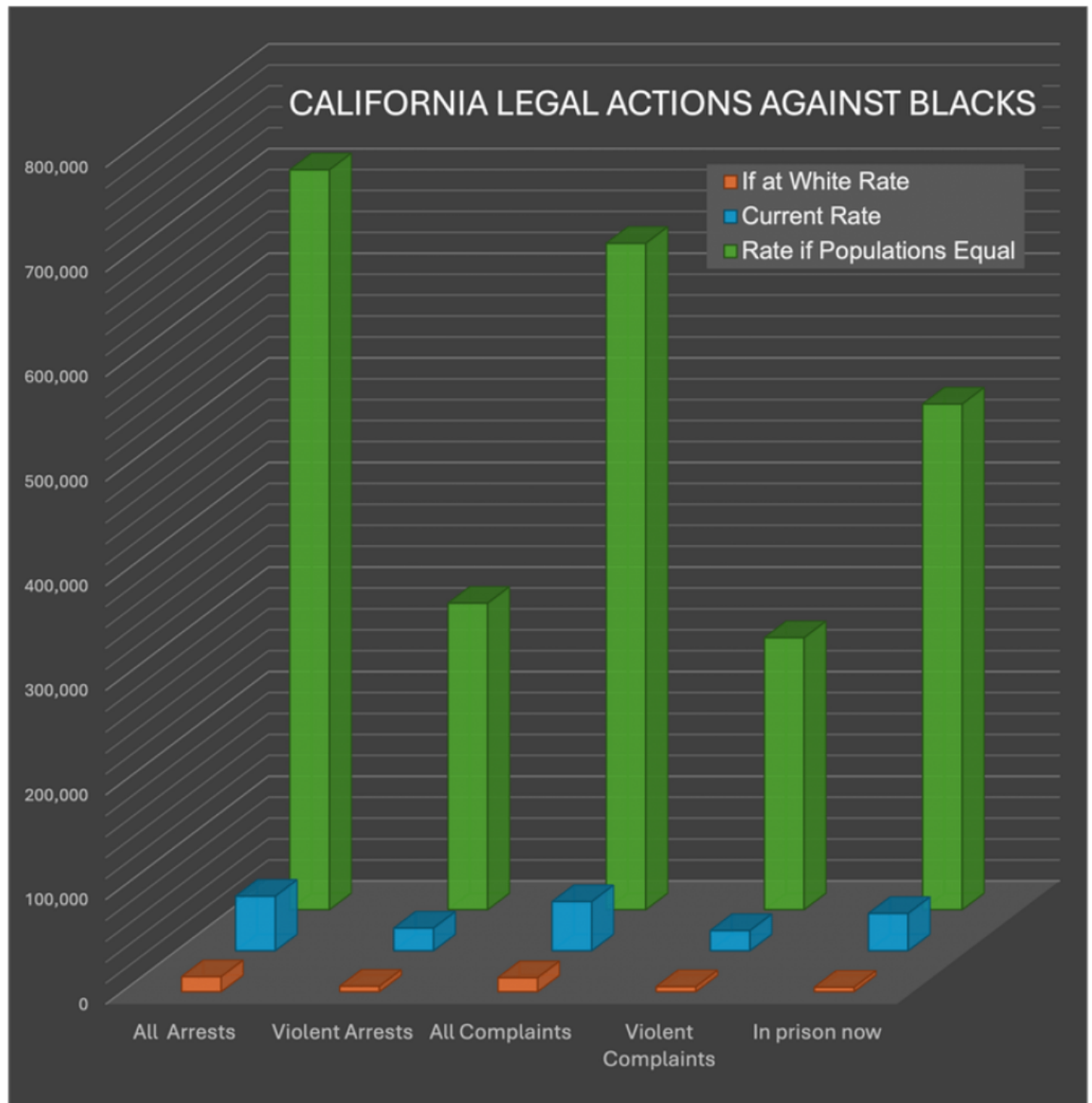


California DOJ Under Fire Over Alleged Racial Justice Cover-Up

California just enacted formal apology for slavery, promising to do better.



Los Angeles, California Mar 19, 2025 ([Issuewire.com](https://www.issuewire.com)) - Two White co-defendants were given four and nine years —their Black co-defendant was threatened with a 136-years-to-life—forced to accept 42 years. California had recently enacted the Racial Justice Act (RJA) for cases such as this.

Problem: specific data is required under the RJA; previously thought to be unavailable.

Solution: take a new approach to an old problem using an ancient analysis.

Employing the common denominator method revealed if the California **race populations were equal** and the same rate of legal actions continued, for the 56,659 Whites in prison right now, there would have to be **483,285 Blacks in prison**. Compare actual 35,532. Yet applying the White rate to Blacks there **should only be 4,161 Blacks in prison**.

The U.S. Supreme Court has defined this as an incident of modern-day slavery under the Thirteenth Amendment. “The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. ... Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offenses,” *Civil Rights Cases*, 109 U.S. 3, 22 (1883), this current violation highlights “the essential distinction between freedom and slavery.”

Former prosecutor and defense attorney, the founder of SurvivingInjustice.org, Arturo Gutierrez, commented, “We’re all familiar with the common denominator concept. Bless all the math teachers—always telling us ‘we will need algebra someday’, not knowing it would be to end slavery.”

Court records in *Arturo Gutierrez v. California Department of Justice*, Los Angeles Superior Court case number 25STCV07287, allege that upon discovering the California Department of Justice (DOJ) had, since 1983 per Penal Code sections 11103 and 11104, been in possession of the data needed for the Racial Justice Act, a Public Records Request was submitted. The DOJ initially responded that it would comply: “For the reasons set forth below, this office is extending the date for responding to your request to December 2, 2024.” “In this instance, an extension is needed to **consult with multiple components** of the Department with substantial interest in the records requested.”

Gutierrez continued, “The response back to the DOJ set out the math and laws, then concluded, ‘The **purpose** of this request is to **end the incidents of slavery** that are in effect in California by imprisoning Blacks at a grossly disproportionate rate.’ The DOJ ceased all communications.”

Court records allege the DOJ failed to respond to follow-up emails sent on 12/10/24 and 1/6/25, despite their failure to comply with the data request by the promised deadline.

The DOJ’s published [Guidelines for Access to Public Records](#), advise: “California citizens have a right to access public information maintained by government agencies, including the Department of Justice (Department).” “As the Legislature stated in enacting the California Public Records Act, ‘access to information concerning the conduct of the people’s business is a **fundamental and necessary right of every person** in this state.’ The Department’s guidelines for access to public records rest on that principle.” “If immediate disclosure is not possible, the Department will provide an estimated date when the records will be available, and will provide the records within a reasonable period of time.”

On Jan. 1, 2025, California enacted the Slavery Apology Act. “The State of California affirms its role in protecting the descendants of enslaved people and all Black Californians.... The State of California humbly asks for forgiveness from those affected by past atrocities, both deliberately and negligently, and acknowledges and affirms its **responsibility to end ongoing harm**.” (Cal. Government Code § 8301.2)

Court records also allege that the refusal to release the critical data—necessary to obtain justice—is having the effect of obstructing the statutory right per [Penal Code section 745 to challenge systemic racially biased prosecutions](#) arising to the level of incidents of slavery. Resulting in no ‘end’ to the

'ongoing harm'.

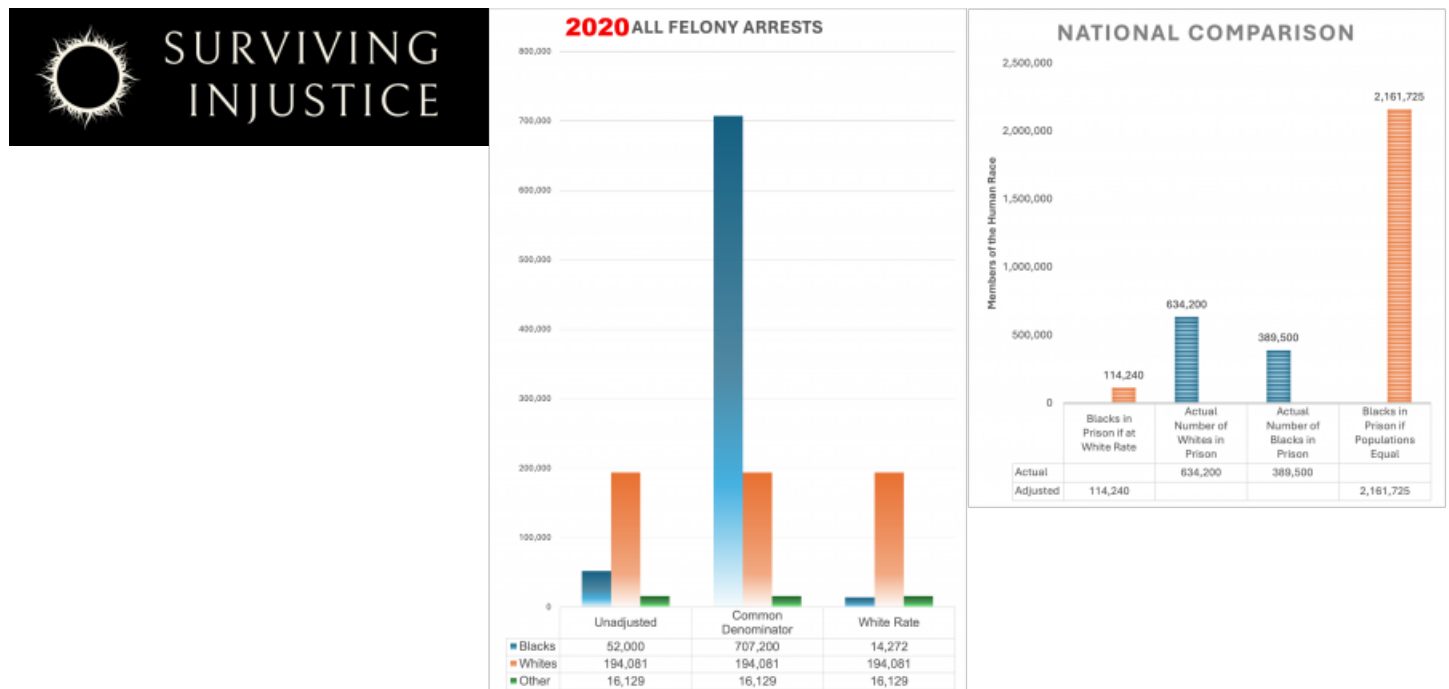
The California Department of Justice is obliged to release this data under Penal Code section 13370.

SurvivingInjustice.org is committed to providing legal tools necessary to vindicate the wrongly convicted, aiming to transform a victim mindset into a surviving drive.

All supporting facts, laws, and in-depth details, are available to reporters:

<https://survivinginjustice.org/media-resources-page/>

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