Democracy Dies in Darkness

Feds well-positioned to provide slavery reparations, Harvard study finds

New research shows there is “a moral case, societal norm, and governmental precedent for paying reparations” to Black Americans for continuing harms resulting in the racial wealth gap.

Perspective by Joe Davidson
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When President Biden proclaimed Wednesday as Juneteenth Day of Observance, he called on Americans to “recognize how the impact of America’s original sin remains.”

He listed his administration’s accomplishments of particular interest to Black America, including “one of my proudest,” signing 2021 legislation making Juneteenth, which marks the end of slavery in Texas, a federal holiday.

One item not on Biden’s list is reparations, the long overdue but still controversial payments to the descendants of enslaved people in compensation for that original sin. Reparations proposals are controversial because of people like Sen. Mitch McConnell (R-Ky.), the chamber’s Republican leader, who in 2019 said “none of us currently living are responsible” for slavery.

Now, a couple of Harvard University professors, Linda J. Bilmes and Cornell William Brooks, a White woman and a Black man, refute McConnell’s argument and related ones in a detailed, well-documented academic paper timed for this week’s Juneteenth observance.

In convincing fashion, the two authors — one of European descent, the other a great-great-great-grandson of an enslaved man — write in The Russell Sage Foundation Journal of the Social Sciences that the federal government “already has the norm, precedent, expertise, and resources to provide reparations to Black Americans.”

Washington has funded many and varied “reparatory compensation programs,” their research shows, demonstrating “that reparations for nonracial harms is regular and routine” and “that America provides reparations to nearly everyone but Black Americans, even for comparably severe harms.”

Although the politically contentious word is not commonly used to describe these forms of compensation, Bilmes and Brooks said “reparations are surprisingly commonplace practices in the federal government’s role of compensating harms.”

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The reparations list goes well beyond often cited payments to Jewish victims of the Holocaust and Japanese Americans incarcerated in World War II internment camps.

"Categories of those harmed who have been compensated include," they wrote, "coal miners; farmers whose crops have failed; workers whose companies have gone bankrupt; victims of terrorism and natural disasters; people exposed to nuclear radiation; military veterans; individuals wrongfully convicted in the legal system; people denied earnings on tribal lands; fishermen facing depleted fish stocks; individuals harmed by pesticides, toxins, vaccines, or medical devices; workers and businesses affected by U.S. trade agreements; depositors in banks; and numerous other categories."

The authors did not estimate the cost or mechanisms of a slavery reparations program. But "a key finding," Bilmes and Brooks said, is "the federal government draws on designated fees, trust funds, excise taxes, subsidized insurance premiums, and customized financial arrangements to help pay for the wide system of reparatory compensation."

One thing they recommended is a presidentially appointed national commission to study reparations, similar to one previously proposed by former Rep. John Conyers Jr. (D-Mich.) and in legislation, H.R. 40, offered by Rep. Sheila Jackson Lee (D-Tex.) in 2021. The professors also suggested an audit of federal reparatory compensation programs to gather more information about them.

Although the House and Senate have not voted on the 2021 bill, that doesn't mean action on reparations is stalled.

To the contrary, said Ron Daniels, convener of the National African American Reparations Commission. The issue is "on fire" around the country, he added, citing "Reparations on Fire," a 2022 book by D.C. lawyer Nkechi Taifa. Daniels, a longtime political activist, said he has "never, ever, ever seen a more robust" time for reparations advocacy. He pointed to the 196 co-sponsors on the House bill (the Senate legislation has 22) and scores, "maybe a couple hundred" of state and local actions related to reparations.

Evanston, Ill., is a leader on that front. As my colleague Emmanuel Felton reported earlier this month, the Chicago suburb is credited with the nation's first government-funded reparations program. Over the past two years, it paid almost $5 million to nearly 200 Black residents. Evanston's program now is threatened by Judicial Watch, a conservative organization suing to stop the program, because, it said, the "race-based eligibility requirement" violates the Constitution.

The lawsuit is part of a much broader attack on affirmative action, following a Supreme Court decision last year against related college admission programs. The attack extends to the fundamental — and once widely praised — American values of diversity and inclusion. Last week, Senate and House Republicans introduced the "Dismantle DEI Act" to outlaw federal programs that promote diversity, equity and inclusion — a keystone of Biden's administration.

Mike Gonzalez, a senior fellow with the conservative Heritage Foundation, said the Harvard professors' arguments "do not pass the test of justice, morality, logic, ethics or efficacy" and "establish collective guilt ... They mete out collective punishment and hand out collective rewards, nearly 160 years after the Civil War ended and the 13th Amendment abolished slavery."

But the continuing impact of slavery has not been abolished.

Because of “major racial harms precipitated or aggravated by actions involving the federal government,” there is, Bilmes and Brooks wrote, “a moral case, societal norm, and governmental precedent for paying reparations for these harms and the resulting racial wealth gap.”

Compensating those harmed by slavery’s legacy is “based on this norm of generosity and the idea that America as a whole is better off if we do this,” Bilmes, a former Commerce Department chief financial officer and assistant secretary, said by email.

But as the legislation outlawing federal DEI programs demonstrates, that “norm of generosity,” or even basic fairness, stops for many people where programs to right past wrongs against African Americans begin.

To answer reparations opponents like McConnell, whose “two great-great-grandfathers, James McConnell and Richard Daley,” according to NBC News, “owned a total of at least 14 enslaved people in Limestone County, Alabama,” the article presents a list of issues to demonstrate “complex, interlocking, and compounding racial harms to Black Americans spanning centuries” that followed slavery and continue “into the present moment.”

The authors argue that because “Black Americans have long been deprived of the ability to accumulate wealth,” it is consistent with American norms, precedent and practice to compensate them “for unpaid contributions to the country and in recognition of the suffering endured” during slavery and since.

“Not only are reparations regular and routine,” Brooks, a former NAACP CEO and president, said in an interview, “but we actually have the experience, the expertise and the resources to do it.”