

REPARATIONS FOR BLACK AMERICANS

The subject of reparations for Black Americans has become widely discussed, stimulated in part by the Black Lives Matter movement. Quakers argued against slavery and advocated reparations for former slaves throughout the pre-civil war era. After his army's march to the sea, General William Tecumseh Sherman, joined by Secretary of War Edwin Stanton, met with freed Black citizens in Savannah and learned that the only thing they wanted was enough farm land to support their families. Sherman issued Special Field Order No. 15, which allocated 40 acres of tillable land to the freed slaves; army mules, no longer needed after the War, were included, giving rise to the "40 acres and a mule" phrase, as the program became known. It is estimated that up to 40,000 Black families received land in this way¹. However, after Lincoln's assassination in 1865, Andrew Johnson became president and rescinded Special Field Order 15, returning the land back to its former white owners. He felt this reversal was necessary to help the nation heal itself after the War, and reflected his view that Blacks were subservient to whites; he was from Tennessee and only came to favor emancipation of slaves in 1863². His rescinding of Special Field Order 15 left African-Americans with no means to support themselves and their families, a consequence which contributes to calls for reparations.

History of Reparations

Reparations have been an integral part of commerce. Typically, a reparation is a transfer of value from one party to another without an equivalent exchange; no purchase occurs so the reparation can be thought of as a gift. Reparations have often been demanded by victorious armies from their defeated enemies. For example, Napoleon demanded a reparation from Prussia paid to France in 1807 after the triumph of the French army at the Battles of Jena and Friedland in 1806-07³. However, after Napoleon's defeat at Waterloo, France had to pay reparations of 700 million francs to Coalition countries⁴. After France's defeat in the Franco-Prussian war in 1871, it had to pay a reparation to Prussia calculated to match precisely the sum that Napoleon had charged in 1807⁵.

Reparations were also prominent features after WW1 and WW2. These reparations levied by victors in war against the opposition can be viewed as the spoils of war. In the 20th century, though, emphasis changed, as reparations came to be seen as a means to atone for policies and behaviors which were detrimental to individuals or groups.

Reparations resulting from The Holocaust: A notable example of this form of reparation is the reparations made by West Germany in the years after WW2 to the recently formed state of Israel⁶. Initially, the concept of reparations paid by West Germany to Israel was deeply unpopular in both countries, but for different reasons. German Chancellor Konrad Adenauer was pressed by Jewish organizations to develop a plan for reparations paid by West Germany, and he became a supporter of the idea of paying reparations. When his plan came up for vote in the Bundestag (Parliament) in 1952, less than half of Adenauer's party was in favor, but the Social Democrats voted unanimously for it, securing its passage. By contrast Menachem Begin thought

the idea of accepting reparations would absolve the Germans of responsibility for the Holocaust and fought against its passage in the Knesset. Prime Minister David Ben-Gurion argued for the measure, to help pay for the cost of settling the 500,000 Holocaust survivors who came to Israel, and to recover as much property owned by Jews as possible "so that the murderers do not become the heirs as well". Israeli opposition was so fierce that a mob attacked the Knesset and had to be repelled by police; a large number of protesters was arrested, and numerous citizens and police were injured. However, when the dust settled, the bill passed, 61-50. The value of reparations paid by West Germany amounted to 3.45 billion deutsche marks, paid in annual instalments starting in 1953 for the next 14 years; I estimate this to be in the neighborhood of \$114 billion in 2022 dollars. The reparations unquestionably benefited the development of commerce and industry in the young country. A significant fraction of the money coming from West Germany went to individual survivors. On balance, the payment of reparations to Israeli victims of the Holocaust and to the State of Israel marks a partially successful effort of West Germany to atone for the horrors suffered by the Jewish people, although no payment could satisfactorily reflect the value of the human lives lost.

Apartheid: Another example of a reparations program occurred in South Africa. The evolution of government there from a white minority autocracy to a democracy in the 1990's was accompanied by an effort to recognize the wrongs suffered by Black South Africans. A Truth and Reconciliation Commission (TRC) was formed to identify individuals who were victimized during apartheid and recommend ways to atone for their difficulties. Desmond Tutu was the chair of the TRC, in no small part because of his having been awarded the Nobel Peace Prize in 1984. The final report of the TRC was submitted in 2003, and recommended that \$360 million in reparations be awarded to victims of apartheid. However, President Mbeki set aside a fund of only \$85 million, stating that each of 19,000 identified victims of apartheid will receive \$3,900 as a reparation⁷. The average yearly salary at that time was \$3,000. As was true for the reparations established for the victims of the Holocaust, the amount offered to atone for the ravages of apartheid was far less than needed for a complete settlement for victims. To make matters more confusing, a report in December 2022 found that the President's Fund for reparations had grown to almost \$1 billion from investment income, far exceeding the payout of reparations to victims of apartheid⁸. I could not find any further information on this reparations program.

Experience with Reparations in the United States: There are at least three examples in which reparations have been used to atone for policies, laws, or events designed to disadvantage or punish a group of US citizens.

Internment of Japanese Americans during WW2: After the start of WW2, President Franklin Roosevelt came under strong pressure to remove Japanese Americans living on the West Coast for fear that they might support the Japanese war effort or otherwise represent a national security risk. In February 1942 he issued Executive Order 9066 authorizing the Secretary of War and military commanders to identify all persons on the West Coast who could be deemed a threat, and transfer them to internment camps, that the government called "relocation centers", further inland. While not specifying Japanese Americans, they were the only residents of the West Coast subjected to this Executive Order; 112,000 were subsequently transferred with 48 hr

warning to these “relocation centers”, where they remained until war’s end. A book detailing this whole process is available⁹. The 442nd Regimental Combat Team, composed entirely of Japanese American soldiers and stationed in Europe, became the most highly decorated unit of the war, an ironic twist to Executive Order 9066 and proving the loyalty of these soldiers¹⁰.

After WW2, an effort to correct the stigma of the internment felt by the Japanese American community slowly emerged. Most didn’t want to talk about it or complain of their loss of property and homes, but a few persisted, and succeeded in convincing Congress that the Government should at the least apologize for the internment. The result was bipartisan passage of the Civil Liberties Act of 1987, which President Ronald Reagan signed into law. This offered a formal apology for the internments and paid reparations of \$20,000 to each individual⁹. By 1998, more than 80,000 internment survivors had received their share; the total paid out was \$1.6 billion, about \$3 billion in today’s economy. Although no effort was made to link the reparations to the actual value of property lost by the internees, there is widespread agreement that the payments were inadequate to compensate for the actual losses suffered.

Forced Sterilization: Another sorry episode in government-sanctioned behavior occurring in the 20th century stemmed from the eugenics movement. This sought to “improve” the quality of the human race by using forced sterilization of individuals viewed as having undesirable traits so that these traits would not be passed to their offspring. The assumption behind eugenics was that the undesirable traits were genetically transmitted, for which there is no evidence whatsoever, and forced sterilization was practiced largely on Black, Brown, and Indigenous women. Laws in 33 states permitted forced sterilization, buttressed by the 1927 Supreme Court’s decision in *Buck v. Bell* in which the sterilization of a “feeble-minded” woman was deemed compliant with a Virginia statute and not in violation of the Constitution¹¹. Many of the individuals who underwent sterilization had been identified while they were serving jail terms.

The only state which established a reparations for forced sterilization was North Carolina, which passed a \$10 million reparations program in 2013, sufficient to give the 177 known surviving women who underwent forced sterilization about \$50,000 each. The State also apologized for its policy¹². California sterilized the largest number of women without consent of any state; a [State audit](#) found that the Department of Corrections and Rehabilitation oversaw the illegal sterilization of 144 inmates from 2005 to 2013. Governor Newsome signed a law in 2021 allocating \$7.5 million to pay up to \$25,000 to each woman; as of March of 2023, only 60 had been identified and received payment¹³.

Rosewood, Florida: Rosewood was a small town on the Gulf coast of Florida whose sparse population was almost entirely Black. It was destroyed in a race riot in 1923 in response to the claim of a white woman in a neighboring town that she had been beaten by a Black man. At least six Blacks and two whites died in the ensuing rampage; some claimed that the number of Blacks killed was much greater. Nearly all the houses in the town were burned to the ground. The remaining residents dispersed, and the riot was forgotten until the 1980’s, when a few Rosewood survivors told the story of the riot to reporters. A book then was written, and the State of Florida in 1994 made an official report of the tragedy. The legislature agreed to establish a reparations fund for the remaining survivors and those forced to flee Rosewood. The fund also included

money to support college scholarships for descendants. A movie was made in 1997 based on some of the events in the Rosewood massacre.

The Rosewood riot followed a lengthy path of urban riots in which whites killed Blacks and destroyed Black property starting with the East St. Louis riot in 1917 and followed by the Red Summer of 1919 in which numerous race riots occurred across the country. These were fueled in part by migration of southern Blacks to the north and the return to civilian life of Black soldiers from WW1 during which they had been treated as equals. The 1921 Black Wall Street riot in Tulsa was perhaps the worst example of these racial riots. The reparation program offered by the Florida legislature is the only one I have found attempting to atone for the ravages of a race riot. The city of Tulsa has recently made an apology for the riot of 1921, but stopped short of offering a reparations program.

Programs Describing Plans for Reparations for Black Americans

As mentioned at the outset, the death of George Floyd with the emergence of the Black Lives Matter movement has focused a new attention on the possibility that reparations could heal the wounds left from slavery and Jim Crow policies. The personal pains caused by both the explicit and implicit policies are spelled out in our member Noah Griffin's essay "A History of Racism" presented at the Chit Chat Club's meeting in June, 2022. The intellectual basis for the possible benefits of reparations for Black Americans is extensive, and I shall touch on only a few highlights.

In 1969, James Farmer took over a Sunday service at Riverside Church in New York and presented what became the Black Manifesto, in which he demanded that white churches set aside \$500 million to be used to support Black printing and publishing houses and other structures to support Black life independent of whites. He closed with a radical paragraph which stated in part "All roads must lead to revolution . . . Victory to the people . . . We shall win without a doubt."¹⁵ A muted response to this Manifesto resulted largely because of this inflammatory presentation, and the underlying call for reparations received little attention. In 1973, Boris Bitker, a white law professor at Yale, published a book titled *The Case for Black Reparations*. He wrote that a question raised to him in class from a Black student provoked him to address the issue of reparations for Black slaves and their descendants that was raised by the Black Manifesto but little discussed. He concluded that, since slavery ended in 1863, the courts would regard the matter settled, and the likelihood that legal redress from reparations could be obtained on the basis of the multiple flaws of slavery was very small. On the other hand, he thought that the legally condoned policies of governments to deny Blacks equality of education, housing, and other evils of the Jim Crow era was a much more likely path to right the wrongs of the past. His book was reprinted 30 years later, for which he wrote a new preface. He backed off his earlier assertion that litigation seeking damages for the forced attendance by Blacks in segregated schools was a potentially attractive path to follow. He now thought this approach would fail because the passage of time would bring into play a variety of statutes of limitation¹⁶. Instead, he thought a legislative approach such as exemplified in HR 40 (Commission to Study and Develop Reparation Proposals for African-Americans Act) would be a possible route for a legislative solution. This bill was first introduced by Rep. John Conyers of Michigan in 1989

and in every Congress since then, but always died in Committee until April, 2021, when it cleared committee after hearing testimony and was sent to the floor of the House. It has never been scheduled for a vote¹⁷. It is worth noting that the bill number, 40, was intended to reflect the 40 acres promised newly freed slaves by General Sherman.

Several other efforts have occurred to move the concept of reparations for Black Americans forward. In 2001 Randall Robinson published *The Debt. What America owes to Blacks*, a short volume describing the different experiences of two imagined Blacks to reveal the lack of attention given to Black accomplishments in the development of the US, constraints imposed by poverty on Black advances, and the general hostility of white America against Black Americans and immigrants at home and abroad¹⁸. Raymond A. Winbush in 2003 edited a volume titled *Should America Pay? Slavery and the Raging Debate on Reparations*¹⁹, which included essays from numerous thinkers, most supporting the argument that Blacks should receive reparations, but not all of them (see below). Charles P. Henry, a Professor of African American Studies at UC Berkeley, jumped into the fray in 2007 with a book titled *Long Overdue. The Politics of Racial Reparations*²⁰. He was drawn to the issue of Black reparations by the dismissive attitude on the subject demonstrated by the important Black leader Vernon Jordan, and by the chance finding of Randall Robinson's book at his local Costco! This led to his thinking seriously about the subject for the first time. His book points to important observations making the case for reparations.

A key article written by Ta-Nehisi Coates appeared in *The Atlantic* in June, 2014 and rekindled the fire under the reparations movement. Titled *The Case for Reparations*, he describes in painful detail the experience of Clyde Ross as a child in Mississippi and an adult living in Chicago²¹. Ross suffered pain and loss at nearly every step in his life, primarily because he was Black. Coates paints in much sharper detail than Robinson the systemic barriers faced by Ross, and by extension other Blacks, in almost every aspect of their lives. This theme was picked up by Nicole Hannah-Jones in an article in the Sunday New York Times Magazine in 2020²². She emphasized the long-term consequences of the lack of a means of subsistence after the Civil War for freed Blacks and the continued discrimination of Jim Crow laws, as the major reasons why present economic markers for Black families are only 10% of those for comparable white families. She closes with "Financial restitution [as with reparations] cannot end racism, of course, but it can certainly mitigate racism's most devastating effects."

Finally, the most detailed and thorough proposal advocating reparations for Black Americans is the recently published (2022) second edition of a book titled *From Here to Equality. Reparations for Black Americans in the Twenty-First Century* by William Darity and Kirsten Mullen²³. Not only does this work develop the rationale for the need for reparations, it also provides approaches to the major issues such a program would raise. These set the bar for any serious effort to establish a program of reparations.

- **Who should receive reparations?** People who identify as Black for at least the last 12 years and who can demonstrate having at least one ancestor who was a slave in the US;

- **How much should be paid?** The authors use the mean disparity in wealth between white and Black individuals times the number of eligible Black descendants estimated at 40 million to arrive at a total cost of \$14 trillion;
- **Who should pay?** The Federal Government should pay because it is the only entity large enough to afford such a payment, and because its policies supported slavery and excluded Blacks from post-slavery policies which built wealth for whites. In passing, the authors argue that any smaller entity [e.g., states, cities, individuals] could not achieve the scope necessary to meet the goals of reparations;
- **How should payments be made?** By direct payments to identified recipients; the authors suggest that such payments could be made in a variety of ways depending on individual needs and including measures to minimize any inflationary effect of the payments).

This is indeed a lot to wrap our heads around!

Current Experiments in Reparations Payments

In the absence of a national plan on reparations for Black Americans, isolated programs have attempted to approach the issue, despite the concerns of Darity and Mullins that such programs are too small. The most developed is the program in Evanston, IL. Its City Council sought in 2019 to address the wealth and opportunity gaps experienced by Black citizens of Evanston, documented in a 71-page report, and two years later introduced a reparations plan that allowed payments of up to \$25,000 to individuals or families for the purchase or improvement of real estate. Funds for this purpose were to be derived from the city's tax on the sale of recreational marijuana, but this has been inadequate to meet the plan's goals and has been supplemented by a real estate transfer tax²⁴. And not unexpectedly, it has played to mixed reviews, some recipients thankful for the improvements resulting from the money while others express the concern that it could never be enough and might jeopardize a national reparations program. Despite this, the city as a whole supports the program; over \$1 million had been distributed by August, 2023. The City Council intends ultimately to invest \$10 million for this purpose.

The City of Providence, RI has taken a somewhat different approach in its efforts to finance reparations²⁶. Congress passed economic stimulus legislation in 2021 called the American Rescue Plan Act (ARPA) as part of the effort to reduce the financial impact of the Covid pandemic. Providence received a grant of \$166 million from ARPA, and the mayor used \$10 million of this money to fund a reparations budget. About a third of this budget was given to the United Way with the City retaining the rest. A Reparations Commission had documented the City's policies which disenfranchised Blacks and indigenous people; Providence was at one point the first stop of slave-bearing ships from Africa. It should also be noted that the State's full name until 2020 was Rhode Island and Providence Plantations. The ARPA funds are to be used to support home ownership, workforce training, small businesses, and provide grants for business, cultural, and social organizations. Federal law prevents any federal funds from being distributed solely to a specific race, so that other citizens could be recipients of these ARPA

funds. I could not find any information on the outcomes of programs utilizing these funds; by November 2, 2023, only \$275,000 had been spent.

Members of the Chit Chat Club will be aware of two initiatives exploring the possibility of reparations for Black Americans in the State of California. The first was established by the Governor and legislators to explore the financial impact of policies and actions by the State on Black residents. The task force formed to carry out this mission finished its work in June, 2023 and concluded that, through its policies, the State had disadvantaged its Black citizens. Using estimates of the costs per person for mass incarceration and overpolicing in Black communities, housing discrimination due to redlining and other real estate practices, loss of property from eminent domain actions, and health-related issues such as access to care and toxic environmental exposure, the panel concluded that a Black person born in California and living to age 71 would be entitled to \$1.2 million in reparations²⁷. The legislature may consider these issues in the upcoming legislative session, although the Governor has not announced whether he supports monetary payments.

The other initiative in California is a different commission which considered reparations for Black citizens in San Francisco²⁸. It came to the same conclusion as the State task force, publishing its findings in a nearly 400-page report. The mayor, London Breed, has already stated that she does not support monetary payments of reparations, viewing that as the province of the federal government. If the conclusions of either, or both, these commissions were to be funded, they would have a huge impact on the budget(s) of San Francisco and California.

Other reparations projects are under way. The city of Asheville, NC has agreed to develop a reparations program focusing on increased home ownership and business and career opportunities for its Black residents. Georgetown University has acknowledged that it sold 272 Black men, women, and children from Jesuit plantations in 1838 to cover its expenses. As atonement it has set aside \$10 million, and the Jesuits have contributed another \$17 million to invest in life-long learning of descendants, endow programs in anti-racism, and provide support for elderly descendants. Georgetown has pledged over \$1 billion, and the Jesuits \$100 million, towards these goals²⁹.

Arguments Opposing Financial Reparations Payments to Black Americans

One does not need to explore the topic of reparations very long before hearing this analysis: “Reparations are money given to people who never were slaves by people who were never slave owners”. This view emphasizes the attitude that the problems addressed by reparations stem from the distant past and therefore do not merit redress in the present. Indeed, when I ask my business-oriented acquaintances their thoughts, they uniformly are opposed, feeling that the playing field has been leveled and the talented will float to the top. Darity and Mullens recognize that the public is not fully behind the concept of reparations. They note that a survey in 2000 showed that 59% of Blacks but only 4% of whites supported monetary payments to descendants of slaves. By 2019, Black support in another poll had increased to 74% and white support was up to 15%. In 2021, during the pandemic and after the death of George Floyd, a third poll of 1,000 showed further increases with 86% of Blacks now favoring monetary payments for descendants of slaves and close to 30% of whites³⁰. However, a UC Berkeley poll

of 6,000 Californians in August 2023 found that 59% opposed reparations, with marked racial differences: 76% of Blacks were in favor, while whites, Latinos and Asians were only 23-25 % in favor. Republicans were 91% opposed while Democrats were evenly split in the mid-40's for and against. Reasons for voting against cash payments were that it was unfair to have taxpayers pay for wrongs occurring in the past, and also unfair to single out one group when others have also been wronged³¹.

Another reason for arguing against cash reparations I call the Mitch McConnell excuse. He responded to a reporter's question on his views of reparations by saying "I don't think reparations for something that happened 150 years ago, for whom none of us currently living are responsible, is a good idea" [the general sentiment of people opposed to reparations payments] and went on to say that it would be difficult to determine whom to compensate in view of the arrival of "waves of immigrants" [his new contribution for being opposed to reparations] (June 18, 2019).

John McWhorter is a Black linguist at Columbia and a commenter on Black culture. He has an essay in the Winbush book titled *Against Reparations*, one of only two I saw which did not support the idea of Black reparations. He takes aim at Randall Robinson's book *The Debt*, which he feels is far off the mark in failing to acknowledge Black advances and achievements which have occurred, and he draws attention to the many improvements in Black opportunities. McWhorter points to Affirmative Action programs and the Community Reinvestment Act of 1977 as having benefits similar to those expected of reparations. He has come to favor experiments in which reparations address racial injustices in housing as described by Coates and others. He hopes that the emphasis of future interventions will focus on class rather than race, and the need for race-based reparations will disappear³².

The greatest obstacle to reparations, aside from the lack of support from a majority of the populace to accept such an effort, is the cost. It will require extensive education to develop the willingness to undertake such an expense in the face of the multiple other demands on government funding. The modest approaches being undertaken by Evanston and Providence may be useful models to learn from, particularly if the federal government becomes more involved. Such involvement faces pitfalls. The Biden administration attempted to launch a \$4 billion program to help disadvantaged farmers, primarily Black. Black farmers had been excluded from many programs sponsored by the Department of Agriculture, and many Black farmers had trouble obtaining bank loans. There were just under one million Black farmers in 1920; that number had fallen to 45,000 in 2020. As soon as all the white farmers heard about the new program they insisted on their fair share and went to court saying that race could not be a basis for determining such programs and represented reverse discrimination. The legislation was withdrawn³³.

The lesson from this experience has to do with the current politics of reparations. Republicans for the most part view Blacks as having social and economic equality with whites and therefore there is no need for them to require special programs and treatments. Democrats on the other hand are more likely to recognize the wealth and opportunity gaps which exist between Blacks and whites, and are more likely to seek legislative means of reducing these gaps.

Given the current state of political polarization in our country, and a closely divided Congress, there seems to be little chance of any action on reparations in the near future.

Summary

I have tried to show major features of the history of reparations for Black Americans and give a balanced description of the thinking of those in favor of monetary payments as well as the arguments against such payments. There remain unanswered questions: would smaller payments be acceptable? Could there be an experiment to learn of the effects (positive and negative) of such payouts? What about other groups with claims of disenfranchisement: it would not surprise you to learn that our indigenous people have initiated arguments for reparations, in one example making the case that all our National Parks should be turned over to “America’s original people”³⁴? I myself have a nuanced view that the wealth gap between Blacks and whites is serious and should be addressed. Any program seeking to resolve this gap cannot under current policies and court decisions be based solely on the presence of racial differences, as the response to a program aimed at Black farmers tells us. The future of reparations for Black Americans will depend on white Americans accepting the historic inequities experienced by Blacks and being willing to act on them. The least controversial way to bring this about, it seems to me, is the development of carefully crafted programs which have beneficial effects for whites as well as Blacks. My friend Bob Mnookin of Harvard Law School suggests that such a program targeting all children in families near the poverty level would have a benefit for Black families and be a policy advantageous for the entire population. As I said above, it is difficult to see any progress on this issue in the current political climate.

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