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Asian Americans Advancing Justice |
AAJC

February 17, 2021

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jim Jordan
Ranking Member
House Committee on the Judiciary
2142 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler and Ranking Member Jordan:

On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference), a coalition of more than 220 national advocacy organizations, we write to express our strong support for H.R. 40, The Commission to Study Reparation Proposals for African Americans Act. Introduced in each Congress since 1989, H.R. 40 reflects an important step towards the economic and racial justice that has for too long been denied to Black individuals. Particularly as our nation begins to confront the systemic racism perpetuated by our criminal-legal system and the countless ways longstanding inequalities for people of color have been amplified by the coronavirus pandemic, we commend the Committee for holding a hearing on this critical piece of racial justice legislation.

Over the course of the past year, millions of individuals across the country have protested systemic racism and its manifestation in incidents of police brutality, declaring it is past time for the nation to begin to unearth the true severity of the trauma inflicted upon Black communities and begin the process of healing. H.R. 40 represents a step towards this reckoning by finally forcing the U.S. government to recognize and make amends for the decades of economic enrichment that have benefited this nation as a result of the free labor that African slaves were forced to provide. The bill would require the federal government to undertake an official study to analyze the impact that America's original sin of slavery has had on the social, political, and economic life of our nation, and make recommendations to repair those impacts. Today's hearing provides a forum for once again outlining the necessity of this legislation and the far-reaching impact it will have on forging a more just and equitable society.

In the more than 400 years since the first enslaved Africans arrived at Jamestown, Virginia, African people, their descendants, and other marginalized groups have borne the brunt of structural inequality, racism, and discrimination. Although subjugation of African Americans was integral to establishing the United States as a world economic power, African Americans were continuously denied the right to participate in the economic growth of this country even after the official end of slavery. Policies like American chattel slavery, Black

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Codes, convict leasing, Jim Crow segregation, redlining, and racial discrimination have all contributed to intergenerational harm to African Americans that continues to persist today.¹

For example:

- African Americans live in poverty at a rate more than twice that of non-Hispanic Whites. In 2019, 18.8 percent of African Americans lived in poverty compared to 7.3 percent of non-Hispanic Whites,² and 26.4 percent of Black children under age 18 lived in poverty compared to 8.3 percent of non-Hispanic White children.³
- School districts that serve higher populations of African American children receive \$23 billion less in funding compared to mostly white school districts, despite serving the same number of children.⁴
- African American students are less likely to be college-ready: among ACT-tested Black students graduating high school in 2015, 61 percent met none of the four ACT college readiness benchmarks – a rate nearly twice the overall 31 percent rate for all students.⁵
- African American women are three times more likely to die of preventable pregnancy related causes and nearly twice as likely to die from cervical cancer as are White women.⁶
- African Americans are incarcerated at more than five times the rate of Whites.⁷
- In 2016, the median wealth of a typical White family was more than 11 times that of a typical Black family,⁸ and economists argue that racial differences in income have been found to drive the wealth gap more than any other factor.⁹

¹ *The Descendants: From slavery to Jim Crow, a call for 21st century abolition*. Harvard Law Today. (Mar. 19, 2018). <https://today.law.harvard.edu/descendants-slavery-jim-crow-call-21st-century-abolition/>

² *Historical Poverty Tables: People and Families – 1959 to 2019*. United States Census Bureau. <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-people.html>

³ Ibid.

⁴ *\$23 Billion*. ED BUILD (Feb. 2019) <https://edbuild.org/content/23-billion/full-report.pdf>

⁵ *The Condition for College and Career Readiness 2015: African American Students*. ACT and United Negro College Fund. (2016). <https://www.uncf.org/wp-content/uploads/PDFs/6201-CCCR-African-American-2015.pdf>

⁶ *US: Cervical Cancer Deaths Up for Black Women*. HUMAN RIGHTS WATCH (Nov. 29, 2018)

<https://www.hrw.org/news/2018/11/29/us-cervical-cancer-deaths-black-women>

⁷ *Criminal Justice Fact Sheet*. National Association for the Advancement of Colored People.

<https://www.naacp.org/criminal-justice-fact-sheet/>

⁸ See, e.g., Long, H. and Van Dam, A. *The black-white economic divide is as wide as it was in 1968*. THE WASHINGTON POST. (June 4, 2020). <https://www.washingtonpost.com/business/2020/06/04/economic-divide-black-households/>

⁹ Brentin, M. *Why Can't We Close the Racial Wealth Gap*. CITY LAB. (Mar. 21, 2019).

<https://www.citylab.com/equity/2019/03/racial-wealth-gap-income-inequality-black-white-households/585325/>

This evidence demonstrates that the rippling effects of slavery and institutional racism still stifle the advancements of African Americans to this day and thereby supports reparations to address the continued harms resulting from the government-sanctioned institution of slavery.

Reparations represent the unfulfilled promise of the American Dream and the forty acres and a mule that the United States initially promised to freed slaves.¹⁰ Reparations are not only a fair, but also feasible, solution to the institutional racism endured by African Americans, as well as a solution based on federal precedent.¹¹ For example:

- While ultimately insufficient, the federal government provided many Native American tribes millions in reparations for the illegal land seizures that fostered the expansion of this country.
- Upon the abolishment of slavery, slaveowners' perceived losses were rectified with reparations – a right and privilege the African American community has yet to receive – as President Lincoln signed an act granting former slave owners up to \$300 for every slave they freed.¹²
- Each surviving Japanese American and others who were interned during World War II were provided \$20,000 in compensation.¹³

And, there is also state-level precedent for reparations. For example, North Carolina provided reparations for the practice of eugenics through the sterilization of more 7,600 African Americans; Florida paid reparations to African American survivors in Rosewood, Florida following the decimation of their community;¹⁴ and Evanston, Illinois created a reparations program funded by recreational marijuana taxes

¹⁰ Gates Jr., H., The Truth Behind '40 Acres and a Mule,'; *Fifty of the 100 Amazing Facts will be published on The African Americans: Many Rivers to Cross*. PBS. <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/>

¹¹ Davis, Allen J. An Historical Timeline of Reparations Payments Made From 1866 through 2018 by the United States Government, States, Cities, and Universities, May 2019, <https://guides.library.umass.edu/reparations>

¹² *The District of Columbia Emancipation Act*. NATIONAL ARCHIVES. (Apr. 2019). <https://www.archives.gov/exhibits/featured-documents/dc-emancipation-act>

¹³ "From Wrong To Right: A U.S. Apology For Japanese Internment NPR. (Aug. 2013). <https://www.npr.org/sections/codeswitch/2013/08/09/210138278/japanese-internment-redress>

¹⁴ Davis, A. *An Historical Timeline of Reparations Payments Made From 1866 through 2018 by the United States Government, States, Cities, and Universities*. UNIVERSITY OF MASSACHUSETTS. (May 2019). <https://guides.library.umass.edu/reparations>

in 2019.¹⁵ Last year, California created a task force on reparations,¹⁶ and similar efforts are underway in Providence, Rhode Island¹⁷ and St. Paul, Minnesota as well.¹⁸

While both the House¹⁹ and Senate²⁰ passed resolutions over ten years ago apologizing for more than two centuries of slavery and the subsequent years of racial segregation, these non-binding resolutions were insufficient. They were merely symbolic gestures rather than a substantial and active acknowledgment of the fundamental injustice and inhumanity of slavery and structural racism in the United States. Passage of H.R. 40 would change this by providing the meaningful atonement and means of restitution that is so desperately needed. H.R. 40's commission on reparations would study how chattel slavery, disenfranchisement, pervasive oppression, and racial segregation have led to the government-supported denial of humanity to African Americans for more than 400 years as well as analyze the transport and sale of slaves in the colonies during the Trans-Atlantic Slave Trade. Ultimately, the commission would make recommendations to Congress on how to compensate, in whatever forms necessary, descendants of enslaved Africans.

Advancement of this legislation is particularly timely now, during the International Decade of People of African Descent (2015-2024), a global period for the nations around the world to address the legacies of enslavement and colonization that have injured People of African Descent across the diaspora.²¹ The Decade's three goals—recognition, justice, and development—are designed to support initiatives that will combat the negative effects of racial hierarchies, marginalization, colonialism, and slavery. Reparations for people of African descent are vital to accomplishing those goals. Through our work on the Decade, The Leadership Conference has consistently called for nation states to support and make efforts to implement reparations as an essential mechanism for developing comprehensive solutions to ensure human rights protections and equity in health care, education, housing, employment, and other societal systems.

As Martin Luther King Jr. observed more than 50 years ago:

¹⁵ DiManno, R. *America must pay reparations for slavery. Evanston, Illinois, could lead the way.* THE STAR. (Aug. 24, 2020). <https://www.thestar.com/opinion/star-columnists/2020/08/24/america-must-pay-reparations-for-slavery-ewanston-illinois-could-lead-the-way.html>

¹⁶ Holcombe, M. *California passes a first-of-its-kind law to consider reparations for slavery.* CNN. (Oct. 1, 2020). <https://www.cnn.com/2020/10/01/us/california-bill-slavery-reparations-trnd/index.html>

¹⁷ Crandall, B. *Mayor Elorza launches 'Truth Telling' phase in reparations plan.* NBC 10 NEWS. (Sept. 22, 2020). <https://turnto10.com/news/local/mayor-elorza-launches-truth-telling-phase-in-reparations-plan>

¹⁸ Crowe, C. *St. Paul, MN to form reparations commission.* Smart Cities Dive. (Jan. 15, 2021).

<https://www.smartcitiesdive.com/news/st-paul-mn-to-form-reparations-commission/593455/>

¹⁹ H. Res. 194, Apologizing for the enslavement and racial segregation of African-Americans. 110th Cong. (2007). <https://www.congress.gov/bill/110th-congress/house-resolution/194/text/eh>

²⁰ S. Con. Res. 26, A concurrent resolution apologizing for the enslavement and racial segregation of African Americans. 111th Cong. (2009). <https://www.congress.gov/bill/111th-congress/senate-concurrent-resolution/26/text>

²¹ The International Decade for People of African Descent, proclaimed by General Assembly resolution 68/237, observed from 2015 to 2024, provides a framework for the United Nations, Member States, civil society, and all other relevant parties to join together with people of African descent and take effective measures for the implementation of the program of activities in order to provide recognition, justice and development to African Descendants.

White America must recognize that justice for black people cannot be achieved without radical changes in the structure of our society. The comfortable, the entrenched, the privileged cannot continue to tremble at the prospect of change in the status quo.²²

It is long past time that this country upends the status quo, acknowledges its history of slavery and racial discrimination, and finally makes good on its unfulfilled promises. We thank the Committee for holding this hearing to consider H.R. 40's proposal to do so, and we urge members of the House Judiciary Committee to support H.R. 40's swift passage in the 117th Congress.

If you have any questions, please feel free to contact Sakira Cook, Director, Justice Reform Program, at cook@civilrights.org.

Sincerely,



Wade Henderson
Interim President and CEO



LaShawn Warren
Executive Vice President for Government Affairs

²² King Jr., M.L., A Testament of Hope, 1968.