



June 26, 2019

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

Dear Chairman Cohen and Ranking Member Johnson:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we write to express our continued strong support for H.R. 40, *Commission to Study Reparation Proposals for African Americans Act*, and its Senate companion S.1083 and urge the members of the House Judiciary Committee to support this important legislation. Initially introduced by former Representative John Conyers, this critical piece of legislation has been offered each year since 1989, and Representative Sheila Jackson-Lee has stepped in to continue this effort. H.R. 40 would provide a mechanism through which the United States Government can finally atone for America's original sin. The enslavement of Africans and the legacy of enslavement has led to structural racism and discrimination in this country. H.R. 40 will also require that the Federal Government undertake an official study to analyze the impact of slavery on the social, political and economic life of our nation. Most importantly, the history of the brutal treatment of African slaves and their descendants is cause for reparatory justice.

Last week's hearing came at a particularly auspicious time. This year marks 400 years since the first enslaved Africans arrived in Jamestown, Virginia, as well as the centennial anniversary of *Red Summer* – "a series of approximately 25 anti-black riots that erupted in major cities throughout the nation in 1919." These two events provide a mere glance into the scope and impact that the legacy of slavery, structural racism and discrimination have had and continue to have on African Americans in the United States. H.R. 40 would finally force the U.S. Government to recognize and make amends for the decades of economic enrichment bestowed upon this nation as a result of the free labor that African Americans were forced to provide.

I. The Commission is the First Step in Finding A Resolution for All Descendants of African Slaves and for America to Make Good on its Unfulfilled Promises.

Since the founding of our country, African people, their descendants, and other marginalized groups have borne the brunt of structural inequity, racism, and discrimination. From American Chattel Slavery and Black Codes, to Convict Leasing and Jim Crow Segregation, to redlining and racial discrimination in education and employment and access to public services, these policies have contributed to a generational harm to African Americans that

continues today and can no longer be ignored.ⁱⁱ It is past time that we begin to unearth the true severity of such trauma and begin the process of healing. The creation of a Commission to Study Reparations for African Americans is one means to that end.

Reparations are a necessary first-step in America's obligation to: (1) formally acknowledge and apologize to the African American people whose ancestors and descendants endured the inhumane institution of slavery; and (2) research the historic social, political, and economic suppression that have continued beyond the abolition of slavery to provide adequate reparations. Both the Houseⁱⁱⁱ and Senate^{iv} chambers issued resolutions over ten years ago, apologizing for more than two centuries of slavery and the following years of racial segregation. However, the non-binding resolutions were insufficient, as they were more of a symbolic gesture instead of substantially acknowledging the fundamental injustice and inhumanity of slavery in the United States and did not provide a meaningful atonement or means of restitution.

Reparations represents the unfulfilled promise of the American Dream and the forty acres and a mule that the United States initially promised freed slaves.^v Only with its enactment can we more accurately determine a proper means of fulfilling the long overdue promise of reparatory justice to the African American community.

As Martin Luther King Jr. professed prior to his untimely death in 1968:

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

Ultimately, this bill will help to better facilitate the dismantling of structural racism and inequity within our society and begin to alleviate some of the consequences of enslavement and our long history of racial injustice that persists today. The entire country can benefit from the Federal Government finally recognizing the deleterious impact of our history and attempting to provide restitution to African Americans, so that we may finally move forward as a society.

II. H.R. 40 will Establish a Commission that will Examine the Government Sanctioned Institution of Slavery, its Negative Effects and the Structural Racism that Persists Today.

H.R. 40 will study the impact that chattel slavery, disenfranchisement, pervasive oppression, and separate and unequal, led to the government supported denial of humanity to African Americans--over 400 years of inferiority. From the official abolishment of slavery after the Civil War and until the Civil Rights Movement, many strides were accomplished, filled with movement moments, litigation, and legislation; however, because of the lingering effects of American slavery, discrimination based on race continues today.

Mandating the creation of a Commission that will explore our nation's history regarding slavery and providing the Commission with the resources to do so is a commendable first step to a national discussion on race relations in America. We support this legislation as it attempts to examine the residual effects of slavery and white supremacy in this country and provide a remedy for the horror that was inflicted on slaves, which effect continue to their descendants. The Commission established would also analyze the transport and sale of slaves in the colonies during the Trans-Atlantic Slave Trade. Lastly, the Commission will study and make recommendations to Congress to assess how to compensate descendants of enslaved African Americans. It will analyze the suffering that their ancestors endured as well as look at the perpetuation of inequality today in the wealth gap, education, housing, employment and many other structures in America, and the commission will be the mechanism to accomplish these goals.

Descendants of African slaves, particularly in America, are owed reparations because the United States benefited a great deal financially from the government-sanctioned institution of slavery. The subjugation of African Americans was integral to establishing the United States as a world economic power. As mentioned during the hearing, even after the official end of slavery, African Americans were continuously denied the right to participate in the economic growth of this country. During Jim Crow, African American entrepreneurial ability was limited by intimidation, lynching, massacres, and the decimation of entire communities. Today, African Americans have as little as one dollar for every twenty dollars compared to white wealth, which is little improvement from 1910.

Such economic disparities cannot be divorced from other areas of life and the quality to which one lives. America cannot erase its role in the inequities African Americans currently face. As of 2014, the percentage of children under age 18 living in poverty was highest for black children at 37 percent.^{vii} In the education sector, African American students are less likely to be college-ready. In fact, 61 percent of ACT-tested black students in the 2015 high school graduating class met none of the four ACT college readiness benchmarks, nearly twice the 31 percent rate for all students.^{viii} Similarly, institutional racism cannot be compartmentalized when analyzing race in the criminal justice system; particularly when African Americans are incarcerated at more than five times the rate of whites.^{ix} Foreseeably, this directly impacts household income. The median white American family has 12 times the wealth that their black counterparts have.^x After decades of declining discrimination and the construction of a modern welfare state, that wealth comparison remains the same. The mean of black household wealth is \$138,200—for whites, that number is \$933,700.^{xi} In a commentary recently published on the Cleveland Fed website, economists Dionissi Aliprantis and Daniel Carroll argue that racial differences in income drive the wealth gap more than any other factor, including differences in financial savings practices, rates of return on investments, or even intergenerational transfers of wealth.^{xii} The evidence demonstrates the rippling effects of slavery and institutional racism still stifles the advancements of African Americans to this day. As it stands, the smog of our nation's indiscretions still cloaks us. We can no longer overlook the suffering of African Americans. We can no longer justify such present infliction as merely some irreparable wound of the 'past.' Now is the time to study and address all residual harms that continuously plague African Americans.

Finally, advancing H.R. 40 is particularly timely given that we are currently in the International Decade of People of African Descent (2015-2024), a global period for the nations around the world to address the legacies of enslavement and colonization that have injured People of African Descent across the diaspora. The Decade's three goals, recognition, justice, and development are designed to support initiatives that will combat the negative effects of racial hierarchies, marginalization, colonialism and slavery on people of African descent. And reparations for people of African descent is an essential mechanism to accomplishing those goals. Reparatory justice is also critical to developing comprehensive solutions to

ensure human rights protections and equity in our systems of health care, education, housing, and employment, among others. It is important to note, that through our work on the Decade, The Leadership Conference has consistently advocated nation states to support and make efforts to implement reparations as one concrete outcome related to the International Decade for People of African Descent.^{xiii}

III. Reparations are not a Foreign Concept for this Government as America has a History of Providing Reparations to Other Groups.

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

In striking contrast, President Lincoln signed an act that granted former slave owners up to \$300 for every slave they reluctantly freed.^{xvi} Ms. Katrina Browne, a speaker at the June 19, 2019, *H.R. 40, Path to Restorative Justice* hearing, put such atonement into perspective when divulging that her family was the largest slave-trading family in U.S. history, selling and exchanging a total of 12,000 human beings. Upon the abolishment of slavery, slaveowners' perceived losses were rectified with reparations -- a privilege the African American community has yet to receive.

Reparations are not only fair, but a feasible solution to the incessant institutional racism endured by African Americans, all to the benefit of the nation. This country has undeniably exploited the free labor of African Americans since its founding. From enslavement to the present day, this nation continues to shackle African Americans, literally and figuratively, at a disproportionate rate.^{xvii}

IV. Conclusion

African Americans continue to be denied full participation in the United States Government and society, which has consistently perpetuated inequality, racism and discrimination. This country's history of slavery and racial discrimination has never been addressed, and it is time that this country makes good on its unfulfilled promises. H.R. 40 is an effective way of doing that. The Commission is needed today because we are still living with the legacy of discrimination that permeates the fabric of our entire society.

We urge this body to favorably report H.R. 40, *Commission to Study Reparation Proposals for African Americans Act* out of the House Judiciary committee as it represents an attempt to atone for the stain of slavery in America's history. If further modifications to the bill are considered in order to win support on the House Floor, they must be carefully balanced to ensure that the bill will still serve the critical goals of correcting the wrongs of the past and promoting justice and equality in the future. It is particularly important for the United States Congress to move this piece of legislation in a timely manner. If you have any questions, please feel free to contact Sakira Cook at cook@civilrights.org or (202) 263-2894.

Thank you in advance for your support for this critical legislation.

Sincerely,



Vanita Gupta
President & CEO

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

ⁱⁱ The Descendants: From slavery to Jim Crow, a call for 21st century abolition, *Harvard Law Review*, <https://today.law.harvard.edu/ancestors-slavery-jim-crow-call-21st-century-abolition/>

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

^{iv} S.Con.Res.26, A concurrent resolution apologizing for the enslavement and racial segregation of African Americans. <https://www.congress.gov/bill/111th-congress/senate-concurrent-resolution/26/text>

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

^{vi} King Jr., Martin Luther, A Testament of Hope, 1968.

^{vii} U.S. Dept. of Education “Status and Trends in Education”, <https://nces.ed.gov/pubs2017/2017051.pdf>

^{viii} UNCF, ACT “The Condition for College and Career Readiness 2015” <https://www.uncf.org/wp-content/uploads/PDFs/6201-CCCR-African-American-2015.pdf>

^{ix} NAACP.org “Criminal Justice Fact Sheet.” <https://www.naacp.org/criminal-justice-fact-sheet/>

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

^{xi} “The Economist, The Black-White Wealth Gap is Unchanged After Half a Century.” <https://www.economist.com/united-states/2019/04/06/the-black-white-wealth-gap-is-unchanged-after-half-a-century>

^{xii} Brentin, Mock. “Why Can’t We Close the Racial Wealth Gap.” City Lab. March 2019, <https://www.citylab.com/equity/2019/03/racial-wealth-gap-income-inequality-black-white-households/585325/>

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

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

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

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



¹⁰¹ Vera Institute, Research Confirms that Entrenched Racism Manifests in Disparate Treatment of Black Americans in Criminal Justice System, May 2018, <https://www.vera.org/newsroom/research-confirms-that-entrenched-racism-manifests-in-disparate-treatment-of-black-americans-in-criminal-justice-system>