

A black silhouette of a man stands with his right arm raised in a fist, set against a background of overlapping images including a large yellow sun, a red and white striped American flag, and a collage of historical photographs. The background is divided into three horizontal color bands: orange at the top, blue in the middle, and orange at the bottom.

# What

# REPARATIONS

Means  
for Black  
America

# **Project 21**

is a program of the

## **NATIONAL CENTER FOR PUBLIC POLICY RESEARCH**

a non-profit, non-partisan educational  
foundation based in Washington, D.C.

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## WHAT REPARATIONS MEAN FOR BLACK AMERICA

is the seventh topic in the Project 21 series  
"What It Means for Black America"

Other topics in the series include:

**CRITICAL RACE THEORY**  
**ENVIRONMENTAL JUSTICE**  
**ELECTION REFORM**  
**INFLATION**  
**IMMIGRATION**  
**THE SECOND AMENDMENT**

To receive booklets of other topics in  
the *What it Means for Black America* series,  
please contact Project 21 at

**Info@NationalCenter.org**

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**[www.NationalCenter.org/Project-21](http://www.NationalCenter.org/Project-21)**



# PROJECT 21

## Black Leadership Network

## WHO WE ARE

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Project 21 is a program of the National Center for Public Policy Research, launched in 1992 to promote conservative and libertarian black leaders in the media so that news coverage better reflects the true diversity of thought within the black community.

Project 21 members have been interviewed over 50,000 times — currently averaging more than two television interviews each day — appearing on Fox News Channel, CNN, C-SPAN, MSNBC, Newsmax and One America News Network. In addition, Project 21 members are interviewed on radio an average of nearly 1.5 times per day and have appeared on major radio stations and shows with hosts such as Sean Hannity, Jim Bohannon and the late Rush Limbaugh. Members are also frequently published and quoted in newspapers, including the *New York Times*, *Wall Street Journal*, *Washington Post*, *Washington Times*, *Detroit News*, *Houston Chronicle* and many others.

Project 21 members come from all walks of life and from all over the country. Its membership includes members of the clergy, business leaders, entertainers, athletes, economists, journalists, attorneys and students.

What Project 21 members have in common is a desire to make America a better place for black Americans — and all Americans — to live and work.

They do so not only by writing op-eds and participating in radio and TV interviews on the most important issues of the day, but also by advancing a positive vision for improving the lives of black Americans. Project 21 publishes the "Blueprint for a Better Deal for Black America" offering specific policy recommendations for helping black America reach its full potential. Notably, these recommendations build on key aspects of Americanism — free enterprise, personal responsibility and limited government — and consequently would result in benefits for the country, not just blacks. It also publishes the "What It Means for Black America" series of monographs that assess policy initiatives for their specific impact on people of color.

Project 21 members give speeches before student, community, business and religious groups; testify before Congress and other government bodies; advise policymakers at the national, state and local level and file public comments on federal rulemakings.

## PROJECT 21 LEADERSHIP

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### **HORACE COOPER** CHAIRMAN

In addition to serving as chairman for Project 21, Horace Cooper is a senior fellow and member of the board of directors of the National Center for Public Policy Research. He previously served as deputy director of Voice of America, chief of staff at the U.S. Department of Labor and was a senior aide to the leadership of the U.S. House of Representatives. He also taught constitutional law at the George Mason University School of Law. He is the author of *How Trump is Making Black America Great Again* and *Put Y'all Back in Chains: How Joe Biden's Policies Hurt Black Americans*. He appears regularly on the Fox News Channel and talk radio shows across the nation as a legal and political commentator.



### **DONNA JACKSON** DIRECTOR OF MEMBERSHIP DEVELOPMENT

Project 21's Director of Membership Development Donna Jackson is also a seasoned accountant with public and private sector experience as well as previous forays into politics and ministry. She earned a Bachelor of Accountancy (cum laude) from the California State University San Marcos. She has worked in accounting, auditing and management roles with major companies such as Ernst & Young and Marriott International before serving in the public sector as a deputy controller for the Export-Import Bank of the United States. Prior to her career in accounting, Donna was a political operative in the state of Arkansas where she worked on campaigns for Governor Mike Huckabee, Senator Tim Hutchinson and Representative (later Governor) Asa Hutchinson. Donna is a regular op-ed contributor and frequent guest on Fox News Channel, Newsmax and OAN.



# What **REPARATIONS**

Reparations, reparations, reparations. It seems to be all the rage these days, and especially since the George Floyd protests in 2020. Talk of reparations has clearly increased, but that does not change the reality that reparations are not a solution for Black America. It confuses envy with justice, it punishes personal achievement, it levies collective punishment on those who had no part in the wrongs of slavery or Jim Crow, and subsequently, only worsen race relations.

One may also have noticed that what one activist means when pushing for reparations is not what another activist or organization means. In fact, it has become an increasingly nebulous term that can morph into whatever the advocate of the day wants it to be.



# Mean for Black America

Nevertheless, politicians in liberal states and policymakers in the federal government are exploring the possibility of issuing reparations to black Americans for the injuries of slavery and Jim Crow. In some places, they have already begun issuing payments.

But who gets them, and how much, is still a mystery. Racial rabble-rousers are ginning up a whirlwind of animosity to make the push for reparations easier to stomach; and yet most Americans still oppose the idea.

Although there have always been those demanding reparations for slavery, the proposal has not gotten any more practical to implement



(in fact, it may have become more difficult to implement), and the moral quandaries involved are still left unresolved.

What, then, should black Americans do in the face of these appeals from the more radical quarters? Also, what would be the actual cost of reparations? And, finally, in what ways is the well-being of blacks undermined by the false hope of reparations?

Groups like the National Association for the Advancement of Colored People (NAACP) cite the famous “40 acres and a mule” order from General Sherman as precedent for slavery reparations, but do they have that order in the proper context? Others try to equate Native American tribal reparations with those for slavery, despite crucial differences in these cases.

Furthermore, how many politicians talking about reparations actually support them?

It has been said that good policy must be popular policy, and reparations are neither popular nor practical. Moreover, reparations are bad for black Americans. Yet, more and more liberal states, cities, and organizations are broaching the idea. The implications of such developments are only now beginning to be understood.



In the past few years, communities around the country are coming together to discuss and demand reparations. Unfortunately, few people are researching the matter and the media is doing nothing to educate the public about the potential problems, regulations, disparities, injustice to those paying the bill or being judged for their amount of ancestry, the likelihood that most Americans should receive reparations, and mismanagement of funds that would most likely ensue, etc. etc.



# Why Reparations?

The current debate over reparations is rooted in a 2014 article from *The Atlantic* by Ta-Nehisi Coates, "The Case for Reparations."<sup>1</sup> In it, Coates lays out an elaborate argument for repayment for forced labor which helped spur intense debate among Democrats in the subsequent 2016 elections.

A central argument put forward by the left is that centuries of slavery and the subsequent Jim Crow regime have sapped black Americans of the fruits of their labor, and that such exploitation has led to the creation of a vast gap in wealth between white and black Americans.<sup>2</sup> But this isn't true. Slavery and Jim Crow aren't the cause of the wealth gap between blacks and whites.

Now, this theory would naturally have a specific Southern context, where slavery persisted the longest and most intensely and where Jim Crow reigned supreme. But wealth gaps between blacks and whites are actually narrower in the South. So many are also looking beyond the South to find reparation-worthy acts of racism across the country, including red-lining, the use of eminent domain and accusations of police brutality, along with a host of other injustices.

Proponents also argue that there is precedent for reparations.

Perhaps the most oft-cited precedent is that of General William Tecumseh Sherman's Special Field Order No. 15 which allocated a vast tract of land, 400,000 acres in total, from Charleston, South Carolina to the St. Johns River in Florida to newly-freed black residents. Historian Henry Louis Gates Jr. has called it "astonishingly radical for that time and now."



Carlos Javier Ortiz

IDEAS

## THE CASE FOR REPARATIONS

Two hundred fifty years of slavery. Ninety years of Jim Crow. Sixty years of separate but equal. Thirty-five years of racist housing policy. Until we reckon with our compounding moral debts, America will never be whole.

[The Atlantic's 2014 article that started the national discussion about reparations.](#)

The order is the source of the “40 acres and a mule” order to each family (although the mule came later), which would have cordoned off a large section of the American South almost exclusively for newly-freed families — but not for all of them.<sup>3</sup> The order followed Sherman’s March to the Sea, meant to further split the Confederacy and had no intent of applying to all rebellious states. Despite the radical promise of the order, President Andrew Johnson — a Democrat — rescinded it, restoring much of the land to its antebellum owners.

Many on the left also cite prior cases of reparations to Native American tribes to bolster their argument on legal, moral, and practical grounds. But what these arguments often fail to account for is that they are not categorical reparations. They are narrowly tailored to violations of treaties ratified by the U.S. Congress that typically apply to a particular tribe or nation. The tribes also tend to have strict metrics by which membership is determined. There is no equivalent in terms of specific violations or to specific groups when it comes to the moral crimes of slavery or Jim Crow.

Another frequently touted example of precedent for reparations is the case of Belinda Sutton. Stolen from modern-day Ghana when she was a child, she was kept as property by Isaac Royall, the largest slave holder in Massachusetts, who fled the state for Nova Scotia during the Revolutionary War because of his loyalist sympathies. The narrative goes that she petitioned a state court for compensation for her life

as a slave, and it was granted in 1783. Thus, we have the first case of reparations for slavery in the United States.

But that isn't exactly what happened. According to Margot Minardi, a professor of American colonial and Revolutionary history and early African American history at Reed College and a member of the Royall House and Slave Quarters' Academic Advisory Council, the courts were simply following established law on dealing with the property (and thus, slaves) of loyalists who had fled the country.

Minardi writes that, "For those slaves of loyalist absentees who were too old or too sick to care for themselves, the Massachusetts government determined that they might be permitted monetary support out of their masters' confiscated property."<sup>4</sup>

As her case reveals, compensation was based on the specific circumstances — not a generalized view that whenever slavery ends there must be reparations.

For this reason, skeptics of reparations point out the extreme costs such a policy would put on the country, but advocates often dismiss the criticism out of hand. They claim that the costs incurred during slavery and segregation were so high and intensely concentrate, and since they continue to weigh on black Americans to this day, the high price tag is not only justified, it needs to be high. In effect, it means that the excessively high costs of implementing reparations are part of the point.

Ultimately, those who call for reparations generally believe it will alleviate the generations of suffering that casts a pall over the lives of black Americans today. But it's merely an assumption that any suffering existing today is related to injustice in the past.

It is an aspiration, not a policy — if the sins of the past can be paid for today, tomorrow will be better. But this aspiration rests on many assumptions and unknown variables.

In the coming chapters, we will explore the problems laden in these calls for reparations and why a conservative mindset is better for all Americans.

The 1788 petition of  
Belinda Sutton.  
(Courtesy of the  
Massachusetts Archives)

To the Honorable the Governor & the honorable Council of the  
Commonwealth of Massachusetts  
The Petition of Belinda Sutton of Boston in the County of  
Suffolk Widow humbly sheweth that your Petitioner as con-  
dition of her service for a long course of years in the  
family of the late Sir Isaac Royall left and an African  
by a Question of the honorable General Court of this Com-  
monwealth of fifty two Dollars per Annum. & your Peti-  
tioner have leave further to represent to your Ex-  
cellency & Honours that three years of the said term  
now is now due to her therefore she begs that you  
be pleased to give a Warrant direct-  
ed to the Treasurer of this Commonwealth for her pay-  
ment for the sum of one hundred & fifty six Dollars the  
whole amount of her wages and ann as in Duty  
bound Your Petitioner will ever remain  
Boston March 13<sup>th</sup> 1788  
Belinda Sutton

# Reparations as a Racial Policy is Unjust

Billions in payments may seem attractive at first glance — at least to those who might be recipients. But what evidence is there definitively showing that potential recipients of reparations today were injured by the injustices of the past? In other words, how much evidence is there to show that today's blacks are suffering because of slavery.

This question is often completely overlooked. In simple terms, the law requires both an injury and an injurer. The law normally does not allow a person to sue for damages to cover their costs for cancer treatment without showing both that they have cancer and that the person or entity they are suing is the cause of their cancer. Neither requirement is met with reparations.

Reparations assume that every black — the millionaires and the paupers — are experiencing injury because of slavery. And that those injustices are primarily because of slavery in the 18th and 19th centuries.

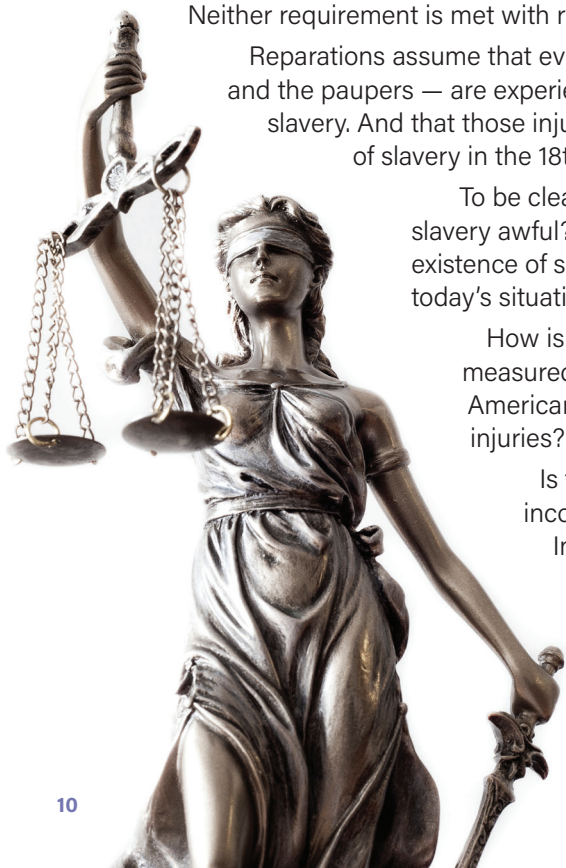
To be clear, the question is not — was slavery awful? The question is does the existence of slavery in the past explain today's situation?

How is the injury of slavery measured? How much responsibility do Americans living today bear for those injuries?

Is the measurement household income? Homeownership?

Incarceration rates? Health status? Whatever

measurement is chosen, the inquiry doesn't end. Take household income. Can household income



rates be used to show that the differential between blacks and whites is mostly a legacy of slavery?

Household income levels have fluctuated over the last 120 years. Consider that in 1967 as the Great Society effort was unfolding, the gap between black and white households was \$20,000.<sup>5</sup> As recently as 2014, that gap had widened to \$34,000.<sup>6</sup> In other words, over a nearly 50-year period, should we conclude that the consequences of slavery are worse today than it was then?

Also consider incarceration levels. In 1926, only 13 percent of black adults were in federal prison. Today, that figure is 34.6 percent.<sup>7</sup> In other words, during the height of Jim Crow the percentage of incarcerated blacks was nearly one-third less than today. Is that a legacy of slavery?

Perhaps there is a better measure to use to demonstrate the harmful effects today of slavery in the 18th and 19th century. Advocates of reparations have failed to identify one, leaving the country with no demonstrated way of showing that the horror of slavery has impacts to this date.

Advocates for reparations ignore these questions and assume that the horror of slavery is a sufficient substitute for assessing actual injury or identifying who the descendants of slaveholders (and their supporters) are. Instead, they assert to be black is to be injured. To be white is to be descendant of slaveholders.

On the other hand, there has been a significant influx in the U.S. population since the end of slavery. Within 20 years of the end of the Civil War and the end of slavery in the U.S., population rates dramatically increased. For example, in 1880, the U.S. population increased by 26 percent over the prior decade.<sup>8</sup> Similarly, the U.S. population increased by an additional 20 percent from 1890 to 1900.



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The question is:**

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In both these periods, largely foreign-born immigrants caused the spikes.<sup>9</sup>

Should every Southerner be responsible to cover the consequences of slavery? What of those who never owned slaves? Should every descendant of a slaveholder be culpable? What of those descendants who fought for the North?

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**Advocates for reparations ignore these questions and assume that the horror of slavery is a sufficient substitute for assessing actual injury or identifying who the descendants of slaveholders (and their supporters) are. Instead, they assert to be black is to be injured. To be white is to be descendant of slaveholders.**

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Reparation advocates provide no explanation for why the descendants of these immigrants should be financially culpable for actions of their predecessors who played no role in the institution of slavery in the U.S.

In the Western system of justice, people uninvolved in an incident or event are not held financially or even morally responsible for an incident or event. Advocates of reparations seek to throw out this principle. Other than the likes of Ibram X. Kendi, this inability to transcend the existing injuries to injurers approach meets no legal norm and seems to be untethered to western principles of justice.

Even if one can get past the failure of reparation advocates to use actual measurements of injury and to identify those actually responsible for the injury, there remain other practical issues associated with reparations.



# Costs Without Limits

The cost of reparations is central to the policy. Whether it is good enough for the left depends on how much is being spent, and the proposed sums never seem to be enough. This is because reparations are punitive damages in the eyes of proponents. The cost should be high because that is the punishment they believe white Americans deserve to pay for slavery and Jim Crow. For most policies, you have a problem that requires solutions, and from the solutions, cost is determined.

Reparations look like it's simply a massive wealth transfer. No specific purpose or goal is to be achieved other than taking vast sums from some and handing them to another. What will this prove? What will it accomplish?

But here, the solution appears to be cost alone; money is not the means to an end, it is the end itself. Ta-Nehisi Coates urges in his Atlantic piece that if cost is the concern, then pass a bill that examines the cost.<sup>10</sup>

Such a bill has not passed Congress, but one has passed in California.

The Golden State bill's Executive Summary spells out the payments that could be afforded black Californians, dividing them into several categories,



including health, policing/incarceration, housing discrimination, property seizures and business. The categories can arrive at their suggested payment amounts in complicated ways, and the sums are tailored specifically to California, but it shakes out like this per black resident:"

### **\$ Health harms:**

Up to \$966,918 over an entire lifetime, or \$13,619 per year lived in California.

### **\$ Over-policing:**

Up to \$116,260 per person and \$2,352 per year plus the ability to sue for incarceration for cannabis infractions.

### **\$ Housing discrimination:**

Up to \$121,295 or \$148,630 per resident depending on which methodology is used.

### **\$ Business devaluation:**

Roughly \$77,000 per black resident.

Each of these categories were created seemingly more because they can be measured rather than whether they are outworkings of slavery.







With more than 80 other named proposals involving increased funding of their own and the nature of politics inviting higher sums than the millions already approved, the total cost of the reparations in California is unknown.

California's study of reparations admits that these numbers are just estimates, but also notes that, "it is an economically conservative initial assessment of what losses, at a minimum, the State of California caused or could have prevented, but did not."<sup>12</sup> Even though this is apparently a conservative estimate, remember that California was never even a slave state. These are astronomical sums, and the nature of politics would certainly invite higher sums than this if it ever gains traction.

Moreover, these payment amounts are specifically for checks to individuals and do not include a whole host of other proposals named by the California commission, of which there are over 80 and many involving increased funding of their own, which would push the total cost even higher.<sup>13</sup> The full cost of California's reparations is unknown.

On a smaller scale, the city of San Francisco has already unanimously allocated \$5 million for reparations to its black residents early in 2023.<sup>14</sup> The city sees this as a first step but has yet to even finish studying reparations and their costs, according to the magazine, *Ebony*.<sup>15</sup> But is this amount merely a way to start the ball rolling or a sign of fiscal reality? \$5 million divided by the black population in San Francisco is barely \$115 a person.

Another problem that arises in the state and local approaches to reparations is that people move. During the Great Migration in the

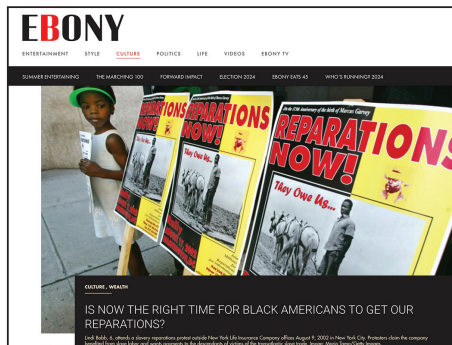
first half of the 20th century, millions of black Americans escaped the Jim Crow South and settled across the country. How would reparation payments follow all those who have moved? Of course, one could say this is why we need federal reparations, but would that solve the problem? California's estimates do not make an overt effort to account for slavery, even if many of its black residents are descended from slaves. It simply awards benefits on the basis of race.

And if the injustices faced by black Californians pales in comparison with slavery, wouldn't the reparations from slavery dwarf the localized payments in California? *The Ebony* article cited above frames these questions as "disappointing" and that raising them suggests that critics do not think black Americans "deserve" reparations.<sup>16</sup>

Ta-Nehisi Coats conveys a similar message in his piece for *The Atlantic* saying that, "The idea of reparations is frightening not simply because we might lack the ability to pay. The idea of reparations threatens something much deeper — America's heritage, history and standing in the world."<sup>17</sup> He goes on to add that even if the number is too large to be repaid, "I believe that wrestling publicly with these questions matters as much as — if not more than — the specific amounts that might be produced."<sup>18</sup>

Is this all just a rhetorical exercise, then? If we are better off even having the discussion, why is it disappointing to discuss the matter in all its aspects? The reluctance to meet critics of reparations with the same seriousness demanded by their push for it suggests it is not about having a frank discussion at all. Instead, it is reminiscent of Maoist-era China's shaming circles.<sup>19</sup> The intent is not to find a solution and move forward, but rather to denigrate and embarrass for embarrassment's sake. Proponents of reparations, knowing that the price tag may be too large to ever be paid out and dismissive of critiques, are just out to make a point that America is rotten.

This reveals a much deeper problem with the entire discussion of reparations. It doesn't actual identify actual harms, it doesn't focus on who did the harming and it doesn't even seek out the victims of the harm.



# How Reparations Reopen Old Wounds

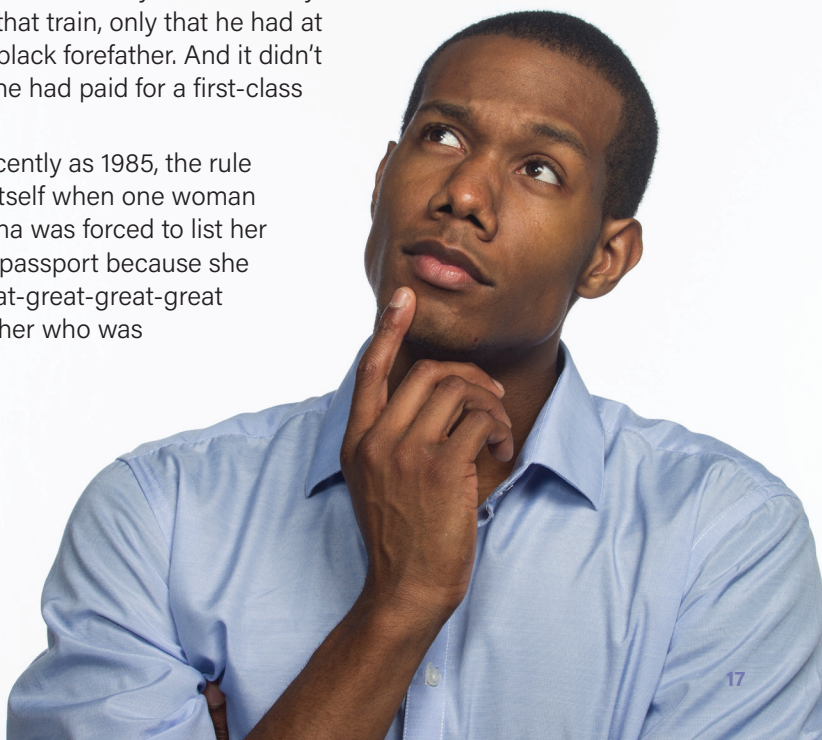
The essential follow-up question is to whom are reparations are to be given. In one sense, that is an easy question to answer: black Americans whose ancestors endured slavery or Jim Crow. But the very nature of race relations in America makes answering such a question nearly impossible without worsening race relations.

Who is a descendant of slaves? Is being black sufficient? Who then is black?

The infamous “one-drop” rule traces its roots to the early colonial period, and it meant that even having distant African ancestors could deprive you of your liberty. Back then in some locations, having one black great-great grandparent could mean a life of slavery, and inability to participate in local elections, or own property.

But the one-drop rule did not end with slavery. Remember *Plessy v. Ferguson* from school? Homer Plessy was a mixed-race Creole living in Louisiana who broke state law by sitting on a whites-only section of a train.<sup>20</sup> State law did not care that he had any white ancestry when fatefully boarding that train, only that he had at least one black forefather. And it didn't care that he had paid for a first-class ticket.

As recently as 1985, the rule asserted itself when one woman in Louisiana was forced to list her race on a passport because she had a great-great-great-great grandmother who was black.<sup>21</sup>





If one takes a maximalist approach to reparations, who pays and who gets paid and how much can devolve into a farce where everyone pays everyone else.

To take a minimalist approach is to exclude so many people and likely pay out pitifully small sums of money for such an egregious crime that it ultimately minimizes the immorality of state enforced slavery.

If there is a middle ground, the parsing of who sits on which side of the reparations line is going to involve many awful decisions. This person is not black enough, this person cannot prove their ancestry or that person had a slave-owning ancestor.

But, at least under California's proposed plan, the one-drop rule could flip this dynamic on its head. Now, having one black ancestor many, many generations ago could see someone receive huge sums of money.

The problem was raised by black progressive writer Michael Harriot, who, citing a study from the *American Journal of Genetics*,<sup>22</sup> claimed that up to 3.5 percent of Americans who identify as white have black ancestry.<sup>23</sup> He also discusses the issue of recent black immigrants from Africa who did not face the same obstacles that confront American-born black people.<sup>24</sup> For the record, Harriot does support reparations, but his criticism of ancestry-based schemes deserves consideration.

The black immigrant angle is worth dwelling on because it reveals the truly nebulous nature of reparations. Would a recent Haitian immigrant to the United States qualify for U.S. reparations? If these reparations are tied strictly to slavery, the person would not qualify even though, as a Haitian, he or she is almost certainly descended from slaves. Haiti's legacy as a

brutal French slave colony (and its forced payment of independence reparations to France) has left it the poorest country in the Western Hemisphere. Must America make restitution for the slave policies of France?

Under California's proposed framework, a white person distantly related to someone who could have been a slave could receive reparations but an immigrant from a former slave colony could not. Would the descendants of an African kingdom who sold people to European slavers also pay? Additionally, would reparations also be owed to the former slaves who were sent to Liberia, many of whom went on to enslave the indigenous population? Would their slaves be owed reparations as well under this scheme if they moved to California or to other parts of America under a federal reparations policy? And who would pay those reparations, the descendants of their black slave owners perhaps?

To put it another way, if one takes a maximalist approach to reparations, who pays and who gets paid and how much can devolve into a farce where everyone pays everyone else. To take



As reported in *Newsweek*, July 28, 2024, Presidential candidate Kamala said:

"I think there needs to be some form of reparations and we could discuss what that is, but look, we're looking at more than 200 years of slavery. We're looking at almost 100 years of Jim Crow. We're looking at legalized segregation and in fact segregation on so many levels that exist today based on race and there has not been any kind of intervention done understanding the harm and the damage that occurred to correct [the] course. And so we are seeing the effects of all those years play out still today."

a minimalist approach is to exclude so many people and likely pay out pitifully small sums of money for such an egregious crime that it ultimately minimizes the immorality of state enforced slavery. And if there is a middle ground, the parsing of who sits on which side of the reparations line is going to involve many awful decisions. This person is not black enough, this person cannot prove their ancestry or that person had a slave-owning ancestor.

Should there be an income limit to receive reparations? Advocates have no answer. Imagine if you will payments made to the children of entertainer Michael Jackson — Paris, Prince and Bigi. Prince alone is worth over \$100 million.<sup>25</sup>

Reparations advocates readily acknowledge that there are tough decisions involved in their proposal, but perhaps they should give more thought to the actual consequences of the idea. There may not be a problem for leftists to exclude very wealthy and powerful black families from reparations, but when there is no legal definition for what counts as a black American, how do they intend to decide who deserves reparations? Would this exclude recent black immigrants from Africa or the Caribbean?

Furthermore, reparations advocates confuse justice with envy and resentment. The demand dismisses traditional concepts of justice whereby the person being punished has direct culpability for the wrong that was done. Instead, it levies a significant fine on millions of Americans whose ancestors arrived after slavery or Jim Crow ended. Even if their ancestors were in America back then, the idea that reparations are due out of some indirect benefit from living in a slave economy opens the door to endless, global reparations for all descendants of slaves everywhere.

For millennia, slavery was so widely accepted as a practice that it could be found on every inhabited continent and carried out by peoples who never had contact with each other. Who wouldn't be owed reparations?



# Constitutional Issues to Overcome

Tying reparations strictly to slavery also raises constitutional questions. Slavery was legal until the 13th Amendment was passed following the Civil War. In prior cases of the United States paying out reparations, specifically to Native American tribes, there is an illegal act that was committed — such as violating a Senate-ratified treaty.

Additionally, there are significant legal hurdles to any government policy that specifically benefits exclusively one race.

Reparation advocates seek to make payments exclusively to individuals solely based on their physical appearance. This approach runs afoul of 14th Amendment jurisprudence and a series of Civil Rights-era laws, including the Civil Rights Act.<sup>26</sup>

Combine the once-legal nature of slavery with the recent Supreme Court decision striking down affirmative action and a long line of cases questioning government policy that focuses on race,<sup>27</sup> and one can see that reparations face a steep constitutional climb. Michael Harriot, mentioned earlier, also cites this as a problem facing reparations advocates. A payment system that makes the race of the recipient the sole determinant of whether they benefit or the reason to be denied will likely be found unconstitutional.

Finally, the idea of issuing checks for something as awful as slavery and Jim Crow can come across as both patronizing and dismissive. It reeks of settling out of court for an assault simply because you have money to make something go away. Reparations could cost trillions, and while there might be some short-term benefit from receiving those checks, the economic cost on the other side could easily dwarf those benefits. It creates a moral hazard whereby all social ills can be addressed simply by paying someone enough money to go away. Should there be a multi-trillion dollar payment for sexism? Only payments to women? We might actually have to answer the question “What is a woman?”



But if the argument of reparations proponents is that these problems have not fixed themselves in the 160 years since the 13th Amendment abolished slavery in 1865, then what reason is there to believe that a payment now would fix them.

What, then, is to be said about more expansive government programs meant to reduce poverty and the like?

Gigantic government initiatives and programs such as the New Deal and, especially, the Great Society which combined have spent many trillions of dollars, have failed to live up to their lofty goals. Public housing in urban areas has not demonstrably diminished poverty or crime levels. At best, results are mixed, and they are often negative. Healthcare costs are still among the highest in the world and the care people receive, including black people, often is not worth the high price tag. Schools in minority communities still suffer compared with majority-white schools.

Importantly, these are ongoing problems — in the here and now — that face black Americans every day. Rampant crime and substance abuse hurt black families now. Poor infrastructure hurts black communities now. Lack of capital hurts black businesses now.

Rather than a eye-wateringly high reparations payment that would saddle our nation with even more debt, how about we actually tackle problems that exist today? Why not fix our schools, improve health care and make families stronger using time tested solutions instead of trillions of dollars more?

If progress is what we truly value as a country, there are only limited returns from relitigating the past before progression become regression.







**PROJECT 21**  
Black Leadership  
Network

## What We Believe

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### Reparations

We at Project 21 believe that people should have the opportunity to reach their full potential as productive members of society, unencumbered by policies that designate individuals as members of groups deserving of special treatment. Policies crafted to treat minorities solely on the basis of their racial or ethnic identities confine them to the status of perpetual wards of the state. The most promising pathway to raising the socioeconomic status of black Americans lies in restoration of the nuclear family as the time-tested institution that allows parents to raise children within a structure that fosters stability and an understanding of the difference between good and bad behavior. Public policies that promote victimization at the expense of personal responsibility have been tried and have shown themselves to be destructive to the very black communities they were supposed to help. Black Americans should be skeptical of terms such as “social justice” or “racial justice” behind which can lie an agenda inimical to blacks seeking to better their lot in life. We believe black Americans can achieve true emancipation by freeing themselves from forces that seek to exploit them for their own political purposes.

- ✓ We believe that going down the road of reparations is the wrong road for all Americans, of any race. It conflates justice with envy, it would worsen race relations and rests on shaky economic and constitutional thinking. Not only is the cost assumed to be sky-high, estimates are routinely characterized as being on the low end. This means the true price of reparations could go beyond

the sky and into outer space. But even advocates of reparations, such as Ta-Nehisi Coates concede that the idea is perhaps nothing more than a rhetorical exercise designed to make us think about the consequences of slavery.

- ✓ We believe that rather than engaging in intellectual immolation, it is better to bring real solutions for black Americans, ones that are backed by rigorous data and a long history of success – ones that do not focus on the race of blacks.
- ✓ We believe in solutions that unite our great nation instead of ripping it apart.
- ✓ We believe that the roots of prosperity and the cures to the ills of the past lie in the great people of this country, not in government decrees.
- ✓ We believe that we have a better path forward. At Project 21, we have published the Blueprint for a Better Deal for Black American. Within its pages are real and substantive solutions that also embrace longstanding values that have shaped American for generations. Rather than stoking racial division through government coercion and wealth redistribution, we believe that people empowered offer the best pathway to success. This means unleashing the free market, especially within the realms of education and healthcare.
- ✓ We believe in promoting K-12 school choice. This directly benefits black students, not to mention all students, by introducing competitive dynamics for public schools, raising the floor of standards across the board. Low-income students, predominantly black, would gain access to tools and resources hitherto only afforded to students who happen to be born in more affluent areas. To this end, we believe that Congress should establish a federal needs-based voucher program for school choice.
- ✓ We believe that higher education should better position black students to succeed in the workforce. College graduation rates for black students after six years is 40 percent, well below all other racial groups. Black professionals are also underrepresented in STEM occupations. Rather than relying on woke notions of equity, we believe that improving teacher

retention in math and science at primary-grade levels in lower-income schools will naturally draw more black students into these fields.

- ✓ We believe that increasing funding to HBCUs will enable more black students to graduate and begin fruitful careers in a modern, dynamic economy. Encouraging all colleges and universities to adopt pro-graduation strategies, especially for minority students, will help close the gap in both education and wealth across different social groups. Tying federal financial aid to graduation rates and capping tuition rates at aid-eligible institutions are two examples that can reap real benefits for black students.
- ✓ We believe that race-based health policies are not just wrong and a violation of the Fourteenth Amendment, we believe they are bad for all Americans' healthcare. The CDC's effort to prioritize vaccinating black Americans during the COVID-19 pandemic due to the perceived health risks was arguably counterproductive. To many, it recalled the awful Tuskegee Experiment that used black Americans as unknowing guinea pigs, especially when the COVID vaccines were not given the standard trial period thanks to Operation Warp Speed. We cannot let this happen again.
- ✓ We believe that introducing Medicaid Advantage would enable black Americans to receive critical, effective and affordable care from specialists. Like Medicare Advantage, this would rely on market pressures within a patient's insurance network. Black Americans disproportionately rely on Medicaid for healthcare, and black children comprise more than half of all children enrolled in Medicaid. We believe that access to affordable and high-quality healthcare for all Americans is essential to building a stronger and more resilient nation. In the same vein, older black Americans disproportionately benefit from Medicare Advantage, and we oppose efforts to trim back the program, which has afforded all Americans more choices at a reasonable price.
- ✓ We believe that the Jim Crow-era Davis-Bacon Act must be repealed. As shown by Project 21 Co-Chairman Horace Cooper's seminal 2014 paper, the Davis-Baker Act was designed to favor white union workers at the expense of non-union black workers

when competing for federal contracts. By forcing the government to pay “prevailing wages” on contracts, it functionally prices out qualified contractors if they are smaller or not unionized. This corners the market for predominantly white and unionized firms. Congress should abolish this racist relic.

- ✓ We believe that Congress should adopt a “No Taxation Without Education” plan to reduce black youth unemployment. Low wages are still taxed, and for poorer Americans this can exacerbate the effects of poverty. When you have fewer dollars, each dollar matters so much more. If Congress adopted this plan, employers in low-income zip codes would be exempt from FICA taxes for employees 22 years and younger, provided they are enrolled in school. The additional money in the pockets of these young workers would make it a little bit easier to stay on track and provide a real incentive for staying in school.
- ✓ We believe that all new federal regulations should be subject to a “Minority Impact Statement.” Excessive regulations can stifle economic productivity generally, but the impact on minorities can be even more acute. By requiring a cost-benefit analysis for this impact, regulators would have to confront the potentially unsavory reality of their proposals.

Let us not be fooled by anger and resentment latent in reparations, but instead let us be inspired by the true promise of America and her values. By embracing freedom, free markets and the power of the individual, all Americans can share in the nation’s tremendous bounty.

To learn more about Project 21, please visit:  
**[www.NationalCenter.org/Project-21](http://www.NationalCenter.org/Project-21)**

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Project 21 works to promote the views of  
black Americans whose entrepreneurial spirit,  
dedication to family and commitment to  
individual responsibility have not traditionally  
been echoed by the nation's civil rights establishment.

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