

United States: California's Reparations Task Force

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"AMERICAN GOVERNMENT AT all levels, including in California, has historically criminalized African Americans for the purposes of social control, and to maintain an economy based on exploited Black labor.

"This criminalization is an enduring badge of slavery and has contributed to the over-policing of Black neighborhoods, the school to prison pipeline, the mass incarceration of African Americans, a refusal to accept African Americans as victims, and other inequities in nearly every corner of the American and California legal systems.

"As a result, the American and California criminal justice system physically harms, imprisons, and kills African Americans more than other racial groups relative to their percentage of the population."

(From a succinct conclusion under the section "Key Findings" of California's Task Force to Study and Develop Reparations Proposals for African Americans.)

REPARATIONS HAS BECOME a topic of debate in the most populous state. It reveals how the national oppression of Black people was widespread (legally and in practice) throughout California from north to south.



The issue of reparations is important for the entire country. The slave trade and slavery was the most powerful economic driver not only in the slaveholding states, but in the development of

capitalism in the United States. Those laborers — African enslaved people and their descendants — who were the backbone have never been compensated for it.

Task Force Created

A task force on whether reparations should be paid was created by the California State Assembly in September 2020 (Assembly Bill 3121). It turns out that this was no academic study to discuss past history.

Instead, the report explains how ongoing institutional and structural racism penetrated California, even though it was not a slave-owning state.

Across California, including major cities like San Francisco and Los Angeles, segregation and institutional racism exist — not just towards Black people but also Chinese, other Asians, Mexican and other Latinos, Native tribes, and other discriminated against and oppressed people of color.

The task force, however, by Assembly decision did not discuss the historic racism directed at the full range of oppressed minorities in the state. Its focus was the African American community and why reparations must be considered.

Powerful Accusation, Call for Action

The 492-page interim report is a powerful document. The final report is due to be published before July 2023 with its recommendations for action.

The depth of the report is reflected in its subsections: Enslavement, Racial Terror, Political Disenfranchisement, Housing Segregation, Separate and Unequal Education, Racism in Environment and Infrastructure, Pathologizing the Black Family, Control Over Creative Cultural and Intellectual Life, Stolen Labor and Hindered Opportunity, An Unjust Legal System, Mental and Physical Harm and Neglect, and The Wealth Gap.

Each section details the national practices of racial discrimination and then follows with what California did. Thus an analysis of the U.S. wealth gap shows white families nationwide owning nine times what Black families do — while in a 2014 study, the average Black household in California owned \$200 in assets compared to white households owning \$110,000.

The Executive Summary explains objectives of the task force:

“This interim report is a general survey of these harms, as part of the broader efforts of California’s Task Force...The law charges the Reparations Task Force with studying the institution of slavery and its lingering negative effects on society and living African Americans.

“The law requires the Reparations Task Force to recommend appropriate remedies of compensation, rehabilitation, and restitution for African Americans with a special consideration for descendants of persons enslaved in the United States.” (Read the full [interim report](#).)

Long History of Discrimination

The interim report does not list what compensation should be made to descendants of slaves. It does list obvious ways to do so, options that the public and legislature must debate and decide.

Yet the very fact that reparations is on the agenda indicates the reality of deep racism and the question of how to raise up the Black population. As Martin Luther King, Jr. often said about starting

a race already way behind the white majority, to paraphrase, “You never catch up.”

King was not just speaking in support of affirmative action programs or catch-up quotas. In King’s speeches and writings, he often criticized liberal whites for not understanding the history of systemic racism.

The reactionaries, of course, slander and smear those advocating reparations and justice. Their target is so-called “woke culture” and Critical Race Theory (CRT). It is a pure defense of institutional racism.

The task force interim report gives many examples of California’s long racist history that only began to seriously change after the civil rights revolution in the 1960s. For example, California did not pass the post-Civil War 14th and 15th “Freedom Amendments” until 1959 and 1962 respectively.

Then and Now

One lesson of history not discussed in the report is highly relevant now in light of the hard-right takeover of the Supreme Court. The 14th Amendment that enshrined “equal protection,” and the 15th prohibiting states from voting rights discrimination based on race, are being shredded.

An article in the July 15 *Los Angeles Times* explains that the Supreme Court’s ruling taking away a basic right for women was not the first time it did so. It involved Black peoples’ basic human rights:

“After the Dobbs decision ended federal protections for abortion, some high-profile responses suggested the ruling marked the first time the Supreme Court rescinded an established fundamental right.

“But that is not true for Black Americans. They did gain, then lose, basic rights at the hands of the Supreme Court. It would take decades to get even some of those rights back.

“Understanding that history may well be key to helping America face another daunting chapter of rights granted then denied. After the Civil War ended in 1865, during Reconstruction, the United States enacted a series of laws to uplift the close to 4 million formerly enslaved people.

“The 14th Amendment provided for equal protection under the law and the 15th Amendment granted Black men the right to vote. Congress passed the Civil Rights Act of 1875 that prohibited race discrimination in public accommodations. Black and some white elected officials worked together to secure equality through state and local laws across the South.

“Just as these coalitions began to foster change, white Americans in the South began a violent campaign in the late 1860s that overthrew biracial governments, seized power for white Democrats and flouted federal laws related to protecting the rights of Black people.

“During the early days of Reconstruction, many of the wealthy white Southerners who were able to seize power adopted what was known as a ‘cooperationist’ approach. They claimed that their violence was intended to end alleged corruption among Black politicians and promised that any restrictions they imposed on Black rights would be limited. But that supposedly moderate view gave way to extreme measures seeking to end all Black participation in political and social life equal to that of white people.

“Ultimately, that extremism was empowered by the Supreme Court.”

San Francisco's Legal Racism

An article on the truth about legal racism in San Francisco based on the report was published on June 7 issue of the *San Francisco Chronicle*:

"Woven through its pages of exhaustive research are dozens of examples of stomach-turning racist episodes in the Bay Area, some of which have been documented before. But when viewed as a whole, they expose the region for what it really was — and pretended not to be."

"This report pulls back the curtain on San Francisco," said Rev. Amos Brown, the vice chair of the Task Force and president of the San Francisco chapter of the NAACP. "It also tells the truth about the nation because San Francisco is a reflection of America."

California joined the United States as a "free" state with an anti-slavery Constitution in 1850. But when the Gold Rush attracted slave-owning whites from the South, the state did little to interfere with their human trafficking. If anything, lawmakers strengthened the rights of migrating slaveowners.

That's an important reality of the pre-Civil War era. While slavery was banned in "free" states, slaveholders from the South could bring their "property" to these states.

In 1850 Congress adopted The Fugitive Slave Act. The new law required that slaves be returned to their owners even if they were in a free state. The Act made the federal government responsible for finding, returning, and trying escaped slaves.

What did Californian politicians do? In 1852, the Legislature expanded the fugitive slave law to include "any enslaved person who arrived before California officially became a U.S. state ... but refused to return to the enslaving states with their enslavers," the task force report states.

According to the report, conservative estimates show anywhere from 500 to 1500 enslaved Africans Americans living in California that year. Around three-quarters "of the enslaved people trafficked to California were younger men or teenaged boys who ended up working as gold miners."

The violence these enslaved residents faced was often brutal and sometimes public. The report shares an 1850 story from the *Daily Alta California*, a San Francisco newspaper, which illustrates one such scene.

A slaveowner beat a slave "for disobeying him" in "the town square of San Jose." Both the slave and the slave owner were arrested, but because the slave was considered property, the owner wasn't found guilty of assault.

The Peter Lester Story

How were Black families treated in San Francisco? A typical case was of Peter Lester who moved to the city from Philadelphia with his wife and five children in 1850, the same year California achieved statehood.

A bootmaker by trade, Lester and a partner opened a shoe store the next year, and quickly found success during the early days of the Gold Rush.

"But Lester was Black and recoiled at the loopholes in the state's 'anti-slavery' Constitution. He also slammed up against other ways the state actively disenfranchised its Black residents.

"When two men entered his store, throttled him with a cane and stole some shoes, Lester had no

recourse. Because he was Black, the state law did not allow him to testify in court, preventing him from pressing charges.”

As summarized and analyzed by the *Chronicle* reporters:

“In 1858, Lester’s 15-year-old daughter became the focus of a local controversy. A pro-slavery local newspaper printed an anonymous letter demanding her removal from an otherwise all-white school, which Lester acceded to after weeks of racist backlash.

“Lester ultimately gathered up his family and moved to British Columbia [Canada].”

Much of the above account comes from the BC Black Awareness History Society. Lester’s family joined the roughly 200 Black families who left California “in a mass exodus to British colonies in what is now Canada” during the 1850s.

At the time, the large outflow of families represented a considerable proportion of the 4000 Black people who had settled in California between 1850 and 1860. (California had 92,000 people in 1850 that grew to 250,000 by 1860.)

Black families were frustrated and appalled by the state’s legalized protections for slave owners and legalized hostility toward them in laws that stated, “No Black, or Mulatto person, or Indian shall be allowed to give evidence for or against a White person.”

The story came full circle for Lester, the BC Black History Awareness Society noted. In 1860, he became the first Black person to sit as a juror in British Columbia, serving a civic duty that California forbade him.

I was unfamiliar with this story. It is worth reading the full history in the British Columbia, [Canada report](#).

Real Estate Covenants

Another example is real estate discrimination that persists in the 21st Century. A report by CNN about Beverly Hills notes:

“Buried deep in the small print of deeds to a home that sold recently in this ritzy city lurks this stunning caveat: ‘Said premises shall not be rented, leased, or conveyed to, or occupied by, any person other than of the white or Caucasian race.’

“That is known as a racial covenant. And though now illegal, language like it still exists in the deeds to homes all across the United States.”

The practice began in the 1920s. And for nearly 50 years, developers and realtors wrote racial covenants into the deeds of millions of new homes.

Federal law eventually banned the practice, but changes to laws in every state would be required to expunge the exclusionary language. It will take years to do so. So it remains in property records, including in California.

Some academic experts warn that hiding the mistakes of the past could stymie efforts to make amends and somehow compensate communities of color that still feel the economic hit of being denied access to lucrative property ladders.

“We don’t need to maintain that language in a document to understand the history of where we’ve come from,” said Nikole Hannah-Jones, founder of *The 1619 Project*, which aims to reframe American history by including the contributions of Black Americans.

Said Hector De La Torre, a former state lawmaker in California, keeping racial covenant language would be “akin to leaving up in the South, where you had Jim Crow laws, keeping up the ‘no coloreds’ or the ‘white only’ signs at water fountains, bathrooms, other facilities and saying, ‘Oh, just ignore the sign. You can drink out of either one. Just ignore it.’”

De La Torre, whose parents moved to the United States from Mexico in the 1960s, now lives in a house in South Gate, California, that still has a racial covenant clause that at one time would have barred him from living there. “I paid very good money for this house,” he said. “And this has to come along with it? It’s ridiculous.”

De La Torre’s deeds do include one notable exception to the “Caucasians only” clause: “If persons not of the Caucasian race be kept thereon by a Caucasian occupant strictly in the capacity of servants or employees of such occupant such circumstances shall not constitute a violation.”

Official Racist Language

Racist language was meant to sound official. While Black Americans were almost always excluded by these racial covenants, in many places people of other ethnicities were barred as well.

“In Seattle and other West Coast cities, the racial mix of populations was pretty different,” history professor James Gregory of the University of Washington said. In Seattle’s Broadmoor neighborhood, for example, some deeds state that homes shall not be lived in by any Hebrew or by any person of the Ethiopian, Malay or any Asiatic Race.”

One deed found by the Mapping Prejudice project in Minneapolis states, “No person of any race other than the Aryan race shall use or occupy any building or any lot.”

Language found in deeds bars any person of the “Semitic Race,” spelling that out as “Armenians, Jews, Hebrews, Persians and Syrians.” That deed was written in 1958.

Other deeds across the country bar “Mongolians,” “Hindus,” “Chinese,” “Mexicans” and “Ethiopians,” which was used as a catchall for anyone with any ancestry from sub-Saharan Africa, Gregory said.

“They were trying to be legalistic about it,” said Gregory, who has mapped racial covenants in Seattle. “And so, instead of using what the jargon terms for different racial groups were, they tried to employ language from anthropology and race science.”

The federal government in 1934 endorsed such segregation by refusing to underwrite mortgages for homes unless a racial covenant was in place. Then in 1948, following activism from Black Americans, the U.S. Supreme Court unanimously ruled these covenants unenforceable.

Still racial covenants continued to be written, enforced with threats of civil legal action. Two decades later — in 1968 — the federal Fair Housing Act finally outlawed these covenants altogether. Yet the old language remained in most deeds and contracts — just not enforced (like state abortion bans when *Roe v. Wade* was in place).

The danger comes from the Supreme Court’s reactionary majority. It could overturn the fair housing laws established in 1968 and since.

Why Reparations?

The truth about the aim of the American Revolution was not freedom for “all men,” who Thomas Jefferson in the Declaration of Independence said were “created as equals.” It was about the white colonialists breaking from the ruling English ruling king.

The colonial system entailed a clash between two systems — capitalist manufacturing versus the slave-based system in the Southern slave states. The two ruling groups set aside their own differences about the slave system. That clash was to occur decades later.

In reality the system of slavery impacted all states since it was rooted in the concept of white superiority — which also was followed in the Northern and Western states — and because the slave system was deeply embedded in the country’s financial institutions.

Before and after it became a “free” state in 1850, as the task force report shows white supremacy was evident in every city and town of California, including San Francisco. The many Black and brown Americans whose ancestors were denied the right to live in affluent neighborhoods still feel the economic impact.

“That is the main way that Americans acquire wealth and save money,” said historian Kirsten Delegard, a founder of the Mapping Prejudice project in Minneapolis. “It’s the main way that they pass on assets to the next generation.”

The Central Conclusion

The interim report’s key conclusions:

“In order to maintain slavery, American government officials used the belief system of white supremacy to restrict the freedom and prosperity of African Americans. These beliefs were enshrined into the laws, court decisions, and policies and practices of the United States and of the state of California.”

And it states:

“The legacy of slavery continues to reach into the lives of African Americans today. For hundreds of years, the American government at the federal, state, and local levels has systematically prevented African American communities from building, maintaining, and passing on wealth due to the racial hierarchy established to maintain enslavement.

“Segregation, racial terror, harmful racist neglect, and other atrocities in nearly every sector of civil society have inflicted harms, which cascade over a lifetime and compound over generations.

“As a result, African Americans today experience a large and persistent wealth gap when compared to white Americans. Addressing this persistent racial wealth gap means undoing long-standing institutional arrangements that have kept African American households from building and growing wealth at the same rate as white households to the present day.”

As of July 1, 2022, California has a new law requiring all counties to remove racist language from their property records. These restrictive covenants have not been enforceable in decades but are still written into the deeds of thousands of properties across the state.

It’s one small step forward in a state falsely seen as historically friendly to African Americans and other people of color. It was never the case as the Interim Report on reparations details.

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P.S.

- Against the Current, No. 220, September/October 2022:
<https://againstthecurrent.org/atc220/living-with-political-clarity-a-tribute-to-xiang-qing/>
- Translated by Promise Li.