2007

An argument for reparations for Native Americans and Black Americans

Yesenia Isela Mejia-Hudson

Follow this and additional works at: https://scholarworks.lib.csusb.edu/etd-project

Part of the Race and Ethnicity Commons

Recommended Citation
https://scholarworks.lib.csusb.edu/etd-project/3072

This Thesis is brought to you for free and open access by the John M. Pfau Library at CSUSB ScholarWorks. It has been accepted for inclusion in Theses Digitization Project by an authorized administrator of CSUSB ScholarWorks. For more information, please contact scholarworks@csusb.edu.
AN ARGUMENT FOR REPARATIONS FOR
NATIVE AMERICANS AND BLACK AMERICANS

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Social Sciences

by
Yesenia Isela Mejia-Hudson
March 2007
AN ARGUMENT FOR REPARATIONS FOR
NATIVE AMERICANS AND BLACK AMERICANS

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

by

Yesenia Isela Mejia-Hudson

March 2007

Approved by:

Mary Teixeira, Sociology, Chair

Elsa Valdez, Sociology

Joyce Hanson, History

2-28-07
ABSTRACT

Native Americans, black Americans and Japanese Americans are three groups of people who have pursued reparations from the United States government. The United States government committed illegal acts on these groups. These acts were committed to expand and protect U.S. territory. These groups sought reparations because of violations of their natural, human, and civil rights.

Native Americans have recouped some territory as the result of lawsuits over broken treaties. Black Americans have also won lawsuits over violations of their civil rights. However, the issue of slavery has been ignored in these lawsuits. Neither group has received a formal apology from the United States or a promise that these acts would not be repeated. More recently, Japanese Americans have received reparations including a formal apology from the United States government for the false imprisonment of 120,000 Japanese Americans during World War II.

This thesis reviews the social history of these events and argues that, like Japanese Americans, Native Americans and Africans are entitled to compensation for loss of property and labor, acts that were sanctioned by the U.S. government.
ACKNOWLEDGMENTS

I would like to thank Dr. Mary Texeira for her support in completing my thesis. Dr. Texeira provided unending sources of information and topics to explore in order to strengthen my thesis. Her patience and professionalism is forever appreciated.

I would also like to thank Dr. Elsa Valdez and Dr. Joyce Hanson, who offered their support when most needed.
To my parents, Ramon and Maria, who have always encouraged me to pursue all of my dreams. Their support throughout my life gives me strength to attain my goals.

To my husband, Shaun, who has supported me while I pursued my bachelor’s degree and now my master’s degree. He’s been a source of constant support, lending me a shoulder to cry on when I was feeling overwhelmed. He never complained about my domination over the computer nor the many times he was on his own for dinner (thank God for El Pollo Loco).

To Ed and Ramon Adrian, my brothers whom I love dearly.

To Janie, who counseled me during our dark runs in the wee hours of the morning.

To Fred, for always asking, “How’s school going?”
# TABLE OF CONTENTS

ABSTRACT ........................................ iii

ACKNOWLEDGMENTS ............................... iv

LIST OF TABLES ................................. vii

CHAPTER ONE: INTRODUCTION ...................... 1
  Literature Review ............................ 3
  Natural and Human Rights Defined .......... 5
  Reparations Defined .......................... 7
  Arguments Against Reparations ............. 10
  Four Policy-Making Models ................. 13
  Methodology .................................. 17

CHAPTER TWO: RATIONALE FOR REPARATIONS FOR NATIVE AMERICANS, BLACK AMERICANS, AND JAPANESE AMERICANS ............. 19
  Native Americans ............................ 20
  African Slaves and Black Americans ....... 35
  Japanese Americans .......................... 48

CHAPTER THREE: SEEKING REPARATIONS .......... 59
  Reparations for Japanese American Internment Camp Survivors ......... 61
  Native Americans and Reparations .......... 70
  Reparations for Former Slaves and Black Americans .................. 80

CHAPTER FOUR: ECONOMIC IMPACT OF DELAYING REPARATIONS ........... 97
LIST OF TABLES

Table 1. Injustices Suffered Among Native Americans, African Slaves, and Japanese Americans ...................... 99
Table 2. Poverty Level Among Native Americans, Black Americans, and Japanese Americans.......................... 100
Table 3. Median Income Level for Families of Native Americans, Black Americans, and Japanese Americans ........... 100
Table 4. Average Poverty Threshold in 2004 .................. 102
CHAPTER ONE
INTRODUCTION

The desire to be self-sufficient, practice religious freedom, and participate in a democracy has brought people from many countries to the United States. Not all newly arrived immigrants have been treated equally in their pursuit of the American Dream. Rather, some have had to endure poverty brought on by low wages and hostilities from the dominant society. Oftentimes there has been little tolerance for foreign languages and cultures. The Irish, Italians, Vietnamese, and Mexicans are just four examples of people who have had to endure such hostilities.

Some have labeled such hostilities as racist or at best xenophobic. Newly arrived people are frequently the victims of racism, defined as the "differentiation between the ingroup and the outgroups, and the demand for the social submission of the outgroups" (Kleinpenning and Hagendoorn, 1993, pg. 23). The belief that the ingroup is biologically superior is used to justify social discrimination, racial segregation, violence, and genocide.

The three groups that will be discussed in this paper lived under racist policies created by the United States
government, some for decades, others for centuries. Racist policies were enforced to expand the territory of the United States or for exploitation of free labor. Native Americans were systematically removed from territory they inhabited to make room for English and Spanish colonists. African slave labor was used to establish an agricultural economy on Northern and Southern plantations. After the abolition of slavery, African Americans continued to live under segregation, codified in Jim Crow laws. Japanese Americans were illegally interned during World War II ostensibly for their own protection.

Native Americans and African Americans were not immigrants in the conventional sense. Native Americans had established their homes in the Americas thousands of years prior to the arrival of European colonists. Approximately ten to twelve million African slaves were brought to the New World to be used as an expendable work force (Shellington, 1995, pg. 147). The Japanese first arrived in the United States as contracted farm workers in the mid-nineteenth century (Maki et al, 1999).

The problem this paper will explore is the issue of reparations. Each of these three groups has endured violations of their human and civil rights. The United
States created laws that allowed for the removal, killing, and enslavement of these groups. Yet, only Japanese Americans ever received a formal apology and monetary compensation for the violation of their civil rights despite the fact that Native Americans and black Americans have petitioned Congress in the same manner. Why have Japanese Americans received reparations while Native Americans and African Americans have not?

Japanese Americans who were living in the United States and interned during World War II provide a case study that documents the steps for seeking reparations. The procedures they followed for seeking reparations are similar to what Native Americans, former slaves, and black Americans had done as early as one hundred years before Japanese Americans did so.

Literature Review

Maki (1999) documents the success of the Civil Liberties Act that granted reparations in the amount of twenty thousand dollars to the survivors of the illegal internment of Japanese Americans. The significance of this act is that it is the first time that the United States government gave a formal apology and financial compensation
to its victims. The author discusses several models that explain the elements that must exist in order for new public policy to pass into legislation. He credits the persistence of Japanese Americans for consistently petitioning Congress until justice was served to the passage of the Civil Liberties Act.

Berry (2005) provides a case study of former slaves and their efforts for reparations. Dr. Berry recounts several reparations movements attempted by African Americans as early as 1854. She discusses Callie House, a former slave, who sought pensions for African American soldiers similar to those paid to white Union soldiers.

By 1890, House had organized the National Ex-Slave Mutual Relief, Bounty and Pension Association. She and her associates petitioned Congress for legislation to compensate black Union soldiers. Their approach and their persistence are similar to that of Japanese Americans, but Congress refused to pass any such legislation for former black Union soldiers.

Berry and Maki's case studies demonstrate that each group knew their natural and civil rights had been and were being violated. They sought compensation from the United States government for these violations.
Lawsuits are another important component of the petitioning for reparations. Lawsuits have been sought when individuals or small groups had their rights violated. These court cases are significant in that on occasion the court system decided in favor of the victims.

An important component of Japanese Americans gaining reparations can be credited to these lawsuits that demonstrate that in isolated cases the United States was slowly beginning to admit its guilt in violating their civil rights. Black Americans won several lawsuits in cases involving civil rights violations. Native Americans have had millions of acres of land returned to them as a result of these lawsuits as well. However, it has not helped on the larger scale of seeking reparations. It appears as though the major difference is in which groups are seeking reparations.

Natural and Human Rights Defined

The philosophical belief of natural rights originated with John Locke in the seventeenth century. Natural rights are a belief that humans, natural beings, have certain basic rights that cannot be denied by society or a government. John Locke expressed these rights as “life,
liberty, and property." These natural rights are the basis of the Bill of Rights adopted by Congress in 1789 (Henkin, 1989). The Fifth Amendment states that no person shall "be deprived of life, liberty, or the property without due process of law" (Benedict, 1996, pg. 70). Yet, slavery still existed until the passing of the Thirteenth Amendment in 1865 (Benedict, 1996).

The belief that humans had natural rights influenced the American Law Institute to produce a draft of an International Bill of Rights in San Francisco, California in 1942. The Institute was responding to World War I and the violations of human rights that were occurring at that time. The Charter helped to set up the United Nations Human Rights Commission. By 1948, the United Nations wrote and amended the Universal Declaration of Human Rights. The rights include:

- freedom of speech and belief and freedom from fear and want; right to life, liberty, and security of person; no one shall be held in slavery or servitude; no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, equality under the law
and without any discrimination; equal rights for men and women (United Nations, 1948).

The adoption of the Universal Declaration of Human Rights did nothing to affect the legalized segregation that black Americans were still living under in the South. It was not until the Civil Rights movement almost twenty years later that the United States would acknowledge its continual discrimination of black Americans based solely on race.

Reparations Defined

Human rights violations and due compensation took effect with the Universal Declaration of Human Rights. In 1948, the General Assembly of the United Nations created this document and encouraged all participating nations to endorse it. One hundred forty countries agreed that “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law” (Winbush, 2003, p. 62).

The significance of this document influenced the U.S. Undersecretary of State Stuart Eizenstat to seek reparations for Jews who were enslaved from 1934 to 1946
under the rule of Adolf Hitler. Jews were incarcerated or murdered during the Nazi era under the premise of creating a pure Aryan race. Eizenstat successfully required sixteen German companies to establish a fund of 1.7 billion dollars to compensate Jews who were enslaved during the Nazi era (Robinson, 2001, pg. 245).

Building on House's argument, Boris Bittker wrote *The Case for Black Reparations* in 1973. Bittker discusses two purposes of reparations. The first purpose is to compensate for past injustices, just as Eizenstat accomplished with enslaved Jews. The second purpose of reparations is to ensure that these human rights violations are not repeated. Monetary compensation is important and should be part of reparations, but it is not required. He states that not all violations can be accurately calculated in terms of monetary value. But reparations should include the concept of repairing.

This concept is important to remember with the issue of slavery. There are several issues that may never be resolved. First, the exact number of slaves who were brought to the United States is difficult to estimate due to lack of documentation. However, the estimated number of Africans who were enslaved in the Americas is between ten
and twelve million (Shellington, 1995, pg. 147). Second, there are no records to indicate the earnings a slave lost while working without monetary compensation. Third, how many generations should receive reparations? Since documentation such as birth certificates are practically nonexistent, it is difficult to document who is a descendent of slaves.

A second proponent of reparations for human rights violations is Jon M. Van Dyke (2003) who states that the granting of reparations brings a sense of closure to the victims who suffered such violations. He lists four approaches to the reparations process. Not all are always utilized or necessary. They are dependent on the violation that was committed.

The first and most important component in reparations is a formal apology by the violator. Van Dyke cites the example of Pope John Paul II who apologized for the intolerant actions of the Roman Catholic Church toward Jews, women, and the poor (Van Dyke, 2003, pg. 65). The second component of reparations requires an investigation, accounting, and documentation of the violations. It is necessary for the victims of these crimes to tell of the injustices and the losses that were suffered, both
financially and psychologically (Van Dyke, 2003, pg. 66). The third component is that compensation is required for the victims (Van Dyke, 2003, pg. 68). The last component is to prosecute the wrongdoers (Van Dyke, 2003, pg. 70).

Arguments Against Reparations

The pursuit of reparations has often been met with opposition. Opponents of reparations argue that it will cause more harm than good. A report in the Congressional Quarterly, “Reparations Movement: Should Payments Be Made for Historical Wrongs?” (2001), offers several arguments against reparations, particularly dealing with slavery. These arguments apply to all groups that have pursued reparations. Japanese Americans encountered these exact problems and yet were able to gain reparations for their illegal internment during World War II.

The first argument against reparations is the fear that it will drive a wedge between the group petitioning for reparations and the larger society. The larger society does not feel justified in having to pay for crimes that occurred hundreds of years ago. Glen Loury, director of the Institute of Race and Social Division at Boston University states, “It would create a huge backlash against black
people, which is something they really don’t need” (Masci, 2001, pg. 535). In the case of slavery, this argument does not acknowledge that African Americans began seeking reparations as early as 1854 (Berry, 2005). Black Americans have not waited until recently, but have continuously been asking for compensation for free slave labor even before emancipation.

The second argument against reparations is that attempting to remedy the economic disparity of blacks and whites would detract from more important social issues, such as a substandard educational system and high incarceration rates for black males. Paying reparations would decrease the amount of money available to fund educational and social programs. Yet, current social and educational programs are already failing African Americans and Native Americans. Why continue to feed money into failing programs? Perhaps it is time to approach these social problems in a different manner.

A final argument made against reparations is that monetary compensation will do more harm than good to victims. Wisse (2001) reduces the argument to a psychological one. She states that people who have been victimized need to “internally free themselves in order to
move beyond the tragedy they have endured" (Masci, 2001, pg. 538). Further, she argues that reparations can be harmful because the victims will then become more dependent on the system and that "political problems" that initially led to the suffering should be resolved rather than the disbursement of money.

Advocates for reparations (Masci, 2001) counter this argument by noting that money is a more powerful symbol than motive. No amount of money can fairly compensate for past injustices, but it can alleviate some of the suffering or bring a sense that justice is being served. A small amount of monetary compensation may bring the victims dignity.

The arguments presented in the Congressional Quarterly can be summed up in the following way: the granting of reparations to any group is the result of the oppressor admitting guilt for the violations of the victim’s human and civil rights. The United States government cannot deny it violated land treaties to Native Americans. The United States cannot deny its use of institutionalized slavery and the legalization of segregation and discrimination of black Americans. Native Americans and black Americans have been petitioning Congress for reparations for a longer period of
time than Japanese Americans and yet have not received a formal apology or monetary compensation. Yet, the U.S. remains intransigent in its refusal to formally acknowledge the pain and suffering heaped on its citizens in the not-too-distant past.

Next it is necessary to review policy in regard to reparations.

Four Policy-Making Models

Japanese Americans, Native Americans and African Americans have all approached Congress in similar ways when asking for reparations or monetary compensation for violations of the Constitution as well as land treaties. This section will examine theoretical models that highlight the key elements that influence policy-making. The models help explain the successful passage of legislation (Maki et al, 1999). The Campbell model, the garbage can model, the resource mobilization model and the collective behavior model are all relevant to understanding the reparations movement. Proponents of reparations argue that unless all the models are in place, the chance of passing any form of legislation in Congress is minimal.
The case study used in this paper is based on the passing of the Civil Liberties Act of 1988. This piece of legislation granted Japanese American internment camp survivors twenty thousand dollars for their illegal internment from 1942 to 1946 (Maki et al, 1999). The Japanese American experience is an excellent model because it demonstrates that they were able to achieve reparations in less than fifty years whereas Native Americans and black Americans are still petitioning for redress.

The Campbell Model

The Campbell model is based on the case study of Japanese government policy toward the elderly. The model stresses that ideas and energy are influential in decision-making. Ideas are referred to as "goals, preferences, norms, and beliefs about cause-and-effect" (Maki et al, 1999, pg. 9). This model includes conceptions of social problems that deserve attention. In this case, it is the violation of Japanese Americans' civil rights when they were illegally interned. Campbell states that there are three possible modes that influence decision-making. They are political, artifactual, and cognitive.

The first mode of decision-making is the political mode. It views policy change as conflicting. In this mode,
participants have a variety of goals that they want achieved. This results in participants fighting and bargaining. The amount of fighting and bargaining that is involved for policy change is determined by how much time and energy are spent on the issue. The most important component in the political mode is the need for information. Participants must be ready to answer who the participants are, what they want, and how much time and energy are they willing to spend to create new policy (Maki et al, 1999).

The artifactual mode in Campbell’s model sees policy change as occurring by coincidence. An opportunity appears, and if there is enough energy to overcome the obstacles, then a new policy can be in place. The creation of policy depends on the presence of opportunity. What policy is developed is almost accidental and dependent on circumstances (Maki et al, 1999). This mode addresses the importance of timing, which is critical in any reparations movement. The larger society must be willing to hear the arguments for new policy, in this case the granting of reparations.

The final mode in Campell’s model is the cognitive or problem-solving mode, which is based on logic, allowing
participants to select the best ideas and solutions. Policymakers then select the best choice that maximizes achievement at the least cost. New policy must be viewed as a rational course of action (Maki et al., 1999). In essence, reparations for any group must be viewed as a logical and rational solution.

Additional Models

Three additional models are useful in policy-making. The garbage can model, conceptualized by Michael D. Cohen, James G. March, and Johan P. Olsen, addresses problems, solutions, participants, and choice opportunities (Maki et al., 1999). The resource mobilization model helps explain how public policy is made. Aldon D. Morris emphasizes the organization, mobilization, and management of key resources that influence policy change. Finally, the collective behavior model ensures that the community, be it the Japanese American, Native American, or black American, is the sources from which the new policy emerges. The larger (meaning non-policy seeking) community is also essential. It is this community that will offer support for the new policy change. This model also takes note of pre-existing formal and informal organizational networks, charismatic leaders (such as Dr. Martin Luther King, Jr.), appropriate
levels of funding, and effective communication networks. The political climate also impacts how strongly the community will join together to support new policy (Maki et al., 1999).

These models are a guideline and should be present when new policy is introduced into Congress. They also explain the components necessary if new public policy is to be signed into legislation by Congress.

Methodology

To demonstrate the need for a careful consideration of reparations for Native Americans and African Americans, I will employ the case study method, focusing on the experiences and success of Japanese Americans to gain reparations from the U.S. government. Additionally, I will review the history and contemporary conditions of Native Americans and African Americans to argue that there is a dire need to redress past wrongs because of the state of these two groups today. Below, I will present evidence that Native Americans’ and African Americans’ current state of welfare are a direct result of the legacy of slavery, genocide and modern day racism stemming from those atrocities. Further, I will review the policies intended
to prevent Native Americans and African Americans from freely participating in mainstream European American society. On the surface, Japanese Americans were not viewed as inferior, but as a threat to the well being of the United States. On various occasions each group has presented legislation to Congress seeking reparations.

The following chapters will reveal that historically Native Americans and African Americans had similar existing conditions when petitioning Congress for reparations.
CHAPTER TWO
RATIONALE FOR REPARATIONS FOR NATIVE AMERICANS, BLACK AMERICANS, AND JAPANESE AMERICANS

In order for a group of people to seek reparations from governments or corporations, their human and civil rights must have been violated. John Locke described the natural rights of man on which the United States based its Bill of Rights. Two hundred years later, these natural rights were recognized as universal when the United Nations wrote the Universal Declaration of Human Rights.

Native Americans and African Americans were treated as inferior. As a result, their natural rights were not respected. After the signing of the Universal Declaration of Human Rights in 1942, segregation still existed in the United States, and Japanese Americans were illegally interned. These groups have petitioned the United States government for reparations based on these violations.

In order to establish that Native Americans and African Americans deserve reparations from the U.S. government, it is necessary to discuss the natural and civil rights that were violated based, in part, on the perceived inferiority of these groups. This chapter will
discuss the human and civil rights violations of each group.

Native Americans

Native Americans became victims of racism with the arrival of English colonists in the Eastern United States in 1606 (O’Conner, 2005). The colonists believed they were superior over Native Americans. Their superiority was initially based on the different religious practices between Native Americans and the colonists.

The English colonists believed that Native Americans were lacking God in their religious worship. They felt it was their responsibility to bring their Christian God to Native Americans. According to English colonists, the implementation of the Virginia Charter would Christianize Native Americans. Once a single God was worshipped, so the colonists reasoned Native Americans would become more civilized and able to participate in English culture and traditions (Oswalt and Neely, 1999). Assimilation into English culture would require Native Americans to give up their nomadic lifestyle and live permanently on farms.
English Occupation

Native Americans were resistant to converting to Christianity and relinquishing their traditions. Their resistance to converting to Christianity made it difficult for colonists to acquire land. The immediate solution was to occupy Indian territory with no formal arrangement or sale of land. The colonists wanted to establish their homes and farms on fertile land, and this goal was unachievable while Native Americans were still there.

Colonists resorted to acquiring land through formal treaties of cession that were valid only in the English court system. These early treaties justified the land claim through the process in English law called vacuum domicilium or the freedom to claim untilled or vacated land (Marks, 1998). These treaties were, in essence, written without Indian knowledge or consent.

It was not until 1778 that the United States began to negotiate land treaties with tribal leaders in order to legitimize the seizing of Indian land. Between 1778 and 1871, four hundred treaties were negotiated. Seventy-six of these treaties involved the removal of Native Americans from their land to “resettle” on other land or reservations (Oswalt and Neely, 1999, pg. 38).
These treaties, being seldom negotiated in any meaningful context with Native Americans, were misleading at best. They were offered to tribal representatives for their approval but they were devoid of any honesty. First, Native Americans' perception of land ownership differed from the treaty negotiators. They were not aware that they would be permanently displaced from their homes. Second, the finer points of the treaty were written in English legalese that was not accurately translated for the tribal representatives to understand. Finally, alcohol was served at the treaty signings to easily coerce tribal leaders to approve the terms of the treaty (Oswalt and Neely, 1999).

Native Americans signed away millions of acres of land under false pretenses and lies. Treaties were intended to benefit only the white settlers. Not fully comprehending the conditions of the treaty, many Native Americans continued to stay on the land and tried to maintain their tribal lifestyle.

Indian Removal Legislation

As the expansion of the United States continued, the justification became even more bizarre with the notion of Manifest Destiny. Manifest Destiny was a belief held by the early pioneers of North America that it was “our manifest
destiny to overspread the continent with the miraculous progress of our population and power” (Pratt, 1927, pg. 798). This notion implied the divine right for pioneers to freely develop and acquire land. The concept was meant to justify United States territorial gains by any means necessary.

Manifest Destiny could not become a reality as long as Native Americans were still occupying land that European settlers saw as belonging to them. The U.S. thus created legislation for the removal of Native Americans from their lands. This type of legislation violated their natural right to own property and to continue to be self-reliant. In one egregious example in 1825, President James Monroe suggested to Congress that Indians be removed from the Mississippi area to facilitate white settlement. Congress complied (Oswalt and Neely, 1999).

By 1830, President Andrew Jackson introduced the Indian Removal Bill to Congress. This bill, the first of many calling for Indian removal, gave the president the authority to “transfer any eastern tribe to trans-Mississippi areas” (Marks, 1998, pg.63). The bill passed and was known as The Indian Removal Act of 1830. The Act’s intent was to eliminate the Indians who prevented the
progress of settlers who, it was asserted, could use the land more effectively (Oswalt and Neely, 1999).

The Indian Removal Act would solve the so-called Indian problem by allowing the killing of local Native American resisters, displacing them, and tolerating only small Indian populations. By 1831, the states of Alabama, Georgia, and Mississippi forced the removal of the Choctaw, Chickasaw, and Creek tribes (Oswalt and Neely, 1999). The United States and its belief of superiority over Native American traditions now had begun to displace hundreds of thousands of Native Americans.

The Indian Removal Act proved successful for white settlers. By 1840, Native Americans had lost one hundred million acres in the East. In exchange they received thirty-two million acres in the western United States (still a loss of sixty-eight million acres), but the land was useless and unproductive. President Andrew Jackson was successful in forcing Native Americans to cede more than twenty million acres in Georgia and Alabama alone (Marks, 1998, pg. 90).

The Indian Removal Act continued to increase land ownership of white settlers at the expense of Native American livelihood. By 1850, 100,000 Native Americans
from over thirty tribes were removed from Mississippi in response to white pressure. By 1854, eleven tribes in Kansas and three tribes in southeast Nebraska lost approximately sixteen million acres. They initially had eighteen million acres and were left with over one million acres. The Shawnees lost seven-eighths of every acre that was granted them (Marks, 1998, pg. 90).

Still, the Indian Removal Act did not offer enough land to satisfy white settlers. The Kansas-Nebraska Act was signed in 1854 and allowed for the remaining land in Kansas to be obtained through seizure, fraud, or coerced purchase. The Kansas-Nebraska Act, among many, many other such pieces of legislation, deprived Native Americans of their natural rights granted to other white settlers (Marks, 1998, pg. 122).

Relocation of Native Americans

Native Americans lost their homes so that white settlers could establish themselves on their fertile land. The passage of the Indian Removal Act made it legal to force Native Americans off their land for white settlement. The large task loomed for transporting hundreds of thousands of Native Americans across the country to new "homes." This process would become known as "The Trail of
Tears. The manner in which Native Americans were removed was inhumane at the very least.

The Choctaw tribe is one example of the inhumane relocation process that began in November 1831. Four thousand Choctaws were ordered to assemble in Vicksburg, Mississippi. The federal agent in charge of this transportation was given one hundred dollars to provide food for four thousand Choctaws as well as feed the four hundred horses required for this trip (Marks, 1998, pg. 93). Many Choctaws and livestock died en route to their new location.

This experience was common for Native American tribes as thousands died of starvation, fatigue, and exposure during these massive relocations. The United States government would relocate hundreds of tribes using land routes, steamships, and flatboats. Native Americans were forced to travel hundreds of miles on foot, with little food, water, or clothing (Marks, 1998).

The Reservation

With the Indian Removal Act effectively in place, hundreds of thousands of Native Americans were being relocated from the East to reach their new homes. White farmers were now able to cultivate and populate land in the
East. The problem with the relocation of hundreds of thousands of people was where to house them. Native Americans were still a threat to the expansion of the United States.

In 1848, William Medill, the Commissioner of Indian Affairs, proposed a solution for resettling Native Americans. The solution was to create colonies to house the native population as whites populated the country around them (Marks, 1998, pg.133). The goal of these colonies (or reservations as they would later be known) was first to control the Native American population, and second, to facilitate the eventual assimilation of Native Americans into the dominant white culture (Lewis, 2004). Ultimately the reservation system was intended to rid Native Americans of their traditions and culture.

By 1848, the superintendent of California Indian Affairs created a reservation plan whereby five military reservations would be established on lands that were not occupied by whites. These tracts of land would not exceed 25,000 acres each, and Native Americans would be put to work according to white settlers' plans. Native Americans were to farm the land, with the surplus crops being sold to recoup the military expense of managing the reservations.
The United States government reneged on its promise of 25,000 acres for reservations and instead set aside two or three thousand acres per reservation (Lewis, 2004, pg. 148).

The small amount of land that Native Americans were forced to occupy provided virtually no harvest and a less than desirable existence (Marks, 1998). George Bird Grinnell, a white sympathetic observer noted, "This is a shameful part of American history, a record of injustice, fraud, and robbery is being committed" (Lewis, 2004, pg. 324). The California reservations were described as having "no game, no acorns, no fishery, and no rain. [The land] was useful for nothing else, so good for a reservation" (Marks, 1998, pg.271). Native Americans could not sustain themselves and were essentially set up to fail as farmers.

Native Americans were not meant to thrive on the reservation. If anything, many died while living on reservations in part because the government failed to ensure their health. An army surgeon at Crow Creek in South Dakota was repulsed by what Native Americans were given to eat. He described a six by six foot wooden vat that was connected by a pipe. The steam from a sawmill was used to cook the concoction of beef, beef heads, entrails, beans,
flour, and pork. Once it was cooked, the people on the reservation were then called to collect their meal in pails. Several Santees and Winnebagos refused to eat, resulting in death by starvation (Lewis, 2004).

In his book, *The Mammoth Book of Native Americans* (2004), Lewis uses the reservation in Massachusetts to discuss the diseases that ran rampant on the reservation. In 1861, the Massachusetts’s state commissioner filed a report on the condition of the reservations. It found that the mortality rates had increased by thirty three percent. The increase was due to "consumption, small pox, infantile diseases, and drowning" (Marks 1998, p.66). Some tribes were purposely infected with diseases to aid in the extermination of Native Americans. A captain in the United States Army admitted to giving each member of the tribe, "two blankets and handkerchiefs that had come out of a smallpox hospital. ‘I hope it will have the desired effect’" (Lewis, 2004, p. 327).

White settlers accomplished what Blauner (1972) called internal colonies. He defines internal colonies as restricted areas in which the colonized have no power to run any of their institutions. While living on reservations Native Americans were forced to live in
confined areas. Their liberty to choose where to live was denied by the United States government and their colonizer overseers.

The Allotment Act: A Solution to Reservations?

Reservations were set up to eliminate the Indian under the pretext of saving them. Despite the dire living conditions on the reservations tribal culture still managed to survive. Because Native Americans were continuing to practice their tribal lifestyles, the Dawes Act was created to destroy tribal culture and make Native Americans financially dependent on the United States government (Marks, 1998).

Under the provisions of the Dawes or Allotment Act, signed in 1887, Native American families would privately own and farm eighty to one hundred sixty acres (Gibeaut, 1999). Similar to treaties, it had a hidden agenda meant to give the impression that each family would be able to sustain itself on its own plot of land, but in reality the land and its crop would belong to the United States government. The federal government would hold the trust title for a minimum of twenty-five years with any surplus land being sold to white settlers (Oswalt and Neely, 1999). The government was set up as trustee and was to pay the
tribes any income that the land produced from oil, gas, wells, and logging (Gibeaut, 1999). However, tribes were seldom made aware of any income the land produced (such as minerals) outside of farming. Native American families would be denied any form of extra income.

As in past legislation, the Allotment Act was a legal means for the United States government to seize more territory from the Native Americans and set restrictions on where they could live. The first tribes to participate in the allotment process were the Sisseton and Wahpeton Sioux in South Dakota. The Sisseton and Wahpeton were allotted 660,000 acres, but only after the best reservation land was offered to the public. In 1880, before the Allotment Act, one hundred and fifty million acres of land were inhabited by the two tribes. After the Allotment Act, ninety million acres were taken from them and opened up for white settlement (Marks, 1998, pg. 217).

Native Americans lived under the Allotment Act for approximately fifty years. Between the years 1887 and 1934, land designated for Native Americans decreased from one hundred thirty-eight million acres to forty-eight million acres. Half of the forty-eight million acres was desert (Marks, 1998, pg. 271). The Allotment Act failed miserably
in improving the standard of living for Native Americans. Historian Janet McDonnell reports that, "two-thirds of Indians were either completely landless or did not own enough land to make a subsistence living" (as quoted in Marks, 1998, pg. 271).

Forced Assimilation

The United States government passed legislation in order to eliminate Native Americans and their culture. The Indian Removal Act and the Kansas-Nebraska Act succeeded in resettling hundreds of thousands of Native Americans, with the unstated intention of "killing" Native American culture. They would cease to practice their own religion and tribal cultures and succumb to white enculturation. These acts failed to force Native Americans to accept the settlers' own traditions. With the failure of such acts, Native American children would be the next to endure unjustified removal from their families, forced to attend boarding schools hundreds of miles away from their homes.

Initially, religious based missions were intended to educate and reform Native Americans into Christianity. The missions did not succeed. Thus, the solution was to build reform schools like the Carlisle Indian School, established in 1879 by Captain R. H. Pratt, whose goal was to
“sufficiently civilize the man” (Lewis, 2004, pg.317). The school’s motto was, “From Savagery to Civilization”. The children were removed from their parents for Anglo enculturation (Lewis, 2004).

Lewis (2004) documents the steps taken to remove the identity of Native American children. A former student at Carlisle was Luther Standing Bear whose experience typifies those of children at boarding schools. He describes his traumatic trip to Carlisle Indian School that began with the train ride. He describes the yells, stares, and laughter he and other Native American children endured while en route to the reform schools. White settlers would be waiting at the train stops to gawk and stare at them (Lewis, 2004, pg. 310).

Once at the school, Luther Standing Bear recounts the process of “removing the Indian,” beginning with the replacing their traditional clothing and enforcing the use of standard attire, which were pants, shoes, and shirts. Externally, Native American children would dress like their white counterparts.

The most traumatic procedure in the assimilation process was the cutting of the boys’ hair. The teachers at Carlisle felt that long hair would impede the path to
assimilation. Once the exterior was transformed, the next step would be to give the children new names. A list of names was printed in column form on the blackboard. Each child would point to his or her new name, not knowing what it said (Lewis, 2004). Thus, their identity and connection to their tribe and family was eradicated.

The students at Indian boarding schools would have to adjust to a new lifestyle that included a change in their diet. Children were forced to eat food that was foreign to them, including white bread, sugar, and coffee. Luther Standing Bear states that if they had been able to eat regular meals of meat (boiled in soup or dried), fruits, and vegetables, the children at this school would continue to thrive. In addition to physical ailments, many children at Carlisle suffered from depression brought on by loneliness for their families and traditions. Depriving children of their families and their culture resulted in one half of the children dying within three years (Lewis, 2004, pg. 321).

By 1900, there were approximately three hundred Indian boarding schools in the United States (Lewis, 2004, pg. 321). A majority of these schools were modeled after Carlisle Indian School. The process of assimilation was
similar at all of the schools, including the religious-based missions. The students were not allowed to practice any of their tribal traditions such as speaking in their native language or singing chants that often brought comfort to them. If a student "graduated" from a reform school, he or she would be classified as a "decent" man or woman. The only way out of a boarding school was to assimilate or die.

The freedoms that were stated in the Bill of Rights did not apply to Native Americans. The United States government not only ignored the rights of Native Americans but later wrote legislation to legalize the removal of hundreds of thousands of people from their home. It was not until 1932 when the opinion of the dominant society began to question its treatment of Native Americans that the government would make attempts to rectify it.

African Slaves and Black Americans

The next group of people who had their natural and civil rights disregarded were black Americans. The history of African slaves in the United States begins with their arrival in 1619 in the colony of Jamestown, Virginia. Between 1619 and 1639, Africans, like many whites, were
predominantly used as indentured servants, meaning they would be free from servitude in seven to eight years (Adam and Sanders, 2003).

The status from servant to slave changed for Africans in 1640 when slavery began to be based solely on skin color that became a criterion for harsher treatment of indentured servants based on a 1639 Maryland statute (Adams and Sanders, 2003). The term "slave" was introduced to distinguish blacks as subservient members of society. Slaves could not expect to receive the same treatment as whites. Adams and Sanders (2003) discuss a case against three indentured servants; two white and one black, John Punch, who ran away and were later apprehended in Maryland. The three men were convicted of absconding but Punch received a harsher sentence. The two white servants received an additional four years of servitude while Punch was made a slave to his master for the rest of his natural life. He now belonged to his master and lost all free will and hope of freedom (Adams and Sanders, 2003, pg. 5).

The United States government deliberately omitted the issue of maintaining slavery, ignoring the issue altogether when writing the Constitution. The Fifth Amendment states, "no person shall be deprived of liberty without due process
of law" (as cited in Benedict, 1996, pg. 163), yet slavery was still accepted. The United States government continued to segregate and discriminate against black Americans after agreeing to the Universal Declaration of Human Rights in 1942. Reparations can be sought for the violations of these two landmark documents.

This section will discuss the inhumane treatment of African slaves as well as legislation that discriminated against Africans and their descendents. Legislation allowed for the legalization of slavery for approximately two hundred and fifty years and legalized segregation for another hundred years. In a country that professes “all men are created equal,” the passing of the Thirteenth Amendment was necessary to abolish the institution of slavery.

Slavery existed in part because of the ideology held by the dominant, white culture. Like the Native American culture, African culture was viewed as inferior to European culture in order to justify the treatment of the slaves. Africans were not seen as human beings, but as property to be bought and sold. They were discarded and brutalized by their American masters for hundreds of years.
African Slavery in the Early Colonies

The slave trade was an inhumane, callous business. Africans who were brought unwillingly to the early colonies were not treated as human beings, but rather as property or livestock. African captives were stripped naked and examined for any physical ailments. If they were deemed healthy enough for the voyage to the eastern United States (and other parts of the world), slave traders placed them on slave ships for the three-month long voyage (Shellington, 1995).

Once on the slave ship, they were chained together in rows and forced to lie down on decks similar to book shelves. The shelves were about three and a half feet above one another, making it impossible to sit up. The captives would lie on these shelves for several weeks, lying in their own bodily fluids. If they died during the voyage they were thrown overboard (Shellington, 1995).

Approximately fifteen to thirty per cent of the captives died under these conditions (Shellington, 1995, pg. 177). If disease spread, the entire human cargo would be lost. Millions of Africans would be forced to take this voyage in order to keep the supply of free labor available to plantation owners.
Kevin Shellington (1995) believes that approximately ten to twelve million Africans were sold in the slave trade with two million Africans estimated to have died in this "Middle Passage." Approximately 4.6 percent of African slaves were brought to the early colonies (Sleet, 2006, pg. 2075), with the remaining millions being brought to Mexico, Central and South America and the Caribbean. This number is a rough estimate of slaves who were brought to the colonies. It does not reflect the numbers who were born into slavery over the next two hundred fifty years (Shellington, 1995, pg. 276) which could conceivably amount to tens of millions.

**Life as a Slave**

The American Anti-Slavery Society and other northern abolition groups documented the life stories of blacks and their experiences while in slavery (Berry, 2005). The auction block made it evident that slaves were pieces of property as captives were shackled to one another at their necks, hands, and feet so that plantation owners could decide which one to purchase.

In his book, *To Be a Slave* (1968), Lester recounts the desperation families felt at the auction block as plantation owners made bids on the recently arrived
Africans. One slave described how his family was separated: "My brothers and sisters were bid off first, and one by one, while my mother paralyzed with grief, held me by the hand" (Lester, 1968, p. 48).

**Psychological Breakdown**

Slave masters were not content with the capturing of Africans from their native homelands; they also had to mistreat them. The only "good" slave was one who lived in fear of his life and who would submit unconditionally to his master. The separation of families, mistreatment, malnourishment, and beatings were common methods used to "break" a slave's spirit.

A self-proclaimed expert at making a slave, William Lynch gave a speech on the bank of James River in 1712. Lynch spoke of his experience in the West Indies on the methodology of "making a slave". He stated in his speech that the best way to control a slave was to use "fear, distrust, and envy" (Lynch, 1999, pg.8).

Lynch's instructions discuss the similarity between breaking a horse and breaking a slave. The idea is to reduce them from their natural state of freedom to a state where they are ridden of their independence. In this dependent state, both the horse and the slave rely on the
kindness of the master to provide for them. In his theory, the condition of dependence will naturally carry on from generation to generation. Children of slaves will learn to be submissive because their mothers will model the behavior (Lynch, 1712).

Frederick Douglass was a former slave who became an abolitionist. He attests to this psychological breakdown while being a slave in his autobiography, *My Bondage and My Freedom* (1855). Since childhood he was made aware of the master living in his big house while slaves lived in poverty. He remembers relying on his master for simple acts of kindness, such as allowing his mother, a slave on a plantation twelve miles away, to visit him.

Douglass wrote that slavery kept men from being men. A man was dependent on his master for food, shelter, and clothing. The master was the “father”, the slave the “boy,” thus making him easier to exploit. A black man was deliberately prevented from providing for his family, all to keep slaves submissive (Douglass, 1855).

In the United States, slavery was hereditary. As a slave, it was understood that a child takes the condition of his or her mother. If the mother was a slave, then the child was automatically a slave. This enabled the slave
master to maintain ownership of the child whom he regarded as his property. The condition of slavery was inherited through the mother because in some cases the father was the white master (Douglass, 1855). If a child inherited the condition of the white father, the child would not be a slave, but rather a free person like his father and be the beneficiary of his father’s property. The United States had accepted slavery as black Americans’ position in life and continued to deprive them of their natural rights.

The Supreme Court, Segregation, and Jim Crow Laws

There is more evidence that black Americans would be denied of any rights promised in the Constitution. The United States government used semantics to maintain the institution of slavery. This point is made in the case of Dred Scott v. Sanford.

In 1856, Scott, a slave had accompanied his master on a trip to Missouri, which was a free territory state. Upon their return to Wisconsin, Scott claimed he was now a free person due to the time he had spent in Missouri. He sued his master for his freedom. The Supreme Court decided that only persons who were citizens of states when the Constitution was ratified in 1788 could be considered citizens of the United States (Benedict, 1996). Therefore,
black Americans were not considered citizens in 1788, and thus never would be considered such.

Racism was so rampant that Chief Justice Taney wrote, "black Americans had for more than a century before been regarded as beings of an inferior order that they had no rights which the white man was bound to respect" (as cited in Benedict, 1996, pg. 174). Taney went on to state that no post-1788 grant of citizenship to black Americans could make them citizens. Only an act of Congress could legally make them American citizens. Therefore, Scott could not sue his master and could not claim he was a free man. This landmark decision underscored the intent of the U.S. government to maintain and sanction slavery and legitimized the discrimination and segregation that continued in the South. Indeed, it would take a Civil War to reverse this and other laws that sanctioned slavery.

During the Dred Scott case, slavery was still being practiced in the South, becoming more of a controversial issue that conflicted with the beliefs stated in the Constitution. There was dissension in Congress in how to deal with slavery. It was not until 1865, after the North won the Civil War, and with the passage of the Thirteenth
Amendment that slavery became unconstitutional (Adams and Sanders, 2003).

The abolition of slavery did not immediately grant equality to freed blacks. White southerners refused to accept black Americans as equals and created discriminatory laws to prevent them from participating equally in the white dominant society. From that period on, a series of laws known as Jim Crow laws were enacted.

Under Southern Jim Crow laws, black Americans, the majority of whom lived in the South, endured discrimination in employment, housing, and education. They lived with segregation under the infamous "separate but equal" restrictions that allowed the dominant culture to treat black Americans as second-class citizens in all public places such as schools, public transportation, restaurants, theatres, and even churches. Each Southern state was able to discriminate and segregate blacks under these laws.

In 1896, Plessy v. Ferguson, stemming from an 1892 event, made Jim Crow laws the law of the land. Homer Adolph Plessy bought a first class ticket on a Louisiana train, but the conductor asked him to sit in the black section of the train where there were no first-class accommodations. When he refused to comply with the
conductor's order, he was sent to jail for violating an 1890 Louisiana statute that called for equal but separate accommodations for blacks and whites while traveling the railroads within the state (Adams and Sanders, 2003, pg. 235).

The case went all the way to the Supreme Court, where the court ruled against Plessy, paving the path for a state's right to pass Jim Crow laws. It was now legal for blacks and whites to be segregated, establishing the "separate but equal" rule that would prevail until 1954.

Southern states circumvented a black American's right to vote under Jim Crow. While it was technically still illegal to prohibit black Americans from voting, a series of qualifications and voting procedures were created to frustrate and prevent black suffrage. A common tactic was for officials to demand proof of a permanent home address in order to vote. Many black Americans did not have proof of a permanent address and thus were not able to vote under these rules (Adams and Sanders, 2003).

Another tactic used was the imposition of the infamous poll tax that applied only to black Americans, the majority of whom were poor and could not afford the poll tax and thus were not able to vote. Another tactic was the
implementation of a literacy test that would, for example, demand that the test-taker recite the state constitution. Black Americans having little or no education would fail these tests and therefore be denied their right to vote (Adams and Sanders, 2003).

Jim Crow laws had a long-term effect on black Americans. During this time, black children were forced to attend overcrowded and dilapidated schools. Dr. W.E.B. Du Bois, a prominent black educator, studied the effects of the separate but equal clause on the Atlanta public school system and was instrumental in transforming the view of the contributions of African Americans to the success of the U.S. He was a professor of economics and history at Atlanta University as well as head of its sociology department. In 1945 he studied the impact of fifty years of separate but equal legislation in Atlanta schools.

In his study, Du Bois proved that separate was not equal in the Atlanta public school system. He found that white children had one school for every 855 children, but there was one school for every 2040 black children. Local authorities had invested $2156 in land and new buildings for every white student, while for black students the figure was $857. White students attended school for six
and one-half hours a day while black students attended three and one-half hours per day. On average, each black student lost at least 2,700 hours of schooling in the first six years of school (Adams and Sanders, 2003, pg. 242).

Du Bois also found that black students had a shortage of teachers, a condition that caused overcrowding in the classrooms. Their schools had limited library facilities and no kindergarten. He found that the school day consisted of, "unsupervised leisure hours, irregular attendance, retardation, delinquency, and reduced efficiency of overburdened teachers" (as cited in Adams and Sanders, 2003, pg. 243). The problems Atlanta schools faced were exemplars of segregated schools across the southern part of the country.

Legal segregation in schools came to an end with the Brown V. Board of Education of Topeka in 1954 in which the Supreme Court concluded that separate was not equal. However, black Americans still had to fight laws that allowed discrimination in public facilities such as hotels, restaurants, theaters, and sports arenas. Discrimination still existed in employment, especially in the areas of equal pay and job promotion opportunities.
Throughout the history of the United States, it is evident that Africans and their descendents were victims of racism. Racist policies prevented them from enjoying the freedoms that were rights of other Americans. The denial of these freedoms has caused psychological and financial hardships on black Americans since their arrival.

The United States government needs to be held accountable for its actions. Former slaves have sought reparations as early as 1854. Current legislation has been presented to Congress to consider studying the impact of institutionalized slavery and discriminatory laws directed at slaves and their descendents. Black Americans have a right to an apology and some form of financial compensation, especially given their present-day conditions, which will be enumerated in Chapter Four.

Japanese Americans

The Japanese and their descendents are the third group to have suffered natural and civil rights violations at the hands of the United States government. Japanese Americans endured racist legislation similar to Native Americans and black Americans. As with Native Americans, Japanese Americans were forced to relocate to camps that were set up
by the United States military. Racist legislation prevented Japanese Americans from having the same rights as non-Japanese Americans, causing financial and psychological trauma to individuals of Japanese descent in the United States.

Experiences in the U.S.

The first generation of Japanese to live in the United States was the Issei who arrived in the United States in the late nineteenth century. Most Issei lived in Hawaii, which was an independent monarchy but quickly came under the control of the United States. Hawaii needed laborers to work on farms. In order to meet the demand for farm laborers, one hundred and fifty men from Tokyo and Yokohama were contracted out as laborers in 1890 (Maki et al, 1999, pg. 20)

While they were living in Hawaii, the Japanese immigrant population grew to 295,000 by 1930. They were segregated, just as other ethnic groups that were working as laborers. They organized their own community and became a strong political group in Hawaii. The Japanese population was not only growing in Hawaii, but along the west coast of the United States as well (Maki et al, 1999, pg.22). In California, Japanese farmers were proving to be
very successful. Given the limited amount of agricultural land, they were contributing significantly to the value of California's harvest. White American farmers were beginning to feel threatened by Japanese competition (Maki et al, 1999).

The Japanese and Japanese Americans were not only successful in the agricultural sector, but they were assimilating into the dominant culture. They wanted to own property and participate in the democratic ideology of the United States. Instead of accepting this self-driven assimilation, the United States responded by creating the Alien Land Act in 1913 that forbade alien, including Japanese farmers, who were ineligible for citizenship to own land. The basis of this act was to limit the success of Japanese farmers by eliminating competition that threatened white farmers in the United States (Maki et al, 1999, pg. 38). The Alien Land Acts deprived Japanese Americans of their rights to own property.

Based on this legislation, it is obvious that the Japanese were not desired as citizens of the United States. The anti-Japanese sentiment was growing in the United States, particularly on the west coast. The United States government already felt threatened by Japanese Americans
living in the United States as farmers. The Japanese military strength added to the fear of Japanese.

The Threat of the Japanese Military

In order to understand this fear of Japan, one must look at the historical events that led up to the war. After World War I, the United States government felt threatened by the actions of Japan as a world power, especially based on the military expansion of the Japanese armed forces. Because of its military build-up Japan began to occupy parts of Korea, China, South-East Asia, Singapore, Malaysia, Hong Kong, and Indonesia ("Japan History and Culture" 2006). The United States felt it had reason to believe that Japanese Americans would become traitors and assist in the sabotaging the United States.

This unfounded fear affected Japanese living in the United States. The anti-Japanese sentiment was rooted in racial and economic concerns of the upward mobility of Japanese Americans (Austin, 2001, pg. 254). "Yellow fever" was also a result of the external threat of Japanese militarism and the fear that Japanese Americans were menacing and would join together to attack the United States (Austin, 2001).
The United States fears of Japanese aggression in the Pacific prompted the State and Justice Departments, the U.S. Navy, and Army Intelligence to monitor the Japanese American community. The fear that Japanese Americans would commit sabotage against the United States prompted a State Department report in 1934 warning that the Japanese government had agents in every large city. It also warned that, “The entire Japanese population on the West Coast will rise and commit sabotage” (Maki et al, 1999, p.26).

The fear of Japanese sabotage raged on. In March of 1941, nine months before the bombing of Pearl Harbor, the United States felt so threatened by Japan that the Office of Naval Intelligence illegally entered the Japanese Consulate in Los Angeles to get the names of Japanese Americans who were allegedly spies (Maki et al, 1999, pg. 27).

When the Japanese bombed Pearl Harbor on December 7, 1941, it seemed to prove that all of the United States predictions of Japanese aggression were valid. This day marked the United States entry into World War II and prompted the United States government to set in motion the separation and illegal internment of anyone of Japanese descent, regardless of citizenship status, especially on
the west coast (Maki et al, 1999). This was a clear violation of their civil rights.

Incarceration Process

After the Pearl Harbor attack, the illegal internment process began with curfew regulations. In the *Journal of Supreme Court History*, John M. Ferren (2003) writes about the process of making the decision to incarcerate Japanese Americans. He reports that Supreme Court Justice Rutledge knew that the curfew laws and internment were violations of the Fifth Amendment. However, Justice Rutledge conceded that, "a racially discriminatory curfew could be imposed in wartime" (Ferren, 2003, pg.257). These curfew regulations were soon followed by the idea of massive incarceration for the alleged protection of Japanese Americans from white American retaliation.

During this time in United States history, race became associated with one's loyalty to the United States. The Federal Bureau of Investigation (FBI) originally arrested 1,500 so-called alien Japanese although these men and women were never proven to be a threat to national security. However, with the help of the popular press and the municipal, state, and federal governments, hostility continued to grow toward the Japanese, especially on the
west coast. The military continued its talks for mass incarceration (Austin, as cited in Harth, 2001).

The first formal military proposal for mass incarceration came from Lieutenant General John L. DeWitt who was the head of the Western Defense Command. He supported an order that imposed a curfew on every person of Japanese ancestry who lived in the coastal sections of California, Oregon, and Washington (Ferren, 2003). By December 1941, a proposal was made for the removal of all alien subjects fourteen years of age and over to the interior of the United States (Maki et al, 1999).

A second proponent of mass incarceration was Major General Allen W. Guillon, who helped convince the War Department that mass incarceration of Japanese Americans was necessary. The military did not have the power to detain citizens without a declaration of martial law. The War Department agreed with the idea of mass evacuation of Japanese Americans, and was able to pressure the Department of Justice to agree with mass incarceration (Austin, 1999). There was little consideration as to the constitutionality of incarcerating people who had had not been proven to commit any crime.
By February 1942, President Roosevelt signed Executive Order 9066, which authorized the Secretary of War and his military commanders to designate "military areas" for internment camps. These "military areas" were meant for "any or all persons to be excluded" and to control the rights of individuals to "enter, remain in, or leave" such areas (Maki et al, 1999, p.30). Congress and the Supreme Court agreed with Executive Order 9066 and the claim of "military necessity."

The removal of Japanese Americans began with a series of instructions, similar to the relocation of Native Americans. Japanese Americans were to report to specific locations in their own neighborhoods to be taken by the U.S. Army to detention or "assembly" centers. These centers were converted fairgrounds, livestock exhibition centers, or racetracks. Japanese Americans were forced to give up their homes, possessions and careers, a clear violation of their natural rights to liberty and property. None of the men, women or children who were detained were ever accused or convicted of committing a crime.

Once evacuation orders were in place, Japanese Americans had little time to prepare. Toyo Suyemoto, a camp survivor, writes about her family's experience. The
United States government gave her family a half-day’s notice. They were ordered to leave on the morning of April 27, 1942 and allowed to take only what they could carry in two suitcases (Harth, 2001, pg. 21).

Japanese Americans were then loaded onto buses that were secured by soldiers. In Suyemoto’s case, she was moved from her home in Berkeley to the Tanforan Assembly Center, a racetrack near San Francisco. Everyone was searched and then forced to wait in horse stalls. From there, her family was sent to an internment camp in Utah (Harth, 2001, pg. 22).

**Internment Camps**

Documentation of life in the internment camps is presently available after years of shame and humiliation among the survivors. Japanese and Japanese Americans who were interned in the camps did not speak openly of their camp experience with their children or grandchildren. Mitsuye Yamada, an internment camp survivor states, “I learned from my father that it was the parents’ role of protecting their children from the unpleasant realities of life” (Yamada, as cited in Harth, 2001, p. 36). The Issei and Nisei, the second generation, tried to regain a normal way of life by forgetting the internment experience.
Internment camp survivors have found their voice. A collection of essays by internment camp survivors depicts life in the camps. *Last Witnesses: Reflections on the Wartime Internment of Japanese Americans*, (Harth, 2001) describes many experiences. John Y. Tateishi describes his first summer at Manzanar: "the summer of '42 was a time of confusion and fear, and a time of lost innocence. . . . We suddenly found ourselves in prisons in the middle of deserts, displaced and bewildered outcasts in our own country" (Harth, 2001, p.29).

As described by Tateishi, all ten internment camps were located in desolate areas and were similar to the Indian reservations, barren and unproductive, undesirable locations to live. Yet, the United States government deliberately chose these locations to house "undesirables" because of their isolation. Internees spent up to four years in the camps. After their release towards the end of World War II, it was customary to not speak of camp experience. Many of the children of internment camp survivors were not aware of their parents' false imprisonment. It was not until 1970 that the Japanese American Citizen League began the discussion of reparations
at its yearly convention. The next chapter will discuss the reparations processes for each group.
Groups seek reparations when they have had their natural, civil, or human rights violated. John Locke set the precedent in the seventeenth century for defining the natural rights of humans. According to his definition, every man [sic] has the right to life, liberty, and property. These three rights are essential in a man’s ability to provide for himself and his family. A denial of these rights prevents humans from achieving their true potential.

Native Americans, African Americans, and Japanese Americans had their natural and civil rights denied at one time or another by the United States government. Each group has petitioned the United States for some form of compensation for the injustices they have suffered. The only group that has been successful in securing reparations is Japanese Americans. Native Americans and African Americans have petitioned the United States for a longer period of time, yet have been continually denied. The question one must ask is why is there a discrepancy in how the U.S. has responded to these petitions?
As discussed in Chapter Two, the United States government created legislation to deprive the three groups of their natural and civil rights. However, the difference lies in why the legislation was created. Native Americans and black Americans were believed to be inferior. This inferiority was based on different religious practices, cultures, and skin color. The rationale for illegal legislation against Japanese Americans was not because they were viewed as inferior but because they were viewed as a threat to the safety of the United States. One could deduce that if Japan had not been a second world power or had not bombed Pearl Harbor, then Japanese Americans would not have been illegally interned.

This chapter will discuss the reparations process for each group. Their similarities in their petitioning for reparations are, on several levels, indistinguishable. Each group meets the criterion set forth in the models discussed in Chapter Two. The first is that they had to have their natural, human, or civil rights violated. Second, lawsuits were decided in their favor declaring their rights had been violated. Third, they had to organize large movements in order to submit legislation to Congress.
Finally, Congress must openly admit that the United States violated their rights.

Reparations for Japanese American Internment Camp Survivors

Of all the exploited and mistreated groups in the United States, Japanese Americans succeeded in gaining formal reparations from the United States government. President Reagan made a formal apology for the internment of 120,000 Japanese American citizens.

A year after the apology, the Civil Liberties Act of 1988 was passed into legislation. It granted former internees up to twenty thousand dollars in compensation, and also included The Civil Liberties Public Education Fund (CLPEF), a grant of fifty million dollars for educational purposes which funds research and education about incarceration so that it will not occur again ("Redress," 2005). In total the Civil Liberties Act was authorized to receive 1.65 billion dollars in reparations for internees and future educational purposes (Maki et al, 2003, pg. 216).

Maki (1999) provides a case study for Japanese Americans and their seeking reparations. The Japanese
American experience demonstrates that all three groups were similar in their seeking reparations. It supports the point that race is a factor in the denial of these same rights for Native Americans and African Americans.

**Japanese Americans Organize**

Japanese Americans began to organize themselves as a political group in 1920. The first group named themselves the Japanese American Citizens League (JACL), whose purpose was to involve itself in an examination of the discriminatory legislation that affected Japanese Americans, such as the Alien Land Act. As early as 1936, JACL became aware that there were plans to place Japanese Americans who were living in Hawaii in concentration camps. By March of 1942, the board members of JACL agreed to the internment legislation and encouraged Japanese Americans to cooperate with the federal government (Maki et al, 1999, pg. 51).

Not all Japanese Americans were interned in the camps but primarily those who were living along the west coast and Pacific North West. The responsibility fell on JACL members who were not interned to begin discussions on seeking reparations from the United States government for interned Japanese Americans.
In 1945, The Fair Rights Committee was then established to pursue reparations. The group’s main objective was to seek “tangible forms of assistance for former inmates” (Maki et al, 1999, pg. 52). Like former slaves (see discussion below), not all Japanese Americans were in favor of seeking reparations. Members of the Fair Rights Committee could not move forward on the reparations issue unless Japanese Americans were willing to take on the federal government.

Japanese Americans Support Reparations

The third generation of Japanese Americans, the Sansei, re-ignited the reparations movement in 1970. They were influenced by the Civil Rights Movement of African Americans. They were angered that their parents’ and grandparents’ Constitutional rights had been violated. The Sansei became aware of the racial discrimination that the United States government practiced among minorities and believed the United States should be held accountable for their racist laws. Sansei were not sure if the older generations would support such a movement.

The seeking of reparations by Japanese Americans started out anew as a topic of discussion at the 1970 biennial meeting of the Japanese American Citizens League.
JACL decided the first step in seeking reparations was to repeal Executive Order 9066, which oddly enough had not been repealed. The next eighteen years would test Japanese Americans and their commitment to the cause. There were two major obstacles to overcome. The first was to obtain the support of the Japanese American community. Second, non Japanese Americans needed to support the cause as well (Maki et al, 1999).

The ideals of JACL and the Fair Rights Committee to seek reparations were not widely accepted among the Japanese community, especially among prominent Japanese American members. Many felt that it was better to forget the past. The pursuit of reparations would cause old resentments to re-emerge (Maki et al, 1999).

The members of JACL would not give up. They conducted a series of community meetings and surveys to monitor the strength of interest in the movement. They published weekly articles in the magazine Pacific Citizen. Also, a booklet,"The Japanese American Incarceration: A Case for Redress," was widely circulated in the community. Support for reparations began to grow. For the first time, internment camp survivors were willing to speak in a public forum about their experiences (Maki et al, 1999).
The fight for reparations lasted over forty years from its initial conception. It was a slow process for two major reasons. The first, as has already been mentioned, was the reluctance among the camp survivors to even acknowledge their experience in the camps. The second depended on non-Japanese American sentiment. Would the public as a whole support the fight for reparations for formerly interned Japanese Americans? Success for reparations depended on non-Japanese society acknowledging the wrongful internment of Japanese Americans (Maki et al, 1999).

By 1974, the first criterion was met with the JACL success in gaining support from the Japanese American community for reparations. It was now imperative to gain the support of Congress and the non-Japanese public for reparations legislation. Without support from Congress, legislation for reparations would fail. A national committee to pursue the redress issue in Congress was created in 1976. A resolution was adopted seeking monetary reparations. The basic principle for reparations was to seek, "equity, justice, dignity and freedom" (Maki et al, 1999, pg.75). It was acknowledged that support from Congress to agree on financial reparations was slim, but it
would not dissuade JACL from seeking corrective legislation.

In 1979, a redress bill, "The Japanese American Human Rights Violation Redress Act" (H.R. 5977) was introduced in the Ninety-sixth Congress on November 28, 1979 (Maki et al, 1999, pg. 93) and was the first monetary redress bill that called for a formal apology to each inmate and $15,000 in compensation plus fifteen dollars for each day spent in camp (Maki et al, 1999, pg. 93). The bill did not receive support from Congress.

The JACL did not give up. Rather, the group created a subgroup called the National Coalition for Redress/Reparations. This organization sought to have public hearings of internment camp survivors. Former interned Japanese Americans gathered together and agreed to educate the general public on their experiences. Commission hearings were held in major cities to gain support from non Japanese American citizens. The local media covered these hearings in order to educate the general public about the incarceration of Japanese Americans during World War II. Would the public as a whole support the fight for reparations for formerly interned Japanese Americans?
The success of Japanese Americans gaining reparations depended on the social atmosphere. Just as resentment and distrust of the Japanese American by the public placed them in the camps, it would be the acknowledgement of the violation of their human rights that would bring about reparations as well. An important factor for the passage of reparations was public knowledge that such a violation of their constitutional rights occurred.

Successful Lawsuits from the Past

Japanese American groups were successful in exposing what the Issei and Nisei lost during 1942-1946. The next major step in seeking reparations was the public policies that were passed and the lawsuits that were won by Japanese Americans. The first major victory was the passage of the Japanese American Evacuation Claims Act of 1948. This piece of legislation recognized the documented property losses the internees suffered. With the signing of this bill, thirty-eight million dollars was paid out in claims to those who had documented proof of property losses. Thus the stage was set for the eventual seeking of reparations for the illegal incarceration of tens of thousands of innocent people (Maki et al, 1999).
A second Supreme Court ruling in 1967 provided more fuel for reparations. The U.S. government acknowledged the unlawfulness of the internment camps. The case, Honda v. Clark, allowed 4,100 Japanese Americans to recover bank deposits from Yokohama Specie Bank, Ltd. that had been seized from Japanese Americans at the beginning of World War II. Congress set aside ten million dollars to return the deposits. This ruling for Japanese Americans demonstrated that legislators and the public were supportive of reimbursement for their financial losses suffered by Japanese Americans during World War II (Maki et al, 1999, pg. 60).

By August of 1988, JACL succeeded in creating The Civil Liberties Act, signed by President Reagan on August 10, 1988 (Maki et al, 1999, pg. 225). The Civil Liberties Act created the Office of Redress Administration (ORA) within the Department of Justice. The ORA was given ten years to identify, register, verify, and administer payments to eligible individuals. A total of 82,219 persons received reparations (Maki et al, 1999, pg. 223). Twenty thousand dollars was awarded to each surviving formerly incarcerated Japanese American citizen. In addition to the passage of the Civil Liberties Act, fifty
million dollars was set aside to create the Civil Liberties Public Education Fund (Maki et al, 1999, pg. 223).

President Reagan made the following statement at the signing ceremony, "We gather here today to right a grave wrong. . . 120,000 persons of Japanese ancestry were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial or jury, it was based solely on race" (as cited in Maki et al, 1999, pg. 195).

Summary

Interned Japanese and Japanese Americans were the victims of acknowledged racist policies established by the United States government. Japanese were hired as contracted workers to help the economy of the United States. Like slaves who were brought from Africa, Japanese were seen as merely a labor source. They endured segregation once they reached the Pacific coast.

As Japanese Americans were benefiting from living along the West coast, the non-Japanese society did not approve. They were not allowed to own land under the Alien Lands Act of 1913 and 1920. Even though a generation had been born in the United States, they were not considered
citizens until 1952 with the passage of the McCarran-Walter Act (Harth, 2001, pg. 55).

Internment camp survivors began to tell their stories, and children whose parents had been interned encouraged them to publicly speak about their internment experiences. An interest in reparations resurged with the Japanese Americans Citizens League (JACL) in 1970. Eighteen years later, they were granted reparations.

Native Americans and Reparations

Native Americans have sought reparations throughout their dealings with the federal government. Historically, they had very little political clout, and their pursuit of reparations seldom amounted to much. Native Americans have had more success with lawsuits over illegal seizure of land and treaties that were ignored by the United States government.

Native Americans began to work with the federal government to regain the land they had lost. The Sioux lawsuit is one of the earliest examples of a land case for reparations. In 1892, 792 Sioux signed a petition demanding compensation for the theft of the Black Hills in South Dakota. One hundred thirteen years later the lawsuit
was still unsettled. In 1979, the Indian Claims Commission ruled with the Sioux. In 1981, the Supreme Court agreed in an eight to one decision that the seizure of 7.3 million acres was unconstitutional, and eight Sioux tribes were awarded one hundred five million dollars as compensation for the Federal Government's seizure through an act of Congress in 1877 (Greenhouse, 1982, pg. B3).

On a larger scale, the path to reparations for Native Americans began with the establishment of the Commission of Indian Affairs in 1914 that provided a legal means for Native Americans to file claims against the United States government. By 1929, the Secretary of the Interior and Commissioner of Indian Affairs asked for legislation to re-establish local democracy for Indians. The Commission of Indian Affairs' primary goal was to return the constitutional right of self-government to Native Americans. The secondary goal was to settle Indian tribal claims that were growing out of broken treaties of the past three hundred years. The Commission had successfully stopped the sale of Native American land by 1933 (Lewis, 2004).

Native Americans increasingly got more support from the United States government to reclaim land they had lost.
The United States public was beginning to show signs of remorse for its mistreatment of Native Americans. The Indian Reorganization Act was a piece of legislation that tried to make amends with Native Americans.

With its passage in 1934, the Indian Reorganization Act returned four million acres of land to Native Americans (Lewis, 1998, pg. 272). Prior to 1934, Native American customs were portrayed in textbooks and periodicals as inferior and hedonistic. Slowly, the Native American lifestyle began to be respected instead of distorted. Tribal customs such as pow-wows were no longer being defined as inferior, but respected as religious ceremonies and a demonstration of cultural pride (Lewis, 1998).

By the 1960s the Civil Rights Movement had changed the outlook for people of color in the United States. Native Americans began to fight for their own causes. President John F. Kennedy’s administration continued the process towards amends with Native Americans by halting policies that included the termination or relocation of tribes. Government programs in the Area Development Administration gave substantial amounts of money to individual tribes to spend as they saw fit (Lewis, 2004).
As much as President Kennedy was trying to make amends, Native Americans saw still a greater need and did not relent in their seeking of reparations. In 1961, the National Congress of American Indians organized the "American Indian Conference" in Chicago in which representatives from over seventy tribes made a "Declaration of Indian Purpose." They were not asking the United States for charity or paternalism, but rather, "assistance, technical and financial . . . to regain in America of the space age some measure of the adjustment they enjoyed as the original possessors of their native land" (Lewis, 2004, pg. 337).

As large as the Chicago conference was, it did not get the attention that a more radical group had hoped for. The National Indian Youth Council (NIYC) took a more active approach in making the public aware of Native Americans dissatisfaction with their treatment. In keeping with the sit-ins of the Civil Rights movement, the NIYC had "fish-ins" that took place in the Pacific Northwest to protest fishing prohibitions and symbolize the battle for fishing rights. By 1966, the Department of Justice adjusted the regulations to accommodate a tribe's right to, "fish in
accordance with treaty and tribal regulations" (Lewis, 2004, p.337).

A second call for national attention came when the NIYC occupied Alcatraz Island in 1969. Seventy-eight Native Americans wanted to "reclaim" the island with the intention of building a cultural, religious, and educational center. They issued their own proclamation, mocking the treaties that the United States had made with Native Americans during the previous three hundred years. Native Americans were able to stay on Alcatraz for seven months, until armed federal marshals escorted them off (Lewis, 2004).

Native Americans were beginning to realize the effect that mass organization and protesting can have. The American Indian Movement (AIM) emerged by the 1970s. "Red Power" was meant to demonstrate the strength of Native Americans. AIM was successful in having local authorities arrest the Army veteran murderers of a Lakota man, Raymond Yellow Thunder in 1972 (Lewis, 2004, pg.339). AIM members then traveled the reservations to spread the word of Red Power. The federal government began to fear AIM and by the end of 1972, AIM had been infiltrated and dismantled when leaders were jailed by the FBI (Lewis, 2004).
Victorious Lawsuits

As previously mentioned, in order to pass legislation in favor of Native Americans, there must be support in Congress. AIM inspired Native Americans to work within the system to promote their causes. The Native Americans Rights Fund (NARF) was established in 1970 as a government funded organization that provides services to meet the special legal problems that existed under what is known as "Indian Law", composed of hundreds of Indian treaties, court decisions, and Federal Indian statues (Native American Rights Fund, [NARF], 2006).

The largest victory for NARF was with the Passamaquoddies and Penobscot tribes in 1980. NARF was able to prove that the state of Maine was technically owned by the Passamaquoddies and the Penobscots. The federal government decided to settle the case in the sum of over twenty-seven million dollars and the transfer of over 300,000 acres to the two tribes (NARF, 2006).

Congress later passed the Mashanutucket Pequot Indian Claims Settlement Act in 1982 that provided for the compensation of the Mashanutucket Pequot tribe. First, it awarded 900,000 dollars to the tribe in order to purchase tribal land. Second, it extinguished all tribal claims to
other land. Third, it extended federal recognition of the tribe. Finally, it allowed the tribe to be in trust of its land (Lewis, 2004, pg.341).

In 1989, a lawsuit was filed against the Smithsonian Institute. The Smithsonian had thousand of Native American artifacts on display that had been stolen from tribal grounds and burial sites by white archaeologists and anthropologists. The Smithsonian Institute agreed to return these artifacts to the appropriate tribes in 1989 (Lewis, 2004).

Are Casinos Reparations?

Casinos run by Native American tribes give some tribes the ability to improve their living conditions on reservations. However, casinos only benefit certain tribes since not every tribe is able to build multi-million dollar resorts on their land. Oftentimes reservations are on remote pieces of land that are hours from any major highway. Casinos that are owned by Native Americans give the illusion that all is well, but in reality it is not. Casinos cannot be categorized as reparations. Federal permission to build casinos came with no formal apology nor acknowledgement that illegal seizure of land would ever occur again.
The Indian Gaming Regulatory Act made Indian gaming the most controlled from of gambling in the United States. It permits federally recognized Native American tribes to operate gaming businesses in the United States as long as that state permits it. There are approximately one hundred eighty-four tribes involved with gambling operations. Over 140,000 people are employed in casinos, and 85 percent are non-Indian (Oswalt and Neely, 1998).

Casino revenues allow tribes to purchase land that was originally theirs. An example of the benefits to tribes is with the Grand Ronde Confederation which is made up of five tribes near Oregon. In 1954, the federal government wanted to assimilate Indians into mainstream society; hence the tribe was terminated and lost 69,000 acres. By 1960, they were left with seven acres around the tribal cemetery (Useem, 2000, pg. 238).

In 1983, the Grande Ronde Confederation, being a sovereign nation, built the Spirit Mountain Casino. By 1995, it had made twelve million dollars in revenue and had 600 employees. By 1999, the revenue had increased to fifty-three million dollars and had 1,500 employees. The tribe used the money to re-purchase land it had lost and was able to reclaim stolen artifacts. Classes were
established to teach the near-extinct language (Useem, 2000, pg. 239).

Are Indian gaming casinos a form of reparations? My argument is that they are not. Public sentiment holds the examples of casinos as compensation for the millions of acres that were stolen from Native Americans. Rather, casinos are a source of income for approximately one third of Native American tribes. They allow residents of the reservations to be self-sufficient. Rather than take money from the United States government for maintaining its reservations, local state governments receive money from the casinos.

The United States government did not make an official apology to Native Americans for their treatment over the past four hundred years and has yet to propose financial compensation for the millions of acres that Native Americans were forced to leave. Casinos do not affect the majority of Native Americans since most live either in urban areas or on impoverished reservations.

Summary

Native Americans suffered physical and psychological damage at the hands of early English settlers who wanted to maintain the traditions of England. They saw the financial
potential of the fertile lands in the eastern shores. At the same time they encountered a group of people that lived differently from them. Instead of accepting the Native Americans and their culture, the English wanted to eliminate them and it.

Descendants of the first English settlers continued to settle on Native American territory. The European’s goal of populating the earth through Manifest Destiny meant the elimination of North America’s first people. Prior to any official legislation, European Americans settled on Native American territory usually through illegal seizure under the auspices of the U.S. government. Any legislation that was passed allowed for the legal removal and murder of hundreds of thousands of Native Americans. While some gestures have been made toward reparations, the vast majority of Native Americans still languish in poverty as result of past and present treatment at the hands of the United States government and its agents (see Tables 1-4).

Native Americans are not the only group of people that have been negatively impacted by European American culture and values. African slaves and their descendants are another example of people who have been exploited by the
United States government in the name of spreading democracy and capitalism.

Reparations for Former Slaves and Black Americans

Like Native Americans, African slaves and their descendents have not received reparations for past injustices from the United States government. In 1792, the son of a prominent evangelist stated that white Americans had to "balance their accounts for the injury for which they have done to blacks" (Adams and Sanders, 2003, pg. 109). Over two hundred years have passed since this observation and yet nothing has been done. The procrastination of granting former slaves and black Americans reparations has made it more difficult to prove who should directly benefit. In this section I will discuss the many attempts that black Americans have made in the seeking of reparations.

Like Native Americans and Japanese Americans, they have met the criteria set forth by Maki in his case study of Japanese Americans seeking reparations legislation. For example, organizations were created to petition Congress for legislation to grant former black Union soldiers equal pensions to those of whites. The Civil Rights movement set
forth the passing of the Civil Rights Act, making any form of discrimination unconstitutional.

African Americans have filed lawsuits for violations of their civil rights. Lawsuits filed in the twentieth century have been awarded to individual persons or small groups of people who can prove their civil rights were violated. Institutionalized slavery, Jim Crow-type legislation, and their negative repercussions have yet to be addressed in the courtroom or through any official action by the United States government.

Reparations Movement for Black Americans: 1816-1915

A movement began in 1816 by the American Colonization Society (ACS) to deport African slaves to Liberia, Africa (Berry, 2005). The ACS was disenchanted with the inhumane treatment of African slaves. They theorized that democracy and Christianity required the deportation of blacks to Africa in order for them to be free. However the members of ACS failed in their attempt to send African slaves back to their native countries.

The ideology of the ACS had gained more popularity by 1854 among free African Americans. The United States government could pay blacks for their “sufferings and unrequited toil while in bondage” (Berry, 2005, p. 29). By
1868, the ACS had sent 2,232 blacks to Liberia in West Africa. White Americans began to protest this movement because the loss of cheap labor that African Americans [slavery was officially over by 1868] provided greatly affected the economy of the South. Thus the ACS was dismantled (Berry, 2005).

Another form of redress occurred at the end of the Civil War. Known as Field Order Number 15, or "Forty Acres and a Mule," its rationale was to show appreciation to freed black men who had participated in the Civil War to fight with the Northern troops. The hope that the Civil War would end slavery prompted freed blacks to leave the plantations and fight with the Northern troops (Adams and Sanders, 2003, pg. 198).

Field Order Number 15 was approved January 16, 1865 (Berry, 2005, pg. 11). The intention was for freed black men to own property and be self-sufficient. Union General Sherman wanted to show his appreciation to the former slaves. Using his military commander’s power, he issued forty acres of abandoned slave-owners’ land to freed blacks (Adam and Sanders, 2003). By June 1865, forty thousand ex-slaves had built communities on 400,000 acres of land (Berry, 2005, pg. 12).
The promises made in Field Order Number 15 did not last long. After the assassination of President Lincoln, the conditions of Field Order Number 15 were dismantled. On May 29, 1865, President Johnson issued a proclamation pardoning many rebels (Berry, 2005, pg.12). Former slave owners had their land restored to them. Rather than own the land, freed blacks could either lease the land with the option to purchase or simply work as farmhands.

Under the umbrella of Reconstruction, the Freedmen’s Bureau was established in 1865 by the War Department. It supervised all relief and educational facilities relating to refugees and freedmen as well as assumed custody of confiscated lands in former Confederate states (“Freedmen’s”). The Freedmen’s Bureau failed blacks in recouping any promised land. They were forced to return the land to the original owners, former slave-holders. Having lost their home and land, the freed blacks had little choice but to work on the plantations as field hands (Berry, 1972).

The failure of Field Order Number 15 forced black Americans to seek reparations in the form of pensions for former soldiers. White soldiers who had fought in the Civil War were receiving pensions for their military
service, while a lower percentage of black soldiers were receiving theirs.

A white Southerner, Walter Vaughan, organized a movement to petition congressional legislation to benefit freed black men. His intentions were not to help the freed black man for equality but rather to stimulate the economy of the South. If black men received money in the form of pensions, they would have more money to spend, thus stimulating the economy (Berry, 2005).

Walter Vaughan drafted this piece of legislation in 1890. He then taught two black Americans the process of approaching Congress to pass legislation for black soldiers. The two petitioners, Reverend Isaiah H. Dickerson and Mrs. Callie D. House, were the first black Americans to start their own reparations movement (Berry, 2005, pg. 34). They started the National Ex-Slave Mutual Relief Bounty and Pension Association in 1894. The goal of the Association was to petition Congress to pass pension bills that would benefit ex-slaves.

Dickerson and House sought support from the black community by distributing and selling literature explaining that the United States government owed ex-slaves some form of pension. They held annual meetings, collected names of
former slaves, and lobbied in Washington for the passage of their bills. Not surprisingly, white Southerners opposed the goals of the group. Even some former slaves thought the idea absurd. By 1915, Dickerson and House’s movement came to an end amid accusations of fraud involving money from ex-slaves with the promise of reparations (Berry, 2005).

The Modern Reparations Movement

The reparations movement was brought into the United States’ consciousness once again in the early 1960s. Black Americans sought legislation to guarantee them equal treatment in the United States. The passage of The Civil Rights Act in 1964 authorized the federal government to bring lawsuits to desegregate public schools and other public facilities.

Included in the Civil Rights Act were provisions to end any form of discrimination. Title II of The Civil Rights Act prohibited racial, ethnic, and religious discrimination in public accommodations such as hotels, restaurants, theaters, and sports arenas (Benedict, 1996). Title VII of The Civil Rights Act prohibited businesses from discriminating in employment based on race, religion or ethnic background. The Twenty-Fourth Amendment ended the requirement to pay a poll tax in order to be able to
vote, which many black Americans could not afford to pay (Benedict, 1996).

Legislation made racial segregation illegal. The Civil Rights Act and Twenty-Fourth Amendment do not qualify as reparations since they gave to black Americans what every other citizen in this democracy should have. Further, there was no apology for the mistreatment of slaves and black Americans over the past three hundred years. There was no mention of compensation for the free labor slaves provided. The new legislation promised only that the unfair treatment was illegal and should stop. It did not provide compensation for the lives and finances that black Americans lost from the hundreds of years of working as slaves and receiving lower wages.

However, the Civil Rights Act opened up the forum for black Americans to verbalize the need for reparations. James Forman, a very vocal and direct civil rights activist, issued a “Black Manifesto to the White Christian Churches and the Jewish Synagogues in the United States of America and All Other Racist Institutions” (as cited in Bittker, 2003, p.ix). In his manifesto, Forman demanded five hundred million dollars in reparations to African Americans. Forman’s demand for reparations was not
successful. However, his statement made it clear that black Americans still felt the need for financial restitution for their ancestors' free labor. He also sought an apology for the injustices black Americans have suffered since 1639.

**Successful Lawsuits**

Individual lawsuits seeking reparations have been filed on behalf of former slaves. One such lawsuit was filed in July of 1915. It was a class action suit against the United States and was filed in federal court in the District of Columbia. Four blacks claimed that the Treasury Department owed black people $68,073,388.99. The amount represents the taxes collected on the unpaid labor supplied by slaves between the years 1862 to 1868 while working in cotton fields. The basis for the lawsuit was that some benefit was owed to blacks for production during slavery. The plaintiffs claimed that the money could be identified and traced. The suit was later dismissed by the Supreme Court on the grounds that, "the money ... collected as Civil War revenue tax has been treated as part of the general receipts of the Government and applied to payment of government debt" (Berry, 2005, pg. 178).

Some have filed lawsuits for property and lives lost during white race riots, many of which occurred when a
black man was accused of having sexual relations with a white woman. Rather than wait for the matter to be settled in court, a vigilante mob of white men would try to find the accused man. Innocent men, women, and children were often terrorized during these riots. Two lawsuits were filed in two separate incidents.

One lawsuit seeking reparations was filed in Oklahoma as a result of a race riot (among many) that took place in Tulsa and began on May 31, 1921. A mob of white men gathered in Greenwood, a small black, prosperous community in Tulsa. They had gathered because a false rumor had begun that a black man had raped a white woman. The mob invaded Greenwood, slaughtering innocent citizens as well as burning buildings. By noon, thousands of homes were destroyed. The death toll has been estimated at from three hundred to three thousand ("Greenwood," 2006).

In 1997 the Oklahoma State Legislature authorized a commission to research the event. It recommended five specific reparations to the Greenwood community. Greenwood plaintiffs won the case. Financial reparations to the survivors were promised in 1999; yet they have not been financially compensated (Jones, 2005).
A second race riot took place that resulted in a lawsuit in Rosewood, Florida. The circumstances are similar to those of Greenwood. It was New Year's Day, 1923. A white woman, Fannie Taylor, claimed that a black man had sexually assaulted her. A small group of white men searched for an escaped black convict. The group of white men grew to a mob of approximately two hundred and spent the weekend searching for the alleged rapist. Innocent family members were shot, and innocent men were lynched. By the end of the weekend, the prosperous community of Rosewood was destroyed ("Rosewood," 2006).

It has been reported that two whites and six blacks were killed during the riots. However, survivors of the riots say that more blacks died. No one was ever charged with the murders. After the riot, the town was deserted, and blacks living in surrounding communities moved out of the area ("Rosewood," 2006).

Reparations for this act of violence took over seventy years to obtain. Rosewood survivors did not previously talk about their stories because of the shame they felt and their fear of being persecuted or killed if they mentioned the riot. In 1993, the Florida Department of Law Enforcement conducted an investigation into the case. The
investigation led to the Rosewood Bill, passed in April 1994, which awarded $150,000 to each of the riot’s nine survivors. The survivors still remained frightened, demonstrating the extreme trauma imposed on the victims of such atrocities. Rosewood survivor Wilson Hall said he would not return to Rosewood because, “They still don’t want me down there.” This is seventy-one years after the fact (“Rosewood,” 2006).

Another acknowledgement of the United States’ injustice to black Americans occurred in July 2005. The United States Senate apologized for the deaths of innocent black Americans who had been lynched during the nineteenth and twentieth centuries when the United States Senate failed to pass anti-lynching laws. During this period there were five thousand documented cases of black Americans being lynched. Lynchings were a form of vigilante justice carried out by white mobs. Black Americans, mostly men but some women, were hanged, maimed, and dismembered on rumors that the men had offended a white woman. Black males were not able to defend themselves against these (more often than not) false accusations (Adam and Sanders, 2003).
It was not only poor black men, but prominent businessmen as well whose success threatened white Americans. Anthony Crawford, a black businessman, was one victim. He owned four hundred acres of land and was in a business dispute. Crawford was lynched as a result of the dispute. After he was murdered his family was then run out of town, and his land was seized (Blackwell, 2005).

Presently, a series of state bills have paved the way for federal reparations. One example is a bill introduced by Deadria C. Farmer Paellmann. The bill, signed in September, 2000, forces the oldest insurance company (which is not named) to disclose how it profited from insuring the lives of enslaved Africans (Carillo, 2000).

California democratic Senator Tom Hayden introduced SB2199. This bill expands to all firms selling life insurance in California to provide copies of all archived material related to slave insurance. The insurance companies involved are Aetna, American International Group (AIG), and New York Life. These companies were involved in insuring against the lives of enslaved Africans from 1853-1856. A second bill, SB1737, known as the UC Slavery Colloquium Bill, asks the University of California to hold
a conference to look into the economy and legacy of slavery (Chen and Simon, 2004).

In March, 2001, the Chicago City Council passed the Slave Era Disclosure Act. It is an ordinance that requires companies doing business with the city to reveal any connections to slavery. Files can be collected from banks, tobacco, and cotton firms. It can then be determined the amount of profits gained from slavery. These laws allow for the descendents of slaves to seek reparations from these companies. The lawsuits can then set up a compensation fund for the victims or their descendents (Economist, 2001).

National Coalition of Blacks for Reparations in America

A group of black Americans has organized the National Coalition of Blacks for Reparations in America (N’COBRA). N’COBRA is an organization that is currently seeking reparations on behalf of African descendents in the United States. N’COBRA had its founding meeting in September, 1987, and supports legislation to seek reparations with chapters throughout the United States, Ghana, and London.
N’COBRA has made efforts to educate the public by conducting town hall meetings and rallies throughout the country. Members of N’COBRA have participated in conferences, radio, and television programs to speak about reparations to African slave descendents. It utilizes literature to keep its members informed such as publishing a newsletter called, “Reparations Now!” as well as a quarterly news magazine called, “Black Reparations Times.” N’COBRA also has its own website. By September 2003, N’COBRA formed a corporation, the N’COBRA Legal Defense, Research and Education Fund. Its mission is to “develop and implement projects to educate and seek reparations for Africans and People of African descent” (The National Coalition of Blacks for Reparations [N’COBRA], 2005).

N’COBRA supports a bill written by United States Representative John Conyers, Jr. The bill, known as H.R.40, asks for a Commission to Study Reparations Proposals for African Americans Act. Conyers, of Michigan, first introduced the bill in 1989 before Congress. He has re-introduced the bill to every Congress only to watch it go down in defeat each year.

H.R.40 hopes to accomplish four things. The first is for the government to acknowledge the injustice and
inhumanity of slavery. Second, it hopes to establish a commission to study slavery and subsequent racial and economic discrimination against freed slaves. Third, it hopes to study the impact of those forces on today's living African Americans. Finally, the commission would then recommend to Congress appropriate remedies to redress the harm inflicted on African Americans (N'Cobra, 2005).

The question becomes will the United States support the movement? The American government must publicly apologize for the inhumanities of slavery and its repercussions. This apology must be given by the President of the United States and must also mention wages that tobacco companies and cotton producers neglected to pay slaves. Institutionalized slavery as well as subsequent discrimination and segregation were wrong; there are no doubts about that. The question is will the United States ever pay?

Black Americans have used the same tactics of presenting a reparations bill to Congress as did Japanese Americans. If the procedure is the same, why have African Americans and their descendents been denied reparations? The most obvious explanation is that of racism. Adams and Sanders (2003) cite examples where black Americans have
gained some equality and conditions have improved for individual members of the community since the Civil Rights movement. They quote Jonathan Turley, a law professor, who states, “claims for ‘unjust enrichment’ were meritless because the statute of limitations (for reparations) had run out roughly one hundred thirty-one years ago” (as cited in Adams and Sanders, 2003, pg. 324). The United States government refuses to accept such legislation.

Summary

Africans were kidnapped or sold into slavery for the sole purpose of advancing the economic status of the plantation owner by working on plantations without pay and under horrible conditions. They were denied their right to liberty and property. Skin color was used to determine and maintain their status as slaves.

The abolition of slavery was the result of the passing of the Thirteenth Amendment; still, black Americans fared no better (see Tables 1-4). They were kept separate from white society. Wages were still lower for black Americans than whites. This disparity forced them to live in substandard housing. The educational system did not do any better for its black citizenry. Schools for black Americans continue to be inferior to the schools whites
attend. Black Americans suffer and continue to experience a high poverty rate. The laws may have changed, but equality is still lacking in the lives of black Americans. The reasoning for this inequity lies in the racism that black Americans have endured since arriving in the Americas.

The Supreme Court found that separate is not equal approximately fifty years ago. Hundreds of years of institutionalized slavery and subsequent segregation have yet to be formally addressed by the United States government. Five thousand documented lynchings (Blackwell, 2005) have yet to be addressed. If the United States is truly sorry for the natural, human, and civil rights violations Africans and their descendents endured in the previous three hundred sixty-seven years, then reparations must be made.
CHAPTER FOUR

ECONOMIC IMPACT OF DELAYING REPARATIONS

The purpose of this work has been to delineate a social history of the natural, civil, and human rights violations committed against Native Americans, African Americans and Japanese Americans. The belief that certain peoples were inferior prompted racist legislation depriving them of rights granted to white Americans. Native Americans were relocated in order to accommodate English colonists and their culture. African slaves were exploited to work with no hopes of earning a fair wage. Later, black Americans were still viewed as inferior and were deliberately kept segregated from white society. These actions continue to affect their lives today.

Japanese Americans did not have to endure a forced assimilation process like Native Americans and African slaves. Japanese Americans succeeded in the agricultural industry, threatening California farmers. This success coupled with the United States' fear of Japanese aggression brought fears that they would commit sabotage and overtake the United States. The solution was to separate them from white American society. Executive Order 9066 was a clear
violation of the Fifth Amendment of the Constitution of the United States, but it did not matter. Japanese Americans were rounded up and herded off to internment camps where they stayed for up to four years.

Documentation of the inhumane treatment of Native Americans, African slaves, black Americans, and Japanese Americans demonstrate that they suffered great losses. Reparations would grant monetary compensation allowing the victim to replace material that was lost. Table 1 summarizes the injustices that each group suffered. The information for this table is based on case studies and personal narratives presented by Asian-Nation (n.d), Maki, M.T., Kitano, H.H.L, and Berthold, S.M. (1999), Marks, P.M. (1998), Shellington, K. (1995), and Takezawa, Y.I. (1991).
Table 1: Injustices Suffered Among Native Americans, African Slaves, and Japanese Americans

<table>
<thead>
<tr>
<th>Racial Group</th>
<th>Years in North America</th>
<th>Injustices Suffered*</th>
<th>Numbers Displaced</th>
<th>Years spent seeking reparation</th>
<th>Granted Reparations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Americans</td>
<td>8,000</td>
<td>R,RP,FS,M,D</td>
<td>0650,000</td>
<td>144</td>
<td>NO</td>
</tr>
<tr>
<td>African Slaves</td>
<td>387</td>
<td>K,RP,FS,IS,M LS,D</td>
<td>0460,000</td>
<td>190</td>
<td>NO</td>
</tr>
<tr>
<td>Japanese Americans</td>
<td>116</td>
<td>R,I,D</td>
<td>120,000</td>
<td>44</td>
<td>YES</td>
</tr>
</tbody>
</table>

*K=Kidnapping  
R=Resettled  
RP=Rape  
FS=Family Separation  
IS=Institutionalized Slavery  
M=Murder  
I=Incarceration  
LS=Legalized Segregation  
D=Discrimination

Current Repercussions of Past Violations

Historical injustices, exploitation, segregation, and discrimination against Native Americans and black Americans impact their current living conditions in the United States. Japanese Americans did suffer unconstitutional internment; however as a group, they do not suffer such a discrepancy in their financial status. According to the United States Census Bureau in 2000 and C.L. Beale (2004), Native American families and black American families living at poverty level are three times that of Japanese and other
Asian Americans. It is no coincidence that these two groups suffer the largest proportion of poverty among people living in the United States. Table 2 lists the percentage of each group living at poverty level in 2000.

Table 2: Poverty Level Among Native Americans, Black Americans, and Japanese Americans

<table>
<thead>
<tr>
<th>Racial Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native American Families</td>
<td>25.1 percent</td>
</tr>
<tr>
<td>Black American Families</td>
<td>24.9 percent</td>
</tr>
<tr>
<td>Japanese American Families</td>
<td>9.0 percent</td>
</tr>
<tr>
<td>White Families</td>
<td>9.4 percent</td>
</tr>
</tbody>
</table>

The 2000 United States Census Bureau also reported the median income level of the three racial groups. Table 3 compares the median family income level for each group.

Table 3: Median Income Level for Families of Native Americans, Black Americans, and Japanese Americans

<table>
<thead>
<tr>
<th>Racial Group</th>
<th>Median Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Americans</td>
<td>$32,240</td>
</tr>
<tr>
<td>Black Americans</td>
<td>$33,300</td>
</tr>
<tr>
<td>Japanese Americans</td>
<td>$61,630</td>
</tr>
<tr>
<td>White American</td>
<td>$48,500</td>
</tr>
</tbody>
</table>
The next category demonstrates the poverty rate of each group. These statistics were collected by the Office of Management and Budget using the Consumer Price Index, a measure of the cost of goods purchased by average United States households, calculated by the United States government’s Bureau of Labor Statistics. The average poverty threshold differs for each family size.

The study conducted by the United States Census Bureau did not give reasons for the high poverty rates among the minority groups. However, explanations for the below-median income levels and high poverty rates can be found in a study conducted by the United State’s Department of Agriculture in 2004. The study, titled, *Anatomy of Nonmetro High-Poverty Areas: Common in Flight, Distinctive in Nature* was conducted in the highest poverty areas in the country. These areas tended to be rural. The study took into consideration the environment in which a majority of Native Americans and black Americans lived as well an attempt to explain why an overall decrease in unemployment rates during the 1990s still left nonmetro counties with a higher poverty rate than the rest of the country. Asian Americans were practically non-existent in nonmetro areas.
According to this study, high poverty rates still exist in what is known as the "old plantation belt" of the southern coastal plain, especially from southern North Carolina to Louisiana (Hurricane Katrina territory). Thirty-nine percent of blacks in these counties had poverty level incomes that are fifteen percent higher than the rest of the country. That figure is almost five times higher than non-white Hispanics in the rest of the country.

Native Americans have also fared poorly. Counties that are located in historically or nineteenth century Indian reservations in the Northern Plains, Southwest, Oklahoma, and Alaska had a poverty rate of forty-one percent, twice the amount in the rest of the country. A fifth of the total population (20%) in these areas lived in households with incomes below fifteen percent of the poverty line. Table 4 compares the poverty threshold for the country to that of Native Americans for 2004.

Table 4: Average Poverty Threshold in 2004

<table>
<thead>
<tr>
<th>Family of Four</th>
<th>$18,810</th>
<th>Native American Family of Four</th>
<th>$15,989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family of Three</td>
<td>$14,680</td>
<td>Native American Family of Three</td>
<td>$12,478</td>
</tr>
<tr>
<td>Family of Two</td>
<td>$12,015</td>
<td>Native American Family of Two</td>
<td>$10,213</td>
</tr>
</tbody>
</table>
The study explains that these areas tend to have low labor force participation, a large percentage of female-headed families, and a lack of quality education and job training opportunities. Among the high poverty counties there is little or no public transportation, limiting the accessibility to employment and social services.

Conclusion

Interned Japanese and Japanese Americans were the victims of acknowledged racist policies established by the United States government. Japanese were hired as contracted workers to help the economy of the United States. Like slaves who were brought from Africa, Japanese were seen as merely a labor source. They endured segregation once they reached the Pacific coast.

As Japanese Americans were benefiting from living along the west coast, non-Japanese society did not approve. Japanese Americans were not allowed to own land under the Alien Lands Act of 1913 and 1920. Even though a generation had been born in the United States, they were not considered citizens until 1952 with the passage of the McCarran-Walter Act (Harth, 2001).
Internment camp survivors began to tell their stories and children whose parents had been interned encouraged them to publicly speak about their internment experiences. A movement began with the Japanese Americans Citizens League (JACL) in 1970 to seek reparations from the United States government for their criminal acts, a movement that proved successful for internment camp survivors.

Native Americans have regained only a pittance of their lost territory and livelihood through casino revenues. There are currently five hundred sixty federally recognized tribes in the United States (Brimley, 2004). According to the National Conference of State Legislatures (2002), one hundred sixty-two tribes had compacts to permit casinos on their property. Clearly, over four hundred recognized tribes are not benefiting from casino revenue.

The United States allowed slavery to exist. The social problems that evolved from institutionalized slavery were segregation and discrimination. Inferior treatment of people creates inferior living conditions. Yet, it seems that the United States government will not pass legislation to right its' past wrongs vis-à-vis black Americans. Does it think the problem will go away?
The problem of granting reparations could have been solved in 1894 when Callie House and Reverend Dickerson were trying to pass the National Ex-Slave Mutual Relief Bounty and Pension legislation to benefit ex-slaves, but it was not solved. The Civil Rights Act merely makes discrimination illegal; it does not offer compensation for free labor that African slaves and later black American citizens provided. Slaves have long departed, but there is documentation of Americans who are descendents of slaves who could accept the apology for the mistreatment of their ancestors, just as third generation Japanese Americans accepted an apology and monetary compensation for their ancestors' internment.

The United States government knows its true history. It knows that it is indebted to its Native American and black citizenry. Yet it still refuses to formally apologize and pay. There is clearly a history of unspeakable atrocities against members of various groups in the United States. Members of each non-white group, as they entered the United States, have been subject to genocide, mass resettlement, and discrimination in housing, education, and other rights that have always been available for whites.
Full redress has occurred only for Japanese Americans in the form of monetary compensation.

The current plight of many Native and African Americans is illustrative of the need to take positive steps in education, economics, housing, etc. to right the wrongs of the past. A growing number of members of these last two groups have been unwavering in their call for apologies and compensation for these atrocities. If the United States is to do the right thing, it cannot move forward as a nation until reparations and apology occur; to do otherwise is to ignore the natural and civil rights violations it imposed.
REFERENCES


