

POLITICS

Everyone Wants to Talk About Reparations. But for How Long?

The issue makes the occasional blip in the national conversation. Yet in communities that have been fighting inequality for generations, it is more like the steady thumping of a drum.

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Senator Cory Booker of New Jersey and the journalist Ta-Nehisi Coates were among those who delivered testimony at a House subcommittee hearing on H.R. 40. (PABLO MARTINEZ MONSIVAIS / AP)

CALLIE HOUSE WAS born into slavery in Tennessee in 1861, the year Confederate soldiers attacked Union soldiers at Fort Sumter, South Carolina, and launched a war that vibrates through American history. Her exact birth date, as was the case with many people who were enslaved, was not officially recorded. As the Union army blazed through Tennessee in 1862 and 1863, her family was among those who fled slavery along with the Union's wave. She would have been about 4 years old when General William T. Sherman, the famed Union general, issued Special Field Order No. 15, which redistributed about 400,000

acres of land to recently freed black families in 40-acre blocks. It was the origin of *40 acres and a mule*, and an early example of what reparations for slavery could look like.

Sherman's order was quickly overturned. After President Abraham Lincoln was assassinated, his successor, Andrew Johnson, signed a proclamation that returned land to the planters and slaveholders who originally owned it. And those black families were left with little to nothing for the 246 years of legally sanctioned slavery. But just as the long tail of racial discrimination did not end with slavery, black people, like Callie House, did not stop fighting for what they saw as recompense for justice denied.

Today, Representative Steve Cohen of Tennessee, the chair of the House Subcommittee on the Constitution, Civil Rights, and Civil Liberties, invoked part of this history as the panel held a hearing on H.R. 40, a bill that would create a commission to study and examine reparations proposals. "Slavery was our nation's original sin," Cohen said. "Our Constitution protected it, embodying various compromises that gave disproportionate power to slave states." Enacting the bill, he added, would be "an important step in finding effective, long-term solutions to these problems, ones that can trace their origins to our nation's shameful history of slavery and antiblack racism."

The hearing, held on Juneteenth, a day celebrating the emancipation of black people—the day, in 1865, when black people in Texas found out they were free—was the first held on reparations in more than a decade. Some Democratic presidential candidates are already urging Congress to pass H.R. 40, ushering the debate into the 2020 campaign. In impassioned remarks, Representative Karen Bass of California framed the task bluntly: "At what point in this country can we have a conversation about race? We cannot get past it until we have the conversation, and the conversation begins with the commission."

The energy pulsing around the issue of reparations is fresh. But is it sustainable?

PREVIOUS ATTEMPTS TO secure reparations—or, at the very least, figure out how much is owed for state-sanctioned discrimination against black people in America—are well documented. In the late 19th century, Callie House, by then a

widow and a mother of five, was supporting her family by working as a washerwoman. But she was also launching a movement.

Through her organization, the National Ex-Slave Mutual Relief, Bounty and Pension Association, House inspired former enslaved people to demand payment for their work. They had performed years of labor, and were barred from voting, marrying, and arguing for their rights in a court of law—and, she implored them, they needed to be compensated.

Mary Frances Berry, a historian at the University of Pennsylvania, tells House's story in her 2005 book, *My Face Is Black Is True*. House's group wanted to send a petition to the federal government demanding it pay black people a pension for the work they had done during slavery. And if the government denied the request, at least there would be a written record of as many people as they could find who had been enslaved and should be paid.

“The organization demanded that Congress give reparation,” Berry told me in a recent interview, and according to the intelligence arm of the federal government at the time, “they had at least 300,000 dues-paying members.” It's unclear, of course, whether the government inflated that figure to make the group appear more menacing, Berry told me, but it was—genuinely—significant in size, and many white Americans were afraid of it.

“There were all kinds of letters written to the [Bureau of Pensions] from white people who lived in local communities, demanding that the government stop” the organization, Berry told me. According to the letters, House's group was telling black people they were going to be paid reparations, “and when the government doesn't give them anything, we're going to have hell to pay, because they're going to be mad,” Berry summarized.

The bureau saw some truth to the letters, concluding, as Berry writes in her book, that the organization was “running the Negroes wild” with its movement; and they sent agents to go to its meetings. If the black people were plotting a revolution, it should be rooted out, the thinking went. What the agents found was that the group was not doing anything more than signing up formerly enslaved black people for their petition. The people would sign their name, note what plantation they had

been on, and say how old they were. But the federal government intervened anyway, issuing an order that said House's group couldn't send its flyers through the mail.

[*Read: Ta-Nehisi Coates's testimony on reparations*]

In a letter to the Bureau of Pensions, House protested. She had gone to one of the schools the Freedmen's Bureau had set up during Reconstruction, and learned about the Constitution. The founding document gave people the right to petition the government, she argued. But the government still arrested her: It was fraud, officials said, for her to be distributing these documents when she knew the government wouldn't acquiesce to the demand.

The push for reparations didn't stop with House in prison. Nor did it stop after she died. Black people kept fighting with consistency, but with movements blunted. Supreme Court Justice Lewis Powell, in his landmark 1968 decision in the case of *Bakke v. the University of California Board of Regents*, upheld the limited use of race in college admissions, but made it clear that affirmative action was not about repair for a history of slavery. He made another pointed declaration about reparations as well: "The clock of our liberties, however, cannot be turned back to 1868," when the Fourteenth Amendment, and its critical equal-protection clause, was ratified, he wrote in his opinion. "It is far too late," he said, "to argue that the guarantee of equal protection to all persons permits the recognition of special wards entitled to a degree of protection greater than that accorded others." Further, he opined, "there is a measure of inequity in forcing innocent persons ... to bear the burdens of redressing grievances not of their making."

Powell's argument has withstood the test of time. Today, during remarks at the hearing, Representative Mike Johnson of Louisiana, the ranking member of the subcommittee, struck a similar chord. "Putting aside the injustice of monetary reparations from current taxpayers for the sins of a small subset of Americans from many generations ago ... the fair distribution of reparations would be nearly impossible once one considers the complexity of the American struggle to abolish slavery," he said. "There are tens of millions of today's non-African Americans who are descended from people who arrived in the country, of course, after slavery

ended, and therefore they can't be held responsible for its legacy."

But H.R. 40, as Berry told me, isn't about white people paying physical checks to black people. It's about studying the effects of slavery and Jim Crow, and finding out who, if anyone, should pay and how. Supporters of reparations believe the institutions that benefited from slavery and Jim Crow should pay—the colleges, the legacy businesses, and, yes, the federal government. As Ta-Nehisi Coates, whose 2014 *Atlantic* cover story, "The Case for Reparations," thrust the issue back into the national spotlight, put it while testifying today, "the federal government should pay [reparations] because the federal government was deeply complicit" in creating inequality.

A great lie among opponents of reparations is that people who suffered under slavery did not fervently, and consistently, seek what they believed was due to them, Berry told me. Reparations register in the national conversation as blips over time, but in communities that have been fighting inequality, they ring as a steady thumping of a drum.

JESSE JACKSON CAMPAIGNED for president in part on reparations in the 1980s. "There is now a different level of hearing about the same proposition," he told me in a recent interview—that descendants of slavery and the people who languished under the Jim Crow regime should be compensated. It's on the lips of Democratic presidential candidates in town halls, on television, and in key voting states such as South Carolina, places where more than 150 years ago, the promise of 40 acres and a mule seemed real. And it's also a topic of conversation among reparations' opponents, such as Majority Leader Mitch McConnell, who, yesterday, stated he doesn't "think reparations for something that happened 150 years ago, for which none of us living are responsible, is a good idea."

During his testimony, Coates rebutted McConnell's claim. "We recognize our lineage as a generational trust, as inheritance, and the real dilemma posed by reparations is just that: a dilemma of inheritance," he said. "It is impossible to imagine America without the inheritance of slavery."

Callie House was jailed for seeking reparations. Affirmative action faced sharp opposition starting nearly the moment President John F. Kennedy signed an

executive order on the matter in 1961, declaring that government contractors “take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin.” Within two decades, it was limited as a form of repair for the past. Momentum can be stymied if another force is pushing harder against it.

As Christina Greer, a political-science professor at Fordham University, told me, reparations will not likely stay at the forefront of the presidential conversation as Democrats move from the primary to the general election. Their attention will turn to immigration or the economy or jobs instead. But, for now, reparations have the nation’s ear.

Berry hesitated when I asked whether she thought reparations would ever come about. “Unless black people mount a mass movement to put pressure on to do it, I don’t think it will happen,” she said, after a pause. “It’s not going to happen in quiet lounges and dinners and among people talking in Congress. It’s going to require pressure from ordinary people.” The question for reparations’ supporters may be: How loud are they willing to get?



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