



COMMONWEALTH OF VIRGINIA

2024



COMMISSION TO STUDY SLAVERY AND SUBSEQUENT DE JURE AND DE FACTO RACIAL AND ECONOMIC DISCRIMINATION AGAINST AFRICAN AMERICANS

2024 ANNUAL REPORT
CODE OF VIRGINIA- § 2.2-2555 (A.5.)

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Executive Summary

The Commission to Study Slavery was established in 2020 by act of the General Assembly and signed into law by Governor Ralph Northam. I had the privilege and honor of serving as Chair and Senator Mamie Locke as Co-Chair. The Commission was challenged by many issues of the time. COVID-19 created a slow start to our work. Another challenge was the issue of making certain that the appointment of individuals for this inaugural and historic work was clear about the vision and that the objectives and goals were understood.

The Commission makeup was inclusive of some of the greatest minds in academia and modern-day history. Many of the Commissioners are historians in their own rights and have for decades taught, researched, documented, and written enlightening and brilliant articles of American history as it relates to the daunting journey of Africans and Blacks in the 16th and 18th centuries in America. The credibility that their voices lend to this documented information is hard to dispute as we elevate the authenticity of this factual and documented information.

Virginia was fortunate to secure the expertise of such multitalented, multi-skilled, and knowledgeable experts in the field of academia who have long focused on African American history. Another radiating resource that served as our fiscal agent as well as a resourceful educational institution was the Library of Virginia. They were extraordinary in assisting us through the procedural effort of researching documented narratives of the human element. Their experience and expertise in this work is unparalleled. The archival collection of the information they shared was a major factor in the success of our work. In addition to our accomplishments and submission of the finished product, we owe a special thanks to Dominique Luster, a rising star in the collection and dissemination of this documented history. The information shared by the Library of Virginia and Dominique Luster included pertinent statistical data and previously researched and documented information useful for commissions across Virginia, especially for the Slavery Commission, as we conducted our research.

Although sometimes it was daunting to collect such a massive amount of information, the availability and enlightenment that we gleaned from the resources in our Commonwealth were priceless in nature. The intellectual property that already existed enabled us to collaborate and create an informational highway that we believed is necessary for generational understanding of this history. So much of our work was affirmed by commissioners, who were certainly endowed with a wealth of knowledge that helped us to move forward with some level of confidence that we were on the right pathway in sharing this public document.

We are grateful to both the Senate and the House, Virginians, and the many other participating stakeholders who entrusted our leadership to begin this worthy work and finish it. We pray that we have provided ample leadership in sharing this historical document that honors our ancestor's legacy. We have concluded, after much insight into their lives, that we could never repay them for the depth of their sacrifices. We recognized that into their lives was woven a fate and a plight in which the prominence of it produced dark days of blood, sweat, and tears. What we were able to provide in this study is monumental, but to us, it is not sufficient in trying to make their lives relevant.

Our ancestors were left powerless to function outside of the construct of systems that deemed them less than human, enslaved in a common form of human bondage called "chattel slavery" from 1619 to 1865. The system that was constructed was an institutional framework that was "lawful and supported by the United States of America and Europe." It was an ungodly system, designed with the intent of breaking down the very essence of the human spirit based on the color of one's skin. In perpetuity, this system was designed to operate and exist significantly longer, as laws in the General Assembly were invoked for the constitutional navigation of slavery in Virginia. The Commission was privileged to see the bright days that illuminated many of their actions, voices, and existence, as many of the stories and research highlighted a "Spirit of Hope and Determination."

In that same spirit, we present this final study of three years of research and development of their history. We thank you for the opportunity to share this work.

The Commission was chaired by **Delegate Delores McQuinn (81st District)**, and Vice-Chaired by **Senator**

Mamie Locke (District 23). Appointed Citizen members of the Commission were:

Dr. Jody Allen

Assistant Professor of History

Robert Francis Engs Director, The Lemon Project: A Journey of Reconciliation

William & Mary

Dr. Edward L. Ayers

Tucker-Boatwright Professor of the Humanities and President Emeritus

University of Richmond

Dr. Andrea Douglas

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Jefferson School African American Heritage Center

Dr. John Kinney

Professor of Theology

Director, Center for African American Pentecostalism and Leadership Development

Virginia Union University

Dr. Cassandra L. Newby-Alexander

Endowed Professor of Virginia Black History and Culture

Emeritus Director of Joseph Jenkins Roberts Center for African Diaspora Studies

Norfolk State University

Mr. Xavier Richardson

Senior Vice President & Chief Development Officer

President of Mary Washington Hospital and Stafford Hospital Foundations

Dr. Karen Sherry

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Introduction:

This overview documents the ways the Commonwealth created and sustained unjust laws and policies that systematically deprived Black Virginians of their rights. For two hundred years, Virginia devised and tightened laws of racial slavery that reduced millions of people to status of property. That system of bondage grew into the largest enslaved population in the nation and fed, through sale and forced migration, slavery across the entire South. The powerful regime of slavery was destroyed only by military defeat. For a hundred years after slavery's end, Virginia wove an ever-tightening web of segregation, disfranchisement, exclusion, and economic discrimination against all of its Black citizens. That system, too, was dismantled only through the power of the United States government in the face of massive resistance led by elected state officials. After forced desegregation, the Commonwealth complied only reluctantly with efforts to create a more equitable society. The results of these generations of state-sponsored discrimination are evident today in lower levels of Black property ownership, education, and health, shortening the lives and restricting opportunities for new generations of Black Virginians.

Redress of these injustices must begin with the Commonwealth's acknowledgement of its role in creating and perpetuating them. This report provides the first step toward that acknowledgement, documenting the paths that have led Virginia to a place where only focused and determined efforts can offer the Commonwealth a future better than its past.

The Following Historical Background has been structured into chronological sections:

Historical Background: 17th Century

Historically, there were two governing systems that allowed for the institution of slavery in Virginia:

Colonial Virginia (1607-1776) and the Commonwealth of Virginia (1776-1865). Prior to May 24, 1624, the colony of Virginia operated under the charter of the Virginia Company of London, a private corporation whose authority rested in the hands of stockholders. Subsequently, from May 24, 1624, to July 4, 1776, Virginia operated as a royal colony of the British monarchy, by which the monarchy or its delegates, such as the House of Burgess or a Governor, held authority.¹ More information regarding Colonial Virginia and its legal structure can be found in the [Encyclopedia of Virginia's Colonial Virginia entry](#).

SLAVERY DURING THE COLONIAL PERIOD (1607-1776)

The earliest known iterations of slavery can be traced back from the hunter-gatherer periods of human history to the ancient biblical era. These systems included a wide spectrum of different types and levels of slave use.² As its existence has been recorded for much of record-keeping human society, the institution of slavery was socially and morally accepted by varied cultures around the world.

In the 16th century, European (Portuguese) merchants initiated the transatlantic slave trade by purchasing imprisoned Africans from West African kingdoms and transporting them to Europe's colonies in the

¹ Ted Chaney, Ken Cohen, and Lee Pelham Cotton, "The Virginia Company of London," National Park Service, last modified July 15, 2002, <https://www.nps.gov/jame/learn/historyculture/the-virginia-company-of-london.htm>.

² Hunt, Peter. "Slavery." Chapter. In *The Cambridge World History*, edited by Craig Benjamin, 76–100. The Cambridge World History. Cambridge: Cambridge University Press, 2015.

Americas. This transatlantic slave trade, which took place over 360 years, encompasses the forced deportation of over 12.5 million men, women, and children, taken from Africa and transported to Europe, North America, South America, and the West Indies. Of the 12.5 million Africans captured and deported, approximately 10 million people arrived in the Americas and Caribbean Islands; and approximately 350,000 were brought to the English colonies in North America (including Colonial Virginia).³

In 1619, two British privateers ships, *White Lion* and *Treasurer* attacked the *São João Bautista*, a Portuguese slave ship from Luanda São Paulo de Luanda, a Portuguese military outpost in modern-day Angola. The *San Juan Bautista* was bound for Vera Cruz (in modern-day Mexico), on a contract to deliver enslaved people to Spanish colonies.⁴ In the attack, the two British ships stole some of its “cargo” of enslaved Africans, estimated to be around 50 captive Africans, then travelled to the British colony of Virginia. While docked in Virginia (at Point Comfort, later known as Fort Monroe) in late August 1619, the *White Lion* sold “20. and odd Negroes” to British colonists in exchange for food. Some were transported to Jamestown, where they were sold again. According to Encyclopedia Virginia, three or four days later, another English privateer, the *Treasurer*, arrived in Virginia, where its captain sold two or three additional Africans, also from the San Juan Bautista.⁵ However, It should be noted that only one person, named Angelo, was actually named in the surviving archival record. “Angelo” was sold to Captain Pierce in Jamestown. Additional information regarding these Africans can be found in *Arrival of the First Africans* by Ric Murphy.

³ For archival evidence regarding slave ship manifests of enslaved persons specifically brought into Colonial Virginia, please refer to the [Trans-Atlantic Slave Trade Database](#), presented by Rice University. This database compiles information about more than 36,000 voyages that forcibly transported enslaved Africans across the Atlantic between 1514 and 1866. More information regarding the fullest extent of the Transatlantic Slave Trade can be found in [The Atlantic Slave Trade by Herbert S. Klein](#).

⁴ Thornton, John. “The African Experience of the ‘20. and Odd Negroes’ Arriving in Virginia in 1619.” *The William and Mary Quarterly* 55, no. 3 (1998): 421–34. <https://doi.org/10.2307/2674531>.

⁵ McCartney, Martha. Virginia’s First Africans. (2020, December 07). In *Encyclopedia of Virginia*. <https://encyclopediaofvirginia.org/entries/africans-virginias-first>.

According to Spanish records, these Africans were “probably Kimbundu-speaking people, and many of them may have had at least some knowledge of Catholicism from interactions with the Portuguese in Africa.”⁶ It is critical to humanize these very real people even more as they are often still referred to as commodities from a historical lens. These were city dwellers who were kidnapped and forced into slavery and were also attacked by the Portuguese and local mercenaries. They brought valuable skills and knowledge, not just about Catholicism but also Portuguese society and laws, as evidenced by their filing of freedom suits. Evidence shows that their knowledge was extensive and is discussed in articles and books by Linda Heywood and John Thornton. They were knowledgeable about Portuguese society and laws, as evidenced by the filing of freedom suits. The number of Africans in Virginia increased to 32 by 1620 but then dropped sharply by 1624, likely because of the effects of disease and perhaps because of the [Second Anglo-Powhatan War](#) (1622–1632).⁷ Evidence suggests that many were baptized and took Christian names, and some, like [Anthony and Mary Johnson](#), became free and bought land.”

THE GROWTH OF SLAVERY IN VIRGINIA

In the early colonial days, there was uncertainty about the legal status of captive Africans in British law. White and Black bonded laborers often worked and lived together and were treated similarly, but enslaved Africans did not enter into contracts of indenture like Anglo-European servants. Although British law did not officially define slavery at the time, the practice was still understood in the colonies.⁸ Archival records from the mid-17th century suggest that some Black people were able to acquire and own servants or enslaved people of their own, and some free Black men in Virginia at this time owned farms and indentured

⁶ McCartney, Martha. "Virginia's First Africans" *Encyclopedia Virginia*. Virginia Humanities, (07 Dec. 2020).

⁷ Sluiter, Engel. “[New Light on the ‘20. and Odd Negroes’ Arriving in Virginia, August 1619.](#)” *The William and Mary Quarterly* 54, no. 2 (1997): 395–98. <https://doi.org/10.2307/2953279>.

⁸ Musselwhite, Paul, Peter C. Mancall, and James Horn, eds. *Virginia 1619: Slavery & Freedom in the Making of English America*. 1st printing. Williamsburg, Virginia / Chapel Hill, North Carolina: Omohundro Institute of Early American History and Culture and the University of North Carolina Press, 2019.

White servants, but these were exceptional cases.⁹ In 1655, a case in Gloucester County between African John Casor and his White master, in which the court ruled that Casor be returned to the man's service for life, thus made him the first person legally declared a slave in the historical record.¹⁰

Additionally, Elizabeth Key, daughter of an English planter and an enslaved African woman, sued for her freedom in 1656 after being enslaved for over 20 years. She won her case in the Northumberland County court due to her father's status and English common law. However, this victory had lasting adverse effects. Fearing a rise in freedom suits, Virginia passed laws in 1662 and 1667 that made children of enslaved mothers' enslaved and denied freedom based on religion, solidifying racial slavery in the colony.¹¹

By the 1660s, Black and White indentured servants and enslaved Africans had become codified as distinct categories. White landowners increasingly turned to enslaved labor as laws defined African people as property whose terms never ended. In December 1662, the Virginia General Assembly passed legislation that clearly defined inheritance and the legal status of children.¹² The status of the child would be determined by the status of the mother, which was a radical reversal of centuries of English common law in which a child's status was determined by the father.¹³ Moreover, the law mandated increased fines and potential asset control by church authorities for Christian individuals who fathered illegitimate children with non-Christian, non-English women. These laws aimed to discourage interracial relationships and carefully managed the status of Black children to maintain social stability of the White colonial population.

⁹ Goldsmyth, Samll, James Radford, David Jones, Peter Hawkins, and John H. Russell. "Colored Freemen as Slave Owners in Virginia." *The Journal of Negro History* 1, no. 3 (1916): 233–42. <https://doi.org/10.2307/3035621>.

¹⁰ Northampton County Court. "Court Ruling on Anthony Johnson and His Servant (1655)" *Encyclopedia of Virginia*. Virginia Humanities, (07 Dec. 2020). Web. 01 Apr. 2024

¹¹ Brent Tarter, "Elizabeth Key (fl. 1655–1660)," *Dictionary of Virginia Biography*, Library of Virginia (1998–), published 2019 (http://www.lva.virginia.gov/public/dvb/bio.asp?b=Key_Elizabeth_fl_1655-1660)

¹² Gottlieb, Matthew. "House of Burgesses" *Encyclopedia Virginia*. Virginia Humanities, (07 Dec. 2020).

¹³ Hening, William Waller. *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619*. Vol. 2, p. 170.

In September 1667, Virginia enacted additional laws stating that the baptism of enslaved individuals would not alter their status of servitude. This legislation cut off an avenue to freedom for enslaved people: it underscored the colonial government's stance that spiritual salvation and temporal bondage were distinctly separate matters, ensuring that a fundamental Christian sacrament would not confer any change in the legal condition of enslaved persons.¹⁴¹⁵

On October 20, 1669, the Virginia Colonial Assembly enacted a law that removed criminal penalties for enslavers who killed enslaved people resisting authority. The assembly justified the law on the grounds that “the obstinacy of many [enslaved people] cannot be suppressed by other than violent means.” The law provided that an enslaver's killing of an enslaved person could not constitute murder because the “premeditated malice” element of murder could not be formed against one’s own property.¹⁶

In September 1672, the General Assembly passed "[An act for the apprehension and suppression of runaways, negroes, and slaves](#)," which was a legislative response to what was perceived as a growing threat of rebellion among enslaved and free Black populations.¹⁷ It authorized the use of lethal force against any such individuals who resisted capture following an official pursuit, such as a warrant. The law also established compensation for the owners of those killed or wounded in such confrontations and required neighboring Indigenous communities to apprehend runaway enslaved persons, offering them a reward for their cooperation.

¹⁴ General Assembly. "An act declaring that baptisme of slaves doth not exempt them from bondage" (1667). Encyclopedia of Virginia. Virginia Humanities, December 7, 2020.

¹⁵ More information about this can be found in the [Encyclopedia of Virginia entry](#).

¹⁶ The Gilder Lehrman Institute of American History. (n.d.). Study Aid: Slavery and the Law in Seventeenth-Century Virginia. Retrieved from <https://www.gilderlehrman.org/history-resources/teacher-resources/study-aid-slavery-and-law-seventeenth-century-virginia>

¹⁷ General Assembly. "'An act for the apprehension and suppression of runawayes, negroes and slaves.'" (1672)" *Encyclopedia Virginia*. Virginia Humanities, (07 Dec. 2020).

The Virginia Assembly further codified the terms of slavery in 1705 by the following: all non-Christian servants entering the colony who were not from European countries were presumed to be enslaved. This law would make the buying of White enslaved persons all but impossible and would reinforce the slavery of people of African ancestry. By the end of the colonial period, the institution of slavery had been codified into a system that treated enslaved Black people as chattel or property and slave status was inherited at birth and generally for life, with very limited avenues for freedom.

ECONOMIC AND SOCIAL IMPACT OF SLAVE LABOR IN 17TH CENTURY VIRGINIA

As the early colonies expanded, their prosperity and stability became closely linked to the economic objectives of England. These objectives were designed to foster a largely self-sufficient colonial economy that would primarily export goods back to England. To this end, Virginia was encouraged to increase tobacco production and to secure sugar from other English colonies, aiming to reduce England's dependence on foreign imports.¹⁸

The rising demand for labor in Virginia led to a significant transformation in labor practices. Initially, enslaved Africans replaced indentured servants in unskilled fieldwork, a shift that soon extended into skilled occupations. This transition was underpinned by the profitability of slave labor, which became particularly evident in grain cultivation across the Virginia Piedmont. The economic viability of using slave labor was further underscored by fluctuations in slave and commodity prices. As a result of these economic pressures, the upper South evolved towards a more diversified economy, heavily reliant on slave labor, extending well beyond tobacco to include various other economic activities.

¹⁸ Mintz, S., & McNeil, S. (2018). "Navigation Acts: Digital History ID 4102," Digital History, University of Houston, https://www.digitalhistory.uh.edu/disp_textbook.cfm?psid=4102&smtID=3.

Historic Background: 18th Century

In 1705 the General Assembly abandoned the tendency toward characterizing enslaved persons as “chattels” in favor of declaring: “all negro, mulatto, and Indian slaves, in all courts of judicature, and other places within this dominion, shall be held, taken, and adjudged, to be real estate (and *not* chattels;) and shall descend unto the heirs and widows of persons departing this life according to the manner and custom of land of inheritance, held in fee simple.”¹⁹

THE 1705 SLAVE CODES

In 1705, the General Assembly passed the "Act concerning Servants and Slaves," which aimed to codify previously established 17th-century laws and practices into a unified act.²⁰ This legislation defined and differentiated between servants and enslaved individuals, explicitly designated any non-Christian individuals imported into the colony as enslaved persons and included a section that had restrictions on free Blacks. Furthermore, it outlined that in the event of a child being born to a free White woman and an enslaved person, the woman would face a substantial fine of 15 pounds or be compelled to serve as an indentured servant for five years. Moreover, irrespective of the woman's punishment, the child would be taken into servitude until reaching the age of 31. The legislation also prohibited interracial marriages, imposing penalties including fines and imprisonment on both the individuals engaging in such unions and the ministers conducting the ceremonies.²¹

This law not only aimed to control social interactions but also established a reward system, offering tobacco as an incentive for the capture of runaway enslaved individuals. This system was supported by meticulous

¹⁹ Hening, ed., *Statutes at Large*, p. 333 – 335.

²⁰ Billings, Warren M. “The Law of Servants and Slaves in Seventeenth-Century Virginia.” *The Virginia Magazine of History and Biography* 99, no. 1 (1991): 45–62. <http://www.jstor.org/stable/4249198>.

²¹ Hening, ed. *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619*. Vol. 2, p. 455.

record-keeping, with justices of the peace documenting the details of capture, location, and ownership. The Act even addressed scenarios where enslaved individuals either could not or would not identify their enslavers, mandating imprisonment and whipping until their enslaver was identified, thereby criminalizing the withholding of such information within the forced servitude framework.²²

Enslaved individuals faced strict controls over their movements and actions and were prohibited from carrying weapons and required to have written permission to leave their plantations. These measures were designed to prevent resistance and maintain stringent control over their lives. The Act also sanctioned public and severe enforcement of its laws. Public whippings and other forms of corporal punishment were prescribed to deter disobedience, and, under certain conditions, the law permitted the killing of runaway enslaved individuals without any legal repercussions for the perpetrators.

LORD DUNMORE AND THE ENSLAVED POPULATION IN VIRGINIA

On March 1, 1775, Dunmore wrote a letter to Secretary of State, George Germain, and revealed his plan to "arm all my own negroes and receive all others that will come to me who I shall declare free."²³ News of Dunmore's intentions spread quickly, and enslaved people began arriving at Dunmore's Williamsburg residence, seeking freedom in exchange for military service. This influx continued throughout the summer of 1775, with over 100 Black soldiers joining Dunmore's ranks.²⁴

On November 14, 1775, Dunmore issued a formal proclamation, which was distributed throughout Virginia, declaring freedom to enslaved people who would fight for the British against the rebellion.²⁵ News of the

²² General Assembly. "An act concerning Servants and Slaves" (1705). (2020, December 07). In *Encyclopedia Virginia*. <https://encyclopediaivirginia.org/primary-documents/an-act-concerning-servants-and-slaves-1705>.

²³ Michael Lee Lanning, *African Americans in the Revolutionary War* (New York: Citadel Press, 2021), 51.

²⁴ Benjamin Quarles, *The Negro in the American Revolution* (Williamsburg, VA: Omohundro Institute of Early American History and Culture, 1961).

²⁵ Morgan, Edmund S. *"Slavery and Freedom in the Age of the Atlantic Revolutions."* Oxford University Press

proclamation traveled rapidly, reaching both enslaved people and the rebel leadership. Enslaved people saw this as a potential path to freedom, and many began escaping their plantations to join Dunmore's forces. Fearing the loss of valuable property and potential slave rebellions, White Virginians implemented measures to recapture runaway slaves and retaliate against Dunmore.²⁶

Virginia law at that time mandated the death penalty for enslaved people taking up arms against their masters. However, the economic value of enslaved persons made outright execution an unpopular option for many planters. On December 14, 1775, the Virginia General Convention, issued a counter-proclamation stating that any enslaved person “deserting his master's service to join the British ‘shall suffer death, and be excluded all benefit of clergy.’ It then promised that any runaway who saw the evil of his actions and voluntarily returned to his master or surrendered to the rebel army would receive a pardon.”²⁷

BLACK AMERICANS AND THE AMERICAN REVOLUTION

By 1775, over half a million Black people, the majority of which were enslaved, lived in the colonies. The contradiction between the colonists’ fight for liberty and the ongoing enslavement of African Americans was noted as early as the 1760s. The growing talk of liberty inspired many enslaved individuals with the hope of freedom, prompting their participation in pivotal early battles like Lexington and Bunker Hill.²⁸

The language of the Declaration of Independence, with its emphasis on equality and natural rights, resonated with many Black people. They saw an opportunity to push for their own emancipation. Enslaved and free Black communities, inspired by the revolutionary spirit and the rhetoric of freedom, became more active in seeking their rights and challenging the institution of slavery. Notably, individuals like Phillis

²⁶ ²⁶ Michael Lee Lanning, *African Americans in the Revolutionary War* (New York: Citadel Press, 2021), 52.

²⁷ Michael Lee Lanning, *African Americans in the Revolutionary War* (New York: Citadel Press, 2021), 53.

²⁸ Ayers, Edward. "African Americans and the American Revolution." Jamestown-Yorktown Foundation, jyfmuseums.org.

Wheatley, Paul Cuffe, and Belinda used their voices through writing, protests, and petitions to advocate for freedom and equality.

The outbreak of the Revolutionary War played a pivotal role in accelerating the movement to improve the conditions of Black Americans. Arguments were made that slavery was not only morally wrong but also a threat to public safety and the ideals of the Revolution. The economic and utilitarian aspects of slavery were also brought into question, shedding light on the complexities of the debate on the institution of slavery in America. Furthermore, the ideals of the Revolution profoundly impacted the debate surrounding slavery. The theories that justify economic and political freedom from England could not leave domestic institutions untouched. According to Historian Benjamin Quarles, a society based on master-slave relationships was contrary to the revolutionary spirit and the beliefs in human freedoms that were at the core of the Revolution.²⁹

Despite their bravery and contributions, the Declaration of Independence of 1776 promised liberty but maintained the institution of slavery. In Virginia, hundreds Black men, including enslaved men, served as soldiers and sailors as well as in capacities such as gunners on privateers and in the Continental Navy, with some gaining their freedom post-war as recognition for their service.

The British continued to seek Black Americans support after Dunmore. This led to the formation of the "Ethiopian Regiment" composed of runaway slaves. Although Dunmore's forces were ultimately unsuccessful, his strategy represented a form of liberation for many enslaved people, continuing to attract followers until his defeat in 1776.

²⁹ Quarles, Benjamin. 1996. *The Negro in the American Revolution*. Chapel Hill: Omohundro Institute of Early American History & Culture, p. 33-50.

By 1783, between 5,000 and 8,000 Black individuals had participated in the American Revolutionary War, with many fighting for their freedom while others were exploited or victimized. Many Black veterans returned to a society that was still fundamentally unaltered in its views and policies on race and slavery. The freedoms fought for and promised during the war led to varied outcomes, with some gaining their freedom and others remaining ensnared by the constraints of their previous status.³⁰

³⁰ Ayers, Edward. "African Americans and the American Revolution." Jamestown-Yorktown Foundation, jyf museums.org.

Historic Background: 19th Century

Slavery had long been institutionalized by the nineteenth century, although many White Virginians, including Thomas Jefferson, struggled with the moral ramifications of human bondage in the immediate aftermath of the American Revolution. Still, the practice of enslavement persisted, and in fact, increased in the early nineteenth century, and by the time of the Civil War most White Virginians staunchly defended the system that provided many of them with prosperity in the form of owning human personal property. The continuation of the state-supported slave economy perpetuated inequality, and so even when enslaved Black Virginians freed themselves or received emancipation during and after the Civil War, they were systematically discriminated against in every facet of their lives.

THE TIGHTENING OF RESTRICTIONS AFTER GABRIEL'S CONSPIRACY

In 1800, literate enslaved blacksmith/carpenter named Gabriel led an attempted slave rebellion in central Virginia. He had planned to take the governor captive, capture weapons from the armory, and from Richmond, spread the uprising across the Commonwealth. The General Assembly sent militias to Chesterfield, Henrico, Fluvanna, Suffolk, and Nansemond counties and the city of Richmond to both quell unrest and prevent further uprisings. Gabriel and twenty-five men involved were hanged, and others were sentenced to be sold. The legislature created the Public Guard of Richmond, a police force, to protect buildings, arrest all enslaved people found in the street after dark, and foil enslaved people's attempt to hire themselves out on their own time. Governor James Monroe also created a Captain of the Water to control enslaved people's access to the river.

The General Assembly also passed a series of laws to further restrict the movement and personal autonomy of enslaved people in the wake of the conspiracy. In the immediate aftermath (1801), the General Assembly gave the power to magistrates to send out slave patrols, moved the arsenal of the Commonwealth to Richmond, and sent arms to some towns. It required cities and counties to post a list of all free Black

people on the doors of the courthouse. If free Black people entered a county without a clear place of employment, they would be considered vagrants. White people had no such restrictions. In 1802, the legislature required all free Black people to register themselves with the counties. It also gave the Governor the power to sell enslaved people out of state for capital crimes. In 1804, the General Assembly passed a law prohibiting enslaved people from gathering at night, which they amended to allow slaveowners to take enslaved people to church. In 1805, the legislature prohibited caretakers of Black orphans to educate them in any way, though they required caretakers to educate White orphans. In 1806, free Black and mixed-race Virginians were prohibited from owning guns without a special court license. Laws also made owners criminally liable for allowing their enslaved laborers to hire themselves out for money; this was punishable by a hefty fine or by the sale of the enslaved person with the benefit of the sale going to the county. This did not curb the practice of hiring out, however. In 1830, the legislature passed a law prohibiting White people from educating or fraternizing with Black people, free or enslaved, and Black people were prohibited from gathering in groups to be educated. An 1831 law made it illegal for White people to teach free or enslaved Black people to read.³¹

Several of the laws passed after the conspiracy also affected free Black people. One of which allowed enslaved people were allowed to give testimony against free Black Virginians. Additionally, in 1803 the General Assembly required all localities to register free Black and mixed-race people living in their localities. But the law in the aftermath of Gabriel's Conspiracy that may have had the most serious ramifications for freed people was the passage of a law in 1806 that required all Black people who had been manumitted after May 1806 to leave the state within a year of receiving freedom or face being sold back

³¹ Michael Nicholls, "Gabriel's Conspiracy"; Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge: Louisiana State University Press, 2006), 119-20; Brent Tarter, *Virginians and Their Histories* (Charlottesville: University of Virginia Press, 2020), 200; "An act to amend a law concerning slaves, mulattoes, and free negroes," April 1831, <https://hdl.handle.net/2027/uc1.a0001803188?urlappend=%3Bseq=113%3Bownerid=13510798902978780-131>.

into slavery. This created immediate difficulties for newly freed people for several reasons. First, they may have been given their freedom, but that did not mean they received any financial compensation or assistance to leave the state. However, on rare occasion enslavers did provide funds to relocate, however. Secondly, while manumitted people may have received their freedom, they often had family members who did not, so they were forced to leave their families behind.³²

Manumissions during this period all but stopped, and did not begin increasing again for another decade, possibly when the legislature amended the law in 1816 to allow freed people to remain in the original county or city of their residence if they had petitioned and been given permission by a court to do so. Moreover, some enslaved people petitioned the General Assembly to remain enslaved, because the burden of leaving everything, and everyone behind was too great. The legislature passed a law in the 1850s making it easier for manumitted people to petition for re-enslavement, and in 1851 it limited the ability of owners to free their own slaves. To quell White fears of violence, the laws passed by the General Assembly designed a system in which Black people remained as constrained as possible, whether they were free or not.³³

NAT TURNER’S REBELLION AND THE LEGISLATIVE AFTERMATH

While the Commonwealth of Virginia continued to try to control the actions of both enslaved and free Black Virginians, it did not mean that Black people complied. The Underground Railroad was active in the state, and many were able to escape to freedom or to resist in other ways such as through damaging equipment, feigning illness, or staging work slowdowns. In 1831, Nat Turner fomented a rebellion, calling on enslaved

³² Brent Tarter, “*Virginians*,” 200; Cara Griggs, “A Last Resort: Madison County Reenslavement Petitions,” *UnCommonwealth*, Library of Virginia, 11 January 2017, <https://unCommonwealth.virginiamemory.com/blog/2017/01/11/a-last-resort-madison-county-reenslavement-petitions/>; For more information on petitions to remain in their counties of origin, see Eva Sheppard Wolf, *Race and Liberty*, 130-160.

³³ Michael Nicholls, “Gabriel’s Conspiracy”; Marianne Sheldon, 41; Ellen Eslinger, “Free Black Residency in Two Antebellum Virginia Counties: How the Laws Functioned,” *Journal of Southern History* 79:2 (May 2013), 271-2; Brent Tarter, *Virginians*, 200-1, 204; Cara Griggs, “A Last Resort” Brent Tarter, *Virginians*, 208, 230.

people to attack White people and try to win their freedom. Turner believed he had been ordained by God. By the time the Virginia militia quelled the uprising, his band of revolutionaries had grown to several dozen and had killed over 50 White people. The General Assembly passed even more restrictive laws in the wake of this event. Free Black people could no longer receive a jury trial, so they were treated the same way as enslaved Black people. The General Assembly made Black preaching without White supervision illegal.³⁴

The General Assembly also continued to focus on restricting the movement of free Black people. In 1834, the General Assembly revised a 1793 law requiring thirty-nine lashes given to any free Black person moving to the Commonwealth. A new 1837 law said that any formerly enslaved people who had been given permission to remain in Virginia would lose their right to return if they traveled out of state. In 1838, freed people were barred from returning home to Virginia even if they were away just a short time; the legislature extended this ban to freeborn Black people in 1848. By 1856, recognizing that Black Virginians were escaping by rivers and sea, the legislature passed a law providing for a more thorough inspection of ships leaving harbors. The General Assembly made only one exception for these rules; in 1835, it passed a law allowing manumitted people to return to Virginia for five years to make money to purchase family members and relocate them back out of state.³⁵

THE COLONIZATION MOVEMENT

In the 1820s, some Virginians began to embrace the tenets of the American Colonization Society, which called for the forced relocation of the freed Black population. In 1801, the General Assembly resolved to locate lands beyond the bounds of the US to which free Black people and problematic enslaved people

³⁴ Patrick Breen, "Nat Turner's Revolt," *Encyclopedia of Virginia*, 7 December 2020, <https://encyclopediavirginia.org/entries/turners-revolt-nat-1831/>; Brent Tarter, 203-4; Cassandra Newby-Alexander, "Underground Railroad in Virginia," *Encyclopedia of Virginia*, 7 December 2020, <https://encyclopediavirginia.org/entries/underground-railroad-in-virginia/>.

³⁵ Ellen Eslinger, 267-9, 272; Cassandra Newby-Alexander.

could be transported. In 1816 the House of Delegates passed a resolution asking President Madison to locate land for such a purpose. The result of this unusual coalition of slaveholders, abolitionists, and Black people was Liberia in Africa.

During the Constitutional Convention of 1831-32, concern with keeping Black Virginians in line trumped any rhetoric about the incompatibility of slavery and American ideology. Enslavers in the southern and eastern parts of the Commonwealth dominated in their concern for control over any non-slaveholding interests and won their fight to partially count the enslaved population in apportioning legislative districts, thereby allowing the eastern legislators to retain power in the General Assembly. Interest in the American Colonization Society declined as ambivalence over slavery decreased, with positions hardening after the Missouri Compromise and battles between the regions of Virginia over control. Nat Turner's Rebellion prompted the General Assembly to create a committee to study the deportation of free Black Virginians. This enabled the representatives on the committee to engage in a public debate about slavery, and several on the committee favored manumission. These debates, however, centered not on the humanity of enslaved people and their inherent rights, but rather focused on whether enslaved people were property that endangered the safety of White Virginians—and all proposals ended with the removal of Black people from the Commonwealth. Ultimately, the committee determined that they would pass no legislation abolishing slavery.³⁶

THE LEGAL STATUS OF BLACK VIRGINIANS BEFORE THE CIVIL WAR

The laws establishing the status of free people remained in effect through the first half of the nineteenth century, and free Black people existed in what historian Brent Tarter called a “middle status” in the Commonwealth. Enslaved people did not have the right to a trial by jury or to appeal a verdict, and free

³⁶ Eva Sheppard Wolf, *Race and Liberty*, 189-195, 207-219, 230.

Black people lost that right after Gabriel's Conspiracy. Black Virginians were prohibited from giving testimony against White citizens. Freed people could be re-enslaved if convicted of a crime, or if they failed to pay taxes. When the General Assembly sold people into slavery, the proceeds benefited the Literary Fund, an account established in 1811 to build schools and educate poor White people. This fund also provided money to Virginia Military Institute and University of Virginia.³⁷

In addition, enslaved people had no rights to any protection under the law; instead, their legal status was defined as property of the enslaver. This meant that enslaved people had no personal recourse when they were victims of violence. From 1800 to 1860, the appellate court ruled in eight cases of violence perpetrated by White people against enslaved victims. In each case, the court only ruled against a White attacker when the attacks caused irreparable damage to the enslaved person. In 1827, the Virginia Supreme Court determined that an enslaver had an absolute right to attack his enslaved person, as it was the property right of an owner to do so. As two legal scholars concluded, "The implication of [this decision] is that a slave in Virginia had fewer protections than a cow in Massachusetts or a horse in Pennsylvania."³⁸

In 1823 the General Assembly included in the law code that any Black person who struck a White person could be banished permanently from the state. The legislature amended the criminal code in 1832 after Nat Turner's rebellion to make the crime punishable by death. It once more amended the criminal code to a sentence of imprisonment for 5-18 years in 1846, and then in 1848 again included death as a potential sentence. Any White assaulting a free Black person could receive just 1-5 years' imprisonment. In 1823, the

³⁷ Brent Tarter, *Virginians*, 197-198; Alan Arellano, "... 'To the Encouragement of Learning,' The Virginia Literary Fund," *UnCommonwealth*, 23 November 2022, <https://unCommonwealth.virginiamemory.com/blog/2022/11/23/to-the-encouragement-of-learning-virginias-literary-fund/>; A.L. Higginbotham and Anne Jacobs, "The Law Only as an Enemy: The Legitimization of Racial Powerlessness through the Colonial and Antebellum Laws of Virginia," *North Carolina Law Review* 70:4 (April 1992), 989, <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3444&context=nclr>; Alan Arellano, "... 'To the Encouragement of Learning,' The Virginia Literary Fund," *UnCommonwealth*, 23 November 2022, <https://unCommonwealth.virginiamemory.com/blog/2022/11/23/to-the-encouragement-of-learning-virginias-literary-fund/>.

³⁸ Higginbotham and Jacobs, 1045-1053, quote on 1053.

General Assembly also included in the criminal code a sentence of hanging for any attempted rape upon a White woman by a free or enslaved Black man. In 1848, the legislature amended this to include prison as a possible sentence. White men who attempted to rape White women received 3-10 years, and rape could be punished by 3-10 years.³⁹ Black women received no protection from rape in the nineteenth century.

In March 1878, Charlotte Harris was taken from jail custody in Rockingham County by a group of disguised people and hanged from a tree. More than 100 people, primarily African American men, were lynched in Virginia between 1877 and 1950.

STATE INSTITUTIONS OF EDUCATION AND SLAVERY

In 1819, the General Assembly chartered the University of Virginia, making it the Commonwealth's public institution of higher education. Thomas Jefferson brought enslaved people from Monticello, and university officials leased enslaved laborers to join a force of free Black and White builders. Jefferson purchased an enslaved person on behalf of the university in 1819, making the state institution itself a slaveowner.

Although students were prohibited from bringing enslaved people from home, over the course of the nineteenth century thousands of enslaved people worked in the dormitories, hotels, and buildings of University of Virginia, and their owners received the profits from the university's leasing contracts. An estimated one hundred bondspeople during any given year could be found cooking, cleaning, and assisting professors, who were allowed to own enslaved people. Like the state government, university officials were extremely concerned with the free movement of these workers. In 1826, they required all enslaved people working on campus to carry a license, and in 1829 they instituted a slave patrol to surveil the campus in the

³⁹ Higginbotham and Jacobs, 1058-9.

evenings. And as in the larger Commonwealth, enslaved people could not protect themselves against assault, and were the occasionally attacked by university students, who received infrequent punishment.⁴⁰

Virginia Military Institute also hired out enslaved workers. Founded in 1839, VMI is the nation's first state-supported military institute, and it too benefited from the labor of enslaved people. Two enslaved men served as musicians on campus, performing the cadences to which the students drilled. Another two worked on campus as cooks and bakers. While little more is known at this time, the four enslaved men provided critical support services for the fifty students and their professors in the 1840s.⁴¹

THE CIVIL WAR

By 1860, enslaved people numbered a third of Virginia's population—550,000—and had no rights. While enslaved people fought to gain autonomy by running away and resisting in any way they could, the Civil War provided a hope that the system of slavery would end in the United States. However, ending enslavement in no way guaranteed civil and equal rights. During the war, about 5,700 Black Virginians joined the United States Colored Troops in the northern and tidewater regions, where the United States Army took control quickly. Likely many more who originally hailed from Virginia enlisted as well from states to which they had been taken to, moved to as freed people, or escaped to before the war. The Confederate government, whose seat was in Richmond, treated these soldiers as runaway slaves, and instituted a policy to treat captured soldiers as rebellious enslaved persons. Black soldiers of the US Colored Troops were massacred mercilessly in Virginia, notably in Saltville and the Battle of the Crater.⁴²

⁴⁰ Brendan Wolfe, "Slavery at the University of Virginia," *Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/slavery-at-the-university-of-virginia/>; "Slavery at the University of Virginia" Visitor's Guide, [SlaveryatUVaBrochure_FINAL.pdf \(virginia.edu\)](https://www.vmi.edu/media/content-assets/documents/communications-and-marketing/media-relations/VMI_History_Fact_Sheet.pdf);

⁴¹ VMI History Fact Sheet, July 2021, https://www.vmi.edu/media/content-assets/documents/communications-and-marketing/media-relations/VMI_History_Fact_Sheet.pdf; Marianne Hause, "Cadet Researches Contributions of 19th Century African Americans at VMI," 25 April 2022, <https://www.vmi.edu/news/headlines/2021-2022/cadet-researches-contributions-of-19th-century-african-americans-at-vmi.php>.

⁴² Andre Fleche, "The United States Colored Troops," *Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/united-states-colored-troops-the->

Virginia commandeered thousands of Black people to work for the army. The state generally compensated owners for the use of enslaved people in construction projects at the same rate the state compensated owners of horses used in Confederate service. In 1862, the General Assembly enacted a law allowing the army to impress free Black laborers, and local courts registered all Black men between the ages of 15-50 for service to the military. From this stemmed the incorrect assumption that the Confederacy had loyal Black soldiers within its ranks, a point of misinformation often bandied by enthusiasts of the “Lost Cause”.⁴³

The western part of the state split from the secessionist remainder and formed a pro-Union government with a seat in Wheeling, presided over by Governor Francis Pierpoint. Many enslaved people ran away and secured their own freedom during the war, but because the Emancipation Proclamation freed enslaved people only in the rebellious parts of the Confederacy, the Black people in those Union-dominated areas and the loyal part of the west remained enslaved; however, if the men in the family enlisted, they and their families were freed. Numerous USCT regiments formed in Virginia, participating in the Army of the James, and numerous Black men enlisted in the Navy, including serving aboard the USS Monitor. In 1863, Governor Pierpoint moved the seat of the loyalist government (also known as the Restored Government), to Alexandria, as a new state of West Virginia had been approved by Congress. In 1864 the Governor called for a new constitutional convention. While the new Virginia constitution outlawed slavery completely, it did not formally provide Black people any rights of citizenship. Later, the Restored General Assembly passed laws allowing for Black people to testify in court but did not give the Black Virginians the right to vote. This Restored Government of Virginia ratified the Thirteenth Amendment that outlawed slavery in 1865.⁴⁴

⁴³ Library of Virginia, “Remaking Virginia,” <https://www.virginiamemory.com/online-exhibitions/exhibits/show/remaking-virginia/remaking-virginia>; Library of Virginia, “Virginia in the American Civil War,” <https://lva-virginia.libguides.com/civil-war/african-americans>; Jaime Martinez, “Black Confederates,” *Encyclopedia of Virginia*, 7 December 2020, <https://encyclopediavirginia.org/entries/black-confederates>.

⁴⁴ Brent Tarter, “The Abolition of Slavery in Virginia,” *Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/the-abolition-of-slavery-in-virginia/>; Sara Bearss, “Constitutional Convention, Virginia

RECONSTRUCTION

After the conclusion of the Civil War, the General Assembly of Virginia attempted to maintain control over the newly freed population. It passed a series of vagrancy laws from 1865-1866, which targeted newly freed Black Virginians and helped employers by giving local law enforcement officials the power to arrest people who were not actively contracted to work. This limited the activities of freed people, as well as their ability to negotiate for better terms in contract situations. The military commander of Virginia refused to enforce the act, but it remained law until 1904. The legislature did not grant Black citizens the right to vote, and while it legalized marriage for Black Virginians, it also reaffirmed the prohibition of interracial marriage. The General Assembly also enacted a law allowing local officials to “apprentice” children to adults for the purposes of education and providing a trade. While the 1864 Constitution had determined that all children should be treated equally, White officials could put Black children in the hands of those who would exploit their labor for personal gain.⁴⁵

As a result of laws passed in the former Confederate states that attempted to force Black citizens into a status similar to what they experienced during enslavement, the federal government instituted military supervision of those state governments, which has often been described by historians and others as Radical Reconstruction. Virginia became the First Military District. In 1867 the military commander called for a referendum on holding a convention to write a new state constitution, as required by Congress before readmitting Virginia’s representatives to Congress. The commander issued an order giving the franchise to

(1864),”*Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/constitutional-convention-virginia-1864/>.

⁴⁵ Brent Tarter, 277-280; Marianne Julienne and Brent Tarter, “Remaking Virginia: ‘To Secure Justice for Ourselves,’” *The UnCommonwealth*, 1 July 2015, <https://unCommonwealth.virginiamemory.com/blog/2015/07/01/remaking-virginia-to-secure-justice-for-ourselves/>;

Black men. Almost 106,000 Black men registered to vote, and in the ensuing election, Black voter participation surpassed White voting for convention representatives. As a result, the representatives were a progressive group of Black and White reformers. Ultimately, the constitution that was approved in 1869 included a Bill of Rights, universal male suffrage, and required the legislature to create a free public school system. In 1869, 30 Black men won election to the General Assembly, which ratified the 14th and 15th Amendments. Still, the new General Assembly voted to segregate the public school system in 1870, over the opposition of the Black lawmakers. Altogether, between 1867 and the 1890s, over one hundred Black men served in the constitutional convention or General Assembly. When the Conservative party took control in 1876, its representatives successfully introduced to the electorate amendments to the Constitution that countered the growing power of the Black electorate. The new poll tax and amendment disfranchising citizens convicted of minor misdemeanors succeeded in reducing the electorate by ten percent—with a corresponding drop in the number of Black representatives and local officeholders. Still, Black voters fought to retain the gains made during this period. Black and White politicians joined forces to refinance the state's crushing pre-Civil War public debt and created the Readjuster Party. From 1879 to 1882 Readjusters refinanced state debt, funded public education, ended whipping as a form of punishment, and established a state college for Black students (what is now Virginia State University). They owed much of their electoral success to Black voters.⁴⁶

THE STATE AND DISFRANCHISEMENT AT THE END OF THE NINETEENTH CENTURY

The period during and just after Reconstruction signified a sea change in the status of Black Virginians, but many White state politicians tried to curb their growing power. When Democrats gained control of the state government in 1883, they set out to solidify their own power, restore White supremacy, and destroy the

⁴⁶ Brent Tarter, "First Military District," *Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/first-military-district/>; Brent Tarter, *Virginians*, 280-287; Brent Tarter, "African Americans and Politics in Virginia," *Encyclopedia of Virginia* 7 December 2020, <https://encyclopediavirginia.org/entries/african-americans-and-politics-in-virginia-1865-1902/>.

Readjusters. In 1884, they passed the Anderson-McCormick Act, which gave control over elections to local electoral boards and judges, and then appointed Democrats to all positions. These officials were authorized to register and keep separate lists of Black and White voters and certify all elections. Under conservative Democratic control, local officials engaged in ballot box stuffing, caused slowdowns to keep people from voting, and discarded Republican/Readjuster votes. In 1894, the General Assembly passed the Walton Act, ostensibly to prevent fraud. The state supplied printed ballots and prevented the exhibition of ballots ahead of time, which challenged illiterate voters, who were disproportionately Black. Voters had to draw lines of exact lengths through the names of candidates they did not want to choose, and local officials were free to disqualify ballots based on lines they deemed not the proper length. These measures effectively kept many eligible voters from exercising the franchise, and by the 1890s, thousands of White Republicans and Black men lost their electoral power. This is reflected in the disappearance of Black legislators from the General Assembly, not to be seen again for more than seventy-five years.⁴⁷

CONVICTED BLACK CITIZENS AFTER THE CIVIL WAR

Black Virginians faced inequality in the legal code prior to the Civil War, and unequal treatment took on new meanings with the growth of the convict labor in the late nineteenth century. The Thirteenth Amendment did not prohibit “involuntary servitude” as a punishment for crime, and Virginia’s post-Civil War government determined that a convict labor system would help to build infrastructure and benefit the government’s coffers at the same time. It had the added benefit of enabling the growing prison population to be housed outside of the penitentiaries. Although Virginia’s convict labor system was not as widespread as those in other southern states, it resembled others in that the laborers pulled for projects were almost always Black, partly by design of state officials. As historian Paul Keve wrote, “the natural inclination was to think first of sending Black prisoners to the labor camps.” But it was also partly because Black convicts were

⁴⁷ Brent Tarter, *Virginians*, 309-314; Brent Tarter, “African Americans and Politics.”

overrepresented in the prison population (7.5 imprisoned for every 5,000 Black Virginians, as opposed to 1 imprisoned for every 5,000 White Virginians). Black convicts worked on railroads, at the Old Dominion Granite Company, and at a lime production facility. They also worked for the counties on public infrastructure projects like Monument Avenue in Richmond. And in 1906, the General Assembly passed the Good Roads Law, authorizing the use of convict labor in road construction and lime grading plants. Road crews were almost entirely comprised of Black prisoners at this time, and the few White prisoners were separated from Black crews. Segregated conditions continued through the 1960s.⁴⁸

Conditions in camps were terrible, and prisoners suffered. In 1874, of 433 convicts contracted, 26 died of illness and five by accidents while working on the Chesapeake and Ohio Railway. The death rate of workers on the Richmond and Allegheny Rail line was 11 percent; the average prison population death rate was 1.5 percent. And in 1877, 30 prisoners died while working on the Kanawha Canal in Richmond. The worst year for prisoner deaths was in 1891, when almost five percent of all convict laborers died. Sympathetic doctors wrote to superintendents about the astronomical rates of sickness and injury, to no avail. A citizen of Abingdon wrote to the Governor about workers being whipped and forced to work 14 hours, until half dead at the Coal and Iron Railroad Camp. In 1877, the mortality rate doubled, and did not go down until 1899, when of 1,448 prisoners, 8 died. All but one were under the age of 30, and one was just 14 years old. The prison labor system benefited the owners who contracted the convicts and the Commonwealth who received payment for the building of critical business infrastructure, but at great cost to the Black laborers themselves.⁴⁹

⁴⁸ Paul Keve, *The History of Corrections in Virginia* (Charlottesville: University of Virginia Press, 1986), 72-77, 84, 119-125, quote on 76.

⁴⁹ Keve, 76-84.

Virginia's incarcerated youth fared little better than the adults. There were no separate youth facilities until the 1890s, and even then, state officials imprisoned many children with the adult population. Conditions in the State Penitentiary in the last decades of the nineteenth century were dismal, and prisoners often numbered ten to a room. Children were also put out on work details, and some contractors preferred them because they were cheaper. Of the 2,000 children incarcerated in the state penitentiary, 90 percent were Black; of the children under 14 there, 96 percent were Black.⁵⁰

⁵⁰ Catherine Jones, "The Trials of Mary Booth and the Post-Civil War Incarceration of African American Children." *Journal of the Civil War Era* 10, no. 3 (2020) 346, 357-8, <https://www.jstor.org/stable/26977378>.

Historical Background: 20th Century

VOTING RIGHTS

In 1902, a group of one hundred elected delegates met to create a new Virginia state constitution. This all-male, all-White body made it a goal to disfranchise Black voters. The group debated several measures and came up with a bifurcated plan for disfranchisement—the poll tax and a “test” to determine a candidate’s understanding of the state constitution. To ensure that this measure would target Black citizens, the group decided that registrars sympathetic with the cause of Black disfranchisement would be chosen to prevent too many White men from failing the test. It also exempted all Civil War veterans from these measures. In addition, the Constitution instituted a poll tax of \$1.50 to be paid in advance of the election and that would accrue every year for three years. This was a significant financial hardship for many Black and white citizens. These measures passed and became part of the Constitution. Moreover, the convention members adopted a temporary “understanding clause,” which would prevent from voting anyone who could not interpret the new constitution. These measures had the desired effect. By 1902, the number of registered voters fell by half because of the poll tax just three years later. The number of Black voters declined by about 90 percent and remained extremely low until the 1960s. Although the Commonwealth did not have a standard literacy test like other states, the General Assembly passed a “Blank Paper” law in 1958, which required all citizens to fill out biographical information, including a work history, on a blank piece of paper, a measure to try to prevent Black voting, particularly because registrars had latitude in deciding how to enforce the measures.⁵¹

⁵¹ Peter Wallenstein, *Blue Laws and Black Codes*, 177-184; Brent Tarter, “Poll Tax,” Encyclopedia of Virginia, <https://encyclopediavirginia.org/entries/poll-tax/>; Brent Tarter, “Disfranchisement,” Encyclopedia of Virginia, <https://encyclopediavirginia.org/entries/disfranchisement/>; Peter Wallenstein, *Blue Laws and Black Codes*, 177-184; J Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia* (Chapel Hill: University of North Carolina Press, 2002), 26; Jessi Bennett, “On Account of Race: Black Disfranchisement in Virginia,” *UnCommonwealth: Voices from the Library of Virginia*, 9 September 2020, <https://unCommonwealth.virginiamemory.com/blog/2020/09/09/on-account-of-race-disenfranchisement-of-black-voters-in-virginia/>; “Virginia State Board of Elections Regarding Blank Sheet Voter Registration,” <https://encyclopediavirginia.org/virginia-state-board-of-elections-bulletin-regarding-blank-sheet-voter-registration/>.

The poll tax remained in effect through the middle of the twentieth century. While Black Virginians found the 24th Amendment eliminated the requirement of a poll tax in federal elections in 1964, they still had to pay a tax to vote in state elections. In 1963, Evelyn Butts of Norfolk and Annie Harper and three other citizens in Fairfax filed suit against the poll tax in Virginia. Their cases were combined into *Harper v. Virginia Board of Elections*. After several appeals, in 1966 the US Supreme Court determined that the poll tax was unconstitutional. That was the first time Black Virginians had equal access to the polls.⁵²

The 1902 Constitution also disfranchised convicted felons and allowed restoration only by personal appeal to the Governor. Although the 1971 constitution eradicated all other barriers to voting erected in the 1902 version, it maintained felon disfranchisement. The increase in defined felonies on the books in the twentieth century, including drug-related crimes, greatly increased the number of people barred from voting.

SEGREGATION IN EDUCATION

In 1861, Mary Peake became the first Black teacher hired by the American Missionary Association. The Emancipation Oak, which grew before 1619, served as a symbol of freedom, emancipation, and education, especially in Hampton. It was a gathering place for people on Emancipation Day and has been protected and preserved by Hampton University. During this period, known as Freedom's First Generation, the actions and activities of Black individuals contributed to the dismantling of oppressive laws.⁵³

The Virginia Constitution of 1902 mandated that separate Black and White schools be established for the education of the public, thus enshrining segregation into the foundation of the Commonwealth. In 1954

⁵² Brent Tarter, "Evelyn Butts," <https://encyclopediavirginia.org/entries/butts-evelyn-thomas-1924-1993/>

⁵³ Taylor, Kay Ann. "Mary S. Peake and Charlotte L. Forten: Black Teachers During the Civil War and Reconstruction", *The Journal of Negro Education*, Spring 2005

Brown v. Board of Education declared that racial segregation of public schools was unconstitutional; overturning the notion of “separate but equal” established in 1896 by *Plessy v. Ferguson*, which had provided the legal basis for segregation. However, the reality in Virginia was that Black schools were historically inferior, and Black teachers received far less pay than White ones. There were no state laws related to facility quality, so Black citizens had to battle localities across the state to get what they needed, and often had to fund school improvements themselves. For example, in 1918, there were only 12 Black high schools in rural Virginia, and two-thirds of the Commonwealth’s Black schoolhouses were in one room.⁵⁴ As with voter registration, government officials had great discretion in allocating school funding and they habitually starved Black schools of resources. In 1912, Virginia allocated about \$12 per white schoolchild compared to \$1 per Black child.

When federal courts ruled in favor of Black communities, blanket change did not come in the first half of the twentieth century. For example, during the 1940s, teachers in Richmond filed for salary equalization in federal district court, and while they won their case, it was a local win only. Throughout the 1930s and into early 1950s, communities fought for better educational facilities and equal busing, and sometimes won in court. Two fathers got a fine overturned in the Virginia Supreme Court they received for keeping their children home to protest a lack of busing in Fauquier County. Percy Corbin won a federal district case to equalize Pulaski’s segregated educational facilities in 1949.

Prince Edward County would become ground zero in the school desegregation battle. It put Virginia on the map as the case study in massive resistance against the court ruling that included Prince Edward County, *Brown v. Board of Education* (1954) and its subsequent ruling, *Brown II* (1955) which required states to

⁵⁴ Bob Smith, *They Closed Their Schools: Prince Edward County, Virginia, 1951-1974* (Chapel Hill: University of North Carolina Press), 15; Brent Tarter, *The Grandees of Government: The Origins and Persistence of Undemocratic Politics in Virginia* (Charlottesville: University of Virginia Press, 2013), 325.

integrate “with all deliberate speed.”⁵⁵ Once *Brown II* was decided, the General Assembly met to pass a series of laws collectively known as “interposition,” in which the state claimed it would stand between federal government overreach and local officials. In essence, however, the series of measures passed enabled the state to fully take control of the educational system, for the sole purpose of maintaining segregation. First, the state created a centralized Pupil Placement Board that required all students desiring to move schools to apply through a central state process, designed to discourage prospective applicants and manned by segregationists. Second, the legislature gave the Governor the power (and indeed the order to) shut down any school systems that were threatened with immediate federal court desegregation orders. Finally, in 1960 the state approved private tuition grants in all affected school districts, and later passed laws allowing private schools to be tax deductible, exempting them from zoning for two years, and enabling the sale of surplus public school supplies to fund private schools. Scholarship donations became tax-deductible, and counties were allowed to fund busing to private schools.⁵⁶

Repercussions happened immediately. First, these measures affected thousands of students. The Governor shut down the schools in Norfolk and Warren Counties and Charlottesville after the NAACP won their lawsuits to desegregate there in 1958. While the Virginia Supreme Court and the US Supreme Court invalidated the 1956 law in 1959 because it violated the state constitution to provide education, other measures continued. Prince Edward County voted to completely defund the schools in 1959, effectively closing them. Instead, they shuttled money to private school tuition assistance for White children. Prince Edward county became the national symbol for massive resistance, and although a judge invalidated tuition grants in 1961, the county continued to keep schools closed until the Supreme Court ordered them back

⁵⁵ For more information about these lawsuits, see Virginia Museum of History and Culture, “Civil Rights: Brown I and Brown II,” <https://virginiahistory.org/learn/civil-rights-movement-virginia/brown-i-and-brown-ii>.

⁵⁶ Robert Pratt, *The Color of their Skin: Education and Race in Richmond, VA, 1954-1984* (Charlottesville: University of Virginia Press, 1992), 5-7. Brian Daugherty, *Keep on Keeping On: The NAACP and the Implementation of Brown v. Board of Education* (Charlottesville: University of Virginia Press, 2016), 87.

open in 1964 when they sided with the plaintiff in *Griffin v. State Board of Education*. And the Pupil Placement Board continued to exist until its term expired in 1966. The damage was far-reaching; its immediate effect was that in 1968, Virginia lagged behind only Texas in former Confederate states in the total number of Black students in White schools.⁵⁷

The General Assembly also created commissions to try to hamstring the NAACP. The Commission on Offenses Against the Administration of Justice and the Committee on Law Reform and Racial Activities, created in 1957, investigated the NAACP, lawsuit plaintiffs, and even witnesses. The commissions questioned the credentials of NAACP lawyers and harassed the organization to get membership rolls released. These commissions created hours of legal work, billed to the taxpayers of Virginia, in the name of stopping the organization bringing the lawsuits to federal court.⁵⁸

In addition, legislators moved to enshrine a White supremacist vision of history in the wake of civil rights protests. Reacting to the nascent militant civil rights movement and fears about communism, the Virginia Senate created a committee to examine textbooks and other teaching materials in all state history and civics classes. In 1950, the Senate decided to make the committee permanent and to craft new textbooks that reinforced the ideology of the “Lost Cause,” which promoted a vision of a benign old South, where enslaved people were content and race relations peaceful. In reality, many locales already used these narratives, as the United Daughters of the Confederacy and Sons of Confederate Veterans had promoted this

⁵⁷ Bob Smith discusses Prince Edward County and other schools, as well as the determination by Judge Smith that the state school board could not appropriate money towards private schools. He also details the multiple White actors involved in architecting massive resistance. Jill Titus, *Brown’s Battleground: Students, Segregationists, and the Struggle for Justice in Prince Edward County* (Chapel Hill: University of North Carolina Press, 2011), 18-21, 35-6, 169, 175; Robert Pratt, 10, 11, 41. Brian Daugherty, 134.

⁵⁸ Brian Daugherty, 60-61. For more information, see William Thomas, “Virginia’s ‘Massive Resistance’ to School Integration,” Center for Digital Humanities, <http://www.vcdh.virginia.edu/solguide/VUS13/essay13a.html>; Old Dominion University Oral History Collection, “Desegregation of Virginia Education,” https://olddomuni.access.preservica.com/uncategorized/SO_275f919d-a6b9-4b7b-8276-bdec0e3db15d/; Jeffrey Littlejohn and Charles Ford, *Elusive Equality: Desegregation and Resegregation in Norfolk’s Public Schools* (University of Virginia Press, 2012); Arlington Public Library, “The Story of Arlington Public School Desegregation,” <https://library.arlingtonva.us/2018/01/11/the-desegregation-of-arlington-public-schools/>.

interpretation of history for decades before the start of the committee. Localities willingly worked with these organizations to promote these inaccuracies, and members of the organizations fought against historians who tried to correct the record. Still, by 1956, the state made available approved new textbooks that sanitized history, focused on state's rights as the cause of the Civil War, and came to inaccurate conclusions about race relations that reinforced the idea of the loyal, happy enslaved person governed by benign White persons. These books were in wide circulation by 1956 for fourth and seventh grades, and in 1957 for high school. Although by 1965 educators decried these books as propaganda, the state Board of Education extended their use through 1972, and many remained in use through 1980. And because the state began to require their own designated content experts to certify textbooks' accuracy, errors still occurred. As late as 2010 the fourth grade approved Virginia textbook touted the existence of Black Confederate troops, a fallacy called out by many historians. This happened because neither the author nor the reviewers were experts in history. This book, too, was recalled, but not all districts could afford to replace textbooks immediately.⁵⁹

The long-term effects of piecemeal integration can be seen today. As localities delayed desegregation, White families moved out of many city centers, depopulating the districts, and essentially creating de facto segregation all over again. While measures were proposed like consolidating Henrico, Chesterfield, and Richmond into a unified school district, that never happened. Busing was not effective in many locations like Richmond and Norfolk and was ended by court order in the 1980s. As a result, many urban schools in Virginia are still segregated, including Harrisonburg, Roanoke, Hampton Roads, and Richmond, according to a Commonwealth Institute survey from 2020. As of 2021, for example, Richmond City Schools were

⁵⁹ Adam Dean and Ashley Spivey, "The Virginia History and Textbook Commission" *Encyclopedia of Virginia* 06 Sep. 2022; Karen Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Tallahassee: University Press of Florida, 2003), 120-140; Carol Sheriff, "Virginia's Embattled Textbooks: Lessons (Learned and Not) from the Centennial Era," *Civil War History* 58:1 (March 2012), 41-5, 47, 59-60, 68-72, quote on 55.

comprised of 90 percent children of color, with a 62 percent Black population. Its neighboring county, Chesterfield, has a Black school population of under 27 percent.⁶⁰

DESEGREGATION IN HIGHER EDUCATION

As with primary and secondary schools, Virginia's colleges were slow to integrate, and the lack of a consistent state policy meant that Black students integrated on a case-by-case basis, making the process slow and unwieldy. At first, the Commonwealth's colleges would only admit students into programs for which there was no equivalent at the historically black colleges and universities in the state. Gregory Swanson integrated UVA's law school in 1950, for example, but was not allowed to eat or live on campus or participate in any social activities. This was par for the course for the very few other Black students who managed to matriculate in the 1950s, like the engineering students at Virginia Tech, or students accepted into the Master of Education in Physical Education and the Law School at William & Mary. Historian Peter Wallenstein called the integration of Virginia Tech "slow and grudging," as it accepted only six Black student in six years, and other colleges followed that model. VMI did not integrate until 1968. Even at George Mason, a university founded after the Brown II decision, Black student enrollment was at .7 percent in 1970-1. It was not until the late 1960s that Black students were able to participate fully in the life of the formerly segregated schools, and even today, the majority of Virginia schools have fewer Black students than is reflected in the overall population.⁶¹

⁶⁰ Robert Pratt, 50-71; The Commonwealth Institute, "Addressing the Lasting Impacts of Racist Choices on Virginia's Education System," <https://theCommonwealthinstitute.org/research/modern-day-segregation-addressing-lasting-impacts/>; US News Report Richmond. <https://www.usnews.com/education/k12/virginia/districts/richmond-city-pbhc-schs-105942>; US News Report, Chesterfield. <https://www.usnews.com/education/k12/virginia/districts/chesterfield-co-pbhc-schs-112500#:~:text=Students%20at%20Chesterfield%20County%20Public,Hawaiian%20or%20other%20Pacific%20Islander>. For more information, see Commission to Examine Racial Inequality in Virginia Law, *Setting a Path for a More Equitable Commonwealth*, 28-41. For a case study in lasting effects of inequality in Richmond, which includes a history of the resistance to integration in Richmond, VA, see James Ryan, *Five Miles Away and a World Apart: One City, Two Schools, and the Story of Educational Opportunity in Modern America* (New York: Oxford University Press, 2010).

⁶¹ Peter Wallenstein, Desegregation in Higher Education. (2020, December 07). In *Encyclopedia of Virginia*. <https://encyclopediaofvirginia.org/entries/desegregation-in-higher-education>; Peter Wallenstein, "Black Southerners and Nonblack Universities: The Process of Desegregating Southern Higher Education, 1935-1965," in Peter Wallenstein, ed, *Higher Education and the Civil Rights Movement: White Supremacy, Black Southerners, and College Campuses* (Tallahassee: University Press of Florida, 2008), 16-59, information on Virginia 36-40, quote on 38; "For the Mission or 'For All the People?'" George Mason

PUBLIC FACILITIES SEGREGATION

Shortly after the Supreme Court declared “separate but equal” constitutional in *Plessy v. Ferguson* (1896) the Virginia General Assembly began to pass its own laws that segregated its Black citizens in a number of ways. In 1900, a law banned integrated railcars. In 1904, the legislature passed a law enabling city streetcars and trolley lines to segregate passengers and by 1906 it required segregation on all public transit. In 1926, the General Assembly passed a sweeping measure to segregate all public facilities. Often called the “Separation of the Races” Act, it banned integrated public assemblies, and allowed courts to levy fines on those who broke this code or those who failed to take seats assigned to them.⁶² In many cases, this legislation codified what was already standard practice of segregation, making *de facto* segregation *de jure* segregation.

This had far-reaching ramifications, not only in public facilities. The segregation law enabled employers to claim a need for strict segregation as well. Industries before the Civil Rights Act were strictly segregated in Virginia. White workers dominated the industrial factory labor market, with the exception of tobacco stemmeries and cotton production, where the wages were lowest and the work often seasonal. Labor unions were entirely segregated as well, and the best opportunities for Black professionals came from inside their own communities. The laws protected discriminatory businesses. When the Fair Employment Practices Committee investigated a Richmond factory foreman who refused to hire Black women during World War II, he claimed they lacked the space to build extra segregated facilities required by law.⁶³

College’s Response to Civil Rights Investigations,”

<https://research.centerformasonslegacies.com/s/blnd/page/forthemissionorforallthepeople>.

⁶² Library of Virginia, “Segregation at the Byrd Street Train Station in Richmond, 1914,”

<https://edu.lva.virginia.gov/oc/stc/entries/segregation-at-byrd-street-train-station-in-richmond-1914>; Virginia Museum of History and Culture, “Jim Crow to Civil Rights in Virginia,” [https://virginiahistory.org/learn/jim-crow-civil-rights/virginia#:~:text=Although%20Virginia%20public%20schools%20were,to%20segregate%20passengers%20by%20race](https://virginiahistory.org/learn/jim-crow-civil-rights/virginia#:~:text=Although%20Virginia%20public%20schools%20were,to%20segregate%20passengers%20by%20race;);

Library of Virginia, “Public Assemblages Act,” <https://encyclopediaofvirginia.org/primary-documents/separation-of-races-1926/>;

⁶³ Richard Love, Labor in Virginia during the Twentieth Century (2020, December 07), *Encyclopedia of Virginia*. <https://encyclopediaofvirginia.org/entries/labor-in-virginia-during-the-twentieth-century>; Megan Shockley, 66, 79-82.

The legal default to segregation hampered occupational and recreational opportunities for Black Virginians. As in schools, facilities for Black citizens were sparse and inadequate. Richmond's 1,054-acre park system, for example, allotted only 75 acres to the city's entire Black population for recreational purposes, and along Virginia's beaches, Black citizens had access only to small pieces of land, many purchased by Black owners, with all facilities provided by Black entrepreneurs.⁶⁴

Black citizens were also denied entry to the eight state-run parks in the Commonwealth. As a result of a lawsuit over equal access filed against the Commonwealth in 1947, the state planned to open a Black-only Park in Prince Edward County in 1949. Ultimately, several NAACP members filed suit against Virginia to desegregate the entire park system in 1951. This case would become the most significant in the region. In 1955, the US Supreme Court determined that facilities must be desegregated and could not be leased to operators who would maintain segregation. In the meantime, in 1952 the General Assembly had given the Governor the ability to close state parks if it "was in the public interest" to do so. This essentially provided the state park system a blueprint for massive resistance. At the conclusion of the court ruling the Governor did, indeed, shut down the park that had been named in the lawsuit, Seashore State Park. The park remained closed until 1963, when it opened on a limited basis to camping. General public resentment of the closing of state parks prevented the closing any additional ones.⁶⁵

⁶⁴ Samantha Willis, "A Place For Us," *Richmond Magazine*, <https://richmondmagazine.com/news/richmond-history/a-place-for-us/>; Denise Watson, "Locals Recall the Fun, Frustration of Segregated Beaches," AP News Wire, 29 July 2018, <https://apnews.com/general-news-cef0ff19c6274bbe9bce3546b265e21d>. For more information, see J. Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia* (Chapel Hill: University of North Carolina Press, 2002).

⁶⁵ William O'Brien, "State Parks and Jim Crow in the Decade Before Brown v. Board of Education," *Geographical Review* 102, no. 2 (2012), 172, 175-6, <http://www.jstor.org/stable/41709174>; James Ely, *The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance*, Knoxville: University of Tennessee Press, 1976, 3-4.

As with the state parks, Black citizens continually resisted segregation, but until federal intervention, nothing changed. And even when federal rulings nullified state law, de facto segregation continued. For example, although the Supreme Court determined in 1946 that Irene Morgan was unfairly arrested for failing to move to the segregated section of an interstate bus, judges in Virginia often convicted passengers of violating disorderly conduct laws after that, allowing them to justify their treatment of Black passengers who protested without mentioning race. Judges argued that all passengers had to abide by whatever the conductor or driver said, no matter their race. The U.S. District Court determined the same for courtrooms—in *Wells v Gilliam*, 1961, the court affirmed that judges were allowed to dictate the seating arrangements in their own courts. This decision held until 1963, when the US Supreme Court overturned the decision in *Johnson v Virginia*. Just a year later Congress passed the Civil Rights Act, which nullified the segregation laws of Virginia. This did not, however, stop certain localities like Richmond and Lynchburg from closing public pools, and failed to affect any private clubs.⁶⁶

INTERRACIAL MARRIAGE

Throughout the late nineteenth and early twentieth centuries the Virginia government focused on defining citizens by their race. In 1878, the Virginia General Assembly criminalized marriage between Black and White people and enabled the courts to prosecute offenders and punish them with jail time and/or hefty fines. This was further solidified in 1910, when the General Assembly further codified what it meant to be Black as having 1/4 Black ancestry. Courts punished citizens who married across race lines, and one famous case, *Moon v. the Children's Home of Virginia* exemplified the inherent prejudice of state officials and the

⁶⁶ Peter Wallenstein, *Blue Laws and Black Codes*, 97-100, 128-131; WTVR. "Play Tells the Story of Filling in Polls Rather than Integrating." <https://www.wtvr.com/news/local-news/play-tells-story-of-filling-in-polls-rather-than-integrating>; Tamara Copeland recalled in the 1960s when Richmond closed all of its pools rather than integrate in *Daughters of the Dream: Eight Girls from Richmond Who Grew Up in the Civil Rights Era* (Inspire Press, 2018), 53.

ability for them to punish citizens under this law. In 1918, the Bureau of Vital Statistics began to put race on all certificates, thus entrenching the race of all citizens within the bureaucracy of the state.⁶⁷

Several acts passed by the state legislature in the first quarter of the twentieth century officially stratified races in Virginia. Although the Colored Persons and Indians Defined Act had defined Black citizens as having one-sixteenth Black ancestry, reiterating a 1910 law, a new 1924 law defined White persons as well—all persons defined as White were to have no ancestry beyond 1/64th of another ethnicity, which would account for the “Pocahontas exception,” those White persons who intermarried with indigenous people in the very first years of the colony. The act further stated that all marriage between White individuals and non-White individuals was strictly prohibited and punishable as a criminal act. In addition, it required all Virginians to register a race with the Virginia Department of Health. In 1928, the General Assembly passed yet another racial definition law, often called the “one drop” rule, which stated that a person with ANY Black ancestry would be deemed “colored.” These acts had been supported by Bureau of Vital Statistics Registrar Dr. Walter A. Plecker. He strictly enforced the act through his Bureau, and those found intermarrying were often arrested and/or deported out of state. 1928 saw the first conviction of a couple who violated the ban, with both husband and wife sentenced to 2 years in the state penitentiary. In 1932, Plecker successfully lobbied the state to reduce mandatory sentencing to one year—in an attempt to get more courts to convict. The ban on intermarriage remained in place until the Lovings challenged the state in 1967 and the US Supreme Court deemed the law unconstitutional in *Loving v. Virginia*.⁶⁸

⁶⁷ Peter Wallenstein, *Race, Sex, and the Freedom to Marry: Loving v Virginia* (Lawrence: University Press of Kansas. 2014), 57-8; “Moon et al. v. Children’s Home Society of Virginia. Nov. 16, 1911. [72 S. E. 707.]” *The Virginia Law Register* 17, no. 9 (1912): 688–99. <https://doi.org/10.2307/1104349>; Brendan Wolfe, “Racial Integrity Laws,” Encyclopedia of Virginia, <https://encyclopediavirginia.org/entries/racial-integrity-laws-1924-1930/>

⁶⁸ Brendan Wolfe, “Racial Integrity Laws,” Encyclopedia of Virginia, <https://encyclopediavirginia.org/entries/racial-integrity-laws-1924-1930/>; Peter Wallenstein, *Race, Sex, and the Freedom to Marry: Loving v Virginia* (Lawrence: University Press of Kansas. 2014), 59-60; For more information on the effects of the racial integrity laws on First Nation and Black citizens, see Arica Coleman’s *That the Blood Stay Pure: African Americans, Native Americans, and the Predicament of Race in Virginia* (Bloomington: Indiana University Press, 2013).

In 1958, Mildred Jeter and Richard Loving of Caroline County, Virginia, went to Washington, D.C. to get married. After they returned to Virginia, they were arrested, indicted, found guilty, given a suspended sentence and banned from returning to Virginia together for twenty-five years, with the caveat that their sentence would be invoked should they return. After living in D.C. for many years, Mildred Loving wrote to U.S. Attorney General Robert Kennedy to assist in helping them file against Virginia, as she wanted to move home. The ACLU took up the Lovings' case, and they filed a lawsuit against the state. The Virginia Supreme Court ruled in 1966 that the couple could return to Virginia but could not cohabitate. In 1967, the Supreme Court of the United States ruled against Virginia, overturning all the previous laws related to banning marriage across racial lines.⁶⁹

CRIMINAL JUSTICE

Virginia's policing system has always meant that a larger proportion of Black citizens would end up as part of the carceral state. In 1906, the legislature passed a law to allow for convict labor road gangs, and thus many roads in Virginia were built by Black men because of the large number of them incarcerated. In fact, in 1908, four times as many Black men and ten times as many Black women were jailed than their White counterparts. This may have been a result of the Vagrancy Act, passed first in 1866 and amended several times until it was replaced by a law in 1904 making vagrancy a misdemeanor and punishable by a fine and good conduct for a year.

By 1951 the Commonwealth had executed more Black men for rape than all but three other states, and yet no White men received the death penalty for rape. This was never more obvious than in the case of the Martinsville Seven, where six separate White juries gave seven men the death sentence for rape in 1951.

⁶⁹ Peter Wallenstein, *Race, Sex, and the Freedom to Marry: Loving v Virginia* (Lawrence: University Press of Kansas. 2014), 81-100; Phyl Newbeck, *Virginia Hasn't Always Been for Lovers: Interracial Marriage Bans and the Case of Richard and Mildred Loving* (Carbondale: Southern Illinois University Press, 2008); Phyl Newbeck, "Loving v. Virginia," Encyclopedia of Virginia, <https://encyclopediavirginia.org/entries/loving-v-virginia-1967/>.

Appeals focused not on the verdict, but on the process and sentencing of these men. None of the men could read their own statements and did not have lawyers present during questioning. Virginia continued to execute prisoners at extremely high rates. By 1969, Virginia executed Black men at a rate six times higher than White men, and for crimes including rape or attempted rape and armed robbery.

The inequities created by Virginia's justice system continues to be a problem. The US Commission on Civil Rights found that while Black Virginians were about 20 percent of the general population, they comprised 51 percent of arrests for serious felonies and 40 percent for less serious ones. And while White people made up a total of 57 percent of all arrests, the White prison population at that time was 32 percent, as compared to the 67 percent Black prison population. And in the early 21st century, Black Virginians were incarcerated at a rate 4.1 percent higher than White Virginians.⁷⁰

HOUSING

In 1912, the Virginia General Assembly passed a law enabling all localities to segregate neighborhoods block by block. The Virginia Supreme Court upheld this law in 1915, but the US Supreme Court declared the law unconstitutional in the 1917 case *Hopkins v. City of Richmond*. While cities were no longer allowed to formally promote segregation, the General Assembly had essentially provided a blueprint to enable de facto segregation for years. Neighborhoods enforced their own restrictive covenants, and realtors were required to steer clients to the neighborhoods segregated for their respective populations. In Richmond, for example, there were forty-three racially restricted communities in existence until 1968, despite the 1948 US Supreme Court ruling in *Shelley v Kraemer* that determined that racially restrictive covenants were illegal.⁷¹

⁷⁰ Virginia Advisory Committee to the US Commission on Civil Rights, "Unequal Justice: African Americans in the Virginia Criminal Justice System," April 2000, <https://www.usccr.gov/files/pubs/sac/va0400/main.htm> and <https://www.usccr.gov/files/pubs/sac/va0400/ch2htm>; Prison Policy Initiative, "Virginia Profile," [Virginia profile | Prison Policy Initiative](#).

⁷¹ Nelson, Robert K., LaDale Winling, et al. "Mapping Inequality: Redlining in New Deal America." Edited by Robert K. Nelson and Edward L. Ayers. *American Panorama: An Atlas of United States History*, 2023. <https://dsl.richmond.edu/panorama/redlining>.

These patterns of residential segregation persist as demonstrated by a 2019 Housing Opportunities Made Equal (HOME) study showing a map that highlights a multiplicity of segregation in the Richmond/Henrico/Chesterfield area, where many neighborhoods have at least 75 percent concentrations of either minority or White residents. The neighborhoods tend to be concentrated in the city and eastern Henrico, and the study enumerates all the ways in which the residents of minority-dominated neighborhoods have faced political, economic, educational, and environmental disparities.⁷²

The Commonwealth overlooked the ramifications that came with segregation of these neighborhoods, allowing both the federal government's loan program which led to redlining and localities' "urban renewal" programs to target Black communities as city leaders razed Black neighborhoods and businesses to make way for highways and other projects. And the General Assembly did nothing to curb polluting industries that tended to locate in Black and other economically disadvantaged neighborhoods.

White city councils neglected Black neighborhoods, leaving streets unpaved and unlit, and failing to build proper sewage and water lines and recreational facilities. In 1921, Roanoke's Black neighborhoods had no paved streets. In 1929, a Richmond Council of Social Agencies report noted that Black neighborhoods suffered from all of these issues and had substandard schools as well. By 1940, Richmond and Norfolk had what were considered to be the worst streets in the country. In addition, these White councils encouraged the building of facilities detrimental to health in Black areas. For example, Richmond built a trash burning plant and a landfill in Jackson Ward, the largest Black neighborhood. This also happened in a Black

⁷² The McGuire Woods Zoning and Segregation Workgroup, "Zoning and Segregation in Virginia Part 1," <https://media.mcguirewoods.com/publications/2021/Zoning-And-Segregation-In-Virginia-Study-Part1.pdf>, 4; Robert Pratt, 43; Krystyn Moon, "Rethinking Race, Housing, and Community: A History of Restrictive Covenants and Land Use Zoning in Alexandria, VA, 1900-1960s," Housing for all Project, <https://www.alexandriava.gov/sites/default/files/2023-03/Zoning-and-Covenants-KMoon-20230320.pdf>; Housing Opportunities Made Equal, "Excluded Communities," 11, <https://homeofva.org/wp-content/uploads/2019/01/excludedbooklet.pdf>.

neighborhood in Hopewell, where the neighborhood also lacked a functional sewage system up through the 1940s. The same was true across Virginia, which led to rat infestations, negative health indicators, and higher infant mortality rates. In formerly segregated neighborhoods, many of the negative health ramifications like lower life expectancy continue today. Moreover, often these areas are urban heat deserts like in Richmond, where the average temperatures can run five to twenty degrees higher as a result of lack of trees and parks. The 2019 HOME Study noted that 34 percent of minorities were located within close proximity of an environmental hazard like a landfill, brownfield, or superfund site, as opposed to 4 percent of White-dominant communities.⁷³

The immediate declines in segregated neighborhoods had far-reaching implications for Black wealth and homeownership, as well. During the 1930s, the Federal government created the Home Owners' Loan Corporation and Federal Housing Administration, which "graded" city neighborhoods by most secure through most risky places for banks to loan money. The "redlined" zones were graded a "D" for the least desirable places, and almost all Black neighborhoods in Virginia fell within these zones. As a result, Black Virginians found it much harder to secure loans for homes and businesses, saw a drop in their home values, and were unable to build wealth through homeownership. The effects can be seen through the twenty-first century; in 2017, potential Black homeowners were denied loans at a rate 80 percent higher than those of White homeowners. And often, as in Northern Virginia, Black citizens find themselves heavily burdened by rising rent costs; in that area, over half the residents' facing challenges with rent were not White.⁷⁴

⁷³ J. Douglas Smith, 49-50; Brent Tarter, *Grandeas of Government: The Origins and Persistence of Undemocratic Politics in Virginia* (Charlottesville: University of Virginia Press, 2013), 320-1; Christopher Silver, *Twentieth-Century Richmond: Planning, Politics, and Race* (Knoxville: University of Tennessee Press, 1984), 33; Eric Bonds, "Historical Environmental Injustice Excavation: The Intentional—and Illegal—Origins of Environmental Inequality in Hopewell, VA," *Environmental Justice* 15 (4), 2022, 4, <https://www.liebertpub.com/doi/10.1089/env.2021.0071>; Stephen Woolf, "Deeply Rooted: History's Lessons for Equity in Northern Virginia," 20-1, <https://novahealthfdn.org/resources/deeply-rooted-report>; McGuire Woods Zoning and Segregation Work Group, "Zoning and Segregation in Virginia Part 2," 2, <https://media.mcguirewoods.com/publications/2022/Zoning-And-Segregation-In-Virginia-Part2.pdf>; HOME Study, 18.

⁷⁴ Carmen Bolt et. al., "Redlining Virginia," <https://redliningvirginia.org/>; Robert Nelson, "Mapping Inequality: Redlining in New Deal America," <https://dsl.richmond.edu/panorama/redlining/>; Repair Lab, "Wading Between Two Titans," episode 2 transcript, <https://www.twotitans.org/>; Christopher Silver, 142-6, Stephen Woolf, 21-24.

Substandard infrastructure and the location of hazardous/undesirable industries combined with redlining to cause a decline in the overall property values of Black neighborhoods, which then affected decisions city leaders made about eminent domain and “urban renewal” in the late twentieth century. As in many other urban areas, when roads and highways needed to be expanded or built, city planners tended to run them through Black neighborhoods—this happened in Richmond, Northern Virginia, Norfolk, and Roanoke. In Roanoke, Black resident John Davis described the decimation of the Black communities of Kimball, Commonwealth, and Gainsboro to make way for the construction of I-581 and the coliseum as “complete obliteration.” In fact, today Roanoke is trying to reckon with the destruction of Black homes and businesses in these “urban renewal” projects, conducted in the mid-twentieth century.⁷⁵

The state of Virginia also involved itself in eminent domain issues that adversely affected Black communities. The General Assembly created the Richmond-Petersburg Turnpike Commission to build the connector that would eventually become a portion of I-95. The Commission’s plans took the road straight through Jackson Ward, destroying 700 homes and displacing 10 percent of the city’s Black population. It also sliced the historically Black Navy Hill community in half. It also took Black-owned land in historic Shockoe Bottom, built over a Black graveyard, and destroyed part of Lumpkin’s Slave Jail, a historically significant site that helped to shed light on the significance of White Richmond’s trade in enslaved people prior to the Civil War.⁷⁶

⁷⁵ John Davis, “Black Roanoke: Our Story,” <https://www.roanokeva.gov/DocumentCenter/View/1537/Black-Roanoke-Our-Story?bidId=>; Henri Gendreau, “Decades After Urban Renewal Razed Black Neighborhoods, Roanoke Prepares to Apologize,” *Roanoke Rambler* 19 December 2023, <https://www.roanokerambler.com/decades-after-urban-renewal-razed-black-neighborhoods-roanoke-prepares-to-apologize/>. For more information, see Repair Lab, episodes 2 and 3 transcripts; Steven Woolf, 16-26; Christopher Silver, 184-205; Elizabeth McGowan, “Two Virginia cities aim to reconnect neighborhoods isolated by long-ago highways,” USC Annenberg Center for Health Journalism, <https://richmondfamilymagazine.com/community/history/destroying-a-community-to-build-a-road/>

⁷⁶ “Destroying a Community to Build a Road,” *Richmond Family Magazine* 1 March 2022, <https://richmondfamilymagazine.com/community/history/destroying-a-community-to-build-a-road/>; Em Holter, “A Brief History of Richmond Referendums and the Fall of Apostle Town,” *Richmond Times-Dispatch*, 18 September 2023; City of Richmond, “Paths to Equity,” Injustices by Neighborhood, <https://rva.gov/path2equity>.

In addition, the Commonwealth's institutions of higher learning exploited disadvantaged Black communities in their bids to expand campuses in the late twentieth century. The extensions of William & Mary in Newport News (Christopher Newport University) was made possible by an all-White city council decision that simply evicted Black residents. The W&M extension in Norfolk (Old Dominion University) and the University of Virginia forced the sale of multiple Black-owned homes to make way for new college facilities. In many cases, when Black owners lost their homes to eminent domain, whether to highways, urban projects, or universities, they lost their access to using property to build wealth.⁷⁷

ANNEXATION AND GERRYMANDERING

In the twentieth century, annexation was a way city councils could limit the power of Black voters, which they did with the full support of the state court system. The General Assembly established a method for cities to annex surrounding county land that follows a specific process and ultimately goes to a special court established by the government to hear and approve the annexation. During the school desegregation movement, many cities experienced "White flight," which left Black majorities in urban areas. In 1969, Richmond city council members annexed about 23 square miles of neighboring Chesterfield County to maintain a White majority on the city council. The Petersburg city council annexed portions of Dinwiddie and Prince George County in 1971 for the same purpose. Both were approved within the state of Virginia, but plaintiffs filed lawsuits against both localities. Federal courts allowed the cities to keep the annexed land but required both cities to create district systems, rather than have an at-large vote determine city council members, in order to maintain equal representation.⁷⁸

⁷⁷ Louis Hanson, "Virginia Universities Have a Long History of Displacing Black Residents," <https://www.propublica.org/article/these-virginia-universities-expanded-by-displacing-black-residents>.

⁷⁸ William Martin and J.E. Buchholtz, "Annexation—Virginia's Dilemma," *Washington and Lee Law Review* 24:2 (Fall 1967), <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=3722&context=wlulr>; John Moeser and Rutledge Dennis, *The Politics of Annexation: Oligarchic Power in a Southern City* (Cambridge: Schenkman Publishing Co, 1982), available digitally at

Virginia also has a history of gerrymandering districts to preserve White voting power. Determining Congressional voting districts based on racial composition of the area violates the 14th Amendment's Equal Protection clause, and often federal officials step in to determine outcomes. In 1981 the House of Delegates redistricted the state in a way that the Justice Department determined broke apart Black majority districts, combining them with White-dominated districts. They had to come up with a new map that was approved in 1982. In 2011, a new redistricting plan began an almost decade-long battle over racial gerrymandering. Eleven of twelve new districts had Black populations of 55 percent. The Eastern District Court of Virginia ruled that these districts had been racially gerrymandered via packing, where legislators attempted to merge Black voters into a majority Black district to preserve White power in other districts. This decision of the Eastern Court was upheld by the US Supreme Court in 2017, and ultimately in 2019 the US District Court modified the map. Virginians ultimately ratified an amendment that created a council of citizens to redistrict, rather than allow the House of Delegates to do so.⁷⁹

<https://scholarship.richmond.edu/bookshelf/307/>; Brent Tarter, *Gerrymanders: How Redistricting Has Protected White Supremacy, and Partisan Minorities in Virginia* (Charlottesville: University of Virginia Press, 2019), 72-75.

⁷⁹ Brent Tarter, *Gerrymanders*, 76-78, 84-87, 88. Amy Howe, "Argument Preview: Virginia racial gerrymandering case returns to Supreme Court," SCOTUS Blog, 11 March 2019, <https://www.scotusblog.com/2019/03/argument-preview-virginia-racial-gerrymandering-case-returns-to-supreme-court/>.

CONCLUSION

Over the past two years, the Commission to Study Slavery has reviewed the long history of Virginia's role in creating a political, socioeconomic, and educational system in the Commonwealth that promoted and maintained inequity towards African Americans beginning in 1619. While many of these practices, such as slavery and de jure segregation, are a thing of the past, the legacies of these policies are pervasive even in the 21st century, albeit hidden within the language of racial euphemisms and past practices.

Our report sought to provide a brief overview of how, over 400 years, de facto and de jure slavery and discrimination impacted every aspect of American history and culture and harmed Blacks who used their agency to achieve freedom and equality. Yet, the template of racism continues to dominate throughout society, especially in education, healthcare, voting, economics, housing, and issues involving justice and equity. While our report only provides a brief summative view of these issues, the overall point is that African Americans continue being "othered" in American society. Renowned historian Eric Foner wrote that the very concept of freedom was defined by the existence of slavery: the "binary oppositions." For the American narrative, this resulted in historians "illuminating some parts of that reality while glossing over others, . . . obscuring the extent to which [these] ideas were concerned as mutually exclusive [and] ideologically connected."⁸⁰ This report seeks to amplify the impact that this long history of racism and inequity had on Virginia's Black residents and the enduring spirit that emerged among Blacks as a result.

⁸⁰ Eric Foner, "The Meaning of Freedom in the Age of Emancipation," *Journal of American History*, 81 (September 1994), 437.

Daylighting the real history of America and the Commonwealth of Virginia to the public is critical to this Commission's assignment. Nevertheless, legal and criminal justice studies conducted over the past thirty (30) years have uncovered irrefutable data that African Americans are more likely to be harassed, profiled, mistreated, or arrested more frequently by police than any other group. Ironically, after 400 years, even the freedoms that were fought for and guaranteed by laws are subject to change and interpretation, as clearly illustrated in today's political and judicial landscape. Moreover, studies show that African Americans are disproportionately prosecuted by the criminal justice system, incarcerated rather than paroled by the justice system, and given longer sentences or more often given the death penalty than their white counterparts by judges and magistrates.⁸¹ Even with these examples of ongoing systematic discrimination, segregation, and inequality, the story of Blacks in America is one of endurance, resilience, and hopefulness. The battle to be treated as a citizen, which began as soon as Africans were forcibly brought to the shores of Virginia, continues today.

⁸¹ Clayborne Carson, Emma Lapsansky-Werner, and Gary Nash, *The Struggle for Freedom: A History of African Americans* (New York: Pearson/Longman, 2007), 541-542.

APPENDIX A: Resources Related to the Study of Slavery and African American Racial and Economic Discrimination, Organized by Subject Area:

Economics:

- Baptist, Edward E. *The Half Has Never Been Told: Slavery and the Making of American Capitalism*. New York: Basic Books, 2014
- Beckert, Sven and Seth Rockman, eds. *Slavery's Capitalism: A New History of American Economic Development*. Philadelphia: University of Pennsylvania Press, 2016
- Berry, Diana Ramey. *Their Price For their Pound of Flesh: The Value of the Enslaved from Womb to Grave in the Building of a Nation*. Boston: Beacon Press, 2017.
- Finley, Alexandra. *An Intimate Economy: Enslaved Women, Work, and America's Domestic Slave Trade*. Chapel Hill: University of North Carolina Press, 2020.
- Garrett-Scott, Shennette. *Banking on Freedom: Black Women in U.S. Finance Before the New Deal*. New York: Columbia University Press, 2019.
- Heather A. O'Connell, The Impact of Slavery on Racial Inequality in Poverty in the Contemporary U.S. South, *Social Forces*, Volume 90, Issue 3, March 2012, Pages 713–734, <https://doi.org/10.1093/sf/sor021>
- Majewski, John. *Modernizing a Slave Economy: The Economic Vision of the Confederate Nation*. Chapel Hill: University of North Carolina Press, 2009.
- Marlowe, Gertrude Woodruff. *A Right Worthy Grand Mission: Maggie Lena Walker and the Quest for Black Economic Empowerment*. Washington, DC: Howard University Press, 2003.
- Rachleff, Peter J. *Black Labor in the South: Richmond, Virginia, 1865-1890*. Philadelphia: Temple University Press, 1984.
- Schermerhorn, Calvin. *The Business of Slavery and the Rise of American Capitalism, 1815-1860*. New Haven: Yale University Press, 2015.

[EH.net--Slavery in the United States](#)

Education:

- Daughterity, Brian J. *Keep on Keeping on: The NAACP and the Implementation of Brown v. Board of Education in Virginia*. Charlottesville: University of Virginia Press, 2016.
- Ely, James Jr. *The Crisis of Conservative Virginia. The Byrd Organization and the Politics of Massive Resistance*. Knoxville: University of Tennessee Press, 1976.
- Green, Hilary. *Educational Reconstruction: African American Schools in the Urban South, 1865-1890*.

New York: Fordham University Press, 2016.

Lassiter, Matthew D. and Andrew C. Lewis. *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*. Charlottesville, University Press of Virginia, 1998.

[Reece, Robert L. and Heather A. O'Connell. 2016. "How the Legacy of Slavery and Racial Composition Shape Public School Enrollment in the American South." *Sociology of Race and Ethnicity*.](#)

Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing Corporation, 2017

Williams, Heather. *Self-taught: African American Education in Slavery and Freedom*. Chapel Hill: University of North Carolina Press, 2005.

[Encyclopedia of Virginia--Desegregation in Higher Education](#)

[Encyclopedia of Virginia--Freedmen's Education in Virginia, 1861-1870](#)

[Encyclopedia of Virginia--Establishment of the Public School System in](#)

[Virginia Encyclopedia of Virginia--Rosenwald Schools](#)

[Encyclopedia of Virginia--Slave Literacy and Education in](#)

[Virginia Encyclopedia of Virginia--Desegregation in Public](#)

[Schools](#)

[Library of Virginia--Brown v. Board of Education resource](#)

Healthcare:

Dorr, Gregory Michael. *Segregation's Science: Eugenics and Society in Virginia*. Charlottesville: University of Virginia Press, 2008.

Gonaver, Wendy. *The Peculiar Institution and the Making of Modern Psychiatry, 1840-1880*. Chapel Hill: University of North Carolina Press, 2019.

Koste, Jodi L. *Artifacts and Commingled Skeletal Remains from a Well on the Medical College of Virginia Campus: Anatomical and Surgical Training in Nineteenth Century Richmond*, 2012.

Savitt, Todd L. *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia*. Urbana: University of Illinois Press, 1978.

Skloot, Rebecca. *The Immortal Life of Henrietta Lacks*. New York: Crown Publishers, 2010.

[Harvard Public Health--America is Failing Black Mothers](#)

[Remembering St. Philips Hospital](#)

Housing:

[Encyclopedia of Virginia--Slave Housing in Virginia](#)

Benjamin F. Teresa & Kathryn L. Howell (2020) "Eviction and Segmented Housing Markets in Richmond, Virginia, Housing Policy Debate," DOI: 10.1080/10511482.2020.1839937

[Housing Opportunities Made Equal of Virginia](#)

Justice & Equity

Acharya, Avidit, Matthew Blackwell, and Maya Sen. *Deep Roots: How Slavery Still Shapes Southern Politics*. Princeton, New Jersey: Princeton University Press, 2018.

Blackmon, Douglas A. *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*. New York: Anchor, 2009.

Campbell, James. "'The Victim of Prejudice and Hasty Considerations': The Slave Trial System in Richmond, Virginia, 1830-61." *Slavery and Abolition* 26 (April 2005): 71-91.

Edds, Margaret. *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team that Dismantled Jim Crow*. Charlottesville: University of Virginia Press, 2018.

Kamerling, Henry. *Capital and Convict: Race, Region, and Punishment in Post-Civil War America*. Charlottesville: University of Virginia Press, 2017.

Mancini, Matthew J. *One Dies, Get Another: Convict Leasing in American South, 1866-1928*. Columbia: University of South Carolina Press, 1996.

Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing Corporation, 2017

Schwarz, Philip J. *Twice Condemned: Slaves and the Criminal Law of Virginia, 1705-1865*. Baton Rouge: Louisiana State University Press, 1988.

Schwarz, Philip J. *Slave Laws in Virginia*. Athens: University of Georgia Press, 1996.

Tarter, Brent. *Gerrymanders: How Redistricting has Protected Slavery, White Supremacy, and Partisan Minorities in Virginia*. Charlottesville: University of Virginia Press, 2019.

"Elizabeth Hinton and DeAnza Cook, ""The Mass Criminalization of Black Americans: A Historical Overview""

Annual Review of Criminology Vol. 4:261-286 (Volume publication date January 2021)
<https://www.annualreviews.org/doi/10.1146/annurev-criminol-060520-033306>

[Montpelier.Org---Slavery and Constitution](#)

[EV--The Trial of Anthony Burns](#)

[Cohabitation Act of 1866](#)
[EV--Virginia Constitutional Convention \(1901-1902\)](#)
[EV--Ex Parte Virginia \(1880\)](#)
[EV--Fifteenth Amendment to the U.S. Constitution](#)

[EV--Virginia Constitutional Convention \(1901-1902\)](#)
[EV--Ex Parte Virginia \(1880\)](#)
[EV--Fifteenth Amendment to the U.S. Constitution](#)
[EV--Fourteenth Amendment to the U.S. Constitution](#)
[EV--Thirteenth Amendment to the U.S. Constitution](#)
[EV--Fugitive Slave Laws](#)

[EV--Loving v. Virginia](#)
[\(1967\) EV--Morgan v. Virginia \(1946\)](#)
[EV--Racial Integrity Laws \(1924-1930\)](#)
[EV--Vagrancy Act of 1866](#)
[EV--Virginia Slavery Debate of 1831-1832](#)
[Stanford Center on Poverty and Inequality](#)
[The Racist Roots of Virginia's Felon Disenfranchisement \(The Atlantic\)](#)

[Equal Justice Initiative](#)
[Pew Research Center--Slaver's Effects/Public Opinion](#)

Voting

Hayter, Julian. *The Dream is Lost: Voting Rights and the Politics of Race in Richmond, Virginia*. Lexington: University Press of Kentucky, 2017.

Holloway, Pippa. "'A Chicken-Stealer Shall Lose His Vote': Disfranchisement for Larceny in the South, 1874-1890," *Journal of Southern History*, Vol. 75, No. 4 (November 2009), 931-962.

Perman, Michael. *Struggle for Mastery: Disfranchisement in the South, 1888-1908*. Chapel Hill: University of North Carolina Press, 2001.

[Encyclopedia of Virginia--African Americans and Politics in Virginia \(1865-1902\)](#)
[EV--Disfranchisement](#)
[EV--John Mercer Langston](#)
[EV--Petersburg Convention of March 14, 1881](#)
[EV--Poll Tax](#)
[Voting Rights in Virginia: 1982-2006](#)

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[Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: W. W. Norton, 2003 c. 1975.](#)

Morgan, Philip D. *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry*. Chapel Hill: University of North Carolina Press, 1998.

Musselwhite, Paul, Peter C. Mancall, and James Horn, eds. *Virginia 1619: Slavery & Freedom in the Making of English America*. 1st printing. Williamsburg, Virginia / Chapel Hill, North Carolina: Omohundro Institute of Early American History and Culture and the University of North Carolina Press, 2019.

Stanton, Lucia. "Those Who Labor for My Happiness": Slavery at Thomas Jefferson's Monticello. Charlottesville: University of Virginia Press, 2012.

Taylor, Alan. *The Internal Enemy: Slavery and War in Virginia, 1772-1832*. New York: W.W. Norton & Company, 2013.

Thompson, Mary V. "The Only Unavoidable Subject of Regret": George Washington, Slavery, and the Enslaved Community at Mount Vernon. Charlottesville: University of Virginia Press, 2019.

Walsh, Lorena S. *Motives of Honor, Pleasure and Profit: Plantation Management in the Colonial Chesapeake, 1607-1763*. Chapel Hill: University of Virginia Press, 2010.

Recommendations from Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans

Enabling Legislation: § 2.2-2555 3. Recommend methods to promote educational awareness and identify ways to address the systematic and historical implications affecting the quality of life of a significant population of African American families in the Commonwealth. 4. Recommend appropriate ways to educate the public regarding the Commission's findings.

Economics:

1. Support for non-profit agencies and organizations who are working to reinvigorate Virginia's economics by working in homeownership/land-owning that are already doing the work.
1. Work to continue creating opportunities in VA's employment for diversity, especially focusing on Black Virginians.
2. Support Black-owned businesses and HBCUs. Make it possible for them to participate in the future of Virginia's economy.

Education:

1. Organize graduate and undergraduate students, and other organizations, to compile a comprehensive bibliography that delves into the history and evolution of education for African Americans in Virginia, highlighting key periods from the colonial era to the late 20th century.

Healthcare:

1. Fund initiatives that help to reduce disparities in health equities.
 - a. Finding existing local partners or other existing healthcare systems and conversion
2. foundations which are already doing the work.
 - b. Award healthcare foundation funds to do this work.
2. Innovating lines of communication on various physical and mental health issues

Justice & Legal Equity

1. Continue the work the General Assembly has already done to remove marks of discrimination in the Virginia Code.
2. Educate individuals at every level of law enforcement and educate individuals about their rights.
3. Support organizations already working on pathways of innovation, reentry, and reemployment.

Voting

1. Review the Virginia Department of Education's website on Everyday Civics under Teacher Resources to understand what K-12 students are learning about citizenship and their responsibilities as citizens.
2. Educate Virginians on the history of voter suppression tactics used to disfranchise Black voters in the past and what voter suppression looks like today.
3. Develop public service campaigns for social media, television, radio, etc. that support public and private organizations, families, etc. on how to encourage civic engagement at all age levels