

# Redress for Historical Injustices in the United States

*On Reparations for Slavery, Jim Crow,  
and Their Legacies*

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## On Redress for Racial Injustice

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Horror! I call thee yet once more!  
Bear me to that accursed shore,  
Where on the stake the Negro writhes.  
Assume thy sacred terrors then! dispense  
The gales of Pestilence!  
Arouse the oppress; teach them to know their power;  
Lead them to vengeance! and in that dread hour  
When ruin rages wide,  
I will behold and smile by Mercy's side.

— "To Horror," by Robert Southey, poet and abolitionist, 1791

The increasingly resonant and coordinated demand for redress for racial injustices constitutes a global project of moral necessity and historical importance: in the United States, redress for slavery and Jim Crow, and the enduring and systemic inequalities they spawned; in Africa, the Caribbean, and South America, for slavery, colonization, and regimes of legalized racial discrimination. Proponents of redress contend that "without truth, justice and reparations, victims and their communities will feel that the new order has failed them" and that "real reconciliation requires an honest examination of history to uncover and recognize past crimes."<sup>1</sup> Indeed, one prominent reparationsist in the United States asserts, "Reparations are the central issue of race relations in America in the twenty-first century. Until we address it seriously, we will continue to make only modest progress with some of the larger issues."<sup>2</sup>

Embedded in these two purposeful and provocative claims is the moral imperative to recover the long and grievous history of slavery and colonization and to acknowledge their shared legacies in the postcolonial period. These are legacies in which injustices and structural inequalities shaped by centuries of global apartheid continue to adversely affect the development of

Africa and the fate of Africans and African descendants worldwide, among other dispossessed peoples.<sup>3</sup> Also implied is the idea, affirmed by Gayatri Chakravorty Spivak in her meditation on injustice, that human rights “is not only about having or claiming a right or a set of rights; it is also about righting wrongs, about being the dispenser of these rights.”<sup>4</sup>

Together these claims accentuate the central theme and title of this book, *Redress for Historical Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies*. In the aftermath of the cold war, they also reference aggrieved population groups and allude to Western hegemony, as well as to a period in global capitalism distinguished by the renewal of the North–South polarity and ascension of minority rights in world affairs.

While the outcome and efficacy of redress for racial injustices is uncertain, given the current conjuncture of neoliberalism and assertions of empire, redress forms a fertile site for coalition building and activism in a global struggle for justice and human rights.

### The Book's Organization

The book comprises five parts containing essays and a section containing documents consisting of primary and secondary source materials, which are referenced by contributors or included by the editors as useful background information for readers to readily consult. Unlike the anthologies, monographs, and plethora of recent essays that do not situate redress campaigns within transnational contexts or larger social movements, this volume of critical essays features the historical expanse and case studies that investigate the modalities of redress and its evolution in the United States from an inchoate formation to the contemporary period's multi-issue organizations and agendas.<sup>5</sup> These writings interrogate the moral, legal, and strategic arguments for and against redress for slavery and Jim Crow. They also explicate the municipal, state, national, and international contexts for redress while inviting larger debates about race, justice, human rights, and American democracy.

We examine in this introductory essay the primary trajectories of reparations, emphasizing an increasingly coordinated and multipronged approach composed of legislation, litigation, and political mobilization strategies. Case studies of injustice—as sites for redress struggles—are examined historically and sectorally, including health care, and residential segregation. The essays that follow assess the movement's strategies, strengths, limitations, and possibilities during the present conjuncture in world affairs; revisit

redress schemes of the past, including repatriation; and consider the opportunities for coalition building within the United States and abroad.

We use the term *redress* to suggest a purposeful inclusivity. It aptly encompasses the many and varied descriptors applied to campaigns and movements, however disparate or distinguishable by circumstance, geography, or the passage of time. In spirit, though, they share a common aim at “repairing” historical injustices and atoning for injuries and crimes against victimized population groups. These measures can range from mere apologies, as in the case of the U.S. Senate's recent apology (Senate Resolution 39; see Documents, section 1) for having failed to enact antilynching legislation during the first half of the twentieth century, to official acknowledgments of wrongdoing, to reparations involving monetary compensation, government programs that invest in wronged communities, repatriation, or restitution of lost property and/or rights.<sup>6</sup>

### Slavery and the Redress Movement

The foremost historical foundation of the redress movement in the United States is the institution of slavery, which was not marginal to, or an aberration in, the nation's formation, but fundamental to it. During the colonial period, a racialized social order evolved, as did codified slave laws and institutionalized slave practices, at the level of everyday life. Constitutionally inscribed and morally and forcibly sanctioned slavery lasted in the republic until 1865. What followed slavery was a century of segregation, exploitation, and deprivation—the social and economic consequences of which continue to adversely affect the life chances of African Americans.

As our starting point in part 1, David Lyons periodizes the four moments or “racial junctures” that legally codified white supremacy as well as regulated its institutional practices through the Second Reconstruction. Next is an essay by Michael K. Brown et al., who track race-based inequities along a continuum that extends from slavery to the current preference for “color-blind” policies. They conclude that a remedy far more ambitious than simply amending current affirmative action policies is required to alter the relationship of the entrenched white advantage/black disadvantage.<sup>7</sup> Melvin L. Oliver and Thomas M. Shapiro's seminal study of racial inequality in the United States concludes part 1. The authors focus on wealth rather than income, arguing that social policy and institutional discrimination, among other factors, account for disparities between population groups and assert that “materially, whites and blacks constitute two nations.” They discuss

three essential factors that generate inequality in American society and that mitigate the accumulation of wealth by African Americans, concluding that a "racial reparations movement" is an appropriate means to address racial inequality.

### The Black Manifestos

The central claims and organizing principles of the redress movement are enunciated in the *Black Manifesto* (1969) and the *Restatement of the Black Manifesto* (2000; see Documents, section 4). Both are premised on the historical fact that the United States was constitutionally founded on slavery and that the persistence of racial inequality and injustice in American society is derived from slavery.<sup>8</sup>

It may be useful to quote at length several of the essential declarations in the *Restatement of the Black Manifesto* (hereafter, the *Manifesto*):

Whereas the United States government has never acknowledged or taken responsibility for its role in the enslavement of Africans and the promotion of white supremacy; Whereas the experience of enslavement, segregation, and discrimination continues to limit the life chances and opportunities of African Americans; Whereas all Americans and the United States government have benefited enormously and continue to benefit from the unjust expropriation of uncompensated labor by enslaved Africans, the subordination and segregation of the descendants of the enslaved, as well as from discrimination against African Americans; Whereas the principle that reparations is the appropriate remedy whenever a government unjustly abrogates the rights of a domestic group or foreign people whose rights such government is obligated to protect or uphold has been internationally recognized; let it be hereinafter resolved.

First . . . It is never too late to seek justice. . . .

Second, the government bears responsibility. . . .

Third, the injury survives the death of victims. . . .

Therefore, hearings should be held in the Congress of the United States to establish the basis for reparations to African Americans, and to determine the amount of such reparations; where after, a private trust should be established for the benefit of all African Americans.<sup>9</sup>

The *Manifesto* articulates the legal principle for reparations for African Americans. According to Wade Henderson, executive director of the Leadership Conference for Civil Rights (LCCR), this principle affirms that "for every wrong there is a remedy, and that that remedy is not extinguished by time itself, particularly when the manifestations of the problem are current-day

and visible to all." The issue, contends Henderson, is "how do you establish that principle beyond a doubt?"<sup>10</sup>

The *Manifesto* (2000) judiciously avoids specifying how to assess damages for reparations, instead calling for congressional hearings to determine the criteria for compensation; it also intentionally does not specify the types of reparations except to call for the establishment of a "private trust," as well as to implicate the U.S. government as a principal benefactor and enforcer of slavery.

In making the global case for reparations, Ali A. Mazrui asks, "How do we assess the damage for reparations? Do we do it on the basis of damage to African people? Or do we do it on the basis of gain to economies which formerly used slave labor? So do you do it by benefit to recipients or do you do it by damage to African people?"<sup>11</sup> While a member of the Group of Eminent Persons, established by the Organization for African Unity in 1992 to address reparations in the larger context of African slavery and colonization, Mazrui delineates three categories of reparations, which, broadly defined, are "capital transfer," "skill transfer," and "power sharing." The first is self-evident, implying financial compensation; the second concerns the acquisition of skills (and presumably knowledge) to compensate for the deprivation and underdevelopment caused by slavery and colonization; and the third calls for greater participation by African nations in institutions such as the World Bank as well as permanent membership on the United Nations Security Council.<sup>12</sup> Within these three categories, reparations can take several forms. For example, they may involve financial compensation for (246 years of) unpaid labor during slavery, the restitution of lost property, or other forms of dispensation for the incalculable loss of slave descendants' "African culture, heritage, family, language[s] and religion[s] . . . self-identity and self-worth . . . destroyed by repression and hatred."<sup>13</sup> Although controversial, Henry Louis Gates advocates that reparations are appropriate for addressing the struggle against pandemic illnesses like HIV/AIDS that have disproportionately affected Africans.<sup>14</sup> However much such a pandemic exacerbates existing global inequalities, as a contemporary phenomenon it lacks the historical basis on which most redress-related injuries are predicated.

In part 2, Robert Fullinwider, James Bolner, Boris L. Bittker and Roy L. Brooks, Richard America, and J. Angelo Corlett theorize and contest the historical and legal claims for redress addressed in the *Manifesto*. Unlike arguments that rest on the primacy of chattel slavery, Fullinwider's de-emphasizes slavery, along with the benefits accrued to whites, for reparations claims. By distinguishing "civil" from "personal" responsibility, he makes the case for reparations on the basis of citizenship and collective responsibility. As such,

African Americans would be obliged to contribute to any reparations settlement as citizens, just as Americans of Japanese ancestry have done for members of their community interned during World War Two.

In anticipation of affirmative action policies in the 1970s and now refuted in recent years, Bolner argues against the criticism that "benign racial treatment" violates the Constitution. He surveys the implicit and overt racial sentiments and concerns in numerous court comments, such as Judge Van Voorhis's charge that using race to promote integration is as wrong as using race to promote segregation. Invoking the *Japanese Exclusion Cases* decided during World War Two and *Brown v. the Board of Education*, he argues that since race was once used to commit the wrong, race should be the basis used to correct it. For Bolner the relevant question is, "What constitutes racial injury and how may persons so injured be afforded benign racial treatment?"

Brooks, who updates Bittker's 1973 essay, argues that remedies created statutorily by Congress may be more successful than a constitutionally based approach to redress. He revisits the "strict scrutiny test" used by judges in evaluating Jim Crow and other "suspicious" legislative enactments and contends that the court finds much restitutive legislation not drawn narrowly enough to meet a "compelling government interest," making the court a poor choice of redress.

In the case of "historic economic injustices" against nations, races, or other social groups, Richard America delineates six conditions for a theory of restitution, among them, to reconstruct historic economic relations and "to specify the 'fair' standards . . . that were violated, usually by force"; to account for the "pattern of transactions"; to determine the difference between "actual" and "fair" standards and estimate the value of the deviation; and to determine specific forms in which financial restitution would be made to the wronged party. For America, the central problem is racism, enabling "the coerced and manipulated diversion of income and wealth from blacks to whites." The solution to the "race problem," he argues, is "a matter of making racism less attractive economically."

Finally, in Corlett's trenchant essay, a reparations argument is made on the basis of "collective moral liability responsibility." First, Corlett makes the important distinction, often unremarked by proponents and critics alike, "of whether or not reparations to African Americans are morally required from the question of which policies of reparations would be justified if it turns out that such reparations are required in the first place." Second, he distinguishes between Native American and African American claims for reparations, noting that the former relates to massive land theft and broken treaties. Like

other contributors to this volume, Corlett's claim for reparations is against the federal government (the state) for slavery and Jim Crow.

### Historical Context

The call for reparations in the United States is not of recent vintage. On his march through Confederate territory in 1865, General William Tecumseh Sherman issued Special Field Order No. 15 on January 16, which reserved land largely in the Sea Islands and on the South Carolina and Georgia coasts for the settlement of freed blacks (see Documents, section 1). That year, nearly forty thousand former slaves settled on four hundred thousand acres in the "Sherman Reservation."<sup>15</sup> Although Sherman (and his contemporaries who advocated land distribution) did not define it in terms of reparations, he ordered that each family of ex-slaves be given "not more than forty acres of tillable land" and "subject to the approval of the President of the United States, a possessory title in writing." However, the terms of the land distribution were unclear, asserts historian John David Smith.<sup>16</sup> Was the federal government leasing or giving title of the land to the ex-slaves?

When the Bureau of Refugees, Freedmen and Abandoned Land (also known as the Freedmen's Bureau; see Documents, section 1) was established in March 1865, Congress authorized it to lease confiscated or abandoned lands to former slaves who would have the option to "purchase the land and receive such titles thereto as the United States can convey."<sup>17</sup> President Johnson, however, undermined the Bureau's efforts by ordering the restoration of property to the former Confederates he had pardoned. In 1866, Congress passed the Southern Homestead Act (see Documents, section 1). Eighty-acre plots were set aside in five southern states for former slaves to purchase. The land, though, was of poor quality, and blacks lacked the capital to purchase farm implements. By 1876, Congress repealed the Southern Homestead Act, and with it, ushered in the demise of Reconstruction federal land distribution policies. For a detailed analysis of the origins and legacy of *Forty Acres and a Mule* and the failure of land distribution following the Civil War, see Jeffrey R. Kerr-Ritchie's essay in part 3. Unlike those who advance moral arguments for reparations, Kerr-Ritchie stresses the fact that a promise, indeed a commitment that should be honored, was abrogated by the federal government because it clashed with the "free market dictates" of northern business interests and Republican politics.

During the civil rights struggle in the 1960s, Martin Luther King Jr., in a

speech at the 1963 convocation in Washington, declared Sherman's march "a check which has come back marked insufficient funds." Black nationalists, among them the Nation of Islam, the Malcolm X Society, and the Black Panther Party, demanded a "homeland" in a partitioned United States.<sup>18</sup> For black separatists, the "land question" constituted, in part, a form of reparations in lieu of financial restitution. The "homeland" or "nation" was theorized from a model of race and ethnic relations based on the concept of *internal colonialism*, which posited that black-white relations in the United States were those of colonizer and colonized (see Documents, section 4).<sup>19</sup> While some separatists endeavored to establish self-sustaining black enclaves, as a national project it failed amid the severity and pervasiveness of racial conflict during the 1960s.

The essays by Yusuf Nuruddin and Robert Johnson Jr. (in part 5) further elaborate black nationalist claims. They address the land question and repatriation as forms of compensation for reparations claims. For Nuruddin, "The legitimate demand for reparations in the form of a sovereign nation-state remains more a consciousness-raising tool than a practical formulation." For Johnson, the objective is to obtain funds from Congress to repatriate African descendants in the United States to Africa.

In part 3, Robin D. G. Kelley chronicles the reparations movement from its origins through the period of 1960s black activism to the present. He asserts that the reparations campaign is essentially a social movement that "was never entirely, or even primarily, about money," but rather "about social justice, reconciliation, reconstructing the internal life of black America, and eliminating institutional racism." Kelley's assessment of reparations campaigns within a larger historical project contributes to the study of social movements and links these campaigns to other national and transnational struggles for redress as well as to anticapitalist formations for workers' rights and self-determination.

In a 1971 conference paper by the recently deceased economist Robert S. Browne, the economic motivations for reparations resonate today. Browne's objective: "to provide the black community with the share of the national wealth and income which it would by now have had if it had been treated as other immigrant communities were, rather than enslaved." He lucidly summarizes the basis for the preeminence of the United States as an "industrial power of the twentieth century" accomplished through the deployment of slave labor, and delineates the factors required to calculate a "minimal" reparations claim for "unpaid slave labor prior to 1863," while also considering the "underpayment of black people since 1863." Browne suggests several schemes, among them, "a per capita cash payment to each black

American alive," investing the payment in "income-earning assets" (funds for education, housing, and skills training, perhaps not dissimilar to the private trust called for in the *Manifesto*), "a per capita cash payment accompanied by an internationally negotiated repatriation plan with one or more African nations," and "a territorial grant to the black community supplemented by a payment in cash or kind to assist in the building of an independent black nation in North America."

Taking up where Browne left off thirty-five years earlier, William Darity Jr. and Dania Frank address issues of eligibility, types, and magnitude of reparations, asserting that "economics can provide useful insights in determining" reparations claims. Like Corlett and other contributors to this book, Darity and Frank argue that a case can be made for Jim Crow, since its victims are still living. Describing post-Reconstruction as a period of "terror that allowed whites to take black lives and black-owned property with impunity," they delineate criteria for reparations claims and propose five types of reparations.

### Trajectories of Today's Reparations Movement

In the contemporary period, the cause of and movement for reparations increasingly resonates among African Americans of all social classes, notwithstanding opposition from conservatives, the disfavor and antagonism of the majority of white Americans, and the objections of some prominent black intellectuals.

### Opposition to Reparations

Opponents' arguments—from left to right—vary. Many dehistoricize slavery and disassociate it from the deprivations and lower social status of slave descendants, dismissing the movement's goals as impractical or invoking the national good against African Americans' demands for racial justice. Specifically, they assert that slavery's transgressions have no bearing on the living descendants of slaves; that it is impossible to calculate the debt owed to them; that the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution compensated blacks for the deprivations endured under slavery; and that litigation for reparations would "pour salt in the American wound of the past."<sup>20</sup> Others argue that reparations should be paid only to the survivors, as in the Holocaust reparations settlements, which categorically disqualify the living descendants of slaves from compensation. An-

other claim is that not all blacks were slaves and that immigrants who arrived in the United States after slavery experienced discrimination as well. Are they liable for reparations, or should they, too, receive compensation? The Pulitzer Prize-winning African American journalist E. R. Shipp is one who has denied federal government responsibility: "But what about those Blacks whose ancestors may have been enslaved not in North Carolina or Georgia, but in Jamaica or Haiti? Why should the American government compensate them for what the British or the Spanish or the French might have done?"<sup>21</sup>

Some critics have invoked economic comparisons between blacks in the United States and those abroad, claiming that "African Americans are the best educated, wealthiest blacks on the planet." Or, when U.S. complicity in the slave trade is acknowledged, they apportion more blame to African complicity. African American economist Walter E. Williams argues, "If the government got the money from the tooth fairy or Santa Claus, that'd be great. But the government has to take the money from citizens, and there are no citizens alive today who were responsible for slavery."<sup>22</sup> John McWhorter asserts that the welfare and affirmative action policies enacted by the federal government in the mid-1960s constitute a form of compensation or reparations for slavery.<sup>23</sup> Similarly, Stuart E. Eizenstat, a former Clinton administration official who negotiated settlements on behalf of Holocaust victims, counsels, "For slavery qua slavery, I think the appropriate remedy is affirmative government action in general, rather than reparations."<sup>24</sup> It seems that the underlying resistance among most whites to reparations, especially direct cash payments, is rooted in the unstated belief that welfare and affirmative action constitute a type of reparation and that, therefore, African Americans are already beneficiaries of the government's largesse. Another, perhaps more cynical view purports that African Americans cannot be trusted to use reparations to improve their circumstances.

Moreover, the prominent African American economist Glenn Loury has concluded that America "needs some reckoning with the racist past, but reparations encourage the wrong kind of reckoning." By analogy, he claims that under South Africa's Truth and Reconciliation Commission (TRC), the pardoning of state officials who confessed to political crimes was far more significant and enduring than a "money settlement" for slavery because it documented the "truth" of what had happened to nonwhites under apartheid. Loury's alternative to reparations pivots on the premise and myth of Americans' capacity to transcend race for the national good. In place of reparations, he has argued for a "reparation" that "would entail constructing

and inculcating in our citizens an account of how we have come to be as we are — one that avoids putting the responsibility for the current problems of African Americans wholly on their [whites'] shoulders."<sup>25</sup> While Loury's entreaty to a higher moral order and "national fellowship and comity" may appeal to antireparationists, and seemingly relieve the federal government of direct responsibility, the fact is that the TRC, in its final report, did recommend financial compensation to families of the victims of apartheid.<sup>26</sup>

### Support for Reparations

Momentum in support of reparations, however, has developed by mobilizing and broadening the movement's base; by continuing the legal strategy in the courts, especially against corporate entities; and by aligning with other international redress struggles, principally in Africa. Other domestic factors contributing to the movement's renewal in the United States include the successful lobby for reparations to American citizens of Japanese descent interned during World War Two and Florida's 1994 decision to compensate the nine remaining African American survivors of the Rosewood race riot in 1923, which destroyed the town. In the case of the former, each survivor of the internment or his or her heir was awarded, during the Clinton presidency, \$20,000 under the Civil Liberties Act of 1988; in the case of the latter, each survivor of the riot, according to several reports, received \$150,000 for the assessed value of his or her destroyed property (see Documents, sections 1 and 5).

The public's awareness about slavery, its role in American society, and the evolving debate on reparations has also expanded as a consequence of the proliferation in the 1990s of literary and scholarly works, academic conferences and forums, and media coverage devoted to the study of slavery.<sup>27</sup> However, these activities, though important to the public and specialized literary and academic audiences, have yet to be coordinated into an effective political mobilization (and lobbying) strategy by reparationists.

The movement's revival has also been energized by several recent developments in the international sphere. Germany's compensation to Holocaust survivors and slave laborers during World War Two, the Vatican's apology "for its misdeeds of the past," and Swiss banks' "atonement for appropriating the accounts of Holocaust victims" have established, among other claims, precedents for reparations to survivors (or their living heirs) of genocide and other violations of human rights.<sup>28</sup>

Next we illustrate the various trajectories that the redress movement in

the United States has followed in recent years and indicate some of its achievements.

#### Legislation Strategy

In 1989, Congressman John Conyers Jr. (D-MI) first introduced the Commission to Study Reparations Proposals for African Americans Act. The bill was intended "to investigate differing options to resolve the issue of the effects of slavery." Since 1989, Conyers has campaigned in Congress to establish the commission, reintroducing the bill as House Resolution 40 (HR 40; see Documents, section 1). Although HR 40 has been stalled in Congress since it was first proposed and does not decree reparations or specify a plan or remedy, "it would establish the first federally chartered commission to study the impact of slavery on African Americans and recommend a range of appropriate remedies."<sup>29</sup> The commission's symbolic and practical importance is apparent, as it would formally begin a national dialogue and identify the injustices committed under slavery, as well as within institutions that benefited from it, such as federal and municipal governments that, for example, employed slaves to build public works.<sup>30</sup> It would presumably determine slavery's role in civil society and its impact on race relations and assess its enduring effects and consequences on descendants of slavery, black and white. By implicating Congress in the proposed investigation, a national debate would follow, in which claims for government restitution could be determined and pursued. More important, and essential for reconciliation, it would signify America's capacity to confront and recover its past. House Resolution 40 foregrounds the federal legislative strategy of the redress movement and, as Bittker and Brooks argue in their essay (part 2), holds more promise for reparations than the judicial approach. \*

At the level of state and municipal governments, at least ten cities (including Chicago, Washington, and Detroit) have passed resolutions in support of Conyers's legislation (see Documents, sections 2 and 3).<sup>31</sup> Organizations and groups such as the NAACP have also passed resolutions in support of HR 40 (see Documents, section 4). Moreover, in 2001, California passed a law requiring state-licensed insurance companies to disclose whether they "ever sold policies insuring slave owners against the loss of their slave property, and if so to whom."<sup>32</sup> The passage of these resolutions, especially the California law, advance the legislative strategy at the state and municipal levels and may have important implications for future claims against corporate entities, facilitating plaintiffs' access to the records of companies liable to litigation (see Documents, section 2).<sup>33</sup>

#### Litigation Strategy

In 1999, a discrimination suit on behalf of more than twenty thousand black farmers against the U.S. Department of Agriculture was ostensibly settled by the federal government. In the view of Charles J. Ogletree, this "represents the largest civil-rights settlement by the government ever, with a likely payout of about \$2 billion" (see Documents, section 6).<sup>34</sup> The actual settlement in the lawsuit, *Pigford v. Glickman*, was \$2.3 billion. However, five years later, the Environmental Working Group found that of the \$2.3 billion, three-quarters had not been paid, and of every ten claimants, nine had been denied. A new lawsuit was filed in 2004 for \$20 billion on behalf of twenty-five thousand black farmers.

In 2001, the Tulsa Race Riot Commission finally published its recommendations on events that had taken place some sixty years earlier (see Documents, section 5). The period 1898 to 1923 was distinguished by major race riots in the United States, with an especially brutal one occurring in Tulsa, Oklahoma, in 1921. It claimed the lives of nearly three hundred black residents of the Greenwood district. White deputies and Oklahoma National Guardsmen were implicated in the rioting, in which victims were shot and lynched; this was followed by arson attacks that destroyed more than a thousand homes in Greenwood. In the aftermath of the riot, city officials promised to compensate the survivors of Greenwood but never did. In 1997, the state of Oklahoma established a commission to look into the riot, and nearly five years later, the Tulsa Race Riot Commission recommended that the state compensate the survivors. However, that same year, the governor of Oklahoma, Frank Keating, denied the state's culpability and claimed that "state law prohibits Oklahoma from making reparations for any past mass crime committed by its officials or on the state's behalf."<sup>35</sup>

Consequently, a local group, the Tulsa Reparations Coalition, formed a committee to explore "the possibility of filing a lawsuit against Tulsa that would challenge the existing law and seek reparations."<sup>36</sup> Having failed for two years to advance their claims against the state of Oklahoma and Tulsa, the Coalition enlisted the support of the Reparations Coordinating Committee, cochaired by Ogletree, a law professor and member of the board of directors of TransAfrica Forum; Randall Robinson, the founder and former president of TransAfrica Forum; and Adjoa A. Ayetoro, a senior legal consultant for the National Coalition of Blacks for Reparations in America (N'COBRA).

In March 2003, Ogletree and a team of lawyers filed a lawsuit in federal court in the Northern District of Oklahoma on behalf of the survivors of the

1921 Tulsa riot. The lawsuit, *Alexander v. State of Oklahoma*, alleges that the Oklahoma State Legislature and the city of Tulsa “misled or prevented victims of the riot from filing lawsuits in 1921” and failed to compensate the survivors of the riot as the Commission had recommended in 2001.<sup>37</sup>

The significance of the Tulsa lawsuit is twofold. First, as part of a larger reparations strategy, it constitutes a test case undertaken by an organization advocating reparations for slavery. Second, the lawsuit establishes a relationship between reparations for slavery and other “acts” of racial violence in the twentieth century, enhancing the prospects for future legal action over reparations. According to Ogletree, “The Tulsa case will be the linchpin of litigations focused on real acts of racial violence against living people or to their descendants. We’ll be able to bring claims and that is just scratching the surface addressing the horrors of the 20th century. . . . Tulsa makes it clear what happened and how horrific it was and how it has been ignored. But the more important point is that the broader reparations struggle will not end. It will just begin.”<sup>38</sup>

Although, the 10th Circuit Court of Appeals ruled against the plaintiffs in 2004, arguing that the statute of limitations had expired, and the U.S. Supreme Court declined to hear the case in 2005, the Tulsa lawsuit prominently distinguishes the second evolving trajectory of the reparations movement: litigation. Of particular importance, this strategy targets corporate entities as well as federal, state, and municipal governments. Pursued by the Reparations Coordinating Committee and N’COBRA, it asserts that a historical relationship exists between the slave economy, corporations, and governments in the contemporary period. Premised on the claim that slavery was fundamental to the American economy, both North and South, the legal strategy seeks compensation from governments and companies that once profited from slavery, whether by employing slave labor, insuring slave owners against “property” loss, or investing financially in other aspects of the slave trade.

For Ogletree, “Litigation will show what slavery meant, how it was profitable and how the issue of white privilege is still with us. Litigation is a place to start, because it focuses attention on the issue.”<sup>39</sup> Similarly, for Robinson, the legal argument is persuasive: “When government participates in a crime against humanity, and benefits from it, then that government is under the law obliged to make the victims whole. That’s recognized as a principle of law.”<sup>40</sup>

Litigation is also being pursued against economic entities and other private institutions, as Martha Biondi discusses in her essay in part 3, pointing out how litigation not only advances HR 40, but has implications and relevancy to the UN and other international organizations.

The motivation for pursuing the litigation strategy against commercial and private institutions is explained by Deadria Farmer-Paellmann, the plaintiff in one high-profile lawsuit: “I turned to corporations, after finding how difficult it would be to win a claim against the [federal] government, given sovereign immunity, the statute of limitations, and an opinion by a relatively liberal court rejecting the idea. If you can show a company made immoral gains by profiting from slavery, you can file an action for unjust enrichment.”<sup>41</sup> Law professor Robert Sedler, however, argues that even lawsuits against corporations are difficult to pursue. The plaintiff must show that the corporations profited from slavery, overcome the problem of the constitutional legality of slavery, and, with litigation against the federal government, resolve the issue of the statute of limitations unless the plaintiff can demonstrate that the corporations continue to profit from the gains they obtained under slavery.<sup>42</sup>

Despite these obstacles, several corporate entities have been targeted for scrutiny and possible litigation. For example, the New York Life Insurance Company was found to have issued policies for slaves in Maryland and Virginia. As investigations continue, banks — along with insurance, tobacco, and railroad companies — will be identified as targets for class-action lawsuits.

In March 2002, a federal class-action lawsuit in New York was filed against FleetBoston Financial Corporation, the insurance firm Aetna, and the railroad company CSX (“and other to-be-named companies”) on behalf of the descendants of African slaves in compensation for profits these corporations earned from the slave trade and slave labor (see Documents, section 6).<sup>43</sup> The Aetna Insurance Company of Hartford insured slaves against injury and death for slave owners; FleetBoston’s predecessor, Providence Bank, was implicated in the slave trade, financing slave ships; and CSX’s predecessor, Northern Pacific, employed slave labor leased from slave owners during the antebellum period (see Documents, section 6). Appropriately, the essay by Theodore Kornweibel Jr. in part 4 examines the role of slave labor in the building and operation of railroads in southern and border states, noting that railroad building was so dangerous that many slave owners refused to allow their slaves to do such work, while others protected their property with life insurance policies.

Should the lawsuit succeed against FleetBoston, Aetna, and CSX, an economic and educational fund would be created for the “uplifting of African Americans.”<sup>44</sup> The establishment of a fund or trust for the benefit of all African Americans, as called for in the *Manifesto*, is significant because it would affirm the principle of collective rather than individual compensation for wrongs committed against a population group. The fund would also

underscore the specificity and ubiquity of racial exploitation under slavery. The idea of a fund appears to enjoy greater support than individual compensation and reflects a deeper maturation and historical commitment on the part of reparationists. Other lawsuits are likely to follow and private institutions will be investigated. According to Ogletree, "Brown University, Yale University and Harvard Law School . . . have made headlines recently as the beneficiaries of grants and endowments traced back to slavery and are probable targets."<sup>45</sup>

With regard to other potential sites for litigation where the social and economic consequences of slavery and Jim Crow persist, we direct the reader to the case studies in part 4 by Alan Singer, David R. Williams and Chiquita Collins, and Douglas S. Massey. Each essay concerns a particular sector in American society. Singer examines New York City's complicity with slavery during the nineteenth century by deploying slave labor in the construction of buildings and assisting Cuban sugar barons to obtain slaves after the slave trade was made illegal; he also details the collaboration of merchants, financiers, and politicians with the southern cotton trade. Williams and Collins argue that the history of discrimination, racism, and segregation has produced lasting health consequences for African Americans. Massey analyzes how black poverty is sustained by "residential segregation by race" and how racism is "deeply institutionalized at all levels of American society"; he warns that "as long as high levels of racial segregation persist, black poverty will be endemic and racial divisions will grow."

#### Broadening the Agenda

While the legislation and litigation strategies proceed, a parallel and inter-related formation is emerging that has national as well as international implications for the redress movement. Several largely disparate organizations with common political goals — though not necessarily similar ideological orientations — have begun to coalesce into a broad and multi-issue alliance, in which reparations constitute one among several shared grievances and demands. The organizing agenda of this nascent alliance centers on fundamental political, economic, social, and environmental issues and includes human rights, white supremacy, state terrorism, global capitalism, democracy, women's and workers' rights, global justice, and, in the case of at least several groups, the support of liberation struggles for self-determination.

The alliance's formation and practices reflect this convergence and internationalization of political agendas. For example, TransAfrica Forum's "core principles," under the acronym DARAS, concern "debt relief, AIDS, repara-

tions, agricultural subsidies, and sovereignty."<sup>46</sup> Its objective is to build alliances with labor organizations, community activists, youth, students, and academics to "forge new activism." Similarly, the *Freedom Agenda* of the anticapitalist and working-class-oriented Black Radical Congress (BRC) addresses struggles for human rights, political democracy, the environment, reparations, the right of self-determination for African Americans, and support of liberation struggles throughout the world, especially in the African diaspora (see Documents, section 4).<sup>47</sup>

Along with overlapping and shared political agendas, these organizations support each other's mobilizing activities and often participate in the same forums, conferences, rallies, marches (such as the "Millions for Reparations" march on Washington in August 2002), and national and international coordinating activities. Again, TransAfrica Forum and the BRC illustrate this development. TransAfrica board chairman Danny Glover and then-president Bill Fletcher have both addressed the national congress, "War, Racism and Repression: Confronting the U.S. Empire!" (sponsored by the BRC in June 2003).<sup>48</sup> Hosted by the Center for African American Studies at Seton Hall University, one of the congress's eight objectives was developing "an internationalist perspective on reparations, peace [and] justice."<sup>49</sup> In a subsequent conference held in 2005, "Confronting Empire: The Fight for Global Justice," held at Georgia State University, the BRC sponsored a workshop devoted to "reparations as a political response to slavery and racism."<sup>50</sup>

Other single- or multi-issue organizations in the United States associated with the alliance, or that support reparations, include N'COBRA, which is engaged in various educational activities to mobilize for reparations and lobby Congress to support HR 40; the Reparations Coordinating Committee, which is pursuing the Tulsa case and other lawsuits; and the Reparations Mobilization Coalition, which is focused on developing a reparations primer for "grassroots education and mobilization" (see Documents, section 4). Independently and together, these organizations' activities constitute the political mobilization (coalition-building and educational) strategy of the reparations movement in the United States. In conjunction with the legislative and litigation strategies discussed earlier, a national movement, inclusive of civil rights organizations, is evolving, with growing and coordinated links to redress struggles in Africa and the Caribbean.

A case in point is the UN World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR) held in Durban, South Africa, in 2001. Disputes and acrimony arose among delegates and diplomats from the 166 nations in attendance, including disagreements between some African leaders regarding reparations and efforts by U.S. and

some European delegations to undermine discussions about both reparations and Israel's continuing hegemony of the occupied territories.<sup>51</sup> Still, the practical and symbolic importance of the WCAR was manifest in its final declaration.<sup>52</sup> Two of its final provisions are of direct importance to the redress movement:

[13.] We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims and further acknowledge that slavery and the slave trade are a *crime against humanity* [emphasis added] and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences. . . .

[104.] We also strongly reaffirm as a pressing requirement of justice that victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies, including *the right to seek just and adequate reparation or satisfaction for any damage suffered* [emphasis added] as a result of such discrimination, as enshrined in numerous international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>53</sup>

Although the final agreement in Durban failed to satisfy delegates of African nations, African American delegates applauded the declaration, affirming that it was a "rendezvous with history."<sup>54</sup> Indeed, Henderson of LCCR concluded, "By recognizing slavery as a crime against humanity, the document sets the stage for legislative and legal action to address historic inequities."<sup>55</sup> Concurring with Henderson, Ogletree further suggested that the declaration's statement on slavery constituted "a legal determination that may enable the reparations movement [in the United States] to extend its reach to international forums."<sup>56</sup>

In the aftermath of the WCAR, reparations organizations were formed in several sites in the African diaspora, such as the Jamaica Reparations Movement in 2002. In addition, an international reparations conference, organized by the African/African Descendants Caucus, was held in Barbados the same year. Lacking resources and representation from countries in the Caribbean and Latin America, and having voted to exclude non-Africans, the

conference was mired in controversy and reportedly condemned by reparatologists worldwide.<sup>57</sup> This dispute notwithstanding, according to one delegate, Muntu Matsimela, the conference was a "very positive, progressive" meeting where "radical discussions" took place. The Global African Congress, one of several post-Durban formations, was founded in Barbados.<sup>58</sup>

### An Expanding Global Network

In the wake of the cold war, global capitalism is distinguished by increasing poverty and inequality on a world scale, proliferating ethnic and religious conflict, and the militarization and environmental degradation of the planet. This is occurring during a period when American imperial ambitions are cynically exercised with indifference to human suffering and in contravention of international covenants and law. In counterpoint to these developments, an international network and alliance for global justice, inchoate though conspicuous, is evolving. Revisiting many of the structural inequalities and issues that characterized the North-South polarity in the 1960s, the multi-issue agenda of the alliance emphasizes political democracy and justice, human rights, debt relief, the restoration and maintenance of a sustainable environment, and reparations, including capital transfers, as discussed by Mazrui earlier. More important, it upholds the principle that economic development is one, albeit essential, factor of social development and progress.

The reparations movement in the United States is an increasingly prominent part of this expanding network, while continuing the struggle begun during the Civil War and by nationalists and civil rights organizations in the 1960s. In both Africa and the United States, the 1990s marked a watershed in revitalized efforts for redress. It is not a coincidence that in the 1990s the resurgence of the redress movement in the United States — and minority rights and North-South issues resuming center stage in world affairs — occurred precisely when the cold war/East-West conflict declined in the wake of the Soviet Union's dissolution.

In consideration of the broad array of political and ideological concerns addressed by the global alliance, part 5 includes mobilization strategies and modalities for redress. In Yusuf Nuruddin's interview with Sam Anderson and Muntu Matsimela, Matsimela contends that reparation is "a civil rights issue and a human rights issue. . . . There's a direct relationship — an inextricable link — between civil rights and human rights; and reparations encompasses both of them." For Anderson, reparations is "a political movement, and in that context, we see the impending war [against Iraq] in the Middle

East as something that, as reparationists, we're in opposition to." For Nuruddin, reparations has a "proletarian character"; he argues that reparations in the United States is "a working-class agenda and . . . the Left in general—White or Black—should support reparations"<sup>59</sup> (see Nuruddin, part 5). In agreement with Nuruddin, the SRC proclaims the reparations movement's working-class orientation as a fundamental principle of its organizing strategy. Through efforts to broaden its agenda and constituencies, as well as mobilize support for reparations, TransAfrica Forum, too, is "partnering with youth and students, labor organizations, academics, community activists, and individuals whose interests converge with TransAfrica's."<sup>60</sup>

C. J. Munford's essay in part 5 targets these larger political concerns, asserting that, while the reparations movement is "an attack on capitalism" and "a race-specific matter," a coalition between a "Black America united for reparations, and an antiracist White minority rallying in support of Black reparations can prevail over mass White opposition." By establishing a direct relationship between race and the class character of reparations in the United States (and internationally), several of the contributors address critical issues that remain unresolved. First, it gives greater specificity to the group on whose behalf reparations are championed. Second, reparations are distinguished as a site for black working-class agency. Third, this approach invites progressive groups and organizations to support the reparations movement on the basis of class rather than racial solidarity, in theory avoiding the historical problems associated with identity politics.

Here, Ogletree's admonition is particularly compelling in consideration of the "class" of African Americans who should benefit most from reparations:

The reparations movement should not, I believe, focus on payments to individuals.<sup>61</sup> The damage has been done to a group—African-American slaves and their descendents—but it has not been done equally within the group. The reparations movement must aim at undoing the damage where that damage has been most severe and where the history of race in America has left its most telling evidence. . . . The reparations movement must therefore focus on the poorest of the poor—it must finance social recovery from the bottom-stuck, providing an opportunity to address comprehensively the problems of those who have not substantially benefited from integration or affirmative action.<sup>62</sup>

Of the three strategies pursued by reparationists in the United States (and abroad)—legislation, litigation, and political mobilization—litigation is arguably the most effective at this time, but perhaps of limited utility, because, as Matsimela observes, "All litigation is going to wind up in the Supreme Court, if the Supreme Court chooses to hear it. That is to say, it will be taken

to the Supreme Court by the plaintiff . . . or by the defendants, whether corporate entities, estates, or state or federal government entities."<sup>63</sup> Nevertheless, the legal strategy is essential for what it will disclose about the duplicity of governments and corporations and other private entities during and after slavery rather than for what it may achieve in terms of actual compensation to the descendants of slaves. The legal strategy may also serve a symbolic as much as a practical function while complementing and enhancing the legislative and political mobilization strategies. In part 5, the essays by Charles P. Henry and Ogletree and the interview with Anderson and Matsimela assess the relative merits of the three strategies. Adrienne Davis examines the deployment of the Thirteenth Amendment to pursue litigation cases for reparations claims, and Eric K. Yamamoto analyzes the Japanese redress campaign to illuminate a strategy for African American reparations claims.

At the federal level, the legislative strategy has been unsuccessful since HR 40 was first introduced in Congress in 1989. However, lobbying efforts at the municipal and state levels have begun to yield results as city and state legislatures adopt resolutions that endorse and support HR 40 (see Documents, sections 2 and 3). The passage of HR 40 or a similar bill would be without precedent, implicating the federal government in a national inquiry and debate about slavery and its continuing legacy. Moreover, it would provide the necessary historical records and federal documents to advance the litigation strategy, including against the federal government itself. The passage of HR 40 remains uncertain and will require a more effective lobbying strategy and campaign in Congress. Indeed, adoption of the bill will largely pivot on the success of the lobbying efforts of N'COBRA, TransAfrica Forum, and civil rights and labor organizations; it also will depend on the mobilization of a broad-based and diverse constituency.

Among the three trajectories of reparations, and the obstacles and resistance to them, political mobilization may yet prove the most effective though problematic strategy in the United States (and Europe). For Matsimela and other reparationist organizers, "political mobilization of the great numbers of our people and allies and supporters in this country [is] the essential ingredient, the essential factor in achieving reparations."<sup>64</sup> Although political mobilization, if not litigation, has, to some extent, been successful at the local level with regard to several lawsuits (e.g., the Tulsa case), at the national level it has been difficult to implement because it necessarily depends on an infrastructure (including a coordinating apparatus) at the community, municipal, state, and regional levels that would require substantial resources to maintain.

A number of organizations that are aware of this dilemma, including N'COBRA, the BRC, and TransAfrica Forum, have stepped up their educational and coalition-building activities and are rethinking strategies for political mobilization. A case in point is the 2002 "Millions for Reparations" rally held in Washington, D.C. The rally was organized by a pre-WCAR formation, the December 12th Movement, and the Chicago-based National Black United Front. But it was poorly attended and some civil rights organizations were not represented. In particular, African American communities, especially in the Washington-Baltimore area, had not been mobilized. According to Anderson, "There was really no formal coalition work in organizing for that rally."<sup>65</sup> In recognition of the problems associated with the rally and the organizational deficiencies within the movement, the Reparations Mobilization Coalition is planning for a National Reparations Congress first slated for 2005. The Congress is intended, notes Anderson, to assemble "all the reparations groups and key individuals . . . to have a united front strategy and tactic around the struggle for reparations."<sup>66</sup>

Political mobilization also involves networking and coalition building at the international level, as noted earlier. In his essay in part 5, Gerald Horne elaborates a strategy to mobilize the movement in the United States into productive alliances with sectors in the international community.<sup>67</sup> Horne counsels that the reparations movement should seek "to take advantage of the emerging contradictions between the burgeoning European Union and the United States," along with Africa and Latin America, where opportunities for coalition building abound. He has identified pressure points between nations that can be leveraged to support reparations. The current rift among member states in the European Union as well as between the United States, France, and Germany over the Iraq war illustrates his point. Whether or not these cleavages can be used on behalf of reparations is, however, unclear.

Similarly, it has been suggested that reparacionists should seek alliances with Japanese Latinos who were imprisoned after being deported to the United States by Latin American governments during World War Two.<sup>68</sup> Other potential allies include Mexican *braceros* who worked in the United States during World War Two and who have now filed a class-action lawsuit for reparations. The Middle East is another site for alliances, particularly with regard to the 3 million displaced Palestinian refugees in the occupied territories, Jordan, Lebanon, and Syria, and whose development needs constitute a form of reparations for the losses they suffered since the *Nakba* in 1948. On the domestic front, as Yamamoto suggests, reparacionists should also seek alliances with Japanese American communities that have waged an effective and successful reparations campaign for Americans of Japanese ancestry interned during World War Two.<sup>69</sup>

We conclude that strategic alliances among civil rights organizations, anti-capitalist formations, and reparacionists in the United States strengthen ties with an emerging international movement and represent an important development in the long history of reparations. This is especially significant in the present conjuncture of neoliberalism and U.S. imperial assertions. Reparacionists' campaigns, increasingly aligned and coordinated with other counterhegemonic formations worldwide, pose a challenge to global capitalism and First World nations whose ill-gotten gains were pillaged from the countries and peoples under slavery and colonialism. Perhaps the International Court of Justice is the appropriate venue, as Ricardo Rene Laremont suggests, to prosecute reparations claims for slavery, colonization, and other crimes against humanity on behalf of *all* humanity.<sup>70</sup>

As the *Manifesto* enunciated the historical and moral *raison d'être* for reparations in the United States, so, too, does this compelling statement by Oruno D. Lara, for the world:

Today, at the dawning of the 21st century, we will not accept to be manipulated, we will not accept words and crowd-pleasing promises which are not kept. We want and we demand reparations. . . . The Committee for Reparations should take into account the disastrous economic, social and political situation inherited by the survivors of slavery in the 19th and 20th centuries. . . . The collective catastrophe is on such a global scale that the conventional notion of indemnity or reparation becomes meaningless. We have reached the "incompensational," the non-reparable. A final and obvious reason to demand reparations is that it is the most appropriate way to brand History and to root the crime at the heart of mankind so it will never be forgotten.<sup>71</sup>

## Notes

Parts of this essay appeared in *Race and Class* 45, no. 4 (2004).

1. Alex Boraine and Paul van Zyl, "Moving On Requires Looking Back," *International Herald Tribune*, 1 August 2003.

2. Charles J. Ogletree Jr., as quoted in Adrian Brune, "Galska's Shame," *The Nation*, 18 March 2002.

3. By "global apartheid," we use Sarah Booker and William Minter's definition: "an international system of minority rule whose attributes include: differential access to basic human rights; wealth and power structured by race and place; structural racism, embedded in global economic processes, political institutions and cultural assumptions; and the international practice of double standards that assume inferior rights to be appropriate for certain 'others,' defined by location, origin, race or gender." See Booker and Minter, "Global Apartheid," *The Nation*, 9 July 2001.

4. Gayatri Chakravorty Spivak, "Righting Wrongs," *South Atlantic Quarterly* 103, nos. 2-3 (2004): 523.

5. For example, see Schuchter, *Reparations*; Feagin, *Racist America*; Lecky and Wright, *Black Manifesto*; Brooks, *When Sorry Isn't Enough*; Weinbush, *Should America Pay?*; Robinson, *The Debt*; and Carlett, *Race, Racism, and Reparations*.

6. See Sheryl Gay Stolberg, "Senate Issues Apology over Failure on Lynching Law," *New York Times*, 14 June 2005.

7. Although not included in this collection, the seminal work of Charles Mills is relevant to conceptualizations of race in the contemporary period. In "Racial Exploitation and the Wages of Whiteness," Mills interrogates the analytical limitations of mainstream models of racism and Marxist orthodoxy, revisiting normative political theory to account for racial injustice. He proposes a redeployment of the concept of white supremacy to clarify the strategic distinction between racial and class exploitation. Having been inculcated by theoretical paradigms that privilege whiteness, or which view the experiences of whites as representative of all members of a particular class, scholars and policymakers alike have promoted a misleading picture of the United States, in particular, "as a liberal democracy free of the hierarchical social structures of the Old World." By reframing normative theories of exploitation, Mills foregrounds the structuring role and continuing saliency of race in the contemporary period. His essay appears in M. T. Martin and Yaquinto, *America's Unpaid Debt*.

8. For a brief historical overview of racial preferences, see "A Long History of Affirmative Action—For Whites," in *Race: The Power of an Illusion* (San Francisco: California Newsreel, 2003), available at [www.newsreel.org/guides/race/whiteadv.htm](http://www.newsreel.org/guides/race/whiteadv.htm) (accessed 20 August 2003).

9. For full text, see Randall Robinson's "Restatement of the Black Manifesto" at *HarlemLive*, [www.harlemlive.org/community/activist/thedebt/manifesto.html](http://www.harlemlive.org/community/activist/thedebt/manifesto.html) (accessed 5 July 2003).

10. "The Case for Black Reparations"; see transcript of Proceedings, *TransAfrica Forum*, 2000, available at [www.transafricaforum.org/reports/reparations\\_print.shtml](http://www.transafricaforum.org/reports/reparations_print.shtml) (accessed 18 August 2003).

11. *Ibid.*

12. *Ibid.*

13. John Conyers, "The Proposed Reparations Study Commission," available at [www.house.gov/conyers/news\\_reparations.htm](http://www.house.gov/conyers/news_reparations.htm) (accessed 17 July 2003).

14. Gates, "The Future of Slavery's Past."

15. See John David Smith, "The Enduring Myth of 'Forty Acres and a Mule,'" *Chronicle of Higher Education*, 21 February 2003, B11.

16. *Ibid.*

17. *Ibid.*

18. See Robert S. Browne, "A Case for Separation," in Robert S. Browne and Bayard Rustin, eds., *Separatism or Integration: Which Way for America?—A Dialogue* (New York: Philip Randolph Educational Fund, 1968), 7–15. Some black nationalists of this period took inspiration from an earlier emigrationist movement led by Marcus Garvey during the 1920s. His Universal Negro Improvement Association endeavored to establish a homeland for African Americans in Liberia. For an analysis of this movement, see Ibrahim Sundiata's recent study, *Brothers and Strangers: Black Zion, Black Slavery, 1914–1940* (Durham, N.C.: Duke University Press, 2004); Robert A. Hill and Barbara Bair, eds., *Marcus Garvey: Life and Lessons* (Berkeley: University of California Press, 1987); and Robert A. Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, vol. 9 (Berkeley: University of California Press, 1995).

19. See the seminal texts by Robert Blauner, "Internal Colonialism and Ghetto Revolt," *Social Problems* 15, no. 4 (1969): 393–408, and Stokely Carmichael and Charles V. Hamilton, *Black*

*Power: The Politics of Liberation in America* (New York: Random House, 1967); see also Blauner's recent book, in which he assesses his earlier views and assumptions about race relations in the contemporary period: *Still the Big News: Racial Oppression in America* (Berkeley: University of California Press, 2001).

20. David Horowitz quoted in "Harvard Professor, Reparations Group File Suit," *Harvard Crimson*, 25 February 2003.

21. E. R. Shipp, "Does America Owe Us?," *Essence*, February 2003, 126.

22. Tamar Lewin, "Calls for Slavery Restitution Getting Louder," *New York Times*, 4 June 2001.

23. See John H. McWhorter, "The Reparations Racket: America Has Already Made Amends for Slavery," *City Journal* 14, no. 2 (2004).

24. *Ibid.*

25. Glenn C. Loury, "It's Futile to Put a Price on Slavery," *New York Times*, 29 May 2000.

26. See Ginger Thompson, "South Africa to Pay \$3,900 to Each Family of Apartheid Victims," *New York Times*, 16 April 2003.

27. See Doreen Carvajal, "Slavery's Truths (and Tales) Come Plopping Home," *New York Times*, 28 March 1999.

28. Brent Staples, "America, Too, Should Pay Reparations for Its Past," *International Herald Tribune*, 25 July 2000. Note that in 1953 the German Bundestag approved a "restitution law" to compensate thousands of persons persecuted under Nazi rule, in addition to the West German-Israeli reparations agreement in which Israel received \$82.5 million to resettle Jews in Israel; see "Reparations for War Loss," *International Herald Tribune*, first published 31 July 1953 and reprinted 31 July 2003.

29. Conyers, "The Proposed Reparations Study Commission."

30. A case in point and discussed in the essay by Alan Singer in this volume is New York City's complicity with slavery during the nineteenth century.

31. Michael A. Fletcher, "Calls for Reparations Grow Louder as Blacks Tally Slavery's Toll," *International Herald Tribune*, 27 December 2000.

32. Lewin, "Calls for Slavery Restitution Getting Louder."

33. Damien Jackson, "40 Acres and a Mule Denied," 17 November 2004, *Alternet*, available at [www.alternet.org/story/20511/](http://www.alternet.org/story/20511/) (accessed 17 November 2004).

34. See Charles J. Ogletree Jr., "Litigating the Legacy of Slavery," op-ed, *New York Times*, 31 March 2002.

35. Adrian Brune, "Tulsa's Shame: Race Riot Victims Still Wait for Promised Reparations," *The Nation*, 18 March 2002, 11–14.

36. *Ibid.*, 12.

37. See Adrian Brune, "A Long Wait for Justice," *Village Voice*, 30 April 2003, 1–2.

38. "Al Brody and Charles Ogletree Discuss the Issue of Slavery Reparations and the Race Riots of 1921 in Oklahoma," *Tavis Smiley Show*, National Public Radio, 26 February 2003.

39. Lewin, "Calls for Slavery Restitution Getting Louder."

40. *Ibid.*

41. *Ibid.*

42. Neal Conan, "Corporate Reparations for Slavery," *Talk of the Nation*, National Public Radio, 3 April 2002. Available at <http://www.npr.org/templates/story/story.php?storyId=114016>.

43. Ogletree, "Litigating the Legacy of Slavery."

44. Conan, "Corporate Reparations for Slavery."

45. Ibid. See also Brent Staples, "Wrestling with the Legacy of Slavery at Yale," editorial, *New York Times*, 14 August 2001; and Kate Zernike, "Slavers in Yale's Past Are Focus of Reparations Debate," *New York Times*, 13 August 2001.

46. See Charles Cobb Jr., "Fight for Global Justice Is TransAfrica's Immense Task, Says Danny Glover," *TransAfrica Forum*, 15 November 2002, available at [www.transafricaforum.org/newsletter/news\\_nov15\\_02.html](http://www.transafricaforum.org/newsletter/news_nov15_02.html) (accessed 5 July 2005).

47. For the full text of the *Freedom Agenda*, see "The Freedom Agenda of the Black Radical Congress," Black Radical Congress National Council, April 17, 1999, available at [www.blackradicalcongress.org/aboutus/freedomagenda.html](http://www.blackradicalcongress.org/aboutus/freedomagenda.html) (accessed 5 July 2005). Founded in Chicago in 1998, the BRC's stated objective is to unify progressives, including "revolutionary nationalists," "radical Black feminists and womanists," "socialists and communists," radical intellectuals, and black workers.

48. Glover delivered the keynote address on "Peace, Reparations and Justice."

49. See the call for the conference, "War, Racism and Repression: Confronting the U.S. Empire!" available at [www.eblackstudies.org/brc/fightback/](http://www.eblackstudies.org/brc/fightback/) (accessed 5 July 2005).

50. See "Confronting Empire: The Fight for Global Justice," 17-29 June 2005, Georgia State University, Atlanta, available at [www.blackradicalcongress.org/agenda.html](http://www.blackradicalcongress.org/agenda.html) (accessed 6 July 2005).

51. Of the 166 nations represented, the Bush administration sent a midlevel delegation, which withdrew, along with the Israeli delegation, because they objected to statements in the draft declaration condemning Israeli state practices as racist. Several, especially African American critics contend that reparations was the principal motive for the U.S. delegation's withdrawal to undermine the conference. See Steven Inskeep, "UN Conference on Racism and Reparations for Slavery" (transcript), *Talk of the Nation*, 4 September 2001, 3. For an overview of the experiences of the members of a delegation of southern activists from the United States, along with their views about the contentious issues debated at the conference, see *Report on the REJN Delegation to the United Nations World Conference against Racism* (Durham, N.C.: Southeast Regional Economic Justice Network, March 2002).

52. See two reports: Rachel L. Swarns, "Overshadowed, Slavery Debate Boils at Racism Conference," *New York Times*, 6 September 2002; and Justin Podur, "Non-Reformist Reparations for Africa," *Z Magazine*, February 2002.

53. United Nations, *Declaration, World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, No. 13, 2001, pp. 28, available at [www.un.org/wcar/](http://www.un.org/wcar/) (accessed 28 August 2003).

54. Rachel L. Swarns, "After Much Wrangling, an Accord at U.N. Race Meeting," *New York Times*, 9 September 2001. Critics argue that in the drafting process, "First World issues were dominant," and that in the Declaration itself "the problem of racism [is] overwhelmingly from the point of view of marginalized minorities in the developed countries. Third world perspectives, and especially African perspectives, are largely absent." See "Evaluating the WCAR NGO Forum (and preparing for the WSSD)," available at <http://www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo131.html>.

55. Swarns, "After Much Wrangling."

56. Ogletree, "Litigating the Legacy of Slavery."

57. See two reports about the conference and this issue: Barbara Makeda and Blake Hannah, "Reparations Movement at a Crossroads"; and Sam Anderson and Muntu Matimela, "The Reparations Movement: An Assessment of Recent and Current Activism," both in *Socialism and Democracy* 17, no. 1 (2003): 270-273.

58. Anderson and Matimela, "The Reparations Movement," 272.

59. Ibid., 268.

60. "Remarks by Danny Glover before National Press Club," *TransAfrica Forum*, 12 November 2002, 4, available at [www.transafricaforum.org/newsletter/news\\_nov12\\_02-npc.html](http://www.transafricaforum.org/newsletter/news_nov12_02-npc.html) (accessed 28 August 2003).

61. Estimates of restitution for lost wages to slaves range from \$2 trillion to \$4 trillion. A model based on intergenerational transfers of wealth determined that the average compensation to a two-adult black family would be about \$35,000. See Dalton Conley, "The Cost of Slavery," *New York Times*, 15 February 2003.

62. Ibid.

63. Anderson and Matimela, "The Reparations Movement," 264. This is also likely to happen with lawsuits filed in other nations as well.

64. Ibid., 264-265.

65. Ibid., 270; and see Shipp, "Does America Owe Us?," 1-3, for two opposing views of the rally.

66. Anderson and Matimela, "The Reparations Movement," 261.

67. See Gerald Horne, "Race for Power: The Global Balance of Power and Reparations," in Martin and Yaquinto, 79-90.

68. See Richard L. Vázquez, "Justice for Japanese Latinos," *LasCulturas.com*, 2001, available at [www.lasculturas.com/aa/aa060701a.php](http://www.lasculturas.com/aa/aa060701a.php) (accessed 23 August 2003). Germans and Italians were also deported from Latin America to the United States.

69. See Eric K. Yamamoto's statement in "The Case for Black Reparations," transcript, 7-8, available at *TransAfrica Forum*, 2000, <http://www.transafricaforum.org/reports/reparations-print.shtml>.

70. Ricardo Rene Larumont, "Political versus Legal Strategies for the African Slavery Reparations Movement," *African Studies Quarterly*, available at [www.web.africa.ull.edu/asq/v2/v21423.htm](http://www.web.africa.ull.edu/asq/v2/v21423.htm) (accessed 27 April 2004).

71. Oruno D. Lara, "In Defense of Reparations," *Renaissance Noir* 3, no. 3 (2001): 157.