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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

HOUSE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND CIVIL LIBERTIES

VIRTUAL HEARING ON H.R. 40 “BILL TO ESTABLISH A COMMISSION TO STUDY AND DEVELOP: REPARATION PROPOSALS FOR AFRICAN AMERICANS”

FEBRUARY 17, 2021
10:00 AM (EST)
CISCO WEBEX

- I thank the Chairman for yielding and I am proud to speak in support of H.R. 40, legislation which I introduced that establishes a commission to study and develop reparation proposals for African Americans.
- Now – more than ever – the facts and circumstances facing our nation demonstrate the importance of H.R. 40 and the necessity of placing our nation on the path to reparative justice.
- When this Committee last met to discuss this legislation, we required three overflow rooms to contain the scholarship and passion displayed in support of the bill.

- Since that time, we have seen a pandemic sweep the country, taking more than 500,000 souls in its wake and devastating the African American community.
- According to the latest estimates from the U.S. Centers for Disease Control, Black people get COVID-19 at a rate nearly one and a half times higher than that of white people, are hospitalized at a rate nearly four times higher, and are three times as likely to die from the disease.
- Interestingly, a recent peer-reviewed study from Harvard Medical School suggests that reparations for African Americans could have cut COVID-19 transmission and infection rates both among Blacks and the population at large.
- Their analysis, based on Louisiana data, determined that if reparations payments had been made before the COVID-19 pandemic, narrowing the wealth gap, COVID transmission rates in the state's overall population could have been reduced by anywhere from 31 percent to 68 percent. ***[place Harvard article into record]***
- Since our last hearing we have also seen hundreds of thousands peacefully take to the streets in support of Black Lives and accountability for law enforcement.
- Many of those protesters carried signs in support of H.R. 40 and made the important link between policing and the movement for reparative justice.
- Tragically, we have also witnessed insurrectionists attack this institution, brandishing symbols of division and intolerance, that echo back to the darkest periods of our nation's history.
- Clearly, we require a reckoning to restore national balance and unity.
- Like our last hearing, the Minority has selected two African American witnesses to speak against H.R. 40.

- Their selection, however, fails to undermine the overwhelming support for this legislation – and merely demonstrates the multiplicity of views within the Black community. I look forward to hearing from all our witnesses. **[introduce Why We Can't Wait letter – signed by more than 300 organizations]**

BACKGROUND

- Four hundred years ago, ships set sail from the west coast of Africa and in the process, began one of mankind's most inhumane practices: human bondage and slavery.
- For two centuries, human beings – full of hopes and fears, dreams and concerns, ambition, and anguish – were transported onto ships like chattel, and the lives of many forever changed.
- The reverberations from this horrific series of acts – a transatlantic slave trade that touched the shores of a colony that came to be known as America, and later a democratic republic known as the United States of America – are unknown and worthy of exploration.
- **Approximately 4,000,000 Africans and their descendants were enslaved in the United States and colonies that became the United States from 1619 to 1865.**
- **The institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865.**
- **American Slavery is our country's Original Sin** and its existence at the birth of our nation is a permanent scar on our country's founding documents, and on the venerated authors of those documents, and it is a legacy that continued well into the last century.

- The framework for our country and the document to which we all take an oath describes African Americans as three-fifths a person.
- The infamous Dred Scott decision of the United States Supreme Court, issued just a few decades later, described slaves as private property, unworthy of citizenship.
- And, a civil war that produced the largest death toll of American fighters in any conflict in our history could not prevent the indignities of Jim Crow, the fire hose at lunch counters and the systemic and institutional discrimination that would follow for a century after the end of the Civil War.
- The mythology built around the Civil War has obscured our discussions of the impact of chattel slavery and made it difficult to have a national dialogue on how to fully account for its place in American history and public policy.
- While it is nearly impossible to determine how the lives touched by slavery could have flourished in the absence of bondage, we have certain datum that permits us to examine how a subset of Americans – African Americans – have been affected by the callousness of involuntary servitude.
- We know that in almost every segment of society – education, healthcare, jobs, and wealth – the inequities that persist in America are more acutely and disproportionately felt in Black America.
- This historic discrimination continues: African-Americans continue to suffer debilitating economic, educational, and health hardships including but not limited to having nearly 1,000,000 black people incarcerated; an unemployment rate more than twice the current white unemployment rate; and an average of less than 1/16 of the wealth of white families, a disparity which has worsened, not improved over time.
- A closer look at the statistics reveals the stark disparity in these areas.

WEALTH

- Black household wealth is less than one fifth of the national average.
- The median black household had a net worth of just \$17,600 in 2016. Yet in that same year, the median white household held \$171,000 in wealth while the national household median was \$97,300.
- The black unemployment rate is 6.6%, more than double the national unemployment rate.
- Approximately 31% of black children live in poverty, compared to 11% of white children. The national average is 18%, which suggests that the percentage of black children living in poverty is more than 150% of the national average.

HEALTHCARE

- In the healthcare domain, the disparities suffered by African Americans is also troubling.
- Over 20% of African Americans do not have health insurance, compared to a national average between 8.8% and 9.1%.
- One in four African American women are uninsured.
- Compared to the national average, African American adults are 20% more likely to suffer from asthma and three times more likely to die from it.
- Black adults are 72% more likely to suffer from diabetes than average.
- Black women are four times more likely to die from pregnancy related causes, such as embolisms, and pregnancy-related hypertension, than any other racial group.

- In our nation, among children aged 19-35 months, black children were vaccinated at rates lower than white children: 68% versus 78%, respectively.

EDUCATION

- Education has often been called the key to unlocking social mobility.
- African American students are less likely than white students to have access to college-ready courses.
- In fact, in 2011-12, only 57 percent of black students have access to a full range of math and science courses necessary for college readiness, compared to with 81 percent of Asian American students and 71 percent of white students.
- Black students spend less time in the classroom due to discipline, which further hinders their access to a quality education.
- Black students are nearly two times as likely to be suspended without educational services as white students.
- Black students are also 3.8 times as likely to receive one or more out-of-school suspensions as white students.
- In addition, black children represent 19 percent of the nation's pre-school population, yet 47 percent of those receiving more than one out-of-school suspension.
- In comparison, white students represent 41 percent of pre-school enrollment but only 28 percent of those receiving more than one out-of-school suspension.
- Even more troubling, black students are 2.3 times as likely to receive a referral to law enforcement or be subject to a school-related arrest as white students.

- School districts with the most students of color, on average, receive 15% less per student in state and local funding than the whitest districts.

CRIMINAL JUSTICE

- And, of course, we cannot consider the disparities between black and white in America without considering the intersection of African Americans and the Criminal Justice system.
- There are more Black men in bondage today who are incarcerated or under correctional control, than there were black men who were enslaved in the 1800s.
- The United States locks up African American males at a rate 5.8 times higher than the most openly racist country in the world ever did:
 - South Africa under apartheid (1993), African American males: 851 per 100,000
 - United States (2006), African American males: 4,789 per 100,000
- Incarceration is not an equal opportunity punishment. For example, incarceration rates in the United States by race were:
 - African Americans: 2,468 per 100,000
 - Latinos: 1,038 per 100,000
 - Whites: 409 per 100,000
- African American offenders receive sentences that are 10 percent longer than white offenders for the same crimes and are 21 percent more likely to receive mandatory-minimum sentences than white defendants according to the U.S. Sentencing Commission.
- Looking at males aged 25-29 and by race, you can see what is going on even clearer:
 - For White males ages 25-29: 1,685 per 100,000.
 - For Latino males ages 25-29: 3,912 per 100,000.

- For African American males ages 25-29: 11,695 per 100,000. (That's 11.7% of Black men in their late 20s.)
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 - For African American males ages 25-29: 11,695 per 100,000. (That's 11.7% of Black men in their late 20s.)
- And African Americans are more likely to be victims of crimes.
- Black children die from firearm homicides at a rate 10 times higher than their white counterparts.
- Overall, one in 50 murders is ruled justified – but when the killer is white and the victim is a black man, the figure climbs to one in six.
- A handgun homicide is nine times more likely to be found justified when the killer is white and the victim is a black man.
- Handgun killings with a white shooter and a black male victim exhibit an even more dramatic bias: one in four is found justified.
- But then again, we knew these inequities existed because for many Black Americans, these disparities are just a part of daily life.
- Examined in the aggregate, they represent a stunning chasm between the destinies of White America and that of Black America.
- This is why, in 1989, my predecessor as the most senior African American on this august Judiciary Committee, the honorable John Conyers, a past Chairman of this Committee introduced H.R. 40, legislation that would establish a commission to study and develop proposals attendant to reparations.

- Though many thought it a lost cause, John Conyers believed that a day would come when our nation would need to account for the brutal mistreatment of African-Americans during chattel slavery, Jim Crow segregation and the enduring structural racism endemic to our society.
- I would like to take this moment to personally thank the estimable John Conyers for his work on this legislation for the last thirty years.
- With the rise and normalization of white supremacist expression during the Trump administration, the discussion of H.R. 40 and the concept of restorative justice have gained more urgency, garnering the attention of mainstream commentator, and illustrating the need for a national reckoning.
- H.R. 40 is intended to create the framework for a national discussion on the enduring impact of slavery and its complex legacy to begin that necessary process of atonement.
- The designation of this legislation as H.R. 40 is intended to memorialize the promise made by General William T. Sherman, in his 1865 Special Field Order No. 15, to redistribute 400,000 acres of formerly Confederate owned coastal land in South Carolina and Florida, subdivided into 40 acre plots.
- In addition to the more well-known land redistribution, the Order also established autonomous governance for the region and provided for protection by military authorities of the settlements.
- Though Southern sympathizer and former slaveholder President Andrew Johnson would later overturn the Order, this plan represented the first systematic form of Freedmen reparations.
- Since its introduction, H.R. 40 has acted to spur some governmental acknowledgement of the sin of slavery, but most often the response has taken the form of an apology.

- However, even the well intentioned commitments to to examine the historical and modern day implications of slavery by the Clinton administration fell short of the mark and failed to inspire substantive public discourse.
- For many, it was not until THE ATLANTIC published Ta-Nehisi Coates' *The Case for Reparations* that the mainstream public began to reckon with, or even consider, the concept of reparations.
- Though the Federal government has been slow to engage the issue of reparations, individuals, corporations, and other public institutions have engaged the discussion out of both necessity and conscience.
- In 1994, a group of California plaintiffs sued the Federal government and by 2002, nine lawsuits were filed around the country by the Restitution Study Group.
- Though litigation has yielded only mixed success in court, a serious foundation was laid for alternative forms of restitution.
- For example, in 2005, J.P. Morgan & Company tried to make amends for its role in the slave trade with an apology and a \$5 million, five-year scholarship fund for Black undergraduates in Louisiana.
- In 2008, the Episcopal Church apologized for perpetuating American slavery through its interpretation of the Bible and certain diocese have implemented restitution programs.
- In 2003, Brown University created the Committee on Slavery and Justice to assess the University's role in slavery and determine a response.
- Similarly, in 2016, Georgetown University apologized for its historical links to slavery and said it would give an admissions edge to descendants of slaves whose sale in the 19th century helped pay off the U.S. school's debts.

- In 2017, my alma mater Yale University announced that it would rename Calhoun College – named for John C. Calhoun – would be changed to honor Grace Murray Hopper, a trailblazing computer scientist who also served as rear admiral in the United States Navy.
- The University's president, Peter Salovey, indicated that removing Calhoun's name was consistent with its values because Calhoun had a legacy of a white supremacist and a national leader who passionately promoted slavery as a positive good.
- And, in April of this year, students at Georgetown University voted in favor of paying reparations to the descendants of enslaved people who were sold by the university to satisfy its debts.
- In 1838, in a practice likely far wider spread than is likely accounted for, Georgetown Jesuits sold 272 slaves who worked on plantations.
- When the results of the Georgetown poll were announced, the numbers were overwhelming: 2/3 of students indicated that payments should be funded to descendants of these slaves and would be paid for by a fee that would apply to all undergraduate students.
- While the vote was nonbinding, it nonetheless represents the first time the student body of a university has voted to implement a mandatory fee to account for reparations.
- These are only a few examples of how private institutions have begun reckoning with their past records.
- I expect that a growing number of institutions will be forced to examine their histories of discrimination, if for no other reason than increasing public scrutiny will force their history to light.

- Since my reintroduction of H.R. 40 at the beginning of this Congress, both the legislation and concept of reparations have become the focus of national debate.
- For many, it is apparent that the success of the Obama administration has unleashed a backlash of racism and intolerance that is an echo of America's dark past which has yet to be exorcised from the national consciousness.
- Commentators have turned to H.R. 40 as a response to formally begin the process of analyzing, confronting, and atoning for these dark chapters of American history.
- Even conservative voices, like that of New York Times columnist David Brooks, are starting to give the reparations cause the hearing it deserves, observing that "Reparations are a drastic policy and hard to execute, but the very act of talking and designing them heals a wound and opens a new story."
- Similarly, a majority of the Democratic presidential contenders have turned to H.R. 40 as a tool for reconciliation, with 17 cosponsoring or claiming they would sign the bill into law if elected.
- Though critics have argued that the idea of reparations is unworkable politically or financially, their focus on money misses the point of the H.R. 40 commission's mandate.
- The goal of these historical investigations is to bring American society to a new reckoning with how our past affects the current conditions of African Americans and to make America a better place by helping the truly disadvantaged.
- Consequently, the reparations movement does not focus on payments to individuals, but to remedies that can be created in as many forms necessary to equitably address the many kinds of injuries sustained from chattel slavery and its continuing vestiges.

- To merely focus on finance is an empty gesture and betrays a lack of understanding of the depth of the unaddressed moral issues that continue to haunt this nation.
- While it might be convenient to assume that we can address the current divisive racial and political climate in our nation through race neutral means, experience shows that we have not escaped our history.
- Though the Civil Rights Movement challenged many of the most racist practices and structures that subjugated the African American community, it was not followed by a commitment to truth and reconciliation.
- For that reason, the legacy of racial inequality has persisted, and left the nation vulnerable to a range of problems that continue to yield division, racial disparities, and injustice.
- By passing H.R. 40, Congress can start a movement toward the national reckoning we need to bridge racial divides.
- Reparations are ultimately about respect and reconciliation — and the hope that one day, all Americans can walk together toward a more just future
- We owe it to those who were ripped from their homes those many years ago an ocean away; we owe it to the millions of Americans- yes they were Americans — who were born into bondage, knew a life of servitude, and died anonymous deaths, as prisoners of this system.
- We owe it to the millions of descendants of these slaves, for they are the heirs to a society of inequities and indignities that naturally filled the vacuum after slavery was formally abolished 154 years ago.
- Last year represented the first time in history that the House of Representatives held a hearing on H.R. 40.

- It was fitting that the hearing occurred on the 19th of June, also known to many in this room, as Juneteenth – the day that, 154 years ago, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belatedly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation.
- Juneteenth was first celebrated in the Texas state capital in 1867 under the direction of the Freedmen's Bureau.
- Juneteenth was and is a living symbol of freedom for people who did not have it.
- Today, Juneteenth remains the oldest known celebration of slavery's demise.
- It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great nation the more conscious and accepting country that it has become.
- And let me end by noting that the recently past 400th commemoration of the 1619 arrival of the first captive Africans in English North America, at Point Comfort, Virginia.
- With those dates as an historical marker for today's hearing, let us proceed with the cause of this morning with a full heart, with the knowledge that this work will take time and trust
- Let us also do with the spirit of reconciliation and understanding that this bill represents.
- I thank the Chairman and I yield back.