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LEGACY OF THE TRANS-ATLANTIC SLAVE TRADE

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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LEGACY OF THE TRANS-ATLANTIC SLAVE TRADE

TUESDAY, DECEMBER 18, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE CONSTITUTION,
CIVIL RIGHTS, AND CIVIL LIBERTIES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:10 a.m., in Room 2141, Rayburn House Office Building, the Honorable John Conyers, Jr. (Chairman of the Committee on the Judiciary) presiding.

Present: Representatives Conyers, Nadler, Davis, Ellison, Scott, Watt, Cohen, Franks, Issa, King, and Jordan.

Also Present: Representatives Delahunt and Jackson Lee.

Staff Present: Kanya Bennett, Majority Counsel; Keenan Keller, Majority Counsel; David Lachmann, Subcommittee Chief of Staff; Paul B. Taylor, Minority Counsel; Crystal Jezierski, Minority Chief Oversight Counsel; and Caroline Mays, Professional Staff Member.

Mr. CONYERS. Good morning. The Subcommittee will come to order.

I am delighted to call up H.R. 40, a commission to study reparation proposals for the African American Act, and this hearing is being conducted through the auspices of the Subcommittee on the Constitution. Its Chair, Chairman Jerry Nadler, has kindly agreed to let me move this forward. I am joined by the distinguished gentleman, Mr. Franks, who has agreed to be the Ranking Member, as usual, on the Committee. We will begin by some brief comments. I will put my full statement into the record.

Essentially, this is a first-time historical examination of the circumstances surrounding the enslavement trade of Africans in the colonies in the United States. The purpose of the measure before us, House Resolution 40, is to create a commission to examine the institution of slavery, its lingering effects, and to make a series of recommendations to the Congress. So we do that through a commission that would consider a number of questions, and we would have a seven-person commission—three members appointed by the President of the United States, three appointed by the Speaker of the House of Representatives and one member appointed by the President Pro Tempore of the Senate. These persons would be especially qualified to serve on the commission by virtue of their education, training or experience, particularly in the field of cultural relations, sociological considerations, African American studies, and other things.

The interesting thing about the way this Committee is designed is that we do not limit it to merely the commissioner's testimony. We would have field hearings where Americans across the country would be able to give their impressions and their views and opinions. We are delighted that this effort has now gone beyond the discussion stage, introduced in 1989, and we come to this hearing about 13 days from the 200th anniversary of the moment when the abolition of the trans-Atlantic slave trade took place, where the government decided that the kidnapping, purchase and commercial export of Africans would be no more; but it would take 57 years later to end the institution of slavery in 1865, the 13th amendment, then the 14th amendment and, following, the 15th amendment, which were to serve guarantees to Africans and African Americans of their equal rights and opportunities and protections. So we are here to not examine what your view is on reparations in particular, but more as to whether we should have a study and whether that would be useful and purposeful.

Normally now, our studies are generally a way of sidestepping some immediate consideration. Most of us know the drill in the legislature. If you do not want to act on it, create a study, and that will take the heat off of it for a while.

This is one of the rare instances where there is resistance even to a study, and it seems to me that the relationship of that ugly period of the enslavement trade and how we dealt with it and how it fit into the very formation of this country is a very, very important one.

I noticed just in today's paper, on the front page of one of the big papers, that the incidence of police brutality has increased 25 percent this year. The dropout rate of African Americans is double that of anybody else. Schools are now more segregated than they were 40 years ago. The poverty rate of African Americans is double the national average; and of course, in this Committee the mandatory sentencing in the crack-cocaine minimums, and the disparity, has been revisited. We have, I think, an optimistic situation developing in that regard.

But one of the things that I would like to have looked at more—and I am only sorry that this Committee cannot do it—is to examine the relationship between the institution of slavery in this country and the present-day effects. What is the relationship?

This bill had been introduced 18 years ago, and we have had a number of legal developments. J.P. Morgan, a couple years back, established a $5 million scholarship funded for Louisiana's African students. The next year, a Federal appeals court ruled that U.S. corporations can be found guilty of consumer fraud for failing to disclose their roles in slavery, which is being inquired into quite regularly. Four States have issued formal apologies for slavery. There have been documentaries and quite a bit of activity going on, but the efforts to officially examine the legacy of slavery have been disjointed and have failed to reach the heart of the issues.

So it seems to me that there ought to be an historical Federal role that deals with the subject matter. I hope this will begin a national dialogue. To do what? To heal. Not to divide, but to bring us together; not to heighten the division that, to me, is too prominent here.

So to have our witnesses—Professor Ogletree; our cochair of N'COBRA, Ms. Tyehimba; Professor Clegg; Reverend Father Shaw; Eric Miller, and others here, Councilwoman JoAnn Watson from Detroit—it is a great way to start this discussion.

I am happy now to turn to my colleague, the Ranking Member of this Committee, Mr. Franks, for any observations or comments.

Mr. FRANKS. Well, Mr. Chairman, thank you so much.

As I have been sitting here listening to some of the things you have said, it is very compelling and it is very moving, some of the emotions that are evoked. So I want to start out by saying that I know that this—you know, when we deal with the core issue of enslaving our fellow human beings, God's children, it is an issue that moves us all to the core. It certainly moves me to the core. I believe with everything in me that, if I had been alive in those days, I would have been an abolitionist. It is ironic that the issue that brought me here to Congress was one that I hold in great parallel, and I know that it is not easy for me to make the comparison here this morning, but I feel compelled that I have to do it.

The *Dred Scott* decision, which is a little over 150 years old now, said that the black man was not a person in the Constitution. It quoted and said, "A Negro whose ancestors were imported into this country and sold as slaves were not intended to be included under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."

In retrospect, it is easy to see the sickness and evil of such a decision. Yet, I am concerned, Mr. Chairman, that in the effort to address this, that we may be trying to penalize those who did not do such a thing and help those who were not the ones who were wronged in the first place. But I understand the need to address the issue, especially as we consider the impact and the effects that it has had today.

The Chairman talked about the impact of today, on today, of slavery of the past, and I believe he is exactly right. I believe there has been tremendous effects on this society of what a terrible tragedy slavery was. It had run rampant throughout the world for 7,000 years. When it finally came to America, because we held these truths to be self-evident that all men were created equal, we had this discourse in our own souls, and we said this cannot stand. It took a little Civil War, a Constitutional Convention, as it were, to change that tragic Supreme Court decision of Dred Scott.

The reason I make that comparison, Mr. Chairman, knowing that it is difficult for me to do and perhaps for you to hear, is that I believe that the *Roe v. Wade* decision of today is so similar. It takes the unborn children and simply says that they are not persons under the Constitution. I think if we are going to address a past tragedy like abortion on demand that took the right to live of fellow human beings and desecrated who they were, their human dignity, that we must be very careful not to be doing the same thing today, because otherwise it robs us of our moral foundation in the first place. It seems like we are never quite so eloquent as when we decry the crimes of the past generation and never so staggeringly blind as when we consider the crimes against humanity in our own generation.

So, Mr. Chairman, I kind of went off on that, not to really relate it to my written opening statement. So let me just make a few formal comments.

Slavery in America was a moral outrage. It is difficult to imagine a more vile denial of the self-evident truth proclaimed in our own Declaration of Independence that all men are created equal, that they are endowed by their Creator with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness.

Now, some have advocated the study of programs that would grant benefits to some today as compensation for the actions of others, long dead, who are responsible for creating the evil legacy of slavery. But I fear that path leads not off one cliff, but perhaps many. I am afraid such a program would aggravate racial tensions while being doomed to fail in its goal of achieving justice today, because it would inevitably require the government to measure drops of blood or shades of skin to determine who could qualify for such a program, leaving America a confusing quilt of alleged victims and victimizers.

Such a program, to avoid chaos, would have to ignore the jagged edges of history in which Black Africans and Arabs enslaved the ancestors of African Americans in which there were thousands of Black slave owners in the antebellum United States. Such a program would have to gloss over the role played by thousands of White Union soldiers who died fighting for the successful abolition of slavery in 1865, and their descendents. It would also have to gloss over the thousands of nonmilitary heroes who lost their lives for promoting abolition and for operating underground railroads. Such a program would have to factor in the last many decades in which job quotas, racial preferences and racially derived target goals have been in effect.

The legacy of slavery would also—and this is hard—have to encompass the actions of leaders in the Democrat Party who are the most ardent defenders of slavery and of the Jim Crow laws that followed and of the 1856 decision of Dred Scott that was handed down. That decision, one of this Nation's very most notorious and tragic examples of rank judicial activism, denied Congress the authority to ban slavery in the Federal territories. But the Democrat Party defended that decision just as it defends the *Roe v. Wade* decision of today. In fact, it was the commitment in the heart of a group of people who said "slavery was evil" that gave birth, in a sense, to the Republican Party in the first place, and that commitment sustained them in the crucible of a horrible Civil War that saw the end to this tragic practice of 7,000 years.

With the stroke of a pen, seven Supreme Court justices, just as they wrote the unborn out of the Constitution, dehumanizing them, dehumanized slaves to only three-fifths of a person. Abortion on demand grew out of the Eugenics movement, a movement known for its racism and devaluing of human life, just as it was the founding movement of the Nazi Holocaust. Everywhere we find those who will decry the legacy of slavery and the atrocities of World War II. We find that everywhere, and that is right and good. But where are the defenders of the unborn today, who are the glaring example of repeating a past tragedy? There are many actors who played roles in the history of slavery. You would tear the Nation apart to even

begin to try the impossible and to officially separate them once and for all.

What are the injustices suffered by Latinos and Asian Americans or Irish and Italian Americans who came here well after the ratification of the 13th amendment? The legacy of any reparation's regime would be marked as much for those it left out as for those it included.

Author Shelby Steele expressed the following concerns regarding slavery reparations in *Newsweek*, not too long ago. Mr. Steele wrote, "When you do not know how to go forward, sometimes you find an excuse to go backward. You tell yourself if you can just get a little more justice for past suffering, that you will feel better about the challenges you face. So you make justice a condition of your going forward. But there is no justice, unfortunately, for past suffering, and sometimes to believe it only guarantees more suffering."

Now, Mr. Steele's comments do not reflect my own perspective completely, but he does make some powerful points. If we are really committed to making America be that place where human dignity is held in reverence, above all other things, then to do that we must first stop the tragedy of the desecration of innocent human life that takes place today. Before the sun sets today in America, not 150 years ago but today, 4,000 unborn children will die. Their mothers will never be the same; they will each be alone, and all of the gifts that they might have brought to humanity will be lost forever.

I just hope we will approach this hearing with the intent to move forward. With that, I look forward to hearing from all of our witnesses today and with sincere respect for the Chairman. Thank you.

Mr. CONYERS. Well, thank you so much, Randy Forbes, from Virginia. I mean I am sorry—excuse me—Mr. Franks. Excuse me.

Mr. FRANKS. He would have said the same thing.

Mr. CONYERS. Well, the question that you leave me with is maybe we should consider holding some hearings on the abortion question since you raised it so much. Guess who has jurisdiction over that? The Judiciary Committee.

Mr. FRANKS. Mr. Chairman, I would be delighted beyond measure to do that.

Mr. CONYERS. All right. I have never linked them up, but you raise an important consideration that on its own merit ought to have a hearing. I thank you for your statement. Thank you very much.

Now I turn to the Chairman of the Constitution Subcommittee in the Judiciary, the gentleman from New York, Jerry Nadler.

Mr. NADLER. Thank you, Mr. Chairman.

Mr. Chairman, let me begin simply by saying that the examination of this whole question, which is way overdue, is not served by distortions of history such as we just heard in trying to blame slavery on current political parties. Our ancestors all played different roles in them.

Take a look at a good Democrat like Senator Lyman Trumbull of Illinois, who was a Democrat, an anti-slavery Democrat, who joined the Republican Party after defeating Lincoln for the Senate.

He was the chief author of the 13th amendment. After reconstruction, he returned to the Democratic Party and was counsel to Samuel J. Tilden, and went on to become the chief defender of Eugene V. Debs in the Pullman Strike of 1894. He was a good Democrat. He took a detour into the Republican Party to oppose slavery. Then he returned to the Democratic Party. I do not think it serves a function in today's politics to talk about which political party was responsible in the antebellum past, 150 years ago.

Let me say that I want to begin by recognizing the Chairman's, Mr. Conyers', many years of work on this important issue.

Your leadership, Mr. Chairman, has helped move us closer to the day when this Nation may finally come to terms with its past and with the consequences of the slave trade that remain in our Nation today. As America strives to become a more perfect Union, we must never forget the stains that mark our past and that still mark our present.

My own city of New York was a major port city and operated as a hub for the slave trade. African slaves played a key role in the building of the city, and they directly contributed to New York's prosperity. Earlier this year, we dedicated the African burial ground national monument and gave those who were buried there the proper recognition—or the beginning, I should say, of the proper recognition and respect they deserve.

This hearing looks not just to the past but to the legacy of our own history of slavery as it continues to affect race relations, economics, equality and inequality in present-day America. It is our duty to ask the difficult questions and to face up to our responsibility to remedy the ongoing injustice of that legacy which remains a part of our society. As America continues to address the impact of slavery, we need to ensure that the promise of equality becomes a reality. This hearing is not simply a history lesson, but a careful and critical look at the society we have become, in part because of our history and because of our failure to come to terms with that history.

Mr. Chairman, we are now at the 400th anniversary of the founding of the first English settlement in America at Jamestown. For 250 of those 400 years, starting a mere 12 years later, we had chattel slavery of Africans in this country. For another 100 years after that, totaling 350 years of the 400, we had de jure segregation, Jim Crow laws and apartheid laws on the books of our country. It is only in the last 50 years of that 400-year period—one-eighth—that we have said as a society that that was wrong.

We have not fixed those problems. We have begun. We have made considerable progress. We still have a long way to go. It would indeed be very surprising, after chattel slavery and apartheid as a matter of law for a total of 350 of our 400-year history, if we were now free of the legacy and of the effects. Many of our great fortunes, many of our great corporations were built and remain standing today on foundations built by the labor of slaves.

We have as a Nation, Mr. Chairman, looked at our historic injustices in many other cases. As in the case of the internment of Americans of Japanese descent in World War II, not all that long ago, we have acted to recognize the wrong and to make amends to the extent that is in our power. It is not in our power to adequately

make amends for slavery. It is certainly in our power to do what we can. Nations that fail to recognize their own pasts and that fail to overcome them never truly free themselves from their past.

Today, we begin the task of truly freeing America from its history of slavery, and I certainly endorse it. As you know, I have been the cosponsor ever since I have been here, I think of your bill to establish a commission to examine all of this with a view toward future action. I think it is imperative that the United States opens those pages of history further than they have been opened, that it examines all of this with a clear eye, that it examines not only our history but the effects today in our history, and what we can do about it to make our Nation freer and more just. I thank you for leading this effort.

I yield back the balance of my time.

Mr. CONYERS. I thank you so much.

I turn now to the gentleman from Iowa, himself a Ranking Member of a Subcommittee on Judiciary. We are glad that Steve King is here with us this morning.

Mr. KING. I thank you, Mr. Chairman.

I appreciate being recognized, and I understand that we have some witnesses who I am very much interested in listening to, so I will just compress my remarks if I can.

I appreciate the remarks that have been made here by the other Members of the Committee. Particularly, I focused on those of Mr. Franks, with whom I wish to associate myself in a lot of ways, and especially because of the remarks he has made this morning.

As I listen to the comments that are made, I think back through this course of our history, and I think of a time that—well, in my office, under a glass coffee table, is a leather-bound New Testament Bible that my great uncle, five times great, carried with him. It was presented to him—and it is written in there in pencil in his sister's hand—on the eve of his departure for the war, which was the Civil War. I would have to go back and look at the date, but it was 1862. He walked off to the war on that day. He walked home from the war and in the door 3 years to the day from the time he left. There are verses in there that are underlined in pencil. There are flyspecks on that Bible. It is an old, old document now, but it is a connection that my family has to the abolitionists within our history with the legacy of some responsibility that I have to continue on today.

My great grandfather was killed in the Civil War, and all of his artifacts were lost in the process. His father was a founder of the Republican Party, and they were instrumental in the nomination of Abraham Lincoln because they were abolitionists, and they paid a price. They paid the price of the loss of one of their sons, and I would not be here today if he had not fathered children before he went to the war.

So this is something that runs deeply within me, that has been part of our family legacy. I have grown up with the knowledge of this effort. I could go more into family trees. Six hundred thousand people died in the Civil War, that constitutional convention that was brought about in such a brutal fashion, approximately half on each side of that. All of those killed on the southern side were not killed because they were fighting to defend slavery, many of them

were fighting to defend States rights, so we cannot presume that it was a half-and-half situation. I do not know what those numbers might be. I do know that when I look at that Bible and I think about the legacy of my family and that that represents the legacy of thousands and thousands of families in this country, White and Black, I believe that reparations were paid for in blood more than a century ago. I believe that we need to pick up and move on.

I would point out also that if there is a legacy, there are also legacies left over from government programs that have affected the families, not just Black families but all families in America, that have been destructive to the family. I think Shelby Steele has written about that, who Mr. Franks had quoted. I know Thomas Sowell has, and I have great reverence for both of those very intellectual scholars.

I will point out also that if there is a legacy, then there are legacies for other experiences with slavery. I might direct your attention to a book written by a professor at Ohio State University. His last name is Professor Davis. The title of the book is "Christian Slaves, Muslim Masters." He studied the history of White slavery in the Mediterranean in the 1500's just before the legacy of Black slavery in America began. Through that period of time, that century of the 1500's from about 1507 or 1508 on until the end of the century, there were about 1¼ million Christians who were pressed into slavery by the Barbary pirates. They were put down in the hulls of those ships, they pulled the oars, they were put into the construction business, and built the edifices along the Barbary Coast of the northern coast of Africa.

There is no genetic legacy for them. The men were pressed into slavery. They were never allowed to reproduce. They were worked to death or killed, and some of them were just simply buried at sea when they were worked to death on the oars of those boats. The women—and there were few of them—were pressed in as concubines. Occasionally, you will see some blue-eyed people on the northern coast of Africa. Some believe that is the legacy.

So my point is that slavery is not unique here to the United States. It is an abhorrent thing. I think it was worth the blood, I think it was worth the sacrifice. But I believe that we owe it to the people who gave their lives for this freedom. It is a fundamental belief that we have that Mr. Franks spoke to, and it is in our Declaration. It was a long time coming to honor the language that was there, but I think we owe it to them to pick it up and to move forward and to not be dragging this legacy.

I will be listening to the comments, and I know that it is heartfelt on the part of the Chairman. We disagree on whether we should go forward with this because I believe we ought to look forward to the future. I think we ought to let the legacy of the past inform our actions for the future, but I do not believe that any reparations that might come for Americans who are descended from slaves can possibly be a reparation that would be equivalent to the reparations that have been paid in the blood of people who gave their lives to free the slaves.

Thank you, Mr. Chairman. I yield back.

Mr. CONYERS. Thank you, Steve King.

Before the witnesses begin, I am going to yield for a brief comment from Mr. Cohen, Steve Cohen of Memphis, Tennessee.

Mr. COHEN. Thank you, Mr. Chairman and Members of the Committee. I appreciate your recognition.

This is an issue that I feel pretty strongly about. I am a southerner. I was born in Memphis, Tennessee. In my young years, I witnessed Jim Crow laws. I witnessed African Americans being relegated to the worst seats at the sports arenas, their not being able to go to school, their not being able to get jobs, and their being discriminated against as second-class citizens.

I saw White and colored drinking fountains and restrooms and things that, when you think about it, should not have existed in a modern era, things that existed 100 years after the war that Mr. King talks about, the war that might have freed the slaves but that did not give them real economic and social freedom. They remained enslaved through the jury laws, known as "Jim Crow laws" in this Nation until 1964, and the ramifications of those laws and the slavery that we had in this country continue to this day.

I have read the remarks of some of the gentlemen who are going to testify, Mr. Chairman. Mr. Clegg writes in his presentation, "No one will dispute that slavery and Jim Crow were horrible and inhumane."

Remember that one of our Senators said Strom might have been right? That was just a year ago. A lot of people do not understand the connection, and they do not understand why this country is the way it is, and they do not want to apologize.

I have introduced House Resolution 64 that calls for our country to apologize for the institutions of slavery and for Jim Crow. Some say, well, this does not involve—nobody is around today who had slaves. The Senate apologized for lynching. Nobody is around today that did lynching, but it was our country that did it and our government that did it and our government that sanctioned it, and it is an original sin of this country that needs to be expiated. It can only be expiated by an official act of this Nation.

Four States have issued apologies: Virginia, Maryland, North Carolina, and Alabama. Others have considered it. For the United States of America not to issue an apology—Britain has done it. The Episcopal Church has done it. For the United States of America not to issue an apology—that sanctioned slavery, that permitted it, that fostered it, that benefited from it—would be wrong.

It is the beginning of a dialogue that can improve this Nation because the greatest problem this Nation still has today is racial conflict. It exists not just in Memphis, Tennessee, but it exists in New York City in Harlem, in Roxbury in Boston, on the South Side of Chicago, in East St. Louis. It exists throughout this country, and we need to deal with that issue.

The idea of a study of reparations that Mr. Conyers offers is a study, and it should be studied and what effects we can make to ameliorate conditions, economic and social, that have disadvantaged the minority population in our Nation.

I represent a district that is, by majority, African American. Some people in my hometown say that I am too Black in the way I think. Well, they have not looked at my State Senate record for the last 24 years or been aware of where I have been with felon

voting rights, with Dr. King's birthday, with jobs programs, with public hospitals, and public education. I guess I have always been, quote/unquote, "too Black," but for people who think that, they are unaware of what is going on in America today.

We need to get our act together, and we need to accept the grievances. We need to look at the grievances of the past and apologize and have a dialogue and go on and try to have some effort to make our country better. Some of that deals with not just social justice that my fellow colleagues on the other side of this hall or aisle will talk about, but economic justice. And without economic justice, you cannot really have social justice. You cannot have it. The fact is we lived through Jim Crow laws, and those effects are here today. People who were in separate classrooms are teachers today. Can they teach equally? The classroom facilities are vestiges of a separate institution where African American children got used textbooks and did not get the new schoolrooms and opportunities. All of those things need to change.

I commend Chairman Conyers for his efforts over the years. I do not know that he has an exact thought of what his study would bring about, but a study is a good thing. Before you have a study, I would submit you need an apology because it begins a dialogue. And until this country faces the problems that we have and the conflicts that we have, which are great—and I think I am unique in having the opportunity to see them because I have been so involved in my community and have seen them—we need to find a way to start that dialogue and to bring this country together.

We do not have equal justice. There is disparity in wealth between wealthy Whites and poor Whites, but it is even greater among Whites and African Americans as this disparity in wealth grows and grows and grows, because we have difficulty in understanding that all men are created equal, and they ought to have equal opportunities to have life, liberty, and the pursuit of happiness.

The display of nooses in Louisiana, that is part of the vestige where people still have this idea of second-class citizens.

The idea that some people in the Senate can suggest that our resolution H. Res. 64 is too strong on what it says about what happened after the Civil War and during Jim Crow shows that some Members of the Senate need to get their history books out wake up and dust off their cause and become 21st century Americans. This is a problem. We have hidden from it. We have got our heads in the sand like ostriches, and we need to rise up with strong backbones, face the facts, apologize for history, move forward toward a better future. But apologies and studies go toward the future, and we need to do that.

Mr. Chairman, I thank you very much for this opportunity.

Mr. CONYERS. I thank the gentleman for his presentation.

I turn to our first witness on the first panel, the Honorable Professor Charles Ogletree, who holds the Chair at Harvard University, Director of the Charles Hamilton Houston Institute for Race. He is a leading scholar before this Committee on an almost regular basis. The hearings that we had on the 1921 Tulsa riots, the Jena Six and other considerations have brought him before the Judiciary Committee. He has authored most recently, All Deliberate Speed,

reflections on the first half century of *Brown v. Board of Education.* He edited From Lynch Mobs to the Killing State, Race and the Death Penalty in America.

We welcome you once more, Professor Ogletree. Your statement will be reproduced in its entirety, and we would like to hear from you at this point.

TESTIMONY OF PROFESSOR CHARLES OGLETREE, DIRECTOR OF THE CHARLES HAMILTON HOUSTON INSTITUTE FOR RACE AND JUSTICE, HARVARD LAW SCHOOL

Mr. OGLETREE. Thank you very much, Congressman Conyers. I appreciate that my statement will be submitted for the record. I want to thank you, in particular, for having the courage over the last 19 years to raise H.R. 40.

I want to say a few things beyond which I have written in the statement. First, I want to respond to Congressman King. It was very important that he recognized his family's legacy and the treasures that he could identify dating back to the 1800's. I cannot, because I come from a people, I come from a place where that history was destroyed. It was severed. It was brutalized. So I cannot go back. I know "Ogletree" is not from West Africa, Ghana or Senegal. It is something that was given to my ancestors after their African heritage was destroyed. That is why the study is important, to get a sense of history.

I recall as well that my fifth grade social studies teacher, Mrs. Barry, had a sign on our class that said, "Those who fail to understand history are doomed to repeat it." I think it was her suggestion that we should do our work or we would be in trouble. But it was a broader reflection of the idea that knowing history is important in order to move forward.

Let me tell you about this issue of studying reparations and why it is so important. I think it is fair to say that sorting out the history, the structure, and the magnitude of slavery is not rocket science; it is harder than that. It requires an incredible amount of patience, caring, tolerance, a divisiveness, anger, frustration; but it requires us to look back in order to move forward. It is also important that we do it now because we have a history. Almost everything that has been said today has misrepresented some aspects of history.

Congressman Franks was talking about the three-fifths—he mentioned the Constitution that only treated African Americans in three-fifths. They were still slaves. They had no rights. They could not vote. They could not own property. They could not participate in democracy. They were not people. The three-fifths provision was simply not to help slaves; it was to help slave owners have power in a democracy. So we were written out of the Constitution from the very beginning, as if we did not exist, even though we made this country very profitable.

Some of the comments of my colleagues, whom I know well and with whom I have worked before, later will be talking about the fact that it is divisive, it is a waste of money, we cannot identify who should be beneficiaries, we have already addressed these issues. Those are all points to be made, but that is what a study

is for: to look at these in greater depth. Here is why we have to study this issue now.

If you look back at our history, Congressman Conyers, in particular, there are people now who still deny that the Holocaust existed, that millions of citizens lost their lives to a tyrant in the 20th century, in the lifetimes of people in this room and of those watching this broadcast. There are people who thought that they were right in the 1940's to intern over 100,000 Japanese Americans as terrorists during the Second World War, but who had the courage to step forward? It was people like the Senator from the State of Kansas—a Republican by the name of Robert Dole—and the Democrat from the State of Hawaii by the name of Daniel Inouye. They were both veterans of the Second World War. They were both brutally injured in the Second World War, but they had the courage, more than decades after it happened, to say that we have to do something. That is why the Civil Liberties Act of 1988 was passed, and that was the impetus for Congressman Conyers to say let us look at the issue of slavery.

Let us look quickly, with the time I have, at the civil rights movement. In 1921, with the Tulsa race riot, there is no relief 86 years later. In 1954, we have *Brown v. Board of Education.* A year later, Emmit Till was lynched in Mississippi. Rosa Parks was arrested on the bus in Montgomery, Alabama. In 1963, Dr. King gave the great march on Washington's speech about his dream, an aspiration for America. Three weeks later, 3 weeks later, four little girls lost their lives by terrorism in Alabama. We have come a long way. We have got a long way to go.

What are people afraid of? That we might find something out about our history and that we might be able to use it to change the way we think about it? At a minimum, if nothing else happens, I hope every Member of this Committee can at least apologize for slavery. It does not recall legislation. It just recalls a point of courage. That is not political, that is not partisan, but the idea to at least start the process of healing starts with recognizing that something wrong happened from the beginning.

Finally, I want to mention that there is a recent book by Doug Blackmun, a Wall Street Journal reporter, called By Any Other Name: Looking at the Impact of Slavery and Post Slavery in the 19th and 20th Centuries.

I hope that those who oppose this hearing and who oppose the idea of a study will understand from the writing of the Constitution to the adoption of the Bill of Rights and to every other step, we have cut people out. This is the time for inclusion and for every voice to be heard. I urge this Committee to pass H.R. 40 and to do so with great enthusiasm and with great commitment to making us one America so that we can all appreciate our great country and its great value.

Thank you, Congressman.

Mr. CONYERS. Thank you so much.

[The prepared statement of Mr. Ogletree follows:]

PREPARED STATEMENT OF CHARLES J. OGLETREE, JR.

Judiciary Committee of the House of Representatives,
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Oversight Hearing on the Legacy of Trans-Atlantic Slave Trade

Testimony of Charles J. Ogletree, Jr.
Executive Director, the Charles Hamilton Houston Institute for Race and Justice, Harvard Law School

Tuesday 12/18/2007 - 10:00 AM
2141 Rayburn House Office Building

Dear Congressman John Conyers, and Members of the House Judiciary Committee, and the Subcommittee on the Constitution, Civil Rights, and Civil Liberties:

I'm very pleased to appear before the Committee today to discuss the Oversight Hearing on the Legacy of the Trans-Atlantic Slave Trade, which will consider H.R. 40, the historic legislation proposed by Congressman John Conyers in 1989.[1] Congressman, let me first thank you for your historic actions in 1989. Your resolute effort to seek a discussion of reparations for descendants of those Africans captured during the Atlantic Slave Trade, was an important and timely effort in 1989. It is, ironically, even more important and timely in 2007. What we should have known then, and clearly know now, is that the horrors of the Slave Trade have yet to be addressed and the passage of time makes it even more difficult for us to respond to one of the most tragic, brutal, and for some, financially beneficial periods in American history.[2] The time has come for this great country, to once again, address its past, and do so in response to the urgent need to heal wounds and bring together a nation that has yet to heal from the vestiges of slavery. Let us be clear going forward. This is an effort to further study and understand the legacy of slavery. HR 40 is, essentially about education, about increasing knowledge and uncovering the truth about our collective self. The question about what might follow from that knowledge is of course, still open. HR 40 might best be viewed as a brave, crucial step toward true healing.

I speak today as the Founder and Executive Director of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School. The Houston Institute is named after Charles Hamilton Houston, one of Washington DC's most revered intellectuals of the 20th century, and a 1922 graduate of Harvard Law School. Mr. Houston was also Vice Dean at Howard Law School, training such legal luminaries as the late Justice Thurgood Marshall and the late Oliver Hill, among others. Mr. Houston fought for our country during World War I, and was working to end racial segregation in our country during World War II. He died at a relatively young age of 54 on April 22, 1950.[3] The Charles Hamilton Houston Institute is designed to carry on Mr. Houston's important work in the 21st century fighting for racial justice in this nation and abroad.

I support the call for reparations for the descendants of the millions slaves who toiled in this county for decades, and who never were compensated for their labor. Our county's history in addressing issues of past discrimination long after they occurred is a testament to our willingness to look back in order to move forward. That resolve is most clearly observed in the unity displayed, by Republicans and Democrats, by veterans and civilians, and by conservatives and liberals, during the historic passage of the Civil Liberties Act of 1988.[4] The Act was designed to correct injustices against American citizens decades after their suffering. It was an Act that followed apologies and regrets by some of America's most important leaders, including the late Chief Justice Earl Warren, who, long after his

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[1] Commission to Study Reparations Proposals For African Americans Act, HR 3745 IH, http://thomas.loc.gov/cgi-bin/query/z?c101:hr3745:. Accessed 17 December, 2007.
[2] See Randall Robinson, *The Debt: What America Owes to Blacks* . New York: Plume, 2000.
[3] For a biography of Houston, see Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights.* Philadelphia: University of Pennsylvania Press, 1983.
[4] Pub.L. 100-383, title I, August 10, 1988, 102 Stat. 904, 50a U.S.C. § 1989b et seq.

pivotal role in the internment of over 100,000 Japanese Americans during World War II, acknowledged that the decision was wrong and regrettable.[5] In 1941, testifying before the House Committee, then California Governor Earl Warren said, "The only reason that there has been no sabotage or espionage on the part of Japanese-Americans is that they are waiting for the right moment to strike."[6]

Some years later, the retired Chief Justice Earl Warren stated in his autobiography :

> I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens. Whenever I thought of the innocent little children who were torn from home, school, friends and congenial surroundings, I was conscience-stricken.[7]

What is even more assuring than the regrets of former Chief Justice Earl Warren is the bipartisan effort to respond to the internment of 100,000 Japanese American citizens during World War II. Among those who supported The Civil Liberties Act of 1988 were Senator Robert Dole, Republican from Kansas, and Senator Daniel Inouye, Democrat from Hawaii. Both were World War II veterans, both seriously wounded during the War, and both firmly committed to The Civil Liberties Act.[8] The laudable goals of the Civil Liberties Act of 1988 portend well for what the supporters of H.R. 40 should pursue, in tone and scope. The Civil Liberties Act of 1988 could not have been clearer:

> The Congress recognizes that, as described in the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II.
>
> As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership.
>
> The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made.
>
> For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation."

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[5] For a discussion of Warren's lobbying for internment, see Ed Cray, *Chief Justice: A Biography of Earl Warren.* New York: Simon and Schuster, 1997. pp 112-123

[6] Testimony before Congress on the Internment of people of Japanese Ancestry (1941)

[7] Earl Warren, *The Memoirs of Chief Justice Earl Warren.* Lanham: Madison Books, 2001.

[8] For a discussion of Republican support for the Civil Liberties Act of 1988, see Leslie Hatamiya, *Righting a Wrong: Japanese Americans and the Passing of the Civil Liberties Act of 1988.* Stanford: Stanford University Press, 1993. Pp 38-42.

> Based on the findings of the Commission on Wartime Relocation and Internment of Civilians (CWRIC), the purposes of the Civil Liberties Act of 1988 with respect to persons of Japanese ancestry included the following:
>
> 1) To acknowledge the fundamental injustice of the evacuation, relocation and internment of citizens and permanent resident aliens of Japanese ancestry during World War II;
>
> 2) To apologize on behalf of the people of the United States for the evacuation, internment, and relocations of such citizens and permanent residing aliens;
>
> 3) To provide for a public education fund to finance efforts to inform the public about the internment so as to prevent the recurrence of any similar event;
>
> 4) To make restitution to those individuals of Japanese ancestry who were interned;
>
> 5) To make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations.[9]

This important symbolic and substantive Civil Rights Act of 1988 provides a road map for the important work contemplated by H.R. 40, which, in its most current form, calls for similar efforts looking back and moving forward:

> A BILL To acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.[10]

In pursuing this important goal, this committee should also be mindful of the history of slavery and the moral and urgent need to address the reparations question. I have written elsewhere on this important topic,[11] and refer here to some of the history that may prove useful in exploring these matters:

The African American reparations movement is commonly perceived as a recently developed political and litigation strategy resting on the shoulders of the lawsuits and legislation designed to achieve justice for Japanese American World War II internees and victims of the Holocaust. African American reparations arguments, however, began long before both these movements, growing out of a larger debate over the place of African

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[9] Civil Liberties Act of 1988, August 10, 1988 http://www.civics-online.org/library/formatted/texts/civilact1988.html. Accessed 17 December, 2007.

[10] *Ibid.*

[11] See Charles Ogletree, *The Current Reparations Debate*, 5 University of California Davis Law Review 36, 2003; Charles Ogltree, *Does America Owe Us?*, Essence Magazine, February 2003; Charles Ogletree, *The Case for Reparation*, USA Weekend Magaine, February 2003; Charles Ogletree, *Repairing the Past: New Efforts in the Reparations Debate in America*, Harvard Civil Rights and Civil Liberties Law Review 38, 2003.

Americans in American society as well as the proper response of both whites and African Americans to slavery, Jim Crow, and the persistence of racism from the founding of this country until the present. The characterization of African American reparations as both recent and derivative has important political consequences. This rhetorical and political strategy enables reparations' opponents to discount history and African Americans' constant demand for reparations, instead presenting reparations' proponents as opportunistic latecomers, attempting to get something for nothing.

The African American demand for reparations precedes the Civil War.[12] While reparations activism has not been a constant feature of the civil rights struggle, it has periodically manifested itself in what Vincene Verdun calls different "waves" of activism.[13] The first wave "was inspired by the tension between the Union and the Confederacy and the attendant desire to restructure the South in order to enhance the Union's military advantage."[14] A broad, multi-racial coalition of activists sought to use reparations to complete the emancipation of slaves and to achieve compensatory justice by tying the award of property to freed slaves to disenfranchisement by former slave owners.

Verdun identifies the second wave of reparations as the attempt by African Americans to escape the South and achieve a semblance of freedom and economic parity in the North, including an effort to force "Congress to pass legislation appropriating economic relief to freedmen."[15] This effort and subsequent reparations initiatives contained a strong "black nationalist" element.[16]

The third wave broke during World War II when a white Senator from Mississippi, Theodore Bilbo, proposed to appropriate newly acquired territories for colonization by African Americans.[17] Black nationalists such as Marcus Garvey's United Negro Improvement Association supported this essentially segregationist effort.[18]

Verdun identifies a fourth and final stage of reparations activism as arising during the 1960s and 1970s as an outgrowth of the Civil Rights movement.[19] Martin Luther King, in his famous *I Have a Dream* speech, iterated a demand for justice in terms of reparations. This speech, broadly embraced by most Americans as a result of King's strong appeal for color-blind justice, also called on the nation to conceive of the guarantees of life, liberty, and the pursuit of happiness in the form of a check for African Americans.

At roughly the same time, the Nation of Islam demanded that the federal government set aside three states for African Americans and contended that "our former

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[12] In 1829, David Walker "passionately protested the lack of compensation for the labor of slaves." Ewart Guinier, Book Review, 82 Yale L.J. 1719, 1721 (1973) (reviewing Boris I. Bittker, The Case for Black Reparations (1973)).
[13] Vincene Verdun, *If the Shoe Fits, Wear It: An Analysis of Reparations to African Americans*, 67 Tul. L. Rev. 597, 600 (1993).
[14] *Ibid.*
[15] *Ibid.* at 602
[16] *Ibid.* at 603
[17] *Ibid.*
[18] *Ibid.*
[19] *Ibid.* at 603-604

slave masters are obligated to maintain and supply our needs in this separate territory for the next 20 to 25 years—until we are able to produce and supply our own needs."[20] Perhaps the single most important reparations demonstration during this period was James Forman's interruption of a Sunday morning service at Riverside Church in New York City to introduce the "Black Manifesto," which demanded five hundred million dollars not from the federal government but from churches and synagogues.[21] While King did not endorse the Nation of Islam's brand of nationalism and demand for land, the organization's efforts represented a powerful strand in the reparations debate.

From the late 1970s to the 1990s, reparations was the subject of a few law review articles[22] but received little mainstream interest. The efforts of the National Coalition of Black Reparations Activists (N'COBRA), were pivotal in preserving the reparations movement. Without N'COBRA's continued activism, the legacy of reparations for African Americans, stretching from David Walker to Queen Mother Moore, might have disappeared.[23]

More recently, two events have spurred on claims for reparations for African Americans. First, the publication of Randall Robinson's book *The Debt* powerfully indicted society's failure to acknowledge slavery and reignited the reparations debate. Robinson wrote:

> No race, no ethnic or religious group, has suffered so much over so long a span as blacks have, and do still, at the hands of those who benefited, with the connivance of the United States government, from slavery and the century of legalized American racial hostility that followed it.[24]

Robinson forcefully argued that, while the causes of African American poverty are complex, they are based in part on a history of racism and discrimination that politically, culturally, socially, and psychologically disenfranchised African Americans.[25] A central plank of Robinson's critique is simply that African American lives and values are discounted—

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[20] The Muslim Program is reprinted in every issue of *The Final Call. See, e.g.*, Final Call, Sept. 7, 1990, at 39, *cited in* Verdun, *supra* note 13, at 604.
[21] Verdun, *supra* note 13, at 603–04.
[22] *See, e.g.*, Rhonda v. Magee, *The Master's Tools, from the Bottom Up: Responses to African-American Reparations Theory in Mainstream and Outsider Remedies Discourse*, 79 Va. L. Rev. 863 (1993); Verdun, *supra* note 13. For earlier examples, see Boris I. Bittker, The Case for Black Reparations (1973) (discussing German and Native American reparations as potential precedents for black reparations); Graham Hughes, *Reparations for Blacks?*, 43 N.Y.U. L. Rev. 1063 (1968).
[23] Jonathan Tilove, *Slavery Payback Proposal Moves to Forefront; Once Far-Fetched, Idea Being Taken Seriously*, Times-Picayune (New Orleans), Sept. 29, 2002, at 1, 2002 WL 25257694. (N'COBRA "has become the primary engine of grass-roots organizing on the issue [of reparations]"); *see also* Nat'l Coalition of Black Reparations Activists, Black Reparations: American Slavery and Its Vestiges 34–36, 43–47 (2d ed. 2002). *See generally* Should America Pay?: Slavery and the Raging Debate on Reparations (Raymond Winbush ed., 2003).
[24] *See* Randall Robinson, *The Debt: What America Owes to Blacks* . New York: Plume, 2000. pp 8.
[25] *Id.* at 62–63.

worth less—in America today, much as they were discounted at three-fifths value in the Constitution.[26]

Representative John Conyers's introduction and continued support for H.R. 40 in the House of Representatives is a second major event precipitating a renewed interest in reparations.[27] H.R. 40 was first presented to Congress in 1989. The bill calls for the establishment of a commission to investigate the extent to which the United States government benefited from slavery and make appropriate recommendations. H.R. 40 was inspired by, and mirrors, the Civil Liberties Act of 1988,[28] the statute granting reparations to Japanese American victims of the government's internment policy and also Aleut Americans removed from their homes for defense purposes during World War II. H.R. 40 does not demand that money be paid but only that an investigation be conducted. Nonetheless, over the first fourteen years, the initiative has faced substantial opposition. A bipartisan Congress passed the Civil Liberties Act of 1988, yet Representative Conyers still waits to see H.R. 40 pass fourteen years after first presenting it to Congress. Indeed, dissent persists among African Americans in general[29] and even within the Congressional Black Caucus[30] about whether reparations is a viable political program. Nonetheless, Representative Conyers files the bill every year in a symbolic effort to keep the reparations demand alive at the highest level of the legislative branch.

At the same time President Bush recognized the critical importance of remembering our history with slavery in the United States, and his words, expressed 4 years ago in Senegal, ring true today:

> For hundreds of years on this island peoples of different continents met in fear and cruelty. Today we gather in respect and friendship, mindful of past wrongs and dedicated to the advance of human liberty.
>
> At this place, liberty and life were stolen and sold. Human beings were delivered and sorted, and weighed, and branded with the marks of commercial enterprises, and loaded as cargo on a voyage without return. One of the largest migrations of history was also one of the greatest crimes of history.[31]

At the same time, the desire and the necessity to look back in order to move forward can be seen in the decision by the United States Senate to apologize, just this past year, for the period of brutal lynchings in America during the 19th and 20th centuries.[32] Our country

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[26] *Id.* at 52.
[27] *See* Commission to Study Reparations for African Americans Act, H.R. 40, 108th Cong. (2003).
[28] 50 U.S.C. app. §§ 1989–1989d (2000).
[29] *See, e.g.*, Lori Horvitz, *Race Adviser Says Payback Impractical*, Orlando Sentinel, Apr. 28, 1998, at C1, 1998 WL 5346152 (noting that African American historian John Hope Franklin, head of the advisory board to President Clinton's Initiative on Race, objected to the payment of reparations).
[30] Some of the members of the Black Caucus still have not endorsed H.R. 40, 107th Cong. (2003).
[31] President Bush Speaks at Goree Island in Senegal, July 8th, 2003.
[32] Senate Resolution 39, *Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.* http://landrieu.senate.gov/lynching/resolution.pdf. Accessed 17 December 2007.

has taken important steps forward, in the states of Virginia,[33] Maryland,[34] North Carolina[35] and Alabama,[36] all expressing regret a or outright apologies for the horrors of slavery.

At the University level, The University of Alabama issued its own apology.[37] Under the stellar leadership of President Ruth Simmons, a descendant of slaves, Brown University issued The Steering Committee on Slavery and Justice, making numerous recommendations and offering future students of African descent scholarships and developing programs to address Brown's historical connections with the Atlantic Slave trade.[38] The University of Virginia issued its on apology,[39] and the Virginia Legislature looked back at the more recent history of opposition to racial integration, passing legislation that provided victims of segregation with financial support to pursue their lost educational opportunities.

Scholars like Professor Alfred Brophy of the University of Alabama have written extensively about this history, as recounted in his excellent book, *Reparations Pro and Con*,[40] and Professor Robert Westley from Tulane Law School , wrote a timely and informative article a decade ago entitled, *Many Billions Gone: Is it Time to Reconsider the Case for Black Reparations?*[41]

The time has arrived when H.R. 40 must be adopted and we must study this important and timely topic. It is our obligation to learn for the past as a means of finding the proper guidance as a nation, in pursuing our future. Thank you.

Charles J. Ogletree, Jr.

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[33] See Senate Joint Resolution no.332. http://leg1.state.va.us/cgi-bin/legp504.exe?071+ful+SJ332. Accessed 17 December 2007.
[34] See Senate Joint Resolution no 6. http://mlis.state.md.us/2007RS/bills/sj/sj0006t.pdf. Accessed 17 December 2007.
[35] See Senate Joint Resolution 1557.
http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2007&BillID=s1557. Accessed 17 December 2007.
[36] See House Joint Resolution 321.
http://alisondb.legislature.state.al.us/acas/acasloginFire.asp?SESSION=1036. Accessed 17 December 2007.
[37] See Resolution Acknowledging and Apologizing for the History of Slavery at the University of Alabama.
http://www.ua.edu/academic/facsen/03-04/ResolutionApologizeForSlavery042004.htm. Accessed 17 December 2007.
[38] See Brown University Steering Committee on Slavery and Justice.
http://www.brown.edu/Research/Slavery_Justice/. Accessed 17 December 2007.
[39] See University of Virignia's Board of Visitors Passes Resolution Expressing Regret for Use of Slaves.
http://www.virginia.edu/uvatoday/newsRelease.php?id=1933. Accessed 17 December 2007.
[40] Alfred Brophy, *Reparations: Pro and Con.* Oxford: Oxford University Press, 2006.
[41] Robert Westley; 40 B.C. L. Rev. 429 Boston College Law Review December, 1998

Mr. CONYERS. We now call on the National Cochair of the National Coalition of Blacks for Reparations in America. The acronym is N'COBRA. We have here Ms. Kibibi Tyehimba. She and her organization are longtime friends of many of the Members of the Committee. In her capacity as cochair, she educates, organizes, mobilizes around freedom, justice, equality, and self-determination for the descendents of African slaves. N'COBRA has been active across the years in securing support and understanding for reparations and for the study of reparations. We are delighted to welcome her to the Committee at this time.

TESTIMONY OF KIBIBI TYEHIMBA, NATIONAL CO-CHAIR, NATIONAL COALITION OF BLACKS FOR REPARATIONS IN AMERICA (N'COBRA)

Ms. TYEHIMBA. Thank you, Congressman. Thank you very much to the entire Committee.

I am here to represent the grassroots perspective. Today, I would like to pay homage to my African ancestors and give them voice for the millions who perished during the so-called "trans-Atlantic Slave Trade" and who suffered untold atrocities during the American era of enslavement. Were it not for their sacrifices, were it not for their strength and perseverance, we would not be here today nor would Americans be able to enjoy the standard of living for which this country is known.

For 246 years, the U.S. Government and prior colonies participated in one of the greatest holocausts—and by "holocaust," I mean a monstrous loss of life—the greatest holocaust in American history, the holocaust of enslavement, for which a system of enslavement like no other in this world resulted in the loss of millions of African people who perished and of millions of others who endured every imaginable horror ever inflicted upon a group of people mainly because of their race. The U.S. and the prior colonies sanctioned this atrocity with its Constitution and enforced it with covert and overt violence, a genocidal process that has destroyed millions of Africans, and in many respects is still with us today.

Africans produced major consumer goods and services and provided the stimulus for shipbuilding, banking and insurance in both the United States and in England. Yet in 1865, the Federal Government freed 4 million Blacks—in January no less—and that has kept African descendents locked in a vicious cycle of poverty that still exists with us.

We strongly believe that the establishment of a commission would address injury areas that were suffered by enslaved Africans, which include peoplehood and nationhood, which is a look at the destruction of African people's culture and the infringement of the larger culture on African people. It was also the denial of rights and the resources necessary to be self-determining.

Examples of that are the Black townships across this country that were destroyed, such as Greenwood, Oklahoma; Redwood, Florida; and Wilmington, North Carolina. These townships were destroyed because of the surrounding White communities' jealousy and need to suppress models that refuted their claims of White superiority. The injury included education. We were denied the right to be educated. Anyone who attempted to educate us was also pun-

ished, and we still see today that there are separate and still unequal systems that provide an inferior education to Black people.

In the area of crime and punishment, there are still dual systems that exist where Black people are penalized more harshly than Caucasians for the same conduct. We all know very well of the disparities in terms of wealth and poverty. I need not go into that. In the area of health, Blacks are still dying at higher rates than Whites for the same illnesses and when they exhibit similar symptoms. These are all things that must be considered.

In keeping with domestic and international law, reparation is about human freedom, human justice and the value that this society places on human life in the past as well as in the present and future. African life must be viewed equally as other life because other groups attain reparations both inside and outside the United States, and which the United States still supports, such as the Jewish victims of the Holocaust, the Japanese Americans who were interned during the Second World War, and Alaska natives for land, labor and resources that were taken. These are all examples of reparations that have been paid, and we should not focus on whether a check goes to African descendents, because reparations go much farther than that. If we consider changing the systems and institutions, as an example, that still remain with us and that keep these dual systems going, that in and of itself would address some of the issues that are our concern.

As to Congressman Cohen, who is addressing the issue of apology, an apology, in and of itself, we view as an opportunity to sidestep the severity of the crimes that were committed, and if it does not come with an understanding that some reciprocity needs to be made, some way of paying the victims for the atrocities that have been inflicted upon them, then it is disingenuous. We agree that there is no amount of money that can be sufficient to cover the loss of lives, but we believe also that we have a solemn responsibility to say what is rightfully ours and to keep up this fight no matter what. We understand and we believe very strongly that there must be a multigenerational, equitable remedy that improves the lives of African Americans for future generations.

We firmly believe that the passage of H.R. 40 will facilitate this national dialogue that we have been discussing here today, and it will demonstrate slavery's link to current social, health, economic, and political issues that are pertinent to African descendents. We believe very strongly that it will acknowledge this mass of human suffering and the tragic plight of millions of African descendents—men, women and children who were lost. This is absolutely critical, because presently the average history book in our schools includes two paragraphs, no more than that, and usually ridiculous photographs of darkies appearing like they are enjoying themselves while they are enslaved. This has got to be addressed.

The passage of H.R. 40 and the establishment of the commission will also allow U.S. residents to make peace with a significant part of this country's shameful past and end the intergenerational trauma that it has caused. It will continue to come up until we address it thoroughly. This is about getting out the truth. This will also allow the United States to show that it is committed to peace and

justice and the same human rights standards for which we attempt to hold other nations around the world accountable.

We firmly believe that H.R. 40 should be passed, and we urge the entire Committee to come on as cosponsors of this bill and assist us in doing whatever is possible to move this forward to a complete vote and acceptance.

Thank you.

Mr. CONYERS. Thank you very much.

[The prepared statement of Ms. Tyehimba follows:]

PREPARED STATEMENT OF KIBIBI TYEHIMBA

I. INTRODUCTION

I am Kibibi Tyehimba, Co-Chair of the National Coalition of Blacks for Reparations in America (N'COBRA). I appreciate the opportunity to testify before members of the Congress during its briefing on the Legacy of the Trans-Atlantic Slave Trade, as this hearing is critical to understanding the importance of House Resolution 40. Today I pay homage to my African ancestors, and give voice to the millions who perished during the so-called Trans-Atlantic slave trade, and who suffered untold atrocities during the American era of enslavement. Were it not for their strength, and perseverance we would not be here, nor would Americans be able to enjoy the standard of living for which this country is known.

At the request of Dr. Imari Obadele, the founding meeting for N'COBRA was convened on September 26, 1987 here in Washington, DC, for the purpose of broadening the base of support for the long-standing reparations movement. This meeting took place following the introduction of legislation seeking reparations for Japanese Americans interned during World War II.

> "The mission of the National Coalition of Blacks for Reparations in America (N'COBRA) is to win full Reparations for Black African Descendants residing in the United States and its territories for the genocidal war against Africans that created the TransAtlantic Slave "Trade," Chattel Slavery, Jim Crow and Chattel Slavery's continuing vestiges (the Maafa). To that end, N'COBRA shall organize and mobilize all strata of these Black communities into an effective mass-based reparations movement. N'COBRA shall also serve as a coordinating body for the reparations effort in the United States. Further, through its leadership role in the reparations movement within the United States and its territories, N'COBRA recognizes reparations is a just demand for all African peoples and shall join with others in building the international reparations movement."

N'COBRA's primary objective, which it met, was to make reparations a household word and build support nationally and internationally. As a result, interest in the reparations debate has moved beyond the so-called "fringe" groups to the media, universities; city and state legislatures; church organizations of every denomination; and civic associations with members from various socio-economic, political, racial and ethnic backgrounds. We applaud local and national N'COBRA leaders and members too numerous to mention here today for their personal sacrifices made over these last 20 years.

II. BACKGROUND

For 246 years, the US government and the prior colonies, participated in one of the greatest holocausts of human history, the holocaust of enslavement, during which, millions of African people perished and millions more endured every imaginable and some unimaginable horrors ever inflicted upon a group of people solely because of their group identity and the greed of those who committed these crimes against humanity. The US and the prior colonies sanctioned with its Constitution and enforced with covert and overt violence, the genocidal process that destroyed millions of human lives, human cultures, and the human possibility inherent in African life and culture. Millions of Africans were kidnapped, torn from their homeland, Africa, and their rich cultural heritage. Innocent women, children, and men were brutally maimed, murdered, raped, terrorized and tortured during the middle passage voyage to America. Within American shores, they were denied the right to maintain their language, spiritual practices and normal family relations. New families created during enslavement were constantly under the threat of being torn apart at the whim of the "slave owner." Following the official end of slavery, racist repression continued, which further destroyed lives, and communities. However the

US has yet to acknowledge this horrific destruction or to take steps to make amends for it. Following the official end of slavery, racist repression continued, which further destroyed lives, communities, and possibilities.

While slavery impoverished Africa, and particularly West Africa, it played a crucial role in the development of the modern world economy that is presently dominated by the US. The free labor of enslaved Africans produced major consumer goods and services, and provided the stimulus for shipbuilding, banking, and insurance in both the US and England. Yet after reaping the benefits of free labor, in 1865 the federal government freed 4 million Blacks in January, no less, to wander the countryside, one of the coldest months of the winter, without a dime, with no property, and largely illiterate, leaving few choices for the freed African peoples other than to exist in virtual slavery locked in place by Black Codes, convict lease, peonage, and cleverly crafted share cropping schemes. Jim Crow laws, followed by institutionalized racism, kept African descendants locked in vicious cycles of poverty that are still evident today. Presently dual systems exist in almost every area of life including wealth, poverty, health care, education, employment, and criminal punishment. Hard-won gains, such as Affirmative Action, voting rights, the right to equal education, and equal protection under the law, are being rolled back, and the victims of generations' old racism and discrimination are being blamed for their own oppression.

III. THE INJURIES OF SLAVERY DEFINED

Informed, honest historians and social scientists acknowledge the lingering affects of slavery on present day African American life. Accordingly, in 1996 and 1997, the N'COBRA Legal Strategies Commission, chaired by Adjoa A. Aiyetoro, set out to develop an approach to reparations litigation. The commission's work led to the identification and documentation of five distinct injury areas suffered by African people during and after enslavement. The injury areas include:

- **Peoplehood/Nationhood**—The destruction of African peoples' culture, and the infringement of the larger culture upon Black people of African descent in the United States and the prior colonies. Jim Crow and ongoing discrimination have resulted in a denial of our right to openly express our culture, appropriation of our culture, and denial of the right and resources necessary to be a self-determining people. Throughout this country's history African Descendants' efforts to be self-determining have been met with violence and destruction, as evidenced by the untold numbers of Black townships, such as Greenwood, Oklahoma; Redwood, Florida; and Wilmington, North Carolina—townships ultimately destroyed because of the surrounding white community's jealousy and need to suppress models that refuted their claims of white superiority.
- **Education**—The denial of our right to an education started in slavery with criminal sanctions imposed on our enslaved ancestors who learned, and anyone who taught them to read or write. Maintenance of dual, separate but unequal systems from slavery to the present provided an inferior education in schools with predominantly Black students of African ancestry. Federal funds were often provided schools despite this dual education system—one predominantly Caucasian and the other for predominantly Black students of African ancestry.
- **Criminal Punishment**—The enslavement of African peoples necessitated the development of a dual punishment system that continues to exist in the U.S. This dual system punishes Black people of African descent more harshly than Caucasians for the same conduct. Examples of the dual system were found from the period of enslavement through the Jim Crow era. The ongoing discrimination is most vividly evident with the continuation of disparate punishments for crack and powder cocaine (Black people of African ancestry are more frequently charged with possession of crack and certified to the federal system where a Caucasian person would have to possess 100 times more powder cocaine than crack cocaine to receive the same punishment. The result has been a disproportionately higher number of Black people of African descent being incarcerated for violation of the drug laws). In addition, Black people of African descent are subjected to racial profiling and the disparate imposition of the death penalty where Black men are more likely to be charged and convicted of a capital offense than a similarly situated Caucasian and particularly for killing a Caucasian.
- **Wealth/poverty**—The wealth gap between Black people of African descent and Caucasians created during the enslavement of African peoples has been

sustained; confiscation of land and other forms of wealth continue up to present day. Black people of African descent were forced into poverty through enslavement, Jim Crow and continuing discrimination in employment, housing and other economic areas.

- **Health**—The focus is on physical and mental health. Health knowledge of enslaved Africans was appropriated and enslaved Africans functioned as non-paid health care providers for others; the use of Black people of African descent as subjects for tortuous health experiments (Tuskegee Syphilis Study) and the denial of quality health care during and post-slavery. The health injury area also includes the continuing discrimination in the provision of health care, including the disproportionately higher rate of closures of hospitals serving Black communities; lack of access to health insurance to provide affordable access to health care; the failure to validate health care protocols for Black people of African descent; and the failure to provide the appropriate medical treatment for critical health care symptoms which have resulted in higher rates of death for Black people of African descent compared to Caucasians exhibiting these symptoms. Finally, this injury area includes an examination of post-slavery stress syndrome, a developing area of investigation by Black mental health professionals of African descent.

IV. MORAL AND LEGAL JUSTIFICATION FOR REPARATIONS

The struggle for reparations for the Holocaust of Enslavement of African people is about fundamental issues of human freedom, human justice and the value we place on human life in the past as well as in the present and future. After 246 years of enslavement—the greatest atrocity in American history; 100 years of Jim Crow; and the ongoing affects of racial discrimination, African descendants efforts to obtain reparations are morally just, as African life is equally of value, as are the lives of other groups that have obtained reparations both inside and outside the US and whose causes the US has supported and continues to support, including Jewish victims of the Nazi Holocaust, Japanese Americans interned in WWII US concentration camps, Alaska Natives for land, labor, and resources taken, Native Americans for violations of treaty rights, political dissenters and their descendants in Argentina, and to Colombia for excising the territory of Panama for the purpose of building the Panama Canal. With such precedents of reparations to primarily non-Black peoples, it would be sheer racism for the US to continue ignoring this brutal era in American history, and the African descendant morally just claim for Reparations.

In keeping with the principles of both international human rights law and domestic law, and with a clear understanding of the factual and moral justification for our claim, we seek remedy for damages from the US government, as the dehumanization and atrocities of slavery were not isolated occurrences. Rather they were mandated by formal laws codified and even enshrined within the U.S. Constitution. The role of the federal government in supporting the institution of slavery and subsequent discrimination directed against the descendants of formerly enslaved Africans must be formally acknowledged and redressed.

V. N'COBRA OUTREACH TO GATHER AND REPORT THE WILL OF THE PEOPLE

Passing H.R. 40 is an important first step that could lead to a substantive dialogue throughout the nation on chattel slavery in the U.S. and Jim Crow and the continuing harm suffered by Black people of African descent and ways to remedy it.

Since 1990, N'COBRA has hosted annual conferences around the country to provide an opportunity for African descendants to learn about the reparations movement, to voice their opinions about reparations and the components of an equitable reparations settlement:

- While there is agreement that we can never place a price on our suffering and pain or wash away the blood of our ancestors shed at the hands of their enslavers, we have a solemn responsibility to seek what is rightfully due us, in keeping with domestic and international law, in order to heal, repair and restore our people.
- There is agreement that reparations should be multi-generational, as the affects of 246 years of slavery and 100 years of Jim Crow cannot be erased in a generation.
- Reparations should improve the lives of African descendents in the US for future generations to come; foster complete economic, social and political parity; and allow for full rights of self-determination.

- There are mixed feelings about the significance of an apology. The recent wave of "statements of profound regret" which fall short of apology, are seen as an effort to sidestep the severity of the crimes committed and the responsibility of the perpetrators to make amends. A true apology cannot be conditional, e.g., "I regret the crime, but there can be no further discussion of reparations." Apology alone is disingenuous, as it requires full acknowledgement of the conduct that caused the injuries, and requires material reparations to compensate the injured parties.
- Most agree that the evidence substantiating the African descendant claim for Reparations has already been sufficiently documented. However, there has generally been a willingness to support HR 40, though there are varying opinions about what should be included in an equitable remedy. African descendants continue to lobby for the passage of HR40, assuming it will set the stage for:
  - National Public Dialogue about the era of Enslavement in the U.S. and the prior colonies;
  - Public Admission of the crimes committed;
  - Public Apology for the commission of the crimes;
  - Public Recognition through institutionalization and education, i.e., national and local monuments, media programming and development of appropriate curriculum throughout public schools and university systems to remind and teach the meaning of this horrendous human loss and destruction not only to African people, but to the country and the world;
  - Compensation awarded in as many forms as necessary to equitably address the many forms of injury caused by chattel slavery and its continuing vestiges including changes in or elimination of laws and practices that allow African descendants to be treated differently than White people; monetary compensation, land, repatriation; release of political prisoners wrongfully incarcerated during the COINTELPRO era of the 60s and 70s, an end to racial profiling and discrimination in the provision of health care and access to affordable housing, providing scholarship and community development funds for Black people of African descent, and supporting processes of self determination;
  - Establishment of structures and processes to prevent reoccurrence of such massive destruction of human life, human culture and human possibility.

VI. HR 40 AND THE LEGISLATIVE AND LEGAL WORK OF N'COBRA

First of all, we acknowledge N'COBRA member Reparations Ray Jenkins of Detroit, MI who successfully lobbied Congressman John Conyers to introduce the H.R. 40 in 1989, and all our members who have lobbied for its passage.

N'COBRA has supported legislative strategies and initiatives, such as H.R. 40, the Reparations Study Bill at each congressional session since 1989. N'COBRA played a leading role in encouraging and supporting Congressman Conyers in developing and introducing H.R. 40. N'COBRA's Commission on Legislative Strategies was formed in 2000, under the leadership of Ms. Nkechi Taifa, who as Chair until 2005, trained activists to effectively lobby Members of the House of Representatives to sign on as co-sponsors of HR40. Of particular note are the N'COBRA "A Year of Black Presence (AYBP) lobbyists, under the leadership of Philadelphia N'COBRA member Mr. Milton McGriff. In 2003 over 500 AYBP lobbyists from Pennsylvania, New York, New Jersey, Virginia, and Washington DC sought Congressional members' co-sponsorship of HR 40.

We acknowledge the 37 year history of QM Dorothy Benton Lewis for her consistent fight for reparations at the city, state, federal and international level, and her willingness to speak forcefully to this issue in any environment. We thank her for her leadership inside and outside of N'COBRA and for being and remaining on the battlefield when there were few in the room, until now when over 80% of African descendants support our claim for reparations. Her representation of this important discussion in the national media was critical to the forward flow of the Reparations movement. We also acknowledge the work of Reparations activists and supporters who circulated petitions and surveys informing and gauging levels of support; held forums and town hall meetings to keep H.R. 40 before the public; addressed groups of all sizes; and successfully lobbied for HR40 companion legislation in cities and states across the country. To date, 28 cities have adopted resolutions supporting passage of HR 40; 8 cities have adopted Slavery Disclosure Ordinances requiring corporations who participated in and profited from the enslavement of African peoples to disclose their or their predecessors' history in order to be eligible

for that city's contracts; 4 states have issued statements of profound regret for their participation in the enslavement of African people; 2 states have adopted resolutions supporting passage of HR40, and one state, Florida, found the courage to admit to and pay reparations to the victims and descendants of the massacre of the Black township of Rosewood. Lobbying efforts also extended to community based, civic, and church organizations that in turn adopted resolutions supporting reparations and the passage of HR 40. More recent passage of Slavery Disclosure Ordinances is providing evidence that present day corporations' wealth is directly linked to the "free labor" of enslaved Africans. In light of the pivotal role of boycotts during the Anti-Apartheid movement, N'COBRA members and supporters are also organizing and participating in boycotts against Wachovia Corporation and Aetna Insurance for their participation in and profiting from the enslavement of African peoples in the US and prior colonies. We acknowledge the Philadelphia N'COBRA Wachovia Divestment Committee, under the leadership of Minister Ari Merretezon, and Ms. Pat Swailes, who lead the charge for Blacks in Government (BIG).

VII. RECOMMENDATION

N'COBRA strongly recommends passage of HR 40 to establish a commission to examine the institution of slavery, the impact of these forces on living African-Americans, and to make recommendations to the Congress on appropriate remedies. The passage of HR 40 will:

- Facilitate a national dialog about an era in US history that has largely been ignored or down-played.
- Demonstrate the link between chattel slavery and the current social, health, economic and political status of African descendants and therefore destroy the myth of White Supremacy.
- Recognize the link between chattel slavery and present day race relations, and enable the amelioration of racial discrimination in America.
- Acknowledge the massive human suffering and the tragic plight of millions of African descendant men, women and children during slavery to demonstrate the sacredness of African life, specifically, and all human life in general.
- Allow United States' residents to make peace with a significant part of this country's shameful past, and end the intergenerational trauma of its current effects.
- Demonstrate to the world, the United States' commitment to peace and justice, and the same human rights standards to which it seeks to hold other nations.

VIII. CONCLUSION

On behalf of the National Coalition of Blacks for Reparations In America (N'COBRA) I thank the Chair of the Judiciary Committee, Congressman John Conyers, and the Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Congressman Jerrold Nadler, and every Member present here today for this opportunity to provide the grassroots perspective. N'COBRA recognizes that the passage of this bill is important to obtaining reparations and remains committed to this process although Congress has not yet favorably acted upon it. N'COBRA strongly urges the committee to support passage of HR 40.

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Mr. CONYERS. Our third witness, Attorney Roger Clegg, is no stranger to the Committee. He is president and general counsel of the Center for Equal Opportunity, which is the Nation's only conservative think tank devoted to issues of race and ethnicity, promoting a color-blind society. Mr. Clegg is the former Deputy Assistant Attorney General in two different administrations, and he holds the second highest position in both the Civil Rights Division and in the Environment and Natural Resources Division. He has testified before this Committee, and we are always happy to see him here.

Welcome.

TESTIMONY OF ROGER CLEGG, PRESIDENT AND GENERAL COUNSEL, CENTER FOR EQUAL OPPORTUNITY

Mr. CLEGG. Thank you very much, Chairman Conyers, for that kind introduction. I am delighted to be here. The motto of the United States is *"E pluribus unum"*—out of many, one. And what I want to talk about today is that principle and why H.R. 40 is inconsistent with it.

America is increasingly a multi-racial, multi-ethnic society. And that is true not only in the aggregate, but also for individual Americans. More and more, Americans can trace their ancestry through a wide variety of racial and ethnic lines.

Just about every racial or ethnic group in the United States can point to hardships that it has undergone. Just about every individual in the United States can point to an ancestor or many ancestors who have endured great hardships. I don't think that it will heal or unite this country for one group to be singled out as deserving of special recompense because of the hardships that its ancestors faced. I don't mean to equate the inhumanity of slavery with the hardships that other groups underwent. Slavery, obviously, was unique. But on the other hand, what was suffered by Native Americans in this country was often quite brutal. The interning of Japanese Americans was quite brutal. Latinos have often undergone very similar discrimination to what was undergone by African Americans. Anti-Semitism in this country has existed. Discrimination against Italians and Irish and others have existed as well.

I don't believe that there is a reluctance on the part of the American people to acknowledge the horrors of slavery. I keep hearing that, but I don't understand what that statement is based on. I think that you read any textbook in the United States, you talk to any American, they acknowledge, as any sane person has to, the horrors of slavery. There is no shortage of historical scholarship on this. And that scholarship is going to continue.

To suggest that a commission made up of seven experts can be paid $8 million and, in 1 year, come up with a definitive answer to the question of what slavery has meant to the United States, what it has done to African Americans, what the continuing effects are, is, I think, ludicrous. That is too short a time. It is too com-

plicated an issue. It is very difficult to figure out, it is impossible to figure out, how much of the disparities that African Americans suffer today is traceable to slavery and how much is traceable to other factors.

I will just give one example. The principal hurdle facing African Americans today is the fact that seven out of 10 African Americans are born out of wedlock. Just about any social problem that you can name— crime, drugs, dropping out of school, doing poorly in school and so forth—has a strong correlation with growing up in a home without a father. And it is very hard to argue that this problem is traceable to slavery or to Jim Crow, since illegitimacy rates in the African American community began to skyrocket just at about the time that Jim Crow was starting to crumble.

Even if we could figure out what percentage of current inequities are traceable to slavery, I don't think that it would make any sense to pay compensation to individuals on that basis.

For starters, there are very difficult logistical problems in figuring out to whom a check is going to be paid. Are you going to require people to prove slave ancestry? How are you going to do that? If you just assume that anybody who is a particular color is eligible, that creates constitutional problems and will create other inequities. And of course, there are going to be problems with just taking people at their word if the Federal Government is writing out checks to anybody who says that they think they have a slave ancestor.

But more fundamentally, what does it matter whether poverty is traceable to a particular historical wrong when we are trying to decide what to do about it for an individual. In other words, suppose that you have two children. One could show somehow that the reason he was poor was because of the discrimination that ancestors in his family faced. The other child is poor for no reason except that his mother and father just immigrated to this country from a poverty-stricken homeland. Is the government supposed to say, well, we view the first child's poverty as a problem of Federal concern, but not the second child's? I don't think that that would make any sense. I don't think that anybody on this Committee would think that that would make sense. There is no reason why eligibility for a social program ought to hinge on whether a citizen can trace his need for the program to this or that historical cause.

If we were to make a social program available to those of one race and not to others, there would also be serious constitutional problems. And I think that that is something that this Committee in particular needs to address. Presumably, the justification for the program would be remedial, but the Supreme Court has rejected general claims of societal discrimination as not sufficiently compelling to justify racial classifications.

Finally, on the issue of an apology, here again, I don't understand the claim that an apology is going to help heal these wounds. I don't think frankly that that is the intent. I think that the focus of these apologies, the focus of this whole bill, is not to heal wounds, were you to keep those wounds open, to keep grievance alive, to keep some Americans on the hook so that they will be required to make amends for things that people in our past did who happen to be the same color as those Americans are today.

In conclusion, Mr. Chairman, a great strength of America and Americans is that we are a forward looking people. This is a very backwards-looking bill. I think that what Americans need to do is to look at the social problems that we have in this country—that may disproportionately affect those of certain racial and ethnic backgrounds but are not limited to them—and figure out what we can do to help individuals who face those social problems. But when we figure out what those steps are, those programs should be available to all Americans regardless of their skin color, regardless of their ancestry, regardless of what the historical cause might have been for why they find themselves in the needful situation that they are in.

It is this approach that is consistent with the principle of *E pluribus unum*, it is this approach that is required by the principle of nondiscrimination and equal protection. Thank you very much, Mr. Chairman.

Mr. CONYERS. We appreciate your testimony.

[The prepared statement of Roger Clegg follows:]

PREPARED STATEMENT OF ROGER CLEGG

Thank you very much, Mr. Chairman, for the opportunity to testify today. My name is Roger Clegg, and I am president and general counsel of the Center for Equal Opportunity, a nonprofit research and educational organization that is based in Falls Church, Virginia. Our chairman is Linda Chavez, and our focus is on public policy issues that involve race and ethnicity, such as civil rights, bilingual education, and immigration and assimilation. I should also note that I was a deputy in the U.S. Department of Justice's Civil Rights Division for four years, from 1987 to 1991.

OVERVIEW

The discussion today of the legacy of the trans-Atlantic slave trade is intended, I presume, to help lay the groundwork for favorable consideration of H.R. 40, the "Commission to Study Reparation Proposals for African-Americans Act." And the enterprise that H.R. 40 would have us embark on, in turn, is as follows: First, a commission would determine what effects slavery and post-slavery discrimination had on African Americans and what "lingering negative effects" it continues to have on them; and then, second, it would suggest possible remedies for those effects. The two remedies that are explicitly mentioned are an apology and some form of compensation.

There are any number of problems with this enterprise, and I would like briefly to discuss some of them in my testimony today. (Some of the points I will make are also expressed, often in more detail, in a dialogue I have written on this topic, a version of which was published in Engage magazine, and which I have included as an appendix to my testimony; I've also included an op-ed I wrote on a recent Chicago ordinance requiring city contractors to document any slavery-related business in the antebellum era.)

THIS IS AN UNNECESSARY AND HOPELESS TASK FOR SUCH A GOVERNMENT COMMISSION

First, this research project is ill-suited for a government commission. H.R. 40 says that "sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States." I am not sure what that statement is based on, and I am not a professional historian. But as a lay reader and a civil rights lawyer, it seems to me that there is no shortage of books and articles about slavery, and discrimination, and the problems facing the African American community today, and the way all these intersect. I am not declaring that there has been "sufficient inquiry"; just that there has been a great deal and that it continues—and that, given the intrinsic interest of these topics, especially among those in the academy, it will likely continue for the foreseeable future.

What I would declare, moreover, is that this inquiry will never end, and it will be a long time before anyone would presume to call the inquiry "sufficient." Few historical inquiries ever are: There is always some new angle to explore. Further, the conclusions that historians will draw will always be incomplete, imperfect, and

challenged by contemporary and future historians. That is the nature of historical scholarship, especially for issues as complex as this one.

H.R. 40 suggests, on the other hand, that something like a definitive answer will be possible if the government takes $8 million, hires seven "especially qualified" people, and gives them a year to figure it all out. This is, of course, absurd.

No one will dispute that slavery and Jim Crow were horrible and inhumane; no one will dispute that discrimination still exists, though only a delusional person would deny that America has made radical, dramatic, inspiring progress in the last 40 years—that its society has truly been transformed in an astonishingly short period of time. But it is impossible to say how much of the present is the result of one particular kind of event in the past. Only someone very arrogant or very foolish would make such a pronouncement.

Let me give just one example. The principal hurdle facing the African American community today is the fact that 7 out of 10 African Americans are born out of wedlock. Just about any social problem you can name—crime, drugs, dropping out of school, doing poorly in school, and so forth—has a strong correlation with growing up in a home without a father. And it is very hard to argue that this problem is traceable to slavery or Jim Crow, since illegitimacy rates started to skyrocket in the African American community just at the time that Jim Crow was starting to crumble.

Given that, how can anyone say with any confidence that such-and-such amount of such-and-such a social problem facing African Americans must be due to slavery? It cannot be done.

RACE-BASED COMPENSATION WOULD BE BOTH ILLOGICAL AND UNCONSTITUTIONAL

But let's suppose that, nonetheless, the commission decides that it can be done. Let's suppose that this commission says, "Forty-six percent of the poverty in the African American community today can be traced to slavery and discrimination, forty-five percent is caused by illegitimacy, and the remaining nine percent is just bad luck," or some such silly thing. Or let's suppose that it says something less silly, but so obvious that it does not take a government commission to figure it out—something like, "To some significant extent, the disproportionate amount of poverty facing the African American community today can be traced to slavery and the discrimination its members faced."

Would it follow that some sort of "compensation"—one of the two remedies H.R. 40 explicitly asks the commission to consider—ought to be paid to African Americans? No. It certainly wouldn't make sense to pay compensation to African Americans who are not living in poverty. It wouldn't make sense to pay compensation to African Americans who are living in poverty if that poverty was not caused by slavery and Jim Crow—to give an obvious example, to African Americans who just immigrated here. Yet requiring a particular person to prove his slave ancestry leads to many problems (as discussed in Appendix A); presuming slave ancestry because of a person's appearance raises many problems, too; and there are problems with simply taking people at their word as well.

Also, why should an African American who could trace his poverty to slavery be entitled to compensation over, say, a poor American Indian who could not but could trace it to some other historical wrong (in this case, say, a broken treaty)? Or a poor Latino or a poor Asian or even a poor white? Any of them might be able to trace his poverty to some historical wrong.

But most fundamentally, why does it matter whether the poverty is traceable to a historical wrong? Suppose you have two children. One could show somehow that the reason he was poor was because of the discrimination his family suffered. The other child is poor for no reason except his mother and father just immigrated to this country from a poverty-stricken homeland. Is the government supposed to say, "We view the first child's poverty as a problem of federal concern, but not the second child's"?

Of course not. There is no reason why eligibility for a social program ought to hinge on whether a citizen can trace his need for the program to this or that historical cause.

If we design social programs to help disadvantaged people, and if disadvantaged people are disproportionately African American because of the discrimination that they have disproportionately suffered, then African Americans disproportionately will be eligible for those programs. And, indeed, that is the case today. More than that makes no sense. And if the commission simply recommends more social programs that are not race-based, then it is even harder to see why its historical focus should be on one particular subset of one particular racial group.

If, finally, we were to make a social program available to those of one race and not to others, there would be serious constitutional problems. Presumably the justification for the program would be remedial, but the Supreme Court has—quite rightly—rejected general claims of societal discrimination as not sufficiently compelling to justify racial classifications.

AN APOLOGY WOULD MAKE NO SENSE EITHER

As for an apology, the second possible remedy listed by H.R. 40: The bill asks "Whether the Government of the United States should offer a formal apology on behalf of the people of the United States for the perpetuation of gross human rights violations on African slaves and their descendants."

This is, at best, an odd apology. What would really be appropriate, of course, is for the slave-traders and the slave-masters to apologize to the slaves—but all these folks have long since passed on to their just rewards.

So instead we have the U.S. government (which actually ended slavery, at the cost of much blood and treasure) apologizing on behalf of today's American people (none of whom ever owned slaves, and most of whom never had ancestors who did, either) to ... whom? The bill does not say. Maybe the idea is just to apologize to ourselves, but that seems rather strange. Presumably the idea is to apologize to living African Americans. But these African Americans are not slaves; many are descended from slaves, but many are not; many of the former—maybe most now—are descended from both slaves and slave-owners.

Mr. Chairman, I cannot resist pointing out that, if there is anyone in the United States today from whom an apology for slavery and Jim Crow would be appropriate, it would be, not the U.S. government, and certainly not the American people—but the Democratic Party. It, after all, was historically the party of slavery, secession, and segregation.

But let's be honest: Inevitably, such apologies are intended and interpreted as whites apologizing to blacks for slavery. (I wonder what Asians and Latinos, as well as American Indians, think of this theater?) But no white today is or ever was a slaveholder; no black today is or ever was a slave. What's the point of one apologizing to the other?

Everyone has an ancestor who was wronged by someone else's ancestor; there is no point in trying to find a thread for each present-day misfortune in an individual's life that can be followed back through the decades to a particular misdeed; and anyone's poverty today likely has many causes—some old, some recent, some other people's fault, some one's own. Nobody nowadays thinks slavery was anything but an abomination; nobody learns anything from this charade.

We are told that these apologies will help to bring closure, help enable us to move on. Nonsense—and that is not their intent, at least for many people. The idea is to reopen wounds, to keep grievance alive, to keep white people on the hook. An obsession with past wrongs, to the extent that present opportunity and future promise are ignored or slighted, is a bad thing.

A great strength of Americans is that we are forward looking. The trouble with slavery apologies is that they are designed to make whites feel guilty and to urge blacks to think of themselves as victims. Neither emotion is valid in these closing days of the year 2007; both are bad for race relations. In particular, the last thing an African American needs in 2007 is an excuse to fail. As individual white people will go about their business—and Latinos and Asians and Arab Americans and American Indians—individual black people will be left with the same choice they've had for years: embrace self-reliance and responsibility, or fail and blame it on others.

CONCLUSION

All of this is true not just for the apology issue but also for the entire enterprise that H.R. 40 would embark on: That is, it would accomplish nothing and would cost much. And I don't mean monetary costs, but social costs: Specifically, the poisonous effect it would have a racial relations, and the pernicious message it would send, in particular, to those in the African American community, that their focus should be on what was done to them in the past, rather than the opportunities they have now.

Thank you again, Mr. Chairman, for the opportunity to testify today. I would be happy to try to answer any questions the Subcommittee may have for me.

Appendix A:

A Dialogue on Reparations

by Roger Clegg (adapted from his Engage *magazine article, May 2003)*

A. Should African Americans be paid reparations for slavery?

B. The short answer is no, but first let's unpack that question. Do you mean only for slavery?--because most reparations advocates also think that reparations are appropriate for post-slavery discrimination.

A. Oh, yes. That should be included, too.

B. But in that case, why limit it to blacks? Other groups have been discriminated against as well.

A. But not as much, wouldn't you agree?

B. I suppose, although you could make a case that the treatment of American Indians has been pretty bad. And Japanese Americans were the only ones actually interned.

A. That's true; those are the two others that are especially bad. But the existence of treaties and reservations makes it possible to consider American Indians separately, and of course the Japanese Americans who were interned already have received reparations.

B. Fair enough. You would concede that other groups have been discriminated against, too, obviously, but your point is that they didn't suffer under an actual Jim Crow system?

A. Correct.

B. But Latino advocates would argue that there has been school and housing segregation, ethnic gerrymandering, and employment discrimination against them. So might Asian advocates. It is certainly defensible to draw a line between blacks and everyone else. But I want to make the point that if you open the door to reparations for blacks for non-slavery discrimination, then others will try to come through that door.

A. Well, what if we limit it to reparations just for slavery, then?

B. This will complicate matters considerably. For instance, it then becomes important that only those with slave ancestors be compensated. Blacks who immigrated after the 13th Amendment (December 6, 1865) cannot really claim to have been victims of slavery, nor can their descendants, nor can the descendants of black freemen.

A. But aren't the vast majority of African Americans descendants of slaves?

B. Good question. I don't know. You would agree that the higher the percentage who aren't, the more problematic reparations for all African Americans is, right?

A. Yes, but you would agree that if the percentage is high enough, the assumption that all blacks qualify is a reasonable one?

B. Reasonable, yes, although not so compelling and narrowly tailored—as the lawyers put it—to pass strict scrutiny. Let me also ask you this. How will we prove who is an African American? That is, if someone claims his or her share of reparations, how will you determine if they are in fact an African American.

A. Won't just looking at the person be good enough in most cases?

B. It depends on how honest you think people are. If you start handing out $50,000 checks for anyone who claims to be an African American, and you take everyone at his word, I predict you will have some problems with false claims. To put it mildly.

A. Let's have a two-part test. If you can tell the person is black just by looking at them, that's good enough. If not, then the person has to provide some additional proof.

B. So let me get this straight. You'll have a line of people, and some government bureaucrat will size each one up. He'll judge how dark their skin is—maybe by holding up a paper grocery bag next to it—how kinky or nappy their hair is, the shape of their noses and lips, that sort of thing? And the ones that are judged to be black will get their check?

A. I guess that's about right.

B. Yuck. And the ones who aren't judged to be black, even though they assert they are, will then have to prove it in some way. DNA tests? Genealogical records? Sworn affidavits?

A. Something like that.

B. Yuck again. And, as I pointed out earlier, that will be more difficult if you have to show that you are a slave's descendant. Anyway, will the government be using a one-drop rule? That is, do you get your check even if you have only one African American ancestor, as opposed to being, say, at least half African American?

A. I don't see any alternative. And probably a person and his or her ancestors will have suffered a fair amount of discrimination under the one-drop rule.

B. All right. I agree that it would be an even bigger mess if you had to trace back not just to one ancestor but to several. By the way, how are you going to define African American?

A. Someone whose ancestors came from Africa.

B. But it can't be just anywhere in Africa, right? I mean, white South Africans won't do, nor would North African Arabs, right? Back to my line example, suppose one of the people standing in line admits that he doesn't "look black," but says that's just because his African ancestors were Afrikaner or Egyptian or Moroccan. And what if he can prove it?

A. Well, I can see that it would be a problem if we had to prove immigration from a specific country. Maybe the DNA people can help us out.

B. Maybe. But there's a certain irony here, since generally those supporting reparations also believe that race is a social construct without any true basis in biological science.

A. Look, I see your point, but many reparations advocates make clear that they aren't proposing that individual checks be cut. Instead, they want social programs put in place as the reparations. So you aren't going to have this problem of whites claiming to be blacks.

B. Granted, there will be less fraud if what you're offering in a place in a special school or job training facility rather than a $50,000 check.

A. A lot less. The payoff is less, and the whites who might otherwise be interested are going to be poor or working class, and they aren't going to want to label themselves black before the whole world. Their friends will see them going to the school or whatever, and will say, "Oh, I see you've got some plantation blood." They won't like that.

B. Maybe, although you're doing some stereotyping yourself here. Plus, it's a fair question why a poor or working class white—whose ancestors probably suffered some, too, one way or another—shouldn't be eligible for the programs anyhow. But that brings us to the basic question: Should society pay reparations to all blacks, and only to blacks?

A. The discrimination suffered by African Americans was especially cruel, and so special compensation is required.

B. Well, that doesn't make sense. The special cruelty isn't present now, and wasn't suffered by most blacks living now. The median age of African Americans is about 30, which means a birth-date after the end of the Jim Crow era. So it can't be the special cruelty. It must be that the economic impact was especially severe and long-lasting.

A. Whatever.

B. But if it's the economic impact that matters, why does it matter what its origins were? I mean, you have one child whose grandfather was lynched, and another child whose grandparents were drowned when their boat sank in the South China Sea. Both live in poverty. Why do we make some programs available to one but not to the other?

A. America didn't sink the boat. But it did the lynching. Remember it is *reparations* we are talking about. Reparations are paid by the wrongdoer to the victim. America is responsible for slavery and Jim Crow discrimination in a way it is not responsible for other calamities that some people have suffered. We *owe* something to blacks, in a way we don't to anyone else.

B. What do you mean "we"? The American people now—its taxpayers, voters, officials, and so forth—are in no way responsible for slavery or Jim Crow discrimination. Even if you say that it was the fault of American federal and state governments and corporations and other non-human entities that were around then and are around now, the reparations are going to have to come out of the pockets of those who *don't* owe African Americans for exploitation, because they weren't around when the exploitation happened.

A. But they still enjoy the profits from that exploitation.

B. Let's talk about that. If you mean that America as a whole was built on the backs of slave labor—an exaggeration, but I'll concede that certainly slave labor was one kind of labor that helped build America—it is true that we still enjoy the results of slave labor, but then that is no less true for blacks than for whites. That is, slaves may have cleared the farmland that now feeds us, but it feeds us black and white alike.

A. But whites profited more from it than blacks did.

B. Certainly slaveowners profited from it more than slaves did. But you're assuming that the class of 19th century slaveowners and slaves is the same as the class of 21st century whites (really, nonblacks) and blacks. The groups are completely different.

A. You haven't made the argument that slavery actually benefited blacks, because the 21st century descendants of slaves are better off than 21st century blacks still living in Africa.

B. I actually think that's a legitimate argument, if we start playing the game of what Thomas Sowell calls "cosmic justice." That's where the government tries to ascertain how much wealth a person would have if nothing unfair happened to any of one's ancestors. The problem with the game, of course, is that it is impossible to untangle the past. There's no doubt that slavery and discrimination have, in the aggregate, diminished the wealth of African Americans. But so have disproportionately high rates of illegitimacy, and substance abuse, and crime, and a failure to take advantage of the educational, employment, and business opportunities that were available. To be sure, these bad life-decisions were often a result of discrimination, but that only confirms how

impossible it is to say that group X has less wealth than group non-X, and that Y percent of this gap is because of bad things that group non-X did and 100 minus Y percent is due to bad things that X themselves did. It can't be done. But if you do decide to play this game then, yes, I think it is legitimate to point out that, but for slavery, group X would actually have much less wealth than they do now.

Let me also point out that most of the wealth that the nonblacks have was acquired after slavery. Lots of nonblacks—not just Asians and Latinos, but the Irish and Italians, for instance—didn't arrive here until after slavery. And lots of people who did have some wealth in the early 20th century saw it wiped out in the Great Depression. So telling the descendants of these people that they have to pay out a chunk of their wealth in reparations for slavery doesn't make a lot of sense.

Conversely, the blacks who are paid reparations will include many who actually have more money than the average nonblack, and many who are not descendants of slaves—whose ancestors actually immigrated to the United States quite recently—as well as many whose lack of wealth is more their own fault than that of some slaveowner in the distant past.

A. Enough! This is all logic chopping. The fact of the matter is that slavery and Jim Crow discrimination were uniquely grievous wrongs, that they did result in present blacks having less money than they would have if they had been treated decently, and that it is only fair that they be compensated for these wrongs.

B. I think the points I've raised are more fundamental and more valid than mere logic chopping. But even if you think that, after weighing my arguments against yours, there remain some potential benefits to reparations, you also have to weigh the costs.

A. Such as?

B. Reparations will be absolutely poisonous to race relations. They will increase white resentment, and they will increase blacks' victim mentality. Those are the last things we need. As discussed, there are also serious practical problems in deciding who is eligible for the program; other groups will soon demand reparations, too; and I will guarantee you that, once the program is begun, it will never end, and the demands for more and more reparations will only increase over time, and never diminish.

Appendix B:

The Bizarre Campaign To Eliminate "Profiteers of Slavery":

Practical Questions about Chicago Ordinance Are Overwhelming

by Roger Clegg (from Human Events, *January 12, 2003)*

Last fall, according to its *Tribune*, Chicago "became the first major city in the nation" to pass a "groundbreaking ordinance requiring all businesses vying for city contracts to search their records and disclose whether they profited from slavery." Cleveland and New York City are now considering similar laws.

To quote the ordinance itself, any such company "must complete an affidavit verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any slaves or slaveholders described in those records must be disclosed in the affidavit."

The last sentence is straightforward enough, and will be useful for plaintiffs' lawyers looking for clients. But beyond that, I have a few questions about the meaning of the phrase in the first sentence, "investments or profits from slavery or slaveholder insurance policies."

For starters, may we assume that it's not enough for a company just to look to see if there is a line in the annual report that says, "Profit from slavery: $1,305.16"? That would be pretty unlikely. So are we to assume that the company is supposed to try to figure out now for itself what the profit was, or at least to collect the relevant records? But the calculations won't be easy, nor for that matter defining which records are relevant.

I think I know what "slaveholder insurance policies" are, but how do you calculate "profits" from them? You can't just add up the premiums. You also have to subtract out the payments, right? How about the company's overhead? Do you have to prorate that, since the policy also probably wrote non-slavery policies? Isn't that going to be awfully hard to do for 140-year-old transactions?

But the real problem is what is meant by "profits from slavery" or "investments" from slavery. Buying and selling slaves is understandable, but what if you bought cotton from a plantation? What if you bought cloth from an English company that bought cotton from a plantation? What if you bought shirts from a company that bought cloth from an English company that bought cotton from the plantation? Is the company supposed to collect all this information?

What if you sold a plow to a plantation? What if you sold a plow to a plantation but you didn't know then or don't know now if it had slaves on it? What if you manufactured plows and sold one to a retailer who sold one to a plantation? What if you don't know whether the retailer sold plows to plantations or not, or if there were slaves on them?

What if you sold a watch or a newspaper or a train ticket to a slaveowner? What if didn't keep track of the professions of those to whom you sold these items?

And how, once again, does one calculate the "profits" or "investments" from all this? You can't just add up the sales; you also have to subtract out the costs, right? How do you tell how much of the profit is from slavery and how much is from some other factor? If you sold a really ingenious plow to a plantation, was the profit because of slavery or because of your ingenuity?

All right. Now suppose that we figure all this out and collect all the information. What precisely is the city going to do with it?

Either it will refuse to do business with companies that "profited" or "invested" in slavery, or not. If the latter, then this whole exercise is pointless, isn't it? If the former, then how much profit triggers the boycott? A penny? A million dollars? Somewhere in between?

And what, precisely, is the boycott supposed to accomplish? Is it supposed to punish the company? For what--for engaging in what were then perfectly legal activities? For decisions made by people long dead? For profits distributed to shareholders who spent them God knows where and are also long dead?

And, of course, the city will also be punished. After all, if the city refuses to do business with a company with whom it would otherwise have done so, then the city is going to lose money. The company made the city the best offer, but the city decides to pay more by contracting with someone else. So the city--and its taxpayers--will lose out, too. What is that supposed to accomplish?

Just asking. It was a 44-0 vote by the city council, so I'm sure someone has the answers. This couldn't have been political posturing by all 44, right? Or shouldn't I ask?

Appendix C:

Other Links of Interest

Peter H. Schuck, "Slavery Reparations: A Misguided Movement":

http://jurist.law.pitt.edu/forum/forumnew78.php

Walter E. Williams, "Proclamation of Amnesty and Pardon Granted to All Persons of European Descent":

http://www.gmu.edu/departments/economics/wew/gift.html

David Horowitz, "Ten Reasons Why Reparations for Blacks Is a Bad Idea for Blacks--and Racist Too":

http://www.frontpagemag.com/Articles/Read.aspx?GUID=%7B23D875B0-65A3-44A3-A27B-14831CCB4107%7D

Linda Chavez, Chairperson of the Center for Equal Opportunity (three syndicated columns:

http://www.jewishworldreview.com/cols/chavez.html

http://www.jewishworldreview.com/cols/chavez110900.asp

http://www.townhall.com/columnists/LindaChavez/2002/02/26/the_reparations_debate

Mr. CONYERS. Bishop Thomas Shaw of the Episcopal Diocese of Massachusetts was born and raised in Middle Creek, Michigan, which I am quite proud, and he chairs the Episcopal church's standing commission on national and international concerns. And is also a member of the Advisory Council for Anglican Observer to the United Nations. In 2000, he served as an intern for our former colleague Representative Samuel Holten, who is well remembered. And we are so pleased that you could join us today, Bishop, and you are recognized at this time.

TESTIMONY OF REVEREND M. THOMAS SHAW, III, SSJE, BISHOP OF THE DIOCESE OF MASSACHUSETTS

Reverend SHAW. Thank you very much, Chairman Conyers. It is a pleasure to be back in Washington. And I am particularly pleased to be here today to speak to the oversight hearing on the abolition of the Trans-Atlantic slave trade. And I specifically ask that my full testimony be made part of the official record of this hearing.

Mr. CONYERS. Without objection, so ordered.

Reverend SHAW. I should state at the outset that we as a church have asked God's forgiveness for our complicity in and injury done by the institution of slavery and its aftermath. I am ashamed to say that the Episcopal Church in the decades leading to the American Civil War did not formally address the problem of slavery. The post-Revolutionary War church wanted to avoid a schism within the church, which it was successful at doing, but avoiding that schism meant not addressing the issue of slavery in any official or collective way. With that painful background in our church, our 75th general convention meeting in 2006 looked to the upcoming bicentennial commemoration of the abolition of the slave trade as a time in which we could affirm or commitment to become a transformed anti-racism church and to work toward healing reconciliation and a restoration of the wholeness to the family of God.

We looked to what we could do as the Episcopal Church as individuals, as parishes and Dioceses and also what we could ask all of you, the Congress to do. Among other things, the Episcopal Church decided to apologize as a church for our complicity in and injury done by the institution of slavery and its aftermath. We repented of this sin and asked God's grace and forgiveness ever mindful that we did so far too late. We decided to call upon the Congress and the American people to support legislation initiating study of and dialogue about the history and legacy of slavery in the United States, and the proposals for monetary and nonmonetary reparations to the descendants to the victims of slavery.

We, therefore, as a church, fully support H.R. 40. We ask every Diocese in the Episcopal Church to collect and document detailed information in its community on A, the complicity of the Episcopal Church and the institution of slavery and in the subsequent history of segregation and discrimination; and B, the economic benefits the Episcopal Church derived from the institution of slavery.

A report on that work will be made to our 2009 general convention on how the church can be a repair of the breach, both materially and relationally, and achieve the spiritual healing and reconciliation that will lead us to a new life in Christ. We believe that work essential to determining the remedies that might be consid-

ered. Work is now underway in a number of our Diocese including Mississippi where research on slavery and its impact on building the city of Natchez is already disclosed that its oldest Episcopal Church was built by slaves.

The priest of St. Paul's Delray Beach in Southeast Florida is writing a history of the presence of and contributions of Blacks in the Episcopal Church in Florida. We are hopeful that what we learn will be helpful to the Commission that would be established under H.R. 40. We know that our exploration has just begun and that next year's release of the film, Traces of the Trade, will open the eyes of many to the legacy of slavery for both Black and White Americans and the role of the north and its perpetuation.

And finally, we have asked that a day of repentance—for a day of repentance, and that that day be a service of repentance at the Washington National Cathedral and each Diocese to hold a similar service. That event is scheduled for October 4, 2008. And we invite all of you to join us. The full text of each of these resolutions is included as an appendix to my testimony, as well as two pastoral letters in 1994 and 2006 from the House of Bishops on the sin of racism.

On December 30, 1799, the first Black priest in the Episcopal Church in the United States, Absalom Jones, and 70 fellow signatories petitioned the House of Representatives to protect those taken by slave traders. They concluded their petition with a prayer for the real happiness of every member of a community. Nine years later on January 1, 1808, Jones would celebrate the end of U.S. participation in the Trans-Atlantic slave trade with these words, the history of the world shows us that the deliverance of the children of Israel from their bondage is not the only instance in which it has pleased God to appear on behalf of oppressed and distressed nations as the deliver of the innocent and of those who call upon his name.

He is as an unchangeable in his nature and character as he is in his wisdom and power. The great and blessed event which we have this day met to celebrate is a striking proof that the God of heaven and earth is the same yesterday and today and forever. We continue as a church to pray for what Absalom Jones called the real happiness of every member of the community, knowing that the blessed event of January 1, 1808 was an important step, not the final step in the emancipation of slaves. We are committed to becoming a transformed anti-racist church and to work toward healing reconciliation and restoration of wholeness to the family of God. We believe the work we are doing to research our church's complicity in the institution of the slave trade will help us, the Episcopal Church, to be transformed. We also believe that H.R. 40 will aid the Nation in its own continued healing. We look forward to the opportunity to continue this important and necessary work together. Thank you.

Mr. CONYERS. Thanks so much, Bishop Shaw.

[The prepared statement of Reverend Shaw follows:]

PREPARED STATEMENT OF BISHOP M. THOMAS SHAW, III

Thank you, Chairman Conyers. My name is Tom Shaw. I am the Episcopal Bishop of Massachusetts and I am honored to be here with this distinguished panel. As you may know, I was an intern in Representative Amo Houghton's office in 2000, so I

am particularly pleased to be back in Washington for this important oversight hearing on the abolition of the trans-Atlantic slave trade.

I should state at the outset that we, as a church, have asked God's forgiveness for our complicity in and the injury done by the institution of slavery and its aftermath. Unlike the Quakers who were leaders in the abolitionist movement, too many Episcopalians did not raise their voices when God would have wished them to do so. Episcopalians were owners of slaves and of the ships that brought them to this land. Episcopalians lived in the north and in the south and, as a privileged church, we today recognize that our Church benefited materially from the slave trade.

The Episcopal Church in the decades leading to the American Civil War did not formally address the problem of slavery. The post-Revolutionary War church wanted to avoid a schism within the church, which it was successful at doing (unlike the divisions that had occurred to Presbyterian, Methodist, and Baptist churches during this period over the issue of slavery) but avoiding that schism meant not addressing the issue of slavery in any official or collective way. With that painful history as background, our 75th General Convention meeting in 2006 looked to the upcoming bicentennial commemoration of the abolition of the slave trade as a time in which we could affirm "our commitment to become a transformed, anti-racist church and to work toward healing, reconciliation, and a restoration of wholeness to the family of God."

As background I should explain that when our General Convention speaks it speaks for our whole church and only after careful discernment. The members of this committee would feel quite at home at our General Convention. It consists of a House of Deputies and a House of Bishops, and legislative committees that hold hearings such as this. Legislation must pass both Houses in the same form. So the voice of the General Convention is very much the voice of the Episcopal Church.

And with that voice, we looked to what we could do as the Episcopal Church, as individuals, as parishes and dioceses—a diocese being a collection of churches in a single geographic area—and also what we could ask you, the Congress, to do. This is what the Episcopal Church decided:

* We apologized as a Church for our complicity in, and the injury done by, the institution of slavery and its aftermath." We repented of this sin and asked God's grace and forgiveness, ever mindful that we did so far too late.

* We recognized that slavery is a fundamental betrayal of the humanity of all persons and a "sin that continues to plague our common life in the Church and our culture." Furthermore we expressed "our most profound regret that (a) The Episcopal Church lent the institution of slavery its support and justification based on Scripture, and (b) after slavery was formally abolished, The Episcopal Church continued for at least a century to support de jure and de facto segregation and discrimination."

* We called upon the "Congress and the American people to support legislation initiating study of and dialogue about the history and legacy of slavery in the United States and of proposals for monetary and non-monetary reparations to the descendants of the victims of slavery." We, therefore, fully support H.R. 40 which would establish a commission to examine those very issues and recommend appropriate remedies.

* We asked every Diocese "to collect and document . . . detailed information in its community on (a) the complicity of The Episcopal Church in the institution of slavery and in the subsequent history of segregation and discrimination and (b) the economic benefits The Episcopal Church derived from the institution of slavery." A report on that work will be made to our 2009 General Convention on how the Church can be "the repairer of the breach" (Isaiah 58:12), both materially and relationally, and achieve the spiritual healing and reconciliation that will lead us to a new life in Christ." We believe that work essential to determining the remedies that might be considered.

Work is underway in a number of our dioceses, including Mississippi, where research on slavery and its impact on building the city of Natchez has already disclosed that its oldest Episcopal Church was built by slaves. The rector of St. Paul's Delray Beach in Southeast Florida is writing a history of the presence of, and contributions of blacks in the Episcopal Church in Florida. We are hopeful that what we learn will be helpful to the commission that would be established under H.R. 40. We know that our exploration has just begun and that next year's release of the film Traces of the Trade—a documentary being made by Katrina Brown, an Episcopalian from Rhode Island whose ancestors were involved in the slave trade—will open the eyes of many to the legacy of slavery for both black and white Americans, and the role of the North in its perpetuation.

* Finally, we asked the elected leader of our church, the Presiding Bishop, to name a Day of Repentance and on that day to hold a Service of Repentance at the

Washington National Cathedral, and each Diocese to hold a similar service. The Dioceses of New York, Newark, New Jersey and Long Island are joining in a service in commemoration of the abolition of the slave trade at the Cathedral of St. John the Divine in New York City on January 13, 2008. The National Cathedral event will be October 4, 2008 and we invite all of you to attend.

The full text of each of these resolutions is included as an appendix to my testimony as well as two pastoral letters, 1994 and 2006, from the House of Bishops on the sin of racism:

Each of these actions is important and together they represent our effort to be "repairers of the breach." We have much to overcome, and as the British Parliamentarian and crusader against slavery William Wilberforce told the House of Commons in 1789: "We are all guilty—we ought to all plead guilty, and not to exculpate ourselves by throwing blame on others." The history that we are researching is essential to understanding our Church's role in the institution of slavery and its perpetuation. With fuller knowledge will come true repentance that will then open us to reconciliation and remedies that we believe are yet to be revealed.

Ten years after Wilberforce's speech, on December 30, 1799, the first black priest in the Episcopal Church in the United States, Absalom Jones, and 70 fellow signatories petitioned the House of Representatives to protect those taken by slave traders. They concluded their petition with these words:

"In the Constitution, and the Fugitive bill, no mention is made of Black people or Slaves—therefore if the Bill of Rights, or the declaration of Congress are of any validity, we beseech that as we are men, we may be admitted to partake of the Liberties and unalienable Rights therein held forth—firmly believing that the extending of Justice and equity to all Classes, would be a means of drawing down the blessings of Heaven upon this Land, for the Peace and Prosperity of which, and the real happiness of every member of the Community, we fervently pray.

Nine years later, on January 1, 1808 Jones would celebrate the end of US participation in the transatlantic slave trade:

The history of the world shows us, that the deliverance of the children of Israel from their bondage, is not the only instance, in which it has pleased God to appear in behalf of oppressed and distressed nations, as the deliverer of the innocent, and of those who call upon his name. He is as unchangeable in his nature and character, as he is in his wisdom and power. The great and blessed event, which we have this day met to celebrate, is a striking proof, that the God of heaven and earth is the same, yesterday, and to-day, and for ever. (January 1, 1808 St. Thomas Church, Philadelphia)

We continue to pray for Absalom Jones's "real happiness of every member of the Community," knowing that the "blessed event" of January 1, 1808 was an important step, not the final step, in the emancipation of slaves. As the Episcopal Church resolved in 2006, we are committed to becoming "a transformed, anti-racist church and to work toward healing, reconciliation, and a restoration of wholeness to the family of God." We believe the work we are doing to research our Church's complicity in the institution of the slave trade will help us, the Episcopal Church, to be transformed. We also believe that H.R. 40 will aid the nation in its own continued healing. We look forward to the opportunity to continue this important and necessary work together.

Mr. CONYERS. We are being summoned to the floor for several votes. We will stand in recess. And we will have one of our staff members show you how you can get a very delicious lunch economically and make other perks available to you while we are gone. The Committee stands in recess.

[Recess.]

Mr. CONYERS. The Committee will come to order. And the Chair recognizes the distinguished gentleman from Minnesota, Keith Ellison, for questions.

Mr. ELLISON. Thank you, Mr. Chairman. And also, there are moments in life where you just have to think thank God for being able to do what you do and being on this Committee today, you having called the Committee to address this critical subject. I certainly feel grateful and honored today. This is one of the high points of my service, to be able to address H.R. 40 and the Trans-Atlantic slave

trade in the healing of our country. But I am not going to waste time talking, I am going get to some questions.

Professor Ogletree, many of the people who disagree with the H.R. 40 would submit that this slavery stuff happened a long time ago, why don't we just move on. Do you find that there are other aspects of American society and culture that really do focus on history all the time, like, for example, we celebrate 4th of July every year, I have never heard anybody say, well, that happened a long time ago so let us just drop it. What is your reaction to the folks who say or submit that it happened a long time ago, we need to be forward looking and stop looking in the past?

Mr. OGLETREE. Congressman Ellison, that is a very good question and an excellent point. The reality is that the history is so important if we look at it carefully. Think about slavery and think about General Sherman's field order 15 during the Civil War when lots of lives were lost, Black and White, both from the confederate and from the union. Slaves and former slaves were told, we want you to fight for us for freedom and when you win this, we will give you reparation, it was very explicit, we will give you 40 acres. And that agreement was breached. We moved on.

In fact, we moved on with the slave owners getting much of their property back, but the slaves not getting any of that promise. When you think about a Constitution that still has the three-fifth clause written in it and you think about our Founding Fathers owning slaves, we can't move on, it is our history, it is very important that we address it. And I have to applaud Bishop Shaw because the church did sit back and allow these atrocities to happen from the holocaust through slavery. And they recognize that you can't move on, you can't move forward without repairing the past, which I think is very important. And the final thing is that we are a Nation of history.

And our children need to understand that we have overcome our past. We are not embarrassed by it, we are not disappointed alone that it happened, but we are prepared to move forward. And the reason we can't move on is because we have these sort of gotcha phrases when one of the witnesses talks about the reason we have this problem is because of the Democrats, make it party affiliated as if that matters. They were slave owners of every political persuasion and every part of our country, slave beneficiaries from New York, Rhode Island and Connecticut, all the way through the southern region.

So we can't move on until we look back to move forward. And I am glad that this study will do that, allow us to look back to move forward. Let me make one other final point. I mentioned my point that John Hope Franklin, who chaired President Clinton's one America initiative in 1998 said, well, we should move on from this issue of slavery. Well, John Hope Franklin then realized his father Buck Colbert Franklin was a victim of the same sort of domestic terrorism in Tulsa in 1921. And he became a plaintiff in that case. John Hope Franklin was 92 years old. How he felt when he was 50, 60, 70 or 80 is one thing.

How he feels now tells us that time has made him even more aware of our need to heal, but also to look back as a historian to

create some of the errors of the 17th, 18th and 19th and 20th century as we move forward to the 21st Century.

Mr. ELLISON. Thank you. I just want to commend you, Bishop Shaw. It is a tremendously courageous move by the Episcopal Church. Do you feel that by addressing this issue of slavery in a forthright honest manner that you are contributing to dividing and fracturing America or in your view is this a way for us to reconcile? And I just mention before I turn the mic to you, is that I recognize that we have recognized Japanese internment and done reparations, and yet, Japanese Americans are as authentically and thoroughly American today as they ever have been in the history of our country, perhaps even more so, we having addressed that terrible wrong committed. Do you think that by addressing this issue, we are contributing to the fracturing of America?

Reverend SHAW. No. Quite the opposite. I think that by addressing this issue in a straightforward way, we are really contributing to the healing, the spiritual healing and economic healing if that should take place of the people in the United States. And I think someone who is a member of our church, Archbishop Edmund Tutu has really shown that in South Africa, that this kind of transparency leads to healing and to reconciliation. And that is the kind of discussion that we want to have over the next few years.

Mr. ELLISON. You are referring to the truth and reconciliation?

Reverend SHAW. Yes.

Mr. ELLISON. And that commission is dealing with issues that happened really only 20 years ago if that, and a tremendous atrocity and yet we see South Africa, though far, far, far from where it wants to be slowly incrementally moving to our society, is that right?

Reverend SHAW. Yes.

Mr. ELLISON. Mr. Clegg, can you help me understand, as Americans, do we still deal with and address historical phenomena that lingers in our present day to day? For example, I was talking to a friend of mine who is a professor of wills and trusts, and he told me that he was trying to help carry out the intent of an individual who wrote a will in 1862. He said it is not unusual to do these kind of things. I mean, talk to us for a moment, if you would, about how much recent events really impact the modern world that we are in?

Mr. CLEGG. History is extremely important in understanding the world that we live in. As a conservative, I certainly believe that. I am somebody who believes that the meaning of a document, the U.S. Constitution, even though it was written a couple hundred years ago, still determines what it is lawful for this body to do.

Mr. ELLISON. And yet, you seem to be so willing to say well, we need to look forward and just sort of, like, forget about slavery.

Mr. CLEGG. No, I didn't say that. I don't think that we should forget about slavery. I think, though, that there are uses and abuses of history. And I think that dwelling on the past and looking to the past for reasons for current problems can become a distraction from addressing those problems and moving on.

Mr. ELLISON. Mr. Clegg, I have got to reclaim my time now. But I am curious to know—I am just going to make a quick observation. Whenever I hear folks say that well, I believe in a colorblind America, and I am just for equality. And when they use that to sort

of make an argument that we shouldn't address slavery, we shouldn't address historic inequality, and we just want to make everything equal now, I always wonder. I said I guess this person must have been a very active participant in the civil rights movement because clearly, the most glaring violation of the idea of equal protection in at least the 20th century was Jim Crow, so I could ensure that you would have a long history in fighting for sights for African Americans, Latino Americans to make our study truly colorblind when, in fact, our society was clearly violating those ideas of equal protection. I don't want to ask you to read your own resume, but I will be looking forward to see if you have been consistent over the years.

Mr. CLEGG. I have been, I have been. I can tell you there has never been a time when I have supported discrimination of any kind. I was born in 1955, so I can't claim to have been there with Dr. King in 1963 or anything like that. However, the founder and chairman of our organization, Linda Chavez very much was a part of the civil rights movement.

Mr. ELLISON. Thank you, Mr. Clegg. I am going to reclaim my time now because I want to ask—I am sorry, ma'am, I am having difficulty with your name. Forgive me for that. I do apologize.

Ms. TYEHIMBA. Ms. Tyehimba.

Mr. ELLISON. Tyehimba. Ms. Tyehimba, I was a law student between 1987 and 1990 and we would study contracts and property. And when we would open up our contract books, we would talk about property cases that happened way back in England and stuff like that. And we would talk about modern contracting property cases. But the people—America's property between 1619 and 1865 was American slaves, and yet we never have any cases on that and we didn't have that many cases, we didn't really explore it that in depth while even after 1865.

I am just curious to know, do you agree that there is just an abundance of information and analysis and scholarship on American slavery and that there is really no need for a commission?

Ms. TYEHIMBA. There is certainly a lot of documentation there. This is about getting out the truth, Congressman Ellison. If we don't press the issue, then these things will not be elevated and be given the attention. They are buried right now. And it is as if having a documentary that gets shown once a year that never reaches our schools, where the issues are never addressed in our newspapers, whether our museums adequately address these issues, then no one really knows them. And that is the importance of this. The reparations movement at its heart is about getting out the truth.

Mr. ELLISON. Professor——

Mr. CONYERS. The gentleman's time is way over.

Mr. ELLISON. Sorry. Forgive me, Mr. Chairman, I didn't realize.

Mr. CONYERS. Well, neither did I. The Chair is very pleased to recognize Trent Franks, the gentleman from Arizona.

Mr. FRANKS. Well, thank you again, Mr. Chairman. Mr. Chairman, I, in listening to Mr. Ogletree's comments in the beginning here, I was just so compelled by the foundation of what he is motivated by. And I believe that that is something that I share in common with him. And I want to try to start out with the things that

we believe in common. And I think you are correct beyond words that history is important. I think if there is something good that can really come from this hearing, it is that we would honestly examine our history. You said that history repeats itself. There is a lot of variations to that.

Someone said that the only thing we learn from history is that we don't learn from history and history does, in fact, repeat itself, and each time it does, the price goes up. And as I say, I am just very compelled by that because I believe it is vital for any country like ours to clearly understand our past and our history. And so I want you to know there is a strong heartfelt resonance with that belief. And I guess the reason I think that that applies to some of the comments I have been making here today is that the reason, the reason slavery occurred, at least in my opinion, was because people in that day lost sight of the humanity of their fellow human beings.

We lost sight that all God's children are created in his image and therefore have inestimable internal and calculable value. And to desecrate another human being as slavery did to millions is unconscionable and beggars my ability to describe. And it occurs to me, because something was that dramatic that we must be very, very careful to examine the cause of slavery and to make sure that we don't see those things happen again. I am convinced that when we as human beings lose sight of our fellow human being's humanity; whether they be unborn children, Mr. Chairman, whether they be Black, Mr. Chairman, whether they be poor, whether they be Jews, whatever they are, if we lose sight of their humanity, I believe that we have a repeating dialogue in history where, to name three examples, the German high tribunal, their Supreme Court, as it were, said that the Jew was "untermensch," subhuman, not a human being in the fullest sense, to give their justices so-called credit in the fullest sense, they weren't human beings in the fullest sense. And when they did that, when they robbed them of their humanity, then it was easy to kill 6 million of them.

But we should not forget in this society, that the entire Nazi Holocaust started when the medical community, the intelligencia of Germany, decided that it was okay to kill one little retarded boy because he wasn't what everybody else thought he should be. And that is a recurring point. Not only did 6 million Jews die, 50 million died in this World War to try to change that. And atomic bombs fell on cities. Then came things like the Dred Scott decision, or actually before that, they said that the Black man was not a person in the fullest sense. And millions were enslaved and it was a tragedy that beggars description.

Not only were millions of God's children desecrated and raped of life and freedom, but the response to that on the rest of society's part, the Civil War, killed thousands more, more than any other war in our history. Then comes along *Roe v. Wade.* I believe that the reason I mention this is because the realities are so powerful and so connected and said that the unborn child is not a person in the fullest sense, and we have killed 50 million of them.

And I don't know if some panel some day will say maybe we should have reparation hearings on what we have done there or what the effects will be on 50 million dead children in America,

what will be the impact of America's foundation being stained by the blood of its own children. I don't know.

But I will say to you that there is a recurring theme. Whenever we debase any of God's children, no matter who they are, we step into the dark. And that is why we are here today. And I believe that there could be something that could come from this that would be very good. Maybe we need a new emancipation in America to where we consider the past tragedies and see when we start to step into these darkness areas where we fail to recognize the humanity of someone and then we begin to say, well, then it is all right to do these horrible things.

And Mr. Chairman, I want to apologize both to—well, I guess he is not here, Mr. Nadler and to Mr. Ogletree, regarding making comparisons with present day parties. That is really not what I meant to do. What I meant to say was that I don't blame—you know, I don't think Mr. Conyers here should apologize for slavery. I don't think it was his fault. I don't think it was the Democratic Party's fault of today. What I am saying is that we are facing a very similar situation today, and that there is a common thread among all of them.

I am not trying to elevate the unborn above any other humanity. I am saying that there is a common thread here and that today's parties have a major disagreement. And I would say to you in the most sincere way to the Democratic Party, they will never be the party of children, they will never be the party of civil rights, they will never be the party that addresses the desecration of U.S. humanity while they stand for killing 4,000 children a day. It can't happen.

If we want to truly address the past, then we have to address our situation today. Then we will have not only the courage but we will have the moral foundation to correct the past. And until we as a society say from now on we are going to recognize the humanity of all God's children, the dreams of our Founding Fathers of holding the self-evident truths to be that all men are created will never be realized. And Martin Luther King's dreams, all of those things will never be realized until we say the reason that these things were wrong in the first place is because they desecrated the life of one of God's children.

Now, I have one question and I am through. And I am sorry for getting a little dramatic here, but I am not sorry for what I have said. I would like to ask you, Mr. Clegg, and then pass it along to me, what do you think—I have already told you what I thought was the problem, what caused slavery, was that we lost sight of humanity of a fellow human being. What do you think was the fundamental societal cause of slavery and how can we apply that today so that we don't let things like that happen in the future in America.

Mr. CLEGG. Well, I can't really, I think, add very much to what you have already so eloquently said. I think that in order to enslave someone, in order to treat them as less than fully human, you have to convince yourself first that that person is less than fully human. And I think that that is what happened. And as far as applying that to the present day, I agree with you on that, too. When you look at these very intelligent people back in the mid 1800's and

the fact that so many of them seem to think that this was okay, it is very humbling because you then ask yourself: Well, gee, these were not stupid people, these were not immoral people, what are we missing today, what is it that people 100 years from now will be ashamed of in our history?

And I think that you are right, that the best candidate for that is the slaughter of the unborn. Beyond that, I think it is also critically important that we take away from the Civil War and the civil rights movement the importance of all Americans being judged, as Dr. King said, by the content of their character and not the color of their skin.

Mr. FRANKS. Mr. Chairman, I know my time is out. If there is anyone else you would allow to address the question, great. If not, I will yield back.

Mr. CONYERS. Well, Professor Ogletree was originally asked to answer, so let us let him respond.

Mr. OGLETREE. And I will be very brief, Congressman Franks. Your points are well taken. It is a little unsettling that with the passion you show for this unspeakable American dilemma of abortion that you choose the one and only occasion we have ever had a hearing on H.R. 40. And it is important that Members of Congress, that you bring your issues up when you can. But I think it seems a little odd that as passionate as you feel about those issues, that I am not hearing the same sense about the travesties that are centuries old.

The second point is this: You asked what is the, what can we connect this to, what's the cause. In one word, I would say silence. When we are silent, when we see tragedies and travesties, that is the greatest harm. We see it, we hear it, we observe it, but we are silent in reacting to it, whether it is the Holocaust, whether it is slavery, whatever it might be. And the silence, the reason this study is so important, the silence hasn't ended. We are talking about slavery as if it is a past issue. But in Darfur and Sudan on our watch, when we have power, at least moral persuasion, people are in slavery in the world today. And so that is why I think it is important that we study this, because both of our views are the same. If we fail to understand history, we are doomed to repeat it. And here is a classic example of where we are repeating history because we didn't understand it decades and centuries before.

Mr. FRANKS. Mr. Chairman, may I just say I agree with the gentleman strongly. I want him to know just for the record that the Chairman is probably aware that when it comes to the human rights in other areas, specifically Darfur, because that is the one that you mentioned, Mr. Chairman, I stayed up one night making sure that the genocide treaty got through the Senate when no one else was really trying. So I want you to know that my passion for this does go across the board. The reason that I bring this abortion on demand up is because it is happening right now. And I feel like until we deal with and put down the knives and deal with us stopping the killing today, then it is hard for us to address where we have been or where we are going. But I want you to know I do truly agree with you that that passion should not be singled out for just one area of humanity. Thank you, sir.

Ms. TYEHIMBA. Congressman Conyers, may I please respond very briefly. Congressman Franks, I appreciate your concern about unborn children. I would also like to ask that you have that same level of emotion when we address the mortality rate of African descendent children, particularly in this country. And I also would like to say that we need to reiterate that slavery took place, certainly because of silence, also because of greed, we used religion to support what we did. And one thing that we have to pay close attention to right now, and I hope that you will join in this fight as well, and that is to make sure that the media is not used to demonize the people.

Mr. CONYERS. Could I point out to all here that I am beginning to think that this is the commission on reparations which we are determining whether we should have or not. I would like to—I have got some nominees to come before the Commission. Because this is precisely the discussion that has certainly not been held in the Congress.

And as I suggest, because of my continued support of this legislation, it hadn't been held officially in the government anywhere. There have been isolated speeches and there have been academic participation in this, but there has never been an official government study. So it is not whether you are for reparations or what kind of reparations you are for or whether you are against reparations, it is whether we have the discussion on reparations which we are having here.

This begins to suggest to me that we need more than one hearing. It suggests to me that this is a very healthy dialogue. We are not hurling accusations at one another or personalizing our particular philosophy and point of view. What we are doing is holding up for examination of everyone, not just in the country, believe me, this is an international question, what it is we should do about this, should it be nothing, should it be something, should it be something that no one has talked about. The selection of these views are what bring us here today to examine H.R. 40, which is not a reparations bill. It is a bill to create a commission to examine reparations. And so I am pleased of the tenor of this discussion. I turn now to the Chairman of the Crime Subcommittee on Judiciary, the Honorable Bobby Scott of Virginia.

Mr. SCOTT. Thank you, Mr. Chairman, and thank you for introducing your legislation. People have talked about history and the distractions about it. We are going to have some discussion about the history. And I want to focus the discussion on the present. Furthermore, I reiterate the point you have made, this is a study, not what to do. This doesn't require us to do anything other than the study. Then we can decide whether or not it is appropriate to do anything. But in my judgment, there are some present effects of the reality of state sanctioned slavery that are appropriate to be studied. Let me ask Professor Ogletree whether or not the known discrimination in mortgage rates where African Americans pay more for a mortgage today than others, is that, if you compound that additional payment over a lifetime, does that have a present effect on a person's wealth?

Mr. OGLETREE. Congressman Scott, thank you. The answer is, of course, yes. And it reminds me of the comment that my dear

friend, Roger Clegg, made that what brings us here is the phrase, e pluribus unum, out of many comes one. But my question is where are we one. If you look at education, health care, employment, housing, wealth, racial profiling, mortgage rates, credit, all those things tell us that we are not one. We are judged to a long extent by a legacy that started centuries ago and continues even today.

Mr. SCOTT. And that has a present effect?

Mr. OGLETREE. Indeed.

Mr. SCOTT. You mentioned some others; insurance rates. Is there evidence that African Americans pay more for insurance, same insurance than others pay.

Mr. OGLETREE. Yes.

Mr. SCOTT. Car prices?

Mr. OGLETREE. Yes.

Mr. SCOTT. If you compound this over a lifetime, all these additional payments would that amount to much money.

Mr. OGLETREE. Not millions, but beyond billions.

Mr. SCOTT. Housing discrimination, most of a person's household wealth is in the equity in their home. If African Americans find themselves in segregated housing opportunities, does that affect their ability to develop wealth today?

Mr. OGLETREE. Yes.

Mr. SCOTT. And is that effect worth studying, not doing anything about it, yet but studying?

Mr. OGLETREE. Absolutely.

Mr. SCOTT. Now, contracts. Notwithstanding the fact that there is legislation, some of which has pushed the envelope so far as to be found unconstitutional, trying to get minorities Federal contracts and other contracts, still it is virtually 100 percent for one-third of the population White males, women and racial minorities representing two-thirds of the population getting virtually nothing, those numbers cannot happen randomly, is that worth studying to ascertain whether or not that is a present effect of slavery?

Mr. OGLETREE. Yes.

Mr. SCOTT. Education you mentioned. There is some areas in minority communities where the dropout rate is 50 percent. People are not getting an education. There were historically limited opportunities to go to college. Does this affect—I mean in some areas, you got it so bad people aren't going to college, you got what the Children's Defense Fund calls the cradle-to-prison pipeline, which shows where we are making our investment. Is that something that should be studied?

Mr. OGLETREE. Yes.

Mr. SCOTT. Now, if we study this, will there be options available to us that the study might reveal that would be options other than cash to individuals?

Mr. OGLETREE. A large range of options, public policy, issues of trying to ensure compliance. It is not all just a question of financial opportunities. And one of the biggest advantages is when people know more, they can be healthier, they can be wealthier, they can be educated, they can have housing, jobs. There are nonfinancial advantages to people having an equal opportunity.

Mr. SCOTT. And might some of the results of the study suggest that we ought to address poverty generally?

Mr. OGLETREE. Indeed. It was 42 years ago when President Johnson spoke at Howard University commencement. And I would urge this Committee to put his speech in the record. He talked about the disparities in 1965, how bad things were and how far we have come. It is ironic from 1965 to 2007, the disparities have increased instead of diminished. So poverty that we thought we addressed in the 1960's is as pervasive in some respects now and even more pervasive in other respects than it was 42 years ago when it was a prime consideration of our government.

Mr. SCOTT. So if we can ascertain that some poverty today is directly linked to the lingering effects of slavery, we might want to address all poverty as Mr. Clegg has suggested, not just that poverty directly related to slavery, but all poverty would be addressed and education generally. Would that be a possibility without focusing just on educational disparities attributable to slavery, but we may find that addressing education generally might be a good idea?

Mr. OGLETREE. If we look at Katrina 2005, if we look at coal miners in places like West Virginia today, we look at Appalachian communities and rural poverty, it is a universal concern. And I think that is something that can be accomplished that will serve all of America.

Mr. CLEGG. Congressman Scott, I don't know if you wanted me to respond as well.

Mr. SCOTT. Let me ask one other question if I can. *Brown v. Board of Education* Professor Ogletree included the effects on people of state sanctioned segregation. Does that philosophy embodied in *Brown v. Board of Education,* is that still an effect worth studying?

Mr. OGLETREE. Indeed. In fact, as much as we think about government roles, the reality is that much of Congress was resistant that goes around. And there is something called the southern manifesto in 17 southern States that resisted, including your home State of Virginia, which closed down the public schools to African Americans. So it is certainly worth studying, because the paper trail on how people were treated on race goes far beyond what happened in 1607 or 1619, it goes until the 1960's and it continues with measures that have been passed in 21st Century as well.

Mr. SCOTT. Thank you. Mr. Clegg.

Mr. CLEGG. Congressman Scott, all of those disparities that you listed are already being studied. They are already being studied to an extremely thorough extent. They will continue to be studied.

And I am sure that, in terms of causation, one cause of them will be discrimination. There will be other causes as well. I have already talked about the impact of illegitimacy, out-of-wedlock births, on just about any social problem that you can name.

It will also be the case though, that whatever these studies conclude, that the solution, the remedy is not going to be more discrimination. It is not going to be to single out some people because of their skin color as deserving of preferences or special treatment that other people don't get.

I mean, let us fess up: The reason for this bill is not to do studies that aren't being done. I mean, $8 million and seven additional experts is not very much. It is ridiculous to think that they are going

to be able to make a dent in studying the very serious and widespread problems that you have listed.

The reason for this bill is to lay the groundwork for reparations. That conclusion to award reparations, I think, has already been reached by a lot of people, and it is a wrong conclusion, a destructive one, a divisive one, a distraction, and one that we should not be wasting our time on.

Mr. SCOTT. Well, do you agree that some of the present social pathology is directly attributable to slavery?

Mr. CLEGG. I think, yes, but I think that it is impossible to——

Mr. SCOTT. Well then, everybody does not agree to that. That is why we need a study to convince them as you apparently are convinced.

Mr. CLEGG. Look, you are not going to be able to convince people through this study that current disparities were or were not attributable in some way to slavery.

Mr. CONYERS. Would the gentleman yield for just a moment?

Mr. SCOTT. I will yield the balance of my time to the Chairman.

Mr. CONYERS. Well, you do not have any balance of time left, but that is a very generous effort on your part.

Mr. Clegg, that is what we want to find out.

Mr. CLEGG. But you cannot find that out through this commission.

Mr. CONYERS. Well, you cannot tell us that we cannot find it out and not do it. As a matter of fact, when you say let us 'fess up and we are laying the groundwork for reparations, I have no idea who is going to be on the commission. Unless you think that the study is going to lead to an increased support for reparations, I do not know how we can hold a hearing on whether we should hold a study or not. You say we do not need it, we already know. Well, all of those things that you mentioned——

Mr. CLEGG. I did not say that we already know. I said that it is already being studied, and——

Mr. CONYERS. All right. I will take that back then if it will make this conversation move more quickly.

The point here is that you said to Mr. Scott that all of those things that are already being studied are not being studied in relationship to the lingering effects of slavery. If they are, please send me the information right away, not that it would mean we do not need a study, but to say that these are all being studied so you do not need to have this study, I have a list of studies in the Congress, for which we are famous, about everything that goes into the atmosphere and more esoteric subjects than you or I would care to want to read into the record.

Here is a huge historical fact that Mr. Franks has made such a great emphasis on and that we all agree is important. Then you say but an $8 million study for a year is not enough. Well, maybe we need a longer study and more money appropriated to it. I cannot tell you that we do or not, but you are giving me something to think about, and that is why we are holding the hearing.

Mr. CLEGG. Well, Mr. Chairman, what I said was that all of these things are being studied all over the country by professors and think tanks and State governments and you name it, and there are a lot of lawyers out there who want to know to what extent

these different disparities are caused by discrimination of one kind or another. Of course, this commission is not limited to studying the effects of slavery. It is going to cover all kinds of discrimination. Believe me—and I think you know—there is no shortage of those kinds of studies. The problem is that it is interesting, but it is also, in a sense, almost impossible to look at something that is going on today and to say, "Can I trace this to something that happened 100 years ago?" Yes, you can do that, but there are multiple——

Mr. CONYERS. Yes, you can. We cannot dismiss it. I cannot call a hearing and say it is impossible, and you know it. I do not know it. Besides, neither of us knows what the work product of this commission is going to be no matter if it runs for 1 year or 2 years.

The point is we did not come here to say this is a very important subject, but let us dismiss it because there are studies out there all the time. This Committee has been so busy that we have not been able to get to Mr. Franks' most passionate issue, and it is in the jurisdiction of this Committee. The Department of Justice every week gives us more work to do in terms of getting the Department of Justice straightened out. We have got questions now about the destruction of CIA film. We have issues dealing with the whole realm of the jurisdiction of the Committee. For me to say let us 'fess up and you know where this is all going and that there are studies out there does not persuade me to say, "Well, we had a hearing, and one of our regular witnesses said, look, guys, you can go find this yourselves."

We want to let somebody else do it. We do not have time to do this, sir, believe me. I would enjoy this Committee's studying this, but I would like now to move to Steve King if I can. Thank you very much.

Mr. KING. Thank you, Mr. Chairman. I hope you will consider nominating me for the commission should we get to that point. I would be very interested in this subject matter as well.

Mr. CONYERS. I would be happy, if I have any influence over who is going to be on the commission, to do that.

Mr. KING. I would really identify you as the most influential individual when it comes to that, and I appreciate the consideration.

I want to maybe turn to a little bit of housekeeping over here and take care of it here with Mr. Ogletree, your statement that the Constitution still has a three-fifths clause in it. I turn to Article I, Section 2, and I read "Representatives shall be apportioned according to their respective numbers which shall be determined by adding to the whole number of free persons, three-fifths of all other persons." Now, I have abbreviated that a little bit, but I think it reads in its continuity.

That would be the section to which you are referring?

Mr. OGLETREE. Yes.

Mr. KING. That statement still has the three-fifths clause in it, but when I turn then to Section 2 of the 14th amendment, it says, "Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State."

Would you agree that that has been amended out and no longer is in the Constitution?

Mr. OGLETREE. That was the purpose of the 13th, 14th and 15th amendments.

Mr. KING. So the Constitution no longer really does contain in its text, as is its meaning today, three-fifths because that has been amended out by the 14th amendment, Section 2?

Mr. OGLETREE. Right.

Mr. KING. Okay. I raise this point, Mr. Ogletree, because it concerns me that—I hear that dialogue come up continually, and I believe there are people out there in America who believe what you said in your testimony that three-fifths is in the Constitution. Yes, it is in the text. It is in our history. I acknowledge it is in our history and that slavery is in our history, but we no longer have slavery in the amendment, in the 14th amendment. It is out.

So would you agree with me that it is inappropriate to continue that kind of dialogue?

Mr. OGLETREE. Let me tell you what is inappropriate. The statement that you made was that slaves were considered only three-fifths of a person. The reality is that they were not considered persons at all. The three-fifths clause was there not for slaves to have any rights or power. It was there to have slave owners to have some proportional representation in Congress and other means, so the idea

that——

Mr. KING. I agree with that representation.

Mr. OGLETREE. I was picking up on the good point that Congressman Franks made about Dred Scott, you know, the irony of what Chief Justice Roger Taney said in 1857. There were no rights at all. My point is that the three-fifths clause always reflected the power of White slave owners. It never reflected the power of a former slave or a slave to do anything, is my point.

Mr. KING. I agree with your point, and I am glad you made that point, but I want you to agree with my point that three-fifths is no longer part of this Constitution.

Mr. OGLETREE. That is exactly right. Thank God for the 13th, 14th and 15th amendments.

Mr. KING. Thank you. I would appreciate it if it were not part of the dialogue that informs Americans that it is currently in there. I think you have given the proper historical analysis of it in your response to my question, and I very much appreciate that.

Mr. OGLETREE. Right.

Mr. KING. You also referenced the promise of 40 acres. I do not think I tuned in quite well enough. I have always heard it as 40 acres and a mule.

Mr. OGLETREE. Forty acres of tillable land. This is General Sherman, Field Order No. 15, that was designed to encourage slaves and former slaves to fight in the Civil War on the side of the Union.

Mr. KING. Now, this is a document that has been published?

Mr. OGLETREE. Yes. Yes.

Mr. KING. It has a signature on it, I presume.

Mr. OGLETREE. I will give you the entire history. It is well-known, but I will submit that to the Committee as well as General Johnson's rejection of that after the war.

Mr. CONYERS. Without objection, we will accept those documents.

Mr. KING. I do appreciate that, and that is a piece of history that I need to sit down and read so that—I am not boring, am I, Mr. Ogletree? It is a piece of the history that I believe I need to have.

However, is it your position before this Committee that a Civil War general can bind then a promise that goes beyond the century and into the next century? I mean we are sitting here as a Congress that cannot bind the next Congress. I believe that you are making the statement that, as to that promise that was made, somehow we are obligated to follow through on that. I am wondering by what authority you would make that allegation.

Mr. OGLETREE. Let me be clear as to what I said.

General Sherman issued Field Order No. 15 on January 16, 1865, targeting respectable Negroes, heads of families, et cetera, and promised that they would receive a plot of not more than 40 acres of tillable land, et cetera. That is what he promised. My point is that that promise was broken. That is why studying this history is important. It was never kept. You did not know this history. I know it because it is very important to me.

Mr. KING. I knew pieces of it. I did not know the details.

Mr. OGLETREE. It is very clear. Those who have been involved in this effort for decades have been very concerned about it, but the history is there, and there are other broken promises. So the study will allow us to have a record for the first time. Ah, we did not know that right after slavery and in the heart of slavery that there were some efforts to move forward. We did not know that promises were made and broken.

Mr. KING. So those who stepped forward and fought would be the ones, you believe, whose descendents deserve reparations?

Mr. OGLETREE. At least. They were promised that. In fact, the reality is that——

Mr. KING. I mean, if we are going to use this as a guidepost, then we would also have to identify who the descendents are of the people who honorably stepped forward and defended.

Mr. OGLETREE. We would like to. That is one of the problems of history, Congressman King. Again, you can point to your 1800 Bible. I cannot.

Mr. KING. I did hear your remark on that.

Mr. OGLETREE. Right.

Mr. KING. I had them bring it over, so it is here and it is real.

Mr. OGLETREE. I hope you treasure that.

Mr. KING. Absolutely.

Mr. OGLETREE. I wish I could identify with anything—anything—in the 20th century or in the 19th century or in the 18th century. I do know that my family did not come from Arkansas and Alabama. They may have ended up there, but I know they came from much further than that.

So my point is that studying history helps us to appreciate this and to appreciate the fact that we still have a long way to go. Thank God, despite all of those barriers, I am here; I have a job; I have a reputation; I have a profession. But that does not address the millions of people who are suffering because they never received the benefits of——

Mr. KING. And you also recollect that I stated that my grandfather's artifacts were lost because he was killed in the Civil War.

Mr. OGLETREE. Right.

Mr. KING. That would be the same kind of loss of history that you have expressed here.

Mr. SCOTT. Would the gentleman yield? Would the gentleman yield for just a quick question?

Mr. KING. Depending on how much time I might have.

Mr. CONYERS. The gentleman's time is nearly extinguished. If he can finish up——

Mr. KING. I would like to then just finish up, Mr. Chairman, and not yield because there is a question here that I think is really important philosophically before this Committee.

That is the issue of some people suffered under slavery and some people suffered mightily to end slavery. Sometimes it was the same people. Sometimes it was slaves who suffered mightily to end slavery. Sometimes it was abolitionists who came from the North who suffered mightily and who gave their lives to end slavery.

Maybe if I could compress this question down to John Brown and ask you as a panel: Do you believe, if reparations are to be paid, that they should be paid by the family of John Brown or that they should be paid to the descendents of John Brown?

I would like to start on the panel and hear the answer.

Reverend SHAW. I do not think we know the answer to the question. You know, I have been sitting here, trying to listen to this conversation and to translate it into language of faith. I think the word that I have come up with is "discernment" and that H.R. 40 is about the issue of discernment, the point being that every human being brings part of God to a discussion, and the discussion is always important if we are going to find God's way and God's truth. What this H.R. 40 is about is carrying on that process of discernment so that we can find out the truth of faith.

I think, to answer your question directly, we do not know, and I think that that is what Chairman Conyers is saying that this resolution will take care of.

Mr. KING. Mr. Clegg.

Mr. CLEGG. Well, I would say the answer is neither. The reason is that not only do we not know, but in a sense it is really unknowable whether the descendents of John Brown, "Deserve," reparations or not. It is impossible to tell in 2007 or to speak with any kind of moral authority about whether someone deserves more than they have because of events that happened 150 years ago. There is too much that has happened since then that also affects where an individual is.

Mr. KING. Thank you.

The gentlelady.

Mr. CONYERS. I thank the gentleman so much.

Ms. TYEHIMBA. Congressman, may I respond, please?

I think that what we need to look at in terms of religious doctrine is that they normally say that the enslaver, when they release the enslaved, has a responsibility to provide something so that that formerly enslaved person is capable of taking care of himself. That was never done. What we actually saw, however, was, particularly in the area in Washington, D.C., that the former slave owners received reparations, but those who were enslaved received nothing. So we have to get to that.

The reason for, I think, concern here when you discuss reparations is that it goes back to this discussion of a check, and it is not——

Mr. KING. Can you answer to the family of John Brown, though, please?

Ms. TYEHIMBA. I am not going to respond to that. I think what we need to look at is the issue of religion and what it says should happen to formerly enslaved people.

Mr. KING. Then I am burning up the Committee's time beyond where I have already expressed my limits.

I yield back to the Chairman. Thank you.

Mr. CONYERS. Could we get Professor Ogletree?

Mr. KING. I would be happy to do that.

Mr. CONYERS. Good.

Mr. KING. I just thought I had stretched your patience too far, Mr. Chairman.

Mr. OGLETREE. I think the government should take the responsibility of responding. That is what we did with the Japanese Americans in the 1988 Civil Rights Act. That is what the world expected countries to do with the Holocaust survivors, not always finding individual people responsible, but to the extent that the government was complicit, the government would take some responsibility, whether that would be financial or some other means.

Mr. CONYERS. I thank the gentleman.

I would point out we are now beginning to work up a conflict here because we have another hearing that was supposed to have begun in this Committee room, and we have another panel to go. The Chair will have to be a little bit more stringent in the generosity of the time that he has allowed thus far.

Mr. SCOTT. Will the gentleman yield?

Mr. CONYERS. I recognize the gentleman briefly.

Mr. SCOTT. The hearing that was supposed to begin at 1 o'clock will be delayed until the end of this hearing. So we will just continue on with this hearing, and the Crime Subcommittee will begin at the end of this hearing.

Mr. CONYERS. Well, that is very kind of the gentleman. I should be referring these things to him instead of making the decisions myself. I thank him very much for his generosity.

The Chair recognizes Steve Cohen of Memphis.

Mr. COHEN. Thank you, Mr. Chairman.

Does anybody on the panel feel like it was a mistake for the United States Senate to apologize for lynching?

Mr. Clegg, do you think it was a mistake to apologize for lynching when we did not know the lynchers or the lynchees, et cetera?

Mr. CLEGG. Well, I am trying to remember the specific facts, Congressman Cohen, at the time. Now, of course, the Senate was apologizing on behalf of itself; is that correct?

Mr. COHEN. No. I think it was apologizing on behalf of the country. I do not think any Senators did much lynching.

Mr. CLEGG. Well, I do have a problem with that then. I do have a problem with that then, yes.

Mr. COHEN. You do. Okay.

Do you have a problem with the United States——

Mr. CLEGG. I think that in order to apologize, for me to apologize for something—it has to have been, in some sense, my fault. Otherwise——

Mr. COHEN. It was the Nation's fault. The Nation permitted it to go on. The Nation acts for all of us. It is the, you know, cumulative deal.

Mr. CLEGG. See, to say that America now is going to apologize for things that individuals did some time ago——

Mr. COHEN. Permitted by the government.

Mr. CLEGG. It could have been stopped, you say, had the Senate been more aggressive.

As I say in my testimony, I think that that kind of apology is understood, unfortunately, as being an apology by some individuals because of actions done by other individuals with whom they have nothing in common except for the color of their skin, and I think that that is inconsistent with the principles that I was talking about earlier.

Mr. COHEN. How about the apology that we ask the Japanese Government to give for having used comfort women in China? The House passed that unanimously. Was that a mistake?

Mr. CLEGG. Again, I am not familiar with the specifics.

Mr. COHEN. All right. Let us stop it there. I have heard your response. We do have a limited amount of time.

Was it a mistake for us to apologize to the Japanese we interned in World War II?

Mr. CLEGG. Well, now, there, again, it depends on whose behalf the apology was.

Mr. COHEN. The country as a Nation.

Mr. CLEGG. The United States Government did the interning. So, for the United States Government to apologize, I think it would have been appropriate.

Mr. COHEN. All right. Enslavery. The United States Government permitted slavery. They made it legal. While Mr. King's relatives, whoever they were, might have lost their lives in the war—and God bless them for participating—for 100 years thereafter they made people unequal citizens. They could not get the same lawyer job as you got. They could not get the same business job as some White person got. For 100 years, we perpetrated, perpetuated that racism and that badge of slavery. It was a second class slavery, so to speak.

Mr. CLEGG. When you say "we"——

Mr. COHEN. We are a country.

Mr. CLEGG. Well, again, I do not look at it that way, and I think that the way that the bill is drafted suggests that one of the things that this commission is supposed to think about is whether there should be an apology by the United States Government on behalf of the American people to . . . and then it does not say to whom the apology is supposed to be made. I think that each step there raises a lot of questions. The United States Government now——

Mr. COHEN. Professor Clegg, we have got a limited amount of time. I am going to stop you because I know where you are going. We can get Ann Landers or somebody to help us with to whom the apologies should be made. Those are formalities.

Mr. CLEGG. Well, I think it is pretty important.

Mr. COHEN. Let me ask the bishop a question.

Jesus was Jewish, was he not?

Reverend SHAW. He was.

Mr. COHEN. So he would have done Passover, would he not?

Reverend SHAW. He would have.

Mr. COHEN. At Passover, don't the Jews—and they still do it to this day—look back upon the time they were in bondage and reflect upon it and say, "we should always be against putting people in bondage," and have concerns about people who were in slavery?

Reverend SHAW. Yes, and I think it is a message that is repeated by the prophets and the Hebrew scripture over and over again.

Mr. COHEN. So it is kind of a tough thing to come up with. What do you think Jesus would think about slavery? Would he have thought somewhere in 1965, 1,865 years later, that somebody forgot about the Passover sater and the Passover lessons? How would he have dealt with that?

Reverend SHAW. Part of our baptismal covenant in the Episcopal Church is to respect the dignity of every human being, and that part of our covenant comes directly from the teachings of Jesus and Jesus' continual reminder to all of us that we should never forget, that always we should be calling from remembrance into reality.

Mr. COHEN. I, as a Jewish person, find the Passover service to be my favorite holiday. It has got great eats, and it has also got a great story. It has got the story of the Jews having been enslaved, and forever after remember, and never forget about other people who were enslaved. I think that is part of what this is about. You know, there are differences on this panel on the theory of abortion, but I find it very difficult as a Jewish person whose ancestors were killed and enslaved during the Holocaust and as a person who represents many, many, many African Americans who were enslaved and killed along the passage to America, in America as slaves and then continually through Jim Crow kept as second class citizens.

One thing is the issue about choice in *Roe v. Wade,* the freedom of a woman to make a decision concerning an embryo, and the other is the decision of a powerful government to kill and take freedom away. One gives freedom whether you think the person should have it or not. The other takes freedom and life away, and I think it is difficult to juxtaposition the two. You know, in the Jewish religion, life was not considered beginning until birth because so many children were aborted naturally, and it was to save the woman and the father from having the angst of the lost child that the child was not considered a child in being until birth.

Mr. CONYERS. The gentleman's time has expired.

Mr. COHEN. Thank you, sir. I appreciate it, Mr. Chairman.

Mr. CONYERS. Finally, we turn to Darrell Issa and to Sheila Jackson Lee before we are summoned for another set of bells.

The gentleman from California is recognized.

Mr. FRANKS. Mr. Chairman, prior to that, I apologize to you, but at the request of the Ranking Member, I have to respectfully object to the participation of a noncommittee Subcommittee Member, as far as Ms. Jackson Lee, even though I say that in the greatest respect to the gentlelady.

Mr. CONYERS. Well, let us cross that bridge when we get to it. Let us recognize Darrell Issa right now. He is a legitimate Member and is entitled.

Mr. ISSA. Was I ever considered illegitimate?

Mr. CONYERS. Well, some Members are and some Members are not.

Mr. ISSA. Thank you, Mr. Chairman. Thanks for recognizing me. I am going to be brief, and will yield the remainder of the time to the Ranking Member. I just want to put out a perspective, to make an observation of today.

I am the founding chairman or co-chairman of the Philippine Caucus, and General MacArthur promised the Filipinos, who fought with us in World War II, who helped push back and most of whom died, that they would be treated as any other GI. Two years later, the U.S. Congress in the Rescission Act voted that promise away, and it has not been kept. That is a promise in which the people promised it. The actual people who fought—the rangers, the scouts—they are still alive. So, although I think this is certainly an interesting exercise in reparations talk, I will tell you the Filipino community is only asking for reparations to the people accountable to that promise.

I would hope that, if we go forward with the discussion of reparations, we are truly talking about reparations to the extent that somebody can be legitimately found to be the inheritor of that, remembering that the government takes 55 percent off the top of inheritance in each generation. I hope that discussion does go on if this bill goes forward and if the commission goes forward.

With that, I would yield the balance of my time to the Ranking Member.

Mr. FRANKS. Well, thank you, sir. Thank you, Mr. Chairman. You know, Mr. Chairman, I guess I will just use the time here to try to respond to a few things that have been said.

First, if I could—and forgive me. The gentlelady at the—I guess everyone has had trouble with her name.

Mr. CONYERS. Could you put your name tag in front of you, ma'am?

Ms. TYEHIMBA. Oh, it fell.

Mr. CONYERS. Oh, that is what is giving us so much trouble.

Mr. FRANKS. Let me just say, ma'am, I was very, very—your comments to me, I think, were entirely accurate, and I agreed with every word. Now, I will have to sequester that particular part of your statement because there were some other things that I disagreed with you on, but what you said to me, I think, is exactly right.

One of the things you said is that this is about the value of human life, past and present, and I certainly do agree with that.

Related to Mr. Cohen's comments, I guess it is important that he understands.You know, when he mentioned about the Passover, I am very familiar with the entire history of the Jewish people, and I believe that that was something that is very appropriate. You know, they acknowledged what had happened to them, and they promised that not only were they grateful to God that they were delivered from the slavery in Egypt but that they would work hard to make sure that their descendents were never enslaved again. I

mean I have been on the top of Mt. Masada where they say that, you know, Israel will never fall again, that Masada will never fall again. So I believe that it is entirely appropriate to go back in our history and to acknowledge some of the things that have happened.

I have to take Mr. Clegg's point of view related to the apology. The apology is something where you apologize that you have wronged another human being. You have done something wrong, and you are apologizing to them. I cannot apologize on behalf of Adolf Hitler. I can call him every name I can think of and say that he was a despicable excuse for a human being, but I cannot apologize for him. Only he can do that if he is anywhere where he can. So, I guess, the point is that I think that there might be at least something to think about.

I do not offer this as a proposal, Mr. Chairman, but as at least something to think about that perhaps there could be some common ground in all of our coming together and saying, you know, whether it was the Holocaust in Germany or whether it was slavery or whether it is what I believe to be a modern day holocaust, in every case, the people ask a question or they should have. "was the Black man a human being?" our predecessors got that question very, very wrong, and it led to a tragedy that begs our description.

When the Germans, the intelligentsia of Germany, asked the question "Was the Jew a human being?" they got that question very wrong. I would suggest to you that there was an inherent bias and that they deliberately came to the conclusion that they did because they felt that there was a selfish—as Ms. Tyehimba mentioned, that there was a greed factor, that there was a self-serving factor in coming to that conclusion.

I think the same thing is true today related to abortion, that there is a self-serving factor here, and I do not mean that on the part of the woman. I would point to the abortion industry, which is now a Fortune 500 company, or would be if it were measured in those terms, in this country. I think there might be some advantage for us to come together and to say let us go back in our history and let us look at the examples and recognize the examples—acknowledge them, is the word—of where we failed to uphold the creed of this government that all men are created equal and endowed by their Creator, are given the gifts of God by their Creator of life.

That is the first one. The reason I emphasis that so much, Mr. Cohen, is that without the right to live none of the others have any meaning whatsoever—and if we could go back and say that this is a place where we failed our fellow human beings and that from now on we are going to go forward and that we are not going to do that anymore.

If we want to honor or repair the damage as best we can to those who suffered the holocaust of slavery—and I do believe it was a holocaust—if we want to repair that damage—I think if we could have them here on this panel today, what they would say more than anything else is do not let it happen to anybody else. It is too late. You cannot fix it for me, but you can make sure that it does not happen to my descendents. I think those might be some common ground things to follow.

Once again, in every case these tragedies were because we as a human family failed to recognize the human dignity of some particular group or members of that human family, and we continue to do it today. Unless we change where we are going now, we will continue down that darkening path to where the survival of the fittest prevails and darkness prevails over humanity.

So, Mr. Chairman, I yield back.

Mr. CONYERS. I thank the gentleman.

I am pleased now to recognize the distinguished gentleman from Alabama, Mr. Artur Davis.

Mr. DAVIS. Thank you, Mr. Chairman.

I apologize to Ms. Jackson Lee for getting ahead of her since I am on the Subcommittee. Let me try to make a couple points because I do want Ms. Jackson Lee to have ample time today. Mr. Clegg, I want to start with you.

I know a lot of the conversation, a lot of the hearing today has revolved around you, but something that you said kind of caught my attention.

In listening to you, you have had a lot to say today about de-linking the past from the present, and I thought about that a little bit in listening to you. Are you opposed to legacy admissions for colleges and universities?

Mr. CLEGG. For public universities, yes.

Mr. DAVIS. Are you opposed to it for the Harvards and for the Yales of the world?

Mr. CLEGG. Well, I think that should be left to the Harvards and the Yales of the world.

Mr. DAVIS. Are you morally opposed to it as a philosophical matter?

Mr. CLEGG. No.

Mr. DAVIS. I am bothered by that.

Professor Ogletree, this may be something you would want to weigh in on.

Normally, sometimes you can grade people by consistency in their remarks, and sometimes people do not even bother to go through the charade of consistency. You have shown some effort to be consistent today.

Mr. CLEGG. Thank you.

Mr. DAVIS. The problem with that is if you are consistent about wanting to separate the link between things that happened yesterday and today and if you are consistent about the proposition that what happened in another generation should not be binding or have relevance to us today, it would seem to me that a lot of your passion and a lot of your energy ought to be dedicated to the fact that you have an extra edge at getting in a Harvard or in a Yale or in a Princeton if your great granddad went there, particularly if your great granddad gave a lot of money. That strikes me, frankly, as being rather inconsistent with your point of view.

Mr. Ogletree, would you like to comment on that, on whether you see a tension between legacy admissions at Ivy League schools in Mr. Clegg's argument?

Mr. OGLETREE. It is not just a philosophical but a personal question, and I will answer it from the personal point of view because, having gone to Stanford, which has a legacy plan and Harvard

with that same sense of legacy, I just recount the story of my daughter who applied to Stanford and who got a letter saying, "Congratulations. You are a legacy because your mother and father are graduates of Stanford." She resented that. Her point was, you know, are you looking at me or are you looking at my parents.

Now, the irony is that and the reason that I am sort of unwilling to get rid of legacies is this: We have just arrived. We have just arrived in numbers where the first generation of African Americans, Latinos, Asian Americans, and Native Americans are graduating with children who are going to these institutions. I will bet you that, as affirmative action has disappeared, legacies will be next because guess who is at the door. Over 50 percent of Stanford's entering class are students of color.

So even though we are taking things away, are we taking away things that make some sense? Is it going to stop the Packards and Hewletts and the millions for Stanford or is going to impact more directly the first generation or the second generation of those going to these institutions? That is why I think the history is important.

Mr. DAVIS. Let me just make this observation.

Regardless of what happens in the future with legacy admissions, there had been a longstanding practice of legacy admissions way before Charles Ogletree's daughter was a possible candidate.

Mr. OGLETREE. That is why history is important.

Mr. DAVIS. Right.

Mr. OGLETREE. That is why we have to look back. It worked for everybody else.

Mr. DAVIS. Right.

Mr. OGLETREE. We should not disconnect the past with the present.

Mr. DAVIS. It worked for everybody else in a way that did not, frankly, draw a significant amount of a program or in a way that did not draw the kind of philosophic critique that is attached to the kind of thing that Mr. Conyers is trying to do.

Mr. OGLETREE. Right.

Mr. DAVIS. The second observation——

Mr. CLEGG. Racial discrimination is quite different from any other kind of discrimination.

Mr. DAVIS. Well, the second observation I want to make——

Mr. OGLETREE. Well, it is racial discrimination in the sense that the people who are legacies are largely not people who are African American, Native American, Latino or Asian American.

Mr. DAVIS. The second observation I want to make——

Mr. CLEGG. As you say, though, that is not true now.

Go ahead.

Mr. DAVIS. The second observation that I want to make has to do with a line of questions Mr. King was pursuing with you, Professor Ogletree, that dealt with the question of language and the Constitution and the value of removing it. I want to relate that, for just my last seconds of time here, to my State of Alabama.

Twice in this decade, we have had a referendum in the State of Alabama that dealt with cleansing language from the Alabama Constitution. In 2000, there was a referendum on language in the Constitution that banned marriages between Black individuals and White individuals. In 2003—or 2004, rather—there was a ref-

erendum that dealt with language that could have been interpreted as allowing segregation in the State schools. There was a very strong effort to remove the offensive language.

A lot of people on the other side of the argument sounded a little bit like Mr. King. Their argument was, well, interracial marriage bans have not been enforceable since *Loving v. Virginia.* School segregation has not been the law of the land since *Brown.* This argument advanced. Well, why go back and feel the need to cleanse out language when the language is no longer operative?

Frankly, the point that was made to them was if a document that purports to speak to all of us—if a document that purports to speak to our sense of——

Mr. CONYERS. The gentleman's time has expired.

Mr. DAVIS. May I finish my sentence, Mr. Chairman?

Mr. CONYERS. Absolutely.

Mr. DAVIS. If a document that purports to speak to our sense of national community on its own terms debunks that notion and undercuts the idea of community, it is always worthy of being changed and cleansed.

So while I did not hear the full benefit of Mr. King's argument, so that struck me as relevant information.

Mr. CONYERS. I thank the gentleman.

All time has expired. This panel has been very, very contributive to the discussion. I thank each and every one of you.

I am going to now call the second panel, and I would like those persons to——

Ms. JACKSON LEE. Mr. Chairman, is there any time I can be yielded? No?

Mr. CONYERS. Well, of course not. There is nobody here to yield you the time. Their time has expired.

Ms. JACKSON LEE. Okay. Thank you, Mr. Chairman.

Mr. CONYERS. You are welcome.

All right. Will the witnesses quickly take their places? I thank the second panel.

The first witness is my dear friend of the family, JoAnn Watson, a University of Michigan graduate. I do not know how she figured in on the discussion about Harvard's and Princeton's having these prerogatives when their children go to school and apply there, but she serves with great distinction as member of the Detroit City Council, and she is presenting testimony not only on her own behalf but on that of Ray Jenkins, the gentleman who has pressed this Member into numerous discussions about a study bill on reparations for many years.

Ms. Watson, Councilwoman Watson, was a delegate to the United Nations World Conference on Racism in Durban, South Africa. She is President of the National Anti-Klan Network and the Center for Democratic Renewal. Prior to her service as a member of the city council, she served as public liaison for my office.

We welcome you, Councilmember JoAnn Watson. Your testimony, like everyone else's, will be recorded and reproduced in its entirety in the record. You may take time to summarize your statement or to make any other comments you choose.

TESTIMONY OF THE HONORABLE JOANN WATSON, COUNCIL MEMBER, DETROIT CITY COUNCIL

Ms. WATSON. Thank you very much, Mr. Chairman. I want to thank you in a very special way and tell you how proud I am to be one of your constituents and to come from the City of Detroit, where you have represented us with such distinction for so many years, Mr. Chairman. I thank you for being the sponsor of H.R. 40 since 1989.

I am here today to represent "Reparations" Ray Jenkins, who is considered the Moses of the Reparations Movement in the City of Detroit, and some see him that way nationally. He has asked that I speak for him today, and he is hoping that, if the Chairman and the Committee—this august Committee—are determined to have multiple hearings, he is hopeful that there might be one in Detroit where he could speak personally to this august body.

Your role has been significant and substantive, and has given a great weight to the discussion that has taken place already today. I am also proud as a native Detroiter, nationalist, and Pan African, to acknowledge the legacy of ancestral Detroiters like Chris Alston, who first discovered our archival records, documenting the work of Mrs. Callie House and her courageous organizing and her advocacy for reparations, or pensions, as she founded the National Ex-slave Mutual Relief, Bounty and Pension Association. She was wrongfully indicted and imprisoned by this country with fraudulent claims of mail fraud, but the government's persecution did not stop her brave, African, warrior self from filing a class action lawsuit against the U.S. Government on behalf of Africans who had been immorally enslaved in this country.

It is important that we also note that another Detroit area ancestor, Reverend Milton Henry, along with his brother, Dr. Imari Obadele, formerly known as Richard Henry, was one of the founders of the Republic of New Afrika in Detroit, who was counsel to Malcolm X and who recorded Malcolm X's voice. He provided a sacred, spiritual sustenance regularly on the righteousness of reparations, using the Old Testament Numbers 5:5 as a scriptural basis for reparations

To quote Reverend Milton Henry, "When you have taken that which does not belong to you, God's law is that you return it plus a fifth thereof," unquote.

Certainly, there is the Honorable Elijah Muhammad, the founder of the Nation of Islam in Detroit; the significance of the Shrine of the Black Madonna founded by Jaramogi Abebe Agyeman in Detroit; and people like Queen Mother Rosa Parks, who spent more years in Detroit than she spent in Montgomery, Alabama. She was an active attendee of N'COBRA, and supported the Reparations Movement. In fact, she attended a national N'COBRA convention in Detroit. There is Kwame Atta, the late Kwame Atta, now an ancestor, a strong supporter and fundraiser along with "Reparations" Ray Jenkins. All of these shoulders we stand on today.

As we address the topic of reparations in the U.S., it is constructive to use the Reconstruction as one of our backdrops. If we look specifically at George H. White, the last African American Reconstruction Congressman and the last African who had been enslaved to sit in the House, we note that Congressman White was born in

Rosindale, North Carolina. He was a graduate of Howard University. He studied medicine, and then he studied law and passed the North Carolina Bar. He was elected in 1896, and was reelected in 1898. He was able to obtain back pay for Black Civil War veterans, but his colleagues refused even to hear a Federal anti-lynching bill.

During his last speech in January 1901, Congressman White said, "This, Mr. Chairman, is perhaps our temporary farewell to the American Congress."

These parting words are on behalf of an outraged, heartbroken, bruised, and bleeding but God-fearing people full of potential force. It would be nearly 30 years before the next African American, Oscar de Priest of Chicago, would be elected to the United States House of Representatives in 1929.

If Congressman White or Callie House could offer testimony on the issue of reparations today, they would certainly attest to the fact that Africans never received 40 acres. On March 3rd, 1865, weeks before the end of the Civil War and almost a year prior to the ratification of the 13th amendment, the Freedmen's Bureau was created by an act of Congress. According to section 4 of the first Freedmen's Bureau Act, this agency "shall have authority to set apart for use of loyal refugees and freedmen such tracts of land within the insurrectionary States as shall have been abandoned or to which the United States shall have acquired title by confiscation or sale or otherwise; and to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than 40 acres of land." As has already been discussed, this was breached and violated by this country.

In January 1865, General William Tecumseh Sherman had previously issued orders to General Rufus Saxton to divide land into 40-acre tracts and to distribute them to freedmen after the creation of the Freedmen's Bureau in 1865. Just 2 months later, however, after the assassination of President Abraham Lincoln, President Andrew Johnson issued an Executive Order to eliminate support for the Freedmen's Bureau, and he reneged on the promises and on the commitments that had been negotiated by abolitionist statesman Frederick Douglas in discussions with President Lincoln.

Mr. CONYERS. Could the gentlelady—I beg her continuing apology—conclude?

Ms. WATSON. Yes, I will.

Mr. CONYERS. Our time is going rapidly.

Ms. WATSON. Yes, sir.

The Civil Rights Redress Act has already been addressed, which was passed in 1988. I have submitted written testimony about the legal precedence that has already been set for reparations paid to others. It should be noted that reparations for Africans has not only been an issue cited by Africans in America but also a significant point of discussion by Africans on the continent.

We support the passage of H.R. 40. When it is passed, we urge that the study will give consideration for the current day equivalent of the dollars paid to an examination of what was paid to the persons who lost the Civil War. There should be consideration of what was paid to those who lost the Civil War. They received compensation and land.

We ask that there be a special look at taxes, colleges, the release of African Americans who have been political prisoners. We ask that there be a special look at the significance of health care and at the significant role of Africans who have preserved the United States. In the United States, most of our schoolchildren and many people in this room may not be aware that it is African descendents who have maintained this U.S. as the U.S. The North was losing until the engagement of Africans in the Civil War. We support the immediate passage of H.R. 40.

We thank you very much, Mr. Chairman, for your kind consideration and to this Committee.

[The prepared statement of Ms. Watson follows:]

PREPARED STATEMENT OF THE HONORABLE JOANN WATSON

I am JoAnn Watson, City Councilwoman, Detroit City Council. I am pleased to be here today before the subcommittee to testify on Legacy of the Trans-Atlantic Slave Trade.

I would like to thank you, Mr. Chairman, for inviting us to testify today. I also want to thank you, Ms. Lofgren, Mr. Berman, and other members of the Committee for your leadership over the years on this important and vital humanitarian issue.

Our purpose in testifying today is to provide the perspective of the Trans-Atlantic Slave Trade."

As we address the topic of reparations in the United States, it is instructive to use the Reconstruction era as one of our backdrops. Let us look specifically at George H. White, the last African American Reconstruction congressman and the last African who had been enslaved to sit in the House. Congressman White was born in Rosindale, North Carolina, and was a graduate of Howard University. White studied law privately. He represented North Carolina's Second Congressional District and was elected in 1896 and reelected in 1898. Nor surprisingly, Congressman White found it difficult to make his mark in Congress. He was able to obtain back pay for Black Civil War veterans, for ample, but his colleagues refused even to hear his federal antilynching bill.

During his last speech, in January 1901, Congressman White said, "This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. These parting words are on behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people . . . full of potential force." It would be more than twenty-five years before the next African American, Oscar De Priest, of Chicago, Illinois, was elected to the United States House of Representatives.

If Congressman White could offer testimony on the issue of reparations today, he would certainly attest to the fact that Blacks never received forty acres and a mule in the aftermath of the signing of the Emancipation Proclamation. On March 3, 1865, weeks before the end of the Civil War, and almost a year prior to the ratification of the Thirteenth Amendment, the Freedmen's Bureau was created by an act of Congress. According to Section 4 of the first Freedmen's Bureau Act, this agency "shall have authority to set apart for use of local refugees and Freedmen such tracts of land within the insurrectionary states as shall have been abandoned or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or Freeman, as aforesaid there shall be assigned not more than forty acres of land." This portion of the Freedmen's Bureau Act (introduced by Congressman Thaddeus Stevens) was defeated by Congress on February 5, 1866, by a vote of 126 to 36 because many thought that it would disenfranchise white landowners who had been defeated in the Civil War. Land that had been distributed to Freedman was reclaimed by the federal government and routed to the enslavers (who had lost the Civil War, fought for the Confederacy, and had already benefited unjustly from the unpaid labor of Africans).

In January 1865, General William Tecumseh Sherman had previously issued orders to General Rufus Saxton to divide land into forty-acre tracts and distribute them to

freedmen after the creation of the Freedmen's Bureau in 1985. Just two months later, after the assassination of President Abraham Lincoln, President Andrew Johnson revoked the executive office's support for the Freedmen's Bureau and reneged on promises and commitments that had been negotiated by abolitionist/statesmen Frederick Douglas in discussions with President Lincoln.

I believe that one of the best-kept secrets among Civil War historians is that the Union was losing to the Confederacy until enslaved Africans joined the Civil War to fight for the Union. As President Lincoln discussed the matter of introducing Africans who had been held in bondage to fight for the Union, Douglas strongly advocated on behalf of the Emancipation Proclamation, the Freedmen's Bureau, the provision of land to the newly freed Africans, and the adoption of the Thirteenth Amendment. Among the resources utilized to bring victory to the Union was Harriet Tubman, the renowned General of the Underground Railroad, who served as a scout during the Civil War conducting dangerous reconnaissance missions.

Upon learning that President Andrew Johnson had rescinded the order authorizing the Freedmen's Bureau Act and the distribution of land to freedmen, General Saxton wrote the following communiqué to the commissioner of the Freedmen's Bureau, Oliver O. Howard: "The lands which have been taken possession of by this bureau have been solemnly pledged to the Freedmen . . . it is of vital importance that our promises made to Freedmen should be faithfully kept . . . the Freedmen were promised the protection of the government, with the approval of the War Department . . . more than 40,000 Freedmen have been provided with homes under its promises . . . I cannot break faith with them now by recommending the restoration of any of these lands. In my opinion the order of General Sherman is as binding as a statute." Saxton's pleas were to no avail, however, as thousands of Freedmen were removed by force from land that had been granted by Congress and ordered by Sherman. This was done during the same period that witnessed the 1865 emergence of the Ku Klux Klan's unspeakable violent episodes targeting the newly freed Africans and President Johnson's removal of all federal protections guaranteeing the safety and protection of Africans in America.

The freedmen of the period included luminaries like Bishop Henry McNeal Turner, who had served as a chaplain in the Union Army. Bishop Turner was convinced that the U.S. federal government had betrayed African descendants. He was among many who publicly called for reparations, and he never forgave the nation for what he considered disgraceful ingratitude to Blacks who had built the wealth of the nation with unpaid labor and who had served the nation with courageous military valor during the Civil War. Years later, when he felt his last days were near, Bishop Turner transported himself to Canada, to assure that his remains would not be placed in American soil. (This was eerily prescient of W.E.B. Du Bois's decision, nearly a century later, to move to Accra, Ghana, and become a Ghanaian citizen, abandoning his life-long work to assure that the United States would honor its ideals and constitutional protections to it citizens of African descent.)

As the ranking Democrat on the House Judiciary Committee, as the dean of the Congressional Black Caucus, and as the longest-serving African American and the second-most senior member of the House of Representatives, I believe it is vitally important that we look toward legislative remedies as a vehicle for addressing the critical issue of reparations for African Americans, just as legislative remedies have been approved for the redress of others. The United Nations World Conference Against Racism, held in Durban, South Africa, in August and September of 2001 declared that the Transatlantic Slave Trade was a crime against humanity, and should always have been so; which sets the proper stage for the timely consideration of H.R. 40, the Reparations Study Bill, which I have introduced every year since 1989. The UN World Conference Against Racism was also another tragic reminder of the deep moral flaws that have been etched into the fabric of America as the United States formally walked out of this historic gathering days later walked into a terrorist attack on its own shores.

I believe it is vitally important that we look toward legislative remedies as a priority in the reparations movement not only to provide a level of redress for Africans who were enslaved but also to recognize the forces of legalized disparity that disenfranchised people of African descent, like Congressman White, after the signing of the Emancipation Proclamation and which continue to institutionalize racist policies and practices until this present day. We have gotten far too comfortable in accepting poverty, crime, and adolescent pregnancy as Black and their opposites as White. We have failed to trace the lineage of both of these economic conditions to slavery and its aftermath.

Why was a bill introduced to study reparations? H.R.40—the Reparations Study Bill—was introduced in 1989, first and foremost, because of the request that I do so by Reparations Ray Jenkins, who is one of my constituents, a self-employed businessman, precinct delegate, and longtime community activist. Reparations Ray had been an advocate and proponent of reparations for African Americans for many years, and had become a fixture in community-based meetings, assemblies, church gatherings, and NAACP functions as a person who has been singularly committed to the priority of reparations as an issue for people of African descent.

After the introduction of the Civil Rights Redress Act, which paved the way for reparations awarded to Japanese Americans who had been illegally and immorally detained during World War II for three years, it seemed to be an appropriate juncture for the introduction of legislation to study reparations for African Americans, to address possible remedies and redress related to those victimized by the pandemic horrors of the Transatlantic Slave Trade and the long-term residual impact of institutional racism that has persisted among African descendants through Jim Crow segregation, hate crime terrors of lynching and cross burning, and the disparate practices and policies of the prison industry, which in many ways has begun to reenslave Africans, who are disproportionately incarcerated and performing slave labor under the oppressive structure of disparate sentences. Persons of African origin are 13 percent of America's population but account for more than 52 percent of America's 2 million prison population, notwithstanding the reality that Blacks are no more predisposed toward behavior than any other population.

One of the other important factors for the introduction of H.R.40 was the inescapable reality that legal precedence had long been established reality that legal precedence had long been established relative to the appropriateness of reparations by governmental entities in response to government-sanctioned human rights violations. For example, in 1990, the United States Congress and the President of the United States signed the Civil Rights Redress Act into Law, to lay the framework for $1.2 billion ($20,000 each) paid to Japanese Americans and a Letter of Apology as a federal redress to recognize the human, economic, and moral damage inflicted upon a class of people for a three-year period. Also in 1990, Austria paid $25 million to Jewish Holocaust survivors for its role in the genocidal Nazi regime during World War II; in 1988, Canada gave $230 million to Japanese Americans; in 1986, the United States paid $32 million to honor the 1836 treaty with the Ottawas of Michigan; in 1985, the United States gave $105 million to the Sioux of South Dakota; in 1980, the United States gave $81 million to the Klamaths of Oregon; in 1971, the United States gave $1 billion plus 44 million acres of land to honor the Alaska Natives land settlement; in 1952, Germany paid $822 million to Jewish Holocaust survivors in the German Jewish Settlement—just to cite some historical backdrops of legal precedence that has been established.

Further, it should be noted that reparations for Africans has not only been an issue cited by Africans in America but also a significant point of discussion and action by Africans on the continent of Africa, James Dennis Akumu, former secretary-general of the Organization of African Trade Union Unity, states: "If you see the arguments the British are advancing in Zimbabwe and whites insisting on owning land and resources in Namibia, South Africa, and other parts of the continent, you can only come to the conclusion that in their minds, Africans should remain their slaves and should not own their own land and mineral resources." Akumu continues to press the point, "African labor and looted African wealth built these strong Western economies. Therefore, what we are claiming is what our people contributed to substantially, and is, therefore, rightfully ours."

Mr. CONYERS. We thank the councilwoman.

When we return, we will hear from the American Bar Association President Elect, from the distinguished Winthrop Professor of History at Harvard University and from the Assistant Professor of law at St. Louis University School of Law.

We will stand in recess until we have completed our vote on the floor.

[Recess.]

Mr. CONYERS. The Committee will come to order.

We are delighted to have Mr. Thomas Wells, Jr., a partner of Maynard, Cooper & Gale in Birmingham, Alabama. He served as the ABA's policymaking House of Delegates since the year 1991, and he was cochair of the ABA's Special Committee on Disaster Response, which was commissioned after Hurricane Katrina.

As this Committee often looks to the ABA for guidance in advancing sound legal policy, we look forward to hearing from Mr. Wells on the issues that bring us here today. He is, of course, the President Elect of the American Bar Association, and we give him congratulations in that area as well. We will incorporate his full

testimony into the record at this point and invite him to make his testimony.

Welcome, sir.

TESTIMONY OF H. THOMAS WELLS, JR., PRESIDENT-ELECT, AMERICAN BAR ASSOCIATION

Mr. WELLS. Thank you, Mr. Chairman.

My name is Tommy Wells. I am a partner and a founding member of the law firm of Maynard, Cooper & Gale in Birmingham, Alabama. I am currently serving as the President-Elect of the American Bar Association. As such, I will become the President of the ABA in August of 2008.

I am here today at the request of our current President, William Neukom, of Seattle, Washington, to present the news of the ABA. He sends his regrets that he was unable to attend this hearing.

Mr. Chairman, the ABA supports the principle of H.R. 40, authorizing the establishment of a federally funded commission to study the impact of slavery on the social, political and economic life of our Nation. The objectives of H.R. 40 are consistent with ABA policy, adopted in 2006 by our policymaking House of Delegates. We support the enactment of legislation to create and to appropriate funds for a commission to study and to make findings relating to the present day consequences of slavery and to the subsequent denial of equal justice under law for persons of African descent living in the United States.

More than 4 million Africans and their descendents were enslaved in the colonies that were to become the United States and, later, in the United States from 1619 to 1865. After the Civil War, the Nation ratified three constitutional amendments espousing principles of equality and full citizenship for all Americans, but the post-Reconstruction era marked by Jim Crow laws at the local level, all the way up to the Supreme Court in its *Plessy v. Ferguson* decision, demonstrated how racism and racial bias could manipulate the justice system to undermine these constitutional principles and could perpetuate widespread oppression.

By the early part of the 20th century, there came to be two Americas—one that could rely on the rule of law and one that could not. Particularly egregious was the scourge of lynching. Lynch mobs murdered nearly 5,000 African American men, women and children and caused thousands more African Americans to lose property, employment and any means of support for their families.

Though legally sanctioned racial discrimination has crumbled in the past 50 years, concerns remain regarding the effect today on the social, political and economic conditions for African Americans. As Justice Ginsburg stated in her concurring opinion in the 2003 U.S. Supreme Court decision in *Grutter v. Bollinger,* it is well-documented that conscious and unconscious race bias, even rank discrimination based on race, remain alive in our land, impeding the realization of our highest values and ideals.

President George W. Bush stated in his Katrina speech in New Orleans "Poverty has roots in a history of racial discrimination which cut off generations from the opportunity of America." We have a duty to confront this poverty with bold action. I suggest, Mr.

Chairman, that the passage of H.R. 40 would be the bold action that President Bush was speaking of in September of 2005.

In a major address to the American Bar Association in 2004, Justice Kennedy stated, nationwide, more than 40 percent of the prison population consists of African American inmates. About 10 percent of African American men in their mid to late 20's are behind bars. In some cities, more than 50 percent of young African American men are under the supervision of the criminal justice system.

The causes of these and other disparities require greater understanding if we are to address them with viable solutions. The question is not whether we need a commission like the one proposed in H.R. 40. The question is why have we waited so long to establish one.

Like the country as a whole, the ABA also has had a painful past. When our association was established almost 130 years ago, African Americans were denied membership. In fact, in 1925, the National Bar Association was formed by 100 Black attorneys who had been denied ABA membership. We have, however, made strides to try to put our own house in order. We have created the ABA Center for Racial and Ethnic Diversity, which is empowered to make regular reports and recommendations to help guide the Association. This continuing process is having positive effects on the diversity and on the inclusiveness, not only of our Association but of the more than 400,000 attorneys and legal professionals and the legal profession as a whole.

In 2003, my friend, the Honorable Dennis Archer of Detroit, Michigan, became our first African American President. I was honored to serve with President Archer, as the Chair of the ABA House of Delegates, during his tenure as President of our Association. President Archer was immediately followed in 2004 by our second African American President, Robert Grey of Richmond, Virginia, another good friend of mine.

In summary, Mr. Chair, I want to reiterate the American Bar Association's support, in principle, for H.R. 40. Thank you for the opportunity to convey the American Bar Association's views on this important topic.

[The prepared statement of Mr. Wells follows:]

PREPARED STATEMENT OF H. THOMAS WELLS, JR.

STATEMENT OF

H. THOMAS WELLS JR., PRESIDENT-ELECT

submitted on behalf of the

AMERICAN BAR ASSOCIATION

to the

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES

COMMITTEE ON JUDICIARY

of the

U.S. HOUSE OF REPRESENTATIVES

on the hearing on

"OVERSIGHT HEARING ON THE LEGACY OF THE TRANS-ATLANTIC SLAVE TRADE"

DECEMBER 18, 2007

Mr. Chairman and Members of the Committee:

Good morning. My name is Tommy Wells. I am here today in my capacity as president-elect of the American Bar Association and at the request of our current president, William Neukom. He sends his regrets that he is unable to attend this hearing and deliver the views of the Association in person. I am a partner and founding member of the law firm, Maynard, Cooper & Gale, P.C., in Birmingham, Alabama, and will assume the presidency of the ABA in August 2008.

The ABA supports, in principle, H.R. 40, which would authorize the establishment of a federally funded commission to study the impact of slavery on the social, political and economic life of our nation. The objectives of H.R. 40 are consistent with Association policy adopted in 2006. It supports the enactment of legislation to create and appropriate funds for a Commission to study and make findings relating to the present day social, political, and economic consequences of both slavery and the denial thereafter of equal justice under law for persons of African descent living in the United States, and if warranted, make recommendations on public policies or governmental actions to address such consequences. Our policy does not go into more explicit detail about the duties of commission, nor does it address how the commission should be structured or the scope of its investigative powers. These are matters more appropriately determined by Congress. H.R. 40, of course, addresses these procedural issues in detail.

As you have noted previously, Mr. Chairman, over four million Africans and their descendents were enslaved in the Unites States and its colonies from 1619 to 1865. In 1865, after the Civil War, Congress passed, and the states ratified, the 13th Amendment to the U.S. Constitution banning slavery outright in the United States.[1] A few years later,

[1] 13th Amendment to the U.S. Constitution, 1865, Section 1 reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

the 14th Amendment was ratified, granting full citizenship to African Americans.[2] And in 1870, the 15th Amendment was ratified, guaranteeing the right to vote regardless of "race, color, or previous condition of servitude."[3]

Despite the haste of the Reconstruction period, in which the nation ratified these amendments espousing principles of equality and full citizenship for all Americans, the post-Reconstruction era demonstrated how racism and racial bias could manipulate the justice system to undermine these constitutional principles and perpetuate widespread oppression for decades to come. This plague touched every level of the U.S. legal system, from local law enforcement to the highest federal court.

In 1896, the United States Supreme Court ruled in *Plessy v. Ferguson* that separating individuals based on race did not violate the 13th and 14th Amendments.[4] This decision sanctioned a system of racial segregation that summarily denied voting rights, employment opportunities, access to public accommodations, entry into military service, criminal justice protection, housing, education, police and fire protection, and due process of the courts for African Americans. By 1913, the federal government's offices in Washington, DC and elsewhere were officially segregated, as were its restrooms and lunch areas.

In the early part of the 20th Century, there came to be two Americas, one that could rely on the rule of law and one that could not. In certain areas of the country, African-American men could be--and were--arrested for alleged criminal activity, tried under suspect conditions without legal representation, convicted on scanty evidence and forced into hard labor.

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[2] 14th Amendment to the U.S. Constitution, 1868, Section 1 reads, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

[3] 15th Amendment to the U.S. Constitution, 1870, Section 1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

[4] Plessy v. Ferguson 163 U.S. 537 (1896).

Particularly egregious was the scourge of lynching. The terrorism tool of its day, lynching was a dreaded means of intimidation. While law enforcement stood by, lynch mobs terrorized this country, murdering nearly 5,000 African-American men, women, and children.[5] Thousands more African-Americans lost their homes, crops, property and means of support for their families in racially-motivated lynch riots.[6] When called upon, the United States Senate failed to pass anti-lynching legislation despite repeated exhortations by civil rights groups, sitting American Presidents, and the House of Representatives to take decisive action.[7]

Only in the last 50 years has the grip of legally-sanctioned racial discrimination begun to crumble. The 1954 decision of *Brown v. Board of Education* overturned *Plessy*[8] and our nation began to face racial discrimination directly by enforcing existing laws and enacting new ones to ban discrimination and ensure equality. Unfortunately, despite *Brown*, the passage of, the 24th Amendment to the U.S. Constitution,[9] the Civil Rights Act of 1964, the Voting Rights Act of 1965 and other anti-discrimination legislation, as well as decades of litigation; racial discrimination persists. Concerns remain regarding slavery and post-slavery discrimination and its effect on the present day social, political and economic conditions for African-Americans.

We all remember the rash of arsonist attacks against predominantly black churches in the South a few years ago. And just this past fall, with the unfortunate events in Jena, Louisiana, we were forcefully reminded that this nation still has work to do to eradicate racism and racial bias in our society and our system of justice.

As Justice Ginsburg stated in her concurring opinion in the 2003 U.S. Supreme Court decision in *Grutter v. Bollinger*, "It is well documented that conscious and unconscious

[5] Statistics provided by the Archives at Tuskegee Institute.

[6] See Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (2001).

[7] S. Res 39 Resolution of the 109th Congress, 1st Session (2005).

[8] Brown v. The Board of Education of Topeka, 347 U.S. 483 (1954).

[9] Authorizing the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax. U.S. Const. Amend. XXIV, § 1.

race bias, even rank discrimination based on race, remain alive in our land, impeding realization of our highest values and ideals."[10]

Racial disparities, no matter what their cause, exist in many facets of daily life. The field of criminal justice is a case in point. In a major address to the American Bar Association in 2004, Justice Kennedy stated:

> Nationwide, more than 40% of the prison population consists of African-American inmates. About 10% of African-American men in their mid-to-late 20s are behind bars. In some cities, more than 50% of young African-American men are under the supervision of the criminal justice system.[11]

As striking as Justice Kennedy's numbers were, he did not exaggerate the problem. Upon arrest, blacks are three times more likely than whites to be imprisoned.[12] Even though African-Americans comprise only 13% of the American population, over 44% of the 1.4 million persons incarcerated in 2003 were black,[13] A report released by the Bureau of Justice Statistics found that a black male had a 1 in 3 chance of being imprisoned during his lifetime, compared to a 1 in 6 chance for a Latino male and a 1 in 17 chance for a white male.[14] Nearly 10% of black males age 25 to 29 are incarcerated compared with 1.1% of white males in the same age group,[15] and black females are five times more likely to be incarcerated than white females. [16]

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[10] Grutter v. Bollinger, 539 U.S. 306 (2003) (Ginsburg, R., concurring).

[11] August 9, 2003 Address to ABA House of Delegates.

[12] National Urban League, The State of Black America, 2005: Prescriptions for Change, p. 33.

[13] Bureau of Justice Statistics, U.S. Department of Justice: Office of Justice Programs, Bulletin-Prisoners in 2003.

[14] Press Release, Bureau of Justice Statistics, Prevalence of Imprisonment in the U.S. Population, 1974-2001 (Aug. 17, 2003) available at http://www.ojp.usdoj.gov/bjs/abstract/piusp01.htm.

[15] Bureau of Justice Statistics, U.S. Department of Justice: Office of Justice Programs, Bulletin-Prisoners in 2003.

[16] Bureau of Justice Statistics, U.S. Department of Justice: Office of Justice Programs, Bulletin-Prisoners in 2003.

Even though there is vast disagreement about the cause of racial disparities in the criminal justice system, few deny that the problem exacts monumental social, financial, and human costs on the individuals who are incarcerated, their families, and society as a whole. The ramifications of the disproportionate involvement of African-Americans in the criminal justice system extend to issues as significant as felony disenfranchisement, disqualification from public housing and welfare benefits, and the dissolution of families.[17] The financial costs to society are as predictable as the costs of building and maintaining prisons. When society incarcerates an individual it not only punishes that person, but also deprives his or her family of financial support. There are real costs imposed upon those who are dependent upon the economic support of a father, mother, or other family member who is incarcerated. These costs, which increase with the length of the sentence, are passed onto society.[18]

Racial disparities exist in other areas as well. Substantial disparities in earning potential, unemployment rates, poverty levels, and access to health care, to name a few, are also well-documented and result in immediate and long-lasting adverse consequences for our nation, as well as for the individuals involved.

Are any of these present-day racial disparities the lingering result of slavery and post-slavery discrimination? There are theories, but no one really knows. The treatment of enslaved Africans and of African-Americans in the post-slavery years has been a shameful chapter in American history, and it poses difficult questions about the present effects of past denials of justice. This is 2007 and no comprehensive federal study has been undertaken to methodically examine the evidence and analyze the issues. The question is not whether we need a commission, like the one proposed in H.R. 40; the question is; why have we waited so long to establish one?

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[17] See generally Invisible Punishment: The Collateral Consequences of Mass Imprisonment, Marc Mauer and Meda Chesney-Lind, editors (2002).

[18] Recent efforts, vigorously supported by the ABA, to reduce the disparity between sentencing guidelines for crack cocaine and powder cocaine may help to reduce these disparities in criminal sentencing, and we want to take this opportunity, Mr. Chairman, to thank you for your announcement that you will hold hearings on this issue next year.

Like the country as a whole, we at the ABA also have had a painful past. When our Association was first formed almost 130 years ago, African-Americans were denied membership. Decades passed before African-American attorneys were invited to join the Association. In fact, in 1925, the National Bar Association was formed by 100 black attorneys who were denied ABA membership. This was our shame, and we are addressing it. Our mission of being the "national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law," requires an unwavering commitment to equality under the law, diversity of the profession, and open analysis of the past and present.

The ABA has made strides to put its own house in order, as well as to work for improvements in our justice system and support the enactment of laws and governmental policies to advance our nation's promise of equal opportunity and equal treatment under the law. We have created our own special commissions and task forces to examine our own practices in order to increase the participation of traditionally underrepresented groups in our own Association membership and leadership. The entities housed in our Center for Racial and Ethnic Diversity (Commission on Racial and Ethnic Diversity in the Profession, Council on Racial and Ethnic Justice, Presidential Advisory Council on Diversity in the Profession) continue to make regular reports and recommendations that are incorporated into the guiding principles of the Association. This is a continuing process, supported by our membership, our Board of Governors and our Association's leadership, and it is having positive effects on the diversity and inclusiveness of our Association membership and in the profession at large.

We have made significant progress since the early days of the ABA, as is evident by the fact that in 2003, my friend, the Honorable Dennis Archer of Detroit, Michigan, became our first African-American President. I was honored to serve with President Archer as the Chair of the ABA House of Delegates the year he was our President. He was immediately followed by our second African-American President, Robert Grey of Richmond, Virginia, another good friend of mine.

In summary, I want to reiterate the American Bar Association's support in principle for H.R. 40. We admire your dedication and perseverance in advancing this issue, Mr. Chairman, and we stand ready to help you in whatever way we can.

Thank you for this opportunity to convey the Association's views.

Mr. CONYERS. Thank you so much. I am glad you recall the rather amazing phenomena of the ABA's having two consecutive African American leaders of this distinguished legal organization. I appreciate your contribution and the continued relationship that this Committee has with the American Bar Association.

Professor Stephan Thernstrom is the Winthrop Professor of History at Harvard University. He recently coauthored with his wife No Excuses: Closing the Racial Gap in Learning. The professor received his undergraduate degree from Northwestern University, his Ph.D. from Harvard, and he has been with this Committee before. We welcome him back again and look forward to hearing from him today.

Your statement will be included in its entirety in the record.

TESTIMONY OF STEPHAN THERNSTROM, WINTHROP PROFESSOR OF HISTORY, HARVARD UNIVERSITY

Mr. THERNSTROM. Thank you very much, Mr. Chairman and distinguished Committee Members, for giving me the opportunity to appear. I have filed written testimony, and will not try to rehash it here because a number of statements that have come to my attention since I wrote it, I think, merit some comment.

I will begin with a point I began with in that statement, though, which is that I would disagree with Professor Miller, who said in his written statement that reparations is now in the mainstream of American discourse about race. That probably is true in rarified academic precincts, but it certainly is not true among the general American public.

I cite as evidence the most recent poll I have seen sponsored by the NAACP, an organization which is not opposed to reparations, which found that over 90 percent of Whites, Latinos and Asians in the United States were, in the words of the language of the NAACP's report, "fervently opposed" to the idea of "paying money to African Americans whose ancestors were slaves." So even if the commission which is being proposed to study this matter issues a brilliantly persuasive report, I can say with great assurance that this will be an enormously controversial and divisive measure.

I share the views of my colleague Roger Clegg that it will not be a healing one, and indeed, if reparations were to be confined to people who could prove discent from former slaves, it might be bitterly divisive within the African American community, dividing those who receive these benefits from those who do not.

Second, I recognize this is only a proposal to study the matter, but I have a couple of observations about that.

First, there is no topic that has been more intensively studied in the social sciences over the past 50 years than the condition of the African American population. There is an enormous literature, it continues to grow by leaps and bounds, there continues to be great controversy, and I am sure the reigning views will be modified as new research accumulates. So I find it very hard to think that a commission of seven people who could not possibly have mastered all of this voluminous literature will arrive at some meaningful consensus that will alter public opinion to any great extent.

And, of course, I must be a little cynical here. The results of the commission will depend entirely on who is put upon it. Let me re-

mind you that the Dred Scott decision, which was referred to earlier today, was the work of a commission of sorts, a permanent commission called the Supreme Court of the United States; and yet the result of its deliberations do not look very good today.

And if the composition of the commission were to mirror the composition of the witness list for this hearing, of course the outcome is foregone. There is very little doubt that a large-scale reparations program would be recommended, provoking, I think, great public outcry.

Now, as a historian, I have listened to the historical comments made in this hearing with interest and the historical material in the supporting documents; and I do find some serious flaws in them that I think one would have to consider in making judgments about these matters.

Ms. Tyehimba, for example, contends that the trans-Atlantic slaves trade was the beginning of a genocidal war against Africans. And this is a rather curious formulation. And, likewise, that Africans were "kidnapped." I believe the Chairman used that term today. Well, who did the kidnapping? Who captured them, marched them to port and sold them to European slave traders? The answer is Africans, and the African governments of the parts of Africa in which the slave trade occurred. So there is plenty of moral culpability to go around here, and it is hardly confined to Europeans.

Then I want to mention some remarks that appeared in a memo prepared by the Committee, prepared by the Democratic staff, which refers to the Federal Government as, quote, "the entity that sanctioned the slave trade and slavery for over 200 years." And I thought, 200 years, hmm, 1865, so that gets us back to 1665. What Federal Government do the authors of this document have in mind? Even in 1765, I would say we had no Federal Government in the United States. We were a colony of Great Britain with no representation.

Mr. CONYERS. I am sorry to tell you your time has considerably expired, Professor.

Mr. THERNSTROM. I thought I had 5 minutes?

Mr. CONYERS. You did, but you can make a concluding thought, if you choose.

Mr. THERNSTROM. Well, I would simply say, in conclusion, that so much of the questioning today seems to involve issues of contemporary alleged discrimination which certainly is well within the powers of Congress to deal with. If there is discrimination in real estate lending or automobile sales or whatever it is, there is an abundant literature, much of it produced by the Federal Government, on every one of these things, and legislation to make that anti-discrimination protection more effective I would certainly welcome. That is a radically different thing than taking a whole sector of the population distinguished by race and saying this is all the result of slavery and we are going to make up for it somehow. We could pass good legislation that protects all Americans from discrimination without singling out African Americans as a special victim class.

Mr. CONYERS. Thank you, sir. Thank you very much.

[The prepared statement of Mr. Thernstrom follows:]

PREPARED STATEMENT OF STEPHAN THERNSTROM

Mr. Chairman and distinguished Committee members, thank you for the opportunity to testify this morning.

My name is Stephan Thernstrom. I am the Winthrop Professor of History at Harvard University. I have been researching, writing, and teaching courses on the subject of race and ethnicity in the American past for almost my entire professional career.

Today you have solicited testimony concerning a bill to create a "Commission to Study Reparation Proposals for African-Americans." The notion of paying reparations for the descendants of slaves is nothing new. What is new—and I think very unwise—is that the House of Representatives is now considering taking the first step towards implementing an actual reparations program.

I am rather surprised at this development, because the idea of reparations is far outside of the mainstream of American thinking. If you doubt that generalization, consider the findings of a 2005 National Opinion Research Center survey, sponsored, it should be noted, by the NAACP. Asked their opinion of "paying money to African Americans whose ancestors were slaves," *over 90 percent* of whites, Latinos, and Asians were "fervently" opposed. One third of the blacks in the sample rejected the idea as well, despite the fact that they had a powerful financial incentive to approve it. Other polls reveal the same overwhelming opposition. It is hard to imagine a more unpopular and divisive proposal than reparations for crimes committed by some of our ancestors in the very distant past.

The simple math suggests good reasons for opposing such reparations. Close to 40 million African Americans live in the United States today. If almost all of them are to be compensated, as the language of the bill implies, a grant of a hardly life-changing $10,000 apiece works out to be a heady $400 billion; a more generous $100,000, which some advocates have proposed, gets you to a staggering $4 trillion, about a third of the current annual Gross Domestic Product!

Of course, this bill does not call for an appropriation in the mega-billions. It only proposes to "study" the issue. But we all know that the composition of a commission determines the outcome. If the proposed commission has the same balance as today's slate of witnesses, it will obviously endorse a reparations program by a lopsided margin.

Devoting $8 million of taxpayer money to "study" such a radical idea will surely attract a good deal of unfavorable public attention. In the absence of an astonishing reversal of public opinion, a future commission report recommending a large-scale compensatory transfer of wealth to members of one racial group will almost certainly provoke popular outrage.

No one doubts "the fundamental injustice, cruelty, brutality, and inhumanity" of slavery in the United States and everywhere else it existed—including, let us note, Africa, where slavery was widespread long before Europeans first reached its shores. Africans, it should be underscored, played a vital role in both the transatlantic and the equally large Mediterranean slave trades, which could not have existed without their active engagement.

But no nation in the world has a history free of what later came to be understood as inequities and injustices—the displacement of indigenous peoples, the denial of fundamental rights to women, and the use of child labor, for instance. The past, here and everywhere, is grossly imperfect by later standards. In democratic societies, when public opinion was aroused against practices that had come to be seen as morally offensive, they were eliminated. In the case of African Americans, this nation fought an exceedingly bloody four-year civil war provoked by the election of a president committed to the "ultimate extinction" of slavery. A century later, the legal foundation of the South's Jim Crow system was destroyed by all three branches of the federal government. Virtually all of the specific demands made by groups like the Southern Christian Leadership Conference became the law of the land, and there was general consensus that this was a great moral advance.

Now, four decades later, the proponents of this bill declare that the Civil Rights Revolution and ongoing efforts to secure racial equality have not gone nearly far enough. The framers of this bill assume that African Americans continue to suffer from the ill effects of being remote descendants of people who were enslaved no more recently than 142 years ago, six or seven generations back. Like victims of drunk drivers or medical malpractice, they can only be "made whole" by a substantial cash award.

How are Americans today responsible for the evils of slavery long ago? The individuals who profited directly from slavery and might logically be expected to pay back their ill-gotten gains were the owners of slaves who sold the cotton they produced. Those slave-owners—who were a small minority of the population even in the

South—are all dead today, of course, and so too are all of their children and just about all of their grandchildren. We can't confiscate their riches to pay for reparations; much of that wealth in fact went up in smoke as a result of a great civil war over slavery.

Some proponents of reparations, though, attempt to link responsibility for the slavery of the past to present-day Americans by arguing that slavery was primarily responsible for the economic growth that led to our current high standard of living. We all gained economically from slavery, this claim goes, so we all owe restitution to its victims. Some even argue that the United States today would be a Third World nation economically but for slavery.

This is utter nonsense. The Industrial Revolution that began in the northern states in the second third of the nineteenth century launched the economic transformation that accounts for our riches today. Although slavery made many slaveowners wealthy in the antebellum years, it actually retarded our long-term economic growth. It was responsible for the backward, one-crop cotton economy that hung on in southern states for many decades after the Civil War and made the South by far the poorest region of the nation until after World War Two. The backward South was a serious drag on the national economy for close to a century; its initial dependence upon slavery put it into a developmental dead-end. We would likely enjoy a *higher*, not a lower, living standard today if the South had never developed a slave-based plantation economy. Americans today are not the beneficiaries of the exploitative labor system of the South in the antebellum years—nor, naturally, can they be considered responsible for it.

Most Americans today have no connection to the era of slavery. They have no ancestors who lived in the nation at the time, and yet they will be paying for reparations. All of my immigrant ancestors were still living in Sweden or Canada when the Thirteenth Amendment was passed and cannot be said to have endorsed slavery by settling in a nation in which it was once legal. As of 1990, according to one demographic study, one-third of the American population consisted of people who had no ancestor who arrived here before 1900. If we could add to that figure all of the immigrants who arrived between 1865 and 1900, as well as those who came after 1990, the descendants of post-Civil War immigrants would be a clear majority of the total population. Hardly any of today's Asian Americans, and very few Italians, Poles, Greeks, Jews, and Mexicans have ancestors who lived in a nation with slavery.

This bill assumes that the social problems that afflict African Americans today should be understood as having been caused by slavery. The case for reparations rests upon this premise, but supporting evidence is woefully lacking. Of course one can argue that African American culture was forged in slavery, and that everything that has happened to black Americans since Emancipation was shaped by that bitter experience. But attributing all of the problems of black people today to such ancient history is fatalistic, defeatist, and too vague a claim to prove.

The principal source of black poverty today, for example, is African American family structure. One-paycheck families (or zero-paycheck families who are dependent upon public assistance) are far more likely to fall into poverty than two-parent, two-paycheck families. Blaming African-American out-of-wedlock births and absent fathers upon an institution that disappeared 142 years ago makes little sense. This problem, after all, is much worse in 2007 than it was 1965, when Senator Daniel Patrick Moynihan wrote his controversial report on black family structure. The more we move back in time towards the days of slavery, the lower the rate of fatherless families among African Americans. If slavery were the explanation of this dysfunctional family pattern, we would see much higher rates a century ago than today.

Similarly, the average black seventeen-year-old has reading and math skills equal to those of whites and Asians in the 8th grade, a glaring disparity that is the *single most important* reason for persistent economic inequality. Over the past four decades, this disturbing achievement gap narrowed considerably, then widened enough to wipe out the previous gains, and then narrowed again. Slavery could certainly not be the cause; with the passage of each year its influence should be weaker.

Trying to find social science evidence to prove a causal link between slavery and the ills that influence the black community today is a hopelessly difficult task. How would the effects of slavery be transmitted to successive generations? Should we expect African Americans with only one ancestor who was a slave in 1865 to be better off than those whose pre-1865 ancestors were all slaves? The current black population includes large numbers of people born in the West Indies or Africa, whose ancestors never experienced slavery in the U.S. but who may have married persons whose ancestors had. Do they get full or only partial reparations payments? What about the small but rapidly growing group of people with one white and one black

parent? Would being of mixed race cut their claim by 50 percent? Eligibility for membership in some American Indian tribes today depends upon the "blood quantum" of Indian ancestry you can prove. If proving how much slave "blood" one has will determine the size of one's reparations, the likely result will be deep resentments among blacks who receive different awards.

The bill compounds the confusion here by throwing in references to having been subject to *de jure* or even *de facto* segregation as part of the rationale for reparations. If we cast the net widely enough to include Haitian or Nigerian immigrants who attended Fisk, Morehouse, or Howard in the 1980s—all racially identifiable institutions and thus "segregated" *de facto*, then all black people will be eligible, and the link to slavery in the United States will be attenuated to the vanishing point.

Finally, I would urge the members of this subcommittee and the House of Representatives as a whole to ponder carefully the message that will be conveyed by the passage of this bill. "When you are behind in a footrace," the Reverend Martin Luther King, Jr. said in 1963, "the only way to get ahead is to run faster than the man in front of you. So when your white roommate says he's tired and goes to sleep, you stay up and burn the midnight oil." Dr. King's words reflect an important tradition of self-reliance that has had eloquent advocates in the black community: Frederick Douglass, Booker T. Washington, and W.E.B. Du Bois, among others. All were saying, in their different ways, that black people were not the helpless pawns of history who could do nothing to better their lives until America owned up to its historical sins and offered them a generous financial settlement. Their point is as important today as ever.

This committee is now considering a measure that delivers quite a different message: "If you're having trouble with your homework, don't sweat it. It's not your fault. You had ancestors who toiled as slaves in Alabama before the Civil War, and what they experienced so long ago means that you naturally will find it hard to master differential equations and compound sentences. You have been damaged by American history, and are a victim. Why burn the midnight oil? You won't have a fair chance of getting ahead in life unless you are able to collect damages for the wrongs that were inflicted on your great, great grandparents." I can't think of a worse message to send to African American youths. The past is past, and nothing Congress or anyone else can do can change it.

This is not an argument for legislative inaction. Congress can properly deal with present-day problems. If racial discrimination remains a major problem today, as the framers of this bill assume, then we need to strengthen our formidable body of anti-discrimination law or do a better job of enforcing existing ones. That would be action precisely targeted to address demonstrable harms that have clearly identifiable causes and remedies, something completely different from what is being proposed here.

In sum, this proposed legislation seems to me profoundly misguided. The great Civil Rights Act of 1964 protected *all* Americans from discrimination on the basis of race, color, religion, sex, or national origin. It rested upon the powerful universal principle that every American is entitled to fair and equal treatment as an individual. The concept of reparations is a radical and regrettable departure from that sound principle.

Mr. CONYERS. Our final witness is from St. Louis University Law School, Professor Eric Miller, who, before joining the faculty there, was a Fellow with the Harvard Criminal Justice Institute and the Harvard Civil Rights project, as well as professor at Western New England College School of Law. He specializes in historically significant race-based acts of violence such as lynchings and riots.

Not too long ago, we both had the opportunity to present at the Thomas Jefferson School of Law in California, let us see, was it Sacra——

Mr. MILLER. San Diego.

Mr. CONYERS [continuing]. San Diego, California, on a discussion of this same subject.

We are very happy to welcome him here to the Judiciary Committee. And, without objection, your full statement will be recorded in the proceedings here; and you may begin.

TESTIMONY OF PROFESSOR ERIC J. MILLER, ASSISTANT PROFESSOR OF LAW, SAINT LOUIS UNIVERSITY SCHOOL OF LAW

Mr. MILLER. Thank you, Chairman.

My name is Eric Miller, and I am an assistant professor of law at St. Louis University School of Law, and I am honored by the Committee's request that I testify at this very important hearing on the Legacy of the Transatlantic Slave Trade.

I would like to begin by saying that I think Professor Thernstrom's claim that the panel would come out a particular way is wrong, because I don't actually quite know where I would necessarily come out on reparations. In fact, my work has been cited in dismissing a slavery case in the Northern District of California by Judge Nagle, so I don't know that that claim is totally accurate.

In the short time available I want to make the following five points:

First, that there is still much about the history of slavery that remains to be discovered and talked about.

Second, that the national government is ceding the initiative and acknowledging accounting for and acting upon that history to a variety of State and municipal governments and a variety of public and private institutions.

Third, rather than adopting a confrontational posture seeking to apportion blame or deny responsibility, we need to refine our national discussion of race.

Fourth, the first stage of that process is now somewhat uncontroversial, as most Americans acknowledge the invidious nature of slavery and segregation and its pernicious effects.

But, fifth, we require to progress to the next stages, including accurately accounting for that history and exploring its impact upon the present with an open mind, one that respects both historical fact and competing claims to community and equality of consideration in the membership of the American polity.

Now, whether Professor Thernstrom likes it or not, reparations is part of the mainstream dialogue of America, although I acknowledge that large numbers of people don't like that. So one decides to discuss it on Fox TV, Chris Rock on the HBO show, and there was a great discussion of reparations in the major motion picture Friday—no, Barber Shop. So people are talking about it.

But a major impediment in our national debate upon race is a purely confrontational model that, on the one side, tends to focus solely on establishing and seeking financial redress from some duty or by Whites to Blacks for the wrong of slavery and, on the other side, seeks to blame African Americans for the lingering effects of racism or, in the words of Roger Clegg in the previous panel, claims that African Americans seek preferences or special treatments. That is echoing the majority opinion in *Plessy v. Ferguson* that African Americans seek to be the special favorites of the law.

Rather than perpetuate this confrontational model, we must adopt a broader understanding of the types of harms inflicted by slavery and segregation. These harms are not singular but plural, affecting a range of communities at different times and in different ways.

Recent State-sponsored commissions looking at slavery and segregation and studies by the Universities of Alabama and North

Carolina, as well as, as we heard in the last panel by the Episcopal Church, have produced apologies for their ties to slavery. There have also—and I think Congressman Franks will be interested in this—been apologies from North Carolina, South Carolina, Oregon and Virginia for the eugenics programs that participated in the sterilization of African American women and some of these programs running into the mid-1980's.

The conversation stimulated by these initiatives invite a process of interrogating the basis of our shared community as Americans. We need to account for the ways in which the Federal, State and local governments have profited off or promoted slavery and segregation. These investigations seek to chart the ways in which national, State and local communities have consolidated their civic identities in response to acts of racial violence both during and after the era of slavery. At a minimum, they seek to explore the effects that slavery and segregation played in establishing the relative social inequality of African Americans as compared to other racial or ethnic groups.

To fail to acknowledge and account for America's history is to ignore and reject past and continuing experiences of a huge segment of the population. It is to perpetuate the treatment of African Americans as somehow less interesting or less worthy than other citizens.

Justice Kennedy in a last-term Supreme Court case, Parents Involved in Community Schools versus Seattle School District, recently suggested that an injury stemming from racial prejudice can hurt as much when the demeaning treatment based on race identity stems from bias masked deep within the social order as when it is imposed by law.

Congressman Conyers' efforts to raise awareness of this issue and to promote the study of this issue through H.R. 40 are rightly celebrated. It is time that Congress join the various states, municipalities, universities and private organizations investigating the invidious legacy of the slave trade so as to promote frank and open-minded discussions of the impact of slavery on race in America.

The question is not whether to look forward. That is indeed, as the last panel suggested, an American talent. But every nation, including the most forward-looking, still reveres its past. The real question is whether we as a Nation are to selectively confine a part of our shared history to the past or whether to move forward as one Nation indivisible under God.

Thank you, Congressman.

Mr. CONYERS. Thank you so much, Mr. Miller. Good to see you again.

[The prepared statement of Mr. Miller follows:]

PREPARED STATEMENT OF ERIC J. MILLER

Professor Eric J. Miller

Mr. Chairman, Members of the Committee:

I am honored by the Committee's request that I testify at this very important hearing on the Legacy of the Trans-Atlantic Slave Trade. Chairman Conyer's efforts to raise awareness of this issue, and to promote the study of this issue through H.R. 40, are rightly celebrated. Thanks in large part to his efforts, state legislatures in Virginia, North Carolina, Maryland, and Alabama, have engaged in an investigation of, and apology for their sponsorship of the Slave Trade. These important developments have stimulated a national discussion of the role of slavery in American history and pose the difficult question of how to acknowledge and account for it in America's present. That discussion is one that H.R. 40 seeks to sponsor, and one that this legislature should support.

Despite being almost a century-and-a-half removed from slavery, and fifty years from *de jure* segregation, we are not very good at talking about race in America. In part, that is because we, as a public, are not very knowledgeable about that history. Even relatively recent incidents from the Jim Crow era have been deliberately hidden or forgotten.[1] Yet there are still living the survivors of the race riots that swept the South and Midwest designed to rid or coerce them into submission whole communities of African Americans.[2] Their voices are still discounted or outright silenced.

One reason our civic discussion of race and racism is so stunted is that finding the means to talk about the history and legacy of slavery and segregation for America has hardly begun. It cannot properly start until we have some shared understanding of the still-hidden aspects of slavery and segregation upon which our community is based.

Public institutions are at the forefront of recent initiatives to promote an informed and inclusive discussion of race and history in America. State legislatures, like those in Rosewood, Florida, Tulsa, Oklahoma, and Greenwood, North Carolina, have convened

[1] *See, e.g.*, OKLA. COMM'N TO STUDY THE TULSA RACE RIOT OF 1921, TULSA RACE RIOT (Comm. Print 2001); OKLA. STAT. ANN. tit. 74, § 8000.1 (West 2002) (making legislative findings that Oklahoma state officials engaged in "conspiracy of silence" to cover up Tulsa Race Riot of 1921).

[2] *See, e.g.* JAMES W. LOEWEN, SUNDOWN TOWNS: A HIDDEN DIMENSION OF AMERICAN RACISM 90-115 (2005) (describing manner in which private and municipal actors forced African Americans out of various municipalities).

commissions to investigate and report upon community-sponsored killings of African Americans.[3] These innovative inquiries, explicitly modeled on the Civil Liberties Act of 1988[4] and H.R. 40,[5] have sought to publicize and provide redress or closure for the citizens or descendants of state-sponsored racial violence. Various universities have sponsored studies to determine their own involvement with slavery and educate a state and national audience about their shared responsibilities.[6] That research has led some of these institutions, including the University of Alabama, the University of North Carolina, and the Episcopal Church have actually apologized for their ties to slavery.[7]

Many of these initiatives have been formulated around or influenced by the concept of "reparations."[8] Too often, however, reparations for African Americans are characterized by a posture of confrontation pitting the descendants of African American slaves against majority of whites who claimed to have received no benefit from slavery. The confrontational model of reparations tends to focus on the establishing and seeking financial redress for some duty owed by whites to blacks for the wrong of slavery. Such theories are generally premised upon addressing the rights and duties implicated in reparations claims through the standard, bilateral model of individual or group rights, in which the rights of one individual or group are pitted against another. On this model, whosoever has the stronger right — to compensation or to be let alone — in a given instance, wins.[9]

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[3] *See, e.g.*, OKLA. STAT. ANN. tit. 74, § 8201 (West 2002) (creating commission to study events of Tulsa Race Riot of 1921).
[4] CIVIL LIBERTIES ACT OF 1988, 50 U.S.C. app. §§ 1989-1989b-9 (2000).
[5] ommission to Study Reparations for African Americans Act, H.R. 40, 108th Cong. (2003). *Compare e.g.*, Act of May 4, 1994, 1994 Fla. Sess. Law Serv. ch. 94-359 (West) (relating to Rosewood, Florida) (codified in part at FLA. STAT. ch. 1004.60, 1009.55 (2003)).
[6] *See, e.g.*, SLAVERY AND JUSTICE: REPORT OF THE BROWN STEERING COMMITTEE ON SLAVERY AND JUSTICE (2006).
[7] Wendy Koch, *Va. 1st State to Express "Regret" Over Slavery*, USA TODAY, Feb. 25, 2007.
[8] *See, e.g.*, Charles J. Ogletree, Jr., *Chapter 17 Addressing The Racial Divide: Reparations*, 20 HARV. BLACKLETTER L.J. 115 (2004).
[9] Discussions of moral or legal conflict can be phrased in terms of "balancing." T. Alexander Aleinikoff, *Constitutional Law in the Age of Balancing*, 96 YALE L.J. 943, 962 (1987); see also Patrick M. McFadden, *The Balancing Test*, 29 B.C. L. REV. 585, 596 (1988) (identifying three steps to any balancing test: "announcing the factors to be balanced, weighing those factors, and announcing the victor").

Part of the problem presented by the confrontational reparations claim is that it is over-inclusive and so fails to provide a satisfactory theory of compensation. The familiar argument is that it identifies too many white people as owing a duty to repay and too many African Americans as having suffered the harm.[10] But whites also play the confrontation card, arguing they have no such duty to their fellow citizens either because there is something about African Americans — usually their culture — that is peculiarly to blame for the ills besetting that community; or because the duty to compensate which once may have existed has been exhausted, perhaps simply due to the passage of time, or perhaps because African Americans who adopt a "victim" status have already received all the benefits due them.[11]

Neither of these versions accurately states the issues. The confrontational model is too narrow to capture both the harm inflicted and the strategies necessary to remedy that harm. On both sides of the debate, confrontation takes for granted that reparations proponents seek financial redress for wrongs inflicted in the past on the basis of some more-or-less moral theory of entitlement to redress. Yet the current discussion of what reparations is, and what types of reparations are appropriate, does and must depend upon a broader notion of the harm inflicted and must reflect the particular wrongs that need to be "repaired." What the various state and university sponsored public commissions have demonstrated is that the harm inflicted and the benefits accrued are not singular but plural, affecting a range of communities at different times and in different ways.

Reparations is much more than, and on occasion unconcerned with, monetary restitution. When not phrased in purely monetary terms, reparations offers an opportunity to explore our shared history to determine our mutual investment in each other. It seeks to trace and account for past behavior, and resists specifying in advance what sorts of resitution are appropriate, and from whom. At bottom, reparations seeks to develop a more accurate understanding of the story of race in America. It adopts an open-minded approach to the

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[10] *See, e.g.*, David Horowitz, *Ten Reasons Why Reparations for Blacks is a Bad Idea for Blacks - and Racist, Too!* ¶¶ 3-4 (Mar. 12, 2001) (controversial anti-reparations advertisement), at http://www.adversity.net/reparations/anti_ repations_ad.htm.

[11] *See, e.g.*, John McWhorter, *Blood Money; Analysis Of Slavery Reparations*, AM. ENTERPRISE, July 1, 2001, at 18 (discussing reparations as example of African American "victimology).

American past as well as the American present, while questioning which accounts of that past and present are open to challenge and reconfiguration.

Put this way, reparations encompasses three distinct stages: acknowledgment; accounting; and redemption. The first stage, acknowledgment, requires us to recognize that a harm or harms have occurred. The second stage, accounting, requires us to investigate and identify the nature of the harm, the wrongdoers and the people harmed. The third stage, redemption, requires us to disseminate the information discovered through research, and encourage, where appropriate, any wrongdoers to apologize to the people harmed for the harms done or make whole the people harmed. Given the lapse of time since slavery and segregation, such making whole may take many forms. It may stop at education or apology, or may require more direct restitution (where, for example, there are living survivors of Jim-Crow era state-sponsored violence).

The simple fact is that reparations is now in the mainstream of American discourse about race. Most Americans have accepted the first stage: acknowledgment. That is, it is now uncontroversial that slavery and segregation were wrong. What is disturbing is a subsequent history that has sought to minimize, hide, and silence broad-ranging studies of the history of slavery and segregation, and publication of the results.[12] States are taking the initiative in the second stage, accounting for the history of slavery and segregation in America. And some states, along with some of our corporations and internationally renowned centers of education are even proceeding to the redemption stage.

This mainstream version of reparations is best characterized as a conversation in which we can chart our investment in a variety of geographic, social, and political communities, and in which we can publicly accept or decline responsibility for past, present, and future. It rejects discussion of race in America as a zero-sum game, where there is only one right answer or way of doing things, discovering and taking responsibility is a dynamic process of creating and recreating the basis of our society.

[12] OKLA. STAT. ANN. tit. 74, § 8000.1 (West 2002) (discussing state-sponsored attempts to cover up the Tulsa Race Riot of 1921).

This conversational model of reparations invites a process questioning the basis of our shared community. Reparations is thus part of a dynamic process in which one seeks to determine how we got where we are, and what the consequences of that should be. The claims made through reparations are useful, in part, by ruling out certain arguments from the get-go as having the weight others wish to put on them. Thus, if reparations succeeds in tracing the underdevelopment of African Americans by whites, certain notions of desert and failure, responsibility and innocence, are ruled out of the debate on race, discrimination, and their consequences for American society. Here, the question becomes one of community: whether we can find a common set of valuations that enable us to understand the present significance of our acts, given our shared and divided past.

Reparations argues that we need to account for the ways in which the federal, state, and local governments that have profited off or promoted slavery and segregation. In part, it seeks to chart the ways in which national, state, and local communities have consolidated their civic identities in response to acts of racial violence both during and after the era of slavery. At a minimum, it seeks to explore the effects that slavery and segregation played in establishing the relative social inequality of African Americans as compared to other racial or ethnic groups. Reparations as a moral argument makes it impossible for citizens to ignore the contribution of slavery and of de jure segregation to the current character of our society.

The stakes of the reparations discussion are high. To fail to acknowledge and account for America's history is to ignore and reject the past and continuing experiences of a huge segment of the population. It is to perpetuate the treatment of African Americans as somehow less worthy or interesting than other citizens.

Conclusion

Justice Kennedy recently suggested that "an injury stemming from racial prejudice can hurt as much when the demeaning treatment based on race identity stems from bias masked deep within the social order as when it is imposed by law. The distinction between government and private action, furthermore, can be amorphous both as a historical matter and as a matter of present-day finding of fact. Laws arise from a culture and vice versa. Neither can

assign to the other all responsibility for persisting injustices."[13] It is all the more pressing, then, to engage with an open mind in the process of accounting and reckoning to make more concrete and less amorphous the source of and solution for such injuries. Investigating slavery and segregation is not an impediment to a discussion of race and justice in America, but its necessary first step.

[13] Parents Involved in Community Schools v. Seattle School Dist. No. 1, 127 S. Ct. 2738, 2795 (2007).

Mr. CONYERS. We had some questions, Professor Thernstrom, about your comment about a Democratic staff memo, which I wanted you to know I take exception to it, and I will be able to contact you about it. I don't want to spend my little 5 minutes parsing over that.

And you said a Chairman made some comment about kidnapping. And I am not sure if that—was that me you were referring to?

Mr. THERNSTROM. Yes. If I understand correctly, you used that term.

Mr. CONYERS. Well, I take exception to that, too. And of course we have got a stenographer here, so we will clear all those kinds of questions up.

I would like to ask in the few minutes I have remaining, Councilwoman Watson, this almost begins to sound like what the commission would be doing. Now, everybody is telling me how much material is out there. It would take quite a—I mean, this Judiciary Committee is I think the most active full Committee in the Congress. We had legislation being reported on the floor today that I couldn't even get to. We had two hearings, one is backed up right now, and this is the way our work week goes.

We have got a lot of work. There is a lot of people in the executive branch being examined. The Department of Justice is in shambles. It goes on and on and on and on.

What do you get out of this—and I thank you for coming. What do you get out of this today in terms of how we ought to be looking at how we might want to proceed?

Because there is a feeling that we are going to create more division by talking about this subject. I have never created division on the subject of race in my life. I mean, that is about the last thing I would like to do. And as one who has worked on race relations as about—spent as much investment of my time as anybody else, I think that we could go about this. I don't think the commissioners—and, besides, I don't know what they are going to produce. I may end up not in agreement with their work product myself.

It is hard to predict where we are going. But at least the discussion, this discussion, is invaluable. It will be the first time people are hearing it.

So I want to ask you and the ABA President elect to give me a comment or two before the lights go off.

Ms. WATSON. Thank you, Mr. Chairman.

I appreciate your comments very much, and I agree with you in terms of the discussion. The discussion is rich; and, as one who has been actively involved in the movement for decades, I am still learning and my own research is unfolding new information every day.

I only found out 2 years ago that profits from the slave trade helped to finance the war of 1812, helped to provide the basis for this country to double its size with the Louisiana Purchase. I just found that out 2 years ago. That the money that Thomas Jefferson used, Thomas Jefferson who wrote that all men are created equal, was also a person that thought he had the right to own other persons. He was an enslaver and Thomas Jefferson negotiated the

Louisiana Purchase with revenue that in part came from profits directly from the slave trade. And this is a matter of public record.

So when one considers all the information that really needs to be unearthed for all Americans—it is not something that is just valuable to people of African decent. The whole country needs the shade to go up. All Americans need to know the full history of this country. Because the truth is we are one family, one human family; and it is National Geographic, not the NAACP, not N'COBRA, that said that all human life started on the continent of Africa.

So if that is so, all of us are of African descent, all of us are God's children, so if we begin to see ourselves as one human family, then that takes us to another level. It gives us room to move forward as one family on behalf of the entire Nation to bring forth new information, Mr. Chairman.

Mr. CONYERS. Could I yield to Trent Franks? Because I think we have a point of agreement here; and, after all, that is what the hearings are about.

Ms. WATSON. Yes, sir.

Mr. FRANKS. Mr. Chairman, as far as all of us being one human family, is that the point that you are asking me to address?

Mr. CONYERS. Well, no. I just noticed you and I shaking our head in affirmation. I don't know which points we were in agreement on.

Mr. FRANKS. I think the gentlelady's comment that we are all one human family and that we have great value in considering our history and what mistakes we have made in the past and how we have wronged each other in the past so that at least can prevent that from happening in the future, and that is something I agree. I may disagree with some of the conclusions or, you know, the remedies here, but I do desperately agree with some of the foundations that are being laid here.

Mr. CONYERS. Thank you.

And, President-Elect of the Bar, would you give me a closing comment, please?

Mr. WELLS. I will be glad to, Mr. Chairman.

You know, one question that comes up is what is the business of the Bar Association in taking a position on this issue? And I will tell you what the reason for the position is. The American Bar Association is vitally interested in the American justice system. We are vitally interested in the American criminal justice system. You have heard many statistics today indicating very clearly that disparities exist in our criminal justice system, the statement that I quoted from Justice Anthony Kennedy in his address to the American Bar Association in San Francisco which led the ABA to set up what we call the Kennedy Commission.

Mr. CONYERS. I was there.

Mr. WELLS. And the reason we support this is we need to know why there are those disparities, and one of the reasons may be the legacy of slavery and racial discrimination. If in fact that is one of the reasons for the disparities, then and only then can we begin to craft viable solutions to those disparities. So it is the business of American lawyers to make our justice system more just, and that is the reason we are here testifying today.

Mr. CONYERS. Thank you.

Trent Franks.

Mr. FRANKS. Well, thank you, Mr. Chairman.

Mr. Chairman, this has been a very interesting discussion here, and I appreciate your forbearance that you have given me.

Because I just want to say here at the outset you try to find the places of common ground that you have and then I will talk about maybe some of the differences. But I have no doubt that some of the difficulties today within the African American community—there is no question in my mind that slavery had a lasting systemic effect on that community. I have no doubt about that. That is really, in my judgment, though, not what is at issue.

There is a lot of tragedies. My great-grandmother was a Cherokee Indian, and she went through a lot of tragedies due to some of the policies that were in place at that time.

But my concern here is the remedy. The apology here—I think maybe an acknowledgement would be in order. I think maybe some way to gain from the failures of the past so that we can fix what we can in the future. Because I think the only way we can truly honor those who were so desperately treated was to somehow make sure that their descendants are not treated the same way.

Now, let me, if I can, I want to make a—I think that is probably my central point here today. I believe that the tragedy of slavery was caused by a failure to recognize what Ms. Watson said, and that was that we are all one human family. That when we leave anyone out of that equation that we step into a terrible nightmare.

The reason that I have equated to a degree here slavery with abortion on demand and with the Holocaust in Germany is because I think they have a lot of things in common. In each case they are closely associated with a Supreme Court decision. The High Tribunal of Germany said the Jew was not human, he was untermensch. The Supreme Court of the United States said the unborn child was not included in the word "person" in the Constitution. The Dred Scott decision said that the Black man was not a person under the Constitution. In every one of those cases, it perpetuated or instigated a great tragedy that cost millions of lives. And the response to that was also a commonality. In every case, there was a world war or a civil war. And I don't know what will happen in the future related to abortion on demand, but the commonality is unavoidable.

Now, I think the point here is that we must not be guilty of making the mistakes of our predecessors. What possessed them in retrospect to hold a Black man not a person is beyond me. What possessed the intelligentsia of Germany to hold the Jews not a person is beyond me. What possesses us today to hold a child not a person is beyond me.

I would respond to Mr. Cohen's—I wish he were here. He said, well, the difference is that one is a choice. But I remind him that, in the discussions between Abraham Lincoln and Justice Judge Douglas, Judge Douglas made the argument, he said, well, I am not pro slavery. I just want people to have that right.

There was a play many years ago where Justice Taney, who was a Supreme Court Justice under Abraham Lincoln, one of the players probably quoted him in a probably a pretty artistic license, but he said this. I remember the quote. He said, the abolitionist doesn't understand one thing. Slavery is not compulsory. If he has some

moral dilemma with owning slaves, we suggest therefore that he not own them. But he should not impose his morality upon those of us who do or otherwise interfere with our right to choose.

Now, that could be yesterday's headline. It is a false argument. Because the little boy next to the mom said, well, what is wrong with that statement? He said, well, mommy, the slave is a human being. It is astonishing to me how God gives children the insight to see the obvious but withholds it from Supreme Court Justices sometimes.

Mr. CONYERS. Could the gentleman yield for 1 second?

Mr. FRANKS. Certainly.

Mr. CONYERS. How about racism being a reason for slavery?

Mr. FRANKS. Well, I absolutely believe that racism was a reason for slavery. But racism is saying to the person, because of the color of their skin, that you are not fully equal to me. That is racism. That is what it is. Absolutely. The gentleman is correct.

And I would just say to you—let me shift gears here. One of the reasons I keep talking about this issue is that 14 percent of childbearing women today are Black, but yet they account for 31 percent of abortions. For every three Black children that are born, two are aborted. I find that to be a moral outrage beyond my ability to articulate here today. If there is anything that is an attack on the African American community, it has got to be that. There were 4 million slaves, and yet since *Roe v. Wade* 10 million unborn children that were African American, Black children, 10 million of them have been killed before they were born. They didn't get a chance to even be enslaved because they were killed before they even saw the light of day.

Mr. CONYERS. Will the gentleman yield for just one moment?

Mr. FRANKS. Yes, sir.

Mr. CONYERS. There were women on the slave ships that threw their children overboard rather than let them ever grow up——

Mr. FRANKS. The Chairman is exactly correct.

Mr. CONYERS [continuing]. Adults under slavery. That is a choice that——

Mr. FRANKS. But it was still the wrong choice, and it is a choice that shouldn't be legal in a country that upholds the value of innocent human life.

So let me just close things up. One of the things that happened—in each of these cases, the country was divided. But one thing that happened in this country, as much as our government was responsible for allowing slavery, Mr. Chairman, we finally came to ourselves and we said we are not going to do it anymore and this government also changed that. And that is one of the reasons I think America is set apart. But we forget maybe why.

A lady by the name of Harriet Beecher Stowe wrote a book called Uncle Tom's Cabin. She said she had a dream about a slave that was being beaten, by his masters beating him to death, and he was praying for them as he was being beaten to death. And that story caused her to write this book that touched the conscience of America. And we ended this horrifying practice that has still—still is a crushing mark on America's history.

And I am just saying to you that I pray that somehow today we can come to the same conclusion, that we don't have to make the

past mistakes again. Let us get together and let us say whatever it was, whether it was slavery, whether it was abortion on demand, whether it was attacking people because of their Irish ancestry, whatever it was, when we dehumanize another person, especially in the law, this society, this generation, this human family must stand up and change that so that we don't perpetuate the tragedies of the past.

Mr. Chairman, I yield back.

Mr. CONYERS. I thank the gentleman very much.

Does any of the—Attorney Miller, Ms. Watson, briefly, your comments; and then we will turn to the gentleman from Minnesota for the final interrogation.

Mr. MILLER. Thank you very much for giving me the opportunity to respond.

Can I just say howheartened I am to hear the passionate engagement in this discussion by Congressman Franks. And the terms in which he engages in this discussion, I think that is a deeply heartening development.

One point that is worth making is that many African American women weren't even given the right to choose whether to abort or not abort because of laws enforcing sterilization. So that many African American women, just by virtue of going to a hospital to get an operation, were given forced hysterectomies. And that is a history that does go back through the eugenics movement into slavery where the science of gynecology was developed in Alabama, actually—there is a little plaque on the wall of a building in Montgomery, Alabama—through practicing on slaves. So that is a relatively direct link.

So to the extent that Congressman Franks has suggested that it is worth acknowledging that history, I am deeply heartened; and to the extent that this Committee is drawing out the commonalities in the discussion across party lines and across philosophical lines, I find that deeply heartening and commend the Committee.

Mr. CONYERS. Councilwoman Watson.

Ms. WATSON. Thank you very much, Mr. Chairman.

I just want to say that, as a person who has been involved in multiple movements for a long time—I am very active in the women's movement, peace movement, et cetera, so I have had a lot of discussions and have been in the business of talking about pro and con and abortions, immigration, the crack cocaine disparity, gay marriages, et cetera.

But on the issue of the legacy of the trans-Atlantic slave trade and given that 246 years of Africans working, being lynched, tortured, drawn and quartered, African women having babies cut out of their stomach and having no one to appeal on their behalf, being killed if they dared to read and write when it was against the law for Africans to read and write during that period, given the wealth of this country that got built off the backs—including the U.S. Capitol being built by Africans who never got paid—it didn't just benefit the enslavers in the South. The entire Nation benefited.

This deserves a special discussion and review and commission without being forced to share the podium with another equally passionate issue for some. There has not been a hearing before the U.S. Congress on the issue of reparations and the crime against

humanity. There was a trans-Atlantic slave trade as declared by the United Nations World Conference Against Racism in 2001 before today.

So I just want to say for the record I am going stay centered on the significance of this without passing any aspersion on other issues. This deserves a focal point because this was the purpose of today's hearing.

And I thank you very much, Mr. Chairman.

Mr. CONYERS. Well, this is a hearing on whether we should have a study that would come before an examination of reparations. Because we don't know where the study is going to go. And, presumably, it would gather the large amount of evidence that is already out there, which we 30 some odd men and women aren't in any position to try to gather and pull together. And the thought was that it would be more efficiently done for the whole Congress if we had somebody do it for us, and it is no more complicated or simple than that.

I thank the gentlelady and recognize Keith Ellison as the final Member.

Mr. ELLISON. Thank you, Mr. Chairman.

Professor Thernstrom, thank you for your presentation. I want to thank all the panel members.

I think you and Mr. Clegg in the earlier panel pointed out that there have been a number of studies out there on various aspects of African American life in history. Could you identify for me—because I am very interested in reading it. Could you identify for me the study that has been issued by a government commission, Federal Government commission, that explored the trans-Atlantic slave trade and its impact on modern African American life? If you could just cite that study for me, maybe we don't need to do any of this. Could you do that for me, please?

Mr. THERNSTROM. Well, Congressman, I would say there is no such study by the Federal Government.

Mr. ELLISON. Thank you.

Mr. THERNSTROM. I don't see how—-

Mr. ELLISON. I do have to reclaim my time.

Thank you, Professor Thernstrom; and I also want to thank you for your very direct answer. Because people sometimes filibuster. So I do thank you for your direct answer. There is no such study out there, and I think that kind of makes the case for me.

Let me ask you this, also, Professor Thernstrom. You have identified one of the potential harms of such a commission and study as it could be divisive. Have you found that the exploration and subsequent payment of even reparations, which this bill doesn't even ask for, it is just a study bill, but the study and subsequent payment of reparations to Japanese Americans has alienated them from American society?

Mr. THERNSTROM. Well, no, I think there are grave differences.

Mr. ELLISON. Okay. Thank you, sir.

What about—I think there have been other communities that received reparations around the world. Ms. Watson, have the studies—have the other cases on which reparations has actually been found to be due and owing and paid—of course this bill doesn't go

that far, right—have they alienated those communities which have received reparations?

And why confine ourselves to America? I know that Germany paid reparations to Jews, and there have been other reparatory provisions around the world as a result of conflict between people. Have these heightened disputes between people or what has been the effect?

Ms. WATSON. Mr. Chair?

The record includes $25 million paid by Austria to Jewish Holocaust survivors. We know about the $20,000 each to Japanese Americans and a letter of apology. The United States gave $1 billion plus 44 million acres of land to honor the Alaska native land settlement in 1952. Germany paid $82.2 million to Jewish Holocaust survivors in the Germany Jewish settlement. The Ottawas of Michigan in 1985 received $105 million. The Sioux of South Dakota received the same. In 1980, the United States gave $81 million to the Klamath of Oregon. And there is a long list.

Mr. ELLISON. Have those payments worked to further alienate those recipients from American society? Are we now—I guess—to answer your question, I guess you are saying no, right? But I guess there is precedent. But I think there is concern that this is going to somehow harm America because digging up all this old stuff is just going to make us less interested in being part of America.

Ms. WATSON. Some of the largest reparations aren't called reparations. The Homestead Act was reparations for White male property owners. So that is part of what the study would need to unearth.

Mr. ELLISON. Are they alienated from the mainstream of American society?

Ms. WATSON. White males?

Mr. ELLISON. Yes.

Ms. WATSON. I don't think so.

Mr. ELLISON. They are doing okay?

Mr. Miller, what do you think about this question of dividing America by exploring reparations? Does that carry any water with you that looking into this issue is going to somehow fracture our country?

Mr. MILLER. It depends how it is done. If it is done responsibly, the answer is no. I think there has been a drawing of battle lines around the concept of—around a misconception of what reparations might be about. And what part of my scholarship is doing and what the work of some of the other panelists has been is to get us past that toxic "he said, she said" style of debate and instead develop a more inclusive debate that points to people like Congressman King's grandfather or interrogates what is a role of John Brown in American history and honors everybody in the discussion, rather than prejudging what the outcome is going to be in terms of even whether there ought to be a payment, should it be education of whatever.

Mr. ELLISON. I would just like to point this out, if I have any more time. Earlier this year, a fairly controversial bill came up about whether or not the U.S. Congress would find that somehow the Armenian people were the target of genocide in the precursor country to Turkey, which would have been the Ottoman Empire, a

very controversial issue. And without going into what the final outcome would or should or could be—because, of course, we never had that vote—some people said, well, you know, it would harm Turkey to have this discussion.

But one Turkish person said to me, he said, it wouldn't harm us to find that our ancestors had done some things that we are not proud of. That is just a human condition. But what harms us is just not really facing it and acknowledging it and dealing with those harms. And we might find very well that there was some members of the Turkish community who behaved very admirably, and we may find that there may have been some people in the Armenian community that did some things that we are not too proud of either.

It is really not a "blame shame" thing. It really is about coming to grips with our own history and understanding that slavery is not something that happened to Black people, it is something that happened to all of Americans, everybody. And we all in one way or another—I even read some stories about African Americans who owned slaves in America.

And Professor Thernstrom's point about finding out—if we explore this subject we might find that Africans themselves were implicated in slave trade, I don't think that should stop us at all from going forward. They very well were likely to be involved, and I am sure the study would confirm your suspicion that some were. But I think that there is a tremendous value in exploring in a nation dedicated to freedom and justice and equality this state of unfreedom and anti-freedom that existed for so many years among us.

Mr. CONYERS. This has been such a tremendous initial conversation. It is historic.

I thank Congressman Franks, Congressman Ellison who has been with me all morning and all of you who have been here.

Councilwoman Watson, President Wells, Professor Thernstrom, Attorney Miller, you have our dedicated appreciation of us beginning this conversation.

I think we are going to examine each other's positions, and I think we are going to be moving forward in a way that will create a history that will make us proud of what we are attempting to do here. I have appreciated the inner changes, and this is how things happen or ought to happen in the Congress. They don't always happen this way, nor in the courts, as has been pointed out more than once.

I thank you all, and the Committee is adjourned.

[Whereupon, at 2:43 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

IN THE FIELD, SAVANNAH, GA., January 16th, 1865.

SPECIAL FIELD ORDERS, No. 15.

I. The islands from Charleston, south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering the St. Johns river, Florida, are reserved and set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States.

II. At Beaufort, Hilton Head, Savannah, Fernandina, St. Augustine and Jacksonville, the blacks may remain in their chosen or accustomed vocations—but on the islands, and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress. By the laws of war, and orders of the President of the United States, the negro is free and must be dealt with as such. He cannot be subjected to conscription or forced military service, save by the written orders of the highest military authority of the Department, under such regulations as the President or Congress may prescribe. Domestic servants, blacksmiths, carpenters and other mechanics, will be free to select their own work and residence, but the young and able-bodied negroes must be encouraged to enlist as soldiers in the service of the United States, to contribute their share towards maintaining their own freedom, and securing their rights as citizens of the United States.

Negroes so enlisted will be organized into companies, battalions and regiments, under the orders of the United States military authorities, and will be paid, fed and clothed according to law. The bounties paid on enlistment may, with the consent of the recruit, go to assist his family and settlement in procuring agricultural implements, seed, tools, boots, clothing, and other articles necessary for their livelihood.

III. Whenever three respectable negroes, heads of families, shall desire to settle on land, and shall have selected for that purpose an island or a locality clearly defined, within the limits above designated, the Inspector of Settlements and Plantations will himself, or by such subordinate officer as he may appoint, give them a license to settle such island or district, and afford them such assistance as he can to enable them to establish a peaceable agricultural settlement. The three parties named will subdivide the land, under the supervision of the Inspector, among themselves and such others as may choose to settle near them, so that each family shall have a plot of not more than (40) forty acres of tillable ground, and when it borders on some water channel, with not more than 800 feet water front, in the possession of which land the military authorities will afford them protection, until such time as they can protect themselves, or until Congress shall regulate their title. The Quartermaster may, on the requisition of the Inspector of Settlements and Plantations, place at the disposal of the Inspector, one or more of the captured steamers, to ply between the settlements and one or more of the commercial points heretofore named in orders, to afford the settlers the opportunity to supply their necessary wants, and to sell the products of their land and labor.

IV. Whenever a negro has enlisted in the military service of the United States, he may locate his family in any one of the settlements at pleasure, and acquire a homestead, and all other rights and privileges of a settler, as though present in person. In like manner, negroes may settle their families and engage on board the gunboats, or in fishing, or in the navigation of the inland waters, without losing any claim to land or other advantages derived from this system. But no one, unless an actual settler as above defined, or unless absent on Government service, will be entitled to claim any right to land or property in any settlement by virtue of these orders.

V. In order to carry out this system of settlement, a general officer will be detailed as Inspector of Settlements and Plantations, whose duty it shall be to visit the settlements, to regulate their police and general management, and who will furnish personally to each head of a family, subject to the approval of the President of the United States, a possessory title in writing, giving as near as possible the description of boundaries; and who shall adjust all claims or conflicts that may arise under the same, subject to the like approval, treating such titles altogether as possessory. The same general officer will also be charged with the enlistment and organization of the negro recruits, and protecting their interests while absent from their settlements; and will be governed by the rules and regulations prescribed by the War Department for such purposes.

VI. Brigadier General R. SAXTON is hereby appointed Inspector of Settlements and Plantations, and will at once enter on the performance of his duties. No change is intended or desired in the settlement now on Beaufort [*Port Royal*] Island, nor will any rights to property heretofore acquired be affected thereby.

BY ORDER OF MAJOR GENERAL W. T. SHERMAN:

Special Field Orders, No. 15, Headquarters Military Division of the Mississippi, 16 Jan. 1865, Orders & Circulars, ser. 44, Adjutant General's Office, Record Group 94, National Archives.

Published in *The Wartime Genesis of Free Labor: The Lower South*, pp. 338-40.

REPARATIONS AND THE NATIONAL COALITION OF BLACKS FOR REPARATIONS IN AMERICA (N'COBRA)

An Information Sheet

What is Reparations?

Reparations is a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments or corporations. Those groups that have been injured have the right to obtain from the government or corporation responsible for the injuries that which they need to repair and heal themselves. In addition to being a demand for justice, it is a principle of international human rights law. As a remedy, it is similar to the remedy for damages in domestic law that holds a person responsible for injuries suffered by another when the infliction of the injury violates domestic law. Examples of groups that have obtained reparations include Jewish victims of the Nazi Holocaust, Japanese Americans interned in concentration camps in the United States during WWII, Alaska Natives for land, labor, and resources taken, victims of the massacre in Rosewood, Florida and their descendants, Native Americans as a remedy for violations of treaty rights, and political dissenters in Argentina and their descendants.

What is N'COBRA?

The National Coalition of Blacks for Reparations in America is a mass-based coalition organized for the sole purpose of obtaining reparations for African descendants in the United States. N'COBRA's founding meeting, September 26, 1987, was convened for the purpose of broadening the base of support for the long-standing reparations movement. Organizational founders of N'COBRA include the National Conference of Black Lawyers, the New Afrikan Peoples Organization, and the Republic of New Afrika. N'COBRA has individual members and organizational affiliates. It has chapters throughout the U. S. and in Ghana and London. It is directed nationally by a board of directors. Its work is organized through nine national commissions: Economic Development, Human Resources, Legal Strategies, Legislation, Information and Media, Membership and Organizational Development, International Affairs, Youth and Education.

> *The mission of the National Coalition of Blacks for Reparations in America (N'COBRA) is to win full Reparations for Black African Descendants residing in the United States and its territories for the genocidal war against Africans that created the TransAtlantic Slave "Trade," Chattel Slavery, Jim Crow and Chattel Slavery's continuing vestiges (the Maafa). To that end. N'COBRA shall organize and mobilize all strata of these Black communities into an effective mass- based reparations movement. N'COBRA shall also serve as a coordinating body for the reparations effort in the United States. Further, through its leadership role in the reparations movement within the United States and its territories, N'COBRA recognizes reparations is a just demand for all African peoples and shall join with others in building the international reparations movement.*

In September 2003, N'COBRA formed a 501(c)(3) corporation, N'COBRA Legal Defense, Research and Education Fund. The mission of this 501(c)(3) is to develop and implement projects to educate and seek reparations for Africans and People of African descendant. As a 501(c)(3) it will not engage in lobbying which is one of the primary focuses of the parent organization, N'COBRA.

Why are African Descendants entitled to reparations?

The Trans-Atlantic Slave "Trade" and chattel slavery, more appropriately called the Holocaust of Enslavement or Maafa,[1] was a crime against humanity. Millions of Africans were brutalized, murdered, raped and tortured. They were torn from their families in Africa, kidnapped and lost family and community associations. African peoples in the United States and the prior colonies were denied the right to maintain their langnage, spiritual practices and normal family relations, always under the threat of being torn from newly created families at the whim of the "slave owner." Chattel slavery lasted officially from 1619 to 1865. It was followed by 100 years of government led and supported denial of equal and humane treatment including Black Codes, convict lease, sharecropping, peonage, and Jim Crow practices of separate and unequal accommodations. African descendants continue to be denied rights of self-determination, inheritance, and full participation in the United States government and society. The laws and practices in the United States continue to treat African peoples in a manner similar to slavery - maintaining dual systems in virtually every area of life including punishment, health care, education and wealth, maintaining the myths of White superiority and African and African descendants' inferiority.

Is an apology necessary?

A necessary requirement of all forms of reparations is an acknowledgment by the government or corporation that it committed acts that violated the human rights of those making the claim for reparations. Some groups may want an explicit apology; however, neither the acknowledgement nor apology is sufficient - there must be material forms of reparations that accompany the acknowledgment or apology.

What forms should reparations take?

Reparations can be in as many forms as necessary to equitably (fairly) address the many forms of injury caused by chattel slavery and its continuing vestiges. The material forms of reparations include cash payments, land, economic development, and repatriation resources particularly to those who are descendants of enslaved Africans. Other forms of reparations for Black people of African descent include funds for scholarships and community development; creation of multi-media depictions of the history of Black people of African descent and textbooks for educational institutions that tell the story from the African descendants' perspective; development of historical monuments and museums; the return of artifacts and art to appropriate people or institutions; exoneration of political prisoners; and, the elimination of laws and practices that maintain dual systems in the major areas of life including the punishment system, health, education and the financial/economic system. The forms of reparations received should improve the lives of African descendents in the United States for future generations to come; foster economic, social and political parity; and allow for full rights of self-determination.

Who should receive reparations?

Within the broadest definition, all Black people of African descent in the United States should receive reparations in the form of changes in or elimination of laws and practices that allow them to be treated differently and less well than White people. For example, ending racial profiling and discrimination in the provision of health care, providing scholarship and community development funds for Black people of African descent, and supporting processes of self determination will not only benefit descendants of enslaved Africans, but all African descendant peoples in the United States who because of their color are

[1] This is a Swahili term meaning disaster that has been used for a number of years to describe these conditions and has been used most notably in the writings and presentations of Marimba Ani, Ph.D., noted African-centered anthropologist and activist.

victims of the vestiges of slavery. This is similar to the Rosewood, Florida reparations package, where some forms of reparations were provided only to persons who descended from those who were injured, died and lost their homes and other forms were made available to all Black people of African descent in Florida.

Who must make reparations?

N'COBRA seeks reparations at this time from two groups: governments and corporations. There are individuals, families, and religious institutions that directly benefited from slavery in the United States, and who, if acting in good faith, would contribute to reparations funds for use in assisting in the reparations process. However, we choose to focus on government and corporations because of their particular role in the horrific tragedies of chattel slavery and the continuing vestiges of slavery we live with today. In addition, we recognize that all White people to some extent have benefited from slavery and the underlying lie of White Supremacy that allowed it to exist for two and one-half centuries in the United States. This lie has led to what is commonly called "white skin privilege" and results in significant benefits to White people. The process of reparations would include creating ways to change the culture of "white skin privilege" that was created to sustain chattel slavery and its continuing vestiges.

How will the United States and its residents benefit?

Reparations are a way of making peace with the past. Reparations will allow United States' residents to make peace with a significant part of this country's shameful past and end the intergenerational trauma of its current effects. It will allow the story of the Maafa (The Trans Atlantic Slave "Trade" and chattel slavery), Jim Crow and ongoing racial discrimination and violence against Black people of African descent to be accurately recorded and inclusive of the African descendants' perspective. It will demonstrate the link between chattel slavery and the current social, health, economic and political status of African descendants and therefore destroy the myth of White Supremacy. In setting the record straight and devising and implementing reparations packages to aid in healing African descendants, the nation as a whole will become stronger. Truth and atonement are essential ingredients for a just and peaceful society. Although some may assert that reparations will increase racial divisiveness, this does not have to be the result. Indeed, it should decrease racial divisiveness because it is an acknowledgment that allows us to go forward rather than remain stuck in the pain of the present that is caused by the unresolved pain of the past.

What strategies does N'COBRA utilize and endorse?

Since its inception N'COBRA has embraced public education, mobilization, organization, and more recently, transformation, to obtain reparations. It has organized town hall meetings and rallies in cities throughout the United States, bringing long-time reparations advocates, the newly converted, and skeptics together to talk about the necessity of reparations to obtain racial justice. Its members and leaders have participated in conferences, radio and television programs and people's tribunals discussing conditions that require reparations and strategies for moving forward. N'COBRA utilizes a periodic membership newsletter "Reparations Now!," a quarterly news magazine "Black Reparations Times" and a website, www.NCOBRA.org, to inform the public about the Reparations movement.

N'COBRA supports legislative initiatives. In 1988, Detroit Advisory Board member, Reparations Ray Jenkins, encouraged Congressman John Conyers to introduce a Reparations Bill. In Washington, the DC Chapter held public meetings to discuss the drafts and provided comments on the drafts to Congressman Conyers. N'COBRA remains committed to the passage of H.R. 40 although Congress has not yet favorably acted upon it. N'COBRA puts this in context: the Martin Luther King, Jr. Holiday Bill took 12 years to pass in Congress, a bill much less contentious than H.R.40. N'COBRA has organized a number of legislative lobby days on Capitol Hill during which people lobbied Members of Congress to support H.R. 40. Buttressed by this success, N'COBRA's Legislative Commission initiated, A Year of Black Presence

lobbying initiative, inspired by "The Debt" by Randall Robinson. This project enhances N'COBRA's presence on Capitol Hill, by increasing the numbers of reparations supporters lobbying for the passage of H.R. 40.

N'COBRA also supports State and municipal legislative initiatives. Its members have participated in the successful efforts in Michigan, Louisiana, District of Columbia, California, Illinois, Ohio and other places to obtain resolutions in support of reparations initiatives.

N'COBRA, along with the Reparations Coordinating Committee and other organizations, is developing lawsuits that raise the issue of the legal right of African descendants to reparations based on the continuing vestiges of slavery. These lawsuits will focus on the many areas in which we as African people continue to suffer due to the legacy of slavery including health, wealth/poverty, education, self-determination and the imposition of criminal punishments.

N'COBRA engages in direct action to obtain reparations. Its leadership organized a highway slowdown on the Washington Metropolitan Area Beltway in the early 90s, and demonstrations in front of federal buildings. From these demonstrations it created Reparations Awareness Day on February 25. The Economic Development Commission initiated an annual demonstration on April 4, on which day people are asked to boycott school or work and engage in reparations education and mobilization activities. As a part of the Economic Development Commission's work Black Friday was developed in August 2003. People of African descent are encouraged to only patronize Black businesses on Fridays. Black businesses are asked to support Reparations, principles of cooperative economics, and a code of professional responsibility by which they agree to service their customers with the utmost integrity and quality of service. N'COBRA also joins in direct actions organized by other groups.

What is N'COBRA's relationship to the international reparations movement?

Although N'COBRA's primary focus is on obtaining reparations for African descendants in the United States, it is a part of the international movement for reparations. Under the leadership of its International Affairs Commission, N'COBRA works closely with Africans, African descendants and supporters of reparations for Africans and African descendants throughout the world. N'COBRA members were very active during the preparatory process for the World Conference Against Racism (WCAR) and the Non-Governmental Organization Forum and government conference held in Durban, South Africa in 2001. N'COBRA leaders were in the leadership of the African and African Descendants Caucus formed during the WCAR preparatory process. N'COBRA leaders play a leading role in the International Front of Africans for Reparations (IFAR) formed at the African and African Descendants Conference in Bridgetown, Barbados in 2002. N'COBRA understands the status of Africans and African descendants in the United States, throughout the Diaspora, and on the Continent is based on the same or similar crimes against humanity. N'COBRA acknowledges that the success of the movement for reparations for Africans anywhere advances the movement for reparations for Africans and African descendants everywhere.

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(N'COBRA Listserve group)
http://groups.yahoo.com/group/Reparations_For_Africans

ORGANIZATIONS SUPPORTING H.R. 40 *

African-American Freedom and Reconstruction League (AAFRL)
African Freedom Fund Treasury (AFFT)
All For Reparations and Emancipation (AFRE)
Alliance for Democracy
American Association of University Women
American Civil Liberties Union
Amnesty International
Association of Black Psychologist
Black Farmers and Agriculturalists Association
Blacks in Government (BIG)
Black Radical Congress
California American Friends Service Committee
Caucasians United for Reparations and Equality (C.U.R.E.)
Coalition of Labor Union Women
Communication Workers of America
Council of Independent Black Institutions
Delta Sigma Theta Sorority
Detroit Board of Education
Episcopal Church
Institute of the Black World
International Association of Black Firefighters
Lawyers Committee for Civil Rights
National Association for the Advancement of Colored People
NAACP Legal Defense and Education Fund
Nation of Islam
National Association of Black Social Workers
National Association of Real Estate Brokers
National Baptist Convention
National Bar Association
National Black Environmental Justice League
National Black United Front
National Coalition of Blacks for Reparations in America
National Conference of Black Lawyers
National Conference of Black Political Scientists
National Lawyers Guild
National Political Congress of Black Women Inc.

National Rainbow Push Coalition
National Urban League
New Panther Vanguard Movement
Organization of Tribal Unity (OTU)
Pan African Association of America
Reparations United Front of Los Angeles (RUF)
Republic of New Africa (RNA)
Sigma Gamma Rho Sorority
Southern Christian Leadership Conference
The Green Party
The Jericho Movement for U.S. Political Prisoners
The Organization US
TransAfrica Forum
United Church of Christ
United Methodist Church General Board of Church and Society
Universal Negro Improvement Association
Women's Internatioual League for Peace and Freedom
San Francisco, A. Philip Randolph Institute
California State, A. Philip Randolph Institute
San Francisco Labor Council
Alameda County Labor Council
Bay Area Coalition of Black Trade Unionists
National Coalition of Black Trade Unionists
Hotel Employees Restaurant Employees Local 2
Alameda County Building Trades Council
Transport Workers Union Local 250A (bus drivers)
SEIU (Service Employees International Union) Local 535
SEIU Local 790 African American Caucus
ILWU (International Longshore and Warehouse Union) Local 10
ILWU Northern California District Council
International Brotherhood of Teamsters Local 856
Oakland Chapter Teamsters National Black Caucus

- Sampling of Organizations Compiled by the National Coalition of Blacks for Reparations in America

MUNICIPALITIES SUPPORTING H.R. 40 AND/OR REPARATIONS

Louisiana House of Representatives	Mr. Raymond Jetson; Mr. Melvin "Kip" Holden; Mr. Joseph Delpit 1990
California Legislature	Mr. Kevin Murray, 2001
Florida Legislature	
New York Legislature (pending)	Mr. Roger Green
Texas Legislature (pending)	
Pine Bluff, Arkansas	Mr. Jackie Kirby, 2003
Alameda County, California	Mr. Keith Carson.
Berkeley, California	Ms. Maudelle Shirek, 2001
Berkley, California (Ordinance)	October, 2006
Compton, California	Ms. Yvonne Arceneaux
Foster City, California	Ms. Marie Davis, 1998
Inglewood California	Mr. Daniel Tabor
Los Angeles, California	Mr. Mark Ridley-Thomas, Mr. Nate Holden, 2000
Los Angeles, CA (Ordinance)	
Oakland, California	Mr. Larry Reid
East Palo Alto, California	Mr. Omowale Satterwhite
San Francisco, California	
San Francisco, California (Ordinance)	Ms. Sophie Maxwell, 2006
District of Columbia	Mrs. Wilhelmina Rolark, 1991
Atlanta, Georgia	Mr. Clarence T. Martin; Ms. "Able" Mabel Thomas, 1999
Chicago, Illinois (Resolution)	Ms. Dorothy Tillman, 2000
Chicago, Illinois (Ordinance)	Ms. Dorothy Tillman, 2002
Evanston, Illinois	Mr. Jean Baptiste,
Baltimore, Maryland	Ms. Bea Gaddy, 2000
Detroit, Michigan (ordinance)	Ms. Barbara-Rose Collins, 2004; 2005
Wayne County, Michigan (Ordinance)	2004
Jackson, Mississippi	Mr. Kenneth I. Stokes,
Clairborne County, Mississippi	March 22, 2005
St. Louis, Missouri	Mr. Terry Kennedy, 1999
Camden, New Jersey	
Passaic County, New Jersey	Ms. Marilee Jackson, 2002
Patterson, New Jersey	Ms. Georgia Scott, 2001
Newark, New Jersey	
Cleveland, Ohio	Ms. Fannie Lewis
Philadelphia, PA (Resolution)	Mr. Michael Nutter
Philadelphia, PA (Ordinance)	Ms. Blondell Reynolds Brown, 2005
Nashville, Tennessee	Mr. Melvin Black, 2000
Dallas, Texas	Mr. John Wiley, Mr. Al Lipscomb
Ft. Worth, Texas	Mr. Frank Moss, 2004
Burlington, Vermont	Mr. Richard T. Kemp, 2001
Richmond, Virginia (Ordinance)	March 1, 2005

** The State of California; Chicago, Ill.; Philadelphia, PA; Detroit, MI, Richmond, VA, Wayne County, MI; Los Angeles, Berkley and San Francisco, California adopted legislation requiring companies seeking to do business with the government, to disclose records of participation, investment in, and profiting from the enslavement of African people in the U.S.

N'COBRA
NATIONAL COALITION OF BLACKS FOR REPARATIONS IN AMERICA
NATIONAL OFFICE

CO-CHAIRPERSON
Baba Hannibal T. Afrik

PRESS STATEMENT

For Immediate Use: 1/27/05
Contact: Baba Hannibal Afrik
601. 535. 75551

J. P. MORGAN ACKNOWLEDGE DEBT FOR SLAVERY

J.P Morgan Chase's disclosure of its predecessors' complicity in the enslavement of African people came about because of the strategic organizing on the legislative front and the ever increasing mobilizing efforts of Reparations Activists throughout the country. The National Coalition of Blacks for Reparations in America (N'COBRA) applaud the work of Chicago Reparations Activists, and the legislative efforts of frontrunners like Alderwoman Dorothy Tillman of Chicago, Illinois, for championing legislation which requires companies seeking to do business with the City to disclose records of participation, investment in, and profiting from the enslavement of African people in the U.S. We want other elected officials at the local, state, and federal level and grass roots Reparations Activists to know that the initial effort of J. P. Morgan Chase & Co. is clearly a victory. We must remain confident that our ongoing efforts to organize and mobilize for support of our demand for Reparations will ultimately be victorious.

This important first step of acknowledgement made by J. P Morgan Chase in the form of a $5 Million scholarship fund for African Americans in the state of Louisiana, and disclosures by Brown University and the University of Alabama are important components in a much needed substantive national dialog about a part of American history that has heretofore been largely ignored. We encourage J.P Morgan Chase, the parent company of Bank One, to set an even greater example for other institutions that should attribute their longevity and present-day profitability to the former enslavement of Africans in this country.

After achieving this important victory, we encourage Reparations activists to monitor and be intimately involved in the disbursement of the scholarship funds to ensure they benefit the descendants of formerly enslaved African peoples.

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N'COBRA

National Coalition Of Blacks For Reparations In America
National Office

PRESS RELEASE

For Immediate Use: 12/27/05
Contact: : Minister Ari S. Merretazon, M.S.CED
267-307-0001 or 202.291.8400

N'COBRA'S CASE AGAINST WACHOVIA

Reparations Case Against Wachovia Gets Support From New Disclosure Ordinance

In June of this year, the National Coalition of Blacks for Reparations in America (N'COBRA) issued an official statement welcoming Wachovia Corporation's admission of complicity in the enslavement of African peoples, and acknowledging the need for atonement and restitution to demonstrate the Corporations sincerity. Wachovia's admission means the corporation directly or indirectly contributed to the holocaust of enslavement of the ancestors of African descendants that resulted in the deaths of millions of Africans on this country's shores, and crimes against humanity for over 14 generations of African peoples including slave labor, physical and mental torture, rape, starvation, hangings, and mutilations. Following the so-called emancipation of African peoples the abuse continued under Jim Crow, with ongoing terrorism at the hands of the Klu Klux Klan, and up to today with race discrimination, affirmative action, and racial disparities in lending and investments.

On December 13th, Philadelphia Mayor John F. Street, signed into law a bill making Philadelphia one of the first cities in the United States to demand reparations from banks that have benefited from slavery. The law was introduced by City Council members Wilson Goode and Blondell Reynolds-Brown.

The N'COBRA official statement stemmed from Wachovia's disclosure before the City of Chicago City Council. According to Minister Ari Merretazon, Co-chair, Case Against Wachovia Committee, Wachovia 's disclosure is full of contextual deceptions and major omissions." The disclosure report entitled, *Wachovia and its Predecessor Institutions, Findings Report*, was manufactured by the History Factory, a profit making corporation, hired by Wachovia, Merretazon said. Shamefully, the 102-paged Wachovia Report only covered 19 of Wachovia's predecessor institutions and omitted information about approximately 381. All 19 predecessors disclosed were founded in Pennsylvania, eight in Philadelphia.

Wachovia ties to enslavement of African people in America started with its enabling institution, the Bank of North America founded in the City of Philadelphia in 1781. Its founders and chief executive officers were Robert Morris and Thomas Swilling, both Philadelphia residents.

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These two individuals were the renowned slave merchants of Philadelphia of their day. Their mercantile enterprises included trans-Atlantic shipping, railroads, cotton, tobacco, indigo plantations. These enterprises were the central economic engines in many of the13 colonies and the new United States at that time.

Both Morris & Swilling served on the Second Continental Congress. Swilling was the Mayor of Philadelphia in 1793, served a term as Justice of the Pennsylvania Supreme Court, and also served as president of the Bank of North America.

Robert Morris was Bank of North America's first president. Once the Articles of the new Constitution were ratified, the Congress of the new United States appointed Robert Morris as the Superintendent of Finance. He is the person the term "conflict of interest" was said to be coined after.

According to the History Factory, its researchers "only viewed 20 linear feet of microfiche material at the Historical Society of Pennsylvania, leaving approximately 130 linear feet of microfiche account ledgers unviewed." From the findings report, Wachovia knew or should have known of the existence of corporate records that indicate their profiting from slave labor. Wachovia has failed to provide said records. In essence the findings report left the true picture of Wachovia predecessors' involvement in the slave trade on the research floor, in microfiche trays, and in file drawers.

According to the historical record, the Bank of North America was founded as a way and a means to finance the American Revolution and get the Continental Congress out of debt, at the same time it was financing the slave trade through its various mercantile ventures, such as ships, railroads, plantations, and auctions. After disclosure and apology, Wachovia must take responsibility to repair the damage done to Black people. African Americans must always equate reparations with restitution.

N'COBRA has established a five person negotiating team, under the agency of its Philadelphia Chapter, consisting of Minister Ari S. Merretazon, Ron Johnson, Jaki Mungai, Milton McGriff, and Kibibi Tyehimba. Merretazon, Johnson and Mungai are members of N'COBRA Philadelphia, and McGriff and Tyehimba are the national co-chairs of N'COBRA.

The negotiating team sent a letter to Wachovia requesting, amongst other things, funding of a study on Wachovia's participation in slavery, its resulting impact on present-day African Americans, and determine appropriate remedies. Wachovia has agreed to start the dialogue with a conference call set for January 12, 2006. We're asking our members and supporters to get ready for a protracted struggle.

In support of its case against Wachovia, on Reparations Awareness Day, February 25, 2006, the Philadelphia Chapter will hold its first Reparations Town Hall Meeting, at Temple University, hosted by the African American History Department. Confirmed panelist: Attorney Adjoa Aiyetoro, N'COBRA Legal Defense Research and Education

Fund, Dr. Raymond Winbush, author, *Should America Pay? Slavery and the Raging Debate on Reparations* and Dr. William Jenkins, African American Studies Dept., Temple University. Invited panelists are, Dr. Mary Francis Berry, author, *My Face Is Black Is True*, Professor Ron Walters, Syndicated Columnist, Betty Collier, Temple University, Professor Ron Bailey, Professor Northeastern University, and Mr. G. Kennedy Thompson, Wachovia Corporation.

Following the town hall meeting on reparations, N'COBRA will be coordinating a historical meeting in the city of Philadelphia in 2006 of all organizations supporting the demand for reparations. This meeting will seek better cooperation, coordination, and collaboration amongst the many organizations.

Merretazon said, "Wachovia financially benefited and inherited huge sums of money and property from its predecessors. In so doing, it furthered the commission of crimes against humanity, crimes against peace, slavery and forced labor, physical and mental abuse, economic conversion and discrimination. Likewise it should also inherit the debt of the human and social aftermath of its legacy of slavery. It is a matter of corrective moral justice that Wachovia, along with other corporations and other units of government, pay the debt it owes to African descendents."

The historical record is replete with instances of Wachovia's predecessors using slave labor, and profits there from to build the infrastructure of America. The Bank of North America was the "federal reserve of its time."

Famous attorney Willie Gary said in a Harper's Magazine interview, "think about this, in 1865 the federal government of this country freed 4 million blacks. Without a dime, with no property, nearly all illiterate, they were let loose upon the land to wander. That's what begins the aftermath of slavery." Until 1950 the federal government included in mortgage loans restrictive covenants preventing blacks and only blacks, no other group, from buying houses in white neighborhoods.

In the same interview, Gary continues, "and banks kept it up, denying loans to blacks, often by redlining, by which they literally would draw lines on a map around a neighborhood and not give loans to creditworthy black people living there. That happened until almost last week." The causes of action against Wachovia include breach of contract, breach of fiduciary duty, conversion, conspiracy, and unjust enrichment. N'COBRA is seeking corrective justice for the past acts of slavery and the present day vestiges of slavery.

N'COBRA is in the best position with historical standing, as the premier and nationally recognized coalition, to lead the coordination of this moral, political and legal case against Wachovia. It is asking all of its long time and new supporters to save the date of February 25, 2006 to participate in the Reparations Town Meeting in the birth place of the American Constitution – the "dark bargain" -- in respect to Blacks in America apportioned as 3/5ths of a human.

# # #

THE NATIONAL COALITION OF BLACKS FOR REPARATIONS IN AMERICA (N'COBRA) DEMANDS IMMEDIATE COMPREHENSIVE RELIEF AND REPARATIONS FOR THE VICTIMS OF HURRICANE KATRINA DUE TO THE CRIMINALLY NEGLIGENT RESPONSE OF THE UNITED STATES FEDERAL AND STATE GOVERNMENTS' AGENTS AND AGENCIES

The recent failed federal and local government response leading up to, during, and following hurricane Katrina, along with both the intended and unintended consequences of that failure, is a continuation and deepening of the continuing injury of the vestiges of chattel slavery, and should be defined as genocidal crimes against humanity and acts of criminal negligence. The enormity of the individual and family crises that the survivors will endure due to the loss of loved ones, income, and/or wealth is unfathomable and the resulting pain and injurious effects will persist many generations into the future. Undoubtedly, immediate and long term support and direction will be required from various private and public sources to repair and restore the victims of the Katrina disaster.

Most, if not all, of the aforementioned injuries were foreseeable and preventable by the United States government. Yet, the federal government chose deliberately not to act, refused to allow others to act, and criminalized those who acted in order to save their lives and those of their family members. The federal government had six years to prepare for this scenario. However, their agenda then, and today, is to disregard deliberately the welfare of poor people and people of color. Their agenda was and is to disregard deliberately the welfare of poor people and people of color in the affected regions. The government's refusal to respond appropriately when sufficient time existed to mitigate the threat of a category 5 hurricane that threatened to submerge New Orleans is itself a flagrant example of the government's criminal negligence.

The record of stand down orders that prevented distribution of food and water and caused death and suffering for undetermined numbers; the repeated refusal of massive assistance from some foreign governments that would have saved lives; the relocation of survivors to far flung places without support instead of to north Louisiana where there was support; the presence in the affected areas of the army, national guard, government sponsored profiteers and mercenaries who are not providing any relief — all are compelling evidence of this criminal government's plan to take away forever from Black people what they had, including their cultural heritage and their connectedness to themselves and their families. This is another deliberate criminal white supremacist act of reconstruction in the modern era. It is the classic example of a "vestige of chattel slavery." This contemporary pattern of government overt acts and failures to act form an unbroken chain of containment, control, and destruction of African people since the time of our kidnap from Africa to the present.

Accordingly, N'COBRA urges African descendants to make the following immediate demands of the United States Government and all relevant state governments, including but not limited to Louisiana, Mississippi, Alabama, and Texas:

- Acknowledge and honor the right of return to the homes and communities of all dislocated persons. Land and property ownership should be restored to African descendants and all of New Orleans citizens.

- Ensure that federal and state governments immediately provide comprehensive remedial services to the victims of Katrina and the subsequent failed government response to fully restore their lives and their life chances at a capacity meaningfully greater than the conditions that had prevailed prior to Katrina.

- Provide meaningful resources and implement comprehensive procedures to reunite families separated by the Katrina disaster.

- Permit the immediate provision of assistance from all foreign governments that offer it.

- Ensure the restoration of all and creation of more livable and affordable public housing stock to meet the needs of all affected by the Katrina disaster.

- Ensure that all persons affected by the Katrina disaster are able to restart their education at the same level they had prior to this tragedy.

- Ensure the participation of local community people in the planning and rebuilding of all areas destroyed by Katrina and the government's failed response, in a manner that protects and restores the cultural integrity of its Black residents, and other peoples of color. The awarding of Katrina related no-bid and bid federal and state contracts should be frozen until local community organizations, leaders and activists, clergy, and labor unions are able to come together to exercise a decisive role in the allocation of government rebuilding funds, including a comprehensive, meaningful, and effective affirmative action outcome that assures full participation of the survivors.

- Pay the prevailing wage to all workers and rescind the waiver of the Davis-Bacon Amendment.

- Waive indefinitely the new federal bankruptcy laws for victims of the Katrina disaster such that the victims are not twice victimized.

- Initiate a massive public works job training program for all who request and need it.

- Release immediately from custody all persons held on non-violent charges as well as those held on a non-violent conviction so that they can locate and reconnect with and rebuild their lives and those of their family members.

- Release immediately and expunge from the record all those charged with "looting."

- Permit human rights observers, independent of the United Nations, the military, federal, state or local law enforcement agencies into New Orleans, Mississippi, and all areas of the coast affected by Katrina, to monitor the behavior of the police, military, and mercenaries.

- End now the hostile military occupation of New Orleans, Mississippi and all areas of the Gulf states affected by Katrina. As soon as possible, return control to city and state law enforcement agencies, and other essential government agencies once they are able to resume services for and protection of its citizens

- Establish a special federal prosecutor and federal independent commission of inquiry into the Katrina disaster. Leading African-American human rights organizations and locally affected community human rights leaders shall play a meaningful role in assigning the members of this commission as well as the independent prosecutor. The role of the commission shall be to identify the causes of the poor handling of the aftermath of the disaster, ensure that it or anything like it is prevented in the future, ensure full restitution to the survivors and the families of the victims, and to recommend prosecution of the wrong doers to the fullest extent of the law.

The aforementioned demands are based on the sound principles of restitution and reparations. N'COBRA calls on all freedom-loving people to join together to build a powerful and national mass based constituency and movement that works relentlessly to make absolutely certain that these immediate demands are met now and that these prevailing racist genocidal conditions never recur.

N'COBRA, a national coalition of individual and organizational members throughout the U.S. and the African Diaspora, was formed in [illegible] to win reparations for Black people of African descent living in the U.S. who currently endure the horrific present-day effects of the holocaust of enslavement and the systemic racism/white supremacy created by chattel slavery. The specific overt acts and acts of omission by federal, state and local governments and corporations effectively perpetuate conditions known today as "vestiges of chattel slavery." Reparations are due to these African descendents now whether or not they can prove ancestry to ancestors held as slaves in what is or what became the United States.

September [illegible], [illegible]

ANTI-WAR AND PRO-REPARATIONS

The National Coalition of Blacks for Reparations in America (NCOBRA) opposes the immoral United States war against Iraq, and this country's unprovoked aggression against other Peoples around the world. We do not support people of African descent going off to fight and die in disproportionate numbers in yet another war, for a country that refuses to admit to the 500 years of terrorism it has perpetrated against African descendants, and that refuses to admit that it has a debt that must be paid to the descendants of formerly enslaved Africans.

The U.S. war against Iraq transfers wealth from African descendant communities and other communities of color that are ravaged daily by systems and institutions that benefit from our exploitation and our restricted access to wealth and power. This transfer of the nation's wealth only exacerbates our condition and lessens our ability to respond to the needs of the most vulnerable members of our communities. The resources that will be allocated for the war must be transferred to African descendant communities to right one of the most grievous crimes against humanity-the Trans-Atlantic Enslavement of African People.

African descendants are painfully aware that white supremacy, globalization, unbridled exploitation of other nations' land and resources, and the violation of other nations' right to be self-determining can ultimately lead to a recurrence of the horrors that our people suffered during the American Holocaust of African Enslavement. Therefore, we have an obligation to speak in opposition to the war against Iraq and any actions that deny People of other nations, the human rights that Americans take for granted.

January 15, 2003

{approved and distributed by N'COBRA's Board of Directors - January 2003 Board Meeting, Dallas TX}

ADACI
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Statement of Support from
The African Diaspora Ancestral Commemoration Institute (ADACI)

Directed to
Congressman John Conyers, Jr., and other members of the Congress

In Support of
Reparations and the need to pass H.R. 40

December 10, 2007

The African Diaspora Ancestral Commemoration Institute (ADACI) is pleased to take this opportunity to submit this statement to members of Congress in support of Reparations and the need to pass House Resolution 40 (H.R. 40). ADACI is a non-profit, community-based spiritual organization founded in 1992, and dedicated to institutionalizing the commemoration of the millions of Africans lost during the holocaust of the Atlantic enslavement of African people. ADACI's purposes – to celebrate the extraordinary collective fortitude that has sustained Africans and their descendants through this massive loss; to examine and better understand all the circumstances that led to and sustained this loss so that it will never happen again; to acknowledge and strengthen a common bond that connects Africans around the world; to reaffirm the ability of Africans and their descendants to overcome obstacles of enormous magnitude as Africans have in the past; and to fortify the inherent strength of Africans that has enabled continued advancement – are achieved through the observance of spiritual ceremonies and the presentation of artistic, educational, and cultural activities.

In order to assess the many implications of the loss of Africans during the slave trades, ADACI's programs have focused on examining the spiritual, cultural, physical and psychological effects of slavery on the African descended community in the African Diaspora, and its negative impact on Descendents' lives over generations. This historical trauma has had severe spiritual, emotional, and psychological dimensions, and has manifested itself in systemic disabilities which affect the Black community. Until full admission and recognition of the horrible effects of this brutal system on Africans and their descendants is made by the government, there can never be the proper medium that will allow healing to take place.

Reparations, therefore, is an essential and critical condition precedent which must be achieved in order to break the chains to help the community move forward towards healing and wellness. This will not be an easy solution. Far reaching steps must be made to heal century's old wounds and eliminate present day disparities suffered by African descendants at all levels of our society; these steps must ultimately be made at the federal level, which must take the lead in acknowledging and addressing the continuing violations of decency and dignity in which persons of African descent in this country are subjected on a daily basis. The consideration of H.R. 40 provides an opportunity for this country to engage in deep, introspective soul-searching and to come to terms with a devastating period in the history of this country which haunts and plagues descendants of Africans to this very day. Moreover, an official apology emanating from the passage of H.R. 40 could generate a movement to truly repair the damages inflicted upon the descendants of Africans in this country, as well as support systemic changes to the systems and institutions in this country which made it possible to engage in the wholesale violations of the rights of Africans and their descendants, so that never again could this type of thing take place against any group or race of people.

ADACI fully supports the consideration and passage of H.R. 40. The history of this country begs out for a recognition, reconciliation, and repair of the horrors that were wrought against Africans and their descendants in America. To this end, a serious and content-based discussion must take place in order to flesh out the contours of the issues which surround this predicament. The passage of this resolution is that first step towards the liberation of all people in this country, and, specifically, the way forward to a future for African-descended people based on the principles of freedom, justice, equality, and fairness for which this country ostensibly stands. We strongly urge the passage of H.R. 40 in this initial effort to redeem our ancestors.

In One Spirit,

Members of ADACI

THE PEOPLE'S ORGANIZATION FOR PROGRESS
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REPARATIONS POSITION STATEMENT

The Peoples Organization for Progress (POP) believes that the descendents of African enslaved in the United States and other parts of the western hemisphere have a legitimate claim to reparations for the cruelty and super exploitation that our ancestors suffered during centuries of slavery and 150 of racist oppression and discrimination which followed emancipation.

We demand compensation of African Americans for the labor that millions of our ancestors were forced to give during the period of their enslavement, and the suffering and loss we have had to endure for generations due to its legacy. We demand that the United States recognized our legitimate claim to reparations. We demand that the process of compensation begin now!

We demand the establishment of a national monument in the nation's capital to commemorate the enslavement of Africans in the United States, the millions who died and suffered, and their heroic struggle for freedom. Such monuments should also exist in state capitals and cities throughout the country.

We demand official apologies from the United States federal government and from state governments to African Americans for the enslavement of our ancestors. However, such apologies must be linked to reparations. Apologies without reparations will be empty declarations at best.

We demand reparations from those companies and business that benefited financially both directly and indirectly from slavery. We support legal efforts to obtain reparations from these companies because the corporate community must be held accountable for its role in the enslavement of Africans brought to this country.

We demand passage of the Conyers reparations bill! We call upon congress to immediately enact H.R. 40, the reparations bill sponsored by Congressman John Conyers, which would establish a commission to study reparations proposals for African Americans. This bill must not languish in committee for another session of Congress. We demand the passage now!

We demand that state, county and local governments adopt resolutions in support of reparations for African Americans. The bill is long overdue. The time for payment is now. What do we want? Reparations! When do we want them? Now!

POSITION STATEMENT
of Silis Muhammad

The following is a brief statement of my political position on these urgent questions: Who are we, the so-called African Americans? What damage have we sustained from slavery and its lingering effects? What means of reparation would serve to best restore us? Which legal argument fits our situation?

Are there steps we can now take domestically and internationally to assure our progress?

We are a unique people in the earth, rising into self-awareness after more than 400 years of slavery and its legacies. The slave master and his children named us niggers, negroes, coloreds, blacks, and African Americans. We have yet to give name to ourselves. We were kidnapped from our homes, families, tribes and nations. We were forcibly denied our mother tongue, our religion and our culture. We were subjected to forced mixed breeding and rape by the slave masters. These inhumane acts resulted in the destruction of our original identity. We have risen, yet we remain scattered and of many minds. We must now take up the task of joining together, gaining our human rights, obtaining reparations, and restoring (constituting) ourselves.

We have suffered many atrocities, but the greatest damage done to us as a people is the destruction of our original identity. We have been made like unto orphans, lost and without international comfort. We possess no mother tongue to connect us to our place in the homeland, Africa. We are bound together as a people by our common origin, the experience of slavery, and our heroic struggle to overcome slavery's lingering effects. Because of the destruction of our identity, and particularly, the false picture given by the U.S. Government to the UN about us, we have no international recognition and no collective human rights.

For years the U.S. Government has been successful in persuading the international community that African Americans expressed their will through the civil rights movement, and that our ultimate desire is integration into America, and equality with the white majority. We know that it was not integration, but a desire for justice that gave rise to the civil rights movement. When we went to the UN in person, and asked for recognition, reparations, and a process of ethnogenesis of our collective human rights, the UN began to see the African Americans in a different light. We informed them that we are a people deserving of the right to determine our own future, yet we do not have our rights because we are captives within the identity of the slave master's children. We speak their tongue, we practice their religion, and we live their culture: we live as Anglo-Saxon clones.

Upon hearing our prayer, the UN recognized that it had an obligation to find a place or create a place within international law where we will fit. If we are to receive reparations that will restore to us the dignity and protection that other peoples enjoy, we must first gain an internationally recognized identity, and our collective human rights.

As we step forth to gain our identity, we have the opportunity for the first time to give name to ourselves. In all humility, I offer the name "LOST FOUND Peoples", or in the alternative, "LOST FOUND Nations" for consideration. There is no question we have been lost, in the Islands and in many nations. The UN has begun to search for a place where we will fit. Our collective human rights and our reparations, throughout North, Central and South America, the Caribbean and beyond, can potentially be whatever we determine that we need, falling within the parameters of the UN. We are very diverse peoples, or nations, and we have many different needs.

Our legal argument is based upon international law, ratified by the U.S. Government, the International Covenant on Civil and Political Rights (ICCPR), Article 27. The covenant says: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in

community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

We are a numerical minority in the U.S., and the U.S. Government has recognized us politically as a minority, thus we use this Covenant in order to argue our right to reparations.

We know that this covenant did not exist during slavery, when we were first denied the human rights of speaking our own language, practicing our religion and enjoying our culture. Yet we argue that denying us the right to speak our own language, and separating us so that we could not retain it, are acts that constitute a permanent, ongoing denial, as the language is forever lost. Thus the U.S. Government is in violation of Article 27 of the ICCPR.

In addition, we argue that Article 27 of the ICCPR was in existence at the time the U.S. Government disrupted, through it's infamous counter-intelligence program, the movement of our people toward our choice of culture, identity, education, and government. When we sought to identify ourselves as the Lost-Found Nation of Islam, Republic of New Afrika, Black Panther Party and so on, our activities were undermined and our leaders denigrated, incarcerated and assassinated. In fact, the U.S. still is operating its infamous counter intelligence program today, trying to prevent our rise. And finally, we argue that the U.S. Government violated, knowingly, the spirit of the Universal Declaration of Human Rights, which envisages human rights for everyone, everywhere, by keeping our existence hidden from the UN, in 1948.

The UN has given clear direction as to the avenue through which the so-called African Americans can seek recognition. In 1998, after hearing only a small number of interventions on behalf of African Americans, including my written and oral statements, the Sub-Commission on the Promotion and Protection of Human Rights passed Resolution E/CN.4/SUB.2/RES/1998 in which the Working

Group on Minorities was called upon to consider how the Sub-Commission in its future work might address the continuing legal, political and economic legacies of the African slave trade, as experienced by Black communities throughout the Americas. Since that time I have addressed the Sub-Commission three times, and the Working Group on Minorities five times, including twice in forums that the Working Group has organized for the specific purpose of hearing the issues of the so-called African Americans.

Domestically, we will continue to build the government of African Americans that I, along with others, began establishing some time ago. I am firmly committed to the Lost-Found Nation of Islam, and I know of nothing or no combination of things that could alter my resolve. I presume that others feel the same way about whatever it is they believe in. Thus, while retaining, internally, the Constitution of the Lost Found Nation of Islam, we have moved forward to shoulder with you the responsibility of building a democratically elected government that will include all of our people: Christians, Muslims and other creeds.

Internationally, we hope that Black leaders throughout the Americas Region and the Diaspora will join us in support of the efforts of the Working Group on Minorities. Information can be gained from an expert paper written by one of the Working Group members, Professor Jose Bengoa. In his writing he demonstrates an understanding of our situation, our rise, and our desire for restoration. He defines it as the process of ethnogenesis.

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Written Statements of Silis Muhammad and the UN Working Paper of Professor Jose Bengoa are available at www.afre-ngo.org.

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A BRIEF PROFILE

THE RUF IS A COALITION OF TWELVE OF THE FOURTEEN EXISTING GROUPS IN SOUTHERN CALIFORNIA WHICH DEAL WITH THE REPARATIONS ISSUE AS A PRIMARY FOCUS OF THEIR ACTIVITIES. IT IS A REGIONAL GROUP COALITION, NOT A NATIONAL ONE AND IT HAS NEVER INTENDED TO OR ATTEMPTED TO BECOME A NATIONAL ENTITY. HOWEVER, THE RUF IS AND WILL CONTINUE TO BE INTERESTED IN FORMING A REGIONAL COALITION WITH WASHINGTON STATE AND OREGON REPARATIONS GROUPS. THE RUF WAS FOUNDED IN NOVEMBER, 2002 AS A REPARATIONS ACTIVIST GROUP FOCUSED ON IDENTIFYING VIABLE REPARATIONS PROJECTS AND TASKS AND GETTING THEM COMPLETED. SINCE THEN, AS A SUMMARY OF ACTIVITIES, THE RUF HAS:

I. Participated for 5 years in the Los Angeles Kingdom Day Parade.

II. In 2005, began RUF Book Club meetings. First one successful, but need to follow-through with them.

III. Participated in the N'COBRA Yard-Sign Project to promote reparations and the MMM, 2004-2005.

IV. Attended and participated in N'COBRA's annual conferences, June, 2002-2005, and virtually every one of the national NDABA conferences organized by NBUF and the Nation of Islam. Hosted the N'COBRA Executive Committee Business Retreat in Los Angeles-Carson, October, 2006.

V. In May, 2004, coordinated and organized the first National Reparations Congress in Compton, California, which was a gathering of national

activists. Out of that series of meetings evolved the publication of the first, and thus far only, *Regional and National Strategic Reparations Plan*

VI. In July, 2004 and June, 2005, organized the first and so-far only gatherings of Black churchmen, Muslim ministers and other religious leaders for a Reparations and the Black Church Forum, both held at FAME A.M.E. Church, with Rev. Cecil Murray.

VII. Establishment and renewal of the RUF Website (this is on-going)

VIII. Participation in the Black Buying Blackout, Dec., 2005

IX. Establishment of the Western Regional group for the Slave Restitution and Remembrance Fund, 2005-2007. State incorporation papers filed September, 2007. Federal 501(c)(3) to be filed December, 2007.

X. Created the Los Angeles Slave Business Ordinance, 2003, in association with former Councilman Nate Holden, based on the model established by Dorothy Tillman, Alderwoman, Chicago. Seeking to monitor enforcement of the ordinance.

XI. Expanded the reparations network nationally and internationally by participating in the Accra, Ghana RETURN TO THE SOURCE CONFERENCE, 2006, along with the Pan African Organizing Committee (PAOC).

XII. Organized and coordinated the Reparations and the Land Conference, Columbia, S.C., September, 2005.

XIII. In 2006, along with the PAOC, organized and coordinated the PAN AFRICAN ROUNDTABLE in Los Angeles that created the current methodology being used to organize the Diasporan African Union Representatives. In May and September, coordinated the first Town Hall and Caucus to elect AU Diasporan Representatives from California. Two Representatives elected, along with 2 Observers. Coordinated the election of the California Community Council of Elders, Southern California. Along with the PAOC, and WHADN, began a national and international

campaign to get other groups to adopt and adapt the method to elect their own AU Representatives to attend the April/May, 2008 meeting in Addis Ababa, Ethiopia.

XIV. Established necessary contact with the Sacramento Slave History Project so that research work can be completed on what California businesses profited from slavery and the slave trade. Currently negotiating with L.A. City Councilman Bernard Parks to introduce in 2008 legislation that will create a Southern California Slave Study Commission, which will produce a grand narrative history of Black participation and contribution to the growth of Southern California, and will identify businesses and corporations since California`s 1850 statehood that have profited from slavery in California or from the domestic and/or Transatlantic Slave Trade.

XV. Completed the preliminary results of the National Reparations Survey, newspaper published in 2005, and continued through 2007.

XVI. Attended the MMM, established a partnership with N'COBRA for expanding the Reparations Survey, and distributed 6,500 more survey forms. Received 1,200 in the mail. Second report made in February, 2006, and third report in December, 2007.

XVII. Formed the coalition to publish a special issue of the *Journal of Pan African Studies* on Reparations. Due to be published by June, 2008.

XVIII. Re-supported the L.A. City Council`s resolution to support H.R. 40, now that John Conyers is chair of the House Judiciary Committee, March, 2007. Made the proposal to the Los Angeles City Council, and assisting in writing the wording of the city resolution, to establish a Los Angeles Commission to Study the Impact of Slavery and Slaves on the History and Evolution of Southern California. Not only was Biddy Mason a former slave in Los Angeles, she was the first African American millionaire in the region, she owned a large block of downtown L.A. land, etc. There were

several more similar lives in L.A.'s 18th and 19th century history, and California was part of the Underground Railroad..

WITHIN THE RUF, DECISIONMAKING AUTHORITY RESTS WITH THE MEMBERSHIP CONSTITUENCY THROUGH AFRICAN CONSENSUS (See, *Meeting Ma'at: The Handbook for African-Centered Gatherings*, 2004).

FOR EACH MEETING THERE IS A FLOATING CHAIRPERSON (WISDOM KEEPER), SCRIBE (SCROLL KEEPER) AND RECORDS COORDINATOR (MEMORY KEEPER) TO CONDUCT AND GUIDE THE GATHERINGS.

THE RUF IS TASK-ORIENTED SO THAT THERE ARE ALWAYS ON-GOING PROJECTS THAT MEMBERS COORDINATE AND DIRECT THROUGH WORKING COMMITTEES.

Independent Groups Which Are Members of RUF
(Each with its own Rules, Tactics and Finances)

1. **Reparations Research and Advocacy Group (RRAG)**
2. **Mr. Peoples Helping People**
3. **Rory's Reparations Flags**
4. **Reparations Faith Community Coordinating Committee**
5. **Political Action Committee (L.A. Branch, NAACP; BH/Hllywd Branch, NAACP)**
6. **New Panther Vanguard Movement International/Reparations Education Committee**
7. **West Coast Supporters, Harvest Institute**
8. **Compton College BSU**
9. **California State University, Northridge BSU**
10. **Pan Afrikan Organizing Committee, West Coast Sub- Region**
11. **Association of African-Centered Scholars and Activists (AASA)**
12. **UNIA-ACL Land Reclamation Committee**

CURRENT REPORT TO N'COBRA ON THE NATIONAL REPARATIONS SURVEY

By David L. Horne, Ph.D
Los Angeles, California

ABSTRACT: *The National Reparations Survey, begun in 2002 and scheduled to be completed in 2008, is intended to provide to a critical mass of African Americans the opportunity to speak directly to the issue of what an achieved reparations result should look like and be about. Armed with that body of information, those who will eventually be involved in negotiating the accomplishment of reparations for African Americans will be able to do so based on the strength of what the Black community has said it wants and demands. This survey utilizes 21 Yes-No inquiries, and an open-ended section to allow for respondents to suggest their own remedies not covered in the 21 questions. The respondents are both randomized African Americans and participants at African American-centered meetings, conferences and events in American cities. It is anticipated that by 2008-2009, there will be approximately 50,000 self-identified African American respondents.*

SUMMARY INTRODUCTION. At the June, 2005 **N**'COBRA Annual Conference, the Media and Communications Commission discussed and approved a joint effort to disseminate a National Reparations Survey instrument at the then-upcoming Millions More Movement (MMM) gathering scheduled for October 15, 2005 in Washington, D.C. That survey had already been validated, distributed, collected and collated since 2002-2003 by a group of African American university students and the community-based organization, the Reparations Research and Advocacy Group (RRAG), both coordinated by Dr. David L. Horne out of Los Angeles, California and California State University, Northridge. Dr. Horne is a lifetime member of **N**'COBRA.

By June, 2005, the team working on the National Reparations Survey had received and analyzed 6,680 responses (6,500 of which were identified from African Americans). The ultimate goal of the surveyors was and is to receive up to or more than 50,000 responses.

The National Reparations Survey is intended to provide to a critical mass of African Americans the opportunity to speak directly to the issue of what an achieved reparations result should look like and be about. Armed with that body of information, those who will eventually be involved in negotiating the accomplishment of reparations for African Americans will be able to do so based on the strength of what the Black community has said it wants and demands.

The Media and Communications Commission of **N**'COBRA arranged to jointly finance---with the RRAG---the printing of 10,000 reformatted surveys for

in-your-hand dissemination at the MMM gathering. The plans agreed upon included utilizing at least twelve university students, plus MCC staffers, and volunteers from Los Angeles to pass the survey out and to collect as many of them immediately as the circumstances allowed. Unfortunately, with an 11th hour change of location for N'COBRA's kiosk at the MMM mandated by the Nation of Islam (NOI) leadership, and interruption of cell phone communication (thought to be from the massive federal surveillance of the affair), those well-laid plans could not be implemented. Trying to adjust to the new situation, the L.A. volunteers moved through as much of the crowd as they could from one vantage point, and the MCC staffers and students passed out as many surveys as they had on hand, and together approximately 6, 500 of the newly printed surveys got disseminated.

As a result, an estimated 250 completed surveys were collected on the spot, and 1,400 surveys were subsequently sent to the mailing address provided on the back of the survey form.

The Media and Communications Commission members, the student volunteers, and the Los Angeles visitors are to be congratulated for making a positive way out of what seemed at the time to be no way to get the job done.

They well represented N'COBRA's tradition of staying on an issue until a viable way to complete the assigned task is found, in spite of the chaos and confusion surrounding that issue.

The results of the additional 1,650 responses collected from the MMM participants raised the total of survey participants to 8,330 (8,150 self-identified African Americans). Between November, 2005 and February 15, 2006, another 1,965 responses (1,900 A.A.) were received from New York, Los Angeles, Atlanta and South Carolina (Columbia and Charleston), making it a total of 10, 295 responses (and 10,050 African American responses).

Between February, 2006 and December, 2007, an additional 1,850 surveys have been collected from mailed-in forms from 8 USA cities, and from participants at 2 regional conferences. Those responses have not yet been tabulated and integrated into the preliminary results, but that task should be completed by January 15, 2008.

A major mailing of the survey will occur in February, 2008, during Black History Month, to all of the current African-centered departments and programs in USA colleges and universities, and to all known African American-centered community based organizations. Recipients will be asked to pass the survey out to their students, community residents, etc. By the end of 2008, the expectation is that the goal of 50,000 or more respondents should have been accomplished, and before the end of 2009, the final results should be available for public dissemination.

PRELIMINARY RESULTS II & III: THE NATIONAL REPARATIONS SURVEY

Initial Responses Received, June 2002- June 2005

Total Number: ***6,680***

African American Self-Identifiers: ***6,500***

Locations From Which Received Responses: *New York City, Kansas City, Chicago, Portland, Seattle, San Diego, Los Angeles, San Francisco, Houston, Baltimore/Washington, D.C., Jacksonville, Columbia*

Responses Received Post-June, 2005

(A) Additional Responses From MMM Participants, October, 2005 (A.A): ***1,650***

Additional Locations From Which Responses Received From MMM Participants:

Newark, Atlanta, New York, Charleston, Raleigh, Pasadena, Cleveland, Birmingham, Kent (Ohio), Yonkers, Buffalo, Toledo

(B) Additional Responses Received, 2005-2006 by Mail: ***1,965 (1,900 from Self-Identified A.A.)***

Additional Locations From Which Responses Received: *New York, Los Angeles, Atlanta, Charleston, Columbia*

(C) Additional Responses Received from Random Participants, 2006-2007, and From 2 Conferences, 2007: ***1,850 (1,835 Self-Identified African Americans)***

Additional Locations From Which Responses Received: *Seattle, San Diego, Carson (Calif.), Compton, Indianapolis, Washington, D.C., Inglewood, Columbus (Ohio)*

TOTAL RESPONSES COLLECTED AS OF DECEMBER, 2007: ***12,145***

TOTAL RESPONSES COLLECTED FROM SELF-IDENTIFIED AFRICAN AMERICAN PARTICIPANTS AS OF DECEMBER, 2007: ***11,885***

TOTAL RESPONSES TABULATED AS OF DECEMBER, 2007: ***10,295***

TOTAL RESPONSES TABULATED FROM SELF-IDENTIFIED AFRICAN AMERICAN PARTICIPANTS AS OF DECEMBER, 2007: ***10,050***

CURRENT (UNINTERPRETED) SURVEY RESULTS AS OF DECEMBER, 2007 (Based on Counting *10,050* A.A. Responses)

85% of African Americans surveyed believe they are owed reparations in some form from the USA and it is fair to pursue reparations.

79% of African Americans surveyed believe they have a clear enough idea of what reparations mean in the USA. (This is particularly the case when a phrase containing '40 acres and a mule' is mentioned)

75% of African Americans surveyed believe they can make a convincing argument about reparations.

84% of African Americans surveyed believe the achievement of reparations will provide more respect for being Black in America.

80% of African Americans surveyed believe that current white Americans, even though they didn't own slaves, continue to be unjustly enriched from the unpaid labor of 18th and 19th century slaves.

85% of African Americans surveyed believe that the achievement of reparations will help heal the racial divide in this country, while 75% believe that achieving reparations will make things worse for African Americans.

79% of African Americans surveyed believe the USA government should pay some form of reparations, and 85% believe American corporations should be sued for reparations.

74% of African Americans surveyed believe that receiving money alone is not enough as a reparations solution, and that a reparations package should be negotiated.

***All collected surveys are currently housed at the California African American Political and Economic Institute at California State University, Dominguez Hills, 1000 E. Victoria Street, Carson, California 92407 (310) 243-2175
Contact: reparationssurvey@aol.com or drhorne@caapei.org for more information.

REPARATIONS SURVEY FOR AFRICAN AMERICANS

Below is a group of twenty-one (21) questions related to obtaining reparations for African Americans in the next few years in the U.S. Surveys of this type are being filled out all over America, and will continue to be until we receive a strong indication of exactly how African Americans want to see reparations coming forth in the U.S.

Please fill out this survey completely by circling the answer of your choice on each item in P and providing any additional comments you have in Part II. Your participation will help achie the reparations objective.

Respondent's City/State:

Respondent's Age Range (Please Circle): (18-35) (36-60) (61 and Over)

Respondent's Gender (Please Circle): Male Female

PART I:

1. Do you consider yourself an African American (aka, Black American)?

Yes No

2. Do you believe that African Americans deserve reparations in the U.S. ?

Yes No

3. Do you believe you have a clear idea of exactly what reparations mean to African Americans in the U.S.?

Yes No

4. If asked or challenged to do so, do you believe you could make a convincing argument a why African Americans are owed reparations in the U.S.?

Yes No

5. Do you think the achievement of reparations for African Americans will give Blacks more respect in America?

Yes No

6. Do you think that the idea of reparations for African Americans is an issue of justice long denied and overdue?

Yes No

7. Do you think current white Americans, though they didn't own slaves, are still being unju benefited today from the unpaid labor of former slaves?

Yes No

8. Do you think that the U.S. government should pay some form of reparations to African Americans?

Yes No

9. Do you think American corporations should be sued to pay some form of reparations to African Americans?

Yes No

10. Do you think white Americans in general should have to pay some form of reparations to African Americans?

Yes No

11. Do you think the pursuit of reparations is fair? (That is, should it be done?)

Yes No

12. Do you think the achievement of reparations will help to heal the racial divide in this country?

Yes No

13. Do you think the struggle for reparations for African Americans will make things worse f Blacks in America?

Yes No

14. Should reparations only be paid in money to African Americans?

Yes No

15. If reparations were offered as a complete forgiveness of all credit card and mortgage deb African Americans effective on a selected date in the future, would you accept that as th achievement of reparations in this country?

Yes No

16. If reparations were offered as a 50-year educational fund for all African American youth graduating from high school to attend a four-year college of their choice, tuition-free wit

books and housing paid for, would you accept that as the full achievement of reparation: this country?

Yes No

17. If reparations were offered as a 50-year business development fund accessible to any Af American with a well-written business plan, with start-up grants up to $100,000 per busir would you accept that as the full achievement of reparations in this country?

Yes No

18. If free land (up to 40 acres) and a low interest housing loan were provided to every Africa American family which could document that they were descendants of slaves in America were offered, would you accept that as the full achievement of reparations in this countr

Yes No

19. Should substantial financial assistance from the U.S. government to African Americans want to leave this country to live in Africa be a part of any agreed upon reparations pack

Yes No

20. Is a formal apology from the American government to African Americans for the many ye of Jim Crowism, racial discrimination, and related acts of disrespect, necessary as a par the achievement of full reparations?

Yes No

21. If options 15-20 above were combined into a total reparations package, would you accep as the achievement of full reparations for Black folk in this country?

Yes No

PART II:

On the back of this form, please write in any other visions or ideas you have about how reparations should look in America.

Please Mail Surveys back to:

Reparations Research and Advocacy Group

c/o Dr. David L. Horne

264 South La Cienega Boulevard, Suite 1129

Beverly Hills, CA 90211

RESOLUTION

Support Reparations from Aetna Insurance for African Americans

WHEREAS, Blacks In Government (BIG) was organized in 1975, and incorporated as a non-profit organization under the District of Columbia jurisdiction in 1976, and now is the Nation's oldest and largest public service employee advocacy organization, dedicated to the eradication of all vestiges of racism and disparate treatment practices perpetrated upon people; and

WHEREAS, BIG believes that Blacks should unite in order to obtain and secure the rights and privileges of full citizenship participation, and to address the collective needs of African Americans in public service and to organize around issues of mutual concern and use collective strengths in confronting workplace and community issues; and

WHEREAS, research has determined that several insurers were involved in providing slave insurance policies to slave owners; and

WHEREAS, Aetna was one of the companies involved in underwriting policies in the 1850s; and

WHEREAS, an investor, unsure about purchasing costly human chattel, would gain security from predecessor companies to Aetna Inc., New York Life Insurance Company, and American International Group, which enabled slave owners to work enslaved Africans in ultra hazardous capacities; and

WHEREAS, insured enslaved Africans frequently died horrendous deaths including drownings, and fatal burnings in coal mines; and

WHEREAS, California's Slaveholder Insurance Policies Bill (SB 2199) made it possible to acquire slave insurance policies from Aetna and Aetna predecessor(s) and other insurers doing business in the state of California; and

WHEREAS, Aetna issued a public apology for their role in slavery – but, to date, has not created a restitution Trust Fund to benefit the descendants of enslaved Africans as they said they would; and

WHEREAS, research and efforts by Deadria Farmer-Paellman with Aetna and ongoing grassroots organizing of the National Coalition of Blacks for Reparations in America (N'COBRA) and other reparations activists and supporters served as catalysts for a host of slavery era disclosure bills requiring corporations doing business with local and state municipalities to disclose any ties they or their predecessor(s) have to the institution of slavery; and

WHEREAS, Blacks in Government (BIG) adopted a resolution in 2004 supporting Congressman Conyers' H.R. 40 Bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery and to establish a commission to examine the present day impact of slavery and Jim Crow on living African-Americans and to make recommendations to the Congress on appropriate remedies; and

WHEREAS, approximately 3.4 Million African Americans, which constitute 17 % of the federal government's workforce, having the economic clout to influence Aetna's behavior to create a restitution Trust Fund to benefit the descendants of enslaved Africans;

Therefore, be it resolved:

(1) that the National Organization of Blacks in Government through its National Board of Directors and the National Executive Committee, all regions and chapters members currently enrolled under an Aetna Healthcare Policy should consider other insurance providers during the 2006-2007 Federal Government Open-Season since Aetna has failed to create a restitution Trust Fund to benefit the descendants of enslaved Africans as stated; and

(2) that a written copy of this resolution be delivered to Aetna Insurance Headquarters, and that the National Organization of Blacks in Government through its National Board of Directors and the National Executive Committee, all regions and chapters petition Aetna Healthcare to follow through with the creation of a restitution Trust Fund to benefit the descendants of enslaved Africans as stated; and

(3) that a Press Release be issued for widespread dissemination announcing the adoption of this Resolution and the recommendation that Aetna Healthcare establish a Trust Fund to assist African American Healthcare Institutions actively working to alleviate the health disparities plaguing Afriean American families and communities; and

(4) that a copy of this Resolution be delivered to National Coalition of Blacks for Reparations in America (N'COBRA), P.O. Box 90604, Washington, D. C. 20090-0604, and Dr. Deadria Farmer-Paellman, Restitution Study Group, P.O. 622, Hoboken, NJ 07030, for negotiating with Aetna for a resolution to this issue.

ADOPTED BY THE DELEGATES ASSEMBLY OF BLACKS IN GOVERNMENT (BIG) AT ITS ANNUAL NATIONAL TRAINING CONFERENCE IN NEW YORK, NEW YORK, AUGUST 21, 2006 THROUGH AUGUST 25, 2006.

9

CITY OF PINE BLUFF, ARKANSAS
CITY COUNCIL

RESOLUTION NO. 2598

A RESOLUTION ENDORSING H.R. 40, INTRODUCED IN THE 108TH SESSION OF THE U.S. CONGRESS, AN ACT CITED AS "COMMISSION TO STUDY REPARATIONS PROPOSALS FOR AFRICAN-AMERICANS ACT"

1 ***WHEREAS,*** approximately 4,000,000 Africans and their descendants were enslaved in
2 the United States and the colonies which became the United States from 1619 to 1865; and
3 ***WHEREAS,*** the institution of slavery was constitutionally and statutorily sanctioned by
4 the government of the United States from 1789 through 1865; and
5 ***WHEREAS,*** the slavery that flourished in the United States constituted an immoral and
6 inhumane deprivation of Africans' life, liberty, Africans' citizenship rights and cultural heritage,
7 and denied them the fruit of their own labor; and
8 ***WHEREAS,*** sufficient inquiry has not been made into the effects of the institution of
9 slavery on living African-Americans and the society in the United States; and
10 ***WHEREAS,*** Japanese-Americans, after a study, received an apology and restitution
11 through Public Law No. 100-383, the Civil Liberties Act of 1998, entitled "Restitution for World
12 War II internment of Japanese-Americans and Aliens;" and
13 ***WHEREAS,*** Italian-Americans have received consideration in Public Law No. 106-451,
14 entitled "Wartime Violations of Italian-American Civil Liberties Act," which orders a report
15 "detailing injustices suffered by Italian-Americans during World War II, and a formal
16 acknowledgment of such injustices by the president; and
17 ***WHEREAS,*** African-Americans have received from the U.S. Government and its
18 predecessors, since at least 1619, only ongoing contempt and relentless racism; and
19 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE**
20 **CITY OF PINE BLUFF, ARKANSAS:**
21 Section 1. The U.S. Government should make a formal acknowledgment of the
22 Holocaust of African captivity, enslavement and subsequent terrorism during a century of legally
23 sanctioned Jim Crow.
24 Section 2. The U.S. Government should make a formal apology for these crimes.
25 Section 3. There should be a formal recognition of the horrors of slavery through
26 monuments, education and other means.

1 Section 4. The U.S. Government should make restitution to living African-Americans
2 for slavery and its effects, as contemplated in H.R. 40, an Act cited as the "Commission to Study
3 Reparation Proposals for African-Americans Act.".
4 Section 5. Measures to prevent a recurrence of the wrongful acts of the past should be
5 adopted.
6 Section 6. The City Clerk shall promptly forward a copy of this Resolution to the
7 following individuals and organization: (a) National Coalition of Blacks for Reparations in
8 America, Post Office Box 42765, Philadelphia, PA 19101; (b) the Honorable John Conyers Jr.,
9 United States Representative, U.S. House of Representatives, Washington, D.C. 20515; and (c)
10 the Honorable Eddie Bernice Johnson, United States Representative, Chair, Congressional Black
11 Caucus, U.S. House of Representatives, Washington, D.C. 20515.
12 PASSED AND APPROVED THIS 3rd DAY OF November, 2003.

13
14 MAYOR
15 ATTEST:
16 CITY CLERK
17 Jackie Kirby (JK)
18 SPONSOR
19 APPROVED AS TO FORM:
20
21 CITY ATTORNEY

* FINAL VERSION - Concurred

Resolution A123

Title: Slavery and Racial Reconciliation

Topic: Reconciliation

Committee: Social and Urban Affairs

House of Initial Action: Bishops

Proposer: Executive Council

Resolved, That the 75th General Convention of The Episcopal Church declare unequivocally that the institution of slavery in the United States and anywhere else in the world, based as it is on "ownership" of some persons by other persons, was and is a sin and a fundamental betrayal of the humanity of all persons who were involved, a sin that continues to plague our common life in the Church and our culture; and be it further

Resolved, That The Episcopal Church acknowledge its history of participation in this sin and the deep and lasting injury which the institution of slavery and its aftermath have inflicted on society and on the Church; and be it further

Resolved, That we express our most profound regret that (a) The Episcopal Church lent the institution of slavery its support and justification based on Scripture, and (b) after slavery was formally abolished, The Episcopal Church continued for at least a century to support de jure and de facto segregation and discrimination; and be it further

Resolved, That The Episcopal Church apologize for its complicity in and the injury done by the institution of slavery and its aftermath; we repent of this sin and ask God's grace and forgiveness; and be it further

Resolved, That the 75th General Convention of The Episcopal Church through the Executive Council urgently initiate a comprehensive program and urge every Diocese to collect and document during the next triennium detailed information in its community on (a) the complicity of The Episcopal Church in the institution of slavery and in the subsequent history of segregation and discrimination and (b) the economic benefits The Episcopal Church derived from the institution of slavery; and direct the Committee on Anti-Racism to monitor this program and report to Executive Council each year by March 31 on the progress in each Diocese; and be it further

Resolved, That to enable us as people of God to make a full, faithful and informed accounting of our history, the 75th General Convention of The Episcopal Church direct the Committee on Anti-Racism to study and report to Executive Council by March 31, 2008, which in turn will report to the 76th General Convention, on how the Church can be "the repairer of the breach" (Isaiah 58:12), both materially and relationally, and achieve the spiritual healing and reconciliation that will lead us to a new life in Christ; and be it further

Resolved, That to mark the commencement of this program the Presiding Bishop is requested to name a Day of Repentance and on that day to hold a Service of Repentance at the National Cathedral, and each Diocese is requested to hold a similar service.

EXPLANATION

Other institutions have addressed their failures in various respects with regard to slavery and its aftermath, including an apology issued by the U.S. Senate for not having enacted federal anti-lynching legislation during the post-Civil-War period. The United Methodists in Alabama recently led a walk to a Birmingham church as part of a service to repent of racial injustice and to pledge to be more inclusive. In addition some dioceses, such as, Chicago, Maryland, and Newark have undertaken a study of the concept of reparations.

It is important to recognize that much of the U.S. economy was built on the basis of slave labor. There are plenty of data that prove beyond doubt that African Americans are a disproportionate part of the nation's poor. No one who is paying attention can fail to recognize that race discrimination is still very much part of the fabric of life in our nation and in our Church. Sometimes it is subtle, sometimes it is inadvertent, but it is plainly there. This resolution complements anti-racism training and other activities that are promoting justice and racial reconciliation in the Episcopal Church.

Resources

Lewis, Harold T. Yet With A Steady Beat: The African American Struggle for Recognition in the Episcopal Church. (Valley Forge, Pennsylvania: Trinity Press International, 1996).

Kesselus, Kenneth, John E. Hines: Granite on Fire. (Austin, Texas: Episcopal Theological Seminary of the Southwest, 1996).

Robinson, Randall. The Debt: What American owes to Blacks. (New York: Penguin Putnam Inc., 2000).

Shattuck, Jr., Gardiner H. Episcopalians and Race: Civil War to Civil Rights (Religion in the South). (Lexington, Kentucky: University Press of Kentucky, 2000).

Winbush, Raymond. Should America Pay?: Slavery and the Raging Debate on Reparations. (New York: HarperCollins Publishers, Inc., 2003).

* The final language, as well as the final status of each resolution, is being reviewed by the General Convention office. The *Journal of the 75th General Convention* and the *Constitution and Canons* will be published once the review process has been completed.

Go Back

Reparations for African Health Disparities

Prepared for N'Cobra by

Jawara Sekou Keith Hunter, MD

October 27, 2001

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Government Health Atrocities

The Ethnic Bullet

Substance Abuse/Early Demise Algorithm

Graphs of African American Health Status

You are either alive and free or you are dead- Steve Biko

The Black Man is a tragic figure- J Alfred Cannon(African Centered Psychiatist in the tradition of Frantz Fanon)

Introduction

Reparations for health inequities is just. As all discourse must be given a context we must go to history. Chancellor Williams' work, The Destruction of Black Civilization, clearly identifies that African people have been at war for greater than 4 millennia. In the present era, encompassing the past 700 years, Europeans and their descendents have proven themselves to be Imperialists. We Africans have been and continue to be in a war for our survival. Any call for justice, made to Imperialists is perceived ironically, by them, as a declaration of war. In reality, however, we will win because without question, the Sun is Setting on the West.

Our present health disparities should be viewed as the result of a protracted, vicious and unrelenting colonization. The African American health status is grave. The dialogue is usually framed in terms of health disparities whereby our health indices are juxtaposed to those of whites. To no one's surprise, we lead in almost every indicator of poor health. To be blunt, we have the worst health of any group in the country and it has been so since our arrival in the West. DuBois spoke of the "peculiar indifference " to our health status in 1899. What is even more blatant is that 100 years later, studies in very reputable, mainstream health journals document a continuing pattern. Specifically documented are unequal treatment options offered to Black patients for pain, cardiovascular disease and organ transplantations. The recent Johns Hopkins study of

children and developers and lead paint reinforces to us that federal guarantees of protection of our people involved in human research is still seriously flawed.

What emerges from any study of the phenomenon of African Health disparities is that a community's health is based upon their location in a societal structure. In this document we draw from the conclusions of:

- The Philadelphia Negro by WEB DuBois -1899
- An American Dilemma- Gunnar Myrdal- 1940
- The Kerner Commission Report- Otto Kerner 1968
- A report on the Secretary's Task Force on Black and Minority Health- US Department of Health and Human Services-1985
- An American Health Dilemma- Byrd and Clayton 2000

After even a cursory review of these documents it becomes apparent that over this 101 year period, these investigators reached the same conclusions. **The conditions resulting in the abominable state of Black health are and have been preventable.** The authors all state what Dr. King stated, that adequate housing, income and education could break the cycle of poverty. Hassan Bulhan, author of Frantz Fanon and the Psychology of Oppression, was quick to identify the strong relationship between a community's unemployment rate and the homicide rate. Camara Jules Harrell, a neuropsychologist and hypertension researcher has often remarked that the statistics that he first viewed on Black hypertension reminded him of the Black unemployment rate. The recent movie, Hoop Dreams is an excellent case in point. The Chicago father, chronically underemployed, spiraled down to a life of despair and substance abuse, ultimately causing transgenerational family chaos.

What also emerges from a reflection of the data is an extension of the book Yurugu by Marimba Ani. Dr. Ani posits, in her exhaustive exploration of European cultural thought and behavior, that "control over the other" is the central axiom in European life. Control of our health, therefore, must be seen as a part of this larger picture. Carter G. Woodson's, The Miseducation of the Negro, begins to fill in the African side of this imbalanced and unhealthy relationship where he identifies our psychosocial complicity with the diabolical script that is continuously unfolding. In less abstract terms, chronic illness impacts negatively on family; which as Professor Clark advised us was always the focus of the attack. Poor health is also directly related to our pathological dependence on government. A government, manipulated by billionaires who exploit and despise us.

Several other giants among us have identified the critical elements of the Moses metaphor of destroying the family as it applies to African people. Frantz Fanon identified the aberrant psychology of the colonized human and the penchant for improperly directed violence. Frances Cress Welsing and Neely Fuller implicate Racism and Global White supremacy as the greatest threat to the planet with our health being negatively affected by design. Patricia Newton, a Baltimore based African centered psychiatrist, has been researching the "Post Traumatic Slavery Syndrome" and its implications for family health and stability. Amos Wilson was very clear and identified the major issue as one of the control of Black Power.

Because of the sordid history of our interaction with Europeans, there are several references in this document to health atrocities. It is likely not well known that the "father" of US gynecologic surgery, J Marion Sims of Carolina, performed multiple

experimental surgeries on enslaved African women, without anesthesia, making them opium addicts in the process. The Tuskeegee study received a great deal of attention and is now a part of US historical shame. A more recent shame was the attempt by the National Institutes of Health to identify a "violence gene" in siblings of incarcerated African and Latino men in New York City. A courageous psychiatrist, Peter Breggin, documents his fight against this and other troubling situations in, The War Against Children of Color. We conclude the health atrocities section with a document implicating the US, South Africa, Israel and Great Britian in the development of "Ethnic Bullets" in the form of bioengineered agents that would target the DNA of specific populations. At this point I feel that it is appropriate to quote Dr. Frances Welsing in her assertion that, "AIDS is biological warfare until proven otherwise."

From any perspective, health should be seen as a major part of a system of control and exploitation. The evidence points to a persistent pattern of decreasing our numbers. When this approach is not adequate the active diminution of our vitality is substituted.

We are and have been at war for our survival. Professor Clark taught us that elders as repositories of love, knowledge, wisdom and power were revered and also targeted for elimination by our enemies. With fewer elders there will be fewer knowledgeable people in our communities. Dr. Welsing's thesis is that the European's minority status in the world makes them fear genetic annihilation. To support her position it should be noted that the US Department of Defense is obsessed with population control and sees it as the number one global security issue in light of decreasing European birth rates.

Philadelphia Negro 1899, WEB DuBois

" Large death rate among American Negroes", " A much higher death rate"
"There must have been an immense death rate among slaves".

"These tables seem to adduce considerable proof that the Negro death rate is largely a matter of condition of living".

"When we look at the comparative deaths of the races by sex we see that the forces operating among Negroes to make a disparity between death rates of men and women is largely absent among the whites."

"Death for children less than 5 including stillbirths find the average annual death rates of 1884-1890 94 vs 171 and in the worst ward 111 vs 188."

"Due to housing, sanitation clothing, diet and fear of hospitals. Many a Negro would rather almost die than trust himself to a hospital".

"Many generations of unhealthy bodies have bequeathed to the present generation impaired vitality and hereditary tendency to disease."

" The most difficult social problem in the matter of Negro health is the peculiar attitude of the nation toward the well- being of the race. There have for instance been few other cases in the history of civilized people where human suffering has been viewed with such peculiar indifference. Nearly the whole nation seemed delighted with the discredited census of 1870 because it was thought to show that the Negroes were dying off rapidly and the country would soon be well rid of them. So recently when attention has been called to the high death rate of the race there is a disposition among many to conclude that the rate is abnormal and unprecedented and that since the race is doomed to early extinction, there is little left to do but moralize an inferior species."

An American Dilemma, Gunnar Myrdal 1940

" There is no doubt that the overwhelming majority of white Americans desire that there be as few Negroes as possible in America. If the Negroes could be eliminated from America or greatly decreased in numbers this would meet the white's approval-provided that it could be accomplished by means which area also approved."

"There were 17 times as many Negroes in the US in 1940 as there were in 1790 when the first census was taken but in the same period the white population increased 37 times."

"Negroes were 19.3% of the population in 1790 but only 9.8 in 1940 due to the high immigration of whites form Europe."

"While there are proportionally more Negro than white infants born, significantly fewer of the Negro infants live. During 1940 73 of every 1000 live Negro infants died before the first birthday vs 43 white babies." If the statistics were more accurate there would be a much greater differential."

"While a good many more Negro infants die than white infants in proportion to their total numbers, the difference in death rates for children and mature adults is apparently even greater."

1930 life expectancy 48.5 vs 60.9. The mortality rate for the black population was higher than the rates for whites 30 years earlier.

"Of particular interest for our present problem would be the effects of a large scale disease prevention campaign. Since Negro deaths are now considerably higher than white death rates, it is more possible to bring them down. Any impartial effects to reduce sickness and death in the nation will have much more effect on Negroes than on whites simply because Negroes have much more preventable and curable disease to begin with."

" At times claimed that Negroes breed like rabbits and will ultimately crowd out whites if not deported or procreation restricted. Other times pronounced to be a dying race."

"The dominant American valuation is that the Negro should be eliminated from the American scene but slowly."

"In sum if America does not turn fascist, the numerically and politically dominant white population will be driven by its national ethos to abstain from taking any practical measures to realize its desire to decrease the Negro population."

"Not needed to single out Negroes for special attention in any efforts to cure or prevent disease. The application of the equalitarian principles of need in the cure of disease and ill health and of equality of opportunity in their prevention will suffice to eliminate any special Negro disabilities."

"Equalization of health conditions even without advance medical knowledge or practice would pull Negro death rates down sharply."

"Area for area, class for class, Negroes cannot get the same advantages in the way of prevention and cure of disease that the whites can. There is discrimination against the Negro in the availability to him of medical facilities."

"Discrimination increases Negro sickness and health both directly and indirectly and manifests itself both consciously and unconsciously. Discrimination is involved when hospitals will not take in Negro patients or when if they do permit Negro patients they restrict their numbers, give them the poorest quarters and refuse to hire Negro doctors and nurses to attend them."

In 1928 there was 1 hospital bed for each 139 whites vs 1/ 1941 for blacks (14 times difference) Facilities were generally of a much poorer quality than whites.

1930- 3805 Negro doctors
5728 Negro nurses
1773 dentists

"Discrimination manifesting against Black health is indirect as well as direct and fits into a pattern of a vicious cycle. Inadequate education secondary to economics and inferior schools prevent training of medical experts and knowledge of health and sanitation."

"Ill health reduces chances of economic advancement which reduces chances of getting adequate medical facilities or knowledge necessary for personal health care."

"Any intelligent efforts to reduce Negro morbidity and mortality will result in striking success."

Strikingly high rates were noted in:

Pellagra- vitamin deficiency
Syphilis
Homicide- secondary to cultural isolation of a subordinated people
Pneumonia and influenza- inadequate care
TB- sanitation

"Pellagra, syphilis and TB easily recognized as public problems"

1940 Infant mortality was 69% higher with the actual difference even greater.

Maternal mortality rate was 2.5 times higher.

"Ill health reduces birth rate. There is an increase in sterility. There is more sterility among Blacks than whites. There were more childless women both married and

unmarried. The higher birth rate is attributable to a higher average number of children per mother."

" The sterility is due to general diseases, venereal disease, induced abortion and organic deficiencies. The same causes keep the stillbirth rate high 58.1/1000 vs 27.6/1000. This would be higher if there was better reporting."

"What is needed in the way of special attention to Negroes is constant vigilance against popular and official prejudice in the application of a general medical and health program. In view of the racial attitudes prevalent in the South and in view of the generally greater needs and smaller resources of the South, it is almost necessary that national organizations and specifically the federal government take a firm lead in this work."

Kerner Commission Report 1968

" The residents of the racial ghetto are significantly less healthy than most other Americans. They suffer from higher mortality rates, higher incidence of major diseases and lower availability and utilization of medical services. They also experience higher admission rates to mental hospitals."

Poverty
"From the standpoint of health, poverty means deficient diets, lack of medical care, inadequate shelter and clothing and often lack of awareness of potential health needs. As a result ~ 30% of all persons from low income families suffer from chronic health conditions that adversely affect their employment vs 8% of families of moderate income."

Maternal Morbidity
"There was a sharp decline for Blacks and whites between 1940-1965 but the relative gap increased 84/100,000 vs 21/100,000."

Infant Mortality
"It is 58% higher for those less than 1 month and almost three times as high from 1 month to 1 year despite a large drop from 1940 in both Blacks and whites."

"Life expectancy 64 vs 71 years. Even in prime of life, life expectancy is lower by ~ 11%."

Lower utilization of health services

"There is less money available for health. Families are larger and have to pay more for food and consumer durables. There are fewer doctors, dentists and medical facilities which are located conveniently."

"Discrimination still existed in admission or accepting Black doctors and patients. Many individual doctors still discriminate against Black patients. Therefore Blacks are more likely to be treated in clinics than whites and less likely to receive personalized care."

Environmental Factors

"The level of sanitation is strikingly below that which is prevalent in most higher income areas. Residents lack proper storage facilities for food, adequate refrigerators, freezers and even garbage cans. Poor sanitation leads to rats with 14,000 rat bites reported in 1965 in US."

"Slum sanitation is a serious problem in the minds of the urban poor and well merits at least on that ground the attention of the Sanitation Commission."

"This is our basic conclusion: Our nation is moving towards two societies, one black, one white-separate and unequal."

"The alternative will require a commitment to national action- compassionate, massive and sustained, backed by the resources of the most powerful and richest nation on this earth. From every American it will require new attitudes, new understanding and above all, new will."

"What Americans have never fully understood- but what the Negro can never forget is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it and white society condones it."

"It is time now to turn with all the purpose at our command to the major unfinished business of this Nation. It is time to adopt strategies for action that will produce quick and visible progress."

"Our recommendations embrace three principles:

- **To mount programs on a scale equal to the dimension of the problems**
- **To aim these programs for high impact in the immediate future in order to close the gap between promise and performance.**
- **To undertake new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society."**

"These programs will require unprecedented levels of funding and performance but they neither probe deeper nor demand more than the problems which called them forth."

'There can be no higher priority for national action and no higher claim on the Nation's conscience."

Several recommendations were offered including job creation, overhauling the Welfare system and the creation of decent housing.

Report of the Secretary's Task Force on Black and Minority Health. Analysis of data from 1979-1981.

Speaks to the leading causes of excess mortality.

"Although tremendous strides have been made in improving health and longevity of the American people, statistical trends show a persistent, distressing disparity in key health indicators among certain groups of the population."

"In 1983 life expectancy reached a new high of 75.2 years for whites and 69.6 for Blacks. Nevertheless, Blacks today have a life expectancy level reached by whites in the early 1950s or a lag of about 30 years."

" In 1960, Blacks suffered 44.3 infant deaths per 1000 live births roughly twice the rate of whites of 22.9. Moreover in 1981, Blacks suffered 20 infant deaths per 1000 live births, still twice the level of 10.5 but similar to the white rate of 1960."

"In analyzing mortality data from 1979 to 1981 the Taskforce identified 6 causes of death that together account for greater than 80% of the mortality observed among Blacks and other minority groups in excess of that in the white population:

- **Cancer**
- **Cardiovascular disease and stroke**
- **Chemical dependency measured by cirrhosis**
- **Diabetes**
- **Homicide and accidents**
- **Infant mortality**

" There were 60,000 excess deaths per year representing 47% of all deaths age 45 or less and 42% of all deaths age 70 or less. "

"Recommendations included:

- Health information and education
- Health professions development
- Improved delivery and financing of health services
- Cooperative efforts with the non Federal sector
- Data development
- Research agenda.

"Social characteristics of Minority Populations

- Particular demographic profile
- Poor nutritional status and dietary practices
- Increased environmental and occupational exposures
- Stress and coping patterns.

"Occupational risks faced by minorities are higher than those confronting non-minority group members because a higher proportion of minorities are employed in positions that potentially present greater levels of exposure to environmental risks such as physical and mental stressors and toxic substances."

"At age 15 Blacks represent 15% of the total population by age 64 -8%."

In 1980 we were 59% in cities and 53% in the south.

Life expectancy 65 and 74 versus 72 and 79.

Female headed household 37.7% vs 10.9%.

Unemployment 18.9% vs 8.6%.

Noted for high cholesterol and high salt diets.

"Many of the causes of excess deaths in Blacks are amenable to reduction through preventive and public health activity."

"Blacks less than 45 have a relative risk of death from all causes nearly twice that of whites."

Morbidity

Especially females with hypertension , diabetes and anemia. 85% higher prevalence rate of hypertension with 43% of women having hypertension.

Diabetes 2.7 times higher rate.

"See health disparities in Blacks surfacing early in life and several health conditions responsible for the disparities are known risk factors for cardiovascular disease."

"Lack of income and education must be recognized as risk factors for disease and death in Blacks."

An American Health Dilemma- Byrd and Clayton 2000 (Nominated for a Pulitzer)

Concept of the Slave Health Deficit

Longevity
Living 5 to 7 years less than whites and the gap is widening since 1984.
0.4 years less than 1986.

Now 91,490 excess deaths per year. 37% of all deaths are excess. Excess deaths have increased 53% from 1984.

Death rate 1.6 times white rate

Infant mortality 2.2 times the white rate. It is worse than Cuba, Puerto Rico and Costa Rica. Disparity widening since the 1970s.

Death rate age 25-44 is 2.5 times the white rate. This causes a huge loss of person years. It is responsible for the larger portion of poverty and female headed households. Disparity increasing since 1982.

Of the diseases associated with death, Blacks lead in 14 of 16 categories. Many deaths are preventable.

Still higher levels of :
- Neonatal mortality
- Low birth weight
- Very low birth rate
- perinatal mortality

Maternal deaths are 3.4 times the white rate. 75% are preventable.

Child death rate is 30-50% higher

TB rate is 4-5 times greater.

40% of Black children less than 17 years have never seen a dentist.

Diabetes is 33% more common

Hypertension has a higher prevalence

Heart disease is 1.5 times more common

Stroke deaths is 2 times greater

Increased cancer incidence and cancer death rate.

"Racism exists when one race/color group intentionally or unintentionally refuses to share power, distribute resources inequitably, maintains unresponsive and inflexible institutional policies, procedures and practices and imposes ethnocentric culture on any other race/color group for its supposed benefit and justifies its actions by blaming the other race/color." Robert Terry

Other types or racism include paternalistic and competitive racism.

"Aversive Racism is the racism of coldness, belonging to bourgeoisie life, being that form of racism characteristic of the North, stable urban zones of segregation and suburbs. It is associated with the avoidance type of racism."

"Metaracism is the racism of technocracy; one without psychological mediation as such in which racist oppression is carried out directly through economic and technocratic means. It is the last stage of racism when racial passions have been washed away. It represents pure racism because it is systematic and independent of individual factors." Kovel

"Metaracism might be the dominant mode of racism in post modern, late capitalist US society. Perpetuation of segregated poorly funded and sometimes inferior health facilities in inner city and rural poor areas are health system examples."

"The transformation of the health system to a market economy is a mechanism that incorporates metaracism with potential to intensify race and class inequities in the already disparate health infrastructure."

"Our healthcare needs do not significantly affect the decisions dictating the course of US health policy."

Government Sponsored Health Atrocities -www.healtnewsnet.com/humanexperiments

1932- The Tuskeegee Syphilis study begins. 200 Black men diagnosed with syphilis are never told of their disease, are denied treatment, and instead are used as human guinea pigs in order to follow the progression and symptoms of the disease. They all subsequently die from syphilis, their families never told that they could have been treated.

1935- The Pellagra incident. After millions of individuals die from Pellagra over a span of two decades, the US Public Health service finally acts to stem the disease. The director of the agency admits it had known for at least 20 years that Pellagra is caused by a niacin deficiency but failed to act since most of the deaths occurred within poverty stricken Black populations.

1965 Prisoners at the Holmsburg State Prison in Phildelphia are subjected to dioxin, the highly toxic chemical component of Agent Orange used in Viet Nam. The men are later studied for development of cancer, which indicates that Agent Orange had been a suspected carcinogen all along.

1990 More than 1500 six month old Black and Hispanic babies in Los Angeles are given an "experimental" measles vaccine that had never been licensed for use in the US. CDC later admits that parents were never informed that the vaccine was experimental.

1994 With a technique called "gene tracking" ,Dr. Garth Nicolson at the MD Anderson Cancer Center in Houston Tx discovers that many returning Desert Storm veterans are infected with an altered strain of Mycoplasma incognitus, a microbe commonly used in the production of biological weapons. Incorporated into its molecular structure is 40 percent of the HIV protein coat, indicating that it has been man-made.

1994 Senator John D Rockefeller issues a report revealing that for at least 50 years the Department of Defense has used hundreds of thousands of military personnel in human experiments and for intentional exposure to dangerous substances. Materials included mustard and nerve gas, ionizing radiation, psychochemicals, halluciongens and drugs during the Gulf War.

1995 Dr. Garth Nicolson uncovers that the biological agents used during the Gulf War had been manufactured in Houston Tx and Boca Raton, Fl and tested on prisoners in the Texas Department of Corrections.

1996 Department of Defense admits that Desert Storm soldiers were exposed to chemical agents.

1997 Eighty-eight members of congress sign a letter demanding an investigation into bioweapons use and Gulf War syndrome.

The Ethnic Bullet- www.africa2000.com/IMPACT/mortality.html

This document discusses the obsession of the West with global population control and some of the biological weapons utilized in the process of attaining their goals.

"**If you don't understand global racism and white supremacy, everything that you do know will only serve to confuse you**"- Neely Fuler/ Frances Welsing

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Govt sponsored health atrocities

http://www.healthnewsnet.com/humanexperiments.html
1931 Dr. Cornelius Rhoads, under the auspices of the Rockefeller Institute for Medical Investigations, infects human subjects with cancer cells. He later goes on to establish the U.S. Army Biological Warfare facilities in Maryland, Utah, and Panama, and is named to the U.S. Atomic Energy Commission. While there, he begins a series of radiation exposure experiments on American soldiers and civilian hospital patients.

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1940 Four hundred prisoners in Chicago are infected with Malaria in order to study the effects of new and experimental drugs to combat the disease. Nazi doctors later on trial at Nuremberg cite this American study to defend their own actions during the Holocaust.

1942 Chemical Warfare Services begins mustard gas experiments on approximately 4,000 servicemen. The experiments continue until 1945 and made use of Seventh Day Adventists who chose to become human guinea pigs rather than serve on active duty.

1943 In response to Japan's full-scale germ warfare program, the U.S. begins research on biological weapons at Fort Detrick, MD.

1944 U.S. Navy uses human subjects to test gas masks and clothing. Individuals were locked in a gas chamber and exposed to mustard gas and lewisite.

1945 Project Paperclip is initiated. The U.S. State Department, Army intelligence, and the CIA recruit Nazi scientists and offer them immunity and secret identities in exchange for work on top secret government projects in the United States.

1945 "Program F" is implemented by the U.S. Atomic Energy Commission (AEC). This is the most extensive U.S. study of the health effects of fluoride, which was the key chemical component in atomic bomb production. One of the most toxic chemicals known to man, fluoride, it is found, causes marked adverse effects to the central nervous system but much of the information is squelched in the name of national security because of fear that lawsuits would undermine full-scale production of atomic bombs.

1946 Patients in VA hospitals are used as guinea pigs for medical experiments. In order to allay suspicions, the order is given to change the word "experiments" to "investigations" or "observations" whenever reporting a medical study performed in one of the nation's veteran's hospitals.

1947 Colonel E.E. Kirkpatrick of the U.S. Atomic Energy Comission issues a secret document (Document 07075001, January 8, 1947) stating that the agency will begin administering intravenous doses of radioactive substances to human subjects.

1947 The CIA begins its study of LSD as a potential weapon for use by American intelligence. Human subjects (both civilian and military) are used with and without their knowledge.

1950 Department of Defense begins plans to detonate nuclear weapons in desert areas and monitor downwind residents for medical problems and mortality rates.

1950 I n an experiment to determine how susceptible an American city would be to biological attack, the U.S. Navy sprays a cloud of bacteria from ships over San Franciso. Monitoring devices are situated throughout the city in order to test the extent of infection. Many residents become ill with pneumonia-like symptoms.

1951 Department of Defense begins open air tests using disease-producing bacteria and viruses. Tests last through 1969 and there is concern that people in the surrounding areas have been exposed.

1953 U.S. military releases clouds of zinc cadmium sulfide gas over Winnipeg, St. Louis, Minneapolis, Fort Wayne, the Monocacy River Valley in Maryland, and Leesburg, Virginia. Their intent is to determine how efficiently they could disperse chemical agents.

1953 Joint Army-Navy-CIA experiments are conducted in which tens of thousands of people in New York and San Francisco are exposed to the airborne germs Serratia marcescens and Bacillus glogigii.

1953 CIA initiates Project MKULTRA. This is an eleven year research program designed to produce and test drugs and biological agents that would be used for mind control and behavior modification. Six of the subprojects involved testing the agents on unwitting human beings.

1955 The CIA, in an experiment to test its ability to infect human populations with biological agents, releases a bacteria withdrawn from the Army's biological warfare arsenal over Tampa Bay, Fl.

1955 Army Chemical Corps continues LSD research, studying its potential use as a chemical incapacitating agent. More than 1,000 Americans participate in the tests, which continue until 1958.

1956 U.S. military releases mosquitoes infected with Yellow Fever over Savannah, Ga and Avon Park, Fl. Following each test, Army agents posing as public health officials test victims for effects.

1958 LSD is tested on 95 volunteers at the Army's Chemical Warfare Laboratories for its effect on intelligence.

1960 The Army Assistant Chief-of-Staff for Intelligence (ACSI) authorizes field testing of LSD in Europe and the Far East. Testing of the european population is code named Project THIRD CHANCE; testing of the Asian population is code named Project DERBY HAT.

1965 Project CIA and Department of Defense begin Project MKSEARCH, a program to develop a capability to manipulate human behavior through the use of mind-altering drugs.

1965 Prisoners at the Holmesburg State Prison in Philadelphia are subjected to dioxin, the highly toxic chemical component of Agent Orange used in Viet Nam. The men are later studied for development of cancer, which indicates that Agent Orange had been a suspected carcinogen all along.

1966 CIA initiates Project MKOFTEN, a program to test the toxicological effects of certain drugs on humans and animals.

1966 U.S. Army dispenses Bacillus subtilis variant niger throughout the New York City subway system. More than a million civilians are exposed when army scientists drop lightbulbs filled with the bacteria onto ventilation grates.

1967 CIA and Department of Defense implement Project MKNAOMI, successor to MKULTRA and designed to maintain, stockpile and test biological and chemical weapons.

1968 CIA experiments with the possibility of poisoning drinking water by injecting chemicals into the water supply of the FDA in Washington, D.C.

1969 Dr. Robert MacMahan of the Department of Defense requests from congress $10 million to develop, within 5 to 10 years, a synthetic biological agent to which no natural immunity exists.

1970 Funding for the synthetic biological agent is obtained under H.R. 15090. The project, under the supervision of the CIA, is carried out by the Special Operations Division at Fort Detrick, the army's top secret biological weapons facility. Speculation is raised that molecular biology techniques are used to produce AIDS-like retroviruses.

1970 United States intensifies its development of "ethnic weapons" (Military Review, Nov., 1970), designed to selectively target and eliminate specific ethnic groups who are susceptible due to genetic differences and variations in DNA.

1975 The virus section of Fort Detrick's Center for Biological Warfare Research is renamed the Fredrick Cancer Research Facilities and placed under the supervision of the National Cancer Institute (NCI) . It is here that a special virus cancer program is initiated by the U.S. Navy, purportedly to develop cancer-causing viruses. It is also here that retrovirologists isolate a virus to which no immunity exists. It is later named HTLV (Human T-cell Leukemia Virus).

1977 Senate hearings on Health and Scientific Research confirm that 239 populated areas had been contaminated with biological agents between 1949 and 1969. Some of the areas included San Francisco, Washington, D.C., Key West, Panama City, Minneapolis, and St. Louis.

1978 Experimental Hepatitis B vaccine trials, conducted by the CDC, begin in New York, Los Angeles and San Francisco. Ads for research subjects specifically ask for promiscuous homosexual men.

1981 First cases of AIDS are confirmed in homosexual men in New York, Los Angeles and San Francisco, triggering speculation that AIDS may have been introduced via the Hepatitis B vaccine

1985 According to the journal Science (227:173-177), HTLV and VISNA, a fatal sheep virus, are very similar, indicating a close taxonomic and evolutionary relationship.

1986 According to the Proceedings of the National Academy of Sciences (83:4007-4011), HIV and VISNA are highly similar and share all structural elements, except for a small segment which is nearly identical to HTLV. This leads to speculation that HTLV and VISNA may have been linked to produce a new retrovirus to which no natural immunity exists.

1986 A report to Congress reveals that the U.S. Government's current generation of biological agents includes: modified viruses, naturally

occurring toxins, and agents that are altered through genetic engineering to change immunological character and prevent treatment by all existing vaccines.

1987 Department of Defense admits that, despite a treaty banning research and development of biological agents, it continues to operate research facilities at 127 facilities and universities around the nation.

1990 More than 1500 six-month old black and hispanic babies in Los Angeles are given an "experimental" measles vaccine that had never been licensed for use in the United States. CDC later admits that parents were never informed that the vaccine being injected to their children was experimental.

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1994 Senator John D. Rockefeller issues a report revealing that for at least 50 years the Department of Defense has used hundreds of thousands of military personnel in human experiments and for intentional exposure to dangerous substances. Materials included mustard and nerve gas, ionizing radiation, psychochemicals, hallucinogens, and drugs used during the Gulf War .

1995 U.S. Government admits that it had offered Japanese war criminals and scientists who had performed human medical experiments salaries and immunity from prosecution in exchange for data on biological warfare research.

1995 Dr. Garth Nicolson, uncovers evidence that the biological agents used during the Gulf War had been manufactured in Houston, TX and Boca Raton, Fl and tested on prisoners in the Texas Department of Corrections.

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The 'Ethnic Bullet'

"If you aren't paranoid," says African American political activist Dick Gregory, "then you must be crazy." Members of Congress's non-white majority who have met far fewer the paranoia and more depression in the wake of two seemingly unrelated news reports that appeared around the world just a few years.

PRIORITY NUMBER ONE

To what lengths would western policy makers go to reverse current population trends? A review of academic literature and government records suggests the issue of population change surpasses all others in long-range importance.

Statistics show that all births above those required to replace

One, which originated with the United Nations, warned that the populations in some developing countries could be decimated in the next few decades because of rapidly rising death rates. Demographers at the United Nations announced that they would drastically reduce earlier projections of global population growth because of rising death rates in the developing world, especially in parts of Africa.

The global AIDS epidemic is forcing demographers to dramatically scale back predictions for population growth over the next century, as some African nations brace for losses as high as a quarter of all adults, according to a United Nations study to be released today," so went the opening sentence of a 28 October story in the Miami Herald.

[illegible] census. This trend, said French demographer Jean-Claude Chesnais in 1990, is sure to involve "a reshaping of world political geography" to the advantage of the developing nations. "Young powers will emerge, basing their strength in large part on their population size and the stimulus it creates, and old powers will fade as their populations decline."

The urgency of the situation was emphasized in a 1991 report prepared for the U.S. Army Conference on Long Range Planning. Noting that the implications for the international political order and the balance of world power could be enormous, the document predicted that population change could produce "an international environment even more menacing to the security prospects of the Western alliance than was the Cold War for the past generation."

The expression of such views in non-classified materials cited is far more common than one might expect. Indeed, a former Deputy Director for Intelligence at the CIA published an entire book on the relationship between geography, demography, and national power. The author, the late Ray S. Cline, concluded that "a nation's population size, its territory, resources, and level of development together constitute the definitive measure of national power. But among these factors," Cline wrote, the census is pivotal, "since populous countries of an adequate size can exploit economic resources, mobilize armies, and bring their influence to bear on others." Indeed, said Cline, "a huge workforce can offset the disadvantage of a small territory," whereas a large country, so long as it remains

one dealing with "genetic weapons" — scientifically altered viruses that could be unleashed over a large area but would affect only certain ethnic groups within that area.

Israel, said a police in the British Foreign Report of 29 October, has been working on a genetic weapon that would affect some ethnic groups while sparing others. In other words, the "ethnic bullet," as it has been called, would theoretically kill Arabs while having no effect on Jews.

The Journal further advised that Israeli scientists had worked with South African authorities during the apartheid era to perfect a similar product that could be used against the black population.

THE ETHNIC WEAPON

The ethnic weapon" gained worldwide attention on 15 November when it became the subject of a front page article in the Sunday Times of London. Apparently, said the Times, is being done at a chemical chemical and biological weapons facility in Nes Tziona. There, Israeli scientists are working to identify distinctive genes unique to the Arab population and to create a genetically modified bacteria or virus that would affect only persons carrying those genes. The disease could then be spread, in the words of the Times, "by spraying the organisms into the air or putting them in water supplies." The research done in South Africa had a similar goal.

The South Africa project was confirmed in testimony before the country's Truth and Reconciliation Commission. A director of a South African chemical and biological weapons plant said the panel he was given orders in the 1980s to produce what he called a "pigmentation weapon" for use on black South Africans. The African population was to be infected, a commission report says, by means of contaminated beer, food stamps, or vaccinations. The effort revealed, however, that the project was not successful.

But so far the anti-Arab weapon, says the Times' report, Israeli scientists have, at a minimum, been able to isolate a particular genetic characteristic found only among certain Arab populations, primarily Iraqis, the Times article stated.

SUSPICIOUS EVENTS

The two news reports lend at least some credibility to what many people in post-industrial societies have for years scorned as delusional conspiracy theories. But such rumours enjoy considerably more legitimacy in parts of

be developed into a modern, powerful nation.

Such opinions have been heard for almost a century. In the late 1920s, British philosopher Bertrand Russell warned, "It cannot be expected that the most powerful military nations will sit still while other nations reverse the balance of power by the mere process of breeding." And in the aftermath of World War II, Britain's King George the Sixth established a special panel to study global population trends. It's findings were summed up in a 23 June 1949 headline in the New Chronicle that screamed: "The West dwindles but the East goes on multiplying ... Can we survive as world power?"

The alarm is sounded in the context of global and regional politics alike. Calling Latin America ripe for revolution, Frederick Osborn, former president of the Rockefeller-funded Population Council, warned in 1960 that the Latin Americans people would soon "be far more numerous [than North Americans] and their industrial strength ... will no longer be negligible." Observing that "the present position of the United States as one of the two predominant world powers cannot but change with the increase in numbers and strength we are witnessing in other nations," he concluded, "It is time we appraised our 'good neighbor' policies in the light of these rapidly changing conditions south of our border."

In recent years, anxiety about changes in world population distribution has taken on even more ominous overtones. "In the domain of evolutionary theory," wrote Population Council vice president Paul Demeny in 1982, "the consequence of any sustained difference between the rates of growth of two populations occupying the same ecological niche is straightforward: the eventual

hanging from AIDS and ebola to a vast array of undiagnosed diseases, appear to be taking a devastating toll.

And all who discuss the stories of secretive "ecological slaughter" are westerners consumptives of the developing world. Indeed, there are many who argue from the "third world" perspective that death rates have been exaggerated to open a back-door route to increased condom use. Others have attributed a decline in general health to the lack of economic development, made worse in the wake of harsh structural adjustment plans, and virtually everyone who believes such events has heard some version of the story about the Ugandan village in which every single person was dying of AIDS — until someone had the bright idea to clean up the water supply, at which time they all recovered.

But the recent reports confirm that there could indeed be a campaign in the works to decimate entire populations with genetically engineered toxins or germs.

The extraordinary interest in curbing population growth shown by policy makers in the west stands as the single most dramatic illustration of racism. "More to the point, it is an obsession with what is called differential fertility" — extremely low fertility in the wealthy countries and relatively high birth rates elsewhere. If not quickly reversed, say the experts, this trend will lead to the demographic marginalization of today's powerful countries, leaving the centre of the global economy away from the west, and ultimately bringing about the decline of those countries that presently dominate the world. [SEE LEWIN#8]

And there has been an alarming series of incidents in which there is specific evidence that some populations have already been targeted with chemical or biological agents.

In August of 1997, to give just one example, United Nations officials in Geneva heard allegations from the Cuban delegation that a plane belonging to the U.S. State Department dropped a biological agent called "Boliviano" on agricultural areas in Cuba, causing what Cuban officials described as a plague that ruined potato crops. The U.S. firmly denies the charge, countering that the plane was headed for a narcotics-destroying mission in Colombia and that it overflew Cuba with the Cuban government's knowledge and consent. But the Cubans contend that the plane deliberately sprayed to on the Lenin State Horticultural Farm in Cuba's Matanzas province, releasing into the air what witnesses described as "a white or grayish mist."

South Africa's Truth and Reconciliation Commission likewise cited a January 1992 incident in which a number of soldiers in Mozambique fell ill, some fatally, after coming in contact with what appeared to be a chemical warfare agent.

And a BBC television report aired in November of 1995 included charges that vaccinations given to as many as three million women in the Philippines has caused pregnant women to miscarry and produced infertility in others. Medical personnel in Manila told the reporters that chemical tests of the vaccine by

slower growing population by the faster growing one."

And in 1993, Pierre Lellouche, then et aide to then-Paris Mayor Jacques Chirac, advised that the threat of nuclear proliferation "is outweighed by another one emerging on the [European] continent's southern periphery." That threat, of course, was differential fertility. "The African population is projected to triple within the next 30 years, reaching an estimated level of 1.6 billion. Moreover, the Middle East, Central Asia and the Indian sub-continent all have voluge adoptions of acute poverty, demographic explosion and political instability. Together these regions will have some 4 billion people within 30 years, while our northern 500 million aging Europeans already in a equal of demographic depression."

Even more stunt was a warning about the "disastrous demographic consequences" that attend low fertility in the west made during a three-day meeting of population experts at Stanford University's Hoover Institution in November of 1985. "The fate of the human species — or at least certain national populations — is at stake in this process," said Jean Bourgeois-Pichat of the International Committee for Cooperation and Research in Demographics (CICRED), in Paris.

"The tendency to equate the survival of humanity with the continued supremacy of the European race suggests to many that western leaders truly might be prepared to use the most unscrupulous of methods to prevent the rise of other nations and peoples.

"Clearly, an effort of unprecedented proportions is required to halt world population growth," wrote Stephen D. Mumford in a 1977 book. "Without massive intervention the world's course over the next

hormonal antidotes that is being created for use as an anti-pregnancy vaccine.

MICRO-WEAPONS

The idea of cultivating a biological weapon to destroy life on a national scale has been around for a long time, and in some circles has been the subject of spirited debate. One of the most interesting fora in which the subject was raised was an open political conference held from 23 June to 1 July 1976 at the South African institute of International Affairs in Johannesburg. The focus of the discussion, which attracted participants from South Africa, the United States, Japan, Australia, and Israel, was "The International Aspects of Decolonization." In 1977, the conference proceedings were published at a bookstore that the [illegible] Year.

The gathering, which considered the perils of "differential fertility" and started programmes to limit births among the most prolific races, was opened by conference chairman and prominent conservationist Anton Rupert, who began his address with a lecture on the extinction of bird species and the loss of natural habitats. He then pointed out that one-third of the world's wealth is increasingly concentrated in the hands of the few, aggravating feelings of "hopelessness and envy" among the disadvantaged classes. "This creates a playground for the unscrupulous politician," he admitted.

Rupert called white-ruled South Africa a microcosm of the wider situation. He reminded his guests that "only a healthy, well-to-do population will care enough to care for the future and thus be motivated to limit their offspring."

"There are no easy answers," he said, but "since the creation of the first gene this month by a team of scientists in the United States, the possibility exists that scientists anywhere could create a new kind of virus to which there would be no counter ... There are easy ways to create smaller populations."

Indeed, such means to "create smaller populations" were aggressively pursued in the later years of South Africa's apartheid regime. Among other things, it was revealed before the truth commission that there was a plan to poison individuals and groups who threatened the regime. Tactics included cigarettes containing anthrax, botulinum-tainted milk, and liquid laced with paraquat. There was also a secret programme to distribute illegal narcotics within black townships, says an independent report, and another to infect Africans with stolen samples to make them sterile.

The role of foreign governments in

The Problem with Palestinians

The problem with Palestinians, say Israeli

stakes are high and so is the risk of failing. Massive intervention is an absolute must -- our survival is at stake."

Munford, a Captain in the U.S. Army Reserve, was the subject of a television documentary broadcast by the BBC in November of 1995. In his BBC interview, he called for the sterilisation of "third world" women by means of chemical pellets that virtually destroy the female uterus. Insisting that the technique is 100 times cheaper than other methods, Munford boasted that it could literally sterilise "billions" of women.

Munford, who also heads an outfit called the Centre for Research on Population and Security, believes the Pentagon should be put in charge of global family planning programmes. "Time is literally running out, and this worldwide effort must necessarily be the largest and most complex ever undertaken by man," he wrote in his 1977 tract. "We have no alternative ... but to assign the responsibility for formulating and delivering this massive and complex intervention effort to our most capable organisation -- the U.S. Department of Defence. To do otherwise would be to substantially increase the risk of failing to successfully intervene in nature's course -- to reduce the chances of our survival."

But perhaps most telling of all is a series of papers prepared in 1983 for the Department of Defence itself. Published in summary form by the Centre for Strategic and International Studies in the Spring 1985 edition of its Washington Quarterly, the research looked at demographic projections from the perspective of military manpower and resources. The published version, edited by Gregory D. Foster of the National Defence University, concluded that "policymakers and strategic planners in this country have little choice in the coming decades but to pay serious

the South African programme ... not yet dead; was Two of the main commissioning published findings. But it raises serious questions of foreign assistance, the programme which has been suitable.

In addition to the Israeli, the biological warfare programme apparently had the support of the United States and British governments at least

two witnesses appearing before the commission recalled being contacted by British and American officials who expressed concern that the programme might fall into the hands of a black-led government after April 1994

policymakers, so that they keep producing more Palestinians. The assertion appeared in a full-page feature printed in the Washington Post on Sunday, 18 August.

In Jerusalem, where borders were rearranged thirty years ago to increase the Jewish population at the expense of Palestinian Arabs, the demographic balance is gradually reversing itself. Here, wrote foreign correspondent Lee Hockstader, "demography is politics, and minute so shift is inconsequential.

In Jerusalem, and in Israel generally, one is able to see global population trends in miniature. Palestinian birth rates are believed to be among the highest in the world. And even with massive migration from Russia in the 1980s and the earlier aliyah that brought an influx of Ethiopians, low Jewish birth rates mean the Jewish population will continue to shrink compared to that of their Palestinian neighbours.

For this reason the Jewish claim to Jerusalem, based on the dominant numbers of Israelis in the city, may ultimately prove unsustainable, said the Post feature. "The tide is taking place despite decades of Israeli efforts to limit the growth of Jerusalem's Palestinian population by legal and administrative impediments. The policies have prevented much new construction on Arab-owned land in East Jerusalem. But they have not been able to stop Palestinians from having babies."

their causes, and their effects."

The researchers acknowledged that population projections are often unreliable, citing the impact of AIDS as one factor that might greatly change the demographic landscape a decade or two from now. Some analysts argue that if 100 million people, or 2 percent of the world's population, were infected, total deaths from AIDS in the 1990s could be 30 million, the publication summary states. "The number infected then could double several more times after that and wipe out some countries in 10 to 20 years."

Despite this consideration, the Pentagon's consultants agreed population control should America's highest priority."Already the United States has embarked on an era of constrained resources," the summary report advised. "It thus becomes more important than ever to do those things that will provide more bang for every buck spent on national security. For this reason, it continues, policymakers "must employ all the instruments of statecraft at their disposal," including "development assistance and population planning every bit as much as new weapon systems."

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elections.

THE ECONOMIC APPROACH

Demonstrators the quest to curb the growth of rebellion populations are a little less obscure. At a December 1992 regional conference on population in Dakar, Senegal, a paper was given to African policymakers that evaluated the economic approach to population control.

The author, a World Bank consultant from Zimbabwe by the name of Phanuelous Mhloyi, argued that economic deprivation held the key to curbing Africa's high rates of growth.

Mhloyi's paper was based on a familiar theory of fertility transition: As long as children are seen as a benefit to parents, fertility remains high, but when the costs of raising children seem greater than the advantages, people begin to consciously limit family size. In short, Mhloyi argued that the immense financial hardship caused by structural adjustment schemes would increase the expense of rearing children, reduce the amount of assistance adult children can give to parents, and generally make large families a liability.

"While fertility transition in the developed world has largely been a function of development," Mhloyi advised, "it is most likely going to be a 'crisis driven' process in Africa." Accordingly, the paper urged African leaders to "strongly support family planning not only by availing contraceptives, but by explaining why, within the individual countries' economic contexts, there is a need to adjust fertility downwards." They must, he concluded, demand new standards of "responsible" parenthood, "regardless of what they may perceive to be the reaction of such people."

SOMETHING LIKE A WAR?

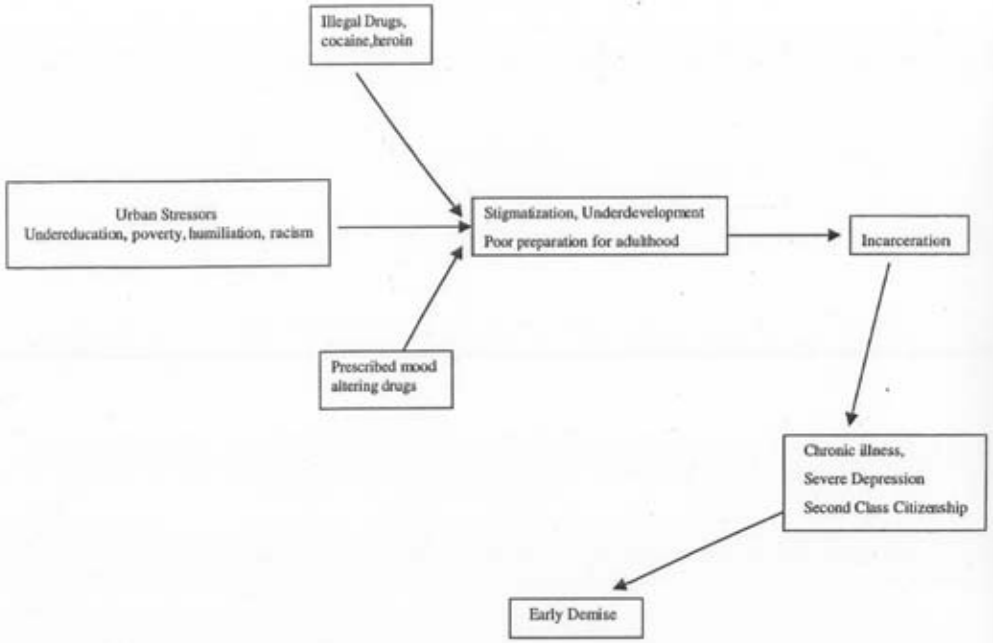
While Mhloyi's paper might have shocked some delegates at the Dakar meeting, the doctrine of crisis driven fertility decline is mainstream thinking at the World Bank and other western development agencies, and is spreading throughout scores if not hundreds of project plans and reports. The pervasiveness of the theme leaves little doubt about western intentions.

Ironically, there was a third story that appeared around the same time as the first two. It advised that southern Africa faced a growing health crisis because there simply was not enough money for medicines to treat even common ailments. Poverty, in other words, not only wreaks havoc at the household level, it kills.

Biological weapons are, of course, a reality. And so, apparently, is the promise of creating genetically-altered diseases that can be selectively used against specific groups. But those who point to a critical lack of development and monetary deprivation as the weapon of choice are not wrong, either.

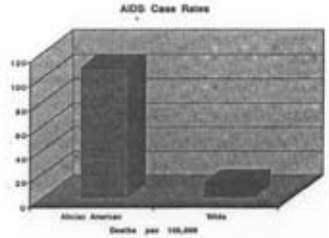
But one thing is sure: demographics will be at the heart of the next world war, with conventional weapons likely to take a back seat to other, more exotic means of conquest. And this latest round of news stories suggests the battle is well underway.

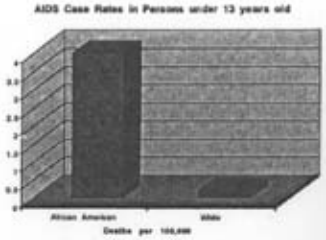
Substance Abuse / Early Demise Algorithm

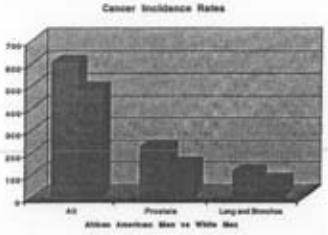


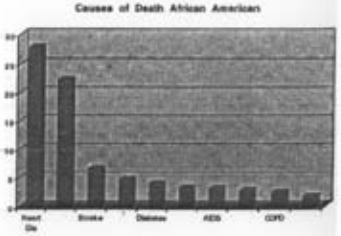
Arrows Represent places where healthcare workers can and should intervene.

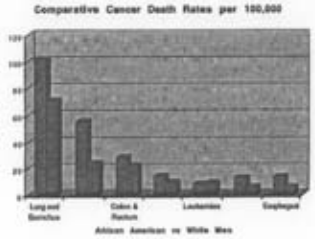
African American Health Disparities

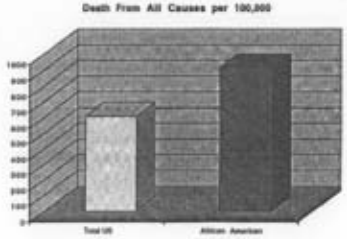


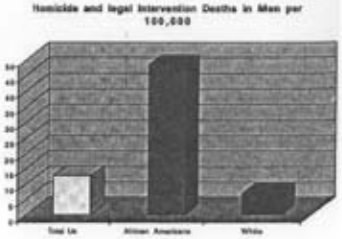


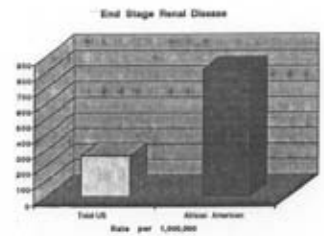


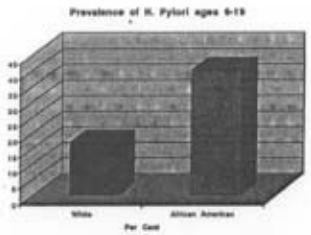


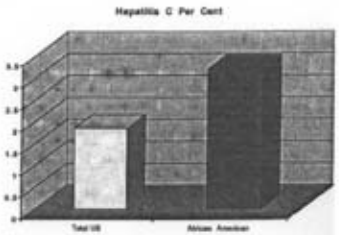


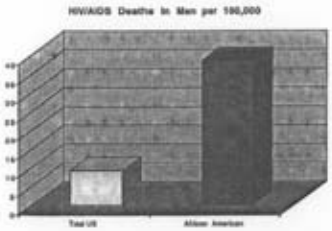


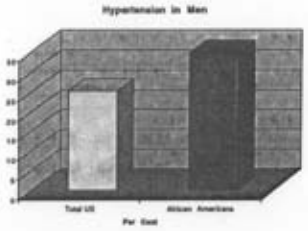


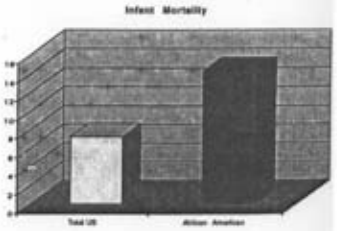

End Stage Renal Disease
Total US
African American
Rate per 1,000,000

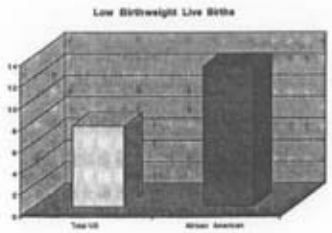

Prevalence of H. Pylori ages 6-19
White
African American
Per Cent

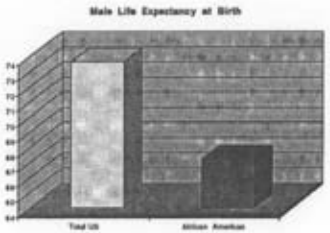

Hepatitis C Per Cent
Total US
African American

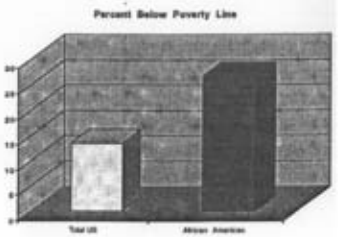

HIV/AIDS Deaths in Men per 100,000
Total US
African American

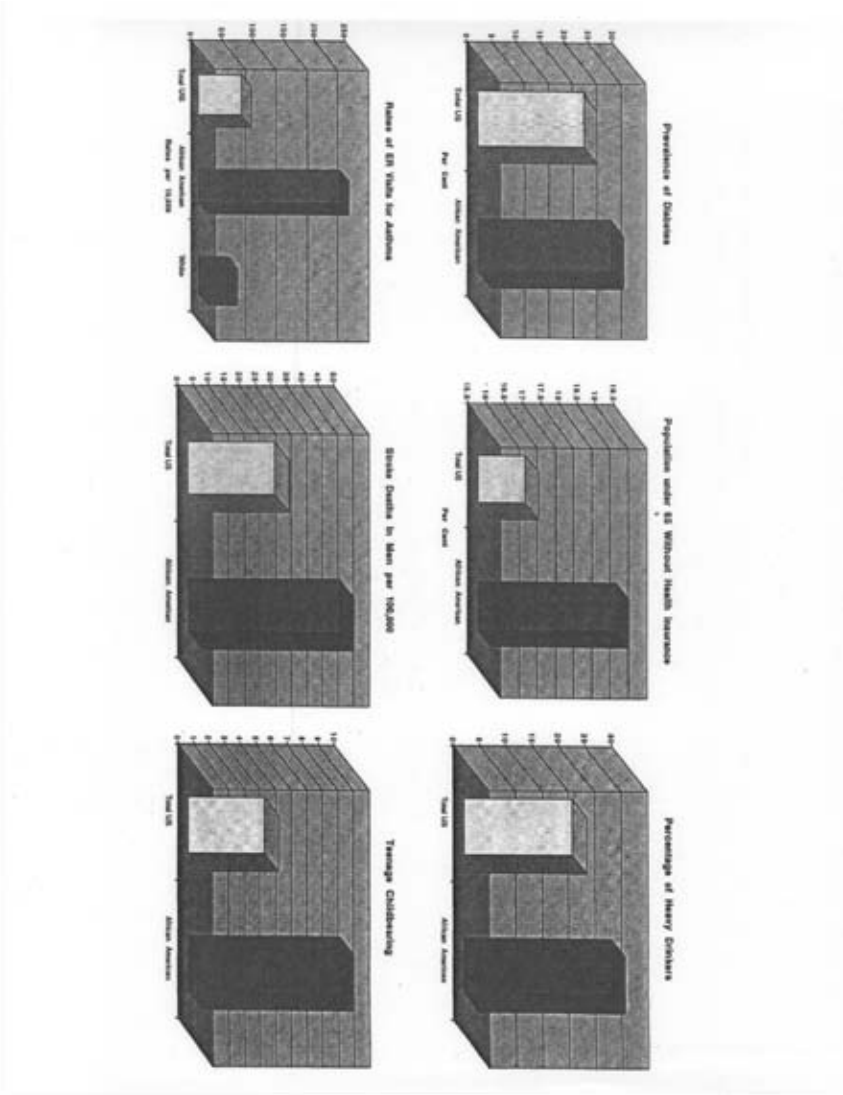

Hypertension in Men
Total US
African Americans
Per Cent


Infant Mortality
Total US
African American


Low Birthweight Live Births
Total US
African American


Male Life Expectancy at Birth
Total US
African American


Percent Below Poverty Line
Total US
African American


Prevalence of Diabetes
Total US
Per Cent
African American
Population under 65 Without Health Insurance
Total US
Per Cent
African American
Percentage of Heavy Drinkers
Total US
African American
Rates of ER Visits for Asthma
Total US
African American
White
Stroke Deaths in Men per 100,000
Total US
African American
Teenage Childbearing
Total US
African American

N'COBRA Immediate *(Down Payment)* Demands

1. Ten billion dollars for ten, one billion each, regional campuses where Black educators can prepare youth and others to enter colleges and tech schools and emerge well equipped for 21st Century challenges.
2. One billion dollars for an economic development fund, to be administered by Economic Development Commissioners elected by the people.
3. $25,000 per family or the present-day equivalent of 40 acres and a mule.
4. Immediate release of all political prisoners and those members of the Black Panther Party for Self-Defense, Black Liberation Army, Republic of New Afrika, MOVE, and others who designate themselves prisoners-of-war. They are unjustly imprisoned.
5. Release of other prisoners who have been in prison two years or more, who have not been convicted of heinous crimes, and are drug-free, so that they may enter education and jobs programs, if recommended by elected Community Parole Boards.
6. One billion dollars for the destruction of Black agri-culture in the U.S. between 1875 and the year 2000, to Black farmers and heirs; a second billion for lost of urban property and damages to Black communities.

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The Sin of Racism

A Pastoral Letter from The House of Bishops of the Episcopal Church, March 1994

PREAMBLE

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For decades this church has issued statements, passed resolutions and taken actions which have addressed many aspects of racism and racial justice. While positive changes have occurred at certain times in various situations, racism not only persists in our world, but in many places is powerfully resurgent. The most recent comprehensive attempt to deal with endemic racism in our church and society was initiated by the 70th General Convention in Phoenix three years ago. Among a series of resolutions directed specifically to the church, one required the House of Bishops, in its teaching role, to issue a Pastoral Letter prior to the next General Convention on the sin of racism.

In preparation for this responsibility, we have devoted part of the agenda at each of our interim meetings since Phoenix to this pressing concern. As we have sought to sharpen our personal and corporate consciousness, we have discovered that we ourselves have much to learn, relearn and do. Therefore, what we write here speaks not only to the church at large but to us, your bishops, as well. This Pastoral Letter is the first in a series of teachings addressed primarily to Episcopalians in the United States. It does not attempt to touch on every aspect of racism, but rather to initiate a continuing discussion on a spiritual malady which infects us all.

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ANALYSIS

Take away from me the noise of your songs;
I will not listen to the melody of your harps.
But let justice roll down like waters,
and righteousness like an ever flowing stream.
(Amos 5:23-24 NRSV)

Cries for justice in our land and around the world inevitably confront us with the sin of racism. Those cries have not gone away – not from the far corners of the world, not from the communities in which the Episcopal Church ministers, nor from our beloved church itself. Ethnic cleansing in central Europe, apartheid in South Africa, murder of indigenous people in our hemisphere, ethnic violence in the Middle East, India and other Asian nations are all variations on the theme of racism. Escalating violence in America illustrates the complexity of racism. At the heart of the matter is fear. We fear those who are different from ourselves, and that fear translates into violence which in turn creates more fear. Institutionalized preference, primarily for white persons, is deeply ingrained in the

American way of life in areas such as employment, the availability of insurance and credit ratings, in education, law enforcement, courts of law and the military.
The definition of racism from Webster's Dictionary sharpens the focus for us.
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The essence of racism is prejudice coupled with power. It is rooted in the sin of pride ad exclusivity which assumes "that I and my kind are superior to others and therefore deserve special privileges." In our religious tradition the people of the covenant have frequently expressed this attitude. Often we have been challenged by prophetic witness to turn from a life of privilege to a vocation of responsibility and moral rectitude. Jesus, in his time, clearly called the people of God to lives of discipleship and servanthood without boundaries of race or class.
Racism perpetuates a basic untruth which claims the superiority of one group of people over others because of the color of their skin, their cultural history, their tribal affiliation, or their ethnic identity. This lie distorts the biblical understanding of God's action in creation, wherein all human beings are made "in the image of God." [2] It blasphemes the ministry of Christ who died for all people, "so that everyone who believes in him may not perish but have eternal life." [3] It divides people from one another and gives false permission for oppression and exploitation.
While our generation is not the first to experience it, racism has surfaced with particular intensity today because pluralism – the inevitable result of a shrinking world – exists on a scale not known before. The challenge of people with differing backgrounds having to live together has never been greater.
The sin of racism is experienced daily in our society, in our church and its institutions, in the House of Bishops. We have listened to first-hand accounts from brother and sister bishops who, in the face of racial prejudice and discrimination, have struggled to maintain a sense of integrity and personal worth. The church in your community is filled with such stories. They are there to be told and heard.
God's response to human sin is to establish a covenant in Christ Jesus that overcomes division and isolation by binding human beings to God and each other in a new way. For Episcopalians, the implications of this new community in Christ are spelled out in the baptismal covenant. [4] Our ability to live into that covenant, personally and in our life together in the church, witnesses to the power of Jesus Christ, with whom we have died to sin through baptism and risen to a new life of joyful obedience.
The House of Bishops and the General Convention as a whole have long rejected the evil of racism and have supported full civil rights for people of color among all races. At the same time, a new appreciation has developed for the plight of all oppressed people and the need for equality in the laws of the nation and in the governance of the church.
Various resolutions in the past have proposed ways for victims of discrimination to participate in the prevailing system. Many have challenged the system itself to become more inclusive. The unspoken

assumption of these resolutions is that victims will adapt and assimilate into the existing system. Their message, in essence, has been: "You are welcome to become like us." Such efforts may have represented progress in their time, but they are seen by many today as the product of a dominant racial attitude, which is at the heart of institutional racism.

Racism may be manifest in any race when it is in a position of power and dominance. In the United States our primary experience is one of white privilege, even in places where whites may be a minority in the surrounding population. This comes as a surprise to many white people, because they do not think of themselves as racist. They may even see themselves as victims of various violent reactions against the dominant culture. Yet there are many in our society at all levels who seem to find a certain security in racially restricted communities, schools, clubs, fraternities, sororities and other institutions.

Questions abound. Can the old melting pot image of assimilation, be replace by a better metaphor that reflects the value of difference? How can the inherited privilege and unearned advantage of some people be used to bring about the reconciliation of all? How can the church offer all people the "supreme advantage of knowing Christ," [5] when too often it is itself a bastion of separation? How can the Episcopal Church, which reflects the dominant culture, be a factor in changing destructive racial attitudes and behaviors? Are we ready to find new common ground on which all may stand together? Will we trust the grace of God to enable us to bridge our many unhappy divisions?

CONFESSION

Will you persevere in resisting evil, and, whenever you fall into sin, repent and return to the Lord?
I will, with God's help.
(The Book of Common Prayer, p. 304)

As baptized Christians and as bishops in the Church of God, we recognize that racism is endemic in every aspect of society, including the church. A poster spotted on a university campus put it this way:

Racism is just about everywhere. It is in our language, customs and beliefs, fears, work, schools and sports. It is virtually everywhere except in those places where people deliberately choose to remove it…on this floor – in this hall – on this campus. [6]

One diocese in the church has adroitly adapted this poster for local use by substituting the concluding words with: in this pew – in this church – in this community.

We have found the exhortation of an African-American priest of our church to be compelling:

If racism is to be overcome, and our culture attain true inclusivity based on plurality and diversity, there is a great deal of confessing that must go on all sides: confession that relates to our complicity in the genocide of native peoples, confession by whites of their continued advantage based on unearned privilege, confession by blacks of our co-dependence and participation in that corrupt value system, confession by both blacks and whites of our collusion in the racist dynamic which excludes Asians, Native Americans and Hispanics, confession by all of us of our dependency upon violence as a means of controlling others and settling disputes. [7]

What this observer discerns and diagnoses in a North American context applies, we believe, to every interracial setting, each with its own particular dynamics. Whoever uses power to suppress and demean people of another racial group stands in need of confessing the sin of racism. We recognize that no conscious actions need to be taken to perpetuate this sin. By virtue of its own institutional

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Various resolutions in the past have proposed ways for victims of discrimination to participate in the prevailing system. Many have challenged the system itself to become more inclusive. The unspoken

assumption of these resolutions is that victims will adapt and assimilate into the existing system. Their message, in essence, has been: "You are welcome to become like us." Such efforts may have represented progress in their time, but they are seen by many today as the product of a dominant racial attitude, which is at the heart of institutional racism.

Racism may be manifest in any race when it is in a position of power and dominance. In the United States our primary experience is one of white privilege, even in places where whites may be a minority in the surrounding population. This comes as a surprise to many white people, because they do not think of themselves as racist. They may even see themselves as victims of various violent reactions against the dominant culture. Yet there are many in our society at all levels who seem to find a certain security in racially restricted communities, schools, clubs, fraternities, sororities and other institutions.

Questions abound. Can the old melting pot image of assimilation, be replace by a better metaphor that reflects the value of difference? How can the inherited privilege and unearned advantage of some people be used to bring about the reconciliation of all? How can the church offer all people the "supreme advantage of knowing Christ," [5] when too often it is itself a bastion of separation? How can the Episcopal Church, which reflects the dominant culture, be a factor in changing destructive racial attitudes and behaviors? Are we ready to find new common ground on which all may stand together? Will we trust the grace of God to enable us to bridge our many unhappy divisions?

CONFESSION

Will you persevere in resisting evil, and, whenever you
fall into sin, repent and return to the Lord?
I will, with God's help.
(The Book of Common Prayer, p. 304)

As baptized Christians and as bishops in the Church of God, we recognize that racism is endemic in every aspect of society, including the church. A poster spotted on a university campus put it this way:

Racism is just about everywhere. It is in our language, customs and beliefs, fears, work, schools and sports. It is virtually everywhere except in those places where people deliberately choose to remove it…on this floor – in this hall – on this campus. [6]

One diocese in the church has adroitly adapted this poster for local use by substituting the concluding words with: in this pew – in this church – in this community.

We have found the exhortation of an African-American priest of our church to be compelling:

If racism is to be overcome, and our culture attain true inclusivity based on plurality and diversity, there is a great deal of confessing that must go on all sides: confession that relates to our complicity in the genocide of native peoples, confession by whites of their continued advantage based on unearned privilege, confession by blacks of our co-dependence and participation in that corrupt value system, confession by both blacks and whites of our collusion in the racist dynamic which excludes Asians, Native Americans and Hispanics, confession by all of us of our dependency upon violence as a means of controlling others and settling disputes. [7]

What this observer discerns and diagnoses in a North American context applies, we believe, to every interracial setting, each with its own particular dynamics. Whoever uses power to suppress and demean people of another racial group stands in need of confessing the sin of racism. We recognize that no conscious actions need to be taken to perpetuate this sin. By virtue of its own institutional

and systematic character, racism runs on its own momentum. The rooting out of racism requires intentional and deliberate decisions, prompted and sustained by the grace of God.
The fundamental Christian rhythm of resistance, failure, repentance and returning, well stated in the baptismal covenant, reminds us that all stand in need of hones self-examination and continuing discipline to enable us to become converted and convinced anti-racists. Therefore, we the bishops of the Episcopal Church, confess our complicity with racism and pledge to make necessary changes in our personal lives, in our diocesan structures and in the church as a whole.

COVENANT

But now in Christ Jesus you who once were far off have been brought near by the blood of Christ. For he is our peace; in our flesh he has made both groups into one and has broken down the dividing wall, that is, the hostility between us. (Ephesians 2:13-14, NRSV)

In the past, through a variety of resolutions and programmatic offerings, the church has attempted to deal with racism in its own life. Now, we believe, a new moment of choice is upon us. This moment is shaped by a fresh understanding of our baptismal calling, as it is expressed in The Book of Common Prayer. This moment is shaped by the persistent and pervasive racism of our day, an evil that clings so closely that it seems to be part of our very flesh.
Determined to move beyond pious but easy resolutions, we, the bishops of the Episcopal Church, commit ourselves afresh to combat racism in church and society and to hold ourselves accountable to this new covenant.
As a personal investment in the task at hand, each one of us will make an inventory of racist attitudes in our feelings, habits and actions toward others. We will use this inventory as a basis for transforming our lives through reflection, meditation, prayer and action. Among specific personal commitments we make are the refusal to participate in racially discriminatory clubs, or other institutions, and the refusal to engage in racially denigrating stories and humor.
We recognize that we are part of a body that is itself infected with racism, which endangers our spiritual health. Those of us who are white acknowledge that our advantaged position inevitably reinforces the racism we seek to dismantle. What gives us hope and courage is our sure knowledge that all people are created in the image of God and that Jesus Christ breaks down every wall that divides, restoring all to unity and wholeness.
We believe that the time has come for us in the dominant culture to be still and listen to those on the margins of society. Attending with care may help us realize that people of color must expend endless energy as they contend daily with the consequences of racism. Sensitive listening may help us understand our complicity with a system that discriminates, oppresses and demeans. To that end we commit ourselves to be better listeners.
Many people, including members of our own church, live in de facto segregated communities with increasingly segregated public schools Many barely subsist in an economy which affords declining opportunities for many people, most especially people of color. We are particularly challenged by the despair of the young in our society, faced with a culture of drugs, sexual abuse and violence. In the face of these realities, we believe that our mission involves not only changing hearts, but also engaging ourselves in seeking to transform a socio-economic system that drives many into poverty, alienation and despair. In the regular exercise of the Episcopal office and at the time of our pastoral visitations to our congregations, we will share our experiences of racism and will encourage others to do the same. We will teach and preach the gospel in ways that sustain a vision of justice and peace among all people.

It is our apostolic and pastoral responsibility to proclaim the vision of God's new creation in which the dignity of every human being is honored. As we are about that task, we discern an emerging new context for mission. The lingering image of the Episcopal Church as essentially white and Anglo-Saxon does not serve us well. We are affected by continuous shifts in the domestic population and by the constant arrival of new waves of immigrants. The church's missionary strategy must take seriously the changing complexion of its broadening constituency.

In a church which is increasingly diverse, racially and ethnically, we will place a high priority on the development of strategies for the recruitment, deployments and support of persons of color, including Native Americans, Asians, African-Americans, Hawaiians and Hispanics at every level – congregational, diocesan, national – and their inclusion in decision-making positions throughout.

As leaders of the worship of the church, we will encourage the development of liturgical expressions that reflect the church's racial and ethnic composition and articulate clearly the good news that in Jesus Christ every barrier that separates God's people is broken down.

Finally, in order to be accountable to one another and the church at large, we will establish a standing committee of the House of Bishops to implement and monitor the fulfillment of this covenant.

INVITATION

Will you strive for justice and peace among all people,
and respect the dignity of every human being?
I will, with God's help.
(The Book of Common Prayer page 305)

The catechism declares that the mission of the church "is to restore all people to unity with God and each other in Christ." [8] Through baptism all Christians are called and empowered to participate in a ministry of reconciliation and unity. Central to this mission is the intentional transformation of all structures, systems and practices in the church and elsewhere that perpetuate the evil of racism. Racism in the church subverts the promise of new life in Christ for everyone. Racism stains the church and contradicts the reconciling power of Christ's death and resurrection. Racism is totally inconsistent with the Gospel and, therefore, must be confronted and eradicated.

Having entered into covenant with each other to root out the sin of racism in very specific personal and corporate ways, we, the bishops of the Episcopal Church invite all members of our dioceses to join us in this mission of justice, reconciliation and unity. This will be an expression of our commitment to the fundamental covenant each of us entered into at the moment of our baptism. May God give us the will to engage in this task together and the power and grace to accomplish it.

NOTES

Episcopal Church Center, 815 Second Ave., New York, NY 10017
Genesis 1:27b
John 3:16b
The Book of Common Prayer, pages 304-305
Philippians 3:8
Syracuse University, Syracuse, NY
Rodman, Edward W., True to Our God, True to Our Native Land, Episcopal Urban Caucus, 1993
The Book of Common Prayer, page 855

The Legacies of Slavery

Testimony Submitted by Dorothy Benton Lewis
aka Queen Mother Yaa Asantewaa Ohema
United States Congress

December 18, 2007

First, I give honor to the millions of African Ancestors lost in the Atlantic and Indian Oceans, in the European and Arab Holocausts and War of African Enslavement, and to the survivors of those whose lives were squandered daily in the service of others on the alter of greed, profit, ego, and self-aggrandizement.

Secondly, I thank Congressman Conyers and this Committee for having the courage to hold this hearing, when the legacies of slavery and white criminal supremacy are just as much reflected in this body as in the general population.

I am a descendant of enslaved Africans, Irish slave-holders, and American Indians. My slave name is Dorothy Benton Lewis. My African name is Queen Mother Yaa Asentewaa Ohema. It was given to me by the Activist community through the National Coalition of Blacks for Reparations in America for my almost four decades of work in the reparations movement. I have not let go of my slave name, because it remains a link in the chain to family members that I have not yet found. Members lost as a result of the dispersion wrought by the destruction of African families through the buying, selling, bequeathing, gifting, mortgaging, and breeding of Africans without regard for family ties.

I've been waiting for the opportunity to tell my story to this formal body for many years. It was only since 1989, that a few people within this body even paid any attention to the voices clamoring to be heard. I thank God that I'm alive to see this day, for many who worked with me are dead: Irving B. Davis, Dr. Charsee McIntyre, Queen Mother Moore, and Elder Yehudah to name a few.

It was a childhood discussion on slavery that lead to my adult reparations journey which began in Alaska during the early 60's, with the Alaska Native Land Claims issue. The driving force for my participation and persistence in the reparations movement can be credited to my fourth grade teacher and my grandmother.

My teacher lectured on the benefits of slavery to the enslaved Africans. Never mind that Africans were dragged kicking and pleading from their family, home, and homeland; never mind that they were stuffed like sardines in the bottom of a boat for months chained to sick and dying fellow countrymen; never mind that they preferred death to captivity. Its benefits, which were the same for American Indians and Alaska Natives, but for different reasons, were that chattel slavery "Christianized the heathen, and civilized the savage."

My teacher did not mention the un-Christian and savage behavior used to capture, subdue, brutalize, and enslave Africans; no mention that captives, their children, and families lived their entire life in hell, scarred by physical, psychological and emotional pain; physically bound by chains, and Satanic laws written and implemented by presidents and congressmen who profited from their labor and their misery in chattel slavery.

The laws these congressmen instituted were in their own self-interest designed to protect a constellation of illegal acts of violence that were endemic to supporting slavery, such as rape, terror and torture. Indeed, these illegitimate laws remain on the books to protect these criminals from ever being held accountable.

My teacher did not mention the daily witnessing of loved ones being tortured, beaten, raped, hung, burned alive, or torn into quarters by being tied to horses pulling in 4 separate directions. My grandmother told me about these things.

I was shocked speechless by what the teacher had to say on the subject. My anger, humiliation, and forever distrust of anything a white teacher had to say was rooted in that class-room experience. I went through the Alaska school system, and I don't recall ever having an African American teacher. Fortunately for me, my grandmother had been a teacher, and she never tired of my questions about slavery. She told me stories about her mother, Matilda and her mother's sister, who were daughters of a captive African woman and the slave-holder named Tolbert, who also had other children by his lawful wife. While we know much about the Tolberts, we know little about her African grand mother (my great-great grandmother). She disappeared - whether sold, escaped, or killed, we don't know.

So to listen to my teacher talk about the benefits of slavery to the African was traumatizing to say the least. My anger and humiliation found a constructive outlet in later years in the reparations movement, a movement that speaks for those enslaved, that speaks for justice and truth in history telling. For me, it has been a personal attempt to liberate all fourth graders from the damage to the spirit caused by lies designed to cover up crimes against humanity.

My classroom experience is the experience of many students who learn American history, if they learn about slavery at all. This is evidenced by thoughtless statements from seemingly educated people, such statements as "African people owe America a debt of gratitude for chattel slavery." Imagine that, we should say thank you for the Holocaust of African enslavement, a War of enslavement characterized by daily brutal rape, mental and physical torture, murder, captivity for life, a life squandered in the service of lazy, evil, cruel people.

To make their case, people who make such statements point to the condition of impoverished Africans in Africa who themselves are also still reeling from the nightmare of Arab and European slavery, imperialism, colonialism, neo-colonialism, white criminal supremacy, and genocide. But this only speaks to their ignorance about the magnitude of

this crime against humanity. Africans on the continent and dispersed throughout the Diaspora are a part of the same nightmare, first by the Arabs, then by the Europeans.

We were all subjected to the same global, organized international gang-banging criminal enterprise. Britain's crimes were so far flung that it could boast that the sun never set on its empire of stolen land and enslaved people.

Today, the same Europeans tribes who called a truce among themselves to stop fighting each other over other people's territory, convened the 1884 Africa Conference in Berlin, without a single African being present, and carved up Africa into the multitude of senseless borders which continue to generate ethnic conflicts and wars, today. Arab treachery continues to expresses itself in the Sudan, Darfur, Mauritania, and other slave-holding African countries, controlled by Arabs in Africa.

Europeans countries now pretend that they want to help Africans. This includes the USA's proposal for a military command in Africa, Africom. If it wasn't so pathetic, it would be laughable; it is a total ruse. America hasn't shown any inclination to protect Africans/Afrodescendants in this country (New Orleans v California), or to protect Africans from domestic terrorism: Klan terrorist and police terrorist who shoot innocent Africans in the streets, in their cars, on their door steps, or in their homes at the same or greater rate than hangings of innocent Africans occurred during and after slavery.

Basically, when it comes to American history, we are taught lies. This is an intentional institutionalized attempt to white wash, white-out, omit, and cover up the truth about America's past, and present. Once we get rid of ignorance about American history, we can see how much racism is left to contend with.

So the request for a Commission to study the impact of slavery is a request for a simple American history study bill which will by its very nature serve all Americans because the unprovoked War and Holocaust of African enslavement for hundreds of years was fundamental to Euro America's development, no less so than the genocide and conquest of the American Indians from whom this land was stolen.

The biggest lie that history books and teachers tend to perpetrate, which ranks with Columbus discovered America, is that slavery is over. They cite the Emancipation Proclamation, the Civil War, and the 13th Amendment as having ended slavery. This is not totally true.

Section 1 of the 13th Amendment redirected slavery to the prison system. The exception clause states that, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction." Based on the numbers of Afrodescendants imprisoned/and enslaved via the legal system, there is only a 50% reduction in the number of Africans held in slavery at the time of emancipation. And we continue to see legislation for drug use targeting Africans for harsher, longer prison sentences than whites, just like during slavery. We see Africans railroaded into prisons by targeted

policing, selective policing, racial and neighborhood profiling, and general harassment whether driving or walking. Blacks are effectively railroaded into prison labor camps, while whites are sent to drug treatment, drug court, and/or receive lesser sentences.

When we point out disparities, some people speak of unintended consequences. But once you see the consequences, and you stick with the policy, unintended or not, it then becomes an intended consequence.

We know it is intended when we see governmental agencies subsidizing businesses by allowing pennies to be paid to prison laborers while the children and families of prisoners live on welfare, or go without. Working prisoners should receive fair wages and their wages should be sent to their families.

These prison slave labor plantations double as concentration camps, ripe and ready for genocide by any deliberate or accidental outbreak of germs, as in TB, pandemic flu, HIV/AIDS or germ warfare.

African misery is still profitable, as Congressional legislation ensures that prisons and black prisoners are placed where rural whites serve as overseers. Black prisoners are counted as part of these rural communities to attract resources, employ whites, and bolster political representation from these districts, just as the 3/5 clause ensured that southern whites and their White criminal supremacist, anti-African mindset controlled Congress.

Not only do white businesses profit from free prison labor, but prisons remain a laboratory for medical experiments and drug testing, notwithstanding the exposure and apology for killing black men and their partners via the Tuskegee Syphilis experiment. African prisoners are used as guinea pigs to study any subject from crime to AIDS. Prison officials know that sex and rape occur in prisons yet condoms are not allowed. More people come out of prison with some sexually transmitted disease than went in, including HIV/AIDS.

If we really want to know about criminals and crime, why don't we start with the biggest criminals, those who brought the petty criminals here? What drove popes, kings, queens, evidently people of wealth and education, to attack friendly people from distant shores, enslave them, take their land and keep them in bondage through colonial terror and torture for centuries? What processes drove these people to commit genocide and war for greed and profit? What is the mental process or gene that would lead an individual, group, or business to capture other human beings and live off the fruits of their labor and womb? What psychological process or gene or absence of a gene allows one to pretend that those they brutalize are savages and non-human while, justifying their satanic behavior with the Bible and science?
Would someone study that please?

In fact, Black people don't even have a voice that those in power are willing to hear. Because African people wanted their story to be told, and reparations, this government

boycotted the World Conference against Racism after attempts to control it or derail it failed.

Having to wait 20 years just to get a hearing before Congress on the impact of slavery, an American Holocaust speaks volumes about Congressional respect for African people. When white European Jewish people petitioned Congress for a Hearing regarding their lost Holocaust assets, they received a hearing by voice vote in one day. They had a Commission funded and running within a year.

As a result, all Americans now acknowledge the European Holocaust throughout federal and state governmental agencies, in schools, and through a Holocaust museum which will tell their story for centuries to come. But for the Holocausts that happened in this country, we have had to wait 20 years just to be heard and the outcome is uncertain.

I submit to you that slavery is just one tentacle of the Octopus call White Criminal Supremacy that is still with us today because of its profitable racist ideology. Freed from tentacle of chattel slavery, we find ourselves in the tentacle of prison slavery and disenfranchisement, or choked by the tentacle of institutionalized racism or the tentacles of eugenics and pseudo-scientists developing propaganda to serve slave-holder interests, determined to dehumanize and justify the mal-treatment of African people, and the immoral behavior of living on the backs of other human beings.

We can see the legacies of slavery in the slave-holder mindset of the business community which packs up and moves jobs to foreign countries in search of new slaves. They become transnational, which means they have no allegiance to country. Yet, they expect patriotic American soldiers to help them break into other countries, and American taxpayers to foot the bill.

We see it in media efforts to justify State and institutional crimes committed against African Americans. We see it in the educational system where students, Blacks and Indians included, are taught to revere the founding fathers, the very people who stole their land; or who stole them from their land; stole the fruits of their labor; destroyed their family's lives, livelihood, and those of future generations.

We see it in the celebration and deification of Christopher Columbus whose lost voyage set in motion this worldwide crime spree against indigenous peoples. We perpetuate this psychological, intellectual, and emotional abuse through text books and monuments to African and Indian tormentors, and then wonder why Afro-descendants and Indians don't do as well as others in these anti-African, anti-Indian institutions.

In September 2001, I did gain a measure of peace when the UN World Conference on Racism, passed a resolution condemning slavery and the slave trade as a crime against humanity. The resolution stated:

"We acknowledge that slavery and the slave trade, including the Transatlantic Slave Trade, were appalling tragedies in the history of humanity not only because of their

abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are crimes against humanity and should always have been so, especially the Trans Atlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance and that Africans and peoples of African descent, Asians and peoples of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences."

Again, I applaud your courage. Thank you for this opportunity and I hope that this hearing will bear fruit of a Commission committed to truth, and willing to look in the mirror and study ourselves.

CURE

Caucasians United for Reparations and Emancipation
Post Office Box 156 / Red Oak, Georgia 30272 / 770-306-8542

December 18, 2007

The Honorable Jerrold Nadler
The Honorable Trent Franks
Subcommittee on the Constitution,
Civil Rights, and Civil Liberties
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman and Members of the Committee:

On behalf of Caucasians United for Reparations and Emancipation, CURE, we write to urge your Subcommittee's favorable recommendation on HR 40. We believe this resolution is a vital, if modest, first step in addressing the longstanding conflict between the stated values of our nation and our history of trans-generational chattel slavery and subsequent racial and economic discrimination against the descendants of enslaved Africans.

CURE is a non-profit membership organization founded in 1992, organized under Section 501(c)(3) of the Internal Revenue Code, representing over 125 members from twenty plus states across the United States, as well as supporters in Canada and the United Kingdom. We define ourselves, in our *Statement of Beliefs*, as "an organization of white Americans, (who) express our deep remorse for the ongoing wrongs committed by our people against Black men, women and children in the U.S. and throughout the Diaspora who are descendants of enslaved Africans."

As white Americans, we understand the need to repair the damage left by our nation's institutional commitment to slavery and other manifestations of the ideology of white supremacy. The *Commission to Study Reparation Proposals for African-Americans Act* asks only for a Commission to be established to examine and determine whether an apology should be offered, whether the effects of enslavement still linger and afflict Black communities, whether any compensation should be offered and if so, in what form and to whom. We see this as an extremely modest request of a government that funded its very founding with a tax on the importation of slaves.

In Section 5 of the proposed HR 40, federal agencies are required to furnish all information requested by the Commission to the extent permitted by law. We would urge the consideration by this Committee of an amendment in section 5 which would explicitly urge agencies of State governments to grant similar cooperation. Such cooperation would go a long way to helping this Commission uncover the extent of our nation's crimes against humanity that the institution of slavery represents.

Caucasians United for Reparations and Emancipation

We see no need at this time to attempt to recount, however inadequately, the horrors of the institution of slavery or today's ramifications to the descendants of enslaved Africans. Experts will testify in far greater ways than we could express in this brief letter.

Within this letter we step forward to assert only that the onus for redressing our nation's historical crime of slavery has been, and continues to be, upon the white citizens who have long benefitted from slavery and its lingering effects. For as long as we white citizens, as a class, continue to receive benefit from slavery and receive the advantage and privilege attributed to us by Jim Crow segregation and the racial discrimination and racial prejudice that endure to this day, we will be denied a just and equitable society.

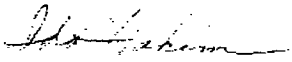
We decry the obstacles to equitable personal and collective relationships with African Americans due to the fact that justice has been denied. We shudder at the thought that a Commission must be established to study whether an apology is due when we know, in fact all Americans know, an apology was due centuries ago. We decry the economic, social and cultural privileges that slavery and our history since have given us, as unearned privilege corrupts our humanity.

We wish to thank Chairman Conyers and Co-Sponsors of this resolution for bringing this important matter to the Congress. We also want to thank the members of this Subcommittee on the Constitution, Civil Rights, and Civil Liberties for taking the time to consider this long overdue measure.

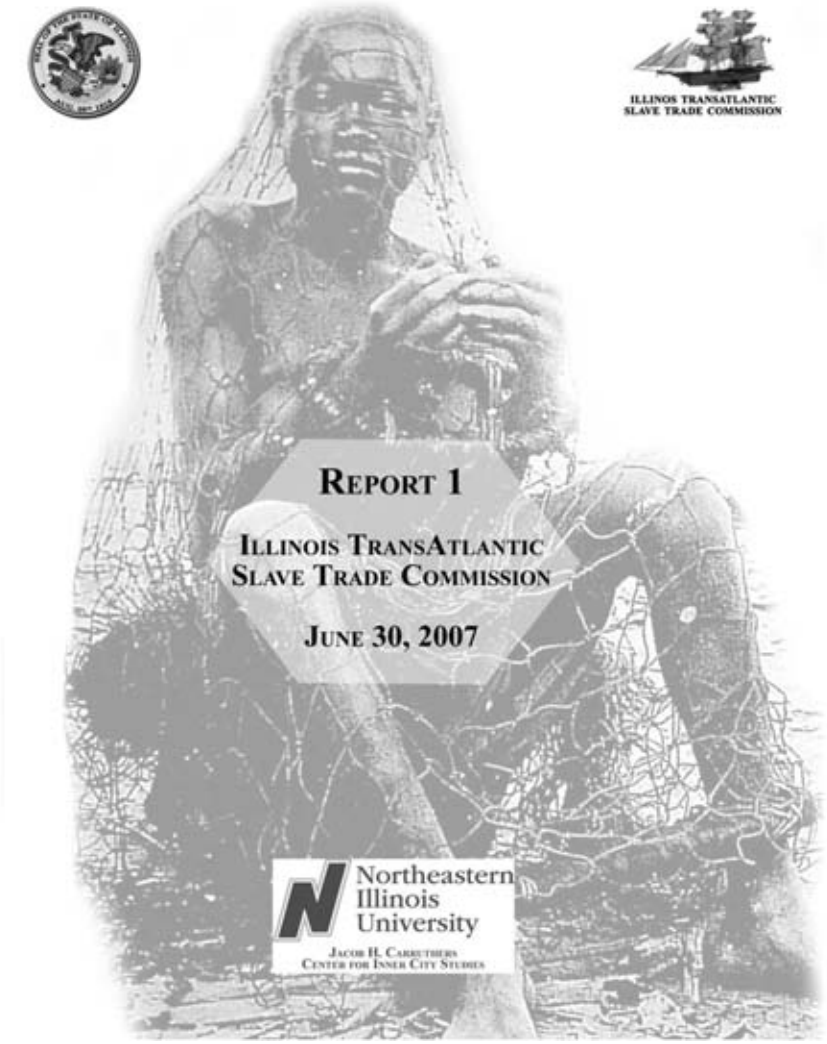
Finally, we urge your favorable recommendation that this resolution be promptly reported back with a do-pass recommendation to the House Committee on Judiciary and from there to the floor of the U.S. House of Representatives. We urge as well the support of the Members of this Committee for the appropriation of the funds authorized by this resolution.

On behalf of the Executive Board of Caucasians United for Reparations and Emancipation and our members and broader support base.

Sincerely,



Ida Hakim, CEO


ILLINOIS TRANSATLANTIC
SLAVE TRADE COMMISSION
REPORT 1
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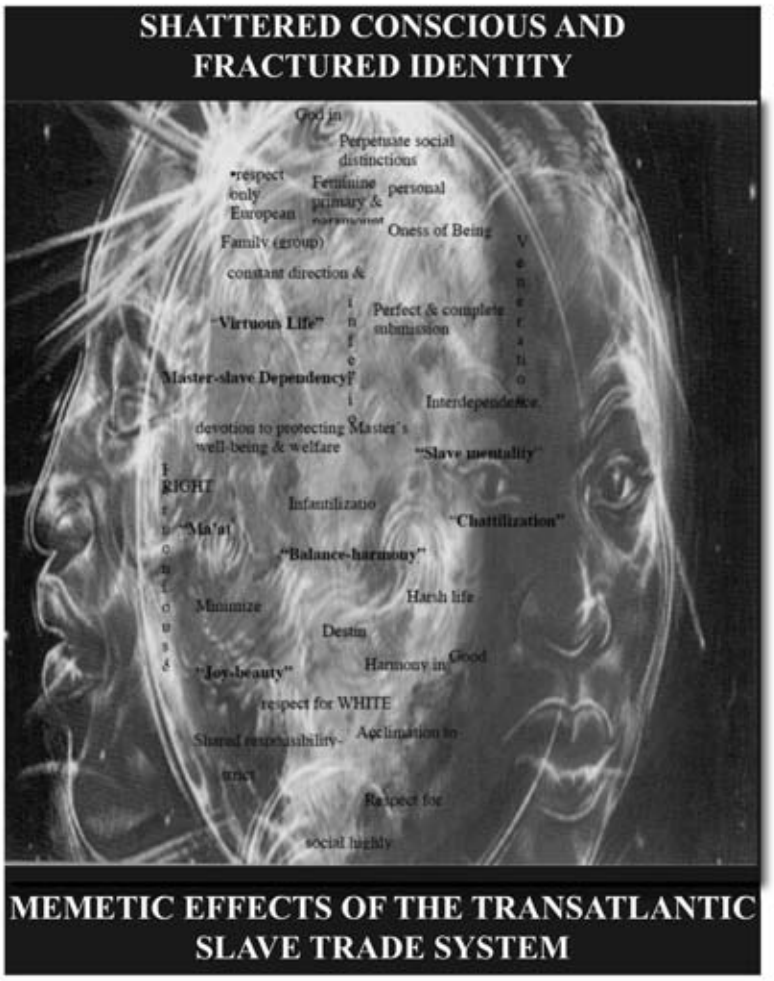
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SENATE JOINT RESOLUTION

WHEREAS, Approximately 4,000,000 Africans and their descendants were enslaved in the United States and colonies that became the United States from 1619 to 1865; and

WHEREAS, The institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865; and

WHEREAS, The slavery that flourished in the United States 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; and

WHEREAS, Sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is established the Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans (hereinafter referred to as the Commission); and be it further

RESOLVED, That the Commission shall perform the following duties:

(1) Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865; the Commission's examination shall include an examination of:

(A) the capture and procurement of Africans;

(B) the transport of Africans to the United States and the colonies that became the United States for the

purpose of enslavement, including their treatment during transport;

(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families;

(2) Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their homeland;

(3) Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present;

(4) Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present;

(5) Examine the lingering negative effects of the institution of slavery and the matters described in paragraphs (1), (2), (3), and (4) on living African-Americans and on society in the United States;

(6) Recommend appropriate ways to educate the general public of the Commission's findings;

(7) Examine whether African-Americans still suffer from the lingering effects of the matters described in paragraphs (1), (2), (3), and (4); and be it

RESOLVED, That the members of the Commission shall include the President of the Senate or his or her designee and the Speaker of the House of Representatives or his or her designee,

each serving as co-chairpersons, the Governor or his or her designee, one vice-chairperson appointed by each of the co-chairpersons, and 25 appointed members, with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives appointing 5 members each; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois working together, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and be it further

RESOLVED, That the Commission shall broaden outreach by using established channels, including publicly-supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions as well as notable individuals; and be it further

RESOLVED, That no later than December 1, 2006, the Commission shall report to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations; and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

STATE OF ILLINOIS

ILLINOIS TRANSATLANTIC SLAVE TRADE COMMISSION

Rod R. Blagojevich
Governor, State of Illinois

Mr. Emil Jones, Jr.
Illinois Senate President, ITSTC Co-Chair

Mr. Michael J. Madigan
Speaker, Illinois House of Representatives, ITSTC Co-Chair

Ms. Mattie Hunter
Illinois State Senator, ITSTC Vice-Chair

Mr. Eddie Washington
Illinois State Representative, ITSTC Vice-Chair

Carol Adams, Ph.D.
Secretary, Illinois Department of Human Services

Ms. Adjoa Barbara J. Baker
Member, National Coalition of Blacks for Reparations in America

Phillip J. Bowman, Ph.D.
Director & Professor, National Center for Institutional Diversity
University of Michigan

The Honorable Bernetta D. Bush
Circuit Court of Cook County, Retired

Iva E. Carruthers, Ph. D.
Professor Emeritus, Northeastern Illinois University
General Secretary, Samuel DeWitt Proctor Conference, Inc.

Asa G. Hillard, III, Ph.D.
Fuller E. Callaway Professor of Urban Education, Georgia State University

Ms. Elga Jefferies
Illinois State Representative

Professor Yvonne R. Jones
Executive Director, Kemetic Institute
Professor of Inner City Studies, Northeastern Illinois University

Ms. Eleanor Murkey
Dean-Lakeshore Campus, College of Lake County

Anderson Thompson, Ph.D.
Asociate Professor of Inner City Studies, Northeastern Illinois University
Director, Research and Evaluation

Donne E. Trotter
Illinois State Senator

Eric Wallace, Ph.D.
Associate Pastor, Apostolic Church of God

Mr. Lee Walker
Senior Fellow for Multicultural Public Policy, Heartland Institute

Conrad W. Worrill, Ph.D.
Director, Jacob H. Carruthers Center for Inner City Studies
Northeastern Illinois University

Karen A. Yarbrough
State Representative

STATE OF ILLINOIS

ILLINOIS TRANSATLANTIC
SLAVE TRADE COMMISSION

ROD R. BLAGOJEVICH
GOVERNOR

COMMISSIONERS:

EMIL JONES, JR.
SENATE PRESIDENT
CO-CHAIR

MICHAEL J. MADIGAN
SPEAKER
HOUSE OF REPRESENTATIVES
CO-CHAIR

MATTIE HUNTER
STATE SENATOR
VICE-CHAIR

EDDIE WASHINGTON
STATE REPRESENTATIVE
VICE-CHAIR

DR. CAROL ADAMS

BARBARA J. BAKER

DR. PHILLIP J. BOWMAN

THE HONORABLE BERNETTA D. BUSH

DR. IVA E. CARRUTHERS

DR. ASA G. HILLIARD, III

RUBA JEFFERIES
STATE REPRESENTATIVE

PROFESSOR YVONNE R. JONES

ELEANOR MURKEY

DR. ANDERSON THOMPSON
DIRECTOR, RESEARCH AND EVALUATION

DONNIE E. TROTTER
STATE SENATOR

LEE WALKER

DR. ERIC WALLACE

DR. CONRAD W. WORRILL

KAREN A. YARBOROUGH
STATE REPRESENTATIVE

Under the legislative leadership of State Representative Eddie Washington and State Senator Mattie Hunter during the 2004-2005 Illinois State Legislative deliberations the Illinois Transatlantic Slave Trade Commission (ITSTC) was established. Because of the rich tradition of research and scholarship by the faculty of the Jacob H. Carruthers Center for Inner City Studies (CCICS) of Northeastern Illinois University (NEIU) it was widely agreed that this commission should be housed in this historic site of NEIU. With the assistance and support of Senate President Emil Jones and House Speaker Michael Madigan, the commission received its initial funding to begin the awesome challenge of examining the impact of slavery and the slave trade on African people in the United States and specifically in Illinois.

Also, it must be pointed out that State Representative Karen Yarborough and Senator Donne Trotter were enthusiastic supporters of NEIU's Carruthers Center mandate to facilitate the objectives of the commission. It is in this regard through the leadership of Dr. Anderson Thompson, the senior member of the faculty of CCICS, who has spent a lifetime researching a multiplicity of issues related to Africans and the African world that he was selected to be the Director of Research and Evaluation for this project. Additionally, under his leadership, some of the best researchers and experts in the African world, in a variety of disciplines, were recruited to participate as Research Associates. They continue to work tirelessly to complete this report as mandated by the Illinois State Legislature by December 31, 2008.

Some of the most respected scholars of the African and African American experience such as; Dr. Asa G. Hilliard, Dr. Wade Nobles, Dr. Marimba Ani, Dr. Iva Carruthers, Dr. Samella Abdullah, Dr. Kobi Kambon, Dr. Leonard Jeffries, Dr. Margaret Lee, Dr. Jeremiah Wright, Professor Yvonne R. Jones, Atty. Judith Scully, and Toni Costoni to name a few, have been engaged over the past year in systematic, collective, collaborative strategies in unearthing the massive research documenting the impact of slavery and the slave trade on African people. We would like to thank the legislators, University students, staff, and especially all of the Commissioners who have labored diligently over the past year on this project. Therefore, the following summary report is a preliminary examination of the work that has been accomplished thus far.

Conrad W. Worrill, Ph.D.
Director CCICS

JACOB H. CARRUTHERS CENTER FOR INNER CITY STUDIES
PHONE—773-268-7508 EXT. 102

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FOREWORD

If a race has no recorded history, its achievements will be forgotten and finally claimed by other groups. The race thus becomes a negligible factor in the thought of the world and stands the danger of being exterminated.
- Carter G. Woodson

The legislature of the state of Illinois in 2005 commissioned a study of the TransAtlantic Slave Trade: its past and present effects on the African American living today. Long criticized for its past complicity in America's slavery enterprise, the state of Illinois took a giant step toward reversing its shameful hidden history. By doing so, Illinois legislators embarked upon an ambitious and unprecedented investigative program that may very well serve as a model for America and the rest of the world community.

We are indebted to the leadership of State Representatives Eddie Washington and Karen Yarbrough, State Senators Mattie Hunter and Donne Trotter. We owe special thanks and acknowledgment for the support of Governor Rod R. Blagojevich, Senate Majority Leader Emil Jones and House Majority Leader Michael Madigan.

The mission of the Illinois TransAtlantic Slave Trade Commission is

1) To find out what happened to African people before, during, and after slavery.
2) To know what that system was, how it worked, who constructed it and what maintained and sustained it.
3) To research whether the vestiges of the aftermath of enslavement remain with us today. In short, what, if any, were and are the lingering effects on present-day African Americans?

In order to fulfill this mission the Commission was committed to advance this endeavor through

1) The advancement of knowledge and information on the TransAtlantic Slave Trade and slavery as a system and a process, through scholarly research.
2) The transmission of knowledge of the TransAtlantic Slave Trade through teaching, forums, symposiums, etc.
3) The presentation of knowledge of slavery and the slave trade through the preservation of acquired research in scholarly collections.
4) The diffusion of knowledge through publishing.

I am constantly reminded of the powerful words of the late Dr. John Henrik Clarke: "The Transatlantic Slave Trade was the greatest killer of humanity. The story of the intellectual, unchained and unfettered African is still waiting to be told."

In carrying out its mandate, the Illinois TransAtlantic Slave Trade Commission has endeavored to serve the State of Illinois and this nation with intellectual excellence and integrity. I am honored to serve as the Director of Research and Evaluation of this historic process.

Anderson Thompson, PhD
Director of Research and Evaluation
Illinois TransAtlantic Slave Trade Commission

INTRODUCTION

The Illinois TransAtlantic Slave Trade Commission was authorized in 2005. The State of Illinois is to be commended for this groundbreaking public activity that is so crucial to healing historical wounds of this nation. The nation and the world community are looking at this unique model of collaboration between a state legislative process, public policy deliberations and academic and expert research teams.

This preliminary report summarizes year one achievements, work products and key recommendations of the Illinois TransAtlantic Slave Trade Commission. Every effort has been made to synthesize and present in a concise and straightforward manner the voluminous academic papers and varied processes and specific tasks related to effecting a research project of this magnitude.

Over the past year, the Illinois TransAtlantic Slave Trade Commissioners held bi-monthly meetings to organize, direct and monitor the on-going activities and progress of the process, staff and extended research community. Two two-day consultation conferences were convened in which more than 200 scholar researchers, professionals and students from Illinois and around the nation informed and participated in the process.

Staff and Commissioners participated in seven related conferences of other universities or entities engaged in related work. Forty partnering sites were visited to undertake primary and secondary research activities and/or explore relevant areas of best practices. The Illinois TransAtlantic Slave Trade Commission staff coordinated this activity on a daily basis, and staff and students of Northeastern Illinois University Carruthers Center for Inner City Studies were intricately involved in supporting this project.

Work products of the Illinois TransAtlantic Slave Trade Commission include over eight hundred transcribed pages documenting meetings and Consultation I and Consultation II. Fifty-five research abstracts of key findings from scholars around the nation have been received and catalogued in response to our efforts. Seventeen baseline research papers, across disciplines, have been submitted by Commissioners or the extended research team members.

Other significant work products include photo and video documentation of meetings and Consultation I and Consultation II, an Illinois TransAtlantic Slave Trade Commission Internet and Intranet, a compendium of resources, and established relationships with partnering institutions and relevant research networks.

Report One of the Illinois TransAtlantic Slave Trade Commission is organized in a way that readily identifies the major initial recommendations and rationale that have emerged from this collaboration. Report One is further organized around the specific Illinois resolutions and the attendant key findings that frame the next steps. Finally, Report One categorizes and summarizes the specific work products that were required to carry out the mandated scope of work and/or resulted from its implementation.

The research and historical findings of the Commission are constant and substantiate and relate to both the Preliminary Recommendations (Section 2) and the specific Legislative Resolution Items (Section 3). Thus, the reader will find the similar or same findings in both sections. The reader can elect to read one or the other or both, depending on one's interest in understanding the rationale for the recommendations or understanding the factual findings related to the Legislative Resolution Items. A selected listing of source documents is included, representing a partial listing of references relative to key findings and rationales for initial recommendations.

In any case, extensive references or backup documentation to this Report are accessible to the legislative representatives, as well as the general public. Much of the documentation is available through the Illinois TransAtlantic Slave Trade Commission's public internet and research intranet. The Commission welcomes all requests for further information.

In conclusion, this Year End Report provides a major body of work in conformity to the Senate Joint Resolution SJ 0031. It provides a substantial framework for future public policy deliberations, future research, and institutional network building, across states, this nation and the world.

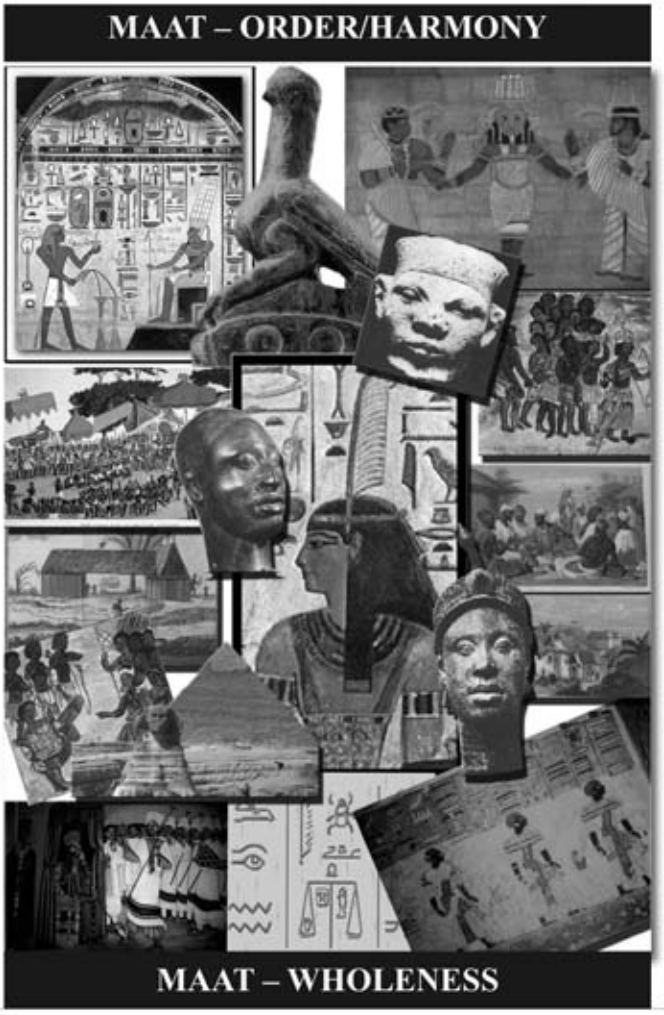
The process by which this Preliminary Report emerged is characterized as a formative research strategy: 1) connecting and correlating prior research, 2) identifying new research areas and mandates and 3) articulating its findings as public policy recommendations and steps to illuminate the legacy of the TransAtlantic Slave Trade.

The scope of work, originally outlined, has indeed been satisfied; however, this project is a work in progress with implications for future generations. The scholar experts of the Illinois TransAtlantic Slave Trade Commission have demonstrated life long commitment and professionalism to the work at hand and the effecting of the recommendations herein. I am truly grateful for the opportunity to work with all of the Illinois TransAtlantic Slave Trade Commissioners, scholar experts and staff. I am especially indebted to Kesha Daniels, student researcher and LaVaughn JulieT. Parker, design and media specialist, for their extraordinary expertise, assistance and commitment.

All those who have labored on this effort are grateful for the opportunity to have been of service for such a worthy and unique public education initiative. We look forward to continued collaboration and the fulfillment of the vision for this legislation, not only for the State of Illinois but also for the United States of America and the world. I am privileged to serve as a commissioner and Senior Researcher of the Illinois TransAtlantic Slave Trade Commission.

Iva E. Carruthers, PhD
Senior Researcher
Illiniois TransAtlantic Slave Trade Commission

EXECUTIVE SUMMARY
AND
PRELIMINARY RECOMMENDATIONS


MAAT – ORDER/HARMONY
MAAT – WHOLENESS

Executive Summary and Preliminary Recommendations

The Call and The Context

The work of the Illinois TransAtlantic Slave Trade Commission (ITASTC) is groundbreaking in its mandate by virtue of public legislative authorization. Through SJ Resolution 0031, the state of Illinois has engaged some of the most esteemed researchers and professionals in this nation, and indeed the world, to offer a new and needed retrospective and prospective examination of the TransAtlantic Slave Trade System (TASTS).

Over the past year, highlights of activities and work products of the ITASTC follow.

1) Two two-day consultation conferences were convened, where more than 200 scholar researchers, professionals and students from Illinois and around the nation participated in the process

2) Staff and Commissioners participated in seven related conferences of other universities or entities engaged in related work

3) 40 partnering sites were visited to undertake primary and secondary research activities and/or explore relevant areas of best practices

4) 55 research abstracts of key findings from scholars around the nation have been received and catalogued

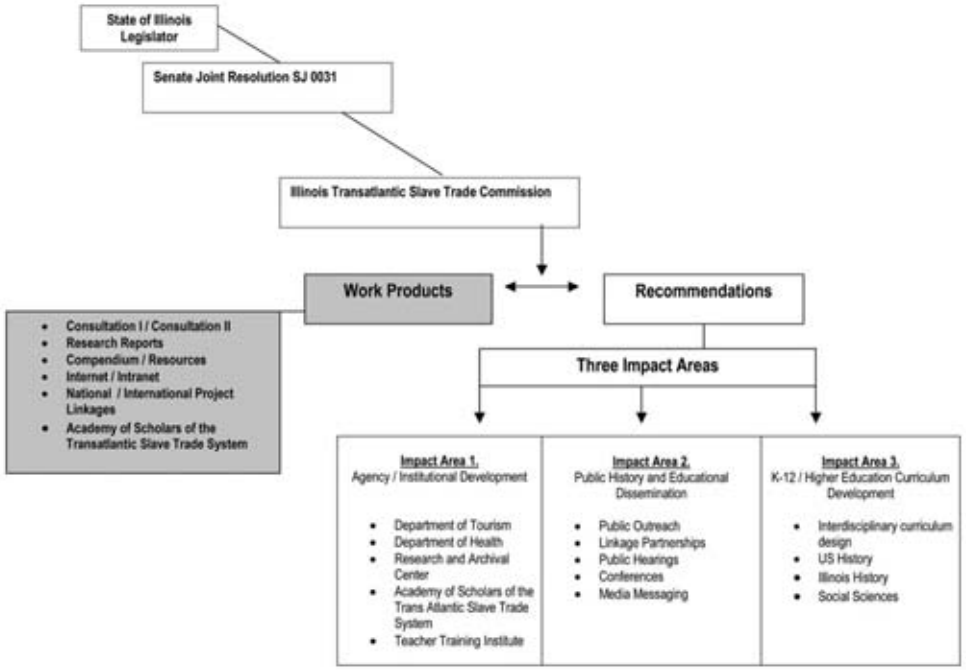
5) 17 baseline research papers, across disciplines, have been submitted by Commissioners or the extended research team members

6) Consultation Conferences I and II have in excess of 800 pages of written documentation, as well as supporting video and photo documentation

7) An ITASTC Internet and intranet have been established and

8) A compendium of resources, and established relationships with partnering institutions and relevant research networks have been identified.

Report One of the ITASTC identifies the *major initial recommendations and rationale* that have emerged from this collaboration. Report One examines the specific *Illinois resolutions and discusses the attendant key findings that frame the next steps.* Report One *categorizes and summarizes the specific work products* of the ITASTC.



Flow Chart of the Identified Impact Areas

There are four critical a priori assumptions that have necessarily shaped the approach, process, outcomes and narrative of the work engaged in by the ITASTC. These assumptions are critical to understanding and executing the scope of our tasks.

(1) African peoples, their civilizations and their understandings of what it means "to be human" existed before the TASTS. These understandings must be the prism through which the history and lingering effects of the TASTS are deconstructed. We have chosen to refer to this pre-TASTS reality and cultural value system as embodied in the concepts of ***Maat***.

(2) The TAST was a global system of institutionalized networks. Thus, deconstructing and understanding the systemic nature of the TAST is the focus of this work. We have chosen to refer to this protracted period of experiencing the TransAtlantic Slave Trade System (TASTS) and its lingering effects as the ***Maafa***.

(3) The process of deconstructing the TASTS requires intentionally going back to the African past, examining its independent manifestations of human community and personality and trajectory of history towards a contemporaneous process of reconstructing and restoring that which is human and good. This process must also contribute to dismantling the lingering effects of the TASTS. We have chosen to refer to this process as ***Sankofa***.

(4) The role of language, imagery, conscious and unconscious belief systems about African peoples and civilizations over centuries, is a superstructure that permeates the nature of this research task. Thus we have chosen to adopt a framework of ***memetic-complex*** to describe the intent of African dehumanization on the part of the European enslavers that is central to understanding the TASTS and its lingering effects. Of equal importance, we have chosen to be focused and intentional about the use and misuse of language that fosters such dehumanization and mythology. Not only are concepts and constructs so noted, but efforts are made to use African concepts, constructs and lexicon to explicate the ultimate objective which is to dismantle the effects of the TASTS and restore African community.

Every effort has been made to present a synthesis of many research works and maintain an easily readable document. A selected listing of source documents is included, representing a partial listing of references relative to key findings and rationales for initial recommendations. As backup documentation to this report, complete research papers with extensive references and footnotes are accessible to the legislative representatives, as well as the general public. Much of the documentation is available through the Illinois TransAtlantic Slave Trade Commission's public internet and research intranet.

Glossary

Maafa
An ancient African term used to describe tremendous suffering, indescribable atrocities, disaster, calamity catastrophe, or injustice. This term is used to refer to the protracted suffering of African people and culture as a consequence of the TransAtlantic Slave Trade System.

Maat
An ancient Egyptian concept, which encompasses the idea of order, harmony, and balance at the cosmic level and truth, justice, righteousness and reciprocity at the social level. The concept of Maat is visually represented by a female deity wearing an ostrich feather on hear head, as illustrated.

Memetic
A cultural item that is transmitted by repetition in a manner analogous to the biological transmission of genes.

Meme Complex
A network of images, ideas, beliefs, feelings, etc., that hang or cluster together and mutually reinforce or evolve.

Memetic Infection
The result of the successful encoding of a contagious information pattern in the memory of a human being.

Sankofa
A West African concept meaning to return, go back, look, seek and take roots, recapturing memory. This is visually represented by a bird that flies forward while looking backward with an egg in its mouth, as shown.

The Illinois TransAtlantic Slave Trade Commission submits for consideration the following twelve preliminary recommendations in three specific areas.

1. AGENCY AND INSTITUTIONAL DEVELOPMENT
A statewide effort of interagency cooperation and resource identification to effect permanent and institutionalization of the significant findings of this Commission.

1.1 The State Department of Tourism, in collaboration with local municipalities and county agencies, should undertake a comprehensive trail and marker identification program based on the findings of the Commission.

1.2 The Illinois Department of Health should be charged to initiate programs and services, in collaboration with other appropriate agencies, related to the effects of the Maafa on the mental health and healing of individuals and communities, African American and others, including mental health centers for the study of the psychopathology of white supremacy.

1.3 An archival and research center on the TransAtlantic Slave Trade should be established in Illinois as a national historic treasure of this nation. Copies of the archives of the Chicago Defender and other Illinois newspapers should be a central focus of this archival and research center.

2. PUBLIC HISTORY AND EDUCATIONAL DISSEMINATION
There should be a statewide effort to organize and implement various access points of information and experiences for the general public's education on the TransAtlantic Slave Trade System.

2.1 There should be an intentional effort to recommend the use of appropriate language and a lexicon for purposes of legislation, the media and curriculum development, which affirms the findings of the commission, e.g. Maafa.

2.2 Public hearings and outreach should be undertaken to encourage community participation in this work including the support of museums, churches, libraries etc. as sites of genealogical and community archival trainings.

2.3 The Illinois Humanities Council and the Illinois Arts Council should create an initiative that directly funds historic documentaries and public informational programs related to greater understanding of the TransAtlantic Slave Trade System and the healing of a nation.

2.4 An Academy of African American Scholars on the TransAtlantic Slave Trade System host a 2010 World Conference in Illinois on the TransAtlantic Slave Trade System..

2.5 An international effort to recognize that African people carried into the enslavement experience, an autochthonous meaning of being human, with associate deep thought, culture and philosophy.

3. K-12/ HIGHER EDUCATION AND CURRICULUM DEVELOPMENT
Based on these findings, African-centered curriculum initiatives at the state level should be established for K-12 and higher education to include curricula review and instructional development activities that focus on age-appropriate critical understandings of the TransAtlantic Slave Trade System.

3.1 A specific curricula review and instructional development project be undertaken to document and appropriately integrate the role of Illinois legislation, the "Black Codes" and elected officials in the TASTS.

3.2 A specific curricula review and instructional development project be undertaken to document and appropriately integrate the chronology and role of Illinois in U.S. history in the TASTS, at the local, county and state levels.

3.3 Specific curricula review and an instructional development project should be undertaken to document and appropriately integrate the historic role of public and private Illinois corporations in the TASTS, at the local, county and state levels.

Conclusion
Each of these twelve recommendations has implications for continued research, program funding and a time line of prioritizing and implementing next steps. The Commission would hope this preliminary report allows for all stakeholders to participate in a process of identifying next steps in the continuation of this significant project.

Based on the Commission's findings, the overall rationale for each of these recommendations is in Section 2.

RECOMMENDATIONS
AND
RATIONALE FOR RECOMMENDATIONS

MAAFA – THE GREAT SUFFERING…
CAUTION!!
KIDNAPPERS
Slave Catchers.
$150 REWARD
MAAFA – THE ON-GOING CALAMITY

Recommendations and Rationale for Recommendations
Introduction

The ITASTC has identified twelve preliminary recommendations. A brief rationale for each of these preliminary recommendations is summarized in this section.

Each of the recommendations are related and correlated herein to one or more of the Legislative Items of the Resolution. A more comprehensive review of the Commission's findings, with correlation to the specific resolution items follows in Section III.

It is important to reiterate that any examination of the TASTS must begin with a construction of foundational assumptions around African peoples' sense of what it means to be human and their civilizations before the TASTS. The proper study of the TASTS and any effort to understand its lingering legacy must be grounded in the paradigm that is characterized by the triangle of Maat, Maafa and Sankofa. And, further, to truly understand the enslavement system, the research process must take one to the locus of the history, institutions, mind and consciousness of the Europeans.

For all of the above reasons, the Commission has embraced an approach that crosses disciplines towards the reconstruction of a public education and dissemination process for multiple audiences. The disciplines include history, education, psychology, sociology, law, medicine, media, advertising, economics and religion. The audiences include the general public, public officials, academics, K-12 educators, community leaders, and other professionals. The common footprints of the TASTS in all the disciplines and the audiences are "semantics of oppression."

The semantics of enslavement and oppression, privilege and power converge as a universal language to denigrate Africans, sustain white hegemony and perpetuate historical myths. Six concepts have special significance in the semantics of oppression relative to African peoples: *explorer, discovery, civilization, explorer, salvation, underdeveloped and dominion.* The legacies and popular historical treatment relative of Christopher Columbus, Thomas Jefferson and Abraham Lincoln serve to illustrate this important issue of semantics.

By the time Christopher Columbus set sail in 1492, the Catholic Church had over a century of Blood on their hands in the establishment of the Trans Atlantic Slave Trade System. Representing the Spanish monarchy of Ferdinand and Isabella his "discovery of the New World," Columbus set sail with the following mission and prayer:

"Today I will launch the ship and prepare to depart Thursday in the name of God…This I pray to Our Lord and Your Highnesses will appoint persons of great diligence in order to bring to the Church such great numbers of peoples, and that they will convert these peoples, just as they have destroyed those who would not confess the Father, Son, and Holy Spirit…to grant larger realms and dominions, and the will and disposition to spread the Holy Christian religion…Amen."

The Commission documented over 2500 ships engaged in the slave trade, making repeated trips across the Atlantic. It is estimated that 16-29% of those held as cargo died, were murdered or committed suicide during the Middle Passage. Despite this human carnage, God's blessings were summoned and presumed. In a survey of 93 Portuguese and Brazilian ships, 81 had religious names; many named after saints or virgins.

The mythologies surrounding the TASTS and what the Commission refers to as the memeticomplex to dehumanize African peoples, impacted(s) all peoples.

The factual legacy of the most famous son of Illinois, President Abraham Lincoln, also represents the complexity and bifurcation of this nation's consciousness and participation in the TASTS.

Saving the Union was central to Lincoln's decision for emancipation, not the moral question and chattelization of Afrian slavery. Restoring the Union back to white consensus was the basis for Lincoln's post-war plan, rather than any clear cut federal policy based on principles of unjust enrichment, human restitution or moral considerations for the former enslaved Africans.

> "My paramount object is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that..."

By illustration, it is evident that the historical treatment and stories of Christopher Columbus and Abraham Lincoln are key examples of the mythology around the TASTS.

The State of Illinois is charting new territory in its commitment to forthrightly examine the TASTS and its lingering impact on African Americans. The importance of this work points to the entire nation and its unfulfilled promises. The TASTC submits the following preliminary recommendations and the rationale in three specific impact areas for consideration by the Illinois State Legislators.

1. AGENCY AND INSTITUTIONAL DEVELOPMENT

There be a statewide effort of interagency cooperation and resource identification to effect permanent and institutionalization of the significant findings of this Commission.

> 1.1 The State Department of Tourism, in collaboration with local municipalities and county agencies, undertake a comprehensive trail and marker identification program based on the findings of the Commission.

RATIONALE

Contrary to popular belief, the State of Illinois was a part of the TransAtlantic Slave Trade System. Cities and towns with enslaved Africans have been documented. The findings of the Commission afford the state of Illinois new opportunities to launch a new public history and

tourism program, thereby contributing to this state and nation's history. Some of the early Illinois state territories, towns or counties held enslaved populations. They include

Kaskaskia	Monroe	Sangamon
Praire du Rocher	Jackson	Hamilton
Cahokia	Gallatin	Clinton
Saint Clair	Union	Schuyler
Randolph	Alexander	Jo Davies
Johnson	Franklin	Winnebago
Madison	Wayne	Brown
White	Jefferson	Hardin

The Commission found that the first enslaved Africans are known to have come into Illinois in 1720 with Phillip de Renault. With a cargo of 500 enslaved Africans from Santo Domingo, he landed in a town he named St. Philip. Enslaved Africans were allowed to stay as slave labor under the Northwest Territory acts.. They were sold on the auction block, the most significant area of auctions were in and around East St. Louis, IL and St. Louis, MO. African labor was the basis of the early Saline County salt industries and coal mining industries in Illinois, which not only became critical to Illinois industry, but was important to the direct interstate commerce system that developed with southern slave states.

Jean Baptist Point DuSable is the first non-Native American settler of the Chicago area. Of African descent, DuSable's trading post would become the center of Chicago's first permanent settlement by Europeans, including the settlement of John Kinzie. Chicago's economy grew and Chicago was an important point within the Underground Railroad network. However, despite its founding, and its growing African population over time, Chicago was no less immune to the exigencies of race in America.

August 14 and 15, 1908, a riot broke out in the State Capital of Springfield. African Americans Scott Burton was lynched during the riot; Joe James lynched after the riot; and Walter Donegan was lynched with his throat slit open and his body mutilated. The July 2, 1917 East St. Louis massacre was the scene of violent attacks on the black population, resulting in the destruction of 312 buildings and reportedly from 39 and up to 300 African Americans were killed. August 2, 1919, Chicago riots resulted in 38 killings, close to 550 injured and 1000 people found themselves homeless.

One of the most notorious slave catchers, John Crenshaw, headquartered his "reverse underground railroad" in Equality, Illinois. There are records of at least 300 slave children having been bred in his operation.

Officially, it was the Illinois constitution of 1818 that prohibited the introduction of slavery and involuntary servitude into Illinois. Enslaved Africans and their owners already here were grandfathered in.

Until 1763, the *Code Noir*, better known as the Black Codes of Louisiana, governed the slave system in Illinois. These Codes became the foundation of later codes and legislation that governed the enslaved Africans. Throughout the United States, the Black Codes were designed to depopulate the African populations in parts or all of the state by edicts of expulsion. (See APPENDIX A)

Further race riots across the nation also resulted in the total destruction of African family and community life. In Illinois, in 1917, more than 150 persons were murdered in East St. Louis and 11,000 forced from their burning homes. Documented evidence shows that some 4,000 fled into other parts of the state or country.

It should be noted that Illinois was also the state with a prolific Underground Railroad network, organized by both Africans and whites engaged in active defiance of the slave system. The dynamic history of enslaved Africans in Illinois and their quest for liberation also reveals a compelling and unique history between the Native American Illinois communities and Africans.

MAP OF UNDERGROUND RAILROAD

Utilizing this research, the developement of a statewide historical marker initiative is strongly proposed. Such an effort would be a model for this nation.

RECOMMENDATION 1.2

1.2 The Illinois Department of Health should be charged to initiate programs and services, in collaboration with other appropriate agencies, related to the effects of the Maafa on the mental health and healing of individuals and communities, African American and others, including mental health centers for the study of the psychopathology of white supremacy.

RATIONALE

Health disparities in African Americans are being connected to lingering effects of the consequences of the TASTS. There is evidence of mental and physical consequences of this trauma. There is evidence of structural and functional changes to key areas of the brain as a result of stress, as chronic stress and social adversity play a role in the secretion of stress hormones. Recent findings in this area of neurosciences are being cross-referenced to historical health and social statistics evidenced by African Americans.

For example, studies have found the impact of racism related to a "chronic allostatic load of stressors," taxing the nervous system and thus, ones ability to deal with a high degree of stress. This stress is not only evident in physiological and psychological consequences for persons, but impacts fetal well-being and consequences of the same.

Time of exposure to stress and low self-esteem in mothers are now being correlated to low birth weight and outcomes. If this is so, it is thus even more mind boggling to imagine the impact of allostatic stress loads upon enslaved mothers and their children. The evidence repeatedly points to enslaved women being forced to return to the fields after giving birth. Further, enslaved women became the victims of the TASTS' production, reproduction and experimentation.

Contrary to health professionals caring for African people, the foundational history of American medicine is rooted in the dehumanization of Africans.

The *father* of gynecology, J. Marion Sims (1813-1883) conducted experimental surgical operations on slave women. More than thirty such public procedures were done without anesthesia on the slave women, Anarcha, Betsy and Lucy to perfect a surgical cure for vesico-vaginal fistulas.

G. Stanley Hall, *first president* of the American Psychological Association, theorized that Africans, Indians and Chinese were members of "adolescent races" in a state of "incomplete growth."

Dr. Benjamin Rush, father of American psychiatry, declared the color of black people was caused by a congenital disease called "negritude" which was a derivative of leprosy. The cure was related to the whitening of the skin.

RECOMMENDATION 1.3

1.3 An archival and research center on the TransAtlantic Slave Trade should be established in Illinois as a national historic treasure of this nation. Copies of the archives of the *Chicago Defender* and other Illinois newspapers should be a central focus of this archival and research center.

RATIONALE

Illinois was a critical state in the Underground Railroad Network. Further, Chicago history, especially related to Bronzeville, has a unique and particular role African American history and the nation's history. There is no public archival center dedicated solely to the TransAtlantic Slave Trade System in this nation. Such a site will draw scholars from around the world and link to the rich university resources of this nation and within the Chicago land area. Such a site would represent the continued leadership and commitment of this state to press forward with the healing of a nation. Such a site would honor the rich legacy of people of African descent in the State of Illinois.

2. PUBLIC HISTORY AND EDUCATIONAL DISSEMINATION

There should be a statewide effort to organize and implement various access points of information and experiences for the general public's education on the TransAtlantic Slave Trade System.

RECOMMENDATION 2.1

2.1 There should be an intentional effort to recommend the use of appropriate language and a lexicon for purposes of legislation, the media and curriculum development, which affirms the findings of the commission, e.g. Maafa.

RATIONALE

The dehumanization of Africans, resulting from the TASTS, was an intentional process of identifying, naming and imaging complex ideas and beliefs to support the idea of Africans as chattel, a commodity void of humanity. These beliefs and understandings were manifested in information patterns of dissemination across all disciplines, resulting in what might be properly referred to as a "memetic complex." A complex of memes, (discussed in literature of neurosciences and psychology) is found to be infectious, contagious, and intergenerational and are retained in the collective and cultural memories of a people.

Thus, the use of a memetic analysis to engage the study of the TASTS and its lingering effects is critical to the approach of this Commission's work, in that it supports a dynamic and demonstrable way to effectively examine both the past and present implications of the TASTS upon Africa and Africans in Illinois, this nation, the Diaspora and, indeed, the world.

RECOMMENDATIONS 2.2 AND 2.3

2.2 Public hearings and outreach should be undertaken to encourage community participation in this work, including the support of museums, churches, libraries, etc., as sites of genealogical and community archival trainings.

2.3 The Illinois Humanities Council and the Illinois Arts Council should create an initiative that directly funds historic documentaries and public informational programs related to greater understanding of the TransAtlantic Slave Trade System and the healing of a nation.

RATIONALE
If "public history is that history that is seen, heard, read, and interpreted by a popular audience," then public historians are obligated "to destroy myth and illuminate reality." It is undeniably evident that in Illinois and this nation, the history of the TASTS and its effects upon African peoples has not been and is not being taught or told. The findings and documentation of this Commission offer a compelling case to the state and the nation to break through centuries and barriers of denial and silence. There must be efforts and expressions of healing for all of America related to the TASTS.

Grounded in strong historical scholarship, cultural expressions through art and ritual, the public history work products are an essential part of the reclaiming, revising, rewriting and reconstructing of previously accepted historiography that has distorted the facts and effects of the TASTS and dehumanized African peoples. It is the responsibility of those engaged in public history to create, implement and disseminate scholarship via public programs, school curricula and other related sources, such as public monuments, visits to sites of memory and access to primary and secondary sources.

The role of memetics and the media, historically and contemporaneously, substantially contributes to the Maafa. The "rupturing" of African consciousness and identity and culture through external sensorial information structures and ideas has resulted in a shattered consciousness and fractured African identity. Deconstructing and countering the causes and effects of this "memetic complex" must be an integral part of the healing process for African peoples.

RECOMMENDATION 2.4

2.4 An Academy of African American Scholars on the TransAtlantic Slave Trade System host a 2010 World Conference in Illinois on the TransAtlantic Slave Trade System.

RATIONALE
The Academy will plan and host in Illinois will plan a national conference around the bicentennial of President Lincoln's birthday in 2009 and an international conference in 2010. This scholarly conference will make a unique contribution to the 19th century history being celebrated. The international conference will solidify international relations. These conferences will further build networks in support of the products of the Commission.

RECOMMENDATION 2.5

2.5 There be an international effort to recognize that African people carried into the enslavement experience an autochthonous meaning of being human with associate deep thought, culture and philosophy.

RATIONALE
To counter the legacy and lingering effects of dehumanization and memetic infection of the

TASTS, ultimately, African peoples must be engaged in a "To Be African-We Are Family Campaign."

Extensive research of African concepts related the sense of what it meant to be human and in community before the TASTS, or the Maat before the Maafa, reveals the following kinds of cultural ethos or values:

I am because we are.
The community existed before me and is the head.
What is good for the community is good for its members.
The community took care of me; I will take care of that community.
Within the community everybody has a right to teach and to be taught.
Education is a matter of reciprocity, acquired through sharing.

It is these kinds of values which have been assaulted by the effects of the TASTS.

A "To Be African – We Are Family Campaign" must address the fundamental challenges of African descended persons in the USA. Experiencing themselves as a part of a global ethnic group is related to the psychological and socio-political and economic reconnection of healthy African communities of the Diaspora to healthy Africans of the continent.

The lingering effects of the TASTS, goes right back to the continent. The capture, enslavement, colonialism and neo-colonialism have legacy structures that continue to sustain the Maafa. The impoverishment and depopulation and destabilization of community in Africa, as a result of war, famine and disease, is but another psychological and economic challenge to African Americans.

Sankofa compels "To Be African – We Are Family Campaign" to address the interconnectedness between the interests of African Americans and those of Africa. Rebuilding a sense of community and solidarity, redirecting the energy of the faith communities, positive socialization of children and the participation and control of those institutions responsible for education and cultural transmission must happen in the US and on the continent.

Two of the most critical factors that will shape this campaign and the future have to do with African descended persons taking control over their health and wellness and financial well being related to wealth production and utilization.

Health and wellness can be greatly influenced by informed choices around diet and exercise and reduction of stress. Despite the lingering effects of the TASTS, the documented barriers and disparities in economic opportunities, African Americans managed to accumulate disposable income of about 1 trillion dollars that could be used to support community and collective sustainability.

In comparison, the total disposable wealth for African nations is 550 Billion dollars. A focus on wealth production and strategic utilization in a global marketplace where Africa represents new markets could yield major benefits towards the collective sustainability of African communities in the Diaspora and on the continent.

3. K-12/ HIGHER EDUCATION AND CURRICULUM DEVELOPMENT

Based on these findings, African-centered curriculum initiatives at the state level should be established for K-12 and higher education to include curricula review and instructional development activities that focus on age-appropriate critical understandings of the TransAtlantic Slave Trade System.

RECOMMENDATION 3.1

3.1 A specific curricula review and instructional development project be under taken to document and appropriately integrate the role of Illinois legislation, the "Black Codes" and elected officials in the TASTS.

RATIONALE

The legal codification or penal laws for the enslaved, referred to as the "Black Codes" consistently spoke of Africans as property; Africans as outside human culture or different; risks of African presence in the population; punishments for resistance and rebellious behavior; and the value or threats posed by principles of education and religion upon Africans and the slave system.

The Black Codes by states, counties and cities reflect a corpus of research documentation of the extent to which the dehumanization, physical, ethno cultural genocide permeated this nation. When the statutes of states did not meet the requirements to sustain the TASTS or its transformation into other means of African people's oppression post civil-war, Supreme Court rulings and Executive Orders did. The interdependence and interrelatedness of the cycle of jurisprudence within state and federal statute to propagate this memetic complex is exemplified by the words of the most famous Illinoisan, President Abraham Lincoln, the Dred Scott Decision and President Rutherford B. Hayes. *[The Black Codes of Illinois are in APPENDIX A]*

Former Illinois State legislators, several of whom became US Congresspersons, Senators, authors of this Resolution and others have played a major role in efforts to legislatively dismantle the laws that supported the enslavement of Africans and "destroy myths and illuminate truth" about the Maafa and the horrific nature of the TASTS and its lingering effects on the African American population. These legislators should be noted for their role and contributions in this area.

RECOMMENDATION 3.2

3.2 A specific curricula review and instructional development project be undertaken to document and appropriately integrate the chronology and role of Illinois in U.S. history in the TASTS, at the local, county and state levels.

RATIONALE

Race and color in America have historically been correlated with principles of social engineering relative to the status of African Americans in the nation. Centennials of educational policies, from prohibition of education for enslaved Africans, to strategies for "slave seasoning,"

to separate but equal, to desegregated, to affirmative action and now "race neutral alternatives," have been a centerpiece of efforts at social engineering. Thus, curriculum and instructional strategies do not occur in a vacuum. They are intricately wedded to understandings and intent around principles of education, schooling and acculturation.

The silence, avoidance, intentional or unintentional misrepresentation of the TASTS in this nation's schools in general, and Illinois in particular, warranted the Commission's attention. The examination of The Learning Standards established by the Illinois State Board of Education for K-12 grade students highlight a concern of the ITASTC. The Commission believes that until students are given many opportunities to develop an authentic knowledge base about the role of slavery and the slave trade in United States history, they will be unable to fully understand today's political and economic realities.

Because the social sciences encompass the study of political systems, economics, history, geography and social systems, it is important to include critical inquiry into the causes and effects of the TASTS slave trade in all these content areas. A cursory review of the Social Science Performance Descriptors for Grades 8, 9, and 10 reveals that the subject of slavery is mentioned only once in 16D and Africa is mentioned twice in 16E. In the Performance Descriptors for Grades 7, 8, and 9, slavery is not mentioned at all. Thus, a student could possibly complete his/her elementary schooling in Illinois with very little instruction on the significance of Africa, African people, and slavery on the U. S. and Illinois. Such minimal references to Africa, slavery, and the slave trade in the Illinois curriculum demonstrate a need for a curricula review and an instructional development project that will help to integrate the chronology of the TASTS and the role of Illinois in U. S. history in the TASTS.

The Commission feels that instruction should enable students to understand more about Africa, Europe, Asia and the modern world since 1500. As a result of their schooling, students should be able to construct more accurate meaning about the historical significance of African people in the building of a global economy. The work of a curricula review project should go a long way in the correction of omissions, distortions, and miseducation about the TASTS.

RECOMMENDATION 3.3

3.3 Specific curricula review and an instructional development project should be undertaken to document and appropriately integrate the historic role of public and private Illinois corporations in the TASTS, at the local, county and state levels.

RATIONALE

In Illinois, salt and coal mining, using enslaved Africans, were intricately wedded to the economic growth and prosperity of Illinois commerce. The selling of enslaved Africans in exchange for furs, Spanish dollars, and farm produce in Illinois is well documented. As early as 1767, George Morgan of Baynton, Wharton and Morgan monopolized the trade at the close of the French Indian war. His footprints exemplify the interconnections between Illinois, Caribbean and European activities in the TASTS.

Sugar and rum undergirded a global enterprise that financed the development of cities, banks, insurance companies, shipping companies and family-owned businesses throughout Europe. Lloyds of London, Aetna Casualty, New York Life Insurance, Lehman Brothers, R. J. Reynolds Tobacco, J.P. Morgan Chase and Union Pacific are just a few existing companies whose early origins are connected to the TransAtlantic Slave Trade System. Literally and doubly so, the New York Stock market is founded upon enslavement of Africans. New York City was a slave port, founded by the Dutch West Indian Slaving company, resulting in Wall Street investment being an extension of this enslavement system.

Moreover, the recent find of the enslaved African gravesite in lower Manhattan and the subsequent protracted national battle to preserve and honor the site represents the truth emerging from the ancestral graves. It was former Illinois State Representative and U.S. Congressman Gus Savage that chaired the federal committee that ultimately prevented the desecration of this ancestral grave site. He, along with so many others, should be recognized as a part of the public history of Illinois and the TASTS.

RESOLUTIONS ITEMS 1 - 6

FINDINGS
AND
RESEARCH AND DISSEMINATION
FRAMEWORK FOR NEXT STEPS

Good gracious, Anybody hurt?
No'm. Killed a nigger."
Well, it's lucky because sometimes people do get hurt."
Huckleberry Finn, Mark Twain

THE MEMETIC COMPLEX

THE DEHUMANIZATION AND CO-MODIFICATION OF AFRICAN IDENTITY

RESOLUTION ITEM 1

Resolution Item 1: ***Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865; the Commission's examination shall include an examination of:***

(A) the capture and procurement of Africans;
(B) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport;
(C) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and
(D) the treatment of African slaves in the colonies and the United States , including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families

RESOLUTION ITEM 1

KEY FINDINGS

Any examination of the TASTS should first acknowledge the presence of African peoples, communities, histories and civilizations before the rupture brought on by the slave trade system. Thus, a historiography and paradigms to examine the TASTS must flow from this assumption.

The TASTS is projected to have involved the capture, procurement and transport of 100 million Africans. The true documentation of this global and triangular system of trade in African humanity, from Africa, to Europe and the Americas, and its lingering effects, is in its embryonic stages. However, it is estimated that upwards of 29% of the African population died in the process of capture and transport. Many other Africans died resisting the capture and entire African communities were destroyed and dismantled. The TASTS is also connected to the Trans-Saharan Slave Trade and movements of African peoples.

Dehumanization of African peoples was a foundational prerequisite and principle of effecting the TASTS. Its consequences still manifest. Dehumanization involved a process of identifying, naming and imaging complex ideas and beliefs to support Africans as chattel, a commodity and void of any humanity, or human worth. These beliefs and understandings were manifested in patterns of information dissemination across all disciplines, resulting in what might be properly referred to as a "memetic complex." A complex of memes, as discussed in literature of neurosciences and psychology, is found to be infectious, contagious, intergenerational and retained in the collective and cultural memories of a people.

The use of a memetic analysis to engage the study of the TASTS and its lingering effects is critical to the examination of the TASTS in that it supports a dynamic and demonstrable way to effectively examine both the past and present implications of the TASTS upon Africa and Africans in Illinois, this nation, the Diaspora and indeed the world.
Economic examination of the US slave system reveals a global flow of dollars and enslaved

populations in the cotton, rice, tobacco, sugar and rum industries. Often, this is narrowly viewed as benefiting the Southern plantation owners. In fact, the TASTS undergirded a global enterprise that financed the development of cities, banks, insurance companies, shipping companies and family-owned businesses throughout the United States and Europe.

Lloyds of London, Aetna Casualty, New York Life Insurance, Lehman Brothers, R. J. Reynolds Tobacco, J.P. Morgan Chase and Union Pacific are just a few existing companies whose early origins are connected to the Trans Atlantic Slave Trade System.

Literally and doubly so, the New York Stock market is founded upon enslavement of Africans. New York was a slave port, founded by the Dutch West Indian Slaving company, resulting in Wall Street investment being an extension of this enslavement system. In 1991, the federal government unearthed an enslaved African burial ground contiguous to Wall Street. Findings of the subsequent examination of the enslaved buried there has informed our understanding and proven the extent to which Africans were brutalized in the North. Forty percent of the graves were of enslaved children under twelve years of age.

The federal government attempted to proceed with plans to build upon this grave site. African Americans engaged in a protracted national battle to preserve and honor the site. US Representative Gus Savage (D- IL) chaired the federal committee that ultimately prevented the desecration of this ancestral grave site. It was declared a national historic landmark in 1993. In 1998, African Americans returned two former slaves exhumed from the burial site and re-interred the remains at Assin Manso, Ghana, West Africa.

The archives of slave narratives, as well as this discovery of ancestral graves, further attest to the necessity of this Commission's work. New York city has since erected a monument dedicated to enslaved Africans, memorializing and documenting the Maafa.

SLAVERY IN ILLINOIS

The first enslaved Africans are known to have come into Illinois in 1720 with Phillip François Renault. With a cargo of 500 enslaved Africans from Santo Domingo, he landed in a town he named St. Philip.

The selling of enslaved Africans in exchange for furs, Spanish dollars, and farm produce in Illinois is well documented. As early as 1767, George Morgan of Baynton, Wharton and Morgan monopolized the trade at the close of the French Indian war. His footprints exemplify the interconnections between Illinois, Caribbean and European activities in the TASTS.

Enslaved Africans and their labor were allowed under the Northwest Territory Acts. Enslaved Africans were sold on the auction block. The most significant areas of auction were in and around East St. Louis, IL and St. Louis, MO. In Illinois, the labor of enslaved Africans was intricately wedded to the economic growth and prosperity of Illinois commerce. Enslaved African labor was the basis of the early Saline County salt industry and coal mining industries

in Illinois. African labor was not only critical to Illinois industry but was important to the direct interstate commerce system that developed with southern slave states.

Jean Baptist Point DuSable is the first non-Native American settler of the Chicago area. Of African descent, DuSable's trading post would become the center of Chicago's first permanent settlement by Europeans, including the settlement of John Kinzie. Chicago's economy grew and Chicago was an important point within the Underground Railroad network. However, despite its founding, and its growing African population over time, Chicago was no less immune to the exigencies of race in America.

August 14 and 15, 1908, a riot broke out in the State Capital of Springfield. African Americans Scott Burton was lynched during the riot; Joe James lynched after the riot; and Walter Donegan was lynched with his throat slit open and his body mutilated. The July 2, 1917 East St. Louis massacre was the scene of violent attacks on the black population, resulting in the destruction of 312 buildings and reportedly from 39 and up to 300 African Americans were killed. August 2, 1919, Chicago riots resulted in 38 killings, close to 550 injured and 1000 people found themselves homeless.

Illinois was also home to one of the most notorious slave catchers, John Crenshaw. He headquartered his "reverse underground railroad" in Equality, Illinois. There are records of at least 300 slave children having been bred in his operation. Officially, it was the Illinois constitution of 1818 that prohibited *the introduction* of slavery and involuntary servitude into Illinois. Enslaved Africans and their owners already in Illinois were grandfathered in.

The dynamic history of enslaved Africans in Illinois and their quest for liberation, also reveals an early and unique history between the Native American Illinois communities and Africans. Illinois was also the state with a prolific Underground Railroad network, organized by both Africans and whites engaged in active defiance of the slave system.

From the perspective of the US, the colonies and the state of Illinois, the enslavement and victimization of Africans in the colonies, the United States and the State of Illinois translated into a system of white and European hegemony and prosperity that was globally connected and across industries. It was a system that engaged the sciences and arts. It was a system that is appropriately understood as a memetic complex of repeated beliefs, ideas, and images to dehumanize African people.

The "father" of gynecology, J. Marion Sims (1813-1883) conducted experimental surgical operations on slave women. More than thirty such public procedures were done without anesthesia on the slave women, Anarcha, Betsy and Lucy to perfect a surgical cure for vesico-vaginal fistulas.

G. Stanley Hall, the first president of the American Psychological Association, theorized that Africans, Indians and Chinese were members of "adolescent races" in a state of "incomplete growth."

Dr. Benjamin Rush, "father" of American psychiatry, declared the color of black people was caused by a congenital disease called "negritude" which was a derivative of leprosy. The cure was related to the whitening of the skin.

The African enslaved woman was dehumanized and commodified not only as a laborer and object of sexual pleasure, but more so as a breeder. Thomas Jefferson noted that "I consider a woman who brings a child every two years as more profitable than the best man on the farm."

Not just the Black Codes and the legal system, but the Arts and Sciences, educational and religious systems were the instrumentalities of the physical and ethno-cultural genocide. The fields of education, advertising, literature, journalism and music all contributed to the memetic-complex of the TASTS.

The historical role of the print media in ideation and memetics of the Trans Atlantic Slave Trade System is easily documented. Content and image analysis of the London Times, for example thoroughly demonstrates how print media propagated the dehumanization of African peoples. Classical literature, such as the ***Adventures of Huck Finn***, epitomizes the dehumanization that permeated(s) the humanities.

Ultimately, pictures speak louder than words and the Commission's findings document primary and secondary sources, archival collections, public and private that substantiate the extent to which negative images and a dehumanizing system were central to the effectiveness of the TASTS and is still perpetuated today.

The TASTS was a system on European nations undergirded by religious institutions and theology.

In 1442, Pope Eugenius IV approved the bull Illius Qui granting Portugal and Prince Henry's expeditions exclusive rights over their African "discoveries." Pope Nicholas V, conceiver of St. Peter's Basilica and the Vatican library, issued the bull Dum Diversas in 1452. This order allowed the Portuguese King to subdue and reduce "pagans" and "nonbelievers" to perpetual slavery.

The bull Romanus Pontifex, issued in 1454, made formal the Portuguese monopoly of the slave trade in Africa. The sanctification and complicity of the Catholic Church and the slave trade was undeniable when, in 1488, Pope Innocent VIII accepted the gift of 100 slaves from Ferdinand of Spain. Pope Innocent distributed the slaves to the cardinals and nobles throughout the Christian world.

Various popes managed and signed agreements with the Christian nations and slave territories. The agreements, or asientos, paid the Catholic Church about $25.00 for each captured African.

The Commission found extensive research of African civilizations, philosophy and concepts related to what it meant to be human and in community before the TASTS, or the Maat before the Maafa. The cultural ethos or values are reflected in statements such as, "I am because we are," "The community existed before me and is the head," "What is good for the community is good for its members," "The community took care of me; I will take care of that community," "Within the community everybody has a right to teach and to be taught. Education is a matter of reciprocity, acquired through sharing."

These foundational African values of what it means to be human and in community, was and has been assaulted by TASTS, beginning with the family unit.

International law defines crimes against humanity as "murder, extermination, enslavement, deportation, ill treatment or deportation to slave labor." Further, genocide is defined as "killing members of the group; causing serious bodily or mental harm; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent."

By standards of international law, Africans have been victimized by "crimes against humanity and genocide.

RESOLUTION ITEM 1
FRAMEWORK FOR NEXT STEPS

- ✓ **Research on the destruction which slavery brought to the continent should be informed by African centered scholarship.**

- ✓ The invasions of Africa in the Nile Valley during ancient times must be incorporated into the study of the transatlantic slave trade as these invasions laid the groundwork for foreign conquest and oppression of African people in later times.

- ✓ The Trans-Saharan slave trade and the TransAtlantic slave trade should not be studied as mutually exclusive events.

- ✓ Curricula must be established which forthrightly instructs the teaching of the Maat and Maafa, including its demographic, socio-political and economic manifestations and consequences, as well as the various ideologies that undergirded the TASTS.

- ✓ An effort should be made to connect to and share the Commission's on-going findings with those centers of research and law engaged in addressing the TASTS as a "crime against humanity" and "genocide."

RESOLUTION ITEM 2

Resolution Item 2: ***Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed or restricted efforts of freed African slaves to repatriate to their homeland.***

RESOLUTION ITEM 2

KEY FINDINGS

The legal codification or penal laws for the enslaved, referred to as the "Black Codes" consistently spoke to Africans as property; Africans as outside of human culture or different; risks of African presence by population; punishments for resistance and rebellious behavior; and the value or threats posed by principles of education and religion upon Africans and the slave system. The Black Codes of states, counties and cities permeated this nation. They were designed to depopulate the African populations in parts of the states by edicts of expulsion.

They reflect a corpus of laws and mores which supported the dehumanization, physical, ethno cultural genocide of African people.

When the statutes of states did not meet the requirements to sustain the TASTS or its transformation into other means of African people's oppression post civil-war, the Supreme Court rulings and Executive Orders did. Black Laws created a multi-tiered justice system, rendering the term "freed blacks" as functionally meaningless as states manipulated language to ensure that Africans would remain in service to Whites. Whites were encouraged to treat Africans enslaved or freed in any degrading manner they chose with impunity, and with the blessing of the law, up to and including death.

The interdependence and interrelatedness of the cycle of jurisprudence within state and federal statute, to propagate the memetic complex of the TASTS and its lingering effects is clearly established.

Laws were passed as early as 1640 in an effort to legally block those enslaved from living freely. While some states enacted more laws than others, they all instituted the legality of slavery and sought to control through terror, physical pain and mental debasement, the entire life and being of the African.

These laws that permeate the colonies include provisions that:

- establish fugitive slave law
- forbid residents from harboring or feeding runaway slaves
- declare Christian baptism does not negate an African's status as enslaved
- mandate harsh penalties on slaves who attempt to escape or assault Christians
- prohibit manumission of slaves
- prohibit more than three slaves meeting without the presence of white person
- require former masters to pay a public fee to free a slave
- prohibit slaves from the right to bear arms without permission
- require a master to be present if an enslaved African is visiting a "freed" African
- forbid slaves from hiring themselves out
- forbid freed blacks, Indians and mulattos from owning real estate and property
- declare all slaves and their descendents to be slaves for life
- permit owners to kill rebellious slaves
- forbid the removal of slaves from the state

A timeline highlighting key findings related to constitutional and statutory provisions 1619-1780 is in Appendix B.

The notes and minutes surrounding the writing of the Declaration of Independence connote two relevant facts.

One, the argument for the colonies' separation from Britain was based on notions of liberating themselves from "slavery" and as "slaves" to England. Thus, "all men are created equal" and the right to "life, liberty and the pursuit of happiness" as consensus statements were statements pertaining to white men.

Two and most to the point, the slavery of which they spoke was not the slavery experienced by enslaved Africans. The minutes of deliberation reveal intentional and multiple debates resulting in consensus to not confound the issue by addressing the international slave trade and chattel slavery, and certainly not refer to the reprobation of enslaving Africans.

The nexus between these two points fulfill and represent the memetic-complex, dehumanization and commodification of Africans. There are two kinds of slavery – political slavery for

whites and chattel slavery for blacks. The Declaration of Independence effectively declared, "all white men are created equal." Even Africans serving in the Revolutionary Army (and they did), was not to be construed as a mandate or commitment by the framers of the war to the discontinuation of the TASTS at home or at sea. Africans were not human, of mankind, or to be treated as such.

Thus, in 1787, The Constitution's "We the people" did not include enslaved or "free" blacks. Throughout the main body of the Constitution, slaves are referred to as "other persons," "such persons," or in the singular as a "person held to Service or Labour." Five provisions dealt directly with slavery, the one most pertinent being,

> **Art. I, sec. 2, par. 3.** The three-fifths clause provided for counting three-fifths of all slaves for purposes of representation in Congress. This clause also provided that any "direct tax" levied on the states could be imposed only proportionately, according to population, and that only three-fifths of all slaves would be counted in assessing each state's.

Supreme Court rulings and presidential executive orders supported the institutionalization of slavery and the continued suppression of those "manumitted" or "freed Africans."

In the 1857 US Supreme Court decision, *Dred Scott v Sandford* (60 U.S. 393, 1857), Chief Justice Roger Taney referred to both the Declaration of Independence and the Constitution to put forth the decision.

> "[At] the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted … [blacks] had no rights which the white man was bound to respect."

President Abraham Lincoln contextualizes his motivation for the Emancipation Proclamation.

> "My paramount object is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that…"

President Rutherford B. Hayes, later a chief architect of the philanthropic movement for "Negro education," declared the promise of African enfranchisement during the Restoration Period to be null and void.

> "The future of the Union and the Negro lay in the restoration of leadership to the responsible white citizenry of the South."

ILLINOIS AND THE BLACK CODES

Until 1763, the *Code Noir* or Black Codes of Louisiana governed the slave system in Illinois. These Codes became the foundation of later codes and legislation to govern the enslaved

Africans. Further race riots resulting in the total destruction of African community life. In 1917 more than 150 persons were murdered in East St. Louis and 11,000 forced from their burning homes. Documents evidenced some 4,000 fled into other parts. *(The Black Codes of Illinois are listed in Appendix A)*

On July 5, 1852, the African abolitionist, Frederick Douglas, would address this federal's government's complicity in the TASTS by issuing his famous question and speech, "The Meaning of the fourth of July to the Negro" in which he asked, "What is the Fourth of July to Me?" Historians characterize it as probably his most famous and effective speeches.

> "What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sound of rejoicing are empty and heartless; your denunciation of tyrants brass fronted impudence; your shout of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanks-givings, with all your religious parade and solemnity, are to him, mere bombast, fraud, deception, impiety, and hypocrisy -- a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour."

In light of the TASTS, Douglas' question was relevant then; in light of the lingering effects of the TASTS, it is relevant now.

RESOLUTION ITEM 2
FRAMEWORK FOR NEXT STEPS

- ✓ The Commission further examines the role of language, media and the law as instruments of conveyance and maintenance of systems of African oppression and racial discrimination, historically and contemporaneously.

- ✓ The Commission informs the process of further documentation and development of a legal and human rights agenda that extends to the international community and courts, including but not limited to the demand for reparations.

- ✓ The Commission informs the process by which the nature and extent of the foundational and constitutional debates and consensus, the Black Codes and cases of the Supreme Court effected and effect the dehumanization of African peoples, and the continued consequences of the TASTS or Maafa.

- ✓ The Commission informs the process by which understandings of the TASTS as a "crime against humanity" be appropriately incorporated in academic curricula.

RESOLUTION ITEM 3

Resolution Item 3: Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present.

RESOLUTION ITEM 3

KEY FINDINGS

The period of Reconstruction in which Blacks had been able to vote and elect officials to represent their interest in local state and even at the federal level was short lived. The period of "Reconstruction" was declared null and void by President Hayes who ushered in the period of "Restoration."

The singular most significant Supreme Court decision that would define this continued Maafa was the *Plessy v Ferguson* ruling (163 U.S. 537, 1896). Speaking for a seven-person majority, Justice Henry Brown wrote:

> "That [the Separate Car Act] does not conflict with the Thirteenth Amendment, which abolished slavery..The object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either."

The *Plessy* decision set the precedent that "separate" facilities for blacks and whites were constitutional as long as they were "equal." The "separate but equal" doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools.

From the end of the civil war until the 1954 *Brown vs Topeka Kansas Board of Education,* this nation's highest court's rulings substantially supported all forms of legal discrimination in the public and private sectors against freed African slaves and their descendents.

Centuries of perennial and on-going legal commodification of Africans as a result of the TASTS are evident in the June 28, 2007 (*Meredith v Jefferson County,* 05-908) Supreme Court ruling effectively ending the mandates implicit in the 1954 Brown v Topeka, Kansas Board of Education. It was the 1954 decision which had effectively ended the mandates implicit in the Court's decision in the 1896 *Plessy v Ferguson* case (163 US 537).

Again, African descended people in the US are situated as a collective, subject to unsustained and precarious federal judiciary deliberations. This reflects the unresolved and lingering effects of the TASTS upon people of African descent in the US.

RESOLUTION ITEM 3
FRAMEWORK FOR NEXT STEPS

- ✓ The Commission's interdisciplinary approach to the examination of the TASTS is a national model that can inform public policy advocacy and strategic action planning. The Commission can help to facilitate the connectivity between legal scholars and other professionals as a way to maximize the knowledge base to address the lingering effects of the TASTS.

- ✓ The Commission can serve as a resource to inform the various legal centers engaged in public policy analysis and legal support related to race, class, and gender discrimination. Most especially, African American legal issues of disparity involve differential imprisonment rates, health care access, failures of public education, rural land loss and Katrina related community restoration.

- ✓ The Commission can serve to inform other national and international human rights and justice advocacy projects that reach across diverse communities.

RESOLUTION ITEM 4

Resolution Item 4: ***Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendents during the period between the end of the Civil War and the present.***

RESOULTION ITEM 4
KEY FINDINGS

Substantial analysis was given to the role of the Maafa in the continuing effects upon community and socialization. One of the most significant ways in which the Maafa continued during the post Civil war period involved the intersection of the public and private sector in terms of "Jim Crow" laws and the impact of at-will lynchings, particularly of Black men throughout the nation.

There are roughly 4,747 documented lynchings since Reconstruction. Scholars recently engaged in the "*Without Sanctuary*" project on these lynchings estimate the number to be two or three times higher. This form of extra-legal terrorism in the South was the catalyst for many African Americans to migrate to Illinois.

Of particular interest is the Cairo lynching of William "Froggie" James, November 11, 1909. His story is well known because of its brutality and photos of the event. He was accused of murdering a young white woman. His sister asserted that he came home after working, but a piece of cloth tied him to the crime. After his arrest, the sheriff put him on a train which was overtaken by a mob.

He was shot over 500 times, hung from a steel beam at the corner of 8th and Commercial. When his body fell, it was marched up to where the young woman was murdered and decapitated, his head was affixed to a pole, his heart and organs were cut out and handed as memento's, and the rest of his body was burned by a bonfire established by the crowd. (Pictures of this lynching are part of the *Without Sanctuary: Lynching Photography* in America exhibit).

Perennial debates on education for Africans post-civil war have been on-going. Historically, constructs and systems applied to discuss, plan and implement education for Africans are grounded in the memetics of concepts such as "separate but equal," "compensatory education," "remedial education," "vocational education," "special education," "no child left behind education." The catagorization of African Americans as a "minority"undergirds all these concepts.

These "educational remedies and systems" run parallel to processes that reinforce the medicalization of African inferiority, most recently expressed by the disproportionate high rate of Ritalin and other drugs being prescribed for African children.

The lingering educational consequences of the Maafa are proving highly correlated with disparities in the criminalization of African descended persons, especially African American males. The fact of over one million African men in the prisons and jails in this nation is indicative of a systematic disintegration of community, including the evidence of racial profiling and disparate sentencing for African men.

Deconstructing the health disparities of African Americans and others is a complex issue; however, Commission findings suggest that mental and physical health, vulnerabilities and the high risk designations of African Americans further evidences the lingering effects of the Maafa.

RESOLUTION ITEM 4
FRAMEWORK FOR NEXT STEPS

- ✓ The Commission inform the current African - centered curriculum initiatives at the state level must be expanded for K-12 and higher education to include curricula review and instructional development activities that focuses on age-appropriate critical understandings of the Transatlantic Slave Trade System.

- ✓ The Commission inform a curricula review and instructional development project to document and appropriately integrates the role of Illinois legislation, the "Black Codes" and the various roles of elected officials in the TASTS.

- ✓ The Commission inform and interface with those engaged in the examination of health disparities related to race, class and gender.

RESOLUTION ITEMS 5 AND 7

Resolution Item 5: ***Examine the lingering negative effects of the institution of slavery and the matters described in paragraphs (1), (2), (3), and (4) on living African Americans and on society in the United States.***

Resolution Item 7: ***Examine whether African-Americans still suffer from the lingering effects of the matters described in paragraphs (1), (2), (3)and (4)***

RESOLUTION 5 AND 7
KEY FINDINGS

The key findings pertinent to Resolution five and seven are combined as they are interrelated.

The Commission found ineffective education for African American children in crisis proportion. This is related to a failure of insufficient vision and implementation of models of education of African children that is rooted in excellence and positive socialization. African American leadership in general, and educational leadership in particular, are losing ground in the sense of consciousness and influence to develop and sustain cultural institutions which incubate and support the well being of community.

The prison population is but one manifestation of the magnitude of this problem. In some states, projections for the need to construct new prisons are being based on analysis of elementary school achievement patterns.

The Commission also found alarming rates of indices of poor health among certain African Americans. And, major disparities between African Americans and others is noted. Basic health and wellness is also linked to other socio economic indices, including unemployement rates, access to health care, access to affordable housing and access to quality foods. The increased patterns of communities characterized by Food Deserts, i.e. few, if any, outlets for quality foods within a reasonable distance of families, is of grave concern, and related to global economies and imports of inferior goods.

Katrina ushered in a 21st century case study of the operationalization of the memetic complex in the U.S. Not since the period of the Emancipation Proclamation, was the memetic complex and commodification of African American peoples so revealed in its deep profundity than by the chain of events surrounding Katrina. The race, color, class, gender disparities manifested pre-Katrina were but a backdrop to the governmental failures to respond to the greatest displacement of African Americans since the Civil War.

In the midst of a human disaster, instead of compassionate care, African Americans suffered labeling as "*refugees;*" blatant disparity of responses from the federal government to other victims of crisis, in the U.S. and abroad; denial of access to electronic voting; economic exploitation and loss of ancestral lands and properties; the inhumane treatment of the dead; and the continuing Maafa evidenced by the lack of just restoration of families and communities two years later.

African Americans are ancestrally and morally connected to the chain of events occurring on the continent of Africa. In the backdrop of the TASTS and the 1984-85 Berlin Conference, the continuing 19th century "Scramble for Africa" played an integral role in the partition of Africa and the division of its resources to the benefit of European and US interests. The Commission found that the legacy of colonialism and neo-colonialism is now manifesting as "a new 21st scramble for Africa."

Findings of several world research centers, trade organizations and the United Nations support his claim and caution about the continued subjugation and oppression patterns being manifested in new "decolonized" Africa. The current scramble by external forces, mainly from the Western powers and China, for unfettered access to Africa's resources and markets have unleashed a new challenge to which Africans of the Diaspora must address..

RESOLUTION ITEMS 5 and 7
FRAMEWORK FOR NEXT STEPS

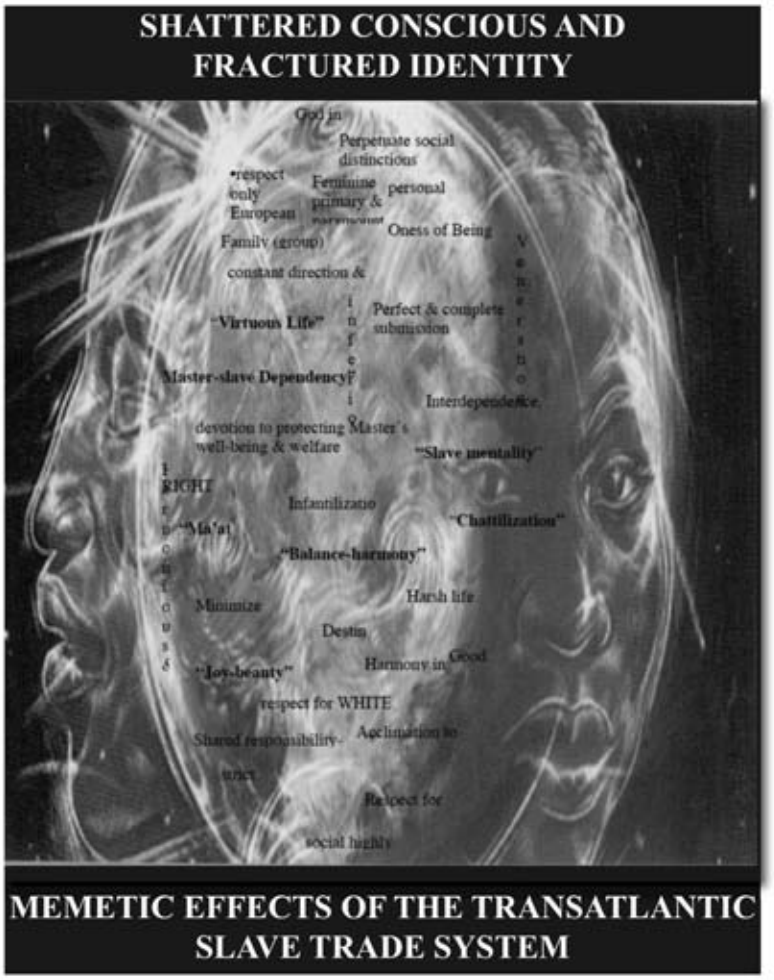
- ✓ The Commission take a leadership role in efforts to address understanding of the effects and aftermath of the TASTS upon Africa and Africans. This must be central to the task of redesigning curriculum, especially at the K-12 levels and impacting media and venues that provide "edutainment."

- ✓ The Commission provide leadership in organizing disconnected centers of African-centered research. There is a need to develop think tanks and centers of policy analysis grounded in African cultural and historical reality as well as in African American community present political and economic conditions.

- ✓ Two of the most critical factors that will shape the future has to do with African Americans taking control over their health and wellness and financial well being related to wealth production and utilization that supports community and collective sustainability. Through expanded linkages, the Commission should expand its research and policy analysis reach in these areas. The question becomes how does the "commodity" become an "investor" or "producer?"

- ✓ The Commission should undertake the envisioning of a public "To Be African-We Are Family Campaign" to counter the legacy and lingering effects of dehumanization and memetic infection of the TASTS.

- ✓ Through its continued research, the Commission contributes to the transformation and development of 21st century global ethic that affirms the human dignity of African people on the continent and throughout Diaspora. The agenda must include the goals of rebuilding a sense of community and solidarity, redirecting the energy of the faith communities, positive socialization of children and the participation and control of those institutions responsible for education and cultural transmission.


SHATTERED CONSCIOUS AND
FRACTURED IDENTITY
God in
Perpetuate social distinctions
•respect only European
Feminine primary &
personal
Family (group)
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constant direction &
"Virtuous Life"
Perfect & complete submission
Master-slave Dependency
Interdependence
devotion to protecting Master's well-being & welfare
"Slave mentality"
RIGHT
Infantilizatio
"Chattilization"
"Balance-harmony"
Harsh life
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Good
"Joy-beauty"
respect for WHITE
Acclimation to
Shared responsibility-
Respect for
social rights
MEMETIC EFFECTS OF THE TRANSATLANTIC
SLAVE TRADE SYSTEM

RESOLUTION ITEM 6

Resolution Item 6: ***Recommend appropriate ways to educate the general public of the Commission's findings.***

Public History is that history that is seen, heard, read, and interpreted by a popular audience. Public historians expand on the methods of academic history by emphasizing non-traditional evidence and presentation formats, reframing questions, and in the process creating a distinctive historical practice...Public History is also history that belongs to the public. By emphasizing the public context of scholarship, public history trains historians to transform their research to reach outside the academy"

(Description: New York University Press History Graduate Program)

RESOLUTION ITEM 6

KEY FINDINGS

Contrary to popular belief, the State of Illinois was a stakeholder in the TransAtlantic Slave Trade System. Grounded in strong historical scholarship, cultural expressions through art and ritual, the public history work products are an essential part of reclaiming, revising, rewriting and reconstructing previously accepted historiography that has distorted the facts and effects of the TASTS and dehumanized African peoples. "We are obligated to destroy myth and illuminate reality."

It is the responsibility of those engaged in public history to create, implement and disseminate scholarship via public programs, school curricula and other related sources such as public monuments, visits to sites of memory and access to primary and secondary sources.

The footprints of the Illinois legacy afford a unique opportunity for the State of Illinois to create a trail and historical marker program, both to reflect the evidences of the Maafa as well as the points and personalities of resistance that are also a part of the State's history.

The Commission is uniquely positioned to broaden outreach by using established channels, including publicly-supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic and professional organizations and institutions as well as notable scholars and professionals.

RESOLUTION ITEM 6
FRAMEWORK FOR NEXT STEPS

- ✓ The Commission should continue to build the public internet and collaborative intranet site as a means to transmit the on-going work products and findings of the Commission.

- ✓ The Commission can facilitate the creation of new public sites based on African historiography and principles outlined in the UNESCO Sites of Memory program.

- ✓ The Commission can continue to build assessable and appropriate research communities and networks that foster public history

- ✓ The Commission should initiate the development of resources, including but not limited to, K-12 curricula and extra-curricula materials, public performances and exhibits, a speakers bureau, public programming with established museums and other organizations, rituals and celebrations as a process of community healing, and a center of resources to support public history.

- ✓ The Commission will partner with The Academy of Scholars of the TransAtlantic Trade System to plan and host in Illinois a national conference around the bicentennial of President Lincoln's birthday in 2009 and a World Conference on The TransAtlantic Slave Trade System in 2010.

- ✓ The past and present role of the media and advertising in the memetic-complex of the TransAtlantic Slave Trade System warrant special attention. Commission efforts to offer trainings and consultations to professionals in this industry could be of great value.

- ✓ The Commission will initiate the creation of an archival center on the TransAtlantic Slave Trade System as a national historic treasure of this nation. Copies of the archives of the Defender and the Illinois newspaper industry are suggested as an integral focus of this archival center.

SANKOFA - GO BACK AND FETCH IT...
"REMEMBER THE ANCESTORS!"

Lexicon to Understanding
The TransAtlantic Slave Trade System

Paradigm of The TransAtlantic Slave Trade	Paradigm of The TransAtlantic Slave Trade System
Slave	**Enslaved African**
Primitive Culture	**African Civilization**
TransAtlantic Slave Trade	**TransAtlantic Slave Trade System**
Middle Passage	**Maafa**
Slavery	**Chattel Slavery**
Discovery	**Invasion**
Manifest Destiny	**Colonialization/Imperialism**
West Indies	**African Diaspora**
Religious Salvation	**Religious Indoctrination**
Freed blacks	**Blacks with privileges**
Slave Rebellion/Insurrection	**Liberation Struggle of Enslaved Africans**
Victims of discrimination	**Victims of Genocide**
Underdeveloped	**Impoverished**

ILLINOIS TRANSATLANTIC SLAVE TRADE COMMISSION

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OF
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WORK PRODUCTS SECTION

Institutional and Project Linkages

List of Works Submitted

TASTC Internet and Intranet

National and International Institutional and Project Linkages

Linkages to institutions located in the United States *

*Please note that all descriptions listed below are based upon each institutions own description.

Abraham Lincoln Presidential Library and Museum **Springfield, IL**
A public non-circulating research facility that contains material on all aspects of Illinois' history. The museum section of the institution communicates interpretation on the life and times of Abraham Lincoln.

African Burial Ground National Monument **New York, NY**
African Burial Ground National Monument serves to memorialize enslaved Africans, protect the located remains and seeks to promote a better understanding and honor the culture and vital contributions that generations of Africans and Americans of African descent have contributed to our Nation and the world.

American Slavery Institute of Gorée Island **Gorée Island, Senegal, Africa**
An academic forum to openly discuss such matters with the hopes of promoting slavery awareness, tolerance and understanding – key factors in working towards race reconciliation.

British Library **United Kingdom**
A technology rich library, which assists in the identification, analysis and dissemination of data, related to slavery and emancipation, past and present.

Brown University's Steering Committee on Slavery and Justice **Providence, RI**
A research project based upon inquiry on the University's role in the transatlantic slave trade, which offers recommendations aimed at academic and community enrichment.

Center for Anti-Slavery Studies **Montrose, PA**
A center engaged in the promotion of historical study and research to discover, collect and publish history relative to the Abolition and Underground Railroad activities in Northeastern PA during the period from 1800-1900.

Centre for the Advanced Studies of African Society **Cape Town, South Africa**
A center which promotes an international, comparative, and interdisciplinary approach to examine the cultural and social effects of the Transatlantic Slave Trade System, slavery, and resistance.

Charles H. Wright Museum of African American History **Detroit, MI**
A museum dedicated to the preservation of research, collections and collaborations to explore the diverse history and culture of African Americans.

Chicago Historical Society **Chicago, IL**
An institution working to preserve, exhibit and interpret millions of authentic pieces of U.S. and Chicago history.

The Deep South Humanities Center **Tulane, LA**
Tulane University The Regional Humanities
A center which seeks to serve as a major site for interaction between the education and humanities

communities with local, state and national agencies to promote and advance the dissemination of information, curriculum development, professional workshops and the development of interactive web ware.

DePaul University Cultural Center **Chicago, IL**
A center offering culturally oriented services and programs towards the promotion of the rich contributions that various cultures, races and ethnicities have made in the world.

Freedom Trails: Two Legacies of Hope **East St. Louis, IL**
Freedom Trails Legacies of Hope is framed around the historic Underground Railroad movement and other history including 19th & 20th century migration, and the role of people/places having significant affect upon African American heritage in Illinois, specifically, and American history in general.

Georgia State University **Atlanta, GA**
Department of Educational Policy Studies
Department of Educational Psychology and Special Education
As an institution where teaching, research and service are woven together to create a meaningful learning experience these department offer impart in relationship to research on the lingering effects in the area of education.

The Gilder Lehrman Center for the Study of Slavery, and Abolition **New Haven, CT**
A center which conducts ongoing research and dissemination on the investigation of knowledge concerning all aspects of chattel slavery and its destruction.

Howard University **Washington, DC**
The National Human Genome Center at Howard University is a comprehensive resource for genomic research on African Americans and other African Diaspora populations, distinguished by a diverse social context for framing biology as well as the ethical, legal, and social implications of knowledge gained from the human genome project and research on genome variation.

The Human Rights Center (HRC) **Berkeley, CA**
A center which works to protect and promote human rights worldwide by investigating and documenting human rights abuses and training the next generation of human rights researchers, policymakers, and advocates.

Human Rights Education Associates **Cambridge, MA**
An internet based international non-governmental organization that supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community building through on-line technologies.

Institute for the Advanced Study of Black Family Life and Culture, Inc. **Oakland, CA**
A community - based non – profit Black "think tank" and scientific, educational, training and research corporation specializing in the scientific, educational and cultural aspects of family life and human development.

Institute for Public Accuracy **San Francisco, CA**
An institute working to increase the reach and capacity of progressive and grassroots organizations (at no coast to them) to address public policy by getting them and their ideas into the mainstream media.

International Slavery Museum **United Kingdom**
A museum which seeks to look at the deep and permanent impact of slavery and the slave trade on Africa, South America, the USA, the Caribbean and Western Europe.

Jacob H. Carruthers Center for Inner City Studies **Chicago, IL**
Northeastern Illinois University
A interdisciplinary undergraduate and graduate program rooted in the disciplines of social sciences and humanities, with an emphasis on ethnic and racial issues as they apply to basic urban studies.

John Jay College of Criminal Justice **New York, NY**
A senior liberal arts college of the City University of New York that specializes in criminal justice and public service programs where faculty hold expertise in these areas which are germane to the research of the transatlantic slave trade.

Kemetic Institute **Chicago, IL**
The Kemetic Institute is a research and educational organization dedicated to the rescue and restoration of African civilization. Kemetic Institute programs include teaching about Africa for public school teachers, the Africa Forum Series, and the community classes on the history, culture and language of ancient Egypt.

Library of Congress **Washington, DC**
Holdings of a vast collection of resources, including make available a digital database, significant to the history of the Transatlantic Slave Trade System.

l'Université Cheikh Anta DIOP de Dakar **Dakar, Senegal, Africa**
An institution which provides scholarship pertaining to West African societies in response to globalization, development, and political and economic challenges. In addition, scholarship on following topics my serve the topic of the TASTS and its lingering effects: "Senegal: Social dynamics and the caste system", "Islam in Contemporary Senegal", "The African Traditional Religion and Christianity", "Women and Women Issues in Senegal", "African languages", "The Transfer of Cultures from West Africa to the American South".

McCormick Tribune Freedom Museum **Chicago, IL**
A local museum seeking to inspire visitors to better understand the freedom and value the role of First Amendment plays in protecting freedom for future generations.

Merseyside Maritime Museum **United Kingdom**
A valuable collection of materials directly relating to the transatlantic slave trade.This information is invaluable to the interpretation of numerous key issues tied to the transatlantic slave trade system and the maritime industry.

National Undergronnd Railroad Freedom Center
A partnership between the Freedom Center and the National Park Service (NPS) to make the history and stories of the Underground Railroad available to the widest possible audience.

Network to Freedom – National Park Service U.S. Department of the Interior
National Underground Railroad Network to Freedom Program
A program focused on the historical significance of the Underground Railroad in the eradication of slavery and the evolution of our national Civil Rights movement.

New York Historical Society **New York, NY**
This institution offers a history through the prism of New York. An integrated collection of documents and objects are suited for educational purposes, including special exhibits about the city's role in the transatlantic slave trade system.

Department of African American Studies **Philadelphia, PA**
Temple University
This institution is the first Ph.D. granting Department of African-American Studies in the world working to examine, analyze, interpret and affect the experiences, traditions, and dynamics of people of African descent and by extension, develop a fuller understanding of humankind.

Intef Institute/Karnak House **Ladbrooke Grove, London**
A platform providing a focus for educational activities which lend themselves to the subject area of African history and culture, while, Karnak House is the publishing arm offering several works from a range of topics pertinent to the study of African history and culture.

The New York Public Library **New York, NY**
A finely tuned network of institutions with a plethora of primary source documents on the TransAtlantic Slave Trade System, including documents no longer being published.

Per Ankh Publishers **Senegal, Africa**
A cooperative research and publishing institution that seeks to project unifying values developed over the millennial history of the African people, to incorporate them in well-made works of art and scholarship, and to disseminate them over the continent and throughout the world.

Samuel Dewitt Proctor Conference **Chicago, IL**
A center which works to strengthen the capacity and network of the African American faith community and its leaders to address the social justices issues and diparities.

Schomburg Center for Research in Black Culture **New York, NY**
A national research library devoted to collecting, preserving and providing access to resources documenting the history and experiences of peoples of African descent throughout the world.

UCLA School of Law **Los Angeles, CA**
An institution comprised of and producing experts in the field of the law. Scholars considered experts in such areas as Constitutional law, Civil Rights, Employment Discrimination and Critical Race Theory, as well as other highly contested issues as, international human rights.

UNESCO Transatlantic Slave Trade Education Project **Global**
A project seeking to enable young people to fully comprehend the past, understand the present and prepare a better future together in a world free of all types of stereotypes, enslavement, injustice, discrimination and prejudice.

Institute for the Study of Slavery, University of Nottingham **United Kingdom**
Area House Archives, Centre for Historical Documentation and Research Ahmadu Bello University

UGRR.org **Chicago, IL**
An Internet accessible site, which serves to identify actual Underground Railroad sites in Illinois; offers a narrative about those sites, as well as, lists locations and resources where further exploration of the subject may be explored.

University of Virginia **Richard, VA**
As an institution founded by Thomas Jefferson in 1819, this public University holds resources, which are of the utmost significance to many key areas of research pertaining to the entire system of the TransAtlantic Slave Trade System.

The Atlantic Slave Trade and Slave Life in the Americas: A Visual Record **Richard, VA**
A loaded Internet accessible collection of digital archival materials pertaining to the capture and enslavement of African people.

Vivian Hirsch Collection of Afro - American History and Literature **Chicago, IL**
A local Chicago area collection, which offers the largest African American history and literature collection in the Midwest. The collection contains a wealth of precious documentation pertaining to the African - American experience especially those connected to Illinois.

West Virginia University College of Law **Morgantown, WV**
An institution of higher learning where experts and students are engaged in exploring justice issues of the past and those yet to be uncovered.

Wilberforce Institute of the Study of Slavery and Emancipation **United Kingdom**
An institute examining the history of the slave trade and telling the stories of the millions of enslaved Africans who were take across the Atlantic 200 years ago, WISE acts as a platform to look at the wider context of modern social justice and human rights.

Without Sanctuary.org
A internet-based research and educational tool, which document the historical, cultural and social significance of this country's legacy of lynching.

List of Works Submitted

List of Works Submitted

1. *Nosology and Diagnostics in Eurocentric Psychiatry and Psychology: Foundation and Current Praxis in Racism* By: Samella Abdullah

2. *African Centered Curriculum Development: Intergenerational Transmission and Contextual Cultural Knowledge* By Kevin Bullard

3. *Early Christian Movements and the TransAtlantic Slave Trade System*
By Iva Carruthers

4. *the breach: BEARING WITNESS* By Report of the Katrina National Justice Commission, Samuel Dewitt Proctor Conference, Inc., Co – Editors Iva E. Carruthers and Bernice Powell Jackson

5. *The History of Slavery, Indenture & African Americans in Illinois*
Toni Costonie, Alice Hammond, Zada Johnson

6. *Mental Health (Multicultural Medicine and Health Disparities - Ch. 15)*
By Henry W. Dove, MD, Tanya R. Anderson, MD, and Carl C. Bell, MD

7. *Dehumanization of African Life and Its Lingering Effects*
By Dr. Harvette Grey

8. *The Role of Public History in Understanding the TransAtlantic Slave Trade*
By Maria Eliza Hamilton Abegunde and Lorenzo Pace, Ph.D.

9. *Concept Paper and Research Study Topics*
By Dr. Asa Hilliard III

10. *The Impact of Racism on Enslaved Black Mothers and the Implications for Birth Outcomes* By: Carleen Payne – Jackson

11. *The Need for a System Analysis of the TransAtlantic Slave Trade*
By: Dr. Leonard Jefferies

12. *Illinois TransAtlantic Slave Trade Research Implications*
By Prof. Yvonne Jones

13. *The Internal Effects of the European Transatlantic Slave Trade on the Continent of Africa* By Pa Baroucarr Joof

14. *Intellectual Warfare of Maria Stewart*
By Debra M. Johnson

15. *The Lynching in the Family - Trans-Generational Pain Examined*
By Doria Johnson

16. *Identifying Negative Psychological Psycho-social Behavioral and Mental Health Lingering Effects* By Kobi Kambon

16. *The 21st Century Scramble for Africa*
By Margaret Lee

17. *The Trans-Saharan Slave Trade*
By Prof. Ben Levi

18. *The Plausibility of the Syndrome of Sociopathy*
By Kenneth S. Nave, MD

19. *The Atlantic Slave Trade: American Education and the Aftermath of Chattel Slavery*
By Dr. Harold Pates

20. *A Matter of Semantics: Reexamining Illinois, Slavery, Servitude and the Law*

21. *Methodological & Research in an African Historiographical Context*
By Dr. Anderson Thompson

22. *Slave Laws, Various Industry Research and Government Involvement*
By Barbara Winborne

List of Graduate Student Works Submitted

The Sugar Coated Truth about Sugar and Tea: How British Social Life Shaped the Western World By Joulaika Buchan

Inked: The Stain of Print Media Upon Black Life, 1785 -1808, A Study of the Portrayal of African Life As Reported By The Times (of London) During the TransAtlantic Slave Trade Era
By Kesha Daniels

The Anglican Church's Involvement in Slavery on the Island of Barbados
By Cynthia Dowdy

Understanding Why African Rulers Participated in the TransAtlantic Slave Trade
By Oscar Lester

The English and French Colonial Rum Industry
By Jazell Smith

Public Internet and Research Intranet

One of the critical work products that supports this research process involved the design and development of robust intranet and internet sites to facilitate collaborative national and international research as well as execute the public dissemination process required of the legislation. To that end, the TASTC undertook an assessment process of the research stakeholders as well as others engaged in public education and information dissemination projects. Based on that needs assessment, a contractor was selected and hired and an intranet and internet design was agreed upon and developed.

The intranet affords the Commissioners, expert professionals and scholars to engage in collaborative research. A search engine is embedded in the tool to more efficiently connect our findings and research links. A number of appropriate domain names have been secured that afford the Commission state and national identity as a project. This robust tool is still in the final development stages of identifying the language translation tool that can expand the possibilities of research sources and participation of other researchers.

The TASTC has launched the public site and is growing and enhancing that site on a regular basis. We have begun to post educational resources, especially those work products most related to the history and narrative of Illinois.

To example the infrastructure of the Internet and Intranet sites, sample screens of the site follow.

Illinois Transatlantic Slave Trade Commission
Home | About us | Contact us | For Staff | Site Map
Home
search
Commisson
Commissioners
Legislation
Background Material:
1 Overview of the Transatlantic slave trade
2 Slavery in the United States
Data Base
Our Mission
In 2005, the Illinois State Legislature embraked upon an ambitious and groundbreaking project that could serve as a model for the entire nation. At that time, Legislation was enacted to form the Illinois Transatlantic Slave Trade Commission.
The Commission is charged with preparing a study of the Transatlantic Slave Trade and its past and present effects on African-Americans. The Commission will submit recommendations for addressing the problems and educating the general public.
This web site is one of many resources the Commission intends to employ to fulfill its mission.
News and Events
New ...
Visit our Photo Gallery to view photos of recent Commission events.
Links
Links to sites that contain Slavery-related information and photos.

Home | About us | Contact us | For Staff | Site Map
About Us
home / About Us /
search
Commisson
Commissioners
Legislation
Background Material:
1 Overview of the Transatlantic slave trade
2 Slavery in the United States
Data Base
Project Team
About Us
Project Management
The Illinois Transatlantic Slave Trade Commission project is managed by the Jacob H. Carruthers Center for Inner City Studies. Professor Conrad W. Worrill, Ph.D is the Director of the Center for Inner City Studies. Dr. Anderson Thompson is the project's Director of Research and Evaluation.
Jacob H. Carruthers Center for Inner City Studies
The Jacob H. Carruthers Center for Inner City Studies (CCICS), located on Chicago's Southside, is a satellite facility of Northeastern Illinois University. As one of the academic programs within the University's College of Education, the Center examines the major social, political, economic, and cultural forces that impact inner city communities in America, and around the world.

Untitled Document - Windows Internet Explorer
Reports
home / Slavery in the United States
search
Commisson
Commissioners
Legislation
Background Material:
1. Overview of the Transatlantic slave trade
2. Slavery in the United States
Data Base
Project Team
Photo Gallery
Slavery in the United States
Black Pioneers and Freedom Fighters
By Toni Costonie with the assistance of Zada Johnson
Native Americans of Illinois
& Their Relationship with African-Americans
By Toni Costonie with the assistance of Zada Johnson
Slave Cities and Counties in Illinois
By Toni Costonie with the assistance of Zada Johnson
Black Laws – Illinois laws established in 1853 for the express purpose of prohibiting "free Negroes and Mulattoes" from entering the state.
Constitutional debate of 1847 over a proposed amendment designed to prohibit escaped slaves from entering the state and to make it a crime for anyone to bring slaves into the State from other States and set them free.

Illinois Transatlantic Slave Trade Commission – Illinois Black Laws - Windows Internet Explorer
11. African American Almanac
http://www.toptags.com/aama/
The AFRO-American Almanac ® is an on-line presentation of the African in America. A historical perspective of a nation, its people, and its cultural evolution. From the beginning of the slave trade through the Civil Rights movement, to the present. Information that will give you a better understanding of the problems we face today as a nation.
12. Smithsonian's list of African American sites
http://www.si.edu/resource/faq/nmah/afroam.htm
13. African American Registry
http://www.aaregistry.com/
The African American Registry® is a calendar-based series of summary articles covering Black American history and accomplishments before the Mayflower to the present.
14. The Hartford Black History Project
The Hartford Black History Project is a community-based non-profit operation that celebrates the contribution of the Black community to Hartford's history.

Illinois Transatlantic Slave Trade Commission

Home | About us | Contact us | For Staff

Commissioners

The following individuals have been appointed to serve as Commissioners of the Illinois Transatlantic Slave Trade Commission

Commissioner	Address	Appointed By
1. Dr. Carol Adams Secretary IDHS	Illinois Department of Human Services 401 S. Clinton-7th Floor Chicago, IL 60607	Rod R. Blagojevich Governor
3. Dr. Philip J. Bowman Director & Professor	Natl. Center for Institutional Diversity University of Michigan 3239 School of Education Building 610 East University Ann Arbor, MI 48109-1259	Michael J. Madigan Speaker of the House
4. Hon. Judge Benetta D. Bush	Circuit Court of Cook County 2008 Richard J. Daley Center Chicago, IL 60602	Emil Jones, Jr. Senate President
5. Dr. Ira E. Carruthers Secretary General Senior Research Consultant	Samuel DeWitt Proctor Conference, Inc. 4533 S. Lake Park Avenue Chicago, IL 60653	Emil Jones, Jr. Senate President
6. Dr. Asa G. Hilliard, III Professor	Georgia State University 3360 Se Henry Street East Point, Georgia 30344	Emil Jones, Jr. Senate President

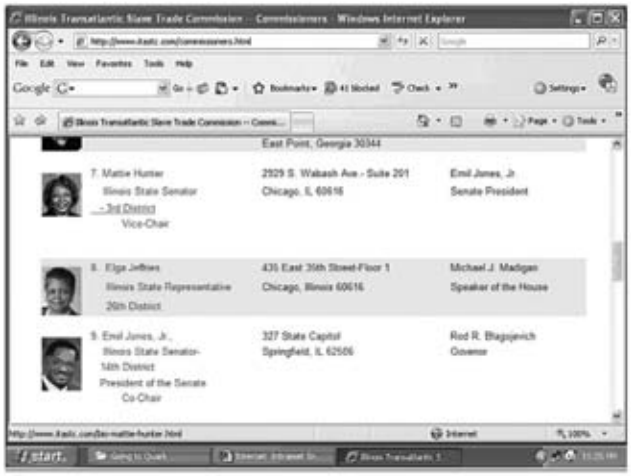

East Point, Georgia 30344
7. Mattie Hunter
Illinois State Senator
- 3rd District
Vice-Chair
2929 S. Wabash Ave - Suite 201
Chicago, IL 60616
Emil Jones, Jr
Senate President
8. Elga Jeffries
Illinois State Representative
26th District
435 East 35th Street-Floor 1
Chicago, Illinois 60616
Michael J. Madigan
Speaker of the House
9. Emil Jones, Jr.,
Illinois State Senator-
14th District
President of the Senate
Co-Chair
327 State Capitol
Springfield, IL 62506
Rod R. Blagojevich
Governor

Image:
Event:
Description:
Photo by:

ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image:
Event:
ITSTC Meeting of 10/4/06
Description:
From left to right: (seated) Josef Ben-Levi, ITSTC Researcher, (standing) Prof. Yvonne Jones, ITSTC Commissioner, and (seated in foreground) Dr. Kobi Kambon, ITSTC Researcher (Court reporter seated in rear)
Photo by:
William Wallace

ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image:
#22
Event:
ITSTC Meeting of 10/4/06
Description:
Dr. Asa Hilliard, II, ITSTC Commissioner
Photo by:
William Wallace

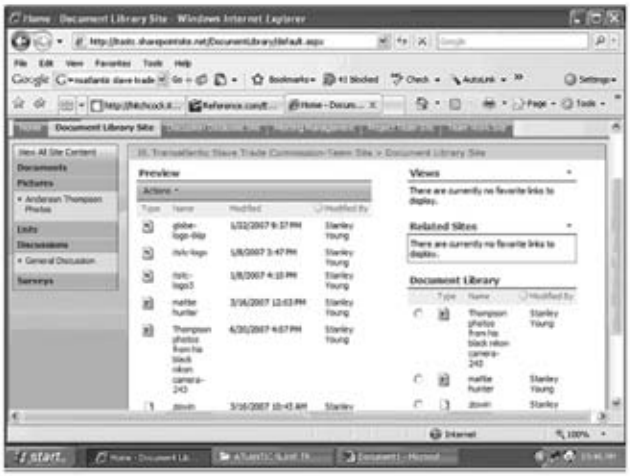
ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image:
Event:
ITSTC Meeting of 10/4/06
Description:
Tom Cosbone (standing) and Carleen E. Payne-Jackson (seated) – both ITSTC Researchers
Photo by:
Wilsen Wallace

ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image:
Event:
ITSTC Meeting of 10/4/06
Description:
Dr. Conrad Worrill, CCICS Director and ITSTC Commissioner
Photo by:
Wilsen Wallace

ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image: #27
Event: ITSTC Meeting of 10/4/06
Description: (Left) Senator Donne Trotter, ITSTC Commissioner, and (Right) Dr. Harold Pales, ITSTC Researcher
Photo by: William Wallace

ITSTC Meeting of October 4, 2006 - Windows Internet Explorer
Image: #25
Event: ITSTC Meeting of 10/4/06
Description: (From left to right) Atty. Standish Willis, ITSTC Researcher, Rep. Eddie Washington, ITSTC Commissioner & Vice-Chair, Senator Donne Trotter, ITSTC Commissioner, and Rep. Karen Yarbrough, ITSTC Commissioner
Photo by: William Wallace

Home - Ill. Transatlantic Slave Trade Commission Team Site - Windows Internet Explorer
Ill. Transatlantic Slave Trade Commission-Team Site
ITSTC Announcements
Illinois Transatlantic Slave Trade Commission


Home - Document Library Site - Windows Internet Explorer
Document Library Site
Preview
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APPENDIX A

Illinois Black Codes and Laws

APPENDIX A

ILLINOIS BLACK CODES

Excerpted Illinois Black Codes

Section 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Section 2. That all power is inherent in the people, and all free governments are founded on their authorityand instituted for their peace, safety, and happiness.

Section 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever controlor interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

Section 4. That no religious test shall ever be required as a qualification to any office or public trust underthis state.

Section 5. That elections shall be free and equal.

Section 6. That the right of trial by jury shall remain inviolate.

Section 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general warrants whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dj111gerous to liberty, and ought not to be granted.

Section 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. And all land which have been granted as common to the inhabitants of any town, hamlet, village or corporation, by any persons, body politic or corporation, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation: and the said commons shall not be leased, sold or divided under any pretence whatever: Provided, however, that nothing in this shall be so construed as to affect the commons of Cahokia or Prairie du Pont: Provided also, that the general assembly shall have power and authority to grant the same privileges to the inhabitants of the said villages of Cahokia and Prairie du Pont as are hereby granted to the inhabitants of other towns, hamlets, and villages.

Section 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor. And in prosecutions by indictment or information a speedy public trial by can impartial jury of the vicinage: and that he shall not be compelled to give evidence against himself.

Section 10. That no person shall, for any indictable offence, be proceeded against crim-

inally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

Section 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall anyman's property be taken or applied to public use, without the consent of his representatives in the general assembly, nor without just compensation being made to him.

Section 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Section 13. That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus ~hall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

Section 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind.

Section 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed bylaw, or in cases where there is strong presumption of fraud.

Section 16. No ex post facto law, nor any law impairing the validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

Section 17. That no person shall be liable to be transported out of this state for any offence committed within the same.

Section 18. That a frequent recurrence of the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

Section 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

Section 20. That the mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of property he or she has in his or her possession.

Section 21. That there shall be no other banks or monied institutions in this state but those already provided by law, except a state bank and its branches, which may be established and regulated by the general assembly of the state as they may think proper.

Section 22. ...branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

Section 23. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public infol1Tlation, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right of determining both the law and the fact, under the direction of the court as in other cases.

NUMBER 2
Constitution of Illinois, Article 6, 1818.

Section 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

I Declaration of rights Illinois set forth a bill of rights in is constitution, enumerating legal rights that could be abridged by the state or its citizens. Illinois also prohibited slavery in compliance with Article 6 of the Northwest Ordinance of 1787. It was possible for Illinois to extend civil rights to African Americans during its territorial phase and the early years after statehood. The state, however made it easy for whites to bring in slaves under the guise of indentured servitude. Illinois required emigrating slave holders to only sign labor contracts with each servant brought into the state. This principle of freedom and bondage in Illinois may seem contradictory even though the majority of whites never pretended to be liberal towards blacks. Most whites wanted Illinois to be a state exclusively for persons of European ancestry.

Also wanting cheap laborers the whites circumvented Article 6 in the Ordinance. Without cheap laborers, some planters reasoned, Illinois would face a tough time reaching its agricultural potential. Consequently, Illinois proclaimed Jeffersonian notions about freedom, while rejecting equality between blacks and whites. The state constitution approved this dual policy inaugurated by the territorial legislature in 1803, and later refined by the general assembly of Illinois.

Number 1
Constitution of Illinois, Article 8, 1818
That the general, great and essential principles of liberty and free government may be recognized and unalterably established we declare and shall be armed, equipped and trained as the general assembly may provide by law.

NUMBER 3
Militia.
Approved March 3, 1845, Revised Statutes.

Section 1. All free white male inhabitants, resident in this State, who are or shall be of the age of eighteen, and under the age of forty-five years, except as hereinafter excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, within ten days after he shall be informed of such residence; and also, those who may from time to time arrive at the age of eighteen, who shall reside in the bounds of his company; and shall without delay notify such person by an officer or non-commissioned officer of the company; and every such person so notified shall, within six months thereafter, provide himself with a good musket, fuzee or rifle,

with proper accoutrements. The field officers, ranking as commissioned officers, shall be armed with a sword and pair of pistols, and the company officers with a sword; and every person so enrolled, and providing himself with arms and accoutrements required as aforesaid, shall hold the same exempt from execution, distress, or for tax: Provided, No private shall be compelled to appear on parade with arms unless he actually has them.

III Suffrage and Elections

Only white males were eligible to vote in Illinois. Unable to choose representatives or hold political office themselves, blacks were left at the mercy of whites. Like in other states of the Old Northwest, race prejudice influenced lawmakers who wanted not only to discourage the emigration of free blacks or runaway slaves, but also to oppress African Americans already in Illinois. The state legislature did not want to offer any illusion of freedom to African Americans; slave or free. The state's suffrage and election laws, therefore, were an important feature of the racial policy of Illinois.

NUMBER 1

Census. March 3, 1845, Revised Statutes.

Section 5. Each commissioner shall commence taking such enumeration on the first day of July in each year in which such enumeration is required to be taken, and shall ascertain and set down in a book to be kept for that purpose, in a convenient tabular form, the following facts: The number each, of white males and females of ten years of age and under; over ten and not over twenty; over twenty and not over thirty; over thirty and not over forty; over forty and not over fifty; over fifty and not over sixty; over sixty and not over seventy; over seventy and not over eighty; over eighty and not over ninety; over ninety and not over one hundred; over one hundred: Also, the number of white male persons between the ages of eighteen and forty-five years, subject to military duty: Also, each, of free male and female persons of color, of all ages; of indentured or registered servants and their children; of French negroes and mulattoes held in bondage: Also, the number of manufactories of every kind, and the annual product of each kind; the number and annual product of coal mines; the value of live stock; value of grains produced; value of all other agricultural products; the number of pounds of wool; number of mills and distilleries; the number of universities or colleges; academies and grammar schools, and common schools, with the number of pupils in each.

Section 10. Each free person, over the age of sixteen years, whether heads of families or not, belonging to any family within any county, made or established in this state, shall be and hereby is obliged to render to the commissioner appointed in said county, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by action of debt, by such commissioner, for the use of the proper county: Provided, That in all cases where any such fine shall be assessed against any minor or minors, the same shall be paid by his, her or their parent or guardian; and in case of his or her refusal to pay the same, an attachment maybe issued to enforce the payment thereof.

NUMBER 2

Constitution of Illinois, Article 6, 1848.

Section 1. In all elections every white male citizen above the age of 21 years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

Section 2. All votes shall be given by ballot.

Section 3. Electors shall, in all cases, except treason, felony or breach of .the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Section 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

Section 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of this state.

Section 6. No soldier, seaman or marine in the army or navy of the United States, shall be deemed resident of this state in consequence of being stationed at any military or naval place within the state.

Section. 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next before the election or appointment.

Section 8. The general assembly shall have full power to pass laws excluding from the right to suffrage persons convicted of infamous crimes.

Section 9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

Servants and Slaves

Illinois sanctioned a form of slavery during its territorial period, whereby emigrating whites could bring into the territory and maintain control over them. Imitating the slave codes of the South, Illinois authorized masters to punish slothful servants. Black residents could also employ servants in Illinois, just as they could own slaves in the Southern states. They could not, however, own a white servant. The state set free any whites servant purchased by a black. Illinois law also approved the employment of hired-out slaves, a practice that extended legal slavery far beyond the south.

NUMBER 1

An act concerning Negroes and Mulattoes. Approved December 22, 1814, Illinois Acts.

Whereas the erection of mills and other valuable improvements are greatly retarded in this Territory, from the want of Laborers, and whereas also experience has proved that the manufacture of salt in particular, at the United States Saline cannot be successfully carried on by white laborers, and it being the interest of every description of inhabitants to afford every facility to the most extensive manufacture of that article, so necessary to them all, that the most natural means of obtaining a certainty of the necessary supplies thereof at the lowest price. .

Section 1. Be it enacted by the Legislative Council and house of Representatives of the Illinois

Territory, and it is hereby enacted by the authority of the same that if any slave whatsoever, shall voluntarily hire himself or herself, within the Territory, by the consent of his or her master, for any term not exceeding twelve months, his other continuance in the Territory according to such hiring shall not operate in any way whatever to injure the right of property in the master, in and to the services of such slave or slaves, Provided however that in all such cases such slave or slaves shall be examined privately, separate and apart from his or her owner by a Justice of the peace or any clerk of a court, as to his or her voluntary consent, and a certificate of such Justice or clerk shall be conclusive evidence of such Voluntary consent, and may be admitted to record, and provided that said slave or slaves, shall forth time being, be considered and treated as indented servants. This act shall commence and be in force from the passage thereof.

NUMBER 2
Constitution of Illinois, Article 6, 1818.

Section 2. No person bound to labor in any other state shall be hired to labor in this State, except within the tract reserved for the salt-works near Shawnee town; nor even at that place for a longer period than one year at anyone time; nor shall it be allowed there after the year 1825. Any violation of this article shall effect the emancipation of such person from his obligation to service.

Section 3. Each and every person who has been bound to service by contract or indenture in virtue of the laws of Illinois Territory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the aforesaid laws shall serve out the time appointed by said laws:P1:ovided, however, That the children hereafter born of such person, negroes or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth of said child.

NUMBER 3
An act to license and regulate taverns. Approved February 27, 1819, Revised Laws.

Section 8. And be it further enacted, That no person shall, by any means, presume to furnish, supply, or sell to any bond servant or slave, any rum, brandy, spirits, or any other strong liquors, or strong water, mixed or unmixed, either within or without doors, nor shall receive, harbor, or entertain any slave or servant in or about his/her, or their houses, without special license had and obtained under the hand of such master or mistress of such slave or bond servant respectively, under the penalty, for the first offence, of three dollars, and for every succeeding offence, four dollars, to be recovered before anyone of the justices of the peace of the county where the offence is committed, on the proof of one or more credible witnesses, or upon the view of any justice within the respective counties where the act shall be committed.

NUMBER 4
An act to amend an act entitled "An act respecting free Negroes, mulattoes, servants, and slaves."

Approved January3, 1825. Laws of Illinois.

Section 1. Be it enacted by the people of the state of Illinois represented in the General Assembly, That any person who may have failed or neglected to comply with the provisions of the third section of the act above recited, and to which this is an amendment, shall be, and they are hereby released and entirely discharged from any penalty incurred under the provisions of the said act, or from any verdict or judgment rendered against them in any of the counties of this state: Provided always, That such person or persons. shall, within sixty days after the passage of this act, enter into bond, agreeably to the provisions of the said act, to the county commissioners of the county wherein such penalty may have been incurred, or verdict or judgment rendered, to indemnify the said county from any charge or liability, of any description whatsoever, heretofore incurred, or that may hereafter be incurred, on account of the emancipation of any person or persons of the description in the said act named, and on the further condition of the payment of all costs of suit accumulated by or under any prosecution instituted against such person for an infringement of the said third section of the act to which this is an amendment.

NUMBER 5

An Act to amend an act, entitled "An act respecting free Negroes, mulattoes, servants and slaves."

Approved February I, 1831, Laws of Illinois.

Section 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That no black or mulatto person shall hereafter be permitted to come and reside in this State, until such person shall have given bond and security, as is required in the first section of the act to which this is an amendment. Any person who shall hereafter bring into this State, any black or mulatto person, in order to free him or her from slavery, or shall directly, or indirectly, bring into the State, or aid or assist any person in bringing any such black or mulatto person to settle or reside therein, shall be fined one hundred dollars, on conviction, or indictment, or before any justice of the peace in the county where such offense shall be committed.

NUMBER 6

Tavern keepers selling to slaves. Revised Statutes, (1833).

Section 130. Every tavern keeper, or other retailer of spirituous liquors, who shall barter, sell, or exchange, any wine, rum, gin, brandy, whiskey, or other spirituous liquors, to any black or mulatto servant or slave, without the consent of the master or mistress of such servant or slave, and every person, whether a tavern keeper or not, who shall sell, barter, or exchange any wine, rum, gin, brandy, whiskey, or other spirituous or mixed liquors, to any Indian or Indians in this State, shall, on conviction, be fined in the sum of ten dollars for each offence.

NUMBER 7

Apprentices.

Approved March 3, 1845, Revised Statutes.

Section 10. The age and time of service of every apprentice or servant shall be inserted

in his or her indentures; but if such age shall be unknown, then it shall be inserted according to the best information, which age shall, in relation to the term of service, be deemed and taken as the true age of such minor.

Section 11. In all indentures it shall be provided that the master or mistress shall cause such clerk, apprentice or servant, to be taught to read and write, and the ground rules of arithmetic; and shall also, at the expiration of such term of service, give to such apprentice a new Bible, and two complete suits of new wearing apparel, suitable to his or her condition in life: Provided, That if such minor be a negro or mulatto, it shall not be necessary to require that he or she taught to write or the knowledge of arithmetic.

NUMBER 8
Attachments in circuit courts.
Approved March 3, 1845, Revised Statutes.

Section 24. When any sheriff or other officer shall serve an attachment on slaves, or indentured or registered colored servants, or horses, cattle or livestock, and the same shall not be immediately relieved or restored to the debtor, it shall and may be lawful for such officer to provide sufficient sustenance for the support of such slaves indentured, or registered colored servants, and live stock, until the same shall be sold, or otherwise legally disposed of, or discharged from such attachment He shall receive therefore a reasonable compensation, to be ascertained and determined by the court out of which the attachment issued, and the same shall be charged in the fee bill of such officers, and shall be collectable as part of the costs in the attachment.

NUMBER 9
Embezzlement by servants. Approved March 3, 1845, Revised Statutes.

Section 70. If any clerk, apprentice or servant, whether bound or hired, to whom any money, bank bill or note, or goods or chattels, shall be entrusted or delivered by his or her master or mistress, shall withdraw himself or herself from his or her master or mistress, and go away with the said money, bank bill or note, or goods or chattels, or any part thereof, with intent to steal the same, and defraud his or her master or mistress thereof, contrary to the trust and confidence in him or her reposed by his or her said master or mistress, or being in the service of his or her said master and mistress, shall embezzle the said money, bank bill or note, goods or chattels, or any part thereof, or otherwise shall convert the same to his or her own use, with like purpose to steal the same, every such person so offending shall be deemed guilty of larceny, and be punished accordingly.

NUMBER 10
Offenses relative to slaves, indentured servants, and apprentice, Approved March 3, 1845, Revised Statutes.

Section 151. If any keeper of a public house or retailer of spirituous liquors, shall receive, harbor, entertain or trust any minor or apprentice within the age of twenty-one years, or any servant or slave, knowing them to be such, after having been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or slave, in the presence of one or more credible witnesses; every such keeper of a public house,

or retailer of spirituous liquors as aforesaid, so offending, shall, upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his or her license.

NUMBER 11
Day laborers. Approved February 17, 1857, Session Laws.

Section 1. That the county commissioners' courts of the several counties in this state, at the March term annually, shall fix and cause to be entered upon the records of their courts, a certain number of days, not exceeding five nor less than two, that each and every able bodied man, between the ages of twenty-one and fifty years (men of color not excepted), shall labor on some public road within the county during the year; and it shall be the duty of the clerk of said court to certify the number of days fixed as aforesaid in the notice to each supervisor appointed in said county.

Immigration and Residency

Lawmakers in Illinois had placed limits on black emigration since the territorial period. An 1813 statute also discouraged free blacks from entering Illinois. Penalties for violating immigration and residency laws included corporal punishment. To obtain legal residence, a black emigrant had to produce a certificate of freedom and post a bond for his welfare and behavior. Before statehood, the law also required black residents to register with a country clerk, and forbade a slave holder from bringing an enslaved black to Illinois in order to emancipate the person. These statues also denied free blacks and whites civil rights by outlawing interracial marriages or any sort of cohabitation between blacks and whites.

NUMBER 1
An act to prevent the migration of free Negroes and mulattoes into this Territory and for other purposes.
Approved December 8, 1813, Laws of Illinois.

Section 1. Be it enacted by the Legislative Council and House of Representatives of the Illinois Territory That it shall not be lawful for any free negro or mulatto to migrate in this Territory, and every free negro or mulatto who shall come into this Territory contrary to this act shall and may be apprehended and carried by an citizen before some Justice of the peace of the county where he shall be taken; which Justice is hereby authorized to examine, and order to leave the Territory every such free negro or Mulatto, which said free negro or Mulatto shall be allowed from the time of his examination before the Justice of the peace fifteen days to depart from the Territory, and if after the expiration of the said fifteen days he or she shall be found in the Territory he or she shall be carried before a Justice of the peace who shall order him or her to be whipped on his or her bare back not exceeding thirty-nine stripes nor less than twenty-five stripes and if he or she shall thereafter remain in the Territory fifteen days he or she may be punished in the same manner as aforesaid and so on as long as be or she shall refuse or fail to depart from the .Territory.

Section 2. Be it further enacted that all free negroes and Mulattoes now riding in the Territory shall within six months after the passage of this act apply to the clerk of the court of Common Pleas of the County in which such Negro or mulatto may reside to be registered and

numbered by the clerk, which register shall specify the name, age, color, and stature of said free negro or mulatto, a copy of which register signed by the clerk shall be delivered to the said free Negro or mulatto for which the clerk shall demand of him or her the sum of fifty cents--Provided however that no negro or mulatto as aforesaid, shall claim the benefit of this section until he, she, or they produce to such clerk satisfactory evidence that he, she, or they is, or are entitled to freedom-Provided also that no negro or mulatto who is claimed as a servant or slave by any person or persons shall be entitled to the benefit of this section.

Section 3. Be it further enacted that if any such Free negro or mulatto being of the age of twenty-one years shall neglect to procure such certificate it shall be the duty of any Justice of the Peace of the county wherein he or she may be found to order him or her to leave the Territory as in the first section of this act, and the said free negro or mulatto shall be subject to the same penalties for refusing to leave the Territory as is provided in the first section of this act.

Section 4. Be it further enacted that if any such free negro or mulatto shall hereafter be convicted before any Justice of the peace of the county where the offence was committed, of stealing, or harboring runaway Negroes or mulattoes or slaves belonging to persons either in this Territory or elsewhere. The said Justice of the peace whose duty it shall be to take cognizance of such offenses, shall order him or her to receive on his or her bareback not less than thirty-nine nor more than fifty lashes and the Justice shall order him or her to depart from Territory in thirty days, and if such free negro or mulatto shall neglect to depart accordingly, he or she shall be dealt with in the same manner as is provided in the first section of this act

Section 5. Be it further enacted that any such free negro or mulatto who is required by this act to register with the said clerk in the same manner all such free negroes or mulattoes residing with him or her as may be under the age of twenty-one years. And on failure thereof such free negroes and mulattoes being under the age of twenty-one years may be carried before the court of common pleas of the county, whose duty it shall be to bind them out until they attain the age of twenty-five years. This act to commence and be in force from and after the passage thereof.

NUMBER 2
An act to amend an act entitled
"An act respecting free Negroes, mulattoes, servants and slaves."
Approved January17, 1829, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no black or mulatto person shall hereafter be permitted to come and reside in this State, until such person shall have given bond and security, as is required in the first section of the act to which this is an amendment. Any person who shall hereafter bring into this State, any black or mulatto person, in order to free him or her from slavery, or shall directly, or indirectly, bring into the State, or aid or assist any person in bringing any such black or mulatto person to settle or reside therein, shall be fined one hundred dollars, on conviction, or indictment, or before any justice of the peace in the county where such offence shall be committed.

NUMBER 3
An act in relation to free Negroes and Mulattoes.
Approved February 19, 1841, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every black or mulatto person, being a native of this State; and residing within the same, may at any time enter his or her names, together with the names of his or her family, with the clerk of the circuit court of the county in which he or she may reside, together with the evidence of his or her freedom, which shall be entered on record by said clerk, together with a description of all such persons; and thereafter the clerks' certificate of such record shall be prima facia evidence of his or her freedom and offer them the same protection, and have the same effect in law, as is given to certificates granted in the pursuance of the fourth section of the act entitled "An act respecting free negroes, mulattoes, servants and slaves," approved, March thirtieth, one thousand eight hundred and nineteen: Provided, nevertheless, That nothing herein Contained shall be construed to bar the lawful claim of any person or persons to any such negro or mulatto.

NUMBER 4
Negroes and mulattoes. Approved March 3, 1845, Revised Statutes.

Section 1. No black or mulatto person, shall be permitted to reside in this State, until such person shall produce to the county commissioners' court where he or she is desirous of settling, a certificate of his or her freedom; which certificate shall be duly authenticated in the same manner that is required to be done, in cases arising under the acts and judicial proceedings of other States. And until such person shall have given bond, with sufficient security, to the people of this State for the use of the proper county, in the penal sum of one thousand dollars, conditioned that such person will not, at any time, become a charge to said county, or any other county of this State, as a poor person, and that such person shall, at all times, demean himself or herself, in strict conformity with the laws of this State that now are or, thereafter may be enacted; the solvency of said security shall be approved by said clerk. The clerk shall file said bond, and if said bond shall in any condition thereof be broken, the whole penalty shall become forfeited, and the clerk, on being informed thereof, shall cause the said bond to be prosecuted to effect. And it shall be the duty of such clerk to make an entry of the certificate so produced and indorse a certificate on the original certificate, stating the time the said bond was approved and filed; and the name and description of the person producing the same; after which it shall be lawful for such free negro or mulatto to reside in this State.

Section 2. If any person shall harbor such negro or mulatto as aforesaid, not having such certificate, and given bond, and taken a certificate thereof, or shall hire, or in anywise give sustenance to such negro or mulatto, not having such certificate of freedom, and of having given bond, shall be fined in the sum of five hundred dollars, one-half thereof to the use of the county, and the other half to the party giving information thereof: Provided, This section shall not affect any negro or mulatto who is now a resident of this State.

Section 3. It shall be the duty of all free negroes and mulattoes who shall come to reside in this State, having a family of his or her own, and having a certification of freedom mentioned in the first section of this chapter, to give to the clerk of the county commissioners' court, at the time of making an entry of his certificate, a description with the name and ages of

his, her, or their family, which shall be stated by the clerk in the entry made by him of such certificate; and the clerk shall also state the same on the original certificate: Provided, however, That nothing contained in this or the preceding section of :his chapter, shall be construed to prevent the overseers of the poor in any township from causing any such free negro or mulatto to be removed, who ;hall come into this State contrary to the provisions of the statute concerning he poor.

Section 4. Every black or mulatto person (slaves and persons held to service excepted) residing in this State, shall enter his or her name, (unless hey have heretofore entered the same,) together with the name or names of his or her family, with the clerk of the county commissioners' court of the county in which they reside, together with the evidence of his or her freedom; which shall be entered into the record by the said clerk, together with a description of all such persons; and thereafter the clerk's certificate of such ,record shall be sufficient evidence of his or her freedom: Provided, That nothing in this chapter contained, shall be construed to bar the lawful claim of any person or persons to any such negro or mulatto.

Section 5. Every black or mulatto person who shall be found in this State, and not having such a certificates is required by this chapter, shall be deemed a runaway slave or servant, and it shall be lawful for any inhabitant of this State, to take such black or mulatto person not produce such certificate as aforesaid, it shall be the duty of such justice to cause such black or mulatto person to be committed to the custody of the sheriff of the county, who shall keep such black or mulatto person, and in three days after receiving him, shall advertise him, at the court house door, and shall transmit a notice, and cause the same to be advertised for six weeks in some public newspaper printed nearest to the place of apprehending such black person or mulatto, stating a description of the most remarkable features of the supposed runaway, and if such person so committed shall not produce a certificate or other evidence of his freedom, within the time aforesaid, it shall be the duty of the sheriff to hire him out for the best price he can get, after having given five days previous notice thereof, from month to month, for the space of one year; and if no owner shall appear and substantiate his claim before the expiration of the year, the sheriff shall give a certificate to such black or mulatto person, who, on producing the same to the next circuit Court of the county, may obtain a certificate from the Court stating the facts and the person shall be deemed a free person, unless he shall be lawfully claimed by his proper owner or owners thereafter. And as a reward to the taker up of such negro, there shall be paid by the owner, if any, before he shall receive him from the sheriff, ten dollars, and the owner shall pay to the sheriff for the justice, two dollars, and reasonable costs for taking such runaway, as other prisoners. Provided, however, That the proper owner, if any there be, shall be entitled to hire any such runaway from the sheriff, after deducting the expenses of the same: And, provided also, That the taker up shall have a right to claim any reward which the owner shall have offered for the apprehension of such runaway; Should any taker up claim any such offered reward, he shall not be entitled to the allowance made by this section.

Section 6. If any negro or mulatto, being the property of a citizen of the United States, residing without this State, shall hereafter come into this State for the purpose of hiring himself or herself to labor in this State, and shall afterwards institute, or procure to be instituted, any suit or proceedings, for the purpose of procuring his or her freedom, it shall be the duty of the court before which such suit or proceeding shall be instituted and pending, upon being sat-

isfied that such negro or mulatto had come into this State for the purpose aforesaid, to dismiss such suit or proceeding, and cause the same to be certified to the sheriff of the county, who shall immediately take possession of such negro or mulatto, whose duty shall be to confine such negro or mulatto in the jail of his county, and notify the owner of such slave of the commitment aforesaid, and that said owner make immediate application for said slave; and it shall be the duty of the sheriff, on such application being made, after all reasonable costs and charge being paid, to deliver to said owner such negro or mulatto slave.

Section 7. Every servant, upon the expiration of his or her time, and proof thereof made before the circuit court of the county where he or she last served, shall have his or her freedom recorded, and a certificate thereof, under the hand of the clerk, which shall be sufficient to indemnify any person for entertaining or hiring such servant; and if such certificate should happen to be torn or lost, the clerk, upon request, shall issue another, reciting therein the loss of the former.

Section 8. Any person who shall hereafter bring into this State any black or mulatto person, in order to free him or her from slavery, or shall directly or indirectly bring into this State, or aid or assist any person in bringing any such black and mulatto person to settle or reside therein, shall be fined one hundred dollars, on conviction or indictment, or before any justice of the peace in the county where such offence shall be committed.

Section 9. If any slave or servant shall be found at a distance of ten miles from the tenement of his or her master, or the person with whom he or she lives, without a pass, or some letter or token, whereby it may appear that he or she is not in possessing of any authorization from his or her master, employer or overseer, it shall and may be lawful for any person to apprehend and carry him or her before a justice of the peace, to be by his order punished with stripes, not exceeding thirty-five at his discretion.

Section 10. If any slave or servant shall presume to come and be upon the plantation, or at the dwelling of any person whatsoever, without leave from his or her owner, not being sent upon lawful business, it shall be lawful for the owner of such plantation, or dwelling house, to give or order such slave or servant ten lashes on his or her bare back.

Section 11. Riots, routs, unlawful assemblies, trespasses and seditious speeches, by any slave or slaves, servant or servants, shall be punished with stripes, at the discretion of a justice of the peace, not exceeding thirty-nine and he who will, may apprehend and carry him, her or them before such justice.

Section 12. If any person or persons shall permit or suffer any slave or slaves, servant or servants of color, to the number of three or more, to assemble in his or their out-house, yard or shed, for the purpose of dancing reveling, either by night or by day, the person or persons so offending shall forfeit and pay the sum of twenty dollars with costs, to any person or persons who will sue for and recover the same by action of debt or by indictment, in my court of record, proper to try the same.

Section 13. It shall be the duty, of all coroners, sheriffs, judges and justices of the peace, who shall see or know of, or be informed of any such assemblage of slaves or servants, immediately to commit such slaves or servants to the jail of the county, and on view or proof thereof, order each and every such slave or servant to be whipped, not exceeding thirty-nine stripes, on his or her bare back, on the day next succeeding such assemblage, unless it shall happen on a Sunday, then on the Monday following; which said stripes shall be inflicted by

any constable of the township, if there should be one therein, or otherwise by any person or persons whom the said justices shall appoint, and who shall be willing so to inflict the same: Provided, however, That the provisions hereof shall not apply to any persons of color who may assemble for the purpose of amusement, by permission of their masters, first had in writing, on condition that no disorderly conduct is made use of by them in such assemblage.

Section 14. In all cases of penal laws, where free persons are punishable by fine servants shall be punished by whipping, after the rate of twenty lashes for every eight dollars, so that no servant shall receive more than forty lashes at anyone time unless such offender can procure some person to pay the fine.

Section 15. No person shall. buy, sell, or receive of, to or from any servant or slave, any coin or commodity, without leave or consent of the master or owner of such slave or servant, and any person so offending shall forfeit and pay to the master or owner of such slave or servant four times the value of the thing so bought, sold or received, to be recovered with costs of suit, before any court having cognizance of the same.

Section 16. Any such servant being lazy, disorderly, guilty of misbehavior to his master or master's family, shall be corrected by stripes, on order from a justice of the county wherein he resides; or refusing to work, shall be compelled thereto in like manner, and moreover shall serve two days for every one he shall have so refused to save, or shall otherwise have lost, without sufficient justification. All necessary expenses incurred by any master for apprehending and bringing home any absconding servant, shall be repaid by repaid by further services, after such rates as the circuit court of the county shall direct, unless such servant shall give security, to be approved by the court, for the payment in money within six months after he shall be free from service, and shall accordingly pay the same.

Section 17. All contracts between masters and servants, during the time of service, shall be void.

Section 18. The benefit of any contract of service shall be assignable by the master to any person being a citizen of this State, to whom the servant shall, in the presence of a justice of the peace, freely consent that it shall be assigned, the said justice attesting such free consent in writing; and shall also pass to the executors, administrators and legatees of the master.

Section 19. No negro, mulatto or Indian, shall at any time purchase any servant, other than of his own complexion; and if any of the persons aforesaid shall nevertheless, presume to purchase a white servant, such servant shall immediately become free, and shall be so held, deemed and taken.

Section 20. Servants shall be provided by the master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, food, clothing and lodging, shall receive from him one new and complete suit of clothing, suited to the season of the year, to-wit: a coat, waistcoat, pair of breeches and shoes, two pair of stockings, two shirts, a hat and blanket.

Section 21. If any servants shall at any time bring in goods or money during the time of their service, shall by gift or other lawful means, acquire goods or money, they shall have the property and benefit thereof to their own use; and if any servant shall be sick or lame, and so become useless or chargeable, his or her master or owner shall maintain such servant until his or her time of service shall be expired; and if any master or owner shall put away any lame or sick servant, under pretence of freedom, and such servant becomes chargeable to the county,

such master or owner shall forfeit and pay thirty dollars to the overseers of the poor of the county wherein such offence shall be committed, to the use of the poor of the county, recoverable with costs, by action of debt in any circuit court; and moreover, shall be liable to the action of the said overseers of the poor at the common law for damages.

Section 22. The circuit court of every county shall, at all times, receive the complaints of servants, being citizens of any of the United States of America, who reside within the jurisdiction of such court, against their masters or mistresses, alleging undeserved or immoderate correction, insufficient 3110wances of food, raiment or lodging or any failure in the duties of such master or mistress as prescribed in this chapter, and the said circuit court shall near and determine complaints of masters and mistresses against their servants, for desertion without good cause, and may oblige the latter, for loss thereby 1Ceasioned, to make restitution by further services after the expiration of the time for which they had been bound.

Section 23. Any black, colored or mulatto man and white woman, and any white man and black, colored or mulatto woman, who shall live together 1 an open state of adultery or fornication, or adultery and fornication, shall indicted, and on conviction, severally fined, in any sum not exceeding five hundred dollars, and confined in the penitentiary for a term not exceeding one year. For the second offence, the punishment shall be double; for the third, bled, and in the same ratio for each succeeding offence.

NUMBER 5
Senate report of the judiciary committee relative to Negroes.
Approved March 1847, Illinois Documents.

That the prayer of the petition cannot be granted, because the grant of it would be to disregard the best interests of the citizens of this State, and in conflict with the Constitution of this State. 1st. To repeal all laws making a distinction between the negro and the white man, would be to invite an emigration of emancipated negroes to become residents of this State, by thousands, and thereby increase an evil already felt in this State, for the Legislature will soon, without the aid of laws, such as asked for in the petition, be called on for remedy by the removal of the African from our State. A result which will be effected, whether by peaceful means, or by violence, time alone will determine. The committee believe that no acts of legislation will or can ever raise the African in this country above the level in which the petitions find him. And that if he is not content with the provisions of our laws, Africa, the land of his fathers, a climate congenial with his nature, lies open before him, where he may test the powers of his mind for self-government. Here he never can aspire to such privileges while there remains one of the Anglo-Saxon race. 2d. It would be a violation of our State Constitution, for it provides in section 27th of the second article, that in all elections, all white male inhabitants above the age of twenty-one years, having resided in this State six months next preceding the election, shall enjoy the right of an elector. This section of the constitution prescribes the limits of the governing power in this State, and in that limit the African is not to be found; hence he is excluded, and ever will be in this State, from the elective franchise.

A very able report was made to the House of Representatives on this subject, at the last session of the Legislature, which it was then believed would set this question forever at rest; and to unanswerable arguments of that report the committee would refer the petitioners, with this suggestion, that if the petitioners are free white inhabitants of this state, that the prayer of

this petition asks not to redress any grievance of which they should complain; and should they be negroes, the committee would remark that this State cannot be regarded by them as their permanent haven, and that their request can never be granted.

NUMBER 6
An act to prevent the immigration of free Negroes into this state.
Approved February 12, 1853, Laws of Illinois.

Section 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly, That if any person or persons shall bring, or cause to be brought into this state, any negro or mulatto slave, whether said slave is set free or not, shall be liable to an indictment, and, upon conviction thereof, be fined for every such negro or mulatto, a sum not less than one hundred dollars, nor more than five hundred dollars, and imprisoned in the county jail not more than one year, and shall stand committed until said fine and costs are paid.

Section 2. When an indictment shall be found against any person, or persons, who are not residents of this state, it shall be the duty of the court before whom said indictment is pending, upon affidavit being made and filed in said court by the prosecuting attorney, or any other credible witness, setting forth the non-residence of said defendant, to notify the governor of this state, by causing the clerk of said court to transmit to the office of the secretary of state acetified copy of said indictment and affidavit, and it shall be the duty of the governor, upon the receipt of said copies, to appoint some suitable person to arrest said defendant or defendants, in whatever state or county he or they may be found, and to commit him or them to the jail of the county in which said indictment is pending, there to remain and answer said indictment, and be otherwise dealt with in accordance with this act. And it shall be the duty of the governor to issue all necessary requisitions, writs, and papers to the governor or other executive officer of the state, territory, or province where such defendant or defendants may be found: Provided, that this section shall not be construed so as to affect persons, or slaves, bona fide traveling through this state from and to any other state in the United States.

Section 3. If any negro, or mulatto, bond or free, shall hereafter come into this state and remain ten days, with the evident intention of residing in the same, every such negro or mulatto shall be deemed guilty of a high misdemeanor, and for the first offence shall be fined the sum of fifty dollars, to be recovered before any justice of the peace in the county where said negro or mulatto may be found. Said proceedings shall be in the name of the people of the state of Illinois, and shall be tried by a jury of twelve men. The person making the information or complaint shall be a competent witness upon said trial.

Section 4. If said negro or mulatto shall be found guilty, and the fine assessed be not paid forthwith to the justice of the peace before whom said proceedings were had, it shall be the duty of said justice to commit said negro or mulatto to the custody of the sheriff of said county, or otherwise keep him, ~ or them in custody; and said justice shall forthwith advertise said negro or mulatto, by posting up notices thereof in at least three of the most public places in his district, which said notices shall be posted up for ten days, and on the day and at the time and place mentioned in said advertisement, the said Justice shall, at public auction, proceed to sell said negro or mulatto to any person or persons who will pay said fine and costs for the shortest time; and ,aid purchaser shall have the right to compel said negro or mulatto to work for and serve out said time, and he shall furnish said negro or mulatto with comfortable

food, clothing and lodging during said servitude.

Section 5. If said negro or mulatto shall not within ten days after the expiration of his or her, or their time of service as aforesaid, leave the state, he, she or they shall be liable to a second prosecution, in which the penalty, to be inflicted shall be one hundred dollars, and so on for every subsequent offence the penalty shall be increased fifty dollars over and above the last penalty inflicted, and the same proceedings shall be had in each case as is provided for in the preceding sections for the first offence.

Section 6. Said negro or mulatto shall have a right to take an appeal to the' circuit court of the county in which said proceedings shall have been had, within five days after the rendition of the judgment, before the justice of the peace, by giving bond and security, to be approved by the clerk of said court to the people of the state of Illinois, and to be filed in the office of said clerk within said five days, in double the amount of said fine and costs, conditioned that the party appealed will personally be and appear before said circuit court, at the next term thereof, and not depart said court without leave, and will pay said fine and all costs, if the same shall be so adjudged by said court; and said security shall have the right to take said negro or mulatto into custody, and retain the same until the order of said court is complied with. And if the judgment of the justice of the peace be affirmed in whole or in part, and said negro or mulatto be found guilty, the said circuit court shall thereupon render judgment against and negro or mulatto and the security or securities on said appeal bond, for the amount of fine so found by the court, and all costs of suit, and the clerk of said court shall forthwith issue an execution against said defendant and security as in other cases, and the sheriff or other officer to whom said execution is directed 'shall proceed to collect the same by sale or otherwise; Provided, that this section shall not be so construed as to give the right to retain the custody of said negro or mulatto for a longer time than ten days after the rendition of said judgment by said circuit court.

Section 7. In all cases arising under the provisions of this act, the prosecuting witness, or person making the complaint and prosecuting the same, shall be entitled to one half of the fine so imposed and collected, and the residue of said fine shall be paid into the county treasury of the county in, which said proceedings were had; and said fines, when so collected, shall be received by said county treasurer and kept by him as a distinct and separate fund, to be called the "charity fund," and said fund shall be used for the express and only purpose of relieving the poor of said county, and shall be paid out by said treasurer upon the order of the county court of said county, drawn upon him for that purpose.

Section 8. If after any negro or mulatto shall have been arrested under the provisions of this act, any person or persons shall claim any such negro or mulatto as a slave, the owner, by himself, or agent, shall have a right, by giving reasonable notice to the officer or person having the custody of said negro or mulatto, to appear before the justice of the peace and prove his or their right to the custody of said negro or mulatto as a slave, and if said justice of the peace shall" after' hearing the evidence, be satisfied that the person or persons claiming said negro or mulatto, is the owner of and entitled to the custody of said negro or mulatto, in accordance with the laws of the United States passed upon this subject, he shall, upon the owner or agent paying all costs up to the time of claiming said negro or mulatto, and the costs of providing the same, and also the balance of the fine remaining unpaid, give to said owner a certificate of said facts, and said owner or agent so claiming shall have a right to take and remove said slave

out of this state.

Section 9. If any justice of the peace shall refuse to issue any writ of process necessary for the arrest and prosecution of any negro or mulatto, under the provisions of this act, upon complaint being made before said justice by any resident of his county, and his fees for said service being tendered him, shall be deemed guilty of nonfeasance in office, and upon conviction thereof punished accordingly; and in all cases where the jury find for the negro or mulatto, or that he, she or they are not guilty under the provisions of this act, the said justice of the peace shall proceed to render judgment against the prosecuting witness, or person making the complaint, and shall collect the same as other judgments: Provided, that said prosecuting witness, or person making said complaint, in case judgment is rendered against him, shall have a right to take an appeal to the circuit court, as is provided for in this act in case said negro or mulatto is found guilty.

Section 10. Every person who shall have one-fourth negro blood shall be deemed a mulatto.

Section 11. This act shall take effect and be in force from and after its passage.

NUMBER 7

Report of the minority of the select committee in opposition to the repeal of the laws in relation to the emigration of colored persons in the state of Illinois, and granting them certain rights. Illinois Documents, 1857.

The select committee, to which was referred sundry petitions of "free white citizens of Illinois," and of certain colored inhabitants thereof, asking that the colored people of the state may be admitted to an equal and common participation in the free schools of the state; to the right of testifying in all cases in courts of justice; to all the rights of citizenship and of suffrage; and for the repeal of all laws now in force preventing the emigration of free negroes into the state, and discriminating between the white and black races, have had the same under consideration, and the minority of your committee would beg leave to report: That, touching the praying of the petitioners in reference to the common school law, the minority of your committee cannot perceive that the present school law works any wrong or oppression to the colored people of the state. The tax collected from that class of inhabitants is, upon application, refunded to them, so that while the colored children may not be admitted to the same schools with the white children, it is yet true that the blacks are not taxed to educate the whites.

If the object of the petitioners be, as it clearly is, to admit the negro children to the same schools and classes with the whites, and upon entire quality, the minority of your committee would have no objection to such a state of things for those whose tastes, habits, feelings and affections would fit them for such communion, the minority of your committee have grave objections to the enactment of any law requiring the children of Anglo-Saxon blood and the descendants of the Norman conqueror to be placed in the same schools and classes with a race long degraded, and between which and the white race there exist prejudices and antipathies which, as they seem to be founded in the very constitution of the races, will perhaps never be effaced.

The minority of your committee cannot assent to the prayer of the petitioners for the repeal of certain laws to prevent the immigration of free negroes into this state. Upon the adoption of our present constitution, article fourteenth was separately submitted to a vote of

people, to be approved by them before it should constitute a part of the constitution. That article was approved by a large majority of the voters of the state of Illinois, and was consequently incorporated into that instrument.. That article declares "the general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state, and to effectually prevent the owners of slaves from bringing them into this state for the purpose of setting them free." That provision of the constitution is explicit and mandatory, and in the enactment of the laws, the repeal of which is prayed for by the petitioners, the legislature of the state has only discharged a clear constitutional duty; nor do the laws now. in force appear any too severe to accomplish the. purpose of that provision of the constitution. Apart from the constitution, however, and upon grounds of public policy, the minority of your committee are of the opinion that the highest interests of state would require the enactment and execution of laws similar to those now on the statute book. It must be conceded by all that the free negro population of the state add but little to the education, the wealth, the religion, the morals and the civilization of the state, and the highest economic and moral considerations would require our cities to be filled and our prairies tilled by the white man rather than the black man. In regard to the prayer of the petitioners for the admission of the colored people to the rights of suffrage, and of testifying in all cases in courts of justice, the minority of your committee beg leave to say, that this is a government of the white man, and established for the white man, and while the black man is alike with the white man protected by law in the enjoyment of his property, his liberty and his life, the minority of your committee can see no good reason for complaint on the part of the colored race or their peculiar friends, because the colored people may not be admitted into a full participation of all the rights of a government established for the white race.

On the shores of Ethiopia is being tested the capability of the negro race for self-government, and your committee would recommend to the colored people of this state who may desire to exercise the rights of suffrage, to emigrate to that republic, where they may enjoy the privileges prayed for in their petition.

The minority of your committee recognize in the prayer of the petitioners a purpose to abolish all distinctions between the white and black races, and to place them, in every respect, both politically and socially, upon terms of perfect equality. To such a proposition the minority of your committee can never assent. The Creator has established the greatest diversity in all His works of earth, of sky, and of man; and if His wisdom has created diversities and antipathies between the white and black races, the minority of your committee are not disposed to question the wisdom or distrust the arrangements of Providence. It is a fact indisputable that there exist great antipathies between the white and black races, and whether they be constitutional or whether they be prejudices of habit and education, the existence of such antipathies is a fact which no legislator is at liberty to disregard.

The diversities and antipathies between these races are deep-seated and apparently constitutional, and such as no legislation can eradicate; and the minority of your committee are disposed to recognize them as a part of the economy and dispensation of Providence; and while in the opinion of some, perhaps, the arrangements of Providence might be improved, the minority of your committee are of the opinion that the wisdom of this legislature is not equal to Providence; and the minority of your committee are the more strongly of this belief, inasmuch as the members of the present general assembly were elected in a time of high party ex-

citement, and may be presumed to have been selected for their partisan zeal rather than for their wisdom and learning.

In view of the facts set out in this report, the minority of your committee would recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the same.

NUMBER 8
An act to repeal section sixteen of the Revised Statutes, entitled "An act to prevent the immigration of free negroes into this state," commonly known as the "Black Laws."
Approved February 7, 1865, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section sixteen (16,) division III, chapter XXX, of the Revised Statutes of this state, entitled "Criminal Jurisprudence," and chapter LXXIV of said Revised Statutes, entitled "Negroes and Mulattoes," and an act of the general assembly of this state, approved February 12, 1853, entitled "An act to prevent the immigration of free negroes into this state, "be and the same are hereby repealed; also section 23, chapter XL, Revised Statutes, entitled" Evidence and Depositions."

Section 2. This act to be in force from and after its passage.

NUMBER 9 Message from the governor on the black laws.
January 3, 1865, House Journal.

Of the black laws I have but little to say, except to recommend that you sweep them from the statute books with a swift, relentless hand. My opinion of them cannot be better expressed than in the language of a resolution, which, as a member of the General Assembly, in February, 1849, I had the honor in a feeble minority to advocate," declaring the laws of the State, applicable to negroes and mulattoes, tyrannical, iniquitous and oppressive upon this weak, harmless and unfortunate class, and unbecoming the statutes of a free, magnanimous, enlightened and Christian nation." They were originally enacted to gratify an unjustifiable public prejudice against the friends of liberty, and an inhuman feeling towards a poor, unfortunate class of our fellow-citizens. They assumed a fact, which, to the honor of the Jeffersonian Ordinance of 1787, never existed: that slavery did or could exist in the free State of Illinois. Section nine of these laws provides that "if any slave or servant shall be found ten miles from the tenement of his or her master without a pass, he may be punished with stripes, not exceeding thirty-five"--thus, by the phraseology of the law, recognizing the existence of the institution of slavery within our borders, and prescribing an infamous punishment. It is unconstitutional, as decided by the Supreme Court in this State, "in attempting to legislate upon the subject of the rendition of fugitive slaves to their masters, over which subject the court decides that Congress has supreme and exclusive power." It authorizes a system of slavery, by providing that every colored man who shall be found in this State, "without having a certificate of freedom," shall be deemed a runaway slave or servant--"to be committed to the custody of the sheriff of the county, who shall advertise him at the court house door," and "to hire him out for the best price he can get," "from month to month," "for the space of one year." Any law, thus placing any man, white or black, in the power of a purchaser, for money, is utterly inconsistent with the humanity of the age of the spirit of our free constitution. These laws

are unconstitutional, because by the laws of many of our states free colored persons are citizens, and the constitution of the United States expressly provides that "the citizens of each state shall be entitled to all the privileges of citizens in the several states."

An examination of the various provisions of these laws will satisfy this General Assembly of their inhumanity, and the humane and philanthropic will everywhere hail their repeal with joyful acclamations.

In reply to those who say that if these laws are repealed we shall have a large influx of free negroes into this State, I have to answer that the laws are now almost a dead letter. Negroes are not kept out of the State by them, for it is only now and then, indeed a rare case, that a man can be found who is barbarian enough to insist upon the application of the penalties imposed by these laws. And upon the subject I cannot present my views better than byte following extract from my message of January 5th, 1863. Referring to the emancipation policy of the administration, I say:

"I am sure of two things: First, that when slavery is removed, this rebellion will die out, and not before. Second--I believe and predict, and commit the prediction in this state paper to meet the verdict of my successors in office and of posterity, that the change brought about by the policy of emancipation will pass off in a way so quietly and so easily, that the world will stand amazed that we should have entertained such fears of its evils. During the war, there will be necessarily some suffering among so many slaves thrown out of employment, and many, perhaps large numbers of them, will seek a temporary refuge in the free states, and every man who has a human heart within him will treat them kindly; but with the return of peace, the demand for labor in the South will be greatly increased, and there will be an exodus not only of these fugitives, but of the free colored population, to the south. The demand for labor in the South will be greatly increased by the subdivision of large farms into numerous small ones, in the hands of a much larger number of owners; also by the reclamation of immense regions of fertile country in all our southern states, waiting for only the touch of free labor, the settlement of which has been retarded by the existence of slavery, tending, as it always has, and necessarily always will, to discourage the immigration of free white citizens. No reasonable fears of competition with the free labor of the northern states need be entertained, because the emancipated slave will have protection and employment upon the soil which he has heretofore cultivated in bondage. Emancipation does not increase the number of negroes by an additional one. There will not be a single acre of land less for cultivation, but a great deal more will probably be cultivated; there will be the same and an increasing demand for the culture of cotton, tobacco, sugar and rice, for which the negro is peculiarly adapted; the southern climate will remain unchanged, congenial to his constitution; and it is in the highest degree improbable that the negro will leave the state of his nativity, where his labor is in demand, where he understands, better than anyone else, the business to be done, and where the climate is adapted to him, to seek the cold climates of the North, to face the strong competition of northern, skilled free labor, to encounter the prejudice against his color, and the pauperism and neglect which would meet him on every hand."

I will not say that legislation will not be necessary upon this subject of the residence of free negroes in our midst; but I will say, that whatever is necessary should be free from political prejudice, having regard to the welfare of our own, free, white citizens, and, at the same time, marked with humanity and a due regard to that unfortunate class of our fellow beings

whom Providence, in its wise and inscrutable plans, has placed in our care.

NUMBER 10
The black laws. February 7, 1865, I11inois State Journal.

A large number of the colored people of this city assembled on North 4th street yesterday, and fired 62guns in honor of the senators and representatives who voted for the repeal of the odious black laws. After the firing the company proceeded to the Methodist Colored Church where they were addressed by several colored gentlemen among whom was Mr. John Jones of Chicago, who made a most interesting and able speech, well worthy of a report if we had room. Rev. Mr. Caven read the black laws; he was listened to with the most marked attention. The meeting was orderly, and everything was conducted in a manner honorable to those who had the supervision of the affair.

NUMBER 11
An act to repeal section sixteen of the Revised Statutes, commonly known as the black laws. House Journal, (1865).

Mr. Wike moved the following as an amendment to said bill, viz: "The provisions of this bill shall not take effect or be in force until the same shall first have been submitted to the people of the State of Illinois for their ratification or rejection at the next general election to be held in said State, and unless the same shall have received a majority of the legal votes cast at said election for or against said provisions.

Mr. Smith moved that the said amendment be laid upon the table. It was decided in the affirmative, Yeas-45, Nays--34.

Ordered that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein. VI Kidnapping

Federal and State support for slavery empowered slave owners in their efforts and forcibly remove runaway slaves. Some Northern states, including Massachusetts and Pennsylvania, adopted personal liberty laws in order to shield free blacks from unscrupulous slave catchers. The states in the Old Northwest did not adopt personal liberty laws against kidnapping. Illinois also adopted laws to prevent the kidnapping of free blacks. But anti-kidnapping laws were rarely an effective deterrent to violence against free blacks.

NUMBER 1
An act to more effectively prevent kidnapping and for other purposes.
Approved January 17, 1825, Laws of Illinois.

Section 1. Be it enacted by the people of the state of Illinois represented in the General Assembly, That if any person or persons shall kidnap, steal, seize, take, and carry away, from and out of this state or from and out of any one county in this state, into any other county, or shall make an attempt to do the same, any negro, mulatto, or person of color, with intent to subject such negro, mulatto, or person of color to involuntary slavery or servitude, to which he or she is not liable, or shall cause or procure it to be done, or shall aid, abet, or assist any other person in doing it, the person or persons so offending, Upon conviction thereof, shall be deemed guilty of felony, and shall be punished with stripes, not less than twenty-five, nor more than one hundred, and shall stand in the pillory not less than two nor more than four

hours, and shall also be fined in the sum of one thousand dollars, and pay the costs of prosecution.
person so offending, shall be deemed guilty of a misdemeanor, and fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 160. If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this State, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other State, territory or country, or shall cause, procure, or suffer it to be done, or shall sell or otherwise dispose of any such person of color, or the children of such, for the purposes aforesaid, to any citizen or resident of another State, territory or country, before the expiration of his or her term of service, every person so offending, and all purchasers of such colored persons so sold or removed, shall forfeit and lose all right and title or claim to the service of such person of color, and shall, on conviction, for each offence, be fined, not exceeding five hundred dollars, one half to be applied to the use of the person injured, and the other half to the use of the county.

Section 161. If any keeper of a public house or retailer of spirituous liquors, shall receive, harbor, entertain or trust any minor or apprentice within the age of twenty-one years, or any servant or slave, knowing them to be such, after having been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or slave, in the presence of one or more credible witnesses; every such keeper of a public house, or retailer of spirituous liquors as aforesaid, so offending, shall, upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his or her license.

NUMBER 3
An act to amend an act entitled, "An act relative to criminal jurisprudence," Approved January 6, 1827, and to provide for the regulation and government of the penitentiary. Approved February 9, 1831, Laws of Illinois.

Section 27. Any person convicted of the crime of kidnapping, as defined in the fifty-fifth, fifty-sixth, and fifty-seventh sections of the act to which this is an amendment, shall be punished by confinement in the penitentiary, for a term not less than one year nor exceeding seven years.

NUMBER 4
Offenses against persons or individuals. Approved MarchSection3, 54. Revised 1845.
False Statutes. imprisonment is an unlawful violation of the personal liberty of another, and consists of confinement or detention without sufficient cause.

Section 2. Be it further enacted, That if any person or persons shall hire, persuade, entice, decoy or seduce by false pretenses, misrepresentations, or other means, any negro, mulatto, or person of color, not being a slave, to go out of this state, or be taken or removed therefrom, for the purpose, and with the intent, to sell such negro, mulatto, or person of color, and thereby subject him or her to slavery or servitude, or otherwise dispose of him or her, against his or her will, the person or persons so offending, and being thereof duly convicted,

shall, in like manner, be deemed guilty of felony, and punished in the same manner as prescribed in the first section.

Section 3. Be it further enacted That, if any person or persons shall be accessory to the commission of either of the aforementioned offenses, such person or persons may be charged and indicted as principal, and punished accordingly.

Section 4. Be it further enacted, That no person entitled to the labor or service of any negro, mulatto, or person of color, by indenture, or other contract, made under the laws of the late territories of Indiana and Illinois, having a right to hold such person of color in temporary servitude by virtue of those laws, shall hire out or send such person of color to live or reside in any other state, territory, or foreign country, or shall suffer it to be done; nor shall any such person sell or otherwise dispose of any person of color, aforesaid to any citizen or resident of any other state, territory, or foreign country, or suffer such person of color to be removed, or reside in any other state, territory, or foreign country, before the expiration of his or her term of service, and every person so offending, and violating the provisions of this section, shall forfeit and lose all claim, right, and title to the service of such person of color; and shall, moreover, under a penalty of seven hundred dollars, for each and every person so sold, or otherwise, one half to the person so hired out, as aforesaid, the other half to the county treasury, where such prosecution may be commenced, together with costs, to be recovered by action of debt or indictment, in the name of the people of the state of Illinois, for the uses and purposes aforesaid, This act to take effect and be in force from and after the passage thereof.

NUMBER 2
Offenses relative to slaves, indentured servants, and apprentices.
Approved March 3, 1845. Revised Statutes.

Section 159. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this State, or any other State or territory, or district within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such legal authority. Any person convicted of false imprisonment shall be fined in any sum not exceeding five hundred dollars, or imprisoned not exceeding one year in the county jail.

Section 55. Kidnapping is the forcible abduction or stealing away of a man, woman, or child, from his other own country and sending or taking him or her into another.

Section 56. Every person who shall forcibly steal, take or arrest any man, woman, or child, whether white, black or colored, in this State, and carry' him or her into another country, State or territory, or who shall forcibly take or arrest any person or persons whatsoever, with a design to take him or her out of this State, without having established a claim according to the laws of the United States, shall, upon conviction, be deemed guilty of kidnapping. Every person found guilty of kidnapping, shall be confined in the penitentiary for a term not less than one year, and not more than seven years, for each person kidnapped or attempted to be kidnapped.

Section 57. Every person who shall hire, persuade, entice, decoy or seduce, by false promises, misrepresentations and the like, any negro, mulatto or colored person, not being a slave, to go out of this State, or to be taken or removed therefrom, for the purpose and with the

intent to sell such negro, mulatto or colored person into slavery or involuntary servitude, or otherwise to employ him or her for his or her own use, or to the use of another, without the free will and consent of such negro, mulatto or colored person, any person so offending, shall be deemed to have committed the crime of kidnapping, and upon conviction thereof, shall be punished as in the preceding section.

NUMBER 5
Kidnapping. February 15, 1855, Session Laws.

Section 1. That whenever the governor of this state shall receive information satisfactory to him, that any inhabitant of this state has been decoyed, kidnapped, or transported away from this state, into any other state or territory of the United States, for the purpose of restraining such person in his or her liberty, or reducing such person to slavery, or any other unlawful purpose, or that such person is wrongfully seized, imprisoned, or held in slavery in any of the states or territories of the United States, on the allegation or pretence that such person is a slave, or by color of any usage or rule of law prevailing in said state or territory is deemed or taken to be a slave, or not entitled of right to the personal liberty of an inhabitant of this state, it shall be the duty of said governor to take such measures as he shall be the duty of said governor to take such measures as he shall deem necessary to procure such person to be restored to his or her liberty, and returned to this state. The governor is hereby authorized to appoint such agent or agents as he shall deem necessary to effect the restoration and return of such person, and shall furnish
said agent with such credentials and instructions to accomplish the object of his appointment. The governor may determine the compensation to be allowed such agent for his services and necessary expenses.

Section 2. Such agent shall proceed to collect the proper proof to establish the right of such person to his other freedom, and shall perform such journeys, take such measures, institute and procure to be prosecuted such legal proceedings, under the direction of the governor, as shall be necessary to procure such person to be restored to his other liberty, and returned to this state.

Section 3. The accounts for all services and expenses incurred in carrying this act into effect, shall be audited by the auditor of public accounts, and paid by the treasurer, on his warrant, out of any moneys in the treasury of this state not otherwise appropriated. The treasurer may advance, on the warrant of the auditor, to such agent, such sum or sums as the governor shall certify to be reasonable, to enable him to accomplish the purposes of his appointment, for which advance such agent shall account for on the first audit of his account.

NUMBER 6
Offenses relative to servants and slaves, indentured servants and apprentices.
Approved February 18, 1857, Session Laws.

Section 159. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this state or any other state or territory or district within the limits hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person, so offending, shall be deemed guilty of a misdemeanor, and be

fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 160. If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture, or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this state, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other state, territory or country, or shall cause, or suffer it to be done, or shall sell or otherwise dispose of any such person of color, or the children of such, for the purposes aforesaid, to any citizen or resident of another state, territory or country, before the expiration of his or her term of service, every person so offending, and all purchasers of such colored persons so sold or removed, shall forfeit and lose all right and title or claim to the service of such person of color, and shall, on conviction for such offense, be fined, not exceeding five hundred dollars, one-half to be applied to the use of the person injured, and the other half to the use of the county.

Section 161. If any keeper of a public house, or retailer of spirituous liquors, shall receive, harbor, or entertain any minor or apprentice, within the age of twenty-one years, or any servant or slave, knowing them to be such, after having been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or slave, in the presence of one or more credible witnesses; every such keeper of a public house or retailer of spirituous liquors as aforesaid, so offending, shall upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his or her license.

VII Testimony and Witness

Illinois law first prohibited the testimony of a black or mulatto against a white in 1803. The legislature designated as mulatto any person having one-fourth "Negro blood" or nay person having at least one-half "Indian blood." In state where they were denied testimony against a white, black had little chance of defending themselves in a dispute involving a white. The law left African Americans powerless; such to be sure, was one aim of the black laws. Illinois lawmakers assumed that if they deprived African-American residents of their legal and civil rights, they would leave the state. Moreover, the legislator assumed that their oppressive laws would discourage runaway slaves from seeking refuge in Illinois.

NUMBER 1

Who may be witnesses in criminal cases. Approved March 3, 1845, Revised Statutes.

Section 16. No black or mulatto person or Indian shall be permitted to give evidence in favor or against any white person whatsoever. Every person who shall have one-fourth part or more of negro blood shall be deemed a mulatto; and every person who shall have one-half Indian blood shall be deemed an Indian.

NUMBER 2

Evidence and Depositories. Approved March 3, 1845. Revised Statutes.

Section 23. A negro, mulatto, or Indian shall not be a witness in any court, or in any case, against a white person. A person having one-fourth part negro blood shall be adjudged a mulatto.

NUMBER 3
Perpetuation of testimony. Approved March 3, 1845, Revised Statutes.

Section 19. In all cases hereafter, where any person or persons shall desire to perpetuate the remembrance of any fact, matter or thing, which may relate to the boundaries or improvements of name of any portion or district of country; regarding the ancient customs, laws or usages of the inhabitants of this country, as far as the same may relate to the future settlement of the land claims; or touching the marriage or pedigree of any person or persons, or in relation to the title to slaves or servants; or any other matter or thing necessary to the security of any estate, real or personal, or mixed, or any private right whatever, it shall be lawful for such person or persons, upon filing a petition supported by affidavit, in the circuit court of the proper county, setting forth particularly the fact or facts intended to be established, a dedimus potestatem or commission, directed to any two justices of the peace, or to any clerk of the circuit or county commissioners' court of the county wherein such testimony is to be taken, and may, thereupon, proceed to take such deposition or depositions as shall be pray for in said petition.

NUMBER 4
Competency of witnesses. Approved March 3, 1845, Revised Statutes.

A negro, mulatto or Indian shall not be a witness in any court, or in any case, against a white person. A person having one-fourth part negro blood shall be adjudged a mulatto. Criminal cases.

Section 15. The party or parties injured shall, in all cases, be competent witnesses, unless he, she or they shall be rendered incompetent by reason of his, her or their infamy, or other legal in competency other than that of interest. The credibility of all such witnesses shall be left to the jury, as in other cases.

Section 16. No black or mulatto person shall be permitted to give evidence in favor or against any white person whatsoever. Every person who shall have one-fourth part or more of negro blood shall be deemed a mulatto; and every person who shall have one-half Indian blood shall be deemed an Indian. Section 17. Approvers shall not be allowed to give testimony.

Section 18. The solemn affirmation of witnesses shall be deemed sufficient. A false and corrupt affirmation shall subject the witness to all the penalties and punishment provided for those who commit willful and corrupt perjury.

VIII Runaway Slaves and Servants

Whites in Illinois embraced a strong proslavery bias. A newspaper correspondent in Ohio considered Illinois the most proslavery free state in the Union. This label was inappropriate. As we have seen, Illinois approved slave labor under the guise of indentured servitude and approved an assortment of policies to subordinate its black residents. The state also protected slave holders by adopting a fugitive slave law, mandating that runaways be delivered to be a bona fide claimant. Furthermore, the legislature prescribed punishment for anyone who harbored or aided the escape of a runaway slave or servant. The following documents also demonstrate that the legislature abridged the civil rights of Indians. State law denied Indians

the opportunity to purchase whiskey and required black and white merchants to obtain a special license in order to sell "legal" quantities to Indians.

NUMBER 1

An act concerning the Kaskaskia Indians. Approved December 22, 1814, Laws of Illinois.

Whereas a former law of this Legislature has been found insufficient to prevent evil disposed persons from selling and giving intoxicating drinks to the Kaskaskia Indians or from cheating and defrauding the said Indians out of their property by pretended or real purchases and whereas the former practice is productive of disorder and other pernicious consequences and the latter a violation of moral Justice and good policy. For remedy thereof,

Section 1. Be it enacted by the legislative council and house of Representatives and it is hereby enacted by the authority of the same, That if any white person or free person of color either male or female shall hereafter without license from the Governor as superintendent of Indian affairs within this Territory or from some sub-agent appointed by him either sell or give to any Kaskaskia Indian or any other Indian residing with them any quantity of whiskey, gin, brandy, rum, cider or other intoxicating drink such person so offending shall forfeit and pay twenty dollars to be recovered upon warrant before any Justice of the peace who shall upon conviction of such offence issue execution returnable in thirty days against either the body or goods of such offender as may be required of the said Justice of the peace, and upon such execution there shall be no security whatever taken.

Section 2. If either of the offenses stated in the above section, shall be committed by any negro or mulatto being the slave or servant of any person whatever, It shall be the duty of a Justice of the peace upon application to him made according to law to issue his warrant against such negro, or mulatto and upon proof of the offenses abovementioned or either of them having been committed by said negro or mulatto, the Justices of the peace before whom such proof may be made shall order him or her so offending to receive on his or her bare back if for the first offence fifteen lashes and for every subsequent offence of like kind double that number. Provided however that the said corporal punishment shall be inflicted if the owner of any other person will in behalf of said negro or mulatto pay the sum of twenty dollars for each offence respectively.

Section 3. That it shall not be lawful for any person whatever without license from the Governor or some sub-agent appointed by him to purchase or receive by gift or otherwise of any of the before mentioned Indians, any horse mare gun Tomahawk, knife, Blanket Stroudding, calico, saddle bridle, or any goods, wares, or merchandize whatever, that all such sales and purchases, or gifts shall be considered as fraudulent on the part of the buyer or receiver, and that any white person or free person of color whatever so buying or receiving any such articles of anyone of those Indians shall be liable to pay a fine of twenty dollars to be recovered before a Justice of the peace who shall upon conviction of any such offender issue execution in like manner as is directed in the first section of this act, and the said offender shall restore the article or articles so bought or received & shall moreover be liable to a suit in the supreme court for the fraud of buying or receiving any such article as aforesaid whatever the amount or value thereof may be and in all cases of Judgment against him or her, he or she shall pay the costs.

Section 4. If either of the offenses stated in the last preceding section of this act shall

be committed by any negro or mulatto being the slave or servant of any other person, the said negro or mulatto so offending shall be subject to the same proceedings and punishment under the same conditions as are prescribed the second section of this act, and the owner shall either cause said negro or mulatto to restore any article or articles so purchased, or received by him or her or said owner shall be liable in default thereof to the same proceedings as if such owner had actually himself or herself bought or received in the said article or articles contrary to the intention of this law.

Section 5. In all the above cases and in all other cases of injuries done to the said Indians it shall be lawful for the Governor of the Territory or any sub-agent appointed by him, to sue or warrant as the case may require in behalf of any such injured Indian.

Section 6. All fines imposed by this law after deducting there out all necessary expenses, shall be paid by the Governor or a subagent, to the injured Indian or Indians.

Section 7. It shall be the duty of all Justices of the peace, sheriffs and constables to aid and assist in the execution of this law according to their respective offices.

NUMBER 2
Offenses relative to slaves, indentured servants, and apprentices. Approved March 3, 1833, Revised Laws.

Section 149. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this State, or any other State or territory, or district within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person so offending, shall be deemed guilty of a misdemeanor, and fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 150. If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this State, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other State, territory or country, or shall cause, procure, or suffer it to be done, or shall sell or otherwise dispose of any such person of color, or the children of such, for the purposes aforesaid, to any citizen or resident of another State, territory or country, before the expiration of his or her term of service, every person so offending, and all purchasers of such colored persons so sold or removed, shall forfeit and lose all right and title or claim to the service of such person of color, and shall, on conviction, for each offence, be fined, not exceeding five hundred dollars, one-half to be applied to the use of the person injured, and the other half to the use of the county.

IX Miscegenation of the Races

Whites embraced a strong bias against interracial marriages or social intercourse of any kind where blacks and whites were concerned. Driven by Negrophobia. They claimed that black immigration would foster miscegenation, and they used their paranoia to justify a variety of laws regulating social contact between blacks and whites. It is not suprising, therefore , that

Illinois lawmakers prohibited interracial marriages, prescribed penalties for offenders and nullified all marriages contrary to state law. State law also penalized persons who performed illegal marriages. For decades, lawmakers has assumed that the black laws were so overwhelming that it was unlikely that an interracial marriage would take place in Illinois. By the 1840's, however, it became apparent that both genders sometimes crossed racial lines in intimate relationships. Among the reforms brought by the Civil War was legal recognition of interracial marriages. Doubtless, public opinion continued to frown on such relationships.

NUMBER 1
White and colored persons committing adultery and fornication together. Approved December 3, 1844, Session Laws.

That any black, colored or mulatto man and white woman, and any white man and black, colored or mulatto woman, who shall live together in an open state of adultery or fornication, shall be indicted, and on conviction, shall be severally fined in any sum not exceeding five hundred dollars, and confined in the penitentiary for any term not exceeding one year: Provided, That nothing in this act shall be construed to extend to any case in which the man and woman living together as aforesaid shall both be white persons: And provided, further, That the offense herein provided for, shall be sufficiently proved by circumstances which raise the presumption of cohabitation and unlawful intimacy; and for a second offense, such man or woman shall be severally punished twice as much as for the first offense, and for the third offense trebling, and thus increasing the punishment for each succeeding offense.

NUMBER 2
Marriages. Approved March 3, 1845, Revised Statutes.

Section 1. All male persons over the age of seventeen years, and females over the age of fourteen years, may contract and be joined in marriage: Provided, in all cases where either party is a minor, the consent of parents or guardians be first had, as is hereinafter required. .

Section 2. No person of color, negro or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this State; and all marriages or marriage contracts, entered into between such colored person and white person, shall be null and void in law; and any person so marrying or contracting to marry, shall be liable to pay a fine, be whipped in not exceeding thirty-nine lashes, and be imprisoned, not less than one year; and shall be held to answer in no other than a criminal prosecution, by information or indictment. And any clerk who shall knowingly issue a license to any such colored person, negro or mulatto, or to any white person to be joined to a negro or mulatto, in manner aforesaid, or if any officer or person authorized to solemnize marriages in this State, shall join any such colored person, negro or mulatto in marriage with a white person, such magistrate or other person so offending as aforesaid, on conviction thereof, shall be fined, in a sum not less than two hundred dollars, to be sued for and recovered in any court of record in this State, the one-half for the use of the county in which said suit is brought, and the other half to the person suing for the same; and thereafter be ineligible to any office in this State.

Section 3. All persons belonging to any religious society, church or denomination, may celebrate their marriage according to the rules and principles of such religious society, church or denomination; and a certificate of such marriage, signed by the regular minister, or if there

be no minister, then by the clerk of such religious society, church or denomination, registered as hereinafter directed, shall be evidence of such marriage.

Section 4. Any persons wishing to marry, or be joined in marriage, may go before any regular minister of the gospel, authorized to marry, by the custom of the church or society to which he belongs, any justice of the supreme court, judge of any inferior court, or justice of the peace, and celebrate or declare their marriage in such manner and form as shall be most agreeable.

NUMBER 3

Who may contract marriages. Revised Statutes, (1845).

Section 1. All male persons over the age of seventeen years, and females over the age of fourteen years, may contract and be joined in marriage: Provided, In all cases where either party is a minor, the consent of parents or guardians be first had, as is hereinafter required.

Section 2. No person of color, negro or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this state; and all marriages or marriage contracts, entered into between such colored person and white person, shall be null and void in law; and any person so marrying, or contracting to marry, shall be liable to pay a fine, be whipped, in not exceeding thirty-nine lashes, and be imprisoned not less than one year, and shall be held to answer in no other than a criminal prosecution, by information or indictment. And any clerk who shall knowingly issue a license to any such colored person, negro or mulatto, Of to any white person to be joined to a negro or mulatto, in manner aforesaid, or if any officer or person authorized to solemnize marriages in this state, shall join any such colored person, negro or mulatto in marriage with a white person, such magistrate or other person, so offending 'as aforesaid, on conviction thereof, shall be fined, in a sum not less than two hundred dollars, to be sued for and recovered in any court of record in this state, the one-half for the use of the county in which said suit is brought, and the other half to the person suing for the same, and thereafter be ineligible to any office in this state.

Section 3. All persons belonging to any religious society, church or denomination, may celebrate their marriage according to the rules and principles of such religious society, church or denomination; and a certificate of such marriage, signed by the regular minister, or if there be no minister, then by the clerk of such religious society, church or denomination, registered as hereinafter directed, shall be evidence of such marriage.

Section 4. Any persons wishing to marry, or be joined in marriage, may go before any regular minister of the gospel, authorized to marry, by the custom of the church or society to which he belongs, any justice of the supreme court, judge, of any inferior court, or justice of the peace, and celebrate or declare their marriage, in such manner and form as shall be most agreeable.

Section 5. Any minister of the gospel, justice of the supreme court, judge or justice of the peace, who shall celebrate any marriage, shall make a certificate of such marriage, and return the same, with the license, to the clerk of the county commissioners' court, who issued such license, within thirty days after solemnizing such marriage.

Section 6. The clerk of the county commissioners' court, after receiving such certificate, shall make a registry thereof, in a book to be kept by him for that purpose only; which registry shall contain the christian and surnames of both the parties, the time of their marriage,

and the name of the person certifying the same; and said clerk shall, at the same time, indorse on such certificate, that the same is registered, and the time when; which certificate shall be carefully filed and preserved and the same, or a certified copy of the registry thereof, shall be evidence of the marriage of the parties.

Section 7. If any clerk shall, for more than one month, refuse or neglect to register any marriage certificate, which has been, or may hereafter be, delivered to him for that purpose (his fee therefore being paid), he shall be liable to be removed from office, and shall moreover pay the, sum of one hundred dollars, to the use of the party injured, to be recovered by action of debt in any court having cognizance of the same.

Section 8. If any minister, justice of the supreme court, judge or justice of the peace, having solemnized a marriage, or clerk of any religious society, as the case may be, shall not make return of a certificate of the same, as required, within the time limited, to the clerk of the commissioners' court of the county in which such marriage was solemnized, he shall forfeit and pay one hundred dollars for each case so neglected, to go to the use of the county, to be recovered by indictment. And if any minister of the gospel, justice of the supreme court, judge or any other officer or person, except as hereinbefore excepted, shall solemnize and join in marriage any couple without a license as aforesaid, he shall, for every such offense, forfeit and pay one hundred dollars, to the use of the county, to be recovered by indictment.

Section 9. No person shall be joined in marriage as aforesaid, unless their intention to marry shall have been published at least two weeks previous to such marriage, in the church or congregation to which the parties, or one of them, belong; or unless such persons have obtained a license, as herein provided.

Section 10. In all cases when publication of such intention to marry has not, been made, as before described, the parties wishing to marry shall obtain a license from the clerk of the county commissioners' court of the county where such marriage is to take place; which license shall authorize any regular minister of the gospel authorized to marry by the church or society to which he belongs; any justice of the supreme court, judge or justice of the peace, to celebrate and certify such marriage; but no such license shall be granted for the marriage of any male under twenty-one years of age, or female under the age of eighteen years, without the consent of his or her father, or if he be dead, or incapable, of his or her mother or guardian to be noted in such license. And if anyone marries them without consent as aforesaid, he shall forfeit and pay the sum of three hundred dollars, to the use of such father, mother or guardian, to be sued for and recovered in any court having cognizance thereof; and for the purpose of ascertaining the age of the parties, such clerk is hereby authorized to examine either party, or other witness on oath.

NUMBER 4

An act to establish the validity of marriages contracted, wherein one or both of the parties were slaves at the time, and to establish the legitimacy of their offspring, as to the right to inherit property. Approved May 5, 1891, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all marriages that have been contracted wherein one or both of the parties were slaves at the time, shall be considered equally valid and binding as though the parties thereunto were free and the child or children of such marriages shall be deemed legitimate

and. placed upon exactly the same footing (as to the right to inherit property as well from their brothers, sisters and other relations as from their parents) as any child or children born of parents who were lawfully wedded and not slaves.

The provisions of this act shall extend to all marriages entered into between such slaves, whether contracted and entered into within or without this State, so far as the right to inherit property within this State is concerned.

Civil and Legal Rights

Congress adopted legislation to protect the legal rights of African American after the Civil War. Most northern states, including Illinois, also adopted civil rights laws. In most cases, Illinois made only token gestures of its commitment to racial equality. For example, Illinois law provided equal access to public accommodations, including restaurants, theaters and inns. The state also prescribed penalties for residents who violated the legal rights of anyone solely on account of race, ancestry or previous condition or servitude. Citizens convicted of such an act could be fined up to $500 or imprisoned. Illinois made these declarations so long as they were in vogue at the federal level. When federal protections for civil rights receded during the late nineteenth century, Illinois lawmakers retreated as well. Illinois, therefore, entered the twentieth century as a rigidly segregated state.

NUMBER 1

Educating persons of color. Approved February 18, 1857, Session Laws.

Section 80. In townships in which there shall be persons of color, the board of trustees shall allow such persons a portion of the school fund equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

NUMBER 2

An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same. Approved June 10, 1885, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barbershops, public conveyances on land, or water, theaters, and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

Section 2. That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by encouraging such denial, shall, for every such offense, forfeit and pay a sum not less than twenty-five (25) dollars nor more than five hundred (500) dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction, in the county where said offense was committed: and shall also for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed five hundred (500) dollars, or shall be imprisoned no more than one year, or both: And, provided, further, that a judgment in favor of the party aggrieved, or

punishment upon an indictment, shall be a bar to either prosecution respectively.

NUMBER 3

An act to amend an act entitled "an act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same," Approved June 10, 1885, by adding additional sections. Approved June 3, 1891, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That" An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same," approved June 10, 1885, be amended by adding additional sections to be known as sections three (3) and four (4).

Section 3. Justices of the peace in the county where the offense is committed shall have jurisdiction in all civil actions brought under this act to recover damages, to the extent of the jurisdiction of justices of the peace to recover a money demanding other actions as fixed by law, and either parry shall have the right to have the cause tried by jury and to appeal from the judgment of the justice in the same manner as in other civil suits.

Section 4. When such action shall be brought originally before a justice of the peace and an appeal taken from the judgment of the justice to the circuit, superior or county court, such court to which the appeal is taken shall upon the trial de novo of such appeal, have jurisdiction to render a judgment for a sum exceeding the jurisdiction of the justice in the same manner as though such suit had originally been begun in such circuit, superior or county court: Provided, that the plaintiff shall within thirty days after the transcript is filed in the court to which the appeal[is] taken, file his declaration in such cause in the same manner as in original suits, and there upon process shall issue, against the defendant and the cause shall proceed in all respects the same as in original actions brought in such court. Where a declaration is filed the appeal shall not be dismissed without the consent of the plaintiff.

NUMBER 4

An act to amend an act entitled "An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same.

Approved June 10, 1897, Laws of Illinois.

Section 1. That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, hotels, soda fountains, saloons, barber shops, bath rooms, theaters, skating rinks, concerts, cafes, bicycle rinks, elevators, ice cream parlors or rooms, railroads, omnibuses, stages, street cars, boats, public conveyances on land and water and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

APPENDIX B

Slave System Statutes Overview
and Timeline in America

APPENDIX B

Slave System Statutes Overview and Timeline in America 1619-1780

1619
At Jamestown, Virginia, approximately 20 captive Africans are sold into slavery in the British North American colonies.
1612
The first commercial tobacco crop is raised in Jamestown, Virginia.
1626
The Dutch West India Company imports 11 black male slaves into the New Netherlands.
1636
Colonial North America's slave trade begins when the first American slave carrier, Desire, is built and launched in Massachusetts.

1640
John Punch, a runaway black servant, is sentenced to servitude for life. His two white companions are given extended terms of servitude. Punch is the first documented slave for life.
1640
New Netherlands law forbids residents from harboring or feeding runaway slaves.

1641
The D'Angola marriage is the first recorded marriage between blacks in New Amsterdam.
1641
Massachusetts is the first colony to legalize slavery.

1643
The New England Confederation of Plymouth, Massachusetts, Connecticut, and New Haven adopts a fugitive slave law.
1650
Connecticut legalizes slavery.
1652
Rhode Island passes laws restricting slavery and forbidding enslavement for more than 10 years.
1652
Massachusetts requires all black and Indian servants to receive military training.

1654
A Virginia court grants blacks the right to hold slaves.

1657
Virginia passes a fugitive slave law.
1660
Charles II, King of England, orders the Council of Foreign Plantations to devise strategies for converting slaves and servants to Christianity.
1662
Massachusetts reverses a ruling dating back to 1652, which allowed blacks to train in arms. New York, Connecticut, and New Hampshire pass similar laws restricting the bearing of arms.

1663
In Gloucester County, Virginia the first documented slave rebellion in the colonies takes place.
1663
Maryland legalizes slavery.
1663
Charles II, King of England, gives the Carolinas to proprietors. Until the 1680s, most settlers in the region are small landowners from Barbados.

1664
New York and New Jersey legalize slavery.
1664
Maryland is the first colony to take legal action against marriages between white women and black men.
1664
The State of Maryland mandates lifelong servitude for all black slaves. New York, New Jersey, the Carolinas, and Virginia all pass similar laws.

1666
Maryland passes a fugitive slave law.
1667
Virginia declares that Christian baptism will not alter a person's status as a slave.
1668
New Jersey passes a fugitive slave law.
1670
The State of Virginia prohibits free blacks and Indians from keeping Christian (i.e. white) servants.
1674
New York declares that blacks who convert to Christianity after their enslavement will not be freed.
1676
In Virginia, black slaves and black and white indentured servants band together to participate in Bacon's Rebellion.

1680
The State of Virginia forbids blacks and slaves from bearing arms, prohibits blacks from

congregating in large numbers, and mandates harsh punishment for slaves who assault Christians or attempt escape.
1682
Virginia declares that all imported black servants are slaves for life.
1684
New York makes it illegal for slaves to sell goods.
1688
The Pennsylvania Quakers pass the first formal antislavery resolution.

1691
Virginia passes the first anti-miscegenation law, forbidding marriages between whites and blacks or whites and Native Americans.
1691
Virginia prohibits the manumission of slaves within its borders. Manumitted slaves are forced to leave the colony.
1691
South Carolina passes the first comprehensive slave codes.

1694
Rice cultivation is introduced into Carolina. Slave importation increases dramatically.
1696
The Royal African Trade Company loses its monopoly and New England colonists enter the slave trade.
1700
Pennsylvania legalizes slavery.
1702
New York passes An Act for Regulating Slaves. Among the prohibitions of this act are meetings of more than three slaves, trading by slaves, and testimony by slaves in court.

1703
Massachusetts requires those masters who liberate slaves to provide a bond of 50 pounds or more in the event that the freedman becomes a public charge.
1703
Connecticut assigns the punishment of whipping to any slaves who disturb the peace or assault whites.
1703
Rhode Island makes it illegal for blacks and Indians to walk at night without passes.

1705
The Virginia Slave Code codifies slave status, declaring all non-Christian servants entering the colony to be slaves. It defines all slaves as real estate, acquits masters who kill slaves during punishment, forbids slaves and free colored peoples from physically assaulting white persons, and denies slaves the right to bear arms or move abroad without written permission.
1705

New York declares that punishment by execution will be applied to certain runaway slaves.
1705
Massachusetts makes marriage and sexual relations between blacks and whites illegal.

1706
New York declares blacks, Indians, and slaves who kill white people to be subject to the death penalty.
1706
Connecticut requires that Indians, mulattos, and black servants gain permission from their masters to engage in trade.

1708
The Southern colonies require militia captains to enlist and train one slave for every white soldier.
1708
Rhode Island requires that slaves be accompanied by their masters when visiting the homes of free persons.
1708
Blacks outnumber whites in South Carolina.

1710
New York forbids blacks, Indians, and mulattos from walking at night without lighted lanterns.

1711
Pennsylvania prohibits the importation of blacks and Indians.
1711
Rhode Island prohibits the clandestine importation of black and Indian slaves.

1712
Pennsylvania prohibits the importation of slaves.
1712
An alleged slave revolt in New York City leads to violent outbreaks. Nine whites are killed and eighteen slaves are executed.
1712
New York declares it illegal for blacks, Indians, and slaves to murder other blacks, Indians, and slaves.
1712
New York forbids freed blacks, Indians, and mulatto slaves from owning real estate and holding property.
1712
In Charleston, South Carolina slaves are forbidden from hiring themselves out.

1715
Rhode Island legalizes slavery.

1715
Maryland declares all slaves entering the province and their descendants to be slaves for life.

1717
New York enacts a fugitive slave law.
1723
Virginia abolishes manumissions.
1724
French Louisiana prohibits slaves from marrying without the permission of their owners.

1730-1750
The number of male and female slaves imported to the North American British colonies balances out for the first time.

1731
The Spanish reverse a 1730 decision and declare that slaves fleeing to Florida from Carolina will not be sold or returned.
1732
Slaves aboard the ship of New Hampshire Captain John Major kill both captain and crew, seizing the vessel and its cargo.
1733
Quaker Elihu Coleman's A Testimony against That Anti-Christian Practice of MAKING SLAVES OF MEN is published.

1735
Under an English law Georgia prohibits the importation and use of black slaves.
1735
Georgia petitions Britain for the legalization of slavery.
1735
Louis XV, King of France, declares that when an enslaved woman gives birth to the child of a free man, neither mother nor child can be sold. Further, after a certain time, mother and child will be freed.

1738
Georgia's trustees permit the importation of black slaves.
1738
Spanish Florida promises freedom and land to runaway slaves.

1739
Slaves in Stono, South Carolina rebel, sacking and burning an armory and killing whites. The colonial militia puts an end to the rebellion before slaves are able to reach freedom in Florida.

1740
South Carolina passes the comprehensive Negro Act, making it illegal for slaves to move

abroad, assemble in groups, raise food, earn money, and learn to read English. Owners are permitted to kill rebellious slaves if necessary.
1740
Georgia and Carolina attempt to invade Florida in retaliation for the territory's policy toward runaways.

1749
Georgia repeals its prohibition and permits the importation of black slaves.
1751
George II repeals the 1705 act, making slaves real estate in Virginia.
1758
Pennsylvania Quakers forbid their members from owning slaves or participating in the slave trade.
1760
New Jersey prohibits the enlistment of slaves in the militia without their master's permission.
1767
The Virginia House of Burgess boycotts the British slave trade in protest of the Townsend Acts. Georgia and the Carolinas follow suit.
1770
Escaped slave, Crispus Attucks, is killed by British forces in Bostn, Massachusetts. He is one of the first colonists to die in the war for independence.
1772
James Albert Ukawsaw Gronniosaw's writes the first autobiographical slave narrative.

1773
The first separate black church in America is founded in South Carolina.
1773
Slaves in Massachusetts unsuccessfully petition the government for their freedom.
1773
Phyllis Wheatley becomes the first published African-American poet when a London publishing company releases a collection of her verse.

1774
The First Continental Congress bans trade with Britain and vows to discontinue the slave trade after the 1st of December.
1774
Connecticut, Rhode Island, and Georgia prohibit the importation of slaves.
1774
Virginia takes action against slave importation.

1775
The slave population in the colonies is nearly 500,000. In Virginia, the ratio of free colonists to

slaves is nearly 1:1. In South Carolina it is approximately 1:2.
1775
Georgia takes action against slave importation.
1775
The first abolition society is founded in Philadelphia, Pennsylvania.
1775
In April, the first battles of the Revolutionary war are waged between the British and Colonial armies at Lexington and Concord, Massachusetts. Black Minutemen participate in the fighting.
1775
In July, George Washington announces a ban on the enlistment of free blacks and slaves in the colonial army. By the end of the year, he reverses the ban, ordering the Continental Army to accept the service of free blacks.
1775
In November, Virginia Governor John Murray, Lord Dunmore, issues a proclamation announcing that any slave fighting on the side of the British will be liberated.

1776
In Philadelphia, Pennsylvania, members of the Continental Congress sign the Declaration of Independence.
1776
In Philadelphia, Pennsylvania, the Society of Friends, also known as the Quakers, forbids its members from holding slaves.
1776
Delaware prohibits the importation of African slaves.

1777
Vermont is the first of the thirteen colonies to abolish slavery and enfranchise all adult males.
1777
New York enfranchises all free propertied men regardless of color or prior servitude.

1778
Rhode Island forbids the removal of slaves from the state.
1778
Virginia prohibits the importation of slaves.

1780
Delaware makes it illegal to enslave imported Africans.
1780
Pennsylvania begins gradual emancipation.
1780
A freedom clause in the Massachusetts constitution is interpreted as an abolishment of slavery. Massachusetts enfranchises all men regardless of race.
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APPENDIX C

Consultation Transcripts Record

STATE OF ILLINOIS.)
) SS
COUNTY OF C O O K)

STATE OF ILLINOIS
ILLINOIS TRANSATLANTIC SLAVE TRADE COMMISSION
PLENARY SESSION I

REPORT OF PROCEEDINGS

of the State of Illinois TransAtlantic Slave Trade Commission, at the Jacob H. Carruthers Center for Inner City Studies of Northeastern Illinois University, on the 8th day of November, A.D., 2006, at the hour of 5:00 o'clock p.m.

PRESENTERS:

DR. CONRAD WORRILL, Ph.D.
Director, Jacob H. Carruthers Center for
Inner City Studies
Commissioner/Facilitator
Illinois Transatlantic Slave Trade Commission

DR. ANDERSON THOMPSON, Ph.D.
Professor, Jacob H. Carruthers Center for
Inner City Studies
Senior Research Coordinator and
Director of Research and Evaluation
Illinois TransAtlantic Slave Trade Commission

Dr. Iva Carruthers
Professor Emeritus
Northeastern Illinois University
General Secretary
Samuel DeWitt Proctor Conference

Ms. Toni Costonie,
Researcher and Archivist
Participant
Illinois TransAtlantic Slave Trade Commission

Ms. Colleen E. Payne-Jackson
Perinatal Education Specialist
Alpha Maxx Health Care, Memphis, Tennessee
Participant

Dr. Leonard Jeffries, Ph.D.
Chief, Ashanti Nation of Ghana
Founding Director
Association for the Study of
Classical African Civilizations (ASCAC)

Dr. Asa G. Hilliard, Ph.D.
Chairman
Professor of Urban Education
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Commissioner
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Executive Director
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Black Family Life and Culture, Inc.
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Ms. Maria E.H.B. DeJesus Abegunde
Poet in Residence and Ritualist
UNISCA TransAtlantic Slave Project
Participant

Ms. Patricia Bearden
President, International Society of Sons and
Daughters of Slave Ancestry

Mr. Josef Ben Levi
Associate Director, Kemetic Institute
Professor
Center for Inner City Studies

Mr. Melvin Bobo
Commissioner Designee
Illinois TransAtlantic Slave Trade Commission.

Mr. Tony Burroughs
Genealogist and Author
Black Roots, Beginners Guide to
Tracing the African American Family

Ms. Toni Costonie
Researcher and Archivist

Ms. Kesha Daniels
Staff Research Specialist
Illinois TransAtlantic Slave Trade Commission

Dr. Latrice Eggleston, Ph.D.
Statistician

Dr. Soffiyah Elijah
Deputy Director
Criminal Justice Institute
Harvard Law School

Dr. Elliott McKinley Fourté, M.D.
Physician and C.E.O.
Kuji Health Concepts, S.C.
Participant

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Executive Director
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Ms. Porsha Hall
Professor
Malcolm X Community College

Ms. Alice Hammond
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Participant
Illinois TransAtlantic Slave Trade

Ms. Viola Henry
Videographer
Illinois TransAtlantic Slave Trade Commission;

Ms. Yvonne Jones
Executive Director, Kemetic Institute
Professor
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Dr. Kobi Kambon, Ph.D.
Professor, Psychology and African Studies
Florida A & M University

Mr. Oscar Lester
Professor
Carruthers Center for Inner City Studies

Mr. Godfrey Mason
Director, Great Black Music Project

Dr. Eleanor Murkey, Ph.D.
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College of Lake County
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Dr. Harold Pates,
Retired President,
Kennedy-King College.

Ms. Colleen E. Payne-Jackson
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Dr. Christopher Reed,
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Dr. Eric Wallace, Ph.D.
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Mr. Lee Walker
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Attorney At Law
Participant
Illinois TransAtlantic Slave Trade Commission

Mr. Stanley Young
Assistant Dean of Information Technology
Wheaton College
Participant
Illinois TransAtlantic Slave Trade Commission

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

STATE OF ILLINOIS
TRANSATLANTIC SLAVE TRADE COMMISSION

REPORT OF PROCEEDINGS of the State of Illinois TransAtlantic Slave Trade Commission, at the Jacob H. Carruthers Center for Inner City Studies of the Northeastern Illinois University, 700 East Oakwood Boulevard, Chicago, Illinois, 60653, on the 1st and 2nd day of June, A.D., 2007.

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Jacob H. Carruthers Center for Inner City Studies

Ms. Joulaika Buchan
Ms. Brenda Brooks-Lo
Student Presenters

Panel Moderator, Consultation II
Ms. Toni Costoni
Researcher and Archivist
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