



INTERVENTION

The Rise of the Reparations Movement

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Reparations—for the transatlantic slave trade, slavery, sexual slavery, genocide, colonialism, apartheid, disfranchisement, and the multiple other forms of racial discrimination and exploitation—has surged to the forefront of antiracist advocacy in the black world, particularly in the United States. It offers an innovative and compelling way to move beyond inadequate and besieged civil rights discourses, to revive black-led global anticapitalist and anti-imperialist projects, and to radically intervene in the discourse of globalization. Indeed, in light of the expansion of international juridical forums and precedents, the recent rise of reparations is inseparable from the rise of globalization. The philosophical and tactical brilliance of reparations lies in its synthesis of moral principles and political economy. If the crimes and depredations inflicted on African nations and African descendants over centuries have relied on strategies of dehumanization in the service of power, profit, and conquest, then the efforts to identify, halt, and redress them must insist on explicit acknowledgment and repudiation of such strategies, alongside comprehensive material efforts to indemnify them. Rather than a retreat into narrow nationalism, as many have cast(igated) it, reparations represents the culmination of a long African American human rights struggle.

The biggest achievement in the rapidly growing reparations movement was the 2001 (finalized in 2002) declaration of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance that “slavery and the transatlantic slave trade are a crime against humanity.” This document vindicates the long labors of Ida B. Wells, W. E. B. Du Bois, Monroe Trotter, Marcus Garvey, Paul Robeson, Mary McLeod Bethune, William Patterson, Audley

Radical History Review

Issue 87 (fall 2003): 5–18

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Moore, Malcolm X, Huey Newton, and Imari Obadele to use international bodies and the collective power of African and Asian nations to force the West to confront its own history. In the United States, the World Conference against Racism has drawn heightened attention to reparations initiatives already underway. The Reparations Coordinating Committee (RCC) and the National Coalition of Blacks for Reparations in America (N'COBRA), working on behalf of 35 million American descendants of enslaved Africans, is preparing to file class action lawsuits against agencies of the federal and state governments. Reparations litigation against private corporations alleged to have profited from slavery has already begun. On March 25, 2002, in a U.S. district court in Brooklyn, Deadria Farmer-Paellmann and other plaintiffs filed suit against Aetna Life Insurance Corporation, FleetBoston Financial Services, and CSX Incorporated, a railroad giant, on the grounds that they “knowingly benefited from a system that enslaved, tortured, starved and exploited human beings.”¹

Still, reparations is not a new demand in African American advocacy. In the nineteenth century, many former slaves expressed the view that the slave system constituted a theft of labor, life, and liberty that demanded an accounting. After the Civil War, landownership constituted a major goal of the former slaves who strongly supported the confiscation, division, and redistribution of large plantations. There were several federal attempts to do this, the most famous being General Sherman's Field Order #15, which divided plantations along the Atlantic Coast into forty-acre parcels to be distributed to 40,000 emancipated workers. However, these efforts to construct a foundation for a free labor system in the South—which were not necessarily motivated by a desire to compensate the former slaves for expropriated labor—were later reversed or defeated. In contrast, many slaveholders received compensation for the loss of their slave “property.” The U.S. government compensated slave owners on the abolition of slavery in the District of Columbia, and Haiti was forced to pay \$150 million in compensation to the French after it achieved independence.

The federal government's betrayal of a promise to transfer land to the former slaves became a foundational story in the oral history of Reconstruction passed down in black families and communities into the twentieth century. Deadria Farmer-Paellmann—the lead plaintiff in the class action lawsuit against Aetna and the researcher who discovered that the company had written life insurance policies on human property—said, “My grandfather always talked about the forty acres and a mule which we were never given.” In his 1960s song “Forty Acres and a Mule,” Oscar Brown Jr. reminded his listeners that “ain't nobody paid for slavery yet, we had a promise that was taken back.”²

With northern migration and urbanization, land receded as a primary demand, but the belief that the United States owed a debt to the descendants of

enslaved Africans animated twentieth-century black protest and was a much more visible theme in the civil rights/black liberation movement than historical accounts generally acknowledge. In 1955, Audley Moore, a Harlem activist originally from Louisiana, founded the Reparations Committee of Descendants of United States Slaves. “Queen Mother” Moore pioneered grassroots education on reparations and for the next three decades dedicated herself to spreading the message among black activists and intellectuals. She planted the seed in a young Charles Ogletree Jr. when he was seated next to her on a flight to Tanzania. Currently a professor at Harvard Law School, Ogletree cochairs the RCC with Adjoa Aiyetoro and Randall Robinson. In his 1963 book, *Why We Can't Wait*, Martin Luther King Jr. argued that the United States owed social and economic compensation to black America for the wrongs of slavery and segregation and vowed to make this the next goal of the black freedom struggle. The A. Philip Randolph Institute lobbied Congress for what it called a Freedom Budget, and the National Urban League advocated a “Marshall Plan for Black America,” remedies that embodied the spirit of reparations by insisting on the government’s obligation to financially repair the group harm caused by institutionalized racism. The 1969 “Black Manifesto” by James Forman, a leader of the Student Non-Violent Coordinating Committee, demanded reparations in the form of a southern land bank, publishing houses, television networks, universities, and skills training centers. Forman envisioned reparations as an opportunity to reverse the consequences of racial capitalism and promote thoroughgoing social and economic development in black America.³

Reparations has long been a goal for a range of U.S. black nationalist groups, usually in concert with the quest for territory and political self-determination. In the late nineteenth century, Henry McNeal Turner, a prominent AME Bishop, critic of U. S. imperialism, and advocate of African American emigration to Africa, called for \$40 billion in reparations for slavery. Beginning in the 1940s, the Nation of Islam urged reparations for slavery and called on the federal government to cede several southern states to become the territory of an African American nation. In 1968, the Republic of New Africa called for reparations in tandem with its insistence that neither the former slaves nor their descendants had ever been given the option of imagining themselves as an independent nation. The Black Panther Party shared this view and put its own call for reparations alongside a demand for a U.N.-sponsored plebiscite in which black people could express a position on their national aspirations. Personifying the links between past and present reparations advocacy, Imari Obadele, one of the founders of the Republic of New Africa, also cofounded N’COBRA in 1988, currently the largest grassroots reparations organization in the United States.⁴

The contemporary reparations struggle also builds on two hallmarks of the black radical tradition: an economic analysis of white supremacy and the use of global solidarity networks and international forums to define national racisms as a

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violation of international human rights protocols. Black farmers, who filed a class action lawsuit in 1999 against the U.S. Department of Agriculture for discriminatory lending that caused the loss of their land, call their struggle “economic human rights,” a phrase that captures the essence of the reparations struggle as well. In the last few years of his life, King came to emphasize what W. E. B. Du Bois had underscored earlier, namely, that legal and political rights would not bring racial equality unless they were accompanied by a confrontation with the economic dimension of white supremacy past and present. Each argued that the fruits of slave labor and subsequent black labor exploitation nurtured American capitalism, which remained hostile to black economic development. Like some other African American antiracist activists who started out as integrationists, they each came to argue that the U.S. political economy needed a fundamental transformation in order to value black humanity and create the conditions for black economic empowerment.

Similarly, reparations builds on a long tradition of black internationalism and pan-Africanist organizing. After World War I, W. E. B. Du Bois organized a pan-African congress in Paris to exert influence on the Paris peace talks. Since World War II, several African American rights groups have filed petitions seeking U.N. intervention in the United States to halt the systematic violation of the human rights of black people. Malcolm X’s preference for “human rights” over “civil rights” reflected his efforts to politically connect black Americans to a global history of slavery and slave trading and guided his attempts to gain the solidarity of African nations for a petition to the United Nations. Reparations, in short, is neither foreign nor marginal to African American political advocacy. It has been championed most visibly and consistently by black nationalists, yet liberals and leftists, too, have supported remedies and analyses that embody the spirit of reparations.

Still, the reparations movement has never enjoyed greater popularity among African Americans or mainstream black leadership than now, 138 years after the official end of slavery. A variety of developments account for its growing appeal. An important context for the rise of the reparations movement is the growing number of national and international settlements in which governments or corporations have been made to atone for and/or compensate a group they knowingly victimized, murdered, deprived of liberty or property, or otherwise wronged. In 1988, Congress granted an apology and compensation to the survivors and relatives of Japanese Americans imprisoned in concentration camps during the Second World War. This had a significant impact on African American organizing, sparking the formation of N’COBRA. A year after the Japanese American settlement, John Conyers, a U.S. representative from Michigan, introduced H.R. 40, a bill calling for the federal government to study the impact of slavery and make recommendations for reparations to the 35 million American descendants. In 1994, the state of Florida agreed to pay reparations to the survivors of the 1923 Rosewood massacre, and in 1993, Congress

formally apologized for the U.S. conquest of Hawaii and the deprivation of sovereignty. These cases indicate the government's willingness to financially repair past injustices motivated by racial hatred, although the Rosewood and Japanese internment cases differ from the slavery case because they grant compensation to individual victims with a demonstrated link to the injustice.⁵

Internationally, many precedents for reparations exist. The German government and private corporations have paid \$65.2 billion to survivors of the death camps and forced laborers during the Holocaust. Germany has also paid reparations to the state of Israel, a redress that resembles the African American case somewhat, since the reparation is not made to actual victims of the Holocaust but to Jews collectively through the state of Israel. More recent cases against corporations for using slave laborers in wartime Germany won large settlements and have inspired similar litigation in the United States. In recent years, several countries including Argentina and South Africa have established commissions to investigate the injury and harms inflicted during apartheid or periods of military dictatorship. In contrast, the United States has never authorized an examination of this nation's participation in the enslavement of Africans and the segregation and labor exploitation of their descendants. There is neither a national slavery museum nor a memorial to the millions who perished in the transatlantic slave trade.⁶

A second major reason for the rise of the reparations movement is the growing African American conviction that until the United States confronts the full scope of harms inflicted on enslaved Africans and their descendants, genuine healing and racial justice will remain impossible. The assault on the gains of the civil rights era, combined with a growing sense that these very gains are insufficient tools to unmask and defeat white privilege, has sparked a reassessment of the goals and strategies of the racial justice movement. The backlash has been overwhelming, and undertaken by all branches of government. The right, joined in some instances by liberals in the Democratic Party, has targeted affirmative action, voting rights, defendant's rights, civil liberties, welfare, public housing, and public education. While the rise of the reparations movement is connected to this backlash, it is revisionary rather than defensive. It forges new ground—both in theory and practice—to address the legacy of slavery in the United States. Reparations changes the discursive image of African Americans from victims to creditors and revises the dominant narrative of American social, political, and economic history in order to emphasize the debt owed to African Americans. While the civil rights era called for moral change, overcoming personal prejudice, and making official practices consistent with “the American creed,” reparations makes us rethink what drove racial domination in the United States. It underscores that white supremacy did not arise from ignorance or personal antipathies, but from the pursuit of wealth, power, land, tobacco, sugar, cotton, silver, railroads, and cheap labor. This shifts the paradigm of antiracist struggle away

from African Americans as supplicants “asking for concessions” toward seeking what is properly due to the descendants of slaves. It also builds the basis for more fundamental transformations not only in black socioeconomic status but in how Americans understand class formation in the past and present. One reason that reparations elicits such emotional opposition from many Euro-Americans is that it poses an ideological challenge to the dominant American mythology that has served them so well: it questions the Horatio Alger narrative of upward mobility that American culture promotes in order to rationalize social inequality.

Moreover, political activism against the criminal (in)justice system has shone light on the fact that fifty years after the Voting Rights Act, 13 percent of adult black men have permanently lost the right to vote due to felony convictions, and the numbers are increasing. The roots of this phenomenon actually go back to the political repression following Reconstruction. In Florida, a law disfranchising felons was one way the state circumvented the Fifteenth Amendment and took the ballot away from former slaves and their descendants. In sum, the civil rights movement did not address the untold loss of life, liberty, personhood, culture, language, labor, and wages during slavery. Its goal of ending de jure segregation simply constituted a beginning. A reparations commission could uncover and publicize the historical and structural roots of racial disparities in order to illustrate that resources and opportunities were intentionally and systematically denied to black Americans for generations. Such a process can help point the way toward a remedy and underscore the justness of it.

According to legal scholar Adrienne D. Davis, innovative reparations litigation can propel the process of moving beyond exhausted and defeated civil rights strategies. The Thirteenth Amendment, she argues, offers unexplored pathways to an emancipatory jurisprudence. A case that relies on the Thirteenth Amendment’s prohibition of slavery and its vestiges can get around the color-blind jurisprudence that has captured Fourteenth Amendment litigation. The Thirteenth Amendment, with its very specific connection to enslaved Africans and their descendants, is expressly authorized to focus on racial harms. Moreover, it can authorize federal redress of economic harms, which up to now have been excluded from federal remedy by Fourteenth Amendment case law. Finally, the Thirteenth Amendment does not prohibit a dual attack on private and public acts of discrimination and thus can overcome the Fourteenth Amendment’s failure to protect African descendants from private acts of racial harm.⁷

The success of reparations seems dependent on the ability of its advocates to change public consciousness about slavery and segregation. As a retired teacher in Washington, DC, observed, “At one time I thought that slavery should be forgotten. But I’ve changed my mind. Our families worked and got nothing.”⁸ The movement is propelled by the belief that public support will grow as more and more research

and data comes into public view. Indeed, the rise of the movement is inspiring a range of new scholarship and investigative journalism. Last year, a graduate student study of Yale University disclosed that its origins—including its first endowed scholarship, first endowed professorship, and first endowed library fund—were financed with moneys earned from the slave trade. Moreover, nine of the ten men for whom the prestigious residential colleges at Yale are named owned slaves. *USA Today* and the Associated Press have each conducted pathbreaking investigations into corporate ties to slavery and the theft of black-owned land in the Jim Crow South. Likewise, the *Hartford Courant* devoted an entire issue of its Sunday magazine and an interactive Web site to a comprehensive study of slavery in Connecticut, which educators across the state have begun using.⁹

The reparations push parallels shifts in the nature of scholarship on racial inequality, which emphasizes that Euro-American wealth has come at the expense of African Americans and reveals the culpability of the state. Works on the New Deal state emphasize the exclusions of African Americans from many social programs. When the federal government began to subsidize home ownership, laying the basis for the huge expansion of the middle class, it used a practice called red-lining which explicitly labeled black or mixed neighborhoods as bad risks and made them ineligible for loans. Banks also adopted this practice, creating a powerful obstacle to black access to home ownership. Similarly, the pension system created in the Depression intentionally deprived African Americans of benefits that whites received. Social security initially excluded the occupations of agricultural workers and domestic service, precisely because these were the occupations that most African Americans held. Until as recently as 1997, the U.S. Department of Agriculture had a close to zero approval rate for loans to black farmers. Racial preferences in government programs gave whites a big head start in accumulating and passing down assets to their children.¹⁰

The fight for reparations is being waged in domestic and international arenas, and with multiple weapons: legislative, legal, and grassroots education. Many advocates think that like the Japanese American internment claim, the claim for reparations to African Americans will ultimately be heard and settled in Congress. The number of congressional supporters of H.R. 40, first introduced in 1989, has grown, but the bill has never made it out of the Judiciary Committee. Polls show that African Americans strongly support H.R. 40, and all the major civil rights organizations have endorsed it, including the NAACP, the Southern Christian Leadership Conference, the Rainbow PUSH Coalition, and the Leadership Conference for Civil Rights. In addition, two major international human rights organizations, Africa Action and Human Rights Watch, have also endorsed the call for reparations. In an effort to increase popular support and build pressure on members of Congress, a grassroots reparations movement has developed to urge passage of city and state res-

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olutions calling for congressional action. Chicago passed such a resolution two years ago, as have Baltimore, Dallas, Nashville, Cleveland, Detroit, Evanston, Illinois, and the state of California. During the mobilization in Evanston, the area's Congressional representative Jan Schakowsky announced her support for H.R. 40, exemplifying what the municipal resolution strategy aims to achieve.

Given the Republican Party's success over the last two decades in pushing the federal bench to the right, there is much uncertainty about the fate of reparations litigation. Moreover, competing theories exist on the most appropriate legal arguments and strategy as well as the best ways to achieve standing, overcome the sovereign immunity of the U.S. statute of limitations, the legality of slavery, and other issues. A federal judge's dismissal of a reparations suit against the federal government in 1995 on the grounds that the United States cannot be sued in tort for slavery prompted Deadria Farmer-Paellmann to focus on corporate defendants. Her highly publicized discovery of an Aetna insurance policy issued on the life of a slave has sparked broader investigation of the role that profits from slavery played in laying the foundation for modern American corporate wealth. It also propelled a new round of state and local legislative initiatives. In 2001, California passed a law requiring insurance companies doing business in the state to report information on slaveholder policies. In August 2002, the Chicago city council passed an ordinance requiring all enterprises conducting business with the city to disclose any profits they might have made from slavery. It will be interesting to assess the reaction of railway giant CSX, which is currently a defendant in a reparations lawsuit and has a major contract with the city of Chicago. The historian Theodore Kornweibel is at work on a study of the use of enslaved labor by antebellum railroads, and he has thus far identified thirty-six lines owned by CSX built by enslaved workers.

The litigation filed in March 2002 against Aetna, Fleet, and CSX has been consolidated with litigation filed in California, Louisiana, Illinois, Texas, and New Jersey and assigned to federal judge Charles Ronald Norgle in Chicago, a Reagan appointee. In Louisiana, over 3,000 named plaintiffs filed a class action lawsuit in September against Brown Brothers Harriman, Aetna, Lloyd's of London, Liggett Group, Brown and Williamson, R. J. Reynolds, the Loews Corporation, and four railroads—CSX, Canadian National, Norfolk Southern, and Union Pacific. In San Francisco, a complaint was filed in a state court in September against Fleet, Aetna, Lloyds of London, New York Life Insurance, R. J. Reynolds, Brown and Williamson, Loews, and the Canadian National Railway Company. Just as in many of the cases against corporations using slave labor during the Nazi era, lawyers and advocates hope that the litigation, or threat of it, will induce these corporations to make settlements and offer apologies. Reparations advocates also view this litigation as a means to advance H.R. 40. The media exposure and educational campaigns stimulated by

the litigation have raised national awareness of the reparations claim, and activists hope this will gradually build pressure on Congress to step in and make a comprehensive reparations settlement.

There is also litigation not explicitly about “reparations” but closely related to the reparations movement. As a result of a class action lawsuit, *Thompson v. Metropolitan Life Insurance Co.*, Met Life recently agreed to a settlement with its African American policyholders, or their descendants, who were paid lower premiums based on race. This settlement will likely spur more cases. In general, as our knowledge of the extent of thefts and appropriation during the slavery and Jim Crow eras grows, racial justice efforts will increasingly shift toward economic redress.

Despite the publicity and new research generated by the corporate litigation, many reparations activists believe the heart of this struggle must be a confrontation with the U.S. government, whose offices and officials actively encouraged, abetted, and condoned the institution of slavery. Two major groups are preparing litigation against state and federal governments, N’COBRA and the RCC. N’COBRA will file a series of federal lawsuits—the first will focus on the criminal justice system—while the RCC is evidently ready to file its cases soon. These cases, however, will remain steeped in secrecy until they are filed.

Like every single previous movement for racial justice in the United States, reparations has legions of critics. Many skeptics zero in on the question of a remedy—imagining it as impractical due the scope of the injury, or as a political minefield whose implications and price tag are destined to inflame whites. But these objections simply describe the enormity of the task rather than delegitimize it. Reparations advocates and attorneys argue, logically, that the remedy will flow from the nature of the injury, which powerfully underlines the importance of collecting as much documentation, history, and data as possible. In this respect, historians and other scholars have never proven so valuable to a social movement. Nevertheless, a variety of creative proposals have been suggested. Some activists have proposed that a reparations settlement be administered through a trust in order to ensure economic and educational development. Some leaders have called for free education or health care, debt relief, tax relief, or other in-kind transfers. To be sure, the outcome and remedy will indicate the sincerity of the process.

The United Nations has emerged as an extraordinary stage for the reparations movement. Over a decade of advocacy and organizing at the U.N. Human Rights Commission by (among other African American groups) the December 12th Movement, led the United Nations to convene the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa, in September 2001. There had been other U.N. world conferences, including one on human rights in Vienna in 1993 and on the status of women in Beijing in 1996. In 1997, the lobbying of several African, Asian, Latin American, and Caribbean

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nations secured a commitment by the U.N. for a world conference against racism. In planning meetings, the African Descendants Caucus brought together reparations activists from across the diaspora, including representatives from many U.S. groups: The December 12th Movement, N'COBRA, All for Reparations and Emancipation—a group associated with the Lost/Found Nation of Islam—the Black Radical Congress, and the National Black United Front (NBUF). They formulated an agenda for Durban that stressed three goals: to characterize the institution of slavery and the transatlantic slave trade as crimes against humanity, (crimes against humanity have no statute of limitations in international law); to assert the economic motive of white supremacy; and to call for reparations. From the earliest preparatory stages, the United States and the European Union worked aggressively to contain the political reach of the World Conference against Racism—indeed, the words “xenophobia and related intolerance” were added as a concession to the West; the conference was originally intended to have an exclusive focus on Africa and African descendants.

The December 12th Movement and NBUF helped to organize the African American NGOs contingent to the World Conference against Racism, which became known as the Durban 400. Fully cognizant of U.S. and E.U. opposition to their agenda, the Durban 400 aggressively lobbied African, Asian, and Latin American nations to support it. When it became clear that getting a call for reparations into the document was unlikely, the Durban 400 focused on having slavery and the transatlantic slave trade declared as crimes against humanity. Gaining the support of the forty-five African nations present proved decisive. Some nations, like Senegal and Zimbabwe, were very supportive from the beginning, but Nigeria and South Africa proved harder to persuade, although they ultimately endorsed it. Evidently, South Africa, whose economic development strategy relies heavily on Western investment, feared alienating the United States.

Representatives of the U.S. government opposed the designation of transatlantic slavery as “a crime against humanity” as well as the effort to include a call for reparations in the final document. The United States threatened to boycott Durban and ultimately only sent lower-level officials, who subsequently engaged in a highly publicized walkout. The United States and Israel had also protested efforts by Middle Eastern nations to characterize the Israeli treatment of Palestinians as akin to colonial conquest and occupation. The mainstream media coverage of the U.S. walkout tended to characterize it as a principled pro-Israeli act, rather than as a cowardly retreat from confronting the history and legacy of slavery.

In the end, the Durban Declaration and Programme of Action signed by 168 nations declared that slavery and the transatlantic slave trade “are crimes against humanity,” a determination that reparations advocates hope will make the United States more vulnerable in legal action. One caveat is that the document modifies this assertion with the clause, “and should always have been so, especially the transatlantic

slave trade.” This constitutes an apparent concession to those who argue that slavery was widespread and “lawful” in many parts of the world and is seen as a crime against humanity only in retrospect. Even though the Programme of Action failed to include advocacy of reparations, activists still view it as an extremely important achievement. Despite the U.S. walkout, and the country’s failure to sign the document, the World Conference against Racism pushed the issue of reparations irrevocably into international political and media discourse. Moreover, reparations remains a hot-button issue for the body created by the United Nations to implement the results of the conference: the Working Group of Experts on People of African Descent living in the Diaspora. This working group, whose stature and seriousness remains unclear, is charged with considering the means to eliminate racial discrimination.

Reparations advocates hope to develop and institutionalize the transnational organizing and solidarity that proved so effective at the World Conference against Racism. Toward this end, the African and African Descendant NGO Follow-Up Conference convened in October 2002 in Bridgetown, Barbados, drawing six hundred people. The conference began on a note of controversy when a delegation from the United Kingdom offered a resolution to expel the twenty or so non-African descendants in attendance—reportedly a diverse group which included a Euro- and Asian American couple making a documentary on reparations, a Lebanese activist who came to offer solidarity from the Palestinian struggle, and several white Barbadians working as official translators. After a long debate, conferees passed the resolution, but a few delegations walked out in protest, including the one from Cuba. The varying perspectives on the expulsion shed light on the strains that can arise in a movement that includes a variety of ideological tendencies. Some activists expressed concern that the expulsion would stigmatize the reparations movement as “hyper-nationalist.” They emphasized the urgency of repairing the rifts, particularly with the Cubans, who have a long record of support for African American and African liberation struggles. Yet others have argued that the attention to this issue has been excessive and have defended the expulsion on the grounds that only Africans and African descendants had been invited. The conference generated the Bridgetown Protocols, and the creation of a new organization, the Global Afrikan Congress, whose mission is to implement them.¹¹

The movement for reparations in other nations has also grown in recent years, although not quite as quickly or as broadly as it has in the United States. A major turning point in the development of support for reparations by African nations was the 1993 Abuja Proclamation sponsored by the Organization of African Unity’s Reparations Commission. Many activists in Africa identify debt cancellation as an essential first step in reparations. The U.S. human rights organization, Africa Action, has condemned the “illegitimate, immoral and crippling foreign debt that African countries owe to the wealthy white countries and the international institu-

tions that represent their economic interests.” Every year, forty-eight countries in sub-Saharan Africa pay \$13.5 billion to “rich foreign creditors for past loans of questionable legitimacy.”¹²

As in the United States, activists in other nations are using litigation against both corporations and nation-states to redress colonialism, slavery, and the slave trade. In Jamaica, attorneys have begun filing what will be a series of lawsuits against European nations in order to recover wealth acquired through the slave trade. They recently filed a case against the British monarchy and served a writ on the Queen of England when she visited Jamaica this past year. Litigation will follow against France, Germany, and Belgium, and later against Spain and Portugal. In Namibia, the Herrero ethnic group filed a lawsuit against three German corporations for genocide committed against their ancestors during German colonial rule. The Democratic Republic of Congo has charged Belgium with genocide for the slaughter of millions during a ruthless colonial regime as well as for the assassination of independence leader Patrice Lumumba.¹³

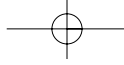
The strategy of corporate litigation has taken off in South Africa, much to the concern of the government, which worries about alienating Western investors. Ed Fagan, an attorney who won a settlement from Swiss banks for victims of the Jewish Holocaust, has filed suit against a variety of corporations on behalf of victims of apartheid. Additionally, in November 2002, two activist groups in South Africa filed suit in a U.S. federal court against twenty global corporations for allegedly encouraging human rights abuses by doing business in apartheid South Africa. The companies ignored a boycott of Pretoria called by the United Nations and supplied the apartheid regime with loans and markets. The litigation, which seeks billions from oil companies, automakers, and banks, reflects, in part, the slowness of the Truth and Reconciliation Commission in awarding their extremely small pledges of reparations. Reflecting the clash between postapartheid social justice aspirations and the triumph of a market-oriented regime, the South African justice minister Penuell Maduna said, “We are not supporting the claims for individual reparations. We are talking to those very same companies named in the lawsuits about investing in post-apartheid South Africa.” The government, however, is not taking a formal position on the litigation.¹⁴

As the reparations movement stands poised to intensify with the imminent federal litigation, some progressives have raised concerns about the movement’s progress toward achieving its post-Durban aim of creating a “critical mass demand for reparations” and expanding the movement’s base to reach all sectors of the African American community. The high profile participation of attorneys new to the reparations movement has alienated some veteran activists. One journalist quipped that the Millions for Reparations Rally in Washington, DC, in August 2002 constituted an effort by nationalists to recapture leadership of the movement.¹⁵ Perhaps,

inevitably, some ideological strains have accompanied the expansion of the movement. Unity and coordination, however, will prove urgent for organizing successful mass demonstrations or other grassroots mobilizations. Finally, the particular exploitation of black women has remained undertheorized and underdiscussed in the movement, although this can be overcome. Will, for example, the pending litigation address sexual slavery or the abuses of the reproductive liberty of African American women since emancipation? According to reparations activists, the primary challenge for the movement lies less in finding the foolproof legal argument or locating the best jurisdiction, but in building grassroots support for reparations, both in the United States and around the world.

Notes

1. Corey Dade, "Fleet, 2 Other Firms Sued over Slavery," *Boston Globe Online*, March 27, 2002, available at www.boston.com/globe.
2. Herb Boyd, "Three Major Corporations Hit with Class Action Lawsuit," *The Black World Today*, March 31, 2002, available online at www.tbwt.com.
3. Charles Ogletree Jr., speech to the National Reparations Convention, March 23, 2002, DePaul University, Chicago, Illinois; Martin Luther King Jr., *Why We Can't Wait* (New York: Penguin Putnam, 2000); Dona C. Hamilton and Charles V. Hamilton, *The Dual Agenda: Race and Social Welfare Policies of Civil Rights Organizations* (New York: Columbia University Press, 1997); James Forman, *The Making of Black Revolutionaries* (Washington, DC: Open Hand, 1985).
4. Robert C. Smith, "Imari Obadele: The Father of the Modern Reparations Movement," available at www.africana.com.
5. Charles J. Ogletree Jr., "Litigating the Legacy of Slavery," *New York Times*, March 31, 2002.
6. For an examination of national and international precedents, see Robert Westley, "Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations," *Boston College Law Review* 429 (1998): 40.
7. Adrienne D. Davis, "The Case for United States Reparations to African Americans," *Human Rights Brief*, 2000, available at www.wcl.american.edu/hrbrief/07/3reparation.cfm.
8. Barbara Dodson Walker, qtd. in Tamara Audi, "Payback for Slavery: Growing Push for Reparations Tries to Fulfill Broken Promise," September 18, 2000, available at www.freep.com/news/nw/repay18_20000918.htm.
9. See Anthony Dugdale, J. J. Fueser, and J. Celso de Castro Alves, "Yale, Slavery, and Abolition" (New Haven, CT: Amistad Committee, 2001); *USA Today*, February 21, 2002; "Complicity: How Connecticut Chained Itself to Slavery," *Northeast: The Sunday Magazine of the Hartford Courant*, September 29, 2002; and www.ctnow.com/slavery.
10. See, e.g., Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993).
11. Information on the World Conference against Racism, the Durban 400 and various lawsuits is based, in part, on phone interviews with Adjoa Aiyetoro, Roger Wareham, and Stan Willis in the fall of 2002.
12. Africa Action, "Position on the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance," August 22, 2001, available at www.africapolicy.org.



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13. Bert Wilkinson, "Africans Join Hands to Seek Compensation," available at www.dawn.com/2002/10/08/int10.htm.
14. Ed Stoddard, "S. African Groups File Apartheid Suit against Firms," November 12, 2002, available at www.reuters.com; and Rory Carroll, "S. Africa Shuns Apartheid lawsuits," *Guardian*, November 27, 2002, available online at www.guardian.co.uk.
15. Off-the-record conversation with a Chicago journalist.

