

Testimony of

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On behalf of the
National Coalition of Blacks for Reparations in America
(N'COBRA)

On

THE LEGACY OF THE TRANS-ATLANTIC SLAVE TRADE, THE
AFRICAN DESCENDANT JUST DEMAND FOR REPARATIONS,
AND THE NEED FOR PASSAGE OF HOUSE RESOLUTION 40

Before

The US House of Representatives Subcommittee on the
Constitution, Civil Rights and Civil Liberties

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I. Introduction

I am Kibibi Tyehimba, Co-Chair of the National Coalition of Blacks for Reparations in America (N'COBRA). I appreciate the opportunity to testify before members of the Congress during its briefing on the Legacy of the Trans-Atlantic Slave Trade, as this hearing is critical to understanding the importance of House Resolution 40. Today I pay homage to my African ancestors, and give voice to the millions who perished during the so-called Trans-Atlantic slave trade, and who suffered untold atrocities during the American era of enslavement. Were it not for their strength, and perseverance we would not be here, nor would Americans be able to enjoy the standard of living for which this country is known.

At the request of Dr. Imari Obadele, the founding meeting for N'COBRA was convened on September 26, 1987 here in Washington, DC, for the purpose of broadening the base of support for the long-standing reparations movement. This meeting took place following the introduction of legislation seeking reparations for Japanese Americans interned during World War II.

*"The mission of the National Coalition of Blacks for Reparations in America (N'COBRA) is to win full Reparations for Black African Descendants residing in the United States and its territories for the genocidal war against Africans that created the TransAtlantic Slave "Trade," Chattel Slavery, Jim Crow and Chattel Slavery's continuing vestiges (the Maafa). To that end, N'COBRA shall organize and mobilize all strata of these Black communities into an effective mass- based reparations movement. N'COBRA shall also serve as a coordinating body for the reparations effort in the United States. Further, through its leadership role in the reparations movement within the United States and its territories, N'COBRA recognizes reparations is a just demand for all African peoples and shall join with others in building the international reparations movement."*¹

N'COBRA's primary objective, which it met, was to make reparations a household word and build support nationally and internationally. As a result, interest in the reparations debate has moved beyond the so-called "fringe" groups to the media, universities; city and state legislatures; church organizations of every denomination; and civic associations with members from various socio-economic, political, racial and ethnic backgrounds. We applaud local and national N'COBRA leaders and members too numerous to mention here today for their personal sacrifices made over these last 20 years.

II. Background

For 246 years, the US government and the prior colonies, participated in one of the greatest holocausts of human history, the holocaust of enslavement, during which, millions of African people perished and millions more endured every imaginable and some unimaginable horrors ever inflicted upon a group of people solely because of their group identity and the greed of those who committed these crimes against humanity. The US and the prior colonies sanctioned with its Constitution and enforced with covert and overt violence, the genocidal process that destroyed millions of human lives, human cultures, and the human possibility inherent in African life and culture. Millions of Africans were kidnapped, torn from their homeland, Africa, and their rich cultural heritage. Innocent women, children, and men were brutally maimed, murdered, raped, terrorized and tortured during the middle passage voyage to America. Within American shores, they were denied the right to maintain their language, spiritual

practices and normal family relations. New families created during enslavement were constantly under the threat of being torn apart at the whim of the "slave owner." Following the official end of slavery, racist repression continued, which further destroyed lives, and communities. However the US has yet to acknowledge this horrific destruction or to take steps to make amends for it. Following the official end of slavery, racist repression continued, which further destroyed lives, communities, and possibilities.

While slavery impoverished Africa, and particularly West Africa, it played a crucial role in the development of the modern world economy that is presently dominated by the US. The free labor of enslaved Africans produced major consumer goods and services, and provided the stimulus for shipbuilding, banking, and insurance in both the US and England. Yet after reaping the benefits of free labor, in 1865 the federal government freed 4 million Blacks in January, no less, to wander the countryside, one of the coldest months of the winter, without a dime, with no property, and largely illiterate, leaving few choices for the freed African peoples other than to exist in virtual slavery locked in place by Black Codes, convict lease, peonage, and cleverly crafted share cropping schemes. Jim Crow laws, followed by institutionalized racism, kept African descendants locked in vicious cycles of poverty that are still evident today. Presently dual systems exist in almost every area of life including wealth, poverty, health care, education, employment, and criminal punishment. Hard-won gains, such as Affirmative Action, voting rights, the right to equal education, and equal protection under the law, are being rolled back, and the victims of generations' old racism and discrimination are being blamed for their own oppression.

III. The Injuries of Slavery Defined

Informed, honest historians and social scientists acknowledge the lingering affects of slavery on present day African American life. Accordingly, in 1996 and 1997, the N'COBRA Legal Strategies Commission, chaired by Adjoa A. Aiyetoro, set out to develop an approach to reparations litigation. The commission's work led to the identification and documentation of five distinct injury areas suffered by African people during and after enslavement. The injury areas include:

- **Peoplehood/Nationhood** - The destruction of African peoples' culture, and the infringement of the larger culture upon Black people of African descent in the United States and the prior colonies. Jim Crow and ongoing discrimination have resulted in a denial of our right to openly express our culture, appropriation of our culture, and denial of the right and resources necessary to be a self-determining people. Throughout this country's history African Descendants' efforts to be self-determining have been met with violence and destruction, as evidenced by the untold numbers of Black townships, such as Greenwood, Oklahoma; Redwood, Florida; and Wilmington, North Carolina--townships ultimately destroyed because of the surrounding white community's jealousy and need to suppress models that refuted their claims of white superiority.
- **Education** - The denial of our right to an education started in slavery with criminal sanctions imposed on our enslaved ancestors who learned, and anyone who taught them to read or write. Maintenance of dual, separate but unequal systems from slavery to the present provided an inferior education in schools with predominantly Black students of African ancestry. Federal funds were often provided schools despite this dual education system-- one predominantly Caucasian and the other for predominantly Black students of African ancestry.

- **Criminal Punishment** - The enslavement of African peoples necessitated the development of a dual punishment system that continues to exist in the U.S. This dual system punishes Black people of African descent more harshly than Caucasians for the same conduct. Examples of the dual system were found from the period of enslavement through the Jim Crow era. The ongoing discrimination is most vividly evident with the continuation of disparate punishments for crack and powder cocaine (Black people of African ancestry are more frequently charged with possession of crack and certified to the federal system where a Caucasian person would have to possess 100 times more powder cocaine than crack cocaine to receive the same punishment. The result has been a disproportionately higher number of Black people of African descent being incarcerated for violation of the drug laws). In addition, Black people of African descent are subjected to racial profiling and the disparate imposition of the death penalty where Black men are more likely to be charged and convicted of a capital offense than a similarly situated Caucasian and particularly for killing a Caucasian.
- **Wealth/poverty** - The wealth gap between Black people of African descent and Caucasians created during the enslavement of African peoples has been sustained; confiscation of land and other forms of wealth continue up to present day. Black people of African descent were forced into poverty through enslavement, Jim Crow and continuing discrimination in employment, housing and other economic areas.
- **Health** - The focus is on physical and mental health. Health knowledge of enslaved Africans was appropriated and enslaved Africans functioned as non-paid health care providers for others; the use of Black people of African descent as subjects for tortuous health experiments (Tuskegee Syphilis Study) and the denial of quality health care during and post-slavery. The health injury area also includes the continuing discrimination in the provision of health care, including the disproportionately higher rate of closures of hospitals serving Black communities; lack of access to health insurance to provide affordable access to health care; the failure to validate health care protocols for Black people of African descent; and the failure to provide the appropriate medical treatment for critical health care symptoms which have resulted in higher rates of death for Black people of African descent compared to Caucasians exhibiting these symptoms. Finally, this injury area includes an examination of post-slavery stress syndrome, a developing area of investigation by Black mental health professionals of African descent.

IV. Moral and Legal Justification for Reparations

The struggle for reparations for the Holocaust of Enslavement of African people is about fundamental issues of human freedom, human justice and the value we place on human life in the past as well as in the present and future. After 246 years of enslavement--the greatest atrocity in American history; 100 years of Jim Crow; and the ongoing affects of racial discrimination, African descendants efforts to obtain reparations are morally just, as African life is equally of value, as are the lives of other groups that have obtained reparations both inside and outside the US and whose causes the US has supported and continues to support, including Jewish victims of the Nazi Holocaust, Japanese Americans interned in WWII US concentration camps, Alaska Natives for land, labor, and resources taken, Native Americans for violations of treaty rights, political dissenters and their descendants in Argentina, and to Colombia for excising the territory of Panama for the purpose of building the Panama Canal. With such precedents of reparations to primarily non-Black peoples, it would be sheer racism for the US to continue ignoring this brutal era in American history, and the African descendant morally just claim for Reparations.

In keeping with the principles of both international human rights law and domestic law, and with a clear understanding of the factual and moral justification for our claim, we seek remedy for damages from the US government, as the dehumanization and atrocities of slavery were not isolated occurrences. Rather they were mandated by formal laws codified and even enshrined within the U.S. Constitution. The role of the federal government in supporting the institution of slavery and subsequent discrimination directed against the descendants of formerly enslaved Africans must be formally acknowledged and redressed.

V. N'COBRA Outreach to Gather and Report the Will of the People

Passing H.R. 40 is an important first step that could lead to a substantive dialogue throughout the nation on chattel slavery in the U.S. and Jim Crow and the continuing harm suffered by Black people of African descent and ways to remedy it.

Since 1990, N'COBRA has hosted annual conferences around the country to provide an opportunity for African descendants to learn about the reparations movement, to voice their opinions about reparations and the components of an equitable reparations settlement:

- While there is agreement that we can never place a price on our suffering and pain or wash away the blood of our ancestors shed at the hands of their enslavers, we have a solemn responsibility to seek what is rightfully due us, in keeping with domestic and international law, in order to heal, repair and restore our people.
- There is agreement that reparations should be multi-generational, as the affects of 246 years of slavery and 100 years of Jim Crow cannot be erased in a generation.
- Reparations should improve the lives of African descendents in the US for future generations to come; foster complete economic, social and political parity; and allow for full rights of self-determination.
- There are mixed feelings about the significance of an apology. The recent wave of “statements of profound regret” which fall short of apology, are seen as an effort to sidestep the severity of the crimes committed and the responsibility of the perpetrators to make amends. A true apology cannot be conditional, e.g., “I regret the crime, but there can be no further discussion of reparations.” Apology alone is disingenuous, as it requires full acknowledgement of the conduct that caused the injuries, and requires material reparations to compensate the injured parties.
- Most agree that the evidence substantiating the African descendant claim for Reparations has already been sufficiently documented. However, there has generally been a willingness to support HR 40, though there are varying opinions about what should be included in an equitable remedy. African descendants continue to lobby for the passage of HR40, assuming it will set the stage for:
 - National Public Dialogue about the era of Enslavement in the U.S. and the prior colonies;
 - Public Admission of the crimes committed;
 - Public Apology for the commission of the crimes;
 - Public Recognition through institutionalization and education, i.e., national and local monuments, media programming and development of appropriate curriculum throughout public schools and university systems to remind and teach the meaning of this horrendous human loss and destruction not only to African people, but to the country and the world;
 - Compensation awarded in as many forms as necessary to equitably address the many forms of injury caused by chattel slavery and its continuing vestiges including changes in or

- elimination of laws and practices that allow African descendants to be treated differently than White people; monetary compensation, land, repatriation; release of political prisoners wrongfully incarcerated during the COINTELPRO era of the 60s and 70s, an end to racial profiling and discrimination in the provision of health care and access to affordable housing, providing scholarship and community development funds for Black people of African descent, and supporting processes of self determination;
- o Establishment of structures and processes to prevent reoccurrence of such massive destruction of human life, human culture and human possibility.

VI. HR 40 and the Legislative and Legal Work of N'COBRA

First of all, we acknowledge N'COBRA member Reparations Ray Jenkins of Detroit, MI who successfully lobbied Congressman John Conyers to introduce the H.R. 40 in 1989, and all our members who have lobbied for its passage.

N'COBRA has supported legislative strategies and initiatives, such as H.R. 40, the Reparations Study Bill at each congressional session since 1989. N'COBRA played a leading role in encouraging and supporting Congressman Conyers in developing and introducing H.R. 40. N'COBRA's Commission on Legislative Strategies was formed in 2000, under the leadership of Ms. Nkechi Taifa, who as Chair until 2005, trained activists to effectively lobby Members of the House of Representatives to sign on as co-sponsors of HR40. Of particular note are the N'COBRA "A Year of Black Presence (AYBP) lobbyists, under the leadership of Philadelphia N'COBRA member Mr. Milton McGriff. In 2003 over 500 AYBP lobbyists from Pennsylvania, New York, New Jersey, Virginia, and Washington DC sought Congressional members' co-sponsorship of HR 40.

We acknowledge the 37 year history of QM Dorothy Benton Lewis for her consistent fight for reparations at the city, state, federal and international level, and her willingness to speak forcefully to this issue in any environment. We thank her for her leadership inside and outside of N'COBRA and for being and remaining on the battlefield when there were few in the room, until now when over 80% of African descendants support our claim for reparations. Her representation of this important discussion in the national media was critical to the forward flow of the Reparations movement. We also acknowledge the work of Reparations activists and supporters who circulated petitions and surveys informing and gauging levels of support; held forums and town hall meetings to keep H.R. 40 before the public; addressed groups of all sizes; and successfully lobbied for HR40 companion legislation in cities and states across the country. To date, 28 cities have adopted resolutions supporting passage of HR 40; 8 cities have adopted Slavery Disclosure Ordinances requiring corporations who participated in and profited from the enslavement of African peoples to disclose their or their predecessors' history in order to be eligible for that city's contracts; 4 states have issued statements of profound regret for their participation in the enslavement of African people; 2 states have adopted resolutions supporting passage of HR40, and one state, Florida, found the courage to admit to and pay reparations to the victims and descendants of the massacre of the Black township of Rosewood. Lobbying efforts also extended to community based, civic, and church organizations that in turn adopted resolutions supporting reparations and the passage of HR 40. More recent passage of Slavery Disclosure Ordinances is providing evidence that present day corporations' wealth is directly linked to the "free labor" of enslaved Africans. In light of the pivotal role of boycotts during the Anti-Apartheid movement, N'COBRA members and supporters are also organizing and participating in boycotts against Wachovia Corporation and Aetna Insurance for their participation in and profiting from the enslavement of African peoples in

the US and prior colonies. We acknowledge the Philadelphia N'COBRA Wachovia Divestment Committee, under the leadership of Minister Ari Merretezon, and Ms. Pat Swailes, who lead the charge for Blacks in Government (BIG).

VII. Recommendation

N'COBRA strongly recommends passage of HR 40 to establish a commission to examine the institution of slavery, the impact of these forces on living African-Americans, and to make recommendations to the Congress on appropriate remedies. The passage of HR 40 will:

- Facilitate a national dialog about an era in US history that has largely been ignored or downplayed.
- Demonstrate the link between chattel slavery and the current social, health, economic and political status of African descendants and therefore destroy the myth of White Supremacy.
- Recognize the link between chattel slavery and present day race relations, and enable the amelioration of racial discrimination in America.
- Acknowledge the massive human suffering and the tragic plight of millions of African descendant men, women and children during slavery to demonstrate the sacredness of African life, specifically, and all human life in general.
- Allow United States' residents to make peace with a significant part of this country's shameful past, and end the intergenerational trauma of its current effects.
- Demonstrate to the world, the United States' commitment to peace and justice, and the same human rights standards to which it seeks to hold other nations.

VIII. Conclusion

On behalf of the National Coalition of Blacks for Reparations In America (N'COBRA) I thank the Chair of the Judiciary Committee, Congressman John Conyers, and the Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Congressman Jerrold Nadler, and every Member present here today for this opportunity to provide the grassroots perspective. N'COBRA recognizes that the passage of this bill is important to obtaining reparations and remains committed to this process although Congress has not yet favorably acted upon it. N'COBRA strongly urges the committee to support passage of HR 40.

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