TESTIMONY OF

STEPHAN THERNSTROM

WINTHROP PROFESSOR OF HISTORY
HARVARD UNIVERSITY

BEFORE THE

COMMITTEE ON THE JUDICIARY

Subcommittee on the Constitution, Civil Rights and Property Rights

U.S. HOUSE OF REPRESENTATIVES
B353 Rayburn House Office Building

HEARING ON

The Legacy of the Transatlantic Slave Trade

December 18, 2007
10:00 AM
2141 Rayburn House Office Building

Mr. Chairman and distinguished Committee members, thank you for the opportunity to testify this morning.

My name is Stephan Thernstrom. I am the Winthrop Professor of History at Harvard University. I have been researching, writing, and teaching courses on the subject of race and ethnicity in the American past for almost my entire professional career.

Today you have solicited testimony concerning a bill to create a "Commission to Study Reparation Proposals for African-Americans." The notion of paying reparations for the descendants of slaves is nothing new. What is new—and I think very unwise—is that the House of Representatives is now considering taking the first step towards implementing an actual reparations program.

I am rather surprised at this development, because the idea of reparations is far outside of the mainstream of American thinking. If you doubt that generalization, consider the findings of a 2005 National Opinion Research Center survey, sponsored, it should be noted, by the NAACP. Asked their opinion of "paying money to African Americans whose ancestors were slaves," over 90 percent of whites, Latinos, and Asians were "fervently" opposed. One third of the blacks in the sample rejected the idea as well, despite the fact that they had a powerful financial incentive to approve it. Other polls reveal the same overwhelming opposition. It is hard to imagine a more unpopular and divisive proposal than reparations for crimes committed by some of our ancestors in the very distant past.

The simple math suggests good reasons for opposing such reparations. Close to 40 million African Americans live in the United States today. If almost all of them are to be compensated, as the language of the bill implies, a grant of a hardly life-changing $10,000 apiece works out to be a heady $400 billion; a more generous $100,000, which some advocates have proposed, gets you to a staggering $4 trillion, about a third of the current annual Gross Domestic Product!

Of course, this bill does not call for an appropriation in the mega-billions. It only proposes to "study" the issue. But we all know that the composition of a commission determines the outcome. If the proposed commission has the same balance as today's slate of witnesses, it will obviously endorse a reparations program by a lopsided margin.

Devoting $8 million of taxpayer money to "study" such a radical idea will surely attract a good deal of unfavorable public attention. In the absence of an astonishing reversal of public opinion, a future commission report recommending a large-scale compensatory transfer of wealth to members of one racial group will almost certainly provoke popular outrage.

No one doubts "the fundamental injustice, cruelty, brutality, and inhumanity" of slavery in the United States and everywhere else it existed—including, let us note, Africa, where slavery was widespread long before Europeans first reached its shores. Africans, it should be underscored, played a vital role in both the transatlantic and the equally large Mediterranean slave trades, which could not have existed without their active engagement.

But no nation in the world has a history free of what later came to be understood as inequities and injustices—the displacement of indigenous peoples, the denial of fundamental rights to women, and the use of child labor, for instance. The past, here and everywhere, is grossly imperfect by later standards. In democratic societies, when public opinion was aroused against practices that had come to be seen as morally offensive, they were eliminated. In the case of African Americans, this nation fought an exceedingly bloody four-year civil war provoked by the election of a president committed to the "ultimate extinction" of slavery. A century later, the legal foundation of the South's Jim Crow system was destroyed by all three branches of the federal government. Virtually all of the specific demands made by groups like the Southern Christian Leadership Conference became the law of the land, and there was general consensus that this was a great moral advance.

Now, four decades later, the proponents of this bill declare that the Civil Rights Revolution and ongoing efforts to secure racial equality have not gone nearly far enough. The framers of this bill assume that African Americans continue to suffer from the ill effects of being remote descendants of people who were enslaved no more recently than 142 years ago, six or seven generations back. Like victims of drunk drivers or medical malpractice, they can only be "made whole" by a substantial cash award.

How are Americans today responsible for the evils of slavery long ago? The individuals who profited directly from slavery and might logically be expected to pay back their ill-gotten gains were the owners of slaves who sold the cotton they produced. Those slave-owners—who were a small minority of the population even in the South—are all dead today, of course, and so too are all of their children and just about all of their grandchildren. We can't confiscate their riches to pay for reparations; much of that wealth in fact went up in smoke as a result of a great civil war over slavery.

Some proponents of reparations, though, attempt to link responsibility for the slavery of the past to present-day Americans by arguing that slavery was primarily responsible for the economic growth that led to our current high standard of living. We all gained economically from slavery, this claim goes, so we all owe restitution to its victims. Some even argue that the United States today would be a Third World nation economically but for slavery.

This is utter nonsense. The Industrial Revolution that began in the northern states in the second third of the nineteenth century launched the economic transformation that accounts for our riches today. Although slavery made many slave-owners wealthy in the antebellum years, it actually retarded our long-term economic growth. It was responsible

for the backward, one-crop cotton economy that hung on in southern states for many decades after the Civil War and made the South by far the poorest region of the nation until after World War Two. The backward South was a serious drag on the national economy for close to a century; its initial dependence upon slavery put it into a developmental dead-end. We would likely enjoy a *higher*, not a lower, living standard today if the South had never developed a slave-based plantation economy. Americans today are not the beneficiaries of the exploitative labor system of the South in the antebellum years—nor, naturally, can they be considered responsible for it.

Most Americans today have no connection to the era of slavery. They have no ancestors who lived in the nation at the time, and yet they will be paying for reparations. All of my immigrant ancestors were still living in Sweden or Canada when the Thirteenth Amendment was passed and cannot be said to have endorsed slavery by settling in a nation in which it was once legal. As of 1990, according to one demographic study, one-third of the American population consisted of people who had no ancestor who arrived here before 1900. If we could add to that figure all of the immigrants who arrived between 1865 and 1900, as well as those who came after 1990, the descendants of post-Civil War immigrants would be a clear majority of the total population. Hardly any of today's Asian Americans, and very few Italians, Poles, Greeks, Jews, and Mexicans have ancestors who lived in a nation with slavery.

This bill assumes that the social problems that afflict African Americans today should be understood as having been caused by slavery. The case for reparations rests upon this premise, but supporting evidence is woefully lacking. Of course one can argue that African American culture was forged in slavery, and that everything that has happened to black Americans since Emancipation was shaped by that bitter experience. But attributing all of the problems of black people today to such ancient history is fatalistic, defeatist, and too vague a claim to prove.

The principal source of black poverty today, for example, is African American family structure. One-paycheck families (or zero-paycheck families who are dependent upon public assistance) are far more likely to fall into poverty than two-parent, two-paycheck families. Blaming African-American out-of-wedlock births and absent fathers upon an institution that disappeared 142 years ago makes little sense. This problem, after all, is much worse in 2007 than it was 1965, when Senator Daniel Patrick Moynihan wrote his controversial report on black family structure. The more we move back in time towards the days of slavery, the lower the rate of fatherless families among African Americans. If slavery were the explanation of this dysfunctional family pattern, we would see much higher rates a century ago than today.

Similarly, the average black seventeen-year-old has reading and math skills equal to those of whites and Asians in the 8th grade, a glaring disparity that is the *single most important* reason for persistent economic inequality. Over the past four decades, this disturbing achievement gap narrowed considerably, then widened enough to wipe out the

previous gains, and then narrowed again. Slavery could certainly not be the cause; with the passage of each year its influence should be weaker.

Trying to find social science evidence to prove a causal link between slavery and the ills that influence the black community today is a hopelessly difficult task. How would the effects of slavery be transmitted to successive generations? Should we expect African Americans with only one ancestor who was a slave in 1865 to be better off than those whose pre-1865 ancestors were all slaves? The current black population includes large numbers of people born in the West Indies or Africa, whose ancestors never experienced slavery in the U.S. but who may have married persons whose ancestors had. Do they get full or only partial reparations payments? What about the small but rapidly growing group of people with one white and one black parent? Would being of mixed race cut their claim by 50 percent? Eligibility for membership in some American Indian tribes today depends upon the "blood quantum" of Indian ancestry you can prove. If proving how much slave "blood" one has will determine the size of one's reparations, the likely result will be deep resentments among blacks who receive different awards.

The bill compounds the confusion here by throwing in references to having been subject to *de jure* or even *de facto* segregation as part of the rationale for reparations. If we cast the net widely enough to include Haitian or Nigerian immigrants who attended Fisk, Morehouse, or Howard in the 1980s—all racially identifiable institutions and thus "segregated" *de facto*, then all black people will be eligible, and the link to slavery in the United States will be attenuated to the vanishing point.

Finally, I would urge the members of this subcommittee and the House of Representatives as a whole to ponder carefully the message that will be conveyed by the passage of this bill. "When you are behind in a footrace," the Reverend Martin Luther King, Jr. said in 1963, "the only way to get ahead is to run faster than the man in front of you. So when your white roommate says he's tired and goes to sleep, you stay up and burn the midnight oil." Dr. King's words reflect an important tradition of self-reliance that has had eloquent advocates in the black community: Frederick Douglass, Booker T. Washington, and W.E.B. Du Bois, among others. All were saying, in their different ways, that black people were not the helpless pawns of history who could do nothing to better their lives until America owned up to its historical sins and offered them a generous financial settlement. Their point is as important today as ever.

This committee is now considering a measure that delivers quite a different message: "If you're having trouble with your homework, don't sweat it. It's not your fault. You had ancestors who toiled as slaves in Alabama before the Civil War, and what they experienced so long ago means that you naturally will find it hard to master differential equations and compound sentences. You have been damaged by American history, and are a victim. Why burn the midnight oil? You won't have a fair chance of getting ahead in life unless you are able to collect damages for the wrongs that were inflicted on your great, great grandparents." I can't think of a worse message to send to African American youths. The past is past, and nothing Congress or anyone else can do can change it.

This is not an argument for legislative inaction. Congress can properly deal with present-day problems. If racial discrimination remains a major problem today, as the framers of this bill assume, then we need to strengthen our formidable body of anti-discrimination law or do a better job of enforcing existing ones. That would be action precisely targeted to address demonstrable harms that have clearly identifiable causes and remedies, something completely different from what is being proposed here.

In sum, this proposed legislation seems to me profoundly misguided. The great Civil Rights Act of 1964 protected *all* Americans from discrimination on the basis of race, color, religion, sex, or national origin. It rested upon the powerful universal principle that every American is entitled to fair and equal treatment as an individual. The concept of reparations is a radical and regrettable departure from that sound principle.