



CA Coalition Requests Legal Memo Regarding Reparations Bill Package

Available to Multiple Volunteers

Project Title

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Scope of Work

The final work product is a memo that addresses legal questions related to the California reparations bills package and provides template language that may be used for the preamble to a legislative bill.

Timing

The project is expected to be completed by the end of February. However, the timeframe is flexible and can be extended to the end of the Spring.

Jurisdiction

CA

Contact Information

Please contact David Lash (dlash@omm.com) and Guerby Noel (guerby@lawfirmantiracismalliance.org) if you are interested in this project.

Description

In 2022, the LFAA endorsed the California Legislature's formation of a Task Force to study and develop reparative proposals for reparations. In 2023, the California Reparations Taskforce released its 1,100-page Report, which gives historical context to the case for reparations and makes recommendations. Recently, the California Legislative Black Caucus introduced a [2024 Reparations Legislative Package](#) based on the California Reparations Taskforce's report findings.


Alliance for Reparations, Reconciliation and Truth (ARRT), a coalition committed to educating the public about reparations, requests legal assistance to address the oncoming challenges and criticism of the proposed reparations bills. AART seeks a legal memo addressing the following legal questions:

- a. Are any of these bills so categorically race-conscious as to trigger strict scrutiny? Can an "apology bill," even if race-conscious, trigger an equal protection review?
- b. Does the 2nd clause of the 13th Amendment apply to state governments that ratify the 13th Amendment, thereby compelling state legislators to undertake legislation to abate badges and incidents of slavery?
- c. What findings must be made regarding badges and incidents of slavery to compel Congress to act under the 13th Amendment? Which findings in the California Reparations Taskforce's Report satisfy that burden for this bill package?
- d. Outline the "compelling interest" and "badges and incidents" statement that should serve as the predicate to the bill package based on the California Reparations Taskforce's Report findings.
- e. Do any bills in the package implicate government contracts, hiring, or education? If so, what level of judicial scrutiny is applicable? Which findings in the Taskforce's report need to be highlighted in the preamble of the bill to satisfy Prop 29 scrutiny?
- f. What do the sponsors of these bills need to say and emphasize in their public comments during legislative sessions to establish a legislative record that would be beneficial for defending against reverse racism & equal protection claims?

The due date is flexible.

Subtasks (0)

Reminders(1)

 1 day(s) before