

File No. 201157

Committee Item No. \_\_\_\_\_

Board Item No. 42

# COMMITTEE/BOARD OF SUPERVISORS

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Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 20, 2020

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- Assembly Bill No. 3121
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Prepared by: Lisa Lew

Date: October 16, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting Assembly Bill No. 3121 (Weber) and Affirming San Francisco’s Commitment for a  
2 Reparations Plan]

2

3 **Resolution supporting California State Assembly Bill No. 3121, authored by Assembly**  
4 **Member Shirley Weber, establishing a task force to study and develop reparation**  
5 **proposals for African Americans; and affirming San Francisco’s commitment for a**  
6 **reparations plan.**

7

8 WHEREAS, African Americans were enslaved in the United States from 1619 to 1865,  
9 when slavery was officially ended with the ratification of the 13th Amendment but the trauma  
10 of slavery has remained throughout generation for the African American community; and

11 WHEREAS, The legacy of slavery continues to manifest in disparities for the African  
12 American community through education, underfunded neighborhoods, overcriminalization,  
13 health, and economic mobility; and

14 WHEREAS, Reparations are a financial recompense for African Americans whose  
15 ancestors provided free labor for hundreds of years and lived through the Jim Crow era; the  
16 enslavement and overall persecution of African Americans in the United States has enriched  
17 the United States and created disparities in income, wealth, and education between Blacks  
18 and whites; reparations are needed to reduced these current-day legacies of slavery and Jim  
19 Crow; and

20 WHEREAS, On September 30, 2020, Governor Gavin Newsom signed Assembly Bill  
21 No. 3121 (AB 3121) to establish a first-in-the-nation state task force to study and make  
22 recommendations on reparations for slavery; and

23 WHEREAS, AB 3121, Task Force to Study and Develop Reparation Proposals for  
24 African Americans, is sponsored by Assemblymember Shirley Weber of San Diego and  
25 establishes a nine-member task force to inform Californians about slavery and explore ways

1 the state might provide reparations for African Americans in California who were descendants  
2 of slavery; and

3 WHEREAS, AB 3121 would require the Task Force to recommend, among other  
4 things, the form of compensation that should be awarded, the instrumentalities through which  
5 it should be awarded, and who should be eligible for this compensation and would require the  
6 Task Force to submit a written report of its findings and recommendations to the California  
7 State Legislature; and

8 WHEREAS, The Task Force established from AB 3121 will recommend appropriate  
9 ways to educate the California public of the Task Force's findings; and

10 WHEREAS, The Task Force established from AB 3121 will also recommend how the  
11 State of California will offer a formal apology on behalf of the people of California for the  
12 perpetration of gross human rights violations and crimes against humanity on African slaves  
13 and their descendants; and

14 WHEREAS, The Task Force established from AB 3121 will review existing California  
15 laws and policies that continue to disproportionately and negatively affect African Americans  
16 as a group and perpetuate the lingering material and psychosocial effects of slavery to be  
17 eliminated; and

18 WHEREAS, The AB 3121 Task Force will consider what form of compensation should  
19 be awarded, through what instrumentalities and who should be eligible for such compensation  
20 through the task force's findings; and

21 WHEREAS, The San Francisco Board of Supervisors unanimously passed Resolution  
22 No. 376-20 in August 2020 to support a reparations plan to comprehensively address the  
23 inequities that exists in the African American community as a result of slavery's legacy of  
24 systemic oppression and creation of an advisory committee for the African American  
25 community; and

1           WHEREAS, AB 3121 is closely aligned with Resolution No. 376-20 with similar goals of  
2 establishing a reparations plan for the African American community; now, therefore, be it

3           RESOLVED, That the San Francisco Board of Supervisors hereby formally express  
4 support for AB 3121, Task Force to Study and Develop Reparation Proposals for African  
5 Americans; and, be it

6           FURTHER RESOLVED, That the San Francisco Board of Supervisors reaffirms its  
7 commitment to a reparations plan for the African American community; and, be it

8           FURHTER RESOLVED, That the San Francisco Board of Supervisors reaffirms its  
9 commitment to create a reparations advisory committee in partnership with the Human Rights  
10 Commission as intended in Resolution No. 376-20 to prioritize reparations addressing  
11 education, housing, violence prevention, workforce development, economic opportunities,  
12 financial stability, small business, transportation, health disparities, food insecurity, and  
13 overcriminalization to achieve a comprehensive and true reparations plan to alleviate the  
14 residue of oppression from slavery that continues to plague the African American community  
15 in San Francisco.

## **Assembly Bill No. 3121**

### CHAPTER 319

An act to add and repeal Chapter 4.5 (commencing with Section 8301) of Division 1 of Title 2 of the Government Code, relating to state government.

[Approved by Governor September 30, 2020. Filed with  
Secretary of State September 30, 2020.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 3121, Weber. Task Force to Study and Develop Reparation Proposals for African Americans.

Existing law requests the Regents of the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and the businesses, including insurance companies and their subsidiaries, that received those benefits, and to make recommendations to the Legislature regarding those findings.

Existing law requires the Insurance Commissioner to request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era. Existing law requires insurers to research and report to the commissioner on insurance policies that provided coverage for injury to, or death of, enslaved people.

This bill would establish the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States, consisting of 9 members, appointed as provided. The bill would require the Task Force to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies. The bill would require the Task Force to recommend, among other things, the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation. The bill would require the Task Force to submit a written report of its findings and recommendations to the Legislature. The bill would authorize reimbursement of the members' expenses only to the extent an appropriation therefor is made in the Budget Act. The bill would state that any state level reparations authorized under these provisions are not to be considered a replacement for any reparations enacted at the federal level. The bill would repeal these provisions on July 1, 2023.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 4.5 (commencing with Section 8301) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 4.5. REPARATIONS FOR THE INSTITUTION OF SLAVERY

Article 1. Findings and Declarations

8301. (a) The Legislature makes the following findings and declarations:

(1) More than 4,000,000 Africans and their descendants were enslaved in the United States and the colonies that became the United States from 1619 to 1865, inclusive.

(2) The institution of slavery was constitutionally and statutorily sanctioned by the United States from 1789 through 1865, inclusive.

(3) The slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage and denied them the fruits of their own labor.

(4) A preponderance of scholarly, legal, and community evidentiary documentation, as well as popular culture markers, constitute the basis for inquiry into the ongoing effects of the institution of slavery and its legacy of persistent systemic structures of discrimination on living African Americans and society in the United States.

(5) Following the abolition of slavery, the United States government at the federal, state, and local levels continued to perpetuate, condone, and often profit from practices that continued to brutalize and disadvantage African Americans, including sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system.

(6) As a result of the historic and continued discrimination, African Americans continue to suffer debilitating economic, educational, and health hardships, including, but not limited to, all of the following:

(A) Having nearly 1,000,000 black people incarcerated.

(B) An unemployment rate more than twice the current white unemployment rate.

(C) An average of less than one-sixteenth of the wealth of white families, a disparity that has worsened, not improved, over time.

(b) It is the purpose of this chapter to establish a task force that will do all of the following:

(1) Study and develop reparation proposals for African Americans as a result of:

(A) The institution of slavery, including both the transatlantic and domestic "trade" that existed from 1565 in colonial Florida and from 1619 to 1865, inclusive, within the other colonies that became the United States, and that included the federal and state governments, that constitutionally and statutorily supported the institution of slavery.

(B) The de jure and de facto discrimination against freed slaves and their descendants from the end of the Civil War to the present, including economic, political, educational, and social discrimination.

(C) The lingering negative effects of the institution of slavery and the discrimination described in paragraphs (5) and (6) of subdivision (a) on living African Americans and on society in California and the United States.

(D) The manner in which instructional resources and technologies are being used to deny the inhumanity of slavery and the crime against humanity committed against people of African descent in California and the United States.

(E) The role of Northern complicity in the Southern-based institution of slavery.

(F) The direct benefits to societal institutions, public and private, including higher education, corporate, religious, and associational.

(2) Recommend appropriate ways to educate the California public of the task force's findings.

(3) Recommend appropriate remedies in consideration of the task force's findings on the matters described in this section.

(4) Submit to the Legislature the report completed pursuant to Section 8301.1, together with any recommendations.

Article 2. Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States

8301.1. (a) There is hereby established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force).

(b) The Task Force shall perform all of the following duties:

(1) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States from 1619 to 1865, inclusive. The Task Force's documentation and examination shall include the facts related to all of the following:

(A) The capture and procurement of Africans.

(B) The transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport.

(C) The sale and acquisition of Africans as chattel property in interstate and intrastate commerce.

(D) The treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

(E) The extensive denial of humanity, sexual abuse, and chattelization of persons.

(F) The federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present.

(G) The other forms of discrimination in the public and private sectors against freed African slaves and their descendants who were deemed United States citizens from 1868 to the present, including redlining, educational funding discrepancies, and predatory financial practices.

(H) The lingering negative effects of the institution of slavery and the matters described in this section on living African Americans who are descendants of persons enslaved in the United States (African Americans) and on society in the United States.

(2) Recommend appropriate ways to educate the California public of the Task Force's findings.

(3) Recommend appropriate remedies in consideration of the Task Force's findings on the matters described in this section. In making recommendations, the Task Force shall address, among other issues, all of the following:

(A) How the recommendations comport with international standards of remedy for wrongs and injuries caused by the state, that include full reparations and special measures, as understood by various relevant international protocols, laws, and findings.

(B) How the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants.

(C) How California laws and policies that continue to disproportionately and negatively affect African Americans as a group and perpetuate the lingering material and psychosocial effects of slavery can be eliminated.

(D) How the injuries resulting from matters described in this subdivision can be reversed and how to provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries.

(E) How, in consideration of the Task Force's findings, any form of compensation to African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States, is calculated.

(F) What form of compensation should be awarded, through what instrumentalities, and who should be eligible for such compensation.

(G) How, in consideration of the Task Force's findings, any other forms of rehabilitation or restitution to African descendants are warranted and what form and scope those measures should take.

(c) The Task Force shall submit a written report of its findings and recommendations to the Legislature no later than the date that is one year after the date of the first meeting of the Task Force held pursuant to Section 8301.2 of this chapter. The report shall be submitted in compliance with Section 9795.



### Article 3. Membership

8301.2. (a) The Task Force shall consist of nine members, appointed as follows:

(1) Five members shall be appointed by the Governor.

(2) Two members shall be appointed by the President pro Tempore of the Senate and two members shall be appointed by the Speaker of the Assembly.

(b) The Governor's appointees shall include all of the following:

(1) One appointee from the field of academia that has expertise in civil rights.

(2) Two appointees from major civil society and reparations organizations that have historically championed the cause of reparatory justice.

(c) Not more than four appointees shall be Members of the Legislature.

(d) Members shall be drawn from diverse backgrounds to represent the interests of communities of color throughout the state, have experience working to implement racial justice reform, and, to the extent possible, represent geographically diverse areas of the state.

(e) The term of office for members shall be for the life of the Task Force. A vacancy in the Task Force shall not affect the powers of the Task Force and shall be filled in the same manner that the original appointment was made.

(f) The Governor shall call the first meeting of the Task Force to occur no later than June 1, 2021.

(g) Five members of the Task Force shall constitute a quorum.

(h) The Task Force shall elect a chair and vice chair from among its members. The term of office of each shall be for the life of the Task Force.

(i) For attendance at meetings during adjournment of the Legislature, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses for not more than 10 meetings, upon appropriation by the Legislature.

(j) Nonlegislative members of the Task Force shall be entitled to per diem compensation and reimbursement of expenses for not more than 10 meetings, upon appropriation by the Legislature.

### Article 4. Powers

8301.3. (a) For the purpose of carrying out the provisions of this chapter, the Task Force may do all of the following:

(1) Hold hearings and sit and act at any time and location in California.

(2) Request the attendance and testimony of witnesses.

(3) Request the production of books, records, correspondence, memoranda, papers, and documents.

(4) Seek an order from a Superior Court compelling testimony or compliance with a subpoena.

(b) Any subcommittee or member of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take pursuant to this section.

(c) The Task Force may acquire directly from the head of any state agency available information that the Task Force considers useful in the discharge of its duties. All state agencies shall cooperate with the Task Force with respect to such information and shall furnish all information requested by the Task Force to the extent permitted by law. The Task Force shall keep confidential any information received from a state agency that is confidential or exempt from the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

Article 5. Administrative Provisions

8301.4. (a) The Task Force may appoint and fix the compensation of such personnel as the Task Force considers appropriate.

(b) The Task Force shall have the administrative, technical, and legal assistance of the Department of Justice.

(c) The Task Force may procure supplies, services, and property by contract in accordance with applicable laws and rules.

(d) The Task Force may enter into contracts for the purposes of conducting research or surveys, preparing reports, and performing other activities necessary for the discharge of the duties of the Task Force with state departments, agencies, and other instrumentalities, federal departments, agencies, and other instrumentalities, and private entities.

Article 6. Reparations

8301.5. Any state level reparation actions that are undertaken as a result of this chapter are not a replacement for any reparations enacted at the federal level, and shall not be interpreted as such.

Article 7. Termination

8301.7. This chapter shall remain in effect until July 1, 2023, and as of that date is repealed.

# Governor Newsom Signs Landmark Legislation to Advance Racial Justice and California's Fight Against Systemic Racism & Bias in Our Legal System

Published: Sep 30, 2020

*Governor signs AB 3121 to establish a first-in-the-nation task force to study and make recommendations on reparations for slavery*

*AB 2542 will prohibit the use of race, ethnicity or national origin to seek or obtain convictions or impose sentences*

*Governor also signs AB 3070 which aims to eliminate discrimination in jury selection*

*New laws build on Administration's work to achieve true equality for all Californians and to acknowledge historical wrongs against people of color and Native people*

SACRAMENTO – As the nation reckons with the scourge of racial injustice rooted in the legacy of slavery and systemic racism, Governor Gavin Newsom today signed a first-in-the-nation law to study and make recommendations on reparations for slavery to the Black community through a state-based task force. He also signed two bills targeting structural racism and bias in our legal system by prohibiting the use of race, ethnicity and national origin to seek or obtain convictions or impose sentences, and to reduce discrimination in jury selection.

“As a nation, we can only truly thrive when every one of us has the opportunity to thrive. Our painful history of slavery has evolved into structural racism and bias built into and permeating throughout our democratic and economic institutions,” said Governor Newsom. “California’s rich diversity is our greatest asset, and we won’t turn away from this moment to make right the discrimination and disadvantages that Black Californians and people of color still face. While there is still so much work to do to unravel this legacy, these pieces of legislation are important steps in the right direction to building a more inclusive and equitable future for all.”

The Governor signed two bills by Assemblymember Shirley Weber (D-San Diego). AB 3121 establishes a nine-member task force to inform Californians about slavery and explore ways the state might provide reparations. The Governor also signed Assemblymember Weber’s AB 3070, which would strengthen jury selection procedures and increase transparency to ensure attorney challenges to exclude jurors are not for discriminatory purposes. The Governor previously signed SB 592 by Senator Scott Wiener (D-San Francisco), which broadens the source lists from which juries are selected, better diversifying jury pools.

“California has historically led the country on civil rights, yet we have not come to terms with our state’s ugly past that allowed slaveholding within our borders and returned escaped slaves to their masters,” said Assemblymember Weber. “Neither have we effectively addressed our present justice system which allows prosecutors to bar African Americans from serving on juries. The Governor’s signature on AB 3121 and AB 3070 once again demonstrates that our state is dedicated to leading the nation on confronting and addressing systemic injustice.”

The Governor also signed AB 2542 by Assemblymember Ash Kalra (D-San Jose), which would prohibit the use of race, ethnicity or national origin to seek or obtain convictions or impose sentences. Known as “The California Racial Justice Act,” AB 2542 is a countermeasure to address a widely condemned 1987 legal precedent established by the U.S. Supreme Court in the case of *McCleskey v. Kemp*. The *McCleskey* decision has the functional effect of requiring that criminal defendants prove intentional discrimination when challenging racial bias in their legal process. This is a high standard and is almost impossible to meet without direct proof that the racially discriminatory behavior was conscious, deliberate and targeted.

“I am grateful to Governor Newsom for signing AB 2542 and his commitment to rooting out racism from our courts. With the signing of this bill and other actions he has taken, the Governor has well established himself as a national leader on compassionate, thoughtful criminal justice reform.” said Assemblymember Kalra. “Although there is still much more work to do in fixing our broken criminal justice system, the Racial Justice Act is an historic foundational step in upholding Constitutional protections for everyone and moving us closer to a system that truly reflects justice for all. The Racial Justice Act puts into law a manifestation of a continuing struggle most recently represented by millions in the streets demanding racial justice.”

The Governor signed the following bills today:

- AB 979 by Assemblymember Chris Holden (D-Pasadena) – Corporations: boards of directors: underrepresented communities.
- AB 2542 by Assemblymember Ash Kalra (D-San Jose) – Criminal procedure: discrimination.
- AB 3070 by Assemblymember Shirley Weber (D-San Diego) – Juries: peremptory challenges.
- AB 3121 by Assemblymember Shirley Weber (D-San Diego) – Task Force to Study and Develop Reparation Proposals for African Americans.

Today’s actions build on the Newsom Administration’s work to acknowledge historic wrongs and combat structural racism and bias in our

institutions. In March 2019, the Governor issued a [moratorium on the death penalty](#), which is unfairly applied to people of color, people with mental disabilities and people who cannot afford costly legal representation. Governor Newsom also took action to secure safe drinking water for the 1 million Californians in underserved communities who lacked access to safe water. He also took the historic step of [formally apologizing](#) to California Native Americans for the exploitation and violence our predecessors inflicted upon them, and this year [announced](#) Administration support for tribal access, co-management and acquisition of ancestral lands. Governor Newsom has also taken action to combat decades-long economic inequality by [expanding the California Earned Income Tax Credit](#) to millions, including undocumented Californians; advancing AB 5 to address worker misclassification; extending the right to join a union and bargain collectively to child care workers; and banning discrimination based on housing vouchers.

###

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Walton

Subject:

Supporting Assembly Bill No. 3121 and Affirming San Francisco's Commitment for a Reparations Plan

The text is listed:

Resolution supporting California State Assembly Bill No. 3121 and affirming San Francisco's commitment for a reparations plan.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only