SLAVERY REPARATIONS: REVIVAL OF A BAD IDEA

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This monograph is published by the National Legal and Policy Center (NLPC). Founded in 1991, NLPC promotes ethics in public life through research, education and legal action.

The purpose of this monograph is to set the record straight. Proponents of slavery reparations attempt to ascend the moral high ground. Advancing arguments wrapped in grievance, they speak of justice, fairness and obligation. They make selective use of American history, and in the process, twist it beyond recognition.

We posit that the story of the America is the inverse of that propounded by reparations activists. Instead of a legacy of slavery, the story of America is the story of individual liberty, codified in the Constitution and Bill of Rights, which inevitably led to the abolition of slavery.

Stopping reparations and rebutting the pro-reparations arguments is a great moral imperative. In 2004, NLPC published a monograph titled “The Case Against Slave Reparations” by Peter Flaherty and John Carlisle. Unfortunately, some bad ideas do not go away. This monograph is an original look at the issue by Carl Horowitz that also updates much of the information contained in the original work.

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EXECUTIVE SUMMARY

- The movement to mandate “reparations” for slavery in America’s past is couched in the rhetoric of moral justice, but its purpose is a monumental shakedown. Far from repairing historical wounds, reparations would create them.

- It is immoral and unconstitutional to force an entire class of persons to compensate activity, however repellent, if these persons played no part in it. Such mandates are especially divisive when based on race.

- Though indefensible, forcing whites to pay reparations to blacks enjoys support from the Democratic Party, the New York Times, Princeton Theological Seminary and other putative pillars of our society. This campaign will continue regardless of the outcome of the 2020 presidential election.

- The assertion by reparations supporters that white enslavement of blacks defines our entire national character is a vast oversimplification of American history and has no other purpose than to shame whites.

- Recurring legislation in the House of Representatives to establish a reparations study commission, first proposed back in 1989, is merely a prelude to a large settlement. Reparations advocates have made clear that apologies must be backed up by financial compensation.

- Reparations enthusiasts think big. They estimate America’s accumulated debt for slavery to be in the trillions of dollars. Billions will not suffice.

- It is immoral and unconstitutional to force an entire class of persons to compensate activity, however repellent, if these persons played no part in it.

- Reparations rest on the same legal foundation as race-based affirmative action, and for that reason should be opposed. Each places group entitlement on a higher plane than individual rights so as to render each member of a “guilty” group complicit in wrongdoing.

- Public opinion on slavery in this country long had been divided prior to its eventual abolition. Many people supported slavery and others opposed it. As such, laws varied from state to state. By the early 19\textsuperscript{th} century, all Northern states partially or fully had outlawed slavery. In the South the situation was quite different.

- The U.S. government cannot be held legally responsible for slavery, especially as the practice here began long before we became a sovereign republic. Congress was deadlocked on the issue for decades prior to the Civil War. Political deadlock is not official sponsorship.

- The slave trade in sub-Saharan African blacks by Europe well predated involvement by the American colonies. Moreover, only a very small portion of African blacks brought to the Western Hemisphere wound up here.

- Many slaves during our colonial period were white. Whites routinely were forcibly transported to the American colonies from Great Britain, whether as kidnap victims, convicts or prisoners of war. That such persons were “indentured servants” gave them no advantage over black slaves.

- Black Africans heavily participated in, and profited from, the slave trade. Slavery had become central to their economies long before European and American traders arrived. White slave traders, far from kidnapping blacks in the African interior, almost always acquired them from tribal authorities.

- Many blacks in the South owned other blacks during the
• Indian ownership of black slaves was highly common. Various tribes even enacted their own slave codes. When the Civil War broke out, tribal authorities sided with the Confederacy.

• Northern African Muslims, aided by the Turkish Ottoman empire, for centuries played a central role in the international slave trade. And for sheer cruelty toward slaves of any race, they had few or no equals.

• White nations were at the forefront of 19th and early-20th century movements to abolish slavery. African nations, by contrast, either reluctantly went along with such efforts or openly resisted them.

The debt created by slavery is impossible to monetize.

• America’s wealth was not built on the backs of slaves. While slavery was profitable for certain slaveowners, it undermined economic development in the nation as a whole and especially in the Southern region. What made America wealthy was innovation, liberty, rule of law, and enforceable property rights, not slavery.

• The debt created by slavery is impossible to monetize. Identifying descendants of slaves, and calculating the value of slave labor, would be costly, time-consuming and fraught with reckless assumptions.

• Supporters of reparations have begun to exact commitments from state and local governments, educational institutions, and corporations. The trickle of exactions achieved could become a flood.

• In the face of reparations shakedowns, capitulation will not ward off political pressure in the long run. As long as there is compensation to be gained, reparations activists will demand it.
INTRODUCTION

If there is a more dangerously misguided idea than forcing people to pay financial reparations for events occurring many generations ago, it would be hard to think of any. Yet in our country, this idea, as it relates to race, now has a prominent place in public discourse and shows no signs of abating. Black “civil rights” activists and their allies over the last several years have revived a periodically dormant, long-running campaign to transfer large sums of money from whites to blacks as compensation for slavery ending more than a century and a half ago. The reparations chorus now includes people at the highest levels of politics, business, education, clergy and media.

As advocates of reparations view the issue, slavery is America’s Original Sin, an indelible stain on our national character. Our vast achievements, they insist, are nothing more than by-products of white plunder of black bodies and property. That today’s whites were not around in the 17th, 18th or 19th centuries to enslave anyone of any race cuts no slack with their accusers. Simply by being financially better off than blacks, the charge goes, whites are profiting from past injustices and thus must be disgorged of that accumulated surplus. “White Americans alive today are not guilty of enslaving anyone,” remarked late Columbia University professor of African-American Studies Manning Marable a number of years ago. “But they are the beneficiaries of racism, and as such they have the responsibility to bear the burden of what their government carried out on racialized minorities.”

Reparations, predictably, are far more popular among blacks than among whites. After all, blacks stand to gain and whites stand to lose. In a June 2014 HuffPost/YouGov poll, 63 percent of black respondents said that they supported mandatory targeted education and job training for descendants of slaves, and 59 percent supported cash payments as compensation. The respective figures for white respondents were 19 percent and 6 percent. A June 2019 Gallup Poll likewise found a dramatic discrepancy by race. Fully 73 percent of the blacks supported a cash reparations program to benefit descendants of slaves, while only 25 percent opposed it. Among non-Hispanic whites, only 16 percent supported such compensation and 81 percent opposed it.

There is no shortage of activists who support reparations. “Beginning with more than two centuries of slavery,” journalist Julia Craven blogged in 2016, “black Americans have been deliberately abused by their own nation. It’s time to pay restitution.” In June 2019, political commentator and alleged economist Julianne Malveaux, testifying at a hearing of the House Judiciary Committee, Subcommittee on the Constitution, declared her support for H.R. 40, a reparations bill ritualistically introduced in Congress for the last three decades by the late Rep. John Conyers, D-Mich., and now Rep. Sheila Jackson Lee, D-Tex., to set up a study commission on the issue.

During this time, Jesse Jackson, who made slavery reparations part of his platform as a presidential
candidate in 1984 and 1988, reiterated his support in an interview with The Atlantic. “If you don’t deal with the damage, you can’t provide repair for damage,” he said. “Slavery was damage . . . The truth of slavery—that Africans subsidized America’s wealth—that truth will not go away. It’s buried right now, but as each generation becomes much more serious, it will be grappled with.”

For the last several years an organization known as the National African American Reparations Commission (NAARC) has pushed for such compensation. Formed in April 2015 and headed by City University of New York political science professor Ron Daniels, NAARC describes itself as “united in a common commitment to fight for reparatory justice, compensation and restoration of African American communities that were plundered by the historical crimes of slavery, segregation and colonialism and that continue to be victimized by the legacies and American apartheid.” This brand of overheated language, which also permeates the group’s 10-point reparations plan, is untouched by inconvenient facts such as the central involvement for centuries by African tribes in the international slave trade.

Not to be outdone is another recently formed group, American Descendants of Slavery (ADOS), also known by its Twitter designation, #ADOS. Founded by black social media personalities
Yvette Carnell and Antonio Moore, ADOS is demanding “reparative justice.” Its New Deal for Black America, among other things, calls for monetary set-asides for descendants of slaves, a minimum of 15 percent of Small Business Administration loans going to black businesses, and a multi-billion infrastructure plan targeted to black communities.

Preceding these groups by some three decades is the National Coalition of Blacks for Reparations in America, or N’COBRA, which bills itself as “the premiere mass-based coalition of organizations and individuals organized for the sole purpose of obtaining reparations for African descendants in the United States.” The Washington, D.C.-based group, is demanding that the U.S. government, plus various corporations and other institutions allegedly benefiting from slave labor, pay reparations and submit a formal apology. The group recently estimated this “debt” at $8 trillion.

Prominent black supporters of N’COBRA include NAARC’s Ron Daniels, Harvard law professor Charles Ogletree, New Black Panther Party spokesman Malik Zulu Shabazz and Nation of Islam leader Louis Farrakhan.

Potentially the most destructive expression of this historical revisionism is an initiative of the New York Times called “The 1619 Project.” Launched in August 2019, the campaign’s avowed mission is to reinterpret all of American history as a legacy of slavery, all the better to move reparations legislation forward. The editors selected 2019, the 400th anniversary year of the initial arrival of African slaves to our shores, as the pretext. With wide-ranging contributions from blacks in academia, literature and mass media, the project’s preordained consensus is that our understanding of American history needs to be overhauled. “Out of slavery,” declares the introduction, “grew nearly everything that has truly made America exceptional: its economic might, its industrial power, its electoral system.” America’s history of violence, directly or indirectly, is a product of “endemic racial fears and hatreds” fueled by whites. Slavery, in the view of such activists, is not just an issue; it is the defining issue. To them, American history is one long act of white theft whose debt accumulates interest daily.

Unwittingly, it is also a validation of the main insight of George Orwell’s 1984: “Who controls the past controls the future. Who controls the present controls the past.” Many political, business, education, cultural and religious leaders, whether consciously or by default, are allowing American history to be redefined by people implacably hostile toward it. To reparations activists, American history is white history, and for that very reason must be deleted from memory and replaced. Shaming whites into handing over assets is a crucial step toward this end, for it would make white guilt a matter of permanent official record.

Those in favor of reparations claim to be fighting for justice. But what they are really fighting for is money and power. Even when they get their facts right, they falsify the larger context, deliberately glossing over inconvenient details that would undermine their case. They cannot bring themselves to acknowledge, for example, that the overwhelming majority of black Africans transported to the Western Hemisphere (including America) for slavery already had been owned by other black Africans. Nor can they acknowledge that many blacks in America themselves had owned black slaves. To accept such realities would be to admit that the case for whites paying up isn’t so strong after all. The cardinal rule for such people is “whites pay, black collect.” But to be viable, this rule requires convincing-sounding rationalizations.

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The sums sought by reparations advocates have ranged from the indefensible to the outlandish—that is to say, from billions to trillions. Whatever the payment size demanded, the campaign amounts to a financial shakedown disguised as a quest for moral reckoning.
Liberalism: Old and New

The groundswell of sentiment for reparations in America did not happen in a vacuum. It is a consequence of decades of laws, policies, programs and court decisions grounded in the assumption that minority group grievances exist on a higher moral plane than individual liberties. Until the 1960s, the idea of forcibly redistributing wealth from one race to another under the guise of “reparations” seemed unthinkable. Yet today it is accepted by most people on the Left and even a few on the Right.

Blackness has become, to use an economics term, “rent-seeking behavior.” That is, by presenting a highly skewed version of American history as the whole story, black activists can position themselves to obtain government privileges otherwise unobtainable through market transactions.

In the view of reparations advocates, equality of result counts far more than equality under law. This is a negation of classical liberalism as articulated by Locke, Hume, Smith, Spinoza, Voltaire, Mill and other philosophical titans of bygone centuries. Under classical liberalism, individuals rather than groups have rights. A person cannot be held liable for damages unless he caused those damages through malice or negligence. Merely belonging to an ostensibly “privileged” racial, sexual, religious or other group does not imply any obligation to furnish funds or other things of value to any “underprivileged” group. Subjective judgments as to whether a given person’s good fortune is due to compounded injustices of past generations cannot be used as a basis for denying that person the right to keep his money and material possessions.

Radical egalitarian liberalism, the brand espoused by reparations supporters, by contrast, views an individual as potentially liable for violations of others’ rights even if that person had not been involved in any deprivation of others’ rights. Group claims must transcend individual rights if the ostensible goal is social equality. A person who belongs to a “guilty” group, in this view, is complicit in wrongdoing even if he or she had done nothing wrong. This principle stands rule of law on its head. Rather than accept the fact that differences in outcomes inevitably occur between large groups, this type of liberalism, heavily immersed in socialism, assumes that inequality is a function of injustices inflicted by “haves” upon “have-nots.”

The impulse to “even up the score” was and remains central to race-based affirmative action and reparations. The two cannot be separated. It is not a coincidence that advocacy for each type of distributive measure emerged at the same time—around 50 years ago. In the minds of radical activists, belonging to a historically disadvantaged group qualifies its members to receive special monetary payments, just as it qualifies its members to receive preferential treatment in employment, contracting and college admissions. Since today’s whites, if indirectly, have reaped the rewards of slave labor and its by-products, they have a duty to compensate living descendants of those who performed the labor. As a pedigree of historical injustice supposedly explains racial differences in income, wealth, health and education, it follows that the most well-off in our society (i.e., whites), should be compelled to defray the costs of equalizing outcomes. Merely respecting the rights of individual blacks is not enough. For some legal theorists, this is a matter of moral atonement, not just liability.

Black civil rights leaders, public officials and voters in the U.S., ever fixated on equality of result, are virtually united in this “whites owe us” mentality. That is why for decades they have rallied, marched, lobbied, voted and sued to establish and expand favoritism on behalf of their race. Manifestations of this activism include a large and growing welfare state, forced busing of public-school students across jurisdictional lines to achieve racial balance, affirmative action quotas, frivolous anti-discrimination lawsuits, and racially gerrymandered congressional redistricting. Slavery reparations are a logical extension of such initiatives,
possessed of the same root assumption that white wealth is morally tainted.

**Radical Jurisprudence and the Response**

Civil rights radicals and their audiences are fully aware that the 13th amendment of the Constitution, enacted and ratified immediately following the Civil War, abolished slavery throughout the United States. They are also fully aware that slave traders and slave owners are long deceased. But they have a ready-made response: Although legally-protected slavery is extinct, its legacy remains ingrained in everyday life. Overt racial discrimination may be illegal, but it remains “systemic.” Whites today bear the onus of making blacks whole because their prosperity is the poisoned harvest of slave labor even if they are not aware of it.

Radical legal revisionists employ a longstanding doctrine known as “unjust enrichment” to make their case. Implicitly or explicitly, it is the basis for every reparations-related essay, book, speech or lawsuit. Randall Robinson, founder-head of the reparations-promoting organization, TransAfrica, expressed this doctrine in his best-selling 2000 book, *The Debt: What America Owes to Blacks*:

> Not only is there a moral debt but there is clearly established precedence in law based on the principle of unjust enrichment. In law if a party unlawfully enriches himself by wrongful acts against another, then the party so wronged is entitled to recompense. There have been some 15 cases in which the highest tribunals including the International Court at the Hague have awarded large sums as reparations based on this law.

Employing a similar leap of faith, Mari Matsuda, law professor at the University of Hawaii and one of the leaders of “critical race theory,” offered this justification for reparations: “Members of the dominant class continue to benefit from the wrongs of the past and the presumptions of inferiority impose upon victims. They may decry this legacy, and harbor no racist thoughts of their own, but they cannot avoid their privileged status.” Likewise, Robert Westley, a professor of legal ethics at Tulane University, has expressed the view that since segregation was based on the same set of legal rationales as slavery, its legacy also ought to be treated as the basis for reparations. “(I)t must be kept in mind that the law of slavery was as instrumental in preserving freedom as it was in perpetuating slavery,” he writes. In his mind, living whites, the prime beneficiaries of an unjust tradition of American law, ought to be subject to reparations payments.

Such rationalizations, predatory in instinct and selective in evidence, boil down to a crude chain of reasoning: 1) Group A is better off than Group B and is thus “privileged”; 2) certain members of Group A have done bad things to certain members of Group B in the past; and 3) every living person in Group A, regardless of guilt or innocence, has a duty to compensate every living person in Group B. Equality of outcome across racial/ethnic lines being the desired goal, a denial of rights to the “haves” is acceptable collateral damage.

This sort of reasoning flies in the face of rule of law. To its credit, the U.S. Supreme Court, though while keeping its soft egalitarianism intact, has rejected it more than once. In *Adarand Constructors, Inc. v. Pena*, widely considered to be the leading affirmative action case, the Court in 1995 ruled 5–4 that government-established racial classifications must be subject to “strict scrutiny.” That is, a public entity cannot favor a group of ostensibly disadvantaged persons over any group of “advantaged” persons solely on the basis of race. While race may be incorporated in seeking group favoritism, it must be accompanied by other factors. By adopting a race-only quota standard, ruled the High Court, the Small Business Administration had violated the Equal Protection Clause of the 14th Amendment and the Due Process Clause of the 5th Amendment in awarding a contract to a minority-owned business over a more qualified white-owned business in relation to a guard rail construction project along a Colorado highway. The Court added that when considering race as a factor, a public agency first must consider race-neutral alternatives. As reparations are an even more extreme remedy than affirmative action, by definition it fails the criteria set forth in *Adarand*.

The Supreme Court six years earlier had provided a precedent in *City of Richmond v. J.A. Croson Co.* The City of Richmond, Virginia’s minority business enterprise quota program,
concluded the Court, violated the Equal Protection Clause. Its goal of achieving a 30 percent set-aside for minority-owned enterprises for construction contracts failed to consider the need for remedial action or the availability of nonracial alternatives. In other words, the City did not meet a standard of strict scrutiny. The Court elaborated:

Richmond’s claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for “remedial relief” for every disadvantaged group. The dream of a nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury is thought to exceed some arbitrary level of tolerability then would be entitled to preferential classification. We think such a result would be contrary to both the letter and the spirit of a constitutional provision whose central command is equality.

This is sound judicial reasoning, and moreover fully applicable to the reparations issue. Reparations are nothing less than the culmination of affirmative action (or “diversity,” to put it in Newspeak), for each operates on the assumption that blacks have too little because whites have too much.

Natural rights philosophy and jurisprudence, however, necessary as it is to refute the arguments of reparations advocates, represents only a partial rebuttal. For the idea of mandatory payment of reparations doesn’t simply fail the test of strict scrutiny. It also fails the test of American history.

The Attack on Sovereign Immunity
Advocates of reparations often try to get around the constitutional quandaries of their desired arrangement by claiming that the U.S. government, rather than whites per se, owes compensation to blacks. This claim might seem fair on the surface. But it neglects elementary facts about our nation’s history and polity, underscoring how poorly grounded the demands for reparations really are.

For one thing, whether one traces the beginning of our republic to the Articles of Confederation or to the Constitution, slave trading and ownership already had been occurring in American colonies for more than 150 years under British rule. It defies logic and law to hold a national government accountable for events predating its very existence! Our 13 colonies were made possible by British royal charter. There was no U.S. government at the time. If reparations enthusiasts want their payday, they would have to sue the British government—that is to say, its people—as well as our own government. To say the least, such a scenario would damage U.S.-British relations and test the boundaries of human intelligence.

Yet even hypothetically assuming that our republic had come into existence in 1619, there still would be no legal basis for filing reparations suits against the federal government or the states. In this country there is a long tradition of “sovereign immunity.” A legacy of traditional European monarchies but fully applicable to democratic republics, the doctrine of sovereign immunity holds that in the absence of clearly enumerated exceptions, private citizens have no standing to sue their government. A government agency and/or its employees cannot be held to the standards of due care that apply to private entities. That slavery was morally wrong is indisputable. But to impose liability on our government would be to punish the very living people who provide taxes and other revenues that make our government possible. In effect, the innocent would be conscripted into paying the bill whether they like it or not.

Making reparations lawsuits against our government even less plausible is that many individual states already had outlawed slavery long before the 13th Amendment. Reparations supporters seem oblivious to the fact that the Constitution explicitly gives states the authority to perform functions not exclusively reserved for the national government. With respect to slavery, all existing northern states by 1804 had abolished slavery, in part or in full, or had established plans to do so. And Congress, following the lead of Great Britain, outlawed our participation in the overseas slave trade in 1807.
Our young republic thus already had taken steps to abolish slavery at the national and state levels. This would not be enough, however, to stave off a bitter and growing conflict. The Missouri Compromise of 1820 was supposed to resolve this conflict and head off a secession crisis. According to this law, new states were to be admitted to the union as “free” or “slave” based on their relative geography. The legislation would prove unsustainable. By the 1830s, population in the anti-slavery North was growing more rapidly than in the pro-slavery South. And popular opposition was making itself felt. In May 1836, the House of Representatives, led by its Southern delegation, imposed a “gag rule” to block any and all debate over the slavery issue. House debate over slavery henceforth would be barred, making legislation impossible. Former President John Quincy Adams, now a Massachusetts representative, would lead a battle against this repeatedly renewed rule, aided by a flood of citizen petitions gathered by the American Anti-Slavery Society. Within a decade, he had gained enough supporters, especially in the wake of the highly publicized Amistad slave ship revolt, to mount a serious challenge. And the effort paid off. In December 1844, by a 108–80 margin, the House of Representatives overturned the gag rule. Debate over slavery could commence. Resolution, however, would be no closer.

The deadlock would harden when Congress passed the Compromise of 1850. The key portion of this legislation was the Fugitive Slave Act requiring (as opposed to merely authorizing) the U.S. government to assist slaveholders or their functionaries to enter free states for the purpose of capturing escaped slaves. The law also mandated stiff penalties for anyone caught hiding or otherwise assisting escaped slaves. The Fugitive Slave Act proved highly unpopular in the North and inadvertently won over many of its residents to the anti-slavery cause. Four years later, in 1854, Congress passed the Kansas-Nebraska Act, effectively repealing the Missouri Compromise. This mandate for “popular sovereignty” allowed settlers of a U.S. territory to decide on their own whether slavery could be allowed upon admission to the union. The law led a direct path to vicious guerrilla warfare between pro-slavery (“Bushwhacker”) and anti-slavery (“Jayhawker”) factions in “Bleeding Kansas,” which in turn led to the secession crisis and official civil war.

The main point of this cursory historical review is that neither the U.S. government nor any state can be held liable for monetary payments to the descendants of slaves. A sovereign government’s inability to resolve sharp differences of opinion among lawmakers—a routine occurrence in any parliamentary democracy—is not a basis for reparations. Yet to reparations zealots, a deadlock in the legislative branch over slavery is tantamount to sponsoring slavery.

Supporters of reparations are as blind to the complexities of American history as they are to the imperative of individual rights. They would use a long-buried conflict over an explosive issue as a means for pronouncing guilt upon all persons who have the misfortune to be white. Their remedy makes for bad philosophy, history, law and politics. But from its beginnings more than a century ago, the reparations movement has never lost sleep over its internal contradictions.
A BRIEF HISTORY OF REPARATIONS ACTIVISM

Early Campaigns
Given the extraordinary rise to prominence of the reparations issue over the last half-dozen years, one might think that this issue is a novelty. Most assuredly, it is not. Back in 1897, two black former slaves, Callie House and Isaiah Dickerson, chartered an organization in Nashville called the National Ex-Slave Mutual Relief, Bounty and Pension Association. Their goal was to collect reparations. Basing their campaign on a bill introduced in 1890 by Nebraska Republican Congressman William Connell, the association held annual conventions to discuss the possibility of setting aside a special pension for former slaves. The association quickly attracted several hundred thousand members. And it developed a graduated payment schedule corresponding to age bracket.

The effort did not succeed. Three federal agencies—the Bureau of Pensions, the Post Office Department and the Department of Justice—worked in tandem for years to investigate and block the movement. Isaiah Dickerson died in 1909, leaving the leadership of the association to Callie House. In 1915, she filed a class action suit of about $68 million against the U.S. Treasury, a sum representing taxes collected on cotton during 1862–68. Because the cotton had been picked by black slaves, the suit argued, the government could not claim sovereign immunity. Johnson v. McAdoo, as the case was known, was thrown out by the U.S. Court of Appeals for the District of Columbia. The Supreme Court likewise refused to review the case.

The federal government, said the court, cannot be held financially responsible for injuries, however real, inflicted by a private employer.

Even allowing for the fact that some former slaves were still alive, this was the right call. The federal government, said the court, cannot be held financially responsible for injuries, however real, inflicted by a private employer. The claim of liability rested on the implicit assumption that the cotton in question could not have been brought to market and taxed without slave labor. But this claim was far-fetched. Cotton no more than any other commodity is inherently dependent on slavery. Slaveholders, had they been inclined, could have hired free laborers and paid them a decent wage. And the cotton would have been harvested (and probably more efficiently), sold and taxed. It was surviving slaveholders, then, not the government, who should have been sued.

During the years immediately after World War I, slavery reparations got a very visible boost from one of the more fascinating and bizarre figures in American history, Marcus Garvey (1887–1940). A self-educated journalist, publisher, orator and businessman, Garvey, a native of Jamaica, led a black nationalist movement centered in Harlem, New York City. For some two decades, he arguably was the world’s most influential black political activist. Through his Universal Negro Improvement Association and African Communities League (UNIA-ACL, or simply UNIA), he urged all blacks to separate themselves from white society and resettle in Africa, the land of their ancestry. Toward that end, he started and operated Black Star Line, a trans-Atlantic commercial shipping and passenger company to facilitate this migration. The venture ended up in financial failure and Garvey’s conviction for stock fraud in 1923. Deported to Jamaica in 1927, he would live there and then in England for the remainder of his life.

Marcus Garvey was a megalomaniac—he envisioned himself as the permanent ruler of a unified African nation-state. Yet he had an undeniable appeal among blacks, who saw him as a prophet, a modern-day Moses leading his people to the promised land.
its zenith, the Universal Negro Improvement Association had around three million dues-paying members worldwide; its newspaper, The Negro World, had a weekly circulation of more than 500,000. Garvey had a ready-made platform from which he could present his views, in the written or spoken word, on a wide range of issues. That included reparations. In a speech circa 1919, he declared:

I do not see why the world should be worried about the UNIA and worried about Marcus Garvey. If the world hasn’t done anything to Negroes, why should it be worried about the activities of Negroes? We are too considerate of other people’s happiness to go out of our way to create disturbance.

Therefore, the world of honest people need not be afraid of us; but if there are any dishonest people in the world, who have held or who are holding what is belonging to other folks—if they have anything belonging to Negroes, naturally they will be disturbed because Negroes are going after those things.

Such a vow, ending on an ominous note, was anything but reassuring. It indeed is to America’s good fortune that Garvey was removed from the country following his stretch in prison.

Calls for reparations would decline over the next few decades, but they would return in the 1950s and 60s. The earliest of these champions did not appeal directly to whites, whom they regarded as unreliable at best and hopeless at worst, but instead reached out solely to blacks.

The Nation of Islam, commonly known as the Black Muslims, was one such source of activism. Its then-leader, Elijah Muhammad, had sought reparations from whites in order to carve a separate black nation out of the existing United States. “We want our people in America whose parents or grandparents were descendants from slaves to be allowed to establish a separate state or territory of their own—either on this continent or elsewhere,” he wrote in 1961. “We believe that our former slave masters are obligated to provide such land and that the land must be fertile and minerally rich. We believe that our former 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.” Several years later he incorporated these words into a manifesto, “The Muslim Program.”

That the slave masters were all dead was irrelevant. Another and more significant force behind the calls for reparations was a black Los Angeles-based lawyer, Robert Brock. He and several like-minded activists in 1956 launched a group called the Self-Determination Committee in hopes of getting Congress to pass reparations legislation. Toward that...
end, the group filed a class-action suit that eventually made its way to the U.S. Supreme Court. Brock would walk away empty-handed. But he would make reparations his obsession for decades afterward, playing a pivotal, albeit behind-the-scenes role in growing the movement. More or less unknown to whites, he enjoyed widespread popularity among blacks and continued his litigation. In October 1993, Brock filed suit against the IRS to secure tax exemptions on behalf of 49 million descendants of slaves on grounds of involuntary servitude, a case that the Ninth Circuit Court of Appeals rightfully dismissed nine months later.

In 2002, he was at it again, filing a class-action suit demanding $250,000 in gold bullion for every black person in the nation, plus payments to an unnamed African country where American blacks could resettle. His asking price represented at least $10 trillion and arguably a good deal more. “I don’t know if I’ll live to see reparations for black people,” he earlier had stated in a 1990 interview, “but I’ve been laying the foundation. Sooner or later, we are going to get what this country owes us.”

Yet another prominent advocate of reparations was Ray Jenkins. A black Detroit real estate agent active in the civil rights movement in the 1950s, Jenkins at one point launched a boycott against a local bank because it had no black tellers. He would find his true niche in the 1960s. Through his one-man operation, Slave Labor Annuity Pay, he wrote letters to politicians, appeared on radio shows and collected donations from Detroit’s black church congregations, demanding the fulfillment of the post-Civil War promise of 40 acres and a mule, plus cash grants, free college tuition and other compensation. He died in 2009 having earned the nickname “Reparations Ray.”

The Reparations Movement Takes Off
The 1960s witnessed the transformation of black civil rights activism into justifications for shakedowns, from calls for equality under law to calls for equality of result. It thus was not surprising that near the end of the decade, with black rioting having become a regular occurrence of urban life, the reparations campaign “reached out” to whites in a less than benign way. James Forman, a prominent black civil rights figure who had been involved in the Student Non-Violent Coordinating Committee and the Black Panthers, was the galvanizing figure in this effort. In 1969, he initiated a brief, though highly-publicized campaign to demand reparations from churchgoing whites, beginning with a down payment of $500 million. His preferred method of persuasion was to walk uninvited into a white church during Sunday services, commandeer the pulpit and deliver his Black Manifesto. The effort ultimately yielded a combined $215,000 in donations from Episcopalian and Methodist churches amid much rancorous debate.

A less confrontational but deceptively effective push also came from academia. In 1973, Yale law professor Boris Bittker published a book, The Case for Black Reparations, which recommended vast increases in public welfare spending as a means of making amends to blacks—as if that already wasn’t in progress. If the book accomplished anything, it was to underscore why the multiplicity of anti-poverty programs created since the mid-1960s largely have functioned as race reparations.

For the rest of the Seventies, and the Eighties, reparations advocacy continued, albeit slowly.

For the rest of the Seventies, and the Eighties, reparations advocacy continued, albeit slowly. Its pivotal moment would occur in 1989. That year, and continuing like clockwork afterward, Rep. John Conyers, D-Mich., having been counseled by a number of persons including Robert Brock, introduced H.R. 40, the Commission to Study and Develop Reparation Proposals for African-Americans Act. By no coincidence, the bill bore the number “40.” Conyers from the very beginning was intent on shaming white America into fulfilling its post-Civil War
promise of “40 acres and a mule.” Why anyone of any race would feel the need to own a mule at this juncture of history was hard to figure out. But Conyers and his allies were determined to make the legislation a reality. In present form, the bill would authorize $12 million for a 13-member commission to study the economic and social effects of slavery. The president would appoint three members; the House and Senate would appoint three members and one member, respectively; and various “civil rights” organizations favoring reparations would appoint the remaining six. Commission recommendations would be the basis for calculating payments.

H.R. 40, though still a pipe dream, now enjoys widespread support from community organizations and local governments. Indeed, over the last couple decades, city councils across the nation formally have endorsed the proposal. Atlanta, Chicago, Cleveland, Dallas, Detroit, Los Angeles, Nashville, Oakland, St. Louis and Washington, D.C. are among the cities lending symbolic support. With sufficient pressure emanating locally, Congress might well be moved one day to pass reparations legislation.

To the very end of his life—he stepped down from office in December 2017 and died at age 90 of natural causes in October 2019—Rep. Conyers was open about his motive. “I’m not giving up,” he stated at a press conference in 2017. “Slavery is a blemish on this nation’s history, and until it is formally addressed, our country’s story will remain marked by this blight.”

Rep. Sheila Jackson Lee, D-Tex., who since has taken the
lead, likewise has stated that H.R. 40 would “make recommendations concerning any form of apology and compensation to begin the long-delayed process of atonement for slavery.”

About a decade after the initial introduction of H.R. 40, a number of black activists pushed the issue into fast forward mode. The aforementioned Randall Robinson, in *The Debt*, argued, absurdly, that slavery was a “black holocaust” and the engine of our economic growth. “Of course, benefiting inter-generationally, from this weather of racism,” he wrote, “were white Americans whose assets piled up like fattening snowballs over three and a half centuries’ terrain of slavery and the mean racial climate that followed it.” As such, just renumeration would run into the trillions of dollars, preferably distributed to community trust funds whose leaders would bankroll education, job training and economic development programs to benefit blacks. Robinson, joined by prominent blacks such as Harvard law professor Charles Ogletree, formed the Reparations Coordinating Committee. Around that time, black lawyer Johnnie Cochran (of O.J. Simpson criminal trial fame), following discussions with Professor Ogletree, formed a working group to file an eventual reparations lawsuit through his firm, Cochran, Cherry, Givens & Smith.

With Robinson’s book serving as a backdrop, *Harper’s* magazine published a forum on reparations in its November 2000 issue that revealed the lengths to which true believers in the legal profession were prepared to go. Conducted
by contributing editor Jack Hitt, the conversation featured four class-action litigators with a nationwide reputation for getting their way—Willie Gary, Alexander Pires Jr., Richard (“Dickie”) Scruggs and Dennis C. Sweet III. Each lawyer in this strategy session saw a gold mine in reparations. Gary, who is black, suggested this approach:

Specifically, it (a reparations suit) could be a breach-of-contract suit . . . After the war, former slaves were promised forty acres and a mule, and we never got it. That was a contract. It was a promise. We just have to stand up and tackle this wrong or try to make it right. So it could be a tort, it could be a breach of contract. You almost have to start a lawsuit to see where it can go. And I don’t think that the fact that it’s 135 years later should be a hindrance to people waking up, realizing that it was a grave injustice. And until America accounts for its actions, this friction is always going to be there.

Scruggs, best-known for his lawsuit on behalf of 46 state attorneys general against major cigarette manufacturers and the subsequent 25-year, $368.5 billion Master Settlement Agreement in 1998, gave his own contorted reasons for reparations:

(B)ecause the federal government failed to enforce the Fifth, Thirteenth, Fourteenth, and Fifteenth Amendments, the state governments were allowed to continue with this disparate treatment of black Americans. And the result is that now blacks are disadvantaged in comparison with whites and most other races in America. The federal government should be compelled to rectify that imbalance by passing legislation that accomplishes certain stated goals. Then there would have to be a federal court order that required the Congress of the United States to accomplish these goals within the satisfaction of the Court—pretty much like what the 1964 Civil Rights did to southern legislatures. It required the legislatures in those states to appropriate money for programs that helped rectify the imbalance.

One would think that the trillions of dollars in federal, state and local anti-poverty expenditures since the 1960s, disproportionately intended to aid blacks, would have been enough. Apparently that was just a start.

Taking It to Court
Legal action already was a reality. In 1995, the U.S. Court of Appeals for the Ninth Circuit, in Cato v. United States, affirmed a lower court dismissal of a lawsuit (actually two lawsuits folded into one) originating in the San Francisco-Oakland area that sought $100 million in monetary damages and a formal apology for slavery from the federal government. The ruling was procedural. The black plaintiffs’ demands were legitimate, said the court, but lacked the basis for waiving the government’s sovereign immunity. A virtual self-parody of radical histrionics, the plaintiffs cited the following grievances: “indoctrination into a foreign society,” “kidnapping of ancestors from Africa,” “forced labor,” “breakup of families,” “removal of traditional values,” “deprivations of freedom,” and “imposition of oppression, intimidation, miseducation and lack of information about various aspects of their indigenous character.”

This would be a warmup act. In March 2002, a group of black plaintiffs, led by a young black lawyer, Deadria Farmer-Paellmann, filed a class-action lawsuit in Brooklyn, N.Y. federal court against three major corporations—Aetna, CSX Corp. and FleetBoston Financial Corp.—that allegedly profited from ties to the 19th-century slave trade. While not requesting specific monetary damages, the suit estimated the current value of unpaid slave labor at $1.4 trillion. One of the plaintiffs’ attorneys, Roger Wareham, explained: “This is a case about wealth built on the back and from the sweat of African slaves. We expect those companies that are targeted to stand up.”

Two months later, Ms. Farmer-Paellmann and her legal team filed a lawsuit in Newark, N.J. federal court against New York
Life Insurance Co., the Wall Street investment firm of Brown Brothers Harriman & Co., and Norfolk Southern Corp. The plaintiff, Richard Barber Sr., had been a deputy executive director of the NAACP. More suits followed. In all, Ms. Farmer Paellmann and allied lawyers filed federal reparations complaints against 19 companies. Perhaps the most appalling aspect of these lawsuits was that as many as 60 companies voluntarily cooperated with Farmer-Paellmann, providing her with documents ostensibly revealing their firms’ “connections” to slavery. One would have thought, if only out of fiduciary duty, that these firms would not have willfully exposed themselves to discovery.

The complaints, filled with rhetorical sound and fury, deservedly were tossed out by federal district courts in 2004 and 2005, a federal appeals court in 2006, and the Supreme Court in 2007. Each decision concluded that the lawsuits had no legal standing. Not only were these complaints based on allegations of harm committed by persons long deceased, but they also precluded non-judicial remedies and misinterpreted federal statutes of limitations.

Ta-Nehisi Coates: The Anointed One

Reparations enthusiasts, stung by these court actions, notwithstanding continued to insist that whites pay for their collective sins. The missing link in their arsenal seemed to be a public figure, preferably young and black, who could make the case for payments in highly personal language. No candidates seemed on the horizon. Then, like a godsend, came Ta-Nehisi Coates. A national correspondent for The Atlantic, Coates’s cover story for that magazine’s June 2014 issue, “The Case for Reparations,” instantly catapulted national debate to a new level. In his 15,000-word article, Coates recast reparations as a unifying force, applying Martin Luther King-style religious metaphor. A reparations program, he wrote, would be a catalyst for a “national awakening that would lead to a spiritual renewal.” If only that were remotely true.

Coates, if nothing else, has street credibility. Now in his mid-40s, he grew up in Baltimore, raised by his father, William Paul Coates, a Black Panther, bookstore owner and father to seven children by four different women. The younger Coates, having absorbed his father’s worldview, had been writing for The Atlantic for some time, but his reparations article/memoir shot him straight to the top of literary A-list. The adulation was wholly unjustified. For what came through in this article, aside from its emotionally overwrought, lecturing tone, were reckless projections of motive and a call for abdication by blacks of collective moral responsibility. Every social problem facing blacks in America, whether crime, drug abuse or illiteracy, he argued, is in some way a legacy of white plunder, abuse and discrimination. Though black slavery is long extinct, its legacy lives on in everyday economic practices, however impartial or even benign in intent. In his mind, blacks are off the hook for behavioral shortcomings.

Coates believes that slavery was merely the first stage of a larger web of white oppression of blacks that over the decades has included segregation, bank redlining, restrictive covenants and neighborhood gentrification.
a suburban community (or beyond) are actually tyrants exercising remote control over blacks. When terrorism ultimately failed, white homeowners simply fled the neighborhood. The traditional terminology, white flight, implies a kind of natural expression of preference. In fact, white flight was a triumph of social engineering, orchestrated by the shared racist presumptions of America’s public and private sectors.

It is almost as if Coates believes that fear of being burglarized, vandalized, robbed, beaten, raped or murdered is some weird irrational obsession requiring mass re-education for whites (as if law-abiding blacks relish being crime victims). What Coates is implying is that blacks should have veto power over where whites live.

Paradoxically, and without a trace of irony, Coates also rips into the reverse of white flight; i.e., urban gentrification. For him, affluent whites who buy a house in a heavily black urban neighborhood also are playing the role of oppressor. In his teary elegy to the Obama era, We Were Eight Years in Power: An American Tragedy (which contains a reprint of the Atlantic article), he writes: “... I know that ‘gentrification’ is but a more pleasing name for white supremacy, is the interest on enslavement, the interest on Jim Crow, the interest on redlining, compounding across the years, and these new urbanites living off that interest are, all of them, exulting in a crime.” Thus, whites not only are guilty if they move out of a multiracial neighborhood, they are also guilty if they move into one! Coates’ “Heads I win, tails you lose” reasoning, intended to morally disarm whites from objecting to reparations, is oblivious to reality. When white middle-class
professionals and entrepreneurs buy, move into and upgrade urban residential properties—many of which are vacant—it is to enjoy the amenities of the surrounding area, not to exclude others from enjoying them. When whites start and build businesses in these areas, they are creating economic vitality, not draining it. Existing black residents often remain in these areas, and if they are homeowners, their properties become more valuable. Exactly how does that constitute oppression?

Ta-Nehisi Coates’ demands for reparations, rendered in a confessional tone, are a mixture of envy, shaming and sentimentality. The man dwells in an emotional zone where solipsism substitutes for insight. His vision of the American experience, seen solely through the lens of what “they” have done to “us,” is highly selective and frankly noxious. Yet putative opinion leaders have heralded Coates’ popularity as evidence of a burgeoning national conscience.

Consider the critical hosannas greeting his National Book Award-winning Between the World and Me, published in 2015. “It is Coates to whom so many of us turn to affirm, challenge or, more often, to mold our views from the clay,” rhapsodized Washington Post book critic Carlos Lozada. Coates’ work, fawned the New York Times’ A. O. Scott, is “essential, like water or air.” Reviewing the book in Slate, Jack Hamilton called the book “a work of rare beauty and revelatory honesty . . . White Americans may need to read this book more urgently and carefully than anyone, and their own sons and daughters need to read it as well.” The MacArthur Foundation felt the same way, awarding Coates a coveted “genius grant” worth $625,000 over five years.

Coates, predictably, has become a superstar on the college lecture circuit. “Woke” students of all races, hungry for validation of their inchoate idealism, have flocked to see this man let it all hang out before packed houses at Princeton, Northwestern, Temple and other bastions of higher education. He’s generated some impressive fees, too. In one brief sequence, he received $30,000 for a talk at Oregon State University and $41,500 for a talk at the University of Oregon the next day. Such compensation helped pay for his $2.1 million historic brownstone in the (gentrifying) Prospect-Lefferts Gardens area of Brooklyn, N.Y. in 2016, though he and his family eventually decided against moving in, citing negative publicity.

A New Radical Generation

Coates’ rise to stardom could not have been timed better. The Black Lives Matter social media movement, formed in the summer of 2013 in the wake of a completely justified Florida state jury acquittal of a white neighborhood patrol volunteer (George Zimmerman) who had shot a violent black teenager (Trayvon Martin) in self-defense, became a force to be reckoned with in cities and on college campuses across the nation. Black activists, armed with smart phones and social media accounts, employed morally-charged chants and manifestos to assert their dominance. On campuses, they encountered little or no resistance from administrators or faculty. At the University of Kansas, for example, black radicals virtually paralyzed campus life for most of the 2015–16 academic year, a prolonged tantrum based on an entirely unfounded and frankly absurd allegation by a black female student that she and several friends had been assaulted by a group of white males at an off-campus Halloween party. Her claim had every appearance of a hoax. Yet the university administration, including then-Chancellor Bernadette Gray-Little, herself black, chose to take her seriously.

The rise of Ta-Nehisi Coates has served as a catalyst for worldwide calls for reparations. The message invariably is the same: White wealth is based on black slavery, and therefore large portions of that wealth must be redistributed to the living descendants of slaves. In an August 2017 article for The Guardian, “The West’s Wealth Is Based on Slavery . . . Reparations Should be Paid,” Kehinde Andrews, a sociologist at Birmingham (UK) City University, opined:

It would not be prohibitively complicated to work out the debts owed by the western powers, or the companies that enriched themselves off exploitation. The obviousness of the issue is such that a federation of Caribbean
countries (Caricom) is now demanding reparations, as is the Movement for Black Lives in America and Pan-Afrikan Reparations Coalition in Europe . . .

In order to have racial justice we need to hit the reset button and have the west account for the wealth stolen and devastation caused. Nothing short of a massive transfer of wealth from the developed to the undeveloped world, and to the descendants of slavery and colonialism in the west can heal the deep wounds inflicted. All of this is preposterous. The author assumes that the conditions of the most impoverished nations of the world—nations that have never known wealth—are attributable to Western affluence. In effect, he argues that Lagos is poor because London isn’t. It is as if talent, ambition, intelligence, character and a system of secured property rights are unrelated to the condition of a nation’s economy.

A similar misuse of the unjust enrichment doctrine can be found in an article, “Banks Should Pay Reparations,” appearing in 2019 on the Medium blog site. Contributor Justin Ward wrote:

. . . A century and a half has passed since slavery was abolished, which complicates things considerably. While it’s fairly easy to establish that the legacy of slavery continues to harm black people to this day, it’s harder to decide who bears the blame and who should pay what to whom.

Credit was the lifeblood of the slave system. Without the financing to buy tools, land, raw materials, and slaves, it would not have been able to achieve its breakneck expansion westward or its transformation into a multibillion-dollar industry.

Financial institutions were not merely profiteers that just skimmed off the top of the slave system or took possession of a slave here or there. They enabled it to exist.

The idea that a bank should be liable for reparations because more than 150 years ago one or more of its legacy enterprises had loaned money to slave owners for the purchase of tools and raw materials deserves instant dismissal.

This sort of trophy-hunting for “connections” between large financial institutions and their far smaller defunct predecessors smells like a shakedown. The idea that a bank should be liable for reparations because more than 150 years ago one or more of its legacy enterprises had loaned money to slave owners for the purchase of tools and raw materials deserves instant dismissal.

A bank or other lender enables a borrower to buy something that he or she cannot afford at present. To demand that the lender require the borrower to reveal all aspects of his business life sounds much like a Chinese-style system of social credit to weed out “objectionable” people from economic life. That the author is referring to loans underwritten over 150 years ago renders his case outright ludicrous.

Columbia University historian Thai Jones, who is white, may be the nation’s leading advocate of reparations detective work. In a recent guest article for the Washington Post, he urged readers to look for evidence of slavery in every nook and cranny of our leading institutions including churches, municipal governments, banks, corporations and the military. Nothing short of a national mandate, he insisted, will serve as recompense. “A federal law awarding reparations to the descendants of enslaved African Americans would be a matchless set of remorse and restitution,” Jones writes. “A systematic crime requires a systematic response. No partial undertaking can substitute for such a step.”

Ta-Nehisi Coates has plenty of company. And the most alarming aspect of this growing echo chamber for reparations is that it includes people who are, or until recently were, campaigning for president of the United States. Fittingly, they have gotten a platform courtesy of the master of racial shakedowns, himself a leader in reparations advocacy.
AL SHARPTON AND HIS COURTiers

A Reparations Zealot
Potentially the most effective force for racial reparations in this country is the ubiquitous Reverend Al Sharpton. Born in 1954, the New York City-based minister, civil rights activist, politician and media star, starting about 20 years ago, went respectable by securing financial support for his nonprofit National Action Network (NAN) from the highest echelons of politics, business, labor, law and philanthropy. As the recent book published by National Legal and Policy Center, Sharpton: A Demagogue’s Rise, explains, Sharpton’s community activism often has constituted incitements to riot which in turn on occasion have produced actual riots. Despite possessing a legacy that would disqualify virtually anyone else from exerting political influence, he has become a Democratic Party kingmaker. Candidates seeking the black vote know that the road to a presidential nomination goes through him. For the last several years, NAN has sponsored public policy conferences in Washington, D.C., featuring members of Congress, civil rights lawyers, representatives of community organizations and other invited prominent figures. Sharpton no longer has to knock down doors to get his message across. Those doors are now wide open.

More than 15 years ago, Sharpton sought to wield power at the highest level. From early 2003 until early 2004, he ran for president of the United States. While he had no realistic chance of winning the Democratic nomination let alone the general election, the experience gained him credibility as a legitimate voice for progressive causes, especially black civil rights. On the eve of declaring his candidacy, he published a book, Al on America, which functioned both as autobiography and campaign advocacy. Reverend Al put reparations on the table:

Let’s start with reparations. Let’s start with the fact that there is a debt owed. Then we can negotiate how we can repair it. What’s fair? We can start with creating an even playing field. But we can’t even get there until we recognize that there is a problem. We cannot bring up the discussion of how we will repair this, or what brings us up to par, because America still will not recognize
officially or even unofficially that the dead are owed . . . America must admit its sins in Africa and its sins against people of African descent. It’s the first step toward healing.

Sharpton’s presidential campaign never gained traction, but the image makeover necessary for his campaign won him a prime speaking slot at the 2004 Democratic National Convention in Boston. If indirectly, his run for the presidency made reparations palatable.

The Reverend Al hasn’t run for president since, but then again, he hasn’t had to. Barack Obama, the nation’s president for eight years starting in January 2009, effectively endorsed Sharpton’s racial platform. Indeed, twice during his presidential tenure, in 2011 and again in 2014, Obama was the marquee speaker at National Action Network’s annual April conference in midtown Manhattan. And he was paying close attention to the reparations issue following the publication of Ta-Nehisi Coates’ game-changing article. In a 2016 interview with Coates, Obama endorsed reparations on principle while expressing doubts as to its political efficacy. “You can make a theoretical, abstract argument in favor of something like reparations,” he said. “And maybe I’m just not being sufficiently optimistic or imaginative enough… but I’m not so optimistic as to think that you would ever be able to garner a majority of an American Congress that would make those investments.”

Obama, reparations payments are “investments,” not shakedowns. If only the stubborn white-majority Congress could recognize as much!

**Presidential Candidates Reveal Themselves**

Democratic presidential candidates, whose numbers for a while seemed almost uncountable, also have lined up to support reparations. The party’s sharp leftward shift during the Trump era from an already left-of-center worldview made appearing at a Sharpton conference more than ever a litmus test of electability. And the candidates, regardless of race, made sure to toe the Sharpton line.

The annual convention of National Action Network at the Sheraton Times Square Hotel in midtown Manhattan during April 3–6, 2019 highlighted how far black civil rights activists have come in corralling support for reparations. More than a dozen Democratic Party presidential candidates showed up over the course of the four-day event to express their views on a range of issues, among them (and at Sharpton’s request) slavery reparations. None opposed the idea, and several were quite enthusiastic.

Nonwhite candidates needed little coaxing. Julian Castro, who had been mayor of San Antonio and then (during President Obama’s second term) secretary of Housing and Urban Development, asked, “If under our Constitution we compensate people if we take their property, why wouldn’t we compensate people who were considered property and sanctioned by the state?” Sen. Kamala Harris (California) stated, “When I am elected president, I will sign that bill (H.R. 40).” Sen. Cory Booker (New Jersey) already had made clear his support weeks earlier. “Do I support legislation that is race-conscious about balancing the economic scales?” he asked. “Not only do I support it, but I have legislation that actually does it,” referring to S. 1083, a companion bill to H.R. 40, which he would introduce only days later. Another candidate, Andrew Yang, called reparations a “logical step.”

White candidates also hopped aboard. “If the House and Senate pass that (Booker’s) bill,” said Sen. Bernie Sanders (Vermont), “of course I would sign it. I would say this—there needs to be a study.” Sen. Elizabeth Warren (Massachusetts), echoing a statement she had made to the New York Times in February, reiterated her support. “So, I believe it’s time to start the national full-blown conversation about reparations in this country,” Warren declared. “And that means I support the bill in the House to appoint a congressional panel of experts, people who are studying this and talk about different ways we may be able to do it and make a report back to Congress, so that we can as a nation do what’s right and begin to heal.”

Candidates who wound up dropping out of the Democratic presidential
Some candidates would express support for reparations through other venues. South Bend Mayor Pete Buttigieg announced support for H.R. 40 a few months later in the larger context of his “Douglass Plan” (named after 19th-century abolitionist Frederick Douglass) to create various forms of favoritism for blacks such as reducing incarceration rates, boosting loan activity, and increasing black-owned businesses.\(^5^5\) Rep. Tulsi Gabbard (Hawaii) is a co-sponsor of H.R. 40, a commitment that speaks for itself. Sen. Amy Klobuchar (Minnesota) told NBC's Meet the Press host Chuck Todd in March 2019 that reparations are essential to helping communities “hurt by racism.”\(^5^6\) Bestselling author and self-help “spiritual visionary” Marianne Williamson early in 2019 called for setting aside anywhere from $200 billion to $500 billion for reparations over 20 years, with an “esteemed council of African-American leaders” deciding who receives what.\(^7^7\)

### Advocacy of reparations has become a defining feature of the American Left and in particular the Democratic Party.

As for the party's presumptive nominee, Joe Biden, he came around after much tiptoeing around the issue. On February 28, 2020, the former U.S. senator (Delaware) and vice president told a campaign crowd in Spartanburg, South Carolina that he supports the creation of a reparations study commission. “There is a study being suggested by a former presidential candidate and a guy who’s a friend of mine from New Jersey (i.e., Senator Cory Booker), saying we should study reparations and make a judgment (as to) what they should be and what they should do,” Biden said. “I support that study. Let’s see where that takes us.”\(^7^8\)

The two leading congressional Democrats, House Speaker Nancy Pelosi\(^7^9\) and Senate Minority Leader Charles Schumer,\(^8^0\) also support reparations study legislation. Speaking before an audience at Howard University in February 2019, Pelosi called reparations "a challenging issue," adding that she looked forward to "an open mind and full participation of the public in that discussion."\(^8^1\) Five months later, Schumer, terming racism the “poison of America,” gave his explicit backing of reparations before a group of reporters at the U.S. Capitol. “The disparities in race affect everything, not just the obvious things, but the non-obvious things,” he said. “The legacy of slavery and Jim Crow are still with us.”\(^8^2\)

The conclusion is inescapable: Advocacy of reparations has become a defining feature of the American Left and in particular the Democratic Party. Regardless of the outcome of the 2020 presidential election, this issue is not going away. For supporters, the debate is not about whether reparations should be instituted, but about how much money should be paid. Unfortunately, there are researchers, some with legitimate academic credentials, who are advancing the cause with outlandish estimates.
HOW MUCH WOULD BE ENOUGH?

Trillions, Not Billions
Estimating an appropriate level of compensation for slavery has become a sub-discipline in itself. The recent dollar figures vary, but almost inevitably run into the trillions. Like the reparations issue itself, estimating the “true” tab is not a new pursuit. In 1990, Kwame Afo, a representative of a group called New Africa, demanded a $133,000 payment to every black man, woman and child in the U.S., a mandate that at the time would have cost $4 trillion.83 N’COBRA, as mentioned earlier in this report, has estimated the appropriate tab at $8 trillion. The aging, relentless Robert Brock has been aiming for at least $10 trillion for years. And in his 2014 call for reparations, Ta-Nehisi Coates suggested adding $34 billion a year—the figure originally pitched by Yale law professor Boris Bittker in 1973—on top of any agreed-upon sum for a decade or two.84

When estimates go international, such amounts seem like small change. In August 1999, a group known as the African World Reparations and Repatriation Truth Commission, following a conference in Ghana, demanded that the nations of the West pay a combined $777 trillion to African nations within five years and call off all African-related debt. To put that figure in perspective, global Gross Domestic Product in 2018 was about $85 trillion.85 “We feel the figure is very fair,” said spokesperson Debra Kofoe without a trace of doubt.86 Reparations fervor especially has been pronounced in the Caribbean region. The governments of Guyana (2007), Antigua & Barbuda (2011), Jamaica (2012) and Barbados (2012), among others, have issued statements calling upon European countries to pay slavery reparations. In 2013, these efforts coalesced into a Caribbean Community (CARICOM) Reparations Commission in September 2013, which resulted the following year in the unveiling of CARICOM’s 10-Point Plan for Reparatory Justice. While the plan did not provide a specific compensation figure, certain unnamed “experts” have estimated the cost as high as $100 trillion.87

Reparations fervor especially has been pronounced in the Caribbean region.

Academic Deception
Shorn of credibility, such estimates are likely to be regarded as pure fancy. Unfortunately, a number of academic figures are lending a certain measure of credibility. And because they are likely to be tapped as “consultants” for a congressionally-mandated reparations study commission, it is essential to critically analyze the “moderate” sums they recommend.

The most prominent of these misguided researchers is William Darity, Jr., a longtime economist at Duke University. Darity, who is black and has worked with American Descendants of Slavery (ADOS), has found himself in demand lately by Democratic presidential candidates seeking advice on how to close America’s “racial wealth gap,” a term very much attributable to his research.88 In a 2003 paper co-authored with University of Massachusetts-Amherst economist Dania Francis, “The Economics of Reparations,”89 he called for a massive reparations program for blacks to compensate for their lost income from slavery and disenfranchisement. Any income received, the authors emphasized, would not be subject to taxation. Very recently, he supervised a study that brought together about a dozen black educators and activists affiliated with an ad hoc group called the Planning Committee for Reparations. That this organization includes former U.S. Civil Rights Commission Chairwoman Mary Frances Berry is evidence alone of
its radicalism. The report is set for release sometime this year.

Professor Darity is anything but a dispassionate observer. In a recent interview with the Washington Post, he expressed strong support for reparations, hitting on a few requisite buzzwords. “There’s a climate in which there is a wing of the Democratic Party, in particular, where folks are really talking about transformative policies,” he said. “This is the most extensive national conversation about reparations since Reconstruction.”

His arguments, predictably, are restatements of unjust enrichment/white skin privilege moralizing. In an article following a House of Representative panel hearing in June 2019 in support of H.R. 40, Darity and co-author A. Kirsten Mullen, employing a selective view of American history, emphasized that a reparations program must compensate for white injustices occurring after as well as during slavery:

A comprehensive reparations program must set as a primary objective the elimination of the racial wealth divide, which is a product of unjust differences in the capacity of blacks and whites to transfer resources across generations. The inequity began with the failure of the U.S. government to provide the formerly enslaved with the 40-year land grants they had been promised at the close of the Civil War. It was extended by the provision of substantial land grants to newly arrived immigrants in the late 19th century under the Homestead Acts and sustained by the destruction of black lives and accumulated property through a wave of dozens of massacres and terror campaigns stretching from Wilmington, North Carolina to Tulsa, Oklahoma to Chicago to Detroit between 1870 and 1945. The inequity was further perpetrated by national policies that sanctioned restrictive covenants, redlined predominantly black neighborhoods and gave whites disproportionate access to the benefits of the GI bill.

And what sum would be appropriate? The authors make a very expensive guess:

Closing the racial wealth gap will require overcoming the effects of this grim historical trajectory. A program of black reparations should move the share of wealth owned by blacks at least to 12 to 13 percent, corresponding to the black proportion of America’s citizenry. To put it another way, a program of black reparations should raise the average black household’s net worth by $800,000 to put it on par with the average white household.

A more predatory application of the affirmative action principle would be hard to imagine. It is difficult to determine which is more offensive—the authors’ statistical sleight of hand in using mean as opposed to median figures, or their assumption that white wealth is inherently tainted and must be disgorged by force. Either way, their “request” is staggering.

It is difficult to determine which is more offensive—the authors’ statistical sleight of hand in using mean as opposed to median figures, or their assumption that white wealth is inherently tainted and must be disgorged by force.

Let us do some calculations. According to the Federal Reserve’s Survey of Consumer Finances, U.S. median household wealth for whites in 2016 was $171,000, compared to $17,600 for blacks—a difference of $153,400. Given that America had around 16.5 million black households that year, the reparations bill would be $2.6 trillion. Using mean (i.e., average) figures, however, raises the tab to stratospheric heights.
Average household wealth in 2016 was $933,700 for whites and $138,200 for blacks—a gap of $795,500. By this standard, 16.5 million black households would be entitled to $13.1 trillion in payments from whites. In other words, the use of average as opposed to median figures would add another $10.5 trillion to an already elephantine sum. Given that there are roughly 100 million white households in America, the use of the mean thus would raise the per household payment to about $130,000.

Other economists have been involved in this effort. In 1990, economist James Marketti published a paper as part of a collection of essays in support of reparations, The Wealth of Races, in which he calculated the present (1983) value of slave labor performed in this country during 1790 to 1860. The bill due, he concluded, was somewhere between $3 trillion and $5 trillion, taking into account lost interest. As part of the same volume, economist Larry Neal estimated the value of unpaid wages to slaves who worked during 1620 to 1840 at $1.4 trillion. Adjusting for inflation, each of these figures would be far higher today. More recently, Thomas Craemer, a professor of public policy at the University of Connecticut, expressing existing reparations estimates as expected future income, came up with a bill (in 2009 dollars) of anywhere from $5.9 trillion to $14.2 trillion.

Since achievement of social equality is the end game, it follows that payments will be required as long as inequality lingers.

Should reparations negotiations materialize, such estimates would be the basis for arriving at a supposedly reasonable payment. Make no mistake about it—the final tally would be in the trillions, and possibly in excess of $10 trillion. The dishonest scholarship that justifies inflicting such sums on American whites, the vast majority of whom have done nothing by word or deed to disparage the rights of blacks, is anything but objective. Underneath the veneer of evenhandedness is a desire for revenge against those whom they feel must pay. This activism employs the rhetoric of moral justice and practices the fine art of extortion. That is why payments likely would go on indefinitely. Since achievement of social equality is the end game, it follows that payments will be required as long as inequality lingers.

When it comes to reparations, there is no such thing as “enough”—only enough for now. And based on the historical evidence that reparations zealots willfully ignore to keep intact their “white oppressor, black victim” narrative, there is no case to be made for payments in any sum. That is the subject of the next section.
THE HISTORICAL CASE AGAINST REPARATIONS

Through a selective use of facts and moral jawboning, supporters of reparations have made charges and recommended remedies that are at once preposterous and destructive of liberty. For the most part, their assertions have gone unchallenged. The irony is that there is a wealth of information on which to base a challenge. The historical case against reparations is more than strong; it is overwhelming.

Living individuals cannot be held responsible for acts they did not commit, and indeed could not have committed.

The case for reparations rests on the assumption that acts against members of a particular race during a particular era must be treated as though they happened to all members of that race—past, present and future. In America, the movement operates on the assumption that to be white is to be born guilty—an update of Original Sin—and that payment of reparations is the path to absolution. This notion is incoherent and tyrannical. All people, regardless of race, can be said to be “harmed,” directly or indirectly, by thousands of years of worldwide slavery. And all people, regardless of race, in some way are genetically descended from doers of harm. By the logic of reparations advocates, everyone must pay and collect at the same time!

This reality alone ought to discredit any case for reparations. And it cannot be stated enough: The only people who should be considered for monetary compensation for slavery are the people who were once slaves. And they have been deceased for many decades. To treat living blacks as eligible for receiving benefits solely on account of their race, and living whites as responsible for making the payments solely on account of their race, is to negate the very idea of individual rights. Belonging to a particular race does not legally or morally obligate a person to account for the behavior of other members of that race. Living white people do not owe their prosperity to the work of black slaves of generations ago. They owe it to ambition, creativity, perseverance, native intelligence, street smarts, and, once in a while, luck. These are not crimes.

The course of history is littered with perpetrators and victims of injustice. Every living person in the world has ancestors who answer to both these categories. The logic of reparations enthusiasts ensures that the payments would have no limits. Every innocent person “linked” to old injustices would be vulnerable to being fleeced. But the black reparations movement does not operate on this logic. However far back in time that slavery in this country occurred, they see the burden of compensation as necessarily falling on the shoulders of current and future generations of whites.

All the participants in American slavery are dead. But that can be said of perpetrators of injustice anywhere in the distant past. By the logic of enthusiasts of reparations, we should compensate all descendants of all injustices. During the Roman empire, for example, Julius Caesar’s legions killed up to a million people in Gaul during 58–51 BCE and enslaved about a million more. The military also killed an estimated 600,000 to 1.2 million Jews to quell the latter’s revolt during 68–73 CE. And over the centuries, authorities sent millions of enslaved gladiators to their deaths in amphitheaters before enthusiastic crowds. Should living descendants of these victims, assuming they can be identified, have legal standing to sue the Italian government? For that matter, should descendants of persons put to death during the Inquisition have standing to sue the Catholic Church? Should descendants of the St. Bartholomew’s Day Massacre of 1572 in Paris have standing to sue a French monarchy that no longer exists? Should descendants of the Irish civilians massacred in Drogheda and Wexford in 1649 (or enslaved afterward) by Oliver Cromwell’s New Model Army be able to collect reparations from the British government? Should living
descendants of the 1 million to 2 million people killed in southern Africa during the early 19th century by Chief Shaka Zulu’s warriors be eligible for compensation? In short, how many outrages of the distant past require financial reparations based solely on claims of blood lineage?

There comes a point at which this connect-the-dots enterprise is not only a dead end, but a recipe for nations degenerating into a nightmarish Hobbesian scenario of nonstop scores to settle. On some level, one must accept that history cannot be undone. Every nation, race, ethnic group and religion in the world, to say nothing of both sexes, has legitimate grievances. That does not suffice, however, as an excuse to extract money from people who were not at the scene of the crimes. This dictum fully applies to slavery. As George Mason University economist Walter Williams, who is black, puts it: “Since slaves and slave traders and owners are no longer with us, compensation is beyond our reach, and it’s a matter that will have to be settled in hell or heaven.”

Singling out America as culpable for slavery ignores that the fact that the institution has been practiced worldwide for thousands of years. Reparations zealots write as if America somehow stands uniquely guilty of slave trading and ownership. Occasionally, they acknowledge Europe or Latin America’s role, but the focus of their ire is always on America. That sub-Saharan African black tribes were deeply involved in slavery, and for a lot longer than we were, does not soften their indictment. For them, blacks are victims, never victimizers. Heaping on the grievance, Randall Robinson opined in The Debt: “Well before the birth of our country, Europe and the eventual United States perpetrated a heinous wrong against the peoples of Africa—and sustained and benefited from the wrong for centuries.”

To single out one nation or ethnic group for enslaving blacks or any other race is cherry-picking of the worst sort. This is gross and reckless melodrama. Slavery has been a worldwide practice for millennia in every region of the world. To single out one nation or ethnic group for enslaving blacks or any other race is cherry-picking of the worst sort. In his classic book, Slavery and Social Death, Jamaican-born Harvard sociologist Orlando Patterson, himself black, put it bluntly:

There is nothing notably peculiar about the institution of slavery. It has existed before the dawn of human history right down to the twentieth century, in the most primitive human history and in the most civilized. There is no region on earth that has not at some time harbored the institution. Probably there is no group of people whose ancestors were not at one time slaves or slaveholders.

The Atlantic slave trade took the shape that it did in consequence of the survival of slavery in the Mediterranean world during the Middle Ages. Black slaves had been carried to all the principalities in North Africa and the eastern Mediterranean for hundreds of years, beginning in ancient Egypt. Those slaves in antiquity derived principally from Ethiopia, with the consequences that, as late as the fifteenth century, black slaves were often known as “Ethiops,” whencesoever they really derived.

Portugal is an appropriate starting point for understanding the global nature of slavery for the reason that it was the Portuguese who initiated the African slave trade. Ground Zero, notes Thomas, was August 8, 1444. On that date, Portuguese seamen on the decks of a half-dozen sailing ships landed 235 African slaves, many of mixed-race origins, in Algarve, Portugal, only to be transferred back to what is now Nigeria for eventual sale.
The slave trade took off from there. And the competition was ferocious. An early zone of intensive trading, the Bay of Arguin, which is near present-day Mauritania, is a case in point. By the year 1505, anywhere from 25,000 to 40,000 slaves were carried from there to Portugal; many were first exchanged 200 miles inland at the oasis of Wadan, along the westernmost route. Over time, Arguin would be a prize to be won. From 1580 until 1721, it changed hands, in chronological order, from the Spanish to the Spanish-Portuguese empire to the French to the Germans to the Dutch and to the French again.

Spanish involvement in the slave trade, more than anything else, was driven by the need for cheap labor on Caribbean sugar plantations. Following the Treaty of Paris of 1763, which sealed the British victory over the French and the Spaniards in the Seven Years War, for example, the new captain-general of Cuba, the count of Ricla, authorized Martin Jose de Alegria of Cadiz to bring in 7,000 slaves to Cuba with the stipulation that 1,000 of them had to be sold to the Spanish Crown. “The prosperity of this island,” wrote the count, “depends mainly on the import of African slaves . . . The King [too] will derive much more revenue from the import duties on slaves.”

France likewise ran a robust African slave trade. Thomas illustrates with an example from the River Senegal, which separates Senegal and Mauritania: In 1670–72, the carrying capacity of the French slave trade was officially a thousand a year. That figure suggests how many illegal slaves were being carried, for the real number of imports from all sources, including from French interlopers, approached five thousand. The merchants responsible for the increase were principally from La Rochelle, still the leading French Atlantic port in these early years of the traffic; it began to dispatch vessels to Africa for slaves in 1643 and, between 1670 and 1692, sent forty-five such ships.

The English likewise were heavily invested in the slave trade. Indeed, during the years immediately running up to the Act for the Abolition of the Slave Trade of 1807, slavery had ample defenders. During parliamentary debate, merchants presented anti-abolition petitions to the House of Commons. One document from a Bristol trader read: “It has been found . . . with great exactness that the African and West India trade constitute at least three fifths of the commerce of the port of Bristol and that if, upon such a motion [as proposed by William Wilberforce], a Bill should pass into law, the decline of the trade of . . . Bristol must inevitably follow” with the “ruin of thousands.” A petition from Liverpool sailmakers similarly stated: “Their principal dependence in the port of Liverpool is upon the outset and repairs of the shipping employed in the African trade.”

As part of the Treaty of 1763, the British government assumed control over the Florida colony (until 1784) and in exchange gave Cuba to the Spanish. Florida soon became a popular direct slave trade route. In 1767 a British ship had just arrived in London “from St. Augustine, on the brigantine Augustine, having carried there seventy negroes from Africa, the first ever imported directly from thence into that province . . . Upwards of 2,000 were contracted for, by the noblemen and gentlemen in Great Britain . . . to be imported there from Africa the ensuing summer.”

In all likelihood, if one were to go back in time as far as possible, every tribe and nation would stand guilty.

In the face of such historical examples—which amount to a scratch upon the surface—why should the United States be singled out as responsible for African slavery? In all likelihood, if one were to go back in time as far as possible, every tribe and nation would stand guilty. If there are any nations with no documented history of slavery, such a record can be attributed to climate and geography rather than human benevolence. The council of the American Historical Association had it right when
it declared in 1995 at its annual meeting in Chicago: “Atlantic slavery was an intercontinental enterprise extending over nearly four centuries. Ethnically, the participants included Arab Berbers, scores of African ethnic groups, Italians, Portuguese, Spaniards, Dutch, Jews, Germans, Swedes, French, English, Danes, white Americans, Native Americans and even thousands of New World people of African descent who became slaveholding farmers or planters themselves.”

Slavery goes back millennia, long before there were any American colonies let alone an American republic. There was nothing unique about our participation in the practice. In fact, as one shall see very shortly, America is among the least culpable nations.

The vast majority of African-born slaves transported to the Western Hemisphere were destined for nations other than the United States. Even if every slave in America had been black—and they were not—our nation still would have accounted for a small portion of slaves brought to the New World. According to the Trans-Atlantic Slave Trade Database, a comprehensive project of Emory University’s Center for Digital Scholarship, during 1501–1875 about 12.5 million Africans were bound for the Western Hemisphere, of whom about 10 million (verified) survived the treacherous trans-Atlantic “Middle Passage.” Of that 10 million, only 366,000, less than four percent, were brought directly to Mainland North America. The vast majority were destined for South America or the Caribbean.

Table 1, derived from the Emory database, provides an extensive breakdown of the destinations of slaves, overwhelmingly African, for the period 1501–1875 as expressed in increments of 25 years. Of all nations in the Western Hemisphere, Brazil stands out. More than 3.5 million slaves disembarked in that nation, which until 1822 had been a Portuguese colony. That figure is almost 10 times the number that arrived in Mainland North America. The Caribbean region also was far more involved in the slave trade than the Americans were. During 1726–1825 alone, more than 3.5 million slaves were transported to its islands.

<table>
<thead>
<tr>
<th>Period</th>
<th>Europe</th>
<th>Mainland North America</th>
<th>Caribbean</th>
<th>Spanish Mainland Americas</th>
<th>Brazil</th>
<th>Africa</th>
<th>Other</th>
<th>Totals</th>
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<tr>
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<td>624</td>
<td>0</td>
<td>683</td>
<td>0</td>
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<td>0</td>
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<td>0</td>
<td>1,516</td>
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<td>0</td>
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<td>46,227</td>
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<td>597</td>
<td>399</td>
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<td>0</td>
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<td>38,779</td>
<td>240</td>
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<tr>
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<td>1,675</td>
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<td>24,100</td>
<td>8,199</td>
<td>3,595</td>
<td>5,883</td>
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<td>327,479</td>
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<tr>
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<td>480,930</td>
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<td>16,792</td>
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<tr>
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<td>658,043</td>
<td>3,519,910</td>
<td>168,727</td>
<td>203,305</td>
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The Portuguese in particular understood the strategic advantages of direct shipping access. Hugh Thomas, in The Slave Trade, explains:111

Slaves for Brazil were now easily, and directly, carried across the South Atlantic from Angola, Congo, or possibly Mozambique. But many, perhaps most, still came from the Gulf of Guinea—or “Mina,” as the Portuguese came to call that territory (a fond diminutive of lost Elmina). One estimate gives an overall figure of over 150,000 carried to Brazil in the first ten years alone of the eighteenth century, of whom fewer than half, about 70,000, were said to have come from Angola, and 80,000 from Mina. Most of the few settlers in Luanda in these years were engaged in one aspect or another of slave trading and, in the 1680s, there were seldom fewer than twenty slave ships in the harbor.

Sugar and coffee were crucial to the Portuguese colony of Brazil for bartering with African chieftains for additional chattel, but so was tobacco. The English explorer, Captain William Dampier, wrote in 1699: “Bahia (northern Brazil) had tobacco and wanted slaves; the coast of Mina (Ghana) had slaves and wanted tobacco—rolls, not leaf.”112 Decades later, the governor of Bahia in 1779 put it similarly: “The truth is that the tobacco of Brazil is as necessary for the trade in slaves as those same slaves are for the maintenance of Portuguese America.”113

Cuba, with its vast expanse of sugar plantations, also was a common destination. By 1817, the slave population of Cuba had reached 200,000, or roughly two-fifths of the island’s population. And rapid growth in the demand for sugar in the United States and Europe ensured they would have a full workload. The colony’s largest sugar mill, San Martin, which belonged for many years to a company in which the queen regent of Spain was a prominent shareholder, employed 800 slaves in the production of 2,670 tons of sugar annually.114 The nearby British colony of Jamaica during the 1770s had 190,000 slaves, about 160,000 of whom worked on sugar plantations.115

Overall, concludes Columbia University historian Herbert Klein, an estimated 18 million slaves were shipped from Africa between 1500 and 1900. Roughly 7 million of them were shipped across the Sahara to markets in the Middle East or across the Indian Ocean.116 Perhaps such figures do not matter to Randall Robinson or Ta-Nehisi Coates, but they certainly would matter to anyone living in the U.S. forced to pay reparations.

Many of the slaves during our colonial and early republic years were white. Reparations advocates get irritated if not apoplectic when reminded of the fact of the enslavement of whites. Yet it is a matter of historical record that whites routinely were transported to the American colonies from Europe, especially from Great Britain, whether as kidnap victims, criminal convicts (usually for petty
offenses) or prisoners of war, to provide farm slave labor. Even the northern colonies were not entirely immune. White slaves typically were classified as “indentured servants” rather than as “slaves,” but for the most part it was distinction without a difference. Even with a time limit of typically seven to 10 years, owners often extended the period of servitude after that.

The treatment of whites in servitude was no better than the treatment of blacks. Virginia Tech historian A. Roger Ekirch, in his 1990 book Bound for America: The Transportation of British Convicts into the Colonies, 1718–1775, concluded that the convicts, once having arrived in America, “. . . encountered widespread exploitation. Tobacco planters . . . felt few qualms about putting freeborn Englishmen to hard labor or, if need be, shackling them in chains. Neither the status of convicts as servants nor their living conditions were altogether different from those of slaves, and opportunities for achieving a settled social life were arguably worse.”

Historian John van der Zee, in his 1985 book Bound Over: Indentured Servitude and American Conscience, likewise noted that white “indentured servants” were slaves all but in name and were treated as such:

Except for the important distinctions that their existence as individuals was acknowledged by law, and that after their term of servitude they were to be granted the full rights of freemen and women, the status of these people [indentured servants] was essentially the same as that of slaves. They, the work they did, and the clothes on their backs belonged entirely to their masters. They could be hired out, sold or auctioned, even if this meant separating them from their families. They could be beaten, whipped, or branded. If they ran away, they could be punished by an extension, often a multiplication, of their term of servitude; in some colonies, runaways were hanged, a process too wasteful to apply to slaves, who retained, after all, the value of capital.

But white slavery in the Western Hemisphere was more than simply common. According to any number of historians, it also served as a template for black slavery. The late Eric Williams, who for a while also had been prime minister of Trinidad and Tobago, wrote in From Columbus to Castro, “The practice developed and tolerated in the kidnapping of Whites laid the foundation for the kidnapping of Negroes.”

Ulrich Phillips, in Life and Labor in the Old South, wrote that blacks were “latecomers fitted into a system already developed.” The late historian Marcus Jernegan wrote in Laboring and Dependent Classes in Colonial America: “The white servant, a semi-slave, was more important in the 17th century than even the negro slave, in respect to both numbers and economic significance.” And Sir Hilary McDonald Beckles, a native of Barbados and a historian at the University of the West Indies, drew this conclusion: “. . . (T)he important structures, labor ideologies and social relations necessary for slavery already had been established with indentured servitude . . . (W) hite servitude . . . in many ways came remarkably close to the ‘ideal type’ of chattel slavery which later became associated with the African experience.”

When it came to getting work done, slaveowners typically did not distinguish between whites and blacks.

When it came to getting work done, slaveowners typically did not distinguish between whites and blacks. As each performed useful tasks at minimal cost, they worked side by side. Beckles notes:

During (Richard) Ligon’s time in Barbados (1647–50), white indentured female servants worked in the field gangs alongside the small but rapidly growing number of enslaved black women. In
this formative stage of the Sugar Revolution, planters did not attempt to formulate a division of labor along racial lines. White indentured servants . . . were not perceived by their masters as worthy of special treatment in the labor regime.

Islamic ownership of white chattel property was little short of criminally sadistic. Hugh Thomas illustrates with an example from 17th-century Morocco:

These (white) slaves were treated with at least as much brutality as the African slaves were by Europeans: [William] Atkins described how a Frenchman, “caught in the creeks of the river, with hopes to have escaped over in the night time,” was “found by his patron, [who] first cut off his ears, then slit his nose, after that beat him with ropes till all his body which was not covered with gore was black with stripes, and lastly drove him naked, thus disfigured, through the streets, for an example and a warning to other slaves not to try to escape. In the end, they threw him into a dungeon with little straw under him, loaden with irons.” A Breton sailor caught trying to escape not only had his ears cut off, but was forced to eat them.

With respect to slavery in the American colonies, whites often were treated worse than blacks.

For one thing, their temporary status of “indentured servant” made them much more expendable than black slaves. Owners often sold white servants to the highest bidder as payment for outstanding debt. For another, because slave owners paid more for blacks than for whites, they had an incentive to treat blacks better. The blacks, recognizing as much, often showed their contempt for the whites whom they regarded as of a lower status.

The following account on the eve of the War for Independence by a young English loyalist, William Eddis, made this clear:

Negroes being property for life, the death of slaves, in the prime of youth or strength, is a material loss to the proprietor: they are, therefore, in almost every instance, under more comfortable circumstances than the miserable European, over whom the rigid planter exercises an inflexible severity. They are strained to the utmost to perform their allotted labour; and, from a prepossession in many cases too justly founded, they are supposed to be receiving only the just reward which is due to repeated offences. There are doubtless many exceptions to this observation, yet, generally speaking, they groan beneath a worse than Egyptian bondage.

Whites also suffered at least as much as blacks, if not worse, during the trans-Atlantic passage to the Americas. Slaves of both races were confined to below-deck areas in crowded, disease-prone quarters with insufficient food and water. Given that the journey typically took two to three months, mortality rates were startlingly high.

According to historian Sharon Salinger, during the 18th century the mortality rate aboard ships for black slaves was between 10 and 20 percent, whereas it was 25 percent aboard ships for white slaves. One German passenger observed, “There is on board these ships terrible misery, stench, fumes, horror . . . so that many die miserable.”

One might think that advocates of reparations would take notice of such evidence of mistreatment of whites. But they do not. And the reason should be obvious. To them, blacks, and only blacks, qualify for collecting reparations. And whites, and only whites, qualify for paying them. Their “humanitarian” campaign is centered on money and power for one race at the expense of the other. It has nothing to do with any quest for justice.

Only a minority of American whites owned slaves, whether measured in terms of individuals, families or households.

Reparations advocates operate on the assumption that since some whites owned slaves, whites as a whole are guilty. Aside from the reprehensible impulse to tar a whole race, this accusation ignores the fact that only a minority of whites in this country owned slaves even
when it was legal. Whether out of a lack of money, a lack of need or high moral principle, whites who did not own slaves far outnumbered those who did.

The numbers tell the story. On the eve of the Civil War, the 1860 Census of Population counted about 31.4 million Americans. Nearly 4 million, or about 12.6 percent, were slaves. Clearly, there were not enough slaves to go around for everyone, even with only one to a customer. The story becomes even more complicated with the fact that Northern states had outlawed slavery decades earlier. The percentage figure thus does not take into account freemen who would have liked to own slaves but were not allowed to. Nor does it take into account the number of slaves per family or differentiate between family slaves vs. individual slaves.

The focus therefore should be on the South, where slavery was legal. An analysis of Census data for 1860 by University of North Carolina historian Joseph Glatthaar concluded that 4.9 percent of all people in slaveholding states owned slaves. When measured by family units, the figure was 19.9 percent. And when measured by households—a broader category than families—the figure was 24.9 percent. By any standard, then, only a minority of Southerners owned slaves at the time of the secession crisis and the war.

This creates problems in calculating a tab for reparations. As most white Southerners did not own slaves, it follows that most of their living descendants either would be partially liable or not liable at all. Connecting family trees for every living white person in the country would weave a tangled web beyond comprehension or relevance. Even if a person’s ancestry is traceable entirely to slave-holding families, that does not say anything about that person’s own behavior. It is nothing short of insulting to assume that a successful white individual owes his good fortune to unearned “privileges” derived from actions undertaken centuries ago.

Connecting family trees for every living white person in the country would weave a tangled web beyond comprehension or relevance.

Muslim Arabs in northern Africa were especially involved in slave trading and ownership.

There is no question that Muslims, particularly Arab Muslims, saw slavery as essential to their economic and political well-being. “Islam in fact accepted slavery as an unquestionable part of human organization,” Thomas writes. “Indeed, Mahomet (Mohammed) took over the system of slavery upon which ancient society was based, without question. The greatest of Arab historians, Ibn-Khaldun, believed that it was through slavery that some of the strongest Muslims, such as the Turks, learned ‘the glory and the blessing and [had become] exposed to divine providence.’”

Pirates along the Mediterranean Barbary Coast, often supported by the Ottoman Turkish regime, kidnapped and enslaved well over one million European and American whites, at sea and on land, during 1500–1800. And when they finally curbed this atrocity, it was not out of elementary decency but out of fear of being crushed by the West. Being crushed became a distinct possibility after President Thomas Jefferson had ordered a naval expedition under the command of Lieutenant Stephen Decatur to rescue kidnapped seamen aboard the USS Philadelphia in February 1804, three years after Tripoli, one of the Barbary states, had declared war on us. The mission was a success. There would be a second Barbary War in 1815 under President James Madison, after which the U.S. announced that it would refuse to pay any tribute. The centuries-long human toll by then was staggering. Applying the logic of reparations advocates, today’s descendants of those victims should have the standing to sue the governments of Libya, Algeria, Morocco, Tunisia and Turkey.

Reparations advocates in this country chafe at any suggestion that Muslim slave traders bought or kidnapped African blacks with great frequency. But it is a matter of historical record that they did.
University of Kansas historian Lynn Nelson notes:  

Wars between African tribes were not fought to kill, but to take prisoners who could be exchanged with Arab slave traders for imported goods. It has been estimated that 25% of the slaves taken out of Africa ended up in Muslim lands. Even more important, this centuries-old trade had rooted the institution in the African economy and had established the general pattern of that trade.

Mohammedan treatment of slaves, regardless of race, generally was nothing short of sadistic. In 1703, Massachusetts Bay Colony Puritan minister and pamphleteer Cotton Mather provided a vivid description of this organized brutality in his sermon, “The Glory of Goodness”:

A Great Number of Our Good Subjects peaceably following their Employments at Sea, have been taken by the Turkish pirates of Algiers, Salley, Barbary and other places on the Coast of Africa, and now remain Slaves, in Cruel and Inhumane Bondage, without any Dayes of Rest, either on the Turkish Sabbath or Ours, except Four Dayes in a Year; being kept to Extreme Labour; from which, endeavoring a little Rest, several of them were barbarously Murdered. Neither is their Diet any more tolerable than their Labour; Great Numbers being allow’d no other Food, than decay’d Barley, which stinketh so, that the Beasts refuse to eat it. And often they are not permitted to go from their Labour, to fetch Water, which is their only Drink; and sometimes driven about by Black-a-Moors, who are set over them as Task-masters; and some of them have been so severely Whipp’d, that they have dropp’d down Dead.

White slaves unable or unwilling to remain captive faced unspeakable acts.

White slaves unable or unwilling to remain captive faced unspeakable acts. The following description by John Foss, a slave in Algiers for several years after being taken hostage at sea in 1793 by Islamic Moors, should give the reader a taste of their unfortunate lot in life:

The roll is called every night in the prison, a few minutes before the gates are locked. If any one neglects his call, he is immediately put into irons hands and feet, and then chained to a pillar, where he must remain until morning. Then the irons are taken from his feet, and he is driven before a task-master, to the marine, and the Vigilhedge (who is the Minister of the marine) orders what punishments he thinks proper, which is immediately inflicted, by the task-masters. He commonly orders 150, or 200 Bastinadoes. The manner of inflicting this punishment is as follows. The person is laid upon his face, with his hands in irons behind him and his legs lashed together with rope. One task-master holds down his head and another his legs, while two others inflict the punishment upon his breech, with sticks, somewhat larger than an ox goad. After he has received one half in this manner, they lash his ancels to a pole, and two Turks lift the pole up, and hold it in such a manner, as brings to soles of his feet upward, and the remainder of his punishment, he receives upon his soles of his feet. Then he is released from his bands, and obliged directly to go directly to work, among the rest of his fellow slaves.

There is something perverse about focusing on injustices inflicted by white slave owners in this country yet ignoring behavior such as this, inflicted by Arab and Turkish Muslims. Pressure from the West, not internal reform, ultimately is what led to the decline of slavery in the Islamic world during the 19th century and beyond.
Black Africans heavily participated in, and profited from, the slave trade.

The rhetoric of reparations activism would lead one to believe that black leaders in sub-Saharan Africa were entirely uninvolved in the slave trade. In reality, they played a central role, collaborating with white slave traders where they saw potential gain. Indeed, African monarchs often personally presented black slaves captured during tribal raids to white buyers at Atlantic seaports for eventual sale to Americans, Europeans, Arabs and other Africans tribes.

The idea that white slave traders, as a matter of course, fanned out inland and captured free African blacks is a comforting thought to those who learned their history from Alex Haley’s Roots. But for the most part, it is fiction. According to University of Chicago historian Richard Hellie, “(W)hite slave traders almost never entered the interior in pursuit of prey but rather purchased their cargo from Africans at the ocean front; coastal Africans would not allow Europeans either into or through their own countries.”

Indeed, there was no reason for Europeans to jeopardize their safety in such a manner because the Africans gladly supplied them with slaves in exchange for material goods. Trinity College (Hartford) historian Zayde Antrim explains how deeply slavery was entrenched on the African continent, predating the arrival of outsiders:

Not only was slavery an established institution in West Africa before European traders arrived, but Africans were also involved in a trans-Saharan trade in slaves along these routes. African rulers and merchants were thus able to tap into preexisting methods and networks of enslavement to supply European demand for slaves. Enslavement was most often a byproduct of local warfare, kidnapping, or the manipulation of religious and judicial institutions. Military, political, and religious authority within West Africa determined who controlled access to the Atlantic slave trade. And some African elites, such as those in the Dahomey and Ashanti empires, took advantage of this control and used it to their profit by enslaving and selling other Africans to European traders.

Hugh Thomas drew much the same conclusion in The Slave Trade:

This large labor force would not have been available to the Europeans in the Americas without the cooperation of African kings, merchants, and noblemen. Those African leaders were, as a rule, neither bullied nor threatened into making these sales (for sales they were, even if the bills were settled in textiles, guns, brandy, cowrie shells, beads, horses, and so on) . . . Some slaves were stolen by Europeans . . . and some, as occurred often in Angola, were the victims of military campaigns mounted specifically by Portuguese proconsuls in order to capture slaves. But most slaves carried from Africa between 1440 and 1870 were procured as a result of the African’s interest in selling their neighbors, usually distant but sometimes close, and, more rarely, their own people. “Man-stealing” accounted for the majority of slaves taken to the New World, and it usually was the responsibility of the Africans.

The charge that slave traders from Europe and America, without any knowledge on the part of tribal authorities, acquired most or all of their African chattel property by kidnapping unsuspecting blacks inside the continental interior, is a wish-fulfillment fantasy held by those who insist on seeing blacks as the sole victims of slavery. The reality is that most African slaves already were owned by other Africans upon the time of their purchase by trans-Atlantic traffickers. White slave traders and eventual buyers in America did not make black Africans into slaves so much as put them under new management. It was black tribes who did the kidnapping. “(T)here was no sense of kinship between different African people,” writes Thomas. “Such prisoners, however
obtained, were the lowest people in society and even in Africa, would have been used to doing heavy work, including in gold mines. Slavery was more central to the economies of sub-Saharan Africa than they were to the economies of Europe and America. In the early 16th century, for instance, the Congolese began to raid their neighbors, the Mbundu, in hopes of capturing slaves for deliver to the Portuguese and receiving things of value in exchange for this human cargo. As supply met demand, the practice caught on elsewhere in Africa to the point where even the Portuguese monarch, King Alfonso, was alarmed. Thomas observed:

Other African peoples apart from the Congolese began to adapt to the new conditions of trade. Thus, the Pangu a Lungu, a people who had seized a stretch of the north coast of the river Congo, were beginning to raid its south bank specifically to obtain slaves. By 1526 King Alfonso was complaining that the slave dealers, whom, of course, he initially had encouraged, were leaving his realm depopulated: ‘There are many traders in all parts of the country. They bring ruin…Every day people are kidnapped and enslaved, even members of the king’s family’—the kidnapping done by Congolese, not Portuguese, who only constituted the market. The practice continued well beyond that point. During the 17th and 18th centuries, Luso-African mulatto tribal leaders in the Portuguese colony of Angola, routinely kept slaves in barracoons in the Atlantic port city of Luanda until the slaves were loaded onto a ship and transported to the Brazil colony. According to an educated late-18th-century estimate, 88 percent of all income of Luanda was derived from the slave trade. Black tribal leaders in particular made out like bandits. In the year 1750 alone, King Tegbesu of Dahomey (Benin) made the equivalent of about 250,000 British pounds, five times the income of England’s richest duke. According to an educated late-18th-century estimate, 88 percent of all income of Luanda was derived from the slave trade.

There can be no getting around the conclusion that African tribes were deeply culpable. There are countless other examples of sub-Saharan African tribes working in tandem with trans-Atlantic European slave traders. There can be no getting around the conclusion that African tribes were deeply culpable. Even blacks on rare occasions have recognized as much. “My own people had exterminated whole nations and tore families apart for profit before the strangers got their chance at a cut,” observed Harlem Renaissance anthropologist and novelist Zora Neale Hurston in her 1942 autobiography, Dust Tracks on a Road. “It was a sobering thought. It impressed upon me the universal nature of greed and glory.

Many free blacks in America owned black slaves. Black ownership of other blacks wasn’t limited to the African continent. Much as reparations advocates would have the evidence disappear, black freemen in our country routinely enslaved fellow blacks. Indeed, the most well-off black freemen often owned black slaves in large numbers. As many had been slaves themselves, they knew first-hand the advantages of ownership.

Historian Larry Koger’s meticulously researched book, Black Slaveowners: Free Black Slave Masters in South Carolina, 1790–1860, reveals how common the practice was in that state, especially in Charleston. The author provides telling numbers:

Indeed, so widespread was black slaveholding in the city of Charleston that the majority of free black heads of household owned slaves from 1820 to 1840. When the first federal census of 1790 was taken, it revealed that 36 out of 102, or 35.2 percent, of the free black heads of family held slaves in Charleston City. By 1800 nearly one out of every three colored heads of household...
were recorded with slave property. Between 1820 and 1840, the percentage of slaveholding heads of family ranged from 72.1 to 77.7 percent. In 1850, however, the percentage of black heads of household owning slaves was a modest 42.3 percent.

Among the most successful of these masters were mixed-race blacks who bought other blacks to perform farm labor. Koger provides many examples, including that of the offspring of Joseph Pendarvis, a white 18th century rice planter in Colleton County, S.C. and his Negro mistress. Upon reaching adulthood, the mulatto children inherited their father’s slaves. His oldest son, James, as of 1786, owned 113 slaves to work his 3,250 acres of farmland. Prior to his death in 1798, James Pendarvis owned 155 slaves, making him one of the largest slave owners in all of South Carolina.

Black ownership of black slaves also was common in New Orleans and elsewhere in Louisiana, a fact evidenced by the large population of free blacks and mulattos. According to a Louisiana State University collaborative research project, “Free People of Color in Louisiana,” about one in six residents of New Orleans at the time of the Louisiana Purchase in 1803 was a free person of color. Of the 76,556 persons in the Orleans Territory counted by the 1810 Census, fully 7,585 were free persons of color in addition to 34,311 whites. Many of these colored individuals owned slaves. The LSU project illustrates:

Many free black households were controlled by matriarchs. Marie Simien, in 1818, owned nine slaves and more than 7,500 acres of land, including 1,400 acres of prime farmland in St. Landry Parish. The largest family of free black planters and merchants outside of New Orleans was the Metoyer family of Natchitoches Parish, which intermarried with other black planters. In 1830, the family owned nearly eight percent of the slaves in Natchitoches Parish.

Such details are highly inconvenient to reparations enthusiasts, immersed in continuous denunciation of “white oppression.” Yet on further reflection, why should any of this be surprising? Slavery was an accepted fact of life in the Southern lowlands back then. It was logical that free blacks, like free whites, saw opportunities to exploit labor—and would act upon those opportunities.

Black supporters of reparations sometimes acknowledge such realities, but minimize their importance by citing research by black historian Carter G. Woodson (1875–1950). Woodson had concluded that black-on-black slave ownership, while real, was less cruel than white-on-black ownership and often served as a precursor to release. In this view, black owners bought other blacks out of mercy, not greed or malice. That such slaves often were family members and friends would seem to reinforce this position.

Unfortunately, the evidence here is spotty. While intragroup altruism was a motive for blacks purchasing other blacks, it arguably was not the dominant one. A desire for profit still reigned. “(T)
here is ample evidence which demonstrates that free blacks purchased slaves as capital investments,” Koger writes. “To many black masters, slaves represented valued property being used to produce more wealth. In fact, the commercial side of free black slaveholding was more prevalent than previously maintained by historians.”

The desire for profit, if anything, became more transparent as the 19th century progressed. In Charleston, South Carolina, as Koger notes with many examples, skilled black slaves were a highly sought commodity among free black artisans. Black owners, rather than free them, usually bequeathed them to family members.

**Indian ownership of blacks in this country was common.**

That American Indians (i.e., “Native Americans”) owned black slaves is another historical reality with which reparations enthusiasts have a difficult time grappling. It is yet another inconvenient fact puncturing the myth of sole white culpability. In a number of tribes, in fact, ownership of blacks was an accepted fact of daily life.

Indian antebellum slave ownership was especially in evidence among America’s “Five Tribes” (also known as the “Civilized Five Tribes”)—the Cherokee, Chickasaw, Choctaw, Creek and Seminole. These people originally inhabited the Southern interior east of the Mississippi River until their forcible displacement and eventually resettlement in the Indian Territory (now Oklahoma) under the presidency of Andrew Jackson. While Indian enslavement of blacks may have sprung from a desire to emulate white owners, the primary reason was to gain economic advantage.

Through much of the eighteenth century, Choctaw and Chickasaw men inserted themselves directly into the business of chattel slavery, working not only as slave catchers but also as traders in early iterations of the domestic slave trade, shuttling slaves between colonial entrepots from New Orleans to Charleston. One Carolina master, for example, purchased an African woman from a Chickasaw trader and described her as speaking “good English, Chickasaw, and perhaps French, the Chickasaws having taken her from the French Settlements on the Mississippi,” suggesting the trajectory of the woman’s enslavement in colonial and Native hands. Southern Indians need not have embraced the emerging colonial racial ideology about the inferiority of blackness to have appreciated both enslaved Africans’ market value to colonists and the ways they might profit from acquiring and exchanging this embodied currency so highly valued by colonial traders and slaveholders.

Following congressional enactment of the Fugitive Slave Act of 1850, notes the author, Chickasaw lawmakers enacted their own slave code to discourage slaves from running away. One provision made it illegal to harbor runaway slaves, and even set aside funds to pay jailors to detain runaways. If a slave needed to travel, he or she now would have to obtain a written...
pass from the owner. And a tribal slave patrol would make sure no slave took advantage of this small freedom to escape. Slaves caught without a pass would be punished with 39 lashes on the bare back. Even if a slave did not leave, that person would be barred from speaking up or talking back to an owner. Insolent speech was as much an act of insubordination as defying a work order or running away.

In the late-1850s, with the Civil War looming and guerrilla warfare in Bleeding Kansas already underway, the Chocktaw and Chickasaw grew increasingly concerned that combat would spill over into Indian Territory, ultimately resulting in a takeover of the area by the federal or state governments. In other words, argues Krauthamer, tribal authorities were concerned that their slave codes would be superseded by their admission to the union as a free state. When the official war began in April 1861, the tribal nations made clear their allegiance lay with the Confederacy. On June 12 of that year, these nations entered into a treaty with the Confederacy. The pact severed existing treaties with the Union, affirmed the legality of chattel slavery, and extended coverage of the Fugitive Slave Act to their nations. Each tribe vowed to return the other's runaway slaves. The U.S. government formally abolished slavery in its territories in 1862, though the decree was rarely enforced with the war going on. The Union victory in 1865 closed off slavery as a practical option. The Choctaw and Chickasaw tribes entered into a treaty with the United States in July 1866 in which they would free all slaves, recognize citizenship rights for black freemen, and give these freemen the choice of adoption or resettlement elsewhere.

The Cherokees, who entered into a similar federal treaty in August 1866, also practiced slavery with increasing enthusiasm starting in the late-18th century. By 1809, there were about 600 black slaves living in the Cherokee Nation. That total would increase to 1,600 in 1835 and 4,000 in 1860. Some Cherokee slave owners grew wealthy from the peculiar institution. Arguably the most notorious was James Vann, who owned and badly mistreated more than 100 slaves on his Diamond Hill plantation in northeast Georgia until he was forced to leave under President Jackson's Indian relocation program. Another prominent Cherokee slave owner was Chief John Ross, who though an opponent of forced tribal relocation, strongly advocated and practiced slavery. Choctaw Chief Greenwood LeFlore, meanwhile, had 15,000 acres of Mississippi land and 400 black slaves under his dominion.

Paul Chaat Smith, curator of the National Museum of the American Indian in Washington, D.C. and a member of the Comanche Nation, is blunt in his assessment of the legacy of the Five Tribes. “The Five Civilized Tribes,” he admits, “were deeply committed to slavery, established their own racialized black codes, immediately reestablished slavery when they arrived in Indian territory, rebuilt their nations with slave labor, crushed slave rebellions, and enthusiastically sided with the Confederacy in the Civil War.”

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From the Iroquois to the Pawnee to the Yurok, tribes routinely kidnapped slaves from rival tribes and either kept them as slaves or traded them to white settlers in exchange for material goods.

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Slavery was far from limited to the Five Tribes, even if the slaves were not necessarily black. From the Iroquois to the Pawnee to the Yurok, tribes routinely kidnapped slaves from rival tribes and either kept them as slaves or traded them to white settlers in exchange for material goods. The Westo tribe in the South, for example, provided slaves to English Virginians in exchange for guns, ammunition and metal goods. Many slaves eventually came to be accepted as full-fledged tribal members, and bore offspring. Tribes used slavery to force their own members to work off a debt or as a means of acquiring territory. The Comanche and the Ute of the southwestern plains expanded their “horse empires” by conquering and enslaving unfortunate members of nearby tribes including the Paiute, Pueblo and Apache.
None of this seemingly matters to reparations activists, ever committed to recasting American history as a giant battleground between whites (bad) and blacks (good). It is true that many Indians themselves were slaves to whites or other Indians. But it is also undeniable that many Indian tribes not only accepted slavery, but practiced it to great effect against blacks.

White nations were at the forefront of abolishing slavery whereas black nations resisted abolition. For all that whites have been vilified by reparations advocates for their ancestors’ alleged complicity in slavery, during the 19th and early-20th centuries they took the lead in abolishing that peculiar institution. Great Britain and America’s abolition of the slave trade, each occurring in 1807, proved a major impetus toward abolition throughout the West. British Parliament a generation later, in 1833, outlawed slavery in its Caribbean and South African colonies, and also in Canada, freeing a total of about 800,000 slaves. France abolished slavery in 1848.

In the U.S., Congress, during the final months of the Civil War, approved the 13th amendment to the Constitution abolishing slavery; the states would ratify it that December. Various Latin American nations outlawed slavery by century’s end, too. They included Mexico (1829), Colombia (1851), Spanish-run Cuba (1886) and Brazil (1888). In 1890, more than 15 nations signed the Brussels Conference Act, a series of measures to end the slave trade in the Congo Basin, the East African Coast and the Ottoman Empire. In 1904, nine European nations signed the International Agreement for the Suppression of the White Slave Traffic. Officially-sanctioned slavery, for all intents and purposes, was no more in Europe and the Western Hemisphere. Slavery would continue in much of Asia, Africa and the Middle East, but in time their nations, spurred by the post-World War I ratification of the League of Nations’ Convention to Suppress the Slave Trade and Slavery of 1926, abolished the practice as well.

The United States did not abolish slavery throughout its sovereign territory until 1865, but as emphasized earlier, individual northern states already had done so decades before.

The United States did not abolish slavery throughout its sovereign territory until 1865, but as emphasized earlier, individual northern states already had done so decades before. Moreover, even at the national level, some of our Founders had sought abolition. In Federalist No. 42, James Madison put forth this proposal: “It ought to be considered a great point gained in favour of humanity that a period of twenty years may terminate forever, within these states, a traffic which has so long and so loudly upbraided the barbarism of modern policy . . . Happy would it be for the unfortunate Africans if an equal prospect lay before them of being redeemed from the oppression of their European brethren!” Alexander Hamilton wrote in 1795, “The abandonment of negroes, who had been induced to quit their Masters, on the faith of Official proclamations promising them liberty, to fall again under the yoke of their masters and into slavery is as odious and immoral a thing as can be conceived.”

Such sentiments did not make their way into the U.S. Constitution until generations later. But in the meantime, slave owners on occasion set their slaves free, a practice at the time termed “manumission.” To some extent, self-interest was at work; older slaves had little labor left in them. But manumission was not uncommon. That is why many black freemen could be found in the South as well as in the North even with the slavery around them. The Louisiana State University project provides some numbers:

The era of the Early Republic in the U.S. saw the formal abolition in most northern states as well as the creation of the Northwest Territory, where slavery was outlawed from the beginning. Even in the Upper South, the number of manumissions rose. The
free African-American population of the North grew from about 27,000 in 1790 to 138,000 in 1830; in the Upper South in the same period, it went from 30,000 to 150,000. The rise in population was due for the most part to natural growth. Many black freemen, as noted earlier, themselves had been slaves. While their manumission often was a voluntary decision by their former white owners, it also was a product of private pressure by white abolitionists. The best-known such effort arguably was the New York Manumission Society. Consisting of the state’s political leaders (including Alexander Hamilton, John Jay and George Clinton) and prominent Quaker abolitionists, the group first met in January 1785 at an innkeeper’s house to discuss ways to ward off slave catchers seeking to kidnap free Negroes. Its preamble read in part: “The violent attempts lately made to seize and export for sale, several free Negroes, who were peaceably following their respective occupations, in the city must excite the indignation of every friend to humanity, and ought to receive exemplary punishment . . . Destitute of friends and of knowledge, struggling with poverty, and accustomed to submission, [free blacks] are under great disadvantages in asserting their rights.” While members could not agree on its recommendations, they would wield influence. In 1799, New York Governor John Jay signed legislation for the gradual abolition of slavery. A subsequent law in 1817 mandated that all slavery in the state cease by July 4, 1827.

No such campaigns could be found in sub-Saharan Africa. Indeed, African black tribal leaders not only failed to end slavery, but often resisted such efforts when initiated by the West. The King of Bonny, whose realm encompassed the Nigerian delta, openly defied Britain’s Abolition of the Slave Trade Act of 1807. “We think this trade must go on,” he declared. “That is the verdict of our oracle and the priests. They say that your country, however great, can never stop a trade ordained by God himself.” In the 1840s, King Ghezo of Dahomey (Benin) stated that he would do anything the British wanted him to do, save for one thing: Give up the slave trade. “The slave trade is the ruling principle of my people,” he said. “It is the source and glory of their wealth . . . the mother lulls the child to sleep with notes of triumph over an enemy reduced to slavery.” It took a naval blockade at slave seaports during 1851–52 to end Dahomey’s export of chattel property.

As for slavery today, it flourishes in many countries on the African continent even though it is illegal. These countries include Benin, Chad, Congo, Ghana, Liberia, Mauritania, Niger, Nigeria and Uganda. In Nigeria, for example, an estimated 1.4 million persons live as slaves, according to the Walk Free Foundation’s 2018 Global Slavery Index. And about 58,000 slaves comprise Benin’s 11 million population.

The Western Saharan nation of Mauritania arguably is in a class by itself. An estimated 90,000 black slaves (bidanes) are effectively chattel property of their Arab Muslim owners. Moreover, up to 600,000 Mauritanians, about a fifth of its population, while not formally slaves, are indentured servants. Slavery formally has been illegal since 1981, but its government has exhibited a blind spot when it comes to enforcement. Amnesty International noted in 2004: “Not only has the government denied the existence of slavery and failed to respond to cases brought to its attention, it has hampered the activities of organizations which are working on the issue, including by refusing to grant them official recognition.”

King Ghezo of Dahomey
The larger African picture does not inspire hope either. According to a report issued in 2005 by the International Labour Organization (ILO), a Geneva-based agency of the United Nations, 660,000 persons in sub-Saharan Africa were subject to forced labor, part of the more than 12.3 million enslaved people worldwide. That doesn’t say too much for the worldwide situation. Indeed, 12.3 million might be on the low side. The ILO recently estimated that on average 40.3 million men, women and children were victims of slavery on any given day in 2016. Of these persons, 24.9 million were in forced labor and 15.4 million were in forced marriages. Women and girls constituted 71 percent of the total. Modern slavery was most prevalent in Africa, followed by Asia and the Pacific Islands.

Why do advocates of slavery reparations for American blacks willfully ignore such realities? Why are they not exercised over present-day African slavery, if not slavery in that region’s past? It would seem that Robert Brock, Randall Robinson, Ta-Nehisi Coates and other reparations zealots are opposed to slavery only when whites can be implicated. Their grievances are less against slavery per se than against Europeans and their ancestors; i.e., whites. If reparations advocates can come up with a better explanation for their selective indignation, they should tell us.

**Accurately monetizing the value of slave labor reparations would be impossible.**

Taking the previously described historical factors together, it is clear that any reparations scheme not only would be costly and time-consuming, but also futile. To determine who pays and who collects would require poring through the genealogical records of every living adult white American, not to mention every major “white” corporation, union, philanthropy, sports team, religious body and institutional of higher learning, to discover possible ties to slavery. Likewise, it would require tracing the ancestry of every black individual and extended family to determine descent from slaves.

**Assuming comprehensive records are available, it would take years to separate the ostensibly guilty parties from the general population.**

The possibilities for speculation and outright fabrications would be manifold. A white person’s ancestors, for example, might include people who did not own slaves as well as those who did. And many of that person’s ancestors may have arrived here after the Civil War. If one’s ancestors did happen to own slaves, moreover, the ownership may have been brief and on small plots of land. Assuming comprehensive records are available, it would take years to separate the ostensibly guilty parties from the general population. That such a task would be fraught with reckless assumptions, needless to say, would not dissuade unscrupulous, fee-hungry plaintiffs’ attorneys from embarking on this task.

If identifying the descendants of black slaves and owners is a task littered with methodological land mines, calculating and compounding the value of slave labor itself is even more hazardous. Unanswerable questions abound. What tasks were performed? How long did they take? How many hours a day did each slave work? How many years did each slave work prior to his or her release or death? How many slaves did each owner possess, and for how long? Given that most slaves were engaged in unskilled menial labor requiring no specialized training, it is unlikely that in today’s labor market they would receive a wage greater than the legal minimum or something only slightly higher.

There also would be issues of eligibility to collect. One would think that blacks whose ancestors arrived here after the Civil War would not qualify. Indeed, many blacks in America today are first-generation immigrants. As of 2013, according to a Pew Research Center analysis of Census data, around 3.8 million foreign-born blacks lived in the U.S., about a
tenth of the total black resident population, up from 816,000 in 1980. Moreover, blacks of mixed-race ancestry constituted about 30 percent of the nation’s multiracial population. Would they receive a full payment simply because they consider themselves black? Or would their payment be prorated? The time and cost of researching every living American black person’s ancestry would be astronomical, as would the possibilities for fraud. But with a pot of trillions of dollars at stake, few supporters would complain.

Far from benefiting the pre-Civil War American economy, slavery held it back. One of the more malevolent clichés advanced by reparations advocates is that our economy is “built on slavery.” Slavery in this view is the unacknowledged driving force behind American prosperity. Former Chicago Alderwoman Dorothy Tillman, speaking in support of that city’s ordinance requiring corporations to disclose their ostensible ties to slavery, put it this way almost two decades ago: “(American wealth) was because of the free labor of blacks. It was because of all the suffering we took and we did that made America so powerful.”

Such comments are self-righteous and fly in the face of logic. If slavery drove our economy, how was it that the lowland South, the region in which slavery was by far and away the most prevalent, had experienced far less economic development than the North at the onset of the Civil War? Reparations advocates seem unable or unwilling to address this paradox.

Some statistics are in order here. By 1860, about 90 percent of the nation’s manufacturing output came from northern states. The North produced 17 times more cotton and wool textiles than the South, 30 times more leather goods, 20 times more pig iron, and 32 times more firearms. Agricultural productivity also was higher in the North than in the heavily labor-intensive South. By 1860, free states had nearly twice the value of farm machinery per acre and per farm worker than did slave states. That is why the North, though rapidly industrializing, produced half of the nation’s corn, four-fifth of its wheat and seven-eighths of its oats.

These differences were related to the incidence of poverty. A great many Southern whites, in fact, lived in destitution. Frederick Law Olmsted, the founding figure of modern American landscape architecture who had co-designed New York City’s Central Park with Calvert Vaux, is less known but no less significant for his published observations of daily life in the South as a reporter for a forerunner of the New York Times. During his travels, he witnessed an extraordinary degree of poverty. Nine-tenths of Southern whites, he concluded, “lived in a manner which, if witnessed at the North, would have made them objects of compassion to the majority of our day-laborers.”

Another contributor to the South’s lack of economic development was a preindustrial “honor culture” among whites that heavily permeated the entire social hierarchy. White Southern planters, emulating European aristocracy, pursued a life of ease that was the antithesis of ambitious Northerners. Rather than apply their energies to education or enterprise, they immersed themselves in field sports, military exercises, pistol duels and other activities requiring violent body exertion. Social status depended far less on wealth than on respect for natural hierarchy. In this world, defining traits included avoidance of offending the moral sensibilities of another person, readiness to enforce the moral conduct of others, and a reflexive tendency to exact violent retribution in response to a perceived insult. Whereas honor in the North depended mainly on acquisition of wealth and displays of moral righteousness, in the South it depended mainly on one’s social rank and displays of chivalry. Southern civilian culture really did resemble a military code of honor writ large, a fact crucial...
to understanding the widespread Southern antipathy toward industrialization. And it could be found beyond the wealthy slave-owning class. Family and community reputation mattered most. A rich man was no better than a poor man if the former would not rise to challenge, violently if necessary, a threat to his reputation.179

Far from expanding the Southern economy, slavery constricted it. The region would have greatly benefited had slaves possessed freedom of mobility. The notion that slaveowners and their overseers deliberately squeezed labor out of hapless, exhausted slaves until they dropped dead—and that is the implication of the claims of Randall Robinson and other reparations enthusiasts—does not square away with the evidence. According to Frederick Law Olmsted, slaves worked only about one-third of the number of hours as paid farmhands in the North who did equivalent work. Given the lack of financial incentives for slaves, such an outcome was to be expected.

Another northerner who studied slavery in the South wrote in the September 1849 issue of *De Bow’s Review* that it was a “vain attempt . . . to force the negro to do even half as much as a hireling in New England is compelled to do,” adding, “Every attempt to force a slave beyond the limit that he fixes himself . . . only tends to make him unprofitable, unmanageable, a vexation, and a curse.”180 Slaves, far from performing their labors at a breakneck speed, had every incentive to work slowly.

The prospect of greater economic efficiency was a key reason why Northern factory owners came to support abolition as the 19th century progressed. Industrialists believed that workers would be far more efficient if they had mobility and were paid a wage. Historian Anne Norton observed, “Estimates of the increased hours which freed slaves would be obliged to work—and the consequent rise in national productivity—abounded in antislavery works.”181 Likewise, libertarian historian Jeffrey Rogers Hummel, while conceding that slavery was profitable for certain slave owners, emphasized that it imposed an enormous “deadweight loss” on the antebellum Southern economy especially given its government subsidies.182

Reparations advocates often respond to such conclusions by invoking the central and growing role of the South’s principal crop, cotton.

Reparations advocates often respond to such conclusions by invoking the central and growing role of the South’s principal crop, cotton. Had blacks not been forced to pick cotton, they argue, our economy, especially exports, would not have thrived as it did. Yet exports comprised just nine percent of our Gross Domestic Product in 1860, with cotton representing about half that figure. Those numbers likely would have been far lower were it not for the “cotton gin,” a Yankee invention of the 1790s that rapidly separated cotton fibers from seeds, dramatically boosting output per worker. Eli Whitney arguably did more to raise living standards in the South, and the rest of the country, than all the slaves and owners put together.

If slavery undermined the pre-Civil War U.S. economy, one would expect its abolition to have aided it, especially in the South. Indeed, that is what happened. While Southern economic development after the war continued to lag behind development in the North, it advanced at a similar or even faster rate. Between 1880 and 1920, as libertarian economic historian Robert Higgs notes, the relative discrepancy in per capita income between the South and other regions markedly narrowed.183 Interregional flows of labor and capital increased, he concluded, triggering an equalizing effect. Emancipation of the slaves aided this process, adding about 4 million persons to the free Southern population and helping to realize the ideal of property rights.

Black progress since the Civil War has been the result of aligning individual rights with the needs of a national economy. Reparations, far from boosting national wealth, merely would transfer it, and with an accompanying high
deadweight loss. It is also almost inevitable that self-interested, corrupt “community groups” will be conduits for monetary transfers. Our modern economy was not built on slavery. It was built on the very antithesis of slavery: individual liberty, rule of law, and enforceable property rights.

Reparations lawsuits and/or legislation on behalf of blacks likely will trigger similar actions on behalf of other aggrieved groups. Sooner or later, and most likely sooner, an announcement of reparations for blacks would lead to demands for reparations by other groups claiming a legacy of oppression in America. This, for example, is exactly what happened following the initial settlement a decade ago between the U.S. Department of Agriculture and attorneys for black farmers alleging historic discrimination in USDA credit programs. Following two separate shakedowns, the first of which began in the mid-Nineties, there would be separate civil suits filed on behalf of Hispanic, Native American and female farmers. In each case, the Agriculture Department succumbed to plaintiffs’ lawyers. These were reparations by any other name. Congress did its part in 2010 by setting aside more than $1 billion to satisfy dubious claims by black farmers.

The long-running black farmer suits, known as Pigford I and Pigford II, were manufactured into being by unscrupulous plaintiffs’ attorneys. The combined settlements amounted to $2.25 billion, a sum representing a $50,000 per claimant lump sum, plus relief from loan and tax liability. An early internal USDA review revealed that at most 1 percent of the thousands of discrimination claims had any merit. Yet despite the paucity of evidence, the USDA timidly acquiesced. That paved the way for shakedowns by Hispanic, Native American and female plaintiffs.

Racial reparations would invite a meltdown on an even more massive scale, as it is politically driven in ways that even affirmative action lending requirements aren’t. And that is almost certain to trigger demands for redress of historical grievances on behalf of other “marginalized” groups such as Hispanics, Asians, Native Americans, gays and women.

The impetus for copycat activism in fact is already here. In October 2019, for example, Omar Encarnacion, a political scientist at Bard College, penned a column for the New York Review of Books daily page titled, “Why Gay Reparation’s Time Has Come.” The author complained that the U.S. has not offered compensation to gays and lesbians, in contrast to more enlightened nations as Belgium, Canada, the Netherlands and Spain. Spain in particular has been a “global leader” in the area of LGBT (lesbian, gay, bisexual and transgendered) rights, argued Encarnacion, and America should emulate that country.

That same month, the Medium.com blogsite published a proposal for reparations for women. Here is how the author, Joe Duncan—yes, a male—framed the issue:

Anyone who thinks that a black slavery reparations program would not trigger a similar outcome, and on a far greater scale, is not living in reality. It is human nature to want something for nothing, especially when would-be recipients feel morally entitled. Who wouldn’t jump at the opportunity of receiving a big, fat reparations check? Such a program would invite irresponsible behavior by the recipients given that there are no costs, only rewards. This is but one example of a broad tendency that economists call “moral hazard.” The 2008 mortgage industry collapse, for example, was a consequence of moral hazard run amok. Racial reparations would invite a meltdown on an even more massive scale, as it is politically driven in ways that even affirmative action lending requirements aren’t. And that is almost certain to trigger demands for redress of historical grievances on behalf of other “marginalized” groups such as Hispanics, Asians, Native Americans, gays and women.

For the record, I don’t think we can’t simultaneously begin the undertakings of reparations for women and reparations for African-Americans in the United States. I also think that we should seek to do both
at the same time. Anyone who thinks that neither one of these ventures is worth consideration is in serious denial of the historic realities that these two groups of people have faced. Of all the classes who’ve gotten royally screwed by the dominance hierarchy and it’s (sic) twin brother, patriarchal capitalism, women have undeniably had it the worst in almost every culture, hands down.

Then there is Rep. Alexandria Ocasio-Cortez, D-N.Y., a self-described democratic socialist. The congresswoman, a media love object even before she won election to her seat in 2018, believes that eligibility for reparations should be broadened to include nonwhites (“people of color”) generally. In barely grammatical language, she explained in an interview with Ta-Nehisi Coates that each nonwhite community has its own reparations-worthy narrative. “You and I are in the same struggle,” she told Coates. “That does not give me a pass to not talk or acknowledge the black experience and that does not give you a pass to not acknowledge or talk about the plight of Puerto Ricans and people overall. It is in that exchange, and to say ’you are distinct and you come from a distinct community that is valued and uplifted’ and vice versa.”

Enthusiasm for reparations, like enthusiasm for other bad ideas, is driven by momentum, by a desire to be on the cusp of historic change. Reparations for blacks had been a fringe movement for at least a century until Randall Robinson, Ta-Nehisi Coates and other activists pushed it into the
spotlight and made it respectable. If a federal reparations mandate becomes law, it will energize reparations campaigns on behalf of other groups united by a common sense of “intersectional” mission to overthrow the supposedly unjust order. Intersectionality isn’t just subversive; it’s also expensive.

There is no moral equivalence between post-World War II reparations and slavery reparations. One of the moral calling cards of reparations advocates is that reparations for prior injustices, here and abroad, have been made before. The logic is superficially seductive. The German government and Swiss banks compensated Jewish survivors of World War II civilian atrocities, did they not? The U.S. government compensated American citizens of Japanese ancestry who were forcibly interned in camps in our nation’s interior during that war, did it not? There are other precedents as well. The State of Florida in 1994 approved $2.1 million in payments for survivors of the 1923 white vigilante pogrom inflicted upon the Gulf Coast black community of Rosewood. And the State of North Carolina in 2013 authorized $10 million in cash and other benefits for living persons, mostly black, who had been forced into sterilization under a state eugenics program that lasted for four decades beginning in 1933.

Reparations supporters cite such cases to reinforce their conviction that all of white America owes all of black America. Duke University’s William Darity and the University of Massachusetts’ Dania Frank, in their 2003 paper, “The Economics of Reparations,” for example, lamented that the federal government paid reparations to interned Japanese-Americans and members of various Indian tribes, but “almost 250 years of domestic enslavement of African people and their descendants have not elicited a similar response from the U.S. government.” The authors were little short of incredulous that a comprehensive payment plan for blacks has yet to be created.

Ta-Nehisi Coates applied similar logic in his call for reparations several years ago. “(W)hen West Germany began the process of making amends for the Holocaust, it did so under conditions that should be constructive to us,” he wrote. “Resistance was violent. Very few Germans believed that Jews were entitled to anything. Only 5 percent of West Germans surveyed reported feeling guilty about the Holocaust, and only 29 percent believed that Jews were owed restitution from the German people.” Citing examples of pressure—and not necessarily peaceful—the German government relented, and since has paid the equivalent of tens of billions of U.S. dollars in the form of monthly pensions to survivors. Coates deduced that America, in reckoning with its past, could do something similar for blacks. “More important than any single check cut to any African American,” he wrote, “the payment of reparations would represent America’s maturation out of the childhood myth of its innocence into a wisdom worthy of its founders.”

Nobody to one’s knowledge has claimed that American history is, or ought to be, shrouded in a “childhood myth of its innocence.” This claim is a straw man. Nobody to one’s knowledge has claimed that American history is, or ought to be, shrouded in a “childhood myth of its innocence.” To be sure, reparations for the Jewish survivors of Nazi atrocities, not to mention the former residents of internment facilities for Japanese-Americans, were warranted. But in each case, the payments were intended for people who personally had experienced the injustices. By contrast, all black slaves here are long deceased, and their descendants in no way face comparable experiences. As the hijacking by reparations activists of the unjust enrichment doctrine is a contrivance in search of cash, the parallels with the slavery experience in this country are weak at best.

But there is more to this story. For in both the Japanese and Jewish cases, a coalition of politicians,
lawyers, ethnic activists and other parties often engaged in deception to loosen the funds. The details of each case suggest that a financial feeding frenzy would materialize in the event of a slavery reparations program.

On February 19, 1942 President Franklin Roosevelt signed Executive Order 9066 ordering the evacuation of roughly 110,000 residents of Japanese ancestry, many of them U.S. citizens, from security-sensitive areas along the West Coast into internment/detention camps in our interior. This was an emergency measure, the Japanese surprise attack on Pearl Harbor having occurred several weeks earlier. About 5,500 Japanese-Americans already had been arrested right after the attack and another 5,000 had relocated on their own. Upon entering the camps, detainees typically were stripped of personal assets.

After the war, Congress provided compensation for the property losses, though well short of the value of what had been confiscated.

After the war, Congress provided compensation for the property losses, though well short of the value of what had been confiscated. Congress would set aside a far larger sum more than four decades later in the form of the Civil Liberties Act of 1988, signed by President Ronald Reagan that August. The law provided each person among the tens of thousands of living former internees with a $20,000 check. Had these payments been intended strictly as compensation for property takings, they should not have generated controversy. Personal property, which included foregone income from gainful employment, clearly had been taken by our government. The losses needed to be compensated. But Japanese ethnic activists around the country, led by members of Congress including Sen. Daniel Inouye, D-Calif., and Rep. Norman Mineta, D-Calif., insisted on transforming internment into a racial issue—as slavery reparations activists are doing today. The 1988 legislation, whose eventual compensation totaled about $1.65 billion, originated about seven years earlier with a report from a group called the Commission on Wartime Relocation and Internment of Citizens, which concluded: “We firmly believe that it should be common knowledge that the detention of Americans of Japanese ancestry during World War II was not an act of military necessity but an act of racial discrimination.”

This view quickly became the coin of the realm. Persons of Japanese ethnicity in this country during the war were uniformly patriotic Americans and posed no security threat, the argument went. Bigotry against people of color, not concerns over national security, was the true motive for internment. To justify this position, reparations supporters state, falsely, that we didn’t detain ethnic German and Italian here, even though we were at war with Germany and Italy. In fact, we did detain ethnic Germans and Italians. Under President Roosevelt’s Presidential Proclamation 2526, the U.S. government forcibly detained at least 11,000 Americans of German ancestry. And under Presidential Proclamation 2527, our government declared about 600,000 Italian immigrants to be “enemy aliens,” even going so far as to lock up a sizable portion in detention camps.

These facts alone ought to discredit the notion that our detention of ethnic Japanese was “racist”—and by extension, that subsequent reparations were compensation for racial crimes. The crux of the matter is that Japanese internment, instituted explicitly as an emergency wartime measure, cannot be used as a moral or legal basis for awarding monetary payments to descendants of black slaves.

The argument that the roughly $90 billion in reparations paid by the German government since 1952 to about 800,000 Jewish Holocaust survivors—a sum not including $1.25 billion paid by Swiss banks—should be a basis for black reparations is likewise unconvincing. No reasonable person would dispute that the Holocaust happened or that it
remains one of mankind’s greatest crimes. Nor would any reasonable person dispute that reparations to survivors of that experience was a necessary gesture. But any insinuation of moral equivalence between the Jewish experience in Europe and the black experience in America is highly dishonest. If experience is any guide, black civil rights groups and their attorneys have every interest in stretching the definition of eligibility for benefits as far as possible. If experience is any guide, black civil rights groups and their attorneys have every interest in stretching the definition of eligibility for benefits as far as possible.202

Slavery in this country did not constitute genocide. In no meaningful sense was it equivalent to the experiences of European Jews during World War II. The goal of the Third Reich government was not to evacuate, detain or enslave Jews, though these were intermediate steps. The goal was to kill them. The “final solution to the Jewish problem” was hatched at a meeting of top German civilian and military officials on January 20, 1942 in the Berlin suburb of Wannsee. Convened by Reinhard Heydrich, Adolf Hitler’s director of the Reich Main Security Office, the “Wannsee Conference” served as ground zero for a coordinated effort to remove Jews from Europe, send them to camps in occupied Poland, and exterminate them. As conference participants saw all Jews—and not simply certain ones—as enemies, the future depended on their biological elimination rather than their forced labor.

The fact that enslavement of whites was common, indeed more common than enslavement of blacks during the 17th century, alone discredits the notion that white slave traders and owners had genocide in mind.

There was no such agreement in America with respect to slaves. The fact that enslavement of whites was common, indeed more common than enslavement of blacks during the 17th century, alone discredits the notion that white slave traders and owners had genocide in mind. The slavery-as-genocide narrative further collapses upon the realization that slave owners saw their chattel as economic assets to be preserved. Of course, slavery was exploitative and demeaning. And slaves did die. But the idea that owners intended their slaves to die is utterly wrong. The last thing any slave owner wanted was to lose an asset for which he had paid a sizable sum of money. From a purely economic standpoint, it was logical that white slaves would be treated worse than black slaves. The former, as indentured servants, did not command as much money at auctions. Yes, the system was inhumane. But it was not genocidal.

Moreover, if the slavery-as-genocide account has any credibility, one would expect the number of slaves in this country to have rapidly diminished over time, especially after our 1807 ban on participation in the international slave trade. In fact, the slave population, which during the 19th century was overwhelmingly black, continued to increase. During 1810–60, for example, the slave population in Virginia rose from 392,516 to 490,865, while in Mississippi, a common destination of westward expansion, it rose from 17,088 to 436,631.203 Whatever the causes of these increases, the very fact of their occurrence stands as a rebuke to accusations of “black genocide.”

Parallels between black slavery in this country and World War II atrocities (against Jews) and excessive precautions (against Japanese-Americans) amount to false moral equivalence. These tragedies were real but do not warrant payment of reparations to living blacks, who most certainly are not being “enslaved” by anyone. And the tab would be exorbitant, inevitably in the trillions. A swarm of political leaders, civil rights organizations, community groups, lawyers, academics, businessmen, unions and clergy would take their cut, rubbing shame into anyone who objects. The authority to distribute cash and other things of value to preferred beneficiaries represents power. And power is what these people want.
To the naked eye, the mandating of slavery-based reparations in our country remains a pipe dream. After all, lawsuits to that effect have failed to gain standing in the courts. And the idea, for the most part, remains unpopular with the white majority. But slowly, and with increasing speed, the idea is catching on, resulting in a gradual institutional capitulation. It is entirely conceivable that if unchecked, the momentum eventually will be unstoppable.

Reparations zealots have not achieved their goals at the national level, but they have made significant headway in states and localities.

State and Local Victories
Reparations zealots have not achieved their goals at the national level, but they have made significant headway in states and localities. State governments, prodded by black activists, in recent years have gotten into the reparations act. Lawmakers in California, New York, Pennsylvania, Texas and Vermont have introduced bills that would apologize for their respective state’s role in slavery and explore the possibilities of monetary compensation. Lost in the enthusiasm is the fact that these states, save for Texas, had outlawed slavery well prior to the Civil War. Vermont, at the time an independent republic, was the first to do so in 1777; its law barred the practice as it applied to persons aged 21 and over.

Pennsylvania may wind up going the furthest. A recent proposal sponsored by a black lawmaker even might serve as a model for extractions elsewhere. In August 2019, State Representative Chris Rabb, D-Philadelphia County, introduced a bill that would entitle blacks in Pennsylvania to receive monetary reparations for slavery dating back to the early British colonial era. His proposal would involve multiple tiers of compensation, with the largest sums going to residents who can prove black ancestry via Census data, birth certificates and/or other records. To add fuel to the fire, Representative Rabb has organized a team of researchers to identify all laws, court decisions, programs and practices that may have disadvantaged the state’s black population. Rabb firmly believes that blacks are not responsible for their own behavior because all of their shortcomings, directly or indirectly, are attributable to slavery. “When we wonder why these racial disparities endure, we have to start at the origin,” Rabb says. “It’s policy. It’s not a cultural deficit. It’s not bad decisions by individual black people. It’s the system.” That there is no groundswell of opposition against this crackpot piece of legislation says much about the fear permeating our nation’s political discourse. For the record, the Commonwealth of Pennsylvania outlawed slavery in 1780.

At the local level, a host of cities over the years have endorsed the Conyers-Lee federal legislation. They include Atlanta, Chicago, Cleveland, Dallas, Detroit, Nashville, Oakland, St. Louis and Washington, D.C., each with a substantial black presence on their respective city councils. Though these resolutions do not contain any payment mandate, this is cold comfort. These declarations carry enormous symbolic weight, and worse, incite public pressure to back up words with tangible awards. Rest assured, when the time is right, activists will be in the hunt for the money. As it is, Chicago, Los Angeles and Richmond, among other cities, now require commercial banks operating within their jurisdictions to submit disclosure statements indicating their potential links to slavery.

The City of Evanston, Illinois has gone that extra mile in the wrong direction. On November 25, 2019, the city’s Board of Aldermen, with barely a peep of protest, voted 8–1 to route tax revenues from local marijuana sales into a reparations
The fund, with a ceiling of $10 million, would generate up to $700,000 in annual sales tax revenues. Proposed legislation passed in June and quickly signed into law by Democratic Governor J.B. Pritzker allowing the sale of marijuana for recreational purposes led to the local proposal.

Robin Sue Simmons, an alderwoman of the affluent North Shore Chicago suburb of roughly 75,000 population, home to Northwestern University, had introduced the plan as a way to make “meaningful and effective” amends for slavery, close a growing budget deficit, and discourage blacks from moving out. Sounding like a human cliché machine, Simmons, who is black, declared, “We are at this point because we have done a lot in Evanston to acknowledge discrimination and oppression and racism, and we have had resolutions and various policies and different honorific actions over the lifetime of Evanston, and it has just not been enough.” She managed to overlook the inconvenient fact that the Northwest Ordinance of 1787 outlawed slavery throughout its covered territory, which included the future Evanston. She also claimed, absurdly, that “slavery informs this whole nation.” Given the pusillanimity of local officials across the country, similar efforts soon may be in the works. In Ms. Simmons’ account, thousands of attendees at a recent National League of Cities conference “were in awe” of her idea.

**Conquering the Campuses**

The world of higher education, spurred by misguided student activists, arguably has gone furthest in surrendering to reparations supporters. Indeed, compliant officials on certain campuses seem determined to set new standards of fecklessness.

The final report, released in 2018, concluded that while the seminary did not own any slaves and that its buildings were not constructed with slave labor, it did receive financial contributions from Southern slaveowners and church congregations.

Princeton Theological Seminary, following a two-year internal investigation, in October 2019 pledged $27.6 million over five years for a special reparations endowment to compensate for the institution’s historical ties to slavery. Under the plan, the school would offer 30 scholarships and five doctoral fellowships for people either descended from slaves or belonging to “underrepresented” racial/ethnic groups. In addition, the Presbyterian institution, founded in 1812, would alter its curriculum to make it more attuned to black aspirations, hire new faculty to study slavery and its legacy, and rename campus landmarks and spaces after prominent blacks.

Prompting this announcement were accusations by the campus chapter of the Association of Black Seminarians that Princeton Theological Seminary (which is independent of Princeton University) had profited from its historical ties to slavery. The school, rather than declare such “ties” to be irrelevant to its mission or operations, conducted its audit. The final report, released in 2018, concluded that while the seminary did not own any slaves and that its buildings were not constructed with slave labor, it did receive financial contributions from Southern slaveowners and church congregations. Moreover, certain seminary faculty, board members and alumni had been involved in the American Colonization Society, which during the 1820s repatriated freed slaves to the sub-Saharan African colony of Liberia. Seminary President M. Craig Barnes, far from objecting to this $27.6 million extortion, celebrated it. “The Seminary’s ties to slavery are part of our story,” he said. “It is important to acknowledge that our founders were entangled with slavery and could not envision a fully integrated society.”

Predictably, the black seminarians who demanded the study were less than impressed. Nicholas Young, the leader of the group, declared the steps to be “a good
start,” but less than acceptable. He asserted that at least 15 percent of the seminary’s $986 million endowment, or about $147 million, should be set aside for reparations. This staggering sum ought to serve as a cautionary note to those who naively believe that reparations supporters can be placated with modest offers.

Around this time, in September 2019, Virginia Theological Seminary, an Episcopalian institution founded in 1823, publicly vowed to create a $1.7 million endowment fund that would support financial reparations to alleged living victims of its ties to slavery. Under the plan, the Alexandria, Va. school also would spend $70,000 a year from accumulated interest on reparations. Prompting this announcement was the finding by researchers that three campus buildings had been partially or fully built with slave labor, including Aspinwall Hall, home to the dean’s and admissions offices. “This is a start,” said the president of the seminary, the Very Rev. Ian S. Markham. “As we seek to mark (the) Seminary’s milestone of 200 years, we do so conscious that our past is a mixture of sin as well as grace.

Georgetown University in Washington, D.C. sets the gold standard for capitulation in higher education. On October
29, 2019, the Catholic institution announced a fundraising drive for a new project to assist living descendants of 272 slaves who had been sold in 1838 by the school’s founders, the Maryland Jesuits, in order to stave off bankruptcy.\textsuperscript{215} The money would be used for community-based projects such as schools and health clinics. In 2016, a group of descendants, ever thinking big, unsuccessfully had asked for $1 billion. Georgetown President John J. DeGoia spelled out his view of the “agreement” in a letter to the university community. “We embrace the spirit of this student proposal,” he wrote, “and will work with our Georgetown community-based projects with Descendant-based communities.”\textsuperscript{216}

The shakedown originated with a pair of campus Social Justice Warriors, Melisande Short-Colomb and Richard Cellini, who researched the genealogy of those 272 slaves, and came up with a list of 8,425 descendants, heavily concentrated in Louisiana, over 4,000 of whom were still alive. It would be sheer speculation to assert that any of these descendants have suffered economic harm due to this transaction. Notwithstanding, in April of 2019, a Georgetown undergraduate student working group voted overwhelmingly to impose a $27.20 per semester fee to raise funds, about $400,000 in the first year, to benefit descendants of the slaves. “Students voted yes because they believe they have a financial obligation to commit to reconciliation with descendants,” said Hannah Michael, one of the initiative’s leaders.\textsuperscript{217} The referendum was nonbinding, but it was a clear signal to the campus administration to “do something.” A half-year later, the university released a virtually identical proposal.

Reparations activists, knowing their targets are weak and compliant, will demand more later on, restraining themselves only when political expediency requires it.

Corporate Surrender
Corporations are where the real money is. So far, reparations activists have met mainly with frustration. But there have been a few cracks in the dam. And that dam might one day burst, triggering a flood of company apologies and financial commitments. The pioneer in this area is JPMorgan Chase. In the middle of the last decade, with Deadria Farmer-Paellmann’s reparations lawsuit against 19 companies going full steam, the banking giant not only issued an apology for its alleged role in slavery, but also set up a $5 million scholarship program for black students in Louisiana. JPMorgan Chase had filed a disclosure statement with the City of Chicago on January 20, 2005 acknowledging that between 1831 and 1865, two defunct Louisiana-based predecessor banks—Citizens Bank and Canal Bank—accepted roughly 13,000 slaves as collateral for loans, and ended up owning around 1,250 of them due to subsequent defaults.

The capitulation by JPMorgan Chase was a direct result of the City of Chicago’s passage of its financial disclosure law in 2003. “We all know slavery existed in our country, but it is quite different to see how our history and the institution of slavery were intertwined,” the company stated on its website. “Slavery was tragically ingrained in American society, but that is no excuse.”\textsuperscript{218} Actually, what is inexcusable is that the company felt it necessary to issue an apology. Just about any person or institution in the world, if one connects enough dots, is “intertwined” with slavery.

One can expect more such instances of submission in the business world. Like the numerous corporate donors to “civil rights” organizations such as National Action Network and Rainbow PUSH, these timid souls likely would justify their payments as buying good will and staving off future demands. Experience suggests neither will happen. Reparations activists, knowing their targets are weak and compliant, will demand more later on, restraining themselves only when political expediency requires it. For no matter how much the targeted organizations give, the accusers will never see these sums as anything more than “a good start.”
There is no case whatsoever for forcing whites to compensate blacks for acts of slavery that occurred long before today’s whites or blacks were born. A reparations program, whether established by legislation, court-enforced settlement or both, would amount to legalized extortion. It would rest on reckless assumptions about what kinds of work slaves did, who performed the work, how long they performed it, how much value they lent to the commodities sold, and how they were compensated. In sheer size, it would dwarf every existing government anti-poverty program. It almost certainly would invite copycat lawsuits on behalf of other aggrieved segments of our population. And worst of all, it would further fray the fragile social bonds holding our country together.

Self-styled civil rights leaders are adamant that forcing large reparations payments upon whites are necessary to “heal” America’s historical wounds. This soothing language is pure manipulation. The metaphor of healing is a political marketing device, not an argument. Underneath such sentimental psychobabble is aggression—a classic case of a “velvet glove wrapped around an iron fist.” H.L. Mencken would have hooted such humbug off the national stage in his day. Anyone with sound political instincts realizes that imposing reparations will create wounds, not heal them. The biggest winners in this extraction sweepstakes, aside from the inevitable army of litigation sharks, would be black-oriented nonprofit organizations who would distribute funds to preferred constituents and put away the remainder in their own coffers. The biggest losers would be current and future generations of whites, whether or not aware they are being had. Even initially supportive whites might tire of submitting to this forced generosity. But the machinery of extraction might be too powerful to stop at that point.

The creation of a reparations program would signal to us, and to the world, that we are too timid to resist the demands of people who are determined to erase our national legitimacy.

Demands for slavery reparations are economically predatory, historically ignorant, politically divisive, legally unconstitutional and morally repellent. As a nation, we meet these demands at our own peril. The creation of a reparations program would signal to us, and to the world, that we are too timid to resist the demands of people who are determined to erase our national legitimacy. That some of these demagogues pass themselves off as “scholars” adds insult to injury.

Even a supposedly moderate reparations agreement would serve as a vehicle for future exactions. The large oversight bureaucracy needed to enforce this mandate, in the manner of Parkinson’s law, perennially would be justifying its usefulness by creating a “need” for additional payments. After all, as reparations supposedly are necessary to eliminate economic inequality between the races, logic dictates that payments will be necessary as long as inequality persists. One need only look at the trillions of dollars spent since the 1960s to equalize socioeconomic differences between whites and blacks to understand why large gaps are likely to remain. Reparations activists, aided by selected academic, think tank and public relations specialists, would distort or cherry-pick data to keep the self-fulfilling prophecy of “inequality” going.

Such a scenario is more than divisive. It is deeply destructive. To believe that America’s white population would remain docile after being relieved of trillions of dollars to compensate for injustices in which they played no part is naive. For more than a half-century our country has operated on an implicit principle that forcibly transferring wealth from whites to blacks is morally imperative. We have grown so
accustomed to this arrangement, and to the double standards that make it possible, that we cannot imagine dismantling it. But this de facto policy is not moral justice. And its principal achievement would be heightened mutual racial resentment, as if this country doesn’t have enough of that today. Even docility has its practical limits.

Timidity among natural opponents of reparations is what has given proposed federal legislation for a “study” its indefinite lease on life. Race hustlers employing boilerplate rhetoric about “diversity” and “inclusion” have forced this issue on the table. There is no justification—legal, economic, political or moral—for reparations. These hustlers and their followers already have dictated the terms of surrender to the Democratic Party, banks, universities and other leading institutions of our society. The larger issue is whether they will dictate the terms of surrender to the entire country.

And its principal achievement would be heightened mutual racial resentment, as if this country doesn’t have enough of that today.
Actually ran for president, appearing on the presidential campaigns. And in 1992, he long has been involved in politics. In 1984 under the Institute of the Black World 21 Baltimore and East Elmhurst, N.Y., is housed See the NAARC website, https://www.theatlantic.com articles-reports/2014/06/02/reparations June 2, 2014. Cited in Mohamed Younis, “As Redress for Slavery, Americans Oppose Cash Reparations,” https://news.gallup.com, July 29, 2019. Interestingly, Hispanics of all races supported the idea by a narrow 47 percent to 46 percent. Given that Hispanics in this country, for all intents and purposes, cannot trace their lineage to slaves here in the United States, this statistic underscores the view that the reparations movement is far less about redress of grievances than animosity toward whites. Julia Craven, “We Absolutely Could Give Reparations to Black People. Here’s How,” https://bustle.com, February 23, 2016. Tommy Christopher, “Witness at Slavery Reparations Hearing Calls Republicans ‘The Devil,’” https://medialate.com, June 19, 2019. Quoted in Adam Harris, “Jesse Jackson on Reparations: ‘We Are Due a Different Kind of Recognition,’” https://www.theatlantic.com, June 19, 2019. See the NAARC website, https://ibw21.org. The commission, with dual headquarters in Baltimore and East Elmhurst, N.Y., is housed under the Institute of the Black World 21 Century. Ron Daniels, it should be noted, long has been involved in politics. In 1984 and 1988, he was a key aide in Jesse Jackson’s presidential campaigns. And in 1992, he actually ran for president, appearing on the ballot in several states under a variety of party affiliations. Daniels and his running mate, Asiba Tupahache, received nearly 28,000 votes, or 0.03 percent of the national vote. See the group’s website at https://ados101.com. See the group’s website at http://www.ncobraonline.org. N’COBRA apparently has scrubbed the $8 trillion figure from its website. But it can be found in other sources. See https://www. kialo.com, https://www.ideastream.org, www.racematters.org. https://www.nytimes.com/ interactive/2019/08/14/magazine/1619- america-slavery.html. For an excellent critique of this project and its underlying assumptions, see Wilfred M. McClay, “How the New York Times Is Distorting American History,” Commentary, October 2019, pp. 16–20. Until his recent death, the foremost proponent of reparations for blacks among conservatives was syndicated columnist Charles Krauthammer. In a 2001 column, Krauthammer called upon the federal government to make a one-time $50,000 payment per black family of four, a sum representing about $440 billion. In return, he argued, we would abolish all affirmative action goals, quotas and timetables. The author was rather naive about the nature of racial politics in this country. After distributing the money to all eligible claimants—and the possibilities for lawsuits to expand claimant eligibility would be limitless—the government would too paralyzed with fear of being called “racist” to make good on its vow to roll back affirmative action mandates. It would be hard to imagine white lawmakers in either major party having the stones to stand up to the Congressional Black Caucus and its allies. The proposal would amount to a classic “bait and switch.” See Charles Krauthammer, “A Grand Compromise,” Washington Post, April 6, 2001. An even more untenable “conservative” argument for reparations came from columnist and talk show host Derek Hunter. In an overheated editorial published in 2014, “There Is a Good Case for Reparations” (https://townhall.com, June 1, 2014), Hunter argued that since it was Democrats who perpetrated slavery, Jim Crow and other institutional barriers to black advancement in this country, it should be Democrats who pay reparations. The absurdities of this position are so manifold that it would require a separate article to adequately address all of them. But here are a few. First, slavery here began during our early colonial era, almost two centuries before we had any political parties. As far as one knows, the British monarchy, which granted the charters for our eventual 13 colonies, were not Democrats. Second, the Democratic Party, like any political party, is and always has been a coalition of competing factions who don’t necessarily agree with each other on a given issue. And the competition came to head during the 1860 presidential campaign. The slavery issue by then had become impossibly polarized. Many Northern Democrats had come to the conclusion that slavery, while tolerable for the time being, should not be allowed to expand into the territories—precisely Republican Abraham Lincoln’s position. This triggered Southern walkouts at the 1860 party conventions which in turn led to the Democrats splitting into three factions with corresponding presidential candidates: Stephen Douglas (Northern Democratic), John Breckenridge (Southern Democratic) and John Bell (Constitutional Union). This split, and Lincoln’s election, led to the secession crisis. Third, the Democratic Party, no more than the Republican Party, “owned” slaves. Slave owners often used the political system to their own advantage, but that did not make their preferred party liable for damages, then or now. Perhaps the author should acquaint himself with the principle of sovereign immunity and then wake up to the realization that there is no good case for racial reparations. Reparations supporters frequently are prone to rationalizing payments as moral

The original source of reparations as atonement would be Martin Luther King Jr. In his 1964 book, Why We Can’t Wait (Signet Classics edition, 2000, pp. 165—66), King argued that America must go beyond putting the races on an equal footing under law and provide the black with “compensatory consideration for the handicaps he has inherited from the past.” By any measure, this was a call for reparations all but in name.


Critical race theory holds race to be a social construct rather than a biological reality. In this view, whites invoke the issue of race as a means of rationalizing and concealing their exploitation of nonwhites. Marx is a major influence here, but so are Nietzsche, Freud, French Structuralists (e.g., Michel Foucault, Jacques Lacan) and various black revolutionaries (e.g., Franz Fanon, Malcolm X). Critical race theorists view law in particular as a tool of white interests. For an introduction to this perspective, see Kimberle Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds., Critical Race Theory: The Key Writings That Formed the Movement, New York: New Press (paperback), 1996; Ian Haney Lopez, White by Law: The Legal Construction of Race, New York: NYU Press, 2nd ed., 2006 (originally published in 1996).

Mari J. Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations,” Harvard Civil Rights—Civil Liberties Law Review, Vol. 22, 1987, p. 379. In effect, the view endorsed by Matsuda is analogous to court—ordered “clawbacks” of investor income derived from fraudulent schemes a la Bernard Madoff. Whatever the necessity of clawbacks in such cases, their application to the reparations issue is reckless. At least with investment scams, beneficiaries may be negligent in recognizing the warning signs of fraud, in which case they may be liable. Moreover, they are most likely alive when justice is finally done. And there is a tangible connection between financial gain and restitution. The case for reparations, by contrast, rests on the assumption that financial gain by whites in this country is a by-product of exploitation of blacks. Such an assumption, its arrogance aside, ignores the fact that many blacks in this country are wealthy. If the enslavement of one’s ancestors supposedly is a handicap to achieving wealth, it is perfectly fair to ask how Shaquille O’Neal and Oprah Winfrey, to name two prominent American blacks, have managed to achieve their high net worth. Obviously, wealth—or the lack of it—depends on a multiplicity of factors far more complex than whether one’s ancestors were slaves.


Adarand Constructors, Inc. v. Federico Pena, Secretary of Transportation et al., [515 U.S. 200 (1995)]. The decision overturned the Supreme Court’s ruling in Metro Broadcasting, Inc. v. Federal Communications Commission, [497 U.S. 547 (1990)]. In that earlier case, the Court had upheld an FCC racial quota system for granting broadcast licenses on the grounds that the strict scrutiny test applied to state and local governments, but not the federal government.


City of Richmond v. J.A. Croson Co., [488 U.S. 469 (1989)]. The decision actually had five parts. A majority of Justices opposed the city’s quota system in three opinions, and a plurality ruled that way in the other two.

Ibid. at 505—06. The Supreme Court’s reasoning borrowed heavily from its ruling of a decade earlier in Regents of the University of California v. Bakke, [438 U.S. 265 (1978)]. It should be noted that affirmative action supporters, alarmed over Croson and several other decisions (especially Wards Cove Packing Co. v. Atkinson [490 U.S. 642 (1989)], introduced the Civil Rights Act of 1990 in order to undo them. The bill passed both houses of Congress, but President Bush, fearing it would lead to strict quotas, vetoed it. Diversity enthusiasts promptly went to work, modifying the measure just enough to allow White House fears. Congress approved this legislation, and President Bush signed it in 1991.

Actually, illegal slave trading would occur on a modest scale during several decades after that.

The Missouri Compromise was the product of a rapidly accelerating conflict over the slavery issue. In essence, the law admitted Maine into the union as a free state and Missouri as a slave state. More importantly, over the long run, it banned slavery in territories north of the 36-degree, 30-minute parallel (i.e., the southern border of Missouri). While that obviously excluded Missouri itself, it covered all potential states north of that line.

27 Northern whites, in fact, could be kidnapped under the Fugitive Slave Act if they were found to have black ancestry, however imperceptible. The law undermined the ability of Northern states to control their destiny and created great panic among whites in the region. For convincing treatments of this little-recognized cause of the Civil War, see Russel B. Nye, Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830–1860, East Lansing, Mich.: Michigan State College Press, 1949; Lawrence R. Tenzer, The Forgotten Cause of the Civil War: A New Look at the Slavery Issue, Manahawkin, N.J.: Scholars’ Publishing House, 1997.

28 The Kansas-Missouri guerrilla war would continue well after the official outbreak of war in April 1861, as Ang Lee’s 1999 movie, Ride with the Devil, depicted.


30 Dickerson and House each would be convicted of fraud at different points in time. While these prosecutions rested on scant evidence and should not have been pursued, the more important reason for dismissing their case was that it is unconstitutional to hold government responsible for private behavior.


32 Garvey’s admirers included Martin Luther King, Jr. In June 1965, during a trip to Jamaica, King, along with wife Coretta, visited Garvey’s shrine and laid a wreath. During a speech at the University of the West Indies, King expressed his admiration. Garvey, said King, “was the first man of color to lead and develop a mass movement,” adding: “He was the first man on a mass scale and level to give millions of Negroes a sense of dignity and destiny. And make the Negro feel he was somebody.” See Don Rojas, “Reparations and the Legacy of Marcus Mosiah Garvey,” August 21, 2017, https://ibw21.org/commentary. The sponsoring organization for this publication is the Institute of the Black World 21st Century.


34 https://www.noi.org.


36 Ashton v. Park et al., 29 F.3d 630 (9th Cir. 1994).

37 The $10 trillion figure is derived by multiplying the nation’s then-roughly 35 million blacks by the $250,000 per-person payment in gold bullion. Updating this to take into account the 45 million people that the Census Bureau defines as black or mixed-race black, adjusting for inflation, raises the bullion payout to $330,000 per person. That would yield about $15 trillion, a figure that does not even include payouts to black countries. See Mike Rosen, “A Reparations Entitlement? No Way,” https://www.denverpost.com, September 11, 2015 (updated April 21, 2016).


40 The acronym for this group, SLAP, showed that Jenkins, if nothing else, had a sense of humor.


43 The mandate of “40 acres and a mule” has its origins in a formal declaration late during the Civil War. On January 16, 1865, with a Union victory imminent, General William Tecumseh Sherman issued Special Field Order No. 15, stating that Negro freedmen would be offered assistance “to enable them to establish a peaceable agricultural settlement.” The affected area would be “the islands of Charleston south, the abandoned rice fields along the rivers for thirty miles from the sea, and the country bordering St. Johns River, Florida.” Land would be divided into 40-acre tracts. Titles to the properties would be given to the head of each family of freed slave. Mules would be made available. Pursuant to this, Congress enacted the Freedmen’s Bureau Act in March 1865 to foster a transition from slavery to freedom. Section Four of the act authorized the bureau to rent confiscated or abandoned land to freed slaves and loyal white refugees for up to three years. During or at the end of that term, male tenants would have the option to buy the land and take title to it. By the summer of 1865, with the war over, the newly-established Freedmen’s Bureau had distributed 400,000 acres of abandoned Confederate land to freed Negroes. Soon after, however, the former white owners of the land pressured President Andrew Johnson and Congress to restore their ownership. The effort succeeded. On February 5, 1866, Congress repealed the portion of the Freedmen’s Bureau Act authorizing land transfers to former slaves. President Johnson rescinded property transfers already made, and ordered all confiscated land returned to its original owners. Though Republican political candidates in 1868 promised 40 acres and a mule to freedmen, the effort did not yield any results. See “Forty Acres and a Mule,” Respect: A Newsletter About Law and Diversity, Fall 2002, Vol. 2, No. 1, pp. 3–4; Perry, “No Pensions for Ex-Slaves.” Over 150 years later, it is impossible to take seriously the assertion that our government owes blacks, or members of any other race, 40 acres and a mule. First, General Sherman’s order clearly applied only to a small portion of the coastal lowlands of conquered Confederate territory, not to the entire United States. Second, it rested on the dangerously naive notion that owners of confiscated properties would sit by idly and do nothing. Third, our nation’s territory does not have the vacant, arable acreage necessary to fulfill such a promise, especially given that our black population, even by a conservative measure, is now around 40 million, about 10 times the number
counted in the 1860 Census of Population. Finally, the Freedmen’s Bureau Act was enacted during a time when our country, especially the South, was primarily agrarian. Today only about 2 percent of the total American workforce is directly employed in agriculture. The claim that today’s blacks, who overwhelmingly live in cities, suburbs and towns, either need or deserve large expanses of free farmland—with a mule thrown in—is simply ludicrous.


48 Ibid., p. 39.

49 Ibid., p. 49. Dickie Scruggs’ enthusiasm for the big score, ethics be damned, eventually would be his downfall. In one case, Scruggs took part in an effort to bribe a Mississippi state judge with $40,000 in return for a favorable ruling in a fee dispute. He was found guilty in March 2008. In another case, he pleaded guilty in February 2009 to mail fraud as part of an attempt to influence a Mississippi federal judge. He would serve six years in prison until his release in 2014. Though disbarred, he hasn’t suffered financially. In 2016, his personal net worth was reported at $1.7 billion. See Jimmie E. Gates, “Is Dickie Scruggs the Richest Lawyer?” https://www.clarionledger.com, July 4, 2016.

50 By 2014, the 50th anniversary of President Johnson’s declaration of “unconditional war on poverty in America,” U.S. taxpayers had spent a combined more than $22 trillion (2012 dollars) on anti-poverty programs, a sum not including social insurance programs such as Social Security and Medicare. See Rachel Sheff and Robert Rector, “Poverty and Inequality: The War on Poverty After 50 Years,” The Heritage Foundation, Report, September 15, 2014.

51 Cato v. United States, United States Court of Appeals, Ninth Circuit, Nos. 94-17102, 94-17104, decided December 4, 1995. The court admitted the plaintiffs had no case on the basis of sovereign immunity, writing, “The complaint does not refer to any basis upon which the United States might have consented to suit.” Yet it also provided a moral justification for future similar lawsuits. “Discrimination and bigotry of any type is intolerable,” the court stated, “and the enslavement of Africans by this Country is inexcusable.”

52 “3 Big Companies Named in Slave Reparations Suit,” Los Angeles Times (Reuters), March 27, 2002.

53 Ibid. Wareham added that any damages collected would be placed in a special fund to improve health, education and housing opportunities for blacks.


59 The Economist, arguing from a liberal standpoint, effectively debunked Coates after quoting him. “The supposed ills of gentrification—which might be more neutrally defined as poorer neighbourhoods becoming wealthier—lacks rigorous support,” the article noted. “The most careful empirical analyses conducted by urban economists have failed to detect a rise in displacement within gentrifying neighbourhoods. Often, they find that poor residents are more likely to stay put if they live in these areas.” The article continued: “At the same time, the benefits of gentrification are scarcely considered. Longtime residents reap the rewards of reduced crime and better amenities. Those lucky enough to own their homes come out richer. The left bemoans the lack of investment in historically non-white neighbourhoods, white flight from city centres and economic segregation. Yet gentrification straightforwardly reverses each of those regrettable trends.” See “In Praise of Gentrification,” https://www.economist.com, June 21, 2018.

60 Ta-Nehisi Coates, Between the World and Me, New York: Spiegel & Grau, 2015. The book, written in the first person as a letter to his teenage son, often employs the word “you” with little or no regard for context. See Kyle Smith, “The Hard Untruths of Ta-Nehisi Coates,” Commentary, October 2015, p. 21.


62 Quoted in ibid.


On the eve of introducing the bill, Senator Booker waxed abrasive if not hysterical in his official statement. “Since slavery in this country,” he declared, “we have had overt policies fueled by white supremacy and racism that have oppressed African-Americans economically for generations. Many of our bedrock domestic policies that have ushered millions of Americans into the middle class have systematically excluded blacks through practices like GI Bill discrimination and redlining.” See Rodrigo Torrejon, “Sen. Cory Booker Plans to Introduce Slavery Reparations Bill to Senate,” https://www.usatoday.com, April 9, 2019.


Williamson genuinely believes that reparations can function as spiritual redemption. “Reparations carry moral force,” she said recently. “They carry psychological power and emotional and spiritual power because there is an inherent mea culpa. There is an inherent acknowledgement of a debt that is owed, of a wrong that was done and a willingness on the part of the people to pay that debt.” Quoted in Nic Rowan, “Faith Healer,” *Washington Examiner*, November 5, 2019, p. 24.


Karen Juanita Carrillo, “CARICOM Wants Slavery Reparations,” http://amsterdamnews.com, February 13, 2014. This campaign shouldn’t be taken lightly. CARICOM hired the British law firm of Leigh Day & Co. to help start a reparations “dialogue” with European nations who were involved in the slave trade centuries ago. Martyn Day, a senior partner at the firm, explained the issue: “The fact that it is a case involving issues that are 200 to 400 years old is a massive impediment to a victory. But we feel the morality of the whole thing is very strong, and I think there is a real prospect that we will be able to persuade the British government and other governments of the Western powers to sit around the table and try to resolve it.” Leading British officials almost a decade earlier already had bowed their heads. In November 2006 then-Prime Minister Tony Blair issued a formal apology for Britain’s role in the slave trade, which (predictably) met with quick denunciations from African human rights activists as mere rhetoric. Blair, rather than respond “Once is enough,” proceeded to issue another apology in March 2007. Months later, during that August, then-London Mayor Ken Livingstone, trying to hold back his tears, apologized for Britain’s role in the slave trade. Jesse Jackson praised Livingstone, but added that any apology should be accompanied by reparations. These cases should serve notice to the naive in America that our reparations activists view an “apology” or an “acknowledgement” as merely a first step toward payments.


Mary Frances Berry, now in her early 80s, served as chairman of the U.S. Civil Rights Commission during 1993–2004, and for a while had been a commission member under Presidents Carter and Reagan. During the Reagan years, her aggressive support of affirmative action goals, quotas and timetables inevitably clashed with views on this issue expressed by Reagan and his appointed chairman, Clarence Pendleton, which resulted in a successful court battle to keep her seat. Berry is currently a professor of history at the University of Pennsylvania.

Lowery, “Which Black Americans Should Get Reparations.”


Ibid.

his book, the author researched dozens of
slave societies throughout the world over
many centuries.

Hugh Thomas, *The Slave Trade: The Story of
the Atlantic Slave Trade: 1440 to 1870*, New

The Slave Trade, p. 333.

Ibid., p. 280.

Ibid., p. 192.

Ibid., p. 514.

Ibid., p. 515.

Ibid., pp. 281–82.

“AHA Council Issues Policy
Resolution about Jews and the Slave
Trade,” Perspectives on History,

The resolution, as the title indicates,
was intended as a rebuke to the frequent
allegation that Jews were singularly
or disproportionately involved in the
international slave trade.

The Slave Trade, p. 221.

Ibid., p. 329.

Ibid.

Ibid., p. 636.

Ibid., p. 275.

Herbert S. Klein, *The Atlantic Slave Trade,
New York: Cambridge University Press,*
1999, p. 129.

A. Roger Ekirch, *Bound for America: The
Transportation of British Convicts to the
Colonies, 1718–1775*, New York: Clarendon
Paperbacks, 1990; see also Ekirch, “A
Profile of British Convicts Transported to the
Colonies, 1718–1775,” *William & Mary
184–200.

“A Profile of British Convicts,” p. 184.

John van der Zee, *Bound Over: Indentured
Servitude and American Conscience,*
29–30.

Eric Williams, *From Columbus to Castro: The
History of the Caribbean*, 1492–1969,

Ulrich Bonnell Phillips, *Life and Labor in the
Old South, Columbus, S.C.: University
of South Carolina Press, 2007 (originally

Marcus Wilson Jermegar, *Laboring and
Dependent Classes in Colonial America,
1607–1783: Studies of the Economic,
Educational, and Social Significance of
Slaves, Servants, Apprentices, and Poor Folk,
Chicago: University of Chicago Press,*
1931, p. 45.

Hilary McDonald Beckles, *White Servitude
and Black Slavery in Barbados*, 1627–1715,
Knoxville: University of Tennessee Press,*
1989, pp. 6–7, 71.

Hilary McDonald Beckles, *Natural Rebels, A
Social History of Enslaved Women in Barbados,*
New Brunswick, N.J.: Rutgers University


Carl and Roberta Bridenhaugh, *No Peace
Beyond the Line: The English and the
University Press, 1972, p. 119.

Quoted in van der Zee, *Bound Over.*
See also review of this book in

Sharon V. Salinger, *To Serve Well and
Faithfully: Labor and Indentured Servants
in Pennsylvania, 1682–1800*, New York:

Quoted in Foster Rhea Dulles, *Labor in
America: A History*, AHM Publishing,

See Louis Jacobson, “Viral Post Gets It
Wrong About Extent of Slavery in 1860,”

Many sources of information on this aspect of
slavery provide their own estimates, but
this one is among the most detailed and
reliable. The “viral post” cited in the title
refers to an unsubstantiated estimate by a
well-trafficked neo-Confederate social media
site asserting that in 1860 only 1.4 percent of
all Americans had owned slaves.

Joseph T. Glatthaar, *Soldiering in the Army
of Northern Virginia: A Statistical Portrait of
the Troops Who Served under Robert E. Lee,*
Chapel Hill, N.C.: University of North
Marxist.” Indeed, opponents of Marxism use this paradox as the basis for interpreting Hegel’s insights between the forces of labor and capital as outlined by German philosopher Georg Hegel in his *Phenomenology of Spirit*, first published in 1807. Marx, of course, would use this paradox as the basis for interpreting history as an irreversible class struggle between the forces of labor and capital culminating in the triumph of labor. But that in itself does not make Hegel’s insights “Marxist.” Indeed, opponents of Marxism can find great value in Hegel’s “master-slave dialectic” from Antiquity onward.


Ibid., p. 109.


Ibid.

Carter G. Woodson, “Free Negro Owners of Slaves in the United States in 1830,” *Journal of Negro History*, Vol. 9, January 1924, p. 42. Significantly, Woodson relied entirely on the 1830 Census in making his case for “benevolent” black-on-black slavery, a limitation that inherently could not account for the increasingly commercial nature of this relationship over the next few decades.


The “Five Civilized Tribes” were so named because white residents saw them as civilized, in contrast to other Indian tribes. Their cultures and governance in fact owed much to white settler influence. These tribes enjoyed written constitutions, a high degree of literacy and free trade. Many persons also adopted Christianity as their religion. The Creek tribe often is referred to as the “Muscogee.”


Ibid., p. 23.

Ibid., pp. 83–84.


Quoted in *ibid.*

Coleman, “How a Court Answered a Forgotten Question.”


France originally abolished slavery in 1794, perhaps the only positive achievement of the French Revolution. However, in 1802, the Emperor Napoleon restored it as a way of reestablishing control over colonies in the Caribbean. It would be another 46 years, during the Second Republic, until the French government abolished the practice once and for all.

Alexander Hamilton, “In Defence of No III,” July 29, 1795. Hamilton’s pamphlet was intended as criticism of efforts at the time to force Great Britain to return runaway slaves.

Taylor, “Free People of Color in Louisiana.”

See Richard Brookhiser, “These Our Brethren,” *National Review*, November 11, 2019, pp. 28–33. The New York Manumission Society also combated the world slave trade and built free schools for blacks. The group would continue until 1849.


A Global Alliance Against Forced Labour, Geneva, Switzerland: International Labour Organization, 2005. In about four-fifths of all cases, private agents exact the labor. Most of the victims are women and children.


And a number of these claims were outright criminal and resulted in criminal charges. In a very recent case, five individuals and an attorney were charged in Little Rock federal court with defrauding the U.S. Department of Agriculture out of $11.5 million during 2008–17. See "Seven Defendants Indicted in $11.5 Million Fraud Case," https://www.pbcommercial.com, December 11, 2019.

Carl Horowitz, "Feds Cave in to Hispanic Farmers; Make $1.33 Billion Offer," Falls Church, Va.: National Legal and Policy Center, June 11, 2010.

Carl Horowitz, "USDA Capitolizes to Native American Farmers," Falls Church, Va.: National Legal and Policy Center, November 2, 2010.


This program, managed by a state board authorized by the North Carolina legislature in 1933, was intended to sterilize prison inmates and, later, public hospital patients and welfare recipients judged to be “mentally defective or feeble-minded.” The vast majority of the more than 7,500 persons affected were female. Contrary to common belief, blacks were not singled out; they constituted about two-thirds of all persons sterilized. That fact, of course, does not diminish the reprehensible nature of the program, which the legislature abolished in 1973.


Ibid., p. 71. Ironically, Coates and his ilk routinely berate many of these founders for their slave ownership.

One uses the term “former residents” rather than “survivors” in the case of the Japanese because the detainees were in no immediate danger of losing their lives. Those internment camps in no way can be seen as equivalent to Nazi death camps in Auschwitz, Treblinka and elsewhere.

Numerous declassified messages from that period strongly suggest that certain Japanese-Americans had been engaging in espionage against our country on behalf of the Japanese government. While this in itself does not justify mass internment, it does deflate the accusation that internment was motivated primarily by race. See Michelle Malkin, In Defense of Internment: The Case for ‘Racial Profiling’ in World War II and the War on Terror, Washington, D.C.: Regnery Publishing, 2004.

Under the U.S. Department of Justice’s Enemy Alien Control Program, authorized by the Alien Enemies Act (part of the original Alien and Sedition Acts of 1798), a total of 11,507 American citizens or aliens of German ancestry were placed in internment during World War II. Cited in Karen E. Ebel, “German-American Internees in the United States During WWII,” http://www.traces.org, February 26, 2016; Tetsuden Kashima, Judgment without Trial: Japanese Imprisonment during World War II, Seattle: University of Washington Press, 2003, p. 124. President Roosevelt’s Proclamations 2525, 2526 and 2527, respectively, authorized the government to detain ethnic Japanese, Germans and Italians under the Enemy Alien Control Program. Proclamation 2525 was issued on December 7, 1941, the day of the bombing of Pearl Harbor. Proclamations 2526 and 2527 were issued the following day, December 8.


As of late 2012, the German government had paid out about $89 billion. See David Rising, “Germany Increases Reparations for Holocaust Survivors,” https://www.timesofisrael.com, November 16, 2012; Melissa Eddy, “For 60th Year, Germany Honors Duty to Pay Holocaust Victims,” https://www.nytimes, November 18, 2012. This sum does not include subsequent additional payments based on eligibility adjustments. Nor does it include payouts by Swiss banks in the wake of a $1.25 billion out-of-court settlement reached with litigators in August 1998.


Quoted in Wiltz, “Talk of Reparations for Slavery.”


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The law, which went into effect on January 1, 2020, allows Illinois residents who are 21 and older to possess up to 30 grams of cannabis flower, 5 grams of concentrate and 500 milligrams of THC in products such as edibles. Illinois joined 10 other states and the District of Columbia in allowing recreational use of marijuana.


About 10 percent of the seminary’s current 360 students are black. See Shanahan, “$27 Million for Reparations.”

The American Colonization Society was established in 1816, and would be instrumental in setting up Liberia, whose capital, Monrovia, was named after President James Monroe. While the initiative collapsed during the 1830s in the face of fierce opposition from whites and blacks alike, the fact is that it had no interest in promoting slavery here or anywhere else. The Society would limp along nominally for many years thereafter, formally disbanding in 1964. See Eric Burin, Slavery and the Peculiar Solution: A History of the American Colonization Society, University Press of Florida, 2005.


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