

HR 40 & Reparations

A campaign working to establish a commission
to study and develop reparations proposals.
aclu.org/reparations

= Systemic
Equality

ACLU

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LETTER FROM THE CAMPAIGN LEAD

For too long, reparations has been considered taboo in mainstream America. Yet, in 2020 we saw COVID's devastating and racially disparate impact, we fought sweeping efforts to suppress and weaken the Black vote and heard the millions of people who took to the streets in response to police violence against Black people nationwide to demand a more racially just tomorrow. Intentional policies have destroyed families for generations and prevented entire communities from prospering- and those policies have been validated and perpetuated through our laws for decades. As a country, we are finally reckoning with the unfairness and the purposefulness, and we're finally willing to face it together.

It's not about blame. It's about trying to repair the centuries of harm and examining how to put our country on the right course together. We're no longer denying these painful truths, and we must acknowledge the connection between the past and present and commit to a new path as a country.

My ancestors lived as enslaved Americans, and I am a survivor of generations that have suffered and survived tragedy and brutality at the hands of the country I love. I still live as everyone else does, working to make a better way for my family. Yet, it's hard not to be shocked by the far too common injustices. There are staggering statistics of inequality and recurring instances that require us to look at the root for a remedy.

Our fellow Japanese-Americans who were wrongly incarcerated during World War II were granted a path forward through a commission some 30+ years ago after a long journey of changing political hearts and minds. And now, we have a chance at correcting history by supporting this fair process that has precedent. By passing H.R.40, we will establish a commission to deeply explore the effects of slavery and Jim Crow on our country and its people, and make recommendations to our United States Congress.

As of this month, 185 representatives have joined to co-sponsor H.R. 40 in the House, and we must continue to build support in the U.S. Senate. Let's push H.R. 40 forward for a fair, accountable look using data and research to help our country acknowledge and atone for its actions. I hope you find the information in this toolkit informative, empowering, and helpful and join us in taking an important step toward healing.

Sincerely,
ReNika Moore
Director, ACLU Racial Justice Program

HR 40: WHAT IS IT, AND HOW DO WE PASS IT?

WHAT IS H.R. 40?

H.R. 40 is a Congressional bill that seeks to explore reparations for slavery and address how slavery and its legacy have deeply harmed generations of Black people in America.

The bill's number refers to "40 acres and a mule" -- a false promise of property and opportunity to Black people after the end of slavery in 1865. Instead of a land remedy to gain equal footing, Black people were subjected to oppressive Jim Crow laws and racial terror across the nation, forcing millions of families to endure government-sanctioned social and economic discrimination.

H.R. 40 was first introduced in Congress in 1989. Congresswoman Sheila Jackson Lee (TX) re-introduced it as **the "Commission to Study and Develop reparations Proposals for African Americans Act,"** in 2019, noting that in the 30 years since it was first introduced, more than enough evidence had been brought to warrant a commission. Today, the bill has gathered support and has over 200 co-sponsors and has its greatest chance of passing.

WHAT WOULD H.R. 40 ACTUALLY DO?:

The bill will establish a commission that shall examine slavery and discrimination in the original thirteen colonies and the United States from 1619 to the present and recommend appropriate remedies. Among other requirements, the commission shall identify (1) the role of the federal and state governments in supporting the institution of slavery, (2) forms of discrimination in the public and private sectors against freed slaves and their descendants, and (3) lingering negative effects of slavery on living African-Americans and society.

The commission would acknowledge the fundamental injustice of slavery in America, and consider a national apology and proposals for reparations for slavery, its subsequent racial and economic discrimination against Black people, and its impact on their ancestors.

The atrocities of slavery were not isolated occurrences, but mass dehumanization codified in the Constitution. Government's role in supporting the institution of slavery and the pervasive discrimination against Black people that it perpetuated must be formally acknowledged and redressed.

H.R. 40 follows the path and success of the reparations commission that decided \$1.6 billion should be distributed to the ancestors of Japanese-Americans who were wrongly imprisoned in concentration camps during WWII, and established a trust fund to educate the nation about the suffering Japanese-Americans endured.

The concept of reparations is about the process of repairing and restoring after centuries of enslavement. That process starts with the federal government.

H.R. 40's profile has increased in the last two years, beginning with a congressional hearing in June 2019 that the ACLU participated in along with Congresswoman Sheila Jackson Lee. Since that point in time, the ACLU has advanced multiple advocacy efforts in support of the legislation, including hosting several forums on H.R. 40 and participating in a number of efforts with partner organizations.

The need for a direct remedy and repair for the country's legacy of slavery and Jim Crow is apparent in racial disparities we see in education, healthcare, housing, economics, voting, and the justice system. Much of the ACLU's work, including fighting mass incarceration, criminalization of marijuana, voter suppression and working toward criminal justice reform, highlights the harm of these oppressive systems.

Slavery was national policy, and we need a national reckoning at the federal level. There will be no racial healing without repairing the harm caused by the deprivation and destruction of Black wealth, racism in health care, discrimination in the legal system, and voting systems, all rooted in national policy. HR 40 is the only bill that will lead to concrete proposals for repairing the damage. Anything else will fail to deliver the required remedy.

We cannot adequately repair harms that we have not fully examined and discussed as a national priority.

During the 2020 presidential and congressional elections in which outcomes Black voters helped shape, multiple democratic presidential candidates made comments in favor of advancing the legislation. There is also a groundswell of reparations activity at the local level in places such as North Carolina, Illinois, Vermont, Rhode Island, Minnesota, Massachusetts, California. However, congressional support of a commission to explore the effects will scale a remedy across the nation that will refer to the expert research and recommendation made by the commission as a precedent. Following the election, the new political landscape provided a window for tangible movement towards passing H.R. 40, and in April 2021 the bill progressed through a vote in the House Judiciary Committee, a major milestone. Today, the bill has over 200 co-sponsors.

WHAT WE NEED TO DO

Here's what we can do: pass H.R. 40 to establish a commission to examine the impact of slavery and its legacy and make recommendations for reparations to Congress.

It recently passed the House Judiciary Committee for the first time, and will move on to a floor vote in the House, then the Senate.

WHY WE NEED TO DO IT

H.R. 40 would create the framework for that necessary process of atonement. And if the latest rise of white supremacist expression shows us anything, it's that this crucial conversation must happen now. We must pass H.R. 40.

If we ever hope to achieve racial justice in America, we must examine the impact of slavery and its legacy and make strides toward reparations. With a new Congress, we have the opportunity to make this happen – through H.R. 40.

Please, urge your representative to support this important bill now.

WAYS TO TAKE ACTION

PRESSURING YOUR REPRESENTATIVES

HOW TO EFFECTIVELY COMMUNICATE WITH CONGRESS:

Your elected officials want to hear from you. This document contains information that will help you communicate effectively with your elected representatives about H.R. 40.

PREPARING YOUR CUSTOM MESSAGE:

The first step is identifying your Representative and Senator. Next step is to identify your Representative and Senator stance on H.R. 40. Both can be accomplished by visiting ACLU's H.R. 40 Systemic Equality Oath page: <https://go.peoplepower.org/sign/hr-40-systemic-equality-oath/>

Thereafter, please refer to the chart below to assist you in framing your custom message.

Representative already a co-sponsor for H.R. 40	<p>Thank them for their co-sponsorship and ask them to take the Systemic Equality oath to publicly commit to ending white supremacy in every institution.</p> <p>INTRO: <i>Define who you are + why you do what you do.</i></p> <p>MUST DO: Be respectful, Use compelling facts,</p> <p>LANGUAGE: <i>Casual (For Example: Convey Positive Feelings and Gratitude)</i></p>
Representative is likely to support H.R. 40	<p>Ask them to co-sponsor H.R. 40 and take the Systemic Equality oath to commit to ending white supremacy in every institution.</p> <p>INTRO: <i>Define who you are + why you do what you do + talk about the change that needs to happen.</i></p> <p>MUST DO: Be respectful, Use compelling facts</p> <p>LANGUAGE: <i>Moderate (For Example Convey Positive Feelings, Alignment and Urgency)</i></p>
Representative is unlikely to support H.R. 40	<p>Ask them to co-sponsor H.R. 40 and take the Systemic Equality oath to commit to ending white supremacy in every institution.</p> <p>INTRO: <i>Define who you are + why you do what you do + talk about the change that needs to happen + how to arrive at that change.</i></p> <p>MUST DO: Be respectful, Use compelling facts</p> <p>LANGUAGE: <i>Assertive (For Example: Convey Urgency and Accountability)</i></p>

SOCIAL MEDIA AMPLIFICATION

Amplifying this campaign on social media is one of the most effective ways we can build the momentum needed to pass H.R. 40. Now is the time to pass H.R. 40 and make history — and we need you with us to make it a reality! Share the sample language and graphics below or use them to craft your own message of support for H.R. 40.

Sample Tweet Language

- We have the power to make reparations for slavery real with HR 40, a bill that would set up a commission to examine the institution of slavery and its impact and make recommendations for reparations to Congress. Urge your member of congress to support HR 40. <https://bit.ly/2SacZnJ>
- America must continue to make strides toward achieving a more perfect union. Let's allow a commission to examine the impact of slavery and make recommendations for reparations to Congress. <https://bit.ly/2SacZnJ>
- HR 40 is a realistic opportunity to remedy well-documented disparities and many forms of generational injury sustained from slavery and continuing racial injustice in America. <https://bit.ly/2SacZnJ>
- The atrocities of slavery and Jim Crow were mandated by federal laws, codified in the Consitution. It's time to acknowledge the federal government's role in slavery and subsequent discrimination. Pass HR 40. <https://bit.ly/2SacZnJ>
- HR 40 and examining the institution of slavery and its impact is about addressing the wrongs of our nation directly, and promoting human dignity. Let's acknowledge our past so we can see a way forward as a nation for all people. <https://bit.ly/2SacZnJ>
- It's time to talk about reparations. Here's how you can take action to pass HR 40: <https://bit.ly/2SacZnJ>

Sample Graphics



To access the graphics to download, click [here](#).

ENGAGING WITH COMMUNITY

When we engage in national politics, we often forget that building power at home is the first step to creating a national movement in support of the changes we are championing. The more members of your community that are actively supporting reparations, the more powerful it will be when you are pressuring the representative elected to represent you and your community.

Search and find what other grassroots spaces in your community are championing HR 40, or racial justice in general. Working in tandem with other grassroots groups in your community not

only ensures you are supporting already existing movements, but leads to more effective outreach due to community connections they might already have.

You are an expert in your own community. Consider what kind of action is the best suited for your community. If most people in your community are likely to oppose HR 40, come into the space ready to have conversations where people will push back. Come ready with reference materials to share- you can pull the “HR 40: What is it and how do we pass it?”, “Myth vs Facts” and “Frequently Asked Questions” sections from this toolkit.

It's helpful to have a plan in mind for how you want to structure the conversation. We want to introduce you to a framework called the 4C's: Connection, Context, Commitment and Catapult.

- In the first step, we want to make a memorable and meaningful **Connection** to the community members by sharing your values and asking questions about theirs.
- Then in **Context**, we want to provide some information about the issue, in this case, the racial wealth gap--what is the problem, what is the goal, why it matters that we take action and how to get there together.
- The **Commitment** step is critical. This is where we make the “ask” for people to take action on reparations. And if they say yes, the last step is...
- **Catapult**, which is where we catapult their commitment to the next level by asking if they can take one extra step--come volunteer with you, or spread the word to 5 friends.

If you speak with someone who is ready to take action, pull up our [congressional action](#) so you have more members from your community sending messages to your elected officials. Additionally, seek out online community events where people who may be supportive of HR 40 will gather. Events coming up this summer like Juneteenth and Pride are great places to meet people committed to social justice.

If the idea of approaching people makes you nervous, you can write a letter to the editor to publish in your local newspaper. Submitting letters to the editors of your local newspapers is a powerful and effective way to get the word out about your campaign to a wide audience, including the paper's readership, community leaders, and elected officials who often read letters to the editor to learn where their constituents stand on the issues that affect their community. Click this [link](#) for a guide with tips on writing a letter to the editor and getting it published.

To summarize how to engage with your community to build support for HR 40...

1. Find grassroots groups in your community to work with.
2. You are an expert in your community, and know the best places to show up.
3. Structure your conversation with the 4 C's.
4. Share content so people can learn and take action.
5. Write a letter to the editor to publish in your local newspaper.

MYTH VS FACTS:

MYTH:	<i>H.R. 40 is not needed, African Americans already received reparations, following the Civil War – 40 acres and a mule.</i>
FACT:	H.R. 40 is intended to memorialize the promise made by Union Gen. William T. Sherman, in his 1865 Special Field Order No. 15 , to redistribute 400,000 acres of formerly Confederate-owned land to newly free Africans, following the Civil War. Congress passed this bill in February 1866 and former slave owner President Andrew Johnson overturned the order.
MYTH:	<i>H.R.40 is not needed, slavery is over.</i>
FACT:	H.R 40 would examine the extent to which the United States federal and state governments supported the institution of slavery and examine federal and state laws that discriminated against freed African slaves from the end of the Civil War (1865) to the present.
MYTH:	<i>H.R.40 is only about money.</i>
	H.R. 40 does not discuss money. It calls for the creation of a commission that will make recommendations to Congress on appropriate remedies to redress the harm inflicted on living African Americans.
MYTH:	<i>H.R. 40 is not needed, we should focus on Native Americans reparations instead.</i>
FACT:	H.R. 40 addresses the crime of slavery and its legacy and gives America a chance to address this specific crime against humanity. A crime that was so widespread and blatant that it was codified in the Constitution of the United States. The crimes and harms done to indigenous people do not excuse or detract from the wrongs against African Americans.

Frequently Asked Questions

1. What form will reparations come in (monetary, etc), and why?

H.R. 40 does not determine what form reparations will take, instead H.R. 40 would establish a commission to examine the institution of slavery, its legacy, and make recommendations to Congress for reparations.

By 1860, America had four million enslaved people (worth a total of \$3 billion in today's dollars). As a result, there were many millionaires in the Mississippi Valley — notably one of the poorest parts of America today. On April 16, 1862, more than eight months before he issued his Emancipation Proclamation, President Abraham Lincoln signed a bill ending slavery in the District of Columbia. It provided for immediate emancipation of enslaved people and compensation to enslavers loyal to the Union of up to \$300 for each enslaved person who was freed. Over the next nine months, the Board of Commissioners appointed to administer the Act approved petitions, completely or in part, from former enslavers for the freedom of nearly 3,000 former enslaved people. Lincoln's Administration paid about \$1 million to enslavers in D.C. for the loss of "property." Before the institution of slavery was "ended," Lincoln paid reparations to enslavers of people.

2. Why is reparations still important 150+ years after slavery ended?

During slavery, Black people were forced to labor for the enrichment of America. HR 40 is about that and more. After slavery, the emancipated suffered violent repression, terrorism and exploitation under Black Codes in the South, and Jim Crow laws and de facto segregation across the nation. America has existed longer with slavery (1619-1865: 246 years) than without it (1865-2021: 156 years) — H.R. 40 is the vehicle through which America can finally analyze the impact of slavery and racism on people living today and begin repair.

3. Why is reparations specifically an effective way to address the racial wealth gap?

As Congresswoman Sheila Jackson Lee explained in May 22, 2020 blog, 'With the withdrawal of Union troops from the South in 1877, the promise of Reconstruction proved short-lived, and over the next century and a half, the Black Codes would morph into Jim Crow segregation and federal redlining and the war on drugs and mass incarceration and racism in policing and underfunded schools — injuries not confined solely to the South. These historical injustices connect through a web of government policies that have ensured that the majority of African Americans have had to, in the words of President Obama, "work twice as hard as anyone else if you want to get by." Black America's unemployment rate is more than twice that of white America's. Black families have just one-sixteenth of the wealth of white families. Nearly one million Black people — mostly young men — are incarcerated across the country. Though remote in time from the period of enslavement, these racial disparities in access to education, health care, housing, insurance, employment, and other social goods are directly attributable to the damaging legacy of slavery and racial discrimination.'

[H.R. 40 Is Not a Symbolic Act. It's a Path to Restorative Justice.](#)

4. What about Native Americans?

H.R. 40 addresses the crime of slavery and its legacy and gives America a chance to address this specific crime against humanity. A crime that was so widespread and blatant that it was

codified in the Constitution of the United States. The crimes and harms done to indigenous people do not excuse or detract from the wrongs against African Americans.

5. Will Black Immigrants get reparations?

H.R. 40 does not determine what form reparations will take; instead H.R. 40 would establish commission to examine the institution of slavery, its legacy, and make recommendations to Congress for reparations.

Additional Resources:

- Video: H.R. 40 Explainer: *Reparations: We Need the Truth to Heal* (1:47)
<https://www.youtube.com/watch?v=7DIIVp2wG44>
- Blog: *H.R. 40 Is Not a Symbolic Act. It's a Path to Restorative Justice* by Congresswoman Sheila Jackson Lee (D-TX):
<https://www.aclu.org/news/racial-justice/h-r-40-is-not-a-symbolic-act-its-a-path-to-restorative-justice/>
- Podcast: *Revisiting Reparations, Who We Are: A Chronicle of Racism in America*
<https://podcasts.apple.com/us/podcast/who-we-are-a-chronicle-of-racism-in-america/id1529667681>
- Written testimony submitted by Human Rights Watch: *H.R. 40: Exploring the Path to Reparative Justice in America*
<https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america>
- Follow on Twitter: National African American Reparations Commission
@reparationscomm