**1-18 Documenting the 1619 Project**

**Background:** The first enslaved Africans arrived in the British Virginia colony on August 20, 1619.Excerpts from primary source documents trace the history of slavery and interpretations of the United States founding documents from the 1660s until the Civil War.

**Questions to Consider**

1. How was slavery codified in colonial Virginia?

2. What evidence is there that the colonists declared independence because they feared slave rebellion?

3. Who was included in the Preamble to the Constitution’s phrase “We the people”?

4. Was the U.S. Constitution a pro-slavery document?

5. The *New York Times* 1619 Project argues that slavery and racism shaped the early history of the United States and continue to have an impact on the country today. Do you agree? Explain your views.

**1. How was slavery codified in colonial Virginia?**

**Background:** The first enslaved Africans were brought to the British Virginia colony in August 1619. Because there was no legal tradition governing slavery in Great Britain, the colonial slave system evolved and was codified over time.

**(A) Negro women’s children to serve according to the condition of the mother (1662)**

“WHEREAS some doubts have arisen whether children got by any Englishman upon a negro woman should be slave or free, be it therefore enacted and declared by this present grand assembly, that all children borne in this country shall be held bond or free only according to the condition of the mother.”

**(B) Baptism of slaves doth not exempt them from bondage (1667)**

WHEREAS some doubts have risen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptism, should by virtue of their baptism be made free; It is enacted and declared by this grand assembly, and the authority thereof, that the conferring of baptism doth not alter the condition of the person as to his bondage or freedom.”

**(C) Virginia Act Declaring Who Shall Be Slaves (1670)**

**“**WHEREAS some dispute has arisen whither Indians taken in war by any other nation, and by that nation that taketh them sold to the English, are servants for life or term of years, it is resolved and enacted that all servants not being Christians imported into this colony by shipping shall be slaves for their lives; but what shall come by land shall serve, if boys or girls, until thirty years of age, if men or women, twelve years, and no longer.”

**(D) An act for preventing Negroes Insurrections (1680)**

“WHEREAS the frequent meeting of considerable numbers of negroe slaves under pretense of feasts and burials is judged of dangerous consequence; for prevention whereof for the future, Bee it enacted by the kings most excellent majesty by and with the consent of the general assembly, and it is hereby enacted by the authority aforesaid, that from and after the publication of this law, it shall not be lawful for any negroe or other slave to carry or arm himself with any club, staff, gun, sword or any other weapon of defense or offence, nor to go or depart from of his masters ground without a certificate from his master, mistress or overseer, and such permission not to be granted but upon particular and necessary occasions; and every negroe or slave so offending not having a certificate as aforesaid shall be sent to the next constable, who is hereby enjoined and required to give the said negroe twenty lashes on his bare back well layed on, and so sent home to his said master, mistress or overseer.”

**(E) Virginia Act to Repeal a Former Law Making Indians and others Free (1682)**

“[A]ll servants . . . brought or imported into this country, either by sea or land, whether Negroes, Moors, Mullattos or Indians, who and whose parentage and native country are not Christian at the time of their first purchase of such servant by some Christian, although afterwards, and before such their importation and bringing into this country, they shall be converted to the Christian faith . . . are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents and purposes, any law, usage or custom to the contrary notwithstanding.”

**(F) Virginia General Assembly (1705)**

“That no minister of the Church of England, or other minister, or person whatsoever, within this colony and dominion, shall hereafter wittingly presume to marry a white man with a negro or mulatto woman; or to marry a white woman with a negro or mulatto man, upon pain of forfeiting and paying, for every such marriage the sum of ten thousand pounds of tobacco; one half to our sovereign lady the Queen, her heirs and successors, for and towards the support of the government, and the contingent charges thereof; and the other half to the informer.”

**2. Did colonists declare independence because they feared slave rebellion?**

**Background:** The Declaration of Independence accused the King of Great Britain of exciting “domestic insurrections amongst us” in response to the 1775 proclamation by Lord Dunmore, the Royal Governor of the Virginia colony, declaring that “all indentured Servants, Negroes, or others, (appertaining to Rebels) free, that are able and willing to bear Arms.” The Virginia Assembly responded, “that all negro or other slaves, conspiring to rebel or make insurrection, shall suffer death.”

**(A) Dunmore’s Proclamation, November 7, 1775**

“I do, in Virtue of the Power and Authority to me given, by his Majesty, determine to execute martial Law, and cause the same to be executed throughout this Colony; and to the End that Peace and good Order may the sooner be restored, I do require every Person capable of bearing Arms to resort to his Majesty's STANDARD, or be looked upon as Traitors to his Majesty's Crown and Government, and thereby become liable to the Penalty the Law inflicts upon such Offences, such as Forfeiture of Life, Confiscation of Lands, &c. &c. And I do hereby further declare all indentured Servants, Negroes, or others, (appertaining to Rebels) free, that are able and willing to bear Arms, they joining his Majesty's Troops, as soon as may be, for the more speedily reducing this Colony to a proper Sense of their Duty, to his Majesty's Crown and Dignity.”

**(B) Virginia Assembly's Response to the Dunmore Proclamation (1775)**

“WHEREAS lord Dunmore, by his proclamation, dated on board the ship William, off Norfolk, the 7th day of November 1775, hath offered freedom to such able-bodied slaves as are willing to join him, and take up arms, against the good people of this colony, giving thereby encouragement to a general insurrection, which may induce a necessity of inflicting the severest punishments upon those unhappy people, already deluded by his base and insidious arts; and whereas, by an act of the General Assembly now in force in this colony, it is enacted, that all negro or other slaves, conspiring to rebel or make insurrection, shall suffer death, and be excluded all benefit of clergy : We think it proper to declare, that all slaves who have been, or shall be seduced, by his lordship's proclamation, or other arts, to desert their masters' service, and take up arms against the inhabitants of this colony, shall be liable to such punishment as shall hereafter be directed by the General Convention. And to that end all such, who have taken this unlawful and wicked step, may return in safety to their duty, and escape the punishment due to their crimes, we hereby promise pardon to them, they surrendering themselves to Col. William Woodford, or any other commander of our troops, and not appearing in arms after the publication hereof. And we do farther earnestly recommend it to all humane and benevolent persons in this colony to explain and make known this our offer of mercy to those unfortunate people.”

**(C) Declaration of Independence (1776)**

“The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world . . . He has abdicated Government here, by declaring us out of his Protection and waging War against us . . . He has excited domestic insurrections amongst us . . .”

**3. Who was included in “We the people”?**

**Background:** The Preamble of the United States Constitution states: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” But who was included in the phrase “We the People”? In 1857, in a 7-2 majority decision, the United States Supreme Court in *Dred Scott v. Sanford* declared that neither free or enslaved Africans were citizens of the United States. Justice Curtis dissented from the majority decision and Frederick Douglass disputed its interpretation of the Constitution in an 1860 speech.

**(A) Justice Taney, Majority Decision *Dred Scott v. Sanford* (1857)**

“The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution . . . The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who . . . form the sovereignty, and who hold the power and conduct the Government through their representatives . . . The question before us is, whether the class of persons described in the plea in abatement [people of African ancestry] compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.”

**(B) Justice Curtis dissenting Opinion in *Dred Scott v. Sanford* (1857)**

“[T]he question is, whether any person of African descent, whose ancestors were sold as slaves in the United States, can be a citizen of the United States. If any such person can be a citizen, this plaintiff has the right to the judgment of the court that he is so; for no cause is shown by the plea why he is not so, except his descent and the slavery of his ancestors . . . To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation, at the time of the adoption of the Constitution. Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors, on equal terms with other citizens . . . That Constitution was ordained and established by the people of the United States, through the action, in each State, of those persons who were qualified by its laws to act thereon, in behalf of themselves and all other citizens of that State. In some of the States, as we have seen, colored persons were among those qualified by law to act on this subject. These colored persons were not only included in the body of *"the people of the United States,"* by whom the Constitution was ordained and established, but in at least five of the States they had the power to act, and doubtless did act, by their suffrages, upon the question of its adoption. It would be strange, if we were to find in that instrument anything which deprived of their citizenship any part of the people of the United States who were among those by whom it was established.”

**(C) Frederick Douglass, Glasgow, Scotland (1860)**

“I . . . deny that the Constitution guarantees the right to hold property in man, and believe that the way to abolish slavery in America is to vote such men into power as well use their powers for the abolition of slavery . . . The intentions of those who framed the Constitution, be they good or bad, for slavery or against slavery, are so respected so far, and so far only, as we find those intentions plainly stated in the Constitution . . . Where would be the advantage of a written Constitution, if, instead of seeking its meaning in its words, we had to seek them in the secret intentions of individuals who may have had something to do with writing the paper? . . The fact that men go out of the Constitution to prove it pro-slavery, . . . is an admission that the thing for which they are looking is not to be found where only it ought to be found, and that is in the Constitution itself . . . Its language is ‘we the people;’ not we the white people, not even we the citizens, . . but we the people . . . The constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution itself . . . My position now is one of reform, not of revolution. I would act for the abolition of slavery through the Government — not over its ruins. If slaveholders have ruled the American Government for the last fifty years, let the anti-slavery men rule the nation for the next fifty years. If the South has made the Constitution bend to the purposes of slavery, let the North now make that instrument bend to the cause of freedom and justice.”

**4. Was the U.S. Constitution a pro-slavery document?**

**Background:** The Constitution of the United States never explicitly mentioned slavery prior passage of the 13th Amendment in 1865, but recognized and endorsed enslavement in a number of clauses. Article I, Sec. II, Paragraph III based taxation and representation on “the whole Number of free Persons” plus “three-fifths of all other Persons.” Article I, Section IX, Clause I declares that Congress will not prohibit prior to 1808 “Importation of such Persons as any of the States now existing shall think proper to admit.” Article IV, Sec. II, Clause III demands the return of any person “held to Service or Labour in one State, under the Laws thereof, escaping into another.” In the *Federalist Paper 54,* James Madison explained how the Constitution addressed slavery. In an 1832 editorial in *The Liberator*, abolitionist William Lloyd Garrison called the United States Constitution, because it permitted the enslavement of human beings, “the most bloody and heaven-daring arrangement ever made by men.” In his 1841 argument before the Supreme Court in the Amistad case, former President John Quincy Adams referred to the explicit omission of slavery in the Constitution as “the fig-leaves under which the parts of the body politic are decently concealed.” Frederick Douglass, who later changed his position on the meaning of the Constitution, argued in an 1852 Rochester, New York Independence Day speech that the celebration of liberty was a “sham.”

**(A) James Madison, Federalist Paper # 54 (1787)**

“In being compelled to labor, not for himself, but for a master; in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body, by the capricious will of another, the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property. In being protected, on the other hand, in his life and in his limbs, against the violence of all others, even the master of his labor and his liberty; and in being punishable himself for all violence committed against others, the slave is no less evidently regarded by the law as a member of the society, not as a part of the irrational creation; as a moral person, not as a mere article of property. The federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property. This is in fact their true character.”

**(B) William Lloyd Garrison, The Liberator, II, 52 (1832)**

“There is much declamation about the sacredness of the compact which was formed between the free and slave states, on the adoption of the Constitution . . . We pronounce it the most bloody and heaven-daring arrangement ever made by men for the continuance and protection of a system of the most atrocious villainy ever exhibited on earth . . . It was a compact formed at the sacrifice of the bodies and souls of millions of our race, for the sake of achieving a political object — an unblushing and monstrous coalition to do evil that good might come. Such a compact was, in the nature of things and according to the law of God, null and void from the beginning. No body of men ever had the right to guarantee the holding of human beings in bondage. Who or what were the framers of our government, that they should dare confirm and authorize such high-handed villainy —such flagrant robbery of the inalienable rights of man — such a glaring violation of all the precepts and injunctions of the gospel — such a savage war upon a sixth part of our whole population? . . They had no lawful power to bind themselves, or their posterity . . . by such an unholy alliance. It was not valid then — it is not valid now . . . If the Union can be preserved by treading upon the necks, spilling the blood, and destroying the souls of millions of your race, we say it is not worth a price like this, and that it is in the highest degree criminal for you to continue the present compact. Let the pillars thereof fall — let the superstructure crumble into dust — if it must be upheld by robbery and oppression.”

**(C) Argument of John Quincy Adams, before the Supreme Court (1841)**

“The Constitution of the United States recognizes the slaves, held within some of the States of the Union, only in their capacity of persons—persons held to labor or service in a State under the laws thereof—persons constituting elements of representation in the popular branch of the National Legislature persons, the migration or importation of whom should not be prohibited by Congress prior to the year 1808. The Constitution no where recognizes them as property. The words slave and slavery are studiously excluded from the Constitution. Circumlocutions are the fig-leaves under which the parts of the body politic are decently concealed. Slaves, therefore, in the Constitution of the United States are persons, enjoying rights and held to the performance of duties . . .”

**(D) Frederick Douglass Discusses the Fourth of July (1852)**

“Fellow citizens, above your national, tumultuous joy, I hear the mournful wail of millions, whose chains, heavy and grievous yesterday, are today rendered more intolerable by the jubilant shouts that reach them . . . To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then, fellow citizens, is ‘American Slavery.’ I shall see this day and its popular characteristics from the slave’s point of view . . . conduct of this nation never looked blacker to me than on this Fourth of July . . . What to the American slave is your Fourth of July? I answer, a day that reveals to him more than all other days of the year, the gross injustice and cruelty to which he is the constant victim. To him your celebration is a sham; your boasted liberty an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass-fronted impudence; your shouts of liberty and equality . . . There is not a nation of the earth guilty of practices more shocking and bloody than are the people of these United States at this very hour.”

**5. Is American democracy rooted in racial inequality?**

**Background:** Alexis De Tocqueville was a pioneering commentator on the growth of democratic institutions. He visited the United states from France in the 1830s and in 1835 published *Democracy in America* (1835). In volume 1, chapter 18, De Tocqueville discussed his impression of the relationship between whites and African Americans in the new country and his belief that freedom for white Americans was based on racial inequality. De Tocqueville’s claim was confirmed in post-Civil War debate over rights for African Americans and who qualified as “white.”

**(A) Situation of the Black Population in the United States, And Dangers with Which its Presence Threatens the Whites**

**Source:** http://inside.sfuhs.org/dept/history/US\_History\_reader/Chapter4/Excerpt%20from%20Democracy%20in%20America%20on%20slavery.htm

“I do not believe that the white and black races will ever live in any country upon an equal footing. But I believe the difficulty to be still greater in the United States than elsewhere. An isolated individual may surmount the prejudices of religion, of his country, or of his race; and if this individual is a king, he may effect surprising changes in society; but a whole people cannot rise, as it were, above itself. A despot who should subject the Americans and their former slaves to the same yoke might perhaps succeed in commingling their races; but as long as the American democracy remains at the head of affairs, no one will undertake so difficult a task; and it may be foreseen that the freer the white population of the United States becomes, the more isolated will it remain.”

**(B) Congressman Thaddeus Stevens demands Congressional action to protect freed men and women in the South**

**Source:** *Congressional Globe* 39/1 1865, 72.

“We have turned, or are about to turn, loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the common laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage. If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages.”

**(C) Congressman John Chanler (D-NY) opposes granting Blacks full citizenship rights**

**Sources:** *Congressional Globe* 39/1 1865, 46; 1866, 216–17

These men, whom he and we all know to be yet in a condition of transition, he wishes to put upon a footing equal to those who not only in this war, but in every war, have carried the arms of this Government . . . I hope I am not using too strong language in saying that I deem it an insult to the white citizens of the United States . . . [T]he principle of negro suffrage, if once established by the national Congress, the term “the people” will be made to include the negro race throughout the Union, and thereby pervert the intention of the framers of the Constitution . . . . ‘The people,’ therefore, who framed the Constitution of the United States were of the white race exclusively . . . The only consideration given to the negro was as a slave in those sections regulating the slave trade and establishing the three-fifths rule of representation. To claim for the negro the position of a citizen of the United States is to violate the whole spirit of the preamble to the Constitution which made the United States a nation.”

**(D) Plessy v. Ferguson, Majority Decision by Justice Henry Brown (1896)**

**Source:** https://www.law.cornell.edu/supremecourt/text/163/537

“By the fourteenth amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States and of the state wherein they reside; and the states are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws . . . The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguish d from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced.”

**(E) Plessy v. Ferguson, Dissent by Justice John Harlan (1896)**

**Source:** https://www.law.cornell.edu/supremecourt/text/163/537

“In respect of civil rights, common to all citizens, the constitution of the United States does not, I think, permit any public authority to know the race of those entitled to be protected in the enjoyment of such rights. Every true man has pride of race, and under appropriate circumstances, when the rights of others, his equals before the law, are not to be affected, it is his privilege to express such pride and to take such action based upon it as to him seems proper. But I deny that any legislative body or judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved. Indeed, such legislation as that here in question is inconsistent not only with that equality of rights which pertains to citizenship, national and state, but with the personal liberty enjoyed by every one within the United States . . . The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage, and holds fast to the principles of constitutional liberty. But in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guarantied by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their civil rights solely upon the basis of race. In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott Case.”

**United States v. Bhagat Singh Thind (1923)**

**Source:** https://supreme.justia.com/cases/federal/us/261/204/

“The words of familiar speech, which were used by the original framers of the law, were intended to include only the type of man whom they knew as white. The immigration of that day was almost exclusively from the British Isles and Northwestern Europe, whence they and their forebears had come. When they extended the privilege of American citizenship to ‘any alien being a free white person,’ it was these immigrants -- bone of their bone and flesh of their flesh -- and their kind whom they must have had affirmatively in mind . . . What we now hold is that the words ‘free white persons’ are words of common speech, to be interpreted in accordance with the understanding of the common man, synonymous with the word ‘Caucasian’ only as that word is popularly understood . . . It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry. It is very far from our thought to suggest the slightest question of racial superiority or inferiority. What we suggest is merely racial difference, and it is of such character and extent that the great body of our people instinctively recognize it and reject the thought of assimilation.”