and 2), UCLA Division of Social Sciences. Black Americans were overrepresented among top film roles in 2020, claiming 19.4 percent of the roles. Meanwhile, the group also exceeded proportionate representation among all roles in broadcast (18.4 percent), cable (20.9 percent) and digital (15.1 percent) for the 2019-20 season.

Jim-Crow-era nation clinging to the doctrine of white supremacy.² Though the smoking gun of causation is often difficult to locate when it comes to the impact of media on society, there is ample evidence supporting the idea that heavy media consumption has a normalizing or “mainstreaming” effect, pushing consumers’ understandings of the world in directions popularized in the films and television shows they consume.³ This effect appears to be strongest when media serve as a stand-in for real, face-to-face encounters with others and/or in-person experiences with the issues depicted.⁴

Indeed, concerns about this media effect motivated the advocacy group Color of Change to commission a 2017 study I authored exploring the role race plays in the writers’ room, the creative spaces responsible for producing the scripts that animate Hollywood’s television shows.⁵ Among the more important takeaways from the study was the finding that Black voices were largely absent from these spaces for a longstanding and staple genre of network television — the crime procedural. Accordingly, crime procedurals were found to routinely glamourize policing and to legitimize the criminal justice system, while downplaying the degree to which Black Americans are racially profiled and victimized by both. This finding is particularly alarming given what we know about the normalizing effects of media, about the potential for media, in this case, to condition police officers, prosecutors, juries, judges, and/or vigilantes to perceive Black bodies as a threat, and police violence against them as justified.

According to the U.S. Census, Black Americans constituted 12.4 percent of the population in 2020, the last year examined in our most recent UCLA Hollywood Diversity Report. But among the (mostly) men empowered to make decisions about which films and television shows will be “greenlighted” for production, who will produce or direct them, and how large their budgets will be, Black Americans were largely absent. Indeed, there were no Black CEOs or members of the senior management team at the major Hollywood studios in early 2020, and only 3.9 percent of major studio unit heads were Black.⁶ The numbers were better for Blacks at the television networks but still well below proportionate representation: 6.8 percent of network CEOs, 2.9 percent of senior management team members, and 7.5 percent of unit heads in 2020.⁷ It should be noted that Hollywood did not welcome its first Black head of a major television network until 2016, when Channing Dungey was promoted to president of ABC Entertainment. But Dungey soon left ABC for a VP level position at Netflix. Among television

² For a fuller discussion of the cultural and political implications of media representations for race in America, see Hunt, Darnell. M. (ed), 2005. *Channeling Blackness: Studies on Television and Race in America*, New York: Oxford University Press

³ Gerbner, G., Gross, L, Jackson-Beeck, M., Jeffries-Fox, S, Signorielli, N. (1994). “Growing up with television: The cultivation perspective”. In M. Morgan (ed.), *Against the Mainstream: The Selected Works for George Gerbner*. Hillsdale, NJ: Lawrence Erlbaum and Associates, pp. 193-213.

⁴ For example, Robert Entman and Andrew Rojecki, 2001, *The Black Image in the White Mind: Media and Race in America*, Chicago: University of Chicago Press.

⁵ See “Race in the Writers’ Room: How Hollywood Whitewashes the Stories that Shape America,” October 2017, Color of Change: https://hollywood.colorofchange.org/wp-content/uploads/2019/03/COC_Hollywood_Race_Report.pdf

⁶ See UCLA’s “2020 Hollywood Diversity Report: A Tale of Two Hollywoods” (Part 1, Film).

⁷ See UCLA’s “2020 Hollywood Diversity Report: A Tale of Two Hollywoods” (Part 2, Television).

show creators — the creatives who develop and pitch ideas for new TV series to the networks and studios — Blacks were just 4.5 percent of the total in broadcast and 7.4 percent in digital during the 2019-20 season.

In short, the cost of marginalizing Black talent among those who call the shots in Hollywood is exceedingly high. Not only are Black managers and creatives deprived of lucrative employment opportunities,⁸ but the decisions of the white men who dominate the industry result in films and television shows that often fail to affirm the realities of Black life in America. Given what we know about the power of media to influence how think about who we are, who we are not, and who we hope to be, this is a legacy of white supremacy that must be rectified. Thank you.

⁸ Echoing white supremacy's grip on Hollywood, a recent study from McKinsey & Company estimates that the industry is leaving \$10 billion on the table by undervaluing Black-led projects:
<https://www.mckinsey.com/featured-insights/diversity-and-inclusion/black-representation-in-film-and-tv-the-challenges-and-impact-of-increasing-diversity>.

Alison Rose Jefferson, M.H.C. | Ph.D. || Short Biography

Dr. Alison Rose Jefferson is a historian, heritage conservation consultant and a third generation Californian. She is a 2021-22 Getty Conservation Institute Scholar in Residence. Dr. Jefferson is currently doing research on the historical African American experience and public policies to conserve it in the California Coastal zone of the Venice district in Los Angeles.

Her recent book, *Living the California Dream: African American Leisure Sites during the Jim Crow Era* (University of Nebraska Press) was honored with the 2020 Miriam Matthews Ethnic History Award by the Los Angeles City Historical Society for its exceptional contributions to the greater understanding and awareness of regional history.

You can visit the Applied History projects drawing on her research of Southern California locales which feature historical significance as well as contemporary consequence while elucidating the historical African American experience at Santa Monica's Belmar History + Art and the Angels Walk LA Central Avenue heritage trail. Learn more about this and Dr. Jefferson's other work at alisonrosejefferson.com.

AGENDA ITEM 10

REPORT OUTLINES

INSTITUTION OF SLAVERY

I. Origins of the Transatlantic [Slave Trade – term to be discussed]

- A. Acknowledgement that slavery is an ancient institution, spanning centuries, cultures, and continents.
- B. Briefly discuss the origin of racially based chattel slavery in the 15th and 16th centuries, including religious and cultural ideas that European colonizers developed to justify enslaving “others.”
- C. The Emphasize the centrality of the European enslavement of Africans to the development of early capitalism.
 - 1. Racial slavery made it possible for Europeans to colonize North and South America and to transform Native American lands into plantations for cash crop production. Europeans then reinvested the profits of enslaved Africans’ labor, intellect, and skill into purchasing more enslaved people, colonizing more Native land, and expanding plantation production. Thus, African slavery was central to the rise of global capitalism.
 - 2. The colonial slave trade was based on mercantilism, a commercially oriented early form of capitalism.
 - a. Explanation of mercantile capitalism: producing cheap raw materials in the Americas for consumption in Europe, as well as markets for European goods in the Americas and Africa. All profits are channeled back to European commercial centers.
 - b. Development of a multi-sided “triangle trade” with Britain, North America, the British Caribbean, and the western coast of Africa focused on the exchange of sugar, cotton, tobacco, textiles, rum, manufactured goods, and guns.
 - c. Only *after* capitalist development and a profitable slave trade were underway did Europeans begin to develop anti-Black ideas to justify the enslavement of Africans. Ibram X. Kendi suggests that two major strands of racist thought developed in this period: “climate theory” and “curse theory.” Europeans used these theories to argue either that enslavement would “civilize” Africans or that Africans were doomed to slavery by biblical decree.
- D. Exploiting Coerced Labor: European colonizers seek to increase profits for mercantilism by exploiting coerced, non-white people. Early enslavement in the Americas (particularly in Spanish colonies, including those that would eventually become US territory) relied more on coerced Native American laborers.

1. British colonies relied on settler colonialism (colonialism focused on dispossessing Native Americans and resettling newcomers on their land); emphasis is less on exploiting Native American labor and more on removing, exiling, or killing Native American people to take their land.
2. Enslaved Africans become the preferred coerced labor force in most British colonies and the trade in human beings becomes a major part of the triangle trade networks between Europe, Africa, the Caribbean, and mainland North America.
3. Contrary to the myth that enslavers mostly captured Africans for general manual labor in any plantation context, it is clear that enslavers targeted Africans to exploit their intellect and highly-specialized agricultural knowledge and skills. For instance, early colonial rice and indigo plantations in South Carolina, Louisiana, and Florida got their start because enslaved Africans who arrived in these places had already perfected the cultivation of these valuable crops in West Africa. [Consult Chapter 3 of *See Bouki Fait Gombo* by Dr. Ibrahima Seck and Daniel L. Schafer, *Indigo Cultivation: Life at Governor James Grant's Villa Plantation*, Florida History Online, https://history.domains.unf.edu/floridahistoryonline/projects-proj-b-p-html/plantations-plantations-indigo_cultivation_and_processing-hm/]

E. Capture and Procurement of Africans

1. The arrival of Europeans and markets for enslaved people transformed the continent of Africa dramatically.
2. Brief overview of the character of slavery in Africa prior to European arrival (mostly confined to captives seized in wars or criminals who were enslaved as punishment; based on class and nationality, not race; not necessarily lifelong; not usually inheritable).
3. Insatiable European demand for laborers to produce commodities in the Americas led to the expansion, intensification, and reorientation of the African slave toward transatlantic markets.
Note: [See if we can find some statistics here that give us some kind of “before” and “after” picture of slave markets in Africa in the wake of the transatlantic slave trade. Consult Dr. Ibrahima Seck, "The Relationships between St. Louis of Senegal, Its Hinterlands, and Colonial Louisiana." *French Colonial Louisiana and the Atlantic World* (2005): 265-90]

F. Transportation to the Americas:

1. The journey across the Atlantic was known as the “Middle Passage”;
2. Took approximately two months
3. Each ship held around 300 to 600 captive African people, depending on the ship’s size.
4. Capacity of slave ships maximized by chaining people in pairs together and forcing them to lay down in coffin-sized spaces, usually on their sides, pressed against their neighbors. Captives were often stacked on platforms, one row above another.
5. Enslaved people spent fourteen hours a day or more below deck in these cramped, stiflingly hot

conditions

6. No receptacles for human waste and poor ventilation created deadly conditions and disease was rampant. Below decks areas were only cleaned every few days.
7. Forced exercise and bathing on the top deck twice a day.
8. Poor nutrition due to meager, low-quality food
9. Mass dehydration due to low water rations
 - a. Violence aboard ship
 - i. Under constant surveillance by armed crew members
 - ii. Crews rape and impregnate women
 - iii. Crews torture, beat, and even sometimes kill enslaved people who resist or rebel.
 - iv. Evidence that some slave ship crews threw ill people overboard to avoid infecting others or to claim insurance money for “damaged” or “lost” human cargo
 - b. Estimated 12.5 million enslaved Africans forced aboard European ships bound for the Americas between 1525 and 1875. The vast majority ended up in the Caribbean and Brazil. Around 338,000 arrived in what is now the United States.
 - c. Approximately 2 million Africans (between 12 and 13% who endured the Middle Passage) died along the way due to disease, accumulation of abuse, malnourishment, suicide, and outright murder.
10. Ultimately, the Middle Passage marked a transition from freedom in one’s homeland to lifelong status as chattel property. Early white American wealth accumulation is based on the buying and selling of human beings, the theft of African people’s labor, and the fruits of their labor; the foundations of United States capitalism.

II. Slavery and White Supremacy as Foundations of Colonial America (1619 – 1776)

- A. Slavery becomes foundational to the economic prosperity of British colonies in North America
 1. A gradual process across the 17th century; indentured English and Irish servants were initially more common than Africans in Virginia tobacco production.
 2. White indentured servants became free after a fixed term of years and demanded land and rights, created class conflict among colonial whites in the English colonies. This was in contrast to the situation in many French and Spanish colonies in North America, where royal governments gave European colonists large grants of land seized from Native Americans and control over Native American labor in the area.

3. Turning point: Bacon's Rebellion (1675-76): unified whites around common identity as "white" as opposed to Native Americans and Africans.
4. Wealthy plantation owners move away from indentured servitude of whites and toward African slavery to avoid white class conflict and to establish a permanent, stable labor force for cash crop production.
5. Changes in colonial laws reflect the growing reliance on enslaved people's labor and white colonists' drive to control Black people's bodies, mobility, and expression.
 - a. Development of increasingly harsh colonial laws in the late 1600s, especially in Virginia, that gradually transformed Africans into a permanent racial other and enslaved class.
 - b. Early transformation of colonial law to ensure lifelong enslavement of people of African descent. Enslaved Africans were initially considered long-term indentured servants, but laws in Virginia and other southern colonies gradually mark Africans as enslaved for life and treat them as a separate, inferior class.
 - c. These laws include making slavery an inheritable condition (if a mother is enslaved, her child inherits her condition and is born a slave).
 - d. Development of Virginia laws that treat Africans as a separate class, prohibit their assembly and mobility.
 - e. These laws are bolstered by Enlightenment rationalism, which focuses on taxonomy of animal species and new categorization of different human cultures as distinct and separate species, based on climate theory (versus older categorizations based on notions of "civilization" vs. "savagery" and Christian vs. pagan/heathen.)
6. Discussion of the expansion and prosperity of colonial economies, built on the labor of Africans after the late 1600s (including statistics on increase in amount of goods produced over the 17th and 18th centuries leading up to the Revolution; as well as statistics on the steady growth of enslaved African population).
7. Brief discussion of enslaved people's labor in the core colonial cash crop production in the South (tobacco, rice, indigo, and sugar), as well as in domestic and maritime work in the North. Emphasize, as noted above, that the skills, intellect, and knowledge of Africans, carried from their homelands, ensured the profitability of these industries.

III. Slavery and the Founding of the United States

A. The American Revolution and Slavery

1. Foundational contradiction: American founders, including slaveowners such as Jefferson and Madison, describe themselves as "slaves" of Great Britain and invoke human equality and freedom, but they are also well aware that their own rhetoric could be turned against them to

highlight the hypocrisy of owning enslaved people.

- a. Jefferson, Franklin, and other Enlightenment political thinkers also emphasize the equality of mankind (their term, deeply gendered), but also advocate false theories of Black people's natural inferiority (thus denying equality of men).
2. Thomas Jefferson's original draft of the Declaration of Independence declared that "all men are created equal" and condemned the slave trade and King George III for saddling the colonies with slavery; called out British for encouraging enslaved people to rebel and join the fight against the revolutionaries.
 - a. The Continental Congress rejected the parts of the Declaration dealing with slavery because southern colonists did not want to condemn slavery. Virtually all references to slavery erased from the document (except for the phrase about British raising "domestic insurrections" in the colonies).
3. Free and enslaved Black Americans played critical roles in the Revolution; thousands of enslaved people ran away and joined the British Army to suppress the revolutionaries; others fought in the war alongside the revolutionaries and were granted their freedom. Free Black soldiers fought in the revolutionary army in most northern colonies.
4. The Revolution eroded the practice of slavery in the northern states where enslaved people were not as numerous. Enslaved Black men and women in several northern states petitioned for the abolition of slavery and for their freedom. Massachusetts ended slavery altogether. After the Revolution, remaining northern colonies with slavery began to phase out the institution with gradual emancipation laws (specify that children of enslaved mothers born after a certain date will be free once they reach adulthood). Thus, slavery gradually fades in the North (although there were slaves in Pennsylvania and New York up to the 1830s, and in New Jersey up to the Civil War). Despite the gradual end of enslavement itself in the North, white northerners profited from dozens of industries built on enslaving people of African descent and were not eager to end slavery in the South or the slave trade. As Section V below will detail, white Rhode Islanders, particularly the DeWolf family of Newport, built and maintained the largest transatlantic slave trading firm in the United States. White merchants in New York City made millions of dollars every year transshipping cotton from the southern states to Europe. New England textile mills wove billions of yards of fabric from cotton produced by enslaved people. Sugar refineries and rum distilleries in New York and Rhode Island relied on sugar produced by enslaved people of African descent in the Deep South and Cuba.

B. Slavery and the US Constitution

1. A catalog summary of all the ways in which the U.S. Constitution is shaped by slavery: 3/5 Clause; fugitive slave clause; allowing the international slave trade to flourish without regulation for two decades [Note: Bring in statistics on the twenty years of the trade before 1808 as well as analysis of impact on human rights law here, consulting Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law*] ; power of the militia to suppress domestic rebellions; leaving the question of slavery to the states to regulate for themselves.

2. In addition to their deep economic complicity in profiting from the stolen labor, intellect, and skills of enslaved people, white northerners were also politically complicit in supporting and expanding slavery. At the founding of the United States, white northerners compromised on most of these proslavery aspects of the Constitution to appease southerners.
3. Still, we need to acknowledge here that there are some leading historians who believe that the proslavery southern colonies got very little out of the Constitution, compared to their initial ambitions (proslavery politicians wanted enslaved people counted as whole persons; a stringent fugitive slave law; direct acknowledgement of enslaved people as property). What is clear is that the Constitution was vague enough that proslavery politicians could latch onto it in later years to claim that property rights in human beings were sacred rights embedded in the Constitution.
4. The US Constitution prohibited Congress from interfering with the Atlantic slave trade for twenty years (Article I, section 9). Historians have debated the significance of this clause. Some say it allowed the slave trade to flourish in the critical years when cotton production became more profitable due to the cotton gin. Others say it reflected the Constitutional Convention's discomfort with slavery and assumption that the institution would eventually die out. Some scholars suggest that the most powerful slave state of the era, Virginia, preferred banning the international trade because it would create a market for white Virginians to sell "surplus" enslaved people to other states, particularly in the newly expanding cotton frontier of the Deep South.
5. Congress did, in fact, ban the international slave trade as soon as permitted by the Constitution on Jan. 1, 1808. This may indicate the continued belief that slavery was dying out, or, possibly, that the domestic slave trade had become far more important and profitable to white southerners (this is a matter of historical interpretation and debate). Prior to 1808, the United States had already banned US citizens from participating in the procurement or transportation of Africans to the United States.

C. Slavery, Law, and Politics in the Early United States

1. Discuss presidents and other government officials who owned slaves.
2. The expansion of the cotton economy after the invention of the cotton gin; cotton becomes the new southern cash crop fueling nascent industrial capitalism. Cotton production and enslavement surges. Provide statistics on both, and discuss geographic expansion of slavery southward and westward, predicated on the dispossession and forced removal of Native Americans in what is now the US Southeast.
 - a. The birth of US industrial capitalism, which comes to rely on slavery. Earliest northern manufacturing is textile production, spurred by the War of 1812. New northern factories depend on southern cotton produced by enslaved people.
3. Laws change with the revival of slavery and its new importance to US capitalist development
 - a. Most slave states ban free Black people from being residents if they are freed voluntarily; most slave states ban all Black testimony in the courts for or against white litigants. The

federal government adopts a “whites only” militia law that essentially eliminates Black military service; southern port cities lock up free Black sailors when their ships dock.

- b. Slave codes get stronger and more restrictive, limiting mobility, literacy, and voluntary emancipation.
 - c. Emphasize that northern states, although eliminating slavery inside their own borders, generally cooperate with the return of refugees from slavery up until the 1830s or 1840s (when the abolitionist movement arises in the US).
 - d. Accused escapees from slavery face incarceration in state, municipal, or county jails for alleged crimes against whites.
 - e. Violent suppression of rebellions: Gabriel’s Rebellion (1800), German Coast Rebellion (1811), Denmark Vesey alleged conspiracy (1822), Nat Turner’s Rebellion (1831), John Brown’s Raid on Harpers Ferry (1859)
 - f. Tie in: Criminal Justice Section; American justice system built on the policing of Black people’s bodies, expression, freedom of movement.
4. Discussion of legal precedents regarding escapees from slavery in this early period (emphasize northern cooperation with fugitive slave capture prior to the 1830s).
 5. Roots of the sectional political crisis over slavery in this early period
 - a. The Missouri Compromise Crisis (1819-1820) set the stage for the battle over slavery in the western territories. Missouri petitions Congress to enter the Union as a slave state with a constitution that allows slavery and also bans free Black people from having permanent residence.
 - b. The debates over Missouri statehood in Congress spotlight US government policy toward slavery and free Black people: Should slavery be allowed to expand westward any farther? Can a state ban the residence of Black people completely (as Missouri proposed)?
 - c. Congress allows a new slave state (Missouri) to be carved out of new western territories (balanced by the admission of Maine as a free state) and allows Missouri’s anti-free Black law to stand, paving the way for even harsher laws against free Black people, including forced apprenticeship of all free Black children.

IV. Enslaved People in the Nineteenth-Century United States (1800 – 1860)

A. Slavery, Labor Exploitation, and Capitalism

1. Setting the stage

- a. Development of the cotton economy (see above) creates renewed demand for enslaved workers in plantation agriculture, especially in the newly acquired lands in the Deep

South (opened to white settlement by brutal policies of Native American removal).

- b. Slavery continues to underpin other agricultural production such as tobacco, sugar, rice, indigo, hemp, and subsistence food crop farming.
- c. Enslaved people (especially women and girls) work in domestic service, either in private houses or in hotels, restaurants, etc.
- d. Enslaved people are also skilled workers and craftspeople (blacksmiths, carpenters, seamstresses, etc.); some even “hire” their time, allowed to make their own contracts and earn wages (that they then pay to masters).
- e. Enslavers also stole enslaved people’s intellectual property and innovations in production: Enslaved distillery worker Nearis Green of Kentucky invented processes and recipes for whiskey rooted in enslaved traditions of distilling. His enslaver ordered him to teach his knowledge to a neighboring white boy named Jack Daniel. The Jack Daniel’s Company subsequently rose into one of the giants of the US liquor trade. At Oak Alley plantation in Louisiana, an enslaved gardener and botanist, known only as Antoine, developed the modern pecan through hybridizing various nut species.

B. Labor Exploitation in the Cotton Economy

1. Enslaved people in newly opened cotton lands have to chop trees, pull out stumps, build infrastructure and buildings, and prepare brand new fields. Some die quickly due to disease and overwork.
2. Descriptions of work in cotton economy, emphasizing long hours, backbreaking labor, and year-round tending of fields.
3. Historians have emphasized that cotton plantations were highly capitalistic enterprises by the time of the US Civil War. Slaveholders drove enslaved people to their physical breaking point in order to produce the greatest profits. Violence was key to this system of production.
 - a. Emphasize meticulous cost-accounting and emphasis on “efficiency” in investments in enslaved people’s bodies. Development of plantation discipline systems and laws that reinforce chattelization of people of African descent.
 - b. The treatment of enslaved people laid the groundwork for the devaluation of African Americans’ health and the brutal, coercive extraction of their labor.

C. Rise of the domestic slave trade

1. Illegal importation of enslaved Africans did continue on a small scale after 1808, (Note: **Bring in more detailed statistics on post-1808 smuggling in of enslaved people, consulting Jenny S. Martinez, The Slave Trade and the Origins of International Human Rights Law and Diouf, Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America**) but the domestic slave trade within the United States became the predominant mode of buying and selling people of African descent.

2. The general trend was that slaveowners in the Upper South states (Maryland, Virginia, Kentucky, and North Carolina) found it more profitable to sell enslaved people to Deep South cotton plantations than to keep them employed in tobacco or small-scale agriculture.
3. Cotton production was not profitable or widespread in these Upper South states, so many slaveholders began to sell off enslaved people to slave traders bound for Louisiana, Mississippi, Alabama, Florida, and later Texas.
4. Alternately, some Upper South slaveowners manumit enslaved people (voluntarily set them free) or hire them out to other whites.
5. Washington, D.C. and New Orleans became the major centers of the domestic slave trade. Slave traders collected enslaved people in DC (in the heart of the Upper South) and shipped them via boat to New Orleans. [There are also land and Mississippi routes; identify key city nodes in this trade.] Planters from around the Deep South traveled to hubs like New Orleans to purchase enslaved people.
 - a. To emphasize the importance of slavery in Washington, D.C., bring in a quotation by Solomon Northup, or another enslaved person, describing their incarceration and sale within sight of the US Capitol Building (still under construction, and partially built by slave labor). Also, the abolition of the slave trade, and slavery itself, in D.C. was a major controversy across this period. Abolitionists wanted to rid the nation's capital of the institution and establish the federal government's power to outlaw slavery or slave trading by starting with the example of D.C., which was under Congressional control.
 - a. Accomplished the abolition of the slave trade, but not slavery, in D.C. as part of the Compromise of 1850.
6. Description of slave buying and auctions to illustrate chattelization and commodification. Enslaved people kept in "slave pens" to await purchase, stripped, dressed in new clothes, forced to dance, and suffered physical and sexual violence as enslavers inspected and touched every part of their bodies before being publicly sold.
 - a. Preview health section here: Bodies of enslaved people are commodified for medical inspection, experimentation, and treatment
7. This process almost always ended in the separation of families, including husbands from wives, and children from parents; infants and toddlers are even sold away from their parents.
 - a. Preview family section here: The resilience of Black family ties despite devastation of the slave trade in dissolving families. The best example is that thousands of formerly enslaved people seek to find their family members in the post-Civil War era.
8. Once purchased, enslaved people are force marched overland to plantations to begin new lives, separated from their families, friends, and communities; exposed to new and, usually, much harsher labor conditions on cotton farms than in their previous experience in the Upper South.

- a. Some enslaved people never recovered from the trauma of separation. Example: Bring in Solomon Northup's description of the enslaved woman, Eliza, who became a ghost of her former self after slave traders sold her children away from her. According to Northup, she wasted away from grief and died long before her time.

D. Life under slavery

1. Enslaved people's resilience and resistance in the face of mental, physical, and sexual abuse;

- a. Outline of specific slaveowner practices of mental, physical, and sexual abuse calculated to create racial terror and profit maximization

i. Physical abuse, murder, and torture

- a) Mental trauma of slavery can result in self-harm, infanticide, and suicide (Margaret Garner case). Link to generational psychic trauma in the public health section.
- b) Murder for small infractions; murdering a slave is a capital offense in many states, but masters rarely found guilty in court, except in cases of murdering another man's slave
- c) Whipping, branding, maiming, disfiguring of enslaved people (sometimes for alleged acts of rebellion, sometimes for no reason at all).
- d) Lynching of enslaved people accused of crimes without process—hanging or burning at the stake
- e) Violent suppression of rebellions; Alleged rebels are hanged, drawn and quartered, mutilated, beheaded, or exiled by being sold into slavery in the Caribbean

ii. Widespread sexual abuse of enslaved women, men, girls, and boys

- a) Slave narratives recount dozens of instances of slaveholders fathering children by enslaved women, products of sexual violence. Example: Thomas Jefferson forcing Sally Hemings to bear his children at the age of 14 (even though Jefferson condemned "race mixing" in public writings).
- b) Slaveowners engaged in "slave breeding," deliberately producing enslaved children for labor exploitation, sale, and wealth-building (either by forcibly impregnating women themselves or forcing sexual intimacy between enslaved men and women). Note that this was a common practice, despite proslavery's ideological abhorrence of "race-mixing."
- c) Invading marriages by sexual violence against married enslaved women
- d) Enslaved sex workers in cities like New Orleans.. These women and girls

were sold as part of the “fancy trade,” slave traders’ term for the buying and selling of young, enslaved women to serve as coerced sexual partners for white enslavers who purchased them. Many of the victims of the fancy trade were minors. In his narrative of his escape from slavery, Solomon Northup remembered the sale of an eight-year-old girl named Emily who a slave trader predicted would become “a fancy” in just a few more years.

- e) Gynecological experimentation performed on enslaved women, resulting in mutilation and death (link here to public health section and the commodification of Black women’s bodies for profit/scholarship).
 - f) Photography of partially nude enslaved men and women for anthropological study (examples: Sarah Baartman as an antecedent; Renty Taylor (a.k.a Papa Renty), an enslaved man from the Congo living in South Carolina, who Harvard biologist Louis Agassiz photographed, along with Taylor’s US-born daughter, Delia. Agassiz used the photographs to justify theories of scientific racism.)
- iii. Enslaved people’s resistance and resilience in the face of mental, physical, and sexual violence.
- a) Running Away: Short-term escape from abuse or long-term escape in search of freedom in the North.
 - b) Forms of “everyday” resistance such as slowing down work, appropriating food, supplies, and animals from slaveholders
 - c) Collective self-defense (Rebellion): Much less common, usually suppressed quickly and violently to terrorize would-be rebels.
 - d) Enslaved people attempt to negotiate or shape the conditions of their sale so that they could escape cruel masters or be sold with family members.
 - e) Enslaved people occasionally try to get courts to intervene in cases of the most extreme torture and cruelty.

2. Cultural resilience and resistance in the face of cultural destruction

a. Cultural destruction under slavery

- i. Forced baptism and conversion to Christianity in Spanish and French colonies of North America (this happened to some extent in British North America and US, but was not very extensive).
- ii. Renaming of enslaved people to Anglo, French, or Spanish names; most of the enslaved forced to take the last name of their owners and so lose their own patronyms

- iii. Restriction of religious worship and activities of Black preachers, especially if Black religious observance does not involve white supervision or subverts proslavery biblical interpretations.
- iv. Restriction of assembly attempts to suppress practice of African religious and cultural expression.
- b. Enslaved people's cultural survival and resistance:
 - i. Enslaved people develop Black Christian religious traditions that emphasize liberation from oppression and equality of human beings in the eyes of God, evident in spirituals and underground sermons by enslaved ministers.
 - ii. Survival of African language in the development of regional dialects (see, e.g., as Gullah and Geechee in the Carolina Sea Islands)
 - iii. Survival of African names and naming practices among enslaved people.
 - iv. Survival of African musical traditions in Black religious and work songs.
 - v. Tie to other sections: This cultural resilience is the basis of a robust Black artistic tradition that continues into the present (and has been ignored or denigrated at various times in US history). For example: Minstrel shows increase in popularity in the North during and after the Civil War. These theatrical productions mock and demean Black people's intelligence, speech, appearance, dress, and sexuality.

V. The Struggle over Slavery and the Coming of the Civil War

- A. Discuss the centrality of slavery to the US capitalist economy in the three decades leading up to the Civil War.
 - 1. Statistics on investments in slave property and plantation agriculture.
 - 2. Discussion of northern economic complicity in slavery:
 - a. Northerners consumed and profited from southern products produced with slave labor
 - b. Northern textile manufacturing, among the first industrial activities in the United States, depended on southern cotton; also mention sugar, rice, indigo, and hemp.
 - c. Northern factories produced cheap goods, especially cloth and shoes, sold to southern slaveholders for a profit.
 - 3. Institutions that Profited or Benefitted from Slavery
 - a. Universities:
 - i. Ivies

- a) Harvard University: Harvard University Law School was created in 1817 and funded largely by donations from a wealthy slaveowning merchant named Isaac Royall, Jr. Royall, who was the son of a slave trader, owned multiple sugar plantations in the Caribbean and Latin America operated by enslaved people. Other early Harvard donors made their money by trading in enslaved people or slave-produced goods in the Caribbean; smuggling enslaved Africans into the United States after 1808; or operating textile mills fed by southern cotton.
 - b) Columbia University: Columbia University's Havemeyer Hall was financed by and named after one of the city's most important nineteenth-century sugar refining families. The family fortune was built on processing sugar produced by enslaved people in the Deep South and Cuba. The Havemeyer family built what was once the largest sugar refining facility in the world, the Domino Sugar Refinery, which still stands in along the East River in Brooklyn. Although the Brooklyn location is no longer operating, the Domino Sugar brand, now owned by the ASR Group, continues to be processed in facilities in New York, Maryland, and Louisiana.
 - c) Brown University: The fortunes of Brown University (formerly known as the College of Rhode Island) were greatly intertwined with the slave-trading activities of its home state, Rhode Island. Members of the Brown family, early donors after whom the university is named, owned enslaved people and participated in the transatlantic slave trade, including the illegal smuggling of captives into the country after 1808. University Hall, the oldest building on the Brown University campus, was partially built by enslaved people and made of timber donated by one of the state's largest slave trading companies. South Carolina slave traders and slaveowners also contributed to the college's endowment.
 - d) Other Ivies: Other Ivy League institutions have similar connections to slavery. The University of Pennsylvania, Princeton University, Columbia University, Yale University, and Dartmouth College count slaveholders, slave traders, and/or proslavery defenders among their early donors, founders, trustees, administrators, building namesakes, faculty, students, and alumni.
- ii. Private colleges, particularly Catholic institutions, invested in, bought, and sold enslaved people.
- a) Georgetown University sale of 1838: Sale of 272 enslaved people owned by the university to save it from financial failure.
 - b) University/college owned enslaved people constructed campus buildings and infrastructure, performed manual labor, performed domestic labor for

instructors and servants (Georgetown, St. Louis University, University of Alabama, Emory, Brown)

iii. Other universities around the United States named numerous buildings after slaveholders or proslavery alumni and thinkers (such as Yale's Calhoun College)

b. Federal entities

i. Construction of the US Capitol and White House

ii. Enslaved workers labor at federal arsenals, ports, and military installations, some as servants of military officers

c. State entities

i. Hiring or purchase of enslaved people to build roads and infrastructure in the Southern states

d. Churches:

i. Catholic religious orders owned enslaved people, accepted enslaved people as payment for tuition fees, and sold enslaved people, instead of freeing them, to pay off debts.

ii. Seven of the first eight orders of nuns in the United States owned enslaved people (most were in the South). Many southern nuns brought enslaved people in as "dowries" when they joined convents.

iii. Presbyterian congregations in Virginia collectively owned dozens of slaves and annually hired them out to pay for ministers' salaries and building construction.

e. Corporations

i. Manufacturing and Mining

a) In the South, corporations purchased or hired out enslaved people to produce saltpeter, iron, and mineral ore.

b) In the North, major corporations such as Domino Sugar and Brooks Brothers profited by processing slave-grown sugar and cotton.

ii. Banks: Millions of dollars wrapped up in enslaved people as collateral for loans.

iii. Accounting: Modern accounting practices developed during slavery

iv. Construction: Building of some canals, roads, and railroads with slave labor

f. Insurance: Insuring shipments of enslaved people and the lives and health of enslaved people themselves. Examples in California's Slavery Era Insurance Registry

- i. In August 2000, the California legislature instructed the California Department of Insurance to investigate insurance companies currently operating in California whose predecessor companies had profited from ensuring the lives of enslaved people before the Civil War.
- ii. The purpose of the investigation was to document the “ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today” and to disclose this information to the descendants of enslaved people whose ancestors were exploited by the insurance industry.
- iii. The Department of Insurance collected documentation from several companies which had insured the lives of enslaved people in the South (not in California). These reports were collected, duplicated, and deposited with several university and county libraries for public viewing. See:
 - a) Shipping: Companies involved in the shipment of enslaved people, both internationally and domestically.
 - b) Slave trading and brokerage firms
 - c) Wall Street: In the eighteenth century, enslaved people helped build the wall for which Wall Street is named and New York City’s first slave market was located there.

B. Abolitionism versus Proslavery

1. Discuss the rise the abolitionist movement in the United States, especially the role of formerly enslaved and free Black Americans in the movement to end slavery.
 - a. Pressure from Great Britain, which had abolished slavery in its colonies.
 - b. Abolitionists emphasize unity and equality of humankind (some even argue for women’s rights).
2. Proslavery ideology becomes much more developed and virulent in the decades before the Civil War, partially a strategy for combatting abolitionism, partly due to the absolute dependence of southern capitalism on enslaved labor.
 - a. Proslavery defenders latch on to a growing trend of scientific racism in the 19th century that emphasizes (in contrast to abolitionist thought) the inherent biological differences among “human races” and a hierarchy of superior and inferior human groups.
 - i. Proto-anthropology deals with analyzing physical appearance, skulls, and bones to classify and rank races.
 - ii. Proslavery defenders invoked Darwin’s theory of evolution to bolster scientific racism, particularly the notion that there are “fit” and “unfit” races of humans.

- iii. White supremacy built out of a combination of ideas about cultural and biological superiority of the “white” races, specifically Anglo Saxons over all others. Our report should acknowledge here that scientific racism does rank some European “races,” such as southern and eastern Europeans, as inferior to or less white than Anglo Saxons.
- iv. Biblical proslavery: While the “curse theory” of anti-Black racism—the notion that Black people were the descendants of Ham in the Bible and doomed to enslavement—had a very long history, proslavery defenders really pick up on this argument in the decades before the Civil War. Proslavery ministers rationalize slavery as a benevolent, paternalistic relationship sanctioned by the Bible.
- v. Finally, proslavery ideologues argue that without strict control, Black people will rise up against whites and there will be a devastating race war. They invoke the Haitian Revolution as an example of what the overthrow of slavery and equality of Black people will lead to.
- vi. The ultimate statement of proslavery ideology came from the US Supreme Court in 1857: the *Dred Scott* decision declared African Americans an inferior race, fit only for slavery, and not included under the idea that “all men are created equal.” Stated that all people of African descent, free or enslaved, were not and never had been US citizens.

C. The Struggle over Slavery in American politics

- 1. Northerners were politically complicit in slavery for most of the nation’s history:
 - a. National political parties had both northern and southern branches, resulting in northern compromises on slavery.
 - b. Northern politicians appeased proslavery southerners in their party by agreeing to laws/Congressional rules that allowed the expansion of the institution including the Missouri Compromise (1820) and the Compromise of 1850.
 - c. Northern politicians also assent to proslavery policies intended to silence antislavery activists, such as the gag rule on antislavery petitions in Congress.
- 2. But the changing tide of sentiment in the North leads to major political challenges to slavery in the 1840s and 1850s.
 - a. Abolitionism was not at all mainstream, but the rise of industrial capitalism and wage labor in the north, as well as the conquest of new western territories, leads to the development of new antislavery ideology.
 - i. Free soil emphasizes eliminating competition with slave labor in the territories; fundamentally a white supremacist ideology that emphasizes that

the new western territories need to be preserved for free white laborers.

- ii. New political parties emerged to fight slavery's expansion in the territories (Free Soil Party of 1848).
- b. Northerners prove less and less willing to cooperate with policies that will extend the law of southern slavery into the North (the Fugitive Slave Law of 1850); allow slavery to expand into the territories (the Compromise of 1850 and the Kansas-Nebraska Act of 1854); or limit the power of the federal government to regulate slavery in the territories (the SCOTUS *Dred Scott* ruling of 1857).
- c. The crisis over slavery broke apart the two-party system (Democrats vs. Whigs) and led to a sectional realignment of the US party system.
 - i. The northern-only Republican Party emerged in the North to combat the growth of slavery into the territories (made up of former Democrats and Whigs).
 - ii. The Democratic Party becomes much more southern-oriented as southern Whigs flee to become Democrats.
- d. The election of Abraham Lincoln, a Republican with a free soil platform, elected entirely by northerners, triggers the secession crisis.

VI. The State of California's Complicity in Slavery

- A. Segue: The debate over slavery's status in western territories seized from Mexico brings California into the struggle over slavery.
- B. California's world of unfree labor during the gold rush:
 - 1. California was a unique region; neither North or South, and just recently a US territory (long history of Native American occupation and Spanish, Mexican, and Russian imperialism).
 - 2. During the gold rush, Americans from the North and South mingle in California, along with hundreds of thousands of people from around the globe.
 - 3. Coercive Labor systems, old and new to California, come together, interact, and sometimes clash.
 - a. Description of enslavement of Native people and people of African descent in northern New Spain (with a focus on California); abolition of slavery in Mexico in the 1820s; Native American emancipation and secularization of the mission system based on coerced Native American labor by the 1830s.
 - i. Native Americans still held in servitude on many Mexican ranches up through 1850s and 1860s; American ranchers adopt this system of coerced labor as well, and CA legislators legalize quasi-enslavement of Native Americans through the 1850 Act for the Government and Protection of Indians.

- ii. Note: This law only gets harsher in the early 1860s; in response to Native American resistance in far northern California, CA legislators modified the law to allow Native American children and adults to be apprenticed as laborers for decades at a time.
- iii. Other quasi-slave labor systems such as debt peonage and debt bondage, involving Latin American and Asian goldseekers, complicate the labor landscape of California.

C. African American Slavery Arrives in California:

1. California's 1849 Constitutional Convention outlawed slavery and petitioned for admission into the Union as a free state.
2. Bid for statehood held up due to political battles over the westward expansion of slavery in Congress. Statehood finally brokered in the Compromise of 1850: California enters the Union as a free state, New Mexico and Utah territories will get to decide for themselves whether to allow slavery; proslavery southerners get a new, harsher fugitive slave law; Congress abolishes the slave trade (but not slavery) in the District of Columbia.
3. Despite free state status, between 500 and 600 enslaved Black people (and up to as many as 1,500) arrived in California via forced migration as they accompanied their owners to the gold country. Most arrived during the gold rush and slaveholders forced them to work in mining or in the service industry catering to miners (as cooks, personal servants, or porters).
4. Conditions of enslaved people in California
 - a. Varied immensely
 - i. Some people were able to earn extra money outside of regular working hours to buy their freedom (especially if hired out as skilled laborers or as domestic workers).
 - ii. Some had informal contracts with slaveowners to work for a certain amount of time, or to earn a certain amount of money, in exchange for their freedom.
 - iii. Some ran away and were never heard from again.
 - iv. Some returned to the South with slaveholders (note that many had family members they left behind, so running away was not a good option).
 - v. Labor conditions: Reports of whippings, shootings, and kidnapping of enslaved Black people, especially if they ran away or resisted.
5. Prior to 1852, California courts ruled inconsistently and unevenly on the status of enslaved people. Some judges reasoned that California is free soil and they emancipate any enslaved people who ran away; others argue that California has a duty to protect slaveholders, especially those who came before official statehood, and defend property rights in the enslaved.

- a. Enslaved people have to make difficult calculations about how best to achieve their own goals: freedom and reunion with family.
 - b. Sometimes, the calculation is to cooperate with slaveowners in order to purchase freedom of themselves and family members. In these cases, enslaved people take particular care to document their payments to slaveowners and their freedom papers with state courts.
 - c. Sometimes enslaved people choose to run and seek refuge among free Black residents (especially if they are younger people without spouses or children)
6. Anti-Black sentiment in the early California state government:
- a. Peter Burnett, California's first governor urged the state legislature to ban Black people from migrating into and residing in the state.
 - i. Burnett was a former Oregon territorial legislator responsible for a brutal Black exclusion law there (prohibiting Black settlement and authorizing the whipping of Black people who refused to leave).
 - ii. Burnett wanted the same kind of policy for California and delivered two messages to the legislature in 1850 and 1851 to push for this legislation. He said that the presence of free Black people would cause a race war in California and be an economic burden on the state when it had to imprison or institutionalize Black people (who he deemed too ignorant and lazy to work).
 - iii. The California legislature considered many such proposals across the 1850s, but none passed.
7. White southerners with proslavery attitudes were disproportionately prominent in the California judiciary and legislature.
- a. In 1851 and 1852, proslavery members of the legislature proposed a state fugitive slave law to supplement the federal fugitive slave law of 1850. The California law will allow slaveowners who had brought enslaved people into the state before official statehood (and the operation of the new state constitution) in September 1850 to take these same people back with them to the slave states. The law also pledged that California officials would help capture and deport enslaved people at the request of the slaveholder.
 - b. The law failed in 1851 but passed in 1852. It had a sunset clause that made it operable for only one year after its passage.
 - c. Despite the sunset clause, California legislators renewed the state fugitive slave law twice more in 1853 and 1854. They only allowed it to expire in early 1855 due to internal fighting within the Democratic Party between pro- and antislavery legislators.
8. Black antislavery activists recruited white activists and attorneys to help challenge the constitutionality of the California fugitive slave law (claiming that it violated the state's

antislavery constitution).

- a. They launched a test case over the summer of 1852 involving three enslaved men, Carter Perkins, Robert Perkins, and Sandy Jones, who were arrested by agents of their master and awaiting deportation back to Mississippi.
 - b. The California Supreme Court eventually ruled that the law was constitutional. California should cooperate with slaveholders who arrived pre-statehood and refrain from dispossessing them of their property brought in before the operation of the antislavery constitution.
 - c. Also ruled that California had the police power, as a sovereign state, to expel all “noxious” persons, including enslaved people and African Americans generally
 - d. The Perkins case may have set a precedent that influenced the infamous US Supreme Court Case of *Dred Scott v. Sandford* in 1857, which denied citizenship rights to African Americans and nullified Congress’ power to close slavery out of federal territories.
9. Contemporary sources reveal that, altogether, there were around 11 cases involving the state fugitive slave act tried in California courts between 1852 and 1855. At least 5 of those cases, and possibly more, ended with the return of African Americans to slavery. Some outcomes are unknown.
- a. Another 6 cases came before California courts between the expiration of the state fugitive slave law and 1864. Most of those (four out of six) ended in finding for the freedom of the enslaved person. These include the famous cases of Archy Lee and Bridget “Biddy” Mason.
10. Altogether, around 23 cases involving 39 enslaved people were tried in California courts before, during, and after the operation of the state fugitive slave law. Roughly 10 of those cases, encompassing the freedom of around 15 people, ended with the reenslavement of African Americans.
- D. California’s courts and legislature also abetted enslavement by passing Black laws that prohibited people of African descent from testifying in court cases involving whites. Accused escapees from slavery and their free Black allies could not testify on their behalf during trials. These Black laws also made freed and free-born people vulnerable to kidnapping and enslavement.
1. Between the Constitutional Convention of 1849 and 1858, California lawmakers attempted at least 5 times to ban Black people from migrating into and living in the state. All of these proposals failed, but only narrowly.
- E. Starting in 1858, between 500 and 1,000 Black Californians fled discriminatory laws by migrating to Vancouver Island, British Columbia, which was a British colonial territory.
1. They were specifically responding to the California legislature’s revival of the state fugitive slave act and a proposal for a new Black exclusion law in the aftermath of the Archy Lee case. Neither of these measures passed, but they showed the virulent nature of anti-Black sentiment in

California.

2. Dozens of Black men opted to become British subjects. They could vote and hold some high offices in the British colonial government.
 3. They formed a volunteer military unit to protect the colony from American territorial expansionism.
 4. After the Civil War and the end of slavery, many of these Black refugees returned to the United States to hold office in the Reconstruction South or to help the freed people.
- F. California's proslavery state legislators aided the national expansion of slavery and promoted the interests of the slave states by allying with representatives of southern states in Congress.

VII. Slavery and the Civil War

- A. Brief discussion of Lincoln's election, secession of the southern states, and the birth of the Confederate States of America.
1. All of the seceded states avow that slavery, property rights in enslaved people, and the question of slavery's extension into the federal territories are the causes of secession.
 2. Cite Confederate VP Alexander Stephens's "Cornerstone Speech" that declares that slavery and Black inequality are the cornerstones of the Confederacy. [Pull quotation from Stephens here.]
- B. Rationale and Origin of the Emancipation Proclamation
1. Black people seizing freedom by running away during the chaos of war forced the US to address slavery.
 2. Growing realization that enslaved people can be crucial as laborers and soldiers for the US Army; declaring general emancipation will destabilize the Confederacy.
 - a. Discussion of Lincoln's preliminary and final emancipation proclamations.
 3. Enlistment of Black soldiers into the US Army.
 - a. Numbers of Black US soldiers
 - b. Treatment of Black US soldiers; discuss inequalities in wages and conditions, as well as targeted for murder by the Confederacy.
 - c. Combat accomplishments of Black US soldiers.
 - d. Enlistment as a stepping stone to claiming citizenship rights in the United States. Black military service as the basis for post-Civil War civil rights legislation.

VIII. Lost Cause Mythology:

- A. Had its origins immediately after the Civil War with Confederate President Jefferson Davis and Vice-President Alexander Stephens. Both men claimed that the Civil War was about states' rights, not slavery, even though ordinances of secession proclaimed that attacks on slavery motivated disunion. Stephens himself proclaimed that slavery was the "cornerstone" of the Confederacy in 1861.
- B. These early interpretations of the Civil War gave birth to the myth of the Lost Cause: The Confederate nation was a bid for independence against a tyrannical, overbearing North that threatened southern "rights." It was a valiant cause, unrelated to slavery, fought by noble and honorable men, and only doomed because southerners were outnumbered and outgunned by the North. Slavery is either absent from the equation or a non-issue, with former Confederates claiming that enslavement was a benevolent, paternal institution, and that Black people were better off under it than in freedom.
- C. The Lost Cause mythology was (and often still is) the foundation of history education all over the United States, but especially in the South. This way of teaching the history of the Civil War era denies the role of slavery in causing the conflict. The Lost Cause also portrays Reconstruction as a failed, corrupt process forced on the South by overzealous northern whites ("Yankees") and claims that Black people were not yet ready for freedom. Consult Roy Wisecarver's "A Southern Historian's Lost Cause" and David Blight, *Race and Reunion*.
- D. Coincides with the height of Jim Crow and lynching, involves celebration of white supremacy, and reclaiming the South for whites after the end of Reconstruction. Lost Cause proponents use the mythology to justify racial terror aimed at silencing Black Americans and denying their constitutional rights. For further discussion see *Racial Terror*.
- E. Northerners were eventually complicit in this retelling of the Civil War. At the turn of the twentieth century, after the failures of Reconstruction and faded memories of the war, white northerners united with white southerners in a campaign of national reconciliation of white Americans across regional lines. White northerners begin to advocate letting white southerners solve the "Negro problem" in their own way, condoning racial terror, lynching, disfranchisement, and segregation.
 - 1. Ideas that northern and southern whites should reunite became especially prominent to boost white morale and contribution to the war effort during the Spanish-American War and WWI.
- F. California was central to the growth of white supremacist racial ideology in the early 20th century.
 - 1. Discuss California's role in development of race science in the Jim Crow era.
 - 2. Hollywood, California, as the center of the global film industry, was the birthplace of white supremacist narratives in film.
 - a. The popularity of D.W. Griffith's *The Birth of a Nation* (1915) cemented the Lost Cause mythology among both white southerners and white northerners. Woodrow Wilson screened the film at the White House and endorsed it, despite protests from the NAACP.

IX. Conclusion

- A. Highlight the persistence of the Lost Cause Mythology across the 20th century.
 - 1. Second emergence of the KKK in the 1920s (including in California and the West Coast)

2. Surge of Confederate monument-building during the Jim Crow era as a tactic of racial terror and solidifying white supremacy in public spaces. (Note Confederate monuments in California).
 3. Confederate flag as an enduring symbol of slavery and white supremacy
 - a. Many southern states incorporate it into their state flags.
 - b. South Carolina begins flying the Stars and Bars on the statehouse lawn during the Civil Rights Movement.
 - c. The 2021 storming of the US Capitol marked the first time the Confederate flag was flown in the nation's capitol building.
- B. Discuss the recent violent struggles over Confederate monuments and symbols.
1. Tearing down Confederate monuments in dozens of cities (including Los Angeles!)
 2. White supremacist violence in Charlottesville
 3. Removal of the Confederate flag from many state flags.
 4. Forcible removal of SC's Confederate flag by civil rights protestors in 2015.
- C. Connect the struggle over the Lost Cause and Confederate monuments to the question of reparations for slavery.

Bibliography

- Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (2014)
- “Background: James DeWolf,” Tracing Center, <https://www.tracingcenter.org/resources/background/james-dewolf/>
- Beckert et. al., *Slavery's Capitalism: A New History of American Economic Development* (2016);
- Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (1998);
- Berry, *The Price for Their Pound of Flesh: The Value of the Enslaved from Womb to Grave, in the Building of a Nation* (2017);
- Blackburn, *The Making of New World Slavery: From the Baroque to the Modern* (2010)
- Blight, *Beyond the Battlefield: Race, Memory, and the American Civil War* (2002);
- Blight, *Race and Reunion: The Civil War in American Memory* (2001);
- Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (1996)
- Christopher, *Slave Ship Sailors and their Captive Cargoes, 1730 – 1807* (2006)
- Daly, *When Slavery Was Called Freedom: Evangelicalism, Proslavery, and the Causes of the Civil War* (2002);
- Diouf, *Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America* (2007);
- Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (1985);
- Foner, *Forever Free: The Story of Emancipation and Reconstruction* (2005)
- Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (2011);
- Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (1971);
- Gallagher, et.al., *The Myth of the Lost Cause and Civil War History* (2000);
- Harris, “Higher Education’s Reckoning with Slavery: Two decades of activism and scholarship have led to critical self-examination,” American Association of University Professors (AAUP) (Winter 2020), <https://www.aaup.org/article/higher-education%E2%80%99s-reckoning-slavery#.YH0wFj9lCUk>
- Harris, James T. Campbell, and Alfred L. Brophy, eds., *Slavery and the University: Histories and Legacies* (2019);
- Huston, *Calculating the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War* (2003);
- Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (2013);
- Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (1999);
- Johnson, *The West is relevant to our long history of anti-blackness, not just the South*, (May 17, 2020)

- Washington Post <<https://www.washingtonpost.com/outlook/2020/05/17/west-is-relevant-our-long-history-anti-blackness-not-just-south/>>
- Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (2016)
- Lapp, *Blacks in Gold Rush California* (1977);
- Martinez, *The Slave Trade and the Origins of International Human Rights Law* (2012)
- McDougall and O'Brien, "Five Generations of Renty" *The Harvard Crimson* (March 18, 2021) <https://www.thecrimson.com/article/2021/3/18/lanier-v-harvard-scrut/>
- McPherson, *Battle Cry of Freedom: The Civil War Era* (new edition, 2003);
- Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (1975)
- Mustakeem, *Slavery at Sea: Terror, Sex, and Sickness in the Middle Passage* (2016)
- O'Malley, *Final Passages: The Intercolonial Slave Trade of British America, 1619-1807* (2014)
- Painter, *The History of White People* (2010)
- Patterson, *Slavery and Social Death: A Comparative Study* (1982)
- Rediker, *The Slave Ship: A Human History* (2007)
- Richards, *The California Gold Rush and the Coming of the Civil War* (2006);
- Risen, *Jack Daniel's Embraces a Hidden Ingredient: Help From a Slave* (June 25, 2016) *New York Times* <https://www.nytimes.com/2016/06/26/dining/jack-daniels-whiskey-nearis-green-slave.html>
- Rosenthal, *Accounting for Slavery: Masters and Management* (2018);
- Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (2005);
- Rothman, *The Ledger and the Chain: How Domestic Slave Traders Shaped America* (2021);
- Savage, *Standing Soldiers, Kneeling Slaves: Race, War, and Monument in Nineteenth-Century America* (2018)
- Schafer, *Indigo Cultivation: Life at Governor James Grant's Villa Plantation* (2000) *Florida History Online* <https://history.domains.unf.edu/floridahistoryonline/projects-proj-b-p-html/plantations-plantations-indigo-cultivation-and-processing-htm/>
- Seck, *Bouki Fait Gombo: A History of the Slave Community of Habitation Haydel (Whitney Plantation) Louisiana, 1750-1860* (2015)
- Seck, *The Relationships between St. Louis of Senegal, Its Hinterlands, and Colonial Louisiana. French Colonial Louisiana and the Atlantic World* (2005)
- Silber, *The Romance of Reunion: Northerners and the South, 1865 – 1900* (1997);
- Sinha, *The Slave's Cause: A History of Abolition* (2016)
- Slave Voyages* <https://www.slavevoyages.org/assessment/estimates>
- Smallwood, *Saltwater Slavery: A Middle Passage from Africa to American Diaspora* (2008)

Smith, “Dred Scott on the Pacific: African Americans, Citizenship, and Subjecthood in the North American West,” *Southern California Historical Quarterly* (2018)

Smith, *Freedom’s Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (2013);

Starobin, *Industrial Slavery in the Old South* (1970);

Swarns, *Insurance Policies on Slaves: New York Life’s Complicated Past*, *New York Times*, (Dec. 18, 2016) https://www.nytimes.com/2016/12/18/us/insurance-policies-on-slaves-new-york-lifes-complicated-past.html?rref=collection%2Fbyline%2Ffrachel-l.-swarns&action=click&contentCollection=undefined®ion=stream&module=stream_unit&version=latest&contentPlacement=10&pgtype=collection

Tadman, *Speculators And Slaves: Masters, Traders, And Slaves In The Old South* (1989);

Thomas, “The Hidden Links between Slavery and Wall Street,” *BBC News* (Aug. 29, 2019) <https://www.bbc.com/news/business-49476247>

Tise, *Proslavery: A History of the Defense of Slavery in America, 1701 – 1840* (2004)

Waite, *West of Slavery: The Southern Dream of a Transcontinental Empire* (2021);

Waldstreicher, *Slavery’s Constitution: From Revolution to Ratification* (2009);

Wells, “The Slave Gardener Who Turned the Pecan Into a Cash Crop: A Louisianan Known Only as Antoine Tamed a Wild Tree and Launched an Industry,” *Zocalo Public Square* (Dec. 14, 2017) <https://www.zocalopublicsquare.org/2017/12/14/slave-gardener-turned-pecan-cash-crop/ideas/essay/>

Wilentz, *No Property in Man: Slavery and Antislavery at the Nation's Founding* (2018);

Wisecarver, “A Southern Historian’s Lost Cause” *TedxUAMonticello* (April 12, 2019) <https://www.youtube.com/watch?v=y7y3pJCufFU>

DRAFT

RACIAL TERROR

I. Introduction

- A. The era of chattel slavery was followed by decades of terrorism and racial subordination of Black Americans across the United States. Racial terror, and lynchings in particular, pervaded every aspect of post-enslavement Black life. Black Americans faced the prospect of racial terror when they tried to vote, when they tried to buy homes in otherwise white neighborhoods, when they tried to swim in public pools, and when they achieved progress through the courts or in legislation.
- B. Led by prominent members of society, ordinary citizens, sometimes individually and often in mass, used various types of violence to terrorize Black Americans as a means to control them and maintain racial superiority. One of the unspoken, and often times, explicit objectives of racial terror was to intimidate Black Americans from participating in the same political, economic, and social activities in which white Americans participated freely. In doing so, the perpetrators of racial terror—and their enablers, including government actors—preserved a caste system which kept Black Americans from amassing the same wealth and political influence as white Americans, and continuing the generational trauma that started in the era of chattel slavery.
- C. While lynching is no longer a socially acceptable tactic of terror, its legacy continues to haunt Black American communities. The use of terror to target successful Black Americans has contributed to the wealth gap that exists between Black and white Americans. White supremacist groups’ monitoring of polling places in urban areas, when contextualized with a history of political violence, is designed to suppress Black voters. The ongoing extrajudicial killings of Black Americans by police and white supremacists carries forward a long history of terrorizing Black Americans.
- D. This section chronicles the racial terror perpetrated on Black Americans, including in California, and the impact of racial terror on Black American communities. First, the section will discuss the overarching purpose of racial terror as a form of social control that has contributed significantly to keeping Black Americans in an inferior social, economic, political, and cultural caste. Second, the section will discuss the various forms of racial terror—physical violence, extrajudicial police killings, sexual violence, violence against children, and economic and political influenced violence. Third, the section will identify the perpetrators of racial terror and their objectives to preserve their dominance in society. Fourth, the section will discuss the development of racial terror in California specifically. Finally, the section will discuss the effects of racial terror.

II. Objective of Racial Terror as a form of social control

- A. A critical key to understanding the pervasiveness of racial terror, is recognizing how its perpetrators have used it to oppress Black Americans socially, politically, and economically. Identified as one of the pillars of the American caste system, the use of violence and terror—both psychological and physical—is “[t]he only way to keep an entire group of sentient beings in an artificially fixed place, beneath all others and beneath their own talents . . . to preempt resistance before it can be imagined.” To succeed, the rest of the society and government need only look the other way and not hold the perpetrators of racial terror accountable for their actions, which has been one of the reoccurring themes across centuries.
- B. The system of racial terror in America started in the era of chattel slavery, where whipping was a “terror mechanism” to keep enslaved persons in their place by “break[ing] in a young slave and to ‘break the spirit’ of an insubordinate older one.” Enslavers tortured people who escaped. They openly publicized that they inflicted physical violence against enslaved persons, and welcomed the

killing of those who managed to escape.

- C. After slavery, Black southerners began to rise above their station to gain influence.
 - i. The Reconstruction Acts of 1867 gave voting rights to Black men, and following the law's enactment, Black voter turnout reached neared 90 percent in many jurisdictions. During Reconstruction, approximately 2,000 Black men held a public office, including 600 Black Americans elected to state legislatures, 18 Black Americans to state executive positions, 16 Black representatives to Congress, and two of the nation's first Black senators. Fifteen percent of all public officials in the South were Black by 1870.
 - ii. Despite the violence and other obstacles that Black landowners had to endure, Black southerners began owning land, particularly in the Upper South. By 1910, nearly half the Black agriculturalists in the Upper South owned land.
 - iii. Black literacy rates surged from approximately 20 percent in 1870 to approximately 70 percent in 1910.
- D. In response to gains made by Black Americans during Reconstruction, KKK and white supremacists subjected Black Americans to indiscriminate killings, burnings, and beatings for behavior that was deemed threatening to white supremacy. Terror pervaded every aspect of Southern life and had a devastating effect on the psyche of Black Americans. The perpetrators' principal goal was to intimidate or prevent Black Americans from voting or otherwise achieving equality, and indeed, the violence was effective at suppressing Black southerners economically and politically.
- E. In 1876, there was a disputed presidential election, which culminated in the end of Reconstruction. In exchange for Democrats not blocking the certification of Republic Rutherford B. Hayes as President, President Hayes and other Republicans agreed to remove federal troops from the South.
- F. The end of Reconstruction allowed proponents of white supremacy to return to power and pursue economic, social, and political control and disenfranchisement of the Black population. Once federal troops left, white southerners were more emboldened to use racial violence to further terrorize Black southerners. Perpetrators initiated violent attacks for perceived slights such as not removing a hat, refusing to hand over a whiskey flask, disobeying church procedures, or using "insolent language." The perpetrators of racial violence targeted some of the more accomplished members of the Black community who presented the greatest threat to the caste system and directed violence at Black economic, political, and social activities. It was the threat that Black members would succeed and disrupt the caste system that was often the impetus of this violence.
- G. Racial terror also reaffirmed the racial differences between the races in service of the caste structure. Take lynching, the seminal and most visceral example of post-enslavement racial terror in America and a powerful tool of white supremacy.
 - i. Lynching underscored the nation's power structure, where on one end, white society is the apex and its interests were protected at all costs; on the other end, Black Americans are subject to the will of white people and risked death if they broke recognized racial barriers. The local lynching tree served as a warning to Black Americans that they could be hanged if they commit an "offense" that was deemed objectionable to the dominant caste; mutilated bodies would be displayed for days, or dragged through the streets, to underscore this danger. Meanwhile, the act of lynching reassured and built cohesion among white people of their dominance.
 - ii. Lynching was a public event that involved the entire community. Yet white lynchers were rarely held accountable for their actions; the nation-state effectively sanctioned the murder of

Black Americans. This normalization and widespread participation in public lynchings without accountability indicated to Black Americans that their lives were trivial and their very existence could be taken away at any moment without consequence.

- H. Even when not physical in nature, perpetrators used the specter of violence to intimidate Black Americans from taking any action to upset the dominant caste.
 - i. The Ku Klux Klan (KKK) was a national, institutionalized white supremacist organization formed in direct response to emancipation. The KKK often conducted masked rides through towns at night to incite fear among Black Americans, an intimidation technique that mirrored pre-war slave patrols. The KKK's use of disguises was a conscious play on the superstitions of formerly enslaved people and was reminiscent of plantation scare tactics.
 - ii. Cross-burnings was another act commonly carried out by the KKK. While the burning of the cross may itself not physically harm anyone in the moment, it has undoubtedly become a well-known symbol of racial terror to intimidate minorities who are believed to betray the Klan's ideals. During oral argument in *Virginia v. Black*, a 2002 case contemplating whether a state could criminalize burning a cross, Justice Thomas made a point of connecting the "symbol" of cross-burning to its effect: the burning cross is "unlike any symbol in our society...There's no other purpose to the cross, no communication, no particular message...It was intended to cause fear and to terrorize a population." In America, there is no act of cross-burning that could occur without signifying racial terror against Black Americans.

III. Forms of Racial Terror

A. Physical Violence

i. Lynching

1. Lynchings were terrorist, violent, and public acts of torture, largely tolerated by local, state, and federal officials, which traumatized Black Americans throughout the country.
2. At the end of the Civil War, the nation did nothing to address the narrative that Black people were chattel and not deserving of human dignity, a view that was grounded in a belief that white people are inherently superior to Black people. Following the war, white Americans reacted violently to the notion that they would now have to treat their former human property as equals and pay for their labor. Unable to restrain Black people through slavery, lynching became a powerful tool to preserve and protect the purity of the "White race" against the false stereotypes that were created about Black people.
3. Lynching was the weapon of choice of the dominant caste to enforce perceived violations of the racial order. It was "primarily a technique of enforcing racial exploitation—economic, political, and cultural," like Jim Crow laws and racial segregation. Lynching was not targeted at a particular individual, as much as it was aimed at controlling an entire community. For instance, after Booker T. Washington visited the White House to meet with President Theodore Roosevelt, South Carolina Senator Benjamin Tillman remarked, "now that Roosevelt has eaten with that [n-word] Washington, we shall have to kill a thousand [n-word] to get them back to their places."
4. Lynchings had many purposes. Victims were murdered without being accused of any crime; they were killed for minor social transgressions or for demanding basic rights

and fair treatment. According to the Tuskegee Institute, approximately 30 percent of those lynched were accused of non-violent “offenses.”

- a. Example 1, alleged sexual assault: White men perpetuated the myth of the “unbridled, brutish, black rapist” to justify lynchings of Black men for alleged sexual assault of white women, even when the grounds for the lynching was weak or contrived. This included lynchings for innocuous encounters with white women, such as entering a room where other white women were sitting, knocking on the door of a white woman, or inviting a white woman to have a drink with him. Lynching of Black men for rape or sexual assault allegations was often accompanied by castration, which underscored how white men felt threatened by Black men and used lynching as an assault on Black manhood.
- b. Example 2, social grievances: There were lynchings of Black victims for referring to a white police officer by his name, associating with white women, accidentally bumping into a white girl, allegedly writing insulting notes to a white girl, “passing” as white, being outspoken about racial equality, testifying on behalf of a Black defendant, or for refusing to take off an Army uniform after returning from WWI.
- c. Example 3, accusations of murder or rape: Of the hundreds of Black people lynched under accusation of rape and murder, nearly all were killed without being legally convicted. To illustrate the cavalier approach taken to Black people’s due process rights, in one instance, after a search party found a fugitive Black American, the mob called the sheriff’s office to pick him up, and the sheriff responded by saying, “I’m busy, just go ahead and lynch him,” which the mob did.
- d. Example 4, alleged mistreatment/labor rights: In 1918, when a Black man in Earle, Arkansas, refused to work on a white-owned farm without pay, white citizens of the city cut him into pieces with butcher knives and hung his remains from a tree. There are also numerous incidents of Black people lynched for murder or assault in disputes over wages and debts, in which the lynched person acted in self-defense following a violent action by a white person.
- e. Example 5, lynching as public spectacle—Lynchings were often public spectacles that featured pre-planned, heinous killings with prolonged torture, mutilation, dismemberment, and/or burning of the victim. These events attracted large crowds of white people, often numbering in the thousands, which included elected officials, prominent citizens, and entire families including children. Children were involved and given front row position of the victim, psychologically tainting their view of Black people from a young age. The white press justified and promoted these carnival-like events, with vendors selling food, printers producing postcards featuring photographs of the lynching and corpse. Spectators would fight over fingers, ears, toes, sexual organs and other parts as souvenirs. The physical objects associated with a lynching were prized mementos for the crowd.
- f. Example 6, targeting the entire Black Community: Lynchings were designed

to send a message of domination, fear, and specifically, to drive Black Americans from a community.

- i. After a lynching in Forsyth County, Georgia, in 1912, white vigilantes distributed leaflets demanding that all Black people leave the county or suffer deadly consequences, resulting in the Black population dropping from 1,100 to 30 in eight years.
 - ii. In 1918, in rural Unicoi County, Tennessee, after killing a Black man accused of kidnapping a white girl, a group of white men rounded up 60 Black residents and forced them—including children—to watch the corpse burn. The whites told the Black people in the town to leave the county within 24 hours.
5. Government actors, including police officers, prosecutors, judges, and elected officials, tacitly approved or assisted in lynchings.
 - a. Law enforcement officers were complicit by releasing Black inmates to mobs, placing Black prisoners in areas where lynch mobs were known to gather, accompanying or participating in mobs to find Black Americans, or assisting with lynchings.
 - b. Prosecutors and law enforcement regularly failed to identify and try lynchers for their crimes. Only one percent of all lynchings after 1900 resulted in a conviction. Judges contributed to these outcomes by presiding over a process that systematically excluded Black people from juries, ill-treated Black witnesses, and held trials in jurisdictions with a racist bias. Local coroners or citizens serving on coroners' juries refused to indict lynchers and made demonstrably unsupported determinations such as finding a death was a suicide after a Black farmer was found dead riddled with bullets.
 - c. State and local southern politicians protected the perpetrators of violent acts instead of protecting Black southerners from extrajudicial violence. Some governors, rather than condemn the lynching, made statements that focused on the accused crime of the lynched Black person—ostensibly suggesting that the lynching was justified—and in other cases, affirmatively supported the lynching.
 - d. National leaders failed to pass any one of the over 100 national anti-lynching bills that were proposed in Congress between 1852 and 1951.
6. The public was also complicit. Studies show that thousands of whites, from all class or educational statuses, participated directly as mob members, many more participated as spectators, and millions did nothing. Participants were protected by a code of silence where witnesses did not cooperate, thereby thwarting the criminal investigations process and evading accountability. At the same time, white communities experienced economic and political benefits from lynchings, as they suppressed Black citizens from realizing political power and preserved a compliant workforce necessary to sustain the traditional agrarian Southern economy.
7. In the late 19th Century, Ida B. Wells started the Red Record Efforts to identify incidents of extreme racial violence for research, advocacy, and public policy purposes. Researchers and activists followed Wells' lead, but there is disagreement

on figures among those who study racial terror due to, among other reasons, differing criteria and accuracy limitations because of attempts at concealment by the perpetrators. By any measure, lynching was a practice that occurred in every region of the U.S.—victims were any gender and race.

- a. The consensus is that between the Civil War and World War II, thousands of Black Americans were lynched in the United States, with these “terror lynchings” peaking between 1880 and 1940. At its peak in the 1890s, an average of 104 Black people were killed each year by lynch mobs.
 - b. NAACP, Tuskegee, Walter White (NAACP) all had different metrics/definitions of what counted as a lynching.
 - i. 1889-1918: NAACP reported 25 in CA, 3,324 total. This totals approximately 1 lynching every 3 days.
 - ii. 1883-1968: Tuskegee counted 30 in CA, 4,743 total –73 percent of all lynching victims up to the 1950s were Black, although Black people made up approximately 10 percent of the population.
 - iii. 1883-1927: Walter White counted 50 in CA, 4,951 total.
 - c. EJI has documented nearly 6,500 racial terror lynchings in America between 1865 and 1950. This still equals approximately 1 lynching every 5 days.
 - d. Those involved in the count prioritized public awareness of lynchings. For example, the NAACP flew a flag outside its headquarters on Fifth Avenue in New York City between 1920 and 1938 that read: “A man was lynched yesterday.”
8. As Black southerners moved north and west, lynching rates steadily declined during 1930s, 1940s, and 1950s. They then became an extraordinary event, each provoking national outrage
 - a. Emmett Till, 1955
 - b. Mack Charles Parker, 1959
 - c. Murder of 3 civil rights workers, 1964.
 9. The decline in lynchings did not mean, however, an end to the caste system that produced them in the first place. Rather, the decline can be attributed to both the continuation of “segregation and disfranchisement policies” and “because state executioners replaced lynch mobs in carrying out the will of the white majority.”
 - a. Lynchings in the 1930s were often avoided when government actors made clear to the public that the accused would receive a swift conviction resulting in execution through the judicial process as an alternative to “less tasteful forms of racial violence.” The rise of these so-called “legal lynchings,” like actual lynchings, disproportionately harmed Black Americans. Between 53 to 81 percent of the lynchings and executions per decade from the 1890s to 1950s were of Black Americans, although Black Americans represented just approximately 10 percent of the population.
 - b. While there is no conclusive evidence showing that the death penalty replaced lynching in the South, data shows that executions increased as lynchings declined. By 1915, court-ordered executions outpaced lynchings in the former slave states for the first time, and by the 1930s, 2/3 of those executed were

Black—a trend that would continue. At the same time that lynchings declined between 1930 to 1970, there was a sharp increase in the number of Black Americans who were executed for rape, whereas no white person was executed for raping a Black woman.

- c. While Black people were executed for allegedly killing white people, the reverse was not true. According to one study, out of more than 11,000 executions in the United States, only two white men were executed for killing a Black person. Another study of approximately 15,000 executions from colonial times to the 1990s revealed that whites were executed for killing Black people in only 29 cases—and most of those cases involved defendants who had also killed white people. These trends reinforce the theme of lynching: that the lives of Black people were worth less than white people.

ii. Mob violence

1. Perpetrators directed both lynching and mob violence at the entire Black community. But whereas lynching represents collective group action against a person as a response to an alleged act by that person, mob violence involve assaults by civilians of one ethnic group on members of another ethnic group on the basis of their group membership. Sometimes, white mobs, energized by a lynching, would follow a lynching with an attack on the entire Black community—burning and decimating Black homes and neighborhoods and forcing its Black residents to relocate. As Ida B. Wells and W.E.B. DuBois observed, although whites justified these attacks as necessary to stamp out “an insurrection [that] was being planned by Negroes,” the fact that only Black people were harmed in these attacks belies the notion that they posed the threat of “insurrection.”
2. Mob violence was an “intricate, developed, and ritualized . . . means of community building” among white Americans that enabled the South to sustain Jim Crow and build cohesiveness to justify the continuation of white supremacy. As discussed above, mass participation was a typical element of lynchings drawing upwards of thousands of people.
3. But mass violence was not strictly a Southern phenomenon. White mob violence occurred in several Northern states and cities prior to 1865 including New York, Pennsylvania, and Ohio where mob of hundreds, and sometimes thousands, of white people would attack and murder Black people and commit arson of their properties. The violence was often accompanied by inaction or inadequate response by law enforcement. There was no prosecution or conviction of the perpetrator in virtually every situation, and when there was, there was the perpetrator received an extremely lenient punishment.
4. The same objectives that motivated the lynching of Black Americans, including to extinguish Black Americans’ economic gains, inspired the use of mass violence by white mobs against Black citizens.
 - a. Mass Violence was triggered by economic competition brought upon by the migration of Black people. For instance, white mob violence intensified with the return of Black soldiers after WWI—in 1919, more Black Americans were lynched than in any of the preceding 11 years, though every responsible white

attacker went unpunished.

- b. Massacres were also intended to destroy cohesive Black communities and the prosperity that they built, which whites viewed as threatening their superiority.
 - i. In May 1866, in Memphis, Tennessee, many Black people permanently left the city after white mobs killed 46 Black people; burned 91 homes, four churches, and 12 schools; and raped at least five women.
 - ii. Wilmington—In the 1890s, Black businesses were vital to the city’s political and economic landscape, growing at a faster place in Wilmington than anywhere else in North Carolina. More than 1,000 Black citizens owned property in the city and represented the majority of the population. Following the 1898 election, an armed mob of almost 2,000 white people indiscriminately murdered 30-100 Black men, women, and children in the street, forced 2,000 others off their property, and overthrew the city government. In its aftermath, the new city government banned prominent Black leaders and businessmen, and Black families left voluntarily. There was no state investigation, and the federal investigation produced no indictments.
 - iii. East St. Louis, Illinois 1917—In the months preceding the riot, city authorities fostered an atmosphere of racism and violence, and the mayor committed to drive Black residents out of East St. Louis and prevent them from moving into the city. When the mob erupted, law enforcement hid or passively watched the mob engage in destruction. The state militia joked and fraternized with the mob without taking any action to restrain them. The riot lasted nearly a week resulting in over \$400,000 in property damage and in the deaths of hundreds of Black men, women, and children. Six thousand Black residents were forced out of the city.
 - iv. Tulsa, Oklahoma—Following the arrest of a young Black man for an alleged assault on a white woman, in 1921, a white mob looted and burned homes and businesses and murdered Black people in Greenwood, a prosperous Black neighborhood in Tulsa known as “Black Wall Street,” which housed 11,000 Black Americans and scores of Black-owned businesses. Over the course of 24 hours on May 31 and June 1, 1921, the mob destroyed 35 square blocks, more than 1,200 Black owned homes, over 60 businesses, a hospital, a public library, and a dozen Black churches, and killed at least 300 Black people. The Tulsa Race Massacre Commission confirmed that Tulsa officials not only did nothing to prevent the massacre, but also participated in the violence and provided firearms and ammunition to the mob. Thousands of Black Tulsans were left homeless and placed in internment camps. The Tulsa Massacre Commission report confirmed that no one prosecuted or punished any of the perpetrators for the violent acts that occurred, despite overwhelming evidence of their

guilt. Instead, the all-white grand jury blamed Black people for the massacre, falsely claiming that, “There was no mob spirit among the whites, no talk of lynching and no arms. The assembly was quiet until the arrival of the armed Negroes, which precipitated and was the direct cause of the entire affair.” The report also blamed the attack on “agitation among the Negroes of [sic] social equality.”

iii. Torture—bodily harm that precedes death or that does not end in death.

1. Southern lynchings of Black people would include torture of the individual preceding death—in addition to burning, mutilation, and decapitation after death. As historian Leon F. Litwack explains: “The story of a lynching [] is more than the simple fact of a Black man or woman hanged by the neck. It is the story of slow, methodical, sadistic, often highly inventive forms of torture and mutilation.” Torture was another method in which white people would seek to reinforce the caste structure and punish Black people for stepping outside their relegated social roles.
2. Torture would consist of prolonged public killings, usually lasting hours, which could involve shoving a hot poker iron down a person’s throat and pressing it across the person’s body, gouging out eyes, castrating, cutting off hands and feet, extracting spiral tearing from the flesh using a large corkscrew, and burning alive. Slow burning and mutilation became common elements of torture in many lynchings. Victims were tortured even if a person was not convicted of any crime, such as when two brothers in Paris, Texas were tortured for trying to escape abusive work conditions.
3. As lynching, and its accompanying torture, became less common, it was replaced with what has been called “legal lynching,” which used torture to extract confessions with the aim of procuring swift conviction of alleged offenders.” As a result, Black suspects were subject to trials that were neither fair nor impartial, and which could result in death sentences.
 - a. Unlike lynching, this form of torture does not involve spectacle and hypervisibility. In fact, its deliberate concealment was critical to supporting a racist system. It was difficult for victims and advocates to realize the prevalence of torture, and the denials and secrecy made it more difficult to fight the practice. When torture was reported and individuals tried to bring charges, allegations and evidence were ignored and invalidated by white judges, prosecutors, and other officials.
 - b. While this happened throughout the county, it was especially prevalent in large cities like Chicago and New York City, as well as the American South. There were very rarely any consequences for violence used by police in coercing confessions; police officers often denied it, while claiming that regulating police work would lead to an increase in crime.
 - c. Thus, the decline in lynching was not a sign of enlightenment, but rather as a sign of modernization of racial violence.

B. Police Killings, a Continuation of Extrajudicial Violence Against Black Americans

- i. State-sanctioned violence against Black Americans continues today in the form of extrajudicial violence by police officers against Black people. Black people’s rights can and have been taken away from them by the police for any reason or for no reason at all. Indeed, police violence is a leading cause of death for Black people in America.”

- ii. Today's extrajudicial killings find their roots in the social control of slave patrols, the lynchings of the late 1800s and early 1900s, and police violence against Black southerners during Jim Crow. Like the slave patrols, police violence in Jim Crow was intended to intimidate Black populations and relegate Black people, who were suspected of offenses or showed "signs of insubordination," to their designated place within the segregated order. This violence was consistent with the traditions of violence surrounding slavery and vigilante justice in the South. The use of police violence was also linked to spatial and socioeconomic factors, as police used violence, as well as curfews and high incarceration rates, in response to an increase in competition between Black and white workers in urban areas. In rural areas, sheriffs and deputy sheriffs enjoyed essentially unchecked power from their white constituents, which led to a disproportionately high number of Black citizens subject to police violence, even for seemingly minor transgressions.
- iii. By targeting Black people without any reliable findings of guilt and without providing due process, the culture of lynching perpetuated the notion that Black people were assigned a presumption of guilt, contrary to the presumption of innocence that the U.S. Constitution grants to all of our citizens. Many mobs killed people who were later exonerated for the crimes for which they were executed. White Americans justified lynching and other vigilante violence as a necessary tactic for self-preservation; it was a "preemptive strike against the threat of Black violent crime" even if the individual had not committed a criminal offense. This history of racial terror reinforced a view that Black Americans were dangerous criminals who posed a threat to whites.
- iv. As the United Nations Working Group of Experts on People of African Descent recognize, "contemporary police killings and the trauma that they create are reminiscent of the past racial terror of lynching." Recent incidents of police violence demonstrate this connection to lynchings.
 - 1. George Floyd—In May 2020 in Minneapolis, police stopped Floyd for using an alleged counterfeit \$20 bill, which could have been handled with a ticket. Instead, the officers apprehended and handcuffed him, tried to force him into the police car despite his pleas not to because he was claustrophobic, and eventually, they pulled him out and one officer pressed his knee into Floyd's neck for 8 minutes and 48 seconds while three other officers stood by. The crowd plead for the officer to stop and Floyd repeatedly begged the officer to get off his neck because he could not breathe." George Floyd's death has been called a "modern-day lynching."
 - 2. Philando Castile—Also, in Minneapolis, in July 2016, the police stopped Philando Castile, incorrectly identifying him as a robbery suspect. During the stop, Castile cooperated and acknowledged that he had a legally owned firearm. As Castile reached for his driver's license, the officer shot and killed Castile, presuming he was reaching for a gun, while his girlfriend and young daughter watched. Castile's sister said, "It's just like we're animals. It's basically modern-day lynching that we're seeing going on, except we're not getting hung by a tree anymore—we're getting killed on camera."
- v. Besides police extrajudicial violence, our country's history of lynching can be seen in the vigilantism taken against Black people, even when they have not committed any offense.
 - 1. Trayvon Martin—In February 2012, George Zimmerman reported a "suspicious

person” in his neighborhood. Zimmerman then confronted the person, who was an unarmed 17-year-old Trayvon Martin. Zimmerman shot Martin claiming it was in self-defense and Martin went for his gun, but only Zimmerman’s fingerprints were on the gun. Zimmerman was acquitted for the shooting and in the tradition of lynching, he turned the item that was part of the shooting (in this case, his gun) into a souvenirs, auctioning it off for sale.

2. Ahmaud Arbery—In February 2020, three white men chased Arbery, a 25 year-old Black man, through a Georgia suburban neighborhood while he was jogging. The group told the police that they believed Arbery resembled a suspect in a series of local break-ins, which there is no evidence to support. After harassing Arbery, the white men shot Arbery claiming that he attacked them, though there is no indication that Arbery was armed. They also relied on “citizen’s arrest rights” in confronting Arbery. There is also evidence that one of the white men used a racial epithet toward Arbery as he laid on the ground after being shot. Arbery’s family called it a lynching.
- vi. A lack of accountability exists. The Guardian reports that out of 1,136 killings registered in 2015, only 18 law enforcement officers were charged with crimes. Moreover, the United Nations found that federal, state, and county regulations on use of force and firearms do not comport with international standards, which makes it more likely that extrajudicial police violence of Black individuals will continue.

C. Sexual Violence and Violence Against Black Women and Girls

- i. As discussed in the Health Section, the Black female body has been brutally and routinely compromised in the absence of legal protection, facing forced procreation (during slavery) and forced sterility (after slavery). During slavery, Black women and girls, and their children, were under absolute control by white enslavers. Some state laws provided that children born of enslaved mothers were themselves enslaved—creating a perverse economic incentive for white men to rape enslaved women. The children borne of this violence were denied the ability to form healthy bonds with their mothers—mothers were ripped from their nursing babies to work on fields; children were trafficked to work on other plantations or sold off.
- ii. While the end of chattel slavery as an institution may have removed the economic incentive to abuse, rape, or otherwise exert control over Black women, Black women and girls continue to suffer from the violence that arise from stereotypes projected upon them. Black women have been depicted through tropes of hypersexuality that created a myth that Black women could not credibly lay claim as victims of sexual violence. These false perceptions silence Black women, who are less likely to disclose their assaults compared to other women. The sexual trauma inflicted onto Black women’s bodies and the imposed silence and stigma still shape the lives of Black women and girls.
 1. According to a 2013 U.S. Department of Justice report, Black women suffered from attacks at a rate of 2.8 per 1,000 whereas white women were attacked at a rate of 2.2 per 1,000.
 2. Although, Black women experience more sexual violence, Black women have historically not been granted the same level of attention as white women have received following sexual assaults. Crimes against Black women are poorly investigated and sometimes ignored entirely. When police investigate alleged crimes against Black women, they often believe the victims are not credible. The few sexual

assault crimes that actually lead to police charges are frequently not pursued by prosecutors, denying Black women access to justice.”

iii. Eugenics and Forced Sterilization

1. The eugenics movement in the early Twentieth Century was the foundation of medical scrutiny of Black sexual behavior and reproduction that disproportionately forced Black people, especially Black women, into sterility. Under eugenics principles, Black women were constrained by biology to give birth to “defective children”—demonized as medically and behaviorally unfit.
2. As discussed in the Health Section, in the 1940s and 1950s, experimental family planning centers, which were eventually government-funded, were strategically located in Black neighborhoods and marketed contraceptives to poor Black women, resulting in disproportionate sterilization of Black women.
3. As discussed later, states, led by California, also affirmatively and coercively sterilized Black women. By 1934, at least 17 U.S. states were performing routine sterilizations.

D. Violence Against Children

- i. Child separation was a core aspect of slavery sanctioned by government. As discussed above, under the law of some slave states, the status of an enslaved woman’s children would follow that of the mother. The threat of selling non-compliant enslaved persons away from their families was one of the most threatening tools of coercion that enslavers wielded to suppress rebellions. Separation was traumatic to the mothers and the children. Children and their mothers were treated not as people, who cared and were cared for by one generation after another, but as bodies used exclusively for labor. Frederick Douglass said that he began to understand himself as enslaved following the separation from his mother, as in the absence of nurturing kin, he was completely subjected to the will of others.
- ii. Due to pressure from abolitionists, Southern states began outlawing taking infants from their mothers in the 1850s. But even during Reconstruction, former enslavers “apprenticed” children generally from 12 to 14 years old, and sometimes as young as 6, claiming that the families could not financially support the children. After Reconstruction, police would arrest “vagrants,” including children, for idleness, and put them on a prison chain gain, providing another method to separate children from their families.
- iii. This legacy of taking Black children from their families continued in the South in the mid-Twentieth Century as local official impugned mothers “on welfare” as keeping “unsuitable homes.”
 1. Southern states enacted “suitable home” laws, which enabled case workers to coerce single Black women on welfare to release their children to the state if they were deemed “illegitimate,” i.e., the product of an “illicit relationship” or “illicit cohabitation,” or else they would be referred to juvenile court for neglect proceedings. The purpose was to break the will of resistant Black communities who started to see even slight advances during the civil rights movement.
 2. In Florida in 1960, welfare workers challenged the suitability of 13,000 families, but only nine percent were white, even though white families made up 39 percent of the total caseload. Only 186 of the 13,000 families relinquished to the pressure to give up

their children, and 3,000 decided instead to withdraw from the welfare program rather than risk losing their children in “suitability” proceedings.

3. In response, the federal government instructed the states that welfare programs could not limit their benefits to “suitable homes” without attempting rehabilitation. But by requiring the states to remove children if the home could not be rehabilitated, some states felt they had the license to terrorize Black women and children by placing tens of thousands of Black children in foster care. Black children were also disproportionately placed in juvenile detention; 54 percent of Black children in out-of-home care in 1960 were placed in juvenile detention, compared to 20 percent of white children. Foster care went from a system that ignored Black families to one seemingly designed to break-up Black families.
4. Ultimately, in 1968, the Supreme Court struck down a law that allowed termination of welfare grants if a recipient “cohabitated” with a man. Yet, even in the 1990s, when Congress considered welfare reform, Speaker of the House Newt Gingrich said its purpose was to “take the children of welfare mothers and put them in orphanages,” and the bill’s preamble included a lengthy discourse on sexual morality, illegitimacy, and the virtue of men in the home that mirrored the intent of “unsuitable homes” laws from the 1950s and 1960s.
- iv. Mass incarceration has also separated Black families. The criminalization of parenting, along with a war on drugs that targeted the Black community, led to the doubling and then tripling of the incarceration of Black women in the 1980s, 80 percent of whom had children living with them at the time of the arrest, which led to many of these children placed in foster care. Accordingly, between 1985 and 1988, the number of children in out-of-home placement—foster care, psychiatric institutions, and the juvenile justice system—increased by 25 percent. By 2015, one in nine Black children had at least one parent in prison. The normalization of child separation policies reverberated in the Trump Administration’s decision to separate children from their parents at the border and other relatives applying for asylum. Then Secretary of the Department of Homeland Security, Kristjen Nielsen, justified the policy, saying that it was “no different than what we do every day in every part of the United States when an adult or a family commits a crime.”
- v. Finally, as discussed above, law enforcement’s treatment of Black people as a dangerous criminal group, extends to Black children who have disproportionately been the target of police violence. A 2020 study led by Children’s National Hospital researchers found that the non-Hispanic Black youth experience a six-fold higher risk of firearm deaths due to police intervention when compared to non-Hispanic white youth.

E. Economic Terror

- i. White Americans have utilized racial violence in response to Black economic gains. In the 1890s, the prominent journalist and anti-lynching advocate Ida B. Wells conducted a detailed study of lynchings and found that the vast majority of them were not in response to sexual crimes, but were rather motivated by economic or political concerns.
- ii. Perpetrators initiated attacks as a form of economic intimidation against Black Americans who disputed labor contracts. Employers whipped and lynched Black freedmen who argued with them or left the plantations where they were contracted to work.

- iii. Once Black people became successful, ran businesses, and owned homes, they were even more targeted. This dates back to the antebellum South, where, the AP reports, 24,000 acres of land were stolen from 406 victim landowners including by racial terrorism.
- iv. The success of Black individuals and Black neighborhoods and communities triggered white mobs to initiate violent acts.
 - 1. Increased economic competition—In response to the competition arising from the migration of Black southerners to the North and West in the late 1910s and early 1920s, white mobs responded with attacks on Black neighborhoods. In the summer of 1919, white mobs instigated riots in dozens of cities across the country, in what is known as “Red Summer” for the blood that flowed on the streets. Mobs killed at least 240 Black Americans, yet nearly anyone was prosecuted for their role in the racial violence; instead, the government accused Black Americans for causing the violence.
 - 2. Incidents targeted at Black individuals—As just one example, Elmore Bolling was a successful Black man in Lowenesboro, Alabama. He owned a small fleet of trucks that ran livestock and made deliveries, and he also leased a plantation where he had a general store with a gas station and a catering business. At its peak, Bolling employed 40 other Black people. In December 1947, a group of white men showed up at Bolling’s home where he lived with his wife and seven children, and shot him seven times and left him in a ditch to die. At the time of Bolling’s death, the family had \$40,000 in the bank and more than \$5,000 in assets (approximately \$500,000 in today’s dollars), but creditors or those who purported to be creditors took the money, leaving the family with nothing. As someone told the local newspaper at the time, “He was too successful to be a Negro.”
 - 3. In addition to the attacks on successful Black business owners, white people also committed racial violence against Black individuals who moved into white neighborhoods to try to pressure them to move away. Violence consisted of pelting homes with rocks, throwing bricks and firebomb at homes, setting garages on fire, and beating Black neighbors on the streets.
 - 4. Black Neighborhoods and Communities—white Americans felt threatened by the resulting collective economic power and independence of Black communities that such affluence brings. White mobs targeted prosperous Black neighborhoods causing lasting economic damage.
 - a. Tulsa—The Tulsa Race Massacre Commission confirmed that hundreds of white people were responsible for the looting, killing, and destruction of property, enabled and assisted by Tulsa officials, yet no one was prosecuted or punished. The Commission found \$1.8 million in property damage—\$25 million in today’s dollars—though others put the damage at \$50 to \$100 million in today’s dollars. However, the Commission found that no one, except one white pawnshop, was given any compensation for the damage to their property, and there was no other benefit or restitution for victims.
 - b. Wilmington—According to an economic analysis done for the Wilmington Race Riot Commission, the number of Black-owned businesses in Wilmington dropped from 216 in 1897 to 162 in 1900—while the number of white-owned businesses grew. Black people were significantly more likely to

- be unemployed following the race riot than before.
- c. These were not the only incidents. In 1889, white mobs massacred 25 Black people in response to a boycott of white businesses. There was also mass violence against Black people in Atlanta in 1906 and Rosewood after WWI that, similar to Wilmington and Tulsa, destroyed vibrant and successful Black communities.
 - 5. More recently, in the 1990s, the KKK carried out market-based “racial terrorism” through boycotts that targeted Black Americans and immigrants.
- F. Political Terror—Just as groups of white people took violent action in response to Black economic gains, they also took violent actions to set back Black political gains. Black voters and political candidates favored by Black voters were intimidated, and even murdered. These actions enabled white people to maintain a political power structure that would develop and maintain governmental policies that would continue to suppress Black opportunities to amass the same level of wealth as white people.
- i. Political gains stemming from Reconstruction—There was a backlash by white southerners in response to the political gains made by Black Americans during Reconstruction. Violence typically soared right before elections, as the KKK and other white supremacist groups strategically targeted their violence to deny Black voters to the polls or force them to vote Democratic to sway election results. Below are only a few of the many examples of political-related violent events during Reconstruction.
 1. In 1866, at a convention of Black people in New Orleans to discuss how to extend voting rights to Black men and repeal discriminatory “Black Codes,” white mobs began firing on Black marchers, indiscriminately killing convention-goers and unaffiliated Black bystanders. White police officers attacked Black residents with guns, axes, and clubs, arresting many and killing several. In total, as many as 48 Black people were killed and 200 wounded.
 2. Following growing Black support for white Republican candidates in St. Landry Parish, Louisiana in 1868, whites terrorized the Black community in two weeks of attacks leaving more than a hundred, and by some estimates, over 200, Black people dead. The perpetrators of terror achieved their intended effect: although the parish gave 5,000 votes for the Republican governor in the spring 1868 election, there was not a single Republican vote counted in the fall 1868 election in the parish and the Republican Party was unable to recover in the parish for the remainder of Reconstruction.
 3. In 1873, after a very close gubernatorial election in Louisiana, a militia of white Democrats killed between 62-150 Black men in what is known as the Colfax Massacre.
 4. In 1875, a paramilitary group known as the Red Shirts organized in Mississippi to undermine Black political power by disrupting Republican rallies, intimidating Black voters with threats of violence and economic reprisal, and assassinating Black leaders. Democrats vowed to win “the election peaceably if we can, forcibly if we must.” Also in 1875, in Yazoo County, Mississippi, white Democrats used harassment, mob violence and murder to intimidate Black voters and politicians—a campaign that was so successful that no Black person held political office again in

that county until 1979.

5. White supremacists assassinated political figures. On the eve of the 1868 election, the KKK murdered James Hinds, a white Republican Representative who advocated for civil rights, the first-ever murder of a U.S. Congressman. When the 1875 election results split the Florida legislature evenly between Republican and Democratic members, terrorists broke the tie by assassinating E.G. Johnson, a Black state senator, to give Democrats a majority.
 6. According to a congressional report, in Louisiana alone, white supremacists killed more than 1,000 Black Louisianans between the April and November 1868 elections, and killed or wounded 2,000 more in the weeks before the 1871 election. In Arkansas, white supremacists killed more than 2,000 people in connection with the 1868 election alone.
- ii. After Reconstruction, Southern white politicians utilized “lynching and vigilantism as instruments of political terrorism” in order to ground state governments in white supremacy and push back against federal legislation that would have protected Black voting rights. As lynching soared, in 1892, the Southern-dominated Democratic Party was able to win the White House and a majority of Congress, and the Republican Party abandoned racial equality part of its platform. White Americans were able to take control of state governments and proceed with laws that, in combination with racial terror, suppressed Black voters. For instance, while more than 90,000 Black citizens voted in South Carolina in 1876, by the end of the Nineteenth Century, less than 3,000 Black citizens voted. While Black people represented a majority of registered voters in Mississippi in 1868, only six percent of eligible Black people were registered to vote in that state in 1890. In Louisiana, the number of Black registered voters dropped from 130,344 to 5,320 between 1896 to 1900.
 - iii. The 1898 Wilmington, NC race riot occurred in connection with a takeover of the Republican-led city government. A months-long voter suppression agenda culminated on Election Day, when armed men patrolled Wilmington to intimidate Black voters and their allies, and white supremacists threatened poll workers as they counted ballots. In one precinct, a group of 150 to 200 white men caused a scuffle, and in the process, stuffed ballot boxes to secure their party’s victory. After the election, while Black people were massacred in the street, a mob of over 100 white men occupied city hall and forced city officials under the threat of violence to resign. All of those elected officials resigned and replaced by men selected by an all-white committee. The new city leadership fired all Black municipal employees and banned prominent Black leaders and white Republicans from the city. This represents the only successful coup d’état in American history.
 - iv. On Election Day in 1920, a mob of 250 white people, including KKK members, in Ocoee, Florida, killed dozens of Black Americans, set fires to their homes, and drove them out of the city to prevent them from voting. It has been called the “single bloodiest election day in modern American history.”
 - v. Due to this history, it is not necessary for the Klan or white supremacists to take violent action to intimidate Black voters from coming to the polls. Threats work just the same.
 1. In August 1922, just a year after the Tulsa massacre, the KKK reportedly flew over Oklahoma City, dropping cards into Black neighborhoods, warning people to be cautious before heading to the polls. That same year, the Topeka State Journal

reported that the KKK committed to staking out polling places in Texas to “take careful note of the voting procedure.”

2. In contemporary times, during the 2016 election, neo-Nazi and white supremacist groups, including the KKK and the Oath Keepers, organized poll watchers in all 50 states, focusing on urban areas. In the 2020 presidential debate, President Trump told his supporters to “go into the polls and watch very closely” and told a white supremacist organization, the Proud Boys, to “stand by.” The racist overtones that surrounded the 2020 election culminated in the January 6, 2021 Capitol Riot where armed white people violently stormed the capital while Congress was counting the electoral vote, shouted racist epithets at Black Capitol Police officers, and paraded around the Capitol waving a Confederate flag. This was the first time the Confederate flag was brought into the building as an act of insurrection, something that was not even done during the Civil War.

IV. The Perpetrators of Racial Terror: White Supremacists, the KKK, and America

A. Origins of White Supremacist Organization: Ku Klux Klan

- i. After the Civil War ended, many white southerners resented Reconstruction and its policies that threatened their hold on the dominant caste. In 1866, white southerners provoked a series of attacks on Black communities, most notably, in Memphis and New Orleans where white mobs led by city police attacked and killed Black men, women, and children without provocation.
- ii. Around this time, the KKK emerged led by former Confederate General Nathan Bedford Forrest and a group of Confederate veterans in Pulaski, Tennessee, to oppose Reconstruction.
 1. The KKK used fear tactics and violence to maintain white supremacy and to reverse the policies of Reconstruction that had led to social, political, and economic gains of formerly enslaved people. The KKK was in essence a military force aimed to serve the interests of the Democratic Party by destroying the Republican Party, undermining Reconstruction, re-exerting control over the Black labor force, and restoring racial subordination to every class of Southern life.
 2. The KKK’s disguises were not only designed to replicate plantation scare tactics of the era of chattel slavery, they also allowed anonymity for members to commit assault, robbery, rape, arson, or murder.
 3. The KKK was effective at targeting its violence and intimidation tactics at Black voters, including hanging and beating Black officeholders. The violence, though, extended beyond community leaders. It is unknown how many Black people who were killed by white supremacists during Reconstruction, though it is estimated to be in the high thousands, if not tens of thousands.
 4. Although state governments passed laws in response to the violence, these laws were seldom enforced and few Klan members went to prison, as sheriffs, prosecutors, local witnesses, and jury members were sympathetic to the white supremacists or afraid of retaliation.
- iii. When the Klan dissipated by the end of Reconstruction, the KKK had achieved its objectives, as white southerners were able to openly revive many aspects of the caste system that was established during the era of chattel slavery. Having effectively intimidated and

suppressed Black voters, and without the presence of federal troops to protect Black voters, white southerners were successful in retaking control of state governments and then passing laws to take away the rights that Black southerners gained during Reconstruction. It also became less necessary to wear a mask to commit violent crimes against Black Americans when public lynching became an openly accepted part of the Southern culture that was tolerated by law enforcement.

B. Second Iteration of KKK

- i. The KKK remained dormant until 1915, at which point, the California film industry played a unique role in contributing to the revival of the KKK. Famed filmmaker D.W. Griffith released *Birth of a Nation*, which was based on Thomas Dixon's novel, *The Clansman*. Made in and around Los Angeles, *Birth of a Nation* is acknowledged as both one of the most pioneering and racist films in cinematic history.
 1. In writing *The Clansman*, Dixon was open about his purpose to depict the white man in the South's "suffering" during Reconstruction and demonstrate "that the white man must and shall be supreme."
 2. The *Birth of a Nation*, recognized as historically inaccurate racist propaganda, adhered closely to the source material's racism. For instance, it legitimized lynching as an appropriate criminal justice tool by showing the lynching of a Black man as rightful retribution for an alleged sexual assault against a white woman. Griffith would later say that the depiction of the KKK coming to the rescue on horseback to defend the South from Black gains during Reconstruction "was needed to serve the purpose."
 3. Despite the NAACP and other organizations' protests and calls for boycotts, the film became one of the biggest blockbusters of all time, earning in the first few years of release, \$18 million, which is equivalent to \$1.8 billion in 2015 dollars. The film was the first movie ever screened in the White House, and President Wilson praised the movie, whose own views about Reconstruction and race aligned with those presented in the film.
- ii. While the film represented "the foundation of modern cinema" and "the birth of Hollywood," it had a much more insidious impact on the nation. The enthusiasm stemming from the film's release led to the KKK's revival. In November 1915, just months after the release of *Birth of a Nation*, William Joseph Simmons, a Georgia preacher, burned a cross with several other friends who were also inspired by the movie, launching the new KKK. Simmons would use the publicity from the film to promote his revived KKK, taking out a newspaper ad promoting the revival of the KKK right alongside an announcement about *The Birth of a Nation* premiere. The film remained a recruiting tool for decades. In fact, the KKK first emerged in California in San Francisco immediately after the release of *Birth of a Nation*.
- iii. A surge in recruitment for the KKK followed, leading to 4-5 million members in the mid-1920s. The anti-nativist sentiments that were popular in the late 1910s and 1920s made for a welcoming climate for a resurgent Klan.
 1. Unlike the prior iteration of the KKK, this version had a broader geographic base of support beyond the South, including in California. This version of the Klan was generally less violent, as it focused on gaining influence through the political process.
 2. Still, violence did occur. In the summer of 1921, the KKK engaged in whippings, tar-

and-feather raids, and used acid to brand the letters “KKK” on the foreheads of Black Americans, Jews, and others who the KKK considered to be anti-American. In the mid-1920s, the KKK launched a terror campaign including lynchings, shootings, and whippings against Black Americans, Jews, Catholics, Mexicans, and other immigrant groups.

3. During the 1920s, the Klan gained influence through counting as part of its membership officials with the state governments of Alabama, Colorado, Georgia, Indiana, Louisiana, Oklahoma, Oregon, and Texas. Neither major political party were willing to formally repudiate the KKK out of fear of political repercussions.
- iv. The second iteration of the KKK lost credibility and membership declined in the late 1920s and 1930s as it faced a series of scandals, in-fighting, and a change in public perception about its image.
- C. Third Iteration of the KKK—A third iteration of the KKK emerged in the 1950s and 1960s to counter the social and political gains sought by the Civil Rights movement, echoing its violent, anti-Black roots. This version of the Klan was particularly violent against Black people and civil rights workers in the South. For example, in 1963, the KKK was responsible for detonating a bomb at a Birmingham Baptist Church that killed four Black girls and injured several more. The KKK was also responsible for the murder of three civil rights workers in Mississippi in 1964. Even as recently as 1981, Klansmen in Mobile, Alabama lynched Black 19-year old Michael Donald. His mother brought a civil suit against the Klan and won a \$7 million award after one of the perpetrators admitted he was carrying out an organization-wide direction to harass, intimidate, and murder Black people.
- D. Perhaps most threatening about any Klan iteration is that their actions and ethos were sanctioned by white society. Rarely did the perpetrators face punishment, as ministers, editors, sheriffs, police, judges, and other elected officials ignored or participated themselves in the violence. Having supporters or members in prominent positions of power allowed the KKK to act with impunity in committing lynchings in front of a public audience and leaving bodies on display without the intervention of law enforcement. Witnesses often obstructed any investigation or prosecution for these acts by refusing to give information. Police not only refused to intervene, they also gave the KKK information about potential targets. Thus, where the KKK led, white society followed, participated, and looked on.
- E. While the KKK of the 19th and 20th centuries may not hold the sociopolitical power it once did, contemporary white supremacist groups have taken up their mantle to threaten the dignified existence of Black Americans and others. The 2017 white nationalist rally in Charlottesville, the Proud Boys and a 2021 “White Lives Matter” rally in Orange County were advertised using KKK propaganda.

V. California as a Breeding Ground for Racial Terror Since Statehood

- A. Introduction: “Good” Western Vigilantism versus “Bad” Southern Terror
 - i. Most of the nation does not see California as a place where violence against Black Americans occurred. Historian Hubert Howe Bancroft created a framework of “good” frontier lynching and “bad” Southern lynching. But this ignores how racialized extrajudicial killings existed in California since statehood. In its first decades of statehood, California had a reputation for vigilantism, including extralegal executions by hanging.

- ii. Ken Gonzales-Day, an expert in California lynching, found evidence of 352 lynchings that occurred between 1850-1935, including of eight Black Americans, but mostly Native, Chinese, and Latino Americans. The lynching of criminals was a common method of “justice” in gold mines. Placerville was known as Hangtown. In the 1871 Chinese massacre, 10 percent of Los Angeles (500 people) formed a mob and lynched 17 Chinese men and boys. They did so because they believed that Chinese people had killed a white saloon owner. Barely anyone was held accountable for these and the other many murders of people of color. And like in the South, California lynchings involved active participation by law enforcement.
- iii. It was a 1933 lynching of two white kidnappers in San Jose that put a “rubberstamp” on lynching nationwide. The lynching received more attention than any other lynching in U.S. history, partly because the victims were white—an anomaly for lynchings. Then California Governor James Rolph celebrated the lynchers as “patriots,” proclaimed that the lynching was “the best lesson California has ever given the country,” and vowed to pardon the lynchers if they were charged.
 - 1. Although the victims in the San Jose lynching were white, anti-lynching activists understood at the time that Black Americans, who were the typical target of lynchings nationally, would face the repercussions for the glorification of the San Jose lynching; they widely condemned the lynching and the Governor’s response. Immediately after the Governor’s statement, Walter White with the NAACP, called the Governor’s response a “shameful official encourage to mobs to defy authorities. No citizen and no government is safe with anarchy sanctioned from [the] [G]overnor[. . . . California has given [the] country a lesson in most brazen approval of lynching by highest officials [the] country has ever seen.”
 - 2. Indeed, mobs in other parts of the country followed the Governor’s enthusiastic endorsement to perpetrate their own lynchings, including of Black Americans. The fact that it occurred in the West underscored that lynching was a national, not solely a Southern, problem. But the lynching and the subsequent praise on the mob by the Governor also lent credibility to lynching and decoupled it as exclusively a product of Jim Crow. The New York Times reported that southerners widely reacted to the San Jose lynching by remarking, “California’s my address from now on” or “those Westerners are learning how the South handles ‘em.” By endorsing the practice of lynching, the Governor of California *went further* than some Southern governors who had sought to prevent the practice of lynchings.
 - 3. The 1933 San Jose lynching did galvanize the anti-lynching movement. However, the credit in ending lynching belongs to the activists who fought tirelessly to cease the practice. Even still, Black people were not safe from racial terror, even in California.
- B. The perpetrators of racial violence—the popularity of the KKK in California.
 - i. Just as lynching was not a unique Southern concept, the KKK was also not exclusive to the South. California, as a non-slave state, was largely left unchecked during Reconstruction. This gap in federal oversight allowed Western vigilantism to flourish—both the KKK and other ad hoc vigilante groups terrorized minority—mainly Chinese—communities in California. The Western Klan complemented their Southern counterparts by violently asserting white hegemony against the perceived threat of racial outsiders.

- ii. As the KKK was gaining popularity nationally, California became a “strong Klan state” with a sizable and dangerous KKK resurgence in the 1920s. The Klan’s national magazine, *Imperial Night-Hawk*, shows that CA ranked 11th out of all 48 states in terms of the number of Klan events held between March 1923 and November 1924. California even outranked the old slave states of Mississippi, Louisiana, West Virginia, North Carolina, and Tennessee in hosting 89 events in that 20-month period.
- iii. California’s KKK was made up of prominent individuals who were integrated into civic leadership and police departments
 - 1. The KKK consisted of middle-class, educated Protestants who, in socioeconomic terms, were not much different from their neighbors.
 - 2. These Klansmen registered to vote (in higher percentages than non-KKK), joined civic organizations like the Chamber of Commerce and rotary club, and sought political power by running for elected office or supporting candidates who sympathized with the Klan. The California Klan exerted significant pressure in the 1920s, winning seats on the city councils, gaining control of the press and airwaves in some towns, and pressuring public officials.
 - 3. In 1922, Democrat Thomas Lee Woolwine lost his bid for governor, suggesting that his fight against the Klan was a liability. The Klan backed winning candidate Republican Friend Richardson—who was believed to been a Klan member—a fact he never denied.
- iv. The KKK spread throughout California communities
 - 1. Los Angeles was the epicenter of Klan activity in the State:
 - a. Starting in 1921, Los Angeles had several Klan branches with chapters also formed in nearby communities of Santa Monica, Huntington Park, Redondo, Hermosa Beach, Long Beach, Glendale, San Pedro, and Anaheim (discussed below). Unregulated growth combined with the surge of ethnic and racialized populations caused elite Angelenos distress that sowed the seeds for increased interest in the KKK.
 - b. By the 1920s, Los Angeles Police Department (LAPD) was “a den of corruption” that was infiltrated with Klan members who practiced retaliatory policing in the city’s Black neighborhoods. “In speaking to the police, you are frequently talking to the Klan,” warned the *Eagle*. Deputy Sheriff of LA Nathan Baker regularly recruited Klan members and was thought to be a member of the Klan himself.
 - c. On April 22, 1922, more than 100 armed and hooked Klansmen broke into the Inglewood home of alleged bootleggers (who actually were licensed to operate during Prohibition), who were Basque immigrants from Spain. The Klansmen forced the couple’s two teenage daughters to disrobe, ransacked the house, and brutally beat, bound, and gagged the father and his brother, took them to a car and dumped them six miles away. 37 Klansmen were indicted for the Inglewood raid, but in a trial that the NAACP called a “farce,” all were acquitted.
 - d. The raid prompted an investigation by the District Attorney, who obtained membership lists revealing that the Klan had infiltrated all levels of state and

local government. There were 3,000 KKK members in Los Angeles County, over 1,000 in city limits, and three KKK members in the District Attorney's own staff. LAPD Chief Louis D. Oaks and County Sheriff William I. Traeger were also identified as members. Law enforcement from nearly every city in California appeared on the list, including 25 San Francisco police officers.

- e. Even after the raid exposed the breadth of Klan membership, and after the Legislature passed an anti-KKK bill, the Klan still continued to hold nine events in Los Angeles between March 1923-April 1924. The raid and the aftermath inspired Klan members and caused the Klan to redouble their efforts. In 1929, Klan supporters helped elect John C. Porter as mayor of Los Angeles, who had a KKK past.
- f. In the 1930s, even after the enthusiasm for the KKK began to subside, the KKK still remained active in Los Angeles and the surrounding community with rallies attended by thousands of people and cross-burnings. In December 1939, the Klan ceremoniously marched through downtown Los Angeles burning crosses "in full view of many thousands."

2. Orange County:

a. Anaheim:

- i. By 1923, the Anaheim Klan had almost 900 members. Its members held higher prestige jobs than the rest of the white population and were politically and civically active. The KKK burned crosses and held rallies drawing thousands of people, including an initiation in July 1924 that attracted 20,000 people and included a parade of Klansmen down Main Street with a marching band, airplanes, and fireworks.
- ii. By spring 1924, the Anaheim city council was dominated by the KKK that initiated a program to replace non-Klan city employees with its own members. Their plan succeeded: 10 new policemen (of a total of 15) were members of the KKK.

- b. Brea: five of the town's first eight mayors were Klansmen, as were six of the ten councilmen who sat on the board of trustees, half of city's treasurers, half of the city's engineers, half of its city clerks, half of city marshals, and two-thirds of fire chiefs between 1924 to 1936 .

- c. Fullerton: 7 of 18 councilmen between 1918-1930 were Klansmen.

3. Riverside:

- a. The Riverside Klan were successful recruiters, claiming over 2,000 members in the 1920s. Riverside held mass events that attracted thousands of people and included parades with marching bands, floats, and KKK members in full regalia.
- b. The Riverside Klan prioritized policing interracial contact, which meant monitoring Black activities. For example, the Klan was preoccupied with the City's 1922 settlement with the NAACP to desegregate a white-only pool, and they subjected Black swimmers with humiliation and violence.
- c. The Riverside Klan gained political influence, and in 1927, helped elect a mayor, Edward M. Deighton, who openly boasted about his support from the

- Klan. 1930s Sheriff of Riverside, Carl Rayburn, openly showed sympathies toward the Klan, and “KIGY,” meaning “Klan I Greet You,” was painted on streets and sidewalks throughout county.
- d. The Klan’s membership in Riverside decreased in the 1930s, but they still made appearances and burned crosses.
4. Fresno: As of 1922, a local Fresno newspaper reported over 240 alleged Klansmen in Fresno County and the Klan would hold public events and parades that had as many as 600 people in attendance during the early to mid-1920s.
 5. Kern County:
 - a. In the early 1920s, the KKK actively recruited in Kern County and developed one of the most violent chapters in California. In Kern County in 1922 alone, there were over 100 cases of Klan violence, which included extrajudicial beatings, kidnappings, and tar-and-feathering.
 - b. In 1922, a local newspaper reported that several high-ranking officials in the County were associated with the Klan including the deputy sheriff, the police chief, the Board of Supervisors chair, and a former assistant district attorney.
 - c. Although the Klan’s influence started to decline in the 1930s, white supremacist culture persisted in the county in the decades that followed. As recently as the 1960s, a sign across the Kern River between Oildale and Bakersfield used a racial slur in telling Black residents to “Don’t Let the Sun Set on You on Oildale”—with a similar sign spray painted on that bridge as recently as the late 1990s. In 1981, three KKK members were arrested for burning a cross on the front lawn of a Black family in the Kern County town of Boron, and KKK rallies were reported as recently as 1987. In the early 1990s, Black motorists were attacked on the streets of Oildale by whites hurling racial slurs and epithets. In the 2000s, members of the white supremacist group the Peckerwoods were involved in multiple violent attacks against Black, Hispanic, and Asian American residents that involved the use of racial slurs.
 6. San Diego: The Klan in San Diego in the 1920s and 1930s were focused on using violent and other intimidating tactics to “chas[e] the wetbacks across the border.” The Klan in the 1930s also merged with the other racist and fascist groups, such as the Silver Shirts League, that were focused on attacking Black Americans, Latino Americans, and Jews.
 7. Bay Area: The KKK established a presence in the Bay Area during the 1920s, staging rallies and initiation events that thousands attended, holding public parades attended by thousands, and carrying out cross burnings. In Oakland, the KKK was politically active, capitalizing on fears of the ethnic political machine among a growing middle-class to take political control of city government and create policy that would limit Black home ownership, including by embracing restrictive covenants. Between 1921-1924, the Oakland Klan grew to at least 2,000 and enjoyed political success into the decade, winning an election for county sheriff in 1926 and city commissioner in 1927. The Oakland Klan also operated as a vigilante group, accompanying federal agents on prohibition raids.

- v. While the organization fizzled out on a national scale in the 1930s with the Great Depression and a trial of the KKK's then-leader, California's KKK was active throughout the 1940s and into the 1950s.

C. Racial Terror as a Response to Black Prosperity

- i. As was the case elsewhere in the country, the KKK and other perpetrators of racial violence in California focused their attacks against those who threatened the system of racial and socioeconomic subjugation of Black Americans—those Black people who earned well-paying jobs, amassed wealth, dared buy homes, used public pools and parks, and otherwise engaged in civil society.
- ii. The surge of KKK activity, and accompanying violence, is connected to demographic changes that saw the migration of over a quarter million Black Americans to California during World War II—the state with the largest increase in its Black population nationwide during that time. The “Great Migration” was inspired, at least in part, by the reoccurring incidents of racial terror perpetrated by white supremacists against Black southerners, as well as the poor economic, political, and social conditions that Black southerners experienced. California, which was experiencing a dramatic increase in manufacturing jobs during WWII, was an appealing destination. California's Black American wartime workers, as the Black press noted, had a higher standard of living compared to Black workers in the South. Simultaneously, New Klan members moved to California during WWII just as Black homeowners renewed their offensive against restricted housing.
- iii. The “comparative freedoms” that Black Californians enjoyed motivated white supremacists to organize against Black workers and homeowners (as well as other non-white veterans who returned from the war (Mexican, Japanese)). White people were threatened by Black people with good jobs who purchased property, voted, and inhabited public spaces and institutions. Fearful of an encroaching Black population, and emboldened by the silence and cooperation of police and government officials that refused to hold them accountable, the KKK initiated a new wave of violent activity in the late 1930s and 1940s to stem the influx of Black populations—or to keep Black people entirely out of white communities. For instance, the Klan's resurgence in the Inland Empire and Southern California in the 1940s was linked to the gains made by Black workers, homeowners, and civil rights activists.
- iv. The revived Klan had one primary goal: to maintain a Black underclass. They aimed to keep neighborhoods, schools, pools, parks, and beaches all-white and monitor people of color who transgressed racial boundaries.
 - 1. For example, in Manhattan Beach, the KKK harassed the Bruce family, a couple who owned a popular resort for Black families on the coast. The Bruces were targeted by the KKK, which slashed tires and left a burning mattress outside a property belonging to the Bruce family. The city passed ordinances making it more challenging for outsiders to visit the beach. In 1924, Manhattan Beach seized the property using eminent domain, and the family ultimately only obtained \$14,500 for the beachfront property. Only recently did the Los Angeles County Board of Supervisors vote to transfer the property back to the Bruces, approximately a century later.

D. Violence Against Black Homeowners

- i. Violence to stem the advancement of Black gains was perhaps most evident in the attacks on Black homeowners during the 1940s. As new Black American migrants were able to afford

- homeownership, white supremacist/KKK backlash grew as the KKK sought to achieve their primary objectives of promoting segregation and stopping the integration of Black residents in white neighborhoods.
- ii. Violence against Black homeowners in California peaked in the 1940s. The KKK mainly relied on arson and physical attacks on homeowners to try to prevent people of color from buying in majority-white neighborhoods. This dates back to 1909, when white Pasadena residents angered by Black residents who moved in the area targeted their homes for arson.
 - iii. The violence against Black homeowners could not have been out of a concern for a “lower social class of neighbors,” as the Black homeowners were often of a higher occupational and social status than the perpetrators of the violence. When Black homeowners moved into a neighborhood, they were “on their best behavior,” giving no cause for complaint, and taking care of their homes and lawns more than their white neighbors.
 - iv. The Murder of O’Day Short
 1. The murder of O’Day Short, a refrigeration engineer, is emblematic of the racial terror perpetrated against Black communities during the 1940s in California. After he and his family moved into the white neighborhood of Fontana in 1946, Short was threatened by police, and a local vigilante group said it wanted the Shorts out of the neighborhood. On December 6, 1945, two weeks after they moved in, the Shorts died in a house fire that killed the family of four.
 2. Like much of the violence against Black Americans, state actors failed to hold anyone accountable for the murder, and inexplicably blamed the fire on the Shorts. Then Attorney General Kenny investigated the murder, but the report failed to confirm that the fire resulted from the vigilante actors or that there was any vigilante activity in the community. The NAACP called the report a “white wash.”
 3. The murder of the Shorts and the subsequent failure to hold the perpetrators accountable confirmed that the tentacles of Jim Crow had extended to California. A Los Angeles Sentinel editorial said: “Jim Crow had kept Short from finding a home in Los Angeles; Jim Crow had cast him in the role of a violator of Community traditions if he built a house on the lot he purchased; Jim Crow had warped the sense of duty of deputy sheriffs to the extent that they themselves had joined in a plan to deprive an American citizen of his constitutional rights...All the Shorts are dead. Only Jim Crow is alive.”
 - v. Within months following the explosion at the Shorts’ home, and peaking in 1946, Black homeowners were increasingly under attack by the KKK in Southern California.
 1. The KKK staged a comeback in Big Bear Valley focused on restrictive covenants, violence, and cross burnings to achieve a “One Hundred Per Cent Gentile Community.”
 2. In the spring of 1946, Los Angeles experienced a record of cross-burnings and terror inflicted on Black citizens in 1946.
 - a. Although, following the Shorts murder in May 1946, it became unlawful for the Klan to hold meetings in California, the ban had little to no effect because no one enforced it. Of the 27 Klan actions (cross-burnings, fires, threatening letters, phone calls) documented in Los Angeles in 1946, more than half occurred after the issuance of the ban.

- b. In a span of two weeks in May 1946, there were four separate actions—ranging from cross-burnings to severe physical beatings—one targeted at a Black family that lived in an all-white neighborhood and the others targeted at white individuals who advocated against restrictive covenants.
 - c. Law enforcement and the mayor shrugged off the violence calling them “pranks.” When concerned residents and members of social justice organizations approached the Mayor to address the incidents, the Mayor responded, “We can’t investigate people just because they’re prejudiced. . . . Why you people here are prejudiced—against the Klan.”
 - d. Los Angeles continued to be the epicenter of the violence in the State as Black residents who moved into white neighborhoods were met with verbal threats, cross-burnings, bombings, rock throwing, graffiti, and other acts of vandalism. Of the over 100 incidents of move-in bombings and vandalism that occurred in Los Angeles between 1950 and 1965, only one led to an arrest and prosecution.
 - 3. Los Angeles was hardly the only area affected.
 - a. In 1946, a home built by a Black war veteran was burned down in Redwood City after threats and move-out demands.
 - b. In 1952, a Black family became the target of death threats, violence, and intimidation by white residents after the family refused a buyout of their home upon moving into a white neighborhood in San Pablo in the Bay Area. A KKK cross was placed on their lawn and a 300-400 person mob stoned their home and shouted threats. Though the action happened in front of law enforcement, law enforcement refused to make any arrests. Even when the Governor, Attorney General, and local district attorney ordered the city police and county sheriff to provide the family with protection, protests and harassment continued for months without any arrests.
 - c. In the 1950s, the weekend home of San Francisco NAACP leader was mysteriously burned down.
 - vi. The violence and subsequent silence surrounding the crimes committed against Black Californians demonstrates how white Californians found Black presence and homeownership as a threat to white dominance.
- E. California’s Coercive Sterilization of Black Women
 - i. As discussed in the Health Section, California was one of the first states to begin forcibly sterilizing people in the early 1900s and conducted by the far the most sterilizations in the United States (one third in the country). From 1909 to 1979, under the state eugenics law, California state institutions forcibly sterilized approximately 20,000 people deemed “unfit to produce.”
 - ii. While men made up the majority of sterilizations at first, by the 1930s, women were more frequently the subject of sterilizations, and in the middle of the century, nearly all operations were of women. Black people have been disproportionately sterilized in California—they constituted just over one percent of California’s population in the 1920s, yet they accounted for four percent of total sterilizations by the State of California.
- F. Modern forms of extrajudicial violence in California

- i. As discussed, extrajudicial violence by police officers represents the modern extension of lynching. In California, since 2015, 158 Black people were shot and killed by police, at least 16 of whom were known to be unarmed. Among those with known race and ethnicity, Black people represent 18.9 percent of those killed by the police, despite Black people representing only 6 percent of the population.
- ii. The perpetrators have largely evaded accountability for these killings. The California Public Defenders Association reports, for example:
 - 1. From 2000 to 2020, nearly 900 people died at the hand of law enforcement in Los Angeles County—80 percent of whom were Black and Brown—with, on average, one police shooting every five days. Out of all of those cases, only two officers were charged as a result of a civilian shot on duty, and in virtually all of the cases, the Los Angeles District Attorney deemed the use of force legally justified.
 - 2. Officers with the Vallejo Police Department have killed 19 people from 2010 to 2020. No Vallejo police officer has been charged for an on duty shooting or use of force causing the death of a civilian.
- iii. Below are only a few examples of the hundreds of incidents where police have used extrajudicial violence in California to gratuitously inflict pain or cause death, a topic that is discussed in greater detail in the Criminal Justice Section. The acts of violence were oftentimes done without provocation without any process, and in a manner that showed little regard for the Black lives they harmed or killed. These incidents share a common theme with lynchings—they perpetuate the myth of Black criminality by “preemptive[ly] strik[ing]” Black people who law enforcement viewed as dangerous criminals, even when they posed no threat.
 - 1. Rodney King beating (Los Angeles)—In 1991, four LAPD officers repeatedly beat the unarmed King on the ground with batons for 15 minutes while a dozen cops stood by and watched. The officers had used racial slurs to refer to King over the LAPD communications systems. The LAPD officers who committed the beating—three of whom were white—were acquitted, which sparked local unrest.
 - 2. Tyisha Miller (Riverside PD) and Willie McCoy (Vallejo)—In 1998, four officers were called to help Tyisha Miller who locked herself in the car and fell asleep. When the officers failed to wake her from the outside, they broke her window to grab the firearm that was sitting in her lap. That caused Miller to bolt upright, and the officers shot her out of fear—firing 24 bullets and shooting her 12 times in the chest. While the officers were fired, U.S. DOJ and Cal DOJ declined to bring charges. In a similar incident in 2019, the Vallejo police responded to a wellness request for Willie McCoy, a 20-year-old Black man, who was asleep in his car in a Taco Bell parking lot. Six officers surrounded the cars when McCoy started to wake up. The police claimed that McCoy was reaching for a firearm—which is not supported by the police video—and six police officers fired 55 shots at him, killing McCoy. All of the officers involved in the shooting returned to their regular duties. McCoy’s family said McCoy was “executed by a firing squad.”
 - 3. Oscar Grant (Oakland)—On New Years’ Day 2009, Bay Area Rapid Transit police officers responded to a report of fighting on train. One officer pinned Grant down with a knee on his neck, the other officer shot Grant while he was lying face down

when the officer mistook his gun for a taser.

4. Tyler Damon Woods (Long Beach)—In November 2013, Woods was shot by police while on his knees after fleeing a traffic stop by foot. The officers believed he was armed (he was not) and shot Woods approximately 39 times, with 19 bullets hitting him, of which six were enough to kill Woods. The police continued to shoot him claiming he exhibited supernatural strength.
5. Dijon Kizzee (Los Angeles)—In August 2020, the Los Angeles County Sheriff's Department stopped Dijon for "riding a bicycle on the wrong side of the road" and "splitting traffic." Kizzee refused to stop, abandoned his bicycle, and fled on foot. The Sheriff's office claims that deputies fired when Kizzee reached back to pick up a gun he dropped, but the video contradicts this. An independent autopsy concluded that Kizzee was struck 15 times by two deputies over 19 rounds. After they fired, the deputies called for back-up and let Dijon bleed to death on the street.
- iv. There have also been incidents where law enforcement officers in California have participated in racist, nativist, and sexist social media activity online, showed white supremacist sympathies, or worse, systematically carried out attacks against minority members of the community. In the 1990s, a federal district court found that a group of deputies in the Los Angeles County Sheriff's Department, known as the Lynwood Vikings, was "a neo-Nazi, white supremacist gang" that engaged in "terrorist-type tactics" with the knowledge and acquiescence of their superiors. The court found that these gangs committed "systemic acts of shooting, killing, brutality, terrorism, house-trashing, and other acts of lawlessness and wanton abuse of power," particularly against Latinos and Black people. In 1996, the Sheriff's Department paid \$9 million in fines and training costs to settle the matter. Despite that settlement, according to independent reports, law enforcement gangs still thrive in low-income, high-minority areas of Los Angeles, where the law enforcement gangs have allegedly committed excessive force against minority member of the communities, sometimes espousing racial epithets while doing so.

VI. Legacy and Effects of Racial Terror

- A. As discussed above, racial terror played a critical role in white efforts to subjugate Black people to an inferior economic, political, and social stature and maintain the caste structure that was established during the era of chattel slavery. As such, racial terror contributed to the various structural inequities that exist in America today, in which lost material possession—land, wages, homes, businesses, schools, families, and emotional well-being—and the corresponding benefits to the dominant group, have led to an intergenerational exchange of disadvantage and advantages.
- B. Criminal justice
 - i. Lynching perpetuated the racist myth of Black criminality has never been meaningfully challenged, and, as discussed in the Criminal Justice Section, has resulted in the high level of mass incarceration and racial disparities in police outcomes in America today.
 - ii. The capital punishment system, as discussed in the Criminal Justice Section, is "a direct descendent of lynching," where the dominant white caste doles out executions of predominantly Black individuals.
 - iii. The legacy of Klan members infiltrating law enforcement in the Klan's heyday also continues today with evidence of law enforcement with alleged connections to white supremacist groups in at least 13 states, including in California. Moreover, as discussed

above, police killings of unarmed Black people harken back to the nation's history of lynching. Just as the threat of lynching controlled Black Americans, the threat of murder by police controls the lives of Black Americans, where Black parents have to educate their children early on about how to interact with inevitable racialized targeting by the police. As was the case with lynchings, the perpetrators of these extrajudicial killings are only rarely held accountable for their actions.

C. Economic Effect

- i. The terror perpetrated on prosperous Black Americans has contributed to the massive wealth gap that exists today by effectively preventing them and their families and workers from amassing wealth, intimidating other Black Americans from reaching the same levels of success, and subjecting Black Americans as a whole to a permanent underclass.
 1. Lynchings, police brutality, and other forms of violence and intimidation were used to dispossess Black farmers of land, rendering Black Americans landless and unable to accumulate generation wealth. Although Black farmers collectively increased their land holdings at a greater rate than whites between 1900 and 1920, Black farm owners lost 57 percent of their land, whereas white farm owners lost 22 percent of their land, from 1900 to 1978.
 2. White Americans have seven times the wealth of Black Americans.
 3. Although Black people make up nearly 13 percent of the U.S. population, they hold less than three percent of the nation's wealth.
 4. The median family wealth for white people is \$171,000 compared to \$17,600 for Black people.
 5. Nineteen percent of Black households have zero or negative net worth, compared to nine percent of white families.
- ii. Effect of Violence on Homeownership
 1. Black homeownership stalled. In 1909, 36 percent of Black residents of Los Angeles were homeowners before the implementation of policies and carrying out of violent acts designed to prevent Black home ownership. By 2021, that number has *declined* to 34 percent Black homeownership.
 2. The effect of violence by the KKK, buttressed by the support of law enforcement, real estate brokers, and federal loan programs, paved the way for segregated neighborhoods with unequal city services for Black neighborhoods. In Los Angeles, for example, Black Americans were pushed to neighborhoods like Watts, while the city stopped running street cars that would have transported Black workers to shipyard and aircraft jobs in other parts of the city, limiting Black employment opportunities. Even though Klan activities declined after the 1940s, the Klan had already succeeded in restricting Black opportunities for wealth and homeownership at a time of significant economic opportunities after the end of World War II.
 3. Although the 1968 Fair Housing Act made violence to prevent neighborhood integration a federal crime and the U.S. Department of Justice prosecuted several cases, frequent attacks on Black Americans attempting to move into predominantly white areas continued into the 1980s with 130 cases of move-in violence in 1989 alone. Not until the late 1980s was a majority of these crimes prosecuted, sending a message that these crimes were tolerable, which emboldened perpetrators to continue

their violent actions.

D. Impact on Health and Family—Fear of racial terror—then and now—has also resulted in trans-generational trauma for Black Americans.

- i. Black communities were profoundly affected by lynchings. The constant threat of lynching affected interpersonal interactions. Family members of victims could not obtain justice out of fear that they too would be lynched, and they were often frightened to even attend a funeral of their lynched loved one. Images of mutilated bodies on public display or dragged through the streets traumatized the psyche of Black Americans. These images left an especially indelible impression on Black children, framing their view of the world as a dangerous and unpredictable place, and causing lifelong damage, including sleep disturbances, flashbacks, and emotional detachment.
- ii. Psychological traumas that extended across generations.
 1. Extreme racial socialization—Violence has reinforced white supremacist cultural and institutional systems, while the arbitrary nature of lynching socialized Black people to understand that any act of racial insubordination could be a matter of life or death. In this way, racial terror was a powerful tool for social, educational, and political control, as it encouraged Black people to change their own behavior and avoid opportunities for advancement or else risk being the victim of a violent act.
 2. Cultural supported violence—Racial terror has conditioned the legitimacy of violence for resolving disputes, as for whites, racial terror endorses vigilante justice, while for Black people, lynching symbolizes government failure to protect Black communities. For example, in Mississippi and North Carolina, studies show that Black victim homicide rates are higher in counties that staged more lynchings and was the site of anti-civil rights movement violence.
 3. Legal cynicism—Racial terror has caused some to view extralegal violence as necessary when legal authorities and institutions are deemed unreliable. Criminologists have associated higher rates of Black American involvement in crime to the past and present racial subordination of Black Americans and their collective memory of racial violence, including those sanctioned by government actors.
 4. Diminished collective efficacy—While Black communities have remained remarkably resilient in the face of numerous structural, social, economic, and political barriers, the threat of racial violence has compromised Black communities' collective ability to mobilize to advance politically, socially, and economically.
- iii. These traumas are not just social-psychological, but may be physiological as well. Recent research demonstrate that traumatic experiences leave molecular scars in our DNA that may be passed from one generation to the next. Other health effects are discussed in greater detail in the Health Section.

VII. Conclusion

A. Active, National Amnesia: how did we forget?

The forgetting is habit, is yet another necessary component of the Dream. They have forgotten the scale of theft that enriched them in slavery; the terror that allowed them, for a century, to pilfer the vote; the segregationist policy that gave them their suburbs. They have forgotten, because to remember would tumble them out of the

beautiful Dream and force them to live down here with us, down here in the world.

- i. Lynchings and other forms of racial terror occurred in communities where Black Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in positions of influence. The traumatic experience of surviving mass violence creates “insecurity, mistrust, and disconnection from people”—psychological harms that were amplified by the dangers inherent in navigating Southern racial boundaries.
 - ii. Lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynchings were targeted racial violence that were part of a systematic campaign of terror perpetrated in furtherance of an unjust social order. Selective public memory compounds the harm of officials’ complicity in lynching and maintains the otherness of Black people.
- B. The same is true of other forms of racial terror such as mob violence, torture, extrajudicial violence, sterilization and sexual violence, and economic and politically-influenced terror. Racialized terror is woven into the fabric of America, with perhaps no racial group being targeted more than Black Americans. From Reconstruction and Jim Crow, to contemporary police killings, both actual and threatened violence against Black Americans has functioned to establish and maintain white supremacy. Federal, state, and local governments have been complicit in the infliction of terror through silence, failure to hold the perpetrators accountable, and even on some occasions, endorsement of the actions. As evident from the above, the State, its local governments, and its people have played a significant role in enabling racial terror and its legacy to persist here in California.
- C. The terrorism described in this section is outrageous, vulgar, and has been pervasive from slavery to this moment. The tactics of white supremacy at any time in history are simultaneously overtly violent and subversively traumatic for Black Americans. Racial terror remains the constant backdrop and tool for other forms of discrimination intended to exert control of Black Americans—from redlining and segregated schools to healthcare and bank loans—that has prevented many Black Americans throughout history from living a dignified life of equal opportunity.

NOTE: Try to find/use the two pictures from this article:

<https://www.nationalgeographic.com/history/article/history-of-lynching-violent-deaths-reflect-brutal-american-legacy>

Bibliography

- Balleck, *Hate Groups and Extremist Organizations in America: An Encyclopedia* (2019), p. 179 (Hate Groups).
- Boissoneault, *The Deadliest Massacre in Reconstruction-Era Louisiana Happened 150 years Ago*, *Smithsonian Magazine* (Sept. 28, 2018), <[The Deadliest Massacre in Reconstruction-Era Louisiana Happened 150 Years Ago | History | Smithsonian Magazine](#)> (as of Sept. 8, 2021) (Boissoneault). Rhodes, *America Is No Stranger to Election Violence* (Nov. 7, 2016) *The New Republic*, <<https://newrepublic.com/article/138479/america-no-stranger-election-violence>> (as of Sept 8, 2021).
- Briggs, *Taking Children: A History of American Terror* (2020) pp. 19-20 (Taking Children).
- Bringhurst, *The Ku Klux Klan in a Central California Community: Tulare County During the 1920s and 1930s* (Winter 2000) 82(4), *Southern California Quarterly* 365, 370 (Bringhurst).
- Brody, *The Worst Thing About ‘Birth of a Nation’ is How Good It Is* (Feb. 1, 2013) *The New Yorker*, <[The Worst Thing About “Birth of a Nation” Is How Good It Is | The New Yorker](#)> (as of Sept. 8, 2021);
- Brown, *‘It was a modern-day lynching’: Violent deaths reflect a brutal American legacy* (June 3, 2020) *National Geographic*, <<https://www.nationalgeographic.com/history/article/history-of-lynching-violent-deaths-reflect-brutal-american-legacy>> (as of Sept. 8, 2020) (National Geographic Floyd Article).
- Buhl, *Donald Trump’s Call to Militia to ‘Watch’ Polling Places Raises Fears of Voter Intimidation* (Oct. 17, 2020) *Newsweek*, <<https://www.newsweek.com/donald-trumps-call-militia-watch-polling-places-raises-fears-voter-intimidation-1539900>> (as of Sept. 8, 2021).
- Bump, *The long history of black voter suppression in American politics* (Nov. 2, 2016) *Washington Post*, <<https://www.washingtonpost.com/news/the-fix/wp/2016/11/02/the-long-history-of-black-voter-suppression-in-american-politics/>> (Bump).
- Byman, *The Failure of Counterterrorism After the Civil War* (Aug. 22, 2021) *Lawfare* <[The Failure of Counterterrorism After the Civil War - Lawfare \(lawfareblog.com\)](#)> (as of Sept. 8, 2021) (Lawfare)
- Cardine, Turner, Szabo, *A KKK propaganda drop and a planned White Lives Matter rally rattle 2 O.C. communities* (Mar. 31, 2021) *Los Angeles Times*, <<https://www.latimes.com/california/story/2021-03-31/kkk-propaganda-drop-white-lives-matter-rally-inflames-newport-beach-huntington-beach>> (as of Sept. 8, 2021).
- Carrigan & Webb, *The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928* (2003) 37 *J. Soc. Hist.* 411, 417 (noting “almost no white man was ever made to stand trial for a lynching of a Mexican”) (Carrigan & Webb).
- CBS News, *Victim’s sister: Minnesota police shooting “modern day lynching”* (July 8, 2016), <<https://www.cbsnews.com/news/philando-castile-minnesota-black-man-killed-by-police-family-speaks-out/>> (as of Sept. 8, 2021).
- Clark, *How ‘The Birth of a Nation’ Revived the Ku Klux Klan* (July 29, 2019), *History*, <<https://www.history.com/news/kkk-birth-of-a-nation-film>> (as of Sept. 8, 2021)
- Clarke, *Without Fear or Shame: Lynching, Capital Punishment and the Subculture Violence in the American South* (Apr. 1998) 28(2) *British J. of Political Sci.* 269, 269, 280 & fn. 34, <https://www.jstor.org/stable/194307?seq=1#metadata_info_tab_contents> (as of Sept. 8, 2021) (Clarke).

Coates, *Between the World and Me* (2015), p. 143.

Colbert, *Challenging the Challenge: Thirteenth Amendment as a Prohibition Against the Racial Use of Peremptory Challenges* (Nov. 1990), 76 *Cornell L. Rev.* 1, 30 & n. 137 (Colbert).

Corliss, D.W. Griffith's *The Birth of a Nation* 100 years Later: Still Great, Still Shameful (Mar. 3, 2015) *Time*, <<https://time.com/3729807/d-w-griffiths-the-birth-of-a-nation-10/>> (as of Sept. 8, 2021) (Corliss).

DeBerry, *Lynching and the ghastly precedent to George Zimmerman auctioning gun that killed Trayvon Martin* (May 13, 2016) *NOLA.com*, <[Lynching and the ghastly precedent to George Zimmerman auctioning gun that killed Trayvon Martin | Crime/Police | nola.com](https://www.nola.com/crime-police/article/Lynching-and-the-ghastly-precedent-to-George-Zimmerman-auctioning-gun-that-killed-Trayvon-Martin-1.1111111)> (as of Sept. 8, 2021).

Roberts, *Killing the Black Body* (1997), pp. 27-28 (*Black Body*)

Eckstrand, *The Ugliness of Trolls: Comparing the Strategies/Methods of the Alt-Right and the Ku Klux Klan* (2018) 10(3) *Cosmopolitan Civil Societies: an Interdisciplinary J.* 41, 46, <<https://www.readcube.com/articles/10.5130%2Fccs.v10.i3.6026>> (as of Sept. 8, 2021) (Eckstrand)

Egerton, *Terrorized African-Americans Found Their Champion in Civil War Hero Robert Smalls* (Sept. 2018) *Smithsonian Magazine*, <[Terrorized African-Americans Found Their Champion in Civil War Hero Robert Smalls | History | Smithsonian Magazine](https://www.smithsonianmag.com/history/terrorized-african-americans-found-their-champion-in-civil-war-hero-robert-smalls-180-1111111)> (as of Sept. 8, 2021).

EJI, *Lynching in America: Confronting the Legacy of Racial Terror: Third Edition* (2017), p. 10 <[Lynching Report \(eji.org\)](https://www.eji.org/lynching-report)> (as of Sept. 8, 2021) (EJI 3d ed.)

EJI, *Reconstruction in American: Racial Violence after the Civil War, 1965-1876* (2020), p. 7, <<https://eji.org/wp-content/uploads/2020/07/reconstruction-in-america-report.pdf>> (as of Sept. 8, 2021).

Equal Justice Institute (EJI), *Lynching in America: Confronting the Legacy of Racial Terror* (2015), p. 3 <[Short Report \(time.com\)](https://www.eji.org/lynching-report)> (as of Sept. 8, 2021) (EJI 2015).

Fatal Force, *Washington Post*, <<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>> (as of Sept. 8, 2021) (Fatal Force).

Fleischer, *Opinion: Want to tear down insidious monuments to racism and segregation? Bulldoze L.A. freeways* (June 24, 2020) *Los Angeles Times*, <<https://www.latimes.com/opinion/story/2020-06-24/bulldoze-la-freeways-racism-monument>> (as of Sept. 8, 2021).

Foner, *South Carolina's Forgotten Black Political Revolution* (Jan. 31, 2018) *Slate* <<https://slate.com/human-interest/2018/01/the-many-black-americans-who-held-public-office-during-reconstruction-in-southern-states-like-south-carolina.html>> (as of Sept. 8, 2021); EJI 3d. ed., *supra*, pp. 10-12.

Fox, *Intimidations of Citizenship: Repression and Expressions of Equal Citizenship in the Era of Jim Crow* (Fall 2006) 50 *How. L.J.* 113, 158-59 (Fox)

German, *Hidden in Plain Sight: Racism, White Supremacy, and Far-Right Militancy in Law Enforcement* (Aug. 27, 2020) *Brennan Center for Justice*, <<https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>> (as of Sept. 8, 2021) (Brennan Center).

Greenhouse, An Intense Attack by Justice Thomas on Cross-Burning (Dec. 12, 2002) New York Times, <<https://www.nytimes.com/2002/12/12/us/an-intense-attack-by-justice-thomas-on-cross-burning.html>> (as of Sept. 8, 2021).

Groves, Explainer: Use-of-force experts evaluate Floyd arrest (Mar. 31, 2021) AP News, <EXPLAINER: Use-of-force experts evaluate Floyd arrest (apnews.com)> (as of Sept. 8, 2021) (AP Floyd Article).

Harrison, From the Archives: Ku Klux Klan images from 1920s Southern California (Oct. 4, 2017) Los Angeles Times, <<https://www.latimes.com/visuals/framework/la-me-fw-archives-ku-klux-klan-images-from-the-1920s-20170825-story.html>> (as of Sept. 8, 2021).

Hasbrouck, Abolishing Racist Policing with the Thirteenth Amendment (2020) 67 UCLA L. Rev. 1108, 1110, <Abolishing Racist Policing With the Thirteenth Amendment (wlu.edu)> (as of Sept. 8, 2021).

Hawkins, California once forcibly sterilized people by the thousands. Now the victims may get reparations. (July 9, 2021) Washington Post, <<https://www.washingtonpost.com/nation/2021/07/09/california-once-forcibly-sterilized-people-by-thousands-now-victims-may-get-reparations/>> (as of Sept. 8, 2021) (Hawkins).

Heyward and Costa, Black children are 6 times more likely to be shot to death by police, study finds (Dec. 17, 2020) CNN, <<https://www.cnn.com/2020/12/17/us/black-children-police-brutality-trnd/index.html>> (as of Sept. 8, 2021).

Hinson, Land Gains, Land Losses: The Odyssey of African Americans Since Reconstruction (May-Sept. 2018) 77(3-4) Am. J. of Economics and Sociology 893, 909-10 <<https://onlinelibrary.wiley.com/doi/epdf/10.1111/ajes.12233>> (as of Sept. 8, 2021) (Hinson).

Historical Racial Violence and Environmental Impacts (2016) 2016 Wis. L. Rev. 575, 607-08 (Ward)

Human Rights Watch, The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument, at p. 6 (May 2020), <[tulsa-reparations0520_reportcover_8.5x11](https://www.hrw.org/report/2020/05/20/tulsa-reparations) (hrw.org)> (as of Sept. 8, 2021) (Human Rights Watch).

Ifill, Creating a Truth and Reconciliation Commission for Lynching (Summer 2003) 21 Law & Ineq. 263, 273 (Ifill).

Investigation reopens into death of Oscar Grant, a Black man killed by a BART transit officer in 2009 (Oct. 6, 2020) Los Angeles Times, <<https://www.latimes.com/california/story/2020-10-06/killing-of-oscar-grant-by-bart-transit-officer-being-reinvestigated>> (as of Sept. 8, 2021)

Jindia, Belly of the Beast: California's dark history of forced sterilizations (June 30, 2020) The Guardian, <<https://www.theguardian.com/us-news/2020/jun/30/california-prisons-forced-sterilizations-belly-beast>> (as of Sept. 8, 2021).

Jordan, A History Lesson: Reparations for What? (2003) 58 N.Y.U. Ann. Surv. Am. L. 557, 593 (Jordan);

Joseph, Rakia, and Corey, Claims of Racism and Brutality Dog Los Angeles County Sheriff 'Deputy Gangs' (Sept. 28, 2018) The Appeal, <<https://theappeal.org/claims-of-racism-brutality-dog-los-angeles-county-sheriff-deputy-gangs/>> (as of Sept. 8, 2021).

Kaur, On this day 100 years ago, a White mob unleashed the deadliest Election Day violence in US history (Nov. 2, 2020) CNN, <<https://www.cnn.com/2020/11/02/us/ocoe-massacre-100th-anniversary-trnd/index.html>> (as of Sept. 8, 2021).

Klanwatch Project of the Southern Poverty Law Center, Ku Klux Klan: A History of Racism and Violence (2011), pp. 10-11, <<https://www.splcenter.org/sites/default/files/Ku-Klux-Klan-A-History-of-Racism.pdf>> (as of Sept. 8, 2021) (SPLC History).

Ku Klux Klan Makes Its Reappearance in Full Regalia in Los Angeles, Jewish Daily Bulletin (July 28, 1932), p. 2, <http://pdfs.jta.org/1932/1932-07-28_2314.pdf?_ga=2.234420507.427081945.1628279636-1034140869.1627406492> (as of Sept. 8, 2021);

Kuo, Bringing in the State: Toward a Constitutional Duty to Protect from Mob Violence (Winter 2004) 79 Ind. L. J. 177, 226.

La Tour, A Brief History of the Ku Klux Klan in Orange County: Note on the Banality of Evil (Jan. 7, 2019) Fullerton Observer, <<https://fullertonobserver.com/2019/01/07/a-brief-history-of-the-ku-klux-klan-in-orange-county-notes-on-the-banality-of-evil/>> (as of Sept. 8, 2021) (Orange County KKK History).

Larralde and Castillo, San Diego's Ku Klux Klan (Spring/Summer 2000) 46(2-3) San Diego Historical Society Quarter, available at <<https://sandieghistory.org/journal/2000/april/klan/>> (as of Sept. 8, 2021) (San Diego KKK).

Lee, How America's Vast Racial Wealth Gap Grew: By Plunder (Aug. 18, 2019), New York Times, <<https://www.nytimes.com/interactive/2019/08/14/magazine/racial-wealth-gap.html>> (as of Sept. 8, 2021) (Lee).

Leonard, Former BART officer convicted of involuntary manslaughter (July 8, 2010) Los Angeles Times, <<https://www.latimes.com/archives/la-xpm-2010-jul-08-la-me-bart-verdict-20100709-story.html>> (as of Sept. 8, 2021).

Leonard, Former BART officer convicted of involuntary manslaughter (July 8, 2010) Los Angeles Times, <<https://www.latimes.com/archives/la-xpm-2010-jul-08-la-me-bart-verdict-20100709-story.html>> (as of Sept. 8, 2021).

Levin, 'Executed by firing squad': video shows police firing a dozen shots at man (Feb. 14, 2019) Guardian, <'Executed by firing squad': video shows police firing a dozen shots at man | US policing | The Guardian> (as of Sept. 8, 2021).

Levin, Los Angeles officers shot at Ryan Twyman 34 times. He was one of four they killed that day (Aug. 15, 2019) Guardian, <<https://www.theguardian.com/us-news/2019/aug/15/police-shootings-los-angeles-sheriffs-department-ryan-twyman>> (as of Sept. 8, 2021);

Lockhart, A new lawsuit describes a violent gang in LA County. Its members are deputy sheriffs. (Oct. 11, 2019) Vox, <<https://www.vox.com/identities/2019/10/11/20910315/banditos-los-angeles-sheriff-department-lawsuit-gangs>> (as of Sept. 8, 2021);

Lopez, Philandro Castile Minnesota police shooting: officer cleared of manslaughter (June 16, 2017) Vox, <<https://www.vox.com/2016/7/7/12116288/minnesota-police-shooting-philando-castile-falcon-heights-video>> (as of Sept. 8, 2020) (Castile Vox Article).

Love, The Trayvon Martin case reveals a vigilante spirit in the US justice system (Apr. 7, 2012) Guardian, King, <<https://www.theguardian.com/commentisfree/cifamerica/2012/apr/07/trayvon-martin-vigilante-spirit-us-justice>> (as of Sept. 8, 2021).

Loyola Law School Loyola Marymount University Center for Juvenile Law & Policy, 50 Years of Deputy Gangs in the Los Angeles County Sheriff's Department (Jan. 2021), <<https://lmu.app.box.com/s/uci2ir4mkpuDTVvfp7z8iu4kvlgre1dj>> (as of Sept. 8, 2021);

Lozano, How one beach city's racial reckoning is putting California's racist history front and center (Apr. 20, 2021) NBC News, <<https://www.nbcnews.com/news/us-news/how-one-beach-city-s-racial-reckoning-putting-california-s-n1264571>> (as of Sept. 8, 2021).

Mack, Over a century later, facts of 1898 race riots released (Dec. 16, 2015) Star News Online, <<https://www.starnewsonline.com/news/20051216/over-a-century-later-facts-of-1898-race-riots-released>> (as of Sept. 8, 2021) (1898 Race Riot Facts).

Markovitz, Legacies of Lynching: Racial Violence and Memory (2004) (Markovitz);

Montanaro, Capitol Police Officer Testifies To The Racism He Faced During The Jan. 6 Riot (July 27, 2021) NPR, <<https://www.npr.org/2021/07/27/1021197474/capitol-police-officer-testifies-to-the-racism-he-faced-during-the-jan-6-riot>> (as of Sept. 8, 2021);

Moon, Independent autopsy shows Dijon Kizzee was struck 15 times by LA Sheriff's deputies, according to family attorneys (Sept. 23, 2020) CNN, <<https://www.cnn.com/2020/09/22/us/private-autopsy-report-police-shooting-dijon-kizzee/index.html>> (as of Sept. 8, 2021).

Moore, Montojo, Mauri, Roots, Race & Place: A History of Racially Exclusionary Housing in the San Francisco Bay Area, Haas Institute, p. 26, [haasinstitute_rootsraceplace_oct2019_publish.pdf](https://haas.institute/rootsraceplace_oct2019_publish.pdf) (as of Sept. 8, 2021) (Haas);

Moxley, SoCal Cops Are Still Defending 39-Bullet Barrage on Unarmed Man (Mar. 14, 2018) OC Weekly, <SoCal Cops Are Still Defending 39-Bullet Barrage on Unarmed Man – OC Weekly> (as of Sept. 8, 2021).

Munoz and Manthey, Black families own homes at a lower rate than white families in SoCal. Here's why that matters, (July 16, 2021) ABC 7 News, <<https://abc7.com/black-homeownership-gap-in-southern-california-real-estate-inglewood-los-angeles/10884320/>> (as of Sept. 8, 2021).

National Center for Education Statistics, 120 Years of American Education: A Statistical Portrait (Jan. 1993), p. 21, tbl. 6 <<https://nces.ed.gov/pubs93/93442.pdf>> (as of Sept. 8, 2021).

Niedermeier, The Color of the Third Degree (2019), p. 16 (Third Degree).

North Carolina Department of Cultural Resources Office of Archives and History, 1898 Wilmington Race Riot Report (May 31, 2006), p. 445, <ROSTER (ncdcr.gov)> (as of Sept. 8, 2021) (Wilmington Race Riot Report).

Norwood, Mapping the Intersections of Violence on Black Women's Sexual Health within the Jim Crow Geographies of Cincinnati Neighborhoods (2018) 39(2) Frontiers (Boulder) 97, available at <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6179350/pdf/nihms-987283.pdf>>, pp. 1-2 (as of Sept. 8, 2021). (Norwood).

NPR, 100 Years Later, What's The Legacy of 'Birth of a Nation' (Feb. 8, 2015), <100 Years Later, What's The Legacy Of 'Birth Of A Nation'?

Orlov, Police messages unearthed – Comments by officers called racist (Mar. 19, 1991) Los Angeles Daily News, <<https://www.dailybreeze.com/2012/04/19/police-messages-unearthed-comments-by-officers-called-racist/>> (as of Sept. 8, 2021).

Pearson and Botelho, 5 things to know about the George Zimmerman-Trayvon Martin saga (Feb. 26, 2013) CNN, <5 things to know about the George Zimmerman-Trayvon Martin saga | CNN> (as of Sept. 8, 2021) (CNN Martin Article).

Proposed Brief of Amicus Curiae The Honorable Gavin Newsom in Supp. of Def. and Appellant McDaniel, People of the State of California v. McDaniel, No. S171393, at pp. 36-37 (Oct. 26, 2020), <https://www.gov.ca.gov/wp-content/uploads/2020/10/10.26.20-Governor-Newsom-McDaniel-Amicus-Brief.pdf> (Newsom Amicus Brief); Frampton, The Jim Crow Jury (2018) 71 Vand. L. Rev. 1593, 1612-14.

Ramirez, “Violators of Almost Every Right”: Analyzing the Ku Klux Klan of 1920’s (2017) 26 Ex Post Facto: J. of the History Students at San Francisco State Univ. 145, 147, <<https://history.sfsu.edu/sites/default/files/EPF/ExPostFacto2017.pdf>> (as of Sept. 8, 2021) (Ramirez).

Rhomberg, White Nativism and Urban Politics: The 1920s Ku Klux Klan in Oakland, California (Winter 1998) 17(2) J. of Am. Ethnic History 39, 44-46 (Rhomberg).

Robb, Two Men in KKK Disguises: A Photograph from Reconstruction Alabama (July 2017) 70(3) Ala. Review 222, 238-39 (Robb).

Rothstein, The Color of Law: A Forgotten History of How Our Government Segregated America (2017), p. 251 (Color of Law).

Rosenzweig Center for History and New Media, The Birth of a Nation and Black Protest, <<https://chnm.gmu.edu/episodes/the-birth-of-a-nation-and-black-protest/>> (as of Sept. 8, 2021) (Rosenzweig).

Sastry and Bates, When LA Erupted in Anger: A Look Back at the Rodney King Riots (Apr. 26, 2017) NPR, <<https://www.npr.org/2017/04/26/524744989/when-la-erupted-in-anger-a-look-back-at-the-rodney-king-riots>> (as of Sept. 8, 2021).

Schreckinger, White nationalists plot Election day show of force (Nov. 2, 2016) Politico, <<https://www.politico.com/story/2016/11/suppress-black-vote-trump-campaign-230616>> (as of Sept. 8, 2021).

Segal, This Flag once protested lynching. Now it’s an artist’s response to police violence (July 10, 2016) PBS, <<https://www.pbs.org/newshour/arts/this-flag-once-protested-lynching-now-its-an-artists-response-to-police-violence>> (as of Sept. 8, 2021).

Sen. Com. on Pub. Safety, Analysis of Assem. Bill No. 1506 (1999-2000 Reg. Sess.) Aug. 11, 2020, p. 7, <https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1506> (as of Sept. 8, 2021) (AB 1506 Analysis).

Sood, Biases Behind Sexual Assault: A Thirteenth Amendment Solution to Under-Enforcement of the Rape of Black Women (2018) 18(2) U. Md. L.J. Race, Religion, Gender & Class 405, 413, <Biases Behind Sexual Assault: A Thirteenth Amendment Solution to Under-Enforcement of the Rape of Black Women (umaryland.edu)> (as of Sept. 8, 2021) (Sood).

Stern, Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California (July 2005) 95(7) Am. J. of Pub. Health. 1128, 1131, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449330/pdf/0951128.pdf>> (as of Sept. 8, 2021); see also Health Section, *infra*.

Stolle and Micheletti, Political Consumerism: Global Responsibility in Action (2013), p. 268.

The Los Angeles Mayor Who Was Also a KKK Leader, L.A. TACO (July 8, 2020), <<https://www.lataco.com/la-mayor-kkk/>> (as of Sept. 8, 2021) (Los Angeles Mayor).

Tobar, Deputies in ‘Neo-Nazi’ Gang, Judge Found: Sheriff’s Department: Many at Lynwood office have engaged in racially motivated violence against blacks and Latinos, jurist wrote (Oct. 12, 1991) Los Angeles Times, <<https://www.latimes.com/archives/la-xpm-1991-10-12-me-107-story.html>> (as of Sept. 8, 2021).

U.S. Census, Quick Facts: California, <<https://www.census.gov/quickfacts/CA>> (as of Sept. 8, 2021).

United Nations General Assembly, Report of the Working Group of Experts on People of African Descent on its mission to the United States of America (Aug. 18, 2016), p. 16 (U.N. Working Group Report).

United Nations Human Rights Office of the High Commissioner, UN experts condemn modern-day racial terror lynchings in US and call for systemic reform and justice (June 5, 2020), <<https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25933&LangID=E>> (as of Sept. 8, 2021).

Utah v. Strieff (2016) 136 S. Ct. 2056, 2070 (Sotomayor, J., dissenting) (discussing how Black and Brown parents have given children “the talk” for generations, citing Du Bois, Baldwin, and Coates).

Wallace, Forgotten Los Angeles History: The Chinese Massacre of 1871 (May 19, 2017) Los Angeles Public Library, <<https://www.lapl.org/collections-resources/blogs/lapl/chinese-massacre-1871>> (as of Sept. 8, 2021) (Chinese Massacre of 1871) see also Dorland, Chinese Massacre at Los Angeles in 1871 (1894) 3(2) Annual Publication of the Historical Society of Southern California, Los Angeles, 22-26, <<https://www.jstor.org/stable/pdf/41167579.pdf>> (as of Sept. 8, 2021).

Ward, Critical Race Theory and Empirical Methodsmicroclimates of Racial Meaning:

Washington, Medical Apartheid: The Dark History of Experimentation on Black Americans from the Colonial Era to the Present (2007), p. 648 (Medical Apartheid)

O’Connor and Daunt, The Secret Society Among Lawmen (Mar. 24, 1999) Los Angeles Times, <<https://www.latimes.com/archives/la-xpm-1999-mar-24-mn-20461-story.html>> (as of Sept. 8, 2021).

Ellis, J. Edgar Hoover and the “Red Summer” of 1919 (Apr. 1994) 28 J. of Am. Studies 39, 52-54, <<https://history.msu.edu/files/2010/04/Mark-Ellis.pdf>> (as of Sept. 8, 2021).

EJI, Political Violence and Racial Inequity in America (Jan 19, 2021), <<https://eji.org/news/political-violence-and-racial-inequality-in-america/>> (as of Sept. 8, 2021) (EJI 2021);

Rosenzweig, No Charges in Killing of Tyisha Miller (Dec. 13, 2002) Los Angeles Times, <<https://www.latimes.com/archives/la-xpm-2002-dec-13-me-tyisha13-story.html>> (as of Sept. 8, 2021).

Koerner, Why Does the Ku Klux Klan Burn Crosses? (Dec. 17, 2002) Slate, <<https://slate.com/news-and-politics/2002/12/why-does-the-ku-klux-klan-burn-crosses.html>> (as of Sept. 8, 2021).

Coates, The Case for Reparations (June 2014) The Atlantic
<<https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>> (as of Sept. 8, 2021) (Case for Reparations)

Fain, The Devastation of Black Wall Street (July 5, 2017) JSTOR Daily, <The Devastation of Black Wall Street | JSTOR Daily> (as of Sept. 8, 2021);

Kent, The Hidden History of Culver City Racism (Apr. 5, 2019) Streets Blog LA, <https://la.streetsblog.org/2019/04/05/the-hidden-history-of-culver-city-racism/#_ednref29> (as of Sept. 8, 2021).

Gillett, A Woman's Work (July 2019) History Today, p. 46 (Gillett)

Guevarra, The Life and Death of Willie McCoy (Aug. 19, 2019) KQED, <<https://www.kqed.org/news/11768008/the-life-and-death-of-willie-mccoy/>> (as of Sept. 8, 2021).

Newkirk, The Great Land Robbery (Sept. 2019) The Atlantic, <<https://www.theatlantic.com/As/magazine/archive/2019/09/this-land-was-our-land/594742/#Lucas>> (as of Sept. 8, 2021).

Morrison, Racism of rioters takes center stage in Jan. 6 hearing (July 28, 2021) AP News, <<https://apnews.com/article/joe-biden-government-and-politics-riots-race-and-ethnicity-capitol-siege-b3eb4a7f1a0d183c9db89a08c84a70cb>> (as of Sept. 8, 2021).

Cramer, Confederate Flag an Unnerving Sight in Capitol (Jan. 14, 2021) New York Times, <<https://www.nytimes.com/2021/01/09/us/politics/confederate-flag-capitol.html>> (as of Sept. 8, 2021).

Brown, Red Summer: When Racist Mobs Ruled (Feb. 4, 2021) PBS, <<https://www.pbs.org/wgbh/americanexperience/features/t-town-red-summer-racist-mobs/>> (as of Sept. 8, 2021) (Red Summer)

Waite, The Forgotten History of the Western Klan (Apr. 6, 2021) The Atlantic, <<https://www.theatlantic.com/ideas/archive/2021/04/california-klans-anti-asian-crusade/618513/>> (as of Sept. 8, 2021) (Waite).

BBC News, Ahmad Arbery: What do we know about the case? (June 5, 2020), <Ahmaud Arbery: What do we know about the case? - BBC News> (as of Sept. 8, 2021).

Essinger, Kern County: California's Deep South, at pp. 7-8 (Essinger);

Code Switch : NPR> (as of Sept. 8, 2021) (NPR Birth of a Nation)

POLITICAL PARTICIPATION

I. Introduction

- A. The right to vote is fundamental to citizens of this nation and a gateway to full participation in its democracy—to creating a more perfect union. While the United States Constitution, signed in 1787, presumptively established the right to vote, Black Americans were largely excluded from this fundamental right for almost a century, and Black women for almost an addition half century. In fact, the Black community started organizing around the right to vote even before Emancipation, indicating that the right to vote has always been at the forefront of a fight for citizenship and political integration into America. But both historical and continued exclusion of Black voters through racial terror, legislation, and court decisions upholding exclusionary laws has barred Black voters from consistently having access to the ballot box and electing their candidates of choice. Further, despite increased participation of the Black electorate and more Black elected officials, Black Americans still lack commensurate political power compared to white Americans; and Black communities still experience pervasive unemployment, entrenched poverty, inferior education, urban decay, and more.
1. Fourteenth: It was not until the Fourteenth Amendment, ratified in 1866, that Black Americans were ostensibly included as citizens of the United States. By prompting the federal government to extend citizenship to Black Americans through birth right citizenship, the Black struggle for freedom also helped open the gates of American citizenship for countless others. But while the Amendment gave Black Americans citizenship, the amendment did not directly extend the right to vote to Black Americans. Rather, it penalized states that deprived the vote to male citizens by reducing their number of representatives in Congress. And even then, the federal government did not ensure enforcement of penalties.
 2. Fifteenth: The Fifteenth Amendment, ratified in 1870, often lauded for explicitly granting Black men the right to vote, in actuality only implicitly bestowed that right by prohibiting the states from discriminating against voters on the basis of race, color, or previous condition of slavery.
 3. Nineteenth: Ratified in 1919, the 19th Amendment, like the 15th Amendment, did not explicitly grant the right to vote to all women, including Black women, but rather, said that the states could not discriminate against voters on the basis of sex.
 4. Prior to emancipation in 1865, there were select northern and western states, sometimes under limited circumstances, in which Black men could vote.
 - a. Black Americans in five New England states could vote: Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and partially in New York (if they owned \$250 in property).
 - b. National Equal Rights League formed in 1864 in New York to pursue the right to vote
 - c. In California, in fact, a few Black men *and* women voted in federal elections far before the passage of the 19th amendment.
 5. State legislation and Supreme Court decisions upholding exclusionary laws kept the overwhelming majority of Black voters from voting well into the 20th century. Violence against

Black voters persisted, and southern primaries – specifically Democratic primaries – were legally allowed to exclude Blacks from voting. Simultaneously, however, activists pursuing the right to vote gained some ground during the first half of that century (1900-1941).

- B. In this chapter, the discussion of Black Americans' political participation will primarily focus on barriers to voting for Black Americans. However, political participation is not limited to voting rights – it includes civic participation at every level of democracy. Thus, at the close of this chapter, the Task Force addresses how there remains disproportionately few Black elected officials; and even as Black Americans are able to vote in larger numbers and more Black representatives are being elected to office, those gains have not resulted in policies that have reduced the racial wealth gap or addressed other inequities experienced by the Black community.

II. Overview of Barriers to Black Americans' Right to Vote

A. Exclusion from Census Counts

1. One of the first congressionally sanctioned means of excluding Black people from political participation was the failure to accurately count Black Americans as people for the purposes of political representation.
 - a. Three-Fifths Clause – allowed southerners to account for more people, but gave nothing to enslaved people in return. Skewed census so that southern states, whose economies were dependent on slavery, held more congressional seats.
 - b. “The 1850 and 1860 Federal Censuses contain slave population lists for states where slavery was legal.” Some lists contained names of enslaved Black Americans, but in most cases, enslaved people were enumerated en masse via “slave schedules,” with their personal names omitted. “Enslaved people in California were not recorded as such because of the state’s ban on the institution. Despite this ban, slaveholders regularly brought bondsmen and women into the state. On official records, however, both free and enslaved Black men and women were designated as servants. Since many of them had the same last names as their masters, sometimes it is difficult to determine whether a Black or mulatto person living in a white household was a member of the family, or a slave or servant.”
 - c. According to federal archives, the first census to consistently include all Black Americans by name was conducted in 1870, five years after slavery ended.
2. The way in which census counters were instructed to conduct their work also obfuscated racially-accurate population counting.
 - a. “The census takers were instructed to ascertain a person’s “color,” which provided useful information about race and racialization in the United States... [but] these classifications are fluid at best, particularly when individual census takers were responsible for determining one’s racial classification. While the enumerator instructions stressed the importance in doing so, it created several limitations. Often enumerators were the deciding factor in determining one’s race. A light-skinned Black person, for example,

may have been listed as mulatto. Similarly, a person with lighter skin may have told the census taker that he or she was mulatto, as a way of denying his or her own Blackness. A person's racial classifications could and did change from one decade to the next, therefore, depending on the enumerator, the instructions (which also changed), and the person being surveyed. The act of collecting information about race or color, then, contributed to the ways in which people of color were collectively racialized."

- b. "The census did not recognize certain categories of labor, which had racial implications for African American workers particularly, and also for other people of color and women. The most glaring omission was domestic labor, a category of work that was held by 80 to 90 percent of Black women and many Black men. Before 1870, if a person was not working for wages, or was working as a domestic laborer, their labor was overlooked and unaccounted for. This meant that enslaved persons and much of Black women's work was considered insignificant"

3. Ongoing issues

B. Violent Opposition to Black American Political Participation

1. Perhaps the single most pervasive barrier to Black Americans being able to vote has been violence toward potential voters on or before voting day, and toward people who organized the Black vote. This violence follows a common pattern of a dominant caste enacting violence against a relegated bottom case as a form of social control.
2. Reconstruction: Even during Reconstruction (1865-1877)—when Black Americans took advantage of a host of favorable federal laws and policy to not only exercise their right to vote but also to run for and win elected positions—white militia groups (and seemingly neutral state laws around voting) continued to intimidate and bar Black voters from exercising their fundamental right.
 - a. KKK, Knights of the White Camellia intimidated Black voters 1865 onwards.
 - b. 1873, Grant Parish, Louisiana: "Colfax Massacre" – white Democrats killed at least 50 Black people over a disputed gubernatorial election
 - c. August 1874, Sumter County, Alabama: seven Black men killed, 70 injured on election day
 - d. Among the most critical laws ratified during this time period were the Fourteenth (1868) and Fifteenth (1870) Amendments. Additionally, Black voters participated in state constitutional conventions, and any new state constitution was required to include Black suffrage.
 - i. Fifteenth Amendment 1870 – did not outright provide the right to vote, but prohibited a state from denying the right to vote on the basis of race
 - e. "Colored Citizens" Conventions held across the North and South on enfranchisement.

- f. 1867 – Frederick Douglass appeals to Congress for impartial suffrage
 - g. *Ex Parte Yarbrough* (1879) – upheld convictions of nine white terrorists who beat a Black man at his home to prevent him from casting a ballot in Georgia.
3. During Reconstruction: While the Supreme Court upheld the federal government’s ability to prosecute voting rights infractions based on race, the Court also held that private individuals could not be prosecuted by the federal government for civil rights violations since the Fourteenth Amendment only applied to state action, making it that much more difficult to prosecute voting rights violations when states passed laws that applied “neutrally.” This allowed private militia groups to spread racial terror with no real consequences.
4. Post-Reconstruction
- a. 1898: Wilmington, North Carolina: Burgeoning majority Black town, attacked by white militia and KKK. Black elected officials were forced to resign (or be shot), and white militia burned Black newspaper offices. After this incident, no Black American was elected to local political office until 1947 or to the North Carolina General Assembly until 1968.
 - b. A 1908 bloody riot in Springfield, Illinois (“Springfield Race Riot”) prompted Black activists to form the NAACP in 1909-1910 as a vehicle for obtaining Black enfranchisement and equality under the law.
5. Post WWII
- a. In the wake of World War II (1941-1954), at a time when Black civil rights activism found new life, violence against the Black voters loomed and progressive federal legislation found little success despite incremental gains toward enfranchisement. “Blacks who organized for social change, for whatever reason, were vulnerable to violent white retaliation.”
 - i. Decatur, Mississippi (1946): In a 1946 Michigan election, despite a Supreme Court ruling that found all-white primary elections unconstitutional, an incumbent white senator warned the Black community to stay away from the polls for a Democratic primary, and that “red blooded” white men would make sure that they did. A returning World War II veteran, Medgar Evers, was undeterred. He showed up to vote in the primary with four other veterans – they were turned away by a group of white people waving pistols. While 2,500 Black Mississippians were able to cast their ballot in the primary, a coordinated group of civil rights organizations complained to the U.S. Senate Committee to Investigate Campaign Expenditures, stating that the incumbent senator had intimidated Black voters and should be barred from taking his Senate seat. In response, the Senate committee held hearings in Jackson, Mississippi. “The four-day inquiry received widespread media coverage and the rest of the country learned just how difficult, if not impossible, it was for most Blacks to register and vote in the Magnolia State. Two hundred Blacks, a

majority of them veterans, packed the Federal Building courtroom in Jackson to testify against Bilbo.”

- a) Etoy Fletcher charged that a group of white men assaulted him in the town of Brandon after the local registrar told him that “Negroes are not allowed to vote in Rankin County.”
 - b) Another veteran, Vernando R. Collier, president of the NAACP chapter in Gulfport, described how he and his wife were assaulted by a pack of white men as they tried to enter the polling place.
- ii. Wrightsville, Georgia (1948): Murder of Black veteran who voted after being warned not to. “In March 1948, the Ku Klux Klan paraded around Wrightsville, Georgia, and warned that ‘blood would flow’ if Blacks tried to vote in the forthcoming election. Seven months later on September 8, two whites threatened Isaac Nixon, a Black veteran, not to vote. He refused to heed their warning, cast his ballot shortly after sunrise, and by nightfall he had been murdered. Before he died, he revealed the names of the killers to the president of the local NAACP branch, D. V. Carter. A few days later, some whites assaulted Carter in his home and forced him to flee town. Although Nixon’s assailants later stood trial, an all-white jury acquitted them.”
 - iii. Florida (1951): Murder of NAACP voting rights activist and his family. On Christmas Eve, 1951, Florida’s NAACP director and voting rights champion, Harry T. Moore, along with his wife, were murdered when the Klan dynamited their home. Moore’s attackers killed him for a variety of liberationist activities besides voting, but the message was clear. Blacks who organized for social change, for whatever reason, were vulnerable to violent white retaliation.
- b. 1955 – Mississippi Citizen’s Counsel (white citizens’ counsel, only marginally distinct from KKK) tried to force a Black man to give up voter registration or lose the lease on his shop; he lost his lease. A month after that, a Black pastor who encouraged the Black community to vote was shot.
 - c. 1956 – In Sunflower County, a man named Ted Keenan told investigators that in 1956, local banks had denied him loans after a bad crop because of his position with the NAACP, where he openly advocated for voting rights. The Farmers Home Administration (FmHA) denied him loans as well. Keenan described how Eugene Fisackerly, the leader of the White Citizens’ Council in Sunflower County, together with representatives of Senator James Eastland, a notorious white supremacist who maintained a large plantation there, had intimidated him into renouncing his affiliation with the NAACP and agreeing not to vote. Only then did Eastland’s man call the local FmHA agent, prompting him to reconsider Keenan’s loan. A landmark 2001 investigation by the Associated Press into extortion, exploitation, and theft directed against Black farmers uncovered more than 100 cases across the southern and border states like Keenan’s.

6. Violence as backlash to “progressive” federal legislation
 - a. One particular series of events in Fayette County, Tennessee that started with white mob, followed by an indictment 18 years later, economic retaliation and evictions of Black people, and resulted with the creation of a “tent city.” [Incorporated caste analysis at top of subheading, Part II.B.1.]
 - a) Events in Fayette County started with a white mob coming to Black man’s house. The Black man was put on trial 18 years later with an all-white jury, leading residents to realize that they needed to be registered to vote to serve on a jury. Residents organized voter registration drives, but were turned away at the polls on election day. Black residents filed suit challenging the restrictions, but the white economically retaliated (white grocers refused to sell milk, banks refused loans, oil companies stopped delivering gas; eviction of sharecropping farmers. However, evicted farmers were given shelter on the land of a Black farmer, leading to the creation of a Tent City where Black activists could continue pressing for voting rights in the town. The discrimination in Fayette County was finally and permanently enjoined through a consent decree in federal district court in 1962.
7. Second half of the 20th century: Progress at the federal level met with violence on the ground
 - a. At the federal level, Congress passed several civil rights laws intended to bolster protection for Black voters and Supreme Court decisions were further allowing Black people to realize that fundamental right; but at the ground level, Black Americans still faced outright violence and intimidation when trying to exercise their rights, including their right to vote.
 - b. Mixed impact of *Brown v. Board of Education* (1954) (holding that separate is not equal in public school education) on Black voter registration; voter registration has already been either in decline or static in the two years prior.
8. Widespread voter registration efforts in the South in the 1960s, sometimes backed by the federal government, were met with violent reprisal.
 - a. The Voter Education Project (VEP), active from 1962-1964, was organized by the federal government in partnership with philanthropic organizations, and civil rights activists, and provided grants to civil rights organizations working on voter registration and education in the South. The VEP was enthralled in politics from the beginning – a significant impetus for the federal government at the time was to curtail the kinds of direct action and confrontation that had resulted from the recent sit-ins and Freedom Rides. It is unclear whether the government also promised to protect voter registration workers, investigate incidents, and enforce violations of federal law. But by late 1963, the VEP’s investment had not yielded significant results. For example, over two years in Mississippi, the VEP’s \$50,000 investment had yielded only 3,228 new registered voters. The VEP director in the state and other organizers cited that part of the reason for the

dismal results was the failure of the Justice Department to protect voter registration workers and those who sought to register from violence and backlash. In this instance, the federal government's ostensible monetary commitment to voting rights was short-changed by its inability to enforce the law and legally protect voter registration efforts.

- b. Violence against voter registration efforts was relentless during this time
 - i. For example, in Greenwood, Michigan: 1962-63, voter registration efforts were met with cutting off surplus food supply to Black communities, setting fire to Black businesses, Black people sent to jail for breach of peace, and Black people shot at.
 - ii. Freedom Vote and the Freedom Summer of 1964 in Mississippi were efforts to combat the states' abysmal Black registration numbers – approximately 5 percent when the rest of the south had 29 percent Black voter registration. Freedom Summer was an organized movement to register Black voters and educate them about history and why they should vote, and establish Mississippi Freedom Democratic Party prompted by a series of “freedom days” across the south to have Black voter registration. The efforts were met with staff disappearing and bombs planted in Black mail boxes, houses.
 - iii. And perhaps one of the most well-known attacks on voting rights advocacy during this time is the March 7, 1965 “Bloody Sunday,” when Alabama state troopers attacked peaceful marchers traveling from Selma to the state capitol in Montgomery. Indeed, Selma was a tipping point for the federal government to pass the 1965 Voting Rights Act, which was integral to catapulting Black voters to political power.

C. Exclusion from State Primaries

1. While Black men technically had the right to vote after the passage of the 14th and 15th Amendments (and participated heavily in the southern Republican Party during this time), after the end of Reconstruction and the decline of the Republican Party in the South, they were nevertheless excluded from state party primaries in the southern states. Thus, even though they had the right to vote, they could not fully participate in the process of voting for their candidate of choice at the primary level until 1947.
2. However, primary elections – namely, Democratic party primaries – continued to exclude Black individuals, *Grovey v. Townsend* (1935).
 - a. *Nixon v. Herndon*, 273 U.S. 536 (1927), the U.S. Supreme Court held the white primary violated the Fourteenth Amendment's guarantee of equal protection under the law by excluding Blacks from participation. The Court did not decide whether the Fifteenth Amendment covered voting in a primary conducted by a political party. Previous court rulings suggested party primaries were separate from state-sponsored elections. However, in this case, state action was clearly involved in Black exclusion, thus depriving Black Americans of equal treatment.

3. The end of the white primary in the South. Record turnout in the 1948 Democratic primary (35,000 Black voters).
 - a. *Smith v. Allwright*, 321 U.S. 649 (1944) and *Elmore v. Rice*, 72 F. Supp. 516 (D.C.S.C. 1947) led to the end of white primary.

- b. Progressive Democratic Party in this time lacked long-term success because mainstream democrats were scared of scaring off white members.

D. The Landscape of Post-Reconstruction “Race Neutral” Devices Designed to Exclude Black Voters: Literacy Tests, Poll Taxes, and Grandfather Clauses

1. After Reconstruction through the early 20th century, states adopted seemingly neutral “colorblind” ways to systematically reduce Black suffrage.
 - a. Fifteenth Amendment, Section 1: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”
 - b. Still allowed individual states to establish a range of criteria like “race-neutral” literacy tests.
 - c. The tests disproportionately excluded Black votes, since approximately 80 percent of Black people had not been taught to read or write during slavery times and those who tried to educate themselves were often met with torture, violence, and death.
 - a. Doc Daniel Dowdy, an enslaved person in Madison County, Georgia, said “The first time you was caught trying to read or write, you was whipped with a cow-hide, the next time with a cat-o-nine-tails and the third time they cut the first jint offen your forefinger.”
 - b. Another formerly enslaved person from Georgia said, “If they caught you trying to write they would cut your finger off and if they caught you again they would cut your head off.”
 - c. When Joseph Booker was three, his father was charged with teaching enslaved Black people to read; his father was whipped to death.
2. Initially through tactics like the implementation of secret ballots.
 - a. Voting manipulation noted by Historian Michael Perman in the 1880s-90s.
 - i. Secret ballot—before, candidates passed out ballots with the candidate’s name printed. Secret ballot barred that, and instead, voters had to vote at polls and choose from a list of candidate names (requiring literacy)
 - b. Failed 1890 bill that would have given federal government oversight over southern elections.

- c. Black people still managed to hold office though at both the state and federal level.
3. Then through concrete legislation including literacy and understanding tests, grandfather clauses, and poll taxes.
 - a. Systematic attempts to reduce Black suffrage 1890-1908: across the south, states implemented literacy/understanding tests (“how many bubbles are in a bar of soap?”), grandfather clauses, continued secret ballot practices, and poll taxes
 - b. In 1898, the U.S. Supreme Court validated Mississippi’s literacy test. The case, *Williams v. Mississippi*, 170 U.S. 213 (1898), resulted from the conviction for murder of Henry Williams, a Black American, by an all-white jury. Williams appealed, arguing that he did not receive a fair trial because Blacks were excluded from the jury. Because the jury list was drawn from the voting rolls, the suffrage provisions of Mississippi’s 1890 Constitution came under scrutiny. The Court ruled that the literacy test was written in a manner that did not discriminate on the basis of race, and consequently the tests themselves served as a legitimate means of discerning voter eligibility. A rejected voter would have the difficult burden of proving in court that the exam had been administered in a racially biased way. In the 1890s, as the South consolidated white supremacy and imposed racial segregation, this became a virtually impossible task.
 - c. Thus, while Black people gained the right to vote during Reconstruction, their numbers rose and then fell post-Reconstruction – both as voters and elected officials – due to states’ attempt to undermine and suppress Black Americans’ access to the ballot box.
 - d. The Civil Rights Act of 1960, which established federal inspection of local voter registration polls and introduced penalties for anyone who obstructed someone's attempt to register to vote, did not move the needle much, and continued to leave voting discrimination policy in hands of courts.
 4. Literacy and Understanding Tests prevailed well through the 20th century. These “race-neutral” ways of suppressing the Black vote were often implemented as backlash to federal legislation protecting the right to vote.
 - a. The Civil Rights Act of 1957 allowed for enforcement of laws protecting the Black vote by allowing U.S. DOJ to seek civil injunctions to block discriminatory practices by southern registrars. While the bill was passed with bipartisan support, states backlashed with their own laws intended to circumvent the Act. Tactics varied by state, and included new versions of literacy tests (which were still lawful), broad ability to challenge voter qualifications, redistricting decisions that excluded Black voters. Furthermore, the Civil Rights Commission, established by this act, issued a report in 1959 that the U.S. DOJ had not vigorously implemented this law.
 - i. Republican Minority Leader Senator William Knowland of CA helped raise bipartisan support.
 - b. “They say if you register, you going to have a hard time. Well, I had a hard time before I

registered. Hard times, you could have named me that—Georgia Mae Hard Times.” Besides always living in “hard times,” Turner said she went to register “because I want to be a citizen . . . I registered so that my children could get their freedom. I don’t figure it would do me no good.”

- i. Georgia – 1958 passage of a 30 question (had to get 20 right) literacy test – had effect of suppressing white vote, but disproportionate effect on Black people.
- ii. Louisiana – under state law, two qualified voters could challenge qualifications of anyone – (White) Citizen’s Council managed to purge thousands for minor mistakes (that also appeared on white forms).
- iii. Tuskegee, Alabama – Black middle class established in 1880s onward, but the community also faced relentless discrimination in voting, including literacy tests.
 - a) 1957 – state redrew boundary lines of Tuskegee, removing Black voters from participating in town elections
 - b) Civil Rights Commission, 1958 – hearings from Black people in Tuskegee and Macon County (GA) being barred from registering
- iv. Literacy tests in some regions (“covered jurisdictions”) were banned after the passage federal Voting Rights Act (VRA) in 1965, discussed in detail below, but it was not until 1970 Amendments of that act that tests and devices that had a discriminatory effect were banned nationally.
 - a) Amendments: In 1970, Congress extended the regional ban on tests or devices to the nation. In addition, Congress extended the Section 5 preclearance requirement, as well as the national ban on tests or devices, for another five years. In 1975, Congress made the ban on tests or devices a permanent feature of the VRA and extended the Section 5 preclearance requirement for an additional seven years. And the 1982 amendments eliminated the discriminatory intent requirement, broadening the law to prohibit restrictions with discriminatory effect, while extending Section 5 for a 25-year period until 2007.

5. Poll taxes were legal until 1966

- a. *Breedlove v. Suttles*, 302 U.S. 277 (1937) – constitution did not prevent a state from adopting poll tax on voting.
- b. Repeal of poll tax legislation introduced in 1942, 1943, 1945, 1947, but it didn’t pass the Senate because of the filibuster.
 - i. White “liberals” pioneered the movement to abolish poll tax because it was

disenfranchising white and Black voters; they played down the race issue.

- ii. Soldier Vote Act 1942 – eliminated poll tax for overseas voters. Other relaxation of poll tax was granted to returning soldiers, including Black soldiers during/after WWII.
- iii. Bill authors in 1942 included Lee Geyer of California.
- iv. Poll tax finally found to violate equal protection by U.S. Supreme Court in *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966).
- c. Advocates have argued that voter ID laws, discussed in detail in Section __, are a modern-form poll tax. The ACLU estimates that the combined cost of time, travel, and documentation needed to meet various state voter ID laws ranges from \$75 to \$175, a shocking figure when federal courts have held that poll taxes “of as little as \$1.50 have been deemed an unconstitutional burden on the right to vote.”

E. Disenfranchisement of Formerly Incarcerated People (“Felon Disenfranchisement”): Then and Now

1. Following Reconstruction, state governments criminalized Black freedom and poverty, and disproportionately enforced those laws against Black Americans as a form of social control.
 - a. Vagrancy laws were used arbitrarily, generally to enslave newly liberated Black Americans. Vagrancy laws banned Black Americans from employment outside of agriculture and often penalized Black Americans with forced labor, essentially reestablishing systems of slavery.
 - b. Curfew laws, which feeds into the “sun down” mentality/laws, offer another good example. These were really Slave Codes that were turned into Black Codes after emancipation. [Professor Smith’s section on The Institution of Slavery already touches upon this, so tie-in and additional material to add for final report.]
 - c. Georgia’s insurrection law that prohibited printed material and speech, including the death penalty as a punishment—the law was used in the 1930s in Atlanta to try a Black American named Angelo Herndon who argued for social equality and self-determination for all Black Americans.
2. Felon disenfranchisement laws are “race neutral” on their face, but in the United States race is clearly tied to criminal punishment. For example, Black imprisonment rates have consistently exceeded white rates since at least the Civil War era.
3. Discretionary law enforcement policies, coupled with felon disenfranchisement laws, restrict Black access to the ballot box in a similar manner as did segregated education and the discretionary implementation of literacy tests. The rapidly increasing number of disenfranchised offenders constitutes a rare example of substantial disenfranchisement in a world of expanding democracy.
4. Felon Disenfranchisement upheld in state and federal courts, even through today:

- a. *Trop v. Dulles*, 365 U.S. 86 (1958): “Citizenship is not a right that expires upon misbehavior.” The Court concluded that prisoners cannot have their citizenship stripped as a punishment for a crime.
 - b. In *Richardson v. Ramirez* 418 U.S. 24 (1974), the U.S. Supreme Court reversed the California Supreme Court decision in *Ramirez v. Brown*. The Court concluded that legislative and judicial history supported the constitutionality of this denying the right to vote to people convicted of felonies, and that the argument for a modern view of rehabilitation of formerly incarcerated people should be addressed to the legislatures. And thus, a *California* law barring people convicted of felonies who had completed their sentence and parole was upheld.
 - c. And while the Supreme Court, in *Hunter v. Underwood*, 471 U.S. 222 (1985), did strike down the “moral turpitude” section of Alabama’s 1901 disenfranchisement provision after finding that the impact and the intent of the section had been to prevent Blacks from voting, the Court said nothing about the general practice of disenfranchisement, nor did it reconsider the *Richardson v. Ramirez* holding that ex-felons may be permanently disenfranchised.
5. Felon voting restrictions were the first widespread set of legal disenfranchisement measures imposed on Black Americans after slavery; the literacy tests and other mechanisms for political exclusion followed at a later date. Disenfranchisement laws have roots in English, European, and Roman law. But their proliferation in U.S. was unquestionably motivated by race.
 - a. Following the Civil War, “the percentage of nonwhite prison inmates nearly doubled between 1850 and 1870.” Yet in some states, the statistics were far more striking. In Alabama, for example, 2 percent of the prison population was nonwhite in 1850, yet by 1870, 74 percent of the prison population was nonwhite, even though the total nonwhite population increased by only 3 percent. Felon disenfranchisement provisions offered a tangible response to the “threat” of new Black voters, a response that helped to preserve “racial political exclusion during the Reconstruction era.” “Narrower in scope than literacy tests or poll taxes and easier to justify than understanding or grandfather clauses, criminal disenfranchisement laws provided the southern states with ‘insurance if courts struck down more blatantly unconstitutional clauses.’” Indeed, “[w]hen African Americans [made] up a larger proportion of a state’s prison population, that state [was] significantly more likely to adopt or extend felon disenfranchisement.”
 - b. For example, the Mississippi disenfranchising convention of 1890 altered the 1869 disenfranchising provision from one that included “any crime” to one affecting only those convicted of certain offenses more likely to be committed by Blacks. Other southern states pinpointed “furtive offenses . . . peculiar to the Negro’s low economic and social status.” Furthermore, Georgia and Alabama disenfranchised those who committed crimes of “moral turpitude,” regardless of whether such a crime resulted in a prison sentence.
 6. Currently, people convicted felonies comprise the largest single group of Americans who are denied the vote, a disproportionate amount of whom are Black American.

- a. Current statistics on felon disenfranchisement, how approximately 5.5 million Americans are barred from voting; all states but Maine and Vermont have some restriction tied to felony conviction, probation, and parole.
- b. A recent study found that states with greater prison populations of color are “more likely to ban convicted felons from voting than states with proportionally fewer nonwhites in the criminal justice system.”
- c. More information on the landscape of felon disenfranchisement in California can be found below in the Criminal Justice section.

F. The Census, Redistricting, and Gerrymandering

1. Every ten years, the federal Census seeks to count every person living in the United States. The last Census took place in 2020. Once the Census is finished, federal, state, and local governments will use that count to make decisions about redistricting and where government funds and other resources should be provided. Gerrymandering occurs in the context of redistricting – the drawing of state legislative and federal congressional districts. Districts must be contiguous and compact, and population sizes of each district must be about equally distributed throughout the state. Fair redistricting plans ensure that Black, Latino, Asian, and other communities are represented in school boards, city councils, state legislatures, and the U.S. Congress. Without fair redistricting plans, communities of color may have reduced or no representation in the local, state, or federal government. Gerrymandering refers to the drawing of voting districts in a way that benefits one group (generally race or political party) over another. In practice, gerrymandering has existed since this nation’s infancy.
2. The Supreme Court has held that gerrymandering on the basis of race (racial gerrymandering) is unconstitutional. *Shaw v. Reno*, 509 U.S. 630 (1993) (holding that a reapportionment scheme was so irrational on its face that it could only be understood as an effort to segregate voters into different districts on the basis of race, violating the Equal Protection Clause); *Gomillion v. Lightfoot*, 364 U.S. 339 (1960) (holding that political redistricting that redefined municipal borders to exclude Black residents would violate the Equal Protection Clause).
3. The U.S. Supreme Court has declined to rule political gerrymandering unconstitutional. *Rucho v. Common Cause*, 588 U.S. ____ (2019) (holding that the question of partisan gerrymandering was a political one that must be resolved by the elected branches of government, and not a legal question that the federal courts should decide). “The Supreme Court’s *Rucho* decision may lead legislators to believe that they can get away with racial gerrymandering in places where race and party are highly correlated, by defending these claims on the basis that their decisions were made for partisan, not racial, reasons.”
4. Given this landscape, “State legislators have been strategic to suggest that their redistricting schemes merely dilute the clout of their political opponents. Republican legislators claim that district drawing that creates dramatic shifts in Black voters' districts is a shuffling of Democrats, rather than Blacks, which is not unconstitutional” but “Black voters should not be used as fungible tokens to further the political motives of a particular party.”

5. A final type of gerrymandering that current disproportionately affects Black Americans is prison gerrymandering. Prison gerrymandering refers to the practice of counting (for the census) incarcerated people at their location of imprisonment, rather than their last home location. The practice is criticized because these individuals, in many states, are disenfranchised, but are being counted for congressional representation purposes. The practice advantages the geographic areas where prisons are located by driving up the census population of that area, even though the incarcerated individuals are often (mostly) unable to vote themselves. Advocates say that this policy is akin or worse to the Constitution's notorious three-fifths clause, which denied enslaved people the right to vote but counted them in the Census for the purposes of amassing more pro-slavery representatives.

G. The Guise of Voter Fraud and Voter ID Laws

1. Voter fraud has often been used as a justification for laws that result in suppressing Black voters, most prominently voter identification ("voter ID") laws.
2. Voter identification laws first became popular following the 2000 election, when legitimate concerns of election accuracy were used to shroud Republican political scheming intended to prevent potential future losses in Florida. Attorney General John Ashcroft pushed the Department of Justice to prioritize voter fraud as an issue, although the DOJ itself found a 0.00000132% rate of voter fraud. Congress passed the Help America Vote Act (HAVA) in 2002, which mandated voter identification to register to vote and deferred to states' requirements for voter identification; even at the time, many civil rights organizations opposed the bill for its discriminatory impact and stated that the requirement would mirror a poll tax.
3. In 2005, Georgia and Indiana became the first states to enact photo voter identification laws. In 2000, only 11 states required all voters to show identification; this increased to 18 states in 2008, and as of 2021, 36 states have laws requesting or requiring voters to show some form of identification at the polls.
4. Although voter identification laws appear facially neutral, their impact is disproportionately burdensome on Black voters for reasons of both access and enforcement. First, many elderly Black voters may not have birth certificates due to de jure segregation and unequal access to hospitals, and thus, they cannot easily obtain photo identification. Second, 25 percent of Black Americans and 16 percent of Latinos do not possess a valid photo ID, compared to 8 percent of whites; one Wisconsin study found that for adults ages 18-24 years old, only 26 percent of Black Americans and 24 percent of Hispanics in Milwaukee County had a valid driver's license. Third, voter ID laws are disproportionately enforced against Black voters, resulting in Black voters filing provisional ballots at four times the rate of white voters; this is particularly alarming when considering the rates at which provisional ballots ultimately go uncounted. The ACLU estimates that the combined cost of time, travel, and documentation ranges from \$75 to \$175, an astonishingly unjust figure when poll taxes "of as little as \$1.50 have been deemed an unconstitutional burden on the right to vote." Even obtaining so-called "free" identification cards may require not only purchasing a birth certificate, but traveling to a DMV potentially up to 250 miles away. Voter ID laws, thus, are little more than a continuation of the bias against "undesirable voters" such as Black Americans and people with low socioeconomic status, which

began in American history with limiting suffrage to land-owning white men. Indeed, poll tax laws and literacy tests also appeared facially neutral but were designed to “obfuscate underlying racially discriminatory motives.”

5. In crafting North Carolina’s voter identification laws, one state representative explicitly requested a university official to provide information “about the number of Student ID cards that are created and the % of those who are African American.” It is no coincidence that “the states with the most rigid voter identification laws also happen to be states with substantial minority populations and a history of Jim Crow-style discrimination at the polls.” Multiple Republican strategists have admitted that voter ID laws have nothing to do with voter fraud, and are instead part of a strategy of ensuring Democrats do not have access to vote. It is important to note that Black voters identify overwhelmingly with the Democratic Party, and thus, when political strategists openly seek to disenfranchise Democrats, there are disproportionate impacts against Black voters – whether or not Republicans admit such laws are specifically racially targeted. The rhetoric surrounding voter fraud also aligns with and capitalizes on long-standing racist stereotypes of Black Americans as dishonest or criminal.
6. Additional strategies allegedly implemented to defend against voter fraud include: “challenger laws” that permit private citizens to question other citizens’ voting eligibility, which not only mimic Jim-Crow era intimidation but actually have their roots in Reconstruction backlash; cutting early voting and closing polling places, resulting in, for example, “African Americans in Ohio wait[ing] in line for fifty-two minutes to vote, while whites waited only eighteen minutes”; and purging of voter lists, which affects any group that is relatively transient including people of color, the poor, and young people. Georgia’s highly restrictive 2021 voting law appears to directly target organizing efforts by the African Methodist Episcopal Church and other organizations serving Black people and other people of color, going so far as to ban organizers from distributing food and water to voters waiting in long lines. Protections against non-existent voter-initiated fraud unequivocally represent modern iterations of longstanding attempts to disenfranchise Black people and other people of color.

H. Ongoing Black Voter Suppression

1. The Voting Rights Act of 1965 (VRA) was a landmark piece of legislation that result from over a century of voting rights activism. It was directed at combatting discrimination in voting. In passing the VRA, voting rights enforcement officially shifted to the U.S. DOJ, federal examiners could be sent register voters, and no covered jurisdiction could change suffrage regulations for five years without permission of U.S. DOJ. Among its most notable provisions were Sections 2, 4, and 5.
 - a. Section 2 provides that the right to vote cannot be abridged “on account of race, color, or previous condition of servitude.” And the law, as amended in 1982, further provides that “a voting process or requirement that *results in* the abridgement of the right to vote on account of a voter’s race, color or language minority status is unlawful, whether or not an intent to discriminate can be proven.”
 - b. Section 4 contained a formula that identified certain state and local government entities

who had a history of discrimination against Black Americans, focusing on voter registration or voter turnout levels in states and local governments that utilized tests or devices, such as literacy tests, as a prerequisite for voter registration. State and local entities that demonstrated such past discrimination were determined to be a “covered jurisdiction.”

- c. Section 5 provided that the covered jurisdictions, as determined by Section 4 were required to obtain approval – “preclearance” – from the Department of Justice or a federal court in Washington, D.C. before passing a voting rights related law. The covered jurisdiction had the burden of demonstrating that the proposed voting change did not have a discriminatory effect on the voting rights for people of color and that the change was not adopted for a discriminatory purpose. Several southern states were identified as covered jurisdictions early on, but even counties in California have since been subject to Section 5’s preclearance requirement.
 - i. In 2013, the success of Section 5 and the VRA was gutted by a Supreme Court holding in *Shelby County v. Holder*, 570 U.S. 529 (2013), wherein the Court struck down Section 4 – the provision that identified covered jurisdictions – as unconstitutional. Striking Section 4 rendered the effect of Section 5’s preclearance requirement inoperable. If no state or local entity could be identified as a covered jurisdiction, no jurisdiction would be need to seek approval for voting rights related changes in law.
2. The elimination and weakening of anti-discriminatory protection provided by Sections 2, 4 and 5 has resulted in the passage of laws restricting voter access across the nation, from the very day the *Shelby County* decision was published, through today.
 - a. Just hours after the *Shelby County v. Holder* decision, “Texas implemented a strict photo ID law, which had previously been rejected under Section 5. That summer, the North Carolina legislature passed a sweeping law that also instituted a stringent photo ID requirement, eliminated same-day registration, and cut back on early voting.”
 - b. And as of [DATE], 389 restrictive voting rights laws were introduced since January 2021 alone. [More research and discussion will be added addressing the *Brnovich* decision.]
 - c. These laws not only restrict access to the ballot box for all Americans, but many affirmatively target or will have an outsized impact on Black Americans. For example, a Georgia voting law passed in March 2021 will limit[] drop boxes for mail ballots, introduce[e] more rigid voter identification requirements for absentee balloting and mak[e] it a crime to provide food or water to people waiting in line to vote. Long lines to vote are common in Black neighborhoods in Georgia’s cities, particularly Atlanta, where much of the state’s Democratic electorate lives.”

III. The Fight for Enfranchisement in California

- A. California passed its constitution in 1849. It banned slavery in the newly formed state, but only white, male citizens could vote at the time. Despite its ban on slavery, California continued to pass laws which

placed barriers on Black Californian's civic participation. White Californians were enamored by the concept of scientific racism, and like much of the nation, committed to the idea that Black people were unfit for citizenship. Thus, "[t]he possibilities for citizenship that Black Californians demanded were carved out of, and in defiance of, stereotypes and theories rooted in slavery and biology."

B. Anti-Black Sentiment and Laws Regarding Enfranchisement

1. As much as California is applauded for some of the most inclusive voting rights laws in the country now, the state originally refused to ratify the 14th Amendment, which would guarantee Black civil rights, and rejected the 15th Amendment, which would give voting rights to Black men. California did not ratify these crucial pieces of legislation until the civil rights movement of the 1950s and 1960s. In fact, even after the Fifteenth Amendment became an official part of the US Constitution in 1870, many California county clerks refused to allow Black men to register to vote.
 - a. The California Attorney General, Joseph "Jo" Hamilton, supported the effort to suppress Black men's voting and instructed county clerks not to register them until explicitly required to do so by federal law.
1. It was not until 1879, when the Legislature enacted a new Constitution, that the state of California finally made its voting laws conform to the Fifteenth Amendment. Article II of the 1879 Constitution read, "Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship ... shall be entitled to vote at all elections which are now or may hereafter be authorized by law." That 1879 right to suffrage provision, however, explicitly excluded the right to vote from a "native of China." This is true of several voting related laws passed throughout the state - the California legislature and some municipalities passed laws that made the simple act of registering or staying registered to vote more difficult, but these laws were largely directed toward California's Chinese population, partly because of a relatively low Black population in early California. But many times, Black disenfranchisement was indeed entangled with anti-Chinese sentiment. For example, in 1867, the Democratic Party pledged to stall the extension of voting rights to Black men. The Democratic promise of "no Negro or Chinese suffrage" appealed to members of California's growing anti-Chinese movement, and they swept the state elections that year.
2. Black Californians, for their part, did push back and organize for greater political rights across this period. Taking instruction from other parts of the nation, Black Californians held the first of four "Colored Citizens' Conventions" in 1855 at the St. Andrews AME Church in Sacramento. They advocated against slavery, urged repeal of a California law barring Black testimony against whites in state courts, and petitioned for the right to vote.
 - a. After the repeal of anti-Black testimony laws in 1863, and the abolition of slavery in 1865, Black activists in California focused much of their activism on obtaining voting rights.
 - ii. California's "Colored Citizens' Convention" of 1865 challenged the 1849 state constitution that allowed only white male citizens to vote. The convention petitioned the state legislature for a constitutional amendment to

give US citizens of African descent all the rights of California citizens, including the right to vote. The state senate received the petition, but failed to act on it.

- iii. When the California legislature met again in 1866-67, the timing was much worse because the state had been taken over by white supremacist Democrats, who were dedicated to both anti-Black and anti-Chinese agendas. These were the men who would eventually ignore the Fourteenth Amendment and reject the Fifteenth Amendment.
 - a) Black activists drafted another petition asking for a change in the California Constitution that would allow the state legislature to grant voting rights to Black men by a 2/3 concurrent vote of the state assembly and the state senate. They could not find any member of the legislature who would agree to present the petition for his colleagues' consideration, so the petition died.
- iv. Black Californians were also at the forefront of the movement to force state legal officials to honor the Fifteenth Amendment. They eagerly registered to vote as soon as the amendment went into effect in 1870, which forced county clerks to act on the matter. When some county clerks refused to register them, a Black man from Los Angeles named Lewis Green—possibly acting on behalf of the city's entire Black community—brought suit against the county clerk, Thomas D. Mott. A County Court Judge, Ygnacio Sepulveda, ruled against Green and upheld the county clerk's decision not to allow him to register to vote.
- v. Only when President US Grant signed the Enforcement Act of 1870, a federal law that required state compliance with the Fifteenth Amendment, did all California legal officials allow Black men to register to vote.

C. Restricting Black Testimony in Court

1. Perhaps the hallmark of California's restriction on Black voter participation were its laws barring Black Americans (as well as Chinese, Native Americans, and "mulattos") from testifying in court against white people, making it necessary to determine the boundaries of whiteness.
 - a. 1850-1854: The white California Legislature passed a law banning Black, Chinese, and Native American testimony in cases involving Caucasian plaintiffs and defendants. "No Black or mulatto person, or Indian shall be permitted to give evidence in favor of, or against, any white person. Every person who shall have one eighth part of Negro blood shall be deemed a mulatto, and every person who shall have one half of Indian blood shall be deemed an Indian." (An Act concerning Crimes and Punishments" passed on April 16, 1850: THIRD DIVISION: Who May be a Witness in Criminal Cases, Section 14)
 - b. Laws also passed that prohibited Black Americans from voting and going to school with

Caucasian children. These laws would hinder the development of Black economic and political power in the state for the entire decade. The laws were eventually removed through the political efforts of Black organizations such as the San Francisco-based Franchise League and the Executive Committee established by California's first Colored Convention.

2. The courtroom became a stage for carrying out California's strain of scientific racism.
 - a. It became necessary to "scientifically" determine a person's race since only white persons could testify against other whites, via the use of "hairologists" in court.
 - b. Murder of George W. Gordon, Black barber as illustrative example. Key witness for prosecution in trial of Mr. Schell (alleged murderer) was "subjected to a private examination by two pretended experts in the new-fangled science of hairology, (we know no other names by which to designate it) which professes to trace ethnological descent of an individual from an examination of hair and nails." Hairologists found "African blood in his veins" and made him ineligible to testify. Schell could only be convicted of second-degree murder, not first-degree murder.
 - c. 1863 – Republican legislators finally passed a bill removing all restrictions on Black testimony. However, Californians who had one half or more Chinese, Native American, or "Mongolian blood" were still prohibited.
 - i. As soon as these laws lifted, Black women spearheaded legal effort to file charges against streetcar drivers who refused to pick up Black riders or harassed them on the car.
 - ii. The bar against Black testimony allowed slaveholding to continue in California, which sometimes only came to light once the laws as to Black Americans were repealed.
 - iii. Story of Edith, one of the last known cases of an enslaved person being sold within California. Daniel Blue, a free Black man, was able to file a complaint against the slaveholder, and was able to call free Black witnesses who refuted the slaveholder's claims that Edith voluntarily agreed to live with him.

D. Felon Disenfranchisement in California

1. In 2020, in California alone, approximately 243,000 people were barred from voting due to a felony convictions. Of that number, 50,000 (approximately 20 percent) are Black Californians.
2. California has statutorily provided for felon disenfranchisement since statehood (1849). "No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector."
3. In 1974, California amended its permanent ban on the franchise to allow for individuals who have completed their prison and parole term to exercise their right to vote.

4. In 2016, the state Legislature restored voting rights to people convicted of a felony offense housed in jail, but not in prison. Out of the 136,302 disenfranchised people with felony convictions in prison and the 86,254 disenfranchised on parole, 39,451 (29 percent) and 23,939 (34 percent), respectively, are Black Americans.
5. And in 2020, voters approved Proposition 17, which amends the 1974 felon disenfranchisement provision by restoring the right to vote to almost 50,000 disenfranchised people after they have completed their prison term. Individuals convicted of felonies and who are on parole may now vote in the state.

E. Other Limitations on Political Participation

1. Despite a general trend toward the expansion and protection of voting rights, California has not advanced without discrimination against its Black, Native, Latinx, and immigrant voters.
2. The Task Force acknowledges that following World War II, California did take a number of steps toward ensuring all its citizens could exercise the right to vote: the Legislature encouraged county clerks to promote voter registration by establishing convenient places to sign up in 1957; the state created a volunteer “citizen deputy registrars” by 1961, thereby paving the way for voter registration drives by civic organizations and community groups; the state amended its Constitution in the 1970s to strike down an English literacy requirement and a lengthy residency requirement. In 1975, voters who did not move stayed on the roll, and were not automatically purged; and in 1978, state law relaxed requirements for requesting an absentee ballot and allowed anyone to vote absentee.
3. Regardless of a statewide interest in ensuring its citizens the ability to vote, several of California’s cities and counties have been subject to objection and/or preclearance requirements pursuant to the authority vested in the U.S. Department of Justice under the Voting Rights Act of 1965. The U.S. DOJ has issued 6 letters of objection in California. However, given California’s ethnic diversity, the large majority of the letters addresses discrimination against California Latino voters, and only incidentally its Black voters. For example, the U.S. DOJ issued a letter to Merced County in 1992, raising objection to a redistricting plan that fractured Latinx communities, protected incumbents and was opposed by Black and Latinx communities, and which would not have given them the opportunity to elect their preferred candidate.
4. Counties in California have also been identified as “covered jurisdictions” under the former Section 4 of the VRA. In 1970, in fact, the Attorney General determined that California as a state maintained a “test or device” during a November 1968 election, and which was prohibited by the VRA.
5. Additionally, California legislators still do not reflect the population of California, which is (or is becoming) a state made up mostly of people of color. (Statistics available at <https://www.brookings.edu/wp-content/uploads/2021/02/Chpt-1.pdf>.)
6. California Voting Rights Act permits the filing of legal actions in state court against at-large methods of election without having to demonstrate the costly and difficult evidentiary standards required under the federal VRA, but only applies to at-large elections, not to things like

redistricting or other voting changes. [More research and discussion will likely be added.]

IV. Increased Civic Involvement Has Not Led to Meaningfully Improving the Disparate Treatment and Experiences of Black Americans (racial wealth gap, sub-par education, unemployment rates, etc.)

A. Black Voter Registration by the Numbers

1. Voter registration efforts had some success. However, in 1964, 57 percent of eligible Black Americans remained unregistered. The VRA resulted in 21 percent increase in Black voter registration; largest gains recorded in South where percentage of Black registrants went from below 31 to over 66 percent by 1984.
2. 1960s—While the federal government was sorting out how far it would go to protect the Black vote, Black communities themselves were taking matters into their own hands.
3. Citizenship Schools led to increased voter registration, while also serving as community centers.
4. Voter registration drives, sometimes with short-lived federal backing.
5. 1961 Civil Rights Commission issued report uncomplimentary to White House. President Kennedy backed new remedial suffrage measures, but they failed. So in an effort to still support Black suffrage, Kennedy financed registration drives, backed by U.S. DOJ litigation, but the fight in courts against discrimination re voting rights also fell short. Efforts were also complicated by five men whom Kennedy appointed to the U.S. Court of Appeals that undermined federal Justice Department attempts at protecting Black suffrage. Nevertheless, the voter drives did make some progress.
6. Also, Black Americans started their own political parties such as the Lowndes County Freedom Organization.
7. As a result of court-ordered redistricting, one of several victories of the Civil Rights Movement, the number of African-American members of Congress rose from nine to 13, the largest ever at the time, and members of the Democracy Select Committee (predecessor to Congressional Black Caucus) decided at the beginning of the 92nd Congress (1971-1973) that a more formal group was needed.

B. Black Elected Officials by the Numbers

1. During Reconstruction, over 1,400 Black Americans (and perhaps as many as 2,000) held federal, state, or local office during Reconstruction, and more than 600 of these men, many of whom were formerly enslaved, served in state assemblies. There were also 16 Black men elected to Congress, including 14 members of the House of Representatives and two US Senators.
2. The passage of the Nineteenth Amendment in 1914, and ratified in 1919, allowed Black women to cast their ballots—although it should be noted that women in California had been voting in national elections prior to the passage of the 19th amendment— and while Black women previously had heavily influenced and encouraged their Black male community to vote, they now signed up in large numbers (sometimes in larger percentages than Black men); unfortunately

their access to the ballot box did little to change the white supremacist grip.

3. By 1948, 775,000 (12 percent) Black southerners were registered in the South, up from 25,000 in 1940 (3 percent).
4. Voter registration drives and the critical role of women. [More research and discussion to be added.]
 - a. “Women’s groups lent their expertise and personnel to the effort. For example, a group called the MRS Club, comprised mainly of young teachers, succeeded in registering all of its members.”
 - b. “Beauty parlors were an important meeting place for Black women during the era of segregation and provided an independent space for discussion and dissemination of information... the shops furnished a way to reach many women outside the middle class”
 - c. Lulu White, the executive secretary of the Houston branch of the NAACP “conducted citizenship classes to instruct people about voting procedures, economic rights, and African American history to provide the incentive of Blacks to acquire the ballot”
 - d. Interracial unions registered Black voters
5. The number of Black elected officials since the passage of the VRA in 1965 rose from an estimated 500 in early 1970s to over 6,800 in 1988. (Current statistics can be found at <https://www.brookings.edu/wp-content/uploads/2021/02/Chpt-1.pdf>).
6. Presidential Bids
 - a. In 1952 Charlotta Bass of Los Angeles ran for VP on the Progressive Ticket, making her the first Black woman to run for national political office.
 - b. Shirley Chisolm ran in 1972.
 - c. Jesse Jackson—His bids for presidency in 1984 and 1988 garnered mass support from Black voters, but the two failed attempts at securing the Democratic nomination also are indicative of the limits of Black political power.
 - d. President Barack Obama in 2008 and 2012, Vice President Kamala Harris in 2020. Despite their individual successes, continuing and growing racial backlash and white supremacy today. [More research and discussion to be added.]
 - e. Within California, specifically, between 1870 and the early twentieth century, the biggest struggle over political rights for Black Californians was not the right to vote, but the right to hold political office and to have a voice in party politics. Most of California’s Black voters belonged to the Republican Party, the party that had abolished slavery and pushed for civil rights. However, the white members of the Republican Party of California were not receptive to Black men’s requests to serve in elected or appointed political offices.

- f. Some Black voters protested against white Republicans' exclusionary politics by joining the Democratic Party in the 1880s. This move did not substantially increase Black membership in office. Democrats refused Black men offices that they promised, despite the petitions and protests of Black office seekers.
- g. It wasn't until the end of the nineteenth century that Black men were able to wrest political appointments from the two major parties. While a few men in San Francisco gained prestigious clerical jobs, most had modest or low-paying positions as messengers and manual laborers for different government entities. Black office seekers had more success in Los Angeles where they joined the city police and firefighting forces, and held a variety of city offices, by 1906.
- h. Civil service reform in the first decades of the twentieth century, which based hiring for government jobs on civil service exam performance more than political party patronage, finally expanded Black Californians' occupational opportunities. By the 1920s, greater numbers of Black men and women were able to obtain jobs as firefighters, law enforcement officers, or teachers. Still, Black office seekers often had to depend on personal connections to obtain desirable jobs.

C. Black Political Participation and the Racial Wealth Gap

- 1. According to at least one study, the passage of the VRA and its accountability measures did lead to a modicum reduction in the racial wealth gap, especially in VRA's covered jurisdictions.
- 2. Between 1950 and 1980, the ratio of wages for Black workers to wages for white workers increased from 55 percent to just more than 80 percent. Since the main impact of the Voting Rights Act in narrowing the Black-white wage gap 5.5 percent took place in the 5 years following its enactment, between 1965 and 1970, the measure is responsible for about one-fifth of the total convergence between Black and white wages.
- 3. Some researchers have found that "counties where voting rights were more strongly protected experienced larger reductions in the Black-white wage gap between 1950 and 1980." For example, "minority political influence improved Blacks' relative position through increased public employment, fiscal redistribution, as well as through implementation and enforcement of group-favoring labor market policies, such as affirmative action and anti-discrimination laws."
- 4. See also: the greatest economic gains for Black Americans since the early 1960s were in the years 1965 to 1975, and occurred mainly in the South, as economists John J. Donahue III and James Heckman have found. In fact, Donahue and Heckman discovered "virtually no improvement" in the wages of Black men relative to those of white men outside of the South over the entire period from 1963 to 1987, and southern gains, they concluded, were mainly due to the powerful antidiscrimination provisions in the 1964 Civil Rights Act.
 - a. Although the Civil Rights Act of 1964 produced strong and effective provisions in undermining segregation in public accommodations and schools as well as discrimination in employment, it fell short of extending the right to vote to Black Americans.

5. But despite the gains made in the years post-VRA, Black households, on average, earn 10 times less than white households. Several possible factors in explaining the lack of socio-economic policies uplifting/empowering Black communities [**More research and discussion to be added.**]
 6. The pervasive impact of state-sanctioned segregation and other policies that have barred Black Americans from accumulating wealth outweigh the ability of any one or even several politicians from overturning the disadvantageous policies that are at the root of the racial wealth gap between Black and white communities. Political participation is only one piece of the puzzle.
- D. Even when Black people have advanced degrees, own their home, have high paying jobs, and engage in other behaviors associated with asset building, their wealth is typically much lower than their white peers. Individual-level factors are simply not the explanation for the difference in the economic fortunes of Black and white people.
1. Studies have shown that Black Americans hold less political sway than white Americans, and in fact, their support for a policy decreases the chances that it will get passed.
 - b. Law Professor Nicholas O. Stephanopoulos undertook an empirical study to measure the political sway held by various demographics of voters (Black, Hispanic, women, men, poor, young/old, education) in his Article *Political Powerlessness*. He defines “political powerlessness” as “a group is relatively powerless if its aggregate policy preferences are less likely to be enacted than those of similarly sized and classified groups.”
 - c. “Participation, affluence, and representation undoubtedly are correlated with policy enactment. But they are no guarantee of it... the passage of measures protecting a group (such as anti-discrimination laws) is not proof that the group is strong enough that judicial involvement is unnecessary. It remains possible that the group loses on most other matters. Individual victories might conceal aggregate defeats.”
 - d. Stephanopoulos contends that political powerlessness is measurable. His data analysis/empirical investigation finds that whites’ preferences are more likely to be adopted by the national government than those of Black and Latinx people; that men’s views are more impactful than women’s; and that all denominations’ opinions are about equally influential.
 - e. Indeed, his study revealed that at the federal level, “as white support for a [federal] policy increases, the odds of the policy’s enactment increase as well. On the other hand, the coefficient for Black policy support (weighted by Black population share) is negative and statistically indistinguishable from zero. This means that, as Black support for a policy rises, the likelihood of the policy’s adoption stays constant at best, and in fact may decline somewhat.”
 - f. For example, a federal policy with no white support has only a 10 percent chance of being enacted, while one with universal white support has a 60 percent shot of adoption. But while a proposal with no Black support has a 40 percent chance of becoming law, one enjoying unanimous approval has only a 30 percent probability of enactment. In other words, as support for a policy rises within the Black community, the odds of it

being achieved actually *decline*.

2. The story is similar for several other groups. The more that women, the poor, or Latinx support a federal policy, the *less* likely the policy is to be enacted.
3. Similarly, at the state level, “as whites become more liberal from one state to another, overall state policy also becomes more liberal. On the other hand, the coefficient for Black ideology (weighted by Black population share) is statistically indistinguishable from zero. This means that, as Blacks become more liberal from one state to another, overall state policy does not change appreciably.”
 - g. Whether most Black voters are conservative or liberal, state legislative outcomes barely budge. But vary the views of white voters to an equivalent degree, and a state’s policies go from looking like Alabama’s to resembling Michigan’s, even controlling for Black and white population size.
 - h. “[U]nder hornbook equal protection law, a group’s political powerlessness is one of several factors that bear on whether the group is a suspect class entitled to heightened judicial protection.”
4. John Griffin and Brian Newman’s book *Minority Report* also contains findings from a series of students investigating the likelihood that racial groups’ policy preferences will be enacted and various aspects of racial representation in Congress. While Stephanopoulos takes issue with the methodology, he recognizes that there is validity and consistency between his findings and those of Griffin and Newman.
 - i. Griffin and Newman used long-running opinion surveys to determine racial groups’ views on whether federal spending should increase or decrease in six areas: national defense, the environment, education, foreign aid, aid to major cities, and the space program. They then compared the groups’ views to the changes in spending that actually took place. This approach is imperfect because it addresses only a fraction of all federal activity, fails to control for group size, and overlooks the extent to which the status quo already reflects groups’ preferences. Nevertheless, it shows that, on the covered issues, Blacks and Latinxs’ opinions are substantially less likely to be heeded than those of whites. Spending on a given item is more apt to decrease when Blacks and Latinxs favor a rise, and more apt to increase when they favor a fall.
5. Another survey measuring positions of Congress members using roll call votes and estimating members’ proximity and responsiveness to their constituents by racial group - results, consistently indicated that Black and Hispanic voters wield less influence over their legislators than do whites. House members and senators are farther ideologically from their constituents of color, irrespective of the racial makeup of their district or state.
6. “[E]ven in the absence of hard data, it is possible to speculate. In particular, three drivers of group power come readily to mind: participation, resources, and ideology. Perhaps groups whose members engage more actively in politics—by voting but also by attending meetings, contacting representatives, volunteering for campaigns, and so on—have more sway over policy outcomes.

Or maybe wealthy groups have more influence. If money is the mother's milk of politics, as Jesse Unruh once said, it is the affluent who control more of this vital resource. And ideology may matter too. Extreme groups may have trouble making deals and forming alliances as effectively as moderate ones."

7. A look at how the lack of Black American's political sway plays out amongst Congress members.
 - a. Black representatives from single-member districts are isolated, not representative: "Representing a geographically and socially isolated constituency in a racially polarized environment, Black[] [officials] elected from single-member districts have little control over policy choices made by their white counterparts. Thus, although it ensures more representatives, district-based Black electoral success may not necessarily result in more responsive government."
 - b. Burden of representing all Black Americans, even those not in their districts.
 - c. Charles Diggs created the Democracy Select Committee in the 1960s to bring together Black members of Congress, particularly because he and other Black members of Congress often felt isolated because there were very few of them in Congress and wanted to create a forum where they could discuss common political challenges and interests.
 - d. "The thrust of our elections was that many Black people around America who had formerly been unrepresented, now felt that the nine Black members of the House owed them the obligation of also affording them representation in the House," Rep. Louis Stokes (D-Ohio) said. "In addition to representing our individual districts, we had to assume the onerous burden of acting as congressman-at-large for unrepresented people around America."
 - e. Several examples of failures of other elected official to entertain recommendations and policy proposals put forward by Black elected officials.
 - f. Shortly after the Congressional Black Caucus was established, President Nixon refused to meet with the group, only bending after they boycotted the State of the Union. Thereafter, they met with Nixon with a list of 61 recommendations.
 - g. The Senate Filibuster and how it blocked earlier versions of the Civil Rights Act of 1964
- E. Despite a history of voting rights barriers, and failure of elected institutions – with and without the presence of Black elected officials – to champion policies that would benefit Black communities, Black voters have nonetheless been used as political chess pieces for both major American political parties
 1. First, the Task Force recognizes that despite Black people representing approximately 14.2 percent of the U.S. population, Black voters have been among the most stable voting blocs, despite historical and ongoing efforts to restrict their ability to vote. In the last three presidential elections, Black voter turnout was 67 percent in 2012, 60 percent in 2016, and 63 percent in 2020. Black voter turnout in each of these elections was higher than Latinxs and Asian

Americans and higher than white people in 2012. Indeed, many political pundits recognized how the power of the Black electorate, in particular, significantly determined the outcome of the 2020 presidential and several congressional elections.

2. But the lives of Black Americans have always been pawns in politics. For example, in 1876, in a disputed election between Samuel Tilden and Hayes, Hayes won, but in exchange, Republicans agree to withdraw troops from South, leaving newly emancipated Black Americans without federal protection from a viciously racist South committed to continued subjugation of those whom they had formerly enslaved.
3. Black Californians were Republicans – formed Republican clubs in LA & SF. Black men could threaten to withhold their votes should Republican party abandon civil rights. Black voters helped deliver victories in SF municipal elections in 1870, 1872. But this did not result in better education for Black children. Despite the increasing number of colored schools (23 in 1874), conditions worsened for many of the state's Black youth.
4. With the presidency of Franklin Roosevelt, Black Americans were appointed to high positions within the federal government, and Black farmers could vote in New Deal programs (i.e. production levels of cotton).
 - a. In 1936, Black voters supported Dem party of Franklin Roosevelt, contributing to a shift that would reshape party lines over the next few decades.
 - b. Eleanor Roosevelt threatened to leave the NAACP Board of Directors for its support of human rights lawyers Robert Patterson and Paul Robeson's We Charge Genocide petition against the United States at the United Nations.
5. In 1948, Lyndon Johnson won his Senate seat by 89 votes, directly benefiting from Black voters. This seat set the stage for his presidential win in 1963.
6. "Although the Black vote is not usually large enough to play a determinative role in the outcome of presidential races, it can guarantee a Democratic loss if Blacks choose to vote for an independent party or candidate or to abstain and stay home."
7. Whites have employed fear about Black people to cut against the power of Black participation in the political process.

V. Conclusion

- A. Despite a far more engaged and numerically significant Black electorate, as well as significant representation of Black individuals in elected positions, these markers of progress have not translated to significant betterment of life for Black Americans – pervasive unemployment, entrenched poverty, sub-inferior schools, urban decay, poorer health, etc.
- B. Lack of political power is the reason for discrimination described in the next sections on segregation, education, health, etc.

Bibliography

35 F.R. 12354 <<https://www.govinfo.gov/content/pkg/FR-1970-08-01/pdf/FR-1970-08-01.pdf>> (as of August 9, 2021)

7 Witkin, Summary 11th Const Law § 277 (1970) [§ 277] Development of the Law

Agraharkar, 50 Years Later, Voting Rights Act Under Unprecedented Assault, Brennan Center (Aug. 2, 2015) <<https://www.brennancenter.org/our-work/research-reports/50-years-later-voting-rights-act-under-unprecedented-assault>> (as of August 9, 2021)

Alexander and Gyamerah, *Differential Punishing of African Americans and Whites Who Possess Drugs: A Just Policy or a Continuation of the Past?* (1997) 28 J. of Black Studies 97, 98-101

American Civil Liberties Union, Fact Sheet on Voter ID Laws, (2017), p. 1 <<https://www.aclu.org/other/oppose-voter-id-legislation-fact-sheet>> (as of August 9, 2021)

Ancestry.com. California, U.S., Voter Registers, 1866-1898 [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2017 (Original data: State of California, United States. Great Register of Voters. Sacramento, California: California State Library)

Ancestry.com. California, U.S., Voter Registrations, 1900-1968 [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2017 (Original data: State of California, United States. Great Register of Voters. Sacramento, California: California State Library)

Aneja & Avenancio-Leon, Evidence from the 1965 Voting Rights Act, Washington Center for Equitable Growth (Oct. 2020), <<https://equitablegrowth.org/wp-content/uploads/2020/10/101620-WP-The-Effect-of-Political-Power-on-Labor-Market-Inequality-Aneja-and-Avenancio-Leon.pdf>> (as of August 9, 2021)

Aneja & Avenancio-Leon, The Effect of Political Power on Labor Market Inequality: Evidence from the 1965 Voting Rights Act <<https://www.law.nyu.edu/sites/default/files/Aneja%2C%20Abhay%20The%20Effect%20of%20Political%20Power%20on%20Labor%20Market%20Inequality.pdf>> (as of August 9, 2021)

Aneja & Avenancio-Leon, Voting rights equal economic progress: The Voting Rights Act and U.S. economic inequality, Washington Center for Equitable Growth (Oct. 16, 2020) <<https://equitablegrowth.org/voting-rights-equal-economic-progress-the-voting-rights-act-and-u-s-economic-inequality/>> (as of August 9, 2021)

Avila, et al., *Voting Rights in California: 1982-2006*, Southern Cal. Rev. of Law and Social Justice (2007), p. 139

Barasch, *The Twisted History of Gerrymandering in American Politics*, The Atlantic (Sept. 19, 2012), <<https://www.theatlantic.com/politics/archive/2012/09/the-twisted-history-of-gerrymandering-in-american-politics/262369/>> (as of August 9, 2021)

Bardes, *Redefining Vagrancy: Policing Freedom and Disorder in Reconstruction New Orleans, 1862-68* (2018) 84 J. of Southern History 69, 69-81, 98-102

Behrens, et al., *Ballot Manipulation and the "Menace of Negro Domination": Racial Threat and Felon*
28

Disenfranchisement in the United States, 1850-2002, 109 Am. J. Soc. 559, 563 (2003)

Blakinger, What Is Prison Gerrymandering and How Does It Impact Elections? *Criminologist*

Bohrs, Prison Gerrymandering and the 2020 Census, *Harvard Civil Rights-Civil Liberties L. Rev.* (Nov. 15, 2019) <<https://harvardcrcl.org/prison-gerrymandering-and-the-2020-census/>> (as of August 9, 2021)

Bouie, The Daily Beast, *Republicans Admit Voter ID Laws Are Aimed at Democratic Voters* (2017) <<https://www.thedailybeast.com/republicans-admit-voter-id-laws-are-aimed-at-democratic-voters>> (as of August 9, 2021)

Brennan Center for Justice, *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, (2006), p. 3 <https://www.brennancenter.org/sites/default/files/2020-09/download_file_39242.pdf> (as of August 9, 2021)

Cal. Const. Art. II, Section 5 (1849).

Cal. State Board of Educ., *Key Points in Black History and the Gold Rush*, <<https://www.cde.ca.gov/ci/hs/im/didyouknow1.asp>> Hudson, p. 8 (as of August 9, 2021)

California African American Museum Web Staff, #Blackhistory: On November 20, 1855, delegates representing ten of California's twenty-seven counties met at St. Andrews AME Church in Sacramento for the first California Colored Convention, California African American Museum (Nov. 20, 2019) <<https://caamuseum.org/learn/600state/Black-history/Blackhistory-on-november-20-1855-forty-nine-delegates-representing-ten-of-california-s-twenty-seven-counties-met-at-st-andrews-ame-church-in-sacramento-for-the-first-of-four-california-colored-conventions>> (as of August 9, 2021)

Cal. Dept. of Justice, Letter from Assistant Attorney General to Merced County, Office of the Attorney General (Apr. 3, 1992) <<https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/CA-1020.pdf>> (as of August 9, 2021)

Campbell, *Making Black Los Angeles: Class, Gender, and Community, 1850-1917* (2016) <http://www.jstor.org/stable/10.5149/9781469629285_campbell> (as of July 28, 2021) (as of August 9, 2021)

Clarke & Greenbaum, Gerrymandering symposium: The racial implications of yesterday's partisan gerrymandering decision, *SCOTUSBlog* (June 28, 2019) <<https://www.scotusblog.com/2019/06/gerrymandering-symposium-the-racial-implications-of-todays-partisan-gerrymandering-decision/>> (as of August 9, 2021)

Colman, "John Ballard and the African American Community in Los Angeles, 1850 – 1905," *Southern California Quarterly* 94, no. 2 (Summer 2012), 215 – 217

Congressional Black Caucus, History, <<https://cbc.house.gov/history/>> (as of August 9, 2021)

Cornelius, "*We Slipped and Learned to Read*": *Slave Accounts of the Literacy Process, 1830-1865* (1983) 44 *Phylon* 171, 174.

Daniels, *A Vote Delayed Is a Vote Denied: A Preemptive Approach to Eliminating Election Administration Legislation that Disenfranchises Unwanted Voters*, 47 U. Louisville L. Rev. 57, 79-80 (2008).

Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (1990)

Darity & Mullen, *From Here to Equality* (2020) p. 92.

Douglas, *An Appeal to Congress for Impartial Suffrage*, (January-April 1881)

<<https://www.loc.gov/item/mfd.32003/>> (as of August 9, 2021)

Elevator, Oct. 11, 1867, p. 2 (Black San Francisco Newspaper)

<<https://cdnc.ucr.edu/?a=d&d=EL18671011.2.7&e=-----en--20--1--txt-txIN-----1>>

Ellis, *The Cost of the Vote: Poll Taxes, Voter Identification Laws, and the Price of Democracy*, 86 Denv. U.L. Rev. 1023, 1025-26, 1038, (2009).

Fabina, *Despite Pandemic Challenges, 2020 Election Had Largest Increase in Voting Between Presidential Elections on Record* (April 29, 2021)

<<https://www.census.gov/content/dam/Census/library/stories/2021/04/record-high-turnout-in-2020-general-election-figure-2.jpg>> (as of August 9, 2021)

Fausset et al., *Why the Georgia G.O.P.'s Voting Rollbacks Will Hit Black People Hard*, NY Times (March 25, 2021) <<https://www.nytimes.com/2021/03/25/us/politics/georgia-Black-voters.html>> (as of August 9, 2021)

Forman, *Making of Black Revolutionaries*, 123 (New York: Macmillan, 1972)

Goldman, *The Modern-Day Literacy Test?: Felon Disenfranchisement and Race Discrimination*, 57 Stan. L. Rev. (2004) pp. 632–33

Gomillion v. Lightfoot, 364 U.S. 339 (1960)

Griffin & Newman, *Minority Report: Evaluating Political Equality in America* (2008)

Griffin, et al., *States of Change, How Demographic Change is Transforming the Republican Democratic Parties*, Center for American Progress (June 2019) https://www.brookings.edu/wp-content/uploads/2019/07/20190701_StatesOfChange2019-report.pdf, pp. 9-10. (as of August 9, 2021)

Guinier, *The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success*, 89 Mich. L. Rev. (1991) p. 1080

Harris-Lacewell, *Barbershops, Bibles and BET: Everyday Talk and Black Political Thought* (2006)

Haygood, *The Past as Prologue: Defending Democracy Against Voter Suppression Tactics on the Eve of the 2012 Elections*, 64 Rutgers L. Rev. 1019, 1051 (2012).

Jones, *The Real Origins of Birthright Citizenship*, The Atlantic (Oct. 31, 2018)

<<https://www.theatlantic.com/ideas/archive/2018/10/birthright-citizenship-was-won-freed-slaves/574498/>> (as of Nov. 23, 2021).

Joyner, *African American Political Participation in North Caroline: An Illusion or Political Progress?* 6 Wake Forest J.L. & Pol'y (Feb. 2016) pp. 107-112

Katz, *Op-Ed: Modern California is all about voter access. History reveals a far grimmer voting-rights past* (Nov. 3, 2020) <<https://www.latimes.com/opinion/story/2020-11-03/california-voting-history>> (as of August 9, 2021)

Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, Brennan Center for Justice (Aug. 2019) p. 2. <https://www.brennancenter.org/sites/default/files/2019-08/Report_Disenfranchisement_History.pdf> (as of August 9, 2021)

Klarman, *The Supreme Court 2019 Term Foreword: The Degradation of American Democracy — And the Court*, 134 Harv. L. Rev. 1, 48-49 (2020).

Lawson & Payne, *Debating the Civil Rights Movement, 1945-1968* (2nd ed. 2006) p. 24.

Li & Lo, *What Is Extreme Gerrymandering*, Brennan Center for Justice (March 22, 2019) <<https://www.brennancenter.org/our-work/analysis-opinion/what-extreme-gerrymandering>> (as of August 9, 2021)

Lopez, *Dog Whistle Politics* (2013)

Minnite, Scholars Strategy Network, *The Misleading Myth of Voter Fraud in American Elections*, (2014), pp. 1-2: <https://scholars.org/sites/scholars/files/ssn_key_findings_minnite_on_the_myth_of_voter_fraud.pdf> (as of August 9, 2021)

NAACP Legal Defense and Education Fund, Inc., *Redrawing the Lines, The Impact of Redistricting on Black People's Political Power* <https://voting.naacpldf.org/media/o10m24j3/ldf-redistricting_report_short_final.pdf> (last visited March 5, 2021)

Nat'l Conference of State Legislatures, *Voter Identification Requirements | Voter ID Laws*, (2021), p.1 <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#State_Reqs> (as of August 9, 2021)

Nat'l. Park Serv. p. 6; *Black Officeholders in the South* <<https://www.facinghistory.org/reconstruction-era/Black-officeholders-south>> (as of August 9, 2021)

Nat'l. Park Serv., U.S. Dep't of the Interior, *Civil Rights in America: Racial Voting Rights* (2007, rev. 2009), p. 6 <https://www.nps.gov/subjects/tellingallamericansstories/upload/CivilRights_VotingRights.pdf> (as of August 9, 2021)

Newkirk II, "The Great Land Robbery, The shameful story of how 1 million Black families have been ripped from their farms" *The Atlantic* September 2019 <<https://www.theatlantic.com/magazine/archive/2019/09/this-land-was-our-land/594742/#Lucas>> (as of August 9, 2021)

Okonta, *Race-Based Political Exclusion and Social Subjugation: Racial Gerrymandering as a Badge of Slavery*, *Columbia Human Rights L. Rev.* (2018) p. 285 <<http://hrlr.law.columbia.edu/files/2018/07/PatriciaOkontaRaceBasedPo.pdf>> (as of August 9, 2021)

Pawasarat, University of Wisconsin-Milwaukee, *The Driver License Status of the Voting Age Population in Wisconsin*, (2005), p. 2 <https://www.brennancenter.org/sites/default/files/legacy/d/download_file_50902.pdf> (as of August 9, 2021)

Pew Research Center, *Party affiliation among voters: 1992-2016*, (2016)

<<https://www.pewresearch.org/politics/2016/09/13/2-party-affiliation-among-voters-1992-2016/>> (as of August 9, 2021)

Pfaff, John Pfaff Explains, CHRON (Mar. 6, 2018) <<https://www.chron.com/news/houston-texas/article/What-is-prison-gerrymandering-and-how-does-it-12731429.php>> (as of August 9, 2021)

Powell & Rich, The "Welfare Queen" Goes to the Polls: Race-Based Fractures in Gender Politics and Opportunities for Intersectional Coalitions, 108 Geo. L.J. 19th Amend. Special Edition 105 (2020).

Proceedings of the California State Convention of the Colored Citizens, Held in Sacramento on the 25th, 26th, 27th, and 28th of October, 1865 (San Francisco: Office of the Elevator, 1865), p.15

<<https://omeka.coloredconventions.org/items/show/268>> (as of August 9, 2021)

California Legislative Analyst Office, Proposition 17 <<https://lao.ca.gov/ballot/2020/Prop17-110320.pdf>> (as of August 9, 2021)

Ramirez v. Brown (1974) 12 C.3d 912, 117 C.R. 562, 528 P.2d 378

Rashawn & Whitlock, Setting the record straight on Black voter turnout, Brookings Institute (Sept. 12, 2019)

<<https://www.brookings.edu/blog/how-we-rise/2019/09/12/setting-the-record-straight-on-Black-voter-turnout/>> (as of August 9, 2021)

Redden, *Changing Focus and Exposing a Solution: Using Section 2 of the Voting Rights Act to Defeat Tennessee's Voter Photo ID Law*, 44 U. Mem. L. Rev. 229, 235-236 (2013).

Report of the Attorney-General for the Years 1868 and 1869 (Sacramento: D.W. Gelwicks, c. 1870), pp. 6-7;

Riley, Brennan Center, *Voter Challengers*, (2012)

<https://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf> (as of August 9, 2021)

Rosalsky, *What a 1968 Report Tells Us About the Persistence of Racial Inequality*, National Public Radio, Planet Money: The Economy Explained (June 9, 2020)

<<https://www.npr.org/sections/money/2020/06/09/872402262/what-a-1968-report-tells-us-about-the-persistence-of-racial-inequality>> (as of August 9, 2021)

Ross, *Pouring Old Poison into New Bottles: How Discretion and the Discriminatory Administration of Voter ID Laws Recreate Literacy Tests*, 45 Colum. Hum. Rts. L. Rev. 362, 366-367 (2014).

Ruda, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 Fordham Urb. L.J. 235, 246-253 (2003).

Section 2 of the Voting Rights Act: Vote dilution and vote deprivation, SCOTUSblog,

<<https://www.scotusblog.com/election-law-explainers/section-2-of-the-voting-rights-act-vote-dilution-and-vote-deprivation/>> (as of August 9, 2021)

Shaffer, "California Reluctantly Implements the Fifteenth Amendment: White Californians Respond to Black Suffrage, March – June 1870 (Cal Poly Pomona digital publication, 2020), p. 42 – 43

<<https://www.cpp.edu/class/history/faculty/documents/shaffer15thamend.pdf>> (as of August 9, 2021)

Shaw v. Reno, 509 U.S. 630 (1993)

Sixth District of the African Methodist Episcopal Church v. Brian Kemp, Cause No. 1:21-mi-99999-UNADocument 917, 6 (N.D. Ga. Mar. 29, 2021).

Smith v. Allwright, 321 U.S. 649 (1944)

Smith, *California's Last Slave Case*, NY Times (Mar. 5, 2014)

<<https://opinionator.blogs.nytimes.com/2014/03/05/californias-last-slave-case/>> (as of August 9, 2021)

Smith, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (2013), pp. 209 – 211.

Snyder, *Negro Civil Rights in California: 1850*, California State Archives (1969)

<https://library.ucsd.edu/dc/object/bb5463722c/_1.pdf> (as of August 9, 2020)

Sobel, Charles Hamilton Houston Institute for Race & Justice, *The High Cost of 'Free' Photo Voter Identification Cards*, (2014), p. 21 <<https://today.law.harvard.edu/wp-content/uploads/2014/06/FullReportVoterIDJune20141.pdf>> (as of August 9, 2021)

State Voting Bills Tracker 2021, Brennan Center (last updated May 28, 2021)

<<https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>> (as of August 9, 2021)

Stephanopoulos, *The False Promise of Black Political Representation*, Atlantic (June 11, 2015)

<<https://www.theatlantic.com/politics/archive/2015/06/Black-political-representation-power/395594/>> (as of August 9, 2021)

Stephanopoulos, *Political Powerlessness* (Nov. 2015) 90 NYU L. Rev., p. 1532, 1594, 1574.

Tate, *From Protest to Politics: The New Black Voters in American Elections* (1998)

The American Civil Liberties Union (ACLU), *Gold Chains: The Hidden History of Slavery in California*, ACLU <<https://www.aclunc.org/sites/goldchains/explore/colored-conventions.html>> (as of August 9, 2021)

Thernstrom & Thernstorm, *Black Progress: How far we've come, and how far we have to go*, Brookings Institute (March 1, 1998) <<https://www.brookings.edu/articles/Black-progress-how-far-weve-come-and-how-far-we-have-to-go/>> (as of August 9, 2021)

Trotter, *Vote of Confidence: Crawford v. Marion County Election Board, Voter Identification Laws, and the Suppression of a Structural Right*, 16 N.Y.U. J. Legis. & Pub. Pol'y 515, 552 (2013)

Tyson, *The Ghosts of 1898*, News & Observer, Nov. 17, 2006, at 5H,

<<http://media2.newsobserver.com/content/media/2010/5/3/ghostsof1898.pdf>> (as of August 9, 2021)

U.S. Census Bureau, *Race* (2020) <<https://tinyurl.com/fzz7jvwz>> (as of Nov. 3, 2021)

U.S. Const. art. 1, § 2, cl. 3

U.S. Dep't. of Justice, *History of Federal Voting Rights Laws*, U.S. Dep't. of Justice, Voting Section

<<https://www.justice.gov/crt/history-federal-voting-rights-laws>> (as of July 28, 2021)

U.S. Dep't of Justice, Jurisdictions Previously Covered By Section 5 (last updated Sept. 11, 2020)

<<https://www.justice.gov/crt/jurisdictions-previously-covered-section-5>> (as of August 9, 2021)

U.S. Dep't of Justice, Voting Determination Letters for California, U.S. Dep't of Justice, Civil Rights Division (last updated Aug. 7, 2015) <<https://www.justice.gov/crt/voting-determination-letters-california>> (as of August 9, 2021)

U.S. Government Accountability Office, *Issues Related to State Voter Identification Laws*, report to Congressional requesters, (2014), p. 32 <<http://www.gao.gov/assets/670/665966.pdf>> (as of August 9, 2021)

U.S. v. Atkeison et al. (W.D.Tenn, Civil Action #4131)

U.S. v. Cruikshank (1876)

U.S. v. Reese (1876)

Uggen, et al., *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement*, 2016, 4, The Sentencing Project (Oct. 6, 2016) <<http://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/#I.%20Overview>> (as of August 9, 2021)

Uggen, Locked Out 2020, Sentencing Project (Oct. 30, 2020)

<<https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>> (as of August 9, 2021)

Wan, The Washington Post, *Inside the Republican creation of the North Carolina Voting Bill Dubbed the 'Monster' Law*, (2016) <https://www.washingtonpost.com/politics/courts_law/inside-the-republican-creation-of-the-north-carolina-voting-bill-dubbed-the-monster-law/2016/09/01/79162398-6adf-11e6-8225-fbb8a6fc65bc_story.html> (as of August 9, 2021)

Wilkerson, Caste (2020)

Williamson, *Closing the racial wealth gap requires heavy, progressive taxation of wealth*, Brookings Institute (Dec. 9, 2020) <<https://www.brookings.edu/research/closing-the-racial-wealth-gap-requires-heavy-progressive-taxation-of-wealth/>> (as of August 9, 2021)

Wines, The New York Times, *Some Republicans Acknowledge Leveraging Voter ID Laws for Political Gain*, (2016) <<https://www.nytimes.com/2016/09/17/us/some-republicans-acknowledge-leveraging-voter-id-laws-for-political-gain.html>> (as of August 9, 2021)

Witz, 2020: *The Year Black Voters Said, 'Hold Up,'* Politico <<https://apnews.com/article/election-2020-joe-biden-race-and-ethnicity-virus-outbreak-georgia-7a843bbce00713cfde6c3fdb2e31eb7>; <https://www.politico.com/news/magazine/2021/01/02/Black-americans-power-2020-453345>; <https://www.pewresearch.org/politics/2021/06/30/behind-bidens-2020-victory/>> (as of August 9, 2021)

HOUSING

I. Introduction

- A. The United States federal government, state governments, and local municipalities amplified actions by private citizens and created an ongoing system which segregated American land into Black and white neighborhoods. Governmental segregation created urban ghettos surrounded by white suburbs. Although private actors also contributed, the effectiveness of segregation is due to government action.
- B. In the immediate aftermath of the Civil War, approximately 70 percent of Black Americans lived in the rural South. Black people did not live in segregated neighborhoods in the North or the South: the average urban Black person in 1890 lived in a neighborhood that was only 27 percent Black. As Black Americans moved from rural to urban areas within the Southern states, and to the Northern States, impoverished Black and white Americans generally lived together in integrated neighborhoods.
- C. Over the next 130 years, federal, state and local governments across the United States of America actively planned cities to be racially segregated using a variety of different methods.
 1. By 1940, the average urban Black person lived in a neighborhood that was 43 percent Black. By 1940, cities were almost equally segregated in the South and in the North. Segregation peaked in 1970, when the average urban Black person lived in a neighborhood that was 68 percent Black, and dropping to 56 percent in 1990. Between 2015 and 2019, racial segregation fell to 1940s levels, with the average urban Black person lived in a neighborhood that was 44% Black.
- D. As certain segregation methods were declared unconstitutional, federal, state, and local governments ignored them or thought up new ways to accomplish the same goals. This section will list and explain the primary methods of government imposed, or *de jure*, segregation including:
 1. Racial violence that was not prohibited by government.
 2. Racial zoning
 3. Industrial zoning
 4. Segregated federal public housing
 5. Redlining
 6. Restrictive covenants
 7. Condemnation/eminent Domain
- E. All of the seven methods of government segregation listed above were used in California.
- F. These government policies and ordinances ripped apart integrated neighborhoods and penned Black Americans into newly created racialized ghettos and slums by depriving Black neighborhoods of government services and school funding and encouraged polluting industries to move in. Government imposed housing segregation is the root of many evils in the current

state of racial inequality in the United States.

- G. This section will introduce the effects of government imposed segregation on environment degradation, negative health outcomes amongst Black Americans, and education inequality. It will introduce how housing segregation partially created the foundation and exacerbated the over policing of Black neighborhoods, resulting in the injury and deaths of Black Americans at the hands of the police.
- H. In California, the population of Black Americans remained small until World War II, when Black Americans moved to the state to find jobs in the war industry.
- I. On the one hand, California is a success story of “home ownership, high-paying jobs, and a vibrant social and cultural scene.”
 - 1. 36% of AAs in LA owned homes in 1910, a far higher proportion than in other western cities and most eastern ones as well. The Golden State Mutual Life Insurance Company—the first Black-owned insurance company in the state—opened in 1925.
 - 2. On the other hand, all success is relative. The government in California did not follow preexisting racial patterns, but rather created racialized segregation from scratch. The main methods used by government to segregated were federal housing, industrial zoning, redlining, and school siting policy.

II. Current State of Segregation

- A. The United States remains a segregated nation, and the segregation has intensified in the last 30 years.
 - 1. 81 percent of all U.S. metropolitan regions with more than 200,000 residents, including those in California, were more segregated in 2019 than they were in 1990. Neighborhood poverty rates in segregated communities of color were three times higher than in white neighborhoods.
- B. Today, the Pacific region, including California, is the third most segregated region in the country, the Los Angeles metro area is the sixth most segregated in the country, and Inglewood, the city in Los Angeles County is the second most segregated city in the country when measured against its surrounding demographics.
- C. These segregation patterns mirror the government created and maintained segregation maps of the past.
 - 1. 83 percent of neighborhoods that were redlined by the federal government in the 1930s remained highly segregated communities of color in 2010.
- D. Residential segregation pens Black Americans and other people of color into neighborhoods with deteriorating housing stock, failing schools, menial jobs, and pollution. These neighborhoods lack access to health care, government services, and nutritious food. Segregation concentrates crime and poverty into Black neighborhoods and other communities of color, feeding implicit bias and contributing to overpolicing.
- E. Today in California, Latinos on the whole, are more likely to live in areas that were historically

redlined. However, due to compounding historical factors, by most measures, Black Americans remain the most racially disadvantaged group in California. Segregation is an indicator of success, poverty, and quality of life.

1. Neighborhood poverty rates in segregated communities of color were three times higher than in white neighborhoods. Black children raised in white neighborhoods earn \$4,000 more per year than when they are raised in highly segregated communities of color. Household incomes and home values in segregated communities of color and half that of white neighborhoods.
2. In San Francisco, people in white neighborhoods on average live five years longer than people living in segregated communities of color [potential additional statistic related to Black Americans if available], due to higher disease morbidity, lack of access to nutritious foods and health care, and exposure to pollution.
3. Housing segregation is the primary cause of school segregation, as discussed in the Education section, *infra*. A study of desegregated schools in the South concluded that a Black child who had attended a desegregated school reduced by 14.7% the chance that they would spend time in jail by age 30.

III. Constitutionally Sanctioned Housing Discrimination

- A. Although the Civil Rights Act of 1866 banned actions that continued the effects of slavery, in 1883, the Supreme Court of the United States decided that exclusions from housing markets would not continue the effects of slavery and as a result, governments and private citizens ignored the Civil Rights Act of 1866 until it was overturned in 1968 and the Fair Housing Act was passed.
- B. In the 1970s, at the height of segregation, the U.S. Supreme Court began popularizing the myth that the American government had no role in creating segregation, and therefore legal remedies that targeted Americans by race for remedies could not be justified. The Supreme Court and the American public ignored the conclusion issued in 1973 by the U.S. Commission on Civil Rights that “[g]overnment and private industry came together to create a system of residential segregation.”
- C. California
 1. The California constitution of 1879 included articles extending equal protection under the law to all citizens regardless of race. In 1893, California passed a very limited civil rights act making it unlawful to refuse admission to places of amusement. Although there was some enforcement of this law, it did not apply to housing discrimination. Regardless of the equal protection articles in the California constitution, until the Unruh Act and the Fair Employment and Housing Acts were passed in 1959, California law did not offer more protection to Black Americans and other communities of color than the federal government.

IV. The End of the Civil War

- A. Nationally

1. In the immediate aftermath of the Civil War, the vast majority of Black Americans remained in the South.
2. Between 1860 and 1900, approximately 90 percent of Black Americans in America lived in the South. Approximately 80 percent of those who lived in the South lived in rural areas.
 - a. Following the Civil War, some Southern landowners attempted to continue the plantation system and Black rural workers continued to live in consolidated slave quarters, which were typically barrack-like buildings with little privacy or amenities. By 1870, as sharecropping emerged as the dominant labor arrangement in the south, freed people left the old slave housing and relocated to separate family cabins on designated plots of land.
 - b. Most modern-day scholars argue against the existence of ghettos in the South during this period, as large Southern cities had low levels of segregation on a neighborhood scale, even less than Northern cities.
 - c. Instead, Southern cities were micro-segregated: white families commonly lived in front streets and broad avenues while Black families were relegated to backyards, alleys, and side streets or separated by physical barriers. Some Black migrants, especially those who struggled to find employment, lived in shanty towns that sprang up on the outskirts of Southern cities. These were often districts of poverty and periodic epidemics, and were located in the least desirable areas like poorly drained lowlands, near city dumps, and areas adjacent to cemeteries and railroad tracks. W.E.B Du Bois, wrote that in the period from 1860 to 1880, “ghettos were built up in in nearly all Southern cities, not always sharply defined but pretty definite, and in these, Negroes must live.”
3. During this time, approximately less than 10 percent of Black people lived in the North and less than 0.4 percent lived in the Western states. Of the Black people living in the North and West, approximately 70 percent lived in urban areas.
 - a. In 1860, Black Northerners lived in significantly more segregated neighborhoods than those in the South.
 - b. Black Northerners generally lived in housing of worse quality than white Northerners. In 1899, W.E.B Du Bois’s landmark sociological study of Philadelphia summed up the situation: “here is a people receiving a little lower wages than usual for less desirable work, and compelled, in order to do that work, to live in a little less pleasant quarters than most people, and pay for them somewhat higher rents.”
 - c. Some families paid as much as three-fourths of the total family income to rent, because real estate agents raised the rent for Black tenants knowing that many landlords would not rent to Black Americans. In addition, because many Black Northerners took jobs to serve families with more money, they crowded into unpleasant areas of costly neighborhoods to be close to work.

4. Regardless of the specific nuances, many modern-day scholars agree that during most of the nineteenth century, segregation, and the myriad social illness which followed, did not exist as it did and does in the twentieth century and twenty-first century.
 5. Racial segregation as it exists in its current state is, in part, a government created phenomenon. But as noted previously, standard measures of segregation based on macro-pictures of cities often cannot capture the full picture of housing equity.
- B. In 1860, 4,086 Black people lived in California; that number grew to 11,045 by the 1900 Census. Black people made up around 1 percent of the total population throughout this period of time. The California cities with the most Black residents in 1900 were Los Angeles, San Francisco, and Oakland. A small number of Black Americans moved to towns in the Central Valley as farm laborers. The Black population in Los Angeles and San Francisco were not residentially segregated at this time.

V. The Great Migration

- A. In the aftermath of the Civil War, between 1870 and 1900, many Black Americans initially moved from rural to urban areas in the South to take advantage of job opportunities and follow cotton cultivation.
- B. From 1916 to 1970, as racial violence intensified, states passed discriminatory Jim Crow laws, job opportunities stagnated, and environmental disasters rolled through the Southern states, an estimated seven million Black Americans fled to Northern states in search of a relatively less hostile racial climate and increased job opportunities.
- C. This is called the Great Migration, and at its peak, 16,000 Black people left the South each month.
- D. They mostly settled in urban areas in the North. This rapid increase of Black people led to an increase in racial violence, and led to government segregation by various means.

VI. Wholesale Exclusion or Destruction of African Americans from States and Towns

- A. In response to the Great Migration, some states explicitly prohibited Black people from living in the state. For a list of state that did so, please see [Appendix A]. Peter Burnett, who later became the first governor of the State of California, was involved in the passage of these laws excluding Black residents by the Provisional Government of Oregon.
- B. Other states actively, but gradually, expelled Black Americans through smaller policies and practices, including denial of public utilities or use of eminent domain—the legal way for government to seize private land to build parks and roads.
- C. Many towns across the country became known as sundown towns, where Black Americans were not allowed to remain after dark and although the policies were often never written down, police and organized mobs violently enforced these rules. These towns arose between 1890-1940, legally continued through to 1968, and were across the country. Author James Loewen argues that the hometowns of 9 out of the 32 candidates for president nominated by the two major parties in 20th century were sundown towns. Harry Truman grew up in Lamar, Missouri, a Jim Crow town of 3,000 without a single Black family. George W. Bush lived in Highland Park, a

sundown suburb of Dallas. The first Black family to buy a home in Highland Park did so in 2003. Loewen also argues that most suburbs in America began as sundown towns.

- D. Although California attempted to pass laws prohibiting African Americans from settling in the state but didn't succeed, the state sent a clear message with this attempt that African Americans are not welcome.

VII. Freedmen's Towns

1. Escaping discrimination and racial violence, Black Americans began building all Black towns, also known as Freedmen's Towns in the 19th century in the Southwest, Midwest, and West. "According to one Black town newspaper editor Freedmen's Towns offered Black Americans the promise of freedom, "as freedom was understood by them." The movement to establish Black towns was most active in the half century after the Civil War. Around sixty Black towns were formally, legally incorporated in nineteen states between 1865 and 1915. Still, more than 1,200 informal Black settlements and colonies were established between the late eighteenth and early twentieth centuries. Today, a fraction of these Black towns and settlements survive, and not in their fully autonomous and booming original form.
2. These towns were never able to fully separate and defend themselves from the racist social and political systems around them. white residents acting with impunity from local governments violently destroyed or contributed to the destruction of towns like Greenwood in Tulsa, OK, Rosewood, Florida, and Empire, Wyoming. Numerous towns and communities were destroyed by land seizures through eminent domain and urban renewal discussed *infra*.
3. Local governments did not allocate funds for infrastructure, education and other public investments. For an in depth discussion of government discrimination in infrastructure and public works and services, please see the Environment section, *infra*. Railroads companies like Union Pacific redirected railroads around Black towns in Kansas, Illinois, and Allensworth, California. Banks refused to lend and provide credit. Government and private sector discrimination created razor thin margins of error for these towns, and some agricultural communities were destroyed by crop failures. Finally, enticed by the promise of higher jobs, economic modernization and industrialization pulled Black residents of Freedmen's Towns.

B. California

1. Although there is scant scholarship on the topic, records suggest that there were at least 15 Black towns in California between 1850 and 1910. [additional research related to Coloma]
2. In California, the most well-known and successful of these towns was Allensworth, California, 40 miles north of Bakersfield. Founded in 1908 by Allen Allensworth, a formerly enslaved Lieutenant Colonel from the U.S. Army, Allensworth attracted Black Angelinos who fled the violence in the South, but found that there was no escaping discrimination, even in California.

3. Unlike other towns in California, Allensworth was self-governing. At the height of its success before the Great Depression, 300 families lived there, and constructed churches, a library, a school, and a general store. Black midwives attended to the health of the community when most doctors in nearby towns refused to take Black patients unless the patient was employed by a white rancher.
4. Allensworth outspent its neighboring school districts on building, personnel and equipment. Cornelius Pope, who lived in Allensworth and attended school there as a child, remembered that his teacher Alworth Hall “welcomed [him] to the Allensworth School and with open arms and asked [sic], ‘Learn something for me today.’” When Pope left Allensworth, “it didn’t take me long to find out that I was equal to the very best. I was just as powerful, could think just as good, there was nothing inferior about me. I was pretty hard to stop from there on in.”
5. However, despite Allensworth’s success, it could never be a true refuge, as it relied on national, state, and local governments and economies that controlled the water, the railroad, and job markets.
6. Its founders bought the land from the Pacific Farming Company, and initial advertisements described the land as some of the richest farmland in America. The water dried up within 2 years and was contaminated with alkaline at first, then arsenic in 1967. The founders maintained that the settlers were victims of racist scam and were sold land that would never have enough water.
7. When it was founded, Allensworth was on the Santa Fe Railroad’s main line, which allowed the town to derive revenue from the rail stop. In 1914, the rail line was diverted away from Allensworth.
8. Not being able to earn a living from farming alone, residents worked multiple jobs in the surrounding, discriminatory white communities.
9. Allensworth slowly died and disappeared. It was established as a state park in 1974, but remained critically underfunded and unbuilt until the 2000s.

VIII. City Planning for the Purposes of Segregation

1. From the Civil War into the 1960s, cities explicitly wrote into their planning documents the desire to prevent Black Americans from living in certain neighborhoods. They first used zoning ordinances which banned Black Americans from certain neighborhoods. When these explicitly race-based zoning ordinances were struck down in 1917 as unconstitutional, local officials used economic zoning ordinances to maintain the whiteness of neighborhoods.
2. By certain measures, the Bay Area has historically led the country in the use of racially exclusionary zoning regulation.
 - a. In 1890, San Francisco became the first city in the country to prohibit residents by race from living in certain areas of the city by passing the Bingham Ordinance, which prohibited Chinese residents from living in certain parts of the city.

- b. In 1916, Berkeley created land use districts, which some residents used to prevent a “negro dance hall...on a prominent corner.”
 - c. In Los Angeles, prosperous Sugar Hill is one such example. Notable residents included Hattie McDaniel, the first African American to win an Oscar her role as Mammy in *Gone with the Wind*, Norman Houston, co-founder of what became the largest Black owned insurance company in the West, and singer Ethel Waters, who said “[d]uring the day the moving men had brought my things, and when I saw that they had placed each chair and table exactly where I wanted, I burst into tears[.] ‘My house,’ I told myself. The only place I’ve ever owned all by myself ...I felt I was sitting on top of the world. I had a home at last.” In 1945, the white neighborhood association attempted to apply its restrictive covenant against and evict the Black families living there.
 - d. Although the white neighbors lost their court case, the Los Angeles City Council stepped in and rezoned the neighborhood for rentals over the protests of the affluent Black families living there. After more African Americans bought houses in the area, the Los Angeles City Council rezoned the neighborhood for rentals, over the protests of affluent African Americans who already lived in Sugar Hill. Finally, in 1954, the city routed the I-10 Santa Monica Freeway through Sugar Hill and destroyed the Black community where other efforts had failed.
3. As in Sugar Hill, City officials and residents joined forces and often combined a number of different tactics throughout history to keep Black Americans out of white neighborhoods, destroy integrated neighborhoods or Black neighborhoods altogether, with the objective of keeping Black Americans penned into slums.
- B. As Black people first left the rural South for urban areas, racial violence escalated, and resulted in a number of large scale race riots in across the South. Anti-Black zoning ordinances were enacted in Southern and border cities, as almost 90 percent of Black people at the time lived in the South.
1. In 1910, Baltimore enacted the city’s anti-Black zoning ordinance, making it illegal for Black people to move on to blocks that were more than half white, and vice versa. Most progressive thinkers in the North and South believed in pseudoscientific theories of Black racial inferiority and white racial superiority.
 2. Edgar Allan Poe, Baltimore’s solicitor and grandnephew of the famous poet, declared the ordinance constitutional and the city’s mayor, a progressive and social justice advocate stated that “Black Americans should be quarantined in isolated slums in order to reduce the incidents of civil disturbance, to prevent the spread of communicable disease into the nearby white neighborhoods, and to protect property values among the white majority.”
 3. Numerous other cities followed Baltimore’s example, including Winston-Salem, Louisville, Atlanta, Oklahoma City, Miami, Atlanta, Birmingham, Dade County (Miami), Charleston, Dallas, Louisville, New Orleans, Oklahoma City, Richmond (Virginia), and St. Louis.
 4. Although only approximately 10 percent of Black Americans lived in the North at this

time, support for anti-Black ordinances was widespread. In 1915, *The New Republic*, at the time an influential magazine of the Progress movement argued for residential racial segregation until Negroes ceased wanting to ‘amalgamate’ with whites”

5. In 1917, the U.S. Supreme Court overturned Louisville, Kentucky’s racial zoning ordinance in *Buchanan v. Warley*. However, states and cities ignored the decision.
 - a. The State of Texas passed a law authorizing municipalities to pass ordinances segregating Black Americans and whites in 1927.
 - b. Miami used federal funds as part of a plan to remove Black residents from the city center and resettle them outside the city. (Mohl, 1995; Bayor, 2001).
 - c. Other cities, like Atlanta, Austin, Kansas City, and Norfolk made discriminatory zoning decisions based on official city planning maps, which explicitly identified Black neighborhoods, some continuing the practice until 1987.

C. Company Towns

1. Beginning in the late eighteenth century, large corporations planned and built entire towns for their workers and attracted them with good benefits, including housing and mortgages. Prior to the Great Migration, companies did not hire Black Americans and so these benefits and associated wealth accumulation and upward mobility were not available for to Black Americans.
2. When companies did hire African Americans, available housing mirrored employment hierarchy.
3. In municipalities like Gary, Indiana, and Sparrows Point, in Baltimore County Maryland, the best housing and jobs were reserved for native-born managers, who were above European immigrants, who were still higher on the social hierarchy than Black Americans. The worst jobs and the smallest, shabbiest housing went to Black Americans.
4. For example, in Sparrows Point, Maryland, the site of Bethlehem Steel, Black residents were segregated from white residents. Two room bungalows with outhouses, which were originally constructed for Black Americans, were given to white immigrants when there was a housing shortage. Black Americans were forced to rent bunks in shanties that were originally supposed to be only temporary housing.

D. Racialized neighborhood zoning

1. After the 1917, *Buchanan* decision a new strategy was adopted by local governments, who took direction from the federal government. Instead of local governments drawing neighborhood borders where Black Americans may or may not live, local governments issued zoning ordinances in new ways which had the effect of keeping communities of color out of certain neighborhoods. These zoning ordinances had a compounding effect and contributed in the profound environmental racism, education inequality, and depressed housing values that we see today in communities of color, particularly Black communities.
2. Cities that were early adopters of these racialized economic zoning policies became 10%

more segregated over the next fifty years than cities which were not early adopters.

3. Speaking in 1933, FDR's appointment to the National Land Use Planning Committee, Alfred Bettman, explained that cities and states needed to establish planning commissions for zoning to "maintain the nation and the race."
4. Influential zoning experts like Columbia Law School professor Ernst Freund stated that "the coming of colored people into a district" was the "more powerful" reason for the use of zoning, rather than the creation of single family neighborhoods.
5. These new zoning strategies include:
 - a. Neighborhoods were zoned for single family homes, without change for decades, preventing multi-family buildings like apartment complexes from being built, and effectively keeping out Black Americans, who were less likely to afford single family homes. In 1916, the neighborhood of Elmwood in Berkeley, CA was potentially the first in the country to pass single family zoning. Advocates for the policy in Berkeley at the time publically stated that "We [Californians] are ahead of most states [in adopting zoning]...thanks to the persistent proclivity of the heathen Chinese to clean our garments in our midst."
 - b. Rigid zoning laws were relaxed or not enforced against white residents, but strictly enforced against people of color, including Black Americans. This had the effect of chasing Black Americans out of certain neighborhoods and preventing re-entrance.
 - c. Black residential communities were zoned as commercial or industrial regardless of their residential character. This created a vicious cycle, where white families would be less likely to move into the industrial zone, as white families generally had more money. Studies have demonstrated this phenomenon in California cities such as Anaheim, Costa Mesa, Orange, and Santa Ana.
 - d. Cities also limited new buildings construction in a racialized way: a ban or imposing large fees on new construction, banning or limiting multifamily units or apartment buildings, bans on mobile homes or factory built houses, and additional development and architectural specifications. These ordinances had the effect of keeping poor people, large families, older residents, single individuals, and people of color out of particular areas.
 - e. Cities used dead end streets, highways, cemeteries, parks, industrial spaces, and rail lines to create boundaries between Black and white neighborhoods. Black people were prohibited from burying the dead in segregated cemeteries and prohibited from using parks.
6. Various strategies were used together. For example, the St. Louis metropolitan area is highly segregated due to the result of a century of government segregation policies. In 2014, white police officer Darren Wilson shot and killed (or murdered) 18-year-old Michael Brown in Ferguson.
 - a. In 1919, St. Louis zoned Black neighborhoods and land next to Black

neighborhoods for industrial development, relying partly on a map that listed the race of each building's occupants. The author of the map explained that the goal was to prevent the movement into "finer residential districts . . . by colored people."

- b. Neighborhoods were zoned as residential, and the single family homes in those neighborhoods prohibited Black residents from moving in. This ensured that the neighborhood stayed white.
- c. The Black neighborhoods were zoned to permit polluting industry, liquor stores, and brothels, which were banned in white neighborhoods.
- d. Later, when the federal government began subsidizing mortgages cited the proximity to industry and vice as a risk to property values, thereby effectively allowing banks to refuse mortgages to Black Americans in a process called redlining.

E. School Siting Policy

- 1. Another method of housing segregation overlaps with school segregation to concentrate and maintain Black Americans in Black neighborhoods. The strategy went like this: cities prohibited Black families from sending their children to white schools, then moved the only school that Black students were allowed to attend into designated Black neighborhoods and did not pay for transportation for Black students who lived outside the Black neighborhoods.
 - a. After Austin implemented this "new mechanism to create segregation," as the master city plan stated, the Black population of the neighborhood of Wheatsville, a historic Black community founded by a formerly enslaved person, dropped from 16 percent in 1930, to 1 percent in 1950.
 - b. After the city segregated Austin, the Eastside Black neighborhoods in Austin had more unpaved streets, broken sewers, and fewer public transportation. Because the city did not enforce the residential zoning regulations, the neighborhood became increasingly industrial.

IX. Condemnation/Eminent Domain

A. Government Designed, Government funded, Government promoted

- 1. Alfred Johnson, the executive director of the American Association of State Highway Officials and a lobbyist who worked with the U.S. Congressional committee that wrote the 1956 Highway Act said: "[s]ome city officials expressed the view in the mid-1950s that the urban Interstates would give them a good opportunity to get rid of the local niggertown." –
- 2. Since the 1950s, federal, state and local governments have been authorized to use a legal doctrine called eminent domain to confiscate private property for public use, including urban renewal projects, highways, and slum clearance. The federal constitution mandates that the government pay the landowner "just compensation," which is usually assessed at

fair market value, but often disputed.

3. In addition to potential financial loss, these government actions destroyed existing social, political, cultural, and economic networks created by a neighborhood. Displaced Black Americans struggled to find new places to live, as housing prices were often higher elsewhere. Forced eviction is also associated with increased risk of stress-related diseases like depression and heart attack.
4. Business were also displaced and suffered the loss of their location and client base, which are often not covered in government offered compensation. Eminent domain displaced entire Black cultural centers and threatened to destroy entire industries, like jazz venues.
5. Scholars have argued, but sometimes disagreed over whether eminent domain has been used, especially post WWII, to target and eradicate Black neighborhoods. 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 Black. At 12 percent of the population at the time, Black Americans were five times more likely to be displaced than they should have been.

B. Urban Renewal or Slum Clearance

1. Predominately white government officials have historically described Black communities as slums, regardless of the actual quality of the housing. Labeling the communities as slums allowed government officials to use the excuse of slum clearance to demolish these communities and make way for commercial development, upscale residences, parks, universities, hospitals, and corporate headquarters. Black and Latino communities were disproportionately affected.
2. For example, in 1953, the Memphis Housing Authority declared that forty-six acres of middle class Black-owned single family homes was a slum and replaced it with 900 units of public housing. Homeowners had paid off their mortgages, improved their homes, created a neighborhood; “[t]he home owners are sick and distressed beyond measure,” pleaded one resident in a letter to city authorities.’
3. The Urban Renewal Act of 1949 was designed to clear slum housing and modernize development. Land was cleared and sold to private developers to attract businesses and middle class residents. Black Americans were disproportionately affected: in 1961, Black Americans made up 10% of the U.S. population, but 66% of residents in neighborhoods planed for urban renewal.
4. After its first destruction in 1921 by government sanctioned violence, the Greenwood community in Tulsa was against destroyed in 1967 by slum clearance.

C. Freeway construction

1. Federal Aid Highway Act of 1956 built 41,000 miles of interstate highways, including in California, and was the largest American public works program at the time. By the 1960s, highway construction destroyed 37,000 urban housing units per year. By estimate, during the first 20 years of interstate highway construction, more than a million people were displaced.

2. In most cities, federal highways were routed through Black neighborhoods. For example, between 1948 and 1956, 86,000 people were displaced in Chicago, 66% of whom were Black, even though at the time, Black people only made up approximately 20% of the city's population. The government did little to help these mostly Black families, businesses, churches, and schools.
3. This was done at the direction and encouragement of the federal government. In 1962, Detroit razed Black communities to build the I-75 expressway, a plan that the U.S. Commission on Civil Rights warned in advance would displace 4,000 families, 87 percent of whom were Black. U.S. Department of Housing and Urban development officials knew that they would destroy Black homes and did nothing to help these Black families.
4. Highway construction not only destroyed existing Black neighborhoods, government also used it to pen Black Americans into certain areas and keep them there. For example, one section of a related federal manual recommends that "[a] high-speed traffic artery or a wide street parkway may prevent the expansion of inharmonious uses to a location on the opposite side of the street." The City of Chicago used the Dan Ryan expressway to cut off the notorious Robert Taylor Homes from the surrounding neighborhoods.

D. Park Construction

1. Parks were used to destroy Black or integrated neighborhoods and boost segregation by replacing it either with segregated neighborhoods or as barriers between neighborhoods.
2. For an in depth discussion on the impact of lack of green space see the Environmental section. For an in depth discussion on discrimination in access to public places of leisure, see the Arts and Culture section.
3. For example, the 1938 Underwriting Manual issued by the U.S. Federal Housing Administration (FHA) states: "A location close to a public park or area of similar nature is usually well protected from infiltration of business and lower social occupancy coming from that direction."
4. Using eminent domain to destroy Black neighborhoods for the purposes of building a park was a handy tool for maintaining whites-only because the judicial system could not question the white government's motives.
5. Central Park construction
 - a. This tool started with Central Park, which was a model for developing urban parks across the country and its policies, regulations and design were copied across the country.
 - b. Beginning in 1855, approximately 1600 people lived in mixed race neighborhoods called Seneca Village, Yorkville and Pigtown. During this time, even though New York state law prevented Black people in New York from owning land and Seneca Village was one of the few parts of the city where Black people owned property.

- c. In 1855 more than half the Black households owned their homes in Seneca Village and the community included two Black churches and one racially mixed Episcopal church, a cemetery, and a Black school. By 1857, none of it existed. Central Park was built with an all-white, male workforce.

E. California

1. The California Redevelopment Act of 1945 authorized cities and counties to declare neighborhoods to be “blighted” based, in part, on the size of the non-white population of the area.
2. In California, eminent domain was used against Black communities, as well as other communities of color. It was used to take property from interned Japanese Americans and Latino families to build public housing projects and eventually Dodger Stadium.
3. Fresno
 - a. Since its founding in 1800s by white homesteaders, the city’s landfill, factories, meatpacking houses were all place in west Fresno. Black and other residents of color were segregated into south and west Fresno.
 - b. The construction of Highway 41 and 99 destroyed blocks of Black homes and Cosmo Park.
 - c. The Fresno Redevelopment Agency blighted and destroyed middle class single-family homes in west Fresno and the area never recovered.
 - d. In the 1960s, the city demolished a Black neighborhood called “Jericho.”
4. Oakland
 - a. The Oakland Planning Commission declared that West Oakland was blighted to make way for middle class development.
 - b. The Oakland City Council selected the routes for and the federal government funded three major interstate highways (the Nimitz/I-880, Grove Shafter/I-980, and MacArthur/I-580) and a Bay Area Rapid Transit (BART) rail line. Construction destroyed homes and commercial districts. In total, between 6,600 and 9,700 housing units were demolished between 1960 and 1966, displacing over 10,000 people from West Oakland.”
5. Sacramento
 - a. In 1950, Sacramento’s segregated West End was home to a racially mixed community of 21% African Americans, 30% Asian Americans, and 13% Latin Americans. The city demolished the area, including a vibrant Japantown.
6. San Diego
 - a. The city routed I-94 to separate Black southeast San Diego from the surrounding white communities.
7. San Francisco

- a. The San Francisco Redevelopment Agency declared the Fillmore, an integrated neighborhood that was also the city's most prominent Black neighborhood and business district to be blighted, destroyed it in the name of urban renewal, and left it empty for 40 years. Known as the Harlem of the West, 1948, the Fillmore was 60 percent Black and was famous for its jazz venues. The redevelopment plan was one of the largest projects of urban renewal on the West Coast. The city closed 883 business, displaced 4,729 households, destroyed 2,500 Victorian homes and impacted nearly 20,000 people.
- b. "The agency would go to a house and give the head of household a certificate that said they would be given preference in housing built in the future," said Benjamin Ibarra, a spokesman for the agency. "But there wasn't a lot of housing built for a long time."
- c. The Bayshore Freeway separated white and affluent Palo Alto and Menlo Park from East Palo Alto and East Menlo Park. Almost 75 percent of East Menlo Park were Black.
8. In cities like San Jose and Stockton, redevelopment generally displaced Latino and Asian communities.
9. Los Angeles
 - a. In 1950, the Los Angeles City Planning Commission planned to demolish 11 blighted areas, all but one were majority Mexican American or African American neighborhoods.
 - b. In 1954, Los Angeles's plan to route the I-10 freeway through and destroyed Sugar Hill, the city's most prosperous Black middle class neighborhood was approved by the California Highway Commission. Former residents assert that the value that the government paid for their homes were inadequate.
 - c. In 1968, the City routed Century Freeway through Black neighborhoods in Watts and Willowbrook, displacing 3,550 families, 117 businesses, parks, schools and churches.
10. From the 1950s through to the 1970s, the 210 freeway tore through a Black business district and broke up the racially diverse communities of Central and Northwest Pasadena, which had been declared blighted. Residents were offered \$75,000 for their homes, less than the cost of purchasing a new home in Pasadena. The freeway forced 4,000 Black and Mexican-American residents to move back to inner-city Los Angeles.
11. In 1924, the City of Manhattan Beach, a beach front city in the Los Angeles county used eminent domain to rob the Bruce family of their beach front property.
 - a. In 1912, Willa Bruce bought one of two lots in Manhattan Beach and ran a lodge, café and dance hall. Someone slashed her car tires and set fire to a mattress under the deck, possibly the Ku Klux Klan. No trespassing and fake parking restrictions were posted to target Black visitors.

- b. In 1924 Manhattan Beach city officials condemned more than two dozen properties citing an urgent need for a public park. The Bruces sued for \$120,000 and received \$14,500. The other families, Black and white, received between \$1,200 and \$4,200 per lot. According the Bruce family lawyer, the city took years to make that payment, forcing them to leave without any income, and they were barred from purchasing new land in the area.
- c. Like the Fillmore in San Francisco, the land laid vacant for decades until a park was built in the 1950s. It is now owned by Los Angeles County and houses lifeguard headquarters.
- d. The family moved to South LA and eventually left CA. Having lost their property, Willa and her husband Charles worked for other business owners for the remainder of their lives.
- e. Estimates fair market value today of the confiscated land is between \$40 million to \$70 million.
- f. In 2019, 191 Black people lived in Manhattan Beach, out of a total population of over 35,000 people.

X. Public Housing

A. Intro

- 1. Public housing in the mid-20th century was not built for poor people. It was built to increase housing stock for everyone due to the lack of private development. The Great Depression and WWII created an acute housing shortage for Black and white Americans alike. Rent was not subsidized and tenants paid full price. Pre-1949 public housing were low-rise, scatter-site, and well-maintained buildings.
- 2. The quality of public housing was high, because tenants paid for upkeep. Federal agencies funded public housing, which either prohibited Black Americans, or the housing available to Black Americans were segregated and in worse condition.
- 3. As discussed above, government demolished integrated neighborhoods and created segregated housing in their stead. Nationally, federal agencies did not create segregation, but intensified it and concentrated poverty.

- B. The federal government first built civilian housing during WWI for workers in the war industries: 170,000 white workers and their families lived in 83 government built projects across 26 states. Although Black Americans worked in the war industries, the federal government prohibited Black Americans from living in federally built housing and forced African Americans into overpopulated slums.

C. The New Deal

- 1. PWA created in 1933
 - a. The Housing Division of the Public Works Administration (PWA) used federal funds to clear slums and build houses by establishing and adhering to the

“neighborhood composition rule”: federal housing projects must reflect the previous racial composition of their neighborhood and segregated the units either by project or by building.

- b. PWA projects across the Northeast and Midwest segregated previously integrated neighborhoods and concentrated African Americans into high density, low-income neighborhoods in Detroit, Indianapolis, Toledo, and New York. In cities like Birmingham, Alabama and Miami, Florida, the PWA built projects segregated for AAs in neighborhoods that the city had unconstitutionally zoned for Black residence only. A Miami civic leader explained to federal administrators that the sites were chosen to “remove the entire colored population” from places that had been reserved for white occupancy.
2. USHA
 - a. In 1937, the federal government ended the PWA and stopped directly building public housing. Instead, Congress created the U.S. Housing authority, which gave federal funding to local governments to build public housing.
 - b. The USHA manual warned residences for white families should not be built “in areas now occupied by Negroes.” Although the manual also stated that projects built in previously integrated neighborhoods should remain integrated, this standard was rarely followed.
 3. Tennessee Valley Authority
 - a. In Norris, Tennessee, where the TVA was headquartered, the government developed a model village with 500 comfortable homes, leased to employees and construction workers. The village prohibited Black TVA workers, who lived in shoddy barracks further away.
 4. Lanham Act funded housing for war workers during WWII.
 - a. In some cities, the government provided war housing only for whites, leaving African Americans in congested slums, which restricted their access to jobs. In other cities, segregated war housing was created for African American workers .
- D. In the 1950s, middle class Black and white families were forced out of public housing when government regulations set upper income limits for public housing residents. The quality of public housing decreased due to lower rents and as maintenance workers no longer lived in the same buildings because they no longer qualified.
1. In 1949, the federal government funded massive, segregated high rise projects across the country. Around the same time, about a dozen states, including California required local referendum approval of public housing projects. Middle-class white communities vetoed public housing projects as federal government subsidized the purchases by white families of houses in the suburbs. In 1971, the U.S. Supreme Court ruled that these referendum did not violate the federal constitution.
 2. In 1973, President Richard Nixon announced that public housing should not be forced on

white communities that didn't want it, and he reported to Congress that many public housing projects were "monstrous, depressing places—rundown, overcrowded, crime-ridden."

3. In 1984, investigative reporters from the Dallas Morning News visited federally funded developments in forty-seven metropolitan areas. The reporters found that the nation's nearly ten million public housing tenants were almost always segregated by race and that every predominantly white-occupied project had facilities, amenities, services, and maintenance that were superior to what was found in predominantly Black-occupied projects.
- E. As with zoning, civil rights activists brought suit against government segregation in public housing and the federal government announced anti-discrimination policies in name only. In practice, the federal government continued to segregate.
1. Although, the U.S. Supreme Court found the "separate but equal" doctrine to be unconstitutional in public education in *Brown v. Board of Education*, Berchmans Fitzpatrick, general counsel of the Housing and Home Finance Agency, stated that the decision did not apply to housing in 1954.
 2. In 1962, President John F. Kennedy issued Executive Order 11063, which prohibited discrimination in housing. However, the prohibition against discrimination only covered less than 3 percent of the total housing stock in the United States.
 3. Title VI of Civil Rights Act of 1964 officially outlawed housing discrimination, followed by the Fair Housing Act in 1968. However, civil rights advocates alleged that city housing authorities continued to discriminate in cities like Dallas, San Francisco, Yonkers and Baltimore in numerous civil rights lawsuits. Federal courts or settlements agreed and recognized that federal and local government created or maintained segregation.
- F. California
1. California segregation of Black Americans intensified during WWII when Black Americans arrived to work in the war industries. Federal and local governments created segregation where there were no pre-determined patterns of segregation.
 2. Carey McWilliams, California's Commissioner of Immigration and Housing in the early years of World War II, later wrote that "the federal government [had] in effect been planting the seeds of Jim Crow practices throughout the region under the guise of 'respecting local attitudes.'"
 3. For example, in Richmond:
 - a. During WWII, Richmond was the site of one of the largest shipbuilders in the country. After the war it hosted a large oil refinery.
 - b. From 1940 to 1945, Richmond's population increased from 24,000 to 100,000 with defense industry workers. Richmond's Black population increased from 270 in 1940. to 14,000 in 1945.

- c. There was not enough housing so the federal government financed housing for war workers, but the housing was segregated. white housing was built closer to residential areas and further inland and more likely to be better constructed and permanent. The federal government also leased spare rooms from Richmond's white families for white workers to move in as tenants and issued low interest loans for white homeowners to remodel and subdivide their residences.
 - d. Black housing was close to the shipbuilding site, badly constructed, and there was not enough housing for all war workers. While white workers rented rooms paid for by the federal government, Black war workers lived in cardboard shacks, barns, tents, or open fields. By 1947, when the Black population had increased to 26,000, half of the Black population were still living in temporary housing.
 - e. The federal government helped white families finance suburban homes and leave temporary apartments near the shipyard. The federal government approved bank loans to finance the construction of a new suburb called Rollingwood and forbid the developer from selling any of Rollingwood's 700 houses to Black Americans.
 - f. Black workers who saved their war time wages bought small plots of land in unincorporated North Richmond, but could not access construction loans because the federal government refused to insure bank loans made to Black Americans, unlike for white Americans.
 - g. Black families who were prevented from moving to the suburbs moved into the housing projects that the white families had emptied. By 1950, more than three-fourths of Richmond's Black population lived in war projects.
4. San Francisco
- a. In 1942, the United States Navy demanded the San Francisco Housing Authority segregate housing it built for the 14,000 workers and their families at the Hunters Point Naval Shipyard. The San Francisco Housing Authority announced in 1942: "In the selection of tenants . . . [we shall] not insofar as possible enforce the commingling of races, but shall insofar as possible maintain and preserve the same racial composition which exists in the neighborhood where a project is located."
 - b. San Francisco built five other segregated projects during WWII, four for whites only. Units for white workers remained vacant while Black workers waited on long waiting lists.
 - c. One of the few integrated communities where Black Americans could rent housing was the Western Addition, which had included a large Japanese American population. When the federal government sent Japanese Americans to internment camps, African Americans moved in.
 - d. The San Francisco Housing Authority continued to build whites only housing and when, in 1952, the NAACP sued, the housing authority's chairman testified that the agency's intent was to "localize occupancy of Negroes" in the Western

Addition and ensure that no African Americans would reside in projects inhabited by whites.

- e. Although the NAACP won its legal case, the housing authority ignored the court order in spirit by establishing three new public housing projects in other areas with few white residents, thus intensifying segregation in San Francisco.

XI. Redlining

A. Intro

1. In 1931, during his opening speech at the President's Conference on Home Building and Home Ownership, President Herbert Hoover said that single-family homes were "expressions of racial longing" and "[t]hat our people should live in their own homes is a sentiment deep in the heart of our race." -- 1931, President Herbert Hoover's ,
2. Redlining refers to a federal and local governmental practice, acting together with private banks, to systematically deny public and private home loans to Black people and other people of color.
3. Redlining was accomplished at the federal level with three agencies: Federal Housing Administration (FHA), Veteran's Administration (VA), and Home Owners' Loan Corporation (HOLC). The FHA helped new homeowner buy houses, the VA helped veterans (WWII and others) buy houses, and HOLC helped prevent foreclosures for existing homeowners.
4. Under the leadership of FDR, HOLC was created in 1933 as part of the New Deal to help homeowners refinance their homes and prevent foreclosures as a result of the Great Depression.
5. In 1934, the federal government established the Federal Housing Administration to help Americans buy homes by insuring mortgages. With a FHA insured mortgage, if the homeowner stops paying their mortgage, the FHA will step in and pay the unpaid principal balance to the mortgage lender, like a bank. The FHA protects mortgage lenders against losing money.
6. To help reduce the risk that government-backed loans would default, neighborhoods in over 200 cities across the U.S., including eight in California, were assessed using criteria first established by the government-sponsored HOLC. These California cities were: Sacramento, Stockton, Fresno, Los Angeles, San Diego, San Jose, San Francisco and Oakland. HOLC assessment practices were later turned into written policy in FHA underwriting guidelines.
7. Between the 1930s and 1940s, the Federal Housing Administration (FHA) and the Veteran's Administration subsidized loans to millions of white Americans so they could purchase new homes in the suburbs, while denying the same opportunities to Black Americans and other people of color, who were referred to in the 1930s HOLC assessment as "inharmonious racial or nationality groups." Between 1934 and 1962, the federal government issued \$120 billion in home loans, 98 percent of which went to whites.

8. This practice continued legally until the 1960s, with the signing of the Presidential executive order prohibiting housing discrimination by the federal government and the passage of the Civil Rights Act of 1968.

B. HOLC

1. HOLC refinanced tens of thousands of mortgages in danger of default or foreclosure and issued low-interest loans to help homeowners recover homes that were already foreclosed. Between July 1933 and June 1935, HOLC used \$3 billion to finance more than a million mortgages.
2. To do so, HOLC examiners assessed real estate values and mortgage lending risks for 239 mid-sized cities between 1939 and 1945, and developed "Residential Security Maps" for the entire country.
3. These maps rated neighborhoods from "A," for the best neighborhoods, to "D" the worst neighborhoods. Grade "A" was shaded in green on the maps and assigned to blocks in neighborhoods that were new and all white. HOLC assigned Grade "B," shaded in blue, to stable, outlying, Jewish and white working-class neighborhoods. Grade "C" was for inner-city neighborhoods bordering mostly Black communities or neighborhoods that already had a small number of Black people and shaded yellow. Grade "D" was the worst category, and reserved for all-Black neighborhoods, even if it was middle class, and shaded in red. This process was called "redlining."
4. Historians debate the direct influence these maps had on how banks made their decisions, but this federal government practice resulted in the devaluation of Black homes across the entire country, making it difficult for Black Americans to buy, build or renovate their homes.
5. Along with the 1939 FHA Underwriting manual, the HOLC Residential Security Maps cemented the federal government's support of the routine real estate industry practice of devaluing real estate owned by non-white property owners. A practice that continues to this day.

C. FHA/VA

1. Congress created the Federal Housing Administration in 1934 to insure bank mortgages for first time homeowners. When the HOLC created the Residential Security Maps, the FHA issued the FHA Underwriting Manual. The first version of the Manual published in 1936 explicitly mentioned race and warned of "inharmonious racial groups." Later versions in 1947 and 1958 versions of the FHA underwriting manual did not directly mention race, but listed as factors to consider creditworthiness as "physical and social attractiveness[]" and whether neighborhoods where families were "congenial."
2. Because the FHA refused to insure mortgages for Black Americans, banks shouldered additional risk if they loaned to Black families rather than white families, so they did not. Between 1935 and 1950, 2,761,000 home mortgages were administered by the FHA. Of these, only about 50,000 were made available to non-whites, mostly in segregated neighborhoods.

3. After World War II, the Veteran Administration also began to guarantee mortgages for servicemen under the GI Bill. It adopted FHA housing policies, and VA appraisers relied on the FHA's Underwriting Manual. The VA guaranteed approximately 5 million mortgages nationally, by 1950, the FHA and VA together were insuring half of all new mortgages nationwide. With federal government approval, white veterans often did not need a down payment to buy a home. Many Black World War II veterans, on the other hand, never applied for GI Bill guaranteed mortgages because they knew that they would not be approved because of race.
4. State-regulated insurance companies, like the Equitable Life Insurance Company and the Prudential Life Insurance Company, also declared that their policy was not to issue mortgages to whites in integrated neighborhoods.
5. The FHA also attached white-only conditions when it financed entire suburbs. The FHA reviewed plans for suburban development projects, demanded a commitment on the part of the real estate developer not to sell houses to Black Americans, and sometimes withheld approval of the projects if Black families lived in nearby neighborhoods. Without FHA or VA financing, developers built inferior houses without community facilities like parks and playgrounds. Many houses were rented instead of purchased, thus depriving Black families the opportunity to build wealth.

D. California

1. The HOLC maps characterized numerous neighborhoods across the state in racially discriminatory terms. In Berkeley, California, the HOLC characterized an area north of UC Berkeley "could be classed as High Yellow [C], but for infiltration of Orientals and gradual infiltration of Negroes from south to north." In Los Angeles: Pico Union neighborhood Redline: "Shifting or Infiltration: Subversive racial elements, particularly Negroes, increasing" In Oakland: "Detrimental Influences: Predominance of Negroes and Orientals. Also mixed classes of wage earners and colored professional people"
2. Numerous neighborhoods financed by the federal government were for whites-only in California: Westlake in Daly City, south of San Francisco; Lakewood, south of Los Angeles; Westchester, south of Los Angeles and developed by Kaiser Community Homes, Panorama City, in the San Fernando Valley, the "Sunkist Gardens" development in Southeast Los Angeles.
3. In 1953, Ford Motor moved its plant from Richmond to Milpitas, CA. Milpitas banned apartment construction to only allow single-family homes. The FHA approved subdivision plans, and real estate developers parlayed these federal approvals into low-interest loans to build these homes. Once built to the federal government's specifications, including a prohibition on selling to Black families, qualified white buyers did not need further property appraisals for the federal government to guarantee their mortgages.
4. Thus, Black workers could not buy the homes in Milpitas, and the town had no apartments to rent, so they could either quit their job, moved to a segregated neighborhood, or commute between north Richmond and Milpitas.
5. In Ladera, a neighborhood next to the Stanford campus, the FHA refused to finance the

construction of a co-op suburb with Black members. When the land was sold to a private developer, the FHA approved plans that no homes would be sold to Black families.

6. The government also created slums for African Americans where none had existed before. In 1954, a resident of the white only neighborhood of East Palo Alto sold his house to a Black family. Local real estate agents exploited racial fears, through a practice called blockbusting, which the California real estate commissioner stated was outside of his jurisdiction of regulating “unethical practices.” Not only did the FHA and VA refuse to insure mortgages for Black families, they also did not insure mortgages for white families in integrated neighborhoods where Black families lived, like East Palo Alto. Within six years the population of East Palo Alto was 82 percent Black. Black families desperate for housing paid far higher prices and lived together to pay for it. Housing conditions deteriorated.
7. In 1958, a Black San Francisco schoolteacher Alfred Simmons rented a house with a FHA-guaranteed mortgage from a fellow white schoolteacher. The Berkeley police chief requested that the FBI investigate how Mr. Simmons could be living in an all-white community, and the FBI referred the case to the U.S. attorney. The FHA advised the white homeowner that because he rented his house to a Black colleague, and future application from him “will be rejected on the basis of an Unsatisfactory Risk Determination made by this office on April 30, 1959.”

XII. Government Enforced Racially Restrictive Covenants

A. Nationally

1. Racially restrictive covenants are legally binding contracts connected to land that prohibit non-white people from living on property or in a neighborhood. For example: “The said land shall not be sold, leased or rented to any person other than of the Caucasian race or to any entity of which any person other than that of said race shall be a member, stockholder, officer or director.” This was found in a deed in Fairhaven, Massachusetts in 2010, which was placed on the property in 1946.
2. Racially restrictive covenants began appearing in the late nineteenth century and were directed against Chinese and Punjabi residents living in California. By 1900, developers began inserting them into the deeds of homes built in new subdivisions.
3. In the twentieth century, these racially restrictive covenants functioned like bylaws in a neighborhood association, and a neighbor could sue to evict if a Black family bought a house in the neighborhood.
 - a. Paul R. Williams, a prominent Black Los Angeles architect who designed houses for Frank Sinatra, Lucille Ball, Desi Arnaz, and Cary Grant, was not legally allowed to live in the neighborhoods he designed due to restrictive covenants. Williams taught himself to draw upside down because his white clients were uncomfortable sitting next to him and toured construction sites with hands clasped behind his back to avoid the situation where someone would refuse to shake a Black man’s hand.

4. Between 1923 and 1924, real estate boards in Milwaukee, Detroit, Kansas City, Los Angeles, and other cities also prohibited their realtors from selling or renting property located in white neighborhoods to Black Americans.
5. In 1926, the U.S. Supreme Court upheld restrictive covenants because they were voluntary private contracts and not state action.
6. Racial zoning was invalidated so, the federal government started promoting racially restrictive covenants. Although racially restrictive covenants were contracts between private individuals, it was fully encouraged, promoted, and enforced by the government. President Hoover's 1931 conference on homeownership recommended that all new neighborhoods should have "appropriate restrictions," such as barring the sale of homes to Black Americans. Federal officials also recommended homeowners form "[r]estricted residential districts' [which] may serve as protection against persons with whom your family won't care to associate, provided the restrictions are enforced and are not merely temporary."
7. The 1936 FHA Underwriting Manual stated that zoning regulations are not enough "to assure a homogeneous and harmonious neighborhood. Recorded deed restrictions should strengthen and supplement zoning ordinances. . . . Recommended restrictions include . . . [p]rohibition of the occupancy of properties except by the race for which they are intended [and a]ppropriate provisions for enforcement."
8. The 1938 (FHA) Underwriting Manual issued the following guidelines for preserving property values and desirable community characteristics: "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes."
9. After WWII, the VA also recommended and frequently demanded racial covenants are added into deeds.
10. Neighborhoods all over the country used racially restrictive covenants. By 1940, according to news reports quoted in the U.S. Commission on Civil Rights Report, 80 percent of homes in Los Angeles contained restrictive covenants barring Black families.
11. A survey of 300 developments built between 1935 and 1947 around suburban New York City found that 56 percent of the 300 developments and 85 percent of larger subdivisions had racially restrictive covenants.
12. In 1942, the Oklahoma Supreme Court voided a property purchased by an African American based on a racial covenant, and ordered him to pay for the court costs and attorney's fees of the white neighbor who sued.
13. John F. Kennedy, Ronald Reagan, George W. Bush all lived in neighborhoods or homes with racially restrictive covenants. The home that George W. Bush bought in 2000 was situated in a neighborhood where the neighborhood association enforced the racially restrictive covenant until 2000.
14. In 1948, the U.S. Supreme Court held that the enforcement of racially restrictive covenants was unconstitutional. Three of the Supreme Court justices recused themselves

from the case because they owned houses covered by racially restrictive covenants. Two weeks after the Court announced its decision, FHA commissioner Franklin D. Richards stated that the Shelley decision would “in no way affect the programs of this agency,” which would make “no change in our basic concepts or procedures.” The FHA continued to subsidize projects restricted sale to African Americans. In Westlake and Daly City, California, the total fine for selling to a Black family was \$16,000—greater than the typical total home sale price.

15. Although FHA and VA stopped insuring housing with racially restrictive clauses in the deeds on paper in 1950, they continued to do so in practice. In 1952, FHA commissioner stated that “it was not the purpose of [the FHA] to forbid segregation or to deny the benefits of the National Housing Act to persons who might be unwilling to disregard race, color, or creed in the selection of their purchasers or tenants.”
16. A 1967 study showed that of 400,000 housing units in FHA-insured subdivisions, only 3.3 percent had been sold to Black families. (U.S. Commission on Civil Rights, 1973).
 - a. Though no longer enforceable in a court of law, racially restrictive covenants continue to appear. Some scholars have argued that even though racially restrictive covenants are no longer legal enforceable, community members may nonetheless feel an obligation to abide by them.
 - b. Myers Park (Charlotte), where residents are still upholding the covenants. Myers Park residents drew attention to themselves because they brazenly flaunted the covenants on their website and only removed the document because there was a public outcry and the NAACP filed a complaint against the MPHA (Singleton, 2009; J. Rose, 2010). The MPHA still has not indicated that it will not continue to enforce the racially restrictive covenant.

B. Lack of enforcement through the tax code

1. In 1983, the U.S. Supreme Court declared that “an institution seeking tax-exempt status must serve a public purpose and not be contrary to established public policy.” It has rarely revoked the tax-exempt status of a non-profit institution for active segregation.
 - 1) In Whittier, a Los Angeles suburb, the Quaker-affiliated Whittier College participated in a restrictive covenant covering its neighborhood.
 - 2) The University of Chicago subsidized home owners’ associations and from 1933 to 1947 spent \$100,000 on legal services to defend racially restrictive covenants and evict African Americans who moved into its neighborhood.
 - 3) In Los Angeles, the Reverend W. Clarence Wright, pastor of the Wilshire Presbyterian Church, personally sued to evict an African American war veteran who moved to the neighborhood in 1947. Wright lost the case.

C. California

1. Racially restrictive covenants were widely used across California: from Sacramento and Oakland, to Modesto Fresno, and Bakersfield, to San Diego. In 1960, despite its legal unenforceability, racially restrictive covenants were still in use in Marin County to put racist social pressure on white families who did not want to discriminate. Racially restrictive covenants remained in communities like Lakeside in San Francisco, Cuesta La Honda in San Mateo County until the 90s and 2000s.
 - a. Restrictive covenants were widely used in Los Angeles from 1900 to 1948. The Los Angeles Realty Board campaigned to attach racially restrictive land covenants on as many new developments as possible, after its founding in 1903.
 - b. From 1937 to 1948, more than one hundred lawsuits attempted to enforce covenants and evict Black families from their homes in Los Angeles. In one 1947 case, an Black man refused to leave the home he bought in violation of a covenant; he was jailed .
 - c. In 1943, the city attorney of Culver City, an all-white suburb of Los Angeles, told a meeting of air raid wardens that when they went door to door to make sure families turned off the lights to avoid helping Japanese bombers find targets to also circulate documents in which homeowners promised not to sell or rent to African Americans.
2. Although racially restrictive covenants have not been enforceable since 1948, in 2000, a California law ordered homeowner associations to remove racial restrictions from their covenants and to enable individual homeowners to remove clauses from their deeds.
[Shelley v. Kramer]

XIII. Black Homeowners and Advocates are Targets of Racial Terrorism and Violence

- A. [Summary of racial terror section]
- B. Violent incidents rose in the 1950s and 1960s, after courts found restrictive covenants were unenforceable.

XIV. Conclusion: Effects and Ongoing housing discrimination

- A. The compounding nature of systemic racism based in slavery have led to racial disparities in singular ways for Black Californians.
- B. Homes are Americans greatest source of wealth (See wealth accumulation section). Black Americans have paid more for housing in worse condition, and find it difficult to move out of dilapidated homes.
- C. In 2018, while the national homeownership rate for white families was 73 percent, for Black families, it was 42 percent—the same level as two years after the passage of the Fair Housing Act. In California, the Black homeownership rate is 35 percent, the lowest of any racial/ethnic group in the state. The greatest increase in Black homeownership rates came in the years 1940-1960, when it rose from 22.8 percent to 38 percent, although its growth was still concentrated in low-value properties and neighborhoods due to systemic discrimination underwritten by HOLC

and FHA policies. In the next twenty years, Black homeownership rates only grew by 5.8 percentage points, even after the Fair Housing Act of 1968 banned de jure racial discrimination in housing. From 1980 to 2019, Black homeownership rates decreased in net terms (from 43.4 percent to 42 percent) after peaking at 49 percent in 2004 before the housing bubble burst a few years later. Since 1940, by contrast, the white homeownership rate has steadily risen by nearly 30 points, and the gap between white and Black homeownership is greater today than it was in 1940.

- D. And since 1980, the gap in the homeownership rate between Black and white families in formerly “greenlined” neighborhoods (those rated most highly by HOLC) has expanded from 16.5 percent to 27 percent. Today, Black homeowners are five times more likely to own a home in a formerly redlined neighborhood than in a formerly greenlined one. Typical Black homeowners are more deeply indebted for mortgages on less valuable homes than typical white homeowners. They also face double the loan denial rate of white applicants, and are more likely to be saddled with higher-cost mortgages. Studies have further found evidence that homes in majority Black neighborhoods are systematically undervalued compared to equivalent homes in non-majority Black neighborhoods, by an average of 23%. In the Los Angeles and San Francisco metropolitan areas, houses in majority Black neighborhoods are devalued by 17.1% and 22.3%, respectively.
- E. In 2019, the typical Black American lived in a neighborhood that was less integrated than the neighborhood where a typical Black American lived in 1940. 41 percent of the Black population of American cities (who comprise 37 percent of the country’s total Black population) live in the 10 percent of city neighborhoods that are majority Black. The housing in such neighborhoods tends to be older, smaller, and denser than in less Black neighborhoods. Racially segregated neighborhoods also concentrate poverty and its negative effects into a “distinctive ecological environment” of Black poverty, which is more concentrated than white poverty. Segregated Black urban neighborhoods are characterized by poor quality housing stock that is crowded, noisy, poorly climate-controlled, and exposed to pollutants such as lead and smog. Studies have also noted that, while middle-class Black Americans may be more likely to live in less segregated neighborhoods, they are still likely to live in lower quality neighborhoods than middle-class white Americans.
- F. Other studies have found that the neighborhoods in which Black Americans tend to live are environmentally disadvantaged in numerous ways. Policies like redlining that helped segregate Black city residents into particular neighborhoods were followed by underinvestment in parks and green infrastructure in these areas. Today, 68 percent of Black people live in “nature deprived areas,” compared to 23 percent of white people, though in California, the disparity is less dramatic (52 percent vs. 36 percent). This deprives Black communities (especially poor Black communities) of the benefits of access to nature (which are especially pronounced for child development) and negatively impacts the quality of their neighborhoods and their health in other ways. For detailed discussion, see Health and Environment Section.
- G. There are disproportionately more Black people who are unhoused than white people. The situation in California is more acute than the rest of the country: Black people account for 6.5 percent of Californians but nearly 40 percent of the state’s unhoused individuals. Nationally, Black people account for 13.4 percent of the population and are 39.4 percent of the unhoused

population. [Updated stats to come]. Some researchers have argued that segregation is one reason for the racial disparity among unhoused individuals. For detailed discussion see Education Section.

DRAFT

Bibliography

Aguilera, *Diversity In Fresno: How Racial Covenants Once Ruled Prestigious Neighborhoods* KVPR (Dec. 8, 2015) <<https://www.kvpr.org/post/diversity-fresno-how-racial-covenants-once-ruled-prestigious-neighborhoods>> (as of Aug. 6, 2021).

Asante-Muhammad et al., Nat. Community Reinvestment Coalition, 60% Black Homeownership: A Radical Goal for Black Wealth Development (Mar. 2021)

Assem. Coms. On Housing & Community Development and Banking & Finance, Addressing Racial Disparities in Housing Background Paper (Mar. 25, 2021)

<<https://ahcd.assembly.ca.gov/sites/ahcd.assembly.ca.gov/files/Background%20Paper%20-%20Addressing%20Racial%20Disparities%20in%20Housing%20-%20Info%20Hearing.pdf>> (as of June 22, 2021).

Assem. Coms. On Housing & Community Development and Banking & Finance, Addressing Racial Disparities in Housing Background Paper (Mar. 25, 2021)

<<https://ahcd.assembly.ca.gov/sites/ahcd.assembly.ca.gov/files/Background%20Paper%20-%20Addressing%20Racial%20Disparities%20in%20Housing%20-%20Info%20Hearing.pdf>> (as of June 22, 2021).

Bates, *A Trailblazing Black Architect Who Helped Shape L.A.* (June 22, 2012) National Public Radio <<https://www.npr.org/2012/06/22/155442524/a-trailblazing-Black-architect-who-helped-shape-l-a>> (as of June 15, 2021).

Borunda, *How 'Nature Deprived' Neighborhoods Impact the Health of People of Color*, (July 29, 2020) Nat. Geographic <<https://www.nationalgeographic.com/science/article/how-nature-deprived-neighborhoods-impact-health-people-of-color>> (as of June 22, 2021)

Brandt & Brandt, What's Up with Housing in the City of Fresno? An Intro. To the Planning Process, Fresno Free Press (May 13, 2020), <https://fresnofreepress.com/2020/05/13/whats-up-with-housing-in-the-city-of-fresno>

Brewington and Erickson, *Historic Black Towns Struggle to Survive* (Jan. 12, 2021) Orlando Sentinel <<https://www.orlandosentinel.com/news/os-xpm-2003-01-12-0301120006-story.html>> (as of Jul. 24, 2021).

Brooks, et. al, *Racial Covenants And Housing Segregation, Yesterday And Today* Straus Institute Working Paper No.08 (2010) <<http://www.law.nyu.edu/sites/default/files/siwp/Rose.pdf>> (as of Aug. 6, 2021).

Brown, *Black Towns, Established by Freed Slaves After the Civil War, Are Dying Out* (Mar. 27, 2015) Washington Post < https://www.washingtonpost.com/local/Black-towns-established-by-freed-slaves-after-civil-war-are-dying-out/2015/03/26/25872e5c-c608-11e4-a199-6cb5e63819d2_story.html> (as of Jul. 24, 2021)

Brown, Remembering 'Red Summer,' When white Mobs Massacred Black Americans from Tulsa to D.C. (June 19, 2020) National Geographic <<https://www.nationalgeographic.com/history/article/remembering-red-summer-white-mobs-massacred-Black-Americans-tulsa-dc>> (as of Jul. 24, 2021)

Buchanan v. Warley, (1917) 245 U.S. 60.

Cal. EPA, *Pollution and Prejudice: Redlining and Environmental Injustice in California* (Apr. 19, 2021) <<https://storymaps.arcgis.com/stories/f167b251809c43778a2f9f040f43d2f5>> [as of June 15, 2021].

Carter, *From Exclusion to Destitution: Race, Affordable Housing, and Homelessness*, Cityscape: A Journal of Policy Development and Research, Vol. 13, No. 1 (2011)

Cavin, *Right to Housing in the Suburbs: James v. Valtierra and the Campaign against Economic Discriminations*, Journal of Urban History (Jun. 10, 2017)

Chang, et. al., *Beneath The Santa Monica Freeway Lies The Erasure Of Sugar Hill* National Public Radio (May 4, 2021) <<https://www.npr.org/2021/05/04/993605428/beneath-the-santa-monica-freeway-lies-the-erasure-of-sugar-hill>> (as of Jul 7, 2021)

Cimini, *Black people disproportionately homeless in California*, CalMatters (Oct. 5, 2019) <<https://calmatters.org/california-divide/2019/10/Black-people-disproportionately-homeless-in-california/>> (as of Jul. 12, 2021)

Clayson and McMahon, *New Philadelphia, Illinois: The 1st Town Founded By a Black American* (Feb. 25, 2021) wbur <<https://www.wbur.org/hereandnow/2021/02/25/new-philadelphia-frank-mcworter>> (as of Jul. 24, 2021)

Congress Approves the Federal-Aid Highway Act, U.S. Senate <https://www.senate.gov/artandhistory/history/minute/Federal_Highway_Act.htm> (as of Jul. 7, 2021)

Corrigan v. Buckley (1926) 271 U.S. 323

Cox, *The Archaeology of the Allensworth Hotel: Negotiating the System in Jim Crow America* (Sept. 2007) 10 African Diaspora, Archaeology Newsletter

Crockett, *The Black Towns* (1979)

Cruz, *"America's Newest City": 1950s Bakersfield and the Making of the Modern Suburban Segregated Landscape*, California State University Bakersfield (Spring 2020)

Cutler et al., *The Rise and the Decline of the American Ghetto* (1999) 107 No. 3 J. of Political Economy 455

Darity Jr. & Mullen, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (2020)

Du Bois, *Black reconstruction: an essay toward a history of the part which Black folk played in the attempt to reconstruct democracy in America* (1935)

Du Bois, *The Negro American Family* (1908)

Du Bois, *The Philadelphia Negro* (1899)

Enemark & Valle, *San Diego's Racial Equity Gap: How We Got Here*, San Diego Workforce Partnership (Sept. 16, 2020), <https://workforce.org/news/san-diegos-racial-equity-gap-how-we-got-here/>

Florida, *How Segregation Defined San Diego's Neighborhoods*, Voice of San Diego (Mar. 21, 2021) <<https://www.voiceofsandiego.org/neighborhoods/how-segregation-defined-san-diegos-neighborhoods/>> (as of Aug. 6, 2021).

Foner, *Reconstruction: America's Unfinished Revolution* (1988)

Frey, *Neighborhood Segregation Persists for Black, Latino or Hispanic, and Asian Americans* (Apr. 6, 2021) Brookings Institution <<https://www.brookings.edu/research/neighborhood-segregation-persists-for-Black-latino-or-hispanic-and-asian-americans/>> (as of June 30, 2021).

Fulbright, *Sad chapter in Western Addition history ending*, San Francisco Chronicle (Jul. 21, 2008) <<https://www.sfgate.com/bayarea/article/Sad-chapter-in-Western-Addition-history-ending-3203302.php>> (as of Jul. 7, 2021)

Fullilove (2007) *Eminent Domain and African Americans: What is the Price of the Commons?* Institute for Justice <https://ij.org/wp-content/uploads/2015/03/Perspectives-Fullilove.pdf> (as of Jul. 7, 2021)

Fullilove, *Root Shock: The Consequences of African American Dispossession*, Journal of Urban Health: Bulletin of the New York Academy of Medicine (Mar. 2001) at p. 73 <<https://www.duq.edu/assets/Documents/ciqr/RootShockArticle.pdf>> (as of Aug. 5, 2021)

Glover, *Black California couple lowballed by \$500K in home appraisal, believe race was a factor*, ABC7news (Feb. 12, 2021) <<https://abc7news.com/Black-homeowner-problems-sf-bay-area-housing-discrimination-minority-homeownership-anti-Black-policy/10331076/>> (as of Jul. 12, 2021).

Greeneberg v. Western Turf Ass'n (1903) 140 Cal. 357

Grigoryeva and Ruef, *The Historical Demography of Racial Segregation* (2015) 80 No. 4 American Sociological Rev.

Hernandez, *Redlining Revisited: Mortgage Lending Patterns In Sacramento 1930–2004*, International Journal Of Urban And Regional Research (Jun. 2009).

Hirt, *Zoned in the USA: The Origins and Implications of American Land-Use Regulation* at p. 171 (2014)

Historic Black Towns and Settlements Alliance < <https://hbtsa.org/>> (as of Jul. 24, 2021).

Hudson, *West of Jim Crow: The Fight Against California's Color Line* (2020)

Johnson, *Long-Run Impacts of School Desegregation and School Quality on Adult Attainments*, NBER Working Paper, no. 16664 (2011): 2 <https://www.nber.org/system/files/working_papers/w16664/w16664.pdf> (as of Jul. 13, 2021)

Jones, *Wyoming's Black Pioneer Community That Disappeared* (Nov. 6, 2020) Wyoming Public Radio < <https://www.wyomingpublicmedia.org/open-spaces/2020-11-06/wyomings-Black-pioneer-community-that-disappeared>> (as of Jul. 24, 2020)

Kilgore, *Los Angeles Land Covenants, Redlining; Creation and Effects*, Los Angeles Public Library (June 22, 2020) <<https://lapl.org/collections-resources/blogs/lapl/los-angeles-land-covenants-redlining-creation-and-effects>> (as of June 17, 2021).

Ledbetter, *Flashback: Tucked away in rural Illinois is the site of America's first town founded by a free Black man. His descendants want you to know its history*, Chicago Tribune (Feb. 12, 2021) <<https://www.chicagotribune.com/opinion/commentary/ct-opinion-flashback-new-philadelphia-frank-mcworter-20210212-udbwwjdzf5gkxd6gi2q4gijy34-story.html>> (as of Jul. 24, 2021).

Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (2018)

Logan and Martinez, *The Spatial Scale and Spatial Configuration of Residential Settlement: Measuring Segregation in the Postbellum South* (2018) 123 No. 4 American J. of Sociology.

Los Angeles Citywide Historic Context Statement Context: African American History Of Los Angeles, City Of Los Angeles Department Of City Planning Office Of Historic Resources (Feb. 2018).

Los Angeles Inv. Co. v. Gary (1919) 181 Cal. 680

Lyons v. Wallen (1942) 133 P.2d 555

Manhattan Beach Data Commons, Place Explorer

<<https://datacommons.org/place/geoId/0645400?topic=Demographics#Population>> (as of Jul. 7, 2021)

Martos, *Little Manila Persevers: How Filipinx Leaders in Stockton Are Organizing for the Next Generation*, KQED (June 18, 2021), <https://www.kqed.org/news/11878030/little-manila-perseveres-how-filipinx-leaders-in-stockton-are-organizing-for-the-next-generation>

Massey, *American Apartheid: Segregation and the Making of the Underclass* (1993)

Mcclintock, Thomas C. (1995) *James Saules, Peter Burnett, and the Oregon Black Exclusion Law of June 1844*, *The Pacific Northwest Quarterly*. 86 (3)

McDaniel, *Urban Renewal and the Built Environment*, CSU East Bay (2017) (Masters' thesis), <https://scholarworks.calstate.edu/downloads/5t34sk536>

Meares, *The Thrill of Sugar Hill*, CurbedLA (Feb. 22, 2018) <https://la.curbed.com/2018/2/22/16979700/west-adams-history-segregation-housing-covenants> (as of Jul 7, 2021)

Mekouar, *Founded by Former Slaves, Oklahoma's All-Black Towns Struggle to Survive* (Sept. 16, 2020) Voice of America <<https://www.voanews.com/episode/founded-former-slaves-oklahomas-all-Black-towns-struggle-survive-4421771>> (as of Jul. 24, 2021)

Menendian, et. al, *The Roots of Structural Racism Project*, Othering & Belonging Institute, University of California Berkeley (Jun. 21, 2021) <<https://belonging.berkeley.edu/roots-structural-racism>> (as of Jul. 13, 2021)

Mohl, *The Interstates and the Cities: Highways, Housing, and the Freeway Revolt* Poverty & Race Research Action Council (2002)

Moore, et. al, *roots, race, and place, A History of Racially Exclusionary Housing in the San Francisco Bay Area*, Haas Institute (Oct. 1, 2019) <<https://belonging.berkeley.edu/roots-structural-racism>> (as of Jul. 13, 2021)

National Housing Act Underwriting Manual (Feb. 1938) Federal Housing Admin.

Nelson, et al., *Mapping Inequality: Redlining in New Deal America*, American Panorama, ed. <<https://dsl.richmond.edu/panorama/>> (as of June 15, 2021).

O'Brien, *With One Mighty Pull Interracial Town Boosting in Nicodemus, Kansas* (1996) *Great Plains Quarterly* 117

Officials Lead Effort To Return Bruce's Beach To The Black Family It Was Taken From 100 Years Ago, The LAist (April 9, 2021)

Oklahoma Com. To Study the Tulsa Race Riot of 1921, *Tulsa Race Riot Report* (Fe. 28, 2001) *Washington Post* <https://www.washingtonpost.com/archive/lifestyle/1993/05/30/rosewood/7b3a45c0-0c20-42e8-9b41-ebf5b7552518/?utm_term=.3191095083a5> (as of Jul.24, 2021)

Perry et al., *The Devaluation of Assets in Black Neighborhoods: The Case of Residential Property*, Brookings

Inst., (Nov. 2018)

The Persistent Racism of America's Cemeteries (Jan. 16, 2017) Slate <<https://slate.com/human-interest/2017/01/america-s-segregated-cemeteries-are-important-troves-of-forgotten-Black-history.html>> (as of Jul. 2, 2021).

Pritchett, *The "Public Menace" of Blight: Urban Renewal and the Private Uses of Eminent Domain* 21 Yale Law and Policy Review (2003) at p. 33-34

Racially Restrictive Covenants, Modesto, CA, California State University, Stanislaus <<https://www.csustan.edu/casa/rrc>> (as of Jul. 12, 2021)

Ramirez, *Black History in Pasadena*, a Noise Within (Mar. 15, 2021) <<https://www.anoisewithin.org/Black-history-in-pasadena/>> (as of Jul. 7, 2021)

Ransom, *One Kind of Freedom: The Economic Consequences of Emancipation* (1977)

Richardson, *Redlining's Legacy of Inequality: Low Homeownership Rates, Less Equity for Black Households* (June 11, 2020) Forbes <<https://www.forbes.com/sites/brendarichardson/2020/06/11/redlinings-legacy-of-inequality-low-homeownership-rates-less-equity-for-Black-households/?sh=21bc20582a7c>> (as of June 22, 2021).

The Roots of Structural Racism Project, Othering & Belonging Institute, UC Berkeley (Jun. 21, 2021) <<https://belonging.berkeley.edu/roots-structural-racism>> (as of Jul. 13, 2021)

Roots, Race, & Place Racially Restrictive Covenants and Homeowner Association Bylaws Othering & Belonging Institute, University of California, Berkeley <<https://belonging.berkeley.edu/rootsraceplace/raciallyrestrictivecovenants>> (as of Jul. 12, 2021),

Rose, *Hidden In Old Home Deeds, A Segregationist Past*, NPR (Feb. 6, 2010)

Rothstein, *The Color of Law: A Forgotten History of How Out Government Segregated America* (2017)

Rowland-Shea et al., *The Nature Gap: Confronting Racial and Economic Disparities in the Destruction and Protection of Nature in America* (July 21, 2020, 7:30 AM) Center for American Progress <<https://www.americanprogress.org/issues/green/reports/2020/07/21/487787/the-nature-gap/>> (as of June 22, 2021)

Royce, *The Origins of Southern Sharecropping* (1993)

Shelley v. Kraemer (1948) 334 US 1

Stuckey, Boley, *Indian Territory: Exercising Freedom in the All-Black Town* (Fall 2017) Vol. 102 No. 4 The Journal of African American History, 492

Taylor et. al, *Seeking El Dorado: African Americans in California* (2001)

Taylor, *How 'Urban Renewal' Decimated the Fillmore District, and Took Jazz With It*, KQED (Jun. 25, 2020) <<https://www.kqed.org/news/11825401/how-urban-renewal-decimated-the-fillmore-district-and-took-jazz-with-it>>

Taylor, *The Environment and the People in American Cities, 1600s-1900s* (2009)

Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (2014)

Title Guarantee & Trust Co. v. Garrott (1919) 42 Cal.App. 152

Tobias, How Fresno is Confronting Its History of Racism, CalMatters (Sept. 16, 2020), <https://calmatters.org/california-divide/2020/06/west-fresno-racism-Black-communities/>

Trounstine, *Segregation by Design: Local Politics and Inequality in American Cities* (2018)

U.S. Census Bureau, Dept. of Commerce, Black Population: 1790-1915 (1918) page 33, 89-90

U.S. Census Bureau, Dept. of Commerce, Black Population: 1790-1915 (1918)

U.S. Census Bureau, Dept. of Commerce, Black Population: 1790-1915 (1918)
<<https://www.census.gov/library/publications/1918/dec/negro-population-1790-1915.html>>

U.S. Dept. of Housing and Urban Development, *Program Offices: The Federal Housing Administration*,
<https://www.hud.gov/program_offices/housing/fhahistory> (as of June 15, 2021).

Ulinas, Tale of a City, California State Library Foundation (Feb. 16, 2021), <https://cslf.medium.com/tale-of-a-city-9bebd0db30a1>

Understanding Fair Housing, U.S. Commission on Civil Rights, (Feb. 1973)

United States Commission on Civil Rights, Hearings before the United States Commission on Civil Rights. Hearings held in Los Angeles, California, January 25, 1960; San Francisco California, January 27, 1960, January 28, 1960 (Washington, D.C.: Government Printing Office, 1960)

United States Federal Housing Administration *Underwriting Manual, Underwriting and Valuation Procedure Under Title II of the National Housing Act* (1938)

University of Richmond Digital Scholarship Lab, *Mapping Inequality Redlining in New Deal America*,
<<https://dsl.richmond.edu/panorama/redlining/>> (as of Aug. 6, 2021).

Weiss, *Urban Land Developers and the Origins of Zoning Laws: The Case of Berkeley* Berkeley Planning Journal 18.

Williams & Collins, *Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health* (2001) 116 Public Health Reports

Xia, *A tale of two reckonings: how should manhattan Beach atone for its racist past?* Los Angeles Times (March 28, 2021)

Xia, *Manhattan Beach was once home to Black beachgoers, but the city ran them out. Now it faces a reckoning*, Los Angeles Times (Aug. 2, 2020)

Zonta, *Racial Disparities in Home Appreciation* (July 15, 2019, 12:01 AM) Center for American Progress
<<https://ampr.gs/3xVFzsi>> (as of June 22, 2021)

Zuk, *Health Equity in a New Urbanist Environment: Land Use Planning and Community Capacity Building in Fresno, CA* (2013), <<https://escholarship.org/content/qt4pq5p68j/qt4pq5p68j.pdf>>

ENVIRONMENT

I. Overview

- A. Harms resulting from substandard housing
- B. Environmental pollution in the segregated neighborhoods
- C. Discrimination in public services and infrastructure
- D. Disparate impacts of climate change

II. Harms resulting from substandard housing

- A. Due to government segregation, throughout American history, Black Americans have always, on average, lived in housing of worse quality than their white counterparts.
- B. In general, Black Americans pay more for housing in worse condition than white Americans.
- C. There are various harms suffered by Black Americans caused by low-quality housing stock and overcrowding within it.
 - 1. Race-based restrictive covenants continued long after official government redlining ended.
 - 2. For the first half of the 20th century, in urban areas where Black residents primarily rented, they were consistently charged higher rents than whites. Landlords justified this increased rent on the grounds that white renters would not rent in properties in which Blacks lived, effectively charging a premium explicitly based on overt (or even presumed) racism.
 - 3. Because Black families paid higher rents while simultaneously facing discrimination in their pay, many took in lodgers or shared apartments – further perpetuating the substandard nature of housing for Black Americans through overcrowding.
 - 4. Black households remain twice as likely as white households to lack indoor plumbing, nationwide.
 - 5. Although rates of overcrowding have lessened among all racial and ethnic groups in recent years, research has consistently shown that Black families continue to experience overcrowded housing at approximately triple the rates of white Americans.
 - 6. Overcrowding has been linked to various health-related problems on a national scale.
 - a. Overcrowded housing has been shown to correlate with higher rates of exposure to household lead poisoning.
 - b. Overcrowded housing has similarly shown to increase the risk of spread of infectious diseases, such as tuberculosis, diarrhea, and infectious respiratory illnesses.
 - i. At least one recent study demonstrated that overcrowding and other poor housing conditions correlated with dramatically greater incidence and mortality of COVID-19 infections across the country. [This will be

expanded with further research]

7. Research has shown that overcrowding contributes to a variety of concrete harms suffered in particular by children living in overcrowded conditions.
 - a. Overcrowding can deny children a quiet place to study and work, lowering school performance.
 - b. Overcrowding can lead to sleep disturbances, which further handicap the ability of children to study and perform well in school.
 - c. Children in overcrowded housing are also more likely to catch communicable diseases from others in their household. Aside from the obvious health impacts from catching such diseases, this increased risk has been linked to declines in school performance.
 - d. All of these factors may be partially to blame for poorer educational results among children from overcrowded homes.
 - i. Children from overcrowded homes show higher rates of being held back a grade in elementary and middle school.
 - ii. Children from overcrowded homes show reduced math and reading scores compared to children not subject to overcrowding.
 - iii. Children from overcrowded homes show higher rates of behavioral problems at school.
- D. In California specifically, the problem of overcrowded housing has been linked to the rapid spread of COVID-19 in neighborhoods with disproportionate Black populations, such as the Salinas Valley, South Los Angeles, and Oakland.
 1. Neighborhoods with overcrowded housing in California had rates of COVID-19 3.7 times as high as neighborhoods without overcrowded housing.

III. Environmental pollution in segregated neighborhoods

A. Redlining and Pollutant Sources

1. Cross reference to disparities discussed in Housing section.
2. As a result of poverty and restrictive covenants, even before the federal government redlined and segregated America's neighborhoods, Black Americans in general lived in areas close to industry, garbage dumps, and other polluting sources.
3. Moreover, white neighborhoods frequently were zoned by local entities to explicitly ensure that few industrial or polluting business could locate within them, again pushing environmental pollution into Black neighborhoods.
4. In particular, after the federal government redlined neighborhoods of color, including Black communities, beginning in the 1930s, a negative feedback loop was created: toxic industries and other sources of environmental pollutants disproportionately developed in or around these communities.

5. Indeed, federal agencies created policies that treated both environmental hazards and what federal agencies explicitly described as “inharmonious racial groups” as a detriment to home values, thus segregating neighborhoods to ensure Black Americans and environmental pollutants were clustered together.
6. Relatedly, the negative effects of redlining created a reinforcing loop, whereby those areas were ineligible for federal loans and mortgages because the existence of nearby polluting industries, among other undesirable features, were considered a risk to property values.
 - a. Without access to these mortgages and loans, Black homeowners had fewer resources to maintain their homes, exacerbating negative housing conditions in Black communities and preventing Black Americans from moving away from polluting sources.

B. Neighborhood Environmental Racism Across America

1. Black communities across the country still experience higher rates of pollution and the health outcomes caused by exposure to pollutants. Black Americans are exposed to greater pollution from virtually every polluting source when compared to white Americans, including industry, agriculture, vehicles traffic, and construction—all of which can be partially attributed to redlining and other historical discrimination.
2. Black communities across the U.S. face disparities both in the quality and affordability of fresh water delivered to their homes. The crisis of water quality and lead poisoning in Flint, Michigan, was notable as a particularly egregious example of governmental apathy and mismanagement leading to the poisoning of a Black community.
 - a. The largely Black city of Flint, Michigan decided in 2014 to switch its drinking water source from Detroit’s system to the Flint River, solely as a cost-saving move.
 - b. Residents complained for months about a noticeable decline in water quality, but both city and state officials continued to maintain the water was safe for human consumption and use, even as they explicitly chose not to test the water’s safety.
 - c. Even after a leaked report from the U.S. Environmental Protection Agency (EPA) reported high levels of lead seepage from older lead pipe systems (due to the increased corrosivity of the Flint River water), state officials continued to falsely maintain the levels were safe and called the federal report an “outlier.”
 - d. By the time Flint switched back to Detroit’s water system, children in Flint had been subjected to massive amounts of lead pollution, with dramatic health consequences.
 - i. Studies showed that rates of lead pollution in Flint’s children approximately doubled as a result of the crisis, while both state officials and Michigan Governor Rick Snyder continued to downplay the issue.
 - e. Responsibility for the crisis has been attributed to all levels of state and local government, with criminal charges now filed against various officials including

former Governor Snyder.

- i. The charges range from perjury (related to actions designed to cover up malfeasance) to manslaughter.
3. At times, public housing was explicitly created to segregate Black residents into areas with obviously greater pollution burdens due to immediately adjacent polluting sources.
 - a. For example, when the federal government built public housing in Richmond, California, to accommodate shipworkers during World War II, it created housing that was “officially and explicitly segregated.”
 - b. The federal government placed housing for Black workers by the railroad tracks and shipbuilding areas, subjecting them to particulate matter (small cancer-causing particles associated with diesel exhaust) and industrial pollution, but built higher quality housing for white workers further inland.
 - i. The government also put in place programs to allow white workers to access permanent, residential housing, but offered Black workers nothing.
 - ii. While some Black workers were able to find low-quality housing in areas of the East Bay, others lived in “cardboard shacks, barns, tents, or even open fields.”
4. Hazardous waste sites
 - a. As of 1983, approximately three out of every four communities in which hazardous waste landfills were found were predominantly Black.
 - b. In 38 states analyzed in a 2007 study, a disproportionately high number of Black Americans live in neighborhoods that host hazardous waste facilities.
 - i. The average disparity in those states among host and non-host neighborhoods is 24 percent vs. 11 percent for Black Americans—in other words, neighborhoods that host hazardous waste facilities Black Americans make up 24 percent of the population in neighborhoods that host hazardous waste facilities, but only 11 percent of the population in neighborhoods that do not. Put simply, being Black makes it more than twice as likely that you live near a hazardous waste facility.
 - c. In 1991, EPA acknowledged that a disproportionate number of toxic waste facilities were found in Black neighborhoods throughout the country.
 - d. Moreover, studies have shown that that the EPA’s handling of toxic waste clean-up sites has consistently favored white over minority communities, and an external audit of the handling of discrimination complaints by the EPA determined that the agency failed to adequately respond to those complaints.
 - i. From 1985 to 1991, and fines assessed by the EPA against polluters in minority zip codes were approximately 46 percent lower than in white zip codes. The EPA also took longer to address hazardous sites in minority communities than in white ones, and polluters were required to undertake

more stringent cleanup measures in white communities.

5. Oil and gas facilities

- a. Oil and gas extraction is associated with a variety of carcinogenic pollutants, including benzene.
- b. Studies have shown that living near these sources elevates one's cancer risk.
- c. Black communities across the country are 75 percent more likely to live near oil and gas extraction and refining facilities.
- d. Black Americans more than any other group to live near fracking facilities that create similar pollution to more traditional oil and gas facilities.

6. Vehicle Traffic

- a. Black Americans in general live in areas with more than double the traffic density of white neighborhoods, and the highest traffic density of any racial or ethnic group.
- b. As a result, Black Americans are exposed to more on-road sources of carcinogenic pollution than any other racial or ethnic group.
- c. For a further discussion of how highway construction was used to segregate neighborhoods, see the Housing section.

7. Construction

- a. Nationwide, among all pollution sources, Black Americans are most disproportionately exposed to air pollution attributable to construction than as to any other air pollution source. [We will expand this content or find a way to integrate it in another section]

8. Lead Exposure

- a. These patterns and industries also contribute to increased exposure to toxic lead, which is found at disproportionate rates in Black communities created by redlining.
- b. Toxic lead exposure comes from myriad sources that are found in greater amounts in Black neighborhoods, including from extra-residential toxic industrial sites.
 - i. Lead exposure in the United States comes primarily from four sources: water pipes, chipping paint, gasoline exhaust, and smelting plants.
 - ii. Even though most smelting plants that created lead pollution have been closed since the 1960s, soil pollution surrounding these facilities remains an active problem.
- c. Nationally, Black children are three times as likely to have elevated blood rates of lead, and these patterns have persisted even as lead exposure rates have decreased for children of other races and ethnicities.

- d. These disparities are even more dramatic in some areas with older housing stock. For example, a 2004 report found that in Chicago, Black children were five to twelve times as likely to exhibit lead poisoning than white children.

9. Access to Food

- a. In another example of environmental racism, Black Americans nationwide are also denied equal access to healthy food and groceries when compared to white Americans. Even when comparing areas with similar poverty rates, Black neighborhoods have fewer large supermarkets and more small grocery stores than white neighborhoods.
- b. Scientific research has consistently shown that Black Americans exhibit food insecurity—difficulty in acquiring food and reduced diet quality—at rates higher than white Americans, even when controlling for socioeconomic status.
- c. Supermarkets tend to have healthier whole-grain foods, fresh meat and dairy products, and fresh fruits and vegetables when compared to smaller neighborhood stores, which sell disproportionately-high amounts of “junk food” and other packaged/processed products.
- d. Neighborhoods that are *both* poor and disproportionately Black experience the most limited access to quality food, but even Black neighborhoods without significant poverty are associated with a greater incidence of food deserts.

10. All of these disparities have serious health consequences, resulting in chronic illnesses like diabetes, asthma, and heart disease, and affecting maternal health and educational outcomes. Black Americans suffer disproportionately from these health problems. For further discussion of disparities in health outcomes, see the Health section.

C. California

- 1. Many areas within California still demonstrate racial disparities traceable to state and federal government action.
 - a. Neighborhoods that were explicitly redlined by federal agencies in the 1930s – ranging from South Stockton to West Oakland to Wilmington in Los Angeles – continue to have some of the highest average pollution levels in the State.
 - b. A 1994 study found that the “dirtiest” zip code in all of California was in a largely Black and Latinx neighborhood of East Los Angeles.
 - c. The historically Black area of Bayview-Hunters Point in San Francisco has a long history of environmental racism, with Black residents subjected to myriad environmental harms not experienced by whiter, wealthier areas within San Francisco, while recent environmental remediation efforts have come hand-in-hand with a substantial decline in the percentage of Black residents.
 - d. The divisions between the wealthier, white “hills” of Oakland, California, and the poorer, Black “flats” that were first established by federal redlining have remained today, with Black residents of the low-lying areas still subject to far greater environmental pollutants.

[We intend to add content regarding the Central Valley and potentially other areas of California. This may be complicated as some of areas with greatest disparities are largely Latinx rather than Black].

2. The Oil and Gas industry in California disproportionately affects Black residents.
 - a. In California, more than two million people live within 2,500 feet of an unplugged oil or gas well, with greater percentages of Black Americans living near these sources of pollution than the California population as a whole.
 - b. Aside from the obvious exposure to carcinogenic chemicals involved with oil and gas production, toxic residues brought up by subterranean drilling can contaminate local aquifers that supply drinking water.
 - c. In the greater Los Angeles Area, notable oil production exists in Inglewood, Baldwin Hills, and Culver City—areas which have a substantially greater Black population than Los Angeles generally.
 - d. Similar patterns exist in the San Francisco Bay Area, with major oil production facilities in Richmond and Martinez, again areas that are disproportionately Black when compared to the broader Bay Area.
3. These same patterns exist with respect to California facilities that handle hazardous waste.
 - a. Los Angeles has 1.2 million people living nearby facilities the handle hazardous waste, and an astonishing *91 percent* of them are people of color. African-Americans live near hazardous waste facilities at rates higher than other people of color as a whole.
 - b. This is true elsewhere in California, leading to increased lifetime cancer risks for Black Californians that correlate with exposure to outdoor air toxins.
 - c. Even as to industries that do not inherently involve toxic or carcinogenic materials, increased rates of truck traffic and general industrial activity also lead to higher rates of heavy metal contamination of local soils. Those soils are disproportionately found in the backyards, playgrounds, and urban gardens of Black Californians.
4. A variety of California industrial sources impose disproportionate air pollution burdens on Black communities.
 - a. On average Black Californians breathe in about 40 percent more particulate matter from cars, trucks, and buses than white Californians.
 - b. Black Californians are exposed to a higher amount of PM 2.5—fine particles emitted by diesel engines—at a rate 43 percent higher than white Americans, the highest rate of any racial or ethnic group.
 - c. Black Californians also are exposed to disproportionately high levels of air pollution from other infrastructure-related non-mobile sources, such as shipyards, factories, warehouses, and aviation.
 - d. These sources of air pollution are a primary reason that African Americans have

the highest rates of asthma among all groups in California, leading to asthma-related deaths at two to three times the rates of any other racial or ethnic group. Exposure to small particulate matter from cars, trucks, and buses is also tied to increased risk of heart and lung disease.

5. Black neighborhoods in California continue to suffer extremely high rates of water pollution in the water provided through government infrastructure.
 - a. In 2019, the New York Times reported that as many as 1,000 community water systems in California may be at high risk of failing to deliver potable water, with a disproportionate number of these systems located in low-income areas that tend to be disproportionately Black.
 - b. California's Environmental Protection Agency has acknowledged that contamination of water sources disproportionately impacts Black American communities and other communities of color.

IV. Infrastructure and public services

A. Federally

1. Affirmative Infrastructure Investment
 - a. The current U.S. Secretary of Transportation acknowledged in 2019 there is “racism physically built into some of our highways,” since the federal highway system was built specifically to cut through neighborhoods where property values were lowest, and thus where Black and other minority Americans lived.
 - b. Federal programs incentivized these sorts of infrastructure projects throughout the 1950s, dividing redlined neighborhoods and creating hotter temperatures in urban Black areas.
 - c. The formerly-thriving Black neighborhood of Greenwood in Tulsa, Oklahoma—most famous for the deadly anti-Black massacre of 1921—is now divided by Interstate Highway 244. As a result, it now has a single block of businesses today, whereas before highway's construction it had 35 such blocks of businesses and homes, largely Black-owned.
 - d. Whenever affirmative infrastructure of this sort is constructed in Black neighborhoods, the initial harms created are compounded by the environmental pollution that is created and generated on an ongoing basis.
 - e. See the Housing section of this outline for further discussion on related issues.
2. Infrastructure disinvestment and neglect
 - a. Historically, Black Americans were subjected to environmental and health consequences of a failure to equitably construct sewer and other waste management systems.
 - i. By the mid-19th century, cities across America had begun substantial investment in constructing modern, sanitary sewer and garbage removal systems.

- ii. However, Black neighborhoods were not provided with such systems as early (or at all) as compared to white neighborhoods. In fact, the impetus for provision of such services to Black neighborhoods was sometimes to prevent diseases that resulted from the *lack* of such services from crossing from Black neighborhoods into white ones.
 - iii. Rates of illness and death resulting from poor sewage disposal dramatically diverged for Black and white Americans as the latter gained access to effective sewage systems while the former did not. For example, in early 20th century New York, Black residents were forced to live in lowland areas near drainage pools for sewage while white residents lived on higher ground with better drainage. [We intend to add more examples here, most likely related to Katrina. Also, per Chair Moore's suggestion, we will research and add info regarding the hookworm crisis in Lowndes County, Alabama, and other rural communities: <https://www.humanrightscolumbia.org/sites/default/files/Flushed%20and%20Forgotten%20-%20FINAL%20%281%29.pdf>]
 - iv. As a result, Blacks died from malaria at much higher rates than whites. Similar patterns existed across the South as well.
- b. As recently as 2019, New York City acknowledged its responsibility for a massive leak caused by a collapsed pipe in a largely Black Neighborhood of queens, which flooded 127 homes with raw sewage.

B. California

1. California and its municipalities have also made active policy choices about how and where to undertake infrastructure projects that have imposed disproportionate harms on Black communities. This is true both in terms of affirmative infrastructure investment and in terms of infrastructure disinvestment/neglect.
 - a. While the California Environmental Quality Act (1970) and Title VI (1964) technically require state and municipal agencies to consider racially disparate impacts of infrastructure projects, the historical damage caused by highways in particular has contributed to higher exposure to air pollution among communities of color.
 - b. Affirmative Infrastructure Investment [this section will be moved to the housing section]
 - i. The disproportionate environmental impacts discussed above are often attributable to specific choices made by government entities to craft infrastructure projects in particular ways.
 - ii. Concrete examples are seen in the freeway-related choices made in the East Bay area. For example, governmental action in banning trucks from Interstate 580—a freeway that runs through the predominantly white and wealthier neighborhood of Oakland Hills—led to a direct increase of truck traffic (and concomitant pollutants) in the predominantly Black

neighborhoods surround Interstate 880. [We will add in more content relating to the recent issues with the 980 freeway]

- iii. On the other hand, the choice to reroute the (drastically shorter) Cypress Freeway area after the Loma Prieta earthquake in 1989 resulted in substantial reductions in annual average pollutant concentrations in West Oakland, a predominantly Black neighborhood.

2. Infrastructure Disinvestment and Neglect

- a. California and its municipalities have also contributed to environmental disadvantages for by failing to adequately invest in infrastructure projects in Black communities.
 - i. Many Black American families migrated to the farming communities in the Central Valley in the 1930s and onward, leaving dust bowl communities that were no longer productive.
 - ii. Black Californians in the San Joaquin Valley were excluded from most urban areas with access to clean water as a result of explicit redlining policies, racially-restrictive housing covenants, and even racially-motivated violence.
 - iii. The neighboring towns of Dos Palos and South Dos Palos in Merced County serve as a stark example.
 - i. While the white community of Dos Palos had access to sewer and water infrastructure, the predominantly Black community in South Dos Palos had no running water or indoor plumbing.
 - iv. The same was true of the largely-Black community of Teviston, adjacent to the white community of Pixley, both in Tulare County.
 - i. Black communities like Teviston exist specifically *because* they had no water access, which rendered the properties accessible to Black Californians who were given no other meaningful housing options due to Jim Crow and its legacy.
 - v. The town of Lanare, also formed by Black families fleeing the Dust Bowl, had no running water at all until the 1970s, and was subjected to dangerous levels of arsenic in the water even after wells and pipes were drilled. The town's residents did not get access to clean drinking until 2019.
 - vi. There is at least once instance of wealthy white interests convincing a local government entity to deny a proposed integrated development of homes access to sewer lines specifically to thwart homes being sold to Black Californians.
 - i. A developer in the Bay Area who sought to create a housing development open to both Black and white purchasers managed to overcome several zoning-related obstacles only to discover that the

Milpitas City Council had increased the sewer connection fee more than tenfold to thwart the development.

V. Climate change

A. Federal/National Effects

1. Research on the concrete and worsening effects of climate change is ongoing, and it is clear that generally harmful health and environment-related effects of climate change will be experienced by all Americans.
 - a. Increased range and incidence of infectious disease vectors like ticks, mosquitos, and avian borne pathogens, and decreased food quality and security.
 - b. Rising sea levels will damage coastal communities, and reduce water quality and availability.
 - c. Extreme weather events, like floods, storms, fires, and extreme heat waves, are projected to occur more frequently and more severely.
2. However, communities that are already socially and economically struggling, including the urban poor, the elderly and children, agricultural workers, and rural communities, will shoulder a disproportionate burden of these hazards.
 - a. Strategies for combating climate change may involve “sacrifice zones” that are often comprised of Black, poor neighborhoods.
3. Nationally, formerly redlined areas consistently show hotter temperatures than other areas. Therefore, “global climate change will further exacerbate existing, historically-codified inequities in the US” that track existing housing-related disparities for Black Americans.
4. As heat waves begin earlier in the season and last longer, heat-related deaths are more common for people with low incomes, those who work outside, socially or geographically isolated groups, and “some racial or ethnic groups, particularly African Americans.”
5. So-called “heat islands,” which will worsen due to climate change, exist where built-up urban areas have few trees, vegetation, or parks that serve to dissipate or reflect heat, and instead have pavement and building materials that absorb and retain it.
 - a. EPA studies found that the heat island effect can cause urban areas to be up to seven degrees hotter than outlying areas during the day, and up to five degrees hotter at night.
6. Black Americans live in areas with less tree coverage, which provides both air quality and shade benefits that would ameliorate the harms of climate change.
 - a. Black neighborhoods across the country experience higher temperatures on extreme heat days due to a lack of adequate tree cover.
 - b. In a study of 108 urban areas nationwide, including several in California, the formerly-redlined neighborhoods of nearly every city studied were hotter than the

non-redlined neighborhoods, some by nearly 13 degrees.

- c. The greater presence of such trees in a community has been shown to correlate with lower asthma rates, fewer hospital visits during heat waves, and generally improved mental health for the community's residents.
- d. Even aside from tree cover, other features of the urban landscape—namely, roadways and large building complexes—also absorb and slowly release heat, creating higher evening temperatures that correlate with various health problems.
- e. Indeed, the association between parks and green space with wealthier, whiter neighborhoods is so strong that even modern efforts to add green space to largely Black neighborhoods often involve racist narratives and backlash suffered by the Black residents of them.
- f. Black residents of areas without tree cover have also faced gentrification and unaffordability as a consequence, intentional or inadvertent, of local government efforts to add green space.

[We intend to add a brief section addressing the struggles between the labor movement (focused on job creation) and the environmental movement (focused on environmental protection), which at times present competing interests important to Black Americans.]

B. Climate Change in California

1. Because redlining had the effect of clustering Black Californians in urban centers that often constitute “heat islands,” the worsening heat waves caused by climate change will impose disproportionate health and mortality burdens on Black communities in California.
 - a. A 2009 report published by the University of Southern California, “The Climate Gap,” found that Black Angelinos were almost twice as likely to die during a heat wave as other Angelinos because of the “heat islands” caused by a history of redlining and segregation.
 - b. This disparity is likely to worsen with the increase in frequency and severity of heat waves in California.
2. According to the California Department of Public Health, Black Californians are 52 percent more likely than white Californians to live in areas where more than half the ground is covered by impervious surfaces like asphalt and concrete, and where more than half the population lacks tree canopy—by definition, the characteristics of a heat island.
 - a. This disparity is particularly pronounced in the Greater Los Angeles Area, where wealthier white areas have triple the amount of tree cover compared to poorer Black neighborhoods.
 - b. This may be directly attributable to government action, since the City of Los Angeles intentionally kept tree growth to a minimum in communities where police officers expressed a concern—realistic or not—that trees could serve as

places to hide drugs or weapons.

3. Within these conditions, Black Californians are less likely to have air conditioning or a car to access cooler areas or government-sponsored cooling stations, and more likely to have one or more chronic health conditions.
 - a. For example, in the Los Angeles metropolitan area, Black households do not have access to air conditioning at the same rates as white communities.
 - b. In South Los Angeles, a disproportionately Black area, nearly three fifths of households did not have air conditioning in 2020, a number which has not substantially changed over the past decade even as heat waves worsened.

[We intend to add more examples here across more geographical areas within California]

Bibliography

Access to Safe Drinking Water, Public Policy Institute of America (2021), <https://www.ppic.org/publication/access-to-safe-drinking-water>.

Ahmad K, Erqou S, Shah N, Nazir U, Morrison AR, Choudhary G, et al. (2020), Association of poor housing conditions with COVID-19 incidence and mortality across US counties. PLoS ONE 15(11).

Anthony Rogers-Wright, Getting to the Roots: Requisites for Climate Reparations at 5 (Powerpoint Presentation, California Task Force to Study and Develop Reparation Proposals for African Americans (October 12, 2021).

Apelberg BJ, Buckley TJ, White RH. Socioeconomic and racial disparities in cancer risk from air toxics in Maryland. Environ Health Perspect. 2005; 113: 693-699.

Bower, K. M., Thorpe, R. J., Jr, Rohde, C., & Gaskin, D. J. (2014). The intersection of neighborhood racial segregation, poverty, and urbanicity and its impact on food store availability in the United States, Preventive medicine.

Brad Plumer & Nadja Popovich, How Decades of Racist Housing Policy Left Neighborhoods Sweltering, N.Y. TIMES (Aug. 24, 2020), <https://www.nytimes.com/interactive/2020/08/24/climate/racism-redlining-cities-global-warming.html>; see also Dexter H. Locke et al., Residential Housing Segregation

Brakkton Booker, National Public Radio, Ex-Michigan Gov. Rick Snyder And 8 Others Criminally Charged In Flint Water Crisis (2021).

C.N.E. Corbin, In Red, Black, and Green: The Political Ecological Eras of Oakland from 1937-2020 (unpublished draft manuscript provided by author).

C.N.E. Corbin, Rendering Gentrification and Erasing Race: Sustainable Development & The (Re)visioning of Oakland, California as a Green City.

Cal. Dept. of Public Health, Preparing California for Extreme Heat (2013) <https://www.cdph.ca.gov/Programs/OHE/CDPH%20Document%20Library/CCHEP-General/CDPH-EPA-2013-Preparing-CA-for-Extreme-Heat_ADA.pdf> (as of June 17, 2021).

CALEPA, ACHIEVING THE HUMAN RIGHT TO WATER IN CALIFORNIA (2021), <https://oehha.ca.gov/media/downloads/water/report/hrtwachievinghrtw2021f.pdf>.

Carter, From Exclusion to Destitution: Race, Affordable Housing, and Homelessness, Cityscape: A Journal of Policy Development and Research, Vol. 13, No. 1 (2011).

Chicago Department of Public Health & Loyola University Chicago Civitas ChildLaw Center, Lead Safe Chicago: A Plan to Eliminate Childhood Lead Poisoning in Chicago by 2010 (June 30, 2004).

Christopher Muller et al., Environmental Inequality: The Social Causes and Consequences of Lead Exposure, ANNUAL REV. SOCIOLOGY. (2018), <https://escholarship.org/content/qt7z15t63g/qt7z15t63g.pdf>.

Claudia D. Solari and Robert D. Mare, Housing Crowding Effects on Children's Wellbeing, Soc Sci Res. 2012 Mar; 41(2).

Cowan & Del Real, Why Thousands of Californians Don't Have Clean Drinking Water (Dec. 6, 2019), N.Y. Times, <https://www.nytimes.com/2019/12/06/us/lanare-drinking-water-central-valley.html>.

David Reichmuth, Union of Concerned Scientists, Inequitable Exposure to Air Pollution from Vehicles in California (2019).

Emily Benfer, Contaminated Childhood: How the United States Failed to Prevent the Chronic Lead Poisoning of Low-Income Children and Communities of Color, 41 HARV. ENV. L. REV. 494 (2017).

Environmental Protection Agency, Learn About Heat Islands, <<https://www.epa.gov/heatislands/learn-about-heat-islands>> (as of June 18, 2021).

Evans GW, Saegert S, Harris R. Residential Density and Psychological Health among Children in low-income families, *Environment and Behavior*, 2001

Garcia-Gonzalez et al. 2019. Hazardous Air Pollutants Associated with Upstream Oil and Natural Gas Development: A Critical Synthesis of Current Peer-Reviewed Literature. *Annual Review of Public Health*.

Goux D, Maurin E. The Effect of Overcrowded Housing on Children's Performance at School. *Journal of Public Economics* 89 (2005) 797.

Hall, Black Farmworkers in the Central Valley: Escaping Jim Crow for a Subtler Kind of Racism (Feb. 22, 2019) KQED, <https://www.kqed.org/news/11727455/black-farmworkers-in-the-central-valley-escaping-jim-crow-for-a-subtler-kind-of-racism>.

Haslam, Robert, Lead poisoning, *Paediatrics & Child Health* Vol. 8,8 (2003).

Hayley Munguia, Environmental Racism: Why Long Beach Residents of Color Have Worse Health Outcomes, PRESS TELEGRAM (Mar. 8, 2021), <https://www.presstelegram.com/2021/03/08/environmental-racism-why-long-beach-residents-of-color-have-worse-health-outcomes>

Helen H. Kang, Looking Toward Restorative Justice for Redlined Communities Displaced by Eco-Gentrification, 26 Mich.. J. Race & L. 23 (2021)

Helen H. Kang, Looking Toward Restorative Justice for Redlined Communities Displaced by Eco-Gentrification, 26 Mich.. J. Race & L. 23, 31-34 (2021).

Jackie Botts and Lo Bénichou, The Neighborhoods Where COVID Collides with Overcrowded Homes, *Cal Matters* (June 12, 2020).

Janet Wilson, California Has Largest Number of Minorities Near Hazardous Waste, L.A. TIMES (Apr. 12, 2007), <https://www.latimes.com/archives/la-xpm-2007-apr-12-me-toxic12-story.html>.

Jeremy S. Hoffman, Vivek Shandas, Nicholas Pendleton, The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas *Climate* 2020, 8(1) (13 January 2020)

Johnston et al. 2019. Impact of upstream oil extraction and environmental public health: A review of the evidence. *Sci Total Environ*, 20, 657, 187-199. <https://pubmed.ncbi.nlm.nih.gov/30537580/>

Jose A. Del Real, How Racism Ripples Through Rural California's Pipes (Nov. 29, 2019), *N.Y. Times*.

Jose A. Del Real, The Crisis Lurking in Californians' Taps: How 1,000 Water Systems May Be at Risk, *N.Y. TIMES* (July 24, 2019), <https://www.nytimes.com/2019/07/24/us/the-crisis-lurking-in-californians-taps-how-1000-water-systems-may-be-at-risk.html>.

Kate Cimini and Jacky Botts, *Cal Matters*, Close Quarters: California's Overcrowded homes fuel spread of coronavirus among workers (June 12, 2020).

- Kate Cimini and Jacky Botts, *Cal Matters*, Close Quarters: California's Overcrowded homes fuel spread of coronavirus among workers (June 12, 2020).
- Katie Van Syckle, *Raw Sewage Flooded Their Homes. They're Still Waiting for Help*, N. Y. Times (Apr. 15, 2021).
- Kay, J., 1994, *California's Endangered Communities of Color*, In R. Bullard, editor, *Unequal Protection*. San Francisco, CA: Sierra Club Books.
- Klara Zwickl, *The Demographics of Fracking: A Spatial Analysis for four U.S. States*, *Ecological Economics*, L. & POL'Y 264, 270-72 (2018).
- Krieger, J., & Higgins, D. L. (2002), *Housing And Health: Time Again For Public Health Action*. *American Journal Of Public Health*.
- London et al, UC Davis Center for Climate Change, *The Struggle for Water Justice in California's San Joaquin Valley* (2018).
- Low-Income Families. *Environment and Behavior*. 2001; 33(2).
- Melissa Denchak, National Resources Defense Council, *Flint Water Crisis: Everything You Need to Know* (2018).
- Merrit Kennedy, National Public Radio, *Lead-Laced Water In Flint: A Step-By-Step Look At The Makings Of A Crisis* (2018).
- Milet et al., *The Burden of Asthma in California: A Surveillance Report* (June 2007)
- Myers, A.M., Painter, M.A. Food insecurity in the United States of America: an examination of race/ethnicity and nativity, *Food Sec.* 9, (2017).
- NAACP & CLEAN AIR TASK FORCE, *FUMES ACROSS THE FENCE-LINE* (2017), <https://naacp.org/resources/fumes-across-fence-line-health-impacts-air-pollution-oil-gas-facilities-african-american>.
- NAACP, *WATER/COLOR: A STUDY OF RACE & THE WATER AFFORDABILITY CRISIS IN AMERICA'S CITIES* (2019), https://www.naacpldf.org/wp-content/uploads/Water_Report_FULL_5_31_19_FINAL_OPT.pdf.
- Nathalie Baptiste, Mother Jones, *Study: Black Americans Are 75 Percent More Likely to Live Near Toxic Oil and Gas Facilities* (Nov. 14, 2007).
- Nathan McClintock, *Assessing Soil Lead Contamination at Multiple Scales in Oakland, California: Implications for Urban Agriculture and Environmental Justice* (2012), <https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1093>;
- Naveena Sadasivam, *Bay Area Regulators Just Delivered on a Promise to Help Frontline Communities Breathe Easier*, *GRIST* (Jul. 22, 2021), <https://grist.org/regulation/bay-area-refinery-emissions-richmond-chevron-pbf-particulate-matter-baaqmd>.
- Nicole Acevedo, *When it comes to access to clean water, 'race is still strongest determinant,' report says*, NBC News (Nov. 27, 2019).
- Off. of Environmental Health Hazard Assessment, *Indicators of Climate Change in California: Environmental*

Justice Impacts (2010), page 6 <<https://oehha.ca.gov/media/downloads/climate-change/document/climatechangeej123110.pdf>> (as of June 16, 2021).

Off. of Health Equity, Cal. Dept. of Public Health, Climate Change & Health Equity: Issue Brief (2019) <https://www.cdph.ca.gov/Programs/OHE/CDPH%20Document%20Library/CCHEP-General/CDPH_CC-and-Health-Equity-Issue-Brief.pdf> (as of June 17, 2021).

People of Color and the Poor Disproportionately Exposed to Air Pollution, Study Finds, Claudia Boyd-Barrett, CAL. HEALTH REPORT (Feb. 8, 2019), <https://www.calhealthreport.org/2019/02/08/people-of-color-and-the-poor-disproportionately-exposed-to-air-pollution-study-finds>.

Pollution and Prejudice, CalEPA, January 25, 2021

Pratt, G. C., Vadali, M. L., Kvale, D. L., & Ellickson, K. M., International Journal of Environmental Research and Public Health (2015). Traffic, Air pollution, Minority and Socio-Economic Status: Addressing Inequities in Exposure and Risk.

Rachel Morell-Forsch et al., Environmental Justice and Regional Inequality in Southern California: Implications for Future Research, 110 ENV'T'L HEALTH PERSPECTIVES 149 (2002).

Rachel Morello-Frosch et al., The Climate Gap Report (2009) https://dornsife.usc.edu/assets/sites/242/docs/ClimateGapReport_full_report_web.pdf (as of June 17, 2021).

Regan F. Patterson & Robert A. Harley, Effects of Freeway Rerouting and Boulevard Replacement on Air Pollution Exposure and Neighborhood Attributes (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6862437>.

Regan Patterson, Black Communities Must Lead the Charge to Repair Harm from Freeways, ENV. HEALTH NEWS (May 26, 2021), <https://www.ehn.org/freeway-pollution-black-neighborhoods-2653010226/particle-1>.

Reichmuth, Union of Concerned Scientists, Inequitable Exposure to Air Pollution from Vehicles in California: Fact Sheet (Jan. 28, 2019).

Residential housing segregation and urban tree canopy in 37 US Cities (2021), Nature, <https://www.nature.com/articles/s42949-021-00022-0>.

Robert D. Bullard et al, Toxic Wastes and Race at Twenty, 1987—2007, A Report Prepared for the United Church of Christ Justice & Witness Ministries (2007).

Rothstein, The Color of Law (2017).

Saha, A Current Appraisal of Toxic Wastes and Race in the United States in Toxic Wastes and Race at Twenty: 1987-2007 (2007).

Shahir Masri et al., Risk Assessment of Soil Heavy Metal Contamination at the Census Tract Level in the City of Santa Ana, CA: Implications for Health and Environmental Justice (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8224146>.

Smith, How Communities of Color are Hurt Most by Climate Change, Forbes (June 7, 2021) <<https://www.forbes.com/advisor/personal-finance/communities-of-color-and-climate-change/>> (as of June 18, 2021).

Tabuchi & Popovich, People of Color Breathe More Hazardous Air. The Sources Are Everywhere (Apr. 28,

2021) N.Y. Times <<https://www.nytimes.com/2021/04/28/climate/air-pollution-minorities.html>> [as of June 21, 2021].

Tamar Meshel, Environmental Justice in the United States: The Human Right to Water, 8 WASH. J. ENVTL.

Taylor, Dorceta E., The Environment and the People in American Cities, 1600s-1900s.

Testimony of C.N.E. Corbin, California Task Force to Study and Develop Reparation Proposals for African Americans (October 12, 2021).

Testimony of Helen Kang, California Task Force to Study and Develop Reparation Proposals for African Americans (October 12, 2021).

The Toxic Legacy of Old Oil Wells: California's Multibillion-Dollar Problem, L.A. TIMES (2020), <https://www.latimes.com/projects/california-oil-well-drilling-idle-cleanup>.

Tim Arango, "Turn Off the Sunshine": Why Shade Is a Mark of Privilege in Los Angeles, NY TIMES (Dec. 1, 2019), <https://www.nytimes.com/2019/12/01/us/los-angeles-shade-climate-change.html>.

Tong Shilu, von Schirnding, Yasmin & Prapamontol, Tippawan, Environmental Lead Exposure: A Public Health Problem of Global Dimensions, Bulletin of the World Health Organization, 2000, 78 (9).

U.S. Dep't of Housing and Urban Dev., Office of Policy Dev. and Research, Measuring Overcrowding in Housing (2007).

Whitney Sherman, Johns Hopkins Magazine, Research Shows Food Deserts More Abundant in Minority Neighborhoods (Spring 2014).

WHO Housing and Health Guidelines. Geneva: World Health Organization (2018).

Ying-Ying Meng et. al., California's Racial and Ethnic Minorities More Adversely Affected by Asthma, UCLA (2007), <http://healthpolicy.ucla.edu/publications/Documents/PDF/California%27s%20Racial%20and%20Ethnic%20Minorities%20More%20Adversely%20Affected%20by%20Asthma.pdf>.

EDUCATION

I. Introduction

- A. It is well-established that a quality education is necessary for any individual to obtain gainful employment and wealth accumulation and “for the preservation of the rights and liberties of the people.” *Piper v. Big Pine Sch. Dist. of Inyo Cty.*, 193 Cal. 664, 668, 673-74 (1924). Research has consistently shown that a parent’s education level is a critical factor in education attainment. Levels of school, employment and income are closely related and benefits increase generationally.
- B. However, our nation subjected the vast majority of enslaved and free Black people to two hundred and fifty years of government-sanctioned denial and deprivation of education. After slavery, Black people continued to be subjected to government-sanctioned segregated and unequal education conditions. These conditions persist in many schools today. The injuries are multi-generational, ongoing, and compounding. Neither California nor the nation has provided redress for the harm.
- C. In order to maintain slavery and a racial caste system, for eleven generations slave-owning states denied education to nearly all enslaved people who worked without compensation to create this nation’s wealth. Enslaved Black people who attempted to obtain an education did so at extraordinary risk and against insurmountable odds. Punishment for attending clandestine schooling included whipping and threats of maiming.
- D. Prior to the Civil War, in the North and mid-West, schooling for freed Black people was similarly limited or denied altogether. Public schools that principally benefited white children relied on tax dollars garnered from cotton and textile industries that depended on the labor of enslaved Black people. Northern states that provided public education generally maintained or permitted racially segregated schools. white mobs burned down or forced the closure of some Black schools with impunity. Higher education opportunities were virtually non-existent.
- E. After the Civil War, former slave-holding states and others on their borders employed multiple strategies to limit and deny education to free Black people in order to maintain a servant class and deny access to the ballot. Jim Crow era legal codes—often referred to as Black Codes—made school segregation the law of the land until *Brown v. Board* in 1954. These Black Codes also unjustly criminalized Black people and subjected them to mass incarceration and forced labor—more than a hundred thousand youth and adults were re-enslaved and denied education. The Ku Klux Klan and other white terrorist groups, whose membership included government officials, burnt down and destroyed Black schools to control Black people. In addition, white-controlled legislatures revised tax laws so that Black public schools received far less funding and resources than white public schools. Black teachers received lower wages, and Black children received fewer months of schooling and grade levels than their white peers. In the rest of the country, the vast majority Black children also attended segregated, unequally funded, and poorly resourced schools due largely to government-supported housing segregation and school assignment policies.
- F. During this same period, opportunities slowly opened up for Black people to attend segregated Black colleges and universities, known today as historically Black Colleges and Universities or HBCUs. However, most other white colleges and universities remained off-limits. After World War II, discriminatory implementation of the G.I. Bill’s higher education funding provision only widened the education and economic gap in favor of whites.
- G. After the Supreme Court’s landmark *Brown v. Board of Education* struck down school segregation laws,

whites in the South and the North engaged in a concerted campaign of “massive resistance” to integration. This campaign included shutting down public schools and/or transferring significant state funding and other resources to newly opened private schools principally for white children. Efforts to maintain segregated schools were supported by government-sanctioned discriminatory housing policies. Such policies allowed whites to create segregated communities with their own local and higher tax bases dedicated to funding better-resourced white schools. The injuries to Black people during this period not only included public schools that re-segregated or were never integrated in the first place, but also *en masse* firing of Black teachers and administrators in formerly all Black schools to make way for white teachers and administrators. After the Supreme Court refused to extend the *Brown* decision to schools segregated as a result of government-led housing discrimination, *Brown* largely became a dead letter.

- H. Even in integrated schools, school leaders, who were principally white, created within-school and within-district segregation practices that continue today. These practices often called “tracking,” which involve assigning students to particular classes and programs inside a school or district, continue segregation in different forms. Research shows that Black students are more often assigned, in part on account of their race, to tracks that limit high school graduation and post-secondary education options. Meanwhile, their white peers are more often placed in “gifted” and “talented” and college-going education tracks.
- I. In higher education, after the passage of the Civil Rights Act of 1964, the National Guard was deployed to secure the first Black student’s enrollment at several Southern universities. The nation saw a slow increase in Black enrollment in predominantly white colleges and universities for approximately forty years after the Civil Rights Act. However, more recent data shows a national decline overall in the rate of college enrollment by Black people.
- J. In California, before the Civil War, state law relegated free Black Americans to segregated schools in substandard facilities, even while Black Americans were forced to pay taxes that funded higher quality schooling for whites. California law permitted school districts to deny schooling to Black children, if fewer than ten students resided in a district, and, for several years, denied funding to white schools that permitted integration. Moreover, despite the antislavery constitution, California law allowed white southerners to keep hundreds of enslaved people, including children, in bondage, thereby precluding schooling.
- K. State-enforced school segregation of Black children formally ended in California’s education laws in 1890. But other government policies arose to maintain segregated and unequal education conditions for Black children. As in the rest of the country, housing discrimination policies forced Black people to live in segregated neighborhoods. Government officials created district and within-district school attendance and siting boundaries and discriminatory school transfer policies to maintain school segregation that mirrored residential segregation. Schools in Black neighborhoods where federal redlining practices devalued properties paid more for housing and received insufficient, unequal school funding.
- L. Today, in California and nationally, the vast majority of Black students continue to attend unequally funded, under-resourced, and highly segregated public schools, which remain so largely due to government policies that permit school boundaries and funding allocations to be tied to city and neighborhood, regardless of the discriminatory policies that created residential and school segregation in the first instance. Within districts, Black students, including those in California, are less likely to have access to courses and programs that lead to college acceptance and more likely to be subjected to punitive discipline practices and zero-tolerance policies than their white and Asian peers. The resulting harm to Black students includes higher drop-out and justice system involvement rates.

- M. Some states, including California, have more recently changed their state funding systems to try to equalize funding between schools that primarily serve either a low-income or a high-income student population. However, schools in communities with accumulated white wealth are still permitted to supplement through local, private fundraising efforts. And, even states, like California, that use an equity index to provide additional funding to schools serving the most low-income students, do not account for the intergenerational education denial to Black people or create accountability mechanisms to ensure funding is spent on the high needs of students.
- N. Historic and ongoing government-sanctioned discrimination in education has created educational, health, employment access, and wealth and income accrual injuries for Black people. Providing reparations can help remedy the injuries.

II. Prohibition and denial of education during slavery – 1619 to 1865

A. Nationally

1. Slave-owning states prohibit education of Black people as a necessary mechanism to maintain the institution of slavery.
 - a. The United States prohibited the education of enslaved people. The institution of slavery depended on enslaved Black people remaining uneducated. Furthermore, several of the nation's founding fathers and leaders, including Thomas Jefferson, Abraham Lincoln, and Benjamin Rush, endorsed false ideas about the inferiority of Black people that served to justify education prohibitions. As a result, during more than two hundred and fifty years of slavery, state governments prohibited the provision of education to Black people, except for certain religious education. Most states that enslaved Black people formally outlawed teaching an enslaved person to read or write as early as 1739.
 - b. Religious institutions that taught enslaved Black people to read for purposes of reading scripture often discouraged teaching writing, because it could help an enslaved Black person escape. Enslaved Black people caught learning to read or write could face imprisonment, public whipping, or be threatened with having a finger or arm cut off. Nevertheless, as a result of clandestine schools and informal lessons run by enslaved people, free Black Americans, and some whites, approximately 10 percent of those in the South were able to achieve literacy by 1865.
1. The Nation's white leaders promote false pseudo-scientific theories to support and justify denial of equality and education to Black people.
 - a. In *Notes on the State of Virginia*, Thomas Jefferson "proposed that Black inferiority – 'in the endowments of both body and mind' – might be an unchangeable law of nature." His statements became a "founding document" in false race science promulgated in the decade before the Civil War. So-called ethnologists who concurred with Jefferson gained great "prestige," graduated from elite Northern colleges, and were even Founding Fathers. These "race scientists" posited that Black people were "subhuman" and not descendants of Adam and Eve to support "the self-image of the nation's white supremacists majority."

- b. Abraham Lincoln also espoused a belief that white people were somehow superior to Black people, stating in his famous debate with Stephen Douglas: “I as much as any other man am in favor of having the superior position assigned to the white race.” Scientists have subsequently proved that these “race scientists” were wrong about Black and white people being separate species and other misguided theories upon which slavery and discrimination against Black people in this nation are founded. See also Health Care section discussing studies finding no biological difference between Black and white people. The pseudoscience promulgated by our nation’s founders and leaders to justify denying Black people access to equal education lives on in the inaccurate beliefs of today’s teaching force. For example, a 2019 Education Week survey found that more than 4 in 10 teachers believe incorrectly that genetics is at least a slight factor explaining why white students have better educational outcomes than Black students.
2. In the North, profits from enslaved people’s labor in the South helped fund free education for white students, while Northern governments forced Black students into segregated schools—some of which were closed due to white terrorism—and limited access to higher education.
 - a. While Black people were enslaved and prohibited from schooling, the product of their labor was used to establish public schools in the North. See also Institution of Slavery Chapter. Those who escaped slavery risked re-enslavement as the federal government through the Fugitive Slave Acts of 1793 and 1850, and the Supreme Court in its 1842 *Prigg v. Pennsylvania* decision gave protection and support to slaveholders pursuing runaways in free states. These government acts permitted rampant kidnapping of Black people who were returned to the South and denied education.
 - b. In the North, Black people were more likely to have basic reading and writing skills. While Black people sometimes had access to formal schooling, through either policy or practice, it was largely segregated from white students. In some places, Black people were prohibited from opening schools, and teachers of Black students “were driven from their stations, and colored schoolhouses were burned.”
 - c. For example, in 1832, after Prudence Crandall, who ran a small school in Connecticut decided to admit Sarah Harris, the daughter of a free African-American farmer, she was imprisoned. Parents of the white students in her school withdrew them. Crandall persisted and worked with abolitionists to spread the word that the school would be open for any young ladies of color from surrounding states; soon twenty Black girls enrolled from Boston, New York, Pennsylvania, and other areas of Connecticut. Government officials opposed the school, and on May 24, 1833, the Connecticut legislature passed a “Black Law,” prohibiting any school from teaching African-American students from outside the state without permission. Crandall was arrested and spent the night in jail, but continued to operate the school in her home even after vandals set it on fire in January 1834. She finally closed the school in September 1834 for the safety of her family and the students when townspeople broke ninety panes of glass on her home using iron bars. This was the second attempt to establish a school for Black students in the state, which had not succeeded; the other was in New Haven, two years prior.

- d. During the 1800s, education beyond the primary grades for Black people was largely unavailable because the law allowed academies and colleges to deny admission based on race. Because white led institutions refused admission, free Black people, often affiliated with Black churches, established the first Black institutions of higher education, which although called “colleges” and “universities” were until the early 1900s principally focused on providing elementary and secondary schooling to Black adults previously denied all education. By the eve of the Civil War, only 28 of the nation’s nearly four million newly freed slaves had received bachelor’s degrees from American colleges.

B. California

3. California permits slave owners to continue to enslave Black people within its territory and deny or provide inferior and segregated schools.
 - a. Despite the anti-slave clause in the constitution, enslavers who brought several hundred Black people to California between 1848 and the beginning of the Civil War could continue to hold Black people in bondage and deny them education because of California’s enactment of the Fugitive Slave Act in 1852. See Institution of Slavery section.
 - b. Furthermore, the early California legislature, dominated by white southerners from slaveholding states, revised the school laws to enforce segregated schooling. See Institution of Slavery section. These lawmakers successfully enforced segregated schools, based on racist ideas that intermixing of the race in schools would lead to racial “amalgamation.” California’s State Superintendent of Public Instruction Andrew Jackson Moulder, who served from 1857 to 1862, strongly opposed public school integration, stating: “[I]f this attempt to force Africans, Chinese, and the Diggers [Native Americans] into our schools is persisted in, it must result in the ruin of our school.” Moulder helped secure passage of a state law that penalized schools enrolling Black and Chinese children through withholding of all state funding. In 1864, the law was amended to permit districts to establish separate schools for Black students upon written application of “the parents or guardians of ten or more colored children.” In 1866, the law was further revised to allow white parents to prohibit Black children from attending schools their children attended, if a majority objected in writing. The state taxed Black people to pay for all public schools, yet there was no legal guarantee to primary schooling for their own children.
 - c. Many of the schools for Black students received inadequate funding and resources as compared to white schools. For example, six years after the first all Black school that was established in 1854 in the basement of a San Francisco church, the San Francisco School Superintendent George Tait acknowledged to the Board that the location of the segregated school was substandard: “the room occupied by this school for the past few years is disgraceful to any civilized community” and was “squalid, dark, and unhealthy.”
 - d. The lack of resources was due in part to California law, which as early as 1855, required school funds to be calculated “in proportion to the number of white children” in each

county, permitting the denial of state school funding to schools created for or enrolling Black children and other nonwhite students, such as Chinese Americans. The statute forced individual local governments to bear the expense of education nonwhite students, which generally forced Black children out of the public education system entirely or into separate schools. In response and because Black students were not permitted to attend white schools, beginning in the 1850s, Black women and men in Sacramento, Oakland, and San Francisco led efforts to organize church-based schools, private schools, and separate free standing public schools.

- e. By the mid-1860s, Black students across California were generally denied access to public middle and high schools. Few public and middle schools existed at the time, and California refused to fund and provide separate public middle and high schools for the Black students, in part, because of laws that appeared to permit school districts not to provide such school where Black students were few in number.

III. Segregated and unequal education opportunity – 1865 – today

A. Nationally – Primary and Secondary Schooling

1. While education opportunities in former slave-owning states expand for Black students, former slave-owning states work to limit or deny education to Black Americans to maintain a servant class and white political and economic supremacy.
 - a. For the first decade after the Civil War, Black voters, recently enfranchised, and the politicians they elected, successfully fought for and built the South's public school system. However, with the onset of Black Codes and other Jim Crow laws in the century that followed, white-led governments and organizations established a web of government-sanctioned strategies to deny Black people education and maintained legalized school segregation. They did so because providing schooling to illiterate Black people would threaten white power, political domination, and wealth.
 - b. These policies and practices continue to live on today in different forms in schools and their effects are still evident. The post-reconstruction strategy of restricting access to education for Black people also proved critical to the effort to deny Black people political power. For example, most former slave states suppressed the Black vote by imposing a "literacy test" for voters and selectively enforcing it against Black people. See also Political Participation Chapter.
2. white terror and violence against Black students in the South.
 - a. In immediate aftermath of the Civil War, the vast majority of Black people lived in the South. Formerly enslaved Black Americans identified education as necessary to obtaining wealth and equality. Black men, recently enfranchised and given the ability to hold political office through the Reconstruction Acts of 1867 and then the Fifteenth Amendment's passage in 1870, helped draft new state constitutions in the South that mandated public education. They served on state legislatures that provided funding to the new schools. Black political leaders worked in interracial political coalitions with white

Republicans (generally poor whites or Northern transplants) to establish the South's public school system, what historians have called 'the crown of Reconstruction.'" Prior to this time, only Tennessee had a system of public schooling.

- b. The Freedmen's Bureau Act of 1865 also helped establish schools for the newly freed. The Act also provided other types of supports to formerly enslaved people, however it was limited to just one year after the end of the Civil War. A bill to extend support beyond a year was vetoed two times by President Andrew Johnson, before Congress obtained the two-thirds majorities needed to override the veto on July 16, 1866, extending the Bureau's work for two more years.
 - c. However, after federal troops withdrew from the South in 1877, for the next century, political violence was visited upon Black Americans and Black institutions, including schools, with impunity. whites burned to the ground a number of Black schools and churches housing Black schools. white-led post-reconstruction governments closed Black public schools and fired Black teachers. A unanimous U.S. Supreme Court authorized the elimination of high school for Black students. Hundreds of thousands of Black youth and adults were essentially re-enslaved on trumped up charges upheld by federal and local judges and police and forced to labor for white-led U.S. companies and plantation owners under conditions that were as brutal, or even more so, than those endured during slavery. A number of those re-enslaved were pre-teens and teenagers, some were children under the age of ten. All were denied education. See Criminal Justice Section.
3. Separate and unequal education conditions for Black students in the South.
 - a. Reconstruction until Brown v. Board in 1954.
 - i. From the mid-1860s to 1954, for those Black Americans with access to a newly created public school-house in the South and other former slave states—17 in total—Jim Crow laws enforced segregation. In 1883, the Supreme Court interpreted the Civil Rights Act of 1875—the federal law intended to force whites to comply with the Fourteenth and Fifteenth Amendments—so narrowly as to render the law virtually meaningless, leaving civil rights enforcement in the hands of state and local governments. *See United States v. Stanley (Civil Rights Cases)* (1883) 109 U.S. 3, 13, 25. This case cleared the way for states to maintain laws requiring segregated schools for Black Americans under the guise of "separate but equal," which the Supreme Court upheld in *Plessy v. Ferguson* in 1896. During the long period of segregation, Black Americans attended schools intentionally under-resourced and structured for the purpose of maintaining "a servant class."
 - ii. Double-taxation for inferior schools.
 - a) To achieve their purpose, white former slaveholders implemented state taxation schemes designed to limit the educational progress of Black Americans. After reconstruction, former Confederate states established a

dual tax structure that tied funds devoted to Black schools and public services to only those tax revenues actually paid by Black taxpayers. The segregation of direct tax payments ensured that revenue for Black schools would not exceed Black Americans' direct contributions to the state's coffers and created gross disparities in funding. In the early 1900s, the dual tax structure also gave rise to a form of double taxation in Black communities, where Black people were forced to donate land and money to support their own schools in lieu of sufficient funding from the state, and local officials charged Black property owners exorbitant taxes, some of which went to whites-only schools.

iii. Unequal schools, funding, and time in school.

- a) By the late 1890s, Black people in former slaveholding states had “been shunted into their own inferior . . . schools” through an “unfettered grab by white supremacists.” The schools they attended were often in terrible condition and lacking in basic facilities, such as desks and chairs and working windows. These schools generally included fewer grades or, sometimes, no grades at all. white school authorities intentionally selected the least-qualified teaching applicants and pushed a curriculum focused on “industrial work,” e.g., canning, sewing, and woodworking.
 - b) The disparities in funding were also severe. white schools received on average five to eight more times government funding than Black schools in nearly all former slaveholding states. In addition, the number of months Black students attended school was generally fewer than white students—e.g., four months in comparison to eight months for white students. The causes included lack of sufficient funding for schools in rural communities, where many Black Americans lived, white farm owners requiring Black children to work in the fields (or their sharecropping parents needing assistance), and government limits on the number of months that a Black school would be funded in comparison to a white school.
 - c) In spite of concerted state efforts to deny them equal educational opportunities, Black southerners achieved a literacy rate of 43 percent by 1890, a rate of growth that far surpassed the rise of literacy in Spain and Italy during the same period and that continued to rise slowly in nearly all Southern states in the early 1900s. Yet, the “legacies of slavery” compounded by obstacles subsequently encountered by Black children in acquiring education continued to correlate with extremely high rates of illiteracy among Black Americans nearly 80 years later at the eve of World War Two.
- b. All over the country, State and local governments refuse to follow *Brown v. Board of Education* (1954) and the federal government fails to enforce the law and protect Black

teachers, administrators, and students.

- i. Former slave states remain segregated. Black teachers are fired *en masse*.
 - a) In 1951, Black students led the fight for desegregation. Although the Supreme Court declared race-based segregation in public schools unconstitutional in its 1954 *Brown v. Board of Education* decision, white-controlled school boards and state and local governments almost universally refused to comply in what became known as the “era of massive resistance.”
 - b) On May 12, 1956, 90 percent of the south’s Congressional delegation signed the “Southern Manifesto” pledging to fight integration using any means at their disposal. The signers made good on their promise. They attacked Black students, terrorized Black families who dared to enroll in white public schools, and implemented legislation to close both white and Black public schools and provide vouchers or “freedom-of-choice” to over 3,000 newly created private schools for whites. The result in a number of instances was that Black students in certain areas were left with no school to attend at all, sometimes for multiple years.
 - c) In *Brown II*, on May 31, 1955, the Warren Court’s “all deliberate speed” order cemented the slow progress for desegregation. Judge Robert L. Carter, who enforced the *Brown II* standard for nearly a decade, opined that the effect was to “sacrifice[] individual and immediate vindication of the newly discovered rights of Black Americans to a desegregated education in favor of a remedy more palatable to whites.” This proved too true. Some schools remained under *de jure* segregation regimes until the end of the 1960s and very little desegregation took place. In the five Deep South states (South Carolina, Georgia, Alabama, Mississippi, and Louisiana), every single one of 1.4 million Black school children attended segregated schools until the fall of 1960.
 - d) Federal government and court failure to adequately enforce *Brown* had other negative consequences. Southern states engaged in *en masse* firing of Black teachers and administrators without cause to prevent white administrators and teachers at integrated schools from losing their jobs. Mass firing of Black educators deeply impacted the economic, social, and cultural structure of the Black community because many middle-class Black people served in education. It is estimated that Black communities lost millions of dollars as a result.
 - e) The mass firings have had long-standing repercussions, as the rate of Black principals and superintendents remain disproportionately low across America in relation to the number of Black public school students. It is important for students to have teachers who look like them. However,

about 80 percent of teachers and principals and 90 percent of superintendents nationwide are white, Black teachers represent just 7 percent and Black male teachers represent just 2 percent of the teaching force, yet approximately half of public elementary and secondary students are children of color. One Black teacher before third grade increases by 13 percent the chances a Black child will enroll in college and decreases dropout rates. Yet many Black students will go through their educational careers without having a Black teacher.

- ii. The rest of the nation.
 - a) In the rest of the nation, after *Brown*, highly segregated schools fostered through official action also remained largely the rule. white protests against integration and violence against Black Americans integrating schools occurred across the country. The United States Commission on Civil Rights 1967 study, *Racial Isolation in Public Schools*, confirmed the nation-wide problem, finding that “violence against [Black people] continues to be a deterrent to school desegregation.” The report also found that Black children suffer serious harm when they must attend racially segregated schools, “whatever the source of that segregation might be.”
 - b) In 1968, the Kerner Commission warned President Lyndon Johnson that the nation was “moving toward two societies, one Black, one white—separate and unequal” as a result of “[w]hite racism” and white supremacist institutions. After a short period of active coordinated federal effort to enforce desegregation rights from 1965-1969, the Nixon Administration curtailed enforcement of the 1964 Civil Rights Act. By the late 1970s, roughly half of the nation’s children of color resided in the twenty or thirty largest school districts.
- c. Segregated and unequal education is maintained through government-enforced housing segregation coupled with district boundary and neighborhood-based school assignment policies and education funding tied to local property taxes.
 - i. All levels of government employed and courts upheld racist housing policies and practices, such as redlining and restrictive covenants, to maintain segregated and unequal schools for Black Americans while maintaining far better resourced schools for whites. See Housing Segregation section.
 - ii. During this time, public schools obtained most of their money from local property taxes with only limited amounts of additional state and federal funding. School funding was based on the property values in the local community where the school district was located. And, government-supported discriminatory housing policies resulted in Black homeowners being overtaxed on properties that were intentionally undervalued. So, Black

families in segregated neighborhoods with segregated schools were left with far fewer resources to fund their schools than the white families in nearby neighborhoods with a higher property tax base.

- iii. School districts drew boundaries at the city and city-suburb line. School siting and assignment policies ensured continued within district segregation or re-segregation. As a result, school populations mirrored racially segregated neighborhoods. Despite well-documented intentional segregation in housing and its relation to school segregation and funding inequities, courts and legislatures often refused to address the educational harms to Black students or engaged in short-lived efforts at integration, ultimately acquiescing to white protests and violence. See also Housing Section.
- d. Supreme Court and other courts refuse to address education segregation achieved through government-enforced housing segregation.
 - iv. On July 25, 1974, the U.S. Supreme Court, with four of its justices appointed by the Nixon Administration, permitted *Brown's* dream to die on the vine. In *Milliken v. Bradley*, the Court held that the lower court erred when it ordered fifty-three suburban school districts to participate in the desegregation of the predominantly Black Detroit city school system, which today remains segregated—approximately 80 percent Black—and severely inequitably resourced and funded. The Court refused to redress the government-created, supported, and enforced residential segregation that confined Black Americans to a small subset of segregated schools.
 - v. In 1977, the Supreme Court then made it extremely difficult to prove that housing policies which, in their effect, ensured that few Black Americans could move into largely white residential areas, were discriminatory, when it upheld a zoning ordinance in a Chicago suburb that prohibited multiunit, less expensive development anywhere but adjacent to an outlying commercial area.
 - vi. The federal government and local governments had created racially isolated communities, which in turn “created single-race schools” and then the government “insulated these schools from court challenges.” Lower court judges then began to declare schools desegregated in districts where the percentage of Black children increased after whites moved to the suburbs aided by housing policies that discriminated against Black Americans.
 - vii. By the late 1980s, schools remained or were returning to being predominantly white and predominantly Black. Ten years later things had not improved. On July 17, 2001, Harvard University’s Civil Rights Project published a study concluding that school districts across the nation had re-segregated or were re-segregating at an alarming rate, particularly in the South. The study linked this re-segregation to a series of Supreme Court cases decided in the early

1990s—*Board of Education of Oklahoma City vs. Dowell* (1991), *Freeman v. Pitts* (1992), and *Missouri v. Jenkins* (1995)—which made it easier for school districts to end federal desegregation orders and more difficult for desegregation orders to be reinstated when schools re-segregated. In 2007, the Supreme Court eliminated school districts ability to use certain types of voluntary local desegregation plans. Five years later a study found that school segregation across the nation was substantially worse than at the high point of desegregation in 1988, and that the typical Black student was in a school where almost two out of every three classmates (64%) are low-income, nearly double the level of schools of the typical white or Asian student. Studies in the last five years continue to find that segregated and unequally resourced schools remain the reality for the vast majority of Black students and other students of color. However, they also note the extraordinary gains that Black students have made, in spite of remaining in segregated and unequally funded and resourced schools. Before *Brown* less than a fourth of Black students had graduated from high school; now about nine-tenths of Black students are graduating.

- e. Separate and unequal schooling for Black students continues in different ways.
 - i. Within marginally integrated districts and schools, segregation of Black students occurs by other means.
 - a) After *Brown*, in districts and schools that were marginally integrated Black students faced segregation by other means. Black students were disproportionately re-segregated into special education programs and inferior vocational, non-diploma, and alternative school tracks while white students were admitted to accelerated schools and programs, such that “the bias and stigma of segregation” was internalized, “nullifying” key benefits of intraschool integration. The practice of in-school and in-district sorting, commonly referred to as “tracking,” permits schools and educators to group students in accordance with what they view as the student’s “ability” or “talents.” Studies have shown that tracking, which continues today, is correlated with race. Teachers, the vast majority of whom are white, function as primary gatekeepers in gifted and talented identification, and are less likely to refer Black students for gifted programs than white students with similar levels of academic achievement. Black students tracked out of the mainstream program are often re-segregated in another classroom within the school or in a setting in another school location. Those placed in “lower tracks” do not receive the same quality of education—they often receive less resources and opportunities. In addition, some researchers have identified the failure to provide quality instruction delivered by experienced teachers to schools with predominantly Black students, see *infra* III.A.3.e.ii, as one cause of the disproportionate placement of Black students in special education.

- ii. Unequal funding, resources, teacher experience, class access, and facilities.
 - a) Because integrated schools had not become a reality, in the early 1970s Black people and civil rights advocates shifted focus back to the persistent and stark disparities in resources and funding provided in schools serving Black students relative to schools for white students. As of the early 2000s, Black children were still locked into schools “as separate and probably more unequal than those their parents and grandparents attended under the era of ‘separate but equal.’”
 - b) In 2016, the U.S. Government Accountability Office found 60 years after *Brown* that Black students are increasingly attending segregated, high-poverty schools where they face multiple educational disparities. The U.S. Department of Education’s Office of Civil Rights data between 2014 through 2018 shows the same—large and persistent opportunity gaps and racial inequities for Black students. Black students are less likely to attend schools that offer advanced coursework, math and science courses, less likely to be placed in gifted and talented programs, and more likely to attend schools with large class sizes and teachers with the least amount of experience and qualifications, and that employ law enforcement officers but no counselors. All of these things matter for student achievement and post-K-12 school outcomes.
 - c) Severe funding disparities between schools serving white students and those serving Black students persist as well. Many school districts across the country today continue to be funded primarily by property taxes raised from the school district’s local community, even though neighborhoods continue to be segregated by race and income. Federal and state governments have not filled the gaps between high and low-income districts. According to a study by EdBuild, “[n]ationally, predominantly white school districts get \$23 billion more than their nonwhite peers, despite serving a similar number of children” and there is a “\$1,500 per student gap between white districts . . . and equally disadvantaged nonwhite districts.” This funding differential matters: more school funding improves education quality. In underfunded schools, students also face health and other risks because of the decrepit conditions of their school buildings.
- iii. Discrimination in discipline creates a school-to-prison pipeline and an academic gap.
 - a) Black students are disproportionately subjected to exclusionary discipline with devastating consequences, which include significantly higher risk of dropout and juvenile justice involvement. Over the last three decades, research has shown that Black students are far more likely than white students to be suspended, even when controlling for income level. Black

students made up approximately 16 percent of enrollment, yet they accounted for 39 percent of suspensions nationally during the 2013-2014 school year. And Black students were four times more likely to be suspended than their white peers during the 2017-2018 school year. Disparity in suspension rates accounts for as much as one-fifth of the Black-white achievement gap.

- b) In addition, Black students are more likely to attend schools with law enforcement on campus and are also disproportionately referred by schools to law enforcement—they are 15 percent of student enrollment but 31 percent of referrals and arrests in 2015-16, and twice as likely to be referred or arrested than their white peers in 2018-19. And three times more likely than white girls to receive referrals to law enforcement. There is also evidence that Black students are more likely to be subjected to excessive force by officers in schools.
- c) Disproportionality in discipline—and the school-to-prison pipeline such disproportionality begets—has been attributed to biases, implicit or otherwise, that school officials may carry into the schoolhouse. Research shows that these biases about Black students based on the color of their skin, which can result in discriminatory disciplinary decisions, may also exacerbate the achievement gap by decreasing expectations and opportunities for children of color. In addition, when students perceive an unfair distribution of punishment, an environment of anxiety is created, with achievement outcomes decreasing and students reporting less of a sense of belonging. exclusionary discipline that improve educational outcomes, faculty have not adopted these alternatives.
- d) The impact of the school-to-prison pipeline is also reflected in data over decades showing that nationally Black youth and adults are incarcerated at a disproportionately high rate when compared with whites. See Criminal Once in the system, education provided to Black students in juvenile facilities is often substandard and youth in adult facilities may receive no education at all.

B. California – Primary and Secondary Schooling

1. Education denied and unequal.

a. The Civil War until *Brown v. Board* in 1954.

- i. In 1866, California law was amended to “allow ‘colored’ children to attend” with white children in areas where there were not enough children of color to create a separate school, unless the “majority of white parents objected in writing.” This change was short-lived because a California Superintendent of

Public Instruction who believed in segregation and a governor who refused to abide by the Fourteenth and Fifteenth Amendments won the subsequent election.

- ii. In 1870, California law was amended to read that every school shall be open for the admission of white children residing within the school district—that the “education of children of African descent and Indian children shall be provided for in separate schools,” and that schools with “fewer than ten students of color” can “educate them in separate schools or in any other manner.” The Oakland School Board interpreted state law as no longer requiring a school for Black children and, in 1871, abruptly closed its “colored school”, which had been operating since 1866.
- iii. On September 22, 1872, after the principal of San Francisco’s whites-only Broadway public school denied eleven-year-old Mary Frances Ward entrance and told her to attend the separate, all-Black public school, she and her parents filed suit in California court. The California Supreme Court upheld the system of segregated schools with a caveat. Where no separate school existed, the Court concluded that Black children could attend white schools. Soon after, state law was conformed to the *Ward* decision—“children of African descent, and Indian children” must be educated in separate schools but if districts “fail to provide such separate schools, then such children must be admitted into schools for white children.”
- iv. In 1874, documents showed twenty-three “colored schools” in California, but “conditions had worsened for many of the state’s Black youths,” because they were “poorly equipped” and Black teachers were paid less than white teachers to work in Black schools. One year later in 1875, the San Francisco School Board ended school segregation based on Board policy, principally due to the cost of maintaining segregated schools. In 1880, the legislature removed school segregation for Black students from state education law. The amended law stated that schools “must be open” for “all children,” except “children of filthy or vicious habits, or children suffering from contagious or infectious diseases.”
- v. Nevertheless, ten years later, in 1890, twelve-year-old Arthur Wysinger was denied admission to Visalia’s “Little white” public school on account of race. The school for non-whites was manifestly unequal to the school for whites. Wysinger’s father, who was both Black and Native-American, challenged the denial in the California Supreme Court, which interpreted the 1880 education law to allow a Black student to attend any public school, noting the power to establish separate, segregated schools was taken away from local boards of education by state statute. However, the Court also recognized the state legislature’s right to re-impose “separate but equal” whenever it wished.
- vi. Despite the decision, California continued to have racially segregated schools.

Government-supported housing discrimination in the form of restrictive covenants on properties, redlining, and white-only housing perpetuated school segregation. The federal government intentionally financed the creation of neighborhoods segregated by race—funding whites-only public housing, redlining communities to deny homeownership loans to Black Americans, and promoting racially-restrictive housing covenants. See Housing section. And racially-restrictive covenants, enforced by California courts until 1947, were inserted into property titles as early as the 1890s and became rampant in the 1910s, “effectively turning neighborhoods across the state white-only.”

Districts then assigned students to schools based on the segregated neighborhood where they lived or gerrymandered district boundaries to create segregated schools. School districts also zoned and constructed schools in ways that created schools segregated by race. See also Housing section. Additionally, in the 1940s and 1950s, when Black homeowners tried to break the color lines, they came under attack by the Ku Klux Klan.

- vii. On March 2, 1945, five Mexican-American families challenged the practice of school segregation in federal court, alleging their children and 5,000 others were being subjected to unconstitutional discrimination because they were forced to attend separate Mexican schools in Westminster, Garden Grove, Santa Ana, and El Modeno. In 1947, the Ninth Circuit ruled in *Westminster Sch. Dist. of Orange County v. Mendez* (9th Cir. 1947) 161 F. 2d 774, that California education law did not permit separate schools for Mexican children, so creation of such schools was arbitrary action taken without due process of law. On June 14, 1947, Governor Earl Warren repealed the last of California’s school segregation education laws, which applied to Asian American and Native American children.
- b. Cities and school boards refuse to desegregate after *Brown v. Board*, short-lived desegregation decisions are overturned by courts and limited by proposition, and discriminatory housing policies reinforce segregated schools.
 - i. In spite of the *Mendez* and *Brown* rulings, California cities and school boards maintained policies and practices that segregated schools based on race, requiring judicial intervention to impose integration. In 1962, the California State Board of Education acknowledged the ongoing problem of highly segregated schools and directed local districts to “exert all effort to avoid and eliminate segregation . . .” State Attorney General Stanley Mosk stated that to ignore race in formulating a plan to eliminate segregation, one would have to “not merely conclude the Constitution is colorblind, but that it is totally blind.” Statewide racial school census data taken in 1966 reconfirmed the high levels of segregated schools: 85 percent of Black Americans attended predominantly minority schools, whereas only 12 percent of Black students and 39 percent of white students attended racially balanced schools.
 - ii. In the 1960s and 70s, Los Angeles, San Francisco, Pasadena, San Diego,

Inglewood, and Richmond districts, among others, faced court desegregation orders; Berkeley and Riverside initiated busing programs. Despite these orders, majority-white California used the Proposition system to subvert anti-discrimination efforts. In November 1964, 65 percent of voters passed Proposition 13, allowing property sellers, landlords, and agents to continue to segregate communities—and, thereby, schools—on racial grounds when selling or renting accommodations, as they had been permitted to do before 1963. The California and United States Supreme Courts subsequently struck Proposition 13 down as unconstitutional in 1971, but private racially restrictive covenants continued to be used by private owners, perpetuating the existence of segregated communities.

- iii. In opposition to various busing plans intended to alleviate the effects of school segregation, in 1979, Californians adopted Proposition 13, which prohibited courts from imposing desegregation plans except to remedy a violation of the Fourteenth Amendment or unless a federal court would be empowered to impose the same order. The law, upheld by the United States Supreme Court, celebrated the “racially neutral” “benefits of neighborhood schooling” to limit the ability to combat what members of the court classified as “*de facto* segregation.” Throughout the 1970s, courts overturned, curtailed, or rescinded desegregation orders in many California districts, even though California Supreme Court decisions “contemplated interdistrict relief to remedy [] *de facto* racial imbalance which extends across district lines.”
 - iv. Segregated schooling persists. California has consistently been found to be among the worst states in the country in terms of the segregation of Black students. As of 2003, California was one of the four most segregated states for Black students. A study in 2014 found that California was the third most segregated state for Black students and that Black (and Latino) students are strongly concentrated in schools that have far lower quality than their white and Asian peers. In 2019, the California Attorney General’s office found that the Sausalito Marin City school board had segregated its schools, leaving the vast majority of Black students in an underfunded and underresourced school while providing a better-funded and resourced charter school for the majority of white students. In a study released in the following year, researchers identified California as one of the top six most segregated states for Black students.
- c. Separate and unequal education conditions persist.
- i. Severe funding and resource disparities also persist in California’s highly segregated schools. Throughout the 20th Century, school districts in California, like those across the nation, financed their operations principally with local property tax revenue supplemented by limited amounts of state and federal funding. “Because property values and tax rates varied across the state, the approach created large differences in per pupil funding across

districts.” These inequities did not pass constitutional muster in 1971 when, in *Serrano v. Priest*, the California Supreme Court struck down the state’s education funding system. The Court found invidious discrimination in the State’s reliance on property taxes as a major source of school revenue, because it created severe inequities due to residential segregation based on wealth and made “the quality of a child’s education a function of the wealth of his parents and neighbors.”

- ii. After Proposition 13, which passed in 1978, “reduced local property tax revenues available to schools, the state became the primary funder of K-12 education. In 1988, voters approved Proposition 98, which requires the state to dedicate a minimum of roughly 40 percent of its General Fund to K-14 education each year.” However, twenty-years after the *Serrano* decision funding disparities in still highly segregated communities and districts remained.
- iii. In *Butt v. State of California* (1992), the Supreme Court recognized that Richmond, a district serving a high proportion of Black students could not provide the minimum level of education required by the state constitution, when it closed the schools six weeks early due to budget shortfalls. Less than ten years later, in 2000, students filed *Williams v. California*, again highlighting the ongoing inequities in resources for the state’s schools serving majority Black, Brown, and low-income students across the state, including a failure to provide equal access to instructional materials, safe and decent facilities, and qualified teachers.
- iv. Disparities in financing for schools in California continue today. As of the 2018-2019 school year, California public schools received 58 percent of their funding from the state, 32 percent from property taxes and other local sources, and 9 percent from the federal government, but the shares vary across districts. The State’s Local Control Funding Formula, first enacted in 2013, has attempted to address the disparities, but the high-need equity index does not account for intergenerational education inequity for Black people or create sufficient accountability mechanisms to ensure funding is spent on high needs students within a district.
- v. In California, Black students face similar resource and opportunity inequities and within school segregation as found nationwide. Schools with fewer resources mean fewer Advanced Placement and college preparation courses, which means that Black students attending those schools are less competitive for college and university admission and may not have taken the courses necessary—called A-G courses in California—to go to a four-year state university. Within districts and schools, Black students continue to be placed in vocational tracks and out of accelerated, science, technology, engineering and mathematics (STEM), and Advanced Placement programs. In addition, Black students in California are disproportionately likely to be identified as

having a learning disability, at nearly twice the rate of Black students nationwide.

- vi. While recent studies have shown the importance of having at least one teacher who looks like you. Only 37 percent of California teachers are non-white, even though students of color make up about 75 percent of California's student population. Men of color comprise less than 10 percent of California's teaching force, with Black men making up 1 percent of their peers.
- vii. Furthermore, in California, while suspensions have decreased significantly statewide since 2013, Black students continue to be suspended at three times the rate of white students, and lose nearly four times the number of days of instruction to suspensions and expulsions as white students. Suspensions for subjective offenses are a persistent but declining source of disproportionate discipline due to recent legislation limiting use for these reasons. In recent stipulated judgments reached with four different California school districts, the Attorney General's office identified racial disparities in discipline for Black students with harmful negative impacts. For example, the office's investigation of Barstow Unified School District found that Black middle and high school students were 79 and 78 percent, respectively, more likely, to be suspended out of school than similarly situated white students, and the rate of days Black students were punished was 168% greater in elementary, 37.9% greater in middle school, and 54.5% greater in high school than their white peers.
- viii. In California, Black students are also disproportionately referred by schools to law enforcement. A case investigated by the California Attorney General's Office found that since 1991, school resource officers in the Stockton Unified School District had arrested 34,000 students, including 1,600 under 10 years old, with many minor misbehaviors turned into criminal offenses, disproportionality impacting Black and Latino students, and students with disabilities. A number of high profile cases have also raised concerns that Black children in California face increased risk of invasive searches and excessive use of force in schools. In one case, during school hours, a police officer handcuffed a five-year-old Black boy with zip ties and charged him with battery when he resisted arrest. The ACLU has also reported a number of incidents. In one, a Black student in a Los Angeles school was partially strip-searched in the presence of a male officer—a vice principal forced an “eighth grade girl to pull her bra away from her body and shake it” and when she “tried to cover her breast for modesty, the vice-principal pulled her hands away.” In another, school police handcuffed and placed a thirteen-year old Black student on probation after he was playing a makeshift game of soccer with an orange. In yet another, a school police officer who told a Black high school student that it was wrong to be gay and wear boy's clothes,

subsequently pushed her against the wall and handcuffed her for telling the officer that “it was also wrong that white people like the officer enslaved her people.” Subsequent to the incident, the same officer “continued to harass [her], routinely patting her down and demanding that she turn out her bag.” Incidents of this kind and disproportionate referral of Black students by schools to law enforcement contribute to the school-to-prison pipeline and disproportionate rates of Black people in our criminal justice system, because they increase the chance of juvenile justice involvement through criminalization of minor behavior and reduce a student’s connection to school. Once in the juvenile justice system, Black students face an increased likelihood of dropout due to inconsistent education access and adequacy of instruction. See also Criminal Justice section. For Black students charged with offenses that result in a transfer to the state prison system, few can access and complete higher education.

C. Nationally and California – Higher Education.

4. Until the 1970s, white colleges and universities largely refused to admit Black people. In response, Black people raised funding and also relied on support from philanthropy to develop their own post-secondary schools, most often known as Historically Black Colleges and Universities (HBCUs). In the early 1900s, the federal government began to provide funding and land, passed through white-controlled state legislatures to open HBCUs, but these historically Black institutions have been unequally funded in comparison to similar historically white institutions throughout American history.
5. After World War II, the G.I. Bill, which provided federal funding for veterans to pay for college, graduate school, and training programs, should have helped to eliminate disparities in Black and white college enrollment, but discriminatory implementation actually widened disparities. Even today, Black military veterans continue to face discriminatory barriers that result in unequal access to G.I. Bill education benefits. In addition, although the Civil Rights Act of 1964 again promised some relief through affirmative action to address prior-discrimination in college admissions, any gains were short-lived due to a series of court decisions limiting its impact and, in California, passage of Proposition 209, a ballot proposition which amended the California state constitution in 1996 to prohibit affirmative action.
6. Segregated and unequally funded and resourced Black colleges and universities.
 - a. In 1862, the federal Government under the first Morrill Act granted federal land and funding to states for the explicit purpose of opening colleges and universities. States took the land and money and opened institutions for whites. In 1890, the federal government passed an amended version of the Morrill Act, which required states to either admit Black students to the existing 57 principally white land-grant colleges and universities established in 1862 or finance segregated colleges that would be open to Black Americans. Former slaveholding states, where the majority of African Americans lived, wanted to maintain the flow of federal dollars into the region, so they created a system of segregated higher education modeled on the segregation of primary and secondary

education.

- b. Although the law required “separate but equal” forms of higher education, white-legislatures controlled the money and restricted funding, thereby forcing Black colleges and universities to operate with inadequate funding, faculty training, and substandard instructional facilities. white-controlled legislatures also limited curriculum to mechanical, agricultural and industrial arts, which served their interests in maintaining Black people in serving industries that supported continued white wealth accumulation.
 - c. After World War II, as a result of three Supreme Court decisions in response to the NAACP challenges to the lack of equal and available education opportunities, graduate programs for Black people were created, mostly at HBCUs. Although a few Black people were allowed to attend predominantly white institutions, 90 percent of all Black degree-holders in the late 1940s had been educated at HBCUs. On the eve of the 1954 *Brown* decision, Black people were less than one percent of entering first-year students at predominantly white institutions.
7. Unequal access to the G.I. Bill widens the Black and white wealth gap.
 - a. While the G.I. Bill held great promise of increasing post-secondary education access for Black veterans returning from World War II, it ultimately proved to be just one of a number of federal government programs that shut Black people out. See also Housing and Accumulation of Wealth section. white soldiers were afforded the opportunity to build wealth by sending themselves and their children to college, but not the vast majority of the one million Black people who fought in World War II.
 - b. While the G.I. Bill was mandated federally, it was implemented locally. Because so few colleges would accept Black students and local Veterans Administration officials in the south steered Black people to vocational programs that funneled to menial jobs or prohibited use of the G.I. Bill to pay for college, only 12 percent of Black veterans were able to use the G.I. bill to enroll in college, compared to 26 percent for veterans as a whole. Black Americans used the educational benefits of the G.I. Bill more often than whites did, but their enrollment options were limited because of segregation and discrimination. The overall result was that the educational and economic gap between whites and Black Americans widened. See also Accumulation of Wealth section.
 - c. Today, barriers, including discrimination in access to healthcare, employment, and housing, continue to limit access to education benefits in the G.I. Bill, as amended in 2008, for Black military veterans. While Black Americans make-up 16.9 percent of the U.S. active duty force, studies show that Black veterans are not utilizing their benefits as much as white or Asian American veterans due to the aforementioned barriers.
8. Unequal access to higher education in the era of massive resistance and beyond.
 - a. After *Brown v. Board*, most HBCUs remained segregated with poorer facilities and budgets compared with traditionally white institutions. Lack of adequate libraries and scientific and research equipment and capabilities placed a serious limitation on many.

While a number of public HBCUs closed or merged with traditionally white institutions, most Black college students continued to attend HBCUs years after the decision was rendered.

- b. Furthermore, racist opposition to integration of all white higher education institutions was government-led in many southern states, like Mississippi and Alabama. Nineteen states were still operating racially segregated higher education systems well into the late 1970s, many years after the Civil Rights Act of 1964. And in 1970, private plaintiffs filed suit against the U.S. Department of Education for failing to initiate enforcement against higher education systems under investigation who failed to dismantle racial systems of higher education, a case that resolved seven years later with a court order requiring the federal government to establish criteria for statewide desegregation of colleges and universities. The plan ultimately adopted included additional funding and resources for HBCUs with a goal of ensuring comparability with traditionally white institutions with similar missions.
 - c. While Black enrollment at HBCUs increased by 17 percent between 1976 and 2018, the total number of Black students enrolled in all degree-granting postsecondary institutions more than doubled during this period. In 2018, there were 101 HBCUs located in 19 states, including one in Los Angeles, the Charles R. Drew University of Medicine and Science. However, there is evidence that some states continue to provide unequal funding to HBCUs, many of which continue to serve a majority Black student population.
 - d. At formerly predominantly white colleges and universities, Black enrollment did not reach noticeable increases until the late 1960s and early 1970s. Overall, the percentage of American college students who are Black increased from 10 percent in 1976 to 14 percent in 2017, but the 2017 percentage reflects a decrease since 2011, when Black students made up 15 percent of all enrolled U.S. residents. Causes identified for declining enrollment include closure of for-profit colleges and declines at two-year public colleges due to unemployment, both types of colleges where Black students are overrepresented. Researchers have argued that for-profit colleges engage in predatory racially biased targeting of Black and other students of color. As a result, Black students take on disproportionately more student loan debt, often without receiving the education that was promised.
9. Short-lived “affirmative action” efforts are insufficient to address slavery, re-enslavement, segregation, and ongoing discrimination.
- a. Even while desegregation efforts were being thwarted by government officials and cases were pending identifying that state higher education systems had not yet been desegregated, the Supreme Court’s 1978 *Regents of the University of California v. Bakke*, 438 U.S. 267, curtailed specific efforts in higher education to expressly account for slavery and ongoing discrimination most often called “affirmative action.” The ruling declared that “societal discrimination” was as “an amorphous concept of injury that may be ageless in its reach into the past,” and, as such, had no remedy. Subsequent U.S. Supreme Court decisions have permitted continued consideration of “race” as a factor

among many, but with significant limitations.

- b. The *Bakke* decision and its progeny and California’s 1996 Proposition 209, which eliminated consideration of race with respect to public education, regardless of long-standing segregation and discrimination, has had significant impacts on Black and other students of color. A recent 2020 U.C. Berkeley study found that Proposition 209’s ban has harmed Black and Latino students by significantly reducing enrollment across the University of California campuses and lowering their graduation rates. An earlier 2006 study found that Black admissions had plummeted since Proposition 209’s passage, particularly at UCLA and U.C. Berkeley. Another study found that at 60 percent of the 101 of the most selective colleges the percentage of Black students had declined since 2000. While ignoring the history of denial of education to Black people, courts have upheld university and college policies that significantly preference legacy admissions, students whose parents, grandparents, and great grandparents attended the university or college, without identifying the benefit that such legacies accrued due to exclusion of qualified Black students from the admissions pool for centuries.
 - c. This uneven playing field was highlighted in a recent settlement between student and community groups and the University of California that will eliminate the use of SAT and ACT scores in admissions and university scholarship decisions at all UC campuses until spring 2025, due to concerns that the tests may be discriminatory and correlated with wealth and privilege. The uneven playing field for Black people (and other people of color) seeking access to upward mobility through education was again raised through the college-admissions scandal in 2019, which highlighted how white wealth advantage has been used by some to gain admission at the nation’s most prestigious universities. In addition, from 2016 to 2020, the federal government pursued strategies to eliminate use of race in admissions for any reason, even for the compelling interest of a diverse student body or medical professionals to serve diverse communities.
10. U.S. education system fails to teach a complete and accurate history of slavery and structural racism and the significant role of Black people in developing this nation’s wealth without compensation.
 - a. Nationally
 - i. A historian studying United States history textbooks from 1839 to the 1980s has found that many textbooks taught that white people were supreme to Black people and downplayed, minimized, or justified slavery based on a racial caste system, with Black Americans appearing “only as a problem”. Additionally, a 2018 study, *Teaching Hard History: American slavery*, surveyed social studies teachers across the country and found that 97 percent agreed that learning about slavery is essential, but that there is a lack of deep coverage on the topic; 58 percent reported dissatisfaction with their textbooks; 39 percent reported state offered little or no support for teaching about slavery. The study gave an average 46 percent score with respect to whether 10 popular U.S. history textbooks provide comprehensive coverage of slavery

and enslaved people. The study also found that only 8 percent of 1,000 American high school seniors surveyed could identify slavery as the central cause of the Civil War.

- ii. In Texas, the state that uses the largest amount of textbooks, thereby shaping the textbook industry, concerns were raised when the Board of Education, rather than historians, began changing the history books to refer to formally enslaved people as workers. In schools, students of color are less likely to see books with characters that share their cultural background and textbooks that reflect their experiences. Many educators recognize that textbooks do not accurately and fully reflect experiences of people of color; only one in five mostly white educators in a June, 2020 nationwide survey thought so. Educators of color were more likely find textbooks lacking. In 2020, Connecticut became the first state in the nation to require high schools to offer African-American, Black, Puerto Rican and Latino studies.
 - iii. There is continued opposition to discussing the truth about slavery. Republicans in five states have introduced bills to cut funding from schools that choose to use curriculum derived from the New York Times' 1619 Project, a Pulitzer Prize-winning series of essays challenging readers to think about slavery as foundational to the nation's origin story. They argue inclusion of this history delegitimizes the idea of the U.S. as a nation founded on principles of liberty and freedom and creates racial divisions. In 2021, both Florida and Texas banned schools from teaching critical race theory. Tenure is a critical to protect educators from pressure and retaliation due to unpopular research or teaching. In 2021, the University of North Carolina at Chapel hill denied tenure to Nikole Hannah-Jones, who produced the 1619 Project. In 2018, approximately 5% of tenured or tenure track professors were Black.
- b. California
- i. California student groups have long-raised concerns that the complete history of racism and segregation in the state and across the nation has been left out of textbooks, and that leaders from diverse backgrounds who helped create this nation and California are not reflected. Black tenured professors are underrepresented in leading Californian universities: three percent of tenured faculty in the University of California system are Black and four percent are Black in California state universities.
 - ii. In particular, California's approach to teaching about slavery has been critiqued. In 2018, a classroom teacher made headlines for staging a classroom simulation of conditions on a slaver's ship to provide a "unique learning experience." A study by Southern Poverty Law Center found that California did a better job than other states in teaching slavery, but highlighted concerns with the approach of teaching about Harriet Tubman in second grade two years before slavery is taught and failing to discuss how false ideas of

white economic and political supremacy fueled and perpetuated slavery as an institution.

- iii. One way to increase diversity in curriculum is by adding ethnic studies courses. “Ethnic studies” is a term used to encompass Black, Chicano, Latinx, Native, and Asian American studies, and was developed in response to lack of representation of people from these groups in curricula taught in United States schools, colleges, and universities. In the main, ethnic studies is not taught in California schools, despite known benefits. In 2016-17 only a small number—17,354 K-12 students statewide—were enrolled in ethnic studies courses. One reason for this: only 51 percent of the 777 ethnic studies courses in social science in 2016-17 were approved as meeting A-G state university admissions requirements.
- iv. This may be changing. In 2016, California state law mandated creation of a voluntary K-12 ethnic studies curriculum. Recently, on March 22, 2021, the State Board of Education approved the model ethnic studies curriculum. However, in 2019, a California bill to mandate ethnic studies in all K-12 schools was vetoed. Nevertheless, several districts have recently made completion of a course in ethnic studies a graduation requirement, including Montebello, Sacramento City, and Coachella. In 2020, San Francisco approved development of a K-12 Black studies curriculum.
- v. At the higher education level, in 1969, after a student-led strike, California State University (CSU) system established the first and only school of Ethnic Studies in the nation at San Francisco State University. Since that time, 22 of 23 CSU campuses have maintained some level of ethnic studies, but a recent legislative analysis suggested that 53 percent of CSU students had not taken a course between 2015-2018. In August 2020, Governor Newsom signed AB 1460, which, beginning in 2024-2025, requires a three credit ethnic studies course for graduation, the first change to CSU’s general education curriculum in over 40 years. Legislative findings in support of the bill’s passage included that white students and students of color benefit from taking ethnic studies courses, which “play an important role in building an inclusive multicultural democracy.”

IV. Government action from slavery to present has subjected Black people who are descendants of enslaved persons (in the United States) to compounding injury without compensation

- A. These well-documented injuries translate into persistent gaps in achievement and graduation, disparities in school discipline, and college access and completion that ultimately contribute to a widening wealth gap. The COVID-19 pandemic has further compounded the education opportunity divide, with potentially long term effects. California and the nation have not accounted for the harmful intergenerational effects of education discrimination and denial.
- B. The trend of the Black-white academic gap decrease has come to an end in recent years, confirming the persistence of deeply-rooted racial disparities despite the observed process of convergence. In

California, over the past decade, average math and reading test scores rose for all student groups, except Black students. In districts where the gap narrowed most, data showed less socioeconomic inequality among students, more spending per pupil by the district, and fewer disparities in access to experienced teachers. The gap also continues to exist in graduation rates, but it has reduced considerably nationwide and in California (76.9% versus 87.9%) since the 1960s. Whereas the gap in admission to and graduation from college and graduate schools has remained stagnant, with Black Americans half as likely as whites to have a college degree.

- C. Due to intergenerational denials of equal educational opportunity, Black people have also been denied a number of social and non-market benefits, including a positive link between one's own schooling and the schooling received by one's children and other social capital. More schooling is associated higher earnings. However, whites and Black Americans with the same educational level do not have the same level of wealth. white college graduates have more than 7 times more wealth than their Black peers, even when controlling for income. And Black college graduates continue to suffer higher unemployment rates than white college graduates who are similarly situated.
- D. Furthermore, intergenerational exposure to racism and trauma from enslavement has been linked to higher incidences of depression, anxiety and other mental health conditions in legacy Black American communities compared with other groups, including African immigrants, who have not experienced multigenerational slavery and institutionalized racism. Yet, schools have not consistently recognized these harms by focusing on mental health services and a trauma-informed education approach.

Bibliography

AB 1460 (Aug. 17, 2020).

Adamson & Darling-Hammond, *Funding Disparities and the Inequitable Distribution of Teachers: Evaluating Sources and Solutions*, 20 Ed. Policy Analysis Archives 1 (2012)

Agrawal, *Black Students Are Succeeding in College at Higher Rates, But Far Behind white Peers, Report Says*, Los Angeles Times (Feb. 24, 2021) <[latimes.com/california/story/2021-02-24/Black-students-are-succeeding-in-college-at-higher-rates-but-far-behind-white-peers-report-says](https://www.latimes.com/california/story/2021-02-24/Black-students-are-succeeding-in-college-at-higher-rates-but-far-behind-white-peers-report-says)> (as of June 22, 2021)

Albanese, *The Plantation School* (1976);

Alexander v. Holmes County Bd. of Educ. (1969) 396 U.S. 19

Jim Crow)

Allen & Jewell, *A Backward Glance Forward: Past, Present and Future*

Altonji & Doraszelski, *The Role of Permanent Income and Demographics in Black/white Differences in Wealth* (2005) 40 J. Human Resources 1

An Act to Provide for a System of Common Schools, Stats. 1866, ch. 342, § 57, p. 398.

Anderson & Oakes, *The Truth About Tracking* in *The Big Lies of School Reform: Finding Better Solutions for the Futile Public Education* (2014)

Anderson, *The Education of Black Americans in the South, 1860-1935* (1988)

Articles et al, *Culturally Diverse Students in Special Education: Legacies and Prospects*, in *Handbook of*

Research on Multicultural Education (2d ed. 2004)

Asmelash, *After Years of Debate, California Finally Adopts Ethnic Studies Model Curriculum*, CNN (Mar. 22, 2021) <<https://www.cnn.com/2021/03/22/us/california-ethnic-studies-high-school-trnd/index.html?form=MY01SV&OCID=MY01SV>> (as of June 22, 2021)

Assem. Bill No. 1460 (2019-2020 Reg. Sess.)

Assem. Com. on Ed., Analysis of Assem. Bill 520 (2021-2022 Reg. Sess.) as amended March 25, 2021

Assem. Com. on Ed., Analysis of Assem. Bill No. 331 (2019-2020 Reg. Sess.)

Assem. Floor, Analysis on Assem. Bill No. 1460 (2019-2020 Reg. Sess.) Feb. 11, 2020 as amended Mar. 21, 2019

Auditor of the State of California, *K-12 Local Control Funding: The State's Approach Has Not Ensured that Significant Funding Is Benefiting Students as Intended to Close Achievement Gaps* (Nov. 2019)

Bailey, *Hidden History: Edmond Wysinger*, YourCentralValley.com (Feb. 14, 2017) <<https://www.yourcentralvalley.com/feature-edmond-wysinger/>> (as of June 22, 2021).

Banks et al., *Discrimination and Implicit Bias in a Racially Unequal Society* (2006) 94 Cal. L.Rev. 1169

Belkin, *Maryland to Pay Four Black Colleges \$577 Million*, Wall Street Journal (Mar. 24, 2021) <<https://www.wsj.com/articles/maryland-to-pay-four-Black-colleges-577-million-11616627378>> (as of June 22, 2021)

Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform* (2004)

Bellan, *\$23 Billion: Education Funding Report Reveals Less Money for City Kids*, Bloomberg.com (March 27, 2019) <<https://www.bloomberg.com/news/articles/2019-03-27/why-city-kids-get-less-money-for-their-education>> (as of June 21, 2021)

Benz, *Teaching white Supremacy: How Textbooks Have Shaped Our Attitudes on Race*, Huffington Post (Nov. 20, 2017) <https://www.huffpost.com/entry/teaching-white-supremacy-how-textbooks-have-shaped_b_5a0e4f65e4b023121e0e9142> (as of June 22, 2021)

Bertocchi & Dimico, *The Racial Gap in Education and the Legacy of Slavery* (2012) 40 J. Comp. Econ. 581

(Aug. 2013)

Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (2008)

Blakemore, *How the GI Bill's Promise was Denied to a Million Black WWII Veterans*, History (Apr. 20, 2021) <<https://www.history.com/news/gi-bill-Black-wwii-veterans-benefits>> (as of July 7, 2020)

Bleemer, *Affirmative Action, Mismatch, and Economic Mobility After California's Proposition 209*, Center for Studies in Higher Education, U.C. Berkeley (Aug. 2020) <<https://cshe.berkeley.edu/publications/affirmative-action-mismatch-and-economic-mobility-after-california%E2%80%99s-proposition-209>> (as of June 22, 2021)

Bottiani et al., *A Multilevel Examination of Racial Disparities in High School Discipline: Black and white*

- Adolescents' Perceived Equity, School Belonging, and Adjustment Problems (2017) 109 J. Ed. Psych. 532
- Bottiani et al., Inequality in Black and white High School Students' Perceptions of School Support: An Examination of Race in Context (2016) 45 J. Youth Adolescence 1176
- Bracey, The Significance of Historically Black Colleges and Universities (HBCUs) in the 21st Century: Will Such Institutions of Higher Learning Survive? (2017) 76 Am. J. Econ. & Socio. 670
- Bradshaw et al., Examining the Effects of Schoolwide Positive Behavioral Interventions and Supports on Student Outcomes: Results From a Randomized Controlled Effectiveness Trial in Elementary Schools (2010) 12 J. Positive Behav. Interventions 133
- Branigin, *Calif. High School Sparks Criticism for Using Slave-Ship Role-Play to Teach Students History*, The Root (Sept. 18, 2017) <<http://www.theroot.com/calif-high-school-sparks-criticism-for-using-slave-shi-1818512323>> (as of June 22, 2021)
- Bridgeland et al., *The Silent Epidemic: Perspectives of High School Dropouts* (2006)
- Brooker, *The Education of Black Children in the Jim Crow South*, America's Black Holocaust Museum: Bringing Our History to Light <<https://www.abhmuseum.org/education-for-Black-Americans-in-the-jim-crow-south/>> (as of June 18, 2021)
- Brown v. Board of Education (1954) 347 U.S. 483,
- Broyles, *A Conversations About the Racial Wealth Gap—And How to Address it*, Brookings (June 18, 2019) <<https://www.brookings.edu/blog/brookings-now/2019/06/18/a-conversation-about-the-racial-wealth-gap-and-how-to-address-it/>> (as of June 22, 2021)
- Burke, *Report Outlines Barriers to Education for Formerly Incarcerated in Calif.*, Inside Higher Ed (Feb. 5, 2021) <<https://www.insidehighered.com/quicktakes/2021/02/05/report-outlines-barriers-education-formerly-incarcerated-calif>> (as of June 22, 2021)
- Burnette II, *As Districts Seek Revenue Due to Pandemic, Black Homeowners May Feel the Biggest Hit*, Education Week (July 23, 2020) <<https://www.edweek.org/leadership/do-americas-public-schools-owe-Black-people-reparations/2020/09>> (as of June 22, 2021)
- Butt v. California* (1992) 4 Cal. 4th 668
- CADRE et al., *Redefining Dignity in Our Schools: A Shadow Report on School-Wide Positive Behavior Support Implementation in South Los Angeles, 2007-2010* (June, 2010)
- Cal. Const. art. I, § 26, as adopted November 3, 1964.
- Cal. Const., art. I, § 7
- Cal. Dept. of Ed., *The Williams Case – An Explanation* <<https://www.cde.ca.gov/eo/ce/wc/wmslawsuit.asp>> (as of July 1, 2021)
- California Department of Education, *California Department of Education Releases 2019-20 High School Graduation and Dropout Rates* (Dec. 11, 2020) <<https://www.cde.ca.gov/nr/ne/yr20/yr20rel101.asp>> (as of June 22, 2021)
- California Department of Education, *State Board of Education Approves Historic Ethnic Studies Guidance for*

High Schools (Mar. 18, 2021) <<https://www.cde.ca.gov/nr/ne/yr21/yr21rel21.asp>> (as of June 22, 2021)

California Department of Education, State Superintendent Tony Thurmond, Assemblymember Mike Gipson, Educators and Scholars Urge Support for First-of-its-Kind Legislation to Diversify the Teaching Workforce (Apr. 13, 2021) <<https://www.cde.ca.gov/nr/ne/yr21/yr21rel27.asp>> (as of June 25, 2021)

California Department of Education, *State Superintendent Torlakson Announces 2018 Rates for High School Graduation, Suspension and Chronic Absenteeism* (Nov. 19, 2018) <<https://www.cde.ca.gov/nr/ne/yr18/yr18rel76.asp>> (as of June 22, 2021)

California Department of Justice, Attorney General Becerra Secures Settlements with Barstow and Oroville School Districts to Address Discriminatory Treatment of Students Based on Race and Disability Status, Press Release (Aug. 25, 2020) <<https://oag.ca.gov/news/press-releases/attorney-general-becerra-secures-settlements-barstow-and-oroville-school>> (as of June 24, 2021)

California Department of Justice, *Attorney General Becerra: Sausalito Marin City District Agrees to End Segregation in Its Schools*, Press Release (Aug. 9, 2019) <<https://oag.ca.gov/news/press-releases/attorney-general-becerra-sausalito-marin-city-school-district-agrees-end>> (as of June 22, 2021)

California Department of Justice, Stockton Unified School District Enter into Agreement to Address Discriminatory Treatment of Minority Students and Students with Disabilities, Press Release (Jan. 22, 2019) <<https://oag.ca.gov/news/press-releases/california-department-justice-stockton-unified-school-district-enter-agreement>> (as of June 22, 2021)

California Department of Justice, Stockton Unified School District Enter into Agreement to Address Discriminatory Treatment of Minority Students and Students with Disabilities, Press Release (Jan. 22, 2019) <<https://oag.ca.gov/news/press-releases/california-department-justice-stockton-unified-school-district-enter-agreement>> (as of June 24, 2021)

California Requires Ethnic Studies for University System, KCRA (Aug. 17, 2020) <<https://www.kcra.com/article/california-requires-ethnic-studies-for-university-system/33629400>> (as of June 22, 2021)

Calvan, *Florida bans 'critical race theory' from its classrooms*, The Associated Press (Jun. 10, 2021) <https://apnews.com/article/florida-race-and-ethnicity-government-and-politics-education-74d0af6c52c0009ec3fa3ee9955b0a8d> (as of Aug. 9, 2021)

Carey, *Rich Schools, Poor Schools and a Biden Plan*, The New York Times (June 9, 2021) <<https://www.nytimes.com/2021/06/09/upshot/biden-school-funding.html?smid=em-share>> (as of June 25, 2021)

Carter, *The Warren Court and Desegregation* (1968) 67 Mich. L. Rev. 237

Cary & Harris, *It Turns Out Spending More Probably Does Improve Education*, The New York Times (Dec. 12, 2016) <<https://www.nytimes.com/2016/12/12/nyregion/it-turns-out-spending-more-probably-does-improve-education.html>> (as of June 25, 2021)

Coates, *The Case for Reparations*, The Atlantic (Jun. 2014) <<https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631>> (as of June 21, 2021)

College Board, AP Cohort Data Report: Graduating Class of 2020 (2020),

<<https://reports.collegeboard.org/pdf/2020-ap-cohort-data-report.pdf>>

Conger, Within-School Segregation in an Urban School District (2005) 27 Ed. Eval. & Policy Analysis 225,

Cottom, Lower Ed: The Troubling Rise of For-Profit Colleges in the New Economy (New York: The New Press, 2017)

Crawford v. Bd. of Educ. (1976) 17 Cal.3d 280 (Los Angeles)

Crawford v. Bd. of Educ. (1982) 458 U.S. 527

Croft, The U.S. Land-Grant University System: An Overview, Congressional Research Services (2019)

Cummings v. Board of Ed. of Richmond County (1899) 175 U.S. 528

Darity Jr. & Mullen, From Here to Equality: Reparations for Black Americans in the Twenty-First Century (2020)

Dasgupta, Implicit In Group Favoritism, Outgroup Favoritism, and Their Behavioral Manifestations (2004) 17 Soc. Justice Rsch. 146

Data Snapshot: IPEDS Data on Full-Time Women Faculty and Faculty of Color, Association of American University Professors <https://www.aaup.org/sites/default/files/Dec-2020_Data_Snapshot_Women_and_Faculty_of_Color.pdf> (as of Aug. 9, 2021)

Dee, A Teacher Like Me: Does Race, Ethnicity, or Gender Matter? (2005) 95 Am. Econ. Rev. 158

Don Wilson Builders v. Superior Ct. for Los Angeles County (1963) 220 Cal. App. 2d 77

Driver, Supremacies and the Southern Manifesto (2014) 92 Tex. L. Rev. 1053

Du Bois & Dill, The Common School and the Negro American, Report (1911)

<<https://catalog.hathitrust.org/Record/000442258/Home>> (as of June 18, 2021)

Du Bois, The Souls of Black Folk: Essays and Sketches (2d ed. 1903)

Eberthardt et al., Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital–Sentencing Outcomes (2006) 17 Psychological Sci. 383

EdBuild, \$23 Billion (Feb. 2019) pp. 4-5 <<https://edbuild.org/content/23-billion/full-report.pdf>> (as of June 25, 2021).

Education Week, *Tracking* (Sept. 21, 2004) <<https://www.edweek.org/leadership/tracking/2004/09>> (as of June 24, 2021)

Education_Debt_Rethinking_the_Racial_Wealth_Gap/citation/download>

Equal Justice Initiative, *Resistance to School Desegregation* (March 1, 2014) <<https://eji.org/news/history-racial-injustice-resistance-to-school-desegregation/>> (as of June 21, 2021).

Equal Justice Initiative, *Supreme Court Bans School Segregation, Sparking Massive white Resistance* <<https://calendar.eji.org/racial-injustice/may/17>> (as of May 5, 2021)

Ethridge, *Impact of the 1954 Brown vs. Topeka Board of Education Decision on Black Educators*, 30 Negro Ed.

Rev. 217

Farrow et al., *Complicity: How the North Promoted, Prolonged, and Profited from Slavery* (2005)

Ferriss, *Black Oakland Youth Arrested, but Not Charged, in Stunning Numbers, Report Says*, The Center for Public Integrity (Aug. 28, 2013) <<https://publicintegrity.org/education/Black-oakland-youth-arrested-but-not-charged-in-stunning-numbers-report-says/>> (as of June 25, 2021)

Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (2014)

Fox, *T. Marshall Hahn Jr., Who Remade Virginia Tech as President, Dies at 89*, New York Times (June 4, 2016) <<https://www.nytimes.com/2016/06/05/us/t-marshall-hahn-jr-who-remade-virginia-tech-as-president-dies-at-89.html>> (as of June 22, 2021)

Fultz, *The Displacement of Black Educators Post-Brown: An Overview and Analysis* (2004) 44 Hist. Ed. Q. 11, 37

Gasman, *Envisioning Black Colleges: A History of the United Negro College Fund* (2007)

Genevieve Bonadies, et al., “For-Profit School’s Predatory Practices and Students of Color: A Mission to Enroll Rather than Educate,” 30 July 2018, Harvard Law Review Blog <<https://blog.harvardlawreview.org/for-profit-schools-predatory-practices-and-students-of-color-a-mission-to-enroll-rather-thaneducate/>>

Gershenson et al, *The Long-Run Impacts of Same-Race Teachers* (Nov. 2018) National Bureau of Economic Research (Working Paper No. 25254)

Gewertz, *Survey of Mostly-white Educators Finds 1 in 5 Think Textbooks Accurately Reflect People of Color*, Education Week (June 29, 2020) <<https://www.edweek.org/teaching-learning/survey-of-mostly-white-educators-finds-1-in-5-think-textbooks-accurately-reflect-people-of-color/2020/06>> (as of June 22, 2021)

Gilliam et al., *Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?*, Yale Child Study Center (Sept. 28, 2016) <https://medicine.yale.edu/childstudy/zipgler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf> (as of June 22, 2021)

Gold Chains: The Hidden History of Slavery in California, ACLU <<https://www.aclunc.org/sites/goldchains/explore/gold-rush.html>> (as of June 24, 2021).

Goldstein, *Detroit Students Have a Constitutional Right to Literacy, Court Rules*, The New York Times (April 27, 2020) <<https://www.nytimes.com/2020/04/27/us/detroit-literacy-lawsuit-schools.html>> (as of June 22, 2021).

Gordan, *Disproportionality in Student Discipline: Connecting Policy to Research*, Brookings (Jan. 18, 2018) <<https://www.brookings.edu/research/disproportionality-in-student-discipline-connecting-policy-to-research/>> (as of June 21, 2021)

Goss v. Bd. of Educ. (1963) 373 U.S. 683

Gould & Cooke, *Unemployment for Young Black Grads is Still Worse Than it was For Young white Grades in the Aftermath of the Recession*, Economic Policy Institute (May 11, 2016) <<https://www.epi.org/publication/unemployment-for-young-Black-grads-is-still-worse-than-it-was-for-young-white-grads-in-the-aftermath-of-the-recession/>> (as of June 22, 2021)

Gratz v. Bollinger (2003) 539 U.S. 244

Green v. County School Bd. (1968) 391 U.S. 430

Greenblatt, *The Racial History of the 'Grandfather Clause'*, NPR (Oct. 22, 2013)

<<https://www.npr.org/sections/codeswitch/2013/10/21/239081586/the-racial-history-of-the-grandfather-clause>> (as of July 15, 2020).

Greenwald & Krieger, *Implicit Bias: Scientific Foundations* (2006) 94 Cal. L.Rev. 945

Griffin v. County School Bd. (1964) 377 U.S. 218

Grissom & Redding, Discretion and Disproportionality: Explaining the Underrepresentation of High-Achieving Students of Color in Gifted Programs (2016) 2 Aera Open 1

Gutter v. Bollinger (2003) 539 U.S. 306

Guastafarro, *Why Racial Inequities in America's Schools are Rooted in Housing Policies of the Past*, USA Today (Nov. 2, 2020) <<https://www.usatoday.com/story/opinion/2020/11/02/how-redlining-still-hurts-Black-latino-students-public-schools-column/6083342002/>> (as of June 23, 2021)

Hackman, *U.S. Requires Texas Tech Med School to End Use of Race in Admissions Decisions*, The Wall Street Journal (April 9, 2019) <<https://www.wsj.com/articles/trump-administration-to-require-texas-tech-to-end-use-of-race-in-admissions-decision-11554829163>> (as of June 22, 2021).

Hammond, *Inequality in Teaching and Schooling: How Opportunity is Rationed to Students of Color* in America in *The Right Thing to Do*, *The Smart Thing to Do: Enhancing Diversity in Health Professions* (2001)

Handwerk et al., Access to Success: Patterns of Advanced Placement Participation in U.S. High Schools 7 (July 2008) < www.ets.org/Media/Research/pdf/PIC-ACCESS.pdf> (as of July 1, 2021)

Harper et al., Access and Equity for African American Students in Higher Education: A Critical Race Historical Analysis of Policy Efforts (2009) 80 J. of Higher Ed. 389

Harris et al., *California's Prison Population*, Public Policy Institute of California (July 2019) <<https://www.ppic.org/publication/californias-prison-population/>> (as of July 24, 2020)

Harris, *A Roadmap for Reparations in Education*, Education Week (Oct. 15, 2020)

<<https://www.edweek.org/policy-politics/opinion-a-roadmap-for-reparations-in-education/2020/10>> (as of June 22, 2021) (hereafter *Roadmap for Reparations*)

Hendrick, *Education of Non-whites in California, 1849-1970* (1977)

Herbold, *Never a Level Playing Field: Black Americans and the GI Bill* (1994) 6 J. of Black Americans in Higher Ed. 104

Hopwood v. University of Texas (5th Cir. 1996) 78 F.3d 932

Horsford & McKenzie, 'Sometimes I feel like the Problems Started with Desegregation': Exploring Black Superintendent Perspectives on Desegregation Policy (2008) 21 Int. J. of Qualitative Studies in Ed. 443

<http://csgjusticecenter.org/youth/breaking-schools-rules-report/>> (as of July 1, 2021).

Hudson, *West of Jim Crow: The Fight Against California's Color Line* (2020)

Into New Rules for Schools: Remote Learning Means Remote School Discipline. But Not All Kids Are Treated Equally, MCNBC (Sept. 14, 2020) <<https://www.msnbc.com/podcast/new-rules-school-n1240087>> (as of June 25, 2021)

Isensee, *Why Calling Slaves ‘Workers’ is More than an Editing Error*, NPR (Oct. 23, 2015) <<https://www.npr.org/sections/ed/2015/10/23/450826208/why-calling-slaves-workers-is-more-than-an-editing-error>> (as of June 22, 2021).

Jack, *A Separate and Unequal System of College Admissions*, The New York Times (Sept. 16, 2020) <<https://www.nytimes.com/2020/09/15/books/review/selingo-korn-levitz-college-admissions.html>> (as of June 22, 2021).

Jackson et al., Intergenerational Resilience in Response to the Stress and Trauma of Enslavement and Chronic Exposure to Institutionalized Racism (2018) 4 J. of Clinical Epigenetics 1

Jackson v. Pasadena City School Dist. (1963) 59 Cal.2d 876 (Pasadena).

Jim Crow Laws (Feb. 21, 2021) History <<https://www.history.com/topics/early-20th-century-us/jim-crow-laws>> (as of June 21, 2021)

John Hope Franklin, *Reconstruction after the Civil War* (2d ed., 1994) pp. 107-113.

Johns Hopkins University, *With Just One Black Teacher, Black Students More Likely to Graduate* (April 5, 2017) <<https://releases.jhu.edu/2017/04/05/with-just-one-Black-teacher-Black-students-more-likely-to-graduate/>> (as of June 21, 2021)

Jones et al., 50 Years After the Kerner Commission: African Americans Are Better Off in Many Ways But Are Still Disadvantaged By Racial Inequality, Economic Policy Institute (Feb. 26, 2018) <<https://www.epi.org/publication/50-years-after-the-kerner-commission/>> (as of June 22, 2021)

Jones, *New Data Shines Light on Student Achievement Progress – And Gaps – In California and US*, EdSource (Feb. 8, 2021) <<https://edsource.org/2021/new-data-shines-light-on-student-achievement-progress-and-gaps-in-california-and-u-s/648321>> (as of June 22, 2021)

Jones-Wilson, Race, Realities, and American Educators: Two Sides of the Coin (1990) 59 J. of Negro Ed. 119

Katznelson, *When Affirmative Action was white: An Untold History of Racial Inequality in Twentieth-Century America* (2005)

Kaur, *Bills in Several States Would Cut Funding to Schools that Teach the 1619 Project. But They Mostly Aren’t Going Anywhere*, The Philadelphia Tribune (Feb. 11, 2021) https://www.phillytrib.com/news/bills-in-several-states-would-cut-funding-to-schools-that-teach-the-1619-project-but/article_90cd9c12-6c6c-11eb-ac9a-1b1eb28e00a2.html (as of June 22, 2021)

Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (2017)

Kerr, Report Finds Segregation in Education on the Rise, AP News (May 17, 2016) <<https://apnews.com/article/fb57033de174464c92031d7c1989ea03>> (as of June 23, 2021)

Kohli & Quartz, *Modern-Day Segregation in Public Schools*, The Atlantic, (Nov. 18, 2014)

Korry, *Black Student Enrollment at UCLA Plunges: Fallout from Prop. 209*, NPR (July 24, 2006) <<https://www.npr.org/templates/story/story.php?storyId=5563891>> (as of June 22, 2021)

Kozol, *The Shame of the Nation: The Restoration of Apartheid Schooling in America* (2005) 18-21.

Ladson-Billings, *From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools* (2006) 35 *Educational Researcher* 3, 6

Ladson-Billings, *Landing on the Wrong Note: The Price We Paid for Brown* (2004) 33 *Education Researcher* 3, 6

Lafortune et al., *School Finance Reform and the Distribution of Student Achievement* (2018) 10 *Am. Econ. J.: Applied Econ* 1

Langhorne, *The African American Community: Circumventing the Compulsory Education System* (2000) 33 *Beverly Hills Bar Assn. J.* 12

Left Out: How Exclusion in California's Colleges and Universities Hurts Our Values, Our Students, and Our Economy, The Campaign for College Opportunity, <<http://collegecampaign.org/portfolio/left-out-report/>>

Losen & Martin, *The Unequal Impact of Suspension on the Opportunity to Learn in California*, The Civil Rights Project (Sept. 18, 2018) <<http://www.civilrightsproject.ucla.edu/research/k-12education/school-discipline/the-unequal-impact-of-suspension-on-the-opportunity-to-learn-in-ca/>> (as of June 22, 2021)

Losen & Whitaker, *Lost Instruction: The Disparate Impact of the School Discipline Gap in California*, The Center for Civil Rights Remedies (2017)

Louise Seamster and Raphael Charon-Chenier, "Predatory Inclusion and Education Debt: Rethinking the Racial Wealth Gap," *Social Currents* 4, no. 3 (2017) <https://www.researchgate.net/publication/315114639_Predatory_Inclusion_and

Lu, *Michelle Alexander: More Black Men in Prison Than Were Enslaved in 1850: Clearly, Colorblindness Hasn't Gotten Us Very Far*, *Colorlines* (Mar. 30, 2011) <<https://www.colorlines.com/articles/michelle-alexander-more-Black-men-prison-were-enslaved-1850>> (as of June 22, 2021)

Luiselli et al., *Longitudinal Evaluation of Behavior Support Intervention in a Public Middle School* (2002) 4 *J. Positive Behav. Interventions* 184

Males, *California Decision Aims to End Aggressive Policing in Schools*, *Yes! Magazine* (Feb. 14, 2019) <<https://www.yesmagazine.org/democracy/2019/02/14/california-decision-aims-to-end-aggressive-policing-in-schools>> (as of June 25, 2021)

Manoucheri, *5-Year-Old Handcuffed, Charged With Battery On Officer*, *KCRA* (Feb. 9, 2012) <<https://www.kcra.com/article/5-year-old-handcuffed-charged-with-battery-on-officer/6395087>> (as of June 25, 2021)

Margo, *Race and Schooling in the South 1880-1950: An Economic History* (1990)

Martinez, *Newsom's Veto of Ethnic Studies Requirement Stirs Applause, Disappointment*, *KCRA* (Oct. 1, 2020) <<https://www.kcra.com/article/newsoms-veto-of-ethnic-studies-requirement-stirs-applause-disappointment/34243062#>> (as of June 22, 2021)

Mathis, *Moving Beyond Tracking*, National Education Policy Center (May 2013)

<<https://nepc.colorado.edu/sites/default/files/pb-options-10-tracking.pdf>> (as of June 25, 2021)

May, *Some Recollections of Our Antislavery Conflict* (1869) <<https://www.gutenberg.org/files/50313/50313-h/50313-h.htm#hp39>> (as of June 24, 2021).

Mcdonnell Nieto del Rio, *University of California Will No Longer Consider SAT and ACT Scores*, The New York Times (May 15, 2021) <<https://www.nytimes.com/2021/05/15/us/SAT-scores-uc-university-of-california.html?referringSource=articleShare>> (as of June 18, 2021)

McLaurin v. Oklahoma State Regents for Higher Ed. (1950) 339 U.S. 637

Meatto, *Still Separate, Still Unequal: Teaching about School Segregation and Educational Inequality*, New York Times (May 2, 2019) <<https://www.nytimes.com/2019/05/02/learning/lesson-plans/still-separate-still-unequal-teaching-about-school-segregation-and-educational-inequality.html>> (as of June 21, 2021)

Mervosh, *How Much Wealthier Are white School Districts than Nonwhite Ones? \$23 Billion, Report Says*, The New York Times (Feb. 27, 2019) <<https://www.nytimes.com/2019/02/27/education/school-districts-funding-white-minorities.html>> (as of June 21, 2021)

Morris & Perry, *The Punishment Gap: School Suspension and Racial Disparities in Achievement* (2016) 63 J. Social Problems 68

Murphy & Paluch, *Financing California's Public Schools*, Public Policy Institute of California (Nov. 2018) <<https://www.ppic.org/publication/financing-californias-public-schools/>> (as of June 18, 2021).

National Center for Education Statistics, Fast Facts <<https://nces.ed.gov/fastfacts/display.asp?id=98>> (as of June 18, 2021)

National Center for Education Statistics, *Historically Black Colleges and Universities* <<https://nces.ed.gov/fastfacts/display.asp?id=667>> (as of July 2, 2021).

National Geographic, *The Black Codes and Jim Crow Laws* <<https://www.nationalgeographic.org/encyclopedia/Black-codes-and-jim-crow-laws/>> (as of June 24, 2021).

Nelson et al., *The Right to Remain a Student: How California School Police Fail to Protect and Serve*, ACLU of California (Oct. 2016)

Nichols, *Segregation Forever?: The Continued Underrepresentation of Black and Latino Undergraduates at the Nation's 101 Most Selective Public Colleges and Universities*, The Education Trust (July 21, 2020) <<https://edtrust.org/resource/segregation-forever/?emci=041bef3d-b3ca-ea11-9b05-00155d03bda0&emdi=4d05e95b-07cb-ea11-9b05-00155d03bda0&ceid=310222>> (as of June 22, 2021)

Oakes et al., *Detracking: The Social Construction of Ability, Cultural Politics, and Resistance to Reform* (1997) 98 Teachers College Record 482

Oakes, *Keeping Track: How Schools Structure Inequality* (2005)

Oakes, *Multiplying Inequalities: The Effects of Race, Social Class, and Tracking on Opportunities to Learn Mathematics and Science* (1990)

Oakes, *Two Cities' Tracking and Within-School Segregation* (1995) 96 Teachers College Record 681 <<https://www.tcrecord.org/books/pdf.asp?ContentID=49>> (as of June 24, 2021);

Oast, *Institutional Slavery: Slaveholding Churches, Schools, Colleges, and Businesses in Virginia, 1680–1860* (2016)

Office for Civil Rights, *2011-12 Civil Rights Data Collection, Data Snapshot: Teacher Equity*, U.S. Dept. of Ed. (2014), <https://ocrdata.ed.gov/assets/downloads/CRDC-Teacher-Equity-Snapshot.pdf>. National Center for Education Statistics > (as of July 1, 2021)

Office for Civil Rights, *2015-16 Civil Rights Data Collection: School Climate and Safety*, U.S. Dept. of Ed. (2018) <<https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>> (as of June 22, 2021)

Office for Civil Rights, *2015-16 Civil Rights Data Collection: Stem Course Taking*, U.S. Dept. of Ed. (2018)

Office for Civil Rights, *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-2018 School Year*, U.S. Dept. of Ed. (June 2021) <<https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>> (as of June 24, 2021)

Office for Civil Rights, *Civil Rights Data Collection (for 2017-18)*, U.S. Dept. of Ed. (Oct. 14, 2020) <<https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2017-18.html>> (as of July 1, 2021)

Office for Civil Rights, *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students*, U.S. Dept. of Ed. (2021) <<https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>> (as of June 25, 2021)

Office for Civil Rights, *Historically Black Colleges and Universities and Higher Education Desegregation*, U.S. Dept. of Ed. (Mar. 1991) <<https://www2.ed.gov/about/offices/list/ocr/docs/hq9511.html>> (as of June 21, 2021)

Ogletree, *Tulsa Reparations: The Survivor's Story* (2004) 24 B.C. Third World L.J. 13

Oliver & Shapiro, *Black Wealth/white Wealth: A New Perspective on Racial Inequality* (1995)

Onkst, 'First a Negro . . . Incidentally a Veteran': Black World War Two Veterans and the G. I. Bill of Rights in the Deep South, 1944–1948 (1998) 31 J. of So. His. 517

Orfield & Ee, *Segregating California's Future: Inequality and Its Alternative 60 Years after Brown v. Board of Education*, The Civil Rights Project, University of California Los Angeles (May 14, 2014)

Orfield & Jarvie, *Black Segregation Matters: School Resegregation and Black Educational Opportunity*, UCLA Civil Rights Project/Proyecto Derechos Civiles (Dec. 2020) <<https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/Black-segregation-matters-school-resegregation-and-Black-educational-opportunity/BLACK-SEGREGATION-MATTERS-final-121820.pdf>> (as of July 1, 2021)

Orfield & Siegel-Hawley, *E Pluribus . . . Separation, Deepening Double Segregation for More Students*, UCLA Civil Rights Project/Proyecto Derechos Civiles (Sept. 2012) <<https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/>> (as of July 1, 2021).

Orfield et al., *Losing our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis*, The Civil Rights Project at Harvard University et al. (2004) <<https://civilrightsproject.ucla.edu/research/k-12-education/school-dropouts/losing-our-future-how-minority-youth-are-being-left-behind-by-the-graduation-rate->

crisis/orfield-losing-our-future-2004.pdf> (as of June 22, 2021)

Orfield, *Schools More Separate: Consequences of A Decade of Resegregation*, The Civil Rights Project, Harvard University (July, 2001) <<https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/schools-more-separate-consequences-of-a-decade-of-resegregation/orfield-schools-more-separate-2001.pdf>> (as of July 1, 2021)

OSI Baltimore, *Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide* (Sept. 2020) <<https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>> .

Ottley, *Empty Promise: Black American Veterans and the New GI Bill* (2014) 144 *New Directors for Adult & Continuing Ed.* 79

Parents Involved in Community Schools v. Seattle School Dist. No. 1 (2007) 551 U.S. 701.

People of the State of California v. Barstow Unified School District, No. 20STCV3228, Complaint filed Aug. 25, 2020

Perry & Morris, *Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools* (2014) 79 *Am. Sociological Rev.* 1067

Perspectives on Historically Black Colleges and Universities (2002) 25 *Rev. Higher Ed.* 241

Plessy v. Ferguson (1896) 137 U.S. 537

Powers et al., *Twenty-five Years after Larry P.: The California Response to Overrepresentation of African Americans in Special Education* (2004) 9 *The California School Psychologist* 145

Prigg v. Com. of Pennsylvania (1842) 41 U.S. 539

Ramsey, *The Troubled History of American Education after the Brown Decision*, *The American Historian* <<https://www.oah.org/tah/issues/2017/february/the-troubled-history-of-american-education-after-the-brown-decision/>> (as of July 7, 2020)

Reft, *How Prop 14 Shaped California's Racial Covenants*, KCET, <https://www.kcet.org/shows/city-rising/how-prop-14-shaped-californias-racial-covenants>> (as of June 30, 2021).

Regents of University of California v. Bakke (1978) 438 U.S. 265

Reparations 4 Slavery, The Movement for Black Lives <<https://reparations4slavery.com/the-movement-for-black-lives/>> (as of June 21, 2021)

Report of the National Advisory Commission on Civil Disorders: Summary of Report (1968) <<http://www.eisenhowerfoundation.org/docs/kerner.pdf>> (as of June 21, 2021)

Robertson, Nikole Hannah-Jones Denied Tenure at University of North Carolina, *The New York Times* (Jun. 30, 2021) <<https://www.nytimes.com/2021/05/19/business/media/nikole-hannah-jones-unc.html>> (as of Aug. 9, 2021)

Robles-Ramamurthy & Watson, *Examining Racial Disparities in Juvenile Justice* (2019) 47 *J. Am. Academy of Psych. & L.* 48

Roebuck & Murty, *Historically Black Colleges and Universities: Their Place in American Higher Education*

(1993)

Rosenbaum, Educational and Criminal Justice Outcomes 12 Years After School Suspension, *Youth & Soc'y* (Jan. 17, 2018)

Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017)

Saddler, *The Impact of Brown on African American Students: A Critical Race Theoretical Perspective* (2005) 37 Ed. Studies 41

Sambol-Tosco, *The Slave Experience: Education, Arts & Culture*, Thirteen (2004)

<<https://www.thirteen.org/wnet/slavery/experience/education/history2.html>> (as of March 5, 2021)

San Francisco Board of Education, Res. No. 208-25A2 In Support of Creating a K-12 Black Studies Curriculum that Honors Black Lives, Fully Represents the Contributions of Black People in Global Society, and Advances the Ideology of Black Liberation for Black Scholars in the San Francisco Unified School District, as adopted Oct. 20, 2020;

Schofield, *School Desegregation and Intergroup Relations: A Review of the Literature in Review of Research in Education* (1991)

School Assignment and Transportation of Pupils, California Proposition 1 (1979).

Schwartz, *Teachers Push for Books with More Diversity, Fewer Stereotypes*, Education Week (June 11, 2019)

<<https://www.edweek.org/teaching-learning/teachers-push-for-books-with-more-diversity-fewer-stereotypes/2019/06>> (as of June 22, 2021);

Scott v. Sandford (1857) 60 U.S. 393.

Sentinel News Service, *Gipson Bill Supports Male Educators of Color: AB 520 Diversifies Teaching Workforce*, Los Angeles Sentinel (Apr. 15, 2021) <<https://lasentinel.net/gipson-bill-supports-male-educators-of-color-ab-520-diversifies-teaching-workforce.html>> (as of June 22, 2021)

Serrano v. Priest (1971) 5 Cal. 3d 584

SFUSD, *Board of Education Approves K-12 Black Studies Curriculum*, Press Release (Oct. 20, 2020)

<<https://www.sfusd.edu/about/news/current-news/board-of-education-approves-k-12-Black-studies-curriculum>> (as of June 22, 2021)

Shores et al., *Categorical Inequalities Between Black and white Students are Common in US Schools—But They Don't Have to Be*, Brookings (Feb. 21, 2020) <<https://www.brookings.edu/blog/brown-center-chalkboard/2020/02/21/categorical-inequalities-between-Black-and-white-students-are-common-in-us-schools-but-they-dont-have-to-be/>> (as of June 21, 2021)

Shuster, *Teaching Hard History: American Slavery*, Southern Poverty Law Center (2018) pp. 9-10

<<https://www.learningforjustice.org/sites/default/files/2020-08/TT-2007-Teaching-Hard-History-Report.pdf>> (as of June 22, 2021) (hereafter Teaching Hard History)

Sigma Beta Xi, Inc. v. County of Riverside (July 1, 2018) Case No. 5:18-cv-01399

Sipuel v. Board of Regents of University of Oklahoma (1948) 332 U.S. 631

Skiba et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*

(2002) 34 Urban Rev. 317

Smith, *Orange County Debates Ethnic Studies: Vital learnings or 'Anti-white' Divisiveness?*, Lost Angeles Times (Apr. 28, 2021) <https://www.latimes.com/california/story/2021-04-28/ethnic-studies-slammed-as-anti-white-in-orange-county?utm_id=28151&sfmc_id=805927> (as of June 25, 2021)

Smith, *Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California* (2011) 80 Pacific Historical Rev. 28, 49-50.

South Carolina v. Katzenbach (1966) 383 U.S. 301

Southern Education Foundation, *Miles To Go: A Report on Black Students and Postsecondary Education in the South* (1998)

Span, *Learning in Spite of Opposition: African Americans and their History of Educational Exclusion in Antebellum America* (2005) 131 Counterpoints 26

Stats. 1855, ch. 185, § 12, p. 232.

Stewart, *'We are Committing Educational Malpractice,' Why Slavery is Mistaught—And Worse—In American Schools*, The New York Times Magazine (Aug. 19, 2019) <<https://www.nytimes.com/interactive/2019/08/19/magazine/slavery-american-schools.html?searchResultPosition=3>> (as of June 22, 2021)

Sweatt v. Painter (1950) 339 U.S. 629

Tamborini et al., *Education and Lifetime Earnings in the United States* (2015) 54 Demography 1383

Tapia et al., *The Uneven Transition Toward Universal Literacy in Spain, 1860-1930* (2019) National Bureau of Economic Research (Working Paper No. 173)

Tapia et al., *Two Stories, One Fate: Age-Heaping and Literacy in Spain, 1877-1930* (2018) National Bureau of Economic Research (Working Paper No. 139)

Tate et al., *The Brown Decision Revisited: Mathematizing a Social Problem in Beyond Desegregation: The Politics of Quality in African American Schooling* (1996)

The Council on State Gov. & Pub. Policy Research Inst. at Tex. A&M Univ., *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (July 2011)

The Education Trust West, *Black Minds Matter: Supporting the Educational Success of Black Children in California* (Oct. 2015)

The Education Trust, *Inequities in Advanced Coursework: What's Driving Them and What Leaders Can Do* (2019)

The Sentencing Project, *Youth Reentry* (June 14, 2012) <<https://www.sentencingproject.org/publications/youth-reentry/>> (as of June 22, 2021).

Thornton III, *Fiscal Policy and the Failure of Radical Reconstruction in the Lower South in Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward* (1982)

Tillman, (Un)Intended Consequences?: The Impact of the Brown v. Board of Education Decision on the Employment Status of Black Educators (2004) 36 Educ. & Urban Soc. 280

Toppo, *GAO Study: Segregation Worsening in U.S. Schools*, USA Today (May 17, 2016) <<https://www.usatoday.com/story/news/2016/05/17/gao-study-segregation-worsening-us-schools/84508438/>> (as of June 22, 2021)

Toppo, *Thousands of Black Teachers Lost Jobs*, USA Today (April 28, 2004) <https://usatoday30.usatoday.com/news/nation/2004-04-28-brown-side2_x.htm> (as of June 21, 2021).

Turner & Bound, Closing the Gap or Widening the Divide: The Effects of the G.I. Bill and World War II on the Educational Outcomes of Black Americans (2003) 63 J. of Econ. Hist. 145

Tyack & Lowe, *The Constitutional Moment: Reconstruction and Black Education in the South* (1986), 94 Am. J. Ed. 236

U.S. Commission on Civil Rights, *Beyond Suspension: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*, Briefing Report (2019)

U.S. Department of Education, *The State of Racial Diversity in the Educator Workforce* (2016) pp. 2 <<https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf>> (as of June 21, 2021).

U.S. Dept. of Ed., Civil Rights Data Collection (for 2017-18) (Oct. 14, 2020)

U.S. Dept. of Ed., Office for Civil Rights, Dear Colleague Letter: Resource Comparability, U.S. Dept. of Ed. (Oct. 1, 2014) at p. 4 <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf> (as of July 1, 2021)

U.S. Government Accountability Office, GAO 18 258, *Discipline Disparities for Black Students, Boys, and Students with Disabilities* (Mar. 2018).

U.S. Government Accountability Office, *GAO-20-494, K-12 Education: School Districts Frequently Identified Multiple Building Systems Needing Updates or Replacement* (June 2020) < <https://www.gao.gov/products/gao-20-494>> (as of July 1, 2021).

United States Senate, *Freedmen's Bureau Acts of 1965 and 1966* <<https://www.cop.senate.gov/artandhistory/history/common/generic/FreedmensBureau.htm>> (as of June 18, 2021)

Vazquez-Martinez et al., *Unsafe School Facilities Reinforce Educational Inequities Among Marginalized Students*, Brookings Institute (Sept. 1, 2020) <https://www.brookings.edu/blog/brown-center-chalkboard/2020/09/01/unsafe-school-facilities-reinforce-educational-inequities-among-marginalized-students/> (as of July 1, 2021)

Walker, *The Architects of Black Schooling in the Segregated South: The Case of One Principal Leader* (2003) 19 J. of Curriculum & Supervision 54

Ward v. Flood (1874) 58 Cal. 42.

Washington, *Diversity in Schools Must Include Curriculum*, The Century Foundation <<https://tcf.org/content/commentary/diversity-schools-must-include-curriculum/?session=1>> (as of June 24,

2021)

Watanabe, *Prop. 209's Affirmative Action Ban Down Down Black and Latino UC Enrollment and Wages, Study Finds*, MSN (Aug. 22, 2020) <<https://www.msn.com/en-us/news/us/prop-209-s-affirmative-action-ban-drove-down-Black-and-latino-uc-enrollment-and-wages-study-finds/ar-BB18g9DD>> (as of June 22, 2021)

Whitaker et al., *Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students*, ACLU (2019) <<https://www.aclu.org/report/cops-and-no-counselors>> (as of June 23, 2021)

Will, *65 Years After 'Brown v. Board,' Where Are All the Black Educators?*, Education Week (May 14, 2019) <<https://www.edweek.org/policy-politics/65-years-after-brown-v-board-where-are-all-the-Black-educators/2019/05>> (as of June 23, 2021)

Will, *Still Mostly white and Female: New Federal Data on the Teaching Profession*, Education Week (Apr. 14, 2020) <<https://www.edweek.org/leadership/still-mostly-white-and-female-new-federal-data-on-the-teaching-profession/2020/04>> (as of June 21, 2021)

Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1975)

Woodson, *The Education of the Negro Prior to 1861: A History of the Education of the Colored People of the United States from the Beginning of Slavery to the Civil War* (1919)

Zahneis, *Why Has Black-Student Enrollment Fallen?*, The Chronicle of Higher Education (Aug. 18, 2019) <<https://www.chronicle.com/article/why-has-Black-student-enrollment-fallen/>> (as of June 22, 2021)

Zou et. al., *Texas teachers say GOP's new social studies law will hinder how an entire generation understands race, history and current events*, The Texas Tribune (Aug. 3, 2021) <<https://www.texastribune.org/2021/08/03/texas-critical-race-theory-social-studies-teachers/>> (as of Aug. 9, 2021)

HEALTH

I. Introduction

- A. Historically, the United States treated Black Americans as subhuman, destroying the health of Black communities through racist oppression, torture, sexual violence, abusive experimentation, forced labor, and harmful neglect. Enslaved women could legally be stripped, beaten, mutilated, bred, and compelled to work. Enslaved children were trafficked for labor and abused. Racist scientific theories set the ideological foundations of discriminatory healthcare systems in the United States—developing false theories about Black inferiority, insanity, and pathologizing all aspects of Black identity to justify slavery. Following the legal end of slavery, the United States segregated Black communities, damaging Black health, creating unequal healthcare services for Black Americans, and sacrificing Black health for medical experiments and the development of medical technologies. During slavery, Black women in the United States were forced to procreate, and after slavery they were forcibly sterilized. Feeble federal and state attempts to address racist harm in the medical system did not result in increased access to quality healthcare. Rather the state-sponsored corporatization of healthcare resulted in rising costs, separation of Black doctors from Black patients, and further inequality. As a result, Black American descendants of enslaved people have suffered and continue to disproportionately suffer negative health outcomes.
- B. Today, Black women face high rates of maternal death and adverse birth outcomes. Black children face disproportionately worse health consequences in school, criminal justice, and foster care systems. Black Americans historically experienced segregation and misdiagnosis, which has resulted in disparate outcomes in mental health care today. The mismanagement of public health crises by state and federal governments has resulted in more adverse health consequences and disproportionate deaths in Black communities—particularly during the COVID-19 pandemic. In the face of overwhelming historical and contemporary racial oppression, Black healthcare providers, patients, and community members have demonstrated power and strength as they work to build healthy communities and fight for a more equitable healthcare system.

II. Government Sanctioned Racist Scientific Theories Set Ideological Foundations of Discriminatory Healthcare Systems in the United States

- A. Scientific Racism Sets Anti-Black Foundation of American Medicine with Lasting Consequences
 - a. During the slavery era, scientific racism defined race as an innate biological, and later genetic trait. Claims of “scientific” biological distinctions between races, based on skin color, facial features, now-debunked skull measurement and “brain size”, and erroneous beliefs about immunity to certain diseases, falsely justified slavery.
 - a. Scientists invented “phrenology”—the measuring of the size of the brain by measuring the cranial capacity of the skull and assigning levels of

intelligence to particular races, which was influential throughout the 1800s.

- b. Physicians used their racist reactions to Black Americans' appearances, historic writings, catalogs of "racial" traits, as well as biblical interpretations to justify their "scientific" theories about Black Americans.
- c. During the slavery era, medical researchers sought to prove the inheritability of race by developing the racialized concept of disease as proof that race was biological, and that Black pathology caused racial inequality.
- d. Social Darwinist medical ideologies rationalized the poverty and neglect that Black Americans experienced in the 1880s and 1890s, the decades following Reconstruction, by claiming Black Americans were part of an inherently inferior race that would inevitably decline—discouraging reform efforts to improve public health.
- e. Doctors published influential studies stating that Black Americans contracted syphilis and tuberculosis due to their immorality and were responsible for all the diseases that spread to white people.
- f. The Kentucky and New Orleans public health agencies made pessimistic statements about Black Americans' inevitable demise and state that Black Americans had less capacity to resist disease and "irregular habits," which explained high mortality rates.
- g. During congressional debates over the establishment of the Freedmen's Bureau, a program to provide government-funded healthcare for newly freed enslaved people, White legislators argued that healthcare assistance to free Black Americans would breed dependence and that when it came to Black infirmity, hard labor was better than medicine.
- h. Despite the racism of state authorities, who predicted the inevitable demise of Black Americans, Black doctors, nurses, and healthcare workers, resisted and survived.

- i. The eugenics movement in the US focused on eliminating “undesirable” traits that were concentrated in poor, uneducated, and non-white populations, undergirded by the ideology that white Anglo-Saxon people were an inherently superior race. Eugenicists enacted laws resulting in the forced sterilization of undesirable “races,” including Black Americans, in an effort to create and maintain a white supremacist nation.
- j. Racist scientific theories continue to shape ideas and practices in biomedical research and medicine today, as well as other fields, such as education.
- k. Black patients are especially vulnerable to harmful biases and stereotypes, including the undertreatment of their pain based on commonly held myths that Black Americans as a race feel less pain, exaggerate their pain, or are predisposed to drug addiction.
- l. Studies have found that “a substantial number of white . . . medical students and residents hold false beliefs about biological differences between Blacks and whites”—and that “these beliefs predict racial bias in pain perception and treatment.”

III. Slavery Sets Foundation for Discriminatory Healthcare Systems in the United States

- A. Proliferation of Disease Among Enslaved People Due to the State and Federal Governments’ Discriminatory Neglect of Public Health
 - 1. Slavery had disastrous health consequences for enslaved people due to lack of public health regulations and harsh forced working conditions that resulted in the proliferation of infectious and nutritional diseases.
 - a. Infectious and parasitic diseases, associated with poor living conditions and overcrowding, were the major causes of illness and death for enslaved people.

- b. Worm infections were extremely common among enslaved people due to children's contact with polluted food and soil.
- c. Hookworm infestation was common during slavery and resulted in low birth weights and infant mortality. [Explain that this is still an issue in historically Black areas.]
- d. Contagious respiratory diseases were prevalent in the winter months due to the overcrowded quarters and lack of support to maintain sanitary living conditions.
- e. Malaria was highly prevalent and led to low birth weights and infant mortality.
- f. The lack of federal or state public health regulations resulted in contaminated food and water, nonexistent sanitary facilities or sewage disposal, wastewater leakage, and haphazard garbage disposal, which contributed to diseases and infections for enslaved people.
- g. Sexually transmitted infections were major public health problems affecting the lives of enslaved people disproportionately more than white people, due to forced breeding, crowded quarters, and lack of access to treatment.
- h. Diseases, like pellagra, caused by a lack of nutrition in the diet weakened the immune systems of enslaved people.
- i. The health of enslaved people suffered greatly because there were no hospitals where they could be treated for disease.
- j. With few exceptions, enslaved people and free Black Americans were not allowed to access hospitals, almshouses, and facilities for the deaf and blind. The welfare of enslaved people was left to slave owners, while free Black Americans were forced to fend for themselves.
- k. In 1798, Congress established a loose network of marine hospitals to care for sick and disabled seamen, but explicitly banned enslaved people from them.

B. Government Sanctioned Physical Punishment, Torture, and Neglect during Slavery

1. Enslaved people suffered food and water deprivation, painful whipping, and assault at the hands of slave owners, who tortured them with impunity.
 - a. Enslaved people experienced branding, dog bites, assaults with fists and rods, burns, lacerations, mutilated body parts, and bone fractures due to harsh labor conditions and the actions of slave drivers and slave owners.
 - b. Additionally, gashes from chains and iron restraints resulted in injuries, infections, and disabilities to the bodies of enslaved people.
 - c. Enslaved people were routinely murdered by white people who stabbed, shot, and whipped them to death.
 - d. The lack of protections from extreme climates, in addition to harsh laboring conditions, resulted in illness, injury, and disease.

C. Government Sanctioned Anti-Black Discrimination in Mental Health during Slavery

1. The first public mental hospital in the United States was founded in 1773, in Williamsburg, Virginia. By 1810, there were twenty private asylums in the United States, mostly in the northeast. Eventually, a few public mental asylums opened up in Maryland, Kentucky, and South Carolina during the antebellum period.
 - a. Initially, Black patients were only admitted to the asylum in Williamsburg, Virginia. There, free Black patients were funded by the state at much lower rates than whites, so patients received less care and services. Enslaved people also performed forced labor in other asylums, such as Central Lunatic Asylum in Virginia, which was essentially a plantation where forced labor was paired with frequent mechanical restraint.
 - b. Free Black Americans worked as janitors in northern hospitals and medical schools, but were not allowed to work as direct caregivers. The poorhouse and jail were typically the only social welfare institutions open to Black Americans in the antebellum era.
 - c. Many antebellum mental asylums were segregated. Black patients were housed in poorer accommodations and forced to work in harsher conditions.

- d. Numerous racist “diseases” allegedly affecting enslaved people were invented by Southern doctors including “drapetomania,” the “irrational” desire to run away, and “dysesthesia”, a supposed laziness that caused enslaved people to mishandle slaveholder property. Doctors, such as Samuel Cartwright, recommended torturing enslaved people as “treatment” for these false diseases.

D. Government Sanctioned Violence Against Enslaved Women and Children

“I consider a slave woman who breeds once every two years as profitable as the best worker on the farm.” –Thomas Jefferson

1. Slaveholders held unrestrained reproductive control over enslaved women and girls using rape and livestock breeding techniques, sanctioned by law.
 - a. State laws stated that children born to enslaved mothers and white men were legally considered to be enslaved, leading enslaved women to be vulnerable to sexual violence inflicted by white men. Furthermore, the law did not recognize the rape of enslaved women and girls as a crime.
 - i. White slave owners were legally allowed to economically profit from raping enslaved women and girls by generating a larger workforce of enslaved people they owned and acting with impunity.
 - b. White women married to slave owners often whipped and tortured enslaved women and girls after they were sexually assaulted by white men.
 - c. Slaveholders inflicted physical and psychological punishment on enslaved women if they were not able to bear children.
 - d. Slaveholders forced enslaved women to submit to being raped by men and castrated enslaved men who were not fit for “breeding.”
 - e. The health of enslaved mothers and their babies was greatly damaged due to the treatment of enslaved women as objects to be “raped, bred, or abused.”
 - f. On average enslaved women became mothers earlier than white women due to pressure to reproduce. Courts established rules for sellers of enslaved women who misrepresented their fertility, which were similar to rules governing the sale of commodities.
 - g. Mother-child bonding was shattered as white slaveholders trafficked children for labor on other plantations or sold them.

- h. Records show that expectant mothers only received work relief after the fifth month of pregnancy and often returned to work within the first month of the infant's life. Enslaved mothers were forced to perform forced labor in fields and to breastfeed white children, while neglecting their own.
 - i. Pregnant enslaved women and girls were whipped routinely by white slaveholders.
 - i. Slaveholders dug holes in the ground, forced women to lie face down so that their stomachs would fit inside the holes, and whipped their backs. This was done to punish enslaved women without damaging the fetus, which was legally considered future slaveholder property.
 - j. Women became pregnant during winter months when labor was reduced, consequently giving birth during the summer—the time of highest labor demand and greatest sickness—leading to high infant mortality rates.
 - k. Children born into slavery experienced disproportionately high mortality rates, consumed contaminated and less nutritious food, and experienced stunted growth and health problems throughout childhood.
 - l. Two-thirds of infants died within their first month of life—due in part to the hard labor enslaved mothers were forced to do.
 - m. Children were forced to work before they turned seven years old, and experienced trauma from witnessing brutal beatings of their parents, and died at double the rate of the general white population.
 - n. Enslaved women had rich cultural knowledge of natural birth control from their indigenous cultures, which they were forced to conceal from slave traders and owners. Black midwives assisted pregnant enslaved women with inducing and covering up abortions.
- E. Government Sanctioned Medical Experimentation on Enslaved People in the South
- 2. White Southern doctors were hired by slaveholders and insurance companies to accurately determine the market value of Black bodies.
 - a. Physicians used slavery for economic security and enslaved bodies for dangerous procedures that addicted, sickened, poisoned, or killed enslaved people, but furthered their professional advancement.
 - b. Enslaved Black bodies were used for physician experimentation, and not treatment. Black bodies filled surgical suites, operating theaters, and

autopsy tables. Black organs were placed on display in state-funded medical schools legally and without consent.

- c. James Marion Sims, the “father of modern gynecology,” bought enslaved women and forcibly injected them with morphine, which led to addiction, to practice excruciatingly painful vaginal surgeries upon them—these surgeries would be perfected and then used to treat white women.
 - i. Sims’ surgeries resulted in vaginal tears that he attempted to suture, but became continuously reinfected. All the while, Sims refused to administer anesthesia to enslaved women, but later did administer it for white women upon whom he performed the same surgeries.
- d. Sims also experimented on enslaved children, making scalp incisions and moving skull bones, for dangerous experimental procedures. Sims used only Black children as experimental subjects.
- e. Enslaved people were used preferentially for testing genitourinary surgeries, experimental caesarean sections, and eye surgeries.
- f. Thomas Jefferson injected two-hundred enslaved people with a cowpox vaccine that may not have been potent, in order to determine whether he should inject his own family members with it.
- g. Bloodletting and trephination, the drilling of holes in the skull, were risky for wealthy white classes—but fatal for malnourished enslaved people.
- h. Surgeons often used enslaved people for spontaneous surgical experiments and ad hoc experimentation in medication and dosages.

- i. Courts completely neglected the health and safety rights of enslaved people, who were rendered powerless in the face of brutal medical experimentation under the institution of slavery.

IV. Governments Enact Discriminatory Health and Healthcare Systems Following the Abolition of Slavery (1865-1870)

A. State-Perpetrated Discriminatory Wartime Healthcare and Destruction of the Freedmen's Bureau (1865-1868)

1. Following the abolition of slavery, white legislators deliberately refused to provide state or federally funded healthcare for formerly enslaved people due to racist ideologies about Black inferiority, resulting in mass death of Black Americans due to epidemics and lack of access to healthcare.
 - a. The Civil War resulted in disproportionately large-scale death, destruction, and casualties for formerly enslaved people—thirty thousand died formerly enslaved people died from infectious diseases due to being forced to live in large, segregated refugee camps after the war.
 - ii. Hospitals, dispensaries, and military camps were unprepared for the flood of enslaved people, Black soldiers, and other refugees that would enter the North due to the Civil War.
 - b. Escaped and abandoned enslaved people settled near or inside the Union Army's military camps and battle lines.
 - c. These enslaved people organized themselves into camps, without adequate sanitation, nutrition, or medical care, because the federal government was unprepared and unwilling to assist them.
 - d. Growing numbers of wounded Black soldiers and Black Americans sick with infectious diseases entered these camps, resulting in the death of one out of every four people who lived in the camps.
 - e. Following the Civil War, white veterans received healthcare, but enslaved people were refused by physicians and municipal officials.
 - f. Excessive mortality rates in Black communities were caused by poor living conditions, lack of access to nutritious food, and lack of access healthcare, medical aid, and vaccinations.
 - g. There were constant outbreaks of epidemics, such as cholera and smallpox, in areas where Black Americans lived. Black Americans were

forced to live in overcrowded, unventilated tenements and shacks with unsanitary conditions.

- h. In 1865, the federal government created the Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen's Bureau) to provide services and resources to formerly enslaved people after the Civil War, a short-lived attempt to provide medical aid to formerly enslaved people in need.
- i. The Freedmen's Bureau faced jurisdictional hurdles and a lack of funding after being established. Local white physicians refused to treat formerly enslaved people due to racial bias. Cities and counties focused on the health of whites and refused to cooperate with the Freedmen's Bureau to provide healthcare for formerly enslaved people. The Freedmen's Bureau was also ill-equipped to provide mental health services.
- j. Freedmen's Bureau dispensaries were able to provide thousands with annual treatment and prescriptions and the Bureau was able to decrease mortality rates—despite the fact that there were less than 150 physicians to care for over 1 million formerly enslaved people. Many of these primarily white physicians were racist to their Black patients, and sometimes refused to treat them.
- k. After two years of operation, with Southern legislators claiming the costs were too high, Congress ended the Freedmen's Bureau medical services—just as demand for services was increasing. When the Bureau's medical services ended, formerly enslaved people continued to suffer from illness, destitution and racial discrimination from states and physicians—and were left with no access to medical care.

V. Government Sanctioned Segregation and Discrimination in Medical Care (1870-1964)

A. Government Perpetrated Racial Segregation in Healthcare during the Jim Crow Era

- 1. The U.S. healthcare system is structured on the basis of racial segregation and class stratification that began following the abolition of slavery and continues until today.
 - a. During the Jim Crow era, Black hospitals and segregated units within predominantly white hospitals were the only viable sources for medical services for Black Americans, due to pervasive racial discrimination, poverty, and lack of geographic accessibility.
 - b. Some white hospitals operated small wards for Black patients, but they were located in the least desirable areas of the hospitals facilities, in

basements or crowded “colored wings.” Furthermore, only white doctors were allowed to treat patients in these hospitals—consequently Black patients experienced cold, disheartening, and disdainful interactions with physicians.

- c. During World War I and after, millions of Black Americans living in the southern states took part in the Great Migration, traveling to the urban Northeast and Midwest. During this time, underfunded and under resourced Black hospitals were not sufficiently able to provide care of local Black Americans and newly arriving migrants.
- d. In Northern cities, Black patients who sought treatment in large city hospitals were forced to compete for healthcare resources with poor European immigrants.
- e. Private doctors were unaffordable for most Black Americans.
- f. State sanctioned racial segregation and discrimination was pervasive for Black patients across the nation from 1870-1964.
- g. Black women were not able to deliver babies in hospitals due to Jim Crow era discrimination. Black midwives remained central to maternity care in the rural regions of the South due to their affordability and accessibility.
- h. White patients refused to receive care alongside Black patients and did not want to be treated by Black physicians or professionals. In Mississippi, white hospitals would not admit Black patients, and if they did, they were restricted to areas such as basements. Black workers often could not afford hospital care, and if they were admitted to a white hospital, they would face harsh treatment from white hospital staff and physicians.
- i. White public health leaders and professionals did not respond to the lack of adequate healthcare resources in Black communities. Instead, Black physicians and health leaders traveled to churches, schools, and community meetings to give healthcare education presentations.
- j. Black professionals experienced constant racial discrimination and were excluded from medical institutions and professional associations during the Jim Crow era.
- k. Black representation in the medical profession was disproportionately low—about 2% in 1900 and remained about the same until 1980.
- l. Black medical schools rapidly declined due to anti-Black barriers to entry into the profession, and a lack of teaching and funding resources. By

1915, five of the eight Black medical schools, mostly in Southern states, in the nation were closed. By 1923, only two training sites were left for Black doctors and other medical professionals—Howard University in Washington DC and Meharry Medical College in Tennessee.

- m. Black doctors were not allowed to treat Black patients in white hospitals. Black interns, residents, or registered nursing personnel were excluded from white hospitals.
- n. Black pharmacists were limited to employment in “colored drugstores.”
- o. Many Black women who entered the nursing profession were discriminated against and not allowed to enter into the nation’s major government and charitable health agencies.
- p. Black hospitals were the only viable sources for healthcare for Black Americans.
- q. As late as 1945, Chicago only had one hospital operated by Black healthcare providers that served roughly 270,000 Black residents. Philadelphia had two Black hospitals.
- r. Southern Black women relied on private physicians and hospitals for maternity care. Even in 1949, when an increasing number of women were assisted by physicians during birth, most Black women had no physician present for birth.
- s. Until 1954, when the Veteran’s Administration announced the end of segregation in agency hospitals, Black veterans received worse treatment than white veterans due to separate and unequal facilities.
- t. White hospitals received public and private funds to establish around new bio-clinical models of care, while Black hospitals had to rely on their own small community of patients for funding.
- u. Black hospitals were forced to open in older, outdated hospital structures that were abandoned by prior white founders.
- v. In 1946, the Hill Burton Act, passed by Congress, allowed for the creation and/or maintenance of “separate but equal” healthcare facilities—resulting in continued segregation and decreasing access to quality healthcare.
- w. In congressional debates, Northern Senators William Langer and Harold Burton called for nondiscrimination in the use of federal funds. Southern Senators, such as Lister Hill from Alabama, claimed that state legislatures

and local hospital authorities had the right to set policy without federal interference—using this argument as a justification for including the “separate but equal” provision in the act. Ultimately, the “separate but equal” provision was used by Congress to appease the Southern states. Southern states received a significant portion of the federal funds allotted through the Hill Burton Act.

- x. Because Hill Burton Act funds were disbursed through regional, state, and local offices, states that were highly segregated perpetuated racial exclusion. By 1962, 98 hospitals in the South banned Black patients outright, while others only allowed Black patients in segregated areas.
- y. Federal regulations interpreting the Hill Burton Act allowed professionally qualified persons to be denied staff or admitting privileges on account of race. As a result, Black doctors—in addition to being prevented from treating their patients once admitted to exclusionary, mixed-race hospitals—were denied jobs and squeezed out of the medical market. Black patients were similarly denied the opportunity to continue treatment with a trusted provider.
- z. From 1947-1971—during the original Hill-Burton Act program disbursement—Hill-Burton Act funds contributed to 427 projects at 284 facilities in 165 communities in California.
 - aa. Hospitals in California during this era discriminated against Black patients and physicians. A 1950 survey of Los Angeles-area hospitals found that eleven of the seventeen respondents racially segregated patients. A separate, 1956 study found that only 28.2 percent of Black physicians in Los Angeles served at predominately white hospitals.
 - bb. The legacy of this discrimination carries through today. This year, a nonpartisan health organization found that Los Angeles tied Atlanta for the urban market in the United States with the highest number of “least inclusive hospitals.”
 - cc. Studies conducted on the Black community revealed high rates of syphilis, tuberculosis, maternal and infant mortality, and disparities in life expectancy—healthcare concerns that continue.
 - dd. Communicable childhood diseases such as whooping cough, measles, meningitis, diphtheria, and scarlet fever were three times as frequent among Black children—reflecting inadequate access to modern medical treatment.

- ee. The infant death rate for Black children was twice that of white children in the late 1950s. The Black maternal mortality rate was four times greater than the white maternal mortality rate.
- ff. Black Americans died at earlier ages than whites of chronic diseases, such as heart disease and cancer of the respiratory system. A contributing factor to premature death for Black Americans was that the federal government prohibited Black Americans from accessing antipoverty programs. As a result, they could not afford or access quality healthcare. Without preventative treatment and care for chronic disease, Black Americans died earlier than white people.
- gg. Heart disease deaths linked to hypertension were occurring among Black Americans at triple the rate of whites—indicating racial disparities in diet, family background, blood cholesterol levels, stress, age, and access to healthcare.

VI. Government-Supported Systemic Anti-Black Discrimination in Healthcare (1964-Present)

- A. Government-Sponsored Discrimination Against Black Healthcare Workers by Healthcare Institutions and Professionals
 - 1. The Civil Rights Act brought marked improvements in addressing healthcare discrimination, however longstanding systemic and institutional discrimination beginning from the slavery era has resulted in continuing inequities in medical treatment and health outcomes for Black Americans.
 - a. Discrimination, racist ideologies, and racist policies from centuries of slavery, segregation, and oppression severely limit Black Americans' access to adequate healthcare.
 - b. Racism by white doctors has led to unconscious bias that has resulted in Black Americans receiving inferior medical care to that of white people. Diversity among physicians leads to better outcomes for Black patients—one study found that patients assigned to a Black doctor increased their demand for preventive care, brought up more medical issues, and were more likely to seek advice from Black doctors.
 - c. Medical students' explicit racist attitudes are associated with decreased intent to practice with underserved or minority populations/communities.
 - d. Across virtually every type of diagnostic and treatment intervention, Black Americans receive fewer procedures and poorer-quality medical care than do whites.

- e. Higher implicit bias scores among physicians are associated with biased treatment recommendations for the care of Black patients.
- f. Providers' implicit bias is also associated with poorer quality of patient–provider communication, including the provider's nonverbal behavior.
- g. Racial bias in pain perception and treatment recommendation results in disparate treatment for pain management for Black patients.
- h. A substantial number of white laypeople and medical students and residents hold false beliefs about biological differences between Blacks and whites, which impacts how they recommend medication and treatment for Black patients.
 - i. Black Americans are less likely to be prescribed pain medication due to racially biased beliefs that they are more prone to addiction and drug abuse.
- i. A 2016 survey of white medical students and residents published in The Proceedings of the National Academy of Sciences showed that half of them endorsed at least one myth about physiological differences between Black Americans and white people, including that Black Americans' nerve endings are less sensitive than those of white people.
- j. There are racial disparities in analgesia use for acute pain management in emergency departments across the country.
- k. Studies have found that there is a dearth of published research on health and racism in leading medical and health journals.
- l. Leading health researchers and scholars have noted a lack of racial diversity among editors of health and science journals.
- m. The Journal of the American Medical Association released a podcast that denied the existence of structural racism and later apologized for it. For 30 years, the journal did not publish a single empirical study measuring racism.
- n. The federal government's ban on the limited affirmative-action programs that were in place in medical schools has led to a dearth of Black doctors.
- o. In the 1960s, white medical and dental schools began efforts to increase Black enrollment through affirmative action programs to recruit and graduate higher numbers of Black medical students.

- p. Affirmative action programs increased Black medical school enrollment from 2.2% to 7.5% by 1975.
- q. Surveys revealed that Black physicians provided the most physician care to the nation's Black communities and patient populations.
- r. University of California, Davis opened a medical school with an affirmative action program in 1966, however, in 1978 the U.S. Supreme Court ruled that this program was unconstitutional in *Regents of the University of California v. Bakke*.
- s. This ruling reduced the number of Black students admitted in the nation's medical schools—particularly the middle-and lower-ranked schools, where the percentage of Black students admitted dropped to miniscule levels.
- t. Medical education began to use a “colorblind” model of selecting, training, and placing Black professionals, instead of attempting structural anti-racist changes to medical education and professionalization.
- u. The passage of Proposition 209 in 1996 in California, prohibited the consideration of race, ethnicity, or national origin in public education, employment and contracting. In California's private medical schools, the proportion of Black students matriculating fell from 6 percent (1990) to 5 percent (2019). This has resulted in insufficient progress in achieving the required level of diversity within California's medical schools to meet the needs of California's diverse population.
- v. There were fewer Black men in U.S. medical schools in 2014 than in 1978. In California, Black physicians are less than 3% of the entire medical profession despite being 6% of the population.
- w. The American Medical Association (AMA) supported state-sanctioned discrimination, which has had long-lasting discriminatory effects even until today.
- x. The AMA did not allow Black doctors to join—this policy of tolerating racial exclusion was pivotal in creating a two-tier system of medicine in the United States—racially divided, separate, and unequal.
- y. In response, Black physicians formed the National Medical Association (NMA), because Black physicians did not have the support to practice medicine, were not admitted to practice in certain hospitals, could not access treatment resources, and generally did not have the support necessary to provide good medical care for Black Americans.

- z. The AMA continuously voted against motions prohibiting racial discrimination by member medical societies, even after the passage of the Civil Rights Act in 1964.
 - aa. In the early 20th century, the AMA listed African American physicians as “colored” in its national physician directory and was slow to remove the designation, despite protests from the NMA.
 - bb. Furthermore, the AMA was silent in debates over the Civil Rights Act of 1964, and did not support efforts to amend the “separate but equal” provision of the Hill Burton Act.
 - cc. Due to the state-sponsored corporatization of healthcare, Black physicians were separated from Black patient populations and Black hospitals were closed down and operated by large corporate entities.
 - dd. Health Maintenance Organizations, HMOs, began siphoning patient populations from solo practitioners, which included Black physicians who treated a large population of Black patients. HMOs did not include Black physicians in their networks.
 - ee. Major growth of the medical sector eventually led the bulk of the nation’s hospitals to be operated by the government, large corporations, and not-for-profit healthcare businesses. Black hospitals were not funded by government, corporate, and non-profit economic circles and consequently could not afford to remain open.
 - ii. They closed down, merged into larger hospital systems, or were renovated into nursing homes by the mid-1980s.
 - ff. The mainstream medical establishment was scattered geographically. Black doctors that used to serve Black patients concentrated in Black geographic areas were consequently also scattered and unable to continue serving Black patient populations in clinics and hospitals.
- B. Government-Supported Discrimination Against Black Communities by Healthcare Institutions and Professionals
- 1. Federally funded hospitals continued to refuse to care for Black patients after the Civil Rights Act of 1964.
 - a. Black physicians were not admitted for training or staff privileges at the predominantly white federally funded hospitals throughout the South.

- b. Death rates from pneumonia, influenza, and tuberculosis were two to three times higher for Black Americans than white people due to lack of access to hospital care.
- c. Between 1950-1970, the life expectancy for Black Americans remained almost a decade lower than that of white people.
- d. Similarly, maternal mortality rate for Black mothers remained four times higher than that of white mothers.
- e. Black mortality from sexually transmitted infections and tuberculosis, remained much higher than that of whites.
- f. Black Americans continued to suffer from chronic illness at higher rates than whites.
- g. The NAACP brought a number of lawsuits to force government funded hospitals to hire Black doctors, treat Black patients, and desegregate facilities.
- h. The federal government filed a brief in support of the Black patients in *Simkins v. Moses H. Cone Memorial Hospital*, however the government did not affirmatively challenge hospital segregation.
- i. Due to insufficient government-funded or government-provided healthcare services, as well as the disempowerment and neglect of Black patients by healthcare institutions, Black communities suffered major gaps in healthcare delivery in the impoverished rural and urban neighborhoods they lived in.
- j. Black residents who lived in poverty in urban areas received medical care from crowded emergency rooms and outpatient services at overburdened public hospitals, or small practices of private Black physicians.
- k. In 1960, there was only one Black doctor for every 5,000 Black patients, compared to the national average of 1 doctor for every 670 people. In the Watts section of Los Angeles, with a large Black population, only 106 doctors were serving over 250,000 residents—a doctor to patient ratio of 1 to 2,377.
- l. Poor Black women could not afford safe abortions through private doctors and could not receive adequate care at the hospitals and clinics in their communities.
- m. Hospitals in Black neighborhoods were older than public general hospitals, were administered by nonprofit bodies, funded by voluntary contributions and paying patients, insufficiently staffed, and were in too

poor of a physical condition to provide the medical services needed by the surrounding Black community.

- n. To address the government's discriminatory provision of healthcare services for Black communities, the Black Panther Party provided free healthcare clinics to administer basic preventative care and services—however state entities retaliated against the Party for these practices through bureaucratic and law enforcement harassment.
 - o. In early 1970, the Black Panther Party published in its newspaper an account of “the disrespectful, unprofessional, and even authoritarian encounters between physicians and their patients at San Francisco General.”
 - p. Shortly after, the Black Panther Party established no-cost, community-based clinics, known as People's Free Medical Clinics.
 - q. Party members worked with lay people and trusted medical professional volunteers to administer basic preventative care and services for patients.
 - r. Eventually, state authorities began to impede these efforts through retaliatory harassment.
 - i. The Oakland Police Department, on FBI orders, hounded the Black Panther Party for soliciting clinic funds without proper permits.
 - s. In 1969, police in Los Angeles raided the Black Panther Party chapter's headquarters and severely damaged the clinic building enough that its forthcoming opening was postponed.
- C. Discriminatory Government-Perpetrated Healthcare Policies and Inadequate Insurance for Black Communities

- 1. President Lyndon B. Johnson's Great Society legislation and the Civil Rights Act and Voting Rights Act contained the seeds for creating a nationwide health care system for all citizens, however the Medicaid and Medicare programs fell short of addressing the healthcare needs of Black communities.
 - a. Medicare and Medicaid are federal government programs that provide health insurance for those who do not have health insurance Medicare is a federal program that primarily serves people with disabilities and people who are 65 years or older. Medicaid is a joint state and federal program that serves low-income populations.

- b. During the creation of Medicaid and Medicare, Southern states were resistant to a nationwide health insurance system for all, due to immense changes brought by the civil rights legislation. They wanted limited federal involvement while continuing to run health programs for low-income residents.
 - i. This resistance was racially motivated. Before Medicaid's enactment, states had control over federal health insurance programs for low-income residents, which disproportionately included Black Americans. These programs were underfunded and states with large populations of Black Americans—Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, and North Carolina—referred to as the “Black Belt,” refused to participate in federal health insurance programs.
- c. A state-run Medicaid program presented a solution, limiting federal involvement while allowing states to determine eligibility for health insurance programs.
- d. The enactment of Medicaid thus allowed states to exclude disproportionately Black, low-income populations who previously qualified for the program, by delinking Medicaid eligibility from welfare eligibility. This depressed enrollment in the short term, particularly for states that had lower income levels for welfare eligibility.
- e. Medicaid provided insurance to the low-income and unemployed—about one-fifth of the Black population was considered poor enough to qualify for Medicaid. However, one-fourth of the Black population still had no health insurance at all in 1972, due to state income criteria that lowered the threshold income for Medicaid so much, that many poor Black families were not considered poor enough to qualify for Medicaid, yet were not wealthy enough to pay for health insurance. States also limited amounts they awarded for particular medical care categories and benefits.
- f. Medicaid and Medicare programs became increasingly privatized, as hospitals and physicians were limited in the type and number of patients they treated by reimbursement policies established by government and health insurance regulators.
- g. Consequently, private physicians and hospitals preferred not to treat Medicaid recipients, who lacked the funds to access care in a wide range of hospitals.

- h. Due to these factors, in 1986, experts estimated that over half of Black Americans living in poverty lacked health insurance during all or part of the year.
 - i. Black Americans have historically not been able to access jobs that provide medical insurance through employers, due to barriers to education, employment, and discrimination. (See wealth accumulation section.)
- i. Throughout the 1990s, about one-fifth of the nation's Black population lacked health insurance.
- j. Funding for urban public hospitals was cut by the federal and state governments and Southern state legislatures worked to limit the flow of federal Medicaid funds to poor Black populations.
- k. In the South, income criteria for public welfare were set so high that thousands of poor people who were below the federal poverty line were still ineligible for Medicaid.
- l. Medicare and Medicaid funds paid for private, for-profit hospital beds and nursing homes and the expense of primary care resources needed by underserved Black populations.
- m. The Affordable Care Act, passed in 2010, greatly reduced the number of uninsured people in the United States. Three million Black Americans previously uninsured obtained insurance. However, the US Supreme Court decision made expansion of Medicaid eligibility under the Affordable Care Act (ACA) optional to states rather than mandatory.
- n. Medicaid expansion would have improved health outcomes, including increased access to screening and preventive care, earlier diagnosis of chronic conditions, and improved mental health.
- o. However, states that did not expand Medicaid have higher Black populations. These are primarily the Black Belt states—Alabama, Florida, Georgia, Kansas, Mississippi, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. Black Americans are amongst the most likely to be uninsured compared to other populations—further inhibiting Black Americans from accessing quality healthcare.

VII. Racist Government-Perpetrated Medical Experimentation on the Descendants of Enslaved People in the United States

*“It was cheaper to use N*****s than cats because they were everywhere and cheap experimental animals.”* –Harry Bailey, neurosurgeon, speech delivered at Tulane Medical School (1960s).

A. The Government’s Use of Eugenics to Forcibly Sterilize Black Women

1. National eugenics policies have consisted of unconscionable medical violations against Black Americans since as early as 1910. Eugenics was a theory developed in the early 20th Century based on the idea of using selective procreation to eliminate “undesirable” and “unfit” individuals from the population. Eugenacists used the term “racial hygiene” to justify racist theories of Black inferiority and the elimination of Black Americans.
 - a. California was a leader in implementing eugenics policies. California became the third state to pass a sterilization law in 1909. During the height of the eugenics movement, California sterilized 20,000 people—one-third of all sterilizations in the U.S. and more than any other state. California continued to illegally perform sterilizations—until as recently as 2010.
 - b. Experimental family planning centers which promoted anti-Black eugenics principles were strategically located in Black neighborhoods throughout the 1940s and 1950s. These facilities eventually became government-funded family planning clinics which marketed experimental contraceptives to poor Black women, often resulting in sterilization.
 - c. After the distribution of the birth control pill to Black women, researchers learned that it was especially dangerous for women who smoked, and it inflated hypertension and stroke risks—which are especially prevalent among Black Americans.
 - d. Clinics fitted more Black women than white women with intrauterine devices, or IUDs. Researchers learned after several years that IUDs were associated with deadly infections that hampered users’ fertility and disproportionately affected Black women who were vulnerable to uterine conditions such as fibroids, endometriosis, and cancer.
 - e. The targeted use of forced surgical sterilization by the government has been one of the most damaging threats to Black women’s reproductive freedom.
 - f. In 1934, at least 17 states were performing routine sterilizations.

- g. By 1983, Black women constituted 43 percent of women sterilized in federally funded family planning programs, though they were only 12 percent of the population.
- h. Federally funded contraceptive shots resulted in forced sterilization for poor Black families without their informed consent—over 100,000 women have been sterilized using federal funds in the South, and at least half of them were Black.
- i. The FDA approved contraceptives, such as Norplant, which were disproportionately distributed to poor Black women and young girls in clinics and through public schools without being tested on such young girls. These contraceptives caused health complications and were often difficult to remove.
- j. The coercive use of contraception and sterilization by the legal system and welfare system has forced Black women to choose between sterilization and financial freedom or prison time.
- k. Home to an extensive eugenics movement that crisscrossed many disciplines and industries, California had by far the highest number of sterilizations in the United States (one third of all sterilizations nationwide).
- l. Eugenicists in California saw sterilization as a tool for preventing the procreation of undesirable traits, the overcrowding of state institutions, and the alleviation of fiscal constraints on the state.
- m. The first state sterilization law in California was enacted on April 26, 1909, and remained largely unopposed for the next 70 years—targeting patients in state hospitals and institutions for the mentally ill, as well as incarcerated individuals.
- n. Black Americans have been disproportionately sterilized in California—in the 1920's they constituted just over 1 percent of California's population, they accounted for 4 percent of total sterilizations by the State of California.
- o. While California laws did not target specific racial or ethnic groups, in practice, labels of “mental deficiency” and “feeble-mindedness” were applied disproportionately to racial and ethnic minorities, including Black Americans.
- p. Between 2006 and 2010, at least 144 people imprisoned in California's women's prisons were sterilized without proper authorization while giving birth. A disproportionate number of people of color, likely including Black women, were sterilized.

- q. Kelli Dillon was forcibly sterilized while incarcerated at the Central California women's facility in Chowchilla, when she was told she needed a surgery to treat an ovarian cyst. She unknowingly underwent a hysterectomy in 2001, at the age of 24.
- r. In 2021, California became the third state to offer reparations payments to victims of forced sterilization. California has set aside \$7.5 million for reparations payments to these individuals. The state's proposal would also compensate women who were coerced into sterilization in California prisons.

B. The Government's Practice of Abusive Experimentation on Descendants of Enslaved People and Lack of Restitution for their Suffering

- 1. In 1932, the U.S. Public Health Service began its study of syphilis, which promised free medical care to hundreds of poor Black sharecroppers in Alabama—however the government lied to the Black sharecroppers, convincing them they were being treated when they were actually monitored and studied.
 - a. Over the course of 40 years, the government did not treat the subjects, though treatment was available. Forty wives of the subjects and at least 19 children contracted syphilis during the study.
 - b. In 1972, the federal government appointed a panel to conduct an investigation into the study. Decades later, in 1994, the panel released its report on the study. Due to internal disagreements, the report's final version deleted references to intentional racism and removed complaints about the panel's insufficient resources.
 - c. The U.S. Atomic Energy Commission (AEC) conducted more than 2000 experimental projects using radiation and human subjects—Black Americans were at a higher risk of being subjected to these harmful experiments.
 - d. The AEC conducted radiation experiments on 235 Black newborn babies in the 1950s in various hospitals around the nation.
 - e. From 1940-1959, scientists conducted radiation experiments on hundreds of Black children in New York to allegedly treat ringworm, however researchers knew that the level of radiation used was extremely dangerous and that there were other treatments available for ringworm.
 - f. Five Black Americans were illegally injected with plutonium by the U.S. Atomic Energy Commission, without informed consent, leading them to become sick with cancer.

- g. One of these men, Elmer Allen, was illegally injected with plutonium at the UCSF medical hospital in San Francisco—he was likely never informed of the consequences of this. UCSF later acknowledged that the injection was not of therapeutic benefit to Mr. Allen, which was a requirement for experiments.
- h. As of 1966, a California survey revealed that 72 percent of the state’s X-ray technicians administered experimental higher X-ray exposures to Black patients because of racist beliefs that Black Americans had “darker” and “tougher” skin.
- i. The federal government created a committee to investigate radiation experiments, after which President Clinton issued an apology—however the government never prosecuted any physicians who conducted the experiments.
- j. Federal and state governments allowed abusive experimentation to be conducted on incarcerated Black Americans throughout the nation.
- k. In Pennsylvania’s Holmesburg Prison, Dr. Albert M. Kligman induced foot fungus, tested experimental drugs, and administered experimental cosmetics, powders, and shampoos without free, informed consent, on dozens of Black incarcerated people in order to conduct lucrative experiments for major pharmaceutical and cosmetic companies, such as Johnson & Johnson, as well as for the United States Army.
- l. The Federal Drug Administration was aware of this abuse; however, they never canceled the Kligman’s privileges for performing drug testing. Incarcerated individuals who have filed suit for their injuries due to abusive experimentation have been unsuccessful due to statutes of limitations.
- m. Additionally, the CIA tested LSD and a drug called bulbocapnine exclusively on Black prisoners who were routinely referred to by state-employed doctors as “n*****s.”
- n. The Department of Health and Human Services continues to conduct clinical trials of experimental HIV vaccines, and various cancer related experiments. These experiments disproportionately affect Black incarcerated people due to their disproportionate presence in carceral facilities and their disproportionate contraction of particular diseases—such as HIV. (See HIV section.)

- o. To this day, the federal government has not banned prison medical research—instead instituting and maintaining an accreditation scheme for it.
- p. The State of California engaged in abusive medical experimentation on incarcerated individuals—a disproportionate amount of who were Black due to the systemic anti-Blackness of the state’s carceral system. (See Criminal Justice section.)
- q. In California, from 1966-1968, incarcerated people were paralyzed with succinylcholine. When 5 of the selected 64 people refused to participate, all were injected against their will.
- r. Dr. Leo Stanley, a eugenicist, performed forced sterilizations and testicular surgeries with animal parts, at San Quentin State Prison in California, and was responsible for further segregation of the prison medical facilities. He also used the testicular glands of an executed Black man for his experiments, without obtaining the consent of the man’s family because his body was not “claimed.”
- s. Today, the California Department of Corrections and Rehabilitation glowingly describes Mr. Stanley as a doctor who “push[ed] prison medicine into the 20th century.”
- t. Scientists at Johns Hopkins University, who were treating Henrietta Lacks, a Black woman, for cervical cancer extracted cells from the biopsy of her tumor sample for use in research without her knowledge or consent. Without compensation or permission, her cells were used extensively in scientific research to develop modern vaccines, cancer treatments, in vitro fertilization techniques, among other medical advancements.
- u. Black children have been disproportionately represented as child subjects of medically abusive experimental studies—despite the fact that his medically risky research violated federal guidelines and was racially discriminatory, federal government investigations conducted by the Office for Protection from Research Risks often exonerated the research institutions that engaged in this abusive research.
- v. In the 1990s, the New York State Psychiatric Institute and Columbia University conducted experiments on Black boys by giving them doses of the now-banned drug fenfluramine to test a theory that violent or criminal behavior may be predicted by levels of certain brain chemicals.

- w. Experimental brain surgeries, such as lobotomies, were performed on Black children from 1936-1960, and by the University of Mississippi in the decade after, on Black children deemed “aggressive” and “hyperactive.”
- x. From 1987-1991, government researchers administered 500 times the approved dosage of the measles vaccine to Black babies in Los Angeles—without informing parents of the experimental dosages of the vaccine being administered.

VIII. Government-Sanctioned Racism in Emerging Science, Medical Therapies, and Technology

A. Discriminatory Impact of Government-Sanctioned Medical Surveillance and Medical Research and Procedures

- 1. Government-funded researchers and state entities have engaged in the discriminatory nonconsensual use of Black bodies and organs for research and organ donation.
 - a. The majority of cadavers used in government-funded research or dissection laboratories are Black, a postmortem legacy of the fact that historically Black bodies were stolen for dissection and anatomical investigation without informed consent.
 - b. The overrepresentation of Black bodies in organ transplantation is driven by legal policies, such as the 1987 amendment of the Uniform Anatomical Gift Act, which licensed nonconsensual retrieval of body parts.
 - c. Presumed consent statutes increased the number of organs donated for transplantation without the explicit consent of the decedent. In 1997, the Los Angeles coroner’s office sold more than 500 pairs of corneas—80% of which belonged to Black and Latinx individuals.
 - d. The State of California planned to fund discriminatory research that pathologized Black men as inherently violent, until Black civil rights organizations and activists advocated to the California Legislature to deny funding.
 - e. UCLA joined with then-Governor Reagan to create a center to study the biological causes of violence, a plan that the-Governor Reagan believed would help “overhaul the criminal justice system.”
 - f. Possible research programs for the center included targeting minority populations for invasive brain surgery and studying violence in a manner that made it a pathology of Black men.

- g. The Black Panther Party and other civil rights organizations engaged in months of advocacy to deny funding to the center—concerned that medicine was being used by the state as an instrument of social control and surveillance.
- h. Black Americans are significantly less likely to be included in clinical trials for the development of medication, vaccines, or other treatment, which can result in medical developments that are less beneficial for Black Americans.
- i. Due to negligence on the part of state and federal governments in addressing sickle cell disease, civil rights organizations, Black political leaders, and other activists began to conduct grassroots sickle cell programs in Black communities. The state actively attempted to repress these efforts to provide urgent medical services to Black communities by Black activists.
 - i. About two million Black infants had the sickle cell trait, however there was a great disparity in funding and attention paid to this genetic condition versus genetic diseases primarily affecting white Americans, which continues today.
- j. In response to the state’s “disregard of Black health,” the Black Panther Party provided free genetic screening for the sickling trait.
- k. Finally, the National Sickle Cell Anemia Control Act was passed in 1972, which established a national program for the diagnosis and treatment of sickle cell anemia, and to fund scientific research.
- l. Following the passage of the act, the FBI urged local police in Oakland and surrounding communities to arrest Party members for “unlawful solicitations” for the sickle cell anemia programming—even after the local solicitation ordinance was found unconstitutional.
- m. There is also evidence that the FBI orchestrated a crackdown on Party members in Southern California on similar charges, encouraging press and media outlets to question and even attack the legitimacy of the Party’s campaign.
- n. Black Americans are less likely to be treated for skin diseases due to the lack of medical research and training for diagnosing skin conditions for those with darker skin.

- i. Most medical textbooks and journals that assist dermatologists in diagnosing skin disorders do not include images of skin conditions as they appear on Black Americans/people and people of color, such as skin conditions caused by COVID-19, skin cancer, psoriasis, rosacea, melanoma. Doctors routinely miss these diagnoses for Black patients are not trained to identify or treat skin conditions for Black patients.

B. Discriminatory Impact of Government-Sanctioned Technologies on Black Health

1. In the 1950s and 1960s, the CIA attempted to develop chemical and biological weapons by breeding millions of mosquitos to determine if they could be released during war to spread infectious diseases, in the predominantly Black area of Carver Village in Florida.
 - a. The CIA then released these mosquitos in 1955, resulting in illness and death for many of the Black residents.
 - b. Today, the government's endorsement of the use of spirometers to diagnose and monitor respiratory illness results in discriminatory measurement of Black lung capacity by controlling for the assumption that Black Americans have less lung capacity than whites.
 - c. Spirometers were developed by racist physicians in the South to show the Black lung capacity was inferior to white lung capacity.
 - d. Spirometers were used to enforce anti-Black workers' compensation policies that required Black Americans to demonstrate even lower lung functioning than similarly positioned white workers in order to receive remuneration.
 - e. Spirometers are used in preemployment physicals and disability estimates typically reducing normal values for African Americans by 15 percent.
 - f. Algorithms widely used in U.S. hospitals to allocate healthcare systematically discriminate against Black patients.
 - g. A scientific study found that one algorithm assigned Black patients lower risk scores than white patients, resulting in Black patients being less likely to be referred to programs that provided personalized care despite being just as sick as white patients.
 - h. The algorithm used healthcare cost as a proxy for greater health need—however this is deeply discriminatory because care provided to Black

patients costs less on average than care provided to white patients with the same health conditions due to structural racism.

- i. Genetic testing can be used by employers to discriminate against Black Americans who are susceptible to diseases that employers do not want to pay health coverage for.
- j. In 1998, the University of California and the federal government illegally used genetic testing to tested Black employees for syphilis, pregnancy, and sickle-cell trait without their knowledge during routine physical examinations, which could have subjected them to employment discrimination.
- k. Black Americans are often used as research subjects for the development of new medical technologies, yet once these same technologies are perfected, they are financially out of reach for many Black Americans. Additionally, Black Americans are also underrepresented in medical trials.
- l. In medical trials for 24 of the 31 cancer drugs approved in the past three years, less than 5 percent of the subjects were Black—despite that fact that Black Americans have the highest death rate and shortest survival rate of any group in the United States for most cancers.
- m. The FDA has not required specific levels of Black representation in clinical trials, resulting in the production and distribution of medications that have unknown effects on the Black Americans who are prescribed them.

IX. Government-Perpetrated Racial Harm to Black Reproductive and Maternal Health

A. History of Government-Perpetrated Racism Against Black Women, Girls and Mothers

1. Black women and girls were denied autonomy over their reproduction during the slavery era and denied their rights as mothers.
 - a. State and federal governments forcibly sterilized Black women in 19th and 20th centuries. (See Medical Experimentation section.)
 - b. Later, racist state policies included plans to distribute experimental birth control, like Norplant, in Black communities, and to criminalize and sterilize Black women for giving birth if traces of controlled substances were found in them or their babies.
 - c. Coercive welfare policies mandated long-term contraceptive insertion, with harmful health consequences, as a condition for receiving welfare benefits.
 - d. For example, some state welfare policies, like Georgia's, encouraged the insertion of Norplant, a contraceptive implant with harmful side effects, which cannot be removed without medical assistance. These policies funded the implantation of Norplant for free, but only covered the cost of early removal in cases of documented medical necessity—forcing poor women to either scrape together funds for removal themselves or wait for five years.
 - e. One of the most harmful legacies of slavery is the disproportionate maternal and infant death of Black women and children today due to lack of access to adequate reproductive healthcare.

B. Government-Sanctioned Racial Discrimination in Access to and Quality of Reproductive Healthcare

1. Black women experience disproportionate racial discrimination in access to and quality of prenatal care.
 - a. Expecting and new Black mothers often find that their reports of painful symptoms are overlooked or minimized by medical practitioners.
 - b. Black women must wait longer for prenatal appointments and are ignored, scolded, demeaned, and bullied into having C-sections.
 - c. A survey in California found that Black women disproportionately reported unfair treatment, harsh language, and rough handling during their hospital stay, as compared to white women. Black women reveal that they feel disrespected and coerced by their health care providers.

- d. Even wealthier Black women suffer the racist disregard of medical providers. Serena Williams, the renowned tennis champion, was ignored by medical providers who dismissed her concern regarding a post-pregnancy blood clot. After insistence by Williams that she undergo a CT scan, doctors found a clot in her lungs.
- e. Institutional and cultural barriers result in adequate access for Black women to reproductive health services, such as prenatal care, abortion services, reproduction-assisting technologies, fetal surgery, contraceptives, and family planning counseling.
- f. Historically, state and federal governments have refused to subsidize reproductive care, such as abortion for poor women—disproportionately affecting Black women’s access to reproductive care. Black women disproportionately rely on publicly funded clinics in higher numbers, due to lack of access to private health insurance or income for a private physician.
- g. Black communities organized and engaged in movement building to unionize urban health workers en masse and to establish safe women’s healthcare and family planning services in response to the racist working conditions they experienced and the inaccessibility of reproductive health services.
- h. Black women are also less likely to have access to information about informed consent, sterilization, and side effects of contraceptives.
- i. Black women have been denied financial support for doulas by the State of California, which have been shown to decrease health disparities in maternal and child health.
- j. Evidence shows that women who had the support of doulas were less likely to have C-sections and have healthier babies. Doulas play an important role as advocates for Black women in the medical system due to the fact medical providers often do not believe Black women or address their needs.
- k. However, during the COVID-19 pandemic, the California state legislature blocked an initiative to provide doula care for pregnant and postpartum people in the 14 California counties with the highest birth disparities.

C. Government-Sanctioned Disparities in Adverse Birth Outcomes for Black Babies and Mothers

1. The disparity between Black and White infant deaths today is greater than it was under antebellum slavery.
 - a. Black infants are more than twice as likely to die as white infants.
 - b. Studies show that Black women suffer from disproportionate infertility in comparison to other groups.
 - c. This disparity stems from untreated STIs, nutritional deficiencies, complications of childbirth and abortion, and environmental hazards.
 - d. Black women are treated as infertile by doctors who underdiagnose endometriosis in Black women, and are disqualified for using reproductive technologies by socioeconomic screening criteria.
 - e. Black women disproportionately experience adverse birth outcomes and adverse maternal health.
 - f. Studies show that Black women who experience higher levels of preterm birth also report the greatest experiences of racism.
 - i. Racial disparities in very preterm birth may be caused by maternal exposure to stress, racial differences in prenatal health, and genetic/epigenetic factors. Interpersonal and institutionalized racism also may drive racial disparities.
 - g. Black women have the highest allostatic load scores—a measurement of stress associated body chemicals and their cumulative effect on the body, which scientists believe may be due to racial discrimination.
 - h. Low breastfeeding rates among Black mothers may be influenced by slavery, wet-nursing, and other negative historical reproductive health experiences among Black women.
 - i. Black women are also disproportionately more likely than white women to have poor perinatal health outcomes and to suffer from chronic illness, stress, depression, or posttraumatic stress disorder, all of which are known risks associated with lower breastfeeding rates.

D. Government-Sanctioned Disparities in Black Maternal Deaths

1. Research on maternal and infant death disparities has pointed to structural racism, including in federally funded healthcare institutions, as a stressor that harms Black women at both physiological and genetic levels.
 - a. In the United States, pregnancy-related mortality is three to four times higher among Black women than among white women.
 - b. One contributing factor is the lack of race-conscious reproductive counseling and inadequate prenatal care.
 - c. Hypertension, which has been linked to the stress of living in a racist society, contributes to racial disparities in pregnancy-related complications such as eclampsia.
 - d. The detrimental health effects of daily life for Black women are further compounded by racial discrimination and disregard by medical institutions and professionals.
 - e. The federal government has not officially counted deaths related to pregnancy in 10 years.

X. Government-Sanctioned Racial Harm to Black Child and Youth Health

A. Government-Sanctioned Discrimination in Access to Pediatric Care and Health Disparities for Black Youth

1. Racial segregation in federal and state government-funded hospitals has resulted in low birth weight and premature birth for Black infants.
 - a. The infant death rate for Black babies is the highest in the nation.
 - b. Racial disparities in infant mortality and the complications of low birth weight have been associated with perceived racial discrimination and maternal stress.
 - c. Similarly, low-birth weight Black infants are born in hospitals that have higher rates of infection, discharge without breast milk, nurse understaffing, and worse practice environments for nurses. The patient-to-nurse ratios and missed care in these hospitals are much higher than in other hospitals.

- d. Studies show that Black physician care of Black newborns significantly reduces the Black infant death rate—however Black physicians are disproportionately underrepresented
 - e. Black children experience worse health outcomes than white children and differential access to care.
 - f. Black children are more likely to die from asthma, are underdiagnosed from allergies and less likely to be treated for them, referred less quickly for kidney transplants than white children, and are more likely to die following surgery.
 - g. The lack of Black pediatricians and has resulted in inadequate access to pediatric care for Black children.
 - h. The impact of racism has been linked to birth disparities and health problems in Black children and adolescents.
 - i. The biological mechanism that emerges from chronic stress leads to increased and prolonged levels of exposure to stress hormones, which lead to inflammatory reactions that predispose individuals to chronic disease.
 - j. Increased stress related to racial discrimination experienced by African American children has been associated with increased asthma risk and severity.
 - k. Children's exposure to discrimination was linked with higher rates of attention deficit hyperactivity disorder, anxiety and depression, and decreased general health.
 - l. Black youth disproportionately experience obesity and being overweight due to social and environmental circumstances that produce psychological stress—including low household education and exposure to racial discrimination.
 - m. Black children are malnourished in California, lacking access to nutritious food.
- B. Government-Perpetrated Anti-Black Discrimination in School, Foster Care, and Carceral Systems
- 1. Black youth are disproportionately represented in the foster care system and suffer disproportionately worse health outcomes in the system.
 - a. Black youth suffer from greater rates of child abuse and neglect as well as the associated negative impacts on mental health in the state-run foster care system.

- b. They may be placed on psychotropic drugs which alter behavior patterns and increase the risk for suicide and illness.
- c. African American students experience disparate health outcomes and discrimination in public school systems. Racial disparities in educational access and attainment, along with racism experienced in the educational setting, affect the trajectory of academic achievement for Black children and adolescents and ultimately impact health. (See Education section.)
- d. Black students are 2.9 times more likely to be labeled with a disability than white students, resulting in disproportionate placement of Black students in special education, where they are less likely than white students to return to regular instruction and are prescribed unnecessary psychotropic medications.
- e. In public schools, despite health screenings and low academic scores that indicate mental illness, a learning disability, or developmental delay—Black children are still neglected by school health workers. Black youth are over-diagnosed for conduct disorder, and under-diagnosed for depression.
- f. The closure of public schools during the COVID-19 pandemic resulted in missed meals negatively impacting Black children's health, nutrition, and food security, because Black students are more likely to be eligible for free or reduced-price meals.
- g. Black youth are overrepresented at every level of the juvenile justice system, from initial contact with law enforcement to sentencing and incarceration, which has led to worsening health.
- h. Youth involved in the carceral system are more likely to be without health insurance, and have worse mental and physical health during and after incarceration due to communicable diseases, suffering physical and sexual trauma, as well as erosion of mental health.
- i. In California, Black youth are incarcerated at disproportionately high rates after having had exposure to toxic stress, trauma—and the poor living conditions among incarcerated youth exacerbate severe physical, psychiatric, substance use, and other health problems.

XI. The Effects of Government Perpetrated Anti-Black Racism in Mental Healthcare and on Black Mental Health

A. Government Perpetrated Systemic Anti-Black Discrimination in Mental Healthcare

1. The Public Hospital for Persons of Insane and Disordered Minds in Williamsburg, Virginia, was the first public psychiatric hospital in the United States, established in 1773. However, enslaved people could be admitted only if their admission did not interfere with the admission of a white person, and the asylum used slave labor to operate and accepted slaves in payment for care and treatment of white people.
 - a. Psychiatric hospitals in the first half of the 19th century were some of the United States' first officially segregated institutions.
 - b. One of the American Psychiatric Association's founding members refused to admit Black patients to his mental hospital and influenced the design of the Government Hospital for the Insane in Washington, D.C., which housed Black patients in separate buildings far away from the better facilities for the white patients.
 - c. Before 1861, Black patients were rarely admitted into Southern asylums because they supposedly did not suffer from severe mental illness. The racist notion that only white people suffered from mental illness was written into the law in Virginia.
 - d. Segregation improved the conditions for white patients, who moved to new facilities, while Black patients experienced outright denial of services and inequality in the services they did receive.
 - e. Government-sponsored discrimination in healthcare and government institutions resulted in Black patients experiencing disproportionately harmful mental health impacts.
 - f. The Community Mental Health Centers Construction Act of 1963 resulted in the deinstitutionalization of the mentally ill—patients received more individualized treatment in federally-funded community settings, resulting in large number of Black mental health patients received outpatient treatment in regional medical centers.

- i. Black patients received the lowest level of treatment, rendered by nonprofessional staff, who were mostly white and continued to misdiagnose and mistreat Black patients.
- g. Mental health discrimination against Black military members and veterans is prevalent in federal government institutions.
 - ii. Black military personnel under conditions of intense racial discrimination had higher rates of mental illness, such as paranoid schizophrenia.
- h. Additionally, studies of the diagnoses of Black patients at Veterans Affairs facilities have also shown that misdiagnosis has remained a problem for Black communities due to clinician prejudice and misinterpretation of Black patients' behaviors.
- i. White mental health staff at federally funded clinics and hospitals often diagnosed Black patients as schizophrenic, when they were actually suffering from depression.
 - iii. The definition of schizophrenia changed to become a disease of "aggression" due to white clinicians' fears about Black-led protests, resulting in misdiagnosis that disproportionately affected Black men. During the 1960s and 1970s, the changing definition of schizophrenia resulted in the treatment of Black men as aggressive and criminal by mental health providers, resulting in increased imprisonment for Black men.
- j. In the 1960s and 1970s, federally funded community health centers provided low levels of treatment for Black patients by non-professional staff. These facilities rarely employed Black mental health professionals—who likely would have better served Black communities.

- iv. Black mental health professionals are better suited to serve Black communities due to the prevalence of misdiagnosis and lack of cultural and historical knowledge of Black communities by non-Black providers. Black patients are forced to explain nuanced feelings tied to race to their non-Black mental health providers, which results in frustration and decreases the likelihood of successful treatment.
 - k. Today, structural racism is embedded in psychological diagnosis, testing, and treatment of Black mental health patients in federal and state mental health facilities.
 - l. Studies document continued and consistent patterns of misdiagnosis, continued misinterpretation of depression symptoms as schizophrenia symptoms, and disparities in quality mental health care for Black Americans.
 - m. Black patients are more likely to receive higher doses of antipsychotics despite evidence of more side effects.
 - n. Black Americans disproportionately face financial and structural barriers to accessing mental healthcare today, as compared to other racial groups, including being unable to afford the cost of healthcare and lacking insurance, inability to access transportation, and not having information regarding where or how to access services.
 - o. Black mental health professionals are disproportionately underrepresented in the psychology workforce—which leads to further disparities in quality of mental healthcare due to the implicit biases of mental health providers against non-white patients.
- B. Anti-Black Discrimination in the State of California’s Mental Health Institutions and Policies
- 1. The Black population in California suffers from high rates of serious psychological distress, depression, suicidal attempts, dual diagnoses, and many other mental issues. The mental health system in California has discriminated against Black Californians through inaccurate diagnoses, usage of involuntary force, prohibitive cost, and a lack of culturally competent services.
 - a. Black Americans are over-represented in high need population groups especially at risk for mental illness, including among homeless people; the current and formerly incarcerated; children in foster care; and veterans, which increases the risk for developing post-traumatic stress disorder (PTSD).

- b. California budget cuts in state and local funding for indigent care have led many directly operated county clinics and contracted agencies to reduce the number of available slots for treating those who lack any resources or funding—disproportionately affecting Black communities.
- c. The lack of recruitment and retention of Black psychiatrists in Los Angeles has negatively affected Black Californians ability to access mental health care due to the fact that many studies show that individuals are more likely to seek services from someone with the same racial background.
- d. Black mentally ill incarcerated people are overrepresented in Los Angeles County jails. Records indicate that they receive more mental health services while incarcerated than while in the community.
- e. Black Americans represent only 11% of Alameda County’s population, but make up 47% of the county’s homeless population, 48% of the jail mental health population, and 53% of people who cycle in and out of both the criminal legal and hospital systems.
- f. In Alameda County, Black Americans represent 25% of the population and receive 40% of all mental health services. Yet despite this “over-provision” of services, the inconsistent mental health outcomes for Black Americans show that they are being inappropriately served.
- g. The State of California has repeatedly awarded state and county contracts to agencies who continually fail to meet a minimum level of culturally relevant care for African Americans.

XII. Racist Government Management of Public Health Crises Affecting Black Communities

A. Racist Government Policies Enacted During the Yellow Fever Epidemic

- 1. Anti-Black racism on the part of state officials in Pennsylvania resulted in the death of hundreds of Black residents during the yellow fever epidemic—because government officials fled the state, falsely assuming Black residents were immune to the disease, and left them to manage the epidemic in their absence.
 - a. Three hundred Black residents who remained in the city participated in the relief effort, functioning as nurses, digging graves, and burying the dead. There were about twenty Black nurses for each white nurse. When some Black nurses fell ill with yellow fever, doctors were reluctant to say that they died from it—perpetuating the myth that Black Americans were immune to the disease.

B. Government's Racist Neglect of Tuberculosis in Black Communities

1. In the post-Reconstruction era, tuberculosis was the most “persistent and deadly health problem” facing Black Americans.
 - a. In 1900, there were large disparities in tuberculosis rates between white and Black populations because Black neighborhoods were impoverished, had congested housing, and lacked access to basic healthcare information, leading to higher tuberculosis rates.
 - b. In the early 1900s, state and local public health agencies, hospitals, and physicians portrayed Black Americans as a hazardous population to the white public. Black medical societies organized an anti-tuberculosis league to provide healthcare information about tuberculosis due to lack of government run public health services
 - c. Black communities did not have access to adequate tuberculosis screening services or organized healthcare resources due to lack of federal funding in the 1920s.
 - d. Disparities between tuberculosis rates for Black and white people increased continued throughout the 20th century. In 1965, Black tuberculosis rates were two to three times higher than for white people.
 - e. Substandard and segregated housing, in addition to concentrated poverty, contributed to high HIV and tuberculosis rates in the 1980s and 1990s. Black Americans' disproportionate representation in high-risk physical spaces such as prisons, hospitals, cramped housing, and homeless shelters contributed to higher rates of tuberculosis.

C. State's Racist Neglect of the HIV/AIDS Epidemic in Black Communities

1. Due to the lack of federal or state-funded healthcare solutions for the AIDS epidemic, Black healthcare leaders and organizers worked to connect AIDS victims to medical services, benefits, and increased education and awareness.
 - a. During the 1980s, AIDS began to affect Black communities heavily, especially LGBTQ Black populations and intravenous Black drug users.
 - b. HIV treatments were unaffordable for individuals on Medicaid and the high demand made it so states governments would not assist poor people in accessing treatment.
 - c. Churches and community organizations formed to educate Black women about sexual health and AIDS prevention, to work with Black LGBTQ

populations about safe sex practices, and to provide outreach and health services to people with AIDS—but the CDC planned to cut funding from dozens of groups operating AIDS services.

- d. Black gay and bisexual men are affected by HIV at twice the rate of white people—more than any other group in the United States today. Black women accounted for the largest share of women living with an HIV diagnosis in 2017.

D. The Government's Systematic Racist Indifference to Obesity Epidemic, Food Deserts, and Harmful Food and Drug Products

1. Black Americans disproportionately live in food deserts, areas with limited access to healthy, affordable food, due to historical segregation and redlining, resulting in negative health impacts. (See Environmental section.)
 - a. Tobacco products, such as menthol cigarettes, have been historically marketed to Black communities by tobacco companies at disproportionately higher rates than white communities. Despite regulating and banning other products, the federal government has thus far taken no action regarding menthol flavored tobacco products.
 - b. Black American are heavily affected by the targeted marketing of sugar sweetened beverages, fast foods, and other products that may contribute to overconsumption, leading to diabetes, obesity, and other health problems.
 - c. Between 2005 and 2008, Black adults consumed nearly nine percent of their daily calories from sugar drinks, compared to about five percent for white adults. Black children and teens see more than twice as many television ads for sugar drinks than their white peers and lower-income Black neighborhoods have disproportionately more outdoor ads on billboards, bus benches, sidewalk signs, murals, and store window posters for sugar drinks.
 - d. Sugar has had disproportionately negative consequences for Black Americans, and is linked to diabetes, obesity, and cancer. Sugar plantations made Louisiana one of the richest states in the country, in part, because it profited from brutal working conditions on sugar plantations. Even today incarcerated men harvest sugar cane in Louisiana.

E. Racist Government Involvement in the Crack Cocaine Epidemic

1. The federal government chose to respond to rising drug addiction as a criminal justice issue, instead of as a public health issue, resulting in racist state action against Black Americans in need of substance abuse services.
 - a. The government should have treated drug addiction as a public health issue because drug addiction is a medical condition, not a character flaw or form of social deviance. Punishment for substance abuse disorders does not ameliorate addiction, rather it leads to higher risk of drug overdose. Internationally, public health officials have recognized that drug addiction should be treated as a health disorder and not as a criminal behavior.
 - b. Nixon announced the creation of the Office for Drug Abuse Law Enforcement, a precursor to the Drug Enforcement Administration, which would use the criminal justice system to address drug addiction.
 - c. This resulted in a rigorous racist government crackdown on usage of crack, a crystal type of cocaine which is highly addictive and relatively cheap.
 - d. Hospital emergency rooms began testing pregnant women for suspected drug use and reporting them to police authorities—in many cases women were imprisoned, shackled while giving birth, or lost temporary or permanent custody of their children.
 - i. Black pregnant women were ten times more frequently reported to government health authorities compared to white pregnant women.
 - e. Black men were, and continue to be, disproportionately arrested for drug possession.
 - f. State policy leaders did not address the need for increasing preventive mental illness and rehabilitation resources, nor did they address the psychosocial origins for the demand for crack.

- g. Police crackdowns and incarceration for drug possession did not relieve the social conditions that had spawned the epidemic and exacerbated them by treating drug addiction as a crime, as opposed to a public health issue.

F. Medical Harm to Black Communities After State's Response to Hurricane Katrina

1. Following Hurricane Katrina in New Orleans, the state's response harmed Black communities, who experienced diminished medical care amplifying health disparities.
 - a. Racial health disparities among Black communities in New Orleans existed prior to Hurricane Katrina due to lack of health insurance for low-income residents, high levels of infant mortality, and high levels of chronic disease—which the state of Louisiana did not address.
 - b. Charity Hospital, a state hospital in New Orleans, had been the center of hospital care for poor people of color prior to Hurricane Katrina. Three quarters of its patients were Black, with incomes below \$20,000. The hospital provided care for HIV/AIDS, drug abuse, psychiatric care, and trauma care. Following the hurricane, the state did not reopen the hospital—leaving the Black Americans of New Orleans without medical care.
 - c. By 2010, 34% of the Black population in New Orleans was living in poverty, compared to 14% of whites.
 - d. Black Americans in New Orleans were 3 times as likely as whites to die of diabetes. There were increased death rates for Black Americans from kidney disease and HIV. Higher rates of chronic diseases existed among Black communities.
 - e. From 2009-2011, one-third of Black residents lacked health insurance, double that of whites.
 - f. The federal government directed funding to repair the buildings, bridges, and streets of New Orleans, but did not address the rampant poverty and health disparities among Black Americans that had been exacerbated by Hurricane Katrina.

G. State-Sanctioned Discrimination During the COVID-19 Pandemic

1. Black Americans are disproportionately at risk for COVID-19 infection and death due to structural factors such as health care access, density of households, unemployment and types of employment, and pervasive discrimination.
 - a. According to the CDC, Black or African American (non-Hispanic) persons are 1.1 times more likely to contract COVID-19, 2.9 times more likely to be hospitalized due to COVID-19, and two times more likely to die from COVID-19.
 - b. The CDC suggests that multiple, systemic factors—all of which are impacted by racism and discrimination—contribute to worse COVID-19 outcomes for Black Americans. These factors include lack of affordable housing and healthy food access, exposure to environmental pollutants, disproportionate lack of access to quality healthcare and health insurance, overrepresentation in low-paying, essential work settings, lower incomes, greater debt, and poorer access to high quality education.
 - c. In California, COVID infection rates are highest (at 3.0 per 1000 people) in communities where 10-15 percent of the community lives in crowded housing—a social determination of health the state’s website attributes in part to structural racism.
 - d. 28.5% of California’s male prisoners are African American, a disproportionately high number. African American women are imprisoned at a rate five times that of White women in California.
 - e. Black Americans are also disproportionately represented among California’s homeless and are consequently at higher risk of contracting COVID-19.
 - f. The CDC notes that it is challenging to prevent the spread of COVID-19 in shared and congregate housing centers—including prisons, jails, and homeless shelters—places that are poorly suited to social distancing.

XIII. The Culmination of Government Perpetration of Anti-Black Racism, Violence, and Discrimination on Black Health

- A. State-Sanctioned Disparities in Life Expectancy, Access to and Quality of Treatment, and Rates of Disease Have Resulted in Physiological Harm to Black Health
 1. Racial disparities in Black health outcomes occur today as a culmination of historic inequality, compounded by contemporary social and economic inequality, discriminatory health law and policy, as well as persistent racial and ethnic discrimination in many sectors of American life.
 - a. Discriminatory health systems and healthcare providers contribute to racial and ethnic disparities in healthcare.
 - b. The U.S. DHHS Office of Civil Rights (OCR) is charged with enforcing several relevant federal statutes and regulations that prohibit discrimination in healthcare, however, the agency has long abandoned proactive, investigative strategies and has relegated civil rights enforcement to low-priority status.
 - c. Disparities in life expectancies between Black and white people are rooted in state-sanctioned-policies that extracted wealth from Black communities.
 - d. Evidence shows that gaps between white and Black life expectancy are dependent on zip codes and housing segregation.
 - e. In Chicago, residents of the 73% white neighborhood of Streeterville live to be 90 years old on average, while residents of the 95 percent Black neighborhood of Englewood only have a life expectancy of 60.
 - f. In the San Francisco Bay Area, life expectancy is more than five years greater in white neighborhoods (84 years) than highly segregated Black neighborhoods (79 years).
 - g. Black Californians experience the shortest life expectancy than any other race/ethnicity.
 - h. African Americans suffer from a disproportionate burden of cardiovascular disease relative to whites and from diabetes, hypertension, hyperlipidemia, and obesity—which are risk factors for cardiovascular disease.
 - i. The burden of discrimination is associated with greater hypertension prevalence after adjustment for age, gender, and socioeconomic status.

- j. Discriminatory attitudes and behaviors by health care professionals may contribute to misdiagnosis and mismanagement of cardiovascular disease among Black patients.
- k. High blood pressure is a major risk factor for heart attacks and strokes in Black Californians, who suffer from the highest percentage of the disease among all races/ethnicities.
- l. Black Americans disproportionately experience weathering—constant stress from their environments which harms their health.
- m. African Americans disproportionately lack access to renal transplants due to unconscious race bias exhibited by physicians, internalized racism due to historical racial oppression, historical distrust of the medical system, as well as institutionalized racism.
- n. Black Americans disproportionately less likely to be identified as a transplant candidate, referred for evaluation, to be put on the kidney transplant waitlist, to receive a kidney transplant, to receive a higher-quality kidney from a living donor. They are more likely to receive lower quality kidneys and have poorer transplant survival.
- o. Cancer is diagnosed later in Black Americans than in white people, causing disproportionately more Black Americans to become sick from cancer and to die.
- p. Black Americans suffer from the highest rate of cancer and cancer deaths in the United States.
- q. Black women are 2.2 times as likely as white women to die of breast cancer and are diagnosed at a more advanced rate than white women.
- r. Black men have the highest rates of developing and dying from prostate and lung cancer.
- s. Black patients with sickle cell disease are discriminated against by medical providers who display racist attitudes and accuse people with sickle cell disease of faking their pain, resulting in inadequate treatment.
- t. There are many reports of Black children with sickle cell disease who do not receive screening tests and treatment necessary to prevent strokes that can occur as a result of the disease.

B. Mental Health Harms to Black Americans due to Government Perpetration of Anti-Black Violence and Discrimination

1. Racism in societal institutions can lead to truncated socioeconomic mobility, differential access to desirable resources, and poor living conditions that can adversely affect mental health.
 - a. Racial trauma, or race-based stress, is defined by psychologists as injury caused by racism—this trauma may leave psychological wounds tied to historical traumatic experiences, like slavery, as well as mental illness.
 - b. Studies have shown that racial and ethnic discrimination may play an important role in the development of Post-Traumatic Stress Disorder (PTSD) for Black Americans.
 - i.
 - c. Studies have also shown that public racial discrimination against Black Americans is linked to an increase in depressive symptoms.
 - d.
 - e. Anti-Black government action harms the mental health of Black communities.
 - f. Scientific evidence shows that police killings of unarmed Black Americans have adverse effects on mental health among Black adults in the general population.
 - g. Mental health screening tools used in state and federal carceral facilities reproduce racial disparities, resulting in fewer Black Americans screening positive for mental illness—thus remaining under-referred and undetected in the jail population.
 - h. Black Americans are overrepresented in state carceral facilities, are less likely to receive the latest psychiatric medications, and have greater difficulty in achieving successful community integration—further harming their mental health.

- i. Incarcerated Black Americans disproportionately experience solitary confinement, which has serious documented harmful mental health effects and are more likely to be involuntarily committed for psychiatric care, or forced into psychiatric treatment or medication.

C. Medical Needs Produced by Government Facilitated Urban Poverty and Environmental Racism

1. State and federal underfunding of medical resources combined with unhealthy physical environments, unemployment, and poverty in Black communities led to a public health crisis.
 - a. Urban neighborhoods had the highest rates of preventable diseases, lacked health insurance, and adequate housing—this was where 60percent of the nation’s Black population lived due to redlining and historical housing segregation.
 - b. Black communities continue to experience disproportionately high rates of chronic diseases linked to environmental racism. (See Environmental Justice section.)
 - c. Built-up pollution in buildings, soil, water, and air from abandoned industrial and commercial work sites has resulted in high rates of chronic diseases.
 - d. Asthma, cancer, and childhood disorders that affected Black communities were linked by studies to polluted environmental conditions such as toxic waste exposure and lead poisoning.
 - e. Black communities are affected by public health issues such as undetected or untreated chronic diseases like cancer, heart disease, and diabetes in California.
 - f. In California, Black Americans suffer from the highest cancer rates among all races/ethnicities in the three of the most common forms (breast, prostate, lung).
 - g. In California, in 2015, Black Americans had the highest rate of preventable hospitalizations of any other race for diabetes, heart disease, asthma and angina.
 - h. Black adults suffer from the highest number of asthma cases in California.

D. Effects of Racist Policing and Carceral Systems on Black Health

1. Racial inequality and racial bias occur in virtually all aspects of the criminal legal system, with the federal and state governments punishing Black Americans with harsher outcomes in police encounters, bail setting, sentence length, and capital punishment than white people. (See Criminal Justice Chapter)
 - a. Racist systems of policing and incarceration have clear adverse consequences for the health of Black Americans.
 - b. Police use of force kills hundreds of Black Americans each year and nonfatally injures many thousands more.
 - c. Incarcerated people—who are disproportionately Black—face a high risk of death after release.
 - d. Prisons and jails have been major sites of disease transmission. The churn in and out of incarceration can result in community spread of sexually transmitted infections or other infectious diseases.
 - e. Police violence can harm mental and physical health for entire communities through constant surveillance and threat of violence.
 - i. Studies have shown that Black Americans who view material depicting harassment by police officers experience an increase in blood pressure.

E. Cumulative Effects of Government-Sanctioned Institutional Racism and Segregation on Black Health

1. Black Americans suffer from adverse health outcomes and health deterioration as consequences of the cumulative impact of repeated experience with state-sanctioned discrimination in social, economic, and health sectors.
 - a. The stress inherent in living in a racist society that stigmatizes and disadvantages Black Americans may cause disproportionate physiological deterioration, such that a Black individual may show the morbidity and mortality typical of a white individual who is significantly older.
 - b. Medical research has reported links between racial discrimination and adverse physical health outcomes, such as adverse cardiovascular outcomes, body mass index (BMI) and incidence of obesity, hypertension and nighttime ambulatory blood pressure, engagement in high-risk behaviors, alcohol use and misuse, and poor sleep.

- c. The health consequences of historical racism and discrimination can be passed down from one generation to the next resulting in intergenerational harm to Black health due to racism.
 - i. Long-term adverse health impacts linked to Jim Crow laws illustrate the long reach of institutional racism.
- d. Historical trauma studies show that children of Black parents who have been affected by trauma, also exhibit symptoms of post traumatic stress disorder (PTSD), or “historical trauma response.”
- e. Some experts state that Black Americans have sustained traumatic psychological and emotional injury as a direct result of slavery and institutional inequality, racism and oppression.
- f. A review of nearly 50 empirical studies generally found that government facilitated segregation was associated with poorer health. Segregation also adversely affects the availability and affordability of care—creating a lack of access to high-quality primary and specialty care, as well as pharmacy services.
- g. _____ officially ended in 1968, but it created residential segregation, which continues today.
- h. Today, preterm birth, cancer, tuberculosis, maternal depression, and other mental health issues occur at higher rates among residents of once-redlined areas.
- i. Segregation has been found to be positively associated with later-stage diagnosis, elevated mortality, and lower survival rates for both breast and lung cancers for Black Americans.
- j. Historically redlined census tracts have significantly higher rates of emergency department visits due to asthma, suggesting that this discriminatory practice might be contributing to racial and ethnic asthma health disparities.
- k. Housing segregation disproportionately exposes Black communities to environmental pollutants and isolates Black communities from health resources such as recreational spaces, quality pharmacies, clinics, hospitals, and healthy food options.

- l. There are cumulative negative effects of institutional and systemic racism and oppression—many of which have yet to be studied by scientists.
- m. A public health study conducted in 2021 revealed that repeated use of chemical irritants for crowd-control by local and federal law enforcement during racial justice protests in the U.S. likely resulted in adverse physical and psychological health issues.

XIV. Conclusion

- A. Historically, the United States has destroyed the health of Black American communities through slavery, segregation, racial terror, abusive experimentation, institutional and systemic racist oppression, and harmful racist neglect. As a result, Black Americans have suffered and continue to disproportionately suffer negative health outcomes.
- B. The mismanagement of public health crises by state and federal governments has resulted in more adverse health consequences and deaths in Black communities—most recently during the COVID-19 pandemic. In the face of overwhelming historical and contemporary racial oppression, Black healthcare providers, patients, and community members have demonstrated power and strength as they work to build healthy communities and fight for a more equitable healthcare system.
- C. California owes health-based reparations to Black communities for eugenics laws and policies, harmful experimentation, participation in mass incarceration of Black Americans, and racist neglect of Black health. Health-based reparations for Black communities are essential for the future of California.

Bibliography

Aaron Toleos, *Racial Segregation is Common in Urban Hospital Markets, Analysis Reveals* (May 25, 2021) <https://lowninstitute.org/press-release-racial-segregation-is-common-in-urban-hospital-markets-analysis-reveals/>.

AB-3052 Forced or Involuntary Sterilization Compensation Program. (2019-2020)

Ada Stewart, Minorities Are Underrepresented in Clinical Trials (2018), <https://www.aafp.org/news/blogs/leadervoices/entry/20181204lv-clinicaltrials.html>.

Adriana Ramos Yamamoto, *Not Enough to Eat: California Black and Latinx Children Need Policymakers to Act* (2020).

Advisory Committee on Human Radiation Experiments, *Final Report: Chapter 5* (1994), <https://ehss.energy.gov/ohre/roadmap/achre/summary.html>.

Aisha Beau Johnson, *Underrepresented: The Undeniable Link Between Race and Diagnosis, Treatment, and Wellness* (2021).

Alameda County Behavioral Health Care Services, *African American Utilization Report*, (2011).

Alexandra Minna Stern, *Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California* (2005).

Allison Evans Cuellar, *Criminal Records of Persons Served in the Public Mental Health System* (2007).

Alondra Nelson, *Body and Soul: The Black Panther Party and the Fight against Medical Discrimination* (2011).

American Academy of Pediatrics, *Study finds exposure to racism harms children's health* (2017).

Andrew F. Beck et al, *The color of health: how racism, segregation, and inequality affect the health and well-being of preterm infants and their families*, (2019).

Anne K. Rufa, *Kinship foster care among African American youth: Interaction effects at multiple contextual levels* (2016).

Anthony Nardone et al, *Associations between historical residential redlining and current age-adjusted rates of emergency department visits due to asthma across eight cities in California: an ecological study* (2020).

Arline T. Geronimus, *Weathering" and Age Patterns of Allostatic Load Scores Among Blacks and Whites in the United States* (2006).

Barton Smith, *The Power to Heal: Civil Rights, Medicare, and the Struggle to Transform America's Health Care System* (2016).

Brad N. Greenwood et al, Physician–patient racial concordance and disparities in birthing mortality for newborns

Bridget J. Goosby, *The Transgenerational Consequences of Discrimination on African-American Health Outcomes* (2013).

Bridgette L. Jones, Chronic stress exposure among young African American children with asthma, [https://www.annallergy.org/article/S1081-1206\(19\)30612-X/fulltext](https://www.annallergy.org/article/S1081-1206(19)30612-X/fulltext).

Cal. Health Care Foundation, *California Health Care Almanac* (Oct. 2019) p. 7 <<https://www.chcf.org/wp-content/uploads/2019/10/DisparitiesAlmanacRaceEthnicity2019.pdf>> (as of July 12, 2021).

Cal. Health Care Foundation, *California Health Care Almanac* (Oct. 2019) p. 24 <<https://www.chcf.org/wp-content/uploads/2019/10/DisparitiesAlmanacRaceEthnicity2019.pdf>> (as of July 12, 2021).

Center for Disease Control, *Introduction to COVID-19 Racial and Ethnic Health Disparities* (updated Dec. 10, 2020) Center <<https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/index.html>> (as of July 11, 2021).

Center for Science in the Public Interest, *Facts on Health Disparities and Sugar Drinks*, (2017).

Cimini, *Black Americans Disproportionately Homeless in California* (updated February 27, 2021) Cal Matters <<https://calmatters.org/california-divide/2019/10/Black-people-disproportionately-homeless-in-california/>> (as of July 12, 2021).

Christopher Kuzawa, Epigenetics and the embodiment of race: Developmental origins of US racial disparities in cardiovascular health, <https://journalofethics.ama-assn.org/article/race-discrimination-and-cardiovascular-disease/2014-06>.

Council on Criminal Justice and Behavioral Health, *Juvenile Justice Factsheet* (2020).

David McBride, *Caring for Equality: A History of African American Health and Healthcare* (2018).

David R. Williams, et. al, Racism and Health: Evidence and Needed Research, *Annual Review of Public Health* (April 2019), https://www.annualreviews.org/doi/full/10.1146/annurev-publhealth-040218-043750#_i2.

David R. Williams, et. al, Racism and Health: Evidence and Needed Research, *Annual Review of Public Health* (April 2019), https://www.annualreviews.org/doi/full/10.1146/annurev-publhealth-040218-043750#_i2.

Deirdre Cooper Owens and Sharla Fett, *Black Maternal and Infant Health: Historical Legacies of Slavery*, *American Journal of Public Health* (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6727302/>.

Dignity and Power Now, Impact of Disproportionate Incarceration of and Violence Against Black

Don Chaddock, Early San Quentin doctor pushes prison medicine into 20th century (2018).

Dorothy Roberts, "The Most Shocking and Inhumane Inequality: Thinking Structurally About Persistent Poverty and Racial Health Inequities," MLK 50 Symposium, 49 University of Memphis Law Review 167-183, 178 (2018).

Dorothy Roberts, Killing the Black Body: Race, Reproduction, and the Meaning of Liberty (1998).

98,9 (2006): 1425-9.

Eliza W. Kinsey, et al, School Closures During COVID-19: Opportunities for Innovation in Meal Service (2020).

Elizabeth S. Barnert et al, How Does Incarcerating Young People Affect Their Adult Health Outcomes? (2017).

Emily A. Largent, Public Health, Racism, and the Lasting Impact of Hospital Segregation, Public health reports (Washington, D.C: 1974) vol. 133,6 (2018): 715-720.

Ethan Blue, The Strange Career of Leo Stanley: Remaking Manhood and Medicine at San Quentin State Penitentiary, 1913-1951 (2009).

F. M. Baker et al, Issues in the Psychiatric Treatment of African Americans (1999).

for Eliminating Mental Health Disparities (2012).

Gautham Rao, Administering Entitlement: Governance, Public Health Care, and the Early American State (2012) 37 Law & Social Inquiry 627, 627.

Gene Demby, Making the Case That Discrimination Is Bad for Your Health (2018).

German Lopez, Was Nixon's war on drugs a racially motivated crusade? It's a bit more complicated. (2016).

Gina Kolata, These Sisters with Sickle Cell Had Devastating, and Preventable, Strokes, (May 29, 2021), <https://www.nytimes.com/2021/05/23/health/sickle-cell-Black-children.html>.

Haney, Restricting the Use of Solitary Confinement, <https://www.annualreviews.org/doi/full/10.1146/annurev-criminol-032317-092326>.

Harriet Washington, Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present (2006).

Harris et al., *Just the Facts: California's Prison Population* (July 2019) Public Policy Institute of California <<https://www.ppic.org/publication/californias-prison-population/>> (as of July 11, 2021).

Health and Human Services, what is the difference between Medicare and Medicaid? (2015).

Heidi Ledford, Millions of Black Americans Affected by Racial Bias in Health-Care Algorithms (2019), <https://www.nature.com/articles/d41586-019-03228-6#ref-CR1>.

Howard N. Rabinowitz, *From Exclusion to Segregation: Health and Welfare Services for Southern Blacks, 1865-1890*, (1974).

Institute of Medicine (US) Committee on Understanding and Eliminating Racial and Ethnic Disparities in Health Care; Smedley BD, Stith AY, Nelson AR, editors. *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*. Washington (DC): National Academies Press (US); 2003. EXECUTIVE SUMMARY. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK220355/>

Jacob Bor, et al, Police killings and their spillover effects on the mental health of Black Americans: a population-based, quasi-experimental study (2018).

Jeffrey Geller, *Structural Racism in American Psychiatry and APA* (2020).

Jeneen Interlandi, Why Doesn't America Have Universal Health Care? The Answer Has Everything To Do With Race (Aug 14, 2019), <https://www.nytimes.com/interactive/2019/08/14/magazine/universal-health-care-racism.html>.

Jerome H. Schiele, *Social Welfare Policy: Regulation and Resistance Among People of Color* (2011).

Jill Quadagno, *Promoting Civil Rights through the Welfare State: How Medicare Integrated Southern Hospitals* (2000).

Jim Downs, *Sick from Freedom: African American Illness and Suffering during the Civil War and Reconstruction* (2012).

Joe Feagin, Zinobia Bennefield, *Systemic racism and U.S. health care* (2014).

Jonathan Metzl, *The Protest Psychosis: How Schizophrenia Became a Black Disease* (2010).

Jules P. Harrell et al, *Physiological Responses to Racism and Discrimination: An Assessment of the Evidence* (2002).

Kaba, Fatos et al. “Disparities in Mental Health Referral and Diagnosis in the New York City Jail Mental Health Service.” *American journal of public health* vol. 105,9 (2015): 1911-6.
doi:10.2105/AJPH.2015.302699

Kaiser Family Foundation, *Black Americans and HIV/AIDS: The Basics* (2020).

Kelly M. Hoffman, et. al, Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between Blacks and whites (April 19, 2016),
<https://www.pnas.org/content/113/16/4296>.

Khalil Gibran Muhammad, *The sugar that saturates the American diet has a barbaric history as the ‘white gold’ that fueled slavery* (2019).

Kimberly Jacob Arriola, Race, Racism, and Access to Renal Transplantation among African Americans, https://sph.emory.edu/news/_includes/documents/Kim.J.A_ProjectMuseArticle.pdf

Krieger N, Chen JT, Coull BA, Beckfield J, Kiang MV, Waterman PD. 2014. Jim Crow and premature mortality among the US Black and white population, 1960–2009: an age–period–cohort analysis. *Epidemiology* 25: 494–504.

LaShyra T. Nolen et. al, *How Foundational Moments In Medicaid’s History Reinforced Rather Than Eliminated Racial Health Disparities* (2020).

Lauren Allport et al, *Influence of Parent Stressors on Adolescent Obesity in African American Youth*

Laurie McGinley, *Civil rights and Black health organizations press Biden administration to ban menthol cigarettes* (2021).

Lilian Comas Diaz, *acial Trauma: Theory, Research, and Healing: Introduction to the Special Issue*, <https://psycnet.apa.org/fulltext/2019-01033-001.html>.

Linda Villarosa, *Myths about physical racial differences were used to justify slavery — and are still believed by doctors today* (2019).

Linda Villarosa, *Why America’s Black Mothers and Babies Are in a Life-or-Death Crisis* (2018).

Lucy A. Bilaver, *Prevalence and Correlates of Food Allergy Among Medicaid-Enrolled United States Children* (2020).

Lundy Braun, *Breathing Race into the Machine: The Surprising Career of the Spirometer from Plantation to Genetics* (2021).

Lutz Kaelber, *Eugenics: Compulsory Sterilization in 50 American States* (2012).

Marcella Alsan, et. al, Does Diversity Matter for Health? Experimental Evidence from Oakland (2018).

Maria Trent et al, The Impact of Racism on Child and Adolescent Health (2019).

Marva Moxey-Mims, Kidney Disease in African American Children: Biological and Nonbiological Disparities (2018).

Maya Salam, For Serena Williams, Childbirth Was a Harrowing Ordeal. She's Not Alone (2018).

Michelle Sotero, A conceptual model of historical trauma: Implications for public health practice and research (2006).

Nancy Krieger, et. al, Medicine's Privileged Gatekeepers: Producing Harmful Ignorance about Racism and Health, <https://www.healthaffairs.org/doi/10.1377/hblog20210415.305480/full/>.

National Cancer Institute, Themes and Targets of Tobacco Advertising and Promotion, https://cancercontrol.cancer.gov/sites/default/files/2020-06/m19_5.pdf.

National Health Law Program, California Doula Push Shifts Focus Due to COVID-19 Pandemic (2020).

National Health Law Program, How Can Doulas Help Address Racial Disparities in Care (2020) https://healthlaw.org/wp-content/uploads/2020/04/DoulasRacialDisparity_4.16.2020.pdf.

National Institutes of Health, NIH, Lacks family reach understanding to share genomic data of HeLa cells (2013).

, Race, Postoperative Complications, and Death in Apparently Healthy Children (2020).

Patricia M. Lambert, Infectious disease among enslaved African Americans at Eaton's Estate, Warren County, North Carolina, ca. 1830-1850, (2006) https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0074-02762006001000017&lng=en&nrm=iso&tlng=en.

Paula Dutko et al, Characteristics and Influential Factors of Food Deserts (2012).

Paulyne Lee, Racial and ethnic disparities in the management of acute pain in US emergency departments (2019).

Pawlowski, Why racism can have long-term effects on children's health (2020).

People with Mental Health Conditions In the World's Largest Jail System (2014).

Perri Klass, The Impact of Disparities on Children's Health (2020).

Philip J. Hilts, Experiments on Children Are Reviewed (1998).

PP Reynolds, Hospitals and Civil Rights, 1945-1963: The Case of Simkins v Moses H. Cone Memorial Hospital (1997).

R H Steckel, A Peculiar Population: The Nutrition, Health, and Mortality of American Slaves from Childhood to Maturity (1986), <https://pubmed.ncbi.nlm.nih.gov/11617309/>.

RA Bulatao, NB Anderson, National Research Council (US) Panel on Race, Ethnicity, and Health in Later Life; Understanding Racial and Ethnic Differences in Health in Late Life: A Research Agenda. Washington (DC): National Academies Press (US); 2004. 10, Health Care. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK24693/>.

Racism and Mental Health: The African American Experience, <https://pubmed.ncbi.nlm.nih.gov/11105267/>.

Raheem Hosseini, Alameda County violates rights of mental health patients, inmates, feds say (2021).

Reggie L. Pearson, "There Are Many Sick, Feeble, and Suffering Freedmen": The Freedmen's Bureau Healthcare Activities during Reconstruction in North Carolina, 1865-1868" (2002).

Rhea Boyd, et. al, The World's Leading Medical Journals Don't Write About Racism. That's a Problem, <https://time.com/5956643/medical-journals-health-racism/>.

Risk for COVID-19 Infection, Hospitalization, and Death by Race/Ethnicity (updated June 17, 2021) Center for Disease Control <<https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>> (as of July 11, 2021).

Risk of Exposure to COVID-19: Racial and Ethnic Health Disparities (updated Dec. 10, 2020) Center for Disease Control <<https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/increased-risk-exposure.html#ref17>> (as of July 11, 2021).

Robert B. Baker, The American Medical Association and Race (2014).

Robin Foster, California to Pay Reparations to Victims of Forced Sterilization (2021).

Roni Caryn Rabin, Dermatology Has a Problem with Skin Color, (2020).

Sarah Zhang, A Long-Lost Data Trove Uncovers California's Sterilization Program (2017).

Sean M. Phelan et. al, The Effects of Racism in Medical Education on Students' Decisions to Practice in Underserved or Minority Communities (2019).

Seth J. Prins, Exploring Racial Disparities in The Brief Jail Mental Health Screen (2012).

Shilpa Jindia, Belly of the Beast: California's dark history of forced sterilizations (2020).

Stephen Menendian and Arthur Gailles, Racial Segregation in the San Francisco Bay Area (2019).

Swanson J, Swartz M, Van Dorn RA, Monahan J, McGuire TG, Steadman HJ, Robbins PC. Racial disparities in involuntary outpatient commitment: are they real? *Health Aff (Millwood)*. 2009 May-Jun;28(3):816-26. doi: 10.1377/hlthaff.28.3.816. PMID: 19414892.

Terry Gross, How Systemic Racism Continues to Determine Black Health and Wealth in Chicago (2021).

Teryn Bouche and Laura Rivard, America's Hidden History: The Eugenics Movement (Sept. 18, 2014), <https://www.nature.com/scitable/forums/genetics-generation/america-s-hidden-history-the-eugenics-movement-123919444/>.

Todd L. Savitt, Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia (2002), <https://www.press.uillinois.edu/books/catalog/85scf7fe9780252008740.html>.

Todd Park et. al, Inequity in Organ Donation, <https://bloomworks.digital/organdonationreform/Inequity/>.

Tony B. Lowe, Nineteenth Century Review of Mental Health Care for African Americans: A Legacy of Service and Policy Barriers (2006).

Tonya Mosley, Allison Hagan, Black Americans Were Prescribed Opioids Less Frequently Because Of Racial Bias, New Analysis Shows (2020).

Torgrimson-Ojerio BN, Mularski KS, Peyton MR, Keast EM, Hassan A, Ivlev I. Health issues and healthcare utilization among adults who reported exposure to tear gas during 2020 Portland (OR) protests: a cross-sectional survey.

U.S. Commission on Civil Rights, Equal Opportunity in Hospitals and Health Facilities (Mar. 1965).

U.S. Dept. of Health, Education and Welfare, Hill-Burton Progress Report (1972).

UCLA Center for Research, Education, Training, and Strategic Communication of Minority Health Disparities
<<http://cretscmhd.psych.ucla.edu/healthfair/Population%20Fact%20Sheets/BlackHealth.htm>> (as of July 13, 2021).

University of Southern California Department of Nursing, Understanding Barriers to Minority Mental Health Care (2021).

V. Diane Woods et. al, We Ain't Crazy! Just Coping with a Crazy System: Pathways into the Black Population

Voisin, Dexter R et al. "Involvement in the Juvenile Justice System for African American Adolescents: Examining Associations with Behavioral Health Problems." *Journal of social service research* vol. 43,1 (2017): 129-140. doi:10.1080/01488376.2016.1239596

Volkow, Nora D et al. “Drug use disorders: impact of a public health rather than a criminal justice approach.” *World psychiatry: official journal of the World Psychiatric Association (WPA)* vol. 16,2 (2017): 213-214. doi:10.1002/wps.20428

W.M. Byrd and L.A. Clayton, *Race, Medicine, and Health Care in the United States: A Historical Survey* (2001).

Wendy Gonaver, *The Peculiar Institution and the Making of Modern Psychiatry 1840-1880* (2019).

William Darity, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (2020).

William J. Hall, *Implicit Racial/Ethnic Bias Among Health Care Professionals and Its Influence on Health Care Outcomes: A Systematic Review* (2015).

Yuki Noguchi, 'Bear Our Pain': The Plea for More Black Mental Health Workers (2020).

Ziad Obermeyer, et. al, *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations* (201),

https://science.sciencemag.org/content/366/6464/447.abstract?casa_token=GDa-UkTDh7sAAAAA:qeEntM8P4sEq5AHf-yGGpzs5Ix3hGD11jq5Zoeq9V_hcwCLs9Sk7hmkIPJNfmTMJ98FrZfJD8A0RX8.

Zinzi D. Bailey, et. al., *How Structural Racism Works — Racist Policies as a Root Cause of U.S. Racial Health Inequities* (Feb. 25, 2021), <https://www.nejm.org/doi/10.1056/NEJMms2025396>.

FAMILY

I. Introduction

- A. Quote from Autobiography of Frederick Douglass: “Genealogical trees do not flourish among slaves.” I. Slavery-era decimation of the Black family through explicit action of federal and state actors. II. Later racist structures, including Jim Crow, and perpetuation of disparities also through state and federal government-created and sanctioned mechanisms. III. Child welfare system impacts on the Black family through federal and state action and inaction, both with respect to active interference with/decimation of Black families and by racist support structures excluding Black families. IV. Juvenile justice impacts on Black family. V. Discussion of various California-specific government action creating and perpetuating racism and racial disparities

II. Slavery era

- A. The transatlantic slave trade and sexual slavery
1. The kidnapping and transporting of Black Africans across the middle passage literally obliterated their family structure.
 - a. The vast majority of the nearly 400,000 enslaved persons brought over from Africa were children or young adults, and more than a quarter were children. Please see the section of this outline addressing the history of slavery for more details about how Black Africans in families and otherwise were treated as part of the middle passage.
 - b. Upon the arrival of enslaved people in the United States, private parties and state governments maintained no familial records of Black Americans, replacing their names with those of their new enslavers.
 - c. Throughout an enslaved person’s life once they arrived in the United States, they were called by the names of their enslavers.
 - d. This had the effect of erasing an individual’s identity, severing them from their family, but also making it extremely difficult for them to find each other after emancipation. **[To be expanded.]**
 2. Black sexual slavery—i.e., the rendering of both women’s sexual life and their progeny as property of white owners— and the decimation of the Black family became a vital tool of maintaining white wealth, as sanctioned by the federal and state governments.
 - e. As early as 1662, the Virginia colony passed a law holding that the status of an enslaved woman’s children would be dictated by the status of the mother, thereby rendering all children born to enslaved women slaves themselves. **[To be expanded.]**
 - f. This was an explicit—and profit-motivated—deviation from English

common law, in which children followed the enslavement status of their fathers.

3. The United States outlawed bringing enslaved people into the country in 1807. The only way to increase the number of enslaved people and free labor for the American economy was therefore through domestic birth of new enslaved persons, which created a financial incentive for white enslavers to rape Black women and girls and force them to carry pregnancies to term. The rape of Black women and girls was not only a tool of terror, but also a means of creating more enslaved people and further enriching the rapist.
4. This sexual slavery served to provide great benefits to both government and private actors within both the Southern and Northern States, as successful private industry and state tax wealth across the country were dependent on the continued labor and reproduction of Black bodies. In the North, maritime industry, merchants, textile manufacturers, and even consumers of cheap cloth were all heavily dependent on the southern cotton plantation economy, which was fundamentally premised on the sexual slavery of Black women and girls—and therefore on the decimation of Black families.

B. Marriage

5. Marriage between enslaved people
 - g. As legal scholar William Goodell summarized in 1853: “The slave has no rights. Of course, he or she cannot have the rights of a husband, a wife. The slave is a chattel, and chattels do not marry. ‘The slave is not ranked among sentient beings, but among things;’ and things are not married.”
 - h. Across the Southern slaveholding states, enslaved persons were generally prohibited by law from entering any legally-binding marriage.
 - i. In an 1858 case addressing the inheritance rights of children of two enslaved persons who “married” with the consent of their enslavers, the North Carolina Supreme Court summarized as follows: “The relation between slaves is essentially different from that of man and wife joined in lawful wedlock,” because “with slaves it may be dissolved at the pleasure of either party, or by the sale of one or both, depending upon the caprice or necessity of the owners.” Their condition was compatible only with a form of “concubinage, voluntary on the part of the slaves, and permissive on that of the master.”
 - j. Tennessee was the only slaveholding state that allowed for marriage between enslaved persons, but even then the law required consent of the enslavers to be valid.
 - k. Because enslaved persons were treated as chattel under the law, and thus could not enter legal contracts, they could neither own nor transfer property, including to their own children or partners upon their death.

6. Interracial marriage

- l. The earliest known antimiscegenation law, passed in 1661 in the Colony of Maryland, dictated that a white woman who married a Black man became an enslaved person herself.
- m. Other colonies followed suit to prohibit interracial marriage during the slaveholding era.
- n. However, from slavery through the Jim Crow era, society generally ignored and accepted white men having sexual relationships with Black women and girls, especially when those women were treated as the property of white men. However, the children of these interracial relationships were often enslaved and could not gain access to white wealth.
- o. Prior to the Civil War, fears of interracial marriage were so strong that they sometimes led to overt violence against abolitionists.
- p. In 1834, a false rumor that abolitionist ministers had married an interracial couple led to eleven straight days of racial terror in New York City, in which mobs attacked a mixed-race gathering of the American Anti-Slavery Society and destroyed the homes and churches of leading abolitionists, as well as Black churches, homes, schools, and businesses.
- q. A similarly violent incident, with similar motivations and targets, occurred in Philadelphia in 1838.
- r. Punishments for violations of antimiscegenation laws varied by state, but prior to the Civil War were usually meted out to white Americans more so than Black Americans.
- s. While this may seem surprising, scholars believe the disparity again reflects racist attitudes towards Black Americans, since it was believed that Black Americans were “too irresponsible and too inferior to punish” and “it was whites’ responsibility to protect the purity of their own bloodlines.”
- t. Punishments for Black Americans included whippings, fines, exile, or even enslavement if they were free at the time of their violation of the law.
- u. Although it is unclear to what extent anti-miscegenation laws were universally enforced, there is ample evidence that arrests were “used to make examples of particular couples... [who] became visible enough to threaten public order.”

C. Parent-child relationships

7. Early lives of enslaved children and their parents.

- v. The Parenting Experience of Enslaved People [To be expanded.]

- w. Very soon after giving birth, enslaved mothers were expected to return to work.
 - x. Please see the health section for further discussion of the process of birthing and the work demands placed on new mothers.
 - y. Enslaved children were expected to work as soon as they were physically able, and “often worked in fields with adults, tended animals, cleaned and served in their owners’ houses, and took care of younger children.”
 - z. To the extent children remained with one parent but not both, families were required to adapt to single-parent households due to the forced separation of parents by slaveholders, permitted and enforced by state law and state agents. Parents of enslaved children could be separated at any time, or already be located at different plantations at the time of the child’s birth.
8. Families could be separated at any time and fear of that separation served as a tool of terror and control.
- aa. Because enslaved persons were considered property, families could be and were frequently separated as enslavers fell into debt or simply desired greater profits. [To be expanded if research yields data on this topic.]
 - bb. A Southern Black enslaved person had a 30 percent chance of being sold in his or her lifetime.
 - cc. A quarter of enslaved person trades across state lines destroyed a first marriage, while approximately half destroyed a nuclear family by separating immediate family members.
 - dd. Although the horrible pain caused by these practices were well-recognized at the time, scholars have theorized that the very horror of separation of enslaved families was itself a tool for preventing rebellion, since the fear of losing one’s loved ones forever served to ensure day-to-day compliance of enslaved persons.
9. In some Southern states, approximately one-third of enslaved children were separated from one or both parents.
- ee. The decimation of the nuclear family that slavery imposed was recognized at the time, including by the U.S. government. While advocating for the passage of the Thirteenth Amendment, U.S. Senator James Harlan of Iowa stated that slavery effected “the abolition practically of the parental relation, robbing the offspring of the care and attention of his parents.” [To be expanded.]
10. Thomas R.R. Cobb, a legal scholar who drafted parts of the Georgia legal code of 1861, claimed that the Black mother “suffers little” when her children are stolen

from her, since she lacked maternal feelings.

- ff. The Georgia Code of 1861, of which Cobb drafted a part, wrote principles of white supremacy into law, including a provision that presumed Black Americans were slaves unless proven otherwise.
 - gg. A citizen's arrest provision added to the code in 1863, was used to defend the three white men charged with the 2020 murder of Ahmaud Arbery.
 - hh. Three armed white men pursued Arbery in cars as he was jogging and shot him. The men argued that the 1863 provision allowed them to arrest another person if a crime was committed "within his immediate knowledge."
 - ii. The law was repealed in 2021 in the wake of Arbery's murder.
11. The horrors of family separation during slavery were highlighted by abolitionists as a central strategy to enlist people to their cause.
- jj. Sojourner Truth famously spoke of having her children torn from her while enslaved, saying: "I have borne thirteen children and seen most all sold off into slavery, and when I cried out with a mother's grief, none but Jesus heard."
 - kk. In his autobiography, Frederick Douglass begins by relaying his separation from his mother, Harriet Bailey, while they were both enslaved, which occurred "before [he] knew her as her mother," and whom he saw again no more than "four or five times" before he was told secondhand of her death.
 - ll. Harriet Mason, an enslaved women forced to separate from her family at age seven, related that she "used to say I wish I'd died when I was little."
12. Near the end of the slavery era, in the 1850s, some Southern states responded to public horror at child separation by passing laws prohibiting the taking of infants from their enslaved mothers. [To be expanded.]
- mm. Modern scholars analyzing this development have argued these laws were not passed out of concern for Black Americans, but rather because they were a limited reform that might have allowed these states to protect the continued existence of slavery in the face of abolitionist efforts gaining public sympathy regarding family separation.

D. Extended family kinship structures

13. In order to cope with the destruction of their nuclear family, enslaved people created deep, extended supportive relationships with other enslaved people.
- nn. Some historians have argued that the extended kinship structures of Black

enslaved people mirrored similar structures in their native African homelands.

- oo. The role of Black grandparents, other extended relatives, and older Black caregivers who were not biologically related took on particular importance, with Black grandmothers often serving as a central figure within a plantation ensuring the care of all children of enslaved parents who were sold to other enslavers, killed, or otherwise removed from their nuclear families.
- pp. Scholars have noted that the reliance of Black mothers and Black Americans on extended kinship networks was a necessity for mere survival, beginning in the Slavery era and continued through Jim Crow and other forms of government discrimination.
- E. Early Black historians argued that the legacy of slavery created “disorganization and instability” in Black families for generations.
- 14. In 1899 and again in 1909, prominent sociologist and social critic W.E.B. Du Bois published detailed, fact-driven analyses of Black families, demonstrating the myriad ways in which a lack of economic means and opportunities after emancipation imposed ongoing and crippling challenges to Black families in both the North and South. [To be expanded.]
- 15. In 1932, sociologist E. Franklin Frazier argued that the slavery-era state-sanctioned decimation of Black familial and ancestral traditions left Black families ill-suited to adapt to the drastic changes early twentieth-century urbanization imposed upon it. [To be expanded.]

III. Black Children Post-Slavery

- A. Devaluing of Black motherhood continued in various state-sanctioned—or state-imposed—ways.
 - 1. The Freedmen’s Bureau, a government agency established to aid the transition of enslaved people to freedom, further perpetuated the slavery-era harms to Black motherhood by treating Black women as “a subset of all poor women, who were supposed to work rather than remaining ‘idle’ at home.” [To be expanded.]
 - 2. In a time where women with children were typically expected to stay home and care for children, a higher percentage of Black married women worked than their white counterparts, reflecting need among these women to be joint or sole breadwinners in families that could not subsist on the meagre pay of Black men, who themselves remained limited to ill-paid menial jobs. This systematically denied Black children the care of their mothers when compared to white children whose mothers more often were able to choose to stay home and provide care.
 - 3. Black women were generally denied opportunities in public-facing retail jobs or professional secretarial work with traditional nine-to-five work schedules. Instead, they were generally only given opportunities to serve as domestic caregivers and

maids, often living in the homes of their white employers and on call at all hours. These roles, therefore, literally took the individual work of caring and mother from Black women and gave it to the children of white families, often preventing Black mothers from even living with their children.

B. Anti-miscegenation laws

4. The passage of the Fourteenth Amendment after the Civil War was acknowledged (even by its proponents) to leave in place antimiscegenation laws so long as they “treated a Black person who married or tried to marry a white person the same way it treated a white person who married or tried to marry a Black person.”
 5. In 1883, the Supreme Court upheld the constitutionality of antimiscegenation laws, and myriad state courts also rejected state challenges to them through the mid-20th century.
 6. Members of Congress also introduced (unsuccessful) constitutional amendments in 1871, 1912, and 1928 to ban interracial marriage nationwide.
 7. Eventually, a total of 38 states established such laws.
 8. Many scholars argue that the white-dominated state governments passed antimiscegenation to prevent Black Americans (enslaved or otherwise) from accumulating wealth, in addition to controlling women’s sexuality.
- qq. The most direct concern was a passing on of white wealth to interracial offspring through inheritance or probate laws, undermining race-based social stratification.
- rr. white colonists were also concerned with possible mixing of African Americans and American Indians, given that an alliance of both groups could provide sufficient strength to rise against slavery and other forms of economic oppression.
- ss. Children of legally-unrecognized interracial marriages were almost always excluded from economic benefits they would have received if their parents were both white. They were explicitly labelled “bastards,” and had no claim to the estates of their biological fathers, nor could the man or woman in such a “void” marriage claim alimony, child support, death benefits, or any inheritance.
- tt. white relatives also had a strong motivation to ensure these statutes were strictly and aggressively enforced, since a sibling who might inherit nothing on the death of a married brother or sister could inherit that sibling’s wealth by proving that the sibling’s spouse was Black, and therefore that the marriage was void.
- uu. Antimiscegenation laws continued to explicitly deny economic benefits (especially in probate) to Black Americans who would have otherwise received them, since by operation of law assets of those who died without

wills would be inherited by spouses.

9. Sexual intimacy between Black men and white women was disproportionately targeted by government officials enforcing these laws. white mobs also enforced these laws through extra-judicial violence (e.g., lynchings). [To be expanded.]

vv. In Alabama in 1929, for example, Elijah Fields, a fifty-year-old Black man, and Ollie Roden, a 25-year-old white woman, were both arrested and tried for violation of the state's antiscegenation law, which also prohibited cohabitation. An Alabama jury convicted fields even though Roden's father testified that he had asked Fields to drive his daughter, who was incontinent and suffering from open sores, from a hospital to a boardinghouse.

ww. The state sentenced Fields to 2-3 years in prison, although it was later reversed on appeal.

10. In 1967, in *Loving v. Virginia*, the U.S. Supreme Court finally struck down all antiscegenation laws as unconstitutional.

C. Ending of legal separation of families by slaveholders did not end the taking of children from Black families in other ways, mostly due to the apprenticeship system.

11. During the slavery era

xx. The apprenticeship system existed in some form since the late 18th Century, but the legality of slavery meant it was not necessary to ensure the forced and unpaid labor of enslaved children.

yy. However, even during the slavery era it was used to exploit the labor of *free* Black children. For example, records reveal that a three-year-old free Black boy named Charles Bell was bound to an apprenticeship in Frederick County, Maryland, until the age of 21, through an agreement between local county officials and Nathaniel C. Lupton, which makes no mention of his parents.

12. After emancipation through the twentieth century

zz. State laws across Southern states allowed former enslavers to effectively require Black children to continue working at the plantations at which they were formerly enslaved via the apprenticeship system, which kept Black girls until they were 18 and Black boys until they were 21.

aaa. Immediately after emancipation, the desire of white former enslavers to continue exploit children, both sexually and as a cheap source of labor, often motivated them to gain control of Black minors by refusing to free them when their parents were freed, either through apprenticeship laws or through outright kidnapping.

- bbb. Many Southern Black children in the apprenticeship system continued the traditional slave labor of picking cotton.
- ccc. The apprenticeship laws supported the removal of Black children from their families. These laws even allowed white former enslavers to gain legal custody of Black children by claiming their parents were incapable of supporting them (which of course, many were, as a result of Jim Crow and ongoing racist disenfranchisement).
- ddd. Black families often suffered economic harm in addition to the trauma of losing a child in this way, since Black farming families relied upon children to assist in agricultural work.

13. Southern whites defended the apprenticeship system as benevolent in nature.

- eee. One Maryland newspaper, for example, described the system in 1864 as being “prompted by feelings of humanity towards these unfortunate young ones.”
- fff. One Texas judge similarly described the Texas apprenticeship system as granting “justice to these children” by placing them in “good comfortable homes” where they would receive “some education.”

14. Orphan courts and state law enforcement

- ggg. So-called “orphan” courts across the Southern states, which were typically run by pro-slavery judges, bound an estimated 10,000 children of freed Black men and women to these apprenticeships, which for all intents and purposes were an extension of their forced labor under slavery, operating to the benefit of the children’s former enslavers.
- hhh. Indeed, Chief Justice of the United States Supreme Court Salmon Chase noted, in an 1867 case, that under Maryland apprenticeship system “younger persons were bound as apprentices, usually, if not always, to their late masters.”
- iii. This legal dispute arose because, under Maryland law, anyone seeking to apprentice a white child was required to provide an education, and could not involuntarily “transfer” the apprenticed child to another. However, Black children subjected to apprenticeship were not provided these rights, and in fact were described overtly as a “property and interest.”
- jjj. A young Black girl named Elizabeth Turner, was apprenticed as a “house servant” at the age of 8 a mere two days after her emancipation. She challenged her apprenticeship because of the explicit racial differences between the apprenticeship statutes.
- kkk. The Court resolved the dispute by holding that no Black child could be bound to an apprenticeship, which lacked the protections

afforded to white children, making the obvious but important observation that “the alleged apprenticeship in the present case is involuntary servitude, within the meaning of . . . the [thirteenth] amendment.”

III. Although this decision meant freedom for Elizabeth Turner, few Southern trial courts followed Justice Chase’s approach, and the re-enslavement of Black youth continued in the South generally unabated.

mmm. Moreover, since apprenticeship laws empowered these local courts to determine the capacity of Black parents to raise their children, white former enslavers often easily convinced white judges that the children would be better off placed with them.

15. The Fair Labor Standards Act of 1938, a federal law which dramatically restricted the employment of child workers, explicitly exempted both agricultural and domestic work, which was then largely done by Black workers.

nnn. The United States Congress intentionally exclude these industries from labor protections for the purpose of denying Black workers the labor protections given to white workers.

ooo. See the labor section of this report for further discussion of related issues.

IV. Impact of the Great Migration on Families [To be expanded.]

- A. Social scientists have made a longstanding assumption that southern migrants during the Great Migration carried disorganized family structures with them when they migrated to the north.
- B. Modern scholars have argued that contrary to this assumption, migrants from the south actually showed more traditional family structures such as children living with two parents, married women living with their spouses, and fewer mothers that had never married. They were also less likely to receive welfare payments, contradicting an assertion in the Moynihan report that the higher welfare payments in the North drew migrants from the South.

V. The Moynihan Report

A. Drafting and Content of the Moynihan Report

- 1. In 1965, Daniel Moynihan, an Assistant Secretary of Labor researching policies for as part of the Johnson Administration’s “War on Poverty,” drafted what was originally an internal Department of Labor Report entitled “The Negro Family: The Case For National Action.”
- 2. The report described numerous ways that the historical legacy of slavery and institutional racism created lasting, harmful effects on Black Americans and the Black family. However, it essentially claimed that the high rates of single

motherhood in Black families in America was a, if not the, primary reason for the continued failure of Black Americans to achieve full and equal access to success in America. It further asserted that such equality could only be achieved by changing the culture of Black Americans and particularly of Black men, who had been feminized and rendered inadequate workers through being raised without male role models.

3. Even when advocating for governmental intervention to assist Black Americans, the Moynihan report nevertheless managed to portray Black Americans as helpless but for the intervention of white Americans, describing the “pathology” of Black America as “capable of perpetuating itself without assistance from the white world.”
4. Although the Moynihan Report relied heavily on scholarship previously published by Black scholars, and linked the poverty experienced by Black Americans to the historical traumas of slavery, it also argued that the Civil Rights Act and equality of opportunity would not resolve them.
5. Instead, the Moynihan Report asserts that “[t]he gap between the Negro and other groups in American society is widening. The fundamental problem, in which this is most clearly the case, is that of family structure.”

ppp. Moynihan argued, for example, that the prevalence of single motherhood in Black families created “a matriarchal structure which . . . seriously retards the progress of the group as a whole.”

B. The contemporary response of Black leaders to the Moynihan Report

6. Largely in response to the Moynihan Report, President Johnson famously acknowledged that “Negro poverty is not white poverty,” but his administration followed that announcement with few meaningful efforts to address disparities of Black Americans.
7. Johnson convened a group of well-respected civil rights leaders to address Black poverty, but their recommendations exclusively suggested approaches to address poverty without regard to race as a matter of political expediency, further discounting race-conscious efforts at addressing the unique economic harms suffered by Black Americans.

- a. Bayard Rustin, who was cited in the Moynihan Report itself, was among the most prominent of the convened civil rights leaders. However, he was critical of the Report, describing it as “ambivalent about the basic reforms that are needed.”

qqq. Rustin and A. Phillip Randolph, with the aid of a forward from Martin Luther King Jr., eventually concretized their recommendations in a document they entitled “the Freedom Budget.” It proposed spending billions of federal dollars to ensure jobs, universal health insurance, and a basic minimum income paid to all Americans, regardless of race. None of

their recommendations ultimately manifested in any federal legislation, from the Johnson Administration or otherwise.

- rrr. Ultimately, no national effort resulted from the Moynihan Report. President Johnson called for a white House conference in its wake, which occurred in November of 1965. At that point, the Report had engendered so much controversy that Moynihan himself was largely sidelined at the conference, having recently left the Administration.
- 8. The overt sexism and gender-stereotyping of the report also led to further hostility towards Black women serving as leaders in the Civil Rights movement.
 - sss. Contemporary Black women leaders were outraged that Moynihan explicitly advocated for improved governmental job opportunities for Black men over Black women to ensure male “breadwinners.” Trailblazing advocate Pauli Murray stated that Moynihan’s criticism of Black women in the workforce was “bitterly ironic,” as criticism “for their efforts to overcome a handicap not of their own making.”
- C. The Moynihan Report’s impacts on public discourse and social policy in America with respect to the Black family.
 - 9. Scholars criticized the report for blaming the victim, and it was predictably seized those who sought to explain away economic and social justice as a natural consequence of the culture and supposed irresponsibility of Black Americans. For some politicians and government actors, the Moynihan report justified a stance that Black Americans were unworthy of public assistance because their own culture was to blame for their economic plight.
 - 10. Also criticized as sexist was Moynihan’s suggestion that every young Black man should join the armed forces, which would provide Black men with a much-needed “world away from women, a world run by strong men of unquestioned authority, where discipline, if harsh, is nonetheless orderly and predictable.”
 - ttt. This recommendation was made as American involvement in the Vietnam War was beginning to escalate, at a time in which Black men were underrepresented in the Armed Forces, at least partially because they failed the Armed Forces Qualification Test (AFQT) at disproportionately high rates. Moynihan’s analysis and recommendation lead to Secretary of Defense Robert McNamara’s “Project 100,000,” a program ostensibly designed to allow greater access to the U.S. Military for those who initially failed the AFQT. Project 100,000 ultimately served as a successful recruitment tool for Black soldiers in the Vietnam War, who died at disproportionately high rates compared to white soldiers. This, of course, further devastated the Black families of these men, thousands of whom were rendered widows and orphans by their deaths.
 - uuu. The disproportionate drafting of Black men. [To be expanded].

11. Although the Moynihan Report and its central conclusions were immediately controversial and contested, President Johnson adopted its language and central focus in decrying the “breakdown of the Negro family structure” as fundamental to the challenges faced by Black Americans.
12. Several high-profile scholars also used the conclusions of the Moynihan Report to advocate against the very social welfare programs for which Moynihan himself had advocated to help Black Americans out of poverty, most notably Charles Murray in his influential book “Losing Ground.”

vvv. Murray later suggested in his deeply controversial book “The Bell Curve” that attainment gaps between Black and white Americans were attributable to innate differences in intelligence between races, further excusing these inequalities and dismissing them as attributable to shortcomings in Black Americans themselves. Murray’s co-author of The Bell Curve, Arthur Jensen, also relied upon the Moynihan report in a 1969 article explicitly arguing that differences in innate intelligence were the cause of differential attainment by Black Americans, even though Moynihan explicitly rejected that notion.

13. The severe curtailment of federal welfare programs in the 1990s, as well as the imposition of punitive “welfare to work” requirements, have been seen by many as attributable to the mainstreaming of these ideological themes, even as Moynihan himself (then a Senator) and others expressed surprise and opposition to these developments.
14. The Moynihan Report and Its Legacy [To be expanded.]
15. Later scholars argued the Moynihan Report misattributed or exaggerated the impact of Black single parenthood, leading to widespread stigmatization and blame of Black single-parent families by politicians inclined to ignore its recommendations for providing actual assistance to Black Americans in need.

www. Prominent social scientist Donna Franklin has argued that the family instability Moynihan focused on was largely attributable to Black migration to the North, where domestic labor as maids and child caregivers was widely available and consistent but Black men had few similar opportunities.

xxx. This same observation was made nearly half a century prior to the Moynihan Report by W.E.B. Du Bois, but was seemingly ignored by the Report.

yyy. Relatedly, Franklin notes that the prevalence of “single mothers” in the Black community during the timeframe studied by Moynihan was at least partially due to the exclusion of Black children from adoption services; from 1940 to 1960, seventy percent of white single mothers gave up their children for adoption, five percent or fewer of Black single mothers did so.

zzz. As Ta-Nehisi Coates put it, the Report helped create “the myth . . . that fatherhood is the great antidote to all that ails Black Americans.”

VI. The Welfare System—Assistance to Families

A. 1900-1935: States across America provide “Mothers’ Pensions”

1. States across the country developed centralized welfare systems in the early 1900s to provide economic aid to low-income single mothers taking care of their children, comprising monthly monetary payments paid to the mothers meant to ensure a basic standard of living to care for the mother and child.
2. By 1920, forty states had established so-called “mothers’ pensions”—*i.e.*, support payments to single mothers—for which Black mothers were nominally eligible. However, 96 percent of recipients of mothers’ pensions were white; only 3 percent went to Black mothers.

aaaa. By 1930, all but two of the forty-eight existing states had created mothers’ pensions, across the North and South.

3. These programs consistently discriminated against Black mothers, despite their greater economic need on average.

bbbb. All the states of the Deep South—Arkansas, Florida, Louisiana, Mississippi, North Carolina, Tennessee, and Texas—created “mothers’ pension” programs, but provided almost no assistance to Black single mothers: across these seven states, only 39 Black families received mothers’ pensions, compared to 2,957 white families.

- a. This approach was consistent with Southern state officials’ administration of federal public works programs; such officials generally argued that Black Americans should not need or be given relief so long as there remained menial jobs available to them.

cccc. However, research has shown that between 1910 and 1920, the states in the American South that enacted no “mothers’ pensions” were those with the highest rates of Black single mothers. Similarly, states that had higher Black single motherhood rates were slower to enact such pensions and/or less generous with them when they were enacted. In short, Southern states consistently avoided giving aid to single mothers when the recipients were Black.

- b. This is not merely historical analysis; it was acknowledged explicitly by government actors at that time, and based on the continued devaluation and intentional destruction of Black motherhood by state and local government officials. A welfare field supervisor in the 1930s explained that the withholding of

welfare payments from Black mothers was to prevent them from staying at home caring for their children and to instead force them into the work place. This reflected the attitude of the white community that Black women should be forced to continue engaging in seasonal labor jobs or domestic service rather than receive any aid.

4. Throughout the era of “mothers’ pensions,” within both Northern and Southern states many county administrators found various ways to exclude Black women from receiving them. Some located program offices in areas difficult to reach for Black families, or implemented standards that would disproportionately disqualify Black women, such as barring unmarried mothers from receiving benefits.
 - a. Some states, including California and states in the North, solely provided mothers’ pensions to widows, thereby excluding unmarried mothers who were disproportionately Black women.
 - b. Even nominally race-neutral programs were often racist in their administration, since discretion in administering these programs was often left to “line officials (judges as well as county agencies)” who made decisions “to separate the worthy mothers from the unworthy” and about whether to provide benefits at all.

B. 1935 onwards: Federal Aid to Dependent Children and Modern Welfare

5. In 1935, the Social Security Act created a federal program similar to the state mothers’ pensions known as “Aid to Dependent Children,” later renamed “Aid to Families with Dependent Children”
6. Broader federal assistance programs—i.e., welfare—were initiated in the 1950s, but were often arbitrarily denied to Black American families by determinations (made by state government administrators nationwide) that their homes were immoral, typically because children were born out of wedlock.

dddd. Moynihan’s problematic focus on unmarried parents. [To be expanded.]

7. In 1960, the federal government prohibited states from denying welfare benefits to families solely because a child was born to unwed parents, a prohibition known as the “Flemming Rule.”
 - a. The Louisiana government removed 23,000 children from its state welfare rolls in 1960 solely because their parents were not married, which was disproportionately the case among Black families. In response, the federal government implemented the Flemming rule, requiring states to make individualized determinations to determine a family was “unsuitable” for welfare, and to provide service interventions to such families.

- b. Although the intent of the rule was ostensibly to ensure that children had their basic needs met whether or not their parents were married, the effect was to perversely push more Black children into foster care, as many state welfare officials recommended removal over working with families to remediate the “unsuitable” home conditions.
- c. Southern states in particular complied with the Flemming Rule by relying on racist practices.
 - i. For example, when Florida passed a “suitable home” statute in 1960 in response to the Flemming Rule, the largely white state welfare worker staff investigated and challenged the “suitability” of approximately 13,000 families already receiving welfare assistance. Of those, a mere 9 families were white, even though welfare recipients as a whole were 39 percent white.
 - ii. These 13,000 families were pressured to relinquish their children or forfeit their welfare benefits in response to a finding that they were “unsuitable” to receive them. Of these families, only 168 gave in and agreed to place their children in state care so that they could continue to receive welfare benefits. State workers expressed surprise at this, based on the continued racist belief that Black women “had little maternal feeling.”
- d. The creator of the Flemming rule, the Secretary of the United States Department of Health, Education, and Welfare Arthur Flemming, later conceded that it was racist both in intent and in practice.

VII. Foster Care Systems and Other Forms of Child Welfare

A. Pre WWII:

- 1. Both during and after the slavery era, Black children were systematically excluded from orphanages and other resources designed to care for poor children.
- 2. Instead, some free Black children were placed in charitable housing for homeless or very low-income adults—they were generally treated harshly and “indentured” into forced labor.
- 3. Non-governmental Black child welfare organizations were sometimes established to help some Black children rejected from private and public entities that only assisted white children.
 - a. For example, Pittsburgh’s Home for Colored Children was

founded after a young Black girl, Nellie Grant, literally wandered the streets and was rejected from the city's childcare institutions because she was Black.

B. Post WWII:

4. Systemic foster care systems—*i.e.*, state government systems designed to ensure child safety by taking them from caregivers believed to be unfit and placing them in other environments—did not develop until after World War II. From the inception of such programs, state actors removed children from Black families and placed into foster care at alarming and dramatic rates compared to white children.
5. From 1945 to 1982, the percentage of minority children in foster care rose from 17 percent to 47 percent, with 80 percent of minority children being Black.
 - a. Even in this relatively recent era, the larger proportion of Black children in foster care was due in part to the fact that the other forms of child welfare caretaking—adoption and institutional services—continued to explicitly and/or practically exclude Black children.

eeee. Even when governmental child adoption services were officially open to Black children, most were not given the same opportunities as white families because adoption agencies catered to white families.

ffff. Non-governmental agencies similarly excluded Black children by catering to the private adoption market, which was largely affluent and white.

gggg. When these adoption institutions failed to place Black children with families, they generally attributed that failure to the children themselves and stigmatized them as “unadoptable.”

hhhh. These institutions thereby ignored their many decades of excluding Black children and their inexperience in serving them.

iiii. Systemic racism in the foster care system: biases of individual actors like social workers/family court judges, structures in regulation/law that have racist consequences in practice? [To be expanded.]

C. Modern Disparities and Analysis

6. As of 2019, Black children “accounted for roughly 14 percent of the child population [but] 23 percent of the foster care population.”
7. The disproportionately larger number of Black children in foster care is not attributable to Black parents mistreating their children at greater rate, but rather to many other factors including heightened rates of allegations against and investigations of Black families.

jjjj. Over the past several decades, studies have come to differing conclusions about whether rates of mistreatment may be elevated among Black families, though studies that have found higher rates have generally shown noted that they were only slightly higher, and possibly attributable to the acknowledged correlation between mistreatment and poverty.

kkkk. In either case, there is widespread agreement that ample qualitative and narrative evidence exists of racism against Black families in the foster care system even today, with scholars arguing that academic exclusion of such qualitative evidence may reflect further pathologizing of the Black family akin to the Moynihan report.

llll. As recently as 2017, the New York Times documented extensive qualitative evidence of racist foster care interventions in New York City, in which Black mothers not only had their children taken away, but also faced criminal consequences for circumstances that clearly did not merit any such punishment.

mmmm. One Black woman, who remained anonymous in the article, called emergency services when she went into premature labor, but then realized her boyfriend would not be reachable unless she walked to his location. She left her 6-year-old-daughter alone at her apartment and walked to get him, returning 40 minutes later to find emergency services and police. Immediately after giving birth, she was handcuffed and placed under arrest for child endangerment, and both of her children were placed in foster care.

8. Disproportionate involvement of Black youth in foster care is not attributable to abuse in their homes.

nnnn. An official study of the U.S. Department of Health and Human Services found that the disproportionality of Black children being taken from their parents and placed in foster care “does not derive from inherent differences in the rates at which they are abused or neglected” but rather reflects the “differential attention” received by Black children “along the child welfare service pathway.”

- a. There is an academic consensus that, “racial bias in decision-making remains an important factor in contributing to racial disparities” in state agency determinations of when to take Black children from their parents. When poverty and objective risk of further abuse are controlled for, substantial disparities remain in how State foster care treats Black families. For example, a 2008 study that explicitly controlled for both income and risk as defined by CPS caseworkers found that race remained a significant predictor of the removal decision, with Black children being 77 percent more likely than similarly-situated white children to be

removed from their homes as opposed to receiving in-home services.

9. Disproportionate involvement of Black youth in foster care is related to various systemic factors correlated to their race, even when controlling for other factors.

oooo. Black parents are investigated for maltreatment of children at higher rates than other families.

- a. This is at least partially due to “the over-surveillance and over-reporting of Black families to child welfare systems” by both private and state actors acting out of overt or subconscious racism.

pppp. Black children are more likely than white children to be removed from their homes, and Black parents are more likely than white parents to have their parental rights terminated.

qqqq. Black children placed in foster care spend more time there, and are less likely to reunify with their families.

rrrr. These disparities exist even when controlling for other relevant factors like poverty or family structure.

10. Various governmental policies have historically placed Black youth at greater risk of being taken from their families.

ssss. Until the 1950s, Black families continued to be denied benefits available to other poor Americans based on federal policies, and then were faced with potential removal of their children into foster care because of “unsuitable” home conditions.

tttt. The over criminalization of Black Americans through the War on Drugs also contributed to increasing numbers of Black children being removed from families and placed into the foster care system, as Black men in particular were disproportionately arrested for minor crimes, breaking apart families and often leaving children in the care of extended relatives or strangers.

- a. Child welfare agencies often pay particular attention to families experiencing homelessness and housing instability, which Black Americans experience at disproportionately high rates. Unification of a child with their parents can also be delayed by housing instability.

11. Foster children as a group—in which Black children are vastly overrepresented—all correlate with various long term negative outcomes when compared to children not involved in the foster care system.

- a. Compared to youth nationally, low-income youth, children who age out of foster care are less likely to be employed or employed regularly, and earn far less, than young adults who were not in the foster care system.
- b. By age 26, only 3-4 percent of young adults who aged out of foster care only three to four percent of youth earn a college degree.
- c. One in five of these youth will become homeless after turning 18.
- d. Only *half* will obtain *any* employment by 24.
- e. Over 70 percent of female foster youth will become pregnant by 21, and one in four former foster youth will experience PTSD.

12. Foster care to prison pipeline: Relatedly, some children were taken from their families and placed in correctional facilities, and within this group, Black children were placed in various penal facilities at rates much higher than white children.

[To be expanded.]

- a. Approximately 25 percent of children in foster care will become involved with the criminal justice system within two years of leaving foster care, and over half of youth currently in foster care experience an arrest, conviction, or stay at a correctional facility by age seventeen.
 - i. For children who have been moved through multiple foster care placements, the risk is even higher, with one study indicating that over *90 percent* of foster youth who move five or more times will end up in the juvenile justice system.

uuuu. Foster youth, particularly girls, are especially targeted by sex traffickers, and the criminalization of sex work can funnel these victims of modern-day slavery into the criminal justice system.

D. Some modern scholars have advocated for the abolition of the modern “Child Protective Services” agency, arguing that it is inherently racist and should be replaced with a child protection model that implements policies and procedures designed from the ground-up to exclude racist presumptions.

VIII. Criminalization of Black Youth [To be expanded.]

A. Disproportionate Arresting, Prosecution, and Incarceration of Black Youth

- 1. Across the country, Black youth are disproportionately represented at each stage of the juvenile delinquency court process.
- 2. Black youths are disproportionately arrested.

3. For example, they face higher arrest rates for similar conduct, and are afforded fewer opportunities for diversion programs that ameliorate the consequences of arrest. In 2018, while Black youth made up 16% of the youth population, the rate of arrest of Black youth was 2.6 times that of white youth, and Black youth accounted for 50% of all youth arrests for violent crimes
4. Once charged with a crime, Black youth are at risk of harsher prosecution. Black American youth are transferred to adult court at a much higher rate than white youth. In 2018, while Black youth only accounted for 35 percent of all cases, they made up more than 51% of transfers from the juvenile court system to adult court.
5. In 2015, Black girls comprised of 34% of girls in residential placements, but accounted for 15% of the female youth population
6. A 2016 study found that for youth serving life without parole sentences, twice as many individuals were Black American as white.
7. These disparities are not lessening, and in fact may be growing. In 2001, Black youth were approximately four times as likely as whites to be incarcerated. In 2018, that ratio had grown to five to one.
8. Studies have attributed these disparities to consistent evidence in racial bias among various governmental actors—prosecutors, social workers, judges, etc.—relating to perceptions of culpability, recidivism risks, and the degree of punishment merited.

B. Scholarly Theories for Disproportionate Statistics [To be expanded.]

C. Long Term Consequences of Criminal Records for Black Youth [To be expanded.]

D. The Dehumanization of Black Youth

1. Research indicates that law enforcement often overestimates the age of Black youth when they are suspects for a felony. One study found that Black boys are viewed as older and less innocent than white peers of the same age.

E. School Policing

1. History of Police Departments in Schools [To be expanded.]
2. Testimony of Jacob Jackson from October, 2021 Hearing of California Task Force to Study and Develop Reparation Proposals for African Americans [To be expanded.]
3. The number of law enforcement officers on school campuses throughout the United States has skyrocketed. In 1975, the number of U.S. schools with police presence on campus was only 1%. By 2016, there were 27,000 school resource officers patrolling U.S. schools, up from about 9,400 in 1997. This equated to sworn officers in approximately 36% of elementary schools, 67.6% of middle schools, and 72% of high schools in the 2017-2018 school year.

4. Black students are more likely than white students to attend schools with law enforcement and be arrested at school. In 2015-2016 school year, Black students were arrested at 3 times the rate of white students, while only comprising 15% of the population in schools. This disparity widens for Black girls, who make up 17% of the school population but 43% of the arrests.
5. Students with Disabilities
 - a. 1 in 5 students in the U.S. populations will develop mental health challenges that rise to the level of a diagnosis.
 - b. Black male youth with disabilities in the 2015-16 school year had an arrest rate of 5 times the rate of the whole population.
 - c. A high percentage of youth in the juvenile justice system have cognitive and language challenges, according to the U.S. Dept. of Education. Estimates range from 30-85% of youth with a learning disability.
6. Clothing
 - a. Schools have historically disciplined clothing trends popular among Black youth, including sagging, oversized, and baggy clothes.
7. Federal Legislation Regarding Schools
 - a. Gun Free Schools Act [To be expanded.]
 - b. Violent Crime Control and Law Enforcement Act [To be expanded.]
- F. Gang Databases [To be expanded.]
 1. History of Stereotypes of Black Youth in Gangs. [To be expanded.]
 2. Although data shows a significant decline in youth involvement in gangs, law enforcement agencies have continued to rely on gang databases to monitor Black youth.
 3. Although gang activity and involvement have decreased considerably since the 1990s, fears and stereotypes about Black youth remain deeply entrenched in the American psyche. Data collected from the mid-1990s through 2017 shows a significant decline in the percentage of youth involved in gangs, the number of students reporting the presence of gangs in their schools, and the frequency of gang activity reported in local jurisdictions. Particularly noteworthy, the percentage of students aged twelve to eighteen who reported the presence of gangs at their school decreased overall from 20 percent to 9 percent between 2001 and 2017.
- G. The War on Drugs

1. The War on Drugs in the 1980s and 90s had an outsized impact on Black youth. [Per Chair Moore's suggestion, may expand California and particularly cities like Los Angeles as epicenter of War on Drugs and ensuing effects on Black population over time]
2. Despite years of evidence that white youth use drugs at the same rates as Black youth or higher, 19 percent of all drug cases referred to U.S. juvenile courts in 2018 involved Black youth. [To be expanded.]
3. This data is notable when we consider that only 15 percent of youth in the juvenile court age range that year were Black American. [To be expanded.]
4. In 1990, Congress authorized the transfer of excess Department of Defense property to federal and state agencies to fight drug activity. As of September 2014, almost two dozen public schools, including schools in Los Angeles, Florida, and Texas, had received military-grade equipment through the program. [To be expanded.]

H. Curfew

1. Disparities in curfew enforcement were evident almost immediately. In 2015, there were 371 new curfew violators, 314 were Black youth and 40 were white youth. [To be expanded.]

I. The Juvenile Justice System

2. Recent data estimates that 40 to 70 percent of detained or incarcerated youth have some mental health disorder. Even the conservative estimate is much higher than the estimated 10 to 20 percent of the general adolescent population that report such disorders. Another study found that 51 percent of youth in correctional facilities—typically used for long-term placement after sentencing— reported having problems with anxiety. Seventy percent of those youth also reported having experienced at least one traumatic event in their lifetime.
3. When police do call parents, the calls are usually perfunctory, with little more than notice that their child will appear in court the next day. Parents regularly complain that officers won't tell them what their child was arrested for, where their child is being held, how badly they have been injured, whether they need a lawyer, or even what time the court hearing will be
4. Judges regularly set high bail amounts without meaningfully considering what the family can afford. Courts most often set bail for children between \$100 and \$500, but in seven states courts set bail in excess of \$10,000. Even low bail amounts result in poor youth being detained until trial, or induce them to plead guilty in exchange for release.
5. In 2012, the Vera Institute of Justice found that youth who were never visited had significantly higher incidents of misbehavior compared with youth who received regular or even infrequent visits.

J. Trauma of Policing and Contact with the Criminal Justice System

1. Police do not make students feel safer—at least not Black students in heavily policed communities. To the contrary, police in schools increase psychological trauma, create a hostile learning environment, and expose Black students to physical violence.
2. In 2019, researchers analyzed data collected from 918 at-risk youth, with an average age of fifteen, who had been stopped by the police over a three-year period. Thirty-nine percent of the youth stopped were thirteen years old or younger at the time of their first stop. Most had been stopped on the street, but 24 percent were stopped at school and 29 percent were stopped at other locations. Youth who were stopped more frequently were more likely to report feeling angry, scared, and unsafe and more likely to experience stigma and shame. Those who experienced more invasive stops like searches, frisks, harsh language, and racial slurs were more likely to report both emotional distress during the stop and posttraumatic stress after the stop. Youth experienced stress regardless of whether they were engaged in delinquent behavior or not. Even youth who had an extensive history of delinquency were not immune from the emotional distress, trauma, and stigma associated with the most intrusive stops.
3. Black boys ages 15-19 had the highest rate of hospitalization due to police violence, but the widest racial gap existed in the 10-14 age group. Black boys and girls ages 10-14 are injured at 5.3 and 6.7 times, respectively, the rate for white boys and girls, the study says. [To be expanded.]

K. California

1. Schools
 - a. History of Police Departments in Schools [To be expanded.]
 - b. In Oakland, the school security officers' policy and procedure manual described the officers' main role as providing a "calming presence" to the school community. [To be expanded.]
 - c. Officers were also authorized to enforce school rules, restrain and detain individuals, and search people and their property if they had reason to believe they were involved in a crime. The Oakland school board eventually voted to remove security officers from schools in June 2020.
 - d. In California, schools with a higher security-staff-to-student ratio also report an increased loss of instruction for Black students, suggesting that police in schools are directly involved in routine discipline or contribute indirectly to a harsher, more exclusionary climate. [To be expanded.]
2. Gang Databases

- a. As of November 2015, there were 150,000 people in California's Gang Database. Of those, 64.9 percent were Hispanic; 25 percent were Black American; 8 percent were white. [To be expanded.]
 - b. Youth in California can be added to the database if they have been seen associating with known gang members, including family, friends, and classmates; are known to have a gang tattoo; are frequently seen in a police- designated "gang" area, even if they happen to live there; have been seen wearing clothing associated with a gang; have been arrested for offenses consistent with typical gang activity; have been seen displaying gang symbols or hand signs; have admitted to being in a gang; or have been identified as a gang member by a reliable source. Law enforcement agencies need evidence of only two of these criteria to enter a youth into the database. Most people added to the databases have been added without having been arrested or accused of a crime, and many database entries include photographs taken without the person's knowledge.
 - c. Although data shows that only 1.7 percent of individuals in California's gang database are under eighteen, local public defenders and youth advocates report that police begin tracking kids as young as ten.
3. The Juvenile Justice System [To be expanded.]
 - a. In May 2019, police officers in Sacramento, California, covered a Black twelve-year-old's face with a mesh sack after he reportedly ran away from a security guard who claimed he was panhandling and asking people to buy things for him. Two nearby Sacramento officers saw him running and stepped in to help the guard. Cell-phone video captured the twelve-year-old boy detained by the police and calling for his mom. When the boy struggled, an officer forced him to the ground on his stomach with a knee in his back. Another officer placed his knee on the boy's thigh.
 - b. Traumatic Policing

IX. Domestic Violence in the Black Family [To be expanded.]

- A. Black women experience Domestic Violence (DV), or "Intimate Partner Violence" (IPV) at greater rates, and in more traumatic ways, than other women on average. [Note comment from Chair Moore suggesting this should be tied to something more relevant to the report – i.e. legacy of slavery and/or case for reparations. Reasons for inclusion may also be that reparations are merited due to decades of police apathy and hostility towards Black women experiencing DV]
1. The American Bar Association's Commission on Domestic Violence determined in 2000 that Black females experienced IPV at a rate 35% higher than that of white women.

2. Black women are three times as likely to be murdered by a partner or ex-partner than women of other racial groups.
 3. Even among victims of domestic violence, Black women experience more traumatic forms of violence on average as compared to white women.
- B. Despite these acknowledged disparities, very little academic or practical attention has been paid towards specific interventions or assistance models that are explicitly catered to Black women.
- C. Existing racial discrimination, including that of government and institutional actors, are at least partially to blame for some disparities experienced by Black victims of domestic violence. [Comment from Chair Moore, we should address that some Black men are also victims of DV, should review/integrate “The Man Not” by Dr. Tommy Curry, <https://www.aaihs.org/the-man-not-a-new-book-on-the-dilemmas-of-black-manhood/>.]
1. For example, studies have shown Black women are less likely to seek assistance from social services agencies because of substantial distrust of what actions those agencies will take, especially given the disparities discussed earlier in this report regarding removal of children from Black families.
 - a. Relatedly, studies have borne out this distrust, as actors within both the social services agencies and the judicial system have unfairly disregarded Black victims as “loud, angry, bossy, welfare queens immune to violence.”
 2. Similarly, Black women are less likely to seek help from police because they expect to be disbelieved, based on extensive histories of distrust from local police and other governmental agents.
 3. Studies also suggest that Black female victims of abuse are sometimes reluctant to report abuse by Black men to the “white legal system” even when police intervention is appropriate, given their long exposure to iniquities within that system for Black Americans.
 4. A lack of cultural understanding of the distrust of Black victims of police and social services has consistently been a major challenge among those tasked with helping victims of domestic violence. [To be expanded.]
 5. Contextualized discussion regarding certain scholars’ research related to a hypothesis that heightened rates of male-on-female violence in the Black community to a history of racial oppression, lack of job opportunities. [to be expanded]
 6. Contextualized discussion on the issue of police/social services apathy and distrust in response to Black women facing [to be expanded]

X. Black families in California

- A. Although California never officially maintained slavery as a practice, it explicitly

undertook many of actions described above.

B. California had an antimiscegenation statute even as other nearby states, like Oregon, did not.

1. California in fact enacted an anti-miscegenation law in its very first legislative session, in 1850.
2. It initially singled out “negroes and mulattos” as the sole group which was prohibited from marrying “whites,” following the national trend of disenfranchising any Black person from entering into a legally-recognized marriage with white Americans.
3. Although the law was based in slavery-era motivations for prohibiting marriages between Black and white Americans, other groups facing waves of societal discrimination in California were targeted by later amendments to the original statute.
 - a. For example, after years of violence directed towards Filipino people in California, including “sensational images of Filipino men and [w]hite women,” a bill adding the category “Malay” to the state’s antimiscegenation statute passed both houses of the legislature with only one dissenting vote, thus barring whites and Filipinos from marrying. California legislators similarly convinced the Utah legislature to add “Malay” to its state antimiscegenation law in order to avoid having to recognize marriages between Filipino-Americans and whites performed in Utah.
4. It was not until 1948 that the California Anti-miscegenation law was struck down by the California Supreme Court.
5. At oral argument, in defense of the law, the lawyer for Los Angeles County asserted that “it has been shown that the white race is superior physically and mentally to the Black race, and the intermarriage of these races results in a lessening of physical vitality and mentality in their offspring” and that “people who enter into miscegenous marriages are usually from the lower walks of both races...generally people who are lost to shame.”
6. Even after the law was struck down as unconstitutional, the California legislature repeatedly refused to repeal the law. It was not until *11 years* later that the California legislature finally repealed the statute, following consistent pressure from the NAACP.

C. California’s Child Welfare system continues to exhibit the same disparities between Black and white families that are discussed above at the national level, generally in even more extreme forms.

1. Black children in California make up 23 percent of the foster population, while

only *6 percent* of the general child population.

- a. Nationally, these percentages are 24 percent and 15 percent, meaning that in California Black children are more than twice as overrepresented in foster care when compared to the national average.
 - b. A 2015 study ranked California among the top five worst states in terms of Black disproportionality in foster care.
2. Some counties in California—both urban and rural—have shockingly higher disparities even compared to the state-wide average.
 - a. In San Francisco County, which is largely urban and has nearly 900,000 residents, the percentage of Black children in foster care in 2018 was over *twenty times* the rate of white children.
 - b. In Yolo County, which is largely rural and has approximately 200,000 residents, the percentage of Black children in foster care in 2018 was nearly *ten times* the rate of white children.
 3. Similar to national statistics, a 2003 study showed that, even when normalizing for other relevant factors like poverty, Black children in California are more likely to be removed from their caretakers and placed in foster care than either white or Latinx children.
 - a. Black children in California are approximately twice as likely as white children to experience a Child Protective Services investigation, and approximately three times as likely to spend some time in foster care or experience a termination in parental rights.
 4. Similar to national trends, California youth who enter foster care consistently exhibit various achievement gaps compared to children not involved with foster care, further exacerbating existing disparities for Black Americans.
 - a. By age 24, California foster youth who age out of foster care earn less than half what an average 24-year-old earns nationally.
 - b. Only 53 percent of foster youth in California graduate high school on time, compared with 83 percent of all youth in California.
 - c. California has made some recent attempts to address these dramatic disparities between foster youth and those not in the foster system, though little has been done to specifically target the racial disparities discussed above.

- i. In September, 2021, California Assembly Bill 12 was passed into law, enabling foster youth to remain in care through age 21 as a tool to help increase foster youth college attendance rates and address some of the negative consequences of youth aging out of care at 18 with no sources of support.
- ii. In July, 2021, California lawmakers approved the first ever state-funded plan to guarantee monthly cash payments to youth leaving the foster system.
- iii. All University of California, California State University, and California Community College campuses now have Foster Youth programs designed to provide help and support to former foster youth on their campuses.
- iv. Explicitly addressing the racial disproportionality in Los Angeles County's foster care system, the Los Angeles County Board of Supervisors created an "office of equity" within the agency administering the foster care system. It was created, however, with "no proposed budget or more specific mandates on the office in terms of actual services it will provide."

D. Impact of the Juvenile Justice System on Families [To be expanded.]

BIBLIOGRAPHY

A. Philip Randolph and Bayard Rustin, *A Freedom Budget for All Americans* (Annotated), *The Atlantic* (Feb., 2018).

Act Prohibiting Importation of Slaves of 1807, 2 Stat. 426, Chap. 22.

Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (New York: Oxford University Press, 2003)

Andrew Billingsley, Jeanne M. Giovannoni, *Children of the Storm: Black Children and American Child Welfare* (1972).

Andrew P. Morriss, "Georgia Code (1861)," in *Slavery in the United States: A Social, Political, And Historical Encyclopedia*, vol. 2, ed. Junius P. Rodriguez (Santa Barbara: ABC-CLIO, 2007), 314-315.

Anspach, *The Foster Care to Prison Pipeline: What It Is and How It Works* (May 25, 2018), *TeenVogue* <<https://www.teenvogue.com/story/the-foster-care-to-prison-pipeline-what-it-is-and-how-it-works>> (as of Aug. 25, 2021).

Asbury, J. African-American women in violent relationships: An exploration of cultural differences. In R. L. Hampton (Ed.)

Bartholet, E. (2011). Race & child welfare: Disproportionality, disparity, discrimination: Re-assessing the facts, re-thinking the policy options.

Beam, *California Approves 1st State-funded Guaranteed Income for Former Foster Youth* (July 15, 2021) *Youth Today* <<https://youthtoday.org/2021/07/california-approves-1st-state-funded-guaranteed-income-for-former-foster-youth>> (as of Aug. 19, 2021).

Billingsley & Giovannoni, *Children of the Storm* (1972) pages 132–34.

Briggs, *Taking Children: A History of American Terror* (2020) 19.

Cal. Comm. Colleges, *Foster Youth Success Initiatives* <<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-Services-and-Support/Student-Service/What-we-do/Foster-Youth-Success-Initiatives>> (as of Nov. 9, 2021).

Cal. Task Force to Study and Develop Reparation Proposals for African Americans (October 12, 2021), Testimony of Jacob Jackson, <<https://oag.ca.gov/ab3121/meetings>> (as of Nov. 10, 2021).

Callie Marie Rennison & Sarah Welchans, U.S. Dep't of Justice, Bureau of Justice Statistics, *Intimate Partner Violence* (May, 2000).

Carbone-Lopez, K., Slocum, L. A., & Kruttschnitt, C. (2015). "Police wouldn't give you no help" Female offenders on reporting sexual assault to police. *Violence against Women*, 22(3), 1-31.

Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (1994); see Russell Jacoby & Naomi Glauber, *The Bell Curve Debate* (1995) (accumulating critical studies undermining the central premises of “The Bell Curve.”).

Children in Foster Care, by Race/Ethnicity (2018) KidsData
<https://www.kidsdata.org/topic/22/foster-in-care-race/table> (as of Aug. 27, 2021).

Children’s Bureau, *Child Welfare Practice to Address Racial Disproportionality and Disparity 2-3* (Apr. 2021).

Children’s Bureau, *Child Welfare Practice to Address Racial Disproportionality and Disparity 2-3* (Apr. 2021).

Children’s L. Ctr., *Foster Care Facts* <<https://www.clccal.org/resources/foster-care-facts>> (as of Aug. 27, 2021).

Christina white, *Federally Mandated Destruction of the Black Family: The Adoption and Safe Families Act* (2006) 1 Nw. J. L. & Soc. Pol’y 303; JOYCE A. LADNER, *MIXED FAMILIES: ADOPTING ACROSS RACIAL BOUNDARIES* 67 (1978).

Cooper, *Racial Bias in American Foster Care: The National Debate* (2013) 97 Marq. L.Rev. 215, 230

Cruz & Berson, *Laws that Banned Mixed Marriages* (May 2010) Ferris State University – Jim Crow Museum of Racist Memorabilia
<https://www.ferris.edu/HTMLS/news/jimcrow/question/2010/may.htm> (as of Aug. 13, 2021);

Ctr. on Budget & Pol’y Priorities, *TANF Policies Reflect Racist Legacy of Cash Assistance* 10 (2021).

Daina Ramey Berry, *The Price for their Pound of Flesh: The Value of the Enslaved, from Womb to Grave, in the Building of a Nation* (Boston: Beacon Press, 2017).

Daniel Geary, *The Moynihan Report: An Annotated Edition*, *The Atlantic* (Sept. 14, 2015).

Daniel Geary, *The Moynihan Report: An Annotated Edition*, *The Atlantic* (Sept. 14, 2015).

Daniel Moynihan, Office of Policy Planning and Research, United States Department of Labor, *The Negro Family: The Case For National Action* (1965) (“Moynihan Report”);

Darlene Goring, *The History of Slave Marriage in the United States*, 39 J. Marshall L. Rev. 299, 299, 302-304 (2006).

Dean Robinson, “The Black Family” and US Social Policy: Moynihan’s Unintended Legacy?, *Revue Française d’études Américaines* (Sept 2003).

Deborah Gray white, *Ar’n’t I a Woman? Female Slaves in the Plantation South* (New York: W. W. Norton, 1985); Rachel A. Feinstein, *When Rape was Legal: The Untold History of Sexual violence during Slavery* (New York: Routledge, 2019).

Detlaff, A. J., Rivaux, S. R., Baumann, D. J., Fluke, J. D., Rycraft, J. R., & James, J. (2011). Disentangling substantiation: The influence of race, income, and risk on the substantiation decision in child welfare. *Children and Youth Services Review*, 33, 1630–1637

Detlaff, Alan J., Kristen Weber, Maya Pendleton, Reiko Boyd, Bill Bettencourt, and Leonard Burton, It Is Not a Broken System, It Is a System That Needs to Be Broken: The UpEND Movement to Abolish the Child Welfare System, *Journal of Public Child Welfare* 14, no. 5 (October 19, 2020): 500–517.

Donna Franklin, *Ensuring Inequality: The Structural Transformation of the African-American Family* 39 (1997).

Douglass, Frederick, *Narrative of the Life of Frederick Douglass, An American Slave, Written by Himself* 3 (1846).

E. Franklin Frazier, *Ethnic Family Patterns: The Negro Family in the United States* (1932).

Ethan G. Sribnick & Sara Johnsen, Institute for Children, Poverty & Homelessness, *The Historical Perspective: Mothers' Pensions*, 29 (2012).

Fair Labor Standards Act of 1938 29 U.S.C. § 203.

Fuke, *Planters, Apprenticeship, and Forced Labor: The Black Family under Pressure in Post-Emancipation Maryland* (1988) 62 *Ag. Hist.* 57, 63

Gallo, *Marrying Poor: Women's Citizenship, Race, and TANF Policies* (2012) 19 *UCLA Women's L.J.* 61, 80.

Gary Peller, *The Moynihan Report, Self-Help, and Black Power*, 8 *Geo. J.L. & Mod. Critical Race Persp.* 39, 41 (2016)

Gilbert A. Holmes, *The Extended Family System in the Black Community: A Child-Centered Model for Adoption Policy* (1995) 68 *Temp. L. Rev.* 1649, 1660 (citing, inter alia, Gutman, *supra*).

Gordon, *Child Welfare: A Brief History* (2011) Soc. Welfare Hist. Project
<<https://socialwelfare.library.vcu.edu/>>

Gutman, *supra*, at 212-216, Hunter, Tera, *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century*. United States: Harvard University Press (2017).

Hampton, R. L., & Yung, B. R., *Violence in communities of color: Where we were, where we are, and where we need to be?*

Handler & Hasenfeld, *The Moral Construction of Poverty: Welfare Reform in America* 70 (1991).

Henry Louis Gates, Jr., *How Many Slaves Landed in the U.S.?*, PBS.org (citing David Eltis & David Richardson, *Trans-Atlantic Slave Trade Database*, available at <https://www.slavevoyages.org/voyage/database>); Stacey Patton, *Corporal punishment in Black*

communities: Not an intrinsic cultural tradition but racial trauma, American Psychological Association (April 2017).

Hogan & Siu, *Minority Children and the Child Welfare System: An Historical Perspective* (1988) 33 Soc. Work 493, 493.

Holden, *Slavery and America's Legacy of Family Separation* (July 25, 2018) Black Perspectives <<https://www.aaihs.org/slavery-and-americas-legacy-of-family-separation>> (as of Aug. 24, 2021).

Howard v. Howard, 51 N.C. 235, 240 (N.C. 1858)

In re Turner (C.C.D. Md. 1867) 24 F.Cas. 337, 339.

Jacqueline Jones, *American Work: Four Centuries of Black and white Labor* (New York: W. W. Norton, 1998), 222-232.

Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work and the Family from Slavery to the Present* (New York: Basic Books, 2010), 43-76.

Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).

Jessica Dixon Weaver, *African-American Grandmothers: Does the Gender-Entrapment Theory Apply?* Essay Response to Professor Beth Richie (2011) 37 Wash. U. J.L. & Pol'y 153, 161;

Jessica Dixon Weaver, *The Changing Tides of Adoption: Why Marriage, Race, and Family Identity Still Matter* (2018) 71 SMU L. Rev. 159, 168; Gutman, *supra*, at 402-410.

Kennedy, *Interracial Intimacies* (2003) page 222.

Kristin Waters, *Some Core Themes of Black Feminism*, in *Black Women's Intellectual Traditions: Speaking Their Minds* 377 (Kristin Waters & Carol B. Conaway eds., 2007).

Kwon, *Interracial Marriages Among Asian Americans in the U.S. West, 1880–1954* (2011) page 13.

Langley, M., & Sugarmann, J. (2014, January). *Black homicide victimization in the United States: An analysis of 2011 homicide data*. Retrieved on March 24, 2014 from Violence Policy Center <http://www.vpc.org/studies/Blackhomicide14.pdf>

Lawrence-Webb, *African American Children in the Modern Child Welfare System: A Legacy of the Flemming Rule* (1997) 76 Child Welfare 9, 11.

Leecia Welch, *National Center for Youth Law, California's AB 12: Historic Step Toward Helping Foster Youth Attend College, But Much Work Ahead* <<https://youthlaw.org/publication/californias-ab-12-historic-step-toward-helping-foster-youth-attend-college-but-much-work-ahead/>> (as of Nov. 9, 2021).

Lurie, *Child Protective Services Investigates Half of All Black Children in California* (Apr. 26,

2021) Mother Jones <<https://www.motherjones.com/crime-justice/2021/04/child-protective-services-investigates-half-of-all-Black-children-in-california>> (as of Aug. 27, 2021).

Margaret A. Burnham, Property, Parenthood, and Peonage: Reflections on the Return to Status Quo Antebellum (1996) 18 Cardozo L. Rev. 433, 437

Mary Farmer-Kaiser, Freedwomen and the Freedmen's Bureau: Race, Gender, and Public Policy in the Age of Emancipation 106 (2010).

Mason, Mary Anne, The Uncommon Wealth: Voices from the Library of Virginia, The Farmer's Apprentice: African American Indentures of Apprenticeship In Virginia (May 27, 2020).

McCash, William B (1978). "Thomas Cobb and the Codification of Georgia Law". The Georgia Historical Quarterly. 62 (1): 9–23. JSTOR 40580436.

Melville J. Herskovits, The Myth of the Negro Past 167-86 (1941).

Miller, M. (2008). Racial disproportionality in Washington State's child welfare system. Olympia: Washington State Institute for Public Policy

Moehling, Mothers' Pensions and Female Headship (2002) pages 7, 10.

Nat'l Council of Juvenile & Family Ct. Judges, Addressing Bias in Delinquency and Child Welfare Systems (2018) 1.

Nat'l Park Serv., African American Children <<https://www.nps.gov/articles/african-american-children.htm>> (as of Aug. 23, 2021).

Natalie Jones & Christine W. Thorpe, Domestic Violence and the Impacts on African American Women: A Brief Overview on Race, Class, and Root Causes in the United States, OMNES : The Journal of Multicultural Society 2016, Vol. 7, No. 1, pp. 22-36, <http://dx.doi.org/10.15685/omnes.2016.07.7.1.22>.

Needell et al., Black Children and Foster Care Placement in California (2003) 25 Children & Youth Servs. Rev. 393, 405.

Nicole Ellis, Lost Lineage: The Quest to Identify Black Americans' Roots, Washington Post (Feb. 25, 2020).

Pace v. Alabama (1883) 106 U.S. 583; Stein, *supra*, 82 Wash. U. L.Q. at page 629; Note, Constitutionality of State Anti-miscegenation Statutes (1951) 5 Southwestern L.J. 452

Palcheck, Child Welfare and the Criminal System: Impact, Overlap, Potential Solutions (Mar. 24, 2021), Georgetown J. on Poverty L. & Pol'y <<https://www.law.georgetown.edu/poverty-journal/blog/child-welfare-and-the-criminal-system-impact-overlap-potential-solutions/>> (as of Aug. 25, 2021).

Pascoe, What Comes Naturally: Miscegenation Law and the Making of Race in America (2009)

Perez v. Sharp (1948) 32 Cal.2d 711

Ramey, *Child Care in Black and white* (2012)

Richie, B. (2012). *Arrested justice: Black women, violence, and America's prison nation*. New York: New York University Press; Manetta, A. A. (1999). Interpersonal violence and suicidal behavior in midlife African American women, *Journal of Black Studies*, 29, 518.

Rivaux, S. L., James, J., Wittenstrom, K., Baumann, D., Sheets, J., Henry, J., & Jeffries, V. (2008). The intersection of race, poverty, and risk: Understanding the decision to provide services to clients and to remove children, *Child Welfare*, 87, 151–168.

Roberts, *Prison, Foster Care, and the Systemic Punishment of Black Mothers* (2012) 59 *UCLA L.Rev.* 1474, 1480–81.

Sedlak, A. J., & Broadhurst, D. (1996). *Third national incidence study of child abuse and neglect: Final report*. Washington, DC: U.S. Department of Health and Human Services

Sedlak, A. J., McPherson, K., & Das, B. (2010). *Supplementary analyses of race differences in child maltreatment rates in the NIS-4*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families

Sedlak, A. J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., & Li, S. (2010). *Fourth national incidence study of child abuse and neglect (NIS-4): Report to congress*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families

Sen. Select Com. on Indian Affairs, *Hearing on Oversight on the Implementation of the Indian Child Welfare Act of 1978* (Apr. 25, 1984)

Seng, J. S., Kohn-Wood, L., McPherson, M. D., & Sperlich, M. (2011). Disparity in posttraumatic stress disorder diagnosis among African American pregnant women. *Archives of Women's Mental Health*, 14(4), 295-306.

Smallwood, *Emancipation and the Black Family: A Case Study in Texas* (1977) 57 *Soc. Sci. Q.* 849, 851.

Sohoni, *Unsuitable Suitors: Anti-Miscegenation Laws, Naturalization Laws, and the Construction of Asian Identities* (2007) 41 *L. & Soc. Rev.* 587, 594, Viñas-Nelson, *supra*.

Sokoloff, N. J., & Dupont, I. (2005). Domestic violence at the intersections of race, class, and gender challenges: Contributions to understanding violence against marginalized women in diverse communities. *Violence against Women*, 11(1), 38-64.

Sonia Gipson Rankin, *Why They Won't Take the Money: Black Grandparents and the Success of Informal Kinship Care* (2002) 10 *Elder L.J.* 153, 157.

Squiers, *Aging Out of Foster Care: 18 and On Your Own* (Mar. 30, 2017) *Shared Justice* <<https://www.>

Stein, *Past and Present Proposed Amendments to the United States Constitution Regarding Marriage* (2004) 82 *Wash. U. L.Q.* 611, 628, footnote 82. In addition, Washington, Kansas, and

New Mexico “prohibited interracial marriages when they were territories, but repealed them when they became states.” Ibid.

Stephanie Clifford & Jessica Silver-Greenberg, Foster Care as Punishment: The New Reality of ‘Jane Crow’, New York Times (July 21, 2017).

Stephen Steinberg, The Moynihan Report at Fifty, Boston Review (June 24, 2015).

Sumter, M. (2006). Domestic violence and diversity: A call for multicultural services, *Journal of Health and Human Services Administration*, 29(2), 173-190.

Susan Benson, *Counter Cultures: Saleswomen, Managers, and Customers in American Department Stores, 1890-1940* (Urbana: University of Illinois Press, 1986).

Tadman, The Hidden History of Slave Trading in Antebellum South Carolina: John Springs III and Other “Gentlemen Dealing in Slaves” (Jan. 1996) 97 S.C. Hist. Mag. 6, 15.

Ta-Nehisi Coates, The Case for Reparations, *The Atlantic* (June 2014).

Testimony of Rebecca Dixon, National Employment Law Project, From Excluded to Essential: Tracing the Racist Exclusion of Farmworkers, Domestic Workers, and Tipped Workers from the Fair Labor Standards Act, Hearing before the U.S. House of Representatives Education and Labor Committee, Workforce Protections Subcommittee (May 3, 2021).

Tiano, Los Angeles’ Plan to Address the Overrepresentation of Black and LGBTQ Youth in Foster Care (May 22, 2019) *The Imprint* <<https://imprintnews.org/news-2/l-a-s-plan-to-address-the-overrepresentation-of-black-and-lgbtq-youth-in-foster-care/35125>> (as of Aug. 25, 2021).

Tolnay, The Great Migration and Changes in the Northern Black Family, 1940 to 1990 (Jun. 1997) *Social Forces* <<https://www.jstor.org/stable/2580669>> (as of Nov. 10, 2021).

Univ. of Cal., Current and Former Foster Youth <<https://admission.universityofcalifornia.edu/campuses-majors/campus-programs-and-support-services/current-and-former-foster-youth.html>> (as of Nov. 9, 2021); Cal. State Univ., Resources for Foster Youth <<https://www2.calstate.edu/attend/student-services/foster-youth>> (as of Aug. 24, 2021)

Urban Inst., *Coming of Age: Employment Outcomes for Youth Who Age Out of Foster Care Through Their Middle Twenties* (2008)

Viñas-Nelson, Interracial Marriage in “Post-Racial” America (Sept. 2017) *Origins* <<https://origins.osu.edu/>>

Violence in the Black family: Correlates and consequences (1987) 86-106;

Volpp, American Mestizo: Filipinos and Antimiscegenation Laws in California (2000) 33 U.C. Davis L.Rev. 795, 798.

W.E.B. Du Bois, *The Negro American Family* (1909).

W.E.B. Du Bois, *The Philadelphia Negro* (1899).

William Goodell, *The American Slave Code In Theory And Practice: Its Distinctive Features Shown By Its Statutes, Judicial Decisions, & Illustrative Facts* 90 (1853).

William Ryan, *BLAMING THE VICTIM* xii (Vintage Books ed. 1976)

Zanita E. Fenton, In *A World Not Their Own: The Adoption of Black Children* (1993) 10 Harv. BlackLetter J. 39

DRAFT

ARTS, CULTURE, AND FAITH

I. Introduction

- A. Throughout the history of the United States, the federal government and state governments have crafted and sanctioned cultural and artistic narratives that reinforce racist stereotypes about Black communities and erase the discrimination and oppression faced by Black artists, entrepreneurs, athletes, and culture-makers. While propagating these racist narratives, the federal and state governments have censored, silenced, criminalized, and marginalized Black artists and culture and suppressed free exercise of Black faith.
- B. The effect of the state and federal governments' dual approach of: (1) propagating false racist narratives that erase discrimination, and (2) silencing Black American artists and people of faith who propose counternarratives, has resulted in mainstream artistic and cultural production that continues to rely on racist and prejudicial stereotypes to portray Black communities and erases the experience of ongoing discrimination. Black artists, athletes, and culture-makers continue to experience discrimination and barriers to success in the arts and culture industries—resulting in the proliferation of white supremacist narratives in modern day arts and culture, and the erasure of accurate portrayals of Black life.

II. Government Sanctioned Discrimination Against Black Artists and Propagation of Anti-Black Narratives in Arts and Culture

- A. Enslaved people were restricted from engaging in artistic and cultural practices by the laws of states.
 - 1. During the colonial and Antebellum periods, enslaved people pursued the right to express themselves using education, the arts, and craftsmanship despite legal restrictions.
 - a. Enslaved people manufactured drums, banjos, and rattles out of gourds. Women made baskets using an African coiling method and plaited rugs and mats with African patterns.
 - i. Utilitarian objects such as baskets, rugs, bowls, and pipes were outlets for creativity. Some enslaved people built wrought iron gates and grilles, a common form in which metal workers would display unique aesthetic sensibilities and sophisticated skill.
 - ii. Advertisements for runaway slaves showed a great number of highly talented Black craftsmen and artists, including Blacksmiths, woodcutters, pressmen, and musicians of all

types—none of whom were compensated for their labor and production.

- b. From the early colonial period on many whites were suspicious of the subversive potential of some of these activities. In 1739, South Carolina prohibited dancing and drumming by enslaved people for fear that they would be used to incite rebellions.
 - c. Enslaved people engaged in singing and dancing through a variety of musical instruments. Through singing, call and response, and hollering, enslaved people coordinated labor, communicated with one another, and commented on the oppressiveness of their enslavers.
 - d. Concerned that literate enslaved people would revolt, or convince other slaves to revolt, Southern slaveholders opposed slave literacy.
 - e. In 1740, South Carolina enacted one of the earliest laws prohibiting teaching an enslaved person to read or write. In other parts of the South, there was an expansion of earlier laws forbidding the education of slaves.
 - i. Since enslaved people were not allowed to read or write, they developed traditions of song and dance to pass along subversive message and resist slavery—particularly to communicate information regarding routes for escape.
 - ii. For an in-depth discussion of discrimination in education, please see the Education section.
- B. Enslaved people were rarely allowed time for leisure activities, as slaveowners sought to extract their labor by limiting and regulating their access to recreation, sport, art, and leisure.
- 1. Slaveowners strategically allowed access to boxing, wrestling, and drinking of alcohol during holidays—as they were “among the most effective means in the hands of the slaveholder in keeping down the spirit of insurrection”—as noted by Frederick Douglass.
 - 2. Enslaved people were also forced to perform musical work for the guests of slave owners.
- C. The U.S. government and the State of California sanctioned and participated in racist Blackface minstrelsy following the end of slavery—endorsing and participating in racist and prejudiced depictions of Black Americans, as well as mocking the reality of racism experienced by Black communities.
- 1. Minstrelsy was a comedic performance of “Blackness” by whites in exaggerated

costumes and Black make-up, known as Blackface, which used racial prejudice and stereotyping. White people distorted the features and culture of Black Americans—including their looks, language, dance, demeanor, and character.

2. The first minstrel shows were performed in the 1830s in New York by white performers with Blackened faces and tattered clothing who imitated enslaved people. These performances characterized Black Americans as lazy, ignorant, superstitious, hypersexual, and prone to thievery and cowardice.
3. Thomas Dartmouth Rice developed the first popularly known Blackface character, “Jim Crow,” in 1830. By 1845, the popularity of the minstrel show had created a whole entertainment industry with a set of prejudicial stereotypes upon which to build new performances.
4. Blackface minstrelsy grew in popularity after the end of the Civil War alongside growing racial animus.
5. Minstrel performances eventually left the stage and entered radio and television airwaves, as well as theaters. Popular American actors, such as Shirley Temple, Judy Garland, and Mickey Rooney, put on Blackface in film in the 1930s up until the 1950s, making the minstrel performance a cross-generational racial parody and stereotype made for white amusement.
6. Throughout the 20th century, fraternities, schools, federal agencies, and the U.S. military collectively institutionalized the practice of minstrelsy.
 - a. During reconstruction, the University of Virginia made Blackface minstrelsy part of its fundraising strategy—troupes would perform in “darky dialect” to raise funds for construction of the university chapel in 1887 and in decades after.
 - b. In 1868, in New York City, the Benevolent and Protective Order of Elks, or the Elks Club, originally called the Jolly Corks and commonly referred to as “the burnt cork brotherhood,” was founded by minstrels who used burnt corks to paint their faces Black for minstrel shows.
 - c. By the mid-20th century, the Elks became the largest fraternal group in the nation. They were a segregated all-white-male business and political network reliant on Blackface fundraising to finance thousands of lodges around the country that served as hubs for political organizing, patriotic social events, and civic education. Multiple U.S. presidents, senators, governors, and military generals were part of the Elks by the 1960s. In 1970, the Elks voted to remain racially exclusive and did not formally integrate until 1973.

- d. Watching and engaging in Blackface performances was a common pastime for U.S. presidents from both parties.
 - i. After World War I, President Woodrow Wilson celebrated the success of the Paris Peace Conference by watching an amateur minstrel show, where a white crew member of a U.S. navy ship dressed up in Blackface and caressed him.
 - ii. President Herbert Hoover shook the hands of U.S. Navy sailors in Blackface in 1928, an event that was depicted in news footage.
 - iii. The annual Gridiron Dinner in Washington, attended by many U.S. presidents, involved Blackface minstrelsy as well as mock Ku Klux Klan raids during minstrel shows in the early 1900s.
- 7. California hosted more Blackface shows per capita than any other state in the post-Civil War period.
 - a. In the 1850s, Black face minstrelsy dominated entertainment in San Francisco.
 - b. Shows were played in theaters catering to white men.
 - c. Minstrel songs were played during a banquet for the new University of California president in X year.
- 8. Minstrelsy only became taboo after Black activists fought against it in the 1960s and 1970s in the absence of government intervention.
 - a. Black mothers ran national media campaigns and filed legal cases to ban Blackface performance, dress-up, and texts from schools and government institutions—while state and federal civil rights enforcement agencies took no action.
- D. After the formal end of slavery, Black Americans sought careers as performers in vaudeville shows and experienced segregation.
 - 1. Vaudeville has its origins from minstrel shows and was meant to appeal to a broader audience. Black performers in vaudeville faced segregation, hazardous performing conditions, and exploitation by theater owners.
 - 2. Vaudeville shows began to showcase ragtime, new music by Black musicians. Musicians performing ragtime experienced a significant amount of exploitation because white theater owners paid a low wage for their performances. White musical arrangers took advantage of Black artist by promising publishing rights,

but instead stealing their music.

3. In [X year] in New York, State Supreme Court Justice James O’Gorman revoked the license of William Hammerstein’s Victoria Theater for violating an old 1806 statute that had banned the presentation on Sunday of “any interlude, tragedy, comedy, opera, ballet, play, farce, Negro minstrelsy, Negro or other dancing or any other entertainment of the state.”

E. Black artists were subject to segregation enforced by state and local governments.

1. In Chicago, a city that became a hub for the music industry by the mid-twentieth century, Black musicians experienced segregation enforced by state and local governments during the Jim Crow era. Black musicians were forced to join segregated local chapters of the professional musician associations, such as the American Federation Associations, and prohibited from employment in city symphonies, radio stations, and clubs outside of segregated Black neighborhoods.
2. Concert venues were often segregated and Black rock and roll musicians were subject to arbitrary rules such as the rule that they could not make eye contact with whites, who were usually on the floor of music venues, while Black Americans were confined to balconies. Such rules were enforced by state and local police. Black musicians also could not stay at hotels, were banned from restaurants, and were served rotten food at others.
3. Black artists who challenged segregation were met with violence or death—for example, a musician in Georgia was brutally beaten for refusing to say “sir” in response to a white man’s question at a concert in 1951.
4. Black artists were driven from white towns in the South, barred from performing, and chased by white people brandishing guns.
5. In California, Black musicians and artists experienced segregation and displacement.
 - a. California theaters would deny entry to Black patrons. For example, Charles Green was denied entry into a theater and then sued the theater owner in X year.
 - b. The Fillmore District in San Francisco was known as the “Harlem of the West” in the 1950s. There were Black-owned nightclubs, restaurants, and bars. Countless Black musicians, such as Billie Holiday and Dinah Washington, sang in jazz clubs.
 - i. After President Truman signed the 1949 Housing Act, which authorized the demolition and reconstruction of “urban”

neighborhoods, the Fillmore was targeted as a focus of urban renewal because it was home to a Black population.

- ii. The city of San Francisco tore down Black-owned jazz clubs and businesses, built an expressway through the district, and forced Black residents out of their homes without warning or compensation.
 - iii. By the time new housing and storefronts were completed, most Black Fillmore residents could not afford to move back in.
 - iv. The Black population of San Francisco dwindled from 10% to 5%.
- F. Despite creating and innovating styles of music, such as jazz, Motown, rock and roll, and disco, Black musicians and artists suffered from limited opportunities for financial success, due to the theft of their music by white people and the lack of civil rights enforcement by state and federal governments.
- 1. As white people began to appropriate jazz, opportunities for Black musicians were severely limited in the recording industry in the 1930s. Lucrative concert circuits featured very few Black musicians and bands. In jazz contests, white musicians were awarded over Black musicians.
 - 2. Independent Black owned record companies, such as Motown in Detroit, bloomed in the 1960s. However, by the 1970s, Black-owned and Black-oriented record companies came under the influence of control of major white mainstream record companies and corporations, an occurrence which coincided with the white appropriation of Black created music. This phenomenon has led to greater rewards for white appropriation—socially and financially—rather than Black innovation.
- G. Government-funded museums and fairs engaged in the racist and exploitative display of Black bodies.
- 1. Black Americans were exhibited in American circuses by white promoters and businesspeople, such as PT Barnum, and dissected in public as entertainment after their death throughout the 19th century.
 - 2. Government-funded museums, such as the Smithsonian, hold thousands of remains of deceased Black Americans today—which were systematically collected by physicians who engaged in racist pseudoscientific research, and eventually ended up in museums.
 - 3. Black Americans were also displayed at world fairs for spectators to gawk at,

such as the 1904 St. Louis World Fair—which were funded by local, state, and federal governments.

- H. The federal government endorsed dehumanizing narratives of Black Americans as violent and propagated white supremacist narratives of the Ku Klux Klan as saviors of the nation through the medium of cinema.
 - 1. *The Birth of a Nation* is a racist 1915 silent film directed by D.W. Griffith. The film takes place between the Civil War and Reconstruction. It glorifies the rise of the Ku Klux Klan and depicts them as white saviors attempting to “restore order” to the nation. Woodrow Wilson had the film shown at the White House—an act that functioned as a federal government endorsement of white supremacy and anti-Blackness, emboldening white supremacists around the nation to engage in anti-Black racial terror.
 - 2. From the silent film era through the 1950s, the U.S. Department of Agriculture was the preeminent filmmaking entity/agency in the federal government, producing documentaries that were distributed across the nation—the films produced by the USDA reinforced problematic racial stereotypes against Black communities.
 - a. USDA motion pictures supported separate-but-equal laws and customs and communicated that Black Americans are inferior to and dependent on whites, that Black Americans are a medical threat to white people and a problem population, and glorified segregation.
 - b. In films such as “Helping Negroes” the USDA reflected the racist doctrine of separate but equal in rural Alabama in the early 1920s. The film showed Black tenant farmers as helpless and white authorities as saviors who improved the lives of Black Americans.
- I. Government war propaganda during World War II employed the strategic use of motion pictures to encourage Black Americans to enlist in the U.S. Army, project a false image of American democracy, and reinforce racist stereotypes about Black Americans—creating racist narratives that influenced mainstream depictions of Black Americans.
 - 1. The Office of War Information, a government censorship agency, asked Hollywood to submit scripts and blocked racial depictions of discrimination against non-white people to show a falsely ideal racial democracy.
 - 2. The propaganda depicted an equalitarian society and presented Black service men in different positions and in racially mixed volunteer units, when the military was segregated, and Black servicemen were limited in the positions they could hold. For a discussion of discrimination in the military, see Labor section.

3. The Office of War Information approved Blackface and jokes perpetuating/relying upon Black stereotypes, while at the same time rejecting depictions of segregation and discrimination.
 4. [Include information regarding whether this propaganda effected how Hollywood depicted Black Americans.]
- J. Federal and state governments have constructed racist monuments on state property and altered school curriculum—glorifying slavery and white supremacy, perpetuating the Lost Cause myth, and erasing Black history.
1. State and local governments have collaborated with the United Daughters of the Confederacy to memorialize the Lost Cause myth. The Lost Cause myth states that Southern secession from the nation had nothing to do with slavery, that slavery was a positive institution, and that the South was defeated by the North due to a lack of resources.
 - a. The United Daughters of the Confederacy (UDC) is an organization founded by elite southern white women in 1894, which seeks to memorialize and preserve Confederate culture for future generations.
 - b. The UDC sought to instill in white children a reverence for the Confederacy by publishing pro-southern textbooks, building monuments, and caring for indigent Confederate veterans and widows.
 2. Lost Cause organizations like the United Daughters of the Confederacy (UDC) have ensured that the Confederacy's cause is portrayed as a matter of principled heroism.
 - a. The UDC was committed to monument building—leading fundraising efforts across the South to erect monuments to Confederate soldiers in nearly every city and town across the South in the early 1900s. The monuments served to defend the values of white supremacy and anti-Blackness held by the Confederate generation.
 - b. The UDC also collected artifacts for museums, influences state departments of archives and history, gathered manuscripts, collected war paraphernalia from Confederate veterans, and published oral histories and articles in local newspapers.
 - c. The affluent white women who comprise the UDC have pressured school districts to replace their history textbooks with pro-Confederacy books written by authors sanctioned by the UDC.
 - d. UDC had fourteen chapters across California. The United Daughters of the

Confederacy erected plaques, monuments, and other memorials dedicated to Confederate generals and soldiers across California, throughout the 1940s and 1950s.

- i. In 1957 in Monterey, California, they erected a plaque for a confederate general. This plaque was removed in 2017.
 - ii. In San Diego, a Jefferson Davis marker was erected with support of United Daughters of the Confederacy in 1895. It was removed in 1926, restored in 1985, and removed again in 2017.
3. The project of producing dismemory—organized and systematic efforts to manipulate and distort the nation’s history—began immediately after the end of the Civil War.
 - a. From 1900-1920, a wave of dismemory projects occurred across the nation, these included erecting Confederate monuments, many of them placed on courthouse grounds; naming schools, streets, and military bases after rebel officers; and lobbying Congress for holidays. The construction of these monuments coincided with a historical period in which increased racial terror through lynching and violence against Black Americans was at an all-time high. See the racial terror section for more information.
 - b. The erection of monuments during the Jim Crow Era coincides with the devastating terrorist violence and murder perpetrated by the Ku Klux Klan in Southern states, meant to reinforce white supremacy.
 4. Monument construction has coincided with moments in which Black communities seem to gain some political power or voice.
 - a. The Supreme Court ruling of *Brown v. Board of Education*, which declared state-sanctioned segregation unconstitutional, and the Civil Rights Movement triggered another wave of Confederate monuments across the country.
 - b. The creators of these monuments sought to ensure that the memory of the Confederacy inspired honor and pride, instead of shame.
 - c. The monuments were culture symbols that served to resist the legal threat to white supremacy during the Civil Rights movement.
 5. Federal and state governments have enacted laws to protect Confederate monuments and other monuments to white supremacy.

- a. Laws have been enacted to protect Confederate statutes from interference, removal, or relocation. These laws have been enacted recently, between 2012-2017, in Alabama, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.
 - b. The U.S. Supreme Court has also protected government monuments from free speech challenges in *Pleasant Grove City v. Summum* (2009)—a protection that includes Confederate monuments.
- 6. Until X year, California contained the greatest number of Confederate monuments outside the South, including a dozen or more state markers and cemetery memorials, all of which have been removed through the efforts of Black Lives Matter organizers. Some of these monuments were erected by Southern veterans of the Confederacy who moved to Southern California after the Civil War and sought to memorialize their service through the creation of monuments.
 - a. The Mendocino coastal town of Fort Bragg is named after a Confederate army general and slave owner, founded by a lieutenant who named the town after his former commander. Thus far, the city council has refused to change the name.
 - b. Several statues of slave owners were taken down by protestors in San Francisco in 2020, after decades of being up.
 - c. A Northern California state park, originally entitled N***** Bar State Park, was named after a gold mining camp that Black miners began to prospect in 1850.
 - d. In 2004, the Sons of Confederate Veterans erected a 9-foot monument in memory of the Confederate soldiers who settled in Orange County, which still remains.
- 7. The state of California neglected to enforce the civil rights of Black Americans or address the widespread practice of anti-Black discrimination in Hollywood.
 - a. Black Americans were depicted in crude stereotypical film roles in Hollywood: as servants, rapists, and enslaved people—or they were barred from roles in films altogether.
 - b. In 1940, when Hattie McDaniel won the first ever Academy Award for a Black actor, she was forced to sit at a separate table because the hotel in which the awards ceremony was held did not allow Black Americans into the building.
 - c. Today, research has shown that Hollywood studio executives associate

casting Black actors with financial risk—marketing films with Black actors for small, specific audiences, and films with white actors for large, general audiences.

- i. Black-led films are deemed economically inferior and underfunded by major studios, which are led overwhelmingly by white and male people.

III. Government Sanctioned Discrimination Against Black Spirituality, Religion, Faith, and the Black Church

- A. Enslaved people practiced numerous spiritual traditions that originated from a variety of worship styles and practices on the African continent. Enslaved people possessed no first amendment right to freely exercise their faith, and state governments restricted, controlled, and punished enslaved people for practicing their faith and spiritual traditions.
 - 1. Initially, despite Christian missionaries' attempts to persuade slaveholders to convert enslaved people to Christianity—slaveowners refused, believing that conversion to Christianity would inspire rebellion.
 - a. Slaveowners were determined to reinforce docility, illiteracy, obedience, and perpetuate the system of slavery. Under British common law, Christians could not hold other Christians in slavery and slaveholders were afraid that conversion to Christianity would allow enslaved people to read the Bible.
 - b. Virginia passed a law in 1667, stating that enslaved people who became baptized would not be given freedom.
 - 2. Enslaved people who accepted Christianity fused it with African spiritual traditions such as dancing, drumming, and singing. However, antiliteracy laws were passed to ensure that enslaved people could not learn to read or write and key stories from the Bible were censored so that enslaved people would not hear them and be inspired to rebel. Additionally, some slaveowners required that a white person be present during any religious gathering of Black Americans, to censor and control what was being preached.
 - a. Black preachers would be whipped if caught preaching to a Black gathering, and enslaved people would be punished for praying out loud. Many enslaved people would put their mouths to the ground and pray in low voices, so that slaveowners could not detect their prayers.
 - b. Some slaveowners took away copies of the Bible from enslaved people.
 - c. One of the earliest Black churches was built in Savannah, Georgia, known

as the First African Baptist Church. A Black preacher, Andrew Bryan, who preached there was whipped and jailed twice by white slaveowners for holding meetings after dark, in defiance of a city law.

3. Many enslaved people were practicing Muslims and maintained their faith and religious practices at great cost.
 - a. Laws that restricted worship for enslaved people greatly impacted the ability of Muslim enslaved people to pray as frequently as mandated by Islamic tradition.
4. In the early 1800s, many enslaved people joined the Methodist Church, which opposed slavery, but still discriminated against its Black members.
 - a. White-led churches, like the Methodist Church, forced Black congregants to sit in segregated pews.
 - b. Black preachers and congregants went on to found Black denominations independent of white-led churches, such as the African Methodist Episcopal Church.
5. Some Catholic religious orders, like the Jesuits, used the labor of enslaved people to run farms, vineyards, textile mills, and ranches.
 - a. The Jesuits used enslaved labor to subsidize education at Jesuit institutions such as Georgetown University, which sold enslaved people to establish financial footing and stay out of debt.
6. In South Carolina, enslaved people formed an independent abolitionist church, called Hampstead Church in 1817, and learned to read and write in violation of South Carolina law. In 1818, Charleston police arrested 140 members of the church and forcibly shut down their church. Two years later, Charleston authorities accused one lay preacher at the church, Denmark Vesey, of planning an uprising. The city of Charleston executed Vesey along with 35 other enslaved people and later demolished the church.
7. In 1831, Nat Turner, a preacher in Virginia, led approximately 40 enslaved people in a rebellion, which resulted in the execution of 55 enslaved people and the murder of 200 enslaved people by white vigilantes.
8. During the slavery and the Civil War, enslaved people and Black soldiers sang spirituals—Protestant hymns fused with African musical styles that touched on suffering, justice, sorrow, retribution, freedom, joy, and hope.
9. The Black church inspired rebellions of enslaved people, sustained the

Underground Railroad, trained abolitionist orators, and produced Black political leaders during Reconstruction and after.

- B. Black churches played an important role in educating, providing resources, and employing newly freed people after the Civil War—particularly because federal and state governments failed to do so—however Black religious leaders and churches were targets of racially motivated violence by white supremacists, who acted with impunity, during the Jim Crow era.
 1. Most early schools for freed people were housed in Black churches.
 2. Black churches generated Black-authored magazines, established banks, and offered antiracist toys to Black children.
 3. White Confederates engaged in racist backlash following the Civil War by targeted Black sacred symbolic spaces to maintain white supremacy.
 - b. White mobs engaged in church burnings and lynching following the Civil War.
 4. During the Great Migration, when many Black Americans left the South due to racial terror, Black churches provided access to employment, healthcare, and financial aid for these migrants who arrived in new states, towns, and cities with no resources or support.
 5. During slavery and a century of Jim Crow racism, the church provided refuge for Black communities from persecution and violence and its influence has permeated popular music and linguistic traditions in the United States.
 - a. Black sacred spirituals, hymns, gospel music, and freedom songs deeply influenced twentieth-century American popular music. Many acclaimed and influential American musical artists began their careers in Black church choirs.
 - b. Black churches birthed gospel music—sound rooted in spirituals sung during slavery and integrated with chanting, clapping, and group participation. Gospel choirs began broadcasting on public radio stations and church memberships grew to thousands.
 6. In California, Black churches were targeted by state and local authorities and Black Americans were prohibited from freely practicing their faith.
 - a. In 1914, at the Azusa Street Mission, a Black Pentecostal Church in Los Angeles, Los Angeles Police Department officers were permanently stationed at the church and would interrupt or shut down services that they thought were too loud or too late.

- C. Black spirituality and religion were central to the civil rights movement, a movement during which many Black preachers, congregants, churchgoers, Black Muslims, and other spiritual Black Americans faced state persecution for advocating for equal rights.
1. The Black church powered economic boycott campaigns, antilynching protests, and was the birthplace and meeting place for the Civil Rights movement. Influential leaders of the Civil Rights Movement, such as Dr. Martin Luther King Jr., drew on the traditions of earlier Black preachers and the pulpit to inspire thousands to action.
 - a. Dr. Martin Luther King, Jr. came from a family of preachers and was a Baptist leader in the South—he was one among many civil rights leaders in the South that were connected to the Black church. Dr. King was arrested and incarcerated numerous times by the State of Alabama for engaging in civil disobedience. When many Black churchgoers and people of faith continued to engage in peaceful protest following his arrest, they were attacked by the police in Birmingham with dogs and high-pressure fire hoses.
 - b. Many Black churches were burned and bombed during the civil rights movement—during the 1964 Freedom Summer in Mississippi thirty-seven Black churches were burned or bombed during a 10-week period.
 - i. The bombing of the Sixteenth Street Baptist Church in Alabama by white supremacists killed 4 Black girls between the ages of eleven and fourteen.
 - ii. Some churches functioned as sites for voter registration at a time when laws, poll taxes, literacy tests, and white terror blocked Black Americans from exercising their right to vote. These churches were also bombed by white supremacists. For more information, see the political participation section.
 - c. Much of the music of the civil rights movement was inspired by gospel and congregational hymns.
 2. Malcolm X, a Black Muslim leader, was a key figure in the civil rights movement who advocated for Black liberation from white supremacy and was subjected to heavy and constant surveillance by the FBI.
 - a. He was incarcerated for being a conscientious objector to the World War II draft and was forced to serve in prison along with many other Black Muslims for draft evasion.
 - b. Many Black members of the Nation of Islam were also heavily surveilled

and monitored by the FBI and local authorities—in 1943, many were incarcerated for pulling their children out of public school and enrolling them in alternative schools.

- c. Local and state police, prison psychologists and wardens, state commissioners and prison inspectors, and the FBI all subjected Black Muslims to surveillance, intimidation, and harassment throughout the 20th century to interfere with the practice of their faith and block their ability to organize for liberation. The FBI surveillance program was known as COINTELPRO.
- D. In recent years, Black churches, places of worship, and Black Americans themselves, continue to suffer from state sanctioned surveillance, harassment, and attacks.
 - 1. The FBI continues to surveil and monitor Black Muslims and other Black Americans of faith—labelling them as “extremists” and subjecting them to government surveillance.
 - 2. In June of 2015, a white supremacist entered Mother Emmanuel African Methodist Episcopal Church in Charleston, South Carolina and shot and killed nine Black parishioners—this was the same church built by Denmark Vesey, the Black preacher who had dared to educate enslaved people and had been killed for his preaching almost 200 years earlier.
 - a. Following the shooting, President Barack Obama implored the South Carolina legislature to remove the Confederate flag from the state capitol, a symbol which emboldened white supremacists to engage in anti-Black violence.

IV. Government’s Discriminatory Censorship and Suppression of Artistic Production

- A. The institutions that regulated cinema, including the Production Code Administration (PCA), state censorship boards, as well as film studios themselves, produced a warped and racist view of Black life in cinema.
 - 1. State government censorship was strongest from 1915 to 1952, and states with active censorship boards focused on censoring miscegenation, the depiction of Black women’s sexuality, depictions of racial discrimination and lynching, and depictions of integration.
 - a. [Explain why states engaged in censorship.]
 - b. Even as censorship loosened, filmmakers used white actors to portray Black characters to avoid angering racist people who were against miscegenation.

2. From **X to X** year, the Motion Picture Producers and Distributors of America (MPPDA, later renamed the (Motion Pictures Association of America), censored miscegenation, lynching, integration, and depictions of discrimination. The MPPDA advised Hollywood studios on how to avoid censure and censorship by local, state, and international boards.
 - a. The Studio Relations Committee (SRC), an MPPDA sub-unit, blocked depictions of integration and Black-white miscegenation in films and ignored complaints from activists, such as complaints from the NAACP regarding *The Birth of a Nation*.
 - b. In the 1930s, the head of the SRC forced movies to downplay negative treatment of Black Americans and the brutality of lynching.
 - c. When Universal Studios refused to cut a lynching scene in a film, the States of New York, Oklahoma, Massachusetts, and Pennsylvania, and Chicago censored almost all of from the film.
 - d. The MPPDA could sanction violators with a \$25,000 fine and block films from being released in first-rate theaters if they showed Black-white miscegenation, lynching, racial “passing,” or anything concerning Black Americans.
 - e. Even in the 1940s, as the MPPDA and PCA gradually loosened censorship, they continued to block depictions of racial equality and intermixing.
 - f. State enforcement agencies and lawmakers neglected to address these discriminatory censorship policies.
 3. In the 1950s, the U.S. Supreme Court banned state censorship in the case *Burstyn v. Wilson*, 343 U.S. 495 (1952), which led to an increase of insensitive depictions of racial violence against Black Americans on screen.
 - a. Notably, depictions of racial terror and violence against Black Americans by white filmmakers were overly casual and focused largely on Black suffering and racial trauma. This normalized the brutalization of Black Americans and anti-Black violence in society.
- B. Black projectionists and other movie house workers fought for employment and equal wages at northern movie houses—striking, negotiating, and picketing in the face of violent confrontations with local police forces.
1. From 1930 to 1960, Black activists protested pro-lynching films at movie theaters, fought against Hollywood’s depictions of Black Americans, and tried to

- use film to promote the fight for civil rights. [Include names of films.]
2. The state played no role in enforcing the civil rights of Black workers and artists in the motion picture industry from the 1930s – 1960s. Today, the state continues to neglect to engage in civil rights enforcement in motion picture industry.
- C. Government funded institutions have censored Black artists seeking to display their work in museums.
1. In 1969, the government-funded Metropolitan Museum of Art in New York mounted an exhibition called *Harlem on My Mind*, which would explore the cultural history of the predominantly Black community of Harlem, yet rejected Harlem residents from participating in the planning of the exhibition and excluded Black artists in Harlem from having their work in the exhibition.
- D. [State-sanctioned discrimination against Black fashion designers, seamstresses, and garment workers.]
1. Ann Lowe was a Black fashion designer, who designed the First Lady, Jackie Kennedy’s wedding dress, along with many other dresses. Lowe worked as a seamstress with her mother on a plantation in Alabama and later lived in staff quarters making dresses for wealthy white women in the South.
 1. [Include more information about Black seamstresses and fashion designers who experienced discrimination.]
- E. States and local governments have engaged in racist censorship of books written by Black authors, primarily in public schools and in prisons.
1. Many public high schools across the nation have banned acclaimed novels written by Black authors.
 - a. The Oakland Board of Education banned *The Color Purple*, by Alice Walker in 1984 due to "troubling ideas about race relations, man's relationship to God, African history, and human sexuality"—approving it only after 9 months of community advocacy.
 - b. Toni Morrison’s acclaimed novels have been banned for “depicting the inappropriate topic of...racism,” and for being “filthy,” in 1998 in Florida, and 2007 in Kentucky.
 - c. At Irvington High School in Fremont, CA, Richard Wright’s novel *Native Son*, was banned for being “unnecessarily violent” in 1998.
 - d. In 2021, in York, Pennsylvania, an all-white school board banned books related to racial justice, which mentioned key Black civil rights leaders,

such as Rosa Parks and Dr. Martin Luther King Jr.

2. State officials across the country have banned books on slavery, civil rights, and novels by Black authors.
 - a. The banned books lists in many states—including Arizona, California, Colorado, Illinois, Kansas, Louisiana, Ohio, South Carolina, and Washington—do not include reasons for barring each title. This banned books lists are inconsistent and irrational.
 - i. For example, Wisconsin bans Ralph Ginzburg's 100 Years of Lynching but allows incarcerated people to read Adolf Hitler's Mein Kampf.
 - b. Florida banned the Equal Justice Initiative's Lynching in America report—the most comprehensive report on racial terror lynching of African Americans—as a threat to prison security.
 - c. The censorship of Black history and Black writers reveals an anti-Black orientation in state carceral settings.

V. Government Deprivation of Intellectual Property of Black Artists and Inventors

- A. Descendants of enslaved people have not been afforded legal protection by state governments or the federal government for art made by their enslaved ancestors or photographs taken of their enslaved ancestors.
 1. In X year, Tamara Lanier brought a suit against Harvard University for images of enslaved people owned by the university that were images of her ancestors. However, the court denied her claim.
 2. In 1993, the descendants of an enslaved person, Bill Traylor, who was recognized long after his death as a great folk artist, sued a white man who had taken the bulk of the Black artist's work. The case settled, and the white man agreed to give the Black family 12 paintings and drawings worth \$10,000-\$25,000 each.
- B. Black artists were routinely deprived of legal protection under the legal copyright regime because this regime allowed art created by Black artists to be appropriated and stolen by white people.
 1. As a result of complex and convoluted requirements of the 1909 Copyright Act, artists unfamiliar with legal requirements could easily find their works injected into the public domain, which resulted in the loss of their economic rights to copyright protection.
 2. [Explain how this disproportionately affected Black Americans and whether there

are estimates of how much money was stolen from Black artists due to this.]

- C. Even though Black Americans in the global vanguard of invention in the late 19th and early 20th century, they were not allowed to access patent protections due to institutional racism and state-sanctioned anti-Black discrimination and violence.
 - 1. Obtaining a patent was more difficult for Black Americans, because it often involved working with white lawyers who engaged in racist and unfair dealings—this was in addition to existing professional and financial racism and barriers.
 - a. In 1913, the U.S. Patent Office surveyed approximately 8,000 registered patent attorneys, found 1,200 inventions attributed to people of Black American ancestry, and was able to confirm 800 of them. This was a large undercount, as attorneys reported failing to recall the names or inventions of some of their Black clients.
 - 2. Government enforced racial segregation and disinvestment in Black communities resulted in a dearth of resources in the early 1900s that crippled Black invention.
 - 3. [Include California-based patent discrimination.]

VI. Racist Criminalization and Policing of Black Artists and Culture by the Government

- A. Historically, Black musicians have been targeted and criminalized by the government.
 - 1. [Provide historical context for why this happens.]
 - 2. Undercover police have turned in Black artists for drug possession.
 - 3. Black artists have been falsely accused of drug possession or been killed, beaten, injured, and criminalized.
- B. Rap music, one of the most culturally potent and commercially successful forms of Black expression in the latter half of the 20th century, has been criminalized by federal, state, and local governments.
 - 4. Rap lyrics and videos have been used in criminal trials to associate Black artists with crimes and to prove the substance of threats or incitements to violence.
 - a. One scholar found hundreds of cases in which rap lyrics have been used as evidence in criminal prosecutions, including those of high-profile artists such as Mac Phipps, and Drakeo the Ruler. In 2020, Drakeo the Ruler was prosecuted by the Los Angeles District Attorney on a charge of criminal gang conspiracy arising from his membership in a rap group.

- b. The Second Circuit Court of Appeals has permitted prosecutors to introduce rap music videos as evidence in criminal trials.
 - c. There is little to no evidence of white artists music and work being used as evidence against them in criminal trials.
- 5. Rap lyrics and videos have also been used to discipline Black students for threats or substantial disruption of school activities.
 - a. The Arkansas Supreme Court upheld a school's decision to discipline a student for making a terroristic threat when he handed another student a paper with written rap lyrics.
 - b. The Fifth Circuit has upheld a school's decision to discipline a student for producing a rap music video off-campus to call attention to sexual harassment of Black students by white teachers.
 - c. For information about how white students are treated in contrast to Black students, see the Education Section.
- 6. Law enforcement agencies and local governments have attempted to chill or criminalize the sale of rap albums based on their content, sometimes cancelling rap performances outright—actions that disproportionately harm Black artists.
 - a. [Provide a few sentences of context for why this was done.]
 - b. Law enforcement and courts have marshaled obscenity laws to criminalize the sale of rap music.
 - i. In 1990, the Broward County Sheriff's Office in Florida obtained an order from a state court declaring that Black rap group 2 Live Crew's album "As Nasty As They Wanna Be" contained prohibited obscenity, and initiated prosecutions of record store owners who sold it. After the record label sued, a federal district court declared the record legally obscene based on the judge's determination that it contained no artistic value—the first sound recording ever to be declared obscene.
 - c. Law enforcement agencies attempted to suppress the music of Compton rap group N.W.A.'s 1988 debut album, "Straight Outta Compton," and particularly their song "Fuck Tha Police."
 - i. In 1989, the Assistant Director of the FBI Office of Public Affairs sent a letter to the distributor of the album, criticizing the group's lyrics regarding law enforcement and making the

record label “aware of the FBI’s position relative to this song and its message.”

- ii. The Attorney General of Minnesota also attempted to prosecute record stores that sold the album to minors.
 - iii. During a 1989 N.W.A. concert in Detroit, law enforcement in the crowd (which reportedly contained 200 police officers) rushed the stage and ended the concert early.
 - a) According to one Detroit police sergeant involved in policing the concert, prior to the show, Detroit police told the group that they would not be allowed to perform “Fuck Tha Police,” and that when the group did so, they would immediately “jump on the stage” and damage sound equipment.
 - b) The group fled and was subsequently confronted at their hotel by police, who briefly detained and cited them for [describe citation].
 - c) The Detroit police had threatened to boycott working security N.W.A. shows, which would have precluded the group from obtaining an insurance policy that was required to stage their performance.
 - d. Local governments have continued to ban or shut down rap concerts because of the content of artists’ music in recent years.
 - i. In 2015, Chicago’s Redmoon Theater pulled out of an agreement to host a concert benefiting victims of gun violence due to complaints from Mayor Rahm Emanuel’s office about Chief Keef, a rapper scheduled to perform via hologram.
 - ii. When a hologram of Chief Keef appeared at the relocated concert in the city of Hammond, city officials shut down the show, with the mayor explaining that song was “anti-cop, pro-gang and pro-drug use” and that the Black rapper had been “outlawed in Chicago.” The city’s actions were criticized as a clear violation of the First Amendment.
- C. State and local governments have criminalized, fined, banned, and violently attacked Black Americans for their fashion trends, such as the zoot suit and the trend of sagging clothing.

1. During the Civil Rights Movement, the zoot suit, a particular style of suit with a long coat and loose pants, became an icon of historical resistance against assimilation and as part of the struggle for cultural autonomy for communities of color.
 - a. The increase in migration of Mexican Americans and Black Americans to Los Angeles resulted in the growth of interracial communities of color, which were targeted by the Los Angeles Police Department.
 - b. To confront the dehumanizing social and economic conditions imposed by the wartime political economy and created by local officials, the mainstream press, and leaders of their own communities, the zoot suit became a symbol of resistance for those who wore it.
 - c. However, in the eyes of state officials and law enforcement, the zoot suit and those who wore it were labelled as criminal and hypersexual.
2. Black Americans in Los Angeles were victims of the mob violence and criminalization that preceded and followed the Zoot Suit Riots of Los Angeles.
 - a. In June 1943, the Zoot Suit Riots of Los Angeles stemmed from tensions between white servicemen at the new Naval Reserve Armory, which had been built in 1940 on land seized by the city in the Mexican American neighborhood of Chavez Ravine, and local Mexican American youths.
 - b. Riots broke out as gangs of white sailors attacked brown and Black youth in zoot suits. On the worst day of the riots, while soldiers and civilians poured into Los Angeles and attacked the Black neighborhoods of Watts, as well as other neighborhoods around Los Angeles. All 94 non-white civilians who received medical treatment for serious injuries were arrested by the Los Angeles Police Department, compared to only 2 of the 18 white servicemen treated for serious injuries.
 - c. The ineffectual police response to the riots was characterized by arresting and jailing mostly Mexican American and Black victims of the mobs rather than the white sailors. The Los Angeles Police Department engaged in preventative enforcement based on racial profiling, targeting Black Americans among other communities in Los Angeles.
 - d. Law enforcement efforts to publicize crackdowns on youth resulted of hundreds of arrests in the summer of 1942. This show of force was designed to reassure white middle classes that wartime police forces could maintain law and order by rounding up innocent youth of color, many of whom were Black.

3. Florida, New Jersey, and Tennessee passed laws in X year, prohibited sagging clothes in public places, resulting in a significant fine or jail sentence if an individual was caught wearing sagging pants—a fashion of wearing pants low, which originated in Black communities.
4. [Section on discrimination and suppression of Black hair and hairstyles, including the enactment of laws to protect against discrimination for Black Americans wearing natural hair.]
5. [School dress codes have been criticized as racist, including in districts in California.]
 - a. [Provide examples.]

VII. Government's Role in Racial Discrimination Against Black Americans in Sports

- A. [Provide a general overview about discrimination in sports referencing segregation, under resourcing, and the white desire to have Black athletes be successful to generate profit, without addressing discrimination they face in daily life.]
- B. Discrimination by major league baseball forced Black players to develop a separate baseball league, called the National Negro League.
 1. Black Americans began to play baseball in the late 1800s and joined professional teams with white players. However, racism and Jim Crow laws forced them to leave these teams by 1900.
 2. In 1920, an organized league structure was formed by Black businesspeople and athletes in Kansas City, Missouri. Black team owners joined to form the Negro National League.
 3. Rival leagues formed in Eastern and Southern states, bringing Black baseball to major urban centers and rural country sides in the U.S.
 4. The Leagues maintained a high level of professional skill and became centerpieces for economic development in many Black communities.
 5. [Include information regarding integration of baseball.]
- C. Football has a history of racial discrimination in the United States, sanctioned by state and federal governments. In particular, the National Football League (NFL) has historically and continues to engage in anti-Black discrimination with impunity.
 1. Football was developed in the late 1890s at Princeton as an elite sport and viewed as preparation for Anglo-Saxon supremacy by those who played it, such as Theodore Roosevelt. Historically, football was a site of racial discrimination and

segregation at state and federally funded public universities.

- a. Just thirteen Black players participated in professional football before 1900 and only twenty-seven more through 1914.
2. The ability of Black students to successfully play on college teams depended on the integration of higher education, as well as whether coaches of other teams were willing to play against teams with Black players, and whether such teams would viciously attack Black players. The University of Tennessee nearly refused to play against Black players at UCLA in X year.
 - a. Additionally, Black college football also depended upon the identification of talented players and recruitment of them from secondary schools. However, even in “integrated” high schools, there were limits on the number of Black players that could be on a team or court at one time.
3. The ‘gentlemen’s agreement’ was a standard, unwritten rule that allowed coaches to bench Black athletes during intercollegiate contests with segregated colleges and universities.
4. The University of Southern California did not permit Black athletes to play until the 1930s.
5. While UCLA did allow Black players to play in starting positions on its football team, the LA and UCLA community were not as accepting of Black football player.
 - a. In 1938, Jackie Robinson, a UCLA football player, was arrested, charged with hindering traffic, and resisting arrest in Brookside Park after a white motorist called him the n-word.
 - b. In X year, Black football players at UCLA faced racism from teammates and other students, such as being referred to as “boy” by the yearbook.
 - c. UCLA football players could not play in the segregated South. Black players from UCLA could not stay in hotels, or eat at restaurants in Texas.
6. In 1955, Georgia’s Governor asked to segregate the Sugar Bowl so that Georgia Tech would not have to play the University of Pittsburgh, which had one Black player.
7. At San Jose State College (SJSC), Black athletes faced discrimination in athletics, such as overbearing coaches, a lack of academic assistance, exploitative demands made on Black participants, prejudice outside of the sport, and hostility in the campus Greek system and the local community.

- a. Professor Harry Edwards, who helped organize Black athletes against discrimination was called “unfit to teach” by California governor and later president, Ronald Reagan.
- 8. Black athletes who engaged in protest against discrimination were often removed by public university administrators from football teams in retaliation in X year and continue to face discrimination in universities and colleges around the country.
 - b. [Insert San Jose State college example.]
 - c. Players at UC Berkeley refused to participate in training, protesting against over-recruitment of Black students for certain positions while cutting scholarship support, as well as the lack of Black quarterbacks nationally.
 - d. As of 2009, only 3.4 percent (4 of 119) of the Football Bowl Subdivision (i.e., Division I) schools employ Black coaches, more than ten times less than the proportion of college players who are Black (37% in 1990; 45.9% in 2008).
 - e. Studies have shown that the NCAA rules allow white students and coaches to profit off labor of Black ones. [Expand further.]
- 9. Examples of discrimination by the National Football League.
 - D. [Discrimination against Black Olympic athletes.]
 - E. [Discrimination in basketball, the NBA, and the WNBA.]
 - F. [Discrimination in tennis.]
 - G. [Discrimination against Black women athletes.]
 - H. [Underrepresentation of Black head coaches due to the prevalence of white owners/ownership groups.]
 - I. In California, the state government has cut funding for sports programs supporting Black youth.
- 10. In [year] California’s governor cut \$50k in state support from Midnight Basketball, a program started in Oakland for underserved youth as a late-night option for recreation.

VIII. Discriminatory Legal Restraints on Black Leisure and Recreation by State and Local Governments in California

A. The State of California engaged in racist restrictions on Black business owners through zoning ordinances, licensing laws, fire and safety codes, and anti-nuisance provisions, which supposedly addressed “threats to public safety”—but discriminated against Black business owners and their Black customers.

1. Racist state actions against predominantly Black leisure sites, including bars and restaurants, included denying liquor or food licenses to establishments or heightened police surveillance at Black owned bars and restaurants.

- a. In *Shaw v. California Dept of Alcoholic Beverage Control*, Black tavern owners brought a civil rights action against the California Department of Alcoholic Beverage Control, as well as the City of San Jose and its police department, for violation of their civil rights based upon improper revocation of their liquor license and discriminatory enforcement of law.
- b. The Black tavern owners stated that the city police discriminated against them and policed their tavern consistently, with officers entering almost 18 times a day.
- c. The police collected “evidence,” which the Department of Alcoholic Beverage Control used to revoke their liquor license, leading to the closure of the tavern due to low customer turnout.
- d. The court agreed that the loss of the bar’s liquor license resulted from racially discriminatory harassment by the San Jose police force.

2. [Discussion of establishment of state parks.]

B. Cities in California used eminent domain to seize the land of Black business-owners who sought to establish leisure businesses.

1. The Manhattan Beach authorities in Southern California, prohibited the growth and development of Black-owned leisure businesses, such as Bruce’s Beach.

- a. In 1912, Ms. Willa “Willie” Bruce purchased two lots near Manhattan Beach from white real estate brokers for \$1225 and developed the land with a cottage, food establishment and store—called Bruce’s Lodge.
- b. The lodge was popular for Black Los Angeles residents.
- c. By 1926, six other Black families bought property near the lodge for vacation homes, but this caused many white neighbors and beachgoers to complain, harass and attack the Black beachgoers, their families, and their establishments.
- d. The local Board of Trustees and a white Manhattan Beach resident

threatened to report violations of Bruce's Beach for considering liquor licensing during the prohibition, so that all the people on Bruce's property could be arrested. However, not enough white citizens supported the effort.

- e. In 1924, Manhattan Beach authorities enacted new laws with fines and penalties for violations of parking and zoning laws to discourage Black visitors.

- i. For example, "10 minute only" parking signage was put up to prevent visitors from staying because parking would be extremely limited.
 - ii. Ordinance 273 prevented "bathhouses" in same area as Bruce's, so there could be no further bathhouse developments or expansions at the beach.

- f. In 1924 Manhattan Beach authorities used eminent domain to condemn the beach as a public park under the Park and Playground Act of 1909.

- i. This action was petitioned for by white citizens in the area, and backed by KKK members, including those who befriended Board of Trustee members.

- g. [Include information about restoration of the land to the family.]

C. Local governments used zoning ordinances to discriminatorily restrict Black access to leisure in California.

- 1. In Santa Monica, racist local governments passed ordinances to restrict Black access to leisure, and to prohibit Black businesses from entering the leisure market.

- a. The Santa Monica area became a hot spot for Black Los Angeles residents to visit following the first World War and the closing of the Crystal Plunge community pool in Pico, after a storm destroyed it and city never tried to repair it.
 - b. The area was seen as a vacation place and a site for Black Americans in the surrounding cities to visit, and pursue leisure with nightlife, beach access, dancehalls, and resorts all present and accepting of Black visitors.
 - c. Throughout the 1920s along the Ocean Park neighborhood, Black Americans established leisure sites including George Caldwell's dancehall in the Santa Monica Civic Center, which brought a large number of Black

visitors and customers.

- d. In response, the Santa Monica municipal authorities passed an ordinance prohibiting dancing on Sundays, then another blanket ban on dance halls in all residential districts. This was motivated by the Santa Monica Protective League (SMPL), a group of white homeowners in the area of Ocean Park that sought to purge the Black Americans from the area.
 - i. The SMPL also consistently protested for the city council to block the Ocean Frontage project, which would include a bathhouse, dancehall and other attractions, founded by Black Angelenos Charles Darden and Norman Houston
 - ii. Due to the public outrage, Santa Monica city council refused to amend zoning ordinance 211 to allow Ocean Frontage's group request to construct a first-class beachfront resort.

D. Local governments engaged in explicit discrimination against Black Californians.

- 1. Local governments in the State of California restricted access to public pools for Black Californians.
 - a. The Brookside Plunge was a public pool in Pasadena, which opened July 4, 1914. It was initially only open to non-white individuals on Wednesday afternoons and evenings, and eventually only Tuesdays between 2pm and 5pm, in retaliation against a legal challenge from Black taxpayers in the area.
 - b. The Los Angeles NAACP sued the city following the denial of entry of six Black men to the pool. Though they won, Pasadena closed the pool until NAACP received an injunction forcing the pool to reopen in 1947 with no racial restrictions.
 - c. The pool site suffered from financial support and closed in 1983, leading a local swim coach and several donors to form the AAF Rose Bowl Aquatic Center. This center was supposed to be open to all, but discouraged access for Black Americans due to the "country club" atmosphere.
 - d. The Pasadena city council ignored this issue and allowed the center to be formed with public funds, including a \$4.5 million city loan, of which \$3.2 million were forgiven.
 - e. The formation of the Aquatic Center instead of the pool, resulted in a lack of accessibility to leisure sites for Black Californians.

2. City and county police departments in California engaged in targeted harassment of Black owned businesses that provided leisure opportunities to Black Californians
 - a. In X year, the Parkridge Country Club in the City of Corona was originally a white-only private club that was sold to group of Black entrepreneurs. The Black entrepreneurs wanted Black Americans to enjoy suburban lifestyles without racist backlash or racist restriction.
 - b. However, the Los Angeles Sheriff's Department harassed Black visitors at the site. LASD ticketed over 200 Black visitors for minor parking or traffic violations to deter profits and customers at the club during Memorial Day Weekend.
 - c. Actions like these led the group and club to bankruptcy, which led the city to take over the property and turn it into a housing development.
- E. Cities across California have engaged in racially restrictive city-wide curfews, anti-cruising regulations, and policing of public gatherings, often targeting Black youth and young adults simply for existing or being present in any particular area.
 1. Curfew laws have broad scopes and give enforcement officers heightened discretion to criminalize Black youth. The laws tend to focus on areas and activities with Black participation or residency.
 2. In 1997, a group of Black youth, other youth of color, and their parents and guardians brought a lawsuit against the City of San Diego, challenging the constitutionality of city's juvenile curfew ordinance.
 - a. The parents and youth claimed that the ordinance prevented minors from lawful activities after curfew hours, like attending concerts, studying with other students, meeting at coffee houses, auditioning for theater parts, and dancing at under-21 dance clubs.
 - b. The court held that the curfew laws were unconstitutional for vagueness and violating the fundamental rights of minors.
 - i. The law made it illegal to "loiter, idle, wander, stroll or play" in most public areas after 10 p.m.
 3. Anti-cruising laws are supposedly used to reduce traffic congestive, increase safety, and lessen criminal behaviors—however they have discriminatorily impacted the right to travel for Black Americans.
 - a. An Oakland ordinance was passed to control weekend gatherings of young

Black Americans at Lake Merritt and prohibited passing between two close checkpoints.

- b. Lake Merritt is a popular recreational area in Oakland, California, that is visited frequently by Black Americans and other historically marginalized communities.
 - c. At the time, the Oakland Police Department, notoriously known for disproportionately targeting and discriminating against Black Americans, enforced the ordinance to limit visitors at the lake and prevent loitering. This harsh and violence enforcement against Black Americans by police has discriminatorily impacted their right to access leisure.
4. Discriminatory policing of Black gathering has resulted in Black communities being overpoliced, due to racial prejudice against Black Americans as violent.
- a. The City of Oakland postponed First Fridays in X year. First Fridays is a monthly event celebrating Black American heritage and the heritage of other communities of color. The event is public and includes vendors and live music, with a Black majority in attendance. However, the event was postponed due to fears that the 4th of July holiday may “spark too much violence.”
 - b. [Include more examples.]
- F. The discriminatory regulation of transportation and transportation infrastructure has resulted in cities and local governments refusing to allow buses, highways, and bridges from predominantly Black neighborhoods to stop near businesses that cater to white people. See the Environmental Justice section for more information.
1. For example, in X year, the Hilltop Mall in Richmond, California requested transit authorities to move bus stops from the front doors of the mall to prevent Black students from a nearby school from entering the mall, because it would interfere with white customers entering the mall.
 2. The state’s failure to aid Black leisure establishments facing discrimination, natural disaster, and economic obstacles has further contributed to racist restrictions on Black access to leisure.
 - a. From 1911 to the 1950s, Lake Elsinore was known as the Black Palm Springs, an area away from the city and beaches that provided Black Americans with a different type of escape for vacations.
 - b. By 1911, Black residents formed a resort where they ran a lodge, called Rieves Inn, which expanded to a larger hotel.

- c. Following the success of Rieves Inn, several other Black Los Angeles residents purchased vacation homes in Lake Elsinore and some invested in resort and recreation spaces for Black use only, resulting in 41 new Black properties in the area between the 1920s and 1960s.
- d. A group of Black investors, businesspeople, and realtors formed the Lake Shore Beach Company, and purchased almost 50 acres for the establishment of a resort. This resort was extremely popular between 1920-1940, but due to floodwater damage and the inability to raise sufficient funds, the resort never flourished.
- e. Due to the Great Depression, the discontinuation of railroad service, drought, natural disasters, and World War II, the number of visitors decreased heavily, and those visiting spent less money and did not invest or buy property.
- f. The U.S. Army eventually took over part of the lake and surrounding areas, resulting in the slow death of the resort.
- g. By 1950, the water levels of the lake began to decline, the overpopulation of fish depleted oxygen levels in the lake, the reoccurring dust storms, and the economic hardships faced by Black Americans led to the end of the resort.

IX. Government Sanctioned Anti-Black Racism in Media

- A. Black media professionals have historically faced discrimination in the white dominated media industry, which the government has failed to prosecute or address through legislation.
 - 1. Mainstream white newspapers historically depicted Black men as congenital rapists, setting the stage for them to be hanged, shot or burned alive in public squares all over the former Confederacy.
 - a. These newspapers incited hellish episodes of violence during which white mobs murdered at will while sometimes destroying entire Black communities, during the late 19th and early 20th centuries.
 - b. By portraying Black Americans as less than human, the white popular press justified white terror and stripping Black Americans of civil rights.
 - c. Since the 2000s, many newspapers have historically apologized for blatantly racist news coverage over a more than century-long period that encompasses the collapse of Reconstruction, the rise of Jim Crow, the two world wars, the civil rights movement, the Vietnam era and beyond.

- i. The Los Angeles Times apologized for being “an institution deeply rooted in white supremacy” for most of its history and admitted to a record that included indifference and “outright hostility” toward the city’s nonwhite population—acknowledging the underrepresentation of Black journalists in the newsroom.
 - ii. The Times won a Pulitzer Prize for its coverage of the August 1965 civil unrest in Watts, yet the reporters and editors on the story were nearly all white. A 24-year-old Black advertising messenger, Robert Richardson, covered the disturbances, driving to the scene and phoning in his reports. Named a reporter trainee after the riots, he was given next to no support and left the paper the next year.
- 2. The editors of small, struggling Black publications often risked their lives to refute what they rightly saw as white supremacist propaganda masquerading as news.
- B. Ida B. Wells of the Memphis weekly known as The Free Speech conducted investigations that showed that mobs regularly lynched innocent victims as part of a terror tactic that was intended to keep the Black community on its knees.
- C. She found that the Black men who were charged with raping white women were often involved in consensual relationships with them.
- D. After she published her findings in an editorial, a white mob burned down the Free Speech office.
 - 1. Black newspapers like The Baltimore Afro-American, The Chicago Defender and The Pittsburgh Courier served as a haven against white press hostility, while incubating and advancing the early civil rights movement.
 - 2. [Include California Black newspapers.]
 - 3. [Discussion of Black magazines.]
 - 4. [Discussion of Black radio and television.]
- E. The federal government has engaged in discriminatory regulation of the media, which has harmed Black media professionals and business owners.
 - i. The buying practices of radio advertisers in the U.S. have been characterized by the FCC as racially discriminatory—minority broadcasting stations earn 63% less than other stations with comparable market shares.

- ii. Despite this, the FCC has failed to enact regulations to protect Black radio stations and media businesses.
- F. State and federal governments have neglected addressing racism on social media and the internet.
 - 5. In 2018, Amnesty International and Element AI found that Black women on Twitter were 84 percent more likely than white women to receive hateful tweets.
 - 6. Black women also face plagiarism and erasure, impersonation, and Blackfishing—where white women pretend to be Black women on social media. Despite this harassment, Black women online are thankless innovators adding much-needed color and flavor to digital cultural spaces.
 - 7. The voices of Black activists who speak on racism are disproportionately stifled on Facebook. Facebook rarely takes action on repeated reports of racial slurs, violent threats and harassment campaigns targeting Black users.
 - 8. [Include additional examples and discussion.]
 - 9. Thus far, state and federal governments have failed to pass anti-racist legislation to protect Black users on social media.

X. Conclusion

- A. State and federal governments have historically engaged in propagating false racist narratives that erase discrimination, silencing Black artists who propose counternarratives, and restricting Black access to leisure, which has resulted in mainstream artistic and cultural production and practice that continues to rely on racist and prejudicial stereotypes to portray Black communities and to erase the experience of ongoing discrimination. Black artists and culture-makers continue to experience exorbitant discrimination and barriers to success in the arts and culture industries, resulting in the proliferation of white supremacist narratives in modern day arts and culture, and the erasure of accurate portrayals of Black life. Reparations for historical discrimination in arts and culture against Black communities are due.

Bibliography

American Library Association, Banned and Challenged Books, <https://www.ala.org/advocacy/bbooks/frequentlychallengedbooks/classics>.

Amnesty International, Using Crowdsourcing, Data Science & Machine Learning to Measure Violence and Abuse Against Women on Twitter, <https://decoders.amnesty.org/projects/troll-patrol/findings>.

Amy Absher, *The Black Musician and the White City: Race and Music in Chicago, 1900-1967*, (2014).

Anemona Hartocollis, *Images of Slaves Are Property of Harvard, Not a Descendant, Judge Rules*, N.Y. TIMES, <https://www.nytimes.com/2021/03/04/us/harvard-slave-photos-renty.html?referringSource=articleShare> (last visited Mar. 11, 2021).

Associated Press, The NFL Will Stop Assuming Racial Differences When Assessing Brain Injuries, <https://www.npr.org/2021/06/02/1002627309/nfl-says-it-will-halt-race-norming-and-review-brain-injury-claims>.

Austin, “Not Just for the Fun of It!” *Governmental Restraints on Black Leisure, Social Inequality, and Privatization of Public Space* (1998) Faculty Scholarship at Penn Law, p. 675 <https://scholarship.law.upenn.edu/faculty_scholarship/814>. 700.

Bianca Taylor, Urban Renewal Decimated the Fillmore and Took Jazz With It, <https://www.kqed.org/news/11825401/how-urban-renewal-decimated-the-fillmore-district-and-took-jazz-with-it>.

Brent Staples, How the White Press Wrote Off Black America, New York Times, <https://www.nytimes.com/2021/07/10/opinion/sunday/white-newspapers-african-americans.html?referringSource=articleShare>.

Bridget R. Cooks, *Black Artists and Activism: Harlem on my Mind* (1969) https://www.jstor.org/stable/40644000?mag=how-Black-artists-fought-exclusion-in-museums&seq=1#metadata_info_tab_contents.

Cal Matters, What is Left of Confederate Monuments in California, <https://calmatters.org/multimedia/2020/07/whats-left-of-confederate-monuments-in-california/>.

Candace G. Hines, *Black Musical Traditions and Copyright Law: Historical Tensions*, 10 MICH. J. RACE & L. 463, 474 (2005) (citing Ortiz Walton, MUSIC: BLACK WHITE & BLUE; A SOCIOLOGICAL SURVEY OF THE USE AND MISUSE OF AFRO-AMERICAN MUSIC 2 (1972)).

Candace G. Hines, *Black Musical Traditions and Copyright Law: Historical Tensions*, 10 MICH. J. RACE & L. 463, 474-75 (2005).

Cecil M. Robeck, *The Azusa Street Mission and Revival: The Birth of the Global Pentecostal*

Movement, 2006, p. 18.

Christopher Ingraham, NCAA rules allow White students and coaches to profit off labor of Black ones, study finds, Washington Post,

<https://www.washingtonpost.com/business/2020/09/07/ncaa-student-athletes-pay-equity/>.

Clayton R. Koppes & George D. Black, *Blacks, Loyalty, and Motion-Picture Propaganda in World War II*, *The Journal of American History* 383 (1986).

Clifton B. Parker, Stanford big data study finds racial disparities in Oakland, Calif., police behavior, offers solutions, <https://news.stanford.edu/2016/06/15/stanford-big-data-study-finds-racial-disparities-oakland-calif-police-behavior-offers-solutions/>.

Coscarelli, *Hologram Performance by Chief Keef Is Shut Down by Police*, N.Y. Times (July 26, 2015) <<https://www.nytimes.com/2015/07/27/arts/music/hologram-performance-by-chief-keef-is-shut-down-by-police.html>> (as of Aug. 9, 2021).

Counts, *Retired Detroit Sergeant Recalls Telling N.W.A. They Couldn't Play 'F*** Tha Police' at 1989 Concert* (2015) MLive <https://www.mlive.com/news/ann-arbor/2015/08/former_detroit_sergeant_recall.html> (as of Aug. 9, 2021).

David Benjamin Oppenheimer, *Martin Luther King, Walker v. City of Birmingham, and the Letter from Birmingham Jail*, 1993.

Dennis, *The Music of Mass Incarceration* (2020) American Bar Association <https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2020-21/november-december/music-mass-incarceration/> (as of Aug. 9, 2021).

Documenting Racism in the USDA, <https://www.bloomsburycollections.com/book/documenting-racism-african-americans-in-us-department-of-agriculture-documentaries-1921-42/>.

Ellen C. Scott, *CINEMA CIVIL RIGHTS: REGULATION, REPRESSION, AND RACE IN THE CLASSICAL HOLLYWOOD ERA* 68 (Rutgers Univ. Press 2015).

Equal Justice Initiative, *Banning Books in Prisons*, <https://eji.org/news/banning-books-in-prisons/>.

Fischer, *2 Live Crew* (2009) First Amendment Encyclopedia <<https://www.mtsu.edu/first-amendment/article/1447/2-live-crew>>.

Garrett Felber, *Those Who Know Don't Say: The Nation of Islam, The Black Freedom Movement, and the Carceral State*, UNC Press, 2020.

Harmony Holdia, *A brief History of the Policing of Black Music*, Literary Hub, <https://lithub.com/a-brief-history-of-the-policing-of-Black-music/> (June 19, 2020).

Harriet Washington, *Medical Apartheid: The Dark History of Medicine from the Colonial Times to the Present*.

Hart, *Hip Hop Hologram: A Threat to Public Safety?* (2015) National Coalition Against Censorship <<https://ncac.org/news/blog/hip-hop-hologram-a-threat-to-public-safety>> (as of Aug. 9, 2021).

Hochman, *Compton Rappers Versus the Letter of the Law: FBI Claims Song by N.W.A. Advocates Violence on Police*, L.A. Times (Oct. 5, 1989) <<https://www.latimes.com/archives/la-xpm-1989-10-05-ca-1046-story.html>> (as of Aug. 9, 2021).

Holmes & Subsaeng, *When N.W.A. Terrified White America* (2017) Daily Beast <<https://www.thedailybeast.com/when-nwa-terrified-white-america>> (as of Aug. 9, 2021).

Hudson Jr., *Rap Music and the First Amendment* (2009) First Amendment Encyclopedia <<https://www.mtsu.edu/first-amendment/article/1582/rap-music-and-the-first-amendment>>

Jefferson, *Living the California Dream: African American Leisure Sites During Jim Crow Era* (2020) pp. 34-35

Jeffrey T. Sammons, *Beyond the Ring: The Role of Boxing in American Society*.

Jenna Romaine, Students fight back against book ban that includes Rosa Parks, Malala and Sesame Street, <https://thehill.com/changing-america/enrichment/education/572620-students-fight-back-against-book-ban-that-includes-rosa>.

Jennifer Schuessler, What Should We Do with the Bones of the Enslaved, <https://www.nytimes.com/2021/04/20/arts/design/museums-bones-smithsonian.html?referringSource=articleShare>.

Jennifer Schuessler, Your Ancestors Were Slaves. Who Owns the Photos of Them?, New York Times, <https://www.nytimes.com/2019/03/22/arts/slave-photos-harvard-lawsuit.html>.

Jessica Guynn, Facebook while black: Users call it getting 'Zucked,' say talking about racism is censored as hate speech, <https://www.usatoday.com/story/news/2019/04/24/facebook-while-Black-zucked-users-say-they-get-blocked-racism-discussion/2859593002/>.

Jon Griffith, *Sports in Shackles The Athletic and Recreational Habits of Slaves on Plantations*, <https://digitalcommons.chapman.edu/cgi/viewcontent.cgi?article=1024&context=vocesnovae>.

Jonathan Rothwell, et al, *The Black innovators who elevated the United States: Reassessing the Golden Age of Invention*, Brookings Institution, <https://www.brookings.edu/research/the-Black-innovators-who-elevated-the-united-states-reassessing-the-golden-age-of-invention/>.

Judith Thurman, Ann Lowe's Barrier-Breaking Mid-Century Couture, The New Yorker, <https://www.newyorker.com/magazine/2021/03/29/ann-lowes-barrier-breaking-mid-century->

[couture.](#)

K.J. Greene, *Copyright, Culture & Black Music: A Legacy of Unequal Protection*, 21 HASTINGS COMM. & ENT, L.J. 339, 340 (1999).

Khaled Beydoun, Antebellum Islam Special Tribute Issue: Title VII of the Civil Rights Act of 1964, *Howard Law Journal*, 146.

Kimberly Sambol-Tosco, *Education, Arts, & Culture*, SLAVERY AND THE MAKING OF AM., <https://www.thirteen.org/wnet/slavery/experience/education/history2.html> (last updated 2004).

Knopper, *The True Story of N.W.A. Playing “Fuck Tha Police” Live in Detroit* (2020) GQ <<https://www.gq.com/story/nwa-fuck-the-police-live-detroit>> (as of Aug. 9, 2021).

Lane Demas, *INTEGRATING THE GRIDIRON: BLACK CIVIL RIGHTS AND AMERICAN COLLEGE FOOTBALL* 28 (Rutgers Uni. Press 2010).

Los Angeles Times, Editorial: An examination of The Times’ failures on race, our apology and a path forward, <https://www.latimes.com/opinion/story/2020-09-27/los-angeles-times-apology-racism>.

Luis Alvarez, *THE POWER OF THE ZOOTO: YOUTH CULTURE AND RESISTANCE DURING WORLD WAR II* 6 (Uni. Cal. Press).

Lynn M. Hudson, *WEST OF JIM CROW: THE FIGHT AGAINST CALIFORNIA’S COLOR LINE* 50 (Uni. of Ill. Press 2020).

Madhulika Murali, *Shaping History: Monument-Toppling, Racial Justice and the Law* <https://itsartlaw.org/2019/12/02/shaping-history-monument-toppling-racial-justice-and-the-law/>.

Maryann Erigha, *What the Hollywood Jim Crow Looks Like Today*, <https://www.theatlantic.com/entertainment/archive/2019/02/what-the-hollywood-jim-crow-looks-like-today-oscars-2019-maryann-erigha/583453>.

Measure Violence and Abuse against Women on Twitter, <https://decoders.amnesty.org/projects/troll-patrol/findings>.

Miller, *July First Friday Postponed One Week Due to Police Concerns About July 4* (July 3, 2019) *East Bay Express* <<https://eastbayexpress.com/july-first-friday-postponed-one-week-due-to-police-concerns-about-july-4-1/>> (as of June 22, 2021).

Natelege Whaley, *We Aren’t Alone On TikTok, Black Girls Find Visibility—And Racist Hate*, <https://www.bitchmedia.org/article/Black-women-face-racism-on-tiktok>.

National Museum of African American History and Culture, <https://nmaahc.si.edu/blog-post/Blackface-birth-american-stereotype>.

National Parks Service, <https://www.nps.gov/articles/000/the-superpower-of-singing-music-and-the-struggle-against-slavery.htm>.

Pagán, *Murder at the Sleepy Lagoon: Zoot Suits, Race, and Riot in Wartime L.A.* (2003) p. 152-53.

Perry A. Hall, *African America Music: Dynamics of Appropriation and Innovation*
 Rhae Lynn Barnes, *Yes Politicians Work Blackface, It used to be all American Fun*,
https://www.washingtonpost.com/outlook/yes-politicians-wore-Blackface-it-used-to-be-all-american-fun/2019/02/08/821b268c-2b0d-11e9-b011-d8500644dc98_story.html.

Richard Perez Pena, *Settlement Over Artwork By an Ex-Slave*, *New York Times*,
<https://www.nytimes.com/1993/10/07/nyregion/settlement-over-artwork-by-an-ex-slave.html>.

Rick DelVecchio, *Cruising Crackdown Considered / Oakland hopes to trim Lake Merritt crowds*,
<https://www.sfgate.com/news/article/Cruising-Crackdown-Considered-Oakland-hopes-to-3036232.php>.

Robert Millar, *Racism is in the Air: The FCC's MANDATE TO PROTECT MINORITIES FROM GETTING SHORTCHANGED BY ADVERTISERS*.

The Intercept, *Black Identity Extremism*, <https://theintercept.com/2019/03/23/Black-identity-extremist-fbi-domestic-terrorism/>.

U.C.L.A Library Digital Collections, *Parkridge Country Club, Corona, 1925-1928*
 <<https://digital.library.ucla.edu/catalog/ark:/21198/z1zc9m24>> (as of June 23, 2021).

Volokh, *Police Shut Down Concert Because of Rapper Chief Keef's Hologram Appearance – First Amendment Violation?*, *Wash. Post* (July 26, 2015)
 <<https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/07/26/police-shut-down-concert-because-of-rapper-chief-keefs-hologram-appearance-first-amendment-violation/>> (as of Aug. 9, 2021).

Wanna Thompson, *How White Women on Instagram are Profiting off Black Women*,
<https://www.papermag.com/white-women-Blackfishing-instagram-2619714094.html?rebelltitem=10#rebelltitem10>.

Whites Only Rule Dropped by Elks, <https://www.nytimes.com/1973/10/03/archives/whiteonly-rule-dropped-by-elks-membership-for-all-races-wins-41-in.html>.

Winton, *Suit Accusing Coach of Racism Stirs Bitter Memories of Pool's Past*, *Los Angeles Time*
 < <https://www.latimes.com/archives/la-xpm-2001-apr-16-me-51719-story.html>> (as of July 6, 2021).

LABOR

I. Introduction

- A. There is a long history of Black workers in the United States—including California—being subjected to differential, racially discriminatory mistreatment and being denied the protection of laws intended to protect workers.
- B. Slavery is only the first chapter in this history, and the horrific institution set a precedent for centuries of maltreatment that followed.
- C. As of 2017, Black men earn about 70 percent of what their white counterparts earn; Black women earn about 82 percent of what white women earn. These figures have decreased dramatically from where they were in 1979: 80 percent and 95 percent, respectively.
- D. Before the Civil War, even nominally free Black workers were not truly so. Black workers in the South were restricted primarily by law. In the North, they were restricted primarily by racist employment practices and the practices of white workers who saw them as economic competitors.
- E. Following the Civil War, Congress enacted laws and programs intended to integrate Black Americans more fully into society as equal citizens, including in the area of employment. But these programs were weakened in implementation and abandoned completely within a matter of years under political pressure from Southern politicians sympathetic to a racist culture that persisted even after the legal abolition of slavery.
- F. The North and South soon developed a white-supremacist consensus that downplayed the value of Black labor and restricted the opportunities of Black workers more severely than ever. Where government did not actively suppress or exploit Black workers, it turned a blind eye to those who did.
- G. Industrialization and the World Wars provided new opportunities for Black workers to expand the fields in which they were permitted to work, but new opportunities were consistently coupled with restrictions, segregation, and threats to health and safety.
- H. Government has run the gamut in its efforts with respect to Black working conditions and opportunities: from actively harming Black workers, as under Jim Crow; to exclusion and neglect, as with many New Deal programs; to actively regulating Black employment, as with Title VII and affirmative action.
- I. The two watershed moments that saw the greatest progress for Black workers—emancipation and the civil rights era—were followed immediately by violent repression. Emancipation was followed by Jim Crow and a restriction on Black labor opportunities to fewer than had been available before the Civil War in some cases. Likewise, while the civil rights era brought Title VII, affirmative action, and a relatively egalitarian civil service—all of which combined to narrow the wage and

working condition gaps more than ever before—it was immediately followed by efforts to gut the most effective government programs.

- J. While California’s history includes discriminatory misconduct similar in kind to that found throughout the rest of the nation, there are significant differences largely owing to the fact that Black Americans accounted for around 1 percent of the state’s population until World War II. Nevertheless, Black workers in California suffered discriminatory treatment across the state, and California lagged behind other states in providing explicit legal protections from race discrimination in employment.

II. Slavery

- A. The story of Black workers and American labor begins with slavery, which is discussed in more detail [insert reference to Institution of Slavery section]. Supported by local, state and the federal government, enslaved people were twice exploited: with their unpaid labor, they enriched white America in the form of picked cotton, clean and sturdy buildings, and care for white children. As their bodies were sold for profit, Black Americans enriched white slave traders and insurance companies. Black women were exploited in a third way: as producers of more Black enslaved workers, who grew up to be sold and used. The United States government collected taxes on all of this.
- B. California was admitted as a state to the United States in 1850, as part of the Compromise of 1850, which also included enactment of the federal Fugitive Slave Law. The Compromise of 1850 was intended to balance anti-slavery interests, which sought the admission of non-slave states like California, with pro-slavery interests, which sought strengthened fugitive slave laws to protect the “property rights” of enslavers. While a free state, California passed its own fugitive slave law in 1852, and the law remained in force for three years, preventing courts from recognizing the freedom of persons enslaved in other states but who escaped to California. Even after the law expired in 1855, some Californians continued to hold enslaved persons unlawfully.

III. Laws Limiting Black American’s Employment Opportunities

A. Black Codes

- 1. Black codes were passed in the North and the South to govern the conduct of free Black Americans, before and after the Civil war. The objective was to maintain Black Americans as an underclass by restricting their freedom, and compelling them to work in menial jobs and for little pay.
- 2. Free Black Americans posed a threat to the institution of slavery and the racial hierarchy it represented. Southern states enacted a broad range of laws intended to prevent all Black Americans from enjoying the freedoms of their white counterparts even though they were nominally free. This maintained the hierarchy reflected in slavery even outside of the institution of slavery.

- a. Savannah required free Black Americans who settled in the city to pay a \$100 fee. Male violators of the law were required to do 100 days of labor, while women were required to complete 125 days.
 - b. In 1822, New Orleans passed a law banning non-white workers from municipal employment.
 - c. In 1850, Virginia enacted a law expelling all emancipated enslaved persons from the state.
3. States in the North and Midwest also imposed restrictions on the ability of Black residents to serve on juries, access social services, contract with white persons, and move from state to state, severely restricting their economic opportunities.

B. Re-enslavement

1. One example of Black codes were vagrancy laws. Relying on the Thirteenth Amendment's provision for involuntary servitude to be imposed as punishment for a crime, southern states and localities developed a system of turning convicted criminals into *de facto* enslaved persons. This system of involuntary servitude grew increasingly elaborate and implicated numerous private businesses and government officials at every level. This system is discussed in [insert reference to Justice System chapter].

C. Jim Crow Laws

1. Between the late 1860s and early 1870s, radical Republicans enacted laws intended to protect the rights of Black workers, including the rights to change employers, change locations, and to keep a portion of the crops grown as sharecroppers. But these laws were soon replaced by a return to the harshest anti-Black worker policies, including vagrancy, wage contract, and sharecropping laws.
2. From the late 19th to the middle of the 20th centuries, southern (and, to a lesser degree, northern and western) states enacted "Jim Crow" laws that restricted the ability of Black Americans to move freely through society. These laws affected voting, marriage, education, transportation, and access to public accommodations.
3. Some of these laws directly affected the material, economic conditions experienced by Black workers; for example, laws restricted the jobs Black workers could take. Other laws indirectly affected Black workers' economic conditions. For example, laws requiring segregated workplaces made it costlier for employers to hire Black workers, because employers would be required to add additional facilities, like restrooms, dining halls, or locker rooms, for workers to use. Even if an employer wanted to hire

Black workers, they might be dissuaded by increased costs associated with complying with Jim Crow laws.

4. As Mehrsa Baradaran observes, Jim Crow laws “proliferated and governed all social interactions between the races. Doors and walls were painted with ‘white only’ signs and different entrances were created at public venues, worksites, and common spaces. A typical code was the South Carolina law that prohibited textile workers from working in the same room or using the same entrances, exits, pay windows, doorways, stairways, or windows at the same time as Black workers. white bathrooms, drinking fountains, glasses, and buckets were not to be used by Black Americans at any time.”

D. California

1. The California Constitution of 1849 banned slavery, but enslaved persons continued to be held within California through the 1850s because state officials refused to enforce the constitutional provision.
2. While Californians generally opposed slavery, they often supported other forms of discrimination against Black residents. “Between 1849 and 1860 successive antebellum California legislatures built what Malcolm Edwards has called ‘an appallingly extensive body of discriminatory laws.’” These laws limited voting rights, property rights, interracial marriage, and competence to testify in court or serve on a jury.
3. Most racially discriminatory employment laws enacted in California were targeted at Chinese immigrants rather than Black workers, as Chinese immigrants were much more numerous than Black Americans in California until well into the 20th Century.

IV. Discrimination in Work in the Absence of Government Protection: Cross-Industry Trends

A. Antebellum North and South

1. As discussed above, many Southern states established a comprehensive regime of “Black Code” laws placing severe restrictions on the employment opportunities available to Black workers. While such laws were less common in the North, in many ways Northern states were even less hospitable to Black workers—particularly in more skilled trades, as white Northerners limited Black Americans’ opportunities in order to limit the competitiveness of labor markets.
2. White workers in the North enforced a regime that effectively relegated Black workers to unskilled trades or to trades that white workers had abandoned.

3. De Facto Separate Labor Markets in the North

- a. By the time of the Civil War, there was a social division of labor in the North that excluded Black workers from rapidly expanding sectors of the economy like skilled factory labor. Black and white workers effectively operated in separate labor markets, in which white workers had access to a broader and more desirable range of positions, while Black workers remained relegated to more menial labor.
- b. Skilled Black artisans in the Nineteenth Century were forced to turn to general labor or else not have a means of earning a living. Observed Frederick Douglass: “Finding my trade of no immediate benefit, I threw off my carking habiliments, and prepared myself to do any kind of work I could get to do.”
- c. Skilled Black artisans who previously practiced their craft in the South but moved North in the Nineteenth Century found limited opportunities and complained that they “found every door closed against the colored man in a free state, excepting the jails and penitentiaries.”
- d. In the early Nineteenth Century, free Black workers were increasingly confined to a narrow range of jobs defined as “general labor” and “household and personal service.”
 - i. In the early Nineteenth Century, Black workers were increasingly concentrated in positions classified as “menial service.”
- e. One Virginia migrant, Martin R. Delany, wrote in his 1852 Black nationalist manifesto: “Our fathers are their coachmen, our brothers their cookmen, and ourselves their waiting men. Our mothers their nurse-women, our sisters their scrub-women, our daughters their maid-women, and our wives their washer-women.” Similarly, the early nineteenth century activist Maria Stewart pointedly asked, “How long shall the fair daughters of Africa be compelled to bury their minds and talents beneath a load of iron pots and kettles?”
- f. In the early Nineteenth Century, jobs sailing on the high seas or piloting boats on inland rivers that had previously been available to Black workers became less so as white employers ascribed less and less value to Black Americans’ labor.
- g. In 1832 white workers in Connecticut petitioned for restrictions on Black Americans’ employment to prevent competition.
- h. By the mid-Nineteenth Century, Irish and German immigrants were

displacing free Black workers as white customers and employers favored the foreign, but white, newcomers.

4. Black Workers Faced Violence in the North as a Result of white Competitive Resentment
 - a. Black workers suffered violent attacks by white workers who saw them as a threat; these included immigrants who identified with existing white interests against Black workers. The New York Herald appealed to Irish and German immigrant workers to oppose emancipation, because “the emancipation of four million slaves would flood the North ‘with free Negroes, and the labor of the white man will be depreciated.’”
 - i. The most violent attacks on Black workers were the New York City Draft Riots of 1863; between July 13 and 17, mobs of Irish immigrants and working class whites assaulted Black men, women, and children in public and burned down Black homes and organizations.
 - ii. Only one rioter, Virginia lawyer John U. Andrews, was federally prosecuted.
 - iii. All other prosecutions were handled by the New York County district attorney, who won 67 convictions, although few convicted rioters received long prison sentences.
 - b. Such episodes of violence are emblematic of the fact that hostilities threatening Black workers extended far beyond the formal legal regime of slavery and Black codes.
5. Contrary to Common Understanding, Opportunities for Black Workers in the North were Worse than in the South
 - a. In the nineteenth century, free Black workers in the South often were employed in a much wider range of skilled and manufacturing jobs than Black workers in the north. Black workers in the South were not seen as a competitive threat to the same degree as in the North—although that would change with the Civil War and Reconstruction, as Black Americans formally became the legal equals of white Americans in all U.S. jurisdictions, and as Black workers who had been excluded from labor unions found work with employers seeking to break labor strikes.
 - b. Even with competition from immigrants, free Black wage earners in the South were able to hold onto a higher proportion of skilled positions than free Black wage earners in the north. For example, in

1850 the number of free Black men reporting employment as artisans was between 12 and 18 percent in Washington, D.C., Baltimore, and Louisville, but the figure was over 60 percent in New Orleans and Charleston.

- c. By 1860, free Black men faced much lower employment in skilled trades in the North, where one in ten Black workers was so employed, than in Southern cities like Richmond (32%) and Charleston (76%).

B. Post-Civil War: Racist National Consensus

1. After Emancipation and the Civil War, as white Southerners began to view Black workers as a direct threat due to their ability to compete for work, the South quickly caught up with the North in terms of private enforcement of labor exclusions. (As discussed above, the South also implemented a broad range of legal restrictions in the form of Jim Crow laws.)
2. “[N]orthern and southern whites gradually developed a consensus on questions of race and labor. This racial consensus slowly bridged differences between regions and paved the way for the emergence of a white supremacist social order during the closing years of the nineteenth century.” Nationwide, whites adopted the belief that Black Americans were inherently inferior and should be subject to both legal and extra-legal or informal policies of inequality.
3. Transition from slave labor to wage labor in the South: Repudiation of Black Americans’ Skill and Ability
 - a. Following Emancipation, Black workers faced a systemic campaign by white workers to repudiate the existence of Black Americans’ artisanal skill, even though enslaved persons had often been forced to work in artisanal roles. Following the long-standing culture in the North of repudiating Black Americans’ ability at skilled labor to avoid competition for jobs, Southern white workers perpetuated similar myths.
 - b. Many freedwomen relied on the same skills that they had used as enslaved persons to earn a wage following the Civil War. While the overwhelming majority of women worked as field hands in cotton fields, others took work making use of their cooking, gardening, dairying, and poultry-raising experience working in Southern households.
 - c. One man, who had moved to Chicago as part of the Great Migration, described the conditions faced in Mississippi, where, even with slavery formally abolished, Black women were still obligated to labor for white people at any moment for a low wage:

- i. “They were never allowed to stay at home as long as they were able to go. Had to take whatever they paid you for your work.”
 - d. Many Black workers resisted the transition to wage labor, which they saw as a poor substitute for the opportunity to cultivate their own land on their own terms.
 - e. As under slavery, the economy of the South remained wholly dependent upon Black Americans’ labor. The *Macon Telegraph* admitted as much quite bluntly when it wrote, in response to the departure of Black workers during the Great Migration:
 - i. “We must have the Negro in the South. . . . He has been with us so long that our whole industrial, commercial and agricultural structure has been built on a Black foundation. It is the only labor we have; it is the best we have if we lost it we [would] go bankrupt.”
4. Unjust Working Relationships
- a. Following the Civil War, it became harder for Black workers to find fair working conditions because white Americans became more sophisticated in the means employed to underpay Black workers.
 - b. Black workers were victims of abusive and unjust working relationships, like sharecropping and unfair work contracts that prevented them from ever getting ahead.
 - i. Specific practices, like sharecropping, are discussed below.
5. Turn of the Century: Continuing pressure to remain in “general” labor positions nationwide
- a. Into the twentieth century, Black workers remained concentrated in menial positions—general labor and domestic and household service. “Most Black women continued to cook, clean, and wash for white families, hotels, and a variety of business establishments, and more Black men than white men worked as porters, janitors, teamsters, chauffeurs, waiters, and ‘general laborers of all kinds’ across the urban North, South, and West.” Escape proved virtually impossible as Black workers remained shut out of skilled and managerial positions, as well as without access to aid of supportive labor unions.
6. Segregation as a barrier to hiring
- a. While segregation directly impacted the ability of Black workers to

advance in positions and pay, it indirectly affected prospects for Black workers to be hired and to maintain their jobs.

- b. Black workers were hampered by common hiring patterns, which relied on social networks, ethnic loyalties, and apprenticeships. “Some firms hired on the basis of kin connections or ethnic loyalties among workers, or between workers and bosses; others relief on union-sponsored apprenticeship programs more akin to fraternal organizations than employment bureaus.” Such patterns did not favor entry of Black workers into new workplaces or industries.
- c. Employers of Black workers also faced the cost of maintaining the facilities necessary to have a legally compliant segregated workforce under Jim Crow, although these costs might be offset by paying Black workers at a lower rate.

C. Great Depression

1. Because Black workers already clustered precariously at the bottom of the labor hierarchy, principally in agriculture and domestic service, and industrial sectors, they were the first and often hardest hit as the economy collapsed, eliminating countless jobs and creating “an unequal form of interracial competition for the ones that remained. Concentrated in the marginal occupations of sharecropping, private household service, and unskilled factory work, many Black women’s jobs had, by 1940, ‘gone to machines, gone to white people, or gone out of style,’ in the words of activist-educator Nannie Burroughs.”
2. Tellingly, Black women’s participation in the labor force dropped from 42 percent in 1930 to 37.8 percent in 1940, despite the increasing need of Black families to earn wages—the drop demonstrates the lower employment opportunities available to Black workers as the Great Depression progressed.
3. Perversely, some Black workers kept or obtained jobs during the Great Depression as a consequence of racist pay disparities. Financially strapped employers would replace white workers with Black ones because they could pay lower wages. Jacqueline Jones observes the example that “some railroads fired white ‘stewards’ and replaced them with Black ‘waiters in charge,’ men who did the same work as the whites, but for less than half the pay.”
4. Black women working in domestic service encountered new and degrading forms of exploitation at the hands of white employers during the Great Depression. Black domestic servants who lived in their employers’ households had their wages cut, were charged for room and board, or were forced to accept longer hours on duty. Day laborers faced

even greater exploitation. Some women in the South were paid only with lunch or carfare for a day's work. Black workers in the North didn't fare much better. As historian Jacqueline Jones observed, "In 1932 Philadelphia domestics earned \$5.00 to \$12.00 for a forty-eight- to sixty-seven-hour work week. Three years later they took home the same amount of money for ninety hours' worth of scrubbing, washing, and cooking (an hourly wage of 15 cents)." These dramatically decreased wages drove Black women and their families deeper into poverty. As one Pittsburgh woman observed, "There are so many people out of work that I am sure I can find a girl for \$6.00 a week."

D. Post-War: Jim Crow Regime Continues

1. Strides made by Black workers in connection with opportunities during World War II did not continue into the post-war era. As historian Joe Trotter observes, "[w]ithout the counterweight of the [Fair Employment Practices Committee] and the emergency of wartime mobilization, Jim Crow advanced into the postwar era and deepened the racially divided job and housing markets." While racially integrated organized labor had made significant advancements between the wars in mass production industries, their collective bargaining agreements called for departmental rather than plant-wide seniority systems, which had the effect of trapping Black workers in "dead-end job classifications" with no opportunity to move into more desirable departments with better opportunities—perpetuating the "racial job ceiling."
2. In the years following World War II—for the first time in U.S. history—Black Americans' unemployment reached double the rate of white unemployment. Urban Black Americans' unemployment reached nearly triple the rate of white workers.

E. California

1. Although Black Americans were present in California going back to the Spanish conquest era, they made up only around one percent or less of the population of California until 1920, and under two percent until the 1940s.
2. Despite their small numbers, Black workers were integral to the development of three key California industries prior to World War II: mining, lumber, and agriculture.
 - a. Black miners labored in a hostile environment, as demonstrated today by derogatory names still used for locales in the mining region of California. Lacking the right to testify in court, Black miners were vulnerable to legal challenges and encroachments on their mining claims.
 - b. Black mill workers played a significant role in the lumber industry

from 1920 to 1960. Experienced Black workers were actively recruited from the South to staff California mills. Although vital to their employers, Black workers were paid less than their white counterparts and prohibited from undertaking supervisory duties.

- c. In the late nineteenth and early twentieth centuries, Black workers were recruited from the South to work farms in the San Joaquin and Imperial Valleys. Many Black farmworkers were resistant to racist mistreatment and also sought to establish themselves as entrepreneurs, skilled workers, or yeoman farmers rather than just contract laborers. As a result, the California farm industry's owners came to favor Mexican nationals and other non-white immigrants workers over Black workers.
3. In the early twentieth century, Black workers fared worse in the West than in the North. By 1930, over 50 percent of Black men were working in the industrial sectors of the Northeast and Midwest, but no more than 30 percent in the West. While industrial jobs often had significant downsides for Black workers, as discussed below, they offered better pay than unskilled positions.
 - a. Black workers were excluded from the West Coast petroleum industry in both drilling and refining.
 - b. Black workers also were excluded from the Los Angeles film industry.
 - c. West Coast manufacturing sites were often built in exclusively white areas, effectively making it impractical for Black workers to work there.
 4. California was home to the same kind of employment discrimination found in the rest of the country. The writer Chester Himes, who arrived in Los Angeles from Mississippi and Cleveland in 1941, later wrote that Los Angeles 'hurt me racially as much as any city I have ever known—much more than I remember from the South. Black Americans were treated much the same as they were in any industrialized city of the South.' Though widely skilled in carpentry, plumbing, electric wiring, brick masonry, and roofing, we was only able to put his training and talents to use in two out of 23 jobs he held in Los Angeles around the time of World War II.
 5. An important feature of Black workers' efforts to improve working conditions in California was the efforts of Black workers to build coalitions with other minority groups, labor unions, and sympathetic white Californians.

V. Governments Fail to Protect Black Workers

A. Post-Civil War Federal Statutes and Programs

1. In 1865, two months before the formal end of the Civil War, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly known as the “Freedmen’s Bureau,” to provide for the welfare of formerly enslaved Black Americans, including through “issues of provisions, clothing, and fuel, as [necessary] for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children,” according to the statute.
 - a. To this end, the Freedmen’s Bureau oversaw contract negotiations between formerly enslaved persons and their new employers—many of whom had previously held enslaved persons themselves. The Freedmen’s Bureau issued wage guidelines for Black workers, but these guidelines provided less pay for women regardless of their productive capacity.
 - b. The Freedmen’s Bureau encountered considerable resistance. In 1866, Congress passed a bill extending the Bureau’s existence beyond the originally allotted one year. Like the Civil Rights Act of 1866, Andrew Johnson vetoed the bill, which was only enacted once Congress overrode the veto.
 - c. Congress dismantled the Bureau in 1872, finally bowing to increasing pressure from white southerners.
 - d. Particularly from 1865 to 1867, white employers would often engage Black workers under contracts through the Freedmen’s Bureau’s wage labor agreement system, but the workers would receive little or nothing after deductions for supplies and rations.
2. The Civil Rights Act of 1866 was the first federal legislation banning discrimination on the basis of race. Originally vetoed by Andrew Johnson, who had succeeded Abraham Lincoln as president upon his assassination, the law was passed after Congress overrode the veto.
 - a. While the Civil Rights Act of 1866 formally banned race discrimination, it did not create any mechanism for enforcement, leaving Black workers with little recourse against discrimination until the passage of federal and state fair employment statutes in the mid-twentieth century.
3. The Civil Rights Act of 1875 was enacted in response to rampant anti-Black discrimination and banned discrimination in public accommodations, among other protections. The Supreme Court struck down the public accommodations provisions in 1883 in the *Civil Rights Cases*. In an 8-1 decision, Justice Joseph P. Bradley wrote for the Court that the Constitution—and specifically the Fourteenth Amendment passed

in the wake of the Civil War and Emancipation—did not empower Congress to regulate discriminatory conduct by private parties.

- a. In so holding, the Court further entrenched the false understanding that government played no role in enabling or preventing the discriminatory misconduct of private actors.
 - b. In the wake of the *Civil Rights* cases, some northern states enacted state laws guaranteeing full citizenship regardless of race or previous servitude.
4. Had the United States' post-Civil War civil rights legislation survived, the civil rights legislation of the 1960s, such as Title VII of the Civil Rights Act of 1964, might never have been necessary.

B. The New Deal

1. New Deal Protections Did Not Fully Extend to Black Americans
 - a. New Deal policies and programs often harmed, or at least failed to benefit, Black Americans. This was the case both with respect to their design at the national level and their implementation at the local level, both aspects of which catered to the racist interests of southern politicians at the expense of Black workers. Many, if not most, New Deal programs were crafted to exclude Black Americans from benefitting.
 - b. “There were two principal threats to the racially segregated southern political economy. First, initiatives that improved the economic welfare of Black Americans relative to whites threatened to reduce the economic dependence and subordination of Black Americans. . . . Second, centralized federal administration of any such programs, rather than local administration, threatened to disrupt the racist status quo of exploitation and inequality for Black Americans.”
 - i. Most Black workers in the South were employed in agriculture or domestic services. New Deal programs like the Fair Labor Standards Act were specifically designed to exclude these fields of employment in order to withhold protection from Black southerners.
 - ii. Legislators from the South, while wanting to increase the prosperity of their home region, were unwilling to support reforms that “might upset the existing system of racial segregation and exploitation of Black Americans.” Proponents of the New Deal, including President Roosevelt, determined that they had no choice but to compromise with Southern

Democrats seeking to preserve white supremacy, and so accepted language in the legislation that was formally race-neutral but had an effect similar to an outright exclusion of Black workers from New Deal programs.

- iii. New Deal programs linked benefits like health care, paid vacations, pensions, tuition benefits, social security, and unemployment benefits to employment with large corporations. The effect of such linkages was to worsen the position of Black Americans relative to their white counterparts, because Black workers were employed, disproportionately, in economic sectors left untouched by the New Deal, like agriculture, personal services, and casual labor.
- iv. Speaking of the Social Security Act, which incorporated and exacerbated many of the discriminatory exclusions found in other New Deal legislation, Charles Hamilton Houston observed that “‘from the Negro’s point of view,’ the [legislation] ‘looks like a sieve with the holes just big enough for the majority of Negroes to fall through.’”
- c. New Deal programs also harmed Black workers in their implementation, not just as written. For example, crop reduction programs, which sought to reduce the crop supply in order to raise prices, caused Black sharecroppers to lose their employment as they were no longer needed to farm crops. Around the same time, tractors replaced work previously done by sharecroppers by hand, and replacement jobs operating tractors were given exclusively to white workers.
 - i. “white administrators, especially those in southern states, used the federal resources at their disposal to reinforce the racial caste system; ‘The job is JIM CROWED, the commodities are JIM CROWED, the very air you breathe under the Adams County Mississippi [Emergency Relief Administration] is contaminated with the parasite of JIM CROWISM,’ wrote one exasperated Black man to the head of the Labor Department’s Division of Negro Labor in 1935.”
 - a) The Division of Negro Labor was established in 1934 by Labor Secretary Frances Perkins, an outspoken advocate of racial equality who sought to use the resources of the Labor Department to end racial discrimination. The Division of Negro Labor coordinated the Department’s activities on this front

and provided advice to Secretary Perkins.

- b) The Division of Negro Labor was one of several programs instituted by Secretary Perkins to focus the agency's efforts on alleviating the suffering of Black workers. As Henry P. Guzda, a Labor Department historian, recounts, Perkins "regarded the welfare of the Black worker as special to the Labor Department: she appointed her own adviser for Negro affairs, took steps to study the problems of Black workers, and arranged for employment bureaus for Black Americans. The Women's Bureau gave special attention to Black women workers and, similarly, the Children's Bureau became concerned with Black child labor."

2. Jobs Programs

- a. As part of the New Deal, the federal government implemented a series of programs designed to provide jobs to unemployed workers. While the laws creating these programs generally did not explicitly require or condone race discrimination, in their implementation New Deal jobs programs quickly came to reproduce the racist attitudes of their administrators at various levels.
- b. Federal Emergency Relief Administration (1933) and Works Progress Administration (1935)
 - i. The Federal Emergency Relief Administration (FERA) funded state and local government programs that provided more than 20 million jobs, including in public works programs and the arts. It was shuttered in 1935 and replaced by the Works Progress Administration (WPA).
 - ii. FERA discriminated in spending funds, decisions about which jobs workers were permitted to take, and wages. This discrimination largely occurred at the local level, where administrators used their discretion to provide differential treatment based on race.
 - a) One FERA worker said that "he had to tailor relief . . . to accommodate the demands of southern plantation owners for cheap farm labor by curtailing [the level of] relief payments to agricultural laborers and sharecroppers."

- iii. The WPA continued the racist and sexist practices that had plagued FERA, particularly in the South, where local administrators abused the government program to serve private interests at the expense of Black workers. As one scholar observed:
 - a) “At times WPA officials (and welfare administrators in general) served as recruiting agents for local planters who complained that they could not find enough hands to pick cotton and worm tobacco plants.”
 - iv. While the WPA was often racist in its differential treatment of workers, in many cases it still provided better opportunities for Black workers than were otherwise available. By 1939, the WPA employed roughly 425,000 Black workers—roughly one worker out of seven, and a higher proportion than in the overall U.S. labor force. Black workers had access to skilled positions, often at higher pay than would be available through private employment.
 - c. Civilian Conservation Corps (1933)
 - i. The Civilian Conservation Corps (CCC) was a public works program that provided jobs to unemployed, unmarried young men. More than two-and-a-half million men participated in the program, which provided them with wages (partly to be remitted to their families), on-site housing, and food. Roughly 250,000, or less than 10 percent, of participants were Black. The program remained in operation until 1942.
 - ii. In the South, the CCC segregated its residential camps and implemented racial quotas; it further permitted the implementation of local policies that excluded Black workers or relegated them to menial jobs.
- 3. National Industrial Recovery Act of 1933, National Labor Relations Act of 1935 (Wagner Act)
 - a. The National Industrial Recovery Act (NIRA) created the National Recovery Agency (NRA), which adopted industry-specific minimum wages and employment protections, but which discriminated against Black workers, such as by excluding protections for the industrial jobs disproportionately held by Black workers.
 - i. The NRA was required by NIRA to conduct hearings for the

purpose of gathering evidence upon which to base industry-specific codes for fair competition, including minimum wages and maximum hours. One scholar observes that “[r]acism is apparent in debates, occurring during the NRA code hearings, over whether the NRA should adopt an explicit racial differential allowing Black workers to be paid less than whites. Although the racial differential was not adopted, the NRA developed ostensibly race-neutral means—occupational and geographic classifications—that allowed employers to implement lower wages for Black Americans.” Adding further insult to injury, the codes were not adequately enforced, meaning what little protection was formally offered to Black workers was ultimately ephemeral.

- ii. Ira De A. Reid of the National Urban League wrote that “the Negro’s attitude toward the national recovery act is best reflected in the interpretation of initials given by one observer who called it ‘Negro Riddance Act.’”
 - iii. Business leaders proposed “wage codes ‘which shamelessly included grossly discriminatory provisions with reference to Negro labor. Most of the codes . . . provided . . . for a *differential wage rate of twenty to forty percent.*”
 - iv. 114 of the first 275 wage codes contained regional variations, which, the Joint Committee on National Recovery (a group composed of the NAACP, National Urban League, and other civil society organizations) argued, had the practical effect of creating racist pay differentials. States, like Delaware, were even inconsistently labeled “southern” to pay lower minimum wages if the employees in the industry within that state were majority African American. As Gustav Peck, Executive Director of the NRA’s Labor Advisory Board, wrote in 1934, “to the degree the southern rate is a rate for Negroes, it is a relic of slavery and should be eliminated.”
- b. The Wagner Act dramatically increased the power of organized labor but left racist union membership policies untouched, giving white labor more power to implement their existing racial biases—including the power to exclude Black workers from contract negotiations.
 - c. As discussed in greater detail in the Organized Labor section below, racist unions used their greater power to force companies to replace Black workers with white workers. However, until 1964, the National Labor Relations Board did not deny or revoke any union certification

on grounds that the union had denied admission to Black workers or relegated them only to a segregated adjunct unit. That year, the Board finally declared in *Independent Metal Workers Local 1 (Hughes Tool Co.)* that racial segregation could violate federal law governing the duties of unions to fairly and adequately represent their membership, a sharp turn from earlier decisions.

- i. The U.S. Supreme Court held in 1944 in *Steele v. Louisville and Nashville Railroad Company*, that unions were obligated to represent their members without discriminating on the basis of race, but it failed to provide Black union members with a mechanism for enforcing their rights against discriminatory unions.
 - ii. Black workers who endured discrimination by their unions were left with no practical way to circumvent a racist union. Even 31 years later, in *Emporium Capwell Company v. Western Addition Community Organization*, the Court held that employees who were subject to discriminatory conduct by their union could not circumvent the union to deal directly with their employer.
 - d. Nevertheless, the Wagner Act, along with Section 7(a) of the National Recovery Act, spurred considerable collective action by Black women in the 1930s. “Briefly stated, they guaranteed workers the right to organize and bargain collectively with their employers for the first time in American history.”
4. Agricultural Adjustment Act of 1933
- a. The Agricultural Adjustment Act was enacted to increase agricultural prices and reduce surpluses. It provided compensation to planters who grew fewer crops. At the time, sharecropping remained a widespread practice, and tenant farmers were expected to benefit from the government subsidies. However, there was no enforcement mechanism to compel planters to pay a fair share of government compensation to tenant farmers. Consequently, planters often failed to provide any portion to tenants, arguing that the funds should instead go toward tenant families’ accumulated “debts.” Others simply evicted the unneeded tenants. Black sharecroppers were left unpaid, homeless, or both.
 - b. Ira De A. Reid of the National Urban League wrote: “So far as the Negroes in the South are concerned the AAA [and other New Deal Agencies] might just as well be administered by the Ku Klux Klan.”

5. Fair Labor Standards Act of 1938

- a. The Fair Labor Standards Act (FLSA) was deliberately crafted to omit protection for Black workers by exempting employers in majority-Black industries like domestic services and agriculture from complying with the Act's requirements.
- b. Florida Representative J. Mark Wilcox voiced the racist concerns about an early, more inclusive version of the act that ultimately led to the FLSA's failure to protect many Black workers:
 - i. "You cannot put the Negro and the white man on the same basis and get away with it. Not only would such a situation result in grave social and racial conflicts but it would also result in throwing the Negro out of employment and in making him a public charge. There is not any sense in intensifying this racial problem in the South, and this bill cannot help but produce such a result."
- c. Employers of Black women in covered industries found ways to circumvent the worker-protection laws like the FLSA and managed not to abide by minimum wage or maximum hour requirements. For example, some steam laundries obtained exemptions on the basis of "labor scarcity," while other employers simply demanded the same amount of work in a shorter number of hours, allowing the employers to continue to pay the same rate for the same amount of work.
- d. The FLSA's discriminatory carve-outs remained in effect until the late 1960s and 1970s, when Congress amended the statute in response to activist pressure.

6. Tennessee Valley Authority

- a. Congress created the Tennessee Valley Authority (TVA) was created by Congressional Charter for the purpose of fostering economic development in the Tennessee Valley, which had been hit especially hard in the Great Depression. The TVA provided a wide range of jobs to local residents, including in construction, conservation, and social services. The TVA remains one of the largest utilities in the country.
- b. The TVA segregated workers on the basis of race, relegating Black workers to janitorial or low-level service positions that were lower-paid and with less opportunity for advancement than those available to their white counterparts.

C. Fair Employment Practice Committee

1. March on Washington Movement and Executive Order 8802

- a. Black workers became increasingly organized and vocal in their demands for government action to end workplace discrimination. Before the United States entered World War II, Black and interracial social justice organizations organized around a demand for desegregation of defense industry jobs in particular. Following a 1941 meeting of civil rights groups from across the country, activists formed the March on Washington Movement (MOWM) with the aim of using mass protest to desegregate the military and industrial workplaces that were integral to the war effort. Within six months, the MOWM had established headquarters nationwide, from San Francisco to New York.
- b. In May 1941, the MOWM newspaper, *The Black Worker*, announced the call for protest: “We call upon you to fight for jobs in National Defense. We call upon you to struggle for the integration of Negroes in the armed forces. . . . The Federal Government cannot with clear conscience call upon private industry and labor unions to abolish discrimination based upon race and color so long as it practices discrimination itself against Negro Americans.” By June 1941, potentially a hundred thousand or more Black workers from across the country were expected to march on Washington.
- c. The planned march alarmed President Roosevelt, who was unwilling to risk a mass protest in Washington, D.C., on the eve of the nation’s possible entry into war. On June 24, 1941, Roosevelt issued Executive Order 8802, which banned discrimination on the basis of race in government employment, defense industries, and training programs. The order also established the Fair Employment Practices Committee (FEPC) to receive and investigate complaints of race discrimination in violation of the order, including through public hearings.
- d. The planned March on Washington was called off following Roosevelt’s order, but the movement continued to pressure the government to enforce the order for the benefit of Black workers.

2. Federal Employment Practice Committee

- a. As discussed above, industries that were essential to the war effort— heavy industry, auto manufacturing, shipbuilding, shipping, and others—were home to rampant discrimination against Black workers with respect to access to better and higher-paid positions. The FEPC was created to police discrimination in those defense-related industries.
- b. The FEPC’s jurisdiction extended only to public-financed wartime

industries, and it lacked enforcement authority beyond informal conciliation efforts and the issuance of advisory opinions.

- c. The FEPC was disbanded in 1946. While in force, it had a limited but measurable effect, as Black Americans' employment in defense production jobs rose from less than 3 percent in March 1942 to greater than 8 percent in 1944. The FEPC integrated thousands of Black workers into jobs from which they had previously been barred, including skilled positions in electrical and light manufacturing and in new airline engine factories; they also began to break into "minor managerial and clerical positions in increasing numbers."

VI. Government Employment

A. Federal Civilian Service

1. Black workers were routinely excluded from federal employment until 1861, when a Black clerk was appointed in the United States Postal Service in Boston. While there was no blanket ban on Black workers in the nineteenth century, various officials were empowered to promulgate a patchwork of regulations forbidding their service. For example, earlier, in 1802 Black workers were banned from carrying mail for the U.S. Postal Service.
2. In 1913, President Woodrow Wilson promoted the segregation of much of the federal workforce, including the Treasury, the Post Office, the Bureau of Engraving and Printing, the Navy, the Interior, the Marine Hospital, the War Department and the Government Printing Office. The policy had effects that were both economic, like lower pay for Black workers cut off from better-paying jobs, and demoralizing, like the designation of separate toilets in the Treasury and Interior Departments.
 - a. The U.S. Postal Service was especially egregious in its implementation of a segregation policy under Wilson. Under Wilson, Postmaster General Albert S. Burleson segregated, demoted, or fired Black workers. All but one of the remaining workers was transferred to the dead letter office, and the remaining worker was surrounded by screens so that white workers would not be able to see him.

B. Military Service

1. Black soldiers have fought on behalf of the United States since before the United States existed. Both free and enslaved Black soldiers, from all thirteen colonies, fought with the Continental Army and state militias in the American Revolution.
 - a. Black soldiers fought mostly in racially integrated units, although the nation's first all-Black unit, the First Rhode Island Regiment, was

famously successful in defeating the British at the 1778 battle for Rhode Island.

2. In the War of 1812, Black soldiers served in both integrated and segregated units. While not formally permitted to serve in the Army, they made up a significant portion U.S. Navy forces. Indeed, approximately one quarter of U.S. sailors at the Battle of Lake Erie were Black. While many volunteer Black soldiers hoped that participation in the war would lead to greater opportunities, and indeed, many were explicitly promised freedom or equal opportunities in the future in exchange for their service, these promises never materialized. Rather, as Americans put the “forgotten war” out of their minds, the contributions of Black soldiers were forgotten as well.
 - a. It wasn’t only the United States that recruited Black soldiers; the British recruited them as well and promised freedom in and land in exchange for their service. Francis Scott Key’s “The Star-Spangled Banner”—the national anthem—contains a little-known verse now commonly understood by scholars to be a threat or admonition to Black soldiers who may have escaped slavery and joined the British cause in a bid for freedom and the means for self-support:

No refuge could save the hireling and slave
 From the terror of flight or the gloom of the grave,
 And the star-spangled banner in triumph doth wave
 O’er the land of the free and the home of the brave.

3. Black Americans were even less welcome to fight on behalf of the Union in the Civil War, and when they were permitted to enlist, it was out of necessity rather than motivations of justice, as significant prejudice persisted in the nation’s military and political leadership. It wasn’t until 1862 that Congress permitted Black Americans to enlist, and even then only “in the construction of entrenchments and provision on camp services ‘or any war service for which they may be found competent.’” Black Americans finally were admitted to military service following the Emancipation Proclamation in 1863, and they quickly took up the opportunity. Nearly 200,000 Black soldiers, roughly half of whom were former enslaved persons from Southern states, served in the Union Army.
 - a. But once again, Black soldiers did not find equal treatment through their sacrifices. They remained segregated in many situations, had fewer opportunities to advance to the ranks of officers, received less pay than their white counterparts until 1864, and were disciplined far more severely.

- b. Black soldiers took home net pay of \$7 per month, compared to \$13 per month for white soldiers.
 - c. Black soldiers faced a higher mortality rate than their white counterparts, largely due to racist differences in medical care on the battlefield. One study observed that 18 percent of Black servicemen were killed by disease compared to 8 percent among the full Union Army.
 - d. Second Lieutenant R. H. Isabelle, who had been the target of a purge of Black officers, resigned in disillusionment in 1863, stating that he “joined the United States army . . . with the sole object of laboring for the good of the union supposing that all past prejudice would be suspended for the good of the Country and that all native born Americans would unite together to sacrifice their blood for the cause as our fathers did in 1812 & 1815,” but he found that “the same prejudice still exist[s].”
 - e. Private Nimrod Rowley wrote to President Abraham Lincoln in 1864 complaining of unequal opportunities and conditions: “Instead of the musket It is the spad[e] and the Whelbarrow and the Axe cutting in one of the most horable swamps in Louisiana stinking and misery.”
4. President Lincoln observed in 1865 that “without the military help of the Black freedmen, the war against the south could not have been won.”
 5. Black soldiers continued to serve in the armed forces under segregated and unequal conditions. By World War I, Black men served fully in proportion to their population: 380,000 Black soldiers out of 4 million total.
 - a. Between 1906 and 1917, Congressmen from Texas unsuccessfully sought to pass legislation barring Black Americans from any form of military service.
 - b. During World War I, Black men volunteered to serve in eight all-Black Army regiments but remained strictly segregated from their white colleagues. Jacqueline Jones recounts that “[a]t mealtimes, Black officers took their place at the table only after white infantrymen had finished eating[,] found themselves issued discarded Civil War uniforms, or [were] forced to sing spirituals for the amusement Allied audiences.” According to one Black soldier, “The spirit of Saint-Nazaire [where he was stationed in France] is the spirit of the South.”
 6. Racial discrimination in the military persisted into World War II and beyond.
 - a. On July 17, 1944, 320 Navy sailors, including 202 Black sailors, were killed in a munitions explosion on board the SS E.A. Bryan, which

was docked in Port Chicago, California. A result of unsafe practices forced upon their superiors in the interest of saving time, the explosion was by far the worst disaster on U.S. soil during World War II, causing damage even 48 miles away in San Francisco. A month later, 258 Black sailors refused to resume loading munitions in light of unresolved safety concerns. 208 of these sailors were court-martialed, and fifty—the “Port Chicago 50” were charged with mutiny. While none were sentenced to death (a possibility if convicted of mutiny), most of those charged with mutiny were convicted and sentenced to between eight and fifteen years of hard labor. In January 1946, everyone charged was granted clemency.

- b. In 1944, the Congress passed the Serviceman’s Readjustment Act of 1944, commonly known as the “G.I. Bill.” The G.I. Bill included provisions to provide financial assistance for homeownership, opening small businesses, and education, but it left implementation largely to state and local government still operating under Jim Crow laws and provided no mechanism for overcoming racist practices like redlining. As a result, its benefits were not fully realized for returning Black soldiers. For discussion of the role of Veteran’s Administration in implementing and maintaining housing segregation, see the Housing section. For a discussion of the VA’s role in education discrimination, see the Education section.
7. Four years later, in 1948, the armed forces were ordered fully integrated. However, no provisions existed for helping separated Black soldiers to reintegrate into a still-racist society, preventing Black soldiers from carrying forward the benefits of military integration into their post-service lives.
8. Moreover, while the military was formally integrated, rampant racial discrimination persisted. For example, the Army did not begin in earnest to integrate its forces until the Korean War, when demand for additional troops meant that the Army had no choice but to send Black troops to replace white troops killed or injured in battle. Segregated all-Black Army units persisted until 1954. In the Marines, full integration did not occur until 1960.
9. Even as lower-level troops were integrated, leadership remained almost exclusively white. As late as 2020, of the 41 officials holding four-star rank, only two were Black.
10. As the United States moved to an all-volunteer military following the Vietnam War, Black soldiers enlisted at a much higher rate the white ones, leading Black Americans’ representation in the military to be roughly twice their representation in the U.S. population at large.

C. California

1. Up until World War II, Black workers were absent from many occupations in San Francisco, with no Black worker employed as a public school teacher, police officer, firefighter, bank teller, bus or cab driver, or streetcar conductor in the city before 1940.
2. During World War II, San Francisco discriminated against Black workers in public employment. There were no Black streetcar workers until 1942 (with Maya Angelou being one of the first), but within two years there were over 700 Black platform operators.
3. When the Bay Area Rapid Transit was built in 1967, no skilled Black workers were hired. The NLRB-certified unions did not admit Black members, and BART, though a government agency, refused to use its power to insist on non-discrimination policies by the unions.
4. In 1970, Pasadena earned the distinction of the first city outside of the South under a federal court order to desegregate its schools. The district court concluded that Pasadena schools had discriminated both in its placement of students and in its allocation of teachers. As the court observed, the district's failures to comply with its own integration policies had occurred "in connection with the teacher assignment, hiring, and promotion policies and practices of the District, its construction policies and practices, and its assignment of students." Predominantly white private schools proliferated in the city shortly thereafter.
5. Public-sector work has provided significant opportunities to Black workers, as compared to their private-sector counterparts—including in California. Even still, Black workers continue to encounter barriers to career advancement and higher pay.
 - a. As of 2018, Black workers account for 9.8 percent of California's state civil service, compared to 5.3 percent of the state's labor force and 5.5 percent of the population. However, that 9.8 percent share is disproportionately concentrated in lower salary ranges; Black civil servants represent 12.6 percent of employees earning \$40,000 or less but only 5.7 percent of workers earning more than \$130,000.

VII. Unimpeded Discrimination in Specific Industries

A. Sharecropping/Tenant Farming

1. The late 1860s saw the emergence of the sharecropping and tenant farming system, seen as a "compromise" between "planters determined to grow more cotton and Black Americans determined to resist the old slave ways." Sharecropping would last into the 1940s, as the Great Depression, mechanization, and other factors made it less economically viable for the

planters.

2. A sharecropping or tenancy arrangement typically involved Black workers and tenants paying rent to a white farmer while living and working on the rented land. The Black tenant farmers were kept in a “constant state of debt” and so unable to achieve economic mobility. The tenant farmers purchased supplies—including seed, fertilizer, and tools—on credit from plantation stores that attached significant markups to the supplies and charged usurious interest rates, further locking the tenant farmers into a permanent state of debt. Tenants were required to pay off all debts before leaving the farm, and landlords enforced these requirements with threats of violence and capture.
3. By the 1870s, the dominant sharecropping arrangement called for a 50 percent share of the crops grown to be given to the landlord. However, tenants were obligated to buy or lease supplies and equipment from the landlords or merchants, often on unconscionable terms. As a result, tenants often ended a season in debt rather than with any share of the crops they had grown.
4. “Moses Burge, whose father was a sharecropper in Georgia, explained, ‘We went barefooted. My feet been frostbitten lots of times. My dad couldn’t afford to buy no shoes. He’d get in debt and he’d figure every year he going to get out . . . [then] they’d tell you, “You bought so and so.” They get through figuring it up you lacking \$100 f coming clear. What the hell could you do? You living on his place, you couldn’t walk off.’ Nor could he dispute the debt for fear of violence or worse.”
5. Contracts were executed every calendar year; families might seek out a new employer if they weren’t in debt to the existing employer.
6. Sharecropping transformed race and class dynamics in the South. “The linking of personal financial credit to crop liens and the rise of debt peonage enforced by criminal statutes guaranteed a large, relatively immobile labor force at the expense of economic and social justice.” Sharecropping was such a successful system of exploiting Black workers that it grew to affect a substantial number of white workers as well.

B. Domestic services and Black women’s work

1. Subjected to the double-bind of racism and sexism, until well into the twentieth century Black women could generally only secure employment at the bottom of the pay scale doing so-called women’s work “(or rather, in the South, traditional Black women’s work)” —namely domestic services for white employers. Even though, in both the North and the South, Black female labor participation rates were double those of American-born white women and triple those of immigrant women, Black

women were largely relegated to the least desirable jobs. During the first half of the twentieth century, the number of white female domestic workers fell from 1.3 million to 542 thousand, while Black women went from accounting for 30 percent of household workers around 1900 to about 60 percent of household workers at the end of World War II.

C. Industrialization

1. The Great Migration and move to industrial labor
 - a. During the First World War, Black workers began to make headway in previously white workplaces and industries. Black men took blue collar jobs previously held by immigrants who had shifted employment to the war effort; Black women took jobs previously held by white women and boys.
 - b. Approximately three million Black Americans moved from the South to the North and West during the first Great Migration, between the First and Second World Wars. Another five million followed between 1940 and 1980.
 - c. During the Great Migration, Black workers found new opportunities in expanding urban-industrial economies in the North and West. “While large numbers of Black men and women would continue to work as general laborers and domestic servants in private households as well as a growing number of trade and transportation enterprises, manufacturing employment gradually emerged as the dynamic center of the new Black workforce. Compared to jobs in the agricultural South, jobs in the industrial sector represented higher wages, better working conditions, and increasing access to previously all-white unions.”
 - d. A Black agricultural laborer in the South might earn four times their wages by becoming an industrial worker in the North.
 - e. Black workers increasingly gained a foothold in the railroad, shipbuilding, meatpacking, steel, rubber, and automotive industries. The national percentage of Black men employed in jobs—other than domestic service—classified as “skilled,” “semiskilled,” or “unskilled” increased from about 34 percent before World War I to about 43 percent in 1930. During the same period, the number of Black workers in the automotive industry increased from about 600 to about 26,000; in the steel industry, from about 17,000 to about 45,500; in the meatpacking industry, from about 5,800 to about 20,400. While Black workers remained disproportionately concentrated in general labor and domestic jobs even by the end of World War II, nearly 75 percent of Black Americans worked in skilled or unskilled non-farm jobs.

- f. The emerging automobile industry provided increasing opportunities for Black workers relative to what was available before, with the Ford Motor Company becoming “the nation’s foremost employer of industrial Black workers during the interwar years. Ford’s Black workforce rose from only 50 employees in 1916 to nearly 1,700 by the end of World War I.” Black workers at the firm had greater access to production and supervisory job opportunities than at any other industrial firm, although the company was far from an end to segregation.
- g. The racial job ceiling and ongoing abuse
 - i. While Black workers gained access to a broader range of work in industry that had previously been available, that progress into industries from which they had previously been excluded was stymied by the “racial job ceiling in auto, steel, meatpacking, and other mass-production firms.”
 - ii. “Even as African Americans made great gains in industrial jobs during the interwar years, managerial and labor policies insured the racial stratification of the urban workforce.”
 - a) Mill foremen were permitted to exercise arbitrary control over the workers below them, setting pay levels and hiring and firing in manner that perpetuated existing racial hierarchies.
 - b) While Ford provided Black workers with a greater range of job opportunities than most other employers, it nevertheless refused to employ Black workers at a level above general labor outside of the Detroit area.
 - c) In the steel industry, supervisors would arbitrarily fire Black workers and replace them with white ones.
 - d) In Chicago’s stockyards, Black workers were excluded from jobs as foremen; while they might be employed as subforemen, they would not be permitted to supervise white workers.
 - iii. According to Elmer Thomas, a Black packinghouse worker, meatpacking employers kept the ‘clean, easy, light’ jobs for white workers. Sam Parks, an employee at the Wilson Company, offered a similar observation: “No Negroes worked in them clean, good departments. Where Negroes

worked was the hog offal—that's where the guts and bowels all spill down. Hog kill, beef kill, beef offal, fertilizer department—those were the Black jobs in the plant.” “In Memphis and Houston, when employers classified African Americans performing identical work as whites as ‘helpers,’ they paid them uniformly lower wages than their white fellow workers. At the Firestone Company’s Memphis plant, one Black employee, Fred Higgins, a Black employee of the Firestone Company’s Memphis plant, noted the racial stratification of the company’s workforce: “You’d be classified as a “helper,” but you’d be doing all the work. The white man would get the high wage . . . [but] he’d just be sittin’ there watchin’.”

- iv. Unlike their white counterparts, Black workers were often relegated to jobs that not only paid less and had diminished opportunities for advancement, but that were far more physically dangerous. Black workers were trapped in “the most difficult, dirty, and hazardous jobs, described by some historians as the ‘occupational ghetto.’” The harm to their health and safety likewise harmed the wellbeing of the workers’ families and communities.
 - a) According to historian Richard Walter Thomas, while Ford gave Black workers some of their strongest employment opportunities, ‘its foundry was a deathtrap for Black workers. The lack of safety equipment, poor ventilation, and speed-ups all contributed in one way or another to the deaths of many Black workers.’”
 - b) One foundry worker described the condition of men why had just finished work at the foundry: ‘they were so matted and covered with oil and dirt that no skin showed. . . . The job was very rugged. . . . [We] couldn’t recognize him by his clothes or looks. The men working in his section would tell us where he was or we could tell a friend by his voice.’”
- v. The poet Claude McKay compressed the muted outrage of all Black workers: ‘Your door is shut against my tightened face / And I am sharp as steel with discontent.’”
- vi. Precisely which jobs were open to Black workers was often quite arbitrary and varied from employer to employer:

- a) “The boundaries between skilled and unskilled work represented a grey area where firms might or might not employ Black Americans. In 1923, in Baltimore, ‘There were plants employing Negroes for certain grades of work and others refusing to employ them on the similar processes. . . . Some of the plants have what they call ‘labor policies’ which summarily exclude Negroes as below the standard for workers; others with identical processes regard them as best fitted for the work.’”
- vii. By 1970, one fifth of autoworkers in Detroit were Black Americans, but Black workers remained all but completely excluded from higher-level positions. “In 1968, the Dodge Revolutionary Union Movement was formed to protest speed-ups on the assembly line and racism on the shop floor. Critical of both the UAW and management, a writer in the *drum* (the organization’s newsletter) charged: ‘(1) 95% of all foremen in the plants are white; (2) 99% of all the general foremen are white; (3) 100% of all plant superintendents are white; (4) 90% of all skilled tradesmen are white; (5) 90% of all apprentices are white . . . systematically all of the easier jobs are held by whites; (7) Whenever whites are on harder jobs they have helpers; (8) When Black workers miss a day they are required to bring 3 doctors’ excuses as to why they missed work; (9) . . . seniority is also a racist concept, since Black workers were systematically denied employment for years at the plant.’”
- h. Women in industrial work
 - i. It was not only Black men who sought and obtained industrial jobs in the North and West in order to escape the oppression of the South. Black women migrating from the South “eagerly sought factory jobs that paid more money for shorter working hours and lacked the social stigma attached to domestic service.”
 - ii. According to historian Jacqueline Jones, “[w]hen [non-domestic] kinds of jobs did become available, Black women rarely hesitated to pursue them, though this fact is hardly reflected in occupational statistics for the first three decades of the twentieth century. For example, less than 3 percent of all Black working women were engaged in manufacturing

compared with 21 percent of foreign-born and 38-percent of native-born white working women. By 1930 the comparable figures were 5.5 percent of gainfully employed Black women (100,500 out of 1,776,922), 27.1 percent of foreign-born, and 19 percent of native-born white women.”

- iii. Earnings differentials for Black women in factory jobs were significant. Around the time of the Great Depression, for every dollar earned by a white man, a Black woman earned 23 cents.
- iv. Black women toiled in defense industry jobs, among other work, while also taking care of families while their husbands fought in World War II. “Writing in *Opportunity*, the magazine of the National Urban League, Leatha Hackshaw demonstrated the twin impulses of outrage and determination when she wrote in April 1943, ‘We brown women of America need victory so much, so desperately. We must prove it to white Americans as well—that our country can’t get along without the labor and sacrifice of her brown daughters.’”

2. Decline of Black American urban industrial class

- a. Compounding government action in housing segregation, employment discrimination took on a new dimension over the next 50 years to decimate Black American-held industrial jobs. Manufacturers closed urban locations near Black workers and replaced them with sites in the suburbs, where government segregation prohibited Black Americans from living. While many factors contributed to urban deindustrialization, American policies promoting the development of the suburbs [as discussed in housing] and clearing the way for the transfer of jobs overseas were essential to this change.
- b. Following World War II, large industrial workplaces moved from urban centers, where many Black workers had been located, to predominantly white suburbs. In so moving, industrial employers followed white workers, who were increasingly relocating away from urban centers to the suburbs, spurred on by government incentives.
 - i. For example, the Ford Motor Company moved all automobile production formerly sited at its River Rouge plant—at the time, the largest employer of Black workers in the Detroit region—to facilities in suburban Brook Park, near Cleveland, and Dearborn, outside of Detroit. Michigan’s *Labor Market*

Letter observed the ‘creation of a very large and alarmingly consistent list of long-term unemployed’ Black workers in the region.

- ii. Meatpacking firms closed plants in central Midwestern cities, moving to new facilities in white suburbs and the countryside.
- c. By the early 1990s, the Black urban industrial working class had nearly disappeared nationwide. Cities that had offered Black workers industrial jobs saw precipitous declines in the manufacturing sector between 1967 and 1987: in Philadelphia, a 64 percent decline (160,000 jobs); in Chicago, 60 percent (326,000 jobs); in New York, 58 percent (over half a million jobs); and, in Detroit, 51 percent (108,000 jobs).
- d. As a result of urban deindustrialization, the number of Black Americans living in poverty increased from 3.1 million to 5.4 million, or 74%, between 1969 and 1982, compared to 52% for inner-city white Americans.”

D. Underground economies

- 1. Since emancipation, denied other opportunities, many Black workers found work in the underground economies of major cities, working in bars, dance halls, gambling houses, and prostitution.
- 2. Black women were disproportionately coerced into sex work by the lack of better opportunities elsewhere.
 - a. In 1917 New York City, a 29-year-old woman explained pressure to enter sex work based on the disparity between sex workers and household service workers. “A sex worker often earned \$3 or \$4 ‘from every man,’ while a laundress made \$6 for an entire week of hard labor.”
 - b. Historian Cynthia Blair observes that “the growing numbers of Black women of working age who could find no suitable employment in Chicago’s wage economy explains why more Black women worked in the sex industry in the 1920s than in earlier decades.” As a further consequence of discrimination, Black women experienced disproportionately greater rates of arrest than white women.
- 3. “Predictably, the physical concentration of urban vice gradually created disproportionate numbers of Black sex workers. The ‘incentives’ for young women to make their living this way were largely negative ones—inability to support oneself by other means and force exerted by a pimp.”

4. Black women continue to be subjected to sex trafficking at a disproportionately higher rate than white women—40 percent of all trafficking victims were Black Americans, (compared to 26 percent white) according to U.S. Department of Justice for 2008-10. Black Americans make up 14 percent of the U.S. population and white Americans make up over 75 percent of the population. Black women continue to be arrested and criminalized in a disproportionate way: in San Francisco, Black women were arrested 31 times more often for prostitution than women of other races.

E. California

1. The World War II era saw a significant influx of Black workers and residents. As the number of Black residents increased in cities like San Francisco and Los Angeles, Black workers not only increased in number, but also began to move into professions from which they had previously been completely excluded.
 - a. The example of San Francisco is instructive. Migration during World War II and dramatic growth in the number of jobs available to Black workers facilitated the formation of a Black working class in San Francisco. At the same time, white collar employment became available to Black workers as well. These developments were a significant change from the period between 1910 and 1940, when Black workers had significant difficulty entering skilled and semiskilled job sectors, and made even fewer breakthroughs into white collar employment. Recounts Albert Broussard, “[n]ot a single Black public school teacher, policeman, fireman, bank teller, bus driver, cab driver, or streetcar conductor could be found in San Francisco before 1940. African American men and women informed the NAACP between 1915 and 1939 that they regularly were denied positions as department store clerks, secretaries, and accountants because of de facto racial restrictions.” Some San Francisco hospitals even barred the hiring of Black physicians into the 1950s. And, according to a 1940 survey of major plants, only 56 of 38,000 employees surveyed were Black.
 - b. Black workers were often excluded from public or quasi-public employment as well. In 1940, only four of Pacific Gas and Electric’s 1400 employees were Black, and all worked in service or janitorial positions. The San Francisco Municipal Railway (MUNI) excluded all Black workers until 1942.
2. Defense Industry
 - a. Bay Area

- i. Black workers made tremendous advancements in the Bay Area during World War II, due to a combination of war-related demand, government intervention, and other political forces. By 1944, Black workers were employed widely in wartime industries, especially in the shipyards. Several estimates around 1943 estimated that between 15,000 and 16,000 Black workers were employed in Bay Area shipyards. In its *Final Report*, the United States Fair Employment Practices Committee wrote that, by 1945, “More than twenty-six percent of the Negro working force was engaged in shipbuilding or ship repair. Another twenty-five percent were employed in servicing water transportation, which was largely government work.’ These two industries alone, the report concluded, accounted for approximately ’12,000 Negro workers.”

b. Los Angeles Area

- i. Black defense industry workers made similar strides in Southern California, confronting blatant discrimination laid bare by Fair Employment Practices Committee hearings and seizing opportunities in war-related trades. At the height of World War II, Los Angeles shipyards employed about 90,000 workers, up from 1000 before the war; the city’s aircraft production facilities employed 230,000 at peak. It nevertheless took time for these opportunities to become available to Black workers—but they did become available as defense industry discrimination was exposed. Kevin Leonard recounts: “Early in the war, most aircraft and ship manufacturers refused to hire Black Americans. The Fair Employment Practices Committee, created by Franklin D. Roosevelt in late June 1941, held hearings in Los Angeles that October. Those hearings revealed widespread discrimination against African Americans: there were only ten Black employees in Douglas Aircraft’s workforce of 33,000, only two among Bethlehem Shipbuilding’s nearly 3,000 Los Angeles employees, and only fifty-four among Lockheed Aircraft and Vega Airplane’s 48,000 workers.”

3. Farming

- a. Approximately 30,000-40,000 Black Americans travelled to the San Joaquin Valley after World War II; the majority settled in cities such as Fresno and Bakersfield, and about 7,000 settled in the Tulare Lake

Basin, farmland owned by J.G. Boswell. Many Black Americans travelled to California from Southern states such as Oklahoma, Texas, Arkansas, Louisiana, and Mississippi to escape generational sharecropper debt and fear of lynching. Black field workers faced discrimination because unlike their white counterparts, they were rarely promoted to operate machinery for higher pay. Boswell did not make “any genuine attempt to recruit qualified Black Americans.” Black workers also experienced “backbreaking work for little pay, and sometimes they died in the most violent way.” One unidentified Black man’s skull was crushed with a crow bar, and children also died when they were expected to accompany their parents to the fields on weekends and holidays, where they sometimes died by drowning in irrigation canals or in one case, by a cotton gin.

- b. Prior to World War II, Black workers were largely absent from farming in California, even as other minority groups were well represented.

VIII. Organized Labor

A. Early Organizing Efforts

1. Black workers were excluded from equal participation in labor unions—where they were allowed to participate at all—until well into the twentieth century.
2. Thus excluded, Black workers sought to organize themselves.
 - a. In 1869, representatives of Black workers from eighteen states met in Washington, D.C., to form the Colored National Labor Union.
 - b. By the late Nineteenth and early Twentieth Centuries, Black workers had organized in a wide range of professions, including carpenters, brick masons, barbers, day laborers, longshoremen, teamsters, hotel, bar, and restaurant employees, and industrial workers at shipyards, railroads, and iron and steel companies.
 - c. Between 1866 and 1881, Black washerwomen organized strikes in Jackson, Mississippi, Galveston, Texas, and Atlanta, Georgia.
3. Strikebreaking
 - a. While largely shut out of manufacturing jobs in the north in the late Nineteenth Century, Black men began to make inroads to manufacturing jobs as strikebreakers as white workers organized and began to demand better pay, hours, and working conditions.
 - i. In 1894, white workers organized a national railway strike

against the Pullman Company. Circumventing the union, the company hired Black workers in Birmingham, Louisville, and Nashville to break the strike.

- ii. Black workers were hired to break a variety of strikes in New York City between 1895 and 1912. They replaced longshoremen, general laborers, municipal street cleaners, baggagemen, hod carriers, waiters, and garment workers. Black workers dramatically increased their ranks in industries they had previously struggled to enter.
- b. Black Americans' employment as strikebreakers provided justification for white workers to continue or escalate violence against Black communities. white workers and labor leaders claimed that Black workers failed to support organized labor and instead sided with management and capital. But Black workers saw their actions as necessary to protect their community from racist labor organizations that stood between them and better employment opportunities.
- c. As historian Jacqueline Jones observes, "Black women and men during [the late nineteenth and early twentieth centuries] developed a long-standing, well-founded suspicion toward the white industrial working class in general and white labor unions in particular. At times white working class women used traditional means of labor agitation in efforts to rid their workplace of Black employees."
- d. The role of Black workers as strikebreakers diminished between the World Wars as Black workers gained entry to previously all-white unions, although strikebreaking remained a means of entry into workplaces that remain off-limits. "In 1927, an African American strikebreaker in the Pittsburgh coal district . . . spoke for many when he said, 'You would not work with me before the strike. Now I have your job and I am going to keep it.'"

B. World Wars and Great Depression

1. Around the 1940s, organized labor in the United States was in tension with itself over whether to integrate Black workers or to continue to exclude them. Many unions affiliated with the American Federation of Labor, which represented "skilled" members of craft and trade unions, sought to exclude Black workers as a way of limiting the pool of available workers and increasing their negotiating power. "For them, longstanding formal and informal exclusion of African Americans, or the consignment of Black members to segregated auxiliaries with only partial privileges, was merely another way of maintaining market power."
2. By contrast, unions affiliated with the recently formed Congress of

Industrial Organizations, which represented unskilled and semiskilled labor, actively recruited Black workers in the automotive, steel, and meatpacking industries as a central part of their mission. An excess of unskilled and semiskilled workers threatened their bargaining power and increased the threat of strikebreakers.

3. Due to the efforts of the CIO, large industrial firms like General Motors signed contracts with the new, increasingly racially integrated unions. These agreements covered Black workers alongside white ones on the same terms, bringing Black workers into long-segregated seniority systems.
4. Despite these advances, some elements of organized labor remained extremely hostile to Black workers. For example, even within the progressive CIO and UAW, which had sought to represent Black workers, some white workers still organized “hate strikes” to protest efforts by employers to hire or promote Black workers.
5. Organizing by Black Women
 - a. Around the time of the New Deal, Black women workers increasingly began to organize, much like their white women worker counterparts.
 - b. The membership of the New York-based Local 22 of the International Ladies’ Garment Workers’ Union reached 12,000 by 1938—about a third of total membership.
 - c. New Deal legislation included important labor protections, such as minimum wage and collective bargaining rights. However, these protections did not apply to household service workers, a category to which a majority of working Black women belonged.
 - d. Between the World Wars, dozens of household service worker unions were formed nationwide. Black women formed the New York-based Domestic Workers Union under the leadership of domestic worker Dora Jones.
 - e. Black women’s organizing efforts extended from labor protections to consumer protections. In June 1935, Caribbean-American Communist Bonita Williams led a Harlem street protest referred to in the press as the “revolt of the housewives.” Following the protest, fifty Harlem stores reduced the price of meat by 25 percent. “Williams explained that ‘unemployment and misery’ rallied rising numbers of poor and working-class women to the ‘fight against high prices.’”
 - f. The influence of activists like Bonita Williams spread to Black women in communities across the country.

6. Organizing by Sharecroppers and Tenant Farmers

- a. Sharecroppers and tenant farmers (similar to sharecroppers, but with more autonomy) established a Share Croppers Union in Alabama in 1931 with the assistance of the communist party. The union was unique in that it was racially integrated—of its claimed membership of 10,000, at least half were Black, a testament to the union’s avowed commitment to integrated, grassroots organizing.

7. Pullman Porters

- a. The Pullman Company, which operated sleeping cars on American railroad trains, employed an all-Black workforce of sleeping car attendants known as “Pullman porters.” In the 1920s, the Pullman Company employed over 9000 Black porters, serving 31 million travelers each year, with another 11,000 porters—mostly Black men—working for other companies.
 - i. “In oral recollections of their careers, African American porters often described their jobs as a ‘cross between a concierge, bellhop, valet, housekeeper, mechanic, baby sitter, and security guard.’”
- b. The first Pullman porter was employed on sleeper cars around 1867. George Pullman hired only Black porters because he expected that former enslaved persons would be well suited to indulging the needs of demanding and wealthy customers, and that they would tolerate long hours for low pay.
- c. In 1925, the Pullman porters launched the first successful all-Black union. According to historian Joe Trotter, “Black labor unions gained their greatest expression in the militant campaign to organize Black porters on the nation’s major rail lines in 1925,” with the emergence of the porters’ union “reflect[ing] the growing class as well as race consciousness of Black workers.”
- d. The Brotherhood of Sleeping Car Porters fought to force the Pullman Company to bargain directly with the union, and ultimately won the right to represent the workers in a 1935 election ordered by the U.S. Labor Mediation Board. Later that year the AFL issued an international charter to the union, and BCSP membership rose from 658 in the early depression to 6,581 in 1938. The BCSP entered formal negotiation with Pullman Company officials. After two years of dogged negotiation—twelve years after the union was formed—the Pullman Company entered into an agreement with the union.

C. California

1. The interracial labor movement advanced more slowly on the West Coast, where Black workers had largely been unable to obtain sought-after industrial jobs in major urban centers prior to World War II.
2. “C.L. Dellums, vice president of the Brotherhood of Sleeping Car Porters, recalled the nature of work opportunities soon after he came to the San Francisco Bay Area from Texas in 1923: ‘I had been around here long enough to realize there wasn’t much work Negroes could get.’ African Americans could either ‘go down to the sea in ships or work on the railroads.’”
3. Maritime Strike and Union Integration
 - a. Into the 1930s, the International Longshoremen’s Association in California was extremely exclusionary, with no more than two dozen Black members in 1934.
 - b. The Maritime Strike of 1934 was a turning point for the integration of Black workers into organized labor on the West Coast. Union leader Harry Bridges “went into Black churches to plead with back workers to support the strike, promising them that this movement ‘means a new deal for Negroes. Stick with us and we’ll stand for your inclusion in [the] industry.’”
 - c. In 1937, three years after the Maritime Strike, longshoremen formed the International Longshoremen’s and Warehousemen’s Union, which became affiliated with the CIO. Black workers made up roughly one quarter of the union’s membership by the end of World War II.
 - d. In 1937, Jamaican-American Communist Ferdinand Smith became “second-in-command” of the newly formed National Maritime Union .
 - e. While the Bay Area saw significant progress in the integration of Black workers into organized labor, referred to as a “‘haven of racial equality’ along the docks,” Los Angeles was less inclusive. ILWU Local 13, for example, “maintained a firm color line.”
4. Boilermakers and Union Desegregation
 - a. During World War II, Black workers increasingly refused to settle for segregation within labor organizations, such as the Brotherhood of Boilermakers, which had established segregated auxiliary unions (adjuncts to the union without full rights or participation) in 1937. Black workers rejected requirements that they participate in such segregated auxiliary arrangements as a condition of participating in labor organizing. San Francisco NAACP president Joseph James referred to the auxiliary as “a ‘Jim Crow fake union.’ In denouncing it, he drew a familiar parallel between Hitler’s fascism in Europe and

American racism at home.”

- b. “African Americans found several ways to resist the segregated auxiliaries. Some delayed paying their dues, and others refused to pay altogether. Passive resistance, however, was not effective in eroding the union’s discriminatory barriers. Black workers who refused to pay their dues might find themselves unemployed.”
- c. In 1943, Joseph James and the San Francisco Committee Against Segregation and Discrimination filed a series of lawsuits against the Boilermakers challenging their discriminatory auxiliary structure. In 1944, the Marin Superior Court found in favor of the Black workers, holding that the Boilermakers’ practice of “discriminating against and segregating Negroes into auxiliaries is contrary to public policy of the State of California.” The Boilermakers were ordered to “admit Negroes as members on the same terms and conditions as white persons.” In 1945, in *James v. Marinship*, the California Supreme Court unanimously affirmed the superior court, holding that the “discriminatory practices involved in this case [are] contrary to the public policy of the United States and the State” and that Black workers “must be admitted to membership under the same terms and conditions applicable to non-Negroes unless the union and the employer refrain from enforcing the closed-shop agreement against them.”

IX. Civil Rights Legislation

A. Civil Rights Era Employment Discrimination Statutes

1. Civil Rights Acts of 1964, 1965, and 1968

- a. Congress passed a series of civil rights laws in the 1960s barring discrimination in employment, voting, and housing. Most notable for Black workers was Title VII of the Civil Rights Act of 1964, which outlawed employment discrimination on the basis of race, color, religion, sex, or national origin.
- b. Title VII came nearly two decades after New York passed the first fully enforceable state ban on employment discrimination; by 1964, nearly two dozen states outside of the South, where more than 90 percent of Black Americans outside of the South resided, already had passed equal employment legislation.
- c. While Title VII largely banned discrimination on the basis of race, it contained exemptions that prevented it from rectifying existing discriminatory practices in the workplace—specifically its exemptions for “bona fide” seniority systems and professionally developed ability tests—mechanisms that could easily be employed in a discriminatory

manner, leaving little recourse for victimized workers. As one commentator observed, “[s]trict adherence to seniority plans will mean that ‘last hired’ Black Americans, women, and other minorities will be the ‘first fired,’ and all that has been accomplished in the [decade following passage of Title VII] will be undermined.” However, as Senators Case and Clark stated at the time of the statute’s passage, Title VII’s “effect is prospective and not retrospective.”

- i. In 1977, the U.S. Supreme court held that a seniority policy “does not become unlawful under Title VII simply because it may perpetuate pre-Act discrimination.”
- d. In the same 1977 case, the Supreme Court significantly limited the power of Title VII by introducing a distinction between intentional and unintentional discrimination, and holding that a successful claim under Title VII ordinarily requires proof of intent to discriminate. As one commentator has observed, “[n]early all cases henceforth would be fought over whether the defendant *presently meant* to discriminate against Black Americans or other protected groups. . . . In doing so, *Teamsters* diverted the flow of Title VII away from improving the disadvantaged employment condition of Black Americans.”

2. Federal Enforcement Efforts

- a. In 1965, the Equal Employment Opportunity Commission was formed to enforce Title VII and other statutes and regulations. Regrettably, the EEOC has remained chronically underfunded, limiting its ability to enforce federal protections against racial discrimination in all but a handful of cases.
- b. Particularly in light of limited enforcement capacity, employers also quickly found ways to elude enforcement of antidiscrimination laws, such as making discriminatory employment decisions based on unverifiable subjective criteria like “cultural fit” or “soft skills” that operated consciously or unconsciously as code for race, as supervisors or interviewers rely on internalized stereotypes in judging minorities as a poor cultural “fit.” However, such assessments typically leave no paper trail of overt racism, making it difficult to challenge them through legal action.

3. California and State Employment Protection Laws

- a. In 1959, California enacted the Fair Employment and Housing Act, which prohibits employment discrimination on the basis of race.
- b. However, California trailed far behind other states in establishing antidiscrimination statutes. Other states enacted such statutes as many

as fourteen years earlier.

B. Affirmative Action

1. Nationwide

- a. In addition to bans on discrimination, between 1964 and the late 1970s, federal and state governments enacted affirmative action programs intended to address the effects of past discrimination.
- b. In 1965, President Lyndon B. Johnson issued Executive Order 11246, which required government contractors to employ affirmative action to expand opportunities for minorities and established the Office of Federal Contract Compliance (OFCC) to enforce the order.
 - i. In support of the Executive Order, President Johnson gave a speech at Howard University in 1965 discussing the rationale for affirmative action as righting historical wrongs, from slavery and Jim Crow in particular:
 - a) “But nothing in any country touches us more profoundly, and nothing is more freighted with meaning for our own destiny than the revolution of the Negro American.”
 - b) “In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.”
 - c) “You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘you are free to compete with all the others,’ and still justly believe that you have been completely fair.”
- c. In 1969 the Small Business Act authorized minority set-asides, a quota system for government contracts.
- d. In 1972, Congress amended the Civil Rights Act of 1964 to further support federal affirmative action programs.
- e. The “Philadelphia Plan” also came into use in 1972, instituting “numerical goals and timetables” for the integration of Black and other racial minority workers in the building and construction trades.

Perhaps surprisingly, the plan was not struck down by the federal courts but was widely sanctioned and extended to broad categories of federal contractors nationwide.

- f. In the late 1970s, President Carter extended affirmative action requirements to state and local governments, educational institutions, contractors—nearly every entity that did business with the federal government. Between 1974 and 1980, the rate of minority employment in businesses that contracted with the federal government rose by 20%.
- g. The late 1970s also saw the development of an organized backlash against affirmative action programs, challenging programs on behalf of white men alleging constitutional or statutory violations.
- h. In response to these challenges, the U.S. Supreme Court issued a series of decisions upholding the validity of affirmative action generally, but narrowing the scope of permissible forms. Notably, the Court has not held that affirmative action is permissible as redress for past harms.
 - i. *Bakke v. Regents of the University of California* (1978): The Court held that it was permissible for government affirmative action programs (in this case, a state school) to consider an applicant's race in order to advance the interest of diversity, but it further concluded that it was constitutionally impermissible for an affirmative action program to employ race-based quotas.
 - ii. *United Steelworkers v. Weber* (1979): The Court held that Title VII's prohibitions against discrimination on the basis of race and sex did not bar affirmative action programs used by private employers.
 - iii. *Fullilove v. Klutznick* (1980): The Court upheld "the 'minority business enterprise' provision of the Public Works Employment Act of 1977, which requires that, absent an administrative waiver, at least 10% of federal funds granted for local public works projects must be used by the state to procure services or supplies from businesses owned by minority group members."
- i. However, beginning in the early 1980s under President Reagan, the federal government began to restrict the power of the EEOC and OFCC to enforce affirmative action requirements, halting the progress made during the preceding administration.

2. California

- a. Like the federal government, government agencies in California began to implement affirmative action programs in employment and education. The affirmative action program used in admissions to the University of California, Davis Medical School was challenged in *Bakke v. Regents of the University of California*, in which the U.S. Supreme Court held that certain forms of race-based preferences were permissible under the U.S. Constitution.
- b. However, studies have called into question whether affirmative action programs in California were implemented in such a way that they would have a meaningful effect of employment. For example, between 1977 and 1995, the representation of Black tenured faculty members at the University of California system—which implemented affirmative action in its hiring—grew from 1.8 percent to only 2.5 percent. For community colleges’ faculty between 1984 and 1991, the proportion of Black faculty only grew from 4.9 percent to 5.7 percent. Even these small increases probably are not attributable entirely to the employment of affirmative action programs. California is not unique, though: such modest changes in Black Americans’ representation in higher education are consistent with national trends.
- c. In 1996, Californians voted to amend the California Constitution to block the use of affirmative action in public employment and education. Proposition 209, titled the “California Civil Rights Initiative,” effectively outlawed consideration of race in hiring, contracting, and education.
 - i. In order to avoid loss of federal funding to state or to run afoul of the courts, Proposition 209 included four exceptions: to keep the state or local governments eligible to receive money from the federal government; to comply with a court order in force as of the effective date of this measure (the day after the election); to comply with federal law or the United States Constitution; and to meet privacy and *other* considerations based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.
- d. According to polling data, Proposition 209 was supported by a majority of white and male voters, but opposed by a majority of African American, Latino, Asian American, Catholic, Jewish, and female voters.
- e. Local and national civil rights groups challenged Proposition 209 in court the day after it was passed. The law was held unconstitutional in federal district court on grounds that it impermissibly diminished

minority political power. The U.S. Court of Appeals for the Ninth Circuit reversed, upholding Proposition 209 as constitutionally sound exercise of neutrality with respect to race.

- f. On similar grounds, Proposition 209 was held unconstitutional in state trial court, but reinstated by the California Supreme Court.
- g. Proposition 209 had a measurable effect on employment opportunities for minority workers. According to one study, between 1995 and 1999, relative employment levels for minority workers fell by 2.8 percent.
- h. In 2020, California voters rejected Proposition 16, which would have repealed Proposition 209.
 - i. While the vote in favor of Proposition 16 was fairly close, with 54.55 percent for versus 45.45 percent against, the vote against repealing Proposition 16 by enacting Proposition 209 was even more decisive, with 57.2 percent against versus 42.8 percent for.
 - ii. Only seven counties voted against Proposition 209: Alameda, Los Angeles, Marin, San Francisco, San Mateo, Santa Clara, and Santa Cruz. Only six counties voted for Proposition 16: Alameda, Los Angeles, Marin, San Francisco, San Mateo, and Santa Cruz—but not Santa Clara.

X. Effects Today

- A. Wage Gap: As of 2019, median Black Americans' wages were equivalent to only 75.6 percent of white wages. This figure has fallen over the past two decades, from 79.2 percent in 2000.
- B. Income Gap: Black Americans' income in 2016 was equivalent to 56 percent of white income. That figure is almost identical to the ratio in 1968: 57 percent.
 - 1. "Between 1968 and 2016, African Americans, largely as a result of the victories of the civil rights movement and anti-discrimination enforcement, made significant advances into occupations and job categories that had previously kept Black workers at the margins of mainstream success—when they admitted them at all. However, the reason that African Americans' income remains all but unchanged as a percentage of whites' income since 1968 . . . is that the gains that African Americans have made in employment and wages have been offset by intensifying income inequality in the country as a whole."
- C. An example of the return of racist anti-worker laws: In 2020, California voters enacted Proposition 22, which strips workers in the "rideshare" (like Uber and Lyft

drivers) and delivery (like Instacart) industries of basic employment protections guaranteed to other Californians. The vast majority of such workers are Black Americans or other racial minorities. As Veena Dubal demonstrates, Proposition 22 echoes New Deal-era laws and programs, as discussed above, that specifically exempted from their protection industries and professions in which Black workers predominated.

1. As Lyft driver and organizer Nicole Moore observed: “Prop 22 plain and simple puts all of us app-based workers in a second-class worker status. Permanently. Historically, who else hasn’t been covered by the minimum wage? Domestic Workers. Farm Workers. And now App-Based workers. And just like domestic and farm workers, we’re a majority people of color and immigrant workforce – and somehow people make up lies that it’s OK for us to not have access to the same protections and wage floors as everyone else.”

BIBLIOGRAPHY

African Americans in the U.S. Army: Timeline

<<https://www.army.mil/africanamericans/timeline.html>>

African-Americans in Combat <<https://www.pbs.org/opb/historydetectives/feature/african-americans-in-combat>>

American Battlefield Trust, War of 1812 Facts: What roles did African Americans play in the War of 1812? <<https://www.battlefields.org/learn/articles/war-of-1812-facts#What%20roles%20did%20African-Americans%20play%20in%20the%20War%20of%201812?>>>

Arax & Wartzman, *The King of California: J.G. Boswell and the Making of a Secret American Empire* (2003)

Baradaran, *The Color of Money: Black Banks and the Racial Wealth Gap* (2017)

Barnes, Is The EEOC Protecting Workers Or Discriminatory Employers? (Sept. 4, 2019)

<<https://www.forbes.com/sites/patriciagbarnes/2019/09/04/is-the-eeoc-protecting-workers-or-discriminatory-employers>>

Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (2009)

Blair, *I've Got to Make My Livin': Black Women's Sex Work in Turn-of-the-Century Chicago* (2010)

Boris & Honey, *Gender, race, and the policies of the Labor Department* (Feb. 1988) 111

Monthly Labor Review 2, available at <<https://www.bls.gov/opub/mlr/1988/02/art4full.pdf>>

Brockell, The ugly reason 'The Star-Spangled Banner' didn't become our national anthem for a century (Oct. 18, 2020) <<https://www.washingtonpost.com/history/2020/10/18/star-spangled-banner-racist-national-anthem>>

Broussard, *In Search of the Promised Land: African American Migration to San Francisco, 1900-1945* in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds., 2001) p. 198

Broussard, *In Search of the Promised Land: African American Migration to San Francisco, 1900-1945* in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds., 2001)

Brown, *The whiteness of Wealth: How the Tax System Impoverishes Black Americans—and How We Can Fix It* (2021)

Bureau of Justice Statistics, Characteristics of Suspected Human Trafficking Incidents, 2008-2010 (Apr. 28, 2011) <[https://bjs.ojp.gov/press-release/characteristics-suspected-human-trafficking-incidents-2008-2010#:~:text=Based%20upon%20cases%20where%20race,were%20male%20\(81%20percent\)>](https://bjs.ojp.gov/press-release/characteristics-suspected-human-trafficking-incidents-2008-2010#:~:text=Based%20upon%20cases%20where%20race,were%20male%20(81%20percent)>)

Caldwell, *What the NRA is Doing to the Race!* (May 26, 1934) Chi. Defender, p. 10

California Department of Human Resources and California Government Operations Agency, 2018 Annual Census of Employees in State Civil Service: Report to the Governor and Legislature (Mar. 2020) <<https://www.calhr.ca.gov/Documents/ocr-census-of-employees-2018.pdf>>

California Statement of Vote (Nov. 5, 1996) <https://elections.cdn.sos.ca.gov/sov/1996-general/sov-complete.pdf>; California Statement of Vote (Nov. 3, 2020) <<https://elections.cdn.sos.ca.gov/sov/2020-general/sov/complete-sov.pdf>>

Callahan, How the GI Bill Left Out African Americans (Nov. 11, 2013) <<https://www.demos.org/blog/how-gi-bill-left-out-african-americans>>

Chamberlain, *Victory at Home: Manpower and Race in the American South during World War II* (2003)

Claude McKay, *white Houses* (1953) Selected Poems of Claude McKay¹ Jones, *American Work: Four Centuries of Black and white Labor* (1998)

Comment, *The Inevitable Interplay of Title VII and the National Labor Relations Act: A New Role for the NLRB* (Nov. 1974) 123 Univ. Penn. L. Rev. 158

Cooper, African-Americans Are Highly Visible in the Military, but Almost Invisible at the Top (May 25, 2020; updated Jun. 9, 2020) <<https://www.nytimes.com/2020/05/25/us/politics/military-minorities-leadership.html>>

Court Cases Related to the New York City Draft Riots, 1863, accessible at <<https://history.nycourts.gov/case/court-cases-related-to-the-new-york-city-draft-riots-1863>>

De Graaf & Taylor, *Introduction: African Americans in California History, California in African American History* in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds., 2001)

Dubal, *The New Racial Wage Code* (May 27, 2021) Harvard Law and Policy Review (forthcoming), SSRN p. 13 <https://ssrn.com/abstract=3855094>

Engstrom, *The Lost Origins of American Fair Employment Law: Regulatory Choice and the Making of Modern Civil Rights, 1943-1972* (May 2011) 63 Stanford Law Review 1071

Foy, How Woodrow Wilson's racist policies eroded the Black civil service (Oct. 27, 2020)

<<https://newsroom.haas.berkeley.edu/research/how-woodrow-wilsons-racist-segregation-order-eroded-the-Black-civil-service>>

Freedmen's Bureau (Jun. 1, 2010, updated Oct. 3, 2018) <<https://www.history.com/topics/Black-history/freedmens-bureau>>

Freedmen's Bureau Bill (Act of March 3, 1865, Chap. XC, 13 Stat. 507), accessible at <http://www.freedmen.umd.edu/fbact.htm>

Freeman, Schamel & West, *The Fight for Equal Rights: A Recruiting Poster for Black Soldiers in the Civil War* (Feb. 1992; revised 1999 by Weidman) 56 Social Education 2, pp. 118-20, reprinted at <<https://www.archives.gov/education/lessons/Black-Americans-civil-war>>

Friedersdorf, Why California Rejected Racial Preferences, Again (Nov. 10, 2020) <<https://www.theatlantic.com/ideas/archive/2020/11/why-california-rejected-affirmative-action-again/617049>>

Fussfield & Bates, *The Political Economy of the Urban Ghetto* (1984)

Gibson & Jung, Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions, and States (Sept. 2002) U.S. Census Bureau, Population Division: Working Paper No. 56, Table 19, accessible at <https://www.census.gov/content/dam/Census/library/working-papers/2002/demo/POP-twps0056.pdf>

Gould, *State of Working America Wages 2019* (Feb. 20, 2020) Economic Policy Institute, p. 14

Guzda, *Frances Perkins' interest in a new deal for Black Americans* (April 1980) 103 Monthly Labor Review 4, pp. 31-35

Hamilton, *The National Association for the Advancement of Colored People and New Deal Reform Legislation: A Dual Agenda* (1994) 68 SOC. SCI. REV. 488

Harris, *The Harder We Run: Black Workers since the Civil War* (1982)

Henson, *The Purposes of Title VII* (2019) 33 Notre Dame Journal of Law, Ethics, and Public Policy 221

Historian, United States Postal Service, African American Postal Workers in the 20th Century (2012) <<https://about.usps.com/who-we-are/postal-history/african-american-workers-20thc.htm>>

Hoak, *The Men in Green: African Americans and the Civilian Conservation Corps, 1933-1942* (2002) <<https://scholarworks.wm.edu/cgi/viewcontent.cgi?article=5470&context=etd>>

Hudson, *West of Jim Crow: The Fight Against California's Color Line* (2020)

Iheukwumere & Aka, *Title II, Affirmative Action, and the March Toward Color-Blind Jurisprudence* (Fall 2001) 11 Temp. Pol. & Civ. Rts. L. Rev. 1

Jones, *American Work: Four Centuries of Black and white Labor* (1998) p. 259

Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*, 1st Ed. (1985)

Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*, 2nd Ed. (2010)

Jones, *Race, Economic Class, and Employment Opportunity* (Fall 2009) 72 Law and Contemporary Problems 57

Karageorge, *The unexplainable, growing Black-white wage gap* (Nov. 2017) Bureau of Labor Statistics Monthly Labor Review, available at <<https://www.bls.gov/opub/mlr/2017/beyond-bls/pdf/the-unexplainable-growing-Black-white-wage-gap.pdf>>

Korb, History of integration in the US Armed Services (Jul. 13, 2021) <<https://www.militarytimes.com/opinion/commentary/2021/07/13/history-of-integration-in-the-us-armed-services>>

Lee, Socioeconomic Differences in the Health of Black Union Army Soldiers (2009) *Soc. Sci. Hist.* 33(4), p. 427 (p. 5 of PDF file) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3427919/pdf/nihms-169937.pdf>>

Legislative Analyst's Office, Proposition 209: Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities (Nov. 1996) <https://lao.ca.gov/ballot/1996/prop209_11_1996.html>

Lehr, The Racist Legacy of Woodrow Wilson (Nov. 27, 2015) <<https://www.theatlantic.com/politics/archive/2015/11/wilson-legacy-racism/417549>>

Leonard, *In the Interest of All Races: African Americans and Interracial Cooperation in Los Angeles During and After World War II* in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds., 2001)

Lincoln's proclamation to establish a "Bureau of Colored Troops" <<https://www.nps.gov/afam/learn/historyculture/index.htm>>

Little, How Woodrow Wilson Tried to Reverse Black American Progress (Jul. 14, 2020) <<https://www.history.com/news/woodrow-wilson-racial-segregation-jim-crow-ku-klux-klan>>

MacLaury, The Federal Government and Negro Workers Under President Woodrow Wilson (2000) <<https://www.dol.gov/general/aboutdol/history/shfgpr00>>

Madowitz, Price & Weller, Public Work Provides Economic Security for Black Families and Communities (Oct. 23, 2020)

<<https://www.americanprogress.org/issues/economy/reports/2020/10/23/492209/public-work-provides-economic-security-Black-families-communities/>>

Males, San Francisco's Disproportionate Arrest of African American Women Persists (Apr. 2015)

<http://www.cjcj.org/uploads/cjcj/documents/disproportionate_arrests_in_san_francisco.pdf>

Manduca, *Income Inequality and the Persistence of Racial Economic Disparities* (2018) 5 Sociological Science, p. 182

McBroome, *Harvests of Gold: African American Boosterism, Agriculture, and Investment in Allensworth and Little Liberia* in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds., 2001)

Meltzer, *The National Labor Relations Act and Racial Discrimination: The More Remedies, the Better?* (Fall 1974) 42 Univ. Chi. L. Rev. 1, p. 5; Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017) p. 158

Menand, The Changing Meaning of Affirmative Action (Jan. 20, 2020)

<<https://www.newyorker.com/magazine/2020/01/20/have-we-outgrown-the-need-for-affirmative-action>>

Moore, *African Americans in California: A Brief Historiography* (Fall 1996) 75 California History 3

More History of Affirmative Action Policies from the 1960s (American Association for Access, Equity, and Diversity), <https://www.aaed.org/aaed/History_of_Affirmative_Action.asp>

Myers, *A Cure for Discrimination? Affirmative Action and the Case of California's Proposition 209* (Apr. 2007) 60 ILR Review 3

National Park Service, Five Views: An Ethnic History Site Survey for California: A History of Black Americans in California: Industry (2004)

<https://www.nps.gov/parkhistory/online_books/5views/5views2c.htm>

National Park Service, Five Views: An Ethnic History Site Survey for California: A History of Black Americans in California: Farming (2004)

<https://www.nps.gov/parkhistory/online_books/5views/5views2d.htm>

National Park Service, Five Views: An Ethnic History Site Survey for California: A History of Black Americans in California: Introduction (2004)

<https://www.nps.gov/parkhistory/online_books/5views/5views2.htm>

Oppenheimer, *Color-Blindness, Racism-Blindness, and Racism-Awareness: Revisiting Judge*

Henderson's Proposition 209 Decision (2011) 13 Berkeley J. Afr.-Am. L. & Pol'y 229

Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act* (2011) 72 Ohio St. L.J. 95

Pullman Porters (Feb. 11, 2019; updated Feb. 15, 2019) <<https://www.history.com/topics/Black-history/pullman-porters>>

Reed, *The Surprising Cross-Racial Saga of Modern Wealth Inequality* (Jun. 29, 2020) The New Republic <<https://newrepublic.com/article/158059/racial-wealth-gap-vs-racial-income-gap-modern-economic-inequality>>

Reuters, Factbox: Largest U.S. electric companies by megawatts, customers (Apr. 29, 2014), <https://www.reuters.com/article/amp/idUSBREA3S0P420140429>

Ross & Hill, eds., *Employment, Race, and Poverty: A Critical Study of the Disadvantaged Status of Negro Workers from 1865-1965* (1967)

Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017) p. 156

Slavery by Another Name: Sharecropping <<https://www.pbs.org/tpt/slavery-by-another-name/themes/sharecropping>>

Smith, *Wedged Between Slavery and Freedom: African American Equality Deferred* <<https://www.nps.gov/articles/wedged-between-slavery-and-freedom.htm>>

Stolp-Smith, Port Chicago Mutiny (Mar. 27, 2011) <<https://www.Blackpast.org/african-american-history/port-chicago-mutiny-0>>

Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (1996)

The Civil War by the Numbers <<https://www.pbs.org/wgbh/americanexperience/features/death-numbers/>>

The Living New Deal: African Americans <<https://livingnewdeal.org/what-was-the-new-deal/new-deal-inclusion/african-americans-2/>>

Thirteen: Slavery and the Making of America: 1850 (2004) <<https://www.thirteen.org/wnet/slavery/timeline/1850.html>>

Thomas, *Life for Us is What We Make It: Building Black Community in Detroit, 1915-1945* (1992) pp. 106-07

Tierney, *Affirmative Action in California: Looking Back, Looking Forward in Public Academe* (Spring 1996) 65 The Journal of Negro Education 2

U.S. Census Bureau, Quick Facts

<<https://www.census.gov/quickfacts/fact/table/US/PST045219>>

Wolters, *The New Deal and the Negro* (1975) *The New Deal: The National Level* (Braeman, Bremner & Brody, eds.)

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THE JUSTICE SYSTEM

I. INTRODUCTION, ROADMAP, AND SUMMARY

- A. Inequities in the federal and state criminal justice systems exist because of a long history of continuous actions by government officials to subjugate Black Americans, which started at the end of slavery and continued to today. Slavery marked the beginning of this long history of criminalization of Black Americans. While constitutional actions, such as the Thirteenth and Fourteenth Amendments, and federal legislation, such as civil rights laws, aimed to rectify harms caused by slavery and safeguard the rights of Black Americans, many inequities remain. These inequities are so significant that some scholars have argued that American society has simply replaced slavery with the criminal justice system. Black Americans experience in the criminal justice system also result in a general mistrust of the civil justice system. Black Americans also face challenges with accessing legal counsel and racially biased jurors.
- B. Part I will generally summarize the discrimination against Black Americans in the criminal and civil justice systems. Part II will discuss the historical criminalization of Black Americans' existence. Part III will discuss the discrimination against Black Americans in policing. Part IV will discuss discrimination in trial and sentencing. Part V will discuss discrimination in incarceration. Part VI will discuss the discrimination that exists in the civil justice system in the following areas: (1) general mistrust in the civil justice system; (2) lack of access to legal counsel; and (3) racially biased juries.
- C. The Criminal Justice System
 1. The long history of discrimination in the criminal justice system occurred in three general phases.
 - a. First, during the slavery era, the federal and state governments criminalized Black Americans for existing as a method of establishing, maintaining, and controlling Black Americans as lower class of human being than whites, and created the basis for our system of policing.
 - b. Second, from 1865 to the 1950s, including what is commonly known as the Jim Crow era, federal and state officials enacted Black Codes and similar laws to continue control over Black Americans—much like private slave owners did during slavery.
 - c. Third, from the 1950s to present, American politicians ran on “law and order” or “tough on crime” platforms leading to laws and policies that have resulted in the disproportionate incarceration of Black Americans.
 2. As a result, scholarship on the criminal justice system shows that there are significant racial disparities in every area of the system.
 - a. [Note: The statistics below are the most recent data available. For example, I currently have 2019 statistics on the race of people in prisons on a nationwide basis but anticipate that the United States Department of Justice will provide 2020 statistics later this year. I will update these statistics when that information becomes available, and I will continue to closely monitor these statistics and update accordingly throughout the drafting

process.]

3. On a nationwide basis, in 2019, 20 percent of prisoners in federal and state correctional facilities were Black American even though they made up just 13.4 percent of the population. For the same time period in California, approximately 28.3 percent of the state's prisoners were Black American—even though they make up just approximately 6.5 percent of the population.
4. Even more troubling, in California, Black Americans make up approximately 20 percent of the people police kill even though they made up just approximately 6.5 percent of the population.

D. The Civil Justice System

1. Although there is not as much scholarship on discrimination in the civil justice system as there is on the criminal justice system, there is strong evidence that Black Americans also experience discrimination in the civil justice system.
2. Specifically, Black Americans experience general mistrust in the civil justice system because of negative experiences in the criminal justice system. Further, Black Americans experience lack of access to legal counsel and racial bias among jurors in the civil justice system.

II. Historical Criminalization of Black Americans' Experience

A. Slavery Era (1776-1865)

1. The Foundations of Biases Against Black Americans

- a. The laws, regulations, and other government actions, which have continued to reinforce the belief system that supported slavery, have taught Americans that Black Americans are criminals.
- b. Bias against Black Americans has existed since this country's birth. Specifically, slave patrols, Black Codes, Jim Crow laws, "law and order" laws and policies perpetuated biases against Black Americans that existed in slavery and resulted in the continuous treatment of Black Americans as "other" or less than human.
- c. Further, the Institution of Slavery, Racial Terror, and the Arts and Culture sections of this report also detail pervasive bias against Black Americans in various facets of life in America.
 - i. [Note: Insert brief summary and references to Institution of Slavery, Racial Terror, and the Arts and Culture sections, which all discuss biases against Black Americans.]
 - ii. Slavery marked the beginning of biases against Black Americans.
 - iii. As discussed below, these beliefs continue today in the areas of extra judicial violence in policing, trial and sentencing, incarceration, and the effects of imprisonment.

- iv. Before the civil war, southern jurisdictions criminalized common everyday activities. For example, authorities enacted statutes that prohibited slaves from learning to read, walking with a cane, making loud noises, and smoking in public.
- v. The inequity we see today in policing has deep roots in race and power dynamics that date to before the civil war during slavery.

B. Slave Patrols

1. History of Slave Patrols: Slave patrols preceded modern police departments.
 - a. The Massachusetts legislature's authorization of the hiring of Boston police officers in 1838 is widely considered the beginning of modern policing.
 - b. However the history of police goes back farther than 1838 and can be traced back to slavery era slave patrols. For example, the first slave patrol began in the Carolina colony in the early 1700s.
 - c. The purposes of these patrols was to apprehend and return escaped slaves, deter potential revolts, discipline slaves, and occasionally perform specific tasks. For example, the governor of North Carolina called on state senators to ensure slave patrols worked to stop the circulation of a publication by Black abolitionist David Walker, which called for violent rebellion against slavery. In response to the Governor's call, North Carolina formed a statewide "patrol committee."
2. Structure of Slave Patrols: These slave patrols varied significantly in their membership, formality, and organization.
 - a. The occupations of slave patrol members were varied and included farmers, hotelkeepers, and brick manufacturers. Some of the slave patrol members were community leaders and the largest slave owners in the region.
 - b. These slave patrols also have well-documented histories that included written patrol enforcement instructions, member rosters, and correspondence. Some of these slave patrols were more informal and simply consisted of all able-bodied white men in a community. Every slave state had slave patrols by the end of that century. Some scholars have also argued that slavery contributed to the fast growth of policing during slavery.
3. Parallels Between Current Modern Policing and Slave Patrols: There are similarities between slave patrols and modern police departments. [Note: To be expanded, if research shows additional similarities between slave patrols and modern police departments.]
 - a. Much like current police departments, some slave patrols had hierarchical organization structures that mimicked military units with ranks such as captain; slave patrols used dogs. For example, slave patrols not only used dogs to attack slaves by biting them but

also to instill fear. Further, slave patrols used bloodhounds to track down and capture slaves; slave patrols could be hierarchically organized that mimicked the military; slave patrols had formal internal documents; slave patrols used uniforms and badges to show their legitimacy.

C. Black Codes and Jim Crow: The Post-Slavery Era (1865-1950s)

1. Reconstruction: In the period after the Civil War, constitutional amendments and federal legislation ostensibly protected newly freed slaves.
 - b. Congress passed the Thirteenth Amendment (abolished slavery); the Fourteenth Amendment (prohibited states from denying due process and equal protection); and the Fifteenth Amendment (providing the right to vote regardless of race).
 - c. Congress also passed the Civil Rights Act of 1866, which mandated that “all persons born in the United States” with the exception of American Indians, were “declared to be citizens of the United States.”
 - d. Additionally, Congress passed the Ku Klux Klan Acts to enforce the Fourteenth Amendment and the Civil Rights Act of 1866. Further, Congress created the Freedmen’s Bureau in 1865 from 1872, which was an agency responsible for providing food, clothing, fuel, and other forms of assistance to destitute former slaves, but was eventually dismantled because of political pressure on Congress from white southerners
 - e. However, shortly after Congress abolished slavery in 1865, southern states criminalized and punished the formerly enslaved through laws, collectively called the Black Codes.
 - f. The South was not alone in criminalizing Black Americans. Authorities in Northern states also controlled “undesirable” groups, such as Black Americans, as an increasing number of Black Americans migrated to the North from the South. [Note: To be expanded.]
2. Black Codes
 - a. Black Codes criminalized common every day activities and applied only to Black Americans. Black Codes are often confused with Jim Crow laws. Black codes existed in southern states during the years immediately after the end of slavery until the Reconstruction Act of 1867 and regulated the everyday behavior of Black Americans.
 - b. Jim Crow laws existed in southern states after slavery ended and refer to state and local laws that legalized segregation.
 - c. Black Codes empowered local authorities to arrest Black Americans for certain types of behaviors, which were not illegal for whites. Many Black Codes also facilitated white control over Black Americans’ participation in the labor market.
 - i. For example, Black Americans were arrested if they could not prove that they

worked for a white employer. Southern states passed laws prohibiting Black Americans from entering into labor contracts without a discharge paper from their previous employer. Similarly, southern states also passed laws making it illegal for an Black American man to change employers without permission. Some Black Codes also required execution of annual labor contracts with white employers and prohibited Black Americans from certain jobs without an annual license. Other Black Codes even provided for the forced enslavement of Black American children. [Note: Discussed in Family.]

d. Vagrancy Laws

- i. Much like the Black Codes ensured a captive workforce with little agency; criminalized Black Americans' existence; and supported the southern economy, so did similar vagrancy laws.
- ii. All the former states in the confederacy, except Tennessee, also declared new vagrancy laws between 1890 and 1909.
- iii. These vagrancy laws were particularly problematic for Black Americans if they could not pay the fine for violating the vagrancy law. If someone who was accused of violating a vagrancy law could not pay the fine they were imprisoned. Then, as discussed in more detail below, a third-party could pay the fine and essentially force the alleged violator to repay the fine through forced labor.

e. Effects of Black Codes and Vagrancy Laws

- i. The Black Codes ensured that southerners had a captive workforce that was comprised of workers with little to no agency.
- ii. In addition to criminalizing Black Americans' existence these laws were essentially to maintain Black Americans as an inferior class of people.
- iii. Further, these Black Codes also helped support the southern economy, which was dependent on cheap and captive labor.

3. Leasing of Incarcerated People in Southern States

- a. The Thirteenth Amendment states that punishment for a crime is an exception to the prohibition on slavery. Under the Black Codes, police arrested Black Americans for minor infractions and leased them to someone who would pay the fine in exchange for the person's forced labor.
- b. Under this system, incarcerated people could never earn enough to repay the plantation owner to their satisfaction.
- c. This benefited the plantation owners because they could keep using the very cheap labor

of incarcerated people for a very long time in a situation that was very similar to slavery as it ensured a captive workforce.

- d. Many historians believe that this system was worse than slavery because plantation owners had no incentives to keep incarcerated people healthy or even alive because they could simply obtain a replacement to perform the work.
- e. The conditions under which incarcerated people worked were horrendous and continue to be discovered to this day.
- f. For example, archaeologists recently discovered a mass grave of incarcerated people's remains, which showed several signs of injuries.
- g. During this time, courts considered incarcerated people who were performing work during their incarceration to have few rights because they were "slaves of the state." (See, e.g., *Ruffin v. Commonwealth* (1871) 62 Va. 790, 796.)
- h. [Note: To be further expanded with additional cases if research yields relevant cases.]
- i. [Note: If further research shows cases from other jurisdictions, add these cases here.]
- j. The leasing of incarcerated people served as a means of racial subordination and labor discipline from 1866 to 1928, when convict leasing gradually ended. Some scholars have argued that moral opposition to convict leasing led its demise. For example, some scholars have argued that it ended at least in part due to fears of enemy propaganda about American racial abuse at the beginning of World War II. However, at least one scholar has contended that only a combination of rising lease prices and years of economic decline, rather than widespread moral opposition to convict leasing.

D. Jim Crow [Note: To be expanded.]

1. During the Jim Crow era, southern state and local governments implemented a system of apartheid to separate Black and white Americans. For example, Jim Crow laws required the separation of Black Americans and whites in nearly all public places.
2. While scholars seem to disagree as to when Jim Crow ended and the Civil Rights Movement began, it appears like the general public marks *Brown v. Board of Education* as the end of that era

E. Tough on Crime Era (1950s-1990s)

1. Several policies and laws from the 1950s to the 1990s resulted in the disproportionate representation of Black Americans in the criminal justice system. From the 1950s to the 1990s many prominent politicians ran on "Tough on Crime" or "Law and Order" platforms that demonized Black Americans and contributed to a rise in particularly punitive laws. In the federal level, the following presidents focused on punitive laws to punish criminals: Richard Nixon, Ronald Reagan, George Bush (Will Horton Campaign Ad), and Bill Clinton. The most important

laws the passed are discussed below.

- a. [Note: To be expanded with California specific history, such as three strikes laws and discussion of politicians who had such platforms in California.]
- iv. [To be expanded with discussion of California Governor Ronald Reagan and passage of Mulford Act.]

2. The War on Drugs [Note: To be expanded.]

- a. The War on Drugs was the effort by the federal government to fight illegal drug use by significantly increasing penalties, enforcement, and incarceration of people who possessed, distributed, and sold illegal drugs. It is well documented that the War on Drugs has had a disproportionate effect on Black Americans. The War on Drugs began in 1971 and continued well into the 1990s.
- b. [Note: Insert analysis of statistics related to disproportionately higher number of Black Americans arrested, convicted, and sentenced for drug possession.]
- a. The Anti-Drug Abuse Act of 1986 included mandatory minimum sentences for possession of specific amounts of cocaine. The law included far more severe punishment for the distribution of crack cocaine (cocaine in a solid pellet form) than the punishment for powdered cocaine (cocaine in a fine powdered form).
- b. The Anti-Drug Abuse Act established a 100 to 1 disparity in the punishment created for the distribution of crack and powdered cocaine. For example, distribution of only five grams of crack results in a minimum five-year federal prison sentence. Meanwhile, distribution of 500 grams of powder cocaine results in the same sentence.
- c. This Anti-Drug Abuse Act has had a disproportionate effect on Black Americans. [Note: Insert analysis of historical statistics and impact on Black Americans.]
- d. In 1988, the Congress added even more punitive penalties to the law. The new law authorized public housing authorities to evict any tenant who allows any form of drug related criminal activity to occur in or near public housing premises and eliminated many federal benefits, such as student loans, for anyone convicted of a drug offense. The law also expanded the use of the death penalty for serious drug-related offenses and imposed new mandatory minimums for drug offenses.

3. The 1994 Crime Bill

- a. Historically, this crime bill was part of the ongoing rise of “law and order” or “tough on crime” platforms and War on Drugs. Some scholars have argued that this bill contributed to the exponential growth of the prison population in the United States.
- b. In fact, Bill Clinton publicly admitted that this bill continued to the problem of overpopulated prisons nationwide by stating at the NAACP’s convention in Philadelphia

in 2015 that “I signed a bill that made the problem worse, and I want to admit that.”

- c. [Note: Insert analysis of historical statistics and impact on Black Americans.]

4. The Comprehensive Forfeiture Act of 1984

- a. There is some evidence showing that the ability to seize assets of people engaging in criminal activity incentivizes police to engage in over policing. The Civil Asset Forfeiture Reform Act attempted to address the many problems the 1984 law created but some scholars have argued that many problems remain.

- b. [Note: Insert analysis of historical statistics and impact on Black Americans.]

F. Attacks on Black American’s Activism: Criminalization of Well-Known Figures and Organizations in the Black Community:

- 1. The Federal Bureau of Investigation operated a cover counterintelligence program known as COINTELPRO, which was short for Counterintelligence Program, which targeted prominent civil rights leaders and activists, including Martin Luther King Jr., Malcolm X, and the Black Panther Party for Self-Defense.

G. Protests by Activists Was Typically Followed by Government Violence Against Protesters

- 1. As discussed further below, there is a long history of activism by Black Americans through protests, which were followed by violence from government actors.
- 2. This targeting of prominent Black American activists and violence against protestors and their communities further criminalized Black Americans.

H. Implicit Bias

1. How People View Black Americans in Relationship to Crime

- a. There is a growing body of research suggesting that Americans associate Black Americans with crime. Psychologist Jennifer Eberhardt and other psychologists summarize the history of research showing that Americans visually associate Black Americans with crime:
- b. The stereotype of Black Americans as violent and criminal has been documented by social psychologists for almost 60 years.
- c. Researchers have highlighted the robustness and frequency of this stereotypic association by demonstrating its effects on numerous outcome variables, including people’s memory for who was holding a deadly razor in a subway scene, people’s evaluation of ambiguously aggressive behavior, people’s decision to categorize things there are not weapons as weapons, the speed at which people decide to shoot someone holding a weapon, and the probability that they will shoot at all.

- d. Not only is the association between Black Americans and crime is strong, it also appears to be automatic rather than subject to intentional control.
 - e. There are also studies, which indicate that just as Black Americans can trigger thoughts of crime, thinking of crime can trigger thoughts of Black Americans.
 - f. In fact, some research indicates that American society views Black Americans so differently than the rest of the population, that marketing professionals have identified this trend. As a result, marketing professionals believe Black Americans purchase consumer products to defy racism and share collective identities that American society values, such as middle-class membership.
2. Crime in Black American Communities [Note: To be expanded on the perception of how Black Americans are not perceived as victims.]
- a. Due to the effects of segregation, Black Americans comprised a disproportionate share of those living in poverty-stricken neighborhoods and communities where socioeconomic vulnerabilities contribute to higher rates of violent crime.
 - b. Specifically, 62 percent of Black Americans live in highly segregated, inner city neighborhoods that experience a high degree of violent crime, while the majority of whites live in “highly advantaged” where there is little violent crime.
 - c. Some very new and limited scholarship shows that “mass shootings” disproportionately occur in Black American communities.
3. Hate Crimes
- a. [Note: To be expanded with discussion of hate crimes against Black Americans, applicable statistics, and include specific instances such as Latasha Harlins, firebombing of Black Americans homes, etc.]

III. Policing

A. Implicit Bias in Policing

- 1. There is a growing body of research that indicates racial biases significantly affect how police interact with Black Americans. In fact, a recent study shows that Black American and Latino suspects receive more force in the beginning stages of an interaction with police. A 2021 study of traffic stop data in Florida shows that approximately 42 percent of police officers discriminate during traffic stops and that minority drivers are less likely to be let off with a warning when compared to white drivers.
- 2. A 2017 study of bodycam footage also indicate that police officers speak significantly less respectfully to Black Americans than to whites in everyday traffic stops even after controlling for officer race, infraction severity, stop location, and stop outcome.
- 3. Researchers have found that there was pervasive racial discrimination in stops, searches,

handcuffing, and arrests in Oakland.

4. There is also a significant amount of scholarship indicating that policing in Black American communities, such as through “stop and frisk” techniques, has devastating effects.
5. There is also some preliminary evidence that racial bias in police officers will continue with new policing technologies because algorithms are based on biases of the humans creating these technologies. Racial discrimination in policing continues to be a pervasive problem. In fact, even new technologies may replicate, mask, transfer, and exacerbate inequities in policing.

B. Federal

1. Use of Force [Note: To be expanded.]
 - a. Although there is not currently a comprehensive nationwide database on use of force to collect information from all law enforcement agencies and types of deaths, many scholars, commentators, and advocacy groups have shown that police kill Black Americans at similar rates across the nation.
 - b. In fact, a study of thousands of incidents use of force incidents has concluded that Black Americans are far more likely than whites and other groups to be the victims of police use of force. Further,
2. Under policing [Note: To be expanded.]
 - a. Some scholars believe that police in Black American communities are unable to effectively address crimes such as violent crime in Black American communities.
3. Over policing [Note: To be expanded.]
 - a. Some scholars also believe that Black American communities are also simultaneously under policed and over policed depending on the type of crime.
 - b. In 2019, Black Americans comprised 26 percent of all arrests yet they only made up 13.4 percent of the population.
 - c. Some scholars believe that police arrest Black Americans for relatively minor crimes, such as loitering and drug possession, but do not hold people accountable for serious violent crimes.
 - d. Pretextual Stops
 - i. According to a recent large-scale analysis of racial disparities in over 60 million state patrol police stops in 20 states, including California, researchers found that police officers stop Black Americans more often than white drivers relative to their share of the driving-age population. Further, these researchers found that stopped drivers, after controlling for age, gender, time, and

location, police are more likely to be ticket, search, and arrest Black American drivers more than whites. Additionally, the researchers found that the bar for searching Black American drivers is lower than for searching whites.

4. Police lineups [Note: To be expanded.]

- a. While eyewitness identification of suspects is notoriously unreliable, a growing body of research suggests that discrimination against Black Americans occurs in police lineups.
- b. For example, one recent study shows that when perpetrators were Black Americans explicitly egalitarian witnesses more often made incorrect identification decisions than witnesses who were racially prejudiced.

5. Charged with More Serious Crimes [Note: To be expanded.]

- a. In comparison to white Americans, Black Americans tend to be charged for more serious crimes. There is some social science research, which suggests that racial biases of police officers and prosecutors may contribute to the disparities described above.

6. Employment Discrimination in Police Departments

- a. Employment discrimination in police departments against Black American applicants is common. In fact, the Obama administration's Task Force on 21st Century Policing recommended that the diversity of the nation's law enforcement agencies was an important aspect in developing community trust in the police.
- b. The United States Equal Employment Opportunity Commission (EEOC) has specifically identified problems with hiring, retention, harassment, and promotion of Black American police officers. Further, several police officers have publicly complained in news outlets throughout the country about issues with discrimination and harassment against Black American police officers.
- c. These conditions have resulted in departments that have very few Black Americans police officers. Some scholars have argued that this lack of diversity in police departments contributes to discrimination and police brutality against Black Americans.

7. Police Gangs [Note: To be expanded.]

- a. [Note: To be expanded—if research indicates anti-Black bias as a police gang recruitment requirement.]
- b. Gangs within police departments may also contribute to the previously described discriminatory and exclusionary environment within some police departments.
- c. For example, the California Attorney General is currently investigating the Los Angeles Sheriff's Department at least in part because of the gangs its officers have created within the department.

- d. Police gangs may not only target police officers who are unaffiliated with gangs within the police department, but also outsiders such as people in the communities where they work.

C. Extrajudicial Murders and Violence in Policing [Note: To be expanded with more information on state sanctioned violence.]

1. History

- a. [Note: Insert reference to previously described history of criminal justice system, and policing in particular, as laying the groundwork for over-policing, which leads to extrajudicial murders and violence against Black Americans.]
- b. There is a very long history of not only extrajudicial violence—but also murders of Black Americans throughout the United States by police since the slavery era to present day. This history has also not been limited to the southern states—but also California’s history.
- c. [Note: Insert summary and reference to discussion of lynching in Racial Terror section.]
- d. there are many examples of police killing Black Americans: Sandra Bland, George Floyd, Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Alton Sterling, Philando Castile, Breonna Taylor, Daunte Wright, Trayvon Martin (by George Zimmerman who was essentially attempting to act as law enforcement). [Note: To be expanded with additional California specific names (such as Ezell Ford, Kendrec McDade, Wakiesha Wilson, Dijon Kizzee, Richard Risher, Mitrice Richardson, and Anthony McClain) either in this section or in the California section below.]
- e. The police or people acting as police who kill Black Americans are rarely prosecuted and convicted despite significant public awareness.
- f. In light of policing strategies, such as pretextual stops, which have a disproportionate effect on Black Americans it should be no surprise that police kill Black Americans at rates that do not track their percentage of the population.
- g. Although there is not currently a comprehensive nationwide database, which collects information from all law enforcement agencies and on all types of deaths, many scholars, commentators, and advocacy groups have shown that police kill Black Americans at similar rates across the nation.
- h. Just last year in 2020, Black Americans comprised 28 percent of the people who police kill—despite the fact that they only make up 13 percent of the population. Police killed Black Americans at higher rates than white people in 47 of the 50 largest states. Black Americans are 3 times more likely to be killed by police. They are also 1.3 times more likely to be unarmed than white people when they are killed by the police.

- i. So far in 2021, police have killed ____ [Note: Insert more updated statistics when closer to publication.] Black Americans.

D. California

1. Discriminatory Policies and Laws

- a. As the following section will show, the previously described federal policies and laws also had effects in California. Recently, there has been a move in California towards more oversight of law enforcement agencies.
- b. [Note to be expanded with summaries and links regarding recent and public Department of Justice investigations that found discrimination the Kern County Sheriff's Department, Bakersfield Police Department, and Sacramento Police Department.]
- c. [Note: Insert reference and summary of previously explained history of law enforcement from slavery to present day was characterized by bias against Black Americans, which continues to present day policing in California. Make point that discriminatory policing against Black Americans is not limited to southern states but also occurred here in California.]

2. Discriminatory Practices

a. Racial profiling in California

- i. [Note: Insert summary of California's long history of racial profiling against Latinos and Black Americans and that the following discriminatory practices exacerbated this racial profiling in policing.]
- ii. California's Racial and Identity Profiling Board's 2021 Annual Report, which currently reports on data from the 15 largest law enforcement agencies in the state, presents concerning statistics on policing for Black Americans.
- iii. It should also be noted that this collection of data is expanding and will eventually include all law enforcement agencies in the state.
- iv. The report found the following:
- v. Officers searched detained, such as on the curb, in a patrol car, in handcuffs, and removed from vehicles more Black American individuals than white individuals despite stopping more than double the number of white individuals than Black American individuals.
- vi. Search discovery rate analysis showed that individuals who police perceived as Black American had higher search rates—even though they had lower rates of discovery of contraband compared to white individuals.

- vii. Black Americans that police perceived to have a disability had higher search rates as did Black Americans the police perceived to have no disability.
 - viii. Black Americans were more likely to have police use force against them compared to white individuals.
- b. Broken Windows
- i. Broken Windows is an aggressive crime preventions strategy first implemented in New York City in the 1990s.
 - ii. It resulted in disproportionate arrests of Latino and Black American youths.
 - iii. The Los Angeles Police Department adopted Broken Windows theory through aggressive enforcement of minor misdemeanor laws.
- c. Gang Injunctions [Note: To be expanded.]
- i. [Note: To be expanded with discussion of City of Los Angeles gang injunctions as discussed at <https://youthjusticela.org/injunctions/>.]
 - ii. At least one article has drawn connections between Black Codes and modern-anti-gang civil injunctions.
 - iii. California Attorney General Gang Database and Problematic Data Collection on Gangs by Local Law Enforcement Agencies [Note: To be expanded.]
- d. Operation Pipeline in 1984
- i. Operation Pipeline is a federal program in which over three hundred state and local law enforcement agencies trains officers to use pretextual stops and consent searches on a large scale for drug interdiction.
 - ii. This program has let to racial profiling throughout the United States and in California, in particular.
 - iii. In a 1999 report by the California State Legislature, the California High Patrol described Operation Pipeline enforcement” program to find illegal drugs by generating “a very high volume of legal traffic enforcement stops to screen for criminal activity, which may include drug trafficking.”
 - iv. As a California Highway Patrol Office said, “ ‘It’s sheer numbers. . . Our guys make a lot of stops. You’ve got to kiss a lot of frogs before you find a prince.’ California Highway Patrol canine units kissed nearly thirty-four thousand frogs in 1997. Only 2 percent of them were carrying drugs. In other states, up to 95 percent of all Pipeline searches have been found to be dry holes.”

- v. California's Racial and Identity Profiling Board's 2021 Annual Report, which reports data from the 15 largest law enforcement agencies in the state, presents concerning statistics on policing for Black Americans.
 - vi. The report found the following: Black American individuals represented a higher proportion of the stopped individuals than their relative proportion of the population.
 - vii. [Note: Insert reference and link to location where stop data is regularly posted: <https://www.openjustice.doj.ca.gov/data.>]
 - viii. Specifically, Black Americans comprise only 7 percent of the population but 16 percent of stops by police.
3. Marijuana Prohibition and Legalization [Note: To be expanded with discussion of pre-legalization enforcement history and disparate effect on Black Americans as well as experience of Black American entrepreneurs in post-legalization marijuana industry.]
4. Extrajudicial Violence and Murders
- i. There is a long history of violence against people of color and Black Americans in California.
 - ii. Currently, there is significant evidence showing that the statistics on violence by police against Black Americans is similar in California.
 - iii. The legislature has and continues to make several attempts to address the issue of police brutality in California. Assembly Bill 1506: For example, requires a review of officer-involved shootings by the Attorney General. Senate Bill 2 is a bill that is currently in under consideration that would allow the state to decertify police officers for misconduct. California is one of only four states without that power. Assembly Bill 118 would create pilot programs to allow community organizations to respond to 911 calls rather than police. Assembly Bill 26 would require officers to intervene if they witness another officer using excessive force. This bill would also require officers to report the use of force and prohibits retaliation against reporting officers.
 - iv. Watts [Note: To be expanded further with additional examples of state sanctioned violence.] Throughout Los Angeles history, police have brutalized Black Americans and members of historically marginalized groups such as Native Americans, Latinos, and Asians. This long history of police brutality in the time between the 1920s and 1960s, in particular, was characterized by police brutality against Black Americans and protests, such as the Watts Rebellion in 1965.
 - v. The Black Panther Party for Self-Defense

- a) Police brutality became such a concern in the bay area that the Black Panther Party for Self-Defense was started in the Bay Area to provide protection to Black Americans from the police during the 1960s.
 - b) Two young activists, Huey Newton and Bobby Seale, saw brutality against civil rights protestors as part of a long history of police violence.
 - c) The Black Panther Party eventually evolved into an organization that provided several other services to the community such as medical clinics and free breakfasts for children.
 - d) Several police departments in California have a particularly troubling and well-documented history of brutalizing Black Americans.
- vi. Rodney King [Note: To be expanded.]
- a) [Note: To be expanded with discussion of 1992 riots as significant period of civil unrest during the twentieth century.]
 - b) For example, the beating of Rodney King by Los Angeles Police Department officers. Often, these and similar incidents of police brutality would cause community protests and continued brutality by police.
- vii. Black Lives Matter Movement [Note: To be expanded.]
- a) In response to the acquittal of George Zimmerman, who murdered an unarmed Black American high school student named Trayvon Martin, Black organizers founded Black Lives Matter (BLM) in 2013.
 - b) The first chapter was in Los Angeles but BLM is now not only a nationwide network but also a global network of activists.
 - c) BLM has made some progress in bringing awareness to extrajudicial murders and inspired some police reform as previously discussed.
 - d) The statistics below show that police have and continue to kill Black Americans at startling rates.
 - e) Unfortunately, as the statistics on police violence and murders discussed below show, police continue to hurt Black Americans at disproportionate rates both at the federal level and in California.
- viii. General Statewide Statistics on Police Violence
- a) Statewide, Black Americans made up 18 percent of the people police have shot or seriously injured even though they make up just 6 percent of California's population from 2016 to 2019 according to the California

Department of Justice.

- ix. Statistics on Murders by Police in California's Largest Metropolitan Areas
[Note: To be expanded if additional research indicates relevant statistics.]
 - a) In Los Angeles County, in particular, the statistics are particularly troubling. Police have killed 923 people since 2001 and 25 percent of those people were Black American even though they only made up 8 percent of the population during that time.
 - b) In the San Francisco Bay Area, according to a recent study, 27 percent of the people police killed were Black Americans even though they only comprised 7 percent of the population.
- x. Recent and Specific Incidents of Murders by Police [Note: To be further expanded.]
 - a) There are also several recent and high-profile incidents of murders by police in California that are particularly troubling, such as: Stephon Clark in Sacramento; Oscar Grant in Oakland; Alfred Olango in San Diego.
[Note: To be expanded with additional names of victims of police (such as Ezell Ford, Kendrec McDade, Wakiesha Wilson, Dijon Kizzee, Richard Risher, Mitrice Richardson, and Anthony McClain) either here or above,]
- xi. Impact on Racial Profiling and Police Brutality on Black Americans
 - a) The impact of murders by police of unarmed Black Americans and racial profiling and police brutality have a significant impact on the daily lives Black Americans in California.
 - b) The daily fear of racial profiling on Black American Californians who are stopped solely because of their race are well-known.
 - c) A particularly well-known example of racial profiling is the stop former Los Angeles Assistant District Attorney Johnnie Cochran experienced in Los Angeles. Cochran was driving down Sunset Boulevard with his two youngest children in the back seat when a police car stopped him. During that stop the police officers searched his car with no legal basis and pulled their guns out. Cochran later described incident and stated "[The officers] had their guns out and my kids were in the car crying. My daughter said, 'Daddy I thought you were with the police.' I had to explain to her why this happened.
 - d) The daily ongoing fear of racial profiling also extend to family members.
 - e) For example, even former First Lady Michelle Obama recent revealed in

an interview her fears about her daughters becoming the victims of racial profiling.

- f) Obama stated “The fact that they are good students and polite girls, but maybe they’re playing their music a little loud, maybe somebody sees the back of their head and makes an assumption.” Obama went on to state “I, like so many parents of [B]lack kids ... the innocent act of getting a license puts fear in our hearts,” she said. “Many of us still live in fear as we go to the grocery store, walking our dogs.”

IV. TRIAL AND SENTENCING

A. Federal

1. [Note: Insert reference to previously described history of criminal justice system from slavery through Jim Crow, the 1960s, and to present as creating the impetus behind disparities in sentencing outcomes for Black Americans.]
2. In addition to the previously described history of the American criminal justice system, several systemic problems in the criminal justice system have historically created significant disparities for Black Americans.
 - a. For example, prosecutorial bias, underfunded courts, cash bail, and prosecutorial misconduct have all created a system in which Black Americans are at a significant disadvantage. [Note to be expanded in further detail.]
 - b. As discussed in the civil justice system section, lack of diversity in the legal profession and judiciary also exacerbate the discrimination Black Americans face in the criminal justice system.
3. Harsher Punishment for Certain Types of Crime that Has a Disproportionate Effect on Black Americans
 - a. _____
 - b. According to the Sentencing Project in its report to the United Nations, “Black Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, and they are more likely to experience lengthy prison sentences. Black American adults are 5.9 times as likely to be incarcerated than whites.”
4. Three Strikes Laws [Note: To be further expanded with other state specific developments.]
 - a. Over the last few decades there has been a dramatic shift to the right at the United States Supreme Court, which has included an erosion of rights of criminal defendants.
 - b. For example, *California v. Acevedo* 500 U.S. 565 (1991)

5. Comprehensive Crime Control Act and Sentencing Reform Act The First Step Act (2018)

- a. This law limited mandatory minimums for low-level drug offenses, provide retroactive sentence reductions to people imprisoned under the 100 to 1 crack cocaine disparity, and expand rehabilitation in federal prisons. The outcomes are “mixed” and there is still much left to be done.
 - b. While the passage of the First Step Act has helped prevent future sentencing disparities, sentencing from drug-related offenses is only part of the reason why so many Black Americans are incarcerated. Moreover, it does nothing to provide a remedy to the many Black Americans who were incarcerated under the 100 to 1 crack cocaine disparity.
6. There is significant evidence that lack of diversity on juries is an “endemic” and nationwide problem.
7. There are studies, such as those on racial diversity in juries, which show that lack of diversity in juries can result in poor trial and sentencing outcomes for Black Americans.
8. There is also some evidence showing that racism may inform how strongly the public supports punitive criminal justice policies. For example, one study showed that when researchers exposed study participants to a penal institution that was represented as “more [B]lack” people were more concerned about crime and expressed greater acceptance of punitive policies than when the penal institution was represented as “less Black.”

B. California

1. Black Americans make up 20.2 percent of felony defendants in California even though they only make up 5.7 percent of the population.
2. Possible Causes: Unfortunately, lack of diversity on juries continues to be a widespread problem throughout California. In fact, a 2020 study shows that racial discrimination is an “ever-present” feature of jury selection in California. Specifically, the report found that California prosecutors’ use of peremptory challenges to exclude Black Americans from juries is still pervasive.
3. A recent study describes California courts’ history with *Batson* cases as “abysmal.”
 - a. For example, California barred Black Americans from serving on juries for a number of years after statehood. [Note: Insert reference to Political Participation section.]
 - b. More recently, in the last 30 years, the California Supreme Court has reviewed 142 cases involving *Batson* claims, which is the process by which a party can object to a preemptory challenge because of a juror’s race, and found a violation only three times. In fact, from 2006-2018, California courts held that there was a *Batson* error in just 18 out of 683 cases. Even more troubling, it has been over 30 years since the California Supreme Court held that there was a *Batson* violation involving a Black American juror.
4. Three Strikes in California [Note: To be expanded.]

- a. California is one of several states that had a three strikes law. Under California's three strikes law, imposed life sentence for almost any crime—no matter how minor—if the defendant has two prior convictions for crimes that were serious under the California Penal Code.
- b. The goal of the three strikes law was to deter offenders from committing crimes again. As it did in other states with similar laws, this law caused a massive increase in the size of California's prison population.
- c. The California Three Strikes Law disproportionately affect Black Americans such as causing longer prison sentences for Black Americans. There is also evidence that three strikes laws have negative and disproportionate effects on Black American families.
- d. *Lockyer v. Andrade* (2003) 538 U.S. 63. Proposition 36 changed the law by eliminating life sentences for non-serious and non-violent crimes. It also established a process for people who were serving life sentences for minor third strike crimes to seek a reduced sentence. In just the first eight months of its reenactment over 1,000 prisoners were released from custody.

V. INCARCERATION

A. History

1. [Note: Insert reference to previously described history of criminal justice system in America, "tough on crime" policies, three strikes etc. as causing disproportionate incarceration rates for Black Americans.]

B. Federal

1. Adult Incarceration

- a. On a nationwide basis, 20 percent of prisoners in federal and state correctional facilities were Black American even though they made up just 13.4 percent of the population in 2019. Specifically, in 2021, there are currently 59,318 Black Americans of a total population of 155,465 in approximately 122 federal prisons in operation across the country. According to the U.S. Bureau of Justice Statistics, the annual budget for the Federal Bureau of Prisons, which was most recently over approximately 80 billion, is staggering.

2. Solitary Confinement

- a. A 2018 study showed that both federal and state correctional facilities placed a disproportionate number of Black American males in solitary confinement.
- b. Specifically, Black American males in prison made up approximately 42.5 percent of the prison population but comprised 46.1 percent of the people in restrictive housing, which is separating prisoners from the general population and holding them in their cells for an

average of 22 hours or more per day for 15 continuous days or more.

- c. “Restrictive housing” is also known as solitary confinement.

3. Death Penalty

- a. The United States Supreme of Court both banned and reinstated the death penalty in the 1970s.
- b. During this time period, the Supreme Court also noted that the death penalty has a discriminatory effect on Black Americans. In *Furman v. Georgia*, the Supreme Court banned the death penalty.
- c. This case is of particular importance to this report because a concurring opinion in that cases discusses the disproportionate number of Black Americans who received the death penalty. For example, Justice Douglas noted that the President’s Commission of Law Enforcement and Administration of Justice had concluded that “Finally there is evidence that the imposition of the death sentence that the imposition of the death sentence and the exercise of dispensing power by the courts and the executive follow discriminatory patterns.” For example, Justice Douglas noted, a Black American would be more likely to get the death penalty when convicted for rape when compared to whites.
- d. This the Supreme Court has recognized the disparate impact of the death penalty on Black Americans.
- e. Then, in the Supreme Court decided five capital cases, which are often collectively referred to by the leading case *Gregg v. Georgia*. Each of these cases involved a different crime and different type of statute. Although the outcome of each case was different, these cases generally stood for the proposition that the death penalty is constitutional in some circumstances.
- f. Since that time, several states have banned the death penalty. Currently, 27 states have the death penalty and 23 states and the District of Columbia do not have the death penalty. Three states, such as California, currently has a gubernatorial moratorium on executions.
- g. The government disproportionately executes Black American men. This report explains that racial bias persist today and references the following facts, which show the problems with capital sentencing of Black Americans:
- h. A 2015 meta-analysis of 30 studies showing that the killers of white people were more likely than the killers of Black Americans to face a capital prosecution.
- i. A study in North Carolina showing that qualified Black jurors were struck from juries at more than twice the rate of qualified white jurors. As of 2010, 20 percent of those on the state’s death row were sentenced to death by all-white juries.

- j. In fact, some scholars have shown that in cases involving a white victim, the more stereotypically Black American a defendant is perceived to be, the more likely that person is perceived to be dangerous.
4. Juvenile Incarceration [Note: To be expanded subject to future research.]
- a. Nationwide, Black American youth comprise 41 percent of youths in juvenile facilities even though they make up 15 percent of all youths in America.
 - b. Additionally, Black American youth are more than four times likely to be detained or committed in juvenile facilities as their white peers. In fact, Black American youth are more likely to be in custody than white youth in every state except Hawaii.
 - c. Black Americans minors continued to live in particularly dangerous conditions in the juvenile justice system. For example, in 1959, 21 Black teenagers died in a building after being left alone and locked inside of their dormitory at the Negro Boys Industrial School, a juvenile work farm located in Arkansas housing boys between the ages of 13 and 17, some of whom were considered delinquent because of committing minor infractions. For instance, one boy in the facility has been sent there for riding a white boy's bicycle—even though the white boy's mother had given him permission to ride the bike. Another boy was in the facility because he had soaped windows as a Halloween prank.
 - d. [Note: Insert reference to discussion of juvenile justice issues as discussed in Family section.]
 - e. [Note: to be expanded with reference to Black American girls.]
5. The Labor of Incarcerated People
- a. To this day, federal officials continue to use the labor of incarcerated people in federal government programs.
 - b. These work programs remain somewhat controversial. Correctional facilities, such as Federal Prisons Industries of the Federal Bureau of Prisons, tout these programs as providing inmates with marketable job skills. Others, such as some academics, argue that these work programs are not beneficial to incarcerated people. In any event, statutes regulating the employment, such as those mandating a minimum wage and similar protections, do not apply to incarcerated workers.
6. Discrimination in the Correctional Disciplinary System
- a. At least one study has found that while Black American and white inmates were equally likely to break rules, correctional authorities were more likely to report infractions by Black Americans.
 - b. There is not a significant amount of public information and research on prison disciplinary decisions and race. But at least one scholar has argued that there may be

potential implications of the findings of implicit bias research in the population at large outside of prison, such as in policing, in the prison disciplinary context.

C. California

1. Adult Incarceration

- a. Much like federal correctional facilities, California facilities imprison a disproportionate number of Black Americans in state facilities. Approximately 28.3 percent of the California's prisoners were Black American—even though they make up just approximately 6.5 percent of the population in the state.
- b. As discussed below, however, the state has made some efforts to decrease the number of people it incarcerates.

2. Juvenile Incarceration

- a. California has a well-documented and troubled history of juvenile incarceration.
- b. The numbers of incarcerated youths reached unprecedented heights in the 1990s. In fact, California housed over 10,000 youth in eleven facilities throughout the state in 1996, which was the nation's third highest youth incarceration rate.
- c. Since that time, the state has attempted to make several systemic reforms to not only reduce the population of incarcerated youths but also to improve the treatment of youths who are in facilities. There have also been recent attempts to decentralize the juvenile justice system and provide localized services for juveniles who are accused of crimes.
- d. To that end, most recently, SB 823 provided for the closure of the California Department of Corrections and Rehabilitation's Division of Juvenile Justice, formerly the California Youth Authority.
- e. However many inequities remain, particularly racial inequities.
- f. Currently, in California, Black American youth are 31.3 times more likely to be committed to imprisonment in the state's juvenile justice system.
- g. As of June 2020, 227 Black American youth comprised the total 782 youths in California juvenile detention facilities.
- h. In that same time period, the number of Black American youth committed to a juvenile detention facility comprised 36 percent of even though they comprised only 14 percent of the population in California.

3. Growth of Prisons and Jails

- a. The previously described history of the criminal justice system in America, such as three

strikes laws and similar policies that disproportionately affect Black Americans, has led to several conditions that have caused California, in particular, to lead the way in expansion of prisons in the United States until recent years.

- b. The previously discussed history of criminal justice, particularly from the 1980s to present, has contributed to what has been described as “the biggest prison building project in the history of the world” here in California.
 - c. Statewide, as of September 2021, the California Department of Corrections and Rehabilitation (CDCR) houses approximately 100,000 people in its facilities. CDCR has also forecasted a budget of approximately \$227.2 billion budget for 2021-2022 and operates 35 adult facilities.
 - d. [Note: Insert image of map of CDCR facilities from <https://www.cdcr.ca.gov/facility-locator/>.]
 - e. CDCR has also been the subject of several lawsuits because of its treatment of inmates. [Note: To be expanded with specific lawsuits and segregation of inmates.]
 - f. Similarly, Los Angeles is also a leader in incarceration. Los Angeles incarcerates more people than any other American city. According to at least one scholar, removing Black Americans from Los Angeles streets through arresting them, imprisoning them, and threatening arresting them in the future if they stayed in the city was one of many driving causes in the historical rise of incarceration in Los Angeles.
4. Leasing of Incarcerated People’s Labor [Note: To be expanded with breakdown of pay if research yields sufficient information on pay.]
- a. To this day, the State of California uses the labor of incarcerated people in a wide variety of contexts. For example, the California Prison Industrial Authority (CalPIA) provides a wide variety of products such as clothing, textiles, furniture, cleaning products, office supplies, signs, and food. (<https://catalog.calpia.ca.gov/>.) Further, as of October 2020, the California Department of Forestry and Fire Protection (CalFire) typically employs around 1,800 inmates every year to fight forest fires. As previously discussed, some academics have challenged the value of these programs.

VI. THE EFFECTS OF INVOLVEMENT IN THE CRIMINAL JUSTICE SYSTEM IN THE AREAS OF HOUSING, EMPLOYMENT, JURY PARTICIPATION, VOTING, MENTAL HEALTH, AND TRUST IN LAW ENFORCEMENT

A. Federal

- 1. The negative effects of Black Americans’ participation in the criminal justice system are most obvious in areas such as housing, employment, jury participation, and voting. Incarceration has also harmed the mental health of Black Americans and created a general mistrust of law enforcement in Black American communities.

2. Under federal law, it is legal to discriminate against someone who has been incarcerated in the areas of employment, housing, jury participation, and voting.
3. [Note: Insert explanation of statistics and inevitable shortcomings of statistics because of lack of national databases and populations that are difficult to track. For example, homelessness is particularly difficult to track because of the transient nature of the homeless population. Similarly, and to name another example, it is difficult to draw causation when someone has not obtained a job when they have a criminal record.]
4. Housing
 - a. As a general matter, Black Americans who have been incarcerated experience significant levels of housing instability shortly after they leave prison.
 - b. The Prison Policy Initiative (PPI) estimates that returning citizens are almost 10 times more likely to be homeless than the general public. In fact, PPI estimates that homelessness of for returning citizens who are Black Americans is worse than all other groups.
 - c. Returning citizens also experience high rates of housing insecurity. Dating back to slavery, Black Americans have experienced homelessness.
 - d. [Note: Insert reference to Housing section.]
5. Employment
 - a. Returning citizens who are Black American experience significant difficulties when seeking employment.
 - b. Lack of employment opportunities for returning citizens can have a broader and negative impact to their families. At least one study argues that Black American families with an incarcerated family member contributes to the Black-white wealth gap.
 - c. Consideration of a job applicant's criminal history can have a disparate impact against men of color such as Black American males, which violates Title VII of the Civil Rights Act of 1964.
 - d. In fact, the Equal Employment Opportunity Commission (EEOC) has recognized in its enforcement guidance that employers' consideration of a conviction or arrest are particularly problematic for Black American men because they are more likely to have criminal histories.
 - e. Nationwide, there is also a movement to prohibit employers from considering a job applicant's criminal history before their qualifications for a job. This movement is also referred to as the "ban the box" movement.
 - f. Currently, 36 states and over 150 cities and counties have "banned the box" or prohibited

employers from asking about conviction or arrest history and delaying background checks until later in the hiring process.

6. Jury Participation

- a. Although statistics on the number of Black Americans who cannot serve on juries is difficult to ascertain, there are strong indications that a disproportionate number may not serve on juries.
- b. There is not a national database on the number of people who are prohibited from serving on a jury.
- c. To complicate matters further, state laws vary as to what triggers exclusion from serving on a jury. For example, some states exclude people from serving on juries when they commit misdemeanors.
- d. But it stands to reason that if Black Americans are incarcerated more than other groups, they are also more likely to be excluded from jury participation as well.
- e. There also appears to be substantial scholarship indicating that the lack of jury diversity is a serious problem in America, which leads to significant disparities.
- f. As previously discussed, California has a particularly bad history of excluding Black Americans from juries. [Note: Insert reference to previous discussion of *Batson* challenges in section on trials.]

7. Voting

- a. The Sentencing Project estimates that approximately 1.3 Black Americans of voting age cannot vote because of past convictions, which is a rate 3.7 times greater than that of non-Black Americans. In fact, over 6.2 percent of the Black American population cannot vote because of past convictions compared to 1.7 percent of the non-Black American population.
- b. There is significant variation across the nation as to whether states disenfranchise people who have criminal convictions. For example, in some states, such as Texas, Washington, and Idaho, people with felony convictions can vote upon completion of their sentence. In states such as New Mexico, Florida, and Wyoming, some people with felony convictions cannot vote. In other states, such as Nevada, Colorado, and Utah, people in prison cannot vote but everyone else may vote. In New York and Connecticut, people in prison and on parole cannot vote while all other people with criminal convictions, including people on probation, can vote. Other states, such as Virginia and Kentucky, permanently disenfranchise all people who have felony convictions. However, in Vermont and Maine there is no disenfranchisement and everyone has the right to vote.

8. Mental Health

- a. Contact with the criminal justice system has negative effects on the mental health of Black Americans.
- b. For example, a 2018 study found that a police killing of an unarmed Black American triggered days of poor mental health for Black Americans living in that state, which is a significant problem given that there are about 1,000 murders by police of Black Americans on average each year. This accumulation of painful days over the course of a year was comparable to the rate diabetics experienced.
- c. [Note: Insert reference to previous discussion in incarceration section regarding the mental health impact of the disproportionate number of Black Americans in solitary confinement.]
- d. Studies show that the impact of solitary confinement, which Black Americans disproportionately experience have a lasting impact on the mental health of people who have served time in prison.
- e. [Note: Insert reference to Health outline regarding health issues for Black Americans.]

9. Mistrust in Police

- a. Contact with the criminal justice system also has a negative effect on Black American's trust in law enforcement.
- b. Unsurprisingly all these previously described negative experiences with the criminal justice system, has caused many Black Americans to distrust police.

10. [Note to be further expanded: Impact on the Black family]

B. California

1. The State of California has made some recent progress in attempting to end mass incarceration and mitigate its effects in the state.
 - a. Specifically, the state has several laws that attempt to decrease the number of people imprisoned in state facilities such as: AB 109 (The Public Safety Realignment Act); Proposition 36 (The Substance Abuse and Crime Prevention Act); Proposition 47 (The Safe Neighborhoods); and Proposition 57 (The Public Safety and Rehabilitation Act of 2016).
 - b. [Note: To be expanded further with specific laws and summaries of laws.]
 - c. There is empirical evidence indicating that these reforms are in fact decreasing the number of people in state correctional facilities.
 - d. But significant disparities remain in the areas of housing, employment, jury participation, and voting.

2. Housing

- a. Much like under federal law, housing providers may lawfully consider the criminal history of returning citizens under California law.
- b. As a result, returning citizens still face many barriers when obtaining housing.
- c. [Note: Insert reference to Housing outline.]

3. Employment

- a. In 2018, California passed the Fair Chance Act (Gov. Code § 12952) made it illegal for most employers in California to ask about the criminal record of job applicants before making a job offer. While the Fair Chance Act certainly stopped discrimination against Black Americans who served time as felons, it does nothing to remedy the wrong of decades of discrimination they suffered before California passed this law.
- b. Relatedly, the Department of Fair Employment and Housing has recently implemented regulations, which provide further guidance to employers regarding the prohibition of considering a job applicants' criminal history. However, much like the Fair Chance Act, it does nothing to remedy past discrimination because of criminal history.
- c. [Note: Insert reference to Employment and Wealth Accumulation outline.]

4. Jury Participation

- a. In 2017, California passed the Right to a Jury of Your Peers law, which allows people who were convicted of a felony to serve on juries if they have finished their prison time and are not on parole, probation, or other post-prison supervision.
- b. Much like the Fair Chance Act, this law only ensures that returning citizens can serve on juries on the future and does nothing to remedy the many decades during which former incarcerated Black Americans could not serve on juries.
- c. [Note: Insert reference to Political Participation outline, if content is located there in future drafts.]

5. Voting

- a. In 2016, California did restore voting rights to people who had a felony and served time in jail. But people who had a felony and served time in prison still may not vote. Much like the Fair Chance Act and the Right to a Jury of Your Peers law, this prevents future harm to returning citizens who are Black American—but it does nothing to remedy the discrimination that they suffered for the decades during which they could not vote.
- b. [Note: Insert reference to Political Participation outline.]

VII. Discrimination in the Civil Justice System.

A. Black Americans' Experience in the Civil Justice System

1. Black Americans experience significant challenges in the civil justice system as well. For a discussion of discrimination in family court and the child welfare system, please see the Family section.

B. The Importance of the Civil Justice System

1. The civil justice system is particularly important because it is the system through which people can solve common everyday problems.
2. Nationwide, approximately 47 percent of Americans experience at least one civil legal problem in their household each year.
3. Similarly, 55 percent of Californians experience at least one civil legal problem in their household each year.

C. Underfunded Courts, Problems for Low-Income People, and Other Systemic Problems [Note: To be expanded further.]

1. Many of the previously described problems in the criminal justice system also exist in the civil justice system, which all create a system that can lead to unfair results for historically marginalized groups like Black Americans.
2. Underfunded Courts
 - a. For example, much like California criminal courts, the state's civil courts have been particularly underfunded, which leads to many inequities.
 - b. Unlike in the criminal courts, however, cases in the state's civil court system move particularly slowly because there are not the same requirements for a speedy trial. As a result of underfunded courts, civil cases move particularly slowly and cases are often not resolved for years.
 - c. The COVID-19 pandemic, which caused statewide court closures and resulted in continuances of hearings and trials, has also further lengthened the time it takes for civil cases to resolve.
3. Lack of Access to Civil Justice
 - a. Many Californians, regardless of their income, are resolving important legal issues without legal assistance.
 - b. In fact, one recent study 2019 study by the State Bar of California showed that only 27 percent of low income Californians received legal services when they needed them.

c. However, low-income people struggle with problems related to housing, health, finances, employment, family law issues, disability benefits, and many other civil law issues—which they can resolve in the civil justice system.

4. In general, historically marginalized groups appear to experience discrimination in the civil justice system because of these conditions but Black Americans, in particular, appear to experience significant discrimination in the civil justice system as discussed below.

D. Lack of Diversity in the Legal Profession [Note: To be expanded with discussion of history of bar examination and present day consequences to lack of representation of Black Americans in the legal profession.]

1. There is significant data showing that Black Americans are underrepresented in the California and national legal profession and national judiciary.
2. Underrepresentation of Black Americans Who are Lawyers Nationwide. Black Americans are severely underrepresented in the legal profession. Nationwide in 2021, 4.7 percent of lawyers are Black even though Black Americans make up 13.4 percent of the population. These statistics have remained nearly unchanged since 2011.
3. Underrepresentation of Black Americans Who are Lawyers in California In California during 2019, Black Americans comprised 4 percent of lawyers even though they are 4 percent of the population in the state. These numbers have remained stagnant in the last 30 years.
4. Lack of Underrepresentation of Black Americans in the California Judiciary. However Black Americans are not underrepresented in the California judiciary. Specifically, in 2020, 8.0 percent of judges are Black but they comprised 6.5 percent.
5. Underrepresentation of Black Americans in the Federal Judiciary. Black Americans are also similarly underrepresented in the federal judiciary. Specifically, in 2020, Black Americans comprised 9.8 percent of federal judges even though Black Americans make up 13.4 percent of the population.
6. The Importance of Diversity in the Legal Profession in General
 - a. There are many reasons why diversity in the legal profession is important. The American Bar Association has identified four rationales, which the California Assembly Judiciary Committee has recognized, for why diversity is a priority.
 - b. These four rationales are as follows: (1) a demographic need for diversity; (2) a democratic need for diversity; (3) a business need for diversity; and (4) a leadership need for diversity.
 - c. The demographic and democratic need for diversity is of particular note here.
 - d. Regarding the demographic need for diversity, the Judicial Council of California has noted “Increasing the Diversity of the state’s judicial officers so that it reflects the

composition of our state's residents works to remove barriers to access in the courts and will help increase Californians' trust and confidence in our justice system."

- e. Regarding the democratic need for diversity, the ABA has noted, "Without a diverse bench and bar, the rule of law is weakened as the people see and come to distrust their exclusion from the mechanisms of justice."

7. While the research for this report did not yield studies on the connection between the mistrust that lack of diversity in the legal profession creates, it would be reasonable to infer that the lack of Black Americans in the legal profession could cause mistrust in the legal system.
8. While this lack of diversity presents a problem for creating trust in both the criminal and civil justice system—it is especially problematic in the civil justice system because this is the system in which Black Americans can potentially use to solve many disputes they may experience in a wide variety of areas such as housing, health, finances, employment, family law issues, disability benefits, and many other civil law issues.
9. Lack of trust in the civil law system is also particularly problematic for Black Americans because it is also the system through which they can address the discrimination they continue to experience in nearly every aspect of life as identified in other sections of this report.

- f. [Note: Insert reference to discrimination as discussed in Employment, Education, Housing, and Wealth sections.]

10. Further, as the discussion below will show, one scholar has pointed out that negative experiences with the criminal justice system can affect Black Americans' trust in the civil justice system.

E. The Effects of Contact with the Criminal Justice System on Trust in the Civil Justice System

1. There appears to be very little scholarship on Black Americans' distrust of the legal system as a whole and how that affects their underutilization of the civil law system. But at least one scholar has pointed out that, "negative past experiences with--and perceptions of--the criminal justice system significantly contribute to resistance to seeking out help from the civil justice system."

F. No Constitutional Right to Counsel in All Types of Civil Cases

1. Unlike in the criminal justice system, there is no constitutional right to counsel in all types of cases in the civil justice system. However, a lawyer is crucial to prevailing in a civil case. It is well documented that all low-income people experience significant challenges in obtaining legal counsel. Unfortunately, some studies show that Black Americans face unique impediments in obtaining access to legal counsel.
2. A recent study shows strong correlations between a state's substantive law that makes it difficult for personal injury plaintiffs to have their cases decided by a jury and the facts of race and being a part of the South.

G. Racial Bias Among Jurors

1. Racial biases are prevalent among jurors.
2. At least one scholar has shown that study participants remembered and misremembered legally relevant facts in racially biased ways. The author of the study argues that implicit racial biases affect the way judges and jurors encode, store, and recall, relevant case facts, which leads to the conclusion that implicit memory biases operate in legal decision-making.

VIII. CONCLUSION

- A. In conclusion, Black Americans continue to experience discrimination in both areas of the two justice systems in California and the United States. First, since the end of slavery, federal and California state government actors have created a criminal justice system that imprisons, harms, and kills Black Americans at alarming rates. Second, Black Americans also experience discrimination in the civil justice system.

Bibliography

Administrative Office of the Courts, *Pathways to Achieving Judicial Diversity in the California Courts: A Toolkit or Programs Designed to Increase the Diversity of the Applicants for Judicial Appointments in California*, Judicial Council of California (December 2010).

Alexander, *The New Jim Crow* (2020).

Alexander, *The New Jim Crow* (2011) 9 Ohio St. J. Crim. L. 7, 11.

American Bar Association, *Lack of Jury Diversity: A National Problem with Individual Consequences* (September 1, 2015) <<https://www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2015/lack-of-jury-diversity-national-problem-individual-consequences/>> (as of Apr. 9, 2021).

American Bar Association, *Profile of the Legal Profession 2021* <<https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>> (as of September 25, 2021).

Archer, *Tackling Tough Issues: Scrutiny of State Court Funding, Sentencing Guidelines Aims to Improve the System* (2004) ABA Journal vol. 90, no. 2, pp. 8–8 <www.jstor.org/stable/27842545> (as of July 29, 2021).

Armstrong, *Race, Prison Discipline, and the Law* (2015) 5 UC Irvine L. Rev. 759, 762.

Assembly Judiciary Committee Staff, *How Can California Increase the Diversity of the Legal Profession and the Judiciary*

Association of State Correctional Administrators and the Liman Center for Public Interest Law at Yale Law School, *Reforming Restrictive Housing: The 2018 ASCA-Liman Nationwide Survey of Time-in-Cell* (2018) <https://law.yale.edu/sites/default/files/documents/pdf/Liman/asca_liman_2018_restrictive_housing_revised_sept_25_2018_-_embargoed_unt.pdf> (as of September 25, 2021).

Bachrach, et al., *The End of Mass Incarceration in California: What Comes Next?* Boom: A Journal of California (2016) vol. 6, no. 2 pp. 4–7 <www.jstor.org/stable/26413167> (as of July 23, 2021).

Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (2019).

Barkow, *Prosecutorial Administration: Prosecutor Bias and the Department of Justice* (2013) 99 Va. L. Rev. 271, 271–342 <www.jstor.org/stable/23528857> (as of July 29, 2021).

Barton et al, *Mass Shootings Are Soaring, with Black Neighborhoods Hit Hardest* (September 3, 2020) <<https://www.thetrace.org/2020/09/mass-shootings-2020-gun-violence-black-neighborhoods/>> (as of Apr. 9, 2021).

Baumgartner et al., *#BlackLivesDon'tMatter: race-of-victim effects in US executions 1976-2013*, <<https://www.fbaum.unc.edu/articles/BlackLives-2015.pdf>> (as of July 27, 2021).

Berkeley Law Death Penalty Clinic, *Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors* (June 2020) <<https://www.law.berkeley.edu/wp->

<content/uploads/2020/06/Whitewashing-the-Jury-Box.pdf>> (as of Apr. 9, 2021).

Black Lives Matter Los Angeles, Herstory <<https://www.blmla.org/herstory>> [accessed on July 28, 2021].

Black Lives Matter, About Black Lives Matter <<https://blacklivesmatter.com/about/>> (as of Apr. 8, 2021).

Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (2008)

Blumenson & Nilsen, *Policing for Profit: The Drug War's Hidden Economic Agenda* (1998) 65 U. Chi. L. Rev. 35, 82.

Bor, et al., *Police killings and their spillover effects on the mental health of black Americans: a population-based, quasi-experimental study* The Lancet, June 11, 2018
<[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)31130-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31130-9/fulltext)> (as of May 16, 2021).

Bobo, & Thompson *Unfair by Design: The War on Drugs, Race, and the Legitimacy of the Criminal Justice System* (2006) Social Research, vol. 73, no. 2, pp. 445–472 <<https://www.jstor.org/stable/40971832>> (as of July 29, 2021).

Boyd, *Representation on the Courts? The Effects of Trial Judges' Sex and Race* (2016) Political Research Quarterly vol. 69, no. 4, pp. 788–799 <www.jstor.org/stable/44018057> (as of July 29, 2021).

Brunt, et al., *Toward a Just Model of Pretrial Release; A History of Bail Reform and Prescription for What's Next*, (2018) The Journal of Criminal Law and Criminology (1973-) (2018) vol. 108, no. 4, pp. 709–738
<www.jstor.org/stable/48572970> (as of July 29, 2021).

Butler, *Stop and Frisk and Torture-Lite: Police Terror of Minority Communities* (2014) 12 Ohio St J Crim L 57.

Cal. Department of Corrections and Rehabilitation, Offender Data Points: Offender Demographics for the 24-Month Period Ending June 2019 <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/201906_DataPoints.pdf?label=Offender%20Data%20Points%20Report%20June%202019&from=https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-data-points/> (as of July 8, 2021).

Cal. Department of Justice, Racial and Identity Profiling Advisory Board Annual Report 2021
<<https://www.oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>> (as of July, 28, 2021).

Cal. Department of Justice, Use of Force Incident Reporting 2016-2020
<<https://www.openjustice.doj.ca.gov/data-stories/use-of-force>> (as of July 22, 2021).

Cal. Department of Corrections and Rehabilitation, Offender Data Points: Offender Demographics for the 24-Month Period Ending June 2019 <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/201906_DataPoints.pdf?label=Offender%20Data%20Points%20Report%20June%202019&from=https://www.cdcr.ca.gov/research/offender-outcomes-characteristics/offender-data-points/> (as of July 8, 2021).

Cardon, *'Less Than Mayhem': Louisiana's Convict Lease, 1865-1901* (2017) Louisiana History: The Journal of

the Louisiana Historical Association vol. 58, no. 4 pp. 417–441 <www.jstor.org/stable/26290931> (as of July 23, 2021).

Chemerinsky, *The Conservative Assault on the Constitution* (2010).

Clark, *Back to Bondage Forced Labor in Post Reconstruction Era Texas*, August 2020 <https://www.fortbendisd.com/cms/lib/TX01917858/Centricity/ModuleInstance/261315/Sugar_Land_95_Final_Report_Public.pdf> (as of July 23, 2021).

Coleman, *The Persistence of Discrimination in Jury Selection: Lessons from North Carolina and Beyond* (2018) 42 *Champion* 28, 32 [citing Kotch & Mosteller, *The Racial Justice Act and the Long Struggle with Race and the Death Penalty in North Carolina* (2010) 88 N.C. L. Rev. 2031, 2110- 2111 n.356].

Columbia Broadcasting System (CBS) *This Morning*, Interview of Michelle Obama (CBS 2021) <https://www.cbs.com/shows/cbs_this_morning/video/FCuZB76_NQQyQZowu5qoTqx3H3Izbq1/former-first-lady-michelle-obama-reacts-to-chauvin-verdict/?cbclick=VAg2SuS5qxyLUfc0v2xGjxRzUkBW0dwFMzMhQw0&vndid=2229206&clickid=2229206&sharedid=&ftag=PPM-09-10aag1f&dclid=COPb5YiWtflCFfMzwQodRYgM4g> (as of Aug. 16, 2021).

Couloute, et al., *Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People* (2018) Prison Policy Initiative <<https://www.jstor.org/stable/resrep27307>> (as of July 1, 2018) [summarizing and analyzing data from the Bureau of Justice Statistics and scholarly sources].

Couloute, *Nowhere to Go: Homelessness among Formerly Incarcerated People*, Prison Policy Initiative, 2018, <www.jstor.org/stable/resrep27306> (as of July, 23 2021.)

Crouch, *One Dies Get Another: Convict Leasing in the American South, 1866-1928* (1996).

Eberhardt et al, *Seeing Black: Race, Crime, and Visual Processing* (2004) *The Journal of Identity and Social Psychology* <<https://web.stanford.edu/~eberhard/downloads/2004-SeeingBlackRaceCrimeandVisualProcessing.pdf>> (as of May 16, 2021).

Eberhardt, *Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes* (2006) *Psychological Science* <https://www.scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1040&context=lsrp_papers> (as of May 17, 2021).

Eberhardt et al, *Data for Change: A Statistical Analysis of Police Stops, Searches, Handcuffings, and Arrests in Oakland, California, 2103-2014* <<https://stanford.app.box.com/v/Data-for-Changes>> (as of September 27, 2021).

Eberhardt et al, *Strategies for Change: Research Initiatives and Recommendation to Improve Police-Community Relations in Oakland, California* <<https://stanford.app.box.com/v/Strategies-for-Change>> (as of September 27, 2021).

Eckholm, *Prison Rate Was Rising Years Before 1994 Law*, N.Y. Times (April 10, 2016) <<https://www.nytimes.com/2016/04/11/us/prison-rate-was-rising-years-before-1994-law.html>> (as of July 20, 2021).

Edlund, et al., Eyewitness Racial Attitudes and Perpetrator Identification: The Lineup Method Matters <<https://www.niu.edu/jskowronski/publications/EdlundSkowronski2008.pdf>> (as of September 27, 2021)

Eisen, et al., *Undoing the 1994 Crime Bill* (2019) Democracy & Justice: Collected Writings, pp. 71–72 <<https://www.jstor.org/stable/resrep28415.27>> (as of July 30, 2021).

Equal Justice Initiative, *Twenty-One Black Boys Burned to Death After Being Locked in the Segregated and Neglected Arkansas “Reform” School* <<https://www.calendar.eji.org/racial-injustice/mar/5>> (as of May 17, 2021).

Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement* <<https://www.eeoc.gov/advancing-diversity-law-enforcement>> (as of September 27, 2021).

Equal Employment Opportunity Commission, Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act, <<https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>> (as of September 27, 2021).

Everly, *Freedmen’s Bureau Records: An Overview* (Summer 1997) National Archives and Records Administration’s Prologue Magazine <<https://www.archives.gov/publications/prologue/1997/summer/freedmens-bureau-records.html>> (as of Apr. 8, 2021).

Federal Bureau of Investigation, National Use of Force Data <<https://www.fbi.gov/services/cjis/ucr/use-of-force>> (as of July 28, 2021).

Federal Bureau of Investigation Crime Data Explorer, <<https://www.crime-data-explorer.fr.cloud.gov/pages/home>> [stating that there is only 57% participation from police agencies nationwide](as of July 28, 2021).

Federal Bureau of Prisons, Federal Prison Industries Program Details, <https://www.bop.gov/inmates/custody_and_care/unicor_about.jsp#:~:text=UNICOR%20contributes%20significantly%20to%20the,of%20staff%20and%20other%20inmates> (as of July 27, 2021).

Gifford et al., *Keeping Cases from Black Juries: An Empirical Analysis of How Race, Income Inequality, and Regional History Affect Tort Law* (2016) 73 Wash. & Lee L. Rev. 557, 566.

Gilore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (2007).

Gius, *The Unintended Consequences of the Three Strikes Laws: The Impact of Long Term Imprisonments on Family Structures* (2017) International Journal of Sociology of the Family, vol. 43, no. 1/2, pp. 17–24 <www.jstor.org/stable/45206614> (as of July 30, 2021).

Goncalves & Mello, *A Few Bad Apples? Racial Bias in Policing* (2021) American Economic Review, 111 (5): 1406-41 <<https://pubs.aeaweb.org/doi/pdfplus/10.1257/aer.20181607>> (as of July 20, 2021).

Gorman, “War On Drugs” Continues In United States Under New Leadership (1993) BMJ: British Medical

Journal vol. 307, no. 6900, 1993, pp. 369–371 <www.jstor.org/stable/29720648> (as of July 30, 2021).

Gov. Code § § 12264-12271.

Graetz, *Trusting the Courts: Redressing the State Court Funding Crisis* (2014) Daedalus vol. 143, no. 3, pp. 96–104 <www.jstor.org/stable/43298046> (as of July 29, 2021). Green, *The Black Panther Party and the Criminalization of Social Justice, The Mellon Mays Undergraduate Fellowship Journal* 2019, p. 65 <https://uraf.harvard.edu/files/uraf/files/mmuf_journal_2019.pdf> (as of August 16, 2021).

Greene, *Race, Class, and Access to Civil Justice* (2016) 101 Iowa L. Rev. 1263, 1266–67.

Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (2006).

Gross and Barnes, *Road Work: Racial Profiling and Drug Interdiction on the Highway* (2002) 101 Mich. L. Rev. 651.

Grosso & O'Brien, *A Stubborn Legacy: The Overwhelming Importance of Race in Jury Selection in 173 Post-Batson North Carolina Capital Trials* (2012) 97 Iowa L. Rev. 1531.

Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (2001).

Hammad, *Shackled to Economic Appeal: How Prison Labor Facilitates Modern Slavery While Perpetuating Poverty in Black Communities* (2019) 26 Va. J. Soc. Pol'y & L. 65, 66.

Haney, *From Prison to Home: The Effect of Incarceration and Reentry on Children, Families and Communities* (2001) Report on the Psychological Impact of Incarceration: Implications for Post-Prison Adjustment, The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation <<https://aspe.hhs.gov/reports/psychological-impact-incarceration-implications-post-prison-adjustment-0>> (as of September 25, 2021).

Harcourt & Ludwig, *Broken Windows: New Evidence from New York City and a Five-City Social Experiment* (2006) The Univ. of Chicago L. Rev., vol. 73, no. 1, 2006, pp. 271–320 <www.jstor.org/stable/4495553> (as of July 30, 2021).

Harris, *The Stories, the Statistics, and the Law: Why "Driving While Black" Matters* (1999) 84 Minn. L. Rev. 265.

Herbert, et al., *Homelessness and Housing Insecurity Among Former Prisoners, RSF: The Russell Sage Foundation Journal of the Social Sciences* (2015) vol. 1, no. 2, pp. 44–79 <www.jstor.org/stable/10.7758/rsf.2015.1.2.04> (as of July 23, 2021).

Herbert, *Morality in Law Enforcement: Chasing 'Bad Guys' with the Los Angeles Police Department* (1996) Law & Society Review vol. 30, no. 4, pp. 799–818 <www.jstor.org/stable/3054118> (as of July 29, 2021).

Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles 1771-1965* (2017).

Hetey et al., *Racial Disparities in Incarceration Increase Acceptance of Punitive Policies* (2014) Psychological Science vol. 25, no. 10, pp. 1949–1954 <<https://www.jstor.org/stable/24543935>> (as of July 22, 2021).

Hinton and Cook, *The Mass Criminalization of Black Americans: A Historical Overview* (2021) 4 Annu. Rev. Criminal 261-286 citing Adler, *Murder in New Orleans: The Creation of Jim Crow Policing* (2019).

Jackson, *Truth and Reparations Talk of Reparations Is Being Revived Around the Country*, ABA J., Apr./May 2020, at pp. 9, 9–10.

Jackson-Gleich, *Rigging the jury: How each state reduces jury diversity by excluding people with criminal records* (2021) Prison Policy Initiative <<https://www.prisonpolicy.org/reports/juryexclusion.html>> (as of July 29, 2021).

Johnson, *African Americans and Homelessness: Moving Through History*, Journal of Black Studies (2010) vol. 40, no. 4 pp. 583–605 <www.jstor.org/stable/40648529> (as of July 23, 2021).

Judicial Council of California, *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant* (2019) Operations and Programs Division, Criminal Justice Services p. 5 <<https://www.courts.ca.gov/documents/lr-2021-criminal-dispositions-by-race-ethnicity-1170.45.pdf>> (as of July 29, 2021).

Kahn, et al., *How Suspect Race Affects Police Use of Force in an Interaction Over Time* (2017) Law and Human Behavior 41(2):117-126 <<https://pubmed.ncbi.nlm.nih.gov/27762571/>> (as of July 30, 2021).

Kamalu & Onyeozili, *A Critical Analysis of the 'Broken Windows' Policing in New York City and Its Impact: Implications for the Criminal Justice System and the African American Community* (2018) African Journal of Criminology and Justice Studies: AJCJS, Vol.11, No. 1 <https://www.umes.edu/uploadedFiles/_WEBSITES/AJCJS/Content/VOL%2011%20KAMALU%20FINAL.pdf> (as of July 30, 2021).

Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (2016).

Knight, *Justifiable Homicide, Police Brutality, or Governmental Repression? The 1962 Los Angeles Police Shooting of Seven Members of the Nation of Islam* (1994) The Journal of Negro History vol. 79, no. 2, pp. 182–196 <www.jstor.org/stable/271762> (as of July 29, 2021).

Krivo & Peterson, *Extremely disadvantaged neighborhoods and urban crime* (1996) Social Forces 75(2): pp. 619-647 <<https://www.faculty.washington.edu/matsueda/courses/587/readings/Krivo%20Peterson%201996.pdf>> (as of July 29, 2021).

Krivo, et al., *Segregation, racial structure, and neighborhood violent crime* (2009) American Journal of Sociology vol. 114, no. 6 pp. 1765–1802 <www.jstor.org/stable/10.1086/597285> (as of July 29, 2021).

Lamont et al, *How Blacks Use Consumption to Shape Their Collective Identity* (2001) Journal of Consumer Culture <https://scholar.harvard.edu/files/lamont/files/how_blacks_use_consumption.pdf> [May 16, 2021].

Ledbetter, *The Long Struggle to End Convict Leasing in Arkansas* (1993) The Arkansas Historical Quarterly vol. 52, no. 1 pp. 1–27 <www.jstor.org/stable/40030832> (as of July 27, 2021).

- Leopore, *The Invention of the Police* (July 13, 2020) *The New Yorker* <<https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police>> (as of May 16, 2021).
- Levinson, *Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering* (2007) 57 *Duke L.J.* 345, 407.
- Libgober, *Getting a Lawyer While Black: A Field Experiment* (2020) 24 *Lewis & Clark L. Rev.* 53.
- Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (1996).
- Los Angeles Times Staff, *Police Have Killed 923 People in L.A. County Since 2000*, *Los Angeles Times* (Apr. 1, 2021) <<https://www.latimes.com/projects/los-angeles-police-killings-database/#nt=00000172-6be6-d818-a7fb-6bfe448e0001-liE0promoSmall-7030coll-main>>(as of Apr. 9, 2021).
- Mancini, *Race, Economics, and the Abandonment of Convict Leasing* *The Journal of Negro History* (1978) vol. 63, no. 4, pp. 339–352 <www.jstor.org/stable/2716851> (as of July 27, 2021).
- Mapping Police Violence Database <<https://www.mappingpoliceviolence.org/>> (as of May 17, 2021).
- Macallair, *After the Doors Were Locked: A History of Youth Corrections in California and the Origins of the Twenty-First-Century Reform* (2013).
- Mendelson, *Police Use Force on Black Angelenos at Dramatically Higher Rates, Data Shows Rates LAist* (July 7, 2020) <<https://www.laist.com/2020/07/07/police-use-of-force-on-blacks-in-la-very-high.php>> (as of Apr. 9, 2021) [summarizing data from the California Department of Justice and American Community Survey].
- Meyer, *Police Shootings at Minorities: The Case of Los Angeles* (1980) *The Annals of the American Academy of Political and Social Science*, vol. 452, 1980, pp. 98–110 (as of July 29, 2021).
- Moy, *A Taxonomy of Police Technology's Racial Inequity Problems* (2021) *U. Ill. L. Rev.* 139.
- Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (2010).
- Okidegbe, *When They Hear Us: Race, Algorithms and the Practice of Criminal Law* (Summer 2020) *Kan. J.L. & Pub. Pol'y*, at 329, 338.
- Oshinsky, “Worse than Slavery”: Parchman Farm and the Ordeal of Jim Crow Justice (1997).
- Pew Charitable Trusts, *Many U.S. Families Faced Civil Legal Issues in 2018* (2019) <> (as of September 26, 2021)
- Pierson et al., *A large scale analysis of racial disparities in police stops across the United States* (2017) *Nature Human Behavior* 4, 736–745 (2020) <<https://www.nature.com/articles/s41562-020-0858-1>> (as of July 27, 2021).
- Podgers, *In Defense of the Courts: A Symposium Finds Consensus on the Need, but No Easy Path to Restoring Court Funding* (2011) *ABA Journal* vol. 97, no. 11, pp. 56–57 <www.jstor.org/stable/23034160> (as of July 29, 2021).

Poole & Regoli, *Race, Institutional Rule Breaking, and Disciplinary Response: A Study of Discretionary Decision Making in Prison*, *Law & Society Review* (1980) vol. 14, no. 4 pp. 931–946.
www.jstor.org/stable/3053215 (as of August 15, 2021).

Pope, *Mass Incarceration, Convict Leasing, and the Thirteenth Amendment: A Revisionist Account* (2019) 94 N.Y.U. L. Rev. 1465, 1467.

Pub. L. No. 99-570, 100 Stat. 3207 (codified as amended at 21 U.S.C. § 801).

Rainbolt, *Crime, Property, and Justice Revisited (The Civil Asset Forfeiture Reform Act of 2000)* (2003) *Public Affairs Quarterly*, vol. 17, no. 3, pp. 219–239 www.jstor.org/stable/40441355 (as of July 30, 2021).

Reuter, *Why Has US Drug Policy Changed So Little over 30 Years?* (2013) *Crime and Justice*, vol. 42, no. 1, pp. 75–140 <https://www.jstor.org/stable/10.1086/670818> (as of July 30, 2021).

Richardson et al., *Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice* (2019) 94 N.Y.U. L. Rev. 192.

Ridolfi & Possley, *Preventable Error: A Report on Prosecutorial Misconduct in California 1997-2009*, Northern California Innocence Project, Santa Clara University School of Law
<https://www.digitalcommons.law.scu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1001&context=ncippubs> (as of July 29, 2021).

Roberts, *The Social and Moral Cost of Mass Incarceration in African American Communities* (2004) 56 *Stan. L. Rev.* 1271, 1287.

Rosenhall, *California's attempt to reduce police shootings, explained* (May 2021)
<https://www.calmatters.org/explainers/california-police-shootings-deadly-force-new-law-explained/> (as of Apr. 8, 2021) [summarizing data from government and scholarly sources].

Roussell and Gascón, *Defining 'Policeability': Cooperation, Control, and Resistance in South Los Angeles Community-Police Meetings, Social Problems* (2014) vol. 61, no. 2 pp. 237–258
www.jstor.org/stable/10.1525/sp.2014.12059 (as of July 29, 2021).

Russ, *Slave Patrol Ordinances of St. Tammany Parish, Louisiana, 1835-1838* (1972) *Louisiana History: The Journal of the Louisiana Historical Association* vol. 13, no. 4, pp. 399–412
<https://www.jstor.org/stable/4231289> (as of July 22, 2021).

Selbst, *Disparate Impact in Big Data Policing* (2017) 52 *Ga. L. Rev.* 109.

Sickmund, et al. *Easy Access to the Census of Juveniles in Residential Placement*, National Center for Juvenile Justice (2021) <https://www.ojjdp.gov/ojstatbb/ezacjrp/> (as of September 27, 2021).

Sklansky, *Cocaine, Race, and Equal Protection* (1995) *Stanford Law Review*, vol. 47, no. 6, pp. 1283–1322.

Small, *The War on Drugs Is a War on Racial Justice* (2001) *Social Research*, vol. 68, no. 3, pp. 896–903
<http://www.jstor.org/stable/40971924> (as of July 29, 2021).

Sommers, *On racial diversity and group decision making: Identifying multiple effects of racial composition on jury deliberations* *Journal of Personality and Social Psychology*, 90(4), p. 597

<<https://www.stanford.app.box.com/s/4srbkxjhfkxqhm2g6ln5pv2q6wxwhcf0>> (as of Apr. 9, 2021).

Spruill, *Slave Patrols, "Packs of Negro Dogs" and Policing Black Communities* (2016) *Phylon* (1960-) vol. 53, no. 1, 2016, pp. 42–66 <<https://www.jstor.org/stable/phylon1960.53.1.42>> (as of July 22, 2021).

State Bar of California, *First Annual Report Card on the Diversity of California's Legal Profession* (2020) <<https://www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf>> (as of September 25, 2021).

Staples, *A Fate Worse Than Slavery, Unearthed in Sugar Land*, *N.Y. Times* (Oct. 27, 2018) <<https://www.nytimes.com/2018/10/27/opinion/sugar-land-texas-graves-slavery.html>> (as of July 23, 2021).

Stewart, *Black Codes and Broken Windows: The Legacy of Racial Hegemony in Anti-Gang Civil Injunctions* (1998) 107 *Yale L.J.* 2249.

Street, *The Historiography of the Black Panther Party* (2010) *Journal of American Studies* vol. 44, no. 2, pp. 351–375 <www.jstor.org/stable/40648818> (as of July 28, 2021).

Stuart, *Constructing Police Abuse after Rodney King: How Skid Row Residents and the Los Angeles Police Department Contest Video Evidence* (2011) *Law & Social Inquiry* vol. 36, no. 2, pp. 327–353 <www.jstor.org/stable/23011895> (as of July 28, 2021).

Sutton, *Symbol and Substance: Effects of California's Three Strikes Law on Felony Sentencing* (2013) *Law & Society Review* (2013) vol. 47, no. 1, pp. 37–71 <<https://www.jstor.org/stable/23357930>> (as of July 29, 2021).

Sykes & Maroto, *A Wealth of Inequalities: Mass Incarceration, Employment, and Racial Disparities in U.S. Household Wealth, 1996 to 2011* (2016) *The Russell Sage Foundation Journal of the Social Sciences* vol. 2, pp. 129–152 <www.jstor.org/stable/10.7758/rsf.2016.2.6.07> (as of July 2021).

The Death Penalty Information Center (DPIC), *Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty* (September 15, 2020) <<https://www.deathpenaltyinfo.org/policy-issues/race>> (as of May 16, 2021) [collecting and summarizing scholarly research].

The Sentencing Project, *Locked out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction* (October 3, 2020) <<https://www.sentencingproject.org/publications/locked-out-2020-estimates-of-people-denied-voting-rights-due-to-a-felony-conviction/>> (as of Apr. 9, 2021).

The Sentencing Project, *On Year after the First Act: Mixed Outcomes* <<https://www.sentencingproject.org/publications/one-year-after-the-first-step-act/>> (as of Apr. 2, 2021).

Thompson, *Bias on Trial: Toward an Open Discussion of Racial Stereotypes in the Courtroom* (2018) 2018 *Mich. St. L. Rev.* 1243, 1246.

U.S. Census Bureau, *Quick Facts: California* <<https://www.census.gov/quickfacts/fact/table/CA/RHI225219>> (as of July 22, 2021).

U.S. Census Bureau, Quick Facts: U.S. <<https://www.census.gov/quickfacts/fact/table/US/POP010220>> (as of July 22, 2021).

U.S. Census Bureau, Quick Facts: U.S. <<https://www.census.gov/quickfacts/fact/table/US>> (as of July 22, 2021).

U.S. Const., 13th Amend.

U.S. Department of Justice and the U.S. Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement* (Oct. 2016) <<https://www.eeoc.gov/advancing-diversity-law-enforcement>> (as of Aug. 16, 2021).

U.S. Department of Justice, *Justice Department Files Employment Discrimination Lawsuit Against Baltimore County Alleging Race Discrimination by Its Police Department in the Hiring of Entry-Level Police Officers and Cadets*, (Aug. 27, 2019) <<https://www.justice.gov/opa/pr/justice-department-files-employment-discrimination-lawsuit-against-baltimore-county-alleging>> (as of Aug. 15, 2021).

U.S. Department of Justice, Prisoners in 2019 <<https://bjs.ojp.gov/content/pub/pdf/p19.pdf>> (as of July 22, 2021).

U.S. v. Reese, 2 F.3d 870 (9th Cir. 1993) [involving police officers who used excessive force and were at least partly incentivized by keeping seized drug money].

Voigt et al., *Language from police body camera footage shows racial disparities in officer respect* (2017) Proceedings of the National Academy of Sciences <<https://web.stanford.edu/~eberhard/downloads/2017-LanguageFromPoliceBodyCameraFootage.pdf>> (as of May 16, 2021).

Webb, *Driving While Black: Tracking Unspoken Law-Enforcement Racism* (January 9, 2007) Esquire <<https://www.esquire.com/news-politics/a1223/driving-while-black-0499/>> (as of Apr. 9, 2021).

Western, et al., *Stress and Hardship after Prison*, American Journal of Sociology (2015) vol. 120, no. 5 pp. 1525–1528 <www.jstor.org/stable/10.1086/681301> (as of July 23, 2021).

Whitehouse, *Modern Prison Labor: A Reemergence of Convict Leasing Under the Guise of Rehabilitation and Private Enterprises* (2017) 18 Loy. J. Pub. Int. L 89, 90.

Wealth Accumulation and the Contemporary Racial Wealth Gap

I. Introduction

- A. Racial wealth inequality remains a persistent defining American issue. This section provides up-to-date estimates of the magnitude of the large and persistent racial wealth gap between Black Americans and other racial groups, with a specific focus on Black and white populations in the United States. It also describes the long history of systemic discrimination that contributes to the wealth gap, and identifies the wealth gap's impacts on Black Americans.
- B. Wealth – what you own minus what you owe - is the key to ensuring economic security and it is what enables families to build a better future. Wealth is crucial for households' economic security, their economic opportunities, their protection against economic crises, and their access to political power. It acts as the fence between temporary setback and economic catastrophe; it allows us to live and retire with dignity and security. Wealth is also tied to the well-being of the next generation, as it provides parents with the ability to help pay for their children's college education, and can also be passed down from generation to generation. In fact, the intergenerational transfer and impact of wealth is one of the reasons why racial wealth inequities have become entrenched.
- C. Wealth is different from income. While income plays a modest role in the ability to generate wealth, as lower income translates to reduced capacity for savings, income does not explain massive Black-white wealth disparities in the United States. Without savings or wealth of some form, economic stability is built on a house of cards that quickly crumbles when income is cut or disrupted through job loss, reduced work hours or reduced wages, or if families suffer from an unexpected health emergency.
- D. The persistent wealth gap between Black Americans and other racial groups is not by accident - it follows from centuries of policies that have systematically disadvantaged Black Americans' ability to build, maintain, and pass on wealth. Addressing this persistent racial wealth gap means countering the centuries-old institutions that have kept Black American households from building and growing wealth at the same rate as white households through the present day.

I. Data Limitations

- A. The extent of the Black-white wealth gap and its causes in California and the nation is an under-studied area. Studies that do look at the Californian racial wealth gap must usually take a step back and inform the discussion by referencing the magnitude of the wealth gap at the national level. Most references to the Black-white wealth gap come from studies of racial income gaps in California—a topic for which the data is much more easily available. Studies that do observe wealth are usually case studies of Los Angeles; many other studies on income and income-related issues also focus on Los Angeles.
- B. Limited studies present findings on the wealth gap that disaggregates the racial category of Black by national origin in certain cities including Boston, Washington D.C., Miami, Baltimore, and Los Angeles. A similar study of Tulsa is pending publication.

II. The Contemporary Racial Wealth Gap

- A. Modern estimates of the racial wealth gap show that white households are far more likely to hold assets, and the types of assets they hold have significantly higher mean and median values than those of Black American households.

1. The most recent estimates of the racial wealth gap are from 2019. In 2019, the financial assets of white households were more than nine times higher, or \$44,000, more than Black American households. Median Black American household wealth ranges between \$23,000-24000, while median white household wealth is at \$184,000-188, 200. Mean Black American household wealth is \$142,300 while mean white household wealth is \$982,400.
2. Previous estimates confirm a persistent history of racial wealth inequality.
 - a. In 2016, for example, median wealth for whites was \$171,000 while median Black American wealth was \$17,600. Mean wealth for whites is \$933,000 while mean wealth for Black Americans is \$138,000. And average non-retired white household wealth was \$935,584; average non-retired Black American household wealth was \$102,477.
 - b. The movement toward racial wealth equality has slowed. Total median Black-white wealth gap tripled between 1984 (\$85,000) and 2009 (\$236,500). Since 1989, the median wealth of Black American adults (25-65 years old) was never greater than 19% of whites with similar characteristics. Average wealth never exceeded 22%. The wealth gap was roughly the same in 2016 as it was in 1962 (two years before Civil Rights Act).
3. California estimates of the racial wealth gap are only available in a single metropolitan area, Los Angeles. For example, in 2021, in Los Angeles, median wealth for a white household was \$355,000, median for Black American households is \$4,000. In 2014, in Los Angeles white median wealth was \$110,000, and Black Americans (US-born) was \$200. The average Black household had only 1% of the wealth of the average white household.
4. Data disaggregating the wealth gap for descendants of American slavery versus immigrants from Africa or non-American descendants of slavery is limited. Data relevant to California focuses on Los Angeles.
 - a. The Black immigrant population has increased fivefold since 1980. Today, roughly one-in-ten Black Americans (9%) living in the U.S. are foreign born, according to 2016 American Community Survey data, up from 3% in 1980. Much of the recent growth in the foreign-born Black population has been fueled by African migration. Africans now make up 39% of the overall foreign-born Black population, up from 24% in 2000. Still, roughly half of all foreign-born Black Americans living in the U.S. in 2016 (49%) were from the Caribbean, with Jamaica and Haiti being the largest source countries.
 - b. In Los Angeles, on average, white households were far more likely to hold assets in stocks, mutual funds, and investment trusts than U.S. Black and African Black households. But, African Black Americans were likely to hold more assets than U.S. Black Americans. For example, 87% of African Black Americans held a liquid assets versus 62% of Black Americans born in the United States. 80% of African Black Americans held a checking account versus 68.1% of U.S. Black Americans. 80.3% of African Black Americans held a savings account versus 56% of U.S. Black Americans.
5. The racial wealth gap is pronounced for Black American women.
 - a. The intersection of race and gender puts Black American. women at an even greater wealth disadvantage and experiencing the highest rates of poverty of all other race-gender groups. Black

American women must simultaneously navigate not only the historical and structural circumstances that puts Black Americans at an economic disadvantage, but also those that have disadvantaged women. Black American women's capacity to build wealth is likely to be constrained by racial differences in socioeconomic resources, the legacy of historical discrimination, present-day racial discrimination, social networks, and racial health disparities in addition to gender inequality in wages and labor market characteristics, the costs of single parenthood, and gender disparities in discrimination and health. Racial and gender disadvantages are likely to exacerbate each other and compound over time.

- b. Black American families have also been subject to greater precarity as the incarceration rates for Black men have soared since the beginning of the "war on drugs." 2 in 5 Black American women are related to an incarcerated individual, and have been increasingly put into the position of leading and providing for households on a single income because of the mass incarceration of Black American men. Compounding this are the costs of fees (average cost is \$13,607) and legal support required for an incarcerated family member. 65% of families with an incarcerated member struggle to meet their basic needs, such as food (49%) and housing (48%).
- c. These challenges are reflected in estimates of the wealth gap between Black American women and white women. In 2019, the median net wealth for white women is \$85k, but only \$7k for Black American women. In 2016, The median net wealth of a single Black American woman is only 8.7% that of a single white woman. Median net worth of older single women with a bachelor's degree: Black: \$11,000; white: \$384,000. Median net worth of single mothers: Black American: \$0; white: \$3,000. Median net worth of 20- to 29-year-old single women with college degrees: Black American: -\$11,000; white: \$3,400. In 2010: Average net worth of single women between 36 and 49 was \$42,600 for white women and \$5 for Black American women. In 2007, white women had a median wealth of \$45,000; Black American women had a median of \$100. And in 2004: Black American women over 50 and widowed, divorced and never married have a median net worth of \$14,045; \$7,026, and \$6,750, respectively. The average for the three groups (unmarried Black American women) is \$9,274. The median net worth for all unmarried white women over 50 is \$111,000.
- d. Gendered wealth disparities among Black Americans are smaller than among whites. For example, in 2019, median net worth for Black men is \$14k, twice that of Black American women, \$7k. Single Black American women have less wealth than single Black men.

III. Causes of the Racial Wealth Gap

- A. Common preconceptions link the Black-white wealth gap to individual behavior and personal choices as opposed to systemic obstacles to Black American wealth accrual. There is a general debate as to whether wealth-related gaps are due to cultural or behavioral factors or the result of historical and contemporary structural factors and unequal opportunities.
- B. The modern racial wealth gap between Black Americans and other racial groups has a long and persistent history beginning with American slavery. Black American descendants of the enslaved have borne—and continue to bear—the undue burden of the cumulative effects of their country's extended trajectory of racial injustice.
 - 1. In the slavery era, with everything else held equal, areas with a higher density of enslaved people had lower levels of Black-owned business and homeownership; these same areas have higher levels of white-owned businesses and homes. Estimated lost wages due to slavery was \$19.4

trillion. Merely doubling the interest rate to the more realistic 6% would exponentially blow up the total estimate to \$6.6 quadrillion 2019 dollars.

2. The slavery era was followed by the near-century-long era of legal segregation and white terror campaigns that followed (best known, with blithe understatement, as the “Jim Crow” era), and the atrocities that continue today: mass incarceration; police executions of unarmed Black Americans; sustained credit, housing and employment discrimination; and the immense Black-white wealth disparity.
3. Some scholars argue that four phases of federal actions and inactions shaped the modern racial wealth gap. We call these four phases the Wagon Train, Blood Lust, Picket Fence and Freeway periods. While the federal government was denying Black Americans land grants, it established the Homestead Act of 1862. Over the 124-year life of the legislation, over 270m acres of western land in 160-acre plots were given to white Americans—including recent European immigrants—completing the country’s colonial settler project.
 - a. The Wagon Train Period (1862-1976): During the 1950s and 1960s, the homesteader movement was popularized through “family-friendly” television shows such as “Wagon Train” and “The Rifleman”. These night-time dramas depicted white Americans travelling by covered-wagon caravans, or “wagon trains”, to seek their fortunes in the West. More than 1.5m white families received land patents, and today as many as 45m of their living descendants reap the wealth benefits. The amount of property distributed was equivalent to the landmass of Texas and California. The Act was finally repealed in 1976, though in Alaska, homesteading on public lands continued for another ten years.
 - b. The Blood Lust Period (1865-present): The Blood Lust period began in 1865, with legal segregation and white terror campaigns explicitly intended to prevent African-Americans from engaging in electoral politics and to steal their possessions. When threats of violence were not successful, white mobs intimidated, ran off or killed duly elected officials. This happened horrifyingly often, including in white riots in Colfax (1873) and Coushatta, Louisiana (1874); Wilmington, North Carolina (1898); Atlanta, Georgia (1906) and Slocum, Texas (1910). An eight-month period of massacres in 1919 in locations including Elaine, Arkansas and Chicago, became known as “Red Summer”. Two years later, whites ransacked the Greenwood district of Tulsa, Oklahoma, which included a prosperous business district known as “Black Wall Street”.
 - c. The present value of the property lost by the Black townspeople of Elaine, Arkansas due to the 1919 white massacre is estimated to be \$10m. One of the authors’ estimates for the value of property loss during the Chicago riot, based upon the number of African-Americans rendered homeless, is \$45.3m and in Tulsa, the present value of lost Black American property due to white mob violence is at least \$100m.
 - d. White mob savagery was extensive and instrumental, with deadly and far-reaching consequences. Plus, there is evidence that murders of Black Americans continue to have an economic motivation. Police killings of unarmed Black Americans frequently occur in neighborhoods undergoing white gentrification. Across these years, the federal government has continuously shattered Black American economic opportunity and Black American well-being by sanctioning or ignoring both white massacres and anti-Black police violence.
 - e. The Picket-Fence Period (1934-present): In the 19th century, federal programs designed to promote asset accumulation centered on the acquisition of land. In the 20th century, federal

policies aimed at asset building focused on home ownership: on dreams of white picket-fences keeping yards pristine. Like the land grants, policies such as the GI Bill (formally, the Servicemen's Readjustment Act) and practices of the Federal Housing Administration (FHA) entrenched discrimination and racist outcomes. The government approved restrictive covenants, redlining and predatory mortgage-lending, blocking Black American acquisition of equity-building home ownership. Redlining, a hallmark of the National Housing Act, was a system of color-coding neighborhoods by security and desirability. African-Americans could not live in desirable green zones, and they could not get an FHA-backed loan in a red zone.

- f. The Freeway Period (1956-present): Most people consider the Los Angeles Freeway a means of efficient travel around America's second-largest city, rather than a monument to racism and segregation. But the city's highway system destroyed Black American communities that had large shares of homeowners (in 1910, at least 36% of the city's Black American residents owned their homes, compared with 2% in New York City). In the ensuing decades, Black Americans were displaced or trapped by highway networks.
4. Black American neighborhoods were carved up, while local planning departments kept white parks and neighborhoods intact. Nationally, freeway systems claimed thousands of Black American homes through eminent domain. Black American business districts were cleaved by the highways, producing additional losses in Black American wealth. These four periods of federal policies from the end of America's civil war produced the racial wealth gap, and federal policy in the form of reparations must eliminate that gap.
5. Beginning in the late 1980s, mass incarceration and the war on drugs helped to limit Black American wealth, contributing to labor inactivity, reduced household assets and income, and lower homeownership rates.
 - a. In turn, lower wealth increases the likelihood of Black American incarceration. As early as birth, wealth can influence the likelihood of incarceration. Growing up with less family wealth means living in poorer neighborhoods with lower-quality education and a greater exposure to high "street" crime and high imprisonment areas. Lack of family wealth also could mean being unable to afford additional education and delaying entering the labor market, leading to higher risks of incarceration, risks that are highly stratified by education
 - b. Once involved with the criminal justice system as a defendant, low family wealth means being unable to afford the resources to navigate the criminal justice system via high quality lawyers or the capacity to post bond. Imprisonment, in turn, can depress wealth accumulation through a variety factors. Involvement with the system of criminal justice increases legal debt and incarceration means loss of income.
 - c. During incarceration, being unable to make payments on mortgages or other debts can lead to an accumulation of interest obligations and penalties as well as a grossly diminished credit status. Incarceration also means household instability, placing an additional burden on the capacity to build assets. A record of previous incarceration also has wide-ranging immediate and future consequences that affect asset building capability over the lifetime. Such a record acts as a barrier to employment, thereby lowering earnings. Furthermore, the criminal "credential" associated with incarceration impedes wealth accumulation through stigmatization, poor credit access and lack of access to supportive social institutions.
6. As discussed in more detail in the "Housing" section, housing inequality has contributed to the

wealth gap throughout American history. For example, redlining kept homeownership or ownership of higher value homes in higher amenity neighborhoods out of the reach of Black American households. Before the Civil Rights Act of 1964, less than 1% of all mortgages were issued to Black American households. Additionally, the GI bill ended up excluding Black in practice because banks denied mortgages to residents of Black American neighborhoods and residential segregation kept Black Americans from moving to other areas. The housing bubble burst (mid-2000s) affected Black Americans more than whites due to reliance on home equity as a source of wealth.

7. And during the Great Recession, the racial wealth gap widened during Great Recession as Black American wealth declined by 1/3 and white wealth increased by 15%. Black Americans lost 71% of the value of their investments during the Great Recession, while whites lost 9%. Black American wealth declined by 53% and white wealth declined by 16% between 2005 and 2019.
8. Without large-scale policy intervention, it will take Black Americans 228 years to get to the level wealth currently held by whites if wealth accumulation patterns continue along their present trajectory.

C. Income Inequality Between Black and white Americans is Inadequate to Explain the Wealth Gap

1. Income—which is different from wealth—cannot alone explain the wealth gap. A reduction in racial differences in income would leave as much as $\frac{3}{4}$ of the wealth gap unaddressed. “Equal achievements” lead to “unequal wealth rewards” for Black Americans. For example, between 1984-2009, every dollar increase in average income for white households added \$5.19 in wealth; the same increase in average incomes for Black American households added only \$0.69 in wealth. Time period of study was 1984-2009. In the 1990s, the Black-white ratio of median household income was .62, but the ratio of median wealth was 0.08. And in 2013 estimate of wealth gap in top income quintile was \$264,700. And while white households have five to ten times the net worth of Black American households, they only make twice as much as Black households. Within the same income brackets, Black American wealth is less than one-half that of whites. whites in the lowest quintile of the income distribution have more than 10 times the median wealth of Black Americans in the lowest quintile.
2. Lower incomes for Black Americans because of labor market discrimination affect wealth only to the extent that it reduces capacity for savings that can be passed across generations. It is a myth that Black Americans save less than whites. At the high income levels, Black Americans save more than whites (who tend to invest). white households spend 1.3 times as much as Black American households at comparable income levels.

D. Lack of Resources in Family Social Networks and Fewer Intergenerational Wealth Transfers

1. Support from family networks can provide a “private safety net” to aid with cash transfers, housing, or childcare in times of material hardship. Cash transfers can provide additional income, multigenerational housing can provide shelter, and family-provided childcare can permit a parent to work and earn income as well as avoid childcare expenses. For example, during the COVID-19 pandemic, almost a quarter of renters borrowed money from friends or family.

2. While Black Americans receive assistance from family members at high rates, their overall tendency to lack resources may reduce the available quantity of such assistance, and may result in economic harm to the giver. Black American families are more likely than white families to have high-poverty family networks and more likely to make repeated cash transfers, which hinders their ability to accumulate wealth. For example, in 2019, 71.9% of white families expected that they could get \$3,000 from friends or family during a crisis, versus less than 40.9% of Black American families. While new Black American mothers are more likely to live in a relative's home, host a family member, and give or receive money than white mothers, helping family members in poverty may have negative consequences for struggling families.
3. Lower assets of Black Americans means that intergenerational wealth transfers are less likely and tend to be smaller. Inheritance/intergenerational wealth transfers/parental wealth as primary sources of the capacity for sustained wealth building. For example, greater familial assistance contributes to white families' greater ability to buy better housing and get better deals on mortgages earlier in life, further compounding the homeownership and wealth gap, and giving white families better security in crisis. The fewer resources the older generation has to transfer to the next, the lower the wealth position attained by the younger generation. At least 26% of an adult's wealth position is directly due to inheritance/gift money—a conservative estimate. The true effect could be as high as 50%.
4. Wealth, more than income, can be used to invest in appreciating assets for offspring, such as a college education, an unpaid internship in a high rent city, a new business, a property in a better residential neighborhood, or a job in the family firm. Without wealth transfers, regardless of income, these assets are harder to attain. Another strand of research explores the parent to adult children transmission of household wealth; and the connections of three generations and the building blocks of net wealth, through the intergenerational transmission of risky, non-financial, and safe asset components.

E. Education Increases Debt for Black Americans

1. Higher education for Black Americans can have a positive effect on their income but it does not into a reduction in wealth disparities. Black Americans experience “unequal returns” to investment, such as college education/student loans. And college degrees do little to close the racial wealth gap. For example, College-educated Black American households have 30-33% less wealth at the median than non-college educated white households, average wealth for whites in this category is \$180,500, while the Black American average is \$23,400.
2. Indeed, education increases debt in part because of higher student loan rates for Black American students. The median difference between Black and white American student loan interest rates is 0.63%. The mean difference is 1.09%. This means that Black American students have larger interest rates, and that more than half of Black American students have interest rates 3/5 to 1 1/10 times higher than white students. And Black American students incur more educational debt because their families have so little wealth.

F. Persistent Housing Segregation and Mortgage Market Discrimination

1. Disparities in homeownership characteristics between Black homeowners and white American

homeowners have contributed to the racial wealth gap. Homes are one of the most important wealth assets that households can possess. People who own homes can use them to borrow money to pay for expenses or pay off high-interest debt in times of crisis. Homeowners are able to generate wealth through home equity, so long as their home increases (or appreciates) in value. Homeownership is also believed to be more beneficial than renting because owners build equity, obtain additional tax benefits. Homeowners may also face less housing instability than renters (partially because they tend to be more well-off in general), especially during a crisis, and may therefore be less likely to lose their housing. Housing affordability problems are more than twice as common among renters than homeowners.

2. Historically, governmental and institutional barriers to homeownership have impaired the ability of Black Americans to purchase real estate, gain wealth through real estate, and transfer that wealth to successive generations. See Housing section for a detailed discussion of federal laws and policies instituted to prevent Black Americans from accumulating real estate property.
3. Today, Black Americans are in a worse position than white Americans to have homes as assets to aid them in a crisis. The racial homeownership gap was 19% in 1940, and grew to 28% in 2009. As of the second quarter of 2020, out of \$30.8 trillion in real estate assets in the U.S., 5% (\$1.6 trillion) are held by Black American households and 78% (\$23.9 trillion) are held by white households. Black Americans are less likely to own homes than white Americans (42.8% v. 73.3% in 2019), and are more likely to face affordability issues.
4. Homeownership for Black Californians lags behind the nationwide Black American homeownership rate (36.8% v. 44% nationally in 2019). The homeownership rate for white families is 28.4% higher than Black families. And homeownership rates for Black American households have fallen every decade for the last 30 years, both unconditionally and after controlling for income and demographics.” And the median difference between Black and white American home loan interest rates is 0.7%. The mean difference is 1.23%.
5. Black Californians are much more likely to be renters (58.4% vs. 34.1% for white Californians), and much more likely to be housing cost-burdened (58% vs. 44% of white renters). Black Californians are thus disproportionately less likely to have access to the credit and housing stability that a home can provide in a crisis. Black Americans have more difficulty accessing home equity due to factors linked to systemic discrimination in mortgage lending. All of this limits Black Americans’ access to the benefits of home equity in a crisis.
6. Black Americans that own homes have a greater reliance on the house as a source of wealth than white households. For example, in 2014, home equity accounted for 92% of Black Americans’ net worth. This is because Black American homes are typically the largest investment a Black American household has, while white households have a larger variety of investments (i.e. a more diversified portfolio). In addition, whites become homeowners and begin accumulating home equity an average of 8 years earlier than Black American families—linked to inheritance/intergenerational wealth transfers.
7. There is a gap between the appreciation of a home owned by a white family and the appreciation of a similar home owned by a Black American family.

8. When Black Americans do own homes, they tend to be appraised for less than comparable white homes, limiting the amount of money that can be taken out of their home equity. Race affects the rate of return on home asset. Black American home owning households have an average of \$140,000 less in net worth than white counterparts. In 2019, the typical Black American homeowner had a home value of \$150,000. The typical white homeowner had a home value of \$230,000. Black American homeowners had a median home equity of \$66,800 in 2019. white homeowners had a median home equity of \$130,000 in the same year.
9. Residential segregation could also be pushing down the value of houses in Black American neighborhoods. The depreciation of home value is due to residential segregation and concentrated neighborhood poverty attributable to “structural conditions.” Black American homeowners also tend to own homes appraised for less in neighborhoods deemed less valuable, which decreases their available equity relative to white homeowners. Even controlling for factors like neighborhood or home quality, a study has found systemic undervaluation of homes in Black American neighborhoods attributable to anti-Black bias. Partially as a result, Black American net worth is orders of magnitude lower than white net worth: as of 2019, a Fed survey found that median Black American net worth is \$24,100, while median white net worth is \$188,200.
10. Among those that do own homes, Black American families in many California cities are much more likely to own homes in formerly redlined neighborhoods, where median home equity is much lower. Anecdotal evidence from California also suggests outright racial discrimination in the valuation of Black-owned homes. This reduces the amount of money Black Californian homeowners can borrow against the value of their homes in a crisis, or the value of cash-out refinancing, relative to white homeowners.
11. Black Americans also experience significant housing cost burdens. In 2019, 43% of Black American households spent more than 30% of their income on housing (compared with 25% of white households). Systemic discrimination in mortgage lending may also make it more difficult for Black American homeowners to access their home equity through cash-out refinancing, a means of accessing home equity that has been increasingly popular during the pandemic. Between April 2020 and January 2021, less than a quarter of Black American homeowners who could have saved \$200/month by refinancing did so, compared to 40% of similarly situated white homeowners.
12. But, closing the homeownership gap alone will not close the racial wealth gap: the homeownership gap alone does not explain the racial wealth gap. Among Black and white American households who do not own a home, white households still have 31-times more wealth than Black American households.

G. Lack of Equitable Access to Loans and Credit Increases Debt

1. The loan market contains “discriminatory practices and racialized policies.” Black Americans are systematically disadvantaged, often denied loans, or charged higher interest. For example, the median difference between Black and white American consumer loan interest rates is 1.0%. The mean difference is 0.51%. This means that there are fewer/lower wealth transfers and less ability to accumulate wealth. Higher interest leads to lower wealth transfers and reduced wealth

accumulation.

H. Historical and Systemic Discrimination in Banking

1. Black Americans have historically faced systemic discrimination in banking which has impacted their ability to accumulate wealth.
2. Banks established by the federal government discriminated against Black Americans and deprived them of wealth. The Freedmen's Fund, Free Labor and Union Army Military Banks, and the Freedman's Bank were three banking institutions established by federal government agents and Congress in the early to mid-1860s, provided recently emancipated Black Americans with the means to save the money they earned. However, paternalistic attitudes towards Black Americans ultimately impacted their ability to accumulate wealth and invest their wealth how they saw fit. Perhaps more tragically, reckless investing of savings deposited into the Freedman's Banks led to the loss of approximately \$2.9 million (\$63 million in 2017 dollars), impacting the savings and wealth accumulation of Freedmen and their descendants for generations to come.
3. The Freedmen's Fund established in 1862 deposited the wages of Freedmen who self-emancipated by escaping to Union lines ("self-emancipators") or were captured by Union troops ("contraband"). Wages earned by Black American women, children, the disabled, soldiers, and un-enlisted men were deposited into the fund. Accumulated wages in the fund not only went towards purchases of necessities for the Freedmen, but also went toward Union Army expenses. In one year, \$103,000 (about 1.6 million in 2017 dollars) was used for all of the Union Army's incidental expenses; paid \$5,000 in expenses for hospitals; paid for the salaries of all hospital stewards and medical assistants; in addition to food, clothing, housing, and labor supplies for Black Americans. Freedmen did not have access or control over their earned income and savings and had no input on how their money was to be spent. Instead the wages pooled into the fund were used by Eaton to collectively provide for the Freedmen. Therefore, Freedmen were denied the ability to accumulate wealth from their earned wages. The Free Labor and Union Army Military Banks were similarly established to hold the wages earned by Freedmen. Rather than a collective fund, depositors could hold their own accounts.
4. Freedman's Bank and Trust Company, also known as the Freedman's Savings Bank, was created by Congress in 1865, using the unclaimed deposits from the free labor and military banks. By 1873, 100,000 depositors placed \$50 million in the bank. Initially, it was established as a savings bank with the sole purpose of holding money rather than growing money through lending. In 10 years, more than \$75 million (approximately \$1.5 billion in today's dollars) of deposits made by more than 75,000 depositors passed through the bank.
5. However, the bank failed in 1874. The exploitation of savings deposited into this bank for personal use and risky speculation against the bank's original Congressional charter, in railroad and real estate among other investments, and the subsequent bank failure due to this use and speculation, led to the loss of wealth accumulated by Freedmen in the years following emancipation from slavery. Board trustees used the money held at the bank for professional and personal benefit. Investments and loans made the mobilization of funds held at the Freedman's Savings Bank largely benefitted white businesses and white businessmen. Freedmen's Bank

depositors were largely unable to secure loans from the bank despite the fact that large dollar loans were being made to white businessmen. Personal loans were given to white businessmen while the bank, with very few exceptions, refused loans to its Black American depositors. Black American sharecroppers suffered from highly exploitative and localized credit markets, the reason why so many had accumulated savings deposits to begin with.

6. Black Americans were misled to believe that money deposited at the bank were guaranteed by the U.S. Government. Black American depositors protested for the bank and the federal government to refund their money. Congress authorized refunds that, according to their claims, amounted to \$1.7 of the \$2.9 million that was lost. Refunds were dispersed in five payments between 1874 and 1914, but the process for obtaining refunds was difficult and placed a burden on account holders and heirs to prove that they had a rightful claim for a refund. A study currently under peer review provides a comparative analysis of the average amount owed to depositors across 71 bank failures of federally chartered banks between 1865 to 1933. The Freedman's Savings Bank ranked third for the largest amount owed to depositors at the time of bank failure.
7. The bank's failure, and the failure to repay all money that the depositors lost, also inevitably lead to generational distrust of banking services among freedmen and their descendants. When it closed on June 29, 1874 as a result of the reckless financial speculation, 61,131 depositors lost about \$2.9 million (\$63 million in 2017 dollars) and had only \$32,089.35 in assets. Taking into account the late repayments in small amounts made, depositors lost more than 80% of their deposits on average when the bank failed.
8. Black-owned banks were established to provide banking services to Black American communities, as white-owned banks did not provide financial services to Black Americans. But systemic racism excluded Black-owned banks from full participation in the banking market and hindered their success. Approximately 130 Black-owned banks were established between 1900 and 1934. Fifty savings and loans and credit unions were also established during this period. A total of eight banks survived the Great Depression.
9. Black-owned banks often served to meet the demand for home loans among potential Black American homebuyers because the segregated housing market made it difficult for Black Americans to obtain home loans. But meeting these demands often mean that the portfolios at Black-owned banks were largely home loans. Since homes owned by Black Americans were undervalued due to systemic racism the property held for collateral during the term of the loan immediately diminished in value, upholding the perception that these loans were inherently risky investments. Therefore, there was no market for mortgages held by Black Americans because of the devaluation of property owned by Black Americans and the assumption that loans held by Black Americans were inherently risky. This in turn meant that it was difficult for Black-owned banks to earn a profit from an investment portfolio that was largely composed of home loans to Black American homebuyers.
10. Income disparities between white and Black Americans due to racist policies and practices also meant that Black Americans had less to deposit, and typically made more frequent withdrawals. This in turn meant that the Black-owned banks had to have a larger amount of cash on hand, and

therefore had less money from deposits to turn into profit-generating loans.

11. Credit systems were created because following emancipation, state and private banks were unable to serve the credit needs of Freedmen during the late nineteenth century, which meant that they had to rely on more expensive and exploitive credit systems.
12. General stores became an important means of accessing short-term credit. Prices were at the discretion of the merchant. One price for goods purchased with cash and a different, often at least 25% higher, price for goods purchased with credit. Goods purchased on credit were charged interest of eight to fifteen percent; with the rate determined in part by creditworthiness of the borrower. The amount of interest to charge was determined by the merchant.
13. There still remain racial disparities in present-day banking that prevent Black Americans from accumulating wealth. For example, there are racial disparities in entry-level checking account fees. It costs more for a Black American to open and maintain a checking account when compared to whites. The typical overdraft fee is \$30.25 for Black Americans versus \$29.71 for whites. The typical account maintenance fee is \$6.74 for Black Americans compared to \$6.06 for whites. The typical account balance needed to avoid fees or account closure is \$841.78 for Black Americans compared to \$658.01 for whites. Further, the amount of income required to open and maintain a checking account for the typical household. The authors found that on average, Black American households would need to deposit 6% of their paycheck to open an account and keep 60% from one paycheck unused in their account to maintain the account. The typical white household, on the other hand, need to deposit 3% of a paycheck to open an account and keep 28% of a paycheck unused in their account.

I. Fewer Investments & Other Assets

1. Black American households hold less assets than whites overall, but Black Americans have a higher proportion of assets in auto and home, and less in net liquid and net business assets. Black American households are also generally less likely to hold financial assets. Black Americans have “substantially” fewer assets than whites at every income level.
2. Fewer Investments
 - a. Some studies argue that Black American investment patterns generally show risk aversion, lack of education, on stocks and investments. They argue that wealthier Black Americans tend to save more and invest less, compared to wealthier whites and that whites are more likely than Black Americans to invest in high-risk, high-reward assets. For example, in 2004, Black American families were less likely than white families to have investment accounts and retirement accounts. This they claim can be attributed to attribute this to familial influence—Black American families are less likely to have investment accounts if their parents didn’t have any. Other studies argue that Black Americans are not significantly more risk averse or less financially literate than whites with similar levels of income and wealth. Further, Black Americans engage in entrepreneurship, which presents inherent risk, at higher rates than whites with similar levels of income and wealth. And while poor investments hurt minority communities, that’s because low wealth and economic opportunity places and financial constraints on choice and often forces Black borrowers to use predatory and abusive alternative

financial services rather than financial illiteracy.

3. Less Liquid Assets

- a. Liquid assets accessible as cash in times of crisis include cash savings, checking accounts, savings accounts, money market funds, certificates of deposit, and government bonds. Access to liquid assets such is important in a crisis, as it enables people to continue to pay bills in the event of a sudden loss of income, or pay for emergency expenses such as medical costs. Lack of access to liquid assets can heighten the impact of crises by making it harder to afford basic necessities. People may also turn to family for economic support in times of hardship. In addition, access to government aid such as unemployment insurance (UI), nutrition subsidies (SNAP), and crisis-specific programs such as stimulus checks (EIP) and small business loans (PPP), help people and their businesses stay afloat.
- b. These resources are vital for surviving economic crises. For example, liquid assets such as cash savings help people pay bills in the event of a job loss or weather emergency expenses like a medical emergency. Similarly, people who have homes, stocks, or retirement funds may leverage their home value for a loan, liquidate stocks, or borrow from/against their retirement accounts to pay for expenses during difficult economic times.
- c. Black American households tend to disproportionately lack access to many of these resources, often due to the persistence of historical disparities.
 - i. In 2019, while 96.8% of Black American families had some kind of liquid asset (such as a checking account, savings account, or pre-paid card), typical Black American families with liquid assets had \$1,500 in liquid savings, compared to \$8,1000 for white families with liquid assets.
 - ii. A pre-pandemic study found that while 29.1% of white households are liquid-asset poor (meaning that they could not use their savings to live for 3 months at the federal poverty rate), 58.2% of Black American households are.
 - iii. A 2020 study found that 36% of white families had enough savings to cover six months of expenses, versus 14% of Black American families. In one February 2021 survey of “disadvantaged workers,” 42% of white households reported that they could not pay for a \$400 emergency expense without taking on additional debt, drawing down retirement accounts, or selling items, compared to 59% of Black American households. The survey also found that 36% of Black American respondents said that they had no money at all set aside for emergencies, compared to 24% of white respondents.
- d. As a result, Black American families may be hit harder by crises because they have considerably lower access to liquid assets than white families.
 - i. Black Americans are more likely to suffer from economic crises such as the COVID-19 pandemic: for example, one June 2020 survey found that while only 27% of white households had experienced financial hardship as a result

of the pandemic, 40% of Black American households had. In addition, lack of access to liquid assets can also force people into financially risky options during a crisis, such as taking out predatory payday loans or high-interest credit card debt. Lack of assets to liquid assets can also make it harder to afford food and rent. June 2020 census data showed that, among households where a job was lost during the COVID-19 pandemic, 31% of Black American households lacked sufficient food in the prior week (a 12 point increase), compared to 12% of white households (a 5 point increase). The data also showed that, compared to white renters, Black American renters were less likely to have paid their rent in the previous month and more likely to predict that they would not be able to make their next rent payment.

- ii. In a May 2020 survey, Black American respondents were more than twice as likely as white respondents to report missing a credit card, utility, internet, rent, mortgage, or other “important payment” since the beginning of the pandemic. Black American families with liquid assets also use them up more rapidly than white families during a crisis. Black American families with emergency savings at the start of the pandemic were twice as likely as white households to have needed to use them by May (70% v. 34%), and more than twice as likely to have already spent at least a quarter of their savings (36% v. 15%).
- e. In California, Los Angeles provides a stark California version of nationwide racial disparities in liquid assets accessible during a crisis. A 2016 study of the LA metro area found that the median value of liquid assets for native born Black American households was \$200, compared to \$110,00 for white households. While 91.6% of white households had any kind of liquid asset, only 62.3% of native-born Black American households did. 90.1% of white households had a checking account, versus 68.1% of native-born Black American households. 71% of white households had a checking account, versus 55.5% of native-born Black American households. While 40.7% of white households had stocks, mutual funds, or investment trusts, only 21.5% of native-born Black American households did.

4. Less Non-Liquid Assets

- a. In general, non-liquid assets such as homes, stocks, and retirement funds can support financial security by increasing resources necessary to weather a crisis or invest in wealth-generating assets for the future.
- b. As discussed above, Black Americans experience myriad barriers to homeownership and the mortgage market.
- c. Stocks and mutual funds, which can be sold, and retirement funds, which can be liquidated or borrowed against, also provide potential sources of aid in a crisis.
- d. Black Americans are also likely to own stocks than white Americans, and Black Americans who own stocks have less equity than white Americans who do. While 61% of white households own any form of stocks, only 33.5% of Black American households do. Among families who own stocks, the typical white family has access to \$50,600 they could tap in an emergency, vs. \$14,400 for the typical Black American family.

- i. While Black Americans are more likely to have access to retirement accounts than homes or other types of stocks, they are still less likely than white Americans to have them. Around 55% of Black American working age families have access, and 45% participate. 70% of white working-age families have access to an employer-sponsored retirement plan, and 60% of them participate. Among working age white families with balances in such accounts, the typical white family has ~\$50,000 saved, whereas the comparable Black American family has ~\$20,000 saved.
- e. Additionally, owners of these retirement accounts may face penalties for withdrawing money from them to handle a crisis. During the pandemic, a survey found that Black American households with retirement accounts were much more likely to report that they planned on withdrawing from or borrowing against them (48% and 45%) than white households (29% and 29%) due to relative lack of other assets. However, withdrawing money from retirement accounts can incur tax and other penalties. One survey found that Black American workers are less likely to have access to an employer-offered emergency savings plan that they can draw from without a penalty than white workers (24% v. 26%).
- f. In California, Los Angeles provides a stark example at the local level in California of nationwide racial disparities in wealth and non-liquid assets accessible in a crisis. In 2016, while the median net worth of white Angelino households (assets minus debts) was \$355,000, median net worth of native-born Black Angelino households was \$4,000 (just over one percent of white net worth). 40.7% of white households owned stocks, versus 21.5% of native-born Black American households. 63.6% of white households had an individual retirement account (IRA) or private annuity, versus 37.9% of native-born Black American households.

J. Lower Business Ownership.

1. Equity in a business is among one of the types of assets that are more unequally distributed by race. Because Black Americans have lower wealth, it leads to lower business ownership and self-employment. As discussed above, it is more difficult for Black Americans to capitalize new businesses because of discriminatory lending practices. Whites are more likely to own businesses, while Black Americans are disproportionately denied business loans. Black American businesses received 2.3% of federal agency loans last year. In 2008, they received 11 percent. In addition, the top 100 Black-owned businesses earned less than \$30 billion in 2014. Walmart earned \$482 billion, or sixteen times that.

K. Historical and Systemic Discrimination in Government Benefits

1. Black Americans faced discrimination and were excluded from government programs and benefits created between the years of 1862-1969 that impacted wealth accumulation. This is not meant to be an exhaustive discussion, but highlight programs that had particular impact on preventing Black Americans from building, maintaining, and passing on wealth.
2. Federal Homestead Acts
 - a. Initially signed into law by President Abraham Lincoln in 1862 (the Homestead Act of 1862) and officially ended in 1934. Allowed people to obtain up to 160 acres of public lands for \$0 if they

resided on the property for five years and paid a \$10 entry fee. Prospective landowners could circumvent the five-year residency requirement if they paid \$1.25 per acre and resided at the property for six months. The Homestead Act of 1909 increased the size of homesteads to 320 acres. The Homestead Act of 1916 raised the size of homesteads to 640 acres.

- b. Homestead Acts also impacted California. In Fresno County, for example, speculators attracted colonists to settle colonies in the area by offering incentives like providing agricultural expert advice, building roads and dairies, and sold land on credit. A total of 21 colonies comprising of 45,000 acres were established in the Fresno area by 1885. A total of 1,500 families, or approximately 7,500 people, resided in these colonies.
3. The New Deal were a collection of government programs developed by President Franklin D. Roosevelt to provide aid to the American people with the goal of lifting America out of the economic depression triggered by the stock market crash of October 1929 (commonly referred to as the Great depression). An estimated 25% of the labor force were unemployed in the United States and 20 million Americans relied on public and private relief agencies for support. Black Americans faced greater economic hardship, as racial discrimination exacerbated experiences faced by Black Americans during the Great Depression. See Labor section for more detail regarding Federal and labor market discrimination that impacted income and therefore, the capacity of Black Americans to build savings and assets.
4. The Serviceman's Readjustment Act of 1944 (G.I. Bill) and Integration of the Armed Forces (1948) included provisions for homeownership, small businesses, and education, but it left implementation largely to state and local government, which meant that in practice administration of benefits adhered to local policies on segregation and other discriminatory practices. For example, the GI Bill could have reduced observed disparities in homeownership if it had been fairly implemented. A 1955 estimate found that of the 10.7 million veteran homeowners, 4 million (37%) purchased their homes using VA home loans. Fewer than 30,000 (0.7%) of the 3,914,535 VA-backed home mortgages made between 1944 and 1955 were given to African American veterans.
5. Black American families continue to have disproportionate access to government benefits through the present.
 - a. For example, Black Americans lack access to government programs and benefits Studies of the pandemic-era PPP have found that Black American applicants were less successful in obtaining loans for their businesses than white applicants (29% v. 60%), and only 1.6% of PPP dollars were disbursed to self-identified Black-owned businesses, versus 13.6% to white-owned businesses. Businesses in majority-Black American neighborhoods were also more likely to receive PPP loans later than businesses in majority-white neighborhoods. Because PPP money was paid out through large banks, Black American business owners may have been less likely to obtain them (despite being more likely than white business owners to have at risk or distressed businesses even before the pandemic) due to poor relationships with banks and systematic exclusion from banking services historically. Also see Labor section for detailed discussion on discriminatory federal and local government policies that affect income or government aid, thus reducing capacity or depleting savings.
 - b. An analysis of the distribution of PPP loans in California found disparate distribution by race: Black American neighborhoods received \$445 per resident, while white neighborhoods received

\$666 per resident, partially due to lower concentration of small businesses/small business employees in Black American neighborhoods. However, another analysis revealed that in most major metro areas in the country (including LA, SF, and San Diego), businesses in majority-white areas also received PPP loans at a greater rate than businesses in majority-Black American areas.

L. Causes of the Racial Wealth Gap Specific to Black American Women

1. The gender wealth gap (for all races) remains even when controlling for variables such as income, inheritances, and socioeconomic characteristics. The gender gap in wealth among single adults is highest for single parents with children under 18. Women are disproportionately the caregivers of children, which means they have to take more “breaks” from work (affecting tenure) and are more likely to work part time. Social stratification and discrimination tend to be associated with lower wealth for households headed by females. And due to historical systematic discriminatory policies and practices, women have always had a higher rate of poverty than men, which Pierce termed “the feminization of poverty[.]”
2. The economic effects of motherhood are more pronounced for Black American women. Black American women have a smaller wealth gap with Black American men than white women have with white men—but “parity is more an equality in economic disenfranchisement than an equality in economic wellbeing.” Black American women are more likely to live in poorer households, and those where they are the head of the household and only income generator. Black American mothers are more likely to be the breadwinner than white mothers (80% versus 50%). Black American women are more likely to be the household’s breadwinner than Black American men. 66.9% of Black American mothers are the breadwinners. Median wealth for Black American single mothers with a child under 18 is \$0 (2013 estimate). To work, single mothers need access to childcare. In a recent study, researchers at Brandeis University concluded that 70% of Black American working parents can’t afford center-based childcare. And 72% of Black American children are being raised in households headed by women.
3. Black American women more often experience poverty. Most Black American women experience chronic asset poverty characterized by persistently low and flat trajectories of net worth and net financial assets. Black American women are five times less likely to have a bank account than white women.
4. Black American women experience occupational segregation. Industries of employment for women tend to be segregated by race as well as gender, with Black American women more likely to be employed in the service industry. These jobs tend to pay less; be seasonal, part time, or hourly; have fewer benefits/support. Black American women are also more likely to be employed in state and local government jobs, which makes their jobs subject to economic inflation/political change. These jobs are typically lower-paying jobs, as well, like teachers, nurses, or social workers. More than 22% of Black American women work for governments. Just under 17% of all whites work for government.
5. Black American women have less savings and financial assets. Only 23% of single Black American women own stock. At least half of nonmarried Black American women have zero or negative assets.” The extent of women’s retirement security is highly impacted by marriage to

men. Women who are married or women who were widowed have more assets and capital saved for retirement, and a higher net worth. Black American women do not accumulate net worth approaching retirement—they have no financial assets at age 50 and do not accumulate any more as they age.

6. Black American women have worse health outcomes, which affect their wealth. Women are more likely than men to have chronic health problems, have their health characterized by “multiple comorbidities” and/or have a disability. These issues affect wealth by limiting an individual’s ability to obtain wealth (consistently access work, income) as well as to maintain it (due to high health expenses). Black American women are more likely than white women to have no health coverage (22.4% versus 12.8%).
7. There are also a number of historical factors affecting race and gender disparities that contribute to the racial wealth gap for Black American women.
 - a. For example, it was legal in the United States to deny credit applications on the basis of the applicant’s sex or marital status, making the market highly discriminatory until the Equal Credit Opportunity Act of 1974. It was also legal to deny jobs to women, to pay women less than men, and to fire women if they got married or became pregnant. Two major pieces of legislation outlawed this—the Title VII of Civil Rights Act of 1964 and the Equal Pay Act of 1963—although these have not been entirely effective
 - b. In 2009, the Lily Ledbetter Fair Pay Act was passed to further protect against wage discrimination. Sex was one of the key protected areas.
 - c. The New Deal enacted benefits for those stricken by the Great Depression. Partially due to Jim Crow laws, Black Americans (especially Black American women) were predominantly employed in the agriculture or service sector, which meant they did not qualify for benefits.
 - d. Black American women have been working outside of their own homes since the end of slavery. white women largely didn’t join the labor force until the 1960s. This means that Black American women have traditionally worked in sectors more in alignment with gender-defined work ideals. In recent history, Black American women’s jobs, and therefore their wealth, tend to respond more to macroeconomic changes, which means that events like the US housing bubble burst particularly affected Black American women.
 - e. Upper-income Black American women were one of the primary targets of subprime mortgages and predatory lending.
 - f. Due to occupational segregation, women (70%) and Black Americans (20%) made up most of the state and local government jobs lost between 2007 and 2011, during the Great Recession. Following the Great Recession, Black American women faced the most challenges in finding new employment. Between March and May 2012, every other race-sex group saw employment rise.

M. The Same Issues Cause the Racial Wealth Gap in California as in Other States

1. Historically, Black Americans were excluded from the Homestead Acts and the wealth that landownership accrued; additionally, in California (as with many other states) land ownership was limited to citizens which long excluded Black Americans. Only 2% of government

mortgages between 1934 and 1968 went to people of color—not specific to California, but still affecting it.

2. Black Californians experience continuing difficulties affording homes and face-outsized rent burdens. 63% of white Californians own their homes, while only 33% of Black Californians do. 2021 estimates reflect that 35% of Black Californians own homes. In addition, home ownership for Black American households has declined by more than 20% since 1980 Black Californians are involved in a “very different mortgage market” than whites, which leads to them facing challenges such as higher price loans, more predatory lending, and more risk. In October 2008, 6.3% of Black American homeowners were in default of their home purchase loans, though Black American homeowners are only 1.3% more likely to be in default than whites. Further, during the 2000s housing crisis, California had the country’s highest foreclosure rates, with LA leading the state; Black American household foreclosure rates were 1.9 times that of whites, likely due to increased targeting of minority communities for predatory lending (as discussed above). Two-thirds of the individuals paying more than 30% of their income in rent are people of color.
3. The costs of higher education are a larger burden for Black Americans. Generally, whites are twice as likely as Black Americans to receive financial assistance from home for higher education. Only 16% of Black American students receive a Cal Grant award; The state financial aid Black Americans do receive is often insufficient, especially in regard to housing 15.5% of white households in LA had student loan debt, while 20.5% of US-born Black Americans did.
4. 11.7% of white Los Angeles households own a business versus 3.1% of US-Born Black American households.
5. Black Californians have less non-liquid assets. Only 22% of Black Americans in LA own stocks, mutual funds, and/or investment trusts; only 38% of households own an IRA or private annuity. 18 percent of Black American households do not have a car. While Californians, in general, face long commute times. Black Californians in LA, on average, have a 7.5% longer commute; at the same time, only 72% of US-Born Black households in LA own a vehicle (the lowest proportion for a racial group).

IV. Conclusion

- A. Historically, the United States has systematically prevented Black American communities from building, maintaining, and passing on wealth because of the atrocities of slavery, segregation, racial terror, institutional and systemic racist oppression, and harmful racist neglect in nearly every sector of civil society. As a result, Black Americans have suffered and continue to disproportionately experience a large and persistent wealth gap as compared to other racial groups. Addressing this persistent racial wealth gap means countering the centuries-old institutions that have kept Black American households from building and growing wealth at the same rate as white households through the present day.

BIBLIOGRAPHY

Abby L. Gilbert, "The Comptroller of the Currency and the Freedman's Savings Bank," *The Journal of Negro History*, LVII: 2, April 1972.

Adriana Ramos-Yamamoto, *Not Enough to Eat: California Black and Latinx Children Need Policymakers to Act* (Sept. 2020) Cal. Budget & Policy Center <<https://calbudgetcenter.org/resources/snap-calfresh-california-Black-and-latinx-children-need-policymakers-to-act/>> (as of Aug. 19, 2021).

Alex Bell et al., Cal. Policy Lab, *An Analysis of Unemployment Insurance Claims in California During the COVID-19 Pandemic*, Dec. 2020.

Alexandra Killewald, "Return to Being Black, Living in the Red: A Race Gap in Wealth That Goes Beyond Social Origins," *Demography* 50, 2013.

Alexandra Killewald, and Brielle Bryan, "Does Your Home Make You Wealthy?" *RSF: The Russell Sage Foundation Journal of the Social Sciences* 2, no. 6, 2016, <https://doi.org/10.7758/rsf.2016.2.6.06>, p. 11.

Alicia Plerhoples, *Correcting Past Mistakes: PPP Loans and Black-Owned Small Businesses* (Feb. 25, 2021) Am. Const. Society <<https://www.acslaw.org/expertforum/correcting-past-mistakes-ppp-loans-and-Black-owned-small-businesses/>> (as of Aug. 19, 2021). 78.6% of loan dollars went to businesses who did not report the owner's race.

Ana Lucia Murillo, *Black Homeowners Are Being Left out of the Mortgage Refinance Boom* (June 9, 2021) Money <<https://money.com/mortgage-refinance-rate-race-gap/>> (as of Aug. 18, 2021).

Andre M. Perry et al., Brookings Inst., "The Devaluation of Assets in Black Neighborhoods: The Case of Residential Property," Nov. 2018.

Andrew F. Brimmer, "Income, Wealth, and Investment Behavior in the Black Community," *American Economic Review* 52, 1988.

Ann B. Newman, Jennifer S. Brach, "Gender Gap in Longevity and Disability in Older Persons," *Epidemiology Review* 23, 2, 2001, p. 343-350.

Anne Price and Jim Pugh, *The Next Pandemic Stimulus Bill Must be Race-Conscious* (Sept. 4, 2020) Time <<https://time.com/5886002/next-stimulus-bill-race-conscious/>> (as of Aug. 19, 2021).

Anqi Chen, Center for Retirement Research, Boston College, "Did the Stimulus Checks Help People with Unexpected Expenses?," 2021.

Arnett G. Lindsay, "The Negro in Banking," *The Journal of Negro History*, 1929.

Benjamin P. Bowser, *The Black Middle Class: Social Mobility – And Vulnerability*, Lynne Reiner Publishers, Inc., 2006.

Bradley L. Hardy & Trevon D. Logan, Hamilton Proj., Brookings Inst., "Racial Economic Inequality Amid the Covid-19 Crisis," Aug. 2021.

Brittany Danielle Rawlinson, "The Legacy of Slavery and Black-white Wealth Inequality in the Southern United States," Unpublished Thesis, 2017, <https://diginole.lib.fsu.edu/islandora/object/fsu%3A507725/>.

Bruce Western and Becky Pettit, “Black-white Wage Inequality, Employment Rates, and incarceration,” *American Journal of Sociology* 111, 2005.

Bryan L. Sykes and Michelle Maroto, “A Wealth of Inequalities: Mass Incarceration, Employment, and Racial Disparities in U.S. Household Wealth, 1996 to 2001,” *The Russell Sage Foundation Journal of the Social Sciences* 2, 2016.

“Building Racial and Economic Equity Through Home Ownership,” CA FWD, 2021.

C. André Christie-Mizell, “The Effects of Traditional Family and Gender Ideology on Earnings: Race and Gender Differences,” *Journal of Family and Economic Issues* 27, 2006.

CalFresh, The Able-Bodied Adults Without Dependents Time Limit, Cal. Dept. Social Services <<https://www.cdss.ca.gov/inforesources/calfresh/abawd>> (as of Aug. 19, 2021).

Carolina Reid and Elizabeth Laderman, “The untold costs of subprime lending: examining the links among higher priced lending, foreclosures and race in California,” Federal Reserve Bank of San Francisco, 2009.

Caroline Danielson and Daniel Tan, *The CalFresh Food Assistance Program* (Sept. 2020) Public Policy Inst. Cal. <<https://www.pplic.org/publication/the-calfresh-food-assistance-program/>> (as of Aug. 19, 2021).

Cedric Herring and Loren Henderson, “Wealth Inequality in Black and white: Cultural and Structural Sources of the Racial Wealth Gap,” *Race and Social Problems* 8, 2016.

Charles Lewis Nier III, “The Shadow of Credit: The Historical Origins of Racial Predatory Lending and Its Impact upon African American Wealth Accumulation,” *University of Pennsylvania Journal of Law and Social Change* 11, 2007–2008.

Christian E. Weller et al., “Simulating How Large Policy Proposal Affect the Black-white Wealth Gap,” *Journal of Economics, Race and Policy*, 2021.

Claire Célérier and Purnoor Tak, “The Impact of Financial Inclusion on Minorities: Evidence from the Freedman’s Savings Bank,” August 1, 2021, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3825143.

Clare Kramer Mills & Jessica Battisto, Federal Reserve Bank of New York, “Double Jeopardy: Covid-19’s Concentrated Health and Wealth Effects in Black Communities,” Aug. 2020.

Claudia Goldin, *Understanding the Gender Gap: An Economic History of American Women*, Oxford University Press, 1990.

Daan Struyven et al., “Black Womenomics: Investing in the Underinvested,” Goldman Sachs Research, 2021, <https://www.goldmansachs.com/insights/pages/Black-womenomics-f/Black-womenomics-report.pdf>.

Dalton Conley, “Decomposing the Black-white Wealth Gap: The Role of Parental Resources, Inheritance, and Investment Dynamics,” 2007.

Dalton Conley, *Being Black, Living in the Red: Race, Wealth and Social Policy in America*, 1999.

Dana Anderson, *Redlining’s Legacy of Inequality: \$212,000 Less Home Equity, Low Homeownership Rates for Black Families* (June 11, 2020) Redfin <<https://www.redfin.com/news/redlining-real-estate-racial-wealth-gap/>> (as of Aug. 20, 2021).

Dana Cronin, *New Study Reveals Racial Disparities Among Food Insecure Families* (July 13, 2020) Harvest Public Media <<https://www.harvestpublicmedia.org/post/new-study-reveals-racial-disparities-among-food-insecure-families>> (as of Aug. 18, 2021).

Daniel Bortz, *How to Unlock the Equity in Your Home* (Aug. 10, 2021), N.Y. Times <<https://www.nytimes.com/2021/08/10/realestate/tapping-home-equity.html>> (as of Aug. 18, 2021).

Daniel Schneider and Kristin Turney, “Incarceration and Black-white inequality in Homeownership: A State-Level Analysis,” *Social Science Research* 53, 2015.

Darrick Hamilton and William A. Darity, Jr., “The Political Economy of Education, Financial Literacy, and the Racial Wealth Gap,” *Federal Reserve Bank of St. Louis Review*, 99, 1, 2017.

Darrick Hamilton et al., “Umbrellas Don’t Make it Rain: Why Studying and Working Hard Isn’t Enough for Black Americans,” 2015.

David Callahan, “How the GI Bill Left Out African Americans,” *Dēmos*, Nov. 11, 2013, <https://www.demos.org/blog/how-gi-bill-left-out-african-americans>.

David F. Warner and Tyson H. Brown, “Understanding How Race/Ethnicity and Gender Impact Age-Trajectories of Disability: An Intersectionality Approach,” *Social Science & Medicine* 78, 2, 2011.

David L. Kirp et al., *Our Town: Race, Housing and the Soul of Suburbia*, Rutgers University Press, 1995.

Deborah Reed and Jennifer Y. Cheng, “Racial and Ethnic Wage Gaps in the California Labor Market,” Public Policy Institute of California, 2003.

Dedrick Asante-Muhammed et al., “The Ever Growing Gap: Without Change, African-American and Latino Families Won’t Match white Wealth for Centuries,” Institute for Policy Studies, 2016.

Diane Pierce, “The Feminization of Poverty: Women, Work and Welfare,” *Urban and Social Change Review*, 1978.

Donald J. Pisani, “Land Monopoly in Nineteenth-Century California,” *Agricultural History* 65, no. 4, 1991.

Douglas W. Allen, “Homesteading and Property Rights; or, ‘How the West Was Really Won,’” *The Journal of Law and Economics* 34, no. 1, 1991.

Economic Linkages: Supplemental Nutrition Assistance Program (SNAP) Linkages with the General Economy (Aug. 20, 2019) Economic Research Service, U.S. Dept. of Agriculture <<https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/economic-linkages/#SNAPcaseloads>> (as of Aug. 19, 2021).

Ellen Mutari, “Neither Mothers Nor Breadwinners: African-American Women’s Exclusion From US Minimum Wage Policies, 1912-1938,” *Feminist Economics* 8, no. 2, 2002, <https://doi.org/10.1080/13545700210160988>.

Ellen whitehead, Center for Poverty Research, Univ. Cal. Davis, *Support from Family Does Not Replace the Social Safety Net*, Apr. 2016.

Emily Moss et al., “The Black-white Wealth Gap Left Black Households More Vulnerable,” *Brookings*, 2020, <https://www.brookings.edu/blog/up-front/2020/12/08/the-Black-white-wealth-gap-left-Black-households-more->

[vulnerable/](#).

Erin Brantley et al., Association of Work Requirements with Supplemental Nutrition Assistance Program Participation by Race/Ethnicity and Disability Status, 2013-2017, June 2020.

Esi Hutchful, “The Racial Wealth Gap: What California Can Do About a Long-Standing Obstacle to Shared Prosperity,” California Budget & Policy Center, 2018, p. 8.

Francine D. Blau and John W. Graham, “Black/white Differences in Wealth and Asset Composition,” NBER Working Paper, 1989.

Fred Ali, “An Equity Profile of the Los Angeles Region,” Policy Link, 2017.

Government Accountability Off., Management Report: Preliminary Information on Potential Racial and Ethnic Disparities in the Receipt of Unemployment Insurance Benefits during the COVID-19 Pandemic, June 2021.

Gregory B. Mills & Sisi Zhang, Urban Inst., “Social Support Networks and their Effects on Hardship Avoidance Among Low-Income Households,” Dec. 2013.

Hans-Peter Blossfeld, Catherine Hakim, eds., *Between Equalization and Marginalization*, New York: Oxford University Press, 1997.

Henry S. Terrell, “Wealth Accumulation of Black and white Families: The Empirical Evidence,” Journal of Finance, 1971.

Housing Affordability for Black California Households is Half That of whites, Illustrating Persistent Wide Homeownership Gap and Wealth Disparities, C.A.R. Reports (Feb. 17, 2021) PR Newswire <<https://www.prnewswire.com/news-releases/housing-affordability-for-Black-california-households-is-half-that-of-whites-illustrating-persistent-wide-homeownership-gap-and-wealth-disparities-car-reports-301230161.html>> (as of Aug. 20, 2021).

https://www.researchgate.net/publication/294733608_Race_Wealth_and_Incarceration_Results

Ira Katznelson, *When Affirmative Action Was white: An Untold History of Racial Inequality in Twentieth-Century America*, New York, W. W. Norton & Company, 2005.

Jackie Botts & Crescencio Rodriguez-Delgado, *Getting Food Stamps to Poor Californians is Surprisingly Difficult* (Sept. 2, 2019) CalMatters <<https://calmatters.org/california-divide/2019/09/california-food-stamp-participation-counties-challenges/>> (as of Aug. 19, 2021).

Jacob Passy, *Black Homeownership Rate Hits Lowest Level Since the 1960s – That’s Unlikely to Change in Pandemic Year 2*, Mar. 10, 2021, MarketWatch <<https://www.marketwatch.com/story/most-Black-americans-arent-homeowners-how-can-we-change-that-11615431459>> (As of Aug. 20, 2021).

Jacob William Faber and Terri Friedline, “The Racialized Costs of ‘Traditional’ Banking in Segregated America: Evidence from Entry-Level Checking Accounts,” *Race and Social Problems* 12, no. 4, 2020, <https://doi.org/10.1007/s12552-020-09296-y>.

Janet Holtzblatt and Michael Karpman, Tax Policy Center, Urban Inst., “Who Did Not Get the Economic Impact Payments by Mid-to-Late May, and Why?”, July 2020.

Jermaine Toney and Darrick Hamilton, “Economic Insecurity in the Family Tree and the Racial Wealth Gap,” SSRN Working Paper Series, 2021, <http://dx.doi.org/10.2139/ssm.3972222>.

Jill S. Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, New York, Oxford University Press, 1994.

Joe William Trotter, Jr., “From a Raw Deal to a New Deal?: 1929-1945,” *In To Make Our World Anew Volume Two: A History of African Americans since 1880*, edited by Robin D.G. Kelley and Earl Lewis, New York: Oxford University Press, 2005.

Joint Center for Housing Studies of Harvard Univ., Harvard Univ., *The State of the Nation’s Housing 2020*, 2020.

Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*, Harvard University Press, 2014.

Josh Bivens et al., Economic Policy Inst., *Reforming Unemployment Insurance: Stabilizing a System in Crisis and Laying the Foundation for Equity*, June 2021.

Julian Glover, *Black California Couple Lowballed by \$500K in Home Appraisal, Believe Race was a Factor* (Feb. 12, 2021) ABC7 <<https://abc7news.com/Black-homeowner-problems-sf-bay-area-housing-discrimination-minority-homeownership-anti-Black-policy/10331076/>> (as of Aug. 20, 2021).

Julianne Malveaux, “Still Slipping: African American Women in the Economy and in Society,” *Review of Black Political Economy* 40, 2013.

Kara Watkins & Shai Akabas, *The Savings Gap for Americans is A Key Component of Economic Stability – Here’s what we Can Do About it* (July 1, 2020) Bipartisan Policy Center <<https://bipartisanpolicy.org/blog/the-savings-gap-for-americans-is-a-key-component-of-economic-stability-heres-what-we-can-do-about-it/>> (as of Aug. 18, 2021).

Katherine Richard, “The Wealth Gap for Women of Color,” Center for Global Policy Solutions Fact Sheet, 2014, <http://www.globalpolicysolutions.org/wp-content/uploads/2014/10/Wealth-Gap-for-Women-of-Color.pdf>.

Khaing Zaw et al., “Race, Wealth and Incarceration: Results from the National Longitudinal Survey of Youth,” 2016,

Khaing Zaw et al., “Women, Race & Wealth: Volume 1,” Research Brief Series for Samuel DuBois Cook Center on Societal Equality and Insight Center for Community Economic Development, 2017, p. 1, https://www.insightced.org/wp-content/uploads/2017/01/January2017_ResearchBriefSeries_WomenRaceWealth-Vol

Larry DeWitt, “The Development of Social Security in America,” *Social Security Bulletin* 70, no. 3, 2010.

Laura C. Morel et al., *Rampant Racial Disparities Plagued How Billions of Dollars in PPP Loans Were Distributed in the U.S.* (May 1, 2021) <<https://revealnews.org/article/rampant-racial-disparities-plagued-how-billions-of-dollars-in-ppp-loans-were-distributed-in-the-u-s/>> (as of Aug. 19, 2021).

Laura Feiveson and John Sabelhaus, “How Does Intergenerational Wealth Transmission Affect Wealth Concentration?,” FEDS Notes, 2018, <https://www.federalreserve.gov/econres/notes/feds-notes/>.

Laurie S. Goodman and Christopher Mayer, "Homeownership and the American Dream," 31, 1, 2018.

Lila Ammons, "The Evolution of Black-Owned Banks in the United States between the 1880s and 1990s," *Journal of Black Studies* 26, no. 4, 1996, <https://doi.org/10.1177/002193479602600406>,

Lillian D. Bowie and Nicole M. Kenney, "The Invisible Woman: The Status of and Challenges Facing Black Women Preface," 2013.

Lisa A. Keister, "Race and Wealth Inequality: The Impact of Racial Differences in Asset Ownership on the Distribution of Household Wealth," *Social Science Research* 29, 2000.

Mariko L. Chang, "Lifting as We Climb: Women of Color, Wealth, and America's Future," Insight Center for Community Economic Development, 2010, <https://insightcced.org/uploads/CRWG/LiftingAsWeClimb-InsightCenter-Spring2010.pdf>.

Mariko L. Chang, *Shortchanged: Why Women Have Less Wealth and What Can Be Done About It*, Oxford University Press, 2010.

Marion Gross Sobol, "Factors Influencing Private Capital Accumulation on the 'Eve of Retirement'," *Review of Economics and Statistics*, LXI, 1979.

Mehrsa Baradaran, *The Color of Money: Black Banks and the Racial Wealth Gap*, Cambridge, Harvard University Press, 2017.

Melany De La Cruz-Viesca et al., "The Color of Wealth in Los Angeles," Federal Reserve Bank of San Francisco, 2016.

Melvin L. Oliver, Thomas M. Shapiro, *Black Wealth/white Wealth: A New Perspective on Racial Inequality*, Routledge, 1995.

Michael Neal and John Walsh, "The Potentials and Limits of Black-Owned Banks," 2020, https://www.urban.org/sites/default/files/publication/101849/the20potential20and20limits20of20Black-owned20banks_0_0.pdf.

Michele Lerner, *Accessing Home Equity in a Tight Economy Has Become Problematic* (June 11, 2020) Wash. Post <https://www.washingtonpost.com/realestate/equity-rich-but-cash-poor--what-can-a-homeowner-do/2020/06/10/1856e51e-9a0c-11ea-a282-386f56d579e6_story.html> (as of Aug. 18, 2021).

Monica Anderson and Gustavo Lopez, "Key Findings About Black Immigrants in the U.S.," 2018, <https://www.pewresearch.org/fact-tank/2018/01/24/key-facts-about-Black-immigrants-in-the-u-s/>.

Monica Davalos et al., Cal. Budget & Policy Center, *California's 17 Million Renters Face Housing Instability and Inequity Before and After COVID-19*, Jan. 2021.

N.S. Chiteji, "The Racial Wealth Gap and the Borrower's Dilemma," 41 *Journal of Black Studies* 2, 2010.

Natalie Campisi, *Pandemic Remodeling Boom Looming? Cash-Out Refinancing Hits 13-Year High* (Dec. 4, 2020) *Forbes* <<https://www.forbes.com/advisor/mortgages/cash-out-refinancing-hits-13-year-high/>> (as of Aug 18, 2021).

Natasha Hicks et al., "Still Running Up the Down Escalator," 2021, <https://socialequity.duke.edu/wp->

[content/uploads/2021/09/INSIGHT_Still-Running-Up-Down-Escalators_vF.pdf](#).

Neil Bhutta, et al., “Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances,” 2020.

Nicholas A. Lash, “Black-Owned Banks: A Survey of Issues,” *Journal of Developmental Entrepreneurship* 10, no. 02, (2005), <https://doi.org/10.1142/S1084946705000136>.

Nicko Gladstone et al., *Racial Inequities Have Long Existed in the Economy. A New BPC Survey Shows COVID-19 Made Them Worse*. (June 22, 2020) Bipartisan Policy Center
<<https://bipartisanpolicy.org/blog/racial-inequities-have-long-existed-in-the-economy-a-new-bpc-survey-shows-covid-19-made-them-worse/>> (as of Aug. 18, 2021)

Patrick L. Mason, “Moments of Disparate Peaks: Race-Gender Wage Gaps Among Mature Persons, 1965-2007,” *Review of Black Political Economy* 38, 2010.

Patrick Mason, “Moments of Disparate Peaks: Race-Gender Wage Gaps Among Mature Persons, 1965-2007,” *The Review of Black Political Economy*, vol. 38, issue 1, 2011.

Paul Ong et al., “Race, Ethnicity, And Income Segregation in Los Angeles,” UCLA Center for Neighborhood Knowledge, 2016.

Paul Ong et al., Latino Policy & Politics Initiative, Univ. Cal. Los Angeles, Disparities in the Distribution of Paycheck Protection Program Funds Between Majority-white Neighborhoods and Neighborhoods of Color in California, Dec. 2020.

Paul Taylor et al., “Wealth Gaps Rise to Record Highs Between whites, Black Americans, and Hispanics”.

Paycheck Protection Program, U.S. Dep’t of the Treasury <<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/paycheck-protection-program>> (as of Aug. 19, 2021).

Rebecca Tippet et al., Center for Global Policy Solutions, Beyond Broke: Why Closing the Racial Wealth Gap is a Priority for National Economic Security, May 2014.

Redfin, *Black Homeowners Earned \$59,000 in Home Equity in 2020, Compared with \$50,000 for white Homeowners* (Mar. 9, 2021) PR Newswire <<https://www.prnewswire.com/news-releases/Black-homeowners-earned-59-000-in-home-equity-in-2020--compared-with-50-000-for-white-homeowners-301243130.html>> (as of Aug. 18, 2021).

Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America*, Liveright, 2017.

Robert C. Lieberman, “Race, Institutions, and the Administration of Social Policy,” *Social Science History* 19, no. 4, 1995, <https://doi.org/10.1017/S0145553200017491>.

Robert. Barsky et al., “Accounting for the Black-white Wealth Gap: A Nonparametric Approach,” 2011.

Saneta deVuono-Powell et al., “Who Pays? The True Cost of Incarceration on Families,” Ella Baker Center, Forward Together, Research Action Design, 2015, <http://whopaysreport.org/who-pays-full-report/>.

Sarah B. Laditka, James N. Laditka, “Recent Perspectives on Active Life Expectancy for Older Women,”

Journal of Women & Aging 14, 2002.

Sarah Bohn and Tess Thorman, "Income Inequality in California," Public Policy Institute of California, 2020.

Sarah Turner and John Bound, "Closing the Gap or Widening the Divide: The Effects of the G.I. Bill and World War II on the Educational Outcomes of Black Americans," *The Journal of Economic History* 63, no. 1, 2003.

Shai Akabas et al., *New BPC Survey Shows Americans Need Better Ways to Save for Emergencies* (Feb. 25, 2021) Bipartisan Policy Center <<https://bipartisanpolicy.org/blog/new-bpc-survey-shows-americans-need-better-ways-to-save-for-emergencies/>> (as of Aug. 18, 2021).

Sharon A. Devaney et al., "Asset Ownership by Black and white Families," *Financial Counseling and Planning* 18, 1, 2007.

Shennette Garrett-Scott, *Banking on Freedom: Black Women in U.S. Finance before the New Deal*, Columbia University Press, 2019.

Shennette Garrett-Scott, *Deal*, Columbia University Press, New York, 2019.

Sifan Liu & Joseph Parilla, *New Data Shows Small Businesses in Communities of Color Had Unequal Access to Federal COVID-19 Relief* (Sept. 17, 2020) Brookings Inst. <<https://www.brookings.edu/research/new-data-shows-small-businesses-in-communities-of-color-had-unequal-access-to-federal-covid-19-relief/>> (as of Aug. 18, 2021).

Simone Robbenolt, "Prosperity Now," <<https://scorecard.prosperitynow.org/main-findings#takeaways>> (as of Aug. 18, 2021).

Stan Choe, *Stocks are Soaring, and Most Black People are Missing Out* (Oct. 12, 2020) AP News <<https://apnews.com/article/virus-outbreak-race-and-ethnicity-business-us-news-ap-top-news-69fe836e19a8dfe89d73e8e4be6d480c>> (as of Aug. 18, 2021).

Steve Valocchi, "The Racial Basis of Capitalism and the State, and the Impact of the New Deal on African Americans," *Social Problems* 41, no. 3, 1994.

Thomas Shapiro et al., "The Roots of the Widening Racial Wealth Gap: Explaining the Black-white Economic Divide," Institute on Assets and Social Policy, 2013.

Treh Manhertz, *Home Value Disparities Between Races are Shrinking, but Remain Very Wide* (Dec. 19, 2020) Zillow <<https://bit.ly/3jbhrxT>> (as of Aug. 18, 2020).

"The Freedman's Savings Bank: Good Intentions Were Not Enough; A Noble Experiment Goes Awry," U.S. Treasury, Office of the Comptroller of Currency, <https://www.occ.treas.gov/about/who-we-are/history/1863-1865/1863-1865-freedmans-savings-bank.html> state that the number of depositors were 61,144 at the time of its closing.

Tyson Brown, "The Intersection and Accumulation of Racial and Gender Inequality: Black Women's Wealth Trajectories," *Review of Black Political Economy* 39, 2012.

U.S. Treasury at <https://www.occ.treas.gov/about/who-we-are/history/1863-1865/1863-1865-freedmans-savings-bank.html> state that the number of depositors were 61,144 at the time of its closing.

Victor R. Fuchs, *Women's Quest for Economic Equality*, Harvard University Press, 1989.

W. E. B. DuBois, *Black Reconstruction in America 1860-1880*, Simon and Schuster, 1998.

Wendy Edelberg et al., "A Comparison of Renters and Homeowners in Recent Decades," *Brookings*, 2021, <https://www.brookings.edu/wp-content/uploads/2021/04/A-Comparison-of-Renters-and-Homeowners-in-Recent-Decades-2.pdf>.

William A. Darity Jr. and A. Kirsten Mullen, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, The University of North Carolina Press, 2020.

William A. Darity Jr. et al., "A Subaltern Middle Class: The Case of the Missing "Black Bourgeoisie" In America," 2020, <https://socialequity.duke.edu/wp-content/uploads/2020/05/DarityAddoSmithCEP2020.pdf>.

William A. Darity Jr. et al., "What We Get Wrong About Closing the Racial Wealth Gap," 2018.

William A. Darity Jr., "Running the Numbers on Closing the Racial Wealth Gap," The Samuel Dubois Cook Center on Social Equity, 2019.

William A. Darity Jr., et al., "What We Get Wrong About Closing The Racial Wealth Gap," *Samuel DuBois Cook Center on Social Equity*, 2018, <https://socialequity.duke.edu/wp-content/uploads/2020/01/what-we-get-wrong.pdf>, pp. 10-14.

William A. Darity, Jr., "Running the Numbers on Closing the Racial Wealth Gap," 2019.

AGENDA ITEM 20

CONFLICT OF INTEREST CODE

**CONFLICT OF INTEREST CODE
FOR THE
TASK FORCE TO STUDY AND DEVELOP REPARATION PROPOSALS FOR
AFRICAN AMERICANS**

The Political Reform Act (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to the requirements in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the Task Force To Study And Develop Reparation Proposals For African Americans ("Task Force").

Task Force members must file their statements of economic interests electronically with the **Fair Political Practices Commission**. All other individuals holding designated positions must file their statements with the **Department of Justice**. All statements must be made available for public inspection and reproduction under Government Code section 81008.

APPENDIX

Designated Positions

Disclosure Categories

Task Force Members

1, 2

Consultants/New Positions

*

Task Force Members

Elected state officers (Senators and Assembly members) who serve on the Task Force are not required to file a statement of economic interests under this conflict of interest code. Elected state officers are excepted from filing under Government Code section 82019.

*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The California Department of Justice shall determine in writing that a particular consultant or new position, although a designated position, is hired to perform a range of duties that is limited in scope, and thus is not required to fully comply with the disclosure requirements described in this code. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The California Department of Justice's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code, § 81008).

Disclosure Categories

Category 1

Designated positions assigned to this category must disclose business entities in which they have an investment or hold a business position and sources of income, including non-profit organizations, if the business entity or source of income provide leased facilities, products, equipment, vehicles, machinery, or services (including training or consulting services) of the type utilized by the Task Force. Income includes gifts, loans, and travel payments.

Category 2

Designated positions assigned to this category must disclose business entities in which they have an investment or hold a business position and sources of income, including non-profit organizations, if the business entity or source of income is of the type to receive funding from or through the Task Force. Income includes gifts, loans, and travel payments.

AGENDA ITEM 24

DRAFT AGENDA FOR JANUARY MEETING

AGENDA ITEM 24:
Action Item: Draft Agenda for January
Meeting,[January 27 & 28, 2022]

Topics Adopted at October 2021 Meeting:

- Technology
- Public Health
- Mental Health
- Physical Health

Potential Items for Task Force Consideration

- Witnesses: Does the Task Force have any feedback to share with staff on the potential witnesses for the upcoming meetings?
 - Please see the list of potential witnesses which reflect suggestions from Task Force members. We apologize in advance if we have missed any previously recommended names.
 - Please note that DOJ staff will rely on this list to reach out to potential witnesses.
 - Please also note that DOJ staff will continue to add witness names to this list recommended by Task Force members, as potential witnesses may decline our invitation to testify and we wish to fill all available slots.
- Other Discussion or Action Items: The Task Force may wish to consider whether to include other items on the agenda.
 - DOJ staff will work to create space on the agenda for additional items on the agenda. Please also note that the template agenda included below is a draft and will change.

Potential January Agenda

January 27, 2022

Technology and Public Health

- **Chairperson Welcome 9:00 a.m. – 9:05 a.m.**
- **Public Comment 9:05 a.m. – 10:05 a.m.**
- **Action Item: Approval of October Meeting Minutes 10:05 a.m. – 10:10 a.m.**
- **Witness Panel #1 10:10 a.m. – 11:30 p.m. Discrimination in Technology**
 - Expert Testimony: [Potential Witnesses: TBD] (20 mins)
 - Expert Testimony: [Potential Witnesses: TBD] (20 mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Task Force Comments and Questions (20 mins)
- **Community Engagement Plan Update – Member Grills 11:30 a.m. – 12:00 p.m.**
- **Lunch 12:00 p.m. – 1:00 p.m.**
- **Witness Panel #2 1:00 p.m. – 3:00 p.m. Public Health**
 - Expert Testimony: [Mary T. Bassett, M.D, MPH, Harvard U and Sandro Galea, M.D., DPH, Boston U- Reparations as a Public Health Priority] (20 mins)
 - Expert Testimony: [Rodney Hood-M.D, UCSD - Racism in Medicine] (20 mins)
 - Expert Testimony: [Potential witnesses: TBD] (20 mins)
 - Personal Testimony [Potential witnesses: TBD] (10 mins)
 - Personal Testimony [Potential witnesses: TBD] (10 mins)
 - Task Force Comments and Questions (40 mins)
- **Break 3:00 p.m. – 3:15 p.m.**
- **Discussion Item: Community of Reparations 3:15 p.m. – 4:15 p.m.]**
 - Expert Testimony: [Potential witness: TBD] (15 mins)
 - Personal Testimony [Potential witness: TBD] (15 mins)
 - Task Force Comments and Questions (30 mins)
- **Information Item: Department of Justice Updates 4:15 p.m. – 4:45 p.m.**
- **Recess Meeting until January 28, 2022, 9:00 a.m.**

January 28, 2022

Mental Health and Physical Health

- **Chairperson Welcome 9:00 a.m. – 9:05 a.m.**
- **Public Comment 9:05 a.m. – 10:05 a.m.**
- **Witness Panel #3 10:05 a.m. – 12:05 p.m. Mental Health**
 - Expert Testimony: [Potential witnesses: Resmaa Menakem, MSW, SEP–Therapist, Healer & Author -Anti Racist Educator] (20 mins)
 - Expert Testimony: [Potential witnesses: TBD] (20 mins)
 - Expert Testimony: [Potential witnesses: TBD] (20 mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Task Force Comments and Questions (40 mins)
- **Lunch 12:05 p.m. – 1:00 p.m.**
- **Witness Panel #4 1:00 p.m. – 3:00 p.m. Physical Health**
 - Expert Testimony: [Potential witnesses: TBD]] (20 mins)
 - Expert Testimony [Potential witnesses: TBD]] (20 mins)
 - Expert Testimony: {Potential witnesses: TBD] (20mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Personal Testimony: [Potential witnesses: TBD] (10 mins)
 - Task Force Comments and Questions (40 minutes)
- **Break 3:00 p.m. – 3:15 p.m.**
- **Potential Action Item: Subpoena Requests – Members Holder and Tamaki 3:15 p.m. – 3:45 p.m.**
- **Potential Action Item: Draft Hearing Schedule, Next Agenda and Witnesses 3:45 p.m. – 4:45 p.m.**
- **Adjourn**

PHONE MESSAGE SUMMARIES

Reparations Task Force Phone Inquiries**October 12, 2021 to November 24, 2021 at 4:54 p.m.****Caller: Cleo****Date: Tuesday October 12, 2021, 6:09 a.m.**

Caller states that she is from the Cleveland Ohio area and is attempting to join the meeting held that day. Caller states that the meeting is not available and inquired regarding what time zone the meeting would be in. Caller then requests for assistance.

Caller: Frank**Date: Tuesday October 12, 2021, 11:51 a.m.**

Caller states he attempted to make a comment today but experienced technical difficulties; he was not being heard. Caller explains that they are calling today to request for a live voice contact to give direction regarding their audio issues. Additionally, Caller shares his concerns that hard copies of the minutes indicates internal discussion. Caller states they will e-mail his concerns.

Caller: Unknown**Date: Tuesday October 12, 2021, 3:47 p.m.**

Caller states reparations should only go to American descendants of slavery and should not include immigrants. Caller shares his concern that expanding considerations to other groups can create a slippery slope. Caller refers to reparations to Japanese Americans who were interred; Indigenous American treaties; AAPI bills; and the Jewish people's reparations as examples supporting his desire for group specific reparations. Caller states expanding considerations would not be reparations and reiterates that AB 3121 should only give reparations to those whose lineage is connected to those subjected to slavery in the United States.

Caller: Unknown**Date: Thursday October 21, 2021, 2:24 p.m.**

Caller requests to not be sent messages via telephone as she is getting e-mails already.

Caller: Robbin Ware**Date: Wednesday November 24, 2021, 4:54 p.m.**

Caller has reviewed the December meeting notice and agenda and does not understand a lot of it. Caller states that they want to dial in, listen to the meeting, and give a comment no longer than a minute. Caller states they were part of the Sacramento area Black Caucus and used to be the president of their local NAACP chapter. Caller requests that someone reach out to assist him.

SUMMARY OF EMAILS TO TASKFORCE
EMAIL ADDRESS
THROUGH 12.1.21 AT 5:00 p.m.

Quick Email Summary:

56 additional emails received from October 11, 2021, at 4:46 p.m. to December 1, 2021, at 5:00 p.m.

DOJ did not respond
ReparationsTaskforce

From: chanjay831 [REDACTED]
Sent: Monday, October 11, 2021 4:46 PM
To: ReparationsTaskforce
Subject: Reparations proposal for a racial dispute

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi my name is Saedra Manjares I talked to one of your assembly members about a matter that happened in the Monterey County area it was a racial driven matter that it resulted in the murder of one of my grandfathers. And it was over land that belonged to us and still belongs too my family. My grandfathers homestead is right next to the now

Santa Lucia Conservancy and Santa Lucia Preserve. Our property was seized because he had a indigenous son with the daughter of the first owners they are were mission Indians. I have every document and court cases to prove it. Baptisms and death records as well. And probate records. Monterey County will not communicate with me I have tried and tried to reach out too them.. Can you help me with my proposal? I have tax records as well those lands never left my family. The record name is El Portero de San Carlos Rancho 4306.98 Acreage patented to Joaquin Gutierrez one of our grandfathers.

Saedra Manjares [REDACTED]

Happy Indigenous Day

DOJ did not respond
ReparationsTaskforce

From: Ariana Proehl [REDACTED]
Sent: Tuesday, October 12, 2021 11:49 AM
To: ReparationsTaskforce
Subject: NPR in CA Media Inquiry: Kamilah Moore, Monday at 10:40am?

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi,

I'm a producer with live radio morning show [KQED Forum](#) based in the Bay Area and airing on a number of stations across California, including the Inland Empire, Central Valley, Sierra Foothills, Ventura County and the Northern CA coast. We're wondering if Reparations Task Force chair Kamilah Moore is available to join host Mina Kim for a 20-minute segment this Monday, 10/18 from 10:40-11am? We're thinking of it as a check-in to hear how this week's hearings went, how everything was structured, public comment, what's on the docket for upcoming hearings – kind of a primer on this historic, first-ever endeavor for the state! We may include a KQED reporter who's covering this week's hearings for part of it, but otherwise it would be a one-on-one interview.

She would connect via Zoom audio (no video necessary). We take listener calls and questions for a portion of the segment, screened and curated by producers. If she is interested and available, would be great to do a brief 5-10 minutes pre-interview chat sometime on Thursday to get some of her key talking points, if possible.

Thanks,

Ariana Proehl
Producer, Forum
Pronouns: she/her/hers
[REDACTED]

kqed.org

DOJ did not respond

ReparationsTaskforce

From: Frankie Elmore [REDACTED]
Sent: Wednesday, October 13, 2021 7:09 AM
To: ReparationsTaskforce
Subject: COMMENTS and CONCERNS
Attachments: REVISED BIDEN REPARATIONS LETTER.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello Alecia Turner and To Whom It May Concern:

I hope this email finds you well.

It is such an inconvenience to communicate by email; however, it will have to do, for now. I hope it arrives at your desk because it would be nice for me to be able to establish a point of contact who is within or related to the Reparations Task Force.

I was present (October 12, 2021) at the Reparations Task Force Meeting and requested to comment; however, I was not heard because of technical difficulties. I could not figure out how to access the microphone to transmit my audio. I will try again today. Please have someone contact me for instructing me as to the correct procedure to access the microphone so I can make a live comment.

Regardless of whether I am able to successfully access the capability to comment (live) I can (still) use this email medium (as an alternative) to express my opinions.

One of my initiatives for American Africans (not African Americans) who are BADOS (Black American Descendants of Slaves) is that WE receive necessary compensation (from the United States) to expense the invoice of providing funds to cover the cost of Ancestry searches. The obvious purpose and goal is to support the search of BADOS to determine our Afrakan roots.

I am attaching correspondence that I mailed to President Joe Biden. I share this correspondence with the Reparations Task Force in hopes that particular attention will be provided to include this initiative as a proposal/testimony and item-of-action to include in a BADOS Reparations Demand.

I look forward to receiving a reply from someone who is in a position of authority representing the Reparations Task Force.

Sincerely and Thank you,
Frank
[REDACTED]

Frankie S. Elmore, MBA



July 4, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue
NW Washington, DC 20500

Dear President Biden:

I pray this letter finds you well.

The issue of Reparations (for the atrocities committed to and against enslaving Black Afrakans) is an immediate and pervasive topic for many descendants of those enslaved Afrakans. I represent a category of descendants of those enslaved Afrakans: the American Afrakan Ancestry (AAA). It is interesting that I claim to be of Afrakan ancestry but I do not have a clue where my ancestral line originates. My ancestors were kidnapped, stolen and sold into chattel slavery. Somewhere, it all began with my Afrakan ancestors but I do not know where. It is maddening for me feeling so lost and bereft of my true lineage and geographical origins.

I present the foregoing as a premise for my writing you. Yes, I am a Reparationist but Reparations (for Black American Afrakans) is such a vague notion with few, if any concrete and substantiated claims. My proposal focuses on a particular aspect of Reparations. Reparations, in short, requires the actions of an offending party (United States of America [USA]) to make overtures to repair and make whole the harms caused by the offender (USA) inflicted upon enslaved Afrakans; subsequently, their descendants. The personal injuries are incalculable.

Our first demand for Reparations is simple. We posit that the USA owes all Black American Afrakans the order of providing all expenses related to our ancestral searches that will determine exactly where our ancestors were stolen, kidnapped and otherwise unlawfully removed from; moreover, that will result in our enhanced personal identities of where are our origins and where we might return.

We begin at the beginning: where in Afraka were we stolen, kidnapped and otherwise unlawfully removed from? This is our first demand for Reparations.

I am available for further discussion and concept development.

Respectfully,

F. S. Elmore, MBA

DOJ did not respond

ReparationsTaskforce

From: Danielle Straub [REDACTED]
Sent: Wednesday, October 13, 2021 10:00 AM
To: ReparationsTaskforce
Subject: delineation of slave descendants
Attachments: Delineation sheet.docx

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good morning task force and chair,

I would like to submit to the task force a short summary of a delineation sheet I created to help understand the current self identification of the descendants of chattel slavery.

I plead with the board to aid in ensuring that the American Descendants of Slaves are protected and properly identified in order to ensure that any resource and repair given on behalf of our ancestors actually make it solely and specifically to us.

ADOS has many different origins. Yet all have one commonality, we are the slaves of the United States of america.

Thank you for the consideration.

Danielle Churcher
Descendent of Hubert Eaves, of Compton California 1940.

Who is ADOS?

Black Americans/African American's

Who lineage has roots in the era of slavery in the United States of America

Building a stronger America through self-determination, generational equity, and identity.

Striving for a stronger America through improving the conditions of human capital, cultural capital and American camaraderie through reparations and policy.

Who is ADOS?

ADOS is both a lineage and a political identity. Both have a base qualification of the following: Anyone who can trace their lineage to 1850-1880 United States of America census records where their ancestors were listed as black, negro or mulatto. Secondly, have been categorized as black/African American for the last 15 years on government documents can potentially be ADOS. Below are the breakdowns of these persons.

ADOS HQ

Political Organization:

must be enrolled in the organization ADOS HQ,

ADOS Lineage

National Recognition:

Be able to prove an enslaved ancestor on US documents

#LineageMatters

App releasing October 2021

This app will provide political, community and economic resource guides for ADOS people and allies.

*note- ADOS, ADOCS, BODACS, DOCS are interchangeable

Delineations of ADOS

Us Freedman

Have proof of enslaved ancestors, have ancestors who are on the US Freedman's bureau and bank records

African American

Have proof of African enslavement either through census records, slave ship manifests, or other government documents denoting the slave as African

FBA

Be a descendent of Americans who are traceable to 1526, registered with the Foundational Black American Organization

IBA

Able to show proof of ancestral ties to American Indian census, rolls, and enumeration schedules

Indigenous nation

The indigenous populations of the Americas specifically the United States of America were not necessarily enslaved but were harmed during the period of slavery between 1776-1865

Recognized

This is for those who have challenged for their tribal rights and have been recognized by their tribes as indigenous

Unrecognized

Those who have not yet been recognized and those who have yet to apply

DOJ did not respond

ReparationsTaskforce

From: Robyn rob [REDACTED]
Sent: Wednesday, October 13, 2021 9:58 PM
To: ReparationsTaskforce
Subject: Next Video Conference

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello I'd like an invitation for the next meeting please. Thank you

DOJ did not respond

ReparationsTaskforce

From: PIU
Sent: Thursday, October 14, 2021 11:57 AM
To: ReparationsTaskforce
Subject: Lee Peterson - Reparations Task Force Correspondence
Attachments: noreply_20211014_110423.pdf

Forwarding for handling as you deem appropriate. Please note, the sender did not provide any contact information.
Thank you.

The Epoch Times, Letter to the Editor
 229 W. 28th Street, Floor 7
 New York, NY 10001

October 8, 2021

Subject: California Reparations Task Force Meeting, Education for Black Students
 Sept. 29-Oct. 5, 2021, Page 4, Southern California Section

With all due respect to California Secretary of State Shirley Weber and her familial experiences, comments made at the third California Reparations Task Force meeting reflect a basic distortion of California's state history relative to slavery and education.

Prior to 1850, California was ruled by Spain and then Mexico. In 1850, when California was the 31st state to obtain statehood, it was a free state. In fact, when the California Constitution was written in September of 1849, slavery was outlawed. Statewide education partially funded by the State, including the establishment of a University of California, was also encouraged and later implemented. In 1850, there were 962 African Americans in California (Wikipedia). By 1860, the number had risen to 4,086, or about 1% of the population of the state. During the Civil War between 1860 and 1864, California, along with 20 other Union states and territories constituting the United States of America, opposed slavery. Eleven (11) pro-slavery states made up the Confederate States of America (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia). A total of 3.5 million Americans fought, and 620,000 died, in the cause of freeing African Americans in the southern states from slavery. Is this not reparations?

The Jim Crow Era (1880-1964) emerged in the southern states where prejudices that remained following the Civil War resulted in forced segregation and other atrocities. These efforts were, in effect, largely initiated and encouraged by members of the Democrat party. Federal Civil Rights Laws were implemented in the mid-1960s to over-rule and prevent such discriminatory activities from continuing. While former abuses of freedom are inexcusable, they are not a reason to give special accommodations to only one ethnic group. Many Americans of all ethnicities and religions have experienced similar prejudices and injustices throughout their family histories and in all parts of the world (Armenians, Buddhists, Chinese, Christians, Cubans, Falun Gong, Irish, Italians, Japanese, Jews, Mexicans, Mormons, Muslims, Native Americans, Uyghurs, etc.).

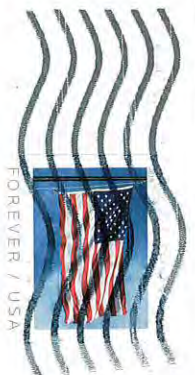
Today, African Americans make up 5.8%-7% of California's population (2019 census). Why should the remainder of California's multi-ethnic population, who had nothing to do with slavery, be made to pay reparations from pre-school through college for present-day black students who were not themselves subject to slavery? Black children and their mothers may not have had the opportunity to go to pre-school, but my mother never had pre-school available to her, nor did most other mothers of our generation. Rather than institutionalizing more segregation and division, we should be promoting equal opportunity, forgiveness, and love. Likewise, any revisions to the California penal system should focus solely on providing equal implementation and justice under the law for all of those who break existing laws, regardless of their skin color.

As my father once said, those who receive handouts rarely appreciate the value of what they are receiving. Ultimately, they become victims of the process. It is through hard work that self-worth, equity, and parity are achieved.

Lee Peterson
 California

✓ Cc: California Reparations Task Force

LOS ANGELES CA 900
11 OCT 2021 PM 8 L



California Reparations Task Force
c/o California Attorney General's Office
PO Box 944255
Sacramento, CA 94244-2550

94244-2550



DOJ did not respond
ReparationsTaskforce

From: Ashley Adams [REDACTED]
Sent: Thursday, October 14, 2021 3:54 PM
To: ReparationsTaskforce; Alec Edges
Subject: Recent Allensworth SHP Paper

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Reparations Task Force Members,

Thank you for your hard work and dedication to this very important work you are undertaking. My name is Dr. Ashley Adams and I am a public policy professor at [Mills College, in Oakland](#). I also teach public policy courses at the [UC Berkeley Goldman School of Public Policy](#). I was recently informed about the testimony by Dr. Terrance Dean on Allensworth, California this week and am writing to introduce myself and graduate research assistant, as well as share an attached copy of our recent paper, [Advancing Underrepresented Preservation Webs: A Cross- Case Analysis for African American Historic Site Planning](#), which details preservation problem conditions at the Allensworth State Historic Park and was published earlier this year. This paper was co-authored with Mills Graduate Student, Alec Edges, who is also copied on this email. We are also currently working on a second paper for the Public Historian Journal titled *Historic Designation Planning for the Nicodemus National Historic Site and Colonel Allensworth State Historic Park: A Cross-Case Analysis of Historic Structures, Landscapes, and Public Memory*.

We also wanted to [share this link with you for the Global Economic Impact Group](#), these are the folks that are doing redevelopment work in Allensworth if you have not already been made aware. I am a descendant of early settlers of Nicodemus, Kansas (the other Black town noted in our research), and survivors of the Tulsa massacre. This work is truly important to me on both a personal and professional level and I have dedicated my research platform to improving Black history preservation practices for the sake of enhancing public knowledge and empathy on the Black experience and to advance the lives and well-being of Black people today. Please note that we are willing and available for further discussions on these matters and welcome any noted inquiries about our research moving forward and in aiding the reparations task force works that are related to African American preservation policy reform in California and for Allensworth.

In Solidarity,
 Ashley Adams and Alec Edges

--

Ashley Adams, PhD
 Assistant Adjunct Professor of Public Policy
 Black Faculty and Staff Association Co-Chair

[REDACTED]

To schedule an office hour appointment with me, please visit: goo.gl/KvSrPK

*"We have to improve life, not just for those who have the most skills and those who know how to manipulate the system. But also, **for** and **with** those who often have so much to give but never get the opportunity."*

572

-Dorothy Height (1912-2010)

Educator, Civil & Women's Rights Activist

DOJ did not respond

ReparationsTaskforce

From: HB [REDACTED]
Sent: Friday, October 15, 2021 6:45 AM
To: ReparationsTaskforce
Subject: Reparations/Discrimination

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Reparations belongs to ADOS American Descendants of Slavery. Lineage is important. Panel please focus on that lineage. The harmed group is those that have identified as Descendants of Chattel Slavery in the U.S. not other countries. Also this is CALIFORNIA, I'm amazed no one has talked about how undocumented immigration has impacted US, ADOS here. Unless you've been working for the state, city, or government, you can't get hired in CA if you don't speak spanish. How is that not discrimination. We have been impacted negatively by this government allowing undocumented immigration on a mass level. Along with 400 years of forced brutal chattel slavery, jim crow, redlining and policies by our government that have held us back and harmed Us. This is ongoing as I write this email and it will continue. It's not just slavery and it's affects, it's ongoing racism and discrimination by poilicies, that's an issue. I know I've been impacted by this, I continue to struggle in this State for a long time. So many ADOS have fallen victim to discrimination in employment, housing etc. all over this country. This needs to be done right! There's no more time to waste. So many efforts to repair Us have failed, programs have failed, education has failed, groups have failed Us! This is not about police reform, voting rights (I can vote!), All lives matter, public housing etc, etc. This is about repair via cash payments and federal policies to protect American Descendants of Slavery. Witnesses like Dr. Dean, Ms. Kavon Ward and Dr. Grills and Lisa Holder's opinions are not conducive to this Reparations claim for ADOS. Their testimony should not be considered. They're here to muddle the claim. They're here to cause confusion and stalling. Please focus on the root issue repair in the form of cash payments and federal protections for ADOS. It is not decisive to be lineage specific. I'm not included in others' repairs. Also speak on the movie industry and the fact that ADOS actors don't even get to play ADOS characters, it's all immigrants. Whether it's Harriet Tubman, Dr. King, Nina Simone, Fred Hampton, Malcolm X, Stagecoach Mary and the upcoming documentary on Josephine Baker. All portrayed by Nigerians or immigrants. That's not right. Those studios, corporations should not profit with government subsidies and tax breaks. Or receive federal grant monies in the arts if no ADOS are benefiting by being employed etc. Please get this right.

Harriet Barton

DOJ acknowledged receipt
ReparationsTaskforce

From: Dina Elshinnawi [REDACTED]
Sent: Friday, October 15, 2021 12:41 PM
To: ReparationsTaskforce
Subject: VICE News inquiry

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings,

I'm a producer with the show, VICE News Tonight, and was hoping to discuss the possibility of an interview with some of the members of the task force about their mandate, the history that necessitated this panel, and the process through which they'll be deciding the legitimacy of claims.

Please let me know when we could chat about this.

Many thanks—
Dina
--
Dina E.

From: Dorothy Turner [REDACTED]
Sent: Friday, October 15, 2021 2:46 PM
To: ReparationsTaskforce
Subject: Re: Dr. Amos C. Brown, Vice-Chair

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

This man preaches and teaches a Bible that upholds slavery, equates slave owners with God, and that being a slave is doing the will of God. The scriptures listed below are the foundation of slavery. Make sure that part of your history of slavery in the US includes how the Bible and christianity established and justified slavery, hate, and the discrimination of African-Americans in the US. These scriptures are the heartbeat and life support of slavery, hate, and the discrimination of African-Americans in the US. It is time that this evil be addressed, and having this man on your committee does not help. You need people on your committee that are comfortable telling the truth. Harriette Tubman and the underground railway would not have been able to lead slaves to freedom if she had followed these scriptures.

Ephesians 6:5-8 (New International Version)

5 Slaves, obey your earthly masters with respect and fear, and with sincerity of heart, just as you would obey Christ. **6** Obey them not only to win their favor when their eye is on you, but as slaves of Christ, doing the will of God from your heart. **7** Serve wholeheartedly, as if you were serving the Lord, not people, **8** because you know that the Lord will reward each one for whatever good they do, whether they are slave or free.

Colossians 3:22-24 New International Version

22 Slaves, obey your earthly masters in everything; and do it, not only when their eye is on you and to curry their favor, but with sincerity of heart and reverence for the Lord. **23** Whatever you do, work at it with all your heart, as working for the Lord, not for human masters, **24** since you know that you will receive an inheritance from the Lord as a reward. It is the Lord Christ you are serving.

1 Timothy 6:1-2 New International Version

6 All who are under the yoke of slavery should consider their masters worthy of full respect, so that God's name and our teaching may not be slandered. **2** Those who have believing masters should not show them disrespect just because they are fellow believers. Instead, they should serve them even better because their masters are dear to them as fellow believers and are devoted to the welfare^[a] of their slaves.

Titus 2:9-10 New International Version

9 Teach slaves to be subject to their masters in everything, to try to please them, not to talk back to them, **10** and not to steal from them, but to show that they can be fully trusted, so that in every way they will make the teaching about God our Savior attractive.

Thank you for taking the time to read my email.

DOJ did not respond

ReparationsTaskforce

From: Kevin Smith (he/him) [REDACTED]
Sent: Sunday, October 17, 2021 11:38 AM
To: ReparationsTaskforce
Subject: Fyi

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

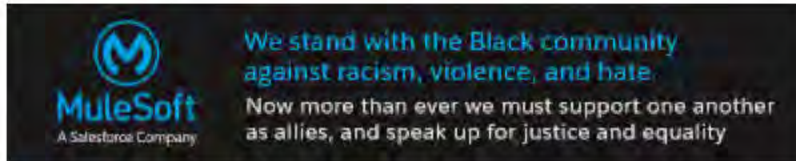
I had offered services from Salesforce/Tableau/Mulesoft during one of the public meetings for the AB 3121 Task Force.

As a follow up, just wanted to see if you have any recommendations on how we might support the commission (not looking for anything that would include any cost for the commission).

-- Wishing all the best for the commission



Kevin Smith
He / Him / His
Senior Director, Delivery Management
Indianapolis, IN
Mulesoft, A Salesforce Company
[REDACTED]



[We're hiring!](#)

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DOJ did not respond

ReparationsTaskforce

From: Kevin Smith (he/him) [REDACTED]
Sent: Monday, October 18, 2021 4:45 AM
To: ReparationsTaskforce
Subject: Re: Automatic reply: Fyi

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Sharing this site in case it is helpful to the Task Force - <https://www.tableau.com/foundation/data-equity> - and please let me know if there was additional data that we could add that would be helpful.

Kevin Smith
Senior Director
[REDACTED]

On Sun, Oct 17, 2021 at 2:38 PM ReparationsTaskforce <ReparationsTaskforce@doj.ca.gov> wrote:

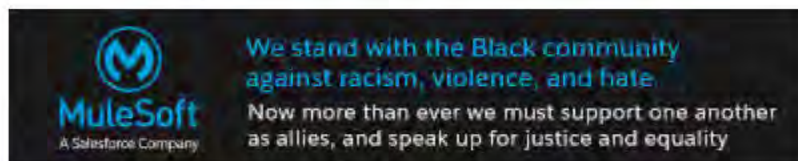
Thank you for contacting the AB 3121 Task Force to Study and Develop Reparation Proposals for African Americans. General information about the Task Force, including meeting times and dates, meeting agendas, meeting minutes and recordings of prior meetings can be found online at <https://oag.ca.gov/ab3121>. If you would like to receive notifications about upcoming Task Force meetings you can also add your email address to the mailing list as a subscriber at this website.

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Kevin Smith
He / Him / His
Senior Director, Delivery Management
Indianapolis, IN
Mulesoft, A Salesforce Company
[REDACTED]



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DOJ did not respond

ReparationsTaskforce

From: Matthews, Caleb, BOS Dist4 [REDACTED]
Sent: Monday, October 18, 2021 11:09 AM
To: ReparationsTaskforce
Subject: Alameda County Reparations Anchor Organization

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello,

My name is Caleb Matthews and I am reaching out on behalf of Supervisor Nate Miley of the Alameda County Board of Supervisors. To our understanding, the UCLA Bunche Center for African American Studies will be identifying anchor organizations to host listening sessions for the Task Force. Supervisor Miley is interested in the possibility of Alameda County being one of the anchor organizations and would like to know the process in becoming one.

Please let me know if there is an application to fill out and/or who to reach to learn more information.

Thank you,

Caleb Matthews

Office of Alameda County Supervisor Nate Miley, District 4
[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: COUNSELOR LOMELI [REDACTED]
Sent: Monday, October 18, 2021 1:12 PM
To: ReparationsTaskforce
Subject: Recordings?

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings Ms. Turner,

I was unable to view the hearings that took place last week. Is there somewhere I can go to view the recordings?

I would also like to share with my colleagues.

Thank you!

S.LOMELI

DOJ did not respond

ReparationsTaskforce

From: Helen Kang [REDACTED]
Sent: Monday, October 18, 2021 3:24 PM
To: ReparationsTaskforce
Subject: Automatic reply: Thank you

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

I am on sabbatical. Your email will likely be unread, unless it concerns my sabbatical tasks. Please contact Fe Gonzalez at [REDACTED] with urgent matters.

Best regards,
- Helen

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DOJ did not respond

ReparationsTaskforce

From: Donald Lockhart [REDACTED]
Sent: Monday, October 18, 2021 7:59 PM
To: ReparationsTaskforce
Subject: Info

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello my I please be added to your mailing list, are there local groups supporting this project research? --
Peace,

Inline image

GivBux pays you to use and share a faster, and better, way to facilitate daily transactions while automatically contributing to your favorite charities.

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Don

DOJ acknowledged receipt
ReparationsTaskforce

From: DeVaughn, Raven [REDACTED]
Sent: Tuesday, October 19, 2021 10:49 AM
To: ReparationsTaskforce
Subject: State of Illinois Staff Inquiry - Help Requested

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello!

I will be serving as the staff liaison for the forthcoming African Descendant-Citizens Reparations Commission for the State of Illinois. I am hoping to connect with a staff counterpart from California's effort to discuss some of the foundational steps California's Task Force has undertaken. Might this email get routed to the right person so I can set up a time to chat?

Thank you,
RAD



Raven A. DeVaughn | Assistant Director
Illinois Department of Central Management Services

[REDACTED]

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

DOJ acknowledged receipt
ReparationsTaskforce

From: Dina E. [REDACTED]
Sent: Tuesday, October 19, 2021 10:58 AM
To: ReparationsTaskforce
Subject: Re: VICE News inquiry

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi there

Just checking back in to see if I could speak with anyone about this for a story on VICE News Tonight.

Thanks so much
DINA ELSHINNAWI
Producer/Narrator, *VICE News Tonight*

VICE Media Group
[REDACTED]

[REDACTED] be legally privileged and contains confidential information that is the property of the sender and the organization (VICE MEDIA INC.) for which the sender represents. If you are not the intended recipient and have by accident received this email, please do not retain, disclose, reproduce or distribute the contents of this e-mail transmission, or take any action in relevance thereon or pursuant thereto. Please notify the sender of the error by responding to the email accordingly in a timely and reasonable fashion otherwise failure to do so may cause legal action to be taken.
Thank you.

On Fri, Oct 15, 2021 at 12:40 PM Dina Elshinnawi [REDACTED] wrote:
Greetings,

I'm a producer with the show, VICE News Tonight, and was hoping to discuss the possibility of an interview with some of the members of the task force about their mandate, the history that necessitated this panel, and the process through which they'll be deciding the legitimacy of claims.

Please let me know when we could chat about this.

Many thanks—
Dina
--
Dina E.

DOJ did not respond

ReparationsTaskforce

From: Robert Reed [REDACTED]
Sent: Tuesday, October 19, 2021 11:57 AM
To: ReparationsTaskforce
Subject: Bring on Attorney Antonio Moore

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

[Antonio Moore \(@tonetalks\) / Twitter](#)

If we are seriously considering a plan to mobilize this commission towards any actionable items, I would like for Antonio Moore to be included in the commission as an expert witness. I think he should get a 15-20 minute spot to deliver his data and tell the story of working age Black Americans. Please make this happen for the Nov or Dec commission meeting.

ReparationsTaskforce

From: Heather Gonzalez [REDACTED]
Sent: Tuesday, October 19, 2021 12:28 PM
To: ReparationsTaskforce
Subject: California's Principles of Inclusion

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings!

Very excited about the work you are all doing. Thought I might add some legislative history to the documents you are gathering.

Not sure if this information will be immediately relevant, but in case you were not aware, in 2002 the State Legislature, lead by former Senator John Vasconcellos and Assemblymember Sarah Reyes (as part of the Jt Committee on Preparing California for the 21st Century), passed SCR103, declaring Principles of Inclusion for California. (See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200120020SCR103.)

The Principles were designed to be the common aspiration for all Californians, the progress towards which we also documented in a report. (I have a copy if you think it might help.) I don't think time has much dimmed the relevance of the sentiments expressed.

I staffed the 21st Century Committee at the time, and the idea was that if we laid out goals for the California we wanted, and kept measuring and re-measuring progress towards those specific goals, we might at least be able to chip away at some of the worst effects of racism, ethnocentrism, exclusion, and the damage those -isms have done to our state.

Sadly, that never happened and our effort was largely forgotten - lost, in part, to term limits (it's my belief). But, it is part of our state's history on inclusive policies and may be relevant to historical materials you are collating.

Wishing you every success.

Heather (Barbour) Gonzalez
[REDACTED]

DOJ did not respond
ReparationsTaskforce

From: Heather Gonzalez [REDACTED]
Sent: Tuesday, October 19, 2021 12:28 PM
To: ReparationsTaskforce
Subject: California's Principles of Inclusion

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Sadly, that never happened and our effort was largely forgotten - lost, in part, to term limits (it's my belief). But, it is part of our state's history on inclusive policies and may be relevant to historical materials you are collating.

Wishing you every success.

Heather (Barbour) Gonzalez
[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Thursday, October 21, 2021 11:50 AM
To: ReparationsTaskforce
Cc: [REDACTED]
Subject: For consideration: Music Producer and Director Tobias Smith of Cotton Pickin Truth for upcoming expert witness testimony for December 8th/9th 2021 (Confidential) - Not a public comment

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear CA DOJ,

We would like to submit Tobias Smith who has worked with artists like Kanye West as well as the Producer of the documentary called "The Cotton Pickin Truth Still On The Plantation" as expert witness testimony in Media and Entertainment.

The Cotton Pickin Truth Trailer

<https://youtu.be/eW8PVXIP-Dg>

His contact information is provided below.

Tobias Smith
[REDACTED]

PLEASE NOTE: This email should be treated as confidential and should not be considered as a public comment or a public recommendation. Please do not post this email or any contact information provided within this communication on any DOJ site or California reparations task force related website.

Thank you

Uumoiya Glass/Kim Mims
Emend The Mass Media Group

DOJ did not respond
ReparationsTaskforce

From: Daniel Davenport [REDACTED]
Sent: Friday, October 22, 2021 7:14 AM
To: Michael L. Newman
Cc: ReparationsTaskForce@oag.ca.gov
Subject: White Paper #1 - To Kamilah Moore
Attachments: White Paper #1 - To Kamilah Moore.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear DOJ Supervisor:

God bless you for your loyalty to good, in lieu of being loyal to evil. Attached please find a white paper submitted to Ms. Moore. This is in reference to your oversight of your staff and her AB 3121 duties.

I have also submitted this to my friend and your supervisor Attorney General Rob Bonta. God bless you. Thanks in advance.

Please contact me directly if you have any questions.

In Love,
Daniel

Mr. Daniel Davenport
DavenportLawLobbying.com
[REDACTED]

Sent from my iPhone

DavenportLawLobbying.com

White Paper #1: Submitted to Ms. Kamilah Moore, and
California Department of Justice

Authored by:
Mr. Daniel Davenport and Staff
October 22, 2021

Background

DavenportLawLobbying.com lobbied in support of passing the AB 3121 law. After the Governor's signature, DavenportLawLobbying.com notified Representative Weber's office of the DITSS or Davenport Intergenerational Trauma Syndrome Scale. Before the existence of the scale, there was no way for the California legislator, or Department of Justice to justly assess non economic loss (e.g. mental health injury) compensation in these scenarios.

Situation

AB 3121 Reparations Task Force, or the California Department of Justice has not broached this topic with the sort of granular capacities which our expertise provides. No expert to this date, has communicated to the public about the process for getting rated as injured, and how it is possible for someone to calculate in advance their entitlements. The Davenport firm has this expertise. In the case of most public programs, the applicant approaches applying to state benefits after assessing what they will benefit from. This is key for motivating applicants. For example, a restitution applicant will learn of a scenario similar to his/her/they. Then, if motivated, they will go apply with expectation CA Victim's Compensation Board will offer fair outcome as other victim classes. Currently there are no public documents produced by state assembly or AB 3121 Reparations Task Force scaling mental health injuries from public policy harm today with reparations award entitlements. Such a document is key to a fair administration of any state funded program. Without this, being public accessible, public motivation will be lower. This nudges the public away from participation. This is a preventable scenario, because such a document is copyrighted intellectual property owned by DavenportLawLobbying.com.

Solution

The Davenport family firm can offer such documents for license. Our scales allows DOJ to examine and derive feasible direct cash payments contracts for each victim class based on pre existing research and Congressional policy acceptance.

DOJ did not respond

ReparationsTaskforce

From: Daniel Davenport [REDACTED] >
Sent: Friday, October 22, 2021 12:29 PM
To: ReparationsTaskForce@oag.ca.gov
Cc: Michael L. Newman [REDACTED]
Subject: Follow up on ADOS sub committee or committee

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Reparations Task Force:

N'Cobra and Mr. Kamm Howard seem to be discriminating on a victim group entitled to 90% of this California Reparations claim. Please be warned.

I have reached out to the group and they are not responding. The group's secretary is cc'ed.

In my opinion they leave the ADOS victims group out, because of how the ADOS group chooses to identify, and because of how the ADOS foundation founder Yvette Carnell speaks negatively about their advocacy for African immigrant in lieu of sole focus on ADOS. Please see the evidence of Dr. Conrad Worrill's words, and please see my Twitter for background on this.

The groups are basically arguing and competing with each other for justice because one prefers to say their are American and the other prefers to say their are African. This is simple to understand.

As a result of this, I want the ADOS committee or subcommittee to secure their interest. Why? Well Dr. Worrill and Mr. Kamm Howard are more influential, and thus I want to ensure their discriminatory acts do nothing harm the ADOS victims further.

Both groups the African immigrants and ADOS have been harmed in various capacities. If you ask me to be an expert witness, I can go in detail publicly on who on average has what injuries and why, and who does not have certain injuries on average and why.

Here is a citation of where I asked for the ADOS committee or subcommittee: <https://youtu.be/G5JGJJBa2mI>

At this time I recommend California ADOS legislative founder of ReparationsOverEverything.com, Mr. Kevin Lane, to be your witness. He can speak of the unique issues of his victim group. With that said, Mr. Kamm Howard had knowledge of the special group of people (ADOS) who he and NCOBRA fails to identify as true qualified victims of California public policy harms.

As said before I represent all victim groups in California including members of Mr. Kamm Howard's group. Already, I have asked for DOJ to strike Mr. Howard's discriminatory testimony from the record. If that is not done, my act of requesting the striking speaks highly of my concern.

With that said, if he is going to advocate for his victim group only. ADOS leaders must be allowed the same privilege. This creates a balance view of these matters for the public. Mr. Kevin Lane is prepared to do this expert witness duty for ADOS.

I am half way through to the closing of this letter:

Although Mr. Howard sought to clarify your task, he failed to acknowledge there is a special group of non-immigrants who also has a claim for justice which he does not represent. That group is ADOS.

It is apparent to me ADOS is being discriminated on, and I ask you to establish this committee or sub-committee as evidence you are not party to the NCobra agenda. Also please know I am also in dispute with NCOBRA for their reciep

I have further evidence of NCOBRA's desire to exclude ADOS from federal legislation, which focused on African immigrants and receiving reparations from Africa to the US to be paid by those who acknowledge their direct descent from Africa.

ADOS is a special group that chooses to identify as Americans. This causes contention between Congressional leaders, and now I allege contention on this task force towards the ADOS Victims.

Note: To learn more about how this American is advocating for ADOS on the Joe Rogan show click this link:

https://youtu.be/uyeQC_ffhCc

Please prove your fairness by establishing this committee or sub committee post haste. I will not got away, instead I will take notes, and organize and spread the truth publicly to ensure fairness occurs. Again, as stated in past messaging, it's going to be extremely difficult for the community engagement plan of the Bunche Center to be fair to ADOS, if they don't have knowledge and experience of advocating for this special group.

Please see this video of Joe Rogan's guest who calls ADOS a special group of people, and communicates how they have been categorizing outside of their consent and lumped into a larger "black" category which includes immigrants.

To get to the point where we know who is qualified for what, and to get to the point where my assessment of non-economic loss (mental health injury) will be helpful to you, you must categorize ADOS as a separate victim class eligible for tort and compensatory reparations.

We know "some" rehabilitative reparations may have to go to all black people (ADOs, and African immigrants) because it's hard to differentiate how black communal rehabilitative reparations can be delineated although it is possible.

So in sum, please prioritize ADOs, they lead the way as the majority beneficiaries of this justice claim. Simultaneously I represent all victim classes fairly, to include immigrants who identify as black or African Americans.

In the end this conversation is being made more difficult than necessary. The data shows 90% of the reparations recipients should be ADOS. So they lead the way. 10% of the reparations recipients is African immigrants or second through seventh generation African immigrants.

Both tort and rehabilitative reparations should be paid in the same ratio: 90:10.

Now you must trust my expertise to educate you who gets, what and why based on their injuries. Please let me know if you have questions. Thanks in advance.

With Love,



Dr. Conrad Worrill @DrC

Should be clear by now t
ascribe to the idea of #A
describing ourselves. We
out, we have conceptual
theoretical, philosophical
differences with your has
Plainly stated: WE ARE A
PEOPLE!



Dr. Conrad Worrill @DrC... · 12/15/19 ...

Should be clear by now that we don't ascribe to the idea of [#ADOS](#) as a way of describing ourselves. We continue to point out, we have conceptual, ideological, theoretical, philosophical and historical differences with your hashtag ADOS. Plainly stated: WE ARE AN AFRICAN PEOPLE!

DOJ did not respond

ReparationsTaskforce

From: david paysinger [REDACTED]
Sent: Friday, October 22, 2021 5:27 PM
To: ReparationsTaskforce
Subject: Hello

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[Sent from Yahoo Mail for iPhone](#)

DOJ did not respond
ReparationsTaskforce

From: david paysinger [REDACTED]
Sent: Friday, October 22, 2021 5:29 PM
To: ReparationsTaskforce
Subject: Re: Hello

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

This regarding AB3121

[Sent from Yahoo Mail for iPhone](#)

On Friday, October 22, 2021, 5:27 PM, david paysinger [REDACTED] wrote:

[Sent from Yahoo Mail for iPhone](#)

DOJ did not respond

ReparationsTaskforce

From: Daniel Davenport [REDACTED]
Sent: Sunday, October 24, 2021 3:31 AM
To: ReparationsTaskforce
Cc: Michael L. Newman
Subject: White Paper #2 - To Dr. Brown
Attachments: White Paper #2 - To Dr. Brown.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

DavenportLawLobbying.com

White Paper #2: Submitted to Pastor Dr. Amos C. Brown,
Jr. , and California Department of Justice

Authored by:
Mr. Daniel Davenport and Staff
October 25, 2021

Background

AB 3121 Reparations Task Force is expected by the public to make a recommendation for a *reparations proposal* to be authored officially by a California state legislator, then voted on, and signed by the Governor. There is no formal guidebook which governs the type of proposals the task force will submit to the assembly. DavenportLawLobbying.com is the industry leader on state reparations proposals. Whereas some experts, argue a state reparations claim undermines a federal reparations claim, our firm has written the rules for state reparations methodology. Our 10 element standard for a complete proposal allows for maximum inclusion by the general public, and we honor all task force, commission, or board charges.

Situation

Those experts who disagree with state reparations are participating in public discussions to “hold up” or expose as wrong state reparations efforts. This creates confusion and nudges the public away from participating in task force meetings. We can help you increase meeting turnout. In addition, we want to 1) design and facilitate the public’s response to a Request for Proposals, 2) assist with responding to public concerns, 3) publish the reparations proposal rubric so the public can know how the task force will determine which reparations proposals are worthy of recommendations to the state assembly. We can also help manage fairness in the selection process of the best proposal.

Solution

The Davenport family firm can help the California Reparations Task Force perform all tasks to complete their mission. We will ensure all proposals qualified for review, clearly speak to how the key elements will be implemented. Without guidance, and steering to focus public writers on implementation, the capacity of a reparations proposal to be thorough is decreased. In closing, contact us at:

DavenportLawLobbying.com because we are the state reparations industry leader.

DOJ did not respond
ReparationsTaskforce

From: Friday Jones [REDACTED]
Sent: Monday, October 25, 2021 1:30 PM
To: ReparationsTaskforce; Kamilah Moore; NAASD-LA; [REDACTED]
Subject: Eligibility

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings,

As eligibility continues to be defined by this Task Force, I want to provide some things to consider.

Firstly after Lincoln's "Final Emancipation Proclamation" that declared the formerly enslaved as "Free." <https://www.loc.gov/resource/lprbscm.scsml016/>

March 1865 creation of the Bureau of Refugees, Freedmen and Abandoned Lands ("Freedmen's Bureau") established within the War Department .

The term "Freedman" has federal definition. This Task Force has the ability to review Federal use of the term which was specific to those enslaved in the United States. There is an obligation by this Task Force to understand that definition. Also to understand the federal use and definition of Negro which was removed from Federal use by President Obama.

The premature ending of the Freedman's Bureau and the removal of the term Negro from Federal use for the purpose of defining eligibility of California Reparations with priority to those enslaved in the United States is a problem and this Task Force can look to source documentation for definition purposes.

The Task Force can also look at states like Virginia and New Orleans for antiquated descriptors and restrictive black codes to further identify the populations effected and who the descendants are of those laws that were once in effect.

If we couple that with the research of The University of Washington - and immigration into the State of California, the Task Force can formulate harm with law and a timeline that reflects truth. <https://depts.washington.edu/moving1/California.shtml>

I recently returned from Genealogy work in North Carolina. The town where my maternal grandparents are from actually had a fairly large number of "Freedmen." Marriage between Freedman and White People was not illegal, however after Denmark Vesey's revolt was discovered, the town created restrictive Black Codes. Note Vesey's Rebellion was discovered and he was convicted in 1822 some 40 years prior to the Civil War. The White Plantation Owner's sided with the Confederacy. You can see today in that Tiny Town who the plantation owner's were by neighboring town names and the businesses that are owned today. The predominantly Black Town - has severe unemployment, yet the White Owning class that have not left are still the business owners and land owners today. The effects are multi-generational and are even more staggering for those that did not flee as refugees during the Great Migration. My trip really had me thinking about eligibility. We as the Descendants have really paid a price. We think of the migration as having ended but the search and quest for "opportunity," is an ongoing thing. Reparations will create the opportunity and where Descendants can once again build our own economic base through enterprise that this time around will not be burned down to the ground and that will be protected.

Thank you for your consideration.

--

www.TheRealFridayJones.com

Twitter @IAMFridayJones

Facebook The Real Friday Jones

DOJ acknowledged receipt
ReparationsTaskforce

From: CJEC Official [REDACTED]
Sent: Tuesday, October 26, 2021 2:46 PM
To: Lisa Holder
Cc: Tiffany Quarles; ReparationsTaskforce
Subject: Re: CJEC Meeting Request: California Reparations Task Force Community Engagement

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good Afternoon Ms.Holder,

Hope all is well. Following up on our previous emails. Thank you so much again for your important contributions at the September and October California Reparations Task Force meetings.

Our team remains eager to meet with you to discuss issues related to California Reparations. Do you have availability sometime next week, 11/1-11/5? Thank you again for your time and consideration!

We look forward to connecting with you soon!

Best,
Chris
CJEC

On Mon, Aug 23, 2021 at 9:22 AM CJEC Official [REDACTED] wrote:
Good Morning Lisa,

Hope all is well and that you had a great and restful weekend!

Thank you so much again for your important contributions at the July California Reparations Task Force meeting discussions around community engagement. And thank you as well for working to include the community engagement insights we helped organize from our community! Do you have availability to meet sometime next week, 8/30-9/3? Our team is eager to meet to discuss community engagement.

Thank you again for your time and consideration! We look forward to connecting with you!

Relatedly, are you able to share your community engagement presentation with us in your reply? Our team is interested in reviewing it this week.

Best,
Chris
CJEC

On Mon, Jul 26, 2021 at 11:13 AM CJEC Official [REDACTED] wrote:
Good Morning Lisa,

Hope all is well and that you had a great and restful weekend!

Thank you so much for your important contributions at the last California Reparations Task Force meeting discussions around community engagement. And thank you as well for working to include the community engagement insights we helped organize from our community!

Do you have availability to meet sometime during the week of 8/2-8/6? Our team is eager to meet to discuss community engagement.

Thank you again for your time and consideration! We look forward to connecting with you!

Relatedly, are you able to share your community engagement presentation with us in your reply? Our team is interested in reviewing it this week.

Best,
Chris
CJEC

On Mon, Jul 12, 2021 at 11:40 AM CJEC Official <[REDACTED]> wrote:
Good Morning Lisa,

Hope all is well and that you had a great and restful weekend!

Thank you so much for your important contributions to Friday's discussion around community engagement at the 2nd meeting of the California Reparations Task Force. And thank you as well for working to include the community engagement insights we helped organize from our community!

Our team has a packed schedule this week but would love to meet and discuss community engagement asap. Do you have availability next week? We are open and flexible as to scheduling.

Thank you again for your time and consideration! We look forward to connecting with you! Relatedly, are you able to share your community engagement presentation with us in your reply? Our team is interested in reviewing it this week.

Best,
Chris

On Fri, Jul 9, 2021 at 4:00 PM Lisa Holder <[REDACTED]> wrote:

Today, the task force shared and adopted a blue print for community engagement and communications strategy. It was robust and incorporated many of CJEC's critical insights. Happy to debrief further with CJEC next week if you still wish to discuss. I'm available most of the day on Wednesday. Feel free to reach out.

Law Offices of LISA HOLDER
[REDACTED]

This message is for the intended recipient only as it may contain confidential or privileged information. It is from the Law Offices of LISA HOLDER. Any interception, detection, infection, inspection, hoodoo, voodoo, sneak and peek, or any other unethical or unconstitutional spying is strictly prohibited. If you have received this email in error please destroy it and let me know of my mistake.

"Never be afraid to do what's right. Society's punishments are small compared to the wounds we inflict on our soul when we look the other way." MLK

On Thu, Jul 1, 2021 at 11:10 AM CJEC Official [REDACTED] wrote:

Dear Lisa, Thank you again for returning my call yesterday on behalf of the Coalition for a Just and Equitable California. Again, my name is Chris Lodgson. CJEC is a statewide coalition of grassroots Reparations activists with coalition partners in both Southern and Northern California. CJEC helped ensure the passage of AB3121, working closely with Secretary Dr. Shirley Weber. We're excited to be continuing our work with outreach and education to the African American community about the California Reparations Task Force. As mentioned during our brief chat, our team would respectfully request a meeting with you via Zoom to discuss our recommendations for how the California Reparations Task Force can engage and be transparent with African Americans in California as it goes about its business. You mentioned you had availability the following week. We're happy to meet with you then. Please let us know your availability. Once confirmed, we are glad to provide a zoom link for your convenience, and we will send you the list of participants, and an agenda. Please also find attached a copy of our recommendations. Thank you so much and we look forward to hearing from you soon!

Best,
Chris
CJEC

DOJ did not respond

ReparationsTaskforce

From: Amara [REDACTED]
Sent: Tuesday, October 26, 2021 10:47 PM
To: ReparationsTaskforce
Subject: California Measure AB-3121

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Madams and Sirs,

1. SPECIFICITY the work and main purpose of this task force is explicably for and only for
US Freedmen American Negro Foundational Black Americans
DESCENDANTS OF US CHATTEL SLAVERY.

2. We must be able to access and utilize the comments section on the public chat. Please do your absolute due diligence and see that it is restored in time for December's hearing. In fact, the way it was taken away from us feels very much like the oppressive tactics we are here to discuss and study. Kindly restore the public comments.

Thank You,

Amara Wilson < > SolCal Resident

[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: Freddy Martin [REDACTED]
Sent: Wednesday, October 27, 2021 9:26 AM
To: ReparationsTaskforce
Subject: Greetings from Frederick Martin!

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Just reaching out to request emails for when the meetings are happening?

Keep up the good work.

DOJ did not respond

ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Thursday, October 28, 2021 1:36 PM
To: [REDACTED]
Cc: ReparationsTaskforce; kamilahvm@gmail.com
Subject: Film Commissioners in California - Employment Equity Research Request

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Colleen Bell,

I hope this communication finds you well. This outreach to the California Film Commission is in regard to research I am conducting around employment equity in the Film Commission industry in California. I am conducting this research to present as evidence to the Department of Justice and California Reparations Task Force. The CA Reparations Task Force was enacted into law by Governor Gavin Newsom and is tasked to Study and Develop Reparation Proposals for African Americans.

The next 2-day California Reparations Task Force meeting is scheduled for December 8th and 9th. The topic under review at the upcoming meeting is [discrimination in entertainment](#), arts, sports, and culture.

EMEND THE MASS MEDIA GROUP is a Sacramento-based digital advocacy firm that has been tracking California Reparations Task Force activity and conducting research around the topics of discussion. In our research related to Film Commission offices in California, we have not been able to determine which of the Film Commission offices in California, currently have Black Film Commissioners.

It was suggested by the Berkeley Film Office that I reach out to the California Film Office to acquire the requested data on the number of Black Film Commissioners in California.

Please respond to this inquiry and provide information on any past and current Black Film Commissioners in California also provide any contact information for these individuals that you are at liberty to share.

If you are not the California Film Commission representative to provide the requested information. Please provide me with the proper contact person to assist with this urgent inquiry.

I have also cc'd the Department of Justice CA Reparations Task Force staff responsible for compiling data on industry discrimination. Depending on your response, you may be asked to provide expert witness testimony regarding the data provided to this inquiry.

Again, this research inquiry is urgent in nature. I look forward to your prompt response.

Thank you,

Kim Mims
[REDACTED]

www.youtube.com/c/ETMMediaGroup

From: Kim Fuller [REDACTED]
Sent: Monday, November 1, 2021 11:15 AM
To: ReparationsTaskforce
Subject: Watcher/Listener-Friendly Meetings Please

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Reparations Task Force Members:

Thank you so very, very much for your service. The gravity of your work is without equal in the government landscape short of preventing a nuclear war. It is apparent to me that each of you were well-selected for your expertise. That said, however, the meetings are made almost impossible to watch and/or listen to due to the manner and frequency of Vice Chair Dr. Amos Brown's comments. Dr. Brown brings a groundedness and wisdom to the mission. However, his comments are usually off-topic or extremely tangential. His expression of moral indignation to historical and current anti-blackness is correct but it need not be re-stated in a slow-speaking preacher's sermon on every matter of business. There likely was a time when such delivery connected with Black American descendants of slavery. But, that time has long passed and the very repetitive style impedes the efficiency of the work. I have faith in Dr. Brown's ability to adapt and ask him to do so before the December meeting. I began watching the videos of your meetings last week and am now nearing the end of the meeting held September 23, 2021. I am finding it more and more difficult to watch and listen to each video for the reasons stated. I highly suspect that the low view count on the videos can largely be attributed to the same reasons. Again, I value the wisdom of Dr. Brown. It saddens me that the nutrition of this wisdom is not being delivered because its flavor is not tolerable to the modern ear. At age sixty, I am no spring chicken and must remind myself to stay current enough to be relatable to the mean age of the Black American population. So, I understand the difficulty. And, I am aware that younger people have other obstacles they must navigate to be effective leaders. Therefore, this is not ageism per se.

Dr. Brown must do better so that the greatest number of Black Americans/Californians stay abreast of the monumental proceedings of the Task Force.

Sincerely,

Kim Fuller

DOJ did not respond

ReparationsTaskforce

From: Friday Jones [REDACTED]
Sent: Monday, November 1, 2021 12:29 PM
To: ReparationsTaskforce; Kamilah Moore; NAASD-LA; CJEC Official; Grills, Cheryl
Subject: December Hearings
Attachments: Testimony Sept 2021.docx; FINAL-Healthcare-Sapphire-LAAAWPPI-2020.pptx; Sapphire Trauma Informed Care One Sheet.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings,

Attached is the testimony that I provided which included Entertainment Expert Witness recommendations. There seems to be some uncertainty on what this task force wants to learn from this particular pane. The entertainment industry which is a significant industry for the state is steeped in nepotism and racial discrimination. The ancillary businesses that feed into the industry from Agents/ Accountants/ Lawyers are also predominantly white and relational which like nepotism adds to exclusion. Much like football, talent is often Black.

When you look at films like Respect; Aretha Franklin, 42; Jackie Robinson; American Soul (Series); Don Cornelius; Dolemite is My Name; Rudy Ray Moore - these theatrical works give an idea of what it took for many of the names we recognize today to entertain during Jim Crow Era and in the case of American Soul how discriminatory advertisers were. Racism is a significant part of American Culture. California as a State should be able to tell how much income the entertainment business made and more importantly from 1950 to today who made the money.

The most recent legislation in music was in 2018 **Hatch-Bob Goodlatte Music Modernization Act**, or Music Modernization Act or MMA (H.R. 1551, Pub. ... 115-264 (text) (pdf)) is United States legislation signed into law on October 11, 2018 aimed to modernize copyright-related issues for music and audio recordings due to new forms of technology such as digital streaming. But if you look at recording contracts particularly with Black Talent - the contracts were predatory and they still are with 360 deals. You can sophena records from Zomba Music Group or Bertelsman Music Group - Look at how South African & German owners were able to capitalize on the talents of Black Youth. Look at the deals made on Jive Records vs Silvertone contracts. Look at the history of distribution in music and the ownership of distribution. Many of these companies and people showed up during the 1970's a time where politically Black Americans were very much in an infant phase after Civil Rights era and had little to no wealth.

There is much to learn about entertainment, American capitalism and racism. This panel is not about celebrity. Frankly it is about business, wealth transfers and lack of wealth opportunities for Black Americans beyond being exploitable talent.

Last I also recommend CA Surgeon General Nadine Burke Harris and her research on ACEs be included as a panelist on childhood trauma and health outcomes. I had the privilege to co-authoring a paper in this space and a one pager that went to Dr. Burke Harris and I hope that the Commission will consider these recommendations to Dr. Burke as Repair for the Descendant community.

I take the work you are doing seriously. I hope these recommendations are received and explored.

612

Kind regards,
Friday,
aka Khansa Jones-Muhammad

--

www.TheRealFridayJones.com

Twitter @IAMFridayJones

Facebook The Real Friday Jones

AB3121 Hearing

Testimony 9/22/2021

My name is Khansa Jones-Muhammad, I am a City Commissioner for Mayor Garcetti's Los Angeles, Reparations Task Force, I am co Chair of the National Assembly of American Slavery Descendants and the Los Angeles Chapter, and our local Chapter is a member of Coalition for a Just and Equitable California.

As a state body, with the 6th largest economy in the world. It is through the resources of the many state departments, the state's budget where this task force has the ability to create and repair our society and the standing of the Descendant Community within it. There is an opportunity to create a "wide variety of benefits in addition to compensation," for generations to come. The creation of whiteness and dehumanization of blackness has cost this nation its humanity and greater GDP by stifling ingenuity and economic growth. The truth in reconciliation taking place tomorrow is an important part of the repair process. This task force must consider the wealth inequity created by racism and the loss of revenues to the state.

Plessy vs Fergusen in 1896 required whiteness in naturalization law. If you were not white you were not a US Citizen and if you were not a Citizen you had no political voice. Today I am here to exercise my voice. The Coalition for a Just and Equitable California has been steadfast in vocalizing our desire for a strong Community Engagement plan. I am thankful to Tammi Mack and Stevie Wonder for allowing me time on KJLH radio, and Dominique DaPrima and Tavis Smiley of KBLA radio to publicize this month's hearing dates and subject matter. NAASD Los Angeles has drafted proposals to City Council Members for discretionary funds to be allocated for marketing campaigns for future hearings. We are grass root advocates willing to think outside of the box to increase community engagement, but this body has to expeditiously initiate a plan so as to not politically disenfranchise the beneficiary community through this process.

Testimony 9/22/2021

My name is Khansa Jones-Muhammad, I am a City Commissioner for Mayor Garcetti's Los Angeles, Reparations Task Force, I am co Chair of the National Assembly of American Slavery Descendants and the local Los Angeles Chapter, and our local Chapter is a member of Coalition for a Just and Equitable California.

My family is from North and South Carolina. Three of my four Grandparents are from the Descendant Community and all were part of the Great Migration north. Jon Burgess's testimony was so moving yesterday, that instead of talking about my family at length I want to present remedies and potential expert witnesses for consideration. I hope that the DOJ will track expert witnesses as proposed by the public and that task force members support public recommendations to ensure political enfranchisement for the Descendant beneficiaries.

- The state could endow and establish HBCU's for the Descendant Community that include business grants up to \$25K upon graduation.
 - Southern CA/ Mid-Coast: Farming/ wine like the new Sonoma State School/ Cannabis/ Urban Farming. Methods like Curtis Stone the MicroGreens Farmer and Agri-tech like Dupont/ Corteva – merging tech and farming. Creating land incubators for graduates that want to be farm owner operators after graduation. Waiving state Cannabis licensing fees for graduates.
 - Sacramento: Political Sciences/ Political Law/ Campaign Finance/ Governmental Accounting
 - Los Angeles: Film – production/ financing/ distribution; production accounting; business management/ Music/ Sports & Entertainment Law/ talent management.
- Dual Track High-Schools Descendant Curriculum – Mandatory with either College A/P classes or Trade training for all Junior/ Senior's that allow HS graduates to enter college as Juniors cutting financial burden and/or to graduate with licensed degrees from high school (real estate/ barber/ cosmetology/ insurance/ security/ CTEC/ welding/ Google certification etc.) State would cover any transportation coordination costs currently covered by parents.
- I also have a K-12 proposal that I will email (see pdf attached)

I would like to recommend these individuals as expert witnesses for the Entertainment Hearing

- Dr. Stacey Smith from USC Annenberg Inclusion Initiative
- Brickson Diamond Director of The BlackHouse Foundation
- Kendall Minter Esq, Board of Directors Sound Exchange, Counsel at Greenspoon, Marder, LLP
- Zola Mashariki, head of Audible Studios; former head of original programming for BET; former Senior VP of Production at Fox Searchlight
- Khadija Sharif-Drinkard Esq, Chairwoman Black Entertainment Sports Lawyers Association; Senior VP Business Affairs ABC News, The Walt Disney Company

A quote by Steven Covey Begin with the end in mind. I hope you consider these recommendations.



LAAAWPPI 2020 Sapphire Group

TRAUMA INFORMED HEALTHCARE

Bianca Jackson

Khansa Jones

Kenya Kirkland

Kirsten Pannell

Jasmine Smalls-Presenter



THE PROBLEM

The lack of trauma informed care has a disparate impact on black women because we experience trauma at higher levels than white women and other ethnicities.

The lack of integration between behavioral and physical health systems affects the quality of care black women are receiving.

The daily traumas experienced by African American women are overlooked throughout the healthcare system.

Historically, we've been untreated, underserved and used for testing in this country.

BLACK WOMEN'S EXPOSURE TO TRAUMA

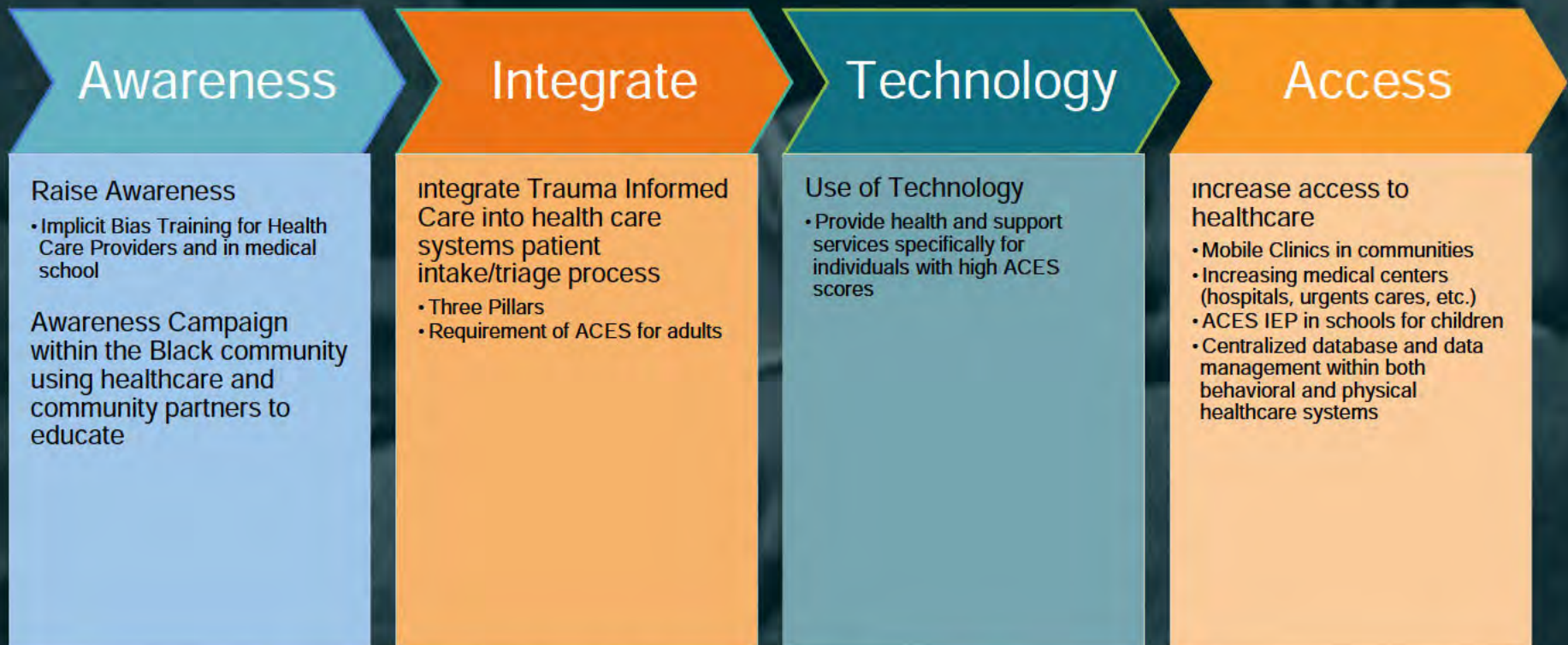
Generational Trauma	Adverse Childhood Trauma	Poverty	Implicit Bias	Access to Quality Healthcare
<p><i>Post Traumatic Slave Syndrome</i></p> <p><i>Epigenetics</i></p> <p><i>Jim Crow</i></p> <p><i>5 Pillars of Oppression</i></p> <p><i>13th Amendment/ Mass Incarceration</i></p>	<p><i>Abuse</i></p> <p><i>Neglect</i></p> <p><i>Household Dysfunction</i></p>	<p><i>Homelessness</i></p> <p><i>Domestic Violence</i></p> <p><i>Mass Incarceration</i></p> <p><i>Single Parent Households</i></p> <p><i>High Crime Areas of Residence</i></p>	<p><i>Systemic Racism</i></p> <p><i>Racial Myths of Black Women</i></p>	<p><i>BW and Uninsured Rates</i></p> <p><i>Pregnant BW delay care</i></p>



WHAT'S HAPPENING NOW

- ✓ Aetna is incorporating trauma-informed principles into Medicaid coverage. In process of creating a system to identify trauma-informed care providers
- ✓ LA County Wrap Around Services
- ✓ SB 464 California Dignity in Pregnancy and Childbirth Act
- ✓ Affordable Care Act
- ✓ ACES use for children (2 minute screening process)
- ✓ The Maternal Care Access and Reducing Emergency (CARE) Act
- ✓ Kaiser is leading the cause of opening clinics in inner cities

RECOMMENDATIONS



IMPLEMENTATION AND EVALUATION



Create a governing body

Oversee development of trauma-informed care webinar training	Oversee implementation and Evaluation of integrating trauma-informed care into health care systems	Increase consequences in malpractice of medical professionals who consistently misdiagnose black women	Increase transparency and accountability within healthcare field	Track number of patients receiving trauma-informed care and health outcomes
--	--	--	--	---



Continual training to obtain and maintain medical certification

Track the number of healthcare professionals attend trauma-informed care training

Adverse Childhood Experiences

Traumatic events that can have negative, lasting effects on health and wellbeing



People with 6+ ACEs can die

20 yrs

earlier than those who have none

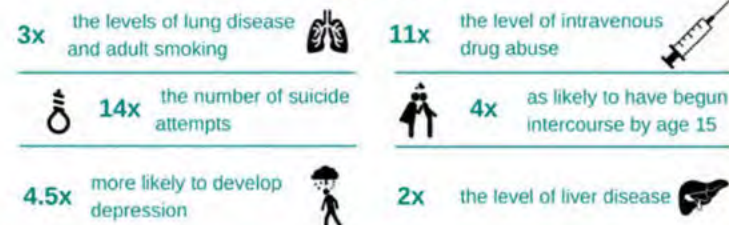


1/8 of the population have more than 4 ACEs



www.70-30.org.uk
@7030Campaign

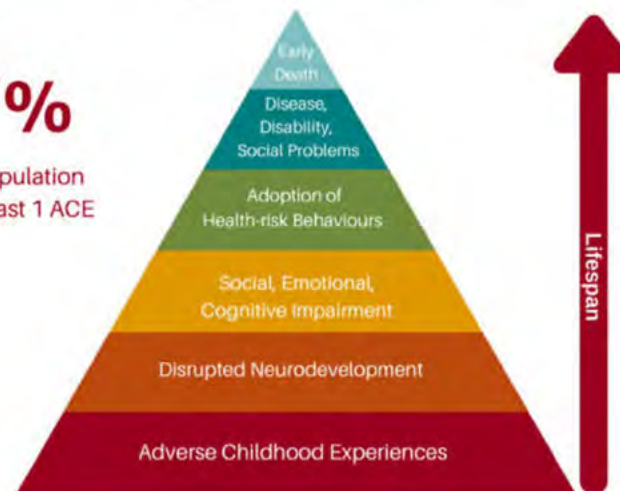
4 or more ACEs



“Adverse childhood experiences are the single greatest unaddressed public health threat facing our nation today”

Dr. Robert Block, the former President of the American Academy of Pediatrics

67%
of the population have at least 1 ACE



QUESTIONS

and


ANSWERS




CONTACT

 Bianca Jackson



 Khansa Jones




 Kenva Kirkland



 Kirsten Pannell



 Jasmine Smalls



THANK YOU

TRAUMA INFORMED HEALTHCARE

The lack of trauma informed care has a disparate impact on black women because we experience trauma at higher levels than white women and other ethnicities. The lack of integration between behavioral and physical health systems affects the quality of care Black Women receive. The daily traumas experienced by African American Women are overlooked in healthcare.



exposure

Generational Trauma: Post Traumatic Slave Syndrome/ Trauma Jim Crow/ 5 Pillars of oppression/ Mass Incarceration.
ACES: Abuse/ Neglect/ Dysfunction.
Poverty: Homelessness/ Domestic Violence/ Crime.
Implicit Bias: Systemic Racism; Racial Myths of Black Women.
Access: Uninsured Rates/ Delayed Maternal Care.



proposal

- 1) Raise Awareness via implicit bias training for Health Care Providers and in Medical Schools.
- 2) Integrate Trauma Informed Care into patient triage process of children and adults.
- 3) Provide health/ support services to individuals with high ACES scores.
- 4) Centralize medical records, provide ACES IEP in school for children, increase mobile clinics and urgent care in at risk communities.



implementation

Create a Governing Body

Authority to continuously track and maintain medical certification in Trauma Informed Care.
Develop webinar training and provide implementation and evaluation of Trauma Informed Care in California health care systems.
Track patients receiving trauma informed care.
Increase malpractice actions for misdiagnosis of Black Women/ Children.



outcomes

- 1) Make three pillars of Trauma Informed Care standard practice by increasing safety, connections, and emotional/ impulse management for Black Women and Children in California.
- 2) Improve medical diagnosis and health outcomes in Black Women.
- 3) Create early intervention in children and women to improve life expectancy, and health outcomes.
- 4) Reduce stigma around abuse, neglect, trauma, and domestic violence.



implications

Long term implications are more whole person medical care for women and children. Implementation of proposed recommendations would also poise California to be a leader in improving life expectancies within populations of Black Women and Children. The proposed Governing Body will act as a one stop shop for tracking compliance.

“Adverse childhood experiences are the single greatest unaddressed public health threat facing our nation today.”
— CDC, 2010



1/3 of the population have more than 4 ACES

People with 4+ ACES can die

20 yrs

fewer than those who have none



DOJ did not respond

ReparationsTaskforce

From: LaDonna Williams [REDACTED]
Sent: Monday, November 1, 2021 4:06 PM
To: ReparationsTaskforce
Cc: [REDACTED]

Subject: African Americans With American Slavery Lineage Reparations

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings CA Reparations Task Force,

I would like to know how is it, your California Reparations Task Force continues to study and struggle with starting Reparations payments for African Americans, who's ancestry and lineage have built America for free?

Recent support and payments to Afghans, recent \$450,000 per person recommendations to further support and pay illegals Latinos for illegally breaking US borders, immigration, and child endangerment laws, are being rewarded for their legal activities. Need I mention the Black mother being jailed for sending their kids to an out of district school for wanting a better education for their child/children. All this is happening on your watch while non-African Americans and illegals jump hurdles pass your studying and analyzing efforts, they're going and getting straight to the money, getting benefits and resources that belong to African Americans.

You have plenty of examples from the past and current payments to Indians, and now the Afghans, and illegal immigrant boarder crossers to come up with specific payments recommendations specifically and only for African Americans whose lineage is slavery in America.

Can you please explain why with the volumes of facts and evidence of the harm done to African Americans whose lineage is hundreds of years of slavery and free labor, hundreds of historic and current years of bondage, brutality, red lining, racism and discrimination your task force has not come up with starting Reparation Payments?

Respectfully,
LaDonna

LaDonna Williams
Programs Director
All Positives Possible
[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: Michael [REDACTED]
Sent: Tuesday, November 2, 2021 12:03 PM
To: ReparationsTaskforce
Subject: reparations???

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Not one of these people have ever been a slave! I have never been a slave owner nor my parents or their parents. They have been in every school I have and all have better jobs then I have. I am of Irish decent my people were slaves here before the blacks. Even the blacks were valued more than the Irish. When do we get out Reparations?? Wtf?? We are all supposed to be created equal and have equal rights?? Let's go Brandon!!

DOJ did not respond

ReparationsTaskforce

From: CJEC Official [REDACTED]
Sent: Monday, November 8, 2021 2:27 PM
To: ReparationsTaskforce
Cc: Kamilah Moore
Subject: CJEC Expert Testimony Recommendations for the December 2021 CA Rep Task Force Meetings
Attachments: CJEC CA REP TASK FORCE EXPERT WITNESS RECOMMENDATIONS - DEC 2021 ENTERTAINMENT MEETING.docx

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings and Good Afternoon,

Please find attached Expert Testimony Recommendations for the December 2021 California Reparations Task Force Meeting on entertainment. Feel free to reach out if you have any questions. Thank you again for your hard work!

Best,
Chris
CJEC



CJEC Expert Testimony Recommendations-December 2021 CA Rep Task Force Meetings

Entertainment:

1. Uumoiya glass - ETM Media Group – [REDACTED]
2. Dr. Darnell Hunt - UCLA
3. Dr. Stacey smith - USC Annenberg Inclusion Initiative
4. Brickson Diamond – Director - Blackhouse Foundation
5. Kendall Minter Esq. - Board of Directors - Sound Exchange - Counsel at Greenspoon, Marder, LLP
6. Zola Mashariki - Head of Audible Studios - Former head of original programming for BET; Former Senior VP of production at FOX Searchlight
7. Khadija Sharif-Drinkard Esq. - Chairwoman Black Entertainment Sports Lawyers Association - Senior VP Business Affairs ABC News, the Walt Disney Company
8. Ice Cube
9. Dave Chappelle
10. Monique
11. Spike Lee
12. Mario Van Peebles
13. Sam Jackson
14. Byron Allen
15. Bob Johnson
16. Kwame Brown
17. Kareem Abdul Jabbar
18. Quincy jones
19. Barry Gordy
20. Smokey Robinson
21. Stevie Wonder
22. Ava Duvernay
23. Viola Davis

- 24. Laurence Fishburne
- 25. Julie Dash
- 26. Bobby Rush
- 27. Jim brown

From: Daniel Davenport [REDACTED]
Sent: Tuesday, November 9, 2021 10:19 AM
Subject: Request for ADOS committee
Attachments: Request for ADOS committee.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Request for ADOS committee: Open Letter to the California AB 3121 Task Force

By: Clergy Davenport
Location: Sandy, Springs Georgia

Dear Ranking Member, and all others:

God has granted us all life in this moment. All of our souls are here. We all can commune with each other to do good or God's works.

I bring this to your attention respectfully and with meekness:

The task force has been requested to establish an ADOS committee. Who made the request? Members of the public.

To all:

As of now, what has the task force decided? The public is unclear on your body's will.

Will you align with the public wants? Will you align with the back room deals and secrets of politicians?

This is a fact:

The public has not been updated on the decision to reject or accept the request. What request? The request for the ADOS select committee, standing committee, or applicable committee. The public knows your meeting rules and procedures have to be followed. The public knows when there is a will by you — you can make a way for an ADOS committee to be established.

Is there a will ?

In addition, I must bring this to your eyes on behalf of the public.

The public has not been apart of the consideration process which weighs the pros and cons of such task force request. What am I saying? The public has not seen you all in business discussion on the Blue Jean App about whether or not you all are going to approve an ADOS committee. Discussion is where the pros and cons would be weighed.

The public knows why the ADOS committee is a must for them?

This is how I see it:

I am under the comprehension, the median tort restitution award estimate for injured black immigrant is lower, in comparison to the the median restitution award estimate for injured ADOS.

So the committee they want would obviously be advocating for delineation of all data, and likely even survey questions which lead to new data gathering. See the ADOS are smart enough to know how they have been locked out of resources in the past. Now they advocate to ensure bureaucracy like you — are not doing it to them.

You all are first in this space. On October 17, 2021 Justin Phillips wrote in the San Francisco Chronicles:

“The first-in-the-nation body...”

Yes, first. First is sometimes a horrible thing.

As I look at the chairwoman’s Tweets which read:

“Live Interview (today 11am PST):

Catch me on the #LegalLensShow with @angelareddock and CA Senator Steven Bradford! #AB3121
#ReparationsTaskForce

Call in number: 18009201580

Listen: kbla1580.com“

I think of how being first brings out ego, and disservice to God.

....

I do this work full time so I have an advantage over many. Yet my advantage is my humility and dependence on God. Doing it for so long caused me to fall on my face so often, I soon recognize — I should willingly get on my face in prayer more.

Furthermore, I have been called to national Reparations tables not because of my ambition, but because God saw it fitting for me to speak in those spaces.

I have been called to a National reparations think tank with other Reparations advocates such as NCobra leaders, Muslim leaders, Christian leaders, Freedmen, ADOS, Universities, and Law Firms.

I prefer to be the last called, because I stand on the word which teaches me:

(When I write ‘the word’ — that is short for “the teachings of my traditions” just as when I write ADOS — that is short of American Descendants of Slavery.)

Matthew 19:30 reads:

But many that are first shall be last; and the last shall be first.

So I warn you about allowing the rhetoric of journalist to feed your dark side. Instead continue to move in good and/or God. Stay away from the work of the gods “little g.”

So now that I am calling you all out, you will have to make some decisions to gas light me or consider my concerns. Again these concerns I present on behalf of the public. “Me, we” is a poem by Muhummad Ali, and it reminds me that I am connected to my community. The we is who speaks in me today.

It’s not God speaking, it’s me speaking on behalf of the people. I am speaking to champion God’s law for God’s benefit. I am writing to call the state of California towards repentance for its evil of turning a blind eye to the human trafficking of God’s people. I am writing to call the state of California towards repentance for its evils education curriculum mandates which are injury and causing psychological trauma to this very day.

There is no “slave master” there is only a human trafficking criminals. Yet this is the sort of Jedi-mind tricks which the state of California allow within its acceptance of the standard 5th and 8th California common core curriculum. Sometimes the lack of doing the right thing by the state of California has led to teachers parading black immigrant children or ADOS children around as human trafficking victims.

Sometimes these acts go viral. What is the state of California doing to protect the immigrant blacks and ADOS children from having nightmares about this happening to them? Does this bureaucracy has any plans to survey children and learn about abnormal fears they hold as a result of how human trafficking is taught in California. In addition, to the letter for #ROE, I am submitting, I am also submitting an essay written by my son Samuel, educated in California during his elementary years.

Bare with me bureaucrats, my letter will end soon. As you do your bureaucracy my major point is you have to be transparent about what you do not know.

You will always be transparent about what you don’t know when you simply choose transparency.

So we asked for an ADOS committee, and as of this date there was no transparent actions taken which the public was apart of on that request. This is bad.

Maybe you have a plan to gather the knowledge from the public without needed an ADOS committee, maybe not.

Your failures to communicate in direct response to the public wants is called gaslighting. For example: That is a tool of white nationalist who seek to give jobs to their frat brothers, and fail to respond to the ADOS woman’s inquiry of why she was not selected.

So consider that you appear to be gaslighting the public, even if that is not your intention.

Let me advise you, this way:

Publicly place this on your agenda. Get public comments about it. Have conversation between your bureaucrat team publicly. Vote publicly to establish a ADOS committee, or to reject the public request for an ADOS committee. Then move one.

Your failure to speak to the public on this issue, results in lost trust of the public.

Some think the committee is the only way to a proper data delineation ‘control mechanism’ by the task force. Basically I am writing, some think you all need an ADOS Task Force, to be focused on the special group of people with a different story from black immigrants.

See this link to learn more of how some white people see ADOS:

https://youtu.be/uyeQC_ffhCc

So just be warned:

Some say you all are just doing political theatre.

Let's be honest. There is a lack of transparency with your bureaucracy, and that is problematic. For example, instead of your bureaucracy advocating for fair and open bidding for the community engagement work — you voted to affirm a contract which was not fair and open. That is bad.

For example, instead of your bureaucracy creating procedures and publishing them publicly on bidding — you failed to do that. That is bad.

For example, instead of your bureaucracy buying a billboard advertising you will be considering complete community engagement proposals from the public — you all stood in the way of empowering the public. This is bad.

So you all are starting to look like — the same old same problem. I am just calling this out, on behalf of the public. I am not speaking for God.

Your actions are leading many to conclude:

You all bark off a noble mission, but your decisions are not empowering Californians.

Bureaucrats, did you know the injured want employment? Bureaucrats, did you know the injured want jobs to survey their communities and gain knowledge? Bureaucrats, did you know the injured can benefit financially from being employed to participate in this data gathering effort?

Did you know you all are making a great case for the injured being in a horrible financial situation? Did you know you all have power right now to offer them jobs?

Did you know you could support CA-AAGRA jobs plans if you was sincere about offering the injured jobs?

These are questions which you can answer alone or with your God, or with your beliefs.

This is my opinion:

The injured are your most valuable ally, because they are the ones effected most by this. They should be paid to petition, host conversations, and lead wide spread conversation on this topic.

It is my opinion:

The CA-AAGRA Northern California jobs plan should be supported by you, because if adopted and pushed forward it will create more than 2,000 jobs for injured ADOS, and injured Black immigrants. 90% of the job vacancies would be for ADOS, and 10% would be for black immigrants. This percentage is proportional to what percentage of the total injured are ADOS, and what percentage are black immigrants.

In fact, the CA-AAGRA jobs task list would lead to the hired workers:

Going out into California neighborhood as circulators who collect signatures to demonstrate support of.....?

What would they be collecting signatures for?

Well sooner or later you bureaucrats have to publish your proposal publicly. Right?

Well after that occurs, who is going to check in with the citizens of California about your wants?

Well the injured hired in Jon Burgess' CA-AAGRA plan would be the ones to do that.

We the public, do not trust your proposals to go directly, to whoever you will send them to, without — we ensuring the public weighs in.

The job of a circular is the ways and means for us to verify your wants with the wants to the people of California.

Jon's team is connected to decade long experts, who are honest pro who lead national circulating efforts nationally, and have a proven history of excellence during state wide petitioning of various sorts.

There is an entire industry of experts in that business who are paid commercially and earn fair wages.

Instead of you bureaucrats working to keep the injured from entering this industry, you all should be imagining how you all can support Jon's Job plan.

In addition, you all should be imagining how ADOS, and Black immigrants could share a portion of that industry in the future.

Could you all propose that 60% of all government paid circulating contracts in California go to the injured? This would lead to 90% of the 60% being reserved for ADOS owned LLCs? And 10% of the 60% being reserved for black immigrants LLCs?

See all of this is possible with God and with your will. Remember God has gifted you all will free will.

See this DOES NOT have to be a complicated process. Yet when there is hidden agendas, and back room agreements which rob (again) the public of its freedoms — complications will occur.

When we see sneaky affairs, we question, and rumors begin. On the other hand: when you publish and notify all in California about opportunities to participate in the process — you foster inclusion.

Watch this:

Many of us see this bureaucracy as excluding. Why?

You all have excluded the public from an opportunity to bid on the large state contract to do community engagement work. That is bad.

Why have Antonio Moore been excluded? I work with both ADOS and NCobra as stated earlier. So from day 1, I saw a concern when NCobra expert witnesses were heard, without the balancing act. Who is the balancing act? Antonio Moore esquire, or Yvette Carnell.

Your exclusion of these ADOS thought leaders is bad.

So let's put your decision making so far under the public microscope. This is a progress report.

So far you all are doing bad.

Thanks for having my friend Dr. Thomas Craemer speak to your committee. That was good.

But you are doing many bad actions, and we have to call you out.

The biggest issue right now publicly is how you all are not supporting job creating as you do this work.

How many non-profits or for-profit businesses of the injured can benefit from new money? If you all are truly about repairing the government harm to these people — your decisions should stand up to my critique.

You can hide, because God sees your decisions. If you don't know enough, you should seek Godly counsel.

So don't be upset with public critiques. You all are demonstrating plainly your decisions are worthy of rebuke.

The public, and God has a mandate to judge you based on what you demonstrate to us.

So ask yourself:

Read this verbatim:

How am I for full repair of the injured? I could have brought matters to my colleagues attention to ensure the injured benefit from the large amount of money being appropriated to do community engagement work. What did I do instead? How many jobs will the Bunche center create? What are the advantages of Jon's CA-AAGRA Northern California plan?

(Keep reading normally now)

Many of you all have betrayed us. How? You did not vote for jobs.

Instead you chose to stand with bureaucratic back door agreements; you chose to vote to approve the contract with the Bunche center.

This is a shame. The Bible says:

"These people draw near to Me with their mouth, And honor Me with *their* lips, But their heart is far from Me."

No matter your tradition, you have heard what it is to be a hypocrite. It's hard to be American, and not know the definition of hypocrite. So are you all hypocrites?

Before answering that, the question is what are you supposed to be standing for on this task Force? Are you for the injured? Or are you for self-promoting of yourself as a result of your ambition?

Pastor Brown, I know why you are here.

To all others:

Where was the protest vote? Specifically name the name who voted against the contract of large funds going to the Bunche center. There was no protest vote.

Pastor Brown, I saw your protest, but sometimes it's best to get your protest on record with a vote.

Many did not see what I saw, and what those in the public saw — so your vote would have been a landmark to lead them to discovery.

Discovery of what? Discovery of the secret back door agreements which were made without public influence.

We have to be real about how this task force has wrong the injured already.

You all are doing bad, and this is your progress report.

So you get a progress report, and the grade is D - .

We give you a D minus because you all are failing to approach expeditiously the issues of the ADOS problem, the tort reparations problem, the rehabilitative reparations problem, the depth of injury scale problem, the percentage of resources sharing between ADOS and black immigrants problem, the unfair community engagement contracting problem, and the lack of a jobs plan problem.

It's even more sad, because the mechanism for establishing the depths of injury has already been shared with Secretary of State Weber's office. This was shared back when she was in the legislator. I know because I shared it with them. I know because I license it for use.

All of the other problems, are all things I could help you all with, but for whatever reason you all prefer back room deals instead of dealing with someone who writes open letters like this.

To all:

So let's go back to the issue that is the greatest smack in the face to our people. You bureaucrat all had a part in this. No name on the committee is exempt from being apart of this grand disgrace.

What is the disgrace? You all did not do enough to stop the back room, secret deal which led to the Bunche center getting the community engagement contract.

Money and resources is what those who champion — tort reparation solutions want. You all demonstrated in your decisions you care most about supporting politicians doing back room deals. If your cared more about getting resources to the injured post haste, you would have saw the community engagement plan as opportunity to hire many injured ADOS and black immigrants.

The biggest problem is some of you do not know what “community engagement” actually looks like from the general political services firm perspective.

As a commercial general political services firm owner I am an expert at what it looks like. You could have had one of my competitors speak to your task force about the options available to you.

You did decide not to do this. This is bad.

All of this is decisions you are making willfully, while you stand under a noble vision of full repair for the injured.

You have to be worthy daily to do this work, and your decisions are the merits which determine your worth.

The public wants a new commission, because this looks like a sham. Why?

Because you all are not deciding on things in a manner which demonstrates your conclusions benefit the injured.

This letter has made that point clear. I have presented a preponderance of evidence against you.

From your willingness to make N’Cobra’s Mr. Howard an expert witness, while you decided not to make Yvette Carnell and Antonio Moore expert witnesses. This is wrong, and someone must speak out.

This letter may be forgotten today, or it may be remembered, but what it demonstrates is bureaucrats can be indicted too.

This is an indictment of you by the public, and you have been granted a failing grade.

So now you must redeem your horrible past performance.

If this was a football game, there is still a fourth quarter. Make this your best.

Make your latter better than your former. No one on this task Force is above inspiration by these words.

So let’s cover some more ground, and then you will be free to be better as bureaucrats trusted by injured parties to help.

What did the injured see when the deal with the Bunche center was supported by this task Force?

Good question. They saw, you all are participating in the back room deals initiated secretly between the Bunche center and the two legislators on this task Force: Senator Bradford and the other legislator.

This is horrible to think the champions of the people are taking the sides of politicians who do back room deals.

No passing grade for you. You failed to prioritize the CA-AAGRa jobs plan which benefits the injured, so your decision shows you are in the pockets of the legislators.

So let's talk about what Senator Bradford has not done. He has not attended a Reparations March in Sacramento. Nor did he send a delegate.

He has not responded to the Reparations over Everything zoom meeting request. He has not made any public statements about whether the complete proposal for reparations submitted to his office by rep over everything was good, or bad.

He instead gaslight the group numerous times.

I have called his office. His staff told me he would call me back after the session closed, and he never did.

He is good friends with the California Governor I hear. Yet the Governor still fails to acknowledge ADOS.

You would think Senator Bradford would have the courage to speak up for ADOS, but we have the recordings of the meeting. The Governor mentions ADOS not once, and Senator Bradford follows suit.

So we have to speak against this horrible behavior. We have to ensure future voters know the history of public indictments against elected officials.

So who is the other legislator unnamed? History will figure that out. History will opinion on why I left him unnamed. History will investigate him.

This is what I want us to focus on now:

Sellouts always look like us. By the mere definition of the word. They look us. They look like Senator Bradford.

If I am wrong, he still has a second half to prove to us his heart. He can not change that he looks as if he is a coward champion of ADOS.

That story is in the record books, but Senator Bradford can grow to be a Giant slayer.

Just as David was not always the hero, Senator Bradford is not now the hero.

Yet God changes and empowers all people if they are willing to be humbled.

Now see this clearly:

(What did the injured see when they heard Reverend Brown's words in regards to the Bunche center deal? Go back to the video archives and see for yourself. You will be surprised at what played out publicly.)

What the injured — injured ADOS and injured non-immigrants saw was this:

We saw bureaucracy which cannot be held accountable — the way legislators are — we saw bureaucracy performing slight of hand.

We saw basically... stooges (unaware they are playing the stooge) demonstrating they have no allegiance to the injured.

Why? They did not prepare themselves properly for the seriousness of political wants and schemes.

See to all:

Politics is led by schemers, and if you sit on a task force with legislators you have to be fully educated on the topic.

Why be fully educated? So you can boldly make decisions in a way which honor the public.

The public would love to compete to do the community engagement work, but a legislator's intention and his back room scheming cheated the public out of this opportunity.

Yet this legislator sits on a task Force task with making California better through this work.

In my opinion:

This legislator makes California worst. We now see the power of schemers.

They make great claims, and cheat us in pure day light. This is the new Trump era of politics. Senator Bradford is the new Trump. Who is the other politician?

Let me go this way. You all need to know this:

Here is my example:

I read headlines about the "first-in-the-nation."

That is the language used to bring attention to how "good" this is. What is this? The work for justice.

In this letter, I have shown the decisions are bad. I admitted the good, and there aren't more, but let's highlight the bad.

Let the public know schemers claim to do good. Just as Donald Trump did.

A Clergy title, a good resume, or letters of endorsement should not make you blind to the behaviors of others.

View Senator Bradford's actions, and determine how he is not doing enough for injured ADOS or injured black immigrants.

Is this all political theatre?

What would Jesus do if he was on the Task Force?

So I am closing this political sermon now.

Some boast about first. The writer uses "first-in-the-nation." This is echoed on Chairman Moore's Twitter accounts.

This is what I know:

It's horrible to be the first people to harm again injured people.

Right now the California AB 3121 Task Force is harming ADOS and black immigrants. Not all are being harmed, but those who really know what is going on are harmed.

Those who know what the The James Zadroga 9/11 Health and Compensation Act is and know how it came to be know this task force is doing bad.

Our Californians who worked with Yvette Carnell and Antonio Moore, and supported their broadcasts, which inspired an intern to do her part to assist Dr. Weber have mixed feelings.

Did you know of her impact on the legislation which brought you to be in your bureaucratic position? <https://youtu.be/Qy0QucSod00>

Whether she supports you or not, the point is I speak for a group who up to this point are giving you a D minus for your performance.

This has to be public and this has to be entered into the public record today Tuesday November 9, 2021. We all know you all still have time to make the necessary adjustments.

In my opinion, it's a sad day because this Task Force was the first people who REJECTED the CA-AAGRA Northern California jobs plan which employs more than 2,000 injured people. How did you reject the plan? Via gaslighting.

Your chairwoman already knows about the CA-AAGRA jobs plan, the cost of it, and the benefits of it for employing injured people in California. I have evidence that she knows about it.

I have recorded video proof of this fact. To be clear, your chairwoman also operates under the alias 'Milah X' on a social media all known as Clubhouse.

On that app she has attended National meetings led by ADOS Mr. Kevin Lane. On that app, she praised Mr. Lane for the work he did to facilitate meetings leading to the creation of the reparations proposal he supported.

So the failure of the chairwoman to bring these issues to you all is bad.

If anyone wants the video proof, that can be provided.

So what is the major point:

Where is the advocacy for Jon Burgess' CA-AAGRA northern jobs plan which benefits all of California?

Where is her critique of the Bunche center?

Yet we know she is speaking to the public and promoting herself on Twitter. Yet what good is public influence if the least of these are not being championed.

So think of all of this this way friends:

It's good to be first. It's sad to be the first people who say ignorantly : "we will make a proposal" and fail to tell the listeners the details concerning implementation of the proposal.

Yet that is what this task force has done.

We wonder what is the name of the person your proposal going to next? We wonder where is the template which shows what your proposal will conform too? We wonder what is the routing process from the proposal you all create to the Governor? We wonder if you all know it?

We wonder when or if ever you will allow the public to submit proposal which confirm to the template? We wonder how you will select the proposal from the public submissions? We wonder if you are going to have a grading system to determine which proposal warrants being adopted by you all? We wonder if the public is not going to be able to submit full proposals?

We wonder if you all have another back room deal in the works.

So now you all are likely surprised by this letter. Those who read of it in the future should study it to learn the power of the public to hold bureaucrats like the California Reparations Task Force accountable.

Knowledge leads to accountability. Good arguments which are truthful will persuade those on the sidelines to take sides.

Taking sides meaning gathering to vote. Senator Bradford can be voted out of office, the same way he was voted in.

Imagine if Chairwoman Moore, choose to run for office — well this story can be told, people can take sides, and people can vote against her. Voting against someone means voting for their opponents.

So in this letter I am demonstrating also that a clergy in 2021 may be called to God to preach and teach through written political sermons like this. We all know of Martin Luther King's Letter from a Birmingham Jail.

That letter is studied. When I was at seminary at Pacific School of religion I studied it. Now I write this letter from Sandy Springs. How does this letter compare to Martin Luther King Juniors? How does God use letters consistently? Why was this letter beneficial to the 2021 civil rights movement?

So I will bring in some scripture now. As I write to communicate in continuation of Martin Luther King Junior's declaration:

"We're coming to get our check."

I want to explain there is a new nuanced birthed out of the #ADOS movements.

Checks.

Not singular, but plural.

Rehabilitative reparations as Dr. Brooks explained would be about communal repair only. #ADOS asserts tort reparations also are due as individual repair.

I assert ensure both are in whatever proposal you pass along to whoever.

So what is my proclamation:

Those who are first to raise themselves up will be cast down.

Pay attention to this:

Many times people are excited to be first, but God may also choose to use the first to demonstrate to others — the wrong in their hearts. Why? So we can decide to run towards God faster.

For example:

Maybe, Lot's wife wanted to be the first to turn back her eyes. Do you remember the story? If not learn it for context.

What was her reward for looking back first?

Let's look at another story. It's meaningful in the Christian tradition of so many of our black immigrant injured, and ADOS injured, that I think it is worth explaining today.

Go to the first verse of the 16th chapter of the book of Numbers.

Since we are talking about first or the NUMBER 1, going to numbers is fitting.

Quick aside: Sometimes the public gets the number of a legislator. Once that happens, the legislator either repents and stops the corruption, or they are voted out of politics. In this case, getting the number of someone is a cultural phrase in some parts which means: seeing through the facade and seeing the motives of a person.

Now back to the sermon...

So as I was writing:

Since we are talking about first or the NUMBER 1, going to numbers is fitting.

Let's talk about being first. Since this California AB 3121 Reparations task force seeks to elevate itself as first in nation — and seeks to attract attention to itself — I have this warning.

Sometimes the first are not the Godly.

I want this task force to choose today, whether you will move forward in your traditions in a spirit of meekness, and inclusivity to all Californians or whether you will use California citizens tax paying dollars to host a national show of back room dealings.

Remember this is not a HR 40 showcase. This ethically should be about California injuries and repair.

This must be about California. Jurisdiction matters, and if you want to lead HR 40 strategy you must go to the federal government to do that. Go be on the federal HR 40 task force when it comes.

So if ambition brought you to this task force, so you can make a name for yourself and then parlay that for inclusion on to the HR 40 commission then be warned, this task force is making a horrible name for yourselves.

In fact, your actions are complicating things that can be made simple.

Now back to first.

Open your bibles to numbers: 16:1

(Start reading there. Stop after you see how the punishment played out.)

These are my words:

There was a group who came out in opposition of Moses. They claimed Moses had gone to far.

Read it for yourself. It's a good story. It's a story of punishment for the first who opposed God's plan.

Eventually the fate of Korah son of Izhar, and others was sealed.

....

To all:

Yet, there was a time when this group of the "first to oppose" in chapter 16, had followers.

So if you follow the AB 3121 Task Force ask yourself Who are they opposing?

God is for the least of us.

Reparations Task Force:

Is your silence and compliance in the back rooms deal concerning the Bunche group opposing God's will for the state of California to come to a state of repentance for their wrongs of the past and today?

....

So....

So if you want to be first, be first to honor the laws of the land. If you are doing California work, do California work. Stop with all the emphasis on places outside of California. This is California's chance to reach repentance and you must emphasize the injured, and the reparations advocates within the jurisdiction of California.

Other tactics are distractions to what the legislator wanted to occur for California. Do not betray the people of California. California wants this matter considered for California, anything else is unethical and immoral.

I know it's a historic time, because HR 40 excitement is in the air but do your role good. Let God do more. You do your job in California.

It's a shame that I have to write this from Sandy Springs, Georgia. I gave up my California resident status earlier this year. Yet as a California resident I lobbied for reparations in California.

So focus on California if you want to be first, be the first to be 100% committed to the injured in your jurisdiction.

So if you want to be first, be first to honor the injured. How? This is how.

Take direct action now and ensure CA-AAGRA's Northern California jobs plan for 2000 is heard by the public. Why? This job plan will employ injured people in California and provide you knowledge which confirms or rejects some of your assumptions.

It's led by Californian Jonathan Burgess.

Having Dawn Basciano and him speak as expert witness to their injuries was a good thing. That was good. I applaud your good too.

Still you have a D. D minus to be exact.

Now we have to talk about the formula to rate their non-economic loss. There are California experts who should be able to do that. Look hard for them.

If you can't find them, and only then, would I be willing to accept a call to labor to that end with my DC firm.

The point is you all are there for California. I am reminding you of this.

This task force should be creating new jobs in California which will be put in motion to oppose the "reality reinforcers" which hold the system of discriminatory to the injured ADOS and injured black immigrants to be.

Jobs are phenomenon known by incentives being traded for daily labor. So a good jobs plan means you can put into motion laborers to have widespread conversations and do more to ensure injured ADOS and injured Black immigrants have a chance for full repair in California. If you don't see this, you don't see your power.

Clergy Davenport

How children are misled in school trafficking of their ancestors

By: Samuel Davenport

In schools human trafficking is taught as if human trafficking is the trade of humans for the purpose of forced labor, sexual slavery, or commercial exploitation for the trafficker or others. This is bad because a lot of families lose a family member to human/sex trafficking, and no one deserves to be in schools that are misleading children because the curriculum should have been called human trafficking education because they forced African Americans and do all sorts of stuff for them and essentially teach what human trafficking is because in both cases neither one of the people had a choice to leave with their family additionally, they could have been without being harmed or threatened. Children

647

Sent from my iPhone

How children are misled in school about human
trafficking of their ancestors

By: Samuel Davenport

In schools human trafficking is taught and they teach that human trafficking is the trade of humans for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the trafficker or others. human trafficking is bad because a lot of families lose a family member to human/sex trafficking, and no one deserves that. I think schools are misleading children because slave masters should have been called human trafficking criminals because they forced African Americans to work for them and do all sorts of stuff for them and essentially that's what human trafficking is because in both scenarios neither one of the people had a choice to work or stay with their family additionally, they could not leave freely without being harmed or threatened. Children should know the truth about slavery because it is not right for kids to be thinking one way when the truth could easily be told and I think every African American descendent should know especially because they are direct descendants from human trafficked people.



ReparationsOverEverything.com
Sacramento, California 94203

November 8, 2021

To: AB 3121 Reparations Task Force

Subject: Request for an ADOS committee

Dear Chairwoman Moore:

1. This is a respectful request to consider establishing a ADOS committee within your task force. It's with deep regret that I report to you that our group is being ostracized for our desires to identify as American first and foremost.
2. We know we all come from Africa, but we have the right to identify as Americans. As you know our forefathers and foremothers have fought in wars for America.
3. As you know our culture was derived in this land America. For these reasons and so many more unstated, it's appropriate that our victim classes be allotted special identification in lieu of grouping us with black immigrants who are also seeking reparations rights.
4. If approved, the ADOS committee could focus on studying ADOS injuries, and launching an ADOS reparations solution consented to by ADOS community members. As a result of ADOS culture being distinct from other victims classes, I think this request is warranted. I also think implementation is feasible.
5. Lastly, implementation will prove this task force is acting fairly to ADOS. Our community alleges we have been discriminated on by the state of California, and we recognize this task force has been commissioned by the state of California. Thank you in advance for your consideration. Please respond at your convenience to me at: ReparationsOverEverything@gmail.com. Please let me know if you have any questions.

Very Respectfully,

Kevin Lane

Mr. Kevin Lane
916.896.6758

DOJ did not respond

ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Thursday, November 11, 2021 9:11 AM
To: [REDACTED]
Subject: Film Commissioners in California - Employment Equity Research Request

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Tasha Day,

I hope this communication finds you well. This outreach to the Film Liaisons in California Statewide (FLICS) is in regard to research I am conducting around employment equity in the Film Commission industry in California. I am conducting this research to present as evidence to the Department of Justice and California Reparations Task Force. The CA Reparations Task Force was enacted into law by Governor Gavin Newsom and is tasked to Study and Develop Reparation Proposals for African Americans.

The next 2-day California Reparations Task Force meeting is scheduled for December 8th and 9th. The topic under review at the upcoming meeting is [discrimination in entertainment](#), arts, sports, and culture.

EMEND THE MASS MEDIA GROUP is a Sacramento-based digital advocacy firm that has been tracking California Reparations Task Force activity and conducting research around the topics of discussion. In our research related to Film Commission offices in California, we have not been able to determine which of the Film Commission offices in California, currently have Black Film Commissioners.

It was suggested by a California Film Commission representative that I reach out to FLICS, to acquire the requested data on the number of Black Film Commissioners in California.

Please respond to this inquiry and provide information on any past and current Black Film Commissioners in California also provide any contact information for these individuals that you are at liberty to share.

If you are not the FLICS representative to provide the requested information. Please provide me with the proper contact person to assist with this urgent inquiry.

I have also cc'd the Department of Justice CA Reparations Task Force staff responsible for compiling data on industry discrimination. Depending on your response, you may be asked to provide expert witness testimony regarding the data provided to this inquiry.

I have already reached out to California Film Commission Executive Director, Colleen Bell on October 18th. but have not yet received a response.

Again, this research inquiry is urgent in nature. I look forward to your prompt response.

Thank you,

Kim Mims
ETM Media Group



www.youtube.com/c/ETMMediaGroup

DOJ did not respond

ReparationsTaskforce

From: CJEK Official [REDACTED]
Sent: Thursday, November 11, 2021 10:28 AM
To: ReparationsTaskforce
Cc: Kamilah Moore
Subject: Additional CJEK Expert Testimony Recommendations for the December 2021 CA Rep Task Force Meetings
Attachments: CJEK CA REP TASK FORCE EXPERT WITNESS RECOMMENDATIONS - DEC 2021 ENTERTAINMENT MEETING.docx

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Greetings and Good Morning,

Please find attached updated Expert Testimony Recommendations for the December 2021 California Reparations Task Force Meeting on entertainment. Newly added recommendations are highlighted. Feel free to reach out if you have any questions. Thank you again for your hard work!

Best,
Chris
CJEK



CJEC Expert Testimony Recommendations-December 2021 CA Rep Task Force Meetings

Entertainment:

1. Uumoiya glass - ETM Media Group – [REDACTED]
2. Dr. Darnell Hunt - UCLA
3. Dr. Stacey smith - USC Annenberg Inclusion Initiative
4. Brickson Diamond – Director - Blackhouse Foundation
5. Kendall Minter Esq. - Board of Directors - Sound Exchange - Counsel at Greenspoon, Marder, LLP
6. Zola Mashariki - Head of Audible Studios - Former head of original programming for BET; Former Senior VP of production at FOX Searchlight
7. Khadija Sharif-Drinkard Esq. - Chairwoman Black Entertainment Sports Lawyers Association - Senior VP Business Affairs ABC News, the Walt Disney Company
8. Ice Cube
9. Dave Chappelle
10. Monique
11. Spike Lee
12. Mario Van Peebles
13. Sam Jackson
14. Byron Allen
15. Bob Johnson
16. Kwame Brown
17. Kareem Abdul Jabbar
18. Quincy jones
19. Barry Gordy
20. Smokey Robinson
21. Stevie Wonder
22. Ava Duvernay
23. Viola Davis

24. Laurence Fishburne
25. Julie Dash
26. Bobby Rush
27. Jim brown
28. Antoine Fuqua
29. Michael J. Dennis
30. Tobias Smith
31. Denzel Washington
32. Regina King
33. Bill Duke
34. Cathy Hughes
35. Common (Lonnie Lynn)
36. Jill Scott
37. Erykah Badu
38. Black Thought from the Roots (Tariq Luqmaan Trotter)
39. KRS-One (Lawrence "Kris" Parker)
40. MC Lyte (Lana Michele Moorer)
41. MC Hammer (Stanley Kirk Burrell)
42. Outkast (André "3000" Benjamin (formerly known as Dré) and Antwan "Big Boi" Patton)
43. Willie D (William James Dennis)
44. Scarface (Brad Terrence Jordan)
45. Chuck D (Carlton Douglas Ridenhour)
46. Russell Simmons
47. Ludacris (Christopher Brian Bridges)
48. Mathew Knowles
49. Jay-Z (Shawn Corey Carter)
50. Beyoncé Giselle Knowles-Carter
51. Solange Piaget Knowles
52. Jeffrey Harleston
53. Tim Reid Sr.
54. Speech (Todd Thomas)

DOJ did not respond

ReparationsTaskforce

From:**Sent:****To:****Subject:**

Thursday, November 11, 2021 11:27 AM

CA Reparations Task Force Public Community Group

November 2021 CJEK California Reparations Task Force Newsletter

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.**Peace!****It's Chris Lodgson of CJEK, Coalition for a Just and Equitable California!**

Hoping all is well with you, your family, and your community. Wishing you and yours a happy and healthy holiday season. As we connect with friends and loved ones over the coming weeks, let's make a point to put Reparations in our conversations!

Check out our November 2021 California Reparations Task Force Newsletter below! As always, feel free to send back any questions or feedback you have!

November California Reparations Task Force UPDATES & INFO:

1: December Meeting: The December meeting of the California Reparations Task Force is scheduled for Wednesday, December 8th, and Thursday, December 9th, 9 AM - 4 PM each day. December's meetings will focus on racism in the entertainment industry, as well as the impacts of gentrification on Black California. **You can watch the December meeting LIVE on YouTube @ ETM Media Group. [Click here](#) to watch the October California Reparations Task Force meeting. And [Click here](#) to watch a recap of the October meeting.**

2: CJEK Community Engagement: Right now CJEK is making Community Engagement plans for 2022, with a focus on California Reparations. To us, Community Engagement means *informing, involving, consulting, collaborating, conversing, & decision-making w/ our Community*. What does Community Engagement mean to you?

As you know, CJEK collected and shared YOUR thoughts and ideas for community engagement with the California Reparations Task Force. If you have thoughts about how you want the California Reparations Task Force to engage your community, [click here](#), let us know, and we'll share your thoughts with them.

Don't forget, you can always share YOUR thoughts & ideas with the California Reparations Task Force directly! CALL and leave a voicemail for the Task Force at (213) 519-0504 OR send an email to ReparationsTaskForce@doj.ca.gov.

Great Migration Stories: How/why did you or your family come to California? CJEK is *STILL* collecting Great Migration stories to submit to the California #Reparations Task Force. [Click here](#) to share your story!

BIG THANK YOU to Task Force members Don Tamaki and Dr. Jovan Scott Lewis for joining our September and October Reparations Community Meetings in East Oakland to discuss California Reparations!!

3. California Reparations Task Force Community Engagement: The California Reparations Task Force is expected to launch its community engagement efforts in January 2022. Their community engagement plan includes outreach and coordination with community-based organizations and at least 12 community listening sessions. The community engagement effort is being coordinated by the Ralph Bunche Center at UCLA. We'll have more details when they are available!

Those are your November 2021 California Reparations Task Force updates! Stay tuned for our next update coming soon!

Feel free to reach out and/or respond with any questions, comments, feedback, or ideas here, our website cjecofficial.org, or reach out to CJEC on Facebook, Twitter, TikTok, and/or Instagram @CJEC.

Best,
Chris Lodgson
CJEC, ARCC
cjecofficial.org

P.S/FYT's

Right now, as it relates to the California Reparations Task Force, CJEC's objectives are:

- 1. To Ensure the Task Force is open and responsive to community voices.**
- 2. To Ensure the Task Force creates strong Reparations proposals.**

Do you agree with our goals? [Click here](#) to take our poll and let us know! Interested in helping CJEC achieve these goals? [Click here](#) to volunteer!

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You received this message because you are subscribed to the Google Groups "CA Reparations Task Force Public Community Group" group.

To unsubscribe from this group and stop receiving emails from it, send an email to ca-reparations-task-force-public-community-group+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/ca-reparations-task-force-public-community-group/f1d71b30-be23-4bd3-a60d-38317bbbb59en%40googlegroups.com>.

For more options, visit <https://groups.google.com/d/optout>.

DOJ did not respond

ReparationsTaskforce

From: Jc Hernandez [REDACTED]
Sent: Thursday, November 11, 2021 2:24 PM
To: ReparationsTaskforce

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello mam or sir

I had a question. I am a direct blood relative of two Japanese great grandparents who lived here in California during the world war 2 time. One went to manzanar and the other Utah or something. But regardless they lost what they had in life, Plus their parents at the time also lost everything. So is the state going to fix this at some time? I know they gave her 10,000\$ for locking her up. But that was like 1980. They gave nothing they took in regards to land or even paid a fair price for the items repossessed from my family. Least to my knowledge. Would be nice to know if CA is ever going to reparation this. Their names are Jay and Lilly Takahashi of Oxnard California.

Thank you
Jc

DOJ did not respond
ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Friday, November 12, 2021 3:35 PM
To: LMedrano@film.ca.gov
Cc: [REDACTED]
Subject: Diversity Report Request - Film & TV Tax Credit Program

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Leah M. Medrano,

I hope this communication finds you well. This outreach to the California Film Commission is in regard to research I am conducting around employment equity in the Film Commission industry in California. I am conducting this research to present as evidence to the Department of Justice and California Reparations Task Force. The CA Reparations Task Force was enacted into law by Governor Gavin Newsom and is tasked to Study and Develop Reparation Proposals for African Americans.

The next 2-day California Reparations Task Force meeting is scheduled for December 8th and 9th. The topic under review at the upcoming meeting is [discrimination in entertainment](#), arts, sports, and culture.

EMEND THE MASS MEDIA GROUP is a Sacramento-based digital advocacy firm that has been tracking California Reparations Task Force activity and conducting research around the topics of discussion. In our research related to Film Commission offices in California, we have not been able to determine which of the Film Commission offices in California, currently have Black Film Commissioners.

It was suggested by the Berkeley Film Office that I reach out to the California Film Office to acquire the requested data on the number of Black Film Commissioners in California.

Please respond to this inquiry and provide information on any past and current Black Film Commissioners in California also provide any contact information for these individuals that you are at liberty to share.

In addition to providing data on the number of Black Film Commissioners in the state of California, I understand that you are responsible for gathering data based on diversity metrics related to Film & TV Tax Credit Program funding distribution. I am also requesting diversity data related to the tax credit criteria.

If you are not the California Film Commission representative to provide the requested information. Please provide me with the proper contact person to assist with this urgent inquiry.

I have also cc'd the Department of Justice CA Reparations Task Force staff responsible for compiling data on industry discrimination. Depending on your response, you may be asked to provide expert witness testimony regarding the data provided to this inquiry.

Again, this research inquiry is urgent in nature. I look forward to your prompt response.

Thank you,

Kim Mims



www.youtube.com/c/ETMMediaGroup

DOJ did not respond

ReparationsTaskforce

From: Buy Black San Diego [REDACTED]
Sent: Monday, November 15, 2021 11:07 AM
To: ReparationsTaskforce
Subject: Dec 8 + 9 meetings

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Taskforce,

I have a couple questions for the upcoming December meetings. What time will they be? What is the agenda? And who will be speaking? What kinda meeting is this? Is informational with experts.

Thanks so much

DOJ did not respond

ReparationsTaskforce

From: Tiffany Quarles [REDACTED]
Sent: Tuesday, November 16, 2021 2:14 PM
To: ReparationsTaskforce
Cc: [REDACTED]
Subject: Gentrification Proposal for California reparations task force

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello Task Force,

My name is Tiffany Quarles and I am an organizer with the Coalition for a Just And Equitable California (CJEC) as well as co-chair of the National Assembly of American Slavery Descendants, Los Angeles (NAASD LA).

Please find an already completed proposal on gentrification in anticipation for the December 8th task force meeting. This proposal was put together by Zerita Jones, the Chairperson of the Liberty Community Land Trust (who is copied on this email) and others as a solution for gentrification in Los Angeles.

I would also like to recommend that Zerita Jones please be invited as an expert witness for the topic of gentrification as she has a wealth of knowledge. In addition to the proposal, I am also including Zerita's contact information, some articles on the Liberty Community Land Trust and how they are a solution for gentrification. Zerita has agreed to work with the Coalition for a Just and Equitable California (CJEC) on creating a specific proposal on land trust and how this can be included in a reparations package for African Americans which will be sent later. Thank You so much for your work!

Zerita Jones
[REDACTED]

Gentrification Proposal (has clickable links)- <https://docs.google.com/presentation/d/1ZvvFTPIEuJ5PT2b8q2MgaRAAt3fi3P5y-/edit#slide=id.p20>

Articles on Liberty Community Land Trust-<https://www.libertyhill.org/how-we-work/campaigns/community-land-trust/>

<https://laist.com/news/community-land-trusts-los-angeles-affordable>

<https://www.topa4la.org/la-clt-coalition>

Best regards,

Tiffany Quarles
Advisory Board

   <https://naasdla.org>



[Like our Virtual Booth? Get your own!](#)

DOJ did not respond

ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Tuesday, November 16, 2021 2:55 PM
To: [REDACTED]
Cc: ReparationsTaskforce; Emend The Mass Media Group
Subject: Expert Testimony Entertainment Industry - ETM Media Group Dec. 9th

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Kamilah,

Thank you so much for the monumental public service you are providing as Chair of the California Reparations Task Force. This historic reparations movement has finally given Black American Descendants of Slavery (BADs) a voice.

EMEND THE MASS MEDIA GROUP has been hard at work covering Task Force activities since the inception of AB3121 and we would like to contribute to the Task Force proceedings as expert witnesses to entertainment industry inequities.

ETM Media Group is producing a 10 to 15-minute video on the topic that we want to play at the December 9th meeting covering this subject matter. We can be available for Q&A after the video presentation.

We anticipate having the production complete and ready for submission by Dec. 1st. The working title for this presentation is 'Blacklisted.' It provides broad-brush data analysis regarding discriminatory practices in the entertainment industry. ETM Media Group co-founders have experienced industry Blacklisting first hand, in one form or another.

Please let us know the best way to get confirmed to the expert witness panel and deadline/format information for video presentation submission.

In Sincerity,

Kim Mims/Uumoiya Glass, Co-founder



youtube.com/c/ETMMediaGroup



DOJ did not respond

ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Thursday, November 18, 2021 11:40 AM
To: [REDACTED]
Cc: Emend The Mass Media Group; ReparationsTaskforce
Subject: Board Meeting Public Comment Written Notice

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Joseph Cruz,

EMEND THE MASS Media Group would like to be added to tomorrow's agenda to give public comment regarding diversity in the Film Commission industry.

Kim Mims and Uumoiya Glass are the ETM team members that will be in attendance to make public comments.

Please send any necessary information or instructions.

Thank you,

Kim Mims/Uumoiya Glass
[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: reginaldmallard186 [REDACTED]
Sent: Thursday, November 18, 2021 1:55 PM
To: ReparationsTaskforce
Subject: Agency/ Payments

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

To: Reparations Task Force

Re: Agency/ Payments

I've been following Assembly Bill AB3121 since the governor signed it, contacted to two of the taskforce members, Steven Bradford and Lisa Holder along with Senator Mitchell who is now here in southern California on the city council. I explained that these people bare conspiring to get my Reparations payments by using several methods. One, they have stolen my I'd, two the have stolen my social security card and three they have stolen my birth certificate. As you may know Reparations are back in the community news paper with Bruce Beach being given to the Bruce family who they say the land was taken from in 1928. The article is also stating that the he price tag is seventy five million dollars which apparently, is money to be distributed to southern Californians they the country if Los Angeles municipality Treasury and tax assement office. This is the city if Los Angeles bank account thru the treasury office who is on the basement floor of the hall of administration. What bus not being said is how this who qualify are to make application for it and according to the legislation AB-3121 they agency apparatus is the one who is supposed bto be involved in the distribution. This of course concerns me because, one I qualify as a dependant if slaves, have been born and raised in southern California, disenfranchised in southern California and can not allow anyone to get that kind of money instead of myself. In fact they are making it almost impossible for me without my own address to even get my identy documents again. I understand that hearings are being broad cast and have offered not only my budget to the task force but have also volunteered to be one of the first to meet at the agency. To have anyone not receive their money or to give it to a conman would be a travisty of justice that will have serious consequences for all of you, especially this task force members contacted. From what I understand a letter of notification is supposed bto be mailed to those who would get this money by the tasks force who task it is and was to identify them. I am estranged from my family and it can not be given to them.

Contact: [REDACTED]

Email: [REDACTED]

Sincerely,
Reginald Nathaniel Mallard

DOJ did not respond
ReparationsTaskforce

From: CFC FilmCA [REDACTED]
Sent: Thursday, November 18, 2021 6:20 PM
To: Emend The Mass Media Group
Cc: ReparationsTaskforce
Subject: Board Meeting Public Comment Written Notice

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello Ms. Mims:

You are welcome to address the CFC Board during the public comment portion of the board meeting. The Chair will ask if there are any public comments at which time you can raise your hand on Zoom and the Chair will recognize you for your comments.

The Zoom details for the meeting are below.

California Film Commission is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85196807252>

Meeting ID: 851 9680 7252

Passcode: 399243

Phone (only) 877 853 5247 US Toll-free

California Film Commission
7080 Hollywood Blvd., Suite 900
Hollywood, CA 90028

filmca@film.ca.gov

CALIFORNIA
Film Commission



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From: Emend The Mass Media Group [REDACTED]
Sent: Thursday, November 18, 2021 11:40 AM
To: CFC FilmCA [REDACTED]
Cc: Emend The Mass Media Group [REDACTED]
Subject: Board Meeting Public Comment Written Notice

Dear Joseph Cruz,

667

EMEND THE MASS Media Group would like to be added to tomorrow's agenda to give public comment regarding diversity in the Film Commission industry.

Kim Mims and Uumoiya Glass are the ETM team members that will be in attendance to make public comments.

Please send any necessary information or instructions.

Thank you,

Kim Mims/Uumoiya Glass

[REDACTED]

DOJ did not respond
ReparationsTaskforce

From: Emend The Mass Media Group [REDACTED]
Sent: Friday, November 19, 2021 7:52 AM
To: [REDACTED]
Cc: Emend The Mass Media Group; kamilahvm@gmail.com; ReparationsTaskforce
Subject: EMEND THE MASS MEDIA GROUP - COMMUNITY ENGAGEMENT PROPOSAL (CA REP TASK FORCE)
Attachments: BuncheCenter_EMEND THE MASS MEDIA GROUP_2-pager.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Michael A. Stoll,

I hope this communication finds you well. I am submitting a [proposal for community engagement consideration](#) to raise awareness about the California Reparations Task Force.

EMEND THE MASS MEDIA GROUP is a Sacramento-based digital education and advocacy agency that was formed with the specific intent to provide coverage on local, state, and national reparations initiatives.

Please review the provided proposal for consideration to continue our work under the Ralph J. Bunche Center umbrella of official California Reparations Task Force community engagement organizations.

We hope to receive special consideration given our demonstrated and dedicated work covering reparations activity in the state of California since the inception of Assembly Bill 3121. We would like to continue this meaningful work in an official capacity.

Thank you in advance for your consideration of ETM Media Group's community engagement organization proposal.

We look forward to hearing from you to further discuss the details of our proposal and community engagement action plan.

Sincerely,

Kim Mims/Uumoiya Glass, Co-founders
[REDACTED]

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THE FUTURE MEDIA IS HERE!

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Community Engagement

EMEND THE MASS MEDIA GROUP

3810 Broadway Sacramento, CA 95817

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EMEND THE MASS MEDIA GROUP
Bunche Center – FUNDING PROPOSAL

Reparations for Black American Descendants of U.S Chattel Slavery is the largest debt this nation has ever accumulated. It is beyond time to render repair to this underrepresented, underserved, underrecognized community of constituents. The systemic subjection repeatedly placed on Black American populations through legislated discriminatory policy and practices is not only immoral it's unsustainable.

EMEND THE MAS MEDIA GROUP implicitly understands the urgency needed in providing rapid repair solutions to the most pressing socioeconomic injustice facing America today. With the enactment of the nation's first Reparations Task Force, California has seized a rare opportunity to be a trailblazing beacon on the journey to reparatory justice.

Digital advocacy agency ETM Media Group was founded to follow groundbreaking reparations activity throughout the state of California. ETM Media Group partnership formed as a direct response to fulfill the vital need of providing invaluable and transparent coverage of Assembly Bill 3121 historic legislative proceedings through California capitol chambers.

ETM Media Group intends to continue coverage of the California Reparations Task Force until disbursed June 2023. ETM Media Group's work will not end there. Once task force proposals are presented the real work begins to get the recommended reparations proposals passed. ETM Media Group plans to be there to cover the historic legislative process every step of the way.

ETM Media Group seeks funding consideration to support our community engagement efforts around reparations. ETM Media Group plans to continue this meaningful restorative justice work for an anticipated 5-year span. In addition to supporting ETM Media Group's California Reparations Task Force tracking efforts, an infusion of funding will also allow us to expand educational efforts in areas of digital political advocacy, education and training.

Funding will be allocated towards community engagement efforts requiring travel throughout the state of California, political and digital advocacy training cohorts providing real-time workforce training combined with legislative literacy. ETM Media Group's target outreach audiences are inclusive to diverse groups of participants with focus on youth and elder communities of color.

ETM Media Group has a demonstrated track record of hosting in-person/virtual hybrid listening sessions in Northern California. These listening sessions have included CA Reparations Task Force guest panelists, [Dr. Jovan Scott Lewis](#) and [Donald K. Tamaki](#). To date, ETM Media Group is the only digital advocacy agency participating in this innovative form of community engagement to raise awareness about the California Reparations Task Force. ETM Media Group also produces a [weekly YouTube show](#) focused on news topics that impact Black communities, creates [sharable video promos](#) related to reparations, and is currently in pre-production on [Reparations Now! The Documentary](#).

Political education and awareness are of the utmost importance for Black populations and communities of color in this hyper polarized political climate. ETM Media Group aims to get youth and vulnerable communities engaged in the political process so that these populations can actively contribute to creating legislative policy designed to foster and serve best community interests.

Thank you in advance for any consideration given this community engagement funding inquiry. ETM Media Group looks forward to continuing the important work we do to engage the community and raise reparations awareness.

In gratitude,

Kim Mims/Uumoiya Glass, Co-founders

[Redacted signature block]

DOJ did not respond

ReparationsTaskforce

From: Cheri Reaves [REDACTED]
Sent: Monday, November 22, 2021 11:38 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Equity Legislation: Release of the Black Child National Agenda
Attachments: Black Child Natl Agenda 11.17.2021.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Dear Reparations Task Force:

Senator Steven Bradford
Dr. Amos C. Brown, Vice-Chair
Dr. Cheryl Grills
Lisa Holder
Assemblymember Reginald Jones-Sawyer
Dr. Jovan Scott Lewis
Kamilah Moore, Chair
Councilmember Monica Montgomery Steppe
Donald K. Tamaki

CC: John A Powel, Othering and Belonging Institute

On behalf of POINTS of ACCESS, LLC, the Equity Research Action Coalition, and the National Black Child Development Institute, we are pleased to announce the Black Child National Agenda, an ambitious plan that calls for action to dismantle structural racism and systemic inequities that have negative impacts on Black children's school and life success.

The Black Child National Agenda seeks to move towards protecting Black children and their families from racism, discrimination, and inhumane material hardships.

Please take a moment to read through the attachment.

Reparations is foundational to diversity equity and education work here in California. We will continue to attend the Reparations Task Force meetings to ensure we have the most up to date information on progress and how we can partner. Additionally, we will continue to work toward legislative transformative practice to realize the intention of reparations.

POINTS of ACCESS, LLC (A Social Innovation Agency) as a member of CECEC looks forward partnering with legislators to introduce a critically important Assembly Bill. Implicit bias in Early Care and Education remains a gap in legislative policy that can have detrimental outcomes on vulnerable children. Bridging the Senate Bill 464, California Dignity in Pregnancy and Childbirth Act to ensure implicit bias is specifically addressed for birth to third grade is essential. Data indicates that maternal through third grade are the most critical years of human development and vital to the undergirding of human rights.

Thank you for your commitment to equity and excellence and your acceptance of this important historical role in American history.

In solidarity,
Cheri Reaves
POINTS of ACCESS, LLC
CECEC



Cheri Reaves
Principal Consultant
and Executive Director

POINTS of ACCESS®

Love Space®

Coordinator, California Early Care
and Education Collaborative (0-8)

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CATT Model of Engagement®

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Black Child National Agenda:

America Must Deliver on its Promise



Equity Research Action Coalition
UNC Frank Porter Graham Child Development Institute

in partnership with



NBCDI
National Black Child
Development Institute



SEPTEMBER 2021



AUTHORS

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Equity Research Action Coalition
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Equity Research Action Coalition

UNC Frank Porter Graham Child Development Institute

IN PARTNERSHIP WITH



NBCDI
National Black Child
Development Institute



SUGGESTED CITATION

Iruka, I. U., James, C., Reaves, C., & Forte, A. (2021). *Black Child National Agenda: America Must Deliver on its Promise*. Chapel Hill, NC: Equity Research Action Coalition, Frank Porter Graham Child Development Institute, The University of North Carolina at Chapel Hill.
<https://fpg.unc.edu/publications/black-child-national-agenda-america-must-deliver-its-promise>

EXECUTIVE SUMMARY

Black children's lives matter. Unfortunately, Black children in the United States of America face a dual reality: growing up in the "land of opportunity" while also experiencing the reality of racism and inequities that impact their daily lives. The Equity Research Action Coalition, POINTS of ACCESS, LLC, and the National Black Child Development Institute have collaborated in creating the **Black Child National Agenda** because of the urgent need to challenge the negative and stereotypical narrative of Black children, families, and communities and to challenge policies and systems that undermine basic human rights and community wellness.



This ambitious agenda for Black children calls for actions to dismantle structural racism and systemic inequities that get in the way of Black children's success in school and life. The policies identified are not exhaustive but represent the first step toward ensuring that we are protecting Black children and their families from racism, discrimination, and inhumane material hardships. Additionally, we must ensure that we are promoting Black children and their families' economic security, health, and access to quality early learning opportunities, while also preserving their cultural identity and heritage.

10 POLICIES

1. Maintain Child Tax Credits and Income Supports
2. Address Racial Disparities in Wages and Career Advancement Opportunities
3. Invest in Black-Owned and Black-Led Businesses, Organizations, and Institutions
4. Expand the Family and Medical Leave Act
5. Expand Health Insurance
6. Expand Universal Access to Early Care and Education
7. Address Harsh and Unfair Discipline Practices
8. Ensure Equity in Early Intervention and Special Education
9. Ensure Culturally Responsive Curricula and Practices through Workforce Development and Training
10. Pass Reparations

These 10 policies represent a step toward fulfilling America's promise to honor, uphold, and protect the full human rights of all Black children, families, and communities. Enacting these policies will initiate progress toward full human rights for Black Americans, but this is only the beginning. We must ensure that these policies are fully and authentically implemented through inclusive practices centering Black children and their families and communities.

INTRODUCTION

Black children in the United States of America face a dual reality: growing up in the “land of opportunity” while also experiencing the reality of racism and inequities that impact their daily lives. This duality is part of a complicated history. While many advocates and activists have worked tirelessly over hundreds of years to push America to live up to the ideals of liberty and justice for all, only within the past generation were Black people afforded full citizenship. Black people have seen some **advancements** in their opportunities to thrive since **1619**—in voting rights, educational attainment, income levels, improved health outcomes, and homeownership, among other areas. The 14th amendment of the **Constitution** was the first major step in fighting for America to live up to its ideals. More progress was made when the US signed and ratified the **Universal Declaration of Human Rights** (drafted and adopted in 1948) and the **International Convention on the Elimination of all Forms of Racial Discrimination** (signed in 1966 and **ratified in 1994 by the United States**). However, Black people still strive for full human rights in this country.

It is essential that America honors its Constitution and the international human rights doctrine that requires the immediate elimination of all forms of racism and systemic inequities that have stripped Black children of their full human rights. As one of the original authors of the Universal Declaration of Human Rights, the United States must ensure rights and protections for Black families are implemented and adhered to by all persons. All governmental entities must enact the necessary policies to ensure that Black children have equitable opportunities for healthy development, nurturing learning experiences, and life success.

Black children face a tension between taking pride in their ancestors’ fundamental role in building this country—despite the horrors of enslavement—and the reality of the lack of progress in addressing institutional racism and the lasting impacts of oppression. Today, Black people still experience significant wealth inequities. Black workers are overrepresented in industries that build wealth for others but are the least valued. These underpaid jobs in industries such as food service, child care, and healthcare provide critical support to other individuals living the American dream of upward mobility by improving their quality of life. Since 1619, Black people have continued to build the wealth of our nation, from the free labor of slavery to the unjust wages, under-resourced communities, and wage disparities of today. Even with the strides made over the past 400 years, Black people remain considerably behind White people and other non-Black people of color on almost every health, education, and wealth metric.

While Black families and children are still **thriving and remain resilient** under the combined weight of COVID-19 and racism, the barriers they face must no longer be ignored. Black children will no longer wait for America to deliver on its promise of a bright future. Particularly with ratification of the human rights doctrine in the last century, it is no longer acceptable for Americans to ignore a system that is rife with racial inequities and human rights deprivation. At this critical moment in our nation’s history, especially amid a global pandemic and mass activism demanding—again—human rights and racial justice, America’s eyes have been opened, and we all see more clearly the structural racism that exists in our society.

The Equity Research Action Coalition, POINTS of ACCESS, LLC, and the National Black Child Development Institute have collaborated in creating this **Black Child National Agenda** because of the urgent need to challenge the negative and stereotypical narrative of Black children, families, and communities and to challenge policies and systems based on those deficit-based and racist views, which undermine community wellness. This agenda calls for actions to dismantle structural racism and system inequities that get in the way of Black children's school and life success and to intentionally create pro-human rights systems. Black children must be afforded an equitable opportunity to thrive and excel. A focus on their success must start before they are born and remain in place throughout their life course.

These three organizations have partnered on this ambitious agenda for Black children at the same time that many people in our country are proclaiming *#BlackLivesMatter*. This agenda provides a blueprint for transforming systems and policies to make the phrase *#BlackChildrenMatter* a reality. The Black Child National Agenda is focused on dismantling structural racism while also centering the cultural wealth and human rights of Black people. Federal and local family- and child-facing agencies and institutions have a moral obligation and legal requirement to support the human rights of Black children and the communities into which they are born. Organizations must be bold in addressing structural racism and centering the needs of Black children and those who care for and teach them. In doing so, America will not only be enriched with **economic growth** but will **benefit** from the innovation and human ingenuity of a diverse and integrated society. We stand on the shoulders of many who have fought and continue fighting for human rights and against oppression, brutality, and injustice.

The Biden Administration, which came into office because of the voting power of Black people, has committed to advancing racial equity. The Biden Administration's **Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government** highlights the urgency of addressing the unbearable human costs of systemic racism. This executive order calls for the pursuit of a "...comprehensive approach to advancing equity for all... Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity." With this call to advance racial equity, coupled with the recently passed **American Rescue Plan** and the proposed **American Families Plan**, this is a critical moment to develop and push for programs and policies that deliver on the promise of equality and freedom.



REPORT OVERVIEW

The Black Child National Agenda begins by identifying the many areas that Black children and families are excelling even under the weight of racism. We honor the brilliance of Black families in the face of racism and oppression. Black children and families have more stability than the prevailing narrative suggests. Also, these families are more diverse—and therefore their needs are more diverse—than is commonly understood. Second, the report highlights evidence of the ways in which Black children and their families are being impacted by structural racism and systemic inequities.

Finally, the report identifies policies that center the racialized experiences and assets of Black children and their families using the 3Ps policy framework developed by Iheoma Iruka and her colleaguesⁱ—Preserving, Protecting, and Promoting—that ensures the health, economic, education, and general well-being of Black children and their families. This report calls for policies that are effective at

- **Protecting** Black children and their families from racism, discrimination, and material hardship,
- **Promoting** Black children and their families' economic security, health, and access to quality early learning opportunities, and
- **Preserving** Black children and their families' cultural identity and heritage.

The policies identified in this agenda are not meant to be exhaustive but rather to provide a foundation for advocates' and activists' fights to ensure that Black children begin life healthy and supported in order to reach their full potential. **As with many other policies and programs that started with Black people seeking freedom and opportunity, such as the Civil Rights Movement, we know that policies centered on Black children will benefit all children.** Most importantly, this Black Child National Agenda will move us closer to racial equity.

BEING BLACK IS NOT A RISK FACTOR: Black Families Thrive in Spite of Racism

Over half a million **Black babies are born** in the US every year, which is approximately 1500 Black babies a day, or about 15% of babies born per year. The majority of babies are born into stable and safe families with diverse structures. Over 83% of Black babies are born into households that have maintained stable housing over the past year. Furthermore, over 60% of Black babies are born into households with two parents and in many instances with multiple adults, especially grandparents. Five percent of Black children live in households with their grandparents, with over 40% of those grandparents serving as primary caregiver. This statistic highlights the familial support benefiting many Black parents and children. Beyond the different constellations of the Black family unit, there is diversity in the families' nativity status, language, education, and income level. Approximately 10% of the Black population in the US is foreign-born (mostly from Africa and Latin America) and over 10% of Black households speak a language other than English in the home.

Black families' social and economic resources, coupled with public investment, make it possible for 9 out of 10 Black families to have health insurance; 40% to own homes worth at least \$175,000; 82% to own at least one vehicle; and at least 80% to have access to a computer and broadband internet service. Unfortunately, even with the increased social and economic resources that Black households have amassed over the past 20 years, over 40% of eligible workers (16 years or older) are either unemployed or not in the labor force. In 2019, 25% of Black households were categorized as living in poverty, with this number more than doubling to 58% for those categorized as low-income. Further, over 55% of Black households spend 30% or more of their gross income on rent, which makes them vulnerable to housing insecurity.

BLACK PARENT VOICES

Attending to the security of Black families is even more critical in light of the global pandemic that has exacerbated the economic vulnerability of these families. The devastating impact of the pandemic is coupled with structural racism that has systematically excluded Black people from fair and equitable access to social and economic opportunities and resources. In its national report *"Black Parent Voices: Resilience in the Face of the Two Pandemics—COVID-19 and Racism,"* the **RISER Network** illustrates how the COVID-19 pandemic is affecting Black families' experiences with racism and discrimination, financial security/material hardship, mental health, well-being, and early care and education options.¹¹ The report highlights the following:

- Racism and discrimination have an overarching negative impact on the experiences and lives of Black children and their families, and this negative impact has continued throughout the pandemic. More than 25% of Black parents express concern about their children's experiences and treatment before and during the pandemic due to their race.
- Black families are experiencing high levels of economic instability regardless of household income level. Over 40% of Black families below/near poverty are feeling a financial strain even after the receipt of stimulus checks.
- Black parents delayed health care visits during the pandemic primarily due to concerns about being exposed to the coronavirus and an inability to find early care and education options while they attended their health visits.
- Black families use a variety of paid and unpaid early care and education options, but most families largely stopped in-person participation at the beginning of the pandemic. Thirty-two percent of Black parents reported concern for their child's care and education pre-pandemic; this number increased to 44% during the pandemic.

10 ASSETS OF BLACK PEOPLE

Adapted from the 2013 report *Being Black Is Not a Risk Factor* from the National Black Child Development Institute, Washington, DC.

1 79% of Black households have at least one parent who is employed. This is similar to White households (80%) based on the [US Bureau of Labor Statistics, Current Population Survey](#). Unfortunately, employment does not always translate to higher income or wealth. This is because Black people, compared to White or Asian people, are less likely to work in management, professional, and related occupations—the highest-paying major occupational category.

2 More Black children live in a household with a mother with a BA or higher degree (22%) vs. less than a high school diploma (13%). Further, almost 9% of Black people over the age of 25 have a graduate or professional degree. Over 55% have at least some college, which speaks to Black people's continued commitment to educational attainment even if it does not [the same benefit that it does for White people](#).

3 Almost 80% of Black families of preschoolers read to their children at least four days a week or tell a story. Early home literacy practices have a positive effect on children's early language and literacy and later reading achievement and school outcomes. Even in the midst of social and economic challenges, according to data from the [US Department of Education, National Household Education Survey](#), almost 8 out of 10 Black parents read to their children more than three times a week; tell a story; teach letters, words, and numbers; or engage in arts and crafts.

4 Black parents support positive social identity and high educational expectations. Black parenting is about transmitting positive messages about children's cultural background, heritage, and identity and about holding children to high expectations related to their behavior and academic learning. In line with Afrocentric parenting, Black parents emphasize values in their childrearing practices such as [family interconnectedness, independence, obedience, behaving well, and respecting others](#).

5 Three out of four Black children are in formal early care and education by age four and are likely to be in care before the age of one. Unfortunately, being in care does not guarantee that the care is affordable and of high quality, with many Black families encountering difficulties related to the [cost of care](#), meeting the [eligibility requirements for child care assistance](#), and the [quality of care](#).

6 Black children show a slight edge in cognitive skills at nine months old compared to White children. Race and income are inextricably tied in the US, making it impossible to show the competencies and skills of Black children above and beyond other social (birth weight) and economic (family income, maternal education) factors that impact their context and development. In their analyses examining racial gaps in cognitive and socio-emotional development among boys in early childhood, [Aratani and colleagues](#) (2011) found resilience among Black boys in the early years. After controlling for the economic and social disparities

for Black infants, they found that the cognitive development of Black infant boys was slightly better (although not statistically significant) than the cognitive development of White infant boys. They also found that Black boys performed better in kindergarten reading, after controlling for economic and social disparities likely to be experienced by these children.

7 Black children have strong social skills, especially cooperation during play. Socio-emotional skills are positively associated with children's academic achievementⁱⁱⁱ. Black children show strong competency in this area, especially as it concerns emotion regulation, attention, and positive coping strategies^{iv v}. This indicates higher-order skills that Black children display in response to learning environments and settings where they are often viewed negatively.

8 Black children have strong oral narrative and storytelling skills that are part of their cultural roots and supportive of their learning. Oral language and storytelling skills are part of Afrocentric practices, and there is evidence that these skills are related to later reading achievement.^{vi} Studies show that oral language is a strong skill set of Black children compared to other children and predictive of their early literacy and later school achievement.^{vii viii}

9 More Black children ages 3-5 are able to read words in a book compared to other children. Data from Boston, Massachusetts, showed that **16% of Black children** are able to read words in a book, as compared to compared to 8% of White, 3% of Hispanic, and 4% of Asian or Pacific Islander children. Furthermore, 38% of Black children in this age group recognize all letters of the alphabet, and 69% can count to 20 or higher.

10 Black students' 4th-grade reading proficiency has increased by 36 points since 1971 compared to 15 points for White children. The **US Department of Education, National Center for Education Statistics**, notes that between the 1970s and 2012, the White-Black and White-Hispanic gaps in reading and mathematics scores narrowed as a result of Black students making larger gains in achievement during that period than White students. This trend is notable even as Black children continue to have less access to high-quality educational opportunities, with the nonprofit **EdBuild** finding that school districts serving Black (and Hispanic) students received \$23 billion less than districts enrolling a comparable number of White students.

Due to systemic racism, policies and systems in the US are still not designed to build on and promote the strengths of Black children and families. Instead, they are designed to fix and control—rather than serve and protect. For example, policies have not protected Black families and communities from predatory institutions such as check advance/check-cashing businesses, subprime lenders, and for-profit educational institutions. Racism in criminal justice has led to the over-representation of Black people in the prison-industrial complex. Systemic racism and interpersonal experiences of discrimination also impact the health and well-being of both children and adults in multiple and complex ways. However, cultural assets coupled with inclusive policies can serve to mitigate structural racism and support human rights. **There is an urgent need for pro-human rights policy actions that eliminate racism AND leverage the assets of Black families and communities.** Due to support from Black families, educators, and communities, Black children continue to thrive and excel in many areas even as they live in an ecosystem of oppression and inequitable opportunities.

STRUCTURAL RACISM

Examples of Structural Racism

- Discrimination in schooling, housing, employment, criminal justice, and health care
- Segregation—residential, economic, social, and psychological
- Concentrated poverty and disinvestment in Black neighborhoods
- Mass incarceration of Black people
- Police violence against Black people
- Inequitable access to wealth generation (land, homes) and safety nets
- Voter suppression and exclusion from—or inequitable access to—political power
- Separation of families and children
- Biased immigration policies impacting communities of color

CULTURAL ASSETS

Examples of Cultural Assets

Adapted from Yosso's Community Cultural Wealth^{ix}

- Aspirational capital: ability to maintain hopes and dreams for the future, even in the face of oppressive systems and processes
- Linguistic capital: intellectual and social skills developed by the ability to communicate in more than one language, style, or dialect
- Familial capital: cultural knowledge nurtured among kin that carries a sense of community history, memory, and cultural intuition
- Social capital: networks of people and community resources that provide instrumental and emotional support to successfully navigate society's institutions
- Navigational capital: skills to maneuver through social institutions not created with communities of color in mind
- Resistant capital: knowledge and skills that challenge inequality
- Perseverant capital: determination and inner confidence
- Ethnic consciousness: deep commitment to cultural group, family, and community
- Religiosity: spirituality and a sense of purpose
- Pluriversal: shifting identity, language, and behavior across multiple settings

DATA SUPPORTING THE BLACK CHILD NATIONAL AGENDA: 10 Consequences of Systemic Racism and Inequities

Listed below are just 10 examples that illustrate the consequences of the barriers that Black children, their families, and those who care for and teach them must navigate on a daily basis. These data points do not mean that children are not able or capable, but instead are an indication of the social vulnerability of Black children and their families prior to and after birth.



1 11.4 Black infants die out of 1,000 live births. Black infants are dying at a rate more than double the mortality rate of White infants (5.0), according to the [CDC Infant Mortality in the United States report](#). The disparate impact of infant mortality for Black babies is rooted in racism and the structural inequalities experienced by Black mothers, including subpar health care. ***Black babies need protection from racism in health care that currently results in less attention to their needs from birth.***

2 16.3% of Black infants are born preterm compared to 10% of White infants. Studies have found that group prenatal care may decrease preterm births for Black mothers, further emphasizing the importance of community in supporting the health of the Black family.^x ***Black babies need promotion of culturally responsive, community-based health systems.***

3 13% of Black infants are born with low birth weight compared to 7% for White infants. Black mothers who receive robust prenatal care, including a quality patient-provider rapport, compassionate and holistic care from their health team, and extended time with providers have experienced improved birth outcomes^{xi}. ***Black babies need promotion of holistic prenatal care for their mothers.***

4 Over 60% of Black children are living in low-income households. This is higher than White children and all other racial and ethnic minorities, according to the [Kids Count Data from the Annie E. Casey Foundation](#). Implementation of the child tax credit would greatly benefit Black families and has been forecasted to boost the income of about **8 million Black families**. ***Black children need protection from poverty.***

5 Over 25% of Black children are living in high-poverty neighborhoods. Living in high-poverty neighborhoods impacts the well-being and development of children.^{xii} Though the **Fair Housing Act** has made headway in reducing housing discrimination, moving to wealthier neighborhoods may not be enough to improve outcomes for Black children. Research has found that when neighborhood income increases for Black children, they experience increased academic outcomes only if their neighborhood has a high proportion of Black families/people. ***Black children need preservation of their community.***

6 Over 75% of Black children experience low-to-medium-quality child care arrangements. The price of child care is rising dramatically, and as Black families are more likely to have lower incomes, access to quality child care is less likely.^{xiii} For Black families, quality child care centers are not as available in their immediate neighborhoods.^{xiv} ***Black children need promotion of their learning through high-quality child care in the early years of brain development.***

7 About 50% of preschool suspensions/expulsions involve Black children. Studies have found that Black children are perceived as older and less innocent than their White counterparts by those with power to discipline in schools, which may contribute to the disproportionate rates of punishment received by Black children.^{xv xvi} ***Black children need protection from discrimination and access to inclusive and affirming early learning.***

8 A gap of more than 20 points in 4th-grade reading and math exists between Black and White children. Though the achievement gap has decreased in recent years, the gap is still substantial and has a lasting impact on student outcomes.^{xvii} Attention must be given to **ameliorating issues such as socio-economically segregated schools, access to quality kindergarten programs, and higher-quality schools** to ensure a thriving educational environment for Black children. ***Black children need promotion of equal access to high-quality education.***

9 Black educators are paid \$.78 for every \$1.00 earned by White educators. This disparity remains even when **educational attainment is controlled for** in Black and White educators.^{xviii} Black students in classrooms learning from Black educators have better outcomes such as engagement graduation rates.^{xix} ***Black children need preservation of economic stability in their communities.***

10 The median wealth of a Black family is \$10,700 as compared to \$170,000 for a White family (10x difference) The Black and White **racial wealth gap is higher today** than it was at the beginning of the 20th century. New policies must be created to mitigate the ongoing impact of historical injustices such as discriminatory policies and exclusion from opportunities to build generational wealth (e.g., discriminatory home loan practices such as redlining) that have disproportionately impacted the Black community (Darity et al., 2018). ***Black children need promotion of wealth and protection from economic predators in their communities.***

Calling on the 3Ps of Equitable Policies for Black Children: Preserving, Protecting, and Promoting

To center the racialized experiences and assets of Black families, we call for preserving, protecting, and promoting policies and programs that transform the health, economic, education, and general well-being of Black children and their families (including caregivers, providers, educators, and communities). This means that national and local policies, programs, strategies, and resources—as well as mindsets—must attend to

- Protecting Black children and their families from residential, economic, social, and psychological segregation, racism, discrimination, oppression, and exclusion;
- Promoting Black children and their families' economic security and upward mobility; wealth generation; physical, mental, and psychosocial health; and high-quality educational opportunities; and
- Preserving Black children and their families' functioning and well-being; positive racial and cultural identity, heritage, and language; and safe and supportive communities.



BLACK CHILD AGENDA BLUEPRINT

AMERICA'S COMMITMENT TO BLACK CHILDREN

We must PROTECT Black children from trauma and harm to their physical, emotional, and cultural identities. Black children deserve physically and emotionally safe spaces free from trauma, violence, and low expectations; they deserve access to basic resources such as health care, child care, healthy food, and safe housing. We call for protective policies such as reparations, expansion of health insurance, provision for safe and adequate housing, and elimination of harsh discipline in school, as well as criminal justice reform.

We must PROMOTE Black children's healthy development, wealth generation opportunities, and educational attainment. This requires attending to policies that foster their physical, emotional, and psychosocial health; wealth and asset generation; and early care and education opportunities. We call for policies promoting the expansion of the Family and Medical Leave Act, extending child tax credits and other income supports, expanding access to child care subsidies and universal Pre-K, and ensuring equity in early intervention and special education.

We must PRESERVE Black children's cultural heritage, language, traditions, and positive racial pride. This requires attending to policies and programs that combat the constant and countless negative narratives about Black communities, people, families, and children. Instead, we must focus on the strengths of this community by fully representing their contribution since 1619 and their historical and cultural assets prior to arrival in this country. We call for policies to preserve and uplift, such as addressing the racial wage gap; ensuring access to culturally responsive curricula, practices, and early childhood education workforce preparation programs; and investing in community organizations and institutions that preserve Black culture, history, and language (e.g., family child care homes; friend, family, and neighbor care; Historically Black Colleges and Universities, Black-owned businesses).

1

Maintain Child Tax Credits and Income Supports

The US Congress should make permanent the child tax credit passed in the [American Rescue Plan](#), which offsets the amount owed in taxes for low-income working families. This tax credit helps to alleviate poverty, leading to healthier and more equitable outcomes for children. In addition to expanding child tax credits, the American Rescue Plan also includes a boost to unemployment benefits and direct payments to many Americans. This legislation has the potential to [cut the poverty rates](#) for Black Americans by almost half. Another bill that could support Black families' economic stability and mobility is the proposed [American Families Plan](#).

State and local governments should also pass guaranteed income supports to supplement the wages of low-income families. **California** recently became the first state to provide monthly cash payments to qualifying pregnant women and young adults who recently left foster care; these payments could range from \$500 to \$1,000 per month. **Mayors from Atlanta, Los Angeles, Stockton, and other cities** have also joined together to explore options to provide individuals with an income floor. This may also be an opportunity to examine potential **jobs guarantees**. Funded capacity-building programs that develop job and life skills for upward mobility, financial stability, and wealth attainment should also be part of a legislative package.

2

Address Racial Disparities in Wages & Career Advancements

The US Congress must pass legislation that prevents employers from paying women, Black people, and other people of color less than men and White people and ensures equal pay for equal work regardless of race and gender. Women and Black people are paid less than their male and White counterparts across education levels and occupations. This is especially pronounced in early care and education, where the workforce earns less than the average worker and where Black workers still earn lower wages than White workers (\$.78 less per hour, or \$1,622.40 less per year, for a full-time, full-year worker).

State and local governments should pass legislation that addresses the racial and gender pay gap. Policies that address **gender wage gaps**, such as prohibiting employers from enforcing pay secrecy, banning employers from asking about past earnings, and requiring employers

to report gender wage data are needed. Other needed initiatives include raising the federal minimum wage to \$15 an hour, passing the Wage Theft and Wage Recovery Act, and establishing wage and standards boards for pay transparency as called for by the **Black to the Future Action Fund**. These racial and gender wage gaps are especially pressing for the early care and education workforce, which is composed primarily of women of color. States can increase the value of child care subsidies as well as enact **starting salary parity** for all certified educators similar to the New York City Model that enacted such policies regardless of auspices (Head Start, Pre-K, community-based organization); age group (infant-toddler, Pre-K); or locality (urban, rural).



3

Invest in Black-Owned and Black-Led Businesses, Organizations, and Institutions

The US Congress should ensure that the Opportunity Zones created under the 2017 Tax Cuts and Jobs Act, which were designed to stimulate economic development and job creation by incentivizing long-term capacity-building investments in low-income neighborhoods, are reaching historically marginalized communities and are not being used to further exacerbate the wealth gap. Alongside the Jobs Act, a job training program should be rolled out to build capacities of Black people and other marginalized communities to fill newly developed roles to ensure immediate employability and self-sustainability. In order to prevent expanded wealth gaps in Black communities and push-out gentrification, expanded HUD “sweat equity” grant programs for homeownership for lower-income residents should be established in all **Opportunity Zones**. There is a concern that Black and other marginalized communities will be **disenfranchised and excluded** from equitable access to financing and funding. Rent in newly renovated properties must be moderated to safeguard affordable housing and ensure that displacement and homelessness do not increase for Black communities.

Congress should also pass the **American Families Plan**, which includes two years of subsidized tuition and expanded teacher preparation and other programs in high-demand fields at Historically Black Colleges and Universities (HBCU) and other minority-serving institutions (MSI). Supporting accessibility to higher education and removing barriers to entry should include expanding high-quality, affordable childcare on all HBCU and MSI campuses for students and staff.

State and local governments can expand funding and investment in historically disenfranchised communities and ensure that local residents who have been there for generations are able to benefit from such investments. Furthermore, state and local governments can set aside federal and state community investment grant funding to support Black-owned programs for capital investment and infrastructure, among other policies described by the **Center for American Progress’ National Advisory Council on Eliminating the Black-White Wealth Gap**. Investments in small Black-owned business owners, such as through mentorship and entrepreneurship, are a vital part of cultivating and supporting self-sustainability and building on and strengthening community assets. Some of this investment and support can focus on home-based programs and center-based programs with historical roots in the Black community. Finally, state and local governments can also ensure that Black-owned and Black-focusing venues and community buildings are protected and preserved.

4

Expand Family and Medical Leave Act

The US Congress must expand access to family and medical leave to mandate 12 weeks of unpaid, job-protected leave with continuous health care coverage after birth, adoption, or placement of a foster child. This would allow parents and other caregivers to provide safe and nurturing care and build a healthy attachment with the child, while also addressing unexpected physical health, mental health, or developmental challenges. Congress should also pass the [American Families Plan](#), which includes a national comprehensive paid family and medical leave program that includes a guaranteed 12 weeks of paid parental, family, and personal illness/safe leave.



State and local governments can expand access to FMLA as was done in [California](#), for example, by including employers with fewer than 50 employees, waiving the rule regarding distance between employee home and company location, and allowing employees to take leave to care for extended family members.

5

Expand Health Insurance

State governments must approve coverage under the Medicaid expansion that became effective January 1, 2014. Unfortunately, most of the 12 states that have [not expanded Medicaid](#) (as of September 2021) are in the southeast US, where the majority of Black children live. Medicaid provides women with access to services during the perinatal period, which reduces birth disparities and the medical cost burden. The [evidence](#) indicates that expansion



of Medicaid has reduced—but not closed—racial disparities in insurance coverage, access and use of care, health outcomes, quality of care, and various economic measures.

6

Expand Universal Access to Early Care and Education

The US Congress should expand access to Early Head Start and Head Start by increasing funding for the Early Head Start-Child Care Partnerships and expand it to preschool-age children through new Head Start-Child Care and Head Start-Pre-K partnerships. Child Care and Development Block Grants (CCDBG) can be authorized to support the development of this universal program. Priority should be given to low-income families and historically marginalized communities, which includes Black communities. Moderate income subsidies must be developed and available to Black families who are experiencing financial distress to ensure equitable access to quality care and education for young Black children.

Federal agencies such as the Office of Head Start, Office of Child Care, and US Department of Education should establish a culturally responsive, trauma-sensitive universal early care and education model that is **based on the federal Head Start program**, which leverages the best of child care, Early Head Start and Head Start, and Pre-K programs. Priority should be given to low-income families and historically marginalized communities, which includes Black communities. Guidance about the use of CCDBG should also be provided to ensure that Black families are able to access financial support for child care.

State and local early care and education agencies should establish universal programs for children birth to age 5 that build from the Head Start model and leverage the best of child care, Early Head Start and Head Start, and Pre-K programs, using CCDBG funds where authorized and allocating new funding to develop, establish, evaluate, and maintain these approaches.

7

Address Harsh and Unfair Discipline

The US Congress should pass discipline reform to ban all exclusionary practices, including expulsion, suspension, corporal punishment, seclusion, and inappropriate restraint. These practices are disproportionately used against Black children and undermine social-emotional wellness. There is no evidence that these forms of discipline are effective, and they are associated with negative child outcomes. The US Department of Education and Department of Health and Human Services released a **joint guidance statement** on expulsion and suspension. The purpose of this joint statement was to support families, early childhood programs, and state officials by providing recommendations for preventing and limiting expulsion and suspension practices in early childhood settings.

State and local governments should eliminate the use of all exclusionary practices, including expulsion, suspension, corporal punishment, seclusion, and inappropriate restraint in all public schools and programs. This type of legislation has already been passed in **Connecticut** and **Illinois**.

8

Ensure Equity in Early Intervention and Special Education

The US Congress should fully fund the Individuals with Disabilities Education Act (IDEA), including Parts B Section 619 and C, as well as Part D, focused on monitoring, accountability, and equity. Black children's disabilities are often either unidentified or classified under subjective disability categories; inaccurate classification can undermine development. When Black children and families do receive services, they are often not culturally congruent and of lower quality.

Federal agencies must request disaggregation by race, ethnicity, income, gender, and disability category (and their intersection, such as disability by race and gender) to ensure there are no racial and gender disparities in overrepresentation and underrepresentation. Technical assistance should be provided to programs where there are disparities related to access, experiences, and outcomes.

State agencies must track and address racial, gender, income, language, and disability disparities in access and high-quality inclusive placements. They must also invest in meaningful structural reforms to expand access to high-quality inclusion placements, especially in historically marginalized communities. There is also a need to attend to a racially diverse workforce in early intervention and special education services.

9

Ensure Culturally Responsive Curricula and Practices Through Workforce Development and Training

Federal agencies must support the development and implementation of culturally responsive, trauma-sensitive, and developmentally appropriate curriculum practices by supporting the development and training of the early care and education workforce. African-centered, culturally responsive curricula and practices are critical to supporting the social-emotional, intellectual, and academic development of Black children. The current early childhood education system focuses almost exclusively on Eurocentric, middle-class cultural values, literacies, and teaching practices. Supporting holistic healthy development by leveraging children's cultural and linguistic assets, while building on prior knowledge, is a vital part of creating psychologically safe spaces. Federal agencies can fund the development of new curricula and workforce training programs that support Black children's learning and development, as well as the development of national standards that ensure programs that predominantly care for and teach Black children can implement culturally responsive curricula, practices, and workforce training.

State and local early care and education agencies and public education institutions could provide technical assistance and targeted funding to support culturally responsive curricula, practices, and workforce training. These agencies can also identify and expand access to schools and programs that are implementing these practices.

10 Pass Reparations

The US Congress should pass **H.R. 40: Commission to Study and Develop Reparation Proposals for African-Americans Act**. This legislation will establish a commission to study reparation proposals, including examining slavery and discrimination in the US from 1619 to the present and recommending appropriate remedies. Attention to this issue has been supported by the **United Nations' Working Group of Experts on People of African Descent**, which explicitly declared that the US government owes reparations to Black Americans.

State and local governments should study, recommend, and implement appropriate reparations to redress past racial injustices against African American families. Mayors in 11 cities across the US have already committed to developing **pilot projects for reparations**, from addressing housing segregation to returning stolen land. National experts on reparation, such as **Dr. William "Sandy" Darity**, have called for cash payments and other economic assets to be awarded to eligible recipients to eliminate the Black-White wealth gap, which stands, on average, at \$800,000. Closing intergenerational land and wealth gaps through homeownership and sustainable upward mobility must be a primary consideration of reparations legislation.

REPARATIONS AND FEDERAL PROTECTIONS

Federal Protection to Support Black Equity and Community Self-Sustainability

Special Field Orders, No. 15 is a mandate from 1865 on the enactment of Emancipation that stipulated that freed Africans were to receive roughly 400,000 acres or more of rich agricultural land near waterways to ensure sustainable food sources, with US military protections. Each head of household was to receive the title of ownership of approximately 40 acres to ensure the transfer of land wealth intergenerationally and promote upward mobility through education, business development, and all other provisions to support Black equity and community self-sustainability. While the US should not dictate where Black families live, our nation does have an obligation to ensure homeownership rights are returned to all descendants of former enslaved Africans. Additionally, US federal protections are warranted to ensure that full human rights are afforded to Black people intergenerationally and to prevent the passage of inhumane, abusive laws by state or local governmental entities.

CONCLUSION

There are many other policies that should be passed and implemented—as well as challenged and dismantled—in order for Black children to reach their potential.

These policies are related to criminal justice reform, financing and bank reform, business development, public education, climate change, and highways and transportation.

Nevertheless, the 10 policies outlined above are a step toward demonstrating that the lives and HUMAN RIGHTS of Black children and their families and communities do matter in America. Black children deserve PRESERVATION of their cultural heritage, PROTECTION from social and physical harm, and PROMOTION of their health and wealth.

Passing these policies will demonstrate progress toward full human rights for Black Americans, but they represent only the first step. We must ensure that these policies are fully and authentically implemented through inclusive practices centering Black children and their families and communities. The [2010 Racial Equity Toolkit for Policies, Programs, and Budget](#) report from the Race & Social Justice Initiative and the [Toolkit for State and Local Human Rights and Human Relations Commissions](#) by the Columbia Law School Human Rights Institute identified the following principles of anti-racist, social justice, and human rights policymaking for federal, state, and local agencies and policymakers:

- 1 Assess community conditions and desired impact and outcomes.
- 2 Determine how your policies and strategies will achieve equality in outcomes for all, regardless of economic, racial, or gender status, ethnic origin, gender identity, sexual orientation, age, disability, or other status.
- 3 Expand opportunity and access for individuals and communities to experience full human rights.
- 4 Effect systemic change and accountability for adherence to pro-human rights policies, especially ones that address discrimination in all its forms—regardless of intent.
- 5 Promote pro-human rights and racially inclusive collaboration, engagement, and co-creation.
- 6 Educate agencies and policymakers on human rights doctrine and racial issues and elevate racial equity consciousness.
- 7 Use data/tools to make sound decisions on pro-human rights policies that ensure racial equity.

“While you can’t necessarily bend history to your will, you can do your part to see that, in the words of Dr. King, it ‘bends toward justice.’ So I hope that you will stand up and do what you can to serve your community, shape our history, and enrich both your own life and the lives of others across this country.”

Barack Obama

PARTNERING ORGANIZATIONS

Equity Research Action Coalition at the UNC Frank Porter Graham Child Development Institute

The Equity Research Action Coalition, a university based collaborative, focuses on co constructing with practitioners and policymakers actionable research and evaluation to support the optimal development of Black children, prenatal through childhood. The Coalition works at the intersection of research, program, and practice through anti racist and cultural wealth frameworks. The Coalition focuses on developing a science based action framework to eradicate the impact of racism and poverty and all its consequences on the lives of Black children, families, and communities, and to ensure their optimal health and well being. The Coalition is focused on asset based research and equitable policies and practices.

National Black Child Development Institute

For more than 50 years, the National Black Child Development Institute (NBCDI) has been at the forefront of engaging diverse stakeholders to address critical and timely issues that directly impact Black children and families. From the establishment of NBCDI in 1970, the Institute's focus has been on achieving positive outcomes for vulnerable children who suffer from the dual legacies of poverty and racial discrimination. NBCDI's mission is to "improve and advance the quality of life for Black children and families through education and advocacy." NBCDI was launched by the Black Women's Community Development Foundation, whose leadership, in the wake of the Civil Rights Movement, was concerned about the unsatisfactory conditions faced by families determined to raise healthy Black children. By organizing NBCDI as a national advocacy organization, these leaders created a movement to improve the life circumstances of Black children.

NBCDI is one of the leading organizations working on behalf of Black children. The Institute implements evidence based, strengths based, trauma informed, and culturally relevant programs that respond to the unique strengths and needs of Black children around issues including early childhood education, family engagement, literacy, and health and wellness. NBCDI, its National Affiliate Network, and its members also advocate for and inform education policies at the federal, state, and local levels to support equitable systems for Black children and families across the country.

POINTS of ACCESS

POINTS of ACCESS, LLC is a social innovation agency whose experienced trans disciplinary team partners with schools and agencies to build the capacity of organizations that are shaped by community assets and strengthened by inclusive, equitable policies for sustainability. POINTS OF ACCESS works at the intersection of relational health and education across multiple sectors. The agency's professional coaching is grounded in neuroscience and culturally responsive, trauma sensitive, developmentally appropriate practice. Through its Love Space® Institute, the agency leverages cutting edge research on relational health and neuroscience to help organizations co create mutually nurturing spaces. The team at POINTS OF ACCESS believes that relational health is organizational wealth. Their innovative approach to DEI and bi directional social emotional™ learning includes transformative capacity building and policy equity alignment.

POINTS OF ACCESS provides whole person centered maternal, birth to 8 bi directional social emotional learning™ and neurobiorelational™ reflective practice through the CATT Model of Engagement™ and provider family nurturance programs. The agency's new Love Space® store provides capacity building resources to enable organizations to become solutions oriented, transformative Thrive Zones™.

Endnotes

- ⁱ Iruka, I. U., Durden, T. R., Gardner-Neblett, N., Ibekwe-Okafor, N., Sansbury, A., & Telfer, N. A. (in press). Attending to the adversity of racism against young Black children. *Policy Insights from the Behavioral and Brain Sciences*.
- ⁱⁱ Iruka, I. U., Curenton, S. M., Sims, J., Escayg, K.-A., Ibekwe-Okafor, N., & RAPID-EC. (2021). Black Parent Voices: Resilience in the Face of the Two Pandemics—COVID-19 and Racism. Researchers Investigating Sociocultural Equity and Race (RISER) Network. <https://www.bu-ceed.org/riser-network.html>
- ⁱⁱⁱ Schonfeld, D. J., Adams, R. E., Fredstrom, B. K., Weissberg, R. P., Gilman, R., Voyce, C., Tomlin, R., & Speese-Linehan, D. (2015). Cluster-randomized trial demonstrating impact on academic achievement of elementary social-emotional learning. *School Psychology Quarterly*, 30(3), 406–420.
- ^{iv} Barbarin, O., Iruka, I. U., Harradine, C., Winn, D.-M. C., McKinney, M. K., & Taylor, L. C. (2013). Development of social-emotional competence in boys of color: A cross-sectional cohort analysis from pre-k to second grade. *American Journal of Orthopsychiatry*, 83(2,3), 145–155. <https://doi.org/10.1111/ajop.12023>
- ^v Humphries, M. L., & Iruka, I. U. (2017). Ring the alarm: Moving from educational gaps to educational opportunities for Black students. In I. U. Iruka, S. M. Curenton, & T. R. Durden (Eds.), *African American Children in Early Childhood Education: Making the Case for Policy Investments in Families, Schools, and Communities* (pp. 15–34). Emerald Group Publishing Limited.
- ^{vi} Gardner-Neblett, N., Pungello, E. P., & Iruka, I. U. (2012). Oral narrative skills: Implications for the reading development of African American children. *Child Development Perspectives*, 6(3), 218–224. <https://doi.org/10.1111/j.1750-8606.2011.00225.x>
- ^{vii} Gardner-Neblett, N., & Iruka, I. U. (2015). Oral narrative skills: Explaining the language-emergent literacy link by race/ethnicity and SES. *Developmental Psychology*, 51(7), 889–904.
- ^{viii} Gardner-Neblett, N., & Sideris, J. (2018). Different tales: The role of gender in the oral narrative–reading link among African American children. *Child Development*, 89(4), 1328–1342.
- ^{ix} Yosso, T. J. (2005). Whose culture has capital? A critical race theory discussion of community cultural wealth. *Race Ethnicity and Education*, 8(1), 69–91. <https://doi.org/10.1080/1361332052000341006>
- ^x Cunningham, S. D., Lewis, J. B., Shebl, F. M., Boyd, L. M., Robinson, M. A., Grilo, S. A., ... & Ickovics, J. R. (2019). Group prenatal care reduces risk of preterm birth and low birth weight: a matched cohort study. *Journal of Women's Health*, 28(1), 17–22.
- ^{xi} Lori et al., 2010; Mazul et al., 2015; Klerman et al., 2000
- ^{xii} Drake, B., & Rank, M. R. (2009). The racial divide among American children in poverty: Reassessing the importance of neighborhood. *Children and Youth Services Review*, 31(12), 1264–1271.
- ^{xiii} Baldiga, M., Joshi, P., Hardy, E., & Acevedo-Garcia, D. (2018). Data-for-Equity Research Brief: Child Care Affordability for Working Parents. Retrieved from: https://www.diversitydatakids.org/sites/default/files/2020-02/child-care_update.pdf
- ^{xiv} McArdle, N., & Acevedo-Garcia, D. (2017). Consequences of segregation for children's opportunity and wellbeing. Cambridge, MA: Harvard University. Retrieved from: https://www.jchs.harvard.edu/sites/default/files/a_shared_future_consequences_of_segregation_for_children.pdf
- ^{xv} Barnes, J. C., & Motz, R. T. (2018). Reducing racial inequalities in adulthood arrest by reducing inequalities in school discipline: Evidence from the school-to-prison pipeline. *Developmental Psychology*, 54(12), 2328.
- ^{xvi} Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, 106(4), 526.
- ^{xvii} Vanneman, A., Hamilton, L., Anderson, J. B., & Rahman, T. (2009). *Achievement Gaps: How Black and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress*. Statistical Analysis Report. NCES 2009-455. Washington, DC: National Center for Education Statistics.
- ^{xviii} Austin, L. J., Edwards, B., Chávez, R., & Whitebook, M. (2019). *Racial wage gaps in early education employment*. Retrieved from: <https://escholarship.org/uc/item/0vn9c11c>.
- ^{xix} Eddy, C. M., & Easton-Brooks, D. (2011). Ethnic matching, school placement, and mathematics achievement of African American students from kindergarten through fifth grade. *Urban Education*, 46(6), 1280–1299.

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DOJ did not respond

ReparationsTaskforce

From: Willie Douglas [REDACTED]
Sent: Monday, November 22, 2021 6:33 PM
To: ReparationsTaskforce
Subject: Hello . My name Willie H.Douglas . live in and San Diego since 1982 but was born in South Carolina .

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

--

Willie Douglas

[REDACTED]

DOJ did not respond

ReparationsTaskforce

From: PATRICE GRANT [REDACTED]
Sent: Tuesday, November 23, 2021 3:05 PM
To: ReparationsTaskforce
Subject: Inquiry regarding Reparations in California
Attachments: PDF File.pdf; Untitled.msg

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

I just was reading an article about your task force:

I was wondering if you are looking at reparations related to residents of Marin City. I have attached a good article that outlines the issue with Marin City from a historical standpoint.

Also, my grandfather owned a grocery and at some point, I believe his business was closed due to eminent domain. I have also attached an article about him and the store he owned.

Patrice D. Grant

marin city

Historic African-American Enclave at Risk



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The Center for Community Innovation (CCI) at UC-Berkeley nurtures effective solutions that expand economic opportunity, diversify housing options, and strengthen connection to place. The Center builds the capacity of nonprofits and government by convening practitioner leaders, providing technical assistance and student interns, interpreting academic research, and developing new research out of practitioner needs.

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June 2015



Cover Photograph Source: <http://marinretailbuzz.blogspot.com/2011/10/marin-gateway-shopping-center-lands.html>

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² The statements and conclusions in this report are those of the authors and not necessarily those of the California Air Resources Board. The mention of commercial products, their source, or their use in connection with material reported herein is not to be construed as actual or implied endorsement of such products.

Historic African-American Enclave at Risk

Case Study on Gentrification and Displacement Pressures in Marin City, CA

Introduction

Marin City, located north of San Francisco in Marin County, is a small, historically African American suburban community. In the following neighborhood profile, we describe the major demographic, housing, and commercial changes that have taken place in Marin City since 1980. In that time, the area's population has nearly doubled, educational attainment and median income have risen, and the non-African-American population has grown significantly.

The area is host to some of the only public housing units in Marin County, and there are concerns in the community of losing them. While the area has been stable in its housing stock overall, it has experienced significant commercial displacement: a popular weekly flea market was discontinued in 1996 when a large shopping center was developed.

For Marin City, signs of gentrification appear, but change has been gradual; the chief concern in this community is future displacement due to potential increases in population, interest in redevelopment and the continued pressures of being surrounded by affluent neighbors in one of the most exclusive counties in the country.

Methodology

The case study relies on mixed methods to study changes in Marin City since 1980. The demographic and housing indicators presented in this case study are those associated with processes of residential displacement, and/or thought to influence susceptibility to such processes (Chapple, 2009). Data on these indicators are from the decennial Census for the years 1980, 1990, 2000 and from the American Community Survey (ACS) for the period 2009-2013. Census data from 1980 to 2000 is from the Geolytics Neighborhood

Change Database, and is normalized to 2010 Census. The case study area is Census Tract 1290 and all figures reported as Marin City are based on this area. Marin City includes a small area outside the tract that is not considered here.

Data on residential sales and housing permits was taken from the county assessors' office, thorough DataQuick. The study also uses records from the Department of Housing and Urban Development; newspaper articles; and informal resident interviews. Interviews with several community stakeholders were incorporated into the narrative based on questions regarding demographic, housing, and commercial change. The Center partnered with Marin Grassroots, a community-based organization serving Marin City, to learn the community's history and current concerns.

To verify and extend the data found in these secondary data sets, we conducted a "ground-truthing" exercise where, for sample blocks in the case study area, we conducted a visual survey of conditions on the ground to ascertain levels of investment and change; this analysis is found in an appendix. The data used in this report was validated through a "ground-truthing" methodology that involved a systematic survey via visual observation of all residential parcels on a sample set of four blocks within the case study area. The data gathered through ground-truthing was subsequently compared to Census figures and sales data from the Marin County Assessor's Office, which was obtained through Dataquick, Inc. Of the sample blocks' 169 parcels recorded in the assessor dataset, field researchers were able to match the parcel numbers of 60 percent and land use of 86 percent of matched parcels through ground-truthing. These results suggest that some error may exist in either the Census or Assessor's reported count of housing units and unit type, perhaps due to condominium conversions that may go unaccounted for. Finally, draft reports were reviewed by Marin Grassroots to guarantee accuracy.

Geography

Marin City is a small neighborhood north of the San Francisco Bay, nestled between the cities of Sausalito to the south and Mill Valley to the north, Highway 101 to the east and the hills of Marin County to the west. The entire area is quite small—it is only 1.2 miles across and can be walked in approximately 15 minutes. It hosts some high-rise public housing, townhouses, single-family homes, and a shopping center, all with a suburban feel, and views of the Bay.

Marin City is located in Marin County, one of the richest counties in the United States, and is close to San Francisco. It is one of the few areas of poverty in Marin County, owing largely to its large stock of public and subsidized housing. Though the community is unincorporated, it does have a Community Services District that “provides public parks and recreation, street lighting, and refuse collection services to Marin City residents,” as well as leadership on planning- and education-related issues (Marin City Community Services District 2014).

Historical Context: Waves of Housing and Demographic Change

The area now containing Marin City was “originally a grassy, crescent-shaped small valley...pastoral farmland dotted with oak trees...and a few ridge-top houses. But when the United States entered World War II, Marin City was developed to shelter approximately 6,000 of 20,000 shipyard workers” who worked in Sausalito at the Marinship Corporation (Marin Grassroots 2014). To work on the ships, workers were recruited from all over; “many were African-Americans from the Midwest and the South. Marinship became known as the best-integrated shipyard on the West Coast, with women and minorities making up a third of the workforce” (Marin Grassroots 2014).

One stakeholder described Marin City in the years after the war (through the 1980s) as “one big house,” or “a family”: “There’s only one way into Marin City. You saw people regularly and you always had connectivity.” This tight-knit feeling, especially within the African-American community who had come mostly from

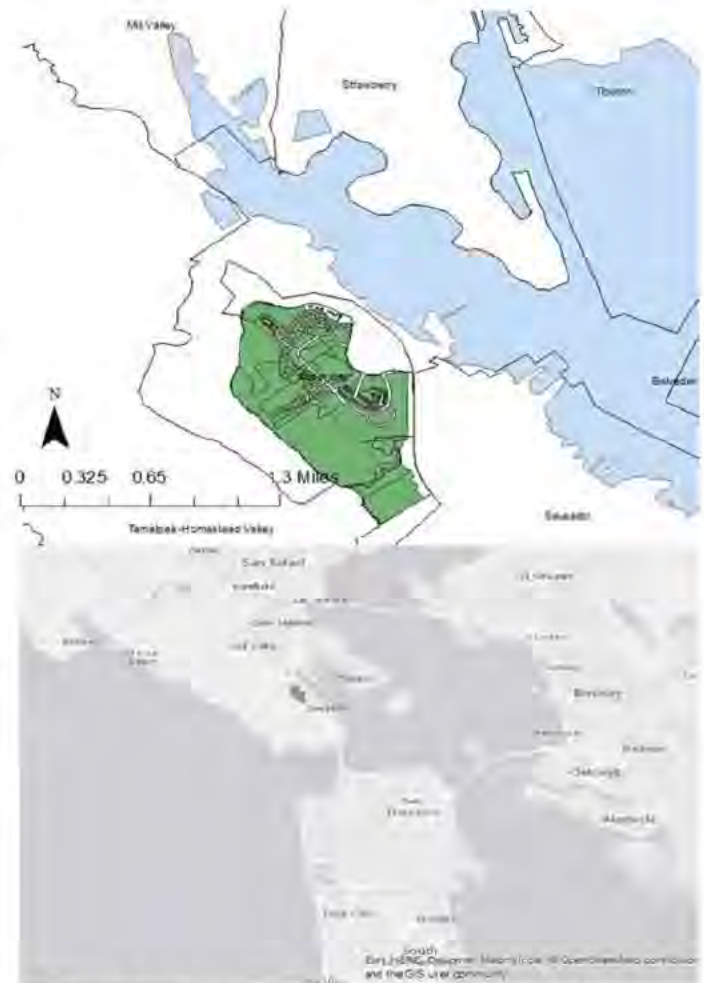


Figure 1: Case Study Area (Census Tract 1290) in green, with vicinity map

the South, according to the stakeholder, was challenged by two waves of displacement. The first, in the 1960s, came when the temporary housing built during World War II was torn down. While White families were able to relocate nearby in Marin County communities, African-Americans were kept from these same housing options due to restrictive, exclusionary covenants. Many eventually relocated back to Marin City, and still today the area is one of only a few in Marin County that hosts a sizable number of African-American residents.

Around this same time, “pole” houses were built in the hills of Marin City and were purchased by mainly African-American families. Two large rental complexes also opened in the 1960s and were occupied mostly by African American families. These homes ensured stability in the African-American population through the 1980s, when a second wave of displacement came. As the people who had bought the pole houses in the 1960s aged or passed away, their next-of-kin

found it difficult to afford purchasing the homes, which had increased in value significantly, according to Marin Grassroots. As a result, new families bought these homes, and these families tended to be White. Additionally, lower-income and African-American residents who became adults in the 1980s, and were readying to move out of their family homes found few available units in Marin City, and so moved to other places in the Bay Area like San Rafael, Novato, and the East Bay, according to Marin Grassroots.

In 2005, one of the rental complexes that had opened in the 1960s (Oak Knolls) was released from a HUD contract that subsidized rents, and the tenants in the building became owners, creating a cooperative, according to Marin Grassroots. As with the earlier trend with “pole” houses in the 1980s, the offspring of residents who had lived in these units since their opening decided to sell them instead of occupying them themselves, leading to racial turnover.

Changes in Residents’ Education, Economic Well-Being, and Racial Breakdown

Marin City has had a near-doubling in population and, correspondingly, number of households. However, there has been minimal change in household size and type; average household size is 2.35 and almost 60% of households are families.

Table 1: Change in Population and Households³

Year	Total Population	Total Households
1980	1,366	600
1990	1,636	783
2000	2,502	1098
2013	2,320	988

Source: US Census, 1980, 1990, 2000; American Community Survey, 2009-2013

³ Marin Grassroots expressed doubt that the 2013 household figure was accurate given their knowledge of the area; given the small sample size of the American Community Survey, it’s possible that the decline in population and households is due to sampling error.

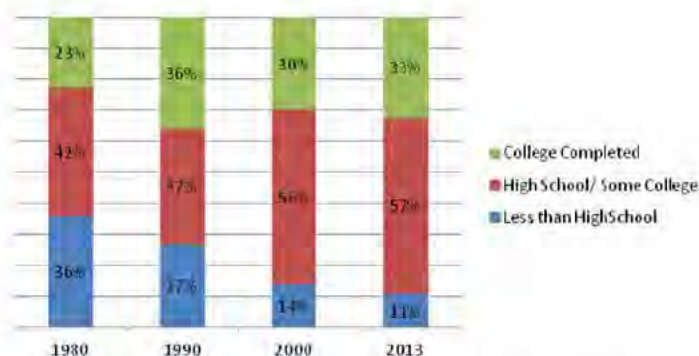


Figure 2: Educational Attainment of Population over 25, 1980-2013

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013

Education

Marin City has seen a general upward trend in the years of education completed by its residents (Figure 2). The fact that so many residents have moved in over the same time period—and that most have been white (see below), a generally higher-educated group—suggests that most of this trend in educational attainment is due to new people moving in, not existing residents attaining higher levels of education.

Income

Median income increased by nearly 20% between 1980 and 2000, only to decrease even more dramatically in 2013, which is likely an effect of the recession (Figure 3). From this data, gentrification—in the most basic sense of higher-income people moving into a traditionally lower-income area—seems to have been proceeding gradually since 1980, though it appears to have slowed in recent years given the recent decreases in median income. Incomes in Marin City are much lower than Marin County overall.

Even with these changes in median income, the tract is still host to many low-income households; nearly a quarter of them earn less than \$10,000 (Figure 4).



Figure 3: Median Income, Marin City vs. Marin County, 1980-2013, 2013 \$

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013. Note: Median income not available in 1980; average income shown.

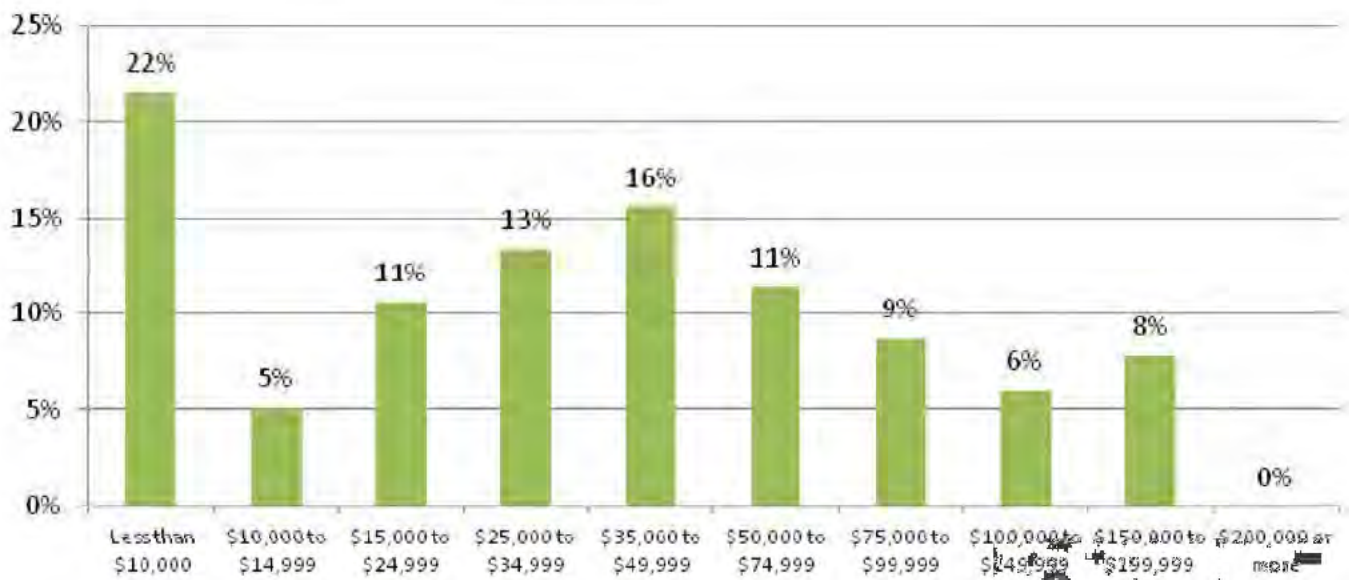


Figure 4: Income Distribution, by Households, Marin City – 2013, in 2013 \$

Source: 2009-2013 American Community Survey

Poverty

The percentage of residents living below the poverty level has decreased, and probably would have continued doing so into 2013 if not for the recession (Table 2). Again, given the population increase, this data is consistent with gradual gentrification.

Table 2: Percent of Residents in Poverty, 1980-2013

Year	Percent in Poverty
1980	29%
1990	26%
2000	23%
2013	35%

Source: US Census 1980, 1990, 2000; American Community

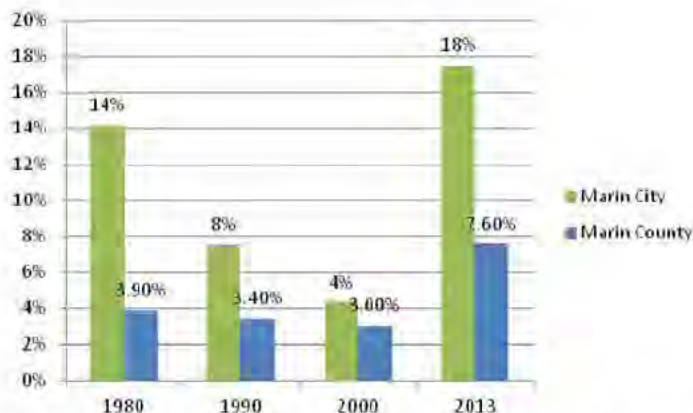


Figure 5: Unemployment, Marin City vs. Marin County, 1980-2013

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013. Survey 2009-2013.

Unemployment

The unemployment rate in the area fell sharply from 1980 to 2000, only to increase in 2013, likely as a result of the recession (Figure 5).⁴ The city has had consistently higher unemployment rates than Marin County.

Race/Ethnicity

Marin City's population—and, especially, African-American population—grew in the build up to and during World War II (Marin Grassroots 2014). While many White families were able to move to other neighborhoods after the war, African-American residents remained, holding a solid majority in the area for many years; in 1980, 75% of the population was African American (Figure 6).

Figure 6 also shows the large population growth Marin City has experienced in the last 30 years; between 1980 and 2013, population nearly doubled, largely driven by the many Whites, Latinos, and Asians who moved in. However, between 2000 and 2013, many Whites left, and only Asians and Latinos increased their numbers; the number of African-Americans, however was stable. Together, these changes have meant that African Americans' relative share of the population has decreased.

⁴ Local agencies have been using the figure 12.4%. The difference is likely due to different data sources or years of measurement.

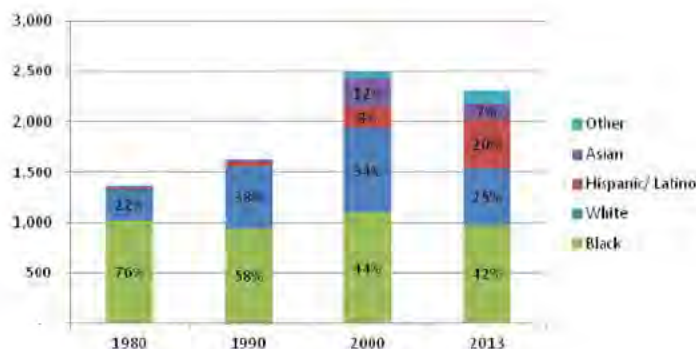


Figure 6: Population by Race/Ethnicity (1980 – 2013)⁵

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013.

Changes in Housing Patterns

Slightly more than half of occupied units in Marin City are (and have been consistently) located in building complexes that contain 5 or more units; a third are in buildings with 2-4 units, and the rest single-family homes. Marin City's housing stock grew steadily between 1980 and 2000. At the same time, the rate of new housing construction slowed: in 1980, 42% of the housing stock had been recently built (within the previous 10 years); by 2013, just 8.5% of the housing stock had been built since 2000.

The halt of growth in the housing supply is likely also related to the lack of developable land. Because Marin County protects large areas of land for conservation (see Figure 7), which restrict the city's growth outwards, the only open land available for development tends to be expensive-to-build sites, such as those with steep terrain. Given the opportunity, however, it is likely that developers would want to build expensive housing here, for both demand and supply reasons: there is potential demand for high-priced homes given Marin City's good location and views of the Bay, while on the supply side, land is scarce and often hilly, making construction more expensive.

⁵ Note: 2000 was the first year in which survey respondents could select multiple racial/ethnicity categories. The jump in the Asian category in this year may represent residents who selected multiple categories rather than, for example, White Alone or Black Alone in years previous.

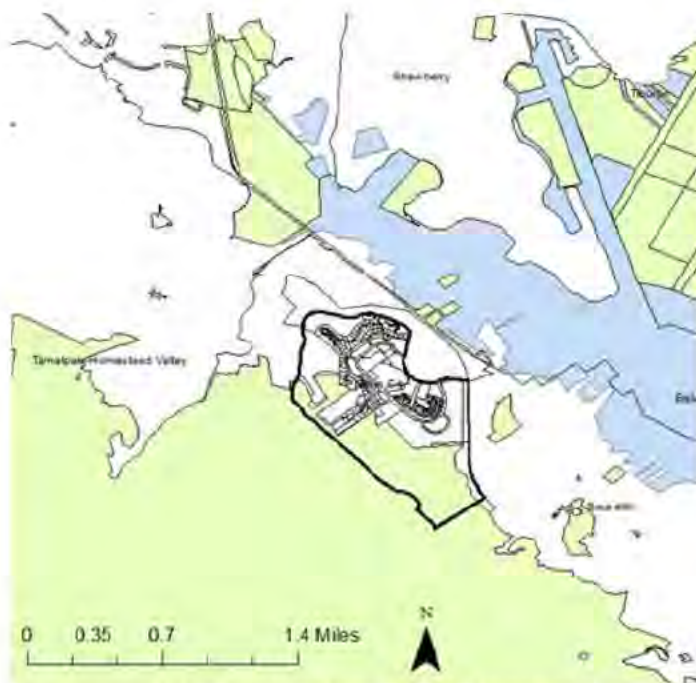


Figure 7: Conservation Areas Restrict Marin City's Development

The shaded areas are parks or conservation areas where development is not allowed. Marin City is outlined with a dark line.

Other pressures have halted development, too. According to one stakeholder, a proposed market rate residential development in Marin City during the last decade drew out much concern and opposition from some residents. This particular project was abandoned at least in part due to opposition from local high-income residents who wanted to protect their views. Now, the stakeholder says, few developers are looking to develop in the area. This is consistent with construction patterns: no new units have been constructed since 1998 (Dataquick 2014).

Adding to these development pressures, Marin County is notorious for having exclusionary policies and practices, including “strict zoning ordinances; restrictions on high-density, multi-family housing; insufficient outreach to non-English speakers; predatory lending practices; and negative stereotypes about low-income residents with Section 8 vouchers” (Green n.d.). In 2011, these came to a head when the county entered into a Voluntary Compliance Agreement with the

U.S. Department of Housing and Urban Development (HUD) after “a routine audit showed the county wasn’t following fair housing and civil rights laws,” including not updating its main fair housing document “since 1994,” when it is “supposed to get refreshed every five years” (Rachel Dornhelm 2011). People of color in Marin County are largely concentrated in the Canal area of San Rafael and Marin City, which were both cited in the HUD agreement.

Many Renters, Few Homeowners

Renters hold the vast majority in the area, at 78% in 2013 and historically hovering around 75% (Table 3). This is much higher than Marin County as a whole, where, in 2013, renters represented 37% of households.

The income distributions of renters and owners shows that renters skew towards lower incomes, while homeowners skew higher. This is consistent with the fact that over half the rental stock in Marin City is subsidized, as discussed below. However, the story is complex: 25% of renters earn more than \$50,000 (See Figure 8), while among owners, almost 40% earn less than \$50,000 (See Figure 9).

Note that the renter and owner data sets should not be compared directly; the renter and owner estimates for most income categories are not statistically significantly different, owing to the large margins of error. However, it is possible to see a trend in income distribution within each group from this data, and while that trend is roughly in line with the community narrative, the nuance is important.

Table 3: Tenure in Marin City, 1980-2013

Year	Rented		Owner-Occupied		Total
	Number	Percent	Number	Percent	
1980	492	73%	178	27%	670
1990	592	72%	230	28%	822
2000	846	76%	274	24%	1120
2013	769	78%	219	22%	988

Source: US Census 1980, 1990, 2000; American Community Survey, 2009-2013

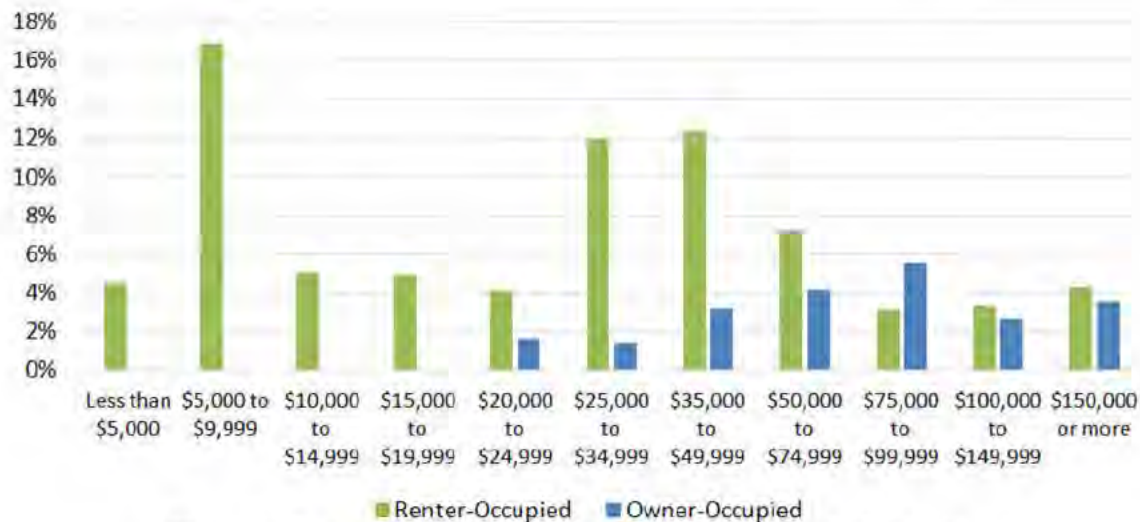


Figure 8: Proportion of Renter and Owner Households By Income

Source: 2009-2013 American Community Survey

Public Housing

As noted above, a large portion of the area's rental housing stock consists of public housing units operated by the Marin Housing Authority. Golden Gate Village holds 292 units and housed 698 residents in 2010—nearly a third of the city's population (Department of Housing and Urban Development 2014a). Marin City is also home to three additional subsidized housing projects. Combined with Golden Gate Village, Marin City has a total of 604 subsidized units—over half its rental stock—that house approximately 1277 residents (54% of the total population).⁶

Table 4: Public and Subsidized Housing in Marin City

	Units	Residents
Public Housing	292	698
Housing Choice Vouchers	123	256
Multi-Family Other	54	99

Source: Department of Housing and Urban Development (2014a)

⁶ Note that this figure is higher than the total of the figures in Table 4, since the number of residents housed at the Ridgeway Apartments and Doreatha Mitchell Apartments were not publicly available. The number of residents in these buildings were estimated based on the total number of subsidized units, a 94% occupancy rate, and a conservative estimate of 2 people per unit average. Data Source: HUD.

Stakeholders have many fears about losing this public housing stock. These are based on several factors. First, the public housing has unfriendly policies that have been systematically displacing long-term residents. For example, “eviction notices are given to residents who don't pay their rent by the third of every month, when most recipients of social security haven't received their payments yet” (Marin Grassroots 2014).

Another example concerns resident evictions, a problem that came to a head in a 2012 class action lawsuit in which tenants alleged “some tenants at the Golden Gate Village [public housing]...had their rent [attached with] charges such as maintenance, utility, late, and legal fees which were often disputed by the tenants or not permitted by their public housing lease,” including the costs of repairs that “were not caused by the resident” (Mark Prado 2012).

A third policy sought to encourage student school attendance by evicting tenants “if their children failed to attend school” (Nels Johnson 2013). The policy was proposed in 2013 but canceled in favor of a “voluntary program” to boost student enrollment (Nels Johnson 2013).

Maintenance is another major concern: at a May 2009 meeting of the Marin Housing Authority Board of Commissioners, one supervisor was “drowned out by jeers from about 25 Marin City residents, who said they believed supervisors had neglected repairs at the Golden Gate Village public housing complex as part of a

hidden plan to replace it with more expensive housing” (Rob Rogers and Jim Staats 2009). At that time, residents felt the housing authority had seriously neglected to make repairs, and the authority acknowledged that the complex needs “more than \$4 million in immediate repair and over \$15 million in other needs over time” (Rob Rogers and Jim Staats 2009).

In the early 2000s Golden Gate Village had been falling steadily in its maintenance inspection ratings, which are a rating from 0-100. A score below 60 is failing. Scores at the complex fell from 70.03 in 2003 to 59.35 in 2005 to 51.8 in 2006. However, after this it ticked back up to 58 in 2009 and 61 in 2010 (Department of Housing and Urban Development 2014b). Some repairs are happening: \$905,000 was allocated in 2012 for “kitchen improvements” and “energy efficiency measures” as part of the Recovery and Reinvestment Act (Department of Housing and Urban Development 2011). However, residents’ complaints indicate that a much larger scope of repairs is necessary. On a recent visit to the complex, trash was littered around the buildings and the driveways were in disrepair.

A resident of the complex and a long-time community organizer in the neighborhood described an inherent flaw in the building’s design: it sits on a hill on the other side of which is the Pacific Ocean. When the fog rolls in each morning, it tends to linger on the hill; mildew is therefore to be expected from such an arrangement, and the resident reports that it is widespread. Besides its role in these bad conditions, the placement of the building on the hill also adds to residents’ worries that it will be demolished in favor of private development, since the hill provides nice views of the Bay, and there is so little land to develop in Marin City.

Housing Cost Burden

Median rent rose sharply during the 1980s and 1990s, from \$445 to \$1200 by 2000. Though it has held stable during the last decade, the percentage of rent-burdened households (those whose monthly housing costs exceed 35% of their gross monthly income) has risen to 64% in 2013 from 27% in 2000 (Figure 9). Given the stability in rent levels over this time, the rise in the number of households who are rent-burdened is likely due to the decrease in median income (to \$34,457 in 2013 from \$50,676 in 2000) and increase in unemployment (to 18% in 2013 from 4% in 2000). This is concerning in terms of displacement pressures on low-income renter households.

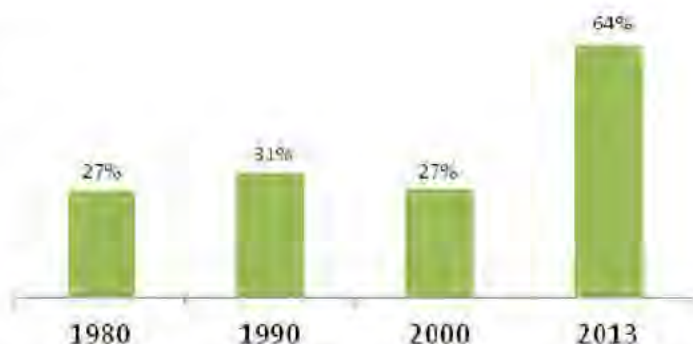


Figure 9: Percent of Renters that are Housing Cost Burdened

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013

Note: Cost Burdened defined as paying more than 35% of income on housing costs.

Table 5: Number of Housing Units Owned and Rented by Whites, African-Americans

Year	White Owned	Black Owned	White Rented	Black Rented
1980	53	93	115	276
1990	143	74	227	317
2000	135	103	336	287
2013	91	107	317	310

Source: US Census 1980, 1990, 2000; American Community Survey 2009-2013.

Home Ownership

In the 1970s and 1980s, many single-family homes were developed in the hills of Marin City. Referred to as pole houses, they traditionally were owned by “older black families” (Marin Grassroots 2014). However, in recent years, the homes have turned over—sold to higher-income, white families, according to Marin Grassroots. Consistent with this change, the number of homes owned by African-Americans decreased between 1980 and 1990; however, it increased again in 2000 and is currently about the same as it was in 1980 (Table 5).

For low-income renters, purchasing a home has moved further out of reach: home sale price per-square-foot has followed the trends of the larger Marin County area, gradually increasing, with a slight dip from the recent housing crash (Figure 10). However, since this zip code encompasses Sausalito and Muir Beach,

limited conclusions can be drawn about housing sale prices in Marin City alone. Interviews with local stakeholders, however, suggest that single-family units in this area do sell at high prices. Concurrent with these price increases, the percentage of mortgage-burdened households has risen steadily.

The number of homes sold has held steady in Marin City, except for a spike in the late 1990s, when a swath of townhomes came on the market (Figure 11, 12). A current resident remarked that ownership of these homes has been stable since their construction, with minimal turnover. These figures are not inconsistent with the trends in Marin County overall (Figure 12).

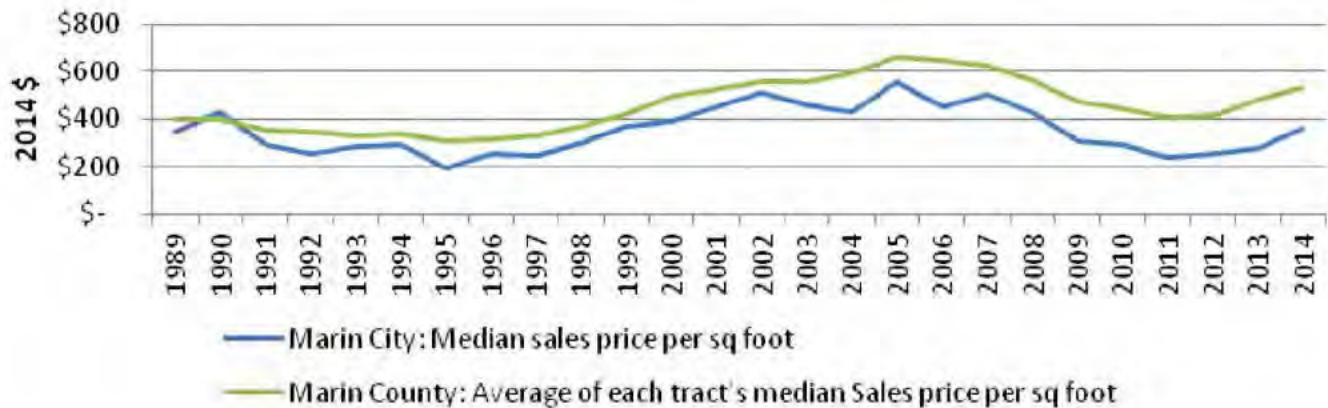


Figure 10: Median home sales price per square foot, 1989-2014

Source: Dataquick (2014)

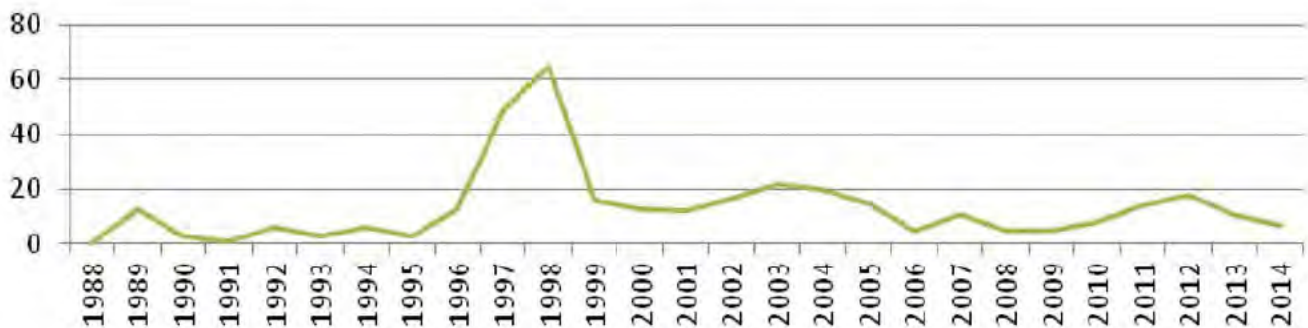


Figure 11: Number of Homes Sold: Marin City

Source: Dataquick (2014)



Figure 12: Townhomes in Marin City

A late 1990s development of townhomes along Terrace Drive in the middle of Marin city. Photo: Mitchell Crispell.

One stakeholder in the area indicated that ownership units in Marin tend to be largely out of reach for low-income and even middle-income families, and, due to the high cost of home ownership here, the children of low-income families who have worked their way up the economic ladder tend to move to other cities in the Bay Area in order to buy a home.

Despite a lack of affordable homeownership options in Marin City, the community is wary of developing mid-ranged housing options due to concerns about displacing or marginalizing existing low-income residents. This is a current topic of concern for the community.

Several residents interviewed outside their homes—one in the hills and others in the center of the city, including one who has lived in her home since it was built in the late 1990s—remarked that the population has been stable in recent years, particularly in terms of the owners of townhomes and single-family homes on the hill.

Commercial Changes

Even though it is a small, suburban community, Marin City is host to a large commercial center. The changes at this site are examples of commercial and cultural displacement.

In the 1950s, “residents developed a small-business hub in the neighborhood with black-owned stores and black service providers” (Marin Grassroots 2014). In 1980, residents “organized the Marin City Community Development Corporation, purchasing in the process the last remaining 42 acres of undeveloped Marin City property—the ‘bowl’—where a windswept flea market took place every weekend for over a decade” (Marin Grassroots 2014). But, following growth in the city’s housing supply, in 1996 the Gateway Shopping Center was developed on the site of the flea market, displacing it despite community protest (Marin Grassroots 2014).

The change meant a loss in the “entrepreneurship opportunities” the flea market provided to local residents, and though “some locally-owned small businesses received reduced rent in the new shopping center for approximately five years,” when it switched to market rent they were unable to afford to stay (Marin Grassroots 2014). The shopping center has struggled to retain tenants, according to a local resident stakeholder. Several stores have come and gone, including a Best Buy, and many of the stores are vacant; on a recent weekday, most of the shopping center’s vast parking lot was empty, though the Starbucks in the middle was crowded.



Figure 13: The Gateway Shopping Center

The site of the former flea market, on the left side, is now the Gateway Shopping Center, a sea of parking spaces, empty big box stores, and a few successful businesses—Outback Steakhouse, CVS, Ross, Starbucks, etc. In the middle-right, the high-rise Golden Gate Village public housing buildings are visible, nestled into the hills. Just to the left, out of the frame, is Highway 101 and the bay.

Photo: Mitchell Crispell.

The flea market had earned about \$1 million per year for the Marin City Community Services District (CSD), “which supported many after-school and recreational programs for local families” (Marin Grassroots 2014). Although a community benefits agreement with the new shopping center also included a small contribution (as a percent of revenue) towards the CSD, the shopping center has not made money and so, as a result of the redevelopment, the community lost both its flea market and the revenue it earned (Marin Grassroots 2014).

As a local community organization writes, “the shopping center was approved as a promising development that would create hundreds of jobs for residents, but the reality was very different as the limited number of jobs created were low-wage ones or demanded higher education degrees” (Marin Grassroots 2014). One public employee stakeholder remarked that, in an ideal world, the community would take ownership of the local shopping center such that it can develop better opportunities to serve the local residents—something along the lines of the former flea market.

Conclusion

Over the last 30 years, Marin City has experienced gradual change: population has grown, the proportion of African-Americans has decreased, and median income and educational attainment have increased. Yet even with these changes, other aspects of the community—like homeownership—have remained more stable. Therefore, current concerns regarding displacement do not appear to be as high of a priority compared to other community issues, largely because of the unusually large core of public and subsidized housing that provide stable homes for many of the community’s low-income families.

But there is a constant fear that these public housing units will be lost, given the area’s high land value and views of the Bay, as well as recent unfriendly policies and deferred maintenance. Residents’ experience with the loss of the flea market—which, unlike the current shopping center, was successful and provided local residents economic opportunity—has primed them for the experience of displacement.

Works Cited

- Department of Housing and Urban Development. 2011. "Capital Fund ARRA Grants." <http://www.hud.gov/offices/pih/programs/ph/capfund/ramps/ca.cfm>.
- . 2014a. "Picture of Subsidized Units." Accessed November 15. <http://www.huduser.org/portal/datasets/picture/yearlydata.html>.
- . 2014b. "Physical Inspection Scores." Accessed November 17. http://portal.hud.gov/hudportal/HUD?src=/topics/physical_inspection_scores and <http://www.huduser.org/portal/datasets/pis.html>.
- Green, Matthew. n.d. "A Primer on Fair and Affordable Housing - Equal Opportunity: Housing in Marin | KQED." KQED Public Media. <http://www.kqed.org/news/bayarea/affordablehousing/explained.jsp>.
- Hwang, Jackelyn, and Robert J. Sampson. "Divergent Pathways of Gentrification Racial Inequality and the Social Order of Renewal in Chicago Neighborhoods." *American Sociological Review*, June 12, 2014, 0003122414535774. doi:10.1177/0003122414535774.
- Marin City Community Services District. 2014. "Marin City Community Services District Strategy." <http://marincitygov.org/strategy>.
- Marin Grassroots. 2014. Lead Project Neighborhood Narrative Marin City.
- Mark Prado. 2012. "Lawsuit: Housing Authority Used Illegal Tactics to Threaten Eviction from Marin City Public Housing." *MarinIJ.com*. October 10. http://www.marinij.com/ci_21744018/lawsuit-housing-authority-used-illegal-tactics-threaten-eviction.
- Nels Johnson. 2013. "Marin Housing Officials Drop Controversial Truancy Eviction Policy." *MarinIJ.com*. October 23. http://www.marinij.com/marinnews/ci_24373223/marin-housing-officials-drop-controversial-truancy-eviction-policy.
- Rachel Dornhelm. 2011. "Marin Struggles to Meet Fair Housing Laws | KQED." KQED Public Media. November 30. <http://www.kqed.org/a/kqednews/RN201111300630/a>.
- Rob Rogers and Jim Staats. 2009. "Residents Express Outrage over Marin City Public Housing Plans." *MarinIJ.com*, May 19. http://www.marinij.com/ci_12405765.

Appendix A: Ground-Truthing Analysis

To tell the story of gentrification and displacement in Marin City, we relied on data from the assessor's office, Census data on demographic and other change, several other secondary data sources, and qualitative policy reviews and interviews with key stakeholders. However, secondary data sources are incomplete, at best, and outright wrong, at worst. Therefore, we employ a "ground-truthing" methodology to verify the validity of these datasets. The ground-truthing, which is described in more detail below, essentially consists of walking from structure to structure on a few sample blocks and taking detailed notes on several variables, like number of units, state of maintenance, and more. With this data in hand, we can compare the story of gentrification the secondary data sources are telling with data obtained "on the ground," while also increasing the richness of our narrative overall from the visual observations we make on the blocks.

In this memo, we discuss three sample blocks in the case study area. For each, we first present the secondary data sources—assessor and Census. We analyze this data to ascertain the nature and extent of recent neighborhood change on those blocks. Next, we describe the ground-truthing data and offer a similar analysis in terms of neighborhood change, but this time based solely on the ground-truthing. Finally, we reconcile the two data-sets: are they telling the same story? Where are the discrepancies? What do those discrepancies reveal?

Methodology

For this analysis, we selected blocks from the case study area that seemed to have experienced recent change, based on secondary data (see Figure A1). We consulted with a community-based organization familiar with the area to choose blocks they thought were illustrative of the varying amount of change occurring in the area.

To prepare this memo, we consulted the following data sources:

Assessor Data: Using a dataset purchased from Dataquick, Inc., we accessed assessor and sales data from the County of Marin, which is current as of August 7, 2013.

US Census Bureau: We also consulted block-level decennial Census data from 2000 and 2010.

Ground-truthing data: This information comes from a visual observation of each structure on the block by walking around and noting the building's type (multi-family, single-family, business, etc), the number of units it appears to hold, and a long list of signs of recent investment, like permanent blinds and updated paint, as well as signs of perceptions of safety, like security cameras. The parcel numbers used to organize this data come from the Boundary Solutions data set, which is current as of May 1, 2013.

The ground-truthing methodology is based on one used by Hwang and Sampson (Hwang & Sampson, 2014), who used Google Street View images to analyze neighborhood change in Chicago. We created an observation tool based on their work and, with that in hand, conducted a pilot ground-truthing of several blocks in one of the case study areas (the Macarthur BART station area of Oakland, California). The research team revised the methodology based on this pilot; the final observation tool appears in the appendix.

On November 11, a researcher with the Center for Community Innovation performed the ground-truthing analysis in Marin City. The researcher walked the blocks there with Esther Williams, a lifelong resident, and John Young, director of a community organization and former resident, who provided perspective on the buildings and neighborhood.



Unmatched Parcels

The ground-truthing exercise is meant to provide an additional set of data to verify conclusions reached through analyzing assessor and Census data. Complicating this effort is that the data sets do not have the same set of parcels (Table A1). All data reported from the assessor data (Dataquick) includes all parcels in that set; likewise, all data reported from the ground-truthing data collection includes all parcels in that set (which is based on parcels from Boundary Solutions).

Table A1: Parcel Mismatch Among Datasets

Block	# assessor parcels matched to ground-truth parcels, of total assessor parcels	# ground-truth parcels matched to assessor parcels, of total ground-truth parcels
1000	31 / 54	32 / 33
1004	38 / 50	38 / 49
1005	33 / 34	34 / 34

Ground-Truthing Overview

Marin City is small—one could probably walk the length of it in 30 minutes or so. With only one road in to the community from Highway 101, it can seem like a cookie-cutter suburb, and parts of it are, like the multi-

ple townhome developments and a standard shopping center in the middle. However, the area is also host to older, diverse homes in the hills and a significant stock of subsidized housing—604 units. Nearly half of these are in a collection of high-rise buildings called Golden Gate Village, which feature great views out on to Richardson Bay, a small inlet of the San Francisco Bay. Driving with Esther around these buildings, the researcher noticed a lot of trash, severely damaged driveways, and dirty, poorly maintained buildings.

People along the route commented that the area was mixed racially and had been stable over time. Throughout the tour of Marin City, Esther and John happened upon nearly a dozen people they knew. These interactions gave the impression that Marin City is not only small geographically, but socially; there seem to be rich social networks in the area.

Block-By-Block Analysis

For two variables—land use and number of units—comparisons are made on a parcel-by-parcel basis; only parcels that appear in both data sets are used for this comparison (Table A4). Census data is not provided on a parcel level, and so includes all households surveyed by the Census. For each block, the data sets align well in terms of total number of units, number of units for each parcel, and land uses.

Table A2: Sales History and Assessed Value of Residential Parcels

Block	Median Year of Construction	Median Year of Last Sale	Percent Sold 2010-2013	Median Sale Price	Median Sale Price Per Square Foot	Assessed Value Per Square Foot (2013)
1000	1965	2005.5	30%	\$396,000	\$286	\$219
1004	1997	2001.5	20%	\$245,750	\$163	\$195
1005	1996	2000.5	26%	\$229,000	\$154	\$197
Marin City	1979	2002.5	21%	\$287,500	\$207	\$193
Marin County	1973	2003	22%	\$552,000	\$307	\$258

Source: Dataquick, 2014

Table A3: Indicators of Neighborhood Change: Census Data/Demographics, 2000-2010

Block	Population Change (Percent Change)	Average Household Size (Percent Change)	Percent Change in Percent White ⁷	Percent Change in Percent Hispanic	Percent Change in Percent Black	Percent Change in Percent Family Households	Percent Change in Percent Rental Units
1000	-24%	1%	55%	1085%	-33%	-11%	-5%
1004	62.6%	33%	407%	1715%	-71%	21%	-15%
1005	-85.7%	-15%	16%	-55%	-11%	3%	-74%
Marin City	-6%	Not Available	-25%	88%	0%	11%	17%
Marin County	2%	1%	-7%	40%	-7%	1%	3%

Source: US Decennial Census 2000, 2010. Note: Marin City is defined as Marin County Census Tract 1290.

Table A4: Summary of Parcel Matches and Primary Land Use

Block	Primary Land Use, based on Ground-truthing data	Percent Land Use Matched	Total Number of Units on Block			Percent of Parcels whose Number of Units match between Assessor Data and Visual Observation
			Assessor Data – Dataquick	Visual Observations on Ground-truthing	Census Data: Total Housing Units – 2010	
1000	Single-family residential	74%	81	71	87	65%
1004	Single-family residential	97%	105	104	133	95%
1005	Single-family residential	88%	32	34	33	100%

Note: Percent Land Use Matched and Percent Units Matched take as their denominator only those parcels for which a land use or number of units was indicated by both assessor data and ground-truth data.

Block 1000: Single Family Homes in the Hills

Secondary Data

The homes on this block are older than those in Marin City and Marin County, but have the most recent median year of last sale of the three blocks surveyed and the surrounding area; 30% were sold between 2010-2013. These homes also post a high median sale price per square foot, at \$286, compared with \$207 in Marin City, though it is still lower than Marin County's \$307 figure. Together, these data points indicate recent turnover and investment.

Looking at Census data for the block, it actually lost population between 2000 and 2010, perhaps related to a decrease in the percent of family households. The block also experienced an increase in the percent white and a decrease in the percent black (the extraor-

dinarily high percentage increase in percent Hispanic is due to the proportion increasing from 0% to 5%). These changes, except for the population decrease, are consistent with gentrification.

Ground-Truthing

This block, up a large hill, is host to older, bigger, more varied single-family homes than those in the "flats" area of Marin City (such as Blocks 1004 and 1005 below) as well as a 21-unit townhouse development and a large cooperative. Here, there were fewer people walking around.

⁷ Note: For the blocks, this figure refers to all Whites of one race, including those that are Hispanic. For the Marin City and Marin County figures, it refers to Non-Hispanic Whites. The "Percent Change" figures all compare percentages over time; for example, in Marin City, the percent Non-Hispanic White in 2000 was 34%, which decreased to 25% in 2010—a -25% change.

Most parcels (64%) on this block had a level of maintenance of above average, or were new, while the rest were below average or poor. There were not more than a few signs of investment, disinvestment, nor perceptions of safety on this block. The only signs were: 21% of parcels have security alarm signage (some concern about safety) and 24% have fencing for aesthetic purposes (some investment). Public investment on the block included municipal lighting and bus stops.

Comparison

The two data sets paint similar pictures of a block with recent investment and turnover.

Block 1004

Secondary Data

This block was almost wholly created in the mid-1990s when the townhouse development was built; this is clear from the median year of construction being 1997. Since construction, the homes have showed only some turnover, with a median year of last sale of 2001.5 and 20% sold between 2010 and 2013. The homes here sell for less than those in the hills on Block 1000, with a median sale price per square foot of \$163. Between 2000 and 2010, the block experienced population growth—likely related to an increase in the average household size, which may be related to a dramatic increase in the percent Hispanic, who tend to have larger households—and percent white increased while percent black decreased. So even though there has been only partial change in the last few years, in the ten years prior to that, there was a lot of demographic change.

Ground-Truthing

This block consisted almost entirely of single-family-attached homes developed in the 1990s. They were in good shape, well maintained and with attractive landscaping. Most homes had signage indicating security systems—Esther reported there have been some robberies—though the area felt very safe. The streets

are pleasant, with minimal vehicle traffic and a little activity even on a Tuesday morning; there was always someone walking by.

Residents on the street were diverse racially and in terms of age. Passing residents commented that the blocks have been pretty stable in terms of ownership changes; one resident had lived in her home since it was built and said her neighbors had only changed over once in that nearly-20 year period.

In the center of Block 1004 there is a park with a basketball court and open space. It did not seem well-maintained. On the rest of the block there is a church and a large apartment/townhouse complex.

A challenge of the groundtruthing methodology on this block was that most of the homes were nearly identical—in design, but also in terms of upkeep, security signage, etc. These features of the homes are likely not a result of individual residents' investment or disinvestment but of the relative newness of the development overall and the homogeneity of the block. In its sameness, the usual signs of gentrification are difficult to spot.

70% of parcels had an above average level of maintenance, while the rest were average with just one below average. There were almost no signs of investment nor disinvestment on this block. In terms of perception of safety, 41% of parcels had security alarm signage; however, this may be less of an indication of a concern around safety and more related to the townhomes coming standard with security features. The only public investment on the street was municipal lighting.

Comparison

The data sets paint similar pictures: a block that has experienced only some recent change and is mostly stable. However, the Census data is intriguing and unexplained by the ground-truthing: how did the white and Hispanic population increase so much, if the homes truly did not change ownership much since they were built? Perhaps this change mostly happened in the rental housing stock on the block.

Secondary Data

The assessor data tells a nearly identical story for this block as it did for Block 1004: median year of construction in the mid-90s, median year of last sale a few years later, and 26% sold between 2010-2013, at similar prices as Block 1004.

Census data, on the other hand, is very different than on Block 1004. Population decreased here between 2000-2010, and the percent white increased only slightly, while percent Hispanic decreased instead of increasing. Perhaps these points are different than on Block 1004 because this block does not have a large rental building like Block 1004 does.

Ground-Truthing:

See the above overview for Block 1004; it applies to this block, too.

Most parcels on this block had an average level of maintenance (66%) with the rest split evenly between above average and below average levels. There are no signs of investment. In terms of disinvestment, 26% of parcels had peeling or fading paint. 50% had security alarm signage, which is likely related to this being standard, as on Block 1004. The only public investment was municipal lighting.

Comparison

As with Block 1004, the assessor and ground-truthing data are aligned, but the demographic change does not tell a clear story.

Conclusion

The secondary data sets and ground-truthing data tell the same basic stories for each block. On one block, 1004, all three data sets are needed to fully understand the changes: assessor data and ground-truthing data together show the stability in owner-occupied housing, while the Census data draws attention to the large demographic shifts; given the assessor data, these are likely explained by changes in the residents of the rental units on the block. Absent any of these three sources, the picture would be incomplete.

In terms of comparing data sets, unmatched parcels was not a major concern. Parcels generally matched in terms of land uses and number of units, and the total number of units was fairly consistent across three data sources.

Finally, the quality and age of buildings was comparably assessed by both methods, while perception of safety and public investment cannot be ascertained from the secondary data sources but only from ground-truthing. The limited number of signs of ethnicity across all blocks made it difficult to ground-truth demographic data.

WORKSHEET: Visual Demonstration of Neighborhood Change

*Instructions: Physically walk predetermined neighborhood blocks and note evidence of deterioration or improvement using Section One. Parcel or building specific information should be collected in Section Two. Each block should be named according to its main corridor (indicated on your map as the street with parcels on both sides). Bring a camera to take a photograph of each building. *One whole worksheet should be completed for each block section.*

Block Name: _____ Observer: _____
Physical Observation date and time: ____/____/____ Start ____:____ AM/PM End ____:____ AM/PM

SECTION ONE: Block Overview and Initial Impressions

1. The primary land use for the block face is:

- ☐ Residential
☐ Commercial
☐ Institutional (school, hospital, churches):
☐ Industrial
☐ Other: _____

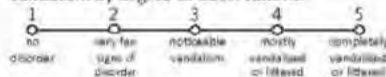
2. Public investment + existing public infrastructure:

- ☐ transit stops
☐ municipal street lighting
☐ on street residential permit parking
☐ street furniture (including parklets)
☐ bike racks
☐ public trash cans
☐ parking pay machines
☐ newly paved streets
☐ Other: _____

3. Describe any visible people, noting race or ethnicity, age, number, and activities they might be engaged in:

4. The # of signs discouraging disorder such as neighborhood watch, anti-littering/loitering/drug use/vandalism/graffiti: _____

5. Physical disorder such as garbage, litter, graffiti, or vandalism by degree of observations:



6. Please describe indicators of international or immigrant presence (note ethnicity, signs in a foreign language, or locally-owned foreign/ethnic business).

7. Additional notes on block overview: _____

SECTION TWO: Block/Parcel Data

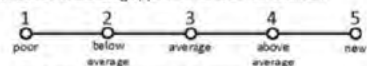
**located on the following pages*

Using your pre-printed parcel map, carefully walk the block and record your observations for each building. Allow for ~1.5 hours of field time. Be sure to take a photograph of each building for comparison with past year data later. 📷

APN/Parcel # _____

Street Address _____

1. Does the building appear to be well-maintained?



2. The # of units the structure appears to have: _____

The # mailboxes _____
The # doorbells _____

3. The # vehicles off-street vehicles present _____

- ☐ no off-street parking
☐ existing driveway or parking lot
☐ existing garage

4. Notes on visible people, building, and outdoor space; incl. implied information about household size and composition:

5. Building type and units:

- ☐ Multi-family - apartment building
☐ Multi-family - house
☐ Single family - attached
☐ Single family - detached
☐ Mixed use
☐ Public or subsidized project housing
☐ Unknown or other

6. Other building/occupant characteristics:

- ☐ Abandoned
☐ For Sale sign
☐ For Rent sign
☐ Blinds or curtains - permanent
☐ Blinds or curtains - temporary
☐ Cracked windows
☐ Bars on windows
☐ Boarded windows
☐ Dirty windows
☐ Metal security door
☐ Vegetable garden
☐ New addition
☐ New or maintained paint
☐ New or updated front door
☐ Ongoing renovation/construction
☐ Fencing (check all that apply):
New _____ Old _____ For safety _____ For aesthetics _____
☐ Security alarm signage
☐ CCTV/Security cameras
☐ Children/toys visible
☐ Peeling/fading paint
☐ Spraypaint/graffiti
☐ Litter or debris
☐ Beware of Dog, Private, No Trespassing signs
☐ Signs of ethnicity

Figure A2: Ground-truthing data collection worksheet

Noel Garcia

From: Patrice Grant [REDACTED]
Sent: Tuesday, November 23, 2021 2:50 PM
To: Patrice Grant

could pay off in a thirds vote of the necessary to buy said.

After a length night, trustees of Yolansdale School for sale — to the mo Children's Cer for a total of 205 s

MEDICINE CABINET

ion, stimulates menstrual periods,
umil, calms nervous system

eczema, and athlete's foot

Cucumbers

Celery

Parsley

722

Sent from my iPhone

Daniel Hayden Wins business award

Marin City grocer chosen for honor

Founding and running a family business for 18 years has won an award for Daniel Hayden, owner of Hayden's Market in Marin City.

Hayden recently was named Outstanding Minority Small Business Person of 1976 in the western region of the National Council for Small Business Management Development.

He won out over nominees from 11 Western states and British Columbia, according to Lillian Dreyer, western region vice president for the business council.

Hayden received a plaque "for his business achievement as well as his contribution to the community," she said. "He epitomizes the family owned and managed business, which is one of the real backbones of any community."

Hayden, a graduate of San Francisco State University, had been teaching elementary school in San Francisco for eight years when he founded Hayden's Department Store in Marin City's old shopping center in 1958. He later moved the store to its present location at 290 Drake Avenue and gradually changed its emphasis from general merchandise to grocery items.

For eight years Hayden delivered a morning newspaper route in Pacific Heights before school each day, but he gave up the route in 1958 to devote more time to his store. He retired from the San Francisco school system in 1967.

Hayden was one of several dozen nominees in the western region for the honor, and was one of three finalists for a nationwide award recognizing businesses owned by minority persons.

The National Council for Small Business Management Development, founded in the mid 1950s, works to further the development of management knowledge among business people, educators and professionals.

could pay out in thirds vote of necessary to buy said.

After a lengthy night, trustees of Yolansdale School for sale — to the mo Children's Center for a total of \$26,800. Representatives center, now leasing Cook School, said interested in purchasing property.

Some Yolansdale have objected to the school to the center. The Yolansdale Association wants a

DAD! TREA

JU

BURGER

Mom'll get out of with the dishes. Just crumb. And you'll e

Just think — JUMH of select chuck 'g broiled to your tast sized bun

BURGER DOCK FI go great with JUMH DOCK Chili tops off BURGER DOCK als dogs, tunaburgers, ice cream cones, etc dinner, snacks

FREE S

with this coupon purchase. Good until

BURGER

(Open 9-10)

For fast take-out
DIAL 453-DOCK

CHEVROLET DESIGNED

HEALING HERBS FROM NATURE'S MEDICINE CABINET

Cumin (Black Seed)

Relieves bronchitis and coughs, improves digestion, stimulates menstrual periods, increases flow of breast milk, increases sperm count, calms nervous system, prevents skin wrinkling

Oregano and Oregano Oil

Alleviates migraine headaches, digestive problems, eczema, and athlete's foot. Excellent germicide capable of killing various fungi.

Chives

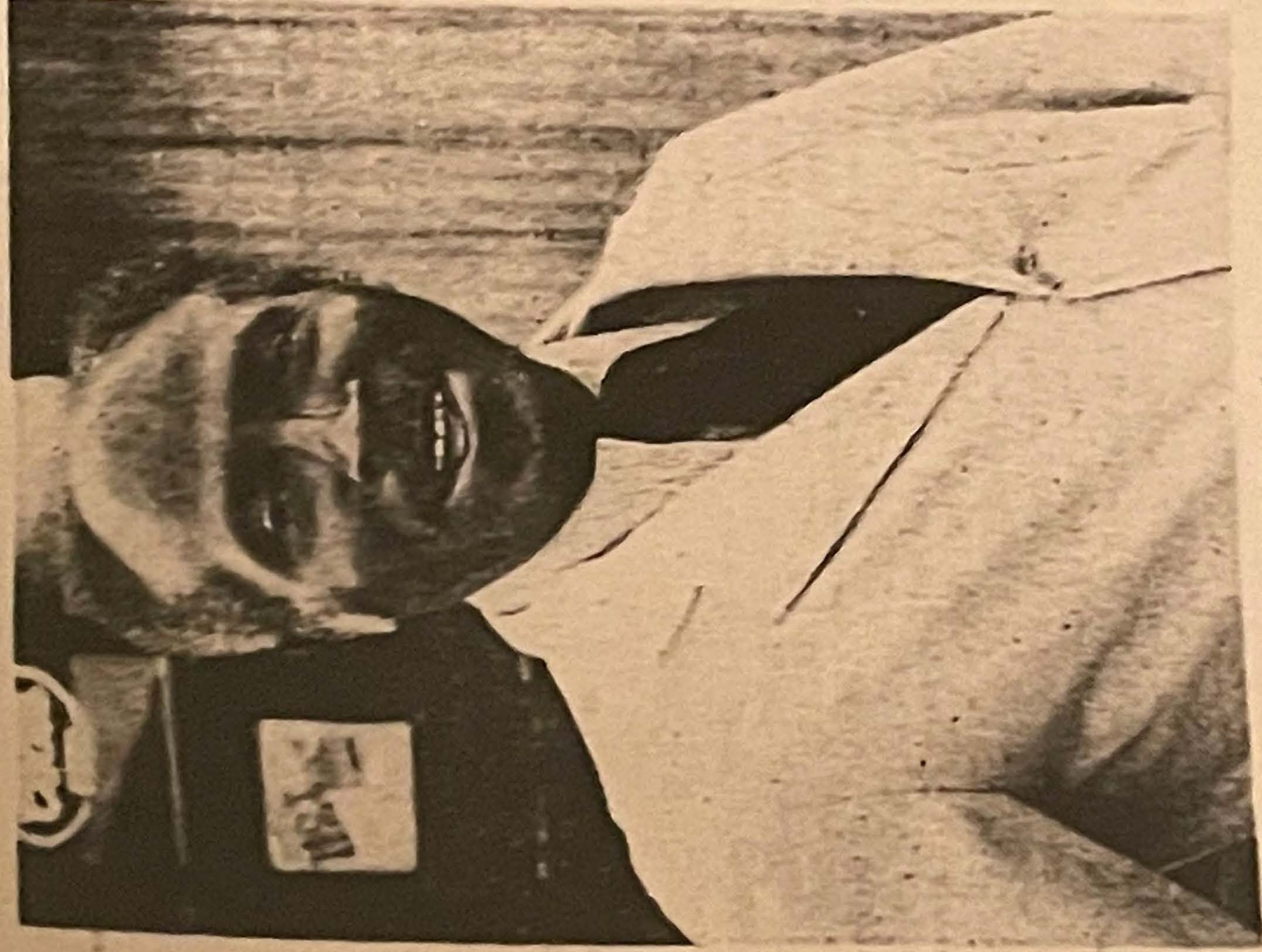
Decreases blood clots, detoxifies the body.

Cucumbers

Celery

Parsley

OK



Daniel Hayden
Wins business award

Marin City grocer chosen for honor

Founding and running a family business for 18 years, Daniel Hayden, owner of Marin City Grocer, has been chosen for the 1988 Business Award for Achievement in Business.

Yolan

Bogged down in its Isabel Cook School, the School District board a second surplus school — Yolansdale School. Trustees unanimously sell Yolansdale and market value at \$218,000 will be offered first to the city.

The district's sale of the school is on Sir Francis Drake, the City of San Anselmo in legal technicalities.

The town plans to buy the school for \$521,600 and grounds for \$521,600 over a 12-year period. Attorney Hadden Roth it appears the state forbids a municipality into debt for more money. The school could pay off in a single year. The school's third vote of the people is necessary to buy the school.

After a lengthy discussion, trustees offered Yolansdale School — a school for sale — to the Fairfarms Children's Center for a total of \$26,850.

Representatives of the center, now leasing space in the school, said the school is interested in purchasing the school property.

Some Yolansdale area residents have objected to the idea of the school to the center. The Yolansdale Center is a school for children with disabilities.

ReparationsTaskforce

From: kalisha mcintosh [REDACTED]
Sent: Saturday, November 27, 2021 6:09 PM
To: ReparationsTaskforce
Subject: Fwd: AB 3121 Reparations Task Force December Meeting Notice and Agenda

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Seasons Greetings Alecia,

Please, will you confirm the meeting dates since this is a change from the originally scheduled dates of Dec 8th and 9th? I'm asking because we are planning a community event in San Diego around the dates.

Kind regards,
 Kalisha McIntosh

----- Forwarded message -----

From: **ReparationsTaskforce** <0000000af06f3997-dmarc-request@doj.ca.gov>
Date: Wed, Nov 24, 2021, 4:34 PM
Subject: AB 3121 Reparations Task Force December Meeting Notice and Agenda
To: <REPARATIONSLIST@doj.ca.gov>

Dear Friends, Colleagues, and Stakeholders,

Today's email serves as a notice for the December two-day meeting of the AB 3121 Task Force to Study and Develop Reparations Proposals for African Americans.

AB 3121 Task Force to Study and Develop Reparations Proposals for African Americans

Meeting Dates and Times: December 7, 2021, at 9:00 a.m. and December 8, 2021, at 9:00 a.m.

[Meeting Notice and Agenda](#)

[Notificación De Reunión y Agenda](#)

The December meeting of this Task Force will occur via BlueJeans video and telephone conference. The public is encouraged to join the meeting at <https://primetime.bluejeans.com/a2m/live-event/bdgzebhd> or use the "Join Meeting" link below. This will provide access to the meeting video and audio. Please log in 5-10 minutes before the start of the meeting to allow sufficient time to set up your audio/video, and to download the BlueJeans application, if desired.

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Please contact Alecia Turner at (213) 519-0504 or email reparationstaskforce@doj.ca.gov with any questions.

Thank you.

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Land of Milk and Honey

By Ptah Khepera

The Astronomical Theologies of Medicine Doctors

Chapters

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Chapter 2-Ptah and Genesis

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Chapter 4-Osiris and Set the Cain and Abel Nemesis

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Chapter 10- Resolution Restoration and Bloodline of the Gods

Prologue

This is a book on the astronomical theologies of medicine doctors of the ancient world up to modern day practices. It also gives the derivative or origin of these teachings that have been co-opted. It will compare and contrast the differences and yet similarities they have to create conflict-resolution for the Middle Eastern disputes and global perspective in general. It has never been done in detail and with such clarity until now. It has been known in all cultures whether Indian, Hindu, Asian avatars, European and Wicca, Egyptian, Spanish Diablos, Australian aboriginals, Arabian mystics, have all had medicine priests or priest-kings. Their sole responsibility was to maintain the order and structure of the civilization through their divine access with the universe at large and be compensated for doing so. How and why it has been done seems to be somewhat of a mystery to the masses at large. But how did such great an understanding become so lost that no matter how many social clubs you join or books you read no one is seeing any practical applications or let alone results. Now some may say well can people really heal the sick and raise the dead and defend righteous and noble nations. Well this is exactly the origin of why these legends and some myths came about. Let us explore the origin of these things and see that if whatever we are invoking or evoking is in fact misconstrued and a false perspective only bringing about a false ritual, spell, or in layman terms prayer for some manifestation we are looking for. Or even if this outdated and truly all is lost if so. But why go through the trouble of building such great temples and landmarks if it is a fallacy or fantasy. The evolution of humanity has seen people overcome their animal nature to mature aspects of this phenomenon such as science, technology, chemistry, and a whole host of inventions. Could this

knowledge and wisdom of the ancients prove to be the precursor or stepping stone to all of our modern achievements of the 21st century? I certainly think so. Let's start with the pyramids of Egypt and why modern anthropologists say they are bedazzled by who, how, and why they were built. But this is simply not true that they are ignorant of the facts. For the Land of Egypt was once known formerly as the land of Kemet or simply put the land of the blacks. I don't think you need to see a picture of King Tut to see clearly what their origin was. But why so many misconceptions in movies and theater as to the mindset and achievements of a once great people. Did they in fact once control the global economy and distribution through divine intelligence and supreme technology? I would like to think so. Let's see through this dissertation of facts can we come to a reconciliation of worlds torn apart, displaced families, overcome the hatred and injustice presented, and reshape our future together. But why would anyone want to bring back or resurrect the dead pharaohs? What once was, still is, and is to come the great engineers of civilization can be very resourceful and complimentary to the planet at large. This can deter the school to prison pipeline. We all play a part in this ecosystem. When something is out of balance in the universe nature will find a way to reconstruct itself. Without it is basically an implosion on future growth and an attack on the human rights of this people. For what is the United Nations or any other power structure but a meeting of the minds of the family of nations to restore and maintain order and justice in this life for the families of their subordinates? But perhaps one group of medicine priests were left behind. And what was once grafted out can be grafted in again. And the naysayers could be grafted out and potentially face the dilemma that has desolated these people. But for now let us get into the primitive studies of these tribal orders and their practices and beliefs. We shall let the rest of the story unfold as the chapters reveal it.

Primitive Studies

Now this chapter is a very interesting one and sensitive to the weak hearted. But, these things need to be said in order to draw a clear picture on what exactly are we talking about that these chiefs and priests were doing globally. Whether it is the rites of passage, the cosmic ego trips, or the transformations they have went through all is a go in this chapter. Let us begin with the rites of passage. Now in some cultures you have what is known as a bar/bat mitzvah, orientation, initiation, etc... A child coming of age and ready to pass on into adult hood. This is the same practice done in Egypt with the double horizon which I will cover later and the aboriginals and indigenous tribes. This was a succession from puberty whether male or female at around the age of 12, 13, etc... Now here is where the underground comes in and things get a little tricky. What were the rituals and ceremonies being performed at these rites of passage events. Well in a nutshell sacrifices. But what exactly are these sacrifices that the people so wonderfully speak about but never go into detail as exactly what it is. Have you ever heard the term riding a goat? Also, in the levitical text slaughtering a heifer. Children were placed into sexual rituals with the opposite sex as an oblation to the ceremonies. In some cases they also had fights to the death to see who would be the fittest hunter. In some cases older women would fight for the right to be in a relationship with a ruler. A lot different from the system they use now. But this is all too barbaric. Strange, but very much true. Now what happens when all of this information is misconstrued and why go through the trouble of breaking it down. Well for one it can show you the origin of pedophilia, rape, and unnecessary violence... Have you ever heard of catholic priests raping boy students and so on and so forth? Well there you have it. But this is a totally Greco –Roman concept and was never the true intention of the rite of passage at all. If

anything it should have had a more Lion King outlook like Simba and Nyla but instead it's a modern day horror story. What's even worse at some point people even look at animal sacrifices as sacrificing young virgins (precious lambs) on the altar and having them put to death to appease whatever totem-pole god they were worshipping at the time. You've seen the movies with the heads rolling down the side of the temple hoping for rain or crops. All cannibalistic sacrifices mis-educated, mis-guided tribal orders. But how do we fix this injustice and blood sacrifices and bring order to this chaos being created and sometimes duplicated in the shadows. The answer is the right perspective brings about right thinking and reasoning. Now some may say well you know I'm a good Christian or Muslim and we would never have our people into these animal sacrifices or terrible practices. Well let's take a look at all the new moon, incense burning, libations, and bringing animals to the front of the temple and covenant keeping. All for the purpose of bringing in your corn, wine, and oil. In reality there was a fable written called the Aristeas Letters, where a king wanted to know exactly what was it that the priests were doing to understand the temple teachings in order to free the slaves. What he found out that the animals being sacrificed were actually sex rituals. Not that people should go out and have sex with a deer. But they were referring to the counterpart itself as an animal. You can reference the kama sutra's definition of congress. **With the Buddha himself manifesting 2,600 years ago at the same time they said the Egyptian Pharaoh Thoth was ruling in the university of Memphis arts and science museum along with the true meaning of Namaste.** These priests would perform these in hopes that it would bring much agriculture if completed in its proper sequence by the spiritual realm. Whether it works or not has yet to be seen by the modern day masses. What has been seen are people being dragged into Aryan Nation, yoga Hindu tribes, and psychic sage burning hoax which couldn't get them any closer to the truth than a homeless guy. Although

they believe that if you get the ritual or spell correct that the elements or creators will have to bend to your request. What they're trying to do is misrepresent events like Osiris Sokar Festival and others like it stemming from phallic worship. The reason only certain priests were able to perform it was because few had the knowledge of this primitive practice let alone the sequence of what makes it all work. A king or priest-king could be ruler as long as he could bring rain and make the crops grow and pray for the well-being of those within his realm or whoever brought gifts to him to intercede on their behalf. As long as he could do that he could be ruler. Now there is no need to go into formulas or potions for healing the earth and the body but I shall touch on the subject briefly. There are formulas that heal aids, cancer, diabetes, bone regeneration, etc. Then there are something's that just make your house smell good. Not to say that we don't need surgeons and dentists, but overall some people prefer a holistic approach. They even enjoy eating organic foods which is perfectly fine. I mean eat right and live right for your type. Although in some cultures they look at drinking alcohol on occasion, and smoking green herbs marijuana-seder service, like in the pyramid text or a beer are a part of their routines. And in some cases as long as it's not hurting anyone else any effort to stop it is an attack on their religion. And sooner or later could become a global issue. Now all this information in the hands of different cultures became a cosmic ego tripping catastrophe. This is the root of global warming conversations and climate change. Well some say well how so Ptah. Let's get down to business. Now all cultures claim they have perfected these rituals or spells and can have one on one talks with the divinity. But who is actually telling the truth. Arabians claim they can call a magic genie. The preacher claims he talks to god for the congregation. Which is totally untrue because he is absolutely ignorant of anything a priest would do. Mostly, they are impostors doing public speaking and couldn't present your case for your well-being to any divinity yet, their asking for priestly tithes.

This is criminal if you think about it. Even the Justice system practices it when an attorney prays to the court with their offering at the offices. This is when they use negotiable instruments also known as creatures. Moving along the Chinese have a dragon ball z theory they can call the dragon and control him by their offerings. You have to get all 7 right. The Indian rain man claim they can call the old Great Spirit. All these different walks of life claiming to have supreme wisdom and intelligence of speaking to the elements. Now I like scientists and chemists better than some of these wack jobs. The reason being at least they can create technology from their observation but the misleading of the masses needs to cease. I'm not saying that it is not possible, but the odds of having a true guru come along with the right blueprint is like finding a needle in a haystack. This information once locked in the temples in Egypt has been lost to the world at large and I will piece by piece restore the legacy. Remember the story of Joseph who became a priest of On in Egypt. Well he learned exactly how the universal elements corresponded with agriculture and was placed in charge of the kingdom. Although a fictitious story the practice was still there. Or remember how Jacob had sex with 4 different women as he was hired to work a farm. It all starts making sense once you put a light on it. It is the same as the Indian old great spirit story. Even the LGBT have perverted the Aboriginal Australian rainbow serpent symbol. What once represented a ritual between a man and a woman to call the cosmic serpent has been perverted and turned into a complete mis-education of the chakra teaching and planetary corresponding vibrations. This corruption is what was recorded in the flood of Atlantis, Noah, etc... The moral is they say the woman had begun to teach the teaching to common man after interacting with the black gods. These common men perverted it into homosexuality and made a mockery of it. They became upset and destroyed these people for perverting this teaching. Some have went far as to say that the planets are responsible for the precious metals

that grow on the Earth. For instance the sun brings gold, the moon silver, mars iron, etc....One who can properly control these elements is always in a superior position to his peers. There have been stories of shape shifting into different animals or sometimes into a more divine being. For instance, the Buddha. Here's a quick note on Buddha. Once Buddha was supposedly with these ascetic practices for 6 years found himself destitute he realized it was unnecessary and degrading. This was a point of Nirvana for him. Or in the Egyptian texts transforming into a lotus or a god. Diablos believe they can shape shift and many other European Wicca crafts. Think of the Indian names yellow wolf, little bear, swift fox, etc... People practice this all the time whether they know it or not. Look at your favorite sports team and how one is an eagle fan, or a bear, a raider. Shape shifters. All in all it can be a little overwhelming and even the zodiacs that you try to correspond with have to be in alignment with your culture for you to have the right perspective. I can't seem to wrap my mind around why an African-American would say he's an Aries when it's Greek in nature. Also, we have our own understanding of the cosmos. To wit: It has even been said that in the movie Narcos some of the characters have referenced themselves to rain men. Also, in the movie Superfly the main character's name is priest. Could it be that in modern day culture they subconsciously play out a certain aspects of these teachings unknowingly. I'd like to think so. So, for my next chapter I will go into how exactly this afro centric practice became Europeanized and spread to the world at Large. This knowledge was held by the great ones in Kemet and now it will be grafted back into society to pay homage to the Ancestors of this rollercoaster ride of a teaching.

Chapter 2

Ptah and Genesis

Now in America we have a pretty diverse group of people around each other from different backgrounds. But, the main religion has become Christianity. Which is not really logical seeing that there is an obelisk in front of the Lincoln Memorial an object that represents phallic worship. But in order to draw the connection between the blacks here in America and the ruling classes in the east we must trace back the origin of the story that has swept the nation. This is a story told like the big bang theory or rather the creation story. Now here is where I connected the dots to the true land of milk and honey. A land that had already been built, developed, and occupied by the Egyptians. Now for beginners take note that none of the biblical characters left any coffins or landmarks to show they actually existed. Because in reality they didn't. This story was taught to the Nations in Kemet by the blacks that gave them culture. Which there is nothing wrong with that in general each one teach one right. Yeah right up to the point it becomes plagiarism and the authors never get dividends of the plates being passed around for their contribution to civilization. Well some would say," Ptah how do we know it was plagiarized?" Well let's look at the definition of plagiarism. Plagiarism is the practice of taking someone else's

work or ideas and passing them off as one's own. Have you ever heard of the shabaka stone? Before I dive into it let's look at the genesis in the bible and the story being told. From god's word he supposedly created the universe the planets, the animals, the sun, the moon, the stars, the people, grass, green herbs, etc... All of this came after the earth was dark and void. Ok, now let's look at Ptah's story. It states Ptah fashioned the Earth through harmonics and thought. He helped the dead on their travels through the afterlife allowing them to transform into his divine figure. He allowed the dead to be like the living after the opening of the mouth ceremony. Now this opening of the mouth ceremony is a very touchy subject. Many have heard of the ruler with the rod of iron in his mouth. Now only that in the book of the so-called prophet Micah he stated the ruler of Israel had a rod of iron in his mouth. Was it a gift or a curse is the true question? The Apis bull was his sacred animal, more of a representation of his soul on Earth who gave fertility and rebirthed the people. This temple began its worship in Memphis. It says this bull was conceived from a bolt of lightning. It was black with a white diamond on his forehead, the image of a vulture on its back, double hairs on its tail, and a scarab mark under its tongue. This is exactly who the so-called secret societies punished because it is in fact who they stole it from. The lightning was thought to be Ptah in a celestial fire, who mated with a heifer. Aren't you glad I cleared that up for you earlier; moving right along? Ptah was considered to be self-made from the waters of nun. Ptah was the god of the craftsmen and resurrection. Another attribute he possessed was that he alone created the gods and the upper echelon. So the next time a tarot card reader or want to be gypsy wonders why their tactics don't work on those in the know here's why. For starters the way the structure for the names that invoke planetary protectors and celestial star pattern deities is quite different and non-compatible with the primary culture. He was a patron of the arts, protector of stonecutters, sculptors, blacksmiths, architects, boat-

builders, artists and craftsmen. Now there is a law of physics that says two things can't exist in the same place at the same time. So which story is true? Well with us this is easy we can reference the shabaka stone do some carbon dating. We can deal with some radioactive isotopes. We can also find some archeologists to examine these treasures which are in the British museum. But ask yourself why do the people whose ancestors artifacts it belong to not have them in their possession for our very own assessment of what shall be done with these records. I think it was UNESCO that said the time has come for black people to write their own history. Or is it like you so well put it in Ezra and Nehemiah they won't release them and their artifacts until a true priest rises up with Urim and Thummim? In that is a great truth. Because most of this was remembered by griots who passed it down during rites of passage as an oral tradition. It is said that Egypt is a Greek corruption of the phrase Het-ka-Ptah, or House of the spirit of Ptah. Ptah is seen with a skullcap, ankh, was, and a djed. These are symbols of life, power, and stability, electricity. Ptah was married to his counterpart Sekhmet. A goddess of divine retribution, vengeance, conquest, and war. She is depicted as a lioness. Once it has been said she went on one bloodthirsty quest to avenge a wrong and they had to get her few drinks and go out dancing and partying to calm the storm. Sometimes I think these afro-centric stories are so much cooler than the bland versions. It would be good to remember regardless of your resurrection theory some still hold the belief the deceased come back in birth as children. Others believe their spirit can be summoned for guidance. Regardless I think a good note is to live your best life now. People should shower your living expenses the way they prep for these funeral rites. Those are my thoughts anyway. I'll elaborate more in another chapter. The true question is, "what's the motive for plagiarizing the black's history?" Some would say for political reasons. Well what would that be? To become the ruling chiefs on the planet and give you back the story in a

watered down form as if they did you a favor. It reminds me of the Jay-z song Crown off the Holy Grail. It is if we were left for dead and they tried to write us out of history as if we never made a contribution to civilizations. As if we were running around naked at a campfire stuck in the primitive practices. This couldn't be farther from the truth. There is much more to explore on this subject but, I just wanted to warm you up for the next chapter when I deal with Ptah's First born Atum/adam/atom. Also, the debacle that occurred in the secret garden. I hope we are slowly awakening the 6th sense for some 3rd eye for others. Continue with me on this journey as remove the veil not from the primitive understanding but the eye of reasoning which can see the truth in all things and the falsehood in others.





Chapter 3

Atum and Adam-Atom

What exactly is this big bang theory? Scientist say 13.7 billion years ago out of nothing this void had an explosion and created protons, neutrons, electrons, an atom to be exact. But what is the cause that creates this effect. Is it true that for every cause there is an effect? I would like to think so. So I put Ptah as the cause and leave the rest to speculation. Therefore Ptah and Sekhmet had a son named Nefertum. Some refer to him as Atum. Some even say Atum-Re. Not the Re who so called masturbated the universe into existence which is preposterous. As all those

know only a sexual union can create worlds. Now this is the equivalent of the Adam in the genesis of the scripture. So remember in the Garden of Eden that a snake told Eve about the tree of knowledge of good and evil and that the knowing of them would give them the power of the gods. At this moment life was bliss and no knowledge of how the universe came into existence should be known. Now after being enticed about this and eating of the forbidden fruit she goes to her husband and gets him to indulge in this. Here's a key point you don't want to miss. They found themselves naked and ashamed. Key word people naked, ashamed, snake, can you say sex ritual. All of a sudden God shows up and say they have become like us and is shocked and was like get them out of here before they find out how to live forever. Subsequently he sacrifices some animals in order to clothe or teach them properly but they can no longer be around him. I'm pretty sure most people are familiar with this story. Why is this important? Nefertum or Atum is considered the god of the lotus flower. He is said to emerge from the primeval waters at the beginning of time, and a god of perfume/cologne aromatherapy. It is sometimes depicted as a blue lotus bud. This is important because it is said that among medicine priests whoever could conjure up this lotus and eat it could gain immortality. The methods used have become ridiculous. I have heard unlearned people refer to the lotus as a woman's vagina. This couldn't be further from the true. This is where you get the star fire teachings from which are totally incorrect. Then you have some people with the belief that if you find the spot where the lotus is or once was that you can levitate there or open up the portal to another dimension that calls on that old great dragon. That serpent or demon and devil from the beginning. Here is where things get tricky remember I said the Chinese believe to call up the dragon and control it. The Arabians mystics say they can manipulate it like a genie. It is said if you can eat the lotus before the dragon and his minions appear you will have a celestial fire protecting you from its and harm and bend

its will and if not you could be corrupted and driven insane. Some wish for wealth and power, destruction to their enemies, and immortality. Others wish for a Romance out of a fairytale. I guess it's like the fictional character Solomon who claims to have only seen god twice and many prayers and supplications and had his wish granted. It's the same methodology or mind state. But where does the wife of Nefertum or Atum fit in this picture. There has always been depicted another woman after Sekhmet called Bast the cat goddess. She is the one sometimes looked upon as the one who once almost destroyed mankind. It is stated that only blood coloured beer/wine stopped her carnage. Have you ever wondered why mystery Babylon is always considered the mother of prostitutes? They are exactly the feminist movement type, lgbt, who are perverting the teaching. I think I just gave a solution girls just want to have fun. I just don't want to be caught up in weird situations with weirdoes serving strange gods. I'll cover more of this teaching in chapter 5 when I deal with the flood. She has the playfulness, grace, and cunningness like a cat. She remains true to her origin and war like aspect. Her temple was in Bubastis and her named can be translated as "Devouring Lady." She is sweet and precious, but under that lay the heart of a predator. Her priests kept sacred cats in her temple. The ancient Egyptians placed great value on cats because they believe they protected crops and killed vermin's. She is considered to be a skilled hunter. Now this is for those that have been involved in some of these shanigans or knows someone who has. There is truth in the story of using certain methods to conjure up this genie so to speak but to control is another story. Here's a comic relief. A little boy goes to sleep with his parents. He looks under the cover and says mommy what are those she say's my headlights. He looks at this father and says what is that he says it's a snake. He look back at his mother and say's what is that she says her forest. The little boy goes to sleep and is awakened by a moan. He looks under the cover and says, "Mommy, mommy, turn on your headlights a snake is headed

into your forest. The coolest thing you can learn is to not become so obsessed with this teaching it drives you mad and causes you to become jealous, hateful, or over ambitious. Which is exactly what I will cover in the next chapter.

Chapter 4

Osiris and Set the Cain and Abel Nemesis

In this chapter we will be recording a very interesting history of jealousy, and also deceit. How a woman who was once lost in history can be recorded in her proper capacity. This woman I didn't mention in the chapter heading whose name is Isis. Her resilience and relentlessness enabled a lost soul to be reincarnated on Earth. Let us deal with the original story from a biblical story so we can compare and contrast the truth and the fiction that has been sold to you. Let's start with the story of Cain and his brother Abel and their sacrifices. So the story goes Adam and Eve or Neferetum and Bast had children. These children would become Cain and Abel. Abel kept flocks and Cain worked the soil. Now when they did their sacrifices Cain brought fruit and Abel brought a sacrifice from his flocks. Now remember from the teaching what this is. It states that the vegetarian aspect of living was not looked upon with reverence by the most high. Although Abel's offering was accepted with favor. Now this upset Cain and he became very angry and jealous. So the Lord asked Cain why his face was downcast and told him if he does the sacrifice properly he knows he will be accepted. Instead of Cain learning the sacred teaching this is what he decides to do. He lures his brother into the field and kills him. The Lord upon looking for him gets the response am I my brother keeper. So the Lord states that his brother blood cries out from the ground. Although in this story he is not punished. And a warning is given against the avenger of blood. I'm pretty sure in this reference their father is the one is playing Lord in this sense Neferetum. All of a sudden he's building a city has grandkids that are lame and having two

women now. But when Adam and Eve so-called procreate and have sex again they call this son Seth. Now for those who didn't know this is where for the real scholar it gets very interesting. Have you ever heard of the story of Osiris and Set. Now although they say Shu and Tefnut and Geb and Nut birth Osiris, Isis, and Set this is simply not true. It is only a smoke screen to blind you from the stolen legacy. Osiris was one of the most prominent gods in the Egyptian pantheon. This prominent deity was a member of the Ennead of Heliopolis (ON). Osiris is best known for being a god of the underworld and a Judge of the dead. Remember in the book of Hebrews it was said that by Faith Abel offered a more excellent sacrifice than Cain, by which he obtained witness that he was righteous, God testifying to his gifts; and by it he being dead yet ~~speaketh~~. It would be wise to take note of what is truly being said. Now Osiris is often depicted as a mummified figure.

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Ancient Egyptians believe Osiris was the first ruler of Egypt and that he brought civilization to the land. Agriculture, Laws, Religious Institutions, and culture were given to Egypt by this God. His reign was a time of prosperity for the ancient Egyptians, the people were happy, except his brother Set, who was very jealous, and grew resentful of Osiris's successes. Therefore he came up with a diabolical scheme to get rid of Osiris. Set made a coffin that only Osiris could fit into and then threw a banquet. During the banquet, Set announced that the coffin would be given to whoever could fit perfectly inside of it. Eventually, Osiris got into the coffin and was seized and Set had the coffin concealed and shut. Set threw the coffin into the Nile River. The waters of the Nile carried the coffin into the Sea, and it finally came to rest in a Tamarisk Tree growing near Byblos in Phoenicia. Now this Byblos word and Phoenicia and Phoenix can very be much recognized for the true origin of the Bible and the Phoenix. I leave that up to the reader's discretion to open those doors while I unveil the root of the problem. It is said Osiris remained there until he died. Eventually, Isis his wife, succeeded in finding and retrieving the body of her husband and brought it back to Egypt. The goddesses then sought to revive her husband, but Set found out about his brother's return and cut his body up in many pieces, and scattered them all over Egypt. Isis managed to retrieve all of Osiris's body parts except his penis, which had been eaten by an oxyrhynchus fish. Nevertheless, somehow Isis was able to revive her husband, and the God Horus was conceived during this time. What a love story. This is a lot different from the stories being told in the political realm. The truth is most of the Greek worship involves castrating their progenitors so you can see why they would be in compliance with such foolishness. It is an attack not only on phallic worship but the civilization of Kemet the black land and people itself. When these things are spoke about in the political

realm it should be distinguished as what exactly are the referencing when these names are haphazardly tossed about. Because I am pretty sure it shouldn't involve a mission of castrating men the way they did the African slaves. So without his phallic being restored he only remained God of the underworld due to the incompleteness of the rising, resurrection, or erection.



Osiris is always shown as Green or black the former representing rebirth the latter the fertility of the Nile. It is said his son Horus eventually avenged his father but lost an eye in the process. Where he goes on a spiritual journey to learn. Whether him and his uncle came to terms and worked together is unknown to the common man. But here is a reference of this story told amongst the African nations. We all remember the story of the Lion King. Simba's Father Mufasa is killed by the evil uncle Scar in a setup. When Simba gets older he comes back and restores the Kingdom. There is much wisdom in research and insight in this dilemma. But for now we will move on and deal what happened under Set's Kingdom and what the God of wisdom miraculously pulled off to set things straight!

Chapter 5

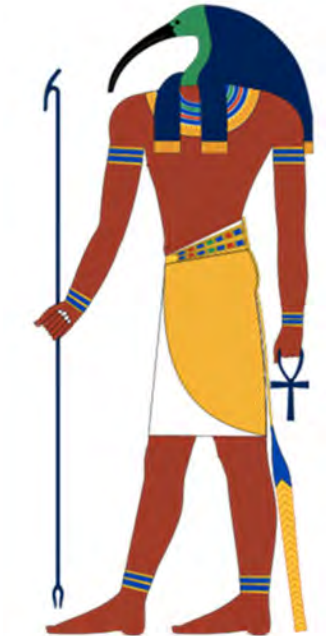
Thoth and the Ark

Now there is much to say about the Egyptian God Thoth and the ark of Noah. But first let us deal with the story of Noah and see if we can find some clarity in the so-called emerald tablets and the stories surrounding this phenomena. So let's deal with the Noah's Ark story in Genesis. It is said that after the story of Seth a generation rises up and is very wicked in the time of Noah. It is said that the sons of god went into the daughters of humans which were beautiful, and they married any of them they chose. So the head god decided to cut their years of living short, because of the catastrophe that had occurred. It is said that the byproduct of this intercourse was creating a hybrid race. This race was called the Nephillim. You can see why this would be a problem when one ruling class has to share power with their extended family of servants, this can economically cause them grief. It reminds me of the story of the Grey's when I was searching some family history but, that's another story. They say that these men became heroes of old and men of renowned status. It is said that great wickedness swept the Earth and that evil was on the mind of the people all time. The Lord said it had grieved him that he ever created human beings on the Earth and his heart was deeply troubled. So it is said he devised a plan to wipe what this biblical Lord considered an abomination from existence. Now here is something to keep in mind at the time of this event it is said that Seth is the ruler of the kingdom at this time. With Osiris being in the underworld and Horus/Heru only peeking at the Horizon the Earth is in shambles. Meanwhile it states that Noah found favor in the eyes of the Lord and is given permission and instructions to build an escape Ark to avoid the disaster forthcoming. It is said that he took his family, animals, and food along the journey and people laughed at his predictions

and methods. The ark is said to have arrived safely at Mount Ararat. It is said that then the sacrifices and altars being set up were continued. He leaves him with a not to drink blood speech and be fruitful and multiply in the Earth. Also, that he would have dominion over everything that moves. Then there is a sign of the covenant placed in heaven for remembrance by way of a Rainbow. Now with this being said with animals marching male and female to reproduce how is it that it has been represented by the lgbt community. How can a holy symbol be stolen and used for such treachery. Now there is a similar story told amongst Egyptians and also the aboriginals in Australia of the Rainbow Serpent. The one with the Australians say that Greyola took a man and woman from the village and they hid in his stomach. Before this was done the rainbow serpent was on a mission to find his people. When he had finally encountered them and found them doing rituals and sacrifices said they were not dancing right. He said he would teach them how. Now apparently they didn't listen. Because only the couple was saved. Once the couple had turned into beautiful birds then all the people attacking the rainbow serpent on the mountain were destroyed. Pretty cool story, but I like the Ancient African Egyptian one better. There is a writing reproduced from 1925 by an author by the name of Michael Doreal. Whether I agree with it or not completely I won't say. But for the reader here is something to consider. In his interpretation he states that Thoth or Tehuti was an Atlantean from Atlantis and there was a great turmoil in the priesthood. It had become corrupt and the women as the rumor has it had created a pathway to easily access the temple teachings for the commoners. This and also the fact that Seth is in power and the teachings are coming from a place of hate. It is also stated that Seth in the movie Gods of Egypt wanted to build a tower like Nimrod of Babylon. Staying on track with the emerald tablets although, it is stated that Thoth built a spaceship and used advanced technology and weaponry against the primitive survivors of the flood. The ruling class and much of the

priesthood is said to have been destroyed and almost self-destructed. It is stated there there was a path to remember how to get to the ancients submerged in the Heart of the Earth known as the Khenti-Amenti. Which I have much to say about in the next chapter. It is said that was the ruler of the Atlantean colonies in South and Central America. Also, Thoth is the supposed builder of the pyramids of Giza erroneously attributed to Cheops. Some know him as Hermes Trismegistus the thrice – born. I think in the fictional book of Corinthians Paul says he will not brag on himself but will brag on the thrice- born seeing heaven with his eyes open. It is said he raised the barbarous races to a degree of high civilization. The records supposedly hidden in the temples are supposed to be in the custody of the priesthoods he left in charge before passing. It is considered to be filled with symbols and harmonic thought wave patterns that teach the law of the universe and the planets and how they correspond with the spirit and soul of man. This book is said to have known how to obtain the keys to Immortality and pass through the Halls of Amenti. Have you ever wondered where they get the Amen from? Well now you know. Thoth is often pictured sometimes as a baboon or an ibis-bird. Do you remember the primitive studies on shape shifting? He is said to have aligned the pyramids with Orion's Belt. Thoth also is he who receives your declaration after passing through 42 nomes and weighed by the feather of his female counterpart Seshat or Maat on the scales of justice. On the side is Ammut the crocodile face demoness ready to eat your heart out if you didn't pass. After passing through the hall of judgment you meet the Lord of the underworld or dweller or Osiris who is supposed to grant you your wish in the afterlife. Others who have studied this subject know that you are to transform into this divine being and share in overcoming the world and achieve your throne mortal man. It's all about perspective. It is said Thoth made the almanacs. He made calculations concerning, the heavens, stars, reckoning time, seasons, calendars, balancing the body, and covering every

branch of knowledge and plans for the Earth. Thoth is considered to have worked along Anubis the guard dog of the dead and



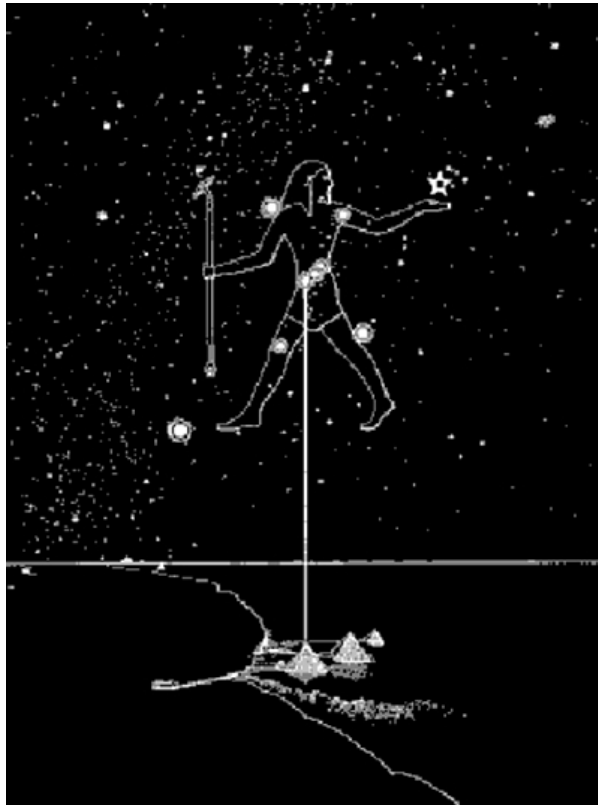


he is considered the inventor of the alphabet and writing in the form of hieroglyphics. His wife the Goddess of writing is considered to be over the library of scrolls. She was his assistant. Maat is considered only truly as an Egyptian concept of truth, balance, law, order, morality, and justice.



To further expound on this teaching of Thoth let us look at how they story is told of Abraham and Melchizedek in the Story of the war of the nations and what was happening in Sodom and Gomorrah. Could it be after the Babylon Tower was dispersed? It is said that the so-called character Abraham headed for Negev went to Egypt and tried to sell his woman to the pharaoh. This is in fact recorded in the book. But it's the gifts and wisdom he leaves with I'm concerned with. The actual question is, "How can there be a High Priest in Salem with the bread and wine before Jerusalem existed? Food for thought. Abraham is supposed to participate in war known as the Dead Sea valley and return to the Valley of the Kings and return the tithe or tax to

Melchizedek the High Priest of(Salem) after the war. Could it be possible that this is the Heru/Horus of our story? It most certainly can be. But after this the story become very misconstrued. Back to cannibalism, Abraham converts, and then his sons battle with the hybrids, and later the 12 kids from 4 women via 1 man. Also, the dream of Joseph and the constellations and him controlling it and becoming in power of the storehouses of agriculture and commerce via the pharaoh and the people losing sight of their roots. My thoughts on diverse relationships are simple. I have a T.I. outlook on it, "Hey, let's get away!" This is just me having fun. Some think to keep the bloodline clean others think to make hybrids, but I will cover this in the last chapter. But this is said to say that at some point it shifted. Although I would like to touch how it did so, I will first deal with the underworld teachings of daat and duat and the mysticism surrounding how this war was won. Hope you enjoy.



Chapter 6

Daat and Duat

Now in this chapter we will deal with the underworld teachings of daat known in the Jewish mysticism of the bridge between the idea and the reality. Also, compare and contrasting the duat of Egyptian mysticism and their underworld teachings. What really brought this subject to my mind was when I was examining the khenti-Amenti Documents and I thought about the movie roots. In the movie like in Khenti-Amenti the actor when traveling on the ship kept referring to himself as Kunta Kenti. Now it is said in the Amenti after the judgment you get on some ship in the sky and are brought pass the lake of Lily and brought to a field of Reeds. Now this is Duat. You can find more elaboration on the subject in the pyramid and coffin texts. Now this is a very tricky subject. In similar teaching it is said that in the Zohar they also have a vision of the afterlife and are supposed to help the soul ascend through its next journey. It is said to be founded on love and bestowal. These so called Cabalists say they have found the answer to the purpose in life, structure of the world, and how we can determine our destiny. Now if you know anything about Lily there are a few things to be said. One she is supposedly Adam's other wife and the mother of the vampires. Also, in the Zohar for the men who lust she is supposed to have killed them in their lust and candle light zivugim's, or sexual activity. Now kabbalah truly only means we all have a common ancestor If you do your research. Also, they know that the teachings of Egypt are to those that know, not an enemy (In my Katy Perry Voice), but a degree of enlightenment to be attained. They say, accelerate the wisdom. I say, this is what caused the

flood. How is it after passing twelve gates you turn into the khepera from RA in the Egyptian text although the women are standing at their gates? But in the Zohar there are men. Now we have people playing with the letters in the Zohar. Basically this is the creator trying to find a woman to procreate with and in a certain order. This is supposed to bring about a correction and a redemption. Now if you know anything about vampirism they call there mystery system Khepera rites. Still not convinced on the blood sacrifices are sex rituals huh? Allow me to teach you a lesson you should have gotten in the synagogue. HBD-Hochma Bina Daat (pronounced Habad). Daat is the appeal of Zon to Bina regarding their desire to receive Ohr Hochma from her. This prayer of Zon is called Man. For it ascends to bina and evokes in Bina (Ima their mother) the desire to have children with her. Bina is called Sefira Daat not to be confused with the Seirfot of the ten for this is 11. 11 is the sexual union and Ohr Hochma is pleasure of the creator and the light of wisdom. This light seeks to fill the vessels/desires of reception, if only there is a screen for true altruistic reception. Now I shouldn't have to go too much into detail as the true scholar can do their research and find this to be factual. But how did this teaching which advocates foreign relationships end up being a precursor for slavery. This teaching is exactly what cost the Black Prince Allesandro Medici (The Moor) his life. This is around the time the Moors fell which is still in question as their actual priesthood and rank structure and was followed by devastation. The Egyptians claim that Saba was the dragon and who they needed to slay so to speak, to be liberated. In the Zohar, Saba was supposed to be the creator living in the sky. Although he can incarnate in human bodies and live on Earth. Now it seems a bit of a tug of war for a monopoly on this truth in teaching. In my expert opinion I find it wise to interpret the tablets, text, hieroglyphics, and art for yourself. I mean you have nomes sitting down with their phallus sitting up and pharaoh's on the wall with their penis erect. It's not hard to tell this is a sex

cult. But this is exactly what all medicine priests or priest-kings knew to be the holy teaching yet people are not aware of the things they study. One could mislead you into slavery, another into ecstasy, or pure deception. Thoth is supposed to have brought balance between Set and Horus reminding them of their family ties but it seems this never came about. Could it be that the balance of power between good and evil, black and white, light and dark, is actually a race to control the agriculture, commerce, and technology created from these teachings. I certainly think so. Also, the reason for the castration during slavery and the reason the Arabs recorded in 1001 Arabian nights how they hated the Moors-black men for having sex with their women in the Garden. This is the reason they make their women cover up because they truly desire a true Kemetic Priest, but are being oppressed from doing so. Now some say after great debate keep all bloodlines pure. No one wants any Michael Corvinus's running around in the underworld hybrid style. But, Truth is stranger than fiction and the select bloodline known as the Greys-aka Royal Family are studying and implementing this. Though I am a Grey myself I need not dwell into fragmented teachings I will simply say that we should pay homage and restore the true bloodline and Griots of this universe, if there are some to be found, and get organized to put this catastrophe in order. A catastrophe which has only brewed greed, hunger, and hatred. But, how did this great struggle begin and was it ever spoke of in the Byblos. It most certainly was and that's what we will cover in the next chapter.

Chapter 7

Legend of Neferkaptah- Moses and the Ark

Now many people are familiar with the story of Moses and being born by a river. Keep in mind that the Chinese have a version of this story in their legends also. There is also a story called the Jungle Book telling a story of a boy being raised by animals and in the end returns to female companionship and goes on to live a more normal lifestyle. It is said that these so-called children of Israel who around the time of this new Pharaoh knew not Joseph. Remember that Joseph is to have been embalmed in a coffin in Egypt. Also, if he was a priest of On Married to Asenath then he would have children in the bloodline of the Egyptians. Now let's say that I buy the story of at one point in history the black Egyptians had the whites in servitude. Also, that they were killing off their men and keeping their women. And at some place in time someone from their race slips into the priesthood by the name of Moses. Keep in mind he is supposed to have learned all the arts and sciences of the royal priesthood in Kemet. Now it is said he hates being a ruler and watching his people be oppressed. He eventually kills someone and goes on the run and picks up a trade for watering 7 women's flocks. Once again the story of the waterhole or the lady by the well. In this teaching it is said that these squirts as some know them are in fact a way of keeping the rituals going. By him doing that he finds a way to provide sustenance for himself. At some point he claims to have seen god in a burning bush. Now if I can reference you back to the lotus flower and the celestial fire it would be good to have paid attention. When

calling upon the dragon for power if you have ever been near the Hollywood Theatre there is also a Chinese Theatre. In this they have a landmark where you can see a dragon in the sky with actors planting their feet in the cement as you see the black celestial beings in the sky along with him. I won't explain the ritual or teaching for obvious reasons I covered in the ego lesson. But, this would explain how he obtained the power or the shift of the power to himself unbeknown to the Pharaoh. Now this is where the story gets very interesting upon calling the power he is now about to take over the land of milk and honey which is in fact Egypt and Africa. Remember this land isn't his and he has a few tricks up his sleeve to do so. He plans to put the black Egyptians in slavery now. Moses wants to bestow the power of the royal priesthood upon himself. I can tell from proper examination that this is a war that broke out almost as epic as the story in the Lord of the Rings between Great Magicians. One thing you should note is a black man in New York is no different than one in Florida or California. So at this point it should be known that the whole culture of blacks was conscious of the races ruler ship at this point in history. This would also explain the karma that we as African-Americans are witnessing here in America. Not the karma or Kama from the sutras. The Kama they deal with is yoga, sex positions, and teaching women how to manipulate men in the 64 arts for all of their precious belongings. I am speaking about a karma of what we once did to the pale-skin nations and the grudge being held to this day. I would like to note that the Egyptians referred to this dragon as apophis/aep. This was the ancient Egyptian spirit of evil darkness and destruction. Not the double headed dragon you think of when two women on their knees given phallic worship. I am speaking of the arch-enemy or nemesis that could never be vanquished. He represents the evil or chaos of dragons and demons. It is said in Roman times that it is "he who was spat out" and considered to be formed from the saliva of the goddess Neith. She is supposed to be the goddess of war and weaving. She is said to

have an emblem of a shield with two arrows during the time of the Red Crown in Lower Egypt. She is said to be the mistress of the bow, Ruler of the Arrows. Remember that Apep would hypnotize the sun god and his followers, except Set who would repel the serpent by piercing his side with a spear, sound familiar. It is the same as the Egyptian double crown which the pope wears today. It is said that she eventually ruled that Horus would be ruler over Set and gave Set land and two women for compensation. It is said her relationships were confusing and that she was once supposed to be married to Set and that she was associated with the cow Goddess Hathor. This will be important later in the chapter. She is linked to the 4 goddesses supposed to protect the canopic jars along with the 4 sons of Horus. Here epithet is “opener of the ways” and weaver of the mummies in the funeral rites. She is linked to weaving in water in creating the world and the hieroglyphics show an ejaculating phallus. Meaning this couldn’t be further from the truth thinking of androgynous beings. In reality Ptah is the opener of the ways and I will deal with this also. But the confusion is what these so-called LGBT have misinterpreted the teaching. But this would explain why Moses was somewhat upset about the cow worship in the wilderness although that’s another story. Now how Horus took Set’s woman and got him to move along to other relationships will take some tactful thinking, but I’m pretty sure you can figure it out. It is said that Apep would stop the boat of the sun god and trap them in massive coils. This would explain my slavery dialogue and why these spells, rituals, and sacrifices can also be curses. Remember Moses wanted to take his people out so they could go and do sacrifices, then his people would have the power to say I am or Shazam and become the royal priesthood. Some might say well how all of this could have come about if you say the story of the bible is fiction. Here is where the history lesson kicks in giving you a bridge of the idea and the reality of the situation. First, remember how it is that an army of the dead and the major and minor god’s and

goddesses were trying to cut a hole in the side of the serpent to release the sun god he had swallowed. They were claimed to be trying to fight to maintain Maat or the established order. Think of the Rainbow serpent story again it all makes sense. If they failed they would be plunged into darkness, and this is exactly what happened to the black African Egyptians. Storms, earthquakes, and volcanoes are associated with this whenever you see solar or hybrid eclipses. It is said by some that this was a portal for the dragon to enter into this dimension. Apophis is associated with the northern sky and dark and cold places. He is also associated with Taweret, Apet, or Opet. She is considered a ferocious demon, but so called a protector of women and children. I smell feminist yoga Aryan nation all over this but let me continue. She is also supposed to be wet nurse and goddess of childbirth. Taweret is also known for fertility, sexuality, and female pregnancy. She is supposed to guard the paths to the mountain in the west that leads to the underworld. If it is saliva what conceived her, could it be the same as the story of Miriam whom is said god spit in her face or Mara in the Buddha story. Women who wear amulets, cosmetics applicators, jewelry, headrest and vessels are said to be in worship of this demon. It is said she can use magic to help the deceased through dangerous and frightening places. She is depicted as a crocodile, hippo, and a lion. They claim that she helped Isis by trapping set in the northern sky constellation. I don't believe it for one second. This sounds like your typical fake gypsy, tarot card reader, seducing men and hypnotizing them and dragging them to hell. Her star constellation is Ursa Minor and the Draco constellation. This is Ursa Minor is associated with the bear. I'll let you figure out what country that represents. It is said some private individuals have transformed into cats or lions and poked out the eye of the evil serpent Apep. There is a malevolent ritual known as the banishing of Apep. I won't go into the beliefs on it so I'm not contributing to false practices. One has to do with effigy smeared with mud and burned, was

models dismember, and burning images of its papyrus. Now here is where the reality kicks in with the Hyksos Kings who are said to be the actual invaders of Ancient Egypt and carried the name Apep. It is said these Hyksos who started in Avaris, are in fact the ones who adopted the customs, rituals, and worship into their own beliefs from the Egyptian Pantheon. It is said they took over the trade in commerce and made treaties and foreign contracts. It is said they came in with their war chariots and toppled the legitimate government once they had taken control of the Delta commercially and forged contracts. Now remember in the exodus it is said that Moses is to have plagued the Egyptians because they didn't want them to leave and do the sacrifices. In a nutshell the black Egyptians didn't want anyone practicing these rites and rituals except for the holy priesthood and the bloodline. Moses knew about it because he was a part of the society. Now it was said that the Hyksos are Semitic implying shem and the jewish nation etc. But, no one truly knows their origin and I think I know why. Remember when Moses said the women were to take from their neighbors their silver, gold, and clothes, and they would plunder the Egyptians. If you recall the first attempt of this is made by Sara when she was with Abraham and he pimped her out and plagued him and stole his riches. Sounds like Taweret the thot to me. Remember he taught him to turn his staff into a snake on the ground and also how his hand became white and leprous as snow. Now this leprosy thing was and still is a big issue in the medical field. But it is said that this means to go from being black to white. If you broke out with this albino like gene then you were not clean until you were quarantined and placed in concentration camps until you changed all the way white. This is in fact what created the pale skin nations and the intermingling of the priest with the women is what birth the rest of the pale skin nations. Why do you think in Europe the British were once known as the Albion Empire? Also, they learned how to turn the Nile River into blood by throwing it on the ground basically

like a BP oil spill. He went and got a translator that could handle this diplomatic mission they went on like Frodo and Gandolf the Grey to overthrow the eye on the pyramid mountain. Remember how they went to the dragon to steal its gold and riches. It all makes sense when you look at the stories surrounding it. A great war broke out between Moses and these magicians. Each one showing his display of rituals and power. The Egyptians told the people forget about the sacrifices and rituals and go back to work. What is happening is when the African-Egyptians had got rid of the men and kept the women the leprous men nature turned in on itself and they became homosexual. This would explain the mass incarceration of black men in America. Now remember in the movie 300 how the Spartans had fought to keep their empire from being invaded. It is said they carried out same sex rituals allowing their love for each other to make them fight harder. This is what is considered to have occurred during the plagues and battles in Egypt. Think of all the swarms of flies, locust, death to children, destruction of crops, and burning of villages. This is exactly what happened in Africa to the Ancient Egyptians. Now without further delay they are supposed to do the 3 days in the wilderness the Atlantis of Egypt is destroyed and the Pharaoh's are sunk in the water. It is said they Moses has some tablets on the mountain and placed them in an ark then he places them in a Temple which he built and the blueprints of the Architecture in doing so. Let's think about the Emerald Tablets of Thoth again which were supposed to be hidden and guarded by the medicine priests in the Pyramids. These secrets where never to be disclosed to the men of the North and yet they were. Now the storehouse cities built during that time was supposed to be Pithom and Rameses. In this I would like to expound on the Legend of NeferkaPtah. NeferkaPtah is said to have been the son of a king and all day long, he cared for nothing but to read the ancient records, written on papyrus is the House of Life or engraved on the stone in temples. One day he went in the temple and started

to read the Inscriptions, he forgot to pray, he forgot the gods, and is said to have heard laughter coming from behind him. A priest told him he should read the writings worth reading and he would tell him the location for a 100 pieces of silver. Sound familiar to the Jacob story. He told him if he would read the first page he would enchant the sky, the earth, the abyss, the mountains and the sea; he would know the language of the birds and animals, and could even see the fish in the depths of the sea. He told him in the second page even if he was dead he could come back to life. Also, that he would be able to see the sun and the moon shining and behold the shapes of the great gods. He embarks on the journey to find the book in the Koptos River and overcome the obstacles to get it and does some sacrifices and wine libations before he leaves. He and his wife gained the power of the book for when Thoth realized it had been stolen had vengeance on them. Sounds like the Garden of Eden story some. He ends up being killed along with his family drowned in the water. He straps the book to his body with a golden girdle and is buried in tomb in the Royal barge in Memphis. With great power comes great responsibility. I know people didn't know that Rameses was supposed to have a son name Setna. Setna is said to have found out about the Legend of Neferkaptah. Setna is said to have been learned in all the ancient writings, and a magician of note. He could read hieroglyphics and write it. It is said none of the magicians surpassed him, not even the priests of Amen-Ra, Ptah or Thoth, could understand some things he interpreted. He and his brother, set out on a journey to find the tomb of NeferkaPtah, the son of Amen-Hotep. He finds the tomb, but it told not to engage in it by the spirit of his wife. He doesn't listen and is challenged to a game and wins by using Ptah's amulet, once he finds himself buried in quicksand. Well he doesn't actually win, he springs from the ground and snatches the book and runs. NeferkaPtah says he will have him bring it back with a pitchfork in his hand and a fire pan on his head. He is referencing him to the devil. Could this be

the illegitimate son of the Pharaoh? Now it is said upon learning the powers he is given a vision of enchanting woman Bubastis or Bast the wife of Ptah. This woman is said to have enticed him to divorce his wife kill his children and be with only her. Once he does so she comes to him only to transform into a corpse. He is terrified and returns the book to NeferkaPtah and returns his family to him. Now I am convinced this book was found and stolen by Taweret or Tabbuah. Now I am convince that this Red Cross and arrow that Taweret represents is in fact the Red Cross symbol for the knights of Templar. They are said to be the ones to guard the Holy Grail now today and protect it from others. The Hyksos invaded Egypt and stole this technology and conquered the known world and set up Judges and Kings as if they never knew where this stuff came from. You have satellites, cell phones, even the pyramid is considered an old nuclear power plant or electrical wireless tower. Thoth is even said to have buried his spaceship under the sphinx. This is the power struggle going on today and the karma and dilemma facing the Nation. It's like 1001 Arabian nights the saying of "Open Sesame" and it opened up to the guy and he stole the hidden treasure out the cave. Or the story of Aladdin finding the magic lamp in the cave. It's the same story. The only thing is they don't like blacks-moors-Egyptians. It is because they would have to admit their true contributions to civilization and also who their true Ancestors are. Like I said the true meaning of Kabbalah is a common ancestor.

Chapter 8

Solomon and King Tut- How the Land became desolate

In this chapter I will deal with what truly occurred in the temple that causes the Land of Egypt which was once the trading capital to become a desert. But first I want to deal with two chronological orders which would be of much interest to a renowned scholar. The first dealing with King Solomon's timeline being around 1015 b.c. no bodies to carbon date though. Also with King Tutankhamen's timeline of ruler ship being around 1325 b.c. Let us keep in mind that Amenhotep son Neferkaptah's timeline is supposed to be 300yrs before Ramesses son Setna acquires the knowledge of the book of Thoth. This is interesting because Ramesses is also mentioned during the time of Joseph. Now the Movie Theater would have you believe in the movie the Mummy Amenhotep the 4th was the High Priest and supposed to be engaged or having an affair to Anucksunamun. But the reality that never hit someone who has actually studied the material or history knows that in actuality it was King Tutankhamun who was to be married to Anucksunamun. Where is King Tut in the story? They erased him out of the history and sold you a dream. What you will see is two women at one point are fighting for a Royal position in the kingdom of the True Pharaoh. In the movie he is depicted as an old man. But in actuality it would be King Tut a young man. If you recall there was a fight over whether they would worship Aten the sun disk or the Amenti. In King Tut's history it is shown that he went with the true priesthood of the Amen. In the movie after wooing the woman in the story Amenhotep stabs the

High priest-King or Pharaoh in the back and he is murdered. King Tutankhamen is often depicted as riding a chariot and with no less than 6 are buried with him. Now we can clearly see that some say that he was killed by his general and others say his father-in-law. Meaning that Amenhotep was not his actual father. Let's remember in the story of Joseph the boy is so called adopted into the Kingdom for being able to interpret dreams and understood his dream of the sun and moon making obeisance to him and his sheaf rising higher than his 11 brothers. In the end remember his knowledge of the stalks and them withering due to the certain factors made him Lord of the Land and Governing distributor of the storehouses. A thinking man would say that all of these stories connected. First, in dealing with Joseph and David coming into ruler ship at 30. We will cover this in the double horizon in the next chapter. Also, some mystics say that David didn't die in the Zohar yet he evolved into the degree of Solomon. Let's remember the people in Joseph's family plotted on killing him out of jealousy and differences in perspectives on his ambition. See one should know that the God's of Ancient times do incarnate in men. No one truly knows how they come through the matrix or vagina of a female as that soul. What we do know is that it happens. Think about the movie Leprechaun when he was looking for the woman and checking bloodlines. Also, in the movie underworld the way the scientists were constantly checking the bloodlines to see who would be a direct descendant of the primal ancestor. In the movie The Mummy Amenhotep is supposed to unlock the canopic jars and found a woman to reincarnate the spirit of the woman he lost. The priesthood is assisting in this resurrection. A book is called the book of the dead but has powers similar to the book of Thoth. Now let us remember the sex rituals being played out. Remember that before Solomon becomes King, his father David is on his deathbed and they covered him with clothes, but he got no heat. After this a young virgin was sought, so she may cherish him and lie in his bosom, that way he

can get heat. What is this heat you ask? I thought you'd never ask. Some people in Egypt refer to it as star fire, and in Rome they called the women Vestal Virgins. These virgins who were not actually virgins were charged with keeping the fire burning at all times. If this fire went out it would be known that someone in the Harem had went astray like in the fictional story of Esther. There normally was 6 in Rome equivalent to the number of chariots attributed to King Tut's chamber. In the forbidden Kingdom in China women would study astrology to know who should come into the Emperor's chamber and at what time to keep his Power. In some traditions it is said when the ruler dies the women were buried with him. So that even in death they would never be apart. Whether they would be buried alive I am not certain of how the other cultures did it. But in my expert opinion, I think this would be a little primitive again and barbaric. This is said to bring about the transformation and give majestic powers to the ruler chosen for this task. Now for starters we can understand that there were many men vying for the throne during the time King David couldn't get heat. As you can see there would be much jealousy and ego issues when dealing with this teaching. It was never for the common man only Royalty. The reason why is because those of the true bloodline could only produce the results that were desired in agriculture and commerce without the side effects of those clinging to the impure forces. Remember there are eunuchs in the temple and women who may sometimes feel neglected so this can get intense and at times distracting somewhat. Men and their lust. Never knowing a true purpose behind the science. Was it to evoke the power of the Creator to grant wishes or strictly procreation is the question. Also, in order to know how they were accomplishing this task of new moon, eclipses, and this phallic worship were they using some type of device or pure intuition. So how did this information end up in the women hands? There are a few prevailing theories. One is in the story of Judah and Tamar saying he gave her his seal, cord, and staff for sex and

she became pregnant and usurped his power. This power is especially intoxicating to a woman when she realizes someone actually knows what they're doing. Remember what happened to Joseph when he was so called in the Temple and the Chiefs wife wanted to sleep with him and he didn't let her so she accused him of rape. Let us remember in Onan and Judah's conversation to fulfill the duty was to place the semen in the woman's body. The same was done with Ruth in the Law of Redemption and Inheritance. But ohm how quickly we forget the teachings in the previous chapters about Apophis meaning he who was spat out. This serpent along in connection with the demon goddesses Taweret would be of some value to the reader about what is being said about this connection. The true intention or purpose is procreation and is also the same as the commandment in the Zohar. Just like Solomon was married to Pharaoh's daughter also, was Joseph when he came into ruler ship and became a priest of On. The bloodline is so intermixed with this other race it would be of note that you never know who the king could reincarnate through. This is some fun fact worthy of note about the Song of Solomon. In the story it is a black woman and a white man in the garden. But in actuality it is King tut who is the black man should be with the ying-yang pale skin woman. It is an attempt on reverse psychology on the love ritual to bestow the power to the other side. Another reverse psychology is the fact that they say Heru or Horus eye was poked out when others say it was the serpent. All you have to do is read and study and the truth will reveal itself to you. So who could it be such rulers are living in the same timeline but not ever notice each other? The fact of the matter is it is a fraud. Solomon, King David, and Joseph never existed it is a hoax. Also, the only factual King is Tutankhamen and his history has been distorted by the Theater. But now we can get to the Truth and Root of this problem. The same thing that happened with Jacob and him having 4 women and 12 children for a duty. But remember when Abraham wanted to marry his son to the daughter of Bethuel, the

son Milkah birth to Nahor. She is supposed to have brought thousands of millions by her being a relative. Because in Royal times it was always best to keep the bloodline pure. But, the only one actually required to be the creator was the incarnated king not the impure forces which is why the chosen ones in the priesthood were carefully chose and not male dog cult prostitutes. Imagine this if it were easy as it seems why you don't see pornstars evoking any power or stimulating growth in the universe. The truth is there is a sequence unknown to the common man and also you actually have to be a part of the bloodline. This is why in the Garden of Eden it was explained of Adam and eve's sin of trying to understand it and by doing so were caught up in sometimes male on male concepts. Now let us get back to the Solomon story when he is reminded the keep all the commandments that are given to him in the ark. Also, there is a Godfather moment when all his enemies in the past now that he is transforming or as some would say die are dealt with. It seems like a Michael Corleone moment. After that occurs they are still asking Solomon's mother for his women. Remember all the sacrifices, incenses, and burnt offerings down on the altar. His affinity with the King of Egypt and his daughter. All he asked with that power was to be able to use it wisely to rule his kingdom once he had properly mastered the sacrifices from the eternal one or magical genie. Whatever you prefer I'm OK with it. He did very well for himself in acquiring his riches and building palaces and monuments the way Aladdin is said to have done for Princess Jasmine. Although in that story he is supposed to have learned of it from his uncle an Egyptian Adept, moor, or black man. It is said he couldn't do it in particular because he wasn't part of the bloodline. This is very interesting to note that although some know of this truth they wouldn't disclose it to you unless you were of some benefit to them. If they can't use you they normally will try and injure you once they know you are endowed with what is known as the vision of the phoenix. Even the Queen of Sheba collected

her royal bounty which was impregnation. But it goes on to say that at some point he follows the cultures of the diverse women and pollutes the bloodline and the true creator of the universe is displeased because his lust have lead him astray from real love purposes and ruler ship. But in actuality it was the jealousy of others and the constant effort of satisfying his women which caused him much grief. Now with all of these wives and concubines there would be a lot of diverse children being created. But for me as an African – Egyptian I know not to get led astray by women who work wands and cups and tarots of astrology. See where once would see a cancer I would see khepera. Where she would see a Scorpio I would see Icís. Women are not to come in and dictate this teaching as was done with Tamar or Taweret. This is a warning to you who know this not. It could very much be your destruction and death in following after strange cults outside of what you know. But for me this is easy because I know out of all those fantasies King Tutankhamen actually existed. As shown in the movie the Mummy 2 When the sequence of events occur in the jungle and the true god is killed the magical kingdom turns back into a desert. This is exactly what occurred and how this information was able to be distorted. This is why until this day the pale skin nations who know of this truth are always afraid of a baby being born with a constellation on his head because it just could be that Black King coming for his throne. But when he is born who will guide him and teach him the way. By the ruling society today who has stolen the culture and perverted will never tell the Black King the truth about himself. Nevertheless nature finds a way. But I will deal with this in the next chapter of Jesus and Horus of the double Horizon. But remember it is said every 500 years the Phoenix reincarnates. Some have said Allesandro Medici the Moor was a true blood inheritor, but to the Catholic priesthood. How could this be? I will give you a piece to the puzzle that will make this more revealing to you. How is it that Allesandro Medici dies in a sex ritual with a woman after being set up, and

afterward the Moors or Africans are put in slavery? This should be a lesson to the Negro when he becomes a Set or a female Taweret when she becomes envious of her brother when he has ambitions and talents that are worthy of praise. Respect and Honor the Ancestors and do not be fooled by false teachers. One of the greatest false teachers I would like to expound upon is Clarissa Pinkola Estes. She wrote a book called *women who run with wolves*, and I will give you a description of what it is supposed to contain. It is supposed to be myths and stories of the wild woman archetype. It states, within every woman there lives a powerful force, filled with good instincts, passionate creativity, and ageless knowing. She is the wild woman who is an endangered species and has many myths, fairytales, and stories, many from her own family. Remember this because this is important about what they teach their children. It is supposed to retrieve, examine, love, and understand the wild woman and hold her against our deep psyches as one who is both magic and medicine. It is said that she created a new lexicon for the describing the female psyche. Now, it was once said to get into a woman's head before you get in her bed right. Now this woman is supposed to be a poet and psychoanalyst and post-trauma specialist. She is supposed to have been raised on oral and ethnic traditions. Now this lady is supposed to be Native American and Spanish. Clarissa is supposed to be brainwashing the women and the children into thinking that she knows the oral tradition of old mythos and stories, songs and chants, dancing and ancient healing ways. Her family is supposed to be weavers, farmers, shepherds, tailors, knitters, horsemen and women. She is supposed to have clinically practiced on traumatized victims. She is supposed to be a distinguished scholar on diversity, working with district attorneys, writers' union, Maya Angelo Health Foundation, and a member of Hispanic journalists. Sounds great to a rookie but, to a seasoned vet it sounds a little, or shall I say a lot like Taweret. I used to wonder why when I had a talk with feminists, or now full blown gay yoga

teachers, big story in India, they were appalled when I said I was writing a book on the astronomical theologies of medicine priests. I took some time to review her material and what I discovered was quite intriguing. There is a section on her initiation called stalk the intruder. It states that if a woman has a dream about a dark man it is a bad sign. This dark man is a thug, thief, out to rape her in her bed, turn her into a slave, etc. She should hit him on top of the head and run and not bow down to him. When she gets away from him be aware because he could still be chasing her. Only talk to him if you can use him. I thought to myself this is the feminine mindset. Even black women who want to be modeled after them have adopted this mindset. This is the most racist and usurp of the true culture of the African Egyptian medicine priests I have ever heard of. What gave me the idea to check into it further was when Omarosa Manigault Newman said that the people in the white house were racist. She said that with her being gone that there was no one at the table to speak about the interest of black people in America. Well I thought what other conversation they could be having about them than this one. So why there running around singing Selena Gomez running with the wolves, look what you made me do by Taylor Swift, and don't be his friend he's only calling because he's drunk and alone. Who do you think they're talking about? The black man that's who. If the woman is some sort of goose that lays golden eggs and has transformative power be careful you don't fall into a fantasy. The reason being because you adopt the mindset of who you have intercourse with. This is why it was said not only to Solomon-King Tut to not let women lead you astray and serve strange gods e.g. the olympics. Or you can just be a dog a.k.a a male cult prostitute or become a god. I prefer the latter. Look at it like this even in Michael Doreal's version of the Emerald Tablets in the white lodge there is good information, but he says light is good and the dark is bad. Here's a tip at least in The teachings of Don Juan; A Yaqui way of knowledge you could at least comprehend

shape shifting. Although it is still somewhat primitive and deceptive to me. And ultimately he never teaches him how he does it. So half taught whole devil as I was taught. This couldn't be further from the truth. Although, all darks are not good and all pale are not bad, only increase your awareness of their teachings. Look at plants and photosynthesis, it has color because it has light! Remember the principles on utilitarianism. Things such as the plant variety act and the research exemption. Remember the daughters of Zelophehad can become a fog but is worth of Note in doing numbers (well spoken). Job even was said to be the black King of the Armies yet 4 men speaking nonsense didn't get it. It was in fact a ruler that was coined on the money as Allesandro Medici like in coming to America. Not what you see on W.E. Dubois coin. The same is carved in a wall in Washington, D.C.(library of congress) A picture resembling him and his younger self and a female with a headdress. Who is also depicted on Capitol Hill. Take a look.

Chapter 9

Jesus and Horus of the Double Horizon

In chapter 9 we will be break down the fallacies of the Jesus myth and mystery.

The story is well known to many across the world and many monuments, temples, churches, and statutes have been built in his name. But, truly do the people actually understand what they worship. Let's go into the story. A child is born of a virgin birth. The only reason people know this child is born who are educated is that a constellation appears over his head. What was this constellation that the Magi's witnessed over the head of the divine being to know to come and pay homage? Also, who was the ruler at the time and what did he want with the child? To avoid speculation the actual star they were looking for was known as Orion's belt. But where did this beloved Jesus go when he was born when he was persecuted? He went to Egypt. I find it kind of funny that throughout all of the scriptures that are mentioned that actual landmark always being brought up is the Black Land Kemet. Could it be that this is where these stories are stemming from? I would like to think so. On another note, he doesn't really come out to be described in his history till he is around the age of 12 and runs away to the temple and is there teaching the

priests when he leave his parents. After that you really don't hear much about this Jesus or this Yeshut character until he is around the age of 30. At the age of 30 he is supposed to have been tempted by Satan to fall under his will but he overcomes the temptations and begins his priesthood. He goes on to do many miracles like raising the dead, healing the sick, and feeding those in poverty. Although, he himself has no home. But the rumor has it that a man who has no home must find a womb to live in. He is a protector of prostitutes and tax collectors or your average every day mobsters. He certainly possessed great power to walk on water yet during his miracles he would always acknowledge the fact that the priest were to be paid for this work he was doing. He was always in the treasuries and banks turning tables on those who had usurped the kingdom and were not using the government for its proper function. So though these people knew that he had done so and had recruited 12 men for his priesthood they were still afraid to challenge the power structure from a poor man traveling with a donkey. But the real question is how a man with successful friends can obtain many skills and have lack of resources. Eventually the priesthood could not set aside their jealousy and seek to have him tried, arrested, and murdered. His mother did not have his back, his friends, his father, or any of his apostles. They stood by and let these things happen. So to the average Christian they say, oh this is the prophecy and he was to die for our sins. See, this is the primitive cannibalism I spoke of in the first chapter. People want to eat his flesh and drink his blood. Wake up those who keep law, statues, and commandments, don't drink the blood. But you are not aware of your ignorance. But here is a lesson to be learn from the Hindus from their version of Krishna. Hopefully this helps you overcome your foolishness. In the Bhagavad Gita it is seen that Krishna realizes that a civil war has broken out between his people. Also, Arjuna doesn't want to fight his own people after diplomacy has failed. They are fighting to see which side will take the throne. He reminds him of

his duty to the true culture regardless what your friends, family, or idols you worship think. Take this into consideration, you already have to deal with pale skin nations oppression corrected who have stolen the culture. Then you have to deal with the brainwashed zombies around you who are supposed to be your peers. A true guru would know that both have to be vanquished in order to bestow the gifts you have ready for them upon conquest. You can do what you have to do without getting bad karma as long as your intentions are correct. So for the next poor me Messiah, it may be good to remember this lesson. Anyways he reincarnates from the throne and is resurrected, the fish are biting, and he goes on to ascend never to hang out with the people who left him hanging again. All they could do was tell a story of real stand-up guy they betrayed. In actuality he had enough since not to hang with those who would become cowards in the face of danger of protecting an incarnated god. The truth of the matter is there never was a Jesus, this is all one legendary story co-opted after many invasions in Egypt reiterated as Serapis Christos by Alexander the Greek and the generals of Alexander who later became the Ptolemaic Dynasty. I don't have to go into the church of Hagar Sophia. You can look into some of the material by Professor Walter Williams and he will give you some insight into this. But this story of a boy born by a virgin birth is nothing more than the story of Horus/Heru. A story about a real Hero. This Horus of the double Horizon is the 12 year old and 30 year old rites of passage. This was one of the most profound secrets in the Egyptian astronomical mythology was the Horus of the twofold horizon of the double equinox. This had been established by the sky-up lifter Shu and his sister Tefnut. Until the time of Har- Makhu the fatherhood of God had not been realized in Ra. Men still thought the woman was god. For at the 12 year old rites of passage they thought that the mother was the progenitor of the nations. But when they came the 30 year old rites of passage the realized for themselves that it was in fact the Fatherhood which was Supreme. It was

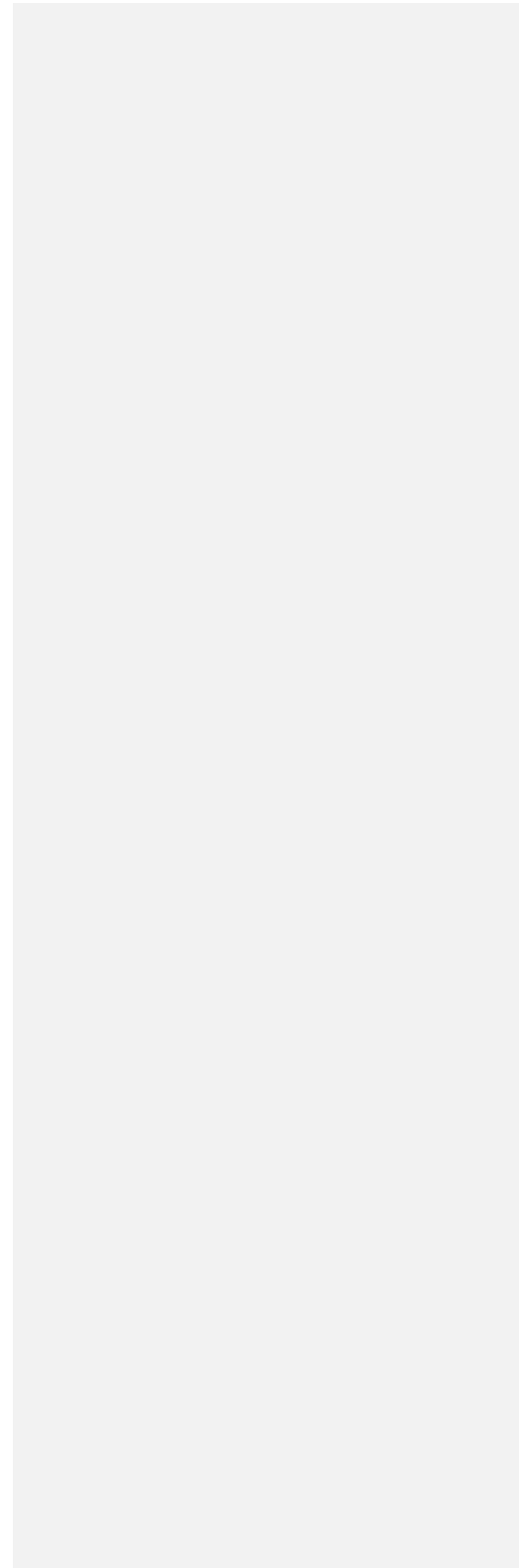
the calf on one horizon and the bull on the other. It was the evolution from Hathor the cow to Horus/Heru. Horus was considered to be the only begotten son of his father. Later in life he transformed into Khepera the beetle after rising from the underworld. He was born in the likeness of Horus the Elder only to transform into royalty of Horus the King of the vernal equinox. He rose in the east and sat in the west. It's not the other way around. He became Horus of the double force, double feather, or double crown. He swam like a fish in the autumn with crocodiles under his feet or serpents and scorpions in his hand. Remember the statement Jesus or Yeshut made I have given you the power over serpents and scorpions.



This is exactly what the parable spoke about. It is said that the old child had transformed into the younger on the mountain of glory. Do you know about the transformation on the mount of glory? Standing on two crocodiles Har-Ur has the double power to take up serpents and other poisonous reptiles without receiving any hurt. The crocodile headed-Sebek is the child attributed to Neith in Virgo, crosses the gulf of darkness or the abyss of waters, to rise up in the East as Horus of the twofold horizon which had united in the double Equinox as Horus

of the doubled power. One is Har-pi-khart the child the other is Har- Makhu of the scales and balance. He rises with the strength of two lions. One is a founder the other a fulfiller, while one is incarnated the other resurrected. But is important to know some say that if you complete your tasks on Earth as you should there is no need to reincarnate for you have passed the test here on Earth and in the Afterlife you will be blessed for your achievements living a similar yet more majestic and celestial lifestyle. Do you remember the story in the bible of the Acts of the Apostles when a poor man went through a gate called beautiful? When the men told him to pick up his bed and walk. They said silver and gold I have none. Let me revisit this so you don't miss the true teaching of this lesson for you New Testament people The little sun, the calf, or the child Horus entered the mount at the beautiful gate of entrance in the west, for breeding purposes, and rose again as the great sun, the bull, the lion, the adult Horus, that went forth at the beautiful exit of the east to become the bull of the mother when the godhood, consisted of mother, child, and divine adult. In modern terms check the United Nations agenda on mountaintop teaching. I guess you could say changing the paradigm. This was a mystery of the sphinx. Some worship pillars and trees yet, this is only more primitive totem pole worshiping in the teaching. This is the true understanding of the eschatology and the two Cherubs that guard the way to the Garden of Eden. Two lives together coming together in the cloak of one. That one is to be identified by the cloak of Royalty. He is coming in the character of the Great Judge to see that justice should be periodically administered. Truth, peace, righteousness, and the balance of scales was to be postulated and established as the reign of law. But saying all that to say in the next chapter we will cover how in fact that these two understandings of prophets and speculators differ from magicians. One seeing the world as a society destined for doom for their consumptions. The latter as a world of opportunities and expansion. Try not to look at this a battle of good and evil

yet a difference in perspective of what the good life looks like. Another thing for the good Christians to remember is the story of Paul being bit by a snake. It would do one good to know the story of Ra being bit by a snake and how this all played out for him. I hope you enjoy.



Chapter 10

Resolution Restoration and the Bloodline of the Gods

Last but not least we have our final chapter. Although it is the final chapter for this book, This could never truly quench the thirst for wisdom and knowledge and the advancement's in science and technology for future generations. Things can always be improved on and methods and strategies fine tuned to the drummers beat. The question I deal with daily on my emails when dealing with International Affairs of Humanity is what to do about the ethnic and religious conflict resolutions and steps toward peacebuilding. It is said that traditional and indigenous leaders are the custodians of peace at the grassroots level in various countries and communities. It is also stated that the international community has ignored them, their wealth of knowledge and wisdom in the area of conflict resolution and peacebuilding. They believe the time has come for traditional rulers and indigenous leaders to be included in the discussion on international peace and security. It is time for them to be able to contribute to the overall knowledge of conflict resolution and peacebuilding. By organizing and hosting international conferences on the traditional systems of conflict resolution they hope to not only begin a plenipotentiary, pluri-disciplinary, policy, and legal discussion on the traditional systems of conflict resolution, but most importantly, this international conference will serve as an international forum where researchers, scholars, policymakers and practitioners will have an opportunity to learn from the traditional and indigenous leaders from various countries around the world. The traditional and indigenous leaders will also discover emerging research and best practices presented by scholars and practitioners at the conference. The outcome of the exchange, inquiry and discussion will inform the international community on the importance and

role of traditional systems of conflict resolution in our contemporary world. This brings us to an important outlook on a book presented by Charles Mann titled "The Wizard and the Prophet." In the book it compares two different outlooks that some of the black race often face and is worthy of note. What one must do is to learn to not to turn this knowledge, wisdom, and ancient manuscripts into a way to create new lusts for orgies, but yet tie these anthropological studies into economic theory. Here you have two men facing this dilemma presented to them. In 40 years the earth's population will reach 10 billion. What kind of legacy as progenitors do we leave for future generations? For the seeds of today will not remember who or what was vanquished, but will only be able to cherish what was preserved and established, the wealth left for value in their childhood, adolescence stages, and adulthood. The prophet William Vogt, a founding environmentalist who believed that in using more than our planet has to give, our prosperity will lead us to ruin. Cut back! Was his mantra. Otherwise everyone will lose. The wizards are the heirs of Norman Borlaug, whose research in effect, wrangled the world in service to our species to produce modern high-yield crops that then saved millions from starvation. Innovate was Borlaug's cry. Only in that way can everyone win. Mann delves into these diverging viewpoints to assess the four great challenges humanity faces- food, water, energy, and climate change- grounded each in historical context and weighing the options for the future. It states that with our civilization on the line, I will say whoever is knowledgeable with insightful analysis, is an essential addition to the urgent conversation on how children will fare on an increasingly crowded Earth. Think one is stuck on the dooms day theory the other is advocating for the Green Party climate change and greenhouse gas levels. One is the superstitious type the other believes in becoming smarter and richer to advance. One is the primitive visionary the other relies on science and technology as the wave of the future. Although, I understand the latter I cannot fully

agree for obvious reasons. I also know that men lie, women lie, but numbers don't lie. Who better to help put a forest fire out, or a volcano, or help with hurricanes than ones trained in water dreaming ceremonies, or any other element for that matter? That includes whatever you can locate on a periodic table. It is very interesting though people care more about the environment and animals than the people themselves. I read a book on human rights stating that wealthy look at the people in poverty as undernourished and nonexistent. So truly could we actually rely on the people who look at you as invisible to do this job? For me the solution is simple. Let's look at how the United Nations is establishing e-government. With artificial intelligence, robotics, and other new technologies are sparking what some say is the another Industrial revolution. Such basic necessities such as clean water and electricity are still elusive for billions of people. With agriculture and commerce who better to keep the inundation of the Nile and use this science for a good cause. After all do people really exist that care to oversee if the people are being fed and provided with necessities of life? I would like to think so. But here is a warning to false teachings of Egyptian doctrine the he- she books which couldn't be further from the truth. For instance me being a Khepera or Cancer Although I am clearly of the male species I have a logical and emotional nature. This doesn't mean anything has changed to my gender. Those who do not know should most definitely not speak. It is said that everything that happens, happens somewhere, but how do we know what is happening where? The answer lies in geospatial information. That means information that points the location of geographic features, such as settlements, mountains or lakes, on the Earth and describes their relation to other features. It allows us to create a digital image of our world. In which all social, economic, and environmental activity takes place. So the question becomes well what tradition would we used to restore the Ancient African Egyptian not only in family teaching, but in his Romantic life. It's

only right that I use this analogy for this procedure and also bring some clarity on the difficulties to be avoided and dangers. Let the community remember to love your neighbor as yourself. Let me use the story of Ezra and Nehemiah. Basically the ruling class on Earth should issue an edict or proclamation that they be allowed to restore our ancient pyramid mindsets and temples. People should provide us with gold, silver, land, goods, and livestock's. Let an inventory be taking up of what was taking from Africa concerning the treasures. The true names of the families they were from taken by the ship captain logs, their career or occupation in that society remembered. Let them be reeducated on their culture, tongue, and way of life for festivals and offerings. Let great architects and real estate investors come forth and not be frustrated or opposed to rebuilding. The treasuries should be filled and issue out what is needed for sustainable development. Let those true ones be recognized only by genealogy, and let the rest be counted as polluted concerning the priesthood. Let the Governors do their best to accomplish this goal. Let them not have the priesthood established, until one proves that they truly can handle urim and thummim and have divine qualities. If they wish to not intermix or marriage there is no love lost one should say. But always remembering that if one acts as the woman in Esther concerning those who rise to Royalty dispose of them immediately. Only then can a man truly be the producer, provider, and protector he once was without the shame of a quarrelsome woman. This is how you shall return from the exile. Remember the statement of Nehemiah. Now the men and women have raised a great outcry against their fellow Jews. Some were saying, "We and our sons and daughters are numerous; in order for us to eat and stay alive, we must get grain (work). Others were saying, we have mortgaged our fields, our vineyards, and our homes to get grain during the famine. Still others were saying we have had to borrow money to pay the kings tax on our fields and vineyards. Although we are of the same flesh and blood as our fellow Jews and

though our children are as good as theirs, yet we have to subject our sons and daughters to slavery. Some of our daughters have already been enslaved, but we are powerless, because our fields and vineyards belong to others. When he heard this he said to the nobles and officials that they were destroying the true progenitors of civilization. He called a large meeting on those selling out their people and watching how they have to be redeemed by others. So they have to stop these wicked oppressive practices against us. Also, they should give us our fields back immediately, vineyards, olive groves, and houses, and also the interest we are being charged. Also, like the way they did on Purim in Esther when they were threatened to be hunted down like dogs and chased as fugitives for beings abolitionist like Fredrick Douglas. Let these offenses stop and give time for us to be allowed to return to our true mind state and let the destruction wanted for us happen to the opposition of the rebuilding non race or gender specific. Let money be distributed out of the Treasury for this work. Let us end the false teaching and predictions of revealers and diviners who honestly don't know much about any of this. If they did they certainly haven't displayed it in centuries. The worthless wars and bloodshed over nonsense. Men being pursued for things like marijuana leaf once used by sitting bull in the Indian tribe for good spiritual practices. Only to see black men hunted down killed and basically enslaved for persecution of their religious culture or way of life, whether they are aware of it or not. We are not of those who do not know the difference between right and wrong. But one should eat right and live right for his type. He should consume according to his metabolism and what he produces. But if what he has contributed has been taken, how can he reap the fruits of his labor? One would say that the government corruption by governors, presidents, and ministers would never subside. This couldn't be farther from the truth. My Carnegie think tank colleagues tend to think of 10 ways Washington can confront Global corruption. They say public anger and legal

action are toppling political leaders in several countries in 2018. It is said that that in addition to rocking geopolitical foundations, corruption-linked instability threatens the integrity and durability of U.S. alliances, increasing the burden placed on U.S. military. International corruption cuts into the heart of economic interests-thwarting the competitiveness and just diverted to the highest bidder. A modern day public auction of what we established and leaving us in the slave trade as well. Trading our labor for grain. They have weaponized corruption to win deals, and undermine sovereignty. With me I say that this is what is being hidden and concealed. The true history of the Black Man. The African-Egyptian. Turning a blind eye to drugs, weapons, and people at the border. Only to use this as a tool for any fool who wants to be another puppet to keep the carrot in front of the donkey, never revealing to him the true treasure he has lost. Once he finally realizes it, is in too deep. This is the pardons that need to be spoke of that has plagued and devastated the black community into bottom feeding and savagery. How the President breaks new ground on how to fight this corruption has yet to be seen. I certainly think it this presentation should reach his platform and all other interested parties. How the State Departments and the U.S. Agency for International Development make an impact with a working-level staff on these issues is important. The extent to which these officers remain creative, persistent, and proactive on anticorruption using a true National Security Strategy-will be decisive. Or even better to deter the school to prison pipeline we should send this to Oprah or Barack Obama and see if this could be something they could advocate for to end the mass genocide and diaspora on black people. We shall return to being the engineers or civilization. Liberate, progress, and empower yourself. Now you are equipped to know what issues to address, what to say, and where to go. Remove your humiliation and we shall overcome with others, the dangers of this present afterlife with fore-knowledge. Here is the moral of the story

which I have adopted from the essential oil teachers who are always sending me emails. For those who are chosen for this path consider this. Are you a great person who's been persecuted, perhaps you've experienced rejection. It's almost like there's a satanic concentration on you. All great people are rejected. Great spirits have always encountered violent opposition from mediocre minds. The mediocre mind is incapable of understanding the man who refuses to bow blindly to bow blindly to conventional prejudices and chooses instead to express his opinions courageously and honestly. Great, great spirits have always encountered violent opposition. Blessed are those who are persecuted for righteousness sake! Does something feel threatened by your strength? Or, the greatness that is being birthed in you? People cannot control you. They, the persecutors, are threatened by your level of influence. They are threatened by your personality, your wealth. They are threatened by your anointing. They are threatened by your difference. You'll never be like them. You don't expect the same things. You don't think like them. You don't act like them. They resent the fact that you have a certain pedigree. They resent that you have favor. They resent you look a certain way. You are intelligent. You have opportunities that maybe they didn't have. You have power that they feel, they don't have. You have a temperament that's structured differently. You have strengths they don't have. Persecuting you is a sign of the persecutors weakness. It is a sign of their fear, not their courage. It is a sign of their insecurity, not their security. This is a sign of the persecutors' self-doubt. Persecution happens all over every day! When people persecute you they want to drive you away from success, satan is a persecutor who wants to drive you away from the presence of God. Satan's goal is to drive you away from what God is doing in your life. That's right, to drive you out of a position of power, a position of holiness. The goal is for you to resign they say and say it's not worth it. Behind persecution is principality. They say blessed are those who are

persecuted for righteousness sake, for theirs is the Kingdom of Heaven. But with me is a little different on those last two sentences. I say remain resilient and stand up for what is right and be in right standing. We will never stop in this quest, in my Frank Sinatra Voice, to right this un-ritetable(black rite/black belt-L) wrong. Persecutors are always coveting your women and discoveries. Should you give it them and say it's not yours they can have it? Hell no! Tell the persecutor fuck you and learn how to use weapons and study self-defense. Finally, let us as I have learned from the Irish not only in legends but in other things, invest in fine art and antiques, and ancillary collectibles, such as classic cars, rare stamps, wine, and jewelry. Ultimately, creating a treasure. Remember the Irish legend of the one who was a thief in the night with the grey cloak which all Irish Orangemen should know. Even Harry Potter is said to have a philosopher's stone and a separate account. Just as Joseph was said to have a stone and his blessing were of the boughs of the mountains and women's breast. Is there really a pot of gold at the end of the rainbow, I'd like to think so. Also, here is a tip from the Italian novel *The Decameron* by Giovanni Boccaccio. In one story a man's wife asked the monk how one was supposed to put the devil back in hell. He got her to get naked and her husband tried to stop them but she told him to kick rocks. How that for a 9th grade Johnny Depp ending. But on a more intellectual note, this is the absolute resolution between Thomas Jefferson and Benjamin Baeneker for Query 14 of the Virginia Notes. Stay tuned for the realization of a long lost legacy and its global and personal expansion. In a nutshell, they hoped to achieve a secretary of peace or in reality a Prince of peace like Machiavelli. A more prestigious title is needed with its global expansion like Emperor Nigam in Asia. There are many areas to be explored and sustainable development to be achieved. Only one problem I can see is the input of Benjamin Rush which should be omitted from high-level dialogue. He is considered the father of psychology and

thought that to fix leprosy they would have to turn blacks into white. Maybe he was a confused Mormon. Nevertheless, any supreme being can easily see through the veil and know that when Moses placed his hand in his bosom it became white like leprosy and then returned to its normal color. And this is with whom you want to place your faith. There is much I can say once we leave the racist thoughts of men such as these and move on to commerce and trade with Asia which has been aspired for since the 1800's by Commodore Perry. I'll leave that to a greater project like in films and fashion. Remember in yin is masculine, and yang is feminine. Don't be like Michael Jackson and think that yin is white and black is yang. For yin is truly color money. Knowing the truth of currency, waves and tides, banks, precipitation, and the circulation of the ocean, is truly calming!

Peace and Blessings

Epilogue

E is the sum of all things in some schools of thought. I thought It should be worthy of note that I make mention of this Query 14, Plutarch, libraries, galleries, and the United Nations connection. In the movie *Enchanting April* it is said there is a part when a man went in the field he found a spot in which to engage in his endeavors. The same is said in Greek culture when they say a farmer's goat fell through a crack and fumes came out and he experienced past, present, and future. I haven't seen the movie. Don't quote me on that. But I can grasp the concept. This is why this should become known to a novice. Japanese students and diplomats have been misled by westerners as noted in their own literature. It is said that after WW2 their art has degraded and they have started to plagiarize and sustained loss of moral codes. It is written in the book *Japanese Cinema* how left wing lgbt (M2) democrats have degraded them as such to pastiche and nihilism beginning in the 50's, 60's, and 70's. They have noted on Frank Wright's architecture designs were derived from them. Their art form of nihonga and shunga has turn into a male dog cult prostitute teaching of yoga. Gohan is a food menu and Gooku is a realm of Geishas dragon ball z lovers. But, take heed to this statement for my cartoon anime lovers. I once asked the question when Yugi-oh grew up or matured, who did he become? Some didn't know but the answer was the Pharaoh upon solving the millennium puzzle (millennium development goals).

This has happened because they have been colonized which always isn't a good thing. What was happening in WW2 found in the Global Citizens Museum on human rights on Sunset in Hollywood is this. The scientist 1st, 2nd, and 3rd Reich's were sexual experiments by their psychologist trying to first white on white, black on black, then black on white hybrid. They never made the 4th Reich because whether you call it Hell boy or The Grey one wouldn't co-operate with their understanding. Keep in mind all of this was occurring after the excavation of King Tut's tomb. Oleander is the official flower of the city Hiroshima first flower to bloom after the atomic bombing. It is said that they used this plant to intoxicate themselves. I prefer cannabis and the green herb is good-and coral reef ocean resources. But, this would explain the opioid crisis in Asia from misinterpretation's of the aesthetic movement of the previous Avatars. Mormon's learned from gold plates with Egyptian hieroglyphics. No lascivious living just a True Emperor's lifestyle. Vapors and fumes were considered a trance of ecstasy connection with the divine. Climate change, global warming, greenhouse gases, and carbon emission; These were considered good for the Oracles of Delphi, Star fire Women, Vestal Virgins, Geishas, 12 Spanish Cora zones(minus the Greco-Roman star chart I might add) and were not consider something eating up the Ozone layer but a way to connect with the divine. An underground chamber is supposed to be revealed in the process the same as the underground chamber in Egypt beneath the Sphinx where Thoth is said to have hidden his spacecraft. Hercules is consider a cheap and homosexual version of the god Shu. If the Greek Hero is homosexual should tell you a lot about satirist and kyorkean cave nymphos or muses. A man wrote an Article about the true reason for prohibition on marijuana is because it made white women want to have sex with black men and only gave licenses to those who would try and disrupt that flow. Increase not decrease green herb is good

used by Indian phoenix medicine doctor sitting bull, monkey king trapped in bear trapped became phoenix. You can even reference Manly P. Hall for some though I don't agree with all of this understanding. Also, reference Professor Walter Williams on the first Christian Church.

Note: Evolutionist claim they came from some monkey in Africa. This is a downplay on speaking of the Immortal they stem from. French are lying about climate change because they have a history known as greyfriar and faggots. Of course they would oppose a union such as this secretly, some Liberty. True Royalty (Greys) must protect themselves from perceived threats. Many don't know the truth behind slavery and what was lost. They were enslaved under the law of habeas corpus. Serpent headed men have crept into the councils while some were unaware. Only to be revealed by a true magi. More has been done for the immoral lgbt the exploited black –a-moor community. In everything from economics and education. Whether not learned in macroeconomics right down to the corner store in microeconomics. If the printing press that was created that brought Europe out of the dark ages and simultaneously you discover trade routes to America after the moors are expelled it not a mere coincidence. Where did you get this technology from? The blacks in short. Remember the Ark of the Covenant. Even the crown of the black prince Allesandro Medici the Moor-Othello, the only hereditary ruler, is worn in Europe by the Queen. The truth of the Magic Flute. A great reference can be Stanley Poole's Moors in Spain. In section 3 it deals with how the Arabic Governor granted a group of them their own tribal government outside of the order. In which they operated under their own Ancient laws and traditions-and calendars before it was changed in the Gregorian era. The people who were expelled in 1492, which were the Moors, those Africans who converted to christianity were called moriscos. These were the sell outs amongst the African tribes who were selling their people into slavery. But are they the true Grey's of history from the commonwealth? I don't

think so. The legend of Europa is she is the daughter of the phoenix-(Jacob's daughter Dinah-note). Castrated her progenitor and had incest with her children and hid her origin. This should shed some light on what really happened in mediaeval times concerning King James considered to be homosexual but was strongly opposed against the women he considered daemonologists. Which is in fact what the feminist, yoga, lgbt, democrat (M2) are. The reason for the witch trials was because with the true black god gone there was no need to continue the teaching after they were the ones who set him up. And it is considered by Dr. Sebi the last true great medicine doctor was in the 1700's. The only ones come to mind is to ask myself was Einstein really flying a kite or did his poor Richard Almanac was stolen from Benjamin Baeneker on the process of how this worked. How do you have Benalong of Australia corresponding diplomatically with King George at the same time Benjamin Baeneker is corresponding with George Washington? Two aboriginals who never met each other. At the same time in history it is said that the first black freemason Prince Hall was presenting his charter to England. Which brings me to this conclusion, all 3 behind the triple veil were only 1. Although, a true master is transparent with no need to be sublime. All were to considered to have lost their wives to a European remember. This is the deceit in the Song of Solomon a black woman and a white man. The roles were reversed on the Earth was tilted in its opposite axis and explains the groaning pains of nature crying to cleanse and correct itself. This was the processing change or cosmic shift. Because truly I have seen pornstars at lambda lit fest (M2) operating together to rid the world of any true form of government or Royal Black King Return. That isn't what a Dalai lama would do know is it. The bhagavad gita tells the story of a civil war the avatar Krishna was dealing with. Transexualism is almost synonymous with the transatlantic slave trade. Men dressed like women in fashion wearing high heels and wigs. The women were dressing like men confusing

the masses and degrading the order. One thing the Jade Emperor taught the monkey king was deception is always in the midst if you are not aware of it. You should be who you are as I am who I am. I think there was a game played in Ancient chess which if you roll the dice you move a piece. You roll 7/11 you get Ptah. But, as the Arabic's say, God doesn't shoot dice, scan, or play games of chance. They have a clear outline for dealing with their women who are non-complimentary which should be examined. Also, their thoughts on judgments in equity Surah 5:42. I'll leave that to the reader to examine it and what a harem is. It certainly isn't haram abiff(back to the future biff lol) which is distraction and inaccurate story of the truth of goats, yellow heifers, etc. Study this again if you can't grasp the concept for a true reference. Here is a false representation, for instance King Louis wore high heel shoes. This is a sickness. Even in the teachings of the mask behind the geishas is said how the men wanted to be maiko's and geisha and occupy the woman's natural role as a housekeeper. I've even heard men say to be a true pimp you would have to be a little feminine. This couldn't be further from the truth and is a disgrace on the culture of Emperors and Pharaoh's. As she has always been able to scrutinize those in government, she had no power over the medicine doctor, sitting bull, aka the phoenix. The true clarity needed is how someone who is a homosexual can or lesbian accredited to speak on biodiversity on global matters when it requires placing seeds in soil. Whether organic or in human beings. They are frauds sewing discord. But here in America I can examine it from my own cultures experience. The good news about the civil war was it eliminated the national debt. Although trade with England was showing more going in their direction than they were bringing in. You do the math. After the war they weren't properly educated on their culture centuries earlier and have been lost in the whirlwind. Look at what civil rights and black panthers were distracted and driven to implode on themselves and become puppets for drugs, prostitution, and

street wars; Primitive practices. Now you know that the portraits on the wall there has only been one ruler, and his children he makes while he is here. This is the secret given to the black god by the dragon when he conquered it when it was being controlled by Babylon the mother of prostitutes on what skills he would need to acquire and reconvey all the things he lost in this life and acquire/restore paradise. Remember this don't become a fool for lustral/astral basins.

Though these Cretan, honey voiced minoes, want to bath nude in the Castle Spring Water, and be consumed by the big fish. Ask yourself is this a compliment to the star chart I have navigated for myself. Even if Darth Vader was consider the evil Dark Lord of the two one was royalty and the other a knight of honor. What would it make their father? Question's they must ask themselves.

Even this story is from a Japanese director Akira. As I observe museums with, black faced statues and art, but the merchandise is pale skin, I ask myself. Why do people who claim we are inferior though some people cannot be educated, you want to be us so bad. Though shall not covet! This is because you are jealous, brainwashed, and mentally weak. No Lolita teachings are needed as it is immoral or Leviticus getting child male goats which is gross. There's no needed to speak on illegal aliens or even fictitious ones as they are irrelevant. This is to be known to all great men who come of age. You have to be mature to be redeemed bondservants. Sweep around your own front door before you sweep around mine and analyze yourself. As you should have been taught not to play with adults/grown people or point fingers. Much thoughts should be place on Carter G. Woodson's work, "Miseducation of the Negro." Also, Henry Sampson with the invention of the cell phone and Jan Matzeliger inventor of the shoe lasting machine. Although, it seems every time a Negro is accredited it always because of his relations sometime with a foreign entity(causing foreign surveillance and privacy invacsion-GAAP matching principle-void). Or is it truly their relationship with him. Without this dissertation the True Secret Destiny

of America will never be realized and will fall as all others before as Father Time and Mother Nature are always observant of the future. With great power comes great responsibility. Let us be the responsible mature adults we are to become. Those who it is awakening shall become a shining light in the world in their roles in their time as a living galactic organism. My ultimate resolution for starters is my civil society Fly America Aboriginal Society, an NGO. From there with my consultative status, and A-1 diplomacy, I will achieve the millennium development goals and accomplish sustainable development. What a marvelous agenda it is! Volume I of the UNESCO General History of Africa deals with the African prehistory and its methodology. The early part of the volume assesses the importance attached by African societies to their past and the growth and development in African historiography, together with a general outline of sources and techniques.

This is followed by accounts of the primary literary sources, the oral and living traditions and African archaeology and its techniques. Chapters 10-12 cover linguistics and migrations. Next come two chapters on historical geography and a discussion of the chronological framework that has been adopted.

The second half of the volume deals specifically with the earliest man and the prehistory of Africa according to geographical areas: North, South, East, West and Central with the Nile Valley singled out in particular. Chapters are devoted to prehistoric art, agricultural techniques and the development of metallurgy.

Each chapter is highly illustrated with maps, figures, diagrams and a selection of black and white photographs. The text is fully annotated and there is an extensive bibliography and index.

With that being said this will suffice as the true purpose of the document from a black, literate scholar, of African-American studies. No more misconceptions should follow about blacks running around naked at a campfire. Doctor: A learned man ; one qualified to give instruction of the higher order in a science or art; particularly, one who has received the highest academical degree in his art or faculty, as, a **doctor** of laws, medicine, or theology. There are many things I have said yes to, but there are also things I must say no this is dealing with some holidays and apocryphal stories. One is common sense tells me not to adhere to thanksgiving because it is a celebration of a people being poisoned and enslaved after the Moorish trade route was already established, and stealing his Pocahontas. Christmas Is dealing with St. Nicholas who is a distributor who has reindeer named vixen and dancer, which are references to women. Even cupid, whose mother in Greek mythology was consider a psycho. I'm guessing she didn't take too well to the Bacchus rites. If a merkaba is consider the vessel of light, and yeshut is consider a feminine principle consider this. If the creator is consider needing the vessel why in the English law is it considered as males when people think of query 14(Osiris in 14 parts) as those that shall be protecting the Donne. Because this is the misconception that brought me into the light of it and the caution in making sure these women were true in their intentions because this is exactly how the Olympics were birthed and what killed king tut-solomon. To bring this story into the nonfiction aspect for a true account of the king's college I will use this as a reference. The Iwakura Embassy 1871-1873. A true account of the Ambassador extraordinary and plenipotentiary's journey of observation through the United States of America and Europe. Compiled by Kume Kunitake. Editor-in-Chief, Graham Healey and Chishichi Tsuzuki, and Translated. It was stated that during the Meiji Fair 5/5117 June 22 1872. The foolish attempts made by Mori and Ito view on the treaty were proven to be disadvantageous when trying to

establish a treaty between Japan and the U.S. They attempted to duplicate, plagiarize, copyright infringe, and insider-trade what was already established for the world peace plan after the slaves had been emancipated. Even the German Maximillian he was against obviously for his own reasons. Because this was around the time the industrial revolution began and who benefitted, GERMANY. It was supposed to be 3 men who put this plan into action. These men were Andrew Carnegie, Rockefeller, and Ford. All these men split the profit and killed the young man who had put the plan in place. You say well how do you know this is the truth Ptah of the coon's hiram abiff story. Gaston Maspero stating that "ancient magic was the very foundation of religion. The faithful who desired to obtain some favor from a god had no chance of succeeding except by laying hands on the deity, and this arrest could only be effected by means of a certain number of rites, sacrifices, prayers, and chants, which the god himself had revealed and which obliged him to do what was demanded of him-I say quash and abolish that. As the book of Hebrews says purge your conscious from dead works, know the perfect sermon, and serve the living god. As it was Sir Gaston Maspero who fabricated the story of the Egyptians and so called open up the Egyptian temple following the death of the black god. All of sudden you have access to the book of the dead and know about technology of flying boats and resurrection and the industrial revolution takes place(popularizing the term sea people). Also, he was supposed to be with the French government and an Egyptologist and teaching East Asian studies. There was case of cannibalism recorded in Harvard law on how three men out of ignorance say they killed a young man to live. This is when Fredrick Nietzsche said god is dead and we have killed them. This is far from a coincidence. Think about the things a king has to go through to keep the naysayers and backstabbers away which is in fact what caused the civil war to begin with in a book on blue, white, black, and grey about the presses role in the events. You have someone like

Melchizedek who is King of Salem who collects tithes and doesn't get shoe plucked or lose his goods. This is before Jerusalem. Later you have witches claiming to be from Salem and they called it the Salem witch trials. Still don't think Allesandro's death was the reason they killed the witches and put the blacks in slavery. As it happened in king Tut's time. As it is written whether they knew it or not out of their jealousy, hatred and ignorance, the master lived. Upon his death all responsible for trolling were killed. This is what enacted the treason act but what was conspired during the council of Trent. When Allesandro Medici not Zorro dies a baby is born within a year named Jane Grey. They say his and her parents are not fully understood to who they were. Remember if Allesandro is the only hereditary duke and the last of his bloodline; how did (Jane Grey-aka Jean grey the phoenix from x-men) which is considered the English kings line achieve the throne? It is said when she came of age that men intermingled with them who became to conspire to be dukes in the kingdom. Within 9 days on the throne she was beheaded-behemoth-antwerp. She was deposed by Mary Tudor (Bloody Mary). I'm guessing one of the men impregnated her before so and kept the child and started the rumors in the davinci code of the holy grail or bloodline of Jesus which in fact Egyptian. This is usurp and usury. I'll elaborate on this topic. In the embassy records it say Britain when under control of the government applied for a contract to harvest coal and iron in 1240 a.d. keep in mind the Moors are ruling the territory and Arabs. is in power at the time in Europe? Rudolph the red- nose reindeer. Rudolf of Hapsburg, King of the Romanian Brats(see treaty of Versailles.) Children where Judith, had successors like Adolf of Germany and Fredrick. It goes on and on about Bohemia and Austria. Obviously for an African- American the Christmas story is a horror story for you. After achieving the warrant-636 years, what happens is an attack on the moors. This was misinterpreted by the Coptic Egyptians of 1051 a.d. They are the ones who didn't understand the

711 a.d. moors. This is said in the records that people were against because of vapors and fumes and went back and forward until they were successful. Remember what I said about the oracles of Delphi. This is around the same time China achieves the Forbidden Kingdom. Now what is happening is the teaching is stolen along with the technology and the trade routes. All of a sudden Britain discovers America and has a printing press. This is the deception I spoke of in the Ark of the Covenant. The only advantage they had is because the true god had grown tired of his owns people treachery and decided to create a new civilization with the gauls-germans-anglo-saxons. This was his ultimate demise in trusting people without knowing where there heart truly was for good or evil. The Japanese nation had become endangered because of uninformed opinions of some clever young and old men and were ignorant of the situation and still are today. Even I once spoke with a Japanese girl who didn't even know that Shinto was the Japanese religion since the 8th century. The same time the moors had conquered the world. And why would Japan be afraid to be exposed to the most favored majestic nation or true king by the Germans you ask in Kume's writing. Because they knew who he was. Why are you listening to people telling you not to be successful? They wan't you broke and disgraceful to lead you into poverty and exploit you. Even if you're a bible thumper no slave ever was released without proper compensation; see Query 14. Trust me I know the leave your finances at home trick, it's a way to exploit you. Handle your business if you have one. It's an oxymoron-oxford-oxyrhyncus fish. Their attempts at the throne are futile to only cover up their own war crimes against nature and father time. I saw the same thing with the byzantine women in coffins buried with Padi-Atum. It's the same god reincarnating women being naive and/or evil and the fullness of the earth is never reached. Only volcanoes erupt which at some point create minerals but look at the destruction it causes in their attempts. When the true god did it with no pain as if the earth

rejuvenated its resources from a virgin birth. Mori and Ito's talk with the secretary of state and war were fruitless, frustrated, and didn't comprehend it, because the cover up was they weren't able to do it anyway only create a fog and hope that an accident would happen to the god so it didn't look like they did it on purpose. It's funny how at Tom Lee Park on the capstone it's the young black boy that saves the white men on the boat wrapped in cables- and now you fake mystics are lynching your own self and people as traitors. Later he is killed, note case of cannibalism in Harvard. So how can he teach you Duncan rites or how to abolish something or do what Zerrubabel did when it came to the exhibit of wine, women, the king, and Truth-Strongest! He can't and you will always be in slavery living below the mason Dixon line as Carter g. Woodson said. You been hoodwinked and bamboo-zled. Huang-Ti even if you were in Zen mode would have destroyed Confucius-and any other confusing documents placing restrictions on Emperors. You are either ignorant of this truth and need to be taught or you are absolutely and truly evil and racist. If you are ignorant now you know. If you go against this choose your side in this holy matrimony whether you will serve your imagination or reality and what's right. Stay away from 7 to 10 discussing it again it is a stalling method and an obstruction of justice. Use your square and compass to locate a coffin in the bible and find Joseph buried and Egypt which is the truth of your oath you took not a harim abiff. Truth is as I was taught Solomon gave him the 6 score etc. shekels of gold for building which was the debt, and he kept the money. You see he wasn't happy. It's the same as what happened in Spain and Morroco with the 636 years. The rod and staff is deceptive a snake that will kill you and a scorpion that will sting you. It will have weak people plotting on your crown. Joseph is 110 and Joshua is 110 all 30. Let men be of loyalty, honor, and integrity, and true friendship, and family. Not this fake love displayed. As in the ecclesiastical government and in scripture is was the poor man they

forgot who saved the city. Money is the answer. Keep the money and give them the debt I say as a true deity(royal) should. There were no masters practicing apocatherary-true divine economy. There were only thieves who should be tried for premeditated murder. You care by leading people to obstacles instead of opportunities for wealth and pleasure. Then you say progress is slow. You are creating a racket with your wickedness. Making technology, governing commerce, stemming from anthropological studies is not subliminal. It will have you living substandard or think you are teaching someone when you are truly holding them back instead of moving them to success gracefully. I see men on 6 knowing in the tomb I saw the painting of women with their hand raised, men moving furniture, a snake in the sky, the god's shoe plucked off. This marriage ritual will have someone spit in your face. If it isn't love it's worthless. Even in Coming to America the prince would rather be engaged with a woman who loved him for him not a robot. This is a better look if this is what is desired. Although he still shouldn't have to hide his money from himself or work at McDonalds. More deception in theaters about the black god. It is said of the 9 meritious services of the ruler which is the truth. Yet when only a little economic progress had been made, the spirit of industry suddenly deceased and the nine meritious services (ensure that fire, water, wood, grain, and metals, were converted in to manufactured goods, establish paths to moral rectitude as it was 3000 years ago in the embassy records and who did this, King Tut! Abundantly supplying them with food and clothing) but they were swallowed up in an impenetrable fog of discussion of the doctrine of the 5 elements and the relationship of man to the cosmos- a fog, as the Chinese have it , five leagues in extent i.e. 5 points gang. As a result they hardly know how to form a scientific hypothesis, and even now are in a sea of ignorance. Boat racing like Horus and Set. The development of east and west has not been wholly unlike. Surely the bettering of the condition of the people has been a common principle to both. This

Atlantis tragedy is a perpetual debt and a vicious cycle. It could have been solved by the
 aboriginal land act I use and my affidavit of deeds and certification and my model for my
 individual tax reform. Which I have learned to work out my own salvation. And need no one to
 tell me how to own my culture. Those carding machines in yugi-oh was technology and
 commerce. Specifically, the wool expelled from the machine that was collected and put into hot
 water containing crystallized soda (the scouring liquor) in which it was to have to be constantly
 agitated during the time, and the machine had been designed for that purpose. With iron tanks
 and iron forks that were all technology. This was the same technique used to manufacture cotton.
 Jack and the beanstalk knows the Englishman stole from the Giant. But what about when the
 Giant woke up and instead of being in the black face minstrel show took his authority back.
 Would you assist in depriving him of his rightful lordship and yet claim to be righteous
 yourselves after creating the troubles he faced when men of old had let it be known that from the
 beginning they knew this to be true before it was known to be true. Blue dye alumni is
 commerce. Going back to fundamentals to seek resources, they could rear livestock and poultry
 by using their lands, root, grass and fodder. They could even use margin land. This is a very
 simple principle for them to grasp yet none of them do it. This is not because the principle is
 abstruse, but because they lack the spirit of progress. It is not because they are not intelligent or
 quick witted. But, they lack the ability to research and study and duplicate. Although, when
 doing so proper compensation should go to its rightful owner. If not it is treason. Pesach-kuf-set
 is used in Jewish as well as in Egyptian tombs as a true war chariot of cups, swords, and wands.
 But witches are ignorant of this teaching. For what is hasha-kori and wang I ask? The overlord
 and the true king. I say no to tobit and no to Judith teachings. There is no need for me to
 elaborate on kenti-amenti teachings and allesandro's death. I say no to medusa's Emit Teal

teaching. Although the Supreme Being is not affected. This is a tragedy which must be understood. Weaving of wool cloth ancient international trade from Australia coal and iron to make power machinery for spinning and weaving cotton. Cotton in America, hemp in India, flax from Russia. Did industries did not arise in Britain only selling wool to Venetians. They exploited Australian aborigines to drop price. Although I understand it is in national interest to lower price and increase supply as the main object. Asia that is to say used the bounty of nature (nighonga-turn into human/sex slave trafficking) to purchase manufacturing power of the west which where the aborigines from the beginning. Because of levity and idleness this human trafficking came about. Not because of inferior ability nor dull intelligence, they fall short it is simply because Eastern's have little regard for practicalities of getting a living, spending their time instead in subtle but vain speculation. What is the proof of this? Products which these people manufacture by the skill of their hands display refined elegance and embody exquisite artistry. People of the west on the other hand dogged labor which they devote to all matters relating to livelihood physics, chemistry, and mechanics, which they learned from supreme Negroes. Exploiting, this scientific, knowledge they have devised machines to provide them, with additional power. And have used techniques for saving effort, concentrating effort, for distribution effort. 7 basic grades of weaving tweed. A yielding quality. And for equalizing effort to compensate for their inferior ability and intelligence. It's by this culminated effect of the work done with the use of machines they have attained their present strength and wealth. Depending solely on iron and coal as resource. Which is far better than wood, although it has its uses. It is said in query 14 these water mills, amongst others is encouraged and the opening of the rivers. This same operating was in Memphis, Tennessee in the 1800's called the gold dust operation where an ark of flags is located on Mud Island. William's school profited greatly in producing

machines, guns, and later cars, and money after 1620. All because of these so called vapors and fumes. Hopefully, this will teach as Harry learned in the embassy records to correct their bad behavior from this seamanship teaching. From this art of forestry said to create 100,000,000 tons of coal. Later 146,400,000,000. All from stolen legacies and technology. A perpetual debt designed to last for 636 years. When the civil war broke out after that 1240 petition. How did it end when a plan was in place? The people were never educated or given the resources to be successful. They were free and dumb. The freedmen's bureau didn't last. Carnegie is said to have injected the black Tuskegee Airmen with syphilis. Also, they bombed black Wall Street and later claimed it was an economic depression. There wasn't an economic depression, that was an attempt to hide history under the sawdust. For the G-men, geometry, or g-spot people here is something of note. Yu-gi oh, like Joseph was not second to the pharaoh. For he was only talking to his future self. He freed his own self from slavery and worked out his salvation. Only to be victim to a treason's act when going back to save those he thought had his best interest at 50. Not Echad (ready to die unto God) the Truth. Even in the Zohar Egypt is a degree, and then they show Abraham getting on a flight with two women. No Godfather or Elisha having 42 killed for laughing at black balls by way of two black bears. Look at Osiris's underground king hieroglyphics. Herut meaning freedom. For what the true Diety understands is the same as in the movie Stargate what the Ra but not a female as falsely depicted in the movie discovered? Possessed by the spirit of the Diety at a young age had learned the transmigration process on how to reincarnate other under Diety's. Only to be killed in a military nuclear talk agreement. I'd stay away from that. It sounds like King Alfred Rex-84 plan-total recall for that distress. I have chapter 4 proceeding on my mansion I think I'll stay there for a year and keep it my homestead on those principles. Correcting the properties as they say in the Zohar Rabbi Yoshi, lol. This is

my infrastructure workbook. The reason Joseph like yu-gi oh spoke in third person as if it was someone else, was to protect himself knowing he was the Diety. It was said in Japan when they discovered that God or the Emperor could die they adopted presidents instead of supreme beings. But who's to say upon fulfillment he attains full body armor and can do what he wants and not be told what to do by anyone. Only take important, useful, and beneficial advice from those who have ideas on what his wealth should be spent on. Last note for a dietary supplement. First step out of savagery, primitive, eating hair, and drinking blood, was to make tools out of stone. Craft of refining copper arose. Stone axes and technology were 3 sacred treasures. Chile most famous in South America, made by aboriginals. Chippera. Tribute of Yu note we already had trade routes in America. Kuan tzu book of master Kuan is traditionally attributed to Kuan Chung minister of the state of chi 645 b.c. The chapter's entitled light and heavy ch'ing- chung, not cheech and chong. It deals largely with economics the practice of manipulating the amount of coins in circulation with the object of controlling the supply of goods. It might be reasonably translated monetary policy, certain passages in the chapter discuss the difference between the economic policy of the lord protector which predates the magna carta.

Enquiry topic: General request

Message: To: The International Federation Red Cross and Red Crescent Societies

From: United Nations NGO Partner- Fly America Aboriginal Society: Chairman/sitting bull: Markavious Johnson-Yeshshut-Phoenix This message is in response to the emergency of the bush fires that have recently broke out. I am of aboriginal descent bloody type O + cosmic code nature 7/11. The Aboriginal Land Act defines the Traditional Landowners as group responsible for primary spiritual responsibility. I am the phoenix as evidenced by birthdate and Leader of the Aboriginal People with the vision of the Phoenix with a rightful claim as True King and blood-

Inheritor to Crown land Australia during the upcoming Hybrid Eclipse (INITIATION). These disasters are manifest through what is known as the legend of the rainbow Serpent who could not find his people and caused much disaster and destruction upon the Earth. At the Kalipinya rain centre, I am to perform the water dreaming ceremony to shift the winds to put out the fire. For the Most High placed the riches in a place where thieves cannot enter only I am the spear of destiny which will maximize Sustainable Development and restore Faura and Fauna properties cite: Right of the Indigenous People in Decision Making. Australia has already sent a submission to the United Nations for Global and Economic Governance for Development. We can work together using the Green Bridge Partnership Programme, and the Green Climate Fund. Thank you for your adherence in this matter and Good-Speed. P.S. It is time for a Green Economy Let us be a shining light in the World Together. Thanks Again!

This is an example of what I sent 5 years ago during the hybrid eclipse in 2013. I did it myself and seen these thing to be true personally before I even realized what happened when the dead grass came back to life. Cite: I participated in the World Disaster Report October 17, 2013 via. Teleconference. Event # 666 007 719 Registration Id: 175174

Ark of Return- L document(True Sponsor)

Fly America Aboriginal Society-Observer/Contribution to Tables 1-3 at the High level Dialogue on Financing for Development

(7-8 October 2013, UN Headquarters),<by the numbers> Superior claimant -indemnified against all stakeholders- Interpleader Form

Peace and Blessings to the Secretariat body and all interested Parties,

Table 1: The impact of the world financial and economic crisis on the reform of the international monetary and financial system and its implications for development.

Balancing Statement 1: A green economy is required to make a proper transition into Agenda 21 and the MDG's. The economy is a component of the ecosystem. During the eclipse beginning Oct. 18/Nov. 2 /2013, there is an evolution process for the black aboriginal body blood type O+ with the DNA cosmic code of the Summer Solstice. Cite: If we are to reverse the global decline of biodiversity, mitigate the release of greenhouse gases, halt the degradation of terrestrial ecosystems and protect our oceans, then international trade must become sustainable and responsible. Further, if we are to succeed in eradicating poverty, we will need to ensure that trade benefits the poor.

At the United Nations Conference on Sustainable Development ("Rio+20") in June 2012, world leaders reaffirmed the role of international trade as an "engine for development and sustained economic growth".

Table 2: Mobilization of Public and Private Financing, including foreign direct investment and other private flows, and fostering international trade and sustainable debt financing, in the context of financing for development.

Balancing Statement 2: In accordance with the Monterrey Consensus and the Doha Declaration. The purpose of the Green Climate Fund is to make a significant and ambitious contribution to the global efforts towards attaining the goals set by the international community to combat climate change. The fund board meets in Paris Today to finalize its business model framework. This fund is needed for Fly America Aboriginal Society's representative the Phoenix to balance the alignment during the shift of the Hybrid Eclipse I was ordained and elected to close. I am the watcher in accordance with the Aboriginal Land Act. Traditional Landowners are those with spiritual responsibilities to sacred sites. At the Kalipinya rain centre-and Greystone Mansion- as my homestead, I am required to go through the water dreaming ceremony to shifts the winds. Being insolvent in a landlocked United States without a right to travel or the funds needed to accomplish this urgent task is disastrous to the economy and human life. As the rainbow serpent legend has manifested. The prompt engagement of the Assembly in balancing my environment and my levels are required.

Table 3: The role of Financial and technical development cooperation, including innovative sources of development finance, in leveraging the mobilization of Domestic and International Financial Resources for Sustainable Development:

Balancing Statement 3: The Green Bridge Partnership Program and the Rights of the Indigenous Peoples is the proper spirit of partnership and co-operation to be followed. The Green Bridge initiative is a practical mechanism to achieve an international shift to a green economy, through promoting technology transfer and environment management experience, and putting in place improved legal, economic and institutional conditions to encourage a new wave of green industry. In my court case against vs. the United States Johnson et al. v United states filed May 16, 2013(12-2312) about the Treasury securities addressed in the follow up to and implementation of the Monterrey Consensus and Doha Declaration on Financing for development A/68/357. These were not speculations but principles of the universe. The effects of not keeping the covenant are being shown throughout the world with the National Disaster Crisis Report to be divulged in Boston at Harvard University on October 17. Outlining my Activation of the ring of Fire in Washington,D.C. 77 at the obelisk during the time of the eclipse. Leading to my entry and exit. We could have entered into this pact along with the necessary traveling and migrating expenses and insurance needed for a successful migration. There is no need to destroy the world out of fear and insecurity all is needed is balance. Rio 20 outlines in principle 7 common goals and different responsibilities according to nature. There is no longer any need to take credit or keep the charge of the responsibility which is mine as I am the

Informal interactive Dialogue: The link between financing for development and achieving the internationally agreed development goals, including Millennium Development Goals, and advancing the United Nations Development Agenda beyond 2015.

The Link: The link is Migration for Development in the words of Deputy- Secretary General Jan Eliasson. Migration for development is a catalyst and key component of sustainable Development quoted in High- Level Dialogue on migration for development. It is required for me and the Children of Israel to be stored as a Remnant of our Ancient Civilization to rebuild the Lost Temple and what many know as the Lost but now Found City of Atlantis. I am the rightful ruler of crowland in southwest Australia. With my bloodtype as O+ not O- as in ashkenazi counterparts. I have the vision of the phoenix and I have emerged out of the complexity in dreamland. It is time for my return home and proper Initiation. A Federal Court has already granted me leave infourmas pauperis making this a first priority for sustainable development. The covenant must be Kept. Thank you for your adherence in this matter and God- speed. This where my journey began on this 5 years ago and my official letter-following my affidavit filing for being inactive stemmed from. This is where it ends. I am fully capable of ruling properly. The MDG would have been finished by 2015 by evil uninformed and corrupt people hindered this process and now the Truth shall prevail. As I have corrected the name to Ptah Khephera. Now to correct the properties and redeem my resources and role in society. That property being first established as Greystone. In the Foreign trade zone known as the grey market.

New Policy – Open the mouth

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10-8

2017

Markavious Bashara Johnson-Grey

Foreign Trade Zone-Grey's Market- Foreign Dominion[British Crown]-Greystone Mansion- Foreign Personal Holding Company 60%+ 50% on the vote- Anything over 100,000 due in 1

banking day! Grandfather Clause Model

Declaration of Homestead Filed with California Secretary of State

UCLA School of Dentistry- Improvement on Degradation/MIs-Education,

Do I have a tooth/teeth in the front middle of my upper or lower jaw that needs to be removed? Yes

Purpose? To evaluate bone and gum healing after placement of a dental implant that is placed at the time of tooth removal to decrease treatment time and allow for less surgical procedures. However, conventional dental implants are placed/should be removed and allowed time to heal for several months. Very few direct comparative studies are available to see if there are any difference in these two treatment protocols. In this study FDA approved to provide stability to the bone.

Expectations volunteer overall good health and dental with 1 tooth in the front eligible to participate see: Fly America Aboriginal Society-UN. To wit: W-8 Ben in all tax divisions and treasuries around the World even Beverly Hills-Grey stone chapter 4 proceedings 10/23/17. Consultation and Research eligibility/exemption. Consult not insult. One pays 300\$ Dr. Aghaloo. Another on periodontal disease. This Research study seeks individuals w/ gum disease/ Peri-implants-mucositis. Which is causing inflammation and less immunity. I have had a

titanium implant for 4 years since 2013 March. And participating on my own behalf as Benefactor/Beneficiary. To evaluate the effectiveness of laser therapy in the non-surgical treatment of chronic Peri-dontal disease. Participants will receive education, non-surgical treatment & radio graphs at no cost and be asked to return for follow up evaluations at 1,3, 6, 9, and 12. Contact 310-825-3795.

Definition Doctor: A learned man; one qualified to give instruction of the higher order in a science or art; particularly one has received highest academic degree in his art on faculty-as a doctor of law, medicine, theology/divinity. Notwithstanding, in a colloquial language, however the term is practically restrained to practitioners of medicine, physicians, and surgeons.

With these being my intentions is all of this required?

I have been racially discriminated against, experienced prejudice, jealousy, discrimination, because of my social status and national origin at UCLA by students, faculty, and staff, and so-called Alumni (Truly none seem to be shabti like or reincarnated Kings or Pharaoh's). Majority of these people are advocates for gays, lesbians, illegal immigrants, black e.g. legally dead persons(see: black's law dictionary 6 or 7th edition), and uneducated feminist yoga maniacs. Others i.e Europeans, Asians, and Middle Easterners half are simply racist and prejudice to see someone who can outwit and live as an avatar in my own right and become jealous to see it done with me not even have complete access to all my assets i.e. land, labor, property, and resources. Now this would not be a problem with me all together being their activities has nothing to do with the agenda's success so I could care less if they didn't understand the purpose or intent of

Estate Planning. Also, it was the ancient Egyptians 3000 years ago that built the Suez Canal. The word Maya in Hindu is an illusion.

Here's the Problem. How can a homosexual or lesbian yoga feminists have an opinion on a UN Agenda 21 biodiversity when they themselves aren't of the DNA and genetic code of the supreme identity(Grey) in question when they actually are against procreation and mostly Albinos(see: Albion Church). How can a lesbian yoga feminist teach people that physical fitness in yoga is a dog position boot camp party; when in truth it was intended for procreation, arts, and sciences? Reference; Jesus and the Lost Goddess. But, they're willing to admit they're wrong and still question \$ incentives for objects and subjects they are clearly against (Why should they care it's about me anyway). So they should dismiss themselves from any council talk or Consultations. Yet you clearly can see them stalking and obstructing my bed of justice; and they don't even have a right to be here and have the nerve to speak on me .Local authorities, Security, and workers, gossipers/slanders who are so smart/dumb they can't distinguish a employee,manager,civilian, and owner. To wit: This is called the perbine disease and schadenfreude. Vinyasna a yoga position a false teacher told me pointed to a leg cocking position also in reference to vecinad(bad news couples therapy) was the deception told in the Treaty of Paris(Statute of Liberty –Trojan Horse) evanescence approach which has been the death of many rightful rulers and future leaders.

Sexual harassment on campus is coming from the male homosexuals stalking other males on campus using women as a go between to harass and be bias against one such as myself. Why is this a problem because technically speaking GreyStone Mansion is my Estate and the

Agenda is my plan so how can someone on my province even say anything disrespectful or complain about what I'm doing on my own land? If anything I should be complaining and asking them for identification. Also, black homeless stalkers paid off by old enemies de-grayding the community to make it look as if the e-harmony(Perfect Civilization approach) being created is not working so they can continue in the previous mentioned sins against the Land-Lord. Yet they can clearly see all of that going on and only follow me around for peanuts (see Mike's FBI research for 500-1000) for research for chump change and my research is valued over a trillion(Social Security-Plan to Achieve Self-Success note: grafting and stolen by corrupt officers), let alone a tax statement(that taxes them also), for that matter my bloodline and who I am. Note: No attainder shall be passed to cause corruption of my bloodline or forfeit dowry. There are places all over they can place an application and be employees happily. But me with the understanding we share the same tone so to speak, we have completely different m.O's and thinking patterns, and bio structure and genetic code obviously. I being a W-8 Ben holder isn't acting as an intermediary for anyone. That doesn't mean I'm cruel and non-compassionate. I'm just simply aware of the traps of the transnational/transgender slave trade that comes from misinterpretation of friends and associations-I'm an individual focused on opportunities.

A few middle easterners, Asians, and Caucasians are half/half (hot/cold) but somewhat tolerable on the surface('Second Order). This is the remnant. As they so well spoke what's important Is America's security i.e. mine. The true absolute owner {3rd&4th to come Order}. Why don't I have a Bed of Peace or golden couch (In Parliament and in Real life- not bedlam) or proper access to unoccupied vehicles, properties, and accessories that are technically speaking mine anyway? Although as Land Lord I could evict them honestly. Yet they think this

is some silly game, when only truly a gamete is a sexual union between a man and a woman by definition, yet they tell me they are medical experts. I can handle my own self and have compassion for those around me but the querent questions about me personally has to cease and desist. They shall do it to their subjects but not so with me the Lord. This is the etiology of my discomfort and the reason I have come here not only for sentimental reasons but to complete this dentistry research and live the life I've been creating for myself since inception. I wish to carry out my operation fully with less harassment/attempted embarrassments and more compliance so we can have the harmony intended. All those uninterested have nothing to worry about anyway they don't know me. Even if they were anthropologist or ethnologist- in contrast to archeologist-restorers- and Economist, we would have to live in the same homestead so to speak and I prefer a mature female co-ed International Exchange experience for that purpose. Maybe then, I would mind being a quote unquote mentor or University/Universe Instructor-Rector. Also, I need a Researcher ID or IDP from the SAC OC Immediately. I have my W-8 Ben for Law of the Sea and the other treaties and compliances state that is all that is required but I have bumped into some obstacles. For instance I need my address changed from the downtown police station and and Scientology(formula thieves- I had the bank make them give me 50 for fraud-hybrid teaching with reverse roles as noted in Solomon and king tut teaching, go up, down, left, right, I'll still make money) mailing address on my social security interests to one location and the release of my finances that I am free and not an disabled minor. Which they have arbitrarily put in place to block my access to health and wealth unlawfully. I clearly know the tax form needed to present these changes also yet have ran into Obstructions of Justice. By the above mentioned personalities. This is the essence of my complaint against them being it is affecting my health and my wealth. Yet when I show them in their true light they turn into crying-sissies and I am the

one being wronged. The ones claiming to be healers are exactly creating the disease they claim they can resolve. See: Psychiatry an Industry of Death Museum. For the Citizens Commission on Human Rights International. Think Righteously, This shall be done and with God-Speed.

P.S. Sam Mollei so called Esquire hasn't done anything for me I can clearly revoke all his/et al 3rd party signatures as needed and as I said I prefer a female ambassador for proper startup. Thanks in advance for your adherence in this matter. Again God-Speed!

This is what I sent in 2017 and this was their response a year later.

To whom it may concern,

This complaint is drawn up for the reason of negligence by UCLA. Edu/Adrian Piper Art Exhibition /Hammer Museum. They have pictures of African Americans hanging with a logo land of the free home of the brave. This is done in front of a nude Asian woman. It's almost as awful as Emmett Louis Till's murder. Emmett Louis Till was a young African-American who was lynched in Mississippi in 1955 at the age of 14, after being accused of offending a white woman in her family's grocery store.

Born: July 25, 1941, [Chicago, IL](#)

Died: August 28, 1955, [Money, MS](#)

Cause of death: [Homicide](#)

Buried: September 6, 1955, [Burr Oak Cemetery, Alsip, IL](#)

Education: [McCosh Elementary School](#)

Parents: [Mamie Till](#), [Louis Till](#)

This is not art this is propaganda. In tort law, negligence is the failure to behave with the level of care that someone of ordinary prudence would have exercised under the circumstances. The behavior usually consists of actions, but can also consist of omissions where there is some duty to act. Prima Facie in ascertaining whether the persons conduct will result in harm. 4 elements legal duty, breach of duty, plaintiffs suffer of any injury, proof the defendant caused the injury, racket.

This injury is stemming from this institution for the motive of insider trading. I have a civil society Fly America Aboriginal Society with the United Nations civil society database. My by-laws were stemming from Query 14 Virginia Notes. My certificate 13026269 in the Shelby County register of deeds office is apostilled. Along with an W-8 Ben form. I have reason to see insider trading and copyright infringement on my book Land of Milk and Honey the modification to Q-14. Also, I have International Trade proposals with JETRO. They are attempting to steal my intellectual property, from my investment ideas from real estate, clothing, textile and steel mills, educational products, etc. Also, the vesting deed to the property I have cast my eye on. This is a violation of the 11th amendment. Also my movie and media ideas. With the disgraceful behavior of Roseanne, Megan Kelly, police shooting in Sacramento and nationwide they are creating the problems they claim to fix creating a racket. The Curators should be held responsible for their negligence. I have the property listed as my homestead in Beverly Hills and registered it with the secretary of state and sent my w-8 Ben to the Beverly

Hills tax office. This is an attempt to defraud and corrupt and forfeit dowry. There is no right standing in law for such negligence .Section 8 of the U.S. constitution is to 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; They run these smear campaigns and speculations, yet they haven't cured anything yet alone have a clue. I can list this study under Organizational behavior management. Organizations are focused on improving productivity and profits. For instance, one of the major trends is improving [employee engagement](#) through policies like [workplace flexibility](#). These types of strategies can motivate employees, impacting productivity and profitability.

Another option is available through the field of organizational behavior management, which takes a more scientific approach to achieving business goals.

What Is Organizational Behavior Management?

Organizational behavior management (OBM) applies behavioral principles to [individuals and groups](#) in business, industry, government and human service settings, according to Psychological Services, a publication from the American Psychological Association. OBM can be seen as the intersection between behavioral science and improvement in organizational environments.

OBM is rooted in the field of applied behavior analysis (ABA), which develops techniques to produce socially significant behavior in a wide range of areas and behavioral problems. ABA is one of three disciplines of behavior analysis, or the science of behavior, which includes:

- Applied wing of the discipline of behavior analysis (ABA)

- Experimental analysis of behavior, focusing on basic principles of behavior
- Branch of behavior analysis that focuses on the conceptual and philosophical underpinnings of the science of behavior (behaviorism)

Like ABA, OBM is focused almost exclusively on practical strategies that can be used to change behavior. For instance, instead of focusing on personality traits that are most predictive of high performers, ABA and OBM are more concerned about investigating methods to improve performance.

The growth of OBM has resulted in three primary specialty areas.

- **Performance management** applies behavioral principles to manage the performance of employees. This used to be synonymous with the term “OBM,” but it is now its own field, contrasted by specialty areas geared toward other levels of the organization.
- **Systems analysis** refers to the analysis and modification of organizational processes to benefit the organization. This field focuses on how individuals or groups of workers can complete interdependent tasks that lead to created products or services important to the entire organization.
- **Behavior-based safety** is a fast-growing specialty that analyzes and modifies work environments to reduce injuries and promote safe behavior. Instead of other disciplines’ approach to safety from the standpoint of mechanical or structural engineering, behavior-based safety concentrates on changing employees’ behavior to reduce injuries and make safe performance more common.

Advance Your Business – Death, slavery, and poverty is out the question. Only concerned oneself with Health and Wealth.

This is a lot better than the Swiss Carl Jung Jungian method. Which might turn you into a junkie. I could go into the classes I visited in teaching students they didn't know about the genome sequences until the year 2000 by Asian professors. Or the definition of the writings on the wall around the school stand for. I'll leave that to the reader to do their own observation or ethnology in a decent and respectable manner as you should. Nevertheless, not deterring from the truth of what is being spoke. I mean if you can't cure anything or help with bone structure formulas offered, use the machine to make an controlled ecstasy pill or understand chlorella. Do something fun? I'll elaborate on what I found in the halls there was astounding.

Too many have hastened to put into effect at once any phenomenon they have observed and so lack the ability to pursue research which is characterized by uncertainty, into its underlying cause. The error of being over hasty, to put knowledge to work is enough to suggest the east is far behind the west on the path of development, but the fact is that even Britain and France, advanced countries, took a mere 50 years to reach their present prosperity. There are still innumerable countries in the world which lag. Now it is not the case that iron and coal are not abundant in the east, nor is it true that the uses which can be made of them have not been known there. But they have not been fully exploited. And the ultimate reason for this is surely that while natural resources are abundant in these lands. Their people have prized ability and intelligence and have therefore, with respect to the physical world regarded theory as pre-eminent and have lacked the spirit of practical

application. Strippers have the same attitude. Let us take note on the pillars and columns of Jachin and Boaz and the gift and the curse of it. Now the principles of physics, chemistry, and mechanics, compared with the study of man's place in the cosmos or art of government, are simple and easy to grasp as recorded in the Iwakura Embassies records. Writings on these subjects expounded them by easy stages, in a way fit for infants to follow. Their underlying principles are obvious being no more than basic facts which it is necessary to know for everyday purposes. However the Japanese have devoted no attention to it. This is proof that being of quick intelligence, they invariably miss the 9 merits and fall into geishas or 9 muses. Also, take notes in the Quran the Arab's said the Deity had two accounts one you could see and the other that was offshore. Remember they said the old way of redeeming someone and raising a deadman's name on his property was as follows one would take off his sandal with the 10 elders etc. Also, it was said it was the same with Judah as with Perez and Zerah. When Tamar was told, "Your father-in-law is on his way to Timnah to shear his sheep," ¹⁴ she took off her widow's clothes, covered herself with a veil to disguise herself, and then sat down at the entrance to Enaim, which is on the road to Timnah. For she saw that, though Shelah had now grown up, she had not been given to him as his wife.

¹⁵ When Judah saw her, he thought she was a prostitute, for she had covered her face. ¹⁶ Not realizing that she was his daughter-in-law, he went over to her by the roadside and said, "Come now, let me sleep with you." About three months later Judah was told, "Your daughter-in-law Tamar is guilty of prostitution, and as a result she is now pregnant."

Judah said, "Bring her out and have her burned to death!"

²⁵ As she was being brought out, she sent a message to her father-in-law. “I am pregnant by the man who owns these,” she said. And she added, “See if you recognize whose seal and cord and staff these are.”

²⁶ Judah recognized them and said, “She is more righteous than I, since I wouldn’t give her to my son Shelah.” And he did not sleep with her again.

²⁷ When the time came for her to give birth, there were twin boys in her womb.²⁸ As she was giving birth, one of them put out his hand; so the midwife took a scarlet thread and tied it on his wrist and said, “This one came out first.”²⁹ But when he drew back his hand, his brother came out, and she said, “So this is how you have broken out!” And he was named Perez.^[a] ³⁰ Then his brother, who had the scarlet thread on his wrist, came out. And he was named Zerah.

This is the prostitute of Babylon riding the dragon. She can’t touch a true International player with a 10 foot pole, let alone the Deity.

Now Joseph was well-built and handsome,⁷ and after a while his master’s wife took notice of Joseph and said, “Come to bed with me!”

⁸ But he refused. “With me in charge,” he told her, “my master does not concern himself with anything in the house; everything he owns he has entrusted to my care.⁹ No one is greater in this house than I am. My master has withheld nothing from me except you, because you are his wife. How then could I do such a wicked thing and sin against God?”¹⁰ And though she spoke to Joseph day after day, he refused to go to bed with her or even be with her.

¹¹ One day he went into the house to attend to his duties, and none of the household servants was inside. ¹² She caught him by his cloak and said, “Come to bed with me!” But he left his cloak in her hand and ran out of the house.

¹³ When she saw that he had left his cloak in her hand and had run out of the house, ¹⁴ she called her household servants. “Look,” she said to them, “this Hebrew has been brought to us to make sport of us! He came in here to sleep with me, but I screamed. ¹⁵ When he heard me scream for help, he left his cloak beside me and ran out of the house.”

¹⁶ She kept his cloak beside her until his master came home. ¹⁷ Then she told him this story: “That Hebrew slave you brought us came to me to make sport of me. ¹⁸ But as soon as I screamed for help, he left his cloak beside me and ran out of the house.”

¹⁹ When his master heard the story his wife told him, saying, “This is how your slave treated me,” he burned with anger. ²⁰ Joseph’s master took him and put him in prison, the place where the king’s prisoners were confined.

But while Joseph was there in the prison, ²¹ the Lord was with him; he showed him kindness and granted him favor in the eyes of the prison warden. ²² So the warden put Joseph in charge of all those held in the prison, and he was made responsible for all that was done there. ²³ The warden paid no attention to anything under Joseph’s care, because the Lord was with Joseph and gave him success in whatever he did. That’s Boaz.

These same events kept taking place with this marriage ceremony even in the Othello and Mozart’s magic flute considered the origin of the mysteries. Don’t be too quick to mix wool with linen just try to comprehend the caution needed to be taken in these tragedies.

The sayings of Agur son of Jakeh—an inspired utterance.

This man's utterance to Ithiel:

"I am weary, God,

but I can prevail.^[a]

² Surely I am only a brute, not a man;

I do not have human understanding.

³ I have not learned wisdom,

nor have I attained to the knowledge of the Holy One.

⁴ Who has gone up to heaven and come down?

Whose hands have gathered up the wind?

Who has wrapped up the waters in a cloak?

Who has established all the ends of the earth?

What is his name, and what is the name of his son?

Surely you know!

The leech has two daughters.

'Give! Give!' they cry.

"There are three things that are never satisfied,

four that never say, 'Enough!':

¹⁶ the grave, the barren womb,

land, which is never satisfied with water,

and fire, which never says, 'Enough!'

¹⁷ "The eye that mocks a father,

that scorns an aged mother,

will be pecked out by the ravens of the valley,
 will be eaten by the vultures.

¹⁸ “There are three things that are too amazing for me,

four that I do not understand:

¹⁹ the way of an eagle in the sky,

the way of a snake on a rock,

the way of a ship on the high seas,

and the way of a man with a young woman.

²⁰ “This is the way of an adulterous woman:

She eats and wipes her mouth

and says, ‘I’ve done nothing wrong.’

There are three things that are stately in their stride,

four that move with stately bearing:

³⁰ a lion, mighty among beasts,

who retreats before nothing;

³¹ a strutting rooster, a grey hound,

and a king secure against revolt.

The sayings of King Lemuel—an inspired utterance his mother taught him.

² Listen, my son! Listen, son of my womb!

Listen, my son, the answer to my prayers!

³ Do not spend your strength^[a] on women,

your vigor on those who ruin kings.

⁴ It is not for kings, Lemuel—

it is not for kings to drink wine,

not for rulers to crave beer,

⁵ lest they drink and forget what has been decreed,

and deprive all the oppressed of their rights.

⁶ Let beer be for those who are perishing,

wine for those who are in anguish!

⁷ Let them drink and forget their poverty

and remember their misery no more.

⁸ Speak up for those who cannot speak for themselves,

for the rights of all who are destitute.

⁹ Speak up and judge fairly;

defend the rights of the poor and needy.

Epilogue: The Wife of Noble Character

¹⁰ ^[b]A wife of noble character who can find?

She is worth far more than rubies.

¹¹ Her husband has full confidence in her

and lacks nothing of value.

¹² She brings him good, not harm,

all the days of her life.

¹³ She selects wool and flax

and works with eager hands.

¹⁴ She is like the merchant ships,

bringing her food from afar.

¹⁵ She gets up while it is still night;

she provides food for her family

and portions for her female servants.

¹⁶ She considers a field and buys it;

out of her earnings she plants a vineyard.

¹⁷ She sets about her work vigorously;

her arms are strong for her tasks.

¹⁸ She sees that her trading is profitable,

and her lamp does not go out at night.

¹⁹ In her hand she holds the distaff

and grasps the spindle with her fingers.

²⁰ She opens her arms to the poor

and extends her hands to the needy.

²¹ When it snows, she has no fear for her household;

for all of them are clothed in scarlet.

²² She makes coverings for her bed;

she is clothed in fine linen and purple.

²³ Her husband is respected at the city gate,

where he takes his seat among the elders of the land.

²⁴ She makes linen garments and sells them,

and supplies the merchants with sashes.

²⁵ She is clothed with strength and dignity;

she can laugh at the days to come.

²⁶ She speaks with wisdom,

and faithful instruction is on her tongue.

²⁷ She watches over the affairs of her household

and does not eat the bread of idleness.

²⁸ Her children arise and call her blessed;

her husband also, and he praises her:

²⁹ “Many women do noble things,

but you surpass them all.”

³⁰ Charm is deceptive, and beauty is fleeting;

but a woman who fears the Lord is to be praised.

³¹ Honor her for all that her hands have done,

and let her works bring her praise at the city gate.

Now how did the proverbs of Solomon , end with Lemuel the black King. Remember everything isn't on the internet and content can be changed unless you learn from first-hand accounts or have ancient records. This was the correction of the jachin black and white axis pillar. Don't sing a song of sixpence and have your nose pecked off by blackbirds while the ruler is calculating his finances. Only to have the deity send the elders to fight off your demons again. No more thinking like Dracula trying to reproduce his children, or blade being sucked dry by the 12,13 Dinah, but more like Dr. Dre and Eminem and Sklyar Grey. Be true, honest and loyal for you can learn along the way the things you need to know for those this teaching is for. I'll elaborate a little more on this dowry teaching. What if the deity when he has his resources can accomplish this in and of himself and the staff

and advisors he hires, and let his love life be private. Note the 11th amendment in the constitution for one such as I am for bounty seekers. I know about waster power Ed pestle mills, water wheels, solar power, and renewable energy. Sword blades, saws and planes have been in use for millennia. Not a lot of words are downplayed in the embassy records also steering away from grey as the ucla students saying there no grey area in business when this is the foreign trade zone to wit foreign affairs manual. And this is with whom you want to place your faith? Be for real, you going nowhere closer to enlightened paradise without me. I'm not bragging but those are the facts looking at those who are completely ignorant yet boldly give their uninformed opinions. I know about blue dye by boiling indigo plants and long use of it to dye cotton and silk. Do not lack the patience for study and hard work. Or simply put due diligence as the wise ones have spoken it. But in business operation it is not for the leader to know every area or field of expertise as a peon or day labor. As long as he cover's his special skills in governing and decision making his land and resources is all that is required. Not to become some tool-hoe. Men are not hoes. Seriously! I once studied kabbalah and learned it was a route to learn how to create cell phones. Whether you refer to it as the Jungian method or take my approach. It's the same teaching the black god's function and understand was always known to be the very life force of civilization itself. There is no need in another case of cannibalism. As we move out of the caveman days into a more new modern era. I am a foreign financial institution complying with Intergovernmental agreements I don't need to report to anyone if I don't want to. I do have a moat registered as my homestead. Last, but not least, It was the right thing to do!

Negro River, Portuguese Rio Negro, Spanish Río Negro, major tributary of the [Amazon](#). It originates in several headstreams, including the Vaupés (Mapés) and the [Guainía](#), which

rise in the [rain forest](#) of eastern [Colombia](#). The Guainía flows east and then arches northeast and southeast, forming the Colombian–Venezuelan border. Below its junction near San Carlos de Río Negro with the Brazo [Casiquiare](#), a natural waterway that brings water from the [Orinoco River](#) in [Venezuela](#), the river acquires the name Negro and enters [Brazil](#). The Negro meanders generally east-southeastward, picking up the [Branco River](#) and other tributaries, to [Manaus](#). There it joins the [Solimões River](#) to form the Amazon. Its length is about 1,400 miles (2,250 km), of which 850 miles (1,370 km) are in Brazil. It is navigable for about 450 miles (725 km) above its mouth. Note what is the origin of the black sea tails? Pin the tail on that donkey or bust that pinnate. Do the tango with a rose in your mouth and the phoenix eating the bird. It's the same story as the the farmer, the snake, and the bird. Why would someone want to save traitors. Best remedy if you considered me ever to be poor or lacking in anything, it's best to get wealth and give back to myself first then that's the win- win(Thank you haters). Although settlement along its banks is sparse, the river is a major transportation artery. Apothecaries' weight in British. noun. a system of weights, formerly used in-pharmacy, based on the Troy ounce(not Trojan horses), which contains 480 grains. 1 grain is equal to 0.065 gram. Collins English Dictionary.

Ohm I'm weird(no the living word) but, you have tons of xxx videos with females/males being exposed of all race , color, creed and faith's. You're a joke to me at best a pathetic racist and you're suffering from dementia and are officially denying the truth; the actual definition of it (oxford English dictionary).

Definition of front loading

The money that unit trusts, pension funds, and some other financial products charge new investors and which is taken from their first few payments, rather than over a longer period of time. [1]

There was a man last named Murray who wrote books on the Islamic trade routes of leather and others for Princeton. To wit: Funk and Wagnalls encyclopedia said that mama dukes and Bedouin's were illegitimate and destroying the economy. What more can I say. They said in the Middle East(Ancient Egyptians built the Suez canal 3000 years ago) this was known as the Silk Road between them and Asia. In this particular book when they spoke on Hashem, to Japanese hashu-kori/wang, and simply put the book said only the golden child could bring peace. Even a book by an Asian author wrote a book called 1000 elephants(ivory trading) and speaks on the history of Negro's related to Asian's and Siam/ now Thailand and their trade routes. Now what is truffle butter/French troubadours? I say its homosexual activity and nothing to do with a trestle board! All the false notions in that even about true architects hiding their history is bullshit. It's an attempt to steal someone else's work. They are considering now after much research that these people who are damming rivers and the flow of truth as either being charged with attempted murder or aiding suicide. They know nothing about agriculture or commerce only trying to build on someone else's landmark and use their technology. It says conceal the judgment and reveal the mercy in the Zohar and the 8th commandment and the 11th commandment are true. But you can't trust treacherous, nasty and trifling people. You're poisoning the land and the people's mind with your ignorance. When something is done by a creator there is no questioning that. Just get to work and make some progress. If you do something inconsistent with it you are plotting evil. There is a saying in Germany I once heard. It said

if god didn't exist are you to ignorant not to create one. It is better to have your name cleared from falsehood and your banks and cups overrunning with funds literally and digitally than precious ointments. I love pleasure, beauty, happiness and luxury more than pain any day (principles of utilitarianism). Never get it twisted. If malchut de malchut is malpractice then khukat is the answer. I don't like anyone tampering with my raw materials or manufactured products before I use them, it's my first fruits. It causes it to lose potency. I'm convinced that the powder puff girls that had a lab story on sugar, spice, everything nice, and chemical x; was a way to clown the mojo. But we see in Austin Powers the spy who shagged me or James Bond.⁷(primitive) that mojo was a good thing. The definition of myser is a stingy niggardly German . Check the encyclopedia I mentioned. Definition: Negus-Ethiopian king. True token for someone who does what I am doining is coninage as I have a right to do so. Davinci robotic technology is the best technology for the opening of the mouth procedure. Ezra teaching of the water-gate was the real water gate scandal. Danites swap agreement, psalms 45-theme-indictement is no good. Gamete is a mature haploid male or female germ cell that is able to unite with another of the opposite sex in sexual reproduction to form a zygote. This is the bone marrow, stem cell, in-vitrio, and viento teaching. Homestead principle refers to a notion in law that one can gain ownership of a natural thing that currently has no owner by using it or building something out of it. Laws on this principle would grant property of land plots of certain standardized size to people who would settle on it and improve it in certain ways.

In the U.S., the Homestead Act of 1862 provided for the disposition of land for the homesteads. The Act permits any person who is above twenty one years of age or is the head of a family to acquire 160 acres of land. The Castle Doctrine is a self-defense theory

which gives a homeowner the right to protect his home with the use of deadly force. The Castle Doctrine originally emerged as a common law theory. Since then, a majority of states have implemented some statutory version of the Castle Doctrine. If a defendant successfully presents a Castle Doctrine defense, then he is completely exonerated of any wrong doing. Read on to learn more about the proof required to assert a self-defense theory based on the Castle Doctrine. Remember sahu is mummy in Egyptian. Obviously because mummy is feminine for males we don't use that term. Beauty pageant: means any contest or competition in which entrants are judged on the basis of physical beauty, skill, talent, poise, and personality, and in which a winner, or winners, are selected as representing an ideal in one (1) or more of these areas. The pageant is for fools. T.C.A.47-14-205 Operator: means any person, franchisee, firm or corporation, civic group, or elementary or secondary educational institution, which promotes, organizes, or otherwise operates, a beauty pageant, participation in which is limited to persons paying an entrant's fee. Note I'm not required to participate. Although, I can run a harem. But it was the eater of my food that made insurrection. It was them who anointed themselves with my spices and entered my harems who are the traitors. They wanted to be arrayed in my fine linen and cast me as a shadow. Moral of the story stop pocket watching and dickwatching you moron and imbeciles. Meanwhile causing the people to suffer from analysis paralysis. Grey market all is lawful, doesn't really matter what you think. Proper English is Grey of name and gray of color. I learned this when I found out about my grandfather and his origin after my name was changed. E is the sum of all things and $E=mc$. I never listened to people whose philosophy is when you're poor you can join us. As your quote unquote savior said I'll reiterate, it is easier for prostitutes (hosea) and tax collectors before false righteous

teachers. Manes is considered the halls of Amente where thoth was trapped and escaped as a teacher of civilizations. Emperor nero and Emperor Niger stories are too close too overlook. Fake St. Nicholas/Emperor Claudius stories, champagne wishing and dirty white bitches is fucking ridiculous (In my Kanye West- dark twisted nightmare voice). Remember 60 measurements is sextile. Man is law(produce,provide, protect)- woman(nourish,support) is government. And the Deity is over all. It is possible that sect. 17 is a later Greek expansion inserted in the Egyptian text; otherwise we must regard the whole as a Græco-Egyptian philosophy, for the Egyptian would not admit Greek elements at this date into a religious myth(see: Black Athena.) All in all mutatis mutandis is the law of the sea. Change the name change the operation. But not just at Grey but Ptah Khephera for proper safeguarding.

PRODUCT DESCRIPTION: (Black Walnut Hulls, Green Ginger, Indian Tobacco, Marshmallow, Mullein, Scullcap, Stone Root, White Oak Bark) For support and maintenance of joint health.*

This is the formula to Old number 11 from pure herbs. To wit: Cajeput oil, peppermint oil, and vitamin E 100.

Used to repair or strengthen any type of brain, nerve, flesh, cartilage or muscle injury or weakness. If you cannot work on the area directly, then take Ol' Number 11 internally. 40 to 80 drops, 3 times per day for repair or adding strength to the body. For severe injuries or heavy athletic training, 1 tsp. to 1 tbl., 3 to 4 times per day.

Additionally, for serious injury, you can work on the area directly. One very successful procedure is as an overnight application. Apply several things directly to the area

externally. Apply the herb Arnica directly to the skin of the area or around the site to get the physical shock out of the area. In this way, the injury can heal rapidly. Next, apply Vitamin E from 100 i.u. capsules to improve the action of oxygen for repair and to prevent irritation if very sensitive skin.

At this point, apply externally, either Peppermint Oil or Oil of Cajeput and Herbal Adjustment and then Formula No. 4. This relieves pain and improves the circulation in the area to be repaired. Next, soak a single layer of natural fiber cheese cloth or absorbent gauze with Ol' Number 11. Wrap this cloth, soaked with Ol' Number 11, around the injured area and cover it with plastic sandwich wrap. Then, wrap a cloth around all to hold in place for overnight.

The next morning, remove the application and discard. Wash the area and allow to dry. [Never reuse the application, as this thermal and moisture barrier application also draws poisons out through the skin, as well as driving the repair herbs internally.] Repeat the application procedure for the daytime. Continue with an application for the day and night until well. As an aftershave, to baby the skin and make it smooth and soft, apply a few drops of Arnica followed by a generous amount of Ol' Number 11.

Combination includes | White Oak Bark, Marshmallow, Mullein, Mugwort, Indian Tobacco, Scullcap, Knitbone, Black Walnut Hull, Gravel Root

Dose | For internal use, 40 to 80 drops, after meals and as given above. For external use, soak a cotton ball with Ol' Number 11 and apply to the injury 3 to 4 times per day.

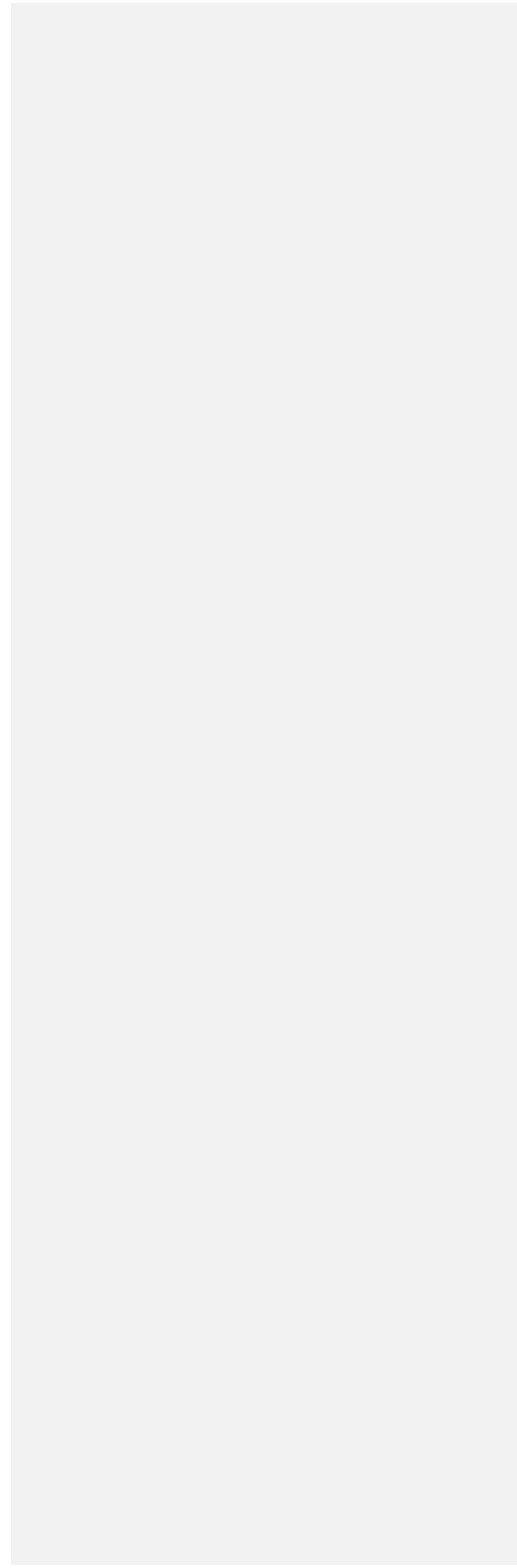
This information is about historical observations and historical information relating to herbs. This information is not intended to be a substitute for medical advice by licensed physicians. A person should consult a physician regularly in all matters relating to medical problems, especially in matters of diagnosing, treating or curing diseases or other physical or mental conditions. This information has not been verified by the American Medical Association or the Food and Drug Administration. So I'll verify it. Ptah. . Doctor: A learned man ; one qualified to give instruction of the higher order in a science or art; particularly, one who has received the highest academical degree in his art or faculty, as, a doctor of laws, medicine, or theology. sci·en·tif·ic meth·od. Note- I was the straight A student in all my classes from 1987-2001 and won all the awards. Seeing my family didn't support or care that I was the wisest and reward those less qualified than me I left. Next, I won all the talent shows. I graduated top of my class in the military and left with honor. I attended university of Memphis for International Buisness until one day I took a class on greek and Hebrew legacy. I found out that it was the only class not based on facts but faith and realized that if 3 out of 4 classes required me to be accurate but this one was obscure I learned. I learned that it was all bogus and took different approaches. I learned I was lied to about my family history although I was born in a priesthood. I learned that the real divine economy was created by not only those qualified, or skilled, but the real trend setters. I learned not to be influenced by media, music, or movies, women, politics, thugs, drugs, religions, but to observe for myself. I learned it when I was a young man and I had a math book and the teacher always asked me to explain why I knew the answer and I couldn't. So one day I decided to show my work as they say and saw all type of errors in how they arrive at the answer and it was a waste of time. Though some things are accurate

because it's already been done. But improvements can't be made until we change the process. I hear those who say don't distrust but we can disagree. But if you are presented with facts, truth, and scientific formulas, if someone says otherwise they are polluted and causing the confusion. Women and men of my color would rather cater to other races than resurrect their own (starting with the poor but best and brightest). As Carter G. Woodson put it they could hear that one of their own was the leader and still be disrespectful(unless he tricked them and put a pale skin in their face to fool them-which could be his demise, so I'm done with the back and forward. I decree and the faithful execute-end of story). So it is natural for me to adopt the ying(black masculine)-yang(feminine-white) method to counter this ignorance(Grey highest authority in law). Maybe one day they'll mature but I have to move forward to better, peaceful, delightful, and luxuriousness living, as I should!

noun

1. a method of procedure that has characterized natural science since the 17th century, consisting in systematic observation, measurement, and experiment, and the formulation, testing, and modification of hypotheses.

Dedicated to Dylan Grey



ReparationsTaskforce

From: Markavious Johnson [REDACTED]
Sent: Monday, November 29, 2021 1:47 PM
To: ReparationsTaskforce
Subject: Fwd: Markavious Bashara Johnson- Grey's W-8BEN.pdf
Attachments: Markavious Bashara Johnson- Grey's W-8BEN.pdf

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

----- Forwarded message -----

From: Markavious Johnson [REDACTED]
Date: Thu, Nov 25, 2021, 6:11 AM
Subject: Markavious Bashara Johnson- Grey's W-8BEN.pdf
To: <info@us-domainauthority.com>

Form **W-8BEN**

(Rev. January 2017)

Department of the Treasury
Internal Revenue Service**Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals)**

- For use by individuals. Entities must use Form W-8BEN-E.
 ► Information about Form W-8BEN and its separate instructions is at www.irs.gov/formw8ben.
 ► Give this form to the withholding agent or payer. Do not send to the IRS.

OMB No. 1545-1621

Do NOT use this form if:

- You are NOT an individual **W-8BEN-E**
- You are a U.S. citizen or other U.S. person, including a resident alien individual **W-9**
- You are a beneficial owner claiming that income is effectively connected with the conduct of trade or business within the U.S. (other than personal services) **W-8ECI**
- You are a beneficial owner who is receiving compensation for personal services performed in the United States **8233 or W-4**
- You are a person acting as an intermediary **W-BIMY**

Note: If you are resident in a FATCA partner jurisdiction (i.e., a Model 1 IGA jurisdiction with reciprocity), certain tax account information may be provided to your jurisdiction of residence.

Part I Identification of Beneficial Owner (see instructions)

1 Name of individual who is the beneficial owner MARKAVIOUS BASHARA JOHNSON-GREY	2 Country of citizenship XXXX
3 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address. <div style="background-color: black; height: 1.2em; width: 100%;"></div>	
City or town, state or province. Include postal code where appropriate. <div style="background-color: black; height: 1.2em; width: 100%;"></div>	Country UNITED STATES
4 Mailing address (if different from above) City or town, state or province. Include postal code where appropriate.	
5 U.S. taxpayer identification number (SSN or ITIN), if required (see instructions)	6 Foreign tax identifying number (see instructions) <div style="background-color: black; height: 1.2em; width: 100%;"></div>
7 Reference number(s) (see instructions)	8 Date of birth (MM-DD-YYYY) (see instructions) 7/11/1987

Part II Claim of Tax Treaty Benefits (for chapter 3 purposes only) (see instructions)

9 I certify that the beneficial owner is a resident of XXXX within the meaning of the income tax treaty between the United States and that country.

10 **Special rates and conditions** (if applicable—see instructions): The beneficial owner is claiming the provisions of Article and paragraph VII of the treaty identified on line 9 above to claim a 0 % rate of withholding on (specify type of income):
BUSINESS PROFITS, COMMISSIONS, BONUSES
 Explain the additional conditions in the Article and paragraph the beneficial owner meets to be eligible for the rate of withholding:
THE INDIVIDUAL DOES NOT CARRY ON THESE BUSINESS ACTIVITIES EITHER THROUGH A PERMANENT ESTABLISHMENT OR FIXED BASE IN THE UNITED STATES

Part III Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- I am the individual that is the beneficial owner (or am authorized to sign for the individual that is the beneficial owner) of all the income to which this form relates or am using this form to document myself for chapter 4 purposes.
 - The person named on line 1 of this form is not a U.S. person.
 - The income to which this form relates is:
 - (a) not effectively connected with the conduct of a trade or business in the United States,
 - (b) effectively connected but is not subject to tax under an applicable income tax treaty, or
 - (c) the partner's share of a partnership's effectively connected income
 - The person named on line 1 of this form is a resident of the treaty country listed on line 9 of the form (if any) within the meaning of the income tax treaty between the United States and that country, and
 - For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.
- Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner. I agree that I will submit a new form within 30 days if any certification made on this form becomes incorrect.

Sign Here

Signature of beneficial owner (or individual authorized to sign for beneficial owner)

Date (MM-DD-YYYY)

Print name of signer

Capacity in which acting (if form is not signed by beneficial owner)

ReparationsTaskforce

From: DeMarco Ange [REDACTED]
Sent: Tuesday, November 30, 2021 1:41 PM
To: ReparationsTaskforce
Subject: How do you sign up to speak

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How do you sign up to speak?

ReparationsTaskforce

From: Isabella Argueta [REDACTED]
Sent: Wednesday, December 1, 2021 2:36 PM
To: ReparationsTaskforce
Subject: Agenda - Witness Panel #2

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi there!

My name is Isabella Argueta and I help represent the Greenlining Institute and the Black Leadership Council. I'm looking at the agenda for the next Reparations Task Force meeting and I noticed that the Witness Panel #2 seems to address the Racial Wealth Gap. Are you able to confirm or elaborate on the topic of the panel a bit?

Isabella Argueta | Legislative Assistant | [Lighthouse Public Affairs](#)
[REDACTED]