

REPARATIONS: THE LEGISLATIVE AGENDA*

Congressman John Conyers, Jr.**

Thank you so much to Richard Winchester of the famous law family, and Sue Winchester, his sister who happens to also be here. Ladies and gentlemen, members of the panel, I am happy to be with you today to discuss a subject that began when I introduced H.R. 40 in 1989.¹

It is funny how these things start; I had a constituent, Ray Jenkins, who whenever he saw me would say, “John, what are you going to do about reparations?” Every time I saw him I knew he was going to say that, and finally I began thinking about what I ought to do about reparations. I met “Queen Mother” Moore in New York, and I met people who had been working in this realm many years back before my time. Then it occurred to me that the easiest way to get started on this would be to have the government, the Congress—the House and the Senate—and the Executive Branch, do a study on reparations because there has never been one done. With that thought in mind H.R. 40, as in acres and a mule, was conceived. Since then I have had to race out every two years and reserve H.R. 40 to make sure nobody else gets that number.

* The following is a transcription from a lecture delivered by United States Representative John Conyers, Jr. at *Taking Reparations Seriously*, a scholarly conference held at the Thomas Jefferson School of Law on March 17 and 18, 2006.

** United States Representative John Conyers, Jr., a Detroit Democrat, was re-elected to the 14th Congressional District in November 2004, his 20th term in the United States House of Representatives. Having entered the House of Representatives in 1964, Mr. Conyers is the second most senior member in the House of Representatives. Congressman Conyers is one of the thirteen founding members of the Congressional Black Caucus, which was founded in 1969 to strengthen the ability of African-American lawmakers to address the legislative concerns of Black and minority citizens.

¹ Commission to Study Reparation Proposals for African-Americans Act, H.R. 40, 109th Cong. (2005).

I join you today with my main concept that I bring to this great conference; a conference which I hope will be celebrated, examined, listened to, and looked at by people all over the country because I was really impressed with not only those on the panel but with those who offered the questions and comments that followed. The point that I make today is the need to expand the concept of reparations beyond the notion that this is a brittle diplomatic activity and that we must compare it with all the other reparations activities that we all know about. I have begun to think about moving it into a larger arena; how do we make reparations have meaning in this day and time?

When you stop to think about it, the efforts in New York City after 9/11, the terrible consequences and explosions there, the reactions and the consequences were in effect a reparations idea. Dealing with Katrina is a reparations concept.

Americans of every race and religion were touched by this storm [Katrina]; yet some of the greatest hardship fell upon citizens already facing lives of struggle—the elderly, the vulnerable, and the poor. And this poverty has roots in generations of segregation and discrimination that closed many doors of opportunity. As we clear away the debris of a hurricane, let us also clear away the legacy of inequity.

To hear that coming from the 43rd President of the United States is a little bit surprising because it is exactly what I think ought to happen as well. But as you know, in the province of governments, what people say and what people do can be quite different things. The Vice President said, “watch what we do, not what we say.” But we are trying to get more and more people to realize that this is a very important notion that should be taken a lot more literally than before.

The next thing that I want to mention is the statute of limitations problem because it hangs over everything we do. First of all, crimes against humanity have no statute of limitations. Then there are the standard exceptions to statute of limitations law: the discovery rule, that one’s claim does not accrue until one has knowledge of an injury and the entity that caused it; the equitable tolling of the statute, where the statute is tolled if someone prevented the information from becoming available; and the theory of a continuing tort, where the statute of limitations does not begin to tick until the day the tort ends.

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We want to be put at ease that these and other questions are all going to be considered by the Commission, which will be composed of members appointed by the President, the Congress, and the Senate. We want to be sure that those appointed will have some expertise in this area and that they will hold official hearings that come back to Congress for our examination and then we would move forward from there. We also added one other provision, that there be hearings collected from people around the country who do not pretend to be experts; they just have an opinion. We wanted them to be heard and to have their voices recorded. And so we embark on this in March of 2006, trying to get on top of this very important and long, long overdue subject.

The problem with trying to do that is that we happen to be in a current constitutional crisis which makes it a little bit difficult to climb out of the constitutional question; the question of spying without a warrant on American citizens on U.S. soil; or the war in Iraq, which is clear now to have been planned much earlier than Congressional approval was given—and my vote was not among those that gave approval; and then we have the Downing Street memos, which are pretty damning. All of these are collections of public information that have never been pulled together in one spot. What we want is a select committee where you can subpoena people; where the numbers of Democrats and Republicans are equal; and where the vice chairman, whoever that may be depending on who is in control in the House, which is where this inquiry of whether high crimes or misdemeanors have been committed would begin, would have the ability to bring in the people that have ignored us, not responded to our letters, and certainly not responded to the tens of thousands of citizen letters that have been written.

Last year the United States Senate passed an apology against lynching, which was all right, but it was not complete enough and it mentioned nothing about reparations or how we restore people to where they should be. Now notice that after slavery was ended, a new form of subjugation immediately kicked in; namely, the fact that the newly freed persons had nowhere to go, had no property, most had little or no education, though some had skills, and they were immediately pulled back into the same system that they had been federally freed from. So we have had a continual problem that we think explains why

there are ghettos today and why all the statistics of the health and education of African-Americans are so disparate from everybody else's.

And so we think that there has been a continuing traceable uninterrupted connection of racial subjugation that has gone on as a result of our inability to end the exploitation of people of color. We are very, very pleased as endorsements and support from states and city councils keep coming in. The latest one that just got on my desk is from the American Bar Association. Some four-hundred thousand members of that organization support a federally funded commission to study and make findings relating to present day social, political, and economic consequences of both slavery and the denial thereafter of equal justice under the law for persons of African descent living in the United States, and to propose public policies or governmental actions that may be appropriate to address these consequences.

I salute the bar association for their activity and urge that we do something else to go back to my notion of expanding reparations; and that is that we have got to reach out beyond the African-American community. We have got to start bringing in more and more organizations like the ABA and more and more people who realize that the way you begin to end this problem is to at least have one study and one discussion that goes on. Thankfully, things that are happening across the country mimic exactly what Thomas Jefferson School of Law here in San Diego is doing; that is, we are not waiting for experts to give us volumes and volumes on what they found out, what they think, and how they explain we should do it. Actually, since I introduced the bill, it's been going on all the time. And guess what? It is now going on outside of the United States.

I think back to the conference on racism that the United Nations held in Durban. How many of you remember that? I was there, and probably some of you were as well, and the one thing they kept telling us in the American group was "please don't raise the subject of reparations." Now here you are coming to an international conference on racism, and your country is telling you not to talk about reparations. Well, naturally that only made it certain that we would want to make sure we raised it. I found out later on why I think they were so nervous about it, and that was that reparations efforts were going on in many other countries that we did not know about. I

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had lawyers coming to me from Brazil and other places who were very interested in us coming together.

One of the things that has yet to happen is an international conference on reparations in which those countries that are interested in this subject come together. It is an important subject that has many of the same ramifications for their citizens as it would have for us in the United States. What I am trying to do is just let you know that we have got an international subject now. The Virgin Islands reparations movement, headed by a delegation of island leaders including the Congresswoman from the Virgin Islands, traveled to Denmark to discuss the issue with officials there. This discussion resulted in a Memorandum of Understanding to establish a joint task force on reparations. It is the first agreement between the Danes and Virgin Islanders which directly acknowledges the inhumanity of 250 years of slavery and colonization. In Haiti, the call for reparations was raised by former President Jean-Bertrand Aristide and they were worried about \$21 billion that would be equivalent to the 90 million gold francs Haiti was forced to pay Paris after winning its freedom from France and becoming the first independent black nation in this hemisphere 200 years ago. In Jamaica, the Rastafarian groups want to go back to Africa, and they are calling upon the United Nations to help persuade Europe to deal with this subject.

When I came out here, just before I left, I called Congressman Bob Filner, who is a Congressman nearby (Susan Davis too, I am sure that we are going to get her), but Bob Filner became the newest cosponsor of H.R. 40. And I am very proud to announce in or near his district what he did. As you know, we have announced the United States National Slavery Museum in Fredericksburg, Virginia—it will be ready in 2008; the oldest African-American cemetery is being declared a national monument—that was last month; the Smithsonian African-American Museum of History and Culture will be built on the Mall in D.C.—that has already begun; and the state of Maryland has a resolution calling for H.R. 40.

How do I conclude? One, we have to organize and push as aggressively as our time and commitment permits us to get other members of Congress on this. It is very amazing to me that there are many members who have never really been approached about getting on to this measure, and the best way is for the

person that is approaching the member be a constituent of the member; that always seems to have a very effective way of improving the relationship. The other thing, of course, is to expand our thinking of what reparations really consist of. I do not think we need to stick to the strictly legal analysis of it. Finally, by all means, let us continue this discussion in other parts of the country. As many of us have traveled to San Diego for this conference, let us go to other places in the country to join in this very exciting and important event that should come sooner rather than later. The time is now. And I thank you so much.