

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 3089 (Jones-Sawyer)  
Version: June 10, 2024  
Hearing Date: June 18, 2024  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Chattel slavery: formal apology

**DIGEST**

This bill states that the State of California recognizes and accepts responsibility for all of the harms committed by the state in connection with chattel slavery and its enduring legacy, and issues an apology from the State of California for perpetuating the harms African Americans face through state and private action.

**EXECUTIVE SUMMARY**

In 2020, the Legislature passed, and the Governor signed, SB 3121 (Weber, Ch. 319, Stats. 2020), which established the first-in-the nation Task Force to Study and Develop Reparations Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force) to study and develop reparations proposals for California's role in accommodating and facilitating slavery, perpetuating the vestiges of enslavement, enforcing state-sanctioned discrimination, and permitting pervasive, systematic structures of discrimination against African Americans. The Task Force completed its work and issued its final report in 2023. The report contains a number of recommended remedies the state could implement in order to atone for its decades of state-sanctioned white supremacy.

This bill implements one of the Task Force's recommendations by acknowledging the harms and abuses perpetrated by the State against African Americans, accepting responsibility for the harms and atrocities it caused, apologizing for them, and asking for forgiveness. The bill also, consistent with the Task Force's recommendations, requires the establishment of a plaque memorializing the apology, which will be completed by Department of General Services in consultation with the Joint Rules Committee. The author has agreed to a technical amendment correcting the title of the Chief Justice of California.

This bill is sponsored by the author and is supported by 17 organizations, including racial justice, civil liberties, and labor organizations, and three members of the Task Force. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will then be heard by the Senate Governmental Organization Committee.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law:

- 1) States that the Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation. (50 U.S.C. § 4020(a).)
- 2) Establishes the Civil Liberties Act of 1988, which provided restitution to the individuals described in 1) and their descendants. (50 U.S.C. §§ 4211-4220.)
- 3) Establishes the Radiation Exposure Compensation Act, in which Congress apologizes on behalf of the Nation to individuals who were exposed to fallout emitted during the U.S. Government's atmospheric nuclear tests, as specified, and establishes a trust fund for those individuals. (42 U.S.C. § 2210 note.)

Existing state law and executive orders:

- 1) Establish the Apology Act for the 1930s Mexican Repatriation Program, which does all of the following:
  - a) Makes findings and declarations relating to California's role in the forcible removal of persons of Mexican ancestry from the United States beginning in 1929.
  - b) Provides that the State of California apologizes to the persons forcibly removed and other victims for the fundamental violations of their basic civil liberties and constitutional rights committed during the period of illegal deportation and coerced immigration, and that the State of California regrets

- the suffering and hardship those individuals and their families endured as a direct result of the government-sponsored Repatriation Program of the 1930s.
- c) Requires a plaque commemorating the victims of the Repatriation Program be installed and maintained by the Department of Parks and Recreation at an appropriate public place in Los Angeles, as specified. (Gov. Code, tit. 2, div. 1, ch. 8.5, §§ 8720 et seq.)
- 2) Provide that the State of California apologizes to all California Native Americans on behalf of all citizens of the State of California for the many instances of violence, maltreatment, and neglect California inflicted on tribes. (Governor's Exec. Order No. N-15-19 (Jun. 18, 2019).)

Former state law:

- 1) Established the Task Force to develop reparations proposals for African Americans, with special consideration for African Americans who are descended from persons enslaved in the United States, and provided that the Task Force statutes would remain in effect until July 1, 2023, and as of that date be repealed. (former Gov. Code, §§ 8301-8301.7, repealed by Gov. Code § 8301.7.)

This bill:

- 1) Establishes the Apology Act for the Perpetration of Gross Human Rights Violations and Crimes Against Humanity, with special consideration for African Slaves and their Descendants.
- 2) Makes findings and declarations relating to the establishment of the Task Force to Study and Develop Reparation Proposals for African Americans and provides a summary of its major conclusions, and finds and declares that, according to the United Nations Principles on Reparation, an apology, when combined with material forms of reparations, provides an opportunity for communal reckoning with the past and repair for moral, physical, and dignitary harms.
- 3) States that the State of California does all of the following:
  - a) 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 systematic structures of discrimination have come to exist.
  - b) Apologizes for perpetuating the harms African Americans have faced by having imbued racial prejudice through segregation, public and private discrimination, and unequal disbursement of state and federal funding and declares that such actions shall not be repeated.

- c) Acknowledges the work of the Task Force, established by Assembly Bill 3121 (Weber, Ch. 319, Stats. 2020), which detailed the harms faced by African Americans in California and provided numerous legislative recommendations, including this formal apology.
  - d) Affirms its role in protecting the descendants of enslaved people and all Black Californians as well as their civil, political, and sociocultural rights.
  - e) Humbly asks for forgiveness from those affected by past atrocities, both deliberately and negligently.
  - f) Acknowledges and affirms its responsibility to end ongoing harm.
  - g) Commits to restore and repair affected peoples with actions beyond this apology.
- 4) Requires a plaque memorializing this policy, including the findings and declarations set forth in 2) and the statements in 3), be installed and maintained publicly and conspicuously in the State Capitol Building.
  - 5) Requires DGS, in consultation with the Joint Rules Committee, to develop the plan for the plaque in 4); the Joint Rules Committee shall approve the design and any other aspect of the plaque, and DGS shall provide for its continuous maintenance and upkeep.
  - 6) Requires the Secretary of State to submit a final copy of this formal apology to the State Archives, where it shall be available for viewing by the general public in perpetuity. The Legislature shall prepare the formal apology, which shall bear the Great Seal of the State and requests that this apology be signed by the Speaker of the Assembly, the President pro Tempore of the Senate, the Governor, and the Chief Justice of the California Supreme Court.
  - 7) Permits, notwithstanding any other provision of law, DGS and the Joint Rules Committee to receive moneys from any federal, state, or local grant, or from any private donation or grant, for the purposes of 1)-6), and any funds received are continuously appropriated to DGS and the Joint Rules Committee for those purposes.

### COMMENTS

#### 1. Author's comment

According to the author:

During two years of public hearings, the Task Force to Study and Develop Reparation Proposals for African Americans heard countless hours of testimony from expert witnesses and citizens, and received hundreds of pages of preserved historical records from government agencies, private entities, and citizens,

establishing that millions of Africans and their descendants were brutally enslaved and traded as property, propelling California's ascension to prosperity during the Gold Rush Era. The Task Force report further outlines the myriad of ways that these harms continue to plague Black Californians today.

This bill would offer the state's formal apology for its complicity in America's original sin of forced human chattel slavery and offer the state's commitment to nonrepetition of these harms.

## 2. California's long, shameful history of supporting slavery and implementing discriminatory policies targeted at African Americans

There is not room in this analysis for a full account of California's willful, intentional discrimination against African Americans or the effects of centuries of discrimination and unequal treatment. The Task Force to Study and Develop Reparation Proposals for African Americans (Task Force) issued a final report on the matter that is over 1,000 pages long (discussed further in Part 3); this analysis is not intended to be nearly as comprehensive. Instead, this analysis discusses some of the most egregious instances of discrimination and resulting inequalities listed in this bill.

Because California was officially admitted to the United States as a "free state,"<sup>1</sup> its role in perpetuating slavery is often overlooked. At a national level, California was admitted to the Union as part of a compromise that also included the passage of the Fugitive Slave Act of 1850, which compelled officials to aid in the return of escaped enslaved persons and denied escaped enslaved persons (or alleged escaped enslaved persons) the right to a jury trial.<sup>2</sup> Here, despite California's "free state" status, slavery was common within the state.<sup>3</sup> Indeed, California was so willing to perpetuate the institution of slavery that in 1852, California enacted its own fugitive slave statute that (1) made it easier for enslaved persons who fled to California to be recaptured and returned to the state in which they were held in bondage, and (2) required all enslaved persons who were brought or introduced to the State before its admission to the United States to return to their original state, or else be deemed fugitives.<sup>4</sup> The California Supreme Court upheld the 1852 Fugitive Slave Act, affirming that enslavers who brought enslaved persons from other states were not affected by the anti-slavery clause in the constitution.<sup>5</sup>

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<sup>1</sup> See Pub. L. No. 31-50 (Sept. 9, 1850), 9 Stat. 452.

<sup>2</sup> See Pub. L. No. 31-60 (Sept. 18, 1850), 9 Stat. 462. Several states' legislatures passed acts purporting to nullify the federal Fugitive Slave Act; California was not among them.

<sup>3</sup> Smith, *Remaking Slavery in a Free State: Masters and Slaves in Gold Rush California*, 80 *Pacific Historical Review* 28, 29-30 (2011). The exact number of African American enslaved persons in California in the 1850s is unknown, but estimates range from several hundred to a few thousand. (*Id.*, p. 29, fn. 2.)

<sup>4</sup> See *An Act Respecting Fugitives from Labor, and Slaves brought to this State prior to her Admission into the Union*, April 15, 1852, ch. 33, California Statutes, at 67-69.

<sup>5</sup> *In re Perkins* (1852) 2 Cal. 424, 437-441, 454-457.

Similarly, while California fought on the side of the Union in the Civil War, the State remained hostile to racial equality. While the nation as a whole ratified the “Reconstruction Amendments” – the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution – California dragged its feet. The State did not ratify the Thirteenth Amendment (prohibiting slavery) until after the amendment had already become the law of the land,<sup>6</sup> and it did not ratify the Fourteenth Amendment (promising equal protection under the law) and the Fifteenth Amendment (protecting the right to vote) until 1959 and 1962.<sup>7</sup>

California’s refusal to endorse measures to promote equality at the national level was matched by measures dedicated to preserving white supremacy within the state. California adopted several measures intended to prevent persons of color, including African Americans, from voting, including adding a literacy requirement in 1894 that lasted until 1970.<sup>8</sup> The State’s ban on interracial marriage lasted until 1948, when it was struck down by the California Supreme Court;<sup>9</sup> the Legislature refused to repeal the law for another 11 years.<sup>10</sup> California also permitted employers and labor unions to openly discriminate on the basis of race.<sup>11</sup>

The State’s anti-African American animus is particularly clear in the realm of property rights and home ownership. Federal, state, and local governments established systems of “redlining, zoning ordinances, school and highway siting decisions, and discriminatory federal mortgage policy,” which prevented African Americans from developing intergenerational wealth, devalued property owned by African Americans, and deliberately placed health hazards (such as freeways and chemical plants) in neighborhoods with high African American populations.<sup>12</sup> California also permitted white homeowners to enter into agreements not to sell homes to African American buyers (and, often, other people of color), known as “racially restrictive covenants”; the California Supreme Court approved of the practice in 1919,<sup>13</sup> and that ruling stayed in effect until the United States Supreme Court prohibited the enforcement of racially restrictive covenants in 1948.<sup>14</sup> In 1964, Californians overwhelmingly approved a ballot

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<sup>6</sup> Katz, et al., *Reckoning With Our Rights: The Evolution of Voter Access in California* (2020), p. 6, available at <https://tinyurl.com/5xzhj32p>. All links in this analysis are current as of June 13, 2024.

<sup>7</sup> California Task Force to Study and Develop Reparation Proposals for African Americans, Final Report (Jun. 29, 2023), p. 4, available at <https://oag.ca.gov/system/files/media/full-ca-reparations.pdf> (Final Report).

<sup>8</sup> *Castro v. State of California* (1970) 2 Cal.3d 223, 231, 243. The literacy requirement was struck down by the California Supreme Court. (*Id.* at p. 243.)

<sup>9</sup> *Perez v. Sharp* (1948) 32 Cal.2d 711, 731-732.

<sup>10</sup> Final Report, *supra*, p. 309.

<sup>11</sup> *Id.* at p. 375.

<sup>12</sup> *Id.* at pp. 9-10.

<sup>13</sup> *Los Angeles Inv. Co. v. Gary* (1919) 181 Cal.60, 684.

<sup>14</sup> *Shelley v. Kraemer* (1948) 334 U.S. 1, 20. Racially restrictive covenants were not actually outlawed until the passage of the federal Fair Housing Act in 1948. (*See* 42 U.S.C. § 3604.)

measure to prohibit the state Fair Employment Practices Commission to intervene on behalf of potential tenants and homebuyers in housing discrimination cases.<sup>15</sup>

The 1950s and 1960s are often recognized as the end of explicit (*de jure*) race-based discriminatory laws, but in many cases, state efforts to maintain white supremacy merely shifted to legislation targeted at African Americans without mentioning them by name (*de facto* discrimination). One significant example of this phenomenon is the use of the criminal justice system to target African Americans, which resulted in the U.S. prison population quadrupling between 1980 and 2000.<sup>16</sup> The increase in imprisonment was not due to an increase in crime, but an increase in long prison sentences and other “tough-on-crime” measures targeted at African Americans, such as the 1986 Anti-Drug Abuse Act’s provision of a five-year minimum sentence for possession of five grams of crack cocaine (commonly associated with African American drug users) and five hundred grams of powder cocaine (commonly associated with white drug users).<sup>17</sup> African Americans were also disproportionately targeted and charged with crimes:

‘Between 1983 and 1997, the number of African Americans admitted to prison for drug offenses increased more than twenty-six-fold, relative to a sevenfold increase for whites ... By 2001, there were more than twice as many African Americans as whites in state prison for drug offenses.’<sup>18</sup>

There is no evidence suggesting that African Americans sell or use drugs at a greater rate than whites, much less at a rate that would explain the vast disparity in prison populations.<sup>19</sup>

As a result of centuries of deliberate, systematic discrimination and exclusion, African Americans in California are significantly worse off than their white counterparts across multiple metrics. Economically, policies that bolstered the development of white wealth and prevented the development of African American wealth were effective: as of 2019, white households owned nine times more assets than Black households.<sup>20</sup>

Disproportionate incarceration rates had ripple effects far beyond the term of imprisonment, including increasing the risk of homelessness.<sup>21</sup> African American

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<sup>15</sup> Reft, *How Prop 14 Shaped California’s Racial Covenants*, KCET.org (Sept. 20, 2017), <https://www.kcet.org/shows/city-rising/how-prop-14-shaped-californias-racial-covenants>. The ballot measure passed with 65 percent of the vote. (*Ibid.*) The ballot measure was eventually struck down. (*See Reitman v. Mulkey* (1967) 387 U.S. 369, 373-374 (affirming California Supreme Court opinion striking Proposition 14 as unconstitutional.))

<sup>16</sup> Coates, *The Black Family in the Age of Mass Incarceration*, *The Atlantic* (Oct. 2015), available at <https://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/>.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Final Report, *supra*, p. 411.

<sup>20</sup> Final Report, *supra*, p. 15.

<sup>21</sup> *Id.* at pp. 417-418.

families have also been disproportionately harmed: as of July 2023, African American children made up nearly 20 percent of children in foster care in the state,<sup>22</sup> even though African American children are approximately 5.4 percent of the state’s child population.<sup>23</sup> And “African Americans have higher rates of morbidity and mortality than white Americans for almost all health outcomes in the United States,” which is the result of “a culmination of historical racial inequalities, discriminatory health policy, and persistent racial discrimination in many sectors of life in the United States.”<sup>24</sup>

### 3. The Task Force’s reports and recommendation that the State issue a formal apology

In 2020, the Legislature enacted AB 3121 (Weber, Ch. 319, Stats. 2020), which created the first-in-the-nation Task Force to explore options for providing reparations to African Americans, and particularly the descendants of enslaved persons, in recognition of California’s role in the heinous institution of slavery and the post-abolition perpetuation of racist institutions.<sup>25</sup> The Task Force released an interim report on June 1, 2022, which provided the Task Force’s preliminary findings regarding the ongoing and compounding harms caused by federal, state, and local governments from slavery and the “ ‘badges and incidents of slavery’ ” that continued to be imposed on African Americans long after slavery was formally abolished.<sup>26</sup> The report notes that, because “the effects of slavery infected every aspect of American society over the last 400 years...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.”<sup>27</sup>

On June 29, 2023, the Task Force issued its final report to the California Legislature.<sup>28</sup> The final report incorporates and updates the interim report and recommends appropriate remedies, including compensation, for African Americans as recompense for the State’s gross human rights violations against African Americans and their descendants.<sup>29</sup> The final report explains:

[T]he harms inflicted upon African Americans have not been incidental or accidental—they have been by design. They are the result of an all-encompassing web of discriminatory laws, regulations, and policies

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<sup>22</sup> California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care by Ethnic Group: Number in Care, CWS/CMS 2023 Quarter 4 Extract (retrieved Jun. 13, 2024), available at <https://ccwip.berkeley.edu/childwelfare/reports/InCareRates/MTSG/r/rts/1>.

<sup>23</sup> *Id.*, Report: Children in Foster Care by Ethnic Group: Total Child Population.

<sup>24</sup> Final Report, *supra*, p. 462.

<sup>25</sup> HR 40 (Lee, 118th Cong., 2023-2024), a federal bill to create a federal commission to study the effects of slavery and discrimination on African Americans and devise reparations proposals, is pending before the House Committee on Judiciary. The bill has been introduced every year since 1989.

<sup>26</sup> California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 1, 2022), available at <https://oag.ca.gov/ab3121/reports>.

<sup>27</sup> *Id.* at p. 5.

<sup>28</sup> See generally Final Report, *supra*.

<sup>29</sup> *Id.* at p. 4.



enacted by government. These laws and policies have enabled government officials and private individuals and entities to perpetuate the legacy of slavery by subjecting African Americans as a group to discrimination, exclusion, neglect, and violence in every facet of American life. And there has been no comprehensive effort to disrupt and dismantle institutionalized racism, stop the harm, and redress the specific injuries caused to descendants and the larger African American community.<sup>30</sup>

The Task Force developed its recommendations for reparations taking into account this willful infliction of harm and applying international standards and principles for the remedy of wrongs and injuries caused by a government.<sup>31</sup> One of the Task Force's recommendations is that the State formally apologize and ask forgiveness for its human rights abuses.<sup>32</sup>

4. This bill offers an apology on behalf of the State of California, and asks forgiveness, for all of the harms committed by the state in connection with chattel enslavement and the ensuing systematic structures of discrimination

This bill implements one of the Task Force's recommendations by acknowledging the harms and abuses perpetrated by the State against African Americans, accepting responsibility for the harms and atrocities it caused, apologizing for them, and asking for forgiveness. This apology is generally consistent with the Task Force's assessment of what constitutes a meaningful apology, in that it apologizes on behalf of the State, includes censure for the gravest barbarities carried out by state actors, asks for forgiveness, and commits to restoring and repairing affected peoples with actions beyond the apology.<sup>33</sup> The bill also, consistent with the Task Force's recommendations,<sup>34</sup> requires the establishment of a plaque memorializing the apology, which will be completed by DGS in consultation with the Joint Rules Committee. The Senate Governmental Organization Committee, which will hear this bill if it passes out of this Committee, will address the creation of the plaque.

The Task Force's Final Report recognizes, "[a]pologies alone are inadequate to provide justice to victims of redress."<sup>35</sup> The apology in this bill is just one component of the California Black Caucus's 2024 Reparations Bill Package, which is intended to ensure that California backs the message of this apology with meaningful action. Some of these bills are listed in the "Related Legislation" section of this analysis.

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<sup>30</sup> *Id.* at p. 48.

<sup>31</sup> *Id.* at p. 512.

<sup>32</sup> *Id.* at pp. 596-597.

<sup>33</sup> *Id.*, at pp. 597-601.

<sup>34</sup> *See id.* at p. 601.

<sup>35</sup> *Id.*, at p. 596.

5. This apology is not intended to, and does not appear to, create legal liability on behalf of the State

Although this bill states that California recognizes and accepts responsibility for all the harms and atrocity committed by the state, its representatives, and entities under its jurisdiction in connection with the institution of chattel slavery and the its enduring legacy of discrimination, this bill is not intended to, and appears very unlikely to, establish legal liability on behalf of the State. First and foremost, it does not appear that there is any precedent for an apology of this type – in which a governmental actor apologizes for historical wrongs – resulting in legal liability; Committee staff were unable to find any case law to that effect. Moreover, a number of legal doctrines appear to make a lawsuit based on this bill’s apology legally impossible, including sovereign immunity,<sup>36</sup> the political question doctrine,<sup>37</sup> and statutes of limitations.<sup>38</sup> Also, “the primacy of the individual is critical to American jurisprudence,” which has led to a general judicial refusal to impose liability on a group basis;<sup>39</sup> because this bill’s apology does not address specific injuries to specific individuals, it is almost certainly too vague to satisfy the legal requirements of harm, causation, and damages necessary in a legal action.

Indeed, State has already issued formal apologies for a number of atrocities committed or sanctioned by the state without incurring liability, including:

- The Apology Act for the 1930s Mexican Repatriation Program, which apologized to the persons forcibly removed and other victims for California’s role in the forcible removal of persons of Mexican ancestry from the United States beginning in 1929 and the fundamental violations of their basic civil liberties and constitutional rights committed during that period.<sup>40</sup>
- Executive Order N-15-19, through which Governor Gavin Newsom ordered that the State of California “apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes.”<sup>41</sup>
- Governor Gray Davis and Attorney General Bill Lockyer apologized for California’s eugenics program that forcibly sterilized patients in state hospitals and homes between 1909 and 1979.<sup>42</sup> Eighteen years later, the Legislature enacted

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<sup>36</sup> E.g., *Sonoma Ag Art v. Dept. of Food & Agriculture* (2004) 125 Cal.App.4th 122, 124 (“ ‘Sovereign immunity is the rule in California’ ”); see also Gov. Code, § 815;

<sup>37</sup> E.g., *Powell v. McCormack* (1969) 395 U.S. 486, 518-522; see *In re Nazi Era Cases Against German Defendants Litig.* (D.N.J. 2001) 129 F.Supp.2d 370, 383-384 (ruling that political question doctrine rendered plaintiff’s suit seeking damages from companies for atrocities committed in Nazi Germany non-justiciable).

<sup>38</sup> See Code Civ. Proc., pt. 2, tit. 2, §§ 312 et seq.

<sup>39</sup> Burkett, *Reconciliation and Nonrepetition: A new Paradigm for African-American Reparations*, 86 Or. L. Rev. 99, 126-127 (2007).

<sup>40</sup> Gov. Code, tit. 2, div. 1, ch. 8.5, §§ 8720 et seq.

<sup>41</sup> Governor’s Exec. Order No. N-15-19 (Jun. 18, 2019).

<sup>42</sup> Final Report, *supra*, at p. 597.

the Forced or Involuntary Sterilization Compensation Program to provide compensation to survivors of state-sponsored sterilization.<sup>43</sup>

- The Assembly passed a House Resolution that apologized to all Americans of Japanese ancestry for its past actions in support of the unjust exclusion, removal, and incarceration of persons of Japanese descent during World War II.<sup>44</sup>

It does not appear that any of these past apologies, or apologies issued by the federal government,<sup>45</sup> resulted in legal liability for the acts apologized for.

## 6. Amendment

The author has agreed to make a minor technical amendment to the bill, to correct the title of the Chief Justice of California.

## 7. Arguments in support

According to the Alliance for Reparations, Reconciliation, and Truth:

While AB 3089 alone is not enough to repair the harm caused by California's role in U.S. chattel slavery and its vestiges, as detailed in the final report of the Task Force to Study and Develop Reparation Proposals for African Americans, its passage would be a significant step towards "satisfaction" as defined under international human rights law. Harm cannot be repaired unless and until one acknowledges that it exists. The task force's over 1,100-page report details the harm done by the State of California in maintaining and enforcing the institution of slavery and, even upon its dissolution, continuing to cause harm to Black communities throughout the State of California.

AB 3089 is an important step to righting a centuries-long wrong. California not only has an opportunity to become the first State in the nation to finally formally recognize and acknowledge the harms and atrocities caused by its role in U.S. chattel slavery and its vestiges, but it would also affirm the State of California's role in protecting the descendants of enslaved people as well as the civil, political, and socio-cultural rights of Black Californians, particularly during a time when the rights of minority and traditionally underrepresented groups are being targeted, attacked, and devalued.

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<sup>43</sup> AB 137 (Committee on Budget, Ch. 77, Stats. 2021); Health & Saf. Code, div. 20, ch. 1.6, §§ 24210 et seq.

<sup>44</sup> HR 77 (Muratsuchi, 2020). A virtually identical resolution was introduced in the Senate, but it was held due to COVID-19-related bill limits. (See SR 72 (Pan, 2020).)

<sup>45</sup> Federal government apologies include the Civil Liberties Act of 1988, which apologized for unjustly interning persons of Japanese descent during World War II (50 U.S.C. §§ 4211-4220); a resolution apologizing to Native Hawaiians for the overthrow of the Kingdom of Hawai'i (Pub. L. 103-150 (Nov. 23, 1993) 107 Stat. 1510); and President Clinton's apology for the so-called "syphilis study" at Tuskegee (National Archives, Remarks by the President In Apology for Study Done in Tuskegee (May 16, 1997), <https://clintonwhitehouse4.archives.gov/textonly/New/Remarks/Fri/19970516-898.html>).

### **SUPPORT**

ACLU California Action  
Alliance for Reparations, Reconciliation, and Truth  
Black Equity Collective  
California Academy of Child & Adolescent Psychology  
California Association of Realtors  
California Federation of Teachers  
California Black Power Network  
California Teachers Association  
Catalyst California  
Don Tamaki, Task Force Member  
Dr. Cheryl Grills, Task Force Member  
Equality California  
Fieldstead and Company  
Latino Community Foundation  
Lisa Holder, Task Force Member  
Live Free California  
Multi-Faith ACTION Coalition  
Santa Monica Democratic Club  
Secure Justice  
The Greenlining Institute

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

#### **Pending Legislation:**

SCR 113 (Smallwood-Cuevas, 2024) acknowledges the harms and atrocities committed by representatives of the State of California who promoted, facilitated, enforced, and permitted the institution of chattel slavery and the legacy of ongoing badges and incidents of slavery that form the systemic structures of discrimination; accepts the State's responsibility for all of these harms and atrocities; and affirms the State's role in protecting the descendants of enslaved people as well as their civil, political, and socio-cultural rights. SCR 113 is pending on the Assembly Floor.

ACR 135 (Weber, 2024) is substantially similar to SCR 113. ACR 135 is pending before this Committee.

Prior Legislation:

AB 3121 (Weber, Ch. 319, Stats. 2020) established a nine-member “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.” This bill is discussed in further detail in Part 3 of this analysis.

AJR 21 (Gonzalez, 2019) would have formally apologized for California’s past complicity in enabling and furthering the practice of slavery and urged the United States Congress and the President of the United States to enact House Resolution 40 to study the legacy of slavery and provide recommendations on redress for descendants of enslaved persons. AJR 12 died in the Senate Rules Committee.

**PRIOR VOTES:**

Assembly Floor (Ayes 64, Noes 0)  
Assembly Appropriations Committee (Ayes 11, Noes 0)  
Assembly Judiciary Committee (Ayes 10, Noes 0)

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