

DIVERSITY RESOURCES / 06.27.19

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June 27, 2019

Chairman Steven Cohen  
Ranking Member Mike Johnson  
Subcommittee on the Constitution, Civil Rights and Civil Liberties  
House Judiciary Committee  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Cohen and Ranking Member Johnson:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we write to thank you for holding a hearing on June 19 on H.R. 40, The Commission to Study Reparation Proposals for African Americans Act, and write to express our support for this bill and its Senate companion, S.1083. Initially introduced by former Representative John Conyers, this critical legislation has been offered each year since 1989, and Representative Sheila Jackson-Lee has stepped in to continue this effort. H.R. 40 would provide a mechanism through which the U.S. government can finally atone for America's original sin—the brutal treatment of African slaves and their descendants—which in turn has led to structural racism and discrimination in this country. Importantly, H.R. 40 will require the federal government to undertake an official study to analyze the impact of slavery on the social, political and economic life of our nation. We urge the members of the House Judiciary Committee to support this important legislation and ask that this letter be submitted for the hearing record.

This year marks 400 years since the first enslaved Africans arrived in Jamestown, Virginia, and 100 years since *Red Summer*, “a series of approximately 25 anti-black riots that erupted in major cities throughout the nation in 1919.”<sup>[1]</sup> These anniversaries underscore the scope and impact that the legacy of slavery, structural racism, and discrimination have had and continue to have on African Americans in the United States. H.R. 40 would finally force the U.S. government to recognize and make amends for the decades of economic enrichment that has benefited this nation as a result of the free labor that African Americans were forced to provide.

**I. The Nation Must Make Good on its Unfulfilled Promises.**

As Martin Luther King Jr. observed more than 50 years ago:

*Why is the issue of equality still so far from solution in America, a nation that professes itself to be democratic, inventive, hospitable to new ideas, rich, productive and awesomely powerful? . . . Justice for black people were not flowing to society merely from Court decisions nor from mountains of political oratory, nor will a few token changes quell all the contemptuous yearnings of millions of disadvantaged black people. White America must recognize that justice for black people cannot be achieved without radical changes in the structure of our society. The comfortable, the entrenched, the privileged cannot continue to tremble at the prospect of change in the status quo.<sup>[ii]</sup>*

Since the founding of our country, African people, their descendants, and other marginalized groups have borne the brunt of structural inequity, racism, and discrimination. Policies like American chattel slavery, Black Codes, convict leasing, Jim Crow segregation, along with redlining and racial discrimination in education, employment, and access to public services, have all contributed to a generational harm to African Americans that continues today and can no longer be ignored.<sup>[iii]</sup> It is past time for the nation to begin to unearth the true severity of such trauma and begin the process of healing.

Descendants of African slaves, particularly in America, are owed reparations because the United States derived great financial benefit from the government-sanctioned institution of slavery. The subjugation of African Americans was integral to establishing the United States as a world economic power. As mentioned during the hearing, even after the official end of slavery, African Americans were continuously denied the right to participate in the economic growth of this country. During Jim Crow, African American entrepreneurial ability was limited by intimidation, lynching, massacres, and the decimation of entire communities.

In 2014, 37 percent of Black children under age 18 were living in poverty.<sup>[iv]</sup> African American students are less likely to be college-ready; 61 percent of ACT-tested Black students in the 2015 high school graduating class met none of the four ACT college readiness benchmarks, nearly twice the 31 percent rate for all students.<sup>[v]</sup> African Americans are incarcerated at more than five times the rate of whites.<sup>[vi]</sup> The median white American family has 12 times the wealth that their Black counterparts have.<sup>[vii]</sup> The mean of black household wealth is \$138,200—for whites, that number is \$933,700.<sup>[viii]</sup> Economists Dionissi Aliprantis and Daniel Carroll argue that racial differences in income drive the wealth gap more than any other factor, including differences in financial savings practices, rates of return on investments, or even intergenerational transfers of wealth.<sup>[ix]</sup> The evidence demonstrates that the rippling effects of slavery and institutional racism still stifle the advancements of African Americans to this day.

Both the House<sup>[x]</sup> and Senate<sup>[xi]</sup> chambers issued resolutions more than ten years ago, apologizing for more than two centuries of slavery and the subsequent years of racial segregation. However, these non-binding resolutions were insufficient, representing a symbolic gesture rather than a substantial acknowledgment of the fundamental injustice and inhumanity of slavery and structural racism in the United States. Moreover, they did not provide a meaningful atonement or means of restitution.

## **II. There is an Urgent Need to Examine the Government-Sanctioned Institution of Slavery, its Negative Effects, and the Structural Racism that Persists Today.**

Reparations represent the unfulfilled promise of the American Dream and the forty acres and a mule that the United States initially promised freed slaves.<sup>[xii]</sup> Reparations are necessary to: (1) formally acknowledge and apologize to the African American people whose ancestors and descendants endured the inhumane institution of slavery; and (2) better understand the historic social, political, and economic suppression that has continued for decades beyond the abolition of slavery.

The Commission established under H.R. 40 will study how chattel slavery, disenfranchisement, pervasive oppression, and racial segregation have led to the government-supported denial of humanity to African Americans for more than 400 years. The Commission will also analyze the transport and sale of slaves in the colonies during the Trans-Atlantic Slave Trade and will make recommendations to Congress on how to compensate descendants of enslaved African Americans.

Advancing H.R. 40 is particularly timely given that we are currently in the International Decade of People of African Descent (2015-2024), a global period for the nations around the world to address the legacies of enslavement and colonization that have injured People of African Descent across the diaspora. The Decade's three goals—recognition, justice, and development—are designed to support initiatives that will combat the negative effects of racial hierarchies, marginalization, colonialism, and slavery on people of African descent. Reparations for people of African descent is an essential mechanism to accomplishing those goals. Reparatory justice is also critical to developing comprehensive solutions to ensure human rights protections and equity in our systems of health care, education, housing, and employment, among others. Through our work on the Decade, The Leadership Conference has consistently called for nation states to support and make efforts to implement reparations as one concrete outcome related to the International Decade for People of African Descent.<sup>[xiii]</sup>

### **III. The United States has a History of Providing Reparations to Other Groups.**

There is federal precedent for reparations in the United States. In the past, reparations have rightfully been provided to communities who were wronged by this nation.<sup>[xiv]</sup> Many Native American tribes received millions in reparations for the illegal land seizures that fostered the expansion of this country. In addition, each surviving Japanese American who was interned during World War II received \$20,000 in compensation.<sup>[xv]</sup> Moreover, there is also state-level precedent for reparations. For example, North Carolina provided reparations for the practice of eugenics through the sterilization of more 7,600 African Americans. Florida also has paid reparations to African American survivors in Rosewood, Florida following the decimation of their community.

President Lincoln signed an act that granted former slave owners up to \$300 for every slave they freed.<sup>[xvi]</sup> Katrina Browne testified at the June 19 hearing that her family was the largest slave-trading family in U.S. history, selling and exchanging a total of 12,000 human beings, putting such atonement into perspective. Upon the abolishment of slavery, slaveowners' perceived losses were rectified with reparations — a privilege the African American community has yet to receive.

Reparations are not only fair, they are a feasible solution to the institutional racism endured by African Americans, all to the benefit of the nation.

### **Conclusion**

African Americans continue to be denied full participation in the U.S. government and society, which has perpetuated inequality, racism and discrimination. This country's history of slavery and racial discrimination has never been fully addressed, and it is time that this country makes good on

its unfulfilled promises. We urge members of the House Judiciary Committee to support H.R. 40 and to report it favorably out of committee. If further modifications to the bill are considered in order to win support on the House floor, they must be carefully balanced to ensure that the bill will still serve the critical goals of correcting the wrongs of the past and promoting justice and equality in the future. Congress must move this legislation in a timely manner.

Thank you in advance for your support for this critical legislation. If you have any questions, please feel free to contact Sakira Cook, Directory, Justice Reform Program, at [cook@civilrights.org](mailto:cook@civilrights.org) or 202-263-2894.

Sincerely,

Vanita Gupta  
President & CEO

[i] Equal Justice Initiative, "Red Summer of 1919." <https://eji.org/reports/online/lynching-in-america-targeting-black-veterans/red-summer>

[ii] King Jr., Martin Luther, A Testament of Hope, 1968.

[iii] The Descendants: From slavery to Jim Crow, a call for 21st century abolition, *Harvard Law Review*,

<https://today.law.harvard.edu/descendants-slavery-jim-crow-call-21st-century-abolition/>

[iv] U.S. Dept. of Education "Status and Trends in Education", <https://nces.ed.gov/pubs2017/2017051.pdf>

[v] UNCF, ACT "The Condition for College and Career Readiness 2015" <https://www.uncf.org/wp-content/uploads/PDFs/6201-CCCR-African-American-2015.pdf>

[vi] NAACP.org "Criminal Justice Fact Sheet." <https://www.naacp.org/criminal-justice-fact-sheet/>

[vii] Da Costa, Pedro. "Housing discrimination underpins the staggering wealth gap between blacks and whites." *Economic Policy Institute*. April 2019. <https://www.epi.org/blog/housing-discrimination-underpins-the-staggering-wealth-gap-between-blacks-and-whites/>

[viii] "The Economist, The Black-White Wealth Gap is Unchanged After Half a Century." <https://www.economist.com/united-states/2019/04/06/the-black-white-wealth-gap-is-unchanged-after-half-a-century>

[ix] Brentin, Mock. "Why Can't We Close the Racial Wealth Gap." City Lab. March 2019,  
<https://www.citylab.com/equity/2019/03/racial-wealth-gap-income-inequality-black-white-households/585325/>

[x] House Resolution 194, Apologizing for the enslavement and racial segregation of African-Americans,  
<https://www.congress.gov/bill/110th-congress/house-resolution/194/text/eh>

[xi] S.Con.Res.26, A concurrent resolution apologizing for the enslavement and racial segregation of African Americans.

<https://www.congress.gov/bill/111th-congress/senate-concurrent-resolution/26/text>

[xii] Gates Jr., Henry Louis, The Truth Behind '40 Acres and a Mule', *Fifty of the 100 Amazing Facts will be published on The African Americans: Many Rivers to Cross*, <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/>

[xiii] The International Decade for People of African Descent, proclaimed by General Assembly **resolution 68/237**, observed from 2015 to 2024, provides a solid framework for the United Nations, Member States, civil society and all other relevant parties to join together with people of African descent and take effective measures for the implementation of the program of activities in order to provide recognition, justice and development to African Descendants.

[xiv] Davis, Allen J. An Historical Timeline of Reparations Payments Made From 1866 through 2018 by the United States Government, States, Cities, and Universities, May 2019,  
<https://guides.library.umass.edu/reparations>

[xv] "From Wrong To Right: A U.S. Apology For Japanese Internment" NPR. April 2013,  
<https://www.npr.org/sections/codeswitch/2013/08/09/.../japanese-internment-redress>

[xvi] The District of Columbia Emancipation Act, National Archives, April 2019,  
<https://www.archives.gov/exhibits/featured-documents/dc-emancipation-act>



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## Letter to Illinois Supreme Court Commission on Pretrial Practices

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