Reparations

LESSON STRUCTURE
The following Lesson Plan materials may be utilized in any number or ways. What follows is a collection of materials and a recommended instructional methodology only, but teachers have full discretion to weave this material into their instruction however best to connect with their students.

(*All non-original material which appears here was found online and weblink locations to them are provided in blue)

<table>
<thead>
<tr>
<th>PART</th>
<th>Topic</th>
<th>Suggested methodology</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definition of Reparations&lt;br&gt;Five categories of reparations&lt;br&gt;What might reparations possibly look like?</td>
<td>Lecture notes</td>
</tr>
<tr>
<td>2</td>
<td>The idea of reparations in the United States, A brief overview</td>
<td>Lecture / background notes</td>
</tr>
<tr>
<td>3</td>
<td>Case Studies / Six examples of reparations&lt;br&gt;2 global........ Shoah / Holocaust&lt;br&gt;Apartheid&lt;br&gt;4 US-based... Japanese internment&lt;br&gt;Forced sterilization&lt;br&gt;Tuskegee experiment&lt;br&gt;Rosewood</td>
<td>Lecture / background notes</td>
</tr>
<tr>
<td>4</td>
<td>List of arguments in favor of reparations</td>
<td>Lecture / student work / individual approach small group discussion</td>
</tr>
<tr>
<td>5</td>
<td>List of arguments against reparations</td>
<td>Lecture / student work / individual approach small group discussion</td>
</tr>
<tr>
<td>6</td>
<td>Casting judgements</td>
<td>Student performance task</td>
</tr>
<tr>
<td>7</td>
<td>Written opinion question</td>
<td>Student performance task</td>
</tr>
<tr>
<td>8</td>
<td>Discussion questions</td>
<td>Student work / discussions / writing on any discussion prompt</td>
</tr>
<tr>
<td>9</td>
<td>Political / Social Cartoons</td>
<td>Student performance task</td>
</tr>
<tr>
<td>10</td>
<td>Reading from Politico.Com</td>
<td>Student reading. This could be used also as a Prompt for discussion, writing, or more.</td>
</tr>
</tbody>
</table>

It is recommended that PARTS 1, 2 and 3 be taught together, as the foundation information complement one another.

PARTS 4, 5, and 6 are designed to be taught together.

PARTS 9 and 10 may be taught together or separately.

PARTS 7 and 8 may happen at any time.
PART 1

Opinions Regarding Reparations

What is the definition of reparation?

The making of amends for a wrong one has done, often by paying money or otherwise helping those who have been wronged.

The United Nations describes five formal categories of reparations:

1. **Restitution** – measures which serve to "restore the victim to the original situation before the gross violations occurred". This can include: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return of one's place of residence, restoration of employment, and return of property.

2. **Damages Compensation** – the provision of compensation "for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case". Such damage includes: physical or mental harm, lost opportunities, material damages and loss of earnings, moral damage, cost of legal, medical, psychological, and social services.

3. **Rehabilitation** – medical, psychological, social services, and legal assistance

4. **Satisfaction** – various measures which include the cessation of human rights violations and abuses, truth-seeking, searches for the disappeared, recovery and reburial of remains, judicial and administrative sanctions, public apologies, commemoration, and memorialization.

5. **Guarantees of non-repetition** – reforms ensuring the prevention of future abuses, including: civilian control of the military and security forces, strengthening an independent judiciary, protection of civil service and human rights workers, the overall promotion of human rights standards, and the establishment of mechanisms to prevent and monitor social conflict and conflict resolution.

What might reparations commonly look like?

- Monetary payment
- Job programs
- Resettlement funds
- Reinvestment in the harmed community.

What is the difference between restitution and reparation?

Restitution is a legal process of compensation for losses, while reparation is (usually in plural) a payment of time, effort or money to undo past transgressions.
PART 2

The Idea of Reparations in the United States

Reparations in response to slavery is not a new idea. Before the Civil War ended, General Sherman issued an order in South Carolina. He wanted 40 acres and the loan of an Army mule set aside for each former slave family. This order was never carried out. After the war, Radical Republicans in Congress passed laws requiring confiscation of former-Confederate property to provide the ex-slaves with "40 acres and a mule." In 1866, President Johnson vetoed the legislation.

The next push for reparations took place at the turn of the century. Several black organizations lobbied Congress to provide pensions for former slaves and their children. One bill introduced into the U.S. Senate in 1894 would have granted direct payments of up to $500 to all ex-slaves plus monthly pensions ranging from $4 to $15. This, and several similar bills, died in congressional committees. The pension movement itself faded away with the onset of World War I. During the 1960s, some black leaders revived the idea of reparations. The Black Panther Party and Black Muslims, also demanded reparations.

In the 1980s, a new call arose for black reparations. It was stimulated by two other movements that successfully secured payments from the U.S. government. The Supreme Court in 1980 ordered the federal government to pay eight Sioux Indian tribes $122 million to compensate for the illegal seizure of tribal lands in 1877. Then in 1988, Congress approved the payment of $1.25 billion to 60,000 Japanese-American citizens who had been interned in prison camps during World War II.

In April 1989, Council Member Ray Jenkins guided through the Detroit City Council a resolution. It called for a $40 billion federal education fund for black college and trade school students. About the same time, a conference of black state legislators meeting in New Orleans backed the idea of a federally financed education fund for descendants of slaves. Shortly afterward, Rep. John Conyers Jr. (D-MI) drafted a bill calling for the establishment of a congressional commission to study the impact of slavery on African-Americans. It has been introduced in Congress annually but never passed.

Source:
Constitutional Rights Foundation
https://www.crf-usa.org/brown-v-board-50th-anniversary/reparations-for-slavery-reading.html
Part 3

Six Examples of Reparations (two from Global Events)

GLOBAL EVENTS

The Holocaust –
Brief background: 8.86 million Jews murdered (over two-thirds of the pre-war population) between 1939-1945.
Reparations synopsis: A major component was the $7 billion (2014 dollars) West Germany agreed to give to the then-young state of Israel. Menachem Begin (leader of a political party in Israel and later Prime Minister) opposed the deal on the grounds that it appeared to forgive Germany in exchange for money. But the deal eventually went through. "From 1953 to 1963, the reparations money funded about a third of the total investment in Israel’s electrical system, which tripled its capacity, and nearly half the total investment in the railways." Israel’s GNP tripled during the 12 years of the agreement. The Bank of Israel attributed 15 percent of this growth, along with 45,000 jobs, to investments made with reparations money. But that was actually a tiny fraction of Germany's total reparations payments, which totaled nearly $89 billion as of 2012, and largely went to individual survivors. The terms of the reparations are constantly evolving, with some payments made on a one-time basis and others as monthly pensions of varying amounts.

Apartheid –
Brief background: a policy of segregation and discrimination in South Africa based on race, from 1448 to the early-1990s.
Reparations synopsis: South Africa's post-apartheid Truth and Reconciliation Commission recommended about $360 million in reparations, to be distributed in six annual payments to victims identified by the Commission, but in 2003 president Thabo Mbeki announced that he would authorize only $85 billion, to be given in one-time payments of $3,900 (above the average annual salary in the country at that time). The recipients numbered 16,397 as of 2012, a tiny fraction of the actual number of people victimized by the regime.

Source for both examples (adapted from this source):
Vox Media
https://www.vox.com/2014/5/23/5741352/six-times-victims-have-received-reparations-including-four-in-the-us
United States Events

Japanese Internment –
Brief background: The forced internment of 120,000 Japanese-Americans in camps during World War II resulted in about $3.1 billion in property loss and $6.4 billion in income loss, in 2014 dollars.
Reparation synopsis: Congress made two attempts at reparations, the ‘Japanese-American Claims Act of 1948’ and the ‘Civil Liberties Act of 1988’. Between 1948 and 1965, the former authorized payments totaling $38 million (which comes to somewhere between $286 to $374 million in 2014 dollars), which didn't come close to matching the economic loss. The latter offered survivors $20,000 each in reparations. By 1998, 80,000 survivors had collected their share, for a total payout of $1.6 billion (between $2.3 billion and $3.2 billion today). There is no accounting by which either measure adequately repaid internees for their economic losses, let alone compensated for pain and suffering.

Forced Sterilization –
Brief background: Most American states practiced one or another form of eugenics during the 20th century, with forced sterilizations of “unfit” people being a prime instrument. The targets were largely but by no means entirely mentally or developmentally disabled; poor black women on welfare were especially likely to be victimized in this manner. 33 states engaged in this, forcibly sterilizing about 65,000 people total through the 1970s. Oregon forcibly sterilized people as late as 1981, and its Board of Eugenics (renamed the “Board of Social Protection” in 1967) was only abolished in 1983.
Reparation synopsis: Very few states have acknowledged or apologized for these policies, and only one, North Carolina, has set up a reparations program. The state sterilized about 7,600 people, most of whom are no longer living, but last year passed a $10 million reparations program that should give the more than 177 living victims somewhere in the range of $50,000 each. The payments should be made within a few years. Some victims have objected, saying this doesn't come close to remedying the injustice. As one victim, Elaine Riddick Jessie (who was sterilized at age 14 after being raped and forced to give the resulting son up for adoption), put it, "If I accepted it, what kind of value am I putting on the injustice."
NOTE: Governor John Kitzhaber of Oregon apologized for the forced sterilizations of Oregonians in 2002. No mention of reparations was made.

Tuskegee Experiment –
Brief background: 399 black men with syphilis were left untreated to study the progression of the disease between 1932-1972. The participants in the study were only told they would be receiving free health care and nothing about the purposeful infections.
Reparation synopsis: the government reached a $10 million out of court settlement with the victims and their families in 1974, which included both monetary reparations (in 2014 dollars, $178,000 for men in the study who had syphilis, $72,000 for heirs, $77,000 for those in the control group and $24,000 for heirs of those in the control group) and a promise of lifelong medical treatment for both participants and their immediate families.

Rosewood –
Brief background: In 1923, the primarily black town of Rosewood on the Gulf Coast of Florida was destroyed in a race riot that, by official counts, killed at least six black residents and two whites (though some descendants of the town's residents have claimed many more were killed and dumped in mass graves).
Reparation synopsis: In 1994, the state of Florida agreed to a reparations package worth around $3.36 million in 2014 dollars, of which $2.4 million today would be set aside to compensate the 11 or so remaining survivors of the incident, $800,000 to compensate those who were forced to flee the town, and $160,000 would go to college scholarships primarily aimed at descendants.

Source for all four examples (adapted from this source):
Vox Media
https://www.vox.com/2014/5/23/5741352/six-times-victims-have-received-reparations-including-four-in-the-us
P A R T  4

The following arguments have been put forth to support their assertion that some form of reparations ARE appropriate for consideration.

**Views in SUPPORT of Reparations (for events occurring multiple-generations removed from today)**
*(Examples: American Slavery, Shoah/Holocaust in Europe*, Native-American displacement, Stalin’s Gulag prisoners*)

A. Historic atrocities may have left a systematic, institutionalized legacy which has served to keep descendants in a socio-economically repressed status. Reparations in some fashion helps to remedy this.

B. Had emancipated slaves been allowed to possess and retain the profits of their labor, their descendants today might control a significantly larger share of American social and monetary wealth. Such an opportunity was denied to not just the first generation of Freedmen, but to subsequent generations as well.

C. (In the case of slavery) White America owes a debt to Black America, in that the economic, agricultural and infrastructure strength of this nation was built on the back of slave labor. Reparations is a way to honor this.

**Views in SUPPORT of Reparations (for events in which those affected are still living.)**
*(Examples: Rwandan Genocide, Syrian Refugees, also groups noted by a * above)*

A. Compensation helps to rebuild the lives of those affected, who may have lost property, cash or the life of a family member who was the main source of income or stability for the family unit.

B. (Stalin’s gulag) Khrushchev himself denounced the crimes of Stalin. The millions who disappeared are an open wound in the Russian psyche today. Reparations – the wrongfulness of the crime of the gulag having already been admitted to – is a form or accountability and will bring about closure.

**Views in SUPPORT of Reparations (generalized views which could pertain to both historic and modern crimes)**

A. The survivors (or descendants of the survivors) might rest more comfortably knowing that the criminal behavior has been shunned by the world (passing reparations implies widespread condemnation of the atrocities).

B. Reparations can bring about redemption, reckoning or reconciliation.

C. Reparations can heal longstanding wounds (and address inequity) in society.

D. Reparations will not promote dependency. Instead, they will give individuals (African Americans in the case of the legacy of slavery) and the community as a whole a chance to create their own economic base and become self-reliant.

E. Obviously no one wants to be harmed. But, with the harm/injustice already having been inflicted, is it really so bad to accept some form of reparations which are intended not to subvert justice nor alleviate blame/responsibility but rather designed to make those aggrieved have better lives moving forward?
The following arguments have been put forth to support their assertion that some form of reparations are NOT appropriate for consideration.

### Views in OPPOSITION of Reparations (for events occurring multiple-generations removed from today)

*Examples: American Slavery, Shoah/Holocaust in Europe*, Native-American displacement, Stalin’s Gulag prisoners*)

**A.** Comparative utility – It has been argued that the descendants of slaves are in a better position (due to being in America) than any other person of African heritage in the world. “Then, when we rid ourselves of prejudice, or racial feeling, and look facts in the face, we must acknowledge that, notwithstanding the cruelty and moral wrong of slavery, the ten million Negroes inhabiting this country, who themselves or whose ancestors went through the school of American slavery, are in a stronger and more hopeful condition, materially, intellectually, morally, and religiously, than is true of an equal number of black people in any other portion of the globe.”

Booker T Washington in ‘Up From Slavery’ 1901

**B.** The beneficiaries of reparations are not those directly aggrieved by the horrors of the crime.

**C.** Relocation of injustice – Reparations would elicit a cost not on the perpetrators of the crime, but perhaps on their descendants or citizens of the country (which in the past sponsored the crime), none of whom should shoulder the burden of the crimes of their ancestors.

### Views in OPPOSITION of Reparations (for events in which those affected are still living.)

*Examples: Rwandan Genocide, Syrian Refugees, also groups noted by a * above)

**A.** The acceptance of reparations cheapens the loss of life. Receiving money or property should not bring forgiveness for the events which happened.

**B.** Reparations of a financial- or property-nature is a western construction. It does not equal forgiveness nor justice.

**C.** Will reparations affect legal proceedings? Will the victim have less of a courtroom claim against their perpetrator if they have already benefitted from reparations from the event?

### Views in OPPOSITION of Reparations (generalized views which could pertain to both historic and modern crimes)

**A.** Historical Revisionism – the modern world views certain historical events as crimes, but they were not necessarily crimes (domestically or internationally) at the time in which they happened.

**B.** Are reparations legal? If the aggrieved action was not illegal at the time of the event (slavery in the United States, Shoah/Holocaust in Germany), then there is no legal foundation for compensating the victims descendants for the crimes against their ancestors, when – in strictly legal terms – no crime existed at the time.

**C.** Setting a precedent – If reparations are given to one group (ex: slaves), then does this hold that another group grievance should be remedied in the same manner? (ex: Native Americans)

**D.** Cultural Centralism – What one country or culture does might be acceptable to them yet condemned by another country or culture. Who is to say which is right and which is wrong? It is possible without moral absolutism?

**E.** Reparations do not equate justice. Will it be mistaken as such?

**F.** Loss of identity – some cultures have come to accept their peoples history as inseparable from their own cultural identity. Reparations could devastate such an identity, and is disrespectful of all who have come before.

**G.** Reparations might partially clear the conscience of the perpetrator, while not in any meaningful way ease the aggrieved party.

**H.** Will the want for increased reparations create a competition, wherein descendants of atrocities vie for ‘my peoples victimization was greater than yours’ perspective? The scope of any reparation will necessarily be different to reflect the nature of the atrocity, but will people use a reparation itself as the point of comparison?

**I.** From an educational perspective, will the reparations themselves take away from the teaching of the atrocities? (after all, if reparations can ‘make good’ the criminal events in some people’s eyes, why then should we be concerned about teaching to prevent these from recurring?)

**J.** Is there a statute of limitations on genocidal crimes or other crimes against humanity?

**K.** Could the granting of reparations further racism

**L.** Can there be such a thing as crimes against humanity if it is possible for the criminal to ‘make right’?

**M.** David Horowitz: Reparation claims are in-and-of-themselves racist, in that they generalize minority group experiences of racial discrimination and would produce unwanted racial separatism. For instance, only a tiny minority of Americans owned slaves and most Americans living today had no lineal connection to slavery at all.

**N.** If reparations are to be done, and distributed equally to whomever is eligible, is this wealth distribution echoing a theme of socialism?

**O.** Torpey Thesis (John Torpey) – After examining the aftermath of reparation movements throughout the globe, Torpey suggests that reparations claims may ultimately disempower efforts to bring about a better future.
Please reflect on all the reasons offered in support for and against the idea of Reparations. Consider them, and determine which four (from each list) most strike you as valid reasons. List them below (rewrite/summarize the rationale in full; don’t just use the identifying letter from the other page)

☑️ Strongest (in your view) four reasons SUPPORTING reparations.  Rewrite the reason below

1.

2.

3.

4.

☑️ Strongest (in your view) four reasons for OPPOSING reparations.  Rewrite the reason below

1.

2.

3.

4.

☑️ When considering these noted above, which is the strongest single position for both sides of the argument? Please identify it below:

➢ Yes, Reparations are worth considering…….(circle, using the above numbers…) 1 2 3 4

➢ No, Reparations are not worth considering….(circle, using the above numbers…) 1 2 3 4

When considering the Different Models of Reparations, which would be most appropriate for the following aggrieved groups?

- Person directly affected / victim
- Surviving family of person directly affected
- Next generation (grandchildren) of the victim
- Multiple generations removed for the victim, yet who are affected by institutionalized, systemic racism.
Write thoughtfully, thoroughly and completely on the following essay prompt:

**To what extent and under what circumstances (if any) would Reparations be justifiable? Why or why not?**
Discussion Questions

Level One Questions  *(introductory/foundational questions)*
1. Define reparations. What would be an example of it?
2. What is the purpose of reparations?
3. How much must a group be wronged in order to be spoken of as an aggrieved group? (for instance, Native Americans and Slaves are commonly spoken of. What of women in America?)

Level Two Questions  *(basic, understanding the parameters of reparations)*
1. Why might different cultures view the acceptability of reparations differently?
2. Affirmative Action is the practice/policy of favoring individuals belonging to groups known to have been discriminated against, often in the employment hiring or college admission processes. Are Affirmative Action programs a type of reparations?
3. If in support of reparations, what factors should be considered when determining how much those reparations should take (value?), and in what form (payment? reinvestment in community?) (Consider factors like value of lost property, loss of future earning potential, loss of life, cost of ptsd therapy, etc, and whether it is the survivors or their descendants who might receive the reparations)
4. How do we move aggrieved groups from the want of retribution to the willingness of reconciliation (and would reparations be part of this reconciliation?)
5. Should discussions pertaining to reparations be more orientated toward punishing the aggressor or benefitting the recipient? (“Recipient” may be the victim or his/her descendants)

Level Three Questions  *(medium, specific examples)*
1. Is providing reparations an admission of guilt/culpability/responsibility? And if so, does (or should) that open up whomever offering reparations to further litigation?
2. To what extent do you agree or disagree that many problems faced today by the African-American community are the legacy of slavery? Why or why not? Are reparations a remedy which may promote healing in society?
3. If approved, how might reparations be distributed? (Equally? A re-distribution of wealth? By magnitude of harm inflicted? Reinvestment in the community?) Would it be viewed as an echo of socialism or entitlements?
4. To what extent would it matter whether a member of the affected/targeted group advocated in support for or against reparations? Does their being a member of the aggrieved group lend legitimacy to their argument? Why?
5. In the 1990s, American Jews (distantly related to Holocaust victims) were in support of German reparations to Holocaust victims, while Israel Jews (survivors and descendants of survivors) were not as much. How do we reconcile these two perspectives? Whose perspective on reparations should carry more weight? Why?
6. Some historical events have victims who are individuals while others involve victims which are nations/countries. (An example of the former are the Kurds abandoned by President Trump in 2019 or the Jews in World War II or Rwandans in 1994, while the latter might be Mexico in 1854 when it was forced to sign away claims to California on the eve of the discovery of gold.). In what ways might the status of the aggrieved party (individual; nation) affect reparation discussions?

Level Four Questions  *(advanced, conceptual)*
1. In most genocides, the target is an ethnic or religious minority, and the aggressor is someone “different”. Would the pursuit of reparations enhance (or reduce) racism in both sides?
2. Restorative Justice is a process of behavior modification and conflict resolution which focused on the rehabilitation of offenders through reconciliation with victims, and by emphasizing the voice of the victim and the events’ impact on them. Would Restorative Justice practices be supportive or not of the idea of reparations?
3. Some have suggested that even discussing the very possibility of reparations for slavery might push countries to angrier extremes on either side, stimulating fresh antagonisms. This argument is particularly acute in the United States. To what extent to you agree or disagree with this assertion?
Satirical cartoons serve a purpose in society by offering subtle commentary on important topics through illuminating political or socio-economic lenses.

Source: https://www.inquirer.com/opinion/cartoons/reparations-race-schools-equality-20190623.html

What are the viewpoints on Reparations this cartoon is intending to convey?

Source: https://rightfromyaad.wordpress.com/2013/10/12/reparation-debate-lost-in-logic/

What are the viewpoints on Reparations this cartoon is intending to convey?

Source: https://me.me/i/catalino-coprisht-200-iwant-reparations-not-only-for-the-descendants-df01dea254e44c688c4e244b263820b0

What are the viewpoints on Reparations this cartoon is intending to convey?
Satirical cartoons serve a purpose in society by offering subtle commentary on important topics through illuminating political or socio-economic lenses.

Source: https://www.conservativets.com/2019/07/05/reparations-paid-in-full-grrr-graphics-ben-garrison-cartoon/  
What are the viewpoints on Reparations this cartoon is intending to convey?

Source: https://www.phillytrib.com/commentary/michaelcoard/coard-stop-talking-reparations-until-you-know-these-facts/article_978610ff-2b62-57e2-b79a-47fe9e3bd996.html  
What are the viewpoints on Reparations this cartoon is intending to convey?

Source: https://humanizingthevacuum.wordpress.com/2016/01/25/tnc-a-left-radicalism-that-fails-to-debate-its-own-standards/  
What are the viewpoints on Reparations this cartoon is intending to convey?
Satirical cartoons serve a purpose in society by offering subtle commentary on important topics through illuminating political or socio-economic lenses.

Source: http://jemmy85.blogspot.com/2013/11/learning-from-cartoons.html

What are the viewpoints on Reparations this cartoon is intending to convey?
Satirical cartoons serve a purpose in society by offering subtle commentary on important topics through illuminating political or socio-economic lenses.

Source: http://jemmy85.blogspot.com/2013/11/learning-from-cartoons.html

What are the viewpoints on Reparations this cartoon is intending to convey?


What are the viewpoints on Reparations this cartoon is intending to convey?
What Holocaust Restitution Taught Me About Slavery Reparations

My experience negotiating restitution for Holocaust survivors has shown me how difficult and divisive a slavery reparations program would be to enact.

About the Author: Stuart Eizenstat held four Senate-confirmed positions in the Clinton administration and also served as special representative of the president and secretary of state on Holocaust-era issues (1993-2001). During the Obama administration he was special adviser on Holocaust issues to secretary of state Hillary Clinton and John Kerry (2009-2017). He was President Jimmy Carter’s chief White House domestic policy adviser (1977-1981), and is the author of ‘President Carter: The White House Years.’

Over the past few years, the idea of reparations for the effects of slavery in the United States has gone from a mostly academic discussion to a political possibility, discussed at presidential debates and in the halls of Congress. This summer, the House held a hearing on a bill, H.R. 40 — first introduced in 1989 by Representative John Conyers and reintroduced after his retirement by Representative Sheila Jackson Lee in 2019 — that would form a commission to study proposals for how reparations would work in practice. Several of the Democratic Party’s candidates for president have said they support the House bill. One of them, Senator Cory Booker, introduced a companion bill in the Senate.

Slavery is a profound historical wrong — one whose brutal legacy permeates American life today. People of color continue to suffer endemic discrimination in employment, housing and new forms of voter suppression. As a result, by every socioeconomic measure — health, education, income, wealth, homeownership and employment levels — they remain far behind white Americans. We must do more to acknowledge, confront and end institutional racial discrimination.

But reparations in the form of cash payments for descendants of slaves are not the way to right this grievous wrong. I write this having spent decades of my life negotiating more than $17 billion in reparations for Holocaust survivors. What I learned as chief negotiator for both the U.S. government, across several presidential administrations, and for the Jewish Claims Conference, a group representing Holocaust survivors in compensation negotiations with the postwar German government, is that reparations are complicated, contentious and messy, and work best when the crime was recent and the direct victims are still alive. Based on my experience, I believe that trying to repay descendants of slaves could end up causing more problems than reparations would seek to solve and that there are better ways to end racial disparities.

To be clear, I am not saying that the horrors of slavery are greater or less than the horrors of the Holocaust. But the fact that slavery is so much farther in the past makes the logistics of reparations next to impossible. Even though some supporters of slavery reparations point to Holocaust reparations as a model, they are actually quite different.

During Bill Clinton’s presidency, I served in a newly created position as a special representative of the president and secretary of State on Holocaust-era issues. I led an interagency negotiating team that helped settle a series of class-action lawsuits brought by American lawyers in U.S. courts on behalf of Holocaust survivors or their immediate relatives all over the world against French and Swiss banks. The banks had held funds deposited by Jews seeking to hide them from the Nazis but failed to admit their existence after the war when survivors or direct heirs of victims claimed them; instead, the banks took the money into their own profits. We also settled class-action lawsuits against European insurance companies that refused to pay beneficiaries on the specious ground that premiums were not paid while policyholders were in concentration camps. We obtained payments from hundreds of German and Austrian companies that employed Jewish slave laborers, working them to death, and non-Jewish forced laborers from Poland and other countries overrun by the Nazis. All worked under brutal conditions but were viewed as wartime assets to substitute for German men conscripted to fight. We also arranged for the restitution of private property in Austria, compensation or recovery of thousands of Nazi-looted artworks, and the return of synagogues, community centers and even cemeteries confiscated by the Nazis and nationalized by postwar communist governments.

During the Obama administration, in 2014, when I continued this work as special adviser to Secretaries of State Hillary Clinton and John Kerry, we negotiated reparations for non-French citizens from the French government for deporting Jewish residents to death camps aboard the state-owned railway and for their spouses and children if they survived the war but died before our agreement. Since 2009, I have also led annual negotiations with Germany on behalf of the Conference on Jewish Material Claims Against Germany and obtained payments for pensions, home care, food and medical services for survivors.
in or near poverty. Overall, we have managed to obtain a degree of justice — even if it is imperfect. It took decades and is still a painstaking process.

The common thread running through these U.S.-led negotiations and those of the Claims Conference is that restitution has come from the direct perpetrators of the crimes and has gone largely to those who directly suffered and survived, and, in some cases, their direct heirs. And even this was extremely difficult. In the Austrian property cases, there were 18,000 claims filed — largely by heirs of victims — with the Austrian claims process having to sort out competing claims among families. Controversy arose in the French railway case because payments went only to living survivors of the deportations or their spouses or children if the deportee had died after World War II and before our agreement; distant relatives of deportees were excluded.

Imagine how these problems would be compounded in any program of individual reparations for descendants of slaves. Under such a program, a direct link would be necessary to prove which of today’s 37 million African Americans would be eligible for reparations. But poor record-keeping during the slavery era, which predated America’s founding, makes it extremely difficult to trace ancestry back to a specific slave family. With Holocaust-era slave laborers, we applied a sort of “rough justice” by using Red Cross and German concentration camp records to pay a flat sum of $7,500 to each former inmate, regardless of how long they had been held captive (forced laborers received $2,500). It is hard to see how such an approach would work in America, where slave records are flawed and far from complete. That system would also disadvantage those African Americans unable to establish such a linkage because they lacked the economic wherewithal to pursue the difficult genealogical task or because records did not exist.

Other U.S. government reparations programs have stuck to paying direct victims or their immediate family. More than 100,000 Americans of Japanese descent who were interned during World War II were each paid $20,000 under a law signed in 1988 by President Ronald Reagan, but nothing was paid to the heirs of those who died before the 1988 law went into effect. The benefits from the settlement of the lawsuit dealing with the awful government experiment at Tuskegee University that withheld treatment for syphilis from hundreds of black patients went only to survivors, their wives and widows, or their children.

Then there is the question of costs. Germany has paid more than $60 billion since 1952 for the horrors of the Holocaust and continues to this day to provide for those living survivors in special need, but not their descendants. Economic estimates of the potential cost of reparations for distant heirs of slaves range from about $500 billion to as high as $17 trillion, which is more than three times current annual federal spending. Who would pay for this? All American taxpayers would have to bear the burden of reparations, perversely including many of the intended beneficiaries.

There are a few problems with this. For one, such an expensive, taxpayer-funded program stands little to no chance of being enacted. A Gallup Poll shows a majority of Americans, 67 percent, say the government should not arrange cash payments for slavery. But also, rather than promote the reconciliation we so badly need, reparations could seriously inflame racial tensions, stoking the resentment of nonblack citizens who would feel their needs for government assistance were being ignored in a rapidly changing, dislocating economy. According to that same Gallup Poll, only 16 percent of white Americans support cash reparations, while 73 percent of African Americans do. A government program white citizens perceive to be helping African Americans at their expense, for a crime they did not commit, would only push them further from understanding racism in America.

Some have suggested that the best reparations policy would dole out payments to all African Americans in the United States, regardless of whether they could prove their descent from slaves. But the costs for this would be even greater, making it even more politically improbable. Not to mention that any such plan risks further worsening race relations.

Part of what makes slavery reparations impractical is also what makes slavery’s legacy so insidious and difficult to combat. We’re not talking about a single, horrific, recent event. Slavery began before the founding of the country and continued for centuries. It ended more than a century ago. But its trauma has persisted for generations, continuing to harm African Americans even as it has become less visible to other Americans.

With this in mind, there are better ways to promote the healing this country needs than a formal reparations program. More feasible and urgent would be committing the nation to reducing inequality in income and wealth by making targeted and thoughtful investments to lift up both low-income communities and communities of color — an approach already favored by many of the Democratic candidates. That should include strengthening our national safety net. The government should also set aside additional federal funding for historically black colleges and black entrepreneurs as well as commit to stricter enforcement of discriminatory lending practices and to strengthening the 1965 Voting Rights Act to empower the federal government to protect African Americans against a withering variety of voter suppression efforts.
Two presidents from the South, Lyndon B. Johnson and Jimmy Carter, supported a range of policies to help increase opportunities for African Americans. Carter enforced set-asides for minority contractors on federal projects and affirmative action in admission to colleges. Both presidents supported funds for race-neutral, income-based programs, too: Public-private partnerships for investment in low-income areas, Head Start classes for disadvantaged children, Title I of the Elementary and Secondary Education Act for schools with high percentages of low-income students, and Pell Grants for college aid to needy students. President Barack Obama’s Affordable Care Act, with its broadened coverage for private health insurance and expanded Medicaid benefits, is another more recent example of a program that helps minorities but also targets Americans in need regardless of race. The Trump administration has opposed most of the special affirmative action programs and has sought to cut the budgets for many of these programs. Instead, these programs should be continued and enhanced.

Education about the injustice of slavery and continued discrimination is also crucial. Just as the U.S. Holocaust Memorial Museum in Washington has drawn more than 50 million visitors — three-quarters of them non-Jews — and teaches the causes and effects of the Holocaust, the magnificent new National Museum of African American History and Culture that stands on our National Mall educates overflow crowds about slavery and its impact and also the great contributions of African Americans to every field of American endeavor. The International Holocaust Remembrance Alliance, an organization I helped create with the leadership of then-Swedish Prime Minister Göran Persson, now has 33 countries promoting Holocaust education. In America, the Department of Education and state educators should develop model courses on the realities and legacies of slavery and discrimination.

A large part of the argument for reparations is the symbolic importance of an admission of wrongdoing. Public apologies can be powerful tools for reconciliation, too. The Japanese American reparations legislation signed by Reagan included a national apology, and Bill Clinton formally apologized on behalf of the U.S. government for the unethical experiments on black men with syphilis at the Tuskegee Institute. Nine states, including former Confederate states of Alabama, North Carolina and Virginia, have formally apologized for slavery. The U.S. House and Senate passed bipartisan resolutions of apology in 2008 and 2009 but failed to reconcile the two versions and send them to the president. No U.S. president has ever formally apologized for slavery. It is time for another effort.

The best model for helping overcome prejudice and hate is South Africa’s Truth and Reconciliation Commission. Its mandate from Nelson Mandela included neither financial compensation for apartheid nor punitive measures against its white perpetrators. The commission took testimony from 20,000 victims and from those who did evil deeds, under a provision of amnesty. In accepting the commission’s report, Mandela majestically declared its purpose was “to help reconcile and build our nation,” to heal and not to divide. It gave black citizens of South Africa the feeling that they could air their grievances in a constructive way, to demonstrate the evils of apartheid on an individual and collective basis. At the same time, it avoided direct retribution against its white perpetrators, curbing resentment and risk of making racism even worse and set a course for a degree of racial reconciliation during Mandela’s tenure as president.

We need a similar commission in the United States to examine slavery and racial discrimination to expose hidden truths, past and present, not for divisive individual or group compensation.

I’m not saying this will all be easy or that it won’t be politically divisive. Policies like expanding the social safety net and cracking down on voter suppression face significant political headwinds, a congressional and presidential apology for slavery and a reconciliation commission would face headwinds in today’s polarized political environment. But I believe that politicians are much more likely to push for — and Americans are much more likely to accept — these efforts than cash payments for descendants of slaves.

The concept of reparations for what Abraham Lincoln called “the bondsman’s unrequited toil” is at least as old as the immediate post-Civil War years, when in 1865, General William Tecumseh Sherman issued a field order offering the freed slaves 40 acres of land and army mules as a step toward self-sufficiency, economic inclusion and redress. But Lincoln’s successor, President Andrew Johnson, annulled Sherman’s order after Lincoln’s assassination, and in 1872, the Freedmen’s Bureau, created by Congress to help freed slaves enter the economic mainstream, was closed.

It’s time for the country to get serious about making up for that mistake — and for the decades of mistakes and discrimination that followed. But we should pick a way forward that avoids sending the country into a divisive, complicated, contentious process that could bog down our politics for decades.