

Testimony before the House of Representatives Committee on the Judiciary, Subcommittee on the Constitution and Civil Justice

June 19, 2019

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Yesterday, when asked about reparations, Senate Majority Leader Mitch McConnell offered a familiar reply: America should not be held liable for something that happened 150 years ago” since “none of us currently are responsible. This rebuttal proffers a strange theory of governance—that American accounts are somehow bound by the lifetime of its generations. But well into this century, the United States was still paying out pensions to the heirs of Civil War soldiers. We honor treaties that date back some 200 years, despite no one being alive who signed those treaties. Many of us would love to be taxed for the things we are solely and individually “responsible for.”

But we are American citizens and thus bound to a collective enterprise that extends beyond our individual and personal reach. It would seem ridiculous to dispute invocations of the Founders or the Greatest Generation on the basis of a lack of membership in either group. We recognize our lineage as a generational trust, as inheritance. And the real dilemma posed by reparations is just that: a dilemma of inheritance.

It is impossible to imagine America without the inheritance of slavery. As historian Ed Baptist has written, enslavement “shaped every crucial aspect of the economy and politics of

[America],” so that by 1836, “more than \$600 million, or almost half of the economic activity in the United States ... derived directly or indirectly from the [sic] cotton produced by the million-odd slaves.” By the time the enslaved were emancipated, they comprised the largest single asset in America—\$3 billion in 1860 dollars, more than all the other assets in the country combined. The method of cultivating this asset was neither gentle cajoling nor persuasion, but torture, rape, and child trafficking.

Enslavement reigned for 250 years on these shores. When it ended, this country could have extended its hallowed principles— “life, liberty, and the pursuit of happiness”—to all, regardless of color. But America had other principles in mind. And so for a century after the Civil War, black people were subjected to a relentless campaign of terror—a campaign that extended well into the lifetime of Majority Leader McConnell.

It is tempting to divorce this modern campaign of terror, of plunder, from enslavement. But the logic of enslavement—of white supremacy—respects no such borders. And the god of bondage was lustful and begat many heirs—coup d’états and convict leasing, vagrancy laws and debt peonage, redlining and racist G.I. bills, poll taxes and state-sponsored terrorism. We grant that Mr. McConnell was not alive for Appomattox. But he was alive for the electrocution of George Stinney. He was alive for the blinding of Isaac Woodard. He was alive to witness kleptocracy in his native Alabama and a regime premised on electoral theft. Majority Leader McConnell cited civil rights legislation yesterday—as well he should, because he was alive to witness the harassment, jailing, and betrayal of those responsible for that legislation, by a government

sworn to protect them. He was alive for the redlining of Chicago and the looting of black homeowners of some \$4 billion. Victims of that plunder are very much alive today. I am sure they'd love a word with the majority leader.

What they know—what this committee must know—is that while emancipation dead-bolted the door against the bandits of America, Jim Crow wedged the windows wide open. And that is the thing about Senator McConnell's "something"—it was 150 years ago. And it was right now. The typical black family in this country has one-tenth the wealth of the typical white family. Black women die in childbirth at four times the rate of white women. And there is of course the shame of this "land of the free" boasting the largest prison population on the planet, of which the descendants of the enslaved make up the largest share.

The matter of reparations is one of making amends and direct redress. But it is also a question of citizenship. In H.R. 40, this body has a chance to both make good on its 2009 apology for enslavement and reject fair-weather patriotism—to say that a nation is both its credits and its debits, that if Thomas Jefferson matters, so does Sally Hemings; that if D-Day matters, so does black Wall Street; that if Valley Forge matters, so does Fort Pillow. Because the question really is not whether we will be tied to the "somethings" of our past, but whether we are courageous enough to be tied to the whole of them. Thank you.