

Reviving the Freedmen's Bureau?

**AB 3121: California Task Force to
Study and Develop Reparation
Proposals for African Americans**

*Personally Curated by:
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(Chairperson)*

States government established Freedmen's Villages to house, clothe, and educate freed enslaved people. (c. 1863-1865)

ABOUT: AB-3121 CALIFORNIA REPARATIONS TASK FORCE

Championed by:

- 1) Secretary of State Shirley Weber**
- 2) Grassroots Activists**
- 3) Signed by CA Governor Gavin Newsom:
Sept. 30, 2020**

Study Phase:

June 2021- June 2022
**Interim Report
Released June
2022**

Development Stage:

September 2022- June 2023
**Final Report
Submitted to
CA Legislature
by July 1, 2023**

Final Report will include:

- **Final recommendations**
- **Community of Eligibility**
- **Compensation Models (state sanctioned atrocities)**
- **i.e. Devaluation of Black Businesses**

About: AB-3121 California Reparations Task Force

- **AB-3121 authorizes the Task Force to hold public hearings to pursue its mission. In order to inform the contents of the interim report, the Task Force held nine public meetings, during which it considered public comments, expert, and personal witness testimony, in addition to considering the voluminous materials submitted to the Task Force via email from those unable to attend the meeting.**
- **As of June 2022, the Task Force heard over 40 hours of testimony from 103 witnesses and 16 hours of public comment, and received 1,075 emails and 100 phone calls.**

What is Reparations?

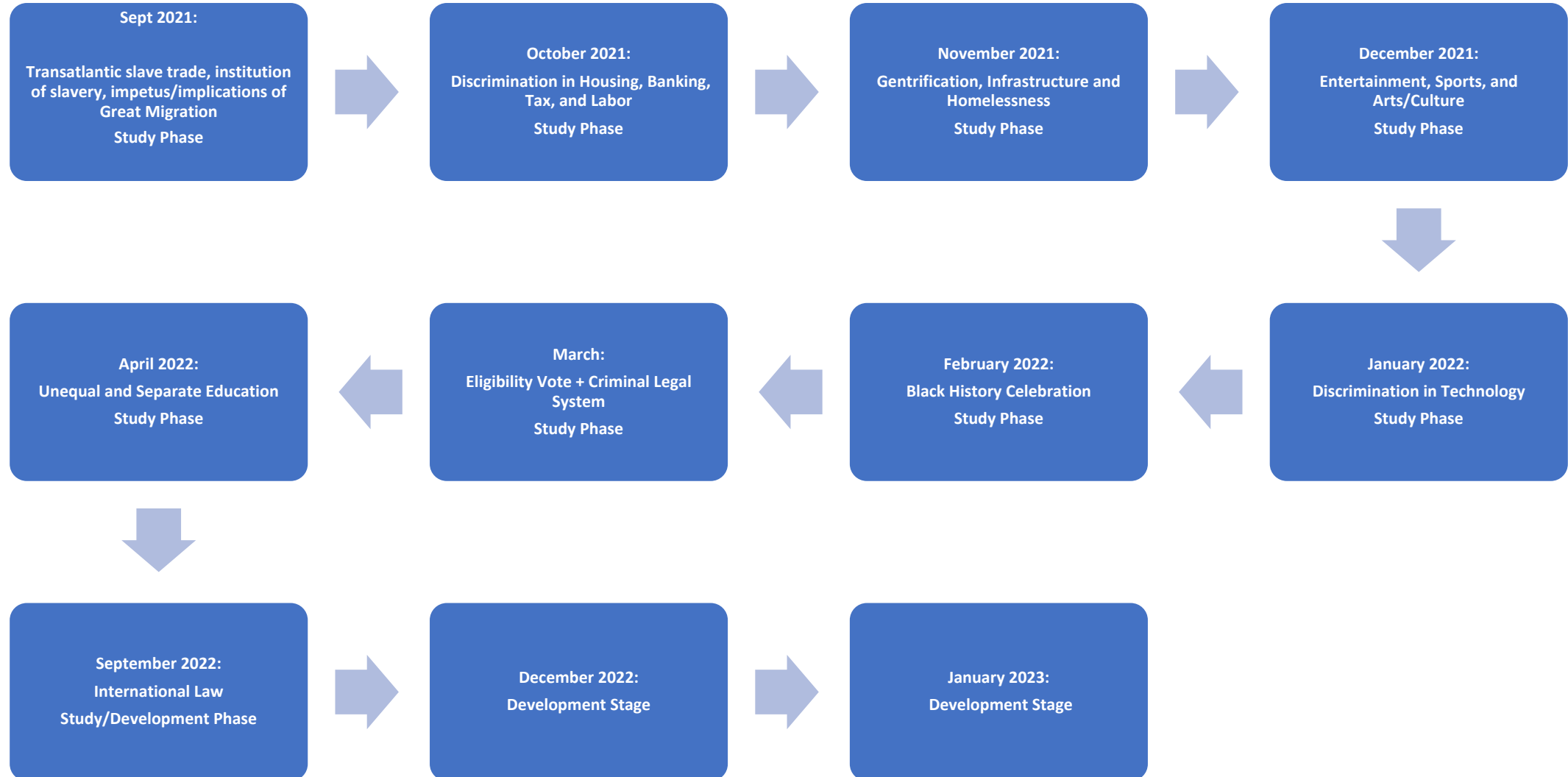
Layman's Definition: Reparations simply means making amends for the offense or harm done.

International Legal Definition: (1) Restitution, (2) Compensation, (3) Rehabilitation, (4) Satisfaction and (5) Guarantees of Non-Repetition

Domestic Examples: Japanese American Internment Camp Survivors; Rosewood, Florida

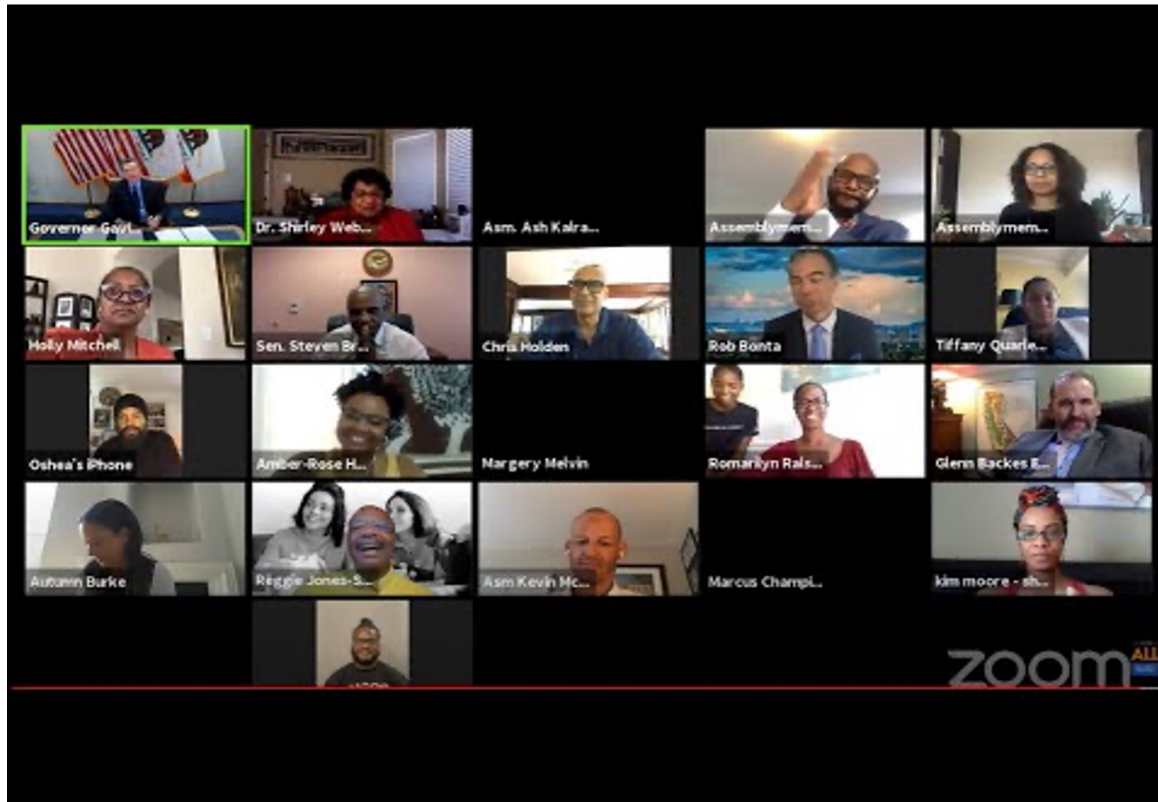
International Examples: Post-Nazi Germany; Holocaust Survivors and heirs; South Africa apartheid (direct victims of police brutality)

Sample of AB-3121 Official Public Hearings



AB- 3121 SIGNING CEREMONY SEPTEMBER 2020

CA REPARATIONS TASK FORCE INAUGURAL MEETING JUNE 2021



CALIFORNIA REPARATIONS TASK FORCE

INTERIM REPORT



▲ **PROLIFERATION OF KKK
CHAPTERS & MEETINGS**

▲ **REDLINING**

▲ **"WHITES ONLY" TOWNS
& NEIGHBORHOODS**

▲ **LAWS & ORDINANCES SUPPORTING
SEGREGATION IN SCHOOLS**

Interim Report:

- In 1863, Abraham Lincoln signed the Emancipation Proclamation, and, in 1865, the 13th Amendment to the U.S. Constitution commanded that “[n]either slavery nor involuntary servitude ... shall exist within the United States.” In supporting the passage of the 13th Amendment, its co-author Senator Lyman Trumbull of Illinois said that *“it is perhaps difficult to draw the precise line, to say where freedom ceases and slavery begins...”*
- In 1883, the Supreme Court interpreted the 13th Amendment as empowering Congress “to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.”



California Task Force to Study and Develop
Reparation Proposals for African Americans
INTERIM REPORT

“Badges and Incidents of Slavery”

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

Source: Jennifer Mason McAward, Defining the Badges and Incidents of Slavery, 14 U. Pa. J. Const. L. 561, 592 (2012).

About: Interim Report

However, throughout the rest of American history, instead of abolishing the “badges and incidents of slavery,” the **United States federal, state and local governments, including California, perpetuated and created new iterations of these “badges and incidents.”** The resulting harms have been innumerable and have snowballed over generations.



This interim report focuses on these harms. So thoroughly have the effects of slavery infected every aspect of American society over the last 400 years, that it is nearly impossible to identify every “badge and incident of slavery,” to include every piece of evidence, or describe every harm done to African Americans.



In order to address this practical reality, this interim report of the Reparations Task Force describes a sample of government actions and the compounding harms that have resulted, organized into **12 specific areas of systemic discrimination.**

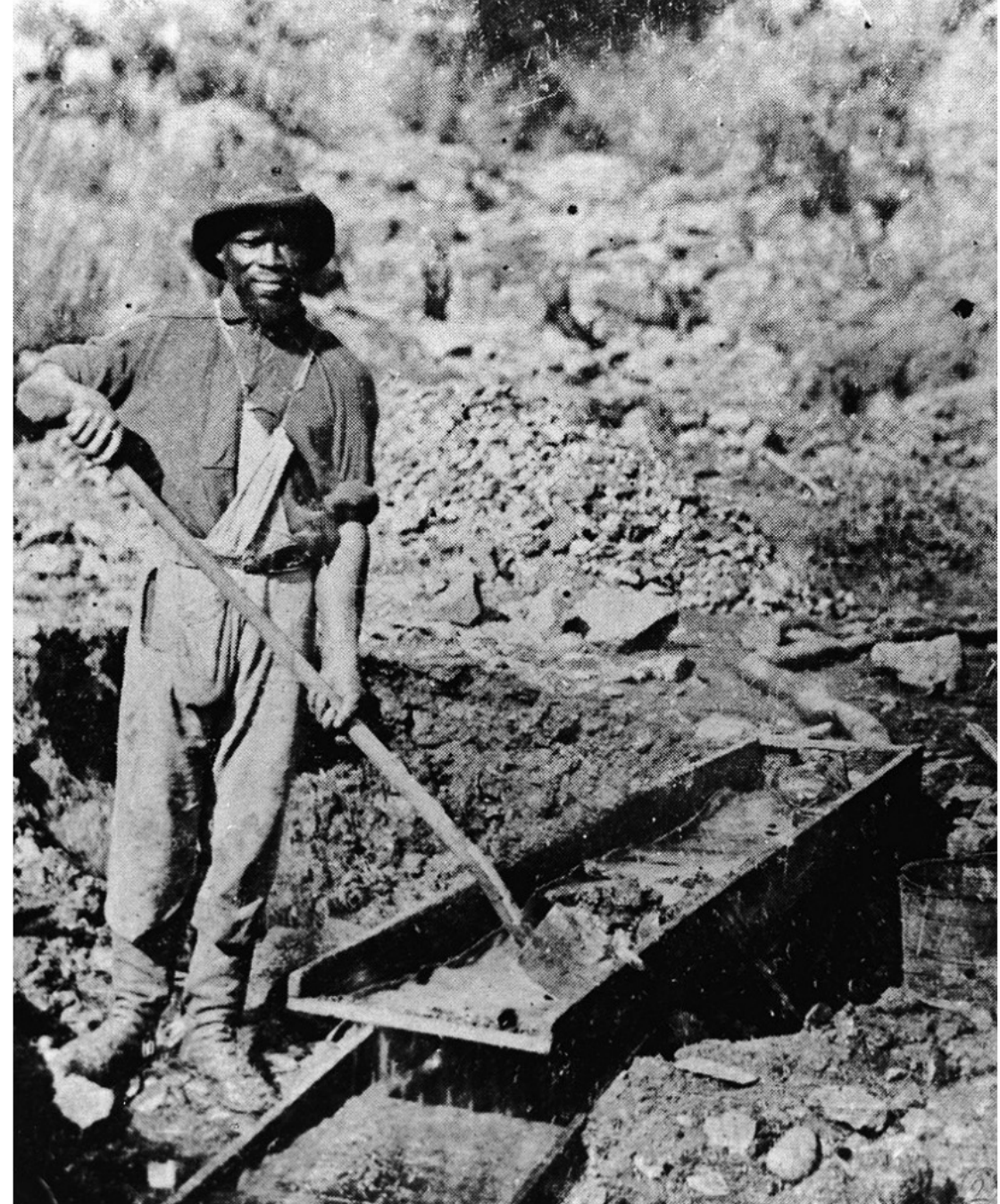
TWELVE CHAPTERS

(BADGES & INCIDENTS OF SLAVERY):

- Enslavement
 - Racial Terror
 - Political Disenfranchisement
 - Housing Segregation
 - Separate and Unequal Education
 - Racism in Environment & Infrastructure
 - Pathologizing Black Families
 - Control Over Creative, Cultural, and Intellectual Life
 - Stolen Labor and Hindered Opportunity
 - Unjust Legal System
 - Mental and Physical Harm and Neglect
 - Wealth Gap

II. Enslavement

- **Nationally:** The foundation of America's wealth was built upon trafficked African peoples and their descendants—built by their forced labor and their bodies as they were bought and sold as commodities. American government at all levels allowed or participated in exploiting, abusing, terrorizing, and murdering people of African descent so that mostly white Americans could profit from their enslavement.
- **California:** Despite California entering the Union in 1850 as a free state, its early state government supported slavery. Proslavery white southerners held a great deal of power in the state legislature, the court system, and among California's representatives in the U.S. Congress.



An African-American miner poses with a shovel in Auburn Ravine during the Gold Rush, California. (1852)

III. Racial Terror

- **Nationally:** After slavery, white Americans, frequently aided by the government, maintained the badges of slavery by carrying out violence and intimidation against African Americans for decades. Racial terror pervaded every aspect of post-slavery Black life and prevented African Americans from building the same wealth and political influence as white Americans.
- **California:** Supported by their government, ordinary citizens also terrorized and murdered Black Californians. The Ku Klux Klan (KKK) established local chapters all over the state in the 1920s. During that time, California sometimes even held more KKK events than Mississippi or Louisiana. Many of California's KKK members were prominent individuals who held positions in civil leadership and police departments.

KLANSMEN IN THE TOWN OF BREA 1924-1936



2/3 of the fire chiefs



5 of the first 8 mayors



6 of 10 councilmen on board of trustees



Half the treasurers, engineers, clerks and marshals

IV. Political Disenfranchisement

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Rayfield Lundy, Republican candidate for the California 55th Assembly District inspects a burnt cross at 1816 East 122nd Street, Los Angeles, California. (1952)

- **Nationally:** African Americans have pursued equal political participation since before the Civil War, but the federal, state, and local governments of the United States have suppressed and continue to suppress Black votes and Black political power.
- **California:** California also passed and enforced laws to prevent Black Californians from accumulating political power. California did not allow Black men to vote until 1879. The state also passed many of the voter suppression laws that were used in the South. California prohibited individuals convicted of felonies from voting, added a poll tax, and put in place a literacy test.



Los Angeles, CA., William Bailey and Roger Duncan look at the wreckage in Bailey's living room after a bomb exploded in the house. Duncan's house, directly across the street, was also bombed at the same time and a note was left threatening all the Black families on the street if they didn't move out. (1952)

V. Housing Segregation

- **Nationally:** Government actors, working with private individuals, actively segregated America into Black and white neighborhoods. Although this system of segregation was called Jim Crow in the South, it existed by less obvious, but effective means throughout the entire country, including in California.
- **California:** Like elsewhere in the country, white Californians used violence to enforce the racial hierarchy created during slavery by preventing African Americans from moving into desirable white neighborhoods. In fact, violent incidents in California rose in the 1950s and 1960s, after courts declared restrictive covenants unenforceable.

Nationally, nonwhite school districts get

\$23 Billion LESS
than predominantly white districts

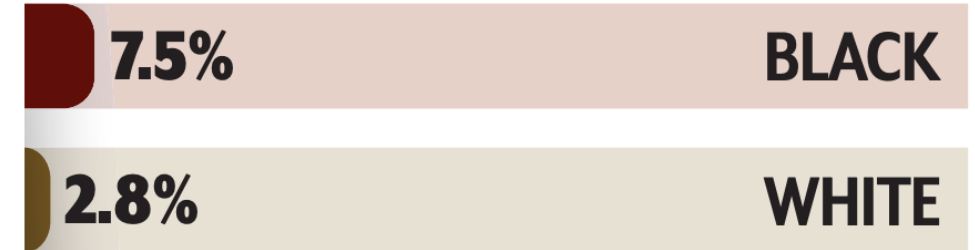
VI. Separate and Unequal Education

- **Nationally:** Through much of American history, enslavers and the white political ruling class in America falsely believed it was in their best interest to deny education to African Americans in order to dominate and control them.
- **California:** In the vast majority of California school districts, schools either re-segregated or were never integrated, and thus segregated schools persists today. California remains the sixth most segregated state in the country for Black students. In California's highly segregated schools, schools mostly attended by white and Asian children receive more funding and resources than schools with predominately Black and Latino children.

VII. Racism in Environment and Infrastructure

- **Nationally:** Due to residential segregation, African Americans have lived in poor-quality housing throughout American history, exposing them to disproportionate amounts of lead poisoning and increasing risk of infectious disease.
- **California:** National patterns are replicated in California. Black Californians are more likely than white Californians to live in overcrowded housing, and near hazardous waste. Black neighborhoods are more likely to lack tree canopy and suffer from the consequences of water and air pollution.

AMERICANS LIVING IN SUBSTANDARD HOUSING



Compared to other Americans,
African Americans are

75% MORE LIKELY to live near hazardous waste or refining facilities

VIII. Pathologizing the Black Family

AFRICAN AMERICANS
IN THE UNITED STATES

14%



2019

BLACK CHILDREN IN
FOSTER CARE

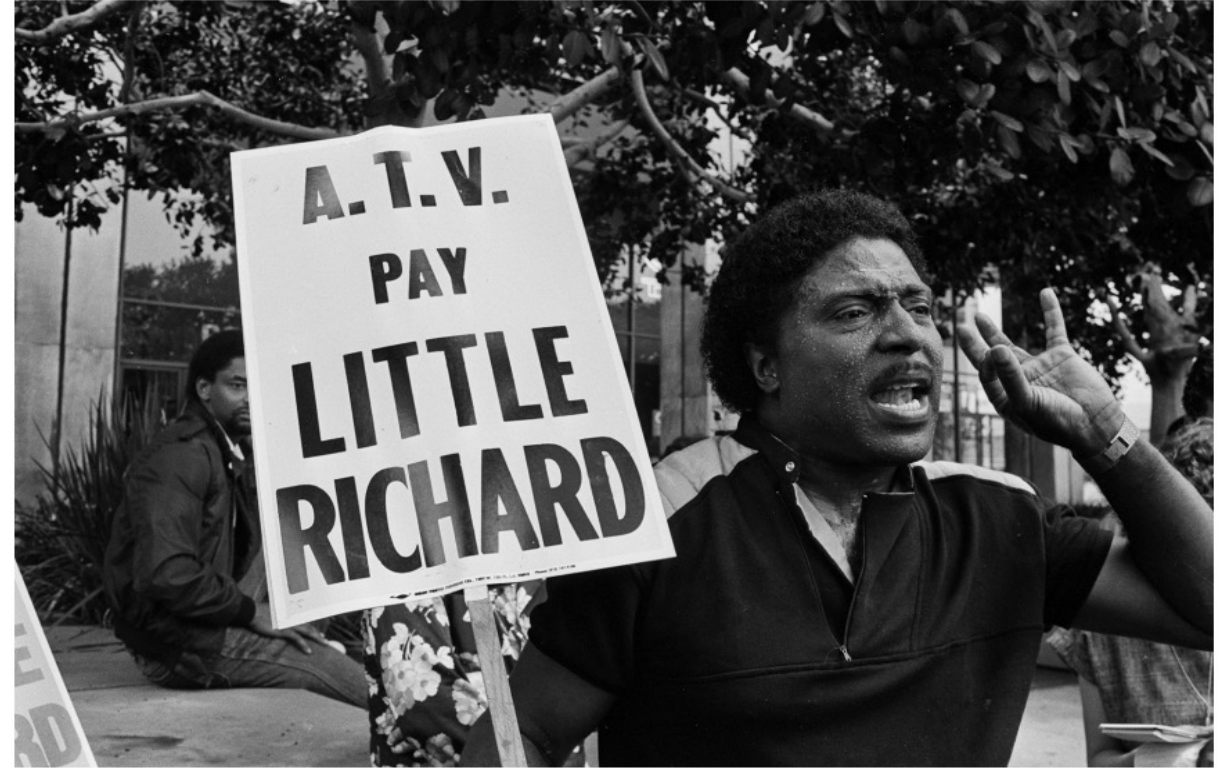
23%

- **Nationally:** Government policies and practices—at all levels—have destroyed Black families throughout American history. After the Civil War, southern state governments re-enslaved children by making them “apprentices” and children.
- **California:** California trends in the child welfare, juvenile justice and disciplinary action in schools match those in the rest of the country. Recent California Attorney General investigations have found several school districts punish Black students at higher rates than students of other races.

IX. Control Over Creative Cultural and Intellectual Life

- **Nationally:** During slavery, state governments controlled and dictated the forms and content of African American artistic and cultural production. After the Civil War, governments and politicians embraced minstrelsy, which was the popular and culture makers access to the leisure sites, business licenses, and funding for lifestyle activities that were offered to white people.
- **California:** In California, city governments decimated thriving Black neighborhoods with vibrant artistic communities, like the Fillmore in San Francisco. State-funded California museums have excluded Black art from their institutions. California has been home to numerous racist monuments and memorials for centuries.

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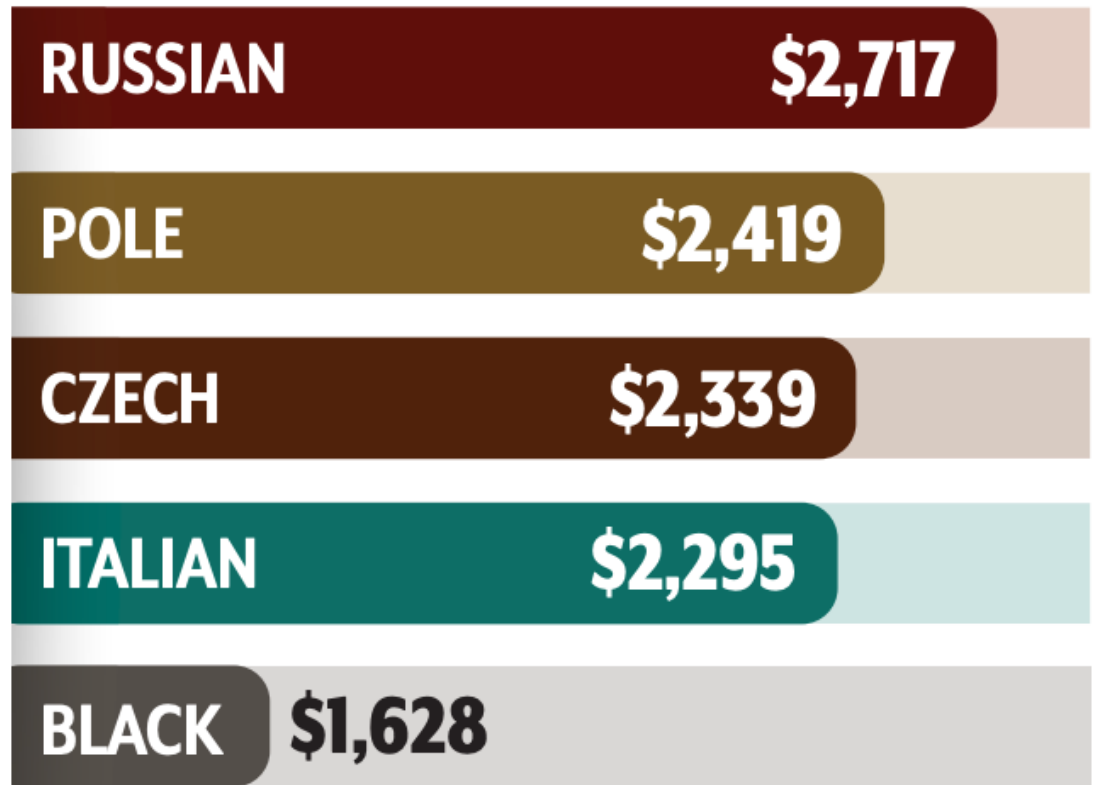
Little Richard protesting record companies over royalties. Little Richard sold the rights to the song "Tutti Fruity" for a reported \$50, and received half a cent for each record sold. "I was a dumb black kid and my mama had 12 kids and my daddy was dead," Little Richard reportedly said, "I wanted to help them, so I took whatever was offered." (1984)

X. Stolen Labor and Hindered Opportunity

- **Nationally:** It is undeniable that the labor of enslaved Africans built the infrastructure of the nation, produced its main agricultural products for domestic consumption and export, and filled the nation's coffers. Since then, federal, state, and local government actions directly segregated and discriminated against African Americans.
- **California:** Several California cities did not hire Black workers until the 1940s and certain public sectors continued to avoid hiring Black workers even in 1970. The San Francisco Fire Department, for example, had no Black firefighters before 1955 and, by 1970 when Black residents made up 14 percent of the city's population, only four of the Department's 1,800 uniformed firefighters were Black.

ANNUAL INCOME DURING GREAT MIGRATION

White immigrant workers verses Black workers



XI. An Unjust Legal System

- **Nationally:** American government at all levels criminalized African Americans for social control, and to maintain an economy based on exploited Black labor.
- **California:** Like the rest of the country, California stops, shoots, kills, and imprisons more African Americans than their share of the population. Data show that law enforcement most frequently reported taking no further action during a stop with a person they perceived to be Black, suggesting there may have been no legal basis for the stop.

African Americans are



to be **killed** by police

More than half of all killings by police in the U.S. go unreported in the USA National Vital Statistics System database from which some analysis is drawn.

88% increase
in **anti-Black** hate crimes
from 2019 to 2020





Students at the University of Maryland School of Medicine, 1898. The English sociologist Harrie Martineau wrote in 1838 that “...the bodies of coloured people exclusively are taken for dissection because the whites do not like it, and the coloured people cannot resist.”

XII. Mental and Physical Harm and Neglect

- **Nationally:** The government actions described in this report have had a devastating effect on the health of African Americans. Compared to white Americans, African Americans live shorter lives and are more likely to suffer and die from nearly all known diseases and medical conditions compared to white Americans.
- **California:** These national trends are similar in California. The life expectancy of an average Black Californian was 75.1 years, six years shorter than the state average. Black babies are more likely to die in infancy and Black mothers giving birth die at a rate of almost four times higher than the average Californian mother. Compared with white Californians, Black Californians are more likely to have diabetes, die from cancer, or be hospitalized for heart disease.

XIII. The Wealth Gap

- **Nationally:** Federal and California Homestead Acts essentially gave away hundreds of millions of acres of land almost for free mostly to white families. Today, as many as 46 million of their living descendants reap the wealth benefits, approximately one-quarter of the adult population of the United States.
- **California:** The wealth gap exists in similar ways in California. A 2014 study of the Los Angeles metro area found that the median value of liquid assets for native born African American households was **\$200**, compared to \$110,000 for white households, and \$72,000 for African Blacks.

In 2019, white households owned

9x  **MORE**

assets than Black households

*Potential Final
Proposal:*

California American Freedmen Affairs Agency

The mission of the California American Freedman Affairs Agency (“Agency”) is to provide perpetual special consideration to descendants of American slaves or the American Freedmen (“Descendant”) community) in California.

The California American Freedmen Affairs Agency (“Agency”) will primarily provide reparatory justice services and programs directly to the Descendant community.



Brief History: Freedmen's Bureau

- Immediately before the end of the Civil War, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands to provide for the welfare of formerly enslaved African Americans, including through “issues of provisions, clothing, and fuel, as [necessary] for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children,” according to the statute.
- Commonly known as the Freedmen's Bureau, the agency had the authority to supervise labor relations in the South, with the mandate to provide education, medical care, and legal protections for formerly enslaved African Americans, along with the authority to rent out and eventually sell allotments of abandoned or confiscated land to free African Americans.

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Brief History: Freedmen's Bureau

- The original goal of the Freedmen's Bureau Act was the more radical notion of allowing African Americans the means to become self-sufficient. 548 In the closing days of the Civil War, Union General William Tecumseh Sherman issued Special Field Order No. 15, setting aside 400,000 acres of confiscated land for those who had been freed, and two months later, the Freedman Bureau's Act formalized the field order, "providing that each negro might have forty acres at a low price on long credit.
- Most white Americans, even in the North, thought these policies were too "radical" because they took away ex-Confederates' individual property rights and set a dangerous precedent that wealth could be redistributed to poorer members of society. White capitalists in the North and South believed that Black freedom should mean Black workers continuing to work on a plantation, although they would now be paid...
- In less than a full harvest season, the land that Sherman had given to freed persons was returned to the prior owners.

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Brief History: Freedmen's Bureau

- Although the Freedmen's Bureau tried to assert and protect the rights of the formerly enslaved, it also perpetuated racist stereotypes, paternalistic attitudes, and continued to limit African Americans' economic and social power. Bureau agents often viewed formerly enslaved African Americans as children, unprepared for freedom, and needing to be taught the importance of work and wages. The Freedmen's Bureau abandoned the possibility of land reform in the South, and focused mostly on labor relations between Black and white southerners instead.
- Freedmen's Bureau included schools, hospitals, courts etc.; Freedmen's Bank (1865-1874)

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VI. Freedmen's Town

Nationally

Banned from settling in entire geographic areas, and escaping discrimination and racial violence, African Americans began building all Black towns in the 19th

Century in the Southwest, Midwest, and West.⁸⁹ Also known as Freedmen's Towns, these towns developed in order to, in the words of one Black town newspaper editor, exercise freedom "as freedom was understood by

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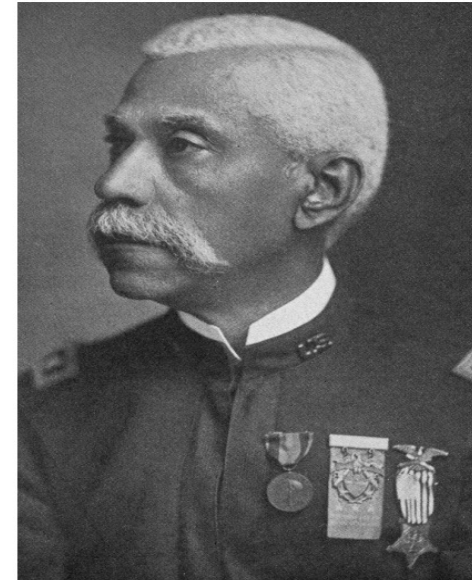
Chapter 5 — Housing Segregation

[African Americans]."⁹⁰ Approximately 100 such towns were built between early-1800s and mid-1900s.⁹¹ A particularly large number of African Americans migrated to Kansas.⁹² Oklahoma had over 30 all Black towns.⁹³ Other states with such towns included Texas, Iowa, New Mexico, and Michigan, as well as some in the former enslavement states of Alabama, Mississippi, Kentucky, and Tennessee.⁹⁴

California

Although there is not much research on this topic, some records suggest that there were at least 15 Black towns in California between 1850 and 1910.⁹⁵ The best known and most successful was Allensworth, 40 miles north of Bakersfield.⁹⁶ Allen Allensworth, a formerly enslaved Lieutenant Colonel from the U.S. Army, founded Allensworth with others in 1908.⁹⁷ The town attracted disillusioned Black migrants who had fled the South, but found a different type of discrimination in California.⁹⁸

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Lieutenant Colonel Allen Allensworth founded an all Black town outside of Bakersfield with four other settlers. Today, Allensworth is a California State Park. (1926)

Unlike other Black towns in California, Allensworth was self-governing, and at the height of its success before the Great Depression, over 300 families constructed churches, a library, a school, and a general store.⁹⁹ Black midwives cared for the health of the community, as most doctors in nearby towns refused to take Black patients unless the patient was employed by a white rancher.¹⁰⁰

Allensworth spent more money on its schools than its neighboring school districts.¹⁰¹ Cornelius Pope, who lived in Allensworth and attended school there as a child, remembered that his teacher Alworth Hall "welcomed [him] to the Allensworth School and with open arms and asked, 'Learn something for me today.'"¹⁰² When Pope left Allensworth, he said, "it didn't take me long to find out that I was equal to the very best. I was just as powerful, could think just as good, there was nothing inferior about me. I was pretty hard to stop from there on in."¹⁰³

Despite Allensworth's success, it was never truly independent; it had to rely on the government and white-owned companies that controlled the water, the railroad, and job markets.¹⁰⁴ In testimony to the Task Force, Terrance Dean argues that water, land, and railroad companies discriminated against the town, leading to its demise.¹⁰⁵ The Pacific Farming Company, after first selling land plots to the Black settlers at inflated prices, then prohibited land sales to African Americans, which limited the town's growth.¹⁰⁶ Despite its promises, the Pacific Water Company built only four water wells for Allensworth, compared to the 10 wells it built in a neighboring white town.¹⁰⁷ The water dried up within two years and was contaminated with alkaline at first, then arsenic in 1967.¹⁰⁸ The founders maintained that the settlers were victims of a racist scam and were sold land that would never have enough water.¹⁰⁹

When it was founded, Allensworth was on the Santa Fe railroad's main line, which allowed the town to derive revenue from the rail stop.¹¹⁰ In 1914, the rail line was diverted away from Allensworth.¹¹¹ Not being able to earn revenue from the railroad stop or farming alone, residents worked multiple jobs in the surrounding, discriminatory white communities.¹¹² Young people left the town to find jobs elsewhere, and Allensworth slowly died and disappeared as economic opportunities decreased and the water calcified.¹¹³ It was established as a state park in 1974, but remained critically underfunded and unbuilt until the 2000s.¹¹⁴



California American Freedmen Affairs Agency (CAFAA):

- **Additional functions of the CAFAA are to:**
 - **1) provide services to the Descendant community through contracts, grants, or partnerships with community-based organizations, private entities, and other local, state, and federal agencies (with obligatory oversight and auditing by CAFAA OGC; and CFO);**
 - **2) identify how past state sanctioned atrocities have perpetuated and created new iterations of badges and incidents of chattel slavery;**
 - **3) work with the aforementioned, and other entities to eradicate any lingering badges and incidents,**
 - **4) and suggest policies to the Governor, State Legislature, and other entities designed to repair the Descendant community for these badges and incidents.**

**CALIFORNIA
AMERICAN
FREEDMEN
AFFAIRS
AGENCY
(CAFAA):**

- **CAFAA would be comprised of specialized offices and branches dedicated to assisting with the implementation and operation of policies and programs being considered for recommendation herein.**
- **These include (see charts):**

Preliminary
Recommendation:
*California American
Freedmen Affairs
Agency*

Reparatory Justice Branches

- Genealogy
- Office of Immediate Relief
- Civic Engagement/Self-Determination

Office of General Counsel

Chief Financial Officer

Office of Strategic Communications

- Strategic Partnerships Branch
- Community Support Branch

Preliminary
Recommendation:
*California American
Freedmen Affairs
Agency*

Reparatory Justice Branches

- Education
- Social Services/Family Affairs
- Creative, Cultural, and Intellectual Life

Office of General Counsel

Chief Financial Officer

Office of Strategic Communications

- Strategic Partnerships Branch
- Community Support Branch

Preliminary
Recommendation:
*California American
Freedmen Affairs
Agency*

Reparatory Justice Branches

- Legal Affairs
- **Medical Services**
- Business Affairs

Office of General Counsel

Chief Financial Officer

Office of Strategic Communications

- Strategic Partnerships
- Community Support

Preliminary
Recommendation:
*California American
Freedmen Affairs
Agency*

Reparatory Justice Branches

- Housing/Development
- Data/Research Collection

Office of General Counsel

Chief Financial Officer

Office of Strategic Communications

- Strategic Partnerships
- Community Support

Other Potential Final Proposals

Enslavement:

- Enact legislation to create compensation fund for all direct descendants of American slaves forced to labor specifically in the state of California (i.e. Descendant legacy families in Coloma, CA).

Mental and Physical Harm & Neglect:

- Establish and Fund Community Wellness Centers in Black Communities
- Fund Research to Study the Mental Health Issues within California's Black Youth Population, and to Address Rising Suicide Rates among Black Youth.

Unjust Legal System:

- Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons and Provide Access to Those Who Are Currently Incarcerated and Eligible to Vote

Separate and Unequal Education:

- Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities

Housing Segregation:

- Provide Property Tax Relief to Descendants, Living in Formerly Redlined Neighborhoods, Who Purchase or Construct a New Home
- Provide Shared Appreciation Loans and Subsidized Down Payments, Mortgages, and Homeowner's Insurance

Potential Compensation Proposals

Model #2 - State Specific Harms/Atrocities Framework

Important Framing Questions:

- 01 What are the damage time frames? This becomes even more important for the prioritization of Black descendants of persons enslaved in the United States. 1865-1960?
- 02 Will there be a California residency requirement? If yes, how will it be determined?
- 03 What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?
- 04 Will direct victims and/or Black descendants of U.S. Slavery be compensated?

WHO: Lineage-based/direct victims/family members?

WHAT? Residency Requirements

WHEN? Time frame for each atrocity and harm based on economic evidence.

Tenets of Model* Eligibility - Time - Residency

Define the **community of eligibility** based on lineage determined by an individual being an African American descendant of chattel enslaved person or the descendant of a Free Black person living in the US prior to the end of the 19th century.

Harms/Atrocities:

1. Unjust Property Takings by Eminent Domain
2. Devaluation of Black Businesses
3. Housing Discrimination and Houselessness
4. Disproportionate Black Mass Incarceration and Over-Policing
5. Health Harms

STAY CONNECTED

Task Force Website: <https://oag.ca.gov/ab3121>

Task Force E-mail: ReparationsTaskForce@doj.ca.gov

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Past Hearings: Search CA DOJ Reparations or ETM Media on Youtube

Personal Twitter/Website: @KamilahVMoore; kamilahmoore.com