



**Forty Acres and a Mule**  
**The Rev. Benjamin Maucere**  
**First Unitarian Church of Cincinnati**  
**536 Linton Street**  
**Cincinnati, Ohio 45219**  
**513.281.1564**  
**January 15, 2017**

From a letter dated August 7, 1865, written by Jourdon Anderson, who was once a slave in Big Spring, Tennessee, to his former owner, Colonel P. H. Anderson. Colonel Anderson had written to Mr. Anderson in Dayton, Ohio, where Mr. Anderson had resettled with his wife and children. The Colonel's letter was an invitation for Mr. Anderson to return to Big Spring and work for him as a free man—

this is Mr. Anderson's reply:

“Sir: I got your letter, and was glad to find that you had not forgotten Jourdon, and that you wanted me to come back and live with you again, promising to do better for me than anybody else can.

“I want to know particularly what the good chance is you propose to give me. I am doing tolerably well here. I get twenty-five dollars a month, with victuals (vit'ls) and clothing; have a comfortable home for Mandy. The folks here call her *Mrs. Anderson*. The children — MillyJane, and Grundy — go to school and are learning well. . . . Now if you will write and say what *wages* you will give me, I will be better able to decide whether it would be to my advantage to move back again.

“As to my freedom, which you say I can have, there is nothing to be gained on that score, as I got my freedom papers in 1864 from the Provost-Marshall-General of the Department of Nashville. Mandy says she would be afraid to go back without some proof that you were disposed to treat us justly and kindly; and we have concluded to test your sincerity by asking you to send us our wages for the time we served you.

“I served you faithfully for thirty-two years, and Mandy twenty years. At twenty-five dollars a month for me, and two dollars a week for Mandy, our earnings would amount to eleven thousand six hundred and eighty dollars. Add to this the interest for the time our wages have been kept back, and deduct what you paid for our clothing, and three doctor's visits to me, and pulling a tooth for Mandy, and the balance will show what we are *in justice* entitled to. . . .

“Please send the money by Adam's Express, in care of V. Winters, Esq., Dayton, Ohio. If you fail to pay us for our faithful labors in the past, we can have little faith in your promises in the future. We

trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations without recompense. . . . Surely there will be a day of reckoning for *those who defraud the laborer of his hire*. . . .

“Say howdy to George Carter, and thank him for taking the pistol from you when you were shooting at me.” (Quoted in Randall Robinson, *The Debt: What America Owes Blacks*, from Tonya Bolden, *Strong Men Keep Coming*.)

Colonel Anderson did not reply. The debt was never paid.

In his letter, Jourdon Anderson articulated a simple and compelling argument for economic justice, based solely on compensation for back-wages.

Fifty years later, “In 1915, into the sharp teeth of southern Jim Crow hostility, Cornelius J. Jones filed a lawsuit against the United States Department of the Treasury in an attempt to recover sixty-eight million dollars for former slaves. He argued that, through a federal tax placed on raw cotton, the federal government had benefitted financially from the sale of cotton that slave labor had produced, and for which the black men, women, and children who had produced the cotton had not been paid. Jones’ was a straightforward proposition. The monetary value of slaves’ labor, which he estimated to be sixty-eight million dollars, had been appropriated by the United States government. A debt existed. It had to be paid to the, by then, ex-slaves or their heirs.

“A federal appeals court held that the United States could not be sued without its consent and dismissed the so-called Cotton Tax case. But the court never addressed Cornelius J. Jones’ question about the federal government’s appropriation of property — the labor of blacks who had worked the cotton fields — that had never been compensated.” (Robinson.) *The debt has not been paid*.

Of course, our 246 years of the practice of slavery was more than simple theft — it was a crime against humanity — an American holocaust. Ten to twenty-five million Africans died in the Middle Passage — on the slave ships en route to America. A lifetime of bondage awaited the estimated fourteen million Africans who survived the Passage. Not only their freedom, but their very identities were stolen from them — they were prohibited from speaking their own language, practicing their own religions, and enjoying their own culture. It then freed their descendants without any means of support — without any bootstraps to pull themselves up by.

Randall Robinson, in his book *The Debt: What America Owes Blacks*, puts it like this: (p74) “No nation can enslave a race of people for hundreds of years, set them free bedraggled and penniless, pit them, without assistance in a hostile environment, against privileged victimizers, and then reasonably expect the gap between the heirs of the two groups to narrow.

Lines, begun parallel and left alone, can never touch.

(76) “The discriminatory attitudes spawned to justify slavery ultimately guaranteed, even after emancipation, that blacks would be concentrated at the bottom of American society indefinitely.”

(77) “If *short people* had been enslaved, reviled, kept illiterate, wrenched from their parents, sold off, raped, tortured, segregated, and denied equal access to the fruits of this country, would not the differences between short and taller people be just as great?”

The legacy of slavery and subsequent discrimination against blacks is (62) “High infant mortality. Low income. High unemployment. Substandard education. Capital incapacity. Insurmountable credit barriers. Below-average life span. Over-representation in prison — and on death row. Each a cause and/or a consequence of disabling poverty — of means and spirit — that has shackled all too many entire black family trees since the Emancipation Proclamation . . . .”

There are too many statistics to cite. Even the black middle class is in a fragile economic position, with \$0 net financial assets compared with an average of \$12,000 for whites. Much of this disparity, according to Robert Westley, (“Many Billions Gone: is it Time to reconsider the Case for Black Reparations?” Boston College Law Review, 1998, <http://www.udayton.edu/~race/02rights/repara02b.htm> is the result of decades of housing discrimination which kept blacks from building equity in their homes. “*Lines, begun parallel and left alone, can never touch.*”

Reparations is not a radical concept. This country paid reparations to Japanese Americans interned during World War II. And In 1994 the Florida Senate decided to grant "equity, justice, fairness and healing" to survivors of the 1923 Rosewood massacre, creating a fund of \$2.1 million dollars to help make amends for the state turning its back on the racial violence that wiped out the town of Rosewood.

Reparations made to a *group* rather than to individuals have a precedent in the one billion dollars West Germany paid to Israel, in an agreement signed in Luxemburg in 1952, known as *Wiedergutmachung*. (German for “to make whole.”)

“*Wiedergutmachung* was unprecedented. . . . international law did not require Germany to make reparations payments to victims of the Holocaust. Nor did the Allied Powers exert pressure on Germany to accede to the Luxemburg Agreements. The treaty obligation by which Israel was to receive reparations from West Germany for crimes committed by the Third Reich against the Jewish people reflected Chancellor Konrad Adenauer's view that the German people had a moral duty to compensate the Jewish people for their material losses and suffering. . . .

“As David Ben Gurion was to say after signing of the Agreements: . . . .For the first time in the history of relations between people, a precedent has been created by which a great State, as a result of moral pressure alone, takes it upon itself to pay compensation to the victims of the government

that preceded it. For the first time in the history of a people that has been persecuted, oppressed, plundered and despoiled for hundreds of years. . . a persecutor and despoiler has been obliged to return part of his spoils and has even undertaken to make collective reparation as partial compensation for the material losses.

David Ben Gurion, in stating that the Luxemburg Agreements represented a "first" in the history of human society, was certainly aware of the situation of Black people in the United States. "Blacks have never received any group compensation for the crime of slavery imposed upon them by the people and government of the United States. As in the case of the Japanese, Jews received not only material compensation for their losses, but their victimization was also publicly memorialized in Germany, Israel and in the United States. . . . The [governmental response] to the suffering of Black slaves and the survivors of slavery in the United States is contained in a series of legislative enactments passed after the Civil War. The history of Black Reconstruction shows how these enactments were successively perverted by the courts, and by Congress itself." (Westley)

These enactments and their perversions come under the general category of "40 acres and a mule."

From Gene Freeman: ([www.yale.edu/ynhti/curriculum/units/1994/4/94.04.01.x.html](http://www.yale.edu/ynhti/curriculum/units/1994/4/94.04.01.x.html)) "On March 3, 1865, just weeks before the end of the Civil War and almost a year prior to the ratification of the 13th Amendment the Freedmen's Bureau was created by Congress. Among other responsibilities, it was given authority for distributing land within the insurrectionary states that had been abandoned or to which the United States shall have acquired title by confiscation or sale, to every male citizen, whether refugee or freedman — up to 40 acres. The following year, Congress rescinded this provision. Lands which had been distributed to freedmen were reclaimed and returned to the previous owners.

Another effort to compensate freed slaves was undertaken by General Tecumseh Sherman. (Claude F. Oubre, *Forty Acres and a Mule*,) After conferring with 20 black ministers, Sherman obtained the approval of the War Department and he issued Special Field Order No. 15. on January 16, 1865. It provided that land in North Carolina and Florida be reserved and set apart for the settlement of '[N]egroes now made free by the acts of war and the proclamation of the President of the United States.'

The land was then divided into 40-acre tracts. Sherman then issued orders to General Saxton to distribute the plots and titles to the head of each family of the freedmen. Sherman also ordered General Saxon to lend to the freedmen animals that were no longer useful to the military, mostly mules. By June, 1865 approximately 40,000 freedmen had been allocated 400,000 acres of land. However, in less than a year, former owners of the land secured special pardons from President Johnson and reclaimed the land from the freedmen.

Between 1865-9 countless alternatives for solving this matter were proposed and presented to Congress as well as President Johnson. The few that Congress passed Johnson vetoed. The debt was not paid.

In 1993, Congressman John Conyers, a black Democrat from Detroit, introduced in Congress a bill to “acknowledge the fundamental injustice, cruelty, brutality; and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent *de jure* and *de facto* racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.” The bill, did not ask for reparations for the descendants of slaves but merely a commission to study the effects of slavery. It was referred to the House Subcommittee on Civil and Constitutional Rights. The bill has never made it out of committee.

In 1963, in his book *Why We Can't Wait*, Dr. Martin Luther King, Jr., whose birthday and memory we celebrate today, he proposed a Bill of Rights for the Disadvantaged (whites as well as African Americans). Contained in this proposed Bill of Rights, however, Dr. King made a clear call for reparations for both the victimization and exploitation of our ancestors and present day degradations:

“Few people consider the fact that, in addition to being enslaved for two centuries, the Negro was during all of those years robbed of wages of his toil. No amount of gold could provide adequate compensation for the exploitation and humiliation of the Negro in America down through the centuries. Not all the wealth of this affluent society could meet the bill. Yet a price can be placed on the unpaid wages. The ancient common law has always provided a remedy for the appropriation of the labor of one human being by another. . . .

“The payment should be in the form of a massive program, by the government, of special compensatory measures. . . . The moral justification for special measures for Negroes is rooted in the robberies inherent in the institution of slavery . . . . It is a simple matter of justice.”

What might King’s “massive program: look like? Robert Westley, in “Many Billions Gone,” suggests that a private trust be established, funded out of the general revenues of the United States, for a period of ten years. It would support programs designed to accomplish the educational and economic empowerment of African Americans, determined by need. There are suggestions other than Westley’s and Robinson’s. But — we’re a long way from generating the will to establish such a fund. Congress isn’t even ready to establish a commission to study the issue.

Our great nation was founded on principles of liberty and justice.

*And* it was founded on the original sins of genocide and racism.

What does this contradiction do to our moral authority?

How does it damage the soul of our nation?

Our religious faith calls us to come to terms with this contradiction; to seek justice, equity and compassion, through education and advocacy.

The Germans created a precedent: Wieder-gut-machung — “to make whole.”

Freedom without the forty acres and the mule  
didn't make us whole.

Ending Jim Crow and integration didn't do it.

Welfare payments certainly didn't make us whole.

The election of a mixed-race president didn't do it.

I suspect that the new administration isn't going to do it.

But we need to know

In our minds and hearts,

that Facing the truth

and paying our debt

is the only way this country

will be made whole

and the rift

between the races

reconciled.

May it be so. AMEN