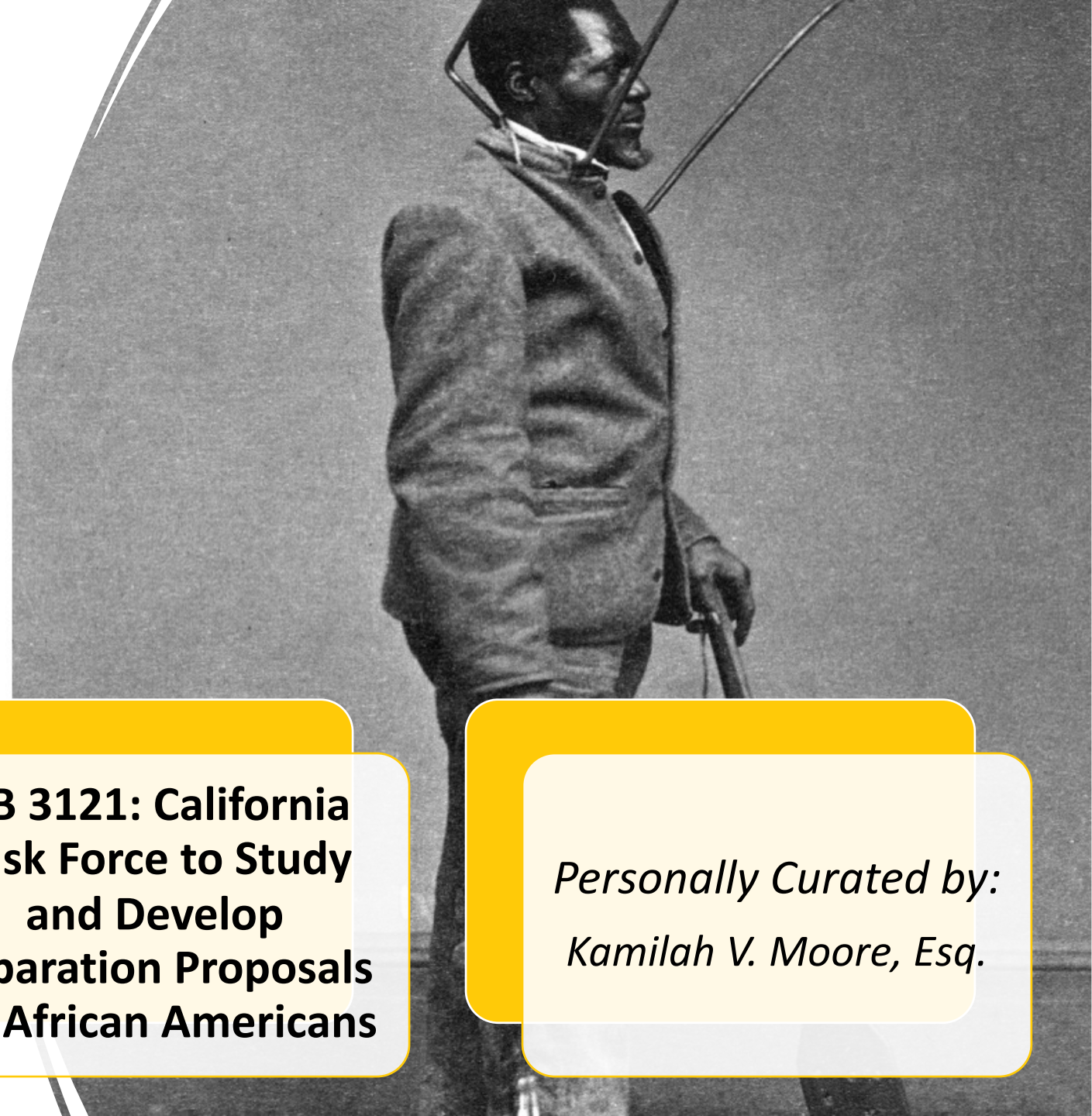


The Intersections Between:
Mental/Physical Harm &
Neglect
&
Reparations

for African Americans, With *Special Consideration for African Americans Descendants of Persons Enslaved in the United States*

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

*Personally Curated by:
Kamilah V. Moore, Esq.*



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

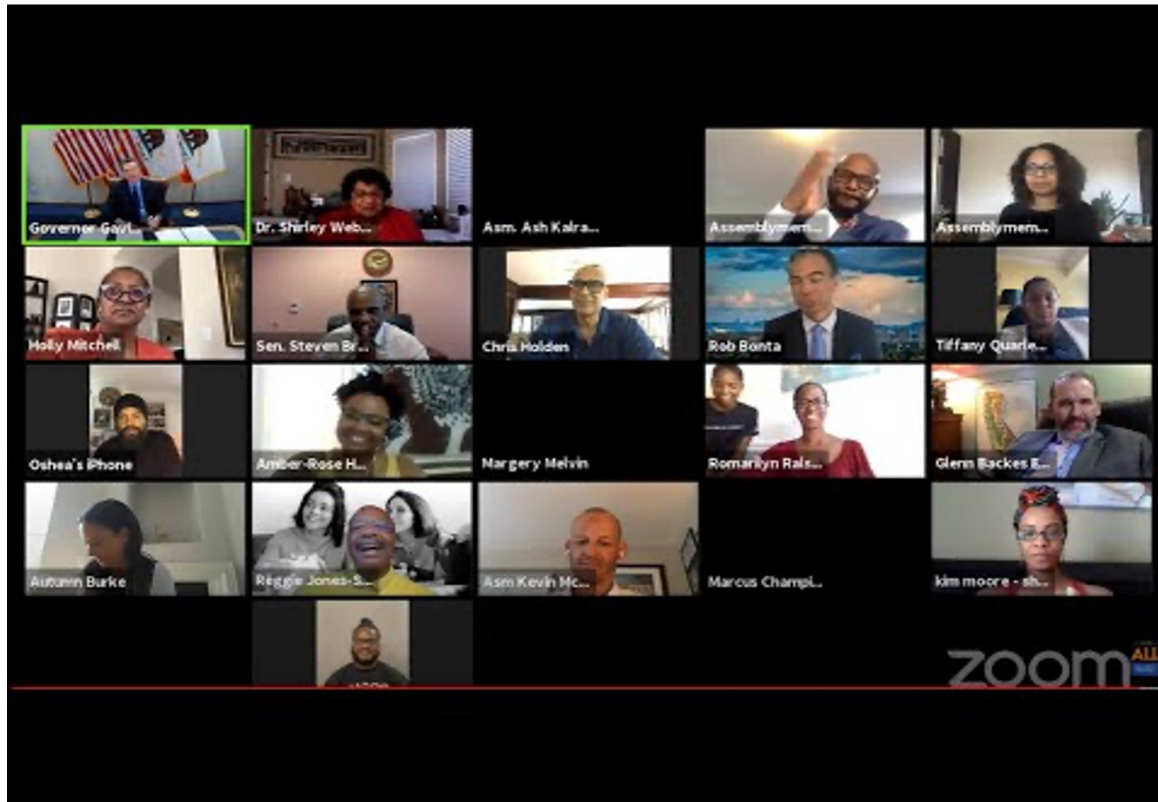


AB-3121 SIGNING CEREMONY

SEPTEMBER 2020

CA REPARATIONS TASK FORCE INAUGURAL 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**

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.**

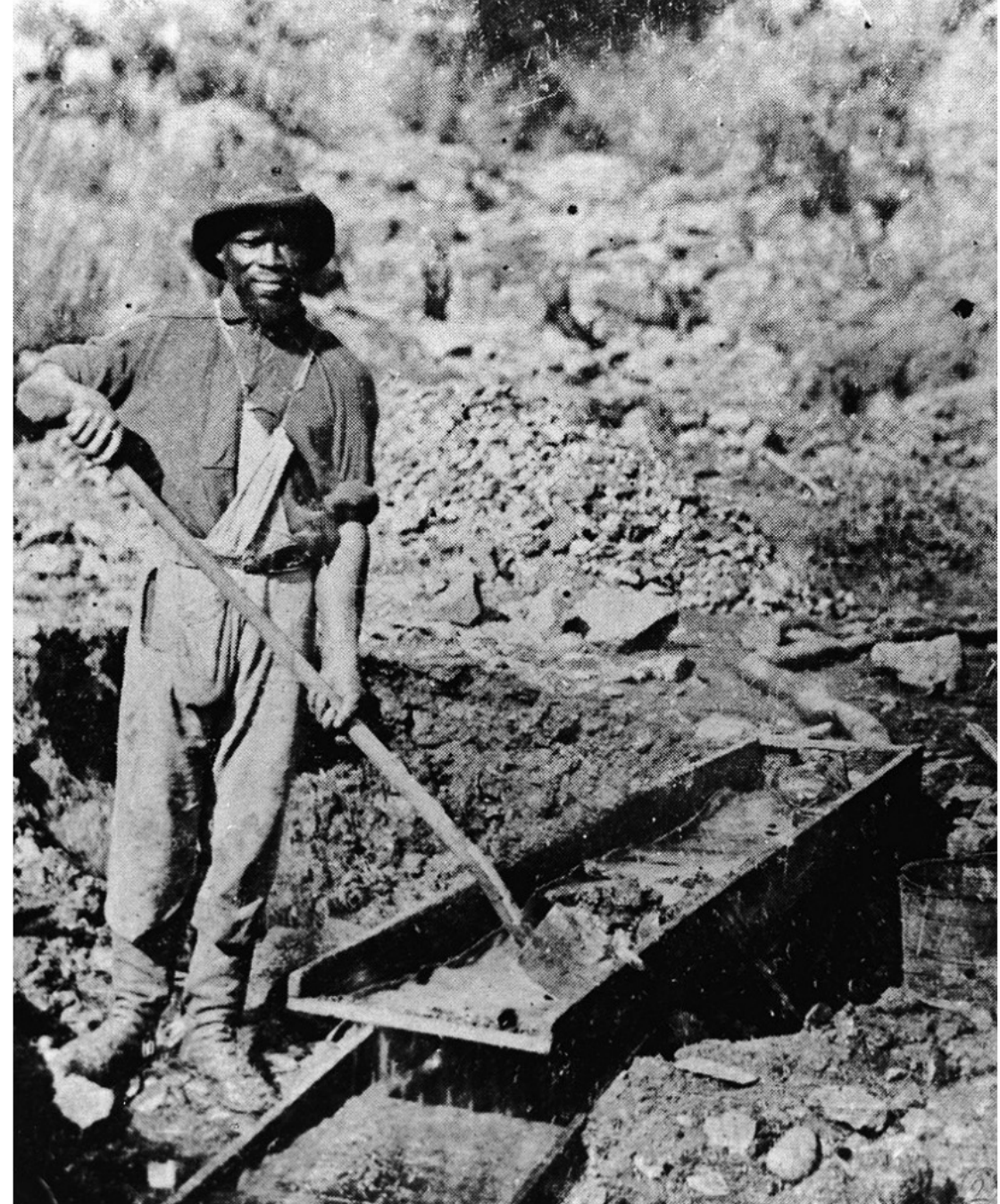
TWELVE
CHAPTERS

(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

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

In 2019, white households owned

9x  **MORE**

assets than Black households

- 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.

Key Findings: Mental & Physical Harm and Neglect

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.

Researchers have found that by some measures, this health gap has grown and cannot be explained by poverty alone, as middle- and upper-class African Americans also manifest high rates of chronic illness and disability.

In addition to physical harm, African Americans experience anger, anxiety, paranoia, helplessness, hopelessness, frustration, resentment, fear, lowered self-esteem, and lower levels of psychological functioning as a result of racism.

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.

Today, by some measures, California's two major industries, Hollywood and Silicon Valley, disproportionately employ fewer African Americans.

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.²¹⁰ When African Americans are hospitalized, Black patients with heart disease receive older, cheaper, and more conservative treatments than their white counterparts.²¹¹

Researchers have found that by some measures, this health gap has grown and cannot be explained by poverty alone,²¹² as middle- and upper-class African Americans also manifest high rates of chronic illness and disability.²¹³ Researchers have linked these health outcomes in part to African Americans' unrelenting experience of racism in our society.²¹⁴ Research suggests that race-related stress may have a greater impact on health among African Americans than diet, exercise, smoking, or low socioeconomic status.²¹⁵

In addition to physical harm, African Americans experience anger, anxiety, paranoia, helplessness, hopelessness, frustration, resentment, fear, lowered self-esteem, and lower levels of psychological functioning as a result of racism.²¹⁶ These feelings can profoundly undermine Black children's emotional and physical well-being and their academic success.²¹⁷

California

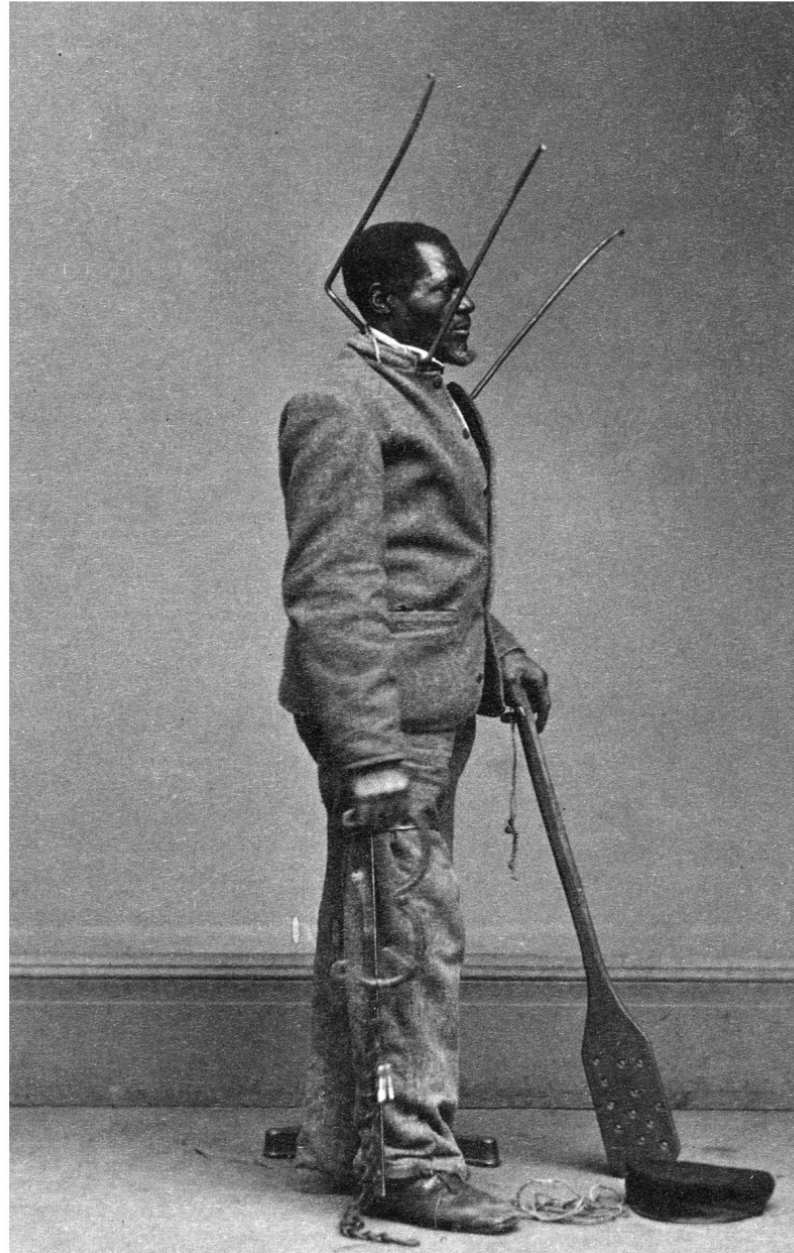
These national trends are similar in California. The life expectancy of an average Black Californian was 75.1 years, six years shorter than the state average.²¹⁸ Black babies are more likely to die in infancy and Black mothers giving birth die at a rate of almost four times higher than the average Californian mother.²¹⁹ Compared with white Californians, Black Californians are more likely to have diabetes, die from cancer, or be hospitalized for heart disease.²²⁰

Compared to white Californian men,
Black Californian men are

5x
MORE LIKELY
to die from
prostate cancer

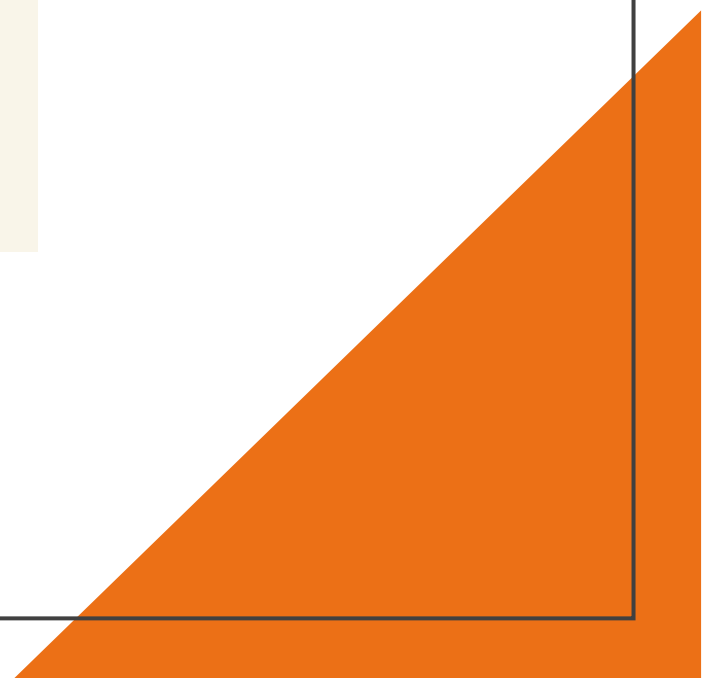
Black Californians suffer from high rates of serious psychological distress, depression, suicidal ideation, and other mental health issues.²²¹ Unmet mental health needs are higher among Black Californians, as compared with white Californians, including lack of access to mental healthcare and substance abuse services.²²² Black Californians have the highest rates of attempted suicide among all racial groups.²²³

Numerous “diseases” that allegedly affected enslaved people were invented by southern doctors, including “drapetomania,” the “irrational” desire to run away, and “dysesthesia,” a supposed laziness that caused enslaved people to mishandle enslaver property. Doctors recommended torturing enslaved people as “treatment” for these false diseases.



The forehead of Wilson Chinn, a formerly enslaved person from Louisiana, was branded with the initials of his enslaver. Chinn is wearing a punishment collar and posing with other equipment used to punish slaves. (1863)

James Marion Sims, the “founder of modern gynecology,” and an enslaver, experimented upon enslaved women and performed vaginal surgeries upon them against their will. Sims used enslaved women’s bodies to perfect surgical instruments and advance his professional status.



COURTESY OF *DISSECTION: PHOTOGRAPHS OF A RITE OF PASSAGE IN AMERICAN MEDICINE, 1880-1930*, PAGE 101



Students at the University of Maryland School of Medicine, 1898. The English sociologist Harriet 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.”

COURTESY OF NATIONAL ARCHIVES



Subjects of the Tuskegee Syphilis Study. In 1932, the U.S. Public Health Service began its study of syphilis, known as the Tuskegee Syphilis Study, which promised free medical care to hundreds of poor Black sharecroppers in Alabama. Over the course of 40 years, the government did not treat the subjects, though treatment was available, and sought to ensure that the subjects of the study did not receive treatment from other sources.

Thousands of mental health patients were forcibly sterilized across California due to the eugenicist efforts of the Human Betterment Foundation. In 1937, one of Nazi Germany's leading eugenicists wrote to Ezra S. Gosney, the financier who started the Human Betterment Foundation, saying, "You were so kind to send...new information about the sterilization particulars in California. These practical experiences are also very valuable for us in Germany. For this I thank you."

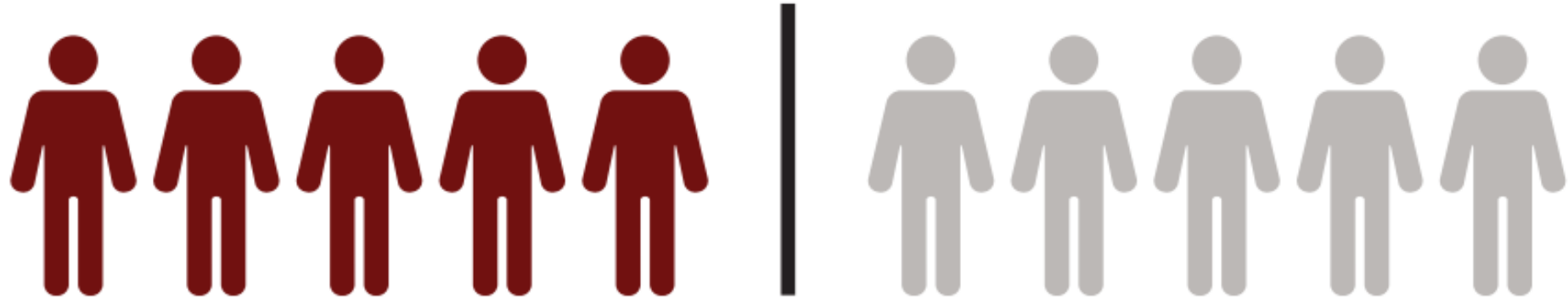
COURTESY OF RUSSELL LEE/LIBRARY OF CONGRESS



A waiting room in a Black hospital in Chicago in 1941. Black hospitals were the only viable sources for healthcare for Black Americans because many white hospitals did not admit Black patients or provided discriminatory care. As late as 1945, Chicago only had one hospital operated by Black healthcare providers that served roughly 270,000 Black residents.

White hospitals received public and private funds to establish models of care based on the newest scientific developments, while Black hospitals had to rely on their own small community of patients for funding. Black hospitals were forced to open in older, outdated hospital structures that were abandoned by prior white founders.

In 1946, Congress passed the Hill-Burton Act, which provided federal construction grants and loans to states that needed health care facilities. Ultimately, Congress included the “separate but equal” provision in the Hill-Burton Act to appease the southern states.



In 1950 **65%** of hospitals
in Los Angeles **racially segregated**
Black patients

Communicable childhood diseases such as whooping cough, measles, meningitis, diphtheria, and scarlet fever were twice as frequent among Black children than white children—reflecting inadequate access to modern medical treatment. The infant death rate for Black children was twice that of white children in the late 1950s. The Black maternal mortality rate was four times greater than the white maternal mortality rate.



By 1964, the State of California
sterilized over **20,000** people
which accounts for **1/3**
of all sterilizations in the U.S.

African American Men & Mental Harm & Neglect

In the 1970s, due to systemic racism, psychiatrists were taught that clinical depression was nonexistent among African Americans. Black military personnel under conditions of intense racial discrimination received higher rates of severe mental illness diagnoses, such as paranoid schizophrenia.

In early 1970, the Black Panther Party published in its newspaper an account of “the disrespectful, unprofessional, and even authoritarian encounters between physicians and their patients at San Francisco General.”

COURTESY OF JAMES NIELSEN/AFP VIA GETTY IMAGES



National Guardsmen stand watch at barricades outside the Superdome as emotional refugees driven from their homes by Hurricane Katrina await evacuation from the flooded city of New Orleans, La. Following Hurricane Katrina, African Americans in New Orleans received worse medical care than white Americans, which made pre-existing disparities worse. Living conditions for white Americans in New Orleans were restored or improved upon when compared with conditions before the hurricane hit. (Sept. 1, 2005)

African American Youth & Mental Harm & Neglect

Studies have shown that Black youth who are exposed to discrimination and segregation have worse cases of adult inflammation due to race-related stressors. In fact, race-related stress has a greater impact on health among African Americans than their diet, exercise, smoking, or being low income.

Black youth are three times as likely to be incarcerated in the juvenile justice system and less likely to be diverted to non-carceral settings than white youth. African American youth involved in the carceral system have worse mental and physical health, during and after incarceration. This is due to communicable diseases, which spread in juvenile facilities, physical and sexual trauma, as well as erosion of mental health.

Mental health problems among Black youth often result in school punishment or incarceration, rather than mental healthcare.

Housing segregation excessively exposes Black communities to pollution and isolates African Americans from healthcare resources, including pharmacies, clinics, hospitals, and healthy food stores.

From 1991-2016, compared to whites, Black crack users were

7x
MORE LIKELY

to be sent to federal prison for their offense

African American LGBTQIA & Physical Harm & Neglect

Compared to all transgender Americans,
Black transgender Americans are

5x MORE LIKELY
to be infected with HIV

Black gay and bisexual men are infected by HIV more than any other group in the United States today and have the highest HIV death rate.

Expecting and new Black mothers often find that their reports of painful symptoms are overlooked or minimized by medical practitioners. Black women must wait longer for prenatal appointments and are ignored, scolded, demeaned, and bullied into having C-sections.

**African American
Women &
Mothers, or
Birthing People**

&

**Physical Harm &
Neglect**



African Americans & Mental Harm & Neglect

Studies have shown that racial and ethnic discrimination may play an important role in the development of Post-Traumatic Stress Disorder (PTSD) for Black people. Racial trauma can cause symptoms similar to PTSD. Studies have also shown that public racial discrimination against African Americans is linked to an increase in depressive symptoms.

Cultural trauma is “a dramatic loss of identity and meaning, a tear in the social fabric affecting a group of people that has achieved some degree of cohesion[.]”

Across racial groups, the highest percentage of serious psychological distress and attempted suicide was found among Black Californians. Black Californians had the highest percentage of missed days of work and daily activities due to mental health concerns.

Today, studies have found that a significant number of white medical students and residents hold false beliefs about biological differences between African Americans and white Americans, such as the belief that African Americans have a higher pain threshold than white Americans

Black physicians in California have alleged that the Medical Board of California disciplines Black doctors more than white doctors. Research shows that Black physicians in California were more likely to receive complaints and have their complaints escalated to investigations than white physicians, but these investigations were not more likely to result in disciplinary action.

Anti-African American Discrimination In Medical Field

As of March 2022, African Americans are 1.1 times more likely to contract COVID-19, 2.4 times more likely to be hospitalized due to COVID-19, and 1.7 times more likely to die from COVID-19 than white Americans.

African Americans & COVID-19



Potential Final Reparation 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 ENGAGED

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

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

Subscribe to Mailing List: <https://oag.ca.gov/subscribe>

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

Personal Twitter/Website: @KamilahVMoore; kamilahmoore.com