

Reparations Scholar Activism: An Interview with Adjoa A. Aiyetoro

The following correspondence interview was conducted by Itibari M. Zulu (senior editor, *Africology: The Journal of Pan African Studies*), October 2016.

IMZ: Thank you for agreeing to participate in this interview on the importance of reparations, and your role in its development.



AAA: Thank you for asking me to make this contribution to the journal. I am honored and humbled.

IMZ: In reading your bio, you have been concerned with the issue of African American reparations for some time. Why did you decide to tackle this often controversial and misunderstood issue of reparations for the formerly enslaved descendants of African Americans in the U.S.?

AAA: In 1980, I was working as an attorney with the Special Litigation Section of the U.S. Department of Justice. The focus of that section was the rights of the institutionalized and my caseload was largely prisons. As I toured the prisons in my caseload I was continually struck by the black and brown faces. This combined with my long-time work on angst over the conditions of black and brown people in general, the poverty, the disparate, in fact discriminatory, treatment that was a daily experience for most black people in every arena including education, health, wealth, employment and criminal punishment. I was returning to work one day and noticed an ANRO poster that had a picture of “Uncle Sam” pointing out with the words: “Black people Uncle Sam Owes you (trillions of dollars).” I immediately said Yes! and became instantly committed to working for and lifting up reparations as the real remedy for the U.S. caused and supported dehumanizing treatment of Africans and their descendants from our enslavement to today.

IMZ: I understand that you have taught a courses on reparations (e.g., “Issues in Reparations” at the University of California Santa Barbara Center for Black Studies and Department of Black Studies and “Litigating Reparations for African Americans” at American University Washington College of Law in D.C.), and you have incorporated the issue of reparations in sections of the other courses you have taught. In regards to introducing the course in the curriculum, how was it received by the school or faculty? And second, what content did you include in the courses, and in general, why were they selected?

AAA: In the mid-nineties, Adrienne Davis, then a professor at Washington College of Law, American University and now, Vice-Provost at Washington University in St. Louis, MO, asked me to co-create and co-teach a course entitled Litigating Reparations for African Americans. Provost Davis had served on the National Coalition of Blacks for Reparations in America's (N'COBRA) Legal Strategies Commission and the Reparations Litigation Committee that I chaired, and thought this was an important topic for law students' education. It was well received by the law school, and in fact I taught it for several years after Provost Davis left the school to become a professor at University of North Carolina's School of Law. My work on reparations was a major reason for the invitation to serve as a visiting professor at University of California Santa Barbara, Center for Black Studies and Department of Black Studies. I have not met any resistance to my inclusion of reparations in my courses in remedies or critical race theory from faculty at any of the schools I taught.

The material I have used in the courses has varied given the specific focus of the course, for example, Litigating Reparations for African Americans as compared to Critical Race Theory or Remedies. The focus in the Litigating Reparations course was on whether and how reparations could be a viable claim. The emphasis in that course was on overcoming the legal obstacles to obtaining reparations and cases such as *Cato v. the United States* and the work of Boris Bitker on making a §1983 claim were essential inclusions in the course. In the early 2000s, the Tulsa Greenwood Massacre litigation on which I served as co-counsel with several esteemed lawyers led by Charles Ogletree, *Alexander v. Oklahoma*, and scholarly articles on this case were added to the syllabus when talking about litigation strategies for the atrocities of slavery, Reconstruction, Jim Crow and the continuing legacies of slavery. The courses that addressed reparations included materials on the racial discrimination/ racial disparities in primary areas of well-being such as health, criminal punishment, housing, education, wealth and poverty, and employment. The National Urban League's annual report on race, *The State of Black America*, was an important contribution to the courses as well as cases involving claims of racial discrimination in criminal punishments such as *McClary v. the United States* and articles written about it focusing on the discrimination in the crack and powder cocaine federal sentencing guidelines. Numerous scholars have written on various aspects of reparations and their books and articles were included in syllabi on reparations. These authors include, Carlton Waterhouse, Adrienne Davis, Eric Miller, Charles Ogletree, Roy L. Brooks, Raymond Winbush, Suzette M. Malveaux, Ron Walters, Al Brophy, Manning Marable, Eric Yamamoto and Mari Matsuda whose focus is on Japanese American and African American reparations claims, and materials on Native Americans and reparations.

Of course, materials discussing the movement for African American reparations were also included in a number of syllabi. A number of the authors I mentioned above have written on that topic as well as Mary Frances Berry who wrote a book on *Callie House, My Face is Black Is True*, who was a leader in the Ex-Slavery, Mutual Relief, Bounty and Pension Association founded in the 1890s.

Materials written by Queen Mother Audley Moore, James Farmer's Black Manifesto as well as the programs of the Nation of Islam, the Black Panthers and the National Black United Front and the Garvey movement were also included in relevant syllabi talking about the movement for reparations.

IMZ: In a course on reparations, I envision a comprehensive analysis that would include a look at the question of 'white privilege' and the notion of white supremacy within the fabric of American society, should those elements be included, how would you approach the topics (white privilege, white supremacy)?

The discussion of white privilege is an essential component of the courses I have taught, particularly those focused on critical race theory and reparations as compared with a law school remedies course when my goal was primarily to enlarge the remedial tool kit for future lawyers when addressing injuries based in historical violations such as slavery, Jim Crow, the Native American genocide as well as the Nazi Holocaust. I use materials written by whites as well as others to discuss this topic. Tim Wise and Peggy McIntosh as well as other white scholars, some of whom are part of Critical White Studies present the topic clearly and persuasively. I also include this on the list of possible paper topics for the seminars I taught. I have had some students (black and white) who have struggled with this topic or some aspect of it and to their credit some of them chose to write on it. This requires them to not simply research the arguments posited by those who deny this exists and want to place the blame for racial disparities on conditions of blacks such as poverty and criminality; but they must also use the works of those who espouse the theories of white supremacy and white privilege. Those who have chosen to do this have routinely been enlightened, having aha moments. Some have been totally convinced; others have moved from digging their heels in and saying "no such thing" to being on the fence. I view any movement away from the fiction that white privilege does not exist as positive and have used examples of these "success stories" with students and those in the movement as how information and data can modify perspective and assist in creating a fair society that recognizes the truth of this country and the need to provide reparative remedies.

AAA:

IMZ: As the former chief legal consultant to the National Coalition of Blacks for Reparations in America, I assume that you received many questions about the reality of African Americans actually receiving reparations for past and present injuries. What has been the most constructive question or suggestion during your tenure?

AAA:

Ron Walters, noted black political scientist who left us far too soon, was my friend and reparations mentor. He gave me the most important and constructive advice in 1987 on how to move forward and build the movement for reparations – *make it relevant to people's lives today.*

Ron shared that although some people have an interest in Black History, to get a critical mass to support reparations it must connect to their current lives. So, as founding Co-Chair of N'COBRA and Chair of N'COBRA's Legal Strategies Commission as well as the chief legal consultant, this frame was incorporated in the work. Therefore, our legal strategy and my recommendations, as well as my continuing advocacy, focus on the connectedness of the racial disparities that show that black people speaking generally are on the bottom of the rankings of well-being and on the top of the rankings for malfunction to slavery, Reconstruction and Jim Crow. It is a natural flow to incorporate the words of my friend and comrade, Charles Ogletree, who said in the early 2000s, when talking about the racial disparities in *punishment that it is an "unbroken chain"* from slavery to today. To see reparations as only a remedy for the wrongs of slavery is to not only weaken the ability to build the movement, it is a fiction that supports blaming us totally for our current status in the United States. That is not to take away from self-responsibility. Yet to support this fiction is to let the primary perpetrators of our injuries off the hook. It essentially is a refusal to call on the United States government to repair the injuries it caused, and the results of which we can prove exist today.

The late Dorothy Benton Lewis, a leading voice for reparations beginning in the early 1980s and a founding member of N'COBRA, and a member of N'COBRA's Legal Strategies Commission as well as co-chair of its International Commission, in discussions in the Legal Strategies Commission introduced the concept of "*on the way to reparations.*" It was her view, which many of us embraced, that reparations is not simply a destination, it is a journey. In that journey we learn more about ourselves, our history and that of those who benefit and continue to benefit from our labor and our degradation. She posited that we can and should embrace self-help and community responsibility without dropping our demand for and actions towards receiving reparations from governments and private entities.

IMZ: In legal scholarship, critical race theory as a theoretical framework has provided useful examinations of society, culture, and its link to race, law and power. As a part of this, do you think we can or should develop a theoretical framework for discussing or implementing a trans-disciplinary critical reparations theoretical framework for the quest for African American reparations in the U.S.?

AAA: Of course and there are a number of scholars who are talking across disciplines. Some of the scholars I use in my courses and activism around reparations generally are not legal scholars, and rather are in other fields of study, including Ron Walters, Ray Winbush, and Mary Frances Berry. Reparations has always been a cross-discipline focus as well as one that has sprung from the grassroots who attach an action focus to it rather than a scholarly focus. Of course, the foci of action and scholarship are intertwined as some reparationists are both scholars and activists. Given that, more formal transdisciplinary work would be welcomed.

IMZ: You have written with Adrienne D. Davison on the historic and modern social movements for reparations in the *Texas Wesleyan Law Review* (“Historic and Modern Social Movements for Reparations: The National Coalition for Reparations in America (N’COBRA) and its Antecedents”, *Texas Wesleyan Law Review*, vol.16, no.4., May 31, 2010; now the *Texas A & M Law Review*) which focuses on individuals and institutions that for over a century have comprised the reparations movement that aim to shift attention away from the doctrinal and policy questions that have dominated the legal literature on the feasibility of reparations, and instead, you and your co-writer pose a set of other questions about the reparations movement’s complex, and at times competing, set of actors, institutions, and ideologies that like N’COBRA, have been underexplored in the legal literature. Thus, in the essay a case study is outlined via seven Black activists and lawyers who in 1995 joined the N’COBRA Reparations Litigation Committee who are interviewed. In brief, what was their story, and how did your social movements approach to the topic of reparations open to questions about how ordinary people develop a common “oppositional consciousness”, and mobilize to confront what they perceive as injustice?

AAA: The article’s purpose was to broaden the usual perspective of reparations and, thus N’COBRA as a sporadic, limited demand, unconnected to movements for fundamental change. With this purpose in mind we connected reparations and N’COBRA to the long line of individuals and organizations that have called for reparations for slavery and its vestiges from slavery to the date the article was published. Thus, during slavery David Walker was a strong voice for reparations. The article demonstrates the connectedness of our demands for reparations and the organic development of a social movement that has at the center of it the call for reparations. The activists we interviewed including Leonard Dunston, Mark Fancher, Kalonji Olusegun, Rosaline Preudhomme and Nkechi Taifa came to reparations through different routes. Rosaline and Leonard are social workers. Rosaline’s family were Garveyites and both were leaders in the National Association of Black Social Workers (NABSW), Leonard being President Emeritus. Leonard and Kalonji met in New York when both were activists in the labor movement, on issues of criminal punishment and the Black Nationalist movement. In many respects, Kalonji was Leonard’s mentor. Kalonji and Nkechi Taifa were both in the leadership of the Republic of New Afrika (RNA), a primary goal of which was obtaining reparations. Indeed, Nkechi co-authored *Reparations Yes!* with the founding president of the RNA, Imari Obadele and the one time Minister of Justice for the RNA, Chokwe Lumumba who broke from the RNA to form the New Afrikan People’s organization, a formation he chaired until shortly before his unfortunate transition in 2014. Nkechi developed her advocacy for reparations through her work with the RNA and she maintained that commitment after becoming an attorney. Indeed, I served as a legal mentor for her when she joined the staff of the ACLU National Prison Project shortly after she became a lawyer, and in many ways she was a mentor to me in my formative years as a reparationsist.

Mark Fancher was raised by parents who were racial activists and is a natural scholar who utilized his legal degree and scholarly perspective to co-analyze the conditions of African peoples, working with me in the National Conference of Black Lawyers and joining N'COBRA's Legal Strategies Commission and the Reparations Litigation Committee. He lent his legal skills as well as his analytical acumen to the work for reparations. The major reason for highlighting these activists was to demonstrate the varying paths people take in becoming reparatationist and building the movement for reparations.

IMZ: In your article "Why Reparations to African Descendants in the United States Are Essential to Democracy" (*The Journal of Gender, Race and Justice*, vol.14, no.3, 2011) you state that the U.S. is not a true democracy because of its oppression and discrimination against African people and their descendants; and it concludes that in addressing reparations, the U.S. can become a true democracy. Since that stance, what has been the response, and what if anything have you added or altered to its context, today?

AAA: The article was well received by those in the academy who support a progressive analysis of the U.S. Constitutional democracy as well as reparatationists who utilize scholarship to broaden and support their activism. I have not added to this theory in any direct way; however, my later article, *Racial Disparities in Punishment and Alienation: Rebelling for Justice*, published in the *National Lawyers Guild Review*, Winter 2014 issue. I provide an analysis of the results of the alienation caused by failure to include African descendants as true participants in the United States democratic experiment.

IMZ: I read that you worked with Congressman John Conyers to build support for H.R. 40, the bill (Commission to Study Reparation Proposals for African Americans Act) to establish a commission to study reparation proposals for African Americans to examine enslavement and discrimination in the colonies and the United States from 1619 to the present, with recommend remedies. Because of this, how do you think the reparations movement has advanced over the years?

AAA: This bill has advanced the reparations movement to the extent that it provides some legitimacy to the movement for those who need to see it as more than a demand of Black Nationalists. Dispelling the view that reparations is only a battle cry of Black Nationalists, which is a way people dismiss it, was one of the goals in the founding of N'COBRA as noted in the chapter I wrote in Ray Winbush's edited volume, *Should America Pay?* So the bill, first filed in 1988, was a way of mainstreaming it. On the other hand, N'COBRA and other reparations groups attempted to delete the "study" part of the bill and introduce it as a bill for reparations. Congressman Conyers refused to do so because he modeled it after the successful Japanese American bill and it was his view that it would receive less resistance if it mimicked that bill. This has not been the case, however, and so I think the benefit of mainstreaming has had only minimal impact on building the movement.

Indeed, I think there is a credible argument that it may have stalled the movement because of people's resistance, not just Black Nationalists, to calling for a "study" given all the evidence that supports a finding that reparations are owed African Descendants in the United States. It is my understanding that the State of the Black World's Commission on Reparations is currently talking with Congressman Conyers about introducing it in the next Congress as a Reparations Bill.

IMZ: What has been the role of Black women in reparations movements, a topic you have contributed to in a book (*Black Women and International Law: Deliberate Interactions, Movements and Actions*, Cambridge University Press 2015) edited by Jeremy I. Levitt?

AAA: In short, women has served as leaders in the reparations movement since Callie House, in the 1890s co-led the Ex-Slave Mutual Relief, Bounty and Pension Association. Imari Obadele co-authored a book on the women leaders of the reparations movement and highlighted some of the more modern-day leaders including Queen Mother Audley Moore, Dorothy Benton Lewis, Johnita Obadele and me. Black women have served as the voice for the reparations movement since the 1890s and have advocated for reparations for African descendants both in the United States as well as throughout the Diaspora. Their leadership has often been with men, yet they have carried the banner – been the leader – in a singular sense as can be said for example of Queen Mother Audley Moore and Dorothy Benton Lewis. Indeed, it was Dorothy who came up with the idea for N'COBRA; however, she asked Imari Obadele to issue the call because she thought his status in the movement for Black Liberation would make others more receptive to answering the call. Thus, her key role was overshadowed by the view that a male figure would be better received, although she was a leading voice for reparations.

IMZ: In your "Truth Matters: A Call for the American Bar Association to Acknowledge Its Past and Make Reparations to African Descendants" (18 *George Mason University Civil Rights Law Journal*. 51, 2007) article you state that the American Bar Association played a critical role in excluding African descendant attorneys from the legal profession, thus it should embrace a voluntary reparations model that would involve public acknowledgement of its past exclusionary policies and practices against African descendant people, and material reparations. What was the response of the American Bar Association, and the general public to your proposal?

AAA: Quite frankly, the ABA blocked any discussion of this article. Rachel Patrick, a black woman, friend and ally, who at the time was the director of their diversity council on which I had one time been a member, attempted unsuccessfully to get a hearing for the work. Her efforts were resoundingly rebuffed by the powers that be. It is another example of how whites, even those who claim to be liberal, as well as some of their black allies, do not want to look at the role they/their organizations have played in the marginalization of black people and the need for the organization to reconcile its role through some form of reparations. It is the consummate way that equality continues to be denied and progress toward reparations and justice thwarted. And it is the most insidious form of denial that only strengthens rather than weakens the racial hierarchy.

IMZ: To echo a 2004 question on the reality of obtaining reparations in the 21st century for the past harms and vestiges of enslavement, what is the reality?

AAA: The reality is that reparations can be obtained if we build a strong enough movement to demand it. It is a marathon and not a sprint; yet, it is a marathon that requires us to continue increasing support for it. Our ancestors were enslaved for almost 250 years yet a critical mass, not all, kept alive the vision of freedom and they were joined by allies of all races, ethnicities, classes and religious perspectives. They and their allies did not give up and the first step in obtaining true African liberation and freedom was made – the passage of laws that made our enslavement illegal. That alliance, that critical mass, led to the ending of Jim Crow and portions of it are making some headway in highlighting the maltreatment of black people and other people of color in many vicissitudes of life from health, education and employment to the use of so-called “law enforcement” to imprison, re-enslave and murder black people. As one of my mentors, the late Haywood Burns, said at an NCBL conference in Los Angeles in the 1980s, after some other painful attack on our people -“*Walk together children don’t you get weary*”. We may get tired; we may need to hold each other up; yet we must continue to march together towards the goal of equal, fair treatment, and the justice that is reparations.

We must obtain reparations not for simply a material recognition of the debt owed wrote nor as a vindication of the suffering of our ancestors and of many of us today. We must obtain reparations to be made truly whole as a people, in recognition of the fact that we are a viable part of the United States democratic experiment and the global community – to aid in dispelling the myth of our inferiority that is used consciously and unconsciously today by largely whites, yet also by blacks and other people of color, to justify the maltreatment we receive. Reparations is a way of telling our story and of reconciling our current lives in that story.

IMZ: Thank you for this interview; I am sure our readers appreciate you taking your time to share your insights on this most important topic, and its related issues.