

Agenda Item 3
June Meeting Minutes

**AB 3121 TASK FORCE TO STUDY AND DEVELOP REPARATIONS
PROPOSALS FOR AFRICAN AMERICANS**

MEETING MINUTES
June 1, 2021, 10:00 A.M.
<https://oag.ca.gov/ab3121>

The inaugural meeting of the Task Force was conducted via Blue Jeans video and telephone conference at <https://primetime.bluejeans.com/a2m/live-event/wtzpbzcv>.

Members Present: Senator Steven Bradford, Dr. Amos Brown, Dr. Cheryl Grills, Lisa Holder, Assemblymember Reginald Jones-Sawyer, Jovan Scott Lewis, Kamilah V. Moore, Councilmember Monica Montgomery Steppe, Don Tamaki.

- 1. Welcome Remarks were presented by Attorney General Bonta, Secretary of State Weber and Governor Newsom.**
- 2. Task Force Members Oath of Office was administered by Department of Justice staff, Aisha Martin-Walton.**
- 3. DOJ Staff Introductions were made by Michael Newman, Senior Assistant Attorney General of the Civil Rights Enforcement Section in the California Department of Justice.**
- 4. The newly inducted Task Force Members introduced themselves.**
- 5. Bagley-Keene Act and Overview of AB 3121**
 - The Bagley-Keene Open Meeting Act was presented by Sarah Belton, Supervising Deputy Attorney General
 - Overview of AB 3121 was presented by Kanwalroop Kaur Singh, Deputy Attorney General
- 6. Chairperson and Vice Chairperson Selection**

The election of the positions of the Chair and Vice Chair was conducted by Ms. Belton.

The Task Force discussed having a gender balance between the Chair and Vice Chair. They also expressed interest in having the positions of Chair and Vice Chair be divided between a member of the Legislature and a member of the civil rights community. Member Bradford asked if by law two individuals may jointly hold the Vice Chairperson position. In response, Ms. Belton stated that by

statute, the Task Force must elect a Chair and Vice Chair, and two individuals jointly holding the Vice Chairperson may risk violating the Bagley Keene Act if they were to meet with the Chair.

MOTION: Member Bradford nominated Member Brown for Chairperson and the motion was second by Member Tamaki.

AYE: Bradford, Brown, Holder, Tamaki

NAE: Grills, Lewis, Steppe, Moore, Jones-Sawyer

The motion failed.

MOTION: Member Lewis nominated Member Moore for Chairperson and the motion was second by Member Steppe.

AYE: Lewis, Grills, Holder, Jones-Sawyer, Steppe, Moore, Tamaki

NAE: Bradford, Brown

The motion passed and Member Moore was elected as the new Chairperson.

MOTION: Member Bradford nominated Member Brown as the Vice Chairperson and it was second by Member Grills.

AYE: Bradford, Brown, Grills, Lewis, Holder, Steppe, Tamaki

NAE:

ABSTAIN: Jones-Sawyer, Moore

The motion passed and Member Brown was elected as the new Vice Chairperson.

7. Expert Testimony

Testimony was presented by A. Kirsten Mullen and William Darity. The presentation provided a general description of what may constitute reparations.

8. BREAK

9. Meeting and Hearing Logistics

Xiyun Yang, Deputy Attorney General of the DOJ presented on a number of Task Force logistics.

Issue 1: the staff recommended that the report be issued in two parts. Part one of the report would be published June 1, 2022. Part 2 of the report would be published by July 1, 2023. The following topics would be included in Part 1:

- Institution of Slavery
- Racial Terror
- Disenfranchisement
- Housing Segregation
- Education Inequality
- Environmental Inequality

- Arts and Culture
- Family
- Health
- Discrimination in Labor
- Criminal Justice
- Gap in Wealth Accumulation

The following topics would be included in Part 2:

- Apology
- International Law Justification
- Economic Rationale
- Eligibility
- Summary of Existing Reparations Schemes
- Recommendations
- How to Educate the California Population

Ms. Yang recommended that the Task Force approve the report in two-parts.

MOTION: Member Steppe moved for approval of the staff recommendation. It was second by Member Holder.

The Task Force discussed whether a two-part report would prevent a sufficient discussion on remedies. Certain members expressed a concern that there may be too much time spent on collecting data. The Task Force generally agreed that extensive efforts must be undertaken to ensure that the information is fulsome and accurate. Members expressed the great need to educate and persuade the public. The Task Force expressed the desire to hear from everyone, generate excitement, but also demonstrate the harm experienced by African Americans. Certain members expressed their belief that if the first part thoroughly articulates the harm, the second part will be easy.

Chair Moore requested that Ms. Belton state the motion. Ms. Belton stated that the motion was to accept the staff recommendation to issue the report in two parts, as presented.

MOTION: Member Steppe moved for approval of the staff recommendation. It was second by Member Holder.

AYE: Steppe, Holder, Brown, Grills, Jones-Sawyer, Lewis, Tamaki, Moore

NAE:

NOT VOTING: Bradford

The motion was adopted.

Ms. Yang presented the overall meeting schedule, which proposed 10 meetings and included the themes that would be covered at each meeting. The proposed meeting schedule was provided as follows:

- Meeting 1 (June 2021): Reparations 101

- Meeting 2 (August 2021): The Roots of Systemic Racism, Institution of Slavery, Political Participation, Racial Terror
- Meeting 3 (October 2021): Government Segregation in Housing and Education; Housing Segregation, Education, Environmental Justice
- Meeting 4 (December 2021): Dehumanization of Black Americans; Arts and Culture, Health and Family
- Meeting 5 (Mid-Feb 2022): One Country, Two Systems; Criminal Justice
- Meeting 6 (Mid-March 2022): The Black and White Wealth Gap; Accumulation of Wealth, Banking, Labor
- Meeting 7 (Summer 2022): Potential Extra Meeting as Needed
- Meeting 8 (August/September 2022): Truth and Reconciliation; Apology and Precedents
- Meeting 9 (October/November 2022): Into the Future of California; Proposals for Reconciliation
- Meeting 10 (Summer 2023): Presentation and Approval of Second Report

Ms. Yang recommended that the Task Force approve the above 10-meeting schedule, including the discussed topics and proposed meeting dates.

There was significant discussion among the Task Force about the themes that were presented in the staff report. Some members were concerned that certain topics were missing. Chair Moore requested that DOJ provide its understanding of the discussion. Ms. Belton indicated that it was her understanding that the Task Force did not want to further consider the DOJ proposal for public hearings.

Member Tamaki hoped that the Task Force could make changes to the staff recommendation and not reject it outright. A similar view was shared by other Task Force members.

Task Force members questioned whether it was possible to hold more than 10 meetings. Ms. Belton indicated that she would have to check this issue internally. She also indicated that she was not prepared to provide an interpretation of the governing statute that the Task Force could hold more than 10 meetings. Member Grills also asked for clarification on per diem for Task Force members versus payment for attending meetings, as there may be misconceptions. Ms. Belton clarified that Task Force members are only entitled to reimbursement of travel expenses and per diem, and do not receive other compensation for their service.

Ms. Yang clarified that the staff public meeting plan included five meetings on systemic racism, four meetings on reparations, and one undesignated meeting. She further stated that one to two hours of discussion on reparations in each meeting is possible, and that the Task Force may vote to hold two-day Task Force meetings. Ms. Yang summarized her understanding of what the Task Force was considering: whether or not to direct staff to analyze whether the Task Force may hold more than 10 meetings and whether or not to adopt the staff recommendation with the understanding that the staff would work with Chair Moore on witnesses, agenda, and meeting schedules.

After a long discussion, motions were made as follows:

Chair Moore suggested an alternative that the Task Force vote down the timeline suggested by the DOJ. The Task Force could then create its own framework in a public emergency meeting which could happen tomorrow or this week or this weekend. She suggested that the DOJ schedule a public meeting as soon as possible in July for public discussion on the themes and contents of the two-part report and the public hearings.

Ms. Belton advised that there may not be a strong legal basis for an emergency meeting under the Bagley-Keene Open Meeting Act. She reminded the Task Force that the schedule presented was not cast in stone.

MOTION: Member Tamaki moved that the Task Force approve the proposed schedule presented by DOJ knowing that there is flexibility to modify as we go along which would in turn allow a future meeting for additional discussion.

Member Grills proposed an amendment to the motion that the next meeting of the Task Force should be used to create an agreed understanding of what the essential issues are.

The motion by Member Tamaki was not voted upon.

MOTION: Member Lewis moved that the unplanned meeting be scheduled for the August as a plenary meeting and the rest of the meetings be pushed back.

The motion by Member Lewis was not voted upon.

Member Holder suggested that in order to be efficient, the themes be reviewed and decided upon by the Task Force in sufficient time for additional staff being hired by DOJ in July to have an opportunity to get started working on the Task Force themes right away.

Ms. Belton advised the Task Force that while hiring is currently underway, it is unlikely that the process and the selection of DOJ staff would occur by July 1.

Chair Moore summarized that she felt there were two motions that could be voted upon. One motion was to leave the themes as is and the second motion was to hold a public meeting prior to August and restructure the themes.

Member Tamaki expressed that he made his motion based on the flexibility in the DOJ recommendation and did not want to slow the process down. He further stated that if the consensus of the Task Force was to have a meeting prior to August, then he would withdraw his motion.

MOTION: Member Holder moved that the meeting currently scheduled for August be moved up to July, with sufficient time for public notice. The purpose of that meeting would be to review and modify the themes and categories presented thus far. The motion was second by Member Grills.

AYE: Holder, Grills, Tamaki, Lewis, Brown, Steppe, Moore

NAE:

NOT VOTING: Jones-Sawyer, Bradford

The motion was adopted.

Ms. Yang asked whether the July meeting would be plenary, and Member Holder confirmed. Ms. Yang presented a list of the expert witnesses with whom the DOJ staff has been working requested that the Task Force ratify their work. The following is a list of the experts was presented:

- Professor Darity and Ms. Mullen will provide general guidance.
- Professor Stacey L. Smith will provide guidance on the institution of slavery, including California.
- Professor Marne L. Campbell will provide guidance on all discriminatory laws, policies and practices of discrimination in California and at the federal level.

Members Lewis and Grills stated that as academicians they had no problems with the experts proposed by DOJ, provided that the Task Force could add experts if desired.

MOTION: Member Holder moved that the three sets of scholars that DOJ has currently contracted to work on these issues continue with their work. The motion was second by Member Grills.

AYE: Holder, Grills, Tamaki, Lewis, Brown, Jones-Sawyer, Moore.

NAE:

NOT VOTING: Bradford, Steppe

The motion was adopted.

The Task Force generally discussed other topics that could be examined in the July meeting. Some of the topics included:

- Forms of reparations
- Qualification/eligibility for reparations
- Economic empowerment
- Health
- Restoration of historic Black watering holes
- Classes (scale) of culpability: states/universities/corporations
- Highly symbolic forms of reparations
- Public-facing role of Task Force-messaging
- Dehumanization of Black Americans/Arts and Culture/Health and Family—unpack
- Mental Health
- Repair: identity, community safety net
- Education: revising curriculum
- Infrastructure: food insecurity, broadband

10. Public Comment

There were approximately 21 public comments. Public comments centered around making sure the work of the Task Force includes outreach and listening sessions and that the Task Force is responsive to community voices. Consideration should be given to holding meetings on Saturday. The Task Force should consider the provisions of H.R. 40. There were many expressions that reparation proposals focus on cash payments and eligibility. Commenters pointed to the need to stream meetings on social media platforms, discuss the definition of reparations and include people who bore the brunt of the abuse. Commenters urged the Task Force to consider homelessness, mental health, and corrective justice.

11. Closing Remarks/Adjournment

Chair Moore gave closing remarks that ended at approximately 4:15 p.m.