

The Color Line

By *BILL BIGELOW*

COLONIAL LAWS PROHIBITING Black and white people from marrying one another suggest that some Black people and white people did marry. Laws imposing penalties on white indentured servants and enslaved Black people who ran away together likewise suggest that white and Black people *did* run away together. Laws making it a crime for Indians and Blacks to meet together in groups of four or more indicate that, at some point, these gatherings must have occurred. As Benjamin Franklin is said to have remarked in the 1787 Constitutional Convention, “One doesn’t make laws to prevent the sheep from planning

insurrection,” because this has never occurred, nor will it occur.

The social elites of early America sought to manufacture racial divisions. Men of property and privilege were in the minority; they devised mechanisms to divide people who, in concert, might threaten the status quo. Individuals’ different skin colors were not sufficient to keep these people apart if they came to see their interests in common. Which is not to say that racism was merely a ruling class plot, but as Howard Zinn points out in chapters 2 and 3 of *A People’s History of the United States*, and as students see in this lesson, some



The death of Crispus Attucks, remembered as the “first martyr” of the American Revolutionary War, during the March 1770 Boston Massacre. Although colonial law sought to prevent interracial relationships, Attucks’ mixed African and Wampanoag parentage illustrates the failure of colonial laws to fully discourage them.

people did indeed set out consciously to promote divisions based on race.

Because today's racial divisions run so deep and can seem so normal, providing students an historical framework can be enlightening. We need to ask, "What are the origins of racial conflict?" and "Who benefits from these deep antagonisms?" A critical perspective on race and racism is as important as anything students will take away from a U.S. history course. This is just one early lesson in our quest to construct that critical perspective.

Note that this lesson was originally written to accompany the teaching of *A People's History of the United States*

Suggested Procedure:

1) I'd suggest doing this activity before students read Zinn's chapters 2 or 3. With students, review the reading, "Colonial Laws: Divide and Conquer." How they work with the problems posed in the reading is a matter of teacher preference. Students could come up with some tentative ideas on their own and then work in pairs or small groups to assemble a more complete list. Or they might start from the very beginning work in small groups.

2) However they approach the "Colonial Laws" problems, ask students to compare their answers with the information contained in chapters 2 and 3. Here are some actual laws and policies initiated to respond to the problems described in the student reading. Not all of these are included in chapters 2 and 3; also see William Loren Katz, *Black Indians: A Hidden Heritage* (Simon and Schuster, 2012), chapter 8: "Their Mixing Is to Be Prevented." Most high school students can easily read this chapter and it is highly recommended. And also see *Stamped from the Beginning: The Definitive History of Racist Ideas in America* by Ibram X. Kendi (Nation Books, 2016).

- 1. Predict the measures that were taken to keep Indians and Black people from uniting to plan an escape or rebellion, or that may have been intended to make them feel hostile toward one another.**

- As one white Carolinian put it, we need a policy "to make Indians & Negroes a check upon each other lest by their Vastly Superior Numbers we should be crushed by one or the other." Whites passed laws to prohibit free Blacks from traveling in Indian country. Treaties with Indian tribes required the return of people who had fled slavery.
- A 1683 New York law made it a crime for "Negro or Indian slaves" to meet anywhere together in groups of four or more or to be armed "with guns, Swords, Clubs, Staves, or Any Other kind of weapon." A 1690 Connecticut law forbade Indians and Blacks from walking beyond the town limits without a pass. Connecticut, Rhode Island, and Massachusetts all had a 9 p.m. curfew for Blacks and Indians. A 1773 New York law was passed "to prevent Negro and Indian slaves from appearing in the streets after eight at night without a lantern with a lighted candle in it."
- Whites often hired local Indians to hunt down Black people who had escaped from slavery. In 1676, Maryland offered rewards to Indians for capturing enslaved Blacks who had runaway. In 1740, South Carolina offered Indians £100 for capturing each enslaved Black person alive and £50 for "every scalp of a grown negro slave." In 1729, South Carolina hired Catawba Indians to recapture or kill enslaved Blacks who had rebelled in Stono, South Carolina.
- In 1725, South Carolina outlawed bringing any enslaved Blacks to the frontier. As a British colonel said, "The slaves ... talk good English as well as the Cherokee language and ... too often tell falsities to the Indians which they are apt to believe."
- Whites sold a large number of Indians as slaves to the West Indies. In a single year, more than 10,000 Indians were enslaved and shipped in chains to the West Indies from the port of Charleston, South

Carolina.

- The British encouraged the so-called Five Civilized Tribes — the Cherokee, Creek, Chickasaw, Choctaw, and Seminole — to enslave Africans, as the whites were doing. Ultimately, enslaved Black people made up between 10 and 20 percent of all five groups but the Seminoles. The Cherokee adopted a “slave code” to prevent Blacks from learning to read and write and provided that if an enslaved person ran off, other tribe members were obligated to catch the person who had fled. Slavery contributed to inequality within each Indian nation. Only a relatively small elite of 12 percent of the Cherokees enslaved people.
- Virginia lawmakers made “slave patrols” compulsory for non-slaveholding whites. These groups of white citizens were charged with policing the enslaved, enforcing discipline, and guarding routes of escape. By the early 18th century, every Virginia county had a militia of landless whites “ready in case of any sudden eruption of Indians or insurrection of Negroes,” according to Ibram X. Kendi, in *Stamped from the Beginning*.

2. Predict laws or policies adopted to discourage white indentured servants and enslaved Black people from running away together.

- A 1661 Virginia law provided that “in case any English servant shall run away in company of any Negroes” the servant would have to suffer extra years of servitude to the master of the escaped enslaved person.

3a. Predict how poor whites and white indentured servants were taught to believe that they were superior to and didn’t have anything in common with Black people.

- All white people were encouraged to believe that they were superior to Black people and all-white legislatures passed laws that emphasized white superiority. For example, a 1723 Maryland law provided

for cutting off the ears of any Black person who struck a white person.

- A Virginia colonial law sentenced white people to 25 lashes for stealing a pig, but increased it to 39 lashes if the person were Black or Native American.
- Poor white people were enlisted to hunt down people who were fleeing enslavement, and were put on slave patrols.
- A 1705 Virginia law required that when a white servant’s period of indenture was over, a master must provide men with 10 bushels of corn, 30 shillings, and a gun; and women with 15 bushels of corn and 40 shillings. The freed servants were also to be given 50 acres of land.
- After Bacon’s Rebellion in 1676, amnesty was given to white people but not to Black people.
- White lawmakers gave white servants numerous advantages they did not give to enslaved Black people, including the right to testify against their so-called masters in court if they were not treated properly.
- In 1680, Virginia legislators prescribed 30 lashes for any enslaved person who lifted a hand against any “Christian.” Christian meant white person. This gave whites absolute power to abuse any person of African descent.
- New York lawmakers stripped free Black people of the right to own property, but then called “the free negroes of the colony” an “idle people” who weighed on the “public charge.”

3b. Predict how Blacks and whites were kept separate, so that whites would not even imagine getting together with Blacks.

- A 1691 Virginia law provided that “any white man or woman being free who shall intermarry with a negro, mulato, or Indian man or woman bond or free” shall be

banished.

- Virginia, Massachusetts, Maryland, Delaware, Pennsylvania, the Carolinas, and Georgia all passed laws prohibiting interracial marriage.
 - In southern colonies, according to historian Joseph P. Cullen, if a white female indentured servant had a child by a Black man she would be punished by public whipping and her period of indenture would be doubled.
4. **Predict the measures adopted to ensure that on every plantation there were enough white overseers in relation to enslaved Black people. How might white owners have found more white indentured servants to help supervise those people who were enslaved?**
- In 1698, South Carolina passed a “deficiency law” that required every plantation owner to have at least one white servant for every six male enslaved Black persons.
 - As Howard Zinn points out in chapter 3 of *A People’s History of the United States*, servants were acquired from Great Britain, and later from Ireland and Germany, by “lures, promises, ... lies, by kidnapping ...” Kidnappers would sell servants to the highest bidder in the American colonies.
 - In 1717, the British parliament made transportation to the American colonies a legal punishment for committing certain crimes. Tens of thousands of convicts were sent to Maryland, Virginia, and other colonies.

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COLONIAL LAWS

Divide and Conquer

CHRISTMAS DAY, 1522: On a sugar plantation owned by Christopher Columbus's son, Diego, enslaved Africans united with enslaved Taíno Indians in the first recorded Black/Indian rebellion in the Americas. They killed their white overseers and ran away. In Great Britain's North American colonies, enslaved Black and Indian people *and* white indentured servants often ran away together.

Throughout the history of early America, white ruling elites worried about what Black people and Native Americans might do if they got together. The people with property were also concerned about uprisings of white indentured servants, poor whites, and enslaved Black people, as occurred in 17th-century Virginia in Bacon's Rebellion. Conditions were different in different colonies, but everywhere people who had some wealth wanted to make sure that no one took it away from them.

Below are a number of specific situations that colonial legislatures faced. Try to predict the laws they passed to repress organized resistance and protect their privileged position. Some laws may deal with more than one situation, and some situations required several laws. Sometimes legislatures passed no specific laws, but white leaders promoted general policies. For each situation, except #4, come up with at least three laws or policies — some require more than others.

Specifically, consider laws or policies that:

- (1) created a society where white people came to internalize beliefs of white supremacy and expect the right to superior treatment.
- (2) kept Native Americans, enslaved Africans, and white indentured servants separate so that they wouldn't plan an escape or rebellion.



Wealthy white merchants, such as these in a 17th-century etching of commerce in New Amsterdam (New York), feared any alliance among enslaved Black and poor white people.

The Situations

1.) At times, Indians would attack white people on the frontier, kill them, and take Black people they had enslaved. In parts of North America, enslaved Black people and Indians greatly outnumbered whites. If Black people and Indians united, they could crush the white rulers. **Predict the measures that were taken to keep Indians and Black people from uniting to plan an escape or rebellion, or that may have been intended to make them feel hostile toward one another.**

2.) Some white indentured servants along with enslaved Black people escaped from their masters. **Predict laws or policies adopted to discourage white indentured servants and enslaved Black people from running away together.**

3.) Enslaved Black people, indentured servants, and even some poor but free whites organized together to threaten rebellion.

a. Predict how poor whites and white indentured servants were taught to believe that they were superior to and didn't have anything in common with Black people.

b. Predict how Blacks and whites were kept separate, so that whites would not even imagine getting together with Blacks.

4.) In some areas, there were not enough whites to supervise enslaved Black people. This made rebellion more likely. In some colonies, there were not many poor whites or indentured white servants in relation to the number of enslaved Black people. **Predict the measures adopted to ensure that on every plantation there were enough white overseers in relation to enslaved Black people. How might white owners have found more white indentured servants to help supervise those people who were enslaved?**