

## September Meeting Minutes

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

#### MEETING MINUTES

September 23, 2021, 9:00 A.M.

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

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

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

#### **1. Chairperson Welcome**

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

Chair Moore called for a roll call attendance to establish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Member Belton to call the roll. Ms. Belton called the roll, all nine Taskforce Members were present. Five members are needed for a quorum, and a quorum was established. Chair Moore opened the meeting.

#### **2. Public Comment**

There were approximately 13 public comments. One commenter requested that the Task Force write a letter to President Biden to establish a Reparations Commission via executive order. Another requested that the Task Force Community Engagement Plan should include all interested organizations including the National Assembly of American Slavery Descendants and the Coalition for a Just and Equitable California. One commenter asked whether eligibility includes descendants of slaves or immigrants. Other comments touched on topics such as housing, health, medical racism, incarceration, and over policing. Commenters requested town hall meetings and requested that reparations include cash payments and land. Numerous speakers praised the work of the Task Force and witnesses while others expressed concern.

#### **3. Action Item: Approval of July Meeting Minutes**

Chair Moore called for a vote to approve the July Meetings.

**MOTION:** Member Jones-Sawyer moved for approval of the July Meeting Minutes. It was seconded by Member Grills.

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

**NAY:** 0

The vote was 9 to 0. The motion passed and the July 9, 2021 meeting minutes were adopted.

#### **4. Action Item: Further Consideration of Community Engagement Plan**

Dr. Michael Stoll of the Bunche Center for African American Studies at UCLA presented a scope of work for a community engagement plan. Chair Moore called for a vote to approve the community engagement plan's scope of work as presented by Dr. Stoll. The community engagement plan scope of work can be found in the meeting materials for the September meeting, which was posted at <https://oag.ca.gov/ab3121>.

**MOTION:** Vice Chair Brown moved for approval of the community engagement plan. It was seconded by Senator Bradford.

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

**NAY:** 0

The vote was 9 to 0. The motion passed and the Community Engagement Plan was adopted.

Chair Moore gave the floor to the Panel Members for the National and International Reparations Efforts.

#### **5. Witness Panel #1: National and International Reparations Efforts**

- a. **Testimony: Kamm Howard**
- b. **Testimony: Roy Brooks, J.D.**
- c. **Task Force Comments and Questions**

Expert witness testimony was given by Kamm Howard, who has spent 16 years as a member of the National Coalition of Blacks for Reparations in America. Following Mr. Howard, expert testimony was heard from Dr. Roy L. Brooks, a law professor at the University of San Diego Law School who teaches and writes on civil rights and international human rights. Dr. Brooks has been involved with truth and reconciliation and reparative justice efforts around the world. A question and answer session followed the witness testimony. The witnesses' written testimony can be found in the meeting materials for the September meeting, which was posted at <https://oag.ca.gov/ab3121>.

#### **6. Lunch**

#### **7. Witness Panel #2: Slavery as the Foundation of Systemic Racism**

- a. **Testimony: Daina Ramey Berry, Ph.D.**
- b. **Testimony: Stacey Smith, Ph.D.**
- c. **Testimony: Jon Burgess**
- d. **Task Force Comments and Questions**

Chair Moore called for a roll call attendance to reestablish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Member Belton to call the roll and report on a quorum. Ms. Belton called the roll, eight Taskforce Members were present. Lisa Holder was not present. Five members were needed for a quorum, and a quorum was established. Chair Moore resumed the meeting.

Chair Moore introduced the witnesses for the next panel. Expert witness testimony was given by Daina Ramey Berry, Ph.D., the Chair of the History Department and the Oliver H. Radkey Regents Professor in History at UT Austin. Prof. Berry grew up in California and the award-winning author and editor of six books and several scholarly articles. Next to testify was Stacey Smith, Ph.D. an associate professor of

history at Oregon State University. Her book, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* won the inaugural David Montgomery award in U.S. labor and working-class history. At the conclusion of the expert testimony, Jonathan Burgess provided personal testimony. Mr. Burgess is a California native and fifth generation direct descendant of enslaved people who worked the gold mines in Coloma, California. A question and answer session followed the witness testimony. The witnesses' written testimony can be found in the meeting materials for the September meeting, which was posted at <https://oag.ca.gov/ab3121>.

## **8. Break**

## **9. Information Item: Department of Justice Updates**

Chair Moore called for a roll call attendance to reestablish quorum. Parliamentarian Doreathea Johnson asked DOJ Staff Member Belton to call the roll and report on a quorum. Ms. Belton called the roll, eight Taskforce Members were present. Dr. Jovan Scott-Lewis was not present. Five members were needed for a quorum, and a quorum was established. Chair Moore resumed the meeting.

Ms. Belton gave the California Department of Justice updates.

Ms. Belton read a retraction on behalf of the DOJ about Penn Mutual Life Insurance Company.

Ms. Belton stated that DOJ staff compiled a list of witnesses based on feedback from the Task Force and DOJ's own research. She stated that in the future, DOJ will present suggested witnesses to the Task Force and continue to request recommendations from the Task Force. Ms. Belton added that sometimes witnesses are unavailable or unwilling to testify. Staff works diligently to arrange witnesses in advance of public hearing notice dates.

Ms. Belton advised that the Task Force will have the opportunity to consider topics for inclusion in future meetings.

At the July 9 meeting, the Task Force asked DOJ staff whether it had the ability to hold subcommittee or advisory subcommittee meetings. Ms. Belton stated that the Task Force may create subcommittees under AB 3121 or Government Code section 8301.3, subdivision (b). However, any subcommittee is subject to the Bagley-Keene Act.

Ms. Belton advised that staff will work to arrange an interagency agreement with the Bunche Center at UCLA. DOJ will work internally to secure necessary funding.

Ms. Belton stated that staff have received comments regarding use of the BlueJeans videoconference platform and advised that all entities within DOJ use BlueJeans, including events with the Attorney General. BlueJeans Events accommodates a large number of attendees.

With regards to requests for public accommodations, Ms. Belton advised the Task Force that DOJ will make every attempt to respond appropriately to every request. She indicated that members of the public can contact our office regarding accommodations by email at [ReparationsTaskForce@doj.ca.gov](mailto:ReparationsTaskForce@doj.ca.gov) or by phone at (213) 519-0504 five days before the hearing. DOJ staff regularly checks the email inbox and phone number and shares these public comments with the Task Force.

Ms. Belton stated that DOJ staff have been working hard on the research and drafting of the first part of

the report, which must be issued by June 1, 2022. This report contains twelve substantive sections. She thanked the Task Force for its review of these drafts. DOJ also noted that it has been in contact with the State Archive within the Secretary of State's office and California State Library to make sure that DOJ's research and drafting team is able to access their resources.

Ms. Belton shared with the Task Force members a copy of the Budget Change Proposal, which provides resources to implement AB 3121. The time expended by staff includes research for the report, planning and administering public hearings, and responding to other Task Force inquiries. DOJ does not have an unlimited amount of resources. There is a relatively short amount of time in which to complete the work of the Task Force. DOJ will work to respond to the Task Force's additional requests, but the Task Force must prioritize them as appropriate.

Ms. Belton stated that the Task Force must adopt a conflict of interest code within six months of its first meeting. DOJ staff are working on a draft code, and are in communications with the Fair Political Practices Commission. This will be included on a future meeting agenda.

Vice Chair Brown stated that the Task Force is working on a matter that is very crucial and serious and that the Task Force was capable of self-governance.

Chair Moore thanked Vice Chair Brown and that she agreed. Chair Moore asked Ms. Belton what type of accommodations it can provide and whether the DOJ can support Saturday meetings.

DOJ stated that the type of accommodations depends on the public requests. DOJ does not believe there have been requests for accommodations for the virtual meetings.

Regarding Saturday meetings, Ms. Belton stated that while DOJ understands the desire for increased public engagement, DOJ cannot support Saturday meetings at this time. DOJ hopes that the community engagement plan adopted by the Task Force and implemented through the Bunche Center will have the desired effect of increased public engagement.

Vice Chair Brown requested a town hall meeting on the weekend for the people who are working multiple jobs.

Chair Moore said that there were no captions on BlueJeans and the YouTube feed. Chair Moore recommended that members of the public who need a reasonable accommodation should contact DOJ.

Member Jones-Sawyer recommended better communication between DOJ and the Task Force regarding barriers to hosting Saturday meetings.

Member Bradford echoed the comments of Member Jones-Sawyer and Chair Brown. Member Bradford stated that he believed funding would be available for Saturday meetings. Member Bradford said that he could call the Attorney General and Governor Newsom.

Member Lisa Holder stated that the Task Force has an extraordinary task and asked DOJ to take extraordinary measures to contact witnesses that the Task Force has proposed. Member Holder requested a spreadsheet that tracks the steps DOJ has taken to contact proposed witnesses.

Chair Moore agreed and asked why the public chat was disabled; she also asked about witness tracking, and the budget.

Ms. Belton stated staff will provide a spreadsheet to track witnesses and that the public chat was disabled because there were anti-Semitic and racist comments in the chat during the first public meeting of the Task Force in June. Bagley-Keene ensures space for public comment. DOJ staff can include time, place, and manner restrictions on speech and cannot moderate the content of the chat because of the First Amendment. DOJ must also maintain a suitable working environment for DOJ staff that is not hostile. DOJ is holding virtual meetings because of an executive order and may not have purely virtual meetings in the future. DOJ provides for public comment.

Chair Moore stated that she wished to prioritize a discussion of witness in the interests of time. Chair Moore stated that the Vice Chair and Chair were elected to collaborate with DOJ to finalize witnesses. Chair Moore asked what would prevent her and Vice Chair Brown from engaging in initial witness outreach based on recommendations on witnesses from Task Force members.

DOJ requested that the Task Force look at the meeting materials. DOJ also stated that it solicited recommendations on witnesses from Task Force members.

Chair Moore stated that DOJ has not addressed the issue of timing.

Member Jones-Sawyer stated that if there was a way to communicate to the Chair and the Vice Chair that would help members see that they are being heard regarding witness outreach.

DOJ stated that it collaborates with the Task Force and will continue to do so.

Chair Moore moved to create subcommittee to engage in witness outreach.

Vice Chair Brown stated DOJ may have a particular outcome in mind.

Chair Moore recognized that the meeting went over time and that action item number thirteen can be discussed tomorrow. Chair Moore thanked all the witnesses and adjourned the meeting.

Vice Chair Brown asked that the Task Force adjourn with thoughts and prayers for the brothers and sisters from Haiti and all people who are trying to find refuge from tyranny, tragedies, and trauma.

Parliamentarian Johnson stated that the meeting needed to be placed in recess rather than adjourned.

Chair Moore held a brief moment of silence for the people suffering at the border and all people of African descent. After a moment of silence, Chair Moore placed the meeting in recess.

**September 24, 2021, 9:00 A.M.**

## **10. Chairperson Welcome**

Chairperson Moore welcomed everyone to day two of the AB 3121 public hearing and opened the meeting at 9:00 a.m.

Chair Moore called for a roll call attendance to establish quorum. Parliamentarian Doreatha Johnson asked DOJ Staff Member Belton to call the roll and report on a quorum. Ms. Belton called the roll, all nine Taskforce Members were present. Five members were needed for a quorum. A quorum was established. Chair Moore resumed the meeting.

## **11. Public Comment**

There were approximately 22 public comments, including: commenters expressed concerned with testimony by Professor Roy Brooks regarding boarding schools and advising against cash reparations. Financial literacy should be part of reparations; the public chat be turned on and moderated; the State Parks Department is destroying the black history in the Coloma area. Commenters also noted reparations proposals should include funding for historic Black colleges and universities, training related to farming, politics, film production, and early entrance to college and apprenticeships; and cash payments should be given for an individual's lifetime and be tax exempt. This also included a request that Task Force members review Oregon's SB 619 and the reparations plans of several cities. Commenters requested Saturday meetings and that the DOJ be a resource to the Task Force. Students at California state universities and Universities of California campuses must be protected against police violence. Commenters requested that the Task Force attend community meetings and use billboards to advertise meetings. One commenter stated that California should pay for each person's ancestry research. Commenters noted the disconnect between the Task Force and the DOJ but requested that both stay focused on community engagement. Commenters requested that the Task Force address eligibility early in the process. All public comments can be found on the September 23 and 24 meeting recording posted at <https://oag.ca.gov/ab3121>.

## **12. Action Item: Consideration of Economics Expert**

Chair Moore turned the floor to Jannie Scott, Ph.D. from the California Department of Justice Research Center. Dr. Scott gave a summary of the DOJ Research Center's process of finding and recommending Dr. Darrick Hamilton to be the economics consultant to the Task Force. Member Dr. Cheryl Grills summarized her experience working with Dr. Hamilton and recommended that the Task Force adopt him as a consultant.

**MOTION:** Vice Chair Dr. Brown moved to end the debate on the consideration of the economic expert.

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

**NAY:** 0

The vote was 9 to 0. The motion was adopted.

**MOTION:** Member Bradford moved for approval of Dr. Darrick Hamilton as the economics expert. It was seconded by Vice Chair Dr. Brown.

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

**NAY:** 0

The vote was 9 to 0. The motion to approve the use of Dr. Darrick Hamilton as the economic expert was adopted.

### **13. Action Item: Agenda for October Hearing**

Action Item 13 was moved to be discussed after the witness panels.

### **14. Witness Panel #3: The Great Migration**

- a. **Testimony: Douglas Blackmon**
- b. **Testimony: John Parman, Ph.D.**
- c. **Testimony: Isabel Wilkerson**
- d. **Testimony: Lynn Hudson, Ph.D.**
- e. **Testimony: Bertha Gorman** f. **Task Force Comments and Questions**

Expert witness testimony was given by Douglas Blackmon, the Professor of Practice in Georgia State University's Creative Media Industries Institute and the author of *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, which won the Pulitzer Prize for General Non-Fiction Book in 2009. The next expert testimony came from John Parman, Ph.D., the Associate Professor of Economics at William and Mary and published scholarship on race and inequality. The third expert testimony came from Lynn Hudson, Ph.D. Professor of history at the University of Illinois at Chicago and the author of *West of Jim Crow: The Fight Against California's Color Line* which documents the ways California was an innovator of methods to control, contain, and restrict African Americans. The final expert testimony was from Isabel Wilkerson, the winner of the Pulitzer Prize and the National Humanities Medal who has authored *The Warmth of Other Suns* and *Caste*. The personal testimony came from Bertha Gorman, who moved to California to attend college in 1959. She is a resident of Sacramento. During her over 50-year career, she has worked at the Sacramento Bee, the California State Assembly, Lockheed Martin, and as the Associate Secretary of the California Health and Human Services Agency. A question and answer session followed the witness testimony. The witnesses' written testimony can be found in the meeting materials for the September meeting, which was posted on <https://oag.ca.gov/ab3121>.

### **15. Lunch**

### **16. Witness Panel #4: Political Disenfranchisement**

- a. **Testimony: john a. powell, J.D.**
- b. **Testimony: Secretary of State Shirley N. Weber, Ph.D.**
- c. **Testimony: Dawn Basciano**
- d. **Task Force Comments and Questions**

Chair Moore called for a roll call attendance to reestablish quorum. Parliamentarian Johnson asked DOJ Staff Member Belton to call the roll and report on a quorum. Ms. Belton called the roll, seven members were present. Senator Steven Bradford and Vice Chair Dr. Brown were not present. Five members are needed for a quorum, and a quorum was established. Chair Moore resumed the meeting.

Expert witness testimony was given by John A. Powell, J.D., an internationally recognized expert in the areas of civil rights and civil liberties and a wide range of issues including race, structural racism, ethnicity, housing, poverty, and democracy. He is the Director of the Othering & Belonging Institute which supports research to generate specific prescriptions for changes in policy and practice that address disparities related to race, ethnicity, gender, sexual orientation, disability, and socioeconomics in California and nationwide. Following Powell, Dawn Basciano gave personal testimony. She is a mother, grandmother and the family historian who lives in Sacramento. Her third great grandfather was enslaved and his father was his enslaver. The final expert testimony was given by Secretary of State Shirley N. Weber, Ph.D., California's first Black Secretary of State. Before her appointment as Secretary of State, Secretary Weber served four terms as an Assembly Member representing California's 79th Assembly District. Secretary Weber is retired from the Department of African Studies at San Diego State University after 40 years as a faculty member and serving several terms as department chair. A question and answer session followed the witness testimony. The witnesses' written testimony can be found in the meeting materials for the September meeting, which was posted on <https://oag.ca.gov/ab3121>.

### **17. Break**

The Task Force did not recess for break.

### **18. Action Item: Adoption of Findings**

Task Force members briefly reviewed and discussed the proposed draft factual findings. These proposed findings can be found in the meeting materials for the September meeting, which was posted on <https://oag.ca.gov/ab3121>.

**MOTION:** Dr. Grills moved accept the draft findings as preliminary findings of fact, to be supplemented at a later date. It was seconded by Vice Chair Dr. Brown.

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

**NAY: 0**

The vote was 9 to 0. The motion was adopted.

Parliamentary Johnson stated a point of order, and suggested that the Task Force turn back to agenda item 13, consideration of the October agenda. Chair Moore turned the Task Force of the agenda for the next two-day meeting on October 12, 2021 and October 13, 2021.

Member Cheryl Grills made a motion to designate Member Lisa Holder to work the DOJ to finalize the agenda amendments for the October hearing. Assemblymember Reggie Jones-Sawyer seconded the motion. Member Montgomery Steppe questioned whether or not the motion would overlap with the duties set out for the Chair and Vice Chair. Chair Moore requested clarification. Parliamentary Johnson stated that the duties of the Chair and Vice Chair was not exclusive. Chair Moore stated that the DOJ unilaterally removed agenda items from the September meeting and requested a closed session of the Task Force. Parliamentarian Johnson responded that this is not a circumstance under which a closed session may be held. Member Grills withdrew her motion.

Member Lisa Holder requested that on the October agenda, two items be included: a primer on the Task Force's subpoena power and a discussion on the community of eligibility.

**MOTION:** Member Holder moved for two items to be included on the October agenda: a primer on the Task Force's subpoena power, and a discussion on the community of eligibility. It was seconded by Councilmember Steppe.

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

**NAY:** 0

The vote was 9 to 0. The motion was adopted.

Dr. Brown requested that the DOJ and the Task Force work together. Senator Bradford requested clarity on the role of the DOJ. Chair Moore requested clarity on which witnesses were recommended by Task Force members. Senator Bradford, Member Tamaki, Member Jones-Sawyer, Chair Moore discussed witness recommendations for the October meeting.

Chair Moore adjourned the meeting.