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LEGISLATIVE FOCUS

Reparations for African-Americans

by *Natasha Parassram Conception**

Introduction

The issue of paying reparations to descendants of African-American slaves has been a controversial one within the United States. As reported in Volume 7, Issue 3 of the *Human Rights Brief*, Professor Adrienne Davis, a member of the Reparations Litigation Committee established by the National Coalition of Blacks for Reparations in America (N'COBRA), noted the reparations movement is well over a century old. The most current manifestation of the reparations effort regained its momentum in the 1960s, during the civil rights movement, and subsequently in the 1980s, when the United States government paid millions of dollars to American Indian tribes and Japanese-Americans who had been forced to live in internment camps during World War II.

To date, however, the United States government has failed to address the idea of paying reparations to African-Americans for slave labor that took place in the United States for more than two centuries. The realization that slavery stigmatized and exploited millions of African-Americans nevertheless is a potent idea that has gained support over the years. N'COBRA, which recently held its 11th annual conference on reparations, and the Reparations Assessment Group, for example, have both been established in recent years to work toward, and to promote, the idea of reparations for African-Americans. N'COBRA is an umbrella organization whose primary objective is to promote the idea of reparations for descendants of African-American slaves. Beginning in 1989, N'COBRA made its first breakthrough in Congress.

Every year since 1989, Representative John Conyers, Jr. (D-MI) has been the sponsor of H.R. 40. The bill has three fundamental components: it acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States; establishes a commission to study the impacts of slavery and the subsequent racial and economic discrimination against African-Americans; and authorizes the commission to make recommendations to Congress on the appropriate remedies. The bill number—"40"—intentionally remains the same each year the bill is reintroduced in Congress because it is symbolic of the "forty acres and a mule" that freed slaves were originally promised in the 1860s, but which many never received. Unfortunately, H.R. 40, in its various forms, has not received overwhelming support. For example, when it was initially introduced in 1993, the bill received only 28 co-sponsors. As Professor Davis noted in her article, only ten of these co-sponsors were not black. This response in Congress only serves to underline the fact that the U.S. government remains opposed to the idea of reparations, or at the very least is unwilling to entertain the idea in the near future.

Substance of H.R. 40

H.R. 40, or Commission to Study Reparation Proposals for African-Americans Act ("Commission"), was reintroduced in the House of Representatives for the twelfth consecutive year on January 3, 2001, and was referred to the Judiciary Com-

mittee on that same day. As part of the findings, the bill acknowledges that approximately 4,000,000 Africans and their descendants were enslaved in the United States from 1619 to 1865, and that the practice of slavery constituted an "immoral and inhumane deprivation of Africans' life, liberty, African citizenship rights, and cultural heritage, and denied them the fruits of their own labor." The main purpose of the Act is the establishment of the seven-member Commission. The president would choose three members of the Commission, the Speaker of the House would choose an additional three, and the final member would be chosen by the president pro tempore of the Senate.

H.R. 40 authorizes U.S.\$8,000,000 to carry out the functions of the Commission, which must ultimately be reported to Congress. The Commission is charged with the following duties: to examine the institution of slavery, which existed in the United States and the colonies from 1619–1865; to assess how the federal and state governments supported the institution of slavery in constitutional and statutory provisions; to examine federal and state laws that discriminated against freed African slaves, and other forms of discrimination in the public and private sectors during the period between the end of the Civil War and the present; to investigate the lingering negative effects of the institution of slavery; and to recommend appropriate remedies and methods to educate the American public in lieu of the Commission's findings.

The Commission's mandate is to consider the issue of reparations. It is charged specifically with determining whether the United States government should offer a formal apology to African slaves and their descendants on behalf of the nation; whether African-Americans still suffer from the lingering effects of slavery; whether any form of compensation is warranted; and if compensation is warranted, the amount of such compensation. According to the Act, the Commission also is responsible for conducting hearings and sessions on these issues, and to present a written report to Congress on its findings and recommendations no later than a year after its first meeting.

Conclusion

The debate over reparations has been divisive. For many, the argument against paying reparations is simply that any kind of compensation would be wholly inappropriate and inadequate as a remedy for slavery and the legacy of racial injustices that followed. Proponents, however, argue that reparations could be utilized to finance social and economic development programs for the benefit of all African-Americans, and to combat the lingering effects of racial discrimination. Although H.R. 40 does not purport to be the final resolution of the reparations issue, and does not provide for direct compensation, it is a step toward re-examining a painful history and, more importantly, meaningful reconciliation. 🌐

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