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# Reparations More than 150 Years Later:

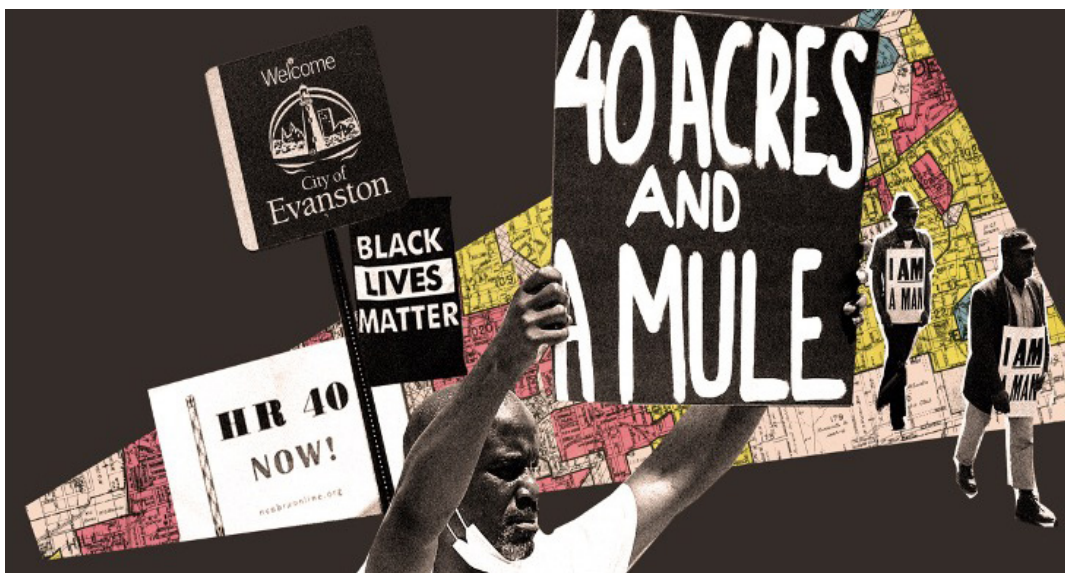
## The Case of Restorative Justice Policy in Evanston, IL

## Introduction

One of the decried injustices that Black descendants of formerly enslaved Africans have faced is not receiving reparations at the end of the American Civil War. In 1865 it was decided that “40 Acres and a Mule,” otherwise known as reparations, would not be given to formerly enslaved Black people because of the overall economic burden it would cause and the implicitly racist motivations of a yet to be established government structure. Today, the implications of this decision remain prevalent in American society. Most recently, in 2019 the Federal Reserve Bank noted that Black families have considerably less wealth than white families (Bhutta et al., 2020). This racial wage gap is often attributed to what the Center for American Progress notes as “unexplained factors” or factors that are hard to categorize or measure i.e., occupation choice and educational attainment (Hanks et al., 2018). However, if history has taught us anything, it is that these factors imply a lack of effort to directly acknowledge and address historical trauma that African Americans still face.

While some members of Congress have sought to fight for reparations, current legislation surrounding this issue, such as H.R. 40, has only recently passed committee and is up for a vote on the floor in the U.S. House of Representatives. Though the national agenda has failed to place reparations at the forefront of restorative justice policy and practices, Evanston—a college town suburb of Chicago, Illinois— has decided to take a different approach and implement a program to uplift the historical trauma generations of African American families have faced. This restitution-based programming will focus on four areas that have perpetuated segregationist practices: housing, policing, employment, and education.





*An image courtesy of NBC News [nbcnews.com/news/nbcblk/slavery-reparations-federal-goverations-looks-2021-rcna900](https://www.nbcnews.com/news/nbcblk/slavery-reparations-federal-goverations-looks-2021-rcna900)*

This case study dissects the history of reparations and the overall political discourse of the United States' attitude towards reparations implementation through current legislation. Further, the study looks closely at Evanston's recent decision to enact restorative justice policies through housing assistance in the wake of the current racial reckoning and analyzes ways in which the national agenda can learn from this decision model.

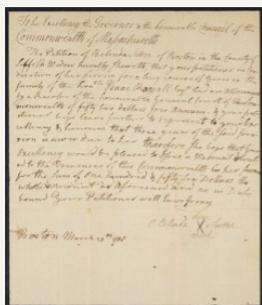
The goal of this case study is to analyze Evanston's model to inform policy and identify practices that can be used to progress H.R. 40 and other national, state, and local reparations legislation. This information will serve to acknowledge and evaluate historical harms that have plagued African Americans since their liberation from slavery in 1865.

## **Historical Overview of Reparations in America**

The end of the American Civil War signaled a spark in the reparations discourse for African Americans around the United States. Many believed, and still believe, that the U.S. government should have offered restitution to formerly enslaved Black people for unpaid labor and harsh treatment at the end of the Civil War. However, some scholars have hypothesized that restorative justice practices began long before the late 1800s. Belinda Sutton (enslaved surname Royall) was born in 1713, in what is now modern-day Ghana. As a child, Belinda was sold into slavery in Medford, Massachusetts to Isaac Royall where



she remained enslaved for 50 years (Davis, 2021). In 1775, Royall fled from Massachusetts and set his sights on England, leaving behind his plantation, his business, and a number of enslaved Black people (Finkenbine, 2007). Belinda, amongst those left behind, was finally free from the bondage of slavery. However, her freedom came at a cost. Belinda struggled to maintain her livelihood due to her age, position, and economic status (Finkenbine, 2007). Realizing that she may never prosper from the hand she had been dealt, Belinda filed a petition with the Massachusetts General Court in 1783, proposing an annual pension to be paid to her from the Royall Estate. The Massachusetts legislature approved the petition and ordered twelve pounds and fifty shillings be paid to Belinda annually (roughly \$8,705 today) — U.S. history's earliest known attempt of a petition for reparations. Although she received the first payment from Royall's Estate in 1783, historians have confirmed that this is the only restitution Belinda received even after filing subsequent petitions (Belinda Sutton and her petitions 2021).



Belinda Sutton's subsequent 1788 petition, courtesy of Massachusetts Archives found on the Royall House and Slave Quarters Museum Website <https://royallhouse.org/slavery/belinda-sutton-and-her-petitions/>

Belinda Sutton's petitions have inspired a generation of Black activists and creatives searching for answers in the field of restorative justice. Her story is believed by scholars to be the foundation of the reparations movement that was later established at the close of the American Civil War.

On January 12, 1865, near the end of the Civil War, General William Tecumseh Sherman and President Lincoln's Secretary of War, Edwin M. Stanton, met in Savannah, Georgia with almost two dozen Black faith leaders. Sherman organized this meeting to discuss the aftereffects of the Civil War and the necessary protection for formerly enslaved Black people.

On January 16, 1865, four days following the conversation with the Black clergy, Sherman issued Special Field Order No. 15, ordering a confiscation of Confederate land along the rice coast<sup>1</sup> and presented this land to freed Black men and women (Brown, 2021).

<sup>1</sup> The "rice coast" is a strip of land confiscated by Lincoln's army that extended 30 miles inland from the Atlantic and reached from Charleston, South Carolina to Jacksonville, Florida for approximately 245 miles. This strip of land would have provided 400,000 acres of land to newly freed Black people.

Specifically, the Order stated in section III,

*[E]ach family shall have a plot of not more than (40) acres of tillable ground, and when it borders on some water channel, with not more than 800 feet water front, in the possession of which land the military authorities will afford them protection, until such time as they can protect themselves, or until Congress shall regulate their title ((1865) general William T. Sherman's Special Field Order No. 15 2020).*

The language in this Order would later be referred to as “40 Acres and a Mule.” This action served as the catalyst for the reparations movement, signifying an acknowledgment of historical trauma and necessary restitution for previously enslaved Black people. However, this reckoning was short lived. By June 1865, approximately 40,000 Black people had settled on the land promised, but after the assassination of President Abraham Lincoln, President Andrew Johnson rescinded the Order and returned the land to white Confederate owners (Davis, 2021). The promise of reparations was taken, leaving Black families with very little resources or means of survival.

Other actions were taken to fill the gap that the Civil War left behind. During the Reconstruction Era, Congress attempted to enact legislation that would provide opportunities for both white and Black families to obtain and maintain home and land ownership. On June 21, 1866, The Southern Homestead Act was ratified (Hoffnagle, 1970). Specifically, it gave previously enslaved Black individuals six months to purchase land without competition or interruption from white southern competitors (Davis, 2021). By 1890, the Act had granted approximately 373,000 homesteads on 48 million acres of land. However, this legislation failed potential Black homesteaders due to the lack of resources African Americans had to purchase the land (The Civil War: The Senate's Story 2020).

For over a century, the notion of reparations has been a trending topic, but little has been accomplished outside of activism and public discourse. In 1891, The Chicago Tribune editorialized that “[formerly enslaved Black people] have been taught Christian civilization, and to speak the noble English language instead of some African gibberish. The account is square with the ex-slaves” (Coates, 2014). Overtime, the U.S. response to reparations remained unchanged. Although the Black community has fought to obtain and maintain equality since the end of slavery, African Americans still suffer from the implications that the lack of reparations has caused. Today, “40 Acres and a Mule” continues to be the plight of many descendants of formerly enslaved Black people.

## **Where is the U.S. Now?**

Although the reparations discussion has never taken precedence in the national agenda, some activists and members of Congress have sought to bring this discourse to light. In 1989, the late Congressman John Conyers (D-MI) first introduced H.R. 3745 - Commission to Study Reparation Proposals for African Americans Act, which acknowledged the role the U.S. played in slavery and challenged lawmakers to evaluate the historical implications slavery still has on African Americans (Philo, 2021). In partnership with organizations such as National African American Reparations Commission (NAARC), Rep. Conyers spent the next 30 years of his life introducing the bill each Congressional Session until his resignation in 2017 (Lytal, 2021). However, the bill continuously died before passing the House Committee on the Judiciary. Following Conyers' resignation, Congresswoman Sheila Jackson Lee (D-TX) took up the mantle and introduced comparable legislation, H.R. 40 - Commission to Study and Develop Reparation Proposals for African Americans Act, in January 2019 with parallel legislation introduced by Senator Cory Booker (D-NJ) (Haines Whack, 2019). H.R. 40, named for the historical significance of "40 Acres and a Mule," would

1. *"Establish a commission to study and develop reparation proposals for African-Americans;*
2. *Examine slavery and discrimination in the colonies and the U.S. from 1619 to the present and recommend appropriate remedies;*
3. *Identify the role of Federal and state governments in supporting the institution of slavery;*
4. *Identify forms of discrimination in the public and private sectors against freed slaves and their descendants;*
5. *Identify lingering negative effects of slavery on living African-Americans and society;*
6. *Recommend ways to education the American Public about the Commission's findings; and*
7. *Recommend appropriate redress actions" (HR-40: The National Reparations Movement 2021).*

Rep. Jackson Lee's efforts catapulted the movement. Months later, in June 2019, the House Committee held a hearing to discuss the case for reparations (Gay Stolberg, 2019). Here lawmakers and advocates alike debated the necessity for reparations and research surrounding reparations. The 2020 Presidential primary election also amplified the movement by attracting national attention. Some presidential hopefuls and candidates called for the need to implement restitution-based programming (Lockhart, 2019). Although the discourse surrounding reparations had garnered attention and support, it was not until 2021 that H.R. 40 saw movement in the U.S. House of Representatives.



*A snapshot (pictured is Ta-Nehisi Coates and Danny Glover) of the 2019 Judiciary Committee Hearing held to discuss H.R. 40, courtesy of The New York Times <https://www.nytimes.com/2019/06/19/us/politics/slavery-reparations-hearing.html>.*

On April 14, 2021, the House Committee on the Judiciary voted 25-17 to advance H.R. 40 out of the committee and onto the House floor. The historic vote was partisan with zero Republicans voting in favor. Today, the bill currently has 196 Democratic co-sponsors with no Republican support. Some African Americans fear that the bill will die in the House as it would need 218 votes to advance to the Senate (Jackson Lee, 2021).

More than 150 years later, government interference has done little to affect the implications of slavery. History and present events have shown that the racial economic divide was indeed a result of forced labor and very little restitution.

For instance, The Washington Post (2020) reported that approximately 44 percent of Black families owned their home in comparison to 73.7 percent of white families, and this trend has continued. The gap between Black and white homeowners is larger today than in 1934 (Lerner, 2020). The disparity also has a large impact on income. According to the Brookings Institution (2020),

*[T]he median white household has a net worth 10 times that of the median Black household. If Black households held a share of the national wealth in proportion to their share of the U.S. population, it would amount to \$12.68 trillion in household wealth, rather than the actual sum of \$2.54 trillion.*

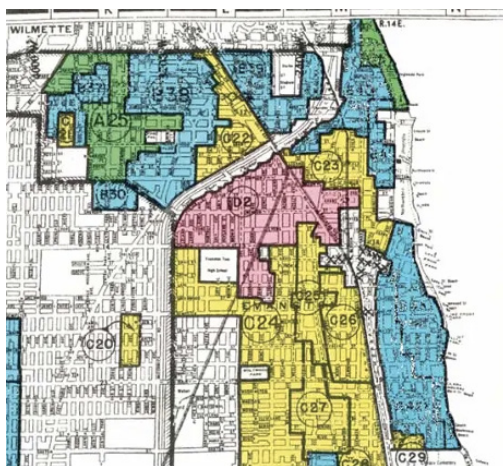
Societal norms that date back to the 1860s make it difficult to imagine a country with restorative justice practices committed to ending the racial wealth gap. However, one city has made the decision to change this narrative.

## **Evanston, Illinois' Approach to Reparations**

Evanston, Illinois is a small northern suburb of Chicago with a population of approximately 78,110 people. The 2020 U.S. Census Bureau reported that 59.2% of the population identified as white, 16.5% identified as Black, 11.7% identified as Hispanic/Latinx, 9.4% identified as Asian, and ~4% identified as two or more races. Upon its founding in 1857, Evanston was mainly occupied by white residents, however, formerly enslaved Black people began to immigrate to the north shortly after the end of the Civil War and during the Great Migration, finding a home in this small suburb. By 1880, there were 125 Black residents in Evanston. That number grew exponentially by 1900 with a Black population of 737. And, by 1940, the Black population in Evanston grew to 6,026 (Gavin, 2019). Scholars attribute the vast growth among the city's Black population due to job opportunities and the already well-established Black community. However, the population growth came at a price (Gavin, 2019).

In the late 1940s, white real estate brokers began the practice of racial zoning and redlining. Although originally dispersed throughout the city in the early 1900s, Black residents were racially segregated in a triangular section west of Evanston and excluded from living or buying real estate outside of this neighborhood (see Map 1.1.). This discrimination was upheld by white homeowners. Many enforced restrictive covenants that did not allow for their homes to be sold, leased, or occupied by any non-white individual or family until the United States Supreme Court deemed this practice unenforceable in 1948. Scholars have noted, "In Chicago and across the country, whites





Map 1.1 A 1940 Map of Evanston's Neighborhoods, detailing the segregated core Black area of the city—shaded red, courtesy of the Evanston Roundtable <https://evanstonroundtable.com/2019/12/05/developing-a-segregated-town-1900-1960/>

looking to achieve the American dream could rely on a legitimate credit system backed by the government. Blacks were herded into the sights of unscrupulous lenders who took them for money and for sport" (Coates, 2014).

Between 1940-1960, the Black population outgrew the triangular plot of land provided to them. On the cusp of the Civil Rights Movement, Black residents began to take a stand for open housing. However, it was not until 1967 that the Evanston City Council passed a housing ordinance that prohibited white brokers from discriminating against Black residents seeking open housing options. After the passage of the Fair

Housing Act, Black residents had a stronger claim to fair housing practices. However, similarly to the national climate, housing discrimination still reared its ugly head through other means.

The 21st Century ushered in a new era for the reparations movement in Evanston. By 2002, Evanston's City Council began to consider the implications of historical trauma caused by enslavement and the accompanying discrimination of its Black residents. Evanston lawmakers supported Congressional legislation calling for a commission to study slavery and to make reparations recommendations. Although progress was made in support of the movement, very little was accomplished among local governments for several years due to uncertainty and urgency for other pending issues.

Following years of municipal debate and decision-making, the City of Evanston realized that its community and government structure did indeed perpetuate its own racial discrimination practices through policy and regulatory tools. In June 2019, the City Council passed Resolution 58-R-19, "Commitment to End Structural Racism and Achieve Racial Equity" to acknowledge the harms that had been committed. A few months later, the City Council introduced and, later, adopted Resolution 126-R-19, "Establishing the City of Evanston Reparations Fund and the Reparations Subcommittee" (Evanston Local Reparations). According to the City of Evanston, "The resolution committed the first ten million dollars (\$10,000,000.00) of the City's Municipal Cannabis Retailers' Occupation Tax (3% on gross sales of cannabis) to fund local reparations for housing and economic development programs for Black Evanston residents" (Evanston Local Reparations).

For the first time in history, the U.S. saw the establishment of a government structure committed to making reparations available to Black residents.

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In 2020, Evanston took a monumental first step to conduct a historical report entitled “Evanston Policies and Practices Directly Affecting the African American Community, 1900-1960 (Present),” detailing the city’s discriminatory attitude towards Black residents through its policies and practices from 1900 to 1960 through to present day. The report showed that Evanston perpetuated decades of segregationist practices in various areas including employment, policing, education, and housing. Further, it illustrated that the policies and practices maintained over time have led to a disparity of wealth, education, and employment opportunities for Black residents. Following this report, the City Council voted in March 2021 to approve and implement the first phase of a strategic reparations plan also known as the Local Reparations Restorative Housing Program (Treisman, 2021).

In addition to the fact-finding report, a number of community meetings and town halls were held by the city’s Equity and Empowerment Commission to discuss what reparations should look like and found that housing and economic development were top priorities for Evanston and should be the first phase of the strategic plan. Currently, the Housing Program is budgeted for \$400,000 and will grant 16 qualifying Black households up to \$25,000 for home repairs or down payments for property. Evanston’s Housing Program guidelines state that eligibility falls very narrowly for Black residents who can show that they or their ancestors were victims of redlining and other discriminatory 20th-century housing practices in the city that limited the neighborhoods where Black people could live. Eligible applicants could be descendants of an Evanston resident who lived in the city between 1919 and 1969; or they could have experienced housing discrimination because of city policies after 1969 (Bosman, 2021).

The goal of the program is to: “1) Revitalize, preserve, and stabilize Black/African-American owner-occupied homes in Evanston; 2) Increase homeownership and build the wealth of Black/African-American residents; 3) Build intergenerational equity amongst Black/African-American residents; and 4) Improve the retention rate of Black/African-American homeowners in the City of Evanston” (Evanston Local Reparations). The city of Evanston has yet to disclose the plan for the remaining \$10 million

reparations fund, but lawmakers are expected to provide more information in the near future (Bosman, 2021). City councilwoman and architect of the reparations program, Robin Rue Simmons, stated to the National Public Radio (2021) that the city “ha[s] a large and unfortunate gap in wealth, opportunity, education, even life expectancy.” Simmons also mentioned how the historical redlining in her neighborhood led her to fiercely advocate for a radical solution” (Treisman, 2021).

**While many of the city’s residents and lawmakers are excited to serve as trailblazers in the reparations movement, some feel the historic plan is far from what Black residents hoped for.**

While many of the city’s residents and lawmakers are excited to serve as trailblazers in the reparations movement, some feel the historic plan is far from what Black residents hoped for. The New York Times (2021) released an article providing local residents’ thoughts on Evanston’s very different approach from generalized perception of reparations as direct payments to African Americans. A member of the City Council, Cicely Fleming, who voted against the Local Reparations Restorative Housing Program, stated that she supports reparations but cannot support the housing program as restorative policy, fearing the city’s actions might set a national precedent. Another Evanston resident stated that the programming would be detrimental to the movement and “Giving \$400,000 to 16 Black people in a town of 12,000 Black residents is not reparation” (Bosman, 2021). Despite the criticism, Evanston officials have stated that giving Black residents direct cash payments in place of the Housing Program would create an unnecessary tax burden (Adams, 2021).

Although met with some criticism, Evanston’s approach to reparations has received overwhelming national support. The National of Blacks for Reparations in America (N’COBRA) and the National African American Reparations Commission (NAARC) have both pledged their support for the Restorative Housing Program. Additionally, other municipalities have begun to consider implementing similar programming. In 2020, Asheville, North Carolina made a public apology for the city’s participation in slavery and commitment to implement reparations vis-à-vis investments in areas that the Black community has suffered such as education, healthcare, and safety (Branigin, 2020). Other U.S. cities have decidedly taken a stance in their own communities. In 2021, eleven mayors established the Mayor’s Organized for Reparations and Equity (MORE) coalition.

The mayors, representing municipalities spanning from Los Angeles, California to Tallahassee, Oklahoma, announced their commitment to implement reparations programming in their cities and support federal reparations legislation.

## **What Can the U.S. Learn from Evanston's Approach?**

Activists and spectators of the reparations movement believe that Evanston's approach offers a blueprint that can be emulated in other municipalities and, even, on a national level. African American families on average have considerably less wealth than white families and this wealth gap has continued to grow larger since the COVID-19 pandemic.

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The Center for American Progress reported that during 2020 “45.9 percent of white households that saw a drop in job-related income used their savings to pay for current expenses, only 30.6 percent of Black households did so” due to lack of emergency funds (Weller & Figueroa, 2021). History and the current state of the U.S. have shown that this racial wealth gap will only continue to widen unless progressive action is taken. The Biden Administration has taken crucial steps to close the gap through recent legislation such as the American Rescue Plan. This plan has targeted those most in need and has specifically benefitted African Americans during the pandemic. However, this legislation was only enacted to undo burdens set forth by the COVID-19 pandemic and was not focused on repairing the harms set forth by slavery.

The Brookings Institution (2020) released a report stating, “There is a vital and vibrant conversation in America today about reparations programs and other expenditure-based approaches to close the racial wealth gap. These investments are a moral imperative and an urgent economic necessity” (Williamson, 2021). There is still a necessity for acknowledgement of the disproportionate policy practices set by slavery and its aftereffects as well as restorative policy in Black communities across the United States.

By passing H.R. 40 and parallel legislation, the country can complete an assessment that will identify and analyze “1) the role of the federal and state governments in supporting the institution of slavery; 2) forms of discrimination in the public and private sectors against freed slaves and their descendants; and 3) lingering negative effects of slavery on living African Americans and society” (Jackson Lee, 2021). Just as Evanston's historical report laid enhanced transparency and the groundwork for informing relevant policy, this legislation will not only set a foundation for the next steps in the national reparations movement but acknowledge the harms caused by slavery and the government's role in perpetuating it.



Scholars have hypothesized that once H.R. 40 is passed, the government can move forward with identifying and implementing restitution-based programming that will benefit African Americans. Brookings Institution experts suggest that the best way to address reparations is through direct payments, student loan forgiveness, baby bonds<sup>2</sup>, and housing grants similar to the Evanston approach (Ray & Perry, 2020). The authors' note,

Down payment grants will provide Black Americans with some initial equity in their homes relative to mortgage insurance loans. Housing revitalization grants will help Black Americans to refurbish existing homes in neighborhoods that have been neglected due to a lack of government and corporate investments in predominately Black communities (Ray & Perry, 2020).

**Using what we have learned from history and the current movements, a radical decision must be made in the case of reparations.**

While many recognize the importance of restorative policy, others remain strongly opposed. Some lawmakers are mainly concerned with the unjust burdens and economic weight that reparations will bear on American citizens. At the 2019 House Committee on the Judiciary hearing to discuss reparations, GOP officials stated that “the time for reparations has passed and claim[ed] that reparations would be an ‘insult to many African Americans’” (Lockhart, 2019). Further, they suggested reparations would be an “unfair payment forced on those who had nothing to do with slavery” (Lockhart, 2019).

There is no arguing that racial justice and civil rights advocates, lawmakers, municipalities, and the federal government all have differing opinions when approaching the reparations movement. However, using what we have learned from history and the current movements, a radical decision must be made in the case of reparations. Further, if the Evanston approach has taught us anything, it is that restorative justice policy is possible.

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<sup>2</sup> The baby bonds program was introduced by the American Opportunity Accounts Act. The program would provide children with a savings account with \$1,000 at the time of their birth. Dependent on the family's income, the child would then receive approximately \$2,000 more each year and would only be granted access to the account upon their 18<sup>th</sup> birthday. Using a reparations lens, ancestors of Black/African enslaved people would be a select group to receive this.

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