

RESOLUTION NO. _____, SERIES 2021

A RESOLUTION RELATING TO THE SUPPORT OF FEDERAL REPARATIONS LEGISLATION AND THE PURPOSE OF HOUSE RESOLUTION 40 OF THE 117TH CONGRESS (AS AMENDED)

SPONSORED BY: COUNCIL MEMBERS MCCRANEY AND ARTHUR

WHEREAS, in 1619 Africans arriving involuntarily in the Americas were forced into servitude and declared enslaved people;

WHEREAS, the sale and acquisition of Africans as chattel property in interstate and intrastate commerce resulted in more than 4,000,000 Africans and their descendants being enslaved in the United States and the colonies from 1619 to 1865;

WHEREAS, slavery in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, citizenship rights, cultural heritage, the pursuit of happiness, and denied them compensation for their labor;

WHEREAS, unpaid slave labor helped build the American economy, creating vast wealth that black Americans were barred from sharing;

WHEREAS, the institution of slavery was constitutionally and statutorily sanctioned by the United States from 1789 through 1865;

WHEREAS, enslaved persons were considered only three-fifths of a person;

WHEREAS, America's southern states became the economic engine producing tobacco, cotton and sugar cane that was fueled by human slavery;

WHEREAS, by the start of the Civil War, the South produced 75 percent of the world's cotton and created more millionaires per capita in the Mississippi River valley than anywhere in the nation due to the free labor on the backs of slaves;

WHEREAS, black people could no longer be bought and sold, but they also could not coexist with white people due to racial segregation, and they could be subjected to bodily harm at any time, including being lynched;

WHEREAS, the United States failed to atone for slavery after the Civil War or offer recompense for slaves' loss and harm suffered;

WHEREAS, when General William Tecumseh Sherman and Secretary of War Edwin M. Stanton asked a group of 20 community leaders, consisting of black Baptist and Methodist ministers from Savannah, Georgia, "what do you want for your own people" following the war, they replied, "the way we can best take care of ourselves is to have land;"

WHEREAS, General Sherman concluded that each black family should receive 40 acres, and issued Field Order No. 15 after President Abraham Lincoln signed it, allocating 400,000 acres of confiscated Confederate land to black families;

WHEREAS, a strip of coastline stretching from Charleston, South Carolina, to the St. John's River in Florida, including Georgia's Sea Islands and the mainland thirty miles in from the coast, would be redistributed to the newly freed slaves;

WHEREAS, General Sherman later ordered that the army could lend the new settlers mules left over from the war; hence the phrase, "40 acres and a mule";

WHEREAS, after President Lincoln's assassination, his successor, President Andrew Johnson, explicitly annulled Field Order No. 15 and returned land back to former slave owners, thus empowering and eventually paying reparations to some slave owners for loss of their property – the formerly enslaved black people;

WHEREAS, following the abolition of slavery, American governments, at the federal, state, and local level, continued to perpetuate, condone, and often profit from practices that continued to disadvantage black Americans, including sharecropping, convict leasing, black Codes, Jim Crow laws, organized riots, unequal education, mass incarceration, and disproportionate treatment at the hands of the criminal justice system. This history profoundly handicapped black Americans' ability to create and accumulate wealth as well as gain access to jobs, housing, education, and health care;

WHEREAS, in Louisville, Kentucky and nationwide, black residents continue to experience evictions, foreclosures and homelessness at greater rates than their white peers. Black Americans have been historically discriminated against through lack of opportunity with the Homestead Act of 1862, redlining, housing and loan policies that dictated where black families could live and prevented them from becoming homeowners, predatory lending practices, and development efforts, such as urban renewal and gentrification, that have resulted in mass displacement and loss of opportunity for wealth building;

WHEREAS, modern conceptualizations of reparations for descendants of enslaved persons have been heavily shaped by acts of redress by foreign governments for the atrocities and trauma they have inflicted on segments of their populations, including, but not limited to, German reparations to Jewish survivors and their descendants of the Nazi Holocaust; political dissenters in Argentina and their descendants; and South African reparations to the victims of apartheid;

WHEREAS, Americans have received compensation for historical injustices before, including Japanese Americans interned in concentration camps during World War

II; Alaskan Natives for land, labor and resources taken; survivors of police abuses in Chicago; black American victims of the massacre and burning in Rosewood, Florida by a murderous white mob; and Native Americans as a remedy for violations of treaty rights, as well as compensation to any federally recognized tribe for land that had been seized by the United States;

WHEREAS, the myth or perception that black Americans have already received reparations in the form of welfare, Social Security programs and Affirmative Action programs is a false narrative. Most black Americans who worked on farms or as domestic workers were excluded from receiving Social Security, created in 1935, until the 1950's because they lacked the protections afforded others under the labor laws of the New Deal and Fair Deal. Further, affirmative action programs were designed to eliminate discrimination against those who have been historically disadvantaged because of sex, religion, national origin or race. Affirmative action programs focus on providing equal opportunities in education, business, and employment. It serves to include a group of people that may otherwise be unjustly excluded. Affirmative action has no bearing on wealth inequalities and does not eliminate wealth disparities;

WHEREAS, since our nation's inception, inequality and discrimination, as well as differences in power and opportunity, are responsible for the wealth gap between black and white households;

WHEREAS, racial disparities exist today between white and black wealth in America; the net worth of a typical white family is nearly ten times greater than that of a black family;

WHEREAS, according to economists Professor Darrick Hamilton and Dr. William Darity, Jr., inheritances and other intergenerational transfers account for more of the racial wealth gap than any other demographic and socioeconomic indicators. Therefore, white families receive much larger inheritances on average than black families;

WHEREAS, the contributing factor to inheritance deficiencies among black families is 247 years of chattel slavery, followed by Congressional mismanagement of the Freedman's Savings Bank, violent massacres throughout the nation that decimated black communities, and de facto segregation in every region of this nation that limited opportunities in many states, making it virtually impossible for black families to accumulate wealth to hand down as inheritance;

WHEREAS, the GI Bill helped foster a long-term boom in white wealth because white citizens were able to use the government guaranteed housing loans to buy homes in fast-growing suburbs that rose greatly in value and created vast new household wealth for whites during the postwar era. However, black veterans were not able to make use of the housing provisions of the GI Bill because banks generally would not make loans for mortgages in black neighborhoods, and black Americans were excluded from the suburbs by a combination of deed covenants and informal racism;

WHEREAS, another contributing factor to the wealth gap and the lack of opportunity for black communities to grow was the New Deal's Fair Labor Standards Act's exemption of domestic agricultural and service occupations from overtime compensation protection;

WHEREAS, the average net worth of a white family is \$170,000 and the average net worth of a black family is 17,000;¹

WHEREAS, the median wealth of white households is 20 times that of black households;²

WHEREAS, American descendants of slavery represent about 12 percent of the nation's population but possess less than 5 percent of the nation's wealth;³

WHEREAS, the rate of black homeownership in America was 41.1 percent according to 2019 census numbers and white homeownership rate hovered at approximately 73 percent;⁴

WHEREAS, black employment remains only half that of white employment;

WHEREAS, gentrification, called the new "negro removal" program by Ron Daniels of the Institute of the Black World – 21st Century, continues to displace black people and culture in record numbers in cities across the nation;

WHEREAS, full restitution for Black American Descendants of Slavery in the United States is estimated between \$5 trillion - \$12 trillion in cash payments, endowments, annuities, trust accounts or other investments that will improve the well-being of black people;⁵

¹ McIntosh, Kriston, et al., *Examining the Black-white wealth gap*, Brookings Institution, Feb. 27, 2020 <https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/>

² Rooney, Ben, *Recession worsens racial wealth gap*, CNNMoney, July 26, 2011 https://money.cnn.com/2011/07/26/news/economy/wealth_gap_white_black_hispanic/index.htm; Taylor, Paul et al, *Wealth Gaps Rise to Record Highs Between Whites, Blacks, Hispanics*, July 26 2011 https://www.pewresearch.org/wp-content/uploads/sites/3/2011/07/SDT-Wealth-Report-7-26-11_FINAL.pdf

³ PBS News Hour, *What would reparations for Black Americans look like? An expert does the math*, June 1, 2021 <https://www.pbs.org/newshour/show/what-would-reparations-for-black-americans-look-like-an-expert-does-the-math>

⁴ USAFACTS, *Homeownership rates show that Black Americans are currently the least likely group to own homes*, July 28, 2020 <https://usafacts.org/articles/homeownership-rates-by-race/>

⁵ Hare Breeanna, et al., *Six questions about slavery reparations, answered*, August 15, 2020 <https://www.cnn.com/2020/08/15/us/slavery-reparations-explanation-trnd/index.html>; Hadavi, Tala, *Support for a*

WHEREAS, today, it would take compensation of at least \$12.82 trillion for Black American Descendants of Slavery to have a share of wealth similar to their population in the U.S.;⁶

WHEREAS, the minimum reparations payment of \$12.82 trillion would mean payments of about \$295,527 per recipient;

WHEREAS, in Louisville, Kentucky, this payment would cost over \$43.8 billion, more than 42 times the recent FY22 budget of the Louisville Metro Government;

WHEREAS, the federal government alone is capable of paying a reparations bill, and it, not local governments, should pay the debt;

WHEREAS, the federal government is culpable for its actions regarding slavery and the many other atrocities and injustices noted throughout history against black Americans;

WHEREAS, educational attainment, homeownership, personal savings, entrepreneurship, and financial literacy do not close the racial wealth gap as investigated by the Samuel Dubois Cook Center on Social Equity and the Insight Center for Community Economic Development in “What We Get Wrong About Closing the Racial Wealth Gap;

WHEREAS, reparations are not a symbolic act -- they are a demand for justice. Reparations do not hold current citizens responsible for the sins of their forefathers, they right an atrocious wrong and serve as an economic amends for past injustices and

⁶ Program to pay reparation to descendants of slaves is gaining momentum, but could come with a \$12 trillion price tag August 7, 2020 <https://www.cnn.com/2020/08/12/slavery-reparations-cost-us-government-10-to-12-trillion.html>; Darity, William et al., *True Reparations Are a National Debt: Localities and Individuals Should Not Foot the Bill and Cannot Build Systemic Remedies Alone*, February 25, 2020 <https://rooseveltinstitute.org/2020/02/25/true-reparations-are-a-national-debt-localities-and-individuals-should-not-foot-the-bill-and-cannot-build-systemic-remedies-alone/>

persistent disparities. Reparations are not linked to pointing fingers, making one race or person feel guilty or ashamed; reparations are driven by the need for the atonement and redemption of America. Reparations are about reconciliation, closing the racial wealth gap, and propelling us toward a more just and equitable future; and

WHEREAS, when the House Judiciary Committee took up House Resolution 40 on April 14, 2021, the vote was the first time the Committee has acted on the legislation since former U.S. Representative John Conyers initially introduced it in 1989. The measure now moves to a full House vote, and should it pass, will be sent for a vote in the Senate.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“COUNCIL”) AS FOLLOWS:

SECTION I: The Council fervently and unequivocally supports a federal reparations program to address the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865, and legal segregation and accrued disadvantages for descendants of slavery.

SECTION II: The Council strongly urges the United States Congress and the President of the United States to recognize the term Black American Descendants of Slavery instead of “African American” in the examination of the legacy of slavery and recommendations for redress.

SECTION III: The Council recommends the Act’s title be amended to read, “Commission to Study and Develop Reparation Proposals for Black American Descendants of Slavery Act.” As a result of this study, reparations should only be awarded

to black Americans who are descendants of persons who were enslaved in the United States.

SECTION IV: The Council concurs with the purpose of HR 40 and federal reparations legislation to study 1) the role of the federal and state governments in supporting the institution of slavery; 2) forms of discrimination in the public and private sectors against freed slaves and their descendants; and 3) lingering negative effects of slavery on living black Americans of the United States.

SECTION V: The Council supports the recommendations of William A. Darity, Jr. and A. Kirsten Mullen made in their book, *From Here to Equality*, which states that HR 40 should direct a commission to produce a report with the following characteristics: 1) the bill should direct the commission to identify Descendants of Slavery in the U.S. as the eligible recipients; 2) the bill should direct the commission to develop plans that set elimination of the racial wealth gap as a core target; 3) the bill should direct the commission to ensure that its plans prioritize direct payments to eligible recipients; and 4) the bill should direct the commission to designate the federal government as the party responsible for making the payments.

~~**SECTION VI:** The Council believes reparations must be direct payments to Black American Descendants of Slavery. In addition to payments, there should be protections and other legislative actions that directly benefit Black and Brown Americans. Other legislative actions should include: 1) Passage of the John Lewis Voting Rights Act; 2) Passage of the For the People Act of 2021 3) Reform of criminal justice system and prisons; 4) Police reform, including examination of qualified immunity; 5) Evaluation and~~

~~analysis of achievement gaps in standardized test scores in public schools and legislation of equity in testing.~~

SECTION VII: The Louisville Metro Council Clerk shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from the Commonwealth of Kentucky in the Congress of the United States, and to the Governor of the Commonwealth of Kentucky.

SECTION VIII: This Resolution shall take effect upon passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

BY: _____