

Defining Reparations

William A. “Sandy” Darity Jr.

Co-author, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*
Founding Director, Samuel DuBois Cook Center on Social Equity, Duke University

A. Kirsten Mullen

Co-author, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*
Founder, Artefactual and Carolina Circuit Writers



**“Reparations are a program of
acknowledgement, redress, and
closure for a grievous injustice.”**

***From Here to Equality: Reparations
for Black Americans in the Twenty-
First Century, p. 2***





The Three Pillars of ARC

- ◀ Acknowledgment
- ◀ Redress
- ◀ Closure



Acknowledgment

- ▶ “...recognition and admission of the wrong by the perpetrators or beneficiaries of the injustice.”
- ▶ The culpable party engages in two step process:
 - ▶ A formal apology
 - ▶ A commitment to compensate the victims

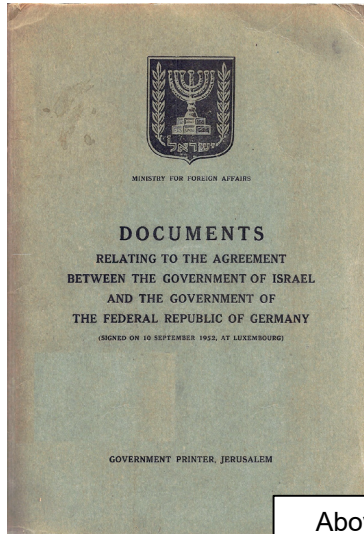


Acknowledgment

- ▶ The responsible party, the one that has done wrong, is said to be culpable. They must publicly state and admit they are aware of the harm they have done.
- ▶ Often, the responsible party refuses to admit the atrocities it has committed and acknowledgement does not happen (for example, Turkey's lack of response to the Armenian genocide).

Redress: Restitution or Compensation

- Multiple international examples of redress via governments' direct payments to eligible recipients:



Canada Offers \$85 Million to Victims of Its 'Gay Purge,' as Trudeau Apologizes



Above: 2006 press conference at UN Headquarters on the Moroccan Equity and Reconciliation Commission Report.

Residential school abuse survivors seek \$1 billion in damages

NORTH VANCOUVER - Survivors of abuse at native residential schools in British Columbia are seeking an estimated \$1 billion in damages.

The money would come from civil lawsuits filed on behalf of an estimated 2,000 survivors of residential schools and their families.

The lawsuits would be part of an international strategy that views British Columbia as the most favorable climate for large-scale class-action lawsuits, the First Nations Summit was told at a meeting Wednesday.

The summit represents most on-reserve chiefs of B.C.'s 196 Indian bands.

Each survivor could get up to \$500,000, said a legal opinion by Vancouver lawyer Karin Ramji.

There are about 125 living victims from each of the 16 B.C. schools.

"This would mean that the law-

suit for each school would be approximately \$62,500,000, and for all 16 schools, this would amount to a lawsuit of close to \$1 billion," said Ramji.

No class-action suit based on residential-school abuse has been filed in British Columbia.

But 40 individual lawsuits have been filed stemming from abuse at the schools, run in the provinces from 1858 to 1984 by churches under contract to the federal government.

Vancouver lawyers David Klein, who conducts class-action suits, and David Paterson, who on Wednesday filed 18 of the civil suits, confirm B.C. courts in similar non-native sexual-abuse cases have awarded damages for \$400,000 to \$600,000.

"Class-action suits are a definite option," said Tla'az'en Grand Chief Ed John, a lawyer and summit spokesman.

"We've always said our primary focus will be on seeking redress for individuals who suffered not only criminal acts like sexual assault but also cultural assimilation, as well as bringing abusers to justice in criminal courts."

The summit has endorsed an international strategy on Indian residential schools that calls for lawsuits also to be filed in the United States and Australia, where there were similar residential schools.

It is being spearheaded by Phil Lane, a U.S.-born Dakota Sioux film-maker and activist now based in Lethbridge, Alta.

Lane has enlisted the help of Texas lawyer Sylvia Demarest, who just won \$119.6 million for 11 non-natives molested by a Catholic priest.

It is the largest judgment ever in a clergy sexual-molestation case in the United States.

Redress: Restitution or Compensation

Compensation the U.S government already has given:

- ▶ Payments to Japanese Americans incarcerated during WWII
- ▶ Payments to families who lost loved ones during the 9-11 terrorist attacks (47 from California)
- ▶ Payments to victims of the Boston Marathon bombings
- ▶ Payments to those Americans taken hostage in Iran

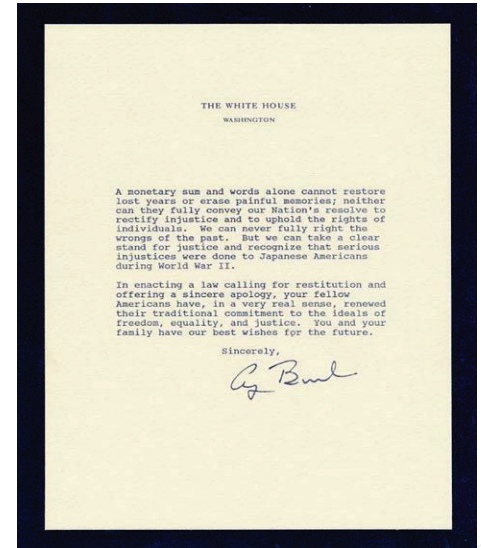


Pictured: The four Californians held hostage during the Iran crisis.

L-R: Donald R. Hohman, Jerry Plotkin, Terri Tedford, and Richard H. Morefield

Japanese American Reparations Program

- ▶ Roughly 120,000 Japanese Americans were interned in concentration camps in World War II
- ▶ With the passage of the Civil Liberties Act of 1988, more than 82,219 Japanese Americans would go on to receive the uniform award of \$20,000



Redress: One American Approach

In 2015, the Iranian hostages were awarded up to \$4.4 million each, or **\$10,000 per day** for the 444 days they were held hostage. This was the largest reparations payment to any individuals the US has ever paid.



*At the same rate, compensation for a black American enduring a single decade of Jim Crow would be **\$36.5 million***



Closure

Achieved after an account is settled; a debt has been paid.

No more claims will be made on the responsible party by the victimized community as long as there is no renewal of atrocities and no new harms are inflicted.



What Are Not Reparations (Our Perspective)

- ▶ Social Programs
- ▶ Affirmative Action
- ▶ Reversing harmful policies without also providing adequate compensation for their effects



Reparations Cases for Other Groups Based on Past Atrocities in California

- ▶ Asian Americans
 - ▶ Chinese American Massacre in Los Angeles of 1871
- ▶ Native Americans
 - ▶ California gained statehood in 1850; “between 1849 and 1870 it is conservatively estimated that American colonists murdered some 9,500 California Natives”*

**An American Genocide, The United States and the California Catastrophe. (Madley, 2016.)*

Atrocities Directed at the Latinx Community

- ▶ Dodger Stadium and Chavez Ravine
- ▶ Bracero Program 1941- 1964: Exploitation of farm workers
- ▶ Cesar Chávez and United Farmworkers in action
- ▶ Zoot Suit Riot 1943





Why Reparations?

Arenas in which past atrocities make the case for reparations for black American descendants of U. S. slavery:

- ▶ The Institution of Slavery
- ▶ Racialized Terror
- ▶ Political Participation (Voting Rights)
- ▶ Accumulation of Wealth, Banking
- ▶ Employment
- ▶ Housing, Segregation
- ▶ Environmental Justice
- ▶ Education
- ▶ Health
- ▶ Criminal Justice
- ▶ Arts, Culture, Sports
- ▶ Family

WHITES AND NEGROES SLAIN IN ROSEWOOD NIGHT BATTLE; VILLAGE IS BURNED BY MOB

**Governor Ready
With Troops in
Rosewood Riots**

Tallahassee, Jan. 5.—Governor Hardee, of Florida, when informed by the Associated Press here early today of the

Citizens Surround Party of Blacks in Cabin,
Where Gun Fight Continues
Until Dawn Comes.

**BESIEGED MAKE ESCAPE WHEN
POSSE EXHAUSTS AMMUNITION**



THE NEW YORK TIMES, MONDAY

LAST NEGRO HOMES RAZED IN ROSEWOOD

Florida Mob Deliberately Fires
One House After Another
in Block Section.

NEGROES HIDE IN WOODS

Authorities Now Believe Race Riots
Which Caused Seven Deaths
Have Come to an End.

yesterday a fire
death in Sumner
mother and bro
other negro vict
is said to have
capture the name
who fired on the
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white men went
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At Sumner all th
the quarters when
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tablished between
sections.

BONZANO PRA

Events Leading to Redress by State
Governments: Florida

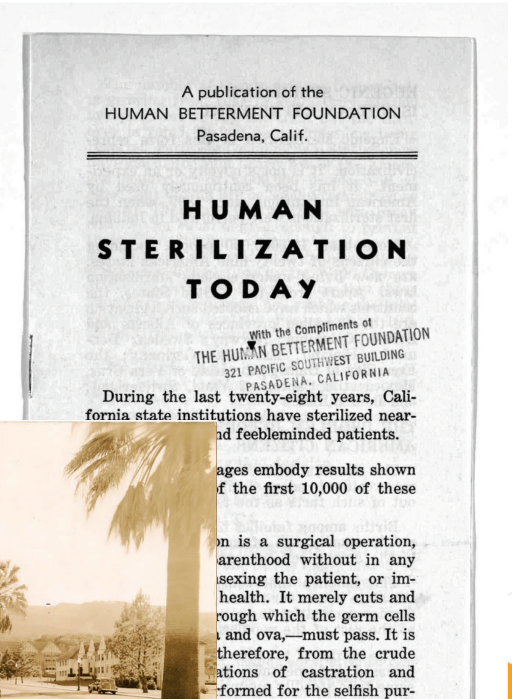
California Eugenics Program

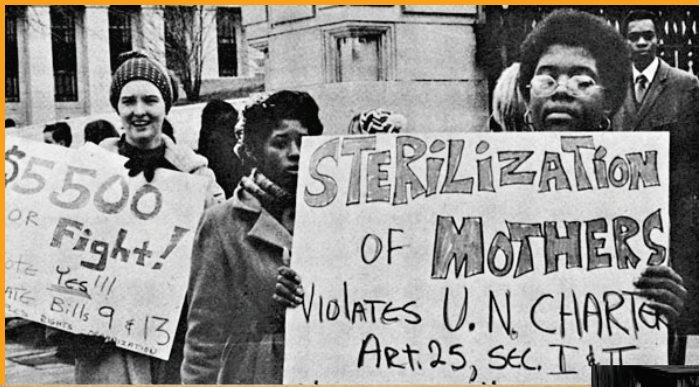
- ▶ California's 1909 eugenics program was one of the earliest
- ▶ By 1920, California was responsible for 80% of forced sterilizations

SCIENCE

On A 'Eugenics Registry,' A Record Of California's Thousands Of Sterilizations

December 18, 2016 · 8:27 AM ET
Heard on [Weekend Edition Sunday](#)





Quality Made Us Famous, Service Made Us Grow
The Richmond Afro-American, May 12, 19

There Was Standing Room Only at Farmville School Rally



Crowd of 1000 which packed every nook and cranny of First Baptist Church in Farmville, Va.

Thursday night, when NAACP lawyers told striking Robert E. Moses began to return to their classes.

All Ages Attended Farmville Rally



Events Leading to Redress by State Governments: Virginia



Reparations: Incomplete or Complete

Some countries have compensated people they have harmed without issuing a formal apology. Others have issued apologies without providing any compensation.

- ▶ **Example of redress without an apology:**
 - ▶ German payments to victims of the Holocaust and the state of Israel (1953)
- ▶ **Apologies without commitments to redress:**
 - ▶ Examples in Australia (2008), Chile (2013) and South Africa (1993)
- ▶ **Example of redress with an apology:**
 - ▶ Japanese Americans subjected to mass incarceration during World War II (1988)



American Example of Apology Without Redress

Senate Concurrent Resolution 26 – 111th Congress (2009-2010)*

- ▶ Acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and legal segregation laws.
- ▶ Apologizes to African Americans on behalf of the people of the United States for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow laws.
- ▶ Expresses Congress's recommitment to the principle that all people are created equal and endowed with inalienable rights to life, liberty, and the pursuit of happiness, and calls on all people of the United States to work toward eliminating racial prejudices, injustices, and discrimination from our society.
- ▶ *DISCLAIMER in Senate Resolution: Declares that nothing in this resolution authorizes, supports, or serves as a settlement of any claim against the United States.*

*passed House in 2008; passed Senate in 2009



The Charge of AB3121 for an Apology

- ▶ The Task Force will recommend how the State of California will “offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants.”



AB 3121:

Task Force to Study and Develop Reparation Proposals for African Americans

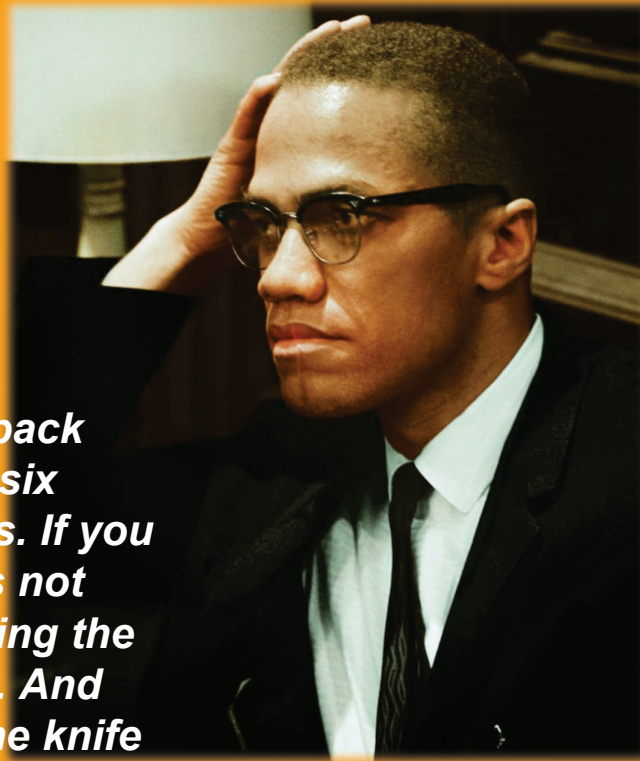
The task force must address the following issues:

- ▶ Scope of culpability of the state of California, including ongoing policies that contribute to racial disparities
- ▶ Appropriate acts of atonement by the state of California
- ▶ Capacity of the state to implement acts of atonement



“If you stick a knife in my back nine inches and pull it out six inches, there’s no progress. If you pull it all the way out that’s not progress. Progress is healing the wound that the blow made. And they haven’t even pulled the knife out much less heal the wound. They won’t even admit the knife is there.”

– Malcolm X



Thank You!

William A. “Sandy” Darity Jr.

Email: william.darity@duke.edu



@SandyDarity

A. Kirsten Mullen

Email: folklifeworldwide@yahoo.com

The Cook Center on Social Equity

Website: socialequity.duke.edu



@DukeSocialEQ