

# Appendix\*

## Executive Summary

### I. Introduction

In 1863, Abraham Lincoln signed the Emancipation Proclamation, and, in 1865, the 13th Amendment to the U.S. Constitution commanded that “[n]either slavery nor involuntary servitude ... shall exist within the United States.”<sup>1</sup> In supporting the passage of the 13th Amendment, its co-author Senator Lyman Trumbull of Illinois said that “it is perhaps difficult to draw the precise line, to say where freedom ceases and slavery begins...”<sup>2</sup> In 1883, the Supreme Court interpreted the 13th Amendment as empowering Congress “to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.”<sup>3</sup>

However, throughout the rest of American history, instead of abolishing the “badges and incidents of slavery,” the United States federal, state and local governments, including California, perpetuated and created new iterations of these “badges and incidents.” The resulting harms have been innumerable and have snowballed over generations.

This interim report is a general survey of these harms, as part of the broader efforts of California’s Task Force to Study and Develop Reparations Proposals for African Americans (Reparations Task Force). The Reparations Task Force was established under Assembly Bill 3121 (S.

Weber) in 2020 and a report of the Task Force is due to the Legislature by June 1, 2022. A final report will be issued before July 1, 2023. The law charges the Reparations Task Force with studying the institution of slavery and its lingering negative effects on society and living African Americans. The law requires the Reparations Task Force to recommend appropriate remedies of compensation, rehabilitation, and restitution for African Americans with a special consideration for descendants of persons enslaved in the United States. This executive summary synthesizes many of the preliminary findings and recommendations of the Reparations Task Force.

So thoroughly have the effects of slavery infected every aspect of American society over the last 400 years, that it is nearly impossible to identify every “badge and incident of slavery,” to include every piece of evidence, or describe every harm done to African Americans. In order to address this practical reality, this interim report of the Reparations Task Force describes a sample of government actions and the compounding harms that have resulted, organized into 12 specific areas of systemic discrimination.

In order to maintain slavery, government actors adopted white supremacist beliefs and passed laws to create

a racial hierarchy and to control both enslaved and free African Americans.<sup>4</sup> Although the U.S. constitution recognized African Americans as citizens on paper, the government failed to give them the full rights of citizenship,<sup>5</sup> and failed to protect—and often sanctioned or directly participated—African Americans from widespread terror and violence.<sup>6</sup> Along with a dereliction of its duty to protect its Black citizens, direct federal, state and local government actions continued to enforce the racist lies created to justify slavery. These laws and government supported cultural beliefs have since formed the foundation of innumerable modern laws, policies, and practices across the nation.<sup>7</sup>

More Than 50 percent of U.S. Presidents from 1789 to 1885 enslaved African Americans



The first twenty-one Presidents seated together in the White House. The enslavers are shaded in red.

\* CAL. TASK FORCE TO STUDY & DEVELOP REPARATION PROPOSALS FOR AFR. AMS., INTERIM REPORT EXECUTIVE SUMMARY (2022), <https://oag.ca.gov/system/files/media/ab3121-interim-report-executive-summary-2022.pdf> [<https://perma.cc/7MRM-RMNB>].

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Today, 160 years after the abolition of slavery, its badges and incidents remain embedded in the political, legal, health, financial, educational, cultural, environmental, social, and economic systems of the United States of America.<sup>8</sup> Racist, false, and harmful stereotypes created to support slavery continue to physically and mentally

harm African Americans today.<sup>9</sup> Without a remedy specifically targeted to dismantle our country's racist foundations and heal the injuries inflicted by colonial and American governments, the "badges and incidents of slavery" will continue to harm African Americans in almost all aspects of life.

## II. Enslavement

### Nationally

The foundation of America's wealth was built upon trafficked African peoples and their descendants—built by their forced labor and their bodies as they were bought and sold as commodities.<sup>10</sup> American government at all levels allowed or participated in exploiting, abusing, terrorizing, and murdering people of African descent so that mostly white Americans could profit from their enslavement.<sup>11</sup>

After the War of Independence, the United States built one of the largest and most profitable enslaved labor economies in the world.<sup>12</sup>

The federal government politically and financially supported enslavement.<sup>13</sup> The United States adopted a national constitution that protected slavery and gave pro-slavery white Americans outsized political power in the federal government.<sup>14</sup> Half of the nation's pre-Civil War presidents enslaved African Americans while in office,<sup>15</sup> and throughout American history, more than 1,700 Congressmen from 37 states, once enslaved Black people.<sup>16</sup> By 1861, almost two percent of the entire budget of the United States went to pay for expenses related to enslavement,<sup>17</sup> such as enforcing fugitive slave laws.<sup>18</sup>

Enslavers made more than \$159 million between 1820 and 1860 by trafficking African Americans within the U.S.<sup>19</sup> Charles Ball, an enslaved man who was bought by slave traffickers in Maryland and forced to march to South Carolina, later remembered: "I seriously meditated on self-destruction, and had I been at liberty to get a rope, I believe I should have hanged myself at Lancaster... I had now no hope of ever again seeing my wife and children, or of revisiting the scenes of my youth."<sup>20</sup>

Historians have argued that many of today's financial accounting and management practices began among enslavers in the U.S. South and the Caribbean.<sup>21</sup> In order to continually increase production and profits, enslavers regularly staged public beatings and other violent acts and provided deplorable living conditions.<sup>22</sup>

Historians have also found evidence that enslavers raped and impregnated enslaved women and girls, and profited from this sexual violence by owning and selling their own children.<sup>23</sup> President Thomas Jefferson, who enslaved four of his own children, wrote that the "labor of a breeding [enslaved] woman" who births a child every two years is as profitable as the best enslaved worker on the farm.<sup>24</sup>

In the census of 1860, the last census taken before the Civil War, of the about 12 million people living in the 15 slave-holding states, almost four million were enslaved.<sup>25</sup> In order to terrorize and force this enormous population to work without pay, the colonial and American governments created a different type of slavery.

Unlike in what historians call the pre-modern era, slavery in America was based on the idea that race was the sole basis for life-long enslavement, that children were

**The American colonial Slave Codes created a new type of slavery that was different than the slavery which existed in pre-modern times.**

- Babies were enslaved at birth, for their entire lives, and for the entire lives of their children, and their children's children.
- These laws denied political, legal and social rights to free and enslaved Black people alike in order to more easily control enslaved people.
- These laws divided white people from Black people by making interracial marriage a crime.

*Some of these laws survived well into the 20th century. The Supreme Court only declared that outlawing interracial marriage was unconstitutional in 1967.*

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enslaved from birth, and that people of African descent were naturally destined to be enslaved.<sup>36</sup> Colonists in North America claimed and passed laws<sup>37</sup> to maintain a false racial hierarchy where white people were naturally superior.<sup>38</sup> Colonial laws effectively made it legal for enslavers to kill the people they enslaved.<sup>39</sup> In some states, free nor enslaved African Americans could not vote or hold public office.<sup>40</sup> Enslaved people could not resist a white person, leave a plantation without permission, or gather in large groups away from plantations.<sup>41</sup>

After the War of Independence, the American government continued to pass laws to maintain this false racial hierarchy which treated all Black people as less than human.<sup>42</sup> After the Civil War, the federal government failed to meaningfully protect the rights and lives of African Americans.<sup>43</sup> When Andrew Johnson became president after the assassination of Abraham Lincoln, he proclaimed in 1866, “[t]his is a country for white men, and by God, as long as I am President, it shall be a government for white men[.]”<sup>44</sup>

The Slave Codes were reborn as the Black Codes, and then as the Jim Crow laws segregating Black and white Americans in every aspect of life.<sup>45</sup> Although many of these laws were most prominent in the South, they reflected a national desire to reinforce a racial hierarchy based in white supremacy.

**California**

Despite California entering the Union in 1850 as a free state, its early state government supported slavery.<sup>46</sup> Proslavery white southerners held a great deal of power in the state legislature, the court system, and among California’s representatives in the U.S. Congress.<sup>47</sup>

**III. Racial Terror****Nationally**

After slavery, white Americans, frequently aided by the government, maintained the badges of slavery by carrying out violence and intimidation against African Americans for decades.<sup>48</sup> Racial terror pervaded every aspect of post-slavery Black life and prevented African Americans from building the same wealth and political influence as white Americans.<sup>49</sup>

African Americans faced threats of violence when they tried to vote, when they tried to buy homes in white neighborhoods, when they tried to swim in public pools, and when they tried to assert equal rights through the

Some scholars estimate that up to 1,500 enslaved African Americans lived in California in 1852.<sup>50</sup> Enslaved people trafficked to California often worked under dangerous conditions,<sup>51</sup> lived in unclean environments,<sup>52</sup> and faced brutal violence.<sup>48</sup>

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“Hampton, Virginia: ‘Stalwart’ After the Civil War, African Americans lived in large, segregated refugee camps like Stalwart because there was nowhere else for them to go. Hospitals, dispensaries, and military camps were unable to serve the masses of enslaved people, Black soldiers, and other refugees who entered the North due to the Civil War. Escaped and abandoned formerly enslaved people settled near or within the Union Army’s military camps and battle lines. The camps did not have adequate sanitation, nutrition, or medical care. One out of every four African American who lived in the camps died. (1864)”

In 1852, California passed and enforced a fugitive slave law that was harsher than the federal fugitive slave law, and this made California a more proslavery state than most other free states.<sup>53</sup> California also outlawed non-white people from testifying in any court case involving white people.<sup>54</sup>

California did not ratify the Fourteenth Amendment until 1959, which protected the equal rights of all citizens, and the Fifteenth Amendment, which prohibited states from denying a person’s right to vote on the basis of race, until 1962.<sup>55</sup>

courts or in legislation.<sup>47</sup> White mobs bombed, murdered, and destroyed entire towns.<sup>48</sup> Federal, state, and local governments ignored the violence, failed to or refused to prosecute offenders, or participated in the violence themselves.<sup>49</sup>

Racial terror takes direct forms, such as physical assault, threats of injury, and destruction of property. It also inflicts psychological trauma on those who witness the harm and injury.<sup>50</sup> Many African Americans were traumatized from surviving mass violence and by the constant terror of living in the South.<sup>51</sup> Lynchings in the American South were not isolated hate crimes

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committed by rogue vigilantes, but part of a systematic campaign of terror to enforce the racial hierarchy.<sup>52</sup> Racial terror targeted at successful African Americans has contributed to the present wealth gap between Black and white Americans.<sup>53</sup>

While lynching and mob murders are no longer the social norm, scholars have argued that its modern equivalent continues to haunt African Americans today as extrajudicial killings by the law enforcement and civilian vigilantes.<sup>54</sup> Racial terror remains a tool for other forms of discrimination and control of African Americans from redlining and segregated schools to disparate healthcare and denial of bank loans.

### California

Supported by their government, ordinary citizens also terrorized and murdered Black Californians.<sup>55</sup> The Ku

Klux Klan (KKK) established local chapters all over the state in the 1920s.<sup>56</sup> During that time, California sometimes even held more KKK events than Mississippi or Louisiana.<sup>57</sup> Many of California's KKK members were prominent individuals who held positions in civil leadership and police departments.<sup>58</sup>

For example, in 1920s Los Angeles, prominent and numerous city government officials were KKK members or had KKK ties, including the mayor, district attorneys, and police officers.<sup>59</sup> Violence against African Americans peaked in the 1940s, as more Black Californians tried to buy homes in white neighborhoods.<sup>60</sup>

Today, police violence against and extrajudicial killings of African Americans occur in California in the same manner as they do in the rest of the country.<sup>61</sup>

## IV. Political Disenfranchisement

### Nationally

African Americans have pursued equal political participation since before the Civil War, but the federal, state, and local governments of the United States have suppressed and continue to suppress Black votes and Black political power.<sup>62</sup> After the Civil War, the United States protected the voting rights of African Americans on paper, but not in reality.<sup>63</sup> During the 12-year period after the Civil War called Reconstruction, the federal government tried to give newly freed African Americans access to basic civil rights<sup>64</sup> and, by 1868, more than 700,000 Black men were registered to vote in the South.<sup>65</sup> During Reconstruction, over 1,400 African Americans held federal, state, or local office, and more than 600 served in state assemblies.<sup>66</sup>

However, that progress was short lived.

During the contested presidential election of 1876, Republicans and Democrats agreed to withdraw federal troops from key locations in the South, effectively ending Reconstruction.<sup>67</sup> Southern states then willfully ignored the voting protections in the U.S. Constitution, and passed literacy tests, poll taxes, challenger laws, grandfather clauses, and other devices to prevent African Americans from voting.<sup>68</sup> States also barred African Americans from serving on juries.<sup>69</sup>

This targeted government action was extremely effective in stripping African Americans of what little political power gained during the Reconstruction era.

For example, in 1867 Black turnout in Virginia was 90 percent.<sup>70</sup> After Virginia's voter suppression laws took effect, the number of Black voters dropped from 147,000 to 21,000.<sup>71</sup> During Reconstruction, 16 Black men held seats in Congress.<sup>72</sup> From 1901 until the 1970s, not a single African American served in Congress.<sup>73</sup>



COURTESY OF LOS ANGELES EXHIBITION LIBRARIES/COBIS VIA GETTY IMAGES  
Rayfield Lundy, Republican candidate for the California 55th Assembly District inspects a bunif cross at 1816 East 122nd Street, Los Angeles, California. (1952)

These government actions returned white supremacists to power in local, state, and federal government.<sup>74</sup> Historians have argued that racist lawmakers elected from the Southern states blocked hundreds of federal civil rights laws<sup>75</sup> and rewrote many of the country's most important pieces of legislation to exclude or discriminate against African Americans.<sup>76</sup>

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For example the New Deal, a series of federal laws and policies designed to pull America out of the Great Depression, created the modern white middle class and many of the programs that Americans depend upon today, such as Social Security.<sup>77</sup> But the New Deal excluded African Americans from many of its benefits.<sup>78</sup>

Historians have argued that southern lawmakers ensured that the Servicemen's Readjustment Act of 1944 (commonly known as the G.I. Bill) was administered by states instead of the federal government to guarantee that states could direct its funds to white veterans.<sup>79</sup> Similarly, in order to secure the support of white southern lawmakers, Congress included segregation clauses or rejected anti-discrimination clauses in the Hospital Survey and Reconstruction Act of 1946 (commonly known as the Hill Burton Act), which paid for our modern healthcare infrastructure. The same tactics were applied to the American Housing Act of 1949, which helped white Americans buy single family homes.<sup>80</sup> These federal legislative decisions enshrined the government sanctioned discrimination of African

Americans for decades to come and perpetuates the racial hierarchy today.

**California**

California also passed and enforced laws to prevent Black Californians from accumulating political power.<sup>81</sup>

California passed a law prohibiting non-white witnesses from testifying against white Californians.<sup>82</sup> This law shielded white defendants from justice.<sup>83</sup> The California Supreme Court explained that any non-white person to testify "would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls," a prospect that the court viewed as an "actual and present danger."<sup>84</sup>

California did not allow Black men to vote until 1879.<sup>85</sup> The state also passed many of the voter suppression laws that were used in the South. California prohibited individuals convicted of felonies from voting,<sup>86</sup> added a poll tax,<sup>87</sup> and put in place a literacy test.<sup>88</sup>

**V. Housing Segregation****Nationally**

America's racial hierarchy was the foundation for a system of segregation in the United States after the Civil War.<sup>89</sup> The aim of segregation was not only to separate, but also to force African Americans to live in worse conditions in nearly every aspect of life.<sup>90</sup>

Government actors, working with private individuals, actively segregated America into Black and white neighborhoods.<sup>91</sup> Although this system of segregation was called Jim Crow in the South, it existed by less obvious, but effective means throughout the entire country, including in California.<sup>92</sup>

During enslavement, about 90 percent of African Americans were forced to live in the South.<sup>93</sup> Immediately after the Civil War, the country was racially and geographically configured in ways that were different from the way it is segregated today.<sup>94</sup> Throughout the 20th century, American federal, state, and local municipal governments expanded and solidified segregation efforts through zoning ordinances, slum clearance policies, construction of parks and freeways through Black neighborhoods, and public housing siting decisions.<sup>95</sup> Courts enforced racial covenants that prevented homes from being sold to African Americans well into late 1940s.<sup>96</sup>

The federal government used redlining to deny African Americans equal access to the capital needed to buy a single-family home while at the same time subsidizing white Americans' efforts to own the same type of home.<sup>97</sup> As President Herbert Hoover stated in 1931, single-family homes were "expressions of racial longing" and "[t]hat our people should live in their own homes is a sentiment deep in the heart of our race."<sup>98</sup>

The passage of the Fair Housing Act in 1968 outlawed housing discrimination, but did not fix the structures put in place by 100 years of discriminatory government policies, and residential segregation continues today.<sup>99</sup>

The average urban Black person in 1890 lived in a neighborhood that was only 27 percent Black.<sup>100</sup> In 2019, America is as segregated as it was in the 1940s, with the average urban Black person living in a neighborhood that is 44 percent Black.<sup>101</sup> Better jobs, tax dollars, municipal services, healthy environments, good schools, access to health care, and grocery stores have followed white residents to the suburbs, leaving concentrated poverty, underfunded schools, collapsing infrastructure, polluted water and air, crime, and food deserts in segregated inner city neighborhoods.<sup>102</sup>

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### California

In California, the federal, state, and local government created segregation through redlining, zoning ordinances, decisions on where to build schools and highways and discriminatory federal mortgage policies.<sup>103</sup> California "sundown towns," (a term derived from municipal signs announcing that African Americans must leave by dusk) like most of the suburbs of Los Angeles and San Francisco, prohibited African Americans from living in entire cities throughout the state.<sup>104</sup>

The federal government financed many whites only neighborhoods throughout the state.<sup>105</sup> The federal Home Owners' Loan Corporation maps used in redlining described many Californian neighborhoods in racially discriminatory terms.<sup>106</sup> For example, in San Diego there were "servant's areas" of La Jolla and several areas "restricted to the Caucasian race."<sup>107</sup>

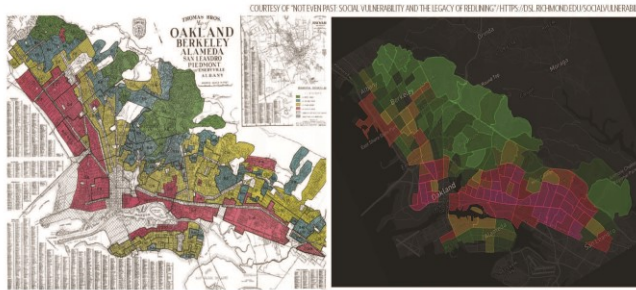
During World War II, the federal government paid to build segregated housing for defense workers in Northern California.<sup>108</sup> Housing for white workers generally better constructed and permanent.<sup>109</sup> While white workers lived in rooms paid for by the federal government, Black wartime workers lived in cardboard shacks, barns, tents, or open fields.<sup>110</sup>

Racially-restrictive covenants, which were clauses in property deeds that usually allowed only white residents to live on the property described in the deed, were commonplace and California courts enforced them well into the 1940s.<sup>111</sup>

Numerous neighborhoods around the state rezoned Black neighborhoods for industrial use to steer white residents towards better neighborhoods<sup>112</sup> or adopted zoning ordinances to ban apartment buildings to try and keep out prospective Black residents.<sup>113</sup>

State agencies demolished thriving Black neighborhoods in the name of urban renewal and park construction.<sup>114</sup> Operating under state law for urban redevelopment, the City of San Francisco declared the Western Addition blighted, and destroyed the Fillmore, San Francisco's most prominent Black neighborhood and business district.<sup>115</sup> In doing so, the City of San Francisco closed 883 businesses, displaced 4,729 households, destroyed 2,500 Victorian homes,<sup>116</sup> and damaged the lives of nearly 20,000 people.<sup>117</sup>

The city then left the land empty for many years.<sup>118</sup>



The image on the left shows a redlining map of Oakland, CA made by the Home Owners Loan Corporation during the 1930s. The red portions are non-white neighborhoods deemed by the federal agency to be a credit risk. The map on the right shows the Center for Disease Control's Social Vulnerability Index scores for census tracts today. The Social Vulnerability Index is widely used to assess a community's capacity to prepare for, respond to, and recover from human and natural disasters. The red portion indicates the highest level of vulnerability to disasters.

## VI. Separate and Unequal Education

### Nationally

Through much of American history, enslavers and the white political ruling class in America falsely believed it was in their best interest to deny education to African Americans in order to dominate and control them. Slave states denied education to nearly all enslaved people,

while the North and Midwest segregated their schools and limited or denied access to freed Black people.<sup>119</sup>

After slavery, southern states maintained the racial hierarchy by legally segregating Black and white children, and white-controlled legislatures funded Black public

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schools far less than white public schools.<sup>170</sup> An Alabama state legislator stated in 1889, “[e]ducation would spoil a good plow hand.”<sup>171</sup> Black teachers received lower wages, and Black children received fewer months of schooling per year and fewer years of schooling per lifetime than white children.<sup>172</sup>

Contrary to what Americans are taught, the U.S. Supreme Court’s landmark 1954 case, *Brown v. Board of Education*, which established that racial segregation in public schools is unconstitutional, did not mark the end of segregation.<sup>173</sup>

## Nationally, nonwhite school districts get

**\$23 Billion LESS**  
than predominantly white districts

After *Brown v. Board*, many white people and white-dominated school boards throughout the country actively resisted integration.<sup>174</sup> In the South, segregation was still in place through the early 1970s due to massive resistance by white communities.<sup>175</sup> In the rest of the country, including California, education segregation occurred when government sanctioned housing segregation combined with school assignment and siting policies.<sup>176</sup> Because children attended the schools in their neighborhood and school financing was tied to property taxes, most Black children attended segregated schools with less funding and resources than schools attended by white children.<sup>177</sup>

In 1974, the U.S. Supreme Court allowed this type of school segregation to continue in schools if it reflected

residential segregation patterns between the cities and suburbs.<sup>178</sup> In part, as result of this and other U.S. Supreme Court decisions that followed to further undermine desegregation efforts, many public schools in the United States were integrated and then resegregated, or never integrated in the first place.

**California**

In 1874, the California Supreme Court ruled segregation in the state’s public schools was legal,<sup>179</sup> a decision that predated the U.S. Supreme Court’s infamous “separate but equal” 1896 case of *Plessy v. Ferguson* by 22 years.<sup>180</sup>

In 1966, as the South was in the process of desegregating, 85 percent of Black Californians attended predominantly minority schools, and only 12 percent of Black students and 39 percent of white students attended racially balanced schools.<sup>181</sup> Like in the South, white Californians fought desegregation and, in a number of school districts, courts had to order districts to desegregate.<sup>182</sup> Any progress attained through court-enforced desegregation was short-lived. Throughout the mid- to late-1970s, courts overturned, limited, or ignored desegregation orders in many California districts, as the Supreme Court and Congress limited methods to integrate schools.<sup>183</sup> In 1979, California passed Proposition 1, which further limited desegregation efforts tied to busing.<sup>184</sup>

In the vast majority of California school districts, schools either re-segregated or were never integrated, and thus segregated schools persists today. California remains the sixth most segregated state in the country for Black students.<sup>185</sup> In California’s highly segregated schools, schools mostly attended by white and Asian children receive more funding and resources than schools with predominately Black and Latino children.<sup>186</sup>

**VII. Racism in Environment and Infrastructure****Nationally**

Due to residential segregation, African Americans have lived in poor-quality housing throughout American history, exposing them to disproportionate amounts of lead poisoning and increasing risk of infectious disease.<sup>187</sup> Segregated Black neighborhoods have more exposure to hazardous waste, oil and gas production, automobile and diesel fumes, and are more likely to have inadequate public services like sewage lines and drinking water pipes.<sup>188</sup> African Americans are more vulnerable than white Americans to the dangerous effects of extreme weather patterns such as heat waves, made

worse by the effects of human consumption and industrial degradation of the environment.<sup>189</sup>

**California**

National patterns are replicated in California. Black Californians are more likely than white Californians to live in overcrowded housing, and near hazardous waste.<sup>190</sup> Black neighborhoods are more likely to lack tree canopy<sup>191</sup> and suffer from the consequences of water<sup>192</sup> and air pollution.<sup>193</sup> For instance, Black Californians in the San Joaquin Valley were excluded

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from most urban areas with access to clean water as a result of redlining policies, racial covenants, and racially-motivated violence.<sup>144</sup>

In Tulare county, the largely Black community of Teviston had no access to sewer and water infrastructure, while the adjacent white community of Pixley did.<sup>145</sup> This discrimination continued until recently: the town of Lanare, formed by Black families fleeing the Dust Bowl, had no running water at all until the 1970s, and was

**In the 1950s, a developer in Milpitas, CA tried to build a housing development for both white and Black homebuyers. In response, the Milpitas City Council increased the sewer connection fee more than tenfold to thwart the development.**

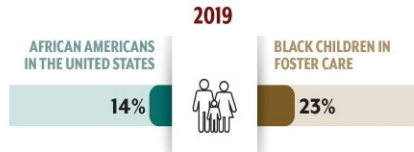
subjected to dangerous levels of arsenic in the water even after wells and pipes were drilled.<sup>146</sup> The town's residents did not get access to clean drinking until 2019.<sup>147</sup>

### VIII. Pathologizing the Black Family

#### Nationally

Government policies and practices—at all levels—have destroyed Black families throughout American history. After the Civil War, southern state governments re-enslaved children by making them “apprentices” and

children.<sup>153</sup> As of 2019, Black children make up only 14 percent of American children, and yet 23 percent of children in foster care.<sup>154</sup> Studies have shown that this is likely not because Black parents mistreat their children more often, but rather due to racist systems and poverty.<sup>155</sup>



forcing them to labor for white Americans, who were sometimes their former enslavers.<sup>148</sup> In the past century, state and federal government financial assistance and child welfare systems have based decisions on racist beliefs created to maintain slavery and which continue to operate today as badges of slavery.<sup>149</sup>

Government issued financial assistance has excluded African Americans from receiving benefits. In the early 1900s, state governments made support payments every month to low income single mothers to assist them with the expenses incurred while raising children.<sup>150</sup> Black families were generally excluded, despite their greater need.<sup>151</sup>

Scholars have found that racial discrimination exists at every stage of the child welfare process.<sup>152</sup> The data show that when equally poor Black and white families are compared, even where both families are considered to be at equal risk for future abuse, state agencies are more likely to remove Black children from their families than white

In the 2015-16 school year, Black students were arrested at three times the rate of white students, while only comprising 15 percent of the population in schools.<sup>156</sup> This disparity widens for Black girls, who make up 17 percent of the school population, but are arrested at 3.3 times the rate of white girls.<sup>157</sup> Meanwhile, the criminal and juvenile justice systems have intensified these harms to Black families by imprisoning large numbers of Black children, thereby separating Black families.<sup>158</sup>

#### California

California trends in the child welfare, juvenile justice and disciplinary action in schools match those in the rest of the country. Recent California Attorney General investigations have found several school districts punish Black students at higher rates than students of other races.<sup>159</sup> Investigations at the Barstow Unified School District, the Oroville City Elementary School District, and the Oroville Union High School District showed that Black students were more likely to be punished and/or suspended, and were subjected to greater punishments, than similarly-situated peers of other races.<sup>160</sup>

A 2015 study ranked California among the five worst states in foster care racial disparities.<sup>161</sup> Black children in California make up approximately 22 percent of the



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foster population, while only six percent of the general child population,<sup>162</sup> far higher than the national percentages.<sup>163</sup> Some counties in California—both urban and rural—have much higher disparities compared to

the statewide average. In San Francisco County, which is largely urban and has nearly 900,000 residents, the percentage of Black children in foster care in 2018 was more than 25 times the rate of white children.<sup>164</sup>

## IX. Control Over Creative Cultural and Intellectual Life

### Nationally

During slavery, state governments controlled and dictated the forms and content of African American artistic and cultural production.<sup>165</sup> Advocates argue that this is still true today.<sup>166</sup> After the Civil War, governments and politicians embraced minstrelsy, which was the popular

and culture makers access to the leisure sites, business licenses, and funding for lifestyle activities that were offered to white people.<sup>173</sup> State governments built monuments to memorialize the Confederacy as just and heroic through monument building, while simultaneously suppressing the nation's history of racism, slavery and genocide.<sup>171</sup> States censored cinematic depictions of discrimination while also censoring depictions of Black people integrating into white society.<sup>172</sup>

**There are estimates that racial violence accounts for 1,100 missing patents that should have been given to African Americans. Cyrus McCormick received a patent for the mechanical reaper, even though it was actually invented by Jo Anderson, a man who was enslaved by the McCormick family.**

racist and stereotypical depiction of African Americans through song, dance, and film.<sup>167</sup> Federal and state governments failed to protect Black artists and creators from discrimination and simultaneously promoted discriminatory narratives.<sup>168</sup>

Federal and state governments allowed white Americans to steal Black art and culture with impunity—depriving Black creators of valuable copyright and patent protections.<sup>169</sup> State governments denied Black entrepreneurs

### California

In California, city governments decimated thriving Black neighborhoods with vibrant artistic communities, like the Fillmore in San Francisco.<sup>173</sup> Local governments in California have discriminated against, punished, and penalized Black students for their fashion, hairstyle, and appearance.<sup>174</sup> State-funded California museums have excluded Black art from their institutions.<sup>175</sup> California has criminalized Black rap artists, as California courts have allowed rap lyrics to be used as evidence related to street gang activity.<sup>176</sup> California has been home to numerous racist monuments and memorials for centuries.<sup>177</sup>

## X. Stolen Labor and Hindered Opportunity

### Nationally

It is undeniable that the labor of enslaved Africans built the infrastructure of the nation, produced its main agricultural products for domestic consumption and export, and filled the nation's coffers.<sup>178</sup> Since then, federal, state, and local government actions directly segregated and discriminated against African Americans.<sup>179</sup> In 1913, President Woodrow Wilson officially segregated much of the federal workforce.<sup>180</sup> While African Americans have consistently served in the military since the very beginning of the country, the military has historically paid Black soldiers less than white soldiers and often

deemed African Americans unfit for service until the military needed them to fight.<sup>181</sup>

Federal laws have also protected white workers while denying the same protections to Black workers, empowering private discrimination.<sup>182</sup> Approximately 85 percent of all Black workers in the United States at the time were excluded from the protections passed the Fair Labor Standards Act of 1938—protections such as a federal minimum wage, the maximum number of working hours, required overtime pay, and limits on child labor.<sup>183</sup> The Act essentially outlawed child labor in

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industrial settings—where most white children worked—and allowed child labor in agricultural and domestic work—where most Black children worked.<sup>184</sup>

Although federal and state laws such as the Federal Civil Rights Act of 1964 and the California Fair Employment and Housing Act of 1959 prohibit discrimination, enforcement is slow and spotty.<sup>185</sup> Federal and state policies

**According to one meta-study, from 1989 to 2014, employment discrimination against African Americans had not decreased.**

such as affirmative action produced mixed results or were short lived.<sup>186</sup> African Americans continue to face employment discrimination today.<sup>187</sup>

## California

Several California cities did not hire Black workers until the 1940s and certain public sectors continued to avoid hiring Black workers even in 1970.<sup>188</sup> The San Francisco Fire Department, for example, had no Black firefighters before 1955 and, by 1970 when Black residents made up 14 percent of the city's population, only four of the Department's 1,800 uniformed firefighters were Black.<sup>189</sup> During the New Deal, several California cities invoked city ordinances to prevent Black federal workers from working within their cities.<sup>190</sup> Labor unions excluded Black workers in California.<sup>191</sup> Today, by some measures, California's two major industries, Hollywood and Silicon Valley, disproportionately employ fewer African Americans.<sup>192</sup>

## XI. An Unjust Legal System

### Nationally

American government at all levels criminalized African Americans for social control, and to maintain an economy based on exploited Black labor.<sup>193</sup>

After the Civil War, and throughout segregation, states passed numerous laws that criminalized African Americans as they performed everyday tasks, like entering into the same waiting rooms as white Americans at bus stations or walking into a park for white people.<sup>194</sup> In the South, until the 1940s, Black men and boys were frequently arrested on vagrancy charges or minor violations, then fined, and forced to pay their fine in a new system of enslavement called convict leasing.<sup>195</sup> In the words of the Supreme Court of Virginia, they were "slaves of the state."<sup>196</sup>

During the tough on crime and War on Drugs era, politicians continued to criminalize African Americans to win elections. President Richard Nixon's domestic policy advisor explained that by "getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, [the Nixon White House] could disrupt those communities... Did we know we were lying about the drugs? Of course we did."<sup>197</sup>

The criminalization of African Americans is an enduring badge of slavery and has contributed to over policing of Black neighborhoods, establishment of the school-to-prison pipeline, the mass incarceration of African Americans, and numerous other inequities reaching every corner of the American legal system.<sup>198</sup>

It has also led to the retraumatization of African Americans when both the police and mainstream media refuse to accept African Americans as victims. Law enforcement poorly investigates or ignore crimes against African American women.<sup>199</sup> Violence against Black trans people are underreported, unresolved and under-investigated.<sup>200</sup> Black children on average remain missing longer than non-Black children.<sup>201</sup>

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The convict leasing system in the South re-enslaved thousands of Black men and boys by arresting and convicting them of trumped-up charges. (1903)

The American criminal justice system overall physically harms, imprisons, and kills African Americans more than any other racial group relative to their percentage of the population.<sup>202</sup> While constitutional amendments<sup>203</sup> and federal civil rights laws<sup>204</sup> have tried to remedy these

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injustices, academics, judges, legislators and advocates have argued that the U.S. criminal justice system is a new iteration of legal segregation.<sup>293</sup>

**California**

Like the rest of the country, California stops, shoots, kills and imprisons more African Americans than their share of the population.<sup>296</sup> Data show that law

enforcement most frequently reported taking no further action during a stop with a person they perceived to be Black, suggesting there may have been no legal basis for the stop.<sup>297</sup> A 2020 study showed that racial discrimination is an “ever-present” feature of jury selection in California.<sup>298</sup> The lingering effects of California’s punitive criminal justice policies, such as the state’s three-strikes law, have resulted in large numbers of African Americans in jails and prisons.<sup>299</sup>

**XII. Mental and Physical Harm and Neglect**

**Nationally**

The government actions described in this report have had a devastating effect on the health of African Americans. Compared to white Americans, African Americans live shorter lives and are more likely to suffer and die from nearly all known diseases and medical conditions compared to white Americans.<sup>300</sup> When African Americans are hospitalized, Black patients with heart disease receive older, cheaper, and more conservative treatments than their white counterparts.<sup>301</sup>

Researchers have found that by some measures, this health gap has grown and cannot be explained by poverty alone,<sup>302</sup> as middle- and upper-class African Americans also manifest high rates of chronic illness and disability.<sup>303</sup> Researchers have linked these health outcomes in part to African Americans’ unrelenting experience of racism in our society.<sup>304</sup> Research suggests that race-related stress may have a greater impact on health among African Americans than diet, exercise, smoking, or low socioeconomic status.<sup>305</sup>

In addition to physical harm, African Americans experience anger, anxiety, paranoia, helplessness, hopelessness, frustration, resentment, fear, lowered self-esteem, and lower levels of psychological functioning as a result of racism.<sup>306</sup> These feelings can profoundly undermine Black children’s emotional and physical well-being and their academic success.<sup>307</sup>

**California**

These national trends are similar in California. The life expectancy of an average Black Californian was 75.1 years, six years shorter than the state average.<sup>308</sup> Black babies are more likely to die in infancy and Black mothers giving birth die at a rate of almost four times higher than the average Californian mother.<sup>309</sup> Compared with white Californians, Black Californians are more likely to have diabetes, die from cancer, or be hospitalized for heart disease.<sup>310</sup>

Compared to white Californian men, Black Californian men are

**5x** to die from prostate cancer  
MORE LIKELY

Black Californians suffer from high rates of serious psychological distress, depression, suicidal ideation, and other mental health issues.<sup>311</sup> Unmet mental health needs are higher among Black Californians, as compared with white Californians, including lack of access to mental healthcare and substance abuse services.<sup>312</sup> Black Californians have the highest rates of attempted suicide among all racial groups.<sup>313</sup>

**XIII. The Wealth Gap**

**Nationally**

As described in further detail throughout this report, government policies perpetuating badges of slavery have helped white Americans accumulate wealth, while overwhelmingly erecting barriers which prevent African Americans from doing the same.

Federal and California Homestead Acts essentially gave away hundreds of millions of acres of land almost for free mostly to white families.<sup>314</sup> Today, as many as 46 million of their living descendants reap the wealth benefits, approximately one-quarter of the adult population of the United States.<sup>315</sup> In the 1930s and 1940s,

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the federal government created programs that subsidized low-cost loans, which allowed millions of average white Americans to own their homes for the first time.<sup>226</sup> Of the \$120 billion worth of new housing subsidized between 1934 and 1962, less than two percent went to non-white families.<sup>227</sup> Other bedrocks of the American middle class, like Social Security and the G.I. Bill, also mostly excluded African Americans.<sup>228</sup> The federal tax structure has in the past, and continues today, to discriminate against African Americans.<sup>229</sup>

**In 2019, white households owned**

**9x**  **MORE**  
**assets than Black households**

These harms have compounded over generations, resulting in an enormous wealth gap that is the same today as it had been two years before the Civil Rights Act was passed in 1964.<sup>230</sup> In 2019, the median Black household

had a net worth of \$24,100, while white households have a net worth of \$188,200.<sup>231</sup> This wealth gap persists across all income levels, regardless of education level or family structure.<sup>232</sup>

**California**

The wealth gap exists in similar ways in California. A 2014 study of the Los Angeles metro area found that the median value of liquid assets for native born African American households was \$200, compared to \$110,000 for white households.<sup>233</sup>

California's homestead laws similarly excluded African Americans before 1900 because they required a homesteader to be a white citizen.<sup>234</sup> Throughout the 20<sup>th</sup> century, federal, state and local governments in California erected barriers to Black homeownership and supported or directly prohibited African Americans from living in suburban neighborhoods.<sup>235</sup> In 1996, California passed Proposition 209 in 1996, which prohibited the consideration of race in state contracting.<sup>236</sup> One study has estimated that, as a result of Proposition 209, minority- and women-owned business enterprises lost about \$1 billion.<sup>237</sup>

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**XIV. Key Findings**

- From colonial times forward, governments at all levels adopted and enshrined white supremacy beliefs and passed laws in order to maintain slavery, a system of dehumanization and exploitation that stole the life, labor, liberty, and intellect of people of African descent. This system was maintained by, and financially benefited, the entire United States of America and its territories.
  - This system of white supremacy is a persistent badge of slavery that continues to be embedded today in numerous American and Californian legal, economic, and social and political systems. Throughout American history and across the entire country, laws and policies, violence and terror have upheld white supremacy. All over the country, but particularly in the South during the era of legal segregation, federal state and local governments directly engaged in, supported, or failed to protect African Americans from the violence and terror aiming to subjugate African Americans.
  - Government actions and derelictions of duty have caused compounding physical and psychological injury for generations. In California, racial violence against African Americans began during slavery, continued through the 1920s, as groups like the Ku Klux Klan permeated local governments and police departments, and peaked after World War II, as African Americans attempted to move into white neighborhoods.
  - After the Civil War, African Americans briefly won political power during Reconstruction. Southern states responded by systematically stripping African Americans of their power to vote. Racist lawmakers elected from southern states blocked hundreds of federal civil rights laws and edited other important legislation to exclude or discriminate against African Americans. These coordinated efforts at the federal level harmed Black Californians, particularly when coupled with discrimination at the state and local levels.
  - Government actors, working with private individuals, actively segregated America into Black and white neighborhoods. In California, federal, state, and local governments created segregation through discriminatory federal housing policies, zoning ordinances, decisions on where to build schools, and discriminatory federal mortgage policies known as redlining.
- Funded by the federal government, the California state and local government also destroyed Black homes and communities through park and highway construction, urban renewal and by other means.
- Enslavers denied education to enslaved people in order to control them. Throughout American history, when allowed schooling at all, Black students across the country and in California have attended schools with less funding and resources than white students. After slavery, southern states passed laws to prevent Black and white students from attending the same schools. Throughout the country, even after the U.S. Supreme Court held "separate but equal" to be unconstitutional, children went to the school in their neighborhoods, so education segregation was further entrenched by residential segregation. Many public schools in the United States never integrated in the first place or were integrated and then re-segregated. Today, California is the sixth most segregated state in the country for Black students, who attend under-resourced schools.
  - Due to residential segregation and compared to white Americans, African Americans are more likely to live in worse quality housing and in neighborhoods that are polluted, with inadequate infrastructure. Black Californians face similar harms.
  - Government financial assistance programs and policies have historically excluded African Americans from receiving benefits.
  - The current child welfare system in the country and in California, operates on harmful and untrue racial stereotypes of African Americans. This has resulted in extremely high rates of removal of Black children from their families, even though Black parents do not generally mistreat their children at higher rates than white parents. Black children thus disproportionately suffer the loss of their families and the additional harms associated with being in the child welfare system.
  - Federal and state governments, including California, failed to protect Black artists, culture-makers, and media-makers from discrimination and simultaneously promoted discriminatory narratives. State governments memorialized the Confederacy as just and heroic through monument building, while suppressing the nation's history of racism and slavery.

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- Federal, state, and local government actions, including in California, have directly segregated and discriminated against African Americans at work. Federal and state policies like affirmative action produced mixed results and were short lived. African Americans continue to face employment discrimination today in the country and in California.
- American government at all levels, including in California, has historically criminalized African Americans for the purposes of social control, and to maintain an economy based on exploited Black labor. This criminalization is an enduring badge of slavery and has contributed to the over-policing of Black neighborhoods, the school to prison pipeline, the mass incarceration of African Americans, a refusal to accept African Americans as victims, and other inequities in nearly every corner of the American and California legal systems. As a result, the American and California criminal justice system physically harms, imprisons, and kills African Americans more than other racial groups relative to their percentage of the population.
- The government actions described in this report have had a devastating effect on the health of African Americans in the country and in California. Compared to white Americans, African Americans live shorter lives and are more likely to suffer and die from almost all diseases and medical conditions than white Americans. Researchers have linked these health outcomes in part to African Americans' unrelenting experience of racism in our society. In addition to physical harm, African Americans experience psychological harm, which can profoundly undermine Black children's emotional and physical well-being and their academic success.
- Government laws and policies perpetuating badges of slavery have helped white Americans accumulate wealth, while erecting barriers that have prevented African Americans from doing the same. These harms compounded over generations, resulting in an enormous gap in wealth between white and African Americans today in the nation and in California.

## XV. Preliminary Recommendations for Future Deliberation

### Enslavement

- End legal slavery in California by doing the following:
  - » Deleting language from the California Constitution that permits involuntary servitude as punishment for crime by passing ACA 3 (Kamlager).
  - » Repealing Penal Code Section 2700, which states that the California Department of Corrections and Rehabilitation (CDCR) “shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the director of Corrections.”
  - » Pass legislation that makes education, substance use and mental health treatment, and rehabilitative programs the first priority for incarcerated people. In addition, allow incarcerated people to make decisions regarding how they will spend their time and which programs and jobs they will do while incarcerated.
  - » Require that incarcerated people who are working in prison or jail be paid a fair market rate for their labor.
  - » Prohibit for-profit prison companies from operating within the system (i.e. companies that control phone calls, emails, and other communications).
  - » Require that any goods or services available for purchase by incarcerated people and their families be provided at the same cost as those goods and services outside of prison.
  - » Allow people who are incarcerated to continue to exercise their right to vote.
- Implement a comprehensive reparations scheme, as will be detailed in the Task Force’s Final Report.
- Transmit the Task Force’s Final Report and findings to the President and the Congress with a recommendation that the federal government create a Reparations Commission for African Americans/American Freedmen through statute or executive action.
- Request that the State of California and the U. S. federal government facilitate data disaggregation for Black/African racial groups.

### Racial Terror

- Make it easier to hold law enforcement officers (including correctional officers) and their employing agencies accountable for unlawful harassment and violence, including 1) a provision overruling the extratextual “specific intent” requirement that California courts have read into the Bane Act; 2) a provision eliminating state law immunities that shield officer misconduct, and explicitly rejecting protections analogous to qualified immunity under federal law; and 3) a provision for additional special damages when the unlawful conduct is shown to be racially motivated.
- Create forms of expression, acknowledgment, and remembrance of the trauma of state-sanctioned white supremacist terror, possibly including memorials, and funding a long-term truth and reconciliation commission.
- Estimate the value of Black-owned businesses and property in California stolen or destroyed through acts of racial terror, distribute this amount back to Black Californians, and make housing grants, zero-interest business and housing loans and grants available to Black Californians.

### Political Disenfranchisement

- Create forms of acknowledgment and apology for acts of political disenfranchisement.
- Pass legislation that is in alignment of the objectives stated in AB 2576 (Aguiar-Curry) and establish separate funding:
  - » for voter education and outreach
  - » to provide state funding and charge the Secretary of State office with making grants to county registrars for programs that integrate voter registration and preregistration with civic education for programs that increase voter registration within the county’s underrepresented communities and high school students.
- Consider legislation to prevent dilution of the Black vote through redistricting.
- Require legislative policy committees to conduct racial impact analyses of all proposed legislation and require the Administration to include a comprehensive

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racial impact analysis for all budget proposals and proposed regulations.

- Allow individuals with felony convictions to serve on juries and prohibit judges and attorneys from excluding jurors solely for having a criminal record.

### Housing Segregation

- Identify and eliminate anti-Black housing discrimination policies practices.
- Compensate individuals forcibly removed from their homes due to state action, including but not limited to park construction, highway construction, and urban renewal.
- Prevent current banking and mortgage related discrimination, including but not limited to discriminatory actions as a result of artificial intelligence and automated data analytics.
- Repeal Article 34 of the California Constitution.
- Repeal or counteract the effects of crime-free housing policies that disproportionately limit Black residents' access to housing.
- Establish a state-subsidized mortgage system that guarantees low interest rates for qualified California Black mortgage applicants.
- Identify previous, and eliminate current, policies and practices that overwhelmingly contribute to the vast overrepresentation of African Americans among the unhoused population.
- Identify and eliminate any policies with blatant anti-Black residency requirements or preferences; invalidate and deem unlawful, any contract with anti-Black racial covenants.
- Provide clean and secure public housing for vulnerable populations including those persons who are formerly incarcerated, in the foster care system, and unhoused individuals.
- Provide development incentives for businesses that provide healthy foods, specifically grocery stores, in predominantly-Black neighborhoods to address increasingly prevalent food swamps.

### Separate and Unequal Education

- Add Black students to the existing three student groups listed in the Supplemental Grants provisions of the Local Control Funding Formula (LCFF). Methodically guide this funding to provide instructional supports, enrichment, and counseling to Black students.
- Identify and eliminate racial bias and discriminatory practices in standardized testing, inclusive of state-wide K-12 proficiency assessments, undergraduate and postgraduate eligibility assessments, and professional career exams (ex. STAR, ACT, SAT, LSAT, GRE, MCAT, State Bar Exam).
- Provide funding for free tuition to California colleges and universities.
- Provide funding for African American/American Freedmen owned and controlled K-12 schools, colleges and universities, trade and professional schools.
- Adopt mandatory curriculum for teacher credentialing that includes culturally responsive pedagogy, anti-bias training, and restorative practices and develop strategies to proactively recruit African American teachers to teach in K-12 public schools.
- Reduce arbitrary segregation within California public schools and the resulting harms to Black students at majority-nonwhite under-resourced schools, by creating porous school district boundaries that allow students from neighboring districts to attend.
- Increase the availability of inter-district transfers to increase the critical mass of diverse students at each school so that students are assigned, or able to attend, public schools based on factors independent of their parents' income level and ability to afford housing in a particular neighborhood or city.
- Provide scholarships for Black high school graduates to cover four years of undergraduate education (similar to the G.I. Bill model) to address specific and ongoing discrimination faced in California schools.
- Implement systematic review of public and private school disciplinary records to determine levels of racial bias and require all schools to implement racially equitable disciplinary practices.
- Require that curriculum at all levels and in all subjects be inclusive, free of bias, and honor the contributions



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and experiences of all peoples regardless of ethnicity, race, gender, or sexual orientation.

- Advance the timeline for ethnic studies classes in public and private high schools
- Adopt a K-12 Black Studies curriculum that introduces students to concepts of race and racial identity; accurately depicts historic racial inequities and systemic racism; honors Black lives, fully represents contributions of Black people in society, and advances the ideology of Black liberation.
- Encourage identification and support of teachers who give culturally nurturing instructions and adopt new models for teacher development to improve teacher habits in the classroom.
- Improve funding and access for educational opportunities for all incarcerated people in both juvenile and adult correctional facilities.

**Racism in Environment and Infrastructure**

- Identify and address the impact of environmental racism on predominantly Black communities including, but not limited to, unequal exposure to pollutants associated with roadway and heavy truck traffic, oil drilling, drinking water contamination, and current or former heavily-industrial and other potential pollutants in Black neighborhoods.
- Require and fund the statewide planting of trees to create shade equity and minimize heat islands in Black neighborhoods.
- Ensure that state and local allocation of resources to public transit systems is equitable on a per-rider basis for methods of transit that are disproportionately utilized by low-income, urban, and Black residents.
- Support development of policies and practices that limit the unequal citing of vice retail businesses (e.g., liquor stores, tobacco retail) in Black neighborhoods.
- Support Black neighborhoods to develop policies and practices that promote locating healthy retailers (e.g., grocery stores, farmers markets) within Black neighborhoods.
- Support the work of community-based organizations in identifying Black resident interests and needs within neighborhoods (e.g., farmers markets, public transportation).

- Support the work of community-based organizations to ensure safe access to neighborhood-level physical activity spaces (e.g., public parks).

- Reduce the density of food swamps (i.e., high densities of fast-food restaurants) in Black neighborhoods.
- Introduce climate change mitigation and adaptive capacity strategies and measures (e.g., cooling centers, increasing greenspaces that reduce urban heat island effects and air pollutant concentrations).
- Equalize community benefit infrastructure funding among Black and white neighborhoods (i.e. bike trails, drinking water pipes, sidewalks, etc.)

**Pathologizing Black Families**

- Compensate families who were denied familial inheritances by way of racist anti-miscegenation statutes, laws, or precedents, that denied Black heirs resources they would have received had they been white.
- Realign federal Temporary Assistance to Needy Families funding devoted to direct assistance to impoverished families in order to provide greater funding to poor Black families that have historically been denied equal welfare benefits pursuant to a variety of subversive racist policies and practices.
- Address the severely disparate involvement of Black families within the child welfare and foster care systems.
- Review and adopt policies that caregivers in the child welfare system are allowed to meet the requirements and have access to resources to care for family members.
- Ensure that Black men and women have access to effective, high quality, trauma-informed, culturally competent intimate partner and/or guardian violence treatment and services outside of the criminal legal system.
- Eliminate past-due child support owed to the government for non-custodial parents.
- Eliminate the collection of child support as a means to reimburse the state for current or past government assistance.
- Ensure that all child support payments are provided directly to the custodial parent and the child.

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- Eliminate the annual interest charged for past due child support.
- Allow incarcerated parents, when appropriate, to strengthen and maintain their relationships with their children by doing the following:
  - » Provide on-going wrap around family reunification and maintenance services to incarcerated people and their families.
  - » Provide mental health support designed specifically to heal trauma and strengthen family ties, including both individual and family treatment when needed.
  - » Develop spaces and programs for incarcerated people to spend time with their children in non-institutional, non-punitive settings when appropriate.
  - » Prohibit the state prison system and local jails from cancelling family visits as a form of punishment.
  - » Require that all visitation policies be culturally competent, trauma-informed, and non-threatening for the family members.
  - » Allow free telephone and video calls to allow incarcerated parents to maintain connections to their children and other family members, for cases not involving domestic or familial abuse.
  - » Accommodate telephone and video meetings between incarcerated parents and their children's caregivers, physicians, and teachers to allow parents to participate in decision making regarding their children's care, needs, and education.

### Control Over Creative Cultural and Intellectual Life

- Identify and eliminate anti-Black discrimination policies in the areas of artistic, cultural, creative, athletic, and intellectual life.
- Provide financial restitution and compensation to athletes or their heirs for injuries sustained in their work if those injuries can be linked to anti-Black discrimination policies.
- Compensate individuals who have been deprived of rightful profits for their artistic, creative, athletic, and intellectual work.
- Identify and eliminate discrimination in the industries of art, culture, invention, sports, leisure, and business,

including but not limited to: ensuring access to patents and royalties for cultural, intellectual, and artistic production; prohibiting discrimination and glass ceilings that harm Black artists and entrepreneurs; removing anti-Black memorials and monuments; placing clear restrictions on the use of artistic works in disciplinary or law enforcement actions; and providing a pathway to compensation for student athletes.

### Stolen Labor and Hindered Opportunity

- Identify and eliminate racial bias in employment and advancement, especially for Black Californians seeking public employment or promotion to higher-paying positions in government. Pass legislation to advance pay equity.
- Adopt a clean slate policy for both young people and adults to ensure that eligible criminal record expungements are done quickly and equitably.
- Remove unnecessary barriers to employment for individuals with criminal records.
- Raise the minimum wage and require scaling-up of the minimum wage for more experienced workers, require provision of health benefits and paid time off, and provide other missing protections for workers in food and hospitality services, agricultural, food processing, and domestic worker industries.
- Require or incentivize private and public employers to undergo training regarding bias in employment practices and measures to address bias in hiring, promotion, pay, and workplace practices.
- Create a fund to support the development and sustenance of Black-owned businesses and eliminate barriers to licensure that are not strictly necessary and that harm Black workers.
- Create and fund intensive training programs that enable Black Californians to access employment opportunities from which they have been excluded.
- Ban employment practices that lock in and perpetuate historic and continuing discrimination and should make eligibility for public contracts contingent on elimination of employment practices that disproportionately harm Black workers.
- Address disparities in transportation that limit access to jobs.

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- Increase funding to the California Department of Fair Employment and Housing and other relevant state agencies to effectively enforce civil rights laws and regulations.

**An Unjust Legal System**

- Eliminate discriminatory policing and particularly killings, use of force, and racial profiling of African Americans.
- Eliminate and reverse the effects of discrimination within the criminal justice system including, reviewing the cases of incarcerated African Americans in order to determine whether they have been wrongfully convicted or have received longer or harsher sentences than white people convicted of the same or similar crimes.
- Review the security level determinations made by the California Department of Corrections and Rehabilitation in order to eliminate and reverse anti-Black discriminatory policies and decisions that have resulted in a disproportionate number of Black incarcerated people being identified as members of security threat groups, held in segregated housing, or housed in higher security levels than their white peers.
- Prevent discrimination by algorithms in new policing technologies.
- Eliminate the racial disparities in police stops.
- Eliminate the racial disparities in criminal sentencing and the over incarceration of African Americans.
- Eliminate the over-policing of predominantly Black communities.
- Eliminate the racial disparities and discrimination against African Americans in the parole hearing process (including in the criminal risk assessments used to determine suitability for parole).
- Eliminate both implicit and explicit bias in the criminal justice system, including implementing training and accountability for prosecutors, judges, parole commissioners, and parole and probation officers.
- Reduce the scope of law enforcement jurisdiction within the public safety system and shift more funding for prevention and mental health care.
- Invest in institutions that reduce the likelihood of criminal activity such as care based services, youth

development, job training and increasing the minimum wage.

- Require the Board of State and Community Corrections (BSCC), CDCR, the Judicial Council and the Commission on Peace Officer Standards and Training, and the Board of Parole Hearings to work with the Attorney General to collect comprehensive data on policing, convictions, sentencing, and incarceration, including the use of less lethal weapons by law enforcement and demographic characteristics on a regular (monthly, quarterly, annual) basis. As part of the data collection, mandate that law enforcement (at all levels) report the data accurately and in a timely manner. In addition, require that the data be made available through an open data system that can be accessed and downloaded by researchers, advocates, policy makers and the public.

**Mental & Physical Harm and Neglect**

- Eliminate anti-Black healthcare laws and policies and anti-Black discrimination in healthcare.
- Compensate, both financially and with cost-free high quality comprehensive services and supports, individuals whose mental and physical health has been permanently damaged by anti-Black healthcare system policies and treatment, including, but not limited to, those subjected to forced sterilization, medical experimentation, racist sentencing disparities, police violence, environmental racism, and psychological harm from race-related stress.
- Identify and eliminate discrimination and systemic racism, including but not limited to, discrimination by healthcare providers; inequity in access to healthcare; inaccessibility of health insurance; funding needs of health-focused community organizations; the dearth of clinical research on health conditions that affect African Americans; the underrepresentation of African Americans among medical and mental health providers; and the lack of race-conscious public health policy.
- Create free healthcare programs.
- Provide ongoing medical education, particularly on illnesses and other issues that historically impact health of African Americans; provide medical clinics.
- Implement Medi-Cal reforms to increase flexibility for the use of community evidence practices designed, tested and implemented by the Black community and

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reduce the tendency to use culturally bankrupt evidence based practices that are not field tested.

- Identify and eliminate the biases and discriminatory policies that lead to the higher rate of maternal injury and death among Black women.
- Ensure that Black women have access to competent, trained medical staff and services for all of their lifetime reproductive healthcare needs including birth control, prenatal and postnatal care, labor and delivery, abortion services, and perimenopause, menopause and post-menopause care.

### The Wealth Gap

- Implement a detailed program of reparations for African Americans.
- Develop and implement other policies, programs, and measures to close the racial wealth gap in California.
- Provide funding and technical assistance to Black-led and Black community-based land trusts to support wealth building and affordable housing.

### The California African American Freedmen Affairs Agency

- Establish a cabinet-level secretary position over an African American/Freedmen Affairs Agency tasked with implementing the recommendations of this task force. The role of the agency is to identify past harms, prevent future harm, work with other state agencies and branches of California's government to mitigate harms, suggest policies to the Governor and the Legislature designed to compensate for the harms caused by the legacy of anti-Black discrimination, and work to eliminate systemic racism that has developed as a result of the enslavement of African Americans in the United States.
- The Agency should include the following:
  - » A branch to process claims with the state and assist claimants in filing for eligibility.

» A genealogy branch in order to support potential claimants with genealogical research and to confirm eligibility.

» A reparations tribunal in order to adjudicate substantive claims for past harms

» An office of immediate relief to expedite claims.

» A civic engagement branch to support ongoing political education on African American history and to support civic engagement among African American youth.

» A freedmen education branch to offer free education and to facilitate the free tuition initiative between claimants and California schools.

» A social services and family affairs branch to identify and mitigate the ways that current and previous policies have damaged and destabilized Black families. Services might include treatment for trauma and family healing services to strengthen the family unit, stress resiliency services, financial planning services, career planning, civil and family court services.

» A cultural affairs branch to restore African American cultural/historical sites; establish monuments; advocate for removal of racist relics; support knowledge production and archival research; and to provide support for African Americans in the entertainment industry, including identifying and removing barriers to advancement into leadership and decision-making positions in the arts, entertainment, and sports industries.

» A legal affairs office to coordinate a range of free legal services, including criminal defense attorneys for criminal trials and parole hearings; free arbitration and mediation services; and to advocate for civil and criminal justice reforms.

» A division of medical services for public and environmental health.

» A business affairs office to provide ongoing education related to entrepreneurialism and financial literacy; to provide business grants; and to establish public-private reparative justice-oriented partnerships.

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## Endnotes

- <sup>1</sup>Pres. Proc. No. 95, (Jan. 1, 1863); U.S. Const. amend. XIII, § 1.
- <sup>2</sup>The Reconstruction Amendments' Debates: The Legislative History and Contemporary Debates in Congress on the 13th, 14th, and 15th Amendments (Alfred Avins Ed., 1967), p. 122.
- <sup>3</sup>The Civil Rights Cases, 1883) 109 U.S. 3, 20.
- <sup>4</sup>Kolchin, American Slavery: 1619–1877 (1993) (Kolchin), at pp. 17–18; Kendi, Stamped from the Beginning: The Definitive History of Racist Ideas in America (2016) (Kendi) p. 38–41.
- <sup>5</sup>See generally Chapter 3 Political Disenfranchisement
- <sup>6</sup>See generally Chapter 3 Racial Terror
- <sup>7</sup>See generally Chapters 2, Enslavement; 3. Racial Terror; Chapters 4. Political Disenfranchisement; 5. The Root of Many Evils Residential Segregation; 6. Separate and Unequal Education, 8. Pathologizing the Black Family; 9. Control Over Spiritual Creative and Cultural Life; 10. Stolen Labor and Hindered Opportunity; 11. An Unjust Legal System; 12. Harm and Neglect Mental Physical and Public Health
- <sup>8</sup>See generally Chapters 6. Separate and Unequal Education; 7. Racism in Environment and Infrastructure; 8. Pathologizing the Black Family; 10. Stolen Labor and Hindered Opportunity; 11. An Unjust Legal System; 12. Harm and Neglect Mental Physical and Public Health; 13. The Wealth Gap.
- <sup>9</sup>See generally Chapter 12. Harm and Neglect Mental Physical and Public Health;
- <sup>10</sup>Chapter 2, section V.B. see also Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (2014) (Baptist) at p. xxiii.
- <sup>11</sup>Chapter 2, section V.B.
- <sup>12</sup>Baptist, *supra*, at p. xxiii.
- <sup>13</sup>Chapter 2, Section IV.C.
- <sup>14</sup>Baptist, *supra*, at pp. 9–11. For an in depth discussion, see Chapter 2, Section IV.C.
- <sup>15</sup>Presidents who owned enslaved people while in office included George Washington, Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, John Tyler, James K. Polk, and Zachary Taylor. See Rosenwald, *Slave-owning presidents become targets of protesters* (June 3, 2020) Washington Post (as of Jan. 24, 2022).
- <sup>16</sup>Weil and Adrian Blanco, *More than 1,700 Congressmen Once Enslaved Black People, This Is Who They Were, and How They Shaped the Nation* (Jan. 20, 2022) Washington Post (As of January 24, 2022) (Weil and Blanco).
- <sup>17</sup>Ericson, *The Federal Government and Slavery: Following the Money Trail* (Spring 2005) 19 Stud. in Amer. Pol. Dev. 107.
- <sup>18</sup>*Id.* at pp. 112–115.
- <sup>19</sup>Pritchett, Quantitative Estimates of the United States Interregional Slave Trade, 1820–1860 (June 2001) 61 J. of Econ. Hist. 474.
- <sup>20</sup>Ball, Slavery in the United States: A Narrative of the Life and Adventures of Charles Ball, a Black Man (1837), p. 69.
- <sup>21</sup>Rosenthal, Reckoning with Slavery: How Revisiting Management's Uncomfortable Past Can Help Us Confront Challenges Today (2021) 20 Academy of Management Learning & Ed. 467–472.
- <sup>22</sup>Baptist, *supra*, at pp. 116–124. For an in depth discussion of the horrors suffered by enslaved people, see Chapter 2, section V
- <sup>23</sup>Berry, The Price for their Pound of Flesh: The Value of the Enslaved, from Womb to Grave, in the Building of a Nation (2017) pp. 78–83; Douglass, Narrative of the Life of Frederick Douglass, An American Slave. Written by Himself (1845), pp. 3–4.
- <sup>24</sup>Thomas Jefferson, *Letter to Joel Yancy*, Jan. 17, 1819 (as of May 9, 2022)
- <sup>25</sup>*U.S. Census of 1860*, Introduction, p. vii (as of May 9, 2022)
- <sup>26</sup>Kendi, *supra*, at pp. 38–41.
- <sup>27</sup>Kendi, *supra*, at p. 48.
- <sup>28</sup>Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (1975) (Morgan), at pp. 369, 385–386.
- <sup>29</sup>Commonwealth of Virginia Legislature, Act 1. *An act about the casual [sic] killing of slaves* (1669) Act 1. (as of Apr. 24, 2022).
- <sup>30</sup>Berlin, Many Thousands Gone: The First Two Centuries of Slavery in North America (1998), pp. 123–124 (Berlin).
- <sup>31</sup>*An act concerning Servants and Slaves XXXIV (1705)*, Records of the American Colonies, p. 459 (as of Apr. 24, 2022).
- <sup>32</sup>See e.g., US Constitution, Article I, Section 2; Kolchin, *supra*, at pp. 17–18, *Dred Scott v. Sandford*, 60 U.S. 393; Darlene Goring, *The History of Slave Marriage in the United States*, 39 J. Marshall L. Rev. 299 (2006) (Abolitionist William Goodell described the way that American law treated the families of enslaved people in 1853 as: “The slave has no rights. Of course, he or she cannot have the rights of a husband, a wife. The slave is a chattel, and chattels do not marry. The slave is not ranked among sentient beings, but among things; and things are not married.”); Campbell, Making Black Los Angeles: Class, Gender, and Community, 1850–1917 (2016). (The 1850 and 1860 federal censuses did not list most enslaved people by name, as they did for white Americans, but en masse in “slave schedules.”)
- <sup>33</sup>See Chapter 3 and 4.
- <sup>34</sup>Petrella and Loggins, *This is a Country for White Men: White Supremacy and U.S. Politics* (Jan. 5, 2017) Black Perspectives, African American Intellectual History Society (as of March 15, 2022).
- <sup>35</sup>See Chapters 2, 4, 6, 10, 11

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<sup>28</sup>Smith, *Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California* (Feb. 2011) 80 *Pacific Hist. Rev.* 33

<sup>29</sup>Smith, *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (2013), p. 8 (*Freedom's Frontier*).

<sup>30</sup>*Id.* at pp. 40, 257.

<sup>31</sup>Rohrbough, *Days of Gold: The California Gold Rush and the American Nation* (1997) at pp. 136–138.

<sup>32</sup>Baur, *The Health Factor in the Gold Rush Era* (Feb. 1949) 18 *Pacific Hist. Rev.* 97–105.

<sup>33</sup>See e.g., *A Slave Flogged in San Jose* (Feb. 16, 1850) *Daily Alta California*, p. 2, col. 3; *Slaveholding in California* (Aug. 30, 1850), *Liberator*, p. 140, col. 5.

<sup>34</sup>An Act Respecting Fugitives from Labor, and Slaves brought to this State prior to her Admission into the Union, April 15, 1852, ch. 33, *California Statutes*, at 67–69, *Freedom's Frontier*, *supra*, at pp. 67–68.

<sup>35</sup>*Freedom's Frontier*, *supra*, at pp. 71–72.

<sup>36</sup>Waite, *Early California lawmakers also preached resistance—but against immigration* (Aug. 3, 2018) *Los Angeles Times* (as of Jan. 26, 2022); Cottrell, *It took 92 years for California to ratify the 15th Amendment* (June 26, 2020) *The Union* (as of March 15, 2022).

<sup>37</sup>See Equal Justice Initiative (EJI), *Lynching in America: Confronting the Legacy of Racial Terror* (2015), p. 3 (as of Oct. 20, 2021) (EJI 2015).

<sup>38</sup>EJI 2015, *supra*, at pp. 3, 7; EJI, *Lynching in America: Confronting the Legacy of Racial Terror: Third Edition* (2017), pp. 48–50, 65, 73 (as of Oct. 20, 2021) (EJI 3d ed.); Wilkerson, *Caste: The Origins of Our Discontents* (2020), p. 151 (*Caste*); Lee, *How America's Vast Racial Wealth Gap Grew: By Plunder* (Aug. 18, 2019), *New York Times*, (as of Oct. 22, 2021) (Lee); *Case for Reparations*, *supra*; Lawfare, *supra*.

<sup>39</sup>Coates, *The Case for Reparations*, *The Atlantic* (June 2014) (as of April 4, 2022) (*Case for Reparations*); Byman,

*The Failure of Counterterrorism After the Civil War*, *Lawfare* (Aug. 22, 2021) (as of April 4, 2022) (Lawfare); Niraj Chokshi, *Racism at American Pools Isn't New: A Look at a Long History*, *N.Y. Times* (Aug. 1, 2018) (as of April 4, 2022).

<sup>40</sup>See, e.g., Brockell, *Tulsa isn't the only race massacre you were never taught in school. Here are others*, *The Washington Post*.

<sup>41</sup>EJI 2015, *supra*, at pp. 3, 7; EJI 3d ed., *supra*, at pp. 48–50, 73; *Case for Reparations*, *supra*; SPLC History, *supra*, at pp. 14–15, 18; Eckstrand, *supra*, at pp. 46–47; Lawfare, *supra*; Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument*, at p. 6 (May 2020) (as of April 4, 2022) (Human Rights Watch).

<sup>42</sup>Walter Howard Smith, Jr., *The Impact of Racial Trauma on African Americans: The Heinz Endowments* (2010) (as of Apr. 5, 2022), p. 4 (*Impact of Racial Trauma*); Erlanger A. Turner & Jasmine Richardson, *Racial Trauma Is Real: The Impact of Police Shootings on African Americans* (July 14, 2016), *American Psychological Association, Psychology Benefits Society* (as of Mar. 15, 2022).

<sup>43</sup>EJI 2015, *supra*, at p. 23.

<sup>44</sup>*Ibid.*

<sup>45</sup>Lee, *How America's Vast Racial Wealth Gap Grew: By Plunder*, *N.Y. Times*, (Aug. 14, 2019) (as of April 4, 2022).

<sup>46</sup>Niedermeier, *The Color of the Third Degree* (2019), pp. 17–19; United Nations General Assembly, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America* (Aug. 18, 2016), p. 16; Love, *The Trayvon Martin case reveals a vigilante spirit in the US justice system*, *The Guardian*, (Apr. 7, 2012) (as of April 4, 2022).

<sup>47</sup>See e.g., Hudson, *West of Jim Crow: The Fight Against California's Color Line* (2020), p. 193 (Hudson).

<sup>48</sup>Bringhurst, *The Ku Klux Klan in a Central California Community: Tulare County During the 1920s and 1930s* (Winter 2000) 82(4), *Southern California Quarterly* 365, 370; Hudson, *supra*, at pp. 171–72.

<sup>49</sup>Hudson, *supra*, at p. 172.

<sup>50</sup>*Ibid.*

<sup>51</sup>Brenda Elaine Stevenson, *The Contested Murder of Latasha Harlins: Justice, Gender, and the Origins of the LA Riots* (2013), p. 186; Hudson, *supra*, at p. 179.

<sup>52</sup>Hudson, *supra*, at p. 168.

<sup>53</sup>See Chapter 3.IV.J.5.

<sup>54</sup>Nat. Park Service, *U.S. Dept. of the Interior, Civil Rights in America: Racial Voting Rights* (2009) (Nat. Park Service), p. 4 (as of Nov. 8, 2021); See Chapter 4.

<sup>55</sup>Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (1988), pp. 550, 569–76 (“Foner, *Reconstruction*”).

<sup>56</sup>Foner, *Forever Free: The Story of Emancipation and Reconstruction* (First Vintage Books 2006), pp. 113–115, 117–118 (“Foner, *Forever Free*”). Foner, *Reconstruction*, *supra*, pp. 444–44, U.S. Const., amend. XV, § 1, U.S. Const., amend. XIV, § 2.

<sup>57</sup>Cobb and Jenkins, *Race and the Representation of Blacks' Interests During Reconstruction* (2001) 54 *Pol. Research Quarterly* 181, 184.

<sup>58</sup>Nat. Park Service, *supra*, p. 6; *Black Officeholders in the South*, (as of Nov. 19, 2021).

<sup>59</sup>Foner, *Reconstruction*, *supra*, at pp. 581–82.

<sup>60</sup>Chapter 4, Section IV.

<sup>61</sup>See Equal Justice Initiative, *Race and the Jury: Illegal Discrimination in Jury Selection* (Nov. 2005), p. 15 (as of Mar. 31, 2022).

<sup>62</sup>Foner, *Forever Free*, *supra*, p. 143.

<sup>63</sup>Nat. Park Service, U.S. Dept. of the Interior, *Civil Rights in America: Racial Voting Rights* (2009), p. 14 (as of Nov. 8, 2021).

<sup>64</sup>Nat. Park Service, *supra*, p. 6; *Black Officeholders in the South*, (as of Nov. 19, 2021).

<sup>65</sup>U.S. House of Representatives, Office of History and Preservation, *African Americans in Congress: 1870–2007* (2008), pp. 2, 4.

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<sup>21</sup> Caro, *Master of the Senate* (2009), pp. xiii-xiv; Grantham, *The Life and Death of the Solid South: A Political History* (1992).

<sup>22</sup> Caro, *supra*, pp. xiii-xiv.

<sup>23</sup> See Chapter 4, 10, 12.

<sup>24</sup> See, e.g., Katznelson, *When Affirmative Action was White* (2005), p. 113; Krugman, Paul Krugman - *New Deal Created the Middle Class* (Apr. 1, 2011) (as of Jan. 18, 2022); Mettler, *Soldiers to Citizens: The G.I. Bill and the Making of the Greatest Generation* (2005), p. 9.

<sup>25</sup> Katznelson, *supra*, p. 113; California Task Force to Study and Develop Reparation Proposals for African Americans (Oct. 13, 2021), *Testimony of Jacqueline Jones*, 7:20-8:55 (as of Jan. 26, 2022).

<sup>26</sup> Katznelson, *supra*, p. 121.

<sup>27</sup> Thomas, *The Hill-Burton Act and Civil Rights: Expanding Hospital Care for Black Southerners, 1939-1960* (2006) 72 J. of Southern History p. 823, 836; Von Hoffman, *A Study in Contradictions: The Origins and Legacy of the Housing Act of 1949* (2000) 11 Housing Policy Debate 299.

<sup>28</sup> See Chapter 4.IV.L., and Chapter 3.

<sup>29</sup> *People v. Hall* (1854) 4 Cal. 399, at p. 404.

<sup>30</sup> *People v. Hall* (1854) 4 Cal. 399, at p. 404.

<sup>31</sup> *Id.* at p. 404.

<sup>32</sup> Katz, et al., *Reckoning with our Rights: The Evolution of Voter Access in California*, UCLA Luskin Center for History and Policy (Sept. 2020) (Katz) pp. 3, 7 (as of Mar. 31, 2021).

<sup>33</sup> Cal. Const. of 1849, art. II, § 5.

<sup>34</sup> Katz, at p. 9.

<sup>35</sup> *Id.* at pp. 11-12.

<sup>36</sup> See Chapters 3, 5, 6, 7, and 10.

<sup>37</sup> See, e.g., Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (2011) (Wilkerson, *The Warmth of Other Suns*) pp. 38-45; Wilkerson, *Caste: The Origins of Our Discontents* (2020) pp. 116-17.

<sup>38</sup> See Cal. EPA, *Pollution and Prejudice: Redlining and Environmental Injustice*

*in California* (Aug. 16, 2021) (as of Apr. 4, 2022) (Cal. EPA).

<sup>39</sup> Rothstein, *The Color of Law* (2017) pp. 13 (Rothstein).

<sup>40</sup> U.S. Census Bureau, *Black Population 1790-1915* (1918) at p. 33.

<sup>41</sup> See e.g., Cutler et al., *The Rise and the Decline of the American Ghetto* (1999) 107 No. 3 J. of Political Economy 455, 456.

<sup>42</sup> Rothstein, *supra*, at pp. vii-xvii, 16-30, 51-52; Cal. EPA, *supra*, Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (2014) p. 229 (Toxic Communities); Taylor, *The Environment and the People in American Cities, 1600s-1900s: Disorder, Inequality, and Social Change* (2009) pp. 365 (Environment and People); Mohl, *The Interstates and the Cities: Highways, Housing, and the Freeway Revolt, Poverty & Race Research Action Council* (Jan. 1, 2002) p. 2 (Mohl).

<sup>43</sup> See *Corrigan v. Buckley* (1926) 271 U.S. 323, 331; U.S. Commission on Civil Rights, *Understanding Fair Housing* (Feb. 1973) p. 4; *Shelley v. Kraemer* (1948) 334 U.S. 1.

<sup>44</sup> *Domonoske, Interactive Redlining Map Zooms In On America's History Of Discrimination*, (Oct. 19, 2016) NPR (as of May 3, 2022); Jackson, *What Is Redlining?*, (Aug. 17, 2021) N.Y. Times (as of May 3, 2022).

<sup>45</sup> Rothstein, *supra*, at 61.

<sup>46</sup> See *Id.* at pp. 177-180.

<sup>47</sup> Cutler, *supra*, p. 456.

<sup>48</sup> Frey, *Neighborhood Segregation Persists for Black, Latino or Hispanic, and Asian Americans* (Apr. 6, 2021) Brookings Institution (as of June 30, 2021).

<sup>49</sup> *The Roots of Structural Racism Project*

<sup>50</sup> *Toxic Communities supra*, p. 184.

<sup>51</sup> Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (2005) p. at 76.

<sup>52</sup> Rothstein, *supra*, at pp. 72-73.

<sup>53</sup> Nelson, et al., *Mapping Inequality: Redlining in New Deal America, American Panorama* (as of May 1, 2022).

<sup>54</sup> Beal, *Redlining in San Diego, Local Initiatives Support Corporation San Diego* (as of Apr. 26, 2022).

<sup>55</sup> Rothstein, *supra*, at p. 31.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Id.* at page 33.

<sup>58</sup> Rothstein *supra* at p. 81, see also *Toxic Communities, supra*, at p. 155.

<sup>59</sup> *Toxic Communities, supra*, at p. 184-186.

<sup>60</sup> Rothstein at p. 9.

<sup>61</sup> Taylor, *How "Urban Renewal" Decimated the Fillmore District, and Took Jazz with It* (Jun. 25, 2020), KQED (as of Apr. 25, 2022) (Decimated Fillmore); Xia, *Manhattan Beach Was Once Home to Black Beachgoers, but the City Ran Them Out. Now It Faces a Reckoning* (Aug. 2, 2020), L.A. Times (as of Apr. 25, 2022) (Xia 1).

<sup>62</sup> Fulbright, *Sad chapter in Western Addition history ending*, San Francisco Chronicle (Jul. 21, 2008) (as of Jul. 7, 2021).

<sup>63</sup> Fulbright, *supra*.

<sup>64</sup> Decimated Fillmore, *supra*.

<sup>65</sup> Fulbright, *supra*.

<sup>66</sup> Sambol-Tosco, *The Slave Experience: Education, Arts & Culture*, Thirteen (2004) p. 2 (as of Mar. 5, 2021) (*The Slave Experience*); Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform* (2004) p. 52 (Silent Covenants).

<sup>67</sup> Burnette II, *Do America's Public Schools Owe Black People Reparations?* (Sept. 23, 2020) 40 Education Week 4-7 (as of June 21, 2021) (hereafter *Do America's Public Schools?*); *Jim Crow Laws*, History (Feb. 21, 2021) (as of June 21, 2021); see also *South Carolina v. Katzenbach* (1966) 383 U.S. 301, 310-13, 311, fn. 10 (noting that Southern states "rapidly instituted racial segregation in their public schools" following the Civil War and discussing the interplay between efforts to restrict literacy and efforts to restrict

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the vote): Du Bois, *The Souls of Black Folk: Essays and Sketches* (2d ed. 1903); Tyack & Lowe, *The Constitutional Moment: Reconstruction and Black Education in the South* (1986), 94 Am. J. Ed. 236, 238-239, 250-252; Anderson, *The Education of Blacks in the South, 1860-1935* (1988) pp. 95-96 ("From the vantage point of the southern white majority, any system of universal education for blacks, even industrial education, would potentially lead to universal suffrage").

<sup>123</sup> Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (2008) pp. 105 (Slavery by Another Name).

<sup>124</sup> See, e.g., Du Bois & Dill, *The Common School and the Negro American*, Report (1911) (hereafter *The Common School*) p. 52; see also *The Warmth of Other Suns* at pp. 57, 59-60, 101 (describing differences in months of operation for black and white schools in Georgia and South Carolina); Brooker, *The Education of Black Children in the Jim Crow South*, *America's Black Holocaust Museum: Bringing Our History to Light* (as of June 18, 2021); Ladson-Billings, *From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools* (2006) 35 Ed. Researcher 3, 5; *The Warmth of Other Suns*, at p. 88

<sup>125</sup> *Brown v. Board of Education* (1954) 347 U.S. 483, 495; Horsford & McKenzie, *Sometimes I feel like the Problems Started with Desegregation: Exploring Black Superintendent Perspectives on Desegregation Policy* (2008) 21 Int. J. of Qualitative Studies in Ed. 443, 444 (*Exploring Black Superintendent Perspectives*).

<sup>124</sup> *Id.*

<sup>125</sup> See *Alexander v. Holmes County Bd. of Educ.* (1969) 396 U.S. 19, 20-21.

<sup>126</sup> See Burnette II, *As Districts Seek Revenue Due to Pandemic, Black Homeowners May Feel the Biggest Hit*, *Education Week* (July 23, 2020) (as of June 22, 2021); Oliver & Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (1995) pp. 8-9, 19-20; Guastafarro, *Why Racial Inequities in America's Schools are*

*Rooted in Housing Policies of the Past*, *USA Today* (Nov. 2, 2020) (as of June 23, 2021).

<sup>127</sup> *Id.*

<sup>128</sup> *Milkern v. Bradley* (1974) 418 U.S. 717, 752.

<sup>129</sup> *Ward v. Flood* (1874) 48 Cal. 36.

<sup>130</sup> *Plessy v. Ferguson* (1896) 163 U.S. 537.

<sup>131</sup> Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1976) p. 143

<sup>132</sup> *Id.* at p. 148-164.

<sup>133</sup> Orfield & Ee, *Segregating California's Future: Inequality and Its Alternative 60 Years after Brown v. Board of Education* (May 14, 2014) *The Civil Rights Project*, UCLA p. 3, 12-18 (hereafter *Segregating California's Future: But v. California* (1992) 4 Cal. 4th 668, 684-685.

<sup>134</sup> See Cal. Const., art. I, § 7; *School Assignment and Transportation of Pupils*, *California Proposition 1* (1979).

<sup>135</sup> Orfield & Jarvie, *Black Segregation Matters: School Resegregation and Black Educational Opportunity*, UCLA Civil Rights Project/Proyecto Derechos Civiles (Dec. 2020) pp. 30-31, Tables 13 and 14 (as of July 1, 2021).

<sup>136</sup> Orfield & Ee, *Segregating California's Future*, *supra*, pp. 3, 27.

<sup>137</sup> Muller et al., *Environmental Inequality: The Social Causes and Consequences of Lead Exposure* (2018) 44 *Annual Review of Sociology*, pp. 266-68; Jacobs, *Environmental Health Disparities in Housing* (2011) 101 *Am. J. of Public Health*, pp. S115-S122.

<sup>138</sup> Villarosa, *Pollution is Killing African Americans. This Community Fought Back*, (July 28, 2020) *New York Times Magazine* (as of Apr. 7, 2022); Zwickl, *The Demographics of Pracking: A Spatial Analysis for Four U.S. States* (2019) 161 *Ecological Economics*, pp. 202-215; Fleischman and Franklin, *Fumes Across the Fence-Line* (Nov. 2017) *Nat. Ass. for the Advancement of Colored People and Clean Air Task Force*, p. 6; Pratt et al., *Traffic, Air Pollution, Minority and Socio-Economic Status: Addressing Inequities in Exposure and Risk* (2015) 12 *International*

*J. of Environmental Research and Public Health* 5, pp. 5355-5372; *Environment and People*, pp. 94, 270.

<sup>139</sup> Hoffman et al., *The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas* 8 *Climate* 2020.

<sup>140</sup> Pulido, *Rethinking Environmental Racism: White Privilege and Urban Development in Southern California* (2000) 90 *Annals of the Ass. of Am. Geographers* 1, p. 21; CalEPA, *Pollution and Prejudice: Office of Health Equity, Housing Overcrowding* (Dec. 2018) Cal. Dept. of Public Health (as of Apr. 7, 2022).

<sup>141</sup> Arango, *"Turn Off the Sunshine": Why Shade Is a Mark of Privilege in Los Angeles* (Dec. 1, 2019) *N.Y. Times* (as of Apr. 26, 2022)

<sup>142</sup> Del Real, *The Crisis Lurking in Californians' Taps: How 1,000 Water Systems May Be at Risk* (July 24, 2019) *N.Y. Times* (as of Apr. 27, 2022).

<sup>143</sup> Morello-Frosch et al., *Environmental Justice and Regional Inequality in Southern California: Implications for Future Research* (Apr. 2002) 110 *Environmental Health Perspectives* 2, pp. 149-154.

<sup>144</sup> London et al., *The Struggle for Water Justice in California's San Joaquin Valley: A Focus on Disadvantaged Unincorporated Communities* (Feb. 2018) UC Davis Center for Regional Change, p. 10.

<sup>145</sup> Del Real, *How Racism Ripples Through Rural California's Pipes* (Nov. 29, 2019), *N.Y. Times* (as of Apr. 22, 2022).

<sup>146</sup> Cowan and Del Real, *Why Thousands of Californians Don't Have Clean Drinking Water* (Dec. 6, 2019), *N.Y. Times* (as of Apr. 27, 2022).

<sup>147</sup> *Ibid.*

<sup>148</sup> Fuke, *Planters, Apprenticeship, and Forced Labor: The Black Family under Pressure in Post-Emanicipation Maryland* (1988) 62 *Ag. Hist.* 57, p. 63.

<sup>149</sup> Robinson, *"The Black Family" and US Social Policy: Myrdal's Unintended Legacy?*, 97 *Revue Française d'Études Américaines* (2005) 118, 118-128; Baldwin, *Stratification of the Welfare*



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Poor: *Intersections of Gender, Race, and "Worthiness" in Poverty Discourse and Policy* (2010) 6 *The Modern American* 4; Cooper, *Racial Bias in American Foster Care: The National Debate* (2013) 97 *Marq. L.Rev.* 215, 230-233; sections VI & VII, *infra*; see generally Minoff, Center for the Study of Social Policy, *The Racist Roots of Work Requirements* (Feb. 2020) (as of Mar. 6, 2022).

<sup>120</sup> Floyd et al., *TANF Policies Reflect Racist Legacy of Cash Assistance* (Aug. 4, 2021) *Ctr. on Budget & Pol'y Priorities*, p. 10.

<sup>121</sup> Moehling, *Mother's Pensions and Female Headship* (2002) Yale University, pp. 2-3, 12-18, 31 table 9 (analyzing data from Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia).

<sup>122</sup> Dettlaff et al., *It Is Not a Broken System, It Is a System That Needs to Be Broken: The UpEND Movement to Abolish the Child Welfare System* (2020) 14 *J. of Public Child Welfare* 500

<sup>123</sup> Dettlaff, et al., *Disentangling Substantiation: The Influence of Race, Income, and Risk on the Substantiation Decision in Child Welfare* (2011) 33 *Children and Youth Services Review* 1630, 1634-1635; Miller, *Racial Disproportionality in Washington State's Child Welfare System* (June 2008) Washington State Institute for Public Policy; Rivaux et al., *The Intersection of Race, Poverty, and Risk: Understanding the Decision to Provide Services to Clients and to Remove Children* (2008) 87 *Child Welfare* 151, 151-152.

<sup>124</sup> Children's Bureau, *Child Welfare Practice to Address Racial Disproportionality and Disparity* (Apr. 2021) U.S. Dept. of Health and Human Services, (Children's Bureau) pp. 2-3.

<sup>125</sup> Cooper, *Racial Bias in American Foster Care: The National Debate* (2013) 97 *Marq. L.Rev.* 215, 230; Sedlak & Broadhurst, *Third National Incidence Study of Child Abuse and Neglect: Final Report* (1996) U.S. Dept. of Health and Human Services, Administration for Children and Families, p. 8-7; see generally Dettlaff et al., *It Is Not a Broken System, It Is a System That Needs*

*to Be Broken: The UpEND Movement to Abolish the Child Welfare System* (2020) 14 *J. of Public Child Welfare* 500 (hereinafter "Dettlaff et al. 2020").

<sup>126</sup> *Id.* at p. 132.

<sup>127</sup> *Ibid.*

<sup>128</sup> See, e.g., Hockenberry & Puzanchera, *Juvenile Court Statistics 2018*, Nat. Center for Juvenile Justice (2020) (as of Jan. 28, 2021).

<sup>129</sup> Cal. Dept. of Justice, *Attorney General Becerra Secures Settlements with Barstow and Oroville School Districts to Address Discriminatory Treatment of Students Based on Race and Disability Status* (Aug. 25, 2020) (as of Apr. 15, 2022).

<sup>130</sup> *Ibid.*

<sup>131</sup> Tiano, *Los Angeles' Plan to Address the Overrepresentation of Black and LGBTQ Youth in Foster Care* (May 22, 2019) *The Imprint* (as of Aug. 25, 2021).

<sup>132</sup> KidsData, *Children in Foster Care, by Race/Ethnicity* (2018) (as of Aug. 27, 2021).

<sup>133</sup> Compare *Ibid.* with Children's Bureau, *supra*, pp. 2-3.

<sup>134</sup> KidsData, *supra*.

<sup>135</sup> Sambol-Tosco, *Education, Arts, & Culture* (2004), *Thirteen*, p. 1 (as of March 20, 2022); Newton, *Slave Artisans and Craftsmen: The Roots of Afro-American Art* (1977), 9(3) *Plastic Arts and Crafts*, 35.

<sup>136</sup> See, e.g., Paggett, *Cultural Incompetence: My Son was Kicked out of Class Because of His Hair* (March 8, 2018), ACLU of Northern California (as of March 21, 2022), *People v. Olguin* (1994) 31 Cal.App. 4th 1355.

<sup>137</sup> Barnes, *Yes, Politicians Wore Blackface, It Used to Be All-American Fun!* (Feb. 8, 2019), *Washington Post* (as of March 21, 2022).

<sup>138</sup> Absher, *The Black Musician and the White City: Race and Music in Chicago, 1900-1967* (2014), pp. 1-2, 157 (as of April 6, 2022); Koppes & Black, *Blacks, Loyalty, and Motion-Picture Propaganda in World War II* (Sept. 1986), 73 *The Journal of American History* 383; Rothwell, *The Black Innovators Who Elevated the United States: Reassessing the Golden Age*

*of Invention* (Nov. 23, 2020), Brookings Institution (as of March 21, 2022); Reese, *The Socio-Political Context of the Integration of Sport in America* (1998), 3(4) *Journal of African American Men* 5-22; Alison Rose Jefferson, *Living the California Dream: African American Leisure Sites During Jim Crow Era* (2020); Cox, *Dixies Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (2003); Scott, *Cinema Civil Rights: Regulation, Repression, and Race in the Classical Hollywood Era* (2015).

<sup>139</sup> Rothwell, *supra*.

<sup>140</sup> Jefferson, *supra*.

<sup>141</sup> Cox, *supra*.

<sup>142</sup> Scott, *supra*.

<sup>143</sup> Pepin, *Music of the Fillmore* (2000), PBS (as of March 20, 2022).

<sup>144</sup> See, e.g., Paggett, *Cultural Incompetence: My Son was Kicked out of Class Because of His Hair* (March 8, 2018), ACLU of Northern California (as of March 21, 2022).

<sup>145</sup> See, e.g., Miranda, *How One Art Museum Has Reckoned with Race and Its Past* (Oct. 22, 2020), *L.A. Times* (as of March 20, 2022).

<sup>146</sup> *People v. Olguin* (1994) 31 Cal.App. 4th 1355.

<sup>147</sup> Desmarais, *Historic Wrongs on a Pedestal: Ugly Past Doesn't Vanish When the Armwork Does* (Feb. 27, 2018) (as of March 21, 2022).

<sup>148</sup> Trotter, *Workers on Arrival: Black Labor and the Making of America* (2019) pp. xvi, xx-xxi; see also California Task Force to Study and Develop Reparation Proposals for African Americans (October 13, 2021) *Testimony of Jacqueline Jones*, (as of Apr. 7, 2022) (Jones Testimony) citing Berry, *The Price for their Pound of Flesh: The Value of the Enslaved, from Womb to Grave, in the Building of a Nation* (2017); Baptist, *The Half has Never Been Told: Slavery and the Making of American Capitalism* (2016); Beckert, *Empire of Cotton: A Global History* (2015); Beckert & Rockman, eds., *Slavery's*

## Executive Summary

Capitalism: A New History of American Economic Development (2018).

<sup>122</sup> U.S. Postal Service, *Postal History: African American Postal Workers in the 20<sup>th</sup> Century* (as of Apr. 11, 2022); Wilson and Race, President Wilson House (as of Apr. 11, 2022); *The Army and Diversity*, U.S. Army Center of Military History; Broussard, *In Search of the Promised Land in Seeking El Dorado: African Americans in California* (De Graaf et al., eds. 2001) p. 198; *United States v. City and County of San Francisco* (N.D. Cal. 1988) 696 F. Supp. 1287, 1290.

<sup>123</sup> Little, *How Woodrow Wilson Tried to Reverse African American Progress* (Jul. 14, 2020) History.com.

<sup>124</sup> *The Army and Diversity*, U.S. Army Center of Military History.

<sup>125</sup> See Jones, *American Work: Four Centuries of Black and White Labor* (1998) p. 342; see also Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act* (2011) 72 Ohio State L.J. 95; Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (2013) p. 163; Baradaran, *The Color of Money: Black Banks and the Racial Wealth Gap* (2017), p. 101; Reich, *A Working People: A History of African American Workers Since Emancipation* (2013) p. 91.

<sup>126</sup> California Task Force to Study and Develop Reparation Proposals for African Americans (October 13, 2021), *Testimony of Jacqueline Jones*, (as of October 25, 2021).

<sup>127</sup> See, e.g., Walters & Briggs, *The Family Economy, Child Labor, and Schooling: Evidence from the Early Twentieth-Century South* (1993) 58 Am. Sociological Rev. 163, 164.

<sup>128</sup> Barnes, *Is the EEOC Protecting Workers or Discriminatory Employers?* (Sept. 4, 2019) Forbes; Jones, *American Work*, *supra*, p. 362; Linderman, *At the EEOC, harassment cases can languish for years* (Apr. 9, 2018) AP News; Korber & Adkisson, *Department of Fair Employment and Housing: Underfunding and Misguided Policies Compromise Civil*

*Rights Mission* (Dec. 18, 2013) Cal. Sen. Off. Oversight & Outcomes, pp. 1-2.

<sup>129</sup> Chatterji, et al., *The Impact of City Contracting Set-Asides on Black Self-Employment and Employment* (2014) 32 J. of Labor Economics 507, 510; *Regents of Univ. of Calif. v. Bakke* (1978) 438 U.S. 265, 318-319

<sup>130</sup> Quillian et al., *Meta-Analysis of Field Experiments Shows No Change in Racial Discrimination in Hiring Over Time* (2017) Proceedings of the Nat. Academy of Sciences (PNAS).

<sup>131</sup> See, e.g., Broussard, "In Search of the Promised Land: African American Migration to San Francisco, 1900-1945" in *Seeking El Dorado: African Americans in California* (De Graaf, Mulroy & Taylor, eds. 2001) p. 198; West of Jim Crow: *The Fight Against California's Color Line* (2020) p. 234.

<sup>132</sup> *United States v. City and County of San Francisco*, 696 F. Supp. 1287 (N.D. Cal. 1988)

<sup>133</sup> See, e.g., Sundown Towns: A Hidden Dimension of American Racism by James Loewen (pp. 100, 239-40)

<sup>134</sup> See, e.g., Trotter, *Workers on Arrival: Black Labor and the Making of America* (2019) p. 113.

<sup>135</sup> Faughnder & James, *Hollywood's C-suites Are Overwhelmingly White. What Are Studios Doing About It?* (July 1, 2020) Los Angeles Times; *Is Silicon Valley Tech Diversity Possible Now?* (Jun. 26, 2019) Center for Employment Equity, U. Mass-Amherst.

<sup>136</sup> See, e.g., Alexander, *The New Jim Crow* (2020) (Alexander); see also Wilkerson, *Caste: The Origins of Our Discontents* (2020).

<sup>137</sup> Alexander, *supra*, at pp. 38-44, *Jim Crow Lanes*, National Park Service (as of May 10, 2022)

<sup>138</sup> See generally Blackmon, *Slavery by Another Name: The Re-Enslavement of African Americans from the Civil War to World War II* (2008)), p. 247, 294-296, 377-382.

<sup>139</sup> See, e.g., *Ruffin v. Commonwealth* (1871) 62 Va. 790, 796.

<sup>140</sup> Baum, *Legalize It All: How to Win the War on Drugs* (April 2016), Harper's Magazine at p. 22 (as of Apr. 24, 2022).

<sup>141</sup> See, e.g., Pierson et al., *A large scale analysis of racial disparities in police stops across the United States* (2017), *Nature Human Behavior* 4, 736-745 (as of Apr. 25, 2022); Weir, *Policing in black & white* American Psychological Association, Monitor on Psychology (December 2016) Vol. 47, No. 11 at p. 36 (as of Apr. 25, 2022); Moy, *A Taxonomy of Police Technology's Racial Inequity Problems* (2021) 2021 U. Ill. L. Rev. 139 (as of Apr. 25, 2022); Okidegbe, *When They Hear Us: Race, Algorithms and the Practice of Criminal Law* (2020) 29-SUM Kan. J.L. & Pub. Poly. 529 (as of Apr. 26, 2022); Selbst, *Disparate Impact in Big Data Policing* (2017) 52 Ga. L. Rev. 109 (as of Apr. 26, 2022); Richardson et al., *Duty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice* (2019); Blad and Harwin, *Black Students More Likely to Be Arrested at School* (January 24, 2017), *Education Week* (as of Apr. 26, 2022); Riddle and Sinclair, *Racial disparities in school-based disciplinary actions are associated with county-level rates of racial bias* (April 2, 2019) Proceedings of the National Academy of Sciences (as of Apr. 26, 2022); Barkow, *Prosecutorial Administration: Prosecutor Bias and the Department of Justice* (April 2013) 99 Va. L. Rev. 271, 271-342 (as of Apr. 26, 2022); Levinson, *Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering* (2007) 57 Duke L.J. 345, 398-407 (as of Apr. 26, 2022).

<sup>142</sup> Sood, *Biases Behind Sexual Assault: A Thirteenth Amendment Solution to Under-Enforcement of the Rape of Black Women* (2018) vol. 18, No. 2, U. Md. L.J. Race, Religion, Gender & Class 405, 405, 407 (as of Apr. 25, 2022).

<sup>143</sup> See, e.g., Forestiere, *America's War on Black Trans Women* (Sept. 23, 2020) Harvard Civil Rights-Civil Liberties Law Review (as of May 19, 2022).

<sup>144</sup> See, e.g., van de Rijt, et al., *Racial and gender differences in missing children's recovery chances* vol. 13, No. 12 (December 31, 2018) (as of Apr. 26, 2022).

## Executive Summary

- <sup>205</sup> The Washington Post, *Police shootings database 2015-2022* (as of Apr. 25, 2022); Campaign Zero, *Mapping Police Violence Database* (Mar. 15 2022); Campaign Zero, (as of Apr. 25, 2022); U.S. DOJ Office of Justice Programs, *Prisoners in 2019* (Oct. 2020), pp. 1, 16 (as of Apr. 26, 2022); Federal Bureau of Prisons, *Inmate Race* (last visited Apr. 26, 2022).
- <sup>206</sup> See, e.g., U.S. Const., 13th, 14th, and 15th Amendments.
- <sup>207</sup> See, e.g., The Civil Rights Act of 1866, The Reconstruction Acts of 1867-1868, The Ku Klux Klan Act, The Civil Rights Act of 1875, The Civil Rights Act of 1964, The Voting Rights Act of 1965, and The Fair Housing Act of 1968.
- <sup>208</sup> Alexander, *supra*.
- <sup>209</sup> Cal. Department of Justice, *Racial and Identity Profiling Advisory Board Annual Report 2022* pp. 6-8 (as of Apr. 25, 2022) (RIPA 2022); Cal. Department of Justice, *Use of Force Incident Reporting 2016-2020* (as of Apr. 25, 2022); U.S. Census Bureau, *Quick Facts: California* (as of Apr. 26, 2022).
- <sup>210</sup> RIPA 2022, *supra*, at p. 8.
- <sup>211</sup> Semel et al., *Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latino Jurors* (June 2020), Berkeley Law Death Penalty Clinic (as of Apr. 26, 2022).
- <sup>212</sup> Sutton, *Symbol and Substance: Effects of California's Three Strikes Law on Felony Sentencing* (2013) vol. 47, No. 1, *Law & Society Rev.* 57-71 (as of Apr. 26, 2022).
- <sup>213</sup> Office of Minority Health, *Profile: Black/African Americans* (Oct. 12, 2021) U.S. Dept. of Health and Human Services (as of Mar. 20, 2022).
- <sup>214</sup> California Task Force to Study and Develop Reparation Proposals for African Americans (January 27, 2022), *Testimony of Melissa Jones* (as of February 8, 2022).
- <sup>215</sup> Forde et al., *The Weathering Hypothesis as an Explanation for Racial Disparities in Health: A Systematic Review* (2019) 33 *Annals of Epidemiology* 1, 1-18.
- <sup>216</sup> Simons et al., *supra*; Ceronimus et al., *Black/White Differences in the Relationship of Maternal Age to Birthweight: A Population-Based Test of the Weathering Hypothesis* (1996), 42 *Social Science & Medicine* 589; Geronimus et al., *Differences in Hypertension Prevalence Among United States Black-and-White Women of Childbearing Age* (1991) 106 *Pub. Health Report* 593.
- <sup>217</sup> Forde, *supra*.
- <sup>218</sup> Simons et al., *Discrimination, Segregation, and Chronic Inflammation: Testing the Weathering Explanation for the Poor Health of African Americans* (2018) 54 *Developmental Psychology* 1993.
- <sup>219</sup> Sellers et al., *Racial Identity Matters: The Relationship between Racial Discrimination and Psychological Functioning in African American Adolescents* (2006) 16 *J. of Research on Adolescence* 187; Fisher et al., *Discrimination Distress During Adolescence* (2000) 29 *J. of Youth and Adolescence* 679.
- <sup>220</sup> Chavous et al., *Gender Matters, Too: The Influences of School Racial Discrimination and Racial Identity on Academic Engagement Outcomes among African American Adolescents* (2008) 44 *Developmental Psychology* 637; Neblett et al., *African American Adolescents' Discrimination Experiences and Academic Achievement: Racial Socialization as a Cultural Compensatory and Protective Factor* (2006) 32 *J. of Black Psychology* 199; Smalls et al., *Racial Ideological Beliefs and Racial Discrimination Experiences as Predictors of Academic Engagement Among African American Adolescents* (2007) 33 *J. of Black Psychology* 299; Wong et al., *The Influence of Ethnic Discrimination and Ethnic Identification on African American Adolescents' School and Socioemotional Adjustment* (2004) 71 *J. of Personality* 1197.
- <sup>221</sup> Cal. Health Care Foundation, *California Health Care Almanac* (Oct. 2019), p. 7 (as of July 12, 2021) (CHCF 2019).
- <sup>222</sup> Cal. Maternal Quality Care Collaborative, *The California Pregnancy-Associated Mortality Review* (2018), p. 21 (as of Jan. 21, 2022); Watson, *A Black Mother Told Not to Scream in Labor Asks: Can California Fix Racism in Maternity Care?* (Jul. 11, 2019) *Cal Matters* (as of Apr. 5, 2022).
- <sup>223</sup> Cal. Health Care Foundation, *Health Disparities by Race and Ethnicity in California: Pattern of Inequality* (Oct. 22, 2021), p. 19, 25, 28.
- <sup>224</sup> Woods et al., "WE AIN'T CRAZY? Just Coping With a Crazy System": *Pathways into the Black Population for Eliminating Mental Health Disparities* (May 2012) Cal. Reducing Disparities Project, pp. 6 (as of Mar. 16, 2022).
- <sup>225</sup> Eberhart, *Monitoring Californians' Mental Health: Population Surveillance Reveals Gender, Racial/Ethnic, Age, and Regional Disparities* (2018) Rand Corporation, at pp. 3-8 (as of Mar. 19, 2022).
- <sup>226</sup> *Ibid.*
- <sup>227</sup> Allen, *Homesteading and Property Rights: or, How the West Was Really Won* in *The Journal of Law and Economics* 34, no. 1, (1991).
- <sup>228</sup> Merritt, *Land and the roots of African-American Poverty* AEON (Mar. 11, 2016) (as of Mar. 18, 2022).
- <sup>229</sup> Darity Jr. and Mullen, *William A. Darity and Kristen Mullen on Direct Payments to Close the Racial Wealth Gap*, *The Economist* (May 18, 2021) (as of Mar. 18, 2022).
- <sup>230</sup> Public Broadcasting Service, *Go Deeper: Where Race Lives* (n.d.) (as of Mar. 18, 2022) (PBS).
- <sup>231</sup> Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (2005), p. 42-43 (When Affirmative Action Was White); Katznelson & Mettler, *On Race and Policy History: A Dialogue About the G.I. Bill* (Sept. 2008) 6(3) *American Political Science Association* 519, pp. 521, 522, 530 (as of Jan. 18, 2022).
- <sup>232</sup> See Brown, Dorothy A. *The Whiteness of Wealth*, p. 16; Asante-Muhammad, et al. *Corporation for Economic Development, The Ever-Creating Gap: Without Change, African American and Latino Families Won't Match White Wealth for Centuries* (Aug. 2016) (as of Apr. 11, 2022).

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<sup>220</sup> Fed. Reserve Bank of Cleveland, *What is Behind the Persistence of the Racial Wealth Gap?* (Feb. 28, 2019) (as of Mar. 18, 2022).

<sup>221</sup> Hicks et al., *Still Burning Up the Down Escalator: How Narratives Shape Our Understanding of Racial Wealth Inequality* (2021) (as of Mar. 18, 2022).

<sup>222</sup> Darity Jr. and Mullen, *From Here to Equality: Reparations for*

*African Americans in the 21<sup>st</sup> Century* (2020) pp. 35-38.

<sup>223</sup> De La Cruz-Viesca et al., *The Color of Wealth in Los Angeles* (2016), Fed. Reserve Bank of San Francisco, (as of Mar. 18, 2022) p. 38.

<sup>224</sup> National Park Service, *A History of African Americans in California: Farming* (n.d.) (as of Mar. 18, 2022).

<sup>225</sup> Toxic Communities *supra*, p. 184; Sundown Towns, *supra*, p. at 76; Rothstein, *supra*, at pp. 72-73.

<sup>226</sup> Lohrentz, *The Impact of Proposition 209 on California's MBE's* (Jan. 2015), Equal Justice Society, p. 2 (as of Mar. 18, 2022).

<sup>227</sup> *Ibid.*