

PART IX: Concept or Themes for Curriculum Built Around the Task Force’s Report and other Recommendations for Educating the Public (Gov. Code, §§ 8301, subd. (b)(2), 8301.1, subd. (b)(2))

Chapter 33:

Educating the Public

Potential Questions About Reparations, and Responses to Questions About Reparations

I. Introduction

AB 3121 charges the Reparations Task Force with recommending appropriate ways to educate the California public of the task force’s findings. (Gov. Code, §§ 8301, subd. (b)(2); 8301.1, subd. (b)(2).) To achieve this goal, the Task Force sought out the expertise of academic experts to develop a concept for educating students of all ages and backgrounds, as well as the public in general, through a curriculum specifically designed to make the Task Force’s work accessible. The Task Force recommends that the Legislature adopt the concepts discussed herein, which the Task Force developed with the support of these experts, as a standard curriculum. The Task Force further recommends that the Legislature fund the implementation of age-appropriate curricula across all grade levels, as well as the delivery of these curricula in schools across California. Additionally, in order to facilitate ongoing conversations in communities across California that will follow the publication of this report, the Task Force has developed materials included within this chapter that will help answer some potential questions people may have about reparations. These questions are designed to explain to both those who support reparations but want to better understand their justification, and those who might be skeptical about the need or purpose of a program of reparations.

II. Educating the Public

a. Task Force’s Initial Efforts to Educate the Public

In order to begin the process of educating the public about the significant findings and recommendations contained in this Report, during the pendency of the Task Force, the Task Force engaged in extensive outreach, both through the members and through the Bunche Center, as detailed in Chapter ___ of this Report. All of the Task Force’s meetings took place in public, either via videoconference platform or through in-person meetings that took place in San Francisco (March 2022), Los Angeles (September 2022), Oakland (December 2022), San Diego (January 2023), Sacramento (March 2023), with all meetings also live streamed through the California Department of Justice’s website. All materials considered by the Task Force in these meetings were posted on the website hosted by the Department of Justice for the Task Force’s administrative support, <https://oag.ca.gov/ab3121>. These materials include not only drafts of

report components and expert reports considered by the Task Force members in generating the Legislative recommendations contained in this report, but also copies of presentations made to the Task Force by witnesses appearing before it and public comments and emails submitted to the Task Force's email intake portal. Various members engaged in community outreach and engagement through broadcast and social media, and appeared on numerous panels and events addressing the subject matter of the Task Force's work. Following the issuance of its Interim Report in June 2022, the Task Force obtained dozens of organizational endorsements of the work of the Task Force and/or the study of reparations, including support from both large and small organizations representing a multi-racial coalition.

The Task Force has also heard from individuals or organizations pursuing independent public education initiatives. For example, there appears to be at least one, and possibly multiple docuseries or documentaries focusing on the Task Force's proceedings, findings, and recommendations. The Task Force believes the goals of these productions should be to educate the public about each set of harms documented in this report, and to generate discussion and support for reparations for African Americans in California.

The Task Force believes that these and other actions that the Task Force, its members, and others have taken thus far to educate the public on the critical historical information and recommendations in this report have established a foundation upon which further educational efforts will be successful in informing the public about the Task Force's findings and the urgent need for reparations.

b. Principles underpinning a concept to educate the general public

The Task Force determined that a formal curriculum is necessary to truly educate the public about the findings and recommendations it has generated through its work. To effectuate this using an appropriately academic model, it retained the services of two professors, Dr. Travis J. Bristol, an associate professor of teacher education and education policy at the University of California, Berkeley, School of Education, and Dr. Tolani A. Britton, assistant professor at the University of California, Berkeley, School of Education, to advise the Task Force on the structure, components, and process for the development of a plan for an educational curriculum. Their feedback provided the basis on which the Task Force formulated this recommendation.

The Task Force recommends that the Legislature support the development of a curriculum, discussed below, that will be used to educate school children, including even those in outside of California, as well as the general public about the Task Force's findings, recommendations, and the general case for reparations. The Task Force recommends that Legislature fund the establishment and implementation of standard educational programming at age-appropriate grade levels from early elementary through college, and that the curriculum also be used to educate the general public.

In addition, the Legislature should ensure that this Task Force's Final Report is circulated as widely as possible, in both electronic and paper formats, throughout California universities and colleges, schools, governmental bodies, libraries, private organizations, and other institutions. Finally, the Legislature should create a public education fund, specifically dedicated to educate the public about American history, and support the initial and ongoing education about the Task Force's findings. The fund should also support other types of curriculum, audio books, public arts displays, literary works, documentary films, student essay contests, seminars, and podcasts

The Task Force believes that the Legislature should be mindful of several important goals in ensuring the public is not just aware of the variety of critical historical information contained in the Task Force's report but also educated about the Task Force's findings and recommendations. The Legislature should also seek to build a collective base of knowledge, to inform racially diverse communities and to appeal to different ways of learning. It is essential that Californians be educated on the righteousness of reparations, so that reparations will receive the broad public support it deserves. California is an extremely diverse state, and so the task of educating the public should be tailored to be accessible to every Californian. The education effort should also be designed to expand racial justice and reparations discussions into mainstream conversations among the general public, in schools, religious institutions, and other parts of society. This will increase public support for future legislative action on reparations. And more than just inform, the education should also seek to inspire reflection and action among California residents, in a way that can motivate reparations action in other states and at the national level. This will help to ensure that appropriate restitution will take place and that California can hold fast to a guarantee of non-repetition.

Appropriately educating the public will help to create a new narrative about the necessity for reparations to those harmed by the persistent atrocities visited upon them in our state and country. As documented in this report and elsewhere, the harm to Black people occurred over centuries, and the repairs should be both immediate and permanent; broad public education about the Task Force's findings will help ensure these outcomes.

Of course, the Task Force's Final Report itself will comprise part of the basis upon which the public can be educated about the findings and the necessity for reparations. For example, Chapters 1-13 of the report summarize the harms caused by slavery and the lingering negative effects of the institution of slavery on descendants of persons enslaved in the United States and more broadly on living African Americans and on society in California and the United States. Chapter 32 details the significant impact to the community of the legacy of these historical and present-day harms. And Chapter 34 details the vastness of the extent of federal and California laws and policies that continue to perpetuate a system of subjugation of African Americans as a group and exacerbate the lingering material and psychosocial effects of slavery.

The Task Force also recommends that there should be consistent messaging to support the educational program. Consistent messaging helps to create a common understanding. The

reparations messaging from all levels of California state and local government should emphasize that reparations is a “justice” and “humanitarian” issue, that should matter to all Californians, not just members of the eligible class or Black Americans. Concise statements of support and other simplified messaging should be developed, to take this complex and contentious subject matter, make it more easily understandable, and where necessary respond to shifts in the narrative about what people think “reparations” means. This messaging should endeavor to reach all levels of education and society, including the use of infographics and other alternative depictions of information. In short, simplifying a complex legacy of more than 400 years of violence, oppression and subjugation will require a multifaceted approach that relies on different methods to reach every single Californian, but the Task Force has faith that our state’s leaders are up to the challenge.

c. Ensuring the curriculum benefits the Black American and Descendant Communities

Not only should an appropriately-developed and comprehensive curriculum benefit California children and the public generally, but it should also be designed with the goal of specifically educating the African American community, and particularly children who are descendants of people enslaved in the United States. Access to a culturally relevant and sustaining curriculum increases engagement and academic outcomes for students of color.¹ For example, one seminal study found that when high school students of color took an Ethnic Studies course, their attendance rate increased by 21 percent, their grade point average increased by 1.4 points, and they earned, on average, 23 more credits.² Another study found longer-term beneficial effects for students of color who had been enrolled in an Ethnic Studies course, including that these students had higher rates of attendance and graduation, and an increased likelihood of attending college when compared to their peers who did not have access to an Ethnic Studies course.³ While culturally relevant work remains important for all students, disengagement in high school is associated with less positive life outcomes such as a lower likelihood of high school graduation and college enrollment.⁴ If we deem high school as a time to prepare students for life and career, then part of that preparation should be a curriculum that speaks to both the structural challenges and opportunities that circumscribe their learning and their life.

¹ Bristol, T.J. (2015). Teaching Boys: Towards a theory of gender relevant pedagogy. *Gender and Education*, 27(1), 53-68; Ladson-Billings, G. (2014). Culturally relevant pedagogy 2.0: A. K. A. the remix. *Harvard Educational Review*, 84(1), 74–84; Paris, D., & Alim, H. S. (Eds.). (2017). *Culturally sustaining pedagogies: Teaching and learning for justice in a changing world*. Teachers College Press.

² Dee, T. S., & Penner, E. K. (2017). The causal effects of cultural relevance: Evidence from an ethnic studies curriculum. *American Educational Research Journal*, 54(1), 127-166.

³ Bonilla, S., Dee, T. S., & Penner, E. K. (2021). Ethnic studies increases longer-run academic engagement and attainment. *Proceedings of the National Academy of Sciences*, 118(37), e2026386118.

⁴ Henry, K. L., Knight, K. E., & Thornberry, T. P. (2012). School disengagement as a predictor of dropout, delinquency, and problem substance use during adolescence and early adulthood. *Journal of youth and adolescence*, 41, 156-166.

Given the clear and compelling body of evidence on the short and long-term positive academic impacts of curriculum on supporting students of color,⁵ there is a particular urgency to develop a curriculum that centers the historical and contemporary lived experiences of Black students in California. On both academic *and* non-academic outcomes, Black students perform at lower levels when compared to their peers. For example, in the 2021-22 school-year, only 30 percent of Black students performed at or above grade level on the CAASPP literacy assessment, compared to 61 percent of White students.⁶ The disparity in outcomes, unfortunately, is similar to the CAASPP math assessment between Black students and their peers.

d. The Task Force Recommends a Reparations Curriculum

In order to educate Californians about the findings and recommendations of the Reparations Task Force, and because of the stubborn opportunity gap between Black students and their peers, the Reparations Task Force recommends that the Legislature fund the development and implementation of a standard curriculum encompassing the contents of this Final Report. In rendering this recommendation, the Task Force recognizes that access to a curriculum that reflects the diversity of an increasingly flat and interconnected world will allow *all* of California's children to be able to expand their understanding of our state and nation. The Task Force recommends that grade-level appropriate curricula should be developed across every grade level, but if this is not possible, the initial curriculum should be designed for high school students and young adults, followed by a curriculum for youth, as well as one specifically for young adults in carceral settings. Finally, a curriculum should be developed for advanced learning and to advance the academic study of these issues at the college and university level. The proposed curriculum should be cross-disciplinary and seek to connect history, English, math, and science, as the Final Report details the breadth of the harms that need to be understood by the public. The curriculum should include lessons on reparations that can be embedded in existing required high school coursework.

The Task Force offers the following detailed design plan, developed in consultation with the Task Force's educational curriculum experts, Dr. Travis J. Bristol, and Dr. Tolani A. Britton, of the University of California, Berkeley, School of Education.

The initial steps require that specific lead curriculum designers be designated and have a clear sense of the scope of the curriculum. Those leads, and their selected teams, should conduct a landscape analysis of existing Black studies high school curricula. This should include extensive engagement with teachers and community programs who have developed and are delivering coursework on Black studies and/or reparations. The planning team should execute a pre-institute day, in which a consultative cohort comes together to share in workshops based on

⁵ Dee & Penner, *supra*.

⁶ California Department of Education (2022). 2017 - 2022 CAASPP ELA/Literacy Results for All Achievement Levels by Selected Race/Ethnicity. Retrieved from <https://www.ed-data.org/state/CA>.

reparations lessons and begin the collective design process. During this process, the team should consider all ideas, including unique and novel ones.

Following this initial process, the design team should develop a draft outline of model curriculum with lead team curriculum co-designers. Using high school as an example, the outline should differentiate content across grade levels 9-12. The team should design essential questions based on each chapter of the reparations report, appropriate for grade levels 9/10 and 11/12. The team should then scope and sequence the curricular units based on each chapter of the report, as appropriate for grades 9/10 and 11/12. Finally, the team should ensure the essential questions cut across content areas and align to Common Core State Standards.

In order to test the conceptual product, the design team should run one or more one-week curriculum institutes, both virtually and in-person, to refine the outline of the model curriculum with various group of teachers, students, and community-based educators. The participants should be surveyed about the process and contents of the curriculum, and the lead team should meet to study the results, assess progress and feasibility, and assess the remainder of the process.

Following the completion of this preliminary concept development, the lead team of curriculum co-designers should proceed with working with selected teachers, students, and community-based educators to pilot activities related to the implementation and real-world testing of the model curriculum and collect lesson examples for each content area across grades 9/10 and 11/12. The lead team should convene smaller work groups of teachers, which should be designed based on grade taught and subject. These groups should meet at least three times per semester. The smaller work groups and the larger group of teachers, students, and community-based educators should have one or more dedicated meetings that include design time and feedback loops in small groups based on grade taught and subject in order to fine tune the contents and deployment of the curriculum.

This process should be followed up with further demonstration and test sessions – both in person and virtual – to solicit feedback for curricular content across content areas for grades 9/10 and 11/12, including a diverse group of students, community-based educators, school-based teachers, parents, and administrators. The design team should develop assessments based on student work from the test period for curricular content across content areas for grades 9/10 and 11/12.

Following the development of the curriculum using this model recommended by the Task Force, the design team should produce a report detailing the methodology for the development of the curriculum and make the curriculum widely available. The Task Force recommends that the Legislature hold hearings at an appropriate time to study the development and contents of the curriculum and, subject to the Legislature's findings with regard to the curriculum, fund and otherwise encourage its implementation across the state.

III. Frequently Voiced Criticisms of Reparations and Responses to Such Criticisms.

The Task Force believes that there are some potential questions about reparations that may be asked by members of the public, and the Task Force sets forth below those questions and appropriate responses thereto. There need to be clear rebuttals to attacks against reparations.

California was a “free state,” not a “slave state” so why should it be responsible for reparations at all?

Though California entered the Union in 1850 as a free state, the state government sanctioned, maintained and enabled grave injustices that can only be redressed through comprehensive reparations. These injustices – which all took place *in California* – included enslavement, legal public and private segregation, discrimination in state funding and programming, and stigmatization that upholds a White supremacist racial hierarchy. California passed and enforced a fugitive slave law, and some scholars estimate that up to 1,500 enslaved African Americans lived in California in 1852.⁷ Enslaved people labored under violent conditions and even “free” Blacks lived under racist laws that restricted their rights, such as the prohibition of Black people testifying against white persons in court.

During Reconstruction, Congress passed the Fourteenth Amendment, which promised 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, but California did not ratify these amendments until 1959 and 1962, respectively. And while slavery ended in 1865, Jim Crow found a home in California. In the 1920’s, California became a “strong Klan state” with a sizable KKK presence in Los Angeles, Oakland, Fresno, Riverside, Sacramento, Anaheim, and San Jose.⁸

In the decades that followed, federal, California, and local government, acting in tandem and in parallel with private actors, created and intensified housing segregation. Government actions intertwined with private action and segregated America, leading to environmental harms, unequal educational and health outcomes, and over-policing of Black neighborhoods in California and across the nation. For example, by 1940, according to news reports quoted in the 1973 U.S. Commission on Civil Rights Report, 80 percent of homes in Los Angeles contained restrictive covenants barring Black families.⁹ California pioneered the use of racially restrictive covenants and they were widely used throughout the state.¹⁰ From 1937 to 1948, more than 100 lawsuits attempted to enforce covenants and evict Black families from their homes in Los Angeles.¹¹

In other words, while California was a “free state,” it was deeply complicit with the institution of slavery and an active participant in perpetuating its badges and incidents. California laws and policies targeting Black people flowed from the institution of slavery and reverberated for at least 150 years thereafter, resulting in the cumulative, compounding and cascading inter-generational harm experienced by Black Californians today.

⁷ interim report at p. 7

⁸ Hudson, *supra*, at pp. 171-72.

⁹ *Understanding Fair Housing*, U.S. Commission on Civil Rights, (Feb. 1973) at p. 4.

¹⁰ [citation]

¹¹ Rothstein, *supra*, at pp. 80-81.

The United States fought a Civil War to end enslavement, and has implemented many programs to try to foster equality. Why do we need reparations and more policy changes when we have already done so much?

Reparation for slavery was not achieved merely by ending the practice.¹² The Civil War did not provide payment or compensation to the damages and injuries incurred by persons enslaved. Additionally, the emancipation of Black people could have been achieved without the war, as proposed by President Abraham Lincoln in 1862.¹³ White people alone did not deliver freedom—Black Americans fought beside them in the Union army and risked their lives to emancipate themselves.

The Civil War ended slavery in 1865, but the South was determined to reinstate laws and ways as close to slavery as possible. And no wonder. For 246 years, the U.S. had built one of the largest and most profitable enslaved labor economies in the world¹⁴ with almost four million enslaved people,¹⁵ and cotton was the economic engine that powered the nation. The Constitution protected slavery and gave Southern states outsized political power.¹⁶ Half of the nation’s pre-Civil War presidents were enslavers while in office.¹⁷ More than 1,700 Congressmen, representing 37 states, once enslaved Black people.¹⁸

At the end of the Civil War, Congress seized land from wealthy Southerners intending to distribute 40 acres to each formerly enslaved person to address the harms of slavery. In January, 1865, 400,000 acres in South Carolina and Georgia were deeded to 40,000 formerly enslaved who settled on and worked the land.

But by April of 1865, Lincoln had been assassinated—Vice President Andrew Johnson assumed the Presidency, declaring, “[t]his is a country for white men, and by God, as long as I am

¹² See Darity and Mullen, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (2nd ed. 2022) p. 246.

¹³ Darity and Mullen, *supra*, at pp. 100-101.

¹⁴ Baptist, *supra*, at p. xxiii.

¹⁵ Bourne, “Slavery in the United States,” EH.Net, Economic History Association, <https://eh.net/encyclopedia/slavery-in-the-united-states/>

¹⁶ Baptist, *supra*, at pp. 9 – 11. For an in depth discussion, see Chapter 2, Section V. C.

¹⁷ See Rosenwald, *Slave-owning presidents become targets of protestors* (June 3, 2020) Washington Post < <https://www.washingtonpost.com/history/2020/06/23/slave-owning-presidents-become-targets-protesters/> > (as of Jan. 24, 2022).

¹⁸ 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 <https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/?utm_campaign=wp_post_most&utm_medium=email&utm_source=newsletter&wpisrc=nl_most&carta-url=https%3A%2F%2Fs2.washingtonpost.com%2Fcar-ln-tr%2F35b8b59%2F61dc6b2f9d2fda14d7e8b144%2F596c43ceade4e24119c923f2%2F8%2F72%2F61dc6b2f9d2fda14d7e8b144> (As of January 24, 2022) (Weil and Blanco).

President, it shall be a government for white men[.]”¹⁹ Johnson rescinded the land reparations program, ordered the black settlers off land they owned, and returned it to former enslavers.

In the end, four million men, women and children across the nation were released from captivity without acknowledgment or apology; compensation; meaningful or lasting changes to laws, institutions, and systems; or requisite legal, medical, psychological, and other care and services. 90 years of Jim Crow subjugation followed during which California was an active participant in the exclusionary laws and practices that swept the nation. Legal segregation in the United States ended only about 50 years ago,²⁰ but its effects have had lasting and devastating impact.

With respect to housing and education, America is as segregated today--as it was in the 1940's--the wholesale exclusion of African Americans from equal education—employment--the benefits of the New Deal--federally insured home loans—the ability to live in the suburbs--and other opportunities that created America's middle class--has resulted in White households having 9 times more assets than Black households—Black people having shorter life expectancies than the rest of the population, Black women are dying at 3-4 times the rate of white women from complications related to pregnancy or childbirth; and huge disparities persist in housing—houselessness—policing--and criminal justice, and in almost all other aspects of American life.

As for government assistance programs, when they were first conceived in the 1930s, they excluded Black residents. Today, the majority of recipients of government assistance are white.²¹ Welfare does not address the group-specific harms directed at Descendants of enslaved persons and Black people more generally, nor were the programs intended to do so.

Similarly, affirmative action was not designed or intended to be reparations. Affirmative action policies developed as an antidiscrimination measure to create opportunities for unjustly excluded groups who could not gain entrance despite their qualifications and merit.²² It does not compensate for keeping those groups out in the past. Furthermore, affirmative action does not impact Black-white wealth inequality—the elimination of which is one major goal of reparations.²³ Finally, governmental affirmative action has not existed in California for more than 25 years, since the passage of Proposition 209 in 1996.

There have been many attempts that have fallen short of actually repairing the harms against Black people and stopping continuing harms. Malcolm X explained, “[i]f you stick a knife in my back nine inches and pull it out six inches, there's no progress. If you pull it all the way out, that's not progress. The progress is healing the wound that the blow made.”²⁴ Thus far in American and California history, “no progress” summarizes the state of repair for African

¹⁹ 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 < <https://www.aaihs.org/this-is-a-country-for-white-men-white-supremacy-and-u-s-politics/> > (as of March 15, 2022).

²⁰ Darity and Mullen, *supra*, at pp. 100-101

²¹ King, [New Interactive Data Tool Shows Characteristics of Those Who Receive Assistance From Government Programs](#) (May 24, 2022) United States Census Bureau (as of Mar. 13, 2023).

²² Darity and Mullen, *supra*, at pp. 248.

²³ Darity and Mullen, *supra*, at pp. 249.

²⁴ Malcom X cite.

Americans. Yet, the United States has provided multiple reparations – in the form of compensation paid for a harm suffered – for others, the impacts of which we see every day. For example, farmers, fishermen, veterans, people exposed to pesticides or other toxic chemicals, miners affected by black lung disease, or those whose properties have been damaged in a natural disaster. Those reparations programs seem to find wide acceptance by the public, including those not affected by the underlying harm. Why then the double standard when it comes to reparations to Descendants of enslaved persons and those who continue to suffer its legacy?

In addition, when someone commits a crime and harms individuals, families, communities or the broader society, the state requires that restitution be paid by the offender. However, when it comes to harms that the state commits, we do not demand the measure of accountability. This is a form of denying those who are wronged the rights to repair. Essentially, inspired by 400 years of anti-Black sentiments and denial of humanity, we live in a society where Black progress is treated as too much to ask. The federal government has and continues to engage in restitution initiatives and pay compensation to so many others, but again, not to Black people. Some relatively recent examples discussed in Chapter [REDACTED] include payments to: Japanese Americans incarcerated during World War II; families who lost loved ones during the September 11, 2001 terrorist attacks (47 of whom were from California); the victims of the Boston Marathon bombings; Americans taken hostage in Iran (\$4.4 million per person for the 444 days they were held hostage). Again the question that should be asked is not “why reparations for Black people,” but rather after all this time, “why have we not already initiated a reparations process for Black people.”

Enslavement and its enduring effects are a national responsibility. Why should California, rather than the Federal Government, engage in reparations instead of waiting for the Federal Government to act?

The debt that is owed does belong to all of the United States, including California. But the federal government has thus far forsaken this debt and failed to take any meaningful steps to redress it. Even though California is just one of many states, as a government, it can and often does step in to acknowledge grievous wrongs and help alleviate the pain of those who have suffered. The federal government, for example, issued reparations following the terrorist attacks of 9/11, the mass shooting of children at Sandy Hook Elementary School, and the Iran hostage crisis—all despite not being the party directly responsible. California has this same power to provide repair to people in need in our state. Moreover, in the face of federal inaction, and particularly with respect to historic and modern-day harms against Black people perpetrated by California, an even stronger moral imperative is needed to acknowledge and redress the injustice and injury experienced by Black Californians.

While the federal government has a duty to address this, California still has a responsibility. The harms meted out against African Americans was a collusion that was both local and national. California aided and abetted harms sanctioned by the federal government in addition to perpetrating its own racially motivated wrongs.

The Task Force’s recommendations would benefit people whose ancestors lived and/or were enslaved in other states. Why should California be responsible for reparations for people who migrated from other states?

While reparations are rooted first and foremost in enslavement, California, like other states, sanctioned racial terror following emancipation and used its legal and authoritative framework, to ensure that the badges and incidents of slavery persisted without remedy. Directly and indirectly, California and its non-Black residents have benefited in the process. Additionally, through enactment and enforcement of our Fugitive Slave Act, California was responsible for some individuals having been re-enslaved in other states, with the descendants of those individuals then residing in those states. California thus bears responsibility for atrocities and harms inflicted upon Descendants and their ancestors, even where today’s residents are descended from persons who were enslaved elsewhere in the United States.

If California is taking responsibility for atrocities that took place outside of California and providing reparations for those whose families lived outside of California, why not also provide reparations for those whose ancestors suffered the same atrocities, but outside of the United States?

A case can be made that the United States should pay reparations to descendants of persons who were enslaved in other locations that were part of the Atlantic slave trade system, also known as the “Triangle Trade” as well as to those who died during the brutal forced passage to the Americas during this period. The Task Force strongly urges any government that benefitted from this historical blight on humanity to make reparations for the same types of atrocities detailed in this Report. However, this Task Force was charged with making a recommendation to the California Legislature regarding a reparations program operated by the State of California. To that end, a majority of this Task Force voted to limit eligibility to those who are able to trace their lineage to being an African American descendant of a chattel enslaved person or a descendant of a free Black person living in the United States prior to the end of the 19th Century. This decision reflects AB 3121’s direction to the Task Force and the Task Force’s judgment that California’s moral obligation extends first and foremost to those within the community of eligibility. This focus on California is warranted because California played a more direct role in the commission of atrocities and harms to the ancestors of these community members than it did to others who were similarly harmed by enslavement beyond the borders of the United States.

The Task Force’s Final Report documents how African Americans as a group have been subjected to inter-generational harm up through the present. Why have monetary reparations only for those who can establish they descended from an enslaved person?

The UN Principles on Reparation include five forms of reparations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.²⁵ Reserving monetary reparations, or restitution, for Descendants of enslaved persons in the United States does not ignore the ongoing harm to the larger Black community. As set forth in Part II of this Report, Black people in California and across the United States have and continue to experience myriad harms and atrocities that are the direct result of a system in place since the time of chattel slavery, including Jim Crow segregation and government discrimination designed to suppress, exploit, exclude, and subjugate Black Americans on the basis of race. As the international law framework for reparations and AB 3121 both recognize, the community of persons who are considered “victims” of this system is broad and inclusive of those who continue to suffer the unremitting legacy of enslavement.²⁶ Through the changes to laws and policies recommended in Chapter 16 of this report, the Task Force aims to address the harms that persist and extend to all Black Californians, even those who cannot trace their lineage to an ancestor who was enslaved in the United States. While the Task Force is recommending that only those in the eligible class receive direct reparations payment, it is only through the comprehensive implementation of all of the recommendations in this report that true reparations can be achieved. And many of the non-monetary recommendations would address the harms that persist and extend to all Black Californians, even those who cannot trace their lineage to an ancestor who was enslaved in the United States. These legislative reforms are still reparations, but take the different form of satisfaction and guarantee of non-repetition rather than monetary payments.

People of color of all different ancestries have suffered numerous harms throughout California’s and the United States’ history. Why should specifically Black people, and even more specifically, the eligible class, get reparations while others do not?

²⁵ See Chapter 14 for more detail.

²⁶ As discussed in Part __, Chapter __, The UN Principles on Reparation defines victims as “persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law.” United Nations General Assembly, [Adopted Resolution 60/147: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), (March 21, 2006) (UN Principles on Reparation) at p. 5. The International Commission of Jurists has explained that the term “victim” was intended to be broad under the United Nations Principles on Reparation – a “victim is not only the person who was the direct target of the violation, but any person affected by it directly or indirectly.” International Commission of Jurists, [The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners’ Guide](#) (Revised Edition, 2018), p. 35 [confirm pin]. For its part, AB 3121 conveys the Legislature’s recognition that, while Descendants are due special consideration, the larger African American community has suffered and continues to suffer the weight of anti-Black bias and racism. [cite 8301(a)(4)-(6), (b)(1)(C)].

AB 3121 created the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States. As conveyed by the Task Force’s name, the Legislature’s specific focus and charge to the Task Force was to “[s]tudy and develop reparation proposals for African Americans” to address the lingering harms flowing from “[t]he institution of slavery” as well as from “de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination.”²⁷ This is the mandate assigned to, and carried out by, the Task Force.

While other people of color have suffered harms, the experience of 246 years of enslavement, 90 years of Jim Crow and racial terror, and decades more of systematic subjugation and exclusion is unique to African Americans and without equivalence, resulting today in persistently lingering consequences.

Making reparations to African Americans for the incomparable atrocities suffered by their ancestors and for harms that have persisted need not be to the exclusion of reparations for other groups that have endured harms that also warrant reparations under international law. Our history to date, however, is that African Americans have repeatedly, and cruelly, been promised and then denied their humanity and adequate reparations. Promises have been made, beginning with “40 acres and a mule,”²⁸ running through “Separate educational facilities are inherently unequal”²⁹ and even to the present day, and all have been broken. As the examples discussed in Part [REDACTED], Chapter [REDACTED], demonstrate, the United States and others have provided reparations—however imperfectly—for a host of sins, and yet Black Americans continue to be left behind, having received no reparations from the federal government, nor from any state, for the extensive pattern of government-sanctioned race-based discrimination and subjugation they have suffered. The question ought not be why this group should receive reparations—the question instead ought to be why, even after all this time, African Americans have not received what was promised to them and what they are more than due.

If California is taking responsibility for its actions, other groups of people endured specific harms in California, such as railroad workers and miners from China and Indigenous individuals subjugated through the Mission system. Why prioritize reparations in California for Black people?

Reparations are not a zero-sum game. To prioritize reparations for Black Californians is not to prioritize Black Californians “over” others—it is to begin a long overdue process of acknowledging, atoning for, and seeking to repair an historical wrong that has persisted 400 years to the present time. And both prior to and while the realization of AB 3121’s objectives has been underway, California has taken steps to acknowledge and atone for other state sins. Some of these efforts are outlined in Part [REDACTED], Chapter [REDACTED]. There is surely more work to be done and

²⁷ Gov. Code § 8301(b)(1)(B)-(C).

²⁸ CITE

²⁹ Brown v Bd. of Education, 397 U.S. at 495

more harms to others that warrant repair, and the Task Force hopes that it can provide a model for other Task Forces to examine and redress the harms others have suffered in California and in the United States.

Enacting reparations in California could potentially cost California residents a lot of money. But neither I nor my family ever enslaved anyone. So why should we have to take responsibility for reparations for Black people?

As American citizens, we have routinely taken collective responsibility or paid for a debt that we personally may not have caused. We all pay for stuff we had nothing to do with. It's called being part of a society or a collective.

Consider who owns America's debt. We all do. The public holds over \$30 trillion of the national debt. Foreign governments hold a large portion of our public debt, while the rest is owned by banks and investors, the Federal Reserve, state and local governments, mutual funds, pensions funds, insurance companies, and holders of savings bonds. So how much does each citizen pay towards the \$28.43 trillion of federal debt? If you take the national population estimate in 2021 of 332.8 million people,³⁰ \$28.43 trillion would be equivalent to more than \$86,000 for every individual in the U.S.^{31 32} It is more common than not for the government to run an annual deficit,³³ regardless of which political party is in charge. In fact, the federal government has run a deficit for 77 of the past 90 years and first carried debt after the Revolutionary War in 1790. The most significant increase to the national debt was the cost of World War II, which added roughly \$186 billion to the national debt between 1942 and 1945. Congress added \$236 billion to the national debt during FDR's terms, representing an increase of 1,048%. More recently, during both the economic crisis of 2008 and the COVID-19 pandemic, the federal government took on not billions, but *trillions* of dollars of additional debt in order to ensure the collective good. Some people benefitted from these funds more directly than others, but the burden was shouldered collectively and the impacts accrued to the collective good. So it should be with reparations for Black people.

³⁰ United States Census Bureau (cite)

³¹ U.S. <https://datalab.usaspending.gov>

³² <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>

³³ <https://www.forbes.com/sites/rmiller/2021/06/24/government-deficits-the-debt-money-and-inflation/?sh=2b1886422340>