

# AB 3121: California Commission to Study the Impact of Slavery in California.

Assemblymember Shirley Weber (D – 79)

## SUMMARY

AB 3121 would establish the Task Force to Study and Develop Reparation Proposals for African Americans. The bill would require the Task Force, consisting of eight appointed members, to compile and synthesize the prevailing historical record of Black slavery and its afterlives in California and across the United States. The bill would require the Task Force to recommend, among other things, the appropriate mechanisms for redress as it pertains to California's role in the enslavement of Black peoples and its afterlives.

## BACKGROUND

Between California statehood in 1850 and the end of slavery in 1865, California was a “free state” in name only, with municipal and state authorities actively supporting Black enslavement in a variety of ways. For example, the California legislature authorized southern slaveholders to hold persons in bondage so long as they had entered the state with their enslaved property prior to statehood in 1850. Similarly, California courts permitted southern slaveholders to continue to enter California with enslaved persons so long as the slaveholder pledged to only temporarily reside in California. And California courts rarely provided sanctuary to those who dared to escape the bonds of slavery in California. In 1852, California adopted a harsh Fugitive Slave Act, empowering state and local law enforcement authorities to force self-emancipated persons living within the state back into the chains of enslavement. And, the California Supreme Court ordered fugitive slaves, as in the

historic case of Archy Lee, returned to their enslavers – in direct violation of California's constitution. California authorities also aided slaveholders in creating new ways to entrap Black people in conditions of forced labor. Namely, until the end of the U.S. Civil War, city and county law enforcement authorities enforced a bogus contract labor system, allowing slaveholders to effectively hold persons in bondage by another name. In other words, California state, county, and city authorities actively supported the institution of Black slavery both within and beyond California.

Slavery also broadly impacted the conditions of Black life within California. For example, during the era of slavery, the California Legislature, which was dominated by pro-slavery Democrats hoping to curtail Black social and political power within the state, passed a series of laws prohibiting “blacks, mulattoes, and Indians” from voting and from testifying against whites in court—in both criminal and civil cases. In other words, the California legislature stripped Black citizens of political power while empowering White people to broadly commit crime without consequence against Black and Native persons, by ruling inadmissible any and all testimony from black and Native witnesses. Only the adoption of the 13th, 14th, and 15th Amendments to the U.S. Constitution ended Black slavery and guaranteed African American civil and voting rights in California.

Still, systematic state complicity in the construction of racial harm and inequity continued into the twentieth and twenty-first centuries. For example, until the late 1960s, law enforcement authorities across California aided white homeowners' and

real estate agents in advancing race-based residential segregation by enforcing restrictive housing covenants against Black homeseekers while refusing to prosecute incidents of racial terror against Black residents of white neighborhoods. Meanwhile, federal housing programs, such as Home Owners Loan Corporation, subsidized segregated housing and exacerbated the racial wealth gap by denying federally-backed mortgages to homebuyers in non-white communities. Between 1934 and 1962, the Federal Housing Administration and the Veterans Administration also financed more than \$120 billion worth of new housing, largely suburban, with ninety eight percent (98%) of this housing support provided to white people and less than two percent (2%) to African Americans. The residential patterns set during this era endure into the present, as do the wealth gaps that have passed from generation to generation in the form of housing equity accrued and denied by federal government programs and local law enforcement practices.

The Civil Rights Movement ended the nation's most explicit forms of racism but neither redressed the centuries of inequity nor ended implicit and institutional forms of racial bias. Therefore, inequities dating back to slavery persisted into the twenty-first century, especially in the U.S. criminal justice system. During the 1970s, federal, state, and local authorities invested in building one of the largest criminal justice systems the world has ever known. By 1990, the United States was home to just 5% of the world population but 25% of the world's imprisoned population. California led the rise of mass incarceration, imprisoning more people than any other state in U.S. history, with a stunningly disproportionate impact upon the wealth and well-being of California's Black residents, families, and communities. In the City of Los Angeles,

home to the state's largest Black community, the Ralph J. Bunche Center for African American Studies at UCLA has found that African Americans paid more than \$50M in nonrefundable money bail bond deposits between 2012 and 2017.

In sum, the age of enslavement, both in California and across the nation, birthed a legacy of racial harm and inequity that continues to impact the conditions of Black life in California.

- Per a recent study conducted by the California Legislative Analyst's Office, by nearly every state measure, **Black K-12 students have the lowest performance of any racial/ethnic group.**
- Today, according to Governor Newsom's 2020 State of the State address, Black people make up 8% of California's population. However, **43% of the homeless population in California are Black people.**
- According to a 2018 report by the Public Policy Institute of California, **Black males account for 28.5 percent of the state's male prison population**, despite the fact that Black men make up just 5.6 percent of the state's adult males.
- Per a report prepared for the Western Center on Law and Poverty, **Black residents accounted for 23% of new probation cases opened from 2011 to 2015** despite representing just 8% of the State population.
- A recent 2019 report on the State of Education for Black California found:
  - California Community Colleges transfer only three percent of Black students within two years, and only 35 percent within six years;
  - **63 percent** of Black community college students do not earn a

degree, certificate, or transfer within six years.

- **57 percent** of Black CSU freshmen do not complete a degree within six years and only nine percent do so in four years.
- **93 percent** of Black for-profit college students do not complete a degree within six years.
- **Almost half of all Black students who attended during the years of the study college left without a degree**
- Per the California Budget and Policy Center, for **every \$1 in wealth a typical Black family had in 2016, a typical white family had \$9.72**. A 2014 study of Los Angeles and Orange Counties found that Black residents had a median net wealth of 76k as compared to the 355k held by white residents.

#### **EXISTING LAW**

---

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.

Additionally, California Assembly Concurrent Resolution 130 iterates the need to pursue avenues to implement proposed reparations for the descendants of African slaves in the United States. The measure would further recognize August 2019 as marking 400 years since Africans were brought to Virginia.

#### **THIS BILL**

---

People who suffer injuries and losses through the malicious or culpably negligent conduct of others have a right to redress. Reparations – making amends to right the wrongs of social injustice or war – have a long history in California and can take many forms. Apology is important. So are an accurate and public account of the violations along with commemoration and redress to those harmed. AB 3121 would require an in depth examination of the impacts of slavery and its afterlives in California and provide the framework to develop guidelines on how to begin to address the disparities born of a shameful history.

#### **SUPPORT**

---

#ADOS Sacramento  
California Federation of Teachers  
California Public Defenders Association  
Friends Committee on Legislation of California  
Impact Brands, Inc.  
National Association of Social Workers, California Chapter  
Savvy Consulting  
UDW/AFSCME, Local 3930  
Western Center on Law & Poverty  
Stonewall Democratic Club  
California Juneteenth History Committee

**OPPOSITION**

---

NONE ON FILE

**FOR MORE INFORMATION**

---

Victoria Harris  
Office of Assemblymember Shirley Weber  
916-319-2079 – [victoria.harris@asm.ca.gov](mailto:victoria.harris@asm.ca.gov)

