

The Color Line

By *BILL BIGELOW*

COLONIAL LAWS PROHIBITING blacks and whites from marrying one another suggest that some blacks and whites *did* marry. Laws imposing penalties on white indentured servants and black slaves who ran away together likewise suggest that whites and blacks *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 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 needed 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 people did indeed set out consciously to promote divisions based on race.



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.

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.

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 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 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. [For valuable insights on the first question, see William Loren Katz, *Black Indians: A Hidden Heritage* (New York: Atheneum: 1986), chapter 8: "Their Mixing Is to Be Prevented." This chapter is easily read by most high school students, and is highly recommended.] Where indicated, students can find this information in either chapter 2 or 3 in *A People's History of the United States*:

The social elites of early America sought to manufacture racial divisions ... to divide people who, in concert, might threaten the status quo.

1. Predict the measures that were taken to keep Indians and blacks from uniting, or that may have even made them to feel hostile toward one another.

- As one white Carolinian put it, we need a policy "to make Indians & Negroes a cheque upon each other lest by their Vastly Superior Numbers we should be crushed by one or the other." Laws were passed to prohibit free blacks from traveling in Indian country. Treaties with Indian tribes required the return of fugitive slaves. [chapt. 3]
- 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 escaped African slaves. In 1676, Maryland offered rewards to Indians for capturing black slave runaways. In 1740, South Carolina offered Indians £100 for each slave runaway captured 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, S.C. [chapt. 3]
- In 1725, South Carolina outlawed bringing any black slaves 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.”

- A large number of Indians were sold as slaves to the West Indies. In a single year, over 10,000 Indians slaves were shipped in chains to the West Indies from the port of Charleston, S.C.
- The British sent black troops to fight the Natchez Indians in the Yemassee War of 1715. In New Orleans, the governor sent armed blacks to massacre Chouchas Indians.
- 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, slaves 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 a slave ran off, other tribe members were obligated to catch the runaway. Slavery contributed to inequality within each Indian nation. Only a relatively small elite of 12 percent of the Cherokees owned slaves.

Because today’s racial divisions can seem so normal, providing students an historical framework can be enlightening.

- All whites were encouraged to believe that they were superior to blacks and laws were passed that underscored their superiority. For example, a 1723 Maryland law provided for cutting off the ears of any black person who struck a white person. [chapt. 2]
- A Virginia colonial law sentenced whites to 25 lashes for stealing a pig, but increased it to 39 lashes if the person were black or Indian.
- Poor whites were enlisted to hunt down runaway slaves, and were put on slave patrols. [chapt. 3]
- 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. [chapt. 2]
- After Bacon’s Rebellion in 1676, amnesty was given to whites but not to blacks. [chapt. 3]
- White servants were given numerous advantages not given to black slaves, including the right to testify against their masters in court if they were not treated properly.

2. Predict laws or policies adopted to discourage white indentured servants and black slaves from running away together.

- A 1661 Virginia law provided that “in case any English servant shall run away in company of any Negroes” he would have to suffer extra years of servitude to the master of the escaped slave. [chapt. 2]

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 blacks.

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, mulatto, or Indian man or woman bond or free” shall be banished. [chapt. 2]
- Virginia, Massachusetts, Maryland, Delaware, Pennsylvania, the Carolinas and Georgia all passed laws prohibiting interracial marriage. [chapt. 3]

- 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 black slaves. How might white owners have found more white indentured servants to help supervise blacks?**
- In 1698, South Carolina passed a “deficiency law” that required every plantation owner to have at least one white servant for every six male adult black slaves. [chapt. 3]
 - As Howard Zinn points out in chapter 3, 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. [chapt. 3] ■

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COLONIAL LAWS

Divide and Conquer

CHRISTMAS DAY, 1522: On a sugar plantation owned by Christopher Columbus' 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 black and Indian slaves *and* white indentured servants often ran away together.

Throughout the history of early America, white ruling elites worried about what blacks and Indians might do if they got together. The people with property were also concerned about uprisings of white indentured servants, poor whites, and enslaved blacks, 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 problems that colonial legislatures faced. ***Try to predict the laws they passed to deal with these problems and protect their privileged position.*** Some laws may deal with more than one problem, and some problems required several laws. Sometimes legislatures passed no specific laws, but white leaders promoted general policies. ***For each problem, except #4, come up with at least three laws or policies—some require more than others.***



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

The Problems

1. At times, Indians would attack white settlers on the frontier, kill them, and take their slaves. In parts of North America, enslaved black people and Indians greatly outnumbered whites. If blacks and Indians united, they could crush the white rulers. **Predict the measures that were taken to keep Indians and blacks from uniting, or that may have even made them to feel hostile toward one another.**
2. Some white indentured servants along with enslaved blacks escaped from their masters. **Predict laws or policies adopted to discourage white indentured servants and enslaved blacks from running away together.**
3. Black slaves, 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 blacks.**
 - 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 blacks. 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 blacks. **Predict the measures adopted to ensure that on every plantation there were enough white overseers in relation to black slaves. How might white owners have found more white indentured servants to help supervise blacks? ■**