MEETING MINUTES March 3, 2023, 9:00 A.M.

https://oag.ca.gov/ab3121

California Environmental Protection Agency (CalEPA) Byron Sher Auditorium 1001 I Street Sacramento, CA 95814

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

1. Chairperson Call to Order

Chairperson Moore called the March 2023 AB 3121 Reparations Task Force meeting to order at 9:09 a.m., on March 3, 2023, at the California Environmental Protection Agency, Byron Sher Auditorium in Sacramento California. Chair Moore welcomed everyone to the California Reparations Task Force Hearing.

Chair Moore asked Parliamentarian Doreathea Johnson for a roll call vote to determine whether a quorum was established. Parliamentarian Doreathea Johnson called the roll.

Members present: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Montgomery-Steppe, and Member Tamaki.

Members absent: Member Jones-Sawyer, and Member Lewis

Parliamentarian Johnson stated that 5 members were needed for a quorum, 7 members were present at the time the roll was called, and a quorum was established.

2. Special Acknowledgments

Chair introduced Maureen Simmons who gave remarks and thanked the Task Force and the community for their work to implement AB 3121. Ms. Simmons served as an intern in Former Assemblywoman Dr. Shirley Weber's Office in 2019 and contributed to the research and drafting of ACR 130 and AB 3121.

3. Public Comment

Aisha Martin-Walton moderated the public comment portion of the meeting agenda. There was a hybrid audience, some in-person and others participated virtually. There were approximately 37 comments, 16 comments provided via the phone line and 21 comments made in-person. Public comments reflected individuals, businesses, and

community organizations in support of reparations and some individuals who oppose reparations. Several commenters expressed their support for an Office of Freedmen's Affairs as an independent agency opposed to an oversight body. Some commenters suggested that healthy, non-toxic land and cash payments be made available immediately. Other recommendations included increasing engagement with the young Black community, providing housing loans and educational stipends to descendants of Black veterans who were denied the benefits of the G.I. bill, providing additional funding for early care and education settings serving Black children, and adopting a mandatory child development curriculum that is culturally responsive. Some commenters urged the Task Force to work to address Black maternal health disparities by fully funding doula and midwife services from conception through delivery and postpartum, offering free lactation education, and support for every stage of pregnancy.

4. Action Item: Approval of the January 2023 Meeting Minutes.

Following the conclusion of the Public Comment period, the chair thanked the participants who made public comment and indicated that the names of those in line would have their names taken so that they would be first in line to speak at tomorrow's session at 9:00 a.m. and moved to Agenda Item #4, Approval of the January 2023 meeting minutes.

Chair Moore then stated that the January minutes had been sent to the Task Force members in advance for review. She asked if Task Force members had any questions, comments, or corrections to the January 2023 minutes? There were no comments and the Chair, entertained a motion to approve the minutes as presented.

MOTION

Vice Chair Brown was recognized and moved that the January 2023 minutes be approved as presented "Member Jones-Sawyer Seconded the Motion.

Chair Moore called for the Discussion: Member Grills stated she had one edit to the January 2023 minutes; on page 31 the minutes should be changed from "Evidence"-Based Incarceration to "Education"-Based Incarceration.

There was no further discussion or corrections. **Chair Moore** asked Parliamentarian **Doreathea Johnson** to take the roll for the vote to approve the January 2023 meeting minutes as amended, with the minor change on page 31 to substitute the words "Evidence-based" for "Education-Based"

Parliamentarian Johnson called the roll for the vote to approve the January 2023 minutes as amended.

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

Nays: 0

Abstentions: 0

Parliamentarian Johnson stated that there were 8 Task Force members present and voting.

Chair Moore announced the vote.

8 Ayes, 0 Nays, 0 Abstentions

The motion passed and the January 2023 meeting minutes were approved as amended.

5. Discussion and Potential Action: Advisory Committees' Report on Recommended Answers to Experts' Five Key Questions/Economic Expert Analyses- Presenters: Chair Moore, Member Lewis, and Economic Experts

Advisory Committee Member Chair Moore summarized the status of the Advisory Committee's recommended answers to the Five Key Questions raised by the Economic Experts:

The Five Key questions are:

I. What is the damage time frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States.

Answer: After a discussion with Task Force members, it was decided that the damage time frame would be 1850 – Present (2020)

II. Will there be a California residency requirement? If yes, how will it be determined?

Answer: Yes, there should be a residency requirement. Chair Moore stated that the answer to how residency would be determined had not yet been decided therefore, it was still open for Task Force discussion.

III. What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?

Answer: Chair Moore stated this question is still open for Task Force discussion.

IV. Will direct victims and/or all African American descendants of U.S. slavery in California (who meet the residency requirement) be compensated?

Answer: Chair Moore stated this question is still open for Task Force discussion.

V. How will reparations be paid and measured to ensure the form of payment aligns with the estimate of damages?

Answer: Chair Moore stated this question is still open for Task Force discussion.

At the request of Advisory Committee Member **Chair Moore**, the Economic Experts provided an update on the work that had been done since the January 2023 meeting. However, **Chair Moore** requested no action should be taken for this agenda item due to the absence of Advisory Committee **Member Lewis**. Economic Expert Professor Kaycea Campbell provided a summary and next steps going forward. Professor Campbell reported that the Economic Experts continued to meet with the Task Force Advisory Committee as well as DOJ. They have estimates for some of the five harms/atrocities previously identified based on the data that was available thus far. They are:

- -Housing Discrimination (Housing and Houselessness)
- -Disproportionate Black Mass Incarceration and over policing
- -Health Harms

Professor Campbell stated that they expect to have an estimate in place for the **Devaluation of Black Businesses** by the Next Task Force meeting.

Professor Campbell reported that they are working with DOJ to identify updated data sources and/or to refine the existing estimates. However, their challenge is the availability of data as well as making sure they have appropriate data that is robust enough to support the methodology and will withstand any scrutiny and criticism.

Professor Campbell reminded the Task Force that with the next iteration of this work, there are additional categories of harms that still require data collection and should be considered for redress and reparations. They are:

- -Intellectual Property
- -Deprivation of Segregated Education
- -Non-Representative Estate Commission
- -Labor Discrimination
- -Environmental Harm

-Transgenerational Effects

Professor Campbell affirmed that the Economic Experts would present these harms again regardless of the absence of data along with a summary of methodology so that they can be addressed when the Task Force decides it is appropriate.

Member Chair Moore asked Task Force members if there were any questions for the Economic Experts.

Vice Chair Brown stated that there should be more focus on the harm centered around the confiscation of land. Specifically, how land was stolen from African Americans in various areas of the state.

Member Chair Moore asked Professor Campbell if there was data available with respect to the confiscation of land from African Americans that was within the "Unjust Property Taking" harm, and, if so, how comprehensive was it?

Professor Campbell stated that there was little to no specific data available. The data would need to be individualized and based on data from the state government related to Eminent Domain such as huge capital investments such as the development of highways, stadiums, waterways, and various public places that resulted in the displacement of particular families and lost homes. Professor Campbell also stated that there should be government records of projects and Eminent Domain seizures that have occurred. Calculations or estimates could be derived from a specific government data source to identify categories of harms. Obtaining data for Unjust Property Taking and Eminent Domain represent a major Challenge.

Member Holder asked a follow-up question regarding data set identification and which agencies might house the specific data required. i.e., Caltrans (Building of Highways and Freeways)?

Professor Campbell stated that with the help of DOJ, they have begun the process of broadly identifying the different categories, projects, and impacted organizations. DOJ has also been helpful in providing contact information for these different agencies that might have the required data sources.

Member Jones Sawyer cited an example that might provide some data sources would be the Los Angeles Century Freeway that was consumed multiple African American communities. A fund was set up to compensate the impacted families but, in many instances, these families didn't recoup their losses and reimbursed properly, due to appreciation. Member Jones-Sawyer offered the assistance of his staff in researching these records to obtain data.

Professor Campbell stated even if they had one freeway, or stadium, or waterway, it would be a good starting point to extrapolate the data.

Member Grills asked Professor Campbell if she could be more specific regarding what

she meant by the problems with access to the data she needed? Was it identifying the appropriate agencies, was the responsiveness inadequate, or was it the quality of the data she received?

Professor Campbell stated it was a combination of all three.

Member Grills asked if the Task Force could assist the Economic Experts in the responsiveness of the agencies?

Professor Campbell stated she would not only appreciate the assistance with getting access to the right data from the agencies but also if Task Force members had some personal experiences with different types of projects, they have encountered which may provide data sources, that would be helpful as well.

Vice Chair Brown offered the example of the San Francisco Redevelopment Agency making the decision to not revitalize the Fillmore area of San Francisco and to also remove the African Americans that resided in that neighborhood.

Member Chair Moore suggested reaching out to an organization called Segregation by Design. She explained that this organization uses data and historic photography to document the destruction of communities of color. Even though most of the cities documented have been outside of California, they are now in the beginning stages of gathering data on for Oakland.

Because there were no other discussion questions regarding the Economic Experts' update, Advisory Committee **Member Chair Moore** changed the focus back to the previous discussions regarding the Five Key Questions raised by the Economist:

Per **Chair Moore**, the following outlined the recommendations were based on previous discussions between the Advisory Committee and the Task Force. She asked the Task Force to let her know if they had any objections or concerns with the following summary of discussion:

I. What is the damage time frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States.

The following damage time frames recommended were based on the individual harm listed below: However, the Advisory Committee adopted **Vice Chair Brown's** recommendation to acknowledge that the harms inflicted to African Americans in California began with the state's founding in 1850. It was also decided that the term "Present" implies September 30, 2020, the day Governor Newsome signed the legislation into law.

Member Chair Moore outlined the current thought of the damage time frames for each of the harms list below:

-Unjust Property taken by Emanate Domain (1850-Present)

-The Devaluation of Black Business (1850 – Present)

-Housing Discrimination and Houselessness (1933-1977)

These dates were based on the advent of state sponsored Redlining in 1933 and the end of Redlining based on the Community Reinvestment Act of 1977.

Open - Still under discussion: Task Force members and the Economist agreed that there needs to be more discussion on the time frame for this harm. Specifically, the issue of capping the harm for Houselessness at 1977 when the harm has actually continued. Reconsideration may be required for separating and/or sub-categorizing Houselessness from Housing Discrimination.

-Disproportionate Black Mass Incarceration and Over Policing (1970 – Present)

These dates were per the recommendations of the Economic Experts

Open – Still under discussion: - Task Force members agreed that there needs to be more discussion on the time frame for this harm.

-Health Harms (1900-Present)

Open – Still under discussion: The Task Force agreed that there needs to be more discussion on the time frame for this harm.

Member Chair Moore then checked in with the Economic Experts and Task Force for their input on the damage time frames listed, keeping in mind no decisions were expected to be finalized today

Professor Craemer felt the time frames listed made sense, however, Redlining was just one instance of the harm in the Housing category. The challenge is still obtaining the data for these timeframes.

Member Tamaki asked the Economic Experts what the plan should be going forward to capture the required data?

Professor Campbell stated that the Economist are in fact working on providing the Task Force with next steps: Specifically, for if they are unable to obtain or physically analyze the mounds of data that could eventually come in, based on the project's timeline. Their goal is to gather samples of data by which to create

and substantiate a comprehensive measure and methodology that could empower the Task Force to make decisions that would determine the appropriate calculations once the data is available. The Experts hope to have that information at the next Task Force meeting.

Member Montgomery-Steppe raised the issue of Houselessness which still persist today being capped in the same time frame as Housing Discrimination.

Professor Creamer agrees with Member Montgomery-Steppe's sentiment and that Redlining does not encompass all of the injustices of the housing discrimination experienced by African Americans in California. However, Redlining is an in justice that can be clearly linked to a state action and is measurable. He also stated that the thought is that Redlining basically caused the lack of housing opportunities in California and therefore indirectly impacted Houselessness but there are other causes as well. **Professor Craemer** shared his thought that the Task Force should feel free to go beyond Economist Experts base line amount once they obtain any additional data if appropriate. He also offered one recommendation could be to have the state provide an initial down payment with a clear promise that more payments will come as further research is completed and additional data is available and substantiated. **Kristen Mullen** stated that some of this data may exist under the Health Harm as well.

Member Montgomery-Steppe thanked the Experts and then posed a question to DOJ regarding the Community Reinvestment Act and the accountability that goes unchecked. She asked if there have been any subsequent laws enacted post 1977 to further the efforts of that law and if so, might there be data available for collection? Senior Assistant Attorney General (SAAG) Newman agreed to investigate this request.

Professor Craemer did offer to provide alternative model calculations using the same methodology that address the inequities: one model to address the 1977 cutoff date and the other could be a more open model for current housing inequities.

Member Montgomery-Steppe indicated she would appreciate receiving both models and as well as the next steps information.

Member Holder and **Montgomery-Steppe** also noted that that deinstitutionalization and Mass Incarceration also attributed to Houselessness as well.

Chair Moore moved to the 2nd Key Question:

II. Will there be a California residency requirement? If yes, how will it be determined?

The Economic Experts and **Member Chair Moore** provided a status review of the Five Key Questions. Due to the unexpected absence of Member Lewis, the Advisory Committee will update the Task Force with their recommendations at the March 29, 2023, meeting The experts would continue to work with DOJ to get the data to support the harms.

Chair Moore moved to Agenda item #6.

6. Discussion and Potential Action: Subpoena Advisory Committee Report and Recommendations - Presenters: Members Holder and Tamaki with DOJ Research

Member Tamaki introduced the DOJ Research Center and Attorney staff who provided an overview of the final report and recommendations developed as a result of the data received based on the responses of the 58 counties surveyed.

Members Tamaki and Holder also provided a brief overview highlighting the findings of the report as well.

Member Tamaki stated that because the report was just completed a few days ago, the Advisory Committee will provide a more robust presentation and discussion opportunity at the next Task Force meeting. Member Tamaki also stated that the Advisory Committee wanted the public to have access to the Final Report.

The DOJ Research and Attorney Staff presenters, Dr. Randie Chance, Ph.D. Director of the Department of Justice Research Center, Tiffany Jantz, Ph.D. Department of Justice Research Center, Supervisor and Deputy Attorney General Robin Goldfaden.

DOJ Research Center Director, Dr, Chance, provided a brief background regarding the Racial Justice Act and the requirement to provide the availability of specific backup data that substantiates the ability to make claims of racial biases that might hinder the basic rights and due process within the California Judicial system. At the request of the Task Force Subpoena Advisory Committee, a questionnaire was developed in conjunction with the requirements of the Racial Justice Act. This questionnaire was designed to capture data as it pertained to the administrative practices and data collection regarding racial bias within the Justice System of the State of California: This questionnaire was conducted between May 4, 2022 – December 31, 2022.

DOJ Research Center Supervisor Tiffany Jantz presented the highlights outlining the questionnaire results as well as a summary and analysis of the data gathered for the Final Report:

The items discussed were:

- Racial Justice Data Questionnaire: Background
- Racial Justice Data Questionnaire: Participation

- Case Management Systems: Ease of Retrieval
- Demographics Data: Race of Accused & Victim
- Arrest & Matter Data: LEA Charges & Past Convictions
- Release & Custody and Diversion Data
- Prosecution Decisions Data: Declination
- Prosecution Decisions Data: Plea Offer Made & Accepted
- Prosecution Outcomes Data
- Survey Conclusions and Limitations

DOJ Research Center Supervisor Ms. Jantz presented an overview of the questionnaire results as well as the overarching concerns:

- In the absence of requirements for consistent data collection, there appears to be a large amount of discretion, and likewise variability, in what data elements are collected across California District Attorneys Offices, Superior Courts, and select City Attorney's offices and between counties.
- This lack of consistency and absence of data on key variables could present substantial challenges to presenting and evaluating claims of racial discrimination in the criminal justice system and could increase the difficulty of bringing certain Racial Justice Act claims in some California counties more than others.

Member Tamaki thanked the DOJ for assistance and guidance in framing the questions in such a way that the answers were clearer and can be documented. Member Tamaki stated the purpose of the Racial Justice Act was to provide remedy for negating bias into the Criminal Justice System. Obtaining the comparative data was imperative to proving bias in a more meaningful way.

Member Tamaki noted that Assembly Bill 2418 was passed in Session 2122 and called the Justice Data Accountability and Transparency Act. Even though the questions framed for the Advisory Committee survey were released prior to the passing of the Justice Accountability and Transparency Act. The focus of the questions were in alignment but in a more comprehensive and enforceable way. Member Tamaki stated the enforceability portion of the bill had two huge limitations. They were:

- 1. The Justice Data Accountability and Transparency ACT doesn't become operable until 2027. The Task Force should recommend the acceleration of the start date.
- 2. The ability to collect the data requires funding. However, the funding was not approved and is needed to ensure the defendant has the right to compel the agency to access the data for proof bias. The software programing and process should be designed and allow for the ease of collecting the data so that defendants can pull that data easily for and quickly.

Member Tamaki stated that he and Member Holder will report out at the next Task Force meeting regarding the work being done to create a Commission to guide and oversee this process.

Member Holder thanked the DOJ staff for doing such a comprehensive job with grace and expertise.

Member Holder also reminded everyone regarding the conversation with the Economist and the Challenge of securing the appropriate data sets.

DAG Goldfaden shared a concern for the Task Force to consider regarding the time frame of the data collection survey. Her advice was that the survey should have gone as far back as January 2021 for a more complete data analysis. She also raised the point that some of the mechanics that were built into the statute are not yet funded and because of the newness, there may be issues of interpretation that may or may not need a Legislative response.

Member Tamaki stated that the data the survey is collecting will be helpful to the Legislature and should also be helpful in determining next steps, next iterations, and funding.

The Subpoena Advisory Committee's Final Report – Racial Justice Act is available at the DOJ Website at https://oag.ca.gov/ab3121

7. Lunch Break

Chair Moore called the meeting to order and asked Parliamentarian Johnson to call the roll to re-establish a quorum.

Parliamentarian Johnson called the roll.

Members present during roll call included: Chair Moore, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Montgomery-Steppe, and Member Tamaki.

Members absent: Vice Chair Brown, and Member Lewis.

Parliamentarian Johnson stated there are **9** Task Force members and the number needed to establish a quorum is **5**. There were **7** members present, and a quorum was re-established.

8. Witness Panel: Implementation Plans

Kevin D. Brown is a 1978 graduate with distinction from the Indiana University Kelley School of Business, where he majored in accounting. He graduated from Yale Law

School in 1982. After law school, he spent four and a half years working as an associate attorney for the Indianapolis law firm of Baker & Daniels. Professor Brown recently retired from Indiana University after 35 years and joined the faculty of University of South Carolina School of Law. He has published nearly sixty articles or comments on issues related to race, law and education.

Professor Brown asserted that the benefits of reparations, in whatever form they make take, should strongly privilege Black people in the United States who are descendants of two Black, American-born parents. He states that the problem that African Americans have is principally rooted in the dominant culture of American society. From the outset of American society, it was normal for Black people to have less. This belief is century's old and justified slavery and segregation. As a result, the solutions have to address that dominant culture. Professor Brown urges the Task Force to use reparation funds to change the cultural attitudes that have normalize the belief that Black people should have less by building intergenerational wealth and further benefiting the Black community. He also recommended improving K-12 Black History education and the creation of international boarding schools located in stable areas of the developing world for beneficiaries of reparations.

Jalen C. Blocker is a current Doctoral Student in the Department of Psychological Health and Learning Sciences at the University of Houston, Texas. He is a Florida activist and former activities director of a community-based social justice organization located in Tallahassee, Florida. Mr. Blocker served as a coordinator for Distinguished Young Gentle Inc.; a non-profit organization geared toward creating restorative spaces for underserved communities and is a former recipient of a state-funded grant as a direct descendant of the 1923 Rosewood Massacre.

Jalen Blocker began his statement with a historical account of what led to the 1923 Rosewood Massacre, highlighting his connection to the current reparations effort. He contends that racially motivated state-sanctioned violence prevented his family, survivors of the massacre, from thriving. Unfortunately, this experience is not unique to Jalen or his family. In 1994, the Florida legislature held a session to determine the merit of a reparations bill for the citizens of Rosewood. The bill, officially known as House Bill 591, initially sought to divide \$7 million dollars as a direct payment to survivors of Rosewood. After receiving backlash, the amount reduced to \$1.5 million for prior residents and \$500,000 to those who could prove their family owned property. Mr. Blocker recommends that reparations efforts should not be based on the ability to prove lineage because all Black people living today grew from a lineage that was intentionally disenfranchised by racism and state-sanctioned discrimination.

Jon Michaels is a graduate of Williams College, Oxford University, where he was a Marshall Scholar, and Yale Law School, where he served as an articles editor for the Yale Law Journal. He is a Professor of Law at UCLA School of Law. His scholarly and teaching interests include constitutional law, administrative law, national security law, the separation of powers, presidential power, regulation, bureaucracy, and privatization.

Professor Michaels began his statement by praising the Task Force's interim report as a tremendous achievement with the sweep and precision of a great scholarly project and the urgency, sensitivity, and prescriptive clarity of a muscular political paper. He states his appreciation for the consideration of institutional design and governance. Professor Michael contends that is equally important for the Task Force to prescribe the substance *and* set the procedures for a potential new agency providing substantive services and benefits with regulatory and adjudicatory authorities. He strongly endorses a freestanding executive agency that embraces the Civil Service and provides specific security protections to those employed by the agency. He also recommends the new agency host open houses and listening sessions, engage in social media outrage, set up booths at local events, hold meetings in libraries, school cafeteria, and the like; and when passing out business cards, make human beings the point of contact.

Marilyn Vann is President of Descendants of Freedmen of the Five Civilized Tribes Association. She was born in Ponca City, Oklahoma and grew up north of the old Ponca Indian reservation. She received a Bachelor of Science with distinction in Engineering from the University of Oklahoma and spent her career working as an engineer for the US government. She retired from the United States Treasury Department as a General Engineer team leader in 2014, after more than 32 years of government service.

Ms. Vann provides historical context by emphasizing that five Native American tribes, Cherokee, Creek, Seminole, Choctaw and Chickasaw, achieved wealth and power because of Black chattel slavery. These tribes had slave codes and fought for the Confederacy during the 19th Century. At the end of the Civil War, the United States required the tribes to sign new treaties to re-establish the government-to-government relationship. Although these decrees asserted Black tribal members had equal rights, they experienced discrimination and eventually, exile from the tribal nations. In July 2022, Ms. Vann testified before the Senate Indian Affairs Committee at an oversight hearing to provide education and make suggestions on how the U.S. government can better enforce Freedmen's treaty rights. Her suggestions included registering the descendants of tribal freedmen with the Department of Interior, allowing them access to programs (such as access to tribal colleges, health care, etc.) and allowing Freedmen to apply as Indian contractors. Ms. Vann recommends the Task Force seek to use state or federal funding to grant Black descendants of U.S. slaves access to home loan programs, descendants of veterans be granted home loans with similar terms as veterans, and Veterans Affairs educational benefits be made available to slave descendants from all 20th Century wars.

Brandon L. Greene is a graduate of Boston University Law School, where he was a public interest scholar and Martin Luther King Social Justice Fellow. He is currently the director of the racial and economic justice program at the ACLU of Northern California. In this capacity, Mr. Greene provides programmatic vision and leadership for advancing racial and economic justice in the state. Previously, Brandon managed the Civic Design Lab in Oakland and was an attorney and clinical supervisor at the East Bay Community Law Center, where he helped create and lead the decriminalization of

poverty clinic.

Mr. Greene explained the necessity of a governmental office, as a part of the statewide governance structure, that is responsible for advancing and amplifying the various ideas related to systemic solutions for the racialized impacts on Black Californians. As outlined in the Task Force's interim report, Black Californians face several issues. Mr. Greene recounts his professional and personal experiences that demonstrate the need for such an office. While the Task Force has been instrumental in providing for testimony, discussion, and amplification of the issues Black Californians face, there is not currently a mechanism for driving the long-term, sustainable narrative, legal, and policy changes necessary to turn the tide. Mr. Greene recommends that upon its sunset, the Task Force be replaced with something transformational. The lack of social and political power will make legal and policy shifts nearly impossible and argues in favor of embedding the work of reparations and related programming within the government structure.

Ishmal Bartley is a lifelong resident of California. He descends from people formerly enslaved in Central and Southeastern Coastal Georgia. His grandparents came to California from Georgia around 1910 taking up residence in The Furlong Track, one of the first African American communities in Los Angeles. In 2022, Mr. Bartley helped organize The Redress Institute, a think tank, whose mission is to underpin the modern reparations effort with thought leadership, grassroots enablement, and narrative-building data tools. Mr. Bartley holds a Bachelors of Science in Information Systems from California Baptist University and a Masters of Arts in Theological Studies from Liberty.

Mr. Bartley asserted that Black Californians have earned the current opportunity and political moment. Having evaluated the outcomes and insufficiencies of previous initiatives, Freedmen in California and those who share the lineage of chattel slavery, deem it prudent and expedient to request an addition to California Government in the form of two agencies, to be named in a fashion similar to the Commission on Freedmen Affairs and the Department of Freedmen Affairs. Mr. Bartley recommends a two-agency model so that there is a commission that embodies the spirit of the existing Task Force and a Department responsible for drafting regulations and administering programs. Additionally, a two-agency model encompasses ongoing advocacy and administration, both essential functions.

Dr. Margaret Fortune is changing what is possible when you create excellent educational options for Black children. As the President/CEO of seven K-12 public charter schools in Sacramento and San Bernardino counties, with a combined enrollment of more than 1,800 students, her work is pointed towards one North Star—to close the African American achievement gap. Dr. Fortune has founded some of the top majority African American public schools in the state of California. A nationally sought-after education expert, she is often invited to participate in or lead conversations detailing the Fortune School approach to successfully educating Black children. A graduate of UC Berkeley and Harvard University's Kennedy School of Government,

Dr. Fortune served as education adviser to two California governors.

Dr. Fortune presented the Task Force with her *Alternative Equity Multiplier Proposal*. The proposal involves funding any student group that receives performance levels worse than the state on two or more state indicators on the California School Dashboard. Only pupils in those student groups who do not receive other state or federal supplemental funding will receive this Equity Multiplier funding. Pupils funded pursuant to this section shall be deemed to be unduplicated pupils for the purposes of Ed Code section 42230.07 and any other statutes for which resources are allocated based on unduplicated pupil counts.

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

The Task Force suggested that it needs more input from Dr. Fortune and for the DOJ to possibly with Dr, Fortune to correct diction in the report chapter on Education. Also that both a new agency and community based organizations will have important roles following the Task Force's work.

9. Break No break was taken >7:10;22

10. Discussion and Potential Action: Implementation of Potential Recommendations

The Panel comprised of Chas Alamo.

Chas Alamo is a Principal Fiscal & Policy Analyst at the California Legislative Analyst's Office, which provides nonpartisan policy and budget guidance to the Legislature.

How a Bill Becomes a Law

Mr. Alamo stated that all of the Task Force's recommendations included in the final report will require either a new state law or an amendment of an existing state law passed by both houses of the California state legislature and signed by the Governor. He explained that process as follows; It begins when a member of the Senate or the Assembly decides to introduce a bill on a topic. The author will detail the bill or in case of the Task Force, the recommendation, it will be provided a bill number and go to the legislative counsel (The Legislature's Attorney) who will turn the broad idea or outline into statutory language. The bill will then go to the Rules Committee whose job it is to assign the bill to the policy committee(s) with jurisdiction for the topic. This is also where it would be assigned to the appropriations committee if costs are involved. During the policy committee hearing process the public can make comments and the members can ask questions, deliberate and make changes to the bill referred to as amendments. It is important to note that any time a bill is amended it will be rescheduled so the policy committee can hear and discuss the bill again in its newest

reiteration and the public can provide comments. If the bill passes out of the committees and passes a vote by the full house of origin, it proceeds to the other house and the process is repeated. If both houses approve the bill it goes to the Governor who is three choices; one to sign the bill, two take no action and the bill automatically becomes law and three, veto the bill and include a written explanation. A vetoed bill can be overturned by the legislature with a two-thirds vote of both houses.

Pathways a New State Agency or New State Oversight Body is Created Governor's Executive Order: Generally the most common way agencies are created or restructured is through the Executive Branch's Reorganization Process. Through the State Constitution, the California Legislature grants the Governor authority to manage the Executive Branch of Government via the Executive Order Process. Specifically, the Governor submits a plan to the Legislature for independent review. It goes to the appropriate policy committee for public comment and deliberation, however unlike bills the Legislature cannot amend a Governors Reorganization proposal. The proposal is approved by an up or down vote. Mr. Alamo shared that the most recent example was in 2012 when Governor Brown combined several different departments into three state agencies.

Budget Trailer Bill: Another pathway for a new agency or oversite body to be established is through what is called a Budget Trailer Bill. The Budget Trailer Bill can become a state law that occurs during the implementation and negotiation process of the Budget Bill. These bills are proposed by the Governor and negotiated as a part of the annual budget process. An example is in 2019, the Governor proposed to remove the Division of Juvenile Justice out from within the California Department of Corrections and Rehabilitation into the California Health and Human Services Agency. This department relocation went through the Trailer Bill Process and was adopted as a part of the 2019 and 2020 Budget Act.

Legislative Bill combined with a Budget Trailer Bill: This is a hybrid approach that entails two parallel paths where the policy details, program responsibilities, and organizational structure is imbedded in a policy bill and a Budget Trailer Bill includes the fiscal components. In this case the policy bill would not go thru the appropriations committee of either house.

Mr. Alamo concluded by reiterating that the Task Force's recommendations will require new or amended state laws, there are several processes that have been used all of which include opportunities for public comment, member deliberations, and expert input. It is important to note however that in the legislative process amendments could result in task force recommendations being different from what actually becomes state law. He also suggested to task force members be aware that regarding timing, the report recommendations could be first introduced in December 2023, however not heard for the first time until March or April of 2024. Finally, regardless of the path a new agency or oversight body is introduced, all require approval by the legislature and signature by the Governor.

There was questions by the task force, to which most of Mr. Alamo's answers were that there are pros and cons with all approaches and that there is no right or wrong path. Task force members questions centered around the differences between and Agency level entities and Oversight Body entities and considerations by the legislature and Governor. Mr. Alamo indicated that creating an agency level state entity comes with accountability, the ability to organize and oversee all functions uniformly, it is high profile and operates at the cabinet level in the Executive Branch. An Oversight body is generally simpler to construct, will take fewer resources and fewer staff. It will have the opportunity to take advantage of agencies already performing similar functions, and can distribute functions to existing agencies. He confirmed that there are a few state commissions and boards that enjoy autonomy from legislative and governor oversight like the University of California Board of Trustees and the Public Utilities Commission.

SAAG Michael Newman reminded the Task Force that it would be helpful to provide direction to the DOJ via a vote about how it would be implemented and the scope at tomorrow's meeting for purposes of including it in the final report

11. Discussion and Potential Action: Communications Advisory Committee Comments and Communications Firm Implementation Plan Updates and Outcomes

Chair Moore turned the meeting over to **Dr. Shawna Charles** of the Charles Communication Group (CCG) for an update on some of the February activities that CCG had been engaged with to create more community outreach and exposure for Task Force members.

Dr. Charles provided an update on some of the February activities and shared some of the CCG's potential planning events

February activities

- Booked and coordinated media interviews for Task Force Members.
- Conducted media outreach for Sacramento public meeting participation.
- Conducted media coaching and messaging and talking points.
- Delivered long and short versions of Interim Report Executive Summary PowerPoint presentation for Task Force member use.
- Presented Task force update to Sacramento Mayor's office.
- Conducted briefing with the Governor's office.

Launched social media program and calendar.

- Co-created Broadcast Public Meeting informational radio spots on KBLA 1580 AM (Los Angeles) and KDEE 97.5 (Sacramento).
- Conducted a Media Briefing with California Black Media and Ethnic Media Services for 80+ media representatives featuring Secretary of State Dr. Shirley Weber and Task Force Members Jones-Sawyer and Tamaki. Media briefing

- was translated to Spanish, Korean, and Mandarin.
- State of Reparations Panel Hosted by Baptist Ministers Conference and Southern California Christian Leadership Conference (SCLC).

Looking forward

- Collaborate with the ACLU to support public awareness campaign.
- Coordinate and manage media opportunities.
- Continue providing social media assets.
- Identify opportunities to collaborate with community organizations
- Support Task Force and update documents as needed.

Ms. Charles thanked the organizations and reporters for their support and for helping with the CCG Communications strategy as well as combating any misinformation that was being shared with the public.

Ms. Charles then shared a video produced as public message of the Task Force hearings. She also shared a video that was created for the Baptist Ministers Conference.

Task Force Comments and Questions

- Jones-Sawyer recommended that the video be circulated to all Task Force members and to organizations.
- Chair Moore would like subcommittee materials circulated to all Task Force members
- MS .Charles stated she would make sure all Task Force Members receive the requested copies.

12. Witness Panel: Local Municipal Reparations Efforts

The panel comprised of representatives for the city of Richmond

Demnlus Johnson III was born at Brookside Hospital and grew up in the Iron Triangle. After graduating from Howard University, he returned to Richmond to serve his community. In the 2018 election cycle, he made history by becoming the youngest person ever elected to the Richmond City Council. Before becoming a councilperson, he served as Chair of Richmond's Economic Development Commission, and as a member of the Community Police Review Commission. He is currently working on a number of initiatives in the City of Richmond and as the CA Policy & Government Relations Manager at Jumpstart for Young Children Inc.

Trina Jackson-Lincoln is the City Council Liaison and Project Coordinator. She joined the City of Richmond team in 1995, as an Admin Aide in the City Manager's Office. During her tenure, she has supported the City Council, assisted members of the public to navigate municipal government, facilitated community events and managed the office of the Richmond City Council. She is the team lead of the Richmond Race

Equity Team and the staff liaison for the Sister City Program, the Youth Council and the Richmond/AC Transit Interagency Liaison Committee.

LaShonda White has over sixteen years of experience working with the City of Richmond (her hometown) and currently serves as the Deputy City Manager over Community Services and leads the Richmond Department of Children and Youth. Ms. White has worked on special projects, developed and managed various grant programs providing millions in funding to local organizations, and managed consultants to conduct community needs assessments and strategic investment plans.

The speakers indicated that the City of Richmond's Reparations Program intends to improve outcomes for the Black community with the following proposals: increased access to procurement contracts for Black-owned businesses, expanding Richmond's Facade Improvement Program throughout the city so individuals can improve their storefront in all of the business corridors, and enacting a Cannabis Equity Ordinance that will have set aside funds for survivors of the War on Drugs, who are primarily Black people, to get permits for storefronts, delivery services, and grow operations. Additionally, reparations efforts seek to develop a Cultural District Initiative by establishing areas and business districts within Richmond that reflect the heritage of its residents, pass a resolution acknowledging the racism and wrongdoings of the past, establish Heritage Trails that highlight people, places, and events, and include Black art aspect in the existing art tax. The Community Services Department would create a Multicultural Program and/or other events highlighting Richmond's Cultural Diversity. Finally, the City of Richmond would adopt the *Racial Equity Plan* created by the City of Richmond's Government Alliance on Race and Equity (GARE) Team.

13. Discussion and Potential Action Item: DOJ Updates

Special Assistant Attorney General Brown informed the Task Force members that the DOJ staff has been diligently working to complete the Draft Reparations Report for the Task Force final review and consideration in preparation. of the next meeting.

Based on the Doodle Poll results and quorum requirements, the next 3 meetings have been confirmed. The meeting dates are:

March 29th and 30th Draft review May 2nd – Final Report approval June 30th Report will be finalized and printed.

The March 29th and 30th, May 2nd meetings will be virtual

Member Bradford suggested that the last three meetings were critical and should be in person. Chair Moore and Member Tamaki agreed, stating that there was no substitute for in-person face-to-face meetings. Believed that the media coverage would be significant for next meetings, and would be national. There is no greater priority than these last meetings.

Chair asked for a motion.

MOTION

Vice Chair Brown moved to hold the March 29th-March 30th, May 2nd, and June 30th Task Force meetings in-person. **Member Tamaki** Seconded the motion.

Chair Moore asked for discussion. The only question was where the in-person meetings would be held. Chair Moore stated that that issue would be addressed following the vote on the pending motion. There was no further discussion,

Chair Moore asked Parliamentarian Johnson to take the vote.

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

Nays: 0

Absent: Member Holder and Member Lewis

There were 7 members present and voting: 7 Ayes, 0 Nays,

The chair announced that the motion passed.

Chair Moore then asked for a motion to determine the location of the March 29th, March 30th, May 2nd, and June 30th meetings.

There was discussion as to the location of the in-person meetings.

There was discussion as to whether having the June 30th meeting was logistically practicable and available. The other issues included 'media marketability' of the selected sites.

The Task Force agreed to move the location discussion to March 4, item # Unfinished Business. SAAG Brown agreed with the decision.

14. Chair Moore recessed the meeting until the next day, until March 4, 2023, at 9:00 a.m.

March 4, 2023

Redressing the Harms Delineated in Report 1

15. Chairperson Call to Order

Chairperson Moore called-the 4th day of the March 2023 AB 3121 Reparations Task Force meeting to order at 9: a.m., on Saturday, March 4, 2023.

Chair Moore asked Parliamentarian Doreathea Johnson for a roll call vote to establish a quorum. Parliamentarian Doreathea Johnson called the roll.

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

Absent: 0

Parliamentarian Johnson stated there are 9 members on the Task Force and the number necessary for a quorum is 5. There were 9 members present at the time the roll was called, and a quorum was established.

Chair Moore stated we were at Agenda Item 16, Public Comment and turned the meeting over to Aisha Martin Walton to proceed with Public Comment.

16. Public Comment

Aisha Martin-Walton moderated the public comment portion of the meeting agenda and confirmed the time allotted for public comment, there was a hybrid audience, some in-person and others participated virtually. There were approximately 37 comments, 25 in-person and 12 comments provided via the phone line. Public comments reflected individuals, businesses, and community organizations in support of reparations. Several commenters thanked the Task Force for their work. Some commenters expressed their concern with the use of language that is not specific to descendants of American Slavery. Several commenters suggested that reparations respect Black Americans humanity, publicly acknowledge generational harms, and guarantee non-repetition. Some other suggestions for reparations proposals include establish a hate crime bill to protect Black Americans, address health care and wealth disparities, investment in community and recovery centers, free land, and direct, monthly cash payments. Commenters also expressed concern over possible eligibility requirements and the burden it may place on those who are not able to produce relevant records.

Item #19, Special Acknowledgements.

17. Special Acknowledgements

Chair Moore acknowledged Sacramento Mayor Darrell Steinberg.

Mayor Steinberg welcomed everyone to the city of Sacramento and praised the Task Force and Community Organizations for the important work that is being done to address the disenfranchisement of African Americans. Stated that he supported reparations and believed everyone should. Offered an apology as the Mayor and offered his voice in support of the of the TF's efforts,

18. Discussion and Potential Action: Advisory Committees' Recommendation(s) on Educating the Public and Formal Apologies: Member Tamaki and Member Grills

Chair Moore called for a five-minute break at the request of Member Tamaki

Chair Moore asked Parliamentarian Doreathea Johnson for a roll call vote to reestablish a quorum. Parliamentarian Doreathea Johnson called the roll.

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

Parliamentarian Johnson stated there are 9 members on the Task Force and the number necessary for a quorum is 5. There were 9 members present at the time the roll was called, and a quorum was established.

Member Tamaki opened this discussion as a preface to the Public Education Plan that relates to some concerns regarding the Task Force's vote on Lineage and Eligibility made in March of 2022. Member Tamaki expressed that he wanted to remove any doubt there might be regarding the support of that vote, from both he and Member Grills, as well as the entire Task Force. The purpose of deliberation is prior to the vote. Once that vote is taken, the Task Force has spoken, that is the decided direction, and every Task Force member is duty bound to carry out the will of that vote. Member Tamaki went on to say, from a personal perspective, the reality is that Foundational Black Americans are a specific harmed class of defendants that until now has been invisible and fallen to the bottom of every meaningful metric in California. The harms inflicted on Black Americans need to be acknowledged and should absolutely be recognized whether in compensation or policy.

Member Tamaki then turned the meeting over to **Member Grills** for the presentation:

Member Grills opened the presentation by reminding everyone that the charge of the AB 3121 Public Education Plan was to recommend appropriate ways to educate the California public of the Task Force's findings and future reparations actions to be taken by the State.

GOAL OF PUBLIC EDUCATION

• Educate the CA public: of the Task Force's Findings (Interim Report and Final Report)

- Build a collective base of knowledge to inform racially diverse communities, of the justice and need for reparations by appealing to different ways of learning
- Expand reparations discussion into mainstream conversations to increase the understanding and support of future legislative actions necessary to implement the Task Force's recommendations.
- Inspire reflection and action among residents of California

Members Tamaki and Grills further explained the importance of Public Outreach as a means to connect with other communities (e.g., Asian, Latin-X/Latino, etc.) and to advocate why reparations is needed as well as to garner support and shape the narrative for future legislative action insures the guarantee of non-repetition.

TIMELINE FOR IMPLEMENTATION

ACTION #1: (Implement during term of the Task Force)

• PowerPoint

-Master PowerPoint summarizing chapters of the Interim Report for Task Force member use Developed by CCG

Messaging

-Reparations is a "justice" and "humanitarian" issue that should matter to all Californians

Principles: Slogans, taglines, quotes, metaphors, infographics

• Point-Counterpoint Messaging

-Final Report: "Point Counterpoint" list of reparations denunciations and Responses

Principles: To be developed by the committee in collaboration with Darity and Mullen

• Curriculum

-In talks with two U.C. Berkeley School of Education Professors to develop a curriculum aligned with the Interim Report.

Principles: Travis J. Bristol, Ph.D. and Tolani Britton, Ed.D.

Racist Laws and Cases

-To show how deeply racism shaped policies, laws, and judicial outcomes of the nation and California

Principles: LMU Law School and African American Studies Dept.

• Coordination

12 Episode Docuseries Episode 1 released the day of submission of final report

Interim Report Endorsements:

-To date, there are 67 Organizational Endorsements of the Work of the Task Force, the Interim Report, and/or the Study of Reparations Endorsements.

Principles: Urban Winter Entertainment, Inc. and SFTV

ACTION #2 (Actions included in the Final Report as recommendations to the Legislature to advance public education):

• Curriculum:

-The curriculum was based on the Interim Report and the retained experts will continue curriculum development through 2023 and possibly 2024. It is recommended that this curriculum be incorporated into public schools at the appropriate grade level. The curriculum could also be used by the general public,

• Hard Copies of the Interim Report

-Hard Copies of Interim Report will be made available to public spaces such as libraries, etc.

Public Education Fund

To be established to educate the public about American history as discussed in the Interim report and could pay for other types of curriculum such as audio books, art displays, and literary works, etc.

THE APOLOGY (For Task Force Consideration):

- The apology should be housed in its own chapter.
 Synthesize all apology mentions across chapters into one section.
 This will make it easier to navigate and allow media to access all apologies in one place.
- Apologies should include specific political leaders that were complicit to the harm done (for example, Governor Hardeman Peter Burnett)
- The gravity of the harm done can also be represented visually.

Chair Moore opened the floor for discussion:

As part of the rework being done to involve and gain support from outside organizations, Member Tamaki thanked Vice Chair Brown for the opportunity to

speak to the inter-faith counsel, which may garner endorsements from various religious organizations.

Vice Chair Brown announced that the San Francisco Democratic Central Committee voted unanimously to support Reparations. Vice Chair Brown confirmed that the 20-members of inter-faith counsel will possibly join the recommendation movement.

Member Jones-Sawyer stated he will ensure the Interim report is distributed to the office of the LA Democratic Party. He also believes it to be very important to garner as much community support as possible so that AB3121 can be successfully pushed through the Legislature and ultimately signed by the Governor.

Member Holder asked if the Interim Report will also be distributed to the collegiate libraries as well because students can be a tremendous catalyst?

Member Grills agreed that it makes sense to include collegiate colleges, particularly UCs and California States universities, but to also include private universities. Member Grills stated that complimentary copies of the Interim Report could be sent to the private colleges.

Member Tamaki announced that a website (supportreparations.org) has been created by the John M. Langston Bar Association and the Japanese Bar Association that houses the endorsements made by organizations that support the Reparations effort. The website allows access to endorsement templates that are readily available; however, some organizations are choosing to create custom endorsement letters supporting Reparations. Member Tamaki notes that he is the contact person for the endorsement recommendation letters and the website is updated multiple times daily. He also encourages other organizations who want to make their own endorsement lists to please do so as it extends the outreach and support.

Chair Moore had concerns about docu-series and whether the Task Force can endorse this work effort? Member Grills stated that the people are professional, self-funded, and had their own team, producers, and directors and with each episode, the team changes. Member Grills noted that this is a gift to the Task Force and that Task Force members as well as Anchor organizations may be asked for interviews/input as well as to share their expertise. The first episode should be ready by the release of Final Report. Chair Moore stated she will follow-up privately for more information. Chair Moore also asked if the docu-series creators would provide Task Force members with the deck or slide show presentation on the series.

Member Grills stated she will follow-up and ask them.

Member Bradford asked the DOJ whether the Legislature and Governor's Office have received a hard copy of the Interim Report. If not, it should have been distributed to them. SAAG Brown stated the report had been transmitted to the Legislators, but he was not sure if they have a hard copy. SAAG Brown offered to mail copies of the

Interim Report to all Legislators. **Member Bradford** stated that the Governor's office should be at the top of the list to receive a hard copy of the Interim Report. **Member Bradford** offered to assist with the distribution to those Legislators who have not yet received a hard copy of the Interim Report as well as insuring the Governor's office has a hard copy. **Chair Moore and Member Grills** requested that hard copies of the Final Report should also be made available and distributed accordingly as soon as possible.

There were no further questions or comments.

MOTION

Member Tamaki moved that the various apologies contained in the proposals be aggregated into one separate chapter with the means to segue into the designated chapter. Each proposal could have a reference directing the reader to the chapter on Apologies as a matter of formatting but the substance of the apology and the various topics of apologies will be placed into one chapter.

Vice Chair Brown Seconded the motion.

Hearing no discussion, **Chair Moore** asked **Parliamentarian Johnson** to take the roll call vote.

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

Nays: None

Abstentions: None

Parliamentarian Johnson stated that there were 9 Task Force members present and voting, there were 9 **Ayes**, 0 **Nays**, and 0 **Abstentions**.

Chair Moore announced the vote and that the Motion Passed

SAAG Newman stated he would also include the specific political leaders that were complicit to the harm done (for example, Governor Peter Burnett) in the Apology section as requested from by the Public Education Plan Advisory Committee.

Chair Moore asked regarding the Docu series being developed, can they present the Deck/slide show of what the slide show will entail. Member Grills indicated that she would ask.

20. Lunch (taken out of order)

Chair Moore suggested that in the interest of time, the Task Force agreed to take a

lunch break and return around 1:20 PM. and move to Agenda Item #19

Chair Moore asked Parliamentarian Doreathea Johnson for a roll call vote to reestablish a quorum. Parliamentarian Doreathea Johnson called the roll.

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

Parliamentarian Johnson stated there are 9 members on the Task Force and the number necessary for a quorum is 5. There were 9 members present at the time the roll was called, and a quorum was established.

Chair Moore acknowledged and thanked California State University, Sacramento for the slide show regarding the timeline of reparations, created by CSUS. A timeline of Reparations Movements in the United States between 1783 to the present shown during the break before moving to agenda item #19.

19. Discussion and Action Item: Advisory Committee's Final Recommendations on Potential Remedies, Remedial Programs, Laws, and Apologies for Atrocities in Interim Report, Part 1

Chair Moore opens this discussion by providing an overview of the contents and recommendations of the Interim Report that was organized into 12 Chapters and centered around the **Badges and Incidents of Slavery** that encompass the specific areas of discrimination both nationally and within California. The areas addressed were:

- Enslavement
- Racial Terror
- Political Disenfranchisement
- Housing Segregation
- Separate and Unequal Education
- Racism in Environment & Infrastructure
- Pathologizing Black Families
- Control Over Creative, Cultural, and Intellectual Life
- Stolen Labor and Hindered Opportunity
- Unjust Legal System
- Mental and Physical Harm and Neglect
- Wealth Gap

Potential Final Proposal: Chair Moore re-raised for discussion the proposed creation of a new California American Freedmen Affairs Agency. For a historical reference, Chair Moore provided an overview of the original Freedmen's Bureau established in 1865 had the authority to supervise labor relations in the South, with the mandate to provide education, medical care, and legal protections for formerly enslaved African

Americans, along with the authority to rent out and eventually sell allotments of abandoned or confiscated land to free African Americans. The Task Force previously voted to recommend such an agency, to be called the **California American Freedmen Affairs Agency (CAFAA).** Chair Moore sought to clarify the proposal. She laid out the recommended mission of the CAFAA as to provide perpetual special consideration to descendants of American slaves or the American Freedmen ("Descendant") community in California. The CAFAA would primarily provide reparatory justice services and programs directly to the Descendant community, and she believed it should provide the following services:

- 1. Provide services to the Descendant community through contracts, grants, or partnerships with community-based organizations, private entities, and other local, state, and federal agencies (with obligatory oversight and auditing by CAFAA OGC; and CFO).
- 2. Identify how past state sanctioned atrocities have perpetuated and created new iterations of badges and incidents of chattel slavery.
- 3. Work with the aforementioned, and other entities to eradicate any lingering badges and Incidents.
- 4. Suggest policies to the Governor, State Legislature, and other entities designed to repair the Descendant community for these badges and incidents.
- CAFAA would be comprised of specialized offices and branches dedicated to assisting with the implementation and operation of policies and programs being considered for recommendation herein.

Preliminary Recommendation:

California American Freedmen Affairs Agency Reparatory Justice Branches

- Genealogy
- Office of Immediate Relief
- Civic Engagement/Self-Determination

Office of General Counsel

Chief Financial Officer

Office of Strategic Communications

- Strategic Partnerships Branch
- Community Support Branch

Reparatory Justice Branches

- Education
- Social Services/Family Affairs
- Creative, Cultural, and Intellectual Life

Other Potential Final Proposals

Enslavement:

• Enact legislation to create compensation fund for all direct descendants of American slaves forced to labor specifically in the state of California (i.e., Descendant Legacy families in Coloma, CA).

Mental and Physical Harm & Neglect:

- Establish and Fund Community Wellness Centers in Black Communities
- Fund Research to Study the Mental Health Issues within California's Black
- Youth population and to address rising suicide rates among Black Youth.

Unjust Legal System:

 Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons and provide access to Those Who Are Currently Incarcerated and Eligible to Vote.

Separate and Unequal Education:

 Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities

Housing Segregation:

- Provide Property Tax Relief to Descendants, Living in Formerly Redlined Neighborhoods, who Purchase or Construct a New Home
- Provide Shared Appreciation Loans and Subsidized Down Payments, Mortgages, And homeowner's Insurance

Potential Compensation Proposals

Model #2 - State Specific Harms and Atrocities Framework

Important Framing Questions:

- 1. What are the damage time Frames? This becomes even more important for the prioritization of Black Descendants of persons enslaved in the United States.
- 2. Will there be a California Residency requirement? If yes, how will it be determined?

- 3. What year determines the beginning of the harm? Are there different starting points and end points for each atrocity category?
- 4. Will direct victims and/or Black descendants of U.S. Slavery be compensated?
 - Who: Lineage-based/direct victims/family members?
 - What: Residency Requirements?
 - When: Time frame for each atrocity and harm-based on economic evidence.

Tenets of Model Eligibility-Time-Residency

Define the **Community of Eligibility** based on lineage determined by an individual being an African American descendant of a chattel-enslaved person or the descendant of a Free Black person living in the US prior to the end of the 19th century.

Harms and Atrocities:

- 1. Unjust Property Takings by Eminent Domain
- 2. Devaluation of Black Businesses
- 3. Housing Discrimination and Houselessness
- 4. Disproportionate Black Mass Incarceration and Over-Policing
- 5. Health Harms

Chair Moore then asked for a motion to approve her proposed scope and to recommend the CAFAA be created as a full-fledged agency and not to only be classified as a monitoring or oversight body but to implement full direct reparatory justice.

MOTION 1

Vice Chair Brown Moved to establish the new independent agency known as the California American Freedmen's Affairs Agency adopting the action and suggestions presented in Chair Moore's power point presentation.

Member Montgomery Steppe Seconded the Motion.

Chair Moore called for the Discussion:

Member Grills stated that the Task Force had already voted on and passed this item in the last meeting (January 2023) and that motion was made to have a new agency but to scale back the scope of the new agency being recommended; not to include community-based entities. Therefore, there was no need to vote on the same item again. Parliamentarian Johnson stated that the pending motion was in conflict with the action taken during the prior meeting and asked for a clarification as to what occurred during the last meeting so that the Task Force members were clear as to what they were voting

on.

Chair Moore expressed her belief that the motion previously voted on was around the involvement of community-based organizations. She further stated that Vice Chair Brown's motion was to override what was voted on during the last meeting.

Vice Chair Brown's point of information was that his motion was to establish a new agency and community-based organizations had nothing to do with his motion.

As set forth by the maker of the motion, the entire report and actions in the report, which included the role of community-based organizations and establishment of an independent agency, was included in the motion pending.

For clarification purposes, **Chair Moore** asked **Member Grills** to restate the existing motion that was voted on and approved at the last meeting (January 2023).

Chair Moore read the prior motion and stated that the pending motion was 'in the spirit' of the motion passed during the last meeting.

Member Holder stated his belief that the decision had been made previously and the issue settled.

Vice Chair Brown called for the question: e.g., end discussion.

Chair Moore called for the vote but was advised that a second to the motion to end debate was needed.

Parliamentarian Johnson explained the procedure and **Chair Moore** asked for a second to the motion to end debate.

There was no second voiced. The motion died due to a lack of a second. The discussion continued.

Discussion continues

Members Tamaki and Lewis shared their thoughts on this issue: Suggestions were the need to identify which services/functions would be assigned to The Agency and which would be assigned to the CBO's. Member Tamaki also noted that there are some services that are not being provided by any agency and advocates that the CAFAA becomes an entity that serves that; however, if it recreates any service that is already provided, it may be detrimental or difficult to perform. If there is a motion for reconsideration than we should have what the CAFAA does and does not do listed. He stated that based on the conversation it looks like the CAFAA would be a hybrid entity. Some of the tasks identified need to be included. He added the question is whether CBOs should have a role in the agency or should the agency provide oversight and necessary administrative and direct services.

Vice Chair Brown suggested a hybrid of both the recommendation being considered and the existing motion that was approved. The Agency is to make sure that things are done.

Member Holder Stated that the issue had been addressed in a robust discussion as well as raising the concern that some functions require decades of development. This agency should have oversight and authority.

SAAG Newman read the actual motion statement from the prior Task Force meeting. After an in-depth discussion by Task Force members, Member Grills clarified her concerns with the CAFAA recommendation.

Member Grills explained that she agreed there was a need for a new agency. She thought the scope was too broad as presented in this meeting. Community Based Organizations (CBO's) are part of our community, and they are part of the descendant community. They have been the support for our community during our darkest times and our greatest needs. They are known and trusted by our communities. They are doing the work now serving thousands of members of our communities across the state and they have data that substantiates their effectiveness. Her question is why the Task Force would not want to reinforce the social safety net for our neighborhoods and our communities with the partnership of CBO's?

Lastly, **Member Grills** stated that having community input is important. Approximately 40 Black-led service organizations across the state of California have reached out to various Task Force members that do want to be involved in the repair of our neighborhoods. There has been more community input than just the attendees at the Task Force meeting, and we should pay attention to that input and feedback as well.

Chair Moore stated that the proposed agency that is under current consideration would provide wholesale direct services to the descendant community even if their so-called services are a duplication. It would also provide oversight to existing agencies. She also stated that this presentation does not cut CBO's out of the process, they are just not centered. She recommended that be included as part of the proposed agency's Strategic Partnership Branch. These partnerships would include not only CBO's but also private corporations, as well as other public and private entities to determine how to eradicate the badges and incidences to slavery identified in the Interim Report.

Member Montgomery-Steppe stated that the Task Force has a duty to think of a best-case scenario. She also stated that she agrees with **Member Grills**. The larger issue is ensuring the policies and programs get implemented.

Chair Moore asked DOJ to weigh in on the discussion. SAAG Brown indicated that both DOJ and the Task Force extrapolate that an agency would provide direct services when none are being provided and oversight of those agencies that are engaging in activities that you have identified that need to be done. In essence, the CAFAA would

fill the gap of what isn't currently being done and provide oversight for both scenarios. This structures how the agency would operate along with the option to provide direct services when appropriate.

SAAG Newman said from a DOJ perspective, the Task Force has already given direction as to how they should draft the final report. The Task Force would then see the drafted form at the next Task Force meeting. DOJ will execute based on the direction of the Task Force on this point and moving forward. **SAAG** Newman pointed out that it is extremely important there is a clearly stated motion that gives direction of exactly how to proceed.

Member Holder requested that DOJ provide access to the meeting minutes of the January 2023 meeting in which Member Grills' previous motion was discussed and resolved so that everyone could be clear on the motion statement because she believes the motion did actually state the hybrid solution.

Once all discussions had occurred between the Task Force members and DOJ regarding the CAFAA agency, Chair Moore called for a motion.

Parliamentarian Johnson first reminded everyone that there was still a motion on the floor, which had to be withdrawn in order for the Task Force to reconsider a motion that had already been voted on and approved. The motion in question would require two-thirds vote to rescind the vote from the previous meeting, and had to be presented by a person that was on the winning side of the motion being rescinded.

Vice Chair Brown then moved to rescind the January 2023 motion that was voted on and passed to introduce a new motion for the CAFAA agency.

Parliamentarian Johnson advised **Vice Chair Brown** that because there was already a motion on the floor to adopt Chair Moore's Power Point presentation and recommendation, he could not make another motion.

Both Vice Chair Moore and Member Montgomery -Steppe withdrew the motion that was currently on the floor to clear the way for a new motion.

MOTION 2

Vice Chair Brown moved to rescind the motion that was voted on and passed at the last Task Force meeting (January 2023) regarding the functions of the CAFAA.

Member Bradford Seconded the Motion

Chair Moore then asked Parliamentarian Johnson to take the vote:

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

Nays: Member Grills, Member Holder

Abstentions: Member Bradford and Member Jones-Sawyer

There were 9 Task Force members present and voting, there were, 5 Ayes, 2 Nays, 2 **Abstentions**

A two thirds (6) vote was not obtained, therefore the motion failed.

Member Grills offered to make a motion that amends the January 2023 previous motion for clarification.

MOTION 3

Member Grills made a new motion that amended the motion that passed during the January 2023 meeting. Member Grills moved that a new agency, CAFAA Agency, be established that would provide those necessary services, direct and administrative, that are not currently being provided by any other agency and oversite where services are already being provided with the option to provide direct services where necessary.

Member Bradford Seconded the motion

Member Jones-Sawyer called for the Question:

Motion was seconded

Chair Moore asked the Parliamentarian Johnson to take the vote on the "Question":

Parliamentarian Johnson took the vote:

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

Navs: None

Abstentions: None

There were 9 Task Force members present and voting, there were 9 Ayes, 0 Nays, 0 **Abstentions**

The motion passed. The debate/discussion ended and Chair Moore asked the Parliamentarian to take the vote on the pending motion,

Before taking the vote, Chair Moore asked DOJ staff to restate the motion: Member Grills restated the motion as follows:

The motion restated as to recommend to the Legislature that a new agency be established to provide necessary services, direct and administrative, that are not currently being provided by existing state agencies, and to engage in oversite of other agencies where services are already being provided by those agencies, retaining the option to provide direct services where necessary.

Chair Moore wanted to be assured that CAFAA would be considered an agency.

Member Grills confirmed that her motion opened by stating the word "Agency"

Chair Moore then asked Parliamentarian Johnson to take the vote:

Parliamentarian Johnson took the vote:

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

Nays: None

Abstentions: None

Parliamentarian Johnson reported that there were 9 Task Force members present and voting, there were 9 **Ayes**, 0 **Nays**, 0 **Abstentions**.

Madam Chair restated the vote and that the **motion passed**.

21. Discussion Action Item: Advisory Committees' Final Recommendations on Potential Remedies, Remedial Programs, Laws, and Apologies for Atrocities in Interim Report Part II, Presenters: all Task Force members

SAAG Newman stated that all of the Advisory Committees have been incredibly helpful in developing and presenting all of the different proposals. The Draft report will be presented at the next Task Force meeting. As a result, DOJ would now like to address the Task Force as whole with a number of questions for clarification in preparation for the Final Report.

Question: Eligibility Categories- various advisory Committee have developed policies that are universal, such as the Death Penalty or Minimum Wage. Others have chosen to focus more on Descendants and/or the Black community. There is also a definitional issue on some of the components. For example, how the Black Community is identified. Some components will be applied more generally, and others will be applied narrowly. DOJ would like the Task Force members to provide a set of parameters that DOJ could follow.

Chair Moore stated that the language used should be in alignment with the Lineage

Motion that was passed under the Lineage Motion. She stated all proposals should be updated to reflect the spirit of the Lineage Motion. **SAAG Newman** confirmed that the DOJ would adhere closely to the language in the statute and take into account the motion.

Chair Moore and Vice Chair Brown stated that the Statute is lineage-based and all proposals in terms of the Beneficial Class should be lineage-based, and not race conscious. Needs to be race neutral.

SAAG Brown raised the issue of whether or not policies that deal with certain harms like the death penalty should only be for the Beneficial Class. **Member Tamaki** raised the point that certain harms could be addressed on the premise of stopping the harm. The harm class can be identified as descendant class. As a result, some proposals can do both. This could be delineated on each of the proposals.

Member Lewis suggested that defining the Community of Eligibility could provide more rationale to the discussion.

SAAG Newman suggested a walkthrough of the Formatting of the Final Report with the Task Force for their feedback. See Agenda Item #22

22. Discussion and Action Item: Organization and Formatting of Final Report

AB 3121 Task Force Meeting Organization and Formatting of the Final Report

SAAG Newman did a preliminary review of the Formatting of the Final Report for the Task Force.

Task Force members provided suggestions and feedback to DOJ during this review. **SAAG Newman** stated DOJ will take a careful review of the video to ensure the recommendations and feedback provided is captured accordingly.

Proposed Overall Organization of the consolidated Policy Proposals

Part I: Updated Executive Summary

Part II: Interim Report Chapters

Part III: International Reparations Framework and Examples of Other Reparations Schemes

Part IV: How the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants co

Part V: Economic Expert Analysis and Final Recommendations of Task Force

Regarding Calculations of Reparations and Forms of Compensation and Restitution Proposed Overall Organization continued

Part VI: Policy Recommendations to the Legislature

Part VII: Report on Racial Justice Act Implementation

Part VIII: Bunche Center Report on Community Engagement and Input through Community Listening Sessions

Chapter IX: Concept or Themes for Curriculum Built around the Task Force's Report and Other Recommendations for Educating the Public

Part X or Appendix: Compendium of Statutes and Case Law that Contributed to an Unjust Legal System

SAAG Newman then asked for a Motion from the Task Force for the DOJ to go forward with the development of the Report.

Discussion

Chair Moore offered an addition to Part III, on Genocide, with both a historical and contemporary analysis post 1988 when US ratified the Genocide Act.

During discussion, Chair Moore wanted to add a section on genocide with a historical and contemporary analysis

Vice Chair Brown offered an addition on gentrification.

Member Tamaki suggested footnotes for the international section and questioned whether repetition in several sections that might dilutes the reference. Might be better served to referencing sections rather than repeating the information verbatim.

Member Holder suggested a review by DOJ to access the logic of placement of certain provisions.

Member Montgomery-Steppe recommended that housing be a fundamental right and pro bono legal services and the language throughout be more affirmative. SAAG Newman confirmed that this and all other direction would be incorporated.

Chair Moore stated that the Task Force should be tracking pending relevant US Supreme Court cases. SAAG Newman agreed.

SAAG Newman advised THAT A MOTION was needed to authorize the DOJ to continue its work on the draft report with the input provided.

MOTION: Member Tamaki moved that the Task Force adopt the existing

organization and formatting of the final report subject to the additions identified during the discussion.

Vice Chair Brown seconded the motion.

Chair Moore asked for discussion and hearing none asked Parliamentarian Johnson to take the vote.

Parliamentarian Johnson took the vote.

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

Nays: None

Abstentions: None

Absent: Member Bradford, Member Jones-Sawyer

Parliamentarian Johnson stated that there were seven members present and voting, there were 7 **Ayes** and 0 **Nays** and 0 **Abstentions**.

Chair Moore restated the vote and stated that the motion passed

Chair Moore asked DOJ about the waiving of the Task Force Advisory Committee report backs, to which SAAG Newman advised that Advisory Committees have completed their duties, drafted the recommendations and are done with their work. He thanked all for their hard work, clarity and direction on their recommendations. Now the work shifts to individual Task force members reviewing the draft and providing feedback on an individual basis and providing Task Force votes through final approval.

Chair Moore advised that the Advisory Committee on the Agency needs more work. She further stated that the motion that was passed was an Agency that would provide direct services and oversight. She requested assistance from DOJ to identify where there might be Branch overlap. SAAG Newman that DOJ would welcome all input as the draft report is compiled per the Task Force's direction, and members could continue to give direction and input through the next iteration of the report.

23. Break (There was NO BREAK and Chair moved to Item #24)

24. Discussion and Potential Action regarding: Recommendations to Legislature for urging Federal Action:

SAAG Newman reminded the Task Force that this item was included on the agenda because of a request from the last meeting. **SAAG Newman** noted that all recommendations for Congress must come directly from the State Legislature. More

specifically, the State Legislature would issue the recommendation as the sense of California. This type of recommendation would eventually be passed to the Federal Legislature by State Legislature.

Because all Advisory Committee work is complete, any recommendations for Congress that Task Force members have can be submitted to DOJ in list format. However, in the essence of time, recommendations should be submitted to DOJ by the end of the following week (March 10th). The list will be included in the draft of the Draft of the Final Report and can be voted on by the Task Force during the next scheduled Task Force meeting.

Chair Moore noted that the Draft Report needs to be updated to reflect the requirement change that recommendations must come directly from the State Legislature to Congress, SAAG Newman agreed to make that change.

25. Discussion and Action item: Next Agenda: Task Force Members

SAAG Newman stated he will draft a new agenda to reflect today's discussion

Agenda Items 17 and 19 will be modified due to the completed work of previous items

Member Tamaki stated he would like to reserve agenda time for the Public Education Plan to review and discuss contract terms and proposed budget

SAAG Brown stated he will send out draft agenda to Chair Moore and Vice Chair Brown

It was agreed that it would not be feasible to have witnesses at the March 29th and 30th meeting.

It was also agreed to extend Public Comment.

Chair Moore called for the motion to approve the March 29th and 30th agenda

Vice Chair Brown moved to approve the March 29th and 30th agenda

Member Montgomery -Steppe Seconded the motion

Chair Moore asked Parliamentarian Johnson to take the vote

Parliamentarian Johnson took the vote

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

Nays: None

Abstentions: None

Parliamentarian Johnson stated there were 7 Task Force members present and voting, there were 7 **Ayes**, 0 **Nays**, 0 **Abstentions**, and 2 **Absences**

26. Discussion and Action Item: Future Meeting Dates Adjourn

Discussion and Action Item: Future Meeting Dates Adjourn

SAAG Newman reminded everyone that the Task Force decided to make the last three meetings in-person meeting so locations need to be selected for the remaining meeting dates are: March 29th and 30th, May 2nd, and June 30th

SAAG Newman provided the Task Force with updates on possible locations: Status:

- DOJ expects to receive a confirmation on availability of the current room being used if the Sacramento location is chosen.
- After reviewing the record, the Allensworth location for June 30th was not officially voted on so there is flexibility on the 30th as well
- **Member Tamaki** suggested that the June 30th meeting should be held in Sacramento and the media coverage should centered around the harms of government. In addition, Members Bradford and Jones-Sawyer will be extremely busy in June, which is a busy month for them. Holding the meeting in Sacramento would mean more access to them as well.

May 2nd meeting can be held in Los Angeles and March 29th and 30th can be held in Sacramento as well.

After much discussion, and due to logistics and availability, Tamaki, stated that as June 30th was the last day of session and they needed both Member Jones-Sawyer and Member Bradford at the last task force meeting that they should have the June 30th meeting in Sacramento. moved that the March 29th, 30th, and May ^{2nd} meetings would be held in Sacramento and the June 30th meeting be in Sacramento and media coverage be centered around that meeting. Chair Moore stated for the record that the Inland Empire would like to be considered as a meeting location.

Chair Moore asked for a motion.

MOTION

Vice Chair Brown moved that the June 30 meeting be in Sacramento,

the March 29 and 30 meeting be in Los Angeles and the June 30 meeting be in Sacramento. **Member Tamaki** seconded the motion. The motion was not acted upon.

After Discussion

MOTION

Member Tamaki amended the motion to make the dates March 29 and 30 in Sacramento, May 2 in Sacramento, June 30 in Los Angeles. **Vice Chair Brown** seconded the motion. The amended MOTION was not acted upon.

After more Discussion

MOTION

Member Tamaki moved that the location for March 29th, March 30th May 2nd meetings will be held in Sacramento. The June 30th meeting location will be decided at a later date. **Vice Chair Brown** seconded the motion.

Chair Moore asked if there was any further discussion and hearing none asked parliamentarian Johnson to take the vote.

Chair Moore asked Parliamentarian Johnson to take the vote.

Parliamentarian Johnson took the vote:

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

Nays: None

Abstentions: None

Absent: Members Bradford and Jones-Sawyer

Parliamentarian Johnson stated there were seven Task Force members present and voting, there were 7 Ayes, 0 Nays, 0 Abstentions, and 2 Absences

The Motion Passed. Next meeting will be March 29th and 30th inperson and in Sacramento; May 2nd in-person in Los Angeles, June 30th in-person and in Sacramento.

MOTION:

Vice Chair Brown moved to approve the agenda for March 29th and 30th as amended. The Motion was seconded by **Member Montgomery Steppe**.

Parliamentarian Johnson called the roll for the vote;

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

Nays: None

Abstentions: None

Absent: Member Bradford and Member Jones-Sawyer

Parliamentarian Johnson stated that there were 7 members present and voting, there were 7 Ayes, 0 Nays, 0 Abstentions, and 2 Absences

Chair Moore restated the vote and stated that the motion passed

27. Discussion and Potential Action Item: Unfinished Business

There was no unfinished business to discuss.

28. Task force Member Closing Remarks and Meeting

SAAG Brown thanked Senator Bradford and his staff for hosting

Chair Moore thanked everyone for coming out and participating and adjourned the meeting.