

THE POLITICS OF RACIAL REPARATIONS

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This article seeks to establish the necessary theoretical and political grounds for reparations. It is the aim of the article to examine the various ways in which scholars and politicians have framed the historical debate on reparations and then to introduce a possible approach that would take into consideration something more than slavery. In fact, the article concludes that slavery was just one aspect of the dispossession of the African in the United States. Thus, it will be necessary to consider the entire history of African Americans as constituting a warrant for reparations.

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When Congressman Tony Hall of Ohio introduced a resolution providing a simple apology for slavery in 1997, he said he received more hate mail than any other time in his long political career. On a well-publicized official visit to several African nations, President Clinton offered an apology to Africans for the slave trade but pointedly did not apologize to African Americans (Brooks, 1999). This refusal came in the context of a virtual flood of apologies. Nationally, President Clinton apologized to indigenous Hawaiians for the illegal U.S.-aided overthrow of the sovereign nation and near decimation of Hawaiian life that followed; the Methodist Church apologized to Native Americans in Wyoming for their 1865 posttreaty slaughter at the hands of the U.S. cavalry led by a Methodist minister; the federal government agreed to apologize and provide limited reparations for Japanese Latin Americans kidnapped from Latin American countries and placed in U.S. internment camps as hostages during the Second World War; and the Southern

Baptist Convention apologized to African Americans for their support of the institution of slavery (Yamamoto, 1998). Why was the U.S. government unwilling to apologize to African Americans as it had to other groups or as church groups had done?

One answer is that the refusal to apologize for the institution of slavery and declare it a crime against humanity is an implicit acknowledgment that slavery was not a deviation—it was the norm. No national political leader urged the abolition of slavery at the founding just as no national political leader today has urged an apology. To recognize the role of slavery and its consequences undermines the concept of American exceptionalism. It exposes the economic exploitation at the heart of White supremacy that now must be viewed as a part of the American creed. Thus, the vociferous and negative response to an apology/reparation is to erase slavery from the national conscience.

Few social observers would argue that we are currently in an era of relative racial progress. What then accounts for the current Black interest in reparations—an issue that has failed to win mainstream support in the best of times. We suggest two factors are key to this resurgence.

Beginning in 1989, the Supreme Court attacked a number of affirmative action programs in its decision in *J. A. Croson v. City of Richmond* (1989), *Wards Cove Packing Co., Inc. v. Antonio* (1989), and *Adarand Contractors v. Peña* (1995). This Court action, following 8 years of active hostility to Black civil rights on the part of the Reagan administration, created a crisis environment in which the gains of the civil rights movement were put in jeopardy. Popularly, the Black counterpublic saw those years as the end of the second Reconstruction.

The 1980s were reminiscent—symbolically and substantively—of the rollback of Black progress that followed the first Reconstruction. The decade began with presidential candidate Ronald Reagan speaking to thousands of cheering Whites at the Neshoba County Fair in Mississippi. The county fairgrounds are just outside Philadelphia, Mississippi, the infamous site of the murder of three civil rights workers in 1964. After warming up the crowd with attacks on

Washington bureaucrats, big government, and welfare, Reagan then shouted, "I believe in states' rights. I believe that we've distorted the balance of our government by giving powers that were never intended in the Constitution to the federal establishment" (as cited in Hutchinson, 1996, p. 176).

Symbolically, the decade closed with George Bush vetoing the 1990 Civil Rights bill. Bush's election as president was widely attributed to his use of the escape of convicted Black murderer William (Willie) Horton as a wedge issue in his attack on Massachusetts governor Michael Dukakis, his Democratic opponent. Several years after the election, when voters were asked what they remembered about the 1988 campaign, they provided three names: Dukakis, Bush, and Horton (Mendelberg, 2001).

Substantively, an overwhelming amount of evidence exists of a growing disparity between Blacks and Whites on basic socioeconomic indicators. Moreover, the evidence also demonstrates a growing disparity between the Black middle class and the Black poor. These post-civil rights movement trends continued from the Reagan-Bush administrations through the Clinton administration.

Andrew Hacker's classic (1993) *Two Nations* was one of the first works to draw attention to these trends. More recent works are highlighted by the following figures:

- In general, southern GEO metropolitan areas appeared to be converging to a level of Black-White segregation in the range of 65 to 70, about 10 points below their Northern counterparts, which range from 75 to 80% segregated (Massey & Denton, 1993).
- Forty percent of all urban schools are intensely segregated (90% students of color) (Applied Research Center 2000).
- The ratio of Black incomes to White incomes increased from 53% in 1967 to 58% in 1992, but in absolute terms the discrepancy in income rose from \$4,700 to \$6,700 (Hochschild, 1995).
- The ratio of Black to White poverty has remained at 3:1, and there are now about 4 million fewer poor Whites than 30 years ago, but 686,000 more poor Blacks (Hochschild, 1995).
- The poorest one fifth of African Americans lost almost as large a share of their income as the richest one fifth gained of theirs (Hochschild, 1995).

- A smaller fraction of African Americans owned houses in 1990 than did Whites in 1920, and the value of Black-owned homes is barely more than one half of the value of houses owned by Whites (Hochschild, 1995).
- The median net worth of White households is more than eight times that of Black households (Feagin, 2000).
- For Blacks and Whites, the number of well-off Americans who are the victims of violence is steadily decreasing, whereas the number of poor Americans who are victimized by violence is steadily increasing (Hochschild, 1995).
- From 1969 to 1999, federal funding for education decreased from 1.35% to 1.03% of the federal budget whereas prison spending has risen from 0.42% to 1.52% of the federal budget (Applied Research Center, 2000).
- African Americans are 12% of the U.S. population and 12% of U.S. drug users, yet they are 38% of those arrested for drug-related offenses (Weich & Angulo, 2000).
- Of all Black men in Alabama and Florida, 31% are permanently disenfranchised as a result of felony convictions. Nationally, 1.4 million Black men have lost the right to vote due to felony convictions (Weich & Angulo, 2000).
- Black male life expectancy is actually declining. In 1993, only 66% of African American men reached age 60, compared to 84% of White men ("Evaluating Reparations," 2001).

Even the Black middle class—which is now roughly one third of Black families—has limited mobility. Blacks hold less than 4% of the 26,000 jobs in magazine and newspaper journalism, are less than 2% of the lawyers working in the 250 largest law firms, and are less than 1% of the partners. Only 37 of the 20,000 partners in major accounting firms are Black, whereas Black professionals and managers are almost twice as likely to be unemployed as Whites in similar job categories. Even economic success does not lead out of the ghetto because a Black earning more than \$50,000 per year is as likely to live in a segregated neighborhood as someone Black making \$2,500 a year (Lipsitz, 1998).

Current prospects for reversing these trends seem remote. President George W. Bush assumed office after a contested election process in which Black voters in Florida were disproportionately dis-

enfranchised (*Black Scholar*, 2001). More recently, former and future Senate Majority Leader Trent Lott, in a tribute to Senator Strom Thurmond, said, "I want to say this about my state: When Strom Thurmond ran for president, we voted for him. We're proud of it. And if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years" (as cited in Edsall, 2002, p. A13). In 1948, Thurmond split from the Democratic Party to form the Dixiecrat Party dedicated to the preservation of racial segregation. Lott did not specify what "all these problems" were.

The second catalytic agent was provided by the passage of the Civil Liberties Act of 1988 (50 U.S.C. app §1989). Successful action on the part of Japanese Americans in gaining reparations for their internment during the Second World War provided a model for a badly demoralized community of Black political activists. Their case proved inspiring because Japanese Americans represented a small, apparently prosperous fraction of the American population (three tenths of 1%) concentrated in a few West Coast states that had been relatively inactive as a political community. Moreover, they succeeded in an environment of near-record federal deficits with a president elected for his conservatism. They succeeded for several reasons.¹

First, Japanese Americans had a well-documented grievance. As early as 1941, an internal report prepared by the State Department had determined that Japanese Americans possessed an exceptional degree of loyalty to the United States and that they were no threat to America's security. Similar reports by the FBI and Naval Intelligence confirmed these findings yet were not made public until after the war. Congress created a study commission of well-respected figures to examine the facts and make recommendations in 1980. The commission's fact-finding report was issued well in advance of its recommendations, allowing it to serve as a public education tool and not get lost in a debate over compensation.

Second, there was little formal opposition. Japanese American activists feared a negative reaction from veterans' groups arguing that everyone had sacrificed during the Second World War. Yet, these groups were largely neutral with two even passing general

resolutions of support in national meetings. These veterans' groups were heavily influenced by the war record of Japanese Americans fighting in the 100th Battalion (from Hawaii), called the 442nd Regimental Combat Team. This unit was the most decorated group of its size in the Second World War. A small organization called the Americans for Historical Accuracy led by Lillian Baker did oppose the legislation in Congressional hearings. Baker's opposition, however, was largely seen as racist retribution for the loss of her husband in fighting in the Pacific during the war. Congress had already passed three pieces of legislation dealing with Japanese American claims prior to 1988 and starting in 1948. Given the lack of strong opposition, legislators could view their vote on this issue as a throwaway vote.

Third, the Japanese American Citizens League (JACL) first began addressing the issue of redress in 1970. Although factions such as the National Council for Japanese American Redress (NCJAR) developed and pursued a class-action lawsuit, the JACL was able to maintain its credibility as the oldest and largest Japanese American civic organization. The 1982 report of the study commission (Hatamiya, 1993) created by Congress served as a catalyst within the Japanese American community. In fact, the study commission hearings opened an emotional floodgate of pent-up feelings among older Japanese Americans that generated a new energy and commitment on the issue. Consequently, both major parties endorsed redress for Japanese Americans in their 1984 presidential platforms.

Fourth, internal changes in Congress following the 1986 elections put more favorable legislators in key positions. Among them was Representative Barney Frank (D-MA), replacing Representative Glickman (R-KS) as chair of the subcommittee in which the legislation rested. A group of four well-respected, senior Japanese American legislators then pushed hard for the bill's passage. In the Senate, Daniel Inouye (D-HI) took the early lead with Spark Matsunaga (D-HI) doing the later lobbying. Norm Mineta (D-CA) and Robert Matsui (D-CA) led the fight in the House. To gain the support of Senator Stevens (R-AK), redress for Aleutian Islanders was attached to the legislation.

Fifth, the redress issue was framed as a constitutional issue rather than a racial issue. The internment of Japanese Americans was presented as governmental discrimination violating the rights of private citizens and denying them equal opportunity. Framed in this way, Republicans such as Newt Gingrich, Alan Simpson, Jack Kemp, and Henry Hyde were able to support it.

Finally, a variety of external factors may have assisted passage of the bill. Legal battles in the *coram nobis* cases of *Korematsu v. United States* (1944), *Hirabayashi v. United States* (1987), and *Hohri v. United States* (1984), as well as the class-action suit of NCJAR made arguments in support of legislative redress more compelling. Media also gave generally favorable coverage to the Japanese American efforts. Passage of the Civil Liberties Act of 1988 authorized a national apology, an education fund, and individual payments of \$20,000 to each surviving internee.²

The success of the Civil Liberties Act of 1988 sparked a spate of race apologies and served as a catalyst for renewed interest in African American reparations. Representative John Conyers (D-MI) submitted H.R. 40 (originally H.R. 3745; symbolically recalling after 40 acres; number is requested by the representative), the Commission to Study Reparations Proposals for African Americans Act (1989) the following year. Modeled after the Japanese American study commission bill that preceded the Civil Liberties Act of 1988, Conyers's legislation would

- acknowledge the fundamental injustice and inhumanity of slavery;
- establish a commission to study slavery and its subsequent racial and economic discrimination against freed slaves;
- study the effect of those forces on today's living African Americans; and
- make recommendations to Congress on appropriate remedies to redress the harm inflicted on living African Americans (Brooks, 1999).

The National Coalition of Blacks for Reparations (N'COBRA) was also formed in the late 1980s to develop a grassroots reparations

movement. Black activist Ron Daniels made reparations a central issue in his independent bid for the presidency in 1992.

Internationally, Nigerian President Ibrahim Babangia took the lead in establishing a reparations movement during his tenure as head of the Organization of African Unity (OAU; established in 1963). After the first meeting of the International Conference on Reparations in Lagos, Nigeria, in the winter of 1990, the OAU set up the Group of Eminent Persons. In 1992, the OAU formally embraced and endorsed reparations as “the last stage in the decolonization process.” This summit of African heads of state meeting in Dakar, Senegal, formally created an international committee called the Group of Eminent Persons (established in 1990) and charged it with determining the scope of damages and a strategy for achieving reparations. Jamaican diplomat Dr. Dudley Thompson was chosen to chair the group (Obadele, 1996). After a second conference in 1993, the OAU issued the Abuja Proclamation that articulated a grievance against the United States and Western European nations linking slavery and colonialism:

Emphasizing that an admission of guilt is a necessary step to reverse this situation (damage to African peoples);

Emphatically convinced that what matters is not the guilt but the responsibility of those states whose economic evolution once depended on slave labour and colonialism and whose forebears participated either in selling and buying Africans, or in owning them, or in colonizing them;

Convinced that the pursuit of reparations by the African peoples on the continent and in the Diaspora will be a learning experience in self-discovery and in uniting political and psychological experiences;

Calls upon the international community to recognize that there is a unique and unprecedented moral debt of compensation to the Africans as the most humiliated and exploited people of the last four centuries of modern history (as cited in R. Robinson, 2000, p. 220).

Since 1994, numerous reparations claims have been filed against the U.S. government in federal court, none of which have been successful.

In 1994, the Internal Revenue Service (IRS) reported receiving about 20,000 bogus tax-reparation claims. Capitalizing on the publicity around federal payments to Japanese Americans, con artists falsely informed Blacks that the federal government had passed similar legislation for African Americans and offered to file their claims for a fee. In 2001, the Social Security Administration issued a special alert to senior citizens involving a reparations scam. An investigation by the agency found that the Slave Reparation Act duped more than 29,000 people (Mayer, 2001; Singletory, 2001). The agency received nearly 80,000 returns claiming more than \$2.7 billion in false reparation refunds (Internal Revenue Service, 2002). Throughout the 1990s, a number of individual cities and states have taken some action on reparations. Cities like Tulsa, Oklahoma, and Elaine, Arkansas, have considered payments to survivors of racist violence. Other cities, such as Dallas, Atlanta, Nashville, Cleveland, Chicago, and Detroit, have passed bills that provide symbolic support for reparations. In New York and California, the state legislatures have passed bills dealing with some aspect of reparations (Austin, 2001).

Despite some success at the state and local levels, the Conyers bill, which generated grassroots organizations and has led to the passage of resolutions of support in several major cities, has remained buried in subcommittee at the national level. At this point, it might be instructive to compare the African American case for reparations to the successful Japanese American example. Legal scholar Roy L. Brooks (1999) set forth a theory of redress informed by a number of reparations claims from various groups. Brooks established four conditions for successful redress: (a) the demands or claims for redress must be placed in the hands of legislators rather than judges; (b) public and private political pressure must be exerted on the legislators; (c) strong internal (group) support is required; and (d) the claim must be meritorious (Brooks, 1999).

On the first condition, Conyers's bill squarely places redress for slavery on the Congressional agenda as does Rep. Tony Hall's resolution calling for an apology. As was the case with Japanese American claims, activists pursued political and legal strategies. Deadria

Farmer-Paellman and Edward Fagan filed a class-action reparation suit against private corporations (Fleet Boston, Aetna, and CSX Railroad) with antebellum roots. The suit was filed in federal district court and seeks up to \$1.4 trillion (Andrews Insurance Litigation Report, 2002). Harvard law professor Charles Ogletree, on behalf of the Reparations Coordinating Committee, filed a federal class-action lawsuit in March 2002 seeking reparations on behalf of all African American descendants of slaves. The lawsuit is limited to Aetna, CSX Railroad, Fleet Boston, and other companies to be named later; however, the Committee is also planning additional reparations lawsuits including suits against the government (Ogletree, 2002). As we saw in the Japanese American case, these parallel legal and legislative tracks may actually complement rather than detract from one another. It is also interesting to note that N'COBRA—the grassroots reparations organization with some 26 local chapters—has devoted at least as much attention to the legal arena as to political activity.

Although Conyers has had as many as 40 cosponsors for his bill, current Republican control of the Congress makes the prospect of getting the bill out of committee and onto the floor for a vote remote at best. During the Clinton administration, Vice President Al Gore was asked for his views on reparations. He said,

I think that it is a question that needs to be dealt with respectfully and with great sensitivity to those who are interested in the idea, not really for the money it represents but rather for the symbolic atonement they associate with it. At the end of the day, most agree that it's not a politically feasible idea. ("Why Reparations," 2002, p. 6)

When asked specifically about the Conyers bill calling for a study commission, Gore added, "I'm for handling it sensitively without conveying a sense that it's ever likely to occur, because it's not" ("Why Reparations," 2002, p. 6). Senator Patrick Leahy (D-VT) opined, "I suspect there are a lot of things we could have reparations on. Is it a debate that benefits anyone—black or white? I don't know the answer to that question" ("Why Reparations," 2002, p. 6). Senator Rick Santorum (R-PA) said,

I have never been a fan of reparations for anything, there have always been bad things that have happened to people. Slavery was awful. But I don't think there is anything to be gained by going backward to try to come up with some way to pay for something that you can't put a monetary price tag on. ("Why Reparations," 2002, p. 6)

Sen. Olympia Snowe (R-ME) stated, "It's something I certainly would consider . . . has anybody held hearings on this issue" ("Why Reparations," 2002, p. 6). The Democratic Party adopted a plank endorsing the idea of establishing a federal commission to study the lingering effects of slavery in the summer of 2000 (Fletcher, 2000).

Congressional views largely reflect public opinion on reparations. A March 28-29, 2001 Fox News-Opinion Dynamics Poll of registered voters reported that 81% were opposed to reparations whereas 11% supported it ("Slave Reparations Debate Heating Up," 2001). A national ABC news poll revealed that 67% of Whites believe Black people are discriminated against, yet in liberal New York City 62% of New Yorkers do not think Blacks are even owed an apology (Iuce, 2002). In the same city, 62% of Blacks support reparations, but only 22% of Whites agree (Iuce, 2002). In more conservative Chicago, a *Chicago Tribune* poll was running three to one against reparations until U.S. Rep. Bobby Rush urged Blacks to respond to the poll (Race Relations, 2002). A CNN/*USA Today*/Gallup Poll found 90% of White respondents were opposed to cash reparations, whereas 55% of Blacks supported cash payments ("Suit Seeks Billions in Slave Reparations," 2002).

Even with the stimulus of the Reagan/Bush retrenchment and the example of the Civil Liberties Act of 1988, Blacks needed a core community of believers or network of activists to mainstream reparations as an issue. Black nationalist activists who were better organized and focused than disillusioned Black liberals during this period provided this. Black nationalism has always enjoyed increased popularity in the African American community when the larger society has cut off or narrowed access to the mainstream (Dawson, 2001; Bracey, Meier, & Rudwick, 1970). Another key to mobilizing resources was a shift in the attitudes of the Black middle class. Newly affluent Blacks have become more frustrated and

alienated over racial progress than lower-class Blacks. Members of the Black middle class such as Randall Robinson bring increased credibility and clout to an issue that had been marginalized during the 20th century.

Supporters of reparations outside the Black nationalist community have probably never heard of Queen Mother Moore. Yet, for most of the 1950s and 1960s, she was the best-known advocate of African American reparations. Operating out of Harlem and her organization—the Universal Association of Ethiopian Women—Moore actively promoted reparations from 1950 until her death in 1996. Moore, who had been a Garveyite (a member of Garvey's organization, the Universal Negro Improvement Association) and then a communist, spent much of her time pressing for reparations through the United Nations (Lanker, 1989).

A 1987 conference on the U.S. Constitution sponsored by the National Conference of Black Lawyers produced the N'COBRA. Kalonji T. Olusegun and Adjou Aiyetoro led the new organization, and it is the largest national organization devoted solely to reparations. Although supporting the Conyers bill, it has also engaged in education campaigns designed to pressure state and local legislators to support reparations. Given its origins, it is not surprising that N'COBRA has been involved in legal action on reparations (Hakim, 1994). However, as historian Clarence Munford (2001) stated, "The organization must break with nationalist sectarianism" if it is to develop a true mass base (p. 386). Another group working in coalition with N'COBRA is the Black Reparations Commission established in 1978 and headed by Dorothy Lewis. Silis Muhammad of the Lost Found Nation of Islam formed a more recent group—the National Commission for Reparations—in 1991. Like Queen Mother Moore, this group addresses much of its attention to the UN seeking to apply international laws within the framework of the international system. Yussef Naim Kly, head of the International Human Rights Association for American Minorities—in applying international law to the reparations debate—has aided these groups (Hakim, 1994).

In its 1974 Black Agenda, the National Black Political Assembly (NBPA) endorsed the concept of African American repara-

tions. Activists from the NBPA are currently active in the reparations movement. Ron Daniels, for example, has recently formed an Institute of the Black World with reparations serving as a major theme for their work (Boyd, personal communication, April 16, 2001; Daniels, personal communication, April 16, 2001). Older nationalist organizations (such as the Black United Front led by Conrad Worrill and the Republic of New Africa led by Imari Obadele) have been active supporters of the reparations movement. The African National Reparations Organization linked to the African People's Socialist Party has conducted yearly tribunals on U.S. racism since 1982 and demanded \$4.1 trillion in reparations for stolen labor (Hakim, 1994).

Although many of the meetings, conferences, and tribunals sponsored by these groups open with the pouring of traditional African libations and African drumming, Black nationalists are now not alone in their demands. Perhaps no one typifies the newfound respectability of the reparations movement more than Randall Robinson. Robinson, a graduate of Harvard Law School, was the founder and (until recently) president of TransAfrica, a U.S. lobby for Africa and the Caribbean. Brother of the late network news anchor Max Robinson, R. Robinson is very much a member of the Black leadership class. His best-selling book, *The Debt: What America Owes to Blacks*, was the first exposure many Americans of all races had to the reparations debate. In the introduction to that book, he expressed frustration with such diversionary programs as affirmative action that ignore the Black poor and offer no solutions to Black problems. Moreover, the book reproduces a pointed critique of the Clinton administration by political scientist Ronald Walters and puzzles over Black affection for the former president:

In his first term, Clinton's policies followed a distinct slant toward a more conservative and Republican course on social issues. He sponsored the most punitive crime bill in history, which passed in 1993; after suffering the defeat of his "economic stimulus package," which contained funds for urban development, he never put it back on the table. He signed the most punitive welfare reform bill in history, effecting a revolution in New Deal policy toward government

support for the poor; and thousands of people silently have been sifted out of federal government employment through the “reinventing government program.” . . . When one examines the impact of the crime bill on the sharply increased criminalization of black youth in particular, the exposure of the poorest blacks to the labor market without sufficient training or family support, and the lack of investment in urban schools or communities, Clinton’s positive initiatives may be viewed as largely symbolic. (R. Robinson, 2000, p. 100)

Robinson (2000) concluded that if Black claims are to have any chance of success here, “We must make it clear to America that we will not allow ourselves to be ignored” (p. 247).

Robinson’s frustration and anger reflect a widespread feeling among the Black middle class. Political scientist Jennifer Hochschild (1995) stated, “Not only has the idea of universal participation been denied to most Americans, but also the very fact of its denial has itself been denied in our national self-image” (p. 26). The result of this denial is that Whites believe race discrimination is declining whereas Blacks believe the opposite. More precisely, poor African Americans now have more faith in the American dream than middle-class Blacks. Hochschild reported that although both classes of African Americans were more optimistic for their race in the 1960s than in the 1980s, the optimism of affluent Blacks has plummeted when compared to poor Blacks. Affluent Blacks more closely identify with their racial status than their class status more so than any other racial/class group. Perhaps this explains why unlike the upwardly mobile immigrants of all other groups, the new Black middle-class commitment to the American dream is declining not rising.³

Michael Dawson’s (2001) findings also reflect declining support for liberalism among Blacks: “Liberalism has become a weak force in shaping the politics of the Black community, even though a large percentage of blacks support the radical egalitarian program” (p. 309). By 2000, 71% of African Americans believed racial progress would not be achieved in their lifetimes or not at all (Dawson, 2001). Dawson also recognized that there are multiple liberal traditions within the Black community just as in the larger society.

Overall, however, he believed that Black liberals' concern with the egalitarian aspects of liberalism leads them to seek a much stronger state than other American liberals. Historically, for example, public opinion polling in the 1960s and 1970s revealed that Blacks ranked equality at the top and liberty toward the bottom of their value scales, whereas Whites did the opposite. What shifts over time moving Blacks from hope to despair, says Dawson (2001), "are the evaluation of white willingness to 'accept' black equality, the evaluation of the nature of American society, and the assessment of prospects for gaining full democratic citizenship" (p. 275).

Not all Black citizens are nationalists or liberals. The rise of the new Black middle class also produced a new Black neo-conservatism. Linguist John McWhorter (2002), for example, wrote an opinion piece for the *Los Angeles Times* titled "Why I Don't Want Reparations for Slavery." McWhorter stated, "If all Black Americans living below the poverty line were given a subsidy to move to the suburbs, free tuition for college and/or a small business loan, all indications are that, for most, in the long run it would make no difference in the overall condition of their lives" (p. M5). Journalist Juan Williams (2002), not generally considered a conservative, has opposed reparations fearing it will spark White backlash and result in a further segregation of the Black poor. He also feared that it will mean an end to the moral responsibility that Americans bear for racial oppression. Unlike Robinson, Williams preferred support for affirmative action and welfare. In fact, he accused affluent Blacks like Robinson of wanting to "take control of the massive budgets dedicated to social-welfare policy" (p. A26). Despite their prominence in the media, Black conservatives enjoy less support in the Black community than adherents of any Black ideology with virtually no mass support (Dawson, 2001).⁴

When compared to Japanese American support for reparations, the African American community can look unfocused and fragmented. Yet, reparations have a much longer history in the Black community with organizations devoted to that single issue alone. The success of the Japanese American struggle helped to mainstream the issue in the African American community. With such mainstream organizations as the NAACP and the Urban League

joining the reparations movement, the issue gained new respectability. Academics and professionals joined in support sponsoring recent conferences at Columbia University, Fisk, University of California at Los Angeles, the University of California at Berkeley Law School, and the National Bar Association. In addition, as we have seen, many of the leaders of reparations organizations are lawyers or academics. Democratic politicians heavily dependent on Black voters could not summarily dismiss the issue as in the past. Neither could they endorse it given the strong White opposition to reparations. Can reparations be framed in a way that attracts broad political support, as did the Japanese American claim?

At some levels, the case for Japanese American reparations was framed in ways that would be difficult to apply to the African American claim. The obvious difference with the Japanese American case is the lack of identifiable victims as a distinct group. Opponents point to the absence of exslaves and the success of many current African Americans. In the case of the Black underclass, they argue that the problems of the Black poor are not causally connected to a past injustice.⁵ Another obvious difference is the scope of the settlement. The payments issued under the Civil Liberties Act of 1988 totaled less than \$2 billion. Despite arguments that the cost of slavery cannot be measured, a number of scholars have quantified the material costs (America, 1993). The most conservative figures total approximately \$1.5 trillion. In fact, one argument against reparations is not that the claim is not meritorious but that it is simply too large to be paid, although this argument ignores the issue of an apology.

Beyond these obvious differences lie more subtle issues. Hatamiya (1993) gave credit to the American civil rights movement for changing the climate to permit such claims as those of Japanese Americans to be heard. Yet, she labeled civil rights as special interest legislation and argued that Japanese American redress had to be presented as a constitutional issue rather than a racial issue. Politically this may be true, but it ignores the fact that Japanese Americans (as a group) were interned because of their race unlike German Americans and Italian Americans who were treated on an individual basis. Moreover, it assumes that a constitutional issue

cannot be a racial issue; however, a strong argument can be made that race was central to both the writing of and implementation of the Constitution (Mills, 1997; D. Robinson, 1979).

According to Eric Yamamoto (1998), framing the Japanese American claim in terms of the “super patriot/model minority” served several interests. It aided the Japanese American internees, but it also served the government’s practical and policy interests. “Practically, it enabled the government to award reparations to a relatively small number of highly deserving Japanese Americans,” said Yamamoto, “without opening the floodgates to reparations for other racial groups” (p. 57).⁶ Policywise, the United States could proclaim its commitment to democracy and human rights in the face of a Soviet empire that was beginning to crumble. Reparation claims could be acknowledged in the absence of a cold war. See, for example, the renewed U.S. support for Jewish Holocaust claims against the Swiss government.

Black Americans are often portrayed, as McWhorter (2001) demonstrated, as the opposite of the model minority. Despite the differences, the success of the Japanese American claim did assist African Americans because the federal government recognized a group claim. If the focus can be kept on group harm then the solution can be framed as an effort to repair the damage. The solution does not rest in individual payment but in a restructuring of the institutions and relationships that produce gross disparities in wealth and well-being. Racial attitudes will not change without such a restructuring. Although Dwight Eisenhower was often fond of saying law could not change men’s hearts, his own armed forces are the most successful example of affirmative action in American society. To ignore the African American claim for reparations is racist in itself. To paraphrase Mari Matsuda (1987), lack of legal or legislative redress for racist acts is an injury often more serious than the acts themselves, because it signifies the political non-personhood of its victims.

Ultimately the success of the current reparations movement will be determined by factors that are easily theorized but very difficult to implement. As it stands, Black activists have had success in bringing reparations to the forefront of the Black counterpublic. As

we have seen, this visibility is due to several factors. First is the decreasing access to upward mobility by means of government assistance ranging across all three branches of government. Historically, such periods have led from heightened Black receptivity to Black nationalist concerns and to nationalist leaders and organizations occupying the leading roles in the modern reparations movement. What is new for some of these groups is renewed attention to domestic politics rather than the international arena. Second, the disillusioned liberalism of the Black middle class has forced them to consider options and issues outside mainstream political discourse. Although such individuals as R. Robinson, C. Ogletree, and the organizers of academic reparations conferences bring increased legitimacy to the cause, they have pursued the primarily elite strategy of legal action. Similarly, such organizations as the NAACP and Urban League—although vocally supporting the call for reparations—see it as one of a host of organizational concerns with no special priority. Third, reparations has enabled its advocates to assume the moral higher ground lost after the civil rights movement. To a large extent, White opposition to an apology for slavery is a refusal to concede the higher ground. David Gresson argued, “The racial liberation movement and its companion liberation movements represented losses for white men as moral heroes; the emotional and symbolic aspects of this loss, moreover, were greater than any material loss the American dominant majority sustained” (as cited in McPhail, 2002, p. 189). “Increasingly,” says Gresson, “whites experienced themselves as oppressed victims of an uncaring authority and cited efforts on behalf of Blacks, Hispanics, Native Americans and other ethnics as ‘reverse racism’—the birth cry of modern white racial recovery rhetoric” (as cited in McPhail, 2002, pp. 189-190). In short, the current reparations movement has achieved a rhetorical unity that has put its opponents on the defensive.

To succeed politically—substantively or symbolically—the movement must agree on some specific goals and some specific targets. One obvious goal and target would be an apology from Congress, the president or both for slavery and its consequences. Some reparations advocates opposed an apology because they fear it

forecloses further concessions. Yet, it is difficult to imagine governmental agreement for substantive compensation without first acknowledging some moral guilt. In fact, the term *reparation* implies atonement whereas responses lacking such expressions are properly called *settlements*. The recent South African Truth Commission followed a process of recognition, responsibility, reconstruction, and then reparation (Brooks, 1999).

Another goal and target on which consensus seems to be building is for group or collective compensation from the federal government. Although there are still advocates for individual payments, it seems clear that the individual harm suffered by African Americans varies greatly. It is morally and politically more compelling to argue that development banks and educational trust funds should be set up for those most economically and educationally disadvantaged. Such an approach avoids the issue of compensating affluent Blacks who will nonetheless be paying taxes that support the program. Although the issue of who will control the funds and who will qualify to apply are not insignificant, they are surmountable and should be addressed after agreement on a general program. Such programs can and should be seen as rehabilitative of devastated communities.

Some reparations advocates have endorsed governmental action to redistribute wealth in the private sphere. Creative antitrust action could, for example, be used to spread the wealth to African Americans and other minorities in overconcentrated industries much as the AT&T breakup assisted White entrepreneurs. Major corporations might be required to sell off units to minorities to complete mergers (America, 1993). These types of programs, however, are likely to be seen as benefiting already affluent Blacks and thus garner less Black support and more White hostility. Actions affecting the private sphere may best be left to the legal arena where several cases are pending and where consumer pressure might force some settlements.

Finally, the reparations movement needs to make clear that its concern is not with slavery alone but with the entire history of racism in the United States and its exercise abroad. It is true that there are no living former slaves, but every African American has

directly or indirectly experienced racial discrimination or is indirectly influenced by it. The failure to treat reparations as a legitimate issue acknowledges that America is far from a color-blind society. The frustrated and prophetic voice of Martin Luther King Jr., recognized this nearly 40 years ago when he said,

A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies. On the one hand we are called to play the Good Samaritan on life's roadside, but that will be only an initial act. One day we must come to see that the whole Jericho Road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than flinging a coin to a beggar. It comes to see that an edifice which produces beggars needs restructuring. (as cited in Carson, 1998, p. 340)

NOTES

1. This section is drawn largely from Leslie T. Hatamiya (1993).
2. Hatamiya (1993) reported that Reagan and then Bush proposed budgets containing no redress funds for 1989 and only \$20 million for 1990. Senator Inouye, as the number two ranking Democrat on the Appropriations Committee, was able to pry loose the needed funding as an entitlement program over 3 years that included a \$400 million increase over the original appropriation.
3. Hochschild noted that much of what makes affluent Black women feel deprived compared with others has more to do with gender than with race.
4. Dawson stated that Black feminists face the most obstacles in disseminating their views, and the Black Marxism and the radical tradition lost much of their mass character in the 1990s.
5. Orlando Patterson (1998) argued the opposite.
6. Hatamiya (1993) noted that Reagan's approval was influenced by his participation in a 1945 ceremony awarding a Distinguished Service Cross to the family of Kazuo Masuda of the 442nd who had died in combat but was not allowed to be buried in the local cemetery in Santa Ana, CA.

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