

Reparations & Housing Discrimination

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

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(Chairperson)

The image on the left shows a redlining map of Oakland, CA made by the Home Owners Loan Corporation during the 1930s. The red portions are non-white neighborhoods deemed by the federal agency to be a credit risk. The map on the right shows the Center for Disease Control's Social Vulnerability Index scores for census tracts today. The Social Vulnerability Index is widely used to assess a community's capacity to prepare for, respond to, and recover from human and natural disasters. The red portion indicates the highest level of vulnerability to disasters.

ABOUT: AB-3121 CALIFORNIA REPARATIONS TASK FORCE



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?

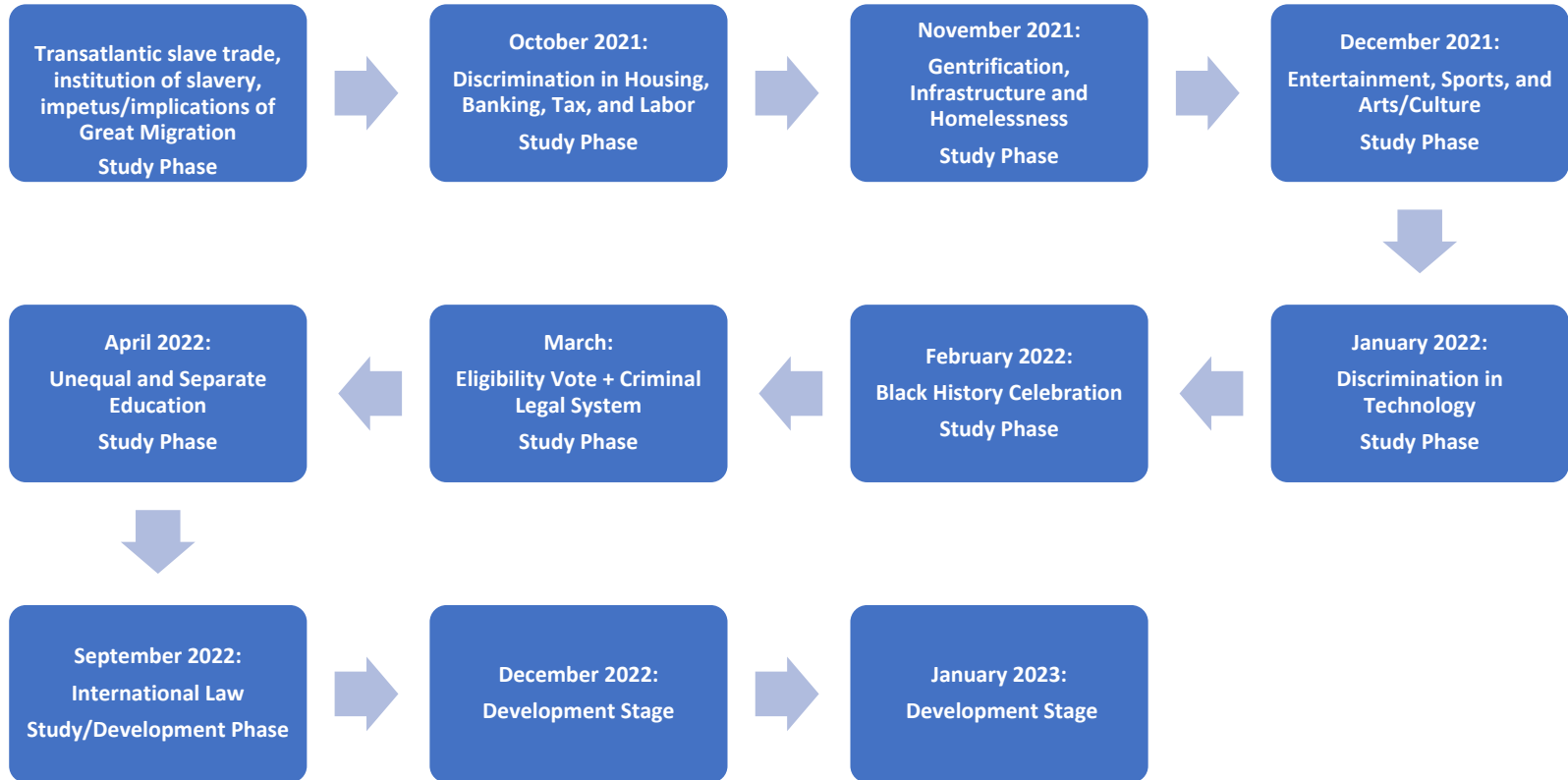
Layman's Definition: Reparations simply means making amends for the offense or harm done.

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

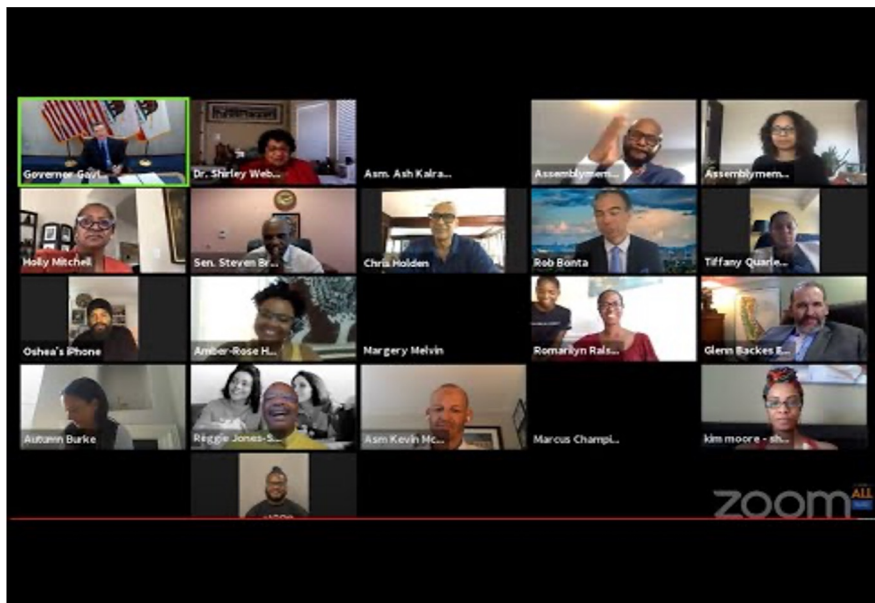
International Examples: Post-Nazi Germany; Holocaust Survivors and heirs; South Africa apartheid (direct victims of police brutality)

Sample of AB-3121 Official Public Hearings



AB-3121 SIGNING CEREMONY

SEPTEMBER 2020



CA REPARATIONS TASK FORCE INAUGURAL HEARING

JUNE 2021



CALIFORNIA REPARATIONS TASK FORCE

INTERIM REPORT



▲ PROLIFERATION OF KKK CHAPTERS & MEETINGS

▲ REDLINING

▲ "WHITES ONLY" TOWNS & NEIGHBORHOODS

▲ LAWS & ORDINANCES SUPPORTING SEGREGATION IN SCHOOLS

ABOUT: 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.”



“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.



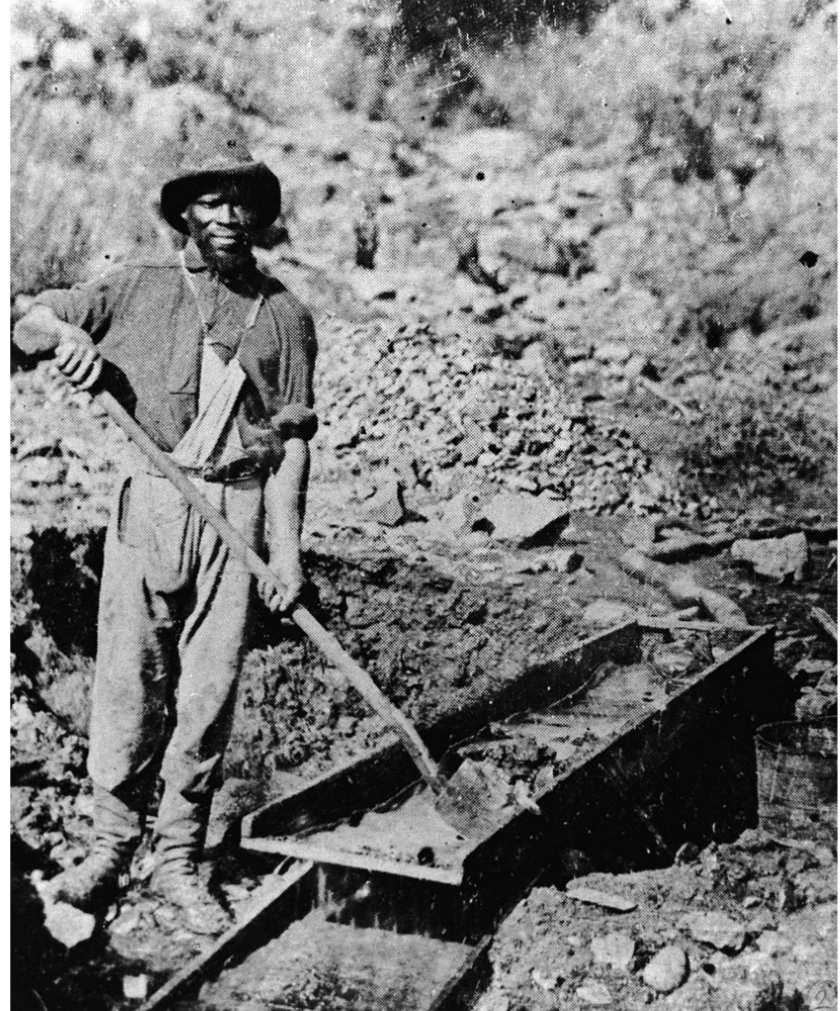
In order to address this practical reality, this interim report of the Reparations Task Force describes a sample of government actions and the compounding harms that have resulted, organized into **12 specific areas of systemic discrimination.**

12 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

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)

WEALTH GAP

- 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.

In 2019, white households owned

9x  **MORE**

assets than Black households

KEY FINDINGS: **HOUSING SEGREGATION**

After the Civil War, federal, state, and local government officials, working with private individuals, actively segregated American land into Black and white neighborhoods.

This housing segregation occurred over almost 200 years, and through a variety of different government strategies and policies.

These government actions were intentional and they supplemented and intensified the actions of private individuals.

These widespread actions and the resulting segregation of African Americans—both nationwide and in California— are enduring badges and incidents of slavery because they continue to affect African Americans.

In California, the federal, state, and local government created segregation through redlining, zoning ordinances, decisions on where to build schools and highways and discriminatory federal mortgage policies.

COURTESY OF LOS ANGELES DAILY NEWS/UCLA LIBRARY DIGITAL COLLECTIONS



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)



LOOK At These Homes NOW!

An entire block ruined by negro invasion. Every house marked "X" now occupied by negroes. ACTUAL PHOTOGRAPH OF 4300 WEST BELLE PLACE.

SAVE YOUR HOME! VOTE FOR SEGREGATION!

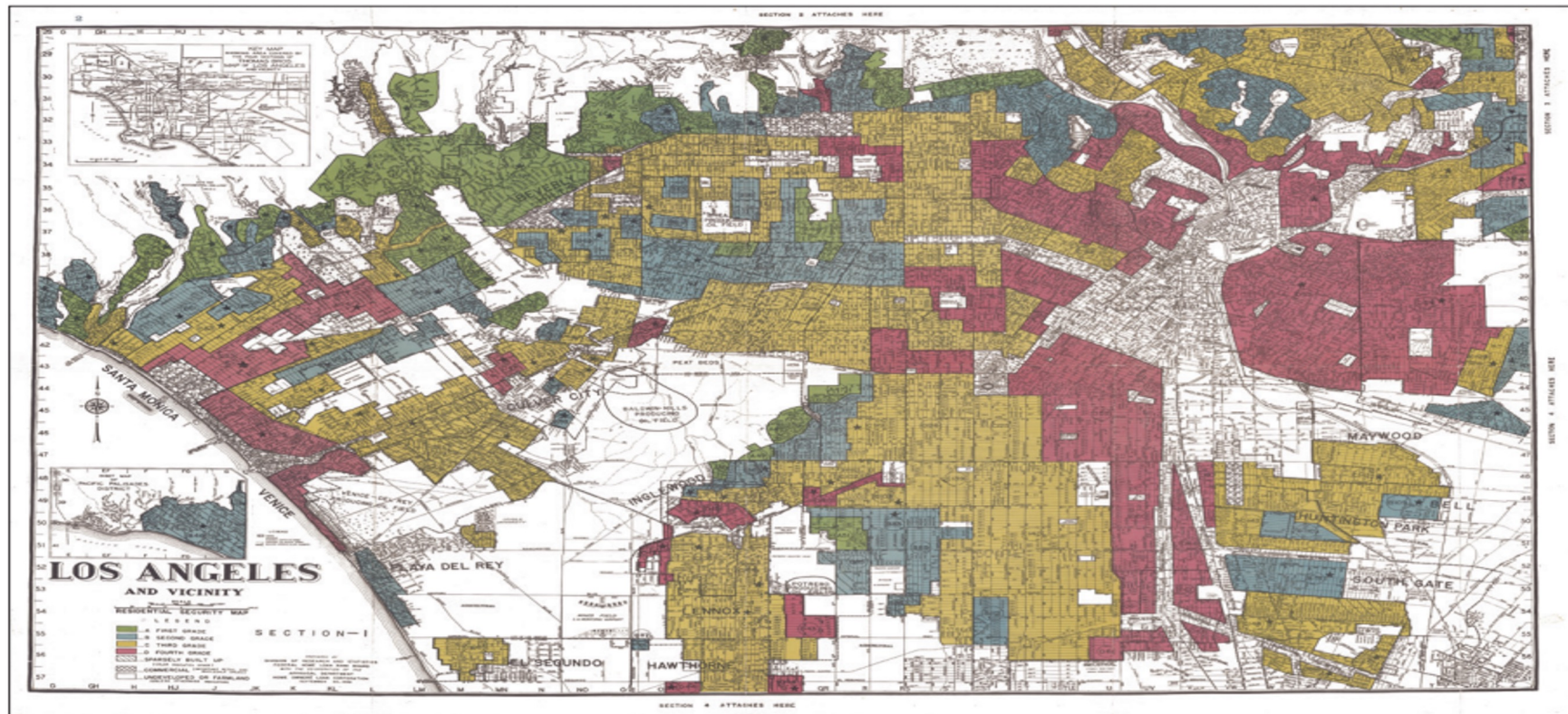


Leaflet distributed in St. Louis Missouri advocating residents to vote for more stringent racial voting laws. Those homes marked with an "x" represent where Black families lived. (1916)

COURTESY OF ROY H. WILLIAMS/MEDIANEWS GROUP/OAKLAND TRIBUNE VIA GETTY IMAGES



Interstate 880 severed the predominantly Black neighborhoods of West Oakland from the rest of the city, setting the stage for underfunding of municipal projects in the area. Excavation site of Interstate 880. (1976)



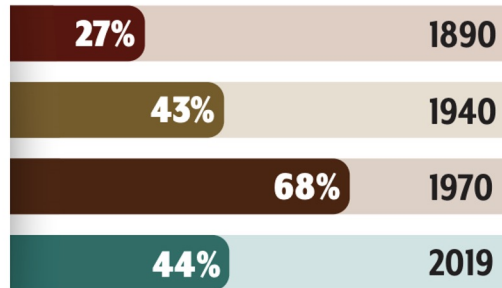
A Homeowner's Loan Corporation map of Los Angeles detailing A, B, C and D grade areas of the city. An "A" rating, shaded in green, was for the best neighborhoods that were new and all white. A "D" rating, shaded in red, was the worst category, and reserved for all-Black neighborhoods, even if it was middle class. This process was called "redlining." (1939)

By 1940, the average urban Black person lived in a neighborhood that was 43 percent Black.¹¹ From the 1930s to the 1970s, the United States federal government built public housing for white Americans, but not African Americans. The federal government helped white Americans, but not African Americans buy houses in the suburbs. Throughout American history, up until the 1970s, white residents terrorized their Black neighbors by destroying their property, bombing their houses, and burning crosses on their lawns to scare them away from living in white neighborhoods.¹² For a more detailed discussion, please see Chapter 3, Racial Terror.

By 1970, the average urban Black person lived in a neighborhood that was 68 percent Black.¹³ Even after the passage of the Federal Housing Act, which outlawed housing discrimination, urban renewal and other uses of local government actions funded by the federal and state governments maintained residential segregation.¹⁴

The problem of segregation has never been corrected. America is as segregated in 2019 as it was in the 1940s, with the average urban Black person living in a neighborhood that is 44 percent black.¹⁵

INTENSITY OF SEGREGATION IN AMERICA



and local government in California helped create segregation through discriminatory federal housing policies, zoning ordinances, decisions on where to build schools and a discriminatory federal mortgage policy called redlining.²⁰ As Robert Joseph Pershing Foster, a migrant from the small town of Monroe, Louisiana who moved to Los Angeles in the 1950s said of his first days in California, “I came all this way running from Jim Crow, and it slaps me straight in the face[.]”²¹

Like elsewhere in the country, the effects of these government policies at all levels continue to this day. In 2021, in Los Angeles and Orange counties, only 34 percent of Black households owned homes,²² less than in 1910.

LOS ANGELES PERCENT OF AFRICAN AMERICANS WHO OWNED HOMES



Section III of this chapter describes the history of U.S. Supreme Court decisions which allowed residential segregation to intensify over the last 170 years. Section IV describes the state of residential segregation at the end of the Civil War, before government and private action segregated the American landscape. Section V, VI and VII explains how migration patterns across the country led states, cities and communities to exclude African Americans, how African Americans establish their own communities in response and the racism that they faced in doing so. Sections VIII – XIII details the various mechanisms used by federal, state and local governments to segregated America throughout history. Sections XIV and XV describes the state of housing segregation today

Between 1923 and 1924, real estate boards in Milwaukee, Detroit, Kansas City, Los Angeles, and other cities prohibited their realtors from selling or renting property in white neighborhoods to African Americans.

The FHA advised the white homeowner that because he rented his house to a Black colleague, any future application from him “will be rejected on the basis of an Unsatisfactory Risk Determination made by this office on April 30, 1959.”



By 1940 **80%** of homes
in Los Angeles contained restrictive
covenants **barring Black families**

XI. Racially Restrictive Covenants

Racially restrictive covenants are legally binding contracts, usually written into the deed, that prohibit nonwhite people from living on a property or in a neighborhood.⁴⁴⁷ For example, a deed in 2010, in Fairhaven,

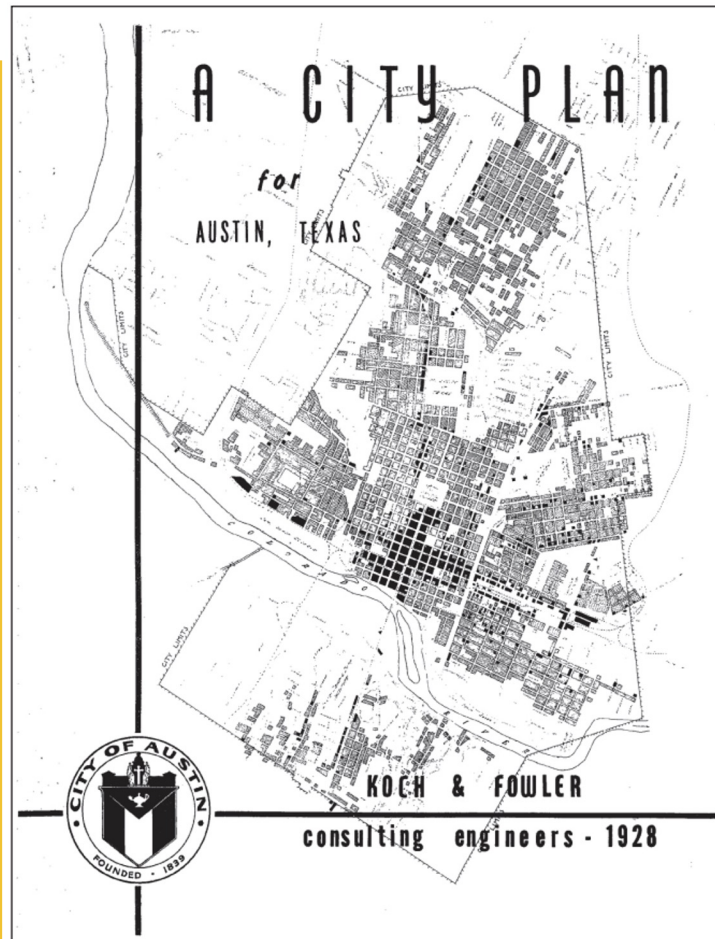
shall be a member, stockholder, officer or director.”⁴⁴⁸ By helping preserve segregation and a system of racial hierarchy, such covenants are yet another example of the enduring effects of slavery.

Between 1923 and 1924, real estate boards in Milwaukee, Detroit, Kansas City, Los Angeles, and other cities prohibited their realtors from selling or renting property in white neighborhoods to African Americans.

Massachusetts included the following clause, introduced in 1946: “The said land shall not be sold, leased or rented to any person other than of the Caucasian race or to any entity of which any person other than that of said race

Racially restrictive covenants began appearing in the late nineteenth century and were first directed against Chinese and Punjabi residents in California.⁴⁴⁹ By 1900, developers began inserting them into the deeds of homes built in new subdivisions all across the country.⁴⁵⁰ Minneapolis, Minnesota had racially restrictive covenants as early as 1910 and late as

1955.⁴⁵¹ Further, between 1923 and 1924, real estate boards in Milwaukee, Detroit, Kansas City, Los Angeles, and other cities prohibited their realtors from selling or renting property in white neighborhoods to African Americans.⁴⁵²



The adopted 1928 city plan of Austin, Texas created a "negro district" as "the nearest approach to the solution of the race segregation problem."

BLACK-OWNED HOME IN CALIFORNIA

Percent of typical U.S. home value

86%



WHITE-OWNED HOME IN CALIFORNIA

Percent of typical U.S. home value

108%

**BLACK CALIFORNIANS
POPULATION**

6%



**BLACK CALIFORNIANS
UNHOUSED POPULATION**

40%

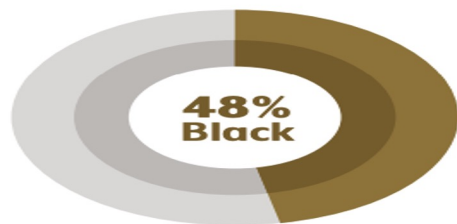
In the last decade, Black Californians were less likely to own a home than in the 1960s, when housing discrimination was legal.

Before 2008, banks specifically targeted Black and Hispanic homeowners to advertise toxic subprime mortgages that triggered the Great Recession. In Memphis, employees of Wells Fargo Bank referred to these loans as “ghetto loans[,]” and bank supervisors targeted Black zip codes because they believed that residents “weren’t savvy enough[.]”

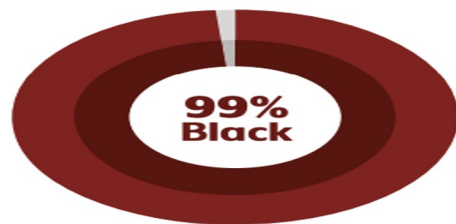
African Americans received

2% of federal home loans
between 1934 and 1962

Public Housing Residents (2000)



Nationwide



**Cities in the
Northeast & South***

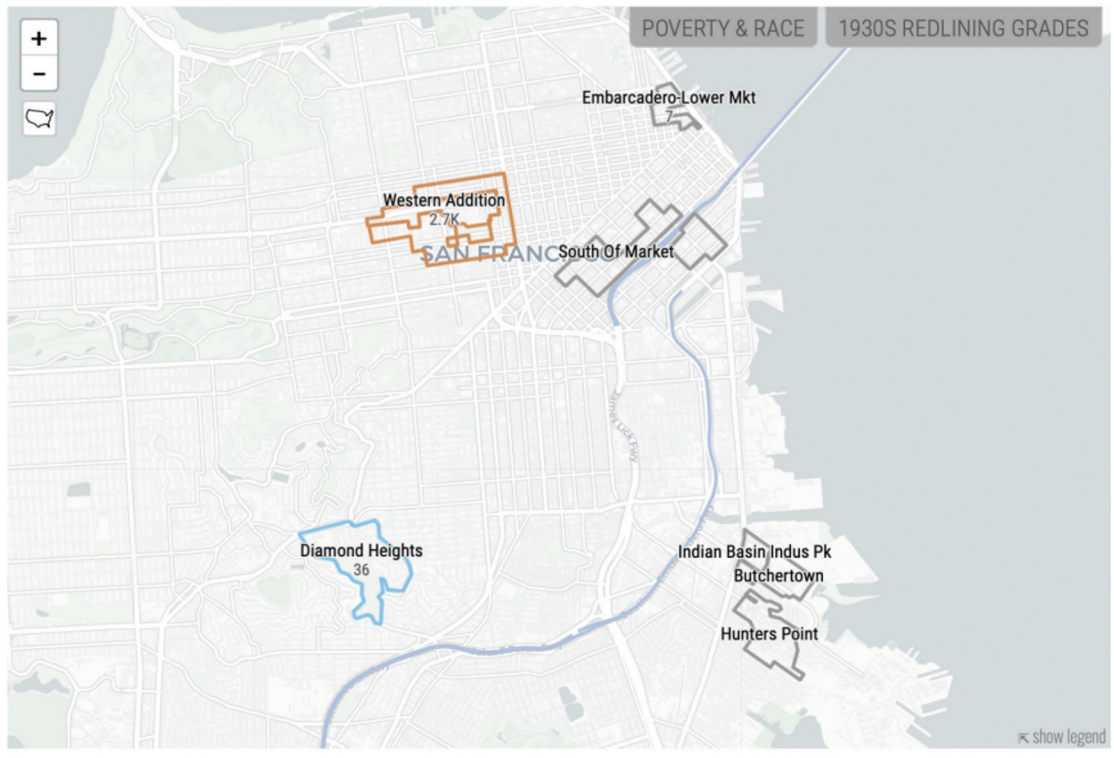
*Birmingham, Detroit, Memphis, New Orleans and Washington D.C.



Renewing Inequality

Family Displacements through Urban Renewal, 1950-1966

The People & the Program Sources & Method Legislative History Citing About Contact Us

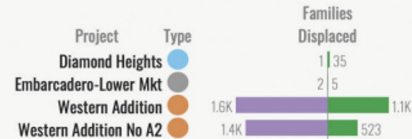


SAN FRANCISCO, CA



By the late 1960s, an estimated **4,684** families had been displaced by urban renewal projects in San Francisco, **65%** of which were families of color.

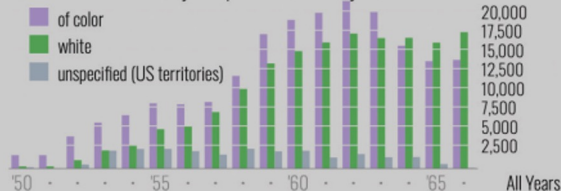
Project footprints are available for projects in bold below. Hover over to highlight on map, click to select. See map legend for key to type icon.



The following projects either did not involve or report displacements or happened after 1966 when the federal government stopped collecting displacement data.

Renewal Projects Duration

Nationwide Family Displacements by Race



Map of San Francisco depicting where family displacement occurs due to urban renewal. (Accessed April 2022)

From 1949 to 1973, compared to white Americans, African Americans were

5x
MORE LIKELY

**to be displaced
by eminent domain**

Table 3 Sundown Towns identified in California from *Sundown Towns: A Hidden Dimension of American Racism* by James Loewen

- Brea⁶⁴⁸
- Bishop⁶⁴⁹
- Burbank⁶⁵⁰
- Maywood Colony, Corning⁶⁵¹
- Culver City⁶⁵²
- Glendale⁶⁵³
- Hawthorne⁶⁵⁴
- La Jolla⁶⁵⁵
- Numerous suburbs of Los Angeles⁶⁵⁶
- Palos Verdes Estates⁶⁵⁷
- Richmond⁶⁵⁸
- San Marino⁶⁵⁹
- South Pasadena⁶⁶⁰
- Taft⁶⁶¹
- Tarzana⁶⁶²

Appendix

Table 1: Racial Disparities in Home Values, 2020 (Studied CA Metros)⁶⁴⁵

Metro Area	Value of the Typical Black-Owned Home as a Percentage of the Value of the Typical US Home (%)	Value of the Typical white-Owned Home as a Percentage of the Value of the Typical US Home (%)
Statewide	86	108
Los Angeles	81	118
Riverside	99	101
Sacramento	93	101
San Diego	81	106
San Francisco	78	107
San Jose	91	108

Table 2: Gap in Black Homeownership Rates (BHR) and white Homeownership Rates (WHR) in Formerly Greenlined Neighborhoods, 1980 vs. 2017 (Studied CA Metros)⁶⁴⁶

Metro Area	1980			2017		
	BHR (%)	WHR (%)	Gap	BHR (%)	WHR (%)	Gap
Fresno	31.4	71.2	39.8 points	2.5	62.6	60.1 points
Los Angeles	49.8	69.1	19.3 points	46.2	67.1	20.9 points
Oakland	76.9	82.6	5.7 points	84.1	85.9	1.8 points
Sacramento	35.7	79.5	43.8 points	16.7	73.4	56.7 points
San Diego	7.9	64.0	56.1 points	17.0	60.9	43.9 points
San Jose	9.9	58.8	48.9 points	41.1	60.5	19.4 points

POTENTIAL FINAL REPARATION PROPOSALS

Enslavement:

- Create New State Agency: CA American Freedmen Affairs
- 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 ENGAGED

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

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