

## For 400 Years of Terror, and Other Egregious Crimes



## Reparations Means Full Repair

Kamm Howard 2019

2019 marks 400<sup>th</sup> anniversary of the arrival of the first Africans on the shores of the Virginia Colony in 1619.<sup>i</sup> This began the American period of enslavement<sup>ii</sup> of Africans and their descendants. NCOBRA has themed this anniversary - *400 Years of Terror: A Debt Still Owed*.

From the very beginning, terror or psychic trauma<sup>iii</sup> was the reality for these perhaps 3 dozen stolen Africans. Not only was the Middle Passage<sup>iv</sup> a terrifying experience of its own, but history tells us that the ship that brought these Africans here was not the ship they initially embarked upon. Nor was it just 36 of them that left Africa on that voyage. It was 350.

In route to its destination of Vera Cruz Mexico, the original ship – the *San Juan Bautista*, was met in the Gulf of Mexico by not one, but two, pirate ships – the *White Lion* and the *Treasurer*. At the end of the attack, the *White Lion* delivered all of its pirated cargo from the attack - “20 and odd Africans,” and the *Treasurer*, a “half dozen” of the 40 Africans it seized, before it sailed to Bermuda.

How did these sixty or so Africans make it upon these pirate ships, as the *San Juan Batista* was destroyed in the attack? Were they pulled from the sea? Were they forced by gunpoint or at the end of a sword.? Did they choose any vessel other than the one that was sinking and offering them certain death.? More importantly what happened to the nearly 300 others that were on the *San Juan Bautista*? Were they still chained together in death as they were in the frightening last months of their lives through the horrific *Middle Passage*?

This began our existence in what was to become America – a terror that has yet to cease and has yet to be redressed. This scene would be followed by 256 years of brutal enslavement of Africans and their descendants- treatment so inhumane -that Fredrick Douglass would characterize later as behavior “that would disgrace a nation of savages.”

The period of enslavement was followed by 100 years of legal apartheid, called Jim Crow Segregation - social separation backed by tremendous force, unjust laws and deadly violence. After the Civil War, former Confederate Army soldiers, officers and their offspring created highly organized terrorist groups that sprang up everywhere in America. Their reach went all the way to the White House<sup>v</sup>. These groups – the Ku Klux Klan, the Knights of the White Camellia, White Citizen's Council and their copycats were responsible for thousands of murders and assassinations, unjust imprisonment of tens of thousands, continued theft of labor, theft of millions of acres of land purchased by Blacks post-emancipation, and at least 4,743 recorded lynchings. This, in addition, to the destruction of scores of Black towns and communities and the banishment (racial cleansing) of their inhabitants<sup>vi</sup>. In a matter of hours, these towns and communities, some with residents numbering in the thousands, were erased from existence. As throughout the period of enslavement, from fetuses to centenarians, no African life was spared the devastation of white hate. Today descendants of those perpetrators of white hatred defiantly fly the Confederate flag, still standing behind the terrorist intent.

After 1965 and the passing of civil rights laws, even though "segregation" ended, the violent intimidation and forcibly controlled limitations of the Black community did not.

Although white mob action declined, the deadly racial violence of the police remained steady and harsh. "Police brutality," as it was named, sparked the creation of the Black Panthers Party for Self Defense and other Black nationalist groups. These groups rose to address the criminal behavior of police terrorism, and the social, political and economic domination and control that the police enforced. After the Panthers and others were illegally and unconstitutionally suppressed, police departments like the Chicago Police Department obtained, what amounted to, free license to terrorize African descendants through torture, forced confessions and murder of innocent men and women<sup>vii</sup>. These summary executions continue to this day across America - Ayana Stanley-Jones, Tamir Rice, Oscar Grant, Sandra Bland, Rekia Boyd, Mike Brown, Philando Castile, and Laquan McDonald, are just a few of the thousands who have met this fate post-1965.

Throughout this entire 400-year period, Africans and their descendants fought against this inhumanity<sup>viii</sup> and put forth demands that these crimes be redressed in the form of reparations through the means of securing freedom, land, repatriation, pensions, compensation, and restitution.

In the latter part of the 20th century international charges of genocide were levied twice by Blacks with the United Nations Human Rights Commission – once in 1957<sup>ix</sup> and again in 1997<sup>x</sup>. (In 2014 and 2016 a new generation of activists repeated the charge<sup>xi</sup>.) In 1969 James Foreman presented his Black Manifesto to the white Church community demanding resources for economic development and various structural and institutional acts of restitution. Mass-base organizations rose in the 1980s to create a grass roots demand for reparation - African National Reparation Organization ANRO and NCOBRA - The National Coalition of Blacks for Reparations in American, that at one time had membership in the thousands.

At the beginning of the 21st Century, with assistance from NCOBRA, the December 12th Movement – D-12, and the National Black United Front – NBUF, led nearly 400 delegates to Durban South Africa to the 2001 World Conference Against Racism, Xenophobia and Related Intolerances. Over 14,000 participants attended the conference including governmental delegations from 195 countries.

For the D-12 and NBUF-led delegation, reparations was their focus<sup>xii</sup>.

The conclusion of the conference reaffirmed some fundamental human rights for *people of African descent* - **particularly the right to be repaired from criminal and injurious acts of one's government**. In the official outcome document of the Conference<sup>xiii</sup> - the Governmental delegates declared that the Trans-Atlantic Slave Trade, slavery, apartheid and colonialism were *crimes against humanity*. Further, that there was an economic basis to these crimes - that are evident to today - the injuring nations are wealthy and “the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities [poverty, underdevelopment, marginalization, social exclusion] in many parts of the world today.” And even further, that there is an obligation on the part of those nations that were enriched by these crimes to engage in redress for the inequities that exist and injuries caused.

This historical victory by those in the global reparations movement marked a new phase and new mode of reparations struggle by people of African descent<sup>xiv</sup>. Everywhere, those of us in the reparations struggle, began speaking the same language- that the Trans-Atlantic Slave Trade, slavery, colonialism and apartheid, were not just bad/immoral acts- they were in fact crimes against humanity – “*the most egregious crimes a government can commit or allowed to be committed against a civilian population.*” Globally we became aware that crimes against humanity have no jurisdictional statute of limitation. We became aware that the enormous economic theft is still accruing value to the nations and corporations that usurped the productive output from our ancestors; we also became aware that that the wealth that sits in the accounts of many extremely wealthy white westerners was also wealth passed down generationally from the original criminal usurpers; we all became clearly aware that the dysfunction that is seen in African and African descendant populations globally have their initial causation in the crimes committed against the humanity of their ancestors and that are compounded by continued harmful acts done today. We all further became aware since Durban, that the number one global issue for Africans and people of African descent world-wide is the repair from centuries of theft, abuses, terror and lies regarding our humanity and our primary and substantial contributions to the human family long before the advent of the West.

Now today, there is an uptick of public figures and others that are acknowledging either the need for reparations, or the rightness of reparations or both. **This is good.**

Particularly, 2020 presidential candidates Marianne Williams, Senators Elizabeth Warren, Corey Booker, Kamala Harris and Bernie Sanders, in addition to former White House cabinet member, Julian Castro.<sup>xv</sup> Even Speaker of the House of Representatives Nancy

Pelosi, who was said to have blocked the congressional discussion of reparations during the Obama presidency, has now offered support for a reparations study.<sup>xvi</sup>

Where some err, however, is in their attempt to tell us – Descendants of Africans Enslaved in the United States – DAEUS, what form and to what extent reparations are and should be. They *should* support the demand for reparations. In addition, they should seek to understand the full extent of the crimes of enslavement, Jim Crow and post Jim Crow America, and how these crimes have benefited America and all non-Black citizens of America – including those who just arrived.

The forms and to what extent will be determined by us. This has already begun, in part, as Kamm Howard demonstrated in "21<sup>st</sup> Century Reparations Manifesto"<sup>xvii</sup> Also, this has begun with a series of national town hall meetings already held, and more to be scheduled, to introduce, assess and debate the Reparations 10 Point Program<sup>xviii</sup> compiled by the National African American Reparations Commission NAARC.

Secondly, these new supporters err, because, as stated earlier, we are in a new era of reparations activism - the *Post Durban Era*. It is in fact the work done post-Durban that has created a climate that demands that these presidential candidates (and others) make such pronouncements. Post Durban, it was NCOBRA's keeping this issue alive after the New York Trade Towers attack that had the effect of silencing the reparations movement's momentum that had been built in Durban. Then there were Caribbean political leaders through their group– the Caribbean Community of States (CARICOM) that created the CARICOM Reparations Commission CAR.. CAR has initiated the process to bring a case of crimes against humanity to the International Criminal Court against the European nations that participated in the slave trade and slavery in the Caribbean. <sup>xix</sup>The charges: native genocide and enslavement of Africans and African Descendants in the Caribbean islands.

Further, CAR sparked the creation of the National African American Reparation Commission NAARC. In 2015 NAARC held an international summit in New York attracting many of the CAR commissioners and delegates from 17 nations. NAARC inspired several of these groups to establish reparations commissions in the nations that they resided.

Black People Against Police Torture BPAPT<sup>xx</sup> called for a reparations campaign for the victims of police torture in Chicago. That success led to a new generation calling for reparations -culminating in the Movement for Black Lives adding Reparations as a major policy plank in their platform<sup>xxi</sup>. Ta-Nehisi Coates essay, *A Case for Reparations* had *major* significance in shaping this climate. Finally, we can never forget Congressman John Conyers' longstanding perseverance to hold this government accountable, with the bill HR 40, The Commission to Study Reparations Proposals for African Americans Act, which he revised, at NAARC's and N'COBRA's suggestion and with their input<sup>xxii</sup>, before his departure from Congress.

Again, it is from all these actions, and much, much, more that those who now speak have the presence to do so. But most are doing so from an extremely limited base of knowledge

and action on where this movement and their current support rest. Post-Durban we look to international bodies and law to understand reparations and to base the structure of our claim.

For us in the movement, we understand that reparations, under international norms and law, means "**full repair.**" International law professor, Nora Wittmann, in **Slavery Reparations Time Is Now**<sup>xxiii</sup>, shares with us the basis for full repair.

The Permanent Court of International Justice laid out the "*general and foundational rule*" for reparations in the Chorzow Factory Case of 1928. In that ruling, the Court held "that reparation must, as far as possible, wipe out all consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed."

The extent of "all consequences" was fleshed out as **full reparation** in the International Law Commission (2001) *Draft Articles on Responsibility of States for International Wrongful Act*. In Article 31. "... the responsible state is under an obligation to make full reparation for the injury caused by the internationally wrongful act."

The International Law Commission and other established international guidelines lay out what is considered full and comprehensive reparation. These include:

1. Cessation, Assurances and Guarantees of Non-Repetition - a state responsible for wrongfully injuring a people "*is under an obligation to a) "cease the act if it is continuing, b) offer appropriate assurances and guarantees of non-repetition..."*"
2. Restitution and Repatriation – "*re-establish the situation which existed before the wrongful act was committed.*" To restore the victim to the original situation before gross violations of international law occurred. How includes restoration of freedom, recognition of humanity, identity, culture, repatriation, livelihood and wealth.
3. Compensation - The injuring State is obligated to compensate for the damage, if damage is not made good by restitution. Compensation is "*any financially assessable damage suffered...*" Proper compensation is such that is "*appropriate and proportional to the gravity of the violation and circumstances.*"
4. Satisfaction – "*as a "means" for reparations for moral damage, such as emotional injury, mental suffering, and injury to reputation.*"
5. Rehabilitation - rehabilitation consist of mind, body, emotional and spirit healing - [of] *the lasting effects of the trauma of enslavement and segregation.*

It was in utilizing this structure, that in 2017 Congressman John Conyers introduced a revised HR 40 in the 115<sup>th</sup> Congress that called for a commission to develop programs, policy and practices with these elements and intended outcomes<sup>xxiv</sup> - *The Commission to Study and Develop Reparations Proposals for African Americans Act*. Congresswoman Sheila Jackson Lee has introduced it currently in the 116<sup>th</sup> Congress. When one examines N" COBRA's Manifesto – and NAARC's 10 Point Reparations Platform in detail, these outcomes are fleshed out.

For instance, the tables below demonstrate how N'COBRA's 5 Injury Areas and NAARC's 10 Point Reparations Platform conforms to the 5 outcomes of full repair:

### Cessation

<b>NCOBRA</b> 5 Injury Areas	<b>NAARC 10 Point Reparations Platform</b>
Criminal Punishment System	1. The Right of Repatriation and Creation of an African Knowledge Program
	2. Repairing the Damage of the "Criminal Injustice System"

### Restitution

<b>NCOBRA</b> 5 Injury Areas	<b>NAARC 10 Point Reparations Platform</b>
Education	3. Strengthening Black America's Information and Communications Infrastructure
Wealth and Poverty	4. Education for Community Development and Empowerment
Peoplehood and Nationhood	5. The Right to Land for Social and Economic Development
	6. Funds for Cooperative Enterprises and Socially Responsible Entrepreneurial Development

### Compensation

<b>NCOBRA</b>	<b>NAARC 10 Point Reparations Platform</b>
Individual Payments	7. Affordable Housing for Healthy Black Communities and Wealth Generation
Capitalization in the form of <u>grants</u> for micro-enterprise, retail, service, distribution and manufacturing businesses	

### Satisfaction

<b>NCOBRA</b> 5 Injury Areas	<b>NAARC 10 Point Reparations Platform</b>
	8. A Formal Apology and Establishment of a MAAFA/African Holocaust Institute
Peoplehood and Nationhood	
	9. Preserving Black Sacred Sites and Monuments

### Rehabilitation

<b>NCOBRA</b> 5 Injury Areas	<b>NAARC 10 Point Reparations Platform</b>
Health	10. Resources for Health Wellness and Healing of Black Families and Communities <sup>xxv</sup>

Howard’s Manifesto, broken down in these outcome areas, offers more thought on the scope of reparations. One particular policy of redress that we must mention here falls under Cessation and Guarantees of Non-Repetition. **The first act of reparations must be the release of Black political prisoners.** These men and women have been vindicated. They fought against a government that used all manners of illegality, committing crimes against their humanity and that of their people. Like the Japanese who were imprisoned who fought against their people’s interment and were released as part of their reparation package, Black political prisoners must be set free! Now!

This is what reparations means, and reparatory justice looks like – **full repair.**

Kamm Howard, National Male CoChair of N'COBRA

### Post Script

As many of these early 2020 presidential candidates are current members of Congress, they can push reparations forward now ... in 2019. They can support Congresswoman Sheila Jackson Lee, who assumed the mantle of leadership on HR 40 in the House of Representatives. As Senators, Kamala Harris, Elizabeth Warren, Bernie Sanders, and Corey Booker can even craft a Senate version ...now. One like HR 40 that says reparations means full repair. They don't have to wait until 2020 - -- if they are serious about reparatory justice.

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<sup>i</sup> Tim Hashaw. 2007. **The Birth of Black America**. “The “BLACK MAYFLOWER” voyage of 1619 and the Jamestown experiences of the first Africans are documented in seventeenth-century records of the Virginia Company of London, the Bermuda Company, the British High Court of Admiralty, the Public Records Office in London, the New England Council, the King’s Privy Council, the Ferrar Papers, the Manchester Papers, the Rich Papers, Library of congress, published pamphlets, Spanish and Portuguese shipping records, and ?Angolan oral traditions, as well as in colonial American land deeds, historical registers, probated wills, escheats, abstracts, letters, shipping list, headright applications, edicts, assembly acts, court orders, militia musters, marriages, baptism, and numerous other records and private papers.” Authors Notes.

<sup>ii</sup> It is understood that America did not begin as a nation until after the Revolutionary War. However, as the new republic inherited the benefit of the Colonies, they also inherited the debt.

<sup>iii</sup> A term by authors Naima and Sultan Latif to describe the emotion, mental and psychological condition of African descendants as a result of hundreds of years of unaddressed trauma stemming from enslavement, apartheid (Jim Crow segregation) and post-apartheid America. [https://www.amazon.com/dp/0964011808/ref=rdr\\_ext\\_tmb](https://www.amazon.com/dp/0964011808/ref=rdr_ext_tmb)

<sup>iv</sup> Middle Passage refers to the part of the slave trade where Africans were transported by ship to the West for enslavement. Much has been written about it. The cramped and filthy conditions, disease that grew as result and the death rate of one in every three.

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<sup>v</sup> In 1915 President Woodrow Wilson had a private screening of the film *Birth of A Nation*, a monumental propaganda piece showing the Ku Klux Klan – the premiere white terrorist organization in America, righting the social order of the South.

<sup>vi</sup> The award-winning documentary, *Banished*, describes “racial cleansing” in the South.

<http://newsreel.org/video/BANISHED>

<sup>vii</sup> From the 1970s through the early '90s, Chicago Police Detective Jon Burge and his men, known as “The Midnight Crew,” tortured suspects to obtain false confessions.

<sup>viii</sup> See **The Encyclopedia of Slave Resistance and Rebellions** [https://www.amazon.com/Encyclopedia-Slave-Resistance-Rebellion-](https://www.amazon.com/Encyclopedia-Slave-Resistance-Rebellion-volumes/dp/0313332711/ref=sr_1_12?keywords=slave+rebellions&qid=1551991275&s=books&sr=1-12)

[volumes/dp/0313332711/ref=sr\\_1\\_12?keywords=slave+rebellions&qid=1551991275&s=books&sr=1-12](https://www.amazon.com/Encyclopedia-Slave-Resistance-Rebellion-volumes/dp/0313332711/ref=sr_1_12?keywords=slave+rebellions&qid=1551991275&s=books&sr=1-12)

<sup>ix</sup> We Charge Genocide was delivered to the United Nations in 1951 by the Civil Rights Congress, led by William L. Patterson.

<https://play.google.com/books/reader?id=dSNYAAAAMAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.PR10-IA5>

<sup>x</sup> NBUF, Genocide and the Reparations Movement <http://www.drconradworrill.com/NBUFgenocide.pdf>

<sup>xi</sup> Chicago-based group We Charge Genocide, filed a 2014 report to the United Nations with the same name -

[https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/USA/INT\\_CAT\\_CSS\\_USA\\_18557\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/USA/INT_CAT_CSS_USA_18557_E.pdf) ; also

International Peoples Democratic Uhuru Movement InPDUM led a 2 year information campaign and petition drive – Africans Charge Genociele!

<sup>xii</sup> Know as the Durban 400, their work leading up to and while in Durban is captured in a documentary of the same name. <https://vimeo.com/172501713>

<sup>xiii</sup> The Durban Declaration and Program of Action DDPA was the official outcome document of the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

[https://www.ohchr.org/Documents/Publications/Durban\\_text\\_en.pdf](https://www.ohchr.org/Documents/Publications/Durban_text_en.pdf)

<sup>xiv</sup> “Reparations are a Human Right: The 21st Century Reparations Paradigm.” Paper delivered by Kamm Howard, January 15, 2014 at the 8th Pan African Conference held in Johannesburg, Azania (South Africa).

<sup>xv</sup> Whack, Errin Haines. Feb 2019. “2020 Democratic hopefuls embrace new meaning of reparations”

<https://apnews.com/afdefe3ec65e488baa1917101a9a7f0b>

<sup>xvi</sup> Axelrod, Tal. Feb 2019 <https://thehill.com/homenews/house/431857-pelosi-says-she-supports-bill-to-study-issue-of-reparations-for-slavery>

<sup>xvii</sup> See **Getting to Reparations: The 21st Century Reparations Manifesto of People of Afrikan Descent in America: The Full and Comprehensive Reparations Approach as Determined By the International Court of Justice, the International Law Commission, and Other International Law Guidelines – America Fulfilling the Obligation To Make Full Reparation** by Kamm Howard (ncobraonline.org) and NCOBRA 5 Injury Areas

<https://www.ncobraonline.org/five-injuries-slavery-defined/>

<sup>xviii</sup> NAARC 10 Point Reparation Program

[https://ibw21.org/docs/naarc/NAARC\\_Preliminary\\_Reparations\\_Program.pdf](https://ibw21.org/docs/naarc/NAARC_Preliminary_Reparations_Program.pdf)

<sup>xix</sup> CARICOM has also opened their case to Descendants of Africans Enslaved in the United States who want to do the necessary research and make the claim against the governments of Spain, Britain and France.

<sup>xx</sup> As chair of Black People Against Police Torture, Atty Standish Willis, (a life-time member of N’COBRA) first brought of the issue of reparations for torture survivors after he was successful in convincing federal prosecutors to try John Burge for perjury from earlier deposition testimony, as the statute of limitations had ran out to try him for torture. Burge was subsequently convicted of perjury.

<sup>xxi</sup> Movement For Blacks Lives Policy Platform <https://policy.m4bl.org/platform/>

<sup>xxii</sup> NAAARC also brought in M4BL Policy Table to contribute to the final draft.

<sup>xxiii</sup> Wittman, Nora. 2013. **Slavery Reparations Time Is Now: Exposing Lies, Claiming Justice for Global Survival**. Vienna, Austria.

<sup>xxiv</sup> HR 40 The Commission to Study and Develop Reparations Proposals for African Americans Act

<https://www.congress.gov/bill/116th-congress/house-bill/40>

<sup>xxv</sup> NAARC’s 10 Point Reparations Program

[https://ibw21.org/docs/naarc/NAARC\\_Preliminary\\_Reparations\\_Program.pdf](https://ibw21.org/docs/naarc/NAARC_Preliminary_Reparations_Program.pdf)