

RESURRECTING THE PROMISE OF 40 ACRES:

The Imperative of Reparations for Black Americans

REPORT BY WILLIAM DARITY JR. AND A. KIRSTEN MULLEN
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Executive Summary

This report provides key, new insights and information, expanding on our book *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*. This report demonstrates the limitations and weaknesses of piecemeal or local attempts at reparations, particularly the inability of such steps, taken singly or collectively, to eliminate the black-white differential in wealth. We also make the case for systemic reparations and argue that the US government—the culpable party—must pay the debt. In addition, we offer lessons from five precedents for reparations from the US and abroad. We extend those lessons to recommend revisions in HR 40, proposed legislation to establish a dedicated commission that would provide a report to Congress as a prelude to the development and enactment of a formal reparations bill. The book contains a detailed plan for execution of reparations for black American descendants of persons enslaved in the US. Following *From Here to Equality*, the report defines and outlines the goals of reparations (acknowledgement, redress, and closure) and identifies eligible recipients in the context of the United States' debt to black America. Going beyond *From Here to Equality*, the report provides a full rationale for reparations aimed at erasing the black-white wealth gulf at the mean level of net worth rather than the median level of net worth—an objective that will necessitate a \$10 to \$12 trillion expenditure in 2016 dollars.



The Meaning of Reparations: Acknowledgment, Redress, and Closure

In the final chapter of our new book, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, we include the following epigraph attributed to Malcolm X (Darity and Mullen 2020a, 239):

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 heal the wound. They won't even admit the knife is there (Malcolm X 1964).

In the context of an ongoing social injustice, “pulling the knife out” ends the harmful act. It is a desirable and essential step, but it is only an act of suspension. Insofar as it does not “heal the wound,” it is not an act of restitution, remediation (Bhabha, forthcoming), or compensation; therefore, “pulling the knife out” is not reparations. Reparations require the culpable party to make amends for the harm inflicted on the victim, which demands remediation.

In *From Here to Equality*, we advance a general definition of reparations as a program of acknowledgment, redress, and closure. **Acknowledgment** constitutes the culpable party's admission of responsibility for the atrocity. Admission should include an enumeration of the damages inflicted upon the victims and the advantages appropriated by the culpable party. **Redress** constitutes the acts of restitution, steps taken to “heal the wound.” **Closure** constitutes an agreement by both the victims and the perpetrators that the account is settled. Representatives chosen by members of the aggrieved community can communicate with the culpable party to establish the point at which restitution is adequate for the debt to be paid.¹ Thereafter, the victims will make no further claims for compensation, unless a new atrocity occurs or an old atrocity recurs.

¹ We further outline the proposal for an elected Reparations Supervisory Board that would determine when closure is achieved, while also fulfilling other ongoing tasks (Darity and Mullen 2020a, 267).



Eligibility: Black American Descendants of Persons Enslaved in the United States

The case we make for black reparations in the United States centers on the provision of compensation for a specific community that consists, today, of approximately 40 million Americans. In *From Here to Equality*, we advance two criteria for black reparations eligibility. First, an individual must establish that they have at least one ancestor who was enslaved in the US.² Second, an individual must demonstrate that they have self-identified as black, negro, or African American on an official document—perhaps making public the self-report of their race on the US Census—for at least 12 years before the enactment of a reparations program or a study commission for reparations, whichever comes first.³ In short, the reparations plan we put forward designates black American descendants of US slavery as the target community.

This community's claim for restitution anchors on the US government's failure to deliver the promised 40-acre land grants to their newly emancipated ancestors in the aftermath of the Civil War (Fleming 1906, 721-737). That failure laid the foundation for the enormous contemporary gap in wealth between black and white people in the US. If the land allocation had been made to the freedmen and freedwomen, and had that ownership been protected, we speculate that there would be no need to consider the case for black reparations today.⁴

² This standard, of course, will create substantial business for genealogists, but the agency administering the reparations program can facilitate the process by subsidizing genealogical research support for applicants.

³ Parental eligibility can dictate qualification for minors who are at least 12 years of age. Proof of paternity or maternity at least 12 years before the enactment of a reparations program or a reparations study commission—again, whichever comes first—would have to be established. Children will be able to receive reparations payments when they reach legal adulthood; in the meantime, funds would go into a federally secured trust account for them.

⁴ Protection of black property would have required the Union Army to maintain its presence in the former secessionist states for at least a generation and/or directly arming the freedmen. Under General Sherman's Special Orders No. 15, 400,000 formerly enslaved persons settled on 40,000 acres of land. Even that allocation, a mere fraction of the full 5.3 million acres specified in Sherman's order, was restored to the former slaveholders at the direction of President Andrew Johnson (Darity and Mullen 2020a, 158-159).



Black American descendants of US slavery have borne and continue to bear the undue burden of the cumulative effects of all three of these phases of the nation's trajectory of racial injustice.

Though the government's decision to deny black Americans this equity stake has led some contemporary pundits to refer to "slavery reparations," the case we make does not center exclusively on the horrors of American chattel slavery. Instead, we argue that three historical phases of atrocities merit incorporation into the criteria for black reparations. First, of course, is slavery itself, the crucible that produced white supremacy in the US. Second is the near-century-long epoch of legal segregation in America—or American apartheid—that we refer to colloquially as the "Jim Crow" era. Finally, there are the ongoing atrocities associated with the period following the Civil Rights Act of 1964: mass incarceration; police executions of unarmed black people; sustained credit, housing, and employment discrimination; and the immense black-white wealth disparity. Black American descendants of US slavery have borne and continue to bear the undue burden of the cumulative effects of all three of these phases of the nation's trajectory of racial injustice.

Calculating What Is Owed

We view the black-white wealth gap as a blight on the nation. While the 40 million eligible recipients of black reparations constitute about 13 percent of the American population, they possess less than 3 percent of the nation's wealth. This translates into an average (or mean) differential, per household, of about \$800,000 in net worth (Dettling et al. 2017).

PRIORITIZING THE MEAN OF THE RACIAL WEALTH GAP

To eliminate the racial wealth gap in its entirety, it is essential that the *mean* gap be erased, rather than setting a far less ambitious goal such as closing the gap at the black-white *median* differential:



Although, the usual discussion of wealth gaps focuses on median differences because the median captures the typical condition for American households, targeting the median will leave the racial wealth gap largely untouched. The fact that 97 [percent] of white wealth is held by households with a net worth above the white median (\$171,000) makes any policy that seeks to close the racial gap at the median a policy that discounts, overwhelmingly, the largest proportion of racial wealth inequality (Darity, Addo, and Smith 2020, 6).

Indeed, the magnitude of the black-white wealth gap that requires erasure should not be constrained by the fact that there is a highly unequal distribution of wealth among white Americans. In fact, there is a similarly highly unequal distribution of wealth among black people over a disproportionately, far smaller total (Darity, Addo, and Smith 2020, 3-5).

Eliminating the black-white (pre-tax) wealth differential should be a core objective of the redress component of a plan for reparations. We estimate that this will require an allocation between \$10 and \$12 trillion in 2016 dollars to eligible black Americans.

Ultimately, a well-designed reparations program could have a powerful impact on producing greater wealth equality among black Americans. Consider the median-to-mean ratio.⁵ Suppose all black households received an additional \$800,000 to make up for the mean deficit. As of 2016, the black median-to-mean ratio was \$17,600/\$138,000 or approximately 13 percent. If the black mean rises to the same level as the white mean through the provision of an additional \$800,000 to each black household, the intra-group black median-to-mean ratio would change dramatically to \$817,600/\$938,000, or approximately 87 percent.⁶

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⁵ A measure like the variance is not useful in this context; the variance as a measure of inequality is insensitive to the effects of an equal allocation of funds, regardless of the size of the allocation. We use the median-to-mean ratio instead. When that ratio reaches one, there is perfect equality.

⁶ We offer a possible alternative to the equal allocation approach in *From Here to Equality*, as a method for generating a more equitable distribution of wealth among black people. There is the option of combining a uniform payment to all eligible recipients with the “designat[ion of] a portion of the funds for competitive application, with priority given to the applicants with lower current wealth or income positions” (p.267). On the other hand, if the concern is the highly unequal distribution of wealth among white Americans, or across all Americans generally, this should be addressed by a separate set of policies distinct from a black reparations project.



allocation between \$10 and \$12 trillion to eligible black Americans. That allocation should serve as the *baseline* for black reparations in the twenty-first century.

THE COSTS OF SLAVERY

Another approach to calculating a formal bill entails measuring the costs of slavery to the immediate victims. As a basis for measuring the damages of slavery, some estimates have focused on what was, *de facto*, unpaid labor under the coercion of enslavement. Professor Thomas Craemer, however, has argued that slavery involved the theft of the full 24 hours of each day in the lives of the enslaved. In today's dollars, he arrives at an estimate of \$14 trillion for the cost of American slavery to the enslaved (Craemer 2015, 639-655).

However, this may be an *underestimate* of the total costs, as Craemer's assessment does not account for the psychological trauma inflicted on the enslaved, nor does it account for the accelerated mortality and morbidity consequent upon the system. A potential justification for treating the \$14 trillion sum as transferrable to today's descendants of the victims of chattel slavery is the argument that there has been an intergenerational transmission of the harms, uninterrupted because of the neglect of the provision of the promised 40 acres.

THE PROMISE OF 40 ACRES

With 4 million emancipated persons at the close of the Civil War, the overall distribution of land to the formerly enslaved would have come to at least 40 million acres.

The 40-acre land grants themselves afford another route for calculating the size of a potential black reparations bill. The conventional interpretation has it that the promised allocations were to have gone to households comprised of those newly emancipated. If a typical household consisted of four persons, the allocation would have amounted to 10 acres per person. With 4 million emancipated persons at the close of the Civil War, the overall distribution of land to the formerly enslaved would have come to *at least*



40 million acres. With an average value of an acre of land set at \$10 in 1865,⁷ the overall value of the allocation would have been \$400 million. The present value compounded at a 6-percent interest rate (the average rate of return plus an inflation adjustment) amounts to \$3.1 trillion. Financial expert John Talbott has suggested computing a present value predicated upon a 9-percent interest rate, consistent with the average return on an investment in the US stock market from 1870 to 2020. **This results in an estimated reparations bill of \$16.5 trillion.**⁸

Though we are open-minded about a variety of strategies for *calculating* the size of social debt that is owed, our central argument here is that the elimination of the black-white wealth gap should provide the foundation for the magnitude of redress that this stark American racial injustice demands. After all, the racial wealth gap is the economic measure that best captures the cumulative effects of the full trajectory of American white supremacy from slavery to the present.⁹ Given that the disparity began with the wealth that white people accumulated through extraction from enslaved black people, which grew exponentially with each generation, closing the gap requires *direct* redistribution (Feiveson and Sabelhaus 2018; Darity et al. 2018; Toney 2019; Fagereng et al. 2020).

Culpability: A Matter of National Responsibility

So, who should pay the bill? In *From Here to Equality*, we argue that the culpable party is the United States government. “Authority is constructed and contextual,” and all three phases of the atrocities cataloged here were products of the legal and authority framework established by the federal government (ACRL 2016). Often, the federal government further sanctioned racial atrocities by silence and inaction.

⁷ For the \$10-per-acre of land in 1865 estimate, see (Mittal and Powell 2000, 1-8).

⁸ Talbott suggested 9 percent interest in personal correspondence with one of the coauthors, January 7, 2020.

⁹ The COVID-19 crisis hardly obviates the need to institute a reparations plan, at least after the worst of the crisis has hopefully passed. The adverse effects of extreme black-asset poverty become more apparent in emergency conditions such as the crisis produced by the pandemic. Racial wealth differentials impose a correspondingly high degree of danger and harm on black Americans (Solomon and Hamilton 2020). The lack of wealth increases black vulnerability because black people have been disproportionately concentrated in the personal service/contact jobs that have been destroyed by the pandemic, or they are disproportionately concentrated in health service jobs that place them at the greatest risk of exposure to the virus. One message to be taken from the pandemic is that the racialized dangers of the current situation might have been moderated had the racial wealth gap been eliminated already. A second message, evidenced by the federal government’s capacity to mobilize resources without taxing first, is that the nation is capable of financing black reparations (Darity and Mullen 2020b; Darity and Mullen 2020c).



In turn, this means that local or piecemeal—little by little—attempts at racial atonement do not constitute reparations proper. In the past several years, many states, localities, and individual institutions have begun to consider “reparations.”

Black reparations are not a matter of personal or individual institutional guilt; black reparations are a matter of national responsibility.

But these are insufficient for several reasons. First, many of these “reparations” efforts do not involve restitution. Second, most states, localities, and individual institutions do not have the resources to repay on anything like the scale we are suggesting. Finally, and most importantly, black reparations are not a matter of personal or individual institutional guilt; black reparations are a matter of national responsibility.

In many instances, local initiatives labeled “reparations” are not that at all. Whether at the state or municipal level, many efforts frequently constitute acknowledgment, admitting that atrocities were committed. These measures are often followed by inadequate attempts at redress—the allocation of funds for research or the construction of memorials, for example—rather than substantial compensatory payments to black Americans. While these scattered steps to take some type of action may begin to pull the knife out, they do not heal the wound produced by the harm; typically, they fail to provide any compensatory payment.

Even if they do afford a compensatory payment, a series of local initiatives is highly unlikely to match the minimum bill for black reparations. As noted above, this debt will require at least \$10 trillion to eliminate the black-white wealth disparity. Taken separately or collectively, there is no evidence that local “reparations” will come close to addressing the full scope of the measured harm or achieving an appropriate level of restitution.

MAKING THE CASE FOR SYSTEMIC REPARATIONS

The focus on piecemeal “reparations” customarily limits redress to the atrocity of slavery, but a comprehensive, effective reparations bill must also confront the harms of both the Jim Crow regime and the era following the passage of Civil Rights legislation in the 1960s. Ultimately, this essential transformative change demands systemic action from the core institution that established and maintained the system of racial injustice: the federal government.



Though piecemeal initiatives of the type pursued by the state of Maryland or Georgetown University (as outlined below) are admirable in their acknowledgment of the existence of a debt—and though they may salve guilty consciences—these incremental efforts will not fundamentally change the conditions of structural, racial economic inequality. Our nation must be held accountable, and the federal government must meet the debt.

Though piecemeal initiatives are admirable in their acknowledgment of the existence of a debt, these incremental efforts will not fundamentally change the conditions of structural, racial economic inequality.

States, municipalities, churches, universities, families, and individuals who recognize their historical complicity with American slavery should coalesce to form a consortium that aggressively petitions Congress to enact a comprehensive national reparations program for all black American descendants of persons enslaved in the United States (Reddit 2020). This collective effort will be of much greater value to black American descendants of persons enslaved in the US than a string of individual steps to undertake reparations piece by piece. Therefore, the federal government—the core institution that established and maintained the system of racial injustice and the core institution that can provide all-encompassing structural change—must meet the debt. Indeed, state governments have neither the obligation nor the capacity to execute an appropriate comprehensive plan for black reparations.

PIECEMEAL “REPARATIONS”: LITTLE BY LITTLE, BIT BY BIT IS NOT ENOUGH

An example of a local “reparations” effort is underway in Maryland to establish a fund that would provide support for in-state college tuition at a University System of Maryland

¹⁰ To be clear, it is not our intent to let private corporations (or slaveholding families, colleges and universities built on slavery, etc.) “off the hook.” We do not discourage them from resolving to allocate funds for initiatives that will benefit some subset of black Americans. However, we object to the labeling of those initiatives as “reparations.” It is impossible to parcel out individual blame for actions produced by a legal and authoritative social system sanctioned by the federal government. Hence, the federal government should foot the bill via Congressional legislation. We eschew the judicial route to black reparations.



school and low-interest loans for mortgages to persons who can provide proof that they are descendants of someone who was enslaved in the state of Maryland (Gaskill 2020). The present version of the proposed legislation ties financial support to the number of years an ancestor was enslaved.

Several concerns merit consideration. Why concentrate solely on lost wages when, as Craemer pointed out, enslavement meant every hour of every day was stolen time? Would multiple descendants be eligible to receive the lost wages stolen from the same ancestor? What is the logic of giving the unpaid wages of a single enslaved ancestor to individuals who may have had multiple enslaved ancestors? Will larger payouts go to individuals whose ancestors survived to live the longest number of years of forced labor under the slavery system? Would current Marylanders *who are living as white* who have an ancestor enslaved in the state qualify for access to the fund?¹¹ And this final question is fundamental: Why should a living descendant's compensation be tied to the exploitation of a single enslaved ancestor of theirs, instead of being determined by the long-term impact of the slavery regime on their life today?

Moreover, given the global objective of eliminating the black-white wealth disparity, there is no assurance that the unspecified amounts of "back pay for [an ancestor's] lost wages" will close the gap. Total expenditures for state governments in fiscal year 2020, will be approximately \$2 trillion, which is nowhere near the at least \$10 trillion required to close the gap. Notably, unlike the federal government, state governments are not the purveyors of a sovereign currency that would enable them to be unconstrained by an advance collection of tax revenues (Nersisyan and Wray 2016).

Not only is Maryland's proposal piecemeal, but the plan also demonstrates the paternalistic tendency to limit the burden of restitution to the heirs of "our own slaves," rather than recognizing the structural and all-encompassing nature of the American slavery system and the need to confront its legacy at the national level.

The state of Maryland is one of several entities moving to admit their institutional or personal complicity with American slavery while also establishing "reparations" funds to compensate those persons identified as descendants of the direct victims of their individual states', institutions', or families' immoral practices. Another example is Georgetown University, where students are attempting to provide recompense to the descendants of the 272 enslaved persons who were sold to planters in the deep south by the Jesuits when they were seeking revenue to ensure the survival of the school (Hassan 2019).

¹¹ The two eligibility criteria we present above avoid this weakness.



However, there are several problems with this approach. The first is the focus on the 272 individuals. The sale itself was an act embedded in the structural conditions of a racialized, slavery-based society and had adverse ramifications—much like all such exchanges—on more black people than the 272 themselves. Each transaction that involved the sale of human beings reinforced the slave order.

The second problem is the amount offered to living descendants of the 272. There are now an estimated 12,000 to 15,000 descendants of the 272 persons sold by the Jesuits in 1838. Georgetown's leadership now says it will allocate \$400,000 per annum as a compensatory measure for the descendants (Di Corpo 2019). Even using the lowest estimate of the descendant population (12,000 persons), \$400,000 only amounts to \$33 per recipient each year.

Today, Georgetown University's endowment is approximately \$1.62 billion, generating "earnings" of about \$83 million; \$400,000 is less than 0.1 percent of that number. In 1838, the 272 enslaved persons sold for \$115,000. The value of that sum compounded to the present at 5 percent interest amounts to \$787 million; \$400,000 is less than .01 percent of that number. Measured this way, the Georgetown commitment is a pittance. Indeed, if the lower bound debt of \$10 trillion were met by private contributions, it would take 25 million individuals to donate \$400,000 each. This is simply untenable.

Learning from Other Cases: Precedents for Reparations

Valuable insights for how to best execute a national program of reparations can be gained from previous experiences with plans of restitution. Here, we focus on five precedents, two overseas (German reparations for victims of the Nazi Holocaust, and reparations in post-apartheid South Africa) and three in the US (Japanese American reparations after World War II, post-9/11 reparations for victims' families, and post-Sandy Hook reparations after the 2012 school shooting).

These cases are disparate. The German, South African, and Japanese American cases are all instances of state actions against an ethnic, racial, or religious minority. The 9/11 and Sandy Hook cases stem from external crimes. Three groups—victims of the Holocaust, the 9/11 attacks, and Sandy Hook—received redistributive justice soon after the period of victimization. Reparations for Japanese American people required many years of debate



around and pressure for payment and justice. The South African case is one in which the goal, as stated by the Truth and Reconciliation Commission, was insufficiently ambitious. *All of them* demonstrate how, in the aftermath of unfathomable incidents, people—both government officials as well as those leading private charitable efforts—attempt to come to terms with placing a value on and compensating for lost lives and lost livelihoods, ultimately reaching closure for all concerned.

Key lessons include:

- Leadership from within the communities most affected is essential to ignite action and ensure that restitution is comprehensive and sufficient;
- Movement pressure outside of the political system is effective when it is combined with consenting formal political leadership (e.g., prime ministers, members of Congress) and high-profile bipartisan or multi-party commissions;
- Political commissions must have the proper mandate, focused not on repayment for demonstrable individual atrocities but on the comprehensive costs of social systems of oppression;
- Significant payment and restitution can be achieved even when reparations are politically unpopular;
- An enumeration of contingencies must be made to ensure the payments are made under challenging circumstances;
- Work performed by a study commission for reparations must be completed in a timely manner, within a maximum horizon of 18 months;
- Financial goals of a reparations project should be met within a decade;
- Valuing human life and coming to agreement on “sufficient” payment is difficult, but, within limits, identical payments are ultimately preferable; and
- Financial outlays should be combined with educational, historical, and narrative efforts to ensure that the case for reparations is well understood in the public ethos.

REPARATIONS AGREEMENT BETWEEN ISRAEL AND THE FEDERAL REPUBLIC OF GERMANY

Following the Nazi defeat, David Ben-Gurion, Israel’s co-founder and its first prime minister, insisted in 1945 that West Germany support the new state of Israel *and* assist with the “resettling [of] so great a number of uprooted and destitute Jewish refugees” (United Nations 1953). The reparations plan was inaugurated in 1952, and payments to



the families of the deceased, to the direct survivors, and to those subjected to forced labor continue to this day.

In fact, as recently as 2012, reparations for Holocaust victims and their descendants were expanded to increase the numbers of Jews who are eligible to receive payments; many European Jews who lived in countries that remanded them to German authorities during the war are now receiving payments. Additionally, in 2011, the length of time spent living in ghettos to qualify for compensation was reduced from 18 months to 12 months; in 2012, the time spent in ghettos was further reduced to six months, making restitution possible for many more people (Eddy 2012).

Ben-Gurion's influence in these matters cannot be understated. From 1952 to 1967, West Germany paid an estimated 3 billion Deutsche Mark (DM) to the State of Israel for reparations, or *Wiedergutmachung*, and 450 million DM to the World Jewish Congress. In addition, over 100 billion DM—nearly 60 billion US dollars—has been paid to individual victims of the Holocaust (Reiter 2019). Ben-Gurion also insisted that Germany actively recover property confiscated from Jewish people so that “the murderers do not become the heirs as well” (Zweig 2013, 284).

On public opinion of the *Wiedergutmachung*, historian Tony Judt said:

In making this agreement [Chancellor] Konrad Adenauer ran some domestic political risk: in December 1951, just 5 percent of West Germans surveyed admitted feeling ‘guilty’ towards Jews. A further 29 percent acknowledged that Germany owed some restitution to the Jewish people. The rest were divided between those (some two-fifths of respondents) who thought that only people ‘who really committed something’ were responsible and should pay, and those (21 percent) who thought ‘that the Jews themselves were partly responsible for what happened to them during the Third Reich.’ When the restitution agreement was debated in the Bundestag on March 18th 1953, the Communists voted against, the Free Democrats abstained and both the Christian Social Union and Adenauer’s own CDU [Christian Democratic Union] were divided, with many voting against any *Wiedergutmachung* (Judt 2005, 271).

Twenty years ago, when Michael Dawson and Rovana Popoff polled white Americans on the question of reparations for black Americans, 96 percent of the respondents opposed the measure (Dawson and Popoff 2004, 47-91).

Fifteen years later, a Marist Poll found that that number had fallen to 81 percent. In contrast, nearly half of white millennials surveyed said that they supported reparations for black Americans. This is notable because reparations for Jewish people post-Holocaust



was achieved with significantly less popular support (Russ 2019).

Beyond the payments dimension, the German reparations plan had at least one additional important requirement: a commitment to preserve national memory of the horror of the Holocaust, to preserve recognition of the national responsibility for the horror, and to constrain memorialization and glorification of Nazi leaders and the Nazi cause. Though this aspect of redress for the crimes of the Third Reich has been imperfect, it is vastly different from the way in which the leaders of the Confederacy and the Lost Cause have been exalted in the United States (Neiman 2019). Germany engaged actively in de-Nazification, while the United States has long evaded de-Confederatization (Darity and Mullen 2020a, 155, 160, 177, & 354).

TRUTH AND RECONCILIATION IN SOUTH AFRICA

In contrast to Germany and Israel, South Africa affords a far more muted instance of reparations. The Republic of South Africa's Truth and Reconciliation Commission (TRC), active from 1995 to 2002, sought to address atrocities committed from 1948 to 1994.¹² In 1948, the all-white National Party hardened *de facto* segregation with *de jure* segregation, creating a South-African style of Jim Crow: legally sanctioned segregation and the near-total disenfranchisement of the black majority and other non-Afrikaans, as well as the relegation of black people to second- and even third-class status for the next 42 years.

In 1943, Nelson Mandela joined the African National Congress to challenge the white-only government. Alongside others in the resistance, he was subjected to censorship, police assaults, torture, incarceration, and a sentence of life imprisonment in 1962. Others were disappeared and executed. In 1991, the apartheid laws were repealed, and Mandela was elected as president of South Africa in 1994. A democratic constitution was then passed, and the government changed hands.

The 17-member Truth and Reconciliation Commission, chaired by Anglican Archbishop Desmond Tutu, established three committees to conduct its investigations: a human rights violations committee, an amnesty committee, and a reparations and rehabilitation committee. The TRC received the testimony of 21,000 citizens; created a controversial amnesty program; and, in 2002, proposed monthly payments of 2,000 Rand (an estimated \$280 US) to "victims, their dependents[,] or next-of-kin" over a six-year period.¹³

¹² The original mandate was the Promotion of National Unity and Reconciliation Act of 1995, no. 34.

¹³ The TRC received 7,112 applications for amnesty of which 849 petitions were granted and 5,392 cases were rejected. Huge numbers of documents were destroyed by the National Intelligence Agency in the early 1990s.



Despite the emphatic recommendations of the restorative justice body as well as public criticism and pressure in favor of the initiative, few of the intended recipients have received reparations. By 2017, when the President's Fund had grown to Rand 1.5 billion (or \$21,428,571 US), less than .0002 percent had been directly paid to victims.

According to former TRC commissioner Dumisa Buhle Ntsebeza, who served as the head of the commission's investigative unit, of the 21,676 people who brought claims to the TRC, one-time payments of Rand 30,000 (or approximately \$4,285 US) were received by 17,408 beneficiaries who had been identified as victims. Another Rand 35 million (\$7 million US) was appropriated for the reburial of exhumed remains of missing persons, and Rand 350 million was spent on basic education and higher education assistance. Health assistance accounted for Rand 270 million (\$38.5 million US), Rand 110 million (\$15 million US) was put toward housing assistance, and Rand 500 million (\$71million US) was spent on community rehabilitation. Ntsebeza railed against the government's failure to execute the commission's recommendations. "The kinds of beneficiaries who should have been recipients of the proceeds of the fund ... actually [are not] getting anything," he said (Collins 2017).

One of the major problems was that the TRC's mandate was too limited. The mandate charged the commission to focus on victims of individual acts of barbarity, when, in fact, the fundamental atrocity demanding compensation was the horrific social impact of the apartheid regime in its entirety. Chronicling the suffering and deaths of victims is an important component of an effective reparations plan, but it does not replace the need for compensation.

JAPANESE AMERICAN INCARCERATION: COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

In reaction to Japan's bombing of an American naval base during World War II, President Franklin D. Roosevelt established Japanese internment camps through Executive Order 9066. From February of 1942 to March of 1946, approximately 117,000 people of Japanese descent—most of them US citizens—were evicted from their homes, forced to abandon their business enterprises, and relocated to the makeshift camps of unheated Quonset huts, stables, and even the Santa Anita racetrack.

Under the auspices of the Trading with the Enemy Act, the federal government confiscated financial records and assets of Japanese Americans and took control of



Japanese American-owned banks, which accepted both yen and dollars.¹⁴ Internees were taken by train to isolated camps located mostly in the American West and Midwest. The average internment was two-and-a-half years. Lake Tule Internment Camp, the last of 10 facilities in operation, closed in 1946. At least one prisoner, George Kumemaro Uno, was incarcerated at the Crystal City, Texas, internment camp until September 1947.

Soon after World War II ended—during the 80th Congress when Republicans controlled both chambers—there was some support for reparations but little documentation of the extent of the harms or a strategy for how to calculate losses. Eventual progress was directly correlated with the election, decades later, of officials of Asian descent, including Hiram Fong (R-HI) 1959–1977, who was Chinese American, and Daniel Inouye (D-HI) 1963–2012, S. I. Hayakawa (R-CA) 1977–1983, and Spark Matsunaga (R-HI) 1977–1990—all of whom were Japanese American. Leadership within Congress was instrumental, as was the Japanese American-led redress movement, inspired by other 1960's and 1970's social movements.

Fong, Inouye, Hayakawa, and Matsunaga proposed a blue-ribbon Commission on Wartime Relocation and Internment of Civilians (CWRIC), which turned the tide. The commission was small, with seven members at the onset plus the later addition of two priests at the request of Sen. Ted Stevens (R-AL). President Jimmy Carter selected three commissioners, and Senate President Pro Tempore Stevens and House Speaker Thomas “Tip” O’Neill (D-MA) each named two. Of the initial seven, four were Democrats and three were Republicans. The commission, signed into law by President Carter on July 31, 1980, held public hearings in 11 cities—over 750 witnesses testified—and published its findings a mere 18 months later as *Personal Justice Denied*.¹⁵ Ultimately, the commission was uncommonly efficient.

Support for the reparations legislation was led by Congressman Mike Lowry, a Democrat

¹⁴ In 1945, Congress passed a bill making \$10 million available for refunds, but it would take 20 years and a US Supreme Court decision to resolve disagreements over the low exchange rates (*Honda v. Clark*, 386 US 484 (1967); *Burton et al. n.d.*). The eventual rate specified in a US Supreme Court decision, over the advice of the Office of Alien Property Custodian, was the pre-war rate of 4.3 yen to the dollar and not the significantly reduced post-war rate of 361.55.

¹⁵ Publication date February 24, 1983. Over a period of 20 days, the commissioners held public hearings in eleven cities—including Washington, D.C., Los Angeles, San Francisco, Seattle, Chicago, New York City, and Cambridge, Massachusetts—and over 750 witnesses testified. The JAACL prepared the witnesses and was assisted by the National Coalition for Redress and Reparations, a grassroots organization. The first witnesses invited to the hearings were *sansei*, the children of children whose parents were Japanese nationals. They were largely unaware of the internment. Eventually, *issei* and *nisei*, the first and second generations to immigrate to the US, also provided testimony regarding their incarceration. It is worth noting what was not covered by the legislation: the damages associated with stigma of incarceration, psychological damage, lost earnings, injury, death, and resettlement. Property losses only were partially covered.



and eventual governor of Washington state; Clarence M. Mitchell, the black head of the Leadership Conference on Civil Rights; and Majority Leader Jim Wright (D-TX) in the House. Federal agencies were told to view applications with “liberality.” Before reparations could be paid, however, the measure was nearly derailed by Senate skirmishes, but a backroom negotiation saved the day.¹⁶ President Ronald Reagan signed the bill into law on August 10, 1988. At the urging of Sen. Stevens, the Civil Liberties Act of 1988 was amended to include the Aleut Native Americans confined in southeastern Alaska.

Civil society groups also played an essential catalytic role in reparations and redress. The Japanese American Citizens League (JACL), which had cooperated with the administration during the war, created a National Committee of Redress under the leadership of Edison Uno—the son of George, the longest-incarcerated internee. JACL supported the idea of a commission as an educational and political tool. It introduced a resolution calling for reparations at its 1970 convention in Chicago.

The JACL developed a reparations agenda, including a payment of \$25,000 to each person detained, for a total of about \$1.2 billion; the basis for that figure was \$15,000 per person plus \$15 for each day of imprisonment. The wish list also included the reversal of conviction records for individuals who had resisted arrest; a public apology from Congress acknowledging that the US government had committed a wrongdoing; and funds to set up an educational foundation for the public, and, especially, Japanese American children to learn “about the causes and circumstances” of the imprisonment (Oyama 1981). This list helped structure the public commission’s work.

Although significantly smaller in scope, the JACL’s wish list anticipated some provisions of HR 40, legislation first introduced in 1989 that seeks to establish the Commission to Study and Develop Reparations Proposals for African Americans. The commission activated by HR 40 is expected to serve as a prelude to black reparations parallel with the CWRIC’s role in advancing Japanese American reparations.

¹⁶ The redress bill was decreased from \$500 million to \$150 million then sunk to \$20 million. After the funds were moved from the US Census Bureau, they rose to \$50 million, 10 percent of the originally proposed amount. When the Senate Appropriations Subcommittee approved HR 2991, it removed all redress payments: Senator Ernest Hollings (R-SC) said they “couldn’t find” the money. Inouye convinced Hollings to convert redress into a federal entitlement program with annual funding of \$500 million, which would protect them from partisan skirmishes. The Senate passed HR 2991 29



9/11 VICTIM COMPENSATION FUND

One of the most instructive elements of this case was the question of how to value and compensate for individual lives lost.

9/11 refers to the events on September 11, 2001—six separate terrorist attacks on a single day, including the World Trade Center (WTC) buildings (2,388 casualties; 2,212 injuries), the Pentagon (114; 86), and multiple flights including American Airlines Flight 11 (65 casualties). Compensation for the relatives of the victims and some victims who incurred non-fatal injuries resulted in \$7 billion in public money being dispersed for 5,562 total claims. One of the most instructive elements of this case was the question of how to value and compensate for individual lives lost.

A federal statute established the September 11th Victim Compensation Fund (VCF) and “categorized eligible claimants according to their economic standing.” Attorney Kenneth Feinberg was named “Special Master” and charged not only with the administration of the fund, but he was also charged with hearing the evidence and, ultimately, determining the amount of funds to disperse and to whom.¹⁷

Notably, Congress did not specify a total compensation sum, nor did it limit the amount any individual victim or victim’s family could receive; unfortunately, the federal directive to categorize claimants economically is baked in America’s longstanding wealth and income inequality. Attorney General John Ashcroft, who appointed Feinberg, noted that the disbursements should reflect compassion and generosity but not profligacy. At least 40 percent of the families had incomes under \$100,000; 7 percent over \$1 million.

Feinberg and the Department of Justice (DOJ) worked together closely. All applications were required to be submitted by December 22, 2003 (Feinberg 2005, xxii and 21).¹⁸ Representatives from the financial firm of Keefe, Bruyette & Woods Inc., asked Feinberg if the calculations would “reflect only the base salary, or will commissions and bonuses be factored in?” They wanted to know if payouts would be more in line with those of the Public Safety Officers’ Benefits law, which gave \$250,000 to families of fire fighters and police officers killed in the line of duty (Feinberg 2005, 34).

¹⁷ When Attorney General John Ashcroft appointed Feinberg, he declared that “the Special Master would not require any Senate confirmation” and that he alone, as attorney general, had the authority to select that individual.

¹⁸ There were many unique aspects of the undertaking. According to the *New York Times*, Ashcroft and Feinberg intimated that the disbursements “should put victims’ needs ahead of the ultimate expense to taxpayers” (Henriques and Barstow 2011).



Feinberg wrote, “I also benefited, frankly, from low public expectations concerning the program, and even lower expectations among the 9/11 families. Paradoxically, skepticism about the fund worked to my advantage.” He opted to administer the fund *gratis*; his firm would donate over 19,000 hours to the initiative, the equivalent of \$7 million. He understood it was his job to discourage litigation, avoid lengthy emotional testimonies, and to instead encourage maximum participation in the fund (Feinberg 2005, 167). That meant consistency, transparency—they launched an extensive educational campaign—due process, a simple application process, and allowing the claimants to share their stories. Feinberg and his team were present for 100 meetings in nine months, and their credibility grew over time (Feinberg 2005, 43-44, 46, 48).

The core financial question for persons eligible for restitution was this: Would you prefer a guaranteed payment of \$5 million from the federal fund or take a chance on a judgment of \$10 to 20 million from the airline, the Federal Aviation Administration, or the Port Authority, knowing your attorney would take 50 percent off the top? Ninety-seven percent of claimants chose the first option, taking direct payment from the September 11th VCF. Feinberg made the decision to award claims to fiancées, same-sex-partners, domestic partners, ex-spouses, infant children, and estranged siblings.

The 3 percent of claimants who chose litigation were relatives of the most highly paid, wealthiest victims of the attacks (Feinberg 2005, 34). Feinberg required recipients from the federal fund to forego lawsuits against any party (\$6 billion was the maximum exposure for each airline, and \$1.5 billion was the limit for the relevant insurance companies).

By March of 2009, 93 of the 96 claimants who had elected to pursue litigation had been awarded “an average of \$5 million, one more than twice the average payment from the special fund.” At least one magistrate, United States District Court Judge Alvin K. Hellerstein of the Southern District of New York, “cap[ped] legal fees at 15 percent of settlements” (Weiser 2009).

The director of the Office of Management Budget (OMB) wondered “about the wisdom of singling out a small segment of American society for such generous treatment” and asked if this was “sound public policy” (Feinberg 2005, 26.) While the fund was active, Feinberg wrote that he came to think it was less about giving money to grieving families than “an attempt to do the impossible—to provide for repayment for the sudden loss of a loved one and some degree of justice for the loss” (Feinberg 2005, xxiv). But, he wondered, what is “fair” or “just?” The process had inequality written all over it.

Interestingly, Feinberg now believes that the fund was defective. If Congress had a do-over, each “eligible” claimant should “receive the same amount,” he wrote in 2005. We concur.



An individual's wealth or the economic circumstances of their families should not be included in the calculus of the valuation of a human life.

Like Feinberg, we also believe that a reparations plan is a manifestation of a nation's collective spirit. The key ingredient is congressional authorization. Much like the 9/11 fund, reparations for black Americans will require "a creative and bold" approach, a "we'll show the world" attitude.¹⁹

THE SANDY HOOK MASSACRE

In the seven years following the deadly Sandy Hook Elementary School shooting in December 2012, more than \$100 million in federal, state, corporate, and private money flowed into Newtown, Connecticut, a township of about 28,000 persons. Two years after the tragedy, the federal government poured at least \$17 million into the town and several agencies (Altimari 2014). The central question about restitution in this case was the following: Should donations in the aftermath of tragedy go to the victims' families or, instead, be directed toward community-wide social programs?

The plan stipulated that the 26 families of the deceased—20 first graders and six school staff members—each would receive \$281,000, and the two survivors who sustained physical injuries would receive up to \$150,000. The 12 families whose children witnessed the massacre firsthand could receive \$20,000 each. Virtually all relatives of the 26 who died established foundations or public service endeavors in their loved ones' memory.

In the first days after the shooting, the families were contacted by survivors of other mass tragedies who told them that established charities might be a source of problems with the disbursement of funds. The families were warned that foundations like United Way of America do not always transfer donations to the people most affected but often retain

¹⁹ We were astonished to learn that Feinberg is an ardent opponent of black reparations. When one of the authors asked the arbitrator to weigh in on the topic, he responded fiercely, "Reparations for slavery? Terrible idea!" For Feinberg, a compensation program for black Americans was fraught with difficulty. "Who's eligible? If you say only descendants of slaves," you eliminate those "thousands who cannot demonstrate a link" to enslaved ancestors. After initially inquiring about restitution for black people who were victims of Jim Crow, Feinberg leaped to the conclusion that the case for black reparations is driven solely by the atrocity of slavery. He further postulated that slavery disadvantaged poor white people, November 7, 2019, (Feinberg, 2019). In *From Here to Equality* (Darity and Mullen 2020a, 65-67), we discuss the benefits of slavery to the white community, generally, and demonstrate the pervasiveness of slaveholding. In Mississippi and South Carolina, more than 55 percent of white people lived in slave-owning families; in Florida, Georgia, Alabama, and Louisiana "well above [40] percent" of white people lived in slave-owning families; across the Confederacy, at least one quarter of white people lived in slaveholding families. Poor white people benefited from the system of black enslavement, principally, by being employees of the slaveholders, typically to perform the myriad tasks associated with the management of black bodies on the plantation, by trading with the slaveholders, or by being hired to police the enslaved. Most importantly, in the aftermath of the Civil War, the Homestead Act provided land to many white people with property, while the formerly enslaved were systematically denied access to property.



money for other, separate needs (e.g., after-school or jobs programs). In Newtown, United Way and the victims' families became competitors for receipt and control of contributions coming to the township. The conflict resulted in Kenneth Feinberg's arrival on the scene as an intercessor.

Controversy raged into the summer of 2013; but by July, a committee led by a retired federal judge established a formula for allocation of the funds received. After United Way scrutinized the thousands of donor notes and emails that came with the contributions to determine the donors' intent, the foundation reached a decision: \$7.7 million would go to the families of the 26 victims, to the two wounded educators, and to 12 families of surviving children who were in classrooms where children and educators were killed.²⁰ The remaining \$3 million and any future donations would stay with the foundation.

Feinberg said that Sandy Hook was among the most painful of any mediation he had witnessed. He recalled one parent saying at a public meeting that withholding money from the victims' families was "compounding the death of my child." Another said, "Keep the money and bring my little boy back." And some residents angrily protested that the protracted debate re-victimized the families.

"There were no villains," Feinberg said, emphasizing that he understood United Way's desire to help all Newtown residents. But "we [should] err on the side of the victims every time." While "every tragedy is different, Lesson 1" from Sandy Hook is for the authorities—the mayor, the city council, or the governor—to set up, quickly, a single nonprofit benefiting victims and their families, so that the money intended for them is not atomized or given to charities that lack the experience, ability, or desire to distribute it to them. "How many people who watch reports on TV about the death of these kids send a check to United Way, as opposed to helping out these families?" Feinberg asked. "All the money should go to them" (Williamson 2019).²¹

²⁰ According to the United Way of Western Connecticut, it has raised \$12.1 million in partnership with the Newton Savings Bank to date. The agency further declares it has not deducted any fees or overhead expenses for administering the fund (The United Way 2013; Jepsen and Rubenstein 2014).

²¹ Note also that according to Feinberg (2005), Newtown's struggle over the United Way funds informed Boston's response to the April 2013 marathon bombing. Fund Boston, unveiled by Mayor Thomas M. Menino and Gov. Deval Patrick of Massachusetts a day after the explosion at the Boston Marathon, raised \$61 million, all for people directly affected, within 60 days..



PRECEDENTS FOR HR 40: LESSONS LEARNED

The precedents outlined above provide important lessons that can—and should—inform the design of a reparations plan on behalf of black American descendants of US slavery. We are arguing for a large federal outlay, based on decades of history, going to individuals. The Holocaust and Japanese American incarceration cases remind us of the importance of political leadership, social movement pressure, and the establishment of a clear body, such as a congressional commission; the latter of which would be responsible for addressing the questions that must be considered so that restitution can be made.

The South African case reminds us that even when agreed upon, payments are not always sufficient in scope and, in fact, are often not actually made. And the two most recent domestic American cases, 9/11 and Sandy Hook, remind us that it is important for funds to go to victims directly, and that those payments should be equal in size rather than apportioned according to families' or individuals' "economic value."

Some specific recommendations for an African American reparations commission follow.

First, a commission parallel to the CWRIC can be a valuable prelude to the design and enactment of legislation for black reparations. The Commission to Study and Develop Proposals for Reparations for African Americans, designated in HR 40, could perform such a function.

However, given the unique aspects of the black American case, HR 40 is not adequate in its current form and requires revision. Unlike the original text that uses 1619 as the starting point, we designate 1776 as the point of origin for the case for black reparations. The culpable party is the United States government, and it did not exist in 1619. While the current version of HR 40 distributes appointment of the commissioners between the executive and legislative branches and unspecified "grassroots organizations," the commission should be appointed by Congress as well—since, ultimately, legislation for black reparations must be enacted by Congress.

The core charge for the commission must be providing Congress with a detailed template for legislation that will activate a comprehensive plan for black reparations. This will include specifying criteria for eligibility for black reparations consistent with the standards described at the start of this report and specifying precisely how the amount and deployment of a reparations fund will raise black net worth sufficiently to eliminate the (pre-tax) black-white wealth gap within a decade.

To mitigate conflicts of interest or any appearance of wrongdoing, the commissioners should not receive a salary, although they should receive reimbursement for reasonable



expenses associated with the fulfillment of their responsibilities. Nor should any organization to which they belong receive any funds from the budget assigned to the commission. On the other hand, there must be a salaried professional staff of sufficient size and skill to support the commissioners' efforts. Additionally, the commission should be directed to produce its report within 18 months of its inception.

And while closure is one of the imperatives of any reparations program, arriving at closure does not mean forgetting the record of atrocities. Thus, a key dimension of a black reparations program must be the development and application of a rigorous and accurate curriculum, fully integrated into public school instruction across at least three generations at all grade levels, telling the story of America's racial history. Germany's efforts to maintain an authentic memory of the Holocaust is instructive and should serve as a model for this initiative.

To prepare its report, the commission must also hold public hearings and maintain a variety of mechanisms to ensure that eligible recipients' voices are heard, including having regional offices across the country. The commission should draw upon specialists in American history, economics, sociology, politics, psychology, medicine and public health, and law and litigation, particularly those who are knowledgeable about constitutional law. Ideally, the commissioners themselves will possess such expert knowledge. Notably, these appointees should be well-versed in the history of slavery and Jim Crow, employment discrimination, wealth inequality, health disparities, unequal educational opportunities, criminal justice and mass incarceration, media practices, political participation and exclusion, and housing inequities.

Passage of the Civil Liberties Act of 1988 provides a guide to the conditions of political climate most conducive for an effective enactment of a reparations program. Buy-in at the highest level of government and control of both chambers of Congress by a single party, coupled with solid support from the majority party, produces strong conditions for the enactment of a new reparations program.

The principle of "liberality" that underlay the actions of the CWRIC suggests that a high degree of complementary support should be provided to eligible recipients. With respect to black reparations in the US, this would include offering potential claimants free genealogical services to assist them in establishing that they are descendants of an ancestor enslaved here, anti-fraud guidance, and access to free financial management instruction.²² Greater financial literacy without finances to manage is not useful; however, in the aftermath of the enactment of legislation for monetary restitution, black recipients

²² Although its motives were not entirely pure, the Commission of Indian Affairs took steps in the late 19th century to insulate Native Americans from being "swindled" out of their land (Franke 2019, 122).



of reparations would have the requisite level of financial resources that would merit greater knowledge of how to “handle your money.”

It is striking that there has not been any effort to follow the recipients of reparations payments to examine the subsequent impact on their lives in any of these precedents explored in this report. For example, we do not know how much of a difference receipt of \$20,000 by Japanese Americans, under the terms of the Civil Liberties Act of 1988, made on their lives.²³ Since we have declared that a central aim of black reparations should be the erasure of the black-white wealth gap, establishing a monitoring system to evaluate whether the disparity is closing will be desirable.

A key lesson drawn from the 9/11 compensatory disbursements is to prioritize moving closer toward uniform payments for all victims. Applying insights drawn from Feinberg’s work as Special Master, we recommend providing a substantial equal sum to all claimants, while reserving the right to provide additional support based upon need. This strategy would be the opposite of the procedure with the 9/11 Fund. A lesson drawn from both Sandy Hook and the 9/11 Fund is that direct payments to individuals who are eligible for reparations must be the primary use of the funds, and recipients should have great discretion over the uses of the funds. The Sandy Hook experience, especially, makes the importance of direct payments clear.

²³ Compounded to the present at 4 percent interest, the \$20,000 payment would be approximately \$70,161. At 5 percent interest, the payment would be approximately \$95,300.



Conclusion

Ultimately, respect for black Americans as people and as citizens—and acknowledgment, redress, and closure for the history and financial hardship they have endured—requires monetary compensation.

As we have previously stated in other works (Darity and Mullen 2019), monetary restitution has been a centerpiece of virtually all other cases of reparations, both at home and abroad. Some reparations commentators are concerned that money is not enough, but we believe that money is exactly what is required to eliminate the black-white wealth gap—the most glaring indicator of racial injustice in America. Ultimately, respect for black Americans as people and as citizens—and acknowledgment, redress, and closure for the history and financial hardship they have endured—requires monetary compensation.

Moreover, an emphatic message that “the murderers cannot inherit” will be delivered. This message reminds us of the American government’s promise of land to the formerly enslaved. In 1865, under the authority of President Abraham Lincoln, the process of allocating 40-acre parcels to each black family of four on affordable terms—land that had been abandoned by and confiscated from the Confederate rebels—had begun. Lincoln’s successor, President Andrew Johnson—and in our estimation, the country’s most villainous president—asserted his authority and reversed Lincoln’s orders, ultimately allowing the murderers to become the heirs. Reparations for living black Americans would enable the descendants of the enslaved to receive the inheritance that was properly theirs all along. Today’s black-white wealth gap originated with that unfulfilled promise of 40 acres. The payment of this debt is feasible and at least 155 years overdue.



References

- Altimari, David. 2014. "Sandy Hook Two Years Later: Where Is The Aid Going." *Hartford Courant*, December 14, 2014. <https://www.courant.com/news/connecticut/hc-sandy-hook-shooting-two-years-later-20141214-story.html>.
- Association of College and Research Libraries. 2016. "Framework for Information Literacy for Higher Education." *Association of College and Research Libraries*, January 11, 2016. <http://www.ala.org/acrl/sites/ala.org/acrl/files/content/issues/infolit/framework1.pdf>.
- Bhabha, Jacqueline. Forthcoming. *Addressing State Responsibility for Collective Injustice*. Philadelphia: University of Pennsylvania Press.
- Burton, J., M. Farrell, F. Lord, and R. Lord. n.d. "Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites." *National Park Service*. Retrieved November 30, 2016. https://www.nps.gov/parkhistory/online_books/anthropology74/ce3k.htm.
- Craemer, Thomas. 2015. "Estimating Slavery Reparations: Present Value Comparisons of Historical Multigenerational Reparations Policies." *Social Science Quarterly*, 96:2 (June): 639-655.
- Collins, Farren. 2017. "R1.5-billion for Apartheid Victims but Thousands Still Waiting for Money." *Times Live*, August 28, 2017. <https://www.timeslive.co.za/politics/2017-08-28-r15-billion-for-apartheid-victims-but-thousands-still-waiting-for-money/>.
- Darity, William Jr., Fenaba R. Addo, and Imari Z. Smith. 2020. "A Subaltern Middle Class: The Case of a Missing 'Black Bourgeoisie' in America." *Contemporary Economic Policy*.
- Darity, William Jr., Darrick Hamilton, Mark Paul, Alan Aja, Anne Price, Antonio Moore, and Caterina Chiopris. 2018. *What We Get Wrong About Closing the Racial Wealth Gap*. Samuel DuBois Cook Center on Social Equity, Duke University, (April). <https://socialequity.duke.edu/wp-content/uploads/2020/01/what-we-get-wrong.pdf>.
- Darity, William Jr., and A. Kirsten Mullen, 2019. "How Reparations for American Descendants of Slavery Could Narrow the Racial Wealth Divide." *Think: NBCNews*, June 20, 2019. <https://www.nbcnews.com/think/opinion/how-reparations-american-descendants-slavery-could-narrow-racial-wealth-divide-ncna1019691>
- Darity, William Jr., and A. Kirsten Mullen. 2020a. *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*. Chapel Hill: University of North Carolina Press.
- Darity, William Jr., and A. Kirsten Mullen. 2020b. "The Racial Disparities of Coronavirus Point Yet Again to the Need for Reparations" *Philadelphia Inquirer*, April 20, 2020. <https://www.inquirer.com/opinion/commentary/coronavirus-black-americans-racial-disparities-reparations-20200420.html>.
- Darity, William Jr., and A. Kirsten Mullen. 2020c. "Coronavirus Is Making the Case for Black Reparations Clearer than Ever" *Newsweek*, May 4, 2020. <https://www.newsweek.com/coronavirus-making-case-black-reparations-clearer-ever-opinion-1501887>.
- Dawson, Michael, and Rovana Popoff. 2004. "Reparations: Justice and Greed in Black and White." *DuBois Review Social Science Research on Race*, Vol. 1, Issue 1 (March): 47-91.



- Dettling, Lisa J., Joanne W. Hsu, Lindsay Jacobs, Kevin B. Moore, and Jeffrey P. Thompson 2017. "Recent Trends in Wealth-Holding by Race and Ethnicity: Evidence from the Survey of Consumer Finances," *FEDS Notes*. Washington: Board of Governors of the Federal Reserve System, September 27, 2017. <https://doi.org/10.17016/2380-7172.2083>.
- Di Corpo, Ryan. 2019. "Georgetown Reparations Plan for Slaves Sold by University Draws Criticisms from Students." *The Jesuit Review*, November 4, 2019. <https://www.americamagazine.org/politics-society/2019/11/04/georgetown-reparations-plan-slaves-sold-university-draws-criticism>.
- Eddy, Melissa. 2012. "For 60th Year, Germany Honors Duty to Pay Holocaust Victims." *New York Times*, November 17, 2012. <https://www.nytimes.com/2012/11/18/world/europe/for-60th-year-germany-honors-duty-to-pay-holocaust-victims.html?searchResultPosition=1>.
- Fagereng, Andreas. 2020. "Heterogeneity and Persistence in Returns to Wealth." *Econometrica* 88, no. 1 (January): 115-170.
- Feinberg, Kenneth R. 2005. *What Is Life Worth?: The Unprecedented Effort to Compensate the Victims of 9/11*. New York: PublicAffairs.
- Feiveson, Laura, and John Sabelhaus. 2018. "How Does Intergenerational Wealth Transmission Affect Wealth Concentration?" *FED Notes* 182, no. 594, June 1, 2018. <https://www.federalreserve.gov/econres/notes/feds-notes/how-does-intergenerational-wealth-transmission-affect-wealth-concentration-20180601.htm>.
- Fleming, Walter. 1906. "Forty Acres and a Mule." *North American Review* 182, no. 594, (May): 721-737.
- Franke, Katherine. 2019. *Repair: Redeeming the Promise of Abolition Chicago*. Haymarket Books.
- Gaskill, Hannah. 2020. "Lawmaker Wants to Open a Dialogue About Reparations in Md." *Maryland Matters*, February 7th, 2020. <https://www.marylandmatters.org/2020/02/07/lawmaker-wants-to-open-a-dialogue-about-reparations-in-md/>.
- Hassan, Adeel. 2019. "Georgetown Students Agree to Create Reparations Fund." *New York Times*, April 12, 2019. <https://www.nytimes.com/2019/04/12/us/georgetown-reparations.html>.
- Henriques, Diana B., David Barstow. 2001. "A NATION CHALLENGED: THE SPECIAL MASTER; Mediator Named to Run Sept. 11 Fund." *New York Times*, November 27, 2001. <https://www.nytimes.com/2001/11/27/nyregion/a-nation-challenged-the-special-master-mediator-named-to-run-sept-11-fund.html>.
- Jepsen, George, and William M. Rubenstein, 2014. *Sandy Hook Report: Charitable Response to the December 14, 2012 Shooting at Sandy Hook Elementary School in Newton, Connecticut*. June 2014. https://portal.ct.gov/-/media/AG/Press_Releases/2014/20140701FinalSandyHookCharitiesReportwithAppendiciespdf.pdf?la=en.
- Judt, Tony. 2005. *Postwar: A History of Europe Since 1945*. New York: Penguin Books.
- Dettling, Lisa, Joanne W. Hsu, Lindsay Jacobs, Kevin B. Moore, and Jeffrey P. Thompson with the assistance of Elizabeth Llanes. 2017. "Recent Trends in Wealth-Holding by Race and Ethnicity: Evidence from the Survey of Consumer Finances." *FEDS Notes*, September 27, 2017. <https://www.federalreserve.gov/econres/notes/feds-notes/recent-trends-in-wealth-holding-by-race-and-ethnicity-evidence-from-the-survey-of-consumer-finances-20170927.htm>.
- Malcolm X, 1964. Television interview, March 1964. http://www.notable-quotes.com/x/x_malcolm.html.
- Mittal, Anuradha, and Joan Powell. 2000. "The Last Plantation." *Food First* 6, no 1 (Winter): 1-8.
- Neiman, Susan. 2019. *Learning from the Germans: Race and the Memory of Evil*. New York: Farrar, Straus and Giroux.



- Nersisyan, Yeva, and L. Randall Wray. 2016. "Modern Money Theory and the Facts of Experience." *Cambridge Journal of Economics*, Volume 40, Issue 5, (September): 1297-1316. <https://doi.org/10.1093/cje/bew015>.
- Oyama, David. 1981. "In 1942, Internment; In 1981, an Inquiry." *New York Times*, July 9, 1981. <https://www.nytimes.com/1981/07/09/opinion/in-1942-internment-in-1981-an-inquiry.html>.
- Quallen, Matthew. 2016. "Beyond the 272 Sold in 1838, Plotting the National Diaspora of Jesuit-Owned Slaves." *The Hoya*, April 30, 2016. <http://features.thehoya.com/beyond-the-272-sold-in-1838-plotting-the-national-diaspora-of-jesuit-owned-slaves>.
- Reddit. 2020. "Durham mayor Steve Schewel calls for fellow mayors to join in petitioning congress for reparations to close the wealth gap, starting with a revised HR40." February 15, 2020. https://www.reddit.com/r/ADOSmovement/comments/ffctbe/durham_mayor_steve_schewel_calls_for_fellow/.
- Reiter, Bernd. 2019. "What US Slavery Reparations and Post-Holocaust Germany Have in Common." *Quartz*, August 2, 2019. <https://qz.com/1680558/for-slavery-reparations-the-us-can-look-to-post-holocaust-germany/>.
- Russ, Valerie. 2019. "Most Americans Still Oppose Reparations, But That's Shifting with Younger Generations." *The Philadelphia Inquirer*, July 1, 2019. <https://www.inquirer.com/news/reparations-polls-slavery-african-americans-support-whites-2020-democratic-candidates-20190701.html>.
- Solomon, Danyelle and Darrick Hamilton. 2020. "The Coronavirus Pandemic and the Racial Wealth Gap." *Center for American Progress*, March 19, 2020. <https://www.americanprogress.org/issues/race/news/2020/03/19/481962/coronavirus-pandemic-racial-wealth-gap/>. CAP.
- Toney, Jermaine. 2019. "Is There Wealth Stability Across Generations in the U.S.? Evidence from Panel Study, 1984-2013." *Rutgers University*, June 4, 2019.
- United Nations. 1953. "Agreement (with Schedule, Annexes, Exchanges of Letters and Protocols). Signed at Luxembourg, on 10 September 1952." *Treaties Series* No. 2137 (September): 210-212. <https://treaties.un.org/doc/Publication/UNTS/Volume%20162/volume-162-I-2137-English.pdf>.
- The United Way. 2013. "United Way of Western Connecticut's Response to the December 14 Tragedy." *The United Way*, June 19, 2013. <https://www.unitedway.org/the-latest/press/united-way-of-western-connecticuts-response-to-the-december-14-tragedy#>.
- Weiser, Benjamin. 2009. "Value of Suing Over 9/11 Deaths is Still Unsettled." *New York Times*, March 12, 2009. <https://www.nytimes.com/2009/03/13/nyregion/13lawsuits.html>.
- Williamson, Elizabeth. 2019. "A Lesson of Sandy Hook: 'Err on the Side of the Victims'." *New York Times*, May 25, 2019. <https://www.nytimes.com/2019/05/25/us/politics/sandy-hook-money.html>.
- Zweig, Ronald W. 2013. *David Ben-Gurion: Politics and Leadership in Israel*. Abingdon: Routledge.





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