



# ***A HOUSE WITH NO WALLS***

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## **STUDY GUIDE**

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# — STUDY GUIDE —

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## **The “Hell of Slavery” and the “Heaven of Liberty”: The Liberty Bell Center Controversy**

What began as an effort to correct the historical record erupted into a controversy about how the story of slavery in America should be told.

In 2000, construction began on the Liberty Bell Center in Philadelphia. Part of a \$300 million redesign of Independence Mall, the building would become the new home of the Liberty Bell. The center is part of Independence National Historic Park, which is administered by the National Park Service.

The Liberty Bell was forged in 1751 to commemorate the 50<sup>th</sup> anniversary of William Penn’s Charter of Privileges, which was Pennsylvania’s original constitution. This enduring symbol of America’s freedom was adopted by abolitionists as their symbol as they worked to end slavery. Originally referred to as the “State House” bell, the abolitionists first began calling it the Liberty Bell in the mid 1830’s. In 2002, the Liberty Bell would again be juxtaposed against slavery.

### **Rediscovery of the President’s House**

For 10 years, beginning in 1790, Philadelphia was the nation’s capital while construction was completed on Washington, D.C. Robert Morris, a merchant known as the “Financier of the American Revolution,” volunteered his house to President George Washington. It was here, in what became known as the President’s House, that Washington would create the modern presidency.

And it was to this house that he would bring nine slaves.

In 1951, the last remaining walls of the President’s House were torn down during the creation of Independence Mall. No one recognized the historical significance of the walls, and the exact location of the President’s House faded from memory.

In January 2002, independent historian Edward Lawler, Jr., published research showing that the President’s house was located on the mall of the new Liberty Bell Center. Lawler’s research indicated that the site included a smokehouse converted for use as slave quarters. Ironically, the site of the slave quarters is just a few feet from the entrance to the center.

### **Historians and Activists Converge**

Despite the urging of Lawler and other historians, the National Park Service declined to mark the footprint of the President’s House, believing it would create design confusion.

The fact that there were once slave quarters on the site caught the attention of black citizens and activists. Gary Nash, a history professor at the University of California at Los Angeles said in a radio interview that “Millions of visitors are going to go into the Liberty Bell [Center] not knowing they are walking over the site of Washington’s executive mansion, indeed walking over the slave quarters he built at the rear of the house. ... We have here a conjunction of liberty and slavery on the same site!”

As public awareness of the slave quarters grew, many began to feel that the National Park Service was deliberately suppressing the existence of slavery on the site in order to present a positive picture of Washington and American history. The park service also resisted a request for an archeological excavation of the site.

Phil Sheridan, a spokesman for Independence National Historic Park, denied they were ignoring slavery: “We are in vehement agreement that you must interpret slavery at this site. But does that require a structure or grid in the pavement? ... The question is, if you dug down and found a few bricks [representing where slaves lived], which we would argue you’re not going to find, would that add to the story of slavery?”

In May 2002 it appeared there might be an end to the controversy. The park service agreed that it would rework “the interpretive ideas for the Liberty Bell Center to include a fuller discussion of slavery.”

Some historians and activists worried that this would be no more than a small plaque barely noticed by visitors. They argued for a full archeological excavation and a proper memorial for the nine slaves.

As the debate continued in the Philadelphia papers, some claimed that the center was being hijacked by “multiculturalists” and was “another instance of grievance politics attempting to trump beneficent and innocent designs.”

The important fact is not that Washington had slaves, they argued, but that he freed his slaves.

### **Organized Protest and a Government Mandate**

Michael Coard, an attorney in Philadelphia, founded Avenging The Ancestors Coalition (ATAC) around June 2002. On June 11, ATAC held its first protest at the Liberty Bell site. Coard was determined to make sure that visitors would know that in order to walk into the “heaven of liberty” at the center, they first had to cross the “hell of slavery.”

In July, the House Appropriations Committee passed an amendment instructing the National Park Service to commemorate the existence of the first executive

mansion and the slaves who worked in it. The exact design of that commemoration would continue to cause debate.

The National Park Service unveiled its preliminary design at a contentious public meeting in January 2003. Frustrating many, the park service did not mark the quarters because it said there was no conclusive historical evidence that the smokehouse existed or was indeed used to house slaves.

ATAC and other groups continued their protests as a way to focus attention on the controversy. Finally, in late October 2004, the superintendent of Independence National Historic Park agreed that the spot in front of the center should be marked as the site where some of Washington's slaves had lived. The converted smokehouse would be officially recognized as "slave quarters."

### **Funding and Design of the Project**

Now that an agreement had been reached, the question of funding came to the fore: The original appropriation for the center included no funds for this new commemoration.

The estimated cost for the design that had been rejected in January 2003 was \$4.5 million. Philadelphia Mayor John Street pledged \$1.5 million of city funds, but there was still a significant shortfall. September 2005 brought the announcement of a federal grant of about \$3.5 million to fund the President's House project.

In January 2006, the National Park Service agreed to carry out an archeological excavation prior to the construction of the memorial, determining that there was a "low to moderate potential of recovering artifacts and information relating to the period of presidential occupancy."

A new oversight committee held a call for proposals in which each design for the site was required to clearly indicate the boundaries of the President's House and the footprint of the slave quarters.

In February 2007, a design by Kelly/Maiello Architects & Planners was selected. Its vision featured a house with no walls: The perimeter of the President's House was marked with brick and free-standing doors and windows rose into the air, suggesting the full outline of the house. The new design, including the cost of archeological research, would require a budget of \$8.8 million. While work could begin with the city and federal funds, more fund-raising would be required.

From March 2007 through July 2007, archeologists carefully uncovered the foundation of the President's House. Among their discoveries were the remains of a tunnel used by servants and slaves to move easily in and out of the main house.

The exposure of the foundations inspired a surprising amount of public interest. Editorials in the Philadelphia papers suggested that the best commemoration of the site would be to leave the physical foundations in view. The public interest was strong enough that the Kelly/Maiello design was altered to include a glass structure through which visitors can see the actual bricks of the Presidents House and the outline of the slave quarters.

### **A Closing Ceremony**

On July 31, 2007, the dig ended and the foundations were temporarily covered with earth to protect them from the elements. ATAC members honored the nine slaves by pouring libations on the site, an African tradition that is both a prayer and used to mark an important event.

After five years, historians and activists would get what they had fought for: a preservation of the footprint of the President's House and a detailed portrayal of slavery on a site celebrating liberty.

Fundraising continues for the memorial, which is expected to open in 2009 or 2010. When completed, it will be the first national site commemorating the lives of slaves.

### **Liberty Bell Center Timeline**

The Liberty Bell Center is part of a \$300 million redesign of Independence Mall in Independence National Historic Park in Philadelphia. The design features an Independence Visitor's Center and a National Constitution Center.

The Robert Morris House, now known as the President's House, was President George Washington's home while Philadelphia was the capital of the United States (1790-1800). The house was built in the late 1760s by Mary Lawrence Masters, the widow of William Masters, who had been one of the richest people in the Pennsylvania colony.

In 1951, the last remaining walls of the President's House were demolished during the creation of Independence Mall and the exact location of the house was temporarily lost to history.

**1993 -1997** The plan for Independence Mall and the Liberty Bell Center is developed by the National Park Service

**1997 -2000** Philadelphia historian Edward Lawler Jr., conducts research rediscovering the location of the President's House.

**2000** Archeological excavation prior to construction of the Liberty Bell Center uncovers an icehouse pit, dismissed as a 19<sup>th</sup> Century structure. Lawler's research confirms it was the icehouse of the President's House.

**2001** The Independent Historians Association asks that the footprint of the President's House be marked in the paving in front of the planned Liberty Bell Center. Officials of Independence National Historic Park reject the request.

**January 2002** The Pennsylvania Magazine of History and Biography publishes Edward Lawler's report on the President's House. The footprint of the house is located on Independence Mall. Research showed a smokehouse had been converted into slave quarters and that the footprint of this building is only a few feet from what will be the entrance to the Liberty Bell Center. At this time it is believed that eight slaves lived in and worked at the President's House. They included Oney Judge and her brother, Austin.

**March 2002** Newspapers pick up the story that the entrance to the new Liberty Bell Center sits near the location of slave quarters. Local historians and other interested parties petition the National Park Service to make an extensive archeological exploration of the site, mark the location of the President's House and acknowledge the slaves that were held there. Phil Sheridan, Independence National Historical Park spokesman says: "I wouldn't paint the Park Service as doing anything bad with history. Obviously we knew there was slavery. Obviously we know there were Africans living there. We are following what the vast majority of people wanted on that block—interpretation of the Liberty Bell."

**March 26, 2002** The Pennsylvania House of Representatives passes a resolution introduced by Democrat Mike Horsey urging the National Park Service to erect a permanent commemorative plaque recognizing the site of the slave quarters near the future site of the Liberty Bell pavilion.

**April 2, 2002** Philadelphia-based historian Charles L. Blockson says in an interview that the National Park Service, resisting calls for an archeological dig and commemoration of the slave quarters, is more interested in tourist dollars than pursuing historical truth: "Are they going to tell the truth to tourists? There should be no more lies," Blockson declares. "Maybe that crack in the Bell is for hypocrisy!"

**April 2002** Phil Sheridan, a spokesman for Independence National Historic Park, the issue raises important questions about the presentation of history and appropriate use of taxpayer money: "We are in vehement agreement that you must interpret slavery at this site. But does that require a structure or grid in the pavement? We've long known Washington lived there; we've long known that he kept slaves. The question is, if you dug down and found a few bricks [representing where slaves lived], which we would argue you're not going to find, would that add

to the story of slavery? It's not that we think the story of slavery should not be told. It's that we don't think there's anything there that will add to the story of slavery."

**May 15, 2002** In a meeting with local historians, the National Park Service agrees to recognize slavery at the site of the new Liberty Bell Center. The park service will "[rework] the interpretive ideas for the Liberty Bell Center to include a fuller discussion of slavery."

**July 2, 2002** An editorial in a local paper dismisses the controversy as the work of "politically correct hordes" and contends that a better place for the discussion of the slave quarters would be the African-American History Museum a block away.

**July 3, 2002** Michael Coard, an attorney and founder of Avenging The Ancestors Coalition, leads a protest at the Liberty Bell Center. ATAC (pronounced "attack") demands more than just a plaque or a few panels in a historical display. "We want a monument, a memorial, a bold, serious structure that people can see and touch, just like they touch the Liberty Bell," Coard says. Rally speakers ceremonially invoke the names of the eight slaves known to have lived with President George Washington in Philadelphia.

**July 9, 2002** The House Appropriations Committee passes an amendment instructing the National Park Service to appropriately commemorate the existence of the first executive mansion and the slaves who worked in it.

**October 25, 2002** The Philadelphia City Council passes a resolution requiring the "commemoration" of the lives of the slaves at the site. The distinction between a "commemoration" and a "memorial" would continue to be an issue throughout the controversy.

**October 31, 2002** A draft of the National Park Service text concerning the site asserts that President Washington housed his servants throughout the house. The building had no slave quarters, according to the park service, because no part of it was used exclusively by slaves.

**January 15, 2003** In a tense public meeting, the National Park Service presents its new plans for the Liberty Bell Center site. Anger is directed primarily at the lack of public input and that the slave quarters are not marked. The cost of the proposed design is \$4.5 million.

**February - April 2003** Mary Bomar, Independence National Historic Park's new superintendent, reaches out to the dissatisfied groups with a redesign of exhibits inside the center that more pointedly notes the paradox of the bell's promise of liberty and the reality of life for slaves. Dissatisfied with the proposed designs, activists press the agency to start the design process over and include African-American firms.



**April 8, 2003** In a newspaper interview, Michael Coard draws a comparison between the proposed commemoration and reparations for slavery: “From my standpoint, generally, this whole issue about this commemorative project is part of the whole reparations movement. Reparations, meaning to make whole or repair. That’s what America owes Black people.”

**July 2, 2003** Generations Unlimited, an African-American community organization, leads a walking tour dedicated to the memory of those slaves, their spiritual ancestors, under the banner “No more lies”. The following day, ATAC demonstrates again, continuing its calls for a slave memorial on the site.

**October 10, 2003** The Liberty Bell Center opens after bell is moved from Independence Hall to its new home in the center. ATAC is invited to speak at the ceremony. At the ceremony, Philadelphia Mayor John Street pledges \$1.5 million in city funds towards a commemoration of the slaves who worked on the site.

**February 2004** Independence National Historical Park completes a Consensus Document detailing the findings of the roundtable meeting concerning differences over the park’s historical facts. The reporting of the consensus is disputed, and a Minority Report is prepared by Ed Lawler. The disputed details, including exactly where the slaves were housed, show how history can be a combination of objective fact and agreed-upon interpretation.

**July 1, 2004** New historical evidence points to a ninth slave working at the President’s House.

**November 2004** After a meeting on Oct. 30, Mary Bomar announces her staff has agreed the area in front of the Liberty Bell Center should be demarcated as the site where some of President Washington’s slaves lived. Management of the design process for the site is turned over to the City of Philadelphia.

**July 3, 2005** Coard and ATAC continue their now-annual July protest.

**September 6 2005** U. S. Representative Chaka Fattah (D, Pa.) announces a federal grant of about \$3.5 million to fund the President’s House project. Funds are now in place for the proposed commemoration of the house and the slaves who worked there.

**September - November 2005** The new city-managed committee issues a call for proposals for new designs for the site. All must: “clearly indicate the outer boundaries of the President’s House and the footprint of the Slave Quarters, where a ‘solemn sense of place’ must be established. Also, six substantive themes must be reflected: the house and the people who lived and worked there; the Executive

Branch of the U.S. Government; the system and methods of slavery; African-American Philadelphia (including an emphasis on free African-Americans), the move to freedom, and history lost and found (how knowledge of the President's House and the presence of slavery there was forgotten and recovered)." Twenty-one proposals are received.

**January 2006** Independence National Historical Park agrees to do an archeological survey of the site of the President's House.

**March 2006** Six finalists are named in the design contest, and they are invited to submit full designs.

**July 8 2006** Coard and ATAC hold another annual protest, this time calling for the inclusion of African-American designers and contractors in the building of the memorial.

**August 16, 2006** The five finalists' designs are displayed for public review. (One finalist dropped out.)

**February 27, 2007** The design by Kelly/Maiello Architects & Planners is chosen. Its vision features a house with no walls: the perimeter of the President's House is marked with brick, and free-standing doors and windows rise into the air, suggesting the full outline of the house.

**March 21, 2007** The archeological dig begins.

**May 2007** The dig has some unexpected finds, including a bay window built for President Washington, the remains of a tunnel used by servants and slaves to move easily in and out of the main house, and kitchen foundations. The exposed foundations of the house generate a surprising amount of public interest, and there is discussion of incorporating the foundations into the final design.

**July 3, 2007** Coard's and ATAC's yearly demonstration takes place and includes a symbolic "burial" of the nine slaves. Children read the names of the slaves aloud and speak a simple eulogy for each. The demonstration includes chants of "The nine are free and so are we!"

**July 31, 2007** The archeological excavation of the President's House site ends. The brick foundations are covered temporarily to protect them from the elements.

**December 14, 2007** An update of the plans for the site is presented. The plans now include a glass shed through which visitors can view a portion of the foundation. The plan increases the commemoration's cost to \$7 million.

**December 15, 2007** The City of Philadelphia pledges an additional \$1.5 million to the project.

**February 25, 2008** Mayor Michael Nutter of Philadelphia declares that the day is “Oney Judge Day.” She was one of the slaves who served President Washington and his wife, Martha when they lived in the President’s House.

**Spring 2008** Edward Lawler, Jr., and Avenging The Ancestors Coalition receive community-service awards from the Preservation Alliance for Greater Philadelphia in recognition of their work on the President’s House site.

**2009 or 2010** Anticipated completion of the commemoration at the President’s House site. When completed, it will be the first national site commemorating the lives of slaves.

## **Content of Their Character: The Basis of Black Conservatism**

What is a black conservative?

The liberal/conservative spectrum skews a little differently for black Americans than for Americans in general, according to Shelby Steele, a prominent black conservative and a research fellow at the Hoover Institution, a think tank at Stanford University in California.

A black “Republican or free-market libertarian or religious fundamentalist, prolifer, trickle-down economist, or neocon” is not necessarily a black conservative, he writes in *The Loneliness of the Black Conservative* (1999).

Steele contends that a black Republican still can be a strong supporter of affirmative action. While politically he is conservative, his support of affirmative action makes him liberal under his racial identity. What, then, is the shibboleth for conservative versus liberal within the black community?

Black conservatives dissent from black group authority because they reject the idea that victimization is a complete explanation of black fate.

“Victimization became so rich a vein of black power — even if it was only the power to ‘extract’ reforms (with their illusion of deliverance) from the larger society — that it was allowed not only to explain black fate but to explain it totally,” Steele writes.

Martin Kilson, a research professor of political science at Harvard University in Cambridge, Mass., writes in *Anatomy of Black Conservatism* (1999) that black

conservatives hold that advances in the federal courts and civil-rights legislation since the 1960s have successfully created a color-blind America, “making it counterproductive for blacks to persist in viewing themselves as victims of racism and so in need of unique public policies.”

Black conservatives claim the failure to recognize the end of America’s racist legacy has hampered the ability to create strategies of uplift. In other words, they argue the black community has been so busy trying to win concessions from their perceived oppressors that they have failed to actually improve their own community.

Deborah Toler, a senior research analyst at the Institute for Food and Development Policy in Oakland, Calif., explains the liberal/conservative divide differently. She writes in *Black Conservatives* (1993) that black liberals believe that primary focus should be put on a “new America” — i.e., removing racial barriers to advancement.

She contends that black conservatives, in the tradition of Booker T. Washington, focus on creating a “new Negro.” Washington was a former slave who became a prominent leader in the early 1900s, focusing on African-Americans and cooperating with sympathetic whites. Toler argues that black conservatives see “African-Americans as a somehow ‘unfinished’ product of slavery, still needing to prove ourselves worthy of the rights of other American citizens.”

Steele, also writing in *Black Conservatives*, supports this assertion: “Though [the Emancipation Proclamation] delivered greater freedom, it did not deliver the skills and attitudes that are required to thrive in freedom. ... These values ... were muted and destabilized by the negative conditioning of [our] oppression. I believe that since the mid-sixties our weakness in this area has been a far greater detriment to our advancement than any remaining racial discrimination.”

Steele and other black conservatives hold that strengthening these skills and attitudes within the black community is more important than continuing a stance of victimization and winning concessions from the majority.

In addition to a belief in a color-blind America, Toler lays out in *Black Conservatives* four other points of black conservative thought:

- *African-American demands for equal opportunity during civil rights are now perversely demanding equal outcomes. Our free capitalist society does not ensure equal outcomes.*
- *Issues of race relations and Black poverty cannot be fixed solely through government policy. Social programs damage Black families by undercutting independence.*

- *Affirmative action lowers Black self-esteem because whites will always assume that high-achieving Blacks were rewarded for their skin color rather than their skill.*
- *African Americans are best served by a focus on self-help. The first step is to de-emphasize racial identity and loyalty in favor of an American identity.*

The black conservative belief that the historic legacy of racism is not wholly to blame for the white/black achievement gap places them at odds with the majority of the black community. This opposition can exact a punishing personal price.

“A public ‘black conservative’ will surely meet a stunning amount of animus, demonization, misunderstanding, and flat-out, undifferentiated contempt,” Steele writes in *The Loneliness of a Black Conservative*.

Black conservatives languish outside the protection of the group to a point where “even politically correct whites (who normally repress criticism of blacks) can show contempt for them,” he continues.

One only need look at the public comments on an innocuous YouTube interview of Amy Holmes, a black conservative pundit, to see examples of this vitriol. In the comments, Holmes is called an Uncle Tom and is subjected to comments about her intellect and sexuality that are not fit for print.

Steele argues that this ostracism is an attempt by mainstream black leadership to protect power gained from the victimization stance. As a result, he sees black conservatives as noble dissenters against the established power structures. Black liberals, on the other hand, appear to see these conservatives as turncoats who have traded their responsibility to their community for power in the white establishment. As Toler writes in *Black Conservatives*, “The principal complaint of most African Americans against Black conservatives ... is that they provide cover for policies that do grievous harm to Black people.”

While black conservative thought has been a part of American culture since the days of Booker T. Washington, black conservatives came to widespread public attention during the 1980s and early '90s, particularly around the time of Clarence Thomas' confirmation hearings after his nomination to the U.S. Supreme Court.

Today, the presidential candidacy of Barack Obama may have the potential to cut across the liberal/conservative divide in the black community. While Obama would not be called a conservative, his emphasis on transcending the divisive racial politics of the past and his belief in the meritocracy of America does overlap the conservative call to move beyond victimization.

Does Obama's campaign to become the president of the United States undercut the argument that institutionalized racism presents the greatest obstacle to black achievement? As his historic candidacy alters the discussion of race in America, perhaps black conservatives will have the opportunity to reconnect with the black community that — depending on your point of view — they have either abandoned or been ostracized from.

## **Oney Judge: The Slave Who Defied a President**

In May or June of 1796, Oney Judge (also known as Ona Judge) ran away from her master's house in Philadelphia. In evading capture, Oney became one of the thousands of slaves who risked their lives to win freedom. She also became the first slave to escape from the home of George Washington, president of the newly founded republic.

Oney was born around 1773 to a seamstress named Betty and a white indentured servant named Andrew Judge. Oney was a "dower slave." She belonged to Martha Washington's first husband, Daniel Parke Custis. After his death, Martha received lifetime use of one-third of the estate's assets, including one-third of the slaves Custis had owned. Martha did not technically own the slaves: She and George Washington held them in trust, and after her death, ownership would pass to her son Jacky. Jacky died before Martha, and so legal ownership of the slaves would pass to her grandchildren after her death.

When she was about 10, Oney may have been designated a playmate for one of Martha's granddaughters. She was brought into the manor house and became an expert at needlework. A "perfect Mistress of her needle" is how Washington once described her. Oney eventually became Martha's attendant, responsible for the care of her clothes and hair.

She was chosen to accompany the family when the Washingtons relocated to New York City from Mount Vernon; she also came with them to Philadelphia. She was selected for her skills and her appearance. A light-skinned young woman, she possessed traits that enabled her to accompany the First Lady on official visits.

In 1796, Martha eldest granddaughter, Elizabeth Custis, married. Martha told Oney she would be bequeathed to Elizabeth. One historian speculates that Martha may have believed Oney would be delighted at the news. Oney, though, knew that her hopes of being freed at her mistress' death had been dashed. "I knew that if I went back to Virginia," Oney said in a later interview, "I never should get my liberty."

In spring 1796, the household began packing for a return to Mount Vernon. Oney packed her things, too, but this went unnoticed amid all the preparations. She

related in an 1845 interview: "I had friends among the colored people of Philadelphia, had my things carried there before hand, and left while [the Washingtons] were eating dinner."

Oney gained passage on a ship piloted by Capt. John Bowles and sailed to Portsmouth, N. H. It is unclear if Bowles knew Martha Washington's slave was a passenger. Oney, however, tried to protect Bowles from harm. "I never told his name till after he died, a few years since," she said, "lest they should punish him for bringing me away."

Oney's quest for freedom did not end in Portsmouth. While there, she was spotted by Elizabeth Langdon, a friend of the Washingtons. Word reached Washington about the location of the runaway slave. He communicated with Oliver Wolcott, secretary of the treasury, who in turn sent Joseph Whipple, his Portsmouth collector, to recover Oney. These actions were illegal: Washington was using the federal government to recover private property. He also violated the 1793 Fugitive Slave Act, which he had signed: He failed to appear before a magistrate to prove ownership before attempting to recover a fugitive slave.

Through Whipple, Oney attempted to bargain with Washington. She promised return if she was guaranteed her freedom at a later date. Washington, however, berated Whipple for negotiating with a slave and failing to recover Oney.

Oney continued her life in Portsmouth. She met and married John Staines, a sailor. In 1798, Oney gave birth to a daughter.

In July 1799, Martha's nephew Burwell Bassett, Jr. was visiting Portsmouth. He was entertained by the Langdons, the same family that had recognized Oney two years earlier. Over dinner Bassett revealed that he was there to recover Oney and should she resist, he had "orders to bring her and her infant child by force."

Sen. John Langdon was appalled. He relayed Bassett's intentions to Oney via the family cook. Oney quickly packed a few items and hired a wagon to take her to Greenland, N.H., where she hid with the Warners, a family of free blacks.

Washington died December 14, 1799. In an 1845 interview, Oney said "they never troubled me anymore after he was gone."

But because of the Fugitive Slave Act, Oney lived the rest of her life as a fugitive. Martha's heirs had legal claim to her. As noted in an 1846 article, Oney had been given "verbally, if not legally, by Mrs. Washington, to Eliza Custis, her granddaughter."

Oney had three children with Staines; all died before her. Outliving her children by 15 years, Oney became destitute in her old age. She was supported by the residents of Greenland until her death on February 25, 1848.

She once was asked if she regretted leaving the Washingtons, as it could be argued that her life was more difficult than it would have been had she remained a slave in the finest house in Philadelphia.

Oney replied “No, I am free, and have, I trust, been made a child of God by the means.”

## **The Gradual Emancipation Act of 1780**

In 1780, the Pennsylvania government became the first in the Western Hemisphere to enact a law leading to the abolition of slavery. The act was not an immediate emancipation. It required that current slave owners in the state register their slaves. Any Pennsylvanian slaves registered at the time the act went into effect remained enslaved for life. Children born to enslaved Pennsylvanians after the act was established would serve as indentured servants until age 28, at which point they would be fully free.

The age of 28 was chosen with the understanding that the mother’s master would provide for the child until age 14, at which point he was owed 14 years of service. 1808 would be the first year that a person might be fully freed by the Gradual Emancipation Act. That was the earliest year that a child born to an enslaved mother might finish his or her term of 28 years of indentured servitude.

The act also prohibited any further importation of slaves into the state. Slaves belonging non-residents could apply for their freedom after six months of continuous residency in Pennsylvania. The freedom was not automatic: The person applying for freedom had to register with the Overseer of the Poor.

President George Washington maintained his legal residency in Virginia and thus was a non-resident slave owner. In order to retain ownership of the slaves he brought from Virginia to Philadelphia, Washington had to rotate them so that they never would be in Pennsylvania for six straight months. This was relatively easy to do. Just a single day outside the state would reset the counter on the six months, and slave-holding New Jersey was only a one mile away from Philadelphia by boat.

Because the slaves he brought to Philadelphia technically belonged to the estate of Martha Washington’s first husband, Daniel Parke Custis, Washington would be required to compensate the Custis estate if they were freed. Washington instructed his secretary Tobias Lear to transfer the slaves out of state “...under pretext that may deceive both them [the slaves] and the Public.”



Washington may have overestimated his ability to control the information that reached his slaves. In carrying out estate business, the slaves were in daily contact with free blacks, so it is probably safe to assume that information about the emancipation law was readily available.

In 1788 the act was amended to address some loopholes. The changes made it illegal for slave owners to move pregnant slaves out of the state so that the child would be born enslaved and for non-resident slave owners to rotate their slaves to avoid the six-month continuous-residency clause. Washington violated this amendment by continuing to move slaves back and forth between Philadelphia and Virginia.

Legal slavery continued in Pennsylvania until 1847, when it was abolished by the state legislature. All remaining slaves in the state—i.e., those who had been registered when the Gradual Emancipation Act was enacted—were freed. The census estimated there were fewer than 100 newly freed people. The youngest was 67 years old.

## **Slavery, the Constitution and the 1793 Fugitive Slave Act**

### **The Three-Fifths Compromise**

On July 12<sup>t</sup>, 1787, the Constitutional Convention in Philadelphia adopted the three-fifths compromise. For the purposes of taxation and determining the number of members in the House of Representatives, three-fifths of the slave population would be counted in each state. The compromise reads:

*“Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.”*

In popular discussion, it is often claimed that the Constitution establishes that slaves were only three-fifths of a person, or three-fifths human. While not making any direct statement on the humanity of slaves, the compromise did sanction slavery in the United States.

The compromise was proposed by James Wilson of Pennsylvania in order to secure southern support for the new system of government. The southern states feared that northern states might use a majority to force emancipation, while northern states feared that the expanding Southern and Western might thrust America into needless wars. The compromise was seen as a way to balance power.

By some measures, though, the compromise increased southern political power. In the Continental Congress, where each state had an equal vote, there were five states in which slavery was a major institution, resulting in 38 percent of the seats in the congress. Due to the terms of the compromise, though, the southern states ended up with nearly 45 percent of the seats in the first U.S. Congress.

### **The Fugitive Slave Clause**

Another concern of the slave-holding states was the potential for their slaves to escape to free states. In Article Four of the Constitution, which details the relationships and responsibilities states have to one another, the Fugitive Slave clause was included. The clause reads:

*“No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.”*

This clause was another compromise that helped the slave-holding states become willing to join the new framework of government. It is interesting to note that the clause avoided the use of the word “slave.” Instead, the unwieldy construction “person held to service or labour” was used.

### **The 1793 Fugitive Slave Act**

While the Fugitive Slave Clause gave slave owners the right to cross state lines to retrieve runaway slaves, no specific mechanism was created to achieve that end. President George Washington signed the Fugitive Slave Act in February 1793, which provided the precise method for the legal retrieval of a runaway slave. A slave owner was to bring a captured slave before a judge and prove ownership. After ownership was established, the judge issued a document permitting the slave’s return to the state from which he or she had escaped. A person interfering with this process could be fined \$500 and sued by the slave owner.

While the Fugitive Slave Act was meant to address a weakness in the Fugitive Slave Clause, which in turn was part of the article defining the states’ relationship to each other, some historians claim the act was actually a violation of the concept of states’ rights. Under the Fugitive Slave Act, states without legal slavery were forced to yield both to the laws of slaveholding states and federal enforcement of those laws.

The 1793 Fugitive Slave Act was signed by Washington in the President’s House in Philadelphia, probably mere rooms from where the slave Oney Judge slept. Because of the act, after escaping to New Hampshire in 1796, Oney Judge was legally a fugitive for the last 52 years of her life.

## National Apologies

The question of what, if anything, is owed to descendants of slaves is an argument explored in *A House With No Walls*. The idea of reparations—monetary payments to living descendants—and a national apology are both discussed.

“When you get into national public apologies, it’s more complex [than individual apologies],” observes Dr. Aaron Lazare, author of the book *Apology*. “First of all, does this person have the authority to speak for the whole nation? Then there is the amount of time. People feel that they’re not responsible for what their ancestors did. But there are effective apologies, nevertheless.”

Following is an unscientific sampling of national apologies and the number of years that passed between the incidents and the apologies.

**December 1970** In Poland, West German Chancellor Willy Brandt falls to his knees in front of a memorial to the Warsaw ghetto uprising. This is seen as a gesture of apology.

*Years from uprising (1943) to apology: 27*

**1988** Congress passes and President Ronald Reagan signs an act apologizing to the approximately 110,000 Japanese-Americans and Japanese nationals interned in camps during World War II. At the time of the apology, only about 60,000 are alive. Each receives \$20,000 compensation from the government.

*Years from the close of the detention camps (1945) to apology: 63*

**April 1990** East Germany apologizes for the country’s responsibility in the Holocaust and apologizes to all Jews.

*Years from the end of the Holocaust (1945) to apology: 45*

**1993** The U.S. Senate passes a resolution apologizing for the “illegal overthrow” of the Kingdom of Hawaii

*Years from the overthrow (1893) to apology: 100*

**August 15, 1995** Japanese Prime Minister Tomiichi Murayama apologizes for the country’s role in World War II. There is some debate as to whether this is a personal or national apology.

*Years from the end of World War II (1945) to apology: 40*

**June 1997** British Prime Minister Tony Blair apologizes for the response to the Irish Potato Famine that killed about one million people between 1845-1849 and caused the emigration of millions more: “Those who governed in London at the time failed their people.”

*Years from the end of the Famine (1849) to apology: 148*

**March 1998** The Vatican apologizes for its inaction during the Holocaust.

*Years from the end of the Holocaust (1945) to apology: 53*

**February 2002** The Belgian government apologizes for its role in the assassination of Patrice Lumumba, the first legally elected prime minister of the Republic of the Congo.

*Years from assassination (1961) to apology: 41*

**March 23, 2007** Ken Livingstone, the first Mayor of London, apologizes for his city's role in the slave trade. Prime Minister Tony Blair, however, resists calls for a national apology.

*Years from the abolition of the slave trade in Britain (1807) to apology: 200*

**February 13, 2008** Australian Prime Minister Kevin Rudd apologizes to Aborigines and what is called the Stolen Generation for their "profound grief, suffering and loss."

*Years from the end of the policy of removing aboriginal children from their families (1969) to apology: 39*

**April 2008** The U.S. Senate passes a resolution sponsored by Sen. Sam Brownback (R-Kan.) that apologizes to Native Americans for "the many instances of violence, maltreatment and neglect."

*Years from the beginning of The Trail of Tears, which forcibly removed five Native American nations from their homes between 1831 and 1838 (collectively one of the most infamous events in American history), (1831) to apology: 177*

**July 29, 2008** The House of Representatives passes a resolution apologizing to African Americans for slavery and Jim Crow. The Jim Crow laws, which imposed segregation, were passed in the post-Reconstruction years, mainly in southern states; they lasted until the passage of the Voting Rights Act in 1965.

*Years from the end of slavery (1865) to apology: 143*

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## Study Questions

### *Pre-Show*

1. Why do you think some editorials about the controversy suggest that the exploration of slavery on the site of the Liberty Bell constitutes an attack on American history?
2. Explain and respond to the core tenants of black conservatism.
3. The three-fifths compromise and the fugitive slave clause were compromises that put more importance on ensuring the new system of government would be created than addressing the issue of slavery. Why was this seen as a reasonable compromise? Why was the creation of a stable system of government more important than freeing enslaved human beings? How did the compromise later threaten to tear apart that very system of government? If you were in the place of the writers of the Constitution, would you agree to the compromise? Why or why not?
4. Explain the mechanics of the Gradual Emancipation Act. Why would a legislature apparently opposed to slavery enact a gradual emancipation as opposed to immediate manumission?
5. What do you think the actual Oney Judge meant when she responded to the question of whether she regretted leaving George Washington's house with the statement: "No, I am free, and have, I trust, been made a child of God by the means."

### *Post-Show*

1. Why does Salif feel it is important to create a memorial of the slave house? Why does Cadence feel it is damaging to create that same memorial?
2. Tobias Humphreys refers to Oney as a "tool for freedom." What is the difference, if any, between his proposed use of Oney and George Washington's use of Oney?

3. In the play, Oney Judge makes a difficult decision concerning her brother Austin's freedom. Would you make the same choice? What were Oney's alternatives?
4. What do you think Cadence meant when she asks in her essay if we will "choose freedom also?" Why does Salif consider that question an insult?
5. Cadence says that she wants the President to apologize for slavery – not because she thinks it is necessary, but because it begs the question of whether the African-American community is ready to say "we forgive you." Do you think an apology or forgiveness for slavery is needed? Why do you think Salif has demanded an apology?