

## RESTITUTION FOR AFRICAN SLAVE LABOR

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Jewish holocaust survivors sued several of Germany's biggest companies, alleging that the firms profited from Nazi-era slave labor. The lawsuits followed the recent Holocaust settlement of \$1.25 billion with Swiss banks, and a pledge by the Italian insurance firm Assicurazioni Generali to pay \$100 million to compensate Holocaust victims for unpaid insurance policies. Generali was one out of sixteen insurers facing a class-action lawsuit filed on behalf of Jewish survivors.

Accordingly, the Nazi regime forced more than seven million people to work as slave laborers. The use of slave laborers, however, was not unique to Nazi Germany. Asian women, mainly Koreans, have argued that Japan forced them into sex slavery (Teishintai). Additionally, some Japanese companies have been accused of using wartime Chinese slaves. Five survivors of wartime slave labor sued Kajima Corporation seeking reparation for their labor. Accordingly, Japan sent Chinese without compensating them into mines, construction sites, and factories operated by 135 Japanese companies.

Spain, Portugal, England, France, the Colonies, and Arabs profited from the African slave trade. The African holocaust began in 1592 when Spain licensed Gomes Reynal to transport African slave laborers to the Americas. This barbarous agreement required that at least 80 percent of the slaves shipped each year should arrive alive.

In 1619, African slave laborers arrived in Jamestown, Virginia. However, the first colony to recognize slave labor as a legal institution was Massachusetts. Later, other colonies followed the legalization of slave labor. These laws reduced Africans from human status to merely property. For instance, in 1669, Virginia's legislature decreed that they would not punish any slave owner for maltreating or killing a slave.

Thus, history documents the government's complicity in legitimizing African slave labor, as well as the contribution of African slave laborers to the American economy. For instance, in 1773, George II allowed James Oglethorpe to establish Georgia as a slave-free colony. However, Georgia, slave free, could not compete economically. The Georgians then recognized the advantages of uncompensated slave labor and sent letters to their trustees advocating slavery.

Additionally, because slavery had been such a profitable business, it was one major item on the agenda during the Constitutional Convention in Philadelphia in 1787. Thus, they extended the slave trade for an additional twenty years under Article 10, Section 9, of the new Constitution of the United States.

Article 1, Section 9 of the Constitution forbade Congress from prohibiting the importation of slaves before 1808. Article 4, Section 2, allowed for the extradition of fugitive slaves. Thus, the United States government established laws to exclude Africans from labor compensation.

This apparent complicity leads many blacks to advocate restitution for the descendants of African slaves. The exclusionary socio-cultural climate created by these laws, continue to define and shape the economic destiny of Africans and their descendants in the United States of America. These ungodly laws limited their opportunities and influenced cognitive processes, and thus affected their economic development. Therefore, the imposition of these immoral laws warrants compensatory redress.

The government did not protect nor provided rights to Africans in America. As a result, Africans did not receive compensation for their labor. Similarly, states passed legislation effectively prohibiting the education of slaves or free blacks. In 1829, a ruling by North Carolina's Supreme Court, *The State v. Mann*, ruled, "The end (of slavery) is the profit of the master, his security, and the public safety. The subject is one doomed in his own person and his posterity to live without knowledge and the capacity to make anything his own, and to toil that another may reap the fruits." In 1857, in the *Dred Scott v. Sanford*, the U.S. Supreme court affirmed that blacks were not citizens of the United States. Moreover, the court ruled that blacks had no rights that a white man should respect.

Germany, Italy, Switzerland, and other nations are disposing of their bleak and inhumane legacies by providing compensation for victims. They have included slave labor victims and their descendants.

There is amply justification for the descendants of African slaves to seek redress for the 246 years of uncompensated slave labor. Legalized slave labor ended December 18, 1865, with the passage of the Thirteenth Amendment to the constitution. Passage of the Amendment, however, did not end the practice of involuntary servitude. Slave labor did not end until well into this century (2000]. Ironically, the Thirteenth Amendment led to the system of prison farming, which was another form of legalized slave labor. Thus, some have argued that the conditions of blacks after the 13th Amendment, sharecropping, Jim Crow laws, and prison farming were more brutal than under legalized slavery.

Descendants of black slave laborers should learn from the Jewish approach in obtaining compensation from the Swiss, Italians, and Germans. Blacks must assess, according to national and international laws and treaties, the legal responsibilities for past misdeeds of all countries that exploited or made possible the exploitation of African slave laborers. Moreover, they must begin to build international alliances to pursue restitution in courts and the United Nations.

Likewise, they should study and determine the legal basis for restitution, and widely discuss, document, and publish atrocities committed against Africans during the slave

labor and Jim Crow periods. Additionally, they should examine past and current worldwide restitution cases and United Nations resolutions for precedence. In addition, they should seek opportunities to sue with other national or international groups. More important, blacks should set up a management team to manage and fund the litigation process.

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