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# SHOULD AMERICA PAY?

*Slavery and the Raging  
Debate on Reparations*



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CONGRESSMAN JOHN CONYERS JR. WITH  
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## Reparations: An Idea Whose Time Has Come

*We all stand on many shoulders. Let us not forget that any heights we may achieve are supplemented by much more than our own accomplishments.*

**A**s we address the topic of reparations in the United States, it is instructive to use the Reconstruction era as one of our backdrops. Let us look specifically at George H. White, the last African American Reconstruction congressman and the last African who had been enslaved to sit in the House. Congressman White was born in Rosindale, North Carolina, and was a graduate of Howard University. White studied law privately. He represented North Carolina's Second Congressional District and was elected in 1896 and reelected in 1898. Not surprisingly, Congressman White found it difficult to make his mark in Congress. He was able to obtain back pay for Black Civil War veterans, for example, but his colleagues refused even to hear his federal antilynching bill.

During his last speech, in January 1901, Congressman White said, "This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. These parting words are on behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people . . . full of potential force." It would be more than twenty-five years before the next African American, Oscar De Priest, of Chicago, Illinois, was elected to the United States House of Representatives.

If Congressman White could offer testimony on the issue of reparations today, he would certainly attest to the fact that Blacks never received forty acres

and a mule in the aftermath of the signing of the Emancipation Proclamation. On March 3, 1865, weeks before the end of the Civil War, and almost a year prior to the ratification of the Thirteenth Amendment, the Freedmen's Bureau was created by an act of Congress. According to Section 4 of the first Freedmen's Bureau Act, this agency "shall have authority to set apart for use of loyal refugees and Freedmen such tracts of land within the insurrectionary states as shall have been abandoned or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or Freeman, as aforesaid there shall be assigned not more than forty acres of land." This portion of the Freedmen's Bureau Act (introduced by Congressman Thaddeus Stevens) was defeated by Congress on February 5, 1866, by a vote of 126 to 36 because many thought that it would disenfranchise white landowners who had been defeated in the Civil War. Land that had been distributed to Freedmen was reclaimed by the federal government and routed to the enslavers (who had lost the Civil War, fought for the Confederacy, and had already benefited unjustly from the unpaid labor of Africans).

In January 1865, General William Tecumseh Sherman had previously issued orders to General Rufus Saxton to divide land into forty-acre tracts and distribute them to freedmen after the creation of the Freedmen's Bureau in 1865. Just two months later, after the assassination of President Abraham Lincoln, President Andrew Johnson revoked the executive office's support for the Freedmen's Bureau and reneged on promises and commitments that had been negotiated by abolitionist/statesman Frederick Douglass in discussions with President Lincoln.

I believe that one of the best-kept secrets among Civil War historians is that the Union was losing to the Confederacy until enslaved Africans joined the Civil War to fight for the Union. As President Lincoln discussed the matter of introducing Africans who had been held in bondage to fight for the Union, Douglass strongly advocated on behalf of the Emancipation Proclamation, the Freedmen's Bureau, the provision of land to the newly freed Africans, and the adoption of the Thirteenth Amendment. Among the resources utilized to bring victory to the Union was Harriet Tubman, the renowned General of the Underground Railroad, who served as a scout during the Civil War conducting dangerous reconnaissance missions.

Upon learning that President Andrew Johnson had rescinded the order authorizing the Freedmen's Bureau Act and the distribution of land to freedmen, General Saxton wrote the following communique to the commissioner of the Freedmen's Bureau, Oliver O. Howard: "The lands which have been taken possession of by this bureau have been solemnly pledged to the Freedmen . . . it is of vital importance that our promises made to Freedmen should

be faithfully kept . . . the Freedmen were promised the protection of the government, with the approval of the War Department . . . more than 40,000 Freedmen have been provided with homes under its promises . . . I cannot break faith with them now by recommending the restoration of any of these lands. In my opinion the order of General Sherman is as binding as a statute.” Saxton’s pleas were to no avail, however, as thousands of Freedmen were removed by force from land that had been granted by Congress and ordered by Sherman. This was done during the same period that witnessed the 1865 emergence of the Ku Klux Klan’s unspeakable violent episodes targeting the newly freed Africans and President Johnson’s removal of all federal protections guaranteeing the safety and protection of Africans in America.

The freedmen of the period included luminaries like Bishop Henry McNeal Turner, who had served as a chaplain in the Union Army. Bishop Turner was convinced that the U.S. federal government had betrayed African descendants. He was among many who publicly called for reparations, and he never forgave the nation for what he considered disgraceful ingratitude to Blacks who had built the wealth of the nation with unpaid labor and who had served the nation with courageous military valor during the Civil War. Years later, when he felt his last days were near, Bishop Turner transported himself to Canada, to assure that his remains would not be placed in American soil. (This was eerily prescient of W.E.B. Du Bois’s decision, nearly a century later, to move to Accra, Ghana, and become a Ghanaian citizen, abandoning his lifelong work to assure that the United States would honor its ideals and constitutional protections to its citizens of African descent.)

As the ranking Democrat on the House Judiciary Committee, as the dean of the Congressional Black Caucus, and as the longest-serving African American and the second-most senior member of the House of Representatives, I believe it is vitally important that we look toward legislative remedies as a vehicle for addressing the critical issue of reparations for African Americans, just as legislative remedies have been approved for the redress of others. The United Nations World Conference Against Racism, held in Durban, South Africa, in August and September of 2001 declared that the Transatlantic Slave Trade was a crime against humanity, and should always have been so; which sets the proper stage for the timely consideration of H.R. 40, the Reparations Study Bill, which I have introduced every year since 1989. The UN World Conference Against Racism was also another tragic reminder of the deep moral flaws that have been etched into the fabric of America as the United States formally walked out of this historic gathering and days later walked into a terrorist attack on its own shores.

I believe it is vitally important that we look toward legislative remedies as a priority in the reparations movement not only to provide a level of redress for Africans who were enslaved but also to recognize the forces of legalized disparity that disenfranchised people of African descent, like Congressman White, *after* the signing of the Emancipation Proclamation and which continue to institutionalize racist policies and practices until this present day. We have gotten far too comfortable in accepting poverty, crime, and adolescent pregnancy as Black and their opposites as White. We have failed to trace the lineage of both of these economic conditions to slavery and its aftermath.

Why was a bill introduced to study reparations? H.R. 40—the Reparations Study Bill—was introduced in 1989, first and foremost, because of the request that I do so by Reparations Ray Jenkins, who is one of my constituents, a self-employed businessman, precinct delegate, and longtime community activist. Reparations Ray had been an advocate and proponent of reparations for African Americans for many years, and had become a fixture in community-based meetings, assemblies, church gatherings, and NAACP functions as a person who has been singularly committed to the priority of reparations as an issue for people of African descent.

After the introduction of the Civil Rights Redress Act, which paved the way for reparations awarded to Japanese Americans who had been illegally and immorally detained during World War II for three years, it seemed to be an appropriate juncture for the introduction of legislation to study reparations for African Americans, to address possible remedies and redress related to those victimized by the pandemic horrors of the Transatlantic Slave Trade and the long-term residual impact of institutional racism that has persisted among African descendants through Jim Crow segregation, hate crime terrorists of lynching and cross burning, and the disparate practices and policies of the prison industry, which in many ways has begun to reenslave Africans, who are disproportionately incarcerated and performing slave labor under the oppressive structure of disparate sentences. Persons of African origin are 13 percent of America’s population but account for more than 52 percent of America’s 2 million prison population, notwithstanding the reality that Blacks are no more predisposed toward criminal behavior than any other population.

One of the other important factors for the introduction of H.R. 40 was the inescapable reality that legal precedence had long been established relative to the appropriateness of reparations by governmental entities in response to government-sanctioned human rights violations. For example, in

1990, the United States Congress and the President of the United States signed the Civil Rights Redress Act into Law, to lay the framework for \$1.2 billion (\$20,000 each) paid to Japanese Americans and a Letter of Apology as a federal redress to recognize the human, economic, and moral damage inflicted upon a class of people for a three-year period. Also in 1990, Austria paid \$25 million to Jewish Holocaust survivors for its role in the genocidal Nazi regime during World War II; in 1988, Canada gave 250,000 square miles of land to Indians and Eskimos; in 1988, Canada gave \$230 million to Japanese Americans; in 1986, the United States paid \$32 million to honor the 1836 treaty with the Ottawas of Michigan; in 1985, the United States gave \$105 million to the Sioux of South Dakota; in 1980, the United States gave \$81 million to the Klamaths of Oregon; in 1971, the United States gave \$1 billion plus 44 million acres of land to honor the Alaska Natives land settlement; in 1952, Germany paid \$822 million to Jewish Holocaust survivors in the German Jewish Settlement—just to cite some historical backdrops of legal precedence that has been established.

Further, it should be noted that reparations for Africans has not only been an issue cited by Africans in America but also a significant point of discussion and action by Africans on the continent of Africa. James Dennis Akumu, former secretary-general of the Organization of African Trade Union Unity, states: "If you see the arguments the British are advancing in Zimbabwe and whites insisting on owning land and resources in Namibia, South Africa, and other parts of the continent, you can only come to the conclusion that in their minds, Africans should remain their slaves and should not own their own land and mineral resources." Akumu continues to press the point, "African labor and looted African wealth built these strong Western economies. Therefore, what we are claiming is what our people contributed to substantially, and is, therefore, rightfully ours."

Richard America, a Georgetown professor, estimates the U.S. government owes African Americans \$5 trillion to \$10 trillion for the enslavement of Africans: "Slavery produced benefits and enriched whites as a class at the expense of Blacks as a class . . . reparations is not about making up the past, but dealing with current problems."

These days Reparations Ray Jenkins is not the only voice articulating the importance of reparations in movement and activist circles. The National Coalition of Blacks for Reparations in America (N'COBRA), which was founded by Dr. Imari Obadele, attorney Adjoa Aiyetoro, attorney Chokwe Lumumba, attorney Nkechi Taiifa, Brother Kalonji Olusegun, the late Queen Mother Moore, and recently deceased activist Charshee McIntyre, has been

the premier organization promoting and organizing in support of reparations throughout the Diaspora. In addition, the publication of Randall Robinson's landmark book *The Debt* has served to broaden the support base and to sharpen the demands among people of African descent—and others who recognize the moral, ethical, and legal basis that has pushed reparations from marginal to mainstream and from the status of an extreme issue to the stature of an essential imperative.

The activism in support of reparations for Africans in America has also been greatly heightened by the advent of highly respected, highly regarded legal scholars who are central to the litigation that is currently being prepared on behalf of the reparations issue; consequently, litigation will join legislation and community education as key strategies to propel the reparations agenda and the reparations movement. Names like Professor Charles Ogletree of Harvard University, attorney Johnnie Cochran, attorney Willie Gary, among other giants in the field of law, have brought new levels of empowerment and widespread media coverage to reparations as revelations about corporate accountability and culpability in the Transatlantic Slave Trade are exposed to a public that now realizes that profits from the enslavement of Africans were not confined to plantations. Legal activist Deadria Farmer-Paellmann, who was featured in a February 21, 2001, reparations cover story in *USA Today*, and who was a keynote presenter during the N'COBRA 2001 National Convention in Baton Rouge, has devoted many years to extensive research that documents the linkages between corporate America to inhumane policies and profits during the 246 years of legalized chattel slavery in the United States. Based on her research as a law student, Farmer-Paellmann has told *USA Today* that she has identified about sixty companies that profited from slavery, and has taken her findings to nine of them (banks, insurers, a textile maker, and one estate) which, to date, have neither apologized nor offered reparations in recognition of their documented offenses. Another company, Aetna Insurance Agency, was confronted by her in 2000 with the irrefutable evidence that the company had insured the lives of Africans held in bondage for enslavers who reaped all of the profit for their unpaid labor. This revelation prompted the State of California to require other insurers to search their archives for slave policies, and Aetna issued a formal apology in March 2000.

In order to successfully move H.R. 40 out of the Judiciary Committee onto the House floor, strategic alignments must be crafted using the tried-and-true methodology of the political process, beginning with Africans in America and other reparations activists, holding every person they have supported in Congress accountable and responsible. Inexplicably, there are members of the Con-

gressional Black Caucus who have not signed on in support of the Reparations Study Bill, and it is vitally important that their constituents let them know that they must be sponsors and adamant proponents of H.R. 40. Similar levels of accountability must be demanded for elected officials in the United States House of Representatives, the U.S. Senate, and other public posts by reparations proponents who demand successful passage of the legislation. Legislative remedies must always be advanced, notwithstanding the great potential of litigation redress and community education. One of the lessons learned from the successful reparations movement on behalf of Japanese Americans is that the litigation filed on their behalf was not successful but the *movement activities spearheaded by Japanese activists surrounding the litigation helped to pave the way for the ultimate success of the Civil Rights Redress legislation during the 1980s.*

## CONCLUSION

From the perspective of Where do we go from here? with the reparations movement, the importance of grassroots organizing toward the development of a critical mass cannot be overstated. All of the elements necessary for the ultimate success of reparations for Africans and the descendants of Africa—the litigation process, the legislation efforts, and the community education process—are pieces of the movement that should be fueled by a critical mass of organizers, activists, proponents who exemplify the force and fire of the Reverend Nat Turner, General Harriet Tubman, the Singular Sojourner Truth, the Courageous John Brown, the fearless Ida B. Wells, the Genius of W.E.B. Du Bois, the self-determined Booker T. Washington, the Organizer Marcus Garvey, the By Any Means Necessary Malcolm X, the Majestic the Reverend Dr. Martin Luther King Jr., the Institution—Building of Dr. Mary McLeod Bethune, the Cooperative Economics of Madame C. J. Walker, the Quiet Regal Strength of the Incomparable Mother of the Civil Rights Movement, Mrs. Rosa Louise Parks, and the Indomitable Statesmanship of Frederick Douglass, who reminded us that Power concedes nothing without a demand. . . . It never has, and it never will; and that the limits of Tyrants are determined by the tolerance of those whom they oppress. All of these people flow and contribute to historian Vincent Harding's *There Is a River*. At the end of the day, we will look upon all of the struggles of Africans in America leading up to this final effort of achieving redress for the crimes committed against them and their ancestors. It will be a movement that will unite Africans in America with Africans from around the

globe and show humanity that crimes against Africans in the form of enslavement and colonialism is an issue of justice that must be made right.

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