

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

MEETING MINUTES

September 23, 2022, 9:00 A.M.

<https://oag.ca.gov/ab3121>

California Science Center, 1st Floor
700 Exposition Park Drive
Los Angeles, CA 90037

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

Members Absent: There were no members absent

1. Chairperson Call to Order

Chairperson Moore called the September 2022 AB 3121 Reparations Task Force meeting to order at 9:06 a.m., on September 23, 2022 at the California Science Center, 1st Floor, in Los Angeles, California.

Chair Moore called for the attendance by roll call to establish a quorum. **Parliamentarian Doreatha Johnson** called the roll. Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, and Member Tamaki.

Ms. Johnson stated that 5 members were needed for a quorum, 9 members were present at the time the roll was called, and a quorum was established.

Following the attendance and establishment of the quorum, Chair Moore formally welcomed everyone to the 10th Hearing and 2nd In-person meeting of the AB 3121 California Reparations Task Force...

Chair Moore cautioned everyone for the need to adhere to the established timeline as they move through each agenda item, and moved to the next agenda item, Public Comment. Chair Moore reminded attendees that Public Comment was slated for one hour, of which 30 minutes was allocated for in-person comments and 30 minutes was allocated for phone-line comments. **Aisha Martin-Walton** facilitated the Public Comment agenda item.

2. Public Comment

Aisha Martin-Walton moderated the public comment portion of the meeting agenda. There were approximately 31 commenters. Public comments reflected the concerns and positions of individuals, businesses, and community organizations relative to AB 3121 reparations. Several commenters thanked Task Force members for their vote in support of lineage-based eligibility for reparations and many others expressed their disappointment with the results of the vote. Several commenters stated their opposition to AB 2296, a bill that would extend the Task Force until July 1, 2024. Some commenters suggested that reparations be an inclusive, holistic, and comprehensive approach to addressing mental and other health disparities within the Black community. Some commenters proposed other forms of reparations like: establishing a satellite campus for a Historically Black College and University in California, investing in the financial stability of Black-owned non-profit organizations over a 10-year period, approving funds to resolve legal issues related to fraudulent land probates, providing governmental support to correct vital records, and addressing the wealth gap between Black and white Americans using funds from railroad profits. Additional recommendations included establishing federal local Black business grants and trainings in order to support the creation of a Black economic infrastructure similar to Chinatown or Koreatown and offering personal finance and investment training.

3. Action Item: Approval of the April 2022 Meeting Minutes.

Chair Moore stated that the April minutes had been sent to the Task Force members in advance for review. She then asked if the Task Force had any questions, comments, or corrections for the April 2022 minutes? Because there were no questions, comments, or corrections, raised, Chair Moore called for a motion to approve the April 2022 Meeting Minutes.

MOTION: Member Bradford moved to approve the April 2022 Meeting minutes as presented.

Vice Chair Brown Seconded the motion.

There was no Discussion and the vote was called by Parliamentarian Johnson as follows:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe and Member Tamaki

Nays: 0

Not Voting: Member Jones-Sawyer

There were 8 members present and voting: 8 **Ayes**, 0 **Nays** and 1 member absent.

The motion passed and the April 2022 meeting minutes were approved as presented.

Chair Moore took this time to thank attendees for showing up and sharing their Public Comments.

4. Discussion and Potential Action Item: Task Force Members Reflections on Interim Report 1.

Chair Moore reminded everyone that the Task Force issued and publicized a 500 page Interim Report 1 on June 1, 2022 that cataloged the atrocities against the African American community on a Local, State, and Federal Level.

Chair Moore asked the Task Force members for any reflections regarding the report.

Task Force members expressed their individual reflections on the impacts of the release of the Reparations Interim Report 1, issued on June 1, 2022. They collectively shared their appreciation and gratitude, to the DOJ Attorneys, with an honorable mention to Deputy Attorney General Xiyun Yang and Supervising Deputy Attorney General Attorney Sarah Belton, as well as the DOJ Support Staff, for their tireless contributions and the long hours spent in preparation, research, and development that ultimately produced the extremely comprehensive Reparations Interim Report 1.

Task Force members expressed that the development and production of the Reparations Interim Report 1 was extremely important, as it not only unites African Americans as a people, but most importantly, it is the truth. There was also a recognition of the need that all children across the State of California should have access to the Interim Report 1 so that they understand the contributions that African Americans have made to the fabric of this nation. Members expressed that Interim Report 1 connects the dots and draws a through line between the oppression of the past and today's consequences, as well as a focus for redress and accountability. The Task Force stressed that working together as a team with a unified voice will help to move the needle of public opinion and help to create the political will that is an essential component for the legislative and budget process to be successful.

Member Jones-Sawyer announced that the Final Reparations Report is on schedule to be completed on time, in June, 2023. Member Sawyer requested that the public please do not forward personal routing and bank account numbers to his office because the details for reparations won't be determined and published until the Final Report 2 is completed and goes through the legislative process. Member Jones Sawyer appealed to the community to work together on this important effort all the way thru both processes.

Chair Moore turned to **SAAG (Special Assistant Attorney General) Damon Brown of DOJ** for his remarks.

SAAG Brown thanked the DOJ staff of well over 30 attorneys, and over 50 support staff that includes **SAAG (Supervising Assistant Attorney General) Michael Newman** who supervises the Civil Rights Section, and the two Retired Annuitants who signed up to be a part of this effort because of their commitment and passion for this important work. They

have all worked tirelessly to take us over the finish line to completion of the California Reparations Interim Report 1. **SAAG Brown** took this opportunity to also thank all nine members of the Task Force for all their diligent behind the scenes, collective and individual work efforts in producing such a comprehensive Report. He agreed with **Member Tamaki** in that it does take ally ship for this work effort to be successful. As an example, **SAAG Brown** cited that when **Member Tamaki** was honored by the Japanese American Bar Association this summer, he made the incredible gesture to dedicate his entire keynote speech to uplift this report and to call on others who did not look like us to support this effort. **SAAG Brown** went on to thank the Legislative staff of **Member Jones-Sawyer** and **Member Bradford** for their commitment and assistance with finalizing and publication of this report as well as the Legislative staff for appropriating the needed funds. He also thanked the community and the witnesses for their engagement and input. Lastly, **SAAG Brown** thanked **Attorney General Rob Bonta** for selecting him to lead this team and his commitment to ensure the Task Force is properly resourced. **SAAG Brown** closed by thanking everyone for what he framed as a truly collective work effort.

Chair Moore announced that going forward, as the Task Force visits different cities throughout California, she will share some of that city's specific historical facts that were outlined in the Interim Report.

Member Lewis reminded everyone that this report is only part of the African American story. It is the testimony of a damning history that cannot be denied but it is also a delayed liberation. As a result, adequate time and energy should be allocated towards building a foundation for a free and self-determined future.

Chair Moore asked the Task Force if there were any motions to be made.

MOTION: Vice Chair Brown moved that DOJ and Legislative staff ensure that Governor Newsom, Lieutenant Governor Kounalakis, the members of the California State Assembly and Senate immediately receive copies of the California Reparations Interim Report.

Member Jones-Sawyer Seconded the motion.

Chair Moore called for the discussion: There was no discussion

Chair Moore then asked **Parliamentarian Johnson** to call for the vote.

Ayes: (9), with the following members voting "aye": Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, Member Tamaki

Nays: (0) None

There were 9 members present and voting: 9 **Ayes** and 0 **Nays**

The motion passed unanimously.

5. **Discussion and Potential Action Item: Subpoena Advisory Committee Report. Members Holder and Tamaki and DOJ Research Center**

Member Tamaki provided a background and highlights on the Advisory Committee's work concerning the enforcement issues centered around the California Racial Justice Act which passed in 2020 and became effective on January 1, 2021. The Racial Justice Act prohibits the use of discriminatory language and conduct both inside and outside the courtroom and provides the defendants a way to challenge disparities based on race, charging conditions and sentencing. Advisory Committee Members Tamaki and Holder discovered that District Attorney's offices, Superior Courts, as well as City Attorneys offices vary widely in their approaches to the data collection. Some of the offices collect the data but are not disclosing it and some do not collect the data at all. This law may be a right without a remedy if the data is not collected and shared. This investigative work is consistent with the mission of the Task Force. It was decided the best way to determine the bias would be to gather data from all 58 jurisdictions via a survey that would reveal if and how districts are collecting, tracking, and resolving these complaints of unfair treatment based on bias. After many iterations, the survey was finalized and sent to 58 Counties with the help of DOJ Staff and the Research center (Tatiana Kaplan, Tiffany Jantz, and Randy Chance).

Member Holder reported that nearly 100% of the surveys have been returned. As a result of these surveys, the Advisory Committee has developed a report of the findings. This report can be reviewed at the leisure of the Task Force. She stated that the next steps are for the Advisory Committee to continue to work with the Subject Matter Experts who understand the Racial Justice Act and how the collected data can be used to help impacted people overturn these wrongful decisions in the Criminal Justice System. Because the Advisory Committee already had the authority to continue with this work effort, a motion was not necessary.

Chair Moore asked at what point should the press be invited?

Member Tamaki suggested a press release could be issued after Members Holder and Tamaki meet with the experts and next steps are formulated with DOJ.

The Advisory Committee developed a path forward to work with the DOJ Research Center to develop a survey for the District Attorneys and courts around the state that would focus on the data points that should be consistently tracked and reported among the agencies. The Advisory Committee developed a timeline and would continue to fine tune the survey questions.

6. **Lunch Break**

Following the lunch break, **Chair Moore** asked the Parliamentarian to call roll to reestablish whether a quorum was present. **Parliamentarian Johnson** called the roll. Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis,

Member Montgomery-Steppe, and Member Tamaki.

Five members are needed for a quorum, there were 9 members present. A quorum was re-established.

7. Discussion and Potential Action Item: Scope of Work and Outline of Contents of Report Two Member Lewis and Chair Moore Advisory Committee and Economics Expert Team

Chair Moore stated that although this agenda item is facilitated by the Economic Advisory Committee consisting of, she and Member Lewis, This discussion will be led by Economic Expert, Professor Kaycea Campbell and Dr. William Spriggs. Professor Kaycea Campbell began by introducing the Economic Expert Team as follows:

-Kaycea Campbell

-William Spriggs

-Thomas Kramer

-Kirsten Mullen

-William Darity

Professor Campbell reminded the Task Force that the Economic Experts and the Advisory Committee have been collectively working to develop an appropriate framework to begin the discussion of calculations associated with reparations and compensation. She stated that her presentation will consist of a roadmap of that work. That roadmap outlines different elements of calculations associated with rough estimates of dollar amounts based on the sample of data that was available. She also noted that the Economic experts will need to obtain more specific data to refine and to continue these calculations when the additional Data is submitted by the DOJ/Task Force. The Experts shared two different Frameworks/Models that were vetted. The goal would be for the Task Force to choose which of the two methods should be used as the framework for Reparations. The two Frameworks/Models to be considered are:

- 1. The Harms/Atrocities Primary Model (California)**
- 2. National Reparations Secondary Model (includes calculations based on the National Wealth Gap)**

The Economic Expert Team requested the Task Force to provide leadership and feedback on the questions below to be considered in developing calculations for African American Descendants of the enslaved:

- What is the timeframe of the damage to be considered?
- What is the California Residential requirement and how will it be determined?
- Identify the year the harm started and where did it begin?
- How should Reparations be measured and paid?

The Experts provided a roadmap for calculating some of the above requirements but stated that they will need more data and assistance as they attempt to refine the numbers.

There were thirteen Harms/Atrocities identified by the Task Force. The Expert Team selected five based on the data available. The Harms/Atrocities selected, by the Economic Expert Team were:

1. Unjust property taken by Eminent Domain
2. The devaluation of Black Businesses
3. Housing Discrimination and houselessness
4. Disproportionate Black Mass Incarceration and Over Policing
5. Health Harms

Professor Campbell stated that their process requires a great deal of feedback and approval from the Task Force and the Advisory Committees in order to select the appropriate atrocities and associated calculations within the appropriate timeframe to complete the final report. It was also stated that the above list can grow to include additional Harms/Atrocities based on the additional the data that is received. It was noted that there is a need to further refine eligibility based upon pre-defined residency parameters.

A brief discussion occurred regarding a consideration of pursuing a hybrid option that includes both the Harms/Atrocities and the National models, the definition of residency, as well as why the State of California doesn't have the budget to support the amount of money that would be owed using the National Model. Professor Darity explained that in other words, the amount of monetary compensation owed to eliminate the Wealth Gap between Blacks and Whites in California using the National Model (which is a Federal responsibility) is larger than the entire annual California budget.

The Expert Team's full oral testimony can be found on <https://oag.ca.gov/ab3121>

Chair Moore entertained discussion and following discussion, a motion was made.

MOTION: Vice Chair Brown moved that the existing Economic Advisory Committee comprised of Chair Moore and Member Lewis work directly with the Economic Experts Team to present some potential definitions and requirements for residency.

Member Jones-Sawyer Seconded the motion

Chair Moore called for the discussion: **Member Lewis** requested that if other Task Force members have input or suggestions regarding the California residency parameters, to please submit them through DOJ so that they can be forwarded to the Advisory Committee.

Chair Moore asked **Parliamentarian Johnson** to take the vote:

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

Nays: None

There were nine members present and voting; **9 Ayes** and **0 Nays**

The motion passed unanimously

SAAG Michael Newman of DOJ stated that because the Reparations Report 2 is Task Force driven, the DOJ will work directly and concurrently with the Task Force and the Economic Expert Team to provide assistance with any outstanding questions and/or requirements as needed as well as to pursue and provide the available data requested from every possible resource within the period that has been-predetermined for Report 2.

SAAG Brown requested the Economist Expert Team provide their requirements for next steps as well as for planning purposes to DOJ as soon as possible. He also suggested that the Task Force Advisory Committees can meet with the Economic Expert Team to discuss any outstanding requirements.

Professor Campbell stated that primarily they need the data identified for the Harms/Atrocities Model as well as the California Residency requirements in order to calculate the appropriate compensation for African Americans that are descendants of the enslaved.

8. Break

Following a break, **Chair Moore** asked Parliamentarian for a roll call attendance to reestablish a quorum. **Parliamentarian Johnson** called the roll. Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills,

Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, and Member Tamaki. Five members are needed for a quorum, there were 9 members present and a quorum was re-established.

9. Discussion and Potential Action Item: Report of Bunche Center Regarding Community Engagement Plan (Member Grills)

Member Grills introduced Professor Michael Stoll and his Research Team with the Ralph Bunche Center at UCLA as the presenters for the preliminary findings of the work completed as part of the Community Engagement Plan.

Professor Stoll stated that it had been an honor and a privilege to work with the Reparations Task Force and DOJ on this historic endeavor. The Community Engagement Plan allowed him to also work with some of the brightest African American graduate students in the country. He advised that the students would be presenting the preliminary findings from the Ralph Bunche Center, Community Engagement Research Project.

The Stakeholders of the Community Engagement Research Project were:

Project Leads:

Mary Lee Project Convener Organizer

Ama Nyamekye Anane Professional Facilitator of Listening

Anchor Organizations:

California Black Power Network

Othering and Belonging Institute

Afrikan Black Coalition

Black Equity Collective

Black Equity Initiative

Coalition for a Just and Equitable California

Repaired Nations

The purpose of the Community Engagement Project was to investigate, collect, and document community perspectives on four topics outlined by the Reparations Task Force. They were”

1. Type of Harm

2. Support for Reparations in California
3. Forms of Reparations
4. Eligibility of Recipients

These findings were presented in three categories. The categories presented were:

Community Listening

The Anchor Organizations lead the charge for the Community Listening Sessions. These sessions were held January 2022 – August 2022.

Personal Testimonies

The Personal Testimonies were collected to obtain in depth narratives of the experiences of participants. The testimonies were gathered in August 2022

Surveys

The surveys were solicited on a statewide basis to gather the opinions on whether or not there was support for reparations as well as the kinds of reparations that should be considered. The surveys were collected January 2022 – July 2022.

Preliminary Findings

In summary, the majority of participants supported direct cash remedies to compensate for the harm. There was even stronger support for remedies that were monetary based but without cash. There was common support for educational grants, universal basic income, housing and business investment. Regarding ‘eligibility’, even though there was slightly higher support for Lineage based eligibility, the statewide opinion did differ between the Listening Sessions, Personal Testimonies, and the community surveys.

Professor Stoll reminded everyone that a final written report for the Community Engagement Project findings will be published and available to the Task Force on the agreed upon due date of September 30, 2022. The Task Force could complete a more in depth review of the findings at that time.

Task Force **Member Lewis** noted that the harms identified as part the Community Engagement Project findings seemed to be consistent with efforts of the Economist with the exception of education which was not addressed by the Economists.

Various Task Force Members thanked the Community Engagement Project’s Graduate Speakers, Jendalyn Coulter MPP, MSW; Chinyere Nwonye MPP; and Elliot Woods MPP and commended their efforts in producing a quality product.

10. Discussion and Potential Action Item: Communications Strategy (Member Grills and Chair Moore)

Member Grills reported that another Communications firm was identified and should be able to start once the final stage of readiness is completed. Professor Stoll reported that as of Friday, September 16th the approvals were completed for the firm as a vendor with purchase order status. They were now just waiting on the firm to get purchase order signature access. Once the purchase order is signed, the process will be completed, and the firm would then communicate directly with the Task Force to discuss an ongoing communications strategy and effort.

Member Bradford raised the need for a general website to be developed and to be specifically dedicated to the Reparations Task Force to provide general on-going information to the community.

11. Discussion and Potential Action Item: Leadership Roles and Assignments for Part 2 of Task Force Interim Report

Chair Moore turned the meeting over to **SAAG Newman** to lead this discussion.

SAAG Newman stated now that the Reparations Interim Report 1 is completed and published, and it is time to proceed to the work required for Report 2. He advised that because Report 2 will require more substantial involvement and input from the Task Force, SAAG Newman recommended that a discussion and plan of action should occur by examining and working through the outstanding issues that need to be addressed. In the interest of the limited time left to complete and publish the Reparations Report 2, the DOJ recommended that the Task Force create and/or assign dedicated two member Advisory Committees to address various outstanding issues including the process and structure for working through each issue. It was suggested that these issues could be worked offline and brought back to the General meetings of the Task Force for review and approval.

SAAG Newman cited a few examples of some of the outstanding issues that should be addressed in the Reparations Report 2. They include:

- Educating the public
- Ascertain a form of apology and decide how it should be presented
- Address each of the Five Harms identified by the Economist Experts
- Develop remedies for the discrimination in Education
- After some discussion of the above, the Task Force agreed that this topic should be moved to the September 24th Agenda Item #22, Potential Action Item: Unfinished Business

12. Discussion and Potential Action Item: Department of Justice Updates

Chair Moore turned the meeting over to SAAG Brown for the DOJ Update.

SAAG Brown announced that the California State Legislature approved the 2022- 2023 fiscal budget that allocated funding for the Reparations Task Force. **SAAG Brown** thanked **Member Jones-Sawyer** and **Member Bradford** for making sure that The Task Force was properly resourced and that the approved budget included enough funding to compensate the DOJ for the contracts and previous year's expenses used to support the Reparations Task Force during 2021-2022. This was necessary because there were no 2021-2022 funds allocated specifically for the Reparations Task Force during that fiscal year, so **Attorney General Bonta** approved the, DOJ to re-allocate some of their 2020-2021 funds, which paved the way for important work to be completed by the Task force.

SAAG Brown also announced that he and **SAAG Newman** were selected by **Attorney General Bonta** to be a part of the U.S. delegation that appeared before the United Nations Committee in Geneva Switzerland on the elimination of race discrimination. This conference requires all member states to establish compliance with efforts to eradicate discrimination. Under the **Biden** administration, California was specifically asked along with the City of Atlanta as the two local jurisdictions to be a part of the delegation. As a result, **SAAG Brown** and **SAAG Newman** were asked to speak on behalf of California on the work that is being done to eradicate race discrimination and provided the following observations.

Reparations was an intriguing topic among Civil Society and the members of the United Nations Committee. They vowed to let the Task Force know that their work is not going un-noticed. In fact, California is setting the pace for others to follow. They also commended the work being done by the Task Force not only in Civil Service but by members of the United Nations Committees from all over the world. The entire Interim Report was submitted as part of the U. S Report to the United Nations. Not only was it submitted initially but it was also submitted in the Supplemental Report that included the questions that asked during the conference.

The Committee is chaired by Varane Shepherd of Jamaica, the Director of the Center for Reparations Research at the University of West Indies and Dr. Faith Toluca of South Africa who served as the lead Country Repertoire. Both were very commendatory of the work being done in California.

SAAG Brown also reached out to the Human Rights Council, Michelle Taylor and Desiree Cormier-Smith, Special Representatives for Racial Equality and Justice at the U. S. State department to invite them to attend one of our future Reparations hearings to talk about some of these pressing issues and to recognize and offer support for the work being done.

SAAG Brown stated that it was an honor and a privilege to elevate the work of the Reparations Task Force internationally before the United Nations.

Chair Moore announced that, thanks to **SAAG Brown** and **SAAG Newman**, the UN Committee of Racial Discrimination is calling the U.S. Government to begin the process of providing Reparations to descendants of an enslaved people.

13. The Meeting Recessed Until September 24, 2022 at 9:00 a.m.

DRAFT

September 24, 2022

Discussion on Human Rights
International Law Frameworks
For Reparations and
Economist/Experts

14. Call to Order, Roll Call to Establish a Quorum and Welcome 9:11 a.m.

Chair Moore reconvened the meeting at 9:11 a.m. and welcomed everyone to day two of the April AB 3121 Hearing. She then opened the meeting by asking Parliamentarian Johnson for an attendance roll call to establish a quorum.

Parliamentarian Johnson called the roll:

Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Holder, Member Lewis, Member Montgomery-Steppe, Member Tamaki,

Five members are needed for a quorum, there were 7 members present and a quorum was established.

Member Grills and Jones Sawyer joined the meeting.

Chair Moore then turned to Agenda Item # 15, Public Comment and turned the meeting over to **Aisha Martin-Walton** to moderate the Public Comment.

15. Public Comment

Aisha Martin-Walton moderated the public comment portion of the meeting agenda. There were approximately 17 commenters. Public comments reflected the concerns and positions of individuals, businesses, and community organizations relative to AB 3121 reparations. Several commenters thanked the Task Force members for their vote in support of lineage-based eligibility for reparations and many others expressed their disappointment with the results of the vote. Several commenters stated their opposition to AB 2296, a bill that would extend the Task Force until July 1, 2024. Some commenters made the following suggestions: deepen consideration and commitment to addressing the needs of Black youth, emphasis on addressing the needs of the elderly, conduct a full review and evaluation of the California Welfare Institution code to address overrepresentation of Black youth, and include direct cash payments, land grants, loan forgiveness, free housing in eco-friendly neighborhoods, a town full of grant-funded businesses, waiver of debts and taxes, an 800 credit score, and free higher education degrees as forms of reparations.

16. **Witness Panel: Examples of Domestic and International Reparations Initiatives and Models**

Chair Moore introduced all panelists, prior to their expert testimonies.

Ron Wakabayashi retired from the US Department of Justice, Community Relations Service, in 2020 following a 20-year career. He served as Regional Director over three regions, with 14 Western States and provided a six-month stint as the Acting Deputy Director. The Community Relations Service, known as “America’s Peacemakers, was established in Title X of the 1964 Civil Right Act to provide community conflict resolution.

Mr. Wakabayashi began his testimony by sharing an anecdote from the redress time. He explained that the Sony Corporation saw the film *Eyes on the Prize*, a documentary about the struggle of African-Americans during the Civil Rights Movement, and decided to create a Japanese language version and distribute it to every school in Japan. Shortly thereafter, Mr. Wakabayashi was a reader for an essay contest. The first essay that he read was from an 8th grade girl from rural Japan, who had likely never saw a Black person in her life. The first line of her essay “I’ve never seen people who love their country so much”. Although Mr. Wakabayashi suspects that would not be the takeaway from most Americans viewing the documentary, he points out that, the legacy of the fight for civil rights is important and Japanese Americans have a deep appreciate for it. He further asserts that The Civil Rights and Antiwar movements raised issues for Japanese Americans and in the mid-1960s, Asians started looking at those issues for the first time.

Wakabayashi states that Japanese Americans are still learning about what happened to their community. They do know that 120,000 people were removed from their homes and forced into internment camps throughout the country. He emphasized that their experience still does not compare to the African American experience. He described the Japanese-American community as small and stratified, a unique experience, the result of government exclusion laws, policies, and practice. Japanese-Americans long believed they were a community without heroes. During the commission hearings, they rediscovered the heroes in their community.

Miya Iwataki’s life experiences as a poet, writer, host/producer of East Wind Radio series; designer of diversity and cultural competency programs for LA County; NCCR fighter for Japanese American reparations; one of 30 women sponsored by United Nations NGO to UN Decade for Women Convention in Nairobi, Kenya; and co-author of first study on cultural barriers to reproductive health care in 8 API communities have shaped a lifelong understanding, awareness, and commitment to justice and equity.

Ms. Iwataki began her statement by acknowledging the difference in the fight for reparations for the injustice of the concentration camps and the 400-year history of enslaved people. She clarifies that her intention is not to make recommendations or prescribe lessons learned, but to share experiences of organizations that fought for reparations and express solidarity to the African-American community. She describes California as ground zero for anti-Japanese hate and anti-Asian legislation and recognizes violence and racism is rooted in white supremacy. Iwataki states that reparations for Black

Americans is specific, deserved, and long overdue.

Ms. Iwataki states her mother was imprisoned in concentration camp and her father was a staff sergeant in the 142nd, all Japanese Army unit, which suffered more casualties and won more medals of valor than any unit of its size in the history of the U.S. Army. Like her parents, second generation Japanese-Americans did not talk about their experience with concentration camps and, as a result, the third generation grew up not knowing their own history. There was a deliberate attempt to keep history from them in school, similar to the movement against Critical Race Theory (CRT) today. Parents remained silent because of trauma, anger, shame, and wanting to shield their children from the viciousness of racism and incarceration. There was also an unspoken fear that it could happen again, but that silence had intergenerational consequences.

Iwataki recalls being instructed to keep a low profile and that she had to be twice as good as white people to succeed. She insists the term “model minority” was intended to divide and conquer by driving a wedge between Japanese Americans and other communities. Ironically, the Civil Rights and the Black and Chicano movements of the 1960s and 1970s, energized young Asians in their fight for redress. Leaders like Malcolm X, Martin Luther King Jr., and Fred Hampton inspired them. Japanese-Americans modeled their Serve the People programs after the Black Panthers free breakfast and health care programs and learned the importance of third-world unity and grassroots organizing.

Ms. Iwataki states that breaking a 40-year silence was hard, but their effort paid off. For Japanese-Americans, standing up and speaking out was transforming. Most of the country did not know or care about concentration camps, but the commission hearings gained national attention. The commission had 20 days of hearings in 10 cities with over 750 testimonies. The commission found that there was no military necessity for the camps and recommended a presidential apology, a civil liberties education fund, and direct monetary reparations. Iwataki highlights the importance of hearings as an opportunity to stand up, stand together, and speak out.

Mitchell T. Maki is the President and CEO of the Go for Broke National Education Center, a non-profit organization dedicated to preserving the legacy and lessons of the Nisei World War II veterans. Dr. Maki is a highly sought after international speaker on the Japanese American redress movement and its relevance to contemporary socio-political issues. He is one of the leading scholars on the topic.

Dr. Maki began his testimony by emphasizing that many people in the initial stages of a Japanese American redress movement it seemed like an impossible dream but it did become a reality. Although he hopes his insight is relevant, he does not make any claim of the equivalency between the incarceration of Japanese Americans during WWII and the institution of African American Slavery, which stained our nation for two and a half centuries, but intends to share insight about the Japanese American Redress experience.

Maki shared three major insights: 1) the importance of speaking with a unified voice. In the initial stages of the Redress movement, there were many different perspectives on whether to pursue redress and reparations. There were three thought groups, we should let it go, they should apologize, and they should apologize and give us money. The debate

between these thought groups tore the community apart. 2) The public commission hearings and education of the public and American Congress. The commission and their findings paid an invaluable role in educating the public and US Congress. It also galvanized and energized Japanese Americans as they learned many new details and perspectives. 3) The objective for redress for the Japanese American community.

Maki insisted that there was no amount of appropriate amount of monetary redress, and if there were, it would likely have made redress politically impossible. In the end, Japanese Americans accepted a symbolic payment and community trust fund, which left many satisfied but others were less than satisfied. Dr. Maki ended by thanking the Task Force for their work.

Due to technical difficulties and the inability to hear the speakers, Chair Moore announced there would be a short break to address the issues.

The meeting reconvened following the break and **Chair Moore** asked Parliamentarian Johnson to call the roll to re-establish a quorum.

Parliamentarian Johnson called the roll:

Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, Member Tamaki,

Members Absent: Member Jones-Sawyer

Five members are needed for a quorum, there were 8 members present and **a quorum was re-established.**

Chair Moore resumed the presentations by Expert Witnesses.

Virginie Ladisch is a Senior Expert at the International Center for Transitional Justice (ICTJ). She currently leads ICTJ's work in the United States and Australia, as well as the Children and Youth program. She has provided guidance and technical expertise to a wide range of transitional justice approaches across the globe, including in Canada, Colombia, Cote d'Ivoire, Cyprus, Liberia, The Gambia, Kenya, Nepal, Tunisia, and Uganda.

Ruben Carranza is the current Reparative Justice Program Director at the International Center for Transitional Justice (ICTJ). He has worked for 22 years in the field of human rights, international justice and anti-corruption. He has taught human rights at New York University (NYU), advised the International Criminal Court, United Nations agencies and various governments on designing and implementing transitional justice measures including reparations measures for human rights violations, war crimes and historical injustices.

ICTJ works with victims to obtain acknowledgement and reparations for human rights violations by providing targeted and context-specific technical support and convening relevant stakeholders. Ms. Ladisch and Mr. Carranza suggest that reparations are a right under international law and seek to repair material harm, acknowledge victims and violations, and address the causes and consequences of violations. Ms. Ladisch outline the UN Basic Principles and Guidelines on forms of reparations (2005). They include compensation, restitution and violations, rehabilitation, satisfaction, guarantees of non-repetition, and are symbolic and material. Reparations must be transformative.

Ms. Ladisch and Mr. Carranza present historical examples of reparations programs including Canada's 2006 Settlement Agreement on Indian Residential Schools, South Africa's Truth and Reconciliation Commission, Chile's National Commission for Truth and Reconciliation, and Germany's Holocaust Reparations. Reparations efforts have encountered similar challenges. Based on their work, Ms. Ladisch and Mr. Carranza offer the following recommendations to the Task Force: reparations do not have to be offered and implemented in one-step, reparations can be sequenced based on their forms, beneficiaries, and availability of resources, international legal standards are flexible and encourage combining material and forms, and acknowledgment should be a priority. California can have more than one reparations policy and should consider successive reparations programs.

Jonathan Bush is a lawyer and author who has written widely on international law, legal history, and the Holocaust, is a lecturer-in-law at Columbia Law School. He teaches courses on Nuremberg, war crimes trials, human rights, and Holocaust and other Human Rights Reparations.

Attorney Bush speaks from his experience as an expert on international law and legal history. He begins by explaining that the fight for reparations began in the early 17th Century when first generation Africans sued for freedom dues, wages, and land. He contends that the ongoing effort for reparations fits comfortably within international law practices. After wars, revolutions, and peace treaties, there have always been reparations, typically enacted by treaty or legislation. He noted, however, reparations typically involved money and territory, not moral reconciliation and rehabilitation. Professor Bush contends cultural and moral dimensions of reparative justice are critical.

Bush explains that many people have a creative misunderstanding or misinterpretation of the German reparations program for Holocaust survivors—but that misunderstanding caused a radical expansion of the reparations program. Although there is plenty to support reparations, Attorney Bush believes there are two reasons a reparations bill would not simply pass with a unanimous vote—practicality and politics. He reminds the Task Force that international laws are not requirements, but suggestions. Finally, Bush contends that reparations are allowed *and* encouraged, and that there are several, successful models of reparations.

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

17. Lunch Break

Chair Moore opened the meeting by asking Parliamentarian Johnson for an attendance roll call to re-establish a quorum.

Parliamentarian Johnson called the roll:

Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, Member Tamaki,

Five members are needed for a quorum, there were 8 members present and **a quorum was re-established.**

Members Absent: Member Reginald Jones-Sawyer.

18. Witness Panel: Principals for Effective Reparations Initiatives based on Domestic and International Human Rights Laws and Norms

Chair Moore introduced all panelists, prior to the presentation of their expert testimonies.

Michael S. Kochin is a Professor in the School of Political Science, Government, and International Relations at Tel Aviv University and the author of four books, including *An Independent Empire: Diplomacy & War in the Making of the United States* with the historian Michael Taylor.

Professor Kochin based his testimony on his experience as an American academic, a political philosopher and historian of the United States. He believes the pressure for reparations for American slavery is two-fold – moral outrage and the recognition of persistent, caste like inequality between the descendants of persons held as slaves in the United States and other Americans. Professor Kochin wrote previously “the descendants of American slaves live shorter lives than other Americans, are less likely to have stable families, are more likely to be victims of violence, have lower incomes, less wealth, and lower levels of educational attainment”.

Kochin continued by explaining that the problem of reparations is to find some way of mitigating inequalities that distinguish some Americans from other Americans, in order to atone for a moral outrage that still stains the institutions that we Americans cherish and wish to continue. In using examples of reparations paid to Japanese-Americans for their internment during World War II and Holocaust victims, he explained that reparations for American slavery would have to be approved and implemented by the same institutions and for the same American people as both victims and as perpetrators. Additionally, unlike in the case of reparations for Japanese internment, also paid on behalf of Americans to Americans, the problem to be addressed by slavery reparations is not symbolically to atone but to respond to persistent inequalities which reparations should do something visible and tangible to mitigate.

Professor Kochin recommends California's response to the question of reparations should be to seek out programs that have some prospect of mitigating the relevant inequalities. Californians need to make sure that every California child, and in particular, every California child the descendant of persons held in slavery in the United States, is guaranteed a free K-12 education. He asserts that race is fundamental to understanding the history and legacy of American slavery, but thinking beyond racial categories is vital to formulating and implementing public policies that will mitigate the inequalities that are the legacy of American slavery. If the Civil War settled one thing, it made all of us, Black and white, Americans. Thus, it made the problem of repairing relations between the victims and the perpetrators and perpetrating institutions a problem for all of us together as Americans.

Jennifer Mason McAward is an Associate Professor of Law at Notre Dame Law School, and the Director of the Klau Institute for Civil and Human Rights at Notre Dame's Keough School of Global Affairs.

Professor McAward based her testimony on her work exploring the history of the Reconstruction Amendments and the scope of Congress's power to pass legislation to enforce the Thirteenth Amendment. She explained that Section 2 of the 13th Amendment empowers Congress "to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States." This concept originated with the Supreme Court's 1883 decision in the Civil Rights Cases.

Professor McAward's scholarship has considered the relative roles of Congress and the Supreme Court in enforcing the Thirteenth Amendment and identified a finite range of meaning for the concept of the "badges and incidents of slavery." By definition, "Incident of slavery" was a legal term of art that referred to laws inherently tied to the institution of slavery, including laws barring slaves from acquiring property, testifying in court against a white person, or entering into contracts. "Badge of slavery" was a more malleable term that, over time, came to refer to the broader set of political, civil, and legal disadvantages imposed on slaves, former slaves, and free Black people.

Ultimately, she concluded that "badges and incidents of slavery" have the following characteristics: First, they are policies or practices that mirror a legal incident of slavery or infringe upon an aspect of liberty denied to slaves. Second, they are implemented by public or widespread, concerted private action. Third, they are aimed at disadvantaging African Americans or other populations that have previously been held in slavery. And fourth, they point "not remotely" to a violation of Section One of the Thirteenth Amendment — in other words, they pose an imminent threat to freedom or the ability to participate in the basic transactions of civil society.

Professor McAward noted that the recognition that slavery and its aftermath were the product, not just of law, but also private conduct and custom is, of course, entirely accurate. Remedies for this injustice should engage both public law and private and systemic conduct reflects an important operational insight that can serve as a guide for legislative efforts. She further emphasized that any reparations program needs to be "implementable" and

implemented” and have its effectiveness and legality scrutinized.

A question and answer session followed the witness testimony. Each witnesses’ full oral testimony can be found on <http://oag.ca.gov/ab312>

19. No Break

In the interest of time, the Task Force decided to not take a break.

20. Discussion and Potential Action Item: Plan for future meetings, including schedule, whether virtual, and subject matters to be addressed. Note: the Task Force discussed Agenda item # 11 carried over from September 23.

Chair Moore turned the meeting over to **DOJ SAAG Newman** who provided a list of statutory requirements and led the discussion with contributing comments from **Advisory Committee members Chair Moore and Member Lewis**.

SAAG Newman reviewed a slide presentation on the remaining work that still needs to be completed by the Task Force combined with a follow up discussion and recommendation he introduced in Agenda item #11 regarding the need for creation of Advisory Committees to organize and address any outstanding issues not covered in the Interim Report 1. The slide presentation included the list of potential Advisory Committees. The remaining work includes redressing the harms covered in each chapter of the Interim Report 1 as well as any issues raised by the Economic Experts Team with specific concrete recommendations providing the hard numbers around what Reparation amounts are and how those Reparations should be delivered. The DOJ recommendation of assigning Task Force Advisory Committees to address each of the harms/atrocities would provide a vehicle for managing the work to be done as well as ensuring the Economic Expert Team and all Task Force members would be engaged at all decision points.

Within the realm of the Task Force’s work to resolve the Reparations that should be tied to each of the existing chapters, should also be a section on the elimination of Racist Laws and Policies associated with each of the harms/atrocities identified. DOJ retained an expert that is already in the process of developing a Compendium of all Racist Laws in the state, how those laws are delineated and categorized. SAAG Newman explained that there can then be a recommendation pursuant to the Statute from the Task Force on how those laws should be eliminated. Another area of work should also include appropriate ways to educate the California Public of the Task Force findings. One suggestion would be to create a Curriculum for educating children of all ages up through college. DOJ is also recommending that the Task Force request an expert to help with this work effort. Lastly, the Task Force should also address how and what the expectation is for a formal apology.

The overall purpose of Advisory Committees is not to make a final recommendation but instead to work with DOJ and the Economic Expert Team to do a deeper dive analysis. The Advisory Committees should bring that analysis back to the Task Force for a vote.

Chair Moore summarized the list of Advisory Committees recommended by DOJ to be established by identifying the subject(s) to be covered and the Task Force members to serve on each Advisory Committee for Report 2. Chair Moore entertained a motion for the Advisory Committee Assignments.

Parliamentarian Johnson clarified that, as each of the Advisory Committees is set by a motion, to further ensure clarity, the maker of the motion could yield to the staff person who would restate that motion on the record. Chair Moore entertained a motion for the Advisory Committee Assignments and recognized Member Grills to make the motion.

Member Grills yielded to the DOJ SAAG Newman to restate the motion, for the record, including the ten sub parts.

SAGG Newman, restated the motion, identifying each Advisory Committee as a subpart, numerically as follows:

1. An Advisory Committee comprised of **Co-Chair Moore/Member Lewis** will address the five overarching questions identified by the experts, including:
 - a) What are the damage time frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States. 1865-1960?
 - b) Will there be a California residency requirement? If yes, how will it be determined?
 - c) What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?
 - d) Will direct victims and/or all African American descendants of U.S. slavery in California (who meet the residency requirement) be compensated?
 - e) How will reparations be paid and measured to ensure the form of payment aligns with the estimate of damages?
2. An Advisory Committee comprised of **Members Bradford/Montgomery-Steppe** will address Eminent Domain, e.g., Unjust Property Taking and the Devaluation of Black Business
3. An Advisory Committee comprised of **Members Jones-Sawyer/Holder** will address Mass Incarceration and Over policing, Housing Discrimination and Houselessness.
4. An Advisory Committee comprised of **Vice Chair Brown/Member Tamaki** will address Health Harms and Education

In addition, individual Task Force members or Advisory Committees, were created to address areas of harms and atrocities not addressed by the Economic Experts:

5. **Member Grills** will address Racial Terror and pathologizing of the Black Family.
6. **Member Tamaki will address** Educating California public on findings and Global apology and the type of formal apology.
7. **Chair Moore** will address Enslavement and the interference in Creative Culture and Intellectual Life.
8. **Member Lewis** will address The Wealth Gap
9. An Advisory Committee comprised of **Members Montgomery-Steppe/Bradford** will address Political Disenfranchisement
10. Each Advisory Committee will also address the elimination of Racial Laws and Policies in the State of California and specific apology components for each Subpart.

The motion, as restated by SAAG Newman, was seconded by Vice Chair Brown

Chair Moore called for the discussion: There was no discussion

Chair Moore then asked Parliamentarian Johnson to take the vote:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member, Montgomery-Steppe, and Member Tamaki

Nays: None

Absent: Member Jones-Sawyer

There were eight members present and voting.

There were 8 Ayes and 0 Nays, 1 member Absent

The Motion passed

Chair Moore continued with Agenda item number 20: Plans for Future Meetings

SAAG Newman informed the Task Force that to date the only quorums available in December are on the 14th, 15th, and 16th. The Task Force needs to choose from those dates to solidify meeting dates for the December Hearing as well as to schedule future meetings through June 2023. **SAAG Newman** also stated in light of the massive amount of work to be done in the remaining fiscal year, the Task Force will also need to come to a decision on whether to schedule the meetings for in person or virtual.

Reparations Report 2

SAAG Newman informed the Task Force that the development and production of the Reparations Report 2 will follow the same process used for the Interim Report 1. DOJ will be working together with the Economic Experts and the Task Force to provide the outlines for Report 2 will probably be done in early to mid-January 2023 and will be presented by February 2023. The expectation is to present the initial draft of Report 2 that includes the work of the Advisory Committees, Economic Experts, and DOJ staff to the Task Force

There was a concern by the Task Force that there needs to be enough time to deliberate and address the issues of compensation and incorporating substantive feedback.

In March the presentation of the initial draft 2 will be made which will be early March. There will be flexibility to consider the draft before a final report will be completed.

Future Meetings: In Person/Virtual

SAAG Newman advised that as a result of Bagley Keene Act amendments, the Task Force can go back to virtual meetings through the sunset of AB3121. There needs to be a collective vote on whether to take advantage of the virtual meetings or to continue with in-person meetings.

Member Grills suggested a hybrid option that would allow December, January, February, and June to be in-person meetings and March, April, and May to be virtual meetings.

A few Task Force members suggested that the June meeting be located near Allensworth.

MOTION: Chair Brown moved that the Task Force adopt member Grills suggestion of a hybrid option that would allow December, January, February and June to be in-person meetings; and March, April and May to be virtual meetings. The locations for the three in-person meetings will be: Oakland, San Diego and Sacramento for the months of December, January, and February, respectively.

Member Bradford Seconded the motion

Chair Moore asked Parliamentarian Johnson to take the vote:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Tamaki, Member Montgomery-Steppe

Nays: None

Absent: Member Jones-Sawyer

There were 8 members present and voting; 8 Ayes, 0 Nays, 1 absent

The Motion passed.

The Task Force decided that they will select the June meeting location at a later date.

The Task Force discussed the importance of including personal stories to be heard as part of the agenda. Going forward, the Task Force decided that there should be an allocated period for personal stories/testimonies during each Task Force meeting.

21. Discussion and Action item: December Meeting Agenda: Task Force Members

After a lengthy discussion on the structure and content of the Task Force meetings beginning in December, the Task Force Meeting will be held in Oakland California on December 14th and 15th. **Chair Moore** summarized the suggestion that:

Day 1 December 14th would consist of 3 Witness Panels. They are:

-Panels 1 and 2 would be dedicated to Legal Experts who have experience with addressing reparations through legal remedies as well as Administrative Experts with program suggestions for addressing harms in the report.

-Panel 3 would be dedicated to: the invites of municipal leaders of different Reparative Justice efforts across the state.

Day 2 December 15th would be dedicated to the report presentations from the assigned Task Force Advisory Committees.

The evening of Day 2 December 15th would be dedicated to an orchestrated meeting structured to hear stories from the public on their personal experiences with the 13 harms and atrocities outlined in the Reparations Interim Report 1. The Press will be invited to this evening meeting.

Chair Moore called for a motion

MOTION: Vice Chair Brown moved that the stated schedule be adopted.

Member Jones-Sawyer Seconded the motion

Chair Moore called for the discussion: No discussion

Chair Moore asked **Parliamentarian Johnson** to take the vote:

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

Nays: None

There were 9 members present: **Ayes: 9, Nays: 0**

The Motion passed unanimously.

22. Unfinished Business and Potential Action

Chair Moore asked if there was any unfinished business to be discussed?

Member Holder suggested that given the possibility that Governor Newsom signs AB 2296, the Task Force should reserve space on the December Agenda to discuss the Bill.

Member Tamaki suggested that the Task Force should do a Contingent Motion stating action would only need to be taken (assign an agenda item for December meeting) by the Task force if Bill 2296 is signed, If the Bill is not signed no action would be necessary.

Parliamentarian Johnson agreed that a Contingent Motion would suffice in this instance.

CONTINGENT MOTION

Member Holder moved that in the event AB 2296 is signed which amends the power under AB 3121, that 60 minutes is reserved in the December meeting to discuss and if necessary, take action related to those new powers authorized in any amended legislation.

Member Jones-Sawyer Seconded the Motion.

Chair Moore called for discussion: Vice Chair Brown stated there was no need to carry out the motion on an item that may not occur. **Member Tamaki** reminded Vice Chair Brown that the **Contingent Motion** is designed to addresses that concern.

Chair Moore Asked Parliamentarian Johnson to take the vote:

Ayes: Chair Moore, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, Member Tamaki

Nays: Co-Chair Brown

9 members were present: **8 Ayes** and **1 Nay**

The Motion Passed

23. Member Remarks and Meeting Adjourned

Chair Moore thanked everyone for attending as well as thanking the staff of Jones-Sawyer for hosting the September 2022 Reparations Task Force meeting. There were no other discussion items to be addressed so the meeting was adjourned.