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AGENDA ITEMS 4 AND 6

AVAILABLE WITNESS STATEMENTS AND PRESENTATIONS

(Not all witnesses have submitted written statements and presentations)

TESTIMONY OF ADJOA A. AIYETORO

Before the CALIFORNIA TASK FORCE TO STUDY and DEVELOP REPARATIONS PROPOSALS FOR AFRICAN AMERICANS (AB3121) February 23, 2022

Good afternoon. Thank you for inviting me to participate in this historic hearing.

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 have 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 cochair 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. At its founding, N'COBTA committed to taking the movement for reparations for African descendants into the mainstream Black community. It brought into the movement sororities such as Delta Sigma Theta, the National Bar Association (NBA) and the NAACP. All of which continue to advocate 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.

The starting point for my charge on this panel on the history of reparations is to define the term: What are reparations?

Black's Law Dictionary defines reparations as "the redress of an injury; amends for a wrong inflicted." United Nations resolutions and reports identify it as a remedy for wrongs to and injuries inflicted on a group based on their group identity. Examples are reparations to victims of the Jewish Holocaust and the State of Israel; reparations to 15,000 former students of Canada's Indian Residential School System; reparations to the survivors of the of the British torture, including sexual abuse and castration of the Mau Mau; and, the internment of Japanese Americans in World War II by the United States.

"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. The matter you are addressing is whether and what form reparations should take for slavery and the legacy of slavery in California. That question was addressed as well in United Nations resolutions and reports. I refer to these rather than documents of the United States because the United States has been consistent in resisting addressing the call for reparations and thus has no articulable doctrine on what it entails. Although, as I mention later, we can draw something from the Japanese American Restitution Act. 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..."

The 2019 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery. Consistent with your charge under AB3121, the Special Rapporteur indicates that governments have "a basic reparative obligation to make full reparation for injury caused by wrongful act committed by that government, whether material or moral." Her report also underscores the responsibility of governments "to wipe out all consequences of the act and re-establish the situation which would, in all probability, have existed if that act had not been committed, through the provision of one or more of the forms of reparations." These forms are restitution, compensation, rehabilitation, satisfaction and guarantee of nonrepetition. The return of property taken either during slavery or based on processes that are the legacy of slavery is restitution, a form of reparations. Compensation for unpaid labor during slavery and the underpayment for labor that is a legacy of slavery is a form of reparations. The valuation of the return to Africa (the trip and establishing them in a country) for those who were kidnapped or their descendants is restitution, a form of reparations.

The N'COBRA Legal Strategy Commission studied slavery and its legacies and determined that there are five major injury areas: peoplehood; education;

health, including mental health; criminal punishment; and economics (wealth and poverty).

<u>Peoplehood:</u> 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. <u>Education:</u> 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.

<u>Health</u>: 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. These are legacies of slavery.

<u>Criminal Punishment</u>: 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.

<u>Wealth</u>: 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.

Who is to be repaired? The N'COBRA Legal Strategies Commission spent many hours discussing this question.

The class of recipients of reparations for slavery and its legacy should include descendants of enslaved Africans and those who are suffering the continuing harms from slavery's legacies because of being identified as Black, African American or African descendant. It is a misnomer, and legally erroneous to call enslaved Africans, enslaved African Americans. Enslaved Africans were not citizens of the United States until the passage of the 14th Amendment. This is not a preferential position; it is a legally accurate position.

What is the experience with litigation?

Litigation in seeking reparations has been largely unsuccessful. As Deadria Farmer-Paellman testimony illustrates, the efforts to obtain reparations for slavery and its legacy through litigation 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., including standing and the statute of limitations. 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.

The Legal Strategies Commission also considered reparations as critical to healing racial divide created by enslavement and its continuing legacies. I have published an article about reparations as essential to establishing a true democracy. The crime of slavery and its continuing legacy sit at the feet of government. Slavery and it continuing legacies have targeted a group because of its group identity as African, African descendant or Black. This targeting has caused significant injury. The murder of the many black people by the police throughout this United States, the differential treatment of Black people in virtually all dimensions of life in which government is involved is a legacy of slavery. In order to remediate – repair the injuries caused by slavery and its legacies the recommendations must embrace all forms of reparations, not simply compensation, and even more narrowly compensation to descendants of enslaved Africans.

Money reparations and only to descendants of Africans enslaved in the United States (California) is an insult to the enslaved Africans as it diminishes the magnitude of the injury caused by enslavement. It also constricts the recipients of even these money reparations to people who can somehow prove they are descendants of enslaved Africans. What about people who look like me who cannot meet a standard of proof that they are descended from an enslaved African? Even more concerning, what about reparations for the legacy of slavery. Money reparations do not address a key charge of the legislation to address the legacy of slavery. And, in addressing the legacy, the recipient group to have any credibility must be larger than those who can demonstrate they are descendants of enslaved Africans. People who look like me, but are not descended from enslaved Africans, suffer the injuries of the legacies of slavery. That is the major crime of slavery and its legacies – it imprinted on people who look like me a presumption of inferiority, a presumption of criminality, a presumption of loose morals, a presumption that leads to being unable to obtain jobs and housing of the same caliber as whites. Money reparations to only those who are victimized by the legacy of slavery with an injury without a remedy.

Reparations must include systemic remedies – a blow to structural racism that is the child of slavery and the politics, practices and beliefs that supported the kidnap, chaining, dehumanization of a people simply because whites saw them as objects of commerce that would increase their wealth, simply because their skins were dark and their culture curious, simply because they were viewed as other, simply because. You have a challenge, an obligation to look at this in whole cloth; to not be a victim of perspectives that devalue and diminish the injury to the descendants of enslaved Africans and to African descendants more generally in California.

The Legal Strategies Commission grappled with the question of amount based on the concerns expressed to us that the check will too big – both individual checks to those descended from enslaved Africans and the check needed to correct, remedy structural racism that is slavery's legacy. The legacy of slavery - structural racism in the major institutions and infrastructure in California - continues to disadvantage Black people. I know you have embraced your duty to evaluate the injury fully first, as did the Legal Strategies Commission without tainting it with fears about how high the bill will be. Then you, along with others including reparations activists and civil rights activists, can review and develop your priorities: what must be done now; what can be done later, and what may never get done. You may follow the example of the Japanese Americans and some states like Maryland and fund a historical piece to capture those things that cannot be structurally done. It's like your personal budget, those of us who have resources that allows for budgeting – some have so little it's what is screaming in their faces now that must be done – like food, rent). Those of us who are fortunate to have some resources more than crumbs- can do a budget that identifies our needs/wants such as utilities, mortgage/rent, food, clothes, child care, insurances, home maintenance, health care, and transportation. We prioritize non-routine expenses such as in home maintenance fixing the roof, painting the house, vacations. Depending on the money available to you, you may not be able to do everything so you prioritize – can that roof last one more year; can we vacation near home, with relatives and for a shorter period of time this year and do the big deal next year.

It seems to me, a full accounting of the injury honors our ancestors and African descendants. Nkechi lifted up the names and therefore the spirits of those who are now ancestors who were leaders in the Movement for Reparations for African descendants. There are others who have boldly lifted up this demand for 30 years or more and there are those who have embraced it more recently. A decision on what will repair the injury cannot be made without the fullest record of the injury that you can amass. That is why N'COBRA's Legal Strategy Commission spent a couple of years reviewing, discussing and identifying the major injury areas. To us it would have been irresponsible to simply say give every African descendant a check for a certain amount. The compromise (what appears to be a compromise) in the Civil Liberties Act of 1988 provide redress for Japanese Americans who were interned and alive at the time the bill was passed received a token payment of \$20,000 each. This was not a calculation of injury individually bur a token payment to acknowledge the loss of property and livelihood, and the humiliation attendant to their treatment by the United States government.

Contrary to the testimony of Dean Erwin Chemerisky, it was designed to provide redress at a group for act by the United States based on their group identity. So, once you have completed amassing the injury information you can look at the definition of reparation and its forms provided both by U.N. Special Rapporteur on Race, as well as other scholars and advocates and determine what are the best forms of reparations to repair the injuries. We know in law that it is difficult to make people whole and that money is frequently the substitute when what has been taken cannot replaced. Yet, we also know that the institutions that are the children of slavery and continue its legacy can and must be part of the reparative remedy.

Remedying the legacies of slavery, the charge you have, requires you to consider the future African descendants and recommend reparations that will dismantle the structural racism that, as the esteemed Charle Ogletree said about the Criminal Punishment System, is an unbroken chain from slavery. A check alone does not even touch the repair of the legacies of slavery; it does nothing to repair, to eliminate the systems that have been put in place on the backs of slavery to continue to treat African descendants as other – to subordinate them. We all know that the legacy continues – the injury is a continuing one. We know you have the courage to identify and state clearly this injury and then to recommend ways to repair these injuries. Much has been written by social scientists, health professionals, criminal punishment system professionals/experts, economists and more. We want you to be bold, courageous and to continue to act with integrity. Our people deserve your full attention to this historic charge, as you are giving it. Not just Black people but all people in California regardless of their ancestry. You have an opportunity to be a voice that calls out the lie of White Supremacy spawned by the enslavement of African people that continues to this day and its counterpart, the lie of Black inferiority – the biggest legacy of U.S. slavery.

I am at your service as you embrace this task of making these horrors of slavery and its legacies be relegated to a museum and make it the story of the past, one which we learned from and for which reparations were made. Thank you for you time. Thank you for your service.

ADDENDUM

February 24, 2021

I inserted in this testimony after I gave it a rebuttal to Dean Chemerisky's point about the Japanese American restitution legislation not being about race and only about an act. He is incorrect. The Civil Liberties Act of 1988 specifically applied to Japanese Americans who were interned by the United States. It did not apply to anyone else who may have been interned. This is the same way that legislation can be designed for reparations for slavery and the legacy of slavery. Secondly, he presented a model of acceding to the narrow, one could call racist, perspective of the U.S. Supreme Court now and the "possibility" it will get even more narrow and racist in a couple of years. His view, although cradled in his statement that he disagrees with this view, accommodate racism and is counter to the work our ancestors, and some of those still living, have done to end the "badge of slavery." If they had acceded to this view, Dred Scott and Plessy v. Ferguson would still be the law of the land. We shouldn't, however, wait another 165 to see a reversal. The push can begin now.

Thirdly, Dr. Brown made an excellent point about how a narrow eligibility decision based on the testimony of Dean Chemerisky, is a reply of the Willie Lynch doctrine. It furthers divisions and increases the power of the lie of White Supremacy. It is in fact a mirror of the practice so integral to the continuation of racism – to have those who should be standing together driven apart by a false sense of status.

Finally, Nkechi Taifa raised the point in her testimony that is you narrow the eligibility for reparations to those who are descendants of enslaved Africans that it My recommendation is that if you do conclude this as the eligible group, given that the government made the question of proof a difficult if not impossible task for so many, that the only way it should be capable of being rebutted if there is documentation that shows that the person's ancestor came to the United States after slavery was abolished.

Again, thank you for your work.

The Modern Reparations Movement Testimony to the AB3121 California Reparations Task Force February 23, 2022



Chad Brown NAASD National Spotesperson

Reparations Movement Icons (1865 - 2022)



























Happy Birthday Grandma!

February 24, 1909 - June 13, 2012













Modern Day Reparations Movement - 2 Distinct Phases

PHASE I "Legacy" (1987 - 2016)

- Formation of N'COBRA (1987)
- Civil Liberties Act for JA Internment (1988)
- Introduction of HR40 by John Conyers (1989)
- Principally led by N'COBRA and NAARC activists
- Pan-African focus centers "People of African descent"
- Race-based repair focus on "African-Americans"
- Prioritizes other forms of Reparations over direct cash payments to beneficiaries
- Ta-Nehisi Coates "The Case For Reparations (2014)
- Reparations a fringe issue with little national support.

PHASE II "Contemporary" (2016 - Present)

- Born out of failure of Obama administration to produce tangible policy for Black America and his rejection of Reparations
- Driven by political education, technology and data
- Grassroots led "bottom up"
- Formation of NAASD (2019)
- "From Here to Equality" (2020)
- Focus on American institution of chattel slavery, Jim Crow and ongoing atrocities
- Lineage-based w/ focus on BADOCS
- Prioritizes closure of lineage wealth gap w/ direct cash payments to beneficiaries
- Resurrection of American Freedmen political status
- Reparations mainstreamed. National support and conversation at all-time high.

Phase II - Political Education: Agenda Politics Matter

During the Obama years, Several groups received policy...



This is what Black America got.







Phase II - Focus on Data / Lineage Wealth Gap

Table 8. Value of Assets Held by White and Nonwhite Households



White household wealth is 20 times that of blacks and Hispanics

Wealth in trillions of dollars by race in the United States, 1989-2019



Source: "Distributional Financial Accounts: Distribution of Household Wealth in the U.S. since 1989," available at https://www.federalreserve.gov/releases/z1/dataviz/dfa/distribute/chart [last accessed Jan. 31, 2020].

	Liquid Assets		Total Assets	
	Median Value	Percentage of white household liquid assets	Median Value	Percentage of white household liquid assets
White	110,000	100.0	355,000	100.0
U.S. Black	200	0.2	30,000	8.5**
African Black	60,000	54.5	152,000	42.8
Mexican	0	0.0	5,000	1.4**
Other Latino	7	0.0	43,000	12.3*
Chinese	130,000	118.2	408,500	115.1
Japanese	140,000	127.3	595,000	167.6
Korean	3,000	2.7	28,400	8.0**
Vietnamese	500	0.5	40,000	11.3*
Filipino	80,000	72.7	243,000	68.5
Asian Indian	245,000	222.7	460,000	129.6

Source: NASCC survey, authors' calculations

Note: The difference in the percentage of nonwhites as compared with the percentage of white households is statistically significant at the ***99%, **95%, *90% level.

Median wealth of black Americans 'will fall to zero by 2053', warns new report

Study predicts huge and growing gulf between white US households and everyone else could be disastrous for future of America's middle class



Figure 1: Median Household Net Worth by Race and Education



Percent of Black Wealth Owned by Each Black Wealth Decile (2019)





Phase II - Lineage Matters

"Every man must ultimately confront the question, "Who am I?" and seek to answer it honestly..."

"Who are we? We are the descendants of slaves. We are the offspring of noble men and women who were kidnapped from their native land and chained in ships like beasts."

"But we are also Americans. Abused and scorned though we may be, our destiny is tied up with the destiny of America, In spite of the psychological appeals of identification with Africa, the Negro must face the fact that America is now his home, a home that he helped build through "blood, sweat and tears."

Modern Reparations Phase II - "Coming to Get Our Check"













The Grassroots Impact

U.S. Supreme Court Protest to Protect Civil Right Act of 1866 (November 13, 2019)







Modern Day Reparations Movement - The Grassroots Impact

Slavery Reparations

Support is rising in Congress for legislation creating a commission studying reparations to Black Americans for slavery and discrimination, raising prospects for House passage this year.

Number of co-sponsors for House reparations legislation



^{*} As of July 21 Source: Congress.gov

Googling 'Reparations'

The topic of reparations hit the highest interest on Google in a decade earlier this year.



Note: Numbers represent search interest relative to the highest point on the chart for the given region and time. A value of 100 is the peak popularity for the term. A value of 50 means that the term is half as popular. A score of 0 means there wasn't enough data for this term. **1094** Source: Google Trends

The Grassroots Impact

House Congressional Hearing on H.R. 40 Juneteenth 2019 National Day of Action





HR40 Advocacy & Activism - #FixHR40

DEMAND ACCOUNTABILITY

TELL REP. SHELIA JACKSON LEE

FIX HR40!

FOR MORE INFO, VIST: WWW.FIXHR40.ORG

REWRITE H.R.40

AMERICA HAS NEVER ATONED FOR ITS ORIGINAL SIN OF SLAVERY IN THE FORM OF #REPARATIONS.

IT IS OUR POSITION THAT H.R.40 BE FULLY REWRITTEN

TO INCLUDE BLACK AMERICAN DESCENDANTS OF US CHATTEL SLAVERY AS THE RECIPIENT GROUP FOR CASH PAYMENTS AND A BLACK AGENDA WITH SET ASIDES AND SUPPORTIVE SERVICES FOR ALL BLACK AMERICANS RESIDING IN THE US

6 ESSENTIAL EDITS FOR H.R.40 REPARATIONS BILL

1. Experts Only

Commissioners ahould be selected exclusively by Congress. They should be experts in American history. Constitutional law, economics (including stratification economics), political science, and sociology, and they should have expertise on the history of slavery and the Jum Corv regime, employment discrimination, wealth inequality, health disparities, unequal education opportunity, criminal justice and mass incarceration, media, political participation and exclusion, and housing inequities.

4. 1776 to Present Window Claim

The relevant window for the black American claim for reparations dates from 1776 to the present (not 1519 as the bill currently reads). Since the claim for redress must be made on the U.S. government, the beginning date for the claim should be associated with the founding of the Republic, not the landing of enalaved persons al Jamestown, Virginia.

2. No Pay for Commissioners or Their Organizations

There should be a paid professional staff. While the Commissioner's reasonable expenses should be met, unlike the present version of the bill, neither they nor any organization to which they belong should receive a salary, honorarium, or the equivalent for performing this vital national service.

5. Effective Racial Wealth Gap Redress Solution

The Commission should be charged with developing a proposal for redress that will eliminate the gulf in black and white wealth in the United States. While black Americans constitute 13 percent of the nation's population, they possess less that 3 percent of the nation's wealth. A reparations plans should be designed to bring the black share of wealth, at least, into alignment with the black share of the population.

3. Eligibility Criteria

The Commission should be directed to set as eligible recipients black American descendants of United States alwayers. Eligible recipients would need to show that they have at least one ancestor who wasenslaved in the United States—a lineage standard, and, for at least twelve years prior to the enactment of a reparations plan or a study commission, whichever comes first, they self-identified as black, nego, or African American—an identity standard.

6. 18 Month Deadline

The Commission should be directed to complete its report, inclusive of a detailed prescription for legislation to enact a reparations program for black Americans, within 18 months of its impaneling.



SAVE THE BLACK AMERICAN FU<u>TURE</u>



Control Your Own Destiny With H.R.40

HOUSE RESOLUTION 40 IS THE ONLY FEDERAL REPARATIONS LEGISLATION FOR DESCENDANTS OF AMERICAN CHATTEL SLAVE<u>R</u>Y.

SIGN THE	SUPPORT THE	SIGN UP FO
PETITION TO	FIX H.R. 40	THE
CORRECT	CAMPAIGN	CAMPAIGN
LEGISLATION		NEWSLETTE

fixhr40.org

#FIXHR40 EMERGENCY CALL TO ACTION

Tell Rep. Shelia Jackson Lee & the House **JLQ 9.6**, Comittee to review our edits for House Resolution 40 (HR40) during markup !

WE NEED STRONG FEDERAL REPARATIONS NOWI

> #REPARATIONS #NAASD

NAASD's Position On H.R. 40 Aligns with Experts



[On HR40] "It's just about a commission, the language is imprecise, what's crucial is that the language of any bill that would actually give Reparations define it so that it's not about race." -Erwin Chemerinsky, UC Berkeley Law Dean, Constitutional Scholar



"HR40 (S1083) in its present form is an intentional deflection from true reparations. Revise it or replace it." -Dr. William Darity, Duke Professor, Leading Black Reparations Scholar





"I fully support Black reparations. I've been a supporter of HR40 from the time Congressman Conyers introduced it in the House, but I have a concern that amendments to the current bill are very problematic: 1) the added numbers of commission members and the requirements for their eligibility would seem to ensure the outcome of the commission's findings; and 2) the compensation to commission members, at GS-18 equivalents, seems excessive to the point that the public would find it objectionable. If the purpose is to gain reparations, the effort is going to need public support, and based on my legislative experience, any negative perceptions of any aspect relative to the commission **TOST** strongly jeopardize the effort." -John Tateishi, Director Japanese American Redress Campaign

NAASD - Grassroots Policymakers at Work

The R.E.P.A.I.R Reconciliation

Equity Protections Atonement Investments Remuneration TABLE OF CONTENTS



PRIORITIES FO

Published on August 3, 2021 - 20:08 GMT



NAASD Celebrates the release of the historic R.E.P.A.I.R Act: **Priorities for Presidential** Action 😭

Priorities for Presidential Action is designed to create policies for racial and economic justice for Black Americans who descend from U.S. Chattel Slavery, LAUREL, MARYLAND, UNITED STATES, August 3, 2021 /EINPresswire.com/ -- The National Assembly of ...



116TH CONGRESS 1ST SESSION

Jants has developed a strong alternative bill H. R. 1865

Sandy Darity, Retweets do not mean

Assembly of American Slavery

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States between 1776 and the present and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans who are Descendants of Persons Enslaved in the United States, to make recommendations to the Congress on appropriate remedies, and for other purposes.

> IN THE HOUSE OF REPRESENTATIVES **JANUARY 3, 2019**

Ms. BASS (for herself, Ms. LEE of California) introduced the following bill; which was referred to the Committee on the Indiciary

A BILL

To address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States between 1776 and the present and to establish a commission to study and consider a national apology and proposal for reparations for the institution of slavery, its subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African Americans who are Descendants of Persons Enslaved in the United States, to make recommendations to the Congress on appropriate remedies, and for other purposes,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John Conyers Commission on Restitution to the Descendants of US Chattel Slavery and American Apartheid Act".

Grassroots Reparations Work in California

- AB3121 Task Force to Study and Develop Reparation Proposals for African Americans
- □ CJEC is an Anchor Org 2 listening sessions in 2022
- □ AB1604 Upward Mobility Act of 2022
- □ ACA3 California Abolition Act
- □ Fight to Save Black LA Candidate Forum 2020
- □ Federal & City of LA COVID-19 Recommendations
- □ City of Los Angeles Reparations Commission
- □ City of Sacramento Reparations Resolution
- □ And more...





Governor Gavin Newsom is **STALLING** the signing of the California Reparations Bill. **CALL AND TWEET now!** "Sign AB3121 to study how to make Black American DOS whole for aiding and abetting Slavery" # SignAB3121ReparationsStud 916-445-2841 @cagovernor





National Grassroots Reparations Partner Network



~In Recognition~

Khansa Jones-Muhammad Tiffany Quarles Chris Lodgson Lorri Jenkins Marcus Champion Natalie Champion Mark Stevenson Kieran Smith Tony Blount Michael Brown Hozell Francis Natalie Hatcher Crystal Gordon Kim Mims C.O. Thomas Uumoiya Glass Margery Melvin Michael Thomas Dr. Tish Crawford Marshall Parson Ahsun Powell Dana Dorsey LaCretia Birts Nyheim Way Charles Ware Josh Gray Chuck Harrison Angela Nirvana Najee Jahaan Jerrod Amir Shakir Josiah Williams Tyrone Polk-Davis Greg Marcel Dixon Chuck Harrison William Summerville Ty Harper Kellie Pryor Derrick Williams Dr. Kayla Harris Rozlyn Mickens Marlon Watson Arthur Ward Cynthia McDonald Bret Griffin Ibrahim Tanner Avery Valentine Dawn Paige Kimberly Davis Phyliss Coachman Darlene Crumedy Shanna Kim Michael Hicks Otis Griffith Annette Wilcox Antonia Edwards

THANK YOU!



(Title Slide 1) Good afternoon Madam Chair, members of the Task Force and happy Black History month! It's a pleasure to see you all again. Thank you for this opportunity to present a report on the modern Reparations movement from the point of view of the grassroots activists nationally who came together, engaged in the work and who have been driving the Reparations momentum for several years now. It's an incredible honor to be here today representing the National Assembly of American Slavery Descendants or "NAASD." We are a network of grassroots organizations and affiliates that formed in 2019 for the explicit purpose of advocating for compensatory Reparations for Black Americans who are descendants of persons enslaved in the United States.

(Slide 2) In honor of Freedmen history, I would like to start by showing appreciation to a few notable Reparationists who laid the groundwork for the modern movement. In no particular order, these include Rev. Garrison Frazier, Henrietta Wood, Frederick Douglass, Callie D. Guy House, Rev. Isaiah Dickerson, Queen Mother Audley Moore, Father Divine, Malcolm X, Martin Luther King Jr., The Black Panther Party for Self-Defense, Dr. Claud Anderson, Randall Robinson, Johnnie Lee Cochran, Jr., Charles J. Ogletree, Congressman John Conyers, Dr. William Darity and Kirsten Mullen. Without their selfless contributions and sacrifices, I doubt we would be here today.

(Slide 3) On a personal note, I want to wish my grandmother Bernice Allen-Stimley a happy, early, heavenly birthday today. She was born February 24th, 1909 in Meehan Junction, MS- a town you won't find on a map. She was a remarkable woman and a community nurturer. At top right is pictured Stimley-Allen grocery store that she and my grandfather, Charles, owned and operated for several years in their neighborhood of Georgetown in Jackson, MS. She loved our people dearly and deeply, worked to better her community and instilled the same ethic in her children and grandchildren.

On the left she is in her 100th year of life casting a vote in 2008 for Barack Obama. I saw the joy of someone who was the grandchild of enslaved people, had lived ½ her life under virulent Jim Crow terrorism, now able to vote for a "Black" president.

(Slide 4) The modern-day Reparations movement can be framed into two distinct phases, each characterized by its unique goals, strategies, leadership and effectiveness. Here I have bulleted a few distinguishing characteristics and milestones of each phase.

Phase 1 of the modern movement or, as I will call it, the Legacy Phase, saw the founding of the National Coalition for Black Reparations in America (N'COBRA) in 1987, gained momentum following the 1988 Civil Liberties Act, and triumphed with the introduction of Congressman Conyers' HR40 in 1989. This phase is largely characterized by Pan African ideology and led by the activists of N'COBRA and, its more recently founded partner organization, National African American Reparations Commission (NAARC). This phase gave rise to Federal Reparations legislation HR40 and kept the Reparations conversation alive. However, the Legacy phase of the modern Reparations movement unfortunately produced no significant national support for HR40 in 30 years of legislative life.

Phase 2 or the Contemporary Reparations movement began circa 2016 in the aftermath of the Obama administration and coalesced in online conversations around political education, data and lineage, which remain core pillars of this phase. The Contemporary movement was born out of the Black American

grassroots and is led by Black American grassroots organizers and activists who are self-advocating for our shared goals of Federal Reparations and lineage-based public policy. It's in Phase 2 that organizations such as NAASD and Coalition for a Just and Equitable California (CJEC) were born. The grassroots advocacy of these and other Contemporary Reparationist groups is principally responsible for mainstreaming Reparations and for moving Congressional and public support of HR40 to an all-time high. This Contemporary phase of the modern Reparations movement is where I am most familiar and where I will focus today.

(Slide 5) The Contemporary Reparations movement began largely in response to the failure of the Obama administration to produce any tangible results for most of Black America. For 8 years, other groups received policy and protections while Black Americans received a consistent diet of symbolism and cautious rhetoric. Adding insult to injury, the federal government's response to the extrajudicial police murders of Eric Garner, Mike Brown, Tamir Rice and Laquan MacDonald was the "Blue Alert Act" which granted more protections to police officers. Contemporary Reparationists view these years as a failure (1) of both the federal government to specifically address the Black American community's interests and (2) of the Black political apparatus to focus on a reparative policy agenda and hold our elected officials accountable to it.

(Slide 6) The Contemporary Reparations movement is also rooted in quantifiable data. A central tenet of Contemporary Reparationists is that if it can be measured, it can be improved. Grassroots Reparations activists across the country are studying, tracking, processing and advocating for wealth data that uncovers the specific, unique and urgent economic plight of Black American communities.

When reviewing the Obama years through data, we were able to see that outcomes specifically for Black Americans were disastrous. Between 2008 and 2016 Black American wealth declined sharply as white wealth hit new heights facilitated by government bailouts and financial assistance - further exacerbating the lineage wealth gap.

In online conversations, everyday Black Americans began to discuss what effective Black politics could and should look like. With burgeoning political education and a lens of data, Black America's decline as a result of government policy became apparent. Data also revealed the unique nature of Black American divestment compared to other "Black" groups. With release of the multi-city "Color of Wealth" reports in 2016 by Duke University, The New School, and UCLA, Contemporary Reparationists gained access to disaggregated Black wealth data and for the first time the wide wealth disparities between Black Americans who descend from US chattel slavery and more recent Black immigrants came into full view. In summary, we learned lineage was the key and that Black American politics must be agenda-focused and lineage first.

(Slide 7) Since formation, it has been NAASD's position that Black American descendants of US chattel slavery are the appropriate beneficiary class and that any Reparations effort must center the descendant community based on lineage. This is also not a new concept.

In his final book, "Where Do We Go From Here: Chaos or Community," Dr. King writes,

"Every man must ultimately confront the question, "Who am I?" and seek to answer it honestly..."
"Who are we? We are the descendants of slaves. We are the offspring of noble men and women who were kidnapped from their native land and chained in ships like beasts."

"But we are also Americans. Abused and scorned though we may be, our destiny is tied up with the destiny of America, In spite of the psychological appeals of identification with Africa, the Negro must face the fact that America is now his home, a home that he helped build through "blood, sweat and tears."

That was 1968.

This Task Force will make history this week when you vote on the question of who should be eligible for Reparations in California. We believe Dr. Weber was clear, just as Dr. King was clear, in their intent to center lineage in Black American identity and repair. NAASD is confident the Task Force, after hearing all of the evidence, will make the correct decision.

I should note here, that in addition to our recentering of Black American identity around descendant lineage, Contemporary Reparationists have resurfaced and affirmed our long lost political status as American Freedmen conferred onto the formerly enslaved in 1865 through Lincoln's Emancipation Proclamation and the 13th amendment to the US Constitution. By lineage we are Descendants of slaves. By political status, we are American Freedmen. Both will be necessary to ultimately reach our goal of Reparations..

(Slide 8) Also in 1968, in his ""Two Nations of Black America" address, Dr. King provided marching orders to Contemporary Reparationsists.

[Play video]

(Slide 9) Driven by political education, rooted in data and with the urgency of pending economic extinction, contemporary Reparations activists emerged all across America committed to completing Dr. King's mission of economic justice. We came together offline, we organized and we went to work.

(Slide 10) As we spread the Reparations message in our communities, the Contemporary movement grew. From hundreds to thousands to tens of thousands, soon to be millions.

(Slide 11) Grassroots Black Americans across the country took action and began to self-advocate our collective interests, centering Reparations and lineage-specific policy.

(Slide 12) We sought out our representatives both locally and nationally and demanded their support for Reparations in exchange for our voting capital.

(Slide 13) When the COVID-19 pandemic shut down the country in 2020, Contemporary Reparationists continued to advocate virtually utilizing technology to communicate and organize. The pandemic has been a test of the strength and resilience of the Contemporary Reparations movement– but the grassroots have proven sturdy.

(Slide 14) When corporate interests attacked the Civil Rights Act of 1866 seeking to roll back our oldest and most fundamental Constitutional protections, it was grassroots Reparations activists that rallied and protested on the steps of the Supreme Court in defense.

(Slide 15) Here you can plainly see the impact of the second, Contemporary phase of the modern Reparations movement. Before the emergence of contemporary Reparationists, HR40 had not achieved more than 50 co-sponsors in any legislative session. It is the work of grassroots Reparationists nationally that should be credited for the nearly 200 Congressional co-sponsors now attached to the bill. The chart to the right shows the dramatic and correlating increase in internet searches for "Reparations" which took off circa 2019 – again pointing to the impact of the Black grassroots.

(Slide 16) The grassroots Reparations work has been effective, compelling on Juneteenth 2019, for the first time in a decade, a hearing on HR40 by the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties. On that day, anyone paying attention, could again see the Black grassroots impact throughout the halls of Capitol Hill. The Black American grassroots was clearly demanding to be heard on Reparations.

(Slide 17) On the subject of HR40, it's important to clarify the position of NAASD and of Black American Contemporary Reparationists. HR40 is a poorly constructed piece of legislation that has undergone significant revisions in recent years. These revisions threaten its integrity and chances for success. Among its myriad of flaws stand out the fact that: 1) HR40 does not specifically identify eligible recipients for Reparations; 2) HR40 does not speak to direct payments to eligible recipients; 3) HR40 does not identify closure of the lineage wealth gap as a primary goal of Reparations; 4) HR40 does not identify the Federal government as the capable and culpable party for Reparations.

But, in addition to those legislative flaws, the April 2021 revision of HR40 removed application of the Federal Advisory Committee Act (FACA) that ensures transparent deliberations, public meetings, and ongoing public reporting, while also maintaining GS-18 equivalent compensation as payments to commission members. That is unacceptable to Contemporary Reparationists.

For several years NAASD and our affiliates supported HR40, but we have also persistently advocated for edits to fix these flaws in order to strengthen the bill's chances of becoming law. Thus far, our calls have gone unanswered. As grassroots Black American Reparationists truly and selflessly committed to the goal of Reparations, we find ourselves unable to support HR40 any longer. Stated clearly, support of HR40 in its present form is <u>not</u> support of Black American Reparations. Our community has been awaiting Reparations for more than 150 years and we deserve strong Federal legislation that has the best chance of success.

(Slide 18) Notably, NAASD's position on HR40 aligns with leading Reparations scholars Dr. William Sandy Darity and Kirsten Mullen, foremost American Constitutional scholar and UC Berkely Law Dean Erwin Chemerinshy, and Mr. John Tateishi, former Director of the successful Japanese American Redress campaign that produced the Civil Liberties Act of 1988. It would be foolhardy not to heed their expert warnings.

I believe you all agree that California is leading the Reparations conversation and that what is done here will resonate with the Federal government. In that leadership capacity, part of your responsibility is to advocate for Federal legislation and a process that mirrors AB3121, particularly in specificity on eligibility and transparency to the Black American grassroots community. Please be bold in that leadership.

(Slide 19) Policy writing is a core component of NAASD's contemporary Reparations advocacy and we have developed a strong alternative bill to HR40 that we are calling "HR1865" paying homage to the year of American Freedmen Emancipation. HR1865 has the support of Dr. William Darity and Kirsten Mullen, and NAASD is presently seeking a Congressional sponsor to introduce the legislation. In the same way Contemporary Reparationists uplifted HR40, we will build grassroots support around HR1865, a true Reparations bill.

In addition to improved Federal Reparations legislation, in August 2021, NAASD released the historic REPAIR Act, which is an acronym for Reconciliation, Equity, Protections, Atonement, Investment and Remuneration. The REPAIR Act is a lineage-based, policy platform designed to address the deep inequities Black Americans face across all areas of socio-economic activity. We have shared the REPAIR Act with various Biden administration staffers including the Domestic Policy Council whose feedback was that it was the most comprehensive policy package they had ever seen from a grassroots advocacy group.

Priorities for Presidential Action, a subset of the REPAIR Act, consists of 12 legislative memos that can immediately be enacted via Presidential Executive Order. Chief among them are: Formation of the John Conyers' Reparations Commission based on HR1865; Creation of a new Census Designation specifically for Black American U.S. Slavery descendants; and re-establishment of a National Freedmen's Bureau.

(Slide 20) Specific to California, NAASD, CJEC and local affiliates have been advocating around AB3121 before there was a bill called AB3121. And when formally introduced in the California State Assembly, members of NAASD Los Angeles and CJEC played a pivotal role in crafting the eligibility language that appears in AB3121 today. We worked closely with Dr. Shirley Weber, state legislators and community stakeholders for years to advance, raise awareness and ultimately pass AB3121 into law. This hard work was recently recognized with the selection of CJEC as an Anchor organization.

Other local legislative efforts of NAASD and CJEC include AB1604: The Upward Mobility Act of 2022. This bill, introduced in the current session of the California State Assembly, contains language that would for the first time ever require all state agencies, boards and commissions to disaggregate the "Black/AA" category in their data collection and collect data specifically on the Black American descendant community. This is an historic effort essential to the output and efficacy of this Reparations body. NAASD and affiliated grassroots Reparationists are pusing similar data disaggregation efforts in New York, Maryland, and Texas.

NAASD and CJEC are also rallying support around ACA3: The California Slavery Abolition Act, a bill that will finally close the abomination of a slavery loophole in the California State Constitution ending involuntary servitude as punishment for crime in the state. NAASD and CJEC are proud to also partner with Mr. Samuel Brown, principal author of ACA3 who crafted the bill's language while serving a 24 year incarceration sentence. If Samuel is watching, welcome home again brother and thank you for your work.

In 2021, following meetings between NAASD Los Angeles and Mayor Eric Garcetti, Executive Director of the LA Civil Rights Department Capri Maddox, and Deputy Mayor Brenda Shockley, the Mayor introduced a Reparations Commission similar to this Task Force. The LA Commission will serve in an advisory capacity to the Mayor, develop a pilot reparations program and NAASD Co-chair KJ Muhammad has been appointed to the Commission by Mayor Garcetti.

(Slide 21) Here you see some of NAASD's partner organizations and affiliates, who are working in tandem with us to achieve the goal of Federal Reparations for the Descendant community. We are

committed to educating and training American Freedmen, the Black American Descendants of US Chattel Slavery, around civic engagement, political science, non-profit formation, and policy writing so that our people can self-advocate and be successful. Education and training are hallmarks of the Contemporary Reparations movement.

(Slide 22) Finally, last year I had the honor to interview two living icons of the Civil Rights movement, Mr. Courtland Cox and Mr. David Dennis, Sr., both of whom worked alongside Dr. King, Medgar Evers, Stokely Carmichael, Ella Baker, James Farmer, and many other Black American freedom fighters of the 1960's. In conversations with Mr. Cox and Mr. Dennis, they shared the movement ideology that fueled their advocacy and success. Simply stated, that ideology is that movements are best bottom up, not top down and movements are fundamentally about people, not organizations. That is the same ideology which drives the Contemporary phase of the modern Reparations movement and, in that spirit, this slide recognizes some of the grassroots organizers and activists who are makers of the modern movement.

(Slide 23) In closing, we descendants of slaves, the emancipated American Freedmen, the builders of this country, are owed a debt of Reparations by the US government. We are coming to get our check.

All Power to the People and Reparations By Any Means Necessary.

Thank you and I am happy to answer any questions.

AGENDA ITEM 8

COMMUNITY ENGAGEMENT PLAN UPDATE AND RECOGNITION OF ANCHOR ORGANIZATIONS



Community Engagement

Showcasing Our Anchor Organizations

The Black Equity Collective

collective **BLACKGOUITY**

Network:

Strategies:

1. Evolve philanthropy.

organizations.

and sustainable Black-led

40+ Black-led and Blackempowering organizations

17 funders + a network of partners and supporters



Mission:

The Collective seeks to join funders and communities as partners in strengthening the long-term sustainability of Black-led and Blackempowering organizations in Southern California.



Southern California -Los Angeles, San Bernardino, and Riverside counties



BEHIND THE FUNDING VEIL: ACCESSING PUBLIC RESOURCES

Wednesday, October 6, 2021 9am - 10:15am Email info@blackequitycollective.org for more information.

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Supervisor Holly Mitchell Councilmember Marqueece Harris-Dawson

*EXCLUSIVE EVENT FOR BLACK EQUITY COLLECTIVE MEMBERS ONLY



A Guide for Pursuing Black Equity & Racial Justice in Philanthropic Initiatives and Government Systems

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CJEC: Coalition for a Just and Equitable California



Our Network

What We Do

Our Coalition partners include the California Black Lineage Society, the National Assembly of American Slavery Descendants - Los Angeles, and the American Redress Coalition of California.



How CJEC is Engaging Our Community About California Reparations

- 1. Informing the public about California Reparations Task Force meetings and activity
- 2. Collecting community engagement ideas from our community
- 3. Holding Reparations community meetings and listening sessions, virtual and in-person
- 4. Canvassing for California Reparations at community events and neighborhoods
- 5. Organizing and encouraging public comment at Reparations Task Force meetings
- 6. Recommending public and community experts for testimony to the Reparations Task Force
- 7. Promoting California Reparations on social media (IG, TikTok, Twitter, YouTube, Clubhouse, FB)
- 8. Live Streaming ALL public meetings of the California Reparations Task Force on YouTube
- 9. Educating community groups and key community influencers about California Reparations
- 10. Organizing community members to create and develop community-centered Reparations proposals
- 11. Advocating for transparency, community engagement, and strong Reparations proposal
- 12. Educating public officials to build support for Reparations





California Black Power Network

The California Black Power Network (CBPN) is a new long-term statewide power-building effort dedicated to organizing Black grassroots groups and residents to change the lived conditions of Black Californians.

OUR NETWORK



CBPN is a vibrant and growing ecosystem of grassroots, Black-led groups locally, regionally and throughout the **state** in community and strategic collaboration acting together to address discrimination, systemic racism, and anti-Black racism. It is envisioned that the number of participating local and regional groups will grow substantially beyond the 35 who participated in the Black Census and Redistricting Hub, including strategic partnerships with the Black Equity Collective, Empower Network/LiveFree, and other emerging networks.

OUR CAMPAIGNS



CBPN is built on the work of the California Black Census and Redistricting Hub and the African American Civic **Engagement Project**, both projects of California Calls. During this work, we served as the State's Black census outreach contractor and engaged over 1.3 million residents through phoning, door knocking, and digital organizing (My Black Counts) to motivate them to vote and complete the census. We also engaged nearly 500 community leaders and residents in 51 community conversations to identify key communities of interest during the state's redistricting process. CBPN is **currently developing a comprehensive, multi-issue policy agenda** that will drive our work and focus in the future.



OUR GEOGRAPHIC REACH

Our census and redistricting coalition included 35 Black-led and Black-serving organizations with coverage in **13 counties** across 6 regions of the State (including the Bay Area, Sacramento Valley, Central Valley, Inland Empire, Los Angeles, 1118 and San Diego).











The Othering & Belonging Institute at UC Berkeley







THE STRUCTURAL RACISM REMEDIES REPOSITORY



Othering & Belonging Institute at UC Berkeley

THE ROOTS OF STRUCTURAL RACISM PROJECT



The Structural Racism Remedies Repository

&Belonging

Criminal Legal System: Municipal

Criminal Legal System: Invarce Probation and Parole

Court Reform

Youth Justice

Race-Conscious

Education

K-12 Education Higher Education

Economic Just

This aropostory of policy-based recommendations for addressing shuctural and systemic reasons or advancing racial equity drawn from a vest array of publisheet material. A complete list of success a provided in an index at the bottom of this page, with a short hand accompt for clearst ling the success a the repository and worknew of this project, including selection criteria and main findings is available here. Please note that the recommendations in this repository do not recommanify reflect that or the authors or the institute.

DONITE *

This repository was constructed by Elica Brooks, Claim Parker, Nahlee Lill, and Natural Speniack under the direction of Stephen Merendian, with additional input from Perfecta Oxforder.

Areas of Work People Resources Events Email Sign Up O

Policing Bace Taxe

Race-Targeted/Specific Profiling

 End profiling, criminalization, police, and prison widence against Black trans and genoter nonconforming people. (MBL2020)

Track race and other disparities in officer use of force and densition stratingers to elementate assort
disparities (Dourg)
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reposing and racial profiling and reform municipal courts. (PLAC) ers should pass laws that exploitly two and

but exploitly ban racial profiling by all line enforcement approximated and the second profiling by all the second profiling and the second profil

Black Equity Initiative

Our Network is represented by 45 Black-Led empowering organization

Strategies

BEI-IE is focused on systems change work in these priority areas: civic engagement, criminal justice transformation, housing justice, health equity, education equity, and economic liberation.





Who We Are

A coalition of Black led organizations formed in 2014 with a shared desire to improve the Black community through empowerment, education, and policy change.

Our Reach

Our work is based in the Inland Empire – San Bernardino & Riverside County



Black faith & community leaders



What We Do

Build & organize people power



1123

Afrikan Black Coalition





Political Education



Community Engagement and Organizing















Thank You!