

March 8, 2021



TESTIMONY IN SUPPORT OF SJM 4: Urges Congress to enact legislation to begin the process of implementing reparations for African Americans based on slavery and discrimination.

Dear Members of the Senate Judiciary Committee,

It has been over 30 years since legislation for reparations for African Americans was first introduced to Congress, and it's been reintroduced almost every year since then. Reparations is justice that is owed, and justice that is well past due.

Our country has never fully examined, reckoned with, or accounted for the harms and cruelty of slavery. The trauma of the horrific violence committed against slaves has been passed down for generations, robbing the descendants of slaves of their humanity and generational wealth. Jim Crow laws and the policy decisions, militarization of police, and era of mass incarceration since then have institutionalized racism, inequality, and discrimination, ensuring that Black people are subjected to continued injustice.

Not only is reparations for African Americans a moral imperative, there is long standing legal precedent for it. First, according to the International Convention on the Elimination of All Forms of Racial Discrimination (1969) and the International Covenant on Civil and Political Rights (1976), to which the U.S. is a party, people have the right to an effective remedy for human right violations committed against them, including racial discrimination. Second, under international human rights law (U.N. General Assembly Resolution 50/147 of 16, December 2005), governments have an obligation to provide effective remedies for violations of human rights; and victims, people who individually or collectively suffered harm, should receive full and effective reparations that are proportional to the gravity of the violation and the cumulative harm suffered. Third, in 1980, the U.S. Congress established a commission to investigate the forced relocation and internment in camps of Japanese Americans and others during World War II, which paved the way for a formal reckoning with these serious human rights abuses, including financial compensation to surviving victims.

According to international human rights standards (U.N. Human Rights Committee, General Comment No. 31, paras 15 et seq; Basic Principles), reparations may take the form of restitution, compensation, rehabilitation, satisfaction, and/or guarantees of non-repetition. Where "satisfaction" is defined as including "a range of measures involving

truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, preservation of historical memory, and expressions of regret or formal apology for wrongdoing,” it is clear that **a comprehensive study on the impacts of slavery, a public acknowledgement of the government’s violations, and a description of how the government might rectify them is a proper first step.**

Further, **African Americans have never been compensated** for the brutal and inhumane treatment they have endured throughout history and continue to suffer from today. In addition to the important step of “truth telling” and acknowledgement via federal and state legislation, the Movement for Black Lives is calling for the following repairs for the Black community: (1) full and free access to **lifetime education**, (2) a guaranteed minimum **livable income**, (3) access to and control of **food sources, housing, and land**, (4) mandated **public school curriculums** that critically examine the political, economic, and social impacts of slavery, and (5) funding to support, build, preserve, and restore **cultural assets and sacred sites.**

The U.S. government must investigate and acknowledge the past and present harms against the Black community. But it must also go one step further and actually deliver reparative justice. We are proud and hopeful to see SJM 4 introduced this legislative session. We implore you to act swiftly on and pass it.

Sincerely,

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