



Task Force on Racism,
Social Equity, and the Law

Public Forum #4:
Closing the Wealth
Gap: Restitution,
Reparations, and
Other Remedies

May 16, 2022



Agenda

- Welcome
- Introductions
- Current State/Wealth Gap, lack of equity and parity
- Historical Context
- Where have reparations been paid and to whom?
- Where do we go from here?



Welcome – Opening Remarks



T. Andrew Brown
President-Elect
New York State Bar Association

Introductions – Task Force Co-Chairs



Taa Grays



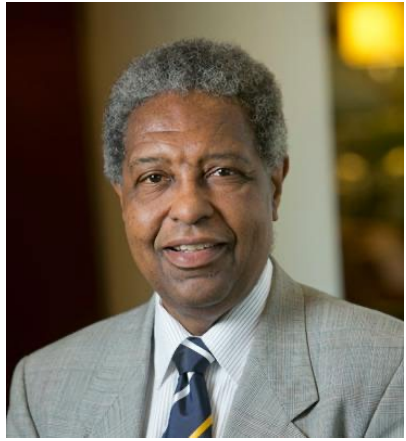
Lillian Moy

Scope of Work - Mission

The Task Force on Racism, Social Equity and the Law will:

- examine how structural racism permeates and influences facets of daily life leading to injustice and inequality among New Yorkers
- include six committees that will examine the key issues that cause structural racism to be entrenched and persistent
- through its committees explore changes in the law and public policy and deliver a report recommending action steps the NYSBA can take to attack structural racism and effectuate meaningful societal transformation

Panelists & Moderator



Prof. William
Darity

Samuel DuBois
Cook
Distinguished
Professor of
Public Policy

Duke University



A. Kirsten Mullen

Folklorist & the
founder of
Artefactual, an
arts-consulting
practice, and
Carolina Circuit
Writers



Prof. Thomas
Craemer

Associate
Professor
School of Public
Policy

University of
Connecticut



Prof. Anthony Paul
Farley

James Campbell
Matthews
Distinguished
Professor of
Jurisprudence

Albany Law
School



Mirna M.
Santiago, Esq.

Girls Rule the
Law, Inc.

Using the Q&A and Chat Features



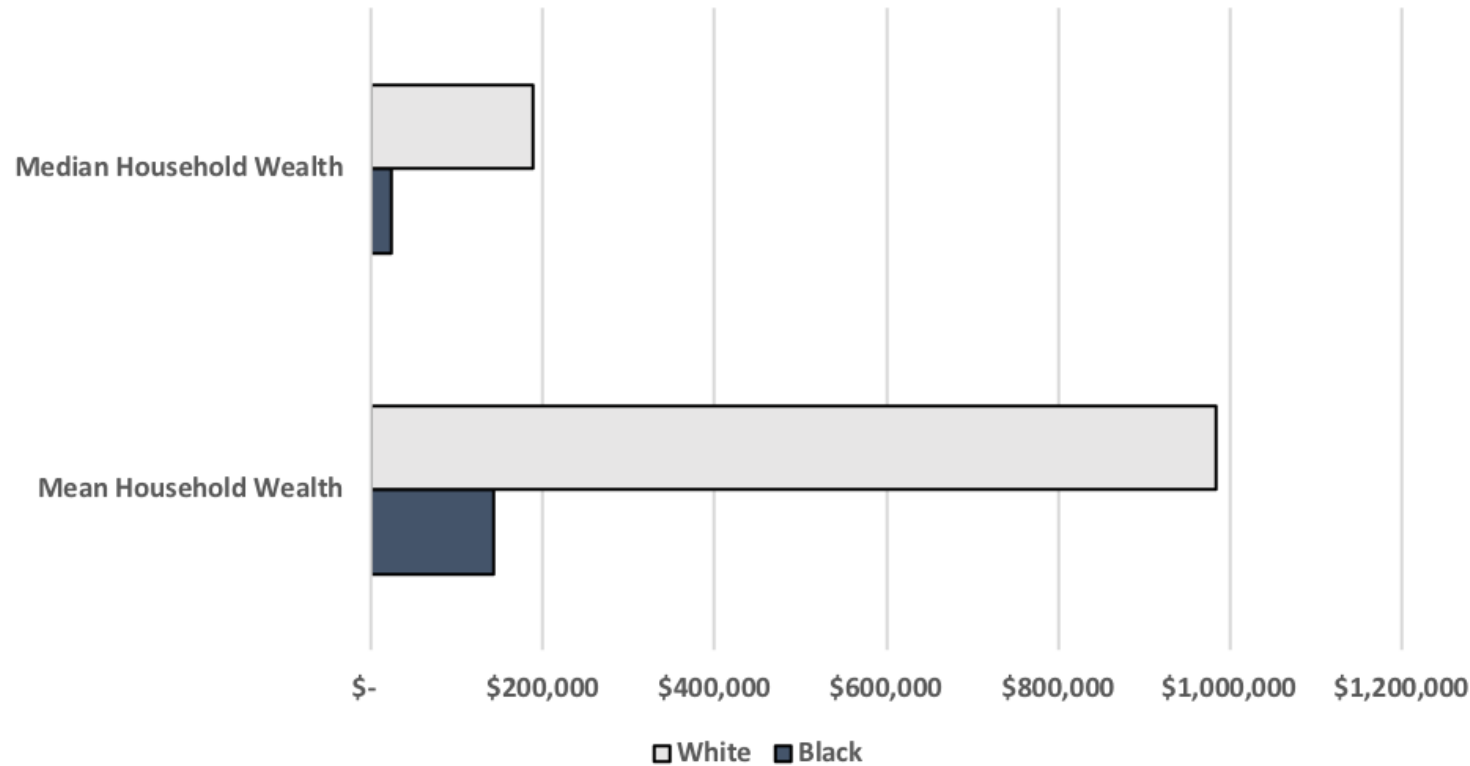
Q&A is for asking a question to the panel



Chat is for sharing ideas and comments with the panelists, not a question

Exploring the Wealth Gap at the Intersections of Race and Gender

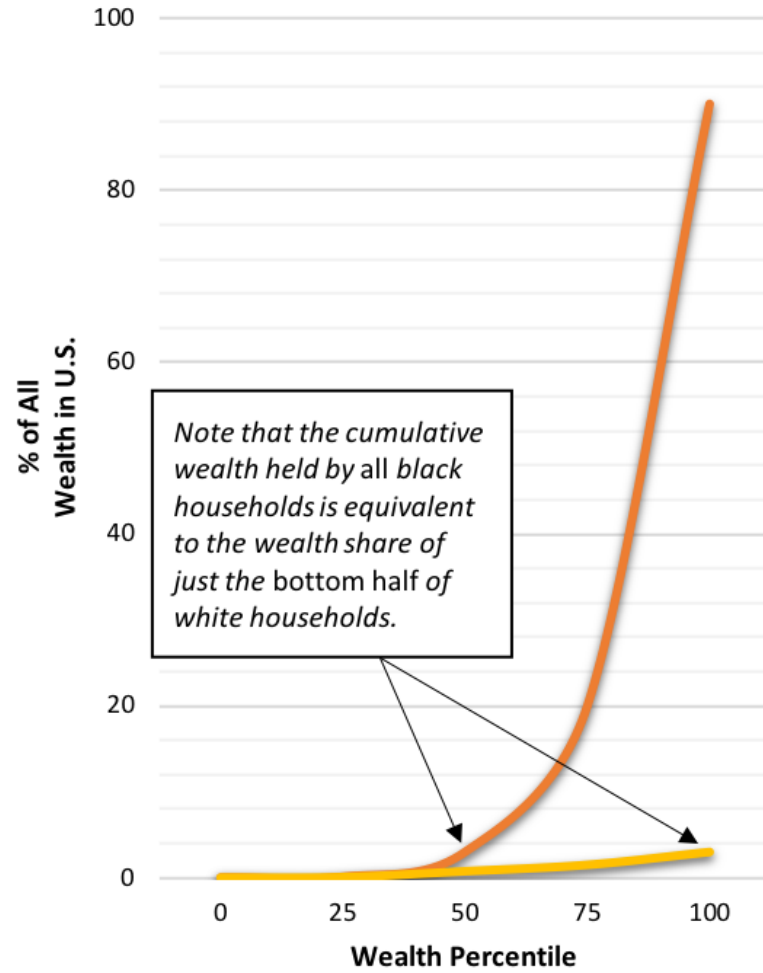
Two Views of the Black-White Wealth Gap



To close the wealth gap at the median (approx. \$164,000), black households would have to save 100 percent of their income for almost 4 consecutive years.

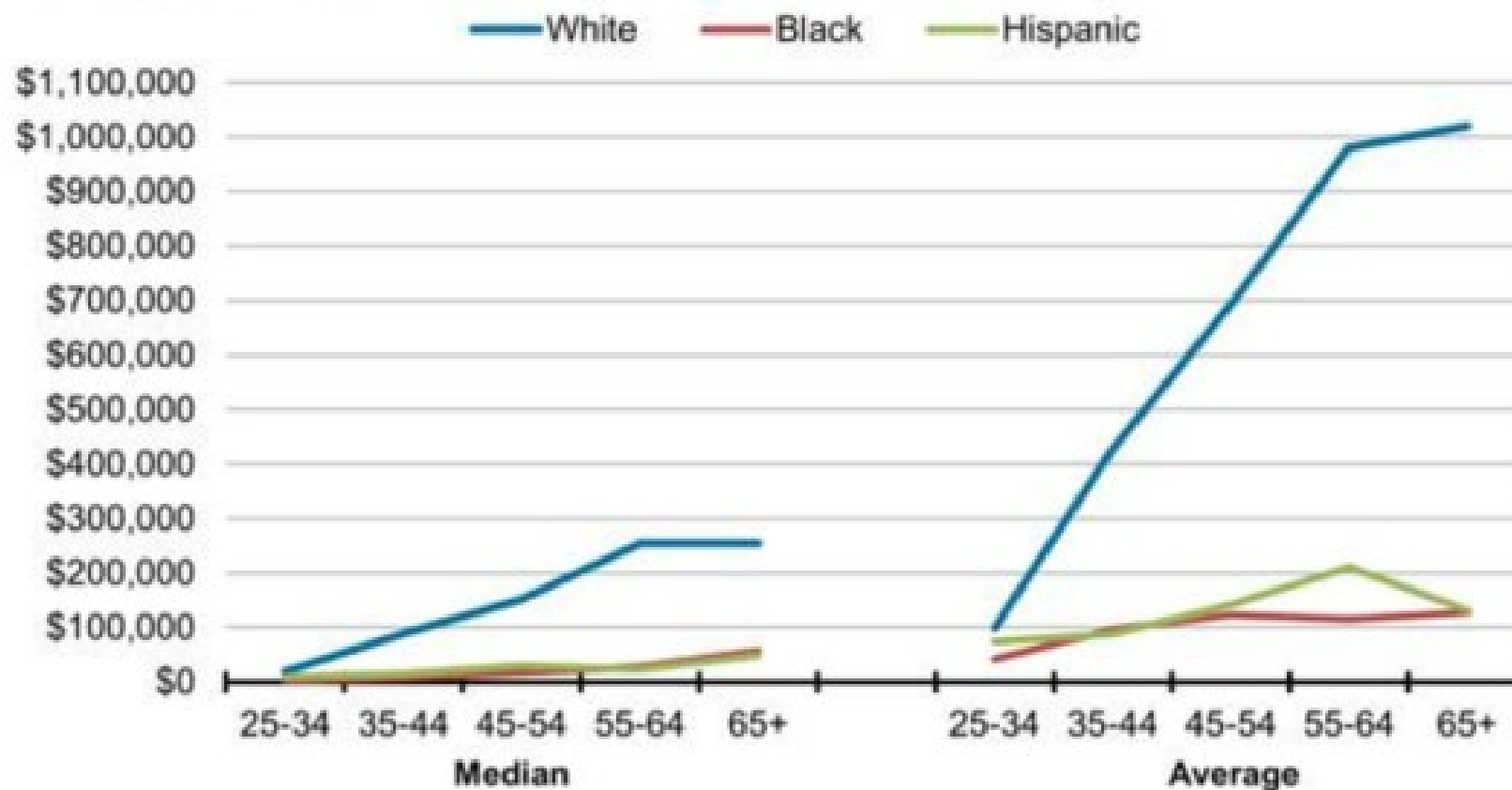
To close the gap at the mean (approx. \$841,000), black households would have to save 100 percent of their income for 14 consecutive years.

Wealth Share, By Race



— Cumulative White Wealth — Cumulative Black Wealth

Median and Average Wealth: By Race and Age of Head of Family



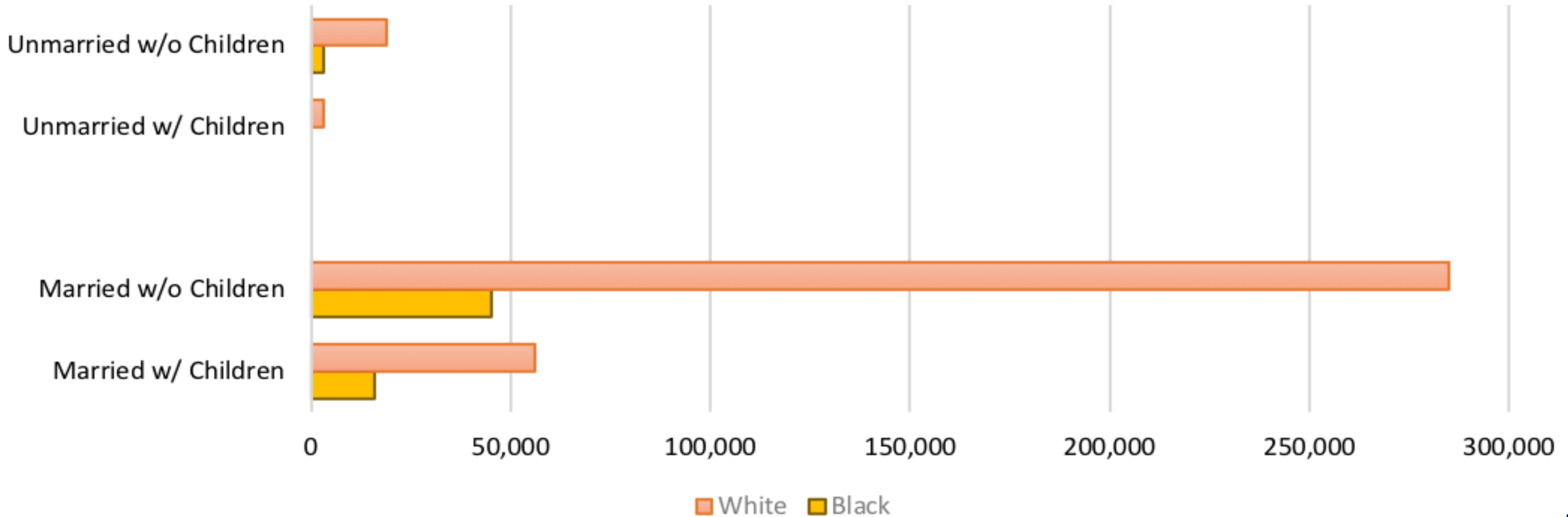
Source: Federal Reserve | WSJ.com

Racial Differences in Wealth among Single Elderly Women (60+): Comparing Across Similar Education Levels

- White women who graduated from college have **35x** the wealth of black women who graduated from college (\$384K vs. \$11K)
- White women without college degrees have **5x** the wealth of black women without college degrees and **5.5x** that of black women with college degrees (\$60K vs. \$12K and \$11K, respectively)

Racial Differences in Wealth among Women:

Comparing Across Similar Family/Parental Structures

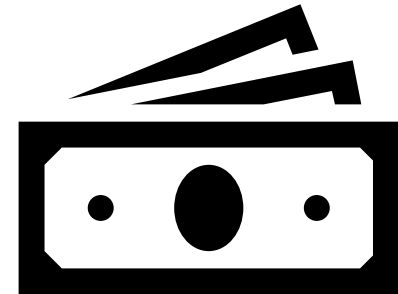


What We Get Wrong About Closing the Racial Wealth Gap

- **Myths of Pathways to Closing the Gap**
 - Education
 - Savings
 - Buying and banking Black
 - Homeownership
 - Entrepreneurship
 - Financial literacy
 - Emulate other successful ethnic groups
 - Family structure
 - Soft skills
 - Personal responsibility

Causes of the Racial Wealth Gap

- Public Policies
- Intergenerational Effects (Gifts & Bequests)



The German Holocaust



My late friend, Miociu Langer, Holocaust survivor and recipient of a small reparations pension. In his retirement he relocated from Israel to Germany.

The German Holocaust

Reparations in **2019 US \$**

1952: To resettle 50,000 refugees	\$6,984,534,228
1952: For heirless estates	\$1,044,849,836
1952-2007: Survivors' pensions ¹	\$73,258,580,232
1988: To Holocaust survivors	\$437,544,904
1999: To slave laborers	\$7,795,770,799
Total:²	\$89,521,280,000

¹) Survivor's Pensions are still ongoing

²) Total in 2007 estimated to €64 billion x 1.37 = \$87.68 billion

The German Holocaust

German Holocaust Reparations were *not* a result of the *Judgment at Nuremberg*, but a political process – it contributed to the emergence of *new law* and set legal precedent world-wide.

Reparations for Historical Injustices

Native American Genocide

Native American Genocide

Native American Reparations Claims

“in 1946 ... Congress ... set up the Indian Claims Commission to hear Indian *claims for any lands stolen from them since the creation of the USA in 1776.*”

<https://www.historytoday.com/archive/native-americans-and-federal-government>

Native American Genocide

The *National Congress of American Indians* acknowledges that “*various efforts have been made to settle American Indian and Alaska Native claims,*” but argues “those efforts have been *woefully inadequate ...*”

http://www.ncai.org/attachments/Resolution_ueMXHKsnEbfLzaUzceyrsHJgTmxbkgQplyvkWHQBVciBejXIGMP_REN-19-020.pdf

Reparations for Historical Injustices

Japanese-American World War II Internment

Japanese-American World War II Internment



President Ronald Reagan signing the
Civil Liberties Act of 1988

<https://constitutioncenter.org/blog/looking-back-at-the-civil-liberties-act-of-1988/>

Japanese-American World War II Internment

In 1988, the United States Congress passed the Civil Liberties Act that provided reparations of *\$20,000 per survivor* to *Japanese-American World War II internees* accompanied by a letter of *apology* from the U.S. President.

Reparations for Historical Injustices

African-American Slavery

African-American Slavery



40 Acres and a Mule

African-American Slavery

General *Sherman's field order No. 15 of 1865* distributed 40-acre parcels of confiscated Confederate land to 40,000 freedmen and – women.

President Lincoln's successor Andrew Johnson *returned the land to the former owners*. Land was taken away from Black farmers!

40 Acres and a Mule

Precedents the Wrong Way Round

Precedents the Wrong Way Round

Compensated Emancipation Schemes in the French Caribbean

French Colonies	Final Abolition	Form of Compensation to Slave Owners
Haiti	1793	£3.6 million from Haiti to France
Guadeloupe	1848	£5 million from France to the former slave owners of Guadeloupe, Martinique, and French Guiana
Martinique	1848	
French Guiana	1848	

Precedents the Wrong Way Round

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Precedents the Wrong Way Round

Haiti's Revolution (1791-1804) led to the *first permanent abolition of slavery* in the world. In 1825, France sent a fleet to Haiti to demand an *'indemnity' for the former slave owners*. The crippling Haitian "independence debt" was financed through loans and these were serviced from *1825 to 1947*, over a period of *122 years*.

Precedents the Wrong Way Round

Compensated Emancipation Schemes in Latin America

Spanish Colonies	Final Abolition	Form of Compensation to Slave Owners
Peru	1821	Free Wombs Law: ² Slavery until 21
Venezuela ¹	1821	Freedom of Wombs Law: Slavery until 18
Chile	1823	Free Wombs Law: ² Mothers enslaved, newborns free
Costa Rica	1824	Indemnity committee determines compensation
Uruguay	1825	Free Wombs Law: ² Unclear age of enslavement
Mexico	1829	Compensation from government
Paraguay	1843	Free Wombs Law: ² Slavery until 25 men, 24 women
Bolivia	1851	Free Wombs Law: ² No slaves born after 1825
Ecuador ¹	1852	Free Wombs Law: ² Slavery until 18 + Compensation
Colombia ¹	1852	Free Wombs Law: ² Slavery until 18 + Compensation
Argentina	1861	Free Wombs Law: ² Slavery until 20 men, 16 women
Cuba	1872	Free Wombs Law: ² Slavery until 22
Puerto Rico	1872	Free Wombs Law: ² : Slavery until 22

¹) Gran Colombia: Colombia, Venezuela, Ecuador; ²) Ley de Libertad de Vientres; Immediate emancipation only in the Dominican Republic (1844), Unclear if compensation was offered in Guatemala (1923), Honduras (1824), El Salvador (1825), Nicaragua (1838), or Panama (1851).

Precedents the Wrong Way Round

Compensated Emancipation Schemes in British Colonies

British Colonies	Final Abolition	£20 million compensation to slave owners & slave labor
Jamaica	1838	Compensation and 4 years slave labor
Trinidad/Tobago	1838	Compensation and 4 years slave labor
Guyana	1838	Compensation and 4 years slave labor
Belize	1838	Compensation and 4 years slave labor
Bahamas	1838	Compensation and 4 years slave labor
Barbados	1838	Compensation and 4 years slave labor
Saint Lucia	1838	Compensation and 4 years slave labor
Grenada	1838	Compensation and 4 years slave labor
St. Vincent/Gren.	1838	Compensation and 4 years slave labor
Antigua/Barbuda	1838	Compensation and 4 years slave labor
Dominica	1838	Compensation and 4 years slave labor
Saint Kitts/Nevis	1838	Compensation and 4 years slave labor
Cayman Islands	1838	Compensation and 4 years slave labor
Turks and Caicos	1838	Compensation and 4 years slave labor
British Virgin Isl.	1838	Compensation and 4 years slave labor
Anguilla	1838	Compensation and 4 years slave labor
Montserrat	1838	Compensation and 4 years slave labor

Precedents the Wrong Way Round

In 1833, the British government abolished slavery, took up loans, and paid *reparations to the slave owners*.

It serviced those loans for 182 years *from 1833 to 2015* (Manjapra, 2018).

Precedents the Wrong Way Round

Compensated Emancipation Schemes Elsewhere

Swedish Colony	Final Abolition	Form of Compensation to Slave Owners
Saint Barthélemy	1847	Govt. buys 529 enslaved for \$44.680 Spanish dollars
Danish Colonies		
U.S. Virgin Isl.	1848	£200,000 + 12 years slavery reduced to 1 due to rebellion
U.S.A.		
Washington D.C.	1862	£200,000 to slave owners (\$300 per enslaved)
Dutch Colonies		
Suriname	1873	330 Guilders per enslaved to slave owners + 10 years
Curaçao	1873	330 Guilders per enslaved to slave owners + 10 years
Aruba	1873	330 Guilders per enslaved to slave owners + 10 years
Sint Maarten	1873	330 Guilders per enslaved to slave owners + 10 years
Carib. Netherl.	1873	330 Guilders per enslaved to slave owners + 10 years
Brazil		
Brazil	1888	Free Womb Law, forced labor until 21

Precedents the Wrong Way Round

In 1862, the U.S. government abolished slavery in DC, providing **\$300** in reparations per enslaved to **slave owners**. Reparations for **3,100** formerly enslaved were paid out at the height of the Civil War when every penny counted for the preservation of the Union!

National Archives Catalog (1862, April 16). An Act of April 16, 1862 [For the Release of Certain Persons Held to Service or Labor in the District of Columbia].
<https://catalog.archives.gov/id/299814>.