

TESTIMONY OF ADJOA A. AIYETORO
Before the
CALIFORNIA TASK FORCE TO STUDY and DEVELOP REPARATIONS PROPOSALS
FOR AFRICAN AMERICANS (AB3121)
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I. Introduction

My name is Adjoa Artis Aiyetoro. I have a Masters in Social Work from Washington University St. Louis George Warren Brown School of Social Work and a Juris Doctorate cum laude from St. Louis University School of Law. My resume is included in the materials I have provided. I would like to highlight my experience that directly relates to the Task Force's charge; although all my education and work experience as well as life experience has significant relevancy.

I worked at the United States Department of Justice, Civil Rights Division Special Litigation Section from 1978-1981. One day I saw a poster while walking back to my office that had a picture of Uncle Sam pointing out with the cryptic words "Black People Uncle Sam owes you \$___ Trillion Dollars!" I leave the amount blank because I no longer remember the number. My soul immediately responded YES! I have been an active participant in the Reparations Movement for African Descendants in the United States since that time.

I am a co-founding member of the National Coalition of Blacks for Reparations in America (N'COBRA) and I was co-chair of the National Conference of Black Lawyers (NCBL) in 1987-88, when N'COBRA organized. NCBL is a co-founding organization. After serving one term as founding co-chair of N'COBRA I became the chair of its Legal Strategies Commission. In that capacity I led a group of lawyers and activists in examining how litigation could be used to advance the demand for reparations.

As a practicing attorney with the U.S. Department of Justice and the ACLU National Prison Project, I developed the skill of assessing the validity of claims made by prisoners and their supporters concerning conditions of confinement in state and federal prisons. I determined whether these claims, if true, violated the Constitution of the United States. I developed the skill of identifying what facts were needed to prove the constitutional violations that were asserted. As a law professor I taught, among other courses, Remedies at law and in equity. I taught students how to determine what relief is appropriate for any number of claims, including claims for redress for injuries caused by historic violations of rights.

II. What are reparations?

Reparations for the injuries caused by enslavement of African people and its continuing legacy to be true to the core meaning of reparations – to repair – must be tailored to repair the injury.

A. International resolutions and reports on reparations

60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on Reparation, racial justice and equality (2019)

B. “Reparations” used in ordinary legal parlance means to provide the remedy that puts the person in the place she would have been but for the injury. Money is only used when that is either what was taken or what was taken cannot be returned and its value is calculated.

C. The United Nations in the documents produced from the World Conference Against Racism, Xenophobia and Other Related Intolerances identified slavery as a crime against humanity and suggested remedies for the victims of crimes against humanity that included slavery.

“...slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade...”

D. The return of Bruce Beach to its rightful owners is an example of a reparative remedy.

III. Defining “repair” in terms of slavery and its continuing legacy

A. The N’COBRA Legal Strategy Commission studied slavery and its legacies and determined that there are five injury areas: peoplehood; education; health, including mental health; criminal punishment; and economics (wealth and poverty).

Peoplehood: The act of taking away the group’s right to its language, family structure and right to speak as a group. In 2022, voter suppression based on race flows from the injury to peoplehood.

Education: The enslaved were denied the right to learn. In many states teaching an enslaved person to read was a crime. In other states the learning was restricted. After enslavement Black schools had poorer structural conditions and materials than those provided in “White” schools. There continue to be inequalities in education based on the legacy of slavery.

Health: The quality of health care during enslavement was based on the value the so-called “owner” placed on the enslaved person. Volumes abound that document the racial disparities in health that can be attributed to the structural racism in the

conditions of life of Black people as well as discrimination in the provision of health care.

Criminal Punishment: The enslaved were at the mercy of whites who could punish them for any behavior they determined was offensive. Punishment was violence against the body generally. The foundation of the modern day police is the “slave-catchers.” Law enforcement has a history of targeting Black people and treating them more harshly.

Wealth: The very nature of slavery was to force Africans to work for nothing. The exceptions to this, the rare occasions when an enslaved person received some payment for his or her work were largely at the discretion of the person who paid the enslaved person. Land that was rightfully owned was often taken. And the continuing legacies that flow from slavery including discrimination in education, employment, ability to buy property have created a lower economic base for Black people and is a continuing legacy of enslavement.

- B. Who is to be repaired?
The class of recipients of reparations for slavery and its legacy should include those who are suffering the continuing harms from slavery’s legacies because of being identified as Black, African American or African descendant.
- IV. The History of Litigation in seeking reparations
- A. The efforts to obtain reparations through have been primarily unsuccessful. This is due to the “procedural hurdles” the legislatures and courts have adopted that the litigator must jump over in order to try the case on its merits.
 - B. The courts have recognized the principle of providing relief for a continuing injury – one that traces back to the original harm - however, procedural hurdles must still be overcome.
- V. Reparations are critical to healing racial divide created by enslavement and its continuing legacies. It is essential to establishing a true democracy. The crime of slavery and its continuing legacy sit at the feet of California government. Slavery and its continuing legacies have targeted a group because of its group identity as African, African descendant or Black. This targeting has caused significant injury. In order for California to be part of the healing, it must develop a reparations program designed to repair the injury it has caused or to which it has contributed.