



# San Francisco Reparations Plan 2023



A Submission from the San Francisco  
African American Reparations Advisory Committee

Prepared by the San Francisco Human Rights Commission

**SAN FRANCISCO  
HUMAN RIGHTS  
COMMISSION**



To: Mayor London N. Breed  
 Members, San Francisco Board of Supervisors  
 Commissioners, San Francisco Human Rights Commission

From: San Francisco African American Reparations Advisory Committee  
 Prepared by: San Francisco Human Rights Commission Staff  
 Date: July 7, 2023  
 Subject: San Francisco Reparations Plan

## San Francisco African American Reparations Advisory Committee Members:



**DR. JAMES LANCE TAYLOR**  
**SEAT 1**  
 An individual who works for a media outlet that principally serves the African American community, is a storyteller of African American stories, or is a historian with expertise in African American history



**NIKCOLE CUNNINGHAM**  
**Seat 6**  
 An individual who has experienced discrimination in the workplace



**ANIETIE EKANEM**  
**Seat 11**  
 A person who works in the technology industry with experience in the field of technological equity



**TINISCH HOLLINS**  
**(Vice Chair)**  
**SEAT 2**  
 An individual who has been displaced from San Francisco due to gentrification



**GLORIA BERRY**  
**Seat 7**  
 An individual who has experienced or is experiencing homelessness



**STARR WILLIAMS**  
**Seat 12**  
 A person who is between the ages of 14 and 24, inclusive, with experience working with community groups serving the African American community



**ERIC McDONNELL (Chair)**  
**SEAT 3**  
 An individual with expertise in private equity, venture capital, or fundraising in the financial industry



**DANIEL LANDRY**  
**Seat 8**  
 An individual with expertise in the impact of redevelopment activities in the Fillmore District and the Western Addition on Black communities



**SHAKEYLA O'CAIN**  
**Seat 13**  
 A person representing the sectors served by the Office of Economic and Workforce Development (construction, building and trades, hospitality, and medical sectors) with experience working in predominantly African American communities



**REV. DR. AMOS BROWN**  
**Seat 4**  
 An individual who is 65 years of age or older and who has lived in a predominantly African American community



**TIFFANY CARTER**  
**Seat 9**  
 An individual with experience as a small business owner principally serving the African American community



**LATICIA ERVING**  
**Seat 14**  
 An individual with experience as a parent or caregiver of a child or children experiencing barriers to or disparate treatment in education



**OMEREDE 'RICO' HAMILTON**  
**Seat 5**  
 An individual who has been incarcerated



**GWENDOLYN BROWN**  
**Seat 10**  
 A person who is employed by or in a leadership position in a charitable, social service, or religious organization principally serving the African American community



**FREDERICK (FREDDY) MARTIN**  
**Seat 15\***  
 An individual who has lived or is currently living in public housing

*Yolanda Harris filled Seat 15 until her resignation in November 2022.*

### Complete List of African American Reparations Advisory Committee Members

- Eric McDonnell, *Chair*
- Tinisch Hollins, *Vice Chair*
- Gloria Berry, *Lead, Education Subcommittee*
- Rev. Dr. Amos Brown, *Lead, Health Subcommittee*
- Gwendolyn Brown
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- Laticia Erving
- Omerede (Rico) Hamilton
- Yolanda Harris (*Resigned November 2022*)
- Daniel Landry, *Lead, Policy Subcommittee*
- Frederick (Freddy) Martin (*Appointed March 2023*)
- Shakeyla O'Cain
- Dr. James Lance Taylor
- Starr Williams

## **Ancestral Acknowledgment**

We honor the gifts, resilience, and sacrifices of our Black ancestors, particularly those who toiled the land and built the institutions that established this city's wealth and freedom, despite never being compensated nor fully realizing their own sovereignty. We acknowledge this exploitation of not only labor, but of our humanity and through this process are working to repair some of the harms done by public and private actors. Because of their work, we are here and will invest in the descendants of their legacy.

## **Acknowledgments**

This document is the result of two years of leadership and public engagement by the San Francisco African American Reparations Advisory Committee. In collaboration with staff from the Human Rights Commission, the AARAC held monthly meetings, community outreach, and secured expert testimony from local and national practitioners. The HRC supported with technical assistance, communications for all outreach and questions from media and the public, and the drafting of this document to reflect the expressed demands of the Reparations Committee. It is our hope that the following Reparations Plan does justice to the insights that were shared by the Committee and the Community and that the recommendations accurately reflect the demands collectively uplifted throughout this process. Together, we would like to acknowledge the many stakeholders who were involved in this landmark effort:

## **Local Stakeholders**

### **City Departments and Community Organizations**

- Code Tenderloin
- Department of Homelessness and Supportive Housing
- Delta Sigma Theta Sorority, Incorporated, San Francisco Alumnae Chapter
- GLIDE Center for Social Justice
- Invest Black
- Manny's
- Mayor's Office of Housing and Community Development
- MegaBlack SF
- New Community Leadership Foundation
- Office of Community Investment and Infrastructure
- San Francisco Planning Department
- San Francisco Public Library
- SF Black Wall Street
- Young Community Developers

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## Executive Summary

Since the forced enslavement of people of African descent, there has been both resistance to the institution of chattel slavery and demands for redress thereof. The genetic, psychological, financial, and racial trauma experienced by Black Americans through US chattel slavery is one of the greatest crimes against humanity ever perpetuated. The practice of slavery in the US was uniquely violent and disruptive wherein African Americans were foundationally and systematically disconnected from knowledge of their geographies, languages, names, relatives, and historic cultural practices. Despite these actions, Black people in America have consistently built loving families and communities, provided a blueprint for American cuisine, constructed our nation's most notable monuments, and are the most influential creators of artistic expression globally through dance, music, fashion and language, among other contributions.



*A mother's 90th birthday party surrounded by five generations of family at Edith's house on California Street in 1976. San Francisco History Center, San Francisco Public Library.*

### Framing Reparations in San Francisco

This report joins the contemporary discourse about reparations, expanding on the discussion of the role that city governments have played in executing policies that exacted targeted harm and marginalization of their African American communities. The recommendations that follow are proposed as redress to the explicit, codified discrimination that Black citizens in San Francisco have historically faced and continue to experience. The San Francisco African American Reparations Advisory Committee (AARAC) names Urban Renewal and its continued socioeconomic impacts on African Americans as a primary event that devastated economic opportunities for

Black people in San Francisco. The Committee describes the ways that these harms were enshrined and perpetuated through municipal policy decisions, advocacy from private actors, and institutional choices across the last seven decades.

While neither San Francisco, nor California, ever formally adopted the institution of chattel slavery, the tenets of segregation, white supremacy, separatism, and the systematic repression and exclusion of Black people from the city's economy were codified through legal and extralegal actions, social codes, and judicial enforcement. The legacies of these actions bear true to this day.

Where this document names events-based harm, it is referring to systemic decisions and outcomes that the AARAC believes the City and County of San Francisco caused and is liable to redress. Additionally, the AARAC argues that reparations should be considered an opportunity to address the racial tensions in San Francisco.

According to the United Nations, reparations "refers to measures to redress violations of

human rights by providing a range of material and symbolic benefits to victims or their families as well as affected communities. Reparation must be adequate, effective, prompt, and should be proportional to the gravity of the violations and the harm suffered.” In this context, reparations are being demanded by members of San Francisco’s Black/African American communities and allies not to remedy enslavement, but to address the public policies explicitly created to uphold and expand the legacy of chattel slavery, thereby subjugating Black people in San Francisco.

***“The African American community has suffered losses, whether it’s educationally, financially, in almost every way that you can imagine. It’s a past-due balance. We’re owed something.”***

## **Accounting for a Legacy of Civic Disinvestment**

Though the enslaved, the formerly enslaved, their descendants and other activists, scholars, and advocates have called for reparations for more than 200 years in the United States, few efforts have moved the needle.

A pivotal contemporary point of activation and understanding of reparations came in 2014, when Ta-Nehisi Coates presented “The Case for Reparations” in *The Atlantic*. In his seminal essay, Coates expands on the common understanding of the purpose of reparations to encompass not only the atrocities committed by this country during the era of chattel slavery, but also to name the continued role of government in creating and perpetuating poverty by codifying racist practices in housing policy, particularly during the postwar era of urban history in the 1950s through 1970s known as Urban Renewal. While Coates illustrates Black displacement and white flight using Chicago as an example, he is very clear that the effects reach far beyond the limits of the city in the prairie, noting: “Chicago, like the country at large, embraced policies that placed [B]lack America’s most energetic, ambitious, and thrifty countrymen beyond the pale of society and marked them as rightful targets for legal theft. The effects reverberate beyond the families who were robbed to the community that beholds the spectacle.”

The effects of various programmatic and policy decisions by San Francisco’s government have been generational and overlapping. Of particular focus in this plan is the era of Urban Renewal, perhaps the most significant example of how the City and County of San Francisco as an institution played a role in undermining Black wealth opportunities and actively displacing the city’s Black population. As San Francisco’s African American population grew between 1940 and 1963, public and private entities facilitated the conditions that created near-exclusive Black communities within the city, while simultaneously limiting political participation and representation, disinvesting from academic and cultural institutions, and intentionally displacing Black communities from San Francisco through targeted, sometimes violent actions.

The AARAC reviewed several reports commissioned by the City and County of San Francisco that centered experiences of its Black communities, ranging from the 1960s to as recently as 2020. These reports reveal a pattern of relitigation without redress across decades. Since their population reached a notable level, Black people in San Francisco have consistently had limited access to housing options, historically through the execution of racially restrictive covenants and redlining. Today, that lack of access is because of racial wealth disparities, Source of Income discrimination, and gentrification. San Francisco’s Black population has steadily declined since the 1970 census until 2020. Even as the city’s

overall wealth has grown with the fortunes of the technology industry, Black people have fallen behind in household income and wealth-building opportunities



San Francisco History Center, San Francisco Public Library.

Though policy and programmatic recommendations have accompanied each previously commissioned report, there has consistently been inaction on the part of the City and County of San Francisco to adequately and appropriately address the ongoing racial disparities Black citizens experience. It was not until the creation and implementation of the Dream Keeper Initiative in 2021 that the city thoughtfully committed resources to San Francisco’s diverse Black communities to address disparate social outcomes. While the Dream Keeper Initiative has been a successful start to investing in Black-led and Black-serving institutions, and is a promising catalyst for pursuing new possibilities, it is not reparations in that it does not provide tailored redress to the

nature of the initial harms against Black communities in San Francisco. For Black San Franciscans to fully receive redress for the city-sanctioned actions committed against them the City must make amends in a comprehensive manner for the documented wrongs previously committed.

***“Black people are Americans just like everybody else. We’re capitalists, we want to make money, build money, have money for our kids, you know what I’m saying? It’s just that no matter how hard we try because of the institutional things that have been baked into our society at every level, even the city level, it’s been really damn difficult to be able to maintain and hold on to wealth.”***

### Committee Timeline





## Looking Ahead

This Reparations Plan serves as the City and County of San Francisco's roadmap to implement proposed institutional redress for documented, systemic repression that targeted and disparately impacted Black people in San Francisco, particularly over the last 70 years. The Plan identifies comprehensive policy and program recommendations for a holistic and systemic approach to repair for Black San Franciscans. The AARAC serves as an Advisory Committee, and is only empowered to make recommendations; the body has no authority to implement these recommendations, and City officials are not required to implement any part.

While Black San Franciscans would benefit from the implementation of this Reparations Plan, Proposition 209, which bans government institutions from taking affirmative actions based on race, sex, or ethnicity, poses a challenge to the City to implement some programs. Still, Prop. 209 does not prohibit the City from taking actions, and through a reparations framework to redress harms done to Black communities, San Francisco has an opportunity to remedy harms with ongoing discriminatory impacts.

### Inside/Outside Strategy

The recommendations that the AARAC makes are guaranteed to be delivered to key government actors, but passing legislation advancing this Plan in San Francisco will take a broad coalition of stakeholders.

This model of building power is called **Inside/Outside Strategy**.

Stakeholders within government institutions or with access to those with power are considered **"inside"** of the system, while community organizers, advocates and grassroots organizations are on the **"outside."** (Of course, in San Francisco, the division between these two is often contextual.) An **Inside/Outside Strategy** requires an honest assessment of power dynamics, intentional organizing, and a strategic approach to accomplishing goals. This document is merely the first step in a larger advocacy process. It provides an initial blueprint for the actions necessary to repair the decades of harm experienced by San Francisco's Black communities.

## Introduction

The City and County of San Francisco is not the first institution to consider reparations for its African American citizenry as a method for redressing harms. Beyond the individual petitions for reparations, documented as early as 1783, government entities have distributed compensation as redress for actions taken against specific demographics, including for Japanese Internment in California, Holocaust victims, victims of forced sterilization in California and North Carolina, victims of the Center for Disease Control and Prevention's (CDC) Tuskegee Syphilis Study, victims of the Rosewood Massacre, and more. In 2020, California was the first state to seat a formal commission on Reparations, through Assembly Bill 3121, which established the Task Force to Study and Develop Reparations Proposals for African Americans. In 2021, Evanston, Illinois was the first city to enact a municipal Reparations plan. There are currently dozens of institutions – including universities, religious institutions, nonprofit organizations and local government bodies – exploring reparations as remedies to historical harms and their continued impacts.

San Francisco's international reputation as a liberal destination for free thought and uninhibited opportunities is undermined by its legacy of mistreatment, violence towards, and targeted racism against Black Americans. Founded in 1776 under Spanish colonial rule and later established in the 1840s, San Francisco experienced its first notable boom as a port city providing an entry to miners who had discovered gold up the Alta California coast. Being a land of opportunity, innovation, and self-made wealth is part of the city's identity, and something that has driven its international acclaim and attraction. Despite the reputation of liberalism, San Francisco has consistently imposed limitations on who has access to the City's abundant wealth. Since its founding, Black people in San Francisco have faced significant barriers to full participation in its society and economy. Through efforts to control the physical movement and financial attainment of Black people, San Francisco, and California more broadly, imposed laws that enshrined white supremacy and ensured the racial subjugation of African American and other non-white citizens.

## What are Reparations?

Two notable coalitions: the **National Coalition of Blacks for Reparations in America (N'COBRA)**, established in 1987, and **National African American Reparations Commission (NAARC)**, established in 2015, have led advocacy efforts for reparations and built outreach campaigns and strategies to push forward a national reparations agenda. These organizations have defined reparations under the international framework offered by the United Nations. In order to be considered reparations under this definition, five key components must be met:

1. *Cessation, Assurances and Guarantees of Non-Repetition*  
Under international law, a state responsible for wrongfully injuring a people "is under obligation to a) cease the act if it is continuing, and, b) offer appropriate assurances and guarantees of non-repetition"
2. *Restitution and Repatriation*  
Restitution means to "re-establish the situation which existed before the wrongful act was committed." Changes traced to the wrongful act are reversed through restoration of freedom, recognition of humanity, identity, culture, repatriation, livelihood, citizenship, legal standing, and wealth to the extent that they can be, and if they cannot, restitution is completed by compensation.

3. Compensation

The injuring state, institution or individual is obligated to compensate for the damage, if damage is not made good by restitution. Compensation is required for “any financially accessible damage suffered...” to the extent “appropriate and proportional to the gravity of the violation and circumstances.”

4. Satisfaction

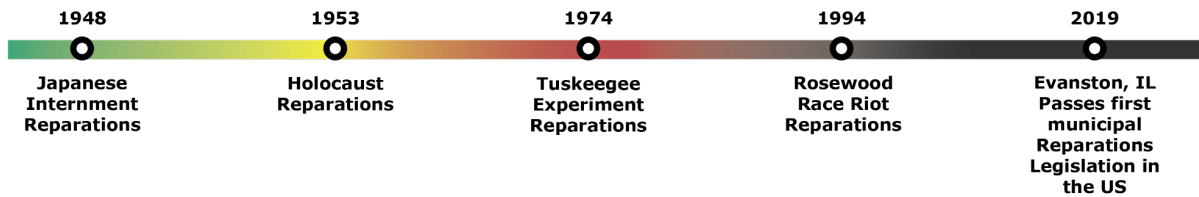
Satisfaction is part of full reparations under international law for moral damage, such as “emotional injury, mental suffering, and injury to reputation.” In some instances where cessation, restitution, and compensation do not bring full repair, satisfaction is also needed. Apology falls under the reparative category of satisfaction.

5. Rehabilitation

Rehabilitation shall be provided to include legal, medical, psychological, and other care and services.

[Source: Movement 4 Black Lives Reparations Now Toolkit, “Defining Reparations”]

### Short History of Past Successful Reparations Movements



### Reparations for Salary Losses of City and County of San Francisco Staff of Japanese Ancestry

While the decision to address the harms named throughout this report via monetary damages or any other forms of reparations is distinctly a policy issue, reparations for Black San Franciscans would not be the first time that the City and County would pay reparations to a distinct demographic group for harmful events of the past. In 1983, the City and County of San Francisco provided reparations beyond congressional redress to city employees of Japanese ancestry incarcerated during World War II. In an effort to compensate those employees for salary losses during forced internment by the federal government, then-Supervisor Quentin Kopp sponsored legislation compelling the members of the Board of Supervisors to “mak[e] reparations to those employees who were forced to take leaves of absence from City service during the 3 wartime years as a result of such relocations.”

The initial legislation amending Chapter 10D of the administrative code relating to the provision of reparations for salary losses caused by relocation of city employees of Japanese ancestry during World War II was passed January 4, 1983. Additional legislation, sponsored by Supervisors Louise Renne, was passed February 18, 1983 to make an exception to the compensation limit for members of the Hagiwara family. Overall, employees were compensated the equivalent amount of salary losses suffered during involuntary internment, not to exceed \$5,000 per person. The eligibility pool included current and former city employees (at the time of legislation's passage in 1983) and only the directly impacted individual was compensated; descendants were ineligible for reparations, unless a claimant submitted a claim and then passed away prior to disbursement of reimbursable wages.

## **Recommendations**

The recommendations below were generated by the African American Reparations Advisory Committee and are organized by subcommittee. The Subcommittee Leads managed the process of developing the recommendations, informed by feedback from public meetings, outreach engagements, surveys, and research conducted by the Subcommittee members, with technical support from the Human Rights Commission.

### **OVERALL RECOMMENDATIONS**

- I. The City and County of San Francisco and its agencies must issue a formal apology for past harms, and commit to making substantial ongoing, systemic and programmatic investments in Black communities to address historical harms.
- II. The City and County of San Francisco must establish an independent Office of Reparations within the City to execute this plan. This Office must track implementation of the recommendations of the Reparations Plan and ensure the continued success of programs.
- III. The City and County of San Francisco must create and fund a committee of community stakeholders – such as a Reparations Stakeholder Authority or similar – to ensure equity and continuity in the implementation of relevant policy initiatives, independent of the City and County of San Francisco.

# ECONOMIC EMPOWERMENT RECOMMENDATIONS

## FINANCIAL REPARATIONS

**Objective 1: Create a comprehensive suite of financial reparations that is made immediately available to those who qualify under the eligibility parameters set forth by the Committee.**

### Actions

**1.1 Provide a one-time, lump sum payment of \$5 million to each eligible person.**

*Rationale:* A lump sum payment would compensate the affected population for the decades of harms that they have experienced, and will redress the economic and opportunity losses that Black San Franciscans have endured, collectively, as the result of both intentional decisions and unintended harms perpetuated by City policy.

**1.2 Supplement African American income of lower income households to reflect the Area Median Income (AMI) annually for at least 250 years (\$97,000 in 2022').**

*Rationale:* Racial disparities across all metrics have led to a significant racial wealth gap in the City of San Francisco. By elevating income to match AMI, Black people can better afford housing and achieve a better quality of life.

**1.3 Provide access to a spectrum of financial education, from beginning to advanced. Financial education and literacy for those who receive cash reparations would include, but not be limited to, the establishment of a trust, will, power of attorney, and advance directives.**

*Rationale:* While traditional financial education emphasizes basic financial literacy, there is a need to provide a 'ladder' of financial education that encompasses all levels of financial knowledge so that resources match the broad spectrum of financial levels that exist throughout the community.

**1.4 Create public bank framework<sup>2</sup> to ensure that unbanked people have fair options and expanded access to credit, loans, financing, and other tools for leveraging financial power.**

*Rationale:* The ongoing quest for a public bank provides an opportunity for the City to offer options for populations that have historically been denied access to traditional financial institutions. Similar to credit unions, a public bank can be a safety net to ensure that those on the financial margins have access to competitive rates and can access traditional pathways to build financial resilience.

**1.5 Recruit a Black-owned community bank to San Francisco or expand an existing institution with a Black-owned partner financial institution or a Freedman's Bank.**

While the public bank framework is targeted toward marginalized communities broadly, a Black Owned Community Bank or Credit Union must:

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1. <https://sfmohcd.org/sites/default/files/Documents/MOH/BMR%20Ownership/2022%20AMI-IncomeLimits.pdf>  
2. <https://48hills.org/2022/05/a-public-bank-for-san-francisco-is-moving-forward-this-week/>

Allocate Community Reinvestment Act funds from banks that are specifically earmarked to meet the credit needs of low- and moderate-income communities and invest them in the communities they are intended to benefit;  
Increase lending in Black business owners and homeowners in Black communities;  
Offer additional grants to supporting Black people in historically redlined neighborhoods or who have been denied banking options from other financial institutions;  
Offer alternatives to traditional credit scores or other means of qualification including matching or augmenting community giving frameworks;  
Support fair and equitable appraisals for all types of transactions

**1.6 Finance a comprehensive debt forgiveness program that clears all educational, personal, credit card, payday loans, etc.**

*Rationale:* Black households are more likely to hold costlier, riskier debt, and are more likely to have outstanding student loan debt.<sup>3</sup> When this is combined with lower household incomes, it can create an inescapable cycle of debt. Eliminating this debt gives Black households an opportunity to build wealth.

**1.7 Offer retirement planning services, and services available to augment current retirees' financial state, particularly for low-wage workers.**

*Rationale:* Those who have already reached retirement age have undoubtedly endured racial discrimination

**1.8 Introduce tax credits for those who qualify for Reparations: Payroll tax, business tax, property tax, etc.**

**1.9 Create a Black Reparations Trust or other entity that can accept funds for the sole purpose of investing in Black communities. Such an entity should:**

- a) Allow donations from individuals and corporations who want to give their land, real property or financial assets to the Reparations effort;
- b) Explore and create structures and pathways to mitigate tax consequences for recipients of Reparations funds;
- c) Create mechanisms for enforcement and accountability for all activities related to Reparations.

**1.10 Create legal structures to protect those who receive Reparations from financial speculators or predators including court block accounts/trust accounts.**

*Rationale:* Given the history of financial institutions preying on underbanked communities – and especially given the vulnerability of subsets of this population such as seniors and youth – this body recommends putting legal parameters and structures in place to ensure access to funds and to mitigate speculative harm done by others.

**1.11 Provide African Americans with Black Cards that will provide discounts to businesses who are incentivized to participate in a program that provides cardholders to access discounts, free services and preferences within the City and County of San Francisco.**

*Rationale:* This program would be mutually beneficial to cardholders as well as participating businesses, which could provide an economic stimulus to beleaguered businesses across the city.

3. <https://www.forbes.com/sites/christianweller/2021/12/28/households-of-color-owe-costlier-riskier-debt-hurting-their-chances-to-build-wealth/?sh=7a12f8e55600>

**1.12 Make Reparations lump sum disbursements as follows: between the ages of 18-25 years: there will be annual payments made (at \$5M/12), with half of the remainder disbursed at 25 years old, and the remaining half dispersed at 30. For 30 and over, full lump sum payments.**

**1.13 Tax abatement on sales taxes for 250 years for people who qualify.**

**1.14 Guaranteed home, renters and commercial insurance backed and paid for by the city at no cost to Black residents who qualify for reparations.**

**1.15 Genealogy fund to be used with Black affirming and Black owned genealogy companies, such as the California Black Genealogical Society and AfricanAncestry.com**

**1.16 Remove ChexSystems and FICO (credit score) from Public Banking institutions and instead use alternative means of evaluation for credit.**

**1.17 All government buildings that are being leased or sold in San Francisco must pay a minimum 50% of their gross receipts into the SF Reparations Fund.**

**1.18 Create a Black Legal Defense Fund for services to include, but not be limited to: help for Black city workers facing discrimination, criminal defense, housing discrimination, and business services support.**

**1.19 Create a fund to support low cost mortgages for lawyers providing specified equity services including, but not limited to legal defense and legal aid lawyers who agree to take on Black clients to increase the pool of lawyers to handle the caseload.**

**1.20 Fully fund an office of Reparations at \$50M.**

**1.21 For city-funded equity-centered programs awarded to Black-led and/or Black-serving organization, the programs MUST be grant programs not reimbursement programs, where a percentage of funds are awarded up front, not on a reimbursable basis.**

**1.22 Reparations paid to an individual, annuities, and/or cash payments are exempt from garnishment and all state, county and municipal taxation, are not subject to execution, garnishment, attachment, or any other process or to the operation of any bankruptcy or insolvency law and are unassignable.**

## **RENTAL HOUSING AND HOMEOWNERSHIP**

**Objective 2: Ensure that all members of the affected community have access to affordable, quality housing options at all income levels.**

### **Actions**

#### **Rental Housing**

**2.1 The Mayor's Office of Housing and Community Development (MOHCD) should remove barriers to qualification for subsidized and Below Market Rate (BMR) rental**



**units; MOHCD should offer first choice for rental units to those who qualify for Reparations, and the City should cover any cost differentials that may serve as a barrier to qualification.**

*Rationale:* Housing is a human right, and increasingly, even BMR units are unattainable for renters because affordability thresholds are too high to be affordable to those with moderate or low incomes. By removing these barriers and/or subsidizing rents for those who qualify, the City creates expanded opportunities for people to access rental housing.

### **Homeownership**

**2.2 Guarantee continued funding for the Dream Keeper Down Payment Assistance Loan Program (DK-DALP) and convert the program from a loan to a forgivable grant over the course of 10 years, which shall be offered to eligible Reparations recipients, regardless of income.**

*Rationale:* Using the standards of a Special Purpose Credit Program (which allows you to use race as a factor in affirmatively furthering fair housing), we can improve the DK-DALP program. DK-DALP is an innovative program that builds on the City's standard DALP program and expands market-rate homeownership opportunities for Black San Franciscans. By eliminating the repayment requirements for this program and converting it from a 30-year, no interest, no payment loan into a fully-forgivable grant, the City can make a meaningful investment in retaining and growing its African American population. It also represents a commitment to addressing the loss in homeownership and household wealth that occurred as a result of displacement caused by Urban Renewal in the 1960s and 1970s.

**2.3 The City and County of San Francisco should cover additional monthly costs (e.g. Homeowners Association fees, parking fees, etc) related to housing stabilization in new constructions.**

*Rationale:* Many available homeownership opportunities are in condominiums or tenancy-in-common (TIC) buildings that incur additional monthly costs in addition to the standard Principle, Interest, Taxes and Insurance costs. Homeownership Association (HOA) fees can add hundreds of dollars to monthly costs and act as an affordability barrier for property ownership. This recommendation would allow more people to access these housing opportunities by minimizing financial barriers.

**2.4 The City and County of San Francisco should underwrite costs associated with refinancing existing mortgage loans.**

*Rationale:* Mortgage refinancing allows homeowners to lower their monthly mortgage costs. Assuming the costs associated with this expands this opportunity to a larger pool.

**2.5 The City and County of San Francisco and MOHCD should offer grants for home maintenance and repair costs.**

*Rationale:* The existing Senior Home Repair Program offers a model for maintenance and repair grants. This program can be expanded for all homeowners who qualify for Reparations.

**2.6 MOHCD should address and remove barriers built into the BMR program that limits wealth-building potential.**

*Rationale:* Currently, MOHCD's guidelines prevent BMR inhabitants from building wealth through homeownership. BMR owners do not realize the full appreciation of their home's value if/when they choose to sell, are barred from renting their property to both short- and long-term tenants, and should a lease holder pass away, the property cannot be inherited by their descendant. While the AARAC acknowledges that these stipulations were

presumably put in place to mitigate the potential for using subsidized housing for profit and to maintain a pool of affordable properties, the impact is that this effectively creates a tiered system that further perpetuates the racial wealth gap. Therefore, MOHCD should amend these practices to offer BMR owners opportunities to realize capital benefits from their property.

**2.7 Convert public housing units into condominiums with a \$1 buy-in for qualifying residents so the residents can own not only their unit but all of the common areas, as well.**

**2.8 Create a market of culturally relevant affordable housing development professionals, establish programs that give preference to developments that build units for 50-80% AMI, including fast track for approvals, bonding and other builder support.**

**2.9 Offer special consideration to Certificate of Preference (COP) holders, including:**

- a) Offer COP holders automatic qualification and first right of refusal to any rental or home ownership opportunities, with all financial eligibility needs met by the City.
- b) Offer a moving stipend for Certificate of Preference (COP) holders for all housing in the City and County of San Francisco.
- c) Create transparent and user-friendly methods for people to check their COP status.
- d) Eliminate the housing lottery process for COP holders
- e) Ensure that the descendants of COP holders are able to access the same benefits that their COP-holding ancestors would have received.
- f) Fund awareness campaign and augment staff to locate COP holders and their descendants.
- e) Ensure that the COP has a monetary value with a baseline of two times the average cost of a home in San Francisco County.

**2.10 Section 8 voucher holders.**

Apply the entirety of Action 2.9 to Section 8 voucher holders.

**2.11 Establish (and provide *at least five years of initial funding for*) a community land trust governed by Black residents to procure and develop properties in target neighborhoods. In addition to housing, this Land Trust would own commercial and retail properties, investing particularly in vacant storefronts along commercial corridors in Black cultural districts like the Southeast sector, and would offer flexible leases at discounted rates to African American tenants.**

**2.12 Make all residential vacancies of 3 or more months immediately available to Black homeowners or renters as part of COP, Section 8 voucher holders and/or Reparations recipients.**

*Rationale: According to a 2022 report from the Office of the Budget and Legislative Analyst, there are 61,000 vacant housing units in San Francisco – the highest number of vacancies since 2010. These vacant units should be offered immediately to unhoused residents and then offered to COP recipients, Section 8 voucher holders, or Reparations recipients.*

**2.13 Establish a property tax exemption for homes in San Francisco owned by those who qualify for reparations.**

**2.14 Establish a revolving fund for Black businesses, education, and homeownership from cannabis tax revenue and any restitution from drug related class action lawsuits where the city is benefiting.**

**2.15 All newly built affordable housing should have equity based commercial storefronts.**

**2.16 0% interest housing loans for 50 years for those eligible.**

**2.17 Prioritize Black Senior Housing; Black LGBTQ living; Black LGBTQ Senior Living.**

## **SPATIAL JUSTICE, COOPERATIVES AND COMMUNITY SPACE OWNERSHIP**

**Objective 3: Support and promote collective ownership models and “nontraditional” pathways to ownership.**

### **Actions**

***3.1 Promote the development of new and continued growth of existing Black-led housing cooperatives by taking actions to expand available opportunities including:***

- a) Incentivize Black homeownership within Black-led housing cooperatives by subsidizing purchases in cooperative communities.
- b) Make renovation grants available to existing Black-led housing cooperatives.
- c) Offer Black-led housing cooperatives tax credits to offset property taxes.
- d) Seed Black-led housing cooperatives with an initial five years of operating expenses
- e) Create easier pathways to establish housing co-ops and provide public funding to do so.
- f) Waive fees associated with converting housing typologies, e.g. converting a multifamily home to a tenancy in common (TIC) or condo in eligible co-op communities.

**3.2 Dedicate significant funding and resources to restore and preserve historic landmarks, cultural centers, murals and other vital assets of importance to San Francisco’s diverse Black communities across all neighborhoods in the City.**

**Objective 4: Create and sustain thriving, complete neighborhoods that include commercial activity, open spaces, safe streets and affordable housing for Black San Franciscans, in order to address the impact and legacy of displacement in the Redevelopment Era.**

**Objective 5: Create vibrant community hubs and support cultural institutions centered on the Black community (e.g. 1550 Evans, Fillmore Heritage center, African American Arts and Culture Complex, SF African American Arts and Culture District, others identified through community outreach).**

## **Actions**

**5.1 Purchase and run Black historical/focused community centers and cultural institutions or expand city departments (such as the public library) to provide these services.**

Rationale: Civic investments in cultural institutions play an important role in formally solidifying a community's permanence in the City. For example, the Schomburg Center for Research in Black Culture in Harlem is a world-renowned research institution affiliated with the New York Public Library. In addition to maintaining archives and other traditional library services, the Schomburg Center acts as a cultural hub in the community and hosts public programs, events and exhibitions. The Schomburg attracts scholars, researchers and community members alike thanks to its notable collection and storied history in the neighborhood. Currently, there is no similar public institution in San Francisco dedicated to the Black community. The AARAC imagines a future where the City makes a transformational investment in a cultural institution that addresses the needs of its diverse Black communities, honors their legacies and offers space for celebrating joy.

**5.2 Fully fund African American cultural districts and seed them with the first five to ten years of operating expenses to set them up for success.**

**5.3 Ownership transfer to the reparations land trust of all government involved properties, to include but not be limited to apartment buildings, condominiums and single family residences in the City and County of San Francisco.**

**5.4 The Fillmore Heritage Center will be leased to qualified African American business operators with a connection to the San Francisco community, for \$1/yr for a period of no less than 99 years. The City will make a significant upfront financial investment to ensure that the new Center will successfully:**

**Recharge and revitalize the economy of the lower Fillmore corridor,  
House and provide vital supportive services to existing and future community-based-organizations, whose mission is to address racial equity in San Francisco  
Uplift and celebrate the rich history and cultural heritage of the Fillmore,  
Provide training programs, jobs and careers in Media, Technology, Music, Culinary and Performance Arts for local youth and adults,  
Stimulate and accelerate the growth of black business enterprises throughout San Francisco, and  
Provide a beacon and destination for international, US and local visitors to San Francisco.**

**5.5 Create a fund to purchase communal spaces. The identified performance venues below are desired by the SF Black arts community, specifically including, but not limited to:**

**AfroSolo  
African American Shakespeare Co.  
San Francisco Bay Area Theatre Company (BATCO)  
Cultural Odyssey  
Lorraine Hansberry Theater  
SF Recovery Theater  
SF Black Film Festival**

**Commercial buildings sought:**

**Stage Werx Theater, 446 Valencia Street  
Alcazar Theater, 650 Geary Street  
Clay Theater, 2261 Fillmore Street  
Phoenix Theater, 414 Mason Street  
Exit Theater, 277 Taylor Street  
1330 Fillmore - Fillmore Heritage Center**

**5.6 Create a multi-million dollar fund to buy buildings along Black business corridors including, but not limited to, the 3rd Street corridor, Fillmore, OMI, and other historically Black neighborhoods from 1900 to the present.**

## **JOB CREATION AND SUCCESSION**

**Objective 6: Prioritize Black San Franciscans in local growth industries. Align educational, professional and economic development pathways to ensure successful outcomes across all employment levels in these industries.**

### **Actions**

**6.1 Expand Opportunities for All to include more positions in city government so that government employment represents a viable pathway for attaining job security and economic mobility.**

**6.2 Improve the City and County of San Francisco's Department of Human Resources to ensure accountability and consequences for racial discrimination.**

**6.3 Create grant opportunities for internships to ensure Black people have access and can take on unpaid internships which have a positive effect on creating industry knowledge and getting hired.**

**6.4 Prioritize members of San Francisco's current and past African American communities for employment opportunities, training programs, professional certification, partnerships and contracting. Additionally, create dedicated placement services to assist both experienced, mid-career and entry-level candidates.**

**6.5 Hire a Director for the Office of Racial Equity and to fully fund and implement all recommendations in the June 2021 report, "REPORT OF SAN FRANCISCO INDEPENDENT REVIEWER FOR MAYOR LONDON BREED" by William B. Gould IV. Give ORE authority to approve proposed budgets made in each city department's equity plan.**

**6.6 Fund the Public Defender's office to the same level as the District Attorney's office.**

**6.7 Hold unions accountable for racist job allocation practices in the past and today. Unions should also be required to pay into the SF Reparations Fund.**

# BLACK BUSINESS OWNERSHIP AND ENTREPRENEURSHIP

**Objective 7: To support Black entrepreneurs and ensure that Black-owned businesses thrive in San Francisco.**

## Actions

**7.1 Invest in direct payments and training programs.**

**7.2 Tax relief and incentives: Exemptions from payroll tax and property tax; Assistance from the City with outstanding taxes to ensure that people are up-to-date on tax liabilities.**

**7.3 Establish benchmarks for approval for equity applicant programs, e.g. 99% approval within 30 days. Those eligible for Reparations should receive prioritized licensing for all services.**

**7.4 Through an Economic Trust and a Land Trust, create industry campuses which house industry incubators, potentially including:**

- a. International Business Hub
- b. Fostering international trade and foster trade with diaspora partners
- c. Manufacturing businesses Hub
- d. Black PDR Hub
- e. Cannabis Hub
- f. Culture, Journalism and Media Hub
- g. Artificial Intelligence Hub
- h. Biotech Hub

*Rationale: A campus with real-estate owned by the trust(s) to create industry incubators that will train, provide jobs, and provide space and investment for Black people getting into emerging industries or already practicing.*

**7.5 Use the reduced commercial real estate occupancy in Downtown San Francisco as an opportunity to invest in building acquisition to house a multi-industry campus.**

**Objective 8: Fill funding gaps for Black entrepreneurs and expand opportunities to access capital.**

## Actions

**8.1 Bolster foundation support and San Francisco government-financed grant programs for entrepreneurs and business owners.**

**8.2 Use the City's existing Legacy Business Rent Stabilization Grant program<sup>4</sup> as a model for creating a grant/loan program for Black business owners to purchase commercial real estate.**

**8.3 Leverage the Community Reinvestment Act to offer 0%/low interest rate loans (convertible to grants) to qualifying business owners.**

**8.4 Create a fund for bonding where 100% of bond can be supplied to Black contractors; create a streamlined approval process for Black contractors (less than 120 days) from start to finish for these contractors; increase the local Reparations preference tier similar to Minority Business**

4. <https://sf.gov/information/rent-stabilization-grant>

**Enterprises and Small Business Enterprises. The preference percentage will be increased to 50% for using these contractors. They would not pay sales, payroll, or other business taxes.**

**8.5 Create a “Reparations Classification,” for government Contracts modeled after Local Business Enterprise and Women Business Enterprise classifications to give an additional 50% preference in contract evaluation. These businesses would be expedited through all of the internal city processes within 180 days with tax abatement and business and/or certification fees waived. A 10% tax rebate would be given to businesses contracting with those under the “Reparations classification.”**

**8.6 Create preservation/restorative grant fund to help Black owned, historical businesses**

**8.7 Require all large retailers in San Francisco generating more than \$2 Million in gross receipts to dedicate shelf space to Black owned retailers.**

**8.8 Incentivize large corporations that provide shelf space or contracts to Black owned businesses expedited planning and permitting.**

**8.9 Create incentives for landlords that lease to Black owned businesses.**

**8.10 Give preference to Black businesses for city and port-owned real estate leases in high foot traffic commercial districts with low cost rent, such as La Cocina Marketplace and The Asian Art Museum.**

**8.11 Require all new and existing concessions in SF Recreation and Parks to have Black business preference.**

**8.12 Create a bond fund for Black contractors, with a streamlined approval process (less than 120 days) from start to finish; increase the local Reparations preference tier similar to MBE/SBE. The preference percentage will be increased to 50% for using these contractors, and they would be exempt from paying sales, payroll, or other business taxes.**

## **EDUCATION RECOMMENDATIONS**

### **FORMAL RECOGNITION OF INSTITUTIONAL HARMS**

**Objective 1: Acknowledge the harm done to past generations of Black students in San Francisco and take steps to prevent future harms.**

#### **Actions**

**1.1 The San Francisco Unified School District (SFUSD) and the City and County of San Francisco should formally acknowledge the historic failure to adequately serve Black children in San Francisco due to past racist practices.**

*The over-representation and identification of Black children in Special Education (especially where labeled as “emotionally disturbed,” a designation which dramatically impacts future career outcomes), systemic disinvestment in schools on the City’s southeast side, and the lack of comprehensive wraparound care owed to students and families perpetuate harm and negatively impact student achievement.*

**1.2 Ensure funding to African American Student Achievement, including the continued funding of the African American Achievement and Leadership Initiative.**

**1.3 Identify and distribute local, state and federal funding available for school infrastructure to update school buildings that are outdated, unhealthy, and in disrepair.**

**1.4 Incentivize the state education agency to conduct deep racial equity audits, eliminate racially biased curriculum, implement strategies to promptly address negative racial impacts, and establish frameworks for applying a racial equity lens to future policy and programming decisions.**

**1.5 Ensure that schools across San Francisco have adequate funding that prioritizes neighborhoods that have had a legacy of educational disinvestment.**

**1.6 Establish benchmarks and goals related to Black student retention at SFUSD and Department of Early Childhood.**

**1.7 Offer financial compensation for families impacted by harms perpetuated on Black families by the SFUSD.**

**1.8 Establish a Black youth hotline to report discrimination in schools in San Francisco.**

## **Objective 2: Make meaningful financial investments in Students and Communities to Address Past Structural Harms**

### **Actions**

**2.1 Expand eligibility to the equity incentives in the city's Kindergarten 2 College (K2C) program to prioritize Black SFUSD students at schools across the district to add funds monthly to students' accounts based on grades, evidence of student achievement and other benchmarks.**

**2.2 Offer scholarships for other educational options beyond SFUSD (boarding schools, private schools, parochial schools, etc.).**

**2.3 Fund tuition assistance for 2-4 year college institutions, trade school, and other post-secondary school options.**

**2.4 Invest in pathways for Black SFUSD graduates who return to San Francisco to work at SFUSD. The City will provide funding to eligible returning professionals to offset the cost of housing, student loans, etc.**

**2.5 Eliminate student loan debt for Black people in San Francisco who went through SFUSD.**



**Objective 3: Invest in educational infrastructure to ensure that all SFUSD students have equitable access to quality school buildings and resources.**

### **Actions**

**3.1 Establish an Afrocentric K-12 school in San Francisco, similar to existing culturally specific schools in SFUSD. Study innovative public school models such as Akron, Ohio's I Promise School to implement best practices for urban education and pedagogy in a brand new K-12 school built intentionally for African American student enrollment.**

**3.2 Provide all SFUSD students with technology that equips them to be competitive in the 21st century, including access to laptops and internet/wifi access supplemented for students.**

**3.3 Establish a satellite Historically Black College or University (HBCU) campus in downtown San Francisco. Create an incentive package and facilitate relationships with the technology sector to attract an HBCU, with the intention of strengthening the pipeline into the technology industry. This is a potential strategy to address commercial vacancies.**

## **CREATING BLACK-CENTERED EDUCATIONAL PATHWAYS**

**Objective 4: Introduce curriculum that elevates and promotes Black history and culture, and offers students a foundation of culturally competent skills.**

### **Actions**

**4.1 Introduce a mandatory core Black History and Culture curriculum into all SFUSD grade levels, per the guidelines set forth by the Fund Black History Resolution adopted by the SFUSD in 2020.**

**4.2 Offer culturally competent afterschool programs and weekend cultural enrichment opportunities.**

**4.3 Offer culturally competent early childhood education programs for students ages 0-5 that prioritize fundamentals to prepare students for kindergarten.**

**4.4 Incorporate meditation, yoga, and other mindfulness principles into the classroom and afterschool programs.**

## **Proposed School Characteristics**

The school can use the I Promise School, Freedom School and/or iLearn Remediation Intervention and Scholastic Enrichment (iRISE) models as a foundation for successful Black-centered education. The school should have an integrated, African-centered curriculum, designed to counter negative images of Black people and descendants of slaves that are pushed by media, history books, education systems and policy.

All curriculum needs to be founded in accurate and truthful telling of history, including local history, math and science, engineering, and inventions by Black Scholars.

Daily recognition of Black culture and programming to acknowledge the unique gifts the students contribute to the community; drum circles, strutting and other unique forms of Black artistic and cultural expression should be included in the curriculum.

Swahili and Zulu should be a part of the language offerings. Educators must be vetted and reeducated to introduce them into a unique curriculum that prioritizes Black-centered education, specifically in history and sociology.

English classes should have an emphasis on Black writers and build an expansive curriculum that expands beyond the Western canon.

Extracurricular activities that nurture students' full range of expression and curiosity. Dance clubs, cheer, STEM, videography, photography and music production are just a few examples.

Mental health professionals should be a key part of the school staff, and available to students at all times, not just during crisis situations. Meditation and mental wellness can be emphasized throughout the school.

Staff and faculty should be well-versed on how to address learning disabilities and behavior disorders without traumatizing students.

**4.5 Teach and model healthy coping skills, anger management, navigating of gender relations, empowerment, and anti-bullying in schools.**

**4.6 Introduce a comprehensive nutrition curriculum that incorporates gardening and agriculture at all grade levels.**

**4.7 Commit to funding and hosting nonpartisan voter education events to supplement**

civic education curriculum with practical resources about voting and the electoral process.

## **Objective 5: Create pathways for African American students to pursue both traditional and non-traditional educational opportunities.**

### **Actions**

**5.1 Reinstate trade pathways and vocational opportunities into the SFUSD curriculum including culinary, woodshop, electrical engineering, automotive, and other vocational programs.**

**5.2 Invest in the arts programs, with an emphasis on culturally-based practices at schools densely populated with African American students. Collaborate with existing institutions such as the African American Arts and Cultural District to create relevant and meaningful arts curriculum.**

**5.3 Increase funding for existing programs that support college readiness and completion. Programs must have a proven track record and be monitored by a Reparations Oversight Committee.**

**5.4 Increase funding for existing programs that support 1:1 tutoring. Programs must have a proven track record and be monitored by a Reparations Oversight Committee.**

**5.5 Collaborate with local employers to create a secondary school curriculum that prepares students for careers and internships in emerging industries.**

**5.6 Provide scholarship funding for students to pursue supplemental educational opportunities inside and outside of San Francisco. Include a requirement for students to bring their talents back to San Francisco to prevent further regional brain drain.**

**5.7 Fund afterschool programs that include media literacy/analysis skills and cultural empowerment to counteract the harmful images of Black youth in mainstream media.**

## **RECRUITING, RETAINING AND SUPPORTING AFRICAN AMERICAN EDUCATORS**

**Objective 6: Prioritize Black San Franciscans in local growth industries. Align educational, professional and economic development pathways to ensure successful outcomes across all employment levels in these industries.**

## **Actions**

**6.1 Expand Opportunities for All to include more positions in City government so that government employment represents a viable pathway for attaining job security and economic mobility.**

**6.2 Improve the City and County of San Francisco's Department of Human Resources to ensure accountability and consequences for racial discrimination.**

**6.3 Create grant opportunities for internships to ensure Black people have access and can take on unpaid internships which have a positive effect on creating industry knowledge and getting hired.**

**6.4 Prioritize members of San Francisco's current and past African American communities for employment opportunities, training programs, professional certification, partnerships and contracting. Additionally, create dedicated placement services to assist both experienced, mid-career and entry-level candidates.**

## **Objective 7: Develop incentives for retaining Black educators in the SFUSD.**

### **Actions**

**7.1 Provide housing stipends for Black educators commensurate with market-rate housing needs.**

**7.2 Create a grant program to improve teacher preparation, recruitment, and ongoing professional development that fully incorporates culturally responsive pedagogy.**

**7.3 Provide funding for teacher pathway programs and continuing education opportunities.**

**7.4 Provide stipends for books, materials, etc. Provide scholarships for San Francisco-based students attending public and private universities pursuing careers in education.**

## **Objective 8: Building and sustaining a pipeline of Black educators.**

### **Actions**

**8.1 Provide funding and other resources for new teachers to pursue tutors of their own choice for teaching certification tests.**

**8.2 Using the Urban Ed Academy model, expand the program to include Black women and build professional pipelines to attract and retain Black woman educators**

**8.3 Compensate Black educators for the harm they experience teaching a white supremacy curriculum.**

## **INTERRUPTING THE SCHOOL-TO-PRISON PIPELINE**

**Objective 9: Offer creative, community-informed options to support students who are most at risk of becoming involved in the criminal justice system.**

### **Actions**

**9.1 Work in consultation with the District Attorney and Public Defender’s offices to implement a cash incentive program (similar to Richmond’s Office of Neighborhood Safety gun violence intervention model) that offers a stipend to those who are at risk of being justice-involved for achieving educational benchmarks like degree completion.**

**9.2 Introduce City College programs designed to provide access to degree programs while incarcerated and to ease the transition into educational pathways upon release.**

**9.3 Partner with the California State Department of Corrections and Rehabilitation and the San Francisco County jail to provide alternative pathways to college degrees while incarcerated through nontraditional instruction programs (i.e. mail-in packets, tablets, correspondence training programs, etc.).**

**Objective 10: Invest in holistic, comprehensive wraparound services for SFUSD youth and their families.**

### **Actions**

**10.1 Supporting the SFDPH in creating a criteria for therapy within the school district to focus on trauma stemming from gun violence, war zones, and Post Traumatic Stress Disorder (PTSD).**

**10.2 Offer rehabilitation and substance abuse counseling for youth that is easily accessible with culturally competent staff.**

**10.3 Offer tutoring, mentoring and counseling through nonprofit and community-based organizations that are already engaged in this work.**

**10.4 Increase access to in-school mental health resources and wellness practices including:**

- a. Funding to introduce mindfulness practices to all schools densely populated with African American students.
- b. Additional full-time therapists at all schools densely populated with African American students.

- c. Free access to therapy.
- d. School-based expressive arts programs; fund programs like Rafiki Coalition to do school based therapy.
- e. Provide therapy for Black SFUSD staff as well.
- f. Introduce services that introduce socioemotional learning and intelligence and counternarratives to harmful messages that youth often receive.

## **Objective 11: Implement educational pathways to degree programs for unhoused residents, foster youth, and Transitional Aged Youth (TAY).**

### **Actions**

**11.1 Hire culturally competent advocates to visit Transitional Aged Youth (TAY) housing and other supportive housing sites across the City to provide guidance in pursuing education and advocate for unhoused people who want to pursue educational opportunities.**

**11.2 Develop a partnership with City College to ease transition into learning programs for unhoused residents and TAY.**

## **Objective 12: Establish independent oversight of educational programs related to Reparations.**

### **Actions**

**12.1 Introduce a Reparations Education Oversight Committee– a nonpartisan body formed by the City that includes legacy AARAC Members appointed to track the implementation and success of these programs that are uniquely serving the Black community.**

# HEALTH RECOMMENDATIONS

**Objective 1: Acknowledge the insult, assault, and intergenerational harm caused by the City and County of San Francisco as it relates to the mental, physical, and environmental health of Black San Franciscans.**

## **Actions**

**1.1 Issue an official apology from the City and County of San Francisco and the San Francisco Department of Public Health (SFDPH) on the historic failure to adequately improve the social determinants of health for Black San Franciscans due to structural racism which has had lasting and generational impacts to the mental, physical and environmental wellbeing for Black residents.**

**1.2 Publicly commit to the restoration for the ways that racism has caused insult to Black humanity and manifested in both visible and invisible trauma through the means of compensation, restoration and rehabilitation.**

**1.3 Investigate and hold health and wellness institutions liable for the racial trauma and harm they have inflicted on African American communities, and require them to be financially accountable and mandated to contribute to a San Francisco Reparations Fund.**

**1.4 Review, audit and improve city departments and policies responsible for community health and ensure public, philanthropic and city funding that is allocated toward Black health is appropriately and equitably spent.**

**Objective 2: Address and reduce health disparities by investing in structural, long-term solutions to the social determinants to health.**

## **Actions**

**2.1 Create an actionable Black Health Plan that builds on the existing Black/African American Focus Area in the SFDPH Strategic Plan to address disparities across areas of wellness focusing on illness prevention, culturally-appropriate treatment modalities and violence prevention.**

**2.2 Build and/or adequately resource neighborhood-based clinics in communities with high concentrations of African Americans.**

**2.3 Equip practitioners with mandatory training and engagement with culturally responsive approaches, hiring, practices and systems of care.**

**2.4 Create free educational pathways to recruit, train and retain Black health care**

**professionals with stipends/student loan forgiveness and or affordable housing for Black physicians and Registered Nurses working in San Francisco’s Black neighborhoods.**

**2.5 Provide funding to San Francisco public schools, African American churches and other community spaces to increase culturally-appropriate access to wellness, nutrition education, health screening and other health resources.**

### **Objective 3: Create safer public spaces through improvements to the built environment.**

#### **Actions**

**3.1 Create, improve and allocate culturally specific Black spaces that rebuild and revitalize:**

- **Social relationships**
- **Social networks**
- **Infrastructure of social support**

**3.2 Revitalize San Francisco public housing sites to ensure safe, updated, liveable housing conditions for all residents.**

**3.3 Introduce land use controls to reduce the number of liquor stores, dispensaries, and fast food restaurants in Black communities and prioritize/incentivize access to fresh food and full service grocery stores.**

### **Objective 4: Address persistent issues in environmental and community health.**

#### **Actions**

**4.1 Declare community violence as a public health crisis and fund resources for effective interventions.**

**4.2 Address health impacts specific to harm caused by radiological and toxic chemical contaminants from the Hunters Point Naval Shipyard operations upon the Bayview-Hunters Point community residents across generations and over the decades since the opening of the Hunters Point Naval Shipyard by taking the following actions:**

- a. Fund and sustain biomonitoring testing services for community residents (Hunters Point Biomonitoring Program) and maintain a community toxic registry.
- b. Fund and operate local health clinics to provide healthcare, nutrition, and mental health services for impacted residents showing above reference range levels of radiological and toxic chemical contaminants, correlated respiratory disease and cancers, and other health impacts as uncovered per toxic exposure science.
- c. Fund and maintain air monitoring services across SF neighborhoods (including Treasure Island) specifically addressing Environmental Justice Communities



of pollution and environmental toxins assaulted communities as identified by CalEnviroScreen.

- d. Align environmental justice curriculum into our school programs and offer similar pedagogy for adult learning to advance awareness and advocacy.
- e. Align with culturally competent mental health redress as environmental injustices place undue stress upon our communities.

**4.3 Align with CA State Bill 1000 and the SF General Plan Environmental Justice Framework policy development, and support findings and recommendations of the 2021-22 Civil Grand Jury Report “Buried Problems and a Buried Process - The Hunters Point Naval Shipyard in a Time of Climate Change” and the actions identified within the report, e.g. holding accountability for the ongoing remediation and 100% cleanup of the Hunter Point Naval Shipyard, and particularly actions as they relate to climate change, sea level and groundwater rise and risks imposed on the shoreline communities, again identified as Environmental Justice (EJ) Communities by CalEnviroScreen.**

## **Objective 5: Reduce the ongoing burden of stress disparately endured by Black San Franciscans.**

### **Actions**

**5.1 Provide reparations direct payments to Black San Franciscans to alleviate the stress and anxiety caused by financial insecurity.**

**5.2 Provide free mental health, prenatal care, and rehabilitation treatment to all Black San Franciscans who are living below the poverty line, victims of violent crimes, previously incarcerated Black San Franciscans, high crime area residents, and substance abuse users.**

**5.3 Provide free testing for residents near environmentally toxic environments and financial compensation for those testing positive for illness due to exposure.**

# POLICY RECOMMENDATIONS

**Objective 1: Address the historical and existing state policies that have disproportionately harmed San Francisco’s African American communities.**

## **Actions**

**1.1 Generate local political support to repeal Proposition 209<sup>5</sup>, which, through eliminating government funded affirmative action programs, has been attributed to significant decreases in African American participation across higher education<sup>6</sup>, public employment<sup>7</sup>, government procurement<sup>8</sup>, etc.**

*Rationale: Proposition 209 has created a dynamic that prevents legislators from crafting policy that directly addresses issues that specifically affect certain racial groups.*

**1.2 In alignment with the AB 3121 Interim Report, repeal Article 34<sup>9</sup> of the California Constitution.**

*Rationale: Article 34 is a state constitutional provision that requires cities to get voter approval before building housing with public funds. It has been attributed to slowing down efforts to integrate suburbs across the state. California is the only state whose constitution explicitly prevents public housing.*

**1.3 Address potential remedies to Proposition 13, which has frozen commercial and residential property tax assessments.**

*Rationale: Though framed as an incentive to California property owners, the loss of tax revenue spurred by Proposition 13 has contributed significantly to the growing racial wealth gap and the housing shortage across the state – both of which disproportionately affect African American communities.<sup>10</sup>*

**1.4 Audit War on Drugs-era policies (e.g. the “One strike rule”) that prevented African American San Franciscans from accessing public housing and other housing-related subsidies.**

**1.5 Establish and enforce a city policy to prioritize the creation of low income and ultra low income housing based on 30% of AMI or equivalent to current Section 8 policy.**

**1.6 Establish a City policy to use currently available housing stock for market rate housing. Establish that 100% of fines from vacancy tax be routed to the SF Reparations Fund and fines must be enforced for those not complying with providing housing to Section 8 voucher holders. Incentivize Black-owned and Black-affirming property managers to help fill properties.**

## **Objective 2: Enforce existing local policies that are ostensibly designed to address historical harms.**

### **Actions**

**2.1 Use the City's existing Slavery Disclosure Ordinance (Section 12Y of the Administrative Code) to hold private companies who have economically benefited from chattel slavery financially accountable for their harmful legacy by mandating contributions to the Special Fund established by the ordinance.**

*Rationale:* Though the City requires annual disclosures from companies who participated in the slave trade, contributions to the Special Fund are currently voluntary. A mandatory contribution, proportional to the company's size and revenue, could be used to offset the costs of implementing a comprehensive African American Reparations effort.

**2.2 Enforce all existing and future Development Agreements and Community Benefits Agreements that developers have proposed as a condition of project approval.**

*Rationale:* Development/Community Benefits Agreements often make lofty promises to neighborhoods to address stakeholder concerns and impacts during the approval process, but are rarely fully realized after development is completed. These commitments need to be enforced by city agencies to mitigate the negative impacts that new development can impose on the community, and developers should face fines and other penalties if they are not upheld.

The Office of Community Investment and Infrastructure (OCII) will be conducting an audit of all agreements made since 1948 to determine if they have been upheld. The results of this study should be made public, and the private actors who run afoul of it should be held accountable for their unfulfilled promises to communities.

**2.3 Create better systems and communication channels to ensure that Certificate of Preference holders are prioritized in housing and made aware of all options available to them through OCII and other relevant city agencies.**

**2.4 Amend the San Francisco City Charter to add two seats to the San Francisco Police Commission. These will be appointed seats by the Board of Supervisors for 1) A person between the ages of 16-25 years old and 2) A formerly incarcerated person member with required residency in San Francisco.**

5. Full Text of Prop 209: <https://vigarchive.sos.ca.gov/1996/general/pamphlet/209text.htm>
6. [https://www.ucop.edu/institutional-research-academic-planning/\\_files/uc-affirmative-action.pdf](https://www.ucop.edu/institutional-research-academic-planning/_files/uc-affirmative-action.pdf)
7. <https://www.law.berkeley.edu/wp-content/uploads/2016/07/Proposition-209-and-Public-Employment-Workforce-Diversity.pdf>
8. <https://equaljusticesociety.org/wp-content/uploads/2019/10/ejs-impact-prop-209-mwbes.pdf>
9. [\*Why it's been so hard to kill Article 34, California's 'racist' barrier to affordable housing\*](#)
10. [\*Unjust Legacy: How Proposition 13 Has Contributed to Intergenerational, Economic, and Racial Inequities in Schools and Communities\*](#)

**Objective 3: Work with the full African American Reparations Advisory Committee to develop a suite of prioritized, actionable policy recommendations to advocate for immediately.**

### **Actions**

**3.1 Create accountability systems to prevent fraud and abuse in the reparations program.**

**3.2 Pass resolution in support of the final recommendations from the California State Reparations Task Force AB3121.**

**Objective 4: Create a nonpartisan body and/or a new city agency to ensure the successful implementation of Reparations policy recommendations after this body sunsets in June 2023.**

### **Actions**

**4.1 Introduce a ‘Reparations Tax’ to partially offset additional costs necessary to fund this infrastructure.**

## ELIGIBILITY FOR REPARATIONS

### REQUIRED:

- An individual being an African American descendent of a chattel enslaved person **or** the descendant of a free Black person prior to the end of the 19th century **or** who has identified as Black/African American on public documents for at least 10 years
- 18 years or older
- Born in and/or migrated to San Francisco before 2006 and has proof of residency in San Francisco at least 10 years.

### HARMS

**In addition to meeting the above requirements, you MUST be able to prove at least one harm from the following list (must have supporting documentation):**

- An individual displaced (or, if that person is deceased, the next surviving direct descendant of someone displaced) from San Francisco by actions related to the San Francisco Redevelopment Agency's activities during the period of urban renewal, between 1954 and 1973
- An individual who was displaced (or, if that person is deceased, the next surviving direct descendant of someone displaced) from San Francisco by Redevelopment until 2012.
- An individual, or direct descendant of someone, who was arrested, prosecuted, convicted, and/or sentenced in San Francisco for a drug-related crime and/or served a jail or probation sentence for a drug-related crime in San Francisco during the failed War on Drugs (June 1971 to present), including individuals who received offenses, or served, as juveniles
- An individual who is named as a current or former tenant on an SF public or subsidized housing agreement, who can provide documented evidence of living in substandard or dangerous conditions, including residents who reported ongoing maintenance issues, submitted written requests for emergency relocation, and those who witnessed or were exposed to violent crime
- An individual (or surviving direct descendant) who experienced documented physical injury, psychological trauma, or loss of life at the hands of law enforcement
- An individual with a record of attendance at a San Francisco Unified School District school during the time of the consent decree mandating desegregation within the school system, between **1983 and 2005**
- An individual relocated by the San Francisco child welfare/foster system
- An individual who experienced lending discrimination in San Francisco between 1937 and 1968 or, subsequently, experienced lending discrimination in formerly redlined San Francisco communities between 1968 and 2008

## Racial Terror as a Tool of Control

Black Americans experienced crime without the ability to seek recourse through the legal justice system. The California Supreme Court categorically barred any testimony from Black people. Facing discrimination from both codified laws and vigilante white citizens, Black communities left en masse in the early days of California's founding in search of peace and freedom. Between 1850 and 1860, nearly 200 Black families in San Francisco fled to the British colonies to avoid persecution within the state.

Racial terror was a primary method used to discourage Black citizens from exercising their rights. Shortly after the release of *Birth of a Nation* in the 1920s, the Ku Klux Klan established a San Francisco chapter, becoming the first iteration of the group in California. Group members held rallies, initiation events, and public parades that were attended by thousands. The California KKK gained significant political influence during their resurgence through positions of power. Members exerted their authority as elected officials, district attorneys, and police officers. Law enforcement from nearly every California city had a KKK influence, including 25 San Francisco police officers.

Scare tactics like harassment, vandalism, and arson were common tools used against Black Americans. The prevalence of white supremacy ideology created an atmosphere of fear for both Black citizens and white sympathizers that saw the racial caste system as morally unjust. At the same time, those who benefitted from the racial hierarchy were able to maintain their role as bystanders and reap the benefits. "The violence and subsequent silence surrounding the crimes committed against Black Californians demonstrates how white Californians viewed Black presence and homeownership as a threat to white dominance" (Interim Report 186).

The roots of modern-day policing are directly connected to legal slave patrols; white militia groups originally established in the 1700s to institute a system of organized terror and squash rebellion among the enslaved. Even after slavery was abolished, the strategies used by the patrols became tools in the hands of the police, along with vigilante groups like the Ku Klux Klan. Tactics like systematic surveillance, invasive searches, and enforced curfews were all used to target and criminalize African Americans. The stereotypes created to support slavery have shaped the modern day implicit biases against the Black population in the American public and within the police force. In the Bay Area, police brutality became such a prevalent concern that the Black Panther Party for Self-Defense, later known as the Black Panther Party, formed to protect African Americans from the police. One study found that 27 percent of the people killed in the San Francisco Bay Area were Black residents, even though they only comprised seven percent of the total population at the time.

## Residential Segregation Shapes the City's Demographics

After the 1906 Earthquake, developers began to attract people to the city's Western neighborhoods with the promise of suburban-style living in proximity to the bustling downtown core. The master-planned communities known as the *San Francisco Residence Parks* prioritized single family homes, lush landscaping, and winding roads – to the exclusion of nonwhite residents. Neighborhoods like St. Francis Wood, Sea Cliff, and Forest Hill established racially-restrictive covenants in deeds, which stipulated that only white residents were allowed to live on the property. These redlining practices were enforced in California as late as the 1940s. Even after the U.S. Supreme Court case *Shelley v. Kraemer* deemed racially restrictive covenants unconstitutional in 1948, housing discrimination

persisted. Similar to the enduring legacy of residential redlining, the demographics in these communities remains predominantly white since the exclusive enclaves have become more expensive over time, effectively shutting out the majority of Black homebuyers.

Even San Francisco Giants legend Willie Mays wasn't immune from housing discrimination. In 1957, when Mays and his wife Marghuerite were looking for homes as they relocated from New York to San Francisco, they zeroed in on a modest three bedroom house at 175 Miraloma Drive in Sherwood Forest, nestled between St. Francis Wood, Miraloma Park, and Mount Davidson. Although Mays made a cash offer on the home's asking price – \$37,500 at the time – the owner declined to sell them the home, citing mounting complaints from the neighbors about a Black family moving in. "I certainly wouldn't like to have a colored family near me," the owner told the *San Francisco Chronicle*.

Eleven years after the infamous Willie Mays incident, amongst an era of sweeping civil rights legislation, the Fair Housing Act of 1968 was passed. Despite its intention, the act was largely ineffective. The Department of Housing and Urban Development (HUD) could not investigate complaints of discrimination, and lacked the enforcement authority to penalize the lawbreaker. Because of this, housing discrimination continued into the 1970s and 1980s. In 1988, an Amendment was passed to reinforce the policy. This allowed HUD to initiate and pursue complaints, with steeper penalties for cases of discrimination.

Though this change corrected inefficiencies in the 1968 Fair Housing Act, it had little impact on the decades of entrenched racial discrimination that segregated San Francisco. The legacy created from redlining and other discriminatory housing policies has also placed a higher energy burden on African Americans than on any other racial group. Today, Black homeowners pay more for residential energy bills, which can be attributed to the older, energy-insufficient housing African Americans were relegated to for generations. This asymmetry within quality of life is a direct factor that has spurred the out-migration of Black San Francisco.

### **Urban Renewal Spurs a Large Scale Black Exodus**

When California passed the Community Redevelopment Act in 1945, the state ultimately funded the destruction and redevelopment of "blighted areas" in the community. Each of the conditions that legally defined blight were products of the harms of residential segregation. Buildings in the neighborhoods where Black San Franciscans were legally able to live were more likely to be overcrowded or in poorer conditions than the spaces restricted by racial covenants. Under the guise of urban development, the City and County of San Francisco declared the Western Addition blighted, which provided just cause to destroy a large portion of the Fillmore.

Prior to its destruction, the Fillmore – San Francisco's very own "Harlem of the West" – was an integrated neighborhood famous for its jazz venues and social clubs and hosting of legendary artists such as Ella Fitzgerald, Billie Holiday, Louis Armstrong, and more. In total, the demolition closed 883 businesses, displaced 4,729 households, destroyed 2,500 Victorian homes, and damaged the lives of nearly 20,000 people. In its aftermath, the city left the destroyed plots of land empty for years. Despite the efforts of civil rights advocates to eradicate housing discrimination and the passage of progressive bills like the Civil Rights Act of 1964 and the Fair Housing Act, federal courts still found that San Francisco city housing authorities discriminated and maintained segregation.

# WILLIE MAYS IS DENIED S.F. HOUSE--RACE ISSUE

**Machen Wins by TKO in 10th**

See Sports

**San Francisco Chronicle** FINAL  
THE VOICE OF THE WEST  
THURSDAY, NOVEMBER 14, 1957  
10 CENTS  
GARTH 1-1112

Giants' Star

## Willie Mays Is Refused S. F. House--Negro

By David Peisach

Willie Mays, the spectacular center fielder of San Francisco's newly-acquired Giants, ran into the color barrier here yesterday.

He and his wife were forced down to their knees to sign a home-buying slip for a Negro.

Mays, the "Say Hey Kid" of baseball, is at 27 one of the game's all-time greats for his team both at bat and in the field.

After the home the all-time home runs made allowed from the back benches in the park, seven years ago he was named to the team president's committee.



MARGARET AND WILLIE MAYS  
"I'd like to live in San Francisco"

## Ike: More for Arms, Less for Civil Projects

President Cites Need Of Schools



OKLAHOMA CITY, Nov. 13 (AP) — President Eisenhower told the Nation tonight that defense spending for space age weapons must be lifted to "a very considerable amount." He decried the "overriding of security" as "a warship a balanced budget."

News of Willie Mays being denied housing because of his race makes front page news. *San Francisco Chronicle*, November 14, 1957.



"Stop Redevelopment Agency" Poster (No Date). San Francisco Redevelopment Records, San Francisco History Center, San Francisco Public Library.

To this day, Black-owned homes are valued significantly less than white-owned homes within the San Francisco metropolitan area. A study in 2020 found that Black-owned homes are devalued by 29 percent compared to their white-owned counterparts. This trend makes Black neighborhoods and homes particularly vulnerable to gentrification.

The urban renewal and gentrification that took place in San Francisco has created generational impact and decimated Black communities. One study from the National



Community Reinvestment Coalition found that San Francisco was one of the most rapidly gentrifying cities from 2013-2017. Almost 90 percent of the currently gentrified areas in San Francisco were formerly redlined or deemed “definitely declining” by the Home Owners’ Loan Corporation. As a result of segregation, redevelopment, and rent spikes, the Black community has been forced to relocate from the city. In the 1970s, ten percent of San Francisco’s population identified as Black, compared to the five percent today.

### **Impact of Proposition 209**

The destruction of and disregard for Black-owned businesses is prevalent to this day. In most major metro areas across the country, including San Francisco, businesses in majority-white areas receive federal loans at a greater rate than businesses in majority-African American areas. An ongoing hindrance in California to equitable access in government contracting for Black people, women, and other marginalized identities is Proposition 209, a 1996 constitutional amendment banning affirmative action. Initially passed by a margin of 10 points, the stated intention of Prop. 209 was to ban discrimination and preferential treatment based on race, sex, and national origin, among other things.

The passage of Proposition 209 undermines Black-owned businesses that seek to obtain public contracts with the State of California and local governments. The consequences of Prop. 209’s passage has been the systematic exclusion of people of color and women. After its passage in 1996, Prop. 209 caused state and local governments to end race-conscious contracting programs, which led to the loss of about \$1 billion every year for minority and women-owned businesses. Prior to the bill passage in the fiscal year 1994-1995, \$519 million was allocated to minority and women owned-businesses. When California ended the program, only a few businesses got their contracts with the state back, and some never recovered. Additionally, Prop. 209 has had adverse impacts for Black and brown people seeking access to public employment and initiated a precipitous decline in enrollment in California’s University of California system. In the City and County of San Francisco, about \$200 million per year was lost in minority and women-owned contracts. This loss was caused by both Prop 209 and the 2004 Coral Construction Case, which ended San Francisco’s race-conscious procurement program.

*“Reparations is America acknowledging what it has done. It’s a start, at least. And I think that if the local, and hopefully someday Federal government, start acknowledging what it has done, then it could start to change the trajectory of where it’s going currently”*



*A Black family stands in front of a beauty supply store in San Francisco in 1990. Shades of San Francisco, San Francisco History Center, San Francisco Public Library.*

## **A Legacy of Institutional Harms to San Francisco’s Black Communities**

San Francisco’s international reputation as a liberal destination for free thought and uninhibited opportunities is undermined by its legacy of mistreatment and violence towards, and targeted racism against, Black Americans. Founded in 1776 under Spanish colonial rule and later established in the 1840s, San Francisco experienced its first notable boom as a port city providing an entry to miners who had discovered gold up the Alta California coast. Being a land of opportunity, innovation, and self-made wealth is part of the city’s identity, and something that has driven its international acclaim and attraction. Despite the reputation of liberalism, San Francisco has consistently imposed limitations on who has access to the City’s abundant wealth. Since its founding, Black people in San Francisco have faced significant barriers to full participation in its society and economy. Through efforts to control the physical movement and financial attainment of Black people, San Francisco, and California more broadly, imposed laws

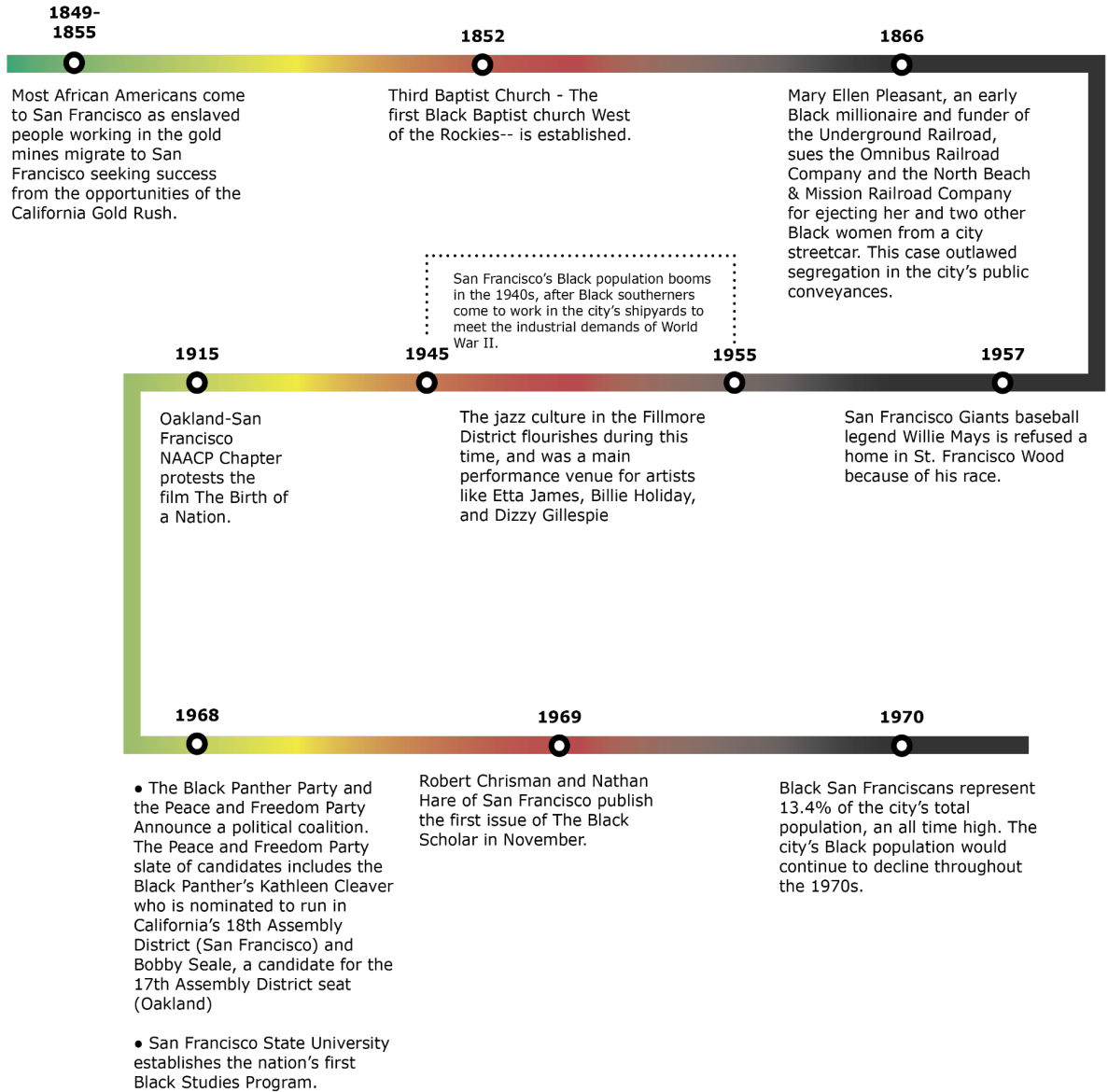
that enshrined white supremacy and ensured the racial subjugation of African American and other non-white citizens.

Despite now being nearly 160 years from the Emancipation Proclamation, the vestiges of chattel slavery in the United States deeply and directly continue to have a harmful effect on the current era's social, economic, health, academic, legal, and cultural experiences and outcomes of Black and African American people in San Francisco. California and its localities meaningfully enforced and upheld slavery by perpetuating the racial caste system of subjugating Black Americans from the freedoms assured to them by the Declaration of Independence. The state's founders were pro-slavery; 36% of American-born Californians in the 1850s were white southerners who strategically sought statehood for California as a "free state" to avoid controversy and expedite access to federal resources. California's first elected governor, Peter Burnett, was a renowned racist who had established Oregon as a whites-only state through its legislature in 1844 and attempted to do the same in California in 1849. His efforts failed because of the desire of pro-slavery settlers to utilize, and economically benefit from, slave labor across the state.

While neither San Francisco or California formally adopted the institution of chattel slavery, the tenets of segregation, white supremacy, and systematic repression and exclusion of Black people were codified through legal and extralegal social codes and judicial enforcement. Non-white people initially could not serve as witnesses in cases involving white defendants in California. In 1852 California passed a fugitive slave act "that was harsher than the federal fugitive slave law, [making] California a more proslavery state than most other free states," voting rights were not enacted for Black men until the late 1870s, and school segregation was ruled legal by the California Supreme Court in 1874.

Beyond the enforcement of slavery's interpersonal relationship management in California, both individuals and organizations in California economically benefited from slave labor. Since the first enslaved Africans were brought to its shores in 1619, the United States was wholly supportive of and dependent upon the enslavement of African people and their descendants as the vehicle that established and propelled the country's economy. In San Francisco, despite not technically enforcing slavery, slaveholders were allowed to enter and leave the state with their enslaved property, exploiting and further profiting from their unpaid labor within California's state lines across a broad spectrum of work, including but not limited to, housekeeping, childcare, food service, and mining.

# Black Migration to San Francisco



One of San Francisco's founding fathers was a mixed-race Black and Jewish man named William A. Leidesdorff, Jr. A Caribbean immigrant, Leidesdorff first came to Yerba Buena (what became San Francisco) when the settlement had fewer than 100 inhabitants and helped to establish San Francisco as a growing coastal destination for investors and wealth seekers, alike. Leidesdorff was a savvy businessman and was extremely politically active, donating land to create what would become the first public school in San Francisco as well as California; he was one of the city's first public school board members, was elected City Treasurer, was appointed US Vice Consul to Mexico, and is believed to be one of the first Black American millionaires due to his investments in steam boats and real estate.

## San Francisco's Slavery Era Disclosure Ordinance

Institutionally, today's financial wealth in San Francisco can be tied to profits procured during enslavement. In 2006, the San Francisco Board of Supervisors passed the [Slavery Era Disclosure Ordinance](#) (SEDO), authored by former District 10 Supervisor Sophie Maxwell. This ordinance enumerates the legacy of systemic harms that have disproportionately affected the Black community as a result of the practice of slavery in the United States, and requires that city contractors providing insurance or insurance services; financial services, or textiles to the city, must complete an affidavit verifying whether the contractor, its parent company, or subsidiary has participated in or received profits from chattel slavery. If the company uncovers records that connect the business to chattel slavery, they are required to submit an affidavit to the City Administrator that identifies: "(1) the names of each Person Subjected to Slavery, each Slaveholder, and each person or entity who Participated in the Slave Trade or derived Profits from the Slave Trade, mentioned in the records, (2) a description of the type of transactions, services, or other acts evidenced by the records; and (3) the extent and nature of any Profits from the Slave Trade evidenced by the records." These documents are then made available to the public and included in a report to the Mayor and the Board of Supervisors.

The SEDO offers precedent for the City and County of San Francisco to acknowledge its role in economically benefiting from those affected by this historical injustice. In compliance with the City and County of San Francisco's slavery disclosure ordinance (2006), the following companies have shared that their economic profits are historically tied to the institution of chattel slavery:

Bank of America, Affidavit [here](#)

US Bank National Association, Affidavit [here](#)

The ordinance also states that "the City will suffer actual damages due to contractors' failure to comply with this Ordinance". To date, no companies have provided any contributions to ameliorate the effects of slavery.

### **Strengthening the San Francisco Slavery Era Disclosure Ordinance**

#### *Fund Relies on Voluntary Contributions*

San Francisco's SEDO establishes a fund to "promote healing and assist in remedying depressed economic conditions, poverty, unequal educational opportunity and other legacies of slavery era among the population of the City" and encourages companies affected by the ordinance to contribute to the fund. However, contributions are voluntary; to date, there have been zero contributions to this fund. **The ordinance would have much more of an impact if contributions were mandatory.**

#### *Considerable Exceptions Carved Out in Legislation*

Contractors in a number of categories are exempted from this legislation, including companies that provide medical or dental insurance to City employees, and administrators of the City's Retirement fund. Holding these companies to different standards weakens the efficacy of the SEDO. **In order to have a greater impact, every company that has disclosed an economic benefit from slavery to the City and County of San Francisco should contribute a percentage of annual profits.**

#### *Passive Enforcement Mechanism*

The San Francisco SEDO includes language outlining an enforcement mechanism through the Office of the City Administrator; however the fines for noncompliance appear to be lenient, and the disclosures are voluntary. **To make this ordinance truly effective, there should be more strict enforcement and harsher financial penalties for noncompliance, which can be allocated to funding Reparations.**

## **A Growing Community**

When the 1940 census was taken, San Francisco's Black population had reached 4,846, accounting for 0.8% of the city's total population. In 1941, the global course of history caused those numbers to explode. . Between 1940-1950, nearly 350,000 Black people migrated to California during what became known as the second wave of the Great Migration. African Americans who were both fleeing racial terror in the South and seeking new job and life opportunities in the North and West traveled to San Francisco. Beyond seeking refuge and a piece of the American dream in the San Francisco Bay Area, African Americans were recruited to come West and fill labor shortages in factories and shipyards given the vacancy created by the number of white men who had gone off to war. African American men and women were needed to fulfill job duties that had previously been unavailable to them because of racial discrimination. Between the 1940 and 1960 Census, the African American population in San Francisco grew from 4,846 to 74,383 people. During this time, a broader contingent of Black artists, home caregivers, and children also migrated to San Francisco, joining a cadre of technically skilled job seekers and shifting the demographic landscape of the city.

Upon arrival in San Francisco, African Americans were met with hostile housing limitations imposed by the City's land use and planning codes, bank lending, and coordinated corporate business interests. Despite their limited new economic opportunities, the city government coordinated with local private entities and the federal government to restrict the physical and financial mobility of Black Americans across San Francisco. This was achieved through the enforcement of racially restrictive covenants, which were clauses written into property deeds that only allowed white/Caucasian people to dwell in a home; redlining, the banking practice of deeming Black and other communities of color blighted and thereby unworthy of bank lending due to the perceived risk of the investment; FHA lending discrimination, the discouragement of federal lending entities to extend lines of credit to nonwhite borrowers; and local zoning ordinances, which both added (e.g. highways) or divested (e.g. schools and grocers) construction in communities most populated by Black people. Various San Francisco entities perpetuated anti-Black racial discrimination and continue to operate today, including the San Francisco Planning and Urban Renewal Association (which later became the San Francisco Planning and Urban Research – SPUR), an organization that aggressively pushed for the redevelopment of the Fillmore and advocated for San Francisco to center white Anglo-Saxon Protestant values to the exclusion and displacement of other racial and identity groups.

As the growth of San Francisco's African American population accelerated between 1940 and 1963, public and private entities facilitated and coddled the conditions that created near-exclusive Black communities within the city, limited political participation and representation, disinvested from academic and cultural institutions, and intentionally displaced Black communities from San Francisco through targeted, sometimes violent actions.

## **Workforce Discrimination**

African Americans in San Francisco were met with racial discrimination within the workforce. Before 1940, no Black worker was employed as a public school teacher, police officer, firefighter, streetcar conductor, bank teller, bus driver, or cab driver. There were no Black streetcar workers until 1942. Within two years, the number of Black platform operators grew to 700, demonstrating that the lack of representation was not caused because there were no Black skilled workers. When the BART system was built in 1967, no Black workers were hired. The National Labor Relations Board-certified unions did not admit Black members, and BART refused to enforce non-discrimination policies for unions, despite the transit system being a government entity.

As thousands of Black migrants moved to San Francisco to find work in the shipyards during World War II, they were met with hostility and rejection. Large unions like the Boilermakers refused to admit African Americans. When President Roosevelt issued Executive Order 8802, which stated that no employer receiving federal funding for defense contracts could discriminate, the Boilermakers created segregated auxiliary branches. The members of these shunted groups had no right to vote for officers within the legitimate union branches.

In 1942, the United States Navy demanded that the San Francisco Housing Authority segregate housing for the thousands of workers and their families at the Hunters Point Naval Shipyard. In response, San Francisco built five segregated projects, four of which were for whites only. Black workers and their families had to wait on application lists to receive housing while apartments earmarked for white workers sat empty. In 1952, the NAACP sued the San Francisco Housing Authority for continuing to only build housing units for white people, claiming that the city agency intended to localize the Black population to the Western Addition and away from white neighborhoods. Though the NAACP won the legal case, the city continued to build segregated housing.

### **Education Discrimination**

Despite the anti-enslavement clause in California's constitution, Black enslaved people that were brought to California were generally denied the right to education. As early as 1855, state laws were established to prevent local governments from receiving extra funding when they taught a Black student. In 1863, a California law was passed that withheld state funds from schools that taught Black children. Although Black Californians were taxed to pay for the state's public schools, the money only paid for the education of white children. In 1874, the California Supreme Court upheld school segregation in San Francisco.

Schools that did provide education to Black students were generally provided less funding and resources compared to white schools, and were shamed for their quality. In San Francisco, the first all-Black school was established in the basement of a church. Six years after its creation, the San Francisco Unified School District (SFUSD) Superintendent George Tait stated to his school board that "the room occupied by this school for the past few years is disgraceful to any civilized community" and was "squalid, dark, and unhealthy" (Interim Report 210). Even after segregated schools were deemed unconstitutional through *Brown v. Board of Education*, many school boards and districts refused to take the steps to integrate schools. As late as the 1970s, the SFUSD faced court desegregation orders from Black and Latino families.

At the same time, activists began organizing and protesting against the neglect and misrepresentation of people of color in California's public colleges and universities. The first Black Student Union (BSU) on any campus in the United States was founded at San Francisco State University in 1966 by James Garrett and Jerry Varnado. The movement soon gained strong momentum. The creation of a BSU in San Francisco was propelled by national advocacy for the civil rights of Black people, as alive and fervent in the city by the Bay as it was in Selma, Alabama at the time.

In 1968, the Black Student Union, the Third World Liberation Front, faculty, campus staff, students, and other activists across the Bay Area all gathered at San Francisco State University and led a series of protests to define and shape their own educational experiences. After months of protests and negotiations around a list of student demands, the university agreed to establish a College of Ethnic Studies. This major geared toward communities of color was the first of its kind in the nation.

Despite SF State playing a key role in spearheading a generation of scholarship about race and ethnicity, the SFUSD has had a disappointing track record in maintaining racial equity among their student population. In 2017, San Francisco was the worst county in California for Black achievement – only 19% of Black SFUSD students passed the state reading test, compared to 31% of Black students statewide (Calefati). San Francisco's public schools are failing its Black students by failing to provide them with resources to maintain a supportive learning environment.

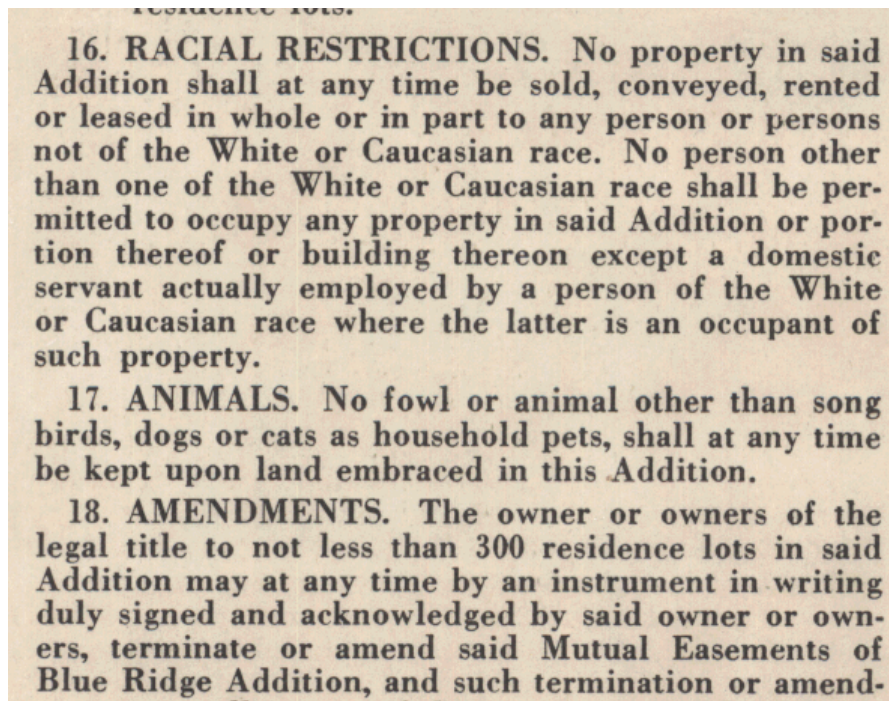
Black students are also more likely to be subject to racially biased treatment by educators and administrators. The California Reparations Task Force's Final Report reveals significant disparities in disciplinary actions taken against Black students, which negatively impacts academic performance and reinforces the school-to-prison pipeline. According to data analysis of Bay Area school districts, half of all SFUSD schools disproportionately disciplined students of color, with Black students being 18 times more likely to miss school days as a result of suspension than white students ("18x

More Likely to Be Suspended: Bay Area Schools Grapple With Excessive Discipline”). In the 2019-2020 school year, 10.56% of Black students were suspended, compared to 2% of Black students. Meanwhile, Black students only make up 7% of the district.

In addition to these disciplinary disparities, Black students in California are twice as likely to be identified as having a learning disability than the nationwide average (California Department of Justice and California Task Force to Study and Develop Reparation Proposals for African Americans). Experts theorize that the source of this may also be attributed to the cumulative effects of segregation: Since schools serving Black students often have less qualified teachers and are likely to have fewer resources, Black students can fall behind their peers in school, leading teachers to misdiagnose them with learning disabilities.

## Early Community Development

African Americans moving to San Francisco initially were legally limited to living in certain parts of the city due to exclusionary language in housing deeds called restrictive covenants, which only allowed white people to occupy the dwelling. Despite having residential development across the City of San Francisco, African Americans could only primarily live in Bayview-Hunters Point and the Fillmore. In Hunters Point, many families lived in the small army barracks constructed for temporary shipyard workers. These were not intended for permanent inhabitation, but with limited resources and constraints on where they could live, Black families lived in these buildings until the 2000s, far longer than the initial timeline for their utilization.



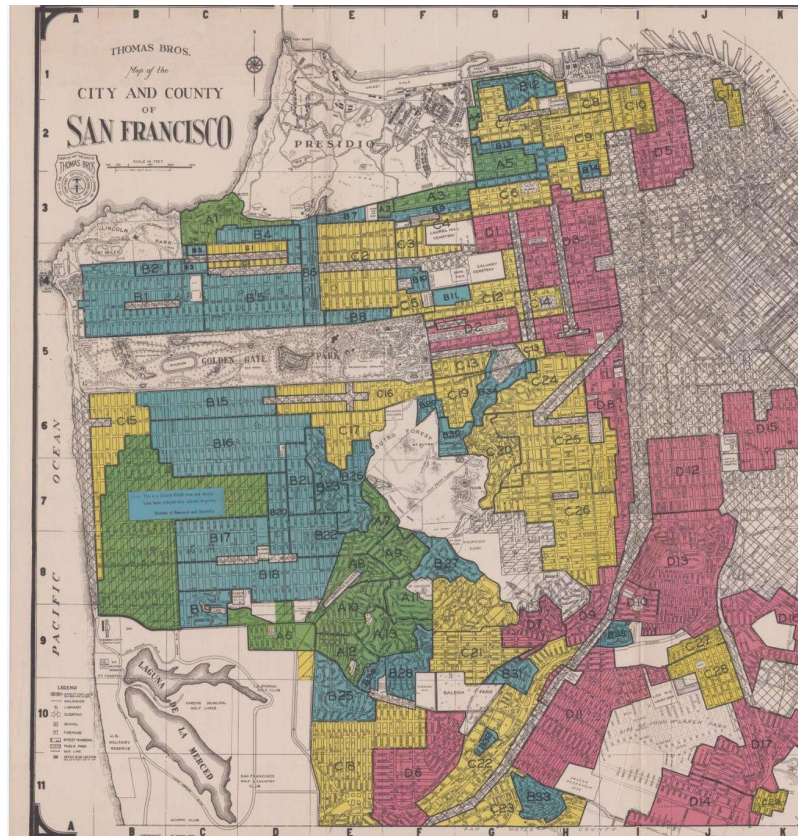
*Example of a restrictive racial covenant.*

When the industrial boom subsided in 1945 following the end of World War II, job opportunities declined and Black San Franciscans faced employment discrimination, rising unemployment rates, and housing disparities through a coordinated effort to limit and control the places in which Black people could work, live, and be educated. By refusing bank loans for homes in areas where government and private entities did not want Black people living, it limited the parts of the supply



of available housing in San Francisco to African Americans. The pressures of housing demands exceeded the limited supply of housing available for Black people and much of the Black population was heavily concentrated in the Western Addition and Bayview-Hunters Point.

***“Our students are brilliant. A lot of them go away to school. They’re going to attend HBCUs. They’re going to attend universities outside of the State of California, and they need economic support.”***



*A map created by the Home Owners Loan Corporation (HOLC) government surveyors in the 1930s grades San Francisco neighborhoods based on perceived risk to financial institutions. Green is ‘Best’ while red is ‘Hazardous.’ These maps were the foundation of what’s now commonly known as ‘redlining,’ a federal government-sanctioned practice of denying home mortgages, business loans and other financial services to certain neighborhoods. The effects of this practice are still felt today.*

## **Mid-1960s: Elevated Cultural Profile of African Americans in San Francisco**

The exponential growth of the African American population in San Francisco during the wartime era proved influential in establishing the city’s arts and cultural national profile. African American musicians and artists were increasingly attracted to and visiting the “Harlem of the West,” a vibrant corridor in San Francisco’s Fillmore district that became a gateway for Black jazz musicians thanks to the concentration of Black-owned and Black-serving venues and hotels. The Fillmore Corridor was a vibrant destination for the city’s Black population, with restaurants, theaters, hotels, and other businesses that catered to a Black clientele when other businesses in San Francisco providing identical services refused entry to African American people. Business leader Charles Sullivan was foundational

in establishing the Fillmore as the cultural epicenter of San Francisco and the region. Additionally, community building was happening in Bayview-Hunters Point where there had been rapid housing construction and growing homeownership for African Americans.

Beyond these disparate housing conditions, the jobs economy for African Americans in San Francisco also began to retract with the return of soldiers, wherein new opportunities for skills building and economic prosperity were rescinded to prioritize access to white GIs. This consequently grew the unemployment rate for Black residents, whose desires for permanent placemaking were resented and unwelcome. As San Francisco entered the 1960s, so continued years of targeted decision making that aggressively displaced tens of thousands Black citizens from San Francisco.

## Urban Renewal and Redevelopment Backlash

The California Community Redevelopment Act (CCRA) was enacted in 1945, and later expanded in 1951, allowing cities to create redevelopment agencies. (Governor's Redevelopment Proposal, 2011). Upon passage, the objective of redevelopment agencies was to allow cities and counties to confront identified blighted areas that created "physical and economic liabilities, requiring redevelopment in the interest of the health, safety, and general welfare of the people of these communities and of the state." (CA Health & Safety Code, 1945) Urban renewal was added to the Housing Act in 1954, initiating a national land redevelopment program marketed as an opportunity to revitalize economically depressed communities and bring economic development, growth, and private investments. The actual impact was catastrophic interruption and violent displacement of Black communities in major cities across the country, including San Francisco.

Redevelopment was a federally-funded program, enacted through local agencies in coordination with private capital, subsidizing community-development projects to bulldoze communities. The singular objective of urban renewal was economic development. By identifying target areas in cities where Black people, and other undesired communities, lived in clusters, redevelopment was sold as an opportunity to reduce crime rates, increase property value, spur job growth, and beautify the city's landscape. While not all

***"I'd like to see Black Town open up all along Fillmore. I want to see Black merchants, Black businesses, places where I can go and my children can go to talk about those good old times, those old stories we've heard our parents and grandparents tell us."***

communities that were razed through urban renewal were African American, Black communities were always included in a city's urban renewal plan. In San Francisco, this manifested as the razing of 40-square blocks in the Fillmore, and the displacement of nearly 20,000 people who were given no legal protection and offered no moving costs, temporary housing,

or other remedies. The impact of this expulsion of a community was not only limited to the Fillmore; in many ways Bayview-Hunters Point shifted to receive and welcome people displaced by urban renewal across town. When Black community residents and businesses were displaced, they often moved to another historically Black San Francisco community.

Redevelopment was a menacing, devastating project executed with precision on primarily Black residents and business owners in an era of concentrated Black economic wealth in San Francisco. This action by the redevelopment agency had no accountability or recourse, since removal was framed as an action with a public purpose (eminent domain). Residents

and businesses were given worthless promissory notes that they could one day return, but historically those Certificates of Preference have not been tracked and have rarely been honored.



An original Certificate of Preference, issued by San Francisco Redevelopment Agency Executive Director Justin Herman to a Bayview-Hunters Point resident in 1972. Shades of San Francisco, San Francisco History Center, San Francisco Public Library.

The aftermath of the disruptive actions of redevelopment have been government manufactured inequities yielding stunted economic security, mobility, and opportunity of a specific ethnic group in San Francisco: African Americans. Throughout it all, Black residents have worked to maintain connectedness and a sense of community and belonging in a city that they helped to build, fighting for inclusion in the face of the racial exclusion written into the landscape through public policy decisions and private advocacy.

The contemporary landscape for San Francisco's diverse Black populations is shaped by persistent disinvestment in population stabilizing strategies and a lack of recourse for anti-Black discrimination. Federal and local policies since the 1990s have shaped San Francisco's landscape by continuing a practice of forcefully displacing communities through decisions driven by race. In 1996, the Clinton Administration announced the One Strike law, a public housing drug policy that evicted not only the violator, but their entire family, if they were caught using marijuana or any other drug in any quantity. Planning decisions, coupled with employment discrimination and disparities, accelerated housing development in ways that pushed low-income Black people out of their homes and further into the margins. The impacts are borne out on San Francisco's streets where 70% of the unhoused population

was previously housed in San Francisco and nearly 40% of the unhoused population is Black.

Black San Francisco residents have also been subject to environmental racism, due to limited access to housing options in ecologically hazardous locations. The historically Black neighborhood of Bayview-Hunters Point has been contaminated by radioactive material from the nearby shipyards; the community houses the City's only waste water processing facility and, because of this proximity, the neighboring community experiences disproportionate rates of chronic conditions and cancers. This phenomena is not experienced by whiter, wealthier areas of the city. Oil production facilities are located in close proximity to Black neighborhoods as well.

The impact of environmental injustice and the myriad of social determinants of health that affect Black San Franciscans have significantly shortened the lifespan of this racial group as compared with other San Franciscans. African Americans have the lowest life expectancy compared to any other group in San Francisco. In addition, Black Californians also have the highest mortality rate in nine out of the top ten causes of death in San Francisco. Predominantly Black communities have disproportionately higher rates of chronic disease, asthma, and lower birth weights. Black communities are more vulnerable to industrial and military-grade toxic radioactive water exposure and asbestos-contaminated dust.

While San Francisco's city government has emphasized its positions against slavery, discrimination, and anti-Black racism through hundreds of resolutions, ordinances, research papers, and hearings, including but not limited to the following (and also noted in the ADDENDUM at the end of this document):

- Resolution declaring anti-Black racism as a human rights and public health crisis in San Francisco, August 21, 2020
- Report of the San Francisco Mayor's Task Force on African American Out-migration, 2009
- The Unfinished Agenda – the Economic Status of African Americans in San Francisco 1964-1990, February 1993
- Report of the Interim Committee on Human Relations, October 8, 1964
- Mayor Breed Announces Spending Plan for Historic Reinvestment in San Francisco's African American Community (what later became the Dream Keeper Initiative), February 25, 2021
- Mayor London Breed Issues Executive Directive to Encourage Recruitment and Retention of Diverse Workforce, September 20, 2018
- San Francisco Office of Cannabis, Cannabis Equity Report, November 29, 2017
- CAREN Act, an ordinance making it unlawful and providing damages for racially motivated calls to the police, October 27, 2020
- Slavery Era Disclosure Ordinance requiring contractors providing insurance services, financial services or textiles to the City to disclose any participation in the slave trade, November 17, 2006
- Resolution urging Recreation and Parks to remove the name of Justin Herman from the plaza located at the intersection of The Embarcadero and Market Street and condemning the target actions of Justin Herman as an actor of the city to remove African American and Japanese san Francisco residents, September 29, 2017
- Resolution "AFFIRMING THE CITY AND COUNTY OF SAN FRANCISCO'S COMMITMENT TO MAKING THE FILLMORE JAZZ PRESERVATION DISTRICT," May 26, 2000

- Ordinance creating the African American Arts and Cultural District, December 11, 2018
- Ordinance Establishing the African American Reparations Advisory Committee, December 18, 2020
- African American Citywide Historic Context Statement
- Dozens of hearings on the state of African American employment and economic mobility in San Francisco
- Creation of the Abundant Birth Project to address infant mortality and maternal morbidity in the African American community
- Multiple hearings on the African American student achievement gap
- Creating SFUSD schools Malcolm X, Willie Brown, June Jordan Academy

## Contemporary Harms to San Francisco’s Black Communities

### Housing Displacement

As housing prices increase in San Francisco, historically Black neighborhoods continue to face high levels of displacement. Between 2000 and 2015, the Bayview lost thousands of low-income Black households. During this time period, communities of color were particularly vulnerable to the impact of rent increases. Within the group of people displaced between 2000 and 2015, 30% left the Bay Area altogether ([Urban Displacement](#)). Those who had the ability to stay were grouped into newly segregated and high poverty areas, as a result of rising housing costs and migration patterns. Families in these neighborhoods are more likely to face barriers to economic mobility and are more likely to suffer from negative health conditions ([Urban Displacement](#)).

Even when tenants are eligible to receive affordable housing, they still fall victim to other fees and expenses that make San Francisco living increasingly difficult. For example, community members highlighted the fact that many Black residents rely on cars for daily transit, pointing to public transit inequity in predominantly Black neighborhoods, particularly Bayview-Hunters Point, which has been consistently identified as an area with long wait times and insufficient access to San Francisco Municipal Transit (Muni) light rail and buses. The unreliable and inconsistent Muni options lead many residents to opt to drive out of necessity. However, despite this reality, residential developments that offer Below Market Rate (BMR) housing ownership and rental to low-income residents, parking spaces are offered at full price and aren’t subject to subsidies commensurate with the tenant’s income level. This further burdens low-income community members that need their vehicles to access employment, healthcare, childcare, and more.

### Child Welfare System

The child welfare system in San Francisco continues to separate families. San Francisco has sent the majority of its foster kids to other California counties every year for the past decade. According to data from the UC Berkeley California Child Welfare Indicators Project, in July 2022 San Francisco placed 65 percent of its foster kids in a different county. This is almost double the state average of 33 percent. Understanding the racial demographics that exist within the child care system further demonstrates the racial disparity that remains prevalent across the Bay Area. In San Francisco, the percentage of Black children in foster care in 2018 was more than 25 times the rate of white children. The kids sent away are effectively separated from their support network of family and friends, and are dropped

into a foreign environment with foster parents they often have not met before.

## **Disparities in Health Outcomes**

Discrimination in healthcare for Black Bay Area residents has negatively affected the community's access to basic services. As early as 1853, Black San Franciscans were banned from receiving treatment at medical facilities, like the U.S. Marine Hospital. African Americans were confined to segregated sections of state hospitals. In the 1970s The Black Panther Party provided free, community-based healthcare clinics, to administer basic amenities and address the lack of service and medical discrimination experienced by Black Californians. At the clinics, medical professionals helped train health workers to administer services to patients. However, local governments like the Oakland Police Department retaliated against this movement, and harassed the Black Panther Party for soliciting clinic funds without proper permits.

Healthcare discrimination against Black Californians is worsened by the fact that there are not enough Black physicians in California to meet the needs of the Black population. Black physicians represent less than three percent of the entire medical profession in California, despite the African American population representing six percent of the state's population. The passage of Proposition 209 in California further limited this number by prohibiting the consideration of race, ethnicity, or national origin in public education, employment, and contracting. As a result, within California's private medical schools, the proportion of Black students graduating fell from six percent in 1990 to five percent in 2019.

Disparities in mental health and behavioral services for the Black community are prevalent across California. On a statewide level, the suicide rate for Black youth 18-24 has doubled from 2014 to 2020, and is now twice the statewide average suicide rate (CDPH). Within San Francisco this issue is further exacerbated. The Black community has the highest rate of hospitalization for depression in the city of San Francisco. High rates of hospitalizations among Black/African American likely result from inadequate access to medical care and support (CHNA). Greater effort needs to be taken to insure the health of the Black community, which have been historically segregated into substandard and dangerous living conditions that directly affect the physical and emotional wellbeing of the population.

These disparities stem from a long and unaddressed history of discrimination, abuse, and exploitation. Historical adversity and race-based exclusion from health, educational, social, and economic resources, translates into socioeconomic disparities experienced by Black and African American people today. Socioeconomic status, in turn, is linked to mental health: people who are impoverished, homeless, incarcerated, or have substance use problems are at higher risk for poor mental health (MHA). Furthermore, historical dehumanization, oppression, and violence against Black and African American people has evolved into present day racism - structural, institutional, and individual - and cultivates a uniquely mistrustful and less affluent community experience, characterized by a myriad of disparities including inadequate access to and delivery of care in the health system (MHA). Ultimately, mental health can be a barrier to accessing a decent quality of life. Untreated mental health conditions can result in unnecessary disability, unemployment, substance abuse, homelessness, inappropriate incarceration, and suicide, and poor quality of life (NAMI).

## **Black Maternal Health**

Over the last decade, there has been increased quantification and visibility of maternal morbidity and mortality disparities experienced by Black women and Black birthing people in the United States ([CDC](#)). In particular, Black maternal mortality rates have been reported by the Centers for Disease Control and Prevention as being as high as 3-4x the rate of white maternal mortality. The United States has the highest rate of maternal mortality of any high income country ([Commonwealth Fund](#)). On the one hand, the United States being an outlier in this way captures the profound, racialized wealth inequalities that persist in the United States, with significant barriers to healthcare for communities living in poverty. On the other hand, the data shows that income does not protect one from an unequal birth or postpartum experiences.

In California, Black women are more likely to experience health complications during pregnancy, have premature births, die in childbirth, and lose their babies than their white counterparts. In San Francisco, Black babies have died at almost five times the rate of white babies in the past decade. A study has found that when a Black doctor is the primary physician in these cases, the infant mortality rate is cut in half.

San Francisco's birth outcomes reflect the national trend of growing disparities for Black women as compared to other birthing groups. In recent years, these disparities have grown, despite new and ongoing investments in supportive programming, hiring, financial support and care. In San Francisco, Black women represent 4% of the birth population, but 42% of maternal deaths and Black children represent 15% of infant deaths ([SFHIP](#)). Additionally, Black children are twice as likely to be born prematurely as white babies, with 16% of Black women in San Francisco experiencing a preterm birth every year ([Expecting Justice](#)). Despite continued misunderstanding, wherein Black/African American as racial categories are considered factors associated with preterm birth and other disparities, birth outcome disparities are driven by stressors, such as racism and poverty, not one's identity or (singularly) chronic health conditions ([Crear](#)). In San Francisco, the median income of Black households was \$30,442 in 2018 while the median income for white households was \$132,154.

Homelessness in San Francisco also has a disparate impact on Black women and birthing people. Despite making up less than 6% of the population, Black people constitute 35% of San Francisco's homeless population ([Homeless Survey Count](#)). About 200 pregnant people have experienced housing insecurity or homelessness, with half of this number identified as Black women (UCSF). Compared to pregnant women who live in standard housing, pregnant women experiencing homelessness in SF are twice as likely to deliver preterm, placing Black women and their children at particular risk for increased pregnancy complications. Since 2018, the City of San Francisco has supported a variety of community-based programs to complement systemic efforts to improve birth outcomes in San Francisco, particularly for Black, Pacific Islander, and Latina pregnant people. Despite this innovative and burgeoning work, ongoing disparities for Black women and birthing people persist and, in the case of preterm birth, are growing despite the decline for other communities (DPH).

## **Queer Black San Francisco**

Since the late 1960s, San Francisco has been an international destination for LGBTQ communities because of perceived social liberties, local political engagement, and health care provisions as well as national media attention on the experiences of local queer

communities <sup>11</sup>. For as long as the strength and visibility of LGBTQ people has persisted in San Francisco, advocacy for the visibility of Black queer communities has been a rallying cry as well, with accusations of quotas, multiple forms of identification, over-policing, and limitations on socializing and mobility, citywide (Advocate).

One of the least known but most impactful LGBTQ uprisings pre-dating Stonewall took place in San Francisco's Tenderloin neighborhood at Compton's Cafeteria (NPR). Led by Black trans women, sex workers, drag performers and other community members, the Compton's Cafeteria Riot in 1966 was a flashpoint in LGBTQ advocacy nationwide, particularly for trans people. In 2017, Compton's Transgender Cultural District was established to memorialize the resistances of the trans community in San Francisco and to continue the work of both celebrating and creating safe spaces for trans people that inspire economic advancement, leadership development and community.

The Compton's Uprising reflected intersecting social disparities experienced by Black queer communities at the time, including health disparities, exposure to trauma and violence, and housing insecurity, which persist today. Black queer people experienced disparate treatment in San Francisco's historic gay scene, such as having to show multiple forms of identification, facing limitations on the number of Black people that could be in a social spaces at one time, or not being served in certain bars. Rodney Barnette, an artist and activist, has shared his experiences with racism in San Francisco's gay community, which led him to open the New Eagle Creek Saloon, the city's first Black-owned gay bar, in 1990 (KQED).

While San Francisco has been a destination for HIV and AIDS research and care, spearheading the "Getting to Zero" program aimed at reducing new diagnoses of HIV and AIDS, Black San Franciscans experience ongoing disparities, as they make up less than 6% of the city, but 12% of people in San Francisco living with HIV and 16% of people newly diagnosed with HIV (DPH). Additionally, Black women in San Francisco account for the highest proportion of any demographic group of cis women living with HIV at 36%. Amongst trans women living with HIV, Black trans women account for 30% of that group. In 2017, African American children, youth, cis and trans women represented the majority of reported human trafficking cases in San Francisco (DOSW).

LGBTQ Americans also suffer from adverse health conditions at higher rates than other demographics. Within the American West, the Black queer community is more likely to be uninsured, and are more likely to be diagnosed with depression, asthma, diabetes, high blood pressure, high cholesterol, heart disease, and cancer. Additionally, a study in 2021 found that Black transgender women in the San Francisco Bay Area are at higher risk of suffering from hate crimes, because of the intersectional effects of transphobia and racism. This demographic has a higher likelihood to be the victim of battery with a weapon, compared to white transgender women who participated in the study.

### **Disparities in Homelessness**

Though homelessness poses a threat to the health and well-being of all communities in San Francisco, it affects the Black community at a disproportionate rate. Black, African American, or African unhoused people are overrepresented at 38% of the total homeless population, despite comprising only 5.3% of the general population (HSH). The adverse conditions seen in San Francisco today are a result of the compounded effect of years of

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11. Brook, J., Carlsson, C., and Peters, N. J. (1998). *Reclaiming San Francisco: history, politics, culture*. San Francisco: City Lights



targeted public policy discrimination, displacement, and lack of efficient legislation has significantly limited the Black community from accessible housing (Stanford Law School).

In addition to the mental stress of navigating services to receive basic needs such as food, healthcare, childcare, shelter, and transportation, the houseless population is at higher risk for illness and die 12 years sooner on average compared to the general US population. The unsheltered community is also at higher risk for diabetes, hypertension, heart attacks, HIV, Hepatitis C, depression, and substance abuse disorders (National Health Care).

Fentanyl use and overdoses have significantly increased in San Francisco, posing a serious threat to public safety. 28 percent of people who overdosed on fentanyl in 2020 were unhoused. Older Black men living alone in residential hotels are dying at rates far higher than their portion of the city population (Chronicle). Action needs to be taken to address this crisis and dismantle illegal trafficking and use of fentanyl, which is cited to be 50 times more potent than morphine.



Guests arriving at a Tenderloin drag ball, circa 1965. Photo by Henri Leleu. Courtesy of the Gay, Lesbian, Bisexual, Transgender Historical Society. Web.

Ribbon Panel”), and despite being just 5% of the population, Black San Franciscans account for 56% of incarcerations.

### **Disparities in the Criminal Justice System**

The dual forces of criminalization and over-policing have disproportionately impacted San Francisco’s Black communities. A 2016 report found that Black drivers were more than ten times more likely to be searched in a traffic stop than White drivers – and less likely to have contraband in their vehicles (Divestment of San Francisco’s African American Community 1970-2022). Black people made up 43% of all arrests between 2005 and 2014 (“Report of Blue

### **Gang Injunctions**

In September 2006, the City and County of San Francisco’s City Attorney’s Office sought the City’s first civil gang injunction in the predominantly Black Bayview District. The following summer, the city expanded the strategy to include the Mission District and the Western Addition. Civil gang injunctions operate under the legal theory that gang activity is a public nuisance that prevents community members from enjoying peace. An injunction is issued for an entire gang, which is defined by geographic boundaries. Law enforcement agencies can then use the injunction as a tool to arrest people under suspicion of gang activity, even if they have not engaged in a criminal act. In an area covered by civil gang injunctions, simply wearing certain colors or being seen in public talking to another person suspected of being in a gang can be cause for arrest.

Though they were introduced as a public safety measure designed to curb gang violence, gang injunctions have since come under public scrutiny because they increased the likelihood of Black and Brown residents being arrested for minor infractions, simply because of their proximity to a certain community. Specifically, gang injunctions received scrutiny because of “overbreadth, vagueness, and racial profiling” according to the ACLU of Northern California. The vague parameters and wide-reaching restrictions led to gang injunctions being used as a premise to ultimately arrest people for minor infractions

under false pretenses, leading them to face harsher penalties. Similar to stop-and-frisk policies, gang injunctions gave the San Francisco Police Department and the San Francisco Sheriff's Department carte blanche to arrest Black San Franciscans on little more than the mere suspicion of participating in gang activity. Once arrested under a gang injunction, people were automatically placed on an enforcement list, with little recourse for getting removed. Unlike criminal cases, which guarantee defendants the right to a court-appointed attorney should they not be able to afford one, the San Francisco Public Defender is clear in outlining that "Since gang injunctions are tools of the civil court system, you do not have the right to appointed counsel to challenge the filing of the injunction or to defend against a civil contempt proceeding."

## **Disparities in Criminalizing Sex Work**

In March 1994, the San Francisco Board of Supervisors introduced the San Francisco Task Force on Prostitution in part to investigate the nature of sex work in the city as well as social and legal responses. While engaging in sexual activities in exchange for money is illegal in San Francisco, the Task Force found that the way these laws are often inconsistently enforced, and tend to be most punitive to African American sex workers. Workers have complained of being harassed by undercover San Francisco Police Department officers posing as clients seeking to arrest sex workers. These abuses often go under-reported out of fear of retaliation or that their stories will not be believed because of the stigma they face as sex workers.

Law enforcement often focuses on arresting the sex worker and not the client, which is disproportionately punitive to women and women-identified people. Black women – who are more likely to be overpoliced and financially marginalized – are placed at even greater risk at the hands of law enforcement when they are caught in violation of these laws. Somewhat paradoxically, law enforcement is also *less likely* to intervene when a Black sex worker reports violence committed against them. Black sex workers who identify as transgender also face higher rates of violence, often at the hands of law enforcement.

## **Looking Ahead: A Tool for Collective Action**

The Committee's hope for this document is to be more than just a report; the AARAC wants this to be a living document that serves as a tool for community action. The Committee was charged with developing recommendations, and hopes that through public engagement and advocacy, external stakeholders will help get these recommendations implemented by the Board of Supervisors and/or the Mayor through collective action.

### **Takeaways on implementation - what has worked?**

One way that the work and influence of the San Francisco African American Reparations Advisory Committee can be quantified is by the number of new committees and task forces across the state now demanding reparations. Additionally, Evanston, IL, the first city to implement municipal reparations, has shifted its reparations plan from grantmaking for home improvements to eligible recipients to cash transfers.

Below are additional examples of Black liberation organizations fighting for economic sovereignty for Black communities:

1. Liberation in a Generation: a national movement support organization building the power of people of color to totally transform the economy—who controls it, how it works, and most importantly, for whom ([Liberation in a Generation](#)).
2. First Repair: an organization dedicated to sharing best practices, creating tools, and developing a viable model to advance local reparations policy ([First Repair](#)).
3. California Black Freedom Fund: the first state-based fund of its kind, the California Black Freedom Fund is a five-year, \$100 million initiative to ensure that Black power-building and movement-based organizations have the sustained investments and resources they need to eradicate systemic and institutional racism ([CA Black Freedom Fund](#)).
4. Democracy Frontlines Fund: a national giving strategy to leverage millions of new dollars to fund Black-led organizers and disrupt traditional philanthropy ([Democracy Frontlines Fund](#)).
5. Live Free California: an organization empowering Black-led organizations with resources to increase peace and prosperity in Black communities through evidence-based strategies, democracy, and civic engagement ([Live Free CA](#)).
6. California Black Power Network: a united ecosystem of Black grassroots organizations working together to change the lived conditions of Black Californians by dismantling systemic and anti-Black racism ([CA Black Power Network](#)).

## Methodology

Early in the AARAC’s formation, the Committee decided to concentrate on four distinct subject matter areas: **Economic Empowerment, Education, Health and Policy**. Subcommittees met at least monthly, and invited interested members of the public and guest speakers to join and offer their insights at these meetings. Ultimately, each Subcommittee conducted research and held meetings with experts to refine their recommendations. Committee members also got valuable insight from public comment during monthly full body meetings and from Listening Sessions, held during Summer 2022. Subcommittee Leads presented Draft Recommendations in early November 2022 and incorporated public feedback during the Special Meeting held on November 7, 2022 to reflect the community’s desires.

## Creating the San Francisco African American Reparations Advisory Committee (AARAC)

In 2019, the San Francisco chapter of the National Association for the Advancement of Colored People (NAACP) made an audacious proposal to the Board of Supervisors: The City and County of San Francisco should pay the debt it owes to Black residents for generations of disinvestment and displacement. At the time, City leadership said there were “no plans” to introduce legislation to support the effort.<sup>12</sup>

The SF NAACP and other Black community members continued their advocacy efforts until, in February 2020, Board of Supervisors President Shamann Walton introduced a resolution supporting the creation of a San Francisco Reparations Plan. The Plan would comprehensively address the inequities that exist in San Francisco’s African American

communities as a result of chattel slavery's legacy of systemic oppression. This prescient resolution was adopted in August 2020, in the same year as a series litany of events that would change national reparations discussions, namely the COVID-19 pandemic and the Black Lives Matter protests following the police murder of George Floyd by in Minneapolis, Minnesota. These events brought nationwide attention to the ways in which city and state actors have historically played a role in driving institutional anti-Black racism at a systemic and policy level. In addition to shining a light on the way that disproportionate policing impacts Black communities and how global health events had disproportionately fatal outcomes for Black people, 2020 illuminated other ways that government agencies have either passively or actively contributed to unjustifiable socioeconomic, health and educational disparities along racial lines.

It is within this context that the San Francisco African American Reparations Advisory Committee (AARAC) was formed. The San Francisco Board of Supervisors passed the ordinance officially establishing the San Francisco African American Reparations Advisory Committee (AARAC) in December 2020. Over the course of a two-year term, the fifteen member Advisory Committee is tasked with developing a San Francisco Reparations Plan that addresses the institutional, City-sanctioned harm that has been inflicted upon African American communities in San Francisco. The legislation specifically prioritizes improving education, housing, workforce development, economic opportunities, financial stability, small businesses, transit access and food security while reducing violence, health disparities and over-criminalization experienced in our city's Black communities.

Marches and protests cannot by themselves alter the living conditions of Blacks in San Francisco that are the result of decades of systemic racism. What is required to repair this historic injustice is the kind of urgent, significant action that John Lewis fought for during his career. It can and should mark the start of making long-overdue reparations to the Black community, by both the private and public sectors in San Francisco."

**- Rev. Dr. Amos C. Brown**

As 2020 went on, Mayor London Breed, President Walton and other citywide decisionmakers answered the call from a growing nationwide movement demanding federal, state and local governments to acknowledge the harms that policy decisions have played in perpetuating racial inequities in the United States and take substantive actions to redress those harms. In this context, Mayor Breed launched the Dream Keeper Initiative in 2021, an intergenerational effort that aims to ensure San Francisco's diverse Black communities are experiencing joy, feelings of safety, advancing educationally and economically, are holistically healthy, and are thriving.

## **AARAC Appointment and Composition**

The San Francisco African American Reparations Advisory Committee is a 15-member body legislatively established by Supervisor Shamann Walton to advise the San Francisco Board

of Supervisors, Mayor, Human Rights Commission and the public on the development of a San Francisco-specific Reparations Plan that chronicles the legacy of American chattel slavery, post-Civil War government-sanctioned discrimination against African Americans, and ongoing institutional discrimination that has adversely impacted the lives of Black San Franciscans.

The fifteen Advisory Committee members went through a nomination process and were unanimously appointed to serve by the San Francisco Board of Supervisors in May 2021.

The AARAC was designed with great intention, offering a seat at the table to a broad coalition of diverse perspectives from across San Francisco's diverse African American communities. The requirements for each Committee seat are outlined below:

### **Composition of Advisory Committee Seats**

**Seat 1:** An individual who works for a media outlet that principally serves the African American community, is a storyteller of African American stories, or is a historian with expertise in African American history.

**Seat 2:** An individual who has been displaced from San Francisco due to gentrification (residency in San Francisco not required).

**Seat 3:** An individual with expertise in private equity, venture capital, or fundraising in the financial industry.

**Seat 4:** An individual who is 65 years of age or older and who has lived in a predominantly African American community.

**Seat 5:** An individual who has been incarcerated.

**Seat 6:** An individual who has experienced discrimination in the workplace.

**Seat 7:** An individual who has experienced or is experiencing homelessness.

**Seat 8:** An individual with expertise in the impact of redevelopment activities in the Fillmore District and the Western Addition on Black communities.

**Seat 9:** An individual with experience as a small business owner principally serving the African American community.

**Seat 10:** A person who is employed by or in a leadership position in a charitable, social service, or religious organization principally serving the African American community.

**Seat 11:** A person who works in the technology industry with experience in the field of technological equity.

**Seat 12:** A person who is between the ages of 14 and 24, inclusive, with experience working with community groups serving the African American community.

12. "San Francisco's Black Leaders Call on the City to Use Tax Funds for Reparations," KQED, Dec. 11, 2019.

**Seat 13:** A person representing the sectors served by the Office of Economic and Workforce Development (construction, building and trades, hospitality, and medical sectors) with experience working in predominantly African American communities.

**Seat 14:** An individual with experience as a parent or caregiver of a child or children experiencing barriers to or disparate treatment in education.

**Seat 15:** An individual who has lived or is currently living in public housing.

### **Complete List of Committee Members**

- Eric McDonnell, *Chair*
- Tinisch Hollins, *Vice Chair*
- Gloria Berry, *Lead, Education Subcommittee*
- Rev. Dr. Amos Brown, *Lead, Health Subcommittee*
- Gwendolyn Brown
- Tiffany Carter
- Nikcole Cunningham
- Anietie Ekanem, *Lead, Economic Empowerment Subcommittee*
- Laticia Erving
- Omerede (Rico) Hamilton
- Yolanda Harris (*Resigned November 2022*)
- Daniel Landry, *Lead, Policy Subcommittee*
- Frederick (Freddy) Martin (*Appointed March 2023*)
- Shakeyla O’Cain
- Dr. James Lance Taylor
- Starr Williams

### **Committee Leadership**

Eric McDonnell, Chair  
Tinisch Hollins, Vice Chair

### **Subcommittee Leads**

***“San Francisco has a heartbeat of its own. People come here and they thrive here, and they want to live here. I’m just hoping that African Americans will be able to take part and participate in that.”***

Gloria Berry | Education Subcommittee Lead  
Rev. Dr. Amos Brown | Health Subcommittee Lead  
Anietie Ekanem | Economic Empowerment Subcommittee Lead  
Daniel Landry | Policy Subcommittee Lead

## Committee Timeline and Milestones

The inaugural full body AARAC meeting was held on June 1, 2021. Meetings are held on the second Monday of each month, except when that date falls on a holiday, or in special circumstances as approved by the Committee.

A full list of past meetings, along with meeting recordings, summaries and agendas can be found on the Human Rights Commissions website at:

<https://sf.gov/departments/african-american-reparations-advisory-committee>

<https://sf.gov/public-body/african-american-reparations-advisory-committee/past-meetings>.

### List of Past Meetings

#### **2021**

June 1, 2021  
July 12, 2021  
August 9, 2021  
September 13, 2021  
October 4, 2021  
November 8, 2021  
December 13, 2021

#### **2022**

January 10, 2022  
February 7, 2022  
March 14, 2022d  
May 9, 2022  
June 27, 2022  
July 11, 2022  
August 8, 2022  
September 12, 2022  
October 12, 2022  
November 7, 2022 (*Special Meeting*)  
November 14, 2022  
December 12, 2022

#### **2023**

January 9, 2023  
February 13, 2023  
March 13, 2023  
April 10, 2023  
May 8, 2023  
June 5, 2023 (*Special Meeting*)  
June 12, 2023

## California State Reparations Task Force

In September 2020, Assembly Bill 3121 (AB3121) was enacted in California to establish the Task Force to Study and Develop Reparations Proposals for African Americans. Authored by then-Assemblymember Dr. Shirley Weber, the bill sought to educate Californians about the history of slavery and its generational impact, while also creating a roadmap for how states may provide reparations to descendants of chattel slavery. This legislation is a significant shift in truth and reconciliation, as no state has provided reparations for the legal institution of slavery or its legacy of anti-Black discrimination. Even after slavery was abolished, the racial caste system of white supremacy that justified the American slave trade remained intact, and continued to relegate the Black community to the status of second-class citizens. As a result, African Americans continue to face disproportionate adversity in almost all sectors of life. As written in the CA state task force interim report, “[w]ithout a remedy specifically targeted to dismantle our country’s racist foundations and heal the injuries inflicted by colonial and American governments, the ‘badges and incidents of slavery’ will continue to harm African Americans in almost all aspects of life” (Interim Report Executive Summary 6).

The California Reparations Task Force was formed in the effort to accomplish three specific goals:

1. To study and develop reparation proposals for African Americans
2. To recommend appropriate ways to educate the California public of the task force findings
3. To recommend appropriate remedies in consideration of the Task Force’s findings

The Task Force is projected to be in place through July 2023 to complete their phased process. In June 1, 2021, the panel approved that a report would be issued in two parts, including the following topics:

1. Part 1, published June 1, 2022:
  - a. Institution of Slavery
  - b. Racial Terror
  - c. Disenfranchisement
  - d. Housing Segregation
  - e. Education Inequality
  - f. Environmental Inequality
  - g. Arts and Culture
  - h. Family
  - i. Health
  - j. Discrimination in Labor
  - k. Criminal Justice
  - l. Gap in Wealth Accumulation
2. Part 2, to be published July 1, 2023:
  - a. Apology
  - b. International law Justification
  - c. Economic Rationale
  - d. Eligibility
  - e. Summary of Existing Reparations Schemes
  - f. Recommendations
  - g. How to Educate the California Population





In June 2022, the Task Force produced an [Interim Report](#) that documents the institution of slavery, the creation and maintenance of a white supremacy racial caste system, its impact on African Americans, and begins to outline what is owed to Black descendants of chattel slavery. In order to educate the California public on both the national and statewide history of anti-Black racial discrimination, the report details white supremacist hatred, torture, lynching and other forms of extreme racial violence towards Black people. “The interim report focuses on anti-Black, racist federal, state, and local government actions and negligence throughout American history and into the modern day (Interim Report Executive Summary).”

Citing international law and the United Nations, the report emphasizes that when a government is responsible for wrongful actions or negligence that causes injustice to a specific group of people, it has a duty to remedy those actions. Within the American court system, it is well recognized that parties must provide redress for the harms caused by their actions or omissions where there was a duty to act. This report houses quantitative data and qualitative narratives of the harm done to Black communities, details the impact of racially discriminatory policy, and provides preliminary reparations recommendations to seek acknowledgement, redress, and closure for the existing injustice.

In addition to listing harms that took place in the United States, the report focuses on California’s responsibility in anti-Black discrimination, and, in particular, documents the multiple tactics that the San Francisco Bay Area used to discriminate against African Americans, as well as the historic and current conditions of the city’s Black communities.

## **CONCLUSION**

San Francisco’s international reputation as a shining progressive gem in the West is undermined by its legacy of mistreatment of, violence towards, and targeted racism against Black Americans. While neither San Francisco, nor California, formally adopted the institution of chattel slavery, the values of segregation, white supremacy, and systematic repression and exclusion of Black people were legally codified and enforced. Still, the promise of social liberties for all through innovative governing is not elusive. Through every experience, Black people have found joy, built community, and continued to advocate for their human and civil rights in San Francisco. This San Francisco Reparations Plan is guided by quantitative data, the conclusions from previous reports on the status of African American communities in San Francisco, and extensive qualitative feedback shared by people with first-hand lived experience as Black citizens in San Francisco. The city’s government has the opportunity to take steps that redress the discriminatory actions taken to violently displace, limit political participation, invisibilize, restrict the physical and financial mobility of, and otherwise harm Black people across San Francisco. Through a tailored plan, San Francisco can redress the public policies explicitly created to subjugate Black people in San Francisco by upholding and expanding the intent and legacy of chattel slavery, whose vestiges continue to have impacts today.

## ADDENDUM

### **A History of Broken Promises: Past City Commissions and Reports on San Francisco’s Black Communities Highlight Systemic Issues But Inspire Little Government Action**

Multiple reports have been created over the past decades to examine the socio economic wellbeing of San Francisco’s Black communities. These reports each provide policy recommendations that offer a number of pathways to better outcomes across a range of indicators . These studies that have been released since 1993 have been met with varying degrees of success, but often received lackluster political attention and funding. Because of this, the racial disparities that were documented through quantitative data and qualitative experiences continue to negatively impact the livelihood of thousands of San Francisco residents.

Within *The Unfinished Agenda: The Economic Status of African Americans in San Francisco*, the Committee on African American Parity (CAAP) of the Human Rights Commission of San Francisco created a report that analyzes the economic well being of the Black San Franciscans through the collection of quantitative data and personal narratives. This study intended to take a detailed look at “the comparative social, economic, health, and educational status of African Americans in San Francisco.” To create a thorough and comprehensive investigation, the CAAP focused their research on the following eight issue areas:

1. Employment and Entrepreneurship
2. Education
3. Criminal Justice
4. Housing
5. Health Services
6. Media Relations
7. Political Empowerment
8. African American families

In its methodology, the CAAP used data from the US Census between 1960 and 1990. The committee also utilized special studies of minority owned businesses developed by the US Department of Commerce, Association of Bay Area Government (ABAG) data, CAAP research papers on housing issues, reports on the state of race relations issued by the San

***“The hope that I have for the future of Black San Francisco, and what gives me hope, is that we continue as Black people to realize and understand that every time somebody throws us away or thinks they’re throwing us away, they’re planting another tree. They’re planting another sunflower. They’re planting another entrepreneur. They’re planting another homeowner. They’re planting another fighter, another revolutionary.”***

Francisco Conference of Religion, Race, and Social Concerns of the Catholic Diocese in 1968, local and national newspapers, magazine articles, information from the Joint Center for Political And Economic Studies, annual reports from the National Urban League on the state of Black America, and data

from SF Department of City Planning; the SF Redevelopment Agency; the Human Rights Commission; the California Department of Social Services, the SF Police Department, the SF Fire Department. In addition, multiple interviews were conducted with African American leaders and historical figures in the Black community to understand the human impact of programs and initiatives in the San Francisco community.

The committee faced difficulty in obtaining some data, experienced delays in receiving data, and at times questioned whether data from the same sources like the US census were comparable. Because terminology and definitions changed over time, the group attempted to identify data gaps and use the information to the best of their ability.

From this pool of information, the CAAP made a series of observations:

1. The African American population has decreased in size. The number of Black San Franciscans reached a peak of 88,343, or 13.4%, of the city's population in 1970. Since that time the African American community has declined absolutely and proportionately, so that by 1990 there were 76,343 African American residents, or 10.9% of the overall population.
2. The African American population is getting older and there are fewer children under 18 years of age.
3. The African American population, which used to be the second largest ethnic group in San Francisco after whites, is now the fourth largest group. Asians comprise the second largest group and Latinos the third.
4. The shift in San Francisco economy from manufacturing to services displaced African American workers beginning soon after the end of World War II and continuing to the present.
5. The income of African Americans compared to that of white San Franciscans has declined since 1970 from a high of 60.1% to 45.1% in 1990.
6. The income of African Americans compared to that of other non-white ethnic groups in the city indicates that Asian Americans have higher per capita in household income than African Americans and Latinos have slightly lower per capita incomes but higher household incomes than African Americans.
7. African Americans suffer higher rates of poverty and unemployment and have higher levels of dependency.
8. African Americans are greatly underrepresented in many job titles in the private sector.
9. African Americans have benefited from the consent decrees addressing the hiring and promotional policies of the fire department and police department even though they have not fully met the goals.
10. Many African Americans have been pushed out of the city by a combination of governmental programs like urban renewal and the high cost of housing. At one point rental costs which had been reasonable until 1979 or 1980 escalated until they reached almost 90% of the per capita income of African Americans in 1985.
11. Traditionally Black communities – like Bayview-Hunters Point – are becoming more integrated as a result of the net out-migration of African Americans, greater desegregation in the housing market for African Americans, and increased competition for housing in those communities.

12. The African American community is become increasingly bifurcated as working class moderate income blacks are migrating out of San Francisco leaving behind one group of higher income more educated African Americans who are dispersed throughout the city and another group of lower income more dependent and less economically competitive African Americans who are concentrated in public housing and other federally subsidized housing.
13. The average level of education of African Americans is increasing. The percentage of African American residents of San Francisco reporting that they had completed four more years of college was twice as large in 1990 as in 1980.
14. The urban renewal program in the Western Addition destroyed the economic base of black on small businesses in that part of the city.
15. The number and size of Black owned businesses in San Francisco continued to decrease between 1982 to 1987.
16. San Francisco's public agencies are not meeting the minority business enterprise and women's business enterprise contracting goals established by the Human Rights Commission. A study commissioned by the city, subsequent to *Richard v. Croson*, indicates that the extent of under-contracting is indicative of discrimination in a number of instances.

Based on these observations, the committee created 12 goals and five policy initiatives to guide the development of the Black community over the next decade. The goals are as follows:

1. To halt, and/or, reverse the decline in the size of the African American population in San Francisco.
2. To increase per capita and/or household income in the African American community.
3. To raise the income of African American individuals and families with the lowest incomes above the poverty level
4. To create jobs and job opportunities that fit the full range of skills within the African American community from entry level to those requiring technical skills and professional training
5. To increase the employability and employment of African American males.
6. To increase the number and economic viability of African American entrepreneurs and businesses.
7. To increase the level of "human capital" in the African American community.
8. To increase access to capital for entrepreneurs.
9. To provide access to "protected" or "captive" markets for goods and services provided by African Americans.
10. To preserve and/or increase the level of capital and wealth in the African American community.
11. To increase community cohesion and strengthen identity.
12. To increase the community's political power and influence on public policy.

Based on these goals, the following policy initiatives were created:

1. A commitment to setting racial equity goals and establishing benchmarks to ensure

that goals are being met.

2. Use placemaking as a principle to establish and invest in an African American Cultural District in the city.
3. Establish an African American development foundation and fund it through tax revenue; seek matching funds from banks and local corporations.
4. Promote alternatives to incarceration and oppose construction of additional jails and prisons.
5. Establish vocational programs in jails and in conjunction with programs offering alternatives to incarcerations.

In addition to these initiatives, the CAAP created recommendations for employment and training and housing:

1. Employment and Training Recommendations

- a. Negotiate training and hiring goals and subcontracting goals in conjunction with nonprofit and for-profit developments in the city (UCSF, Mission Bay, SFO, Navy Yard, Presidio, Port, etc)
- b. Aggressive recruitment and increased affirmative action hiring in targeted areas of municipal employment – especially in executive levels of municipal agencies
- c. Seek improvements in the scope and effectiveness of vocational training programs in public schools and link training to job placement
- d. Establish training programs for African American entrepreneurs

1. Housing Recommendations

- a. Negotiate a commitment to increased lending to African American homebuyers and entrepreneurs on the part of banks and other lending institutions
- b. Preserve and enhance African American equity in real estate through purchase of rights of first refusal and/or reverse annuity mortgages with African American homeowners.
- c. Analyze benefits and liabilities of public housing privatization and/or tenant management programs
- d. Encourage development of affordable housing with land write downs and sweat equity participation

This report heavily focused on quantitative data, compared to a more human-centered narrative approach. While this strategy is effective to diagnose existing problems within the community, it fails to engage with culturally relevant solutions that are in line with community values. Though some community insight was gained through conversations with Black leaders of San Francisco, the perspective of residents most proximally affected by the phenomena studied by the CAAP was largely absent.

In addition, this report saw limited action because of a lack of support from political leadership, funding sources, and enforcement agencies. As a result, the status quo remained largely unchanged. This directly affected the quantity of Black residents that had the ability to remain in the city, and the quality of life for Black residents that stayed.

In 2009, another report was conducted to examine and provide recourse for the continual displacement of African Americans from San Francisco, known as the *Report of the San Francisco Mayor's Task Force on African-American Out-Migration*. Mayor Gavin Newsom along with Supervisor Sophie Maxwell created a special committee in order to find solutions for Black out-migration and preserve city diversity. The report was intended to be used by city departments, community based organizations, and advisory groups to improve the quality of life for African Americans in San Francisco. Mayor Newsom cited that “hundreds of disparity reports have been created in the past”, and that this task force would be different in identifying viable solutions to reverse the three-decade trend of Black displacement. With a focus on housing, education, jobs and economic development, public safety and quality life, and art and cultural life, the committee created its recommendations for action.

In the data collection process, task force members worked with a San Francisco State University research team and the San Francisco Community Development and Redevelopment agencies to examine and analyze trends. In addition, the team interviewed African Americans who both left and remained in San Francisco. Lastly, the task force identified trends and policy strategies in cities that saw increases in the Black population while the Black demographic in San Francisco declined.

From the collection of qualitative and quantitative data, the task force members distilled six key findings from the period of 1990 to 2005:

1. There was a disproportionate decline in the number of African American families compared to non African American families.
2. As the number of middle and upper-middle income households decreased since 1990, the percentage of very low-income households increased from over one half of African American households in 1990 to over two-thirds in 2005.
3. In 2000, one quarter of African Americans lived in poverty , more than twice the number of non African Americans
4. The unemployment rate among African Americans in the labor force from 1990 to 2005 was consistently over twice that of non African Americans.
5. From 1997 to 2002, African American owned businesses declined by nearly one quarter and African American business receipts fell by 60.7% although the number of people employed by African American businesses increased.
6. The proportion of homeowners among African Americans increased slightly since 1990, perhaps due to a greater rate of out-migration among renters than among homeowners. This would be consistent with other findings that highlighted housing as a primary reason for moving among African Americans in California.

These findings highlight the fact that homeownership is fundamental. African American out-migration is precipitated by lack of housing stability. Guaranteeing pathways and investment in ownership is key to stemming the loss of African American population in San Francisco.

Based on the key findings, the task force created policy recommendations to help stem the

outflow of Black San Franciscans and entice more of the Black community to make a home within the city. These policies are categorized across five focus areas: housing, education, jobs and economic development, culture and social life, and public safety and quality of life.

### **Housing**

1. Expand Homeownership opportunities for existing and potential African American residents
2. Stabilize and improve conditions in San Francisco's public housing
3. Promote public policies that support retention and attraction strategies
4. Preserve and improve existing housing stock and produce new affordable housing

### **Education**

1. Strengthen infrastructure to improve Pre-K through college achievement
2. Establish direct and effective linkages to community colleges & universities
3. Continue to support and expand programs for youth engagement

### **Jobs & Economic Development**

1. Implement strategies that increase employment opportunities for African American residents
2. Promote business development opportunities for African American owned businesses
3. Strengthen economic development activities focused on historically African American communities

### **Cultural & Social Life**

1. Increase support to institutions that highlight African American art and culture
2. Increase profile of African Americans in San Francisco's tourism industry
3. Increase support to efforts that focus on creating a sense of place for African Americans within the city

### **Public Safety & Quality of Life**

1. Maintain funding and political support for violence prevention and stabilization programs
2. Expand support for victims of violence
3. Actively monitor and facilitate better relationships between communities, the Police Departments, and the Criminal Justice System
4. Develop community supports for the re-entry population to actively lower the recidivism rate

Though the plan had the political support of the current mayor and members of the Board of Supervisors, it still failed to retain Black San Francisco residents. The trend of out-migration continued from 2000 to 2010 to 2020, from 7.8% to 6.1% to 5.7%. In this study as well, the Black residents of the City played no significant role in the process to determine what recommendations should be made.

The next report was issued in August of 2020, during a summer of civil unrest triggered by the murder of George Floyd. Millions of people across the world took to the streets



to protest against the injustice of police brutality and systemic racism towards African Americans. To address the structural inequity that exists within San Francisco, Mayor London Breed and Supervisor Shamann Walton announced that a portion of the budget from the San Francisco Police Department would be reallocated to support the African American community, a program now known as the Dream Keeper Initiative (DKI).

This initiative was announced at a time of reckoning where the nation was deeply fractured over its racial divide. In 2020, as the world endured the crisis of the COVID-19 pandemic, members of the Black community continued to endure harassment, abuse, and violence at the hands of police. The demand for justice and accountability after the deaths of Breonna Taylor, George Floyd, Ahmaud Arbery, Elijah McClain, and more victims sparked outrage, protests, and policy conversations to end the perpetual discrimination. The Dream Keeper Initiative was designed to repair the negative impact of racially disparate policies in San Francisco through the promotion of community-led change.

Housed at and facilitated by the Human Rights Commission, the DKI began with community members sharing their ideas through virtual meetings and email commentary on what should receive focus and funding in this reinvestment process. The [Investment of Funds to Support the Black Community in San Francisco](#) provides details regarding the existing research on the wellbeing of African Americans in San Francisco, a description of the outreach and engagement effort, a comprehensive list of community recommendations, critical themes and missing elements, a commitment to invest, and a recommended timeline.

A major change in this brief compared to past reports is the inclusion of explicit funding plans and a timeline. With these elements, the intention and action ability of this draft heavily outweighs the plans proposed in prior studies. Recommendations were paired with an actual dollar amount, shifting the conversation from possibility to feasibility. Unlike previous reports that sought to highlight wellbeing disparity for Black San Franciscans, this initiative goes further to disperse funding and financial support to organizations and programs recommended through community input. Combining the qualitative data of the lived experiences of the community with quantitative data from past reports on the Black San Francisco population, the HRC informs its recommendations.

Between June 23 and July 16 of 2020, HRC used social media, email comments, community sessions, and surveys to collect the input of more than 600 participants. From the feedback received, more than 400 recommendations were recorded and spread across 16 themes, with an emphasis on the intersectional nature of the Black community.

In order to ensure that funding was supported and held accountable for the Dream Keeper Initiative, the Human Rights Commission established tools to use in the allocation process, and used community input to reaffirm and edit their utilization. These suggestions ranged from defining intended results and how the DKI funding should be allocated to fulfill goals, to using data sheets to house logistics for government expenditures, to creating a citizen jury to make sure that organizations that receive funding are actually supporting the Black community. Since the program officially launched in 2021, it has supported more than 90 organizations, and has provided more than \$60 million in funding to Black-led and Black-

serving organizations.

The Dream Keeper Initiative was a shift away from prior initiatives that sought to provide redress for the Black community. One of the factors that made the Dream Keeper process possible was the mobilization of Black leadership within the San Francisco government. Mayor London Breed, Supervisor Shamann Walton, and Human Rights Commission Director Sheryl Davis all played significant roles in moving this program through the bureaucratic process. In tandem with the political support and state of race relations within America during the summer of 2020, the community played a direct role in demanding policy change and overseeing the process to build out what this program would look like. A common theme expressed within the community recommendation period was a feeling of distrust in public administration; residents and community-based organizations voiced their frustration that the City and County of San Francisco (CCSF) underfunds Black organizations, undervalues the contributions of Black programs, and creates policy that is out of touch with the needs of the community.

The Dream Keeper Initiative created a new standard for support in communities of color, and has had ripple effects across the City. Other city leaders saw the work being done through the DKI program and were encouraged to establish ongoing funds for marginalized communities. Since DKI was announced in 2020, millions of dollars have been set aside from the City's general fund to support infrastructure and anti-hate prevention programs within the Asian, Latinx, and Indigenous communities. The Dream Keeper Initiative demonstrates that operating from an abundance mindset to redress harms does not necessitate competition across communities. Similarly, advancing a reparations plan would uplift multiple demographics through a process that catalogs historical harms, stimulates the economy, and facilitates generational wealth among underserved populations.

This process is an active shift from the model of centralized power making decisions with limited community oversight. Black residents were able to contribute meaningfully to the conversation and determine how the Dream Keeper Initiative would run. The direct lines of communication between the CCSF and the community in turn established a foundation of trust, and increased the overall support and effectiveness of the program. Black-led and Black-serving institutions were prioritized in the funding process. DKI is a promising blueprint for how we can build a more comprehensive and equitable system of reparations in the future.

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## APPENDICES

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# **Reparations and Spatial Justice: A Socio-Spatial Analysis of Black San Francisco**

*Kerby Lynch, Nicholas Okafor, Donovan Dixon*

## **Introduction**

This report examines reparations and spatial justice in San Francisco, focusing on the historical geographies of Black communities and their impact on present-day outcomes. The study analyzes qualitative and quantitative data to highlight the correlation between disparities in economics, education, health, and infrastructure and the historical disinvestment in specific zip codes. It also explores the significance of redlining and urban renewal, particularly in historic Black communities, to understand the past and its implications for contemporary Black San Francisco.

Urban renewal in San Francisco, starting in the 1950s, greatly affected the lives of residents, especially African Americans. Housing policies implemented under the Urban Renewal program aimed to redevelop areas considered “blighted” but resulted in the displacement and erasure of African American businesses and communities. The consequences of these policies continue to have a lasting impact today. The experiences of individuals and communities affected by urban renewal highlight the profound impact of public authorities' actions. Questions arise about the impact of urban renewal, such as who was affected, the city's payments for properties, current property values, the timeline of property reselling, resale prices, and who had the opportunity to repurchase them.

The “land-claiming strategy” described by Mindy Fullilove (2005:58) in the Urban Renewal process involved identifying blighted areas, developing plans, gaining federal approval, using eminent domain to seize designated areas, providing minimal compensation to occupants, clearing the land, and selling it to developers at reduced costs. This process shaped the urban landscape with the construction of businesses, residences, and public housing projects.

Redlining, a practice initiated by the Home Owners' Loan Corporation (HOLC) in 1933 and later adopted by the Federal Housing Administration (FHA), exacerbated disparities faced by Black communities. Redlining involved denying loans or making them difficult to obtain based on discriminatory neighborhood attributes. This institutionalized exclusion and fragmented communities significantly reshaped cities like San Francisco and will be assessed in this report.

Understanding the historical context of urban renewal and redlining provides critical insights into the experiences of African American neighborhoods in San Francisco. The displacement and erasure of thriving families, businesses, and organizations under the guise of development had a traumatic impact, referred to as “root shock” by Fullilove. Recognizing these historical injustices is crucial for

pursuing reparations and spatial justice, enabling policymakers and community leaders to rectify past wrongs and foster a more equitable future for Black San Francisco.

### **About the Study**

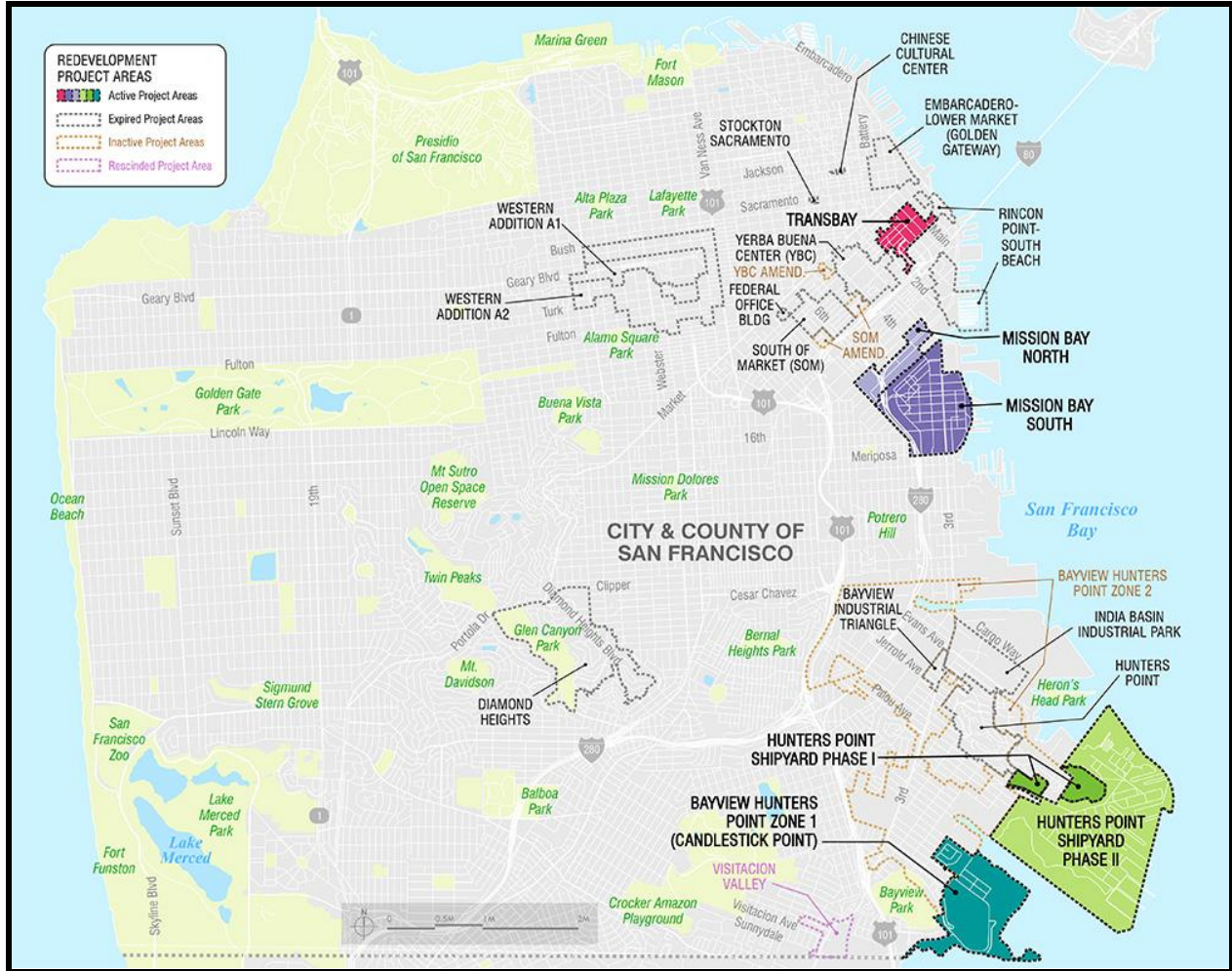
Our study combines qualitative history and quantitative analysis using Geographic Information Systems (GIS) to examine disparities and outcomes in San Francisco's neighborhoods. We specifically focused on neighborhoods with concentrated public housing communities, which coincidentally have a significant Black population, aligning with our research objectives.

We utilized specific data sets and indicators to assess economic, education, health, and infrastructure outcomes. The Office of Economic and Workforce Development (OEWD) provided valuable tools, such as a map that identifies neighborhoods with a concentration of low-to-moderate-income residents. Another tool called the "Healthy Places Index" considered census tracts facing current inequities, prioritizing communities in areas with lower socioeconomic indicators. We also employed the Capital for Communities Scorecard, which assesses the potential impacts of real estate developments or business investments on communities, focusing on addressing inequities. These tools helped us evaluate projects and understand how planning and funding can benefit nonprofit organizations. All of the maps in this report use 2019 and 2021 American Community Survey Data.

Utilizing these methodologies and tools, we comprehensively analyzed selected neighborhoods in San Francisco, focusing on those with concentrated public housing communities and a significant Black population. Additionally, we compared those neighborhoods with those considered "High Investment Areas," defined as a community with high educational attainment and median income, highlighting the impact of uneven development due to urban renewal. This approach allowed us to explore the historical context, present disparities, and potential pathways for addressing the challenges and promoting equity in these communities. Our findings can inform future programming and advocacy efforts related to reparations.

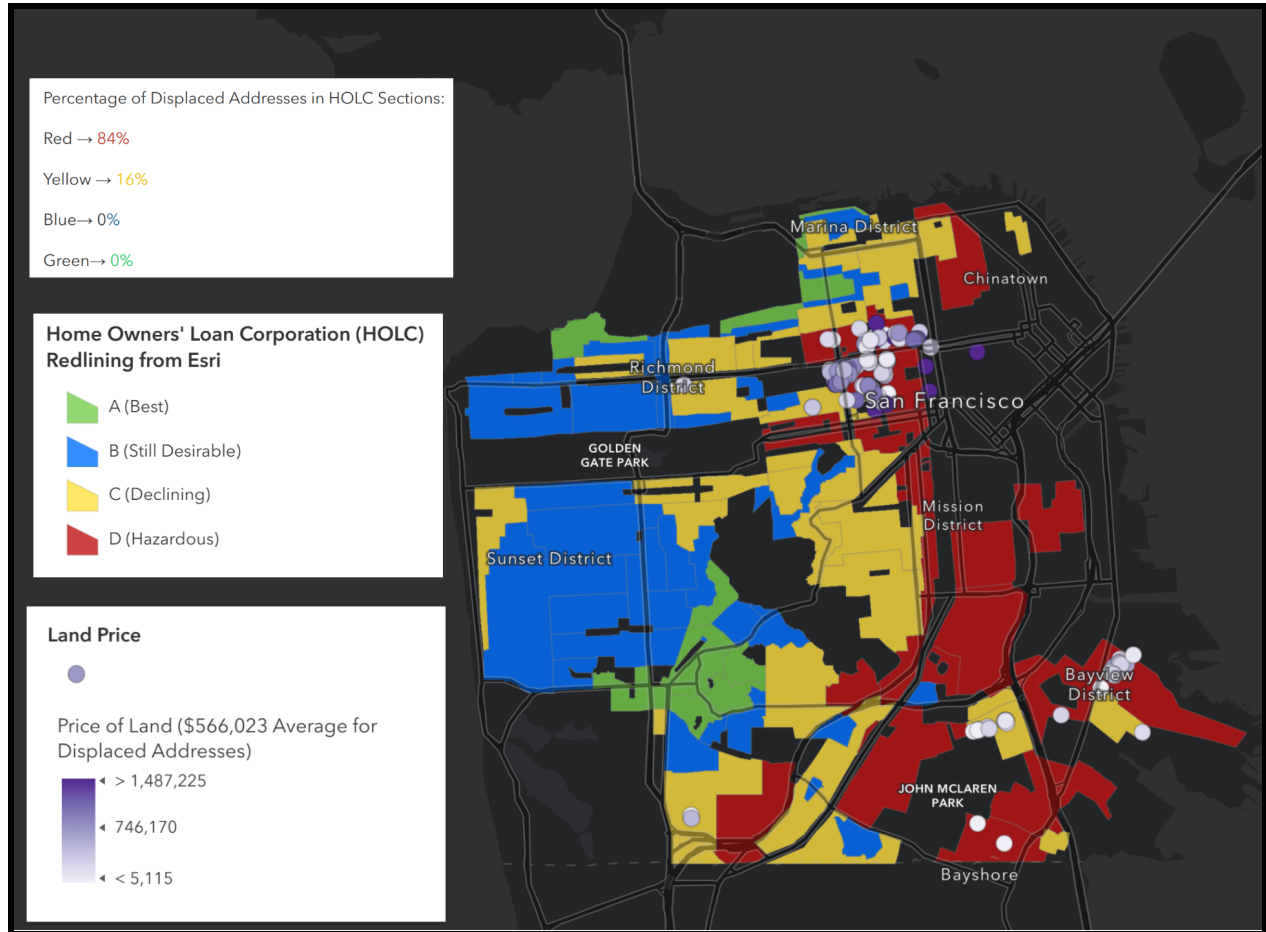
### **Figure 1.**

*Redevelopment Project Areas Map (Created By: Office of Community Investment and Infrastructure)*



**Figure 2.**  
*HOLC Map of San Francisco with Displaced Addresses (Created By: Trubel and Co.)<sup>1</sup>*

<sup>1</sup>This map shows displaced addresses of tenants forcibly relocated due to redevelopment projects overlaid on the HOLC map of San Francisco. Purple dots represent individual displaced addresses, and the average land price per displaced address is displayed in the legend to represent the growth in land value as a by-product of Black spatial dispossession. The HOLC designations are explained in the middle of the legend, with the number of displaced addresses indicated at the top of each HOLC section.



## Assessing the Harm

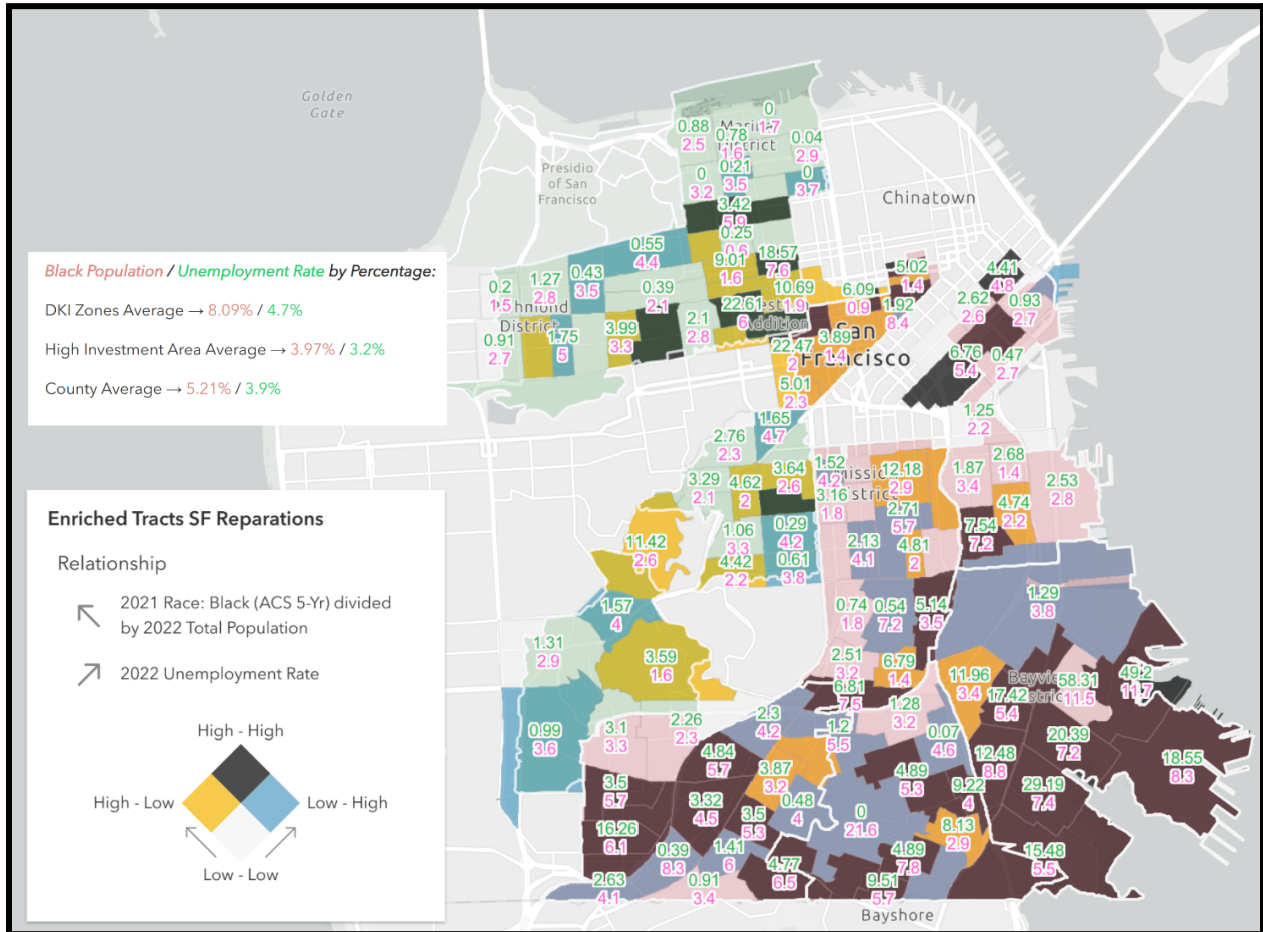
This section examines the disparate investment patterns in San Francisco to demonstrate the correlation between investment value and various outcomes in predominantly Black neighborhoods. The persistent disinvestment in these areas, characterized by lower median household income, higher poverty index, unemployment rates, and a lower percentage of households with disposable income and median home value, has resulted in significant disparities in education, health, economics, and infrastructure.

To visualize these disparities, we present a series of maps and statistical models that compare the outcomes between the priority zip codes representing historically excluded communities (referred to as "DKI Zones Average" on the maps). The historically excluded communities are represented by zip codes such as 94124, 94134, 94107, 94110, 94112, and 94102. It is important to note that the term "DKI Zones Average" references the Dream Keeper's Initiative (DKI), which uses the same zip codes to prioritize their programming and service delivery.

Additionally, we include high investment areas' zip codes, such as 94123, 94114, 94127, and 94118, representing communities with higher socio-economic outcomes. By comparing these two sets of zip codes, we aim to highlight the disparities in education, health, economics, and infrastructure that result from the persistent disinvestment in historically excluded communities.

**Figure 3.**

*Historically Excluded vs. High Investment: Unemployment Rate Map (Created By: Trubel and Co.)<sup>2</sup>*



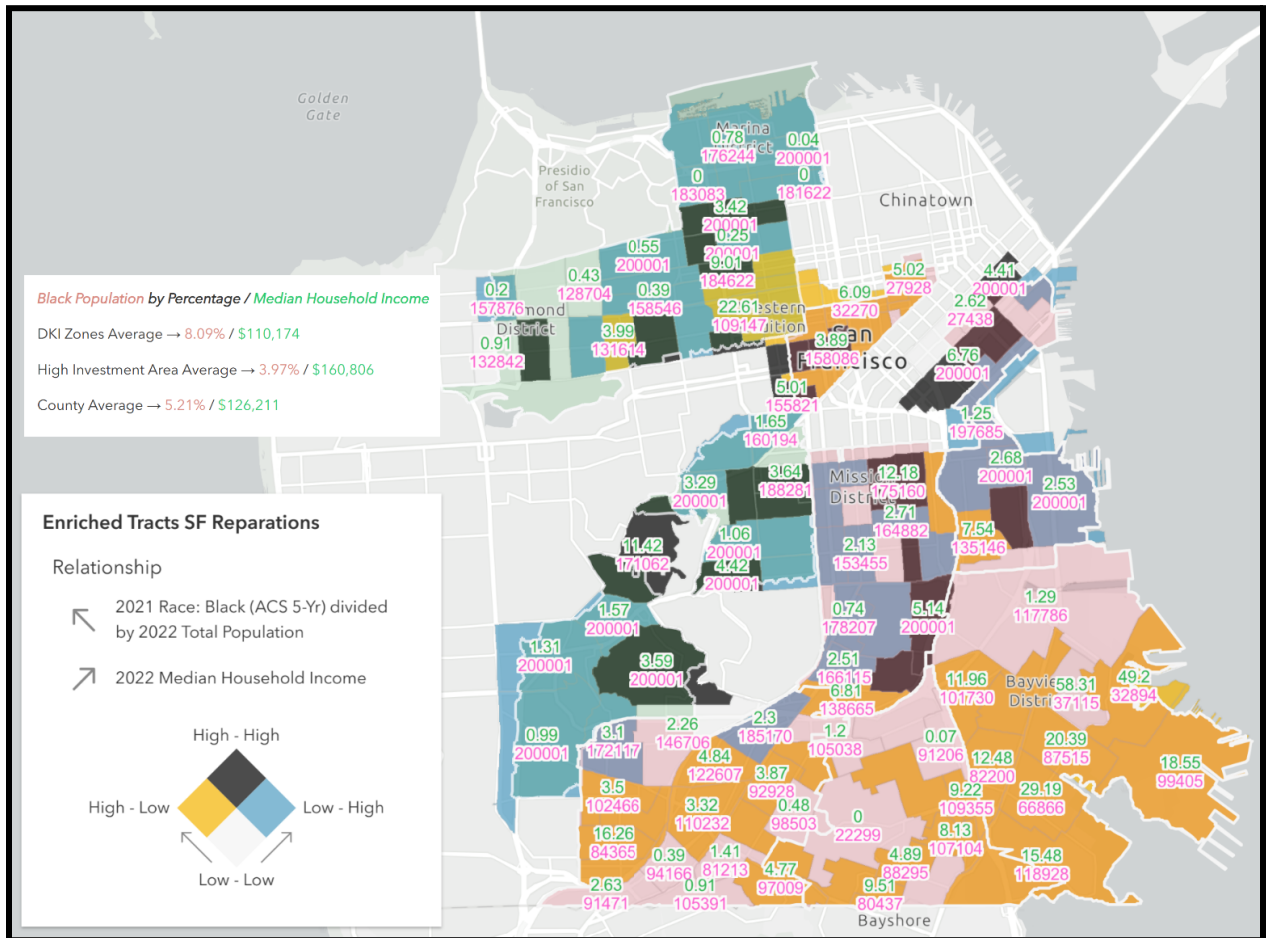
The first map (Figure 3) depicts the relationship between the Black population and the unemployment rate in these areas. The map highlights the high investment areas in green and the historically excluded communities' priority areas in red. The map demonstrates a clear pattern of disparity. Historically

<sup>2</sup> This map illustrates the Black population in relation to the unemployment rate. The Black population is color mapped and labeled, while the green highlight represents high investment areas and the red highlight represents historically excluded communities. The legend includes a color diamond symbolizing the relationship between the Black population and the unemployment rate, with yellow representing the high Black population and low unemployment rate and blue representing the opposite. The map also includes green numbers indicating the Black population percentage and pink numbers representing the unemployment rate. The averages of these numbers, including the San Francisco county average, are summarized above the legend for convenience.

excluded communities, represented by the red areas, not only exhibit a higher concentration of Black residents but also face elevated levels of unemployment. This correlation suggests that limited employment opportunities and systemic barriers to economic advancement have disproportionately affected these communities.

**Figure 4.**

*Historically Excluded vs. High Investment: Median Household Income Map (Created By: Trubel and Co.)<sup>3</sup>*



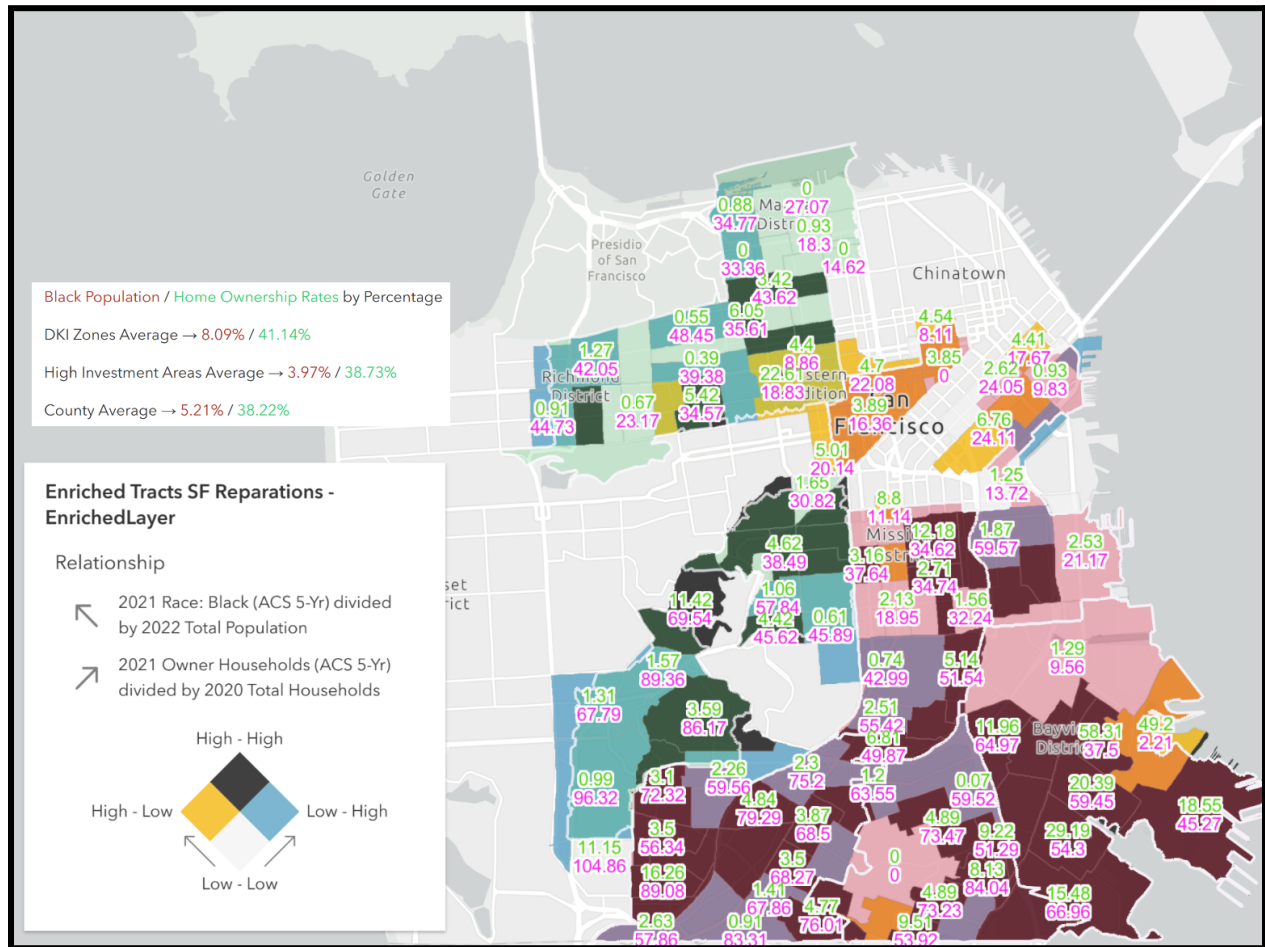
The second map (Figure 4) delves deeper into the correlation between the Black population and median household income, reinforcing the significance of reparations to address the uneven access to

<sup>3</sup>This map depicts the Black population in relation to the median household income. The Black population is color mapped and labeled, while the green highlight represents high investment areas and the red highlight represents historically excluded areas. The legend includes a color diamond symbolizing the relationship between the Black population and median household income, with yellow representing the high Black population and low median household income and blue representing the opposite. The map also includes green numbers indicating the Black population percentage and pink numbers representing the median household income. The averages of these numbers, including the San Francisco county average, are summarized above the legend for convenience.

resources and opportunities. Like the previous one, this map distinguishes between high-investment and historically excluded areas, providing insights into the relationship between these areas and the socioeconomic status of their Black residents. Historically excluded communities, often characterized by a higher concentration of Black residents, experience limited access to economic resources and opportunities, resulting in lower median household incomes.

**Figure 5.**

*Historically Excluded vs. High Investment: Home Ownership Rates Map (Created By: Trubel and Co.)<sup>4</sup>*



The third map (Figure 5) provides a deeper analysis of the relationship between the Black population and homeownership rates, emphasizing the importance of reparations to address the issue of uneven

<sup>4</sup>This map illustrates the Black population in relation to homeownership rates. The Black population is color mapped and labeled, while the green highlight indicates high investment areas and the red highlight represents historically excluded areas. The legend includes a color diamond symbolizing the relationship between the Black population and homeownership rates, with yellow representing a high Black population and low homeownership rates and blue representing the opposite. The map also includes green numbers indicating the Black population percentage and pink numbers representing homeownership rates. The averages of these numbers, including the San Francisco county average, are summarized above the legend for convenience.

access. The map highlights the areas with high investment and the historically excluded communities, allowing us to examine the disparities in homeownership rates among these regions.

Uneven access to homeownership opportunities has been a persistent issue in historically excluded communities, as evidenced by lower homeownership rates than high investment areas. This disparity can be attributed to various factors such as discriminatory lending practices, limited access to affordable housing options, and systemic barriers that have hindered Black San Franciscans from accumulating wealth and achieving homeownership in the afterlife of Urban Renewal.

### **Key Findings**

This section will highlight the tangible effects of historical disinvestment on present-day Black communities in San Francisco, and establish a critical connection between past policies, such as redlining and urban renewal, and the existing disparities in economic, educational, health, and infrastructural outcomes. The report's analysis examines the contrasting investment patterns in historically excluded and high-investment areas, reinforcing the urgent need for reparations and spatial justice to redress these disparities.

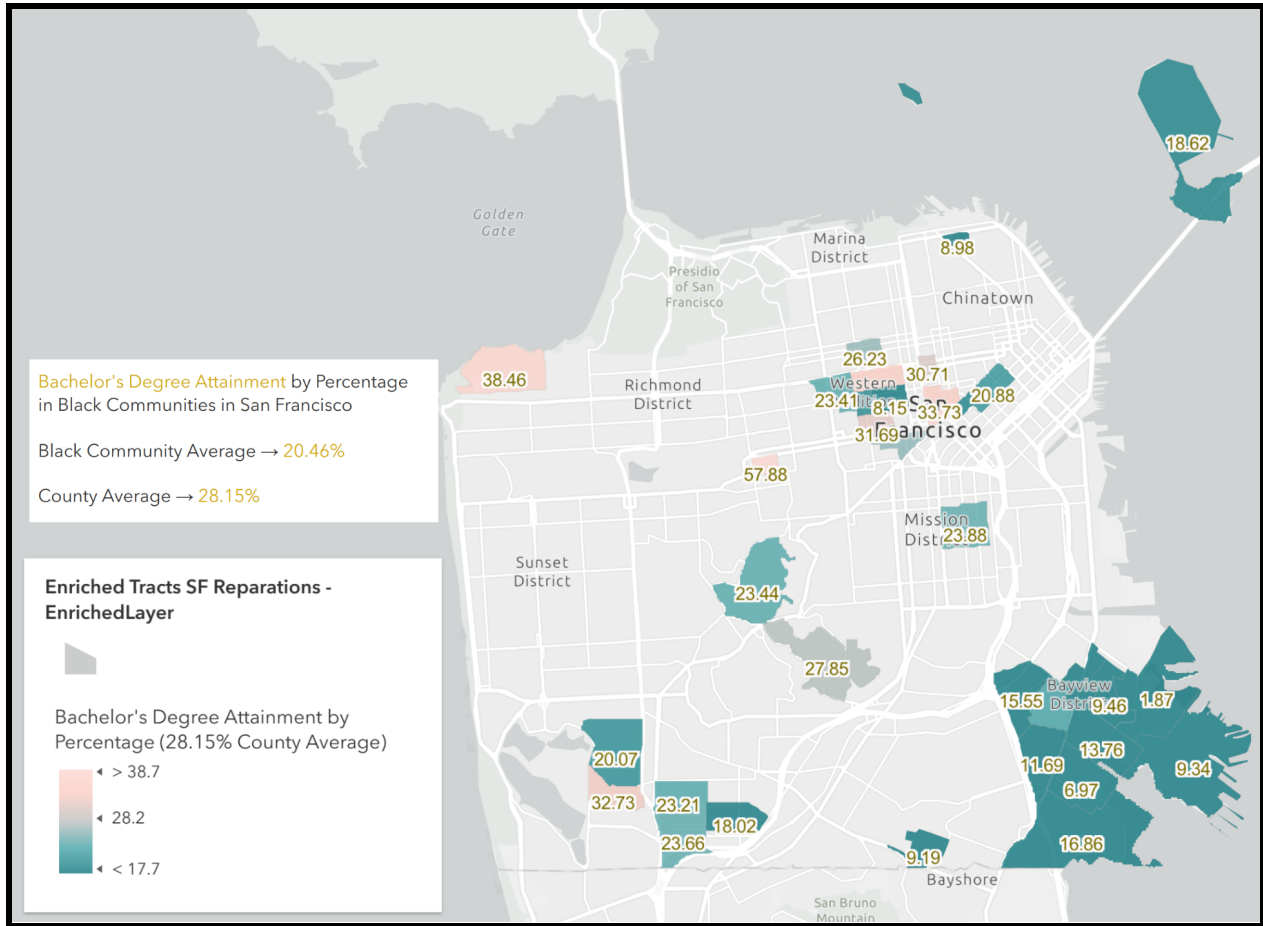
### **Figure 6.**

*Black Communities in San Francisco: Bachelor's Degree Attainment Map (Created By: Trubel and Co.)*<sup>5</sup>

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<sup>5</sup>This map illustrates the bachelor's degree attainment in Black communities of San Francisco. Highlighted areas indicate localities with a Black population of at least ten percent. The legend displays color scaling for bachelor's degree holders, with gold numbers indicating specific values per area. The color scale represents the county average for the population without a bachelor's degree, where pink regions have a higher percentage with bachelor's degrees and blue areas have a higher percentage without bachelor's degrees. The averages for Black communities compared to countywide are listed above the legend.





This map presents the percentage of individuals with a bachelor's degree in San Francisco's Black communities. The highlighted areas represent neighborhoods where at least ten percent of the population is Black. The colors on the map indicate the level of bachelor's degree attainment, with higher percentages shown in pink and lower percentages in blue. By comparing these figures to the county average, we can see the disparities in educational attainment. Higher percentages of bachelor's degree holders indicate greater access to high-wage employment opportunities, historically limited for Black communities due to systemic racial discrimination.

**Figure 7.**  
*Black Communities in San Francisco: No High School Diploma Map (Created By: Trubel and Co.)<sup>6</sup>*

<sup>6</sup>This map illustrates the percentage of people without a high school diploma in the Black communities of San Francisco. The highlighted areas represent localities with a Black population of at least ten percent. The legend displays the color scaling for people without high school diplomas, with gold numbers indicating specific values per area. The number separating the pink and blue on the color scale represents the county average for the population without a high school diploma, where pink regions have a higher percentage without

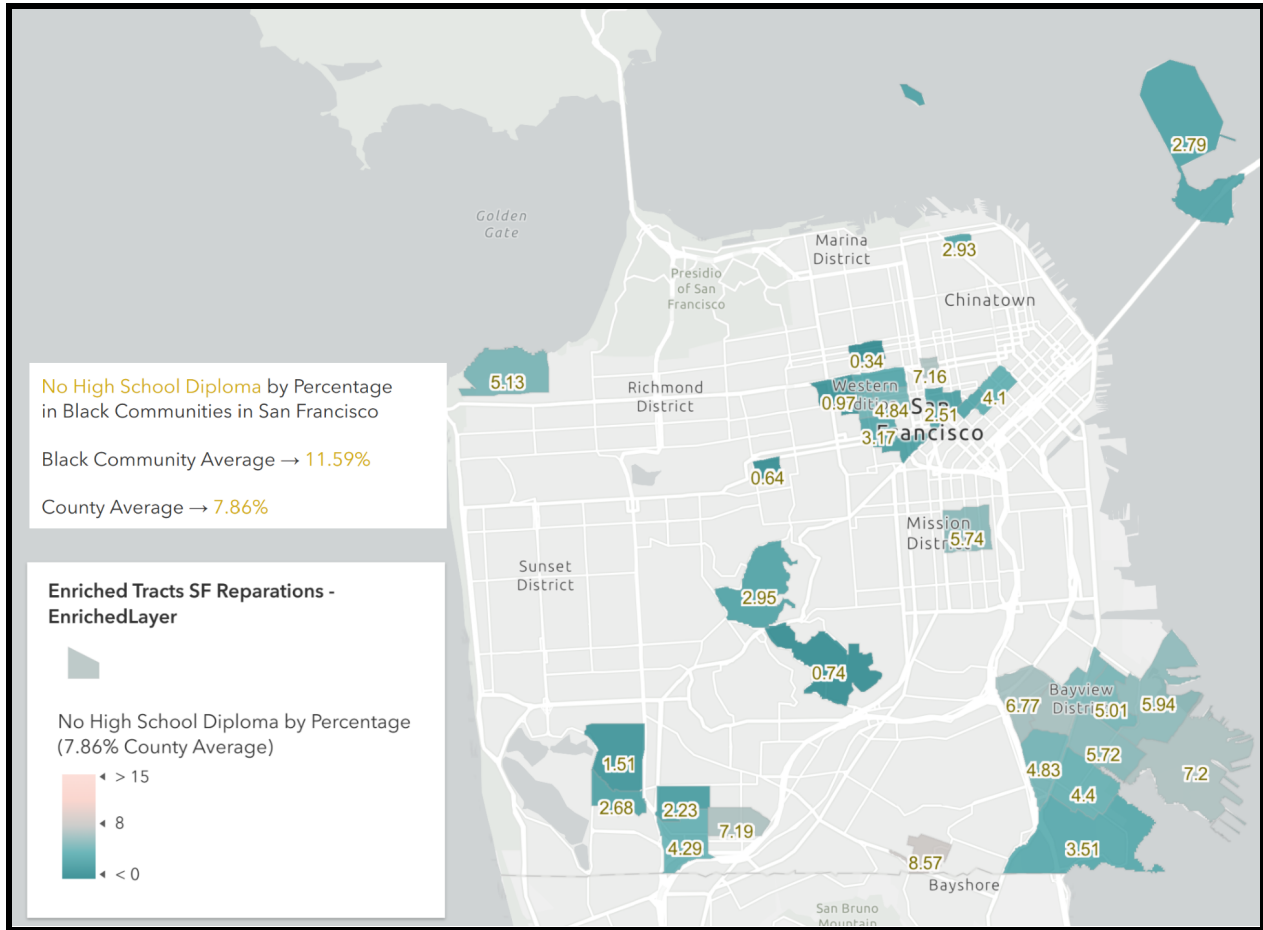


Figure 7, the No High School Diploma Map, provides insights into the populations without a high school diploma within San Francisco's Black communities. The legend includes the county average for comparison between areas with higher populations without diplomas (pink regions) and areas with higher populations possessing bachelor's degrees (blue areas). This analysis highlights the significance of educational attainment and its impact on employment prospects and socioeconomic well-being. Addressing the educational disparities is crucial in promoting equal opportunities and reducing economic inequality within Black communities.

**Figure 8.**  
*Black Communities in San Francisco: Population with no Health Insurance Map (Created By: Trubel and Co.)<sup>7</sup>*

diplomas, and blue areas have a higher percentage with bachelor's degrees. The averages for Black communities in San Francisco compared to the county are listed above the legend.

<sup>7</sup>This map displays the percentage of people without health insurance in the Black communities of San Francisco. Highlighted areas indicate localities with a Black population of at least ten percent. The legend explains the color scaling of people without health insurance, with gold numbers indicating specific values (%) per area. The number separating the pink and blue on the color scale

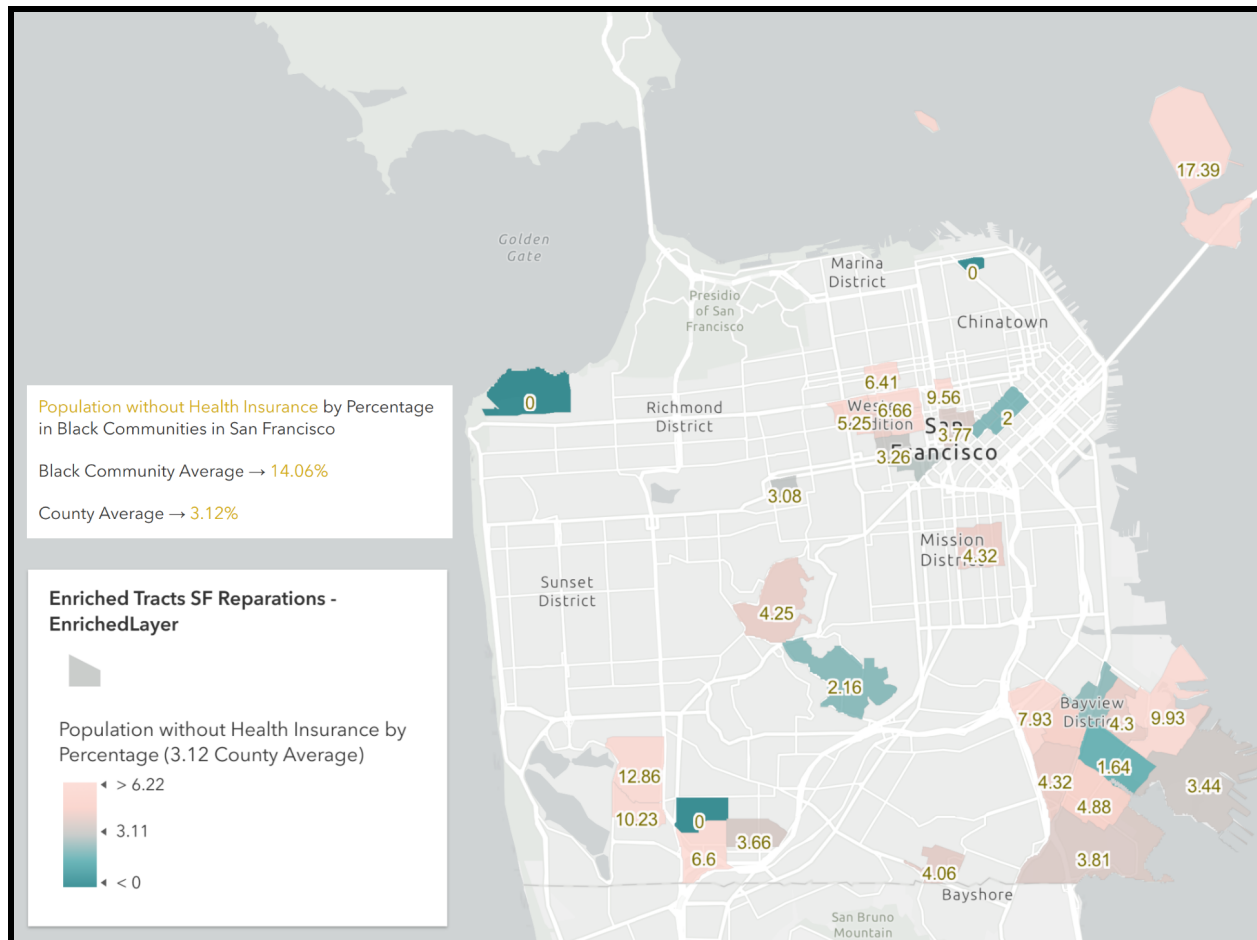


Figure 8 delves into the Population with no Health Insurance Map, which depicts the percentage of individuals without health insurance within Black communities in San Francisco. The map highlights localities with a Black population of at least ten percent and utilizes color scaling and gold numbers to indicate specific values. The legend includes the county average for the population without health insurance, facilitating a comparison between areas with higher populations lacking health insurance (pink regions) and areas with lower populations lacking health insurance (blue areas).

This analysis becomes even more critical when considering the disparities in life expectancy based on race/ethnicity and gender. According to the San Francisco Framework for Assessing Population Health and Equity, life expectancy varies significantly among different groups. Disturbingly, Black/African Americans in San Francisco experience the lowest life expectancy compared to other racial/ethnic groups. This finding underscores the urgency to address the issue of health insurance coverage within

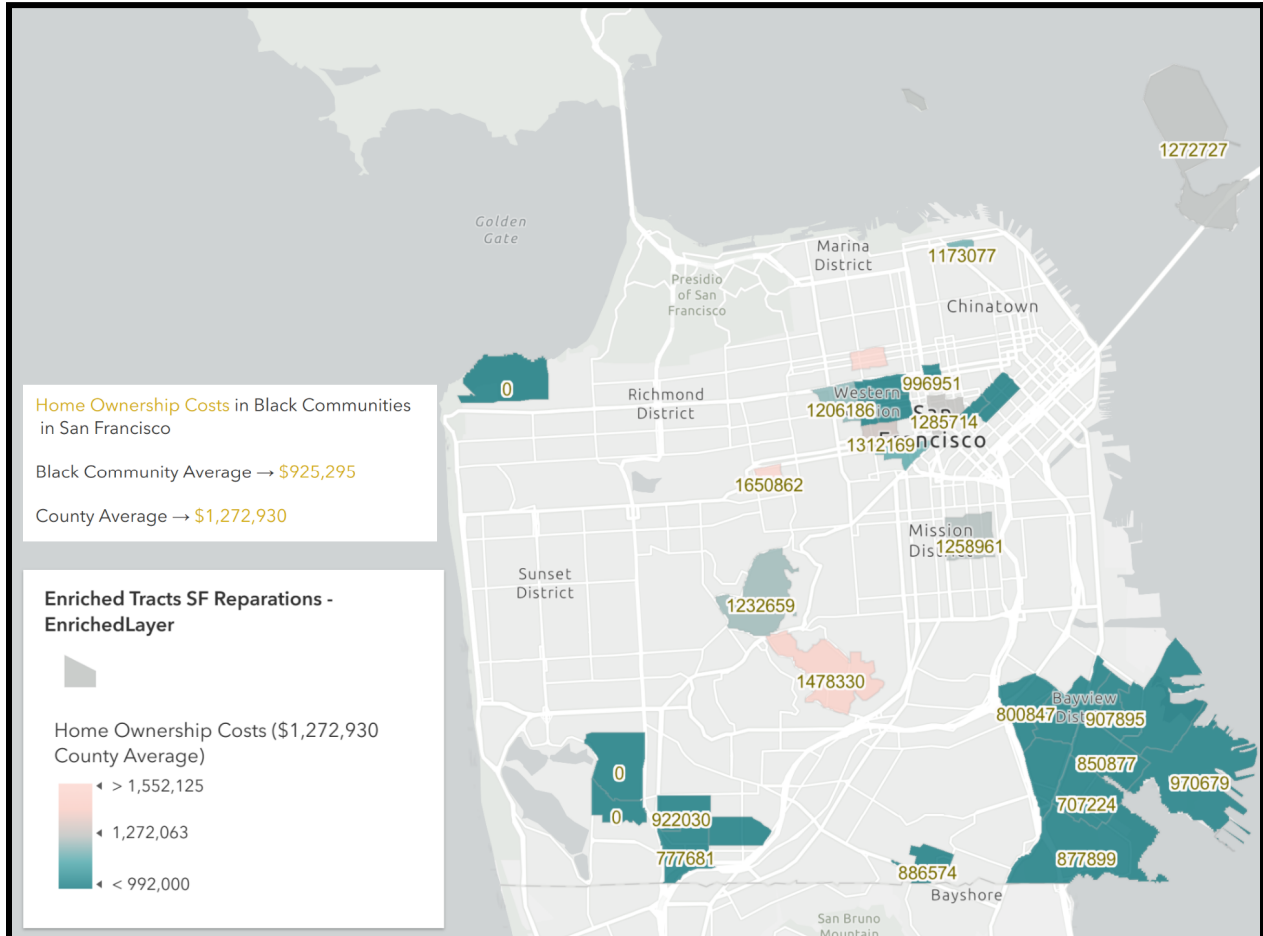
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represents the county average for the population without health insurance, where pink regions have a higher population without insurance and blue areas have a lower population without insurance. The averages for Black communities in San Francisco compared to the county are listed above the legend.

Black communities, as access to healthcare plays a pivotal role in mitigating health disparities and striving for equitable health outcomes.

**Figure 9.**

*Black Communities in San Francisco: Home Ownership Costs Map (Created By: Trubel and Co.)<sup>8</sup>*



Lastly, Figure 9 provides insight into the Home Ownership Costs Map within Black communities in San Francisco. This map specifically identifies localities with a Black population of at least ten percent and utilizes color scaling and gold numbers to represent home ownership costs. The legend incorporates the county average for home ownership, comparing areas with higher homeownership costs (pink regions) and areas with lower home ownership costs (blue areas).

<sup>8</sup>This map displays home ownership costs in Black communities of San Francisco. Highlighted areas indicate localities with a Black population of at least ten percent. The legend explains the color scaling of home ownership costs, with gold numbers indicating specific values per area. The county average for home ownership is represented by the number separating the pink and blue on the color scale, where pink regions have higher costs and blue areas have lower costs. The averages for Black communities in San Francisco compared to the county are listed above the legend.

It is worth noting that while the home prices within Black communities are lower than the county average, this does not necessarily translate to affordability for residents. Despite the relative affordability, many individuals and families within the Black community still face challenges in accessing and maintaining homeownership.

Affordability remains a critical issue that needs to be addressed. Even with lower home prices, factors such as income disparities, limited access to mortgage financing, and other systemic barriers can hinder the ability of Black individuals and families to become homeowners. The map's depiction of home ownership costs underscores the need for targeted interventions and policies to increase affordability and ensure equitable access to homeownership opportunities within Black communities.

The presented figures collectively enhance the report's key findings by providing a deeper understanding of educational attainment, health insurance coverage, and home ownership costs within Black communities in San Francisco. These visual representations vividly illustrate the existing disparities, reinforcing the urgency for reparations and spatial justice to redress historical disinvestment and promote equitable outcomes. The report bolsters its argument for addressing systemic inequities and working towards a more just and inclusive society through these compelling visuals.

### **Key Takeaways**

One key takeaway highlighted in this report is the profound significance of historical disinvestment in San Francisco's Black communities and its lasting consequences on present-day inequalities. By delving into the past, we understand the enduring impact that urban renewal and redlining policies have had on economic, educational, healthcare, and infrastructural disparities. The disparities encompass various aspects, including unemployment rates, median household income, home ownership rates, educational attainment, and access to healthcare. These disparities vividly demonstrate the presence of systemic discrimination and uneven development within the city. There is an urgent need for reparations and spatial justice to redress these deeply ingrained inequities. The findings emphasize the importance of further research efforts to address the historical disinvestment and foster equitable policy interventions for Black communities, ensuring equal opportunities and resources for all residents of San Francisco.

Based on the report's findings, two key recommendations emerge to address the disparities identified in San Francisco's Black communities. Firstly, promoting equitable investments should be a priority. This involves directing targeted investments toward predominantly Black neighborhoods, focusing on job creation, support for Black-owned businesses, and resources for entrepreneurship. Economic

development can be stimulated by channeling resources and opportunities into these communities, contributing to a more equitable distribution of wealth and opportunities.

Secondly, leveraging Geographic Information Systems (GIS) for evidence-based policymaking is crucial. GIS technology enables socio-spatial analyses and visualization of disparities. By utilizing GIS, decision-makers can identify areas that require targeted interventions, monitor the progress of implemented policies, and facilitate community engagement in the decision-making process. This data-driven approach ensures that policy interventions are based on accurate information and tailored to address Black communities' specific needs and challenges.

Addressing historical disinvestment and striving for spatial justice require transformative action. By acknowledging past injustices, implementing reparations, prioritizing equitable investments, and utilizing GIS, San Francisco can create a more inclusive and equitable city for all residents.

## **Conclusion**

In conclusion, this report has examined the issue of reparations and spatial justice in San Francisco, focusing on the historical geographies of Black communities and their impact on present-day outcomes. The study has shed light on the detrimental effects of redlining and the policies implemented under the Urban Renewal program. These policies aimed at “redevelopment” and “revitalization” resulted in the **displacement** and **erasure** of African American businesses and communities. The legacy of these policies continues to have a lasting impact, as evidenced by the disparities and inequities Black residents face today.

The findings of this study, which combined qualitative history and quantitative analysis, have provided valuable insights into the disparities and outcomes in San Francisco's neighborhoods. Focusing on neighborhoods with concentrated public housing communities and a significant Black population has uncovered the persistent disinvestment in historically excluded areas. Lower median household incomes, higher poverty rates, limited access to educational opportunities, and disparities in health and homeownership are just some of the outcomes resulting from this disinvestment.

Using maps and statistical models, a clear distinction emerges between historically marginalized neighborhoods and areas with significant investments. The implementation of reparations provides a chance to address the disparities in access to resources and opportunities, leading to enhanced economic empowerment, educational attainment, and overall quality of life for Black communities. The intention behind presenting this report's findings and recommendations is to provide valuable insights that can shape future programming, policy formulation, and advocacy endeavors centered on

reparations and spatial justice. By acknowledging and addressing the enduring consequences of urban renewal and redlining, San Francisco can strive to create a more equitable city, wherein all residents, particularly Black communities, can thrive by accessing opportunities and resources.

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# **Towards a Just Future: Understanding Perspectives on Reparations in San Francisco**

*Kerby Lynch*

## **Executive Summary:**

In this concise appendix, we delve into the background statement, methods, demographic analysis, research findings, and recommendations based on a comprehensive survey conducted in San Francisco. The survey, conducted in collaboration with the San Francisco African American Reparations Advisory Committee (AARAC) and their final report, aimed to capture the diverse opinions and perspectives of the community, shedding light on the multifaceted nature of reparations and the imperative for thoughtful consideration.

The research findings uncovered several pivotal themes. First and foremost, there was a resounding recognition of Black residents' historical and ongoing discrimination, affirming the urgent need for redress. The importance of equitable distribution of services and benefits emerged as a critical aspect to tackle housing injustice and systemic racism holistically. Respondents expressed a compelling desire for access to funding for genealogy research and DNA testing, acknowledging the profound significance of understanding personal histories and identities. Additionally, supporting vulnerable groups, preserving history and culture, and prioritizing education, healthcare, and job opportunities were identified as essential by the participants.

Building upon these findings, a series of policy recommendations are proposed. These include establishing a comprehensive reparations program, providing financial benefits and contract reservations for Black businesses, implementing safety initiatives, and ensuring community cleanliness. Equitable distribution of services and benefits, robust support for seniors and disabled individuals, and streamlined access to funding for genealogy research and DNA testing are also strongly advocated. Adopting a holistic approach to reparations, prioritizing affordable housing, fostering equal treatment and accountability, and cultivating inclusive dialogue and community engagement are pivotal elements of the recommended actions.

These recommendations aspire to rectify historical injustices, promote equity and inclusivity, empower the Black community, and foster a future that is more just and equitable for all residents of San Francisco. By enacting these measures, the city can take substantial strides toward redressing past injustices and constructing a more inclusive and fair society.

## **Background Statement:**



In February 2020, Board of Supervisors President Shamann Walton introduced a resolution that supported the creation of a comprehensive San Francisco Reparations Plan. This ambitious plan aimed to address the deep-seated inequities within San Francisco's African American communities, perpetuated by the enduring legacy of systemic oppression stemming from chattel slavery. The timing of this resolution was particularly significant, as it coincided with a series of transformative events in 2020 that would shape the national discourse on reparations. The COVID-19 pandemic and the widespread protests sparked by the police murder of George Floyd in Minneapolis shed a glaring spotlight on the role played by city and state actors in perpetuating institutional anti-Black racism through systemic policies. These events not only exposed the disproportionate impact of policing on Black communities but also laid bare the glaring disparities in health, socioeconomic status, and education faced by Black individuals.

Against this backdrop, the San Francisco African American Reparations Advisory Committee (AARAC) was established. In December 2020, the San Francisco Board of Supervisors passed an ordinance formalizing the AARAC, tasking the fifteen-member Advisory Committee with the responsibility of developing a comprehensive San Francisco Reparations Plan. The plan's primary focus is addressing the institutional harm the city has sanctioned and inflicted upon African American communities. Specifically, it emphasizes the need for improvements in education, housing, workforce development, economic opportunities, financial stability, support for small businesses, transit access, and food security. Concurrently, the plan aims to tackle issues such as violence, health disparities, and the over-criminalization experienced by Black communities in San Francisco. The formation of the AARAC and its subsequent endeavors to formulate a reparations plan signify a significant stride toward rectifying historical injustices and confronting the ongoing socioeconomic challenges faced by African American residents of San Francisco.

### **Methods:**

The Human Rights Commission conducted a comprehensive citywide survey from January 2023 to June 2023 to assess public opinion regarding reparations proposals. 885 participants voluntarily participated in the study without any incentive for their responses. The survey was administered through web-based methods, ensuring broad accessibility and convenience for participants. Our study was created to gain insight into public support for different eligibility criteria. For example, we asked participants, "Do you believe the length of time a reparations recipient has lived in San Francisco is important?" Participants were provided with multiple response options, including the opportunity to provide open-ended responses, allowing for nuanced and qualitative insights into their perspectives.

We conducted a thorough qualitative data analysis of the open-ended responses to complement the quantitative analysis. This involved systematically examining and coding participants' narratives to identify recurring themes, sentiments, and additional insights that may inform the understanding of public opinion on reparations. The qualitative analysis enriched our findings by providing a deeper understanding of the participants' reasoning and perspectives.

It is important to note that participants were not incentivized to participate in the survey, ensuring their responses were based on genuine opinions and not influenced by external factors.

### **Who Took The Survey?**

In the demographic analysis of survey participants, it is evident that the majority of respondents, 76.6% of survey participants, identify as originally from San Francisco. This substantial proportion highlights the significance of the opinions and perspectives of long-time residents in the discourse surrounding reparations.

Analyzing the current ZIP codes reveals that 83.7% of survey participants reside in San Francisco or its close proximity. This demonstrates that most survey participants live within the city, making their opinions particularly relevant to local discussions on reparations.

The length of residence in San Francisco also provides valuable insights into participants' attachment and familiarity with the city. A substantial majority, 71.8% of survey participants, have lived in San Francisco for 20 years or more, indicating deep roots and extensive personal experiences within the community. Given the context of urban renewal and gentrification, such incidents can significantly shape respondents' views on reparations. Housing affordability is a significant concern when examining the reasons for moving away from San Francisco. Approximately 34.8% of survey participants cited the high cost of housing as a factor that led them to leave the city. This finding underscores the ongoing housing crisis in San Francisco. It highlights the potential influence of housing-related issues on individuals' perceptions and support for reparations.

Regarding the demographic breakdown, the survey captured responses from diverse age groups. Notably, the largest age groups were those between 35-44, accounting for 27.1% of respondents, and 45-54, accounting for 21.2% of respondents. This indicates that the opinions of middle-aged individuals hold a considerable presence in the survey data, potentially reflecting their life experiences and perspectives on reparations.

Regarding gender identity, the survey includes a significant representation of female-identified respondents, comprising 63.6% of survey participants. This gender distribution emphasizes the importance of considering the perspectives and experiences of women when addressing the issue of reparations.

Lastly, examining the racial and ethnic breakdown of participants reveals that the largest self-identified group is Black individuals, comprising 78.3% of the total survey participants. This highlights the significance of the opinions of the Black community in San Francisco within the conversation surrounding reparations and the importance of this issue area for civic engagement. 42% of the survey participants were connected to a neighborhood with a high Black population (94124, 94134, 94107, 94110, 94112, 94102, and 94115).

Taken together, the demographic characteristics of the survey respondents provide valuable insights into the diverse perspectives within the San Francisco community regarding reparations. The survey captures the voices of long-term residents, individuals affected by housing affordability, individuals from various age groups, and the experiences of Black individuals from Black communities. These demographics contribute to a more comprehensive understanding of the sentiments regarding reparations in the city.

### **Survey Findings:**

Research findings based on the open-ended questions regarding reparations in San Francisco reveal a range of perspectives and key themes. There is widespread recognition of Black residents' historical and ongoing discrimination, with many supporting reparations to address past injustices and provide economic opportunities. Prioritizing vulnerable populations, such as youth, seniors, disabled individuals, and the LGBT community, is emphasized. Some respondents propose repairing the damage caused by racially motivated policies, like redlining. There are discussions about eligibility and need, with suggestions for flexible criteria based on individual life experiences. Concerns are raised about fairness, transparency, and the potential misuse of funds. Alternatives to cash reparations, such as investments in education and economic programs, are proposed. Opposition to reparations is expressed, citing concerns about taxpayer burden and the passage of time since slavery. Overall, the findings highlight the complexity of the issue and the need for careful consideration and inclusive dialogue in addressing reparations and systemic racism in San Francisco.

The survey findings reveal various opinions and suggestions regarding reparations and other issues in San Francisco, with several key themes emerging.

One prominent theme is the longing for home and belonging, as many comments express a desire for affordable housing and the ability for native San Franciscans to return to the city. This longing is intertwined with the need for equity, as respondents emphasize the importance of equitable distribution of services and financial benefits to all residents, regardless of neighborhood. There is also a call for culturally relevant and accessible resources to ensure all individuals can access the support they need.

Another key theme is the long overdue nature of reparations, with many comments highlighting the historical and ongoing discrimination Black residents face. The survey findings indicate a belief that financial and payment benefits should be provided in addition to other benefits for Black businesses, and there is support for reserving a portion of public and private contracts for these businesses. Additionally, there is a focus on addressing housing injustice and various aspects of systemic racism through reparations.

Autonomy is another important theme that emerges from the survey findings. Respondents desire access to city employment, mental health services, and the ability to address intersectionalities in their experiences. There is a call for equal treatment under the law for all races and a focus on individual empowerment and autonomy.

Education is also a prominent theme, with suggestions for educational programs, teaching black history in public schools, and empowering youth through job training and wrap-around programs for families. Respondents stressed the importance of education to escape racial problems and bias that come along with the Black experience in San Francisco.

Several comments mention monetary compensation with suggestions for financial assistance, entrepreneurship programs, and debt cancellation. There is a focus on generational wealth building and the economic opportunities that reparations can provide.

Preservation of history and culture is another theme that emerges from the comments. Respondents emphasize the importance of preserving African American history and culture through funding for ancestry history records, relocation of racist memorabilia to local museums, and city-wide representation in art and cultural programs.

The inclusion of vulnerable groups is also highlighted in the survey findings. There is a recognition of the need to include vulnerable groups within the African American community, such as disabled,

chronically ill, and transgender individuals. Survey responses emphasize the importance of addressing their needs in the reparations process.

The survey findings also reflect concerns about displacement and gentrification. Respondents expressed concerns about the displacement of Black families and the lack of welcome in San Francisco. There is a call for affordable housing and the ability for native San Franciscans to move back to the city. Balancing the city budget and community support are important considerations for survey respondents. Many suggest allocating funds for community development and supporting African American businesses directly while maintaining fiscal responsibility.

Concerns about crime and public safety are also expressed. Several comments mention drug addiction, gun violence, and crime in the African American community, calling for gun control measures and increased support for public safety.

While the survey findings indicate substantial support for reparations, comments also express opposition or skepticism. Some argue that reparations are not the solution to the city's problems and suggest focusing on other priorities, such as neighborhood infrastructure development and homelessness.

These research findings reflect the diverse range of opinions and suggestions expressed by the respondents regarding reparations in San Francisco. Careful consideration and dialogue are needed to address the complex and sensitive issue of reparations and ensure equitable outcomes for all residents.

### **Perspectives on Eligibility Criteria:**

Based on the research findings, let's analyze the different factors and their level of support for reparations.

When considering the length of time a reparations recipient has lived in San Francisco, there needs to be more support for its importance, with 16.3% expressing this view, while only 2.7% found it to be necessary. Therefore, the majority (83.7%) did not believe it to be a significant factor.

Moving on to household income, there is strong support for its consideration. 56.4% emphasized its importance, while only 6.4% believed it is unimportant. This indicates that the majority (89.6%) of the respondents found household income to be a significant criterion.

Regarding the requirement of tracing ancestry to prove ancestors were enslaved in the US, there is once again a need for more support for this concept. With 44.1% opposing it and only 6.4% supporting it, the majority (87.7%) did not believe it should be a prerequisite. When it comes to prioritizing people living in previously redlined communities, there is a moderate level of support. A total of 28.1% advocated for prioritization, while only 5.7% opposed it. This demonstrates that the majority (82.3%) of the respondents considered it an important consideration.

Similarly, prioritizing transitional-age Black youth received considerable support. A significant majority of 26.7% believed this group should be prioritized, compared to the 7.8% who expressed an opposing view. Prioritizing Black people with disabilities also garnered support, with 31.2% advocating for it. In contrast, only 5.8% believed it to be unimportant. Therefore, most (84.4%) of the respondents found it to be crucial.

Next, prioritizing Black elders and aging populations received high support among all the factors analyzed. A substantial 50.2% believed Black seniors should be prioritized, while only 4.0% found it unimportant.

Lastly, when considering whether reparations would address systemic racism, there was a lack of strong support. While 18.7% believed in its effectiveness, 33.8% remained uncertain, and 8.4% did not think it would effectively address systemic racism.

In summary, the research findings indicate that household income, prioritizing people living in previously redlined communities, prioritizing transitional age Black youth, prioritizing Black people with disabilities, and prioritizing Black seniors have varying levels of support for reparations. Conversely, the length of time a recipient has lived in San Francisco, tracing ancestry as a requirement, and the effectiveness of reparations in addressing systemic racism received lower support. These findings provide insights into respondents' differing perspectives and priorities regarding reparations and eligibility criteria.

### **Recommendations :**

Based on the information above, the following policy recommendations are proposed for reparations in San Francisco:

1. Comprehensive Reparations Program: Develop and implement a comprehensive reparations program that addresses historical and ongoing discrimination Black residents face in San Francisco.

This program should include financial benefits, educational opportunities, housing assistance, and targeted support for entrepreneurship.

2. Economic Empowerment for Black Businesses: Provide financial benefits, such as grants and low-interest loans, to support the growth and sustainability of Black-owned businesses. Implement policies to reserve a percentage of public and private contracts for black-led firms.

3. Community Safety and Connectedness: Prioritize safety initiatives, including increased alternatives to incarceration and community-led initiatives for policing and creating safe spaces, particularly for children. Improve community cohesiveness through partnerships with local organizations to promote neighborhood connection.

4. Equitable Distribution of Services and Benefits: Ensure that services and financial benefits are distributed equitably among all San Francisco residents, regardless of neighborhood or socioeconomic status, to address disparities and promote inclusivity. Establish a low-barrier mechanism to receive access to services.

5. Support for Seniors, Elderly, and Disabled: Develop targeted programs and services to address the specific needs of seniors, elderly individuals, and disabled members of the Black community, including affordable housing, healthcare, transportation, and social support networks.

6. Access to Funding for Genealogy Research and DNA Testing: Allocate resources to fund genealogy research and free DNA testing to determine eligibility for reparations, ensuring inclusivity.

7. Holistic Approach to Reparations: Develop programs and initiatives that take a holistic and Afrocentric approach to reparations, addressing multiple areas of systemic discrimination, such as education, employment, and mental health services, and addressing intersectionalities.

8. Affordable Housing for Native San Franciscans: Prioritize affordable housing initiatives to enable native San Franciscans, including Black residents, to return to the city. Implement rent control measures, housing subsidies, and incentives for affordable housing development.

9. Equal Treatment and Accountability: Advocate for equal treatment under the law for all races and hold those responsible for perpetuating discrimination accountable. Implement policies to combat racial profiling and bias in the criminal justice system and ensure equal access to legal representation.

Increase data collection and transparency reporting standards in employment data for both the private and public sectors.

10. Mental Health Support: Address the over-medication and misdiagnosis of mental health issues within the Black community. Increase mental health services, promote culturally competent healthcare providers, and raise awareness to reduce stigma.

These policy recommendations aim to address the research findings on reparations in San Francisco and provide a framework for developing inclusive, equitable, and effective reparations programs. It is crucial to engage in ongoing dialogue with the community, policymakers, and relevant stakeholders to refine and implement these recommendations in a manner that respects the unique needs and aspirations of the Black community in San Francisco.

### **Conclusion:**

In conclusion, the research findings presented in this report highlight the urgent need for reparations in San Francisco and provide valuable insights into the diverse perspectives and priorities of the community. The overwhelming recognition of historical and ongoing discrimination against Black residents emphasizes the importance of redress and equitable distribution of services and benefits. The findings underscore the significance of addressing housing injustice and systemic racism and preserving history and culture. The recommendations in this report, including establishing a comprehensive reparations program, financial support for Black businesses, and prioritizing education and healthcare, provide a roadmap for rectifying past injustices and creating a more just and inclusive society in San Francisco.

The demographic analysis of survey participants reveals the relevance and significance of long-time residents' opinions and experiences in the discourse surrounding reparations. The diversity of age groups, gender identities, and racial and ethnic backgrounds represented in the survey underscores the need for inclusive dialogue and community engagement in addressing reparations and systemic racism. The findings also shed light on the concerns related to housing affordability, displacement, and the impact of gentrification on the perspectives of individuals within the community. These insights highlight the complex nature of the issue and the importance of considering a range of factors when formulating reparations policies.

The research findings also provide insights into the level of support for different eligibility criteria. While household income, prioritizing people living in previously redlined communities, and addressing the needs of vulnerable groups garnered substantial support, factors such as length of



residence and tracing ancestry received less support. These findings demonstrate the importance of carefully considering eligibility criteria to ensure equitable outcomes and address the historical and ongoing impacts of systemic racism in San Francisco.

**CITY AND COUNTY OF SAN FRANCISCO**

**BOARD OF SUPERVISORS**

**BUDGET AND LEGISLATIVE ANALYST**

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FAX (415) 252-0461

June 26, 2023

**TO:** Budget and Appropriations Committee

**FROM:** Budget and Legislative Analyst



**SUBJECT:** June 28, 2023 Budget and Appropriations Committee Meeting

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<p><b>Item 1</b>  <b>File 23-0313</b>  <i>(Continued from 6/9/23 meeting)</i></p>	<p><b>Department:</b>                  Human Rights Commission</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <ul style="list-style-type: none"> <li>The proposed ordinance would appropriate \$50 million of General Fund General Reserve for the establishment of the Office of Reparations under the Human Rights Commission.</li> </ul> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>In 2020, the Board of Supervisors passed an ordinance establishing the San Francisco African American Reparations Advisory Committee (AARAC) to advise the Board, the Mayor, the Human Rights Commission, and the public on the development, adoption, and implementation of a San Francisco Reparations Plan. The AARAC’s draft report was published in December 2022 and details an extensive history of racial discrimination in San Francisco against Black residents and businesses. The draft report provides recommended actions related to economic empowerment, education, health, and public policy. The final report is expected to be issued June 30, 2023.</li> <li>One of the AARAC recommended actions is to create an Office of Reparations within the City as a measure of community accountability to implement the AARAC recommendations. Other AARAC recommended actions include programming not currently provided by the City.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>Based on our review of the organizational chart of the Human Rights Commission and scope of the AARAC’s draft recommendations, we estimate that the Office of Reparations would require three City staff, administrative support, and specialized professional services.</li> <li>The two-year cost of the Office would be \$1.6 million, with \$48.4 million of the proposed appropriation remaining for programming, which would be informed by the task force recommendations and Human Rights Commission Director.</li> <li>Given the scope of the AARAC draft recommendations, the proposed \$50 million is not sufficient to implement all recommended actions. It would, however, provide an opportunity to pilot new programming.</li> </ul> <p style="text-align: center;"><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>We consider approval of the proposed ordinance a policy matter for the Board of Supervisors because it would fund the establishment of a new division of the Human Rights Commission to implement new programming.</li> </ul>	

**MANDATE STATEMENT**

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

**BACKGROUND**

In 2020, the Board of Supervisors passed an ordinance<sup>1</sup> establishing the San Francisco African American Reparations Advisory Committee (AARAC) to advise the Board, the Mayor, the Human Rights Commission, and the public on the development, adoption, and implementation of a San Francisco Reparations Plan that determines the scope and eligibility of a citywide reparations program, examines structural discrimination, and proposes institutional reforms (File 20-1190).

The first meeting of the AARAC took place on June 1, 2021. The AARAC focused its work on four issue areas including Economic Empowerment, Education, Health, and Policy. Each subcommittee held public meetings with experts and public input to refine recommendations. The AARAC's draft report published in December 2022 and details an extensive history of racial discrimination in San Francisco against Black residents and businesses. The report also outlines recommendations to redress discriminatory government practices that have created generational harm and disparate social outcomes for San Francisco's African American residents. According to the United Nations as quoted in the AARAC draft report, reparations consist of: (1) cessation, assurances and guarantees of non-repetition; (2) restitution and repatriation; (3) compensation; (4) satisfaction; and (5) rehabilitation.

The draft report includes three overall recommended actions, which emerged consistently across the four issue areas, as well as specific objectives and recommendations for each issue area. The final report is expected to be issued June 30, 2023.

As shown in Exhibit 1 below, one of the overall recommendations is to create an Office of Reparations within the City as a measure of community accountability to implement the AARAC recommendations.

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<sup>1</sup> File 20-1190 was approved December 18, 2020. The ordinance requires the AARAC to submit to the Board of Supervisors a draft San Francisco Reparations Plan. The Board may act by resolution to accept, reject, or modify the draft plan. The AARAC must submit a final plan incorporating feedback received from the Board, the Mayor, the Human Rights Commission, and the public in response to the draft plan.

<https://sfgov.legistar.com/View.ashx?M=F&ID=9024111&GUID=62CFC079-20DA-41C4-B048-C07BF494E6CC>

**Exhibit 1: AARAC Draft Overall Recommendations**

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- 1 The City and County of San Francisco and its agencies should issue a formal apology for past harms, and commit to making substantial ongoing, systemic, and programmatic investments in Black communities to address historical harms

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  - 2 Establish an independent Office of Reparations within the City to execute the reparations plan. This agency must be charged with tracking and ensuring the continued success of programs that come out of these recommendations

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  - 3 Create and fund a committee of community stakeholders - such as a Reparations Stakeholder Authority or similar - to ensure equity and continuity in the implementation of relevant policy initiatives, independent of the City and County of San Francisco

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Source: Draft AARAC Report, December 2022

Objectives and recommendations for each of the four issue areas from the draft report are provided in Attachment 1, which was prepared by the AARAC. The AARAC recommended actions include programming not currently provided by any City program.

**California Task Force**

The issue of reparations is also being explored statewide. California Assembly Bill 3121 enacted in 2020 established a state Task Force to study and develop reparations proposals for Black Americans. An interim report was issued in 2022 and a final report is expected to be issued before July 1, 2023.<sup>2</sup> Preliminary recommendations address issues of housing segregation, unequal education, political disenfranchisement, environmental injustice, employment, legal system, health, and the wealth gap, among others.<sup>3</sup>

**DETAILS OF PROPOSED LEGISLATION**

The proposed ordinance would appropriate \$50 million of General Fund General Reserve for the establishment of the Office of Reparations under the Human Rights Commission.

**Office of Reparations**

The purpose of the Office of Reparations would be to implement recommendations made by the San Francisco African American Reparations Advisory Committee (AARAC) in their draft report.

Initial duties of the Office could include developing legislative and policy proposals for the Mayor and the Board of Supervisors, developing programming and investment criteria, and ongoing community outreach. The Office would also need legal advice on how to implement new reparations programming.

---

<sup>2</sup> Source: California Department of Justice, <https://oag.ca.gov/ab3121>

<sup>3</sup> <https://oag.ca.gov/system/files/media/ab3121-interim-report-preliminary-recommendations-2022.pdf>

**FISCAL IMPACT**

Based on our review of the organizational chart of the Human Rights Commission and scope of the AARAC’s draft recommendations, we estimate that the City staff necessary for the creation of the Office of Reparations would include one manager (1824 Principal Administrative Analyst), one policy analyst (1823 Senior Administrative Analyst), and one community staff person (9774 Senior Community Development Specialist I). Final decisions regarding staffing would be subject to the Board of Supervisors’ approval. In addition, we estimate approximately \$200,000 per year in costs for professional services (such as legal, actuarial, or other specialized research), pro-rated at 50 percent in year one of the Office, as well as funding for administrative support for the office, based on 15 percent of City staff costs.

As shown below in Exhibit 2, we estimate two-year costs to be \$1.6 million, with \$48.4 million of the proposed appropriation remaining for programming, which would be informed by the task force recommendations and Human Rights Commission Director.

**Exhibit 2: Estimated Two-Year Cost for the Office of Reparations**

Job Classification	Duties	FY 2023-24 FTE	FY 2023-24 Cost	FY 2024-25 FTE	FY 2024-25 Cost	Two-Year Total Amount
1824 Principal Administrative Analyst	Oversight of the office and legislation development	0.79	\$171,989	1.00	\$223,459	\$395,448
1823 Senior Administrative Analyst	Developing programming and investment criteria	0.79	\$150,390	1.00	\$195,563	\$345,953
9774 Senior Community Development Specialist I	Community outreach and educating the public	0.79	\$142,510	1.00	\$185,242	\$327,752
<b>Subtotal, City Staff</b>		<b>2.37</b>	<b>\$464,889</b>	<b>3.00</b>	<b>\$604,264</b>	<b>\$1,069,153</b>
Administrative Support (15%)			\$92,978		\$120,853	\$213,831
Professional Services			\$100,000		\$200,000	\$300,000
<b>Total</b>			<b>\$657,867</b>		<b>\$925,117</b>	<b>\$1,582,984</b>

Source: BLA Analysis

Notes: Positions costs include salary and fringe benefits at the top step of the classification. Actual staff costs may be lower due to delays in hiring and/or positions filled at lower steps of the salary range.

Given the scope of the AARAC draft recommendations, the proposed \$50 million is not sufficient to implement all recommended actions. It would, however, provide an opportunity to pilot new programming.

### **General Reserve**

Administrative Code Section 10.60 requires the City to budget a General Reserve of at least 3.0 percent of General Fund revenues to address revenue weakness, excess spending, or other needs not anticipated during the annual budget process. The balance requirement is reduced to 1.5 percent of General Fund revenues if the City withdraws from the Rainy Day Reserve and then increases 0.25 percent per year until the 3.0 percent balance requirement is fully restored. The General Reserve balance is required to be 1.75 percent of budgeted regular General Fund revenues in FY 2022-23 and 2.00 percent of budgeted General Fund Revenues in FY 2023-24.

According to the Controller's Office FY 2022-23 Nine-Month Budget Status Report, the FY 2021-22 ending balance of the General Reserve was \$43.8 million, and the FY 2022-23 approved budget includes a \$64.4 million deposit. In the current year, the Mayor and the Board of Supervisors have appropriated \$50.4 million of the General Reserve for Police overtime and street cleaning, resulting in a projected year-end balance of \$57.8 million. In FY 2023-24, the required deposit is projected to be \$70.8 million, resulting in a \$128.6 million balance at the end of FY 2023-24.

If the Board of Supervisors approves the appropriation from the General Reserve to establish the Office of Reparations and implement the AARAC's recommendations, the General Reserve balance would be reduced by \$50.0 million to \$7.8 million at the end of FY 2022-23. Any uses of the reserve during the current year (FY 2022-23) will increase the required deposit in the budget year (FY 2023-24) by a like amount.

### **RECOMMENDATION**

We consider approval of the proposed ordinance a policy matter for the Board of Supervisors because it would fund the establishment of a new division of the Human Rights Commission to implement new programming.

1 [Supporting a Reparations Plan and Advisory Committee]

2

3 **Resolution supporting a reparations plan that will comprehensively address the**  
4 **inequities that exist in the African American community as a result of slavery’s legacy**  
5 **of systemic oppression and creation of an advisory committee for the African**  
6 **American community.**

7

8 WHEREAS, African Americans were enslaved in the United States from 1619 to 1865,  
9 when slavery officially ended with the ratification of the 13th Amendment; and

10 WHEREAS, The trauma of slavery has remained throughout generations for the  
11 African American community and exists today; and

12 WHEREAS, The legacy of slavery continues to manifest in education disparities for the  
13 African American community; schools with majority African American students suffer from  
14 fewer material resources, advanced classes, experienced teachers, and school counselors,  
15 and lower completion rates, ultimately leading to lower acceptance rates at top universities;  
16 and

17 WHEREAS, In San Francisco, only 26% of African American students met state  
18 standards in the 2015-2016 school year, compared with 85.4% of white students; and

19 WHEREAS, The legacy of slavery continues to manifest in housing disparities for the  
20 African American community; and

21 WHEREAS, From 1934 to 1968, the Federal Housing Administration carried out a  
22 policy of “redlining,” refusing to back loans for African Americans; this forced African  
23 Americans to live in poor, under-resourced neighborhoods and strongly hindered wealth  
24 accumulation among African Americans; and

25



1           WHEREAS, Because of low property value in previously redlined areas, landlords and  
2 investors have specifically targeted these areas for redevelopment and gentrification; as a  
3 result, to clear these areas for redevelopment, redlined areas in San Francisco are more  
4 affected by foreclosures on high-interest loans and no-fault evictions via recent laws like the  
5 Ellis Act than non-redlined areas in San Francisco; for example, folks living in Bayview  
6 Hunters Point, with a zip code of 94124, a predominantly African American neighborhood and  
7 previously redlined neighborhood, are 5 times more likely to face foreclosures than folks living  
8 in the Marina, with a zip code of 94129, a predominantly white neighborhood and not  
9 previously redlined; and

10           WHEREAS, The legacy of slavery continues to manifest in overcriminalization of the  
11 African American community; and

12           WHEREAS, African Americans in San Francisco are 7.7 times more likely than white  
13 San Franciscans to be arrested; once arrested, African Americans are more likely to be  
14 convicted, and once convicted, they are more likely to experience lengthy prison sentences;  
15 and

16           WHEREAS, In San Francisco, these disparities have led to African Americans making  
17 up 41% of those arrested, 43% of those booked into jail, 38% of cases filed by the Office of  
18 the District Attorney, and 39% of new convictions despite making up only 6% of San  
19 Francisco's population; and

20           WHEREAS, The legacy of slavery continues to manifest in health disparities for the  
21 African American community; African American neighborhoods consistently have fewer  
22 healthy food options than white neighborhoods; this, in combination with predatory advertising  
23 by unhealthy food and drink companies, has led to African Americans having higher rates of  
24 diabetes, obesity, heart disease, and tooth decay among other disparities in cancer rates and  
25 mental health diseases; and

1           WHEREAS, In San Francisco, African Americans are 6.7 times more likely to be  
2 hospitalized by diabetes, 3 times more likely to have high blood pressure, 7 times more likely  
3 to have tuberculosis, and have an average life expectancy of ten fewer years than white San  
4 Franciscans; and

5           WHEREAS, Reparations are a financial recompense for African Americans whose  
6 ancestors provided free labor for hundreds of years and lived through the Jim Crow era; the  
7 enslavement and overall persecution of African Americans in the United States has enriched  
8 the United States and created disparities in income, wealth, and education between blacks  
9 and whites; reparations are needed to reduce these current-day legacies of slavery and Jim  
10 Crow; and

11           WHEREAS, The City and County of San Francisco has previously acknowledged the  
12 wrongs of history towards African Americans in 2006 through Chapter 12Y: The San  
13 Francisco Slavery Disclosure Ordinance, which requires insurance companies, financial  
14 services firms, and textile companies, either directly or through their parent entities,  
15 subsidiaries, predecessors in interest, or otherwise engaged in slavery or the slave trade to  
16 disclose their history; now, therefore, be it

17           RESOLVED, That the San Francisco Board of Supervisors intends to create an  
18 advisory committee housed under the San Francisco Human Rights Commission to create a  
19 reparations plan that will comprehensively address the inequities that exist in the African  
20 American community as a result slavery's legacy of systemic oppression; this committee will  
21 be the first of its kind; and, be it

22           FURTHER RESOLVED, That this reparations advisory committee will include input  
23 from the African American community on prioritizing reparations addressing education,  
24 housing, violence prevention, workforce development, economic opportunities, financial  
25 stability, small businesses, transportation, health disparities, food insecurity, and

1 overcriminalization to achieve a comprehensive and true reparations plan to alleviate the  
2 residue of oppression from slavery that continues to plague the African American community  
3 in San Francisco.

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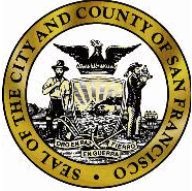
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**City and County of San Francisco**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Tails  
Resolution**

**File Number:** 200149

**Date Passed:** August 18, 2020

Resolution supporting a reparations plan that will comprehensively address the inequities that exist in the African American community as a result of slavery’s legacy of systemic oppression and creation of an advisory committee for the African American community.

August 10, 2020 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

August 10, 2020 Rules Committee - RECOMMENDED AS AMENDED

August 18, 2020 Board of Supervisors - ADOPTED

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee

Excused: 1 - Safai

File No. 200149

**I hereby certify that the foregoing Resolution was ADOPTED on 8/18/2020 by the Board of Supervisors of the City and County of San Francisco.**

**Angela Calvillo  
Clerk of the Board**

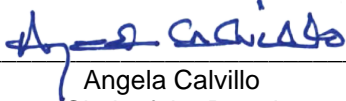
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Unsigned

**London N. Breed  
Mayor**

\_\_\_\_\_  
08/28/2020

**Date Approved**

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



---

Angela Calvillo  
Clerk of the Board

08/28/2020

---

Date

File No.  
200149



# DISINVESTMENT OF SAN FRANCISCO'S AFRICAN AMERICAN COMMUNITY 1970-2022



Photo: courtesy San Francisco Redevelopment Agency



Photo: Robert H. Houston/AP



Photo: San Francisco History Center/San Francisco Public Library

# **Disinvestment of San Francisco's African American Community 1970-2022**

Report Prepared for the San Francisco Human Rights Commission  
By Stanford Law School Law and Policy Practicum and Martin Daniel Gould Center for Conflict Resolution  
Policy Practicum 8080 San Francisco Human Rights Commission  
Spring 2022 and Fall 2022

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Elisabeth Andrews and Cathleen Small devoted an enormous amount of time and creative skill to transform eighteen research papers into one manuscript. We are immensely grateful.

## **Project Advisor**

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Our great thanks to Luciana Herman of Stanford Law School, who supported our early vision for this project, provided invaluable guidance throughout the development and tenure of the class, and piloted production of the report.

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Our partners were extraordinary in collaborating with us to frame the research questions and share their lived experiences of the disinvestment of San Francisco's African American community. We are especially indebted to our clients, Dr. Sheryl Davis, Director of the San Francisco Human Rights Commission, and Mr. Eric McDonnell, Chair of the San Francisco African American Reparations Advisory Committee; Dr. Cheryl Grills and Don Tamaki from the California Task Force; and Fania Davis of the San Francisco Truth, Justice, and Reconciliation Commission, co-led by the San Francisco District Attorney's Office and the W. Haywood Burns Institute/Grassroots Law Project. Juell Stewart, Tinisch Hollins, Brittnei Chicuata, and members of the San Francisco African American Reparations Advisory Committee generously gave of their time to confer and share contacts with knowledge of San Francisco's history and records.



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## Methodology

The San Francisco Human Rights Commission (SFHRC) has been tasked by the San Francisco Board of Supervisors to propose policies to repair enduring historical harms to the San Francisco's Black community. To that end, the SFHRC formed an African American Reparations Advisory Committee (AARAC). The SFHRC asked Stanford Law Gould Center for Conflict Resolution to develop a policy lab practicum to assist with a report on the history of Black disenfranchisement in San Francisco and propose a workshop proposal for a community-led oral history.



The policy lab studied the key laws and public and private policies that resulted in racial disparities. Specifically, the lab focused their research on housing: the legal, social, and political restrictions that prevented Black residents of San Francisco from buying or owning a home. That economic and social harm of housing discrimination was and continues to be exacerbated by education and income inequality, environmental injustice and health inequity, a racial wealth gap, criminalization and police violence, and a torn social community.

The goal of the project was to identify and quantify those harms. In each of the two terms that students worked on the project, nine students organized into five working

groups. Each reviewed the literature on Black disinvestment in this country, in California, and in San Francisco. Students met with members of the SFHRC and SFAARAC and observed hearings by both bodies in 2022 and 2023. This background research has served to ground the enormous work done by the AARAC to create recommendations for reparation and recovery. L'Nard Evans Tufts II prepared a workshop proposal for a community-led oral history of the lived experiences of San Francisco's Black community, attached as an appendix hereto.

## Background

Hundreds of governmental, private, and community efforts across the United States are seeking to chronicle the history of disenfranchisement from the institution of slavery through Jim Crow, “separate but equal,” and redlining, to the present and continuing systems of disinvesting African Americans. We especially note the undertaking of the California Task Force, which was launched by the California Secretary of State pursuant to Assembly Bill 3121. In parallel, and the focus of this report, is an effort to detail the governmental (federal, state, and local) and private harms launched against San Francisco African Americans from 1970 to the present. The San Francisco effort aims to record the past and ongoing harms perpetrated by local municipalities and to propose reparations and restitution of those harms. This process regrettably asks the traumatized to make their case while being further traumatized.

In the Spring of 2022, Stanford Law School’s Law & Policy Lab teamed up with the San Francisco Human Rights Commission (SFHRC). The Policy Lab course immersed students in collaborative and interdisciplinary thinking to detail the past and ongoing abuses. It brought together students from across Stanford, calling on their varied academic backgrounds and expertise in political, social, anthropological, medical, and legal domains to detail and quantify the harms in a credible and meaningful way. This report seeks to lay a foundation for acknowledging the harms—tangible and intangible—in sufficient detail to support the San Francisco African American Reparations Advisory Committee (SFAARAC) report on a framework for policies to move from civic will to political will to repair those harms.

Rethinking Systems Design for Racial Justice and Equity was the theme of a symposium in February 2022 at Stanford Law School (SLS), a collaboration with the Divided Community Project at the Ohio State University Michael E. Moritz College of Law’s Program on Dispute Resolution and Harvard Negotiation and Mediation Clinical Program. SLS offered two policy lab courses in Spring and Fall 2022 and engaged the SFHRC Reparations Committee as its client to study the key housing policies and laws that resulted in relevant racial disparities in housing, education, health, and intergenerational wealth. The SLS symposium presented two panels, the first of which featured Dr. Cheryl Grills and Don Tamaki from the California Task Force; Dr. Sheryl Davis, Executive Director of the San Francisco Human Rights Commission; Eric McDonnell, Chairman of the African American Reparations Advisory Committee; and Fania Davis of the San Francisco Truth, Justice, and Reconciliation Commission, co-led by the San Francisco District Attorney’s Office and the W. Haywood Burns Institute/Grassroots Law Project. The panelists shared insights on their deep understanding of San Francisco’s experience.

Housing forms the core means of disinvestment of non-White communities. The history of spatial harms to Black San Franciscans starts from the influx of Black workers during World War II. The subsequent destruction of the Black Fillmore in the name of development continues today through gentrification, high-priced single-family homes, and the privatization of public housing. The City’s political economy prioritized growth and development. The consequence of these racist policies—public and private—was to prohibit home ownership and financing and push Black residents out of San Francisco. From the 1860s to turn of the century, San Francisco began to draw physical boundaries around non-White activity and access to resources. Employment restrictions combined with the 1906 earthquake to drive more Black residents out of San Francisco. The first official zoning code began the formal process of excluding

communities of color in the interests of White property values. Racially restrictive covenants excluded non-White buyers; federal programs reinforced these exclusions by restricting loan programs to White residents. Employment improved in World War II. Black business and culture thrived in the Fillmore District, known as the “Harlem of the West.” Postwar, deindustrialization, and discriminatory hiring practices contributed to crowding conditions in Black neighborhoods, which were in turn used as justification for demolishing Black homes and businesses in a federally enforced process termed “urban renewal.” The demolition of the Fillmore was one of the worst periods of anti-Black city policies in San Francisco’s history. Redevelopment plans were carried out in two phases, forcibly removing families from their homes, destroying businesses, and displacing a total of 20,000 to 30,000 San Franciscans.

In the 1970s, San Francisco experienced the spatial rearrangements of deindustrialization. In the next two decades, politics had severe impacts. The Residential Rezoning Act of 1978 reinforced racial segregation in San Francisco by prioritizing single-family, low-density development and restricting housing stock. High-priced housing stock and urban renewal priced more Black residents out of the city. The 2000s saw San Francisco experience the development imperative of the dot-com and tech booms, which pushed widespread evictions across the city and a reshaping of the racial geography to exclude Black people. After decades of disinvestment, state abandonment, displacement, and gentrification, most Black San Franciscans have been pushed out of the city entirely, and those who remain are largely confined to low-wage employment, segregated neighborhoods, and high rates of homelessness.

A review of this history lays out a system of policies and partnerships that produced unequal outcomes for Black San Franciscans, for which the City itself is squarely responsible. It is apparent from this timeline that from the city’s very beginnings, anti-Blackness was part and parcel of the city’s political economy and social fabric. The City, as the body responsible for producing and maintaining a racialized, unequal political economy and the spatial arrangements it requires, is responsible for these housing-based harms. A case study of the Victorian Village in the Fillmore District describes a concrete example.

The remainder of our report traces how this nexus of housing injustice manifested in residential segregation, unequal development, displacement, and gentrification has continually produced concomitant inequalities in related areas: education and employment, environment and health, and culture and family.

First, housing discrimination has concrete consequences on the wealth gap between White and non-White communities. Without access to homeownership, Black residents have lacked the financial leverage and tax benefit that owning a home can bestow. This is part of the “Black tax.” Black homeowners have been subjected to discriminatory appraisals and property tax assessments. Federal programs since World War II have prevented Black Americans from amassing wealth through programs that enabled White Americans to buy homes, start businesses, fund college education, and tap small business loans—a massive transfer of intergenerational wealth to White Americans. The Black-White wealth gap remains the same as it was in 1950. In San Francisco, it far exceeds the national average.

For those who did manage to buy homes and start businesses in the Fillmore District, the San Francisco Redevelopment Agency (SFRA) used eminent domain to acquire and destroy close to

6,000 units of housing in the Black Western Addition and Bayview-Hunters Point neighborhoods. The Black-White wealth gap provides an explicit quantitative measure of the financial harm caused by racial discrimination. Using quantitative and legal methodologies to assess and measure damages reveals a conservative estimate of the wealth stolen from Black San Franciscans at more than \$42 billion.

The first in a series of compounding harms that flow from housing is the effect on education and employment. Racial disparities are often framed as a “gap” between that experienced by Black and White residents, e.g., wealth gap and academic gap. Setting White academic achievement as the goal emphasizes a Eurocentric standard of success and minimizes the impact of systemic racism on all people of color. Not only is there a quantified disparity, but there is also a more intangible, unquantifiable, and often invisible harm through policies of segregation, exclusion, and subjugation. In addition to driving away Black residents from White residential communities, racially restrictive covenants, displacement, and other discriminatory housing policies serve to exclude Black children from San Francisco public schools. Schools with higher Black student enrollment receive less funding and resources from the City, and Black students are subject to disproportionate punishment and racist stereotyping, which impairs students’ academic progress as well as their well-being. Lack of access to equal academic opportunity leads to disparate future outcomes in college readiness, educational attainment, employment, health, and median income.

Another compounding harm relates to Black employment. Discriminatory housing and an influx of middle-class and wealthy workers has pushed Black San Franciscans out of many city neighborhoods and distanced them from the city’s most lucrative employment opportunities. Despite a booming economy, Black residents are left behind as they face challenges in education preparedness, discriminatory hiring, and housing and transportation costs.

Environmental injustice compounds the harms of housing redlining and segregation. Contaminant exposure from air pollution and radioactive waste coupled with situating pollution-producing industries and highways in Hunters Point Naval Shipyard has resulted in inadequate monitoring and minimal regulatory enforcement.

A recent community health needs assessment, a comprehensive report on the health of San Franciscans, states that “poverty and racial health inequities were identified as a structural and overarching issue which must be addressed” (“Community Health Needs Assessment 2019”). The diminished access to health care in segregated neighborhoods is amplified by poverty and by asthma in Bayview-Hunters Point and the Western Addition (air pollution and insufficient monitoring, wastewater treatment plant). Quantifying the cost of asthma treatment in this neighborhood alone is more than \$2 million per year.

Residential racial segregation in San Francisco contributes to stark inequities in the criminal justice system. The racialization of housing relates to how Black San Franciscans are characterized and treated by police. Subsequent rates of incarceration, houselessness, and school-to-prison pipeline are closely intertwined with the harms of the criminal justice system, with further negative impacts on families and communities.

An intangible but overarching and dominant harm is how housing disparities strain Black families, communities, and culture. Black institutions and culture in early San Francisco created a sense of community, advocacy, and mutual support. The physical destruction of the Fillmore devastated not only the physical space, but the community's social support system of families, community, and culture. Safe and affordable housing, opportunities for healthy living and employment, availability of green spaces, and a vibrant arts and culture scene all contribute to a sense of place where people feel a sense of belonging and rootedness.

## Introduction

The San Francisco Human Rights Commission (SFHRC) has been tasked by the San Francisco Board of Supervisors to propose policies to repair enduring historical harms to San Francisco's Black community. To that end, it has formed an African American Reparations Advisory Committee (SFAARAC). The SFHRC has asked the Stanford Law School Gould Center for Conflict Resolution to prepare a report on the history of Black disenfranchisement in San Francisco, with a quantification of the harms, tangible and intangible, that could support a framework for reparations.<sup>1</sup>

The “badges and incidents” of slavery can be understood as those things that symbolize and enforce a system that denied autonomy in all spheres of Black existence, from physical to residential to political to spiritual. They epitomize the false narrative that African Americans do not possess the capacity for—or should not be allowed to possess the powers of—self-definition, autonomy, and self-actualization. This report will address how San Franciscans’ housing and land use practices and policies imposed the badges and perpetuated the incidents of White supremacy. The creation and subsequent decimation of the Fillmore community will serve as metaphor for the City’s othering, marginalization, and oppression of African Americans throughout the city.

This report extends research undertaken by the San Francisco Reparations Task Force, a panel that has recently approved the existence of historical discrimination that limited the civic and economic opportunities available to Black Californians (see SFAARC Task Force meeting May 6, 2023). Such limitations include voting and political representation, access to housing and education, and disproportionate policing and incarceration. This report proposes an array of reparations that would help the descendants of California’s Black residents access opportunities that have been restricted by the complex legacy of US- and state-based racial policies.

The first half of the report, Part 1, details San Francisco’s discriminatory history of housing and land policy that has segregated the city and cost Black residents billions of dollars in wealth.

- Chapter 1 traces San Francisco’s history from the mid-nineteenth century to the present day, naming and describing the City’s role in creating and perpetuating racial segregation and displacing Black San Franciscans out of the city entirely through spatial control: zoning, covenants, redlining, and terror; urban redevelopment and renewal; and gentrification. The subsequent parts demonstrate the effects of these racist policies and partnerships that persist today across all sectors of Black life.
- Chapter 2 takes a close look at the impact of San Francisco’s urban renewal programs and the destruction of the Fillmore through a case study of the Victorian Village properties; their story serves to connect different phases of City’s policy history to a continuous story of harm.

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<sup>1</sup> See NAACP statement on reparations at <https://naacp.org/resources/reparations>. For history of reparations in the United States, see Allen J. Davis, Ed.D. “An Historical Timeline of Reparations Payments Made From 1783 through 2023 by the United States Government, States, Cities, Religious Institutions, Universities, Corporations, and Communities.” *University of Massachusetts Amherst*, <https://guides.library.umass.edu/reparations>.



- Chapter 3 connects San Francisco’s policy history to present disparities in wealth and intergenerational economic advancement.

Part 2 of the report demonstrates the effects of racist housing and policy across all sectors of Black life.

- Chapter 4 describes how San Francisco has experienced segregation, desegregation, and resegregation, which has furthered educational inequality. Diminished educational access leads to diminished employment opportunities and income.
- Chapter 5 examines income inequality in San Francisco. The City’s status as an international tech hub has negatively impacted Black residents’ employment outcomes while significantly increasing the cost of living. Black San Franciscans have been both pushed out of the city limits by high housing costs and excluded from the tech sector’s most lucrative positions.
- Chapter 6 describes another harm with a nexus to housing—environmental injustice. Environmental harms span pollution from transportation and sewage treatment to concrete and sand facilities to radioactive waste from the naval shipyard. The cost is borne by residents—primarily in Black neighborhoods—in the form of treatment expenses and shortened lives.
- Chapter 7 traces the consequences of racial residential segregation and incidence of poverty on the Black population’s access to health care and healthy environments.
- Chapter 8 describes criminal justice and policing disparities that arise from the ghettoization of Black communities in San Francisco and constitute further compounding harms. Racial profiling without probable cause, arrest probabilities, use of force, homelessness, bail policies, school-to-prison pipeline, and the impact of incarceration on families and communities set a foundation of quantifiable harms.
- Finally, Chapter 9 describes the social fabric of the Black population and the significant but less tangible harms of these disinvestment actions on the family, the culture, and the community.

The goal for the SFAARAC is to lay a foundation for why significant reparations are legally and morally owed to members of our San Francisco community. It builds on the City’s tradition of equity that has acknowledged harms rooted in the Japanese internment, among other examples. It further implies the benefits that accrue to the extended community by ameliorating the legacy of such harms. We hope that this work will advance the City’s capacity and political will to provide equal opportunities for all its citizens.

## **Part 1: San Francisco's History of Housing and Land Discrimination and Harm to Its Black Residents**

This report traces the history of segregation, displacement, and other harms to Black San Franciscans in the realms of land and housing throughout the city's history. This history of spatial harms to Black San Franciscans starts from the influx of Black workers during World War II, moves to the destruction of the Black Fillmore, and continues to today's gentrification and astronomical housing prices, tracing a path through distinct phases of the city's political economy.

Since its founding, San Francisco has been a city oriented toward and reliant on growth and the resultant development. It was an outpost of American military power in the West, then a site of gold extraction and profit, then a trade center and metropolis, then a center of World War II industrial production, and finally a hub of modern techno-capitalism. As the city grew and developed through these different phases of political economy, it had to contend with complex spatial questions, such as where people would live and where profit-making industries and firms would go. In San Francisco, the answers to these questions have always led to the structural abandonment and displacement of Black people, first putting them in substandard temporary housing during the World War II shipbuilding boom, then segregating them into the Fillmore District before demolishing the neighborhood for redevelopment, then continually pushing them out of the city as it transformed into a wealthy center of the tech economy. It is essential to recognize San Francisco's role in American capitalism and the imperative to constantly grow and develop in order to understand how these transformations facilitated the harms wrought upon the Black community of the city.

From the early 1970s up until the present, conflicts between anti-growth advocates and pro-growth camps have emerged from the spatial questions of deindustrialization and subsequent tech booms and have produced a limited, overwhelmingly single-family housing market that has pushed Black San Franciscans into less resourced neighborhoods and in a large part out of the city entirely (Hu; Oatman-Stanford, "Bad Design"). The city's focus on development oriented toward the rise of techno-capitalism resulted in a compression of Black neighborhoods, an overwhelming turn to high-cost single-family housing, and the privatization of public housing. These conditions meant low-income Black San Franciscans were either evicted from their homes or simply priced out of the city's housing market, leading to the astonishingly small size of the Black community in San Francisco today: 3% to 5% of the population, compared to 13.4% in 1970 (US Census Bureau, "QuickFacts").

Over this period, the global rise of neoliberalism constructed "the hegemony of growth [which] fundamentally transformed the state's tasks, purpose, and legitimacy, all of which became linked to growth and thus to the economy" (Schmelzer et al. 44). California as a state was a prime example of neoliberalization of state capacities, and San Francisco's gradual transition into a hub of tech production—the beating heart of modern globalized capitalism—made it a center of the transformation (Gilmore). Becoming a home to tech companies and tech workers within this paradigm required growth, and that growth had a spatial dimension that continued to reshape the city's racial geography. In urban spaces today, there is "a 'growth coalition' or 'growth machine' of elites (primarily developers and politicians) who seek to spur and manage urban growth for the sole purpose of profit, functioning as a kind of real-estate state. This combined process is a key part of the 'treadmill of production,' which refers to an infrastructural web of urban development, construction, production, and consumption that works together to further capitalist

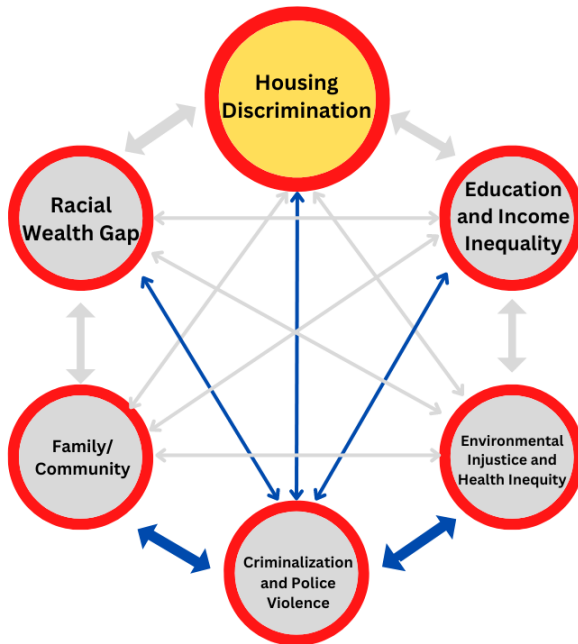
accumulation—for example, through suburbanization; malls; large, useless megaprojects; gentrification; highways; and so on” (Schmelzer et al. 126).

In San Francisco, the growth coalition is remarkably salient and became particularly so in the period following the Fillmore—tracing the history of development, both residential and commercial, from the 1970s on reveals a consistent push from this growth coalition to develop the city according to its needs, suburbanizing poverty and gentrifying unprofitable or unproductive neighborhoods (Hu; Oatman-Stanford, “Bad Design”). Furthermore, it was the conflicts between anti-growth advocates, who sought to preserve the less-developed city they knew, and the growth coalition that resulted in a housing market that was filled overwhelmingly with single-family homes and was prohibitively expensive for most Black San Franciscans. The rest of this section will document the development of this history from the founding of San Francisco to the present, how this history created San Francisco’s contemporary racial geographies, and the harms inflicted *by the City itself* on Black San Franciscans through this process.

## Chapter 1: Historical Timeline - How San Francisco Built an Unequal City

*“I mean outside of this district time marches on... They build better and they have better, but you come down here and you see the same thing year after year after year. People struggling, people wanting, people needing, and nobody to give anyone help.”*

—Mrs. Jacqueline Taylor, Black resident of San Francisco (US Commission on Human Rights)



San Francisco is a city with a long Black history. During the early decades of western settlement, many diverse groups, including African Americans, flocked to California in search of greater economic mobility and freedom. But they were met with increasingly racist policies that created, solidified, and perpetuated housing segregation across centuries. Through racialized zoning, redlining, discriminatory lending practices, and the forced removal and destruction of entire African American neighborhoods, the City of San Francisco has decimated its Black population.

Today, San Francisco may look like a bastion of opportunity: a booming startup culture, sleek innovations in technology, and a rapidly growing housing market. But opportunity for whom, and at what

expense? The present reality obscures the decades of forced displacement and gentrification that undergird the city’s development. The very growth that produced this mecca of techno-capitalism today has continually displaced and harmed Black San Franciscans, from early zoning codes with explicit racial provisions to racially coded “urban renewal” to growth conflicts resolved by the prohibition of dense and affordable development.

Chapter 1 of this report traces San Francisco's history from the mid-nineteenth century to the present day and will demonstrate how the effects of racist policies and partnerships persist across all sectors of Black life, explain why Black people make up just 5.7% of the city’s total population today, and why those who remain experience vastly higher rates of poverty, homelessness, lower-quality education, and environmental injustice (Dickey, “Dear San Francisco”).

## **Early Settlement Through 1860: First Black Arrivals and Departures**

**SUMMARY:** Although the Gold Rush attracted Black as well as White settlers to California (admitted to the Union as a free state in 1850), the San Francisco area was largely hostile to Black arrivals. Fugitive slave laws and lack of access to the justice system combined with restrictions on employment, education, and medical care to drive many of the first Black families of San Francisco to leave the area.

### **Early Settlement and Gold Rush**

During the initial Euro-American settlement of California, people living in what is now San Francisco included those of African descent and Black Americans from within the US (San Francisco Planning Department et al.). When gold was discovered in 1848, San Francisco's population saw massive growth, with Black residents making up 2% of those living in the city by 1860 (San Francisco Planning Department et al. 16).

### **Fugitive Slave Act Prevents Black Freedom in California**

Though admitted as a free state in 1850, California did not recognize basic rights for Black people. The Compromise of 1850 allowed California to join the Union in exchange for passing the Fugitive Slave Act, which criminalized harboring escaped slaves (California Task Force 18). California's Fugitive Slave Act "compelled California's Black residents to prove that they had lived in the state before statehood" (California Task Force 18) or risk being sold into slavery. California not only denied Black residents the vote for its first three decades (California Task Force 9) but also prohibited non-White residents from testifying against White people in court, effectively blocking any recourse to justice (California Task Force 131).

### **City Restricts Employment, Education, and Medical Care**

Black San Franciscans were barred from nearly all professional jobs in the city during the 1850s, left largely to self-employment, culinary, or maritime jobs (San Francisco Planning Department et al. 21). State education funding was available only for schools for White children (the City's first public schools opened in 1851 for White children only [San Francisco Planning Department et al. 35; O'Connell, "Part I"]), despite the work of Black San Franciscans to lobby for school funding, leaving the education of Black children to churches in the area (San Francisco Planning Department et al. 35n1). In 1860, the California state legislature explicitly prohibited Black children from attending public schools with White children (O'Connell, "Part I" n1). Black residents were also explicitly excluded from the US Marine Hospital built in San Francisco in the early 1850s, restricted to segregated sections of the older state hospital for medical care (California Task Force 411–412).

### **Racism Prompts First Black Flight From San Francisco**

In response to these conditions, the first exodus of Black people from San Francisco occurred in the 1850s, with approximately 200 families fleeing to what is now Canada (California Task Force 135). Many Black San Franciscans also left the city to pursue railroad work in Oakland or Los Angeles (San Francisco Planning Department 28).

## **Cultural and Intellectual Contributions Persist**

The Black community that remained made a number of significant cultural contributions in the 1850s, including the Atheneum Literary Association and circulating library, several newspapers and churches, the first secondary school for Black children in the West, and continual advocacy for equality (San Francisco Planning Department 35, 50).

## **Drawing Boundaries: Early Land Use Ordinances, Labor Unions, and Segregated Education**

**SUMMARY:** From the 1850s onward, San Francisco began to draw physical boundaries around non-White activity and access to resources. An area initially designated for slaughterhouses was soon identified as the only appropriate home for Chinese residents. Labor unionization policy and school segregation reflected this same drive for exclusion. These policies tested the viability of wielding legislative and executive power to restrict non-White people from desirable parts of San Francisco.

## **City Pioneers “Nuisance” Zoning**

In a series of regulations beginning in the 1850s, San Francisco identified meat production as a nuisance to city residents and restricted related activities to specific areas of the city (Robichaud 3-4). A coordinated effort by the mayor, state legislature, and local law enforcement relocated butchers from the growing city center to present-day Bayview (“Centennial Celebration”). In this new Butchertown, slaughterhouses could dump their offal, sewage, and garbage into Islais Creek (SPUR). These Slaughterhouse Ordinances have been recognized by the American Planning Association as “laying the foundations for zoning controls elsewhere in the U.S. This ordinance was one of the earliest applications of city land-use zoning powers in the country that separated dangerous and unsightly land uses from existing residential areas” (American Planning Association). What this praise fails to acknowledge is how this foundational ordinance also laid the groundwork for racial segregation confining non-White residents to the most hazardous areas; as this history will illustrate, present-day Bayview-Hunters Point has long been San Francisco’s designated district for both products and people considered unfit for affluent White society.

## **Restrictions Target Non-White Residents**

San Francisco’s pattern of using City policies to criminalize the lives of non-White residents began in the late 1800s. A set of ordinances in 1870 and 1880 explicitly focused on restricting the activities of residents of Chinatown. The Cubic Air Ordinance targeted overcrowding, and the Laundry Ordinance imposed restrictions on laundry businesses that were almost exclusively Chinese-owned. The San Francisco Planning Commission has since acknowledged that the ordinances were “created by populist, nativist politicians who consistently scapegoated the City’s already disenfranchised Chinese laborers in the name of concerns for white working class laborers” (“Centennial Celebration”). Enforcement was reserved for non-White residents: thousands of Chinese people were jailed under the Cubic Air Ordinance, and more than 150 Chinese business owners were prosecuted for violating the laundry ordinance, while the City ignored violations by non-Chinese owners (Yang; D. Taylor).

## **First Forced Removal of Non-White Residents**

With the Bingham Ordinance in 1890, San Francisco pioneered its first race-based zoning ordinance removing non-White people from their homes, an approach that would echo through numerous racially exclusionary housing policies and the forcible removal of Black residents from the Fillmore several decades later. San Francisco Supervisor Henry Bingham introduced the resolution to force Chinese residents into segregated neighborhoods. Believing Chinatown was “a cancer on the city” and wanting to claim the prime real estate it occupied (National Archives n.d.), the San Francisco Board of Supervisors passed the resolution unanimously with the mayor’s approval (“San Francisco Municipal Reports” 2). Under the Bingham Ordinance, all Chinese people living or working in the city were required by law to move their homes and businesses to just south of Islais Creek, to the same area previously reserved for slaughterhouses and other “unhealthful” businesses (“Defeat of the Bingham Ordinance”). The ordinance made strict enforcement the duty of San Francisco’s Chief of Police Patrick Crowley, who explained that “the occupation of property by the Chinese in groups or numbers in any part of the city deteriorates the value of surrounding and contiguous property” (“Police Chief Crowley’s Petition”). The ordinance would eventually be struck down by the California Circuit Court as a violation of the 14th Amendment (“Defeat of the Bingham Ordinance”), yet this focus on protecting White property values would continue to guide the city’s policies of exclusion and displacement.

## **Turn of the Century: Slow Growth and Limited Opportunities**

**SUMMARY:** Employment restrictions combined with a natural disaster to drive more Black residents out of San Francisco. Wartime employment during World War I began to reverse this trend. In the Western Addition, Black residents continued to organize toward political advocacy, educational equality, and cultural contributions.

## **Black Population Dwindles**

Although Black residents made up 2% of San Francisco’s population in 1860, increasing racial exclusions from employment caused San Francisco’s Black population to decline into the 1900s, reaching less than 0.3% by 1910 (San Francisco Planning Department et al. 53-54). This outmigration was accelerated by the 1906 earthquake and fire, which displaced many Black San Franciscans who left the city for the East Bay (San Francisco Planning Department et al. 54-55).

## **“Great Migration” Is Limited in San Francisco**

During the early years of the twentieth century, San Francisco’s Black population did not grow as rapidly as in other areas of the United States. Scholars theorize that “the distance between northern California and many southern rural communities continued to discourage African Americans from migrating to San Francisco in large numbers during the first ‘Great Migration’ between 1916 and 1919” (“In Search of the Promised Land”). Furthermore, Black migrants’ employment opportunities were more limited in San Francisco than in other areas of the nation, due to the “small number of manufacturing jobs available compared to northern cities and the stranglehold that organized labor had on these positions” (“In Search of the Promised Land”).



Domestic work predominated, employing nearly half of San Francisco’s Black men and more than 70% of the city’s Black women (“In Search of the Promised Land”).

### **World War I Opportunities Enable Growth**

The job opportunities brought about by World War I enabled the Black population to slowly begin to grow (San Francisco Planning Department et al. 54-55). By 1920, African Americans made up 0.5% of San Francisco’s population, with census data stating that there were 2,414 Black individuals in 1920 (compared to 1,642 in 1910) (US Census Bureau, “Table 16”).

### **Black San Franciscans Contribute Advocacy and Achievements**

Many Black residents who did not leave the city following the 1906 earthquake and fire relocated to the Western Addition, which by this time was the cultural center of Black life in the city (San Francisco Planning Department et al. 55). Numerous advocacy organizations were launched in the early 1900s, including the San Francisco chapter of the National Association for the Advancement of Colored People and the Booker T. Washington Community Service Center, which formed in 1919 “to offer wholesome recreation and educational opportunities to Black youth” (San Francisco Planning Department et al. 64). The Fillmore District, located within the Western Addition, became the heart of Black commerce, with a range of Black-owned businesses serving the neighborhood’s multicultural residents (San Francisco Planning Department et al. 61).

### **Spatial Control: Zoning, Covenants, Redlining, and Terror**

**SUMMARY:** In establishing its first official zoning code, San Francisco began the formal process of excluding communities of color in the interests of White property values. Meanwhile, homeowners’ associations explicitly forbade the sale of property to non-White residents through racially restrictive covenants. Federal New Deal programs reinforced these exclusions by restricting loan programs to White residents. During this time, the local San Francisco Ku Klux Klan chapter, which included twenty-five city police officers, terrorized Black families and drew crowds of thousands to its events.

### **City Establishes First Zoning Code**

Following the formation of the San Francisco City Planning Commission in 1917 (Scott, *San Francisco Bay Area*)—the same year the US Supreme Court ruled against racial zoning ordinances in *Buchanan v. Warley*<sup>2</sup>—San Francisco established its first zoning code in 1921,

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<sup>2</sup> *Buchanan v. Warley*, 245 U.S. 60, 82 (1917). (“It is said that such acquisitions by colored persons depreciate property owned in the neighborhood by white persons. But property may be acquired by undesirable white neighbors or put to disagreeable though lawful uses with like results. We think this attempt to prevent the alienation of the property in question to a person of color was not a legitimate exercise of the police power of the state, and is in direct violation of the fundamental law enacted in the Fourteenth Amendment of the Constitution preventing state interference with property rights except by due process of law. That being the case, the ordinance cannot stand.” *Booth v. Illinois*, 184 U. S. 425, 429, 22 Sup. Ct. 425, 46 L. Ed. 623; *Otis v. Parker*, 187 U. S. 606, 609, 23 Sup. Ct. 168, 47 L. Ed. 323.)

dividing the city into six use districts and detailing the trade, industry, business, and dwelling types allowed in each of these districts. Although explicit exclusion of specific races from residential-only zones was removed from the final version, the designation of single-family zoning served this function by excluding lower-income residents. Industrial zoning set the stage for locating polluting industries adjacent to lower-income neighborhoods, such as the establishment of the PG&E power plant in Bayview-Hunters Point in 1929 (Bayview Hunters Point 8). As one scholar writes, “[I]n theory, zoning was designed to protect the interests of all citizens by limiting land speculation and congestion.... In actuality, zoning was a device to keep poor people and obnoxious industries out of affluent areas” (K. Jackson 242) Members of the Planning Commission openly acknowledged this intent—for example, restricting industrial use in an area “[i]n the interests of the property owners whose holdings would depreciate in value through occupation by Japanese” (*Journal of Proceedings* 727).

### **Racially Restrictive Covenants Abound**

In addition to facing implicit racial segregation imposed by zoning, non-White San Franciscans were explicitly excluded from many neighborhoods through racially restrictive covenants. Such clauses within property deeds specified that the purchaser was forbidden from selling the property to a Black person. First appearing in San Francisco as early as 1906, these provisions gained momentum in the 1920s as the preferred means to evade the Supreme Court’s 1917 decision in *Buchanan v. Warley* banning racial zoning (Baldwin & Howell). To support enforcement, racial covenants often took the form of contracts among all homeowners in a neighborhood. If an owner violated the restriction, they could be sued. Because of this legal obligation, racial restrictions were rarely contested. The US Supreme Court upheld the legality of these covenants in *Corrigan v. Buckley* in 1926, reasoning that such covenants were voluntary private contracts and not state action.<sup>3</sup>

### **New Deal Housing Benefits Restricted to Whites Only**

To combat the devastating effects of the Great Depression, the federal government passed an unprecedented series of New Deal legislation. The National Industry Recovery Act of 1933 created the Public Works Administration (PWA), which aimed to alleviate the national housing shortage while simultaneously creating employment opportunities in construction (“National Industrial Recovery Act”). The National Housing Act of 1934 created the Federal Housing

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<sup>3</sup> *Corrigan v. Buckley*, 271 U.S. 323, 330 (1926). (“The Fifth Amendment ‘is a limitation only upon the powers of the General Government,’ *Talton v. Mayes*, 163 U. S. 376, 382, 16 S. Ct. 986, 988 (41 L. Ed. 196), and is not directed against the action of individuals. The Thirteenth Amendment denouncing slavery and involuntary servitude, that is, a condition of enforced compulsory service of one to another does not in other matters protect the individual rights of persons of the negro race. *Hodges v. United States*, 203 U. S. 1, 16, 18, 27 S. Ct. 6, 51 L. Ed. 65. And the prohibitions of the Fourteenth Amendment ‘have reference to State action exclusively, and not to any action of private individuals.’ *Virginia v. Rives*, 100 U. S. 313, 318, 25 L. Ed. 667; *United States v. Harris*, 106 U. S. 629, 639, 1 S. Ct. 601, 27 L. Ed. 290. ‘It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the Amendment.’ *Civil Rights Cases*, 109 U. S. 3, 11, 3 S. Ct. 18, 21 (27 L. Ed. 835). It is obvious that none of these amendments prohibited private individuals from entering into contracts respecting the control and disposition of their own property; and there is no color whatever for the contention that they rendered the indenture void.”)

Administration (FHA), which made loans available for housing developments (“Tract Housing”). However, PWA housing required federal housing projects to reflect the previous racial composition of the neighborhood, and FHA loans were conditioned on an explicit prohibition of renting or selling units to African Americans. The neighborhood composition rule was embraced by San Francisco city officials; as researcher Richard Rothstein writes, this policy “segregated projects even where there was no previous pattern of segregation... the PWA designated many integrated neighborhoods as either white or Black and then used public housing to make the designation come true” (Montejo et al. 39; Rothstein 44). Other government agencies, such as the Veterans Affairs (VA) office, instituted national policies that intentionally denied mortgage guarantees to integrated and non-White neighborhoods (Michney and Winling 150, 156).

### **Black Neighborhoods Excluded From Public Support Through Redlining**

In San Francisco, these vast investments in the wealth and security of American families categorically excluded Black residents, initiating a legacy of generational wealth disparities and associated harms discussed in Chapter 3 of this report. The federally sponsored Home Owners Loan Corporation (HOLC) color-coded neighborhoods according to their projected investment risk, with the presence of Black families ascertaining a red, or high-risk, designation regardless of residents’ economic status. As Rothstein notes, “A neighborhood earned a red color if African Americans lived in it, even if it was a solid middle-class neighborhood of single-family homes” (Rothstein 35). This color-coding resulted in what were formally known as “residential security maps,” in a practice that became known as *redlining* and that was used by the FHA to heavily subsidize investments in White neighborhoods while depriving Black neighborhoods and buyers of similar assistance. Within San Francisco, the maps produced by the HOLC reflected and perpetuated the bias of local private actors who held power over lending and investment decisions. As Chapter 3 will discuss, the spatial mapping of San Francisco achieved in the 1930s through redlining still defines the racial distribution and associated environmental health exposures of contemporary residents.

### **Klan Inflicts Racial Terror**

During this time, Black San Franciscans were also terrorized by Ku Klux Klan members. The Klan’s California presence began in San Francisco and included twenty-five city police officers (California Task Force 99). In addition to targeting individuals and families, the Klan held public events and rallies in the Bay Area that attracted crowds of thousands (California Task Force 101).

## **World War II Population Boom and Housing Crisis**

**SUMMARY:** Whereas employment opportunities for Black workers in San Francisco were very limited prior to the onset of World War II, wartime work opportunities resulted in the city’s Black population increasing tenfold. While federal programs eased the housing crisis for White residents, Black residents were excluded until the first public housing for Black tenants was constructed in the Western Addition in 1943. Despite ongoing segregation, exclusion, and neglect, Black business and culture thrived in the Fillmore District, known as the “Harlem of the West.”

## **World War II Brings a Massive Influx of Wartime Workers**

Prior to the onset of World War II, Black workers were excluded from most public and private professions in San Francisco. With the start of World War II came employment opportunities in defense industries; these opportunities were backed by President Roosevelt's Executive Order 8802, banning racial discrimination in government hiring (Roosevelt, Executive Order 8802). To uphold the order, the Fair Employment Practices Commission established a regional office in San Francisco, which resulted in unprecedented employment access for local Black workers at a time when the San Francisco area had the largest concentration of shipbuilding in the nation ("Tract Housing" 9; San Francisco Planning Department et al. 85). Between 1940 and 1945, there was a 30% increase in the total population of San Francisco, whereas the Black population of the city multiplied tenfold during the 1940s (B. Taylor; San Francisco Planning Department et al. 88). The Black population in Bayview-Hunters Point increased by 665.8% in 1945 alone (Day and Abraham 4; Whitney).

## **Housing Shortage Prompts Whites-Only Housing Projects**

This sudden growth in the population of San Francisco exacerbated the massive shortages in available housing and resources. Recognizing the absence of housing opportunities for wartime workers, Congress passed the Lanham Public War Housing Act in 1940, appropriating more than \$1 billion for the construction of housing for servicemen and their families (Bevk). The San Francisco Housing Authority (SFHA), established in 1938, oversaw the development of several federally funded public housing projects in the early 1940s that, due to the neighborhood composition policy described above, were reserved for White families: Holly Courts, Potrero Terrace, Valencia Gardens, and Sunnydale (Bevk).

## **SFHA Forces Houselessness at Hunters Point Naval Shipyard**

Built in 1942, Hunters Point Naval Shipyard was a major employer for Black San Franciscans. More than one quarter of the city's Black population was employed at the shipyard as of 1945 (Nafici). Although some 14,000 workers from different racial backgrounds worked together at the site, the United States Navy required the SFHA to segregate their housing. The housing authority explained: "In the selection of tenants . . . [we shall] not insofar as possible enforce the commingling of races" (California Task Force 179). As a result, whereas "white workers lived in rooms paid for by the federal government, Black war workers lived in cardboard shacks, barns, tents, or open fields" (California Task Force 179).

## **SFHA Eventually Opens Insufficient Housing Project for Black Workers**

It wasn't until 1943 that the Western Addition's Westside Courts was opened as the first public housing facility available to Black tenants (Kamiya, "Losing Fight"). The unavailability of public housing for Black residents, coupled with their exclusion from the private housing market through zoning, redlining, and racially restrictive covenants, caused Black residents to face a more acute housing crisis than White San Franciscans did. Because the SFHA refused to change its neighborhood composition rules, Black workers faced long waiting lists for housing despite vacant apartments being available for Whites (Rothstein 44).

## **Unequal Quality of Public Housing Persists**

San Francisco public housing built for White residents was of far superior quality to the housing provided for Black residents. While all-White developments were “built farther inland” with “sturdier materials intended to be permanent,” Black public housing was poorly constructed, with “many built on landfill sites near railroads and industrial facilities along the waterfront, exposing residents to environmental and safety hazards” (Montejo et al. 39).

## **Black Fillmore Grows Cultural Wealth**

The only public housing available to Black residents was located in the Western Addition. President Franklin D. Roosevelt’s 1942 Executive Order 9066 resulted in 110,000 Japanese Americans from West Coast neighborhoods being forcibly relocated to internment camps out of increased anti-Asian sentiment following the 1941 attack on Pearl Harbor (“The Fillmore: Timeline”; National Archives 2022). The involuntary removal of Japanese Americans from the Fillmore District left vacant housing and storefronts accessible to non-Whites. These vacancies occurred as thousands of African Americans migrated to the West for work in wartime industries (“The Fillmore: Timeline”). Insufficient public housing available to Black residents in Westside Courts (even with later housing project additions in Hunters Point) led to the Fillmore District rapidly becoming the epicenter of Black life, commerce, and arts in San Francisco (Kamiya, “Losing Fight”; B. Taylor). Known as the “Harlem of the West,” the area was home to a wide variety of businesses, jazz clubs, and political movements, described by one scholar as “a giant multi-cultural party throbbing with excitement and music” (Pepin and Watts).

## **Justifying Black Removal: The Foundations of “Urban Renewal”**

**SUMMARY:** The expansion of the Black population of San Francisco during the wartime employment boom, coupled with their exclusion from nearly all public and private housing developments, resulted in overcrowded conditions in the few neighborhoods in which Black residents could live. In the postwar period, high unemployment from deindustrialization and discriminatory hiring practices contributed to the challenges of Black neighborhoods. These conditions, made inevitable by the City’s own policies, were then used as justification for demolishing Black homes and businesses in a federally endorsed process termed “urban renewal.” The City’s official planning documents express the explicit intent to reduce the number of Black San Franciscans living in the city.

## **Housing Exclusions Result in Overcrowding**

At the close of World War II, San Francisco’s Black population had expanded substantially as a result of wartime employment, yet due to the policies of redlining, racially restrictive covenants, and neighborhood composition discussed above, Black San Franciscans were concentrated primarily in the Western Addition, where the only public housing that accepted Black residents was located, and in Bayview-Hunters Point, where temporary war housing increasingly became permanent housing for Black families (California Task Force 192). The Western Addition’s Fillmore District reached a density of approximately two-hundred people per acre, which was three to four times higher than the neighborhood was designed to accommodate (Kamiya, “Western Addition”).

## **Thriving Black Enclave Grows in the Fillmore District**

Despite these challenges, the Fillmore District thrived as a renowned center of Black creativity and entrepreneurship. Approximately 180 Black-owned businesses were in operation in the Fillmore at this time, reflecting a growing local Black professional class (San Francisco Planning Department et al. 85, 128). The neighborhood's legendary nightlife featured leading performing artists of the time, including Ella Fitzgerald, Billie Holiday, Duke Ellington, and Dizzy Gillespie (B. Taylor; San Francisco Planning Department et al. 112). Religious life also flourished in the Fillmore during the postwar period, with several of the city's oldest African American churches relocating to the area (San Francisco Planning Department et al. 108).

## **Urban Renewal Begins Nationwide**

The concept of "urban renewal" was first introduced at the federal level in the 1930s to justify renovation of "decaying urban neighborhoods" ("The Fillmore: Reverend"). A series of federal acts focused on "eliminating slums" and allowed housing authorities to utilize eminent domain to demolish existing buildings ("The Fillmore: Reverend"; Chu). California followed with its 1945 Community Redevelopment Act, which authorized cities to develop their own redevelopment agencies. The San Francisco Redevelopment Agency (SFRA) was formed in 1948, just prior to the 1949 federal Housing Act allocating billions of dollars to cities for "clearance of slums and blighted areas," bringing urban renewal frameworks to city planning in San Francisco ("Housing Act of 1949").

## **City Designates Black Neighborhoods as "Blighted"**

San Francisco authorities immediately targeted Black and other non-White neighborhoods for demolition, describing areas like the Western Addition as "cancerous growth" (Kang). The City's definition of "blight" matched up neatly with the conditions it had created for its Black residents through its discriminatory housing and employment policies: increased population density, mixed commercial and residential use, and the conversion of single-family dwellings into apartments to increase affordability (San Francisco Planning Department et al. 174). The racism inherent in the targeting of the Fillmore District for the first phase of demolition is evident in the wording used by the San Francisco Public Housing Authority to condemn the neighborhood: "It's not white. It's gray, brown and an indeterminate shade of dirty Black... [A] quarter of all those in [this area] are Negroes, Chinese, Japanese, and Filipinos" (Lai).

## **Urban Renewal Explicitly Seeks to Reduce Black Presence**

San Francisco's urban redevelopment plans were explicit in their objective of reducing the Black population of both the targeted neighborhoods and the entire city. Plans for the redeveloped Western Addition predicted that the average family income required to afford the new units would be \$3,500, substantially above the \$3,009 median income in San Francisco at the time and unreachable for the average household in the Western Addition, which made \$2,105. Acknowledging that the area's current residents would not be able to return, the planning report stated, "In view of the characteristically low income of colored and foreign-born families, only a relatively small proportion of them may be expected to occupy quarters in the new development" (Klein). The San Francisco Planning and Urban Renewal Association praised this approach,

arguing that the city should enact policies that “will move [San Francisco] closer to ‘standard white Anglo-Saxon Protestant’ characteristics” (Klein). Later planning reports in the second phase of redevelopment established a reduced “target” percentage of Black residents in San Francisco (from a projected 16.5% to 13%) and an increased target percentage of White residents (from 71% to 76%) (Klein). As scholar and activist James Baldwin stated, “urban renewal is Negro removal” (Klein).

## **Dispossession and Displacement: Demolition of the Fillmore**

**SUMMARY:** The demolition of the Fillmore was one of the worst periods of anti-Black city policies in San Francisco’s history. Redevelopment plans were carried out in two phases, forcibly removing families from their homes, destroying businesses, and displacing a total of 20,000 to 30,000 San Franciscans. Many residents relocated out of the city or to Bayview-Hunters Point, which was already suffering from pollution and would soon lose its main source of employment. Community leaders fought for a voice in the redevelopment process, securing some victories while largely remaining shut out from decision-making.

### **Phase 1 of Fillmore Redevelopment Begins Destruction**

The first phase (A-1) of the redevelopment project, beginning in 1953, zeroed in on the Fillmore as well as other working-class residential neighborhoods with a multiethnic presence, such as Japantown. One of the main goals of this first phase was to widen Geary Boulevard into a highway connecting suburban commuters to downtown (P. Miller 114). Although the plans ostensibly called for market-value compensation for properties seized in the redevelopment process, San Francisco’s Redevelopment Agency used numerous tactics such as depressing property values to force owners to accept insufficient compensation (Klein). One prominent business owner recalled, “I go one day and the building’s gone. They bulldozed it down...took all my equipment, stuff that I’d paid for, and all of my foods and everything. I don’t know what happened to anything” (Burton). Another Fillmore resident remembered, “We watched Victorians on Gough Street ripped to the ground. I actually cried” (San Francisco Planning Department et al.). At least 8,000 people were displaced through this first phase, including more than 1,350 households and 358 businesses (Klein).

### **Displaced Residents Face Constrained Options for Relocation**

During this time, Black residents remained excluded from the vast majority of neighborhoods in San Francisco, severely limiting options for those forced from their homes by redevelopment. Out of 75,000 building permits issued in San Francisco between 1949 and 1951, only 600 allowed Black people the opportunity to purchase the units (San Francisco Planning Department et al. 91). Additionally, in 1950, California passed Article 34 through Proposition 10, requiring the approval of local voters for public housing to be constructed in a neighborhood. In San Francisco, the approval of this measure effectively allowed voters to keep Black residents out of their areas through their veto power (Liam Dillon). Similarly, “discretionary review” hearings enabled citizens with local sway to stall city planning projects to which they objected (Oatman-Stanford, “Demolishing”). These tactics effectively barred housing integration even after the NAACP successfully sued the San Francisco Housing Authority for its discriminatory practices (Montejo et al. 39). As a result, the Bayview-Hunters Point area, saturated with toxic naval

byproducts of radioactive waste and asbestos and housing the city's main sewage treatment facility, was one of the few destinations open to displaced residents of the bulldozed Fillmore District (Dineen; "Hunters Point"; Solis).

### **Community Responds With Resistance**

From its inception, the City's redevelopment plan was strongly resisted by a multiethnic coalition that included the head of San Francisco's NAACP, Dr. Carlton B. Goodlett, Jr. (San Francisco Planning Department et al. 122-3). In 1967, in response to ongoing redevelopment, the Western Addition Community Organization (WACO) was founded by Reverend Hannibal Williams, who stated that "urban renewal became what we feared it would: it became Black Removal" ("The Fillmore: Reverend"). The organization filed a lawsuit in 1967 attempting to protect the community from further redevelopment. Despite efforts to cast WACO as a fringe "small band of activists" who went against larger community needs, WACO galvanized many people in the community against displacement (Lai; San Francisco Planning Department et al.). WACO succeeded in slowing the redevelopment process and ensuring involvement of a community advisory panel, yet the redevelopment process ultimately proceeded to its much larger and more destructive second phase (A-2) (San Francisco Planning Department et al. 124). Black community advocates, including historically Black churches such as the Jones Memorial United Methodist Church, Bethel AME Church, Third Baptist Church, Macedonia Missionary Baptist Church, and Friendship Institutional Baptist Church, also attempted to positively influence the process as housing developers. However, the City chose not to proceed with Black housing developers for its historically Black neighborhoods (San Francisco Planning Department et al.).

### **Tens of Thousands of San Franciscans Are Displaced**

In total, estimates range from 20,000 to 30,000 residents displaced because of urban renewal in the Fillmore District (Klein). The rebuilding process took more than four decades to complete, with much of the formerly thriving district left flattened and vacant ("The Fillmore: Timeline"). Consistent with the SFRA's own predictions that most displaced residents would no longer be able to afford housing in the area, one estimate indicates that of those displaced, 60% were forced to move out of the Western Addition, and 15% left San Francisco altogether (San Francisco Planning Department et al.). Although SFRA had reported that 97% of those displaced had been relocated into equivalent housing, a 1959 United States General Accounting Office survey revealed that of 69 randomly selected families, 33 had been relocated into substandard housing (Klein). Only 22% of former Fillmore residents returned to the neighborhood, and only 4% of Black businesses returned (C. Jackson). Full details of outcomes for displaced families and businesses are not known due to the SFRA's inconsistency with reporting and collecting data.

## **Racial Consequences of Growth Conflicts: Rezoning and Development**

**SUMMARY:** In the 1970s, San Francisco experienced the spatial rearrangements of deindustrialization (hitting Black communities hard) and became increasingly central to capital growth in the United States as corporate headquarters of banks and oil companies flocked to the Bay Area. The development through the next two decades required to accommodate this



growth took the shape of policies that had severe impacts on the Black community: the Residential Rezoning Act of 1978 once more reinforced racial segregation in San Francisco by prioritizing single-family, low-density development and restricting housing stock, the 1985 Downtown Plan and 1986 Proposition M shaped development such that Black residents continued to be priced out of the city, and urban renewal projects continued.

### **Deindustrialization Spurs the Beginning of Urban Gentrification**

The period of urban renewal occurred as San Francisco, like many cities across the country, was experiencing deindustrialization and the concomitant spatial rearrangements of class and race. Industry shut down or moved out of the city—for instance, the Navy’s Hunters Point shipyard, the economic center of Black life in Bayview-Hunters Point, closed in 1974 (C. Jackson). Black San Franciscans with the means to move were thus pushed to inner-ring suburbs and neighboring cities, while poor Black residents were forced into low-wage service work and living in cheaper areas, largely southeast San Francisco and especially Bayview-Hunters Point (Menendian and Gambhir). In 1980, the former was 73.6% Black, and the latter was 77% Black with a median annual income of \$16,846 and a poverty rate of 30% over the course of the decade (Roscoe; King). The displacement and job loss resulting from deindustrialization also led to increases in crime and to Bayview-Hunters Point becoming a hotspot of the drug trade, compounding harms (C. Jackson).

### **Rezoning Limits Affordable Housing, Retrenching Boundaries**

Less than a month after California passed Proposition 13—which incentivized homeowners seeking property tax breaks to stay in their homes as long as possible, oppose new construction, and pass on property to their children—San Francisco adopted the 1978 Residential Rezoning Act. The act placed forty-foot height limits on new construction, imposed low-density requirements that privileged single-family housing, and substantially reduced the number of new housing units that could be built. In combination with Proposition 13’s disincentives to home sales and construction, this reinforced boundaries around wealthy neighborhoods of single-family structures (Oatman-Stanford, “Bad Design”). The impacts of this were clear; even the Planning Commission themselves acknowledged the following:

As a result, the cost of housing may increase, and with increasing housing costs, some population groups may find it difficult to live in San Francisco. The proposed zoning will affect the low- and moderate-income households more than any other group and mitigation measures are proposed to help alleviate this impact. (Oatman-Stanford, “Bad Design”)

They later removed this language from the legislation, attempting to absolve themselves of a clear responsibility for rising housing costs in the city that had disparate impacts on the Black community. The Planning Commission’s recommendations for pathways to limit the harms of these growth constraints, such as “consolidating the review and permitting process, particularly for subsidized or affordable projects,” were rarely implemented, and discretionary review was further often used to limit new affordable projects (Oatman-Stanford, “Bad Design”).

As with previous San Francisco zoning legislation, historian Kenneth Jackson writes, the 1978 plan “was used by the people who already lived within the arbitrary boundaries of a community

as a method of keeping everyone else out. Apartments, factories, and ‘blight,’ euphemisms for Blacks and people of limited means, were rigidly excluded.” Affordable development after the act thus was largely restricted to industrial zones like the area south of Market Street (SoMa) and Bayview-Hunters Point, on dirty land lacking infrastructure. Meanwhile, the City continued to expand its sewage treatment plant in Bayview-Hunters Point throughout the 1970s and 1980s, heightening the intensity of environmental racism in the neighborhood as development was constrained within it (Southeast Community Family Commission).

### **Downtown Development and City Planning Demonize Density**

The 1980s saw conflicts between growth advocates and anti-growth camps take center stage in city politics as the City grappled with its shifting economic imperatives (Hu). Major increases in commercial and office development in the early part of the 1980s influenced processes of displacement throughout the city, particularly in Black and low-income neighborhoods (Hu). In 1985, the San Francisco Planning Department passed the Downtown Plan, focusing new development in the SoMa neighborhood and restricting dense development (Oatman-Stanford, “Bad Design”). This came after a period of freer development under pro-growth Mayor Dianne Feinstein (Oatman-Stanford, “Bad Design”). The following year, the San Francisco electorate passed Proposition M, or the Accountable Planning Initiative, which sought to limit office construction and align development with principles of neighborhood preservation and affordable housing (DeLeon and Powell). Furthermore, downtown development started to radiate outward from the city center, leading to the lower Fillmore beginning to experience gentrification in 1985 (C. Jackson).

### **Urban Renewal Continues**

During the 1980s, the SFRA continued to conduct urban renewal projects across the city, including in Black and Black-adjacent neighborhoods (San Francisco Redevelopment Agency). Many projects focused on commercial development and expanding market-rate housing, while some attempted to emphasize the development of subsidized low- and moderate-income housing, but these options still remained largely out of reach for residents (San Francisco Redevelopment Agency).

### **Private Actors Finance Displacement and Gentrification**

Banks work in partnership with developers to act as the primary financiers of gentrification. Displacement financing describes a process by which “banks, wall street firms, and other financial institutions are financing the purchasing of properties by serial evictors and thereby facilitating displacement” (Stein). The process of displacement financing generally takes this form: banks lend money to a speculator, who buys a multiunit building. That speculator then raises the rent, often increasing the price such that it leads to the eviction of current tenants. The speculator can then rent to new tenants at a price only the affluent can pay, thus allowing the speculator to leverage the existing property to take out another loan from the bank, restarting the bank-developer partnership once more (Stein). This results in a cycle by which “the bank turns a profit by financing a serial evictor, and long-term community members are displaced” (Stein). This pernicious partnership between banks and developers has resulted in the vast disparities in homeownership we see today. In particular, it explains why as of 2019, 63% of White

households in San Francisco own a home, whereas the same is true for only 34% of Black households—the lowest rate of homeownership across race and ethnicity (“Home Ownership”).

### **Community Reinvestment Act of 1977 Is Weaponized**

Attempting to correct the damage of redlining, the federal government enacted the Community Reinvestment Act of 1977 (CRA). The statute affirmatively “encourage[s] financial institutions to help meet the credit needs of the communities in which they do business, including low- and moderate-income (LMI) neighborhoods” (“Community Reinvestment Act”). In particular, the act provides that banks “are examined by their regulators every few years on their performance in serving the community” (Stein). This provision aims to encourage banks to reinvest in the local communities in which they operate. However, the Community Reinvestment Act has been weaponized as a tool to replace historically Black neighborhoods with younger, wealthier, and Whiter homebuyers. The ineffectiveness of the CRA stems in part on its reliance “on low- to moderate-income (LMI) classifications, not race, to expand equitable lending” (Young). Because of this focus on class rather than race, analyses of CRA lending have shown that “although LMI borrowers and neighborhoods and borrowers and neighborhoods of color experience a certain degree of overlap, many people of color—Black people in particular—remain underserved” (Young).

Such trends continue today. A 2018 study found that of the mortgages reported in the Home Mortgage Disclosure Act, 30.2% were to LMI borrowers. Within that, only 32% of loans went to borrowers of color, with Black households receiving just 13.1% of loans (“Modernizing the Community Reinvestment Act”). The trend of Black borrowers receiving a disproportionately small share of bank loans persists at all income levels and is not confined to LMI neighborhoods. This indicates that the Community Reinvestment Act, while a step in the right direction, does little to address or repair the historical harms that persist today.

### **Dot-Com Boom, Tech Boom, and Gentrification’s Racialized Impacts**

**SUMMARY:** The 1990s and 2000s saw San Francisco experience the development imperative of the dot-com boom and tech boom, transforming the city into the country’s top commercial real estate market and continuing to push out Black and low-income residents. Redevelopment occurred in Bayview-Hunters Point with mixed impacts. The pressures of the ballooning tech economy raised housing prices further and simultaneously contracted the housing market. Combined, these forces enabled widespread evictions across the city that continued to reshape the racial geography of San Francisco to exclude Black people.

### **Real Estate Renews Pressure for Urban Redevelopment**

In the 1990s, San Francisco saw renewed pressure for urban redevelopment following a previous decade of “slow growth” as the city became the country’s top commercial real estate market (Godfrey 309). Vertical and horizontal development projects expanded downtown development past the SoMa area into other eastern neighborhoods, continuing to raise housing prices (Oatman-Stanford, “Bad Design”). The Hunters Point shipyard, itself in Bayview-Hunters Point, became a “profitable landscape for developers, banks, [and] environmental engineering firms” during this period, encroaching into the strongest remaining Black neighborhood (Lindsey

Dillon). The SFRA further promoted business development and tourism in Bayview-Hunters Point and the Western Addition that contributed to gentrification (Chen). They also conducted two huge development projects oriented toward incoming gentrifiers next to Black neighborhoods in southeast San Francisco: a \$525 million football stadium and a new shopping mall in Candlestick Point (Godfrey 309). In 2006, the SFRA declared 1,500 acres of Bayview-Hunters Point “blighted,” meaning the city gained jurisdiction over the area and started funding piecemeal redevelopment projects through tax increment financing that raised property taxes in “blighted” neighborhoods (Lindsey Dillon).

### **Affordable Housing Suffers**

Meanwhile, the Hope VI program of the late 1990s and early 2000s contributed to the contraction of public housing in the city, decreasing the number of units, and displaced some public housing residents, destroying tight-knit public housing communities (“HOPE VI”). (Public housing in the city housed mostly Black residents at that time, and the same is still true now.) At the state level, legislators passed the 1995 Costa-Hawkins Rental Housing Act, which “prohibit[ed] cities from protecting tenants who live in condos, single-family homes, and rentals built after 1995 from rent increases,” severely impacting the skyrocketing rental market in San Francisco (Anti-Eviction Mapping Project 39).

### **Short-Term Rental Market and Influx of High-Income Tech Workers Bring Evictions**

As these pressures have continued to shape San Francisco, evictions have increased, and the housing market has contracted. Scholar Manissa Maharawal states that “pressure of two major tech-related forces” have made the housing market increasingly inaccessible to low-income and Black residents:

Firstly, on the consumer side, thousands of high-income tech employees, who in 2014 made an average starting salary of anywhere from \$121,611–\$195,120 have moved into the region, pushing up actual and projected “market rates.” Secondly, a significant amount of affordable housing has been taken “off the market” and inserted into the short-term rental market, through Airbnb and other “sharing economy” companies.

This expansion of the short-term rental market has “taken as much as 40% of ‘potential’ rental units off the market in certain neighborhoods” (Maharawal). In this changing landscape, large swaths of long-term residents in rent-stabilized apartments have been evicted at a quickly rising rate; from 2009 to 2014 evictions have increased by 54.7% (Maharawal). Many of these are Ellis Act evictions, which “give landlords the right to evict tenants to ‘go out of business,’” and Owner Move In evictions, whereby “landlords are permitted to evict a tenant if the landlord or a close relative intends to live in the unit” (Anti-Eviction Mapping Project 39). The foreclosure crisis of 2008 and the tech boom of 2011 only built on these growing crises (Anti-Eviction Mapping Project 39). This has meant that many Black San Franciscans have continued to be pushed out of the city and into the suburbs, and some out of the Bay entirely (Hudson). Middle-class Black residents have found a place in the city to some extent, while poor Black residents face an infinitesimally small affordable housing stock (C. Jackson). As cycles of development have continued, affordability has continued to decline, with Black residents as the first forced out.

## **The Black Community in a Gentrified San Francisco**

**SUMMARY:** After decades of disinvestment, state abandonment, displacement, and gentrification, most Black San Franciscans have been pushed out of the city entirely, and those who do remain are largely confined to low-wage employment and segregated neighborhoods. Black residents experience high rates of houselessness as well.

### **Income Disparity Increases as Black Population Decreases**

The continued contraction of Black opportunity in San Francisco has resulted in increased income disparity, with the earnings of Black San Franciscans declining from 60% of that of White residents to only 45% in the 1990s (Day and Abraham). Black flight from the city has reflected this bleak outlook. From its 1970 peak of 13.4%, the Black population of San Francisco declined to 10.9% in 1990 and to 8.6% by the end of that decade (Pricenomics). By 2010, nearly half of San Francisco's Black population was gone (San Francisco Planning Department et al. 165). Both trends have continued: median White income is now four times that of median Black income,<sup>4</sup> and around 5% of the City's population is Black.

### **High Rates of Houselessness Concentrated in Under-Resourced Neighborhoods**

Black residents are mostly concentrated in Bayview-Hunters Point (approximately 30% Black), the Western Addition (26.7% Black), and Merced Heights (21% Black), with smaller presences in Silver Terrace, Anza Vista, Oceanview, Hayes Valley, SoMa, and Visitacion Valley ("Race and Ethnicity"). In many of these neighborhoods, public transit is inadequate and sparse, meaning the majority of Black residents must use private means of transportation, such as cars ("San Francisco Neighborhoods").

As of 2020, 81% of residents receiving housing help from the City of San Francisco are Black or Latino (Arroyo). Black residents experience elevated rates of overcrowding, at 8% relative to the White population at 3% ("San Francisco Housing"). Furthermore, Black people are vastly overrepresented in the most vulnerable population in the city with respect to housing: the unhoused. They make up only around 5% of the city's population, but 38% of its unhoused population (Dickey, "20,000 People").

## **Conclusion**

This brief history has only begun to capture the vast network of policies and partnerships producing unequal outcomes for Black San Franciscans for which the City itself is squarely responsible. It is apparent from this timeline that from the city's very beginnings, anti-Blackness was part and parcel of the city's political economy and social fabric. The first Black residents of the city faced blatant discrimination in employment, education, and housing and were subjected to the terror of fugitive slave laws (San Francisco Planning Department et al. 21, 35; California

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<sup>4</sup> A UCSF 2019 study states that the "median income for African Americans is approximately \$29,000, less than half of Hispanic/Latino residents' median household income (approximately \$62,000), and little more than one-fourth of the median household income of White residents (approximately \$111,000)" (Pinderhughes et al.).

Task Force 18). Early land use ordinances segregated and removed non-White residents from desirable areas of the city, laying the groundwork for ongoing segregation and displacement that continues today (American Planning Association).

When World War II brought waves of Black migrant workers to the city, they were excluded from New Deal housing construction and relegated to substandard housing in the worst industrial neighborhoods (Montejo et al. 39; California Task Force). Redlining continued to segregate Black residents and under-resource their neighborhoods (Rothstein 35). When Black San Francisco created the bastion of culture that was the Fillmore District, the City stepped in and destroyed it under the guise of “urban renewal,” displacing thousands who were never able to return. Growth conflicts after the urban renewal era, along with the spatial rearrangements and economic contractions of deindustrialization, constrained affordable housing and Black neighborhoods in the city as many workers were pushed out of San Francisco entirely (C. Jackson). As the city transformed into the tech hub and real estate market we know today, the City’s development plans and partnerships with private actors ballooned housing prices and shrunk available options for remaining Black residents who continued to be displaced. Gentrification has persisted in recent years, escalating rampant evictions of lower-income residents and continuing to make the city wholly inaccessible to residents who are not highly paid tech workers. These processes have left the city with a Black population of less than 6% (Dickey, “Dear San Francisco”).

The City, as the body responsible for producing and maintaining a racialized, unequal political economy and the spatial arrangements it requires, is responsible for these housing-based harms. Scholar Ruth Wilson Gilmore defines racism as “the state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death” (“Racism a Public Health Issue”). The consistent exclusion of Black San Franciscans from city resources and their relegation to neighborhoods intentionally abandoned by the state has allowed this production and exploitation to occur across all sectors of Black life in San Francisco. To combat the lasting impacts of these processes and interrupt their ongoing operation, the City must adopt an Office of Reparations that can address the multifaceted elements of anti-Blackness in the city.

The following sections of this report will trace how this nexus of housing injustice, manifested in residential segregation, unequal development, displacement, and gentrification, has continually produced concomitant inequalities in related areas: education and employment, environment and health, and culture and family.

## **Chapter 2: A Fillmore Case Study: Black Disenfranchisement Through the Lens of Victorian Village**

Chapter 1 of this report recounted how the many faces of Black disenfranchisement (from exclusionary zoning, restrictive covenants, and redlining to discriminatory lending practices, the forced destruction of Black neighborhoods, and gentrification) combined to build an unequal city. After the World War II–era Black population boom and subsequent jazz heyday, these forces decimated San Francisco’s Black population. It is possible to trace the multigenerational economic and cultural impact through the lens of Victorian Village, a retail development consisting of five Victorians relocated to Fillmore Street between Post and Sutter during the height of redevelopment.

Following on Chapter 1 of this report, Chapters 2 and 3 explore the historical and contemporary Black-White wealth gap, detailing the connection between housing discrimination and wealth deprivation. Local and national quantifiers and historical data are presented to demonstrate the substantial “Black tax” that Black residents continue to pay and to quantify the harm of racial discrimination against Black San Franciscans.

Chapter 2 presents a case study of Black disenfranchisement in San Francisco’s Fillmore District. It tells this history through the lens of the relocated Jimbo’s Bop City building, spanning the years following the Great Migration through the jazz heyday and redevelopment era and into the twenty-first century. Then, historical data and present-day property values are analyzed to estimate the aggregate present-day value of real property appropriated from Black San Franciscans in the Western Addition A-1 and A-2 redevelopment areas.

Chapter 3 explains the historical and current Black tax paid by Black residents due to their badge of color and provides a quantitative analysis of the harm of racial discrimination in San Francisco based on property-based wealth deprivation and the Black-White wealth gap. It provides the historical context for White wealth, intergenerational wealth transfers, and the Black tax from slavery to the present day. Next, it focuses on segregation and housing discrimination as major causes of the Black-White wealth gap and its intergenerational scope. Finally, while the magnitude of total harm resulting from racial discrimination in San Francisco is difficult to fully determine, it should not be underestimated. The final sections of Chapter 3 provide a methodological framework for beginning to quantify the harm of racial discrimination in terms of the Black-White wealth gap and legal theories of constructive trust and treble punitive damages.

## Jimbo's Bop City, Marcus Books, and the Destruction of the Fillmore

**SUMMARY:** The Jimbo's Bop City building represents a microcosm of Black disenfranchisement across the generations from the Great Migration to the present day. The property was hemmed into a racialized ghetto as a jazz mecca starting in the 1940s, targeted for demolition during redevelopment but rescued and reopened as a Black bookstore in 1981, then subject to foreclosure after a subprime loan-induced bankruptcy in 2014.

### Jimbo's Bop City Is Center of Fillmore Music Scene After World War II



*Figure 1: John Handy, Pony Poindexter, John Coltrane, and Frank Fisher on stage at Bop City in the, 1950s. Photo by Steve Jackson, Jr. and featured in Pepin and Watts' Harlem of the West.*

Built in 1880, the Queen Anne Victorian that now stands at 1712-16 Fillmore Street used to be located around the corner at 1690 Post Street and once housed Jimbo's Bop City, a jazz club that has been recognized as "the center of the Fillmore music scene after World War II" ("Music of the Fillmore - Scene"). It was visited by the likes of Duke Ellington, Dizzy Gillespie, Billie Holiday, and John Coltrane, among many others. One observer, Patricia Nacey, described its cultural value in the following terms: "Jimbo's was more than just a place to gather to hear great sounds. It was like a snapshot of your soul or a snapshot of the soul of the community. I think in the early dawn of the civil rights movement, it was 3:00am at Jimbo's" (Chamberland).

### Harlem of the West in the Fillmore District Is the Result of Anti-Black Zoning, Redlining, and Racially Restrictive Covenants

The genesis of Bop City in the heart of the Fillmore and the surrounding concentration of Black arts and cultural institutions that became known as the Harlem of the West was originally due to the exclusionary zoning, racially restrictive covenants, and redlining practices that constrained Black residents and businesses to the neighborhood. By the time the area was determined to be "blighted" and targeted for "urban renewal," Jimbo's Bop City had gone from being in the crosshairs of racial ghettoization to being in the crosshairs of the bulldozers and wrecking balls that loomed over the Fillmore District at the height of the redevelopment era (Chamberland). The club was forced to close in 1965.

### Redevelopment Demolishes and Removes 2,500 Victorian Homes Before Halting Destruction and Saving a Small Group Now Called Victorian Village

After demolishing roughly 2,500 Victorian homes in the Western Addition as part of its redevelopment plan, the City of San Francisco was eventually convinced by a coalition of Black activists and Victorian preservationists to halt destruction and preserve a group of Victorians within the neighborhood for future residential and business use (Rubin). The Jimbo's Bop City building at 1690 Post Street, which had been slated for demolition, was among a small group of Victorians that were saved. After intense community outcry, the San Francisco Redevelopment Agency (SFRA) "agreed to sell, rather than demolish, the houses if they were moved to a new



location” (Rubin). According to an archived *New York Times* article, forty-one Victorian buildings were put up for sale, “mostly for \$500 each,” with a larger cost associated with moving the homes (“Old Houses Sold”). In total, the city preserved twelve Victorians. The new owners were “predominantly from the white, upper middle class” (“Old Houses Sold”). The Jimbo’s Bop City building was saved and included in the Victorian Village retail development (along with four other buildings), with a new address of 1712-16 Fillmore Street.

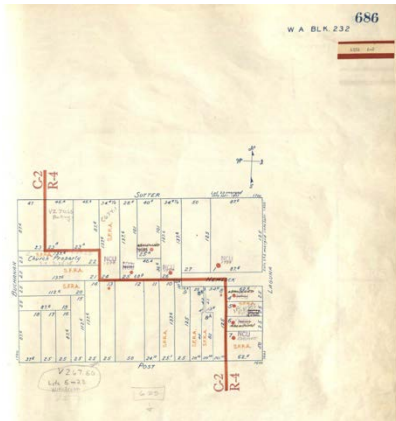


Figure 2: Post Street Block, c. 1960-65.

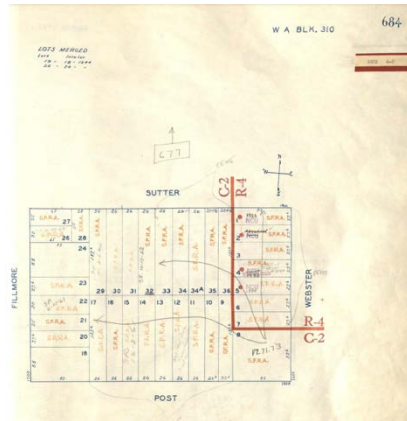


Figure 3: Fillmore Street Block: c. 1960-65.

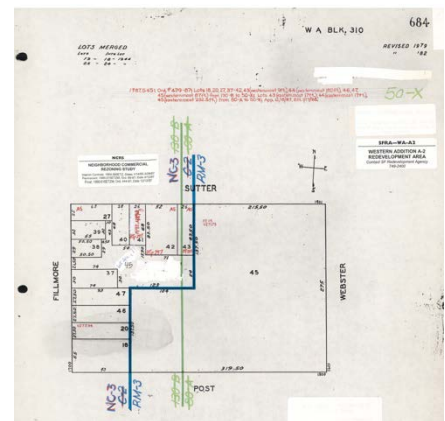


Figure 4: Fillmore Street Block, c. 1980.

The San Francisco Planning Block Map (1960–65) in Figure 2 shows the original location of the Jimbo’s Bop City building in the lower-left corner. Figure 3 shows the original locations of Victorians demolished from the block on Fillmore Street to which the Jimbo’s Bop City building was subsequently moved (“San Francisco Planning Block Map 1960–65”). Many of the parcels in Figures 2 and 3 bear an orange “S.F.R.A.” mark denoting the San Francisco Redevelopment Agency. Figure 4 shows the redrawn Victorian Village block on Fillmore Street in 1980, post-redevelopment (“San Francisco Planning Block Map 1980”). A striking feature of Figure 4 is the sheer number of missing Victorians. A few that are represented by lots on the left side of the map make up the Victorian Village retail development, which includes the old Jimbo’s Bop City building (represented by lot 20). These maps provide a visual representation of state-sanctioned dispossession of properties from an area of central significance to Black San Francisco (Klein; “The Fillmore: Timeline”).

### Black-Owned Marcus Books Acquires the Jimbo’s Bop City Building

The 34-year history of Marcus Books in the Jimbo’s Bop City building continues the tale of Black disenfranchisement into the late twentieth and early twenty-first centuries. In 1980, proprietors Drs. Julian and Raye Richardson acquired the building at 1712-16 Fillmore Street and began operating the San Francisco location of what is now the oldest Black-owned bookstore store in the country. While successive waves of gentrification saw ongoing Black outmigration from San Francisco and the continued loss of Black businesses from the Fillmore Street corridor

and district as a whole, Marcus Books served as a cultural site, hosting “many of the nation’s greatest Black figures and provid[ing] an intellectual and social meeting space for Black issues” (Woo).

### **Marcus Books Falls Victim to Predatory Lending and Is Forcibly Evicted in 2014**

Despite the temporal and physical distance between Marcus Books and Jimbo’s Bop City, similar undercurrents of racial discrimination precipitated the closure of the San Francisco Marcus Books location in 2014 (Woo). The children of Julian and Raye Richardson, who had by then taken over the family business, fell victim to a predatory loan during the subprime lending crisis (the consequences of which were felt most severely during and after the financial collapse of 2008). Unfortunately, their story is all too common, given the well-documented and dramatic racial bias of subprime lending (Badger). Long ignored by banks during the twentieth century, Black property owners were systematically targeted for subprime loans during the national housing boom (Badger). Moreover, when the property was snapped up in a bankruptcy sale after going into foreclosure, the City of San Francisco did not intervene to save one of the last Black-owned businesses in the Fillmore from eviction. The building at 1712-16 Fillmore Street is now home to an upscale hair salon. The recent displacement of such a significant Black-owned business manifests long-term patterns of harm to the Black community in San Francisco.

### **The Value of Real Property Appropriated From the Fillmore**

**SUMMARY:** The would-be present-day value of real property appropriated from the Fillmore District during redevelopment ranges from \$3.27 billion to more than \$4 billion. While further research is required to more accurately assess the pre-redevelopment property values of SFRA-demolished Victorians, open-source data indicates that the value differential in today’s dollars remains in the billions of dollars. Moreover, the economic and cultural harm of racial discrimination far exceeds the value of appropriated real property.

### **Present-Day Value of Victorians on Fillmore Street (Between Post and Sutter) Shows the Magnitude of Appropriated Real Property Value in Just One Block**

Table 1 below surveys the group of Victorians on Fillmore Street between Post and Sutter. With parcel numbers and addresses, it is possible to gain access to the present-day values of the properties in the Block Maps shown above. Today, the estimated property values range from \$833,161 to \$2,189,100, representing the huge amount of real property value currently concentrated in these buildings (“Fillmore St.”). These Victorians are also currently home to a group of upscale businesses, including jewelers and a tropical fish store, further indicating the magnitude of displaced wealth.

**Table 1: Victorians on Fillmore (Between Post and Sutter)**

Address / Parcel Number	Estimated 2022 Market Value (Zillow)	Assessed Value (2019/2020) <sup>5</sup>	Current Use
1712-1716 Fillmore (0684-020)	\$1,888,405	\$1,796,468	Hair salon
1718-1722 Fillmore (0684-046)	\$1,951,877	\$1,856,849	Tropical fish store
1724 Fillmore (0684-047)	\$2,189,100	\$1,782,226	Hair salon, jeweler, homeowners' association
1732-34 Fillmore			Pizzeria (closed)
1740-42 Fillmore (0684-038)	\$833,170	\$792,608	Indian restaurant
1750-54 Fillmore (0684-039)	\$833,161	\$792,601	Optometrist
1756-58 Fillmore (0684-027)	\$1,906,005	\$1,813,210	Liquor store

**Current Property Values in Four Zip Codes Illustrate Enormous Amount of Appropriated Real Property Value Across the Present-Day Fillmore District**

Open-source data on home values in the Fillmore District help to illustrate the degree of wealth currently concentrated in the neighborhood. Using the Zillow Home Value Index, Table 2 below shows that the estimated median property value across four zip codes in the Western Addition over a five-year period from 2018 to 2022. The values range from \$832,189 to \$1,690,297 (“Zillow Home Value”). For context, the median home value in the United States in 2022 was roughly \$356,000, and the average San Francisco metropolitan area home price that same year was \$1.39 million (Neilson).

<sup>5</sup> Data gathered from the San Francisco Planning Department Property Information Map at <https://sfplanninggis.org/pim/?pub=true>.

**Table 2: Estimated Median House Prices in Fillmore Zip Codes (Zillow Home Value Index)<sup>6</sup>**

Fillmore Zip Code	2018	2019	2020	2021	2022
94102	\$891,181	\$880,994	\$878,165	\$882,129	\$832,189
94109	\$1,154,530	\$1,141,769	\$1,132,938	\$1,150,558	\$1,107,095
94115	\$1,556,642	\$1,554,995	\$1,553,727	\$1,615,070	\$1,581,726
94117	\$1,643,049	\$1,647,263	\$1,615,372	\$1,717,722	\$1,690,297

**Value of Appropriated Real Property in the Fillmore Ranges Into the Billions of Dollars**

Examination of current real property values in the Victorian Village block of Fillmore Street and the present-day Western Addition as a whole provides a striking example of the enormous wealth extracted from Black residents throughout San Francisco’s history. Using open-source data, Table 3 below provides some reasonable projections of the aggregate present-day property value of 2,500 Victorians in the Western Addition, which is roughly the number demolished by the SFRA during redevelopment. Projections range from \$3.27 billion to more than \$4 billion. Pre-redevelopment property values of the demolished Victorians could be accurately determined with further research of historical data from the City and County of San Francisco Office of the Assessor-Recorder and documentation available through the Office of Community Investment and Infrastructure (the SFRA’s successor agency). Adjusting the 1972 Victorian Village buildings’ sale price of \$500 to 2022 dollars yields an aggregate value \$8,890,575—a crude but useful approximation. This does not account for land value or moving costs borne by purchasers, nor the arbitrarily deflated values imposed on these properties as the SFRA systematically undervalued them for acquisition purposes. However, the order of magnitude of the value differential between \$8,890,575 and \$4 billion suggests that, even accounting for these factors, the aggregate lost wealth represented by the Western Addition’s demolished Victorians remains in the billions of dollars.

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<sup>6</sup> Data gathered from the Zillow Home Value Index at <https://www.zillow.com/research/data/>.

**Table 3: Projected Aggregate Value of 2,500 Victorians in the Present-Day Western Addition**

Average 2022 Estimated Market Value of Victorian Village Block Victorians (Zillow) <sup>7</sup>	$\$1,600,286 \times 2,500 = \$4,000,715,833$
Average Assessor-Recorder Assessed Value of Victorian Village Block Victorians <sup>8</sup>	$\$1,472,327 \times 2,500 = \$3,680,817,500$
Average Zillow Property Value (Across Four Zip Codes and Five Years, From 2018–2022) <sup>9</sup>	$\$1,311,371 \times 2,500 = \$3,278,427,500$

**Real Property Value Appropriated During Redevelopment Is Only a Small Fraction of Total Wealth Stolen From Black San Franciscans**

Examining the relocated Victorian Village in the larger context of redevelopment in the Western Addition provides a trenchant window into the multigenerational history of Black disenfranchisement in San Francisco and the resulting extraction of Black wealth. This study is particularly relevant because the Fillmore District functioned as an historic cultural center from which close to 20,000 residents were displaced because of the Western Addition A-1 and A-2 redevelopment projects alone (“The Fillmore”).

It also represents a core challenge to assessing the harms of San Francisco’s housing and land use policy in the broader context of harms flowing from racial discrimination in all its forms. Notwithstanding the immeasurable cultural loss of Black institutions, the tangible economic harm of racial discrimination far exceeds the value of appropriated real property alone. Quantifying the tangible harms of racial discrimination in terms of the Black-White wealth gap more generally is the subject of the next section of this report.

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<sup>7</sup> Data gathered from Zillow listing for 1740-1742 Fillmore Street.

<sup>8</sup> Data gathered from the San Francisco Planning Department Property Information Map at <https://sfplanninggis.org/pim/?pub=true>.

<sup>9</sup> Data gathered from the Zillow Home Value Index at <https://www.zillow.com/research/data/>.

## **Chapter 3: Harms From Housing Discrimination: The Wealth Gap, the Black Tax, and Property-Based Wealth Amplification**

### **The Black Tax and Property-Based Wealth Deprivation**

Until very recently, Americans (close to 335,000,000 in number) were fellow citizens of a man whose father was born a slave. On October 19, 2022, Daniel Robert Smith, the man who was believed to be the last surviving child of a person enslaved in the United States, passed away (Risen). At the time of his father's birth in the early 1860s, slaves (though denied voting rights) were counted as three-fifths of a person for the apportionment of legislative and congressional representatives. Up until 2020, due to widespread prison malapportionment, Black prisoners (incarcerated at five times the rate of White Americans and denied the right to vote) were largely counted, for redistricting purposes, as residents of the primarily White rural jurisdictions where they were incarcerated, instead of as residents of the urban areas where they were arrested (Chaker; Rezal, "Racial Makeup"; Fisher et al.).

In 2013, the *San Francisco Chronicle* reported that 56% of San Francisco County jail inmates were Black, despite African Americans making up only 6% of the county's population during that time (Lagos et al.). In California, Blacks make up 6% of the state population but 28% of the prison population, and Black Californians are 9.2 times more likely to be incarcerated than White Californians (Fisher et al.).

Despite these profound continuities, over the past several decades the majority of Americans have not believed that slavery is a cause of contemporary racial inequalities ("Public Attitudes"). Just like the narrator in Ralph Ellison's *Invisible Man*, the badges and incidents of slavery are frequently unacknowledged for what they are. The Thirteenth Amendment to the US Constitution, passed and ratified in 1865, has been interpreted by the Supreme Court not only to abolish the institution of slavery but to empower Congress to enact legislation to abolish all *badges and incidents of slavery*. As Michele Alexander has detailed in her book *The New Jim Crow*, mass incarceration of Black Americans today has striking similarities to antebellum slavery and the post-Civil War Jim Crow racial caste system. The collateral consequences of incarceration, including loss of voting rights, are some of the badges and incidents of slavery identified in Thirteenth Amendment jurisprudence (Hill).

Moreover, the promise of "forty acres and a mule" to America's freed slaves, broken by President Andrew Johnson in 1865, was immediately followed by an enormous distribution of land to White families under the Homestead Act. Over the subsequent six decades, 1.5 million households were given title to 246 million acres of land in the American West, South, and Midwest, land grants from which Black Americans were largely barred (Williams 6; Oliver and Shapiro 40). Across the country, "the freedmen's badge of color and previous servitude complicated matters to almost incomprehensible proportions" (Lanza). Delilah Leontium Beasley, in her book *Negro Trail-Blazers of California*, points out that in California, for instance, Black settlers' claims for homestead status were held to be legally unenforceable (qtd. in Oliver and Shapiro 40). In the twenty-first century, Black Americans own less than 1% of agricultural land in the United States, a circumstance left virtually unchanged since the decades following the Civil War (Gilbert et al.).

In the mid-nineteenth century, a White army officer named Joseph Folsom became the wealthiest man in California after disenfranchising the estate of San Francisco's Black founding father, William Leidesdorff (Schneider). Leidesdorff, a Black Jew from St. Croix who settled in California in the 1840s, acquired vast landholdings in the city and in the Sierra foothills. Leidesdorff served as San Francisco's first treasurer, provided land for the first public school in the state, and sat on the state's first school board (Schneider). Upon Leidesdorff's premature death intestate, Folsom managed to track down his uninformed elderly mother in St. Croix and wrest the estate from her at a massive discount (Schneider). Today one of the longest streets in San Francisco and a city in Sacramento County bear Folsom's name. Leidesdorff is honored with a tiny alley in San Francisco's financial district. Whether they were enslaved or free, the badge of color worn by Black Americans has entailed disenfranchisement, unequal representation, unequal protection of the law, and vastly unequal wealth compared to White Americans throughout United States, California, and San Francisco history.

### **The Black Tax, White Wealth, and the Great Wealth Transfer**

**SUMMARY:** Like all Black Americans, Black San Franciscans pay a substantial Black tax as direct result of racial discrimination. While California was not a slave state, historically "slavery by another name" replaced chattel slavery in 1865 and has continued to impact generations of Black Americans who are still unfairly taxed because of the color of their skin. While the federal, state, and local governments have cooperated to build White wealth, they have simultaneously coordinated to destroy and appropriate Black wealth.

#### **Black Americans Pay a Black Tax for Their Badge of Color**

After the abolition of slavery, Black Americans continued to pay a steep tax on their labor due to arbitrary criminalization under the Black Codes combined with convict leasing, and systems of debt peonage and sharecropping. These systems of involuntary servitude amounted to slavery by another name (Blackmon). Black Americans today still pay a Black tax for their badge of color, regardless of whether they are the direct descendants of slaves in the United States.<sup>10</sup> For example, Black Americans are less likely than Whites to get a response from mortgage lending organizations and less likely to get a positive response when they do get one (Konish). While San Francisco fares better than other metropolitan areas, Black applicants for home loans are still 25% more likely to be denied than their White counterparts. Moreover, these results have no connection to credit score. In general, Black applicants with comparable credit to White applicants are treated as if they have a credit score that is 71 points lower than that of the White applicants (Hanson et al.). This means that Black Americans with comparable credit to Whites pay higher interest rates for their home loans solely on the basis of their race (Brooks). The Black tax paid by Black citizens due to their badge of color extends to every field of economic activity, including automotive and business financing, labor, and professional employment.<sup>11</sup>

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<sup>10</sup> See, for example, Armour, Jody. *Negrophobia & Reasonable Racism: The Hidden Costs of Being Black in America*. New York University Press, 1997; Smith, Andre. *Tax Law and Racial Economic Justice: Black Tax*. Carolina Academic Press, 2015; Rochester, Shawn. *The Black Tax: The Cost of Being Black in America*. Agate Bolden, 2017.

<sup>11</sup> See Smith, Andre. *Tax Law and Racial Economic Justice: Black Tax*. Carolina Academic Press, 2015; and Rochester, Shawn. *The Black Tax: The Cost of Being Black in America*. Agate Bolden, 2017.

## Black Homeowners Are Over-Assessed and Under-Appraised Relative to White Homeowners, Yielding Discriminatorily Higher Taxes and Lower Equity

Today, Black homeowners across the United States and in San Francisco are subjected to discriminatory appraisals and property tax assessments (Grotto). Consequently, their homes are systematically overvalued for tax purposes and systematically undervalued for purposes such as securing mortgage approvals (Grotto). A recent example in the Bay Area made headlines in 2020 when a Black couple was able to increase their home appraisal by \$500,000 by displaying a White friend’s family photos in place of their own (Glover). Moreover, a 2020 study from the University of Chicago, covering 2,600 US counties, found that San Francisco assesses and taxes the lowest-valued homes between 1.5 and 1.75 times higher in relative terms than it does the most expensive homes.

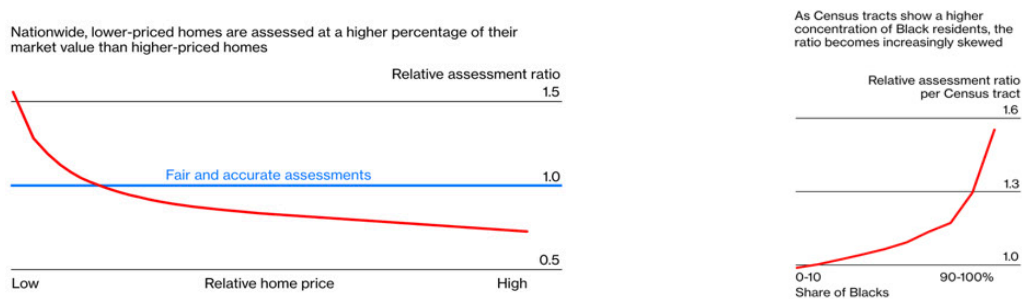


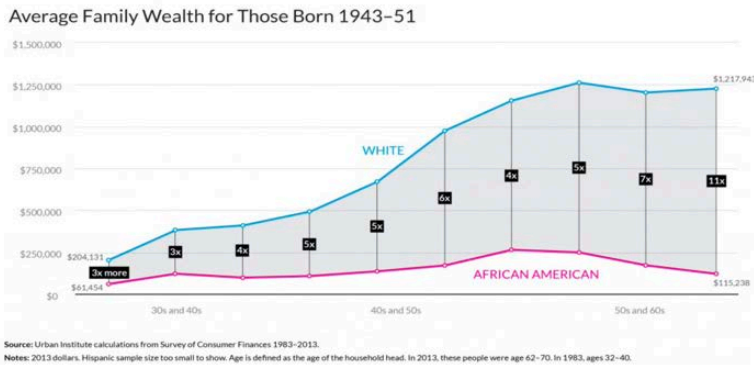
Figure 5: University of Chicago, Harris School of Public Policy.

## Black Americans Have Been Excluded From Every Major Wealth-Building Public Investment in American History

In addition to a Black tax, exclusion from every major public investment to aid American workers, veterans, and homeowners in the twentieth century (from the New Deal to the GI Bill and the post–World War II government-backed housing boom administered by the FHA and VA) prevented Black Americans from amassing any of the enormous collective wealth derived from these sources by generations of White Americans.<sup>12</sup> Not only did these programs allow White Americans to buy homes, start businesses, and fund college educations, they have facilitated a massive transfer of intergenerational wealth. For instance, in 2013, the average family wealth of White Americans born between 1943 and 1951 was more than \$1.2 million, eleven times greater than the average family wealth of Black Americans born in the same period (Pathe). The White baby boomer generation (whose parents were direct beneficiaries of these programs and were able to leave them \$11 trillion in inheritances) are now in a position to leave

<sup>12</sup> See Rothstein, Richard. *The Color of Law*. Liveright Publishing Corporation, 2018.





more than \$30 trillion in wealth to the next generation (Farnham; Hall). The “great wealth transfer” from the so-called greatest generation of the World War II era to the baby boomer generation is now being followed by an even greater wealth transfer from the baby boomers to their children.

Figure 6: Average family wealth for White and Black families born from 1943 to 1951.

### Birth of the Fillmore and Blooming of Black San Francisco Occurred in the 1940s During the Second Wave of the Great Migration

As recounted in Chapter 1 of this report, Black Americans began arriving in San Francisco in greater numbers during the Great Migration of African Americans out of the South to the



Northeast, Midwest, and West. While the Great Migration as a whole spanned a period beginning with World War I and continuing until the 1970s, San Francisco’s Fillmore District became home to a vibrant Black community during the second wave of the Great Migration in the 1940s.<sup>13</sup> From 1940 to 1970, the Black population of the Bay Area increased by more than 300,000 as the region became a major destination for wartime jobs in the shipyards and post-

Figure 7: Geography of the Great Migration.

<sup>13</sup> See Wilkerson, Isabel. *The Warmth of Other Suns: The Epic Story of America’s Great Migration*. Vintage, 2010.

war jobs in manufacturing.<sup>14</sup> A large proportion of Black Americans who came to San Francisco from the South during this time came from Louisiana and Texas. In 1950, about 47% of all African Americans in the San Francisco-Oakland metropolitan area were born in Louisiana or Texas, with 30% of adults in the area coming from Louisiana.<sup>15</sup> Known as the Harlem of the West (for its characteristic churches, theaters, grocery stores, restaurants, newspapers, and nightclubs), the Fillmore welcomed Ella Fitzgerald, Louis Armstrong, Billie Holiday, and many others during its jazz heyday (“The Fillmore”).

### **Federal, State and Local Governments Coordinated to Disenfranchise Black San Franciscans**

In the same post–World War II period during which the FHA was underwriting homeownership for millions of White families, the US Department of Housing and Urban Development was also spearheading a nationwide effort to redevelop America’s “inner cities.” The program of urban renewal, dubbed “negro removal” by James Baldwin during his 1963 visit to San Francisco, was distinctively racially motivated (V. Graham). For instance, San Francisco’s massive redevelopment areas, including the Mission, Western Addition, and Bayview-Hunters Point neighborhoods populated primarily by people of color, were significantly removed from the commercial center of the city. There could be no pretext of revitalizing the downtown corridor when the areas designated for redevelopment were miles away, including more than sixty square blocks encompassing the predominantly Black Fillmore District (close to two miles away) and the predominantly Black Bayview-Hunters Point neighborhood (close to six miles away). Many of the “riots” and much of the racial confrontation that marked the mid-1960s in San Francisco was directly related to residents resisting redevelopment activity in these neighborhoods (Hartman 24-5).

### **San Francisco Redevelopment Agency Displaced Tens of Thousands of Residents From Primarily Black Neighborhoods**

By 1969, the SFRA had used eminent domain, among other methods, to acquire and destroy close to 6,000 units of housing in redevelopment areas, almost entirely in the predominantly Black Western Addition and Bayview-Hunters Point neighborhoods (Hartman 61). Roughly 2,500 Victorian homes were demolished, and close to 20,000 residents were displaced from the Fillmore neighborhood alone out of the Western Addition A-1 and A-2 redevelopment areas, including a substantial number of Black homeowners (“The Fillmore”). Virtually none of them were able to move back (Hartman 25). As happened with the estate of William Leidesdorff (the Black founder of the city) a century before, the property of Black San Franciscans was wrested from their families, and their disenfranchisement has served to enrich generations of White Americans instead of Black families.

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<sup>14</sup> See, for example, Kopf, Dan. “The Great Migration: The African American Exodus.” *Priceonomics*, [priceonomics.com/the-great-migration-the-african-american-exodus/](http://priceonomics.com/the-great-migration-the-african-american-exodus/). Accessed 16 Dec. 2022.

<sup>15</sup> See, for example, Kopf, Dan. “The Great Migration of African Americans to the Bay Area: From the Bayou to the Bay.” *The Golden Stats Warrior*, 26 Feb. 2020, <https://goldenstatswarrior.substack.com/p/the-great-migration-of-african-americans>.

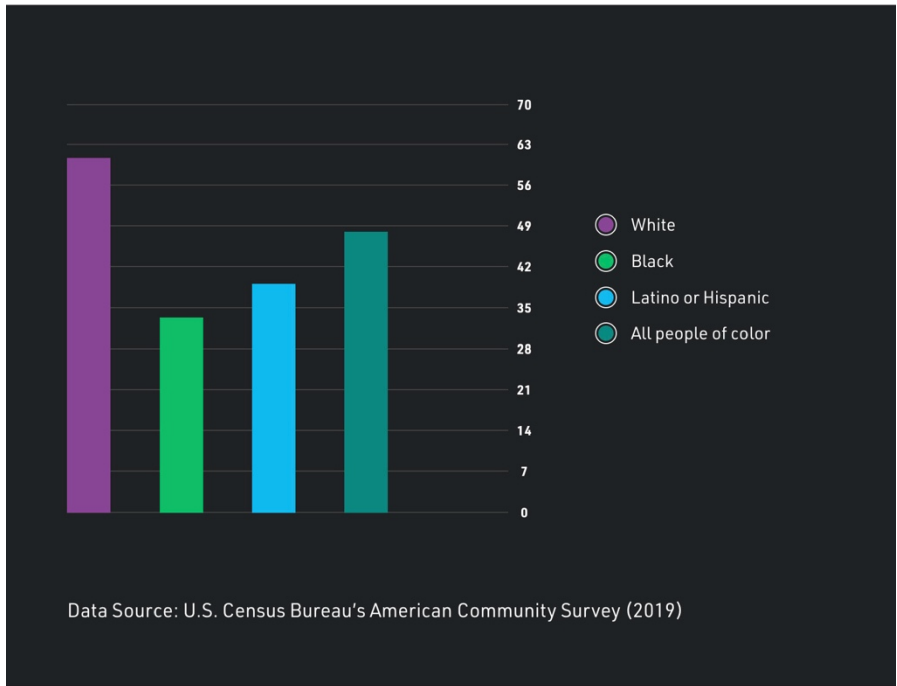
# Segregation, Housing Discrimination, and the Intergenerational Nature of the Wealth Gap

**SUMMARY:** San Francisco remains highly segregated as a consequence of government-sponsored *de jure* segregation. Racially discriminatory housing subsidies and the massive economic harm associated with racial segregation are major causes of the Black-White wealth gap and account for its intergenerational nature. Consequently, the Black-White wealth gap remains the same as it was in 1950. In San Francisco, it far exceeds the national average.

## Racial Segregation in San Francisco Causes Massive Economic Harm

In the present day, the United States is as segregated as it was in the 1940s, with the average urban Black person living in a neighborhood that is 44% Black (“Reparation Reports”). In *The Color of Law*, Richard Rothstein meticulously deconstructs the myth of *de facto* segregation and details how the history of racial segregation in San Francisco and in every part of the United States is in fact a history of government-sponsored *de jure* segregation.

San Francisco is no exception. The city remains highly segregated, with the bulk of the city’s Black population concentrated in the Bayview-Hunters Point, Visitation Valley, and Western Addition neighborhoods. Data compiled by Belonging Berkeley shows a direct relationship between segregation and adverse life outcomes in San Francisco. For example, White



neighborhoods have more than double the household incomes (\$123,701 versus \$48,843) and home values (\$899,765 versus \$440,620) of highly segregated Black and/or Latinx neighborhoods. Researchers have concluded that concentrated poverty as a result of segregation in San Francisco is associated with “negative life outcomes for all people in those communities, including rates of poverty, income, educational attainment, home values, and health outcomes” (Menendian et al.).

Figure 8: Homeownership rate by race in San Francisco Oakland.

From “San Francisco-Oakland Wealth - Equity Report | Our America.” ABC Owned Television Stations, <https://ouramericaabc.com/equity-report/san-francisco-oakland/wealth>. Accessed 27 May 2022.

## **Racial Wealth Gap Nationally and in San Francisco Directly Relates to Racial Segregation**

Government-sponsored racial segregation is inextricably tied to the racial wealth gap. Segregated neighborhoods and the resulting concentration of poverty create intergenerational, self-perpetuating traps that prevent wealth-building (Rothstein 153-75). In a study conducted in the 1990s, Douglas Massey used a series of economic simulations to show how “racial segregation is crucial to explaining the emergence of the urban underclass.” These studies demonstrate how poverty is magnified in segregated neighborhoods with a high concentration of minorities. Moreover, in the San Francisco Bay Area, “historically segregated neighborhoods that confined people of color were undervalued, and their residents, who tended to be either low-income renters or highly indebted homeowners, were more likely to face unstable housing conditions” (Montejo et al.). Consequently, Black households maintain a lower rate of homeownership compared to every other racial or ethnic group in the San Francisco-Oakland metropolitan region.

## **Studies Demonstrate Intergenerational Nature of the Wealth Gap**

National studies also draw upon empirical evidence to demonstrate the intergenerational nature of the racial wealth gap. A national longitudinal survey from 1976 and 1978 found that on average, young Black families hold 18% of the wealth of young White families (Blau and Graham). Moreover, by conservative estimates, at least 26% of an adult’s wealth position is directly due to inheritance or gift money, and the true effect could be as high as 50% (“Reparations Reports”). Analysis of the Moving to Opportunity (MTO) experiment by Chetty et al. in “The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment” also shows the intergenerational nature of wealth building and relates it to neighborhood-level factors. Treatment effects showed differing long-term outcomes on education and income: “[C]hildren whose families take up an experimental voucher to move to a lower-poverty area when they are less than 13 years old have an annual income that is \$3,477 (31%) higher on average relative to a mean of \$11,270 in the control group in their mid-twenties.” When applying the results of this experiment in the context of San Francisco, one can readily predict how government-sponsored, racially motivated forces of displacement and segregation had direct economic effects on intergenerational wealth-building and Black wealth more broadly.

## **Racially Discriminatory Housing Subsidies Are Major Cause of Black-White Wealth Gap**

Given the strong and measurable relationship between housing, segregation, and the racial wealth gap, quantifiers of housing discrimination that favored White families have been proposed as a basis for reparations on a national scale. For example, government housing subsidies present one measurement of racial harm: “[O]f the \$120 billion worth of new housing subsidized between 1934 and 1962, less than two percent went to nonwhite families, virtually locking them out of homeownership” (“Reparations Report”).

National theories linking housing and land policy to wealth building are applicable to San Francisco, where the harms of housing discrimination and government-sponsored segregation are evident (“Reparations Report”). In “Black Reparations for Twentieth Century Federal Housing Discrimination: The Construction of White Wealth and the Effects of Denied Black

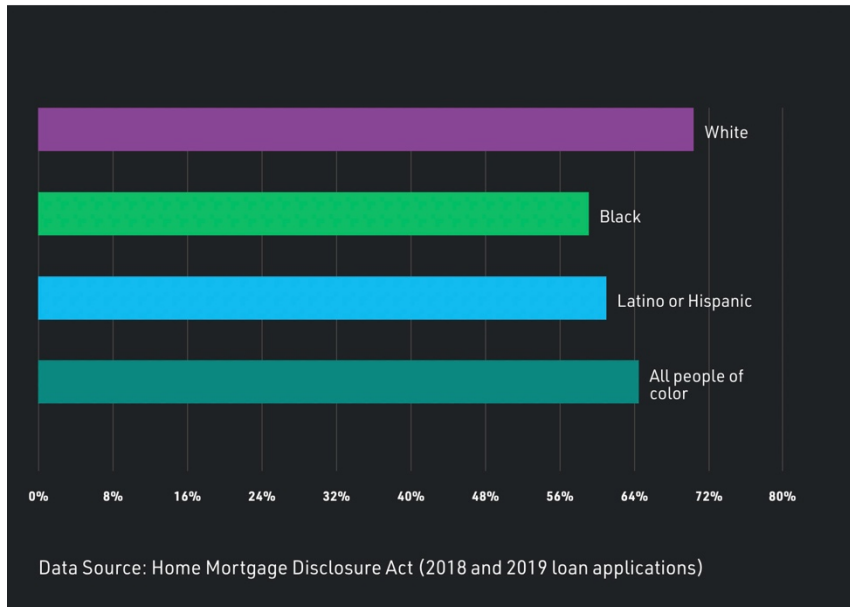


Figure 9: Share of home loan applications approved in the San Francisco-Oakland region.

From “San Francisco-Oakland Wealth - Equity Report | Our America.” ABC Owned Television Stations, <https://ouramericaabc.com/equity-report/san-francisco-oakland/wealth>. Accessed 27 May 2022.

“the enormous difference in wealth is almost entirely attributable to federal housing policy implemented throughout the 20<sup>th</sup> Century.” Studies also show a high degree of discrimination on recent home loans from private lenders. Black households face lower rates of home loan approvals compared to both White households and Latinx households.

### Debt and Predatory Lending Further Exacerbate Wealth Gap

The racial dynamics of debt in connection with housing also play a sizable role in the racial wealth gap. According to Jessica Lautz, the National Association of Realtors Vice President of Demographics and Behavioral Insights, “African Americans have nearly double the amount of student loan debt than we see for white homebuyers,” which further hinders Black homeownership (Glover). Moreover, predatory inclusion into debt hinders the ability of Black households to build wealth through homeownership (Seamster). Banks operating everywhere in the country (including in San Francisco) targeted Black homeowners and businesses for subprime loans leading up to the financial collapse of 2008. This dramatic racial bias of subprime lending resulted in the greatest loss of Black wealth in US history. For example, Black households lost close to 50% of their wealth during and after the Great Recession and foreclosure crisis, compared to 26% for White households (McKernan et al.). Thus, debt functions as a major hindrance not only to attaining homeownership but also to building and sustaining wealth across generations.

Homeownership,” Kim reports that between 1946 and 1960, in Northern California, more than 350,000 homes were constructed with FHA financing and fewer than 100 Black Americans received FHA financial endorsement. She concludes that “because home equity is a significant source of wealth that has accrued substantial[ly]—if not astronomically—since the 1930s, it is possible that much of the black-white wealth gap can be attributed to federal housing discrimination and the accrued wealth of homeownership.” Rothstein similarly concludes that

## **Black-White Wealth Gap in San Francisco Far Exceeds National Wealth Gap**

Empirical studies on the national level support a causal link between homeownership and wealth, with property ownership forming the main source of wealth for middle-class Americans (T. McCarthy). Simply put, property ownership is the cornerstone of wealth building. Not only are Black Americans denied equal protection of the law in paying a substantial and pervasive Black tax for their badge of color, but they have also been denied equal access to the major government-sponsored wealth-building programs of the past 157 years since the civil rights amendments abolished slavery and banned racial discrimination. These include the nineteenth-century Homestead Act as well as the New Deal, GI Bill, and FHA- and VA-sponsored homeownership in the twentieth century. Moreover, Black San Franciscans in the post-World War II era have had their properties seized and destroyed by HUD-sponsored redevelopment. Consequently, today, the national Black-White wealth gap is effectively the same as it was in 1950, and in San Francisco the Black-White wealth gap is far greater (Derenoncourt et al.). The Federal Reserve Bank in San Francisco estimates that White households in the city have a median wealth of \$355,000, which is a staggering 89 times the median wealth of Black households.

### **Quantifying the Harm of Racial Discrimination in Terms of the Wealth Gap**

**SUMMARY:** The Black-White wealth gap is a *prima facie* reliable quantitative measure of the financial harm caused by racial discrimination. In a world without racism, Black San Franciscans would be similarly situated in terms of wealth and prosperity as their White counterparts are. Quantitative and legal methodologies designed to assess and measure damages can be used to conservatively estimate the amount of wealth stolen from Black San Franciscans at more than \$42 billion.

### **Tangible Harms of Racial Injustice Can Be Quantified Based on Wealth Gap**

While quantifying the tangible and intangible harms of racial injustice can appear a daunting and arduous task, in many ways the Black-White wealth gap is itself a *prima facie* reliable quantitative measure of the financial harm caused by racial discrimination. While one can only imagine what a world without racism would be like for Black Americans—and Black San Franciscans in particular—a reasonable methodological presumption is that they would be similarly situated in terms of wealth and prosperity as their White counterparts if they had been enjoying the privileges and benefits of equal citizenship. The current difference in wealth between Black and White households in San Francisco is roughly \$350,000. Multiplying this number by an estimated 18,023 Black households in San Francisco yields a figure of more than \$6.3 billion dollars in stolen wealth (US Census Bureau, “QuickFacts”). This stolen wealth represents what could have been accrued by the Black households that remained in San Francisco if their families had enjoyed the same privileges and benefits of citizenship as their White counterparts. Since the Black population of San Francisco peaked in 1970 at 13.4 percent, tens of thousands of Black San Franciscans have been forced out of the city due to the ongoing effects of redevelopment, gentrification, and the high cost of living (“San Francisco City and County”). Today, Black San Franciscans make up less than 5.7% of the city’s population, the

lowest percentage in any major metropolitan area in the United States (US Census Bureau, “QuickFacts”; L. Johnson).

### Complete Quantification of Harms Must Include San Francisco’s Missing Black Population

While, again, one can only imagine what a world without racism would be like, another reasonable presumption is that the number of Black San Franciscans today would be proportionally much closer to what it was in 1970, a percentage that closely mirrored the national Black population. For instance, in 1970 Blacks made up 11.1% of the national population (US Census Bureau, “Historical Statistics”). In 2020, they accounted for 12.4% of the national population (Jones et al.). If, today, Blacks made up 12.4% of San Francisco’s population, there would be closer to 40,000 Black households and well over 100,000 Black residents, instead of the less than 20,000 Black households and less than 50,000 Black residents that currently reside in the city (US Census Bureau, “Quick Facts”). It is no coincidence that the figures for the number of Black households and individuals displaced by redevelopment in San Francisco run in the tens of thousands. Many of those who were not initially displaced out of San Francisco altogether and who relocated to other parts of the city would eventually be forced out by subsequent rounds of redevelopment targeting their new neighborhoods, as well as by gentrification, lack of affordable housing, and the skyrocketing cost of living. There can be no doubt that Black San Franciscans would have been similarly situated as their White counterparts to weather these trends and afford living in San Francisco if they had not been disenfranchised because of their badge of color.

### Missing Black Residents, Low Rates of Homeownership, and High Rates of Houselessness Define Nature and Scope of San Francisco’s Real Wealth Gap

When considering what San Francisco would be like in a world without racism, it is impossible to ignore the wealth stolen from those families and individuals who were forced from their

Homeownership rates by race/ethnicity: Bay Area, 2000-2019

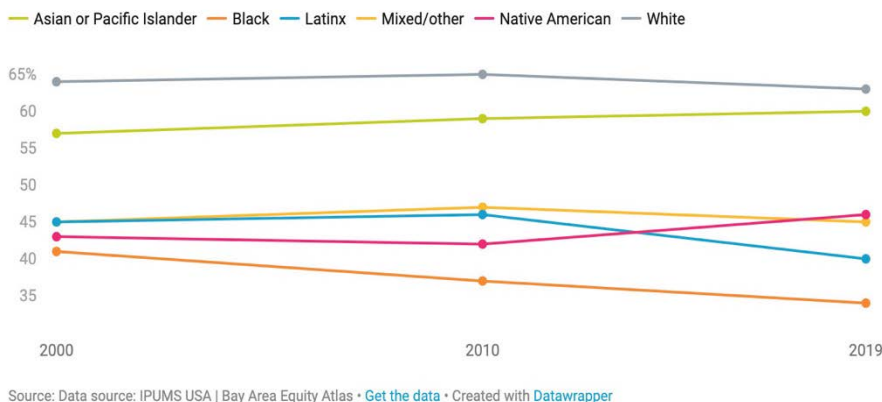


Figure 10: Declining Black homeownership in the Bay Area.

From “Homeownership Is Unattainable for Most Bay Area Black, Latinx, Cambodian, and Pacific Islander Households.” *Bay Area Equity Atlas*, 24 Sept. 2021, <https://bayareaequityatlas.org/node/65531>.

homes and could not afford to stay. The \$6.3 billion would have to be more than doubled to a figure closer to \$14 billion. Moreover, some of the reasons the Black-White wealth gap in San Francisco is so astronomically high directly relate to the low rates of Black homeownership and high rates of Black houselessness in San Francisco. According to the Bay Area Equity Atlas, Black households

are the only racial or ethnic group in the Bay Area that have experienced consistent declines in homeownership. Only 33% of Black San Franciscans own a home, compared to 61% of White San Franciscans, which is the widest racial homeownership gap in 100 years and substantially below the national Black homeownership rate of 44% (Glover; Lalljee; “Reparations Report”). Moreover, despite making up less than 5.7% of the general population, Black San Franciscans make up 37% of the city’s substantial houseless population (Kirsch). It is impossible to know exactly how many houseless Black San Franciscans are from families who once owned or rented a home in the Western Addition and Bayview-Hunters Point redevelopment areas in the previous generation. Whatever their number, it is equally impossible to account for the immeasurable pain and suffering that they and their fellow Black San Franciscans have endured as a result of government-sponsored racial injustice.

What the statistics and historical record make abundantly clear is that even a figure of \$14 billion is a woefully insufficient. At best, it can be considered a floor from which to begin thinking through various additional quantitative and legal methodologies designed to assess and measure damages.

### **Constructive Trust Theory Allied to Reparations for Intergenerational Race-Based Harms**

The legal doctrine of constructive trust requires restitution for unjust enrichment and applies compellingly to reparations for the intergenerational race-based harms described in this report. The doctrine means that the owner of property unjustly received is deemed to hold it for the benefit of the person wrongfully deprived. If the property itself can no longer be identified, the proceeds that flowed from its taking may serve to define the debt owed (Armstrong 780).

Restitution via constructive trust is not limited to those who have engaged in wrongdoing. Rather, any recipient of an unfair benefit can be required to disgorge wrongful proceeds that were acquired from those who did the actual wrong. Numerous scholars have noted the value of constructive trust doctrine as justification for reparations policies and legislation.<sup>16</sup> Because it is not based on individual culpability, constructive trust theory justifies liability for restitution and contributions to reparations from any beneficiaries of White supremacy, including those whose ancestors did not own slaves or who have not themselves demonstrably discriminated. As Mari Matsuda explains in “Looking to the Bottom: Critical Legal Studies and Reparations,” “Members of the dominant class continue to benefit from the wrongs of the past and the presumptions of inferiority imposed upon victims. They may decry this legacy and harbor no racist thoughts of their own, but they cannot avoid their privileged status” (qtd. in Armstrong).

### **Wealth Gap Does Not Quantify Intangible Harms Flowing From Racial Injustice**

On the assumption that \$14 billion in wealth was wrongfully appropriated from Black San Franciscans under the aegis of city, state, and federal government programs, that is a reasonable

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<sup>16</sup> See, for example, Brooks, Roy L. “The Slave Redress Cases.” *North Carolina Central Law Review*, vol. 27, no. 2, article 3, 2005. Also see Franke, Katherine. *Repair: Redeeming the Promise of Abolition*. Haymarket Books, 2019, pp. 135-8.



sum to be held in constructive trust for their benefit. However, this figure can only approximate the tangible harm caused by racial discrimination, and it does not even begin to quantify the damages flowing from intangible harms, including generations of pain and suffering endured by San Francisco's Black population. In addition to actual and restitution damages, future damages are generally awarded to an injured party for an injury's residual or projected effects, including pain and suffering, loss of earning capacity, and medical expenses.<sup>17</sup> As the rest of this report makes abundantly clear, all these harms flow directly from racial segregation, discrimination, and unequal protection of the law.

### **Punitive (Treble) Damages as an Initial Conservative Measure and a More Complete Estimate of Total Damages**

The legal device of treble damages is used in many jurisdictions to assess additional punitive damages when a defendant acted with recklessness, malice, or deceit.<sup>18</sup> Treble punitive damages can at least start to provide a serviceable framework in which to think about how much greater the range of damages should ultimately be. It is undeniable that badges and incidents of chattel slavery, convict leasing, debt peonage, Jim Crow, racial segregation, the Black tax, mass incarceration, and unequal protection of the law constitute a malicious institution of racial apartheid that has spanned many centuries of American history. A figure of \$42 billion (that is, three times \$14 billion) can only begin to quantify the ultimate tangible and intangible harms of racial injustice in San Francisco. This number can at best be considered a conservative estimate based on reasonable presumptions about the wealth stolen from Black San Franciscans by a malicious system of government-sponsored racial injustice over many generations. Moreover, considering \$42 billion to be a conservative minimum figure is further buttressed by taking account of the compounding harms that flow from deprivation of wealth and property.

### **Housing Discrimination Hinders Wealth Amplification and Compounds Harm**

As detailed in this report, discriminatory housing policies have prevented Black San Franciscans from building intergenerational wealth. Moreover, the harm of stolen intergenerational wealth is greatly compounded given the intersectional nature of housing discrimination and other harms (Menendian et al.). For instance, education, like housing, is a wealth amplifier (Mintz). Because disparities in primary and secondary educational opportunities for Black San Franciscans are directly linked to segregation, housing discrimination has a direct effect on educational outcomes (Rothstein). The lost wealth resulting from housing discrimination increases the relative rate of educational debt for Black Americans compared to their White counterparts and prevents Black San Franciscans from investing in higher education (Glover). Moreover, educational disparities, tied to the racialization of housing, are directly linked to employment disparities, further preventing the accumulation of wealth (Sirin). In addition, health and environmental harms resulting from housing segregation cause manifold intersectional effects, including deprivation of wealth and loss of life ("Appendix A: Housing Needs Assessment"). Housing discrimination and racial segregation also directly intersect with the criminal justice system, in which disparate

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<sup>17</sup> See, for example, "Future Damages." *Black's Law Dictionary*, Third Pocket Edition. Edited by Bryan A. Garner, West Publishing Co, 1999, p. 174.

<sup>18</sup> See, for example, "Punitive Damages." *Black's Law Dictionary*, Third Pocket Edition. Edited by Bryan A. Garner, West Publishing Co, 1999, p. 175.

treatment and lopsided incarceration rates further deprive Black San Franciscans of opportunities (Glifford; James; “Report of the Blue Ribbon Panel”). Property-based wealth deprivation is thus related to cascading inequities.

### **One Million Dollars Is Bare Minimum Estimate of Per Capita Harm From Racial Discrimination in San Francisco**

Given the highly intersectional and intergenerational nature of housing relative to wealth and life outcomes generally, the magnitude of total harm resulting from housing inequity and racial discrimination in San Francisco is very difficult to fully determine but should not be underestimated. The methodological assumptions of this report (both quantitative and legal)—including the Black-White wealth gap as a quantitative basis, and the legal theories of constructive trust and treble punitive damages—are designed to provide a framework for beginning to quantify race-based harm. A number between \$40 and \$50 billion divided by a Black population in San Francisco that is between 40,000 and 50,000 yields a rough per capita figure of \$1 million. Given the conservative estimates based on reasonable methodological assumptions underlying this report, such a per capita figure represents a bare minimum estimate of the quantified harm of racial discrimination against Black San Franciscans.<sup>19</sup>

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<sup>19</sup> William Darity and Kristen A. Mullen have recently argued that any federal reparations legislation should aim to close the racial gap in mean wealth between Black and White households. This would require an expenditure of approximately \$13 trillion in payments of roughly \$700,000 per household (Darity and Mullen). Given the special circumstances of wealth inequality in San Francisco, a higher figure is justifiable in the local context along the lines presented here.

**Part 2: Compounding Harms – San Francisco’s  
Housing Discrimination Has Damaged Other Aspects  
of Black Life**

## Chapter 4: Compounding Harms to Black Education



Much of the scholarship around racial inequality focuses on the concept of a “gap” that demonstrates the disparities between Black and White populations in their performance at various life stages. The Black-White wealth gap and the academic achievement gap are two examples of how scholarship analyzing the effects of racism has historically focused on solutions that would facilitate a process by which Black Americans can “catch up” to their White peers. However, this framework sets White achievement as an ideal, reinforces Eurocentric standards of success, and minimizes the impact of systemic racism on all people of color regardless of their educational attainment or income

level. The notion that racism is harmful only to the extent that it impacts an individual’s outcomes in fields such as education and labor obscures the ways that racism operates in Black Americans’ daily lives regardless of their ability to achieve various metrics of success. Furthermore, this framing establishes the achievement of White communities as both an ideal that other racial groups should strive to reach and a standard against which all other racial groups should be compared. In addition to highlighting the disparities that exist between Black and White San Franciscans, this report also seeks to demonstrate the many intangible, unquantifiable, and often invisible harms that San Francisco has inflicted on Black residents through policies of segregation, exclusion, and subjugation.

### Compounding Harms – Educational Achievement

For Black Americans who were formally enslaved and/or subject to oppressive laws and systems on the basis of race, education meant emancipation (Douglass). The fear that access to education would lead to rebellion fueled efforts to severely limit the schooling of Black Americans. Beginning in 1860, the California Education Code explicitly prohibited “Black, Asian, and American Indian students from attending public schools with white students” (O’Connell, “Part I”). Unequal access to educational opportunities fueled by housing segregation ensured that Black children in San Francisco began their lives at a distinct disadvantage and directly reinforced one of the fundamental badges and incidents of slavery: unequal access to education.

San Francisco Unified School District’s stated mission is to provide quality instruction and equitable support to “each and every student” in the district (“Our Mission and Vision”). However, historically, the district has failed to provide adequate instruction and support to Black students through formal exclusion as well as facially race-neutral policies and practices that adversely impact Black students’ achievement. Decades after *Brown v. Board of Education*, schools in San Francisco are more segregated now than any time before the 1970s, and educational outcomes for Black students in San Francisco are substantially worse than those of their White peers and those of Black students in other parts of California. Today, the Bay Area is one of the most educated regions in the country, but Black San Franciscans are much less likely to graduate high school and/or receive a college degree than their non-Black peers. In January 2020, Bay Area parents declared the racial disparities in San Francisco Unified School District (SFUSD) student achievement an “educational state of emergency” (Harrington).

San Francisco’s policies of exclusion toward Black communities have not only contributed to the stark educational disparities that exist within the city, but also created a system where Black San Franciscans are subject to harm in their educational experiences beyond the unequal academic outcomes they achieve relative to their White peers. Inequality in education constrains a multitude of opportunities for Black San Franciscans, including their ability to afford housing, avoid environmental hazards, access health care, navigate police interactions and the criminal justice system, maintain strong connections with family and the larger community, and build intergenerational wealth. The following sections describe the present status of segregated education in San Francisco.

## **Housing Nexus: How Segregated Neighborhoods Created Segregated Schools**

**SUMMARY:** In addition to driving away Black residents from White communities, racially restrictive covenants, displacement, and other discriminatory housing policies also served to exclude Black children from San Francisco public schools.

### **San Francisco’s Segregated Schools Reflect Segregated Housing**

San Francisco’s school segregation problem, an issue for more than a century, slowly began to gain attention in the 1960s amid the broader Civil Rights movement. Ten years after *Brown v. Board of Education*, a report found that “seventeen schools in SFUSD are more than 90% white, even though the district’s overall enrollment is only 57% white. Nine schools are more than 90% Black, though Black students comprise only 28% of the district” (O’Connell, “Part I”). These divisions reflected the spatial distribution of the Black population in distinct pockets of the city as a result of the ongoing housing policies described in previous sections of this report. Even prominent and wealthy Black San Franciscans, such as Hall of Fame baseball player Willie Mays and San Francisco’s future mayor Willie Brown, continued to be denied access to homes in White neighborhoods through racially restrictive covenants (LaBounty; Richardson 72-75).

### **Students of Color Have Historically Been Excluded From San Francisco Schools**

In 1864, San Francisco’s school board built the Negro Children’s School as a public school for San Francisco’s Black children, though it was not within walking distance of all eligible students

(San Francisco Planning Department et al.). At the time, students who could pass as White were able to attend public neighborhood schools, but Black students could not attend schools with White students (San Francisco Planning Department et al.). Many communities continued to protest school segregation after the creation of segregated public schools in San Francisco and the enforcement of school segregation in the law. These communities recognized that students of color were receiving inferior resources and educational opportunities compared to their White peers (O’Connell, “Part I”).

In 1872, a family sued San Francisco for its segregationist school policies, arguing that they violated the Thirteenth and Fourteenth Amendments (San Francisco Planning Department et al.). The California Supreme Court upheld racial segregation in its decision, and while the San Francisco school board officially endorsed integration in 1875 on the basis of separate schools for Black students being too expensive to administer, education in the city remained largely segregated (San Francisco Planning Department et al.; O’Connell, “Part I”).

### **Schools Located Where Black Families Are Concentrated Have Been Continually Underserved**

High levels of residential segregation are strongly correlated to a variety of life outcomes, including lower educational attainment. For example, residents of highly segregated Black and Latinx neighborhoods in San Francisco are only 25% as likely to have bachelor’s degrees as their peers in White neighborhoods (“Study Finds Strong Correlations”).

Charles R. Drew Preparatory Academy in Bayview-Hunters Point, for example, serves a school population with 99.4% minority enrollment and 47.7% Black students (“Drew (Charles) College Preparatory”). Recent data shows that only 3% of these students are proficient in math, compared to 47% of students in the district (“Drew (Charles) College Preparatory”). In reading, 12% of students at Charles Drew met proficiency standards, compared to 50% of all district students (“Drew (Charles) College Preparatory”). Similar outcomes are evident at George Washington Carver Elementary in Bayview-Hunters Point, where 53.1% of students are Black: students scored below district averages, with 22% meeting proficiency in math and 17% in reading (“Carver (George Washington) Elementary”).

## **Education Policy Background: A History of Desegregating and Resegregating San Francisco Public Schools**

**SUMMARY:** Although the 1954 *Brown v. Board of Education* Supreme Court ruling held that public schools could no longer be racially segregated, in practice public education in the San Francisco Unified School District remains divided by race.

### **San Francisco’s Civil Rights Leaders Led the Movement for Inclusive Schools**

By the 1960s, San Francisco had its own chapters of the NAACP and the National Urban League, and residents had formed chapters of the Congress of Racial Equality (CORE), the Church-Labor Conference (CLC), the Unified Freedom Movement (UFM), and the Ad Hoc Committee to End Discrimination. CORE protested local employment discrimination, including

at the Bank of America,<sup>20</sup> and its Ad Hoc Committee to End Discrimination successfully protested Mel's Drive-In, the Palace Hotel, and the Don Lee Cadillac dealership for failing to hire Black employees (San Francisco Planning Department et al.).<sup>21</sup> The Black Panther Party was also active locally and included both medical care and education as major points of focus (San Francisco Planning Department et al.). At San Francisco State College (now San Francisco State University), student strikes succeeded in establishing the first Black studies program in the nation (San Francisco Planning Department et al.).

### **San Francisco Residents Brought Community Proposals to Improve Schooling**

Many San Francisco community members, recognizing the harmful impacts of segregated educational facilities and the lack of resources afforded to Black students, organized groups that petitioned the school board for change. In the spring of 1965, Daniel Knapp, a professor of English at San Francisco State College, worked with other community members to develop a plan to increase racial integration in San Francisco's public schools and improve educational opportunities for low-income students (Kaplan). Later that same year, other community members from Bayview-Hunters Point—by this time an almost entirely Black neighborhood—also petitioned the school board to construct another school in their area (Kaplan). However, the school board consistently denied these petitions (Kaplan).

### **San Francisco's First NAACP Education Discrimination Suit Brought in 1971**

After decades of activism by the Black community in San Francisco, the NAACP successfully sued the San Francisco Unified School District in the 1971 case of *Johnson v. San Francisco Unified School District*. The US District Court ruled that SFUSD intentionally created segregated school assignment zones and that majority-Black schools had less experienced teachers who received lower compensation (US District Court). In response to the ruling, SFUSD implemented the Horseshoe Plan, which used bussing programs intended to make the racial demographics of each school mirror the demographics of the city at large. However, fully one-third of all SFUSD students used a waiver program (Temporary Attendance Permits [TAP]), the bussing system served primarily to transport Black children out of their neighborhoods, and White parents pulled their children out of the public school system in such high numbers that by 1975, White children made up only 25% of the San Francisco public school student body (O'Connell, "Part II"; San Francisco Planning Department et al.).

### **San Francisco's Second NAACP Education Discrimination Suit Brought in 1978**

Due to ongoing school segregation, in 1978 the NAACP again sued SFUSD for continuing to discriminate against students of color. This case led to the Desegregation Consent Decree established in 1983. Rather than attempting to achieve racial balance in schools, this decree and its associated Educational Redesign Plan instead determined that schools should be "racially

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<sup>20</sup> The group protested against businesses that wouldn't hire Black employees, including Super Save Store, Lucky Stores, and Safeway.

<sup>21</sup> The group was also joined in protest of the Palace Hotel by members of the NAACP and CORE.

unidentifiable” (O’Connell, “Part II”). Schools were required “to enroll students from at least four racial/ethnic groups, with no one group exceeding 45% of total enrollment” (O’Connell, “Part II”). Although the plan temporarily reduced the number of schools characterized by one predominant racial/ethnic group, it was mostly Black and lower-income students who were bussed,<sup>22</sup> families with means opted out of school assignment through Optional Enrollment Requests, and no significant progress was made on improving educational outcomes for minority students (O’Connell, “Part II”; Der).

### **San Francisco Schools Resegregated in the 1990s**

San Francisco’s brief period of more integrated schooling ended in 1994, when the San Francisco Chinese American Democratic Club sued SFUSD for using race in their school assignment process. In this case, *Ho v. SFUSD*, the court ruled in favor of the Chinese American Democratic Club and prohibited SFUSD from using race as a factor in school assignments. SFUSD implemented a new default school assignment system based on students’ residential location (Rice et al.). Because the effects of housing discrimination continued to entrench residential segregation, the case effectively allowed for the resegregation of San Francisco’s public schools (O’Connell, “Part II”). The 1998-99 school year was the district’s last year using race as a factor in school assignment (O’Connell, “Part II”).

### **Separate and Unequal: Educational Inequality in San Francisco**

**SUMMARY:** SFUSD schools with mostly Black student populations receive less funding and resources from the City, and Black SFUSD students are subject to disproportionate punishment and racist stereotyping. SFUSD’s unequal education system impairs Black students’ academic progress as well as their well-being.

### **School Segregation Continues in San Francisco**

SFUSD has a diverse districtwide population, but its schools are largely segregated. During the 2020-21 academic year, more than a quarter of district schools had a student population that was 60% or more a single race or ethnicity (Sumida, “San Francisco Is Changing”). An analysis by the *San Francisco Chronicle* found that 59 of 99 non-charter public schools in the city are considered highly segregated (Garcia).

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<sup>22</sup> With this change, the TAP program was replaced by an Optional Enrollment Request that could be approved only if a school had room and could maintain racial unidentifiability.



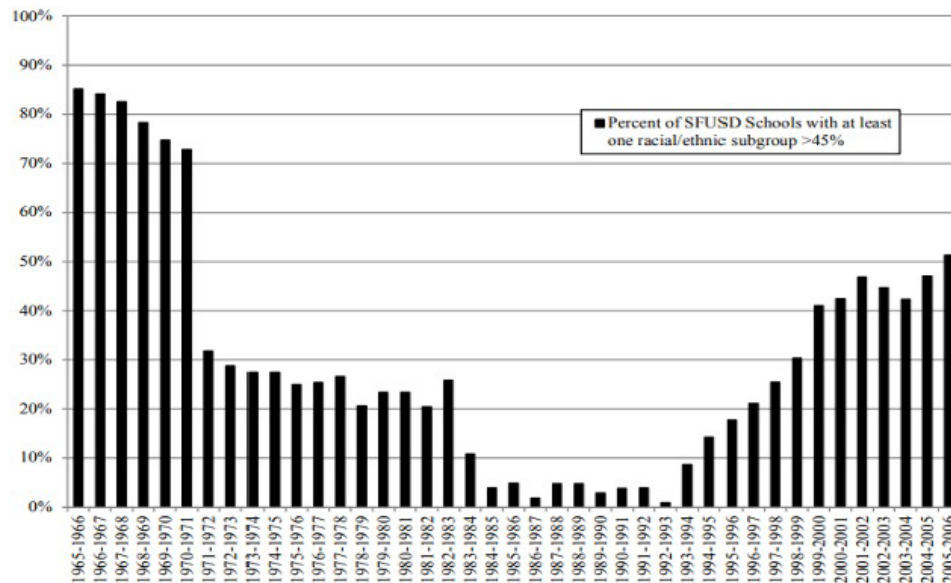


Figure 11: Racial identifiability in SFUSD schools, 1965–2006.

School years 1965–2001 from Exhibit, Declaration of Donald Barfield, Attachments C-5 and C-7, SFNAACP v. SFUSD (DF1228, 4/11/01). School years 2001–2006 from Research Planning and Accountability Department, SFUSD.

The three most segregated schools identified by the analysis are all majority-Black schools in the Bayview-Hunters Point neighborhood: Malcolm X Academy, Carver Elementary, and Dr. Charles R. Drew Elementary (Sumida, “Is Lowell Segregated”). Each of these schools “[has] at least 50% of students identifying as non-Hispanic Black— eight times the district average of 6%,” while their percentage of

enrolled White and Asian students is below the district average (Sumida, “Is Lowell Segregated”).

### SFUSD Students Attending Underfunded Schools

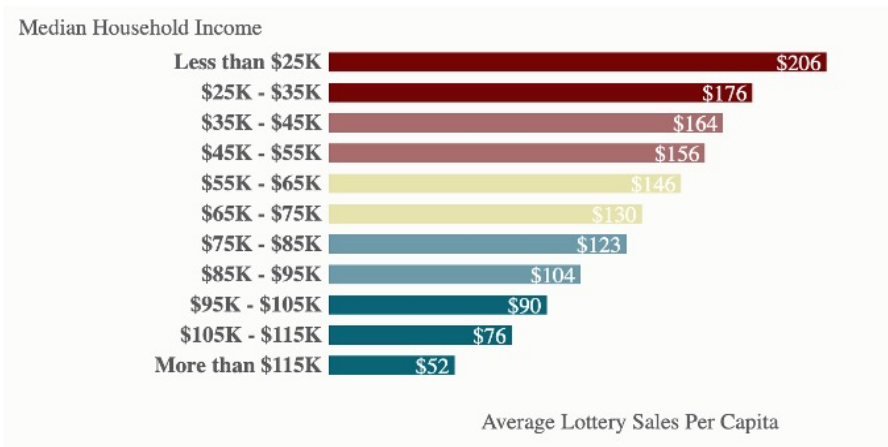
Nationally, Black students are more than twice as likely as their White peers to attend a school with a high poverty rate (Sumida, “Is Lowell Segregated”). Historically, California schools have been chronically underfunded (“Q&A: Funding”). In California, districts with predominantly non-White students have 20% less funding than predominantly White school districts (“Nonwhite School Districts”). In 2013, California implemented a new school-funding formula that gave local school boards increased control over school spending (Fahimuddin). SFUSD currently ranks last in classroom spending among California’s wealthiest school districts (Mojadad).

### SFUSD’s Funding Scheme Rewards Already-Resourced Schools

SFUSD’s decision to allocate funding based on school performance has created an environment in which high-performing schools are extremely competitive, while lower-performing schools that most often serve low-income students of color are severely under-resourced. For example, up until 2022, San Francisco high schools received an additional stipend for each AP exam taken (Collins). At the highly resourced, predominantly White Lowell High School, where 93% of students take an AP exam, an additional \$2.4 million was allocated from the district based on AP testing (“Lowell High School”). While \$1.3 million went toward paying for AP teachers and

tests, the school had \$1.1 million left over for the school’s general fund (Tucker, “S.F. Families”). In contrast, high schools serving Black students, such as Mission High and Thurgood Marshall High, have significantly lower AP exam rates (36% and 20 percent, respectively) and thus received much less AP-linked funding (“Mission High School”; “Thurgood Marshall High School”). In effect, this policy has diverted funds that could have been invested in lower-performing schools to instead reward institutions in which students are already outperforming their peers.

### Low-Income Communities Contribute More to California Lottery Revenue but Receive Less Education Funding



Proposition 20, passed in 2000, mandated that half of all increases in lottery funds go to purchasing instructional materials (“Lottery – CalEdFacts”). In 2010, the state legislature removed the Prop 20 requirement and instead allowed the Lottery Commission to arbitrarily determine an amount that “maximizes” funding for public education (California State Assembly). In 2021, the California State Comptroller estimated that

Figure 12: California average lottery sales per capita.

Source: “Lotteries as School Funding: The Game Is Rigged.” Edbuild, <http://viz.edbuild.org/maps/2016/lottery/>.

the California State Lottery generated about \$244 per student, which accounted for around 1% of the \$21,152 in total funding per pupil schools received from federal, state, and local sources that year (Fensterwald). While the state’s education funding produced by lottery revenue is distributed at a flat rate, which was about \$163 per student in 2014, that same year the state’s lowest-income communities spent four times more on lottery tickets compared to higher-income neighborhoods (“Lotteries as School Funding”). Because low-income communities contribute more to lottery revenue, it follows that they receive a smaller fraction of their spending for education funding.

### Disadvantaged Students Excluded in the High School Admissions Process

San Francisco students with lower educational outcomes at the elementary and middle school levels are then excluded from high schools with admissions policies. For example, Lowell High School, which boasts high rates of college readiness and acceptance, bars students who do not meet high academic achievement standards through its selective enrollment system (“Lowell High School”). Only 1.7% of the school’s students are Black (“Lowell High School”). As one student stated at a Lowell Black Student Union rally, “When these walls opened in the 1800s

they were only open for white students. Now, those same doors exist, except they call it an admissions policy” (Frenes et al.).

### **Admissions Lottery System Reproduces Inequality**

With racial considerations outlawed by California’s Proposition 209, from 2002 to 2010 SFUSD attempted to create more diverse schools by using factors such as socioeconomic status and maternal education levels. The system, which involved lottery assignment according to parents’ ranked school choices, provided an advantage to families who were able to conduct research and fill forms out early. Segregation continued to rise (O’Connell, “Part II”). The district then switched to a fully choice-based system that exhibited the same problems of privileging families with the means to “shop” for schools during the workday (O’Connell, “Part II”). By 2019, the majority of schools had failed the “racially unidentifiable” test, with nearly 60% of schools characterized by at least 45% of students belonging to one racial/ethnic group, despite the diversity of the overall SFUSD student population (O’Connell, “Part II”).

The intersection of race and poverty within San Francisco means that more Black students are enrolled in high-poverty schools than students of any other ethnic group. Although the lottery system is intended to reduce these disparities, the system falls short because highly competitive, well-resourced schools are the top choice for parents with means, and those with the capacity to do so “game” the system to enroll their children in these higher-performing schools. Parents with more time and resources conduct research into schools, including attending open-house events that occur during working hours, whereas parents working longer and less flexible hours are not able to match these efforts (O’Connell, “Part II”). These less-resourced parents have described the lottery system as “overwhelming, stressful, [and] baffling,” rather than serving to support the needs of all students and provide equal opportunities for those from disadvantaged backgrounds (Schwartz, “San Francisco School Lottery”).

#### **Case Study: Grattan Elementary**

The complexity and inequity produced by the present lottery system is exemplified by the transformation of Grattan Elementary from a diverse school serving mostly students of color to a majority White-serving institution. In the early 2000s, Grattan was considered a low-performing school (Cima). Despite its location in the predominantly White neighborhood of Cole Valley, most of its students were Asian, Black, and Latinx, because wealthier White families opted to send their children to higher-performing public schools or enroll them in private education. Once school outcomes began to improve, however, Grattan became increasingly White. The school now boasts a 5% acceptance rate as it fields thousands of applicants (Cima). Much like the gentrification that has made housing unaffordable for Black San Franciscans in formerly Black neighborhoods, investments in Grattan’s success ultimately benefited White families rather than its once-diverse student body.

### **San Francisco’s Black Student Outcomes Are the Worst in the State**

Black student achievement levels in SFUSD are the lowest of any county in California: only 19% of Black students passed the state exams in reading, compared to a 31% pass rate for Black

students statewide (Calefati). The racial academic achievement gap is staggering: only 1.7% of Black students in San Francisco achieve the most positive educational outcomes, compared to 45.2% of their White peers (“Appendix A: Housing Needs Assessment”). Notably, outcomes across all racial groups are worse in San Francisco than in the broader Bay Area (“Appendix A: Housing Needs Assessment”).

**Table 4: San Francisco County State Proficiency Test Passage Rates, 2017<sup>23</sup>**

	<b>Black Proficiency</b>	<b>All Student Proficiency</b>	<b>Black-White Gap</b>
<b>English</b>	23%	42%	-41%
<b>Math</b>	15%	50%	-38%

### Segregated K-12 Schooling Leads to Lower College Enrollment

Among adults over 25 in San Francisco, 12% of Black adults did not graduate high school, compared to only 2% of Whites (“Educational Attainment”). Nearly all White adults in San Francisco (92 percent) have at least some college experience, and 77% have at least a bachelor’s degree (“Educational Attainment”). For Black adults, 66% have some college experience, yet

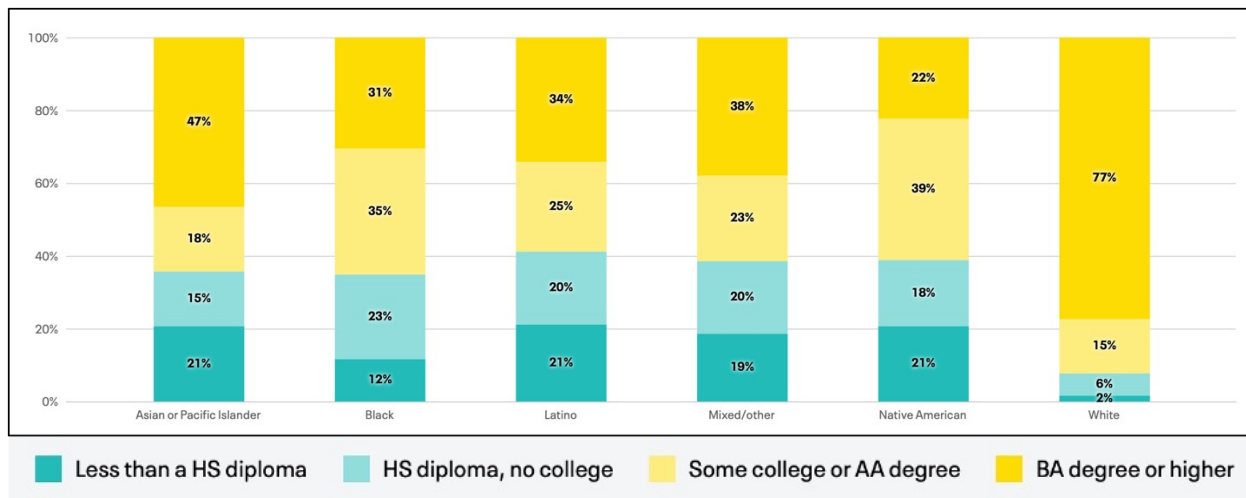


Figure 13: Educational attainment by race/ethnicity for the population 25 years and over in San Francisco, 2019.

From “Educational Attainment.” Bay Area Equity Atlas, <https://bayareaequityatlas.org/indicators/educationalattainment#/?geo=070000000000667000>.

<sup>23</sup> Source: Calefati, Jessica. “Why Is San Francisco the State’s Worst County for Black Student Achievement?” *CalMatters*, 25 Oct. 2017, <https://calmatters.org/education/2017/10/san-francisco-states-worst-county-blackstudent-achievement/>.

only 31% have a bachelor's degree or higher, indicating that racial disparities persist at the college level ("Educational Attainment").

### **Criminalization of Black SFUSD Students Negatively Impacts Their Well-Being and Academic Success**

Despite the implementation of a Safe and Supportive Schools Policy in 2014, Black SFUSD students are overdisciplined and underserved. During the 2019-20 school year, more than 10% of Black SFUSD students were suspended, compared to less than 2% of White students (Glover and Feingold). Referring students for punishment increases the chances that they will be pushed out of the classroom and increases their likelihood of entering the criminal justice system (Camera). In 2017, Black SFUSD students were eighteen times more likely to miss school as a result of suspensions than their White peers were (Glover and Feingold).

### **COVID-19 Has Exacerbated Existing Educational Disparities in San Francisco**

The effects of the COVID-19 pandemic on education demonstrate the importance of prioritizing improved educational access for SFUSD students. A quarter of San Francisco students were chronically absent during the 2020-21 school year (Roseborough). At Willie Brown Jr. Middle School in Bayview, the percentage of Black students who attended school less than 90% of the time reached 77% during the 2020-21 school year (Chupein). Students' chronic absenteeism impacts student achievement as well as school funding (Garcia and Weiss). For example, the learning gap between Black and White students in San Francisco schools widened during the pandemic (Tucker, "S.F. Schools"; Knight, "Black Families"). SFUSD has also experienced a drastic decline in enrollment since the start of the pandemic. By spring 2021, 1,700 fewer students were enrolled in SFUSD compared to the previous year, which led to a state funding decrease of \$13,000 per child (Tucker, "San Francisco's School District").

### **Poverty Impacts Black Students' Achievement**

An analysis of US census data from the ten most populous United States cities found that from 2016 to 2020, White households in San Francisco had a median income of \$175,000, while the median income for Black households was just under \$18,000 (Rezal, "Richest San Franciscans"). During the 2018-19 school year, of the 55% of SFUSD students that were socioeconomically disadvantaged, 75% were Black ("The Poverty Rate in SFUSD"). Students in low-income households are more likely to experience various circumstances that can inhibit learning, including "food inadequacy, developmental disabilities, inadequate and unstable housing, lack of a place to do homework, books, school supplies, computers, and internet connections, untreated health conditions, family instability, mental illness" (Orfield and Jarvie).

Black students also have fewer academic resources because of economic disadvantage. In 2014, Black students made up 30% of SFUSD's foster youth and 14% of its students experiencing homelessness, despite making up just 7.8% of the district's enrollment (Knight, "Black Families"). Students who are unhoused have lower achievement scores and attendance rates than their housed peers (Dhaliwal and De Gregorio). Furthermore, students in segregated schools with concentrated poverty have lower test scores, higher dropout rates, and lower lifetime earnings

than their more affluent peers who attend integrated schools (Palardy; Balfanz and Legters; R. Johnson 20-2).

### SFUSD Has Failed to Adequately Hire and Retain Black Teachers

Having Black educators at an early age has been proven to have a profound effect on Black students’ personal and academic development (Ah  b  e; Dee). In 2015, 8% of students in San Francisco public schools were Black, compared to 5.5% of teachers (Schwartz, “San Francisco Schools”). More recent data from the California Department of Education demonstrates that this gap has decreased in recent years, and during the 2018-19 school year 5.4% of SFUSD teachers and 7% of SFUSD students identified as African American (“San Francisco Unified”; “San Francisco Unified School District”). However, Black SFUSD teachers have the lowest retention rate of any demographic in the district (Schwartz, “San Francisco Schools”).

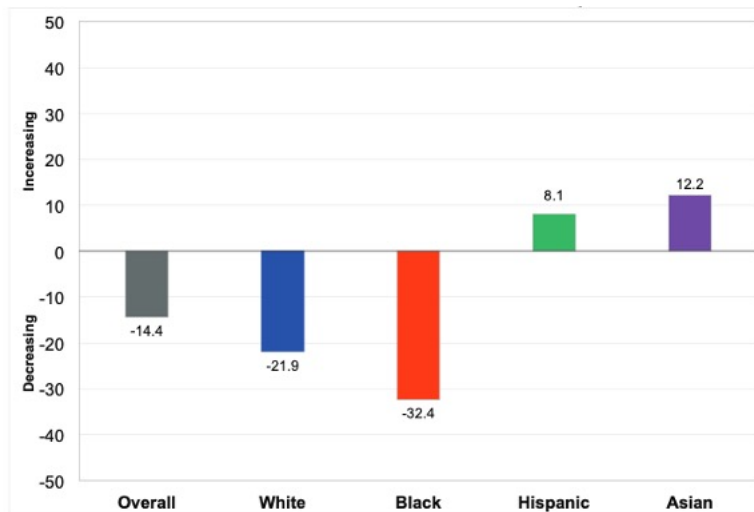


Figure 14: SFUSD teacher population changes by race and ethnicity, 2003–2012.

Source: “The State of Teacher Diversity in American Education.” Albert Shanker Institute, p. 86, <https://www.shankerinstitute.org/resource/teacherdiversity>.

## Conclusion

Although education is a fundamental right guaranteed to students by the California Constitution, generations of educational inequality have produced significant harms to San Francisco’s Black residents (“Right to Education”). Lack of access to equal academic opportunity leads to disparate future outcomes in college readiness, educational attainment, employment, health, and median income. Inequitable education for SFUSD’s Black students has reinforced cycles of poverty by closing doors to higher education and widening the wealth gap. Residential segregation both contributes to and reinforces SFUSD’s dual system of education, which concentrates resources and funding in White neighborhoods and fails to adequately serve Black students. While wealth is commonly cited as an alternative explanation for differing academic outcomes among racial groups, the disparities between Black and White SFUSD students cannot solely be attributed to differences in household income. In 2017, San Francisco’s low-income White students

outperformed Black students from households with similar incomes by more than 30 percentage points on state tests (Calefati). Nevertheless, education and income inequality are inextricably intertwined, and San Francisco's history of school segregation is directly impacting Black residents' employment outcomes.

## Chapter 5: Compounding Harms to Black Employment



The story of San Francisco’s workforce demonstrates both the benefits and the harms of rapid economic growth. The city is known around the world as a hub of innovation and progress, but significant income inequality persists among its residents. San Francisco is home to 44 billionaires, yet the Black unemployment rate in the city outpaces the national average (McEvoy). As the growth imperative has transformed San Francisco’s workforce, the Black residents whose contributions facilitated the city’s development into an international tech hub have historically not reaped the benefits of these economic advancements. Despite San Francisco touting itself as a city for innovators and

trailblazers willing to take risks in pursuit of economic success, conditions such as gentrification, high cost of living, and persistent residential segregation have made the city a place for “those who can afford the privilege to fail” (Ho).

The industrial revolution transformed slavery from a patriarchal to an economic institution. Restricting employment opportunities for Black San Franciscans ensured that a lack of economic independence, a badge and incident of slavery, followed them throughout their lives and impacted future generations of Black workers (McMillan). Highly segregated neighborhoods create a dearth of opportunities in Black San Francisco communities, leading to lower educational attainment and income, creating entrenched poverty cycles, and exacerbating income inequality (Menendian et al.; Rothstein 153-75). San Francisco’s high cost of living has pushed Black residents out of the city and farther away from areas with many employment opportunities. The gap between where workers live and where jobs are located, which economists call “spatial mismatch,” is exacerbated in San Francisco by conditions such as employment discrimination, gentrification, and inadequate public transportation systems (Dowell). The following sections describe the extent to which economic opportunities are limited for Black San Franciscans and how City policies contribute to entrenched cycles of poverty.



## **Housing Nexus: Residential Segregation and Gentrification Exacerbate Income Inequality**

**SUMMARY:** After decades of discriminatory housing policies and an influx of middle-class and wealthy workers, Black San Franciscans have been pushed out of many city neighborhoods and distanced from the city’s most lucrative employment opportunities.

### **San Francisco’s Residential Segregation Negatively Impacts Black Employment**

As explained earlier, San Francisco’s housing policies have facilitated the creation of a dual education system divided by race. More education results in better prospects for both earning and employment for workers (Vilorio; “Employment Projections”). The median lifetime earnings for workers rises significantly with increased educational attainment. Earning a high school diploma increases lifetime earnings by 33% and earning a bachelor’s degree increases that figure by an additional 74% (Carnevale et al. 4). The lifetime earnings gap between college graduates and high school graduates is more than \$1 million for men and almost \$800,000 for women (Tamborini et al.). Higher educational attainment also puts workers in a better position for promotions and other career advancement opportunities. One study found that the teaching quality of a single teacher can increase the total lifetime earnings of a classroom by more than a million dollars (Chetty et al., “Great Teaching”). Additionally, schools provide an environment for students to learn a variety of job skills (V. Thompson). While the Bay Area is considered one of the most highly educated regions in the country, White San Franciscans are more than twice as likely to have a bachelor’s degree or higher as their Black counterparts (“Economic Profile 2020”). For Black San Franciscans, the effects of segregated education carry over into the employment context.

### **San Francisco’s Rapid Gentrification and High Cost of Living Push Black Residents Out of the City**

The number of high-wage jobs in San Francisco has skyrocketed over the past few decades, leading to an influx of high-wage workers that have begun to dominate the city’s housing supply and have influenced the increasing cost of living. The process of gentrification, described earlier in this report, pushes Black residents out of their homes and increases their likelihood of being evicted or becoming unhoused. In 2020, Black residents made up less than 6% of San Francisco’s general population, yet they represented 37% of the city’s unhoused population (“Institutionalizing Racial Equity”). As San Francisco’s low-wage workers struggle to afford housing in the city, they are forced to move to areas that are farther from their jobs, and commuting challenges can make it difficult for them to keep those jobs (“Too Far from Jobs”; Ho). An analysis performed by the Urban Institute found that employers using the job search service Snag encountered a substantial shortage of workers within a “reasonable distance” of the positions they sought to fill in most San Francisco neighborhoods (Leger).

### **Hourly Wage Insufficient for Cost of Living in San Francisco**

San Francisco’s hourly wage was \$16.99 as of July 1, 2022, whereas the wage needed to afford fair market rate two-bedroom housing was \$68.33 (“Understanding the Minimum Wage”; Aurand et al.). For renters, San Francisco is the fourth most expensive city in the country

(Crane). Minimum wage protections are particularly important for San Franciscans who do not attain higher education, a disproportionate number of whom are Black.

### **Public Assistance Cutoffs Disproportionate to Cost of Living in San Francisco**

It is often the case in San Francisco that families may earn too much to qualify for assistance programs but too little to afford the cost of living. A 2018 study found that the income level at which a San Francisco family became “economically self-sufficient” was “three to five times higher than the federal definition of poverty, and higher than the amount earned by minimum wage workers working full-time in San Francisco” (San Francisco Food Security Task Force). As a result, “a significant number of households in San Francisco have incomes above the federal poverty lines but are still unable to meet their basic food needs” (“2005 San Francisco” 34). Families struggling to afford housing also face barriers when attempting to receive housing assistance. In 2020, the average wait time for households seeking housing vouchers from the San Francisco Housing Authority was about four years (Acosta and Gartland).

### **Background: Historical Barriers to Employment for Black San Franciscans**

**SUMMARY:** Following the termination of the employment opportunities created by World War II, Black San Franciscans have struggled to find long-term, stable employment that pays enough to cover the city’s high housing prices and rising cost of living. The 1990s dot-com boom transformed San Francisco’s workforce and decreased the number of low-wage, blue collar jobs in the city. As a result, the Black unemployment rate in San Francisco continues to outpace that of other racial groups.

### **Racist Labor Unions Reduced Black Employment**

In the second half of the nineteenth century, Whites-only labor unions began to predominate in San Francisco, ending Black employment in a number of industries, including hospitality, laundry, and maritime services (San Francisco Planning Department et al. 23). San Francisco’s Palace Hotel originally served as an exception to labor union impediments, as it employed some two hundred Black workers when it opened in 1875 to “echo the ‘Southern’ style of service made popular in the West on the railroads’ Pullman sleeping cars” (M. McCarthy 9). In 1889, however, all of these employees were terminated in favor of unionized White workers (San Francisco Planning Department et al. 23).

### **San Francisco Received Massive Influx of Wartime Workers During World War II**

Prior to the onset of World War II, Black workers were excluded from most public and private professions in San Francisco; approximately 90% of industries refused to hire Black employees (Nafici). For example, “no Black worker was employed as a public school teacher, police officer, firefighter, or streetcar conductor nor as a bank teller or bus or cab driver in the city before 1940” (California Task Force 353). With the start of World War II came employment opportunities in defense industries, backed by President Roosevelt’s Executive Order 8802, which banned racial discrimination in government hiring. To uphold the order, the Fair Employment Practices Commission established a regional office in San Francisco, which resulted in unprecedented

employment access for local Black workers at a time when the San Francisco area had the largest concentration of shipbuilding in the nation (San Francisco Planning Department et al. 85; “Tract Housing” 9).

### **Black San Franciscans Faced Significant Employment Challenges Post–World War II**

Between the phasing out of industry jobs related to the war effort, reflecting larger deindustrialization in San Francisco; the defunding of the federal Fair Employment Practices Committee, with certain labor unions ceasing to represent Black employees; and the intense job competition from returning soldiers, the local unemployment rate for Black men reached nearly 30% in 1949 (San Francisco Planning Department et al. 98). Black San Franciscans who could find employment did so in the service industry, building trades, food and textiles industries, metalworking and machining, as well as railway work, in addition to some white-collar jobs as Black residents increasingly attained advanced degrees and training (San Francisco Planning Department et al. 84, 88-9). Officially, both the San Francisco Fire Department and the San Francisco Police Department (SFPD) integrated their workforces in the 1940s, but neither hired Black employees in any significant numbers for decades after integration (San Francisco Planning Department et al. 99). These employment trends led to the passage of the California Fair Employment Practices Commission in 1959, but by then “much of Black San Francisco had already become entrenched in poverty, either stuck in menial, low-wage jobs or unemployed altogether” (San Francisco Planning Department et al. 99).

### **After the Civil Rights Movement, Black San Franciscans Continued to Experience Employment Barriers and Poverty**

Despite gains in civil rights and the growth of the Black population, which reached 13.4% of city residents in 1970, Black workers continued to face discrimination and limited employment opportunities (Kopf). In addition to the destruction of Black businesses through redevelopment as described previously, deindustrialization in the 1960s and 1970s led to the loss of many blue-collar jobs (San Francisco Planning Department et al. 138). San Francisco’s manufacturing employment declined by 19% between 1960 and 1970 (San Francisco Planning Department et al. 115). Thousands of people became unemployed when the Navy left the Hunters Point shipyard in 1974, causing an economic crisis for the local, predominantly Black community (“Update”). The City also continued to refuse Black workers for public sector employment. For example, no Black workers were involved in building the BART system because the relevant union did not admit Black members (California Task Force). In 1970, the City’s 1,800-person Fire Department included only four Black firefighters. Discrimination suits against the San Francisco Fire and Police Departments both resulted in court-ordered changes to hiring programs (San Francisco Planning Department et al. 139). Due to these challenges, more than 20% of Black San Franciscans lived below the poverty line in 1970, compared to 4% of the city’s total population (San Francisco Planning Department et al. 138).

### **Dot-Com Boom Permanently Altered San Francisco Labor Market**

Silicon Valley, extending from just south of San Francisco to San Jose, has been home to a high concentration of tech firms since the mid-twentieth century (Goldman). Starting in the early 1990s, the release of various web browsers and expanded access to the World Wide Web led to

increased use of the Internet and ownership of household computers (“Dot-Com Bubble”). The growing popularity of the Internet along with the large influx of venture capital funds led to an era of unprecedented economic growth known as the “dot-com boom.” As a result, San Francisco became “the cultural capital of the virtual world” (Walker). The boom also resulted in an increased cost of living and altered neighborhood demographics as an influx of new workers arrived in San Francisco hoping to join the burgeoning tech industry. White-collar administrative and tech positions replaced working-class service and manufacturing jobs (Goldman 11). From 1996 to 2000, San Francisco rent prices increased by more than 225% (Walker). During the 1990s there were approximately 90,000 evictions in San Francisco, many of which took place at the height of the boom (Carlsson).

### **San Francisco Remains Major Tech and Venture Capital Hub**

The dot-com “bubble” burst in 2000, and by mid-2001, 90% of the dot-com companies in San Francisco had gone out of business (Walker). However, the technology industry continues to dominate the San Francisco labor market, and the Silicon Valley startup culture remains prominent in the city. Prior to the pandemic, the Bay Area generated almost 20% of new tech sector employment in the country (Muro and You). Over the past four decades, San Francisco’s share of overall patents has steadily increased, and the Bay Area’s innovation growth has outpaced that of any other metro area (Florida). From 2006 to 2021, the share of San Francisco jobs that were in the technology industry grew from 3.6% to 18.7% (Said).

### **Black San Franciscans Largely Left Out of the City’s Economic Boom**

San Francisco is the sixth largest economy in the United States (“The San Francisco Economy”). Black workers make up 7% of the overall workforce in the Bay Area but just 3% of the tech workforce (Levitsky). The disparities are even more stark at the highest levels of leadership. In a 2016 analysis of demographic data from 177 large Silicon Valley tech companies, only Facebook had more than 10 Black executives (Rangarajan). San Francisco also has an abundance of venture capital, but Black founders receive less than 1% of all venture capital funding (Ioannou; Hale).

## **A Divided Workforce: How Black San Franciscans Have Been Excluded From the City’s Economic Gains**

**SUMMARY:** Although San Francisco’s economy has boomed over the past few decades, Black residents have largely been left behind in the labor market and face employment barriers such as discrimination in the hiring process.

### **San Francisco Labor Market Disadvantages Black Workers**

Over the past three decades there has been an increase in the number of jobs that require a college degree, and the rising dominance of the technology industry in the Bay Area has accelerated that shift for San Francisco’s workforce (Khine). As the number of well-compensated entry-level jobs has steadily decreased, Black San Franciscans, who face significant disparities in educational opportunity (as mentioned earlier), have had increasing difficulty securing employment.

## **Black San Franciscans Face Many Barriers to Employment**

In addition to the consequences of a segregated education system, the effects of systemic barriers in the employment market as well as unconscious bias in the hiring process also impede Black workers' employment prospects. The costs of childcare, housing, and transportation in the Bay Area, which are among the highest in the country, impact an individual's ability to obtain and maintain steady employment ("Building an Inclusive Economy" 12). From 2007 to 2017, the San Francisco metropolitan area saw a 16.9% increase in the number of jobs (Knight, "S.F.'s Economy Thrives"). However, during that time Black residents continued to struggle to find employment in the city. In 2008, Black San Franciscans were unemployed at five times the rate of White San Franciscans (San Francisco Planning Department et al. 165). And in 2014, the Black unemployment rate in San Francisco was more than three times the national average (Roberts, "Report: Black Unemployment").

### **Case Study: City Employment**

Inequality in San Francisco's workforce affects employees in every industry, including city government. From July 2020 to June 2021, Black workers made up 28% of San Francisco Municipal Transportation Agency employees, yet they were the subjects of 49% of disciplinary cases (Moench, "Discrimination Complaint"). Overall, Black City workers made up 12% of City employees but were the subjects of 21% of disciplinary and corrective actions (Moench, "S.F. Black Employees"). In 2016, a Black female sheriff's clerk, Danielle Dillard, was called a "monkey" by a supervisor and then received a cease-and-desist order from the San Francisco Sheriff's Department after attempting to speak out about racism at her workplace (Tamantha). In 2020, eight Black San Francisco Department of Public Health employees sued the City for racial discrimination, citing repeated denials for promotions and opportunities as well as harassment during their combined 199 years of employment at the department (A. Lee).

Even at the highest levels of city government, Black employees face disproportionate discipline, lack of promotion opportunities, racial harassment, and inadequate processes for addressing complaints (W. Gould).

## **COVID-19 Pandemic Exacerbated Existing Racial Disparities in San Francisco Labor Market**

The COVID-19 pandemic has had a lasting impact on the San Francisco economy. Since March 2020, San Francisco's workforce has had one of the slowest recovery rates among large metropolitan areas in the US ("San Francisco's Labor Force"). Net job loss in the Bay Area in the aftermath of the COVID-19 pandemic outpaced the region's job loss during both the Great Recession and the dot-com bubble ("Tracking Impacts 4"). The sectors that experienced the most significant job loss during the pandemic were those that employ the lowest-income workers, such as the food service and hospitality industry ("Tracking Impacts" 52). Black workers are concentrated in many of these industries (Henderson et al.).

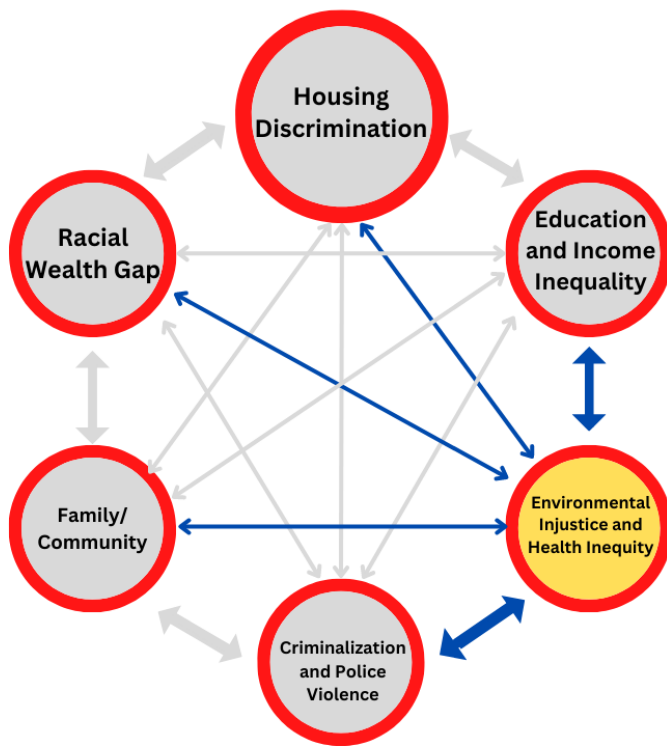
## **Contemporary Labor and Business Efforts Ongoing**

San Francisco has recognized that it is failing to address the racial disparities and inequities in its workforce. Ordinance No. 188-19 was passed in July 2019 to create the Office of Racial Equity in the San Francisco Human Rights Commission (“Office of Racial Equity”). In 2020, California passed Senate Bill No. 973, requiring private companies to report wage data (“California Expands Pay Data”). A report published in 2022 by the California Department of Fair Employment and Housing analyzed this data and found that “Black people were overly represented at the lowest pay levels” statewide (DiFelicantonio). In February 2022, Mayor London Breed expanded San Francisco’s African American Small Business Revolving Loan Fund to address the “urgent capital needs brought on by sudden revenue loss from COVID-19” (“Mayor London Breed”).

## **Conclusion**

The effects of poverty and racism should not be conflated, as all racial groups have large variations in income levels. However, the relationship between race and socioeconomic status is undeniable, and in San Francisco, this relationship has negatively impacted Black residents seeking employment (Weeks and Lupfer; “Ethnic and Racial Minorities”). The shift to a tech-focused workforce, increasing employer preference for higher education, and race-based employment discrimination all substantially affect Black San Franciscans’ ability to enter and stay in the city’s workforce. Economic stability allows individuals to provide for their families, contribute to the local economy, and access resources essential for a healthy life. In fact, evidence shows that concentrated poverty is the fundamental driver of race-based health disparities (Gaskin et al. 2356). Providing equal access to employment opportunities and promoting fair wages would affect not only workforce outcomes but also the overall mental, physical, and emotional health of Black San Franciscans.

## Chapter 6: Environmental Injustice and Compounding Harms to Health



Racialized residential segregation was not only a means of excluding San Francisco’s Black population from property wealth and economic gains. It also became a justification for disinvesting from entire communities, producing environmental sacrifice zones and health inequities. Pollution-producing industrial projects, such as manufacturing facilities, power and sewage plants, and highways, were concentrated in redlined areas due to the areas’ affordability and access to cheap labor. Remediation efforts and cleanup for these projects neglected to address remaining contaminants and rising sea level. Regulatory

bodies failed to properly intervene and, in some cases, even wrongfully granted permits to polluting entities despite environmental violations.

Though ostensibly race neutral, localized pollution resulted in disproportionate rates of asthma, cancer, preterm births, infant mortality, and other health complications in the Black population of San Francisco due to segregation. The racial discrimination that restricted Black residents to certain neighborhoods, such as Bayview-Hunters Point, laid the foundation for maldistribution of environmental health impacts.

The interrelated factors driving environmental and health inequities reveal layers of harm: the physical health impacts of hazardous environmental exposures and the psychosocial impacts of municipal neglect, invisibility, and an implied second-class status. Illness in itself is often damaging to one’s sense of agency and autonomy, but that effect is compounded when residents lack control over the circumstances of their illness and know that it was preventable by the City. Still facing hazardous exposure from the Hunters Point Naval Shipyard, Bayview-Hunters Point advocates have continued to protest the slow and incomplete nature of cleanup efforts. Local organizer Arieann Harrison told reporters, “We’re tired of begging for our lives,” and UC Berkeley professor Maya Carrasquillo added, “We need to make sure that people are not at the risk of death, if we really say that their lives matter” (“Toxic Contamination”). Their calls to action highlight the differential value of Black life in San Francisco and the resulting distribution

of survival along racial lines, where the necessary act of breathing renders one vulnerable to premature death.

The convergence of residential segregation, distributive injustice in pollution and health care, and lack of accountability and remediation have produced compounding harms to San Francisco’s Black population. The following sections will focus on exposure to environmental contamination as a central driver of harm. However, this driver is also situated within a larger ecosystem of ongoing, reproducing inequities that constrain Black San Franciscans’ educational attainment and employment, drain financial resources, further limit housing mobility, erode community and culture, and increase vulnerability to addiction and associated exposure to abuses within the criminal justice system.

## Housing Nexus

### Historically Redlined Areas of San Francisco Correspond to Highest Pollution Burdens

Black San Franciscans’ health has been directly impacted by environmental racism, defined as the disproportionate exposure to pollutants and other environmental health hazards borne by people of color as a result of systemically racist policies and actions (San Francisco Planning 123-8). Columbia University’s Environmental Justice Map shows that historically redlined areas of San Francisco with significant Black populations carry the highest pollution burdens. These areas include the Western Addition, the Fillmore District, Bayview-Hunters Point, and Visitacion Valley (San Francisco Planning 123-8). Further, an analysis of CalEnviroScreen scores from the California Office of Environmental Health Hazard Assessment (OEHHA) shows statistically significant negative correlations between the percentage of Black residents in a census tract and scores for overall pollution, fine particulate matter, cleanup sites, groundwater threats, hazardous waste facilities, and impaired water bodies.

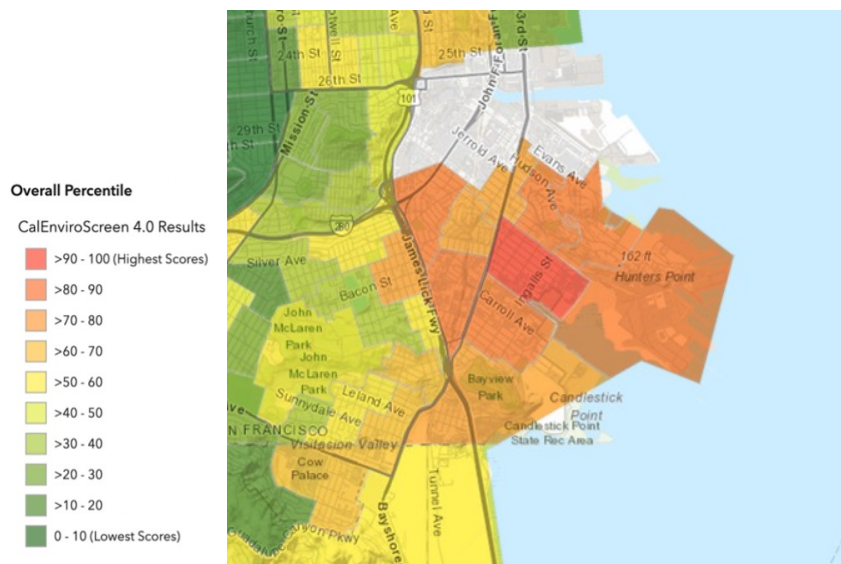


Figure 15: CalEnviroScreen 4.0 results.

Source: CalEnviroScreen 4.0, <https://calenviroscreen-oehha.hub.arcgis.com/>.

These disproportionate environmental burdens on San Francisco’s Black population can be traced back to Jim Crow-era migration and housing policy, as detailed earlier in this report. During this period, tens of thousands of Black Americans migrated to San Francisco from the South, many to work at the Hunters Point shipyard (Lindsey Dillon). However, restrictive housing policies confined Black residents to certain neighborhoods, such as Bayview-Hunters Point, setting the stage for concentrated exposure to



pollution-producing facilities, mismanaged waste, and municipal neglect, as detailed in the following sections.

### **Bayview-Hunters Point as Central Case Study of Environmental Racism**

Bayview-Hunters Point, home to 28% of Black San Franciscans, has the highest Black population of all San Francisco neighborhoods (“San Francisco County”). At its peak in 1980, the Black population in the South Bayshore reached 79% (Lemke-Santangelo and Wollenberg). Bayview-Hunters Point provides a central case study for how discriminatory housing policies have directly resulted in environmental injustice through City permitting and planning of pollution-producing industries and highways.<sup>24</sup> Due to the neighborhood’s industrial history described earlier in this report, Bayview-Hunters Point contains nearly all of the city’s pollution-producing industries, including the main sewage treatment and power plants, concrete and sand facilities, and the Hunters Point Naval Shipyard (Bayview Hunters Point Mothers Environmental Health & Justice Committee). More than half of all industrial-zoned land in the city is in Bayview-Hunters Point (“Environmental Justice Analysis”). As a result, soil and water in this neighborhood have been exposed to contamination by more than two hundred toxic chemicals and materials, including particulates, pesticides, heavy metals, asbestos, and radioactive materials (“In Honor and Memory”).

## **Localized Environmental Contamination**

### **Disproportionate Exposure to Transportation Emissions**

Transportation emissions, which are the largest contributor to poor air quality in San Francisco, are disproportionately high in Bayview-Hunters Point, as shown in Figure 16. Due to its location at the intersection of the City’s two main highways, the traffic densities in Bayview-Hunters Point census tracts are disproportionately greater than densities in the rest of the city (“Environmental Justice Analysis”). This highway placement was made affordable by redlining and other discriminatory housing policies, as the highway expansion programs at the time worked in concert with urban renewal efforts. As a result of highways expanding through Black and Latinx neighborhoods in San Francisco, these populations were exposed to greater air pollution (Dillon and Poston). Bayview-Hunters Point residents are exposed to 99% higher levels of diesel emissions than the average census area in California and 31% higher levels of fine particulate matter, which largely results from combustion emissions (Santos et al.).<sup>25</sup> Additionally, nitrogen dioxide expelled by car and industrial truck exhaust contributes to respiratory illness, including asthma and chronic lung disease, in the neighborhood (“Nitrogen Dioxide”).

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<sup>24</sup> Other neighborhoods in which such disparities are seen include the Tenderloin, SoMa, and, historically, the Fillmore District.

<sup>25</sup> California Assembly Bill 617 tasked a committee with identifying at-risk communities for air pollution; the committee identified the Tenderloin and SoMa as other areas that were highly impacted by air pollution.

# Traffic Density

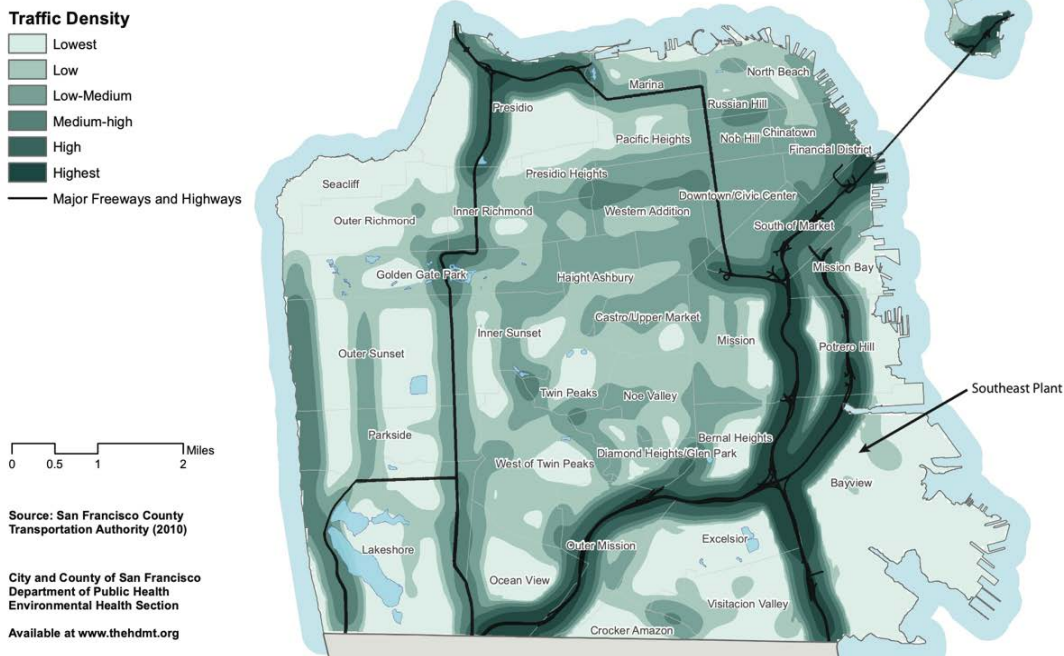


Figure 16: Traffic density in San Francisco (in 2010).

## Odors and Sewage Overflows From Southeast Treatment Plant

The Southeast Treatment Plant (SEP) is San Francisco’s largest wastewater treatment facility, receiving 80% of the city’s solid waste burden (“CalEnviroScreen 4.0”). Until recently, the plant was comprised of outdated technology and infrastructure that had not been updated since its construction in the 1950s (“Neighbors Still Awaiting”). Many structural aspects of the plant deteriorated, resulting in foul odors and sewage overflows during periods of heavy rain (Jeanne). The Southeast Community Facility Commission, a mayor-appointed leadership body, was created in 2014 to identify ways to mitigate environmental and health impacts of the plant (Southeast Community Facility Commission). With the help of Environmental Protection Agency (EPA) loans granted in 2018 and 2020 to support repairs, the San Francisco Public Utilities Commission (SFPUC) facilitated improvements on the existing plant. However, the delay in initiating these improvements has harmed residents of Bayview-Hunters Point for more than sixty years, a burden for which the community has not been compensated (“San Francisco Awarded”).

## Air Pollution From PG&E Hunters Point Power Plant

The PG&E Hunters Point Power Plant closed in 2006 after decades-long efforts by local activists (Fulbright). However, for its seventy-seven years of operation, it was deemed one of the “oldest and dirtiest power plants” in California and the largest stationary source of air pollution in Bayview-Hunters Point (Su). A study found that emissions from the plant included some of the

neighborhood's highest levels of nitrogen oxides, carbon monoxide, and volatile organic compounds (Fulbright). Following remediation, plans were crafted to overhaul the site with a cleaner electricity substation, new homes, and public amenities. However, PG&E has delayed this project indefinitely, to the dismay of the community (L. Lee).

### **Air Pollution From Concrete and Sand Facilities**

Local concrete and sand facilities, including the CEMEX plant and Hanson Aggregates Mid-Pacific, have further increased the toxic matter to which residents of Bayview-Hunters Point have been exposed. Concrete and sand facilities emit fine particulate matter, nickel, nitrogen oxide, ozone, and other toxins, which can penetrate the lungs and bloodstream. These toxins are linked to asthma, decreased lung function, heart attacks, and premature death ("Fine Particles"). Fly ash, which is used in concrete production, releases carcinogens into the air, including arsenic, chromium, and selenium (Santos et al.).

### **Radioactive Waste Exposure From Hunters Point Naval Shipyard**

From 1946 to 1960, the US Naval Radiological Defense Laboratory (NRDL) operated at the Hunters Point shipyard in Bayview-Hunters Point. NRDL operations produced and buried radioactive waste, leaching radioactivity into Bayview buildings, pipes, and soil (Dillon and Sze). The shipyard also became a regional hub for radioactive waste disposal, accepting waste from other nuclear facilities around the Bay Area. Radioactive material was often spilled, burned, or improperly disposed of ("Buried Problems and a Buried Process"). Heavy metals, petroleum byproducts, paint thinners, pesticides, and polychlorinated biphenyls are thought to still be in waste dumps and scrapheaps contaminating the bay today (Roberts, "Almost Half of Toxic Cleanup"). Despite the abundance of evidence, the Navy denied the extent of the damage for years, finally admitting in 2004 that Hunters Point was a Superfund site with extraordinary levels of toxic and radioactive pollution (Roberts, "Toxic Metals").

### **Lead Exposure Through Infrastructure Neglect**

In San Francisco, more than 80% of homes built before 1979 are coated with lead-based paints. Lead is still present in San Francisco in water pipes in older buildings, in paint, and in environmental hazard sewage. A study measuring lead levels in hair samples across nineteen San Francisco zip codes found the highest concentrations of lead in predominantly Black and high-poverty neighborhoods. San Francisco Unified School District water testing also found that Malcolm X Elementary School in Bayview-Hunters Point had lead levels above 15 ppb<sup>26</sup> in their drinking water, which exceeds the EPA action level ("Lead Levels"). However, there is no safe level of lead exposure ("Lead Exposure").

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<sup>26</sup> Parts per billion

## **Institutional Failings in Environmental Management and Regulation**

### **Facilities Permitted to Pollute Black Neighborhoods Despite Violations**

CEMEX and Hanson Aggregates Mid-Pacific have both violated their pollution permits without recourse from the Bay Area Air Quality Management District (BAAQMD) (Santos et al. n220). These companies are two of the main sources of air pollution in San Francisco; in particular, CEMEX was the largest source in California of nitrogen oxide, which is known to cause respiratory issues, particularly in children and the elderly (“CEMEX California Cement”). Further, CEMEX regularly exceeded the amount of sand it was permitted to transport to its San Francisco facility, operated unpermitted equipment, failed to keep records of equipment it was using, and polluted at hazardous levels that far exceeded its permitted amount (Castleman et al.). A 2020 report found that BAAQMD was still reviewing permit applications that had been filed in 2016 and 2017, thus allowing these companies to pollute at unregulated levels (Santos et al.). In addition, it is unclear whether fines are consistently levied for air quality violations (Van Derbecken). This lack of oversight is in violation of the Clean Air Act and directly counters efforts made by the California General Assembly through legislation such as Assembly Bill 617, intended to mitigate the environmental impact of industries in at-risk areas. In addition to contributing to health problems, the failure to address these issues even after they have been publicized by local environmental organizations and activists has eroded community members’ trust in local government (Waxmann).

### **Insufficient and Falsified Cleanup of Hunters Point Naval Shipyard**

Bayview-Hunters Point residents today are still waiting on a full cleanup and investigation of the Hunters-Point Naval Shipyard to be completed. At the shipyard, 90% of sites have not been sampled for radioactivity, and at the sites sampled, no measurements were made for 90% of radionuclides used at the shipyard (Hirsch et al.).

In 2002, the City granted the consulting firm Tetra Tech a contract of more than \$300 million for a cleanup effort spanning more than a decade. However, in 2018, a contractor hired by the US Navy found that approximately half of the firm’s data on the project was suspect (Roberts, “Almost Half of Toxic Cleanup”). The cleanup project was put on indefinite hold after an independent review of the company revealed organized and deliberate fraud. Bayview residents filed a \$27 billion class-action lawsuit against Tetra Tech and the project site manager, documenting health problems such as cancer and autoimmune diseases associated with radioactive contamination (Roberts, “Firm at Center”). No settlement has been reached, and in addition to prolonging Bayview residents’ exposure to toxic contamination, the suspension of the cleanup effort halted the planned construction of 14,000 affordable housing units, further compounding housing shortages and financial strain (Bonner & Bonner).

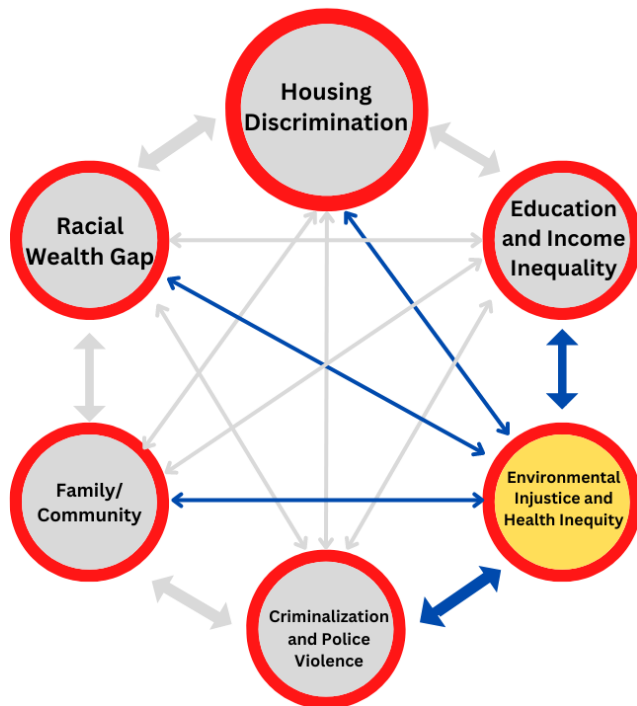
In addition to the falsified cleanup effort, there has not been a robust analysis of how groundwater will react to sea-level rise in Hunters Point, despite the potential for the rising sea level to push up buried groundwater contaminants and other hazardous material that the Navy left in the ground. Specifically, a Civil Grand Jury report noted the need for mapping of groundwater flows and locations of known contaminants to properly inform groundwater

predictions. The risk of soil liquefaction and infrastructure issues in the event of rising groundwater also has not been studied (“Buried Problems and a Buried Process”).

## **Conclusion**

Inequities of environmental contaminant exposure in San Francisco today can be traced back to historical practices of redlining and segregation. Disproportionate exposure to air pollution and radioactive waste occurred through concentrated placement of pollution-producing industries and highways, and municipal neglect has resulted in inadequate monitoring and regulatory enforcement. Black residents are still waiting for full cleanup and investigation of environmental health impacts related to pollution-producing sites, particularly at Hunters Point Naval Shipyard, and for companies to be held accountable for pollution violations and falsified cleanup data.

## Chapter 7: Compounding Harms: Health Inequities



Racialized residential segregation is one of the most pervasive and persistent mechanisms through which structural racism produces health inequity (Sonderlund et al.). San Francisco’s 2019 Community Health Needs Assessment, a comprehensive report on the health of San Franciscans published every three years, states that “poverty and racial health inequities were identified as structural and overarching issues which must be addressed” (Grove et al.). The same report, acknowledging the decrease of San Francisco’s Black population and the increased incidence of poverty among those remaining in the city, noted a “strong association between

poverty and health that would suggest that the remaining Black/African American population is more likely to have poor health than the previous, more mixed-income population” (“Community Health Needs Assessment 2019”). The 2022 Community Health Needs Assessment focuses on COVID-19 responses but does acknowledge that “Black residents have an average life expectancy of 73.1 years, 9.9 years less than the general city population. Likewise, the population of Black people who reside in San Francisco has dropped 43% over the past three decades. These trends highlight the ways in which San Francisco’s population story exists within a larger context of national and city-level events like the exposure of Hunters Point shipyard and teardown of the Filmore neighborhood” (“Community Health Needs Assessment 2022”).

The following sections will focus on how structural racism has resulted in diminished access to health care and other health-related services, bearing generational impacts for the mental and physical health of Black San Franciscans. However, these outcomes are also informed by Black San Franciscans’ experiences with social determinants of health, such as education, income/wealth, access to stable and affordable housing, vitality of community and culture, and exposure to criminalization.

## **Housing Nexus**

### **Higher Asthma Rates in Historically Redlined Communities and Black Population**

Historically redlined communities in the US are twice as likely to have poor health outcomes as non-redlined areas (Nardone et al.). An interactive map from the University of Richmond, which overlays a map of historically redlined areas with current statistics on disease proportions and demographics, indicates that the top five areas with the highest rates of asthma in San Francisco are located in Bayview-Hunters Point and the Western Addition (The Digital Scholarship Lab and the National Community Reinvestment Coalition). Citywide, the rates of Black children and adults with asthma are significantly higher than the rates of asthma among White residents. One study showed that nearly 14% of Black adults in the city had asthma, compared to a 5% asthma rate among White adults. Black middle schoolers (29.9%) and high schoolers (37.6%) were also more likely than children of other ethnicities to have asthma (Katz). A similar phenomenon is observed for chronic obstructive pulmonary disease (COPD). The highest hospitalization rates for COPD are seen in Bayview-Hunters Point, the Tenderloin, and SoMa. In addition, air pollution is associated with preterm birth, which increases a newborn's risk of developing cerebral palsy and asthma and increases the risk of infant death (Casey et al.).

## **Health Outcomes of Environmental Contaminant Exposures**

### **Inadequate City Monitoring of Toxic Exposures at Hunters Point Naval Shipyard**

In addition to the radioactivity described in the previous section, through the 1970s the Navy used asbestos in 139 of their 145 buildings as well as in shipbuilding materials, which likely caused many workers at the shipyards to develop mesothelioma, a fast-spreading cancer that forms twenty to fifty years after being exposed to asbestos (“Superfund Site”). Today, the Bayview-Hunters Point community is still fighting for proper investigation of health risks to shipyard workers and Hunters Point residents. Shipyard cleanup workers have faced cancers linked to environmental exposures and identified inadequate sensitivity of radiation monitors on site (Sumchai). However, community members are taking matters into their own hands through the Hunters Point Community Biomonitoring Program. The program screens residents through urine toxicology tests, often still finding high levels of EPA contaminants of concern. Program founder and director Dr. Ahisma Sumchai has also observed a cancer cluster near the shipyard, which she attributes to continuing radioactive exposures (Hepler).

### **Proximity to Southeast Wastewater Plant Associated With Adverse Health Impacts**

Living near a wastewater treatment plant is associated with increased frequency of symptoms such as headaches, unusual tiredness, and difficulty concentrating, as well as an increased likelihood of contracting respiratory or skin diseases (Vantarakis et al.). Studies have also confirmed a statistically significant correlation between living near a wastewater treatment plant and having a neural disorder, as well as developing myoskeletal diseases and allergies (Vantarakis et al.). Finally, the consequences of decades of exposure to environmental hazards have exacerbated the impact of the coronavirus pandemic on Black San Franciscans. A growing body of literature has shown a link between breathing polluted air, developing a severe illness, and developing a severe and possibly fatal case of COVID-19 (Fears).

## Elevated Rates of Preterm Birth and Infant Mortality in Black Population

### Percent of Mothers Receiving Prenatal Care in First Trimester

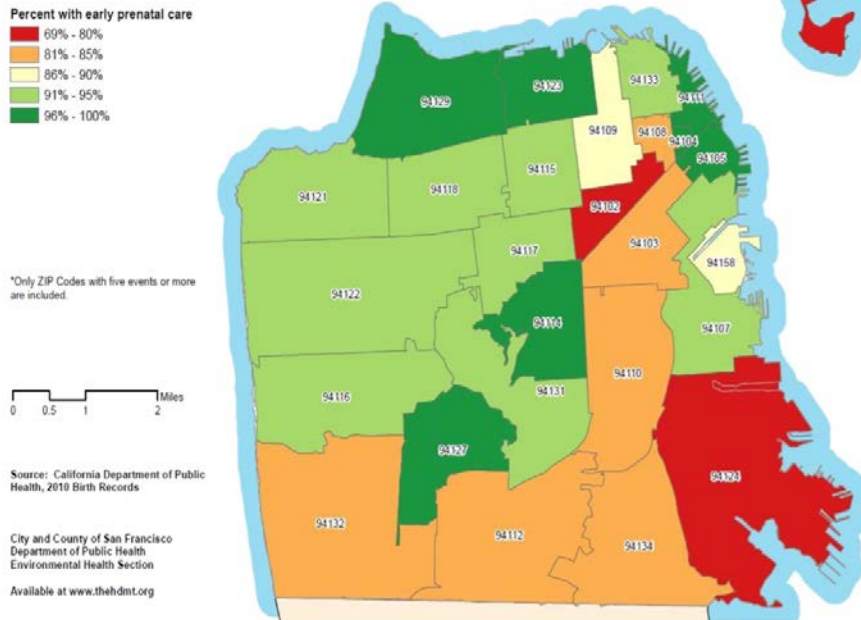


Figure 17: Prenatal care map for San Francisco.

a year old who died in Hunters Point from 1992 to 2001, 65% were Black. These elevated rates of preterm birth and infant mortality have been attributed to the combined stress of environmental and lead exposures, racism, poverty, and crime (McCormick and Holding). These factors are exacerbated by decreased access to early prenatal care, as the Bayview-Hunters Point zip code is among the three zip codes in San Francisco with the lowest rates of early prenatal care, as shown in Figure 17.

## Health Care System Failures

### Reporting Systems Fail to Capture Health Burden

Environmental health problems further fester due to a lack of precision in measuring exposures. Despite steps charted by California Senate Bill 1000, intended to help communities that are disproportionately burdened by pollution and environmental injustice, current reporting systems are inadequate in showing the varied health impacts across different racial groups. Studies have shown that monitoring systems implemented by the EPA, which aggregate pollution levels across sections of the city, fail to reflect the disproportionate impact on Black populations (Fears). Without adequate reporting and focus on the relationship between race and pollution levels, the health impacts and associated economic costs burdening Black residents of San Francisco are unlikely to be remediated.

Race has been found to be more indicative than poverty level of high rates of preterm birth in San Francisco (Okorie). In the Bayview-Hunters Point zip code, the infant mortality rate is twice as high as in the rest of San Francisco and among the highest of any zip code in California. Infants are 2.5 times more likely to die in their first year in Bayview-Hunters Point than in other areas of San Francisco, accounting for 15% of San Francisco's infant deaths but only 4% of its population. Of the sixty-six infants under



## **Health Care Less Available in Segregated Black Neighborhoods**

While racialized residential segregation disproportionately exposes Black San Franciscans to environmental pollutants, it also denies them access to health care. Residential segregation adversely affects the availability of physicians and ancillary services for Black residents, which often parallels the magnitude of segregation in a neighborhood (White et al.). Zip codes with higher populations of Black residents are more likely to have a shortage of primary care physicians, and the availability of specialty care physicians is inversely proportional to the percentage of Black residents in a community (Gaskin et al.; White et al.). Black San Franciscans confirm that these trends hold for San Francisco, reporting limited access to quality health care (Harder and Company). For example, 36% of Black expectant mothers in San Francisco do not receive prenatal care (“Health Equity”). Due to long wait times to see a local doctor and/or difficulty accessing primary care services for urgent matters, Black San Franciscans often rely on hospital emergency rooms for care (“How Do We Get There?”). Black residents have also had higher rates of hospitalization due to depression, which the City’s public health department attributes to a lack of access to medical care (“Community Health Needs Assessment 2019”). Compounding the health care access problem, Black San Franciscans are among those most likely to lack health insurance (Harder and Company).

## **Health Care Quality Lower in Segregated Black Neighborhoods**

Even after accounting for access-related factors including insurance status and income, residentially segregated Black people are more likely to receive lower-quality health care when they are able to access the health care system (Institute of Medicine).<sup>27</sup> Provider quality as measured by clinical qualifications and educational training is also lower in segregated Black neighborhoods (White et al.). Health care providers in segregated Black neighborhoods tend to refer Black patients for specialty care less frequently, are less likely to provide diagnostic imaging services, and are more likely to have higher rates of adverse patient safety events (Gaskin et al.; White et al.). Reduced access to quality health care providers and services among residentially segregated Black residents leads to lower use of preventative health care services, higher rates of preventable hospitalizations, and poorer overall health (“How Do We Get There?”). In San Francisco, overall health outcomes are worse in zip codes with a higher proportion of Black residents, including Bayview-Hunters Point (94124), Tenderloin/Hayes Valley/North of Market (94102), and Visitacion Valley/Portola (94134) (Pinderhughes et al.).

Hunters Point historian and activist Dr. Ray Tompkins is a member of the advisory board for the Southeast Health Clinic who has called attention to disparities and shortcomings in the health care quality in Hunters Point. For example, he has noted a shortage of ear, nose, and throat specialists and the lack of a cardiovascular unit and air filtration systems at the Southeast Clinic, all of which are vital for management of asthmatic conditions (Tompkins).

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<sup>27</sup> See also Arcaya, Mariana C. and Alina Schnake-Mahl. “Health in the Segregated City,” *NYU Furman Center*, Oct. 2017, <https://furmancenter.org/research/iri/essay/health-inthe-segregated-city>.

## **Health Outcome Example: Racial HIV Gap**

One example of the disparate health outcomes for Black San Franciscans is seen in HIV incidence. HIV diagnoses are highest among Black San Francisco residents as compared to San Francisco residents of other races (Pebody). While the city has experienced an overall decrease in HIV incidence, this decrease is concentrated among White men who have sex with men (MSM), whereas Black flight from the city has contributed to the apparent overall decrease in HIV diagnoses and it is not clear whether or to what extent the true incidence within the Black population has decreased (Pebody). Dr. Jade Pagkas-Bather, co-author of “The Last Black Man with HIV in San Francisco: The Potential Role of Gentrification on HIV Getting to Zero Achievements,” argues that “the declining overall HIV incidence...is not only explained by the use of treatment as prevention and PrEP, but is also due to the declining Black population and rising HIV incidence among Black MSM, who have historically been more likely to acquire HIV due to structural, racial, and criminal justice-related factors than have White MSM” (qtd. in Pebody). Pagkas-Bather also indicates that recent figures show that White men’s HIV diagnoses have fallen by 9.1%, whereas Black men’s diagnoses have fallen by only 4.6% (qtd. in Pebody).

## **Barriers to Health Care Access and Health Promotion and the Resulting Impacts**

### **Lack of Transportation Limits Health Care Access**

Lack of public transportation is cited by Black San Franciscans as a leading barrier to health care access (Harder and Company). While some parts of the city have easily accessible public transit options, particularly downtown and in the Castro neighborhood, access in other areas—including the southeastern regions of the city, where much of the Black population is concentrated—is more limited (San Francisco Department of Public Health). For example, Potrero Hill Health Center (PHHC), a safety-net clinic in San Francisco, was built to serve the nearby public housing developments (Potrero Terrace and Potrero Annex), which have a high percentage of Black residents (52.5% in 2017) (“How Do We Get There?”). Sixty-five percent of Potrero Terrace and Potrero Annex residents rely on public transportation, and PHHC patients describe transit barriers that make it harder for them to reach their appointments (“Potrero Terrace & Annex”; “How Do We Get There?”). These barriers include long travel times; travel delays that lead to lateness, missed appointments, or delayed care; and difficulty walking to and from appointments due to mobility issues, made worse by the location of the health center atop a steep hill (“How Do We Get There?”).

### **Limited Availability of Food and Medicine**

Health problems are further reinforced by lack of access to nutritious food and prescription medication. Within the city, there is a noticeable lack of supermarkets in high-poverty areas, with no supermarkets in the poorest parts of Bayview-Hunters Point, Potrero, and the Mission District (San Francisco Food Alliance). Additionally, Bayview-Hunters Point has one of the highest rates of food stamp recipients in the city, yet few stores in the neighborhood accept food stamps (San Francisco Food Alliance). In San Francisco, 19.5% of pregnant Black women face food insecurity, compared to almost no pregnant White women (“Community Health Needs

Assessment 2019”). Additionally, pharmacies located in Black neighborhoods are less likely to stock sufficient medication (White et al.).

### **Education and Income Disparities Compound Health Disparities**

Theories on the links between racialized residential segregation and health disparities often cite features of neighborhoods such as walkability, access to recreational areas, and access to healthful foods that may influence individual health-related behaviors (Braveman and Gottlieb). However, limited opportunities for education and employment and the consequent high concentration of poverty that characterizes racially segregated Black neighborhoods are the predominant factors impeding access to equitable health care services, independent of individual-level factors (White et al. 1280). According to San Francisco’s public health department, low-income residents “are at greater risk of a wide range of health conditions than higher income groups, and have a shorter life expectancy” (“Community Health Needs Assessment 2019” 3). Low-income mothers are more likely to have babies with low birth weights, and “lower-income children in San Francisco experience higher rates of asthma, hospitalization, obesity, and dental caries” (“Community Health Needs Assessment 2019” 16). The toll for hourly workers of making ends meet also results in an increased likelihood of psychological and physical illness and injury. Many workers have more than one job, and working long hours has been “shown to adversely affect the occupational health of workers” (Wong et al.). Overall, the public health department reports that “lower income residents are almost three times more likely to experience serious psychological distress than higher income residents” (“Community Health Needs Assessment 2019” 30).

Considering the extremely high cost of living and racial income disparity discussed previously, many individuals and families in San Francisco cannot afford to treat pollution-related and other medical issues as they arise. Untreated medical issues further deteriorate health, resulting in five times the number of preventable emergency room visits among Black San Francisco residents compared to White residents (Pinderhughes et al.). Without medical management of persistent problems, Black San Franciscans are more likely than any other racial/ethnic group to be hospitalized for a range of conditions including diabetes, heart failure, hypertension, bacterial pneumonia, and asthma (Pinderhughes et al.). While national rates of asthma are higher among Black residents than White residents, the Black hospitalization rate for asthma was 34% higher in San Francisco than the national average among Black residents (Katz). Residents of Bayview-Hunters Point, specifically, are more likely to be hospitalized for almost every disease, including asthma, congestive heart failure, diabetes, and urinary tract infections (Katz).

### **Health Problems Compound Employment Inequities**

Low-income Black workers are unlikely to be able to take time off work to recover from injury or illness, further increasing the likelihood of more serious complications and associated expenses (Charnock). And according to a 2019 report, “40% of Americans are only one missed paycheck away from poverty” (Picchi). Moreover, if medical issues are disclosed to employers, Black workers face being let go. The City itself disproportionately releases Black employees for medical reasons. In 2020, Black employees accounted for more than one-third of medical

releases despite making up just 15% of the City’s employees (W. Gould).<sup>28</sup> Missing work due to illness is likely to become inevitable as a disease progresses without treatment, further limiting earnings and entrenching poverty. Additionally, rates of hospitalization for heart disease among Black San Franciscans in their forties and fifties are “comparable to those seen in other races/ethnicities over 75 years of age,” according to one report (“Community Health Needs Assessment 2019”). Earlier onset of serious illnesses can result in earlier departure from the workforce altogether due to poor health, which can lead to fewer total income-earning years for Black workers.

## **Quantifying Harms**

### **Cost of Asthma Treatment**

On average, an individual with asthma will spend \$3,266 on asthma-related care per year (“Asthma Facts”). In Bayview-Hunters Point, the median Black household income is \$30,000 (Pinderhughes, et al.). Because this neighborhood’s residents are diagnosed with asthma at twice that national rate and are far more likely to develop serious complications because of poor access to health care, many Black residents of Bayview-Hunters Point may be spending more than 10% of their annual income on asthma-related health costs. These expenses further reinforce the cycle of poverty, increasing the likelihood that future generations will be unable to afford to live in a less polluted area and will therefore endure similar health and economic burdens.

The prevalence of asthma among Black San Franciscans is 13.9% in a Black population of 44,930 (San Francisco Health Improvement Partnership). Given the average asthma care cost of \$3,266 per year, asthma care can be expected to cost Black San Franciscans more than \$2 million per year.

### **Cost of Lead Exposure**

Costs of lead screening and treatment for children six years of age and under have been estimated at approximately \$3,815. However, this estimate includes only direct lead-treatment costs. High lead exposure can cause multiple and irreversible health problems across a patient’s lifetime, including learning disabilities, ADHD, intellectual disability, stunted growth, seizures, hypertension, osteoporosis, heart disease, stroke, kidney malfunction, coma, and death. Further, studies on lead’s effects on intellectual function and IQ have established a negative impact on educational attainment, employment outcomes, and lifetime earnings. One study found that each IQ point lost represents a loss of \$17,815 in lifetime earnings, and children lose 0.513 IQ points per 1 µg/dL increase in blood lead level (BLL) (E. Gould).

Due to insufficient biomonitoring, San Francisco lacks data on the total number of Black residents with elevated blood lead levels. As such, the total cost of lead exposure to San Francisco’s Black population cannot be determined. However, the numbers above can begin to communicate the costs on an individual level.

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<sup>28</sup> According to Gould, “Of the 33 medical releases in 2020, Black employees accounted for 13 of them (39.39%).”

## **Years of Life Lost**

In San Francisco, higher rates of asthma, COPD, and exposure to environmental toxins and pollutants combine with lack of access to high-quality health care to result in the premature loss of life. The life expectancy of Black residents in San Francisco is lower than in other racial groups by 11 to 15 years (“Appendix A: Housing Needs Assessment”). Black Californians have the highest mortality rate in nine out of the top ten causes of death in San Francisco (California Task Force). Infant mortality is also much higher, with Black babies dying at five times the rate of White babies in the city (California Task Force).

Overall health harms may be quantified by estimating the total number of years of life lost (YLL) among Black San Franciscans. YLL is a measure of premature mortality that considers both the frequency of deaths and the age at which they occur (“Years of Life Lost”). Estimating the number of premature Black San Franciscan deaths since San Francisco’s first zoning policy went into effect, and conservatively estimating that Black San Franciscans have forfeited and will (into the foreseeable future) continue to forfeit ten years of life on average due to outcomes of racialized residential segregation, Black San Franciscan YLL between 1920 and 2020 is approximately 820,000 years.

Estimates for the average value of a life-year lost range from \$150,000 to 250,000.<sup>29</sup> Thus, racialized residential segregation has cost Black San Franciscans upwards of \$200 billion.

## **Conclusion**

The environmental health impacts detailed in the previous sections have been further exacerbated by decreased access to health care in Black communities and discrimination faced within health care systems in San Francisco. Resultingly, the interconnected harms related to environment and health have had a compounding effect, causing drastic reductions in quality and length of life for Black San Franciscans. Local activists have noted the need for expanded availability of local health clinics and increased access to specialized providers for asthma, prenatal care, and mental health as well. Finally, closing disparities in access to nutritious food and prescription medication through supermarkets and pharmacies can be key to improving residents’ ability to manage existing health conditions.

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<sup>29</sup> See, for example, Yabroff, K. Robin et al. “Estimates and Projections of Value of Life Lost from Cancer Deaths in the United States.” *Journal of the National Cancer Institute*, vol. 100, no. 24, 2008, 1755-62. See also, for example, Mallow, Peter J. “Estimates of the Value of Life Lost from COVID-19 in Ohio.” *Journal of Comparative Effectiveness Research*, vol. 10, no. 4, 2021, 281-4.

## Chapter 8: Compounding Harms: Criminalization and Police Violence

### Background and Housing Nexus



Residential racial segregation in San Francisco has contributed to the stark inequities we see in the criminal justice system today. The racialization of housing has direct consequences for the ways in which Black San Franciscans are characterized and treated by police and the criminal justice system. Sociologist Daanika Gordon conducted a study on the effects of residential segregation on police actions, finding that “the police drew upon symbolic ideas that emphasized the violence of black neighborhoods and the economic value of white neighborhoods in developing local strategies. As they acted in relation to these distinctions, the police amplified disparities in service provision and social control, consolidating the character of an already

segregated and unequal landscape.” In other words, residential segregation reinforces the association of crime with Blackness, which in turn increases police violence and cyclically justifies the spatial boundaries of segregation in housing. As sociologist David James aptly summarizes, “if white prejudice and discrimination cause the segregation that, in turn, contributes to poverty concentrations among African Americans, and if these concentrations in turn fuel such prejudice and discrimination, then urban black Americans are caught in the proverbial ‘vicious circle.’”

These prejudices are significant because implicit biases about who officers should perceive as dangerous affect their interactions with the general citizenry. Policing practices are steeped in conceptions of, and anxieties about, Black criminality. Rhetoric arguing that Black communities are more dangerous and thus need to be more heavily policed is pervasive today. This rhetoric is often reinscribed by research and statistics that seemingly demonstrate that Black people are more likely to commit crimes, despite the fact that the over-policing of these communities often accounts for the skews. As sociologist Khalil Gibran Muhammad writes, as overt racial discrimination became increasingly unacceptable in the “post-racial” era, “the statistical rhetoric of the ‘Negro criminal’ became a proxy for national discourse on black inferiority. As an ‘objective’ measure, it also became a tool to shield white Americans from the charge of racism when they used black crime statistics to support discriminatory public policies.” The conceptualization of Black people as inherently criminal justifies the use of strict penalties and relentless police supervision.

These theories of power translate to a concrete and measurable disparity in police presence, action, and violence in Black communities. Professor Tia Sherèe Gaynor of the Center for Truth, Racial Healing, and Transformation has analyzed the relationship between state-sanctioned violence and place, finding that there is “a positive association between segregated communities, the percentage of black people in a population, and the number of police killings of black people.” This trend remains true in San Francisco: although the city has one of the state’s lowest prison incarceration rates, statistics vary greatly by neighborhood, hinting at the legacy of discriminatory housing policies (Sharpe and Neilson). Whereas on average, San Francisco imprisons just 118 residents per 100,000 (compared to 310 per 100,000 statewide), the highest rates of incarceration, rivaling the state average, occurred in historically non-White and impoverished neighborhoods, including Bayview-Hunters Point and Sunnydale (approximately 335 per 100,000 residents) (Sharpe and Neilson).

This section details the mutually reinforcing process of criminalization and segregation within San Francisco, documenting the ways in which mistreatment by police and the criminal justice system systemically entrench injustice and poverty. It then explores the direct impacts that incarceration has on future outcomes. This section demonstrates how the harms of housing discrimination are intertwined with the harms of the criminal justice system.

## **Criminal Justice and Policing Harms**

### **Police Racially Profile Without Probable Cause**

Black San Franciscans are stopped and searched by police more often than non-Black San Franciscans and without cause. A 2016 report found that Black drivers in San Francisco were ten times more likely to be stopped and searched than White drivers were (COPS Office). Moreover, Black drivers were less likely to be found with contraband or ticketed than White drivers, indicating a pattern of unwarranted police harassment. Despite the city’s continuing decrease in its Black population, the SFPD has the widest racial disparity in traffic stops among large police departments in California (D. Graham). Within San Francisco, Black drivers and passengers are three times more likely to be searched following a traffic stop and more than twice as likely to be asked to be searched without probable cause, even though searches of Black drivers were “significantly less likely” to result in evidence of criminality.<sup>30</sup>

### **Black San Franciscans Arrested in Disproportionate Numbers**

Consistent with the racial profiling of Black San Franciscans, data indicate that Black people are arrested five to eight times more often than White people in San Francisco, with Black people making up 43% of all city arrests from 2005 to 2014 (“Report of the Blue Ribbon Panel”). Arrests of young people are even more disproportionate: from 2005 to 2014, 52% of juvenile arrestees in San Francisco were Black (“Report of the Blue Ribbon Panel”). For more than forty

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<sup>30</sup> See, for example, Schlosberg, Mark. “A Department in Denial: The San Francisco Police Department’s Failure to Address Racial Profiling.” *ACLU NorCal*, 7 Oct. 2002, <https://www.aclunc.org/sites/default/files/A%20Department%20in%20Denial%20-%20The%20San%20Francisco%20Police%20Department%27s%20Failure%20to%20Address%20Racial%20Profiling.pdf>.

years, Black San Franciscans experienced felony drug arrests at a rate nineteen times that of other racial groups and seven times that of other Black California residents (Males and Armaline). A 2013 analysis conducted by the W. Haywood Burns Institute found that the zip codes with the highest rates of arrest are the zip codes with disproportionately large Black populations; notably, Bayview-Hunters Point has the second highest arrest rate in San Francisco. Young Black females especially experience extraordinarily high felony drug-arrest rates in San Francisco—fifty times that of other California counties (Males and Armaline).

### **Black San Franciscans Face Disparate Treatment in Criminal Justice System**

Following arrest, Black San Franciscans are held longer in pretrial custody, have longer adjudication processing times, and receive longer sentences and more convictions than White San Franciscans do (“Community Health Needs Assessment 2019”). These problems continue to compound as the percentages of San Francisco police stops, arrests, and uses of force that involve Black residents have increased year after year (“Forming a San Francisco Truth”). Although the Black population makes up less than 6% of the city’s residents, Black San Franciscans make up 56% of its incarcerations (Maharawal).

### **SFPD Engages in Widespread Use of Excessive and Deadly Force**

The SFPD uses force on Black people twelve times more often than it uses force on White people (Cassidy). Repeated interactions with officers, including but not limited to stops and searches, overexpose Black residents to police violence (Carbado and Rock 159, 164). This overexposure is particularly dangerous in San Francisco, where police are more likely than elsewhere in California to use both deadly and sublethal force (for example, batons, strangleholds, Tasers, and other weapons) (“San Francisco Police Department”). In fact, from 2013 to 2017, Black people were killed by police in the San Francisco-Hayward-Oakland metropolitan area at a greater rate than in any other US metropolitan area, with the exception of Oklahoma City (Schwartz and Jahn). In the great majority of lethal shootings (73%), San Francisco police failed to first try nonlethal force (“San Francisco Police Department”).

Although the proportion of Black residents of San Francisco has steadily shrunk since the 1970s and is now approximately 5%, the proportion of Black individuals killed by the police has remained at approximately 40% since the 1980s.<sup>31</sup> Moreover, SFPD use of force and disproportionate violence toward Black residents has likely been underreported, as a 2016 Blue Ribbon Panel concluded that the SFPD failed to collect adequate data on use-of-force incidents, failed to report all use-of-force incidents (including when an officer drew and pointed a weapon at a civilian), and failed to collect demographic information about civilians targeted by police violence (“Report of the Blue Ribbon Panel”). Recent use-of-force data indicate that the frequency of incidents involving Black people has increased, even while the total number of reported use-of-force incidents has nearly halved and San Francisco’s Black population continues to shrink (San Francisco Police Department, “Quarterly Activity”).

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<sup>31</sup> See “Anti-Eviction Mapping Project, Killings by Police Officers, San Francisco and Oakland.” *ARCGIS*, <https://antievictionmap.maps.arcgis.com/apps/MapSeries/index.html?appid=c45dcce3553b4a89b0f8f916a6a01a8d>. (View “San Francisco Map” data; last visited Aug. 9, 2022.)



## **Police Responses to Drug Use Treat Black Residents as Criminals**

The reflexive criminalization of Black San Franciscans can be seen in the City's longstanding response to drug use, which seeks to arrest high numbers of Black residents rather than disrupting large-scale drug sale operations. The Public Defender's Office in San Francisco "has long been frustrated by SFPD using the number of arrests and prosecutions in drug sale cases as its benchmark of success, rather than the quantity of drugs seized or the impact on drug use" ("SF's Failed 'War on Drugs'"). From January 2017 through April 2019, the Public Defender's Office represented more than 70% of the people accused of drug sales or possession for sale in San Francisco, demonstrating the targeting of low-income individuals given that the majority of people arrested were deemed unable to afford an attorney ("SF's Failed 'War on Drugs'"). A review of more than nine hundred cases from this period revealed that buy-busts and sales observed by police accounted for nearly two-thirds of SFPD's drug sale arrests, yet these methods yielded only small amounts of narcotics and cash per arrest and rarely led to the recovery of a weapon ("SF's Failed 'War on Drugs'"). Not only have these operations failed to impact drug use or sales, but they also have disproportionately impacted communities of color, as a staggering 93% of the people arrested in buy-busts were non-White ("SF's Failed 'War on Drugs'").

## **Police Response to Black Lives Matter Treats Black Residents as Terrorists**

The police response to the Black Lives Matter movement reveals an inclination to treat Black demonstrators as outsiders and terrorists. Rather than following the principles of community-based policing, through the use of "mutual aid agreements" local police departments called upon the assistance of other departments across the state (Maharawal 352). The agencies involved in the nightly repression of protests included the Oakland Police Department, Fremont Police Department, Hayward Police Department, East Bay Regional Parks – Public Safety, Alameda County Sheriff, Albany Police Department, University of California Security Forces, and California Highway Patrol (which itself called officers from as far away as the town of Truckee on the Nevada border) (Maharawal 353). The composition of this police force meant that protestors often did not know by whom they were being policed or how officers would treat them, as different agencies have different use-of-force policies (Maharawal). When operating as a composite police force, operations are coordinated through local fusion centers (state-owned entities designed to facilitate intelligence gathering and surveillance across states) in various manners replicating a counter-terror response (Maharawal).

Furthermore, a regional network of Terrorism Liaison Officers (TLOs) surveilled protesters via social media (BondGraham and Winston). The use of these statewide and regional surveillance infrastructures conflated protestors with terrorists, leaving unanswered questions about privacy and the limits of surveillance.

## **Criminalizing Homelessness Results in Cycles of Incarceration**

San Francisco has a long and pernicious history of criminalizing homelessness using quality-of-life policing, nuisance laws, and vagrancy laws. With twenty-three anti-homelessness laws still active, San Francisco has more anti-homeless ordinances than any other city in California ("Punishing the Poorest"). As the San Francisco Coalition on Homelessness describes, anti-

homelessness ordinances are “laws that prohibit life-sustaining activities that homeless people have little choice but to undertake in public: (1) standing, sitting, and resting in public spaces, including loitering and “vagrancy” (daytime restrictions); (2) sleeping, camping, and lodging including in vehicles (nighttime restrictions); (3) begging and panhandling; (4) and food sharing” (“Punishing the Poorest”). One example of San Francisco’s anti-homelessness laws is the 2010 sit-lie ordinance, dubbed “Civil Sidewalks” by many of its supporters (Amaral). The ordinance makes it unlawful to sit or lie on a public sidewalk, or on an object placed on a public sidewalk, between 7 a.m. and 11 p.m., effectively penalizing houseless individuals for seeking refuge on sidewalks (Amaral). A more recent 2016 law banned tents on public sidewalks (Bravo).

Studies have shown that these anti-homelessness laws perpetuate, rather than cure, homelessness and poverty. Instead of reducing homelessness, they “create a churn in which unhoused people circulate between neighborhoods and police jurisdictions rather than leaving public spaces” (Bravo). This finding is supported by San Francisco-specific data: research conducted by San Francisco’s Coalition on Homelessness found that 69% of survey participants who lived on the street and 61% of participants who camped in parks had been arrested and incarcerated by the police (“Punishing the Poorest”). Overall, anti-homelessness policies make it illegal for unhoused people to engage in everyday life-sustaining activities, resulting in cycles of incarceration that ultimately work to destabilize the lives of houseless people even further.

### **School-to-Prison Pipeline Compounds Inequities**

Inequities in education, described earlier, compound the criminalization of Black San Franciscans. Consistent with the disparate educational outcomes seen with San Francisco’s segregated school system, Black students have one of the highest rates of suspension in the SFUSD, which leads to more interaction with police and law enforcement, resulting in a higher likelihood of Black students dropping out of school and becoming involved with serious crime (“Community Health Needs Assessment 2019”). In the SFUSD 2016-17 school year, Black students made up 40% of suspensions, although they were only 11% of the school population (“Community Health Needs Assessment 2019”). Black youth also comprised more than 57% of bookings at the San Francisco Juvenile Hall, and more than one-fifth of the juveniles booked at the Juvenile Hall in 2017 were from Bayview (“Community Health Needs Assessment 2019”). Along with this connection between unequal education and incarceration, targeting of Black residents for stops, searches, and arrests further compounds and entrenches inequity cycles as “inequalities in incarceration impact employment and health, which themselves further influence incarceration” (“Community Health Needs Assessment 2019”).

### **City Abandoned Plans to Redirect Funding to Assist Black Community**

In 2021, the mayor of San Francisco promised to redirect \$120 million from the police department’s budget over two years toward initiatives to help San Francisco’s Black community (Holder). The cuts have been significantly smaller than planned, and the forthcoming two-year budget increases police spending (Holder).

## **Compounding Impacts of Criminalization**

The disproportionate criminalization of Black San Franciscans creates self-reinforcing cycles whereby Black residents are perceived as more dangerous, disorderly, and thus in need of greater supervision and control. This trend is buttressed by housing segregation and inequality. Assumptions about Black criminality have heightened existing inequalities surrounding who is policed, arrested, and incarcerated. As this section explores, incarceration has detrimental effects on the lives of not only incarcerated individuals, but also their families and communities.

### **Incarceration Has Negative Impact on Employment**

Formerly incarcerated people face high rates of unemployment, leading to a pernicious cycle of incarceration and poverty. In fact, studies have emphasized the close ties between incarceration and unemployment, finding that “[i]f a formerly incarcerated person is unable to find employment after eight months, there is a 33% chance they will commit another crime landing them back behind bars. This increases to 50% after one year of unemployment and 70% after three years” (Lorentzen). This leads to a recurring cycle, as people experiencing poverty are more likely to be imprisoned, and people who have been incarcerated are more likely to be overlooked by employers, thus causing further financial instability. A 2018 study conducted by the Prison Policy Initiative found that formerly incarcerated people are unemployed at a rate surpassing 27 percent, a number that is “higher than the total U.S. unemployment rate during any historical period, including the Great Depression” (Wang and Bertram). These statistics are even more significant given that formerly incarcerated people often must maintain stable employment as a condition of their release while they are on parole or supervised release. Thus, incarceration impedes access to stable employment, which in turn increases poverty.

### **Incarceration Has Negative Impact on Access to Social Welfare**

One of the most pernicious effects of incarceration is that it can bar access to many social service programs. Although formerly incarcerated individuals can access CalFresh benefits, including food stamps, some restrictions remain in other sectors. For example, to qualify for Section 8 public housing in California, a felony must be at least five years old, and it cannot be disqualifying (Wang and Bertram).

### **Incarceration Has Negative Impact on Families**

Children have been dubbed the “hidden victims” of mass incarceration, in part because of the immense impact parental incarceration has on family members. Studies have shown that because of the disruption in the parent-child relationship, children of incarcerated parents are six times more likely to become incarcerated themselves (Martin). These children are also more prone to have mental health issues and antisocial tendencies. These issues are heightened when the incarcerated parent is the sole caregiver of the household: nationwide, approximately two-thirds of incarcerated mothers are the single custodial parent before incarceration, signaling the detrimental effects of incarceration on their children (Glifford).

Furthermore, incarceration affects the family structure more broadly: incarcerated men marry at extremely low rates and see higher rates of divorce (Savat). The financial challenges posed by having a parent incarcerated also lead to persistent and generational poverty.

### **Incarceration Has Negative Impact on Communities**

New evidence suggests that mass incarceration has broader effects on population health. High rates of community incarceration directly correlate with an increased risk of health issues, such as an increased risk of cardiometabolic and lung issues, higher rates of asthma, and an increased risk of contracting a sexually transmitted infection, including HIV/AIDS (Glifford). High rates of community incarceration are also associated with a more than 50% increase in drug-related deaths from county to county, as well as higher rates of teenage pregnancy (Widra and Gomez).

Furthermore, because incarceration primarily affects working-age adults, removal of these individuals from communities can have wider economic and social costs within the community.

### **Quantifying Harms: Costs of Incarceration**

The Brennan Center has found that people “who were imprisoned early in their lives earn about half as much annually as socioeconomically similar people untouched by the justice system” (Glifford). A 2017 study of lost earning potential due to involvement in the justice system found that Black individuals, on average, lose \$358,900 during their lifetime as a result of incarceration in a prison (Craigle et al.). This number is higher than that of White incarcerated individuals, whose losses amount to about \$267,000, suggesting the detrimental impact of the prison system on Black wealth (Craigle et al.).

Furthermore, a 2021 analysis of New York census tracts found that areas with the highest incarceration rates saw an average life expectancy more than two years shorter than that in areas with lower incarceration rates (Holaday et al.). Estimates for the average value of a life-year lost range from \$150,000 to \$250,000.<sup>32</sup>

In San Francisco, neighborhood imprisonment rates vary greatly, with predominantly Black neighborhoods seeing higher rates of incarceration. The predominantly Black Bayview neighborhood, for example, saw a 2020 incarceration rate of 335 per 100,000 residents, compared to a rate of just 81 per 100,000 residents in the predominantly White Parkside neighborhood (Widra and Gomez). Across California, the prison population is 28 percent Black, with San Francisco having an overall imprisonment rate of 118 per 100,000 (not segregated by neighborhood) (“Incarceration Trends”).

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<sup>32</sup> See, for example, Yabroff, K. Robin et al. “Estimates and Projections of Value of Life Lost from Cancer Deaths in the United States.” *Journal of the National Cancer Institute*, vol. 100, no. 24, 2008, 1755-62. See also, for example, Mallow, Peter J. “Estimates of the Value of Life Lost from COVID-19 in Ohio.” *Journal of Comparative Effectiveness Research*, vol. 10, no. 4, 2021, 281-4.

Thus, though these rates likely underestimate the effects of racialized residential segregation as it intersects with incarceration, criminalization has cost Black San Franciscans upwards of \$12.5 billion.

## **Conclusion**

Overall, the harms of housing discrimination and segregation are closely intertwined with the harms of the criminal justice system. This indicates that remediating the effects of San Francisco's anti-Black housing policies requires a consideration of policing and criminalization.

## **Chapter 9: Compounding Harms to the Social Fabric: Housing Disparities Have Strained Black Families, Communities, and Culture**

The history of urban renewal in the Fillmore District and the tangible harms to Black San Franciscans that followed its redevelopment have been well documented in the preceding sections of this report. But the manner in which the City carried out its redevelopment program must also be addressed. Various aspects of the dismantling of the Fillmore District, including the City's reliance on discursive language and racial tropes, reflected an ultimate disdain for and othering of Black San Franciscans and thereby perpetuated the ideology of White supremacy. The fact that the harms from such choices are intangible and not readily quantifiable does not diminish their damaging impact.

To explore the nature of the City's actions in the Fillmore, the first part of this section will re-examine the decimation of the Fillmore, this time specifically through the lens of the City's harmful reliance on narratives of racial difference and the discursive language and tropes of White supremacy. The creation of the Fillmore, the culture and community that were developed there, and the decimation that followed will be reviewed to highlight how Black San Franciscans, forced by racial bias into a small number of overcrowded and poorly served blocks, transcended those circumstances to create community and a foundation of businesses, homeownership, and culture that could have been a source of intergenerational wealth. This section will document how, after Black residents of the Fillmore were settled in the place that had been defined for them, the City reminded them that they could be removed and their belongings taken from them with no voice in the matter, as if they were slaves sold down the river and with just as little consequence to those who had caused their harm and profited from it.

The second part of this section will address the aftereffects of San Francisco's program of Negro Removal and identify additional racial disparities in the city today. The harms, though again not always tangible or amenable to quantification, will be shown to be so systemic that innumerable aspects and incidents of metropolitan life have been impacted in interconnected, self-perpetuating forms ranging from the process of gentrification to aspects of family, civic, and cultural life as diverse as transportation, infrastructure and commuter access, disparities and inequities in foster care and policing, access to child and senior care, availability of green spaces, and inadequate public recognition of Black achievement.

### **Setting the Stage: Living While Black in a State of "Freedom"**

California was admitted to the Union as a "free" state ("Admission of California"). However, the price of its admission—the Compromise of 1850—would have a significant impact on the Black population of San Francisco. Black San Franciscans would live in a state that purported not to condone slavery but where, by the terms of the Fugitive Slave Law that was part of the Compromise, they were subject at any time to arrest, transport to a slave state, and enslavement

or re-enslavement. In this sense, though not slaves, they were also not truly free.<sup>33</sup> And more than a century later, San Francisco would continue to stamp Black residents with metaphorical badges and incidents of the peculiar institution of chattel slavery<sup>34</sup> through a decades-long, torturous process of housing practices and policies, including urban renewal. These practices disrupted the community and culture that Black San Franciscans and their families had begun to establish since their earliest days in the city.

### **Black Institutions and Culture in Early San Francisco Created a Sense of Community, Advocacy, and Mutual Support**

Beginning in their earliest days in the city, Black San Franciscans established institutions that provided not only a sense of belonging and achievement, but also political muscle. In the 1850s, the San Francisco Athenaeum and Literary Association served not only as a literary association, library, and social club, but also a neighborhood chronicler and political advocate for Black rights, including abolition, the right to vote, and the right to testify (San Francisco Planning Department et al. 39).<sup>35</sup> From 1921 to 1972, the Madame C.J. Walker Home for Girls and Women provided social services, employment counseling, entertainment, and temporary lodging to Black women who had relocated to San Francisco (San Francisco Planning Department et al. 71). The San Francisco chapter of the NAACP was established in 1923 (San Francisco Planning Department et al. 69). The African American Historical & Cultural Society was founded in 1955 (“San Francisco African American Historical & Cultural Society”). There were also social and fraternal organizations, such as the Kalendar Klub, the Cosmos Club, the Socialettes, the Monarchs, the Black Masons, and others (San Francisco Planning Department et al. 71-2).

Churches and newspapers have tremendous historical importance for Black people. Even during slavery, faith was one of the few ways Black people could gather, provide mutual support, and seek somehow to transcend the circumstances of their enslavement. The cultural and political significance of the Black press also cannot be overstated. Black newspapers have historically “emphasized civil rights, community, and racial politics” and provided an important counterweight to the demeaning treatment Black people received in other publications (California Task Force 307). They also embodied Black autonomy, providing the means for Black authors to create their own narratives in their own voices, rather than watching from the sidelines as beneficiaries of others who advocated on their behalf (“Too Long”).

Black San Franciscans avidly supported both institutions: they created numerous faith-based institutions to serve their needs, including the Third Baptist Church (founded in 1852), the AME Zion United Methodist Church (founded in 1852), and the Jones United Methodist Church. Early San Francisco featured a number of Black newspapers, the names of which spoke to their

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<sup>33</sup> The 1850 Act denied Blacks accused of fugitive status the right to testify, so they could not deny the allegations that they were fugitives. Thus, even Blacks who had never been enslaved or who had been emancipated were subject to arrest and enslavement. See Thomas Jefferson’s 1787 letter to James Madison at <https://www.nps.gov/articles/000/the-bill-of-rights-and-the-fugitive-slave-laws.htm>.

<sup>34</sup> Slavery in the American South was referred to as “the peculiar institution” by prize-winning author Kenneth Stampp. See Stampp, Kenneth M. *The Peculiar Institution: Slavery in the Ante-Bellum South*. Vintage Books, 1989.

<sup>35</sup> See also <https://www.milibrary.org/library/featured/february-2012-african-american-history-month>.

agendas: the *Pacific Appeal* (founded in 1862), the *Elevator* (1865–1898), and the *San Francisco Vindicator* (founded in 1884) (San Francisco Planning Department et al. 42; “About San Francisco Vindicator”). These institutions created a shared sense of community and connection for Black San Franciscans, no matter where they lived in the city.

## **The Creation of the Fillmore**

### **San Franciscans Used Tools and Tropes of White Supremacy to Make a Ghetto**

The process by which Black ghettos have been created in other cities has been the subject of much scholarship.<sup>36</sup> Black residents of San Francisco were not always centralized in neighborhoods such as the Fillmore (Broussard, *Black San Francisco* 29-30). The absence of *de jure* housing segregation meant, theoretically, that the city’s relatively small number of early Black residents were free to choose where they lived (Broussard, *Black San Francisco* 21; San Francisco Planning Department et al. 60).<sup>37</sup> But, as has been discussed elsewhere in this report, Black San Franciscans’ spatial freedom diminished as their population grew. By 1930, nearly half of Black San Franciscans lived in the Western Addition (San Francisco Planning Department et al. 60). The area had also become the center of most Black businesses (San Francisco Planning Department et al. 67).

From 1940 to 1945, the city’s Black population increased by 797% (San Francisco Planning Department et al. 88). Many new Black residents had migrated from the South. The rapidly increasing numbers of Black residents needed places to live but found they were not welcome in many neighborhoods. White residents revived tropes of Black people as undesirable, unmotivated, and criminal, and real estate agents pushed claims that integration would drive down property values (Broussard, *Black San Francisco* 173). Housing discrimination, including racial disparities in assignments to public housing, served to increase segregation, as did the growing use of restrictive covenants that applied to both rentals and sales of real property (Broussard, *Black San Francisco* 172-7).

When nearly five thousand Japanese Americans living in the Fillmore were forced into internment camps, nine thousand Black residents, prevented from obtaining housing elsewhere, moved into their homes (San Francisco Planning Department et al. 88). By 1950 “the Fillmore District’s 26 blocks, originally designed to accommodate 50-to-75 people per acre, were reportedly housing upwards of 200 people per acre” (San Francisco Planning Department et al. 109). The district’s apartments were repeatedly subdivided into smaller and smaller units, without regard for code requirements such as ventilation and natural light sources. Whites could move out as the Fillmore deteriorated and became increasingly congested, but racist restrictive covenants and redlining that had forced Blacks into the area continued to keep them there, even if they could afford housing elsewhere.

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<sup>36</sup> Examples include Osofsky, Gilbert. *The Making of a Ghetto: Negro New York, 1890-1930*. Harper and Row, 1966. Also Spear, Allan. *Black Chicago: The Making of a Negro Ghetto, 1890-1920*. University of Chicago Press, 1967.

<sup>37</sup> Especially compared to other cities, early San Francisco had a very small Black population.



## **Black San Franciscans Transcended Oppression and Marginalization to Create Vibrant Community in the Fillmore District**

Pre-redevelopment Fillmore was more than a collection of congested buildings and streets. The residents built networks of mutual support, landmarks, shared experiences and history, relationships, and interactions—the very components of the “sense of trust, belonging, safety and caring for each other” scholars have referred to as “community” (Chavis and Lee).<sup>38</sup>

Residents of pre-redevelopment Fillmore have repeatedly described the community they created there, such as Angela, a 63-year-old community organizer:

In the Fillmore, right there on Fillmore Street, there was a [dry-]cleaners there. My family would drop their coats and whatever was dry-cleanable there, and I could go back in a couple days and pick it up and say [to the owner], “Mom says she’ll take care of you whenever.” The owner would say, “Sure, just go. Your mom said she wanted this right back.” You know what we do.... We were a community...everybody. He didn’t worry about getting paid, because he knew it was gonna get paid. And mom would be here Friday or Dad would be here Friday and pay you, whatever. We lost all that (Jackson and Jones).

And former San Francisco Mayor Willie Brown Jr.:

[The Fillmore] was a black community from about Bush to Fulton Street on Fillmore. There were many black barber shops. There were barbecue pits all over the place. There were stores that were as interesting and important as the ones in Union Square except they carried goods that primarily blacks would purchase and use. The banks had black tellers in them. The bars were basically owned and operated by black people.... You had places where black people gathered no matter where they resided in San Francisco. That was what Fillmore Street was like in those days (“Willie L. Brown Jr.”; Harris).

One resident put it simply: “Before redevelopment, the Fillmore was a neighborhood” (Pepin and Watts).

Habitat for Humanity has theorized that sound, healthy communities share certain characteristics, such as housing, safety, transportation, economic opportunities, education, health, and amenities including recreational and social gathering spaces (“Habitat’s Quality of Life”). The Centers for Disease Control and Prevention also stresses the importance of the arts and cultural opportunities (“What’s Your Role?”). Pre-redevelopment Fillmore offered all of these. There was housing, though the buildings were often owned by others who neglected the upkeep. The City provided schools, transportation, and health care, such as they were. Black-owned businesses offered jobs, shopping, and the safety and security of knowing Black San Franciscans would not likely be

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<sup>38</sup> See also Jackson, Christina and Nikki Jones. “Remember the Fillmore: The Lingering History of Urban Renewal in Black San Francisco.” *University of California, Santa Barbara Center for Black Studies Research*, 2012, p. 65, reprinted in *The Cupola*, <https://cupola.gettysburg.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1000&context=afsfac>.

confronted by racist invective or told to leave a space on account of their race (Pepin and Watts 35). As far as culture, the Fillmore can never be said to have lacked it.

### **Black San Franciscans Transcended Oppression and Marginalization of Their Circumstances to Create Cultural Supernova in the Fillmore District**

Despite being forced into a space not of their choosing, Fillmore residents turned the district into a cultural mecca immortalized by the performances of musicians who created and played rhythm and blues, soul music, and “one of America’s best contributions to the world”—jazz (Racoma).

The quintessence of coolness—so cool that, as Fillmore habitué Louis Armstrong is reputed to have said, “If you have to ask what jazz is, you’ll never know”—jazz has been described as music that may produce “the sounds of freedom” (“Origins of Jazz”; “What Is Jazz”). San Francisco may have deprived Fillmore residents of their spatial liberty by jamming them into a racial ghetto, but “the Harlem of the West” was a transcending narrative of self-definition. It provided employment in its clubs and venues for residents. Local musicians knew they could get work there (Pepin and Watts 73). The stars who performed there, including icons such as Duke Ellington, Dinah Washington, Count Basie, Billie Holiday, and John Coltrane, offered entertainment, inspiration, and mentoring to young residents of the district (“Music of the Fillmore – Scene”; “Music of the Fillmore – Musicians”; “S.F.: African American Leaders”). But not all fans actually lived in the Fillmore. Audiences were interracial, and celebrities such as Joe Louis, Sammy Davis Jr., Clint Eastwood, and Marilyn Monroe also came to be entertained (*Fillmore Jazz Festival*). Even today, the Fillmore’s jazz scene remains immortalized as a musical hub of national renown.

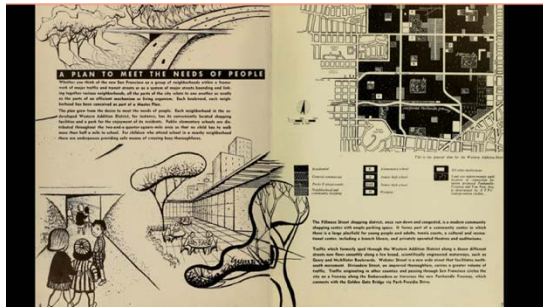
### **The Dismantling of the Fillmore**

#### **City’s Dismantling of the Fillmore Was More Than the Physical Destruction of a Place**

The City’s strategies and methods of urban renewal inflicted intangible but toxic harms on all Black San Franciscans by invoking tropes of White supremacy to disrupt the Fillmore under the guise of removing “blight.”

Black San Franciscans had made the Fillmore their place. It consolidated home, work, enterprise, and a cultural mecca. The resulting community could have provided intergenerational benefits to Black San Franciscans. Family homes and businesses in the district could have created a financial legacy to be passed down to future generations. The Harlem of the West could have created a cultural heritage. But urban renewal destroyed such opportunities. It also inflicted an additional harm that, although intangible, was at least equally damaging, by imposing the discursive harms of false narratives of racial difference and White supremacy to seek to justify the redevelopment of the district. The role of racism in the decimation of the Fillmore cannot be underestimated.

Publications advocating urban renewal in San Francisco are incredibly revealing as to the racial underpinnings of the plan. For example, after the Board of Supervisors asked planner Mellier “Mel” Scott to research the prospects of redevelopment, he prepared a brochure titled “New City: San Francisco Redeveloped,” which was published by the City’s Planning Commission in

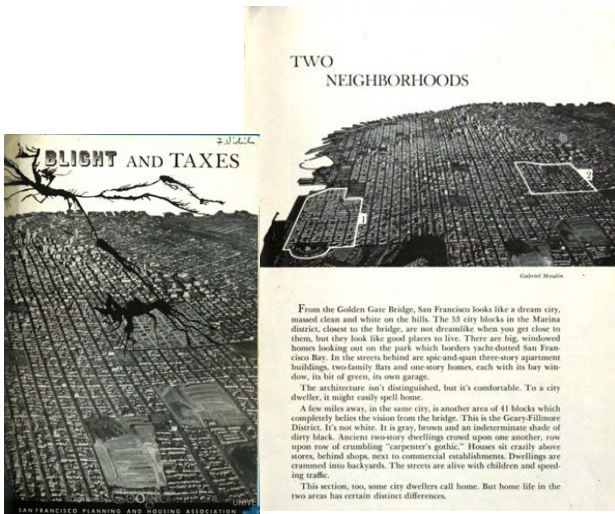


1947 (Scott, *New City*). The report billed the redevelopment of the Western Addition as “A Plan to Meet the Needs of People” (Scott, *New City*). The illustrations in the brochure show many White people enjoying views and outdoor spaces. No Black people are shown. The brochure demonstrates which group the City deemed to be “people”—and which it did not. The brochure is only one insight into the City’s motivations regarding the Fillmore.

Figure 18: “New City: San Francisco Redeveloped.”

As this report has discussed, the City contended that the Fillmore required redevelopment because it was “blighted.” But “blight” in the case of the Fillmore can well be understood as code for racial identity. “Blight discourse” is what one scholar has called the practices used with respect to neighborhoods like the Fillmore, to pathologize them and justify plans for urban renewal (Lai). Materials relating to the redevelopment of the Fillmore provide multiple examples of pathologizing via blight discourse.

In 1947, the San Francisco Planning and Housing Association, later known as “SPUR” (Metcalf), a self-described as a group of “citizens...who represent many points of view—building, labor, financial, civic and welfare interests,” published a pamphlet supporting urban renewal titled “Blight and Taxes” (Resnick). The pamphlet begins by describing San Francisco



as “clean and white on its hills” and then offers the following regarding the Fillmore District: “It’s not white. It is gray, brown and an indeterminate shade of dirty black” (Resnick 3). The derogatory comparisons went further: children in the Marina area played in a park or on a “small white beach” nearby—though a small number “worried their parents by getting into trouble with the police” (Resnick 4). But in the dirty black of the Fillmore, there were only “juvenile delinquents” (Resnick 7). While the pamphlet addressed the problems of racial covenants, it also made stereotyping claims regarding the crime rates, “large families,” and “disintegration of family life” that could be found in the Fillmore (Resnick).

Figure 19: “Blight and Taxes.”

Approximately half of SPUR’s members were on a citizens advisory committee that assisted in the publication of a report prepared by Mel Scott. This report, completed on November 26, 1947, was titled “Western Addition District: An Exploration of the Possibilities of Replanning and Rebuilding One of San Francisco’s Largest

Blighted Districts Under the California Community Redevelopment Act of 1945.” In that report, Scott noted that so many Blacks had moved into the Fillmore area that it had come to be referred to as “the colored district” and argued: “Nothing short of a clean sweep and a new start can make the district a genuinely good place in which to live” (Scott, “Western Addition” 6, 8). The report included repeated stereotypical, negative claims regarding Black residents in its assessment of the Fillmore, reciting statistics of arrests in the district; providing a comparison of per capita costs “for police services” in the Fillmore to those in the Marina area, which was described as a “good” district; and listing percentages of women in the district who reportedly were single, were suffering from a sexually transmitted disease, or were divorced or separated (no such statistics for women in other districts were included) (Scott, “Western Addition” 10). The report characterized the Fillmore as one of the types of areas that “constitute an increasingly serious menace to the welfare of the entire community” (Scott, “Western Addition” 70).

The second phase of redevelopment was also preceded by a flood of degrading racial tropes and stereotypes. In July 1963, shortly before demolition ramped up again in the 1960s, the *San Francisco Chronicle* ran a series of articles that purported to describe the “workaday” Black San Franciscan (Draper). The series, headed “EXCLUSIVE: ‘I LIVED WITH S.F.’S NEGROES” began on July 15, 1963. The first article chronicled reporter George Draper’s trip into “The Other City: A Reporter’s Journey Into the Ghettos,” where he found it “virtually impossible not to experience the undercurrent of violence that seems to be a part of the present-day Negro world” (1). For the rest of the week, readers were exposed to descriptions of San Francisco’s Fillmore, Potrero Hill, and Hunters Point neighborhoods. Though the series explained that the neighborhoods included workers and “some fine young men who somehow emerged from the rat-pack jungles” (Draper, “Other City” 12), the articles also described dangerous “husky youths” who carried “the ever-present razor or knife” and “little children, many of whom are illegitimate” (Draper, “Other City” 12). Some featured residents of the Fillmore including “Gil,” a “massive” African American “with huge, rounded shoulders and powerful buttocks” (Draper, “Horror of a Slum” 19); “Carp,” a “tall, muscular” African American who was, among other things, “a seducer of white women,” (Draper, “Negro World” 14); and Christine, a “flighty” 25-year-old who has had two children “without benefit of marriage” (Draper, “A Negro ‘Ghetto’” 10).

Such publications presented Black San Franciscans and their families as “others” who might be observed but never understood and reiterated the well-worn, derogatory stereotypes of violence, instability, and negative values that echoed the racial tropes African Americans and Black families have endured since being shipped to this country and forced into a system that sought to justify its sexual exploitation, forced childbearing, and commodification of women’s fertility and the children they bore by using toxic, discursive language and narratives denying Black’s humanity, family feelings, emotions, and values.<sup>39</sup> The message would have been plain to any

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<sup>39</sup> Such fallacious stereotypes were well established and pernicious. Some sought to justify abuses inflicted during chattel slavery. See “Slavery in America: The Montgomery Slave Trade.” *Equal Justice Initiative*, [https://eji.org/wp-content/uploads/2020/08/slavery\\_report-08-20-20-web.pdf](https://eji.org/wp-content/uploads/2020/08/slavery_report-08-20-20-web.pdf), specifically pages 16 and 40–47. Others sought to justify enslavement on the grounds that African Americans would revert to primitive, less than human states if free. See *Amicus Curiae Brief in Support of Petitioner submitted August 4, 2016 by Constitutional Accountability Center in*

reader: the issue in the Fillmore was not so much the crowded, inferior housing as some inherent pathology of the people and families who lived in it. The Black residents themselves were to be viewed as part of the blight, and their removal was to be as permanent as that of the congested and inadequate surroundings they had been forced into. As one commentator put it, “Black meant blight” (Simley).

### **City’s Pathologizing Discourse of Blight Obscured and Distorted Historical Facts of Black Family Life and Culture in San Francisco**

The tropes of family life and criminality that were offered as justifications for redevelopment not only were racialized stereotypes, they also were not well supported. Black families in San Francisco had in fact historically been small, not large: “Nearly a third of black families in 1900 had no children, and 22% had only one child” (Broussard, *Black San Francisco* 24). In 1930, Black families were still small compared to White families, with a median size of 1.98 compared to 2.85 for foreign-born White families and 2.39 for native White families (Broussard, *Black San Francisco* 24). Black families had the smallest median size and the fewest children of any group (Broussard, *Black San Francisco* 120).

By 1940, things were not much different, because 80% of Black San Franciscans were age twenty-one or older, and only 8% were under the age of ten (Broussard, *Black San Francisco* 120). Even as southern migrants came increasingly to the city, family size remained relatively small, at 3.2 persons (Broussard, *Black San Francisco* 140). At the same time, the value of family ties remained clear: 75% of the migrants who arrived were married couples, many came to the city as families, and migrant families were often extended households including not just nuclear families but relatives as well (Broussard, *Black San Francisco* 138, 140). Most families conformed to a model often perceived as desirable, with men heading 74.5% of the households (Broussard, *Black San Francisco* 24). One author has noted that “the decision to have small families or no children at all cut across the entire spectrum of black society and was not limited to one social class or economic group.... It reflected the beliefs of many black westerners that their tenuous position in the labor market and the resulting economic hardships made the prospects of large families undesirable” (Broussard, *Black San Francisco* 25).

Regarding claims of criminal activity such as those offered by Mel Scott, the City was already in possession of information that could have given it pause. In September 1947, African American

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*Buck v. Davis No. 15-8049 (2017)137 S.Ct. 197 L.Ed.2d 185 USLW 4037, 7.* (“Under slavery...[the slave] was ‘domesticated’ or, to a limited degree, ‘civilized’ .... [R]emove or weaken the authority of the master,” however, “and he would revert to type as a bloodthirsty savage.” Others sought to justify the abusive and degrading treatment of former slaves that continued to be the legacy of slavery even after Emancipation. For example, minstrelry, a popular form of entertainment in early San Francisco, consisted of demeaning, derogatory stereotypes, some intended to convey the message that Blacks were incapable of adapting to modern, urban life “off the plantation.” Specifically, Zip Coon, one minstrel character, was “‘a post-Civil War Negro...who moved to the city and attempted to assimilate into white culture, usually with laughable results.... Eager to get a dollar without any work, Zip Coon was always on the make. He carried a switchblade’ and, more than the plantation-based Sambo character, had ‘dangerous vices that were threatening to whites.’” *Amicus Curiae Brief in Support of Petitioner submitted August 4, 2016 by Constitutional Accountability Center in Buck v. Davis No. 15-8049 (2017)137 S.Ct. 197 L.Ed.2d 185 USLW 4037, 9.*

attorney R.J. Reynolds provided a report on crime in the Fillmore to the San Francisco District Attorney's Office. His report, titled "In Re: The Negro and Crime in San Francisco," discussed the district's crime rates but also raised important questions about the meaning of the available statistics. For example, the document noted that many arrest rates for the city did not include actual adjudications of guilt; that a category in which many Blacks were arrested—vagrancy—was also a category in which many charges were dismissed; that a number of individuals contributing to the rates were actually repeat offenders, so the rates did not reflect the number of people actually committing crime; and that arrest rates appeared to reflect the fact that Black perpetrators were not so often engaged in hard-to-detect organized crime, where perpetrators could be shielded from detection, but instead in street-level crimes that were more easily solved (4-6). He noted that overcrowding and other factors could account for arrest rates for crimes of violence (9). In a significant passage, he also addressed the impacts of racism, lack of economic opportunity, and ghettoization:

I talked with Judge Daniel Shoemaker one day and he was of the opinion that much of this crime is definitely a reaction to much economic frustration along legitimate avenues of employment. Others I have talked to are of the same opinion. So, even though no actual percentage bearing is ascertainable, it is inescapable that discriminatory tactics which greet the Negro on every hand in the fields of legitimate employment, have great bearing psychologically upon his greater tendency to seek financial stability through crime in spite of its punitive probabilities. Without this sense of economic frustration influencing his decisions, he would be much less inclined toward criminal activity for financial gain. (7)

The report thus traced the rate of crime in the Fillmore not to the racial identity of some of its residents, but to lack of employment opportunity and concluded that "[t]he Negro's over-proportion in the crime of San Francisco is not a racial but a sociological or community problem (Reynolds 11).

Other information supported a similar conclusion: that it was the involuntary ghettoization caused by discrimination, not the residents of the ghetto themselves, that was problematic. As one author has noted, there were no media or government descriptions of the Fillmore as crime-ridden in its early years (Broussard, *Black San Francisco* 28). And statistics showed that Black juvenile delinquency was low before forced ghettoization began: "In 1928-1929, for example, black teens were only three of 463 juvenile delinquency cases, and four years later, only six of 563. By 1938, blacks made up only 30 cases, though the city-wide caseload had grown to 1571" (Broussard, *Black San Francisco* 28). But despite such information, the City chose to pursue its course of redevelopment and its reliance on stereotyped, racialized tropes of racial supremacy—and inferiority.

## **Effects of Racial Displacement and Housing Disparities in the Fillmore and Greater San Francisco**

### **Remedies City Proposed for Its Program of Racial Displacement Have Proven Largely Illusory**

The "Certificates of Preference" the City issued to displaced Fillmore residents and businesses purported to give them priority to return when redevelopment was complete, but the slow pace of

renewal, the artificially depressed eminent domain prices, and the expensive prices of the new homes meant that most residents would never return. As of 1999, only 4% of the certificates had been used (W. Thompson). As demolition progressed, a statement by controversial Justin Herman, former head of the redevelopment agency, made it clear that most never would be: “The only places these people can go is into public housing, or into slums” (qtd. in W. Thompson). The certificates, physical devices symbolizing an implied ability to return, were as illusory as the infamous “40 acres and a mule” promised to those emancipated from slavery in Sherman’s Special Field Order 15 (“(1865) Special Field Order”).

The City has made some acknowledgment of the racist underpinnings of its decisions in the Fillmore. The Planning Commission’s Centennial Report, published in 2017, contains the following statement regarding the City’s implementation of urban renewal:

“Blight” is a botanical reference to a fungal disease that spreads from plant to plant. In urban planning, it was used to describe impoverished neighborhoods that planners believed needed to be completely rebuilt. The implications were that “blight” stood in the way of progress, that it could spread, and that it needed to be removed before it killed the City. It was a deeply political term firmly rooted in structural racism, which relied on fears of white flight and urban disinvestment to justify the wholesale removal of communities of color (“Centennial Celebration”).

Measures the City took to implement the district’s redevelopment should be evaluated with this latter-day concession in mind. It is interesting to note that the Planning Commission submitted planner Scott’s report to the Board of Supervisors on December 4, 1947. That report contained specific recommendations as to how its proposed reforms could be affected, including the suggestion that law enforcement and other city agencies be recruited to assist:

The redevelopment agency should be instructed to seek cooperation of the District Attorney, Police Department, Health Department, and the Division of Building Inspection of the Department of Public Works in preparation of condemnation suits, so as to avoid undue judgments for properties maintained in violation of building or housing regulations or used for illegal business. (Scott, “Western Addition” 69)

The recommendation was apparently acted on immediately:

The same day the Planning Commission’s proposal was released, inspectors dispatched by District Attorney Edmund G. Brown discovered “dozens of serious fire hazards” while inspecting Fillmore district buildings, reported the *Chronicle*. A task force of health and fire inspectors was created following a report by Brown declaring there were “100,000 violations daily in San Francisco of the State housing act and fire, building, health and safety codes.” (W. Thompson)

It is also interesting to consider that the City had previously identified several areas as “blighted.” San Francisco’s first master plan, in 1946, identified four areas of blight: the Western Addition, SoMa, the Mission District, and Chinatown (“San Francisco Modern Architecture” 43). To the extent it decided to “crack down” on violations in one district only, the City’s actions

could be construed as selective enforcement of the law in a manner reminiscent of a City practice the highest court in the land had already condemned (United States Supreme Court).<sup>40</sup>

San Francisco's program of urban renewal in the Fillmore District inflicted intangible but toxic harms on Black San Franciscans and their families by using discursive language and stereotypes of White supremacy. Even though Black San Franciscans were forced through racial discrimination into the Fillmore District, they transcended their involuntary segregation there to create a vibrant community of homes and businesses and a renowned cultural mecca. The City of San Francisco used the tropes and stereotypes of White supremacy to pathologize the Fillmore by distorting the historical facts of Black family life and culture in San Francisco, to displace its residents and decimate a center of Black achievement. Despite these numerous social-fabric harms, the remedies the City has proposed have been illusory.

### **From Historical Fillmore to Contemporary San Francisco, Social-Fabric Harms Have Seeped Into Many Areas Affecting Black Families, Communities, and Culture**

The history of the Fillmore does not merely highlight the discriminatory thinking and City tactics that underlie its decimation, it provides insight into the origins of the numerous consequences and inequities that have existed in San Francisco since its program of urban renewal. Some are less visible and less explored, but they are no less pernicious. The disparities created through the instruments of discrimination and supremacy continue to categorize Black San Franciscans today as marginalized, othered, and excluded; to diminish the recognition of Black history and culture; and to tear the fabric of Black communities.

What is community? What is culture? There are anthropological complexities to such questions, but one can begin with certain pillars of a healthy community and culture:

- A stable neighborhood with a sense of place, where people feel a sense of belonging and rootedness
- Housing that is safe and affordable, which allows people a sense of peace and freedom
- Opportunities for healthy living and gainful employment, with access to amenities such as educational institutions, health care, and recreational facilities
- Availability of green spaces
- A vibrant arts and culture scene
- A sense of ownership and control of one's life

These are a few examples of tangible and intangible factors that lead to one's sense of physical, emotional, and spiritual well-being, as one navigates life as an individual and as part of a family, a wider community, and a culture. These factors are never in isolation; they always work in tandem and form a larger social fabric over individuals. They span everything from basic infrastructure and other institutions to connections with people, and they take on very diverse forms.

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<sup>40</sup> Yick Wo v. Hopkins (1886) 118 U. S. 356.



The systemic nature of harm, as evidenced by all manner of disruption and destruction in the Fillmore, spreads across this entire social fabric in various ways in contemporary San Francisco. These are diverse harms and, by their nature, interconnected and not exhaustive. Some of these harms include:

- The displacement of Black communities
- The foster-care-to-prison pipeline
- The inequities in transportation infrastructure and services
- The disparities in cultural institutions
- The lack of ownership of public history

The key point here is that these harms are often self-compounding and further exacerbated by numerous other harms. For example, the displacement of a Black family to a different neighborhood may render them the target of discriminatory policing and afford them less access to transportation and health care services. Finally, everywhere people go, they look for markers of identity and pride in themselves as extensions of their culture and heritage. When these things are nowhere to be found, people’s sense of displacement is solidified on a deeper level.

### **Displacement of Black Families and Communities Leads to Cascading Health, Educational, Employment, and Social Impacts**

As mentioned earlier in this report, between 20,000 and 30,000 residents were displaced from the Fillmore as a result of urban renewal, many of whom never returned to the neighborhood. Whether they were displaced to the Western Addition or out of San Francisco completely, many had to grapple with the disruptive effects and dynamics of this displacement.

Displacement is not just a housing or an economic issue. It leads to chronic stress and in some cases even serious depression (Chapple et al.). Typically, when low-income families must move—because they were forced out through measures such as eviction, foreclosure, or increasing rents or through “soft eviction” measures such as harassment from landlords or the cutting off of utilities—they move to even lower income areas. Research has shown that the neighborhood a person lives in can have lasting impacts on areas as diverse as health, education, and earning potential throughout their lifetime—what is known as the “neighborhood effect” (Desmond and Kimbro). In fact, a person’s zip code is more important than their genetic code in determining life expectancy (“Tale of Two Zip Codes”). The link between displacement and health is thus key (Mujahid et al.).

A person’s physical and social environment influences their health over their lifespan (Diez and Mair). Displacement intensifies poverty, leading to a vicious cycle. Impacts are also especially pronounced for children, who must switch schools. This can be severely disruptive and can lead to later problems, such as poorer educational performance or even behavioral and emotional problems. Displacement thus has the potential to alter the social fabric, and its impacts are most pronounced on the most vulnerable (Freeman).

When Black families have been forced out of the Fillmore or out of historically Black neighborhoods in San Francisco such as Bayview, not only have they faced economic stress, but they have also had to manage the social costs of displacement. Families living in stable

neighborhoods—characterized by low turnover rates—can enjoy stable housing, a sense of familial and communal well-being, and a strong social support network. These factors all contribute to the formation of social capital, which can lead to many long-term benefits. On the other hand, families forced to move not only are unable to enjoy these benefits, but also must bear the costs and consequences of displacement (Cash). A study found that respondents who were displaced tended to end up in precarious housing situations and were more likely to spend over half of their monthly income on rent (Marcus).

This is a preview of what has happened to Black families in the Fillmore, but also to Black families across San Francisco. The Fillmore was a community—an organic, multifaceted collection of institutions, experiences, and relationships. The City was aware of the nature and importance of community when it destroyed the Fillmore. The Scott Report had advised that:

The neighborhood is more than geographic unit. It can become a social unit – the most important social unit in a democracy, for it is small enough for busy city dwellers to know intimately, and can be sufficiently well-planned to inspire loyalty. And the sense of “belonging” that has largely been lost in present-day urban society can be recaptured to the psychological advantage of every individual. (Scott, “Western Addition” 15)

The destruction of a community causes more than its physical erasure. The cultural loss and other harms to individuals who have been displaced from their homes is well documented (Eisenbruch). Many harms are also obvious. Neighbors or seniors who cared for a child while parents or other guardians worked are no longer there to do so, so families must find and pay for childcare.<sup>41</sup> Families must find new stores and health providers. Children must adapt to new schools. If a person maintains their employment, travel time—and cost—to their job may have increased. While those displaced from the Fillmore experienced such consequences, the stories of Black San Franciscans today are just as stark.

Consider Alma Blackwell, who was born and raised in West Oakland but speaks of the San Francisco Bay Area generally (Russell). After cycles of gentrification and displacement, she hardly recognizes her old West Oakland neighborhood, especially since many of the people she grew up with—her friends and neighbors—have been forced out due to increasing rents. She explains that it is not just about superficial changes like the addition of high-end coffee shops. She says, “Even families who have been living in Oakland or San Francisco for many decades, their social networks are disrupted, from even going to the same doctor for years or their schools or having friends in the neighborhood. People are going to areas they aren’t familiar with and having to rebuild that social network” (Russell).

The Bay Area Equity Atlas reports that 54% of low-income households of color live in neighborhoods that are either currently undergoing or are at risk of gentrification. And that number is higher yet for the Bay Area’s low-income Black households, at 66%. For example, in Bayview-Hunters Point, a historically Black neighborhood, many longtime residents with generations of roots are leaving. They tend to move to outlying, less expensive cities in the region, such as Antioch, Fairfield, Vallejo, and others (Russell). This disruption is extremely

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<sup>41</sup> Project Area 2 was home to more than 1,100 senior citizens (Klein 19).

intrusive—it disrupts generations of families and their way of living: where they send their children to school, where they shop for groceries, and where they access other resources, such as transportation. Moreover, families that leave San Francisco will not necessarily benefit from any steps the City takes to remedy the policies and practices that led to their displacement.

This is a general trend in which low-income Black households move away from areas that serve well-to-do families and into farther-out areas, where there is a marked disparity in services provided. For example, thousands of low-income Black households moved out of San Francisco’s Bayview and Oakland’s flatlands. Simultaneously, many Black households moved into places such as unincorporated Cherryland in Alameda County and eastern Contra Costa County.

### **Foster-Care-to-Prison Pipeline Further Compounds Social Fabric Harms**

An example of the uneven services that Black families receive in San Francisco is the foster care system, which demonstrates marked differences between Black and non-Black families. Black children are more likely to be removed from their homes than to receive in-home services; in similarly situated cases, a Black child is 77% more likely than a White child to be removed from their home (Clifford and Silver-Greenberg). Welfare agencies also tend to investigate Black families at a higher rate, even though there is no evidence to suggest that Black parents are more likely to mistreat their children (Rivoux et al.).

In effect, there is a foster-care-to-prison pipeline; by first removing Black children from their families, the child welfare system then funnels them into the criminal justice system (Anspach). The foster-care-to-prison pipeline is fed by a number of factors. Many caregivers of foster youth call the police on the youth for minor infractions, such as verbal arguments, physical fights, throwing things, running away, and smoking marijuana. Youth also face increased risk of arrest in school because they don’t have a parent come to pick them up and advocate on their behalf when faced with disciplinary action in school. Many foster children have serious trauma and mental illness that go untreated. Due to these factors and more, around 25% of the 437,500 children in America’s foster care system will become involved with the criminal justice system within two years of leaving care—and Black youth are more likely to be in foster care. In other words, what starts off as a child welfare system interacts with other issues (racism, the education system, punishment and overpolicing, mental health) and snowballs into the criminal justice system (Anspach).

In California, Child Protective Services investigates half of all Black children (Lurie). In fact, California has been ranked among the five worst states in foster care racial disparities. Black children in California make up approximately 22% of the foster population nationwide, but only 6% of the general child population (“California Child Welfare”). In 2005, Black youth made up 11% of the child population in the city of San Francisco but an astounding 70% of the children in foster care in the city (Linas).

There is also a strong association between incarcerated parents and the involvement of Child Protective Services with such families. Data from Alameda and San Francisco County jails show that a majority of incarcerated individuals are parents or caregivers and are disproportionately people of color (Kramer et al.). More than three-thousand children under the age of twenty-five

have parents in Alameda and San Francisco County jails on any given day. Further, many of these parents are incarcerated multiple times, meaning that children repeatedly experience the effects of having their parents taken from them. According to respondents to a study conducted by the Alameda County Children of Incarcerated Parents Partnership (ACCIPP) and the San Francisco Children of Incarcerated Parents Partnership (SFCIPP), some of these consequences include having to change their place of residence (27%), having to change schools (16%), and experiencing the loss of family income (63%) (Kramer et al. 8). Even worse, some children experience compounding factors by being involved in the child welfare system and also having an incarcerated parent. Children with incarcerated parents are three times more likely to be involved with the child welfare system or Child Protective Services.

These examples demonstrate that along with displacement and the issues that arise from settling in new areas come a whole host of new issues around the family. The foster care system shows an unsettling phenomenon in which the apparatus of policing seeps into families and homes, and it further highlights the vulnerability of Black families and communities.

### **Biased Conduct by Law Enforcement and General Discrimination Against Black Residents and Families**

The Ku Klux Klan mounted a strong resurgence in California in the 1920s; its first outpost in the state was in San Francisco and included twenty-five City police officers (California Task Force 99). California's audit of five law enforcement departments throughout the state concluded that officers had engaged in biased conduct. In 2016, a San Francisco police officer resigned after it was discovered that for two years, he had been texting fellow officers messages that included racial slurs and derogatory references to Black people as well as other populations (Joseph). Researchers have concluded that law enforcement bias has sometimes deterred Black families from calling police in emergency situations, out of a fear of negative police interactions ("Perceptions of Domestic Violence"). Analyzing data provided by the state Attorney General, the *San Francisco Chronicle* found that in 2020 Black drivers were 5.9% more likely to be stopped than White drivers (Gardiner and Neilson).

The City of San Francisco also artificially depressed Blacks' employment status and the economic status of Black families by discriminating in public employment. "No Black worker was employed as a public school teacher, police officer, firefighter, or streetcar conductor nor as a bank teller or bus or cab driver in the city before 1940" (California Task Force 353). More recent data show continued inequities. Research submitted to the Committee on African American Parity of the Human Rights Commission in 1993 concerned Black employment in San Francisco from 1964 to 1990 (Day and Abraham 49). That research concluded that while Blacks were well represented in overall numbers in municipal employment, Black employees were overrepresented in lower-paying jobs and underrepresented in higher levels of employment. A 2021 report concluded that "racial disparities exist in employee discipline, terminations, and releases" and that "many black employees find themselves congregated in lower paying positions without an opportunity to grow their careers" (W. Gould 5).

## **Persistent Inequities in Access to Public Transportation Burden Black Communities, Leading to Inequities in Access to Important Physical, Social, and Medical Services**

Studies have shown the links between access to public transportation and health and equity (Heaps et al.). A good public transportation system can improve physical health by improving access to medical care, healthier food options, physical spaces, and community spaces. Conversely, the lack of a good public transportation system can lead to lack of access to important services, increased exposure to pollution, and increased risks of traffic accidents (Heaps et al.). Access to transportation is a key component of the environment and community in which one lives, which leads to quality-of-life impacts. This is heightened in key metropolitan areas, termed “transit-heavy metro areas,” which includes cities such as New York, San Francisco, and Chicago (Burrows et al.).

Access to the transportation needed to commute to and from work can impact employment opportunity and stability. The redevelopment of the Fillmore District is again instructive: part of the stated impetus for the destruction of the Fillmore was related to transportation. Part of the redevelopment that occurred involved widening Geary Boulevard into a massive multilane corridor to facilitate commutes of other city residents, as well as drivers coming in from the suburbs (Day and Abraham 9-10).

Modern-day public transportation in the San Francisco-Oakland Bay Area reinforces disparities between White and Black communities through the differences in the services provided (Golub et al.). With a metropolitan decentralization of jobs, improvements in transport infrastructure facilitated the movement of White riders across suburban areas, while Black communities stuck in urban neighborhoods became burdened with transportation divestment. Subsidies for rail riders were between \$6 and \$14 per ride, whereas subsidies for bus riders were around \$3 per trip. Thus, not only were transport services prioritized for affluent White communities, but these communities also received more subsidies.

In recent years, the phenomenon of “extreme commuting” has become more widespread. One survey found that in 2019, approximately 4.6% of Bay Area workers over the age of 16 who commuted to work in San Francisco were “extreme commuters,” with travel times of 90 minutes or more, one-way, to work (“Extreme Commuting”). The group with the highest incidence of extreme commuting was Blacks, at 6% (“Extreme Commuting”). According to the researchers, “Long commutes are linked with worse physical and mental health, including higher rates of obesity, stress, and depression” (“Extreme Commuting”).

Many other costs accrue as a result of extreme commuting. Not only is there the direct cost of the commute itself, but gas and wear and tear must be included if commuting by car. In addition, there are systemic opportunity costs and externalities: extreme commuters run the constant risk of late and/or stressed arrival to work, which creates a higher possibility of lack of advancement, demotion, or termination. The commuter has to sacrifice other activities to travel time, leaving them diminished time for physical, recreational, and cultural activities. Parents and other guardians who commute have less time to spend with children and to tend to their emotional, social, physical, and educational needs. Commuters who might spend time mentoring or serving as volunteers are unavailable, so being a role model to their neighborhood’s young people is less likely. The costs extend upward generationally as well—working adult children of the elderly

have less time to spend with an aged parent and less time to seek appropriate senior care or health care. Indeed, transportation is not just an infrastructural issue, but also a community and social fabric issue.

### **Racial Disparities Persist in Representation of Black Art and Artists in San Francisco's Major Cultural Institutions**

Blacks “have contributed significantly to music, dance, and the arts as both slaves and freedmen, yet little attention has been devoted to African American representation” in what are often called the fine arts (Marcus 6).<sup>42</sup> Rather, as one commentator has stated, “Americans have made a political investment in a myth of racial separateness, the idea that art forms can be either ‘white’ or ‘black’ in character” (Morris). San Francisco is no exception.

Historically, Black artists in the city have been marginalized or excluded. For example, musicians’ unions in the city were segregated from 1923 to 1960 and integrated only after pressure from the national union leadership (L. Miller; “Musicians Here”). The segregation affected job opportunities and gig locations: Black artists generally did not perform in downtown San Francisco and were marginalized to performing only to the west of Van Ness Avenue (California Task Force 307).

The San Francisco Symphony has contributed to the marginalization of Black artists, with consistently few to no Black musicians among its members. The orchestra, which first performed in 1911, had no Black members until 1959, when bassist Charles Burrell became the first Black member of the orchestra (“History and Archives”; Charles Burrell). He left the symphony after five and a half years (Rascón). Since then, the symphony has had few to no Black musicians among its members. Elayne Jones, a renowned Julliard-trained tympanist hired in 1972, unsuccessfully sued the symphony after she was denied tenure in 1975, alleging sex and racial discrimination (Steinberg; Vogel Weiss).

Ballet is another field known for its exclusion of Black artists. As one commentator has explained, “On the nineteenth- and early twentieth century American stage, for example, it was understood that black artists were expected to perform in popular entertainment forms such as vaudeville and minstrel shows. Their participation in callings such as classical ballet was not to be tolerated” (Perpener). Present-day observers note the same narrative: “It makes sense that white Americans, reared on the belief that whiteness is synonymous with order and refinement, also believe that people of color have no place, or a limited place, or a conditional place, in classical ballet” (Angyal). Blacks, specifically, are described as physically unsuited to this art form, with some ballet directors contending that Black people “have flat feet, larger curves, and Afro hair, conveying a message that Black bodies don’t have a place in ballet’s controlled aesthetic” (Zheng and Gotheil).

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<sup>42</sup> Marcus notes a similar statement by ethnomusicologist James Newton, stating that “[w]e see consistently in our culture a substandard treatment that’s given to Black culture—particularly Black culture that embraces the intellectual. We can be entertainers, and everybody is happy. But when we embrace profound thought, that is not given a resonance.”

Though famous Black classical dancers have performed for decades, historically few have been hired. In 1969, Arthur Mitchell, a former principal with the New York City Ballet theatre, created the Dance Theatre of Harlem, where classically trained dancers of color had increased visibility and opportunities to perform (“Our History”). But, like the ballet world in general, the San Francisco Ballet continued to hire few if any Black dancers. One critic commented, “The basic problem is that the San Francisco Ballet is a racist company” (Kosman). In 2020, a group of the company’s members began pushing for more diversity in the organization. Black ballerina Kimberly Marie Olivier, who had stated that she felt “very alone” as one of only three Black-identifying dancers at the company, left in 2021 (Kosman). It was not until 2021 that the company hired its first Black principal dancer (Wild).

Art museums and their selections of whose art to present can define a society’s concept of its culture (Li). Like other areas of the arts, the visual arts world is known for limited Black representation and participation (Charland). One scholar, noting a 2008 National Endowment of the Arts survey that found 5.9% of art museum visitors were Black, stated, “Given that museums have marginalized Black artists, museum visitors, and art-world professionals, and have used Black art as a primitive Other to contrast and elevate white art and artists, it is unsurprising that Black people feel excluded by and are less likely to visit museums” (Li). As another has explained, “[A] cultural elite bases its selections on arbitrary, Eurocentric standards of ‘taste’ and ‘quality’—the code words of racial indifference and exclusion” (Berger).

Aside from how well they serve the members of the public who go to museums to view art, museum choices about whose art to display can establish an artist’s reputation and have a significant impact on artists’ earnings (Berger). Curators and board members impact their larger communities with their decisions of how to allocate financial resources. Nationwide, there has historically been a lack of diversity within the groups that hold this decision-making power as well (Li).

Racial disparities can be observed in San Francisco’s art world. The city’s history reflects marginalization in the presentation of visual arts in one of its major museums. In July 2020, a senior curator at the Museum of Modern Art (SFMOMA) resigned after a controversy arose regarding comments he made about “reverse discrimination.” Even before that, the museum faced a similar issue when several employees resigned after they made complaints regarding racial equity at that institution (Pogash; Hotchkiss).

The San Francisco Symphony, Ballet, and Museum of Modern Art all receive public funds as grants from the City’s Grants to the Arts, a division of San Francisco’s City Administrator’s Office. That agency’s annual report for 2019/2020 shows funding of \$428,890 in 2018/2019 to the San Francisco Ballet, \$649,600 to the San Francisco Symphony, and \$423,190 to SFMOMA (“Grants for the Arts”). Historically lacking meaningful Black participation and representation, these organizations continue today to include only a small number of Black artists. In this way, with the assistance of the City, they continue to marginalize and other Black people and Black accomplishment in a self-perpetuating cycle of exclusion from these areas of the arts.

## **Outdoor Spaces Reflect Disparities and Inequities in Access for Non-White Communities**

Access to greenspace is an important neighborhood amenity, increasingly understood to be linked not only to physical well-being, but also to emotional health and academic achievement. San Francisco has specifically recognized the importance of access to parks, stating that children who play outside are “smarter, happier, more creative, more attentive, physically fit, and healthier” (*San Francisco Children and Nature*; “San Francisco Children’s Outdoor”).<sup>43</sup>

The ParkScore index, published by the Trust for Public Land, is a data-driven comparative study of parks in the nation’s hundred largest cities. Its scores are based on five criteria: access, acreage, investment, amenities, and equity. San Francisco has an excellent score overall. Currently ranked seventh in the nation, it has 100% scores in access to parks and investment in parks. Its lowest score, however, is in equity, defined as “the fairness in the distribution of parks and spaces between neighborhoods by race and income” (“2022 ParkScore Index”). San Francisco received a score of only sixty-three in equity and was ranked number thirty-one in the nation due to data showing residents of color have access to 56% less park space than those living in White neighborhoods.<sup>44</sup> The City does not appear to publicize this fact, but instead publicizes the fact that all of its residents are within a ten-minute walk to a park (“Recreation and Park Commission”).

The importance of greenspace has been known to the City for some time. The 1947 Scott Report that recommended the demolition of the Fillmore also referenced the need for parks and green areas several times and advised the City that “until comparatively recent times the public little understood the value of adequate recreation space” (Scott, “Western Addition” 71).

Park and recreation facilities can in fact provide more than greenspace. They can offer day care while parents or guardians are working, recreational and cultural programs that are safe settings for children who might otherwise not be adequately supervised, preschool and other academic enrichment, mentoring, athletic and sports opportunities, and myriad other benefits. Inequities in greenspace and recreation disproportionately affect the health and well-being of Black children and families in San Francisco (“2021 NRPA”).

## **Civic Monuments Deprioritize Contributions of Black People and Tell Story of Black Exclusion**

American society historically recognizes notable figures by erecting public monuments, such as statues, or naming streets, schools, or communities after them. Past Black San Franciscans include Mary Ellen Pleasant (1814–1904), a Black woman who accumulated impressive wealth for her time, served as a leading conductor for the Underground Railroad, helped fund a leading Black social club, the Atheneum, and filed a lawsuit seeking the end of discrimination on San

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<sup>43</sup> San Francisco has also recognized that “direct exposure to nature is a necessary component of a child’s physical and emotional wellbeing, and cognitive development” (“San Francisco Children’s Outdoor”).

<sup>44</sup> Statistics for Black residents specifically were not included.



Francisco streetcars. Until 1975, the sole recognition of her history in San Francisco was five trees standing on a street corner.<sup>45</sup>

On the other hand, Millard Fillmore, honored by the street that gave the Fillmore District its name, is, ironically, also the president who imperiled the city's Black residents by signing the Fugitive Slave Law into effect. His thoughts on slavery were also documented in a letter he wrote to a friend on March 5, 1860: "The slaves themselves do not regard their condition as so bad that they have any strong desire to change it... [Northern] demagogues...have raised up a party, fired with a fanatical zeal against the imaginary wrongs of slavery" ("Millard Fillmore").

The Fillmore District bears the name of a man who thought the wrongs of slavery "imaginary." The wrongs of that system included denial of autonomy; self-determination; the freedom to control one's body, the work it did, and where it was placed; and redress for harm done. Those wrongs were the constant, day in and day out incidents of the lives of the enslaved, and they stamped Blacks with the badges of racial inferiority, exclusion, and otherness.

The history of San Francisco is the history of a city that has denied Black residents employment, education, safe surroundings, the freedom to choose to call a place home, and the freedom to pick a time of their own to move on from that home. Will the City continue to align itself with a man who denied that these things were wrong, or will it finally take the step that is necessary to show that it knows what is right?

Ultimately, this is about memory, who owns public spaces, and who gets to control and write the narrative of Black people in San Francisco. For too long, Blacks have been stereotyped, portrayed as problematic, pathologized, deprioritized, rendered invisible, or blamed as victims. Many of these discursive harms have been perpetuated from public policy but can also be sustained through less overt but no less destructive ways. It is time to turn the page on such narratives and write a new story—a story that centers Black individuals, families, communities, and cultures.

## **Summary of Harms to Social Fabric**

Harms to the social fabric have continued from the days of the historic Fillmore to contemporary San Francisco and have seeped into many areas affecting Black families, communities, and culture. Some of these harms include:

- The displacement of Black communities from their neighborhoods, leading to cascading health, educational, employment, and social impacts
- A foster-care-to-prison pipeline that further compounds harms by over-investigating Black families and removing Black children
- Persistent inequities in access to public transportation that burden Black communities, denying them access to important physical, social, and medical services

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<sup>45</sup> In 1975, the San Francisco African-American Historical and Cultural Society took the action of adding a plaque commemorating her as the "Mother of Civil Rights in California."

- Disparities in the representation of Black artists in major cultural institutions, such as the San Francisco Symphony, the San Francisco Ballet, and the San Francisco Museum of Modern Art
- Disparities in access to outdoor spaces, such as parks and recreational facilities
- The exclusion of Black figures in civic monuments across San Francisco, therefore deprioritizing the contributions of Black Americans

Many of the harms raised in this section of the report by their nature cannot be quantified. But these harms are no less pernicious. Accordingly, other forms of reparation might apply; indeed, according to the framework of reparations offered by the United Nations, there are components other than monetary compensation, such as guarantees of nonrepetition, satisfaction, and rehabilitation. To that end, we recommend that the City of San Francisco borrow from this framework in ameliorating the many social fabric harms we have studied in this report. For example, to ensure that discriminatory practices—whether explicit or implicit—are curbed, police officers hired by the City should receive more training in community policing. Systemic procedures should be developed with input from local prosecutors, private defense attorneys, and public defenders, as well as police officials, to ensure that anti-bias training and structural issues are addressed in all facets of the criminal justice system.

Further, the City should make a concerted effort to improve public transportation across the board and ensure that there is equity in the usage of City funds to benefit not just White communities but also communities of color.

Major cultural institutions in the city, across the arts and music, should increase the representation of Black culture, both in terms of hiring more Black artists in proportion to the Black population and in terms of presenting Black arts and culture as rich and worthy of celebration.

Further, civic monuments that bear the stamp of slavery should be reconsidered as a means of providing education regarding the evils of that system and the badges and incidents that continue to be its legacy even today, and there should be a greater presence and recognition of Black history in public spaces throughout the city.

Because the harms of discursive language, stereotypes, and tropes are self-perpetuating, passing from one person and generation to the next with each iteration, all City and County employees should be required to earn and routinely update certificates that they have completed a City-designed and City-financed program of education in the historical and continuing harms to Black people inflicted at the hands of the City and with its assistance. Hiring and promotional exams should include testing on this subject and general cultural competence.

Perhaps most important, the City must involve Black San Franciscans in meaningful leadership roles at every stage of identifying, implementing, and regularly evaluating the means of seeking to remediate the harms discussed in this report.

## Conclusion

In this report, we sought to delve into the legal and historical records to concretely answer the question of why and how reparations are owed to the African American residents of San Francisco. The methodology and overview of this study were aimed at identifying and quantifying the harms constituting the disinvestment of San Francisco's Black community.

As detailed in the report, from the 1850s onward San Francisco began to draw physical boundaries around non-White activity and access to resources. Employment restrictions combined with a natural disaster to drive Black residents out of San Francisco. With its first official zoning code, San Francisco began the formal process of excluding communities of color in the interests of White property values. While federal programs eased the housing crisis for White residents, Black residents were excluded until the first public housing for Black tenants was constructed in the Western Addition in 1943. Despite ongoing segregation, exclusion, and neglect, Black business and culture thrived in the Fillmore District, known as the "Harlem of the West."

In the postwar period, high unemployment from deindustrialization and discriminatory hiring practices contributed to the challenges of Black neighborhoods. These conditions were then used as justification for demolishing Black homes and businesses in a federally endorsed process termed "urban renewal." The City's official planning documents express the explicit intent to reduce the number of Black San Franciscans living in the city.

The demolition of the Fillmore was one of the worst periods of anti-Black city policies in San Francisco's history. Redevelopment plans forcibly removed families from their homes, destroying businesses and displacing a total of 20,000 to 30,000 San Franciscans.

The 1990s and 2000s saw San Francisco experience the development imperative of the dot-com boom and tech boom, transforming the city into the country's top commercial real estate market and continuing to push out Black and low-income residents. Combined, these forces enabled widespread evictions across the city that continued to reshape the racial geography of San Francisco to exclude Black people. After decades of disinvestment, state abandonment, displacement, and gentrification, most Black San Franciscans have been pushed out of the city entirely, and those who do remain are largely confined to low-wage employment and segregated neighborhoods.

The would-be present-day value of real property appropriated from the Fillmore District during redevelopment ranges from \$3 billion to more than \$4 billion. While further research is required to more accurately assess the pre-redevelopment property values of SFRA-demolished Victorians, open-source data indicates that the value differential in today's dollars remains in the billions of dollars. Moreover, the economic and cultural harm of racial discrimination far exceeds the value of appropriated real property.

While the federal, state, and local governments have cooperated to build White wealth, they have simultaneously coordinated to destroy and appropriate Black wealth. The Black-White wealth gap is a *prima facie* reliable quantitative measure of the financial harm caused by racial discrimination. The toxic tentacles of real property disinvestment have and continue to stretch

into other domains: unequal education, disparate employment opportunities, drastic reductions in quality and length of life for Black San Franciscans, and destroyed social fabric of Black families and communities.

The literature search, records, interviews of leaders in the community, and observations of numerous community hearings in this report describe the tangible and intangible harms to the San Francisco community. A review of Allen Davis’s “An Historical Timeline of Reparations Payments Made From 1783 Through 2023 by the United States Government, States, Cities, Religious Institutions, Universities, Corporations, and Communities” describes a range of reparations since 1783 to present, of policies ranging from an official apology to financial payments to scholarship funds to land grants. In its Draft Report, the SFAARAC proposes to develop and lead a systemic transformation of public policy to address the myriad instances of historical and ongoing disinvestment. Sample actions include:

**Table 5: Sample Actions From SFAARAC Draft Report**

<b>Sector of Harm</b>	<b>Quantifiable Element</b>	<b>Economic Measure</b>	<b>Policy Measure</b>
Housing	Municipal regulation and private policies, urban renewal, destruction, and eminent domain	Measure loss of property value by city property records, encourage affordable housing with land write-downs, stabilize public housing conditions	Dream Keeper Down Payment Assistance Loan Program, homeownership opportunities
Education	Disparity in school funding, infrastructure conditions, job opportunity loss from inadequate education	Funding for school infrastructure	Racial equity audits, racially affirming curriculum development, teacher recruitment, culturally competent early childhood and after-school programs, nutrition curriculum, connections between schools and community colleges
Health	Toxic contaminants, air pollution, asthma incidence, shortened life spans, maternal healthcare	Enable access to medical care, fund and maintain air monitoring serves, train and recruit Black health care professionals with student loans/grants	Environmental justice in curriculum
Family & Community	Dearth of neighborhood parks, safe community spaces	Celebrate African American arts and culture, encourage tourism, memorialize arts leaders and talents	Safe parks and public spaces, public transit

The scale of the SFAARAC proposals is beyond any others being undertaken in the country, so the model and experience will be of massive consequence. This poses a challenge to our community and leaders to exert the highest caliber policymaking skill and political will to create a system of compensatory choice on type and timing for those harmed, and for all members to live in a more just community (San Francisco Human Rights Commission; Arango).

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## **Appendix: AARAC Community-Led Oral History Project Guide**

AARAC Community-Led Oral History Project Guide

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Stanford University

LAW 808O: Policy Practicum–San Francisco Human Rights Commission Reparations Project

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February 15, 2023

Created for the San Francisco African American Reparations Advisory Committee (AARAC)

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### Abstract

This paper serves as a guide for San Francisco's African American Reparations Advisory Committee on organizing oral history work focused on capturing the stories and experiences of Black San Franciscans. The paper begins by outlining the project's values, purpose, and potential goals, emphasizing the importance of storytelling and participatory practices in community-building and needfinding. It then presents recommendations for project scoping, approaches to selecting interviewers and interviewees, and ensuring a diverse sampling of the African American community. Considerations on several interview types and formats are also presented. The paper concludes with a discussion of archival and dissemination strategies that aim to ensure equitable access and representation. By prioritizing community engagement and collaboration, the proposed oral history project seeks to honor and amplify the voices and experiences of Black San Franciscans, providing a platform for marginalized communities to share their stories and shape the narrative of their city. *Keywords:* African American, community, ethnographic research, oral history, participatory practice, reparations, San Francisco, storytelling



## Oral History Project Guide

This report supports the efforts of the San Francisco African American Reparations Advisory Committee (AARAC), which was formed in response to a resolution introduced by Board of Supervisors President Shamann Walton in February 2020. This resolution proposed the creation of a San Francisco Reparations Plan aimed at comprehensively addressing the inequities African American communities face due to systemic oppression stemming from chattel slavery. The proposal gained traction amid a growing national discussion on reparations following the COVID-19 pandemic and the Black Lives Matter protests sparked by the murder of George Floyd. The AARAC's task is to develop a plan that addresses the "institutional, City-sanctioned harm"<sup>1</sup> inflicted on San Francisco's African American communities, focusing on "improving education, housing, workforce development, economic opportunities, financial stability, small businesses, transit access, and food security while reducing violence, health disparities, and over-criminalization in [the] city's Black communities."<sup>2</sup>

In 2022, the AARAC began working with Stanford Law School's Law & Policy Lab, which offers diverse groups of Stanford students hands-on, interdisciplinary experiences influencing and advising individuals, government agencies, and non-profit organizations on real-world problems in real-time<sup>3</sup>. The Stanford Law Gould Center for Conflict Resolution was tasked with developing one such Policy Lab practicum to assist with:

- a report on the history of Black disenfranchisement in San Francisco
- providing student support to AARAC subcommittees

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<sup>1</sup> San Francisco African American Reparations Advisory Committee, "DRAFT San Francisco Reparations Plan," City and County of San Francisco (San Francisco Human Rights Commission Staff, December 2022), <https://sf.gov/sites/default/files/2023-01/HRC%20Reparations%202022%20Report%20Final%200.pdf>, 5.

<sup>2</sup> See note 1 above.

<sup>3</sup> "Law & Policy Lab," Stanford Law School (Stanford University, 2022), <https://law.stanford.edu/education/only-at-sls/law-policy-lab/>.

- designing a community-led oral history project to capture perspectives from past to present.<sup>4</sup>

This document supports the latter goal by presenting relevant guidelines, considerations, and resources for executing such an oral history project.

Popular depictions of San Francisco as a vibrant city with a thriving tech industry, diverse population, and cultural landmarks do not fully capture African American experiences of historical segregation and disenfranchisement. A shadow legacy of systemic oppression has resulted in persistent socioeconomic, educational, and health disparities affecting the city's Black residents to this day. Redlining, displacement, urban development, and gentrification have plagued targeted communities across generations. This oral history work can uplift the voices of those too often overlooked and illuminate the need for more equitable outcomes throughout the city, driving not just policy change but narrative change.

## Values

**What is Oral History?** We use this to describe a valued method of sustaining cultural knowledge, perspectives, and memories through personal narratives. The stories gathered through an oral history project are essential for communities to contextualize, preserve, and communicate their cultural heritage, values, beliefs, and meanings across generations and social boundaries.

Self-report, personal narrative, life story, life testament, life biography, life review, recorded memories, recorded memoir, and similar terms are sometimes used interchangeably

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<sup>4</sup> “San Francisco Human Rights Commission Reparations Project (808O),” Stanford Law School (Stanford University, 2022), <https://law.stanford.edu/education/only-at-sls/law-policy-lab/practicums-2022-2023/san-francisco-human-rights-commission-reparations-project-808o/>.

with oral history<sup>5</sup>. This document aims for consistent use of oral history when describing this work; however, awareness of these alternative terms in referenced material or supplementary research can be useful. An important distinction, however, is what oral history is not. This includes understandings surrounding journalism, folklore, formal interviews, sound bites, or monologues<sup>6</sup>.

The Oral History Association (OHA) is an international membership organization committed to the value of this work. It has established standards of excellence in the collection, preservation, dissemination, and use of oral testimony. It has provided a set of core principles<sup>7</sup> in which are useful definitions of oral history:

Oral history refers to both the interview process and the products that result from a recorded spoken interview (whether audio, video, or other formats). In order to gather and preserve meaningful information about the past, oral historians might record interviews focused on narrators' life histories or topical interviews in which narrators are selected for their knowledge of a particular historical subject or event. Once completed, an interview, if it is placed in an archive, can be used beyond its initial purpose with the permission of both the interviewer and narrator.

The value of oral history lies largely in the way it helps to place people's experiences within a larger social and historical context. The interview becomes a record useful for documenting past events, individual or

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<sup>5</sup> Nik Roberts and Dave Lonich, "Teaching with Primary Sources: The Oral History Component," *Oral History as Public History: Philosophy, Method, and Practice (Workforce Development | PennWest California, 2010)*, [http://workforce.calu.edu/roberts\\_n/TPSSummerInst/2010/2G-IntrotoOralHistory.ppt](http://workforce.calu.edu/roberts_n/TPSSummerInst/2010/2G-IntrotoOralHistory.ppt), 5.

<sup>6</sup> Roberts and Lonich, 6.

<sup>7</sup> "OHA Core Principles," Oral History Association, 2023, <https://oralhistory.org/oha-core-principles/>.

collective experiences, and understandings of the ways that history is constructed. Because it relies on memory, oral history captures recollections about the past filtered through the lens of a changing personal and social context.

The hallmark of an oral history interview is a dynamic, collaborative relationship between the interviewer and the narrator. While interviewers pose questions based on research and careful preparation, narrators shape the interview based on what they deem to be relevant, meaningful, or appropriate to share. Despite the fluid nature of the interview process, an oral history is grounded in thoughtful planning and careful follow-through of the agreed-upon process<sup>8</sup>.

**What is Community?** We might define a *community* as a group of people who share a common culture and social structure and interact regularly. The community, though, is not the people but an organizational system. Taking an ethnographic approach, we should recognize community “as a ‘sociological construct.’ It is a set of interactions, human behaviours that have meaning and expectations between its members. Not just action, but actions based on shared expectations, values, beliefs, and meanings between individuals”<sup>9</sup>. Understanding the patterns of beliefs, values, meanings, and interactions between these individuals is the goal of ethnographic research. We seek to reveal these patterns of meaning by holding space for authentic expression.

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<sup>8</sup> See note 7 above.

<sup>9</sup> Phil Bartle, “What Is Community?,” *What is Community? A Sociological Perspective* (Vancouver Community Network, January 12, 2014), <https://cec.vcn.bc.ca/cmp/modules/com-wha.htm>.

**What is Holding Space?** The concept of "holding space" refers to the practice of creating a safe and respectful environment for people to share their stories, experiences, and perspectives. It is arguably the most important aspect of interviewing as this “non-judgmental space is where subtle and difficult truths can emerge to both the interviewer AND the interviewee.”<sup>10</sup> When we hold space, we foster physical and emotional conditions that allow individuals to feel comfortable and empowered to share their truths.

In the context of oral history work, interviewers must create an environment that encourages narrators to speak openly and honestly about their lives, experiences, and perspectives. Holding space means ensuring privacy, creating a comfortable setting, and establishing trust and rapport with the interviewee.

This concept also involves acknowledging the inherent power dynamics between the interviewer and interviewee. One must act with awareness and intention to mitigate these power imbalances. We recognize and respect the interviewee's agency and expertise in their own life and actively listen to and value their perspectives.

## **Purpose**

**Why Stories?** Collecting individual and communal stories holds immense value, as evidenced by several key outcomes. These outcomes demonstrate the significance of storytelling and story sharing and illustrate the importance of preserving these narratives for future generations and the broader community. By examining these outcomes, we gain a deeper understanding of the role that collected narratives play in shaping our collective experiences and understanding of the world around us..

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<sup>10</sup> Michael Barry and Michelle Jia, “Needfinding 4 Week - rev5pptx.Pptx” (Stanford, January 18, 2022), 37.

***Justification.*** Stories can justify new and existing systems, explain why things are the way they are, and present evidence of why change is warranted. They help reveal patterns of belief that highlight common truths or contradict established understandings. These revelations garner deeper context that may lead to new paradigms or rationales for maintaining the status quo.

***Memorialization.*** Stories capture the collective sentiment of a particular moment in and across time. Retention of these sentiments allows us to recognize, revisit, recontextualize, and reflect on experiences, memories, and perspectives on both the individual and communal levels. The memorialization of stories enables narratives to live beyond a singular moment, transcending time.

***Enlightenment.*** Stories promote a deeper understanding of needs. Through intentional inquiry, listening, and synthesis, they help reveal underlying harms and potential opportunities for repair. This story-sharing process can lead to insights that guide our decision-making and inform how we prioritize future actions.

***Reparation.*** The opportunity to vocalize, share, and archive one's story is an alluring proposition but seldom afforded to all communities. Capturing one's experience outside of the mind and body of the individual validates it. Allowing these personal narratives to be seen and heard affirms them. It makes them real, undoing the historical silencing felt by marginalized groups whose experience does not align with the dominant narrative. The reparative value of sharing one's story is powerful and, therefore, a worthy objective to provide to a community.

***Narrative & Needfinding.*** These inherent values contained within stories are instrumental when designing solutions to what we describe as wicked problems. Coined by Horst Rittel, design theorist and professor of design methodology at Berkeley and the Ulm School of

Design, Germany, wicked problems are those that are difficult or impossible to solve due to incomplete or contradictory knowledge, the immense burden of resources needed, the interconnected nature of the problem with other problems, or the number of conflicted groups and opinions involved<sup>11</sup>. They require more than just strategic planning, ingenuity, or raw creativity. It demands approaches that challenge and replace existing institutional knowledge. Innovative problem-solving in these areas concerns what and whom one chooses to consider, the voices one elevates, and the stories one tells.

Needfinding is the art of finding meaning through the gathering and understanding of stories to help us design better spaces, services, and systems that work for impacted communities. Cultural psychologist Jerome Bruner argues that one of the crucial features of narrative is the “forging of links between the exceptional and the ordinary,”<sup>12</sup> thereby revealing nonobvious needs.

The viability of a culture inheres in its capacity for resolving conflicts, for explicating differences, and renegotiating communal meanings. [Negotiated meanings] are made possible by narrative’s apparatus for dealing simultaneously with canonicity and exceptionality. Thus, while a culture must contain a set of norms, it must also contain a set of interpretive procedures for rendering departures from those norms meaningful in terms of established patterns of belief. It is narrative and narrative interpretation upon which folk psychology depends for achieving this kind of meaning.

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<sup>11</sup> Barry and Jia, 42.

<sup>12</sup> Jerome S Bruner, “Chapter 2: Folk Psychology as an Instrument of Culture,” in *Acts of Meaning*, 2nd ed. (Cambridge, MA: Harvard University Press, 1990), pp. 33-65, <https://archive.org/details/actsofmeaning00brun>, 47.

Stories achieve their meanings by explicating deviations from the ordinary in a comprehensible form.<sup>13</sup>

The work proposed in this guide challenges us to contend with “the ordinary”—the dominant, canonical narrative of the city of San Francisco— and explicate the potential deviations experienced by the city’s African American residents across critical neighborhoods. By conveying and elevating the stories of these communities, we might renegotiate canonical knowledge and enable institutions to create new patterns that better meet human needs.

**Participatory Practice.** While this guide provides a roadmap to conduct oral history work, the need for this work to be participatory in nature is paramount. Participatory design is a collaborative approach to conducting research and design projects that emphasizes active involvement and engagement by all those affected by the work. This approach recognizes the importance of empowering the participants and stakeholders throughout the design process to have not just a voice in shaping the project methods but ownership of the generated outcomes.

The use of participatory practices is essential when conducting oral history work with historically disenfranchised communities, as it helps to address issues of power imbalances and ensure that the perspectives and experiences of these communities are valued and incorporated into the research process. As discussed, oral history projects are a vital tool for documenting and preserving individual and collective experiences of a community. However, it is essential to approach this work in a manner that is respectful and empowering to the participants.

Historically, researchers conducted projects of this nature in a top-down manner, with the researchers or designers making decisions without consulting the communities themselves. This approach can lead to outcomes that are not relevant, applicable, accessible, or valuable to the

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<sup>13</sup> See note 12 above.



communities and sometimes even cause harm to those the organizers intended to help. These negative impacts can lead to the voices and perspectives of participants being further marginalized or silenced in the documentation of their own experiences. Participatory design, conversely, seeks to redress these power imbalances to create a more equitable and inclusive process. By involving the people in the planning and execution process, their perspectives, ideas, and experiences can be considered, resulting in project outcomes aligned with their needs. Furthermore, this involvement helps foster and rebuild trust, opening the door for longer-term collaborations between community members and institutional bodies.

Participatory design helps to address issues of power imbalances, promotes the perspectives and experiences of communities, and leads to more equitable and relevant outcomes in oral history work. By embracing this approach and allowing this work to be held by elders, community institutions, and allied organizations, we can better ensure that the participants' experiences are documented, preserved, and used in a manner that is accessible, empowering, and respectful to all.

### **Goals**

Having discussed the value of stories, the role of narrative in needfinding, and the responsibility to implement participatory practices, it is time to develop a blueprint of how the organizing committee will carry out this work. Columbia University's Center for Oral History<sup>14</sup> presents some recommendations for designing a community oral history project.

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<sup>14</sup> "Columbia Center for Oral History Research," Columbia Center for Oral History Research (Columbia University), <https://www.ccohr.incite.columbia.edu/>.

The purpose of a project blueprint is to define the overarching as well as the specific goals of an oral history project. The primary purposes of a project blueprint are to:

1. Define the mission and purpose of the project as a whole (why the project is important to do and the nature of the historical material that will be generated; the audience that will benefit from the oral histories).
2. Establish the general timeframe of the memories you want to capture, including sub-categories of periods and events of importance.
3. Break down the topics to be covered in relation to the historical timeframes and events that are central to the history being documented.
4. Establish how the general historical story—as well as individual life stories—change over time<sup>15</sup>.

This blueprint should be a living, flexible document that can be changed and amended throughout the project<sup>16</sup>. Preliminary questions, topics of interest, and assumptions might help define this initial blueprint, but interviewing, synthesizing, and generating insights should inform the direction and structure of the work as time progresses. This section will lay out key considerations to help clearly define the goals of the project and develop a project blueprint, including what information is sought and how it will be used.

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<sup>15</sup>Mary Marshall Clark, “Project Design for Community Oral History Projects,” Columbia University Center for Oral History Research (Columbia University), accessed January 16, 2023, [https://static1.squarespace.com/static/561bf748e4b0f7b2b488f369/t/562e6b30e4b02dda3d4ee6a6/1445882672049/Project\\_Design\\_Community\\_Oral\\_History\\_Projects.pdf](https://static1.squarespace.com/static/561bf748e4b0f7b2b488f369/t/562e6b30e4b02dda3d4ee6a6/1445882672049/Project_Design_Community_Oral_History_Projects.pdf), 1.

<sup>16</sup>See note 15 above.

**Mission**

Defining the mission and purpose of an oral history project is an essential first step in ensuring its success. A clear mission provides a roadmap for the project and helps ensure that the collected oral histories align with the project's goals and objectives. It is necessary to consider why this body is undertaking the project and the historical significance of this work alongside the collected narratives. The answers to these questions will inform the selection of interviewees, the types of questions asked, and the project's overall scope. Considering the intended audience for the project and how the collection, retention, and dissemination of oral histories will benefit them is also crucial. A clear understanding of the mission and purpose of the project will ensure that it is focused, meaningful, and impactful.

**Scope**

Scoping the project into a meaningful yet achievable framework requires careful consideration of several factors, including resource commitment, timeline, the experience levels of available partners, and intended participants. The goals and mission determined above should govern these decisions which are made in collaboration with the affected community members and stakeholders.

**Resources.** Consider the resources available for the project. Examples include:

- sources of immediate and long-term funding;
- equipment, spatial, and transportation needs;
- recording, archiving, organization, and communication technologies; and
- external levers of support, including ongoing political will for these efforts.

These resources will determine the size and scale of the project, as well as the types of activities that the committee can undertake.

**Timeline.** Assessing the allowable timeframe helps set the necessary pace of the project. Political appetite, related initiatives, and terms of office for committee members and supporting officials are additional factors that may impact the project timeline.

**Partners.** Partnering with community organizations, local archives, industry specialists, and academic institutions to help organize, collect, and preserve oral histories is highly recommended. Allowing multiple bodies to hold this work aligns with participatory practices, helping to ensure that the project is representative of a diverse range of perspectives and allows the committee to leverage the broad expertise and strengths of these various groups. Some suggested partner organizations are included below when exploring non-profit/community organizations and academic institutions. A deeper look into forging aligned partnerships are presented under Selection Process.

**Audience.** Planning an oral history project requires a determination of the target audience. Knowing the intended beneficiaries, those directly and tangentially impacted by the outcomes, and other stakeholders can help shape how the committee conducts the work. Examining demographic categories or specific groups the project aims to reach can guide the project team in making informed decisions about engaging with and representing those communities. By carefully considering the target audience, the team can design the project to effectively communicate its findings and impact to those most affected by its results.

**Community Members.** The core focus of the oral history project is community members, whose perspectives, experiences, and memories are central to its purpose and efficacy. Engaging with them is crucial for creating a comprehensive and representative account of the history and experiences of Black San Franciscans. Key groups may include current or former residents of neighborhoods like the Fillmore District and Bayview-Hunters Point, descendants of those who

lived there, or community members actively involved in preserving Black history and culture in San Francisco.

***Non-Profit & Community Organizations.*** Community organizations are essential to the success of the oral history project, as they help reach and engage community members, provide resources and support, and serve as a link between the project and the wider community. Possible partners include local organizations such as the San Francisco African American Historical and Cultural Society<sup>17</sup>, Bayview Hunters Point Foundation<sup>18</sup>, Yerba Buena Center for the Arts<sup>19</sup>, African American Community Service Agency in San Jose<sup>20</sup>, or the African American Museum and Library at Oakland<sup>21</sup>. These organizations can help promote the project and ensure its impact on the community.

***Academic Institutions.*** This group plays a crucial role in the success of the oral history project. With their expertise and resources, academic institutions can contribute to the project through research and analysis, archiving and preservation, and training and capacity building. They can also help ensure the project implements best practices and methodologies. Potential academic partners include San Francisco State University<sup>22</sup>, the University of San Francisco<sup>23</sup>, Stanford University<sup>24</sup>, San Jose State University<sup>25</sup>, and the University of California, Berkeley<sup>26</sup>. Departments such as African American Studies, Urban Studies, History, Public Policy, university

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<sup>17</sup> San Francisco African American Historical & Cultural Society, n.d., <http://www.sfaahcs.org/>.

<sup>18</sup> Bayview Hunters Point Foundation for Community Improvement, n.d., <https://bayviewci.org/>.

<sup>19</sup> Yerba Buena Center for the Arts (YBCA), n.d., <https://ybca.org/>.

<sup>20</sup> African American Community Service Agency (AACSA), n.d., <https://www.sjaacsa.org/>.

<sup>21</sup> “African American Museum and Library at Oakland (AAMLO),” Oakland Public Library, n.d., <https://oaklandlibrary.org/aamlo/>.

<sup>22</sup> San Francisco State University, n.d., <https://www.sfsu.edu/>.

<sup>23</sup> University of San Francisco, n.d., <https://www.usfca.edu/>.

<sup>24</sup> Stanford University, n.d., <https://www.stanford.edu/>.

<sup>25</sup> San José State University, n.d., <https://www.sjsu.edu/>.

<sup>26</sup> University of California, Berkeley, n.d., <https://www.berkeley.edu/>.

libraries, and centers, including the Stanford Haas Center for Public Service<sup>27</sup>, UC Berkeley Oral History Center<sup>28</sup>, and the Sanford Historical Society Oral History Program<sup>29</sup>, could be interested stakeholders and partners worth pursuing.

***City Government.*** City government plays a crucial role in shaping policies and programs that impact the community and its residents. An oral history project that seeks to understand the experiences of Black San Franciscans can help inform decision-makers and influence policies that better serve this community. The city government may also provide resources and support for the project, making it a vital stakeholder to consider. Anticipating and preparing for likely negative reactions to these efforts will also help mitigate any resistance towards this important work. Key allies within city government may include the Board of Supervisors, the Office of Economic and Workforce Development, the San Francisco Arts Commission, or the San Francisco Housing Authority.

***General Public.*** The broadest stakeholder group is nonetheless crucial to the success of the oral history project as they are affected by the outcome and can provide support. The general public can play a significant role in promoting awareness about the history and experiences of Black San Franciscans and help foster empathy and understanding. This group may include residents, non-residents, students, scholars, and anyone interested in preserving and sharing city history across racial and cultural identities. Additionally, having allies and supporters can provide additional resources and support for the project. However, it is also valuable to consider potential opposition and communicate effectively with those who may have different viewpoints.

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<sup>27</sup> Haas Center for Public Service (Stanford University, n.d.), <https://haas.stanford.edu/>.

<sup>28</sup> Oral history Center | UC Berkeley Library (University of California, Berkeley, n.d.), <https://www.lib.berkeley.edu/visit/bancroft/oral-history-center>.

<sup>29</sup> Oral History Program | Historical Society (Stanford University, n.d.), <https://historicalsociety.stanford.edu/discover-history/oral-history-program>.

**Participants.** Selecting the right population is key in defining the scope of an oral history project. A too-broad scope requires more resources and risks losing focus, while a too-narrow scope may lack representativeness and miss essential insights. The scope should balance inclusiveness and focus, capturing diverse perspectives while retaining a sense of purpose. This guide provides additional detail on this identification process later when exploring interviewee selection, but below are some examples of how one could define a population with rationales for or against each grouping:

***Family.*** A citywide oral history project should incorporate family narratives, as tracing specific families' experiences and spatial journeys can provide insight into the impact of policy decisions and neighborhood changes on lineages across generations. However, a narrow focus on only a few families limits the ability to create awareness and facilitate comprehensive systemic change. This guide recommends that the project incorporate family narratives into a broader scope to include more diverse narratives and perspectives.

***Key Locations/Subgroups.*** Limiting the project to select locations or subgroups of the population is a recommended scoping strategy as it provides context specificity to the project. It allows for a more nuanced exploration of experiences surrounding landmarks and events of interest and helps target engagement. Potential examples for consideration may include specific public housing projects or cultural centers—particularly in the Fillmore District or Bayview-Hunters Point—or perhaps Certificate of Preference recipients displaced by Redevelopment Agency actions.

***Neighborhood.*** This body might consider a centralized neighborhood focus on the Fillmore District and Bayview-Hunters Point due to their rich African American settlement and community-building history. By exploring these neighborhoods, the project can examine the

history and experiences of Black residents in a concentrated geographical context. Additionally, as the committee's draft report details<sup>30</sup>, these neighborhoods have higher concentrations of Black residents and have faced gentrification, displacement, and other land-use concerns. These characteristics make the Fillmore and Bayview-Hunters Point well-scoped and ideal starting points for oral history work examining the experiences of Black residents in the face of these changes.

**City.** Considering the city context of San Francisco is similarly advisable for project scoping. A citywide scope provides a more representative sample of perspectives across the city, capturing the diversity of the Black community and their experiences in different neighborhoods and communities. It also allows for a broader look at the systemic issues affecting the Black community across San Francisco, providing a more comprehensive understanding of the challenges faced due to historical, political, and cultural changes over time. Though it requires increased coordination and resource allocation, opening this work to the entire city increases accessibility to the oral history project and its outcomes. It provides a platform for a wider range of voices to be heard and allows more residents to participate, share their experiences, and benefit from the reparative nature of storytelling.

**Region.** A regional scope covering San Francisco, Oakland, and San Jose is the broadest scale advisable for this comprehensive oral history project. Although a regional scope requires coordination and collaboration across multiple cities and institutions, it offers a more complete picture of the experiences and patterns of the targeted community. It lends itself to the exploration of migration and displacement trends across the Bay Area.

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<sup>30</sup> San Francisco African American Reparations Advisory Committee, "DRAFT San Francisco Reparations Plan," City and County of San Francisco (San Francisco Human Rights Commission Staff, December 2022), [https://sf.gov/sites/default/files/2023-01/HRC%20Reparations%202022%20Report%20Final\\_0.pdf](https://sf.gov/sites/default/files/2023-01/HRC%20Reparations%202022%20Report%20Final_0.pdf), 23-27.



*State.* Expanding the scope to a statewide effort would require planning, coordination, and funding on a much broader scale. The breadth of necessary and affected parties is likely beyond the influence of this body. However, if similar efforts are taking place throughout California, connecting the work in a publicly accessible way may be a valuable and worthwhile endeavor.

*National.* Similar to statewide scoping, this would require national planning, coordination, funding, and the breadth of affected parties is beyond the influence of this body. However, if similar efforts are taking place in other locales across the nation, connecting the work in a publicly accessible way may be a valuable and worthwhile endeavor.

**Scoping Summary.** Scoping an oral history project is crucial in ensuring its success. The proper scope helps balance the project's goals and objectives with the resources, timeline, and partnerships available and ensures that the project is both meaningful and feasible. Careful consideration of these factors, along with intentional collaboration with community members, organizations, and other stakeholders, is necessary to create a project blueprint that addresses the capabilities and constraints of the given context and to ensure that the oral history project has the best chance of delivering impactful and meaningful results.

### **Guiding Principles**

A set of guiding principles is necessary in defining an oral history project's objectives, strategies, and outcomes to a team of any size. By establishing a shared understanding among all stakeholders and promoting consistent implementation, the project is more likely to be well-planned, well-executed, and impactful. The Oral History Association<sup>31</sup> provides a set of widely

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<sup>31</sup> See note 7 above.

accepted guiding principles for oral history practice. However, it may be necessary to add additional principles that are specific to this project's context.

- The oral history process, from the interview stage through preservation, use, and access, must be guided by respect for narrators and the communities from which they come. This means a commitment to an ethical process and to honoring diverse cultural values, ways of knowing, and perspectives.
- The interview process must be transparent, with ongoing participation, consent, and engagement among all parties from the first encounter between interviewer and narrator to the creation of end products.
- Oral history practitioners must be sensitive to differences in power between the interviewer and the narrator as well as divergent interests and expectations inherent in any social relationship. These dynamics shape all aspects of the oral history process, including the selection of people to interview, research questions, personal interactions during the interview, interpretations, decisions on preservation and access, and the various ways that the oral history might be used.
- To the greatest extent possible, both the narrator and the interviewer must be protected from harm, particularly those who are vulnerable communities. This means that certain lines of inquiry or public access to completed interviews might be precluded. Any stipulations should be

- considered before the beginning of the oral history process with the understanding that they can be renegotiated as the project proceeds.
- Whenever possible, an oral history interview and its accompanying documentation should be preserved and made accessible to other users. Oral history practitioners must be clear on the various ways the interview might be preserved, made available, and used. Likewise, narrators must grant explicit permission to make their interview public, and when possible, should be given an opportunity to establish parameters for preservation, access, and use.
  - While oral historians are bound by laws covering copyright, and in some institutions might be bound by regulations governing research involving living human subjects, their responsibilities also go beyond these official rules. They should conduct themselves ethically and thoughtfully and be vigilant about the possible consequences to narrators and their communities of both the interview process and the access/use of completed interviews<sup>32</sup>.

### **Selection Process**

#### **Interviewers**

The success of an oral history project is largely dependent on the selection and training of interviewers. The interviewers serve as the primary point of contact between the project and its participants. As such, it is essential to choose individuals with the necessary qualifications and

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<sup>32</sup> See note 7 above.

experience to conduct interviews effectively and represent the project professionally and sensitively.

**Qualifications.** The ideal interviewer should have in-depth knowledge of the subject matter surrounding the oral history project and a deep understanding of the community and its experiences. These provide context that aids awareness of potential themes or topics of interest that may emerge in their conversations. However, interviewers should also possess a beginner's mindset guided by curiosity, openness, and vulnerability. A background in history, sociology, cultural studies, psychology, or related fields can be advantageous but sometimes detrimental, as this expertise can inhibit the ability to defer judgment. Interviewers should have experience conducting effective qualitative research and emergent interviews either professionally or through training provided by this project team. Strong communication, interpersonal skills, sensitivity, and respect for the individuals they will interview are paramount.

The selection process for interviewers should involve a rigorous review of each candidate's qualifications, including an evaluation of their relevant experience and education. Potential interviewers should also undergo an extensive training program that covers the technical aspects of conducting oral history interviews, such as the use of recording equipment, the ethical and cultural considerations involved in engaging with study participants, and, if applicable, how to synthesize the collected narratives to uncover insights and meaning. This training should also include an overview of the specific goals and methods of the project, as well as guidance on how to collect and preserve the collected information effectively.

By carefully selecting and training interviewers with the necessary qualifications and experience, the project can ensure that the collected oral histories are representative and of the highest quality. This will help ensure that the project effectively captures and preserves the

experiences and perspectives of the community and that the information collected will be valuable to participants, researchers, policymakers, and the wider community.

**Considerations.**

*Community Contexts.* One of the tensions faced when designing an oral history project geared towards a particular community is whether to opt for interviewers who are representative of that target community. There are valid arguments for and against selecting community insiders and outsiders alike. When considering the selection of interviewers for an oral history project, it is important to weigh these arguments and make an informed decision based on the specific goals and scope of the project.

*Insiders.* Arguments favoring insider interviewers include cultural competency, improved rapport, increased accessibility, and community empowerment. Community insiders are more likely to understand the narrator's culture, traditions, and values, which can result in more meaningful and rich responses from interviewees. Additionally, insiders may have personal connections within the community, making it easier to build trust and rapport with the narrators. Often, leaders and staff of community organizations and local non-profits can leverage their ability to build upon established communal relationships. This can lead to a more relaxed and open interview setting, encouraging the interviewees to share their experiences more candidly. Moreover, insider interviewers can access parts of the community that would be otherwise difficult for outsiders to reach, providing a more comprehensive and nuanced picture of the community and its experiences. Finally, by selecting insider interviewers, the studied community can feel empowered and have more control over the representation of their experiences, increasing their ownership and engagement with the project.

On the other hand, arguments against selecting insider interviewers include the potential for bias, limited perspectives, conflict of interest, and lack of training. Community insiders may have personal opinions and biases that can impact the impartiality and curiosity required of their interviews. Furthermore, insider interviewers may have a narrow view of the community and the range of its experiences, as they may only be familiar with a small subset of the community to which they belong. This can limit the diversity of perspectives captured in the interviews. Additionally, interviewers may have social or professional connections to the narrators that influence the impartiality of their interviews. Finally, insider interviewers may have yet to receive formal training in oral history methods and techniques, making it more difficult for them to conduct high-quality interviews, resulting in inconsistent or unreliable data collection.

*Outsiders.* Using outsider interviewers in oral history work has its advantages and challenges as well. One of the arguments in favor of outsider interviewers is their objectivity. Outsiders may bring a fresh perspective and lack of personal bias to the interview process, resulting in a more objective and neutral representation of the interviewee's experiences. Additionally, outsider interviewers can bring unique perspectives that help shape the project's direction, broadening the scope and providing new insights into the target community. They may also have specialized knowledge and training in oral history methods that can enhance the quality of the interviews and the overall project effectiveness. Furthermore, outsider interviewers may be better equipped to maintain emotional distance from the interviewee, which can result in a more objective and neutral expression of the narrated history.

Conversely, one of the central arguments against using outsider interviewers is the need for cultural awareness. Outsiders may not possess a deep enough understanding of the target community's culture, beliefs, values, and experiences, resulting in a less nuanced and culturally

sensitive synthesis of shared stories. Outsiders may also struggle with language barriers or cultural differences that impede effective communication and understanding between the interviewer and narrator. Relatedly, there is a potential for misunderstandings, as community outsiders may misinterpret or misjudge the experiences and perspectives of the target group, resulting in an inaccurate or incomplete representation of their narratives. Finally, outsider interviewers may struggle to establish trust and rapport with the interviewee, resulting in limited engagement and participation from the narrator and an exploration of their lived experience that lacks richness.

***Experience.*** The process of emergent interviewing in oral history work requires a knowledgeable and well-experienced interviewer. This person should have the ability to guide the conversation, attentively listen, and ask questions in a manner that is both respectful and non-threatening. This guide previously discussed the qualifications required for the interviewer; however, the decision remains on whether to hire professionals with the necessary experience or to train novice interviewers specifically for the oral history project.

***Hired Professionals.*** Hiring trained professionals as interviewers in oral history work comes with the clear advantage of leveraging their expertise in the field. Trained professionals typically have experience conducting these types of emergent interviews and are well-versed in the techniques and methods used to gather accurate and meaningful information from shared stories. This expertise can lead to higher-quality interviews, more reliable data collection, and more insightful synthesis of that qualitative data. However, a key disadvantage is the associated cost, as trained professionals typically demand higher salaries for their years of practice and study. Additionally, there may be limited options for trained professionals in the community or region of interest, dependent on scoping, which can result in added time and resources spent

searching for suitable candidates. This constraint of access to trained professionals often aligns with their likely position as community outsiders, bringing all the pros and cons of this tension discussed previously.

*Novice Agents.* In oral history projects, training local agents as interviewers taps into insider community membership's associated advantages and disadvantages. Non-expert interviewers offer valuable expertise in the target population, contributing unique perspectives and a deeper understanding of the culture and experiences of those they are interviewing. Leaders, staff, and members of community organizations, local non-profits, churches and religious organizations, activist and advocacy groups, youth organizations and schools, and cultural institutions such as museums and arts organizations are all examples of groups that may be effective at conducting emergent interviews. These groups often have strong connections within the community and robust knowledge of Black culture and history. However, without formal training in oral history methods, novice interviewers may struggle with the technical and ethical aspects of conducting compelling interviews, leading to inconsistent or unreliable data collection or harm done to interviewees. To ensure high-quality results, novice interviewers must receive structured, formal training and support in oral history techniques.

**Recommendations.** A hybrid approach is recommended to maximize benefits and minimize potential drawbacks of interviewer selection. A team of local interviewers should be recruited from the identified community groups and paired with ongoing training and support from a hired organization specializing in oral history or emergent interviewing. Retention of these professional coaches should be reserved for planning and leading training workshops, competency assessment and credentialing, periodic check-ins, and continued support. Limiting the scope of work to these activities is more cost-effective than conducting the entire narrative



collection process and still leverages the mastery of these experienced interviewers. This approach empowers community volunteers to lead oral history interviews while maintaining access to professional guidance, ensuring accurate representation and quality results. The combination of local expertise and professional support will furthermore provide a mechanism for the committee to directly benefit the target stakeholders, building the capacity of the community by providing opportunities for skill development, a deeper understanding of oral history methods, and the opportunity to be an active contributor to this important work.

Organizations like the African American Art & Culture Complex<sup>33</sup>, the Bayview Opera House<sup>34</sup>, Yerba Buena Center for the Arts<sup>35</sup>, Museum of the African Diaspora (MoAD)<sup>36</sup>, and the San Francisco African American Historical & Cultural Society<sup>37</sup> may have members or staff persons who would be ideal candidates for interviewers. Additionally, religious organizations and schools can provide rich opportunities for engagement and connection with local community members. To ensure the quality of the interviews and the preparedness of the interviewer team, seek training services from specialist organizations such as the Oral History Center at UC Berkeley<sup>38</sup> or Stanford Historical Society's Oral History Program<sup>39</sup>. Alternatively, Quotient Design Research<sup>40</sup>, or similar private consulting groups, could provide ongoing training and support through their education offerings. This approach will contribute to a well-rounded project strategy.

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<sup>33</sup> "African American Art & Culture Complex – San Francisco, CA," African American Art Culture Complex, n.d., <https://aaacc.org/>.

<sup>34</sup> "BVOH," Bayview Opera House, n.d., <https://bvoh.org/>.

<sup>35</sup> See note 19 above.

<sup>36</sup> "Museum of the African Diaspora," Museum of the African Diaspora (MoAD), n.d., <https://www.moadsf.org/>.

<sup>37</sup> See note 17 above.

<sup>38</sup> See note 28 above.

<sup>39</sup> See note 29 above.

<sup>40</sup> Quotient Design Research, n.d., <http://www.quotientdr.com/>.

## Partners

An evaluation of qualifications, reputation, interest, bandwidth, and commitment should occur to select the right community and institutional partners for this oral history project.

Partners who meet these criteria will bring unique insights and resources to the project, ensuring its success and impact.

**Interest.** Firstly, the partner should demonstrate a genuine interest in the project's goals and objectives, showing a willingness to invest time, resources, and expertise to bring about its success. Partners excited about the work will likely engage in open communication and frequent collaboration and contribute invaluable insights to the group.

**Reputation.** Partner organizations should have a strong reputation in the community for their commitment to advancing social justice, promoting equality, and respecting cultural diversity. They should maintain established relationships with the Black community and sustained trust from its members. Partners with a strong reputation can provide a platform for the project's dissemination and execution, ensuring that the project is widely recognized and has a significant impact.

**Qualification.** Qualified partners should have experience relevant and beneficial to this oral history work. Criteria may include a background in conducting interviews, transcribing and archiving materials, and disseminating project results to a diverse audience. They might also specialize in key areas like education, research, or law to ensure the team knows the latest best practices. At a minimum, potential partners should possess a deep understanding of the history and culture of San Francisco's Black community and be able to ensure the project's applicability to their experience. While an individual organization does not have to check every box, the cohort of chosen partners should cover a breadth of skillsets and strengths.

**Bandwidth.** Partner organizations should have sufficient resources, such as staff, technology, time, and funding, to contribute effectively to the project. They should have the capacity to complete tasks within set deadlines and manage the demands of the project's scope. Partners with limited bandwidth or overextended reach may lead to delays, errors, and other project inefficiencies.

**Commitment.** Partners should share the project's vision, goals, and objectives. Reviews of past involvement in similar projects, willingness to allocate resources and personnel to related initiatives, and their ability to meet deadlines and stated goals are ways to assess an organization's commitment level. Communicating clearly and openly with potential partners about the project's expectations and requirements is imperative to ensure a shared understanding of the dedication required.

### **Interviewees**

Identify criteria that will aid in selecting community narrators. A thorough understanding of the target community and the project scope should inform the selection process. This task is complex, as the choice to elevate certain voices inevitably involves omitting others. Moreover, there is a risk of implicit biases creeping into the selection process, further leading to the exclusion of certain narratives. Establishing clear selection criteria, ensuring transparency, and building a diverse and inclusive interviewee pool to minimize such biases are essential. In addition, following participatory practices can provide an opportunity to engage community members in the selection process and mitigate potential power imbalances. It is necessary to rely on individuals well-suited to support this work. However, this reliance brings additional tensions and challenges, highlighting the need for transparent and collaborative practices throughout the project. This section will explore strategies for selecting interviewees, addressing potential

biases, and promoting participatory practices to ensure a more comprehensive and inclusive execution of oral history work.

**Explaining the Concept.** *Oral History for Texans*<sup>41</sup> outlines valuable suggestions to communicate the project to the general public. The success of oral history work starts with good community relations. In planning the project, the organizing body should start with a press release through local and social media to inform the public of the initiative. Print media, such as newspapers, newsletters, and canvassing, can effectively spread the news of the project's formation, positive developments, and completion. Modern techniques such as pages of neighborhood websites, Facebook, Twitter, and Nextdoor groups are additional methods of connecting to people where they are. Engaging graphics and clear descriptions of the project can stimulate community-wide interest and result in helpful suggestions from viewers. Radio and television public service announcements and news reports can also reach a wide audience.

However, the best method is to tap into the networks of selected community partners. Engaging the public through partners' membership lists, websites, and physical locations communicates that the work is paired with sources they know and trust. Regardless of the outlet, Charlton advises the organizing body to describe its oral history work “as a *planned project*—one aimed at gathering and preserving a portion of the community's rich heritage. The value of the memories and organized reminiscences of local citizens should be emphasized”<sup>42</sup>. Highlight the project's potential benefit to the community and the personal social benefits when people talk

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<sup>41</sup> Thomas L. Charlton, “Chapter 4: Organizing Oral History Projects,” in *Oral History for Texans*, 2nd ed. (Austin, TX: Texas Historical Commission, 1985), pp. 39-60, <https://www.baylor.edu/content/services/document.php/33213.pdf>.

<sup>42</sup> Charlton, 41.

about the past they have known. "Encourage the community to take pride in its oral history projects."<sup>43</sup>

**Targeted Search.** Performing a targeted search for oral history participants effectively ensures that an oral history project includes a diverse range of perspectives from key community members. The search should begin with an analysis of the community's historical development, including its oldest institutions, businesses, and families, as well as the events and factors that have shaped the community over time. Organizers should focus on the community's uniqueness and use this as a guiding factor to narrow down potential subjects and subject matter for the project. Once securing a foundational understanding, identify current or former community leaders, prominent citizens, politicians, pastors, business owners, or other well-respected and influential individuals within the target group. After identifying these individuals, the project team can reach out to them directly and explain the purpose of the undertaking, its goals, and why their participation would be valuable. This outreach can happen through various channels, including email, phone, social media, or in-person meetings. Building strong relationships with these key voices not only helps ensure their participation but can also lead to broader community support for the project, greater engagement with the community, and a more well-rounded and comprehensive oral history record.

**Recruitment.** This guide previously recommended a hybrid story-capture process for the general public using community forums and self-reporting as strategies to screen for desirable sources with whom to conduct more in-depth interviews. This section will help identify recruitment strategies for choosing criteria, avoiding bias, and techniques for using digital systems for participant recruitment.

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<sup>43</sup> Charlton. 42.

*Selection Criteria.* Identify the desired or undesired criteria for the narrator pool. The committee should determine the characteristics they are looking for in their narrators based on the project scope, such as behaviors, attitudes, specialized experiential knowledge, domain expertise, and demographic characteristics<sup>44</sup>. For example, narrators who can recall specific events or have firsthand knowledge of a particular historical period may be highly desirable. Age, residency, occupation, and other relevant factors may further define inclusion criteria for the project. Alternatively, the committee should avoid subjects who have strong biases, may be uncooperative, or do not align with the study's goals. The committee can use its chosen criteria as a screening tool for pre- or post-participant engagement in initial rounds of engagement.

In the pre-engagement model, organizers can post participation calls and ask interested candidates to fill out a brief survey or questionnaire that asks for information related to the criteria. Design the screening process to eliminate those who do not fit the desired characteristics while allowing those who do to move forward in the selection process. For example, suppose the committee is looking for narrators who can comment on a particular era. In that case, it can ask demographic questions about the candidate's age and years living in a particular geographic region. Alternatively, in the post-engagement model, organizers invite the public to participate in early public forums or self-submit a narrative. Example prompts help guide these formats in lieu of engaged interviewers. The committee or its partners then review those who participated and aggregate lists of potential leads with whom to follow up. In either method, selection criteria help determine which individuals are likely to contribute to the project's overall goals and ensure that the narrator pool is representative of the target community.

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<sup>44</sup> Julie Stanford, "2A Intro to P1, Actors, Subject Screening and Recruiting.pdf" (Stanford, January 21, 2022), 17.

***Screening Bias.*** One way to avoid screener bias is to be nonspecific when necessary to avoid people saying what they think the committee wants to hear or gaming the screening process. For instance, there may be better approaches than asking yes/no questions if a query intends to elicit a particular response. Instead, using multiple-choice questions or scales may be a better way to elicit more accurate and unbiased responses. Additionally, by obfuscating what the project planners are specifically seeking while remaining transparent about the project's purpose, organizers can avoid bias and ensure that they are selecting participants based on their chosen criteria.

***Recommendations.*** If choosing to perform online screening, project planners should prioritize making the process short and simple, biasing towards multiple-choice questions over open responses. Additionally, the screening process should be mobile-friendly, and planners should communicate the value of participation to the subjects. Let potential narrators know the value of their contribution to the greater community, potential personal benefits, and how their participation can help improve societal problems<sup>45</sup>. The committee should also consider communication factors such as accessibility for people with limited literacy or access to technology. It may be necessary to provide alternative ways for people to participate or to transfer the project's materials into different mediums to ensure a diverse pool of narrators. Finally, as oral history is an oratory, conversational process, arranging a follow-up call to screen for baseline communication skills is recommended if a project team member has yet to engage directly with a potential narrator.

***Interview Types.*** Oral history interviewing is generally divided into two types: life-review interviews and subject-oriented interviews<sup>46</sup>. Life-review interviews cover a breadth of

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<sup>45</sup> Stanford, 22.

<sup>46</sup> See note 43 above.

subject matter including family, education, religion, employment, and community experiences. Progressing chronologically, the interviewer surveys the highs and lows of a participant's life. Due to its depth, life-review interviews often require multiple sessions to complete satisfactorily. Narrators, especially older citizens, often find this interview type emotionally encouraging. A more comprehensive oral history project will likely include more life-review interviews.

Subject-oriented interviews are more narrowly focused. In subject-oriented interviews, interviewers ask the informant to reconstruct a portion of the past from memory that pertains to the specific subject. Subject-oriented interviews are best suited for understanding a specific era, event, or place and are more direct and defined than life-review interviews. However, the informant has less freedom to comment on unrelated topics, and the interviews may provide less synthesis of extraneous data. Oral history projects run by organizations with more limited resources prefer these interviews and thus are recommended as a starting point before expanding to life-oriented interviews<sup>47</sup>. Alternatively, organizers can save life-oriented interviews for identified key figures in the community.

Potential eras and events of interest for subject-oriented interviews may include: The Great Migration and the experiences of African Americans who remember moving to San Francisco from the South in the years surrounding World War II, the displacement of Black communities in the Western Addition due to redevelopment in the 1960s and 1970s, the experiences of Black San Franciscans relocated to public housing developments like Hunters View and Alice Griffith as a result of urban renewal projects, the gentrification of historically African American neighborhoods like the Fillmore and Bayview-Hunters Point in recent

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<sup>47</sup> Charlton, 43.



decades, or the experiences of African American homeowners and renters who faced discrimination in the housing market and banking industry in San Francisco.

**Diverse Sampling.** Promoting a broad sampling of diverse perspectives is crucial in comprehensive oral history work. This section explores several areas of identity the interviewing team should strive to represent and consider in the selected narrator pool.

*Class.* While elite interviewees, such as successful, prominent, influential, or wealthy community members, are more accessible, easier to identify, and may offer unique insights, it is equally vital to include the narratives of ordinary citizens in oral history work.

Studies have shown that elites view their own lives, and the lives of their communities, in ways that sometimes defend or justify their personal leadership roles. Some oral history projects may focus only on elite groups (a community's living former mayors, a church's leaders, or the executives of a company) and work to document those groups' personal histories related to specific topics. The great challenge at the community level is for local historians to seek out and include the oral memoirs of non-elite persons, who may give accounts of local past events that are often equally as important and interesting as those offered by the community's leaders...to include the "forgotten" people of the community in the gathering of its collective history<sup>48</sup>.

Non-elites are often overlooked and seldom receive social recognition, yet they might benefit the most from the opportunity to express and record their past. As such, oral history

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<sup>48</sup> Charlton, 43-45.

projects should intentionally emphasize this group and those who are too often left out of the narrative. Doing so will create a more accurate, inclusive, and complete picture of explored events.

***Racial Identity.*** For this project, it is important to center the work on elevating Black voices. However, in sampling a range of racial perspectives, the project team must consider whether to broadly include or selectively focus on individuals belonging to any of the multiplicity of Black identities (American Descendants of Slavery, Afro-Latinx, Afro-Caribbean, African immigrants). Once determined (see section on Scoping), the committee can work with community organizations, religious institutions, and other social groups to screen and select potential interviewees.

***Gender & Sexual Identity.*** Women's voices, in particular, have often been overlooked or excluded from historical narratives, despite their significant contributions to the community. The committee should also seek out members of the Black LGBTQ+ community, as they possess unique experiences and perspectives worth exploration and documentation. Intentional representation of these populations is paramount.

***Geographic Movement.*** Gather narratives representing a range of geographic experiences. Include stories of those who have consistently resided in San Francisco as well as those who left for other areas, whether voluntarily or involuntarily. Also, consider those who have returned to the city and those who have not yet come back. Forced displacement, such as through redlining and urban renewal policies, has had a significant impact on Black residents of San Francisco, and it is important to hear the accounts of those impacted.

## Methods

### Emergent Interviewing for Ethnographic Research

Emergent interviewing is a qualitative research method used in oral history and ethnographic studies that involves conducting extended, open-ended conversations with community members to gain a deeper understanding of their emotions, perspectives, beliefs, experiences, and aspirations; thereby exploring and uncovering the cultural and social contexts in which participants experience the world. Unlike traditional interviews, pre-determined questions do not guide these conversations. Instead, emergent interviews emphasize a flexible and adaptive interview process, where the interviewer allows the conversation to unfold naturally without following a strict script.

To effectively engage the participant, the interviewer must approach the conversation with a beginner's mindset and listen and observe astutely to identify what is important. The interview is interpretive in nature. Therefore, the interviewer must possess the skill and experience to facilitate the conversation, respond to the interviewee's verbal and nonverbal reactions, actively listen and synthesize what they hear, and offer non-threatening questions that follow emerging topics and themes. Interviewers are encouraged to defer their judgments and agenda and focus on providing a safe space for exploratory conversation<sup>49</sup>, deftly moving from closed-ended questions to open-ended questions, from asking "what" to asking "why," and from describing actions to describing feelings<sup>50</sup>. This method of ethnographic research aims to uncover meaning by capturing the interviewee's nuanced experiences and perspectives, creating an environment for open and honest conversation, and prioritizing the interviewee's voice.

### Interview Types

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<sup>49</sup> Barry and Jia, 34-35.

<sup>50</sup> See note **Error! Bookmark not defined.** above.

Oral history interviewing is generally divided into two types: life-review interviews and subject-oriented interviews<sup>51</sup>. Life-review interviews cover a wide range of subjects such as family, education, religion, employment, and community and progress chronologically through the highs and lows of a participant's life. Due to its depth, life-review interviews often require several sessions to complete satisfactorily. Narrators, especially older citizens, often find this interview type emotionally encouraging<sup>52</sup>. A more comprehensive oral history project will likely include more life-review interviews.

On the other hand, subject-oriented interviews are more narrowly focused. In subject-oriented interviews, interviewers ask the informant to reconstruct from memory a portion of the past that pertains to the specific subject matter of the interview. Subject-oriented interviews are best suited for understanding a specific era, event, or place and are more direct and defined than life-review interviews. However, the informant has less freedom to comment on unrelated topics, and the interviews may provide a less valuable synthesis of extraneous data. Oral history projects run by organizations with more limited resources prefer these interviews and thus are recommended as a starting point before expanding to life-oriented interviews. Alternatively, organizers can reserve life-oriented interviews for key figures identified in the community.

### **Interview Formats**

When conducting oral history work, one must consider the different ways available to collect narrative stories from a community group and determine the most appropriate format for the goals, timeline, audience, and available resources of the project. Setups for oral history listening sessions may include individual interviews, small focus groups, community forums, or

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<sup>51</sup> See note 43 above.

<sup>52</sup> See note 43 above.

citizen self-submissions. Each approach has unique advantages and disadvantages to assess when determining which is most appropriate.

**Individual Interviews.** Individual interviews are the most common and effective approach for collecting oral histories. The advantage of working directly with a single individual is that they allow for a one-on-one conversation between the interviewer and the narrator. This method allows for deep dives into the narrator's experiences and produces a more personal connection between the interviewer and the narrator. Additionally, individual interviews provide a more controlled environment for the interviewer to navigate the conversation and ensure that the information gathered is relevant and specific to the project goals. However, individual interviews can be time-consuming and stretch an interview team thin, especially if the interviewer must travel to different locations to conduct the interviews.

**Focus Groups.** Small focus groups allow for group conversations between multiple narrators and one or more interviewers. This method can be beneficial for exploring themes or experiences that multiple narrators may share. Focus groups also provide a sense of community, connection, and support for narrators. However, the dynamic of a focus group can be more challenging to control and the conversation more difficult to steer toward emerging insights that may only resonate with part of the group. A group dynamic can be particularly challenging for novice interviews, and narrators who are not used to speaking in a group setting may feel silenced by more dominant voices.

**Moderated Forums.** Community forums allow narrators to share their stories with a larger audience. This method allows for a more open dialogue between narrators and the community. Forums can also generate additional stories and insights from the audience. However, the dynamic of a community forum can be difficult to control, and the conversation

may be less focused on any specific project goals. Additionally, community forums can exclude potential participants by only being appropriate for narrators comfortable speaking publicly.

**Self-Submission.** Citizen self-submissions allow narrators to provide their stories on their own terms. This method, done via online surveys, digital file uploads, web portals, or even chatbots, can be beneficial for collecting narratives from individuals who may not be comfortable speaking in group settings or who cannot attend an individual interview. Additionally, this method allows for a more controlled environment for the narrator, as they can provide their story at their own pace and in a comfortable format. However, self-submissions often will lack an adequate level of detail and depth compared to an in-person interview. Self-submissions preclude an interviewer from asking follow-up questions, providing additional context, or adaptively shaping the conversation based on astute observations.

In conclusion, each method of structuring oral history listening sessions has advantages and disadvantages. A well-scoped oral history project should carefully consider the outcomes each method could produce and select the strategy that will provide the most valuable information for the project goals.

**Recommendation.** A hybrid approach, combining multiple methods, could be a valuable option for tackling different stages of the oral history project. It can provide a more comprehensive understanding of the studied experiences and help screen for desired participants, allowing the committee to focus resources strategically. Starting with moderated forums and a self-submission portal can help cast a wide net and gather a large pool of potential participants. These methods also allow for more accessible and flexible participation, particularly for community members with time or mobility constraints. By screening this larger pool of participants through the forum and self-reported outlets, the committee can identify a diverse

group of individuals with whom to conduct more in-depth, personal interviews. Additionally, the committee can identify common emergent themes, witnesses to an event of interest, or participants with connected experiences and then organize smaller focus groups to discuss them more nuancedly. A broader, initial collection phase paired with a targeted, in-depth collection phase can result in a rich and comprehensive oral history project that strategically allocates resources.

### **Archival & Dissemination**

The Oral History Association's "Archiving Oral History: Manual of Best Practices"<sup>53</sup> provides a comprehensive guide to oral history archiving designed for archivists and oral historians. The manual covers various topics, including project planning, ethical considerations, legal issues, and the technical aspects of archiving. Appraisal, accessioning, metadata, description, preservation, access, collaboration, ownership, and rights management are detailed with step-by-step guides for processing and preserving the collected materials. Use it as guidance to develop a collecting policy, creating a finding aid, and making oral history collections accessible to the public. A link to the documentation is located in Appendix B.

**Synthesis.** In oral history work, synthesis refers to the process of combining, interpreting, and integrating collected narratives to uncover patterns, themes, and insights. It involves identifying the commonalities and differences among the stories and using that information to create a more comprehensive understanding of the broader community. Synthesis allows researchers to move beyond accounts of individual experiences and into analyzing and interpreting meanings for the larger group. The synthesis process includes reviewing and organizing the collected oral data, identifying recurring themes, and analyzing the relationships

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<sup>53</sup> See note 56 above.

between different themes. It may involve a range of tools and techniques, such as coding, categorizing, and clustering the data. Below are some steps that may help guide the process.

***Transcription.*** Processing narrative data presents the question of whether to transcribe the recorded audio. Transcription involves listening to the audio recordings and creating a written record of what was said. Transcription can be time-consuming and requires attention to detail. It is essential to capture every word and pause as accurately as possible to ensure that the analysis is based on reliable data. However, Charlton points out that transcriptions come with competing tensions.

Transcribing oral history is beneficial because scholars and general users prefer to read and quote from a transcript, which is more rapidly digestible even if seen as a first draft subject to further editing. The interviewee and editors can further add, delete, or rephrase statements, resulting in an edited transcript that is tangible, copyable, sharable, or publishable. If the recorded version of an oral memoir is lost, the transcript can provide future researchers access to the thoughts and memories of those who have gone before. However, transcribing has its challenges, such as the inability to capture everything said during the interview accurately, the lack of the original speaker's punctuation and voice inflections, and challenges such as spelling and capitalization. The transcript alone has limited historical evidence as it lacks the added dimensions of voice inflections that give meaning to spoken words.

1. Realize that the transcript is an imperfect model of an event and be prepared to deal with those imperfections.
3. Use headphones to screen out nearby distracting sounds and to enable the transcriber to concentrate on the taped interview.



4. For the transcribing work itself, select one or more persons who possess strong verbal skills as well as interest in local history. Good spellers and careful, thorough workers are especially desirable.
5. Obtain at least one of the published guides to transcribing and editing oral history and adapt it to the community's oral history project.
6. Develop a simplified filing system to enable the local history project to keep track of each transcript after it is produced.
7. Early in the project, decide where the completed transcripts (and the tapes) will ultimately be stored and under what terms.
8. The transcribers should regard each oral history tape as a confidential document until the interviewee has signed an agreement releasing the contents of his, her interview(s).
9. Strive to produce a transcript that approximates the speech patterns of the informant, as well as a faithful rendering of the factual information imparted on the tape.
10. Study and adopt the stated principles of the Oral History Association for transcribing and editing oral history.
11. Whenever possible, have a second local historian check the work of the transcriber by comparing the transcript against the tape. This is often called an audit-check.
12. Strive for as much uniformity as possible in the formats of the transcripts but expect each oral memoir's transcripts to be unique, as is the interviewee.<sup>54</sup>

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<sup>54</sup> Charlton, 51-52.

Numerous language processing tools perform auto-generated transcripts of recorded speech powered by artificial intelligence; however, the accuracy and consistency of results can vary greatly depending on the quality of recording devices, background environments, word choice, dialect, accents, and speech patterns used. Historically, the inherent biases of the developers or datasets used to train these language models have been embedded within publicly available products, undercutting the promise of these tools. Disparagingly, “issues of bias in AI tend to most adversely affect the people who are rarely in positions to develop technology”<sup>55</sup> and thus, take strong caution if choosing to use these tools to accelerate the transcription process. It is recommended that a human editor always review and correct any generated transcripts to help ensure an accurate representation of the narrator.

Ultimately, transcription is a recommended part of the analysis process as it helps make interviews more accessible and discoverable to all users and viewers via textual search and exploration.<sup>56</sup> Appendix B contains useful guides from Baylor University’s Institute for Oral History, the Oral History Association, and Columbia University’s Center for Oral History Research on methods for editing, annotating, and coding transcripts. But next steps will depend on the desired immediacy and intended uses of the findings.

**Access.** Before sharing project findings, have a clear plan for how the organizing body will disseminate the information. Creating a website, publishing a book or report, hosting community events, or working with local partner organizations are all valid methods to share the data and key insights with the public. Also, evaluate alternative media formats including text, audio, video, and interactive data visualizations.

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<sup>55</sup> Joy Buolamwini, “Artificial Intelligence Has a Racial and Gender Bias Problem,” *Time* (*Time*, February 7, 2019), <https://time.com/5520558/artificial-intelligence-racial-gender-bias/>.

<sup>56</sup> “Archiving Oral History: Manual of Best Practices,” Oral History Association, October 2019, <https://oralhistory.org/archives-principles-and-best-practices-complete-manual/>.

Be sure to consider the target audiences for the work and tailor the dissemination strategy accordingly. Use plain language accessible to a wide range of audiences when presenting results, avoiding academic jargon, acronyms, and technical phrases that may confuse members of the public. Members across affected communities should be able to engage with the work without friction. The chosen outlet should provide context, opportunities for feedback and involvement, and bring the stories to life for an emotionally resonant experience.

**Narrative Project Custodians.** Who holds this work and is responsible for preserving, stewarding, and providing access to the collected narratives? The Human Rights Commission, community-led archives, and joint institutional custodianship offer three potential paths the committee may consider.

***Human Rights Commission.*** As a public agency that aims to protect and promote all San Francisco residents' human rights, the Human Rights Commission can use the stories and insights gained from the project to support its ongoing work and advocacy for social justice, inclusion, and equality. However, there are also potential concerns with this arrangement. The HRC's identity as a government agency may cause discomfort in some interviewees or hesitance to participate in the project due to the sensitive nature of their stories. Depending on changing political priorities, the commission may have limited or fluctuating funding and resources to devote to the maintenance of collected narratives, impacting the project's long-term sustainability.

Though ill-advised, if selecting San Francisco Human Rights Commission as the sole owner of the work, it is essential for partner organizations to collaboratively establish clear policies and procedures to ensure that the project is managed ethically, transparently, and inclusively. Through these community partnerships, the project could provide a range of access

points for diverse audiences across the city and ensure that the materials are available and accessible to everyone. However, other stewardship models may promote more engagement.

***Community Archive.*** Housing oral history work in or across community-led archives presents several benefits, not least of which is ensuring that the memories of the community remain preserved within the community. Community ownership gives the members greater control and autonomy over how the narratives are collected, curated, and shared.

The community-owned archive could take several forms, including a physical space, such as a library or museum, or a digital archive that allows people to access narratives from anywhere. The organizing body would need to determine what format(s) the archive would take and what resources would be necessary to create and maintain it.

Ensure the archive is accessible to the community it serves. This means putting outreach and education efforts in place to encourage people to continue contributing their stories and to use the archive as a resource. It could also involve making the archive available in multiple languages or a format accessible to people with disabilities. The committee and partners would need to establish policies and procedures for the acquisition, processing, and use of collected materials and for the long-term security and preservation of those materials.

***Joint Institutional.*** Joint responsibility for archiving across academic and community-connected institutions enables a broad and diverse collection that can span geographic regions. This citywide collaboration can lead to a more comprehensive and rigorous approach to preserving, cataloging, and providing access to project materials through exchanges in expertise, resources, and technology to ensure that oral history collections are properly maintained, organized, and made accessible to researchers, artists, and the public.

This arrangement requires establishing clear guidelines and standards for collection, preservation, security, and access. Address potential issues such as copyright and intellectual property rights, ethical considerations for working with sensitive material, and privacy and confidentiality of interviewees in a joint mutual agreement. The organizing body should also facilitate the development of a centralized database or repository, developing standards for metadata, indexing, and storage to protect them from damage or loss. Online portals for accessing materials, providing training and support for researchers, and developing partnerships with community organizations and institutions to promote the use and dissemination of oral history materials are strategies worth pursuing.

### **Conclusion**

The proposed oral history project centered on the perspectives and experiences of San Francisco's African American community can significantly impact the city's ongoing efforts towards acknowledging and rectifying the City-sanctioned harms inflicted due to historic systemic oppression. Collecting and archiving personal narratives from black residents can provide a restorative platform for sharing experiences, amplifying voices, and acknowledging the legacy of historical injustices. The proposed project should prioritize participatory practices, community engagement, and ethical considerations. Furthermore, the project should be accessible to a diverse assortment of community members and prioritize transparency in collecting data. With proper execution, the project could serve as an ongoing catalyst for future research, artistic exploits, community engagement, and policymaking. Leverage the support and expertise of partner community organizations, city agencies, and academic institutions, as only through a collaboratively united effort will the proposed project become a powerful, sustainable

tool in addressing the racial injustices experienced by black San Franciscans and serve as a model for other communities grappling with the legacy of systemic oppression.

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### Appendix A: Oral History Archives

- I. 1947 Partition Archive
- II. The American Folklife Center at the Library of Congress: The center has a collection of oral history interviews with African Americans and can provide guidance on best practices for conducting oral history interviews.
  - a. Civil Rights History Project: Filter by subject for Oral Histories or Personal Narratives
- III. East Palo Alto Community Archive
  - a. East Palo Alto Community Archive Concept Paper
- IV. UC Berkeley Oral History Center
  - a. African American Collection Guide
  - b. Potential Contact: Shanna Farrell – Academic Specialist/Interviewer
    - i. 510-643-4786, [sfarrell@library.berkeley.edu](mailto:sfarrell@library.berkeley.edu)
- V. African American Museum and Library at Oakland: This museum and library has a collection of oral history interviews with African Americans in the Bay Area and can provide information on best practices for conducting oral history interviews with this community. Contact: (510) 637-0200, [aamlo@oaklandlibrary.org](mailto:aamlo@oaklandlibrary.org)
  - a. Internet Archive: AAMLO's Internet Archive page contains audiovisual material (moving images and audio) from the 1940s to the 2000s. These recordings include an oral history collection containing recent interviews with African American residents of Oakland, footage of important Black Panther Party protests and rallies, interviews with Blues musician Brownie

McGhee, and home movies recorded by Oakland families. (Searches for “oral” or “interview” produce good results)

- b. AAMLO Study Guides
  - i. Gentrification and Displacement
  - ii. Black Migrations to the Bay Area

VI. The San Francisco African American Historical and Cultural Society

- a. Changemakers, Biographies of African Americans in San Francisco that Made a Difference
- b. Fillmore Redevelopment/Dislocation: Five residents and former residents of the historically African American Fillmore District of San Francisco discuss urban changes resulting from redevelopment. Oral history project at the Urban School
- c. Oral Histories of San Francisco Afro-Americans Residing in San Francisco Prior to WWII: Twenty-five interviews were conducted between 1976 and 1979 with men and women in the San Francisco Bay Area. Lynn Bonfield served as the project coordinator; Albert Broussard and Jesse J. Warr III were interviewers. These primary source interviews have been frequently used since they were published and are cited in a number of scholarly books and articles. Co-sponsored by the Friends of the San Francisco Public Library and the San Francisco African American Historical and Cultural Society.

- VII. FoundSF: This is a digital history archive managed by Shaping San Francisco (a project of Independent Arts & Media, a California nonprofit corporation). It is a

participatory website inviting historians, writers, activists, and curious San Francisco citizens of all kinds to share their unique stories, images, and videos from past and present.

## Appendix B: Resources & Reference

### I. The Baylor Institute for Oral History

- a. "The Heart of Oral History: How to Interview" (PDF)
- b. Introduction to Oral History (full PDF)
  - i. Discovering oral history: What is it?
  - ii. Understanding oral history: Why do it?
  - iii. Planning a project: Where to begin?
  - iv. Establishing ethical relationships
  - v. Preparing legal documents
  - vi. Choosing digital recorders
  - vii. Using Digital Media
  - viii. Focusing & researching a topic
  - ix. Selecting narrators
  - x. Creating an interview outline
  - xi. Composing questions
  - xii. Making contact & setting up
  - xiii. Getting the story
  - xiv. Protecting & preserving recordings
  - xv. Time coding & indexing oral histories
  - xvi. Transcribing oral histories
  - xvii. Critiquing & citing oral histories
  - xviii. Reaching the public with oral history outcomes
  - xix. Learning more: Resources

- c. *"Organizing Oral History Projects" (PDF)*
  - d. *BUIOH Style Guide: A Quick Reference for Editing Oral History Transcripts (PDF)*
- II. **Columbia Center for Oral History Research:** One of the world's leading centers for the practice and teaching of oral history. Aims to record unique life histories, documents the central historical events and memories of our times, provide public programming, and teach and do research across disciplines. Can provide guidance on best practices for conducting oral history interviews.
- a. *Services & Resources*
    - i. *Oral History Bibliography: A Research Guide by the Columbia University Center for Oral History*
    - ii. *Oral History Transcription Style Guide (2022)*
    - iii. *Oral History Philosophy, Procedures, and Evaluation*
    - iv. *Telling Lives Curriculum Guide*
  - b. *Education & Training Programs*
    - i. *Product Design for Community Oral History Projects*
    - ii. *"The Good Interview" by Ronald J. Grele*
    - iii. *Guide to Documenting and Interpreting Conflict Through Oral History*
- III. **The National Museum of African American History and Culture:** The museum has a collection of oral history interviews with African Americans from across the country and can provide guidance on best practices for conducting oral history interviews.
- a. *Oral History Checklist (Specific to family histories but still useful)*

- b. *Soultalk Oral History Workshop (Video)* - The FAQ section on this page links to several useful resources

IV. **National Public Housing Museum Oral History Archives & Corps**: This project collects and preserves the oral histories of public housing residents in Chicago and can provide guidance on best practices for conducting oral history interviews on these topics.

- a. *Beauty Turner Academy of Oral History Curriculum* numerous exercises and resources for training purposes

V. **The Oral History Association (OHA)**: The OHA is a professional organization for oral historians and provides extensive resources and guidance on best practices for conducting oral history interviews.

- a. OHA Principles & Best Practices
  - i. *Definitions & Guiding Principles*
  - ii. *Ethics*
  - iii. *Best Practices*
  - iv. *Archiving*
  - v. *Guidelines for Social Justice Oral History Work*
  - vi. *Additional Resources*
- b. *Archiving Oral History: Manual of Best Practices*
  - i. *Archives Principles and Best Practices*
  - ii. *Appraisal and Accessioning*
  - iii. *Metadata and Description*
  - iv. *Preservation*
  - v. *Access*

- vi. *Collaboration*
- vii. *Ownership and Rights Management*
- c. *Web Guides to Doing Oral History*
- d. *Remote Interviewing Resources*
  - i. *Considerations for Choosing an In-Person vs. Remote Interview*
  - ii. *Hardware Considerations*
  - iii. *Audio vs. Video Recording*
  - iv. *Archival Considerations*
  - v. *Compressed vs. Uncompressed*
  - vi. *Cloud vs. Local File Capture*
  - vii. *Backup Recording*
  - viii. *Visual vs. Physical Signatures*
  - ix. *Elevated Level of Security*
  - x. *Access and Inclusion*
  - xi. *Recording Platforms*
  - xii. *Case Studies*
  - xiii. *Resources*
- e. *Independent Practitioner's Toolkit for Historians*
- f. *OHA Statement on Freelance, Independent, and Contract Oral History Labor*

## **VI. UC Berkeley Oral History Center**

- a. *Educational Programs*
- b. *Remote Interviewing*
- c. *Interviewing Tips*



## San Francisco Office of the Public Defender

### *An Urgent Call for Parity and Justice*

“In the era of colorblindness, it is no longer socially permissible to use race, explicitly, as a justification for discrimination, exclusion, and social contempt. So we don’t. Rather than rely on race, we use our criminal justice system to label people of color “criminals” and then engage in all the practices we supposedly left behind. Today it is perfectly legal to discriminate against criminals in nearly all the ways that it was once legal to discriminate against African Americans. Once you’re labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service—are suddenly legal. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America; we have merely redesigned it.”

— Michelle Alexander, [The New Jim Crow: Mass Incarceration in the Age of Colorblindness](#)

Despite comprising less than 5% of San Francisco’s population, Black people make up 35% of the City’s homeless. Nearly 20% of Black children live in poverty, and Black households in San Francisco earn just 28% of what white households earn, according to City data. Staggering racial inequities also continue to permeate all aspects of San Francisco’s criminal legal system. According to 2021 data from the San Francisco Police Department, officers continue to disproportionately stop, search, arrest, and use force against Black, Indigenous, and People of Color (BIPOC).<sup>1</sup> Black individuals comprise almost half of the San Francisco’s jail population and are the group incarcerated in the County Jail for the longest duration. According to the MacArthur Foundation’s Safety and Justice Challenge, the per capita incarceration rate of Black people is *17 times* that of white people.

The results are as obvious as they are predictable: over 75% of the San Francisco Public Defender’s clients facing criminal charges are BIPOC, and over 50% are Black.

As the San Francisco African American Reparations Advisory Committee considers reparations for historic wrongs against the Black community, funding the Public Defender’s Office is one concrete, impactful step that can be undertaken *now* to combat the structural racism and bias in our legal system and to benefit and lift up the City’s Black community.

In 1963, in the seminal case of *Gideon v. Wainwright*, the United States Supreme Court ruled that the state was required to provide every poor person accused of a crime with an attorney. The Court recognized that a layperson cannot navigate the legal system’s labyrinth of laws and procedures, holding that “the guiding hand of counsel” is fundamental and essential for an

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<sup>1</sup> <https://www.sanfranciscopolice.org/sites/default/files/2021-07/SFPD-QTR1QADR2021Report-20210711.pdf> (the Police Department’s data shows that African Americans are searched and have forced used against them *more than twice* as often as whites per capita); <https://www.sanfranciscopolice.org/sites/default/files/2021-09/SFPDQADR-Qtr2-2021-20210929.pdf> (the Department itself calls the disparity among African Americans in stops, searches, and uses of force “pervasive”).

accused person to receive a fair trial and due process under the Sixth Amendment to the United States Constitution. However, the right to counsel – *Gideon*'s promise – is only meaningful if attorneys appointed to represent the poor have the resources, training, and skills to mount vigorous and thorough defenses. This includes conducting full and independent investigations, researching, writing and filing all possible motions, consulting and retaining experts, and aggressively litigating at all stages of criminal proceedings.

Nearly 60 years after *Gideon*, well-funded and skilled defenders remain just vitally important as cities across the United States, including San Francisco, confront myriad challenges: staggering racial disparities in the criminal legal system, deepening poverty within families broken apart by incarceration, and burgeoning numbers of individuals who tragically cycle in and out of jail because the root causes of their carceral system-involvement – mental illness, substance use, housing instability, unemployment, and trauma – are too often ignored or left unaddressed as resources are again and again disproportionately steered to policing, prosecution, and punishment.

**The San Francisco Public Defender's Office is steadfastly committed to its mission of fiercely defending its indigent clients at the highest level, confronting state-sponsored violence, and advocating for community power.** To that end, the Office provides zealous, compassionate, and family-centered legal representation to indigent adults and youth charged with crimes.

In addition to defending individual clients and meeting its constitutional mandate, the Office continues to be uniquely positioned to partner with the communities it serves to advocate for systemic changes that benefit the City's most disenfranchised and disempowered, while removing barriers and connecting its clients to critical life-affirming resources and opportunities to lower recidivism. The Public Defender proudly employs 112 dedicated and passionate attorneys and 114 integral staff members, who provide legal representation and services to over 20,000 people per year. The Office has been recognized locally, throughout the state, and nationwide as a model of public defense, winning awards from the American Bar Association, the National Association of Criminal Defense Lawyers, the National Legal Aid and Defenders Association, the California Public Defenders Association, and the Mayor's Fiscal Advisory Committee.

However, to fully execute its vision as a public safety agency and transformative justice partner and to champion racial justice, the Office continues to need the resources necessary to mount vigorous and thorough defenses and advocate for its clients and their communities.

For poor people accused of crimes and caught up in the criminal legal system, public defenders are the last line of defense, yet the Public Defender has been severely underfunded compared to other agencies in the criminal legal system. **The Public Defender's budget is currently at \$49 Million Dollars, while the District Attorney's budget is \$76 Million. The Public Defender's budget is also *six times less* than the Sheriff's Department, and *thirteen times less* than the Police Department.**

This proposal (1) provides a brief overview of the Office and its work, (2) highlights some of its most significant racial equity and justice achievements in the last few years, (3) describes the Public Defender programs and efforts aimed at empowering accused individuals and their communities while also reducing recidivism, and (4) summarizes the Office's current budget and expenditures and urgently calls for parity with the Office of the District Attorney.

Put simply, increasing the number of public defenders (attorneys, investigators, and paralegals) aggressively advocating and litigating in the courtroom is a measurable front-end investment to end racial caste in San Francisco and a powerful step toward for justice for San Francisco's Black community.

## 1. Overview of the Office's Work

The Office's **Pre-Trial Release Unit** meets with clients within hours of these community members being booked into the San Francisco County Jail, starts investigating the facts and circumstances of their arrest, builds a robust case for release at arraignment and works to connect clients to community-based services.

The **Misdemeanor, Felony, Research Units**, and **Advocacy Teams** comprised of attorneys, investigators, paralegals, and social workers represent the accused in preliminary hearings and trials and in probation revocation and post-release community supervision hearings, aggressively defending clients in cases ranging from petty theft to homicide with special circumstances. The **Alternative Court** teams advocate for clients to participate in Mental Health Diversion, Behavioral Health Court, the Community Justice Center, Drug Court, Young Adult Court, Intensive Supervision Court, and Veterans' Court. The **Youth Defender Unit** fights on behalf of San Francisco's youth, disrupting the school-to-prison pipeline by supporting the legal, education, and collateral needs in the Juvenile Court and providing them with intensive re-entry planning and case management services. The **Immigration Unit** provides legal representation to indigent immigrants – many of whom are detained – facing deportation in the federal immigration courts and works closely with our felony and misdemeanor teams to avert the collateral consequences that can stem from criminal convictions. The **Post-Conviction Unit** – the "Freedom Project" – seeks the release or resentencing for those who have been punished under laws that disproportionately sentence poor people and people of color to longer terms in state prison.

The **Clean Slate Unit** expunges and clears clients' criminal records, removing barriers to employment, housing, and education. The **Reentry Unit** connects clients to essential services, including mental health and/or substance use treatment, housing, employment, education, and other support in the community. In collaboration with City agencies and community-based organizations, the Office's **MAGIC (Mobilization for Adolescent Growth in our Communities) programs** provide educational, recreational, and health support, essential resources, and opportunities to thousands of children, youth and their families in the Bayview and Fillmore/Western Addition. The **Young Defenders** program – a partnership between the San Francisco Human Rights Commission, Teachers for Social Justice, and Opportunities for All – offers paid internship opportunities to local high school students so they can learn about the criminal legal system through the lens of public defense, reflecting the Office's investment in youth, and community education and empowerment.

Through the work of the **Integrity Unit**, the Office aims to hold government agencies and actors in the criminal legal system – the police, the sheriff, the prosecution, probation, parole, and the judiciary – accountable to the communities they serve. The unit tracks and analyzes data, files misconduct complaints, and supports and empowers the Office's trial work. This unit created the award-winning *CopMonitor SF*, a living database that holds public records about police, sheriff, and other government actors that are of interest to the public, including victims' families, activists, civil rights advocates, criminal defense attorneys, public officials, and journalists.

Finally, the Office's **Policy Team** presses for changes in local and state laws that negatively impact the Office's clients and their communities, and strategically advocates for substantive, measurable improvements in legislative, court, police, and sheriff policies to benefit them. The Public Defender's advocacy and policy arm continues to raise awareness through public outreach, media, and community-building with the goal of transforming the criminal legal system, so it lives up to its promises of fairness, equity, and justice.

## 2. Recent Achievements for Racial Justice and Equity

Some of the Public Defender's most significant recent achievements and practices, *all of which advance racial equity*, include:

**Ending unaffordable cash bail for individuals incarcerated pretrial** by litigating and winning the historic *In re Humphrey* in the California Supreme Court. *In re Humphrey* ended unaffordable cash bail for individuals incarcerated pretrial, holding that "no person should lose the right to liberty simply because that person can't afford to post bail." This groundbreaking decision is a pivotal step toward expanding racial justice and ending mass incarceration statewide, as California has the second highest pretrial detention rate in the country.

**Calling Black Litigation Cultural Experts at Trial** - Both the prosecution and defense retain experts at trial to assist the jury in their decision-making. Experts possess specialized knowledge and experience, and often play an important role in clarifying and illuminating complex issues that arise in criminal trials. Public Defenders have periodically called cultural and community experts – knowledgeable about the people, associations, and neighborhood cliques in certain communities – who have persuasively and successfully refuted the police and prosecution's theory that groups of individuals are in a gang, leading to acquittals and successful outcomes for Public Defender clients.

**"Be The Jury" Delivers on Diversity and Increased Access** - Launching in the Spring of 2022 in close partnership with the Treasurer, the District Attorney, and the San Francisco Bar Association, the Public Defender conceived of and helped start the [Be The Jury pilot program](#) to compensate low-to-moderate income San Franciscans \$100 per day to eliminate financial hardships for jury service and increases the economic and racial diversity of juries to better reflect the demographics of the City. Studies have consistently shown that economically and racially diverse juries have wider-ranging and more accurate deliberation discussions and make better decisions, improving the legitimacy of the criminal legal system.

**A Historic Win in the Push to End Racially Biased Police Stops** - The Public Defender's "Confront and Advocate Team", which includes its Integrity Unit and Policy team, helped create and co-lead the Coalition to End Biased Stops, together with Glide and over 100 other community-based groups. The Public Defender's public education and advocacy was critical in leading the San Francisco Police Commission to vote to adopt a new policy designed to reduce the harms caused by racial profiling of drivers, bicyclists, and pedestrians. The new policy, which is the most comprehensive in the country, will prevent SFPD officers from using several traffic and vehicle code violations (for example, a broken taillight) as the sole or primary excuse to pull someone over – which is often used as a "pretext" to harass and search them without probable cause and can escalate to police violence.

**Developing Next Generation of Black Public Defenders** - Currently, the Public Defender has 226 employees. Less than 15% are Black despite the fact that, as mentioned above, the

Office's clients are approximately 50% Black. To address this disparity, the Public Defender has made efforts to improve relationships with Historically Black Colleges and Universities (HBCUs) and law schools that have sizable Black student populations. To continue these efforts, the Public Defender partnered with HRC's Dream Keeper Initiative and Opportunities for All program in order to offer paid internship opportunities and educate Black students about the criminal legal system and the important work of Public Defenders with the ultimate goal of developing career paths for not only Black law students but also Black high-school and college students.

### **3. Public Defender's Efforts to Address Root Causes, Prevent Recidivism, and Nurture Individual and Community Success**

The Public Defender's tenacious legal advocacy in the courtroom is coupled with the understanding that, for most of its indigent clients, their criminal case is not the only issue they face. Through various units, programs, and initiatives, the Office aims to address the root causes of system-involvement, to reduce recidivism, and to thereby promote community health, wellness, and public safety.

#### **i. The "End the Cycle" Initiative**

"End the Cycle" is a new initiative, which builds off the innovative work the Public Defender's Office has been doing for many years, with regards to providing social worker support for its clients. The Office's social workers and criminal justice specialists strategically work with clients charged with lower-level felonies and misdemeanors to prevent the downward spiral so many indigent individuals and families face once they become ensnared in the criminal legal system. Often clients are arrested *because* they are suffering from poverty, mental illness, and substance use, and they need immediate assistance in connecting with services in the community to initiate or maintain treatment for these issues.

Public defenders have the unique vantage point – the proximity – to the accused, their families, and their communities that others in the system simply do not to fight for dignity, justice, and long-term solutions for them. Moreover, they have trust. People know that they can speak with their attorney, Public Defender social worker, or any other member of the Public Defender team with the knowledge that the information they give will not be shared with any other carceral state actors because it has the protection of the attorney-client privilege.

These individuals also require and deserve prompt referrals for short and long-term housing, and educational, vocational, and employment opportunities. They need assistance for their children who may be impacted by their incarceration. A holistic, trauma-informed programmatic response and identifying individually-tailored alternatives to incarceration are critical to ensuring that these clients have the resources and information they need to return to court (if charged), obtain critical services, and, most significantly, stay out of the criminal legal system.

Additionally, this initiative is a prudent long-term investment that will mean savings for the City in the long-term. Clients who receive the assistance of Public Defender social workers not only spend fewer days in custodial punishment, but they also have an advocate who is committed to and invested in their long-term success. Simply put, it is much more costly to incarcerate a person for a year rather than providing them with safe, supportive housing and linking them with treatment for chronic mental illness and/or substance use.

## **ii. Clean Slate Program to Remove Barriers and Ensure Long-Term Success**

The Clean Slate program is part of the Public Defender Office's Collaborative and Specialty Court Unit. The program was founded by the late Jeff Adachi in 1999 and it paved the way for other agencies and Public Defender Offices to develop similar programming to help people clear their records, enabling them to be eligible for get job, housing and educational opportunities. In fiscal years 2021-2022, the San Francisco Public Defender's Clean Slate program 5,878 clients, and filed 2,400 motions in court on behalf of its clients. The program has also been able to serve more people after establishing formal partnerships with the following community organizations: Latino Task Force, Young Community Developers (YCD): D-10 Essential Services Hub, YCD: Community Economic Mobility Vehicle Program (CEMVe), Arriba Juntos, Hospitality House, A.Philip Randolph Institute-SF Chapter, SFPD Cares, Larkin Street Youth Services, Family Compass- Workforce Development and Resources, CA Employment Development Department Youth Employment Program, Five Keys, HSA-Workforce Development, Compass Family Services-Family Shelter, SFSU-Project Rebound and Project Homeless Connect.

The recent passage of **SB 731** means that the Public Defender will be receiving a huge increase in the number people looking for help to expunge their records, requiring support of both attorneys and paralegals. Signed into law last fall by Gov. Gavin Newsom, SB 731 made California the first state in American history to allow almost all old convictions on a person's criminal record to be expunged. The bill creates a comprehensive process allowing people to expunge old conviction records in California once a person has fully completed their sentence and successfully gone two years without further contact with the justice system. Misdemeanor and non-serious felony convictions will be automatically and electronically expunged by the state Department of Justice under the bill, while people living with convictions for more serious felonies now have the opportunity to petition a judge to have those convictions expunged. In San Francisco, over 25,000 people will become eligible to file such petitions for record sealing as a result of this law.

## **iii. MAGIC Programs for Violence Prevention**

Mobilization for Adolescent Growth in our Communities (MAGIC) was founded in 2004 in the Bayview by the San Francisco Public Defender's Office, community leaders, faith-based organizations, community-based organizations, and educators. It later expanded with sister program MoMagic in 2006 which serves the Western Addition. This unique program facilitates, coordinates and networks community resources and opportunities that support service providers and community members in Bayview Hunters Point [BVHP] and Western Addition. In doing so, the Public Defender's vision for this program is to create and maintain a deeper unified roadmap to social change that addresses the educational, economic, health and juvenile justice disparities of disadvantaged and marginalized children, youth and their families not only in the communities that they serve but across the City.

Housed in historically Black neighborhoods which witness disproportionately high rates of violence compared to other San Francisco neighborhoods, MAGIC's role as a community convener has been vital to aligning stakeholders to reduce acts of violence amongst the community's youth. Annually, MAGIC's programs and flagship events serve well over 6,000 youth and their families. Children, youth and their families gain increased access to critical services, academic tools, cultural and employment opportunities. MAGIC's collaborative activities have grown to serve over 100 community based organizations (CBOs) combined with City Departments, providing them with technical and programmatic guidance and support.

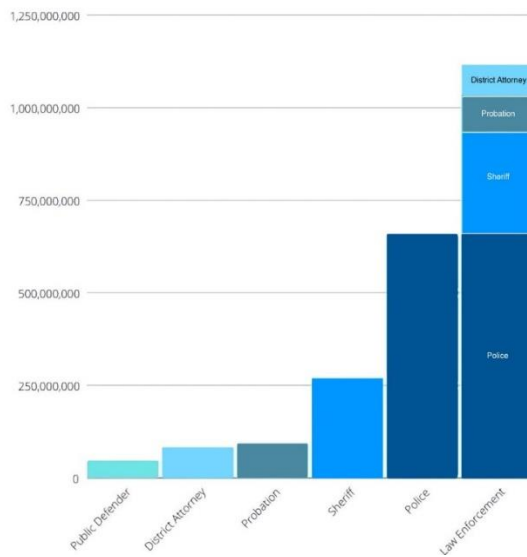
This past year the Public Defender consolidated its two MAGIC programs under one MAGIC Director to better integrate opportunities and community-based resources that help the City's youth thrive and grow through education, recreation, and services to support strong community bonds. The MAGIC programs are stronger than ever, and continue to serve and empower young people and the communities they serve.

#### 4. Overview of Funding Disparity Between the Public Defender, District Attorney, and other Agencies in the Criminal Legal System

The Public Defender has and continues to urgently and determinedly call for parity in funding.

Even though every person accused of a crime is presumed innocent, the criminal legal system ostensibly presumes guilt, as reflected by its current and historic funding. The Public Defender's budget is a little more than *one-half* of the District Attorney's Office (despite the fact that the Public Defender represents 75% of individuals charged by the District Attorney).

Moreover, the Public Defender's budget is approximately *two times less* than the Adult and Juvenile Probation Departments, *six times less* than the Sheriff's Department, and *fifteen times less* than the Police Department. Strikingly, the Public Defender's budget is just below 4% of the combined budgets of the Police, Sheriff, District Attorney, and Probation.



District Attorney's Office budget is **\$76 million**.

At **\$292 million**, the Sheriff's Department budget is **six times** larger.

At **\$628 million**, the Police

The funding disparity between the Public Defender and District Attorney is also easily seen by looking at the disparities in the number of attorneys, investigators, and paralegals in each law office:

	Number of Attorneys	Number of Investigators	Number of Paralegals
<b>Public Defender</b>	112	24	28
<b>District Attorney</b>	145	43	35

## **5. Conclusion**

For poor people accused of crimes and caught up in the criminal legal system, public defenders are the last line of defense, yet the Public Defender has been severely underfunded compared to other agencies in the criminal legal system. A confluence of factors including a huge backlog of cases in the San Francisco courts, the courts' unwillingness to enforce the speedy trial rights of the accused, and an increase in the number of filings by the District Attorney in the last year, has led to increasing caseloads and workloads for the Public Defender's felony and misdemeanor defense teams.

The Public Defender urges the City to move beyond purely "sustaining" the current budget of the Office. Instead, the Public Defender seeks a deep commitment and investment towards equality, equity, and healing for the vulnerable communities it serves.

More attorneys, paralegals, and investigators means the Public Defender's disproportionately Black clients will receive a higher level of service with fewer delays, and the care and attention each client and their family and loved ones deserve. Increased staffing will enable the Office to breathe life into new laws specifically aimed at targeting racial discrimination in the criminal legal system, such as the California Racial Justice Act. With more funding, the Office can work as a team to achieve its collective vision of justice by creating a culture that prioritizes and embraces diversity, inclusivity, and anti-racism in its values, trainings, and actions.



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**REPORT OF SAN FRANCISCO  
INDEPENDENT REVIEWER FOR MAYOR  
LONDON BREED**

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**William B. Gould IV**  
**Independent Reviewer, Stanford, California**

Assisted by Cody Kahoe and Colin J. O'Brien

June 2021

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# Introduction

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“[T]he struggle was against hopeless odds—hopeless because all who possessed African blood were isolated, ridiculed, despised—and thus regarded as unfit for occupations and work that the white man was willing to perform...”<sup>1</sup>

“Who among us would be content to have the color of his skin changed, and stand in his place? Who among us would then be content with the counsels of patience and delay?”<sup>2</sup>

“[F]ederal, state, and local governments purposely created segregation in every metropolitan area of the nation. If it could happen in liberal San Francisco, then indeed, it not only could but did happen everywhere... Like cities nationwide, San Francisco practiced discrimination in public employment...”<sup>3</sup>

San Francisco Mayor London Breed has formulated the first big city “reckoning” in the wake of the George Floyd murder a little more than a year ago through the commission of this report on equal employment opportunity in the City workforce last November. Of course, her initiative, however significant, represents the first effort in what will be a line of proposed policies aimed at the centuries-old<sup>4</sup> practices of racial misconduct in the country. On this eve of Juneteenth, it is an attempt to foster the beginnings of what some have characterized as the Third Reconstruction<sup>5</sup>. This movement has “...sparked the biggest civil rights protests in America’s history. Some 20m Americans took part, flouting covid-19 restrictions. There were 7,750 protests in over 2,440 places, in every state. Beyond America, Black Lives Matter protests were staged in Brazil, France, Japan and New Zealand, among others.”<sup>6</sup>

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<sup>1</sup> 120 Cong. Rec 16, 229-30 (daily ed. May 22, 1974); *Conversations with Earl Warren*, Stan. Law., Summer 1974, at 9.

<sup>2</sup> President John F. Kennedy, June 1963, In Anthony Lewis, *Portrait of a Decade* (New York, 1964), p. 193

<sup>3</sup> Richard Rothstein, *The Color of Law*, 13, 14, 163 (2017). Racial discrimination was so rampant in the Bay Area that it triggered the first major intervention by any state court in this arena. *James v. Marinship Corp.*, 25 Cal. 2d 721, 155 P.2d 329 (1944). Thus, this first job bias “reckoning” emerged just a few miles north of San Francisco. Cf. *Steele v. Louisville & Nashville Railroad*. 323 U.S. 192 (1944); *Betts v. Easley*, 161 Kan, 459, 169 F. 2d 831 (1946)

<sup>4</sup> *Shepherd Tissue, Inc.* 326 NLRB 369 (1998) (Chairman Gould concurring) (a union campaign handbill concerning a sexual harassment investigation stating that “black folks have been wrongly touched by whites for over 300 years” was germane to solidarity and working conditions and therefore did not constitute grounds to invalidate an NLRB election).

<sup>5</sup> William Barber II and Jonathan Wilson-Hartgrove, ‘*I Can’t Breathe.*’ *A Cry for Change*, New York Times, May 23, 2021 at SR2

<sup>6</sup> *What it means to be an American*, Special Report: Race in America, The Economist, May 22, 2021 at p. 3.

The first undertaking to redeem our country’s promises of 1776 and ’87 emerged with our brief interlude of Reconstruction-fashioned democracy which was quickly abandoned in 1877. The second Reconstruction took place with the civil rights movement of the 1960s and the landmark legislation enacted in the form of antibias strictures<sup>7</sup> contained in the landmark trilogy of statutes in ’64, ’65 and ’68.<sup>8</sup> “Despite the gains in legal and political rights made by African-Americans since the civil-rights era, measures of relative poverty and black-white segregation have barely moved for half a century.”<sup>9</sup>

Thus, we have been here before. More than a half-century ago, the 1967-1968 Nation Advisory Committee on Civil Disorders (more commonly known as the Kerner Commission Report) said: “Our nation is moving toward two societies, one black, one white—separate and unequal.” Incomes and wages, improving ever so slightly so as to proceed from 55 to 60% for Blacks, as a percentage of that enjoyed by whites from 1967 through the 1990s has remained stuck at 60% in recent years. Though there is considerably more contact between the races than existed in the ‘60s, the only relative economic change is in long-term unemployment and that is attributable to an increase for whites.<sup>10</sup>

In essence, as Robert Putnam has written, we, in the United States, have taken our “foot off the gas.”<sup>11</sup> For a failure to address the past means that it will be left unresolved and unremedied and thus embedded in the present system.<sup>12</sup> Since the closing decades of the 20<sup>th</sup> century, gains in relative life expectancy for Blacks have stagnated; the closing of the Black-white gap in infant mortality rates has plateaued and in recent years has actually increased for Blacks; the Black-white ratios in high school and college degree attainment have shown little or no improvement; progress toward income equality between the races has gone into reverse, with the Black-white income gap widening significantly.<sup>13</sup>

Now too, the events—particularly the brutality displayed in Minneapolis on May 25—of this past pandemic-filled year have produced what has been called the “Reckoning.” Government at all levels can contribute to providing answers. San Francisco, an employer of nearly 35,000 workers, can make an important contribution. The Black exodus from San Francisco during this past half-century makes initiatives such as those advocated in this report all the more important,

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<sup>7</sup> Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*. (2019).

<sup>8</sup> William B. Gould IV, *Title VII of the Civil Rights Act at Fifty: Ruminations on Past, Present and Future*. 54 Santa Clara L. Rev. 369 (2014)

<sup>9</sup> *Race in America*, The Economist May 22, 2021 at p. 9.

<sup>10</sup> Joseph E. Stiglitz, *Economic Justice: Fifty Years after the Kerner Report*, in *Healing Our Divided Society: Investing in America, 50 Years after the Kerner Report*, Fred Harris and Alan Curtis, eds. (2018).

<sup>11</sup> Robert D. Putnam, *The Upswing*, 240 (2020)

<sup>12</sup> GEORGE SANTYANA, *THE LIFE OF REASON: REASON IN COMMON SENSE* 284 (Scribner’s 1905) (“Those who cannot remember the past are condemned to repeat it.”)

<sup>13</sup> Putnam, *supra* note 11.

as the City tries to meet the moment before it<sup>14</sup> and to stimulate a more substantial presence in the City.

The significance of the recommendations outlined in the Independent Reviewer's report is dramatized by their focus upon internal conduct which San Francisco can control directly with workforce partners. Litigation before administrative agencies and the courts is inherently costly, time consuming, and divisive—let alone demoralizing by virtue of their Dickens-like pace. Thus, California rightly promotes internal investigative procedures, providing cities like San Francisco with an opportunity to resolve what would otherwise culminate in litigation through both alternative dispute procedure mechanisms as well as investigations. The thrust of this report's recommendations are designed to strengthen these procedures, promoting efficiency as well as equality and thus realize the goals of equal employment opportunity to which San Francisco is committed. San Francisco, through proceeding down such avenues is well suited to engage in reforms advocated by this review which was prompted by Mayor London Breed's leadership.

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On October 23, 2020, Mayor Breed asked William B. Gould IV to accept her appointment as the Independent Reviewer and to lead a comprehensive and independent investigation into the equal employment opportunity (EEO) practices, policies, and procedures of the City and County of San Francisco (the City). As noted above, this is the first big-city municipal initiative of its kind, designed, as it is, to engage the “Reckoning” of '21. This investigation accompanies efforts by the City to address employee dissatisfaction with hiring, discipline, and retention practices and the Equal Employment Opportunity (EEO) complaint process.<sup>15</sup> On November 2, 2020, Mayor Breed commissioned the review.

The Independent Reviewer and staff<sup>16</sup> have held dozens of meetings with Department of Human Resources (DHR) officials and investigators, with the leadership of the City's largest departments, with labor unions, and with employee affinity groups. Additionally, the Independent Reviewer established a website, through which the Reviewer and staff have

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<sup>14</sup> *The Unfinished Agenda. The Economic Status of African Americans in San Francisco 1964-1990*. The Committee on African American Parity of the Human Rights Commission of San Francisco, Feb. 1993.

<sup>15</sup> Although the recommendations in this report promote the goal of ensuring an equitable workplace for all City employees, this review was especially concerned with the experience of Black employees as they “overall hold lower-paying positions, are disciplined more frequently, and file more claims of harassment or discrimination than their colleagues of other ethnicities file.” Press Release, Office of the Mayor, San Francisco to Launch Independent Review of City's Equal Employment Opportunity Practices to Prevent Workplace Discrimination (Nov. 02, 2020) (available at <https://sfmayor.org/article/san-francisco-launch-independent-review-citys-equal-employment-opportunity-practices-prevent>). Moreover, Black employees have, for years, publicly communicated their concerns about the City's EEO policies and complaint process, including in hearings before the Board of Supervisors. See City and County of San Francisco, *Government Audit and Oversight Committee: Regular Meeting*, SFGov TV (Sept. 19, 2018), [http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=31377](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=31377); City and County of San Francisco, *Board of Supervisors: Regular Meeting*, SFGov TV (Nov. 27, 2018), [http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=10&clip\\_id=31875](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=31875).

<sup>16</sup> The Independent Reviewer appointed Cody Kahoe and Colin O'Brien, both Stanford Law School '21, to assist in this process.

communicated with over one hundred City employees, who shared their own experiences and perceptions of frustration, inefficiency, and delay with the City’s EEO machinery.

We have received cooperation and engaged in dialogue with City and union representatives and many employees as well as affinity groups, and we are grateful to all who so generously gave of their time. My hope is that these proposals will be received in the same spirit of open-mindedness and self-initiative displayed by all of the relevant parties with whom I and my team met during these past six months.

The findings and recommendations of the Independent Reviewer are set forth in greater detail below, but the central points are as follows:

The City’s EEO complaint and investigation process needs improvement. DHR’s EEO investigators are dedicated and deeply committed to conducting thorough investigations, but they are seriously understaffed. Moreover, the methods for processing complaints are overcomplicated and inefficient. At the outset, employees must choose to either bring a complaint to DHR’s EEO team or file a grievance through their union. When employees invoke the EEO complaint process, the investigations can take months or years to complete, during which time employees frequently report being left uninformed about the progress of their complaint and the timeline for its resolution. In addition to these procedural inefficiencies, aspects of the EEO complaint process are not conducive to an independent and neutral investigation of claims. And, the end of the process frequently leaves serious workplace disputes and animosities unresolved. As a result, the vast majority of employees who met with the independent review team—many of whom have also shared their experiences with the Board of Supervisors in public hearings—have lost faith in the City’s EEO complaint process.

Barriers also exist within the City when it comes to the recruitment, hiring, and advancement of Black workers. The City should invest additional resources in its incumbent workforce and expand and scrutinize more carefully apprenticeship through bargaining with the relevant unions and continuing education programs that are needed to enable Black employees to secure high-paying jobs and progress in their careers.

With regard to the City’s hiring and promotion practices, the discretion given to hiring managers and supervisors in selecting interview panelists, subsequent to initial screening of applicants, has the capacity to skew the independence of the interview panels. And racial disparities exist in employee discipline, terminations, and releases. Finally, lacking clearer pathways for advancement and disciplined disproportionately, many Black employees find themselves congregated in lower-paying positions without an opportunity to grow their careers.

At the same time, the City has pointed to the fact that approximately 16% of department heads (many appointed by the Mayor)—as well as 9.38% of the 34 more senior Manager V-VII management categories<sup>17</sup>—are occupied by Black Americans. Though the numbers in the former

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<sup>17</sup> At the highest Manager VIII level, only 2 of 21 individuals are Black. For evidence of general underrepresentation for Black workers, see note 57. For instance, in its Racial Equity Action Plan, the Department of Human Resources (DHR) states: “...while Black and Latinx employees are overrepresented in entry level positions in proportion to the

category are only 37, the City is to be commended for this as well as the number of more senior management appointees. Some positive steps forward have been taken. But, the difficulty is that these statistics, however laudatory, contrast with the plight of most Black workers who have been fighting against workplace inequality in San Francisco for decades, whether in their unions or in hearings before the Board of Supervisors over the last several years. Their frustration and disappointment (sometimes rooted in meritorious complaints as well as those which are non-meritorious) speaks to the scope of the problem and the scale of investment needed to remedy it.

Accordingly, to address these findings<sup>18</sup> and help chart a path forward, the Independent Reviewer recommends, among other things:

- That the City and the unions bargain to remove the provision in the City's Memoranda of Understanding that forces employees to choose between filing an EEO complaint with DHR and filing a grievance with their union regarding discrimination;
- That the City negotiate with unions contract provisions which expressly empower arbitrators hearing grievances concerning discrimination to award compensatory damages such as damages emotional distress, pain and suffering, and the like, in appropriate cases, as provided for by federal and state nondiscrimination law;
- That the City allow employees to appeal EEO investigation findings of the more consequential cases to independent and diverse hearing officers who are expert in employment discrimination law and supportive of fair employment principles who write opinions, if necessary, a feature which is lacking in the Civil Service Commission process;
- That the City overhaul its investigation processes, including by investing in modern case management software, creating an online complaint portal that will give employees greater transparency in the complaint process, centralizing DHR's authority over EEO investigations, updating EEO investigation manuals and policies, mandating the completion of all EEO investigations in 120 days or less, and hiring additional EEO investigation staff to meet those deadlines;
- That the City embrace and promote third-party mediation as well as the pilot Peer Mediation Program as an alternative and additional forum for employees to resolve grievances, particularly those that may not rise to the level of an EEO violation;
- That the City reinvigorate its efforts to create apprenticeship programs and other upskilling programs that will enable workers to join skilled trades and other sought-after jobs;
- That the City reform its hiring and promotion procedures to reduce hiring manager discretion and ensure the independence of interview panels; and

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total number of entry level employees, they are underrepresented in supervisory and mid-level managerial positions in proportion to the total number of supervisory and mid-managerial positions.”

<sup>18</sup> Of course, there has been extensive and considerable litigation about racial discrimination in the San Francisco police and fire departments. See, for instance, *Officers for Justice et al. v. Civil Service Comm. of the City and County of San Francisco* 473 F.Supp. 801 (N.D. Cal. 1979); *Davis v. City and County of San Francisco* 890 F.2d 1438 (9<sup>th</sup> Cir. 1989); Diana Walsh, Court lifts order on Fire Department. SFGate, Feb. 6, 2012. But, though we conducted interviews in both departments, we viewed additional findings about police to be duplicative of the Consent Decree initiated by the U.S. Department of Justice. See *Collaborative Reform Initiative: An Assessment of the San Francisco Police Department*. Oct. 2016. Aspects of Recommendation 14 (as well as others addressing hiring, promotions and recruitment) have applicability to both departments.

- That the City track the frequency with which managers and supervisors discipline their workers and intervene with training for managers who are responsible for disproportionate discipline or corrective actions, where warranted.

To be clear, the findings and recommendations in this report do not address the legal issue of whether individual instances of discrimination, harassment, or retaliation have occurred in City employment or whether any City policy constitutes a discriminatory practice. Such legal issues are best left to the courts, where strict evidentiary and proof standards apply.<sup>19</sup>

Rather, the intent of this report is to chart a path forward. All City employees deserve a workplace that treats them with dignity and affords them equal opportunities for advancement. This report endeavors to aid the City, in cooperation with its labor partners, in making that ideal a reality as all move forward to address a municipal response to the “Reckoning” and the employment patterns which must be remedied.

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<sup>19</sup> The Independent Reviewer and staff’s research and fact-finding may not be subpoenaed in subsequent employment discrimination litigation. See *N.L.R.B. v. Macaluso, Inc.*, 618 F.2d 51 (9th Cir. 1980); 29 C.F.R. § 1401.2(a); cf. *T. McGann Plumbing, Inc. v. Chicago Journeymen Plumbers’*, 522 F.Supp.2d 1009 (N.D. Ill. 2007); *Blitznik v. Int’l Harvester Co.*, 87 F.R.D. 490 (N.D. Ill. 1980); Cf. William B. Gould IV, “Using an Independent Monitor to Resolve Union-Organizing Disputes Outside the NLRB: The FirstGroup Experiences,” *Dispute Resol. J.*, May/July 2011, at 46.



# I. The Complaint Process

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## Finding 1

**At the outset of the complaint process, employees must choose between the remedies offered by the City’s internal EEO complaint process and the grievance-arbitration process, and employees are often confused about the remedies available to them in each process.**

For a number of years, San Francisco has negotiated with all unions a so-called election of remedies—a collective bargaining agreement provision which requires employees or unions to choose between either the invocation of the grievance-arbitration machinery or EEO procedures. The employee or union must choose one or the other, the City contends, to avoid inefficient duplication of procedures and remedies and inconsistent procedures generally. Frequently, as noted above, employees do not have a full understanding of the available options and do not make the election choice with the presence of a union representative or other advisor.

The election of remedies approach, once so dominant in the private sector,<sup>20</sup> has virtually disappeared since the U.S. Supreme Court’s decision in *Alexander v. Gardner-Denver*,<sup>21</sup> which suggested the appropriateness of both avenues (grievance arbitration and the EEO complaint process) to resolve employment discrimination disputes, though holding that judicial procedures were supreme.<sup>22</sup> And although the U.S. Supreme Court and the Supreme Court of California have yet to address the question of whether the grievance-arbitration process can be waived or held in abeyance while other complaint procedures are utilized or whether the EEO process may be held in abeyance, the weight of judicial authority supports the view that requiring a waiver or abeyance constitutes either unlawful retaliation or the deprivation of a benefit on a discriminatory basis, where the source of the benefit is to be found in the statutory scheme addressing job discrimination complaints.<sup>23</sup> It seems more than arguably inconsistent with precedent, as well as bad policy, to require the employee to invoke one or another procedure when the uncertainties of the process are many—making it difficult for the employee to make a truly informed choice, prospectively or in advance of the exhaustion of either process. Even if the recommendations below are accepted and implemented, there could be a difference between

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<sup>20</sup> The decision of the Court of Appeals for the Sixth Circuit in *Dewey v. Reynolds Metals Co.*, 429 F.2d 324 (6th Cir. 1970), represented the apogee of this approach which soon disappeared in the wake of *Alexander v. Gardner-Denver*, 415 U.S. 36, (1974).

<sup>21</sup> *Gardner-Denver*, 415 U.S. at 60 n.21.

<sup>22</sup> Though the Court propounded some approaches which are different or at variance from *Gardner-Denver* in *Penn Plaza LLC v. Pyett*, 556 U.S. 247 (2009), no aspect of the discussion of *Gardner-Denver* is affected by the more recent ruling.

<sup>23</sup> The Supreme Court of Oregon has so held. See *Portland State Univ. Chapter of Am. Ass’n of Univ. Professors v. Portland State Univ.*, 291 P.3d 658, 670-73 (Or. 2012). So have most of the federal courts. *E.E.O.C. v. Board of Governors of State Colleges and Universities*, 957 F.2d 424 (7th Cir. 1992); *Watford v. Jefferson County Public Schools*, 870 F.3d 448, 453 (6th Cir. 2017). *Contra Richardson v. Commission on Human Rights & Opportunities*, 532 F.3d 114 (2d Cir. 2008).

EEO procedures leading to a full panoply of remedies or, alternatively, expeditious resolution of a robust grievance-arbitration machinery, which will both mimic the remedies available in an employment discrimination judicial proceeding as well as contain a procedure different from EEO.

The primary problem from the City’s perspective relates to the potential duplication of remedies. This concern is not without merit. However, it is noteworthy that the City previously operated without the election-of-remedies provision, and courts have largely concluded that “[i]t is immaterial that an employee might have overlapping contractual and legal remedies.”<sup>24</sup> In any event, to the extent that a decision under either the contractual or statutory route constitutes duplication in the forum before which the matter is placed, compensation which is rooted in the same facts and theory must be deducted from any award or remedy previously rendered.<sup>25</sup>

Second, employees have expressed confusion about the remedial options available to them when they have claims of discrimination or harassment. Presently, employees seeking a remedy for workplace discrimination have two internal avenues for redress within the City: They can file an EEO complaint with DHR, or they can invoke the antidiscrimination clause in their union’s Memorandum of Understanding (MOU) with the City and file a grievance. Yet some employees, and even some union representatives, have been unaware that the grievance process can be used to remedy harm from discriminatory treatment. And employees are frequently unaware that they are entitled to union representation when filing an EEO complaint and pursuing an investigation. Given the fact that any representative is unlikely to be clairvoyant in assessing either avenue and the centrality of anti-discrimination policy in the workplace, the burden of more than one possible proceeding is outweighed by protection against possible discrimination.

When employees do choose to pursue their complaints through the EEO complaint process rather than through arbitration, it is still not clear what remedies are available to them. Existing City guidance informs employees at the outset of the EEO complaint process that they are entitled to “make-whole” remedy only and that damages for pain and suffering, emotional distress, and the like are not available. Yet, the Independent Reviewer has been informed that a “make-whole” remedy is all that is within the DHR director’s power to offer, but EEO investigations that find violations of employment law are referred to the City Attorney’s Office for settlement. And those settlements have awarded to employees damages such as emotional distress in addition to back-pay and reinstatement.

*Recommendation 1.1*

*The parties should bargain a revision of the election of remedies provision contained in the collective bargaining agreements and allow all to make an informed decision what statutory or contractual avenues to pursue, if any. The decision should be made by employees with the advice and representation of a union representative or another employee of the employee’s own choosing.*

<sup>24</sup> *Board of Governors*, 957 F.2d at 428.

<sup>25</sup> *See Gardner-Denver*, 415 U.S. at 51 n.14 (noting that “relief can be structured to avoid windfall gains”).

### *Recommendation 1.2*

*The City and unions, whether the recommendation relating to election of remedies is negotiated or not, employees should be apprised of all their procedural rights pursuant to City policy and the relevant MOU at the outset of all intake interviews for EEO complaints. So long as the election-of-remedies policy remains intact, they should be made aware that filing an EEO complaint forecloses the possibility that they can pursue their complaint through the grievance process. They should receive complete information about this through publicity promoted by the City and relevant unions. They should also be made aware that they are entitled to a union representative to aid them in navigating the EEO complaint process. And they should be given clear information and expectations about the timeline of the complaint process and what steps the investigator will take at each stage of the process.*

### *Recommendation 1.3*

*DHR should clarify its current guidance regarding what EEO issues employees may bring through grievance arbitration. DHR's current information sheet explaining how to file an EEO complaint states: "Issues: Actions complained of may include the following: Denial of Employment, Denial of Training, Denial of Promotion, Denial of Reasonable Accommodation (for disability or religion), Termination, Lay-Off, Constructive Discharge, Disciplinary Action, Harassment, Work Assignment, Sexual Harassment and Compensation. **Other issues, such as a disagreement regarding Department rules or regulations affecting working conditions, may be subject to review through the Employee Grievance procedure.**" This could be misleading because it suggests that the grievance process does not permit employees to bring EEO-related claims over denial of training, denial of promotion, termination, and the like. DHR should make clear that employees can bring these issues in arbitration as well as through the EEO process. The information regarding the scope of the nondiscrimination clause, its provision for remedies, and the procedures available when the union is confronted with competing, irreconcilable employee positions should all be publicized.*

### *Recommendation 1.4*

*Until the City has made explicit the availability of a broader array of remedies under its MOU no-discrimination provisions, as recommended below, DHR should clarify what varieties of remedies are available through the EEO process. Existing guidance to City departments from DHR states that employees are entitled only to a make-whole remedy and that this remedy does not include damages for emotional distress, pain and suffering, or the like. But other documents examined in this review suggest that employees may be able to obtain such damages, where appropriate, through the EEO process, via settlements with the City. DHR must clarify what forms of relief may actually be awarded at the end of each process so as not to mislead employees about the scope of remedies available to them.*

## **Finding 2**

**The antidiscrimination provisions in the City's current Memoranda of Understanding do not expressly incorporate the remedies**

**provided for in federal antidiscrimination law, such as compensatory damages for emotional distress and the like, under appropriate circumstances. Additionally, the City’s MOUs could be improved by providing for third-party representation in cases where unions face a potential conflict of interest between a grievant and another bargaining unit member in arbitration proceedings.**

First, the City’s Memoranda of Understanding (MOUs) with its labor unions do not expressly empower arbitrators to award the full scope of compensatory damages available under antidiscrimination law.

City workers are currently represented by 37 different labor unions. The collective bargaining agreements all contain no-discrimination clauses, but none of these contractual provisions purport to adopt employment discrimination rights, obligations, or procedures contained in either Title VII of the Civil Rights Act of 1964 or related legislation such as California’s Fair Employment and Housing Act. This pattern exists notwithstanding the United States Supreme Court’s admonition in *Alexander v. Gardner-Denver* that courts should give weight to arbitral proceedings as evidence in Title VII cases only if the provisions of the collective bargaining agreement “conform substantially with Title VII.”<sup>26</sup> The Independent Reviewer has acted as an arbitrator where parties negotiated such procedures.<sup>27</sup>

SEIU Local 1021 has pointed out that procedures allowing for the awarding of full compensatory damages—as permitted by the Civil Rights Act of 1991 amendments—are not now expressly available to arbitrators under any of the MOUs between the City and various unions. Arbitrators are somewhat divided on the availability of such remedies where the collective bargaining agreement is silent about the arbitrator’s remedial authority.<sup>28</sup> Where the parties have not restricted the arbitrator’s remedial authority, the Court of Appeals for the Ninth Circuit, like others, has concluded that the arbitrator’s exercise of broad remedial authority is appropriate.<sup>29</sup> But, notwithstanding the view that arbitrators can award back pay even when the collective bargaining agreement does not provide for such, many arbitrators are of the view that they will not award compensatory damages as that determination is better left to the courts rather

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<sup>26</sup> *Gardner-Denver*, at 60 n.21 (listing a collective bargaining agreements’ conformity with Title VII, the fairness of the procedures adopted by the arbitral forum, the strength of the arbitral record, and the arbitrator’s competence as relevant factors when courts determine whether arbitral decisions deserve weight); see also William B. Gould IV, *Labor Arbitration of Grievances Involving Racial Discrimination*, 118 U. PA. L. REV. 40 (1969).

<sup>27</sup> *Weyerhaeuser Co.*, 78 Lab. Arb. Reports 1109 (1982); *Basic Vegetable Products, Inc.*, 64 Lab. Arb. Reports 620 (1975). The Independent Reviewer’s arbitral experience in these cases and most of his writings on this subject preceded the Civil Rights Act of 1991 amendments, which explicitly provided for compensatory damages. See William B. Gould IV, *The Supreme Court and Employment Discrimination Law in 1989: Judicial Retreat and Congressional Response*, 64 TUL. L. REV. 1485 (1990); William B. Gould IV, *Title VII of the Civil Rights Act at Fifty: Ruminations on Past, Present, and Future*, 54 SANTA CLARA L. REV. 369 (2014).

<sup>28</sup> KRISTINA E. MUSIC BIRO ET AL., 19 STANDARD PENNSYLVANIA PRACTICE 2D 103:150 (2021); see also FRANCIS M. DOUGHERTY ET AL., 22A FEDERAL PROCEDURE, LAWYERS EDITION 52 103:1929 (2021) (“Arbitrators must have flexibility to determine remedies in labor disputes, and the authority to interpret and find a breach of a collective bargaining agreement implies the authority to prescribe a remedy to cure the breach.”).

<sup>29</sup> *Ass’n of W. Pulp & Paper Workers, Loc. 78 v. Rexam Graphic, Inc.*, 221 F.3d 1085, 1090 (9th Cir. 2000).

than to labor arbitrators.<sup>30</sup> The Independent Reviewer has long subscribed to the view of the Ninth Circuit and others and believes that the arbitrator has considerable scope and flexibility in fashioning remedies.<sup>31</sup>

Inasmuch as the current collective bargaining agreement's no-discrimination clauses do not explicitly incorporate the remedies (or, in some circumstances, standards for establishing discrimination) contained in employment discrimination law, the Independent Reviewer is of the view that those clauses could be regarded as inferior to federal and state requirements by an arbitrator and thus inappropriate for the parties. This is particularly troublesome in a major city in the largest state in the Union. Accordingly, the parties should bargain a robust no-discrimination clause which replicates the availability of all remedies contained in employment discrimination law. Not only should the agreement comport with Title VII, but such disputes should be submitted to "particular arbitrators" who possess "special competence."<sup>32</sup> Such arbitrators should be not only competent but diverse, so as to reflect the views and knowledge obtained from the entire San Francisco area community.<sup>33</sup>

To be sure, grievance arbitration is neither perfect nor designed to require *all* the same procedural formality as full-fledged litigation. Nor does this report assert that it should. But as it stands, employees and unions report that the present absence of some forms of compensatory relief typically awarded in discrimination cases makes grievance arbitration an unappealing and rarely invoked alternative to internal EEO investigations, which many employees do not trust. Permitting arbitrators to award such relief would make grievance arbitration a more meaningful alternative to both the EEO investigation process and to litigation<sup>34</sup>.

Second, SEIU has expressed concern about cases involving racial or sexual harassment in which both the complainant and the alleged harasser are represented by the union in the same bargaining unit. Under such circumstances, particularly where there is a dispute in testimony between the two different employees, employees fear they may not be able to obtain a fair hearing in arbitration. The Independent Reviewer is of the view that this scenario places the union in a position of irreconcilable conflict.

That conflict can be remedied if the City and its unions bargain to include in their MOUs a provision for some form of third-party representation. This can take many forms. For instance, the MOU could provide that the unions provide separate union representatives for grievants who have conflicting testimony or interests.<sup>35</sup> Or the MOU could permit representation for the complainant by an outside counsel, social justice organizations, or some other form of representation in circumstances where the union itself has conflicting interests.<sup>36</sup> The decision to

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<sup>30</sup> MARTIN HILL, JR & ANTONY SINICROPI, REMEDIES IN ARBITRATION 490 (BNS Books 2d ed. 1991); In re *Kaiser Permanente Medical Care Program*, 89 BNA LA 841, 842 (Alleyne, Arb. 1987).

<sup>31</sup> *Safeway Stores, Inc.*, 64 Lab. Arb. Reports 563 (Gould, 1974).

<sup>32</sup> *Gardner-Denver*, 415 U.S. at 60 n. 21.

<sup>33</sup> See Gould, *Labor Arbitration of Grievances Involving Racial Discrimination*, *supra* at 64-65.

<sup>34</sup> Of course, the parties are always free to request the arbitrator or hearing officers (in Civil Service Commission cases) to propose a settlement of the matter which, if agreed to by both or all parties, would constitute a knowing and voluntary binding waiver and resolution of the matter in dispute.

<sup>35</sup> See, e.g., *Hellums v. Quaker Oats Co.*, 760 F.2d 202, 203-05 (8th Cir. 1985).

<sup>36</sup> See, e.g., Marion Crain & Ken Matheny, *Labor's Identity Crisis*, 89 CAL. L. REV. 1767, 1845 (2001) (arguing that "role conflict for unions . . . could be alleviated by permitting other interested social justice organizations to

provide for this kind of third-party representation “depends entirely on the terms of the collective bargaining agreement negotiated by the union,”<sup>37</sup> and the Independent Reviewer has long held that this kind of remedy is appropriate.<sup>38</sup> In any event, given the large number of racial and sexual harassment cases in the City of San Francisco workforce, the appropriate response is to provide for third-party intervention so that employees will not be discouraged from using the important arbitral process.

*Recommendation 2.1*

*The City and unions should bargain amendments to their existing no-discrimination contractual provisions so that they permit arbitrators to award compensatory damages for emotional distress, pain and suffering, and the like, as provided by federal law. The new agreements should also provide for the selection of competent and diverse arbitrators with special expertise in the employment discrimination arena.*

*Recommendation 2.2*

*The City and unions should bargain amendments to their existing no-discrimination contractual provisions so that they provide for the possibility of third-party representation, as described above, under appropriate circumstances, particularly cases involving harassment where two employees have contradictory versions of the facts or different testimony.*

### **Finding 3**

#### **Many employees have lost faith in DHR’s EEO investigation process, and it is critical that the City restore trust in the independence and neutrality of the investigative process.**

Over the course of this review, the Independent Reviewer and his support staff have met or communicated with, among others, members of DHR’s EEO team, labor unions, large department heads and HR officials, employee affinity organizations, and over one hundred individual employees. In those meetings, a clear majority of those interviewed—including both employees who have interacted with the EEO investigation process and with employees who help administer that process—have expressed serious frustration and even a loss of faith in

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represent a worker or group of workers in arbitration or mediation”); Eileen Silverstein, *Union Decisions on Collective Bargaining Goals: A Proposal for Interest Group Participation*, 77 MICH. L. REV. 1485, 1515-16 & n.125 (1979) (“Both employers and unions have permitted representatives of protected minority groups to bargain over new contract terms and to appear in arbitration hearings.”).

<sup>37</sup> Elizabeth M. Iglesias, *Structures of Subordination: Women of Color at the Intersection of Title VII and the NLRA. Not!*, 28 HARV. C.R.-C.L. REV. 395, 498 n.338 (1993).

<sup>38</sup> Gould, *Labor Arbitration of Grievances Involving Racial Discrimination*, *supra* at 60-64; *cf. Crenshaw v. Allied Chem. Corp.*, 387 F. Supp. 594, 600 (E.D. Va. 1975); Gould, *Black Workers in White Unions: Job Discrimination in the United States*, 207-242 (1977).

DHR's EEO investigations. This likely comes as no surprise, as employees have raised complaints about this process directly to DHR and to the City's Board of Supervisors at least since September of 2018, and likely long before then.

To illustrate the depth of this mistrust, some employees have suggested that the entire EEO investigation process should be transplanted from DHR to another body, such as the Office of Racial Equity or the Human Rights Commission. These concerns are rooted primarily in the current limitations of the EEO investigation process and the perception that EEO's location within DHR results in bias against complainants.

Additionally, a few structural aspects of the EEO complaint process likely contribute to employee mistrust of the independence of EEO investigations. For instance, EEO investigators and personnel are supposed to serve as neutral third-party fact-finders, representing neither the complainant nor the respondent. However, this neutrality may be compromised when EEO personnel (both at DHR and at the department level) respond to outside complaints from state and federal agencies. When City employees file complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH), the City's EEO investigators are tasked with responding to the EEOC and DFEH on behalf of the City, even when the City's internal EEO investigation is still ongoing. Under such circumstances, the City's EEO investigators appear to be expected to serve simultaneously as neutral fact-finders, vis-à-vis the internal investigation, and as City advocates, vis-à-vis the outside agencies' investigations.<sup>39</sup> Once a complainant has gone to an outside agency, the City's EEO investigators are instructed in training materials to employ legal defenses to defend against the complaint's charges.<sup>40</sup> If investigators do find that an EEOC or DFEH complaint has merit, they are explicitly told not to report those findings to the EEOC or DFEH and instead bring them to the City Attorney.<sup>41</sup> That EEO personnel are engaged, under certain circumstances, in this kind of advocacy for the City creates a meaningful risk of role confusion on the part of EEO investigators and could erode trust in the integrity of the complaint process.

Relatedly, EEO investigators also play an advocacy role when complainants appeal DHR's EEO determinations to the Civil Service Commission (CSC). During those appeals, the EEO investigator who handled a given complaint drafts a report and presentation to persuade the CSC to uphold DHR's determination in the case.<sup>42</sup> Technically, the EEO investigator is not advocating for the City, but rather persuading the CSC to uphold the findings of a neutral investigation. Yet, this may be a distinction without a difference—the determination ultimately

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<sup>39</sup> S.F. DEP'T HUM. RES., EEO INVESTIGATION PROCEDURES 104 (2020) ("Unlike our internal investigations where we EEO investigators remain neutral, responses to external changes allow you, the HR representative, to persuasively advocate on behalf of your department and the City.") It should be noted, there was some confusion on the part of the Independent Reviewer and staff whether these EEO Investigator Training slides applied to departmental human resources personnel only. If so, this would ostensibly leave EEO investigator independence intact, as EEO is separate from everyday HR processes. However, DHR EEO clarified that these slides are used to train DHR and departmental EEO investigators, that EEO investigators handle administrative complaints from DFEH and EEOC, and that it is possible for an EEO investigator handling an internal City complaint to also be responsible for handling external administrative complaints (when the complainant files simultaneously with the City EEO and DFEH or EEOC).

<sup>40</sup> Id. at 104-08.

<sup>41</sup> Id. at 107 ("**Do not respond if we have a finding. Consult with your City Attorney. Likely need to engage in mediation.**") (emphasis in original).

<sup>42</sup> Id. at 93.

emanates from the DHR Director, based on the Director's interpretation of the investigation. Defending that determination places the investigator on the side of the City and in opposition to the complainant, who now might reasonably question whether the investigator was ever truly neutral to begin with.

Independence and neutrality are paramount to the EEO process. Data provided by the CSC indicates that the CSC handles an average of approximately 23 EEO appeals annually and orders some further process (e.g., re-opening an investigation or requesting some further department action) in 14% of those appeals.<sup>43</sup> And to its credit, a review of the CSC's hearings creates the impression that the CSC takes its review of DHR's EEO determinations seriously, notwithstanding what may be limitations in its remedies.

It may be that there are circumstances in which the CSC adequately addresses EEO matters. However, this does not change the existing breakdown of trust between many employees and the EEO process or that employment specialists might well enhance the process. If the City wishes to restore the public's trust in the EEO process, it should strongly consider reforms in the EEO appeals process that would inspire greater confidence in the minds of City employees. Among other things, these reforms might include providing employees with more information about the CSC and the appeals process at the outset and requiring that the newly appointed hearing officers provide written opinions explaining their reasoning for affirming or reversing DHR's EEO determinations.

Structurally, the City should consider the use of a diverse group of hearing officers with a specialty and demonstrated expertise in antidiscrimination law in EEO appeals and dispute resolution. The City has explained to the Independent Reviewer that hearing officers have been employed in special cases by the CSC in the past and that the CSC has the authority to appoint hearing officers for the purpose of conducting a full evidentiary hearing. Allowing an appellant to choose to appeal DHR's determination in cases, except where the application of law and fact is clear and the amount in controversy is inconsequential, to a specialized, independent hearing officer may demonstrate the City's commitment to truly independent oversight of DHR's determinations. (The Civil Service Commission, subsequent to public input from all interested parties, could devise more precise standards for such cases.)

Finally, the City has stated that the standard of review for the Commission is *de novo*, proceeding in an informal manner, and that DHR has generally presented its position at the hearings' commencement. We see no reason why the same standard of review and procedure should not continue with the advent of new hearing officers to resolve employment discrimination appeals to the Commission.

### *Recommendation 3.1*

*The City should revise its policies and trainings so that EEO investigators maintain neutrality at all times. EEO investigators should not be responsible for answering administrative complaints from the EEOC and DFEH, nor should they be charged with defending the DHR director's determinations before the Civil Service Commission. Instead, the City should*

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<sup>43</sup> Data drawn from Civil Service Commission Appeals Logs (2017-2020).



*consider alternative arrangements that avoid the potential for role confusion and ensure the true neutrality of EEO investigators, such as maintaining a separate unit of EEO staff responsible for appeals and outside investigations.*

*Recommendation 3.2*

*At the outset of EEO investigations, the City should do more to articulate to employees the Civil Service Commission's role as an independent body that may hear appeals of DHR's EEO determinations. In particular, it should be made clear to employees that the Civil Service Commission is independent from DHR and that Commissioners are appointed directly by the Mayor.*

*Recommendation 3.3*

*The Civil Service Commission, on its own initiative, should establish and publicize a procedure by which employees appealing DHR's EEO determinations may request that a hearing officer with special expertise and demonstrated commitment to antidiscrimination law conduct the employee's appeal. The Commission could devise standards for cases which the Commission could handle itself, in accordance with the discussion in Finding 3, subsequent to public input from all relevant parties for the content of such standards. The appellant should be able to select from a slate of employment discrimination law experts with a background and demonstrated support for the principles of fair employment, as manifested by involvement in the field, writings, testimony, litigation, arbitration awards, or the like. These hearing officers should be empowered to conduct de novo review of DHR's conclusions, to take evidence and witness testimony, and to order relief, including departmental action. Additionally, these hearing officers should be required to provide written opinions setting forth the reasoning underlying their decisions. The standard of review is de novo.*

## **Finding 4**

### **DHR EEO has not resolved complaints in a timely and efficient fashion because of both the decentralized structure of the City's Human Resources system and an inefficient investigation process.**

Current DHR policy mandates that EEO investigations take no longer than 180 days, which itself constitutes a considerable period of time for the resolution of critical employment conditions. In any event, according both to complainants and to employees responsible for handling EEO complaints, that deadline is often not adhered to, and it is not uncommon for complainants to wait a year or more for their cases to be resolved. This is borne out by the data DHR keeps on EEO complaints. For instance, with respect to EEO complaints of harassment on the basis of race (including ethnicity, color, ancestry, and national origin) since 2014, roughly one quarter of complaints were not closed within the 180 day period, and over two dozen remained open for over a year. Out of the approximately 130 of these complaints that were still

open as of December 2020<sup>44</sup>, when the Independent Reviewer received this data, roughly 78% had been open longer than 180 days. This included complaints that, at least according to DHR's data, were initiated as long ago as 2015. By way of further illustration, 59 of the 160 racial harassment EEO complaints filed in calendar year 2019 remained open as of December 2020. Similar patterns exist for complaints alleging denial of promotion and denial of employment based on race.<sup>45</sup> This state of affairs creates a host of problems for complainants.

The investigatory delays prevent timely corrective action, which can leave workplace resentments unresolved and the offending conduct or atmosphere unchanged. Further, EEO investigators cannot guarantee complete confidentiality for the complainant, and investigating claims requires notifying the department in question and interviewing immediate supervisors and colleagues. Consequently, excessively prolonged investigations increase the possibility that the complainant could be subject to continued harassment, discrimination, or retaliation from the respondent, supervisors, or colleagues. Some employees reported that they believed they experienced and reported retaliation during the pendency of their EEO investigations but that the City took no interim remedial action (for instance, separating the complainant from an alleged harasser).

Additionally, DHR's reputation for long delays has eroded trust in the process. Labor leadership, employee infinity groups, and even City employees intimately familiar with the City's EEO processes have advised complainants to abandon the City's EEO process in favor of filing complaints with state and federal agencies.<sup>46</sup> Additionally, employees who have filed EEO complaints express frustration and exhaustion at having to face, in addition to the demands of their job, a seemingly interminable bureaucratic process that they feel seldom yields a satisfactory remedy for the alleged mistreatment they face at work.<sup>47</sup> Ultimately, the inefficiencies of the EEO complaint process has left many employees feeling that it is an ineffective tool for identifying discriminatory conduct, leaving some employees feeling they should turn elsewhere for relief, abandon claims, or simply remain silent.

Several issues contribute to DHR's inability to investigate complaints in a timely fashion. First, DHR does not have the technological capabilities to effectively track complaint investigation. Despite the availability of EEO case management software in the market, DHR does not have any sophisticated or automated method of tracking the number, status, progress, and outcomes of complaints.

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<sup>44</sup> The 2020 record was weakened by virtue of the COVID-19 crisis and additional burdens for DHR addressing analytics and training matters.

<sup>45</sup> It may be that, in some of these cases, delays are caused by factors outside of DHR's control, such as employee leaves of absence or the like. The data provided to the Independent Reviewer does not specify the reasons for delays, however. And in any event, interviews with employees who conduct investigations confirm that EEO investigations drag on for reasons unrelated to such external factors.

<sup>46</sup> The prevalent perception among those interviewed that the City cannot efficiently resolve EEO complaints is itself a significant problem. How this perception translates to the actual filing of complaints is unclear. DHR reported to the Independent Reviewer that, from 2017-2020, there were 1,541 complaints filed through the City EEO process only, 111 complaints filed with both the City and an external state or federal agency, and 60 complaints filed exclusively with an outside agency.

<sup>47</sup> DHR reported to the Independent Reviewer that for FY 2020, the EEO unit closed 43.3% of complaints within 180 days.

Second, DHR lacks enforceable internal deadlines for the processing of complaints, which contributes to a lack of accountability and allows investigations to last for months or years. Although DHR does have informal internal benchmarks for completing various steps of the investigatory process, those benchmarks are often not adhered to, and there do not appear to be any consequences for delays. Moreover, employees are not made aware of the deadlines, whatever they may be.

Third, the investigation process itself overemphasizes formality in internal investigatory materials, which results in excessively long reports. For instance, EEO investigators are expected to memorialize their interviews with complainants, respondents, and witnesses in a meticulous and time-consuming manner, transcribing interview notes into polished prose often more than ten pages long. Additionally, much of the investigatory paperwork is redundant, repeating information that is evident from other materials. The end product of these investigations is often a document containing lengthy and repetitive factual exposition with hundreds of pages of appended exhibits. It requires a great deal of time to present and package this information, and it is not apparent why such a meticulously developed record is necessary for all complaints, given the wide range of cases in scope and complexity.

Fourth, there are instances where the bureaucratic aspects of investigations are delegated from the EEO investigator responsible for a case to temporary employees, leading to further delays. In particular, delegating the writing of closure letters to temporary employees lessens the workload for investigators but leads to delays because those temporary employees must acquaint themselves with a detailed investigatory record before they draft the closure letter.

Fifth, HR, EEO, and employee-labor relations functions are decentralized throughout the City, often split between DHR and departments or even split within departments. The confusion and delays which have emerged from these separate layers of responsibility in the departments, in their exercise of EEO responsibility, and the authority of DHR, have contributed enormously to the inefficiencies and frustrations with the EEO machinery. Presently, an employee may initiate EEO complaints by contacting DHR or reporting the discriminatory conduct to departmental human resources representatives. Departmental representatives must immediately refer complaints which allege or appear to allege EEO violations to DHR and generally refrain from conducting any internal investigation. In departments that have their own EEO units, the departmental EEO representative conducts an intake interview and forwards the notes to a DHR EEO manager who determines whether the complaint falls within EEO jurisdiction.

This interplay between departmental HR offices and DHR leads to inefficiencies in complaint processing. At the outset, the initial reports or intake interviews alerting DHR EEO to complaints potentially warranting investigation vary in quality depending on the training of the departmental HR staff on the ground. Departments do not always employ consistent standards when evaluating whether or not a claim presents an inference of an EEO violation. And even when departmental staff are properly trained, this process often results in duplicative work, as department-level HR performs an initial intake, and DHR EEO investigators then follow up with a separate intake. Further delays ensue because DHR investigators must await responses to their Requests for Information (RFIs) to ascertain key information from departmental HR—namely contact information for potential witnesses, relevant departmental records, and personnel records. While departments gather this information, the investigatory process stalls at DHR.

#### *Recommendation 4.1*

*DHR should create a policy whereby investigations must be concluded in 120 days or a lesser period of time. Employees must be made aware of these policies through e-mail communications, notice posting, and other appropriate means.*

#### *Recommendation 4.2*

*DHR should establish clear complaint processing benchmarks that facilitate completing investigations within the 120-day (or less) period. Those benchmarks should be made public, and the affected department and complainant should have visibility of the progress of the investigation. In other words, DHR should make the complaint process, timeline, and steps more transparent. DHR should provide an explanation to the department and complainant when benchmarks are not met. Extensions should be permitted only in rare and narrow circumstances.*

#### *Recommendation 4.3*

*DHR should reform its investigatory process to root out the inefficiencies and redundancies identified above. In particular, the standards for internal investigatory materials should aim to promote accuracy and efficiency, rather than undue formality and exhaustive detail. DHR should seriously reconsider the practice of transcribing interview notes into polished prose and instead should consider using raw transcripts cleaned up to the extent necessary to communicate content.*

#### *Recommendation 4.4*

*DHR should establish a process for providing preventive action and other interventions earlier in the process when it is clear that such a recommendation will be made at the end of the process. Oftentimes, an EEO complaint will undergo an extensive investigation only to conclude that the claim does not rise to the level of an EEO violation. But nevertheless, EEO will still find a violation of some other City policy, such as the respect policy. In such situations, it may be clear from the outset (or at least before the investigation's conclusion) that there has been a policy violation, and EEO should take immediate action when that is clear rather than waiting until the conclusion of the complaint process. And to the extent possible, cases like these should be routed to mediation before DHR commences a full-blown investigation, as recommended below.*

#### *Recommendation 4.5*

*DHR should establish a clearer and faster screening process for complaints that warrant some immediate action (e.g., serious harassment allegations or allegations involving risk of retaliation). Many employees report experiencing ongoing harassment or retaliation while their complaints are pending or have yet to be reviewed by DHR. It is insufficient and ineffective merely to inform the respondent or manager that retaliation is not permitted. DHR should formulate and implement a triage process to catch these complaints at the beginning and to take action to protect the complainant.*

#### *Recommendation 4.6*

*DHR should establish clear policies and guidance for investigators and HR representative to determine the urgency of the complaint and the degree of attention a complaint requires. This should include determining earlier on which complaints present simple facts that can be put on an expedited investigation track (e.g., a complaint regarding a single incident) and which complaints might be better resolved without a full-fledged investigation (e.g., by mandating training or by recommending mediation of the complaint before engaging in a full EEO investigation).*

*Recommendation 4.7*

*The City should invest in the technological infrastructure and software needed to create a system that provides for the centralized tracking of complaints, helping EEO managers maintain visibility on and accountability for the timely investigations. If possible, such a system should include a public portal that permits complainants to track the status of their complaints. And such software should minimize the duplication of data/information entry. For instance, to the extent possible, investigators should be able to input investigation information and notes directly into a complaint-management software system, rather than entering such information into a Word document or local file and then later copying that information into a database.*

*Recommendation 4.8*

*DHR should reconsider how best to utilize temporary support personnel to both support EEO investigators and ensure the timely resolution of complaints.*

*Recommendation 4.9*

*DHR should eliminate the separate layer of EEO intake at the departmental level, or what might be characterized as the preliminary investigative machinery, and all delegations of EEO personnel and functions performed by DHR should be rescinded so that DHR has complete and full authority in the EEO arena. Rather, DHR should house EEO investigators within all of the City's larger departments in order to facilitate greater familiarity with the departments' workings. These investigators should operate outside of the department chain of command, answering to DHR. But their presence in the departments would give EEO investigators better firsthand knowledge of the work environment on the ground and avoid the problem of EEO investigators relying primarily on departmental personnel gathering and compiling investigation information.*

*Recommendation 4.10*

*To streamline the EEO complaint process, DHR investigators should have direct access to departmental information—such as witness contact information and personnel records—so that submitting RFIs to departments is unnecessary.*

*Recommendation 4.11*

*DHR should continue to track, maintain, and publish in a timely manner data regarding EEO complaints, including rates of complaint by race and other demographics, rates of findings of discrimination by demographic, rates of complaint dismissal for lack of EEO jurisdiction by demographic, and rates of complaint dismissal on the merits by demographic. Additionally, DHR should continue track, maintain, and publish in a timely manner data regarding the*

*reason EEO complaints are ultimately dismissed, including expanding the reasons for dismissal to include reasons such as the conclusion that the complainant lacked credibility. Last, to the extent DHR does not already do so, DHR should track, maintain, and publish in a timely manner the length of time it takes to close its complaints and investigations in order to ensure accountability for delays.*

*Recommendation 4.12*

*In the course of implementing and responding to the findings and recommendations in this report, DHR should make its responses and plan of action public. Additionally, DHR should meet regularly with employee stakeholder groups, such as major unions and affinity groups, in order to provide status reports on the implementation of these recommendations.*

## **Finding 5**

### **Staffing levels of DHR EEO personnel are insufficient to handle the current volume of complaints.**

From 2014-2020, the EEO division processed an average of 518.5 complaints a year.<sup>48</sup> Yet, to handle that number of complaints, there are currently 15 EEO investigators (although there are authorizations for a total of 18 investigator positions). For a city that employs approximately 35,000 workers, this amounts to well over 2,000 employees per EEO investigator, assuming a contingent of 18 investigators. Even with more streamlined procedures, such a ratio will likely contribute to a backlog of complaints. It was the resounding consensus of employees and department leadership alike that EEO requires more staff to properly handle the current number of complaints.

*Recommendation 5.1*

*The City must expand the EEO staff to effectively and expeditiously process the current volume of complaints.*

## **Finding 6**

### **The Department of Human Resources should review and update its procedures for investigating EEO complaints.**

The touchstone manual for the EEO investigator is DHR's *Investigator Handbook*, which summarizes the City's EEO policies and describes the procedures by which EEO complaints are

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<sup>48</sup> Based on data provided the Independent Reviewer by DHR.

investigated. However, the *Investigator Handbook* is now between 10 and 20 years old and has been described by EEO investigators as “dated.” More importantly, the age of the *Investigator Handbook* means that it does not reflect existing DHR policy or guidance to investigators on the process for handling and resolving EEO complaints. The result is that changes to internal complaint-handling practices and policies is communicated in an *ad hoc* manner, for example, by emails from DHR leadership (sometimes not even to all EEO investigators) or in large DHR meetings. EEO investigators and personnel voiced frustration that this method of announcing internal changes can create confusion and ambiguity about the limits of EEO jurisdiction, leading to a lack of uniformity when determining which EEO complaints warrant investigation or fall within EEO jurisdiction.

For instance, sometime last year, DHR changed its policy for investigating EEO harassment claims; in a break from past practice, DHR decided that harassment claims that allege violations of the City’s EEO policy should be investigated even in cases that might not meet the legal “severe and pervasive” standard. However, to the Independent Reviewer’s knowledge, this change to EEO investigation jurisdiction was not incorporated into investigator training or reference materials, and employees expressed confusion about how to carry out this policy change without more guidance materials.<sup>49</sup> The existing manual also contains instruction about programs that no longer exist, for instance, an alternative dispute resolution that DHR discontinued some years ago. One purpose of maintaining and *Investigator Handbook* is to have a centralized, authoritative place where employees can look for up-to-date guidance, policy, and instruction. The absence of an up-to-date and central repository for investigatory practices creates a risk of inconsistency, confusion, and delay in investigations.

*Recommendation 6.1*

*DHR should immediately update the Investigator Handbook to provide investigators and other HR personnel clear, current guidance about relevant EEO policies and the processes and standards used to investigate EEO complaints.*

*Recommendation 6.2*

*In the future, when changes to investigation policy, EEO jurisdiction, or complaint processes are announced, those changes should be immediately incorporated into an updated investigation manual and circulated to all DHR investigators. To the extent complaint process*

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<sup>49</sup> Amongst the important decisions to have emerged since the Handbook are *Bostock v. Clayton County*, 140 S.Ct. 1731 (2020) (holding that discrimination against a homosexual or transgender individual is sex-based discrimination in violation of Title VII); *EEOC v. Abercrombie*, 575 U.S. 768 (2015) (wearing of headscarf deemed religious practice requiring accommodation under Title VII); *Crawford v. Nashville*, 555 U.S. 271 (2009) (employee speaking about sexual harassment in response to questions asked protected against retaliation for such speech); *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009) (articulating standard of proof in age discrimination cases); *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006) (protection against retaliation outside the workplace); *Jackson v. Birmingham Board of Education*, 544 U.S. 167 (2005) (retaliation prohibited even though unaddressed by the statute); *Desert Palace, Inc. v. Costa*, 539 U.S. 90 (2003) (mixed motive liability may be established through circumstantial evidence); *Thompson v. North American Stainless, LP*, 567 F.3d 804 (6th Cir. 2010) (anti-retaliation protections applicable to third-party reprisals); *Harris v. City of Santa Monica*, 56 Cal. 4th 203 (Cal. 2013) (where the same action would have taken place in the absence of the impermissible motivating factor).

*and policy changes will also mean changes to departmental activities, DHR should involve departmental HR in the policy-making process or at least keep departmental HR informed of proposed changes.*

*Recommendation 6.3*

*Once DHR has updated its Investigation Handbook and clarified substantive standards for EEO jurisdiction, DHR should also communicate to employees what criteria must be met to qualify for EEO jurisdiction. Employees do not have a clear understanding of how DHR EEO decides which complaints present an inference of discrimination and which do not. Its standards for making these decisions should be transparent.*

## **Finding 7**

**A wide variety of employment issues which fall outside of EEO jurisdiction could be properly addressed to the new Peer Mediation Program or other alternative dispute resolution procedures. In order to address problems that do not rise to the level of an EEO violation, the City should closely study and publicize the new pilot mediation process. If the program appears successful, the City should adopt and expand it permanently. Mediation will likely be the most effective forum for a wide variety of complaints which have arisen involving “microaggressions” such as bullying, lack of civility, and unpleasantness in the workplace, which the City should be committed to rooting out, alongside of EEO.**

In the past, the City employed Alternative Dispute Resolution (ADR) programs to mediate workplace conflicts, allowing for parties to mutually resolve disagreements and remedy low-level misconduct. For a time, those programs were discontinued, but pilot programs have recently emerged that offer employees an avenue to proactively confront workplace problems ill-suited for the EEO complaint or grievance-arbitration machinery. In particular, DHR’s Diversity, Equity, and Inclusion office has begun piloting a mediation program for DPH, MTA, SFO, and Sheriff’s Office employees. The program is voluntary and does not replace or deprive employees of their rights to pursue an EEO complaint or file a grievance. That said, the program does provide employees with an alternative path that can potentially resolve workplace conduct in a constructive and efficient manner.

The ADR program also allows for employees to address workplace misconduct that the EEO complaint and grievance-arbitration processes leave unresolved. By allowing for mediation even after the parties have engaged in the other processes, ADR programs can provide prospective measures that restore harmony in the workplace, regardless of the outcome of the EEO complaint or grievance.



An effective mediation program will help address serious problems that are currently not resolved by the EEO process or even the arbitration process which has within its ambit a full landscape of grievances both meritorious and non-meritorious.<sup>50</sup> Many employees bring EEO complaints to address workplace behaviors that do not meet the legal standards characterizing EEO jurisdiction and antidiscrimination law in general. Yet, the allegations in these complaints reveal conduct that contributes to animosity in the workplace, violates important City workplace policies, and may in subtler ways harm employees of color. To the frustration of these complainants, many EEO complaints are administratively closed for lack of jurisdiction, leaving employees without a means to address and resolve unwanted conduct by their colleagues or supervisors.

Additionally, the City's inability to address workplace conflict adequately allows resentments to fester, ultimately leading to a greater number of complaints. Without a mechanism that allows for disrespected or mistreated employees to be heard, employees often feel they have no other option but to endure the time-consuming EEO process or take their complaints straight to the EEOC or DFEH, which also involves a long, often unsuccessful investigation. The absence of alternative dispute resolution mechanisms results in a backlog of EEO cases, most of which are administratively closed without rectifying the problems that the employees raise.

Many of these issues directly affect Black employees. Allegations of implicit bias, microaggressions, bullying, and a lack of cultural competency on the part of management or colleagues may not meet the legal standard required for a prima facie case of discrimination, but left unresolved, these issues contribute to a work environment that harms Black employees and others in the work force.

*Recommendation 7.1*

*The City should make available to all employees ADR programs that facilitate the resolution of workplace conflict and provide an opportunity to constructively remedy violations of City policies that do not rise to the level of an EEO violation. ADR programs should also be made available to employees who have already concluded the EEO complaint or grievance process so that issues left unresolved by those processes can be addressed at that point if necessary.*

*Recommendation 7.2*

*The election to use an ADR program should not prevent employees from availing themselves of the EEO complaint or grievance-arbitration processes. To that end, engaging in an ADR program should also toll the City's limitations period for filing an EEO complaint or grievance. Along the same lines, employees should be allowed to file a grievance or EEO complaint and then pause those processes if they wish to engage in an ADR program.*

*Recommendation 7.3*

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<sup>50</sup> *United Steelworkers of Am. v. Am. Mfg. Co.*, 363 U.S. 564, 568 n.6 (1960) (“The objection that equity will not order a party to do a useless act is outweighed by the cathartic value of arbitrating even a frivolous grievance . . . .”)

*The City should publicize the new ADR programs and encourage their use. Additionally, employees should be permitted to bring a union representative or other chosen representative with them to any mediations.*

*Recommendation 7.4*

*In order to address the rising tide of EEO complaints at its source, the City must invest in more training and supervision of managers and supervisors. Many EEO complaints are the result of failures by front-line supervisors and managers to address harmful workplace dynamics early on and to mediate potential conflicts between employees. To that end, DHR should implement more frequent, regular training for managers and supervisors aimed at addressing workplace conflict, rather than asking managers simply to offload employee disputes on the EEO process. Additionally, like the police early intervention system<sup>51</sup>, managers must be held accountable when a high number of EEO complaints flow from their direct reports, and DHR should track the sources of EEO complaints in order to identify managers and supervisors who should undergo more coaching on team management.*

## **Finding 8**

### **Departments are presently under no obligation to enforce the corrective action recommended by DHR against respondent employees, and there is no transparent method of tracking whether departments adequately discipline or retrain respondent employees.**

At the conclusion of an EEO investigation, the Director of Human Resources may recommend corrective action for a department to implement against the respondent employee. However, the departments are not bound by DHR's recommendations and may choose to disregard it. For instance, one department has a practice of disregarding DHR recommended actions in response to policy violations. This can result in respondent employees continuing to engage in discriminatory or unprofessional conduct without ever being subject to meaningful corrective action.

Even when departments are amenable to implementing the corrective action recommended by DHR, those actions are not publicly tracked. DHR investigators follow up with departments, but there does not appear to be a way to hold departments accountable for failing to discipline employees that violate city policy.

Additionally, the recommended corrective action in some cases does not meaningfully rectify the inappropriate conduct. In cases that reveal unprofessional or disrespectful conduct that does not rise to the level of an EEO violation, the only remedy DHR recommends is for departments to issue the applicable policy to the offending employee and to require the employee's review and signature. This form of corrective action is of limited utility, as offending

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<sup>51</sup> DGO 3.19 Early Intervention System. <https://www.sanfranciscopolice.org/your-sfpd/policies/general-orders>

employees neither face consequences for their actions nor undergo additional training to prevent future offenses.

*Recommendation 8.1*

*The corrective action recommendations of the Director of Human Resources should be specific and binding, and departments should be required to implement them. DHR should track and record departments' corrective actions in response to EEO investigations and should consider publicly posting departments' rates of compliance with EEO recommendations in order to provide greater accountability.*

*Recommendation 8.2*

*DHR should develop more forms of corrective action that permit a greater intervention than the issuance of city policy for offending employees' signatures. This should include both a greater emphasis on mandatory training for employees, managers, and supervisors who have violated city policies and also an openness to discipline, including removal, of the offending supervisor or management person, particularly when the respondent presents an ongoing threat to the complainant.*

*Recommendation 8.3*

*DHR and City departments should ensure greater accountability of managers and supervisors, for instance, by tracking the rate of EEO complaints arising from particular supervisors' cohorts and direct reports, where warranted.*

## **Finding 9**

**The outcomes of EEO investigations are frequently determined by investigators' conclusions about the credibility of complainants and respondents, but the City's criteria for making these credibility determinations are not consistently or objectively administered. The complaint process is also made unnecessarily adversarial by virtue of DHR's requests that departments preemptively respond to the complainant's allegations.**

First, DHR EEO must formulate standards for making germane credibility determinations.

EEO investigations, by their nature, frequently require investigators to make judgments about the credibility of the parties and the witnesses in a case. The parties' stories often conflict, and investigators must, to some extent, rely on conclusions about the credibility of each side's telling of the facts.

However, based on employee interviews and investigation records provided to the Independent Review team, which the Reviewer presumes to be representative, a large number of employees believe that these credibility determinations are not being made in an evenhanded manner. DHR's investigator handbook devotes about a half a page to factors relevant to determining credibility, including corroboration or lack thereof, demeanor, motive to lie, and logic/consistency of the story. And DHR's investigator training slide presentation provides one slide covering credibility determinations, listing substantially similar factors. However, DHR does not appear to apply its standards for determining credibility in a consistent or objective manner. This pattern has contributed to the belief among many employees that, when it comes to EEO investigations, it is always their word against employer interests, and the employer always wins.

For example, one complainant who alleged a discriminatory termination was determined not to be credible after investigators concluded he had a "motive to lie" in order to regain employment following his termination. Another complainant was not deemed credible because she had a motive to lie to avoid discipline. To be sure, motive to lie is itself a valid and commonly used factor for determining credibility. But the facts relied on in these examples—termination and discipline—are often part and parcel of the adverse actions that form the basis of discrimination claims. That is, almost any complainant could be deemed to have a "motive to lie" if they complained after an adverse action (as they frequently do) because they would be "motivated" to avoid that adverse action, even though the adverse action was allegedly discriminatory. This method of determining credibility could be used to discount the credibility of every complainant who believes he or she has faced a wrongful adverse action. At the same time, investigation records show that DHR has not found a motive to lie in other circumstances that could support that conclusion (for instance, when a respondent's supporting witnesses were alleged to be longtime friends with the respondent). In other words, though a "motive to lie" is a proper factor for determining credibility, DHR's investigation records suggest that that factor may not be applied consistently or evenhandedly in all cases.

DHR investigators also frequently determine that parties are not credible because of "inconsistencies" in their stories. But this criterion for credibility does not seem to be consistently applied. Sometimes investigators rule out testimony because of relatively minor inconsistencies, which may or may not have a real bearing on the important facts. At other times, investigators credit testimony despite inconsistencies by concluding that the inconsistencies were not "contradictory." None of the materials addressing the factors for making credibility determinations address the line between "inconsistent" and "contradictory" statements.

DHR's EEO investigators are clearly thoughtful about their credibility determinations. But without more guidance and training regarding best practices for making credibility determinations, the existing system leaves room for unconscious bias and inconsistency.

Second, investigation documents provided to the Independent Review team show that, in addition to requesting documents and witness information, DHR frequently asks departments to provide substantive "responses" to complainants' allegations. This can result in departmental HR providing adversarial "answers" that may skew DHR's subsequent review of factual materials and witness testimony in a manner inconsistent with DHR's independent and neutral investigation of complaints. The risks that these responses may skew investigations would no doubt be diminished by the presence of DHR investigators in the various departments, as the

DHR investigator in the department would be empowered simply to seek the facts rather than the department's official gloss on those facts.

*Recommendation 9.1*

*DHR should reconsider the dispositive role that credibility determinations presently appear to play in the outcome of some cases. In some cases, it may be difficult or impossible to rule testimony in or out solely or primarily based on the credibility of witnesses. Either both parties may be equally credible, for instance, or neither party may be credible.*

*Recommendation 9.2*

*DHR should establish objective and consistent criteria for determining the credibility of parties and witnesses and should provide investigators with more guidance and training on how to properly make credibility determinations. There are circumstances where credibility determinations are vital. Credibility determinations frequently are required where there is a conflict in statements. But attributing a motive to lie to a complainant because the complainant has been terminated would automatically undermine the credibility of any employee who believes his or her termination was due to discrimination. Similarly, some employees believe that EEO investigators are inconsistent when they conclude that parties are not credible due to "inconsistencies" in their stories. DHR's training materials and handbook should be supplemented to provide greater guidance on the application of these standards.*

*Recommendation 9.3*

*DHR should cease the practice of asking departments for "responses" to complainants' allegations when transmitting requests for information to the departments, as these departmental responses create an unnecessarily adversarial atmosphere for the independent investigation and risk skewing the investigation at an early stage.*

## **Finding 10**

**DHR's close-out letters to complainants are sometimes written in a way that sometimes has the effect of devaluing the complainants by blaming them for adverse actions.**

Many close-out letters to complainants inform employees that EEO found that they were not credible or that they were not as credible as the respondent.<sup>52</sup> Relatedly, close-out letters sometimes justify DHR's findings by citing and recounting the complainant's own shortcomings or poor work performance. These letters can have the effect of unnecessarily frustrating employees who have waited many months for the resolution of a complaint.

*Recommendation 10.1*

*If possible, DHR should revise its determination letters in order to avoid dwelling on employees' purported shortcomings. To the extent that DHR viewpoints are rooted in employee shortcomings, the preference should be counseling rather than a detailed discussion in the report itself.*

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<sup>52</sup> The Independent Reviewer notes that, as an arbitrator and public official, he has frequently made credibility determinations without directly articulating a conclusion about who is telling the truth and who is not.

## **II. Recruitment, Hiring, and Advancement**

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### **Finding 11**

#### **The City has room to expand its efforts to recruit under-represented employees through community organizations such as the NAACP, Urban League, and others.**

In October 2018, the Civil Service Commission amended its rules to allow for the de-identification of applicant information during the “post-referral selection process”—the point of the hiring process where applicants on the eligible list are invited to interview for the final position. These amendments were part of an effort to eliminate the possibility of implicit bias preventing meritorious applicants from moving forward in the hiring process.

The effectiveness of these measures has been unclear. In January 2020, DHR concluded that de-identification had contributed to “an increase in diverse representation as well as more candidates being included in the interview process.”<sup>53</sup> However, several stakeholders have voiced skepticism, saying that the evidence is ambiguous on whether de-identification has improved diversity in hiring and that it hinders efforts by hiring managers who would like to emphasize diversity. We have no evidence that de-identification has furthered diversity.

The academic research in this area is also inconclusive. Where employers have implemented diversity and affirmative action initiatives, it appears that de-identification can have a detrimental effect on minority candidates by negating those initiatives.<sup>54</sup> When affirmative action is lacking, though, de-identification has been correlated with an increase in call-back rates for minority candidates.<sup>55</sup> Whether securing a more diverse interview pool results in greater diversity in hiring is also unclear.<sup>56</sup>

Setting aside de-identification, however, this independent investigation showed that San Francisco has room for improvement in its recruitment of Black employees. Whatever the rates

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<sup>53</sup> Anna Biesbas, *Report on the Status of De-Identification for Classification-Based Testing Recruitments*, DHR, Jan. 22, 2020.

<sup>54</sup> See, e.g., Luc Behagel et al., *Unintended Effects of Anonymous Resumes*, 7(3) AMERICAN ECONOMIC JOURNAL: APPLIED ECONOMICS, 1, 3 (2015), <https://www.aeaweb.org/articles?id=10.1257/app.20140185>.

<sup>55</sup> See Krause et al., *Anonymous Job Applications in Europe*, (Inst. for the Study of Labor (IZA), Discussion Paper No. 7096) (Dec. 2012), <http://ftp.iza.org/dp7096.pdf>; Martin Bøg and Erik Kranendonk, *Labor Market Discrimination of Minorities? Yes, But not in Job Offers*. MPRA Paper, (2011),

<https://ideas.repec.org/p/pramprapa/33332.html>; cf. Government of Canada, *Name Blind Recruitment Project—Final Report*, Ottawa: Government of Canada (2018), [https://www.canada.ca/en/public-service-commission/services/publications/name-blind-recruitment-pilot-project.html#toc\\_6](https://www.canada.ca/en/public-service-commission/services/publications/name-blind-recruitment-pilot-project.html#toc_6) (showing that name-blind recruitment had no statistically significant effect on rate at which minority candidates were “screened in” to the next stage of hiring process but did significantly decrease the rate for majority candidates).

<sup>56</sup> Olof Åslund and Oskar Skans, *Do Anonymous Application Procedures Level the Playing Field*, 65(1) INDUSTRIAL AND LABOR RELATIONS REVIEW Sweden 82, 93 (2012) (finding that anonymizing applications led to better hiring outcomes for women but not for non-Western immigrants).

of demographic representation citywide, under-representation is particularly acute at higher-ranking managerial levels.<sup>57</sup> The Independent Reviewer was advised in March by representatives of the City dealing with community organizations that the list of community organization “will expand so that now we’re asking organizations . . . NAACP, Urban League . . . fraternities, sororities will be added . . . at this point NAACP and those organizations that cater to Black and Brown jobseekers, we’re currently adding those because we don’t have them yet.” (emphasis supplied).

The Independent Reviewer has no information at present indicating that these organizations have been added.

*Recommendation 11.1*

*The City should promptly engage civil rights and community organizations representing under-representative communities who can both publicize and promote the availability of job opportunities.*

*Recommendation 11.2*

*DHR should continue to monitor and report on an annual basis the effects of de-identification on the hiring process and reevaluate it so as to determine its efficacy, if any.*

## **Finding 12**

### **The City’s could amend Administrative Code Chapter 12X to allow travel to restricted states for purposes of recruiting for City employment candidates from Historically Black Colleges and Universities.**

As the February 22, 2021 memorandum from City administrator Carmen Chu outlines, San Francisco has enacted through its Board of Supervisors a ban on travel to states with anti-LGBT and abortion-restrictive laws. This has resulted in the ban of travel for the purpose of recruitment to Historically Black Colleges in much of the Deep South. There is no provision for waivers under the travel ban,<sup>58</sup> and some City departments reported to the Independent Reviewer that this travel ban has hindered efforts to recruit from Historically Black Colleges. Essentially,

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<sup>57</sup> For instance, the Department of Public Health’s Racial Equity Action Plan notes “the predominance of BIPOC employees in lower paid job classes” and explains that “Black/African American[] employees are concentrated in either lower paid clerical and service jobs or higher paid management jobs with less distribution in between, dragging median salaries below other major ethnic/racial groups at SFDPH.” S.F. DEPARTMENT OF PUBLIC HEALTH RACIAL EQUITY ACTION PLAN 12 (2020), <https://bit.ly/3tMwQWX>; see also S.F. PUB. UTIL. COMM’N RACIAL EQUITY ACTION PLAN 12 (2020), <https://bit.ly/3gU9Kev> (“Black and Latinx employees are underrepresented in the higher-paying Professional and Managerial classes.”).

<sup>58</sup> See S.F. ADMIN. CODE § 12A.5 (2021).



this puts the City at a disadvantage in recruiting talented Black American students to be employed in San Francisco, particularly at a time when the Black population in San Francisco has declined considerably and the need to recruit beyond City borders is more pressing. The City has the authority to amend the relevant ordinance and to waive the ban for such purposes.

*Recommendation 12.1*

*The City should amend Chapter 12X which prohibits the City from funding travel to states which have anti-LGBT and abortion laws, to create an exemption to the ban on travel for the purpose of recruiting Black students from Historically Black Colleges and Universities. This amendment is important to the establishment of a more diverse workforce in San Francisco.*

## **Finding 13**

### **City investments in the continuing education and career progression of its incumbent workforce have room for improvement, especially with respect to well-paying jobs in the skilled trades.**

Through a wide variety of programs and initiatives, the City has undertaken to train and employ people who have been marginalized, unemployed, and previously incarcerated, both in San Francisco itself as well as in adjacent counties such as San Mateo and Marin. See Sadie Gribbon, *City Celebrates Expansion of Job Training Program*, S.F. EXAM’R (Feb. 28, 2018, 12:00 AM), <https://www.sfexaminer.com/news/city-celebrates-expansion-of-job-training-program/>. This kind of training, designed to improve income and occupational opportunities, is aimed at unskilled, “at risk” workers. The San Francisco Office of Economic and Workplace Development has similarly promoted programs such as City EMT, devised to provide job training for youth between 18-24 with the object of obtaining job placement in the City’s Fire Department or contracted ambulance services. City Drive, again aimed at marginalized individuals, has promoted contacts and opportunities in trucking. Joe Rodriguez, *First Class of Laid-Off Chariot Drivers Graduate Muni Operator Training*, S.F. EXAM’R (May 31, 2019, 10:00 PM), <https://www.sfexaminer.com/the-city/first-class-of-laid-off-chariot-drivers-graduate-muni-operator-training/>.

These programs all appear to be aimed at those who are not presently employed on the City work force or adequately elsewhere in the private sector. Thus, they are important and praiseworthy initiatives. But the same attention has not been provided by the City to its own City workforce. As the City’s 2020 Annual Workforce Report notes, the percentage of Black workers in the permanent civil service (PCS) is approximately half that of white workers.<sup>59</sup> Moreover, amongst permanent exempt jobs (PEX) which pay approximately more than one-and-one-half

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<sup>59</sup> It is true that the available labor market in San Francisco would be relevant to employment discrimination litigation. But that is not what this report is about. Rather, it seeks to promote more inclusion and retard or reverse the Black exodus from San Francisco. See *The Unfinished Agenda*, *supra*.

times the rate paid to permanent civil service and include many department leadership and other high-level positions, the same pattern of exclusion persists. The Report noted: “Black employees have lower-paying jobs, are less likely to be promoted, and are disciplined, and fired more frequently. Until we address these disparities in the experience of our Black employees, we cannot achieve our vision of an inclusive and welcoming workforce for everyone.” S.F. DEP’T HUM. RES., 2020 ANNUAL WORKFORCE REPORT 1 (2020), <https://sfdhr.org/sites/default/files/documents/Reports/annual-workforce-report-2020.pdf>.

One of a number of important first steps is to provide a pathway from lower-paying, relatively unskilled jobs into the skilled trades and managerial positions. The City advises the Independent Reviewer that it has negotiated more diversity in apprenticeship and training<sup>60</sup>. This demonstrates that the City is well positioned to take the initiative in pressing relevant labor union partners to agree to reforms. The idea that only the unions can change patterns is outdated.

Another such program has already been undertaken for machinists in conjunction with Local 1414 of the International Association of Machinists, vis-à-vis job opportunities in the Bayview area. See San Francisco Joint Apprenticeship Committee: Policies & Expectations, Automotive & Maintenance Machinist Apprenticeship Program, Apprenticeship SF. But aside from this, the fact is that Black workers are substantially excluded from a number of the high-paying skilled trades jobs. The City and relevant unions must bargain alternative or supplemental paths leading to journeyman status for incumbent workers, perhaps providing for longer periods of training.

The need is vital. For instance, only 2.5% of electricians employed by the City are Black. The same pattern exists for sheetmetal workers, where, of 23 workers in this classification, only one is Black. Of 20 arborist technicians, only one is Black. Even amongst plumbers where Black employees constitute 8% of the total workforce, the Independent Reviewer and staff encountered complaints and frustration voiced by Black workers in the Department of Public Works, where laborers work near to plumbers, frequently assist them, as well as perform some of their functions, are denied mobility into this vital craft. This phenomenon is true throughout the United States, in both the private as well as public sectors. See, e.g., San Francisco Public Utilities Commission Water System Improvement Program Jurisdictional Accord: Laborers Local Union 261 and United Association Local Union 38 (Mar. 7, 2008). These patterns contrast with some of the lower level, relatively unskilled jobs, such as general laborers or transit car cleaners, where Black employees constitute generally ten or more times the percentage of those in the more skilled, well-paying positions.

*Recommendation 13.1*

*The City must invest both in the incumbent workforce, provide tuition assistance at institutions such as community colleges so that such workers, if interested, can improve their work capabilities and prepare to enter apprentice programs, and it must offer other forms of assistance to workers who seek to obtain better job mobility leading where appropriate to journeyman status. The City must also explicitly state a public policy favoring preference into the skilled trades and other comparable work for the relatively unskilled and semiskilled*

<sup>60</sup> See Crafts MOU, section I.M., paragraphs 81-84. <https://sfdhr.org/memoranda-understanding>

*workforce, provide such workers with credit for exposure to skilled jobs already obtained, and involve itself in and promote (previously promised) scrutiny of the relevant craft union apprenticeship programs, their practices and policies.*

## **Finding 14**

### **Current Civil Service Rules and departmental policies provide wide latitude to hiring managers in selecting interview panelists, potentially allowing implicit bias and favoritism to undermine the fairness of the hiring process.**

In addition to exams (for Permanent Civil Service positions), minimum qualifications, and eligible lists, almost all departments reported that interviews are a standard part of the hiring process, subject only to rare exceptions. Regardless whether the vacant position is categorized as a Permanent Civil Service (PCS) or Exempt position, hiring managers use interviews to make a final choice from a field of qualified candidates. Consequently, an impartial interview process is critical to ensuring that hiring decisions are fair and equitable.

However, some employees report a belief that hiring managers may unduly sway the interview process through their choice of interview panelists, frequently to the detriment under-represented applicants. In essence, the charge is that hiring managers may still select friends, close colleagues, subordinates, repeat-panelists, or other employees whose decisions are foreseeable to the hiring manager for the panels. Because of these relationships, the interview panel effects the wishes of the hiring manager by proxy, issuing positive evaluations for candidates likely to be highly esteemed by the hiring manager, or for the kinds of candidates with whom the hiring manager is comfortable working.

Empirically evaluating the truth of this perception is perhaps impossible due to a lack of data regarding the demographic information of applicants and panelists, and the City should gather data on these points in order to better track interview panel trends. But, notwithstanding existing implicit bias training, no rigorous statistical analysis is necessary to see that hiring managers possess a substantial amount of discretion in shaping the interview process, and because “[w]e naturally gravitate toward like-minded individuals,”<sup>61</sup> it is also clear that hiring manager discretion in shaping interview panels can have a powerful impact on the panel’s decisions. Hiring managers formulate interview questions, choose panelists, and even serve on interview panels. In some circumstances, including exempt appointments that may be highly sought after, they also have the authority to hire the candidate of their choice, notwithstanding the opinion of the panel.

To be sure, this discretion is not unlimited. The City’s Civil Service Rules require that the City “make every effort to ensure representation of women and minorities” on panels. S.F. Civ.

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<sup>61</sup> Marilyn Cavicchia, *Is There Bias in Your Hiring Process? Removing It Takes Diligence, Self-Awareness*, 40 ABA BAR LEADER, no. 6, July-August 2016, [https://www.americanbar.org/groups/bar\\_services/publications/bar\\_leader/2015-16/july-august/is-there-bias-in-your-hiring-process/](https://www.americanbar.org/groups/bar_services/publications/bar_leader/2015-16/july-august/is-there-bias-in-your-hiring-process/); cf. *Rowe v. General Motors*, 457 F.2d 348 (5th Cir. 1972).

SERV. R. 111.1.2 (2021); *see also* R. 113.1.2 (requiring, *inter alia*, a diverse interview panel and non-discriminatory selection procedures). The Rules also require uniform standards for civil service examinations and prohibit panelists from rating candidates with whom they have a strong personal association. *Id.* R. 111.14.1. HR personnel screen interview questions for job-relatedness and potential bias, and they evaluate the diversity of the panel. In some departments, these Human Resources personnel directly consult with hiring managers, advising them on how to formulate fair questions and select diverse panelists. There are also measures taken to vet the panelists themselves. City policy dictates that panelists must complete “Fairness in Hiring” and “Implicit Bias” training. Panelists are also asked to self-report any conflicts of interest—namely, personal relationships they might have with interview candidates. Additionally, departments restrict the pool of interview panelists to employees who hold a job classification level equal to, or higher than, the position being applied for. In some departments, further restrictions might apply to panelists serving in Exempt classifications. On the back end, candidates may also request that the Civil Service Commission inspect the hiring process for consistency with applicable rules.

In practice, however, the effectiveness of these checks on potential bias is unclear, even if they appear meaningful in theory. For instance, there are allegations that panel diversity is merely nominal because hiring managers repeatedly choose the same minority and non-minority colleagues, with whom the managers are friendly and whose hiring tendencies the managers know, to serve as panelists. It is unclear whether the human resources specialists who screen interview questions for bias are always trained EEO personnel, beyond a narrow inquiry into job relatedness as opposed to broader expertise into job bias. Many employees also believe that human resources specialists are essentially there to assist the hiring managers rather than act as a check on favoritism or unconscious bias. And there does not appear to be a uniform policy about when hiring managers draft interview questions, leaving open the possibility that hiring managers might wait until they know the identities of the interview candidates and then engineer the questions to maximize the chances for their preferred candidate.

The core problem is (1) lack of transparency about the process; (2) the lack of some important structural limits on the hiring manager’s influence over the interview process. Some of the “best practices” employed by various departments do advocate for structural changes to the panel—such as requiring panelists from outside of the hiring manager’s division or department where practicable. These policies should be encouraged.

*Recommendation 14.1*

*The hiring manager should abide by the hiring recommendation of the interview panel barring compelling reasons not to do so. At the interview stage, all candidates possess the required qualifications for the position. Input from the hiring manager at this stage does not always discern which candidate is best, and a hiring panel staffed by disinterested parties can best ensure that bias or favoritism doesn’t play a role in the final hiring decision.*

*Recommendation 14.2*

*Best practices, such as using panelists from outside of the division, department, or City, where possible, should be used to the extent practicable. While the hiring manager may still serve on*

*the interview panel, employees who are direct subordinates to the hiring manager, whatever their classification as a PEX/TEX/PCS employee, should be excluded where necessary and possible and other measures should be initiated to balance between the need for specialized knowledge and independence of the panel.*

*Recommendation 14.3*

*Where practicable, there should be a limit on how often individuals can serve on hiring panels each year. This rotation policy will help foster a diversity of viewpoints on hiring panels and will reduce the likelihood that hiring managers will repeatedly select the same panelists after learning their hiring preferences. In the case of specialized positions for which a limited pool of employees are qualified to evaluate, exceptions to this policy may be appropriate.*

*Recommendation 14.4*

*Properly trained Human Resources personnel must use relevant EEOC standards relating to subjective criteria to certify proposed interview questions prior to the hiring manager knowing the identities of the interview candidates.*

*Recommendation 14.5*

*The present practice through which departments track the demographics of interview candidates to identify whether the hiring process has a disparate impact on any demographic groups should continue.*

*Recommendation 14.6*

*DHR and the City departments should begin tracking data regarding the make-up of interview panels. That should include, for instance, tracking the demographics of panelists, the frequency with which individuals serve on panels, the classification (PEX/TEX/PCS) of panelists, and the like. DHR should examine this data in light of hiring decisions to determine what panel structures lead to disparate impacts in hiring and/or promotions.*

## **Finding 15**

### **The City lacks a uniform policy on acting assignments.**

Many employees report confusion and a systemic lack of guidance when it comes to City career paths, career pipelines, and plans for advancement. In interviews with the Independent Review team, employees report that managers and supervisors do not take a proactive interest in employee advancement. Employees who seek to transition from a temporary exempt position or a permanent exempt position into a permanent civil service role feel that they are not given adequate information about the civil service exam process. And employees who are in permanent civil service roles often find themselves at functionally the same step in the career ladder for years, if not decades. Employees struggle to navigate the City's complicated system of classifications and receive insufficient guidance from supervisors and department leadership on how to advance to more senior classifications.

One effective way to help move more employees into leadership positions or to advance in their careers is to use acting assignments to help position employees to progress in their careers. Acting assignments both give employees experience in more senior positions and also set employees up to be competitive applicants for the permanent position. However, the City does not have a consistent policy respecting the selection of employees for acting assignments. Each department crafts its own acting assignment policy or practice, sometimes under constraints set by MOUs, and to the extent the department has written the policy down, these policies vary widely. For example, some departments give most of the discretion for selecting acting managers to some upper-level manager, perhaps with nominal HR supervision. Others rotate acting duties among qualified employees. Still others engage in a competitive process. As the City's Human Resources authority, DHR should determine which of these methods of selecting employees for acting assignments is most equitable and should ensure that the City has a uniform policy for choosing employees for acting assignments.

*Recommendation 15.1*

*DHR must do more to acquaint prospective employees or exempt employees with the civil service examination process. These efforts should include, but should not be limited to, the administration of practice tests where feasible, preparation guides and manuals (these are available for some departments or positions, but not many), information sessions to provide information, dates, and advice to prospective applicants, and the like.*

*Recommendation 15.2*

*In addition to upskilling more employees into trade jobs, as discussed elsewhere, DHR and the City departments should craft and communicate clear pathways for employee advancement so that employees do not find themselves stuck for years at the same rung of the career ladder. This should include, for instance, ensuring regular meetings with managers/supervisors to help employees plan their careers, expanding mentorship opportunities, making available organizational charts that clearly spell out pathways for advancement within various sub-departments, teams, and work areas, and the like.*

*Recommendation 15.3*

*DHR should encourage and, to the extent it has power, require all departments to adopt a uniform system for handling acting managerial and supervisory assignments. Optimally, such a policy will involve a competitive process and/or will permit rotation that exposes more employees to acting duties. Such a policy should avoid excessive managerial discretion that currently dictates the process for filling acting roles in many departments. Managerial discretion in this area results in increased risks of implicit bias or nepotism.*

## **Finding 16**

### **The City lacks a uniform policy regarding how non-civil-service jobs are posted and filled.**

A substantial chunk of the City's workforce includes exempt employees, and some of these positions include leadership roles and other highly valued jobs. However, City departments report various methods of filling these roles. Some, but not all, employ the same process that they use for hiring civil service jobs, including extensive panel interviews and scoring. Others have more simplified processes for exempt positions. Likewise, not all departments consistently post exempt positions publicly for competitive process. There may be some instances in which competitive process is unnecessary, infeasible, or unwanted (for instance, high-level policymaking employees), but this is not always the case.

#### *Recommendation 16.1*

*DHR and the City departments should implement a uniform written policy for the process that governs filling exempt positions. This should include posting and a structured interview process unless there are compelling reasons not to have such a process, and the policy should clearly delineate when it is appropriate not to have a structured interview process for filling exempt positions.*

#### *Recommendation 16.2*

*In the event Recommendation 16.1 is not adopted, then at the very least DHR should track and publicize which departments conform to the Civil Service Commission's best practices for structuring the exempt hiring process.*

### **III. Discipline and Corrective Action**

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#### **Finding 17**

#### **Black employees, as well as other employees of color, are disciplined at disproportionately high rates.**

Thanks to DHR’s efforts in recent years to collect and track departmental level disciplinary data,<sup>62</sup> the City is well aware of the disproportional rates of discipline for Black employees and other employees of color. The data provided to the Independent Review team by DHR was controlled by the City for variations across departments, income level, level of discipline, and union membership, yet racial disparities in discipline persisted. For instance, DHR’s 2020 Annual Workforce Report found that “Black and Hispanic workers often receive a higher level of scrutiny in the workplace, leading to more corrective action and discipline, and eventually a higher rate of terminations as compared to their White and Asian counterparts.”<sup>63</sup>

Part of this discrepancy is due to the types of positions that Black workers currently occupy. For instance, in MTA, Black workers are disproportionately employed at the transit operator level. These roles are subject to greater regulation and objective metrics and rules. This makes discipline for minor infractions more likely among these job classes compared to other kinds of work (for instance, administrative or professional roles) in which the need for corrective action is more subjective.

But the problem may go beyond simply job classifications. Black employees face disproportionate punishment even in the job clusters within which they are employed.<sup>64</sup> This indicates that the problem is not simply one of job classifications alone. Although DHR has formulated best practices and checklists for departments’ use of discipline, performance improvement plans, and probationary extensions, DHR presently has no means of tracking departments’ compliance with or adoption of these best practices.

<i>Recommendation 17.1</i>
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<sup>62</sup> See S.F. DEP’T HUM. RES., CORRECTIVE ACTION AND DISCIPLINE BY RACE/ETHNICITY AND GENDER (2019), <https://sfdhr.org/sites/default/files/documents/Resources/Corrective-Action-and-Discipline-by-Race-Ethnicity-and-Gender.pdf>. DHR also noted that its efforts to collect and analyze corrective action data have been hampered by inconsistent compliance by departments with DHR’s data requests.

<sup>63</sup> S.F. DEP’T HUM. RES., 2020 ANNUAL WORKFORCE REPORT 11-13 (2020), <https://sfdhr.org/sites/default/files/documents/Reports/annual-workforce-report-2020.pdf>.

<sup>64</sup> See, e.g., SFMTA RACIAL EQUITY ACTION PLAN 40 (2020), <https://bit.ly/2S5uLIG> (noting that in Fiscal Year 2020 “African American and Black people comprise[d] 32 percent of the Transit Division, [yet] they represent more than 50 percent of discipline cases charged” in that division).



*DHR should track and report on its Citywide Workforce Demographics page the rates of discipline and types of discipline by race.*

*Recommendation 17.2*

*All City departments should track and regularly report to DHR corrective action and discipline data. To the extent that DHR cannot require compliance with disciplinary data requests, DHR should publish a list of which City departments fail to comply.*

*Recommendation 17.3*

*DHR and the City departments should track the frequency with which managers and supervisors discipline their workers, including tracking demographics of corrective actions implemented by each manager or supervisor. DHR and City departments should intervene with training for managers who are responsible for disproportionate discipline or corrective actions, as well as employees and unions for the purpose of both training and discussion about the responsible factors.*

*Recommendation 17.4*

*DHR should take a lead in establishing standardized disciplinary procedures and standards that apply to all miscellaneous employees and should ensure their equitable enforcement. For instance, DHR reported in its 2020 Annual Workforce Report that departments such as MTA and HSA were developing such standards, including, for instance, checklists to ensure all procedures are followed equitably. DHR should require such procedures city-wide. Relatedly, City departments should follow DHR's best practices and checklists regarding discipline, performance improvement plans, and probationary extensions, balancing considerations idiosyncratic or unique to the department. DHR should track departments' compliance with these best practices and should publish a list of which departments have not adopted those best practices or practices substantially similar to them.*

## **Finding 18**

### **Black employees are disproportionately subjected to probationary and medical releases.**

Many employees, managers, and department leaders reported that Black employees are disproportionately released from employment due to medical separation and probationary release. The statistics from departmental racial equity action plans provide proof that this is the case.<sup>65</sup>

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<sup>65</sup> See, e.g., SFMTA RACIAL EQUITY ACTION PLAN 40-42 (2020), <https://bit.ly/2S5uLIG>; S.F. PUB. UTIL. COMM'N RACIAL EQUITY ACTION PLAN 82-83 (2020), <https://bit.ly/3gU9Key>; CITY OF S.F. DEP'T OF HUM. RES., CORRECTIVE ACTION AND DISCIPLINE BY RACE/ETHNICITY AND GENDER 4 (2019); see also SEIU 1021, ADDRESSING SYSTEMIC RACISM AT THE CITY & COUNTY OF SAN FRANCISCO 11 (2018), <https://bit.ly/3uNu5WQ>.

One factor contributing to probationary releases is a lack of proper training, mentorship, and investment from departments, managers, and supervisors for probationary employees. Many employees and department leaders reported that expectations for employees on probation are not clearly communicated. Additionally, employees working in probationary periods are not given the mentorship or training that they need to succeed. Rather, both employees and department leaders expressed the view that these employees are thrown into their jobs and expected to “sink or swim.” As a result, employees make understandable, easily corrected mistakes that result in their release.

Black employees are also more frequently released for medical reasons. Of the 33 medical releases in 2020, Black employees accounted for 13 of them (39.39%).<sup>66</sup> This was consistent with historical data.<sup>67</sup> While it is difficult to definitively explain why Black employees face disproportionate rates of medical separations, it is a trend that warrants further monitoring.

*Recommendation 18.1*

*DHR must review the current trends in probationary and medical releases to identify racial disparities. DHR should release on its Workforce Demographics page data showing the demographic composition of releases by type.*

*Recommendation 18.2*

*DHR and the City’s departments must establish firmer standards and expectations for managers and supervisors with respect to training, mentoring, and releasing employees who are in probationary periods. In particular, supervisors and managers must receive more serious and comprehensive training about their responsibility for helping and ensuring the success of their new employees so that employees and department leaders no longer report a “sink or swim” mentality.*

## **Finding 19**

### **The City has recently created a number of new offices and positions to address racial equity and diversity, equity, and inclusion. The City must invest more resources in these bodies.**

The City has recently made some positive steps in the direction of racial equity. For instance, the establishment of the Office of Racial Equity should help to keep City departments accountable when it comes to the City’s commitment to racial equity. DHR and City departments have also invested in employees responsible for promoting diversity, equity, and inclusion. Such

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<sup>66</sup> Data provided by DHR.

<sup>67</sup> SEIU 1021, ADDRESSING SYSTEMIC RACISM AT THE CITY & COUNTY OF SAN FRANCISCO (2018) at 11 (available at <https://sfgov.legistar.com/View.ashx?M=F&ID=6812897&GUID=6651E032-980F-4CD9-A93A-E976D9160770>) (showing that from 2014-2018 Black employees accounted for 38% of medical separations).

initiatives will hopefully help the City to continue identifying areas where improvement is needed and how to make such improvements a reality.

However, many of these departments and roles are currently understaffed. The Office of Racial Equity, for instance, has only two or three full-time employees. For a City with approximately 35,000 employees, it is unrealistic to expect these kinds of efforts to succeed without more investment.

*Recommendation 19*

*The City should continue to identify areas where the Office of Racial Equity and diversity, equity, and inclusion personnel can play a key role and should expand the staff and resources for these initiatives.*

## **IV. Conclusion**

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The much-needed process of internal examination of equal employment opportunity has begun. Through considerable Black representation at the higher echelons of department heads and managerial staff, the City has clearly demonstrated that it can be done. Moreover, as noted above, the City has already undertaken diversity initiatives with the craft unions. It has shown that it can meet the moment in implementing Recommendation 13.1. This Independent Reviewer report is another step in the process.

The Independent Reviewer proposes to the Mayor and her staff that the Recommendations articulated be considered seriously and implemented. In essence, the proposals here and findings made in support of them lay out a road map for the future, one which will see San Francisco put its foot on the gas to eradicate past and present inequities so that Blacks are (1) drawn, once again, to this City and its opportunities and (2) are well represented throughout its entire workforce.

Now comes the hard part. The Independent Reviewer has proposed much to be done. Though W.E.B. DuBois saw the Twentieth Century as the century containing the “problem of the color line”<sup>68</sup>, an issue hardly unique to the United States, San Francisco is confronted with the same challenge in different forms in the century which unfolds. This is that new “reckoning”.

Respectfully submitted,



William B. Gould IV  
*Independent Reviewer*  
June 15, 2021

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<sup>68</sup> W.E.B. Du Bois, *The Souls of Black Folk*. (1903)

# Senate Bill 619

Sponsored by Senator FREDERICK (at the request of former Representative Tiffany Mitchell) (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Revenue to establish program to pay reparations to Black Oregonians who can demonstrate heritage in slavery and who submit application no later than December 31, 2022.

## A BILL FOR AN ACT

1  
2 Relating to reparations for slavery.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Department of Revenue shall establish a program to pay reparations**  
5 **to Black Oregonians who can demonstrate heritage in slavery and who submit an application**  
6 **to the department no later than December 31, 2022.**

7 **(2) A person is eligible for reparations under this section if the person demonstrates that**  
8 **the person:**

9 **(a) Is descended from an American slave;**

10 **(b) Has identified as African-American on legal documents for at least 10 years before**  
11 **the date of the application;**

12 **(c) Is at least 18 years of age, an emancipated minor or a ward, as defined in ORS**  
13 **419A.004, whose parents are deceased or for whom parental rights have been terminated and**  
14 **have not been reinstated; and**

15 **(d) Has resided in Oregon for at least two years before the date of the application.**

16 **(3) The department shall pay to each eligible applicant the amount of \$123,000 in the form**  
17 **of an annuity payable annually for the life of the applicant.**

18 **(4) Reparations paid under this section and the right of a person to an annuity under this**  
19 **section are exempt from garnishment and all state, county and municipal taxation, except**  
20 **as provided under ORS chapter 118, are not subject to execution, garnishment, attachment**  
21 **or any other process or to the operation of any bankruptcy or insolvency law and are unas-**  
22 **signable.**

23 **(5) The department may adopt rules to implement this section.**  
24

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

# SAN FRANCISCO AARAC

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