



The Cochran Reparative Justice Foundation

Request for DOJ Review and Legislative Recommendation

Date: September, 20 2026

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Proposed Federal Reparative Justice Compensation Fund

Dear Attorney General:

The Cochran Reparative Justice Foundation submits the enclosed First Amendment policy petition requesting Department review of identified federal conduct affecting descendants of U.S. enslavement and the historic free Black population, and a legislative recommendation for a Federal Reparative Justice Compensation Fund.

We request acknowledgment of receipt, any correspondence tracking number, identification of the responsible reviewing component, and a meeting with appropriate Department representatives. We also request coordinated historical and legal review and technical assistance toward enabling legislation. We also request identification and copies of treaties and records concerning Black Americans, formerly enslaved people, their descendants, and the sources and limits of U.S. jurisdiction. The petition includes a source index and documentary excerpts.

We seek a congressionally authorized remedy with lawful funding, evidence-based eligibility, transparent administration, and meaningful review. This submission does not present an individual claim for payment or request rulemaking under the Administrative Procedure Act.

Please send correspondence to the Foundation at the contact information below.

Respectfully submitted,

Signature: Carlos Mason

Name: Carlos Mason

Title: President

For The Cochran Reparative Justice Foundation

Date: September, 20 2026

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Enclosure: Policy petition with Appendices A and B. Requested internal referrals: Civil Rights Division, Civil Division, Office of Legal Policy, Office of Legislative Affairs, and Office for Access to Justice.



The Cochran Reparative Justice Foundation

First Amendment Policy Petition and Request for Legislative Recommendation

Proposed Federal Reparative Justice Compensation Fund

Submitted by The Cochran Reparative Justice Foundation

To the Attorney General of the United States and appropriate Department of Justice components

I Nature of the Submission

The Cochran Reparative Justice Foundation (the “Foundation” or “Petitioner”) submits this policy petition under the First Amendment right to petition the Government for redress of grievances. We request Department of Justice (DOJ) review, interagency consultation, technical assistance, and a legislative recommendation for a congressionally authorized Federal Reparative Justice Compensation Fund (the “Fund”). [1–3]

This is not a petition for rulemaking under 5 U.S.C. § 553(e), an application under an existing compensation program, an administrative tort claim, or a complaint commencing litigation. It asks for no payment without applicable statutory authority and available appropriations. It does not request that DOJ concede liability in any case or exercise powers Congress has not conferred. [4]

The Foundation reserves its own rights and does not purport to settle, release, or waive any person’s claims. This submission does not itself satisfy separate claim-presentation or exhaustion requirements, toll a limitations period, or preserve another claimant’s deadline. Any individual claim must satisfy its own governing law. [24]

II Executive Summary

The Foundation asks DOJ to examine a specific federal record: restrictions on Reconstruction enforcement; discriminatory federal housing standards and unequal access to federally supported wealth-building; agricultural discrimination claims; the federal Tuskegee study; and federal surveillance and disruption of civil-rights activity. We contend that the documented conduct, together with additional evidence developed through review, warrants a legislative compensation response. [5–13]

The proposed remedy addresses three categories: discriminatory denial of legal protection and related governmental misconduct; economic exclusion connected to federal programs; and dignitary and other non-economic injury. The proposal retains descent-based eligibility while requiring a supported connection between additional awards and particular covered injuries. Its constitutional validity would depend on the legislation, evidentiary findings, eligibility rules, and remedial fit ultimately adopted. [14–18]

Congress has established administrative compensation mechanisms with fixed awards, evidentiary accommodations, or presumptions. Those features can inform this proposal. They do not establish an existing entitlement for the Foundation’s constituency. [19–21]



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III Petitioner and Constituency

The Foundation advocates lawful reparative justice for descendants of U.S. enslavement and the historic free Black population, including redress for discriminatory governmental conduct and its continuing effects. It submits this petition in its own organizational capacity to advance that mission. It does not claim to be a governmental commission, a court-certified class representative, or the authorized legal representative of every potentially eligible descendant.

The proposed baseline constituency consists of persons with documented descent from an Black American person enslaved within the geographic scope defined in Section VIII, or from a free Black person residing within that scope on or before December 31, 1865. This date defines the proposed nineteenth-century criterion. It is a proposed legislative boundary, not an existing federal eligibility rule.

The Foundation's rationale for including free Black ancestors is that emancipation status did not insulate the historic population from racial exclusion and denial of protection. The cutoff identifies a population rooted in the United States during slavery, Reconstruction, and the establishment of Jim Crow. Congress should test that boundary against the evidence and explain any retained or revised date. California's task force recommended a comparable nineteenth-century descent criterion; that recommendation is a design reference, not constitutional approval of this federal proposal. [23]

IV DOJ Role and Requested Review

The Attorney General's authority over DOJ functions and internal delegations supports routing this request among appropriate components, within their statutory responsibilities and available resources. The Foundation requests participation by the Civil Rights Division, Civil Division, Office of Legal Policy, Office of Legislative Affairs, and Office for Access to Justice. These organizational powers do not independently authorize a new compensation entitlement. [3–4]

We request consultation, as appropriate, with State, Treasury, HUD, USDA, Veterans Affairs, Education, HHS, Labor, Interior, and the National Archives. A cooperative review should identify federal policies, relevant records, affected populations, available remedies, and the additional authority needed to administer the proposed Fund. DOJ should seek any necessary executive approvals for interagency arrangements and legislative recommendations.

The Foundation asks DOJ to recommend enabling legislation, with technical assistance regarding eligibility, funding, administration, evidentiary rules, privacy, fraud prevention, and review. We also request preservation of relevant records in accordance with applicable records laws and schedules. This request does not demand privileged material or override lawful restrictions on disclosure. [25]

The Foundation requests a written response and meeting, recognizing that the First Amendment alone does not compel a favorable decision, hearing, or individualized answer. Any procedural duties arising under another applicable law would depend on that law and the particular matter before the agency. [2]



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Treaties Legal Status and Jurisdiction Records

The Foundation requests identification and copies of treaties, conventions, protocols, executive agreements, and related implementing records concerning Black Americans, enslaved and formerly enslaved people, free Black people, and descendants of those populations. This inquiry supports the requested historical review and legislative recommendation. Its scope is 1776 through the date of DOJ's response, including earlier colonial instruments held in federal collections when relevant to the asserted source of U.S. authority or an identified obligation.

Treaty subjects. Please include instruments concerning slavery and its abolition; the international slave trade and its suppression; wartime evacuation, surrender, return, or claimed ownership of enslaved people; compensation claims arising from their removal or emancipation; migration, colonization, nationality, citizenship, land, and civil or political rights; and international protections against slavery, forced labor, and racial discrimination. Include treaties with foreign governments and with tribal nations. Identify the parties, covered populations, geographic reach, relevant articles, ratification and entry-into-force information, U.S. reservations or declarations, amendments, and any termination or superseding authority documented in available records.

Initial treaty references. The Treaty of Paris of 1783, Article VII, and the Treaty of Ghent of 1814, Articles I and X, address subjects involving enslaved people or the slave trade. The 1866 treaties with the Cherokee, Creek (Muscogee), Seminole, and Choctaw and Chickasaw Nations contain provisions concerning slavery or Freedmen; their terms and covered populations differ. These are starting points for a broader search, not an exhaustive inventory. Please include related negotiations, implementation, claims proceedings, and interpretations. Rights under a particular tribal treaty must be assessed under that treaty and governing law; this petition does not attribute those rights to every Black American. [26–28]

Jurisdiction and legal status. We also request constitutional and statutory authorities, executive and military orders, Attorney General and Office of Legal Counsel opinions, agency directives, relevant judicial decisions, and existing legal memoranda addressing the sources, scope, limits, or contested exercise of U.S. governmental authority over or in relation to these populations. Please distinguish federal, state, territorial, and tribal authority; legislative and executive power; and courts' subject-matter and personal jurisdiction. Subjects include enslavement and emancipation, nationality and citizenship, allegiance and protection, movement and removal, access to courts, federal civil-rights enforcement, and the transition from slavery through Reconstruction to later law.

Priority legal records. Please identify records concerning federal fugitive-slave enforcement, emancipation measures, the Freedmen's Bureau and military administration, the Civil Rights Act of 1866, and the adoption and implementation of the Reconstruction Amendments. The Fourteenth Amendment expressly addresses citizenship and jurisdiction; National Archives holdings on the Freedmen's Bureau identify administrative records concerning legal protection, labor, land, and other matters affecting freedpeople. We request review of these authorities and practices without presuming that a treaty was required for every exercise of federal authority. Distinguish historically asserted power from lawful authority and identify later changes in governing law. [1, 29–30]



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Custodians and response. Please coordinate with the Department of State, the Department of the Interior and Bureau of Indian Affairs, the National Archives, and other appropriate custodians.

Provide searchable electronic copies or stable public links, with citations, record-group or collection identifiers, and relevant page or article references. We request an inventory describing the collections consulted, records identified, known custodians, and material gaps. Where a record is unavailable for release, identify it and explain the applicable access restriction to the extent permitted by law; where another office holds it, provide a referral or contact. An initial inventory may precede further consultation on priority collections.

Procedural treatment. This remains a First Amendment policy petition. The requested inventory, historical review, and legal analysis are requests for Department action and assistance; this section is not intended as a separately perfected FOIA request or as a claim that DOJ must create a new legal opinion. Please identify appropriate records-access channels for any separately required request. FOIA requests for existing agency records can be directed to the responsible custodians and tailored by collection, subject, and date; FOIA does not generally require agencies to conduct research or answer legal questions. [31]

V Historical Record and Grounds for Review

The sources below identify concrete subjects for review. The Foundation distinguishes the underlying record from its policy judgment that Congress should compensate descendants. Neither an agency history nor a settlement establishes every element of liability or every claimant's individual injury. Appendix A identifies sources and relevant locations; Appendix B supplies selected excerpts and explains their limited evidentiary use.

A Legal protection and criminal justice

Reconstruction enforcement. The Thirteenth, Fourteenth, and Fifteenth Amendments conferred distinct enforcement powers on Congress. *United States v. Cruikshank* illustrates judicial limitations on federal protection during Reconstruction: the Court distinguished federal from state protections and emphasized the Fourteenth Amendment's state-action limitation. The Foundation asks DOJ to examine enforcement legislation, prosecution records, and subsequent enforcement decisions concerning racial terror, disenfranchisement, peonage, and convict leasing. These subjects require identification of federal acts or omissions rather than automatic attribution of all state or private conduct to the United States. [1, 5]

Anti-lynching legislation. The Emmett Till Antilynching Act of 2022 added an express lynching provision to 18 U.S.C. § 249. Earlier civil-rights statutes, including 18 U.S.C. §§ 241 and 242, could reach some racially motivated violence when their elements were met. The Foundation asks DOJ to examine the adequacy and actual use of federal protection over time, rather than assume that no federal authority existed before 2022. [6]

Federal cocaine sentencing. The Fair Sentencing Act of 2010 reduced the statutory crack-to-powder cocaine quantity ratio from 100-to-1 to 18-to-1. The Sentencing Commission's report supplies a basis for examining the earlier policy, its distributional effects, and subsequent reform. A disparity



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in effects does not by itself establish discriminatory intent or that every affected conviction was wrongful. Any compensation category should specify the federal policy and injury it covers. [7]

B Economic exclusion

Federal housing standards. The FHA's 1938 Underwriting Manual included racial assumptions in neighborhood risk assessment and recommended restrictions on occupancy by race. These federal instructions warrant examination of their effects on access to insured credit and property ownership. DOJ and HUD should distinguish FHA standards from HOLC mapping and lending practices, assess how each operated, and identify the records supporting any claimed causal connection. [8]

Veterans' benefits. The G.I. Bill provided federal assistance for education and civilian readjustment. The National Archives' account records that Black veterans faced mortgage barriers and discrimination excluding them from white suburban neighborhoods. Review should distinguish statutory entitlement from administration, lender conduct, and segregation in receiving institutions, and determine the federal contribution to lost opportunities. [9]

Agricultural lending. The Pigford consent decree established procedures to resolve Black farmers' discrimination claims against USDA. It is a useful model of structured claim resolution, with evidentiary requirements and alternative tracks. Paragraph 20 expressly disclaims an admission of liability or wrongdoing; the settlement itself is not offered as proof of discrimination. DOJ and USDA should examine underlying administrative records and properly supported findings to determine which conduct and losses could support a new statutory remedy. [10]

The Foundation contends that exclusion from credit and subsidized asset formation can affect later family wealth through foregone equity, education, enterprise, and inheritance. It asks for an economic assessment identifying affected cohorts, estimating attributable losses, disclosing assumptions, and separating federal effects from other causes. This petition does not assert a quantified loss for every descendant.

C Dignitary and other non-economic injury

Tuskegee. CDC records that participants in the U.S. Public Health Service study were not offered available treatment, including after penicillin became widely available. It identifies the 1974 settlement and 1997 presidential apology. These events support review of a specific federal wrong and its consequences. Compensation to study participants and certain heirs does not establish injury or entitlement in unrelated descendants. [11]

Federal surveillance and disruption. The Senate's account of the Church Committee documents the FBI's efforts to disrupt civil-rights activity and identifies Martin Luther King Jr. and the Southern Christian Leadership Conference among the targets. The Foundation requests examination of the underlying records to identify affected individuals, organizations, and communities, and to distinguish documented actions from broader allegations. [12]

Discrimination and health. Pascoe and Smart Richman's meta-analysis of 134 samples found associations between perceived discrimination and poorer mental and physical health, as well as stress responses. This supports consideration of non-economic injury and appropriate services. The research covers multiple populations and forms of discrimination; it does not prove federal causation, a psychiatric diagnosis, or inherited trauma in every proposed claimant. [13]



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The Foundation requests further assessment of race-based traumatic stress, institutional distrust, family disruption, and possible intergenerational pathways. A baseline dignitary award is a legislative proposal for recognition of supported collective injury. It should not depend on

diagnosing every descendant, nor should it be represented as a scientifically established measure of individual psychiatric loss. Additional health-related awards should use defined evidence requirements and a demonstrated connection to covered federal conduct.

VI Constitutional and Legal Design

A Legislative power and its limits

Congress's spending power and its distinct Reconstruction Amendment enforcement powers supply subjects for DOJ's constitutional analysis. *Jones v. Alfred H. Mayer Co.* recognizes congressional authority under the Thirteenth Amendment to address badges and incidents of slavery. It does not decide the validity of this proposed Fund. Fourteenth Amendment enforcement ordinarily concerns state action; the Fifth Amendment's equal-protection component constrains the federal government. The Foundation requests an analysis matching each proposed provision to an appropriate source of authority. [1, 14, 18]

Existing immunities, limitations periods, standing requirements, and causation rules can impede damages litigation. Congress can consider a new statutory compensation mechanism and specify its eligibility rules, claims periods, administrative powers, and review provisions, subject to constitutional limits. A legislative response need not assume that every proposed recipient already possesses a viable tort claim. [4, 19–21, 24]

B Discriminatory denial of protection

DeShaney holds that due process generally does not require government to protect a person against private violence. Its footnote 3 distinguishes discriminatory denial of protective services. The Foundation therefore asks DOJ to examine affirmative governmental misconduct, discriminatory administration, and racially selective denial of protection, as well as the historical policy case for redress. The petition does not assert a general constitutional guarantee of protection against all private wrongdoing. [15]

C Lineage and equal protection

A lineage criterion is not automatically outside constitutional restrictions on racial classifications. *Adarand* requires strict scrutiny of federal racial classifications, and *Rice v. Cayetano* recognizes that ancestry may operate as a proxy for race. *Rice* addressed voting under the Fifteenth Amendment, not a compensation fund; its reasoning nevertheless cautions against treating ancestry as a constitutional safe harbor. [16–17]

The Foundation argues that remedying identified governmental discrimination can justify carefully tailored legislation. To support that argument, Congress should develop specific findings; explain the relationship between covered conduct, eligible descendants, and compensable loss; consider workable alternatives; and assess overinclusion and underinclusion. Neither general societal



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discrimination nor a statement of remedial purpose alone establishes that this particular proposal meets strict scrutiny.

DOJ should assess whether different injury categories require different criteria. The baseline descendant award requires its own evidentiary and constitutional justification, even if additional

awards demand individual proof. Sunset or renewal provisions, fiscal estimates, independent evaluation, and severability may improve administration, but cannot substitute for a constitutionally adequate remedial fit.

D Equitable grounds for legislative action

The Foundation invokes protective responsibility, unjust enrichment, and fiduciary concepts as policy analogies supporting accountability and repair. It does not assert that the Reconstruction Amendments alone created an enforceable damages trust for all descendants. Any claim that the federal fisc retained an identifiable benefit should be supported by records and a valuation method. The proposed Fund would rest on enacted law, not an assumption that equitable terminology waives sovereign immunity.

VII Compensation Models and Legislative References

The following examples inform discrete design choices. Their enabling laws, eligible populations, and compensable injuries differ from this proposal.

Civil Liberties Act. Congress provided redress for qualifying persons affected by specified wartime measures. Current codified provisions identify a fixed award, a benefit-of-the-doubt rule, certain survivor payments, and review of denials. The eligibility statute generally required the affected individual to have been living on August 10, 1988; it did not grant open-ended eligibility to all descendants. These provisions offer concrete drafting models without resolving this Fund's constitutional questions. [19]

RECA. The Radiation Exposure Compensation Act, reauthorized under Public Law 119-21 on July 4, 2025, offers a non-adversarial alternative to litigation using defined illness, location, and exposure criteria. It illustrates how Congress can substitute administrable eligibility criteria for individualized causation proof. Those criteria and the available appropriations remain essential to its operation. [20]

September 11th VCF. The VCF compensates qualifying physical harm or death connected to the terrorist attacks and their aftermath. Its administration and economic and non-economic loss methodology are useful analogies. Its existence does not establish federal culpability for those attacks, and its eligibility rules do not establish a stand-alone entitlement for psychological injury under this proposal. [21]

H.R. 40. H.R. 40 in the 119th Congress proposes a commission to study and develop reparations proposals. It is cited as proposed study legislation, not an enacted right to payment. The Foundation requests technical assistance concerning both a study mechanism and dedicated Fund legislation; it does not propose making enactment of H.R. 40 a prerequisite to all DOJ review. [22]



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California task force. The 2023 report supplies a comparative approach to documenting harm and defining descendant eligibility. It is a state task-force recommendation and does not authorize federal expenditures or determine the constitutionality of a federal remedy. [23]

VIII Proposed Eligibility and Evidence

The Foundation proposes the following starting rules for legislative development. Congress should validate them against the record, specify any additional citizenship or residency requirements, and give the administering agency only clearly defined implementing authority.

Ancestral connection. A claimant would demonstrate lineal descent from either (a) a Black American person subjected to chattel slavery in the covered geography before its legal abolition there, or (b) a free Black person residing in that geography on or before December 31, 1865. For this proposal, covered geography means the territory comprising the present fifty states and the District of Columbia, including predecessor colonies and territories in those locations. Any extension to other U.S. territories should be separately justified by the relevant history and federal connection.

Present identification. The proposed baseline rule would not impose an additional present-day racial self-identification, appearance, blood-quantum, or racial-percentage requirement. Eligibility would turn on the qualifying ancestral connection, subject to Congress's constitutional review. Membership in the Foundation, use of a particular community label, political affiliation, and donations would not be conditions of eligibility.

Proof of descent. Relevant materials may include census, emancipation, probate, military, church, family, and Freedmen's Bureau records, together with corroborated declarations and other reliable evidence. The administering body should provide records-recovery assistance and reasoned alternatives where discriminatory recordkeeping created gaps. The statute should specify a proof standard and explain any evidentiary presumptions.

DNA and privacy. Genetic testing should not be mandatory. Voluntarily offered kinship evidence may supplement documentary genealogy where relevant, with informed consent and strict limits on collection, retention, and secondary use. An ancestry-percentage estimate alone would not establish that an identified ancestor was enslaved or lived in the covered geography by the required date.

Additional awards. Descent alone would not establish every claimed economic, legal-system, or health-related loss. The statute should identify covered federal conduct and allow either particularized evidence or supported statutory presumptions linking the claimant, an identified ancestor, household, or defined cohort to that conduct. It should distinguish a claimant's own loss from a proposed descendant entitlement based on an ancestor's injury.

IX Compensation and Funding

The Foundation proposes four coordinated components. Congress should publish the valuation basis and decide which components may be combined. No particular dollar amount or aggregate entitlement is asserted in this petition.



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1. Baseline descendant award. A uniform statutory award recognizing the collective dignitary and related injury Congress finds attributable to the covered history. The legislative record must explain why the defined descendant class is an appropriate recipient. The baseline would not presume a psychiatric diagnosis.

2. Economic-exclusion award. A scheduled or formula-based supplement for established exclusion from specified federal housing, agricultural, veterans, education, or business-capital programs. Any cohort presumption should have a defined factual basis, eligibility period, and method for estimating attributable loss.

3. Particularized injury award. An alternative or supplemental award for documented losses tied to covered federal conduct, such as discriminatory lending, attributable land loss, or specified criminal-justice injuries. Eligibility based on a conviction or sentence should expressly state any required vacatur, pardon, finding, or other statutory qualification; this petition does not itself reopen convictions.

4. Additional non-economic award and services. A supplement for documented dignitary, psychological, or family injury beyond what the baseline recognizes, together with access to appropriate mental-health and records-recovery services. The law should identify acceptable evidence and the connection to covered conduct without requiring a diagnosis for the baseline award.

Avoiding duplicate recovery. The administering body should identify the loss compensated under each component. The same economic loss should not be paid twice through a formula award and a particularized award. Additional non-economic payments should identify injury beyond the baseline. Any offset for an earlier settlement or award should be limited to overlapping loss and explained in writing, with review available.

Funding. Congress should authorize the program and appropriate funds to a dedicated account, expressly addressing administrative costs and the treatment of awards under tax and means-tested-benefit laws. The Judgment Fund is available only within its statutory conditions; this petition does not request its use to finance a new general compensation program. Any proposed use of recovered assets requires separate legal authority and respect for existing restitution and ownership rights. [4]

Congress should also specify survivor and minor-claimant rules, payment schedules, and the effect of accepting an award on other claims. The Foundation recommends clear notice and informed choice before any release, limited to expressly identified overlapping claims. This policy submission grants no release on anyone's behalf.

X Administration and Requested Department Action

The Foundation recommends a statutorily authorized Special Master or comparable administrator, with a records-assistance unit, accessible applications, published evidentiary rules, written decisions, fraud controls, and independent oversight. Legislation should define the appointment structure, duties, resources, and any advisory body; provide administrative appeals and specify judicial review and necessary waivers; and protect personal information while requiring aggregate public reporting.



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We respectfully request that DOJ:

1. Register and route this petition as policy correspondence; acknowledge receipt, provide any available tracking number, and identify the reviewing component.
2. Identify and provide the treaties and jurisdiction records described in Section IV; coordinate with the appropriate custodians; and provide an initial inventory, available copies or public links, and records-access referrals.
3. Review the cited record and identify additional federal records needed to evaluate responsibility, affected populations, and proposed remedies; preserve relevant records in accordance with governing law.
4. Consult with appropriate federal agencies and, subject to applicable authority and approvals, establish a coordinated review process with a defined scope and public-facing contact.
5. Develop and communicate a legislative recommendation addressing a dedicated Fund, including constitutional analysis, evidentiary findings, eligibility, fiscal estimates, appropriations, administration, and review.
6. Provide technical assistance to Congress on H.R. 40 or other study legislation and on legislation that would authorize the proposed compensation mechanism.
7. Refer evidence of specific ongoing violations to components with jurisdiction for independent evaluation under existing statutes and applicable enforcement standards.
8. Meet with Foundation representatives and provide a written response describing the action taken, any component referrals, and any additional information needed.

For administrative planning, we request acknowledgment within 30 days and an initial substantive response within 90 days of receipt, or an estimated response date if more time is needed. These are requested timeframes, not asserted statutory deadlines.



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XI Conclusion

The Foundation asks DOJ to examine documented governmental conduct, assess the resulting injuries, and help Congress design a lawful compensation response. A careful review should confront the constitutional and evidentiary questions directly while recognizing that barriers to ordinary litigation do not resolve the policy case for redress. We request receipt, referral, a meeting, and a legislative recommendation on the terms set out above.

Respectfully submitted,

Signature: Carlos Mason

Name: Carlos Mason

Title: President
For The Cochran Reparative Justice Foundation

Date: September 20, 2026

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Appendix A Authorities and Documentary Source Index

Bracketed numbers in the petition refer to the entries below. Links identify the complete source. Locations specify the provisions or portions relied upon. Appendix B reproduces selected short excerpts; complete source documents are available at the linked locations. Legislative proposals are identified as proposals, and source summaries are not offered as judicial findings.

- [1] U.S. Const. amend. I; art. I, § 8, cl. 1 and § 9, cl. 7; amends. XIII, § 2, XIV, §§ 1 and 5, and XV, § 2. Petition, spending, appropriations, and distinct enforcement powers. [Constitution](#)
- [2] *Smith v. Arkansas State Highway Employees, Local 1315*, 441 U.S. 463, 464–65 (1979). Petition and association rights do not themselves compel a government response. [Opinion](#)
- [3] 28 U.S.C. §§ 509–510. DOJ functions and delegation; cited for internal administration, not compensation authority. [Section 509](#) | [Section 510](#)
- [4] 31 U.S.C. § 1304(a). Conditions governing the Judgment Fund appropriation; no general authority to establish the proposed Fund. [Statute](#)
- [5] *United States v. Cruikshank*, 92 U.S. 542, 554–56 (1876). Limits on the federal protection asserted in the case and the Fourteenth Amendment state-action discussion. [Opinion](#)
- [6] Emmett Till Antilynching Act, Pub. L. No. 117-107, § 2, 136 Stat. 1125 (2022), codified at 18 U.S.C. § 249(a)(5)–(6); 18 U.S.C. §§ 241–242. Express lynching provision and other civil-rights criminal authorities. [Section 249](#) | [Section 241](#) | [Section 242](#)
- [7] U.S. Sentencing Commission, Report to the Congress: Impact of the Fair Sentencing Act of 2010 (Aug. 2015), overview and Section One, historical background. Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570; Fair Sentencing Act of 2010, Pub. L. No. 111-220. [Report and sections](#)
- [8] Federal Housing Administration, Underwriting Manual: Underwriting and Valuation Procedure Under Title II of the National Housing Act (revisions to Feb. 1938), paragraphs 937 and 980. Historical racial standards and recommended occupancy restrictions. Digitized by the Federal Reserve Bank of St. Louis. [Manual and full text](#)
- [9] National Archives, Servicemen’s Readjustment Act (1944) (reviewed May 3, 2022), historical introduction, paragraph beginning “Unfortunately, not all veterans”; original act, Pub. L. No. 78-346, 58 Stat. 284. Mortgage discrimination and unequal access to benefits. [National Archives document](#)
- [10] Consent Decree, *Pigford v. Glickman*, No. 97-1978 (PLF) (D.D.C. Apr. 14, 1999), paragraphs 9–10 and 20. Claims-resolution tracks and express non-admission provision. [Court-hosted consent decree](#)
- [11] Centers for Disease Control and Prevention, About The Untreated Syphilis Study at Tuskegee (Sept. 4, 2024), overview and FAQs on research ethics and the 1974 settlement. Also identifies the 1997 presidential apology. [CDC account](#)
- [12] U.S. Senate Historical Office, Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (The Church Committee), sections “Public Relations,” “Investigation,” and “Outcome.” Official account identifying civil-rights targets and links to the 1976 final report, S. Rep. No. 94-755. [Senate account and report links](#)
- [13] Elizabeth A. Pascoe & Laura Smart Richman, Perceived Discrimination and Health: A Meta-Analytic Review, 135 *Psychological Bulletin* 531–554 (2009), abstract and discussion; doi:10.1037/a0016059. Research synthesis concerning discrimination and health, not proof of universal descendant injury or federal causation. [Full article](#)



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- [14] *Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954). Fifth Amendment restriction on federal racial discrimination. [Opinion](#)
- [15] *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 195–97 & n.3 (1989). General nonprotection rule and distinction for discriminatory denial of protective services. [Opinion](#)
- [16] *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995). Strict scrutiny of federal racial classifications. [Opinion](#)
- [17] *Rice v. Cayetano*, 528 U.S. 495, 514–17 (2000). Ancestry as a racial proxy in a voting restriction; cited with that contextual limitation. [Opinion](#)
- [18] *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 439–40 (1968). Congressional power concerning badges and incidents of slavery; not a ruling on descendant compensation. [Opinion](#)
- [19] Civil Liberties Act of 1988, Pub. L. No. 100-383, 102 Stat. 903, as amended; 50 U.S.C. §§ 4215(a), (f), (h), and 4218(2). Restitution, proof, review, and bounded eligibility. [Restitution](#) | [Eligibility definition](#)
- [20] Radiation Exposure Compensation Act, Pub. L. No. 101-426, 104 Stat. 920 (1990), as amended, including Pub. L. No. 119-21 (July 4, 2025); DOJ Civil Division, Radiation Exposure Compensation Act, “Program Summary.” Statutory criteria in place of individual causation proof. [DOJ program description](#)
- [21] September 11th Victim Compensation Fund, “Who We Are” and “What We Do”; VCF Policies and Procedures, Sections 1–2. Physical harm or death eligibility and compensation design. [Program description](#) | [Policies and procedures](#)
- [22] H.R. 40, 119th Cong. (introduced Jan. 3, 2025), Commission to Study and Develop Reparation Proposals for Black Americans Act; Congress.gov overview and summary. Proposed legislation, not an enacted benefit. [Bill record](#)
- [23] California Task Force to Study and Develop Reparation Proposals for Black Americans, Final Report (June 29, 2023), Executive Summary, printed pages 5–6, definition of “Descendant.” Comparative policy recommendation. [Executive summary](#) | [Complete report and chapters](#)
- [24] 28 U.S.C. §§ 2401(b), 2675(a). Examples of independent tort-claim deadlines and administrative presentment requirements; this policy petition does not satisfy them. [Limitations](#) | [Presentment](#)
- [25] 44 U.S.C. §§ 3101 and 3303a. Federal recordkeeping and authorized disposal; preservation requests remain subject to applicable records law. [Recordkeeping](#) | [Records disposal](#)
- [26] National Archives, Treaty of Paris (Sept. 3, 1783), Article VII, and Treaty of Ghent (Dec. 24, 1814), Articles I and X. Treaty texts and original-document catalog links; starting points for records identification. [Paris](#) | [Ghent](#)
- [27] National Archives, American Indian Treaties: Catalog Links, 1866 entries: Seminole (Mar. 21), Choctaw and Chickasaw (Apr. 28), Creeks (June 14), and Cherokee (July 19). Links to digitized treaty files. [Treaty catalog](#)
- [28] U.S. Department of the Interior, testimony on the 1866 Reconstruction treaties, published as OK Tribes Reconstruction Treaty (July 27, 2022), discussion of the treaties’ distinct Freedmen provisions, including Cherokee Article 9. Cited for historical terms, not as a complete statement of current tribal citizenship law. [Interior testimony](#)
- [29] U.S. Const. amend. XIV, § 1; National Archives, 14th Amendment to the U.S. Constitution: Civil Rights (1868), transcript. Citizenship, jurisdiction, due process, and equal protection. [Constitutional text](#)
- [30] National Archives, The Freedmen’s Bureau, introduction and descriptions of headquarters and field-office records, Record Group 105. Records of federal administration and assistance to freedpeople. [Records guide](#)



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[31] FOIA.gov, Frequently Asked Questions, What can I ask for under the FOIA and Who handles FOIA requests. Existing-record requests, agency-specific processing, and limits on required research or creation of records.
Federal FOIA guidance



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Appendix B Selected Documentary Excerpts

These short excerpts accompany the petition as a documentary aid. They are transcriptions from the identified sources, not certified copies or complete exhibits. Each is read in the context of its complete source in Appendix A. The Foundation's stated relevance is a policy argument, not an additional finding by the source.

B1 Federal housing instructions

FHA Underwriting Manual (1938), paragraph 980(3), source [8].

“Prohibition of the occupancy of properties except by the race for which they are intended”

The excerpt identifies an explicit racial occupancy restriction recommended in a federal underwriting manual. The Foundation requests review of implementation, affected borrowers and properties, and attributable loss; it does not infer a dollar amount from this language alone.

B2 Unequal mortgage access for veterans

National Archives, Servicemen's Readjustment Act (1944), historical introduction, source [9].

“Black vets were often unable to get bank loans for mortgages in Black neighborhoods”

This supports review of barriers to federally supported homeownership. The complete paragraph also describes exclusion from white suburban neighborhoods. Particular claims require identification of affected veterans or cohorts and the federal connection.

B3 Withholding available medical treatment

CDC, About The Untreated Syphilis Study at Tuskegee, ethics FAQ, source [11].

“the participants were not offered available treatments, even after penicillin became widely available.”

The source documents conduct involving a defined federal study. It supports the historical predicate and review of consequences, without establishing that every descendant in the proposed Fund suffered the same injury.



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B4 Federal disruption of civic activity

U.S. Senate Historical Office, Church Committee history, “Investigation,” source [12].

“covert action designed to disrupt and discredit the activities of groups and individuals deemed a threat to the social order”

The Senate account identifies this as the FBI program known as COINTELPRO and names civil-rights targets. Underlying records should determine the scope and consequences of particular operations.

B5 An administrative alternative to causation litigation

DOJ Civil Division, RECA, “Program Summary,” source [20].

“RECA does not require claimants to prove causation.”

DOJ immediately explains that claimants must satisfy defined illness, work or residence, location, and time criteria. The design lesson is the possible use of supported statutory presumptions, not compensation without eligibility proof.

B6 A bounded historical redress payment

50 U.S.C. § 4215(a)(1), source [19].

“pay out of the Fund to each eligible individual the sum of \$20,000”

The surrounding statute conditions payment on appropriations and eligibility, with survivor rules and specified treatment of other claims. It illustrates statutory design; it does not establish an amount or entitlement for this proposed Fund.