

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

MEETING MINUTES
February 23, 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/rdpecvfd>

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 Lewis, Don Tamaki, Monica Montgomery-Steppe.

Members Absent: None

1. Chairperson Welcome

Chairperson Moore welcomed everyone to the first day of the February 2022, 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 during roll call: Chair Moore, Vice-Chair Brown, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, Member Tamaki.

Members Bradford and Jones-Sawyer joined the meeting shortly after the roll call attendance.

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

Chair Moore reviewed the topics for discussion as a focus on Black History Month, a historical review of the legal implications of reparations, and a recognition of current efforts at reparations. She also noted in honor of Black History Month, today's speakers would be ceremonial in nature to honor our ancestors for building the United States of America, the greatest nation in the world.

Chair Moore then reminded everyone of the full agenda and the need for a strict adherence to the meeting timeline.

Chair Moore then turned the meeting over to **Aisha Martin-Walton**, with the Department of Justice for the Public Comment.

2. Public Comment.

Aisha Martin-Walton provided directions for public comment. There were approximately 30 comments. Public comments reflected individuals, community organizations and businesses in support of reparations. The comments are summarized as follows: Commenters of Japanese descent expressed support for reparations for Black people, the hearings and have testified for HR 40 and were inspired by the Civil rights movement in their fight for internment camp reparations. Numerous suggestions were made by commenters, such as that the Task Force should consider establishing a superfund like that recommended in William Darity and Kirsten Mullen's book *From Here to Equality*. Many commenters

stated that reparations should be lineage based only, while some expressed a desire for lineage base to be considered first. Others suggested that any reparations scheme must look at housing and real estate. The Task Force should encourage Blacks to research their own heritage. Reparations should not include Black immigrants. There should not just be cash payments, there should also be funds for mental health. Black elders over 50 should get \$5 million up front. It should consider people with special needs. The Task Force should review the state of Oregon's SB 619 which proposes to pay \$123,000 in individual lifetime payments for reparations. Reparations should consider compensation, rehabilitation, restitution, cessation and satisfaction.

3. **Action Item: Approval of January 2022 Meeting Minutes**

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

MOTION:

Chair Moore moved to approve the January Meeting Minutes as presented.

Vice-Chair Brown moved to approve the January meeting minutes. It was seconded by Montgomery Steppe.

Chair Moore called for the Discussion: Member Grills had a couple of minor non-content related edits for the January 2022 minutes. Member Grills agreed to forward the edits for amendment. As a result of the discussion, Chair Moore amended her motion and moved to approve the January 2022 minutes as amended.

Member Lewis seconded the motion.

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

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

NAYS: 0

There were 7 members present. 7 Ayes and 0 Nays.

The Motion carried and the January 2022 meeting minutes were approved as amended.

4. **Witness Panel #1 Historical Overview of Black History Month**

Chair Moore introduced each panelist prior to their testimony.

a. Expert Testimony: Nkechi Taifa

Nkechi Taifa is Founder, Principal and CEO of The Taifa Group LLC, a social enterprise firm whose mission is to advance justice. She also convenes the Justice Roundtable; a broad network of advocacy groups advancing progressive justice system reform and serves as a Senior Fellow at the Center for Justice at Columbia University. Nkechi currently serves on the Legal Advisory Team of the Legacy of the GU272 Alliance (descendants of the 1838 Jesuit sale of 272 enslaved persons which ensured the survival of Georgetown University); is a past president of the DC

Chapter of the National Conference of Black Lawyers and founding member and former co-chair of the Legislative Commission of the National Coalition of Blacks for Reparations in America. She is a member of the National African American Reparations Commission, and an advisor to the Institute of the Black World 21st Century.

Ms. Taifa's testimony centered on the history of the reparations movement in the United States. She stated that reparations are a demand for payment of unpaid labor and territories stemming from the enslavement era and post slavery discrimination. Ms. Taifa has been actively involved in this movement since 1975. She walked the Task Force and public through chronological and historical reflections of the struggle and plight of individuals, i.e. Marcus Garvey, Queen Mother Audley Moore, James Farmer, Malcolm X, James Forman, Martin Luther King, etc.). She also referenced organizational forums and conferences such as The National Economic Development Conference, The National Black Political Convention, and The National Conference of Black Lawyers, The National Coalition of Blacks for Reparations (N'COBRA), etc.) for reparations that began as early as the end of the Civil War to Civil Rights, and on through present day. The National Conference of Black Lawyers came together to discuss whether the United States Constitution needed to be amended to include the right of reparations. However, after review, this conference concluded that the basis and entitlement of reparations for Black people already existed within the Constitution. This conclusion was reached because after the enslavement era, Black people were never given the opportunity to decide for themselves what their future would hold. As a result of this discrimination, Black people were never able to fully obtain a full appreciation of options or reparations for an equal opportunity to turn our choices into a successful reality, as well as the respect of their right as full citizens of the United States of America. Ms. Taifa stated reparations should come in the form of cash payments and as transformative change in policies and practices resulting in the closure of the white wealth gap, eliminating the educational & health disparities, and mass incarceration. Ms. Taifa closed by honoring the individuals that lead the way in mobilizing the reparations movement for enslaved Black people.

b. Expert Testimony: Adjoa Aiyetoro

Adjoa Aiyetoro is a lawyer, an activist, and the former executive director of the National Conference of Black Lawyers (1993-1997). She was the chief legal consultant to the National Coalition of Blacks for Reparations in America (N'COBRA) and co-chairperson of their Reparations Coordinating Committee. Civil rights lawyer and civic activist Adjoa Aiyetoro earned an A.B. degree in 1967 from Clark University in Worcester, Massachusetts, and an M.S.W. degree in 1969 from George Warren Brown School of Social Work. In 1978, she graduated cum laude from St. Louis University School of Law. Aiyetoro served as staff attorney with the Civil Rights Division of the Department of Justice beginning in 1978 and then joined the National Prison Project of the American Civil Liberties Union Foundation as an attorney in 1982. Aiyetoro taught law at American University and served on the law faculty of University of Arkansas at Little Rock.

Ms. Aiyetoro began her testimony by defining the term reparations. Reparations is the redress of the injury and amends the wrong that was inflicted. In 2005, the United Nations General Assembly adopted a resolution proclaiming the basic principles and guidelines for reparations as a remedy for the harms inflicted on a group based on their group's identity. The purpose of this resolution was to guide and encourage states in the implementation of public policies on the right to reparations. Ms. Aiyetoro cited other groups that have received reparations, such as victims of

the Jewish Holocaust, the tortured Mau Mau people, and the internment of Japanese Americans in the United States. She also cited the Culver Legal Strategy Commission that studied slavery and its legacies, outlined 5 major areas of injury and/or harms. They are:

1. Peoplehood (taking away one's family, community, and language)
2. Education (one's right to learn or be taught with an equal opportunity for a quality education)
3. Health (discrimination and denial of mental and physical healthcare)
4. Criminal Punishment (punishment was extremely abusive and at the discretion of the owner)
5. Economics (unpaid labor, denied housing, land, and generational wealth)

The Legal Strategies Commission also considers reparations as critical to healing the racial divide created by enslavement and its continuing legacies and that reparations are essential for a true democracy.

Ms. Aiyetoro noted that to only consider money for reparations would diminish the magnitude of the injury caused by enslavement because it does not address the legacies of slavery and that eligibility should not be restricted to only include those who can prove that they are descendants of the enslaved.

Structural racism continues to live and thrive in our major institutions and infrastructure in California, continues to disadvantage African Americans. We need to work to repair or eliminate the systems that continue to do the harm and continue to spread the lie of white supremacy and Black inferiority.

c. Task Force Comments and Questions

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

5. Witness Panel #2 Historical Review of Legal Implications of Reparations

a. Expert Testimony: Erwin Chemerinsky

Erwin Chemerinsky is an American legal scholar known for his studies of United States constitutional law and federal civil procedure. He served as the founding dean of the University of California, Irvine School of Law from 2008 to 2017, and is currently the dean of the University of California, Berkeley, School of Law. A study of legal publications between 2016 and 2020 found Chemerinsky to be the most frequently cited American legal scholar. Chemerinsky was named a fellow of the American Academy of Arts and Sciences in 2016. The National Jurist magazine named him the most influential person in legal education in the United States in 2017. In 2021, Chemerinsky was named President-elect of the Association of American Law Schools.

Prof. Chemerinsky stated that his discussion would be centered on one question. That question is how to structure reparations in a way that would most likely be upheld by the courts. His conclusion and/or answer to that question was that reparations is most likely to be upheld by the courts if its structure is race-neutral. One avenue for structuring reparations that will most likely be upheld by the courts would be to present the case for only those who are descendants of the

enslaved rather than for all who are Black. This structure would pass the race neutral requirement because some Blacks are not descendants of the enslaved and there is also a small population that were enslaved but were not Black. Under current United States Constitutional Law and in California under Proposition 209, a law that gives a preference on the basis of race are either inherently suspect or perhaps unlawful. Therefore, the question should be how reparations can be structured in a way that would pass judicial review. Specifically, Proposition 209 states that the state of California and all its political subdivisions cannot discriminate or give preference on the basis of race with regards to Education, Contracting, and Employment. If reparations were given solely on the basis of race, then anyone who is Black would be entitled because all Blacks have suffered from the legacy of slavery. If the structure of reparations was written to not include Education, Contracting, and Employment then Proposition 209 would not be a problem. On the other hand, in the United States Constitution there is a possibility of racial preferences being constitutional; however, for the past 30 years, the Supreme Court has said that racial classification benefiting minorities must meet a level of scrutiny such that the government action has to be necessary to achieve a compelling governmental purpose. The Supreme Court has been extremely restrictive in applying this test and has previously said that remedying the history of past discrimination is not a compelling purpose. Colleges and Universities have been the only area where the United States Supreme Court has allowed race conscious remedies. Based on California's Prop 209 and the Constitution of the United States, reparations would most likely survive a legal challenge if designed to be race-neutral.

b. Task Force Comments and Question

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

6. Lunch

Chair Moore called for a roll call attendance to establish a quorum and reconvene the meeting.

Parliamentarian Johnson called the roll.

Members present: Chair Moore, Vice-Chair Brown, Member Holder, Member Jones-Sawyer, Member Montgomery-Steppe, Member Tamaki.

5 members are needed for a quorum, there were 6 members present and a quorum was established.

Members Bradford and Lewis joined the meeting shortly after the roll call attendance.

7. Witness Panel #3 Recognizing Current Efforts at Reparations

Chair Moore introduced each Panelist prior their testimony.

a. Expert Testimony: Mary Francis Berry

Mary Francis Berry has had a distinguished career in public service. From 1980 to 2004, she was a member of the U.S. Commission on Civil Rights, and from 1993-2004 served as Chair. Between 1977 and 1980, Dr. Berry served as the Assistant Secretary for Education in the U.S. Department of Health, Education, and Welfare (HEW). She has also served as Provost of the

University of Maryland and Chancellor of the University of Colorado at Boulder. In recognition of her scholarship and public service, Professor Berry has received 35 honorary doctoral degrees and many awards, including the NAACP's Roy Wilkins Award, the Rosa Parks Award of the Southern Christian Leadership Conference, and the Ebony Magazine Black Achievement Award. Professor Berry teaches the History of American Law, and the History of Law and Social Policy at the University of Pennsylvania.

Dr. Berry's testimony began with her thoughts on reparatory justice. She stated that reparations must fit within the internationally recognized principle of morally just acquisitions and transfers that must be applied to the conditions of African Americans in the United States. Whatever is acquired and transferred must be morally just. Reparations requires restitution for the loss of personhood, property, and land as well as the damage that has been done and pursued for financial profit. State and federal government groups, as well as individuals, can contribute to the repair of the injustice that has been done. However, governments have a responsibility where they have condoned, implemented, facilitated, and benefitted from the injustice. Dr. Berry asserted that the State of California should remedy the harm that was done to African Americans. Remedies should definitely include closing the wealth and asset gap, but we must also examine and address the issues with the major pharmaceutical companies that have profited from the harms, the accumulated student loan debt required to get an education, as well as the testing industry that causes enormous harm and discrimination within the enrollment process at institutions, colleges, and universities (e.g., Georgetown University, which famously would not exist if they had not sold slaves to obtain the money to pay for their university). Black families pay California State taxes to support local universities only to have to leave the state to find higher education for their children. One idea is to establish a Reparations Superfund that can be used to address some of the harms.

Dr. Berry closed by providing a historical overview of Callie House (1861-1928) a widowed Nashville washerwoman and mother of five who organized and protested for African Americans to have a pension based on what was being offered to Union Soldiers. Ms. House brilliantly targeted \$68 million in taxes on seized rebel cotton and demanded it as payment for centuries of unpaid labor otherwise known as reparations. One of her goals was to document the name of every person who had been enslaved. This petition of signed names was sent to congress so that there would always be a verifiable record of who participated in the movement. Those records now reside in the National Archives in Washington D.C. Ms. House organized over 300,000 members who paid 25 cents annually for membership dues. Because of Callie House, as well as other less known individuals and organizations, the history of the reparations movement in the United States for Black people can be traced as far back as ex-slaves.

b. Expert Testimony: Deadria Farmer-Paellmann

Deadria Farmer-Paellmann is an attorney, legal strategist, adjunct law professor, and human rights activist. In 2002, she filed a landmark class action lawsuit for slavery reparations against blue-chip corporations. She is credited for popularizing the slavery reparations movement through her groundbreaking research exposing corporate complicity in slavery. In January of 2000, she exposed and secured an unprecedented public apology from Aetna Incorporated for writing insurance policies on the lives of enslaved Africans with slaveholders as the beneficiaries in the 1800s. Her research linking various blue-chip corporations to the slave trade led to them making a \$20 million payment to the African American community in 2005. Her litigation strategy in a case filed against slave-trade corporations for consumer fraud resulted in the first

reparations court victory in American history in 2006.

Ms. Farmer-Paellmann shared her efforts regarding the law of restitution and her pursuit of opportunities that could result in reparations for descendants of slaves. She stated that she also engages in research on behalf of her organization, The Institution Study Group, which helps to reconnect descendants of the enslaved with their actual African families, has created a reference database. Ms. Farmer-Paellmann discussed her investigative work under the Slavery Disclosure Laws to expose corporations such as life insurance companies and financial institutions that were complicit in the transatlantic slave trade and/or had documented slave life insurance policies and participated in the sponsorship of the actual slave trade voyages to bring Africans to the Caribbean and the United States.

c. Expert Testimony: Chad Brown

Chad Brown is a native of Jackson, Mississippi, now residing in Los Angeles, California. He is a graduate of Tougaloo College and began his professional career with the Atlanta-based municipal bond underwriting firm, Jackson Securities founded by former three-term mayor of Atlanta, Maynard H. Jackson. After 12 years in municipal bond finance, Chad changed career paths and entered into digital marketing, advertising, and sales where he continues to work today. Chad is a Reparations advocate, sits on the advisory board of American Descendants of Slavery (ADOS) Los Angeles and an active member of the San Fernando Valley chapter of the NAACP.

Mr. Brown began his testimony acknowledging important Black American icons from 1865 – 2022. He also honored his grandmother’s birthday, Bernice Allen Stimley, who was born on February 24, 1909 and was 100 years old when she cast her ballot to vote for Barack Obama, the first African American President of the United States of America.

Mr. Brown described the reparations movement in two phases:

- Phase 1 The Legacy phase (1987 – 2016)
- Phase 2 The Contemporary Phase (2016 – Present)

With regards to the Contemporary Phase, Mr. Brown cited the studies reported by Duke University – New School and UCLA (University of California, Los Angeles) in their Multi-City Wealth Reports indicating that Black Americans who descended from the enslaved as showing a wide disparity in the wealth gap as a result of lineage and Black American politics. This aligns itself with the position of the National Assembly of American Slavery Descendants (NAASD) organization that Black Americans who descended from the enslaved should be the appropriate beneficiaries of reparations. Mr. Brown noted that the California Task Force will make history when they vote on who should be eligible for reparations in California.

Mr. Brown gave an overview of the challenges of the federal HR40 Bill and why the National Assembly of American Slavery Descendants (NAASD) has submitted an alternative Bill entitled HR1865 (paying homage to the year of American Freedom and Emancipation) HR 1865 supports a lineage-based policy designed to address the deep inequities Black Americans face across all areas of social and economic platforms. The NAASD and other grassroots organizations within the reparations partner network are actively seeking congressional sponsorship for its introduction into legislation.

Mr. Brown closed by noting that descendants of slaves, the emancipated American freedman, the builders of this country, and the overwhelming Black majority of this country are owed a debt of reparations by the U.S. Government.

d. Task Force Questions and Answers

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

8. Break

Chair Moore called for a roll call attendance to establish a quorum and reconvene the meeting.

Parliamentarian Johnson called the roll.

Members, present: Chair Moore, Vice-Chair Brown, Member Holder, Member Jones-Sawyer, Member Montgomery-Steppe, Member Tamaki.

5 members are needed for a quorum, there were 6 members present and a quorum was established.

Members Bradford and Lewis joined the meeting shortly after the roll call attendance.

9. Community Engagement Plan Update and Recognition of Anchor Organizations-Member Grills

Chair Moore introduced Dr. Michael Stoll to speak on behalf of Member Grills.

Dr. Michael A. Stoll is the Director of the Black Policy Project at the UCLA Bunche Center and is a Professor of Public Policy in the Luskin School of Public Affairs at the University of California, Los Angeles (UCLA). He serves as a Fellow at the American Institutes for Research, the Brookings Institution, the Institute for Research on Poverty at University of Wisconsin, Madison, and the National Poverty Center at the University of Michigan, Ann Arbor, and served as a past Visiting Scholar at the Russell Sage Foundation.

Dr. Stoll's published work explores questions of poverty, labor markets, migration, and crime. His past work includes an examination of the labor market difficulties of less-skilled workers, in particular the role that racial residential segregation, job location patterns, job skill demands, employer discrimination, job competition, transportation, job information, and criminal records play in limiting employment opportunities.

Dr. Stoll introduced the seven Anchor Organizations that were selected to host listening sessions throughout California as a part of the Task Force's Community Engagement Plan. Representatives of each organization made a brief presentation about their organization.

- **The Black Equity Network (Speaker Larisha Franks)**

The Black Equity Network addresses issues within education, criminal justice, and workforce development. The main goal of the organization is to address conditions that perpetuate institutional racism against Black people and to build a community that strengthens the work on the ground that will enforce a broader philanthropic field of best

practices for the purpose of advancing justice. Their geographic reach covers Southern California (Los Angeles, San Bernardino, and Riverside Counties). Their network consists of 40 plus Black led and Black empowering organizations.

- **Repaired Nations (Speaker Gregory Jackson)**

The Repaired Nations Organization is a Pan-African network of support providing community, education, technical assistance, funding, infrastructure, as well as network and advisory services. Their network covers California and goes throughout the United States. The strategy is for members to take an educational approach. For example, they have created a book club that centers on history.

- **Coalition for a Just and Equitable California (Speaker Tiffany Quarles)**

The Coalition for Just and Equitable California (CJEC) is a statewide grassroots coalition. CJEC is a community based organization working to achieve reparations for Black American descendants of the United States slavery era. Advocates within the coalition worked to improve and support the enactment of AB 3121, the state law that created America's first in the nation Task Force to study and develop a reparations proposal for African Americans. CJEC continues to support the Reparations Task Force by promoting the importance of this historical work. CJEC encouraged other organizations to join in on the public meetings to be involved and to be fully informed.

- **The Othering and Belonging Institute at U.C. Berkely (Speaker Christian Ivey)**

The Othering and Belonging Institute is an organized group around thematic topics related to marginalization and inclusion. This includes disabilities, public health, race, education, LGBTQ, citizenship, and religious pluralism. The goal of the organization is to create a world where there is no othering, and everyone feels like they belong. Because the Othering and Belonging Institute is based in Berkeley and is a part of the UC network, it provides connections throughout California, specifically the San Francisco Bay Area and all over the United States. Their focus includes the roots of structural racism past and present and policy solutions for California and the United States.

- **The Black Equality Institute (Speaker Pastor Samuel Casey)**

The Black Equality Institute is an organized group of congregations for prophetic engagement in the Inland Empire that is located in Southern California, specifically, San Bernardino and Riverside counties. Their network is comprised of a coalition of 45 Black empowering organizations that focus on community lead campaigns for the improvement in the areas of civic engagement, criminal justice reform, and transformative work around justice, health, education, and economic liberation for African Americans.

- **The African Black Coalition (Speaker Miranda X)**

The African Black Coalition is a statewide youth organization that trains Africans and Black students in leadership development. They strategically train and unite African and Black students throughout California. Their mission is to liberate all African people by empowering Black college students. They train college students how to become better leaders and how to run effective organizations in their local communities and the overall African diaspora.

- **California Black Power Network (Speaker Christine Nimmers)**

The California Black Power Network is a coalition of impact serving organizations focused on addressing racism as a nation. Members throughout the state of California

cover 13 counties in 6 regions including the Bay Area, Sacramento Valley, Central Valley, Inland Empire, Los Angeles, and San Diego. Their platform is built upon their Black student outreach program that was organized by partnering with California Black citizens and the African American Security Engagement project. This partnership enabled the organization to reach over 1 million residents from the ground as well as using the digital network to engage and to motivate Blacks to exercise their right to vote. The California Black Power network is currently developing a comprehensive multi issue policy agenda that will focus on the future as well as to improve the living conditions of Black Californians.

Community Listening Sessions Update (Speaker Michael Stoll)

Dr. Stoll stated that the Community Listening Sessions are in the developmental stages. These discussions will include decisions around selecting site locations, formats, themes, etc.

Their second formal meeting is scheduled for February 24th and its focus will be to identify areas of opportunity, as well as the type of Community Listening Sessions each anchor organization will hold. In addition, a project facilitator and communications firm has been assigned to work with the anchor organizations in messaging and with communicating the ideas of the Task Force’s mission and objectives. The UCLA Bunche Center is also involved in developing a statewide survey around reparations.

Dr. Stoll then introduced and played a music video that was written and performed by retired UC San Francisco dentist and former University of California Regent Alumni Harvey Brody who was inspired by the work of the Task Force and wanted to contribute to the cause.

When Professor Harvey Brody was asked what inspired him to do the video, he said:

“This song was born of my frustration with our community’s long standing history of social injustices, as well as current policies. It is my enduring belief that this is the time that we can and must find a way to do better. I have learned a great deal by attending the task force meetings, listening to the expert testimonies, and I have been deeply moved by the personal narratives shared by the public. I hope this music video might help to generate interest and broaden community support for task force activities and future recommendations.”

10. Task Force Members Closing Statements and Discussion

Members gave general comments regarding the testimony throughout the day and made suggestions regarding the consideration of the issues raised as the Task Force’s work continues.

11. Recess Meeting until February 24, 2022 at 9:00 a.m.

The meeting was officially recessed by **Chair Moore** at 4:15 p.m.

February 24, 2022, 9:00 A.M.

12. Chairperson Welcome

Chairperson Kamilah Moore reconvened the meeting at 9:00 a.m. and welcomed everyone to, day two of the February AB3121 hearing and opened the meeting just after 9:01 a.m.

Chair Moore called for a roll call attendance to establish a quorum. **Parliamentarian Johnson** called the roll.

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

5 members were needed for a quorum, there were 9 members present and a quorum was established.

Chair Moore welcomed the Task Force and members of the public to the second day of the February 2022 hearing and reviewed the topics for discussion as a focus on Black History Month, a historical review of the legal implications of reparations, and a recognition of current efforts at reparations.

Chair Moore then turned the meeting over to **Aisha Martin-Walton** for the Public Comment.

- 13.** Aisha Martin-Walton provided directions for public comment. There were approximately 18 comments. Public comments reflected individuals, community organizations and businesses in support of reparations. The majority of comments made were to express support for a particular position regarding eligibility for reparations. In terms of recommendations, task force members were advised that in 2001, the United Nations adopted the Durban Declaration which said that crimes against humanity can be remedied with reparations. Another recommendation was that California should create a California Department of Freedom Affairs. It was suggested that the Task Force change its name. Commenters suggested that individuals could potentially trace their lineage by researching records regarding the enforcement of Jim Crow laws, redlining and current discrimination issues by zip code, checking slave voyage records, the 1870 Census, Freedman Bureau' Bank deposit records, Civil War records from 1860, land grants made by local, state and federal government agencies and the Treaty of 1866. One commenter complained to the task force about comments being made toward speakers in the video conference public chat.

14. Potential Action Item: Discussion of the Community of Eligibility

Each task force member had an opportunity to provide their thoughts, opinions, and analysis regarding how the Community of Eligibility issue should be determined, and who should ultimately be eligible. After an extensive, in-depth discussion amongst all task forces members, **Chair Moore** called for a motion on how to proceed.

MOTION

Based on the discussion and the feedback from the Task Force members, **Member Jones-Sawyer** moved that the discussion on the Community of Eligibility be tabled until the March 2022

Reparation Task Force meeting. **Member Bradford** seconded the motion.

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

AYEs: Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Tamaki

NAYs: Chair Moore, Vice-Chair Brown, Member Lewis, Member Montgomery Steppe

9 members were present, 5 members voted **Aye**, 4 members voted **Nay**.

The Motion to table the item and add it to the March 2022 meeting carried.

15. Potential Action Item: Expert Consultants for Second Report

Chair Moore asked the DOJ Research Center to facilitate the introduction of the expert research of economists and scholars that were being considered by the Task Force as consultants to assist with the development of the second report.

Dr. Tiffany Jantz of the DOJ Research Center presented the group of economists and scholars that expressed interest and availability to work with the Task Force to develop the second report.

Dr. William Spriggs, Dr. Kaycea Campbell, Dr. Thomas Craemer, Dr. William Darity and Kirsten Mullen introduced themselves to the Task Force members:

After the introductions and a question and answer period, **Chair Moore** called for a motion.

MOTION

Member Grills moved to approve the assembled expert team of economists/scholars to calculate the amount of redress associated with the harm. **Member Bradford** seconded the motion

Chair Moore called for Discussion: **Member Jones-Sawyer** wanted to know the expected timeline for delivering the work. DOJ's Senior Assistant Attorney General (SAAG) for the Civil Rights Enforcement Section, Michael Newman, reminded the Task Force that the experts along with the Task Force Advisory Committee (Chair Moore and Member Lewis) will work in concert to develop the Scope of Work while providing continuous dialog and updates with and to Task Force members. He added that the communication between the Task Force and the Consultants would be aligned with regularly scheduled Task Force meetings. Chair Moore and Member Lewis are both also on the Advisory Committee that will sets up the future Task Force meeting schedule.

Parliamentarian Johnson stated that the motion needed to specify which consultants they were voting on. **Chair Moore then restated the motion to include the following specific names:**

Dr. Kaycea Campbell, Professor of Economics at Pierce College

Dr. Thomas Craemer, Associate Professor of Public Policy at University of Connecticut

Dr. William Darity, Professor of Economics, Public Policy, and African American Studies at Duke University

Dr. William Spriggs, Professor of Economics at Howard University

Kirsten Mullen, Author and Folklorist

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

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

NAYs: None

NOT VOTING: Vice-Chair Brown

There were 9 members present, 8 **AYEs**, 0 **NAYs**, 1 **NOT VOTING**

Motion Carried

16. Lunch

Chairperson Kamilah Moore reconvened the meeting at 1:00 p.m.

Chair Moore called for a roll call attendance to establish a quorum. **Parliamentarian Johnson** called the roll.

Members present: Chair Moore, Member Grills, Member Lewis, Member Tamaki, Member Montgomery-Steppe

5 members were needed for a quorum, there were 5 members present and a quorum was established.

Members Bradford, Holder, and Jones-Sawyer were present shortly after the roll call.

17. **Discussion item: Review and Discussion Regarding Draft Report 1- DOJ Attorneys Michael Newman and Xiyun Yang**

Senior Assistant Attorney General (SAAG) for the Civil Rights Enforcement Section, Michael Newman, opened the discussion on the Draft of Report 1 by reminding the Task Force members that the Draft provided to them for review was created based on the previously-approved outlines and as announced in the last Task Force meeting, he was looking for members of the Task Force to actively engage with the DOJ staff and provide extensive feedback as the report is further developed into a final draft so that it is comprehensive and is reflective of the wisdom, judgment, and positions of the Task Force collectively and as a whole. The ultimate goal is for the Report to supply the critical and necessary support for conclusions and recommendations that are passed on to the Legislature at the conclusion of the Task Force's work. Feedback for Draft Report 1 is due to DOJ by Monday, February 28, 2022. Draft Report 1 consist of 13 Chapters following the Forward and Executive Summary. They are:

Chapter 1- Introduction

Chapter 2- Enslavement

Chapter 3 -Racial Terror

Chapter 4- Political Disenfranchisement

Chapter 5- The Root of many Evils – Housing Segregation

Chapter 6- Separate and Unequal Education

Chapter 7- Racism and Environment and Infrastructure

Chapter 8- Pathologizing the Black Family
 Chapter 9- Control Over Spiritual Creative and Cultural Life
 Chapter 10-Stolen Labor and Hindered Opportunity
 Chapter 11-Unjust Legal System
 Chapter 12-Harm and Neglect Mental, Physical, and Public Health
 Chapter 13-The Wealth Gap

SAAG Newman also stated that Draft Report 1 is available to members of the public. It is located on the DOJ website along with all of the other meeting materials. If the public would like to review the full Draft Report 1, any comments or questions for consideration are welcome and can be submitted directly to DOJ in writing to reparationstaskforce@doj.ca.gov

SAAG Newman and **Deputy Attorney General (DAG) Xiyun Yang** opened the discussion for questions, comments, and concerns from the Task Force Members. **DAG Yang** requested to be cc'd on any suggestions, editing, or comments of on the report. If Task Force members are not sure which chapter their comments would best fit, DAG Yang would work with them to assist in their determination.

After the discussion and input, Chair Moore along with other Task Force members thanked DOJ for the comprehensiveness of the draft report and of the work that had been done to bring it to this point.

18. Break

Chair Moore reconvened the meeting.

Chair Moore called for a roll call attendance to establish a quorum. **Parliamentarian Johnson** called the roll.

Members present: Chair Moore, Member Grills, Member Lewis, Member Tamaki, Member Montgomery-Steppe

5 members were needed for a quorum, there were 5 members present and a quorum was established.

19. Potential Action Item: Subpoena Requests - Members Holder and Tamaki

Member Tamaki provided an update on the advisory committees' 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. In their investigative work, Advisory Committee Members Tamaki and Holder discovered that District Attorney's offices as well as the courts 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.

The Advisory Committee developed a path forward to work with the DOJ Research Center and

the ACLU 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 has developed a timeline as they continue to develop the survey questions, and the survey will be handled by the DOJ Research Center

On February 14, 2022, Member Tamaki had a conference call with the Task Force Communications Consultants Andre Banks and Gwendolyn Young to inform them that the Task Force is planning to launch a survey questionnaire to District Attorneys and courts to see if they wanted to amplify the information to the press and the public.

Member Tamaki stated that even though the Advisory Committee was working with outside entities who would be providing their expertise, information, and data, this work effort is solely intended to advance the mission of the Task Force. The Task Force is not operating on behalf of any other organization, but they are collaborating with other organizations in terms of being aligned in this mission of enforcement of the Racial Justice Act.

Member Tamaki also stated that he and **Member Holder** would provide future updates at the March and April Reparations Task Force meetings.

20. Potential Action Item: Report Dictionary Update – Chair Moore and Member Jones-Sawyer

Chair Moore spoke on behalf of the Advisory Committee (Chair Moore and Member Jones-Sawyer) stating that after they reviewed the Draft Report 1, they determined that there was no longer a need for a language guide to be developed for Draft Report 1. The language guide is no longer needed because Chapter 1, Section 7 (the Introduction) of the Draft Report 1 already has a robust definition of terms listed that are used throughout the report. Therefore, an additional language guide would be redundant and reductive. Furthermore, the Draft Report 1 is already in review by Task Force members and in the process of their review they can suggest new terms for inclusion at that time.

Chair Moore called for a motion.

MOTION

Member Tamaki moved that because the language dictionary would be redundant and is already included in Part 1 of the Draft Report, there is no longer a need for a separate dictionary. Therefore, the Additional Language Dictionary Action Item should be dispensed with.

Member Grills seconded the motion.

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

AYEs: Chair Moore, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Tamaki,

NAYs 0

There were **6** members present, **6** AYES, **0** NAYs

The Motion Carried.

21. Potential Action Item: Schedule for Future Meetings of Task Force – Chair Moore and Member Lewis

Chair Moore and Member Lewis reviewed the future hearing agenda items and asked the members of the Task Force if the selected locations of the in-person hearings were geographically inclusive enough as proposed by the Advisory Committee. The hearing dates and selected potential locations are as follows:

April 2022	San Francisco
July 2022	Los Angeles
September 2022	Allensworth/Bakersfield
November 2022	Sacramento
January 2023	San Diego
February 2023	Oakland
April 2023	Inglewood
June 2023	Sacramento

Chair Moore called for a motion to accept the proposed schedule and potential locations selected for the future in- person hearings.

MOTION

Member Montgomery-Steppe moved that the locations selected and documented in the Proposed Hearing Schedule be adopted for the remaining public in-person Task Force Hearings.

Member Tamaki seconded the motion.

Chair Moore called for the discussion: There was no discussion

Chair Moore called for **Parliamentarian Johnson** to call for the vote.

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

NAYs: 0

There were **6** members present **6** AYE, **0** NAYs

The Motion Carried

Chair Moore and **Member Lewis** then focused the Task Force members on solidifying the agenda items for March 2022 by highlighting the importance of finalizing the discussion and voting on the Community of Eligibility. The discussion centered on ensuring that enough time would be allocated to come to a decision on the Community of Eligibility. A plan of action was developed to extend the time allotted to discuss eligibility by condensing the panels for the Criminal Legal System, reducing the time allocated for the Community Engagement Update, and removing the action Item for the Subpoena Request update from the agenda.

Chair Moore called for the motion.

MOTION

Member Lewis moved to have the first half of the first day of the March hearing be dedicated to an abstract level of defining the Community of Eligibility and vote on the action. The second half of the first day would be dedicated to determining the specificity of the parameters and Scope of Work to provide to the team of economists/consultants. The second day of the March hearing would be devoted to the Criminal Legal System, including Anti-Black/Hate Crimes, War on Drugs, History of Policing Mass Incarceration, School to prison Pipeline, and a panel on Educational Institutions.

Member Holder seconded the motion

Chair Moore called for discussion: No Discussion

Chair Moore restated the motion.

Day One of the March hearing will be solely dedicated to the issue of eligibility, and furthermore, that the panel weighing in on the subject of eligibility should stay within the allocated hour.

Day Two of the March hearing will be on the Criminal Justice System.

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

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

NAYs: 0

There were 8 members present, 8 **AYEs**, 0 **NAYs**

The Motion Carried.

Chair Moore then stated that because the Community of Eligibility is such an important topic and there were 27 people who did not get to speak because the time allocated for Public Comment ran out, she would like to extend the Public Comment period during the March meeting.

After the discussion, the Task Force agreed to extend the Public Comment for an additional 30 minutes.

Chair Moore called for the motion.

MOTION

Member Grills moved that the Task Force extend the Public Comment section of the March agenda by an additional 30 minutes to try and accommodate as many people as possible. This would require the Task Force to start the March Meeting 30 minutes earlier and that the notice to

the public reflect the change in the agenda. Vice-Chair Brown seconded the motion

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

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

NAYs: 0

There were 8 members present, 8 **AYEs** and 0 **NAYs**

The Motion Carried.

Chair Moore stated that the day one of the March hearing would begin at 8:30 a.m. to extend the Public Comment section. Day two of the March hearing the Public Comment will be from 9:00 a.m. – 10:00 a.m. as usual.

22. **Potential Action Item: Agenda for Next Meeting**

Chair Moore asked the Task force members if they had any additional or discussion for the April agenda.

The Task Force concluded that more information around the topic of educational institutions should be included on the agenda.

MOTION

Member Lewis moved that the April hearing be a two day event:

Day One- A Discussion on Educational Disparities in California

Day Two- Finalize and Approve the Draft Report 1

Discussion and strategy on educating the California Public

Member Bradford seconded the motion

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

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

NAYs: 0

There were 7 members present: 7 **AYEs**, 0 **NAYs**

The Motion Carried.

SAAG Newman reminded the Task Force that a meeting location within San Francisco had not been identified for the April hearing. He also reconfirmed that the April Task Force hearing will be in-person unless Governor Newsom extends the COVID-related Emergency exemption for

state boards from the Bagley-Keene Act. Based on the Task Force's previous direction, if the emergency order is extended, the Task Force's meeting will be remote for health and safety reasons. SAAG Newman also reminded the Task force that once Governor Newsom lifts the Emergency Order, DOJ will require a ten day notice from Task Force members if they cannot attend hearings in person. Per the Bagley-Keene Act, any Task Force member that cannot attend in person would need to attend the meeting from a location open to the public during the meeting in order for their vote to be counted.

23. Potential Action Item: Unfinished Business

Chair Moore would like to invite the new Communications team to the second day of the March Meeting so that they can introduce themselves and to discuss their strategy of support and explain their process for engagement. After a discussion, Chair Moore called for a motion.

MOTION

Member Grills moved that the Task Force add the Communications Firms to the March agenda so that they can provide an introduction and overview of what their communication strategy is for the Task Force.

Member Montgomery-Steppe seconded the motion.

Parliamentarian Johnson explained that the March agenda had already been voted on so the motion would need to be amended or withdrawn and restated.

Chair Moore called for the Discussion: It was decided that because the April agenda was for communication and educating the public, it would be a better fit for the Communication Firms to be added to the April agenda.

Member Grills withdrew her previous motion.

Member Grills moved to amend the April agenda to include a presentation by the Communication Firms so that they can introduce themselves and share what their strategy is for supporting the Task Force and outreach to the community.

Member Tamaki seconded the motion.

Chair Moore called for the Discussion: No Discussion

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

AYEs: Chair Moore, Member Grills, Member Holder, Member Tamaki, Member Montgomery-Steppe

NAYs: 0

There were 5 members voting: 5 AYES, 0 NAYs

The Motion Carried.

Chair Moore acknowledged closing remarks

Member Tamaki asked if there were plans to have a May meeting. Member Lewis referred to agenda item 21, which was the schedule of meetings. The schedule did not include a meeting in May and the next full meeting after July would be in September, Member Montgomery-Steppe asked for scheduling information. SAAG Newman provided clarifying information regarding future scheduling of meetings.

- 24. Chair Moore** thanked all for attendance and Adjourned the meeting.