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Criticisms and Responses

Reparations-induced resentment toward blacks by non-blacks, in fact, would increase. Blacks would claim that the solution is even more reparations. And the vicious cycle would continue. —Peter Flaherty and John Carlisle, “The Case against Slavery Reparations,” 2004

It is true that there are no living former American slaves, but every African American has either directly or indirectly experienced racial discrimination or has been indirectly influenced by it. The failure to treat reparations as a legitimate issue acknowledges that America is far from being a “color-blind” society. . . . Reparations could be the beginning of a true revolution in values. —Charles P. Henry, *Long Overdue*, 2007

[The] story [of more than 6,000 black Union soldiers from North Carolina who participated in the Civil War] needs to be told like any other North Carolina story. . . . It’s not just a story about Confederate bravery, defending homeland. I’m a Southerner, and this is my heritage too. When I’m telling the story, I’m just telling it from a different end of the gun.

—Malcolm Beech quoted in the *Winston-Salem Journal*, 2015

If you stick a knife in my back 9 inches and pull it out 6 inches, that’s not progress. If you pull it all the way out, that’s not progress. The progress comes from healing the wound that the blow made. They haven’t even begun to pull the knife out. . . . They won’t even admit the knife is there.

—Malcolm X, interview, 1964

Over the past fifteen years, when we have been invited to make presentations at public libraries and historic sites, on college campuses, and before civic organizations across the United States, Canada, and India, we have received a wide variety of comments and criticisms about our proposals. During this time, audiences’ receptiveness to the idea of reparations for African Americans and the content of their queries have shifted dramatically. Comments such as “Reparations will never happen!” and “How can you propose such a preposterous thing?” have now become “How would you do it?” and “Who are the people that are working to make this happen?”

Most important, audiences gradually have shifted from challenging the legitimacy of reparations to asking questions about the logistics of a reparations plan. Noah Millman, at the time a senior editor with the *American Conservative*, actually conceded both the moral case for and the feasibility of black reparations but argued, instead, that he had a lingering "practical" concern that "reparations are not intended, nor should they be expected, to redress the socioeconomic inequalities associated with race . . . [and] the push for reparations might well stiffen opposition to other programs designed to address those disparities."¹ However, the core reason that a comprehensive plan for reparations is needed is that the "other programs" have not been up to the task of eliminating "those disparities." The objective of a reparations project is precisely "to redress the socioeconomic inequalities associated with race."

Moreover, in our estimation, the climate for the acceptance of a reparations program has never been better. We have read excellent scholarship on the subject, but no single existing document addresses all of the critiques we have encountered. In this chapter, we examine the most frequently voiced criticisms of reparations from both lay and academic audiences. Each of the responses we have developed helps make our case for the necessity and practicality of reparations. We present the most frequently articulated concerns here.²

"It was so long ago; there is no reason to keep bringing up slavery."

Few institutions have shaped America's present condition like slavery. Formative and powerful, slavery's hold on our psyches is continually reinforced, in part by the circulation of visual images and verbal descriptions of the subjugation and the habitual violence that was forced upon African Americans during that period. Slavery was outlawed 150 years ago. The republic itself was created a mere eighty-nine years before that.

Consider, also, the 120 natives of the West African country of Dahomey, present-day Benin, who were smuggled into the United States in 1860 and then sold into slavery in Mobile, Alabama, more than fifty years after the importation of new slaves to the country had been outlawed. One of the captives was a nineteen-year-old, Oluale Kossola—later known as Cudjo Lewis. Interviewed by anthropologist Zora Neale Hurston in 1927, he described the horrors of his abduction and the Middle Passage. One of this country's last known human chattel, Kossola died in 1935, a mere eighty-five years ago.³

New scholarship has emerged about another hostage on that ship, a girl named Redoshi. She was twelve years old when the whites who bought and

enslaved her in Alabama changed her name to "Sally Smith." Redoshi died in 1937.⁴

Slavery is not so distant when you consider that, as of this writing, there are living Americans whose parents, grandparents, or great-grandparents were enslaved. Martha Burdette, education curator for the Cameron Art Museum in Wilmington, North Carolina, speaking about Civil War battle reenactments, has observed: "It's the ancestor thing. . . . It's close enough in history that almost everybody knows of someone in their family line who participated in some way in the Civil War. It's something they have a personal attachment to."⁵

More than half a century after slavery ended, whites holding positions of authority continued to exert power over blacks. Blacks no longer could be bought and sold like livestock, but they did not enjoy an easy coexistence with whites, and their lives and livelihoods could be subjected to harm at any time.

Sebrone Jones King, a man with a prodigious intellect and a keen survival instinct, emerged from the shadow of slavery only to find that his successful lumber business made him a target for whites, who resented his prosperity and tried to thwart him at every turn. When a white railroad station dispatcher in Kilgore, Texas, refused to allow King's hired hands to load his milled timber onto the train for delivery to a buyer in 1924, King confronted the dispatcher. The men argued and the dispatcher told King he would kill him if he continued to press his case. King is said to have replied, "Well, you'd better kill me quick, because if you don't, I'll shoot and kill *you* before I hit the ground." The dispatcher did not act on his threat.

Born in east Texas on January 14, 1865—about 150 years ago—nearly a year before slavery was declared illegal in December 1865 with the ratification of the Thirteenth Amendment to the Constitution, King conferred with his parents and siblings after the altercation with the dispatcher. He decided his best option was to pull up stakes and move his young family to Boley, Oklahoma, one of that state's all-black towns.

King's daughter, Hortense McClinton, was five years old when the family moved to Boley. In 1966, McClinton became the first black faculty member hired by the University of North Carolina at Chapel Hill; she taught in the School of Social Work. *Vigorous, lively, and vital at 101 years of age, she recently urged us to finish this book. McClinton, the daughter of a slave, is one generation removed from slavery.*⁶

McClinton's family history is extraordinary, but there are other black Americans for whom—when one takes a generational perspective—slavery is not so distant. If a new generation comes into existence approximately

every thirty years, the youngest cohort is the fifth generation born *since the end* of American slavery. Put another way: today's black twenty- and thirtysomethings typically are the great-great-great-grandchildren of enslaved ancestors. Our cursory inquiries produced over a dozen families for whom the generational distance is much smaller.⁷

Many black Americans are only three generations removed from slavery. Pamela Footman, a chemist living in Durham, North Carolina, was born in 1959. Her mother's grandfather, Essex Shaw, was born in slavery in Duplin County, North Carolina. Footman's daughter, Alison, now in her early twenties, is part of the fourth generation born after slavery ended. Footman relates a tragic family history of dispossession, disinheritance, and even murder. In Footman family lore, her father, John Wallace Footman, had an uncle, Wallace Roby, who was lynched by the Klan in the 1920s.

Bryan A. Stevenson, born in 1959, is a professor of law at New York University, the founder and executive director of the Equal Justice Initiative, the author of *Just Mercy: A Story of Justice and Redemption* (2014), and the great-grandson of slaves. Two of Stevenson's great-grandparents—his mother's maternal grandparents—John and Mary Baylor, were born into slavery in Virginia in the late 1840s and early 1850s, respectively.⁸

One of the coauthors of this book, Kirsten Mullen, is also in the third generation born after slavery times. Her mother's maternal grandfather, Walker Tolliver, was enslaved at the time of his birth in 1854 and was eleven years old when slavery ended.

Kelly Elaine Navies, an oral history specialist at the Smithsonian's National Museum of African American History and Culture, has been conducting research on "a maternal ancestor [her] mother had been telling [her] about all [her] life," Elizabeth Gudger Stevens (1850 or 1854–1956). Stevens and her parents, Sam and Ann "Annie" Penland Gudger, were born into slavery. Navies's mother, Constance Elaine Gregory Navies Edwards, a member of the third generation born after slavery was outlawed, remembered meeting her grandmother in Asheville, North Carolina, when she was a child.⁹

Similarly, Kenneth Lewis, an attorney who was a 2010 candidate for U.S. senator from North Carolina, is a member of the third generation born after the end of slavery; his children are in the fourth. Lewis's grandmother Amelia Stewart Winstead was born June 10, 1893, and died in December 1993. She was born on a plantation in Person County, North Carolina, where her mother had been enslaved.

Winstead's mother died prematurely, and Winstead was raised by several relatives who Lewis believes also had been enslaved. Lewis says his mother's

paternal grandfather had also been a human captive and that his mother knew him and remembers Sunday suppers at his home. Remarkably, Lewis's own mother has shared Sunday suppers with both her grandfather, who had been a slave, and her grandchildren, the youngest of whom were born in 2000 and 2011. Lewis concludes, "The hand that touches slavery, touches us today."¹⁰

Regardless, the injustice of slavery—with its ferocious cruelty—is hardly the sole basis for reparations. There is no doubt that slavery's aftermath is responsible for a host of significant and injurious long-term repercussions that contribute to racial inequality in America today. For example, the failure to fulfill the promise of forty acres and a mule immediately after the Civil War has had a major impact, extending to the creation and perpetuation of current racial wealth differentials. These inequalities were discussed in chapter 2.

In part 5 of this book, we argued that the systematic abuses blacks were subjected to during the Jim Crow period, coupled with exposure to ongoing discrimination and brutality in the present moment, have produced even more devastating and direct effects on the status of blacks in America today. These events are extended products of the initial abuse of slavery.

America's public narrative of continued progress frequently has meant sloughing off the ugly parts of our past and present. The Civil War and Reconstruction are the most pivotal events of our nation's collective history. The presumption of America's moral superiority over other countries presumes that the nation has no debt to pay for the injustices in its own past.

Another key consideration: legal segregation in the United States ended only about fifty years ago. William Darity Sr., the late father of one of the coauthors of this book, lived close to half his life under the Jim Crow regime. If we treat legal segregation as formally ending with the passage of the Civil Rights Act of 1964, both of the coauthors of this book spent the first decade of their lives under formal American apartheid. *Black baby boomers are the living victims of the Jim Crow era.*

Of course, if the institution of a reparations program is delayed long enough—if the "delay until death" tactic is deployed—soon there will be few living victims of Jim Crow. But the failure to pay a debt in a timely fashion does not extinguish the obligation, particularly since the consequences of past injustices continue to be visited upon the descendants of the direct victims. A national act of procrastination does not eliminate the debt.¹¹

"Wouldn't black reparations only create more animosity between the races?"

We know there is resistance to reparations. But failure to adopt a reparations program now would mean another missed opportunity to remake this country. Colonial officials in Virginia had already begun the process of creating separate laws for blacks and whites to the detriment of blacks by the late seventeenth century. Those distinctions, although no longer codified, persist to the present day.

We believe that Congress, not the judiciary, should enact the reparations program. Congress alone has the power to oversee the initiative at the needed scale to appropriate the necessary funds and to ensure that the mandate is carried out.

In order for reparations to be adopted, white America must come to terms with its false beliefs about "black behavior" and with the sanitized and inaccurate version of the nation's history. The majority of the populace also must accept national responsibility for the damages inflicted on black people. Therefore, not only would white animosity toward blacks need to decrease significantly for legislative action to take place and for a reparations program to become a reality, but such animosity actually would need to be converted into support. Only after this work has been done can reparations be achieved. When the nation is ready to be transformed, Congress can legislate a reparations program.

"Demands for reparations should be directed at the African countries, since some Africans sold other Africans into slavery."

But the United States is where ancestors of most of today's black Americans were forced into slavery. It was the demand in the Americas for enslaved labor that motivated the creation of the supply pipelines of captive emigrants on the African continent. Furthermore, from the beginning of the trade, there was significant African opposition to the slave trade. A notable example was Queen Nzinga's armed resistance, from 1627 until her death in 1663, to Portuguese incursions into present-day Angola for the purpose of procuring enslaved Africans.¹²

The African struggle against the slave trade failed—might prevailed over right—leaving many Africans with a prisoner's dilemma: either engage in the sale of other Africans or be the object of sale yourself. Finally, we cannot overemphasize the point that the postslavery harms—the Jim Crow regime and ongoing discrimination—were not associated with practices on the African continent. If anything, practices of segregation and discrimination on the continent of Africa, particularly in the cases of southern Africa's Republic of Rhodesia (now the Republic of Zimbabwe) and South Africa, were modeled after the U.S. system of legal segregation.

"Groups who bear no responsibility for slavery will be compelled to foot the bill, particularly groups who immigrated to the United States long after slavery was over."

First, *voluntary* immigrants to the United States have chosen to migrate to a country with this national history. Frequently, what appeals to recent immigrants about life in the United States is the high degree of economic development produced, in significant part, by the exploitation of black labor both under slavery and thereafter.

Second, this argument against reparations presumes, once again, that the case for reparations depends exclusively on the injustice of slavery. Voluntary immigrants arriving in the United States from the 1880s to the present, especially white and Asian immigrants, have benefited from America's Jim Crow regime and its established and ongoing racial hierarchy, including the perverse advantages associated with Asian Americans being marked as "model minorities."¹³

Third, and perhaps most important, black reparations is a debt that must be borne by all Americans, not specific individuals or social groups that carry a special burden of guilt or shame. Indeed, from our perspective, reparations for black Americans are an obligation that need not be linked to guilt or shame but driven by recognition of the need for national redemption. It is the federal government that should implement reparations via congressional legislation.

"Didn't white America (or America in general) already pay its debt for slavery in blood by waging the Civil War, which resulted in emancipation?"

This is a puzzling question. If the dissolution of a patently unjust system of social organization is financially disastrous for the perpetrators, does it follow that the victims of that system are owed nothing for the harms they have suffered? Malcolm X made the following apposite comment about the peculiar morality embodied in this question: "If you stick a knife in my back nine inches and pull it out six inches, there's no progress. If you pull it all the way out that's not progress. Progress is healing the wound that the blow made. And they haven't even pulled the knife out much less healed the wound. They won't even admit the knife is there."¹⁴ Suppose that you are forced to work for me. Suppose further that I also deprive you of your freedom and your earnings. In addition, I profit from having done so. Then, finally suppose that, after some time—decades, perhaps—I am made to or choose to cease this practice, but I retain all profits accrued up to this point and you have nothing. Is that justice? We think not.

Recompense for a grievous injustice is not achieved merely by ending the practice. It requires some form of payment or compensation for the damage or injury—in this case, for the years of unremunerated labor, economic subjugation, and deprivation of rights. Still outstanding is the debt owed to those who were subjected to this inimical abuse and the debt to their descendants, who continue to experience the effects of past and ongoing injustices.

Furthermore, slave emancipation did not require a great war to be fought. There was a viable alternative to armed conflict that could have ended slavery which the white male electorate would not accept. That alternative, which we have discussed in depth in chapter 5, was compensated emancipation. If slaveholders had only agreed to such a scheme after the war had begun, the conflict would not have lasted as long, and the horrendous casualty count could have been far lower.

A final critical observation must be made in response to this specific challenge to the case for reparations: enslaved blacks bore massive costs themselves to support the Union war effort, beginning with their mass exodus from plantations to join the Union lines, followed by their own participation as soldiers in the Union army. To characterize emancipation as a gift delivered to the country's slaves by well-meaning whites ignores the high price in loss of life, pressure, and danger that enslaved African bondsmen endured to free themselves.

Indeed, by 1863, in the aftermath of the Emancipation Proclamation, white northerners' reluctance to serve in the war effort had become so pronounced that the black military contribution was essential to the Union's survival. About 180,000 black soldiers participated in the U.S. Army—10 percent of all the soldiers who served the Union—during the Civil War. Approximately one-third of them lost their lives. Black determination in the pursuit of black freedom exacted a great toll. The termination of slavery was a consequence of great acts of sacrifice on the parts of black and white Americans. It was not simply a "gift" that white America bequeathed to black America.

"Blacks already have received reparations in the form of an abundance of welfare monies and funds from other social programs."

Ironically, when those social programs were first introduced in the 1930s, they were structured to *exclude* blacks from their benefits.¹⁵ Blacks did not get full access to the nation's social safety net until 1965, three decades later. Moreover, America's social programs were never black-specific initiatives; in fact, excluding benefits from agricultural and domestic household workers—when the majority of blacks were employed in those occupations—was one

of the conditions congressmen from the southern states exacted in exchange for their support. Preventing these workers from educational opportunities and higher-paying jobs protected the southern "way of life." It has also never been true that the majority of recipients of federal benefits are black.

Political scientist Ira Katznelson has observed that the "white-targeted nature of extensive federal legislation before 1965 has largely been ignored by policy analysts."¹⁶ In the following account, Katznelson details the extent to which federal policy provided a unilateral boost to economic security for whites for at least three decades:

But most blacks were left out. The damage to racial equity caused by each program was immense. Taken together, the effects of these public laws were devastating. Social Security, from which the majority of blacks were excluded until well into the 1950s, quickly became the country's most important social legislation. The labor laws of the New Deal and Fair Deal created a framework of protection for tens of millions of workers who secured minimum wages, maximum hours, and the right to join industrial as well as craft unions. African Americans who worked on the land or as domestics—the great majority—lacked these protections. When unions made inroads in the South, where most blacks lived, moreover, Congress changed the rules of the game to make organizing much more difficult. Perhaps most surprising and most important, the treatment of veterans after the war, despite the universal eligibility for the benefits offered by the GI Bill (supposed to give assistance to all returning soldiers, regardless of colour), perpetuated the blatant racism that had marked the affairs of a still-segregated military service during the war itself. Southern members of Congress used occupational exclusions and took advantage of American federalism (the "state rights" principle) to ensure that their region's racial order would not be disturbed by national policies. Benefits for veterans were administered locally and the GI Bill was adapted to "the southern way of life" by accommodating to segregation in higher education, to the job ceilings local officials imposed on returning black soldiers who came home from a segregated army, and to an unwillingness to offer loans to blacks even when they were insured by the federal government. Of the 3,229 GI Bill-guaranteed home, business, and farm loans made in 1947 in Mississippi, for example, only two were offered to black veterans. At no other time in American history has so much money and so many resources been put at the service of the

generation completing education, entering the work force, and forming families. Comparatively little of this largesse was available to black veterans. With these policies, the Gordian Knot binding race to class tightened.¹⁷

This extreme disparity in Mississippi was virtually preordained. Representative John Elliott Rankin (D-Miss.), who served sixteen terms, was a principal architect of the GI Bill's exclusion of black beneficiaries. Rankin demanded that the bill be "a matter of local control and states' rights." Counselors from the Veterans Administration "guided" black veterans toward vocational and trade schools rather than colleges and universities. Furthermore, "counselors didn't merely discourage black veterans. They just said no. No to home loans. No to job placement, except for the most menial positions. And no to college, except for historically black colleges, maintaining the sham of 'separate but equal.'"¹⁸

Finally, eligibility for benefits is means tested: only families or individuals living below the poverty line are deemed eligible for support. America's solution to this problem does not prevent people from falling into poverty; rather, it provides them with limited assistance only after they have already become poor. Moreover, these programs do not address—nor were they intended to address—the group-specific injustice directed at black Americans across the span of the nation's history.

"Blacks already have received reparations from affirmative action programs."

The way it has been practiced in the United States, affirmative action has never been a form of reparations. It has served, instead, as an antidiscrimination measure, a mechanism for including a group that otherwise would be excluded unjustly from preferred positions "despite their qualifications and merit." It complements the presence of other antidiscrimination laws that invariably require legal action to be brought against perpetrators of acts of racialized exclusion. It has produced some positive effects, but it is not an ideal remedy. Basically, affirmative action has been used "to desegregate elites," chiefly in employment, university admissions, and government procurement. In the best of circumstances, it can open a door for a qualified entrant, but it cannot guarantee equal treatment.¹⁹

It may be useful to examine the limitations of affirmative action as an instrument for racial transformation, a core objective of black reparations. These limitations include the following: While affirmative action may provide entry into excluded spaces, it does not require those affected institutions

to guarantee that the entrants experience safety, acceptance, and or goodwill in the environment where they newly have gained access. Affirmative action affords no direct impact on racial income inequality, nor are affected institutions required to eliminate those disparities. Affirmative action offers no significant impact, direct or indirect, on wealth inequality. Affected institutions are under no obligation to reduce or eliminate wealth disparities.

Affirmative action cannot affect the total number of preferred positions available; in some cases, while the share of members from an excluded group with access to the preferred positions goes up, the absolute total held by members of the excluded group could decline—or stay relatively unchanged. Affected institutions are not obligated to create preferred positions for all eligible candidates.

Insofar as discrimination persists, affirmative action, while useful, clearly has not been sufficiently effective to eliminate it. At its heart, affirmative action was not designed or intended to be a program of reparations, regardless of how it was perceived at the time of its introduction. Affirmative action can get you through the door, but it does not provide you with restitution for having been kept out of the door in the past, nor does it assure that you will receive fair treatment after getting through the door.

Affirmative action is a specific type of antidiscrimination measure intended to include persons from social groups who otherwise would be excluded due to biased selection processes. Insofar as it actually reduces discrimination and its effects, it does not compensate for past or ongoing discrimination or the continuing effects of either. In general, stopping an unjust practice is not compensation for the unjust practice. Otherwise, one could take the position, incorrectly, that Japanese Americans received de facto reparations merely by being released from internment camps and that there was no reason to provide them with any further restitution.

Finally, on at least two occasions pundits have recommended the provision of a reparations-style monetary payment to black Americans in exchange for the elimination of affirmative action policies. The most recent version of this Faustian bargain has been advanced by Ross Douthat, who has proposed a \$10,000 payment to each African American in exchange for the termination of affirmative action policies.²⁰ Close to two decades earlier, in 2001, Charles Krauthammer recommended a similar deal with the prince of darkness but for a slightly higher amount of money (\$50,000 per family of four).²¹

As we demonstrate in chapter 13, these are extremely low amounts to meet the debt owed to black America.²² And the ante seems to have declined for blacks to consent to the eradication of affirmative action.

"Why should blacks receive reparations when other groups have strong claims and are not asking for much?"

The objective of *From Here to Equality* is to make the case for reparations for black Americans. We have no doubt that other groups may have legitimate claims, and we urge them to bring forward their cases. The existence of other communities deserving reparations does not, in any way, constitute a denial of the obligation to black America. Nor does the magnitude of the expenditure determine its legitimacy. There is at least one other group that potentially could make a far more costly claim on the American government than black Americans: Native Americans could reclaim virtually all of the land area of the United States if they brought forward their case for reparations.

We pose, instead, an inversion of the question advanced here: "Why should blacks have to continue to wait for the debt owed to them to be paid?"

Furthermore, the potential magnitude of the demand for reparations claimed by other victimized groups—whether more or less than the amount necessary to meet the black reparations claim—is irrelevant to the principle of the provision of just compensation.

"Reparations paid to Japanese Americans and Holocaust victims were made to direct victims and/or their immediate families; therefore, these are not precedents for black reparations for slavery."

We reiterate that, absolutely, there still are living victims of legal segregation and ongoing discrimination in the United States. And not all payments were made exclusively to individuals and their families in either the case of Japanese American reparations or that of compensation for the genocide of the Holocaust. Any society can delay the provision of reparations until all of its direct victims have died. Delay should not absolve the community of the debt, particularly if the impact of the injustice has long-term intergenerational effects. The shackles of history are long-standing and must be removed.

The Civil Liberties Act of 1988, the enabling legislation for restitution for Japanese Americans subjected to internment during World War II, included a provision for the establishment of a public education fund to inform Americans about this injustice and to prevent its reoccurrence. German compensation for victims of the Holocaust included payments made to the state of Israel to aid in its development and consolidation, and, in fact, payments have been made to *heirs and descendants* of direct victims. In fact, the U.S. government has even made payments to citizens who are Holocaust victims

and relatives of victims, despite the fact that, in this instance, the U.S. government was not the perpetrator.

"Reparations demean the memory of the victims who cannot speak for themselves."

Direct victims of Jim Crow and ongoing discrimination, which include the authors of this volume, *still* can speak for themselves. And the direct victims of slavery also spoke for themselves. Reconsider the conversation described in chapter 8 between General Sherman and Secretary of War Edwin Stanton and the spokesperson for a group of free black community leaders that took place in Savannah, Georgia, on January 12, 1865—a conversation in which African Americans were asked to imagine their new lives in the south. That discussion was a prelude to Sherman's Special Field Orders No. 15, which provided families of ex-slaves with forty acres of land along the South Carolina, Georgia, and Florida coasts.

At the core of the men's visions for their future was a desire to become self-sufficient, "to have land and turn it and till it by [our own] labor . . . until we are able to buy it and make it our own." The leaders also expressed their willingness "to assist the Government," insisting that "the young men should enlist in the service of the Government, and serve in such manner as they may be wanted." Keenly aware of the "prejudice against us in the South that will take years to get over," they also requested that they be allowed to live apart from whites—"to live by ourselves."²³

Participants in two freedmen's conventions, one in Georgia and one in North Carolina, also gave voice to the dreams and aspirations of those once held as human property. They wanted education, they wanted the vote, they wanted protection from attacks and assaults from whites, they wanted to know that their children could not be taken from them, they wanted to be left alone to build their own lives and communities, and *they wanted land*.²⁴

When 3,000 freedmen gathered in Mississippi that same year to learn the Freedmen's Bureau's plans for establishing schools for them and their children, "their joy knew no bounds." Many shared the desire of the ex-slave who was enrolled in a Mississippi school and wanted "to learn to cipher so I can do business."²⁵

Tragically, President Andrew Johnson ordered the land allocated under Special Field Orders No. 15 restored to the former slaveholders. Indeed, the freedmen's desires for land, schools and education, and freedom to live their lives alone in peace went unfulfilled.

Given the unmet desires of the freedmen—as well as of now-deceased blacks who lived under Jim Crow—the provision of reparations to their descendants will *honor* their memory. In the case of the September 11, 2001, attacks, the federal government provided payments to the victims' families. Why, then, when it comes to the case of black reparations, is there a double standard? The American legal and political systems have a long-standing tradition of placing a dollar value on both emotional and physical suffering.

"Dwelling on slavery and pursuing reparations perpetuates a crippling psychology of victimization among blacks."

What really cripples black Americans is racism, not an alleged victimization mentality. Racism exposes blacks to both micro- and macroaggressions. Microaggressions range from insults and jokes depicting people of color as scofflaws or as stupid or incompetent to the experience of being physically present but excluded from a conversation and hearing racial slurs and innuendos. Macroaggressions range from racial profiling and public humiliation to physical violence that threatens life and limb.

The denial of wealth is far from a purely psychological phenomenon. Actually, despite the extent to which they have been subjected to assaults, black Americans display a remarkable degree of resilience and motivation. Consider educational attainment. We provided evidence in chapter 2 indicating that, after taking into account family socioeconomic position, blacks pursue higher education at rates significantly higher than whites.²⁶ In general, victims of trauma have healthier outcomes when their harm is recognized and awarded restitution.²⁷ It is no different for victims of racism. Acknowledgment and compensation for the harms they have endured are essential for them to "get over it."

Finally, acceptance of reparations payments is not mandatory. If any eligible recipient feels burdened by grants of restitution because it "inscribes" their victim status, they certainly will be free to refuse the payments, allowing the funds to go instead to others who do not share that sense of burden.

"When all is said and done, today's blacks are better off having had their ancestors enslaved here. Very few of them would opt to return to Africa rather than stay in the United States."

It is hard to believe that any person would suggest that blacks—or any group of people, for that matter—are better off by having been enslaved. This peculiar argument entirely overlooks the range of intergenerational harms attendant to slavery as a starting point for the racial inequalities that persist to this day. It is irrelevant whether living black Americans would prefer to

live in the present-day United States or in one of the countries of the African continent, because living black Americans' ancestors did not come to America by choice.

Nor did they *choose* to do so by being enslaved. Nor did subsequent generations *choose* to be oppressed by the Jim Crow regime and sustained racism. Furthermore, as we have demonstrated in chapter 3, the United States would not have developed economically in the way that it did without the coerced exploitation of black labor. The fundamental issue for black citizens today is the unequal and inequitable quality of black lives vis-à-vis those of white citizens in the United States. Indeed, there is much to admire in black Americans' long-standing desire to stay in the country and struggle for full citizenship instead of leaving for sites—whether on the African continent or elsewhere—where they may not encounter the same degree of racism.

Of course, as we have noted above, numerous efforts led by whites were organized to repatriate blacks during the nineteenth century. The American Colonization Society, founded in 1816, transported over 20,000 American slaves to the African continent, 13,000 of them to Liberia. Two Virginians, the Reverends Moses Tichnell and Samuel R. Houston, subscribed to the send-them-back-to-Africa solution, freed their slaves, and financed their passage to Liberia in 1855–56.

One of the more notable black advocates of repatriation was Marcus Garvey, whose Universal Negro Improvement Association was formed in August 1914. Despite the organization's visibility and renown, only small numbers of black Americans actually repatriated to countries on the African continent. They also have not migrated in large numbers to any other countries, including those that have a higher standard of living than the United States.²⁸ Black Americans have as strong a claim (or stronger) to America as other citizens; they have a particularly strong claim to a *just* America.

"Black reparations, unfairly, will ignore the parallel plight of the white poor."

Political scientist Cedric Johnson has argued against black reparations because, in his view, they neglect the equivalent plight of low-income whites.²⁹ While poverty in general in the United States unequivocally merits renewed and concerted attention, by collapsing blacks and whites into a single, homogeneous oppressed working class, Johnson ignores critical differences in the historical specificity of the circumstances that have produced each community and key differences in the substantive status of each community. Only black American descendants of persons enslaved in the United States

have a claim to the debt that never was paid to their ancestors upon emancipation, the forty-acre land grants.

Material conditions are not the same for "working class" blacks and whites. Low-income whites are beneficiaries of racial privilege despite their comparatively deprived status. Indeed, "whites of all social classes and education levels have a much lower likelihood of exposure to unemployment; rarely become as asset-poor as blacks; experience better health outcomes and greater safety in encounters with the police and criminal justice system; and, of course, are not subjected to racial micro-aggressions that erode emotional well-being and self-efficacy."³⁰

To elaborate, with respect to asset poverty, it is noteworthy that the median net worth of whites in the bottom 20 percent of the nation's income distribution is higher than the median net worth of *all* black Americans.³¹ With respect to health outcomes, at every level of education black women's infant mortality rate exceeds that of white women, and black women with advanced degrees have higher infant mortality rates than white women who never finished high school.³² With respect to safety in encounters with the police, not only are blacks far more likely to have fatal encounters, but they also are far more subject to harassment associated with police stops, especially while driving.³³ Being black and white in America is not the same experience, regardless of social class.

"Regardless, there is no way to pay enough to compensate for the evil of slavery."

Frederick Douglass would have agreed that it is unlikely that there is anything that could be done that would mitigate the harms inflicted on blacks by enslavement. In 1894, the final year of his life, Douglass made the following observation:

People who live now, and talk of doing too much for the Negro . . . forget that for these terrible wrongs there is, in truth, no redress and no adequate compensation. The enslaved and battered millions have come, suffered, died and gone with all their moral and physical wounds into Eternity. To them no recompense can be made. If the American people could put a school house in every valley; a church on every hill top in the South and supply them with a teacher and preacher respectively and welcome the descendants of the former slaves to all the moral and intellectual benefits of the one and other . . . such a sacrifice would not compensate their children for the terrible wrong done to their fathers and mothers.³⁴

But Douglass did not conclude from this that no steps toward justice should be made. Quite the contrary, he argued that white America could never do enough to repay "the Negro" but by all means should do as much as possible. In addition to public education and mandatory attendance laws for all children, he advocated a program of land acquisition specifically for freedmen and their progeny.³⁵

The fact that full amends cannot be made for a grievous injustice does not mean significant recompense should not be made. Although the long-overdue bill will not match the price paid by the victims, the bill must be paid.