

Testimony Before the AB 3121 Task Force
to Study and Develop Reparation Proposals,
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I direct the Environmental Law and Justice Clinic, a pro bono legal service provider housed within Golden Gate University School of Law, which was founded on the explicit recognition that race matters when it comes to pollution and green amenities. I have expertise in environmental racism and its many manifestations and have studied and written about these injustices. Our clients – Black and brown communities who bear disproportionate pollution burdens – have significantly contributed to this expertise. It is with this background that I testify before the Task Force.

As the Task Force has recognized in including environmental racism as a topic of study, it is an important aspect of reparation: environmental degradation that Black Americans have experienced is but an aspect of systemic racism that has pervaded their lives, from womb to grave.

My testimony will focus on the Bayview Hunters Point neighborhood in San Francisco – which I'll refer to as Bayview or Hunters Point– to illustrate the role of systemic racism in magnifying pollution in the historically Black neighborhood. Specifically, I will draw the connection between environmental injustice and de jure segregation in San Francisco after the Great Migration. I will touch on redlining and zoning practices that further entrenched the government-sponsored racial segregation in Bayview, resulting in concentrating Black residents into one of the most polluted areas in the nation. I will conclude by demonstrating how these injustices have been compounded in the last two decades, despite federal and state civil rights laws, through urban renewal and development policies. This is a shared history of many historically Black communities in urban America.

De Jure Segregation of Bayview Hunters Point

As the Great Migration was transforming our nation, the City of San Francisco remade Jim Crow by intentionally creating segregated neighborhoods. This segregation was accomplished through the actions of the US Navy and the City of San Francisco as they created public housing to accommodate wartime workers, who at the Hunters Point shipyard alone numbered as many as 17,000.

In Richard Rothstein's telling, segregation in the San Francisco Bay Area serves as a particularly damning instance of de jure segregation because the government created segregated areas where they did not previously exist: unlike in other metropolitan areas, there had been too few African

Americans in areas like San Francisco for segregation patterns to cement themselves before the Great Migration of African Americans through the midst of World War II.

In other words, the same underlying prejudices and the entrenched belief in the supremacy of the white race and the “otherness” of Black people that infected the Jim Crow South were prevalent in San Francisco, as elsewhere.

Intensification of Segregation of Bayview

The demographic pattern hardened as the Home Owners’ Loan Corporation (“HOLC”) redlined Hunters Point and as the Federal Housing Administration and U.S. Department of Veteran Affairs denied African American homeownership in most suburbs.

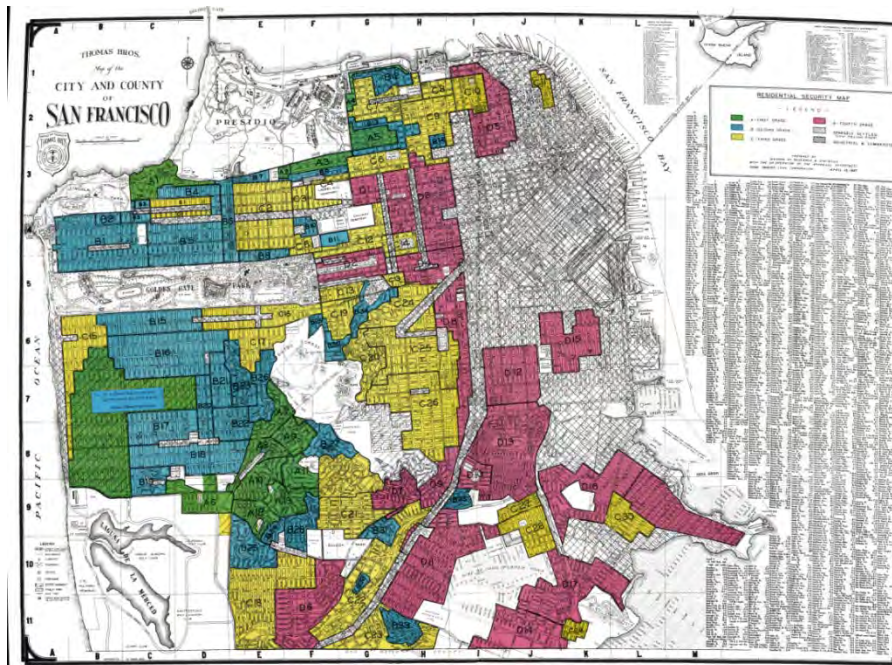


Figure 1 Source: Mapping Inequality

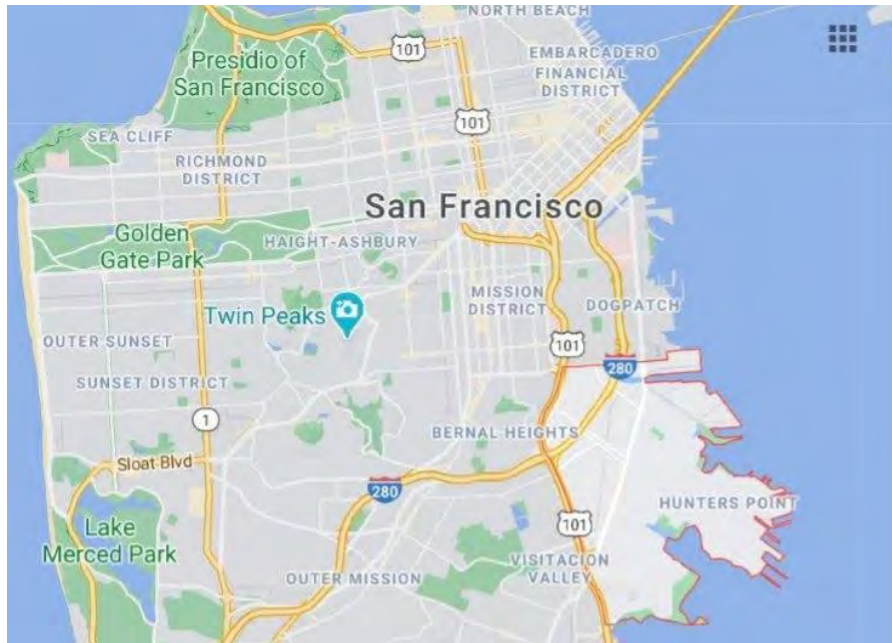


Figure 2 Source: Map Data 2020 Google

Map cropped to match the HOLC map in Figure 1; the area demarcated in red is Bayview-Hunters Point.

Economic Devastation of African American Residents and Expulsive Urban Removal Policies

In the post-war decades, economic devastation and urban renewal policies further set back the African American communities of San Francisco; these developments first intensified the segregation of African Americans in Bayview, but then contributed to a severe out-migration of African American residents from Bayview.

Intensification of Segregation: Around the same time Bayview was originally segregated, the city's housing authority also created segregated housing in the Western Addition neighborhood—four buildings for white families and one for African Americans. The Western-Addition became a thriving cultural center for the city's Black residents and businesses. In 1947, however, the San Francisco Planning and Housing Association published a report called "Blight and Taxes," arguing that the city's "cancerous growth" of areas like the Western Addition were imposing cost burdens on the residents in "better areas" and that "it costs more to keep the slums than to tear them down and rebuild."¹

Subsequently, pursuant to the federal 1949 Housing Act, under which many urban areas considered "slums" were demolished for development funding, the City of San Francisco targeted the Fillmore, whose residents by then were mostly Black, for the largest redevelopment project on the west coast. Over 4,700 households "were forced out of their homes, often without much warning or adequate compensation," through eminent domain, and the city evicted 13,000 more people; nearly "2,500 Victorian homes were demolished" once the bulldozers that began

¹ San Francisco Planning and Housing Association, *Blight and Taxes* 1, 10 (1947).

their work finished.² About 900 businesses were shut down, among them reportedly 600 Black-owned banks, small businesses such as retail shops and barbershops, and entertainment businesses, including jazz clubs that featured the famous artists of the time.³ The city's redevelopment agency evicted renters and property owners and gave them meaningless vouchers to return upon the properties' redevelopment – meaningless because housing largely failed to materialize at the end of the decades-long redevelopment process. Most Black families were displaced, some of them to Bayview and others to places outside of the city such as Antioch, Vallejo, West Oakland, and Stockton.

Displacement Out of Bayview

As I testify, Bayview is no longer a majority Black neighborhood and has been that way since the beginning of the new century. Asian Americans and Latinos—even separately—far outnumber Black residents. As of 2017, Black residents were ten percent of the neighborhood's population, as compared to 72 percent in 1970.

The “Black exodus” of the recent decades, which residents have called an expulsion, has resulted not just from the intense economic pressures in a city where a family of four earning about \$117,000 is considered low-income, but from yet another aspect of racial targeting, i.e., predatory lending practices resulting in high rates of foreclosure. Another pressure Bayview faces is from gentrification: residents who owned homes are growing old, and the next generation can no longer afford to live in the houses where their grandparents and parents built their lives and a community. The City of San Francisco is in the midst of erecting a 750-acre city within a city, redeveloping Candlestick Park stadium and the naval shipyard. Known as the biggest redevelopment in the city's modern history, with expected investments in the billions of dollars, the redevelopment envisions creating 12,000 housing units alongside five million square feet of commercial and retail space and 350 acres of public space, including cultural centers and parks. One of the two shuttered power plant sites is also slated for development.

Once finished, these developments other developments in the works to the west) will be dotted with parks and bayside trails. In the words of one community activist whose mother was among those evicted from the Western Addition in the 1960s and found a home in Bayview, only to

² See generally Sarah Erlich, *The Disappearance of Black San Franciscans: 1970-2010*, 1 Eleven 38-39 (2010); Leslie Fulbright, *Sad Chapter in Western Addition History Ending*, SF Gate (July 21, 2008, updated Feb. 9, 2012), <https://www.sfgate.com/bayarea/article/Sad-chapter-in-Western-Addition-history-ending-3203302.php>; Rachel Brahinsky, *Fillmore revisited – How Redevelopment Tore Through the Western Addition*, San Francisco Public Press (Sept. 23, 2019), <https://www.sfpublishpress.org/fillmore-revisited-how-redevelopment-tore-through-the-western-addition/#>.

³ Arnold Townsend, *It Was Too Late, in (Dis)location: Black Exodus* 51, 52 (2019), <https://antievictionmap.com/dislocationblack-exodus>.

move to Stockton, Marie Harrison, who has since died from lung disease, the new development is unfortunately not for “her or for her grandchildren.”⁴

Health Inequities Rooted in Segregation and Structural Racism

“Racial residential segregation is a foundation of structural racism, and contributes to racialized health inequities.”⁵ Specific to Bayview, connecting the formerly redlined areas of Bayview with a measure of social vulnerability, NCRC’s report shows that the neighborhood, even with post-1970 demographic changes, is highly vulnerable: D16 and a part of D17, which are part of Bayview in the HOLC map (Figure 1), register Social Vulnerability Indices of 0.779 and 0.928, on a zero-to-one scale, based on the 2018 Center for Disease Control and Prevention’s data.⁶ Since the Social Vulnerability Index, however, does not account for pollution, we need to review another tool. According to a measure of inequity based on pollution burden and socio-economic factors, called CalEnviroScreen, Bayview ranks among the most impacted in the State of California.⁷ All of the areas east of Third Street, the main thoroughfare east of 101 North, which are part of Bayview, score in the 85 to 90th percentile, except the area in the figure below marked in the color aqua, which scores in the 90 to 95th percentile, meaning that the burden is higher than the 85 to 95 percent of the census tracts in California.⁸

⁴ Adam Brinklow, *Where SF Plans to Build its Next 40,000 Homes*, Curbed San Francisco (Dec. 23, 2019), <https://sf.curbed.com/maps/map-san-francisco-development-planning-pipeline-housing>.

⁵ Jason Richardson, Bruce C. Mitchell, Jad Edlebi, Helen C.S. Meier & Emily Lynch, *The Lasting Impact of Historic “Redlining” on Neighborhood Health: Higher Prevalence of COVID-19 Risk Factors* 6, National Community Reinvestment Coalition (2020) [“NCRC Report”], <https://ncrc.org/holc-health/>.

⁶ See *D16*, Not Even Past: Social Vulnerability and the Legacy of Redlining (last visited Mar. 6, 2021), <https://dsl.richmond.edu/socialvulnerability/map/#loc=14/37.725/-122.388&city=san-francisco-ca&area=20-D16>; see also *D17*, Not Even Past: Social Vulnerability and the Legacy of Redlining (last visited Mar. 6, 2021), <https://dsl.richmond.edu/socialvulnerability/map/#loc=14/37.725/-122.388&city=san-francisco-ca&area=20-D17>. The index, originally developed for disaster management, accounts for “1) socioeconomic status, 2) household composition and disability, 3) minority status and language, and 4) housing and transportation.” Barry E. Flanagan, Edward W. Gregory, Elaine J. Hallisey, Janet L. Heitgerd & Brian Lewis, *A Social Vulnerability Index for Disaster Management*, 8 J. of Homeland Sec. and Emergency Mgmt 1, 4 (2011), <https://svi.cdc.gov/A%20Social%20Vulnerability%20Index%20for%20Disaster%20Management.pdf>.

⁷ Tiffany Eng, Amy Vanderwarker, Marybelle Nzegwu, *CalEnviroScreen: A Critical Tool for Achieving Environmental Justice in California*, California Environmental Justice Alliance 13 (2018), https://calgreenzones.org/wp-content/uploads/2018/09/CEJA-CES-Report-2018_web.pdf.

⁸ See *SB 535 Disadvantaged Communities*, California Office of Environmental Health Hazard Assessment (last updated June 2017), <https://oehha.ca.gov/calenviroscreen/sb535>. The census tracts do not correspond neatly to the neighborhood boundaries of Bayview.

These indices wouldn't surprise the residents at all. They know about the radioactive contamination at the naval shipyard that attests to our nation's nuclear past that still hasn't been cleaned up; the power plants that operated for decades, the only power plants in the city; the industrial and commercial facilities like autobody shops; concrete production and materials handling facilities, some of which have operated without permits, that produce harmful particulate matter that lodge deeply in your lungs; the highways and roadways that bisect their neighborhood; the smelly sewage plant that handles 80 percent of the city's sewage and the other plant in a non-Black neighborhood that doesn't smell; and bus yards and warehouses that draw traffic. They know about the sewage overflows and lack of amenities such as access to healthy foods services and quality parks and recreational space, in addition to other inequities in education and policing.

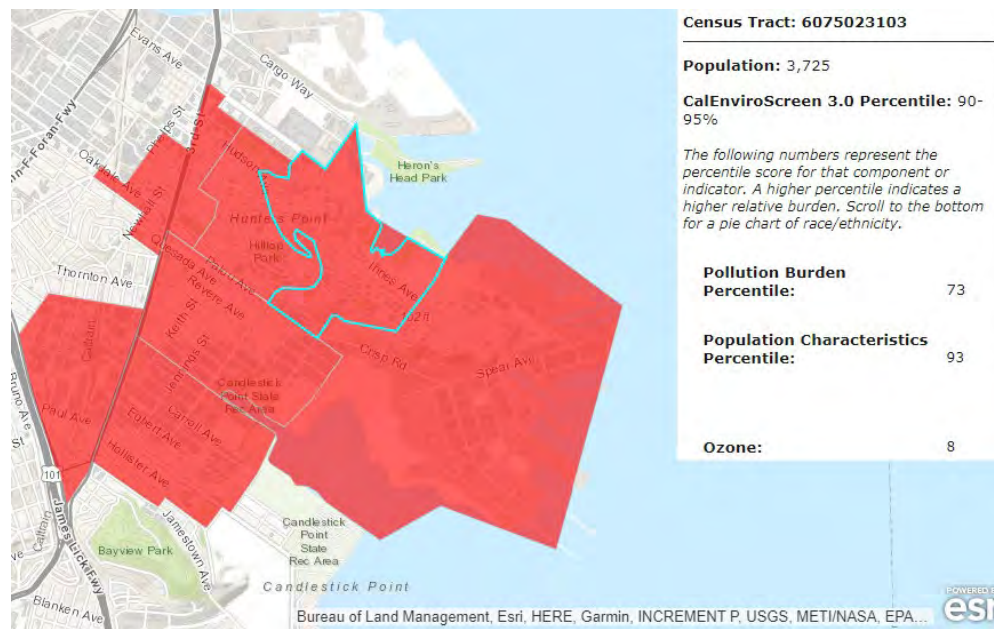


Figure 3 Source: OEHHA

Like Bayview, following segregation and divestment of resources, redlined areas elsewhere in the country show similar characteristics, which are connected to negative health outcomes: where you live determines your health. Furthermore, studies document what Bayview residents know: “populations displaced by gentrification, as compared to those who remained, typically have shorter life expectancy, higher cancer rates, more birth defects, greater infant mortality, and higher incidences of asthma, diabetes, and cardiovascular disease.”⁹ Displacement can also

⁹ Shadi O. Tehrani, Shuling J. Wu & Jennifer D. Roberts, *The Color of Health: Residential Segregation, Light Rail Transit Development, and Gentrification in the United States*, *Int'l J. of Env't Research & Pub. Health* (Sept. 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6801918/>.

profoundly harm mental health.¹⁰ Other impacts include loss of culture, sense of place, community, and neighborhood resilience.¹¹

Compounding the inequities is this: as the neighborhood is being cleaned up and miles of trails along the southeastern shore of San Francisco become accessible to residents, the Bayview residents who were exposed to pollution will not get to enjoy the fruits of their labors. Many of these residents fought for a cleaner environment, including for the closure of the two powerplants and for better cleanup at those places and the radioactively-contaminated shipyard. Yet they have now been displaced, often to areas that are also contaminated. The benefits of any positive developments in the community, therefore, do not inure to them.

Instead, as some Bayview residents poignantly describe, the displaced and the soon-to-be displaced have simply served as human filters, carrying with them body burdens of pollution. This environmental injustice, where the displaced cannot benefit from the cleanup even though they bore the brunt of the cumulative pollution in Bayview, cannot be redressed with environmental solutions. This injustice is a result of systemic problems requiring systemic solutions.

Conclusion

The federal and local governments created Bayview as a segregated community. The city then intensified this segregation when it destroyed the Western Addition, eliminating one of the two areas where most of the city's Black population lived. In recent years, the city's mega-redevelopment effort is once again displacing the city's Black population.

Meanwhile, the most notable features that signified the pollution-scape, the power plants, are gone, primarily as a result of the persistent advocacy of the community. Significant green space is also being created and envisioned. Yet, having been subject to the harms of segregation, African Americans who once lived in Bayview are not there to enjoy the benefits. Instead, the displaced are likely occupying yet another landscape dotted with pollution sources.

To remedy the injustices of this past, the focus on environmental justice is too narrow a vision, while still fundamental. The solutions require a whole-of-government approach that incorporates reparation for these communities.

¹⁰ *Id.*

¹¹ *Id.*

Testimony Before the Task Force on Reparation

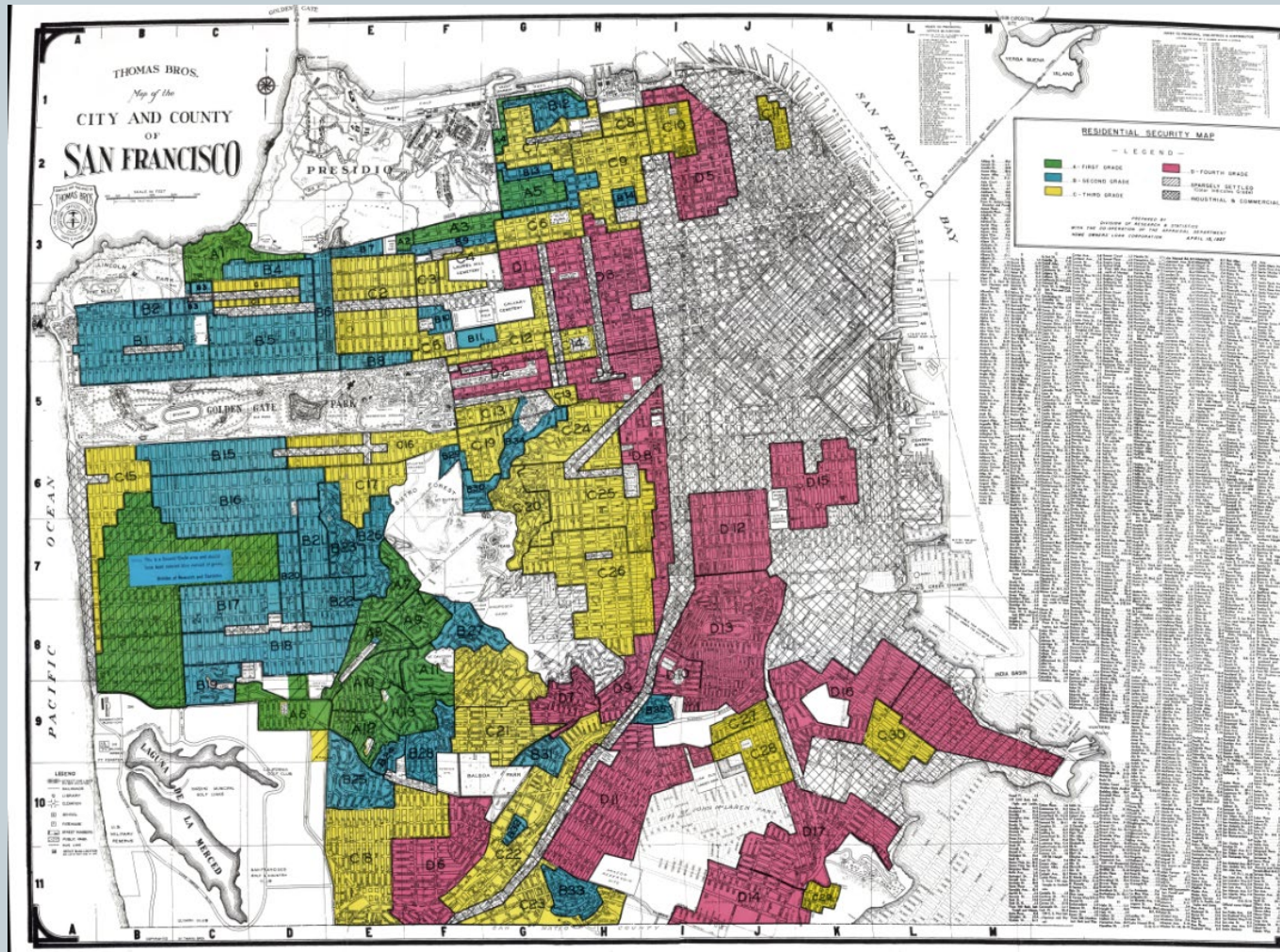
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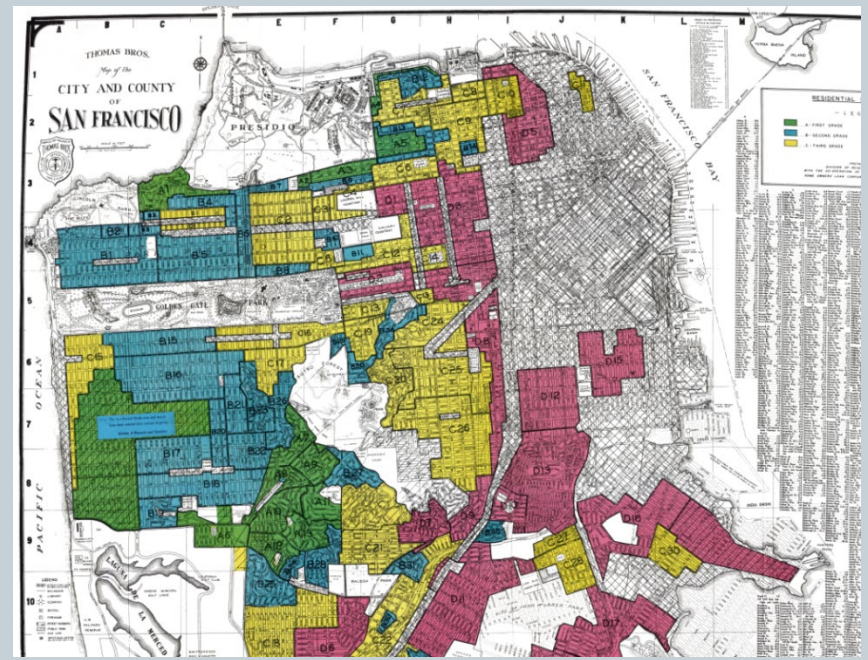
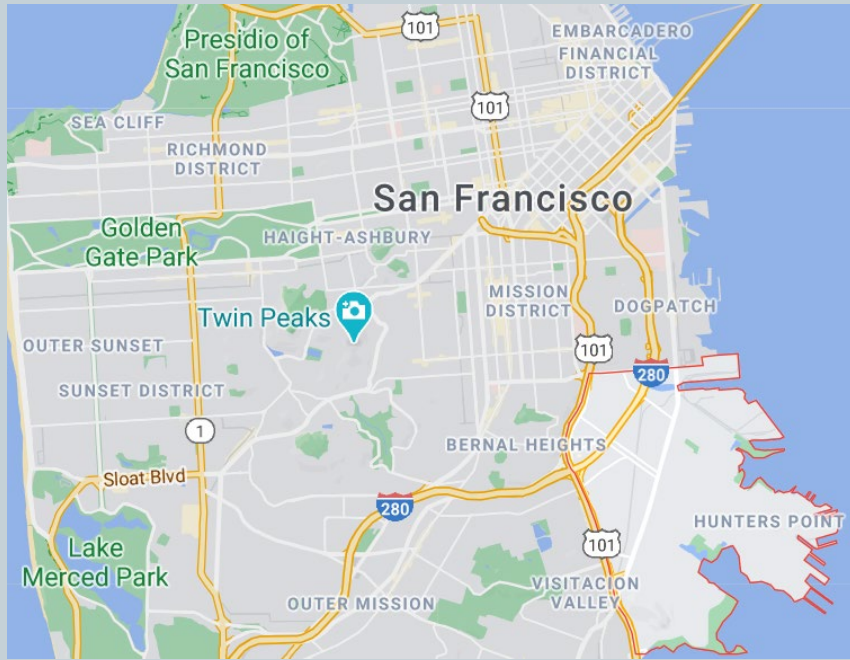
Director, Environmental Law and Justice Clinic



Government-Created Segregation

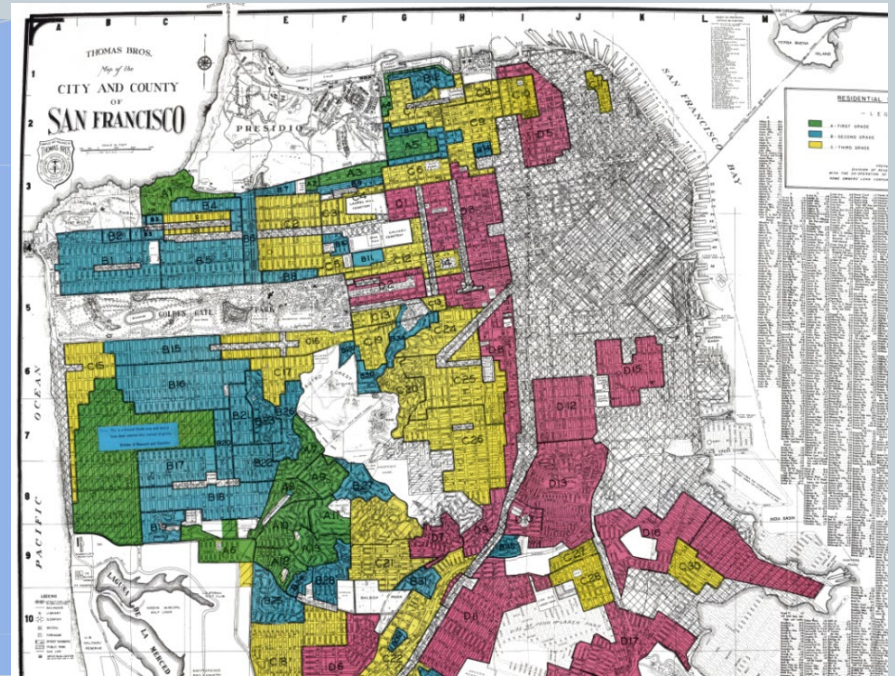
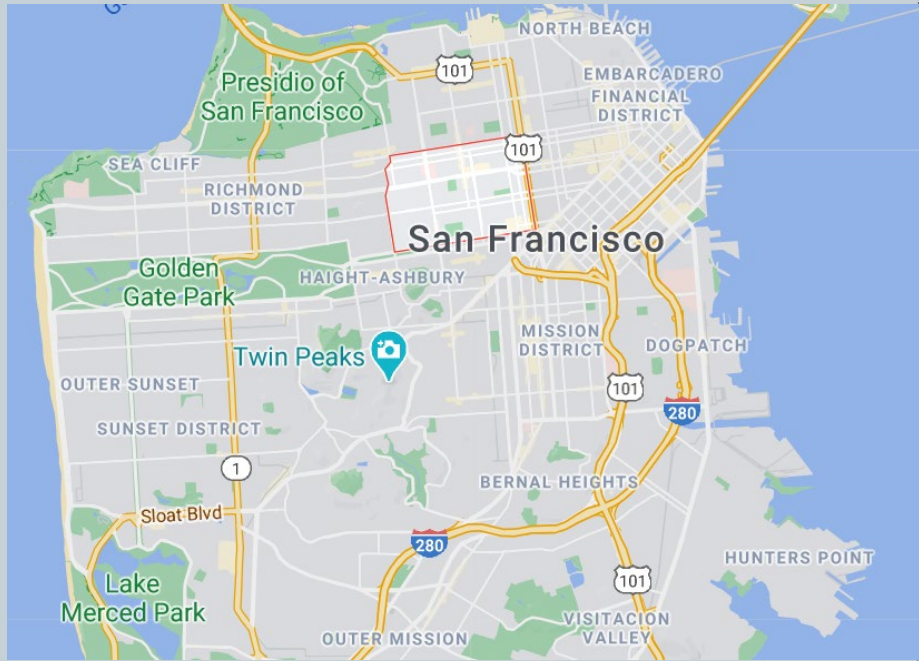


Credit: Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., “Mapping Inequality,” *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers



Bayview Hunters Point

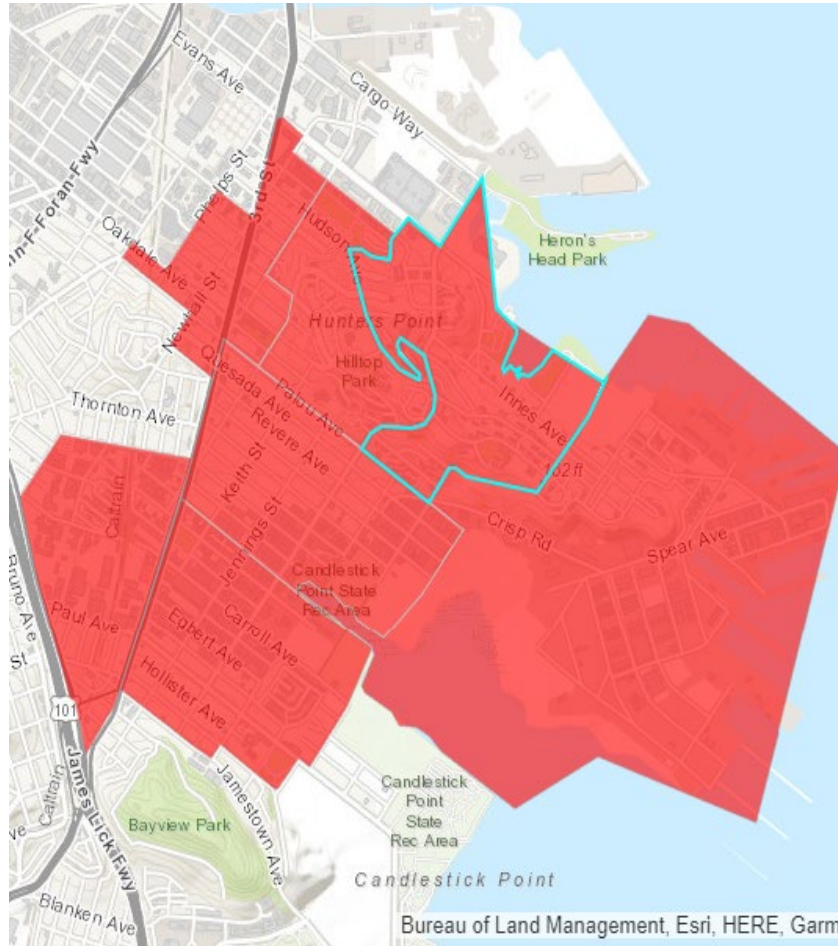
Sources: Map Data 2020 Google (left); Mapping Inequality (right – modified with color lavender)



Western Addition

Sources: Map Data 2020 Google (left); Mapping Inequality (right)

Source: CalEnviroScreen, OEHHA



| | |
|--|----|
| Census Tract: 6075023103 | |
| Population: 3,725 | |
| CalEnviroScreen 3.0 Percentile: 90-95% | |
| <i>The following numbers represent the percentile score for that component or indicator. A higher percentile indicates a higher relative burden. Scroll to the bottom for a pie chart of race/ethnicity.</i> | |
| Pollution Burden Percentile: | 73 |
| Population Characteristics Percentile: | 93 |
| Ozone: | 8 |

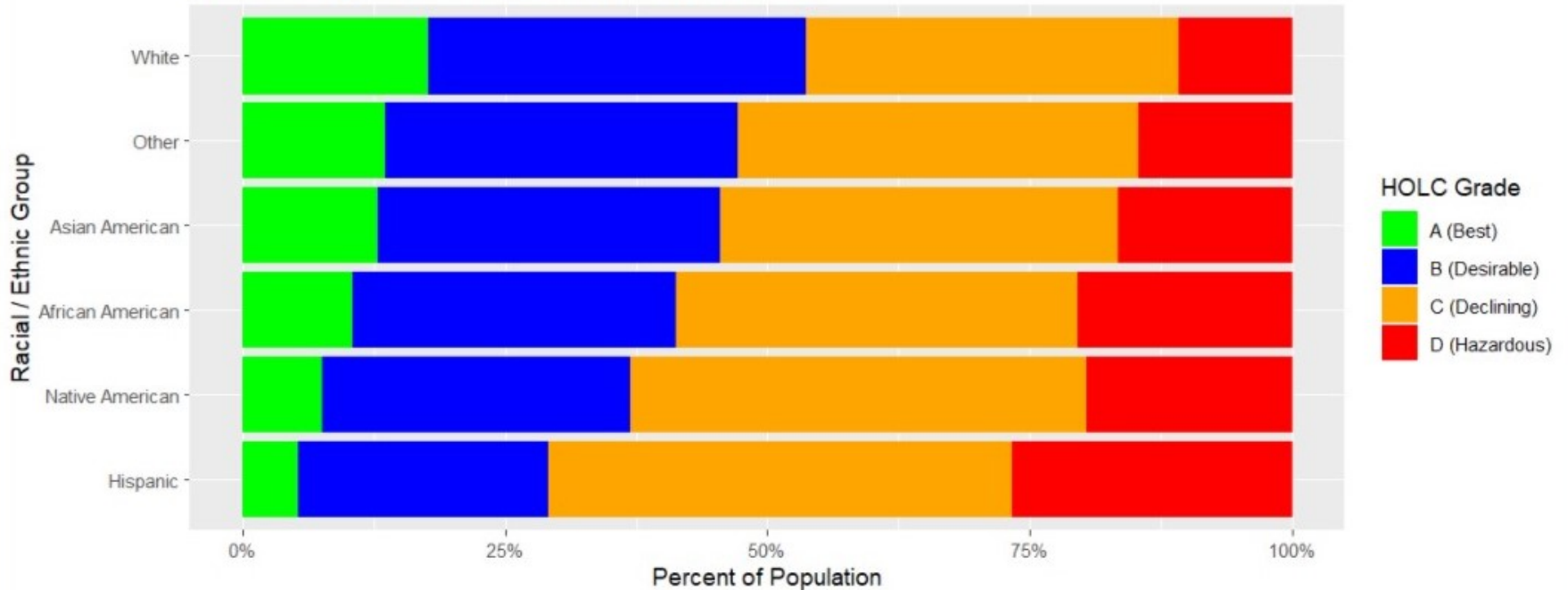
Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA...



| | |
|-----------------------------|----|
| <u>Ozone:</u> | 8 |
| <u>PM 2.5:</u> | 31 |
| <u>Diesel:</u> | 99 |
| <u>Pesticides:</u> | 0 |
| <u>Toxic Releases:</u> | 38 |
| <u>Traffic:</u> | 10 |
| <u>Drinking Water:</u> | 13 |
| <u>Cleanups:</u> | 96 |
| <u>Groundwater Threats:</u> | 99 |
| <u>Hazardous Waste:</u> | 96 |
| <u>Impaired Water:</u> | 94 |
| <u>Solid Waste:</u> | 86 |

| | |
|------------------------------|----|
| <u>Asthma:</u> | 98 |
| <u>Low Birth Weight:</u> | 94 |
| <u>Cardiovascular Rate:</u> | 69 |
| <u>Education:</u> | 68 |
| <u>Linguistic Isolation:</u> | 53 |
| <u>Poverty:</u> | 99 |
| <u>Unemployment:</u> | 92 |
| <u>Housing Burden:</u> | 56 |

Present-Day Distribution of Racial / Ethnic Group Populations Within Neighborhoods Assessed by the HOLC in the 1930s in California



Note: Present-day demographic information is from 2010 U.S. Census data

Credit: Cal EPA,

<https://storymaps.arcgis.com/stories/f167b251809c43778a2f9f040f43d2f5>