

**Meeting Materials Part 3 Table of Contents**

- Agenda Items 4, 7, 8, and 16: Additional Available Witness Statements and Presentations (Not all witnesses have submitted witness statements and presentations) (Pg. 914)
- Agenda Item 19: Subpoena and Information Requests; Review, Discussion and Possible Action Item (Pg. 974)

AGENDA ITEMS 4, 7, 8, and 16

ADDITIONAL AVAILABLE WITNESS  
STATEMENTS AND PRESENTATIONS  
(Not all witnesses have submitted written  
statements and presentations)



Dr. Bruce  
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# Testimony for AB 3121: Task Force to Study and Develop Reparation Proposals for African Americans

# American Apartheid

In thinking about reparations and infrastructure we need to think about the larger ecosystem of transportation, housing, and land use and the ways the public and private sectors have created inequities and harms to African Americans through a multi-dimensional and systematic array of discriminatory policies from the Federal Government on down.

This effectively created a unique form of American Apartheid that must be corrected.

To give an overview, African Americans have been harmed in the following ways:

1. By being barred from mortgage assistance in their own communities.
2. By building of freeways and urban renewal projects through their communities that tore them apart and barricading them off from opportunities.
3. Through displacement from urban renewal and eminent domain
4. By being forbidden from buying houses in the white, affluent suburbs - unable to access schools and other career advancing opportunities.
5. By being less served by the bus transit system they relied upon for mobility.
6. By being more vulnerable on the streets to both police and traffic violence.
7. By being overrepresented in the homeless population.

**Issue:** And now African American communities are vulnerable to displacement and community severance that can come from the growing forces of gentrification.

# Harm #1: Redlining



Graded based on risk for investment.

Green Areas

Safest Investment

Blue Areas

Mostly safe investment

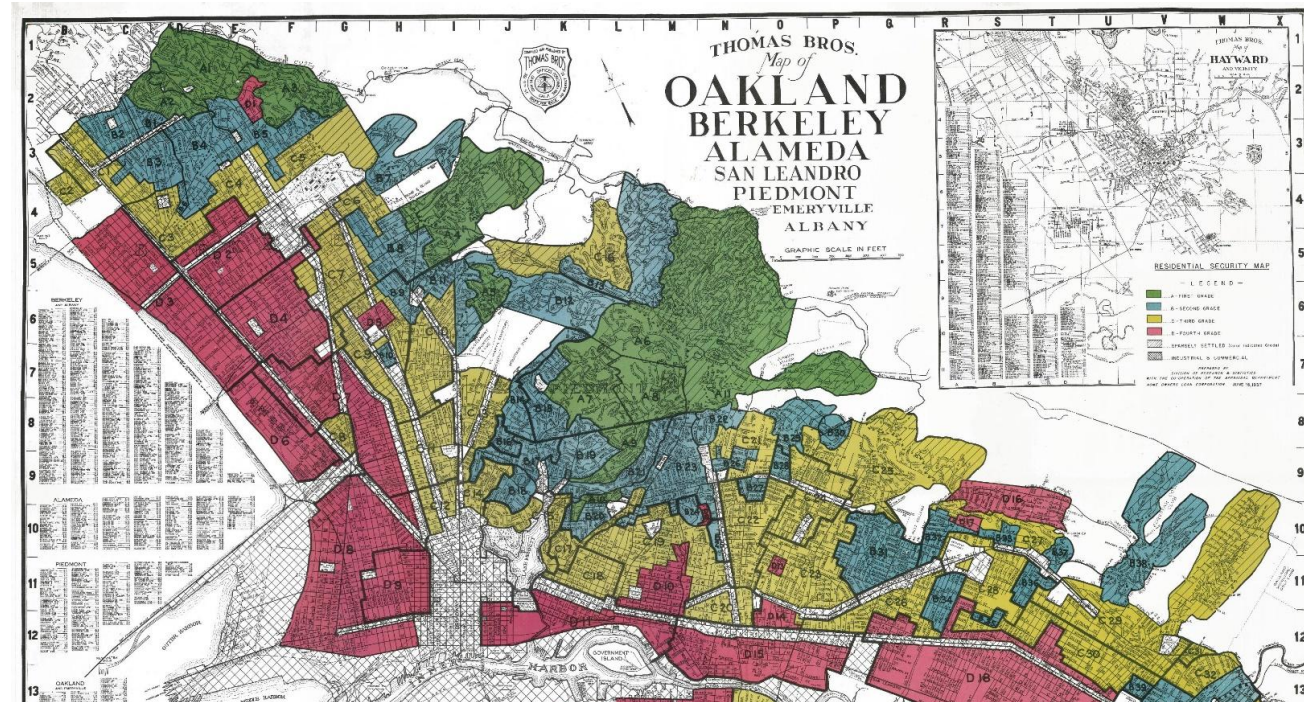
Yellow Areas

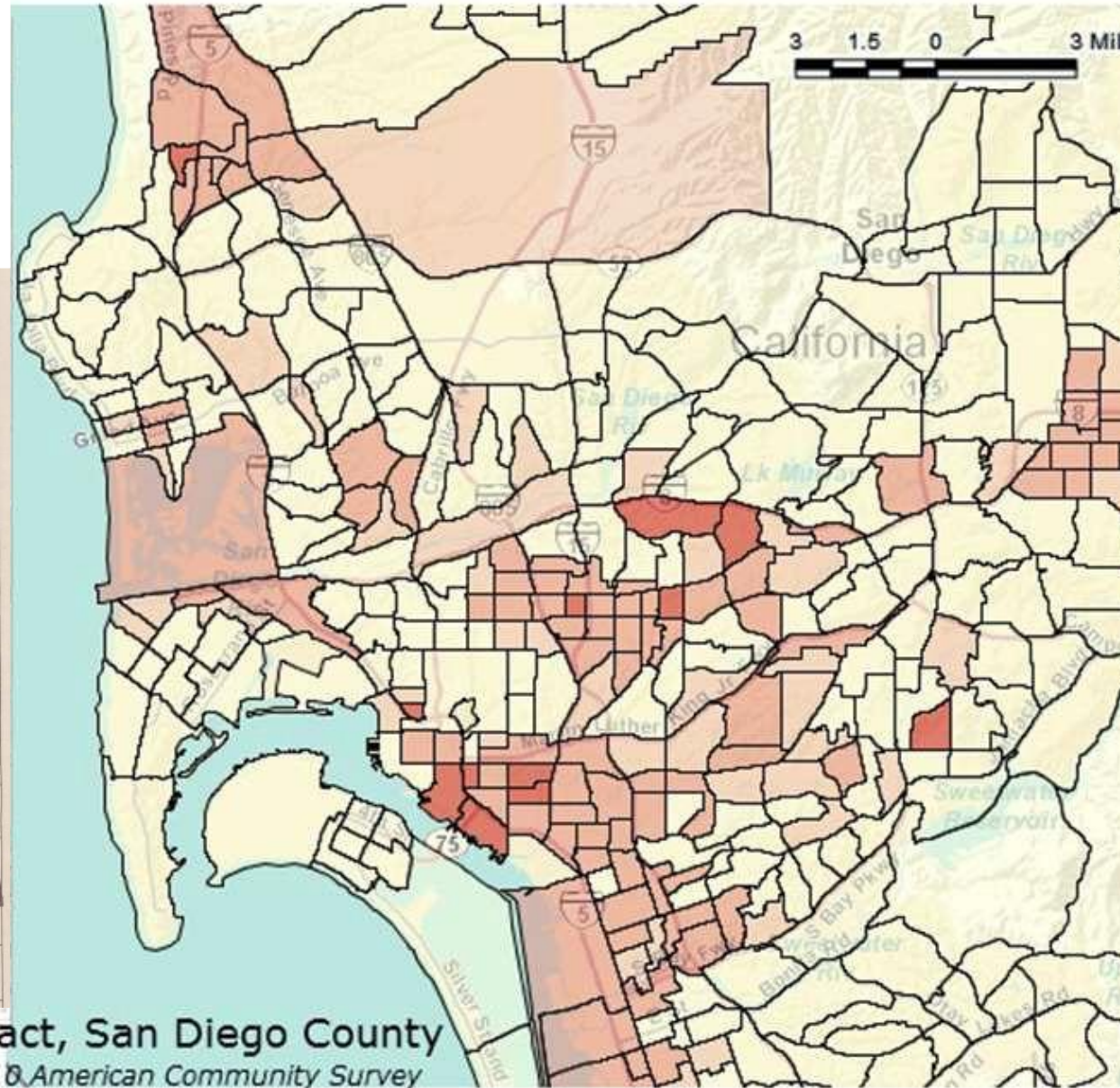
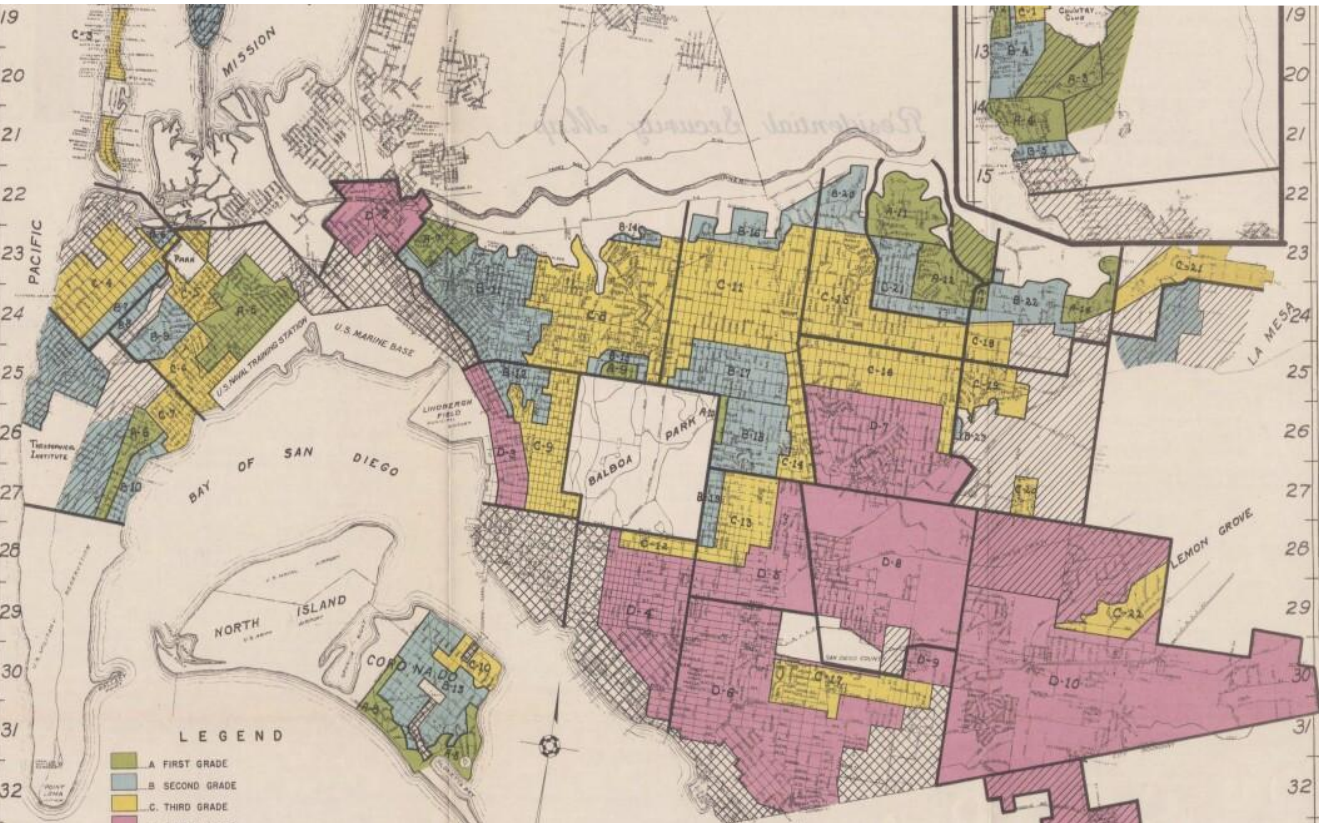
Risky investment

Red Areas

Hazardous investment

The Federal government, starting in the 1930s, furthered discriminatory practices first by discouraging the refinance of at-risk loans in and near African-American neighborhoods through the policy known as "redlining", where the Home Owners Loan Corporation (HOLC), working in concert with local real estate agents, marked Black communities with red and gave them a grade of D or "hazardous investment". In tandem, the Federal Housing Administration (FHA) seriously limited the insurance of mortgages in these communities, and the banks followed suit. In effect, the Federal government actively crippled African Americans in their ability to buy and secure homes in their own communities effectively lowering home values, wealth creation, and the ability to move up to the middle class.



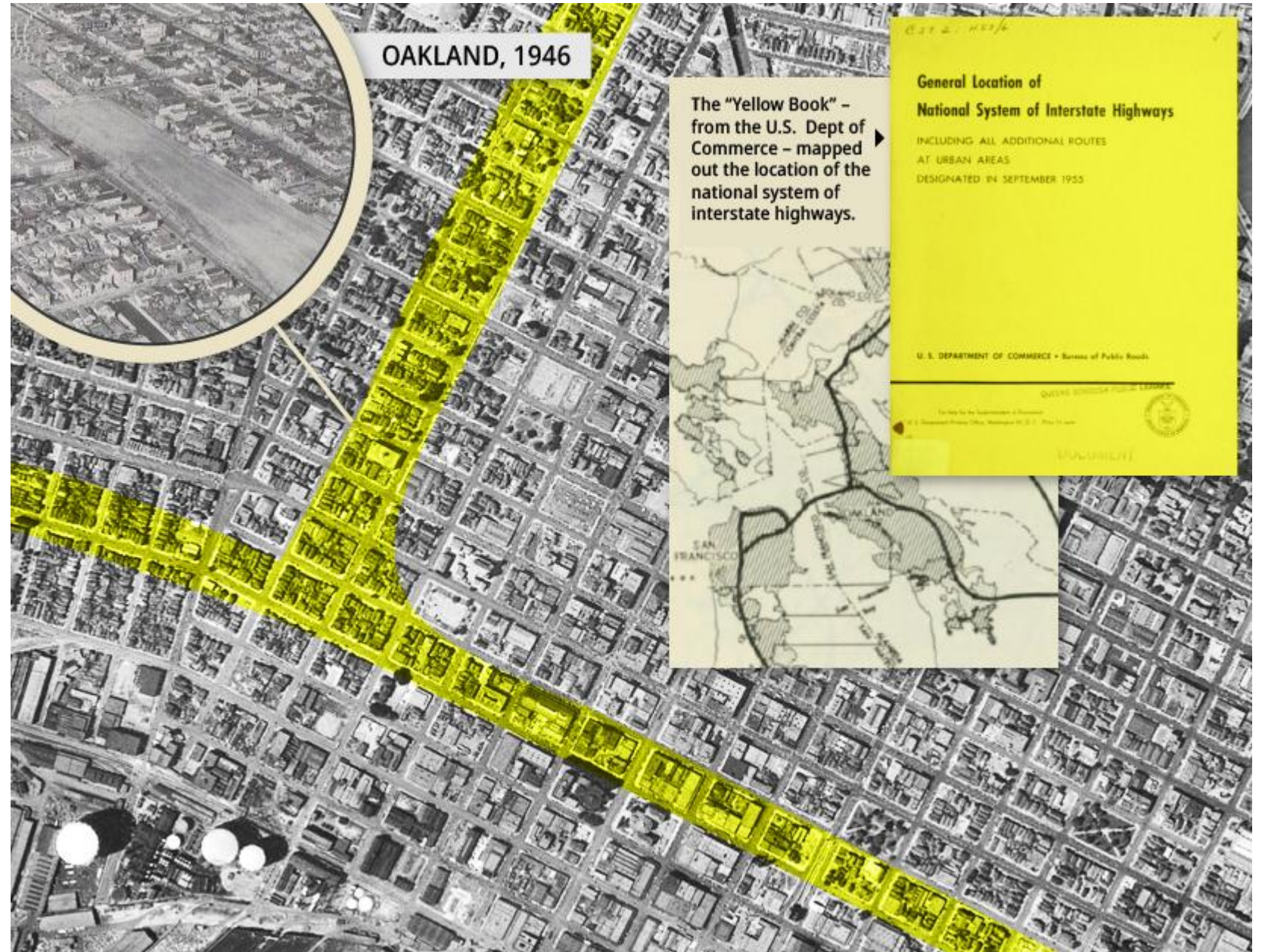


**Poverty Rate by Census Tract, San Diego County**  
Source: U.S. Census Bureau, 2006-2010 American Community Survey

## Harm #2: Highway Building

Another major harm came in the way of highway development through Black neighborhoods that forcibly carved and ripped up whole communities while walling them off from otherwise adjacent opportunities (see figure).

A freeway also impacts with noise, pollution, community severance, and traffic violence, which I discuss more below (Appleyard et al. 2021).





# Oakland 1946



## Detroit, MI

Hastings Street (Looking North) 1959



Chrysler Freeway (Looking North) 1961



# Detroit, MI



SAN FRANCISCO ←

Mclaughlin Eastshore State Park

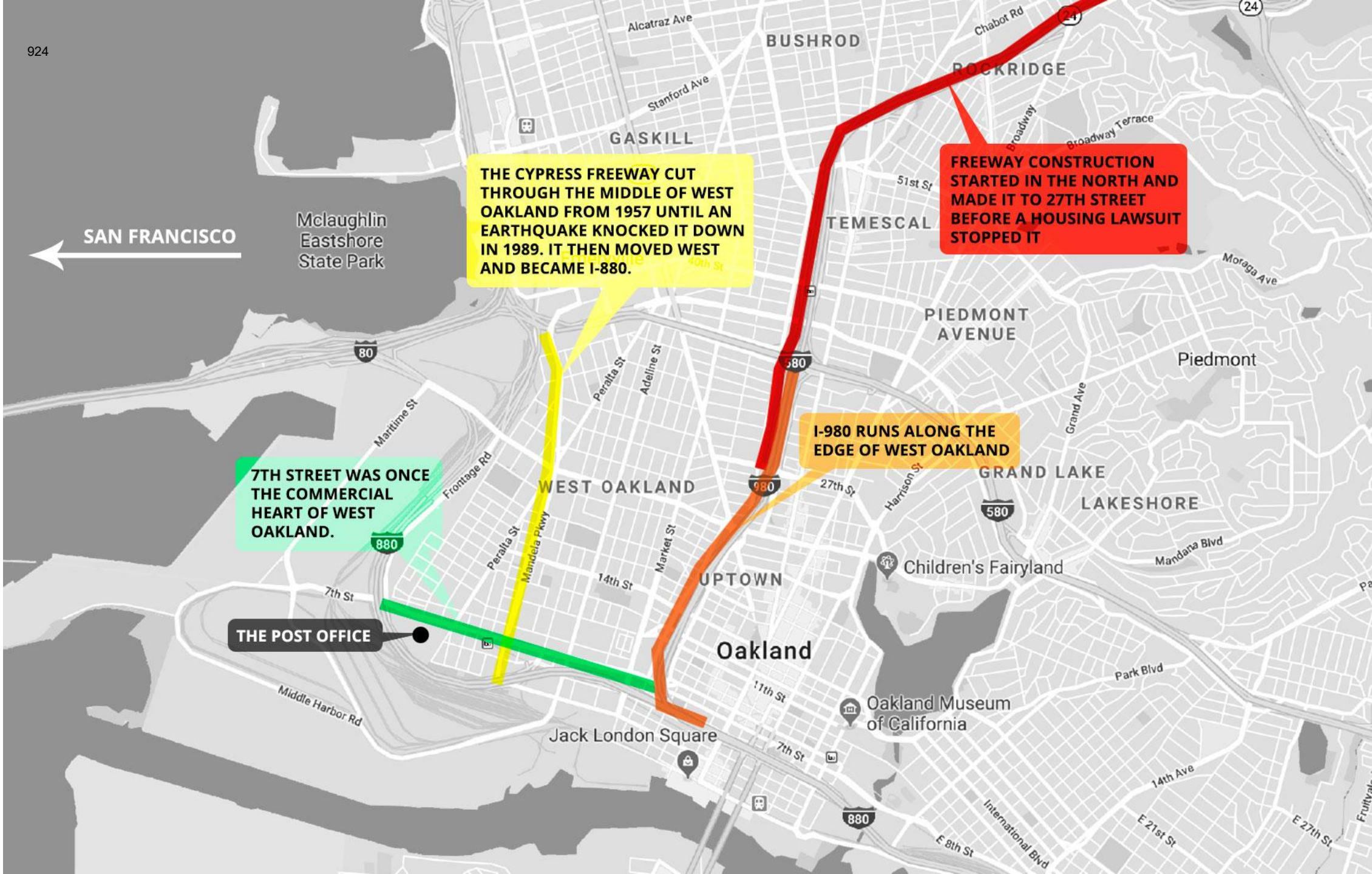
THE CYPRESS FREEWAY CUT THROUGH THE MIDDLE OF WEST OAKLAND FROM 1957 UNTIL AN EARTHQUAKE KNOCKED IT DOWN IN 1989. IT THEN MOVED WEST AND BECAME I-880.

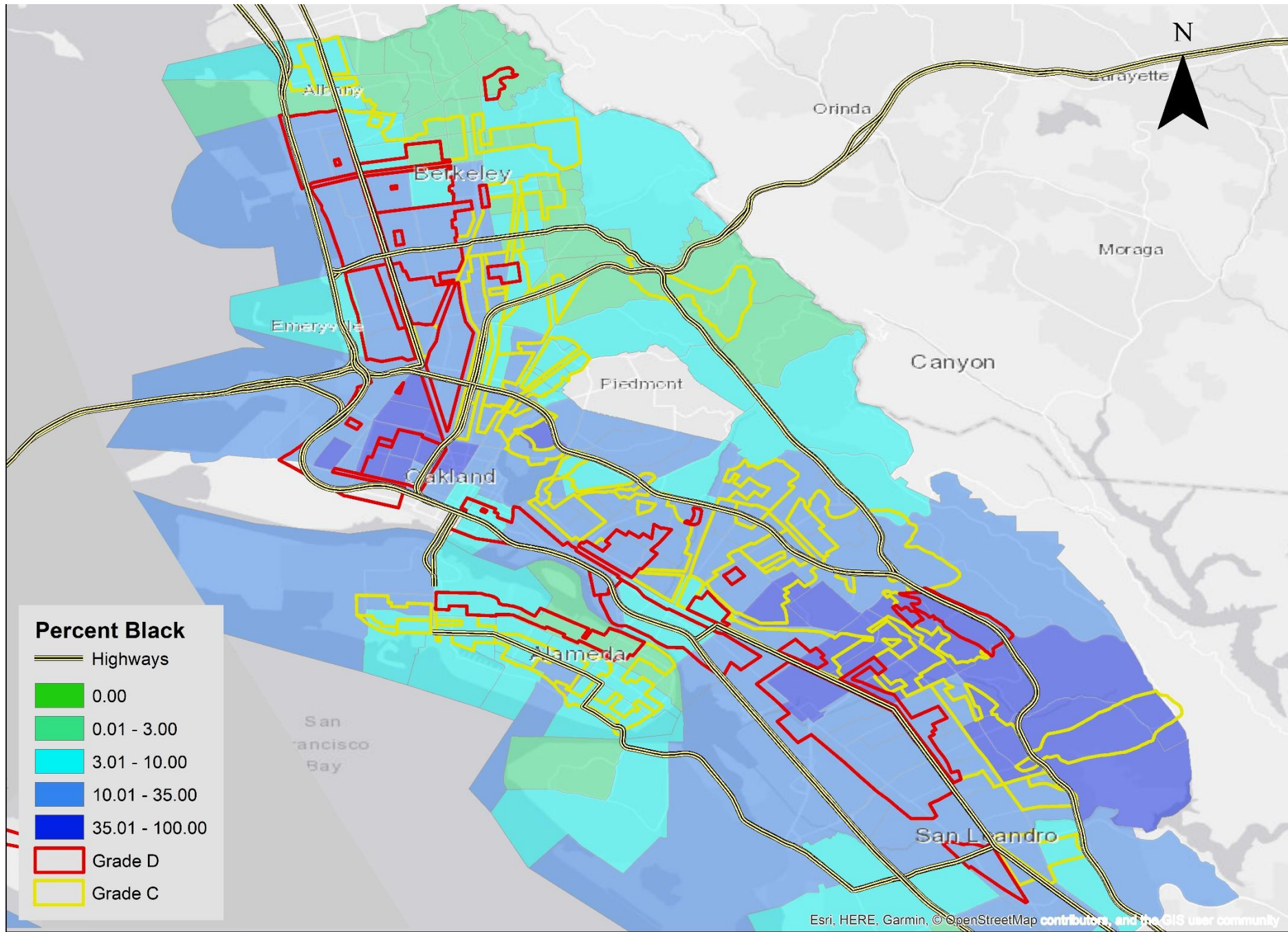
FREEWAY CONSTRUCTION STARTED IN THE NORTH AND MADE IT TO 27TH STREET BEFORE A HOUSING LAWSUIT STOPPED IT

7TH STREET WAS ONCE THE COMMERCIAL HEART OF WEST OAKLAND.

I-980 RUNS ALONG THE EDGE OF WEST OAKLAND

THE POST OFFICE





# <sup>926</sup> Harm #3: Urban Renewal and Eminent Domain

Places like West Oakland were also ravaged by forces of urban renewal from public housing to military port reclamation. In the 1950s, when the federal government started, the city declared the redlined areas “slums” and began to clear them out.

All of this at the hands of the federal government, which was effectively an unreachable force that community members could not communicate with, like they could a Mayor or City Councilor.



## Eminent Domain & Bruce's Beach



- In 1912, Willa and Charles Bruce purchased land in Manhattan Beach
- Since the surrounding beaches were mostly off limits to African Americans, they built a thriving resort for them.
- Constantly facing harassment and violence from the surrounding white community, the Bruce's had their land seized by the City in the 1920's by way of "eminent domain" purportedly for use as a park. The City would not build this park for nearly 30 years.
- On September 30th, 2021, Governor Gavin Newsom signed a bill that gave the land back to the descendants of Willa and Charles Bruce

## Harm #4

### Banned from the Suburbs

On top of redlining and highway building, the FHA was subsidizing builders who were mass-producing entire subdivisions for whites — with the requirement that none of the homes be sold to African-Americans.



Sign across from a public housing project in Detroit, MI, 1942

Source: Wikimedia Commons

Levittown,  
PA

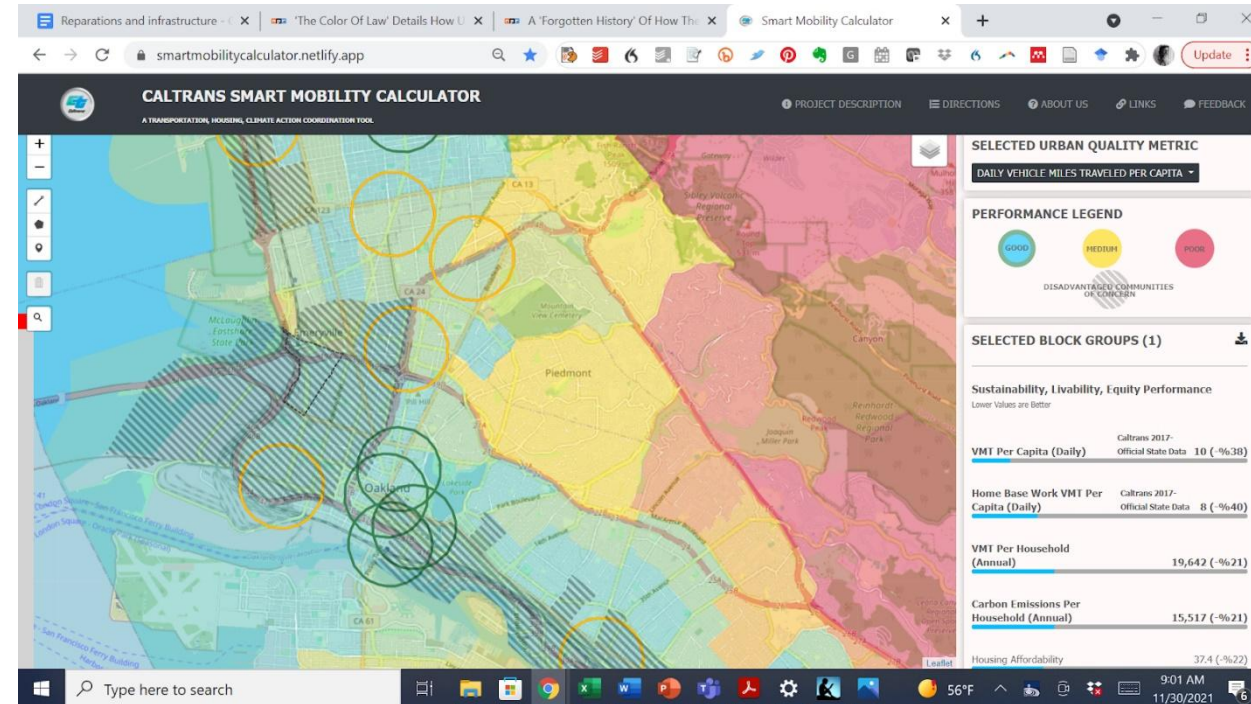




## Issue: Concerns over Gentrification

Fast forward to today and we can see that the areas that were redlined are now ripe for redevelopment as they are more affordable and in more accessible locations (to transit and highways) .

- Through the use of the Smart Mobility Calculator I developed for Caltrans, we can also see that the disadvantaged communities and formerly redlined neighborhoods (in hatching) have some of the lowest Vehicle Miles Traveled (VMT) and greenhouse gas emissions (GHGs) as shown in the bluegreen areas.
- All this makes them attractive for development to meet California's climate action goals, especially through such bills as:
  - SB 10 (housing near transit)
  - SB 743 (CEQA exemption for areas of low VMT) and
  - SB 35 (streamlining CEQA processes for affordable housing).
- All this means measures need to be put in place to help stop displacement that can come from gentrification.

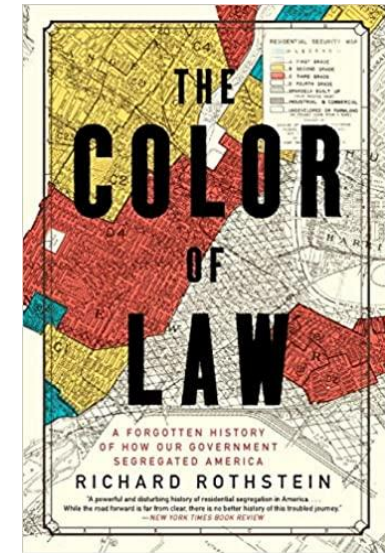


(For more, see <https://smartmobilitycalculator.netlify.app/>)

## Issue: Impacts on Wealth Creation

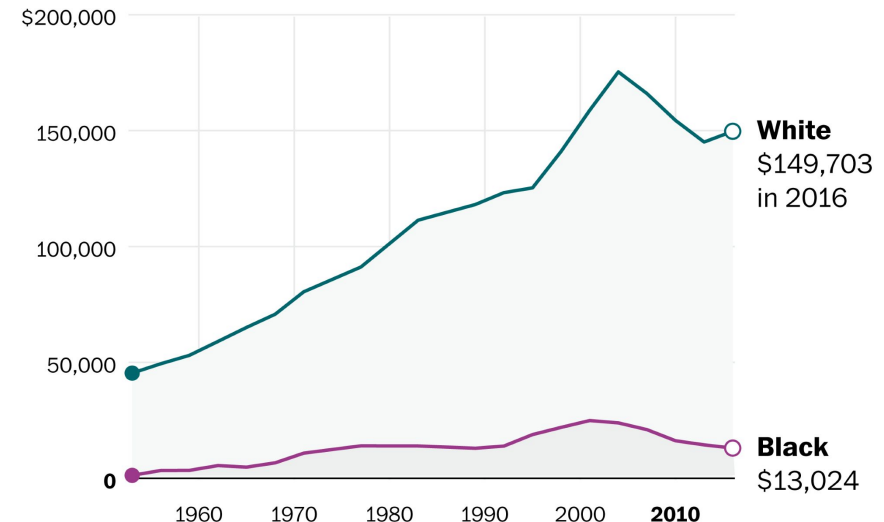
Today African-American incomes on average are about 60 percent of average white incomes. But African-American wealth is only about 5 - 9 percent of white wealth. Most middle-class families in this country gain their wealth from the equity they have in their homes.

According to Rothstein, this enormous difference between a 60 percent income ratio and a 5 - 9 percent wealth ratio “is almost entirely attributable to federal housing policy implemented through the 20th century” (Rothstein, 2017).



### White wealth surges; black wealth stagnates

Median household wealth, adjusted for inflation



Source: Historical Survey of Consumer Finances via Federal Reserve Bank of Minneapolis and University of Bonn economists Moritz Kuhn, Moritz Schularick and Ulrike I. Steins  
THE WASHINGTON POST

## Harm #5: Public Transit

Another way infrastructure has created inequities and discriminations is in how public transit has been funded and operated. Oftentimes transit funding is being applied to the development of expensive rail projects that serve white suburbs at the expense of bus service that serve communities of color.

Several famous cases have fought this battle, namely the LA Bus-Riders Union in the 90s and the Darensberg vs. MTC case in the SF Bay Area in the 90s and 2000s (Golub et al. 2013).

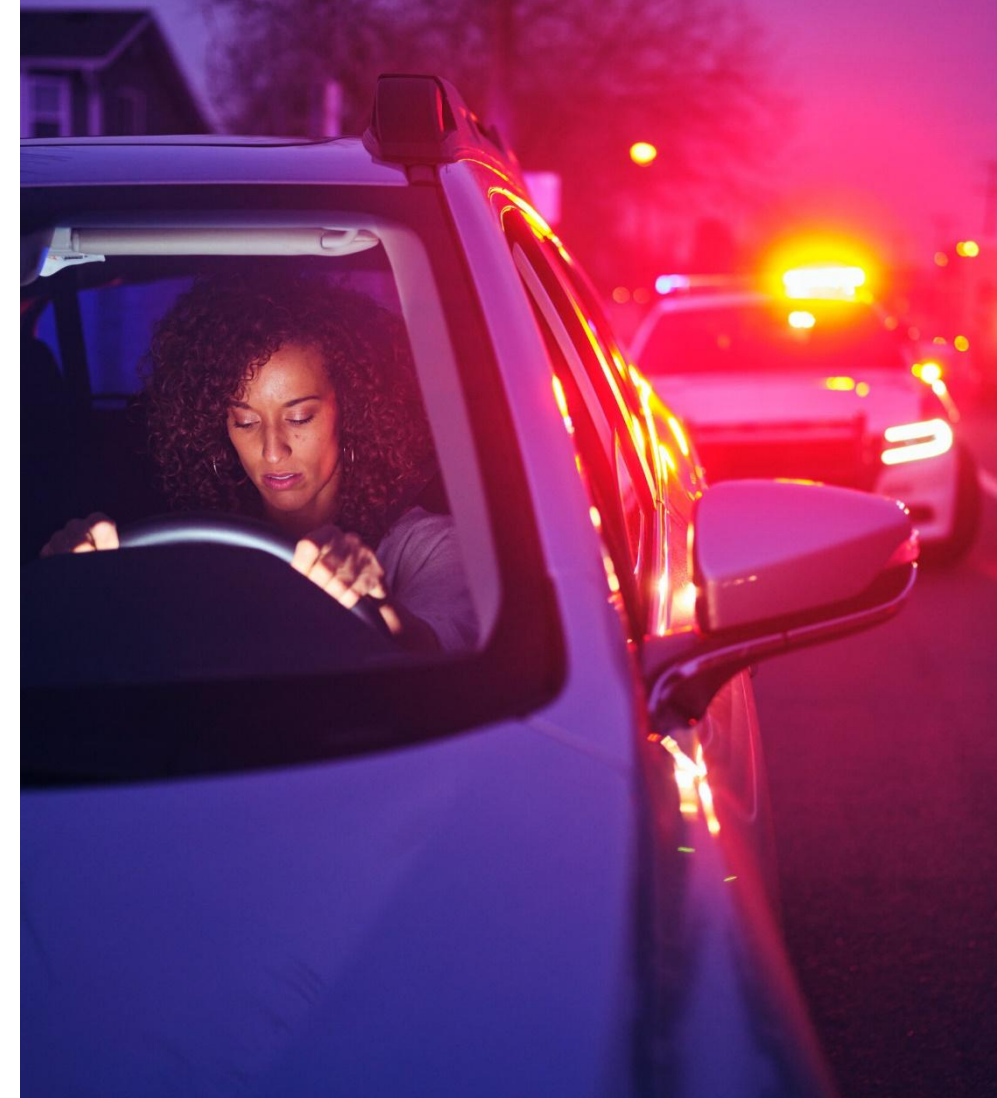


## Harm #6

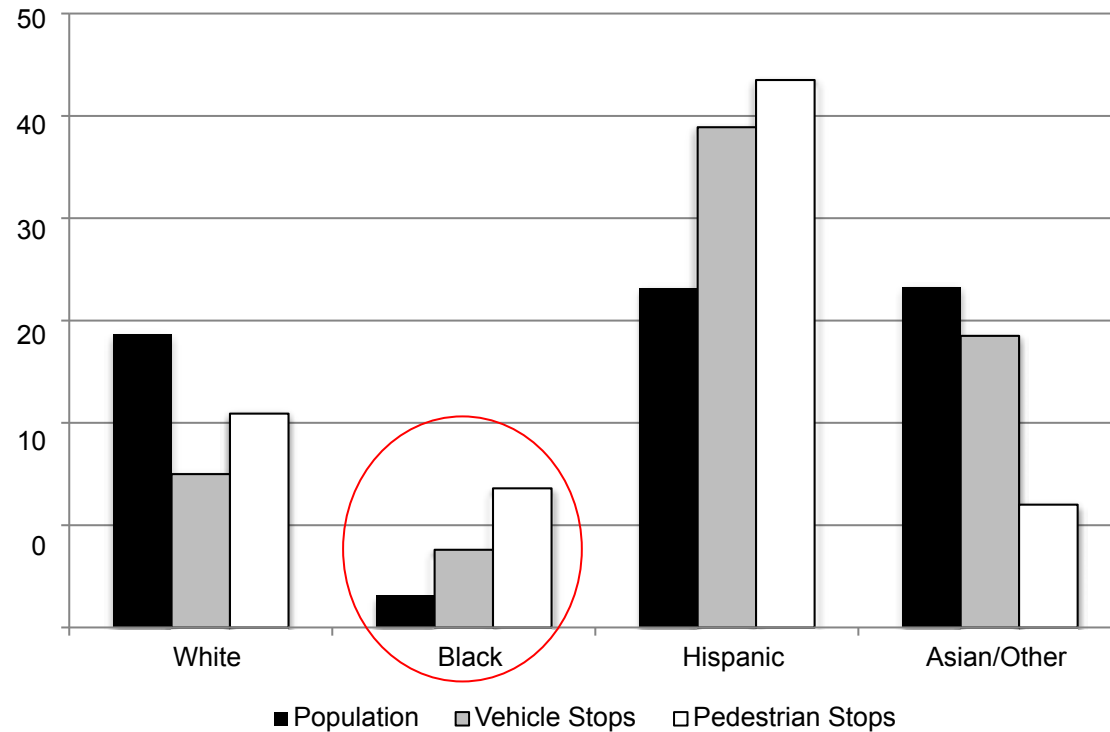
### Police Stops and Traffic Violence

When thinking of infrastructure we also need to think of how things affect people walking, bicycling, and driving. Here are some statistics:

- People killed while walking are twice as likely to have a low income.
- African-American children are twice as likely than white children to be killed while walking.  
(Fox & Shahum, 2017, p. 1).
- Drivers of color are stopped by police at a rate double the national average (24% vs. 12%) (Engel & Calnon, 2004; Epp, et al., 2014).
- For black drivers, the likelihood of being searched has ranged from no-difference to four times as frequently as white drivers.
- 



**Figure 1. Comparing driver and pedestrian stop rates with San Jose's racial composition**



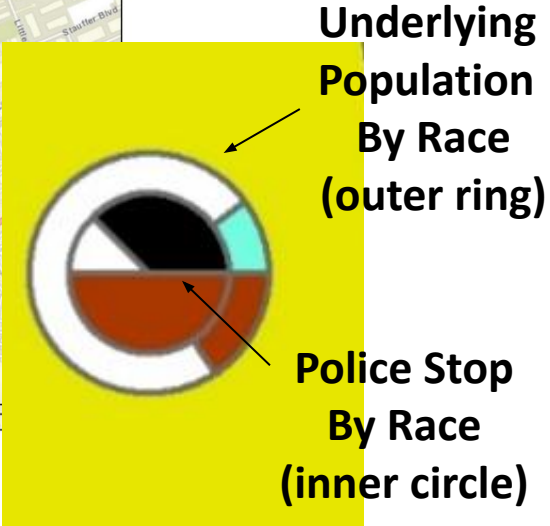
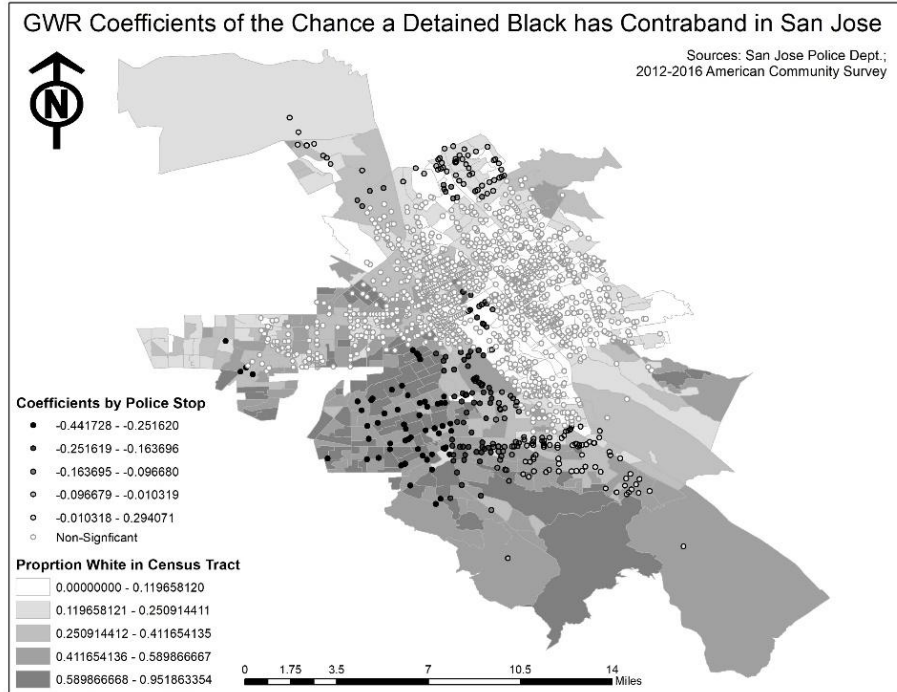
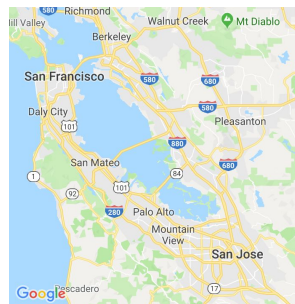
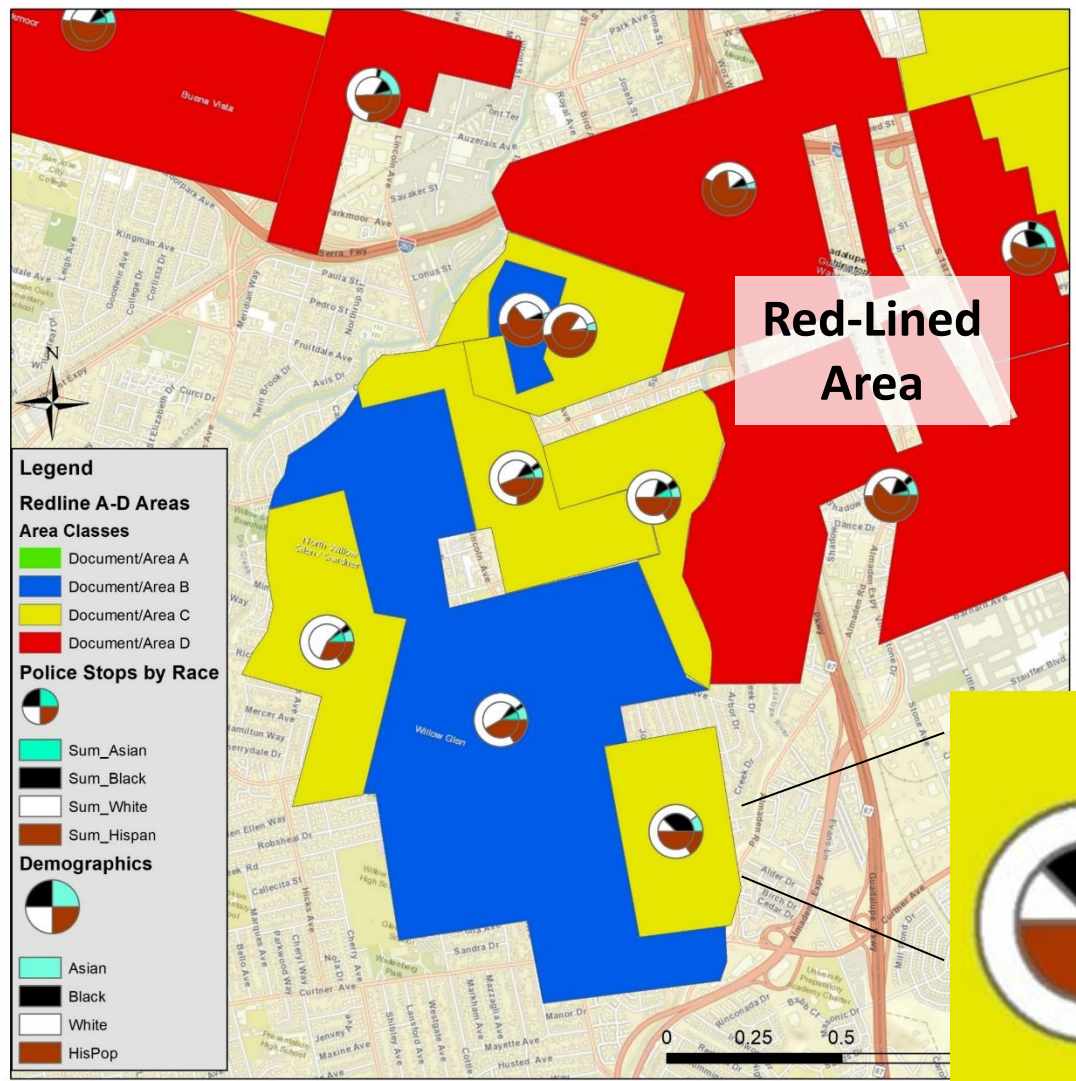
African American pedestrians are stopped at a rate about 5 times that of their underlying population.

# SOCIO-CULTURAL HARMS: POLICE STOPS AND RED-LINING IN SAN JOSE, CA

- JOSHUA CHANIN, JOSEPH GIBBONS, BRUCE APPELEYARD

### Black Drivers:

- Higher rate of being stopped (twice national average)
- Higher rate of being searched (as high as four times)
- But lower rate of being justified by anything being found
- Appears to be more extreme in whiter, more affluent areas



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## Harm #7 Homelessness

African Americans are also often over-represented in the homeless population.

From a surveys in San Diego, African Americans account from between 24 to 31 percent of the homeless population, while only constituting about 5 percent of the underlying population (Welsh et al., 2021)

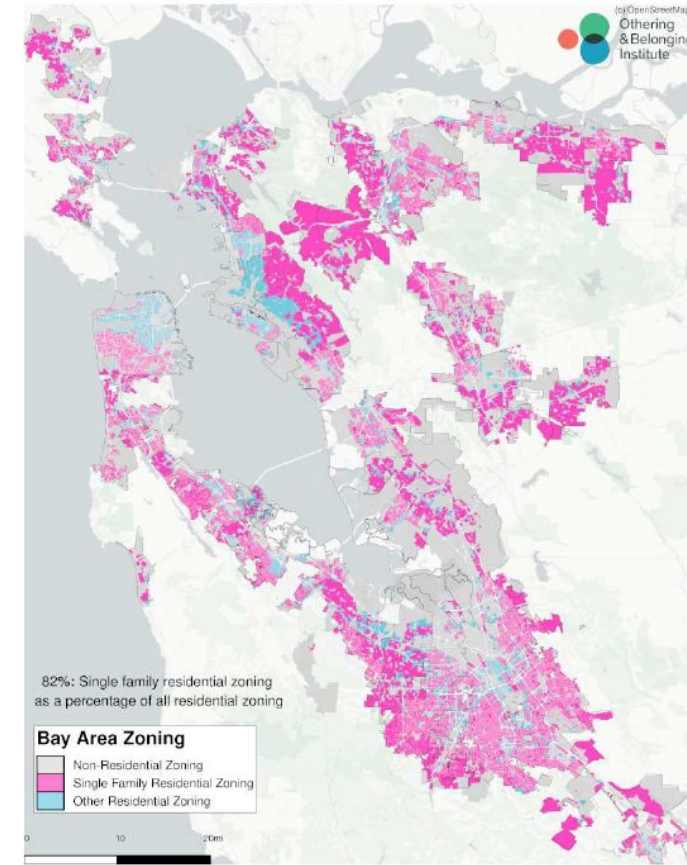


## 936 Policy Recommendations

On top of reparations we can think about policy remedies as follows:

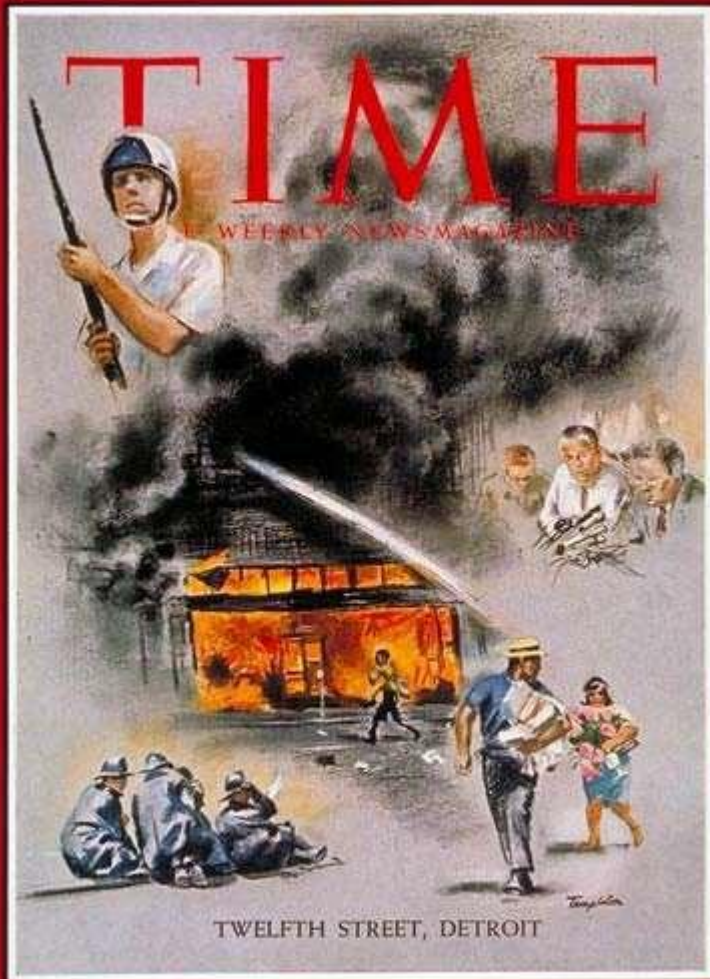
- Open up new neighborhoods and suburbs to African Americans by getting rid of exclusionary single family zoning and allowing townhomes and apartments in those zones.
  - SB 9 and SB 35 both go a long way toward making this happen, but banks also need to make changes to facilitate financing for home ownership in these types of developments.
  - These starter homes would allow more access to build wealth and enter the middle class.
- For highways that were built through neighborhoods, we can offer reparations and business and other funding programs like those offered in Syracuse, New York. We can also tear them down or run them underground and reconnect the community.
- For neighborhoods attracting gentrification, we can create anti-displacement programs which can include rental and home-buying assistance, business loans, and other programs.
- Create a well-funded bank to invest in communities of color to fund businesses, home loans, etc.

Single Family Zoning in the Bay Area  
85% single family





# Advisory Commission on Civil Disorders (Kerner Commission, 1968)



Urban Riots starting in 1964 (Detroit), peaking in Watts in 1965, and then continuing in 1966 and 1967.

# Advisory Commission on Civil Disorders (**Kerner Commission**, 1968)

"Segregation and poverty have created, in the racial ghetto, a destructive environment totally unknown to most white Americans. What white Americans have never fully understood, but what the [African American] can never forget, is that white society is deeply implicated in the ghetto.

- white institutions created it,
- white institutions maintain it,
- and white society condones it."



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# Testimony for AB 3121: Task Force to Study and Develop Reparation Proposals for African Americans

Written Testimony of

Eric J. Miller

Professor of Law and Leo J O'Brien Fellow

Loyola Marymount University

Before the

California Reparations Taskforce

AB 3121 Reparations Hearings

on December 7, 2021

Madam Chair, Members of the Committee:

The California Reparations Taskforce has an historic opportunity to set the agenda for current and future reparations determinations. I would encourage the Taskforce to recognize that the production of a report that fully accounts for the history of intergenerational race-based wrongdoing, and its continuing significant impact, is an important end in itself, independent of the ability to legislate an adequate slate of remedies to address those wrongs.

My work includes developing national and local litigation and legislation strategies seeking reparations on behalf of the descendants of enslaved people and of victims of Jim Crow segregation and racial violence. In particular, I have worked for 20 years seeking reparations for the victims of the Tulsa race massacre, as well as being briefly involved with some of the lawyers representing the Georgetown 272 Descendants movement, seeking justice for the descendants of people enslaved and sold by Georgetown University. Accordingly, my work engages with reparations from enslavement to contemporary policing. I was a member of the Reparations Coordinating Committee which filed pathbreaking federal reparations lawsuit on behalf of the survivors of the Tulsa Race Massacre of 1921, *Alexander v. State of Oklahoma*, and I and took a leading role in drafting the complaint. I am currently a member of Lawyers for Justice for Greenwood, and again took a lead role in drafting and arguing a reparations public nuisance lawsuit, *Randle v. City of Tulsa*, filed in 2020.

#### General Features of Reparations

Reparations is set of remedies, featuring economic, institutional, social, political, legal, economic, and cultural rebuilding, owed to the victims of some significant, intergenerational, group-based or race-targeted dignity wrong.

Reparations is might be called a *wrong-based* remedy, to contrast it with a variety of other rights-based ways of remediating racial injustice, such as affirmative-action programs. Reparations responds to direct, race-based intergenerational injuries in which both the perpetrator and the victim can be identified. These intergenerational wrongs are ones that occurred, and are still being perpetrated, at the national, state, and municipal level. They featured the actions of governments, corporations, other institutions, and individuals.

The wrongs that are addressed by AB 1321, included, certainly, the expropriation of life and labor from enslaved people. However, AB 1321 goes much further, to include not only the wrongs of enslavement, but also “sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system,” as well as debilitating economic, educational, and health hardships,” occurred in different ways to different groups at different times. These wrongs thus include the destruction proscription of social, cultural, economic, educational, and medicinal institutions as a means of disempowering Black people and preventing their social and political organization and self-determination. For these wrongs, direct monetary payments are insufficient. Only the creation of social, economic, and political institutions will suffice.

The century-long effort to gain reparations for the Tulsa Race Massacre, which gained its contemporary political traction beginning about 1996, is exemplary here. Over a night of incredible violence, on May 31-June 1, 1921, hundreds of white people entered Greenwood, the Black district of Tulsa, Oklahoma, murdering around 300 Black people and burning about 40 city blocks to the ground, rendering about 8,000 people homeless and destitute. The Tulsa massacre, was a massive, intergenerational, race-targeted act of violence that destroyed a whole community's social and economic institutions: its residential and business districts, its schools, a library, and a hospital. The City and State inflicted catastrophic mental and emotional trauma upon a generation of African American Tulsans, The City and State prevented the residents of Greenwood from rebuilding their town, and reduced them to a dependent state. And to cover its tracks, the City and State erased the massacre from the official history of the state, and suppressed reporting of the massacre, so that subsequent generations did not know about the massacre or did not believe that it had happened.

The damage wrought by the Tulsa race massacre extended beyond the victims and their descendants. It impacted every African American who lived in Tulsa, in the State of Oklahoma, and indeed (as a recent study of Black entrepreneurship made clear) across the United States. The City and State communicated a clear message about African Americans' subordinate status. The City and State ensured the dependent status of Black Tulsans when it destroyed the social, political, legal, economic, and cultural institutions and infrastructure that had been created by African Americans in the Greenwood district of Tulsa. The City and State then prevented their reconstruction. Reparations in Greenwood would thus take the form, in part, of responding to these wrongs by creating and investing in local institutions, identified and created by African Americans, run by African Americans, employing African Americans, serving African Americans, because it was these African American community institutions and infrastructure that was targeted for destruction.

A core question for the California Task Force is whether there are state and federal legal barriers to remedying reparations. Having worked on both federal and state lawsuits seeking reparations, I am familiar with these issues, and with some of the unique challenges facing reparations in California.

### Proposition 209 Challenges

Proposition 209 is codified in the California Constitution, Article 1, Section 31, which declares that the state, including its political subdivisions, "shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." (§ 31, subd. (a).) West's Ann.Cal.Const. Art. 1, § 31.

The effect of Proposition 209 is primarily to remove a core justification for government-sponsored race-based remediation programs in the areas of education, employment, and contracting: that there is some "compelling government interest" justification for race-remedial legislation in the context of education, employment, and contracting. *C&C Construction, Inc. v. Sacramento Municipal Utility Dist.*, 122 Cal.App.4th 284, 293 (2004). More simply, under Proposition 209, past discrimination cannot serve as a blanket justification for present

remediation. *C&C Construction, Inc. v. Sacramento Municipal Utility Dist.*, 122 Cal.App.4th 284, 301 (2004); *Coral Construction, Inc. v. City and County of San Francisco*, 50 Cal.4th 315, 337 (2010).

The California Supreme Court has quite broadly interpreted the “shall not discriminate” language in Proposition 209 to include *any* discrimination. Thus, discrimination is defined for purposes of Proposition 209 as “a distinction in treatment given to different individuals because of their different race, religion, or national origin.” *C&C Construction, Inc. v. Sacramento Municipal Utility Dist.*, 122 Cal.App.4th 284, 303 (2004) (quoting *Steelworkers v. Weber* (1979) 443 U.S. 193, 236 [99 S.Ct. 2721, 2744, 61 L.Ed.2d 480, 509], fn. 16 (dis. opn. of Rehnquist, J.) quoting 110 Cong. Rec. 7477 (1964).)

Proposition 209 is, however, somewhat narrower in the terms of the sorts of activity that it covers. First, Proposition 209 is limited by its express terms to governmental action in the areas of education, employment, and public contracting. There is, however, another important set of limitations on Proposition 209: it does not apply to situations in which race-based remediation is *necessary* under federal law. Thus, where the Equal Protection clause requires race-based remediation, the Prop. 209 cannot prevent it. This is referred to in *Coral Construction, Inc.*, as the “federal compulsion” doctrine.

The federal compulsion doctrine applies in cases in which there has been “purposeful discrimination.” *Coral Construction, Inc. v. City and County of San Francisco*, 50 Cal.4th 315, 337 (2010). Thus, the guiding California Supreme Court Cases are clear that where the injury is direct racial discrimination, and that federal law *requires* race-conscious action to remedy that injury, then Proposition 209 does not prohibit such remediation. *Coral Construction, Inc. v. City and County of San Francisco*, 50 Cal.4th 315, 337 (2010).

Thus, there are two separate issues in which a race-based remedy might arise.

1. If some person is *directly and purposely* injured on the basis of race (e.g., the institution expressly used race as a criterion to exclude that person from its programs), then that person has a remedy even under Proposition 209.
2. If some person is indirectly discriminated against as a member of a *group* (e.g., the institution has discriminated against this group in the past, there is currently disproportionate underrepresentation of that group, and the institution now wishes to adopt a policy to remedy that underrepresentation) the if the discrimination is in the context of government education, employment, or contract, Proposition 209 applies to preclude the remedy, even if the state has a compelling interest in doing so.

Proposition 209 applies *only* to the second category of discrimination.

Reparations is, as I have said, a wrong-based remedy. In other words, it depends upon showing the sort of direct and purposeful wrongdoing to specific individuals, and providing a remedy for that wrong. As the California Supreme Court acknowledged, where some institution has:

"(1) ... purposefully or intentionally discriminated against [e.g., Black Californians]; (2) that the purpose of the [legislation] is to provide a remedy for such discrimination; (3) that the [legislation] is narrowly tailored to achieve that purpose; and (4) that a race-and gender-conscious remedy is necessary as the only, or at least the most likely, means of rectifying the resulting injury."

*Coral Construction, Inc. v. City and County of San Francisco*, 50 Cal.4th 315, 337 (2010), then such legislation will survive *both* Proposition 209 and strict scrutiny under the Equal Protection Clause of the United States Constitution (U.S. Const. Art. XIV).

Finally, it is worth noting that so long as the *remedy* is race-neutral, it does not matter that the *injury* is race-specific. As the California Supreme Court has emphasized, "Section 31 does not imply that racial discrimination and barriers do not exist. 'States and their local subdivisions have many legislative weapons at their disposal both to punish and prevent present discrimination and to remove arbitrary barriers to minority advancement.'" *C&C Construction, Inc. v. Sacramento Municipal Utility Dist.*, 122 Cal.App.4th 284, 293 (2004) (quoting *City of Richmond v. Croson Co.* 488 U.S. 469, 494 (1989))

#### Potential Remedies and Eligibility

California has already passed a number of statutes plausibly construed as awarding reparations to various racial, ethnic, and religious groups. These include victims of the Armenian genocide; victims of the Holocaust; victims of the United States Bracero program; and victims of, in particular, Japanese Slave Labor during WWII. Notably, all of these statutes extend relief both to the surviving victims and also the "heirs or beneficiaries of the victims." *See, e.g.*, Cal. Code Civ. Proc. § 354.4 (Holocaust victims); § 354.6 (victims of Japanese slave labor) ;§ 354.7 (victims of Bracero programs). All of these statutes were enacted after Proposition 209 came into force, and whilst all but the Bracero statute were pre-empted by the federal government's power to govern foreign relations, none of the statutes have been struck down as violating Proposition 209.

##### 1. Inapplicability of Proposition 209 Outside the Context of Education, Employment, and Contracting

Proposition 209 is applicable only in the context of public employment, public education, and public contracting. Accordingly, remedies for past discrimination that do not impact these interests are not covered by Proposition 209.

##### 2. Applicability of Strict Scrutiny in the Context of Race-Based Remediation

Even if Proposition 209 does not apply, the Supreme Court has applied the highest standard of review to attempt to remedy racial discrimination that benefit discrete racial groups. Under this standard, "the state must establish that it has a compelling interest that justifies and necessitates the law in question." *Strict Scrutiny*, *Black's Law Dictionary* (11th ed. 2019).



There are three potential approaches to remedy that can avoid the impact of Proposition 209 and strict scrutiny. These are: (A) identifying a set of directly discriminatory wrongs that require race-based remediation; (B) identifying a set of race-neutral wrongs that have a substantial race-positive impact; and (C) identifying a set of indirectly discriminatory wrongs but propose a race-neutral remedies.

#### A. Directly Discriminatory Wrongs

Monetary payments and other forms of relief for people who are directly injured through racial discrimination will survive strict scrutiny. This was a focus of the legal research conducted by the legal team litigating the Tulsa Race Massacre of 1921. It is clear that state-sponsored race-based homicide, property damage, unlawful detention, and servitude in violation of the Fourteenth Amendment to the United States Constitution's Equal Protection Clause could result in direct monetary payments to the survivors and in certain cases, the descendants, of the Tulsa Race Massacre.

To the extent that the descendants of the Tulsa Race Massacre cannot receive direct monetary payments because of some limitations in the federal enabling statute, 42 U.S.C. §1983, permitting litigation under the Equal Protection Clause, could be amended in the manner of the California reparations statutes. Indeed, Congressional H.R.3466, the Tulsa-Greenwood Massacre Claims Accountability Act of 2021, introduced by Representative Henry Johnson (D-GA) does just this, using the California reparations statutes as a model.

Similarly, the return of property wrongly misappropriated from Black people (as in the case of Bruce's Beach) does not violate strict scrutiny. Neither do the various California reparations acts. These statutes, however, contemplate a relatively narrow class of beneficiaries, however. That, in itself, is part and parcel of reparations wrong-based approach: there must be some directly discriminatory injury to some particular person. Under this narrow understanding of eligibility the discrete individuals able to recover would include the survivors (if any) and their descendants: what the California statutes call their "heirs and beneficiaries."

#### B. Race-Neutral Wrong

The State of California could also simply enact a statute that identifies the injury of "slave labor" and, like the WWII Slave Labor act, tie it to a particular time period, for example, prior to 1865. Since *all* slave labor would be compensated, irrespective of race, the statute would provide a race-neutral solution. The statute could provide that the victim's "heirs and beneficiaries" have a remedy based on *inheriting* an interest in stemming from the original injury. Finally, the State could structure any reparations claims act like the tort claims act, waiving immunity for certain injuries.

Depending on the injury, the class of people entitled to compensation may be large or small. If the injury is enslavement in California, that class is certainly smaller than those who are injured by enslavement in the United States.

Other injuries may apply to a broader class of claimants. For example, characteristic injuries inflicted by enslavement and Jim Crow racial violence include family separation, certain forms of labor and sexual exploitation, and certain types of aggravated or ritualistic torture or homicide. Los Angeles County is currently paying damages for white supremacist gangs among its law-enforcement personnel that target people by “race, socioeconomic status, [and] physical appearance.” For “various forms of mistreatment, including harassment, retaliation, and excessive force.” SAMUEL PETERSON, ET AL., UNDERSTANDING SUBGROUPS WITHIN THE LOS ANGELES COUNTY SHERIFF’S DEPARTMENT: COMMUNITY AND DEPARTMENT PERCEPTIONS WITH RECOMMENDATIONS FOR CHANGE xiii (2021).

### 3. Race-Neutral Remedy

To satisfy strict scrutiny, the State could identify a race-specific injury, but craft a race-neutral solution. To the extent that there are injuries that are disproportionately suffered by certain groups, though suffered by all, then focusing on remedying those injuries is not a preference under Proposition 209 nor should it fall foul of federal strict scrutiny standards. This is the “rising tide floats all boats” argument proposed by Professor Charles J. Ogletree, Jr. in a number of articles discussing reparations and supporting a variety of reparations efforts following the federal Tulsa litigation. *See, e.g.*, Charles J. Ogletree, Jr., *Repairing the Past: New Efforts in the Reparations Debate in America*, 38 Harv. C.R.-C.L.L. Rev. 279 (2003); Charles J. Ogletree, Jr., *The Current Reparations Debate*, 36 U.C. DAVIS L. REV. 1051 (2003). This sort of remedy has the widest eligibility, as all people in the relevant class receive benefits.

#### Some Lessons from the Tulsa Race Massacre

In the current public nuisance litigation, *Randle v. City of Tulsa*, filed on behalf of, among others, the three living survivors of the Massacre, we sought a variety of remedies which could be thought of as remedies for direct discrimination including remedies for the race-based refusal to provide adequate health care, sanitation, and public infrastructure. The remedies we have demanded include:

- Property development, including purchase of business and residential property and repairs and upgrading of existing property, in the Greenwood neighborhood or North Tulsa;
- Development of mental health and educational programs by individuals who live in Greenwood or North Tulsa for residents of Greenwood and North Tulsa; or organizations with 75% of their leadership consisting of individuals who live in Greenwood or North Tulsa;
- Development of a quality-of-life program for individuals who live in Greenwood or North Tulsa for emergency needs related to maintaining employment, medical emergencies, and home maintenance;
- Creation of a land trust into which all vacant or undeveloped land in the historical Greenwood neighborhood and North Tulsa community currently owned by Defendants will be placed. Residents who are descendants of those who lost homes or businesses in the Massacre shall be able to receive a parcel as close to the size that was destroyed in the Massacre or taken for less than fair market value during urban renewal;

- Construction of a Level 1 Trauma Center hospital, including an urgent care center, in Greenwood, in which Greenwood and North Tulsa residents are given top priority for employment at all levels, that is named after and dedicated to the Massacre murder victim and nationally acclaimed surgeon, Dr. A.C. Jackson;
- Immunity from all City of Tulsa and County of Tulsa taxes, fees, assessments, and/or utility expenses for the next 99 years for residents of the City of Tulsa or Tulsa County who are Massacre survivors or descendants of those who were killed, injured or lost property in the Massacre.

Many of the remedies also respond to the second category of race-neutral injuries because the wrongs perpetrated during the Massacre include murder, arson, theft, kidnap, wrongful arrest, and peonage. After the Massacre, the City also engaged in various environmental, health, and public safety injuries shared by the whole neighborhood.

Finally, it is worth noting that many of the remedies also with the third category of race-neutral remedies. The proposed programs are place-based not race-based. It just so happens that the place is the Black neighborhood because the wrong was and still is a series of attacks on the quality of life for Black people who are clustered within those neighborhoods.

Even our different claims of unjust enrichment which comes closest to the narrowest reparations demand for a direct monetary compensation for the wrongful taking of property shares the double race-conscious/race-neutral character because though race-neutral in law, the wrongs happen to be ones that target Black people. Because the wrongs injured Black people, the remedies will happen to be ones that recompense those same Black people and their heirs and beneficiaries.

### Beyond Cash Payments

Reparations remedies must, however, include more than just cash payments. In fact, the biggest difference between two lawsuits filed seeking justice for the Tulsa Race Massacre are that the 2003 federal litigation sought only money damages whereas the current state public nuisance litigation seeks to build institutions to abate the multiple separate wrongs perpetrated during the Massacre and after. For example, Human Rights Watch published a study of Greenwood and North Tulsa entitled *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument*. <https://www.hrw.org/news/2020/05/29/case-reparations-tulsa-oklahoma#>. It found that Greenwood and North Tulsa are health, food, and banking deserts: if a Black resident of North Tulsa has a health emergency, the ambulance comes from and returns to the white South Tulsa neighborhood, increasing the time taken to receive emergency care. The only banks in North Tulsa are payday lenders. The small businesses presence is half that of the rest of the City.

All of this is because the economy of Tulsa, Oklahoma, is designed to redirect Black dollars as efficiently as possible into white pockets. For 100 years, white Tulsans have sought to undermine Black enterprise and render Black Tulsans dependent on white businesses.

Exemplary of this money drain is Greenwood Rising an history center built with the support of a Race Massacre Centennial Commission created by the City of Tulsa's overwhelmingly white

political, philanthropic, and business community. That community has, for the last 100 years, sought to whitewash the reputation of the City of Tulsa and redirect funds that support reparations for the Black community to institutions that overwhelmingly benefit the white community. Neither Greenwood Rising nor the Centennial Commission has provided any money in direct payments to the three living survivors or any of the descendants of the Massacre, despite having raised \$30 million from a variety of donors, \$18.2 million of which has been spent on the Greenwood Rising project. Kevin Matthews, Chair of the Centennial Commission, has said that the survivors “don’t have a right to the 30 million raised.”<sup>1</sup> All this while the survivors still live in poverty because of the Massacre and its continued harm.

The theme of the Commission and the history center is that "Greenwood is Rising," "Tulsa Triumphs" and that "Tulsa is leading America's journey to racial healing," Yet the Commission refused to allow the survivors any input regarding the formation, membership or goals of the Commission when it was founded. Greenwood Rising has heavily referenced the survivors and descendants in their publicity, By claiming that the Greenwood Rising project is "dedicated" to the survivors, the Commission creates the false impression that they support reparations and the Greenwood community.

The City government and the Commission have sought to appropriate the history of the Massacre for itself and turn Black Wall Street into a brand for white Tulsans to sell. The City has refused to address the continuing impacts of Tulsa’s policies in producing a geographically and socially isolated black community marked by economic, health, educational, and safety deficits, and to create institutions and opportunities for Black Tulsans to invest in their communities and promote their own well-being.

### The Scope of Reparations

Direct monetary payments to Black people are a vital part of reparations. Monetary payments to Black people in the United States take on an outsized importance given the repeated stigmatization of Black people as incapable of financial responsibility. This invidious stereotype has haunted black people from slavery, to Reconstruction, and on through Jim Crow as a means of forcing sharecroppers into indentured servitude. Most recently, it has reappeared in stereotypes of welfare fraudsters.

However, focusing too narrowly on direct money payments for lost labor and lives will must sort of stating the full restitution due. The work of reparations requires an holistic and transformative account of the repair due for the multiple different types of wrong and categories of wrongdoer that have injured Black people in California and across the United States. To catalog these wrongs and wrongdoers, the Task Force should not be bound at the investigation, accounting, and recommendation stage to present a report with the hope of reconciliation with individuals who continue to benefit from 400 years of white supremacy.

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<sup>1</sup> Janelle Stecklein, *Last Tulsa Race Massacre Survivors Push for Reparations*, Stillwater News Press, May 21, 1921. [https://www.stwnewspress.com/news/last-tulsa-race-massacre-survivors-push-for-reparations/article\\_723e23ee-ba77-11eb-94fe-ff46ecbe9968.html](https://www.stwnewspress.com/news/last-tulsa-race-massacre-survivors-push-for-reparations/article_723e23ee-ba77-11eb-94fe-ff46ecbe9968.html).

Again, the Tulsa experience is instructive. After gaining bipartisan legislative support for an investigation, and Support from the Governor, the 2001 Commission to Study the Tulsa Race Riot of 1921 focused on detailing the history of the Massacre, but only very tentatively proposed reparations. Despite this effort at reconciliation, the State enacted a statute that completely ignored reparations and disavowed any legal responsibility for the Massacre, while acknowledging the facts of its involvement in the Massacre. For the 20 years since the Commission's Report, the survivors and descendants of the Massacre have remained disgusted by the City's and State's response, and pursued a variety of litigative and legislative strategies to gain reparations.

The California Task Force has the opportunity to be exemplary, not only in its investigation, reporting, and proposals but also in its practice. Reparations is also a political movement, as well as a form of remedy. It demands bottom-up participation empowers descendants and current victims to participate and determine for themselves what sorts of payments and institutions are needed. In this way, reparations is quite different from more traditional, top-down, civil rights struggles and organizations. Real reparations includes this sort of wide, grassroots, participation, not just a scholarship and a cash payoff.

Indeed, historically, reparations movements have been led by people overlooked or even rejected by mainstream groups and experts: people like Callie House or Queen Mother Audley Moore. This Taskforce should embrace not only the spirit, but the reparative practice of House and Moore, by reaching out not just to community leaders, but to the community members themselves, and develop innovative ways for seeking their input and lifting up their voices to determine what reparations looks like for the impacted communities of California.

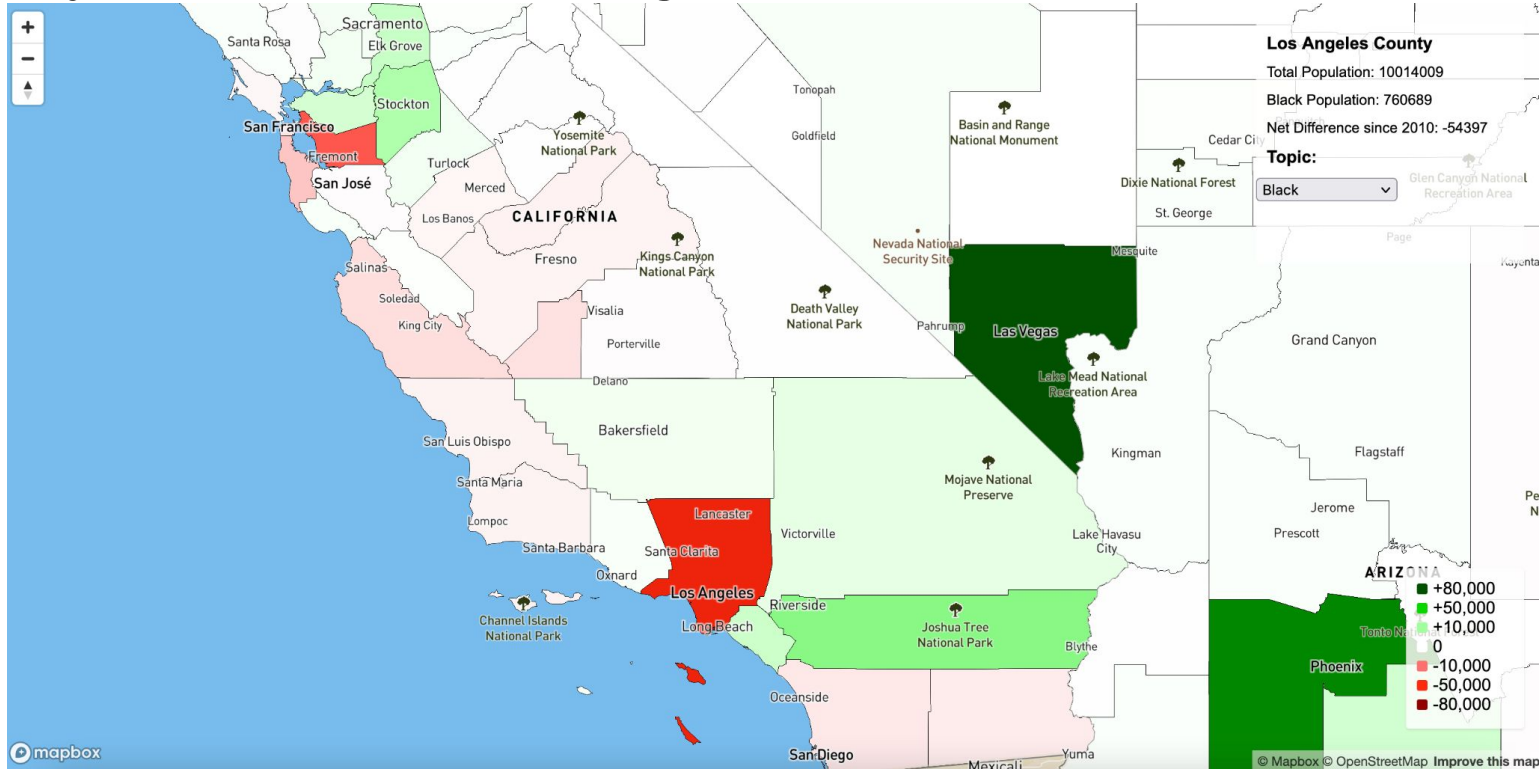
### Conclusion

State, county, and municipal governments, along with other organizations and institutions, have been slow to acknowledge the multiple ways they has actively participated in, and passively facilitated, race-targeted dignity harms that have a continuing effect on African American communities throughout this state. By adopting a broad, wrong-based definition of reparations, and engaging in a bottom-up, inclusive process of investigating and reporting, this Task Force as an historic opportunity to establish California as a model for reparations nationally and internationally.

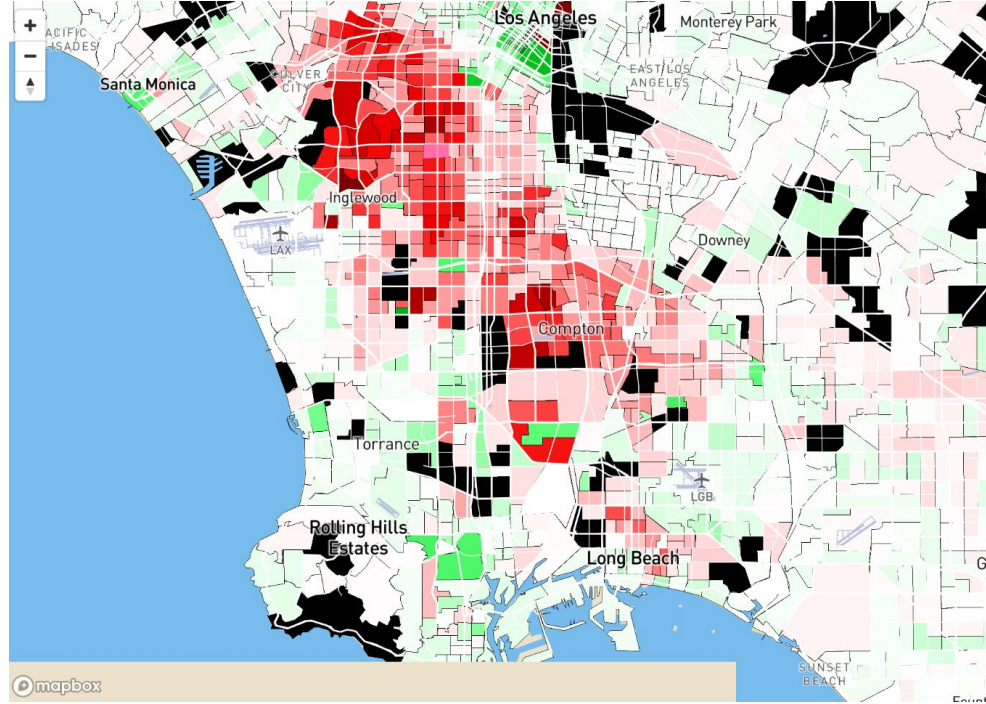
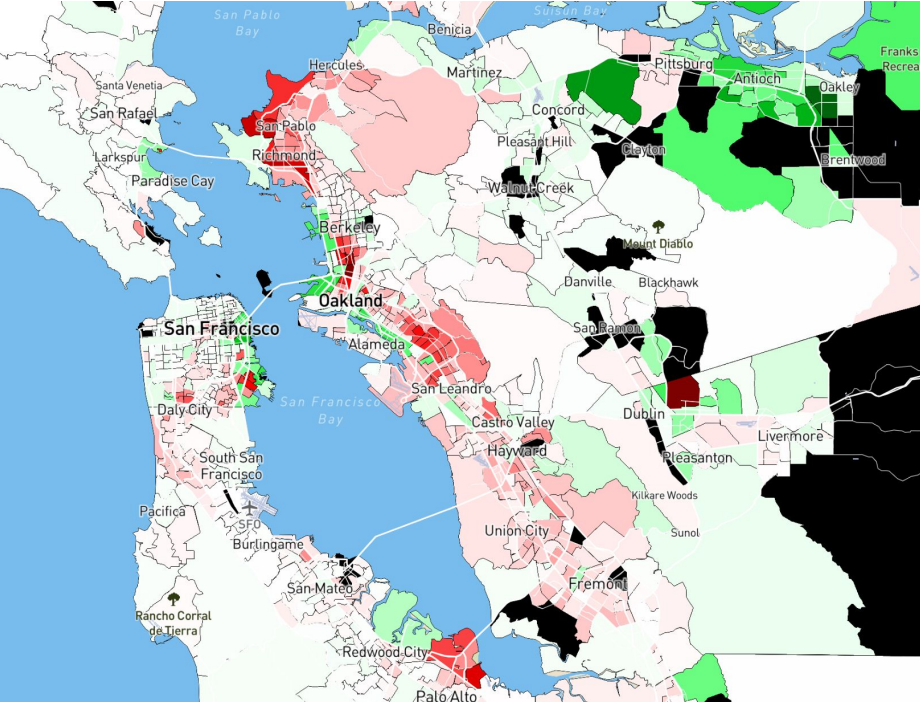
# Housing Issues Facing Black Californians

For California Reparations Task Force

# Black Californians are vacating/being displaced from the Bay Area and LA in large numbers last decade



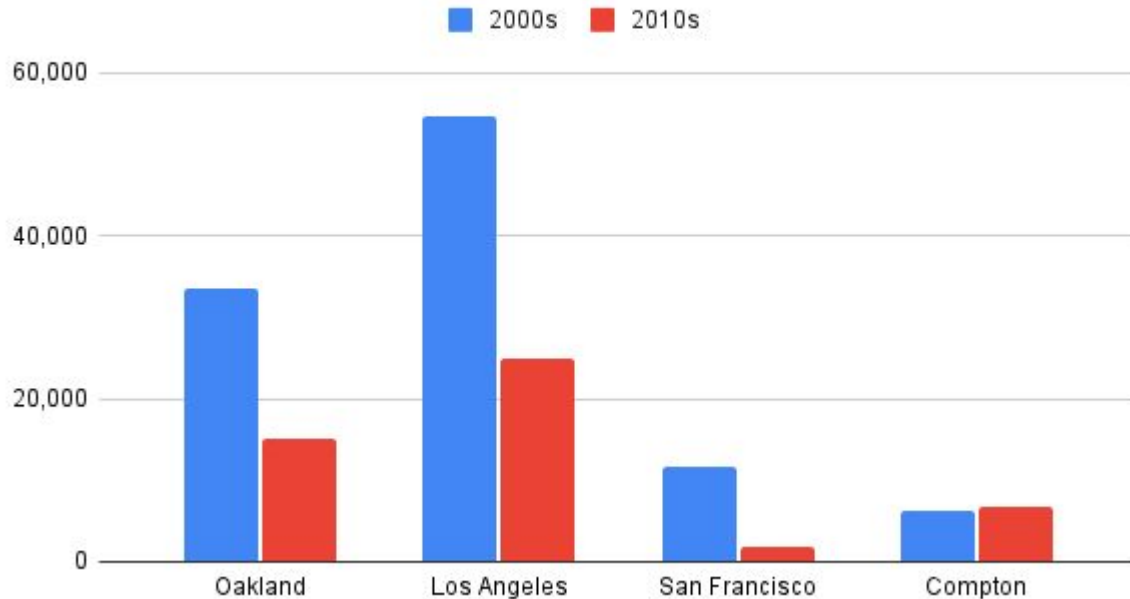
# Black Californians are vacating/being displaced from the Bay Area and LA in large numbers last decade





# Foreclosure/Recession primary displacement source of Black residents in the 21st century in CA's Black Cities

Net Decline Of non-Hispanic Black residents in 2000s vs 2010s



# Black People Moving to South/Southwest Cities

Houston, Dallas, Las Vegas, Seattle, Phoenix and Atlanta top metro areas and counties for Black growth.

Why?

- Cheaper Home Prices
- More Housing Construction (Houston metro builds 8.1 homes per person; LA metro builds 2.1 (2017 stats) )
- More available housing (California ranks 50th in lowest vacancy rate in US, Census 2020; Home Owning vacancy rate in CA <1%, FRED 2020)

## What Are Reparations Needed For:

- Redlining created ghettos in toxic and polluted areas while preventing the Black community from attaining properties which would've put them in the middle class.
- Black workers are the backbone of many metro economies yet suburban commuters extract wealth and don't pay taxes
- Property tax dependency and Prop 13 have underfunded largely Black school districts
- Subprime loans decimated what little Black wealth there was after the foreclosure crisis and led to a massive swell in homelessness
- Gentrification evicting Black people into homelessness or out of state.

# How to Help Black Renters

- Issue: Black renters leaving state for homeownership
- Issue: Black Section 8 users face landlord discrimination
- Issue: Black people with prior convictions face landlord discrimination
- Issue: Subsidized housing located in substandard, redlined areas
- Issue: Black renters are severely rent burdened
- Prohibition on source of income discrimination and background checks. Ability to pay is the only requirement.
- Get Black renters into cooperatives and give coops planning flexibility on revenue generation such as market-rate units (Fillmore) and commercial ownership
- Low interest mortgages and subsidized rents for victims of FHA redlining, thus allowing Black residents to secure housing in resource rich neighborhoods

# How to Help Black Homeowners

- Issue: Black homeowners must use their home for money during emergencies.
- Issue: Black families are in some instances doing unsafe, illegal subdivisions for extended families
- Issue: Black homeowners must sell to non-Black people to get the highest payout.
- State must fine and punish Assessors undervaluing Black property
- Gov't should finance duplex/ADU units for Black homeowners so they can build actual wealth without selling their homes to the highest bidders or financing their houses.
- Single Family to Multi Family may also allow them to house greater family sizes in legally safe ways with public assistance and financing.

## Examples of Solutions?

- Singapore has a public housing scheme where the state builds public housing and the people may “buy it” on a 99 year land lease, where they build up equity and can sell for their own profit. Could be a model here.
- First Nations in Canada are democratically building massive housing projects that both house their people and are intentionally designed to collect as much wealth for their nations. (See: Senakw). Native nations exempt from Canada’s planning rules and laws.
- Community groups in Oakland theorizing using upcoming fourplex zoning + public funding to empower Black residents to build housing and wealth.
- Houston reduced homelessness by 55% during the 2010s by acquiring homes/motels for the homeless, affordable housing construction and incentives to landlords (Not perfect but best in USA)

## BLACK LEADERS OF LEISURE, THEIR CALIFORNIA DREAMS DURING THE JIM CROW ERA AND THE IMPLICATIONS OF THESE STORIES TODAY

### SLIDE 1: TITLE/INTRO

My name is Alison Rose Jefferson. I am a historian, heritage conservation consultant and a third generation Californian. I am currently a Getty Conservation Institute Scholar in Residence. I appreciate the opportunity to contribute to the California Reparations Task Force education process today.

Today I will briefly explore the hidden stories of my current research on the historical African American experience and public policies to conserve it in the Venice district of Los Angeles' California Coastal zone and that are showcased in my recent book, *Living the California Dream, African American Leisure Sites during the Jim Crow Era*. Black Californians made American history by challenging racial and class hierarchies when they claimed space in California from colonial times to their occupation and claiming of public recreational space at the core of the state's formative, twentieth century identity. These places became sites of resistance in the social and economic development of attractive inland resorts and beaches relatively free from white citizens' harassment. In Los Angeles recreation and relaxation were an essential component of liberty and cultural equity, as well as contested ground in the struggle for freedom.

I will focus on stories of the beach areas that were associated with African Americans from the 1900s to 1960. Each site has its own development history of a

specific sort with its own set of social, political, and economic particulars, as well as racialized issues of the time and place.

## **SLIDE 2: STOKES QUOTE**

Before I get into the details of these stories I want to make a few comments on my work and this process we are involved with today. Intentionally my work is a social justice action practice to expand knowledge for the construction of a more inclusive public culture, historical memory, and national identity encompassing the diverse experiences of the American people and to help dismantle institutional racism.

After the examination of the extent and impact of the legacies of systemic racism on contemporary forms of racism, I have high hopes the Task Force will institute a transformative approach in its mission. I hope there will be “a systemic response” which government can use to produce creative, adoptable and meaningful effective legal, policy and institutional measures that aid in dismantling structures and measures which contribute to political, social and economic inequalities to address the root causes and drivers of racism at the collective **and** individual level. These measures should include reparation, restitution and rehabilitation in various forms such as formal acknowledgements and apologies, memorialization, financial compensation, institutional and educational reforms and awareness raising to transform the discourse to debunk false narratives that have permitted a succession of racially discriminatory policies and systems to persist in the state.<sup>1</sup>

In my work I join others to convey individual narratives and national values in shaping the histories of who we are as Americans and influencing the ongoing discussion about people in our society who are considered worth celebrating and



remembering, while also addressing issues of marginalization and challenges to oppression, bigotry, and institutional racism. This work provides enlightenment, and inspires change as I hope the Task Force's work will also accomplish.

We have to ensure there is a collective understanding of our diverse and multi-layered history that is learned by all in the public square. Recognition of more diverse sites and creation of new public displays that recognize the underrepresented and challenge hegemonic and White supremacist narratives will also help connect to a more representative history and identity which can be a vehicle for healing and education, as well as cultural tourism in communities.

For this to happen we need to increase equitable access to deep knowledge – from places that create and preserve our cultural record **and** from scholarly texts to community collections in archives, libraries and other repositories. The stories and materials of historically underrepresented groups must be included in these narratives and cultural records to help ensure that more authentic, reflective, complex, and nuanced stories are revealed, preserved, and told as this helps build an informed, culturally diverse, and civically engaged society. The Task Force recommendations should include ideas for funding this important work. As we are seeing today this knowledge can be used by people, such as elected officials like yourselves, to shape our present and future.

### **SLIDE 3: LEISURE SITE MAP**

These stories I will touch on have implications for our lives today as we can see how the denial of the benefits of coastal access, historically and in contemporary times continue to be civil rights, social justice and health issues. “Places to play at the beach

are not luxuries or amenities,” but an example of “a fundamental human right under the United Nations Declaration of Rights of the Child.” “[California state and] federal civil rights laws guarantee equal access to publicly funded resources and prohibit intentional discrimination and unjustified discriminatory impacts by recipients of federal funding, including the Coastal Commission, based on race, color or national origin.” But there continue to be disparate impacts due to the legacy of discrimination’s past and current expressions which must be overcome in providing opportunity for all on our coasts and otherwise.<sup>2</sup>

Race, power, privilege, and wealth often have influenced and restricted leisure opportunities just as these factors determined who was able to take advantage of economic and social opportunities in Southern California. Even with these impacts African Americans in their building and enjoyment of these leisure communities -- through creative assertion claimed and performed full humanity, civic membership, as well as social and economic development resourcefulness and self-determination.

#### **SLIDE 4: CA EAGLE AD, 1908**

This history is layered with stories about group and individual circumstances, and chronicles about migration patterns, socio-economic status, cultural practices, education and employment opportunities, and social power. These private and public spaces stories are inseparable in their composition and reflection of the structural racial exclusion and class exploitation imposed on African Americans and other marginalized groups.

African Americans began moving in larger numbers to the Los Angeles environs in the decades surrounding the turn of the twentieth century, joining a multi-ethnic

community that included Whites and people of color, as well as immigrants of many national backgrounds. Their stories are about public and private memories of African Americans of all socio-economic classes — the “New Negro,” who migrated from United States southern states to northern, mid-western, and far western parts in the post-WWI decades to escape the worst of Jim Crow era racist anti-Black restrictions and violence. These migrants were more self-confident and sometimes militant in demanding their rights as citizens and consumers.

Like everyone else moving to the state, African Americans embraced the booster promoted California Dream of a leisure lifestyle as “a permanent way of life” in picturesque outdoor settings, a mild climate and new life opportunities, even while discrimination and lax enforcement of California’s civil rights laws established as early as 1893 many times prevented them from using various public or private facilities and buying land in many areas for decades into the twentieth century. Despite the challenges, throughout the early twentieth century great migration African Americans actively participated in California’s growth and nurtured a rich cultural milieu that included the emergence of West Coast Jazz.

## BRUCE’S BEACH

### **SLIDE 5: THE BRUCES, CA. 1920**

In the news lately, Bruce’s Beach in Manhattan Beach, a Pacific Rim community in southwestern Los Angeles County was an early successful African American residential resort community and day trippers leisure destination which began in 1912. Racial discriminatory measures aided by destructive use of state power in 1924

eliminated their residential and economic development, with attempts to erase the site's memory from history. Only through political assertion has a limited revival of the history of Bruce's Beach and its incorporation into the public record emerged in the first decades of the twenty-first century.

#### **SLIDE 6: WILLA BRUCE, LA TIMES 1912**

The Bruce's Beach landholders and visitors were not alone in facing legal sanctions and private harassment actions discouraging African Americans from visiting and settling in particular beach locales as the region's population increased during the 1920s. In 1925, African Americans were forced by White-run civic and business groups to give up on developing a beachfront resort in El Segundo. Other beach enterprises suffered similar fates. The most violent intimidation campaign to evict African Americans from enjoying the beach was the destruction of the nearly completed Pacific Beach Club in Huntington Beach. Arsonists burned the beautiful new facility to the ground shortly before it was to open in 1926.<sup>3</sup>

#### **SLIDE 7: BRUCE'S LODGE AND GUESTS, CA. 1920**

There were confrontations and assaults across decades, some of which turned violent aimed to bar African Americans from public beaches. Activists mounted informal and legal challenges to these discriminatory practices endeavored by Whites. **SLIDE 8: KKK** Even with such White violence and attempts to evict African Americans from public beach space at various places along the Southern California coast, this community's days of recreation and relaxation occurred unabated.<sup>4</sup>

Although the Bruce's Beach community was razed, a successful NAACP protest and legal maneuvers for unfettered beach access propelled African Americans' more

confident assertion of their legal rights which in the coming decades contributed to racial restriction attempts at public beaches fading away. This was an important civil rights and beach access victory not just for African Americans, but for all Californians.

#### **SLIDE 9: BB COUPLE POSING, 1927**

As the twentieth century advanced, African Americans around the U.S., would increasingly utilize legal actions and public protests to dismantle legally sanctioned, along with informally enforced discrimination and segregation in public accommodations.

In 2007 the park site was officially named Bruce's Beach, eighty years after the Black resort community was destroyed. **SLIDE 10: 2007 BRUCE'S BEACH**

**RENAMING EVENT** The public commemoration opened up broader claims and community benefit in the identified sense of place in the landscape of America and the region that allows for a more culturally inclusive, collective identity, and social history encompassing a public memory. This has been occurring even with a signage text that dilutes, misrepresents and partially omits the site's historical truths and understanding. The site continues to hold a contentious place in the Manhattan Beach community's heritage, civic identity, and collective consciousness.

#### **SLIDE 11: NEWSOM BILL SIGNING 2021**

As the Task Force is aware, California Governor Gavin Newsom signed Senate Bill 796 to allow Los Angeles County supervisors to return the beachfront property they owned to the descendants of resort business owners Charles and Willa Bruce from whom it was wrongfully taken in the 1920s.

#### **SLIDE 12: BRUCE'S BEACH LAND ID**

What Los Angeles County and State officials are doing is an example of what reparations could look like in some situations and opens up new ways of thinking about how to redress and commemorate African American social injustices that have not been looked at in the past.

This restitution act of giving the land back to the Bruce family descendants opens opportunities for recouping generation wealth building that was lost. It will also provide some psychologically healing for the lost opportunity for the family and the African American community in general. These moves are a good thing, but we must think more deeply about the events of 100 years ago and their legacy. This act will not provide tangible benefits to the purged African Americans of all classes from Manhattan Beach that lost out on a vibrant socio-cultural economic space where today they make up less than half a percent of the city's 35,000 population. For broader benefits to occur elected officials need to see to it that socio-cultural economic public policies and programs are developed that encourage African American community opportunities in Manhattan Beach and at other California beaches.

## SANTA MONICA

### **SLIDE 13: MRS. DIDON AND SM OCEAN PARK BEACH**

In the City of Santa Monica founded in the 1880s, African Americans were **able** to build a sustained community of land owners and renters that began a few blocks from the Pacific shoreline in the environs of the Santa Monica Civic Center and high school, and Phillips Chapel Christian Methodist Episcopal Church, the first African American institution established in the city in 1906. This local church was the first spiritual outpost

established by the CME denomination on the Pacific slope. Santa Monica is the only seaside community in the region featuring a historical African American community with an institution as old as Phillips Chapel.

A short way south a Venice enclave also forming was considered part of this early Santa Monica Black community.

#### **SLIDE 14: PHILLIPS CHAPEL, 1909/2000S**

In the years surrounding Phillips Chapel purchasing its own building in 1908 at 4<sup>th</sup> and Bay streets, the oceanfront area down the hill around Pico Boulevard, south a few blocks to Bicknell Street emerged as a gather place where African Americans from all over the Los Angeles environs and beyond came to enjoy the beach's pleasures. While the boundaries shifted through time, it was a popular beach destination for many African Americans to the early 1960s.

#### **SLIDE 15: SM EARLY AF AM MAP**

Establishments in the area provided services and accommodations for African Americans from Santa Monica and elsewhere, particularly to those who came to enjoy the Pacific Ocean a few books away. Black regional residents and Los Angeles entrepreneurs attempting leisure space service business expansion for their community were challenged by various White supremacist private hoarding of benefits and public policy measures inhibiting residential expansion and economic development close to the Pacific Ocean shoreline.

#### **SLIDE 16: NEWSPAPER HEADLINES, 1922**

One prominent example of this sabotage of African American beach service business development occurred in 1922 when a Black investment group was blocked

from developing a first-class resort and amusement facilities along the oceanfront at Pico Boulevard. The plan was met with protests from White citizens and businessmen, and Santa Monica officials blocked the development from happening. After the Black investment group abandoned its plan, the property was purchased by White developers. Their resort plans were approved, and the iconic Casa del Mar Club (now a hotel) and another beach club, the Edgewater (now the hotel, Shutters on the Beach), were built before 1930.<sup>5</sup>

### **SLIDE 17: EBONY BEACH CLUB**

Another high profile act of White supremacist sabotage of African American land acquisition for amusement facilities near the beach occurred in the 1950s when Santa Monica city authorities rushed in to take over land through eminent domain proceedings for a purported parking lot, forcing Black investors to abandon the Ebony Beach Club project. These investors put up a giant sign asserting racial discrimination and tried to stop the city's proceedings in Superior Court, but lost. In the twenty-first century, the upscale Viceroy Hotel sits on the land where the Ebony Beach Club was to open at Ocean Avenue and Pico Boulevard. The city continues to own this site and derives economic benefit from the hotel's revenues and occupancy taxes. The city could have done the same deal with the Black investment group.<sup>6</sup>

The African American residential community of homeowners and renters who worked in various service employment and operated small businesses was pushed further inland due to the impacts of displacement from waves of urban renewal infrastructure projects and anti-Black housing practices, including racist restrictive covenants and discriminatory loan policies, along with other private practices and public



policies. It has persisted into the twentieth-first century despite Santa Monica's White elites' racist, anti-Black actions and beach business economic sabotage. The local Black community's continuance has mattered in the reclamation of place and memory in twenty-first century heritage conservation efforts and public history programming that have been initiated by citizen groups and public officials.

### **SLIDE 18: Public Beach Programs**

Local and national landmarking of Phillips Chapel and the Bay Street Beach Historic District, respectively, have engaged the public to learn about Santa Monica's historical African American experience in U.S. history.

Other contemporary programming such as -- Nick Gabaldon Day, California Coastal Cleanup Day, field trips for youngsters from inland areas and the Belmar History + Art Project -- actively connect African Americans and others to more complex culturally inclusive stories of our collective national history, **SLIDE 19: BELMAR HISTORY**

### **+ ART**

heritage conservation issues, beach wildlife appreciation and watershed stewardship, as well as aspirations to environmental justice policies involving beach access issues and social action, intersecting with beach recreation. African American youth and those from other marginalized groups living in California inland areas in some of this programming get the chance to have of introductory surfing lessons as part of the beach recreation experience which opens up new ways for them to realize their full potential as human beings.<sup>7</sup>

This programming help to make these local stories more visible and shows how the struggle for cultural equity, along with social, political and economic issues, reshaped the long freedom rights struggle.

## VENICE, A LOS ANGELES DISTRICT IN THE CA COASTAL ZONE

### **SLIDE 21: EDWARD A. REESE, 1917**

In Los Angeles' Venice district of the California Coastal zone, African Americans began formation of a small neighborhood around 1910. This thriving enclave of land owners and renters who worked for the White-owned amusement businesses and opened small service businesses evolved in a multi-ethnic socio-cultural-political environment. This enclave has experienced waves of gentrification over the last half century. The most recent wave of higher income Whites employed in the entertainment and computer technology industries are buying up

### **SLIDE 20: VENICE MAP**

properties and indulging wealthier and Whiter tastes which have had a more visible impact in marginalization of the Venice district's African American middle class and lower income homeowners and renters.

Living a few blocks from the Pacific Oceanfront, this African American enclave is the most enduring in Los Angeles and the California coastal zone into early twentieth century decades. Today, gentrification is not only creating a change in the character of this Venice enclave neighborhood by reducing its racial, social and economic diversity, but city politics are allowing the erasure of the historic legacy and heritage of the Black pioneers and their descendent community. The

**SLIDE 22: CA EAGLE RESORT ADS, 1925**

African American population has remained due to tenacity and skills of contesting and navigating discrimination. Public officials such as yourselves need to lead the development and implementation of policies and programming to recognize and maintain this African American residency and legacy in Los Angeles' Venice district.

## CONCLUSION

In Manhattan Beach, Santa Monica, Venice, and other California coastal zone cities African Americans have not obtained the full cultural, social and economic benefits they could have potentially been developed because of the impacts of the legacy of discrimination over the decades. They have face waves of anti-Black discriminatory practices in actions of economic sabotage by White supremacy to diminish Black wealth-building in private practices and public policies. People living by the beach have the opportunity to make inroads in ocean watersports historically rooted in Whiteness in Southern California which could be important to various types of socio-economic attainment. African Americans have continue to be marginalized in their able to experience these opportunities due to lack of access.

African Americans have contributed to the socio-cultural-political environment and growth of the region and to making the colorful history of California. We have a right to historical and cultural sites, a place in the American identity, and the joys of cultural expression and self-fulfillment, along with access to clean air, clean water, and enjoyment of all America's natural and socio-economic resources.

**SLIDE 23: THANK YOU/CLOSING**

In closing all tools of public policy, education, conservation and curation available must be used to expand knowledge for recognition of the underrepresented and disempowered in the redefining and construction of a more inclusive public culture, historical memory, and national identity encompassing diverse experiences of the American people **and** to help dismantle institutional racism for greater equity and justice in cultural and socio-economic attainment for all Californians.

## RESOURCES SUPPORTING ARJ COMMENTS

My ideas about redress measures were in part informed by the “Report of the United Nations High Commissioner on Human Rights,” Human Rights Council, Forty-seven session, June 21–July 9, 2021, accessed November 27, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/122/03/PDF/G2112203.pdf?OpenElement> and William A. Darity Jr. and A. Kirsten Mullen’s *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (Chapel Hill, NC: University of North Carolina Press, 2020).

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<sup>1</sup> My ideas about redress measures were in part informed by the “Report of the United Nations High Commissioner on Human Rights,” Human Rights Council, Forty-seven session, June 21–July 9, 2021, accessed November 27, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/122/03/PDF/G2112203.pdf?OpenElement> and William A. Darity Jr. and A. Kirsten Mullen’s *From Here to Equality: Reparations for Black Americans in the Twenty-First Century* (Chapel Hill, NC: University of North Carolina Press, 2020).

<sup>2</sup> Robert Garcia, Marce Gtierre-Graudins and Amy Trainer, “California Coastal Access and Climate Justice for All,” (all quotes), National Recreation and Parks Association, April 1, 2016, accessed November 27, 2021, <https://www.nrpa.org/parks-recreation-magazine/2016/april/california-coastal-access-and-climate-justice-for-all/>.

<sup>3</sup> Alison Rose Jefferson, *Living the California Dream: African American Leisure Sites during the Jim Crow Era* (Lincoln, NE: University of Nebraska Press, 2020), 94-95.

<sup>4</sup> Jefferson, 85-86.

<sup>5</sup> Jefferson, Chapter 3.

<sup>6</sup> Alison Rose Jefferson, “Reconstruction and Reclamation: The Erased African American Experience in Santa Monica’s History” (Belmar History + Art project, 2020), 129-132.

<sup>7</sup> Daniel H. Krymkowski. *The Color of Culture: African American Underrepresentation in the Fine Arts and Outdoor Recreation* (Lanham, MD: Lexington Books), 9.

AGENDA ITEM 19

SUBPOENA AND INFORMATION REQUESTS;  
REVIEW, DISCUSSION AND POSSIBLE ACTION  
ITEM

# AB 3121

Article 4 Powers, Section 8301.3 states:

(a) For the purpose of carrying out provisions of this chapter, the Task Force may do all of the following:

(1) Hold hearings and sit and act at any time and location in California.

(2) Request the attendance and testimony of witnesses.

**(3) Request the production of books, records, correspondence, memoranda, papers, and documents.**

**(4) Seek an order from the Superior Court compelling testimony or compliance with a subpoena.**

(b) Any subcommittee or **member of the Task Force may, if authorized by the Task Force,** take any action that the Task Force is authorized to take pursuant to this section.

(c) **The Task Force may acquire directly from the head of any state agency available information that the Task Force considers useful in the discharge of its duties. All state agencies shall cooperate with the Task Force with respect to such information and shall furnish all information requested by the Task Force to the extent permitted by law.** The Task Force shall keep confidential any information received from a state agency that is confidential or exempt from the California Public Records Act (Chapter 3.2 (commencing with Section 6250) of Division 7 or Title 1).

# INVESTIGATORY TOOLS

- Compelling production of requested documents from targets, enforceable by subpoena and court order
- Requiring state agencies to provide information that the Task Force considers useful
- Requiring municipalities and other government entities to respond to interrogatories (survey questions) in narrative form.



# INVESTIGATORY TOOL UTILITY

- Reveal information that might be incorporated into Task Force's Report, or compendium of documents, or policy recommendations,
- Reveal information not widely known to the public
- Process draws attention to the work of the task force and advances the goals of community engagement

# INVESTIGATORY TOOL CHALLENGES

- Value Added?
- Time Limitations
- Third Party Resistance
- Issue Spotting
  - Because the length and depth of the oppression and harm to African Americans is vast, identifying a narrow area of inquiry wherein the exercise of Investigatory Tools would be both practical and unearth previously unknown data has been difficult.

## EXPLORATORY PROCESS

In an effort to identify “low hanging fruit” that might be susceptible to a practical, and efficient process that would result in the production of useful information, Advisory Members have been consulting with subject matter experts who are familiar with pre-existing voluminous bodies of research on various aspects of systemic racism to determine if there is any “missing” data for which the Task Force’s exercise of the Investigatory Tools might be helpful

# PROPOSED MOTION

- Whereas, at its October 12-13 Meeting, the Task Force authorized members Holder and Tamaki to evaluate whether the exercise of the Investigatory Tools is practical, will benefit the work of the Task Force, and further the public's knowledge and engagement.
- Whereas, the subpoena advisory members have made some progress, but need additional time to conduct the evaluation of investigatory tools.
- Whereas, if there is a practical, efficient and useful way to exercise the Investigatory Tools, time is of the essence given the length of time the process would take to issue subpoenas/surveys, gather responses and compel production, and as such a targeted strategic plan is essential.
- Therefore, we propose the following motion charging members Lisa Holder and Don Tamaki to do the following:
  - Continue their exploration and evaluative process to determine whether there is a practical, efficient and useful means to deploy the Investigatory Tools; and
  - if Advisory Members determine that there is such a practical, efficient and useful means to exercise the Investigatory Tools, Advisory Member Holder may instruct the DOJ to deploy those tools.