

January Meeting Minutes

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

MEETING MINUTES January 27, 2022, 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/ccajafkq>.

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

Members Absent: None

1. Chairperson Welcome

Chairperson Moore welcomed everyone to the January 27th AB 3121 hearing and opened the meeting at 9:02 a.m.

Chair Moore called for a roll call attendance to establish a quorum. Parliamentarian Dorothea Johnson called the roll. Members, present were Chair Moore, Vice Chair Brown, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, and Member Tamaki. Five members are needed for a quorum, and a quorum was established.

Chair Moore opened the meeting by reminding public that the public chat function is re-established and to always keep the interactions and engagements respectful. Chair Moore also noted that because of the full agenda, the board would stay on track by following the timeline that is outlined in the agenda.

Chair Moore then moved to public comment.

2. Public Comment

Aisha Martin-Walton provided directions for public comment. There were 21 public comments. Public comments reflected individuals, community organizations, business and education interests. A summary of the public comments are as follows: Technology companies, gentrification and immigration data should be reviewed, Constitutional Law Professor Erwin Chemerinsky who believes that a case for reparations should be based on lineage should be asked to make a presentation. Blacks have been excluded from business loans and ownership. There is a racial technology gap and blacks are disqualified and under prepared for technology jobs. The Coalition for a Just and Equitable California was selected as an anchor organization in the Reparations Community Engagement effort and is expected to hold a listening session in June 2022. It was recommended that the TF hear testimony from the International Tribunal and learn about the Richmond California Black Box project. A commenter recommends that TF use a music video created in support of reparations to educate the community and to reach non-black audiences. The TF should verify Expert Witness positions on reparations prior to allowing them to present. A commenter rejects the application of a tiered approach to cash reparations. TF should support

AB 1604 and ACA3. Do not support organizations not in support of reparations for individuals who are descendants of enslaved persons. Support a Black owned electric vehicle company, Mims Motors and solar energy for the next generation. Black people should not be required to pay for their family genealogy research. The government harmed Blacks and should pay for this research. Tag large banking institutions to require that they provide fair and equitable services to Blacks. Blacks are not allowed to receive loans and financial investment advice which deteriorates their ability to participate in financial growth. In 2018 JP Morgan Chase settled a law suit threatened by black financial advisors for employment discrimination. The bank engages in demographic targeting which prevents blacks from receiving the full range of bank services. These institutions should be responsible in any reparations payout. There should be technology education for children. Black children are being left behind. The International Center for Transitional Justice offered to help the TF and to share its experience. Blacks held a significant number of Technology jobs in the 1990's but these jobs were given to immigrants. Blacks experience lots of discrimination in current Tech industry jobs.

3. Action Item: Approval of the December 7-8, 2021, Meeting Minutes

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

MOTION: **Chair Moore** moved to approve the December Meeting Minutes as presented. It was Seconded by **Member Lewis**.

Chair Moore called for **Discussion:** Member Grills had two small edits for the December 2021 minutes, on agenda Item 7, the word “dine” should be changed to “define.” And on agenda Item 15, a sentence related to the homeless should read “without shelter”. As a result of the discussion, **Chair Moore** withdrew her 1st motion.

Chair Moore then moved to approve the December minutes as amended to recognize **Member Grills'** edits. **Member Grills** seconded the motion to approve the minutes as amended.

Chair Moore called for a roll call vote. **Parliamentarian Johnson** called the roll for the vote:

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

NAYS: 0

There were 7 members present. 7 members voted **Aye** and 0 members voted **Nay**. **The motion passed** and the December 2021 meeting minutes were approved as amended.

4. Witness Panel #1: Discrimination in Technology

Chair Moore introduced all of the panelists prior to their presentations which is described below in the first paragraph preceding their testimony.

a. Expert Testimony: Yeshimabeit Milner

YESHIMABEIT MILNER is co-founder and executive director of Data for Black Lives. Raised in Miami, FL, Yeshimabeit began organizing against the school-to-prison pipeline at Power U Center for Social Change as a high school senior. There she developed a lifelong commitment to movement building as a vehicle for creating and sustaining large-scale social change. Yeshimabeit returned to Power U in 2013 to lead a victorious campaign to improve breastfeeding policies at the largest public hospital in the country. More recently, she was a

campaign manager at Color of Change, where she spearheaded several major national initiatives, including OrganizeFor the only online petition platform dedicated to building the political voice of Black people, and a successful campaign to remove Bill O'Reilly from television. She has a Bachelor of Arts from Brown University and serves on the board of the Highlander Center in Tennessee.

Ms. Milner testified that over time, “Big Data” is a part of a long and pervasive, historical legacy that has been used to weaponize Black political oppression and that Black Box algorithms such as zip codes can be used as a proxy for racial discrimination, (i.e., Redlining, Fico Credit Scores, Interest Rates, Student Loan programs, Home Loans, Insurance coverage, Foreclosure, Predatory Lending, etc.). For example, unsubstantiated narratives and theories were created by Social Scientists that produced algorithmic models depicting Blacks as super predators and were responsible for the origin of the “Crack Baby Epidemic” and are typically Welfare dependent (labeled as “Welfare Queens”). These myths often categorize and /or produce a mindset that Blacks are “At Risk” consumers and proprietors. These systems, Black Box Algorithms, and stereotypical labels are designed to negatively impact Blacks, individually as well as Black communities as a whole. Therefore, we need to abolish “Big Data” as a form of algorithmic discrimination and dismantle the structure that concentrated that power from the hands of a few and place into the hands of the people that need it the most. “Big Data” should be reclaimed as power, as protest, and as collective action. Ms. Milner believes that Reparations can help to repair the harm done from what has been taken or loss and is necessary to restore and secure civil human rights. Reparations should come in the form of cash payments and sweeping policy changes in support of the Reparations agenda.

b. Expert Testimony: Vinhcent Le and Debra Gore-Mann

VINHCENT LE as Legal Counsel with the Greenlining Institute’s Economic Equity team, leads Greenlining’s work to close the digital divide, protect consumer privacy, ensure algorithms are fair and that technology builds economic opportunity for communities of color. In this role, Vinhcent helps develop and implement policies to increase broadband affordability and digital inclusion as well as bring transparency and accountability to automated decision systems. Vinhcent also serves on several regulatory boards including the California Privacy Protection Agency.

Mr. Le’s discussion provided a background on the goals of the Greenlining Institute with regards to focusing on the barriers to economic opportunities for people of color. One of the key components of that goal is to close the massive wealth gap in which white families have 10 times the wealth of Black families. This disparity is mainly due to the legacy of slavery, and it continues to occur with Redlining. Technology and biased algorithms allow these disparities to occur in housing, unemployment, health, jobs, and pricing. In modern times, discrimination and racial profiling does not have to be race defined. Discrimination and racial profiling are now being accomplished in Black communities through the Digital Divide using biased algorithms, parameters and data points of information such as: Zip Codes, Income Levels, Education, and Infrastructure (the Internet). Black Communities that are identified through Zip Codes and Redlined neighborhoods have the least amount of Broadband development. Less access to the internet translates to lower digital skillsets, less access to job searches and less access to academic success, resulting in lower income, fewer choices, and higher prices. Anti-Discrimination laws have not kept pace with technology. The algorithms that are used to service communities today (i.e., Uber, Insurance companies, Amazon, etc.)

need more oversight and policy changes so that all neighborhoods are inclusive and have fair and equal access to opportunities and infrastructure development.

DEBRA GORE-MANN finds gratitude in developing long-term relationships, dynamic teams and shared accomplishments. As the middle child of a biracial, military, first generation immigrant family, Debra embraces the beauty and strength that lies in her differentness.

As Greenlining’s President and CEO, Debra guides the organization’s growth and direction and serves as the unifying voice for our multifaceted policy work, bringing her unique, intersectional perspective to bear. She partners with the staff and the board to develop programs and policy strategies to advance racial and economic justice and to strengthen ties with The Greenlining Coalition.

Ms. Gore-Mann noted that technology is the new frontier for Redlining. She also discussed the importance of using data and understanding how the biased algorithms work to close the wealth gap. The top six Technology companies are Apple, Amazon, Microsoft, Google, Tesla, and Facebook. These companies are defining the capital perspective based on the derived data of biased algorithms. The Black community is disproportionately more affected than any other community with the data collected using biased algorithms by tech companies. The data should be used that to help us determine how to leverage wealth, politics, and power and to be proactive towards examining the intersection between the building of wealth and Economic Equity, Racial Equity, and Climate Equity.

c. Expert Testimony: Safiya Noble

DR. SAFIYA NOBLE is an internet studies scholar and Professor of Gender Studies and African American Studies at the University of California, Los Angeles (UCLA) where she serves as the Co-Founder and Co-Director of the UCLA Center for Critical Internet Inquiry. She holds affiliations in the School of Education & Information Studies and is a Research Associate at the Oxford Internet Institute at the University of Oxford where she is a Commissioner on the Oxford Commission on AI & Good Governance (OxCAIGG). In 2021, she was recognized as a MacArthur Foundation Fellow (also known as the “Genius Award”) for her ground-breaking work on algorithmic discrimination. Dr. Noble is a board member of the Cyber Civil Rights Initiative, serving those vulnerable to online harassment. She is the author of a best-selling book on racist and sexist algorithmic bias in commercial search engines, entitled *Algorithms of Oppression: How Search Engines Reinforce Racism* (NYU Press), which has been widely-reviewed in scholarly and popular publications.

Ms. Noble shared her personal history of being a direct descendent of the enslaved. Her Black paternal Grandmother was born in Mississippi into sharecropping, a de-facto system of slavery. The overlapping complex histories of slavery and sharecropping have perpetuated racial bias, discrimination, and violence. They have systematically excluded African Americans from wealth creation across the state of California. During the Great Migration from the southern states to California, these histories are intersected, and all have been impacted by the business practices and culture of the Tech Industry. The Tech Sector brings in an estimated \$520 million to the California economy each year and employs roughly 2 million Californians. These companies use the talent and resources from public universities, public subsidies, and government contracts. Yet, the Tech Industry is almost entirely unregulated. This freedom

allows these companies to use Black communities as test beds for product development and design with little to no accountability thereby, violating their digital civil rights. It is becoming less likely that anyone will be able to earn a degree, secure a job, access government, schedule services, manage finances, health, and even communicate without access to the internet. Tech companies have consistently used racial bias and gender discrimination as part of the organizing logic of the internet. Elements of algorithmically aided decision-making can be found across all sectors of education, health, job search, resume filtering, etc. Algorithmic logic is found in law enforcement for sentencing, bail programs, surveillance, forensic science, body cams, license plate readers and has transformed the way policing is done. Racial bias is at the core of the development and implementation of these deployments. Each of these types of technologies is unfairly pointed at vulnerable Black people and are used for beta testing in Black communities. UCLA offers a non-exhaustive list of areas in which the Tech Industry has contributed to or benefited from racial bias and discrimination. These technical trials and solutions deployed by the Tech Industry need oversight and regulation. Ms. Noble encourages the consideration of the tax section as an integral part of the Task Force’s study as it is crucial to hold companies accountable for building corporate and individual wealth through data extraction instruments that perpetuate racial bias and discriminatory business practices that use data sets that are imbued with patterns and traditions of structural racism.

d. Task Force Comments and Questions

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

5. Potential Action Item: Expert Consultant for Second Report

a. DOJ Research Center Dr. Tiffany Jantz

Dr. Tiffany Jantz, Research Supervisor at the DOJ Research Center, provided a brief update on the status of seeking expert economic consultants for the second Reparations Task Force Report. Based on the directive by the Task Force, DOJ Research Center reached out to Professor

William “Sandy” Darity to gauge his interest and availability in convening a team of economists to address:

- **Sub Section e** - How reparations are to be calculated
- **Sub Section f** - The instrumentalities for reparation distribution of Section 3 Government Code 8301.1 which was instituted by AB 3121.

Ms. Jantz added that during this conversation and subsequent conversations, members of the Task Force requested the DOJ to reach out to a number of economists and scholars to gauge interest in participating in a consulting group to address Sub Sections e and f.

The DOJ Research Center reached out and engaged in a conversation with the economic scholars over the course of December 2021 and January 2022. The DOJ Research Center was able to contact all scholars requested by the Task Force members. Of the scholars contacted, the following expressed interest in and had potential availability for contributing to a collaborative economics consulting team:

- Professor William Darity, Economics – Duke University
- Professor William Spriggs, Economics – Howard University
- Professor Thomas Craemer, Public Policy- University of Connecticut

- Professor Kaycea Campbell, Economics – Pierce College, California
- Kirsten Mullen – Author and Folklorist

There were two other scholars contacted but did not offer a positive response at this time:

- Professor Trevon Logan, Economics – Ohio State University (Not available per previous inquiry and there has been no response to this inquiry)
- Professor Damon Jones, Economics – University of Chicago (No response and may not be available)

At the direction of the Task Force, the DOJ Research Center can issue letters of retention for the aforementioned scholars and request that they develop a Scope of Work proposal that covers a general approach or multiple approaches to addressing **Sub Sections e and f** of Government Code 8301.1 on behalf of the Task Force along with providing a timeline of deliverables. The scope of work would need to be presented, discussed, and voted on in a future meeting of the Task Force in order to develop the Scope of Work. The DOJ Research Center suggested that the Task Force consider designating one member or create an advisory committee of two Task Force members to work with the department and economic consultants to coordinate this effort.

The DOJ Research Center shared two next step options:

- Issue a Letter of Retention to each individual who would submit a proposed scope of work, or
- Move forward with the contract process

Once a path forward was decided, the Task Force could develop a collaborative work effort to determine the approved Scope of Work. Designating one TF member or a committee of two to do this work are options the TF could consider.

Special Assistant Attorney General Damon Brown of DOJ answered questions by **Member Grills** to clarify that the individuals presented were recommended by one or more Task Force members at the January meeting to address two requirements in AB 3121 to essentially calculate reparations and distribute reparations. He added that the economists are essential for the calculation, however other voices may be a desirable factor when discussing distribution; however, both are the ultimate decision of the Task Force. **Mr. Brown** further explained that should the Task Force select an advisory committee of two they would work collaboratively with the experts in developing the scope of work.

Member Holder expressed concern that the expert panel developing the calculations should be economists and that some may be coming to the task with prejudice and a set of notions about the community of eligibility and she wondered whether this would be a conflict of interest. She also stated that the scope of work embodied the core of the Task Force's charge under AB 3121 and suggested that all members should participate as opposed to the suggestion of creating a committee of two.

Chair Moore called for a motion.

Vice Chair Brown said the team should address the two tasks identified; he would rather wait, have the Task Force develop the scope and then tell the team of experts what they should do, and have more discussion on this subject before a vote occurred.

Chair Moore clarified the options: 1. That the Task Force vote that the selected team of scholars be provided retention letters and wait for their scope of work or 2. That the Task Force contact the team of economist and contract with them before they identify the scope of work and have them prepare the scope of work that will be approved by the Task Force;

MOTION: Vice Chair Brown moved to table this discussion until January 28, 2022, under the agenda item #25 Potential Action Item: “Unfinished Business”. **Member Bradford** Seconded the motion. **Parliamentarian Johnson** confirmed that Vice Chair Brown’s motion supersedes the first motion made by Member Holder.

Mr. Brown further clarified **Vice Chair Brown’s** point, stating that if the **Task Force authorizes the retention letters**, the advisory committee appointed by the Task Force would work collaboratively with the economist experts to develop the scope of work in a way that satisfies the two subsections that will address the calculations and the distribution.

Member Holder raised a concern about having one or two task force members defining the scope of work and that the experts needed to be economists, and that some of those selected are coming to the ‘team’ with prejudgments as to how and to whom reparations should be distributed, that question should be decided by the members of the Task Force.

Parliamentarian Johnson clarified Member Holder’s option relative to the points she raised.

MOTION: Member Holder moved that the Task Force do a deeper dive into the five individuals who have been identified as a potential panel of scholars to determine if any or all of these individuals might have a conflict of interest in terms of carrying out the directives and Scope of Work determined by the Task Force. **Member Grills** seconded the motion.

Chair Moore restated the motion and asked for discussion

MOTION: Vice Chair Brown moved to table this discussion until January 28, 2022, under the agenda item #25 Potential Action Item: “Unfinished Business”. **Member Bradford** Seconded the motion. **Parliamentarian Johnson** confirmed that Vice Chair Brown’s motion supersedes the first motion made by Member Holder.

Parliamentarian Johnson confirmed that Vice Chair Brown’s motion supersedes the first motion made by **Member Holder** and seconded by **Member Grills**. **Chair Moore** asked **Parliamentarian Johnson** to take a roll call vote on the motion to table.

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

NAYs: 0

ABSTENTIONS: 0

Not Voting: 1 Member Jones-Sawyer

Eight members were present and voted. Eight members voted **AYE**; zero members voted **NAY**. The motion carried. The matter was tabled to the next day, and will be taken up under unfinished business

6. **Lunch Recess**

7. **Discussion Item: Community of Eligibility**

Meeting Reconvened

Chair Moore called for a roll call attendance to reestablish a quorum. Parliamentarian Johnson called the roll: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Tamaki, Member Montgomery-Steppe Eight members were present. Five members were needed for a quorum and a quorum was re-established.

Chair Moore resumed the meeting by introducing Secretary of State, Dr. Shirley Weber. Expert speaking on the Community of Eligibility.

a. Expert Testimony: Secretary of State Dr. Shirley Weber

SECRETARY OF STATE DR. SHIRLEY WEBER is the first African American to serve as California's Secretary of State and the fifth to serve in a statewide position. She was previously a member of the California State Assembly for the 79th Assembly District. Prior to being elected to the Assembly in 2012, Weber served on the San Diego Board of Education, and as a Professor of African-American Studies at San Diego State University. She is the former Chair of the California Legislative Black Caucus, she was the first African American to be elected to the California State Legislature south of Los Angeles. Dr. Weber has earned a Bachelor of Arts, Master of Arts, and Ph.D. in Communications from the University of California, Los Angeles.

While serving in the legislature, Dr. Weber authored Assembly Bill 3121, enacted in 2020, which created the Reparations Taskforce to Study and Develop Reparation Proposals for African Americans.

Secretary of State Dr. Shirley Weber, author of AB 3121, thanked the Task Force for their dedication on the important work to move AB 3121 forward to implementation and that their work would have a profound impact on all Californians and the nation as well. Dr. Weber then reminded everyone that the national debate concerning reparations has been on-going for approximately 40 years without a clear resolution. Because there is not a national reparations effort underway, she iterated that some cities have taken it upon themselves to bring the discussion to light and to provide some compensation for many who have been adversely affected by slavery in their economies as well as to look at the devastation that it has had on African-American communities. This devastation has resulted in an enormous wealth gap, a wealth gap that will take decades to close if no aggressive intervention occurs.

AB 3121 was a major accomplishment for California and the Nation because California, the largest state in the union, has the fifth largest economy in the world and is one of the farthest states away from what would be considered the Deep South (Heart of Dixie). In spite of that however, this Task Force has been able to uncover/discover in the regularly scheduled hearings, how California has been impacted by the system of slavery. Those who live in California have been victims of systems, such as Jim Crow laws, restrictions in housing, dysfunctional neighborhood schools, etc., mainly because there was no hiding place for Black people enslaved or free in the entire nation. California is an important example to the rest of the nation because if the impacts of racism is pervasive in California, it has to be across the nation as well, which

clearly demonstrates the need for more work to be done in other states and that there should be a national effort.

Dr. Weber explained her decision to only concentrate on California was so the work could be more expeditiously accomplished. She felt there was no greater time or opportunity for this work. Africans were brought here as slaves to provide free labor. They were given no opportunity or ability to generate or even earn money. When Slaves were freed, most had only the clothes on their backs, with no place to live. Their only skillsets were farming which led to sharecropping (de-facto slavery) because by design, they couldn't earn enough money to survive anywhere else. The end of slavery resulted in no protection, poverty, and violence upon freed. Freed slaves had no ability to exercise their constitutional right to vote, to appear in court, yet, fighting back for the average African was tantamount to signing a death sentence. Slavery was more than a physical condition. The psychological impacts it had on the aspirations of African Americans was promoted through open violence without protection of the law, lynching's, and burnings of African Americans to keep them in their place caused generations to place limitations on one's ability to strive for excellence. Dr. Weber shared her grandfather's story of how African Americans were hunted and killed for weeks in Elaine, Arkansas, when they attempted to organize and collectively bargain for fair treatment for sharecroppers. There was no system available to provide support of fair and equal treatment. Fear crippled any sense of one's ability to dream beyond the cotton fields. There was always the threat of being victimized by the whim of murder and/or the rape of entire families. The impact of slavery versus those who were never enslaved who came to this country from other places with aspirations and visions for themselves is non comparable.

Economic and social indignities that were upheld and supported by the court system became the basis for discussion of who deserves reparations. Reparations is designed to repair and heal the damage done to Africans for 400 years of slavery and Jim Crow laws. Reparations are for those who are descendants of slaves first, because of the devastation they suffered for hundreds of years with no wages and no ability to own land, and to accrue generational wealth. Yet, this country was built on their backs. The ties of African slaves are permanently severed from their homeland and their ability to return to Africa is almost impossible because their ancestry and heritage were stolen and, in many cases, erased as a result of the system of slavery in America. All of our past was taken from us, and we truly had no place else to go. Those (descendants of African slaves in America) who suffered the most from generation to generation should be in the front of the line for reparations. To be clear, Reparations is about the harm that has been done. Its extent, and who should have that harm mitigated by some sort of repair to that individual. Therefore, descendants of African slaves in America should be considered for reparations first, and those who lived in the United States during slavery who were free but were vulnerable and not treated as equal citizens should be second in line for reparations.

b. Task Force Comments and Questions

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

8. Witness Panel #2 Public Health

a. Expert Testimony: Dr. Carolyn Roberts

DR. CAROLYN ROBERTS is an historian of medicine and science at Yale University. She holds a joint appointment in the departments of History of Science and Medicine, and African

American Studies. Her research interests concern the history of race, science, and medicine in the context of slavery and the Atlantic slave trade. This includes attention to the critical role played by African and African-descended medical and health knowledge in the Atlantic world. Dr. Roberts teaches undergraduate and graduate courses in the history of race, science, and medicine from the sixteenth to the twenty-first centuries. Her teaching blends history with medical sociology and public health to explore present-day crises related to race, racism, and health. Dr. Roberts received an M.A. and PhD from Harvard University, an M.A. from Andover Newton Theological School, and a B.A. from Dartmouth College.

Dr. Carolyn Roberts discussed the deep historical roots of the broken relationship between African Americans and the United States health care system of today. Racial bias and disparate medical treatment started with the Atlantic Slave trade. British slave ships led the way by controlling African slaves in unbearable and dehumanizing conditions with systemic violence. Captives were beaten, kicked, whipped, and punched if they didn't comply. Women and girls were pinned down and examined to see if they had previously bore children. For compliance purposes, the slaves were severely beat, and their flesh was lacerated. In efforts to keep slaves alive for sale, the British treated the wounds they inflicted, using bolus knives and thumb screws. They used speculum Auris to force feed the enslaved which would break their teeth. With this came a new form of health care

Where medical violence against African Americans descended and became acceptable and normalized for over a century. This forced Black people into a unique and troubling relationship with Western Medicine. This defined what was deemed appropriate medical care for Black people and created a new understanding of their Dr./Patient relationship. As a result, in order to avoid doctors, many African Americans used what medical knowledge they took from Africa and blended it with locally grown medicinal plants to create their own remedies where possible. When African Americans had no choice but seek out doctors, the doctors began to use their bodies to advance medical science because white doctors theorized that Blacks had higher pain thresholds. Newspapers advertised payment for sick enslaved people for medical specimens. At the turn of the 19th century, doctors advertised payment for both dead and alive enslaved people for organ and tissue study. The white population would not tolerate their bodies to be used but slavery created a population of people who were forced to comply. Many of these experiments involved operations without anesthesia. Doctors tested treatments such as pouring boiling hot water on the flesh of Blacks at four hour intervals and experiments of stripping blood vessels from limbs, and needless eye surgeries, etc. Experimental surgeries were performed on enslaved women to find a cure for Vesico Vaginal Fistula. By using the bodies of Black women, doctors have advanced their understanding of how to: remove ovaries, deliver stillborn children, stop uterine bleeding, repair obstetrical fistulae, and remove ovarian tumors. 30 out of 37 experimental caesarian sections were performed on Black women in the 1830's, and the first full uterine removal was on an enslaved woman. Enslaved dead bodies were used to advance medical science. Human remains have been found at numerous medical schools/sites throughout the country.

Enslaved people's bodies became a part of a lucrative national cadaver trade that shuttled Black people's bodies from Texas to Baltimore. Few enslaved people rested in peace.

Racist medicine rooted itself into the United States as a product of the beliefs and false ideas that Blacks were considered to be biologically inferior in the hierarchy of the human species having smaller skulls, weaker brains, and thicker skin, and less prone to depression. These ideas

have endured, evolved, and still exist today.

b. Expert Testimony: Dr. Tina Sacks

DR. TINA SACKS is an associate professor at UC Berkeley’s School of Social Welfare. Her fields of interest include racial inequities in health, social determinants of health, and poverty and inequality. Professor Sacks focuses on the how macro-structural forces, including structural discrimination and immigration, affect women’s health. Her current work investigates the persistence of racial and gender discrimination in health care settings among racial/ethnic minorities who are not poor. She published a book on this subject entitled *Invisible Visits: Black Middle Class Women in the American Healthcare System* (Oxford, 2019) Her next major project explores the implications of the infamous U.S. Public Health Service Tuskegee Syphilis Study on the Study’s direct descendants

Dr, Tina Sacks shared compelling data regarding the health inequities among Black Californians. The afterlife of slavery is still entrenched in our society resulting in homelessness as well as, poor mental and physical health within Black communities. Dr. Sacks’ testimony addressed the profound biases and racism that are built into the health system for Blacks. Data shows that even though Blacks represent only 6% of California. 13% are at the poverty level, the early detection of cancer is 5 times greater in Whites than it is for Blacks. Life expectancy for Blacks is 75.1 years, the lowest of all represented races. Dr, Sacks suggested ways to repair the disparities. They are:

- Evaluate and modify existing reparation strategies, for example:
 - o Evanston, IL, Housing Reparations
 - o Claims conference
 - o Caricom
- Establish a final repair system
- Cease on-going harm
- Address anti-Black sentiment and poor health
- Use universal and targeted approaches to expanding the social safety and housing
- To think of a multifaceted approach that addresses social determinants and anti-Blackness.

c. Expert Testimony: Brett Andrews

BRETT ANDREWS has served as the chief executive officer of San Francisco-based PRC since 2003, whose mission is to help some of the city’s most vulnerable - people affected by poverty, HIV/AIDS, substance use, and mental health issues - realize their full potential by providing health and human services to help them reclaim their lives. Brett is a co-chair of the San Francisco Human Services Network and is an active leader within the SF HIV/AIDS Provider Network, Our City Our Home Oversight Committee, the San Francisco Economic Recovery Taskforce, and the San Francisco Business Times Leadership Trust.

Since 2019, Brett has convened the Black Leadership Council (BLC), a collection of San Francisco-based Black leaders across local government, health and human service organizations, and other sectors. The Council has developed a suite of statewide public policy proposals to improve economic and social conditions for Black Californians

Mr. Andrews provided the Task Force with some insights into the efforts that are a part of his organization in support of the San Francisco Black community. He led with a public health report that showed that even though San Francisco's Black population is only 5%, 37% of the homeless in San Francisco's population is Black, 18% of the Unemployment is Black, Blacks 2x more likely to experience a disability, and have the highest mortality rates with 9 out of the top 10 causes of death. He also shared some critical social issues that are facing our Black communities. They are:

- A history of misdiagnosis
- A lack of diversity
- The rise in homelessness
- Underfunded Black led health organizations

Mr. Andrews also provided some ideas and recommendations on research and investments that could help Black communities going forward. For example:

- The need for significant investments into community serving Black led organizations
- More diversity in the workforce
- Create on-going relationships with national health associations
- Consider joint education and research opportunities

d. Expert Testimony: Melissa Jones

MELISSA JONES is the Executive Director of the Bay Area Regional Health Inequities Initiative. She is passionate about creating the conditions that increase quality of life and makes life fairer for more people. Her work focuses on the intersection of social determinants of health, social inequity, and well-being.

Her experience includes work in municipal government and non-profits, in the Bay Area's large and small cities. Melissa is an active community member in Oakland and also serves on the Association of Bay Area Government's Regional Planning Committee, which advises on regional planning issues.

Ms. Jones discussed the correlation between life expectancy and racism. The living conditions as well as the institutional and social inequities have a great deal to do with shaping the experiences that directly impact the physical and mental health within the Black community. Decade-long studies by zip codes have shown lower quality of health in spite of insurance in Black families than richer White families. Studies also show that although Black newborns are 3 times more likely to die than white newborn, when Black doctors (Primary Physicians, Neonatologist, and Family Practitioners) were used the mortality rate of Black infants was cut in half. Ms. Jones iterated that Racism is a serious public health threat that is threaded through Black history to current day. The injustices in other parts of our systems ultimately ends up in our health care system. Currently over 200 jurisdictions and over 30 states have now declared racism as a public health issue.

e. Task Force Comments and Questions

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

9. **Break**

Meeting Reconvened

Chair Moore called for a roll call attendance to reestablish a quorum. Parliamentarian Doreatha Johnson called the roll: Chair Moore, Vice Chair Brown, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Tamaki, Member Montgomery-Steppe Eight members were present. Five members were needed for a quorum and a quorum was established.

10. **Community Engagement Plan Update- Member Grills**

Member grills updated the Task Force on the progress of Community Engagement project.

There are now 7 Anchor organizations, they are:

- California Black Power Network
- African Black Coalition
- Black Equity Collective
- Coalition for a Just and Equitable California (CJEC)
- Equity Initiative
- Repaired Nations
- Othering and Belonging Institute (UC Berkeley)

Anchor organizations

The Anchor Organizations have community based roots across urban, rural, and suburban counties in California. They have far-reaching capabilities with member affiliates and Tier 2 organizations across the state, most of which can connect with 8-30 other organizations each with a variety of constituency to assist with the Community Engagement process. Anchor Organizations will also coordinate listening sessions with reparation ready counties and cities in California. The reparations counties and cities that have been identified are City of Los Angeles, City of Berkeley, City of San Francisco, City of Sacramento, and the County of Alameda along with the Mayors Organized for Reparations (MOR). These governmental entities are excited to partner on both the Listening Sessions and the Communication strategy to mutually maximize their efforts with regards to reparations.

Communications Firms selected are:

- Young Communications (California based)
- AV Partners (National)

The communications firms have developed a communications framework and milestones that consist of issues around Mass Awareness, Community Listening, Storytelling, Story Collection, Training and advocacy.

First Listening Sessions

The Listening Sessions will be tailored to the constituents in the audience to collect stories that share the personal harm experienced and the impact it had on their lives. The African Black Coalition held the first of what will be several ABC listening sessions. The first Listening Session was held with 90 Black College students on MLK weekend. There were a lot of great ideas and feedback regarding reparations. Reports will be generated with each meeting. The Listening Sessions will be structured to have conveners and facilitators responsibilities.

Funding

Along with government funding Member Grills worked with the Bunch Center to secure supplemental support in the form of Grant from the California Wellness Foundation

Survey

Michael Stoll is leading the Bunche Center's community Engagement process for the Task Force by developing a reparations survey. This survey will align with a national reparations survey that has already been conducted with 5000 participants. The purpose is to gauge general support on reparations as well as the thoughts, attitudes, and perspectives on the different forms of reparations. The Task Force survey will query opinions about reparations specifically for California. However, we will still be able to compare what California looks like with the rest of the country. The Survey will share a similar set of questions to the national survey that was administered by Libertarian Ventures and Policy Link. California will have a representative sample of approximately 2000 residents but will include more questions than the national survey. Member Grills closed by stating that the Community Engagement Plan will provide the Task force with more information such as, how much support there is for different types of reparations and eligibility perspectives, as well as demographics, like age, gender, and state location.

11. Potential Action item: Report Dictionary Update- Chair Moore and Member Jones-Sawyer

Member Jones-Sawyer and Chair Moore provided an update on their meeting regarding the Report Dictionary work effort. To ensure that the dictionary/language guide captures the spirit of the bill and to use language that is relevant, competent, and respectful, they need more time to flush out the potential verbiage and next steps on how to align with any Task Force recommendations. They will provide additional updates at the next scheduled Task Force meeting.

12. Potential Action Item: Potential Public Actions (Including Advocacy Letters) by Task Force-Chair Moore:

Senior Assistant Attorney General (SAAG) Newman reported out on the Task Force's inquiry regarding the authority of the Task Force to engage in public action as defined in AB 3121. SAAG Newman reported that AB 3121 does not authorize the Task Force to engage in public action such as sending letters of support to other reparation initiatives or federal reparation actions.. However, Task Force members can express opinions on other reparations efforts in each of their individual capacities and/or if there is some future request from the legislature for an opinion or support which could be incorporated into the report. Other opinions and reparations efforts around the country can

be presented by witness testimony during the scheduled Task Force meetings and incorporated into the report as recommendations while staying within the Bagley-Keene rules. Member Jones-Sawyer asked if an example might be to recommend legislation to the legislature in the report. Member Tamaki suggested that the Task Force think creatively within the authority of the statute such as ways to shine a light on the report when it is published, promote the Community Engagement Plan and if the Task Force votes to pursue subpoenas share that information with the public. These are all examples of more easily-achievable actions the Task Force can take to educate the public alongside of the actions within its authority, namely reports and recommendations to the California Legislature.

13. **Information Item: Department of Justice Updates:**

Chair Moore turned the meeting over to DOJ Senior Assistant Attorney General Michael Newman for the DOJ updates.

Senior Assistant Attorney General Newman provided an update on virtual meetings for the Task Force. Virtual public meetings have been extended by the Governor through the end of March 2022. As a result, the Task Force will continue to operate under the extension. **Chair Moore and Member Lewis** will share a potential plan of action for moving forward with the Task Force meetings.

The Task Force will need to take following two items under consideration:

- If given the option for either continuing virtual meetings under any extension of the emergency order allowing for virtual meetings, or holding in-person meetings if planned, it will be important to let DOJ know the collective preference of the Task Force so that the DOJ can handle coordination accordingly.
- DOJ will continue to work through the drafting of the first Report and to share it with the Task Force in advance of the February 2022 Task Force meeting. Per the Task Force's instructions to DOJ, the Report will be discussed amongst the members of the Task Force and feedback provided to DOJ. DOJ will then work closely with the Task Force to complete the final Report. So that DOJ will have sufficient time to format and post the final report by the statutory deadline of June 1, 2022, the Final Report will be submitted to the Task Force members for a vote to adopt it in April 2022. In addition to welcoming the Task Force's active participation and engagement by way of the draft review, DOJ would like the Task Force to consider designating members of the Task Force to work closely with DOJ over the next few months on individual chapters that they are experienced in, knowledgeable about, or just very interested in to facilitate the finalization of the Report in a manner that most closely reflects the opinions, preferences, and positions of the Task Force. The designees could be individuals, or one or more advisory committees that will work directly with DOJ staff to finalize the Report. That way, the Task Force could have multiple opportunities between now and the Report being finalized to weigh in, give edits, suggest changes, or make additions. DOJ welcomes the collaborative effort because we understand the criticality of receiving input from all of the Task Force members.

14. **Chair Moore recessed the meeting until January 28, 2022 at 9:00 a.m.**