

**A DISPROPORTIONATE LEGACY:
FROM SLAVERY TO SOVEREIGNTY IN AMERICA
A CRITICAL REFLECTION ON THE 140TH ANNIVERSARY OF
THE 13TH AMENDMENT**

*By Jahi Issa, Assistant Professor of African History
Elizabeth City State University, Elizabeth City, N.C.*

&

*Salim Faraji, Assistant Professor of Africana Studies
California State University, Dominguez Hills*

The year 2005 marks the 140th anniversary of the ratification of the 13th amendment of the U. S. Constitution in 1865, which abolished slavery and involuntary servitude in the United States. President Lincoln's historic issuance of the Emancipation Proclamation in 1863 which ended the institution of slavery among the Confederate states established an executive precedent by defining the future course of constitutional law with regard to the condition of enslaved Africans. Lincoln's decision was based more on his objective to preserve and maintain the newly established American Union than it was to initiate full and sovereign participation of African-descended people in American civil society. In fact, the 13th, 14th and 15th amendments which ended slavery, declared the rights of citizenship and the accompanying right of citizens to vote was not realized in theory or practice with regard to America's citizens of African descent, even though it is well known that these amendments were specifically designed for former enslaved Africans. In fact, with the ratification of 13th-15th amendments, one well-known Black economist /historians accurately stated that America had "two constitutions": one for former enslaved Africans and the other for white Americans.

These particular amendments often characterized as the "Reconstruction Era" amendments were after 1877 repealed by southern legislators and replaced by a state-sanctioned legal apartheid that was often enforced by white vigilante groups terrorizing newly freed and innocent Africans. And with the Supreme Court decision of the historic 1896 Plessy v. Ferguson case, Jim Crow based legislation became a fixation in the American society for numerous decades.

Such was the condition of African Americans until Brown vs. Board of Education, the passage of anti-lynching and Civil Rights legislation in the 1950's and 1960's. The passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 although fundamentally necessary to ensuring the American democratic process and advancing the social and political liberty of Africans represented only the bare minimum in fulfilling the constitutional imperatives laid out in the thirteenth, fourteenth and fifteenth amendments.

Yet in our present moment the remembrance of the 140th anniversary of the 13th amendment has been deemed vitally important for both an analysis of the development of American national consciousness and an assessment of the effectiveness of the African freedom struggle in America. National attention has been brought to this historic and commemorative event by legislation sponsored by Congressman Danny Davis of Illinois and Senator George Allen of Virginia calling for a national celebration of the 140th

anniversary of President Lincoln's Emancipation Proclamation. The question still remains, what is the historical significance of the 140th anniversary of the 13th amendment? Historical analysis suggests a disproportionate legacy of slavery, racial apartheid, and social injustice in American society. Let us consider the numbers and percentages for a moment. According to conventional knowledge the first African slaves were brought to these shores in 1619 in Jamestown, Virginia. From 1619 to 2005 is 386 years. Of those 386 years African Americans were enslaved 246 years, from the years 1619 to 1865. These numbers indicate that African enslavement in America is nearly double the amount of years that Africans have been free. It would take another 106 years for African freedom to equal the number of years spent in slavery. In terms of percentages African Americans have spent 64% of their time in America as slaves and 36% of their time as free citizens. This also means that American civil society has had more experience with the institution of slavery than with the practice of democracy. This represents a disproportionate legacy. Some detractors of course will argue that the United States *only* upheld the institution of slavery for 78 years following the meeting of the Constitutional Congress in 1787 in Philadelphia. The 218-year period between the signing of the Constitution and the present year of 2005 can also be characterized as a disproportionate legacy of slavery, racial apartheid and social injustice. Of the last 218 years 178 of those years have been shaped by the institutions of slavery and Jim Crow. This means that since the signing of the Constitution, 81 % of American social history and African lived experience has been characterized by an anti-human, anti-African and anti-democratic stance. Since the passage of the 13th amendment in 1865 only in the past 40 to 50 years have any significant strides have been made toward equalizing this disproportionate legacy.

The repercussions of the disproportionate legacy on contemporary African American life is well cited and attested to in such reports as the 2005 National Urban League report on The State of Black America: Prescriptions for Change which collects and analyzes empirical data according to an Equality Index. The report documents the disparities between blacks and whites in the areas of health, education, economic development, social justice and civic engagement. According to the report African Americans lag behind whites in every category except for civic engagement. The existing disparities between blacks and whites is being addressed by numerous National Black organizations employing diverse strategies such as the Congressional Black Caucus whose agenda for the 109th Congress is "Closing Disparities and Creating Opportunities" and organizations such as the NAACP, National Council of Negro Woman, National Black United Front, Black Radical Congress, Nation of Islam and the historic Black Church. Possibly the Millions More Movement scheduled for this October can be a spring-board for forming a National Union of Black Organizations to address the issues of social disparities collectively.

Referring to algebra may serve as a useful metaphor. In order to solve an algebraic equation what is done to one side must also be equally applied to the other. Therefore we must ask what role the United States Congress can play in equalizing the disproportionate legacy of slavery in America. At present we have two recommendations. First the special provisions of the Voting Rights Act of 1965 are scheduled for Congressional

review in 2007. We call for this hearing should be postponed until 2111 that would be the date when African American freedom years would equal their number of slavery years at 246. Maybe in 106 years we could determine if such legislation was still necessary to guard against discriminatory voting practices among certain states. The year 2007 maybe too soon and therefore encourage a premature analysis of a disproportionate legacy. If such a postponement is untenable then it should be obvious that the Voting Rights Act needs to be extended to at least to 2111 as well as other legislation that seeks to redress the ills of the disproportionate legacy. Such legislation could be supported by the enactment of a federal law entitled, "The Disproportionate Legacy Act, 2111." Approving this act will show that Congress recent apology for not ending more than a century of lynching was more than just incessant rhetoric. Penance should follow the apology.

Secondly, Congress needs to pass Congressman John Conyers H.R. 40 Bill which calls for a federal commission to study the effects of slavery upon African Americans in relation to their participation or lack thereof in American society. This bill seeks to study the proposal for reparations for African Americans. What better way to celebrate or commemorate 140th anniversary of the Emancipation Proclamation or the 13th amendment and to show grievance for the thousands of African Americans who were lynched than to make H. R. 40 a federal law directed toward equalizing the disproportionate legacy.

What is the responsibility of African Americans and National Black organizations in equalizing the disproportionate legacy of slavery in America? It is imperative that African-descended people in the United States develop a sovereign consciousness, directed toward at least, the four areas that the Congressional Black Caucus Foundation has identified as essential: public health, education, economic development and African Globalism. By "sovereign" we mean the collective assertion of our innate, inherent authority as Human Beings to be self-defining, self-determining and self-building in the world. This is nothing less than the affirmation of African Humanity as the primary and fundamental contributor to the development of Black America and the African World Community. Sovereignty is African people's birthright as it is of all Humanity. Through the collective wisdom of the Zulu oral tradition in South Africa a philosophy of Human Sovereignty is espoused, "I am sovereign of my own life; My neighbor is sovereign of his or her life; Society is collective sovereignty; It exists to ensure that my neighbor and I realize the promise of being human." The experience of slavery and racial injustice in America has severely thwarted "the promise of being human" for African Americans that is the exercise of full sovereign participation in American society and the world. A sovereign stance suggests that African Americans not play into the old, dichotomized trap of assimilationism or accommodationism neither separationism nor isolationism, but advance a position of total sovereign participation according to the cultural excellence and human interests of African World Peoples. The practice of sovereignty encourages African Americans to secure their strategic place in the world as actors and definers and to dialogue with African world history and cultures as a resource for creating solutions to the ongoing dilemmas that face Black America and the African global community. A sovereign stance requires that Black America employ a wide range of methods and strategies from diverse perspectives and groups within the African American community.

This means participation from both the private and public sectors, grassroots and corporate, Civil Rights and Nationalists organizations, men and women, rich and poor, heterosexual and homosexual, and youth and the elders. In commemorating the 140th anniversary of the 13th Amendment such a step toward operational unity is what is needed in the 21st century as we work to equalize the disproportionate legacy of American slavery and racial injustice.