

AMENDED IN ASSEMBLY APRIL 2, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3089

Introduced by Assembly Members Jones-Sawyer, Bonta, Bryan, Gipson, Holden, Jackson, McCarty, McKinnor, Weber, and Wilson

(Principal coauthors: Senators Bradford and Smallwood-Cuevas)

(Coauthor: Assembly Member Kalra)

February 16, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 3089, as amended, Jones-Sawyer. Chattel slavery: formal apology.

Previously existing law established, until July 1, 2023, 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. Previously existing law required 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 that became the United States, as specified, and to recommend appropriate remedies in consideration of the Task Force's findings, as specified. Previously existing law required the Task Force to submit a written report of its findings and recommendations to the Legislature, as specified.

This bill would provide that the State of California recognizes and accepts responsibility for all of the harms and atrocities committed by

the state, its representatives thereof, and entities under its jurisdiction who promoted, facilitated, enforced, and permitted the institution of chattel slavery and the enduring legacy of ongoing badges and incidents from which the systemic structures of discrimination have come to exist. The bill would further provide that the State of California ~~accepts this responsibility with a formal apology for the harms perpetrated by the state, and orders this apology to be memorialized in the form of a proclamation~~ *apologize for perpetuating the harms African Americans have faced and affirms its role in protecting the descendants of enslaved people and all Black Californians. The bill would require a plaque memorializing this apology to be publicly and conspicuously displayed permanently installed and maintained in the California State Capitol building- Building.*

The bill would require the Legislature to prepare the formal apology ~~proclamation, which would~~ *and would request it* be signed by specified state leaders. Additionally, the bill would require the Secretary of State to submit a final copy of this formal apology ~~proclamation~~ to the State Archives, where it would be available for viewing by the general public in perpetuity. The bill would include related legislative findings.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

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

3
 4 CHAPTER 4.5. APOLOGY ACT FOR THE PERPETRATION OF GROSS
 5 HUMAN RIGHTS VIOLATIONS AND CRIMES AGAINST HUMANITY,
 6 WITH SPECIAL CONSIDERATION FOR AFRICAN SLAVES AND THEIR
 7 DESCENDANTS

8
 9 Article 1. Findings and Declarations

10
 11 8301. This chapter shall be known, and may be cited, as the
 12 “Apology Act for the Perpetration of Gross Human Rights
 13 Violations and Crimes Against Humanity, with special
 14 consideration for African Slaves and their Descendants.”

15 8301.1. (a) The Legislature finds and declares all of the
 16 following:

1 (1) In 2020, the people of California established the Task Force
2 to Study and Develop Reparation Proposals for African Americans,
3 with a Special Consideration for African Americans Who are
4 Descendants of Persons Enslaved in the United States (Task Force)
5 and required the Task Force to address, among other things, how
6 the State of California will offer a formal apology on behalf of the
7 people of California for the perpetration of gross human rights
8 violations and crimes against humanity on African slaves and their
9 descendants, and how California laws and policies that continue
10 to disproportionately and negatively affect African Americans as
11 a group and perpetuate the lingering material and psychosocial
12 effects of slavery can be eliminated.

13 (2) Based on the Task Force’s evidentiary findings and
14 recommendations outlined in the report to the Legislature as
15 required by the statute, the people of the State of California hereby
16 acknowledge being a beneficiary of the forced enslavement of
17 African slaves brought to California and continuing the
18 subordination of Black Californians.

19 (3) Well after California entered the Union and declared itself
20 a free state outlawing slavery, more than 2,000 enslaved African
21 people were brought to California from 1850 to 1860.

22 (4) The California Supreme Court enforced fugitive slave laws
23 until 1865, stating that the antislavery law in the California
24 Constitution was merely a “declaration of a principle.”

25 (5) Throughout the state’s history, California’s executive,
26 judicial, and legislative branches continuously denied African
27 slaves and their descendants basic humanity and fundamental
28 liberties from before the Civil War to the present.

29 (6) Moreover, California’s cities, counties, special districts,
30 joint powers authorities, and other quasi-governmental entities
31 exerted demonstrable undue pressure upon African slaves and
32 Black Californians throughout the territory.

33 (7) California industries benefited from ill-gotten gains based
34 on chattel slavery in the form of agricultural and other industrial
35 production. The State of California should consider reviewing
36 these gains in order to potentially fund reparatory efforts.

37 (8) California courts prevented Black citizens from testifying
38 in legal proceedings against a white person, and California’s
39 Legislature vehemently opposed Congressional civil rights laws
40 and delayed ratification of the Fourteenth and Fifteenth

1 Amendments to the United States Constitution, hindering Black
2 Americans the right to citizenship, due process under the law, and
3 right to vote.

4 (9) California further disenfranchised Black Californians by
5 enacting deliberate racial barriers such as poll taxes and literacy
6 tests, prohibiting interracial marriage, and passing
7 antimiscegenation laws in its first legislative session in 1850.

8 (10) California constructed monuments, memorials, markers,
9 and plaques to preserve and memorialize Confederate principles,
10 glorifying subjugation, slavery, and white supremacy.

11 (11) From the brutality of enslavement to modern-day police
12 killings, state-sanctioned violence at all levels of government, such
13 as lynching, coercive sterilization, torture, and property destruction
14 inflicted death, physical injury, and psychological harm on Black
15 Californians.

16 (12) California openly sanctioned widespread segregation and
17 discrimination against African Americans in workplaces,
18 educational facilities, and public spaces, and enacted predatory
19 licensing laws, fire and safety codes, and antinuisance laws to
20 disrupt African American businesses and patrons.

21 (13) Discriminatory housing policies, including redlining,
22 residential zoning ordinances, and loan practices, produced
23 persistent housing segregation and longstanding inequities in home
24 ownership for Black Californians.

25 (14) State and local governments targeted property owned by
26 African Americans for renewal and development projects
27 employing unjust uses of eminent domain, often without providing
28 just compensation, yet those same authorities enacted and enforced
29 laws that historically excluded African Americans from outdoor
30 recreation, public transit, and other public infrastructure.

31 (15) The eugenics movement thrived in California and thousands
32 of African Americans were forcibly sterilized or were the subjects
33 of medical experiments without valid consent.

34 (b) According to the United Nations Principles on Reparation,
35 an apology, when combined with material forms of reparations,
36 provides an opportunity for communal reckoning with the past
37 and repair for moral, physical, and dignitary harms.

1 Article 2. Recognition and Acceptance of Responsibility for
2 Harms and Atrocities Committed: Formal Apology Proclamation

3
4 8301.2. (a) The State of California recognizes and accepts
5 responsibility for all of the harms and atrocities committed by the
6 state, its representatives thereof, and entities under its jurisdiction
7 who promoted, facilitated, enforced, and permitted the institution
8 of chattel slavery and the enduring legacy of ongoing badges and
9 incidents from which the systemic structures of discrimination
10 have come to exist.

11 ~~(b) The State of California accepts this responsibility with a~~
12 ~~formal apology for the harms perpetrated by the state, and hereby~~
13 ~~orders this apology to be memorialized in the form of a~~
14 ~~proclamation to be publicly and conspicuously displayed~~
15 ~~permanently in the California State Capitol building.~~

16 ~~(c) The Legislature shall prepare the formal apology~~
17 ~~proclamation, which shall bear the Great Seal of this State and be~~
18 ~~signed by the Speaker of the Assembly, the President pro Tempore~~
19 ~~of the Senate, the Governor, and the Chief Justice of the California~~
20 ~~Supreme Court.~~

21 *(b) The State of California apologizes for perpetuating the harms*
22 *African Americans faced by having imbued racial prejudice*
23 *through segregation, public and private discrimination, and*
24 *unequal disbursal of state and federal funding and declares that*
25 *such actions shall not be repeated. The State of California*
26 *acknowledges the work of the Task Force to Study and Develop*
27 *Reparation Proposals for African Americans, with a Special*
28 *Consideration for African Americans Who are Descendants of*
29 *Persons Enslaved in the United States. This task force, established*
30 *by Assembly Bill 3121 (2020), detailed the harms faced by African*
31 *Americans in California and provided numerous legislative*
32 *recommendations, including this formal apology. The State of*
33 *California affirms its role in protecting the descendants of enslaved*
34 *people and all Black Californians as well as their civil, political,*
35 *and socio-cultural rights. California acknowledges and affirms*
36 *its responsibility to end ongoing harm. The State of California*
37 *commits to restore and repair affected peoples with actions beyond*
38 *this apology.*

39 *(c) A plaque memorializing this apology, including the contents*
40 *of Section 8301.1 and subdivisions (a) and (b) of this section, shall*

1 *be installed and maintained by the Department of Parks and*
 2 *Recreation publicly and conspicuously in the State Capitol*
 3 *Building.*

4 (d) The Secretary of State shall submit a final copy of this formal
 5 apology ~~proclamation~~ to the State Archives, where it shall be
 6 available for viewing by the general public in perpetuity. *The*
 7 *Legislature shall prepare the formal apology, which shall bear*
 8 *the Great Seal of the state and requests that this apology be signed*
 9 *by the Speaker of the Assembly, the President pro Tempore of the*
 10 *Senate, the Governor, and the Chief Justice of the California*
 11 *Supreme Court.*

12 ~~8301.3. The formal apology proclamation pursuant to Section~~
 13 ~~8301.2 shall contain the following written components:~~

14 (a) ~~The written findings of all of the harms and atrocities~~
 15 ~~committed, as set forth in Section 8301.1.~~

16 (b) ~~The written acknowledgement and acceptance of~~
 17 ~~responsibility for past harms, as set forth in subdivisions (a) and~~
 18 ~~(b) of Section 8301.2.~~

19 (c) ~~Inclusion of the following statement in its entirety:~~

20 ~~“The State of California apologizes for perpetuating the harms~~
 21 ~~African Americans faced by having imbued racial prejudice~~
 22 ~~through segregation, public and private discrimination, and unequal~~
 23 ~~disbursal of state and federal funding and declares that such actions~~
 24 ~~shall not be repeated. The State of California acknowledges the~~
 25 ~~work of the Task Force to Study and Develop Reparation Proposals~~
 26 ~~for African Americans, with a Special Consideration for African~~
 27 ~~Americans Who are Descendants of Persons Enslaved in the United~~
 28 ~~States. This task force, established by Assembly Bill 3121 (2020),~~
 29 ~~detailed the harms faced by African Americans in California and~~
 30 ~~provided numerous legislative recommendations, including this~~
 31 ~~formal apology. The State of California affirms its role in~~
 32 ~~protecting the descendants of enslaved people and all Black~~
 33 ~~Californians as well as their civil, political, and socio-cultural~~
 34 ~~rights. California acknowledges and affirms its responsibility to~~
 35 ~~end ongoing harm. The State of California commits to restore and~~
 36 ~~repair affected peoples with actions beyond this apology.”~~

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- 2 **REVISIONS:**
- 3 **Heading—Line 5.**
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