



## Talk of Reparations for Slavery and Jim Crow Moves to State Capitols, Including Florida

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Four centuries after the first African slaves landed on Virginia shores, state lawmakers across the country are taking up the debate over how to atone for what's been called "America's Original Sin."

This year, Democratic lawmakers in California, New York and Vermont — states that either outlawed slavery before the Civil War or never allowed it — have introduced legislation that would apologize for their state's role in slavery; recognize the lasting, negative impact of slavery on current generations of African Americans; and explore monetary reparations.

In April, Democratic lawmakers in Texas introduced a bill urging the passage of a federal reparations bill introduced by U.S. Rep. Sheila Jackson-Lee, also a Democrat, that same month. (Sponsors did not return *Stateline* calls for comment.) And in September, Florida lawmakers introduced a \$10 million reparations bill for the descendants of victims of a specific, 1920 racial atrocity, the Ocoee massacre.

[The bill reads in part: "The sum of \$10 million is appropriated from the General Revenue Fund to the Office of the Attorney General for the relief of direct descendants of individuals who were killed, injured, or otherwise victimized by the violence that took place at Ocoee on November 2, 1920. An eligible individual must submit an application for compensation to the Attorney General no later than December 31, 2020. [...] The amount of compensation awarded may not exceed \$150,000 per individual who was killed, injured, or otherwise victimized by the violence that took place at Ocoee. If multiple descendants of a single individual apply for compensation on behalf of that individual, the amount of compensation awarded shall be prorated among any eligible claimants."]

Meanwhile, Pennsylvania state Rep. Chris Rabb announced plans to introduce a reparations bill this legislative session that would entitle African Americans in the Keystone State to remuneration. But first, the Democrat said, he's organized a team of researchers to identify every state law since 1776 that's had a "racist impact" on the state's African American population.

He proposes a statewide reparations plan for Pennsylvania that would involve multiple tiers of compensation, with the greatest awards going to residents who can prove they descended from generations of black Pennsylvanians. To qualify for reparations, residents would have to prove they've lived as African Americans through government records such as census records or birth certificates.

"When we wonder why these racial disparities endure, we have to start at the origin," said Rabb, who is black. "It's policy. It's not a cultural deficit. It's not bad decisions by individual black people. It's the system."

To be sure, except for one California resolution that passed with bipartisan support, none of the state bills has yet made it past committee. All were introduced by Democrats.

But as the United States wrestles with rising incidents of hate crimes and policymakers become increasingly conscious of slavery's long-term effects on issues ranging from criminal justice policy to educational achievement gaps, this year's legislative activity marks the first time that states have explored reparations in a significant way.

"I'm surprised to see the action going on at the state level," said Thomas Craemer, associate professor of public policy at the University of Connecticut, who became interested in reparations because of the history of the Holocaust and the postwar reparations program in his native Germany.

"Suddenly reparations has hit the mainstream," said Craemer, who is part of a national team of academics organized by Duke University professor William Darity crafting a proposal that outlines the argument for reparations and how they would be implemented.

Critics of state reparations, meanwhile, argue the issue should be handled at the federal level, and they wonder how the proposals would be paid for and who would qualify to receive the money.

"It's a weird sense of accountability," said Walter Williams, an economics professor at George Mason University in Virginia who opposes all reparations.

"What people are suggesting is that we help a black person of today by punishing a white person of today for what a white person of yesterday did to a black of yesterday," said Williams, who is black. "That's a perverse sense of justice in my opinion."

### **'Hotbed of Slavery'**

The state bills seem designed to ignite conversation about systemic racial injustices at a time when the nation is sharply divided over issues of race. Like the federal bill currently being considered in the U.S. House, the state measures would create commissions to study reparations and propose solutions.

For example, New York Democrats in January introduced bills in both the General Assembly and the state Senate that would create a commission to study reparations and racial and economic discrimination against African Americans. The bills also would acknowledge "the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the city of New York and the state of New York." New York state Sen. James Sanders Jr., the lead sponsor of the Senate bill, declined *Stateline's* request for comment; state Assemblyman Charles Barron, who introduced that chamber's bill, did not respond.

California Democrats introduced two measures this year. One, which both the state Assembly and Senate approved overwhelmingly, was a resolution acknowledging California's role in chattel slavery and recognizing "the need to pursue avenues to implement proposed reparations for the descendants of African slaves in the United States."

A second resolution, introduced in June, would formally apologize for California's "past complicity in slavery" and encourage Congress to enact the federal reparations bill. That resolution is currently in committee.

California state Assemblyman James Gallagher, a Republican who voted against the pending resolution, said, “Certainly slavery is a grievous injustice in our country’s history that we absolutely as a country need to recognize and apologize for.”

But reparations is the wrong approach, he said. “It’s a typical Democratic solution: Let’s figure out how to allocate more taxpayer dollars and throw more money at something, but it doesn’t necessarily get at the root issues.”

State lawmakers’ efforts recognize the complexity of slavery’s history and repercussions, said Cornell Brooks, a professor at the Harvard Kennedy School of Government and former president of the NAACP.

Brooks and a team of researchers at the Kennedy School have been asked by a New Jersey advocacy organization to craft a reparations bill for that state. If successful, the team hopes to replicate those efforts in other states, Brooks said.

“We need a morally ambitious strategy, but on a state and local-sized platform,” Brooks said. “To just relegate the responsibility to Congress ignores the role of state capitols and city halls in slavery.”

It makes sense for states, in addition to the federal government, to address reparations because even non-slave-states benefitted from the institution, said Vermont state Rep. Brian Cina, a member of the Progressive Party who sponsored the Vermont bill.

“It’s easy for people to say we didn’t have slaves in Vermont, but were you buying cotton from the South? Tobacco?” said Cina, who identifies as multiracial.

Vermont, which is now nearly 95% white, in 1777 became the first state to outlaw adult slavery. The partial ban applied to adults over 21.

Cina said he introduced the legislation at the prodding of a local racial justice group. As a brown-skinned person of color — he says he’s not sure of his ancestry because his mother was adopted — he said he’d been harassed by police, so he felt a kinship with the struggles of African Americans. And Vermont’s tiny black population still struggles under the legacy of slavery today, he said.

His bill, which is in committee, would create a task force to consider a state apology for slavery and develop a proposal for reparations.

Talk of reparations has cropped up again and again since the Emancipation Proclamation. As the Civil War was nearing an end, Union leader Gen. William Sherman wrote an order setting aside land confiscated along the southeastern coast for the formerly enslaved — the promise of “40 acres and a mule” — only to have it reversed by President Andrew Johnson following President Abraham Lincoln’s assassination.

Most Americans oppose monetary reparations. A national poll this summer from Gallup found two-thirds of adult U.S. residents opposed cash payments to black descendants of slaves, though among black respondents, 73% supported the idea.

But even those who support reparations don’t agree on what that should look like — and what role, if any, states should play.

State efforts to offer reparations are problematic because they're a piecemeal solution to a national problem, said William Darity, a Duke University economics professor, who is heading up the national team of academics exploring reparations.

State resolutions should endorse the development of a national program, Darity said.

"The culpable party is the United States government," said Darity, who is black. "They created the legal and authority structure to allow for these atrocities."

Darity and other supporters of reparations argue it's not just the institution of slavery for which the nation should be atoning, but also the decades-long thread of its fallout. In 2014, journalist and author Ta-Nehesi Coates, in a landmark essay in *The Atlantic*, demonstrated how the legacy of slavery, along with state-sanctioned discrimination in the form of post-slavery Jim Crow laws, real estate redlining and mass incarceration, served to handicap black Americans, creating a stubbornly persistent racial wealth gap.

For that reason, some lawmakers argue that states have a vital role to play.

"We don't think of California and these other states as being quote, 'the big slave states,'" said California Assemblywoman Shirley Weber, the Democrat who sponsored one of the California resolutions, which became law last week.

California wasn't a slave state, but it did allow Southerners migrating to the West during the Gold Rush to bring slaves with them, she said, and allowed slave-catching.

But even those who support reparations in theory aren't convinced that it's a matter for state legislatures.

"The scope of the conversation is best done at a national level, given that the impacts of slavery and post-slavery discrimination have been felt by people of color from around the country and not just the folks living in Vermont," said Vermont state Rep. Sarah Copeland-Hanzas, a Democrat and a member of the House Government Operations Committee, where the bill currently resides.

"Vermont is a small state," said Copeland-Hanzas, who is white and says she supports the idea of reparations, just not at the state level. "We have very limited resources in terms of money in the state budget."

Over the years, both federal and state governments awarded reparations for past historical atrocities. In 1988, President Ronald Reagan signed the Civil Liberties Act, which offered a formal apology for the internment of Japanese Americans during World War II.

Beginning in 2014, North Carolina awarded reparations to the survivors of the state-led campaign of forced sterilization, which happened between 1929 and 1976. Many of those forcibly sterilized were poor, black or disabled. And in 1994, Florida paid \$2.1 million to the survivors of the 1923 Rosewood massacre for "equity, justice, fairness and healing." But in all of those instances, reparations were awarded to the victims, not their descendants.

In June, California Gov. Gavin Newsom, a Democrat, issued an executive order creating a "Truth and Healing Council" to apologize for the state's brutal treatment of Native Americans. The state also allocated \$100 million for the California Indian Heritage Center in Sacramento.

Opponents of reparations argue that awarding monetary compensation to black Americans will only further ignite tensions in a nation already riven by racial differences.

“It’s a long overdue reckoning with our history of racism in this country,” said Michael Tanner, a senior fellow at the Cato Institute, a right-leaning think tank in Washington, D.C. “Race colors so much of our history and policy.”

Still, Tanner said, large-scale, national reparations aren’t the way to right past wrongs. State-based measures could work if they address specific atrocities, such as what Florida did for the survivors of the Rosewood riots, he said.

But with reparations on a larger scale, “I don’t see a way in which it actually works,” he said.

“Trying to determine who gets reparations, who pays for reparations and what they will receive,” said Tanner, who is white. “Will we go back to the one-drop rule?” He was referring to the practice of anyone with a tiny fraction of African heritage being considered black and subject to Jim Crow laws.

Rabb is a descendant of those who were enslaved and those who did the enslaving, a not uncommon occurrence among African Americans, most of whom are mixed-race thanks to a legacy of rape.

“I descend from some of the wealthiest white enslavers in U.S. history,” Rabb said. “I feel a responsibility. I represent the best and worst of this country.”

He suggests reparations in the form of tax credits rather than cutting a check, with an “opt-in entitlement program” for eligible participants. He plans to introduce the bill this legislative session, after his team has compiled enough research.

Even if the bill fails, Rabb said, he will consider it a success.

“Sunlight is the greatest antiseptic,” Rabb said. “What’s polluting our discourse is ignorance and bigotry. We’re putting sunlight on history. This isn’t opinion. This is fact. Here’s what happened.”

—Teresa Wilt, *Stateline*