

# DOCUMENTING THE COSTS OF SLAVERY, SEGREGATION, AND CONTEMPORARY RACISM: WHY REPARATIONS ARE IN ORDER FOR AFRICAN AMERICANS

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Joe R. Feagin\*

## I. INTRODUCTION

Without significant reparations for African Americans, the deepest racial divide in the United States will never be eliminated. As Randall Robinson has put it in *The Debt: What America Owes to Blacks*, "if . . . African Americans will not be compensated for the massive wrongs and social injuries inflicted upon them by their government, during and after slavery, then there is *no* chance that America can solve its racial problems."<sup>1</sup> This is a strong statement, yet true.

In this Article, I examine why large-scale reparations should be made to African Americans and how that task might be accomplished. In a pioneering 1973 book, *The Case for Black Reparations*, Yale law professor Boris Bittker argued that the oppression faced by African Americans was more extensive than that faced by other racial groups and required major reparations in compensation.<sup>2</sup> At the time, almost no one paid any attention to his analysis. Today, however, many analysts have finally resurrected the idea of reparations and have begun to take action on that idea. There are many voices concerned about the high costs of anti-black oppression that have continued over four centuries. It seems ever more likely that reparations in some form will be paid to African Americans over the next half century.<sup>3</sup>

## II. UNJUST ENRICHMENT AND UNJUST IMPOVERISHMENT

What are the grounds for large-scale reparations for African Americans? The basic rationale for group compensation lies in the stolen labor

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\* Ella McFadden Professor of Liberal Arts, Texas A&M University.

1. RANDALL ROBINSON, *THE DEBT: WHAT AMERICA OWES TO BLACKS* 204 (2000).

2. BORIS BITTKER, *THE CASE FOR BLACK REPARATIONS* (1973).

3. This Article was originally prepared for the Center for Social Development symposium Inclusion in Asset Building, St. Louis, Missouri, Sept. 21-23, 2000. Revised here, it utilizes and greatly extends arguments made in JOE R. FEAGIN, *RACIST AMERICA: ROOTS, CURRENT REALITIES, AND FUTURE REPARATIONS* (2000), and JOE R. FEAGIN & CLAIRECE B. FEAGIN, *RACIAL AND ETHNIC RELATIONS* (7th ed. 2003). I am indebted to Ken Nunn, Roy Brooks, and Bernice McNair Barnett for helpful comments and to Danielle Dirks for research assistance.

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and lives of the millions enslaved until 1865, the stolen labor and lives of those legally segregated from the early 1880s to the late 1960s, and the continuing theft of labor and lives of those who face much racial discrimination today. This theft of labor and lives was carried out not only by whites acting as individuals, but also, for at least its first 350 years, by corporations and various local, state, and federal governments whose actions were often backed by law. Many millions of white Americans have been involved, individually and collectively, in the exploitation and oppression of African Americans now for nearly four centuries.

In his probing book *The World and Africa*, the distinguished sociologist W. E. B. Du Bois argued that the poverty in Europe's African colonies was a "main cause of wealth and luxury in Europe."<sup>4</sup> Enormous amounts of African resources, including great human resources, and much socioeconomic development had been sacrificed to make European countries very wealthy. There is a similar connection between the great immiseration of African Americans and the enrichment and prosperity of most European Americans. Over several centuries, most whites, as individuals and families, have benefited handsomely from anti-black oppression and the transmission of ill-gotten wealth and privilege from one generation to the next.<sup>5</sup> Today, the relative prosperity, long life expectancies, and high standard of living of white Americans are significantly rooted in centuries of exploitation and impoverishment of African Americans and other Americans of color.

#### A. *Unjust Enrichment and Unjust Impoverishment Defined*

The concept of unjust enrichment is an old legal idea traditionally associated only with relationships between individuals. From a legal perspective, unjust enrichment involves circumstances that "give rise to the obligation of restitution, that is, the receiving and retention of property, money, or benefits which in justice and equity belong to another."<sup>6</sup> In United States court decisions, the defendant has been required to give up the unjust enrichment, including gains later made from it.<sup>7</sup> For example, these decisions do not generally permit a thief's children to benefit from the father's theft. "[I]f a thief steals so that his children may live in luxury and the law returns his ill-gotten gain to its rightful owner, the children cannot complain that they have been deprived of what they did not own."<sup>8</sup>

Thus, one can argue that a coerced taking of possessions by an individual criminal is similar to a coerced taking of labor by a slaveholder or other white discriminator ("crimes against humanity"). One might thus extend the idea of remedies for unjust enrichment to the conditions of large-scale group oppression, including the extreme oppression and exploitation faced by African Americans over nearly four centuries. Whether

4. W. E. B. Du Bois, *THE WORLD AND AFRICA* 37 (new enlarged ed., International Publishers 1965) (1946).

5. See FEAGIN, *supra* note 3, at 39-86.

6. JAMES BALLENTINE, *BALLENTINE'S LAW DICTIONARY* 1320 (1969).

7. See Andrew Kull, *Rationalizing Restitution*, 83 CAL. L. REV. 1191-1242 (1995).

8. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 101 (1991).

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or not this might make strict legal sense under current legal institutions,<sup>9</sup> it is a useful analogy. Indeed, it does make moral sense and might conceivably be one basis for new legal institutions aimed at restitution and reparations for the enrichment stemming from past "crimes against humanity"—such as slavery, extreme segregation, and lynchings—that have been directed specifically and substantially against African Americans. Under this latter circumstance, group remedies should encompass stopping the unjust extraction of benefits now and in the future as well as the making of restitution to the victim group for past oppression. Implicit in the idea of unjust enrichment is the counterpart idea of *unjust impoverishment*, which describes the conditions of those who have suffered at the hands of those who have been unfairly enriched.

This unjust impoverishment has, on occasion, been recognized by liberal whites. Thus, in a 1984 federal appellate case, *Williams v. City of New Orleans*,<sup>10</sup> appellate justice John Wisdom argued that the anti-slavery amendments and the civil rights acts enacted near the Civil War's end were designed to grant the federal government power to:

provide for remedial action aimed at eliminating the present effects of past discrimination against blacks as a class. Wholly aside from the fourteenth amendment, the thirteenth amendment is an affirmative grant of power to eliminate slavery along with its "badges and incidents" and to establish universal civil freedom. The amendment envisions affirmative action aimed at blacks as a race. When a present discriminatory effect upon blacks as a class can be linked with a discriminatory practice against blacks as a race under the slavery system, the present effect may be eradicated under the auspices of the thirteenth amendment.<sup>11</sup>

Since there are close historical connections between past and present white privileges and black disabilities, it is not surprising that most whites wish to deny the historical linkages with such phrases as "my family and I never owned slaves" or "slavery happened hundreds of years ago—get over it."<sup>12</sup> Recognition of historical linkages is essential to building strong arguments for restitution and reparations for African Americans.

White privilege entails the array of many benefits and advantages inherited by each generation of those defined as "white" in United States society. These racialized advantages are both material and symbolic, and they penetrate and encompass many interactions among whites and between whites and others over the course of lifetimes.<sup>13</sup> White privilege is ubiquitous and imbedded even where most whites cannot see it; it is the foundation of this society. It began in early white gains from slavery and has persisted under legal segregation and contemporary racism. Acceptance of this system of white privileges and black disadvantages as nor-

9. There is the qualification under law of the good faith purchaser, for example. This, however, does not usually apply to theft.

10. 729 F.2d 1554 (5th Cir. 1984).

11. *Id.* at 1577 (footnotes omitted) (citation omitted).

12. FEAGIN, *supra* note 3, at 123–25.

13. *Id.* at 180–86.

mal has conferred advantages for whites now across some fifteen generations.

*B. The Transgenerational Transmission of Wealth*

Looking across nearly four hundred years of colonial and United States history, one finds that racial oppression targeting African Americans encompasses the intertemporal reproducing of ill-gotten wealth, as well as the organizational structures and ideologies buttressing that wealth reproduction. Socially reproduced over time are racially structured institutions, such as the economic institutions that perpetuate the exploitation of black labor and the legal institutions protecting that exploitation. Each new generation of Americans has inherited this persisting framework of racial inequality and privilege. From at least the early 1700s to the mid-1800s, much of the surplus capital and wealth of the country's white families and communities came directly, or by means of economic multiplier effects, from the African slave trade and the slave plantations and related enterprises.<sup>14</sup> The worldwide trade generated by British and French plantations in the Americas was the source of much capital for European commercial and industrial revolutions. Much of British, French, and American industry, shipping, naval development, and banking was directly or indirectly grounded in the enslaved labor of millions of Africans in the United States and the Caribbean. Indeed, from the late 1600s to the 1800s, the *majority* of major agricultural exports in the Western-dominated world trade were produced by enslaved Africans. Without this extensive labor, it seems unlikely that there would have been a successful British and United States textile industry, which depended heavily on slave-produced cotton. Without that first major industry, it is unclear how or when Britain and the United States would have become major industrial powers.<sup>15</sup> Interestingly, perhaps the *most important* technological development of the eighteenth century, James Watt's improved and successful steam engine, which greatly accelerated industrialization (for example, railroads and textile mills), was bankrolled by British investors with capital accumulated in the West Indies trade in slaves and slave-produced products.<sup>16</sup> Without the often profitable enterprises around African and African American enslavement, it is unclear how or when the United States would have developed as a modern industrial nation.<sup>17</sup>

14. See FRED BATEMEN & THOMAS WEISS, *A DEPLORABLE SCARCITY: THE FAILURE OF INDUSTRIALIZATION IN THE SLAVE ECONOMY* (1981); STANLEY LEBERGOTT, *THE AMERICANS: AN ECONOMIC RECORD* (1984); FEAGIN, *supra* note 3, at 9-68.

15. See William M. Wiecek, *The Origins of the Law of Slavery in British North America*, 17 CORDOZO L. REV. 1711-92 (1996); Robert Browne, *Achieving Parity through Reparations*, in *THE WEALTH OF RACES: THE PRESENT VALUE OF BENEFITS FROM PAST INJUSTICES* 199-206 (Richard F. America ed., 1990).

16. FEAGIN, *supra* note 3, at 50-52.

17. Barbara L. Solow & Stanley L. Engerman, *British Capitalism and Caribbean Slavery: The Legacy of Eric Williams: An Introduction*, in *BRITISH CAPITALISM AND CARIBBEAN SLAVERY: THE LEGACY OF ERIC WILLIAMS* 8-11 (Barbara L. Solow & Stanley L. Engerman eds., 1987).

### C. Labor Stolen Under Slavery

Since the mid-1600s, now for some fifteen generations or so, the exploitation and oppression of African Americans has redistributed income and wealth earned by black labor to generations of white Americans, thereby leaving the former relatively impoverished as a group and the latter relatively privileged as a group. Consider just the value of the African American labor that was expropriated. The white owner's cost for maintaining an enslaved African American was generally very low, and under many circumstances large profits could be generated from the labor of such a subordinated worker.<sup>18</sup> For example, researcher Larry Neal has calculated that the current (1983) value of the slave labor expropriated by whites from 1620 to 1865 ranges from about \$963 billion to as much as \$97,064 billion, depending on the rate of interest chosen for the long intervening period.<sup>19</sup> Historical economist James Marketti estimates the dollar value of the labor taken from enslaved African Americans from 1790 to 1860 to be, depending on the historical assumptions, from \$7 billion to as much as \$40 billion.<sup>20</sup> Such a figure roughly indicates what black individuals and families lost in income because they did not control their labor.<sup>21</sup> Marketti suggests that, if that stolen income is multiplied by taking into account lost interest from then to the present, the current (1983) economic loss (income diverted) for black Americans ranges from \$2.1 to \$4.7 trillion.<sup>22</sup> Updating these 1983 estimates to today would place the current value of the diverted income from black labor, plus interest, into many trillions of United States dollars.

Numerous white analysts have attacked the idea of white society owing such back wages for slavery; they argue that figuring out the debts of a supposedly too-distant history is just too difficult.<sup>23</sup> Yet such an argument almost always fails to note that the damages done to African Americans did not end with slavery, but persisted for another one hundred years in the form of legal segregation, and then for several more decades in present-day discrimination. The era of black enslavement was *not* followed by a century of redress, justice, and equality, but rather just the opposite. Moreover, today, there are *millions of living African Americans* who suffered severely *under legal segregation*, and many more *continue to*

18. W. E. B. Du Bois, *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (1935).

19. David H. Swinton, *Racial Inequality and Reparations*, in *The Wealth of Races: The Present Value of Benefits from Past Injustices* 156 (Richard F. America ed., 1990).

20. James Marketti, *Estimated Present Value of Income Diverted During Slavery*, in *The Wealth of Races: The Present Value of Benefits from Past Injustices* 107-12 (Richard F. America ed., 1990). Marketti estimates slave prices and the number of those enslaved for the decades between 1790 and 1860, with allowance for price variations by age and other status, and uses these figures to estimate the value of slaveholders' income from slaves. He also calculates the value of the diverted labor income (compounded via interest) for later points in time.

21. I say roughly because reasonable living costs would have to be figured in if African Americans controlled their own labor.

22. MARKETTI, *supra* note 20.

23. See ROBERT PENN WARREN, *Who Speaks for the Negro?* 434-35 (1965).

suffer today from racial discrimination at the hands of many white Americans.<sup>24</sup>

#### D. *More Labor Stolen: The Era of Legal Segregation*

After the Civil War, white southerners used open terrorism for some years in order to win a major goal of that war—the continued oppression of African Americans and the extensive use of their labor. Organizing Ku Klux Klan violence and other coercion, whites, including those in the ruling elite, worked to deny newly freed blacks access to land, credit, political power, and education.<sup>25</sup> There was much anti-black discrimination, and soon legal segregation was established in all southern and some northern states. Significantly, many government officials, including those in the judicial system, were actively involved in maintaining this racial oppression.<sup>26</sup> Under legal segregation, the income and other economic losses for black Americans were again extremely high. One research study estimated the cost of labor market discrimination for 1929–1969 (in 1983 dollars) at \$1.6 trillion.<sup>27</sup> Calculating the cost of anti-black discrimination from the end of slavery in 1865 to the year 1968, the end of legal segregation, and putting that calculation into year-2004 dollars would likely increase that wage-loss estimate to several trillion dollars.

#### E. *Continuing Theft of Labor Today*

Since the end of official segregation black Americans have suffered additional economic losses. A number of economic studies have suggested how much African American workers annually lose from continuing discrimination and informal segregation in employment. Just for one year in the 1970s, the cost of continuing racial discrimination in employment has been estimated at about \$94 to 123 billion.<sup>28</sup> Estimating a dollar figure for the period since the end of segregation to the present day would doubtlessly bring this figure of lost income and purchasing power from continuing discrimination to another several trillion dollars.

In addition, William Darity reminds us that what blacks lose whites often gain:

These are pretty good calculations, but they are all made on the assumption that if racial discrimination were eliminated everything else would be much the same. Discrimination appears as a deadweight loss to *all* Americans. No attention is given to the interdependence between the incomes of blacks and whites, and the

24. See JOE R. FEAGIN & MELVIN SIKES, *LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE* (1994); FEAGIN, *supra* note 3.

25. See Roger L. Ransom & Richard Sutch, *Growth and Welfare in the American South in the Nineteenth Century*, in *MARKET INSTITUTIONS AND ECONOMIC PROGRESS IN THE NEW SOUTH 1865–1900*, at 150–51 (Garry M. Walton & James F. Shepherd eds., 1981); FEAGIN, *supra* note 3.

26. See FEAGIN & FEAGIN, *supra* note 3, 163–79.

27. Swinton, *supra* note 19, at 156.

28. William Darity, Jr., *Forty Acres and a Mule: Placing the Price Tag on Oppression*, in *THE WEALTH OF RACES: THE PRESENT VALUE OF BENEFITS FROM PAST INJUSTICES* 11 (Richard F. America ed., 1990).

possibility that the incomes of whites are higher because the incomes of blacks are lower.<sup>29</sup>

Thus, one can see much of these dollar figures as added and undeserved income for white Americans, not just losses for African Americans.

Thus, by even rough calculations, the sum total of the worth of all the black labor stolen by whites through the means of legal slavery, legal segregation, and contemporary racial discrimination is truly staggering—many trillions of dollars. The worth of all that labor, taking into account lost interest over time and putting it in today's dollars, is perhaps in the range of \$5 to \$24 trillion.

#### F. Yet Other Economic Costs

Labor lost means capital lost, both that directly generated and that which might have otherwise been borrowed. As David Swinton has noted,

Discrimination and racism reduced the historic accumulation [of] capital by blacks and increased accumulation by whites. The resulting disparities in ownership of capital are transmitted inter-generationally. These capital disparities would prevent attainment of racial equality even if current discrimination ended and blacks and whites had identical tastes and preferences.<sup>30</sup>

Recall that after the Civil War some congressional proposals were aimed at giving those recently freed arable land—the famous forty acres and a mule. Yet most black families never got any access to the land promised, and the inequality in wealth-generating agricultural land has been a major cause of persisting racial inequality. Passed under the Abraham Lincoln administration, the Homestead Act provided access to productive land and wealth, mostly for white families, from a long period of United States history—from the 1860s to the 1930s. Some 246 million acres were provided by the federal government—typically at no, or minimal, cost—for some 1.5 million homesteading families.<sup>31</sup> Research by Trina Williams estimates that—depending on calculations of multiple ownership, mortality, marriage, and childbearing patterns—somewhere between twenty and ninety-three million Americans are now the beneficiaries of this large wealth-generating program over several generations.<sup>32</sup> Williams suggests that the most likely figure is in the middle range, perhaps forty-six million, a figure equal to about one-quarter of the current population.<sup>33</sup> Almost all these beneficiaries have been white because only four thousand African Americans were able to make entries under the Homestead Act. (And very large numbers of African Americans would likely have taken advantage of such opportunities at the time, had they been permitted access.) In order to build successful families and provide for their children,

29. *Id.* at 11.

30. Swinton, *supra* note 19, at 157.

31. TRINA WILLIAMS, *THE HOMESTEAD ACT: A MAJOR ASSET-BUILDING POLICY IN AMERICAN HISTORY*, 5-6 (Center for Social Dev., Working Paper No. 00-9, 2000).

32. *Id.* at 8.

33. *Id.* She includes the two most recent generations in these calculations.

parents need access to significant wealth-generating assets, and land is one major asset. Indeed, Stephen DeCanio's research indicates that those formerly enslaved who were propertyless and emancipated without arable land were destined to endure major long-term economic disparity with whites.<sup>34</sup> Indeed, this initial gap in access to wealth-generating land assets can be shown to have likely produced *most* of the long-term white-black gap in income, even without taking into consideration such other factors as persisting job discrimination.<sup>35</sup>

Added to the lack of land was the rigid legal and de facto segregation that developed, in the South and in the North, in the decades just before and after 1900. This further prevented black Americans from getting good jobs, buying decent homes, and thereby generating the family assets necessary to compete effectively with whites over many lifetimes. Because of pervasive discrimination, there has been relatively little economic inheritance across generations of African Americans. In contrast, most white families garnered some economic resources in the past and enhanced those assets over a few, or many, generations.<sup>36</sup> Historically, a majority of whites have accumulated material advantages by the transmission of assets such as some savings, land, small businesses, or homes. Many decades of discrimination in employment and housing have resulted in black families being less likely to be homeowners.<sup>37</sup> Discriminatory practices in home sales and insurance have long limited the ability of black Americans to build housing equities that might be used to start a business or help children get a good education. Because of discrimination in securing mortgages for homes, as well as for businesses, African Americans are losing an estimated \$100 billion in equity over this current generation as compared to whites.<sup>38</sup> Moreover, over the last few generations this lost home equity doubtlessly totals many tens of billions of dollars. In addition, recent research indicates that the current white-black differential in assets is not the result of differences in savings rates.<sup>39</sup>

#### G. *The Current Bottom Line: Economic Inequality*

For recent decades United States census data show the black median family income to be consistently in the range of fifty-five to sixty-one percent of the white median family income.<sup>40</sup> Today, as in the past, black families face poverty at a much greater rate than white families and an unemployment rate roughly twice that of whites.<sup>41</sup> Black workers are often the first laid off during economic recessions and the last to be recalled.

34. Stephen J. DeCanio, *Accumulation and Discrimination in the Postbellum South*, in *MARKET INSTITUTIONS AND ECONOMIC PROGRESS IN THE NEW SOUTH 1865-1900* 103-25 (Garry M. Walton & James F. Shepherd eds., 1981).

35. *Id.*

36. FEAGIN, *supra* note 3, at 180-85.

37. See MELVIN L. OLIVER & THOMAS M. SHAPIRO, *BLACK WEALTH/WHITE WEALTH: A NEW PERSPECTIVE ON RACIAL EQUALITY* 36-50 (1995).

38. *Id.* at 36-50.

39. WILLIAM A. DARITY, JR. & SAMUEL L. MYERS, *PERSISTENT DISPARITY: RACE AND ECONOMIC INEQUALITY IN THE UNITED STATES SINCE 1945*, at 150-52 (1998).

40. FEAGIN & FEAGIN, *supra* note 3, at 176.

41. *Id.* at 176-77.

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Coupled with a high unemployment rate is a high underemployment rate. In recent decades this rate has ranged to one-third or more of black workers in many communities, a much greater figure than for whites.<sup>42</sup> Perhaps the most dramatic indicator of generations of white access to the acquisition of material and educational resources can be seen in measures of family net worth. The median net worth of white households is about *ten times* that of black households.<sup>43</sup> In addition, black families have most of the assets they hold in cars and houses, while white families are far more likely than black families to have interest-bearing bank accounts and to hold stock in companies.<sup>44</sup>

### III. OTHER PERSONAL AND SOCIAL COSTS

The costs of slavery and segregation are far more than economic, for there are many large human and community costs. For example, in the United States, African Americans average significantly shorter lives than whites. Thus, in 1900 the life expectancy for an average black person was about thirty-two to thirty-five years, some sixteen years less than that for a white person.<sup>45</sup> Today, this black-white gap has closed somewhat. Life expectancy for black Americans is about sixty-nine years, compared with about seventy-five to seventy-six years for whites.<sup>46</sup> In sum, it still costs six to seven years of one's life to be black in America.

Contemporary social science research suggests the many and severe effects that socially generated dehumanization can have on the health of human beings as individuals and as groups. Drawing on recent research, let me describe briefly some physical, psychological, family, and community costs of racial oppression.

#### A. Many Physical Costs to Everyday Racism

Stress, anger, and rage created by the discriminatory practices and prejudices of everyday racism lead to serious health consequences. When asked in interview studies about the costs of discrimination they face, black respondents cite a broad range of problems—from hypertension and stress diabetes to stress-related headaches and heart and stomach conditions.<sup>47</sup> One study researched the connection between racial stress and high blood pressure for nearly two thousand black Americans and found that those who reported substantial discrimination tended to have higher blood pressure than those who reported less.<sup>48</sup>

42. *Id.* at 176.

43. *Id.* at 177.

44. U.S. BUREAU OF THE CENSUS, HOUSEHOLD WEALTH AND ASSET OWNERSHIP: 1991, CURRENT POPULATION REPORTS 70-134 (1994).

45. THOMAS F. PETTIGREW, A PROFILE OF THE NEGRO AMERICAN 99 (1964).

46. JOE R. FEAGIN & KARYN MCKINNEY, THE MANY COSTS OF RACISM 30 (2003).

47. *Id.* at 32.

48. Nancy Krieger & Stephen Sidney, *Racial Discrimination and Blood Pressure*, 86 AM. J. PUB. HEALTH 1370 (1996). See also FEAGIN, *supra* note 3, at 139-57; FEAGIN & MCKINNEY, *supra* note 46, at 76-82. Interestingly, those black respondents who reported *no* racial discrimination had blood pressure as high as those who reported much racial discrimination, which Harvard researcher Nancy Krieger interprets to mean that the former are likely underreporting. I have found this underreporting in response to

To illustrate the health impact, let me quote a few black middle-class respondents in a recent focus group study of my own. In one focus group a social services coordinator described some physical and psychological costs linked to dealing with hostile whites in the workplace:

I was having severe headaches, and chest pains . . . . It would be times when I would almost be in the office hyperventilating. And . . . it was just a lot of physical things happening to me. I would pull hair more, because, just the stress, you know? You just, you're trying to do so much, and collect your thoughts and do what needs to be done. . . . And the headaches were just, just terrible, just unbearable . . . . And it's also a psychological kind of ill, in that, well you know, if [white] people are constantly watching you . . . . But it's just amazing the psychological ill that it does to you. And even though you know you're competent? People can do that so much to you . . . . They can get in meetings and try to show you up and make you look like you just don't know anything. And it is so many of them, you are outnumbered! Sometimes, you come out, and lash out, and you almost validate what they're trying to say about you, because you feel outnumbered! . . . So, you, you begin to doubt yourself, you begin to psychologically feel somewhat incompetent . . . . So, it can take a toll on you, and I think it takes more of a psychological toll on us than we even care to admit.<sup>49</sup>

In the focus groups several participants gave details on how they came to view their hypertension and other physical ailments as, at least in substantial part, linked to the stress they faced at the hands of discriminatory whites in the workplace and in other arenas outside their homes.

#### *B. Some Serious Psychological Costs*

Not surprisingly, the psychological impact of racism includes a broad range—from anxiety and worry to depression, anger, and rage. Several decades back, in what is still the only book on the subject, psychiatrists William Grier and Price Cobbs documented the anger of black Americans that is created by persisting, accumulating racial discrimination.<sup>50</sup> Today, anger over racial discrimination is still commonplace, and this anger can lead to inner turmoil, emotional withdrawal, or serious physical problems.<sup>51</sup> Commenting on racially hostile or unsupportive workplaces, some focus group participants described general feelings of frustration and anger, and some told of incidents that generated these feelings. Common sources of anger are racist epithets and similar derogatory references.

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questions asking directly about "discrimination" sometimes to be the case in my own research and that of my graduate students. This is likely because many African Americans suppress or deflect painful recollections of discrimination just to survive a racist world.

49. Feagin & McKinney, *supra* note 46, at 71–72.

50. WILLIAM H. GRIER & PRICE M. COBBS, *BLACK RAGE* 4 (1968). See also Price M. Cobbs, *Critical Perspectives on the Psychology of Race*, in *THE STATE OF BLACK AMERICA* 61–70 (Janet Dewart ed., 1988).

51. See FEAGIN & MCKINNEY, *supra* note 46.

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Thus, a black professional described her reaction to an incident with a white administrator:

I have felt extremely upset, anger, rage, I guess you would call it. One incident that comes to mind happened in a social setting. I was with some, with my former [white] boss and some co-workers and a man who ran, like, a federal program. And we were having dinner, and he made a comment, and he had been drinking *heavily*. And he referred to black people as "niggers . . . . "I'm sitting—he's there, and I'm here . . . . And as soon as he said it, he looked in my face. And then he turned beet red, you know? And I said, "Excuse me, what did you say?" And he just couldn't say anything. And then my boss, my former boss, intervened and said, "Now, you know, move his glass, because he's had too much to drink." And you know just making all these excuses. So, of course, I got up and left. I said, "Good night," and left. And the next morning, the man called me and apologized . . . . His excuse was that he had been drinking, you know. And I said, "Well, [gives name] we don't get drunk and just say things that we wouldn't otherwise say. You know, I don't get drunk and start speaking Spanish. This was already in you in order for it to come out . . . ."<sup>52</sup>

We should recognize that the cost of everyday racism includes much sapping of physical and psychological energies. A retired educational psychologist explained this eloquently in another study done by the author and Melvin Sikes:

If you can think of the mind as having one hundred ergs of energy, and the average man uses fifty percent of his energy dealing with the everyday problems of the world . . . then he has fifty percent more to do creative kinds of things that he wants to do. Now that's a white person. Now a black person also has one hundred ergs; he uses fifty percent the same way a white man does, dealing with what the white man has [to deal with], so he has fifty percent left. But he uses twenty-five percent fighting being black, [with] all the problems being black and what it means.<sup>53</sup>

Evidently, racism has been costly in destroying much vital human energy that could have been used in building up a better society.

### C. Accumulating Family Costs

Still, individual costs are not the only impact of everyday racism, past or present. Thus, in another focus group an engineer made clear the way in which his personal energy costs of dealing with whites at work had a family impact. His focus group was discussing the "eight whole hours of discrimination" they experienced daily, and he gave his account of the impact of a time when there was racial discrimination in his workplace:

52. *Id.* at 46–47.

53. FEAGIN & SIKES, *supra* note 24, at 295–96.

One of the things, though, that really has had an effect on my family personally was, me having [less] time to really spend with my son. As far as reading him stories, talking, working with him, with his writing, and, all of that. And those things really, really hurt us, and it hurt my child, I think, in the long run, because he never had that really. I know when, when the program was really, really running, some, some days I would come home and I would have such excruciating headaches and chest pains that I would just lay on the bed and put a cold compress on my head and just relax. . . . And by the time I come home, I'm so stressed out. And he runs up to me, and you know I give him a hug, but when you're so stressed out, you need just a little period of time, maybe an hour or so, just to unwind, just to relax, you know? . . . to just watch the news or something, to kind of unwind and everything. And you know you're almost energy-less . . . . So, by the time you get home, you have your family.<sup>54</sup>

Thus, the pain of workplace mistreatment can have a domino effect, with chest pains and headaches being linked to a loss of energy, and that in turn resulting in less energy for relating to family members. Note too the impact on a person's own sense of his ability to be an adequate parent in the midst of a continuing racist society.

*D. Yet More Damage from White Racism: Community Costs*

The spin-off effects of racial mistreatment by whites in employment settings include an impact on community. One respondent noted the negative impact on participation in church activities:

I have withdrawn from some of the things I was involved with at church that were very important to me, like dealing with the kids at church. Or we had an outreach ministry where we would go out into the low-income housing and we would share about our services . . . and I was just so drained . . . if we are all so drained, and we stop doing that, then we lose our connection. But I, physically, by the time I got home at the end of the day, I was just so tired, I didn't even feel like giving back to my community, I didn't feel like doing anything. And so I withdrew from church activities, to the point where I just really was not contributing anything. And it was pulling all that energy; I was exhausted from dealing with what I had to at work.<sup>55</sup>

The impact of workplace racism is graphically described, for even community activities become more difficult. For many white commentators, whatever anti-black discrimination remains is to be dealt with on an individual basis. However, we see here that the assaults of racism have effects not just on black Americans as individuals but also on larger social circles, for the pain of discriminatory acts is often shared with relatives and friends.

54. FEAGIN & MCKINNEY, *supra* note 46, at 60.

55. *Id.* at 115.

While these focus group accounts deal with recent events and the damage done by whites who discriminate in the contemporary United States, these accounts resonate in many ways with the accounts of oppression given by enslaved African Americans during the centuries of slavery;<sup>56</sup> as well as with the accounts given by African Americans oppressed severely under legal segregation for its many decades.<sup>57</sup> Similar psychological, physical, family, and community costs have burdened many millions of African Americans from the seventeenth century to the present, and thus should be factored into any careful consideration of the reparations due to those who are currently both victims of continuing racial oppression *and* the descendants of those who were victims of similar racialized oppression. Indeed, one could well argue that reparations should begin with compensation to *most African Americans living today* for the racial oppression they have actually received *over their lifetimes*.

#### E. Institutional Costs

As these focus group quotes suggest, there is much more to the costs of four centuries of racial oppression than just individual and family costs. Indeed, one of the major costs of this oppression is the loss of much large-scale institutional development within black communities. Until the desegregation of the late 1960s, it was almost exclusively whites who had access to key types of resources for institution building. For example, after World War I, the Air Commerce Act gave air routes to *exclusively* white-run companies.<sup>58</sup> Access to many other government-controlled, wealth-generating resources, such as mineral deposits and the radio and television airwaves, were kept from black taxpayers by means of blatant and overt racial discrimination and legal segregation.<sup>59</sup>

Today, African Americans' lack of socioeconomic resources and accumulated wealth links closely to the continuing lack of access to key organizations with powerful influence over the structural realities of United States society. To take one major example, note the mass media. African Americans have no control over any of the major television or newspaper networks, which means that they do not have significant control over the stereotypical images and information on African Americans often circulated nationally by these media. Nor can they circulate the positive information necessary for socializing their children and building their communities as effectively as they could if they had the power of the white-controlled corporations that regularly push their own agendas and interests through the media. Research shows that whites have controlled the often negative images of key government programs, such as affirmative action, that are of great concern to African Americans.<sup>60</sup> African Americans do not even

56. See BENJAMIN ALBERT BOTKIN, *LAY MY BURDEN DOWN: A FOLK HISTORY OF SLAVERY* (1945).

57. See JOHN L. GWALTNEY, *DRYLONGSO: A SELF-PORTRAIT OF BLACK AMERICA* (1981); STETSON KENNEDY, *JIM CROW GUIDE: THE WAY IT WORKS* (1959).

58. THEODORE CROSS, *THE BLACK POWER IMPERATIVE: RACIAL INEQUALITY AND THE POLITICS OF NONVIOLENCE* 515-18 (1984).

59. See *id.*

60. Robert M. Entman, *Manufacturing Discord: Media in the Affirmative Action Debate*, 2 HARV. INT'L J. PRESS/POLITICS 36 (1997).

have the power to get the issue of affirmative action or reparations fully into the mass media for a full positive discussion of the implications of such programs. Thus, most of the discussion in the mainstream media of such issues has had a decidedly white, usually conservative, orientation. Contemporary African Americans would have much more control over the mass media images and discussions if their ancestors—who were in fact in the United States in large numbers at the time the media were initially established (and unlike recent immigrants, who often do better in institutional building and control)—had possessed anything close to equal access to resources for institution building in their communities.<sup>61</sup>

#### IV. PREVIOUS REPARATIONS FOR SOCIAL INJUSTICE

In summary, then, each year in the United States literally millions of racist attacks—blatant, covert, and subtle racist acts—are mounted by white Americans against black Americans in all major institutional arenas—from housing and schools, to workplaces and transportation, to shopping, recreation, and police contacts. If the many instances of discrimination are counted up over the lifetime of a typical older African American, they doubtless reach into the thousands. For all recent and current African American lifetimes, many millions of lifetimes, taken together they thus mount into *tens of billions* of racist, discriminatory acts and incidents.<sup>62</sup> Given this sobering reality, it is obvious that a *huge debt* is owed to African Americans by white Americans.

##### A. Civil Rights Efforts

Yet little of this debt has been paid. The proclaimed civil rights laws of the 1960s are thought by many whites to have “solved” most or all of the problem of racial discrimination in the United States.<sup>63</sup> Yet such laws have brought, at best, only a modest redress of discrimination and some equality of opportunity in everyday settings. Few of the millions of cases of discrimination perpetrated by whites each year against black targets are *ever* redressed by private or government remedies.<sup>64</sup> Moreover, recent research on progress in civil rights, including such things as civil rights laws, shows that these policies against discrimination do not represent significant compensation, much less significant atonement, by whites as a group for the long-term racial oppression. Thus, these changes did not come because the white majority suddenly became committed to implementing the ideal of social justice. Instead, civil rights changes and policies since the 1950s are mostly the result of broad social forces coming together. First, the circumstances of recent wars (including the Cold War) have necessitated that the white political leadership seek to reduce internal turmoil in order to create a nation united against an external political enemy—a condition encouraging governmental action to reduce racial

61. I am indebted to Kenneth Nunn for reminding me of this key point.

62. See JOE R. FEAGIN & HERNAN VERA, *WHITE RACISM: THE BASICS* (1995); FEAGIN, *supra* note 3; FEAGIN AND MCKINNEY, *supra* note 46.

63. FEAGIN, *supra* note 3, at 123–29.

64. *Id.* at 242–43.

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conflict. Secondly, change has come when black leaders led millions of African Americans in community protests pressuring vulnerable white leaders to act on the country's putative social justice ideals.<sup>65</sup> Historical data show that, in bringing racial change, the political and international interests of white America's leaders have been more important than commitments to racial justice.<sup>66</sup>

In general, the idea of going beyond civil rights enforcement to reparations for African Americans is rejected by most whites. For example, one 2002 opinion survey in New York found that nearly three quarters of the white respondents were opposed to the idea of reparations for African Americans. (In contrast, three quarters of black respondents, and just over half of Latino respondents were supportive.)<sup>67</sup> Interestingly, in contrast to what might have been expected, the majority of all respondents were not personally offended by discussions of the reparations issue.<sup>68</sup>

One argument against reparations is that societal oppression against black Americans has been too impersonal for the development of specific remedies. In recent years some federal courts have accepted the view that, while there may still be societal discrimination, no one can determine who in particular is responsible and who has benefited; thus, no compensation is necessary. Thus, in *City of Richmond v. J. A. Croson Co.*, Justice Sandra D. O'Connor referred to "the sorry history of both private and public discrimination in this country"<sup>69</sup> and recognized the reality of "past societal discrimination."<sup>70</sup> Emphasizing the "past," not the present, O'Connor naively characterized societal discrimination as "amorphous" with no clear link to present-day discrimination against African Americans—especially to black businesses—in contemporary Richmond, Virginia.<sup>71</sup> Yet the evidence of past and present anti-black discrimination in *any* United States city, as we have noted above, is major, well-documented, structural, and *anything but amorphous*.<sup>72</sup>

The problem in Supreme Court decisions like *Croson*, as in many other recent decisions, is that the white majority on the Supreme Court no longer listens to the voices, views, and experiences of the overwhelming majority of the African American community.<sup>73</sup> Nonetheless, there are numerous examples of reparations and compensation being addressed by United States courts or paid by United States legislatures. Let us examine a few examples.

65. See DANIEL KRYDER, *DIVIDED ARSENAL: RACE AND THE AMERICAN STATE DURING WORLD WAR II* (2000); PHILIP A. KLINKNER & ROGERS M. SMITH, *THE UNSTEADY MARCH: THE RISE AND DECLINE OF RACIAL EQUALITY IN AMERICA* (1999).

66. *Id.*

67. Siena Research Inst., *Most New Yorkers Oppose Reparations For Slave Descendents* (2002), available at <http://www.siena.edu/sri/results/2002/02JuneReparation.htm> (last visited Feb. 19, 2004).

68. *Id.*

69. *City of Richmond v. J. A. Croson Co.*, 488 U.S. 469, 499 (1989).

70. *Id.*

71. See *id.* at 72.

72. See FEAGIN, *supra* note 3.

73. For documentation on this point of neglect, see Joe R. Feagin, *Heeding Black Voices: The Court, Brown, and Challenges In Building A Multiracial Democracy*, U. PITT. L. REV. (forthcoming summer 2004).

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*B. Precedents for Reparations: Corporate Cases*

There are many precedents supporting the idea of extensive reparations for the damage done by whites, historically and in the present day, to African Americans. For example, some United States courts have required corporations to compensate the deformed children of mothers who in the past took harmful drugs during their pregnancies without knowledge of the drugs' destructive side effects. Some courts have held that such harm done to later generations was foreseeable by the corporate executives in power at that earlier point in time. The argument that those executives are gone or deceased—that too much time had elapsed—was *not* allowed to take current corporate executives and their corporations off the hook.<sup>74</sup>

*C. Precedents: Reparations for Victims of World War II Atrocities*

Significantly, the United States government has been very active in efforts to force the German government to make reparations to the victims of Nazi atrocities. As Richard Delgado has noted, "The United States required that Germany make reparations to Israel and the victims of the Holocaust, even though the Nazi government had been disbanded and most of its leaders executed or imprisoned."<sup>75</sup> For twelve years the Nazis inflicted extreme repression and cruelties, and millions of deaths, on the Jews in Germany and other Nazi-controlled territories. Later German governments have paid more than \$60 billion in reparations to individual victims of the Holocaust, as well as to the nation of Israel on behalf of those victims, even though that nation did not exist at the time of the atrocities.<sup>76</sup> The United States government has put similar pressure on Swiss banks, which recently offered \$1.25 billion in compensation to Nazi victims to settle a class action lawsuit targeting questionable actions of Swiss banks and insurance companies during the Holocaust.<sup>77</sup> In addition, the United States government has pressured at least nineteen German corporations, whose executives have admitted using slave labor during World War II, to compensate those laborers and their families, to the extent of several billion dollars in reparations.<sup>78</sup>

Moreover, in 1997 the United States House passed a concurrent resolution condemning the sexual *enslavement* of Chinese and Korean women by the Japanese army in World War II. It called on the Japanese government to pay immediate reparations for the enslavement and other crimes and supported an international court ruling of compensation of at least \$40,000 for each victim.<sup>79</sup> This is an extraordinarily ironic resolution, as it has clear parallels to the rape and other abuse of African American women

74. RICHARD DELGADO, *THE COMING RACE WAR?* 103 (1996).

75. *Id.* at 104.

76. Hubert Kim, *German Reparations: Institutionalized Inefficiency*, in *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE* 77, 77 (Roy L. Brooks ed., 1999).

77. Amy Waldman, *Holocaust Accord Ends Plan for Sanctions*, N.Y. TIMES, Aug. 14, 1998, at A8.

78. *Id.*

79. House Con. Res., 105th Congress, 1st Session (1997) (enacted).

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by white men in the United States under slavery and the near-slavery of legal segregation in most of the South. If reparations are fair for Chinese and Korean women, why not for African American women, many of whom are still living?

*D. Precedents: Token Reparations for Japanese Americans*

United States leaders, almost all of them white men, have recognized a reparations principle in regard to discriminatory action by the United States government against United States citizens during World War II. After years of resistance to the idea, in the late 1980s the federal government finally agreed to pay modest reparations to Japanese Americans wrongfully interned in concentration camps during World War II.<sup>80</sup> For years Japanese American organizations pressed the United States government for repayment of losses suffered from racist government action. In 1987, after years of foot-dragging, the House finally passed a law with an apology for the internment and \$1.2 billion in reparations.<sup>81</sup> Surviving internees or their heirs received \$20,000 each for the economic losses and the pain and suffering. As modest as this compensation was, it signaled an official admission of the damage done by governmental discrimination and some willingness to make reparations.<sup>82</sup> Yet, even this modest compensation was not made until Japanese Americans had a strong partner in a now powerful Japanese government and economy.

*E. Precedents: Reparations for "Ethnic Cleansing" in the United States*

Some reparations have also been provided to Native Americans for lands long ago taken with little or no compensation, and often in contravention of official United States government treaties. In recent decades many indigenous groups have pressed land claims in federal court, and some have won their cases, with monetary compensation or illegally taken lands restored.<sup>83</sup> For example, in 1980, after a lengthy court battle, the United States Supreme Court awarded the Lakota Sioux \$122.5 million for more than 7 million acres taken illegally in the 1870s.<sup>84</sup> Significantly, this cash award was refused by the Lakota, who insisted that their sacred land was not for sale and that the land itself should be returned.<sup>85</sup> In recent years Sioux leaders have taken their case to the United Nations, where some have been part of the U.N. committee writing a Declaration on the Rights of Indigenous Peoples. Provisions included in the declaration are the "restitution of the lands, territories and resources" and the "enforcement of treaties."<sup>86</sup> The Native American Rights Fund, a national legal

80. FEAGIN & FEAGIN, *supra* note 3, at 272-75.

81. *Id.*

82. *Id.* at 273-74.

83. *Id.* at 133-34, 144-46.

84. JAMES S. OLSON & RAYMOND WILSON, *NATIVE AMERICANS IN THE TWENTIETH CENTURY* 197 (1984).

85. See *id.*; Ward Churchill, *The Earth Is Our Mother*, in *THE STATE OF NATIVE AMERICA* 151-69 (M. Annette Jaimes ed., 1992).

86. See *Shattering the Myth of the Vanishing American*, 22 *FORD FOUNDATION LETTER* 1-5 (1991).

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defense firm, has represented various Native American groups in negotiations for treaty-guaranteed natural resources and for restoration of their treaty status as sovereign nations.<sup>87</sup>

Moreover, on September 8, 2000, at a ceremony marking the 175th anniversary of the Bureau of Indian Affairs, the head of the Bureau, Kevin Gover, described the evolution of the agency from a War Department office to one that supervised the lives of Native Americans on reservations and noted that "this agency participated in the ethnic cleansing that befell the Western tribes. This agency set out to destroy all things Indian. The legacy of these misdeeds haunts us."<sup>88</sup> Gover then proceeded to make a formal apology to Native Americans on behalf of the bureau: "Let us begin by expressing our profound sorrow for what the agency has done in the past."<sup>89</sup>

Clearly, under some circumstances, the United States government has recognized the right to reparations or other compensation for racial and ethnic oppression—but not, as yet, for black or Latino Americans. Puerto Rican and Mexican Americans have also pressed for some reparations for racial oppression, albeit so far unsuccessfully. In the 1960s a new organization, the Alianza Federal de Mercedes, was founded by a Mexican American activist, Reies Lopez Tijerina. Researching old Mexican land grants in the Southwest, he found that land had long ago been stolen from Mexican families by new white immigrants coming into the area. A group of Alianza members marched on the state capital in Santa Fe and presented a statement of grievances about that theft of land; another group camped out without a permit on Kit Carson National Forest land, once part of a Mexican communal land grant. As a result, United States forest rangers were seized and tried for violating old land-grant boundaries.<sup>90</sup> More recently, some Mexican Americans in the southwestern states have filed lawsuits seeking the return of stolen lands or compensation for those lands.<sup>91</sup>

In addition, Puerto Ricans have pressed for compensation for oppression. The Puerto Rican Independence Party has called for dollar compensation from the United States government.<sup>92</sup> In recent decades, residents of the island of Vieques near Puerto Rico have seen their island become the target for massive bombing by the United States Navy; they have asked for reparations for decades of damage to the physical environment and to the health of the island's citizens.<sup>93</sup>

#### V. INTERNATIONAL PRECEDENTS: REPARATIONS FOR SOUTH AFRICANS

The principle of reparations for major human rights violations is also well established in international law. The International Court in the Hague,

87. *See id.*

88. David Stout, *Bureau Delivers Apology to Indians*, GAINESVILLE SUN, Sept. 9, 2000, at 5A.

89. *Id.*

90. FEAGIN & FEAGIN, *supra* note 3, at 217–18.

91. *Id.* at 228–31.

92. *Id.* at 245.

93. E-mail from Eduardo Bonilla-Silva, Department of Sociology, Texas A&M University (Aug. 31, 2000) (on file with author).

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among other international tribunals, has now awarded reparations a number of times.<sup>94</sup>

Moreover, recent government actions in South Africa have included payment of reparations to the victims and survivors of human rights violations. These reparations have been recommended by the South African Truth and Reconciliation Commission (TRC), an organization that offers an important model for those setting up programs to deal with past racial oppression.<sup>95</sup> Not only does the Commission have the power to grant amnesty after a full hearing on human rights violations, but it has also set in motion programs for the payment of reparations to those who suffered the violations.<sup>96</sup> Interim payments to victims of rights violations were started in 1998, and the movement to permanent reparations was set in motion.<sup>97</sup> The TRC recommended to the government that the victims and survivors of human rights violations should receive reparation payments totaling \$430 million paid over several years. It also recommended reparations in the form of community programs for housing, health care, and education—programs geared at rehabilitating communities hurt by the large-scale human rights violations.<sup>98</sup> Today, the payment of adequate reparations is part of a continuing political struggle in South Africa, but the moral and institutional precedent for reparations for racial oppression is now well established at an international level.

#### VI. THE LONG STRUGGLE FOR BLACK REPARATIONS

Beginning in the eighteenth century, African American leaders and their white allies argued for the abolition of slavery and for restitution enabling those freed to provide for their families. After the Civil War, reparations were increasingly seen as essential to the eradication of the “badges and disabilities” of previous enslavement. Several black and white leaders called for compensation for those newly freed from slavery.<sup>99</sup> For example, at a Republican convention in Pennsylvania, Thaddeus Stevens called for the taking of 400 million acres from former slaveholders to provide some compensation and assets to those once enslaved. Also, Senator Charles Sumner called for land grants to those recently enslaved because legal equality did not eradicate the disparities in assets and power.<sup>100</sup> However, with the terrorist suppression of Reconstruction

94. ROBINSON, *supra* note 1, at 221.

95. See, e.g., *Apartheid Victims Government*, JOHANNESBURG DAILY MAIL & GUARDIAN, Sept. 24, 1999; *Truth Commission Pays out Pittance*, JOHANNESBURG DAILY MAIL & GUARDIAN, DEC. 14, 2003; *Apartheid Victims Need Holistic Help*, JOHANNESBURG DAILY MAIL & GUARDIAN, Nov. 23, 2003; *Govt Hedges on TRC Reparations*, JOHANNESBURG DAILY MAIL & GUARDIAN, May 10, 2000; Truth and Reconciliation Commission, at <http://www.doj.gov.za/trc/index.html> (last updated Apr. 10, 2003).

96. See Truth and Reconciliation Commission, at <http://www.doj.gov.za/trc/index.html> (last updated Apr. 10, 2003).

97. See *id.*

98. Truth and Reconciliation Commission, A Summary of Reparation and Rehabilitation Policy, at <http://www.doj.gov.za/trc/reparations/summary.htm>.

99. Rhonda V. Magee, *The Master's Tools, from the Bottom Up: Responses to African American Reparations Theory in Mainstream and Outsider Remedies Discourse*, 79 VA. L. REV. 863, 885 (1993).

100. *Id.* at 886.

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and the capitulation of the United States government to this white terrorism and subsequent legal segregation, the efforts for compensation and reparations virtually came to an end. It would be nearly a century before strong proposals for reparations would return to the public forum.

Many decades later, during the 1960s, Dr. Martin Luther King, Jr., called for significant compensation for slavery, segregation, and continuing anti-black discrimination. He supported the principle of compensation for stolen wages.<sup>101</sup> Other black activists also pressed the issue. In 1969 James Forman, another African American civil rights leader, made his appeal for reparations by interrupting a service at New York's Riverside Church.<sup>102</sup> He addressed a *Black Manifesto* to the "white Christian Churches and Jewish Synagogues in the United States of America and All Other Racist Institutions."<sup>103</sup> It called for a beginning of reparations and detailed economic demands such as the creation of banks, universities, and training centers for African Americans.<sup>104</sup> The white reaction was mostly negative and focused mainly on the disruption of the church service. There was little analysis of the key idea of reparations. One authoritative mouthpiece of the white elite, the *New York Times*, published a commonplace misjudgment that is still encountered in much of the white response to calls of reparations for African Americans. Boris Bittker quotes a 1969 editorial in the *New York Times* that argues that "there is neither wealth nor wisdom enough in the world to compensate in money for all the wrongs in history."<sup>105</sup> However, this is disingenuous and the wrong question, as Bittker noted at the time: "A better response is the counter-question. Should no wrongs be corrected unless all can be? In both public and private life, we constantly compare competing demands for the redress of injustice, knowing full well that the pit is bottomless . . ."<sup>106</sup> A critical point that is ignored in such arguments, then as now, is: Who decides which important wrongs are to be redressed, and when?

Interestingly, shortly thereafter at a 1972 National Black Political Convention meeting in Indiana, a call was issued for reparations for the "moral horrors of slavery" and the "human indignities" of discrimination suffered since. It spelled out a procedure for starting reparations; it asked the United States president to set up a commission with a black majority to "determine a procedure for calculating an appropriate reparations payment in terms of land, capital and cash and for exploring the ways in which the Black community prefers to have this payment implemented."<sup>107</sup> Clearly, for decades now, African Americans have articulated the idea of restitution and reparations.

101. MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* 24-25 (1963).

102. See Joe R. Feagin & Eileen O'Brien, *The Growing Movement for Reparations*, in *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE* 341, 342 (Roy L. Brooks ed., 1999).

103. *Id.*

104. *Id.*

105. BORIS I. BITTKER, *COLLECTIVE LEGAL ESSAYS* 87-88 (1989) (quoting N.Y. TIMES, SEPT. 9, 1969 at 46).

106. *Id.*

107. BITTKER, *supra* note 2, at 108.

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### A. *A Call for Reparations: The Organization of African Unity*

Major international efforts have been directed at reparations for Africans both in Africa and in the African Diaspora around the globe. For example, in 1992 the Organization of African Unity convened the first pan-African conference on reparations for African casualties of European colonialism. Representatives from thirty countries drafted a statement that called on "the international community to recognize that there is a unique and unprecedented moral debt owed to African peoples which has yet to be paid—the debt of compensation to the Africans as the most humiliated and exploited people of the last four centuries of modern history."<sup>108</sup>

In addition, in 1996 the British House of Lords had a serious debate on the impact of slavery on Africa and Africans, with a few members of that House proposing reparations to Africa from Britain and other colonial nations. Lord Anthony Gifford eloquently defended the idea that international law has for some time required those who commit crimes against humanity, including enslavement, to make significant reparations to their victims or their descendants.<sup>109</sup> He noted there is no statute of limitations for crimes against humanity, so the still-harmed descendants of earlier victims of oppression deserve reparations. He also offered a concrete procedure:

The claim would be brought on behalf of all Africans, in Africa and in the Diaspora, who suffer the consequences of the crime, through the agency of an appropriate representative body . . . . The claim would be brought against the governments of those countries which promoted and were enriched by the African slave trade and the institution of slavery . . . . The amount of the claim would be assessed by experts in each aspect of life and in each region, affected by the institution of slavery.<sup>110</sup>

It is interesting that the British House of Lords has, for some time now, been much more advanced in examining these matters of reparations than either house of the United States Congress.

It is also significant that Lord Gifford has officially raised the question of slavery being one of the "crimes against humanity" in which Europeans have engaged. Such crimes, as he notes, have no statute of limitations, which is one effective response to the common white, especially white American, claim that "slavery happened hundreds of years ago" and is thus beyond compensation.<sup>111</sup>

### B. *A United States House Bill: A Reparations Study Commission*

Since 1989, United States Representative John Conyers, Jr. (D-Mich.) has regularly introduced a bill in Congress to set up a commission to:

108. ROBINSON, *supra* note 1, at 220.

109. See Anthony Gifford, *The Legal Basis of the Claim for Reparations*, First Pan-African Congress on Reparations, Abuja, Nigeria (Apr. 27–29, 1993) available at <http://www.arm.arc.co.uk/legalbasis.html>.

110. *Id.*

111. See *id.*

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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.<sup>112</sup>

A key feature of the commission would be to educate the public, especially the white public, on the racist realities of United States history. While Conyers has been unable yet to secure hearings on his bill or get it out of the Republican-controlled House Judiciary Committee, he has found several dozen congressional co-sponsors and has been working patiently for a public discussion of reparations.<sup>113</sup> Conyers has commented that some day the "most hidden, important, silent subject we've ever had in this country" will come to the forefront.<sup>114</sup> He added, "What we're trying to do now is just get the debate going to see where it will lead us."<sup>115</sup>

By the mid-1990s the idea of reparations for African Americans had moved into the political and religious mainstream. Since the 1990s several state and city governments have passed resolutions supportive of Conyers bill or the forming of a national commission to investigate the issue of substantial reparations for African Americans. In May 2000, the Atlanta city council passed a resolution supporting a national commission to study slavery's long-term impact and the payment of reparations.<sup>116</sup> Thereby, they joined the city governments of Dallas, Cleveland, Detroit, and Washington, D.C., in such a view.<sup>117</sup>

#### VII. ATTEMPTS TO GET BLACK REPARATIONS: STRATEGIES AND TACTICS

The data presented above provide the justification for making reparations in the form of dramatic new asset-building programs for African Americans, both individually and collectively. The payment of reparations would compensate the black community for the unpaid labor of their forebears and provide contemporary African Americans with their fair share of the national wealth that they would have had if given the same advantages white Americans had secured over nearly four hundred years.<sup>118</sup>

112. Commission to Study Reparations Proposals for African Americans Act, H.R. 3745, 101st Cong. (1st Sess. 1989).

113. Al Swanson, *Analysis: Reparations Fight Will Continue*, UNITED PRESS INT'L, Jan. 27, 2004, at <http://www.upi.com/view.cfm?storyID=20040127-012118-5919r>.

114. *Id.*

115. Kevin Merida, *Did Freedom Alone Pay a Nation's Debt?*, WASH. POST, Nov. 23, 1999, at C1.

116. Jane DuBose, *Conference to Address Reparations for Slavery; Fisk University Event is Part of Efforts Around U.S. to Seek Compensation for African-Americans for Historical Wrongs*, ATLANTA J. & CONST., Jan. 15, 2001, at 4A.

117. *Id.*

118. Robert S. Browne, *The Economic Basis for Reparations to Black America*, 21 REV. BLACK POL. ECON. 99-110 (1993).

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In recent years some African Americans have sought to go beyond the idea of a commission to study reparations and attempted to secure monetary compensation. Their attempts provide some insight into how the expropriation of African American labor and wealth over nearly four centuries might be compensated, as well as into the difficulties of such an undertaking.

#### A. *An Attempt at Reparations Through the Courts*

In a 1995 case, several black plaintiffs tried to sue the United States government and collect damages of \$100 million "for forced, ancestral indoctrination into a foreign society; kidnapping of ancestors from Africa; forced labor; breakup of families; removal of traditional values; deprivations of freedom; and imposition of oppression, intimidation, miseducation and lack of information about various aspects of their indigenous character."<sup>119</sup> The litigants asked the court to order an apology for slavery and for discrimination against freed slaves and their descendants. Not unexpectedly, the U.S. district and appellate courts found that these reparations claims were barred by the sovereign immunity principle—the principle that the United States government generally has to agree to its being sued.<sup>120</sup> Thus, while recognizing that the Federal Tort Claims Act (FTCA) has allowed limited civil claims against the United States government, as of January 1945, the appellate court held that the statute of limitations barred the black plaintiffs' suit. The appellate court justices argued that "[b]y its own terms, therefore, claims arising out of the fact of slavery, kidnapping, and other offenses to Cato's [the lead black plaintiff] ancestors that occurred prior to 1945 or were not pursued within two years of their accrual, fall outside the FTCA's limited waiver of sovereign immunity."<sup>121</sup> This argument, however, is problematic if one considers the larger context of international law, for as noted previously, "crimes against humanity," as certainly enslavement was (and is), have no statute of limitations.<sup>122</sup>

The appellate court also noted that the lawsuit "draws on the legislative history of the Thirteenth Amendment and the Civil Rights Act of 1866 to contend that the federal government had an obligation to end the vestiges of slavery, but has failed to keep the promise." Yet the court rejected this argument with characteristic individualism: "Without a concrete, personal injury that is not abstract and that is *fairly traceable to the government conduct that she challenges* as unconstitutional, Cato lacks standing."<sup>123</sup> The court further asserted that "[n]either does Cato have standing to litigate claims based on the stigmatizing injury to all African Americans caused by racial discrimination."<sup>124</sup> It appears, from this perspective, that black Americans will not be able to secure reparations through the federal courts until the United States Congress explicitly acknowledges

119. *Cato v. United States*, 70 F.3d 1105, 1106 (9th Cir. 1995).

120. *Id.* at 1107.

121. *Id.* at 1107.

122. *See supra* Part VI.A.

123. *Id.* at 1109 (emphasis added).

124. *Id.* at 1109–10.

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the United States government's long-term responsibility for racial oppression.

*B. State Legislative Action: One Important Precedent*

In the 1920s, Rosewood, Florida, was a relatively prosperous black town of about 350 people. On January 1, 1923, the town was attacked by whites, and at least eight black residents were massacred, with dozens more being injured, and the town was burned.<sup>125</sup> This massacre took place with the collusion of law enforcement officials. In the early 1990s a black survivor working to recover damages contacted a lawyer who pointed out the difficulties and suggested instead that the survivor present the issue to the state legislature.<sup>126</sup> After some powerful legislators got involved, and momentum developed, the Florida legislature passed the Rosewood Compensation Act (1994).<sup>127</sup> This seems to be the first time that any level of government in the United States has openly acknowledged a role in racist violence against African Americans and then provided significant compensation to victims. The state of Florida acknowledged the role of its officials in not preventing the massacre. Each involved black family was eligible for \$20,000 in compensation, plus up to \$150,000 for documented losses; those present at the time were eligible for an additional payment up to \$150,000. Yet even here no public apology was made by the legislature.<sup>128</sup> Perhaps the most significant lesson coming from this example is that reparations for African Americans are *not* a radical idea, but one that can gain support even from conservative white legislators if the case is presented well.

Significantly, the Rosewood legislation is a precedent that has influenced current efforts for reparations in Tulsa, Oklahoma, where 175 or more African Americans were killed in a massive massacre (usually called the Tulsa "race riot"). In late May and early June of 1921 a white mob came together at the Tulsa court house to lynch a black man.<sup>129</sup> When black veterans of World War I organized to resist the lynching, the police department deputized several hundred white men to put down what was termed a "negro uprising." Armed white men, including the deputies, went into the black community and burned many homes and stores, killing and injuring black Tulsans as they went. Although the Tulsa Race Riot Commission recommended paying of reparations in February 2000, government officials and the Oklahoma State Legislature have rejected monetary reparations for the race riot survivors.<sup>130</sup> Furthermore, a federal judge recently dismissed a lawsuit brought by 108 survivors and 271 descendants of the Tulsa Race Riot against the city of Tulsa and the state of Oklahoma ruling

125. Kenneth B. Nunn, *Rosewood*, in *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE* 435, 435 (Roy L. Brooks ed., 1999).

126. *Id.*

127. Fla. House Bill 591 (1994).

128. *Id.*

129. Alfred L. Brophy, *In Oklahoma, Another Debate about Reparations*, HIST. NEWS SERVICE, July 21, 2000, at <http://www.h-net.msu.edu/~hns/articles/2000/072100a.html>.

130. *Id.*

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that the lawsuit was blocked by a statute of limitations that expired in 1923. The plaintiffs have vowed to appeal.<sup>131</sup>

In both the Rosewood and Tulsa cases, clear documentation of the government-sanctioned atrocities committed under legal segregation has helped to make the case for reparations. There are doubtless more such cases that could be documented for the period of legal segregation—in both southern and northern states. In my own research and in that of my students who have interviewed elderly African Americans with extensive experience under legal segregation, we have documented numerous instances of brutal killings by whites, often as groups, that have not only been uncompensated, but often not even recorded in white-controlled newspapers and local libraries.<sup>132</sup> Such documentation, together with pressure on state and federal legislatures for redress, might be a way to help create a larger national movement for reparations. Today, government action for reparations for African Americans is not beyond the realm of possibility.

#### VIII. SOME PRACTICAL QUESTIONS: IMPLEMENTING REPARATIONS

What are the steps that might be taken to provide reparations? How might this be done? One step in moving toward reparations might be in the area of education. Many, if not most, whites are inclined to deny the reality of widespread anti-black discrimination, and also are inclined to romanticize past efforts at change—such as by asserting that most racial discrimination has been eliminated by civil rights laws.<sup>133</sup> The knowledge that most white Americans have about past and recent racial history is so limited that, without major educational efforts, it will be difficult to get them to understand some of the key arguments made by advocates of reparations.

Another early step might be pressing aggressively for a national apology to African Americans—which might also have some modest educational value. It was not until the late 1990s that any United States president entertained the idea of a public apology for the government role in enslavement. Then-President Bill Clinton stated that apologies for slavery could be important in national racial healing, but after white protests he retreated from making an apology. Clinton also asserted the common argument that “the nation is so many generations removed from that era that reparations for black Americans may not be possible.”<sup>134</sup> Again, in 1997 House member Tony Hall (D-Ohio) proposed a bill to Congress (co-sponsored by sixteen other House members) demanding a national apology for slavery.<sup>135</sup> Making an apology may be a good place to start, but it is only a start. A much more substantial congressional step would be to

131. David Harper, *Judge Dismisses Race Riot Lawsuit*, *TULSA WORLD*, Mar. 23, 2004, at A1.

132. Ruth Thompson-Miller, *Desegregation: The Impact on an African American Community in the South*, *J. UNDERGRADUATE RES.* (forthcoming).

133. FEAGIN, *supra* note 3, at 123–29.

134. Mary E. Smith, *Clinton and Conservatives Oppose Slavery Reparations*, in *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE* 370–71 (Roy L. Brooks ed., 1999).

135. Robert Lusetch, *Reconciliation in America—Still Too Hard to Say Sorry*, *AUSTRALIAN*, July 10, 2000, at 9.

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begin to provide monetary and nonmonetary reparations for centuries of oppression.

*A. How Might Reparations to African Americans Be Paid?*

The previously cited precedents suggest that both individual and collective compensation can be considered. For Japanese Americans, there were payments to individual claimants or their heirs. Individuals and families were compensated for the harm done. In contrast, German reparations to Jews went both to surviving individuals and to the Jewish state of Israel, which became the collective representative of the victims of the Holocaust.

Some advocates of reparations for African Americans press for individual compensation, while others have proposed collective compensation. There are at least two approaches to individual reparations. Government reparations funds could be paid out directly on a one-time per capita basis to African Americans, or, alternatively, they could be put into income-earning investments, whose returns could be paid out each year on a per capita basis.<sup>136</sup> Darrell Pugh has suggested a different approach: The organization chosen to represent African Americans could invest the reparations for the entire community, and black individuals could then apply to this coordinating organization "for funds that would be used to foster the goals that 'self-help' sought to achieve—namely, economic independence and self-sufficiency."<sup>137</sup> Some might point out a number of difficulties with per capita reparations for African Americans, including the wide differences in monetary and nonmonetary damages suffered by individuals. However, as I will discuss below, *justice*, not individual need, has been the central issue in most cases of compensation for oppression.

Probably for both practical and political reasons, the emphasis among most current black and white advocates of reparations is placed on collective policies and group programs. Thus, the aforementioned 1969 Black Manifesto called for \$500 million in reparations by white religious and other organizations for such institutional investments as job training centers in black communities, a welfare recipients organization, a land bank in the South, and a black university.<sup>138</sup> More recently, the National Coalition of Blacks for Reparations in America (N'COBRA) has sought nearly \$400 million in reparations—both for individual compensation and for the provision of programs for institutional asset-building in black communities.<sup>139</sup> According to one N'COBRA plaintiff, "[w]e're seeking reparations for our ancestors who aren't here to bear witness . . . Nobody was paid forty acres and a mule because Lincoln was assassinated before it could go through."<sup>140</sup>

136. Browne, *supra* note 15, at 205–06.

137. Darrell L. Pugh, *Collective Rehabilitation*, in *WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE* 372, 373 (Roy L. Brooks ed., 1999).

138. Feagin & O'Brien, *supra* note 102.

139. Stephen Magagnini, *Descendants Suing U.S. Over Slavery*, *SACRAMENTO BEE*, Apr. 14, 1994, at A1.

140. *Id.*

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Moreover, the community focus of reparations under South Africa's Truth and Reconciliation Commission is perhaps a model for reparations for African Americans. A leading legal scholar on reparations, Robert Westley, has argued that because African Americans "have been and are harmed as a group . . . I am opposed to individual reparations as a primary policy objective."<sup>141</sup> Instead, he accents the way that group reparations could help with critical institution-building and asset-building within black communities. Similarly, in his pioneering 1973 book Bittker suggested that reparations should involve collective compensation directed at institution building.<sup>142</sup> He expressed concern that individual payments would go mostly for current consumption, and not for the necessary longer term investments in black communities.<sup>143</sup> However, one should note in this regard that white Americans have been able to do as they please with their accumulated wealth, much ultimately from the unjust enrichment that their ancestors, and they, have gained from long term racial discrimination targeting African Americans.

Most advocates of collectively focused reparations desire governments in the United States to fund directly *large-scale* job training, educational, and housing programs designed to improve socioeconomic conditions in black communities.<sup>144</sup> Reparations in the form of community rehabilitation—such as for first-rate public schools and housing, and for seed capital to build small businesses—seem critical to the full rebuilding of black America. Yet others suggest the transfer of an appropriate amount of compensating assets to a huge investment fund that would be used to create many new job-creating enterprises—thus providing a real economic "takeoff for black communities."<sup>145</sup> The rationale of the group approach is that racial oppression was, and is, a collective effort by whites that has affected the entire black community—even supposedly "free" blacks during slavery and middle class blacks today. For that reason, the solution must also be one of restoring communities, not just individuals, to wholeness.<sup>146</sup>

#### B. What Amount of Compensation Would Be Paid?

Some have suggested taking the average earnings gap between black and white workers and multiplying that by the number of black workers to suggest an annual compensation figure.<sup>147</sup> Using census data, I calculated that the current annual earnings gap between full-time, year-round white and black workers is \$9,724 for men and \$3,440 for women. Assuming an average gap for black workers taken as a whole (some would

141. Robert Westley, *Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations?*, 19 B.C. THIRD WORLD L.J. 469 (1998).

142. BITTKER, *supra* note 2, at 71–73.

143. *Id.*

144. See Joe R. Feagin & Eileen O'Brien, *The Long Overdue Reparations for African Americans*, in WHEN SORRY ISN'T ENOUGH: THE CONTROVERSY OVER APOLOGIES AND REPARATIONS FOR HUMAN JUSTICE 417 (Roy L. Brooks ed., 1999).

145. Browne, *supra* note 15, at 205.

146. E-mail from Roy L. Brooks, Warren Distinguished Professor of Law, University of San Diego School of Law (Feb. 20, 2004) (on file with author).

147. Pugh, *supra* note 137, at 372–73.

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be more, some not at all), when these figures are multiplied by the total number of full-time, year-round black workers, the total monetary differential is today about \$71.1 billion annually. An alternative calculation would be to capitalize the wages gap. If the average market rate of return is ten percent, then the total capitalization required would thus be about \$711 billion, to generate \$71 billion annually. We should note two things. First, this figure does not take into account the costs of part-time or unemployed workers. Adding them in would likely increase this figure substantially. Secondly, these calculations do not take into account the large gender gap in United States workers' incomes, which is indeed about \$9,500. If that gap is included in the final calculation, a much larger amount would be necessary to bring women workers, including black women workers, up to the level of white men.

In addition, closing the current income gap would only be part of an asset-building strategy. There would also need to be a much larger effort to close the *wealth gap*, which is larger than the income gap because of fifteen generations of white head-starts and advantage in income and other assets. Thus, over these years many whites used access to material and educational resources to build up family net worth. Recent data indicate that the median net worth of white households is nearly *ten times* that of black households.<sup>148</sup> This huge wealth gap could only be closed by major efforts to provide African Americans with land, homes, securities, and other equity and income-generating assets.

By any reasonable calculation of the unjust impoverishment, the reparations required just to close the income and wealth gaps are enormous. In addition, to make provision of large reparations more politically acceptable to white Americans, they would have to be paid out over some period of time—though, from the black perspective, such a period could not be so long as to continue the harsh reality of a dream deferred.

### C. Who Would Represent African Americans Collectively?

Several scholars have suggested that a widely accepted black-led organization would need to be chosen to represent African Americans in the process of developing and distributing reparations, a step with a number of practical difficulties such as choosing which organizations to include.<sup>149</sup> Still, major African American organizations, especially civil rights organizations, would likely be involved. Potential black beneficiaries could elect their group representatives. A private trust organization might be set up, which would be administered by elected trustees and financed by United States government funds, perhaps for a specifically limited period. The trust funds would then be distributed to projects for the educational, economic, and political empowerment of African Americans.<sup>150</sup> Pugh suggests that a national trust fund administered by representatives of African Americans might be structured similar to the government's Small Busi-

148. U.S. Bureau of the Census, *supra* note 44.

149. Bittker, *supra* note 2, at 81–82. He notes some of these: Would leaders in existing black organizations be chosen? Or other black notables such as poets and intellectuals? Which organizations?

150. Westley, *supra* note 141, at 470.

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ness Administration, with a board of governors responsible to Congress.<sup>151</sup>

#### D. Who Should Be Paid?

Some whites may object that not all African Americans deserve reparations, for some, such as those in the upper middle class, are alleged to be doing well, at least from a commonplace white perspective. Indeed, this point has often been made in numerous white complaints about current affirmative action programs. Yet this argument misses the essential point that reparations are *due because of just entitlement* and not because of economic need. Thus, Japanese Americans and European Jews got reparations because of the damage done to them, *not* because of economic need. The traditional idea of unjust enrichment does not focus on need but rather on restoring to those who have suffered loss their rightful assets and position in society.<sup>152</sup>

Moreover, white complaints about black middle class' success are often exaggerated and made from ignorance or with a lack of candor. Field research shows that middle-class African Americans still pay a very heavy price, both in material terms and health-wise, for the continuing discrimination they face.<sup>153</sup>

The costs of racism have hit African Americans as individuals and families—as well as harmed their communities. If the unjustly lost wealth is to be restored, it will have to be returned, to a substantial degree, to those individuals and families.

We should also note the problem of identifying beneficiaries. Such identification would raise the question of "who is black?" in a potentially divisive form. There would likely be much opposition to setting up a bureaucracy using official criteria in deciding who is black. (Indeed, "white" opponents of reparations might claim to be "black.") Arguments against individual reparations include this type of argument. Yet, group reparations may face some of the same problems, though the collective approach would allow groups already seen as legitimate and black-managed, such as civil rights organizations and community and religious groups, to supervise programs of group reparations.<sup>154</sup> This would focus reparations implementation within existing black communities and reduce the likelihood that non-blacks would clamor for participation. Still, there would be hard choices to be made, and much debate would likely follow any beginning on a government-funded program of reparations.

#### E. Who Is Responsible for Payments?

Most whites would likely say that they should not be held accountable, perhaps adding famous but naïve phrases like "my family never owned any slaves." Indeed, Representative Henry Hyde (R-Ill.), then chair of the House Judiciary Committee, has commented that the idea of col-

151. Pugh, *supra* note 137, at 373.

152. See generally Westley, *supra* note 141.

153. See generally FEAGIN & SIKES, *supra* note 24; FEAGIN & MCKINNEY, *supra* note 46.

154. BITTKER, *supra* note 105, at 121–23.

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lective responsibility for slavery "is an idea whose time has gone. I never owned a slave. I never oppressed anybody. I don't know that I should have to pay for someone who did generations before I was born."<sup>155</sup>

Nonetheless, as I have shown above, the majority of white individuals and families have benefited, in varying ways, from the enslavement and segregation of African Americans, as well as from continuing patterns of discrimination. Certainly too, the United States government was directly and heavily involved in buttressing and perpetuating slavery, such as by putting fugitive slave laws into operation (including in the United States Constitution itself). Enslaved African Americans built much of the Capitol itself, as well as other government buildings. Indeed, and rather ironically, enslaved African Americans put up the statue of freedom on top of the Capitol.<sup>156</sup> Later on, local, state, and federal government agencies were implicated directly in buttressing or winking at legal segregation (near-slavery for most African Americans in the South) across various institutional areas. The federal government has been involved as well in the lack of effective enforcement of civil rights laws since the 1960s. For such reasons, federal, state, and local governments should be seen as responsible for making reparations to African Americans as individuals, families, and communities.

Aggressive government involvement seems essential to building up institutions that provide both monetary and cultural assets. Restitution might take the form of extensive and well-funded programs for upgrading the education and job skills of all black Americans who seek such aid. Added to this would be the creation of major job networks radiating out of black communities so that black applicants can get into the traditionally white networks that feed many employers with potential workers. All of these could be established in every black or multiracial community. Related programs could provide government resources for start-up businesses and mortgages and significantly upgrade the quality of public schools and other public facilities in black communities. A key feature of these programs would be their substantiality. One can begin on the modest scale, but if reparations are to destroy the extreme patterns of unjust impoverishment and enrichment in the long term, they would have to be large-scale programs, and far more substantial than anything tried by governments in seeking social justice goals in the past, such as the modest 1960s' War on Poverty programs. Over time, the scale of reparations funding would need to be very large, ultimately in the trillions, and at least as large a commitment as the federal government commitment to national defense. Moreover, the funding would need to last for a long time. Racial oppression has endured for fifteen generations, so it is likely that the provision of meaningful reparations will also take several generations.

#### *F. Nonmonetary Reparations*

Reparations would need to be nonmonetary as well. One type of non-monetary reparations would be to guarantee voting rights and represen-

155. Merida, *supra* note 115, at C1.

156. See ROBINSON, *supra* note 1, at 5.

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tative participation for African Americans in all local, state, and national legislatures, so that they could have an appropriate voice in government decisions affecting the nation and their communities. The United States has a long history of making voting difficult, if not impossible, for African Americans.<sup>157</sup> So far I have only considered compensatory damages for the harm done to African Americans, usually in reference to calculations of income and other economic loss. Yet, psychological, physical, familial, and community costs have burdened many millions of African Americans from the seventeenth century to the present, and thus should be factored closely into any careful consideration of the reparations due to those who are currently the victims of racialized oppression, as well as the descendants of those who were victims of similar racialized oppression. In legal cases involving individuals, compensatory damages paid by the perpetrators of harm are often accompanied by punitive damages whose purpose is to punish or deter a perpetrator who has acted willfully, maliciously, and in bad faith. Clearly, many acts by whites motivated by racism have been willful, malicious, and in bad faith, whether committed under the guise of slavery, legal segregation, or modern racism. Given the persisting and costly brutality of American racism, African Americans would not be unjustified in asking for substantial punitive damages as well. Yet, as noted previously, in our legal system the federal government can only be sued under certain limited circumstances, and never for punitive damages. Nonetheless, according to some interpretations of international law, crimes against humanity have a different character from ordinary individual wrongs. At a minimum, if African Americans forgo punitive damages, this should add a moral incentive for white Americans to undertake a program of actual compensatory reparations.

#### IX. CONCLUSION

African Americans have been the targets of racial discrimination for one of the longest sustained periods in the entire history of the human race. Only indigenous groups in various colonized areas have seen more, and more sustained, oppression over such a long period—nearly four centuries.

Given the long history of generalized racial oppression and economic theft from African Americans by white Americans, and the trillions of dollars in costs, the idea of reparations need not be seen as "radical," but rather as necessarily flowing from an expanded—and morally collective—legal doctrine of redressing conditions of unjust impoverishment and enrichment. Of course, whites with power and wealth must be made to see this connection between just compensation and past and present damages—which is essential if a program of reparations is to become public policy. Once again, aggressive education of the white public about the truths of American racial history is very important. That is perhaps the first task to be undertaken in regard to a successful, long-term reparations strategy.

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157. FEAGIN & FEAGIN, *supra* note 3, at 178–84.

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One important benefit of reparations is the psychological and symbolic impact. The provision of reparations would have significance beyond the tangible compensation, for it would constitute a symbolic recognition of centuries of systemic racism. At a 1993 Pan-African Conference on Reparations in Nigeria, Chinweizu argued that

More important than any monies to be received; more fundamental than any lands to be recovered, is the opportunity the reparations campaign offers us for the rehabilitation of black people, by black people, for black people; opportunities for the rehabilitation of our minds, our material condition, our collective reputation, our cultures, our memories, our self-respect, our religions, our political traditions and our family institutions; but first and foremost for the rehabilitation of our minds . . . the most important part of reparation is our self-repair.<sup>158</sup>

Here we also see that the issue of reparations for African Americans, as well as for others enslaved in the African Diaspora, is now an international human rights question. Recently, some black leaders from the United States and other parts of the Americas have pressed the United Nations Working Group on Minorities to consider the impact of slavery on African Americans and other African-origin peoples of the Americas.<sup>159</sup> One point they make is that the long term, unredressed disabilities stemming from slavery still constitute a violation of the International Covenant on Civil and Political Rights.

How will real change come? Clearly, getting white Americans to make reparations in the trillions of dollars for four hundred years of racial oppression will, to put it mildly, be very difficult. Perhaps the best that we can hope for is a good start in the form of community reparations through federal government programs. Moreover, if history is our guide, it is likely that the impetus for change will have to come from African Americans, yet one more time. As legal scholar Rhonda Magee has put it, "The master's house may be dismantled . . . by use of the master's tools. But it is folly to expect that the master himself will use his tools against his property in so self-destructive a way. The job of doing that, rests, as it has always in the past, with those forced to shoulder the increasingly unbearable weight of the well-appointed structure that the master built: those at the bottom."<sup>160</sup> While there are many whites who support such anti-racism efforts, it will probably have to be African Americans who trigger, and press for, such changes.

What does the society as a whole have to gain from a large-scale program of reparations? Robert Browne has argued that reparations in the form of internal capital transfers would "involve no loss of resources to the economy, but rather a redistribution away from heretofore favored

158. Chinweizu, *Reparations and A New Global Order: A Comparative Overview*, Second Plenary Session, Pan-African Conference on Reparations, Abuja, Nigeria (Apr. 27, 1993).

159. S. A. Reid, *Groups Urge U.N. Meeting on Reparations for Slaves' Kin*, ATLANTA J. & CONST., July 13, 2000, at 8JD.

160. Magee, *supra* note 99, at 916.

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classes."<sup>161</sup> There might even be a boost to the economy from such transfers. In addition, there will likely be a society-wide energy gain as black Americans emerge from under the shroud of racism and gain much new energy for seeking broader group and societal goals. At the same time white Americans could put new energy into broader societal goals. Clearly, there is a major moral gain here for the United States, since for the first time in its history there will be a real national commitment to implementing the goals of liberty and justice for all. In the long run, such reparations may also save society from upheaval. Just societies are likely to work better and last longer than those with great social inequalities. Societies sustainable in the long run may well require ever-expanding social justice.

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161. Browne, *supra* note 15, at 205. This would be true only if the reparations were paid directly through taxes and land reform.

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Sharon Bridgewater

1524 Harvest Lane  
Superior Township, MI 498  
Sbridge11@yahoo.com

1-734-276-2464

Leave to file GRANTED - but not  
ex parte  
Amy B. Jackson 6/4/13  
United States District Judge Date

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CASE No. 1:12 CV-1332(ABJ)

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM UNITED  
STATES HOUSE OF REPRESENTATIVES,

2157 Rayburn House Office Building  
Washington, D.C. 20515-6143,

Plaintiffs

Eric Holder Jr.,  
in his official capacity as the United States  
Attorney General

United States Department of Justice )  
950 Pennsylvania Avenue, N.W. )  
Washington, D.C. 20530-0001 )

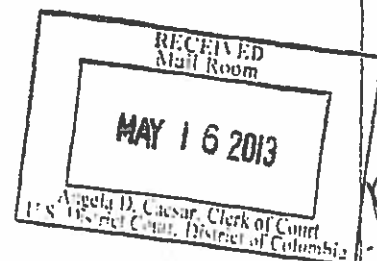
)  
) EX-PARTE APPLICATION AND/OR  
) MOTION OF Sharon Bridgewater, (A.K.A.  
) Sharon Abusalem, Sharon Davis) individually  
) and/or on behalf of the (B & B Building  
) Maintenance INC., a dissolved Michigan  
) and/or Georgia Corporation, Specialty  
) Investment Group L.L.C. A dissolved  
) Georgia Company and Specialty Global  
) Investments Inc., a dissolved  
) Nevada Corporation ), and Bridgewater &  
) Company Inc. a California Corporation,  
) WITH LEAVE TO INTERVENE AS  
) PLAINTIFFS

42 USC section 2000h  
entitled to the same relief  
as instructed the note

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MAY 13 2013

U.S. District & Bankruptcy  
Court for the District of Columbia



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U.S. Department of Justice  
Civil Rights Division

MJK:kjc:bab  
DJ 175-11-0

Criminal Section - PHB  
930 Pennsylvania Ave, NW  
Washington, DC 20530

**MAR 18 2011**

Ms. Sharon Bridgewater  
Post Office Box 422145  
San Francisco, CA 94142-2145

Dear Ms. Bridgewater:

This responds to your "Amended Complaint for Damages" dated October 6, 2010, addressed to the Housing and Civil Enforcement Section, which was recently referred to our office regarding your lawsuit against a Bay Area lawfirm, which represents real estate owners and managers, who filed a allegedly unlawful detainer proceeding in county superior court in 2006 that resulted in the loss of your apartment in San Francisco. We apologize for our delay in responding. You complain that this action has violated your right to due process and the American with Disabilities Act under Section 8 Housing.

The Criminal Section of the Civil Rights Division at the Department of Justice is responsible for investigating and prosecuting criminal conduct involving deprivations of civil rights. In general, these matters include certain acts involving racial or religious violence, violence against individuals based upon their sexual orientation or gender identification, misconduct by local and federal law enforcement officials, violations of peonage and involuntary servitude statutes, and violence against reproductive health care facilities.

We have carefully reviewed the information you furnished and concluded that there is no prosecutable violation of federal criminal civil rights statutes. Accordingly, we are unable to assist you.

We can only suggest that you consult with a private attorney or contact the California Bar Association to determine if they may be able to assist you. Thank you for bringing this matter to our attention.

Sincerely,

Mark J. Kappelhoff  
Section Chief  
Criminal Section

By:

Kevin J. Callahan  
Paralegal Specialist  
Criminal Section

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U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity - Region IX  
600 Harrison Street, 3<sup>rd</sup> Floor  
San Francisco, California 94107-1387  
Voice: (800) 347-3739 (415) 489-6524  
TTY: (415) 489-6564 Fax: (415) 489-6560  
www.hud.gov  
espanol.hud.gov

OCT 17 2010

Sharon Bridgewater  
111 Preda Street, Apt. 7  
San Leandro, CA 94577

Dear Ms. Bridgewater:

Subject: Housing Discrimination Inquiry  
Bridgewater v Tonra Trust, Mary and Roger, et al.  
HUD Inquiry No. 307693

The above-referenced housing discrimination inquiry was received by the U. S. Department of Housing and Urban Development (the "Department") pursuant to the federal fair housing laws. This claim has been administratively closed for lack of jurisdiction because federal fair housing laws do not cover the subject matter and/or bases of the alleged discrimination.

This Office only has power to address issues recognized under federal Fair Housing laws. We cannot address any other legal matters. We believe that you should address your concerns as follows.

Since your problem concerns the application of California state law concerning a general housing matter, and the subject property is not HUD-assisted, you are advised to contact the *California State Department of Consumer Affairs* at (800) 952-5210. The federal government has no jurisdiction over these state law issues.

This administrative closure does not represent a judgment upon the merits of the allegations contained in the claim.

The Fair Housing Act provides that, notwithstanding this action by the Department, a Complainant may file a civil action in an appropriate United States District Court, or a State Court, no later than two (2) years after the occurrence or the termination of the alleged discriminatory housing practice(s). The computation of this two-year period does not include the time during which the claim was pending with the Department.

Should there be questions about this closure, please contact Debbie Harmon, Intake Specialist, at (800) 347-3739 Ext. 6535 or (415) 489-6535.

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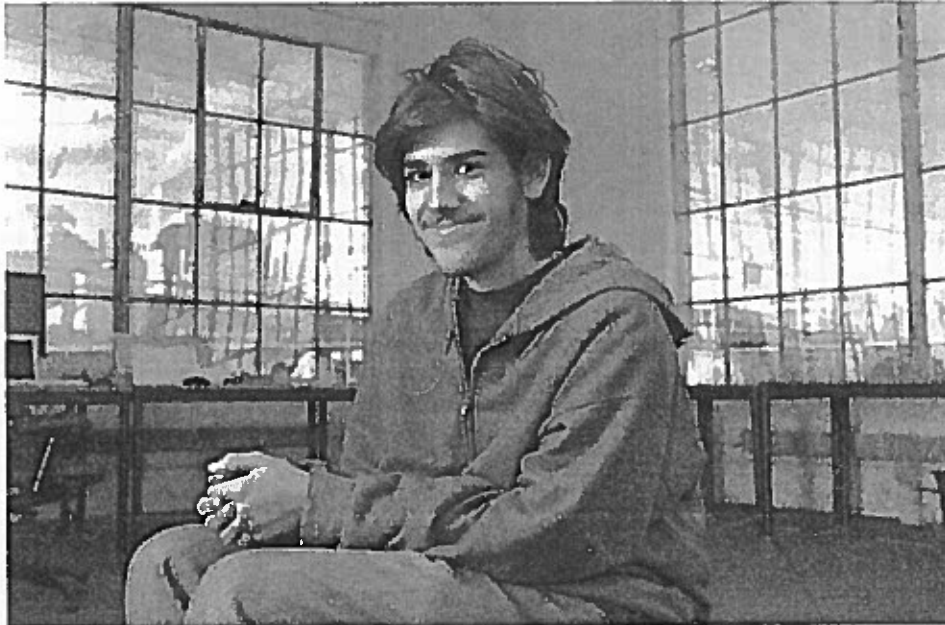








- **ERIC HOLDER JR. ILLEGAL, UNLAWFUL, GROSS PROSECUTIONAL MISCONDUCT WITH - THE DIRECT AND PROXIMATE CAUSE OF THIS YOUNG MAN DEATH**



- 
- Aaron Swartz Programmer Aaron Hillel Swartz was an American computer programmer, writer, political organizer and Internet activist.



**Aaron Hillel Swartz** (November 8, 1986 – January 11, 2013) was an American computer programmer, writer, political organizer and Internet activist. Swartz was involved in the development of the web feed format RSS,<sup>[5]</sup> the organization Creative Commons,<sup>[6]</sup> the website framework web.py<sup>[7]</sup> and the social news site Reddit. In 2013, he was inducted into the Internet Hall of Fame.<sup>[8]</sup>

Swartz became an equal partner in Reddit after its merger with his company, Infogami.<sup>[1]</sup> His later work focused on sociology, civic awareness and activism.<sup>[9][10]</sup> In 2009, wanting to learn about effective activism, he helped launch the Progressive Change Campaign

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Committee. In 2010, he became a research fellow at Harvard University's Edmond J. Safra Research Lab on Institutional Corruption, directed by Lawrence Lessig.<sup>[1][12]</sup> He founded the online group Demand Progress, known for its campaign against the Stop Online Piracy Act.

On January 6, 2011, Swartz was arrested by MIT police on state breaking-and-entering charges, after systematically downloading academic journal articles from JSTOR.<sup>[13][14][15][16]</sup> Federal prosecutors later charged him with two counts of wire fraud and 11 violations of the Computer Fraud and Abuse Act,<sup>[17]</sup> carrying a cumulative maximum penalty of \$1 million in fines, 35 years in prison, asset forfeiture, restitution and supervised release.<sup>[18]</sup>

On January 11, 2013, two years after his initial arrest, Swartz was found dead in his Crown Heights, Brooklyn apartment, where he had hanged himself.<sup>[19][20][21]</sup>

Swartz attended Stanford University. After the summer of his freshman year, he attended Y Combinator's first Summer Founders Program where he started the software company Infogami. Infogami's wiki platform was used to support the Internet Archive's Open Library project and the web.py web framework that Swartz had created,<sup>[33]</sup> but he felt he needed co-founders to proceed further. Y-Combinator organizers suggested that Infogami merge with Reddit,<sup>[34][35]</sup> which it did in November 2005.<sup>[34][36]</sup> Reddit at first found it difficult to make money from the project, but the site later gained in popularity, with millions of users visiting it each month.

In October 2006, Reddit was acquired by Condé Nast Publications, the owner of Wired magazine.<sup>[24][37]</sup> Swartz moved with his company to San Francisco to work on Wired.<sup>[24]</sup> Swartz found office life uncongenial, and he ultimately left the company.<sup>[38]</sup>

In September 2007, Swartz joined with Simon Carstensen to launch Jottit.

## Activism<sup>[edit]</sup>

In 2008 Swartz founded Watchdog.net, "the good government site with teeth," to aggregate and visualize data about politicians.<sup>[39]</sup> In the same year, he wrote a widely circulated *Open Access Guerilla Manifesto*.<sup>[40][41][42][43][44][45][46][47]</sup>

In 2009, wanting to learn about effective activism, Swartz helped launch the Progressive Change Campaign Committee.<sup>[48]</sup> He wrote on his blog, "I spend my days experimenting with new ways to get progressive policies enacted and progressive politicians elected."<sup>[49]</sup> Swartz led the first activism event of his career with the Progressive Change Campaign Committee, delivering thousands of "Honor Kennedy" petition signatures to Massachusetts legislators asking them to fulfill former Sen. Ted Kennedy's last wish by appointing a

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senator to vote for health care reform.<sup>[50]</sup>

In 2010,<sup>[51]</sup> Swartz co-founded Demand Progress,<sup>[52]</sup> a political advocacy group that organizes people online to “take action by contacting Congress and other leaders, funding pressure tactics, and spreading the word” about civil liberties, government reform, and other issues.<sup>[53]</sup>

During academic year 2010–11, Swartz conducted research studies on political corruption as a Lab Fellow in Harvard University’s Edmond J. Safra Research Lab on Institutional Corruption.<sup>[1][12][52]</sup>

Author Cory Doctorow, in his novel, *Homeland*, “dr[ew] on advice from Swartz in setting the information now available about voters to create a political campaign.”<sup>[54]</sup> In an afterword to the novel, Swartz tools can be used by anyone motivated and talented to change the system.... Let me know if I can help.”<sup>[54]</sup>



Swartz in 2012 protesting against the Stop Online Piracy Act (SOPA)

Swartz was instrumental in the campaign to prevent passage of the Stop Online Piracy Act (SOPA), which sought to combat Internet copyright violations but was criticized on the basis that it would have made it easier for the U.S. government to shut down web sites accused of violating copyright and would have placed intolerable burdens on Internet providers.<sup>[55]</sup> Following the defeat of the bill, Swartz was the keynote speaker at the F2C:Freedom to Connect 2012 event in Washington, D.C., on May 21, 2012. His speech was titled “How We Stopped SOPA” and he informed the audience:

This bill ... shut down whole websites. Essentially, it stopped Americans from communicating entirely with certain groups....

I called all my friends, and we stayed up all night setting up a website for this new group, Demand Progress, with an online petition opposing this noxious bill.... We [got] ... 300,000 signers.... We met with the staff of members of Congress and pleaded with them.... And then it passed unanimously....

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And then, suddenly, the process stopped. Senator Ron Wyden ... put a hold on the bill.<sup>[56][57]</sup>

He added, "We won this fight because everyone made themselves the hero of their own story. Everyone took it as their job to save this crucial freedom."<sup>[56][57]</sup> He was referring to a series of protests against the bill by numerous websites that was described by the Electronic Frontier Foundation as the biggest in Internet history, with over 115,000 sites altering their webpages.<sup>[58]</sup> Swartz also presented on this topic at an event organized by ThoughtWorks.<sup>[59]</sup>

## Library of Congress<sup>[edit]</sup>

Around 2006, Swartz acquired the Library of Congress's complete bibliographic dataset: the library charged fees to access this, but as a government document, it was not copyright-protected within the USA. By posting the data on OpenLibrary, Swartz made it freely available.<sup>[62]</sup> The Library of Congress project was met with approval by the Copyright Office.<sup>[63]</sup>

## PACER<sup>[edit]</sup>

In 2008, Swartz downloaded and released about 2.7 million federal court documents stored in the Public Access to Court Electronic Records (PACER) database managed by the Administrative Office of the United States Courts.<sup>[64]</sup>

The *Huffington Post* characterized his actions this way: "Swartz downloaded public court documents from the PACER system in an effort to make them available outside of the expensive service. The move drew the attention of the FBI, which ultimately decided not to press charges as the documents, were, in fact, public."<sup>[65]</sup>

PACER was charging 8 cents per page for information that Carl Malamud, who founded the nonprofit group Public.Resource.Org, contended should be free, because federal documents are not covered by copyright.<sup>[66][67]</sup> The fees were "plowed back to the courts to finance technology, but the system [ran] a budget surplus of some \$150 million, according to court reports," reported *The New York Times*.<sup>[66]</sup> PACER used technology that was "designed in the bygone days of screechy telephone modems ... put[ting] the nation's legal system behind a wall of cash and kludge."<sup>[66]</sup> Malamud appealed to fellow activists, urging them to visit one of 17 libraries conducting a free trial of the PACER system, download court documents, and send them to him for public distribution.<sup>[66]</sup>

After reading Malamud's call for action,<sup>[66]</sup> Swartz used a Perl computer script running on Amazon cloud servers to download the documents, using credentials belonging to a Sacramento library.<sup>[64]</sup> From September 4 to 20, 2008, it accessed documents and uploaded them to a cloud computing service.<sup>[67]</sup> He released the documents to Malamud's

A3 91

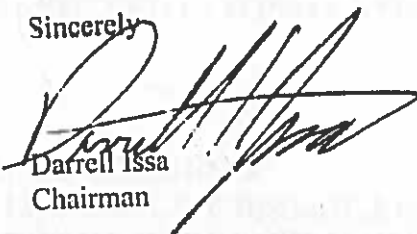


Mr. Kenneth E. Melson  
March 16, 2011  
Page 4

We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on March 30, 2011. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

If you have any questions about this request, please contact Ashok Pinto or Henry Kerner of the Committee Staff at (202) 225-5074. Thank you for your attention to this matter.

Sincerely



Darrell Issa  
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

A-2316

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

Majority (202) 225-5074  
Minority (202) 225-5051

**Responding to Committee Document Requests**

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF") files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

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6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when they were requested.
8. When you produce documents, you should identify the paragraph in the Committee's request to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

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17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might

otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

# United States Senate

WASHINGTON, DC 20510

January 27, 2011

## Via Electronic Transmission

**Kenneth E. Melson**  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue, NE  
Washington, DC 20226

Dear Acting Director Melson:

It is my understanding that the ATF is continually conducting operations along the southwestern United States border to thwart illegal firearm trafficking. I am specifically writing you concerning an ATF operation called "Project Gunrunner." There are serious concerns that the ATF may have become careless, if not negligent, in implementing the Gunrunner strategy.

Members of the Judiciary Committee have received numerous allegations that the ATF sanctioned the sale of hundreds of assault weapons to suspected straw purchasers, who then allegedly transported these weapons throughout the southwestern border area and into Mexico. According to the allegations, one of these individuals purchased three assault rifles with cash in Glendale, Arizona on January 16, 2010. Two of the weapons were then allegedly used in a firefight on December 14, 2010 against Customs and Border Protection (CBP) agents, killing CBP Agent Brian Terry. These extremely serious allegations were accompanied by detailed documentation which appears to lend credibility to the claims and partially corroborates them.

On Tuesday, according to press reports, the ATF arrested 17 suspects in a Project Gunrunner bust. William Newell, the Special Agent in Charge of the ATF's Phoenix Field Office was quoted as saying, "We strongly believe we took down the entire organization from top to bottom that operated out of the Phoenix area." However, if the 17 individuals were merely straw purchasers of whom the ATF had been previously aware before Agent Terry's death, then that raises a host of serious questions that the ATF needs to address immediately.

As you know, the Department of Justice Office of Inspector General (OIG) released a review of ATF's Project Gunrunner in November of 2010, in which the OIG concluded that Project Gunrunner has been unsuccessful, in large part because:

Project Gunrunner's investigative focus has largely remained on gun dealer inspections and straw purchaser investigations, rather than targeting higher-level traffickers and smugglers. As a result, ATF has not made full use of the

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intelligence, technological, and prosecutorial resources that can help ATF's investigations reach into the higher levels of trafficking rings.<sup>1</sup>

Therefore, in order to gain a more complete understanding of ATF activities in Project Gunrunner, I request that you arrange for my staff to be briefed by knowledgeable ATF supervisors no later than February 3, 2011. Please contact Jason Foster or Brian Downey at (202) 224-5225 to schedule the briefing. All formal correspondence should be sent electronically in PDF format to [Brian\\_Downey@judiciary-rep.senate.gov](mailto:Brian_Downey@judiciary-rep.senate.gov) or via facsimile to (202) 224-3799.

Sincerely,



Charles E. Grassley  
Ranking Member

<sup>1</sup> *Review of ATF's Project Gunrunner, Evaluation and Inspections Report 1-2011-001*, November 2010, available at <http://www.justice.gov/oig/reports/ATF/e1101.pdf>

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TWO Predicate Acts  
RICO - Mail Fraud / wire Fraud  
Schemes to deprive the Plaintiff

On or about 1993 and continuing thru 1998 the Plaintiff at all times mentioned the Plaintiff On Nov. 20, 2005, I Sharon Bridgewater a African American female "CITIZEN OF THE UNITED STATES OF AMERICA" while conducting business and/or while a student at the University of Michigan, , the Plaintiff (a Black female driving with the regular flow of traffic and driving "normal" (not engaged in any suspicious activity), and had violated no traffic laws.

at home  
right  
to know  
Source

Defendants unknown Michigan Police or Sherriff, acted under the color of Michigan law, employed the federal interstate wires via police radio originating in the State of Michigan and terminating in the State of Michigan to Unknown Defendants JOHN DOE and unknown does defendant did knowingly, intentionally and maliciously, act in his individual private person, acted outside scope of authority, acted under the color of Michigan State law, discriminated based on class race, or ethnicity used, threat, coercion and "excessive force" "stopped" Plaintiffs without probable cause, and made a unconstitutional traffic stop, and did overt acts or omissions to further the objective of the conspiracy. In furtherance of the Defendants actions, knowingly intentionally detained the Plaintiff against her will integrated the Plaintiff for what seemed to be two hours, and subsequently did not issue the Plaintiff any traffic citations, no traffic warnings, and subsequently release the Plaintiff, and did not apologize for his actions. The horrific incident caused the Plaintiff irreversible damage. The Plaintiff was rendered disabled by UM doctor, and the Plaintiff was unable to study for one year and the defendants did overt acts or omissions to further the objective of the conspiracy.

founded and started the Plaintiff founded B & B Building Maintenance Company INC.

Building Maintenance Company a building maintenance INC. Is a citizen if the US a duty

licensed company and incorporated in the State of Michigan, complied with all Federal and/or

State laws, we were conducted business out of an office suite located inside a bank branch. We at

all times mentioned were a Minority Business Enterprise and/or were a Women Business

Enterprise Small and/or and Disadvantaged Business (owned and controlled by one or more

minority or socially and economically disadvantaged persons from cultural, racial, chronic

economic circumstances or other similar causes and is owed by 51 percent or more African

American) The Nature of Trade and Commerce; Real Estate/Building Maintenance Service,

Cleaning, engaged in interstate (or foreign) commerce when it is itself directly engaged in the

production, distribution, or acquisition of services, money, goods, or other property that conduct

or did conduct "interstate commerce," commerce between one State, Territory, Possession, or

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the District of Michigan and another States, Territory, Possession, or the District of Columbia or "foreign commerce." I worked full-time as a substitute teacher in Ann Arbor School District. The Plaintiff business grew very fast. I then purchased a house "prime property" in Ann Arbor, with a corner lot, with pine trees surrounding my back yard. My son James was doing very well in school. I owned several business and person vehicles; my business was a very lucrative business. B & B Building Maintenance had a dun and Bradstreet #, and/or were members of the Better Business Bureau, we at all times did not receive any public assistance, and were law abiding citizens that paid taxes. We were doing very well. Then I met a guy by the name of Nedal Abusalem. He was an illegal immigrate, that knowingly, intentionally overstay his visa, and worked for a gas station owner that did knowingly, intentionally, conceal, harbor, and hire 10 or more of illegal every year. Nedal treated me like a queen. We got married. Next I received several visits from immigration officials. They told me Nedal was using me for a green card. I did not want to believe them. However I put Nedal "thru a simple Love test," he failed the test. Nedal Abusalem, his employer, did knowingly, intentionally ratified, approved, schemed, conceal known duty they were under a duty to disclose, harbored, hired, 10 or more illegal immigrates, and did knowingly, intentionally hurt me, used me, my person, and/or property and/or business and/or violated my US Constitutional Rights and without probable cause. I could not function properly and relapsed back into disability. I lost everything, my business, house, and I was damaged in person, property and/or business by the unfair competition, and unfair business practices and the gas station owner, harboring and hiring illegal immigrates, and Nedal Abusalem scheme to "attempt to obtain a green card and become a US Citizen, I was damaged by the hiring, recruitment of illegal immigrates and the unfair, business practice of British Petroleum, Obama had a legal duty to or obligation to "establish a uniform Rule of

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Naturalization," U.S. Const., art. I § 8, cl. 4, and to "regulate Commerce with foreign Nations," as defined in U.S. Const., art. I § 8, cl. 3. Obama had a legal duty or obligation to establish the terms and conditions for entry and continued presence in the United States, and to regulate the status of aliens within the boundaries of the United States and to prevent aliens from unlawfully entering the United States, prevent entry and movement of aliens, as well as the facilitation of unlawful immigration within the nation's borders, and as well as employer, and or HUD *to knowingly, intentionally, harbor, hired, conceal etc.* conceals, harbors, or shields from detection" an alien in "knowing or in reckless disregard" of the fact that the alien has unlawfully entered or remained in the United States, "encourage or induce an alien to come to, enter, or reside in "to hire, or to recruit or refer for a fee" an alien, knowing that the alien is not authorized to work in the United States. In 1996, Congress added immigration violations as predicate offenses, Sections 1961(1) includes immigration-related federal crimes under Title 18 that qualify as acts of racketeering. It is illegal to Knowingly hire 10 illegal workers within 12 month period Encourage/induce illegal immigrants to enter or stay in the U.S. Smuggle/transport illegal immigrants. Harbor illegal immigrants. Obama had a legal duty to or obligation to "establish a uniform Rule of Naturalization," U.S. Const., art. I § 8, cl. 4, and to "regulate Commerce with foreign Nations," as defined in U.S. Const., art. I § 8, cl. 3. Obama had a legal duty or obligation to establish the terms and conditions for entry and continued presence in the United States, and to regulate the status of aliens within the boundaries of the United States and to prevent aliens from unlawfully entering the United States, and prevent entry and movement of aliens as well as the facilitation of unlawful immigration within the nation's borders, and as well as employer, *to knowingly, intentionally, harbor, hired, conceal etc.* to "encourage or induce an alien to come

to, enter, or reside in "to hire, or to recruit or refer for a fee" an alien, knowing that the alien is not authorized to work in the United States.

I then moved from the state of Georgia to Gwinnett County Georgia is a County located in Lawrenceville, GA. The County is best known for the White Supremist Group known as the Klu Klu Klan(KKK). The population in Gwinnett county is 55% white population, the rest of the population mixed with blacks, Hispanics, and Asians etc. Gwinnett County contract with the State of Georgia and the US Department of Justice and provide for a private jail facility and probation services. Georgia probation is the largest in the United States, with Florida their neighbor state population of 19,057,542, nearly 10 million more people in the state of Florida, the same probation rate as Georgia.

On or about Sept. 2004, while visiting a friend(an upscale neighborhood)in Gwinnett County my car rental car was parked in the driveway. The rental car "an 2004 Chevy Malibu," and had Michigan Drivers Plates.

An "unknown" Gwinnett County Police Officer or Sherriff, "allegedly" checked the Plates on the rental car, asked questions about the car, and subsequently told me the rental car I had in my possession was reported stolen.

I then responded, and told the Officer that there had to be a mistake. I then told him my automobile(s) had full coverage, and my insurance company was suppose cover my rental car fee's.

Despite the explanation, the Gwinnett County Officer, arrested me, charged with theft by receiving a stolen vehical, and detained me in the Gwinnett County Detention Center and my bond was \$2,500.00. I then paid the bond and was release from jail. The arrest caused horrific psychological damages, as mentioned in the above.

I then requested the State of Georgia to appoint an Defense Attorney for me in the criminal case.

The State then appointed Lucas Harsh as Defense Counsel.

I met with Lucas Harsh. He then questioned me about my life. I told him I had just relocated from Michigan and had just started a Real Estate Company. Lucas Harsh then asked me for money. I told him I did not have any money, due to the recent moving cost, and the start of my business the Specialty Investment Group LLC.

Later, maybe a week or so went by, Lucas Harsh called me and told me because I did not have any money, I must plea guilty to theft by receiving a stolen vehical. He then "as defense counsel" pressured me to plea guilty to the of theft by receiving.

I then told Lucas Harsh, there was no way that I would plea guilty to a crime I did commit. I then subsequently told Harsh, his acts were that of a "Prosecuting Attorney" Lucas Harsh and I disagreed on many issues; and on two occasions were argued about my defense in the case. I subsequently told Lucas Harsh, that I would represent myself in the criminal prosecution, and/or hire another attorney for defense counsel. I then "fired" Lucas Harsh, as my Defense Counsel.

I borrowed money from a friend, hired a different Defense Attorney (not from Gwinnett County) to represent me in the criminal prosecution.

The charge of theft by receiving of stolen vehical charge resulted in a "DISMISSAL, via settlement of the charges to pay rental car company for overdue charges and later I was reinburst."

Upon information and belief I was one of the first African Americans to "win" a case in Gwinett County. Upon information and belief Harsh, et al retaliated, conspired with other Gwinnett County Official, to convict the Plaintiffs of a crime without due process of law and subject the complaintant to peonage and slavery and did overt acts to further the objective of the conspiracy.

Upon information and belief Harsh, entered into an unlawful agreement with Lawrenceville, and Gwinnett County Police, to subject me to peonage. I fought the case for a year, during this time, I was experience greatmental and emotional distress, Took out a vindictive attitude, threat, coercion or force, take and steal from me because I was Strong, positive, outgoing African American female advancing, conducting commerce etc.

On or about Sept. 2004 and continuing thru Nov. 2005 on five or six occasions while driving my vehical and had valid no laws I was stopped by Lawrenceville, GA police Officers and for no apparent reason. The unconstitutional traffic stops were very unpleasant, and constitute

harassment, etc., and caused extreme psychological damage, and I was damaged in person, business or property.

On Nov. 20, 2005, I Sharon Bridgewater a African American female "CITIZEN OF THE UNITED STATES OF AMERICA" while conducting business in Gwinnett County, the Plaintiff (a Black female driving with the regular flow of traffic and driving "normal" (not engaged in any suspicious activity), and had violated no traffic laws.

**RICO ARTIFICE AND SCHEME TO DEFRAUD [TITLE 18 U.S.C. § 1964(c)]**  
**RE: INJURY TO BUSINESS AND PROPERTY AND DESTRUCTION OF BUSINESS**  
**and OBTAINING MONIES BY AND THROUGH FALSE MISREPRESENTATIONS or**  
**FRAUD, PEONAGE or SLAVERY, FALSE IMPRISONMENT, Federal Principal and**  
**Aider and Abettor, Title 18 U.S.C.A §2(a)-(b), Federal Principal and Aider and Abettor, Aiding**  
**and Abetting A Conspiracy, Federal Principal and Aider and Abettor Conspiracy to Commit**  
**Aiding and Abetting**

*The Plaintiff allege that on Nov. 20, 2005, Defendants Officer Hardin a "former" Lawrenceville Police Officer acted under the color of Georgia law, employed the federal interstate wires via police radio originating in the State of Georgia and terminating in the State of Georgia to Defendants JOHN DOE unknown Lawrenceville, GA Police Officers as mentioned the individuals came to the meeting of the minds, entered into an unlawful agreement, knowingly, intentionally and maliciously, act in their individual private person, acted outside scope of authority, acted under the color of Georgia State law, discriminated based on class race, or ethnicity used, threat, coercion and "excessive force" "stopped" Plaintiffs at "Gunpoint" for an alleged "improper lane change.*

Officer Hardin a "former" Lawrenceville Police Officer and Defendants JOHN DOE unknown Lawrenceville, GA Police Officers, at all times mentioned had a duty and/or obligation to follow correct police procedures in the traffic stop.

There was no probable cause for Officer Hardin and JOHN DOE unknown "former" or current Lawrenceville Police Officers, to use excessive force and make a felony traffic stop for a "alleged" improper lane change. There was no probable cause treat to the complainant different from other drivers who are "stopped while driving" for an improper lane change.

Then assaulted the Plaintiff, searched, "dlt on the plaintiff forced the Palintiff to sit on the ground like a dog,

This pipcitre  
Inclue warrant numbers

The Plaintiffs allege that excessive force, threat coercion and force, traffic stop was to subject the complaintant to Slavery and peonage, and/or coerce the complaintant to go to the Superior Court of Gwinnett County Georgia. The Plaintiffs allege that excessive force, threat coercion and force, traffic stop was to advance the interest in the Gwinnett County Detention Center a "Private Jail Facility" owed, control, managed and operated by two or more of the above Defenants, and/or subject the complaintant to Slavery and peonage.

Plaintiff allege Officer Hardin and JOHN DOE unknown "former" or current Lawrenceville Police Officers, the Defendantssubsequently "falsely arrested the Plaintiff's" without due process of law, illegal issued six traffic citations, illegally detained the Plaintiffs against will, and put restraints on the Plaintiffs and detained the Plaintiffs in the Gwinnett County Detention Center for two days, against my will, through, threat, coercion or force, falsely imprisoned the complaintant Sharon Bridgewater without due process of law. (in the Gwinnett County Jail) and did overt acts in furtherance of the objective of the conspiracy.

On or about Jan-Dec. 2006 while conducting business, in, I was driving my car, and was "detained/stopped," again by a Does 18-1000, Gwinnett County Police Officer alleged for a tags violation.

Plaintiffs was arrested (for failure to appear for trial for the above six traffic violation of the Lawrenceville Police Department)and detained for nine days in the Gwinnett County Jail without any legal representation for failure to appear.Superior Court of the State of Georgia,

12-3329

State Court Accusation and case # 06-D-03943-S2, State of Georgia vs. Sharon Bridgewater.

I requested a court appointed attorney for defense counsel. The State of Georgia then appointed Jack Spence.

On or about the 9<sup>th</sup> day, Jack Spence, my court appointed Attorney and Defense counsel came to the Gwinnett County Detention Center and counseled me.

Mr. Spence at that time told me it would take at least six to eighth months for the case to be called for jury trial, and subsequently told me I would get convicted of one or more of the six crimes. Mr. Spence then subsequently gave the Complainant an ultimatum , to either ;

- 1) sit in jail approx. six to eight months and await for a trial of the above Charges or ,
- 2) Pled guilty to one or more of the charges, State Court Accusation and case # 06-D-03943-S2, State of Georgia vs. Sharon Bridgewater. and be released from jail immediately.<sup>1</sup>

I then, pleaded guilty to one or more of the above charges, and was subjected to peonage and/or slavery and was released from jail.

Mr. Spence actions constitute a violation of my 6<sup>th</sup> amendment US Constitutional right and/or constitute threat, coercion to subject the Plaintiff to peonage and slavery without due process of law.

After my release from Jail I exercised US Constitutional legal right and immediately withdrew my plea, demand a jury trial and requested a different Defense court appointed attorney and litigated the case on my own for a two months shy of two years (two year statute of limitations to prosecute the crime).

#### **RICO ARTIFICE AND SCHEME TO DEFRAUD [TITLE 18 U.S.C. § 1964(c)]**

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<sup>1</sup>The Sixth amendment provides for a speedy trial in criminal prosecution.

**RE: INJURY TO BUSINESS AND PROPERTY AND DESTRUCTION OF BUSINESS and OBTAINING MONIES BY AND THROUGH FALSE MISREPRESENTATIONS or FRAUD, PEONAGE or SLAVERY, FALSE IMPRISONMENT, Federal Principal and Aider and Abettor, Title 18 U.S.C.A §2(a)-(b), Federal Principal and Aider and Abettor, Aiding and Abetting A Conspiracy, Federal Principal and Aider and Abettor Conspiracy to Commit Aiding and Abetting**

Plaintiffs allege in furtherance of the unlawful agreement of Officer Hardin a "former" Lawrenceville Police Officer and Defendants JOHN L/OE unknown Lawrenceville, GA Police Officers, on or about June 30, 2007 and/or July 2, 2007, and/or July 10, 2007, had two notice of conflict of interest hearings without the Plaintiff knowledge or consent, Randy Rich, Lucas Harsh and Rosanna Szabo adopted the acts of Lawrenceville Police Department. came to the meeting of the minds, entered into an unlawful agreement abused the Superior Court of Gwinnett County, conceal material known facts from the complainant. Randy Rich acted under the color of Georgia State law, acted in his individual private person, appointed Lucas Harsh as Defense counsel for the complainant.—"[T]he right to counsel is the right to the effective assistance of counsel."<sup>243</sup> RICH EMPLOYED BY the government interfered with representation, through the manner of appointment that impeded the Plaintiffs ability fairly to provide a defense,, interfered with the Plaintiffs right to effective counsel and/or violated the Plaintiff 6<sup>th</sup> via 5<sup>th</sup> or 14<sup>th</sup> amendment US Constitutional right, and deprived the Plaintiff equal protection under the laws of the US Constitution, and subsequently Randy Rich then order that the complainant were not allowed to file any motions on her own behalf.(go to gwinnett county court —Lawrenceville

Randy Rich and/or Lucas Harsh and/or Rosanna Szabo had a legal obligation and/or duty to to do their duties as an State Court Judge to make impartial decisions as a State Judge, Harsh had a legal duty and/or obligation as Defense attorney to represent the Plaintiff and inform the Plaintiff of any proceedings pending before the court and Rosanna Szabo had a legal duty as Prosecutor to abide by State laws, in the criminal proceedings and/or prosecution of the Plaintiffs.

The Defendants actions constitute fraudulent concealment and a violation the Plaintiffs Sharon Bridgewater right to free speech, conspiracy under the color of law, violated my right to freedom of expression and/or my first amendment US Constitutional right, and my right to counsel, that he was defense counsel for the Complainant Sharon Bridgewater(Specialty Investment Group LLC).with malice, the intent to aid abet the Lawrenceville Police Officer, used threat coercion or intimidation, discriminated, retaliated against a Federal Witness and victim of crime of the Lawrenceville, GA Police Department, and the acts were legally done and did overt acts and/or omissions to further of the objective of the conspiracy.

The Plaintiff were unaware of these secret meeting, and would have hired a lawyer and/or would have acted as her own defense attorney.

Plaintiffs allege the Defendants were under a duty to disclose the above known material facts, and did overt acts or omission to further the object of the conspiracy.

Plaintiffs allege the Defendants actions were taken to deprive the Plaintiff her right to a jury trial and/or deprive the Plaintiffs their right to confront accusers.

In furtherance of the unlawful agreement of the Defendants Plaintiff allege that on Sept. 18, 2007 Defendant Lucas Harsh, employed the federal interstate wires originating within the state of Georgia , and terminating within the state of Georgia defendants terminating in the State of Georgia to Complainant Sharon Bridgewater(Specialty Investment Group LLC)and did overt acts or omissions in furtherance of the objective of the conspiracy.

"meet me at 9:00 am in the morning for trial at 75 Langley Drive, Lawrenceville, GA 30045,"

The purpose of this call was to deceive the complainant, use threat, coercion, extortion and force and trick the complainant to sign a plea agreement against her will.

Plaintiff allege that Lucas Harsh purposefully, intended to violate my right to counsel, because he failed to tell me their would not be a jury trial, and thfurther the conspiracy to subject the complainant to peonage and slavery.

On or about Sept. 19, 2007, I followed Harsh's instruction and met him at the court house.

Plaintiffs allege that on Sept. 19, 2007, At 9:12 AM, at 75 Langley Drive, Lawrenceville, GA 30045, in an "unknown" courtroom in State Court Accusation and case # 06-D-03943-S2, State of Georgia vs. Sharon Bridgewater, at trial, Lucas Harsh, acted under the Color of Georgia State Law, with the malicious intent to use threat, coercion, force, intimation and force, told the Plaintiffs that he(Lucas Harsh) would not represent the Plaintiffs in a defense and/or jury trial. Harsh then used threat, coercion and/or force and told me if I did not plea to reckless driving and driving with no proof of insurance I would get convicted of all six traffic charges.and to fraudulently induce me used

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I then demanded a jury trial, and demanded to represent myself in the case. Randy Rich and/or Lucas Harsh, told me "it is ordered the Plaintiffs are not to file any motions on her own behalf" and/or I could not speak in my own behalf.

Lucas Harsh then subsequently made a false,deceitful material representation and told me Sharon Bridgewater(Specialty Investment Group LLC) if I did not plea to reckless driving and and driving with no proof of insurance that I would get convicted of all six charges.

Harsh had a legal duty and/or obligation to inform Plaintiffs that he was my defense counsel before hand. Rich knew and were aware I had the right to speak on my on behalf. Rich and/or Lucas Harsh knew the material representation was false or deciful when they made it. Rich and/or Lucas Harsh intended for me Sharon Bridgewater to rely on the representation. I could not speak for myself based on Randy Rich "order" and I relied on the representation of Randy Rich and/or Lucas Harsh.

Plaintiffs allege the false represenatitions, fear of being convicted of all six traffic violations, threats, coercion and/or force caused the Plaintiffs to agree to the Defendants threats, and caused me to involunatry plea to reckless driving and driving with no proof of insurance. There was no probable cause for the Defendants to violate the plaintiffs US Constitutional rights.

In furtherance of the unlawful agreement of the Defendants, Plaintiff alleged that on Sept. 19, 2007, on the day of trial, Lucash Harsh acted in joint participation with Rosanno Szabo, acted in his individual private person, acted under the color of Georgia law, aided, abetted,then prepared a guilty plea and waiver of jury, charge of reckless driving and driving with no proof of insurance, the disposition of fines \$1080.00, to professional probation services, GNC, Community Service at Gwinnett County Detention Center prepared a disposition form and a Georgia Secretary of State Subspention of license forms and did act or ommissions in furtherance of the objective of the conspiracy.

In furtherance of the unlawful agreement Randy Rich knowingly, intentionally, Randy Rich acted under the color of Georgia State law, presented to himself the deposition and/or plea agreement, AT TRIAL" signed the guilty plea(disposition) and caused his signature and/or the plaintiff signature to be placed thereon a disposition and waiver of jury trial, and knowing it was the basis for an unconstitutional conviction, suspended the Plaintiff Georgia drivers license, ordered the Plaintiff Sharon Bridgewater to pay \$1,080.00 in fines, caused to be file and recorded the judgment of conviction "with intentional material representations" as follows: with the Gwinnett County Superior Court, and an order of suspension of the Complainant Drivers license, and knowingly, intentionally caused to be sent via US mail to the secretary of State a order of suspension of the complainant and ordered the Plaintiff to serve labor for the Gwinnett County Detention Center knowing it was the basis for an unconstitutional conviction, despite the

12-23-3

fact that the US Constitution guarantee the Plaintiff a jury trial in criminal prosecution, and prohibits slavery did not have a trial as she had demanded and despite the fact that her actions were unconstitutional and the Defendants did overt act or omissions to further the objective of the conspiracy. Defendants Knowingly and willfully, placed in a post office, or in an authorized depository for mail, material matter to be sent and delivered by the Postal Service Secretary of State Driving with suspended license, and suspended the Plaintiff license.

Rich intended the Plaintiff to rely on this disposition, signed the disposition against will. The Plaintiff relied on the disposition, served did labor at the Gwinnett County Def

The Defendants actions constitute a scheme and/or artifice to and/or mail fraud as defined in USC 1341 or 1343.

The Defendants actions of concealment, obtaining the Plaintiffs signature on an official legal document through the use of threat, coercion, intimation, force and/or obtaining money and/or property from the Plaintiff thru threat, force and/or coercion, and/or under the color of official right, constitute and indictable under one or more of the above crimes as listed on page \_\_\_\_\_.

The Defendants actions constituted an illegal unlawful conviction of reckless driving and driving with no proof of insurance, peonage and/or slavery, and a violation of my 13th US Constitutional Civil Rights, and/or Georgia Civil Rights. Rich at all times mentioned acted outside his scope of authority, acted in his private person, acted under the color of Georgia state law, and deprived the Plaintiff equal protection under the laws, violate the Plaintiff 13th amendment US Constitutional right. Plaintiffs allege the defendants Rich, and in is taken in clear absence of all Jurisdiction over justifiable matters, and constituted a partial, prosecutorial act and/or prosecutorial misconduct, violations of oath of office, and a violation of the professional code of conduct and this is the form as follows:

IN THE STATE COURT of GWINNETT COUNTY  
STATE of GEORGIA

CRIMINAL ACTION  
OFFENSE(s)

FINAL DISPOSITION

RACE: SEX: DOB:

OTN:

TERM, 2007

DATE of OFFENSE: 11.20.05

PLEA:

☒ NEGOTIATED

☐ GUILTY ON CT(S)

☐ NOLO CONTENDERE CT(S)

☐ TRIAL:

☐ JURY

☐ BENCH

☐ VERDICT:

☐ GUILTY ON CT(S)

☐ NOT GUILTY, CT(S)

☒ OTHER:

☒ NOLLE PROS CT(S)

☐ DEAD DOCKET CT(S)

MISDEMEANOR SENTENCE

WHEREAS, the defendant has been found guilty of or has entered a plea to the above-stated offense(s), it is ORDERED that the defendant is sentenced to:  
☒ Confinement in the Gwinnett County Jail ☒ Comprehensive Correctional Complex for a period of 12 months

☐ After service of

Credit time served

CTS 7 months

to a remainder to be served on ☐ PROBATION ☐ SUSPENSION

☒ The entire sentence of confinement may be served, subject to the conditions set out herein, on ☒ PROBATION ☐ SUSPENSION

☐ Payment of RESTITUTION (see attached order) ☒ Fine in the amount of \$2,700.00 ☐ Pay by: 10/30/07  
PLUS applicable surcharges.

CONDITIONS OF ☒ PROBATION ☐ SUSPENSION

- (1) ☐ You must obey all laws and avoid persons of disreputable or harmful character.
- (2) ☒ You must avoid injurious and vicious habits, especially alcohol and narcotics unless lawfully prescribed.
- (3) ☒ You must work faithfully and not change your current residence or leave the jurisdiction of the Court without the permission of the Court.
- (4) ☐ You must report to your Probation Officer as directed and allow your Probation Officer to visit you wherever you are.
- (5) ☒ You must pay all fines and restitution within the time specified by your Probation Officer.
- (6) ☒ You must pay a Probation Supervision Fee of \$30 each month to Professional Probation Services, Inc., the Court's probation services contractor.
- (7) ☒ You must pay a Crime Victims Compensation Program fee of \$9.00 each month.
- (8) ☐ You must perform \_\_\_\_\_ hours of COMMUNITY SERVICE at the direction of your Probation Officer.
- (9) ☒ You must perform 60 days of COMMUNITY SERVICE through the GCCC. REPORT \_\_\_\_\_  
For orientation. You must pay a Supervision Fee of \$75 plus a daily fee determined by the program director.
- (10) ☐ You must prove your attendance at ☐ Alcoholics Anonymous or ☐ Narcotics Anonymous \_\_\_\_\_ meetings PER WEEK for \_\_\_\_\_ consecutive weeks.
- (11) ☒ You must prove you attended a state approved school for ☒ State mandated Risk Reduction ☐ Defensive Driving.
- (12) ☒ You must provide proof of your evaluation and treatment for ☐ mental health ☒ substance abuse at the GRN Mental Health Unit.
- (13) ☐ You will not use alcohol or narcotics and you must submit to random alcohol / drug screening.
- (14) ☐ You must have NO contact with NO VIOLENT contact with, or visit the premises of \_\_\_\_\_.
- (15) ☐ You must provide proof of attendance and completion of ☐ certified family violence intervention program ☐ anger management ☐ values clarification.
- (16) ☐ Appear before this Court on \_\_\_\_\_, at \_\_\_\_\_ A.M. to prove completion of the terms of this sentence or your inability to comply.
- (17) ☐ You must ☐ pay a \$25 Publication fee ☐ install ignition interlock ☐ tag forfeiture.
- (18) ☐ If fines, surcharges, & special conditions of the sentence are met/completed, probation may become ☐ non-reporting ☐ terminated.
- (19) ☐ Attend the Victim Impact Panel ☐ scheduled: @ 8:30 a.m. as scheduled by probation. Pay a program fee of \$20.00.
- (20) ☒ \_\_\_\_\_
- (21) ☐ \_\_\_\_\_

The Defendant is further advised that the Court may, at any time, revoke any conditions of this probation and / or discharge the defendant from probation. The Defendant shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed, or any portion thereof, in the manner provided by law after deducting therefrom the amount of time the Defendant has served on probation.

Defendant was represented by Attorney James H. Smith County, by (Employment) (Appointment)

Court Reporter James H. Smith Judge (print) Barry B. Smith

ORDERED this 19 day of September, 2007 Judge (s) Barry B. Smith By designation

WHITE - Clerk YELLOW - Solicitor General - Probation BLUE - Defense Attorney

AOC Fm 18 NCR [30] July 2004

Plaintiffs Sharon Bridgewater(Specialty Investment Group LLC)under duress, threat or coercion involunatry signed the disposition and agreed to pay \$1, 080.00, do force labor against my will against my will and the act was legal done.

The Defendants through violation of the Plaintiffs civil rights, threat, intimidation, force, or extortion, defrauded Plaintiff out of \$1080.00, and subjected the Plaintiffs to peonage and/or slavery.

Randy Rich and/or Lucas Harsh and/or Rosanna Szabo breached their legal obligation. Rich knew or should have known to make impartial decision, and/or duty as an State Court Judge made numerous bias, partial decisions and breach his duty as Judge. Harsh knew or should have known to counsel the Plaintiff, and breached his legal duty and/or obligation as Defense attorney failed to inform the plaintiffs of legal proceedings, failed to represent the Plaintiffs, and inform the Plaintiff of proceedings pending before the court. Rosanna Szabo knew or should have known to comply with State law in the criminal proceeding and breached her legal duty and/or obligation as Prosecutor failed to abide by State laws, in the criminal proceedings and/or prosecution of the Plaintiffs, and all are liable for damages to the Plaintiffs.

Plaintiffs allege that on *Sept. 19, 2007*At 9:12 AM, at 75 Langley Drive, Lawrenceville, GA 30045, in an "unknown" courtroom in State Court Accusation and case # 06-D-03943-S2, State of Georgia vs. Sharon Bridgewater, at trial, Randy Rich acted under the color of Georgia law, knowingly, intentionally abused the Superior Court of Gwinnett County, committed a prosecutorial act, detertermine the charge and plea of reckless driving and driving with no proof of insurance, and suspended the complaintant license, presented the form to himself, issued an order for 7 months time served, 5 month probation, and suspended the complaintant Sharon Bridgewater Georgia Driver license, and knew or should have known it was the basis for unconstitutional conviction and sentence. Plaintiff allege that Szabo, changed the citiaccusation on the day of trial, and despite the Plaintiffs demand for a jury trial, caused to be filed and recorded an change of amended of the original accusation, citation on the day of trial. Plaintiff allege Randy Rich, conspired with Szabo, Harsh, et al, caused to be file and recorded the disposition, and a suspension of the Plaintiff Georgia Driver license, and/or mailed to the Georgia Driver License Department a notice of supsension of the Plaintiff Drivers license defrauded the Plaintiffs out of \$1,080.00, and subjected the Plaintiff to peonage and slavery and the act was legally done and did overt acts and/or omissions to further of the objective of the conspiacy.

Two or more ngly and willfully schemed, planned, abused the legal process, obtained labor from the Complainant Sharon Bridgewater and caused the Complainant Sharon Bridgewater to believe that if she did not perform labor that the Complainant Sharon Bridgewater would suffer physical restraint in violation of 18 U.S.C. section 1589

Plaintiffs allege that Randy Rich, et al actions were taken in clear absence of all Jurisdiction. Plaitiff allege that Rich et al, deprive the Plaintiffs right to confront accusers, and the representation and/or disposition executed and enforced by Harsh, Rich and Szabo, constituted actionable extortion indictable pursuant to Title 18 U.S.C. §1951(a). and/or said individual Defendants' intimidation, threats, corrupt persuasion, or attempts to do so, or misleading conduct toward Plaintiffs, was with the intent to influence, delay, or prevent testimony of any person in an official proceeding, or to coerce or induce any person to withhold estimony, from an official proceeding, or to hinder, delay or prevent Plaintiffs from communication with a law enforcement officer or judge of the United States relating to Defendants' commission of possible federal or state criminal offenses, and such acts violated 18 U.S.C. 1512.

**RICO ARTIFICE AND SCHEME TO DEFRAUD [TITLE 18 U.S.C. § 1964(c)]**  
**RE: INJURY TO BUSINESS AND PROPERTY AND DESTRUCTION OF BUSINESS**  
**and OBTAINING MONIES BY AND THROUGH FALSE MISREPRESENTATIONS or**  
**FRAUD, PEONGAGE Aiding and Abetting a Conspiracy**

In furtherance of the unlawful agreement Rich, et al conspired with other Gwinnett County Officers to subject the Plaintiff to peonage or slavery. Plaintiff allege that On or about Oct. 19, 2007 after leaving from the Gwinnett County Detention Center, and after completion of the "free slavery," I was driving her "newly purchased" White Van driving with the regular flow of traffic and driving "normal" (not engaged in any suspicious activity), and had violated no traffic laws and driving with a lawful, "clearly visible" not expired drive out tag.

Plaintiffs allege in furtherance of the unlawful agreement of Officer Hardin a "former" Lawrenceville Police Officer and Defendants JOHN DOE unknown Lawrenceville ,GA On or Oct. 19, 2007, "exactly ONE MONTH"(30 days later)an on the anniversary of the illegal conviction of Rich, Harsh, Szabo, Caldwell, at approx! 3:30 p.m. on Centerville Hwy. in Gwinnett County Georgia, Officer Caldwell of the Gwinnett county police Department, via federal interstate wires, originating within the state of Georgia, and terminating within the state of State of Georgia, transmitted the following "an unknown message" police radio wire, electronic message to "unknown" Gwinnett County Police Department, used, threat, coercion and force, pulled the Plaintiff over and made a traffic stop.

Upon the traffic stop the Plaintiff politely asked the Officer for the reason for the traffic stop. Cadwell, gave some lame reason for the traffic stop, and did not answer the Planitff as a regular police officer would, ,than issued the Plaintiff a ticket that not in the "Georgia traffic

code of notations and the defendants did acts or omissions in furtherance of the objective of the conspiracy.

In furtherance of the unlawful agreement Caldwell made an unconstitutional traffic stop of the Plaintiff based on race, class, ethnicity, and charged the complainant with a crime that's not in the adopted acts of Lawrenceville Police Department and/or Rich

Officer Caldwell at all times mentioned had a duty and/or obligation to follow correct police procedures in the traffic stop.

There was no probable cause for Officer Caldwell, to use excessive force, discriminate against the Plaintiffs based on race, class, ethnicity, make an unconstitutional traffic stop and issue the Plaintiffs a ticket that's not in the Georgia code of notations.

Plaintiffs allege that the Defendants were monitoring the Plaintiffs, and closely watching the Plaintiff to see if the Plaintiff would file a appeal of the unlawful conviction. Plaintiff allege when the Plaintiff did not file an appeal, the Defendants used, excessive force, threat coercion and force, was an abuse of US Government Power, and the traffic stop was to subject the Plaintiff to even further peonage and/or slavery and or to defraud the Plaintiff out of money and/or property.

Caldwells actions constitution a violation of my 4<sup>th</sup> via 5<sup>th</sup> or 14<sup>th</sup> US Constitutional amendment due process in the traffic stop, ille

Officer Caldwell knew or should have known not to breach his duties and/or obligation in the traffic stop, the issuance of a ticket with no Georgia Code notation, and/or arrest, detain the Plaintiffs with due out due process of law, and is liable for damages.

Plaintiffs allege in furtherance of the unlawful agreement of Officer Hardin a "former" Lawrenceville Police Officer and Defendants, Rich, et al, Officer Caldwell then knowingly, intentionally engaged in activity as mentioned on page paragraph then, through threat, coercion or force, intentionally did illegally, unlawfully put restraints on my freedom through, threat, force and coercion and falsely imprision me again without due process of law.(imprisoned in the Gwinnett County Detention Center). The Defendants then knowingly, intentional charged the complainant Sharon Bridgewater(Specialty Investment Group LLC) with driver with suspended license without due process of law, used threat, coercion or force,

intentionally did illegally, arrested me without due process of law, unlawfully put restraints on my freedom through, threat, force and coercion falsely imprisonment me (imprisoned in the Gwinnett County Detention Center) detained Plaintiffs against their will for hours in the Gwinnett county detention center, against my will, , towed my Company Van without due process of law and defrauded the plaintiffs out of money for a void traffic citation, and/or suspended license and the defendants did acts or omissions in furtherance of the objective of the conspiracy.

(INCLUDE DAMAGES, TO BUSINESS AND PERSON)

Plaintiffs allege in furtherance of the unlawful agreement of Officer Hardin a "former" Lawrenceville Police Officer and Defendants, Rich, et al, Officer Caldwell Plaintiffs allege the Defendants believed or knew that the "Georgia traffic ticket with no Georgia Code of notation would be taken as evidence in connection with a proceeding and/or that an official proceeding was pending before a Federal Judge or about to be instituted, and have altered, destroyed, mutilated, or concealed the citation issued to the Plaintiff with "no Georgia Code of notation" with the intent to impair the integrity or availability of the object for use in an official proceeding and/or Defendants' intimidation, threats, corrupt persuasion, or attempts to do so, or misleading conduct toward Plaintiffs, was with the intent to influence, delay, or prevent testimony of any person in an official proceeding, or to coerce or induce any person to withhold testimony, from an official proceeding, or to hinder, delay or prevent Plaintiffs from communication with a law enforcement officer or judge of the United States relating to Defendants' commission of possible federal or state criminal offenses, and such acts violated 18 U.S.C. 1512 and the defendants did acts or omissions in furtherance of the objective of the conspiracy.

Defendants JOHN DOE unknown Lawrenceville, GA Chief of Police in his/her current or "former" capacity as Chief of Police and/or Defendant's JOHN DOE unknown Chief of Police of Gwinnett County, GA Police or Sheriff Department in his/her individual and official or "former" capacity is the final decision maker for any policy and procedure, unconstitutional traffic stops, peonage and slavery, and is responsible.

Defendant JOHN DOE unknown Executive Directors, Commissioners, Board of Directors, of Gwinnett County, GA individually and official and/or "former" capacities has failed to instruct, supervise, and control officers and/or instructed, supervised, and controlled Gwinnett County to subject African American or Mexican or other minorities, and/or the plaintiff to peonage and Slavery employees and is responsible.

Plaintiffs allege that RICO persons, and other persons unknown to plaintiffs, acting in concert therewith, are employed by and associated with said Georgia RICO enterprise that is engaged in, or activities of which affect, Georgia State and/or federal interstate and/or foreign commerce, and that said Georgia RICO persons, and persons acting in concert therewith, conduct or participate, directly or indirectly, in the conduct of such Georgia RICO enterprise's affairs through a Georgia RICO pattern of racketeering activity.

In furtherance of the unlawful agreement of the defendants, On or about Nov.30, 2007 Rich acting individually in joint participation with his co-conspirators, signed an arrest warrant, ## \_\_\_\_\_ sought the prosecution of the complainant and put a tolling order on the complainant Sharon Bridgewater for the illegal conviction as mentioned in the above paragraphs \_\_\_\_\_, reported to the United State of America National Crime Data Base the Plaintiff Sharon Bridgewater was "wanted" for a probation violation in the State of Georgia. and knowingly, intentionally holds the complainant Sharon Bridgewater to a condition of peonage and slavery.

Warrant # \_-

## **RICO ENTERPRISE #2**

**RICO ARTIFICE AND SCHEME TO DEFRAUD [TITLE 18 U.S.C. § 1964(c)]  
RE: INJURY TO BUSINESS AND PROPERTY AND DESTRUCTION OF BUSINESS  
and OBTAINING MONIES BY AND THROUGH FALSE MISREPRESENTATIONS, or  
FRAUD, PEONAGE or SLAVERY, FALSE IMPRISONMENT, Federal Principal and  
Aider and Abettor, Title 18 U.S.C.A §2(a)-(b), Federal Principal and Aider and Abettor, Aiding  
and Abetting A Conspiracy, Federal Principal and Aider and Abettor Conspiracy to Commit  
Aiding and Abetting**

On or about Oct. 30, 2007 while conducting business in Dekalb County, the Plaintiff(a Black female and two Black Male employees of the Specialty Investment Group LLC) was driving her "newly purchased" White Van driving with the regular flow of traffic and driving "normal" (not engaged in any suspicious activity), and had violated no traffic laws and driving with a lawful, "clearly visible" not expired drive out tag, and conducting interstate commerce, . I had the Companies three stainless steel appliances and a dishwasher, in the back of my Company Van.

Plaintiffs allege in furtherance of the unlawful agreement of Rich, Harsh, et al, On Oct 30,2007,and continuing through present Officer Schriender a "former" and/or current Dekalb County Police Officer adopted the acts of of Officer Hardin a "former" Lawrenceville Police Officer and Defendants JOHN DOE unknown Lawrenceville ,GA Police Officers, acted under



the color of Georgia law, employed the federal interstate wires via police radio originating in the State of Georgia and terminating in the State of Georgia to Defendants JOHN DOE unknown, DeKalb County GA Police Officers in their individual and official and/or "former" capacities, and Does Defendants used, threat, coercion and/or force made an unconstitutional traffic stop based on race, class or ethnicity and violated the Plaintiffs 4<sup>th</sup> United States Constitutional Right via the 5<sup>th</sup> or 14<sup>th</sup> amendment in the traffic stop and the defendants did acts or omissions in furtherance of the objective of the conspiracy.

Officer Schriender at all times mentioned had a duty and/or obligation to follow correct police procedures in the traffic stop.

There was no probable cause for Officer Schriender a "former" and/or current Dekalb County Police Officer to stop the Plaintiffs for driving with a drive out tag. There was no probable cause for Officer Schriender to discriminate based on race, class or ethnicity, use, threat, coercion and/or force, make a unconstitutional traffic stop just because the Plaintiffs were driving while "Black."

Plaintiffs allege that excessive force, threat coercion and force traffic stop was to falsely arrest and falsly imprision the complaintant without due process of law, issue traffic citations without due process of law, and take the Plaintiffs business and personal possession and/or vehical without due process of law and/or defraud the Plaintiffs out of money and/or property. Towed the Plaintiff camero without due process of law

Plaintiffs allege in furtherance of the unlawful agreement On Oct 30,2007,Officer Schriender a "former" and/or current Dekalb County Police Officer, Plaintiffs allege On Oct. 30, 2007, Officer Schriender a "former" and/or current Dekalb County Police Officersubsequently used threat, coercion and force, illegally detained the Plaintiffs against the Plaintiffs will, and without the right, unlawfully restrained the Plaitiffs freedom threat, force or coercion, falsely arrested the Plaintiffs without due process, left the scene of the traffic stop, got in their police cars, traveled to the Plaintiff place or resident or business, acted in joint participation with Officer Franklin Individually and in his/her official and/or "former" capacity as a DeKalb County, GA, Police Officer, Detective GeorgeIndividually and in her official and/or "former" capacity as Detective of the DeKalb County GA Police Department, Lieutenant HamiltonIndividually and in his/her official and/or "former" capacity as Lieutenant of the DeKalb GA County Police Department, Defendants JOHN DOE unknown DeKalb County GA Police Officers in their individual and/or official capacities cooperated, agreed, flagrerty, intentionally, broke the complaintant Sharon Bridgewater(Specialty Investment Group LLC) residential door down, illegally entered Sharon Bridgewater(Specialty Investment Group LLC) resident, violated the complaintant solitude, evaded the Plaintiff personal privacy, made a warrantless search, absent probable cause and/or exigent circumstances and "without consent,"criminally trespassed, on lawfully lease or co-owed property without the right and without a search warrant and

without lawful authority took by theft or robbery the Plaintiff's and/or family personal and/or business(es) Specialty Investment Group LLC, valuable Specialty Investment Contracts, Solar Energy Company ideals, contracts, mortgage information, computers, intangible property valued at more than \$5,000 (of the Specialty Investment Group LLC), computers and other items and did overt acts and/or omission to further the objective of the conspiracy.

Plaintiff allege there was no probable cause for Officer Schreidner et al to make an unconstitutional based on race, class or ethnicity, get in the police cars, travel from the scene of the traffic stop to the Plaintiff resident and illegally and unlawfully take business and personal possession without a search warrant and without due process of law.

Plaintiffs allege in furtherance of the unlawful agreement of Detective George of Dekalb County Police Department, et al Plaintiffs allege the Defendants then through threat, coercion or force, illegally detained me and against my will, and through threat, coercion or force, intentionally illegally, unlawfully put restraints on my freedom for two days, through, threat, coercion or force, falsely imprisoned me without due process of law. (in the Dekalb County Jail) knowingly, intentional charged the complainant Sharon Bridgewater (Specialty Investment Group LLC) with theft by taking (crimes they committed against Sharon Bridgewater-Specialty Investment Group LLC) and "two" misdemeanor traffic for violations of an tag violations and driving with suspended license without due process of law. The Defendants defrauded the Plaintiffs out of valuable property valued at more than \$5,000, Real Estate Contracts, and/or solar energy ideals, blueprints, or and/money for the above mentioned traffic citations. Plaintiffs allege in an intentional act to "cover-up" their illegal actions the Defendants - from **Oct. 30, 2007 thru April 2009 (ONE YEAR AND A HALF) knowingly, intentionally kept the theft by taking charges (crime they committed against the complainant) open and pending against the Plaintiffs without the initiation of criminal proceedings, presentment to a Grand Jury, and/or initiation of process any criminal process.** Plaintiffs allege the Defendants hindered, delayed, or prevented the communication of the complainant to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense, and the defendants did acts or omissions in furtherance of the objective of the conspiracy.

The Defendants knowingly and willfully retaliated against the Plaintiff Bridgewater a federal witness, threaten and used physical force against the Complainant Sharon Bridgewater with intent, and influenced, delayed, or prevented the testimony of Sharon Bridgewater in an official proceeding; caused Sharon Bridgewater to withhold testimony, or record, or documents, from an official proceeding with the intent and impaired the availability of the object for use in an official proceeding or influenced, delayed, or prevented the testimony of the Sharon Bridgewater in an official proceeding; or caused or induced the Complainant to withhold testimony, or withhold a record, document, or other object, from an official proceeding; or altered, destroyed, mutilated, or concealed an object with intent to impair the integrity or availability of the object

for use in an official proceeding; or evaded legal process summoning to the Sharon Bridgewater to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or caused the Sharon Bridgewater to be absent from an official proceeding to which that person has been summoned by legal process; or hindered, delayed, or prevented the communication to a law enforcement officer or judge of the United States of information relating to the Commission of a Federal offense, and their actions constituted a violation of 18 USC section 1512 and/or 1513.

Plaintiffs allege that Officer Schriender, Officer Franklin Individually and in his/her official and/or "former" capacity as a DeKalb County, GA, Police Officer, Detective George Individually and in her official and/or "former" capacity as Detective of the DeKalb County GA Police Department, Lieutenant Hamilton Individually and in his/her official and/or "former" capacity as Lieutenant of the DeKalb GA County Police Department, Defendants JOHN DOE unknown DeKalb County GA Police Officers in their individual and official at all times had a legal duty and/or obligation to follow correct Police Procedures.

Plaintiffs also allege the purpose of and to keep charges pending against the complainant was to Retaliate against the Plaintiffs victim of crime of US Government RICO activities, protect the RICO enterprise, use the Plaintiffs valuable Real Estate Contracts and/or Solar Energy blueprints and other items for themselves, acts in joint participation with Obama and/or Eric Holder Jr. Defendants JOHN DOE unknown agents of the Federal Bureau of Investigation(FBI), JOHN DOE unknown Assistant United States Attorney General(s), Defendants JOHN DOE unknown US "State" Attorney (ies) General(s) Defendants JOHN DOE unknown employees of the U.S. Department of Justice, use illegally obtained evidence of the Specialty Investment Group LLC, in a court of law, abuse US Government Power, "twist" draft the truth, and falsely imprison and convict the complainant without due process of law and defraud Plaintiffs out of property and/or money.

Officer Schriender, Officer Franklin Individually and in his/her official and/or "former" capacity as a DeKalb County, GA, Police Officer, Detective George Individually and in her official and/or "former" capacity as Detective of the DeKalb County GA Police Department, Lieutenant Hamilton Individually and in his/her official and/or "former" capacity as Lieutenant of the DeKalb GA County Police Department, Defendants JOHN DOE unknown DeKalb County GA Police Officers in their individual and official at all times mentioned knew or should have known not to take, steal, convert the Plaintiff property to their own use, and breached their duty and/or obligation, and failed to follow correct Police Procedures, and is liable to the Plaintiffs for damages.

Plaintiffs allege in furtherance of the unlawful agreement of the above Defendants. On Nov. 30, 2007 and continuing through today of the filing of this complaint present Randy Rich A State Court Judge, acted under the Color of Georgia State Law employed the federal mails and/or federal interstate wires and/or foreign international wires to the United States Department of Justice, and/or and the United States Department of Justice Eric Holder Jr., United States Attorney General, National Crime Data Base as "wanted a National Criminal." in their official personal capacity and/or "former "capacities, to subject the complainant and the defendants did acts or omissions in furtherance of the objective of the conspiracy. Caldwell knowingly put a warrant for driving with suspended license, and/or failure to appear, Dekalb County at least four "warrants "the Plaintiff do not know the warrant numbers on the Plaintiff for the misdemonor traffic for violations and/or failure to appear of an tag violations and driving with suspended license without due process of law and/or probation violation.

Plaintiff allege this tolling order and/or data regarding the Plaintiffs was to capature the Plaintiff and return the Plaintiff to peonage and/or slavery, fasley imprision the complainant without due process of law. The Defendants actions constituted

The Defendants actions constitute a violation of the complainant Fourth Amendment right to be free from unreasonable search and seizure, via the 5<sup>th</sup> or 14<sup>th</sup> US Constitutional amendment and;

- (1) *knowingly and willfully, and intentionally holds the Complainant Sharon Bridgewater by an arrest warrant with the intent of the Complainant to return the Complainant Sharon Bridgewater to a condition of peonage, in violation of 18 U.S.C. section 1581 Peonage*

In furtherance of the unlawful agreement of the defendants, Plaintiffs allege that On or about Nov. 2, 2007 and continuing through the initiation of these proceedings Plaintiff have consistently asked for the return plaintiffs Specialty Investment Group LLC business and/or personal property from Dective George et al. Plaintiff allege the Defendants have consistently failed and refused to return the Plaintiffs possession and defrauded the Plaintiffs out of money or property valued over \$5,000.00, and did overt acts or omission to further the objective of the conspiracy.

Plaintiff and for the purpose to retaliate against a Federal Witness and victim of Crime of US Government RICO activities and falsely imprison the Plaintiffs and halt the ability of the Plaintiffs to report the crimes.

Defendants Terrell Bolton "former" Chief of Police of DeKalb County, Georgia his/her individual and official "former" capacity as Chief of Police of Dekalb County is the final decision maker for any policy and procedure, unconstitutional traffic stops, theft, conversion of the Plaintiffs property and is responsible.

Defendants JOHN DOE unknown Executive Director of Dekalb County, Georgia in his/her individual and official and/or "former" capacity failed to instruct, supervise, and control officers and/or instructed, supervised, and controlled Dekalb County employees and is responsible.

In furtherance of the unlawful agreement of the defendants, after the repeated asking of the Plaintiff to return the Plaintiffs possession, the Defendants knowingly, with the intent to retaliate, took harmful against to the Plaintiff, interfered with the lawful employment of the Plaintiff Sharon Bridgewater or livelihood of the Plaintiff Sharon Bridgewater(Specialty Investment Group LLC), deprive the Plaintiffs of right to honest services in violation of 18 USC 1346, and/or deprive the Plaintiff(s) of their property , and prevented the Plaintiffs from conducting business, due to the theft, and robbery of the Specialty Investment Group Property The Plaintiff(s) have been damaged by the above Defendants RICO activities, in that the Defendants actions caused the Plaintiff to go out of business, drove the Plaintiff out of the State of Georgia and did overt acts and/or omission to further the objective of the conspiracy.

## **INTERNET ARTICLE**

**INTERNET MEDIA ARTICLE OF THE DEKALB COUNTY POLICE DEPARTMENT**  
Friday, February 27, 2009 DeKalb County Police Chief Terrell Bolton Fired



*Decatur, GA*

In a bold move towards a better community in DeKalb, the county's new CEO Burrell Ellis has

fired DeKalb police chief Terrell Bolton. The announcement came on Tuesday, following much controversy, surrounding, Bolton's, conduct, as, police, chief.

A pre-termination notice sent to Bolton last week gave him a deadline of 10:00 a.m. Monday to respond to the charges and explain why he shouldn't be fired. Bolton did send a letter to Ellis on Monday morning, stating numerous reason he should be allowed to remain in his position, however, Ellis, apparently, was, not, swayed.

Among Bolton's major claims is that he can't be fired because he is on medical leave. Bill McKenney, Bolton's lawyer claims the firing may violate federal law. McKenney says the leave falls under the federal Family and Medical Leave Act and cautioned Ellis not to take any action while, the, chief, is, on, leave.

Bolton is accused of various discrepancies, crimes and misconduct including allegations that he has taken over 5 months of "comp" time during his two years on the job despite police department policies against "comp" time for executives and that he personally kept luxury vehicles, seized, in, drug, raids.

This could be a step in the right direction for Ellis in cleaning up the government of DeKalb County. Former CEO Vernon Jones left quite a mess in the county, including a judicial system full of unscrupulous ashkenazis who rob citizens under color of law on a daily basis, amounting to basically nothing more than an organized crime ring similar to the former judicial system of Cook County, Illinois.

The Defendants Rico activities, forced Plaintiffs to flee the State of Georgia, forced Plaintiff out of business, and/or prevented Plaintiff from conducting business in Georgia..

In furtherance of the Unlawful agreement of Obama, Holder, Shawn Dovanan and/or two or more of the Defendants as mentioned in the criminal charges, on or about 1997 and continuing thru the filing of this complaint Hayes Valley Limited Partnership, SunAmerica Affordable housing partnership, McCormack Baron Ragan, MBA Urban Development INC. et al and two or more other corporations unknown to the Plaintiff, nature trade of commerce Real Estate Development entered into an agreement with the United States Housing Urban and

Development, and/or were public private partnership to revitalize, build, development, and management federal public housing facilities across America and/or the 50 States, and was granted exclusive control to management public housing facilities in the 50 States, and constituted a US Government .

On or about 1997 and continuing thru Dec. 2005, and continuing thru the filing of this complaint, I, the elderly, disabled, and/or other social economically disadvantaged consumers at all times mentioned were seeking shelter. I at all times mentioned were disabled, self-sefficiency and rehabilitation, at all times mentioned Started my Real Estate Company and was advancing and making money and were director competitors, and at the time my Son was studying to become a licensed Real Estate Broker, as defined as .I, the elderly, etc. "consumers" applied for public housing rental unit at public housing in the "50" state; and/or HVLP(and/or other public housing facilities). Hashiah Rashad, HVLP manager<sup>2</sup>" (and other managers partners of HVLP

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<sup>2</sup>Hashah Rashad also refers to or HVLP partners, et al, property manager(s) operating other public housing facilities in "50" States.

presented a HVLP lease Rental applications<sup>3</sup> to me <sup>4</sup> to determine my eligibility to live at HVLP.

I/we completed the application in order for HVLP to determine my eligibility the application included:

- (1) Names of all persons who would be living in the unit, their sex, date of birth, and Relationship to the family head;
- (2) present address and telephone number;
- (3) Family characteristics (e.g., veteran) or circumstances (e.g., living in substandard housing) that might qualify the family for tenant selection preferences;
- (4) Names and addresses of your current and previous landlords for information about your family's suitability as a tenant;
- (5) An estimate of my and/or my family's anticipated income for the next twelve months and the sources of that income;

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9 On or about 2004 I “a disabled, socially economically disadvantage African American female, recovering from my disability” met with Hashiah Rashad the Property Manager of HVLP and filled out an application for an apartment at HVLP. I told her I qualified to live at the units and/or I told Hashiah that I was recuperating from a disability(due to violence etc.) and received disability. I also told her that I was a person that fell in a category that of a low and/or very low income individual. Further, I told HVLP manager, that I live in Atlanta, had a section 8 hud voucher rented an apartment in Atlanta, and/or had started a business in Atlanta, GA and/or operated a business in Atlanta, Georgia, and wanted to expand to the West Coast. I then told her that my son James S.Bridgewater would occupy the unit while I was away conducting business while “making” the “business” transition to California. Hashiah Rashad then told me that they help people such as my self, agreed that James S. Bridgewater would occupy the unit, if I qualified for the unit.

“I and/or me” refers to other low-income, elderly, socially economically disadvantage and/or applicants and/or public housing tenants in the “50” states.



(6)The names and addresses of employers, banks, and any other information the HA would need to verify your income and deductions, and to verify the family composition; and (e.g., birth certificates, tax returns) to verify the information given on my application. I then signed a release form to authorize release of pertinent information to the PHA.

Hashiah Rashad(HVLP)manager than “checked out” the references, etc. Hashiah Rashad then telephone me and told me that I qualified to live at HVLP. She than described the public housing program, told me/and/or other tenants that they offered community support services, \_\_\_\_\_ and its requirements, and offered me a unit. I/we accepted. During this time Hashiah Rashad and/or HVLP, et al had a legal duty or obligation to disclose to me and/or other tenants any separate agreements, such as settlement agreement or Real Estate settlements pertaining to the apartment before I moved in, and had a legal duty or obligation to disclose any agreements beyond the rental agreement and “beyond the Housing and Urban Authroity lease agreement contract, and/or any agreement that may have been submitted regarding “late payments.”

In furtherance of the unlawful agreement of the Defendants, On or about 1997 and continuing thru the filing of this complaint, Hashiah Rashad(HVLP manager) then prepared and presented to me and/or other public housing “propective tenants” two different lease agreements: 1) FIRST LEASE AGREEMENT( FEDERAL HUD): HVLP Manager, Hashiah Rashad, I, the Plaintiff(s) and/or other public housing tenants and HUD(San Francisco Housing Authority) entered into a three way lease agreement for the apartment 427 Page Street, San

Francisco, CA.(Rent Control area).<sup>5</sup> "My rent" – our which is referred to as the Total Tenant Payment (TTP) is based on the family's anticipated gross annual income less deductions, if any which included,

(1) 30 percent of the monthly adjusted income. (Monthly Adjusted Income is annual income less deductions allowed by the regulations); <sup>6</sup>

(2) 10 percent of monthly income;

(3) welfare rent, if applicable; or

(4) a \$25 minimum rent or higher amount (up to \$50) set by an HA.

HUD section 8 voucher (rental assistance) paid directly to McCormack Baron Ragan, approx. \$1,528.00. The Plaintiffs rent was either \$104.00-\$107.00 and/or \$78.00 per month (from Dec. 2004 thru May 2008).

On 1997 Hud entered into a partnership agreement with Sun America AIG, Banking and finance, equity shares, granted exclusive control by the US Government, partners, with HUD, etc. and/or Bush, etc. at all times mentioned we were competitor, I had a fiduciary relation with

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<sup>5</sup> 2) SECOND LEASE "PRIVATE" AGREEMENT MCCORMACK BARON RAGAN: HVLP Manager, Hashiah Rashad, and then simultaneously entered into a second lease agreement; Sharon Bridgewater and McCormack Baron Ragan. This lease agreement contains provisions of "additional rents, rates, etc."

<sup>6</sup> 1) HAs use income limits developed by HUD. HUD sets the lower income limits at 80% and very low income limits at 50% of the median income for the county or metropolitan area in which you choose to live. Income limits vary from area to area.

A3350

the Defendants, had a duty to disclosure real estate settlement agreement HVLP lease hold interest, mortgage loan, Mortgages, mortgage

On Dec. 2004/ Jan. 2005 I Sharon Bridgewater (and/or other public housing tenants -James Bridgewater-listed as a household member) the (Specialty Investment Group L.L.C. A dissolved Georgia Company, and Specialty Global Investments Inc., a dissolved Nevada Corporation ),Bridgewater & Company Inc.(minority business Owners) entered into lease agreement HUD contract to live at the unit. I we at all times mentioned had a valid, lawful binding lease agreement contract "three way HUD lease agreement contract" for the premise of 427 Page Street, San Francisco, CA 94102)<sup>7</sup>, (in a metropolitan populated area and/or a rent controlled area). and/or with Defendants JOHN DOE unknown Director of the San Francisco Housing/San Francisco Housing and/or Defendants JOHN DOE unknown employee of the San Francisco Housing Authority(SFHA) Hayes Valley Limited Partnership (AKA, Hayes Valley Apartments II L.P.),McCormack Baron Ragan Management Services Inc.MBA Urban Development Co., The Related Companies of California, Inc. Sunamerica Affordable Housing. Pursuant to federal law the HUD lease is renewed annually. At all times mentioned I/we were in peaceful, quiet, lawful, legal possession of the premise of 427 Page Street, San Francisco, CA. (and/or other public housing facilities across America).

Pursuant to Federal Public Housing tenants are allowed to stay in public housing as long as you comply with the lease.<sup>8</sup>I and/or my son was at all times mentioned I and my son was at all times qualified to live in the unit(and/or other public housing tenants) and was qualified to

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<sup>7</sup> AND/OR OTHER PUBLIC HOUSING FACILITIES ACROSS AMERICA.

<sup>8</sup>The must be "good cause to evict." And in the case of breach of lease agreement a 90 day notice of termination of tenancy is required pursuant to HUD Federal law. will not be required to move unless there is affordable housing available for you on the private market.

participant in the HUD section 8 program and/or live at HVLP, a US Government Public Housing Complex as Tenants. At all times mentioned from Dec. 2004/Jan 2005 thru May 2008 We at all times mentioned kept our part of the agreement and were going to school and/or operating a business, trying to "get off HUD subsidies and/or public assistance," and the Plaintiff was a participant of the self sufficiency program, which is a program provided by HUD to help low income individuals become self sufficient, start their own business, gain permanent employment, advance and become free and independent of any HUD subsidies, and at all times mentioned were qualified to live at the Federal housing complex.

On or about April 12, 2006 at an unknown time Hayes Valley Limited Partnership with the

## MAIL FRAUD

Plaintiff allege On **APRIL. 12, 2006**, at an "unknown" time at 401 Rose Street, San Francisco, California Hashiah Rashad, property Manager for HVLP(defendants Hayes Valley Limited Partnership (AKA, Hayes Valley Apartments II L.P.),McCormack Baron Ragan Management Services Inc.MBA Urban Development Co., The Related Companies of California, Inc. Sunamerica Affordable Housing Partnership Inc., ) acted under the color of the US Federal and/or State Government, and originating within the state of California, and terminating within the state of California,caused to placed in a post office, or in an authorized depository for mail, matter to be sent and delivered by the Postal Service to 427 Page Street the following;

Apr 17 06 08:58a

Hayes Valley Apartments  
401 Rose Street  
San Francisco, CA 94102

Phone 415-487-1218  
Fax 415-487-1834

Hayes Valley Apartments

415-487-1830

P. 3

# NOTICE TO PAY RENT OR QUIT

To: Sharon Bridgewater AND ALL OTHERS IN POSSESSION:

WITHIN FIVE DAYS, after the service on you of this notice, you are hereby required to pay the delinquent rent of the premises herein after described, of which you now hold possession as follows:

|                                 |                            |
|---------------------------------|----------------------------|
| \$107.00 FROM SEPTEMBER 1, 2005 | THROUGH SEPTEMBER 30, 2005 |
| \$107.00 FROM OCTOBER 1, 2005   | THROUGH OCTOBER 31, 2005   |
| \$107.00 FROM NOVEMBER 1, 2005  | THROUGH NOVEMBER 30, 2005  |
| \$107.00 FROM DECEMBER 1, 2005  | THROUGH DECEMBER 31, 2005  |
| \$107.00 FROM JANUARY 1, 2006   | THROUGH JANUARY 31, 2006   |
| \$107.00 FROM FEBRUARY 1, 2006  | THROUGH FEBRUARY 28, 2006  |
| \$107.00 FROM MARCH 1, 2006     | THROUGH MARCH 31, 2006     |

Or you are hereby required to deliver up possession of the hereinafter described premises, with five days after service on you of the notice, to HAYES VALLEY LIMITED PARTNERSHIP ("owner"), who/which is authorized to receive the same, or legal proceedings will be instituted against you to declare the forfeiture of the lease or rental agreement under which you occupy the herein below described property and to recover possession of said premises, to recover all rent past due, to recover court cost, attorney fees as permitted by law, and possible additional statutory damages of up to SIX HUNDRED DOLLARS (\$600.00) in accordance with California Code of Civil Procedure Section 1174(b), as a result of your failure to comply with the terms of this notice.

The premises herein referred to is situated in the City of SAN FRANCISCO, County of SAN FRANCISCO, State of California, designated by the number and street 427 Page STREET.

You are further notified that should you fail to remit the above-demanded rent or surrender possession of the above-described premises, the undersigned does elect to declare the forfeiture of your lease or rental agreement under which you hold possession of the above-described premises.

Payment must be made to the owner/agent at the following address: 401 ROSE STREET SAN FRANCISCO, CA 94102

Telephone number for the above address: 415-487-1218

Payments made in person shall be delivered to owner/agent between the hours 9:00 am-4:00 pm on the following days of the week: Monday through Friday. Payments may also be made by appointment only on Saturday and Sunday.

You may make such reply as you wish. You have the right to examine Lessor documents directly relevant to the lease termination.

You have a right to a grievance hearing in this matter. You must within five (5) days meet and discuss with the landlord this notice and the proposed termination of tenancy. Advice regarding this notice is available from the San Francisco Rent Stabilization and Arbitration Board located at 25 Van Ness Street, Suite 320, San Francisco, CA 94102 on Monday through Friday from 8:00 am 5:00 pm and via telephone at 425-252-4600.

Date: 04/12/2006

By: Frank Ellis - TEMP RECEPTIONIST  
For: Property Manager, Hasinah Rahim  
McCormack Baran Ravan for Hayes Valley Apartments

COPY

04/17/2006 MON 8:14 AM EXHIBIT 105 NO. 1594 0003

The Notice to pay rent or quit, described above were sent with the intent to deceive the plaintiffs, and for the plaintiff to rely on the notice to pay rent or quit, the representations described in the Notice to quit were false. The defendants made the presentations, the defendant knew that they were false, because a valid or proper notice to pay rent or quit must contain an exact dollar amount due in dollars and cents, and the notice to pay rent is in violation of California civil procedure section 1161 as a result of the notice to pay the plaintiff relied on the representation, and further was willing to pay any amount that was represented to the Plaintiff of the amount due, as a result of the reliance the Plaintiff were damaged by the overt acts of the Defendants, and the Plaintiff tendered to the Defendants the amount they asserted to the plaintiff to pay without producing a rental ledger or verifying the amount of rent due and the defendants did overt acts to further the objective of the conspiracy to extort money, restrain commerce, and defraud the Plaintiff out of money or property. The Defendants at all times mentioned

Knowingly and willfully, placed in a post office, or in an authorized depository for mail, matter to be sent and delivered by the Postal Service for the purposes of executing a scheme and/or artifice to defraud the Sharon Bridgewater and of obtaining money by means of false and fraudulent pretenses, representations or promises, after having devised or intended to devise said scheme or artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations or promises. The Defendants actions are in violation of 18 U.S.C. 1341.

In furtherance of the unlawful agreement of the Defendants, knowingly, intentionally filed in the Superior Court the following documents:

**MALICIOUS USE OF CIVIL PROCEEDING, ABUSE OF PROCESS,**

# FRAUD, PERJURY.

Case 4:09-cv-03551-PJH Document 1-4 Filed 08/03/09 Page 10 of 29

|  |  |  |
|--|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Print, sign, and address)<br>SHAWN BANKSON<br>SHAWN BANKSON, BAR #223638<br>KIMBALL, FIREY & ST. JOHN<br>5954 W. LAS POSITAS BOULEVARD #219<br>FLEASANTON, CA 94588<br>TELEPHONE NO.: 800-525-1690 FAX NO. (Optional)<br>EMAIL ADDRESS (Optional):<br>ATTORNEY FOR: <b>PLAINTIFF</b>   |  | FOR COURT USE ONLY<br><b>FILED</b><br>San Francisco County Superior Court<br>APR 24 2014<br>GORDON PARKER, Clerk<br>DEBORAH STEFFE, Deputy Clerk |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO<br>STREET ADDRESS: COUNTY OF SAN FRANCISCO<br>MAILING ADDRESS: 400 McAllister, 1st Floor<br>CITY AND ZIP CODE: San Francisco, California 94102<br>BRANCH NAME: Limited Civil Jurisdiction  |  | CASE NUMBER: <b>CU0-06 617995</b>  |
| PLAINTIFF: HAYES VALLEY LIMITED PARTNERSHIP<br>DEFENDANT: SHARON BRIDGEWATER<br><input checked="" type="checkbox"/> DOES 1 TO 10 INCLUSIVE<br>COMPLAINT — UNLAWFUL DETAINER:<br><input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number: )  |  |  |
| Jurisdiction (check all that apply):<br><input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE<br>Amount demanded: <input checked="" type="checkbox"/> does not exceed \$10,000<br><input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000<br><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000)<br><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply):<br><input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited<br><input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited |  |  |

1. PLAINTIFF (name each): HAYES VALLEY LIMITED PARTNERSHIP

alleges cause of action against DEFENDANT (name each): SHARON BRIDGEWATER

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years, (4) ☐ a partnership,  
 (2) ☐ a public agency, (5) ☐ a corporation,  
 (3) ☒ other (specify): LIMITED PARTNERSHIP

b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):  
 427 PAGE STREET, SAN FRANCISCO, SAN FRANCISCO COUNTY, CA 94102

4. Plaintiff's interest in the premises is ☒ as owner ☐ other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

6. a. On or about (date): 1/3/2005 defendant (name each): SHARON BRIDGEWATER

(1) agreed to rent the premises as a ☐ month-to-month tenancy ☒ other tenancy (specify): 1 YEAR

(2) agreed to pay rent of \$ 107.00 payable ☒ monthly ☐ other (specify frequency):

(3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):

b. This ☒ written ☐ oral agreement was made with

(1) ☐ plaintiff.

(3) ☐ plaintiff's predecessor in interest.

(2) ☒ plaintiff's agent.

(4) ☐ other (specify):

\*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1181a).

Form Approved for Optional Use  
 Judicial Branch of California  
 UD-100 (Rev. July 1, 2009)

COMPLAINT—UNLAWFUL DETAINER

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Page 1 of 2  
 Civil Code, § 1181 of the  
 Code of Civil Procedure §§ 424.12, 1181

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|  |           |
|--|-----------|
| PLAINTIFF (Name): HAYES VALLEY LIMITED PARTNERSHIP | CAUSE NO: |
| DEFENDANT (Name): SHARON BRIDGEMAN                 |           |

6. c. ☒ The defendants not named in Item 6a are
- (1) ☐ subtenants.
  - (2) ☐ assignees.
  - (3) ☒ other (specify): UNKNOWN

d. ☐ The agreement was later changed as follows (specify):

f. ☐ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless Item 6f is checked. See Code Civ. Proc., § 1168.)

- g. ☒ (For residential property) A copy of the written agreement is not attached because (specify reason):
- (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
  - (2) ☒ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).

7. ☒ a. Defendant (name each): SHARON BRIDGEMAN

was served the following notice on the same date and in the same manner:

- (1) ☒ 3-day notice to pay rent or quit
  - (2) ☐ 30-day notice to quit
  - (3) ☐ 60-day notice to quit
  - (4) ☐ 2-day notice to perform covenants or quit
  - (5) ☐ 3-day notice to quit
  - (6) ☒ Other (specify): 5 DAY PAY/QUIT
- b. (1) On (date): 4/17/2006 the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.

c. All facts stated in the notice are true.

d. ☒ The notice included an election of forfeiture.

e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1168.)

f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check Item 8c and attach a statement providing the information required by Items 7a-e and 8 for each defendant.)

8. a. ☒ The notice in Item 7a was served on the defendant named in Item 7a as follows:

- (1) ☒ by personally handing a copy to defendant on (date): 4/12/2006
- (2) ☐ by leaving a copy with (name or description): at defendant's residence - ☐ business AND mailing a copy to defendant at defendant's place of residence on (date): because defendant cannot be found at defendant's residence or usual place of business.
- (3) ☐ by posting a copy on the premises on (date): AND giving a copy to a person found residing at the premises AND mailing a copy to defendant at the premises on (date):
  - (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
  - (b) ☐ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written commercial lease between the parties.

b. ☐ (Name):

was served on behalf of all defendants who signed a joint written rental agreement.

c. ☐ Information about service of notice on the defendants alleged in Item 7f is stated in Attachment 8c.

d. ☐ Proof of service of the notice in Item 7a is attached and labeled Exhibit 3.



PLAINTIFF Name: HAYES VALLEY LIMITED PARTNERSHIP

DEFENDANT Name: SHARON BRIDGERATER

9. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. ☒ At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$ 749.00
11. ☒ The fair rental value of the premises is \$ 3.51 per day.
12. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 174(b). (State specific facts supporting a claim up to \$800 in Attachment 12.)
13. ☒ A written agreement between the parties provides for attorney fees.
14. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county), title of ordinance, and date of passage:

Plaintiff has met all applicable requirements of the ordinances.

15. ☒ Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

## 17. PLAINTIFF REQUESTS:

- a. possession of the premises;
- b. costs incurred in this proceeding;
- c. ☒ past-due rent of \$ 749.00
- d. ☒ reasonable attorney fees.
- e. ☒ forfeiture of the agreement.

- f. ☒ damages at the rate stated in Item 11 from (date): 4/1/2006 for each day that defendants remain in possession through entry of judgment.
- g. ☐ statutory damages up to \$800 for the conduct alleged in Item 12.
- h. ☐ other specify:

18. ☒ Number of pages attached (specify): FOUR

UNLAWFUL DETAINER ASSISTANT (Bus. &amp; Prof. Code, §§ 6400-6416)

19. (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, state:)

- a. Assistant's name:
- b. Street address, city, and zip code:

- c. Telephone No.:
- d. County of registration:
- e. Registration No.:
- f. Expires on (date):

Date: 4/20/2006

SHAWN BANKSON

(TYPE OR PRINT NAME)

SIGNATURE OF PLAINTIFF OR ATTORNEY

## VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

SIGNATURE OF PLAINTIFF

SIGNATURE OF PLAINTIFF

US-100 (Rev. July 1, 2003)

COMPLAINT—UNLAWFUL DETAINER

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VERIFICATION

I, the undersigned, say:

That I am the attorney for Plaintiff in this action; the Plaintiff is absent from the County of Alameda, California, where I have my office, and I make this verification for and on behalf of the party for that reason; and, it is impractical to obtain the signature of the Plaintiff in that this is a summary proceeding, and time of the essence in this matter. I read the above Complaint for Unlawful Detainer and know its contents. I am informed and believe, and on those grounds, allege that the matters stated in it are true.

Executed on April 20, 2006 at Pleasanton, California. I declare under penalty of perjury that the foregoing is true and correct.

  
KIMBALL, TRETY & ST. JOHN

Attorney for Plaintiff

By: SHAWN K. BANKSON

DECLARATION:

**ILLEGAL CRIMINAL MONOPOLY IN RESTRAINTS OF TRADE AND/OR  
COMMERCE- ILLEGAL TYING AGREEMENT, PRICE DISCRIMINATION,**

*my printer stop  
WORKING see  
notice.*

*related case*