

Discussion and Potential Action:
**Advisory Committees' Report on
Recommended Answers to Experts'
Five Key Questions**

— Presenters: Chair Moore, Member
Lewis and Experts — 10:10 a.m. - 11:30
a.m.

**Expert Team: Scope of Work
for Strategies to Calculate
California's Harms**

Members:

Kaycea Campbell, Thomas Craemer, William Darity,
Kirsten Mullen, and William Spriggs

5 Framing Questions Concerning Potential Compensation:

- I. What are the damage time frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States. 1865-1960?**
- II. Will there be a California residency requirement? If yes, how will it be determined?**
- III. What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?**
- IV. Will direct victims and/or all African American descendants of U.S. slavery in California (who meet the residency requirement) be compensated?**
- V. How will reparations be paid and measured to ensure the form of payment aligns with the estimate of damages?**

Task Force Member Questions/Discussion Experts Responses to Questions

Task Force Member Potential Action

Expert Team: Scope of Work for Strategies to Calculate California's Harms (Background)

Model #1: Harms/Atrocities Calculation Model

The Expert group has identified five harms/atrocities the state of California should compensate. From that list, the expert group has selected five categories of harms/ atrocities for which we believe we can develop calculations. The methodology to calculate damages associated with each of the categorized harms/atrocities will be developed by the expert group subject to approved by the Task Force.

Harms/Atrocities:



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

Remedies/Redress:

While the Expert group has identified five harms/atrocities it believes can be modeled with existing data, there will be ongoing communication with the Expert Team and the Task Force to provide analysis related to direct fiscal redress and/or other forms of reparations and remedies as examined by the Task Force. These atrocities may link to the analysis from the interim report with conversations between the Task Force and the Expert Team around costs, impact, and remedies to harms/atrocities. It is anticipated the Task Force will later suggest various remedies in response to the models and the Expert Team will assess how those proposed remedies compare to the estimated harms.

Expert Team Steps:



*All data requests/help from the DOJ will need to be received by the expert group in mid-November (2022) for timely production of estimates.

**The expert team will proceed after the Task Force has confirmed the sequencing of five harms/atrocities for estimation.



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Annex

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

Preamble

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

II. Scope of the obligation

III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

IV. Statutes of limitations

V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

VI. Treatment of victims

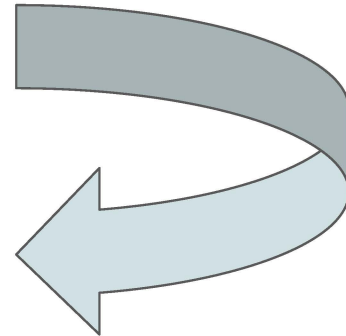
VII. Victims' right to remedies

18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;
- (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.



Tenets of Model * Eligibility — Time — Residency

Harms/Atrocities:



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

Article 2. 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

8301.1. (a) There is hereby established 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 (Task Force).

(b) The Task Force shall perform all of the following duties:

(1) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States from 1619 to 1865, inclusive. The Task Force's documentation and examination shall include the facts related to all of the following:

(A) The capture and procurement of Africans.

(B) The transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport.

(C) The sale and acquisition of Africans as chattel property in interstate and intrastate commerce.

(D) The treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

(E) The extensive denial of humanity, sexual abuse, and chattelization of persons.

(F) The federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present.

(G) The other forms of discrimination in the public and private sectors against freed African slaves and their descendants who were deemed United States citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices.

(H) The lingering negative effects of the institution of slavery and the matters described in this section on living African Americans who are descendants of persons enslaved in the United States (African Americans) and on society in the United States.

(2) Recommend appropriate ways to educate the California public of the Task Force's findings.

(3) Recommend appropriate remedies in consideration of the Task Force's findings on the matters described in this section. In making recommendations, the Task Force shall address, among other issues, all of the following:

(A) How the recommendations comport with international standards of remedy for wrongs and injuries caused by the state, that include full reparations and special measures, as understood by various relevant international protocols, laws, and findings.

(B) How the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants.

(C) How California laws and policies that continue to disproportionately and negatively affect African Americans as a group and perpetuate the lingering material and psychosocial effects of slavery can be eliminated.

(D) How the injuries resulting from matters described in this subdivision can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

(E) How, in consideration of the Task Force's findings, any form of compensation to African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States, is calculated.

- “The federal and state laws that discriminated against **formerly enslaved Africans and their descendants** who were deemed United States citizens from 1868 to the present.”
- “The other forms of discrimination in the public and private sectors against **freed African slaves and their descendants** who were deemed United States citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices.”
- “What form of **compensation** should be awarded, through what instrumentalities, and who should be eligible for such **compensation**.”

Important Framing Questions:

- a) What are the damage time frames? This becomes even more important for the prioritization of Black descendants of persons enslaved in the United States. 1865-1960?
- b) Will there be a California residency requirement? If yes, how will it be determined?
- c) What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?
- d) Will direct victims and/or all Black descendants of U.S. slavery in California (who meet the residency requirement) be compensated?
- e) How will reparations be paid and measured to ensure the form of payment aligns with the estimate of damages?

WHO: Lineage-based/direct victims/family members?

WHAT? Residency Requirements

WHEN? Time frame for each atrocity and harm based on economic evidence.

Tenets of Model* Eligibility – Time – Residency

The **community of eligibility**, as defined by the Task force, is lineage based and includes individuals who are descended from at least one African American chattel enslaved person or the direct descendant of a Free Black person who lived in the US prior to the end of the 19th century.

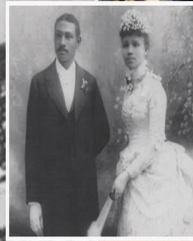
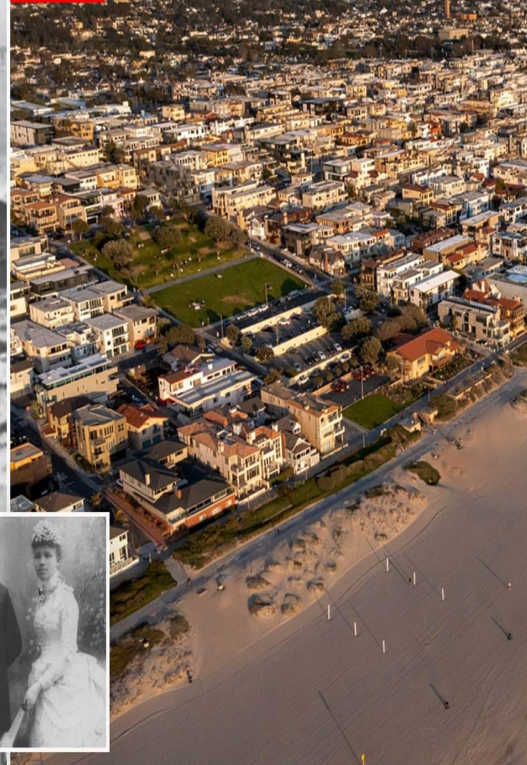
I. What are the damage *time* frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States. 1865-1960?

Unjust Property Takings

1912



2021



(l-r) Mada Simmons Bruce, Harvey Bruce, and Willa Bruce, date unknown. Courtesy of the California African American Museum.

Los Angeles Times in 1912: "Whenever we have tried to buy land for a beach resort we have been refused. But I own this land and I'm going to keep it."



Louise and Byron Kemmer at Bruce's Lodge. Miriam Matthews Collection/UCLA

"No Trespassing" signs were posted on a strip of beach directly in front of the Bruces' resort owned by Manhattan Beach subdivider George Peck. This forced guests to walk a half mile to reach the water. As the popularity of the resort soared, harassment of residents and guests intensified. Influenced by vocal white resident concern of an African American "invasion", city officials deployed tactics to control beachfront access and economic development. In 1924, the Manhattan Beach Board of Trustees passed a series of ordinances aimed to thwart the Bruces' business. As the Bruces' and their guests remained undeterred, city officials voted in favor of eminent domain to condemn the Bruce's property to build a park. This action would compel the Bruces to give up their property. On July 4, 1924, the California Eagle reported: "It seems that the Ku Klux Klan is operating unrestrictedly along the waterfront [in the South Bay]". The article noted that Klan pamphlets were distributed to Black fishermen in Redondo. The Eagle article also asserted that it understood that some Ku Klux who recently moved in the vicinity object to the presence of Colored folk...influenced the servants of the people and ...condemned Bruce Beach."



Peck's Pavilion sat on the west side of the strand. The Bruce's Beach was east of the strand. Original Photo Courtesy of the Manhattan Beach Historical Society

Mrs. Willa Bruce – An Entrepreneur Pursuing the California Dream in Manhattan Beach

Mrs. Willa Ann Bruce (b. 1862, Missouri), and her husband, Charles Aaron Bruce (b. 1860, District of Columbia) were American pioneers. In February 1912, Mrs. Bruce purchased waterfront property in the barely developed and unincorporated town of Manhattan Beach. A visionary entrepreneur, Willa opened a resort where racially diverse Americans could enjoy the ocean. During the Jim Crow era of racial segregation, she faced the barrier of exclusionary real estate practices. Mrs. Bruce proclaimed to the

Racist Harassment at Bruce's Beach

Bruce's Beach would come to represent more than a seaside escape for visitors to swim, relax, and socialize. Harassment from some white neighbors began immediately after the resort opened.

The Bruce's Beach 'Grand Affair'

When the resort opened in the summer of 1912, it was one of the few places where Black beachgoers could access a bathroom and other amenities. By the early 1920s, thousands of Black families visited and the Bruce family constructed a new frame building that included lodging, a dance hall, and a restaurant. Miriam Matthews, Los Angeles's first Black librarian, said in an essay prepared for the California African American Museum, "You would take the Red Car down ... and spend a day on the beautiful beach or rent a room if you desired. Sundays were reserved for school gatherings and families, and the resort offered a getaway overlooking the Pacific Ocean. If one tired of the sand and surf, the parlor was available for listening to music or dancing." They expanded their property by purchasing an adjacent lot. Other Black families were inspired to invest and develop property near Bruce's resort, creating a diverse summer community.



Visitors to the Bruce's Beach standing on the boardwalk, looking south at the Red Car. Miriam Matthews Collection/UCLA

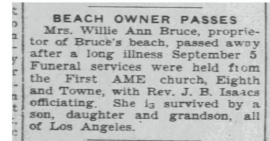
Motive Behind Eminent Domain

In a letter to the Manhattan Beach News published February 4, 1927, the Bruce family wrote: "...the attempt to make a park out of these two blocks was a direct slap at us because we were not born white people." In 1943, Frank Daugherty, a member of the City's Board of Trustees involved in the condemnation, admitted in a personal essay for the Manhattan Beach News: "We had to acquire these two blocks to solve the problem [of Black people purchasing property here]. We voted to condemn these two blocks and make a city park there...Our attorneys advised the members of the council never to admit the real purpose in establishing the park..."



The Legacy of Bruce's Beach

The Bruce family surrendered their land on May 16, 1927, receiving a fraction of what they requested for their property and thriving business. In response to the exclusionary practices along the Manhattan Beach shoreline, a series of peaceful protests were supported by the National Association for the Advancement of Colored People (NAACP). The led to a new lease that would make the beach open to all citizens. Although the Bruce family were forced to abandon their dreams in Manhattan Beach, memories of the diverse community they started endure.



Bruce Family Obituaries published in The California Eagle

Unjust Property Takings

What We Know:

- Likewise, bridges (average California construction date 1982), transportation networks, water systems—wastewater and treatment centers, including dams (70% built 1970s), water mains (San Francisco's installed c. 1920) and Los Angeles' before 1938); airports (top six major hubs: Oakland and San Francisco 1927, San Diego 1928, San Jose 1939, Los Angeles 1938, and Sacramento 1967) and school buildings.

Further Research Needed:

- Los Angeles Convention Center, City Hall, LAX, LA County Museum of Art and other state-subsidized public properties—when was eminent domain instituted, who lost their property and what was paid for those properties?

What is the damage time frame for potential compensation re: Unjust Property Takings?

- **Suggested Potential Action: Further Research Needed**
- Preliminary Suggested Damage Time Frame Based On Existing Research:
 - **1920- present**

Devaluation of Black Businesses

UNITED STATES 2004 BUSINESS OWNERSHIP BY RACE



sudden loss of income, or pay for emergency expenses such as medical costs. Lack of access to liquid assets can heighten the impact of crises by making it harder to afford basic necessities.³⁸⁷ People may also turn to family for economic support in times of hardship.³⁸⁸ In addition, access to government aid such as unemployment insurance, nutrition subsidies, and crisis-specific programs, such as stimulus checks and small business loans, help people and their businesses stay afloat.³⁸⁹ These resources are vital for surviving economic crises. For example, liquid assets such as cash savings help people pay bills in the event of a job loss or weather emergency expenses like a medical emergency.³⁹⁰ Similarly, people who have homes, stocks, or retirement funds may leverage their home value for a loan,³⁹¹ liquidate stocks, or borrow from or against their retirement accounts to pay for expenses during difficult economic times.³⁹²

African American households tend to disproportionately lack access to many of these resources, often due to the persistence of historical disparities and racism that continues today.³⁹³ In 2019, while 96.8 percent of African American families had some kind of liquid asset—such as a checking account, savings account, or pre-paid card—typical African American families with liquid assets had \$1,500 in liquid savings, compared to \$8,100 for white families with liquid assets.³⁹⁴ Racism in the banking system today still create barriers to liquid assets for Black customers. Black customers are sometimes profiled,³⁹⁵ viewed with suspicion just for entering a bank,³⁹⁶ and questioned³⁹⁷ over the most basic transactions.³⁹⁸

African Americans have less non-liquid assets. In general, non-liquid assets such as homes, stocks, and retirement funds can support financial security by increasing resources necessary to weather a crisis or invest in wealth-generating assets for the future.³⁹⁹ As discussed above, African Americans experience myriad barriers to homeownership and the mortgage market. Stocks and mutual funds, which can be sold, and retirement funds, which can be liquidated or borrowed against, also provide potential sources of aid in a crisis.⁴⁰⁰ African Americans are also less likely to own stocks than white Americans, and African Americans who own stocks have less equity than white Americans do.⁴⁰¹ While 61 percent of white households own any form of stocks, only 33.5 percent of African American households do.⁴⁰² Among families who own stocks, the typical white family has access to \$50,600 they could tap in an

emergency, compared to \$14,400 for the typical African American family.⁴⁰³

While African Americans are more likely to have access to retirement accounts than homes or other types of stocks, they are still less likely than white Americans to have them.⁴⁰⁴ Around 55 percent of African American working-age families have access to an employer-sponsored retirement plan, and 45 percent participate.⁴⁰⁵ Seventy percent of white working-age families have access to an employer-sponsored retirement plan, and 60 percent of them participate.⁴⁰⁶ Among working-age white families with balances in such accounts, the typical white family has approximately \$50,000 saved, whereas the comparable African American family has approximately \$20,000 saved.⁴⁰⁷ During the pandemic, a survey found that African American households

Black business owners typically start their businesses with half the capital of white business owners despite the fact that they demonstrate a greater need for start-up financing. The median loan amount for Black business owners who are approved for credit is less than half of the loan amounts extended to their white counterparts.

with retirement accounts were much more likely to report that they planned on withdrawing from or borrowing against them (48 percent and 45 percent) than white households (29 percent and 29 percent) due to relative lack of other assets.⁴⁰⁸ However, withdrawing money from retirement accounts can incur tax and other penalties.⁴⁰⁹

Lower Business Ownership

Business ownership allows African Americans to participate in local, regional, and global markets from which they have historically been excluded due to systemic racism and discrimination.⁴¹⁰ Equity in a business is among one of the types of assets that are more unequally distributed by race.⁴¹¹ Lower wealth for African Americans leads to lower business ownership and self-employment.⁴¹² Studies have demonstrated the substantial wealth advantages to self-employment and have shown that those who become self-employed show much stronger gains in wealth compared to individuals who never become self-employed.⁴¹³

Devaluation of Black Businesses

Atrocity #2: Devaluation of Black Businesses

An analysis for lost profits can provide a proxy of calculations related to business damages from discrimination. Business value is estimated by profits and/or losses.

The following is the basic formula for lost profits calculations:

Lost Revenues – Avoided Costs = Net Lost Profits

The use of lost profits is lost revenues less incremental costs (business interruption and discrimination can be operationalized using a lost profit framework). Incremental costs used throughout the analysis are based on a percentage of revenue.

Success = F [business traits (financing, industry, location, employer, home-based, owners, firm age), owner traits (gender, race, age, education, reasons for starting, previous experience)]... **Equation (1)**

Lost profits only can be claimed during the damage period. The beginning of the period begins when the discriminatory event occurs, and the damage period ends when the business returns to a normal level of operations. The damage period could be just a few days or could continue for years. When the period of loss is ongoing, lost profits are projected into the future based on the estimate of time for the plaintiff to fully recover from the harmful act.

A lost profits calculation typically consists of determining what profits could have been able to achieve "but for" the alleged damaging acts. The amount of lost profits is calculated as the difference between the "but- for" profits and the actual profits that did exist during the damage period. The purpose of a damage award is to restore the injured party to the position they were in prior to the damaging act.

Data Requirements for California: Rough estimate of business losses by sector.

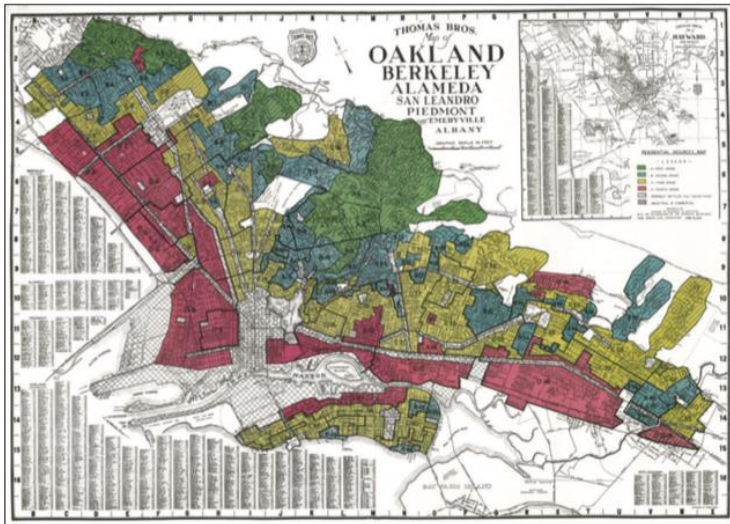
- Black Business Profits or Revenues by sector/industry – disaggregated by size if possible
- White Business Profits or Revenues by sector/industry – disaggregated by size if possible
- Average business size by race (Black non-Hispanic v. White non-Hispanic) – operationalized as # of firms.

What is the damage time frame for potential compensation re: Devaluation of Black businesses?

- **Suggested Potential Action: Further Research Needed**
- Preliminary Suggested Damage Time Frame Based On Existing Research:
 - **1900 (*lineage requirement*) - present (AB3121)**

Housing Discrimination and Homelessness

COURTESY OF DIGITAL SCHOLARSHIP LAB UNIVERSITY OF RICHMOND



A Homeowner's Loan Corporation redlining map of Oakland in 1937 detailing A, B, C and D grade areas of the city. (1937)



<1% of Federal Housing Administration loans went to **Black people** in Northern California from 1946 – 1960



By 1940 **80%** of homes in Los Angeles contained restrictive covenants **barring Black families**

Housing Discrimination and Homelessness

COURTESY OF LOS ANGELES DAILY NEWS/UCLA LIBRARY DIGITAL COLLECTIONS




Los Angeles, CA., William Bailey and Roger Duncan look at the wreckage in Bailey's living room after a bomb exploded in the house. Duncan's house, directly across the street, was also bombed at the same time and a note was left threatening all the Black families on the street if they didn't move out. (1952)



Housing Discrimination and Homelessness

SEGREGATION BY DESIGN

OAKLAND: REDLINING & DEMOGRAPHICS



With few exceptions, the racial makeup of present-day Oakland (1st image) corresponds to the red-lining map from 1937 (2nd image). The areas of "higher" residential grades (green and blue) are today predominantly white, whereas the areas of "lower" grades (yellow and red) are today predominantly Black, Asian, Hispanic. This is no coincidence.

During the New Deal, the government-backed Home Owners Loan Corporation (HOLC) created these maps of

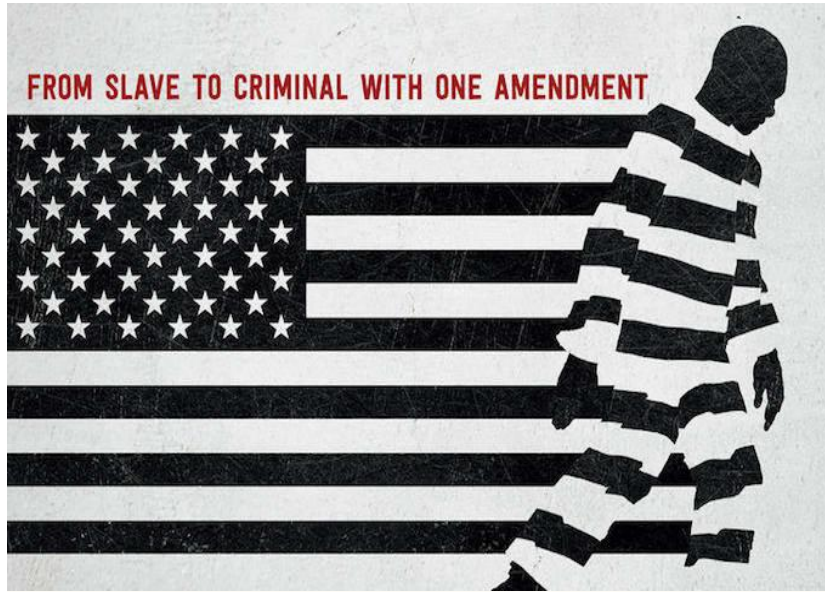
What is the damage time frame for potential compensation re: Housing Discrimination; Homelessness?:

- Preliminary Suggested Damage Time Frame Based On Existing Research:
 - **Homelessness: Further Research Needed**
 - **Housing Discrimination: 1937 (HOLC) - 1977 (Community Reinvestment Act)**

Data Requirements for Calculations:

- 1930 Black non-Hispanic population total and percentage of the overall CA population
- 1930 White non-Hispanic population total and percentage of the overall CA population
- 1930 Average (not median!) Black non-Hispanic home value in California
- 1930 Average (not median!) White non-Hispanic home value in California
- 1930 Black non-Hispanic home ownership percentage
- 1930 White non-Hispanic home ownership percentage
- 1980 Black non-Hispanic population total and percentage of the overall CA population
- 1980 White non-Hispanic population total and percentage of the overall CA population
- 1980 Average (not median!) Black non-Hispanic home value in California
- 1980 Average (not median!) White non-Hispanic home value in California
- 1980 Black non-Hispanic home ownership percentage
- 1980 White non-Hispanic home ownership percentage
- The average (not median!) Black non-Hispanic and White non-Hispanic California home prices for each year from 1933-1977,
- The average (not median!) down payments, the average interest rates, and average duration of the loan, both in the government insured White housing market, and in the non-government insured non-White housing market
- Homeless individual and family profiles from the USC Homeless Research Center
- What evidence is there regarding the immediate cause of their homelessness?
- Number of cases where there is evidence of a connection between redlining and eminent domain seizures? (An overlay of HOLC's Redlining Maps with later property takings)
- How many eminent domain seizures took place in redlined compared to non-redlined neighborhoods?

Mass Incarceration & Overpolicing



African Americans are



to be killed by police

More than half of all killings by police in the U.S. go unreported in the USA National Vital Statistics System database from which some analysis is drawn.

Federal and state governments chose to punish drug users rather than offer medical help. The war on drugs, which continues today, is a cause for the high numbers of imprisoned African Americans, as evidence exists to suggest that African Americans use drugs at approximately the same rate or less than white Americans.

Mass Incarceration & Overpolicing

Atrocity #4: Disproportionate Black Mass Incarceration and Over-Policing

While sentencing disparities may go back to the beginning of the State of California, the phenomenon of mass incarceration in the United States has its starting point with the beginning of the so-called "War on Drugs." The term was popularized in 1971 after Nixon declared drug abuse "public enemy number one" in a press conference on June 18th that year (Wikipedia, 2022a). Figure 1 suggests that the incarceration rate from 1920 to 1970 hovered around 0.1%-0.2% of the population. Thereafter it rose to 0.8% of the population in 2008 (Wikipedia, 2011), when it peaked.

The explosion of the prison population in the United States was driven by convictions for drug offenses in the so-called "War on Drugs." It should be mentioned that according to Alexander (2010, p. 99), "patterns of drug crime do not explain the glaring racial disparities in our criminal justice system. People of all races use and sell illegal drugs at remarkably similar rates." Due to discriminatory practices, however, it is not surprising that non-Hispanic African Americans were by far the most over-represented group in the US prison population. While they represented 13% of the US population in 2010, they represented 40% of the prison population, an over-representation of 27 percentage points. In contrast, Hispanics (of any race) were overrepresented by only 3 percentage points (16% of the US population and 19% of the prison population). Asian Americans were underrepresented by 4.1 percentage points (5.6% of the US population and 1.5% of the prison population), and white non-Hispanics underrepresented by 25 percentage points (64% of the US population and 39% of the prison population; Wikipedia, 2022b).

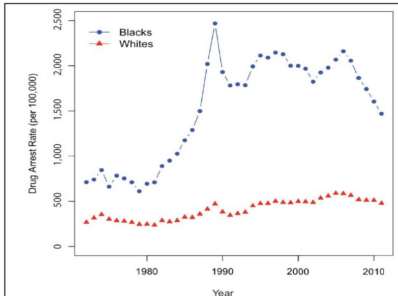


Figure: Drug arrest rates for Blacks and whites per 100,000 population, 1972 to 2011. SOURCES: Uniform Crime Reports race-specific arrest rates, 1980 to 2011 (accessed from BJS). 1972 to 1979 is taken from Federal Bureau of Investigation (1990). (Travis, Western, & Redburn, 2014, p. 61)

What is the damage time frame for potential compensation re: Mass Incarceration; Overpolicing?:

- Preliminary Suggested Damage Time Frame Based On Existing Research:
 - Mass Incarceration: 1970- present (War on Drugs)
 - Overpolicing: 1971- present (War on Drugs)
 - *Economists rationale: law enforcement was directed at the entire African American community, and therefore affects all Black Californian descendants of the enslaved in the United States who lived in the state during the "War on Drugs" roughly coinciding with the 1970-2020 timeframe.*

Health Harms

III. Environmental Pollutants

U.S. government policies, as discussed in Chapter 5, Housing Segregation, penned African Americans into poorer neighborhoods with polluting industries, garbage dumps, and other sources of toxic health harms.³⁷ Local governments zoned Black neighborhoods as industrial instead of residential specifically to segregate Black residents from white residents.³⁸ White neighborhoods frequently were zoned by local entities to explicitly ensure that few industrial or polluting business could locate within them, again pushing environmental pollution into Black neighborhoods.³⁹ Redlined and segregated Black neighborhoods were cheaper for polluting industries to build on.⁴⁰ This became a downward spiral: the more garbage dumps and sewer treatment plants a neighborhood

had, the cheaper the land was, and the more likely that other polluting industries would move in.⁴¹ Without access to the mortgages and loans available to white Americans, Black homeowners also had less money to maintain and improve their homes, which made housing conditions worse and prevented African Americans from moving away from polluting sources.⁴²

Black communities across the country still experience higher rates of pollution and the negative health outcomes caused by exposure to pollutants.⁴³

African Americans are exposed to greater pollution from virtually every polluting source when compared to white Americans, including hazardous waste, heavy industry, vehicle traffic, and construction—all of which can be partially attributed to redlining and other historical discrimination.⁴⁴

Hazardous Waste

One source of pollution that has been continuously prevalent in Black communities is hazardous waste sites. This pollution has been shown to correlate with increased rates of asthma, cancer, lung disease, and heart disease.⁴⁵ For example, in 2020, the *New York Times Magazine* profiled the story of Kilynn Johnson, a Black

resident of Philadelphia, who developed asthma as a child and eventually developed gallbladder cancer after growing up in a largely Black neighborhood proximate to hazardous waste facilities and oil refineries.⁴⁶ After recovering from surgery and chemotherapy, Johnson and a neighbor documented over two dozen close relatives who were diagnosed with some form of cancer, many rare, and many at unusually young ages.⁴⁷

African Americans have long been disproportionately exposed to these harms. As of 1983, approximately three out of every four communities in which hazardous waste landfills were found were predominantly Black.⁴⁸ In 1991, the federal Environmental Protection Agency (EPA) acknowledged that a disproportionate number of toxic waste facilities were found in Black neighborhoods throughout the country.⁴⁹ More recently, a study in 2007 analyzed 38 states and found that African Americans disproportionately live in neighborhoods that host

Redlined and segregated Black neighborhoods were cheaper for polluting industries to build on. This became a downward spiral: the more garbage dumps and sewer treatment plants a neighborhood had, the cheaper the land was, and the more likely that other polluting industries would move in.

Compared to white Californians, Black Californians are exposed to

40% MORE particulate matter from cars, trucks and buses

Compared to other Americans, African Americans are

75% MORE LIKELY to live near hazardous waste or refining facilities

Health Harms

Atrocity #5: Health Harms

Black people have been sicker and died younger than White people. Disproportionate disadvantageous health outcomes can be calculated by differences in life expectancy for Black and White Americans, a measure of excess Black mortality. Disparities in illness and morbidity correlate with higher death rates among Black Americans during the adult years.

The rate of diabetes is higher among adult African Americans at 11.3% compared with White Americans at 6.8%, the incidence of hypertension is 41.3% compared with White Americans 28.6%, the rate of premature death from heart disease is higher among African Americans than White Americans (65.5 vs. 43.2 per 100,000 persons), and rates of prostate cancer are 208.7 and 123.0 per 100,000 persons in African Americans and White Americans, respectively. African Americans show significantly higher stress in a range of life domains (acute life events, financial, relationship, life, and job discrimination) and these were predictive of depressive symptoms, poor self-rated health, functional physical limitations, and chronic illness. Again, these correlate with elevated mortality.

Black children are

3x to have elevated lead levels in their blood
MORE LIKELY

What is the damage time frame for potential compensation re: Health Harms?: Further Research Needed

- Preliminary Suggested Damage Time Frame Based On Existing Research:
 - Health Harms
 - 1900 (*lineage reqt*) - *present* (AB3121)

Health Disparities by Race and Ethnicity in California (2021, Kuang, 2022)

1. Black non-Hispanic Californians had the shortest life expectancy at 71 years White non-Hispanic Californians had a life expectancy of 78.6, for a life expectancy gap of 7.6 years.
2. The Black population in California experienced the highest death rates from breast, cervical, colorectal, lung, and prostate cancer among all racial and ethnic groups.
3. Black Californians experienced the highest rates of prenatal and postpartum depressive symptoms; low-risk; first-birth cesareans; preterm births; low- birthweight births; infant mortality; and maternal mortality.

- I. What are the damage **time** frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States. 1865-1960?

Global Recommendation: **Further Research Needed**

Preliminary Suggested Time Frame Per Each Atrocity Category:

1. Unjust Property Takings: **1920 - present**
2. Devaluation of Black Businesses: **1900 - present**
3. Housing Discrimination and Houselessness: **1937 - 1977**
4. Mass Incarceration & Overpolicing: **1970 - present**
5. Health Harms: **1900 - present**

II. Will there be a California residency requirement?

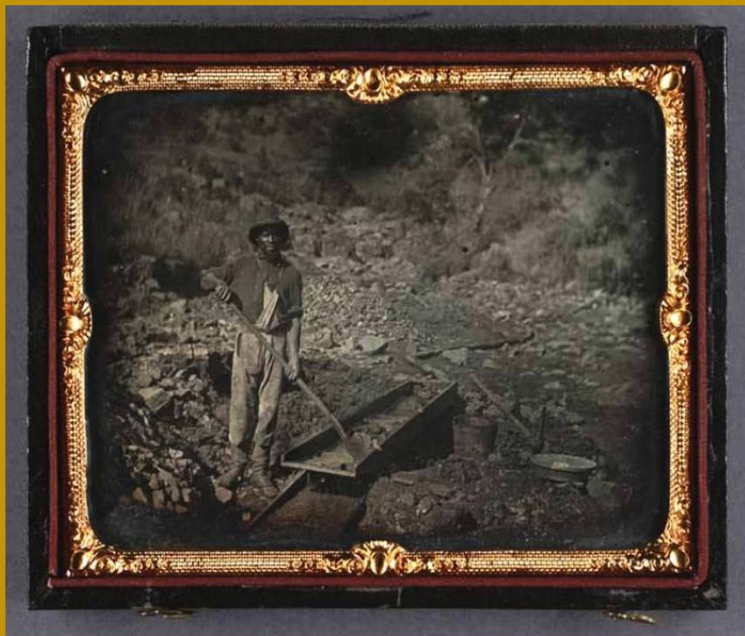
If yes, how will it be determined?

Advisory Committee Guiding Questions:

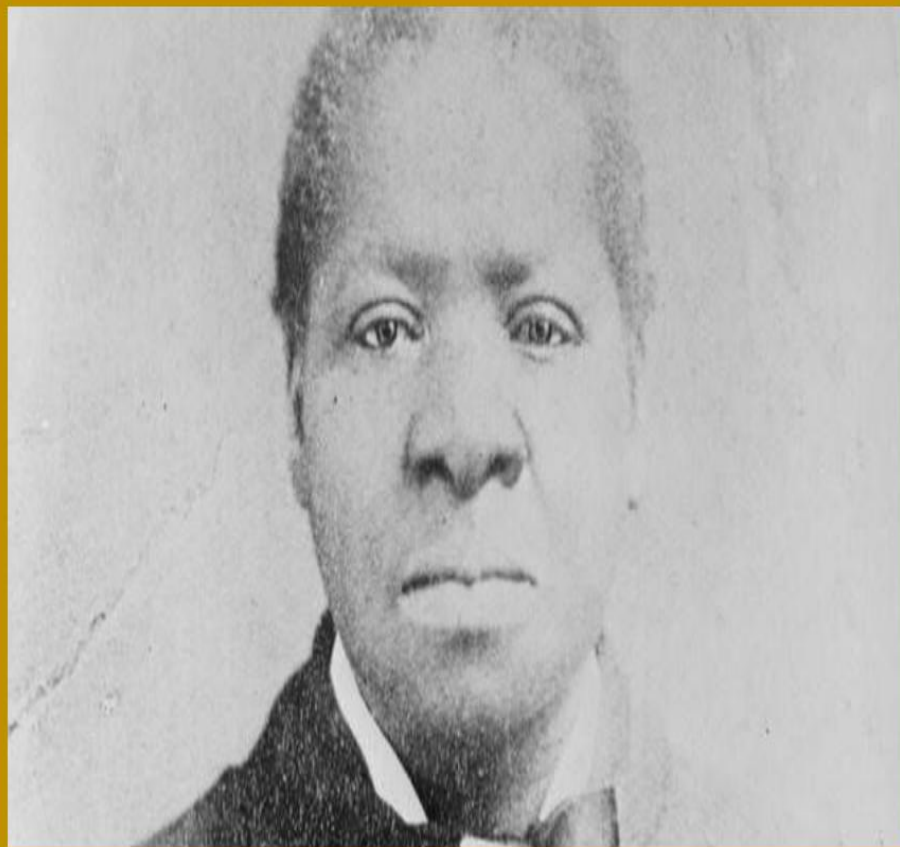
- *How should residency be determined? What should be the cut off date?*
- *What is the African American Californian experience? How can it be qualified?*
 - *Significant historical events*
 - *Collectively experiencing or suffering from state-sanctioned violence*
 - *Collective Organizing*

1852

Gold Rush & Shattered Dreams



In the first test of California's Fugitive Slave Law, three formerly enslaved black men who had built a lucrative mining supply business were stripped of their freedom and deported back to Mississippi.



Bridget "Biddy" Mason was brought as a slave to California.

Source: ACLU Gold Chains Project



EQUALITY BEFORE THE LAW: CALIFORNIA BLACK CONVENTION ACTIVISM, 1855-65

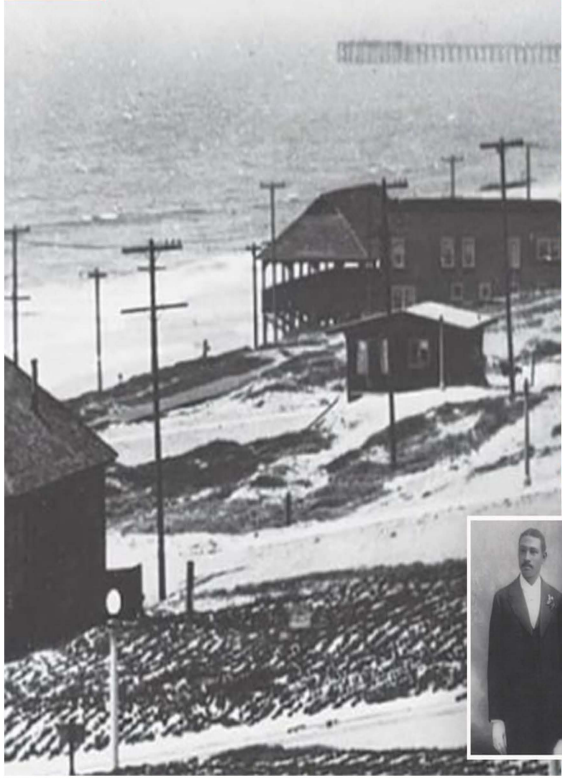
Black migrants with hopes for a new start free of the barriers of white racism did not find a promised land awaiting them in California. Yet, the rapid succession of four California state conventions indicates how quickly Black men and women began to work together toward their vision of achieving economic, civil, and human rights. As noted historian of the Black West Quintard Taylor has observed, the collective energy and creativity that African Americans poured into political organizing in California challenged stock images of rugged individualism of the American West.

PROCEEDINGS
OF THE
FIRST STATE CONVENTION
OF THE
COLORED CITIZENS
OF THE
STATE OF CALIFORNIA.

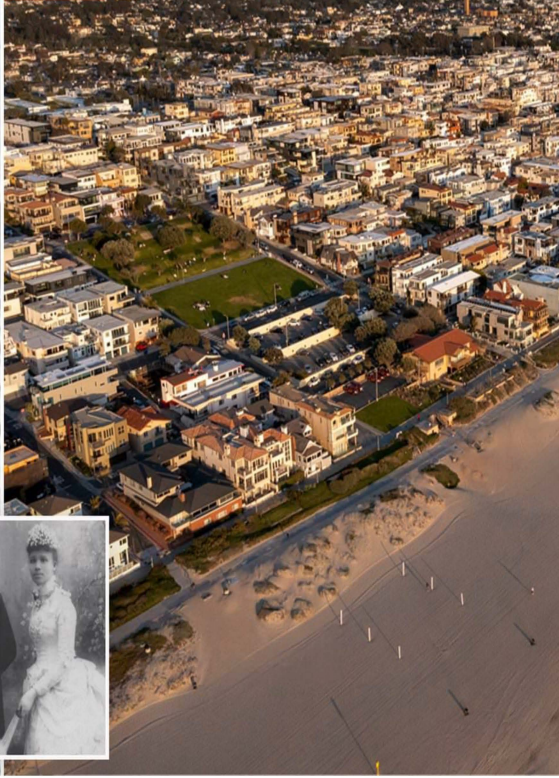
Held at Sacramento Nov. 20th 21st, and 22d, in the
Colored Methodist Church.

SACRAMENTO:
DEMOCRATIC STATE JOURNAL PRINT:
1855.

1912



2021



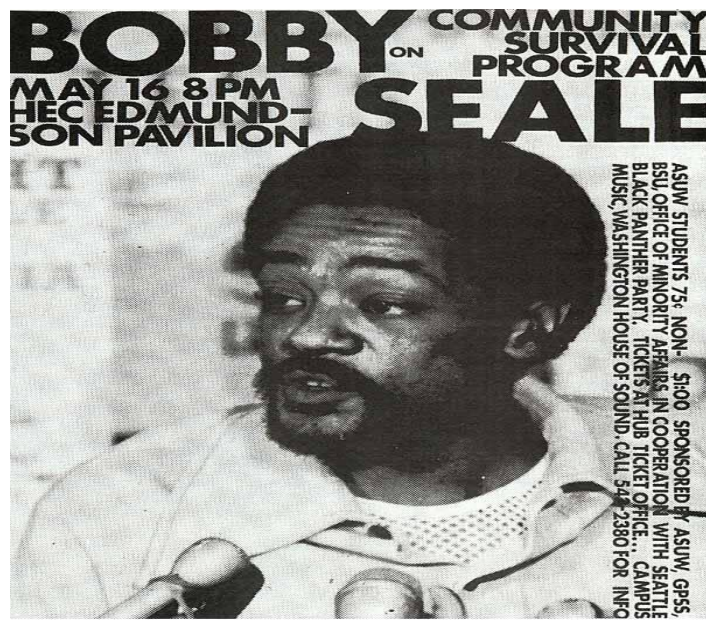
SEGREGATION BY DESIGN



West Oakland was entirely encircled with freeways, physically dividing the primarily African-American neighborhood and its residents from the rest of the city. On the eastern edge of the neighborhood, I-980 created a literal wall between West Oakland and Downtown. The



“Watts Riots of **1965**, series of violent confrontations between Los Angeles police and residents of Watts and other predominantly African American neighbourhoods of South-Central Los Angeles that began August 11, 1965, and lasted for six days. The immediate cause of the disturbances was the arrest of an African American man, Marquette Frye, by a white California Highway Patrol officer on suspicion of driving while intoxicated. Although most accounts now agree that Frye resisted arrest, it remains unclear whether excessive force was used to subdue him. The riots resulted in the deaths of 34 people, while more than 1,000 were injured and more than \$40 million worth of property was destroyed.”



Property of MSCUA, Univ. of Washington Libraries. Vietnam War Era Ephemera Coll.



© Getty Images

“Despite passage of the 1960s civil rights legislation that followed the landmark U.S. Supreme Court ruling in *Brown v. Board of Education of Topeka* (1954), African Americans living in cities throughout North America continued to suffer economic and social inequality. Poverty and reduced public services characterized these urban centres, where residents were subject to poor living conditions, joblessness, chronic health problems, violence, and limited means to change their circumstances. Such conditions contributed to urban uprisings in the 1960s (such as those in the Watts district of Los Angeles in 1965, among others) and to the increased use of police violence as a measure to impose order on cities throughout North America.”

“It was in this context, and in the wake of the assassination of Malcolm X in 1965, that Merritt Junior College students Bobby Seale and Huey Newton founded the Black Panther Party for Self-Defense on October 15, **1966**, in West Oakland (officially “Western Oakland,” a district of the city of Oakland), California.”



Residents of Watts are shown en route to the Watts Summer Festival Parade. Isaac Hayes served as grand marshal of the parade.

How Watts Festival Renews Black Unity

By William Earl Berry

Very few writers who covered the recent WATTSTAX-72 benefit concert, which was a part of the seventh annual Watts Summer Festival, took it upon themselves to analyze the meaning behind the concert and its expressed purpose which was a "celebration of Blackness."

For the most part, members of the media casually reported the emotive, vital and sentient dimensions of the festival and virtually dismissed it as "hot fun in the summertime."

Many attempts have been made to treat music as a language of emotions. None has been really satisfactory, though some of them

are both searching and well-directed. In short, there is a strong tendency today to treat a mass concert as a mere pleasurable experience, as if it had little, if any, social or cultural significance. But the WATTSTAX-72 concert was inherently relevant, its "significance" was in some sense that of a symbol. Thus, any legitimate comment on WATTSTAX-72 must be based on serious consideration of the previously unrecognized *symbolic mode* of the Black experience, typified in the performer-audience interaction that is the kernel of Black music.

The event that led up to WATTSTAX-72 was the week-long racial flare-up that erupted in the Watts section of Los Angeles in August of 1965 and has often been labeled as "the worst out-



Rev. Jesse Jackson of PUSH and Star Organization chairman Al Bell (r) salute as Kim Weston (l) sings Lift Ev'ry Voice And Sing.



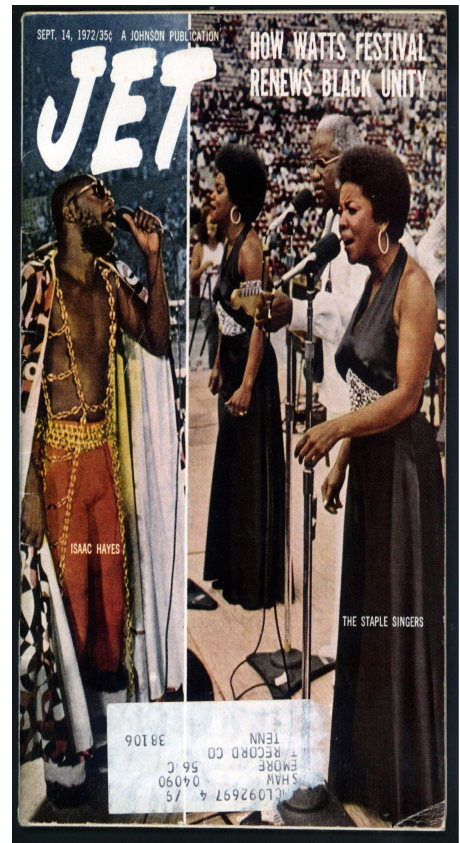
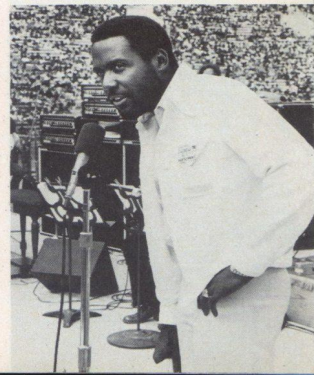
break of civil disobedience in the United States since the Civil War."

The Watts rebellion, which involved at least 10,000 persons, left 34 persons dead and more than \$40 million in property damage. The shooting, burning and killing made Watts a symbol for all the traumatic evils that had befallen Blacks in a white society.

But every year since 1965, the citizens of Watts have channeled the energy, fervor and emotion that was used to "burn, baby burn" into the Watts Summer Festival, celebrating Black culture instead of burning down their own community.

The festival commemorates the changes Watts has gone through in the past six years. People have continued to move forward, to leave their conditions of depre-

One of the encores of the festival, Richard (Shafiq) Roundtree delights crowd with his appearance on the star-studded show.



Wattstax (**1972**) was the largest gathering of African-Americans in one place since the civil rights March on Washington in 1963.



War on Drugs - April 1988 (Los Angeles)



Ted Soqui / Corbis Getty; Lindsay Brice / Getty; The Atlantic

LA Uprisings (1992)

II. Will there be a California residency requirement?

If yes, how will it be determined?

Preliminary Response: Yes, there should be a California residency requirement.

- **Further Discussion Needed Re: Cut Off Date**

- **Factors:** historical events associated with the California African American Experience (i.e. 1965 Watts Riots, 1966 Black Panther Party for Self Defense founding; 1972 Wattstax Benefit Concert; 1992 LA Riots)

- **Potential Implications:**

- Potential claimants must be individual or come from family that moved to California at least 2 or 3 generations ago (1992)
- This framework potentially includes people who have since left California, but were born and raised in CA.
- Doesn't affect damage time frames

- **How To Determine Residency?:**

- **Preliminary Response:** voter registration records; car registration records; organization/membership records; professional license records; real estate records; letter from homeless shelters/organizations; home utility bills; school documents; medical records; insurance records; mortgage bills; employment document lease agreements; genealogical evidence; court documents, bank documents etc.

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

Preliminary Suggestions:

- Harm begins at CA state founding (1850) or enactment of California Fugitive Slave Act (1852)
- Yes, there should be different starting and end points for each atrocity category (see Question I.)

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

Preliminary Response:

Must agree if harms serve as individual criteria or general condition. Suggestion is the latter.

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

**Task Force Member
Questions/Discussion Experts
Responses to Questions**

Task Force Member Potential Action

