

Offering Insight to the Findings, Duties and Outcomes of the Californian Reparations Task Force

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I come before the Task Force today as a Black man in America, a descendant of Africans enslaved in the United States, a descendant of Africans targeted for Jim Crow Apartheid violence and racial discrimination, and a person born shortly before the end of legal racial segregation who has witnessed and/or endured all manner of continued injustices and harms directed at Blacks in America.

I came into the reparations movement because of these injustices – both collective and personal. As a young man age 27, I was unjustly accused, convicted, and incarcerated for a crime that never happened. Like most Black men who come in contact with the criminal injustice system in America, evidence plays **absolutely** no part in the proceedings. As a result, I was sentenced to 20 years of incarceration which I completed 9 years and 9 months as a result of “good time” I earned.

It was that racial injustice that caused me to become an activist and leader **while** in prison among some of the most violent and dangerous men in the state of Illinois. After leaving prison, I spent 9 years crafting a real estate investment business. Early success, allowed me to go back to school to earn an MBA in Real Estate with a 3.88 gpa, having earned my BA while in prison, with a 3.93 gpa out of 4.0.

Free of economic hardship, I renewed by activism by throwing myself completely into the reparation struggle, something that I was introduced to while in prison by reading a book by California's Dr Maulana Karenga.

I joined N'COBRA, the National Coalition of Blacks for Reparations in America in 2006 and fastly moved up the leadership ranks as a result of my intense thought contributions and redress actions. I currently serve as the National Male Co-chair, in my third 2-year term. N'COBRA, was formed in 1987, and operates with a gender balance mandate. Prior to becoming the National Male Co-Chair, I served as our Legislative Commission Chair. In that role, I lead the National African American Reparations Commission, NAARC, in revising the federal

legislation HR 40., that became **The Commission to Study and Develop Reparations Proposals of African Americans Act**. The revision changed the bill from a pure study bill to a remedy bill.

In addition to serving as a NAARC Commissioner, I was sought to sit on the Advisory Committee of the African American Redress Network, a joint collaboration with Howard University's Thurgood Marshall Law Center and Columbia University's Human Rights Center. I chair or serve as a director of several other national reparations formations, including First Repair, who's Executive Director is none other than Robin Rue Simmons, former council member in Evanston, IL who will soon deliver the first local reparations initiative in the country. I have spoken in many major cities in America where there are large Black populations, as well as internationally in South Africa, Ethiopia and recently Guinea Bissau, in addition to offering strategic input to the CARICOM (Caribbean Community) Reparations Commission. Finally, I gave testimony in April of this year before the Congress of the United States., during the House of Representatives Judiciary Committee hearing H.R. 40: Exploring the Path to Reparative Justice in America. I entitled my presentation "Reparations as Full Repair and the Need to Pass H.R. 40 Now"

I would like to begin my remarks today by reminding or informing this Task Force of the September 2001, United Nations Human Rights Commission hosting of a global conference in Durban, South Africa. That conference, the World Conference Against Racism, Xenophobia and Related Intolerances, attracted 14,000 attendees. There were three major outcomes sought by the North and South American contingent of African descendants who attended the conference.

1. That the Trans-Atlantic Slave trade, slavery, and apartheid were crime against humanity,
2. There was an economic basis to these crimes,
3. Reparations were due.

They were successful. In the Conference outcome document, the Durban Declaration and Program of Action, the international community of states declared in fact, - that the actions were crimes against humanity, there was an economic basis to those crimes - in other words, that the wealth as well as poverty that we see in nations around the world and peoples around the world today, is rooted in those crimes, and that countries with African descendant

populations have an obligation to engage in redress with and for these populations. **This concluding outcome document, and its declarations, is the foundation of the current reparations movement, globally and in America.**

I repeat - the Transatlantic slave trade, slavery and, Jim Crow Apartheid were and are crimes against humanity - which has no statute of limitation. Meaning that if the entity that engaged in these crimes or its antecedent entity- the entity from which it grew from - still exist today, that entity is in fact still subject to the obligation of redress for the initial and any on-going crimes committed. They were enriched by these crimes and the victims of these crimes were negatively impacted- meaning that they suffered injury. That impact continues in their descendants today, thus necessitating redress not only for the crimes committed, but also for the **continuing injury**.

So globally we have this model for reparatory justice - crimes ..., injuries ..., repair. This model was written in the revised version of HR 40. This legislation, in Congress now has an unprecedented 193 cosponsors and was successfully passed out of the Judiciary Committee on April 14th of this year. We are urging Congress to schedule a vote in the House. HR 40 also has a companion bill in the Senate, S 40.

The Findings and Purpose of California's AB 3121 legislation, the bill that created this Task Force and charged you with your duties, were lifted word-for-word from HR 40., (again, a bill that I, representing N'COBRA, was the lead writer.) Thus, the above model, crimes... injury ... repair, also lays the foundation and provides direction for the work of this Task Force.

Specifically, this Task Force is charged to uncover and document the crimes committed against African descendants in California - African descendants is an international term indicating persons whose ancestors were violently kidnapped from African continent during the TAST and forced into enslavement in the Americas.. Your legislation particularly addresses African descendants of the US enslavement experience.

First is the required understanding that there were international crimes committed in three distinct periods.

- 1) The period of **the Slave trade and enslavement -1619-1865**. You are tasked to uncover those crimes committed in the State of California --, or harms, if you prefer using that language instead of crimes.

- 2) The period of **Jim Crow/Apartheid**. Apartheid is an Afrikaans world that means separate development. It is backed by governmental policy and state committed and sanctioned violence and force. You are tasked with uncovering **those** crimes in the State of California
- 3) The period of **Post Jim Crow Apartheid, 1965 - to the present**. Police terror, predatory lending, mass incarceration are some of those crimes. As in the first two periods, you are also tasked with the duty to uncover, document, and catalog those harms.

Next, we come we come to injuries. A host of injuries have resulted in current living Black Californians because of the crimes or harms committed during those periods. The duty of the Task Force is to determine and quantify and when possible, the wide range of injury that exist among Black Californians. N'COBRA offers assistance here. For more than 20 years we have indicated to the government of the United States that there are five major injury areas that the legacy of those harms negatively plays out in lives of Black Americans, that at a minimum, must be redressed. Those 5 Injury Areas are

- 1) **Poverty and Wealth** - the economic reality of Black America - that's revealed in less wealth, un and underemployment, lack of access to capital for business development, etc.
- 2) **Criminal Injustice** - historically and today used as a means of economic exploitation, dehumanization, and domination.
- 3) **Education** - disproportionately skewing the resources to educate our children in ways that intentionally prohibited and prohibits self-sufficiency, American and global competitiveness, and esteemed cultural worth and value.
- 4) **Health** - from inhumane experimentation to the denial of historical trauma and it its children, transgenerational transmission of trauma and trans generational epigenetic inheritance, the health profile of Black America is one of immense crisis.
- 5) **Peoplehood** - the devastating attack on African humanity, identity and culture producing, not only among whites, but also among Blacks, a belief system that confers an immense value on whiteness, while simultaneously criminalizing and violently devaluing Blackness - resulting in anti-Black behavior and retarding of potential in Black people.

These injury areas have to be examined by this Task Force.

Finally, the there's repair. Uncovering and identifying the harms, quantifying, and illuminating the injury, naturally leads to reparatory mechanism to redress the injury.

Here, written into AB3121, is your mandate to propose remedies in alignment with international norms of full reparations, what NCOBRA calls Full Repair, and Special Measures.

Briefly, Special Measures is a wide range of policies that may not normally be introduced however, because of the severity of the harm and injury, they become absolutely necessary. In addition, special measures require the collaboration of all governmental instruments and bodies.

Full reparations have as its object to "wipe away all consequences" of the crimes or harms. The framework for achieving that challenge consists of five components.

- 1) **Cessation, Assurances and Guarantees of Non-Repetition** - a state re-sponsible for wrongfully injuring a people *"is under an obligation to a) "cease the act if it is continuing, b) offer appropriate assurances and guarantees of non-repetition..."*
2. **Restitution and Repatriation** - *"re-establish the situation which exist-ed before the wrongful act was committed."* To restore the victim to the original situation before gross violations of international law occurred. How includes restoration of freedom, recognition of humanity, identity, culture, repatriation, livelihood, and wealth.
3. **Compensation** - The injuring State is obligated to compensate for the damage, if damage is not made good by restitution. Compensation is *"any financially assessable damage suffered..."* Proper compensation is such that is *"appropriate and proportional to the gravity of the violation and circumstances."*
4. **Satisfaction** - *"as a "means" for reparations for moral damage, such as emotional injury, mental suffering, and injury to reputation."*
5. **Rehabilitation** - rehabilitation consist of mind, body, emotional and spirit healing - [of] *the lasting effects of the trauma of enslavement and segregation [and post-segregation crimes].*

Thus, I have attempted to layout broad, but also in specific guidelines for the duty of this Task Force. It is needless to say, that your work, will inform the Federal government as well as local and other state reparatory justice efforts around the country. N'COBRA is committed to

encouraging synchronistic actions in these reparatory efforts. You have aided in our mission by basing your legislation on HR 40, from which other municipalities and states have followed. We are here for continued assistance to this Task Force every step of the way going forward.

Asante Sana, many thanks, for this justice work for which you have engaged and for allowing N'COBRA to offer our aide.

A Luta Continua Pumaja Tshinde Mbilishaka - The Struggle Continues Together We Will Be Victorious