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**U**nder a bill signed by Governor Gavin Newsom in 2020, California is looking into possible ways to provide restitution to Black Americans who experienced the generational effects of slavery—and the state's reparations plan might potentially benefit White-identifying individuals, some analysts have



A nine-member Reparations Task Force was deployed to travel across the state and develop reparation recommendations and propose solutions to its findings, which take into account the harms that Black people suffered.

In a March 2022 report, the task force said that those eligible for reparations should be descendants of enslaved African Americans or of a "free Black person living in the United States prior to the end of the 19th century."



In its interim report released in June, the task force was able to determine 12 areas of harm "identified as the lingering effects of slavery," said task-force member Jovan Scott Lewis, a professor at the University of California, Berkeley, and a geographer who researches reparations.

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Those areas are enslavement, racial terror, political disenfranchisement, housing segregation, separate and unequal education, racism in environment and infrastructure, pathologizing the Black family, control over creative cultural and intellectual life, stolen labor and hindered opportunity, an unjust legal system, mental and physical harm and neglect, and the wealth gap.

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Activist Kavon Ward speaks at a ceremony to return ownership of Bruce's Beach to the descendants of a Black family who had the land stripped from them nearly a century ago on July 20 in Manhattan Beach, California. The state has taken on a mission to provide restitution to Black Americans who have experienced generational effects of slavery as part of a wide-scale racial justice effort following the death of George Floyd, but some experts are now concerned that the state's reparations plan might potentially benefit White identifying individuals.

PHOTO BY DAVID MCNEW/GETTY IMAGES

Lewis said that the task force was able to identify five key areas that could be supported by some form of compensatory framework because those were the ones that were currently backed by data from the economics team.

The five areas identified by the team are housing discrimination, mass incarceration, unjust property seizures, devaluation of Black businesses and health care. Those issues factor into determining the reparations.

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Based on housing discrimination alone that occurred between 1933 and 1977, as much as \$569 billion in reparations could need to be paid to African Americans in California—amounting to \$223,000 per person.

### Concerns About The Current Eligibility Criteria

Some experts are concerned that the current language of the eligibility criteria might open the door for individuals identifying as White to possibly receive reparations money if they prove descentance and meet the eligibility criteria.

William Darity, a professor of Public Policy, African and African American Studies at Duke University, told *Newsweek* that "the way in which the language of the eligibility requirements is worded, it may open the door to that possibility."

"There's always a problem if the proposal is designed or written in such a way that individuals who are currently living as White who may have ancestors in those two categories would be eligible for black reparations. So that is a potential problem," Darity said.

He explained that if this is the complete language of the eligibility criteria, it is

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"Somebody whose ancestors were enslaved subjected to chattel slavery somewhere else might be able to come forward too, if that's the complete language," he said. "I think it's problematic if somebody who has lived in a world where there are benefits and advantages to being White and who has lived under those conditions, makes a claim for reparations. I think that's highly problematic and unethical."

Meanwhile, Nkechi Taifa, an attorney and founder and director at Reparation Education Project, told *Newsweek* that White individuals who could possibly use the task force's criteria to claim reparations would probably do so by proving ancestry that was mostly a result of tragic events in the past.

"Most of that ancestry might be probably from rape of Black women and girls," she said, adding that the possibility that people who identify as White could qualify for reparations is "very problematic."

"For people of another race to be able to capitalize off of that based on a lineage criteria that allows for a loophole for them to be able to apply. It's really nonsensical and it's even more ironic or a slap on the face when lineage might be x

However, Lewis, who is a task force member, clarified that the eligibility criteria is specific to "a Black individual who can claim descendance from one of those classes of individuals."

"We're talking about people, who today, are recognized as African American and who can also establish lineage to African American persons enslaved in this country or free persons prior to the 1900s," Lewis told *Newsweek* this week.

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### White Individuals Need to Prove That They've Been Harmed

Though Lewis said that there will not be a specific race-based requirement per the reparations eligibility criteria, he also confirmed that a person has to prove that they have been impacted by ongoing discrimination that stems from American history.

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He said the person claiming eligibility based upon lineage has to prove that they have been harmed by the lingering effects of slavery.

"So we're thinking about housing discrimination, we're thinking about mass incarceration, we're thinking about experiences that have impacted a particular community that is ... having a descent from persons enslaved in this country," he said, adding that some might think its "very feasible" for a White American to claim to have an ancestor who was enslaved.

"However, we're talking about there being this dual criteria by which one has to be able to determine eligibility rooted in this historical phenomenon [slavery] and its historical community, while also facing the ongoing consequences of racism in this society," Lewis explained. "And so it's hard to imagine that there will be a white American who would be able to claim that they have an ancestor who was enslaved [and] who would also then say that they identify with the community of Black Americans that has been victims to the ongoing lingering effects."

### **Other Concerns About the Current Eligibility Criteria**

Still, Taifa thinks that the task force's lineage decision would be more "limiting" in terms of determining the number of Black people who are eligible for reparations.

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"Honestly I think everyone should try to trace their ancestry, but it should not be a requirement, mandated as a precondition to be able to qualify for reparations," she said.

Taifa also recommended that reparation claims eligibility should go beyond the enslavement era to include Black individuals who suffered discrimination in California up until 1965, as they should be "automatically deemed eligible without having to go through exhaustive, genealogical study and analysis."

"There is a category of immigrants who have been here for a very long time and were subjected to Jim Crow's apartheid and suffered the same type of educational inequities, health disparities, and mass incarceration," she said as she was explaining that some Black individuals might be excluded from this reparations plan based on its current language. But, Lewis said that this is something that the task force in California is looking into.

The task force's current reparations plan is not the final one. Members are set to send recommendations to Governor Newsom and they are still currently working on those recommendations.

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"What *The New York Times* reported was an early and preliminary presentation from the economics team that is working on what potential costs might be," Lewis said. "Basically, between now and March, the task force will be coming up with—and then finalizing—the recommendations that we will send on to the state in our final report this coming summer."

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