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AGENDA ITEM 6

POTENTIAL ACTION ITEM:
HEARING PROPOSAL CHAIR MOORE AND
MEMBER LEWIS

During the December 2021 hearing, the California Reparations Task Force voted to create an advisory committee tasked with reconceptualizing the remainder of the public hearings. The advisory committee consists of Chair Moore and Member Scott Lewis. See below for the proposed public hearing schedule:

January 2022 (Virtual)

Technology and Health

Discuss anti-black discrimination in technology

Discuss anti-blackness in health sectors (i.e. public health, mental health, physical health)

Feb 2022 (Virtual)

Black History Month Commemoration

Honor current and past reparations advocates/movements (i.e. Callie House, Queen Mother Moore, John Conyers, Tulsa/Rosewood, Charles Henry/Damario Solomon Simmons, Cochran/Ogletree/Farmer-Paellman etc.)

Report 1 Update

March 2022 (Virtual)

Criminal Legal System, War On Drugs, and Mass Incarceration

Discuss history of policing, and the War On Drugs

Discuss criminal legal system, mass incarceration (including juvenile justice), prisons/policing and the impact on Black Californians

April 2022 (In Person) (1) San Francisco

Education, Final Report Approval and Educating the CA Public (Comms)

Education (K-12; College; Post Grad)

Discuss Report 1; Final Report Approval

Discuss how to educate the CA Public on findings

Planning Session

COMMUNITY ENGAGEMENT PUSH (MAY – AUGUST 2022)

June 1 2022 → REPORT RELEASED

August 15 2022 (3) Allensworth (Bakersfield)

Forms of Reparations and Comparative Models

Discuss comparative reparations models (domestic and international)

Discuss how recommendations must 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.

October 2022 (4) Sacramento

Reparation and Restitution/Restoration

Discuss how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

Discuss how, in consideration of the Task Force's findings and recommendations, any other forms of rehabilitation or restitution to African descendants are warranted and what form and scope those measures should take.

December 2023 (5) San Diego

Reparation and Compensation

Discuss how in consideration of the Task Force's findings and recommendations, 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.

What form of compensation should be awarded, through what instrumentalities, and who should be eligible for such compensation.

February 2023 (6) Oakland

Reparations Recommendations Part 1

Recommend appropriate remedies in consideration of the Task Force's Findings and recommendations.

Discuss how the State of California will provide other forms of reparations in the form of guarantees of non-repetition.

April 2023 (7) Inglewood

Reparations Recommendations Part 2

Recommend appropriate remedies in consideration of the Task Force's findings.

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.

How the State of California will provide other forms of satisfaction or other symbolic reparative justice measures.

Approve preliminary report.

June 2023 (8) Sacramento

Final Meeting

Presentation and Approval of Second Report

July 1 2023 → Sunset of CA Reparations Task Force

AGENDA ITEMS 8, 15, 17, AND 19

AVAILABLE WITNESS STATEMENTS AND
PRESENTATIONS

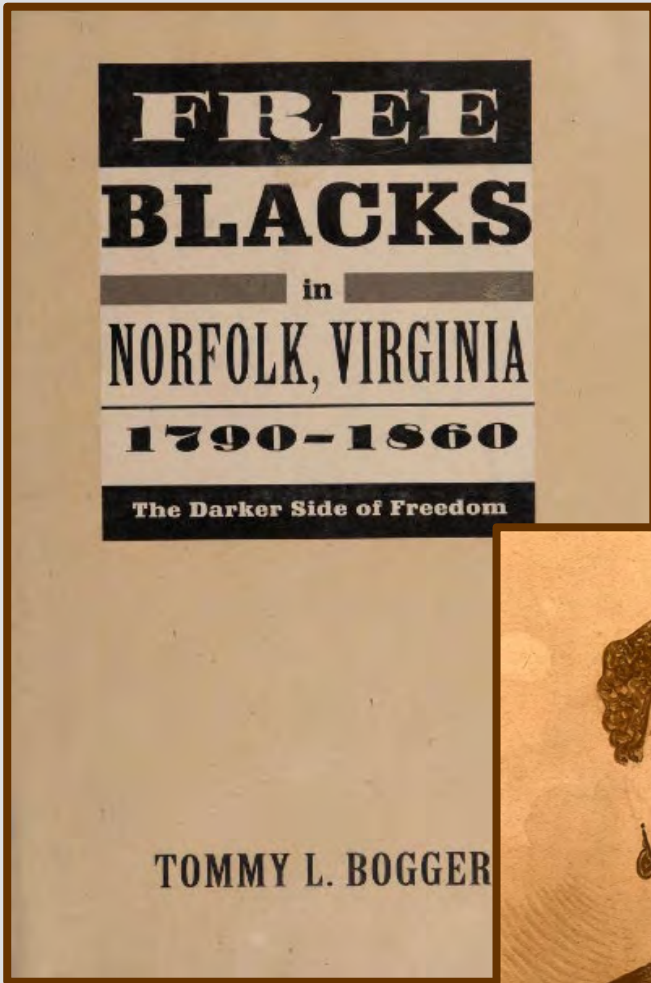
(Not all witnesses have submitted written statements
and presentations)



Community of Eligibility:
Testimony on Lineage
Research of Enslaved
African Americans

Hollis Gentry
March 29, 2022

Lisletown, Kentucky



**WHERE IN THE WORLD?
Lisletown, A Black Hamlet**

Harry G. Enoch
October 8 and 22, 2011

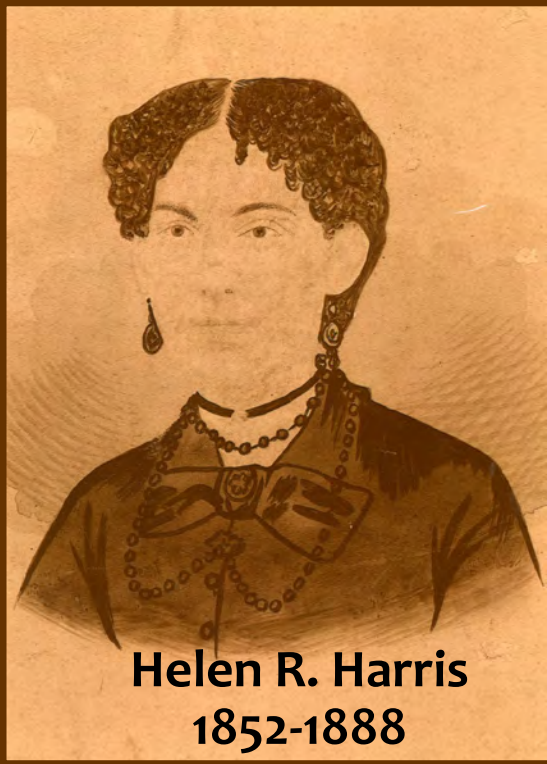
Following the Civil War, the freed slaves faced daunting challenges. According to one historian, "After emancipation on December 18, 1865, Kentucky's 225,000 former slaves were on their own. Literally overnight, tens of thousands of black Kentuckians were scrambling for the basics of life in an often hostile environment." Most had no money, no housing, no land and no job. So many moved to the cities to find work that there was soon a shortage of farm labor on post-bellum estates.

To attract workers, large landowners in the Bluegrass set aside tracts of 10 to 20 acres and gave away, rented or sold lots to those willing to work on their farms. Examples in the region were Fort Spring and Little Georgetown. These small villages were called Freetowns. Each lot had space for a house, garden, chicken coop and a few acres of land. Freetowns were most numerous in Fayette County, which had many farms. As a result, blacks came to play a key role in the region's economy. All Freetowns were not established by white owners, however. Lisletown, a small black hamlet in Clark County, had a different origin. It was founded near the Kentucky River and the mouth of Lower Howard's Creek. In 1864, Fielding Lisle, a former slave, abandoned a rock quarry on your right. Lisletown is on the left side of the quarry and the restaurant. Its founder was Fielding Lisle, a former slave.

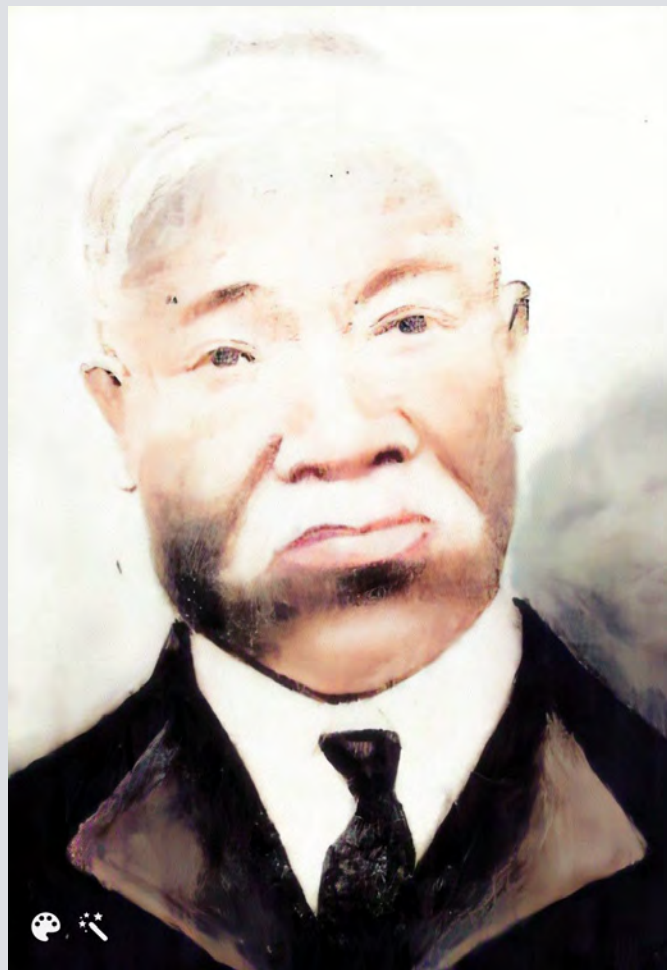
Fielding Lisle was one of seventeen slaves belonging to Henry Lisle. In 1864, Fielding and his brother John enlisted in the Union Army. Fielding, with the U.S. Colored Infantry, was sent to Virginia where they fought at Petersburg and Richmond. After the fall of Petersburg, they joined General Robert E. Lee's army and his surrender at Appomattox Court House. Fielding was described as 5 feet 7 inches tall with a copper complexion and a government pension for his service.

Fielding returned briefly to Madison County. He was listed in the 1865 census as living in White Hall with his wife Annie and daughters Mary and Elizabeth. He moved to Clark County and settled on 20 acres of land he purchased from the Lisle family. The tract was described as "part of the old [John] Lisle Farm" and was mostly wooded land and has no buildings thereon." Fielding paid for the land at the time, he had \$200 on record in an account at the time that he may have received in connection with his military service. He had another \$100, which he soon made good on.

Fielding sold 1- to 3-acre tracts to other former slaves: George Bell, John Bell, and others. He also sold or gave tracts to his future wife Emily Lisle, daughter of Lida Woodford and her husband Thomas, daughter Sarah



U.S. Freedman's Bank Records, 1865-1875, Samuel Sumner, Acct #1183



Mills Sumner Jr., 1855-1916

No. 1183 Record for Samuel Sumner

Date of Application, July 27 1871

Where born, Norfolk Va.

Where brought up, Greenville

Residence, near the cemetery

Age, 11

Complexion, brown light

Occupation,

Works for

Wife,

Children,

Father, Mills Sumner in Norfolk Va.

Mother, Rachel Bird Allaire

Brothers, Tom Luke Johnson

Sisters, Ellen, Henrietta & Polly

Signature,

Ancestry.com



Rachel Hodges, 1820-1913

...ense of "Roots" ...nealogy Expert Says It's Unlikely ...at Author Alex Haley Was Duped

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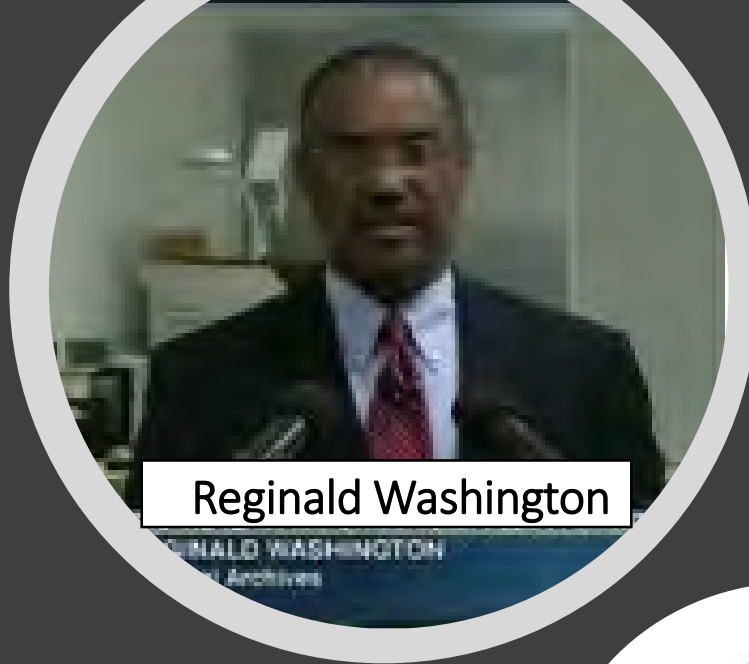
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Alex Haley



James O. Eastland



Reginald Washington

REGINALD WASHINGTON
Archivist



The Atlanta Constitution
April 16, 1977, p 19, Newspapers.com

Freedmen's Bureau Field Office Records

Field Office Records of the Bureau of
Refugees, Freedmen, and Abandoned Lands
(The Freedmen's Bureau), 1865-1872

*Emancipation left freed men, women, and children in desperate need of relief, medicine,
... family, education, employment, and protection. The Freedmen's Bureau's field office records
hold stories of their struggle and the unprecedented efforts to meet their needs.*



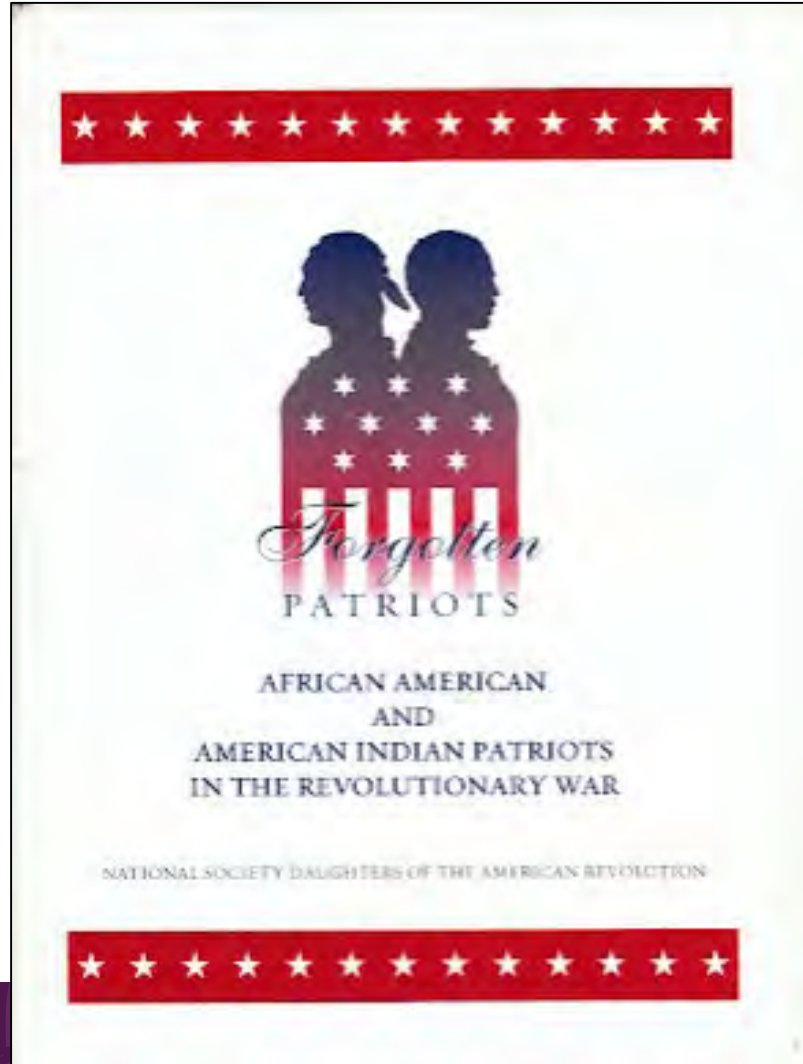
www.dar.org/library/research-gides/forgotten-patriots



Findagrave.com

Eunice Russ Ames Davis

BIRTH	26 Oct 1800 Andover, Essex County, Massachusetts, USA
DEATH	26 Apr 1901 (aged 100) Dedham, Norfolk County, Massachusetts, USA
BURIAL	<u>Brookdale Cemetery</u> Dedham, Norfolk County, Massachusetts, USA
PLOT	Eglantine Path, Lot 0436
MEMORIAL ID	30936528 · View Source



Commonwealth of Massachusetts.
Secretary's Office, September, 13th 1780.

I hereby Certify, That, from an examination of the Books and Documents, relating to Military Services in the War of the Revolution, which remain in this Department, it appears that Prince Anup of Andover, served as a Private in Capt. Abbot's Company, Colo-Tupper's Regiment, from Feb^y 19th 1777 to December 31st 1780 - Forty two months and eleven days at 40/100 month.

In Testimony Whereof, I have hereunto affixed the Seal of the Commonwealth, the date above written.

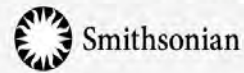
John C. Bigelow
Secretary of the Commonwealth.

“I think we need to recognize that if we can make history personal, find the connections with the public, we’ll be able to help them see the broader issues. Anyone who’s seen the great interest in genealogy recognizes there’s a thirst for history.”

– **LONNIE G. BUNCH III,**
SECRETARY OF THE
SMITHSONIAN INSTITUTION



A People’s Journey
A Nation’s Story



nmaahc.si.edu



Smithsonian
Libraries and Archives

National Museum of African American History & Culture Library

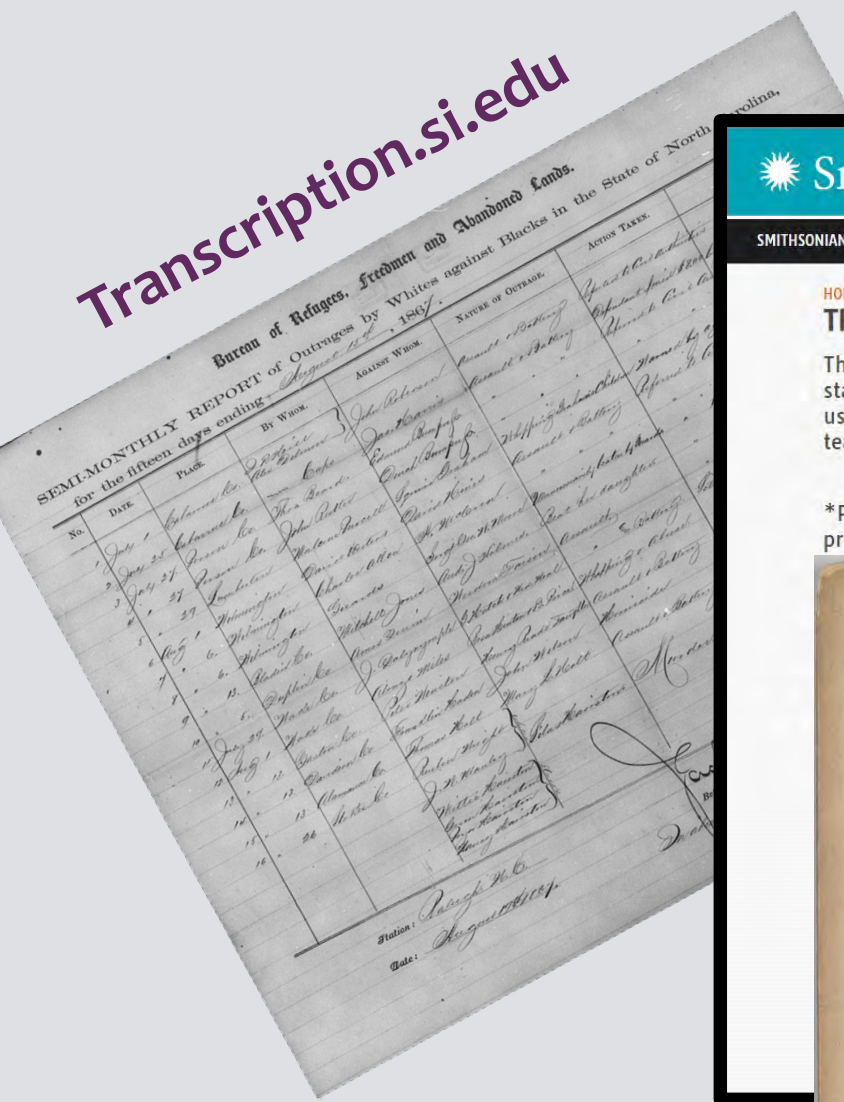


The National Museum of African American History & Culture (NMAAHC) Library is devoted to collecting and providing access to resources that support scholarship in African American history, culture, and the African Diaspora. The Library also supports research in genealogy and family history.

Transcription.si.edu

FreedmensBureau@si.edu

#DiscoverTCFreedmen



Smithsonian

HOME PROJECTS SEARCH ABOUT TIPS BLOG

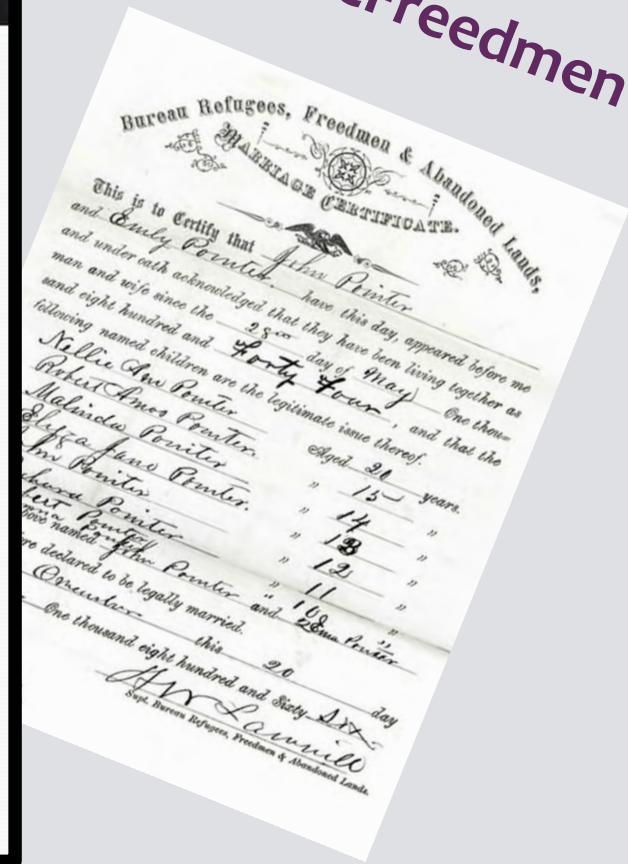
SMITHSONIAN DIGITAL VOLUNTEERS: TRANSCRIPTION CENTER SIGNUP LOGIN

HOME

TRANSCRIBING THE FREEDMEN'S BUREAU PAPERS

Thank you for being a digital volunteer! It's very important that this work is performed in a standardized manner, so please make the effort to read and follow these instructions. Reach out to us anytime with questions by emailing the TC team at transcribe@si.edu or the Freedmen's Bureau team at freedmensbureau@si.edu.

*Please note that given the historical time period in which the Freedmen's Bureau records were produced, and the wide range of experiences and topics included within these documents, you may



@TranscribeSI

@TranscribeSI

List of Suggestions

1. Establish an agency to administer and manage the eligibility processing. Connect that agency to the state archives and office of vital records to facilitate efficient access to records that assist reparations applicants.
2. Enlist public, state, and private libraries to conduct genealogy research workshops that help potential applicants trace their enslaved ancestry.
3. Create a committee to identify and survey the types of records most useful to African American genealogy and enslaved ancestry research.
4. Survey and publish a study on California African American genealogy and history resources. The survey would update previous surveys done by the Federal Writers Project and Works Projects Administration of the early 20th century.
5. Train a corps of African American genealogists, and genealogists of other ethnicities and cultural backgrounds to develop skills to research and compile documentation needed to trace African American lineage to enslaved ancestry.

Good afternoon, and thank you, Chairwoman Moore, members of the California Reparations Task Force, fellow genealogists, and attendees at today's meeting. I am honored to participate in the discussion connected with this important legislation.

Determining who belongs to the community of eligibility is at the root of today's testimonies. My personal journey reflects and supports that African Americans can document their connections to enslaved ancestors.

NEXT SLIDE

I trace my maternal ancestry to enslaved matriarch Florianne, whose daughters Rose and Mary Anne Reynolds emerged in Norfolk, Virginia court records in 1825 after Rose paid \$500 to free her younger sister from a slave-trading family.

I trace my enslaved paternal ancestry to Civil War veteran, Corporal Fielding Lisle, of Co. B, of the 114th Regiment of U.S. Colored Troops, who used his \$200 military bounty in 1874, to buy twenty acres of land.

Those acres formed the nucleus of a town that still stands today called Lisletown, named after its founder, and located in Clark County, Kentucky.

NEXT SLIDE

And finally, I trace my maternal enslaved ancestry to Rachel Hodges of Portsmouth, Virginia, a woman sold away from her family in the 1850s. A woman whose son Mills Sumner, Jr. found his mother in Atlanta, Georgia after a twenty-six-year search. It required the same number of years to research these ancestors, to reunite mother and son visually with photographs, because different elders held different heirlooms, and each only knew small parts of our family's history.

I offer these stories to exemplify the types of discoveries possible through research. The first example, historian Dr. Tommy Bogger's study, *Free Blacks in Norfolk*, traced the history of free African American, Helen Robinson Harris, to enslaved ancestors Florianne, Rose, and Mary Ann Reynolds. The second example, historian Harry G. Enoch's, two thousand and eleven *Winchester Sun*

newspaper article, “Where in the World? Lisletown A Black Hamlet,” combined private, court, and public records to document the founding of a community by a formerly enslaved man.

And the last example, of Rachel Hodges and Mills Sumner, Jr. showed how piecing together different sources: oral history, family heirlooms, and public records such as the Atlanta, Georgia, Freedman’s Savings Bank account record, can flesh out stories and connect African Americans to their enslaved ancestry.

NEXT SLIDE

My genealogy journey began during the U.S. Bicentennial in 1976, in the halls of the National Archives in Washington, DC, when I was thirteen years old.

There I met James Walker, a founder of the Afro-American Historical and Genealogical Society (AAHGS). He helped me navigate through archival sources.

I also later met Reginald Washington, Walker's successor, who developed research guides and programs on African American genealogy. Through these two men and other archives staff, I witnessed the valuable work being done by the National Archives to increase access to federal records and assist with African American genealogy and enslaved family research.

NEXT SLIDE

After college, I worked in special libraries, which led to my position as a professional genealogist at a premier U.S. lineage society, Daughters of the American Revolution. While there I reviewed, approved, or rejected, several thousand applications of women who traced their lineage to Revolutionary War patriots. I contributed research to two books: *Forgotten Patriots*, and *Women of the Revolutionary Era*, publications that identified thousands of sources documenting African Americans, Native Americans, and women who supported the American cause during the war.

I also helped document that Eunice Russ Ames (Amos) Davis, the daughter of patriot Prince Ames, and granddaughter of an enslaved man, joined the lineage society in 1896, more than eighty years prior to the date when the members believed the first African American woman joined their lineage society.

My years at the D.A.R. library exposed me to an array of genealogical sources, publications, and institutions that documented African American lives dating before America's founding.

I discovered published sources with segregated information, and by this, I mean records where African Americans and people of color were listed separately from whites. I realized ironically that some of those biased record-keeping and publishing practices helped current genealogists identify African American ancestors more readily.

I share this part of my journey to further emphasize that enslaved Africans, African Americans, Native Americans, and others appear in multiple types of sources and

records as enslaved people. And that the evidence needed to trace enslaved ancestry exists in abundance in primary, secondary, and derivative sources.

NEXT SLIDE

My genealogy journey carried me to my current position at the Smithsonian Libraries and Archives Branch of the National Museum of African American History and Culture (NMAAHC) where I serve as a Genealogy Specialist, providing genealogical and historical reference assistance to museum staff and the public.

NEXT SLIDE

I also support the museum's crowdsourcing project where volunteers help us transcribe 1.7 million images of the Freedmen's Bureau Digital Records Collection. Our goal is to provide genealogists, historians, and other researchers with full-text searchable, free online access to the records. To date, more than 37,000 volunteers

have helped us transcribe more than 345,000 of the 1.7 million digital images.

The Freedmen's Bureau records provide information crucial to documenting pivotal generations of African Americans, between enslavement and freedom.

Created in 1865 by Congress to manage abandoned lands, help white refugees, and assist the formerly enslaved, bureau operations extended across fifteen states, western territories, and Washington, D.C.

Bureau agents recorded incomparable details about African American individuals and families, and it is this body of records, that will assist some of the potential members of the community of eligibility, in tracing their lineage to enslaved ancestors.

NEXT SLIDE

I've highlighted the positive experiences connected with enslaved family research. However, there are negatives. Genealogical research is a time-consuming, costly process. Slave-era research is challenging because the system varied over time, by place, by the form of slavery

practiced, and by the manner in which records documented enslavement. I generalized the types of records I used to document my enslaved ancestry. Those records were scattered across a multitude of research institutions across the nation.

Looking at California genealogical and historical resources, and the possible places of enslavement of the ancestors of the community of eligibility, I have drafted a shortlist of suggestions to consider as you continue meetings, debates, and discussions beyond today's gathering. Time limits prevent me from reading the suggestions.

This concludes my remarks, and I have submitted the list of suggestions in writing for the record. If members of the task force have any questions, I am happy to address them.

Shortlist of Suggestions [Included in Visual Presentation]

1. Establish an agency connected with the state archives and office of vital records, if possible, to administer and manage the genealogical and historical research eligibility processing of applicants.
2. Train a corps of African American genealogists, and other genealogists skilled in researching or compiling documentation needed to trace African American ancestry.
3. Enlist public, state, and private libraries in conducting workshops to help members of the community of eligibility learn how to conduct genealogical research.
4. Create a committee to identify and survey the types of records most useful to African American genealogical research and researching the enslaved.
5. Survey and publish a study on California African American genealogical and historical resources. The survey would parallel or update previous record surveys completed by the Federal Writers Project and Works Projects Administration of the early 20th century.

AB 3121 California Reparations Task Force Testimony

Overview Outline of Testimony of Greg Carr, Ph.D., JD, Howard University

March 29, 2022

Introduction

While migration is the central theme in human history, violent modern forced migrations as a consequence of settler colonialism provide direct source and context for the modern world system of nation-states. Global, regional, national and local obligations and efforts to address and remedy ongoing effects of harm against specific groups deprived of natural and human resources by these serial forced migrations present discrete polities with an opportunity to model a wide variety of repair models. Consequently, the US State of California's *Task Force to Study and Develop Reparation Proposals for African Americans* may find it useful to consider the following four broad assertions, pursuant especially to considering defining eligibility beyond "race" and "lineage" as another point of departure for exploring reparative relief for descendants of Africans for who group identity as African captives begins, as described in §8301.1(b)(1)(A), with their "capture and procurement" on the African continent:

1. Demands for and questions of reparations have been raised since before the transformation of western settler colonies into settler states as a challenge to undertake structural modern social transformation. The essential guiding question at all levels of polity provided repair is, "how do we decolonize the modern world?"
2. Questions of "race" and/or "lineage" have cultural, social and political definitions that are best addressed by studying how they intersect with, influence and interact with legal definitions and also how they function beyond specific legal definitions in broader historical frameworks.
3. The racial category of "Black" as used in the modern world system emerges directly out of a process of Western ("White") colonialism that established "Black" as coterminous with fluid racialized unfree labor arrangements, thereby establishing the eligibility category for redressing a global harm through varied local repair efforts.
4. Polity (country-level, regional/state level, local/municipal level) repair efforts should not automatically preclude any form of remedy. US state-based efforts, cognizant of the undermining of racially categorized remedies in Federal and State law, may find a creative point of entry for proposed remedies by applying to California residents of African descent an overarching concept that recognizes the singularly unique circumstances that made enslavement and Blackness virtually coterminous, allowing a legal status more akin under federal and state constitutional law to date to that enjoyed by Native Americans and other discrete immigrants from other sovereign polities.

Outline of Testimony

1. **Demands for and questions of reparations have been raised since before the transformation of western settler colonies into settler states as a challenge to undertake structural modern social transformation. The essential guiding question at all levels of polity provided repair is, “how do we decolonize the modern world?”**
 - Description of “The Dilemma of Negro Americans” (Chapter 4) and “Where We Are Going” (Chapter 5) by Martin Luther King, Jr., *Where Do We Go From Here: Chaos or Community*; Description of the attempted dismemberment of Africa (forced emigration and objectification of Africans) by Ngugi wa Thiongo in *Something Torn and New*
 - Dr. King and Ngugi trace the local status of African people in the US and elsewhere to European attacks on the African continent. King’s reparations-anchored proposed structural solutions in the areas of education, employment, rights and housing do not construct eligibility by race or lineage but in addressing the conditions of African people caused by global structural oppressions call for “a radical restructuring of American society” requiring a re-examination of “old presuppositions,” including “people-centered” rather than “property and profit centered” models. Ngugi notes that “There is no region, no culture, no nation today that has not been affected by colonialism and its aftermath. Indeed, modernity can be considered a product of colonialism.”
2. **Questions of “race” and/or “lineage” have cultural, social and political definitions that are best addressed by studying how they intersect with, influence and interact with legal definitions and also how they function beyond specific legal definitions in broader historical frameworks.**
 - Description of the gradual creation of the coterminous concepts of “Africans” and “Black People” by a wide range of scholars, including in Howard French’s recent book *Born in Blackness: Africa, Africans and the Making of the Modern World, 1471 to the Second World War*.
 - The major challenge: To displace enslavement as the point of origin for repair status. Colonialism is the trigger, not a condition with shifting definitions that depended on an incalculable array of local unfree labor arrangements. Can/should we establish a concept that anticipates federal and state constitutional challenges to policy remedies?
3. **The racial category of “Black” as used in the modern world system emerges directly out of a process of Western (“White”) colonialism that established “Black” as coterminous with fluid racialized unfree labor arrangements, thereby establishing the eligibility category for redressing a global harm through varied local repair efforts.**
 - Description of a framework for understanding African enslavement in the US, its demise and afterlives articulated by Ira Berlin in *The Long Emancipation: The Demise of Slavery in the*

United States; Description of the indeterminate legal status of formerly enslaved Africans by Imari Abubakari Obadele; Description of the consistently arbitrary enforcement of legal rights of Africans in ostensibly “free” antebellum US states by Derrick Bell in *Race, Racism and American Law*.

- Berlin notes that enslavement was an intercontinental asymmetrical war in which no formal truce was declared. Obadele observes that the legal status of formerly enslaved African people was not determined from within, but imposed externally, with no plebiscite among Africans. Unlike relationships with Native American nations, the concept of collective African personhood (e.g., “race” or “lineage” as counterposed with unfree labor status) remains underexplored in American law.
4. **Polity (country-level, regional/state level, local/municipal level) repair efforts should not automatically preclude any form of remedy. US state-based efforts, cognizant of the undermining of racially categorized remedies in Federal and State law, may find a creative point of entry for proposed remedies by applying to California residents of African descent an overarching concept that recognizes the singularly unique circumstances that made enslavement and Blackness virtually coterminous, allowing a legal status more akin under federal and state constitutional law to date to that enjoyed by Native Americans and other discrete immigrants from other sovereign polities.**
- Might definitions of “race” and/or “lineage” be made more flexible by adding a theory of the portability of status if a person of African descent need only establish (1) Membership in the harmed category as defined globally; and (2) Legal relationship in the local polity providing/enforcing repair policy. Satisfying the second condition might preclude reparations claims in other polities, depending on emerging regional and/or international agreements. This would also create an “opt out” (rather than demonstrate tedious and ultimately exclusion-based “opt in” standards) approach to reparations.
 - Under such an arrangement, each population of African people would seek reparations from the appropriate polity as part of an emerging regional and global network of understanding created by polity actors in creative combination, debate and contrast. This work would allow US states like California to explore the possibility of creating regional state clusters of agreement, reciprocity, etc. on issues of reparations policy as well as distinguish legal remedies from current erosion of federal constitutional race-based remedy law.

AB 3121 California Reparations Task Force: Community of Eligibility Written Testimony by Jessica Ann Mitchell Aiwuyor

March 29, 2022

AB-3121 Task Force to Study and Develop Reparation Proposals for African Americans –Community of Eligibility Panel Testimony by Jessica Ann Mitchell Aiwuyor, Founder of the National Black Cultural Information Trust – March 29, 2022 2:45pm ET



Thank you for having me. It is an honor to speak before this historic task force.

My name is Jessica Ann Mitchell Aiwuyor; I am a descendant of Africans that were enslaved in Georgia and South Carolina. The oldest known ancestor on my maternal side is John Hamilton, born in 1853, and his wife Delaney, born in 1857, both designated as "Mulattos" in the 1880 U.S. Census and "Black" in later census records. Their granddaughter Flossie

Hamilton is my maternal great-grandmother. When she married my great-grandfather George Wilder, slavery had been abolished. However, like many other African Americans living in the South, Flossie and George were not allowed to live freely due to the oppressive system of sharecropping that made many Black families indebted and criminalized for seeking to leave. So they fled in the middle of the night with their children to Augusta, Georgia, where most of my maternal family resides today.

Flossie and George are not distant relatives that I learned about through

other people. I spent time with them growing up as a young child. Though decades removed from the plantation, George still feared that white men were coming to get him. Though he was free, my great grandfather never fully felt or lived freedom, constantly experiencing post-traumatic stress, which passed down to this family as epigenetic injury.

I bring up their story because it highlights two significant factors of importance concerning the community of eligibility: lineage and harms. For reparative justice, both lineage and harms should be considered, with special prioritization towards harms-based reparations.

Concerning Lineage and Special Consideration to Direct Descendants

Lineage is important to reparations discourse because our lineage was subjected to ongoing terror and systemic oppression. However, the concept of lineage should not be limited to the system of chattel slavery. This limited description minimizes and or erases the historical, ethnic, and cultural identities of both our ancestors and ourselves, which is essential for understanding and identifying the harmed communities. African Americans are a mixture of descendants of various African ethnic groups. Over time, with shared experiences, cultural fusion, and combined progeny, African Americans became an ethnic group through the process of ethnogenesis. And we are also part of a larger ethnic identity consisting of the greater African Diaspora with other Africans that endured the Trans Atlantic Slave Trade and merged identities in the Western World also through ethnogenesis.

These expansive ethnic identities, though more recently affirmed and identified, emerged before the formation of the United States and continued forming following the construction of the United States (as various African ethnic groups continued combining and creating communities during and after the Trans Atlantic Slave Trade). This expansive ethnic categorization is often referred to as African descendants, Afro-Descendants, and or People of African Descent, institutionalized and officially recognized by the United

Nations. The Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, and ongoing Working Group of Experts on People of African Descent.

Understanding "People of African descent" as a special category and African Americans as an ethnic group among this category of Trans Atlantic Slave Trade Survivors is a critical factor in better understanding lineage and how to navigate potential issues concerning "race-based" and "race-neutral" legislation.

Concerning the Community of Eligibility, Black Immigrants, and Black American Migrants

Reparations should be implemented through a streamlined non-invasive approach that gives as many African Americans the opportunity to receive remedies as possible. Strict mechanisms of approval that would force families to take DNA tests and endure extensive genealogical background searches should be avoided. This would be an invasive, time-consuming, and costly strategy that potentially excludes African American families that refuse to submit DNA or refuse genealogical background searches. Furthermore, the assertion that everyone can or will trace this ancestry (independently) does not account for accessibility and or disability issues.

Many who disagree with limiting eligibility to the enslavement era do not disagree in order to dilute or harm African American justice claims but to protect it. Specifically, in the case of Black Californians, much attention has been given to the question of Black immigrants, and not enough attention has been given to descendants of Black American migrants from Southern States. The majority of Black immigrants arrived in California within the last 50-30 years. Additionally, according to State Immigration Data Profiles (2019) of the Migrant Policy Institute, 26.7% of Californians are foreign born with just 1.8% being Black (less than 2%). The vast majority of the Black immigrant population (78%) in California arrived in the last 30 years; only

22% have lived in California for more than 30 years. They are therefore easily distinguishable regarding qualifications for reparations for chattel slavery if California were to take a tiered harms-based approach.

On the other hand, Black American Californians face their own uphill battle concerning limiting eligibility to chattel slavery. Many Black Americans in California are, in fact, not descendants of persons enslaved within the state of California. Instead, many are descendants of persons enslaved in Southern states of Texas, Georgia, Arkansas, Louisiana, etc. Their families later migrated to California during the [Great Migration](#) from 1910 to 1970, especially during and following World War II. Suppose eligibility was limited only to the enslavement era. In that case, the State of California could likely decide only to provide reparations for Black Californians that can provide proof of descendancy from persons enslaved within the state. This would be the next logical step and not a far-fetched scenario. In this case, many Black American Californians, would not qualify for reparations in California.

However, by recognizing reparations as inclusive of the era of enslavement, the U.S. Apartheid System, and ongoing systemic racism, African American Californians would be safely protected and covered under reparations initiatives and eligibility claims.

Concerning Harms

In 1951, the Civil Rights Congress published, [We Charge Genocide](#): The Historic Petition to the United Nations for Relief from a Crime of The United States against the Negro People asserting that the United States violated the U.N. Genocide Convention. Current-day reparations advocates like Nkechi Taifa have also declared that the harms endured by People of African descent in the United States fit the definition of [genocide](#) according to the International Convention on the Prevention and Punishment of the Crime of Genocide. Taifa even coined the term “‘institutional genocide’ as a framework through which to analyze the evolving jurisprudence of international human rights doctrine to selected conditions impacting Black

people in the United States." World Conference Against Racism declared slavery and the slave trade "crimes against humanity."

The harms that our ancestors experienced and their descendants experience are more than about lost wages or the racial wealth gap; they care about our civil and human rights. They are about the vestiges of historic government-sanctioned violence against People of African descent and systemic oppression that, after chattel slavery, also made us victims of mass incarceration and prevented us from access to housing, healthcare, education, and banking. Thus, to fully close the door on these horrific chapters in history, reparations should not be limited to the era of enslavement, or eligibility should not be limited to proof of lineage during the period of enslavement. It must also include the U.S. Apartheid System and ongoing systemic racism. The eligibility for harms against people of African descent in the United States was ongoing and inclusive. Thus, the remedies must be ongoing inclusive, or we risk extending the injuries instead of repairing them.

For media inquiries, email info@nbcit.org.

Recommended reading:

The National African American Reparations Commission's Preliminary 10 Point Reparations Program:

<https://reparationscomm.org/reparations-plan/>

CARICOM Ten-Point Plan for Reparatory Justice

<https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/>

Racism in the U.S. Criminal Justice System: Institutionalized Genocide? by Nkechi Taifa

[https://www.acslaw.org/wp-](https://www.acslaw.org/wp-content/uploads/2018/04/Racism_in_the_U.S._Criminal_Justice_System.pdf)

[content/uploads/2018/04/Racism_in_the_U.S._Criminal_Justice_System.pdf](https://www.acslaw.org/wp-content/uploads/2018/04/Racism_in_the_U.S._Criminal_Justice_System.pdf)

The Harm Is to Our Genes: Transgenerational Epigenetic Inheritance and Systemic Racism in America

<https://www.ncobraonline.org/harmreport/>

Column: They say California stole their ancestors' land. But do they qualify for reparations?<https://www.latimes.com/california/story/2022-03-09/california-reparations-task-force-debates-eligibility-black-people>

Slavery in a Free State: The Case of California

<https://daily.jstor.org/slavery-in-a-free-state-the-case-of-california/>

African Americans in California: A Brief Historiography

<https://www.jstor.org/stable/25177592?read-now=1&refreqid=excelsior%3Aa614a9a92adb2af4c06bf13da7e1c035&seq=2>

World Conference Against Racism: New Avenues for Slavery Reparations?

<https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1673&context=vjtl>

We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People (1951)

<https://depts.washington.edu/moves/images/cp/1.%20We%20Charge%20Genocide%201-28.pdf>

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

<https://www.un.org/WCAR/durban.pdf>

California Immigrant Data Portal Recency of Arrival

<https://immigrantdataca.org/indicators/recency-of-arrival#/?breakdown=3&geo=02000000000006000>

California Immigrant Data Portal:

<https://immigrantdataca.org/indicators/foreign-born#/>

Migration Policy Institute: State Immigration Data Profiles

<https://www.migrationpolicy.org/data/state-profiles/state/demographics/CA>

AGENDA ITEM 9

**POTENTIAL ACTION ITEM:
DISCUSSION ON COMMUNITY OF ELIGIBILITY**

AB-3121

Statutory Analysis

Kamilah Moore, Esq.

California Reparations Task Force, Chairperson

University of California, Los Angeles, B.A.

Columbia Law School, J.D.

Amsterdam Law School, University of Amsterdam, LL.M., International Criminal Law*

*An LL.M. or Master of Laws, is an internationally recognized graduate qualification in the field of law. The LL.M. was created for lawyers to expand their knowledge, study a specialized area of law, and gain additional international qualifications.

Legislative History (CA and U.S.) = Lineage

AB-3121 Statutory Provisions = Lineage

Legislative Intent (Secretary Weber)= Lineage

History of Reparations Advocacy (CA and U.S.) = Lineage

U.S. Constitutional Law = Lineage

International Law Examples (Genocide Prevention/GNRs) = Lineage

AB-3121/H.R. 40: Legislative History



- August 10, 1988: Civil Liberties Act of 1988 passed; federal law that granted reparations to Japanese Americans who had been interned by the United States government during World War II. Because the law was restricted to American citizens, and to legal permanent residents, ethnic Japanese who had been taken from their homes in Latin America (mostly from Peru), were not covered in the reparations, regardless of whether they had remained in the United States, had returned to Latin America, or had been deported to Japan after the war.
- December 19 1988: Jesse Jackson and other leaders declared at a news conference the preference of the term 'African American' over 'blacks'.
- January 1989: the late U.S. Congressman John Conyers introduced H.R. 40, less than a month after Jesse Jackson's Dec. 1989 news conference. HR40 is modeled after the lineage specific Japanese American redress bill.
- According to official reports, over 50% of the **Caribbean** foreign-born in the United States arrived after 1990, at least one year **after** Congressman Conyers initially introduced HR-40.
- According to official reports, almost half of the **African** foreign-born in the United States arrived after 2000, 11 years **after** Congressman Conyers initially introduced HR-40.
- 2020: AB-3121 is a carbon copy of HR 40, but for the additional special consideration language located in AB-3121, of which Secretary Weber explained her intent of its inclusion (to acknowledge contributions of free blacks and formerly enslaved Africans prior to both group's official recognition of U.S. citizenship status via the 14th Amendment to the U.S. Constitution).

HR 40, and by extension, AB3121, has not been substantively updated to include reference to black Americans of immigrant origin, by virtue of the missing key terms in the duties section of the statute(s) and its findings/declarations, including but not limited to:

- *'immigration', 'immigrants', 'Caribbean/West Indian', 'African foreign born', 'colonization', 'American imperialism (as the impetus of the Caribbean and African migration to the United States), or even "global Black diaspora" (as explicitly referred to in NAARC's MacArthur Foundation grant), and other keywords that would infer that HR 40 and AB3121 are intended to include any other group aside from descendants of free blacks and formerly enslaved Africans in the United States ("freed African slaves and their descendants" who "were deemed United States citizens from 1868 to present."*



Assembly Bill No. 3121

CHAPTER 319

**THE PEOPLE OF THE STATE OF
CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. Chapter 4.5 (commencing with Section 8301) is added to Division 1 of Title 2 of the Government Code, to read:



**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 1. Findings and Declarations**

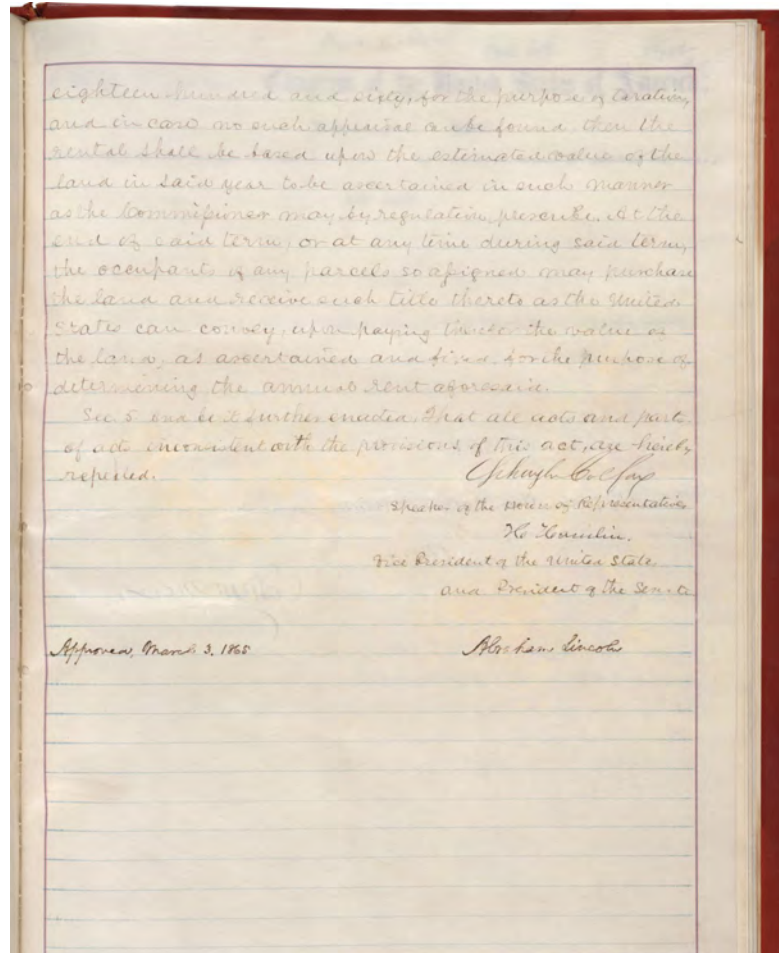
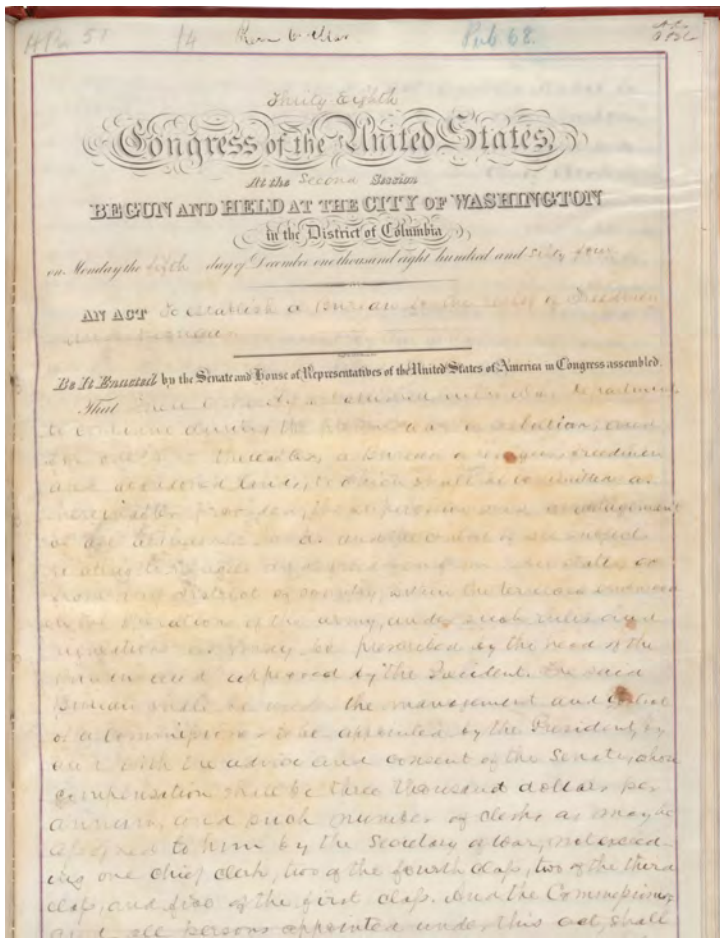
8301. (a): "The Legislature makes the following findings and declarations:"

"(1) **More than 4,000,000 Africans and their descendants** were enslaved in the United States and the colonies that became the United States from 1619 to **1865**, inclusive."


Analysis: Article 1. 8301. (a)(1), the first finding in the statute, outlines the intended aggrieved population: "more than 4,000,000 (formerly enslaved) Africans and **their** descendants."

These people came to be known as American Freedmen after March 3, **1865**, when President Abraham Lincoln signed a bill, creating the '*Bureau of Refugees, Freedmen, and Abandoned Lands*'.

Known as the *Freedmen's Bureau*, this federal agency oversaw the difficult transition of African Americans (**freed African slaves and their descendants**) from slavery to freedom.



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**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 2. 8301.1. (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:”

“(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.:”

Analysis: Article 2. 8301.1.(b)(1)(F) is lineage-based; it requires the Task Force to document and examine “federal and state laws” that discriminated against a distinct group or lineage. Who?:

- “formerly enslaved Africans and their descendants...”:
 - describes **African Americans** or American Freedmen as a *distinct* historical and political identifier;
- “who were deemed United States citizens from 1868 to present”:
 - implicitly references the **14th Amendment to the U.S. Constitution** (ratified by U.S. Congress in **1868**),
 - as applied to **formerly enslaved Africans/American Freedmen** and **their living descendants**.

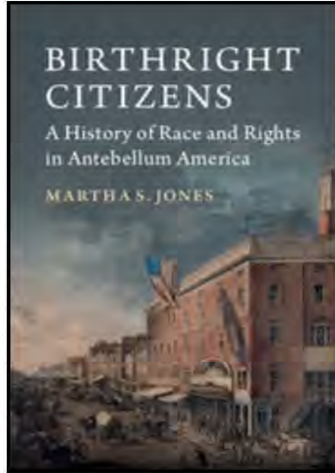
Article 2. 8301.1.(b)(1)(F) does not provide for the documentation or examination of discriminatory “federal or state laws” for any other group, and more particularly, for any other group on the basis of race or skin color.



birthright citizens

BIRTHRIGHT CITIZENS: A HISTORY OF RACE AND RIGHTS IN ANTEBELLUM AMERICA

As former slaves struggled to become citizens, they redefined citizenship for all Americans. Birthright Citizens is their story.



Birthright Citizens tells how African American activists radically transformed the terms of citizenship for all Americans. Before the Civil War, colonization schemes and black laws threatened to deport former slaves born in the United States. **Birthright Citizens recovers the story of how African American activists remade national belonging through battles in legislatures, conventions, and courthouses. They faced formidable opposition, most notoriously from the US Supreme Court decision in Dred Scott.** Still, Martha Jones explains, no single case defined their status. Former slaves studied law, secured allies, and conducted themselves like citizens, establishing their status through local, everyday claims. All along they argued that birth guaranteed their rights. With fresh archival sources and an ambitious reframing of constitutional law-making

before the Civil War, Jones shows how the Fourteenth Amendment constitutionalized the birthright principle, fulfilling the long-held aspirations of African Americans.



**CHAPTER 4.5. Reparations for the Institution of
Slavery**

Article 2. 8301.1 (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:"

"(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."

Analysis: Art. 2. 8301.1.(b)(1)(G) is explicitly lineage specific; it requires the task force to document and examine **"other forms of discrimination"** in the:

- **"public and private sectors"**, particularly against
- **"freed African slaves and their descendants."**

While Art. 2. 8301.1.(b)(1)(G) mandates the documentation and examination of contemporary or "present"-day harms, such as **"redlining, educational funding discrepancies, and predatory financial practices"**, such recognition is clearly limited to **"freed African slaves and their descendants."**



CHAPTER 4.5. Reparations for the Institution of Slavery

Article 2. 8301.1.(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:"

"(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."

Analysis: There has been much conversation about which group/s are particularly impacted by the **"lingering negative effects of the institution of slavery"** (i.e. direct descendants of enslaved Africans in the United States, for instance, or all Black Californians, by virtue of race or skin color).

Article 2. 8301.1.(b)(H) requires the task force to document and examine the legacy of or, in other words, the "lingering negative effects" of slavery, specifically "on living African Americans who are descendants of persons enslaved in the United States (African Americans)".

African Americans' is placed in parentheses to describe descendants of enslaved Africans in the United States. In addition, the term 'society' in this section is race-neutral.



CHAPTER 4.5. Reparations for the

Institution of Slavery

Article 1. Findings and Declarations

Article 1 8301(b): “It is the purpose of this chapter to establish a task force that will do all of the following:

(1) Study and develop reparation proposals for African Americans as a result of:”

“(B) The de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination.”

- **Analysis:** Article 1. 8301.(b)(1)(B) mandates the task force develop reparations proposals that account for discrimination from “the end of the Civil War to present” (April 1865- July 2023/2024), particularly against “freed African slaves and **their** descendants.”
- Article 1. 8301.(b)(1)(B) mandates the task force to study and develop reparation proposals based on “de jure or de facto discrimination” or, in other words, contemporary or “present”-day harms, such as “redlining, educational funding discrepancies, and predatory financial practices”; as outlined in the statute, such recognition is limited to “freed African slaves and their (living) descendants” hence the term “**living** African Americans” used throughout the statute.



**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 1. Findings and Declarations**

Article 1 8301(b): “It is the purpose of this chapter to establish a task force that will do all of the following:

(1) Study and develop reparation proposals for African Americans as a result of:”

“(C) The lingering negative effects of the institution of slavery and the discrimination described in paragraphs (5) and (6) of subdivision (a) on living African Americans and on society in California and the United States.”

Analysis: Similar to previous statutory provisions, Article 1. 8301.(b)(C) mandates the task force to develop reparation proposals that address the ongoing legacy or negative effects of slavery "on **living African Americans.**"

These **living** African Americans are descendants of persons enslaved in the United States/descendants of American slaves (African Americans).

'African Americans' is placed in parentheses in the duties section of the statute to describe descendants of enslaved Africans in the United States, not to describe any group on the basis of skin color or race.

In addition, the term 'society' in this section is necessarily race-neutral. This further supports the valid assertion that the AB3121 statute is lineage-specific, and not race-based.



**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 1. Findings and Declarations**

Article 1 8301(b): “It is the purpose of this chapter to establish a task force that will do all of the following:

(1) Study and develop reparation proposals for African Americans as a result of:”

“(D) The manner in which instructional resources and technologies are being used to deny the inhumanity of slavery and the crime against humanity committed against people of African descent in California and the United States.”

- **Analysis:** Article 1 8301(b)(1)(D) mandates the task force to develop reparation proposals that acknowledge resources and technologies that are used to deny a specific “**crime against humanity**” committed against a particular lineage of people in California and the United States, who are “**freed African slaves and their [living] descendants.**”
- This further supports the valid assertion that the AB3121 statute is lineage-specific, and not race-based.



**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 2. 8301.1. (b)**

**“The Task Force shall perform
all of the following duties:**

(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”:

“(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.”

Analysis: Article 2.8301.1.(b)(3)(B) specifies a particular group; it requires the task force to address how the State of California will offer a formal apology on behalf of the people of California to **“African slaves and their descendants”**, not to ‘all Black Californians’, on the basis of race or skin color.

Under international law, the apology (symbolic) governs the universe of material reparations to follow...



**CHAPTER 4.5. Reparations for the Institution of
Slavery**

Article 2. 8301.1. (b)

**“The Task Force shall perform *all*
of the following duties:**

(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”:

(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.”

Analysis: Article 2. 8301.1.(b)(3)(C) is highlighted to further illustrate the aforementioned provisions, particularly Article 2 8301.1. (a)(b)(1)(F)(G) and (H), which all refer to **'African Americans' as a particular group or lineage comprised of "formerly enslaved Africans and their descendants"** that remain affected materially and psychosocially by the institution of slavery.



**CHAPTER 4.5. Reparations for the Institution of
Slavery**
Article 2. 8301.1. (b)

“The Task Force shall perform *all* of the following duties:

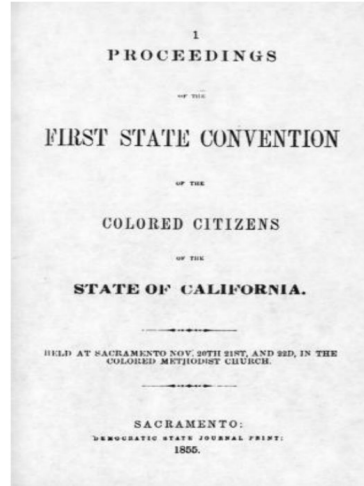
(3) Recommend appropriate remedies in consideration of the Task Force’s findings on the matters described in this section. In making recommendations, the Task Force shall address, among other issues, all of the following”:

“(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.”

Analysis: In January 2022, Secretary Weber provided expert testimony on Article 2.8301.1.(b)(3)(E) i.e. special consideration language. She made clear special consideration language was included to acknowledge contributions of **free people of color and enslaved Africans and their descendants**, all of which became American Freedmen in 1865 by virtue of opening of Freedmen's Bureau, and subsequently United States citizens in 1868, by virtue of U.S. Congress ratifying the 14th Amendment to the U.S. Constitution.

THE CONVENTIONS OF COLORED CITIZENS OF THE STATE OF CALIFORNIA (1855-1865)

FEBRUARY 4, 2009 / CONTRIBUTED BY: [HERBERT G. RUFFIN II](#)



California Colored Convention proceedings cover page, 1855

Public domain image

The four California Colored Conventions held between 1855 and 1865 were a response to blacks being treated as second-class citizens and constantly threatened and violently assaulted by white men without legal and political recourse in Gold Rush era California. The first convention in 1855 marked the beginning of organized civil rights activism in the American West.

learn

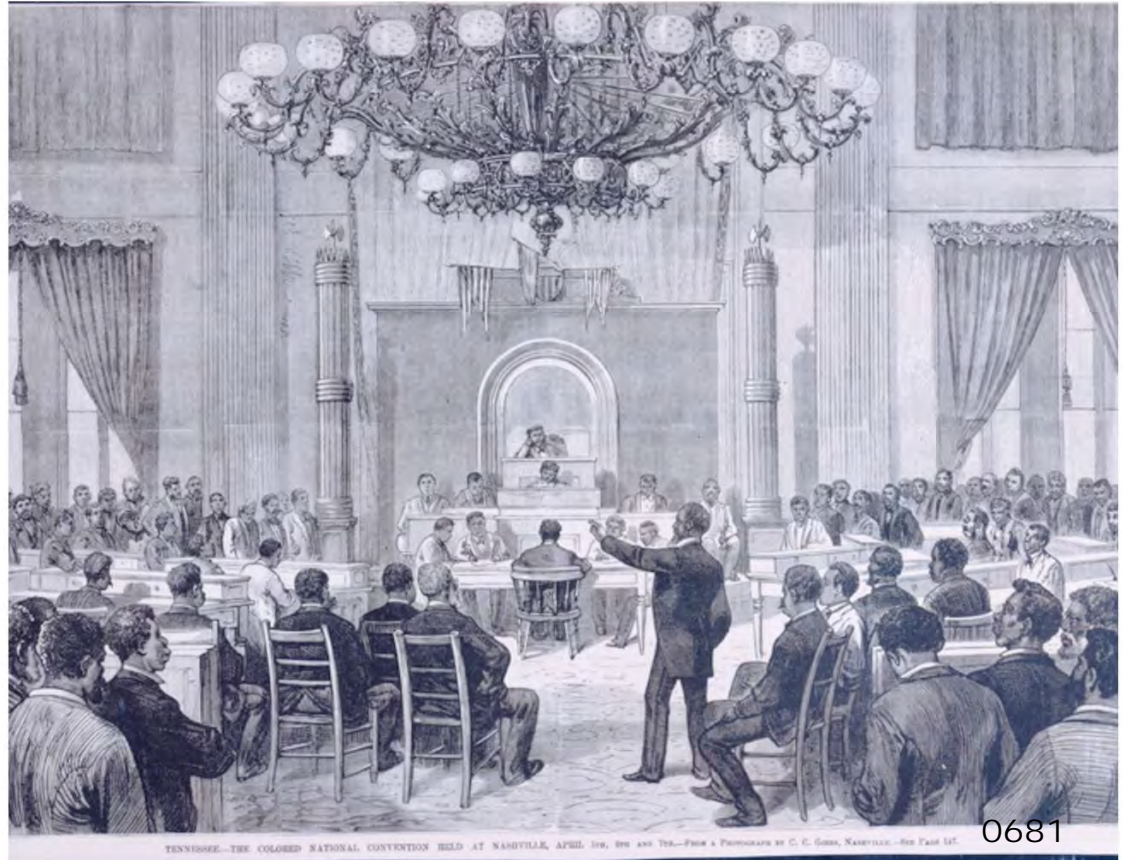
600state

**#blackhistory: On
November 20, 1855,
delegates representing
ten of California's
twenty-seven counties
met at St. Andrews
AME Church in
Sacramento for the first
California Colored
Convention**

CAAM Web Staff

Wednesday, November 20, 2019

share



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**CHAPTER 4.5. Reparations for the
Institution of Slavery
Article 2. 8301.1. (b)**


**“The Task Force shall perform
all of the following duties:**

(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”:

“(G) How, in consideration of the Task Force’s findings, any other forms of rehabilitation or restitution to African descendants are warranted and what form and scope those measures should take.”

Analysis: Under international law, rehabilitation (i.e. free medical or social services) and restitution (i.e. restoration of stolen property) are two of five forms of reparation/remedy for human rights violations.

Article 2.8301.1.(b)(3)(G) clearly provides that any proposals relate to reparations in the form of rehabilitation or restitution are to be limited to “African descendants” which were defined previously throughout the statute as descendants of “freed African slaves” in the United States.




**CHAPTER 4.5. Reparations for the Institution of
Slavery**
Article 1. Findings and Declarations

8301. (a): "The Legislature makes the following findings and declarations:"

"(4) A preponderance of scholarly, legal, and community evidentiary documentation, as well as popular culture markers, constitute the basis for inquiry into the ongoing effects of the institution of slavery and its legacy of persistent systemic structures of discrimination on living African Americans and society in the United States."

Analysis: Similar to Section H, Article 1.8301.(a)(4) declares existing evidentiary documentation constituting the basis of inquiry into the ongoing legacy or negative effects of slavery **"on living African Americans"**, who are descendants of persons enslaved in the United States (African Americans).

Again, 'African Americans' is placed in parentheses in the duties section of the statute to describe **descendants of enslaved Africans in the United States**, not to describe any group on the basis of skin color or race. In addition, the term 'society' in this section is race-neutral.



**CHAPTER 4.5. Reparations for the Institution of
Slavery**
Article 1. Findings and Declarations

8301. (a): "The Legislature makes the following findings and declarations:

(5) **Following the abolition of slavery, the United States government at the federal, state, and local levels continued to perpetuate, condone, and often profit from practices that continued to brutalize and disadvantage African Americans, including sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system."**

Analysis: Article 1.8301(a)(5) is acknowledging a list of chronological or contiguous harms that have persisted following "abolition of slavery", as it affects or impacts a particular lineage or group **(African Americans, previously defined in statute as freed African slave and their descendants)**. This further supports the valid assertion that the AB3121 statute is lineage-specific, and not race-based.



CHAPTER 4.5. Reparations for the Institution of Slavery
Article 1. Findings and Declarations

8301. (a): "The Legislature makes the following findings and declarations:"

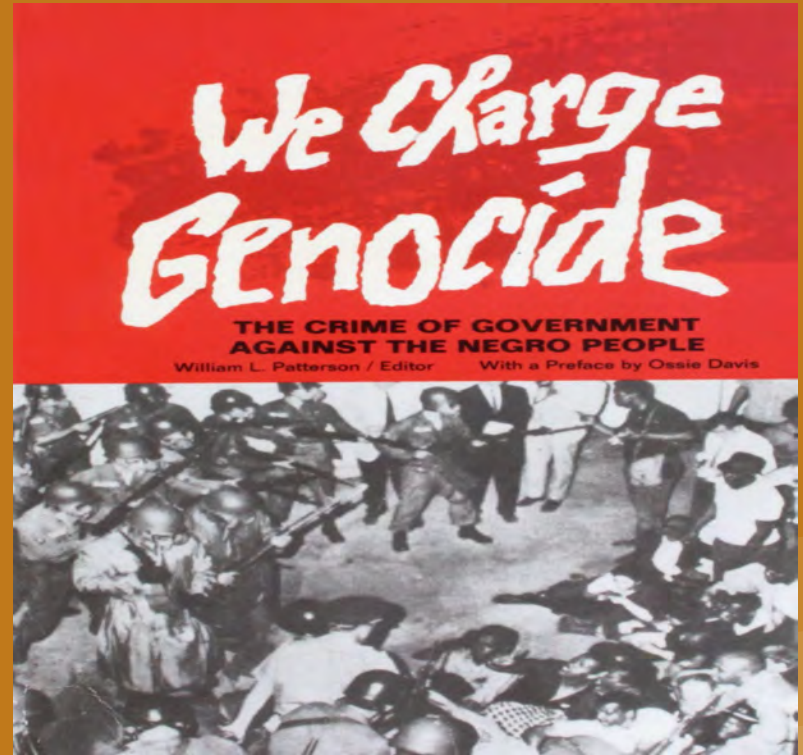
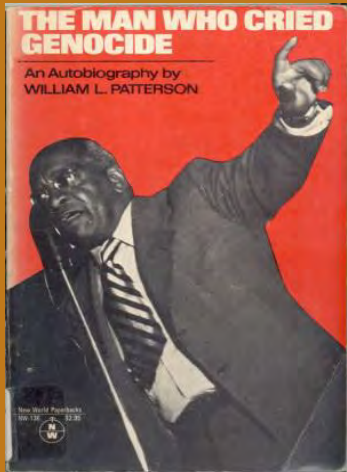
"(6) As a result of the **historic and continued** discrimination, African Americans **continue** to suffer debilitating economic, educational, and health hardships, including, but not limited to, all of the following: (A) Having nearly 1,000,000 black people incarcerated."

Analysis: Article 1.8301.(a)(6) further acknowledges a particular **"historic and continued"** discrimination that persisted following **"abolition of slavery"** as it affects or impacts African Americans, as a particular group or lineage.

In fact, the term 'black' only appears once in the entire statute, and it couched into a provision that recognizes the **specific historic and continued discrimination that 'African Americans'** have faced i.e. mass incarceration, as a particular lineage group.

This further supports the valid assertion that the AB3121 statute is lineage-specific, and not race-based.

Why emphasis on *'Living'* African-Americans? Quick Primer & Recognition: **Genocide Convention**



The petition charged that the United States violated Article II of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide by failing to prevent the lynching of African Americans.



WE CHARGE Genocide

THE HISTORIC PETITION TO THE UNITED NATIONS
FOR RELIEF FROM A CRIME OF
THE UNITED STATES GOVERNMENT
AGAINST THE NEGRO PEOPLE

U. Wash. Law

ARTICLE II, CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE:

Adopted December 9, 1948

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."

ARTICLE III:

"The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide."

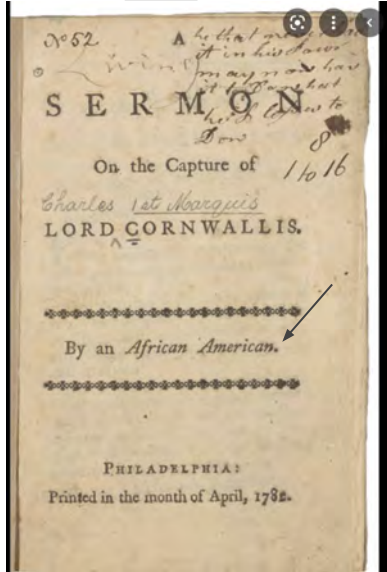
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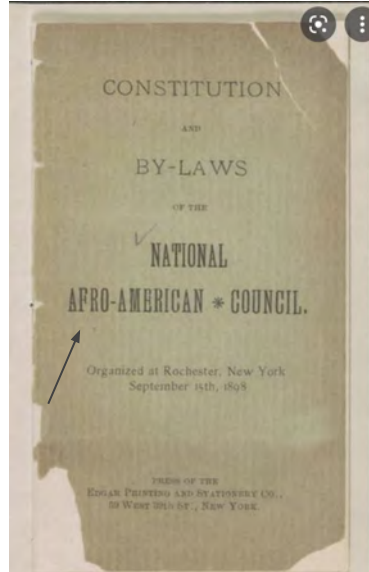
Did You Know: The Mayflower carried 102 (Europeans); those 102 have 35 million living descendants. 388,000 Africans were forcibly directly imported to United States; 4,000,000 descendants of those 388,000 Africans were freed after Civil War; current African-American population = roughly 40 million; AA population would be much higher if not for slow protracted and ongoing genocide.

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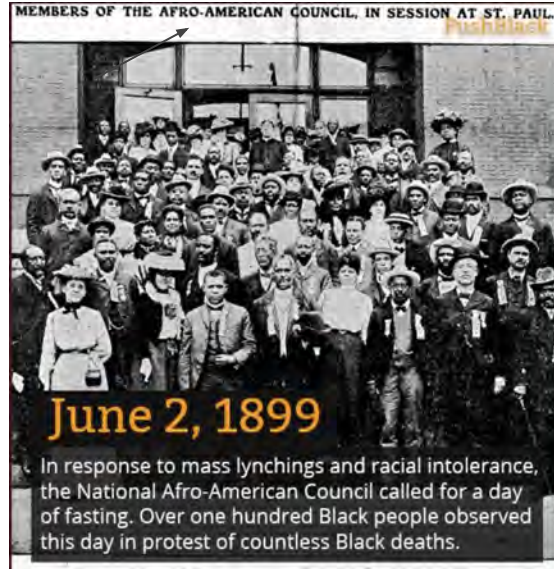
'African-American' as a Distinct Political and Historical Identifier
(18th century to present)



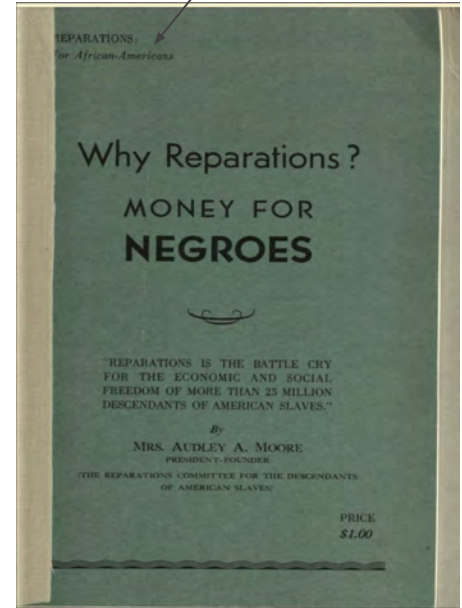
1782



1898



1899



1968

0688

WHY BLACK HOMEOWNERS ARE MORE LIKELY TO BE CARIBBEAN-AMERICAN THAN AFRICAN AMERICAN IN NEW YORK: A THEORY OF HOW EARLY WEST INDIAN MIGRANTS BROKE RACIAL CARTELS IN HOUSING

ELEANOR MARIE LAWRENCE BROWN*

ABSTRACT

Why are the black brownstone owners in Harlem and Brooklyn disproportionately West Indian? The landlords, West Indian-American? The tenants African-American? These are tough questions. For students of housing discrimination, West Indian Americans have long presented a quandary. If it is reasonable to assume that racial exclusions are being consistently applied to persons who are dark-skinned, one would expect to find that housing discrimination has had similar effects on West Indian-Americans and African-Americans. Yet this is not the case: West Indian-Americans generally own and rent higher quality housing than African-Americans.

Moreover, these advantages began long ago. For example, when racial covenants, that is, restrictions barring racial and ethnic groups from owning real property in particular neighborhoods were rife in New York, they were not consistently applied against West Indians, who were sometimes able to

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buy into tony neighborhoods. While it is true that such covenants were also inconsistently applied against other ethnic and religious groups such as Jewish New Yorkers, West-Indians still stand out. Since West Indians are overwhelmingly dark-skinned persons of African descent they typically did not have the option of “passing” that may have been available to other groups.

Eschewing more traditional explanations in the civil rights literature, I apply the literature in which racial segregation in real property ownership is conceived as a racial monopoly in which racial cartels appropriate anti-competitive techniques to monopolize access to real property. Maintaining a racial cartel is dependent on white owners maintaining a united front, that is, they must uniformly refuse to sell. Importantly, realtors play a gatekeeping role in real estate and West Indians dominated the realtor sector. As realtors, they were expert at finding defectors, namely, whites willing to break norms of racial exclusivity, in exchange for their ability to extract a premium for selling to blacks early. Brokers then proceeded to buy significant numbers of titles, which were then off-loaded to fellow West Indians. West Indian brokers could act in confidence because they had cash-rich clients and were often buying in trust (de-facto if not de-jure) for fellow West Indians.

In so doing, West Indian brokers in New York were simply replicating techniques that had been utilized by their land-brokering ancestors. I discuss the history that “previews” this period in New York, albeit in a different context: in the British West Indian islands from the migrants originated. There are repeated instances of blacks “busting” white monopolies in land-ownership, throughout the West Indian colonies in contravention of racial norms in the British colonies of who was allowed to own land where. Upon arrival in New York, West Indians encountered another racial monopoly in real property ownership, namely Northern racial segregation. They essentially appropriated the same techniques that they had utilized in the West Indies to break into white neighbourhoods in New York.

History of Lineage-Based Reparations Advocacy in United States and California



United States:

House explained the political goals of the organization:

If the Government had the right to free us, she had a right to make some provision for us and since she did not make it soon after Emancipation she ought to make it now.

In the podcast, Callie House, Reparations Advocate and Trailblazer, professors Mary Frances Berry (author of *My Face Is Black Is True*) and Tiffany Patterson describe how,

Callie House defied societal conventions and led the National Ex-Slave Mutual Relief, Bounty and Pension Association, one of the largest grassroots movements in African American history. House tirelessly traveled the country organizing newly freed African Americans in the quest to right the wrongs of slavery.



Soon after its founding, the Association, and Callie House, were plagued by legal harassment stemming from the government's false claims of fraud. Behind the scenes, government officials worried that the pension movement "is setting the negroes wild, . . . making anarchists of them."

Callie House (1861-1928)

Source: Zinn Project

California:

REPARATIONS IS THE BATTLE CRY FOR THE ECONOMIC AND SOCIAL FREEDOM OF MORE THAN 25 MILLION DESCENDANTS OF AMERICAN SLAVES

By

Mrs. Audley A. Moore

PRESIDENT-FOUNDER

THE REPARATIONS COMMITTEE FOR THE DESCENDANTS OF AMERICAN SLAVES

PRICE \$1.00

PAGE ONE - FORWARD AND ADDRESS PAGE

Forward

This work is dedicated to the HERALD-DISPATCH newspaper and the REPARATIONS COMMITTEE Inc. for their unselfish, uncompromising determination to contribute toward peaceful solution of the Reparations problem, which will undoubtedly become a social battle cry, in the immediate future, the likes of which this country has never heard heretofore.

Audley M. Moore

REPARATIONS COMMITTEE INC.

1431 West Jefferson Boulevard

Los Angeles 7, California

*The Reparations Committee for United States Slaves
Descendants Inc. (1962)
Founded in Los Angeles, CA 0691*

Source: Arthur Ward

California cont.d:



Therefore, considering our present intolerable status here, the future, if there is to be one, rests on the solution presented. The demand for Reparation must become the first goal of every African American.

History substantiates the justness of our claim. However, of all the people who have received Reparations for wrongs committed against them, none of their claims are as historically or morally compelling as the demand for Reparations for the descendants of American Slaves.

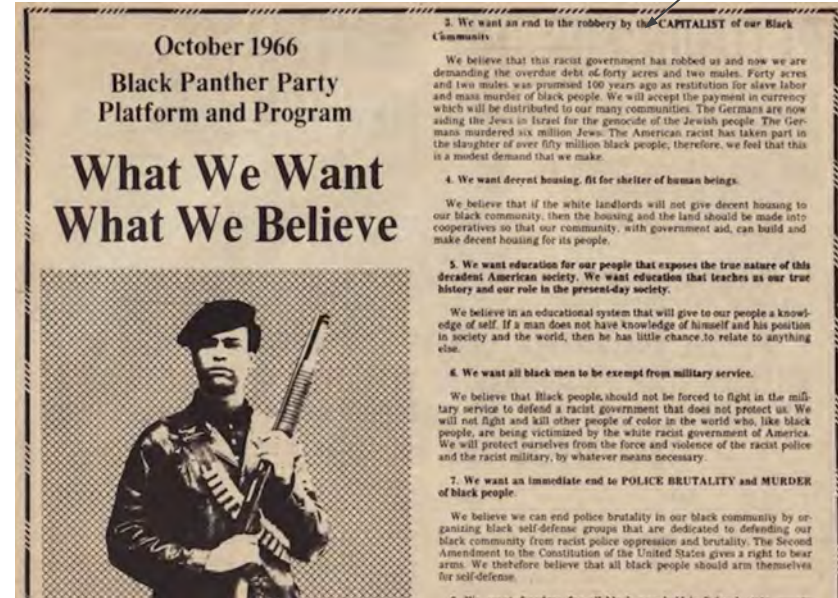
In view of the foregoing, we the descendants of those Africans, uprooted from our homeland, transported to this alien land, and once here – forcibly made to labor without pay for centuries, through the sponsorship of the U.S.A. – do hereby set forth the following claims and demands, as embodied herein.

Claim for Reparations Filed

In commemoration of the 100th anniversary of the Emancipation Proclamation, which became effective January 1, 1863, The Reparations Committee for United States Slaves Descendants Inc., a non-profit corporation organized and existing under and by virtue of the laws of the State of California, filed a claim for Reparations and money damages with the United States Government on December 20, 1962 – for more than 25 million American Citizens. Members of the Black Race.

THE FIRST CAUSE OF ACTION as filed, sets forth, and proceeds, and sues on behalf of and for the benefit of a class consisting of approximately 25 million Americans of African descent, whose antecedents and ancestors before them, until 1863, were held in cruel and inhuman slavery. The claimants ask for Reparations in

*The Reparations Committee for United States
Slaves Descendants Inc. (1962)
Founded in Los Angeles, CA*



*The Black Panther Party for
Self-Defense (1966-1982)
Founded in Oakland, CA*

The Trend Towards Data Disaggregation



South Florida Caribbean News January 21, 2020

4 7 2 minutes read



Felicia J. Persaud

NEW YORK – For the first time in the history of the U.S. Census, persons from the Caribbean region and those with roots there will now be able to write in their nationality or ancestry on U.S. Census form this March, thanks in large part to the vision and fierce advocacy of one Caribbean immigrant.

Twelve years after the Carib ID lobbying movement started by Caribbean entrepreneur and advocate Felicia J. Persaud begun, Caribbean immigrants and those with Caribbean ancestry will for the first time be able to self-identify on US Census forms while still identifying with the race group they choose.

The option comes following an intense lobbying effort started Persaud in 2008 for better self-identification for Caribbean immigrants in the U.S. on Census forms. A congressional bill, a US

Senate bill and over a decade of advocacy, the choice is here.

Now for example, under the category "Black or African American" on Census forms, black Caribbean nationals will now be able to choose the race group while writing in for example Guyanese, Jamaican, Haitian etc. while those who identify as Asian or another ethnic group will also be able to do the same.

- See also: [Importance of the Data](#)

Persaud called the 2020 form the Census a "progressive" resolution to the problem of lack of self-identification for Caribbean immigrants on past forms and now hopes that those from the region who live in the US and those with Caribbean roots will take full advantage of counting themselves present in this Census.

"Data on Caribbean nationals in the US is currently sparse based largely on the fact that this bloc has had no previous opportunity to self-identify in the past but have been lumped in with the African American, Asian American or Other communities," said Persaud. "Hopefully this goes a long way in making sure we count in 2020 so we can receive the respect we deserve as a huge economic and political bloc in this country and our communities and businesses that have been dismissed because of a lack of economic data, can begin to thrive. Let's stand up and be counted."

GENERAL | PRESS STATEMENT PRESS RELEASE

Victory After Over a Decade of Advocacy: Asian American Pacific Islander Community Commends NY Governor Kathy Hochul for Signing Data Disaggregation into Law

December 23, 2021

NEW YORK — The [Coalition for Asian American Children and Families \(CAACF\)](#) applauds Governor Kathy Hochul for signing NY's Bill AB1604 on Asian American and Native Hawaiian/Pacific Islander (AA and NH/PI) data disaggregation into law. **After more than ten years of advocacy by our coalition, this is a momentous occasion for AA and NH/PI New Yorkers.** We are thankful for Governor Hochul's commitment to the AA and NH/PI community and

"We need every single Caribbean national in the U.S. to make sure they count by filling out the form, writing in their ancestry and returning it," said Carib ID's Felicia Persaud on Thursday. "Census numbers determine every aspect of our lives in this country and right now we are largely invisible as we have no accurate means of identification on the form. We must make sure we end this trend by counting not just our ethnicities but our nationalities this Census so we can all win. Or we can continue to be fools and maintain the cycle of dismissal."

AB-1604: Set FOR Hearing

AB-1604 Measure Set For Hearing



California
LEGISLATIVE INFORMATION

Please do not reply to this automated message

TRACKING NOTIFICATION:

AB-1604: The Upward Mobility Act of 2022: boards and commissions: civil service: examinations; classifications.

has been Set FOR Hearing ON 16-MAR-22 9 a.m.

0693



Primer: International Human Rights Law

Under international law, reparations is a victim-oriented and victim-led process and, as such, require the participation of victims (**freed African slaves and their descendants** who were **deemed United States citizens from 1868 to present**, as outlined in statute).

There are five categories of reparations under international law: (1) restitution, (2) compensation, (3) rehabilitation, **(4) satisfaction, and (5) guarantees of non-repetition.**

How do international courts interpret compensation eligibility for human rights violations?

“(i) Beneficiaries of Compensation.

The victims of human rights violations adjudicated by the **Inter-American Court** are, of course, the primary beneficiaries of the reparations awarded. For purposes of its reparations mandate, the Court has distinguished between **two types of victims: those immediately injured by the violation, the direct victim, and his or her next of kin, who later suffer the consequences of their loved one's ordeal.**³⁶

Under certain circumstances, **the next of kin may themselves become direct victims of violations** under the Convention in their own right, as when the state fails to duly investigate or punish the perpetrators of the crime suffered by their family member.³⁷

In any event, the term **‘injured party’** in Article 63(1) of the American Convention refers both to the **direct victim** of a human rights violation as well as any other persons, usually **close family members or dependants**, who as a result experience material loss, personal suffering or prejudice to other basic values.³⁸”

Source: The Handbook of Reparations (Kindle Locations 7861-7866). Kindle Edition.



The Law of Never Again: Guarantees of Non-Repetition

Guarantees of non-repetition is tied to satisfaction and “re-establish[es] justice in a wide sense. They institute political, judicial and even social processes to combat the **ultimate causes** of the violations and impunity. **However, the States do not fulfil these reparations promptly or completely.** For instance, the verification of the facts and the public revelation of the truth, or a declamatory failure in are actually the ones least fulfilled by the States [Inter-American Court of Human Rights].”

Recognition of limited power: American society is so incredibly polarized on the issue of the institution of slavery and its effects that we will probably not see **complete** guarantees of non-repetition in our lifetimes (i.e. prison or police abolition). Therefore, this form of reparations should not deter from a lineage-based approach.

Further, guarantees of non-repetition and lineage-based reparations are **not** mutually extensive. Also, AB-3121 requires the task force to craft collective forward-looking remedies with a specific group in mind (i.e. California must apologize to “freed African slaves and their descendants”), which supports such contention. Because other groups **may incidentally benefit** (either by virtue of sharing same race/skin color or experience of harm), does not preclude the duty of the task force to astutely craft lineage-specific GNRs.

“Under international law, the first duty of an infringing state is to put an end to the illicit act, if it persists, and then to guarantee that it will not reoccur. To suspend or cease the action in violation is **not necessarily a complicated endeavor**. For instance, the Inter-American Court may determine that a person arbitrarily detained during the ongoing judicial proceedings should be released.”

- Ex. of U.S. Based Lineage-Specific GNR:
 - **Recommend Passage of ACA3** (which would place a state constitutional amendment on the ballot to remove a clause in California's Constitution that allows the practice of involuntary servitude.
 - **California** (and United States) **Release All Political Prisoners Who Are Descendants of Enslaved Africans/American Slaves** (also aligns w/ victim-led lineage based reparations advocacy organizations, like Black Panther Party for Self Defense)

When the illegal act entails a **more complex violation** of the Inter-American American Convention, the Court will order appropriate measures. [Ex. of GNR Outside U.S.]:

- “In the *Mayagna Awns Tingni Case*, where the communal property of an indigenous tribe was exploited economically by the state in detriment of the group and its members' property rights, the Court, to put an end to the ongoing exploitation, **ordered the state to `abstain from carrying out ... actions that might lead the agents of the state itself, or third parties acting with its acquiescence or its tolerance, to affect the existence, value, use or enjoyment of the property located in the geographical area where the members of the Community live and carry out their activities.**”

. The Handbook of Reparations (Kindle Locations 8078-8084). Kindle Edition.



U.S. Context: Reparations in the form of guarantees of non-repetition as it's applied to reparations for the institution of slavery is inherently lineage specific and must be informed by Section 2 of the Thirteenth Amendment to the U.S. Constitution:

AB-3121. Article 2. 8301.1.(b)(3)(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."**

"A number of the measures **considered as part of restitution or satisfaction and guarantees of nonrepetition** also may have clear **psychosocial** implications for victims and their societies. Specifically, diverse actions aimed at restoring or establishing victims' equality and dignity as human beings and as citizens respond to their right to know and permit mourning, **psychological** processes identified by many as important in social reconstruction and reconciliation."

. The Handbook of Reparations (Kindle Locations 9045-9047). Kindle Edition.

Logic regarding GNRs pertaining to the institution of slavery: the State harmed direct victims (freed African slaves) and their descendants; other groups have incidentally been harmed as result (Black immigrants and people of color); The State must remedy direct victims and their descendants (lineage-specific not race-based); other groups may incidentally benefit...

ARTICLES

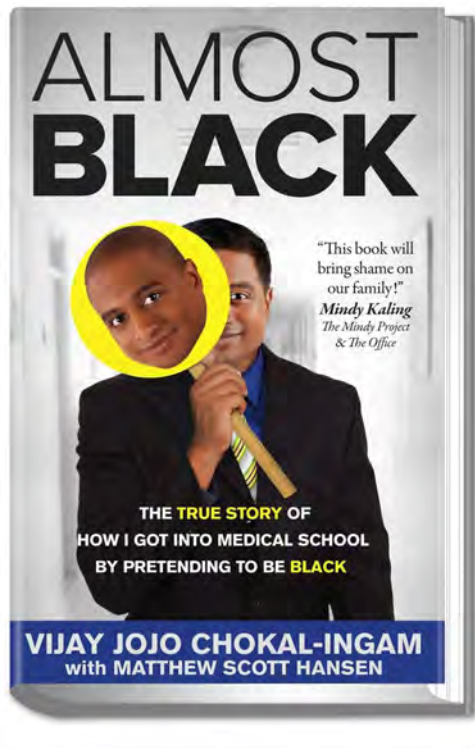
DEFINING THE BADGES AND INCIDENTS OF SLAVERY

*Jennifer Mason McAward**

Most agree that Section 2 of the Thirteenth Amendment empowers Congress to legislate regarding the "badges and incidents of slavery." Few, however, have explored in depth the precise meaning of this concept. The goal of this Article is to provide a historical and conceptual framework for interpreting and identifying the badges and incidents of slavery. It examines the original public meaning of the terms "badge of slavery" and "incident of slavery" as well as how the "badges and incidents" concept has been incorporated into and used in Thirteenth Amendment jurisprudence. It considers several analytical variables from historical, jurisprudential, and policy perspectives, including what populations Congress can protect; what actors Congress can regulate; and what types of conduct Congress can target under its Section 2 power.

Ultimately, this Article concludes that the best understanding of the "badges and incidents of slavery" refers to public or widespread private action, aimed at any racial group or population that has previously been held in slavery or servitude, that mimics the law of slavery and has significant potential to lead to the de facto reenslavement or legal subjugation of the targeted group. This limited definition will assist Congress in identifying ways in which it can fulfill the Thirteenth Amendment's promise of universal civil and political freedom. At the same time, it will provide judicially enforceable limits for the exercise of the Section 2 power.

How Do You Measure Blackness? Who Qualifies?



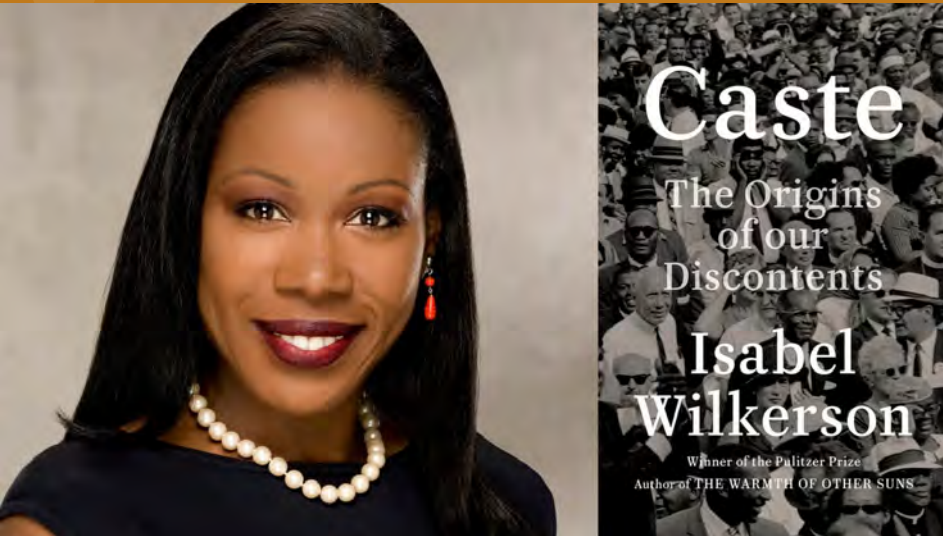
CONGRESSIONAL RECORD— SENATE S10499-S10500

The most important examples involve the Freedmen's Bureau, created in 1865 as a means of providing special benefits and assistance for African Americans. The opponents of the Freedmen's Bureau Acts attacked the bureau on, the ground that it would apply to members of only one race. The response was that discrimination was justified in the interest of equality: "We need a freedmen's bureau," said one supporter, "not because these people are negroes, but because they are men who have been for generations despoiled their rights."

Curiously, fundamentalists don't investigate the pertinent history, but one of the explicit goals of the Fourteenth Amendment was to provide secure constitutional grounding for the Freedmen's Bureau Acts. It is peculiar at best to think that the Fourteenth Amendment prohibited the very types of legislation it was designed to legitimate. Voting to strike down affirmative-action programs, fundamentalists haven't offered a hint of a reason to think that such programs are inconsistent with the original understanding.



Caste: It's More Than Racism



There, I told the audience that I had written a six-hundred-page book about the Jim Crow era in the American South, the time of naked white supremacy, **but that the word racism did not appear anywhere in the narrative.** I told them that, after spending fifteen years studying the topic and hearing the testimony of the survivors of the era, **I realized that the term was insufficient. Caste was the more accurate term,** and I set out to them the reasons why. They were both stunned and heartened.

Wilkerson, Isabel. *Caste* (Oprah's Book Club) (p. 30). Random House Publishing Group. Kindle Edition.

Caste: Race Is Sufficient

- A caste system is an artificial construction, a fixed and embedded ranking of human value that sets the presumed supremacy of one group against the presumed inferiority of other groups on the basis of ancestry and often immutable traits, traits that would be neutral in the abstract but are ascribed life-and-death meaning in a hierarchy favoring the dominant caste whose forebears designed it. A caste system uses rigid, often arbitrary boundaries to keep the ranked groupings apart, distinct from one another and in their assigned places.
 - The hierarchy of caste is not about feelings or morality. It is about power—which groups have it and which do not. It is about resources—which caste is seen as worthy of them and which are not, who gets to acquire and control them and who does not. It is about respect, authority, and assumptions of competence—who is accorded these and who is not.
 - In America, race is the primary tool and the visible decoy, the front man, for caste.
- While this book seeks to consider the effects on everyone caught in the hierarchy, it devotes significant attention to the poles of the American caste system, those at the top, European Americans, who have been its primary beneficiaries, and those at the bottom, African-Americans, against whom the caste system has directed its full powers of dehumanization.
- Black immigrants discover that because they look like the people consigned to the lowest caste, the caste system rewards them for doing the opposite of the Europeans. “While white immigrants stand to gain status by becoming ‘Americans,’” wrote the sociologist Philip Kasinitz, “by assimilating into the higher status group—black immigrants may actually lose social status if they lose their cultural distinctiveness.”
- The caste system encourages black immigrants to do everything they can to build distance between themselves and the subordinated caste they might be taken for. Like everyone else, they are exposed to the corrosive stereotypes of African-Americans and may work to make sure that people know that they are not of that group but are Jamaican or Grenadian or Ghanaian.



Legislative History (CA and U.S.) = Lineage

AB-3121 Statutory Provisions = Lineage

Legislative Intent (Secretary Weber) = Lineage

History of Reparations Advocacy (CA and U.S.) = Lineage

U.S. Constitutional Law = Lineage

International Law Examples (Genocide Prevention/GNRs) = Lineage