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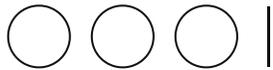
POLITICS

# California's conflicted history on slavery is central to reparations push for Black people



**Dustin Gardiner**

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An African American miner during the Gold Rush era, 1852. The man was photographed working in the Sierra Foothills near Auburn (Placer County).

Photos courtesy Western History Research, Los Angeles County Museum of Natural History

SACRAMENTO — To understand the quest for reparations for African Americans in California, supporters say, it's necessary to take a hard look at the prevalence of slavery in the early days of the "free" state.

California joined the union as a non-slavery state in 1850, but its reputation as a melting pot where racism dissolved in the fields of the Gold Rush was a folklore that masked a grim reality. Hundreds of enslaved people were already living in the state at the time of its admission, forced to work in mines and on plantations.

Many of these first Black residents weren't set free when the state passed its Constitution, and the state permitted white prospectors from the South to keep slaves if they planned to eventually return to their home states.

"In the South you had the cotton fields, and here we had the gold mines," said Tammerlin Drummond, a spokeswoman for the American Civil Liberties Union of Northern California who has researched the history of slavery in California. "It was widely practiced and it was out in the open. This kind of anti-Black racism was baked into the founding of the state."

Reparations advocates say the state has yet to make amends for its legacy of racism and the thread of anti-Black bias that has endured through the years, from redlining in housing policy that lasted into the 1960s to police brutality in more recent decades.

They say the remedy is California's new task force to develop proposals for reparations for African Americans, those descended from enslaved people and

harmed by its aftermath.

Gov. Gavin Newsom and state legislators recently created the task force, which is expected to begin its work by next summer. Its nine members, to be appointed by the governor and legislative leaders, will document the state's history of slavery and recommend remedies to the Legislature by June 2022.



Chinese, white and African American miners sit on a handcar during the Gold Rush era.  
Seaver Center for Western History

The task force proposal that Newsom signed into law, [AB3121](#), gained momentum in the Legislature this summer when protests erupted nationally over racial inequality after a white police officer in Minneapolis killed George Floyd, a Black man, by kneeling on his neck for nearly nine minutes during an arrest.

Assemblywoman Shirley Weber, the San Diego Democrat who carried the proposal, said Floyd's death and the aftermath made many people more receptive to re-examining what she characterized as a false narrative about California's past.

"California has come to terms with many of its issues, but it has yet to come to terms with its role in slavery," she said before Newsom signed her bill Sept. 30.

The ACLU has documented California's role in sanctioning slavery through a public education campaign, ["Gold Chains: The Hidden History of Slavery in California."](#) The project notes numerous court cases involving enslaved people who sought freedom in California, with mixed results.

In one case in the 1850s, [three Black men](#) who had bought their freedom were seized from their cabin during a midnight raid in Placer County after their former owner claimed they were runaway slaves.

The men lost their case at the state Supreme Court and were deported to Mississippi on a steamboat, though some accounts hold that they later escaped in Panama. Their case was one of the first involving the state's Fugitive Slave Law of 1852, which allowed Southerners to keep enslaved people who had been brought to California before its admission as a state.

Historians say there were many such cases of slaves being returned to the South after California was admitted. They say slave labor also continued in the state for many years, often in remote areas.

“Some prominent African American leaders even went armed into isolated areas and liberated slaves,” according to the [California Historical Society](#).



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The number of enslaved people who were in California during its first decade of statehood is unknown, but some historians estimate it could have been up to a few thousand, according to legislative staffers who worked on Weber’s bill.

Hollis Robbins, dean of the [School of Arts & Humanities](#) at Sonoma State University, has studied how Black newspapers outside California covered the first days of the Gold Rush. After an initial period of enthusiasm about the chance to strike it rich, she said, a deeper skepticism about California took hold.

“The early headlines in all the newspapers on the East Coast suggested that an ethos of equality existed in California,” Robbins said. “The reality on the ground was very different.”

Soon after gaining statehood, California passed laws that prohibited Black, Indigenous or mixed-race people from [testifying against white people in court](#).

Such laws allowed some white people to escape prosecution for violence.

California's first elected governor, Peter Hardeman Burnett, who had kept African Americans as slaves in Tennessee, tried unsuccessfully to pass laws [banning Black people](#) from the state. He also sanctioned the genocide and indentured servitude of Native Americans.

California fought on the side of the North during the Civil War, but reparations advocates say white supremacy carried on in the state long after the war ended in 1865.

Starting in the 1890s, [racial covenants](#) prohibited homeowners in many neighborhoods from selling their property to people who weren't white. The state Supreme Court upheld those covenants, along with the practice of segregated schools.

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communities, became common in the 1930s.

Rep. Barbara Lee, D-Oakland, said other forms of racism were evident to her growing up in California in the 1950s and early '60s. She said her parents were "run out" of San Leandro when they tried to buy a home there. As a teenager, she fought to [desegregate the cheerleading squad](#) at San Fernando High School.

"White supremacy is in the DNA of the country, and that does not exclude California," she said.

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For years, Lee has co-sponsored [congressional legislation](#) to create a national reparations commission. It has never passed, but Democrats say it could come up for a vote on the [House floor](#) this year.

Lee said California's task force could give momentum to the reparations effort in Congress. But, Lee said, the panel's most important work will be to help Californians and Americans understand how disparities that exist today are rooted in generations of policies that prevented Black people from gaining wealth.

African Americans make up 6.5% of California's population, but account for roughly 40% of its homeless people, according to [federal statistics](#). Black families have a median net worth of \$17,600, one-10th that of white families, according to [Federal Reserve data](#).

“We’ve got to have truth-telling moments in this country — otherwise, we’re going to just continue to tinker around the edges,” Lee said. “You can look at every institution in this state and see the damage that started 401 years ago,” when the first slaves were brought to the American colonies.

In recent decades, civil rights advocates say, over-policing of Black communities and tough sentencing laws led to mass incarceration. African American men make up less than 6% of the male population in the state, but are 28.5% of the prison population, the [Public Policy Institute of California](#) found. Black people are also twice as likely as white people to be killed by police, numerous studies indicate.

“California is not immune or exempt from weaponizing civic institutions against Black folks,” said Isaac Bryan, executive director of the [Black Policy Project](#) at UCLA.

But the push for reparations could face fierce opposition as the California task force begins its work. Only 29% of Americans support cash reparations for slavery, according to a [2019 poll](#) by the Associated Press-NORC Center for Public Affairs Research.

Fifteen Republicans [voted against](#) the reparations task force bill in the California Legislature, largely without comment. It easily passed, but nationally the opposition is greater. Senate Majority Leader Mitch McConnell, R-Ky., dismissed the notion of reparations when Congress held a hearing last year on Lee’s bill, HR40.

“I don’t think reparations for something that happened 150 years ago, for whom none of us currently living are responsible, is a good idea,” McConnell said, according to the [Associated Press](#).

There is precedent for governments paying reparations to correct injustices. The United States granted \$20,000 per person to [Japanese Americans](#) forced to live in internment camps during World War II. Germany has paid reparations to Holocaust survivors.

The bill creating California's reparations task force doesn't prescribe the form of potential compensation or who might be eligible. Weber, its author, said she wanted the task force to start from scratch on recommendations.

Ultimately, Weber said, she's hesitant about cash payments, which she said could do little to counter the wealth gap. She said California could instead propose reparations that confront greater disparities, such as unequal public schools, poor health care and discriminatory property values.

"I say to people, 'What would you give for 400 years of oppression and always starting behind?'" Weber said. "I haven't been able to calculate what it would take. I'm hoping we will be much more thoughtful."

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