What America Owes to Blacks and What Blacks Owe to Each Other

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This community, this university, this Berkeley, has done so much to change the course of American policy. So many wonderful traditions. And in no other place in our memory is it more keenly felt and recognized by young people that our young are the moral and social conscience of our society. In no other place is it more clearly recognized that perhaps this is one’s best, and sometimes last, opportunity to act on principle without fixed responsibility. And I can think of no time in my lifetime that our country, that our world, needs your leadership more than now. I think our campuses are at a disturbing end in activism. But, you see, therein lies the real opportunity for leadership.

Leadership means the first to believe, to see, and to do what is right. It also means the capacity to see the future from where you stand now. I am not ordinarily a doomsayer, but I believe that our society and our world are in deeper crisis than at any time in my lifetime. It is not easy to see through the bombardment of news coverage that ignores most of the critical problems of our time. But, it is indeed there. We should pay heed, and we should do so now. Thus, when I talk about reparations, I am not merely talking about restitution to the contemporary victims of American slavery for slavery and the century of the de jure discrimination that followed it. I am talking about the repair of our general society. I am talking about the resuscitation of compassion. I am talking about the essential notions of decency in a viable democratic society.

Many years ago, William Faulkner wrote that the past is never dead, it is not even past.¹ Many of us will be the beneficiaries of anonymous success. Many of us, unfortunately, will be the victims of anonymous failure. But for the vast majority of us, our lives are terribly predictable. Most of us finish somewhere near to where we start. For those of us who start with good chances, failure—irrespective of the relative normalness of your abilities—is all but impossible. But, for those who are not here today—who start so far

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behind in the race of life—success for them is virtually impossible.

Sadly, we live in a country with little memory of anything that happened more than two weeks ago.

We have lost all capacity to link a failed contemporary condition to anything but that individual’s failure to overcome their particular difficulties.

America, all of my life, has been a majority white country.² Sixty years from now that will not be the case.³ We are becoming a new society. If we are to adhere and cohere in a democratic culture, in a sane and civilized fashion, we must learn to behave very differently towards one another. We will no longer be able to afford to ignore plights about which we’ve been given little opportunity to learn.

African-Americans account for about 14% of America’s nonviolent-drug offenses,⁴ yet they account for 35% of arrests for non-violent drug offenses,⁵ 55% of convictions for nonviolent drug offenses,⁶ 75% of prison admissions for nonviolent drug offenses.⁷

Consider that—14% of the crime, 75% of the prison admissions.

Should we not be disturbed in a democratic society—not just disturbed as to be shocked, but disturbed in such a fashion as to ask why so that we can address the condition? In a democratic country like ours, with one-twentieth of the world’s people, we have one-fourth of the world’s prisoners.⁸ We have two million prisoners, half of whom are African-Americans.⁹ In America if one is a young white male, one’s chances of being incarcerated are one in fifteen.¹⁰ If one is Hispanic, one in ten.¹¹ If one is a young black American male, one in three.¹²

Shouldn’t that disturb us?

5. Id.
6. Id.
11. See id.
12. See id.
The State of New York from the early 1700s until 1981 built thirty-three state prisons. From 1982 until 1999 the State of New York built thirty-eight more. Rockefeller, a liberal Republican governor of New York, began this kind of rush with the Rockefeller Drug Laws. Nonviolent drug offenses in the state of New York resulted in prison terms of up to fifteen years. States like Texas have followed with even more Draconian laws.

What has this meant?

When I used to work in the Congress, my Congressional office used to hand out this little brochure to visitors who came to Washington to see what their tax dollars bought. This brochure was entitled How Our Laws Are Made. Of course, it had nothing to do with how our laws are made. I came to understand, over years of reviewing policy and history, that you cannot understand public policy unless you can ask and answer a few simple questions, the first of which is—who benefits? It is seldom in the papers and it is not in your course materials. Who are the anonymous faces and forces that benefit from the passage of this bill and the defeat of that?

Now I have also come to believe—perhaps cynically, but I think realistically—that there is something else you have to be able to do to understand why policy is made and why our nation does what it does, both at home and abroad. You must be able to follow the money. If you cannot follow the money, you cannot understand public policy.

We have a state prison building juggernaut running mad in America. California has spent four or five times more on the construction of prisons over the last twenty to twenty-five years than it has on the construction, ground-up, of new higher education institutions. Four or so prisons, private prisons, are being constructed now in the state of California. Once they are built, beds will be available to make the facilities profitable. Bodies will have to be found to fill those beds.

Way across the country, there is a little town in upstate New York, called Malone. Most of you have never heard of it, but it illustrates the point. Malone

is an all white suburb. It reached its pinnacle in the late 1930s with the trial of Dutch Schultz, who was a colleague of Al Capone. After the trial, the town went into a nose-dive. Sears and Roebuck closed. The hotel closed. Everything closed. Malone was back on its heels. But, Malone knew what Rockefeller had done and what Governor Cuomo would have to do. Rockefeller had passed the Drug Laws, but it was the “liberal” Democrat Cuomo who started to build state prisons willy-nilly in the state of New York. So, the little town of Malone applied for a state prison and got two. With them, Malone got fourteen new homes for the golf course; they got 1,600 new jobs for the people of Malone; they got an increase in their federal subsidy because the population numbers went up by the number of inmates who would fill the prisons. This however, would not disturb the politics of Malone because the new prisoners had lost their right to vote by dint of their imprisonment. And so Malone was back in clover with these two new state prisons, made economically healthy again by inmates who could not vote—inmates who were 84% Black and Hispanic. It has happened, and is happening, across America in little towns like Leaking, Missouri, where they have been applying for and getting prisons. Bill Clinton, the President that black Americans inexplicably loved, added more prisons to the federal prison rolls in his eight years than Reagan and Bush combined. He was a prison-building champion virtually unto himself.

When I wrote The Reckoning, I had occasion to talk to young black men who had led lives of crime from the age of thirteen. They had done everything imaginable. The only thing they wouldn’t tell me they had done was kill somebody; and I was not even sure about their answers on that issue. But, over time I found myself liking them.

I also found myself guilty of a personal crime of pride.

Most of us who are successful take too much credit for our success. I had no choice but to be successful. I was afraid of my father, and so, for me success was a short step. It was easy. But, I talk to young people of enormous talent who, going nowhere in their lives, try to turn their lives around without appreciating, like I can, what they might have become. I am talking about

20. Id. at 14.
22. Id.
23. Id.
24. Id.
25. See supra note 16.
people who stopped dealing drugs and started to rescue others, but who might have been nuclear physicists, had they had other chances in their lives. I remember asking one of them in my interviews, "How can somebody just take a gun, put it to someone's head, and pull the trigger without remorse?" He told me, "I thought you understood, but you do not understand at all." He said, "When you are where I am, it doesn't make any difference which way the gun is pointed. How can I value another life more than I do my own?"

When a society gets to that point in mushrooming numbers, that society cannot survive. So when I talk about reparations, I am not talking about writing checks to people. I am not talking about trying to find out how much somebody was owed because of a great-great-great-great-grandfather or grandmother who was not paid by such-and-such and so-and-so. I am talking about the three hundred forty-six years of human rights crimes—so massive in its scope and with government complicity, that the victims have forgotten what happened and society makes certain the victims will not remember. So, the victims are left to walk around in their disability, believing that they are poorer, their families more damaged, and their prospects dimmer because there is something wrong with them. There are two kinds of crimes here. One, of course, is the economic crime that we can document. But, it is less devastating than the psychological intergenerational crime done to the victims of slavery. And, too many refuse to look at this; refuse to see this.

Every year in America we have Black History Month. Does it not strike you as absurd that we would have segregated history? It seems absurd to me. It amounts to the American confession that American history is a lie. If American history were comprehensive and complete, we would not need to have Black History Month. We would not need to have this add-on. We would not need to have Hispanic months. We wouldn't need to have Asian this or that—we would have one America, one story told to all—comprehensive. We say to other countries all the time: "You cannot hide from the past and expect to be a healthy democratic society. We said to Turkey, "You cannot run from the Armenian genocide of 1915-1922,"28 We said to Germany, "You cannot hide from the Holocaust."29 We said it as late as last year to Volkswagen and fifteen other German corporations, that they had to own up still—this long after 1945.30 And rightly so. When you ignore history, you do it at your peril. But, this business of Black History Month trivializes those who are described in it. I am so sick of listening to how many things

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29. See ROBINSON, supra note 28, at 18.
George Washington Carver did with that peanut. This trivialized Dr. Carver because the real value of his work lay in many complex and previously not understood areas of agricultural science. Carver was committed to finding ways to save and protect American agriculture, save and protect Caribbean agriculture, to save and protect global agriculture. But, he is known to us as "The Peanut Man." It is not just how inadequately African-Americans' contributions to global society are described. It is also that we are led to believe that what we are not told, never happened.

Let me try to make this point more compellingly. Jews are resilient (not withstanding all that they've endured) because they have a firm grip on their four-thousand-year story of themselves. You see, if you are left to view the significance of your life as something measured between the date of your birth and the date of your death, alone in the sea of humanity, you must measure your life to be pretty worthless. But, if you are allowed to see yourself extending out of a tapestry that is ageless and glorious, you feel as tall and as strong and as gorgeous as the tapestry from which you emerged. That is why we teach history. I used to think history was something that sadistic teachers did to young people, but you teach history for strategic reasons in a society. You meld together some truth and a little bit of lie; you make it a consumable story that people swallow. It makes people tall.

There is no greater crime that you can commit against a people than to strip them of their story of themselves.

When I was at Virginia Union University (a black school in Richmond, Virginia) I was taught that civilization began in Greece—as if civilization "begins" at a specific time and place. Maybe the notion was that thousands of years ago, somewhere near the location of the Acropolis, where the Parthenon was to be constructed, two guys were sitting one Sunday in August and one said to the other, "I'm bored. What can we do?" And the other one said, "I know what we can do. We can make a civilization!" So on Saturday they had no civilization; on Sunday, they had a civilization. Herodotus, often referred to as the "Father of History," wrote five hundred years before the birth of Christ. He had traveled the length and breadth of Africa, and wrote that everything that Greece became had been derived from civilizations to the south in Africa. He wrote of African civilizations before the Greeks, before the Arabs—the division of the year into twelve parts; the devising of the calendar; mathematics; science; mythology; their gods. All of this, seen later in Greece, was derived from the civilizations of Africa to the south. But, I grew up in

33. Id.
34. Id.
America with a feeling of inadequacy because I was not allowed to know who I was.

I once heard Morley Safer talking to some Catholic Church officials and laypeople on 60 Minutes.\textsuperscript{35} They went on and on about who the next Pope would be—who was on the short list. They started naming people and on the short list was Cardinal Okogie of Nigeria. Morley Safer said to the Catholic hierarchs, “Could it be that the Catholic Church will name an African Pope? Wouldn’t that be some kind of breakthrough?” In the first five hundred years of the Catholic Church, there were three Popes from Africa. But, I would be a grown man before I knew that. This is just one small example of the vast body of historical truths that we all need to understand and know.

Everybody knows who Moses is.\textsuperscript{36} I knew who Moses was in utero. But who knew Zipporah,\textsuperscript{37} the wife of Moses, was Ethiopian and Black?

Everybody also used to say, “From here to Timbuktu.” I said it throughout my childhood. I had not a clue what and where Timbuktu was. That it was an extraordinary and leading center of world learning in Mali, West Africa\textsuperscript{38} in the thirteenth, fourteenth, and fifteenth centuries, we had not a clue. Nobody told me anything. I didn’t know anything about Kush.\textsuperscript{39} Nothing about Axum.\textsuperscript{40} Nothing about Ghana.\textsuperscript{41} Nothing about Songhay.\textsuperscript{42} I did not know that Malian gold underpinned the entire intercontinental trading system in the Middle Ages.\textsuperscript{43} I did not know that African civilizations had been equal to any in the world and surpassed many. I thought our story started with slavery on these shores, and inched forward. My memory had been emptied; I was fitted with a story that was not mine. I was taught to try to be something that I was not. No one ever taught us what we were and had been, gloriously, in another time. The great crime was not just against the immediate victims of slavery, but the whole of our society, for generations.

The first history we should teach in every American school is the history of the first Americans—Native Americans. We should teach the history of Hispanics in this hemisphere. We should know how Texas “happened” and how New Mexico got the “New” stuck to it. We should know how all of this

\begin{enumerate}
\item \textsuperscript{35} ROBINSON, supra note 28, at 18.
\item \textsuperscript{36} Id. at 120, 176; see also EXODUS 2 (King James Version).
\item \textsuperscript{37} EXODUS 2; see also NUMBERS 12:1 (King James Version).
\item \textsuperscript{38} BASIL DAVIDSON, THE LOST CITIES OF AFRICA (13th rev. ed. 1988) (1959); BASIL DAVIDSON, AFRICA IN HISTORY (Collier Books 1991).
\item \textsuperscript{40} Supra sources in note 41.
\item \textsuperscript{41} Id.
\item \textsuperscript{42} Id.
\item \textsuperscript{43} Id.
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happened. It is not only the Latinos and Latinas who need to know it. All Americans need to know it. If we expect to live in a society with mutual appreciation and respect, the first thing we must do, as a form of restitution and reparation, is to change our system so that we all can know each of the stories of each other. You see, it is one thing to take a people and own them, and work them without paying them. It is quite another thing to destroy their culture; to take their language; take away their mothers, their fathers, and their children; to take their religion, to destroy their mores; and, lastly, to destroy their memories. To simply say in 1865 to the victims of slavery, “Run along,” is not enough. Run along? No forty acres? No mule? No nothing?

I went to Harvard Law School with Ms. Frampton many years ago. I came from a small black school in Richmond, Virginia. I was very proud of myself, you see. I was the first in my school to go to, as we called it—and this may come as a shock to you at Berkeley—"The Law School." No, there could be no other. I remember I put the Harvard decal, “Veritas” on my briefcase. I had one on my car also.

The place is as rich as hell. There you see enormously expensive oil paintings; bewigged, old white men on the walls; wainscoting and so on. The place is rich and old. You think it is rich because it was always rich, and you are poor because you were always poor. You do not yet understand that conditions have origins. I spent three years there, and thirty years passed before I had even a clue regarding the law school’s soiled providence. Harvard Law School, now with an endowment in excess of twenty billion dollars, was endowed by a man named Isaac Royall. And Royall endowed Harvard Law School from the proceeds he received from the sale of slaves—human property—on his Antiguan sugar plantation.

So much of America’s story of success has its roots in slavery. The mortgage on my home in Washington was held by Fleet Bank, a grand institution started as Providence Bank by the same brothers who founded Brown University, another wonderful institution. Both were founded by the Brown Brothers, who endowed both institutions with profits they gained from building and sailing the ships that dragged my forebears across the Atlantic,

44. Mary Louise Frampton, Director, Center for Social Justice, University of California, Berkeley, Boalt Hall School of Law. See http://www.law.berkeley.edu/faculty/profiles/facultyProfile.php?facID=1116 (last visited Mar. 15, 2004).
47. Id.
floating torture chambers, for massive economic gain.\textsuperscript{48} Same with Aetna Life Insurance Company,\textsuperscript{49} and on and on.

When I was writing \textit{The Debt},\textsuperscript{50} my eight-year-old daughter, Khalea, who had just been on a school trip to the U.S. Capitol, said to me “Daddy, I want you to go down to the Capitol, walk into the rotunda, and look up.” I used to work in the Capitol. I worked there for five years. I wondered why I should have to go down there and look up. I used to spend a lot of time in that place. But, I went, taking Khalea with me.

I remember walking on the Mall. I do not know how many of you have been to the National Mall, but that was America’s first park. This is America’s ad to the world, because some significant number of the people who visit the Mall are from other countries. This is America’s face, its best face of itself. I was on the Mall with my little girl before we went into the Capitol. Remember that Washington is a city that is sixty percent Black.\textsuperscript{51} But at the Vietnam War Memorial, there were no black people. Khalea said to me, “Daddy, I thought you said black people died in Vietnam.” I said, “They did, disproportionately.”\textsuperscript{52} She said, “Well, why aren’t we here?” We decided to count the black people on the Mall that August day. We counted six; there was a black man with a white woman, a black woman with a white man, a black school child with a white class, the two of us, and another Black. Out of thousands of people, we counted six. It occurred to me that we were not on the Mall because there is nothing there that has anything to do with us.

We ridicule “ancestor worship” in America. Yet I recall vividly seeing this couple standing in front of Lincoln in the stone chair, looking up, transfixed. They looked like they could have been from the Midwest. They were leaning into each other, almost swimming in it. They were practicing ancestor worship. They were doing it because people need to do that.

We walked from Lincoln to the Capitol. On the right, we saw the Jewish Holocaust Memorial Museum, which should be there, so that no one ever forgets the great human rights crime that happened over a twelve year period in Europe. Then, we saw the area where the museum to honor Native Americans was to have been constructed. We also saw where the park to remember

\textsuperscript{48} Id.; see also Christopher Greaves, \textit{Reparations Advocate Argues for Redressing America’s ‘Debt’ to Blacks}, \textit{Cornell Chron.}, Feb. 15, 2001, available at http://www.news.cornell.edu/Chronicle/01/2.15.01/Robinson_cover.html.


\textsuperscript{50} \textit{Robinson}, supra note 28.


\textsuperscript{52} See \textit{Martin Binkin & Mark J. Eitelberg, Blacks and the Military} (1982); \textit{The Oxford Companion to American Military History} (1999).
Japanese Americans interned during World War II was to be constructed. You see the museums and statues. But you will not see a museum or a building or a statue or a tablet or a name of one of the thirty million Africans who died making their way into the American overpass, not one.\(^\text{53}\)

They have buried our history.

I walked into the Rotunda, and did what Khalea had told me to do. I looked up. You know how you can look all your life, but not see? On the eye of the dome is a painting by an Italian artist, Constantino Brumidi,\(^\text{54}\) installed there towards the end of the Civil War. It is called “The Apotheosis of George Washington.”\(^\text{55}\) It was put there to extol the virtues of our first president. In it you see Washington surrounded by sixty robed figures in front of whom a banner is unfurled, “E Pluribus Unum, Out of Many, One.” All sixty of the figures are white. Then, you drop down to the hat band of the dome, and you see this frieze that runs around it, depicting the stages of American history from the age of exploration to the dawn of aviation.

No Tubman. No Douglas. No Sojourner. No Truth. No Blacks. No indication that slavery ever happened. Then you drop down to floor level, and you see these huge oil paintings set back into the archal sandstone blocks. The only figure you see with even a suggestion of melanin is Pocahontas. And you are left to figure that she is there because she is receiving the sacraments of Christianity in an English chapel. But as is always the case, it is what you are not told that is so important. The archal sandstone box with which the capitol was erected was mined in Stafford County, Virginia by slaves. Rowed up the Potomac River by slaves. Put in place and secured there with mortar mixed and applied by slaves.\(^\text{56}\) The top of the dome of the capitol is a statue, ironically enough, of an Indian maiden named “Freedom.” It was cast in Bladensburg, Maryland by slaves.\(^\text{57}\) It was brought to the east grounds of the capitol, reassembled, and hoisted to the top of the dome by slaves.\(^\text{58}\) Brutalized. Dehumanized. Never paid. The forest between the White House and the capitol was cleared by slaves.\(^\text{59}\) The foundation of the White House was built by slaves.\(^\text{60}\) The early buildings of Georgetown University were built by slaves who were later sold in Louisiana by Georgetown’s Jesuit priests when they

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53. ROBINSON, supra note 28, at 33.
56. ROBINSON, supra note 28, at 4.
57. Id. at 5.
58. Id. at 6.
60. Id.
needed to raise funds. The United States of America became wealthy during the years of slavery. Cotton produced more tax revenues than all other American exports combined. The people who produced the wealth were never paid. Ever.

1865: "Run along now."
You see?
Run along where?
To do what?
Run along into the lynchings of the early twentieth century, when seventy percent of Blacks lynched in the American South were businessmen?
Run along into the peonage laws and the Black Codes of the 1920s?
Run along into restrictive covenants that blocked us from buying our own homes?

My parents were both college graduates, but they did not have a will. They did not have anything to will. The principle wealth-building tool for middle-class Americans is the equity in their homes, yet it is estimated that Blacks lost, and lose, up to thirty billion dollars per generation because of policies and practices, historically and currently, designed specifically to block our attempts to buy our own homes.

And on and on.
In every measure in America—life expectancy, morbidity, financial assets, income, you name it—the gap remains to this day. Static. We have next to no financial assets. And explanations for this can be found in the past.

65. Id.
67. Id.
70. See Bernadette D. Proctor & Joseph Dalaker, Poverty in the United States: 2002, in
During Black History Month, we even trivialize the work of Dr. King, presenting him in bumper sticker fashion as a "civil rights leader." He was much more than that. He was a great intellectual who, in the latter years of his life, believed, wrongly, that he had failed. He went beyond fraying the sensibilities of the South on public accommodations. He began to challenge America to think about notions of economic democracy. Dr. King knew the roots of our difficulty. He called for reparations. Then, as now, America did not want to give it. Did not want to talk about it. Does not even want to think about it.

In the last analysis, we should all ask the question: "There is this economic gap that separates Blacks and Whites. Blacks are disproportionately afflicted by the traumas of poverty; fractured family structures; social distress. All of this disproportionately. Why is this the case?"

Something happened. It happened over a very, very long period. And America is living with the consequences today.

It happened with government complicity. It happened in a way that benefited the government that caused it to happen, and allowed it to happen even after the government was no longer directly involved in the implementation of the crime. Then America, its government and its society, sought to erase from the memory banks the genesis of the conditions that we face today.

Part of the responsibility now lies in the black community.

The end of the Civil Rights Movement left the black community in two pieces, at least. Black people do not like to talk about our community being class-riven, but we are as class-riven as any other. We must now find a way to connect across class lines. You see, many of us were anomalous successes. Using my family as an example, we were poor, but we were not poor in our minds. We were not poor in our spirits.

If the black community were paid eleven trillion dollars tomorrow in reparations, unless we were able to repair the damage done to our psyches and our souls over the years, the money would do us no good. Some fortunate few of us, at the time of the Civil Rights Movement, were in positions to go up and out due to the success of the Movement. Some of us went on, and separated from those of us who have remained bottom stuck, due to circumstances beyond their control, since the Emancipation Proclamation. That bottom stuck segment of our community is growing at a much faster rate than my segment of our community. It is that segment of our community that comprises the ranks of those who fuel the new for-profit penal system that is America's new

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slavery.

Who benefits?

We should find the notion of private prisons in a democracy repugnant. The only way to boost the value of prison stock is to get more prisoners. In the last analysis, therefore, I cannot blame the people in Washington. Most politicians are not leaders. They are not visionaries. Most of them are largely opportunists. Louis Brandeis said, some time ago, that the most important office in a democracy is the office of citizen. And so it will be up to all of us as ordinary citizens to demand a stop to this cancer. The politicians will follow.

We are all responsible. This kind of responsibility is indivisible. I cannot be concerned about my community without being concerned about what happens with Native Americans, what happens with Hispanics, what happens with Asians, what happens with poor whites, or what happens with the elderly—what happens with people who are victimized by those in a position to victimize them. Compassion and the goals of activism are indivisible.

Young people have an enormous responsibility and enormous potential—for turning our country on to the right road, for securing our democracy—because democracy is not about the rich people making political contributions or poor people merely voting. It requires of all of us an ongoing vigilance; an ongoing involvement. The responsibility is to be shared by us all. I know of no better place in the country to restart this—to resuscitate this, to begin the new cycle of correction and restoration in our society than in this room, on this day, at Berkeley.
