

LEGACIES OF REPAIR

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WHAT KIND OF INJURY to human dignity does enslavement inflict, and how should that injury be remedied? What is required to deliver enslaved people from a state of bondage to one of freedom? These difficult questions were richly debated in the 1860s and remain critical to contemporary efforts to provide reparative justice for slavery.

Nowhere was the failed promise of reparations more evident than in the Sea Islands of South Carolina. On November 4, 1861, the largest attack fleet ever to sail under the US flag was amassed to capture Port Royal, South Carolina. Confederate white islanders were outgunned and outmanned, and three days later nearly all of the local white men had packed their wives, children, and favorite “servants” into boats and left for the mainland. Federal troops immediately emancipated the black people held in bondage and began a model program of reparations. When federal troops assumed control of the Sea Islands, approximately 10,000 black people living on 189 plantations were immediately set free, two years before President Lincoln issued the Emancipation Proclamation.

The black people of the Sea Islands did not passively wait to see how this new group of white people would govern their lives as freed people. Rather, they made their demands clear: “We want land and we want to build

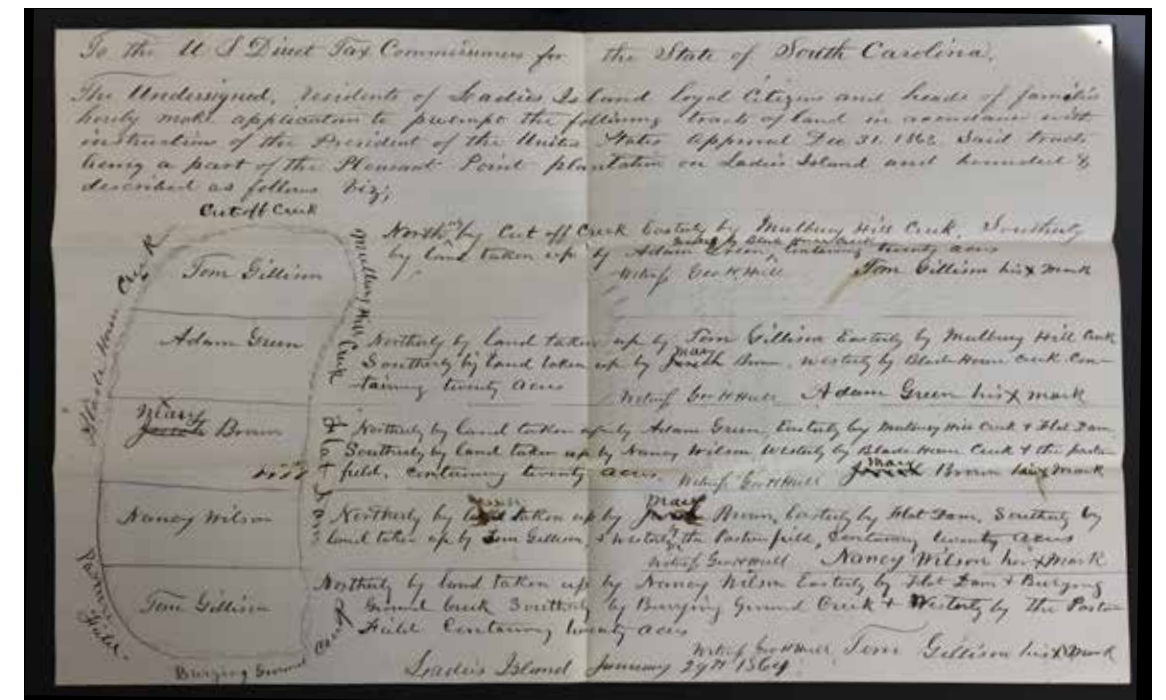
Family on Smith's Plantation, Beaufort, South Carolina, 1862. After gaining their freedom, African Americans on the Sea Islands sought to claim ownership of the lands they had cultivated during slavery. They knew that owning land was the key to full freedom and economic independence. For a brief time, the federal government supported their aspirations, but after the war ended, most of the land allocated to freed people was returned to its former owners.

new lives apart from white people.” The military and political leaders who were directly responsible for stewarding black people from enslavement listened, and recognized that being set free without material resources would lock black people into a permanent, intergenerational status of American peasantry.

General Rufus Saxton led the military and humanitarian efforts in the Sea Islands, and was one of the most ardent advocates of land-based reparations. In his view, freed people held an equitable mortgage on the land, secured by their past, unpaid wages and sweat, blood, and lost lives. He felt that the enslaved people “had been the only cultivators [of the land], their labor had given it all its value, [and] the elements of its fertility were the sweat & blood of the negro so long poured out upon it, that it might be taken as composed of his own substance. The whole of it was under a foreclosed mortgage for generations of unpaid wages.” A teacher from Philadelphia who traveled to the Sea Islands, in the summer of 1862, to help educate freed people, echoed Saxton’s views: “If there is any class of people in the country who have priority of claim to the confiscated lands of the South, it certainly is that class who have by years of suffering and unrequited toil given to those lands any value they may now possess.” Saxton then put in place a process by which the freed people of the Sea Islands could make formal claims to the land, where property lines covered the same terrain as blood lines: The old plantation boundaries told black people who their kin were.

As an initial matter, the freed people of the Sea Islands were promised that they should make claims to land there, and that title would be given to them as reparations for enslavement. Within days of learning of this promise, freed people overwhelmed the local land office, with claims to the property on which they and their ancestors had been enslaved, leaving cash deposits to signal their serious intent to own land. Officials began to issue “land certificates” to them, instructing them to begin building new lives on “their” land.

One group of freed people filed a claim for the Pleasant Point plantation, accompanied by a hand-drawn map that indicated how they would share the parcel as a community. In the days after filing the claim, they began to build cabins and plant provision crops on the property, taking concrete steps to create new lives as free people. The map was shaped by the natural topography of the area, bounded by “the pasture field,” “the burying ground creek,” and the “cut-off creek.” Notably, recently freed black women such as Mary Brown and Nancy Wilson received title to this property. Iron-



ically, the freed women of the Sea Islands enjoyed greater rights than white women of the era who could not own land in their own names. Nevertheless, formerly enslaved black women in the Sea Islands were granted ownership by the federal government. These certificates are housed in the National Archives, bearing the Xs that freed people signed. Next to the Xs on these documents are ink imprints of hands, representing the formerly enslaved people of the Sea Islands engaging in their first acts of freedom, as “people.” These Xs marked freedom from slaveowners’ commands, and signaled the change in their identity, from property to that of landowner. The documents described the newly freed people as “loyal citizens and heads of families,” a radical recognition of their humanity.

Unfortunately, officials in Washington, DC overruled local officials and ordered that the land be sold at two auctions. Ignoring these orders, local officials continued to issue land certificates to freed people, even as the land auctions began to take place. The black people of the Sea Islands pooled their money to buy land at the auctions, but, for the most part, were outbid by white, northern land speculators who swarmed to the Sea Islands to snap up land, financed by investors in Boston, New York, Philadelphia, and Pittsburgh.

In January 1864, three men and two women submitted this application to purchase tracts of land from the Pleasant Point plantation. The application references an order issued by President Abraham Lincoln on December 31, 1863, which allowed “any loyal person” residing in South Carolina to purchase land owned by the US government, in twenty-acre parcels at the price of \$1.25 an acre. Lincoln’s order gave preference to heads of families and to wives of men serving in the US military.

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Edisto Island S.C.

Oct 28th 1865.

To the President of these United States.

We the freedmen of Edisto Island South Carolina have learned from you through Major General O O Howard, commissioner of the Freedmen Bureau, with deep sorrow and painful hearts of the possibility of government restoring these lands to the former owners. We are well aware of the many perplexing and trying questions that burden your mind, and do therefore pray to God (the possessor of all, and who has, through our late and beloved President (Lincoln) proclamation and the war made us a free people) that he may guide you in making your decisions, and give you that wisdom that cometh from above to settle these great and important questions for the ^{best} interest of the country and the colored race: Here is where secession was born and nurtured. Here is where we have toiled nearly all our lives, we slaves, and were treated like dumb driven cattle. This is our home, we have made these lands, what they are, we were the only true and loyal people that were found in possession of these lands. We have been always ready to strike for liberty and humanity eye to fight if need be. To preserve this glorious union, shall not we who are freedmen and have been always true to this Union, have the same rights we are enjoyed by others? Have we broken any part of these United States? Have we forfeited our rights of property in land? If not then! are not our rights as a free people and ^{good} citizens of these United States

At the March 1863 auction, 20,000 acres were sold in open bidding, ending up in private hands. Freed men and women bought 2,595 acres. In the end, just over 1,000 black families were able to buy land at the two auctions—a fraction of the freed people who had selected plots, planted crops, and made down payments.

The enterprise of providing freed people reparations in the form of land titles was tried a second time when, in January 1865, Union general, William Tecumseh Sherman, issued Special Field Order No. 15, confiscating a strip of coastline, stretching from Charleston, South Carolina to the St. Johns River in Florida, and into the mainland thirty miles from the coast. The order redistributed approximately 400,000 acres of land to newly freed black families in forty-acre lots. On this land, Sherman ordered, “no white person whatever, unless military officers and soldiers detailed for duty, will be permitted to reside,” and the freed people would be left to their own control. Sherman’s order is the source of the demand still made today that black people receive “forty acres and a mule.”

Garrison Frazier, a newly freed sixty-seven-year old man told General Sherman that black people preferred to live alone, apart from white people, “for there is a prejudice against us in the South that it will take years to get over.” Mr. Frazier also told the General, “[t]he way we can best take care of ourselves is to have land and turn it and till it by our own labor. . . . We want to be placed on land until we are able to buy it and make it our own.” Others told Sherman: “What is the use of giving us freedom if we can’t stay where we were raised and own our own house where we were born and our own piece of ground?”

This historic campaign for reparative justice came to an abrupt end after President Lincoln was assassinated and Andrew Johnson, a well-known slavery sympathizer, assumed the presidency of the United States. Johnson vetoed a bill from Congress that would have legislated the allocation of land to newly freed, black people as reparations. He also granted amnesty to former Southern, Confederate landowners by signing an “Iron Clad Oath” that restored “all rights in property, except as to slaves.” President Johnson dismissed the Sherman land titles, declaring them legally unenforceable.

Shortly after learning that the land they had been promised was being stolen from them and returned to their former enslavers, a group of freed people in the Sea Islands wrote to General Otis O. Howard, a Northern officer appointed to head the newly created Freedmen Bureau, insisting that he not implement this new policy, because “this is not the condition of really free men.” They stated,

A committee of freedmen on Edisto Island, South Carolina, sent this petition to President Andrew Johnson in October 1865, urging him not to return the land granted to them by the government to its former Confederate owners. “This is our home,” they declared. “We have made these lands what they are.” The committee also petitioned Gen. O.O. Howard, commissioner of the Freedmen’s Bureau, to support their claims as loyal and rightful owners of the land. (See Appendix B on page XX for transcript.)

General we want Homestead's; we were promised Homestead's by the government, If It does not carry out the promises Its agents made to us, If the government Haveing concluded to befriend Its late enemies and to neglect to observe the principles of common faith between Its self and us Its allies In the war you said was over, now takes away from them all right to the soil they stand upon save such as they can get by again working for your late and thier all time enemies.—If the government does so we are left In a more unpleasant condition than our former we are at the mercy of those who are combined to prevent us from getting land enough to lay our Fathers bones upon. We Have property In Horses, cattle, carriages, & articles of furniture, but we are landless and Homeless, from the Homes we Have lived In Landless. Homeless. Voteless. we can only pray to god & hope for his help, your Infuence, and assistance.

Thus the land that had been set aside and granted to freed people to begin anew was seized from them, sometimes violently, and returned to their former owners, even though in many cases the formerly enslaved had paid for title to the land at public auction. Freed people were then forced to enter into years-long contracts with plantation owners who had previously owned them, and to work under conditions that bore a greater resemblance to slavery than to freedom. If they refused to sign these contracts, they were forced to leave the Sea Islands. The contract-labor system laid the ground for exploitive labor practices that followed in subsequent years, such as share-cropping. This is what being freed, but not free looked like for the formerly enslaved people of South Carolina. As W.E. B. Du Bois famously wrote, “The slave went free; stood a brief moment in the sun; then moved back again toward slavery.”

In many cases, the white speculators who were the top bidders at the Sea Islands auctions that returned freed peoples' land titles to white people, capitalized as much as or more than former Confederate plantation owners. These investors from the North bought at bargain prices plantations that their former Confederate owners never returned to claim. Even wealthy industrialists like Solomon Guggenheim bought plantations in the Sea Islands after the land had been divested from black ownership. Perhaps an even greater insult to the notion of reparative justice for formerly enslaved people was the passage and implementation of the Homestead Act in 1862. The law provided title to up to 160 acres of government land to any person who “improved” the plot by building a dwelling and cultivating the

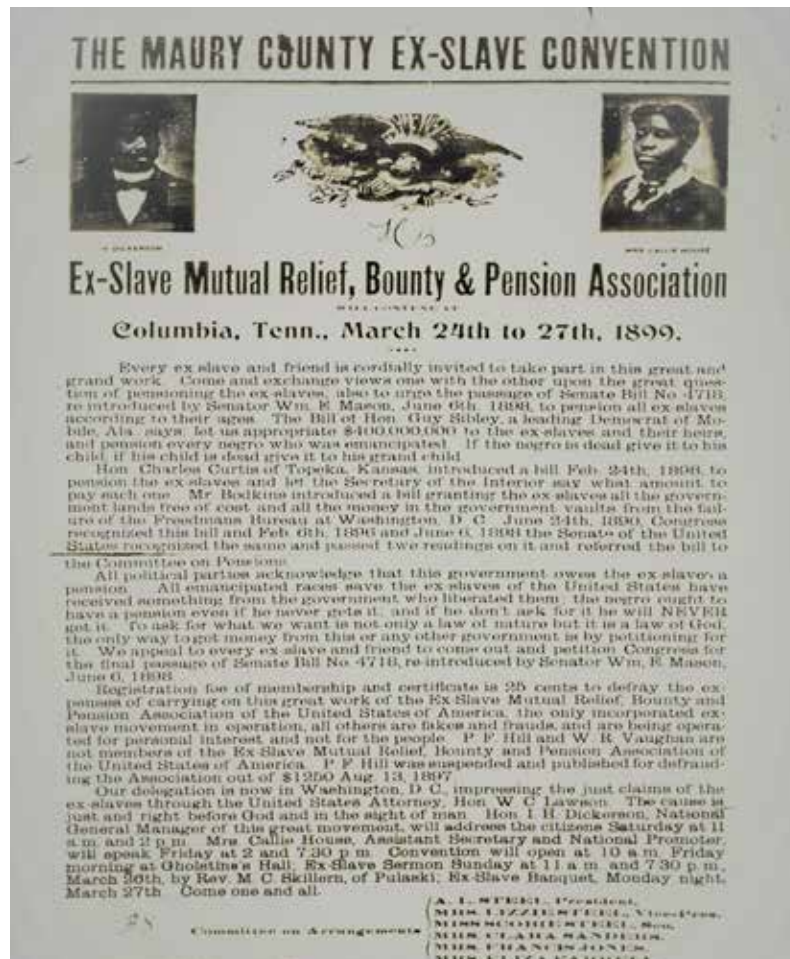


land. After five years on the land, the person could receive title to the property, free and clear, upon payment of a small registration fee. Thus, at the exact moment that the federal government considered, and then rejected, awarding land titles to freed black people as reparations, land was being given away for free in the US West. Under the Homestead Act, 1.5 million families, almost all of whom were white, gained title to 246 million acres of land—almost 10 percent of all the land in the United States, as it existed during that period.

These land grants enabled self-reliance, freedom, and the accumulation of generations of wealth for white people. In 1995, a government agency reported that forty-six million people—about a quarter of the US adult population—were descendants of people who received land under the Homestead Act. “Upward mobility, economic stability, class status, and wealth”—values that figure so prominently in the myth and reality of the American Dream—were realized through “one national policy—a policy that in practice essentially excluded African Americans,” observed Professor Thomas M. Shapiro in his book *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality*.

John Sumner residence near Dunlap, Kansas, ca. 1880s. In the late 1870s, as conditions grew worse for African Americans in the South under white Democratic rule, many decided to seek better opportunities elsewhere. The desire to own homesteads drew migrants to the Great Plains, where they established “colored colonies” in places like Dunlap, Kansas; Boley, Oklahoma; and Sully County, South Dakota. But unlike their white counterparts, black homesteaders faced discriminatory laws and practices that blocked their efforts to acquire good land and build wealth.

Founded in Nashville, Tennessee, in 1898 by Callie House and Isaiah Dickerson, the Ex-Slave Mutual Relief, Bounty and Pension Association was part of an early nationwide reparations movement. The organization lobbied Congress to provide pensions for formerly enslaved African Americans, based on the model of pensions issued to US military veterans. It also served as a mutual-aid society, offering insurance and burial assistance benefits. By the end of 1899, the group had 34,000 members.



NEARLY 7 MILLION BLACK PEOPLE were legally enslaved in this country. Their enslavement was the foundation for the early political and economic enterprise of this nation. Historian Walter Johnson, in a *New York Times* op-ed, in March 2013, wrote, “The labor of enslaved people underwrote 19th century capitalism. Enslaved people were the capital: four million people worth at least \$3 billion in 1860, . . . was more than all the capital invested in railroads and factories in the United States combined.” The US Constitution embraced and rested upon the institution of slavery, and slavery helped the US evolve from a colonial economy to the biggest industrial power in the world.

The ongoing demands for reparations in the United States are grounded in the fact that, while the institution of slavery may have been

Our wives, our children, our husbands, has been sold over and over again to purchase the lands we now locates upon. For that reason we have a divine right to the land. . . . And then didn't we clear the lands and raise the crops of corn, of cotton, of tobacco, of rice, of sugar, of everything? And then didn't them large cities in the North grow up on the cotton and the sugars and the rice that we made? Yes! I appeal to the South and to the North, if I hasn't spoken the words of the truth. I say they have grown rich, and my people are poor.

—BAYLEY WYAT, Speech at meeting of freedmen near Yorktown, VA, 1866

formally abolished in the 1860s, enslaved people never received any kind of remedy to heal the rape, torture, death, and destruction of millions of human souls. The demands are also a recognition that being set free without material resources locked black people into a permanent intergenerational status of American peasantry. Individual slaveholders profited greatly, but were never required to disgorge the profits they made, nor did they have to retroactively compensate enslaved people for the theft of their labor, safety, families, dignity, and lives. In actuality, former slaveowners were compensated generously for their lost land and property with US tax dollars. For example, in one county in the Sea Islands of South Carolina alone, the US Treasury tracked down and paid former plantation owners a total of \$207,166.58 (\$5,927,035.85 in 2020 dollars) for the land they lost during the Civil War. Thus, white slave-owners were ultimately “made whole” for any costs they may have incurred from seceding from the Union and siding with the losing, proslavery cause.

Over the centuries, racial-justice advocates, such as Frederick Douglass and Queen Mother Audley Moore, made the case for reparations. In 1881, Frederick Douglass wrote,

When the Hebrews were emancipated, they were told to take spoil from the Egyptians. When the serfs of Russia were emancipated, they were given three acres of ground upon which they could live and make a living. But not so when our slaves were emancipated. They were sent away empty-handed, without money, without friends and without a foot of land on which they could live and make a living. Old and young, sick and well, were turned loose to the naked sky, naked to their enemies.

US Representative John Conyers Jr. introduced a bill in every Congress for nearly thirty years to study the institution of slavery and to recommend appropriate reparations. These demands finally gained mainstream attention in the past several years. Representative Conyers’s bill finally got a hearing in 2019. Additionally, a number of cities and towns have enacted laws creating reparations and churches, universities, and private companies have implemented reparations policies.

So, what is meant by reparations, why might they be owed, who should get them, what form should they take, and should someone or some group be expected to give up something as part of a reparations plan? Two competing proposals for cash payments to black Americans have been developed. One side insists that the descendants of enslaved people are most deserving of

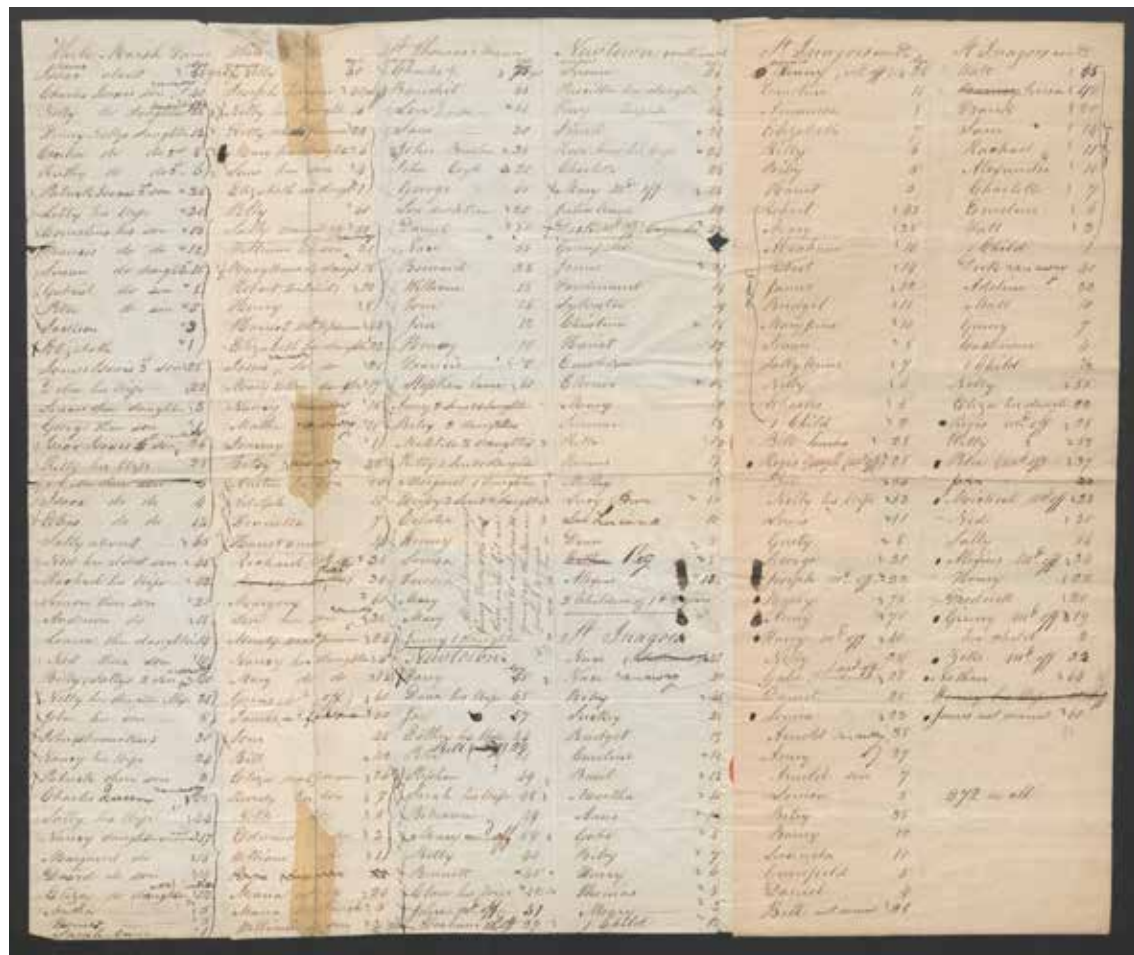


In 1989, Rep. John Conyers Jr. of Michigan introduced a bill in Congress to study the issue of reparations for slavery. The bill proposed to establish a commission to “examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans,” and to recommend “appropriate remedies.” Conyers continued to introduce a version of the bill in every session of Congress until he retired in 2017.

cash-based reparations, and have calculated that a federal expenditure of \$10.7 trillion, or \$267,000 per person, should be paid to the 40 million eligible, black descendants of slavery. Other proponents of reparations do not advocate limiting reparative justice only to those who can show a lineage to an enslaved person, but that all black people are impacted by the legacy of slavery in the US.

Reparations should not be understood as taking one form. Current examples illustrate how reparative justice for slavery and the badge of inferiority that white supremacy has inflicted on black people in this country can, and should, be responsive to the contexts and histories in which the call for reparations has taken hold. Such contexts and histories can include addressing issues such as educational and economic inequities.

Georgetown University, a Jesuit institution, is an example of reparations in the educational realm. In 1838, the Jesuit priests who ran Georgetown University sold 272 men, women, and children to pay its debts. The university gained roughly \$3.3 million in today’s dollars from this sale. In 2016, the university began a process of developing reparations for that horrendous sale. This has included an apology from university leaders and a program by which the school would provide admission, free tuition, and a special fund for the descendants of the 272 people sold. Students at Georgetown continue to push the university to do more. Virginia Theological Seminary, Princeton Theological Seminary, Brown, Columbia, Harvard, the University of Virginia, Smith College, and other institutions of higher learn-



Census document listing the names and ages of the enslaved men, women, and children, “272 in all,” sold from Maryland Jesuit plantations in 1838 to pay the debts of Georgetown University. After the university launched an initiative in 2015 to examine its institutional ties to slavery, these individuals became known as the Georgetown University 272 (GU272). The GU272 Descendants Association was founded in 2016 to unite and advocate for families whose ancestors were enslaved by the Society of Jesus.

ing have undertaken similar, reparative initiatives to address their relationship to slavery. Calls have also been made for reparations to include the full funding of historically black colleges and universities.

Attempts to correct past historical injustices and inequities in home ownership were the focal points for the City Council in Asheville, North Carolina. In July 2020, it voted unanimously to remove a Confederate monument that was erected on the site of slave auctions. The initiative also funded programs that help increase homeownership and business and career opportunities for black residents. Providence, Rhode Island and the former Confederate capital, Richmond, Virginia, have taken steps to follow Asheville’s lead.

In June 2019, the City Council of Evanston, Illinois established a reparations fund from the revenue generated from the legal sale of cannabis,



and a committee of the City Council is developing specific, reparative-justice plans, including a program to subsidize black homeownership.

The history of black people being freed, but not provided with any resources to establish individual or collective economic stability, let alone family wealth, goes a long way in explaining the stark, racial wealth gap today: The net worth of a typical white family is nearly ten times greater than that of a black family. The average black household would need 228 years to accumulate as much wealth as its white counterpart holds today. Also, despite the passage of federal and local laws, in the 1960s, prohibiting race-based discrimination in housing, education, and employment, “virtually no progress has been made over the past 70 years in reducing the wealth inequality between black and white households,” observed researchers at the Federal Reserve Bank of Minneapolis, in a report from 2018. Something more than passing laws prohibiting race discrimination must be done to address the long-term reality of the racial wealth gap.

Community land trusts (CLTs) have emerged as a transformative form of repair. The underlying philosophy of the early CLTs reflected a notion that “land is treated as a common heritage, not as an individual possession,” and prioritized housing as a right, not a commodity that is bought and sold in a market that is subject to speculation, gentrification, and price

Mélanie Short-Colomb was one of the first two GU272 descendants admitted to Georgetown University in 2017. She is a descendant of Abraham Mahoney and Mary Ellen Queen, two enslaved people sold by the Jesuits in 1838. On campus, Short-Colomb cofounded the GU272 Advocacy Team to raise awareness and lobby for restorative justice. She wore this button, printed with her ancestor’s name, during a 2019 student referendum campaign for a tuition fee to benefit GU272 descendants.

gouging. CLTs transfer resources and property into black communities and empowers them.

Jackson, Mississippi provides an interesting case study for how racial-justice advocates use CLTs as a form of reparations for historic and systemic race discrimination. The Fannie Lou Hamer Community Land Trust, a project of a community network called Cooperation Jackson, echoes the land-redistribution project that took place in the Sea Islands. The trust has purchased nearly forty lots in West Jackson, a working-class, predominantly black, underdeveloped neighborhood not far from the downtown capital district. Most of the land the trust has purchased was acquired through state tax auctions that occurred pursuant to a Mississippi law that permits the confiscation of land with over three years of unpaid taxes.

The trust's plan is to build and run housing for the community as a self-sustaining collective. Collectivized ownership and energy independence, relying heavily on solar power, are designed to hold off gentrification, displacement, and housing vulnerability for the working-class and poor members of the community. As one of the founding members of Cooperation Jackson, Sacajawea "Saki" Hall, puts it: "We're not about getting in on the American Dream, we want to get beyond individual ownership of property. We want control of our own dreams."

Racial-justice activists in Jackson have developed a political program to implement a reparative vision of the city. This vision is grounded in a commitment to cooperative, bottom-up, democratic governance, and includes the creation of community land trusts and "freedom farms"—urban, worker-owned, cooperative farms that would produce organic vegetables for the community.

The modern ownership structures developed in Jackson echo the spirit of the experiments in freedom in the immediate aftermath of the Civil War in the Sea Islands and other locations. In both contexts, community and land ownership were organized collectively; healing and empowerment of the community were premised on independence from the larger white society; land was seen as a community resource to share rather than to exploit for individual profit or investment; and the safety and health of the community were premised upon land being held in the community's name and interest.

Land has always played a critical role in the civic ideal of freedom in this country. When asked at the 2020 Black National Convention, "Why is it essential that land is a part of our strategy for black people to build power?" Reverend Wendell Paris Sr. declared, "Land is the basis of all wealth, land is the basis of power, land is the basis of independence. If you're looking to becoming

Nia Umoja and Takuma Umoja stand in front of their garden in Jackson, Mississippi, with their daughter, Zola Selassie, and family friend, Mosi Selassie, in 2016. The Umojas founded the Cooperative Community of New West Jackson as part of a grassroots initiative to develop independent and sustainable black urban communities through cooperative land ownership. These contemporary efforts to address economic injustice also evoke cooperative strategies used by newly freed African Americans during Reconstruction to acquire land, build communities, and promote self-sufficiency.



free and liberated, you need to figure out your relationship to the land.”

What enslaved people got when they were emancipated was freedom on the cheap. The dangling *d* at the end of “free” stood as a kind of residue of enslavement that bound them to a past, and marked their future as *freed*, not free, people. The *d* It served as a racial mark that structured the kind of freedom formerly enslaved people received as something less than that with which white people were endowed as a matter of natural, or God’s, law.

The promise and the failure of reparations in the 1860s has animated the current call for reparations, not necessarily or only in the form of individual cash grants, but through collective resource redistribution. Just as the dangling *d* differentiates a *freed* people from the truly free people, the dangling *s* of reparations bears witness to multiple forms of repair that may be necessary to bring about real justice for slavery. For this reason, advocates insist that structural, comprehensive, and ongoing reparations are required to address the wounds of the past and ameliorate an enduring social, political, economic, and legal identity of freed people as something less than white people. The idea that reparations for slavery were owed to formerly enslaved people, and that the debt remains outstanding, is by no means a radical, modern notion, as the history of the Sea Islands shows us. Today’s emerging embrace of the moral imperative of granting reparations for slavery to black people renews that unanswered call. Contemporary demands for reparations are premised on the notion that the past has enduring moral relevance today, and that slavery, while legally abolished, continues to reverberate through American culture, so we should face make amends for that past. Dr. Martin Luther King Jr’s speech at the March, on Washington on August 28, 1963, drew from the idea that a debt was still owed to black people for slavery. King said,

We’ve come to our nation’s capital to cash a check. When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir . . . It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked “insufficient funds.”

Most white people have never really considered what it meant to be enslaved or to have had your ancestors enslaved, and then to be emancipated



into a state of abject poverty, as were black people in the United States. Instead, black people are asked to believe that they can have a piece of the (white) American dream, if they work hard enough.

Reparative-justice mechanisms, such as apologies and memorials, in addition to monetary reparations, could have the effect of forcing a national reckoning that would compel all Americans to identify with the experience of slavery in the US, while owning its legacy as part of our past and present. At a minimum, we owe this kind of recognition and remembrance to the freed people who were promised so much and given so little. Black lives will continue to be treated as though they do not matter until we take meaningful steps to repair the intergenerational wreckage that slavery inflicted on black people.



Author Toni Morrison [far left] led a procession in 2008 to dedicate a memorial bench on Sullivan’s Island, South Carolina, where enslaved Africans were quarantined upon their arrival in North America. The Bench by the Road Project, an initiative launched by the Toni Morrison Society in 2006, installs black steel benches as symbolic sites of remembrance. These memorials serve, in Morrison’s words, to “summon the presences of, or recollect the absences of” enslaved people who were erased from history.