

AN UPHILL BATTLE FOR REPARATIONISTS:
A QUANTITATIVE ANALYSIS OF THE EFFECTIVENESS OF SLAVERY
REPARATIONS RHETORIC

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On Juneteenth (June 19), 2019 the United States House Judiciary Committee heard over three hours of testimony regarding slavery reparations.¹ Various rhetorical methods were used by the expert witnesses to promote slavery reparations. Many emphasized the horrors of the slave trade. Many pointed to current racial disparities in education, criminal justice, and health as indicators that the harms of slavery are still present today. Others testified how the rising/increasing success of America is in large part attributable to slave labor. A White woman discussed the liberating power she experienced when she discovered and then addressed her ancestors' involvement in the slave trade.² Loyola Law School Professor Eric Miller used the Tulsa, Oklahoma race riot of 1921 and the reparations that followed as a precedent for the importance and feasibility of reparations.³ This essay examines how effective these arguments would have been to change the average American's position on slavery reparations. Furthermore, would the efficacy differ when examining subsets of the population, such as conservatives and liberals? And what if a particular pro-slavery reparations argument was presented by a White person instead of an African

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¹ *H.R. 40 and the Path to Restorative Justice*, U.S. H. COMM. ON THE JUDICIARY (2019), <https://judiciary.house.gov/legislation/hearings/hr-40-and-path-restorative-justice> (video recording of hearing 3 hours and 40 minutes long) [hereinafter *H.R. 40 Hearing*].

² *H.R. 40 and the Path to Restorative Justice: Hearing on H.R. 40 Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties, of the H. Comm. on the Judiciary*, 116th Cong. (2019) (statement of Katrina Browne).

³ *Id.* (statement of Eric Miller).

American, would that change the way it was received? This essay presents the findings of a survey designed to answer those questions.

The recent surge in popularity of reparations discussions from Democratic primary candidates brings this issue to the forefront. Unfortunately, most of the academic focus on reparations ignores the pragmatic implications of changing public opinion on the issue—the main obstacle to successful implementation of a slavery reparations scheme. By evaluating potential explanations for why certain reparations rhetoric is more effective than others—and how some even do more harm than good—this study will help to inform reparationists on the effectiveness of different rhetorical tactics. Furthermore, the often counterintuitive results call into question common assumptions about the root causes of slavery reparations opposition. Impediments to slavery reparations such as the anti-reparations norm, specific implementation challenges, the risk of self-sabotage, legal challenges, and the incompatibility with American individualism are also discussed.

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I. INTRODUCTION

On Juneteenth (June 19), 2019 the United States House Judiciary Committee heard over three hours of testimony regarding slavery reparations.⁴ Various rhetorical methods were used by the expert witnesses to promote slavery reparations. Many emphasized the horrors of the slave trade. Many pointed to current racial disparities in education, criminal justice, and health as indicators that the harms of slavery are still present today. Others testified how the rising/increasing success of America is in large part attributable to slave labor. A White woman discussed the liberating power she experienced when she discovered and then addressed her ancestors' involvement in the slave trade.⁵ Loyola Law School Professor Eric Miller used the Tulsa, Oklahoma race riot of 1921 and the reparations that followed as a precedent for the importance and feasibility of reparations.⁶ It is unlikely that these arguments had any ultimate effect on the politicians of the House Judiciary Committee to whom they were addressed. As evidenced by the prepared scripts that the committee members were reading from, they all likely had their minds made up in advance. But how effective would these experts' arguments have been to change the average American's position on slavery reparations? And would the efficacy differ

⁴ *H.R. 40 and the Path to Restorative Justice*, U.S. H. COMM. ON THE JUDICIARY (2019), <https://judiciary.house.gov/legislation/hearings/hr-40-and-path-restorative-justice> (video recording of hearing 3 hours and 40 minutes long) [hereinafter *H.R. 40 Hearing*].

⁵ *H.R. 40 and the Path to Restorative Justice: Hearing on H.R. 40 Before the Subcomm. on the Constitution, Civil Rights and Civil Liberties, of the H. Comm. on the Judiciary*, 116th Cong. (2019) (statement of Katrina Browne).

⁶ *Id.* (statement of Eric Miller).

when examining subsets of the population, such as conservatives and liberals? What if a particular pro-slavery reparations argument was presented by a White person instead of an African American, would that change the way it was received? This essay presents the findings of a survey designed to answer those questions.

Much has been written about the debate in academe regarding slavery reparations. However, with the recent surge in the popularity of reparations—demonstrated by sixteen of the twenty Democratic 2020 presidential frontrunners expressing support for slavery reparations⁷—the focus should be on the more pragmatic aspects of persuading the public on the issue. This is the main obstacle to successful implementation of a slavery reparations scheme. By evaluating potential explanations for why certain reparations rhetoric is more effective than others—and how some even do more harm than good—this study will help to inform reparationists on the effectiveness of different rhetorical tactics. Furthermore, the often counterintuitive results call into question common assumptions about the root causes of slavery reparation opposition. While the results of this study will prove valuable to reparationists, they still face steep challenges to the ultimate goal of implementing a slavery reparations scheme. This essay also discusses these impediments such as the anti-reparations norm, specific implementation challenges, the risk of self-sabotage, legal challenges, and the incompatibility with American individualism.

A. Reparations Defined

When asked about slavery reparations in 2019, Bernie Sanders responded, “[w]hat does that mean? What do they mean? I’m not sure that anyone’s very clear”⁸ While perhaps an

⁷ See *infra* Appendix A.

⁸ Danielle Kurtzleben, *2020 Democrats Wrestle With a Big Question: What Are Reparations?*, NPR (Mar. 1, 2019, 5:00 AM), <https://www.npr.org/2019/03/01/698916063/2020-democrats-wrestle-with-a-big-question-what-are-reparations>.

attempt to avoid providing a direct answer to the question, Sanders' confusion is well justified. The word "reparations" has been used to refer to a broad spectrum of policies.

Kamm Howard, co-chair of the National Coalition of Blacks for Reparations in America (NCOBRA) defined reparations as "anything that helps people of African descent in this country build wealth," but not "[f]ar-reaching programs that are nonracial programs"⁹ Reparationist Ta-Nehisi Coates defined reparations as "more than recompense for past injustices -- more than a handout, a payoff, hush money, or a reluctant bribe. What I'm talking about is a national reckoning that would lead to spiritual renewal."¹⁰ Others propose the creation of separate states for Blacks as reparations.¹¹ In 2018, New York gubernatorial candidate Cynthia Nixon claimed that prioritizing African Americans for marijuana dispensary licenses was "a form of reparations."¹² Some scholars include affirmative action and apologies in the category of reparations.¹³ Some define lawsuits against corporations for their role

⁹ Tina Nguyen, *The Awkward Truth About Democrats and Reparations*, VANITY FAIR (Apr. 5, 2019), <https://www.vanityfair.com/news/2019/04/2020-democratic-candidates-on-reparations>.

¹⁰ Frank Newport, *Reparations and Black Americans' Attitudes About Race*, GALLUP (Mar. 1, 2019), <https://news.gallup.com/opinion/polling-matters/247178/reparations-black-americans-attitudes-race.aspx>.

¹¹ Alfred L. Brophy, *The Cultural War over Reparations for Slavery*, 53 DEPAUL L. REV. 1181, 1200 (2004).

¹² Mona Zhang, *Cannabis Industry Could Be 'A Form of Reparations,' Says Cynthia Nixon*, FORBES (May 7, 2018, 7:00 AM), <https://www.forbes.com/sites/monazhang/2018/05/07/cannabis-industry-could-be-a-form-of-reparations-says-cynthia-nixon/#2e9c7db44b48>.

¹³ Eric A. Posner & Adrian Vermeule, *Reparations for Slavery and Other Historical Injustices*, 103 COLUM. L. REV. 689, 725 (2003). Defining affirmative action and apologies as "in-kind reparations."

in facilitating the Holocaust as reparations.¹⁴ There are even groups that seek to repair environmental harm under an “environmental reparations” theory.¹⁵

Stretching the definition of slavery reparations too thin effectively renders the term devoid of any practical meaning. Simply stating, as some do, that slavery reparations encompasses anything that helps modern-day African Americans overcome the lasting effects of slavery is too broad. This definition would include progressive taxation rates, social safety nets, and education subsidies. This overly broad definition would place nearly every Washington politician in the pro-slavery reparations camp.¹⁶ For the purposes of this paper, “reparations” is defined in the narrow sense of a cash transfer from a government for a past wrong.

B. Brief Global History

Before the twentieth century, the payment of reparations was largely limited to instances of the losing state in a war agreeing to make payments to the victorious state as an element of peace negotiations.¹⁷ Within the last 100 years, however, examples have diversified. Iraq continues to pay reparations for the

¹⁴ Burt Neuborne, *Holocaust Reparations Litigation: Lessons for the Slavery Reparations Movement*, 58 N.Y.U. ANN. SURV. AM. L. 615, 615-17 (2001).

¹⁵ Cymie R. Payne, *Developments in the Law of Environmental Reparations*, in ENVIRONMENTAL PROTECTION AND TRANSITIONS FROM CONFLICT TO PEACE, 329, 360 (Carsten Stahn et al. eds., 2017).

¹⁶ While many politicians debate the extent to which tax rates should be progressive and how expansive the public safety net should be, very few politicians argue for overall regressive taxation and the complete abolishment of a social safety net.

¹⁷ Richard M. Buxbaum, *A Legal History of International Reparations*, 23 BERKELEY J. INT’L L. 314, 319 (2005).

Gulf War.¹⁸ West Germany paid Holocaust reparations after World War II.¹⁹ The U.S. paid reparations to compensate Indian tribes in 1946.²⁰ Some have defined the government's 1975 Tuskegee Syphilis Study settlement as reparations.²¹ In 1994, Florida compensated survivors and descendants of the 1923 Rosewood race riot and massacre.²² Also notable is that, while no financial compensation was given, in 1993, the U.S. federal government issued an apology for loss of lands due to the 1893 Hawaiian annexation.²³ Interestingly enough, the United States has been involved in a slavery reparations scheme. The United Kingdom compensated Southern planters more than \$1,000,000 for encouraging their slaves to run away during the War of 1812.²⁴

¹⁸ John F. Burns, *Threats and Responses: Reparations; A Cadillac and Other Plunder: Iraq-Kuwait Issue Resurfaces*, N.Y. TIMES (Dec. 30, 2002), <https://www.nytimes.com/2002/12/30/world/threats-responses-reparations-cadillac-other-plunder-iraq-kuwait-issue.html>.

¹⁹ Kurt Schwerin, *German Compensation for Victims of Nazi Persecution*, 67 NW. U. L. REV. 479, 522 (1972).

²⁰ Nell Jessup Newton, *Compensation, Reparations, & Restitution: Indian Property Claims in the United States*, 28 GA. L. REV. 453, 468 (1994).

²¹ The descendants of deceased participants in the Tuskegee Syphilis Study filed a class action lawsuit against the federal government resulting in a nearly \$9,000,000 settlement in 1975. Posner & Vermuele, *supra* note 13, at 695 n.19.

²² Richard A. Ryles, *The Rosewood Massacre: Reparations for Racial Injustice*, NAT'L B. ASS'N MAG., Mar./Apr. 1995, at 15, 24.

²³ Jennifer M.L. Chock, *One Hundred Years of Illegitimacy: International Legal Analysis of the Illegal Overthrow of the Hawaiian Monarchy, Hawai'i's Annexation, and Possible Reparations*, 17 U. HAW. L. REV. 463, 512 (1995).

²⁴ Greg Grandin, *Once Upon a Time Governments Paid Slave Reparations ... to Slaveowners*, GEO. WASH. U. COLUMBIAN COLL. ARTS & SCI. HISTORY NEWS NETWORK (Feb. 25, 2014), <https://historynewsnetwork.org/article/154830>.

C. Modern Resurgence

Support for slavery reparations in the U.S. has ebbed and flowed over the last sixty years. The movement gained momentum in the late 1960s and then slowed down until gaining momentum again in the late 1990s.²⁵ While still far from reaching majority support among Americans, slavery reparations has recently experienced another surge in popularity. In 2016, a United Nations panel concluded that the U.S. owes African Americans reparations for a legacy of “racial terrorism.”²⁶ Georgetown students voted in 2019 to increase student fees in order to pay reparations to descendants of the slaves sold by the school in 1838.²⁷ A Google Trends search for “reparations” among U.S. Google searches shows a dramatic spike in 2019.²⁸ In every congressional term since 1989, Representative John Conyers (D-MI) has proposed a bill to

²⁵ Natasha Parassram Concepcion, *Legislative Focus: Reparations for African-Americans*, 8 HUM. RTS. BRIEF 16, 16 (2001); Tamar Lewin, *Calls for Slavery Restitution Getting Louder*, N.Y. TIMES (June 4, 2001), <https://www.nytimes.com/2001/06/04/us/calls-for-slavery-restitution-getting-louder.html>.

²⁶ Eugene Mason, *UN Panel Says the U.S. Owes Reparations to African-Americans*, PBS (Sept. 29, 2016, 1:22 PM), <https://www.pbs.org/newshour/nation/reparations-african-americans-un>.

²⁷ Michelle Lou & Brandon Griggs, *Georgetown Students Vote in Favor of Paying Reparations to the Descendants of the Slaves Who Made the School Possible*, CNN (Apr. 12, 2019, 4:49 AM), <https://www.cnn.com/2019/04/11/us/georgetown-students-slavery-reparations-trnd/index.html>.

²⁸ The number of searches conducted in June 2019 is nearly triple the previous peak set in March 2004 (data only goes back to January 2004). Google Search Trends for “Reparations,” GOOGLE, <https://trends.google.com/trends/explore?date=all&geo=US&q=reparations> (last visited Oct. 17, 2019).

study and develop slavery reparations.²⁹ The bill for the 2019-2020 term has fifty-five co-sponsors, the most ever.³⁰

A 2019 survey found 13% support for slavery reparations among White Americans,³¹ which is more than a 300% increase from the only 4% support from White Americans in 2013.³² Sixteen of the twenty Democratic candidates for president in the first round of the 2020 NBC presidential debates have, in some way, expressed support for reparations.³³ Compare that to the 2016 Democratic primary where all three candidates on the ballot in Iowa expressly rejected reparations.³⁴ Although Barack Obama arguably supported

²⁹ Donna Owens, *Veteran Congressman Still Pushing for Reparations in a Divided America*, NBC NEWS (Feb. 20, 2017, 2:18 AM), <https://www.nbcnews.com/news/nbcblk/rep-john-conyers-still-pushing-reparations-divided-america-n723151>.

³⁰ “Over the years [the bill] attracted fluctuating levels of support in the form of co-sponsors, with a high of 48, in 1999. Jackson Lee’s 2019 bill already has 55 co-sponsors . . .” Patrick Goodenough, *House Panel to Examine Slavery Reparations; 2020 Democrat Hopefuls Back Legislation*, CNS NEWS (June 14, 2019, 4:38 AM), <https://www.cnsnews.com/news/article/patrick-goodenough/house-panel-examine-slavery-reparations-2020-democrat-hopefuls-back>.

³¹ *HuffPost: Legacy of Slavery*, HUFFINGTON POST (Apr. 8-9, 2019), <https://big.assets.huffingtonpost.com/athena/files/2019/04/11/5caf6150e4b098b9a2d06e20.pdf>.

³² Brophy, *supra* note 11, at 1183-84.

³³ See Appendix A.

³⁴ During the 2016 election, Hillary Clinton and Bernie Sanders did not support slavery reparations. German Lopez, *The Bernie Sanders and Reparations Controversy, Explained*, VOX (Jan. 25, 2016, 10:25 AM), <https://www.vox.com/2016/1/22/10811800/bernie-sanders-reparations-2016>. Martin O’Malley did not support slavery reparations. H. A. Goodman, *Hillary Clinton Isn’t Only Against Reparations, She Accepted Money From Prison Lobbyists*, HUFFINGTON POST (Jan. 22, 2016, 10:37 AM), https://www.huffpost.com/entry/hillary-clinton-reparations_b_9047760?guccounter=1.

the general idea of reparations through social policy and investment, he was consistently against cash reparations stating that he opposed, “just signing checks over to African-Americans.”³⁵ Likewise, John Kerry,³⁶ Al Gore,³⁷ and Bill Clinton³⁸ all avoided supporting cash reparations for slavery.

However, it is important to emphasize that this recent support for slavery reparations among the 2020 Democratic presidential candidates does not correspond to the levels of support from the party. In 2019, only 34% of Democrats support slavery reparations in the form of cash payments.³⁹ It is possible that supporting slavery reparations is nevertheless a wise strategic move for these candidates since African Americans play a significant role “in the early voting states of South Carolina, Alabama, North Carolina, Tennessee, and Virginia.”⁴⁰ But even among African Americans, support for slavery reparations is less than 60%.⁴¹

³⁵ Kevin Outterson, *The End of Reparations Talk: Reparations in an Obama World*, 57 KAN. L. REV. 935, 945 (2009).

³⁶ *Kerry Opposes Slavery Reparations*, WASH. TIMES (Apr. 15, 2004), <https://www.washingtontimes.com/news/2004/apr/15/20040415-114946-9257r/>.

³⁷ Amy Paulson, *Gore Deflects Bradley’s Attacks During Democratic Debate*, CNN (Feb. 21, 2000 at 11:36 PM), <http://www.cnn.com/2000/ALLPOLITICS/stories/02/21/apollo.debate/>.

³⁸ Tuneen E. Chisolm, *Sweep Around Your Own Front Door: Examining the Argument for Legislative African American Reparations*, 147 U. PA. L. REV. 677, 703 (1999).

³⁹ *HuffPost: Legacy of Slavery*, *supra* note 31.

⁴⁰ “The black vote could be a critical factor in next year’s Democratic presidential primaries, particularly in the early voting states of South Carolina, Alabama, North Carolina, Tennessee and Virginia.” Newport, *supra* note 10.

⁴¹ *Exclusive Point Taken-Marist Poll*, MARIST (May 2016), <http://maristpoll.marist.edu/wpcontent/misc/usapolls/us160502/Point>

It is unclear exactly why this resurgence in the slavery reparations movement is occurring. It is somewhat counterintuitive for the reparations movement to gain support the further chronologically removed we become from slavery.⁴² Conversely, perhaps this correlation is to be expected given that the further removed from slavery we become, the easier it is to look at the government's past actions more objectively. Another potential explanation for the current resurgence is that the presidency of Barack Obama from 2009-2016 effectively assuaged White guilt on the issue.⁴³ Therefore, we are now picking up where the momentum of the early 2000s left off. Additionally, the recent Black Lives Matter movement and Donald Trump presidency may have caused people to reconsider issues of race.

%20Taken/Reparations/Exclusive%20Point%20Taken-Marist%20Poll_Reparations%20Banner%201_May%202016.pdf#page=4.

⁴² There is a similarly counterintuitive trend in how support for affirmative action has increased over time, despite how the necessity of affirmative action policies should diminish over time. *The Partisan Divide on Political Values Grows Even Wider*, PEW RESEARCH CTR. (Oct. 5, 2017), <https://www.people-press.org/2017/10/05/4-race-immigration-and-discrimination/>.

⁴³ "President Barack Obama's election, however, has changed the relevance of reparations as a political tool for making these changes" because he "refuses to apply reparations talk to social programs focusing on disadvantaged community uplift. President Obama strikes broader themes, bypassing slavery reparations . . . At this point, perhaps Black Americans should focus on Obama's plans and let reparations rest as a political agenda." Outtersen, *supra* note 35, at 936.

II. SURVEY

A. Methodology

This survey consisted of background questions regarding age, race, and political affiliation. Then, subjects were asked two questions about slavery reparations. The first was simply, “[h]ow likely are you to support reparations for African Americans in the form of a cash payment from the government?” The second started with one of four prompts in favor of slavery reparations followed by, “[a]fter hearing this, how likely are you to support reparations for African Americans?” In the interest of simplicity, this phrasing only asked about slavery reparations “for African Americans” and not the more specific reparations scheme for African Americans who can prove they were descended from slaves. In other surveys, the latter phrasing produces slightly more support.⁴⁴

The four variations of the prompt in favor of slavery reparations were as follows:

Precedent: “I support reparations for African Americans in the form of a cash payment by the government. There is historical precedent in America for compensating victims of governmental discrimination. For example, Japanese Americans who were incarcerated in internment camps during World War II received reparations from the U.S. government in the form of a cash payment in 1988.”

Empathy: “I support reparations for African Americans in the form of a cash payment by the government because of the lasting effects of slavery. Imagine if you and your family were the victims of appalling and intentional governmental discrimination. Wouldn’t you want to be compensated for the harm you suffered?”

White person emphasizing harm: “As a white person I recognize that white people have caused a lot of suffering to

⁴⁴ 24% of survey respondents supported slavery reparations for all African Americans who are U.S. citizens, while 26% supported slavery reparations for African Americans who are descended from slaves. *Exclusive Point Taken-Marist Poll*, *supra* note 41.

African Americans through the lasting effects of slavery. African Americans should receive reparations in the form of a cash payment by the government to compensate them for the harm that white people have caused them.”

African American person emphasizing harm: “As an African American I recognize that white people have caused a lot of suffering to African Americans through the lasting effects of slavery. We should receive reparations in the form of a cash payment by the government to compensate for the harm that white people have caused us.”

A 100-point Likert scale was used with descriptive indicators at 0, 50, and 100 labeled, “extremely unlikely,” “neither likely nor unlikely,” and “extremely likely,” respectively. This Likert scale was chosen over the more simplistic “support” or “oppose” methodology in most reparations surveys for two reasons. First, it allows for the analysis of smaller, incremental changes, such as someone becoming slightly more or less opposed to slavery reparations. Second, it allows for a more precise picture of the state of support. Simply tallying who “supports” or “opposes” slavery reparations does not show the magnitude of support for the anti- and pro-slavery reparations positions, and therefore, how much is required to transition those opposed to slavery reparations into those who support it. The survey was conducted in 2019 and completed by 127 participants.

B. Results

The overall results found that the Empathy prompt received the most support, garnering an average score of 36.2 out of 100.⁴⁵ The Precedent and White person emphasizing harm prompts received 33.8 and 32.9, respectively. In a distant fourth

⁴⁵ Note that this figure does not correspond to 36.2% support for slavery reparations. Rather, this is the average result from the 0-100 Likert scale where 0 was “Extremely unlikely,” 50 was “Neither likely nor unlikely,” and 100 was “Extremely likely” to support slavery reparations in the form of a cash payment.

place was the African American person emphasizing harm prompt at 13.8.

Because the research subjects in the four groups were not uniform in their initial resistance to slavery reparations, the change in their support is a more reliable indicator of a prompt's true effectiveness. For this, the net percentage change resulting from the prompt was measured (percentage of participants who increased their support after hearing the prompt minus the percentage of participants who decreased their support after hearing the prompt). Here, the Precedent prompt produced the best results at 30.4%. The Empathy prompt also performed well at 26.7%. But the African American person and White person emphasizing harm prompts both had a net negative impact on gaining support for slavery reparations resulting in -16.6% and -17.6% net effects, respectively.

Table 1. Prompt Response Results		
Prompt	Average score (out of 100)	Net percentage change resulting from the prompt
Empathy	36.2	26.70%
Precedent	33.8	30.40%
White person emphasizing harm	32.9	-17.60%
African American person emphasizing harm	13.8	-16.60%

III. GENERAL APPLICATION AND DISCUSSION

The results of this survey provide valuable feedback for slavery reparationists. They show that even on this highly controversial and politically charged issue, a lot of people have an open mind and are willing to alter their position when confronted with pro-slavery reparations arguments. This re-search also

shows that not every pro-slavery reparations argument is equally effective. Reparationists can likely increase their effectiveness by implementing empathy and precedent arguments to their rhetoric when advocating for slavery reparations. Conversely, reparationists (whether Black or White) are advised against emphasizing the harm “that white people caused” through slavery, as this tactic is unlikely to be effective. The data does not offer a basis for drawing conclusions on why the latter strategy was less effective than the former two strategies of empathy and precedent, but social and historical observations can lead us to potential theories. Perhaps emphasizing the harm from slavery caused participants to become skeptical as to how much harm is inflicted today from a practice over 150 years ago. Or, maybe it was the somewhat accusatory nature of how the prompt points to White people as the cause of the harm (68.1% of survey participants were White).

Going into this research, it was theorized that the African American person emphasizing harm prompt would rank considerably worse than the other three prompts due to the author of that prompt appearing to be self-serving by favoring a cash transfer to him or herself. Perhaps this prompt performed roughly the same as the White person emphasizing harm prompt because participants felt guiltier maintaining an anti-slavery reparations position in response to an African American. The performance of the African American person emphasizing harm prompt is even more peculiar in that it performed better among conservatives than liberals as discussed below.⁴⁶

Consistent with other surveys on the issue, this research found liberals to be more in favor of reparations than conservatives.⁴⁷ Liberals were also more likely than conserve-

⁴⁶ For purposes of this study, “liberal” is defined as 0-39 and “conservative” as 61-100 on a 0-100 Likert, political affiliation scale asked at the beginning of the survey.

⁴⁷ A 2019 poll found that 49% of Democrats and 5% of Republicans responded that the government should “make cash payments to black

atives to increase their support for reparations after reading the pro-reparations prompt. The average net change over the four prompts was 34% for liberals; the most effective prompt for liberals was precedent which resulted in a net 75% increase in support, followed by White person emphasizing harm at 37%. The Empathy prompt resulted in a 25% net increase in support, and none of the liberals who read the African American emphasizing harm prompt changed their level of support from their original response.

Three of the four prompts had a net positive effect on conservatives as well. However, the response to the fourth prompt was so negative with conservatives that the average net effect of the four prompts was essentially zero. The prompts of Precedent, Empathy, and African American person emphasizing harm produced net increases of 18%, 29%, and 10%, respectively. The curious exception was the prompt of White person emphasizing harm which resulted in a net 58% decrease in support among conservatives. This result was unexpected and somewhat counterintuitive. Given that the vast majority of subjects that identified as Republican were also White, one might expect that this demographic would relate more to the author of the White person emphasizing harm prompt, and therefore be more likely to be persuaded by the author of that prompt. Perhaps there was a judgment by conservatives that a White person advocating for slavery reparations was in some way betraying their White race. Or, as previously mentioned, maybe they felt guiltier maintaining an anti-slavery reparations position in response to an African American than a fellow White person.

Americans who are descendants of slaves.” Mohamed Younis, *As Redress for Slavery, Americans Oppose Cash Reparations*, GALLUP (Jul. 29, 2019), <https://news.gallup.com/poll/261722/redress-slavery-americans-oppose-cash-reparations.aspx>.

A. Anti-Reparations Norm

Before reading the pro-reparations prompt, there was very low support for slavery reparations by the participants in this study. The average response before reading the prompt was only 27.1 out of 100. This is consistent with other surveys on the issue that show low overall support for slavery reparations.⁴⁸ This consistent, anti-reparations norm perpetuates a cycle that disincentivizes people from considering the issue with an open mind.⁴⁹

Historically, the most vocal advocates for United States slavery reparations are generally “historically controversial figures and groups.”⁵⁰ Examples include Fidel Castro,⁵¹ Louis Farrakhan,⁵² Malcolm X,⁵³ Marcus Garvey,⁵⁴ James Foreman,⁵⁵ Elijah Muhammad,⁵⁶ Jesse Jackson,⁵⁷ and Al Sharpton.⁵⁸ This

⁴⁸ This author was unable to locate any surveys that produced 40% or higher overall support for slavery reparations.

⁴⁹ Lee A. Harris, “*Reparations*” as a Dirty Word: *The Norm Against Slavery Reparations*, 33 U. MEM. L. REV. 409, 435 (2003).

⁵⁰ *Id.* at 421.

⁵¹ *Id.* at 425 n.80.

⁵² *Id.*

⁵³ Jennifer Warren, *Demanding Repayment for Slavery*, L.A. TIMES (July 6, 1994, 12:00 AM), <https://www.latimes.com/archives/la-xpm-1994-07-06-mn-12501-story.html>.

⁵⁴ Harris, “*Reparations*” as a Dirty Word: *The Norm Against Slavery Reparations*, *supra* note 49, at 421-22.

⁵⁵ *Id.*

⁵⁶ *Id.* at 423.

⁵⁷ Adam Harris, *Jesse Jackson on Reparations: ‘We Are Due a Different Kind of Recognition’*, THE ATLANTIC (Jun. 19, 2019), <https://www.theatlantic.com/politics/archive/2019/06/jesse-jackson-reparations-2020-and-racism/592021/>.

⁵⁸ David Weigel, *The Trailer: In the Sharpton primary, Democrats put civil rights and reparations at center stage*, WASH. POST (Apr. 4, 2019),

adverse selection phenomenon is harmful to the slavery reparations movement in three ways. First, by their very nature, controversial figures are unlikely to present their case in a cautious and pragmatic way aimed at garnering support from the majority of Americans.⁵⁹ Second, there is the related problem of affiliation; average Americans concerned with their reputation generally do not want to be affiliated with those deemed extremists.⁶⁰ Third, this leads to a vicious circle that is difficult to escape in which vocal advocates are disproportionately controversial figures causing average Americans to view the cause as controversial and thus shy away from public support.⁶¹ This then leads back to the initial problem: that only controversial figures are willing to speak out on the issue, and the self-

<https://www.washingtonpost.com/politics/paloma/the-trailer/2019/04/04/the-trailer-in-the-sharpton-primary-democrats-put-civil-rights-and-reparations-at-center-stage/5ca518281b326b0f7f38f30f/>.

However, it is important to note that the examples of controversial slavery reparationists are not a universal rule. There have been mainstream advocates for slavery reparations as well, including Martin Luther King, Jr., Abraham Lincoln, and James Monroe. See Harris, “Reparations” as a Dirty Word: *The Norm Against Slavery Reparations*, *supra* note 49, at 421 n.61.

⁵⁹ James Forman would interrupt church services by demanding slavery reparations using language “heavy in inflammation and speckled with expletive[s] . . . Forman was vilified as a Marxist and sympathizer of Malcolm X . . . As a result of Forman’s tactics, many were shocked by the idea of slavery reparations. In sum, contentious leadership has negatively shaped public attitudes about slavery reparations, making it taboo for average Americans to rally around the idea. Individuals likely balk at supporting slavery reparations because they associate the issue with divisive figures.” Harris, “Reparations” as a Dirty Word: *The Norm Against Slavery Reparations*, *supra* note 49, at 424-25.

⁶⁰ *Id.* at 435-36.

⁶¹ “Many conceal their support for slavery reparations for fear of cutting against prevailing norms.” *Id.* at 430.

perpetuating cycle continues. As Lee Harris summarized it, “an anti-reparations norm will lead to reflexive dismissal of proposals for slavery reparations.”⁶²

However, there is hope that this cycle created by the anti-reparations norm is weakening. Survey trends show increasing support for slavery reparations. And the overwhelming support for slavery reparations by the 2020 Democratic presidential hopefuls may provide evidence that the vicious circle that handicaps the slavery reparations movement from gaining momentum is breaking down.

B. Individualism Impediment

One of the strongest aspects of culture in the United States is individualism.⁶³ Scholars have cited this as a significant barrier to reparations efforts.⁶⁴ In a broad sense, slavery reparations are based on a group-oriented claim. Therefore, the very essence of slavery reparations is antithetical to an individualist culture.⁶⁵ More specifically, self-reliance, private property, and equal opportunity are fundamental aspects of individualism. Unfortunately for reparationists in America, these three fundamental aspects are also somewhat incompatible with slavery reparations.⁶⁶

Individualists are more tolerant of wealth inequality, believing that financial success is largely a function of internal forces such as hard work and ability rather than external forces such as upbringing and environment.⁶⁷ The mechanism required for reparations schemes—governmental taking of private

⁶² *Id.* at 438.

⁶³ *Id.* at 413.

⁶⁴ “[A] norm against slavery reparations flows, rather predictably, from a political culture of individualism.” *Id.* at 412-13.

⁶⁵ *Id.* at 417.

⁶⁶ *Id.* at 421.

⁶⁷ *Id.* at 417.

property for redistributive efforts—is also problematic to individualists as it goes against their belief in the sanctity of private property.⁶⁸

The final core belief of individualists is that of equal opportunity. This may appear to be consistent with the slavery reparations movement, which seeks to compensate for past injustices that have lasting effects on present-day opportunities. However, the individualists' notion of equal opportunity is premised on the notion that America currently has parity of opportunity and therefore no leveling of the playing field is required.⁶⁹

C. Cautious Optimism

The results of this survey should be interpreted very cautiously by reparationists. Yes, providing certain prompts can increase support for slavery reparations. However, since the starting point for the average American is so antagonistic to the idea of slavery reparations, the most effective prompt in this study (the Empathy prompt) still fell far short of even reaching the level of indifference.⁷⁰ And unfortunately for reparationists, even these results may be overly optimistic. This study did not present participants with competing anti-reparation arguments that are likely to be encountered in the real world. Additionally, it is easier to gain support for the abstract notion of slavery reparations than to gain support for a specific reparations scheme. As one slavery

⁶⁸ *Id.* at 418. In “no other country in the world is the love of property keener or more alert than in the United States, and nowhere else does the majority display less inclination toward doctrines which in any way threaten the way property is owned.” *Id.* (quoting Alexis de Toquville).

⁶⁹ *Id.* at 420.

⁷⁰ The Empathy prompt resulted in an average of 36.2 out of 100 where 0 is defined as “Extremely unlikely” to support and 50 is defined as “Neither likely nor unlikely” to support.

reparations scholar put it, “[i]t is easier to state aspirational goals, rather than concrete plans.”⁷¹

A functional slavery reparations plan would have to address many complex, controversial, and amorphous issues. Determining the amount of compensation and the related issue of what is being compensated would likely lead to contention among those in the movement. Slavery reparations estimates range from \$36 billion to \$14 trillion.⁷² Would slavery reparations compensate for lost wages, pain and suffering, family separation, post-slavery policies such as Jim Crow, or some combination thereof?

If a consensus was reached as to the amount of compensation and what the compensation was for, then the even more contentious issue of who gets what must be addressed. Reparations advocate Clarence Page commented, “[e]ven if Americans ever were to get past arguing with each other over whether and how much reparations are owed, I fear we black Americans would wipe each other out in fighting over who was going to receive it.”⁷³ There are so many different possible scenarios that it would be difficult to get a majority of reparationists to agree on one. Would people have to prove they were descendants of slaves? What would be accepted as proof of slavery descent, who would make the determination, and what standard of proof would be applied to the determination? Would people who are more closely related to slaves receive proportionately more compensation? Would Whites whose ancestors died to help end slavery receive compensation or a waiver for the costs of reparations? Would

⁷¹ Brophy, *supra* note 11, at 1200.

⁷² Douglas Main, *Slavery Reparations Could Cost up to \$14 Trillion, According to New Calculation*, NEWSWEEK (Aug. 19, 2015, 12:12 PM), <https://www.newsweek.com/slavery-reparations-could-cost-14-trillion-according-new-calculation-364141>.

⁷³ Clarence Page, *Reparations Movement Gaining Cult Status*, CHI. TRIBUNE (Aug. 28, 2002), <https://www.chicagotribune.com/news/ct-xpm-2002-08-28-0208280364-story.html>.

African Americans whose ancestors helped facilitate the slave trade receive compensation? The harmful effects of the slave trade extend beyond the descendants of the slaves forcibly brought to America; what about compensation for the harm done to communities in Africa? Assuming the funds come from the general treasury is it fair that wealthy African Americans would end up paying far more for reparations than they receive?

And this is to say nothing of the more philosophical issues such as would slavery reparations result in moral licensing which could cause the country to ignore future racial issues based on a belief that the subject was already addressed?⁷⁴ Would slavery reparations cause harmful, racial resentment among poor Whites who are in a lower socio-economic class than many African Americans? Would slavery reparations, by singling out people for different treatment by the government, perpetuate racism by reinforcing the notion that races are inherently different and should be treated differently? Would the monetization of reparations claims result in the commodification, and therefore denial, of the humanity of slaves?⁷⁵

Further complicating an already difficult issue, evidence suggests that some African Americans would withdraw support

⁷⁴ This issue has been brought up by African American anti-reparationists such as a former assistant director of the NAACP who rejected slavery reparations as a “diversionary and paltry way out for guilt-ridden whites.” Jason L. Riley, *The Illogic of Slavery Reparations at This Late Date*, WALL STREET JOURNAL (Mar. 19, 2019, 7:14 PM), <https://www.wsj.com/articles/the-illogic-of-slavery-reparations-at-this-late-date-11553037261>. Rep. Mike Johnson (R-LA) used the preceding quote during the House Judiciary Committee’s June 2019 hearing on slavery reparations. *H.R. 40 Hearing*, *supra* note 4 (testimony of Rep. Mike Johnson (R-LA) at 29:00).

⁷⁵ Charles Forsdick, *Compensating for the Past: Debating Reparations for Slavery in Contemporary France*, 19 CONTEMP. FRENCH & FRANCOPHONE STUD. 420, 426 (2015).

from a specific reparations scheme if it deviates from their preferred scheme. This is demonstrated by the peculiar result that some African Americans who support slavery reparations for all African Americans do not support a scheme of slavery reparations limited to those who can prove slave descent.⁷⁶ Note that this statistic is not saying that those African Americans, if given the binary choice, would prefer a reparations scheme for all African Americans over a scheme that only included those who could prove slave descent. Rather, if given the choice between the former reparations scheme and no scheme they would choose the reparations scheme. But, if given the choice between the later reparations scheme or no scheme they would choose no scheme.

Finally, even if a specific slavery reparations scheme gained widespread approval, it would still face potential legal challenges. Legal issues would include challenges brought by objecting payers, excluded beneficiaries, and objecting beneficiaries.⁷⁷

Depending on exactly how the slavery reparations scheme functioned, there might also be a significant issue as to its constitutionality. Representative Mike Johnson (R-LA) was booed during the 2019 House Judiciary Committee hearing on

⁷⁶ Only 58% of African Americans support slavery reparations for those who can prove they are “descendants of slaves.” But 63% of African Americans support slavery reparations for “African-Americans who are U.S. citizens.” All other demographic variables in the survey (Whites, Latinos, males, females, young, old, educated, uneducated, high income, and low income) showed either the same or more preference for a slavery reparations scheme for descendants of slaves than one for all African American citizens. *Exclusive Point Taken-Marist Poll*, *supra* note 41.

⁷⁷ “Objecting beneficiaries” would be “members of the beneficiary class who object to the government’s offer of reparations, perhaps because they find it stigmatizing or expressively demeaning.” Posner & Vermuele, *supra* note 13, at 711-12.

slavery reparations when he claimed that “any monetary reparations . . . would almost certainly be unconstitutional on their face.”⁷⁸ Johnson cited the Supreme Court case of *City of Richmond v. J.A. Croson Company*⁷⁹ as holding, in his words, “racial set asides and other entitlements are only constitutionally permissible to remedy the present effects of the government’s own widespread and recent discrimination. And the federal government is not allowed to provide race-based remedies that are ‘ageless in their reach into the past and timeless in their ability to affect the future.’”⁸⁰

It is uncertain if this interpretation of *Croson* would be adopted by the Supreme Court in ruling on a future slavery reparations scheme. In *Croson*, the City of Richmond’s plan for racial preferences in awarding construction contracts was struck down because there was no evidence provided by the city of any specific acts of discrimination by Richmond in the construction industry.⁸¹ Rather, the City of Richmond only provided statistics as to non-White participation in the construction industry. But in a potential slavery reparations case, it would be easier to identify past, discriminatory actions by the government.⁸²

D. Non-Voluntary Alternatives

While this research focuses on slavery reparations as a voluntary government payment—which would require, at minimum, a modest level of public support—there are alternative

⁷⁸ *H.R. 40 Hearing, supra* note 2 (testimony of Rep. Mike Johnson (R-LA) at 29:00).

⁷⁹ 488 U.S. 469 (1989).

⁸⁰ *H.R. 40 Hearing, supra* note 2 (testimony of Rep. Mike Johnson (R-LA) at 30:10).

⁸¹ 488 U.S. at 504-06.

⁸² Another issue in *Croson* relevant to a future decision on slavery reparations is whether the reparations are narrowly tailored. *Id.* at 507. The Court in *Croson* pointed out that Richmond did not appear to have considered any race-neutral alternatives. *Id.*

methods available for reparationists that would not require public support. For example, Yale professor Boris Bittker, in his book, *The Case for Black Reparations*, argues that reparations could be achieved by a damages claim under § 1983 of Title 42.⁸³ However, these lawsuits against government entities face the daunting challenge of overcoming sovereign immunity.⁸⁴

Another option available to reparationists that circumvents the issue of public support is suing private companies. Certain insurance companies, newspapers, banks, and railroads profited from the slave trade.⁸⁵ Some of these corporate entities still exist today and are viewed by courts as the same legal person from the 1800s.⁸⁶ Modern lawsuits seeking compensation from corporate involvement in the slave trade generally rely on tort and unjust enrichment arguments.⁸⁷ While these lawsuits avoid the issue of sovereign immunity faced when suing a governmental entity, they face other, often fatal obstacles such as standing and statutes of limitations.⁸⁸

⁸³ Harris, “*Reparations*” as a Dirty Word: *The Norm Against Slavery Reparations*, *supra* note 49, at 434-35.

⁸⁴ This is what stopped the 1994 case of *Cato v. United States*, 70 F.3d 1103, 1111 (9th Cir. 1995) from proceeding. In *Cato*, plaintiffs sought \$100,000,000 in compensation for a long list of harms from both slavery and subsequent discrimination from 1865 to present. *Id.* at 1106. The District Court dismissed the case and the Ninth Circuit Court of Appeals upheld the ruling. *Id.* at 1111. The primary reason for the dismissal and the affirmation of the dismissal was the sovereign immunity of the government. *Id.* “The court stated that the complaint ‘does not refer to any basis upon which the United States might have consented to suit.’” Kaimipono David Wenger, *Forty Acres and a Lawsuit: Legal Claims for Reparations*, in *RACE, ETHNICITY AND LAW* 79, 81 (Mathieu Deflem ed., 2017).

⁸⁵ Wenger, *supra* note 82, at 81.

⁸⁶ *Id.*

⁸⁷ *Id.* at 81-82.

⁸⁸ *Id.* at 82.

However, stating that these examples do not require public support is somewhat misleading, as public support is relevant to the ultimate success or failure of these judicial alternatives to reparations legislation. While the judicial branch is certainly more insulated from public opinion than the legislative and executive branches, it is not immune to the effects of public opinion. Benjamin Cardozo explained that “[t]he great tides and currents which engulf the rest of men, do not turn aside in their course, and pass the judges by.”⁸⁹ Experts have also commented on how justices consider popular support for their decisions. “With little formal institutional capability to enforce the Court’s decisions and to compel the elected branches or the public to respect its judgments, justices must often act strategically in their opinion writing, adjusting to shifts in the public mood in order to ensure the efficacy of their decisions”⁹⁰

E. Future Research

The results of this study open the door for a number of similar, future studies. Alternative prompts could be tested such as the following:

Good investment: “I support reparations for African Americans in the form of a cash payment by the government. The consequences of racial unrest in America are very costly. Implementing a reparations program is not only the right thing to do but would also be a cost-effective investment in our country’s future.”

⁸⁹ BENJAMIN N. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* 168 (1921). Legal activists realize how public opinion can affect justices’ decisions. One example is how the legal team arguing for same-sex marriage in 2013 actively pursued a national PR campaign aimed at influencing the Court’s outcome. JO BECKER, *FORCING THE SPRING* 316, 344 (2014).

⁹⁰ Christopher J. Casillas, Peter K. Enns & Patrick C. Wohlfarth, *How Public Opinion Constrains the U.S. Supreme Court*, 55 *AM. J. POL. SCI.* 74, 75 (2011).

Need to move on: “I support reparations for African Americans in the form of a cash payment by the government because we, as a society, need to acknowledge the history of slavery in order to move beyond it. And the only way to do that is to right the wrongs of the past.”

Comparatively small amount: “I support reparations for African Americans in the form of a cash payment by the government. Every year we give out almost \$50 billion in foreign aid. For just one year we should keep that money here in America and distribute it as slavery reparations.”

Additionally, longer prompts that combine multiple approaches could be tested. For example, a prompt that combines both pre-cedent and empathy (the two most effective prompts in this study) might produce a synergistic affect resulting in even higher levels of support for slavery reparations.

A similarly structured study that instead provided anti-reparation prompts would also provide valuable information in the form of which anti-reparation arguments are most effective. The results could then be utilized to determine the efficacy of prompts that attempt to preemptively address popular objections to slavery reparations. The following are potential examples:

Culpability objection: “I support reparations for African Americans in the form of a cash payment by the government. It’s not an issue of the harm that you and I have caused. Rather, it’s about what the government did. For example, if a corporation harmed people in the past, I don’t think they should be allowed to avoid responsibility just because the employees and stockholders today are not the same as the employees and stockholders back then. The business entity is obligated to make things right just like our government is.”

Statute of limitations objection: “I support reparations for African Americans in the form of a cash payment by the government. While it’s true that slavery happened a long time ago, I don’t think the government should get off the hook just because it was able to delay its responsibilities this long. If someone harmed you, then actively kept you from seeking restitution for years, and then told you to drop the issue because the harm was from a long

time ago, I doubt you would be okay with that. Let's not reward the government for delaying justice."

Perhaps these prompts would be counterproductive and only serve to inform the participant of objections that would have otherwise gone unnoticed. Either way, the information gained by the results of such a study would be a valuable tool in the quest to effectively advocate for slavery reparations.

As discussed earlier, conservatives and liberals reacted differently to the prompts. Conservatives were not only less likely to support slavery reparations before reading the prompt but were also less likely to increase support after reading the prompt. Future research should analyze how prompts targeting specific demographics such as conservatives could improve outcomes. Examples of prompts targeting conservatives could be:

Freedom: "When governments deprive people of their freedoms and liberties the outcome is always devastating. And there is no greater deprivation of freedom and liberty than slavery. That's why I support slavery reparations in the form of a cash payment. It sends a powerful message to Washington that the tyrannical abuse of government power will not be tolerated."

Family: "A strong family unit is one of the most important things in life. There's nothing more harmful to the family structure than the institution of slavery, and the effects are still apparent today. That's why I support slavery reparations in the form of a cash payment."

Religion: "The Bible tells us that all humans are made in the image of God and that 'When justice is done, it brings joy to the righteous.' That's why, as a Christian, I support slavery reparations in the form of a cash payment."

The effect of how the anti-reparations norm leads to disproportionately controversial advocates for the cause should be analyzed in future research.⁹¹ Prompts with the same language could be attributed to different speakers (one mainstream and one

⁹¹ See *supra* Section III A. Anti-Reparations Norm.

controversial). The responses from participants would then be used to measure how relevant this effect is.

IV. CONCLUSION

The modern resurgence in advocacy for slavery reparations should be met with cautious optimism by reparationists. There is still a long way to go in persuading the average American, and many components combine to increase the challenge. The findings discussed in this article provide some guidance for the ways in which discourse and rhetoric impact average Americans, and therefore how to pragmatically and purposefully deploy such strategies for persuasion. Further, this study provides a framework for additional and more comprehensive analyses of related issues including the consequences of integrating pro- and anti-reparations rhetoric, the magnitude and precise effect of the anti-reparations norm, and how various demographic groups are impacted by particular rhetorical approaches.

V. APPENDIX A: SLAVERY REPARATIONS POSITIONS FOR THE
LEADING DEMOCRATIC 2020 PRESIDENTIAL
CANDIDATES.⁹²

A. Support for H.R. 40:

Amy Klobuchar⁹³

Andrew Yang⁹⁴

Beto O'Rourke⁹⁵

Bill DeBlasio⁹⁶

Cory Booker⁹⁷

Elizabeth Warren⁹⁸

⁹² The leading twenty candidates as determined by the twenty selected to participate in the first round of the 2020 NBC presidential debates. Dartunorro Clark, *NBC Announces Lineup of Democrats for Each Night of First 2020 Debate*, NBC NEWS (June 14, 2019, 12:36 PM), <https://www.nbcnews.com/politics/2020-election/nbc-announces-lineup-democrats-each-two-nights-first-2020-debate-n1017676>.

⁹³ Bruce C.T. Wright, *Where All the Presidential Candidates Stand on Reparations, In Their Own Words*, NEWS ONE (June 19, 2019, 10:20 AM), <https://newsone.com/playlist/2020-presidential-candidates-reparations/item/3>.

⁹⁴ The Breakfast Club, *Andrew Yang on Reparations – Breakfast Club AM*, YOUTUBE (Mar. 8, 2019), <https://www.youtube.com/watch?v=IHx9agOAWPU>.

⁹⁵ Nguyen, *supra* note 9.

⁹⁶ Julia Marsh, *De Blasio: US Needs a Program for 'Actual Redistribution' of Wealth*, N.Y. POST (Apr. 7, 2019, 12:04 PM) <https://nypost.com/2019/04/07/de-blasio-us-needs-a-program-for-actual-redistribution-of-wealth/>.

⁹⁷ Nguyen, *supra* note 9.

⁹⁸ Newport, *supra* note 10.

Eric Swalwell⁹⁹
John Delaney¹⁰⁰
John Hickenlooper¹⁰¹
Julian Castro¹⁰²
Kamala Harris¹⁰³
Kristen Gillibrand¹⁰⁴
Marianne Williamson¹⁰⁵
Pete Buttigieg¹⁰⁶
Tim Ryan¹⁰⁷
Tulsi Gabbard¹⁰⁸

B. Unknown Position:

Bernie Sanders¹⁰⁹

⁹⁹ He is a co-sponsor of H. R. 40 “Commission to Study and Develop Reparation Proposals for African-Americans Act.” Goodenough, *supra* note 30.

¹⁰⁰ Rebekah Barber, *Where the 2020 Democratic Presidential Candidates Stand on Reparations*, FACING SOUTH (Apr. 11, 2019), <https://www.facingsouth.org/2019/04/where-2020-democratic-presidential-candidates-stand-reparations>.

¹⁰¹ Wright, *supra* note 93.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ Barber, *supra* note 100.

¹⁰⁸ Nguyen, *supra* note 9.

¹⁰⁹ It is unclear what Bernie Sander’s position is today. He has stated that he supports H.R. 40 “Commission to Study and Develop Reparation Proposals for African-Americans Act.” But he has also said that, “[t]here are better ways to [address racial inequality] than just writing out a check.” Nguyen, *supra* note 9.

Jay Inslee¹¹⁰

Joe Biden¹¹¹

Michael Bennet¹¹²

¹¹⁰ When asked about supporting reparations he responded only by expressing support for race-neutral poverty and education programs. Judy Woodruff, *Gov. Jay Inslee on Climate Change, Tax Policy and Reparations*, PBS (Mar. 20, 2019, 6:25 PM), <https://www.pbs.org/newshour/show/gov-jay-inslee-on-climate-change-tax-policy-and-reparations>.

¹¹¹ It is unclear what Joe Biden's position is today. In 1975, Biden responded to a question about slavery reparations by saying, "I'll be damned if I feel responsible to pay for what happened 300 years ago." Jessica Chasmar, *Joe Biden's 1975 Comments Slamming Slavery Reparations, School Busing Resurfaced by WaPo*, WASH. TIMES (Mar. 8, 2019), <https://www.washington-times.com/news/2019/mar/8/joe-bidens-1975-comments-slamming-slavery-reparati/>.

¹¹² I was unable to locate any statement by Michael Bennet on his slavery reparations position. He is the only sitting lawmaker in the presidential debate that is not listed as a co-sponsor of H.R. 40 "Commission to Study and Develop Reparation Proposals for African-Americans Act." Goodenough, *supra* note 30.