

June 3, 2020

Introduction

It is fitting and proper for the people of the United States of America to dedicate, erect and solemnize a memorial to the slaves who were captured in Africa; brought to the United States; and, enslaved in the United States as well as their many offspring prior to and subsequent to the nation's founding in 1776 with the Declaration of Independence. The United States is strong enough that it can recognize its flaws and continue to thrive as a united nation of one people.

Slavery

The term "slavery" can be applied to different conditions and that something is "like slavery," but the slavery exercised in the United States before and after her founding was of a different and more brutal form of slavery as it dehumanized the slave, versus the type practiced for millennia of victor and vanquished. What is a slave? The New World Dictionary of the American Language defined a slave as: "1. a human being who is owned by and absolutely subject to another human being, as by capture, purchase, or birth; bond servant divested of all freedom and personal rights."¹ "Slavery" was defined as: "1. the owning or keeping of slaves as a practice or institution; slaveholding."² Slavery was not invented on these shores. Slavery has been around for millennia. The Bible story of *Exodus* tells the story of Moses leading the Jews out of slavery under the Pharaoh in Egypt. There is slavery across the world today that receives less attention than it should and involves millions more people than the four million slaves in the United States at the outbreak of the Civil War in 1861.³ This number of slaves had increased from about 400,000.⁴ The number of slaves in the United States after independence from Great Britain increased by birth and the expansion of the international slave trade from Africa but also from the West Indies. What made slavery particularly shocking in the United States was the absence of the rights of a family or

¹ The World Publishing Company, Cleveland, 1964, p. 1370.

² Id.

³ "Slavery by the Numbers," *TheRoot*, Gates, Henry Louis, Jr., 2/10/2014

⁴ Id.

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marriage. “The crushing weight of slavery fell on black women. Under it there was no legal marriage, no legal family, no legal control over children.”⁵ Slavery features a “human being who is owned by and absolutely subject to another human being.” Consider an advertisement for an escaped slave: “[o]ne hundred dollars reward will be given for my two fellows, Abrams and Frank. Abrams has a wife at Colonel Stewart’s, in Liberty County, and a mother at Thunderbolt and a sister at Savannah. William Roberts.”⁶ There is an example of a family split in three, potentially four different locations. “These wretched are to be sold singly, or in lots, to suit purchasers. They are food for the cotton-field and the deadly sugar-mill. Mark the sad procession as it moves wearily along, and the inhumane wretch who drives them. Hear his savage yells, and his blood-chilling oaths, as he hurries on his affrighted captives. There, see the old man, with locks thinned and gray. Cast one glance, if you please, upon that young mother, whose shoulders are bare to the crouching sun, her briny tears falling on the brow of the babe in her arms. See, to that girl of thirteen, weeping, yes, weeping, as she thinks of the mother from whom she has been torn.”⁷ This is the inhumanity of slavery in America whose recitation can go on for volumes.

Slavery “violates the great law of liberty, written on every human heart —”⁸ So said Frederick Douglass. “Absolute and arbitrary power can never be maintained by one man over the body and soul of another man, without brutal chastisement and enormous cruelty.”⁹ “To talk of kindness entering into a relation in which one party is robbed of wife, of children, of his hard earnings, of home, of friends, of society, of knowledge, and of all that makes this life desirable, is most absurd, wicked, and preposterous.”¹⁰ Slavery in Brazil prior to the American Revolution, for example, was different than in America as marriage and family were legally recognized and families could be kept together in

⁵ “The Damnation of Women,” *DuBois The Crisis, Writings*, DuBois, W.E.B., The Library of America, New York, 1986, p. 956.

⁶ *Id.*

⁷ “The Infernal Slave Trade,” *Autobiographies*, Douglass, Frederick, The Library of America, New York, 1994, pgs. 436-437.

⁸ “My Bondage and My Freedom,” *Appendix, Autobiographies*, Douglass, p. 426

⁹ *Id.*

¹⁰ *Id.*

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Brazil. By tearing at the natural bonds of family under slavery in the United States, this already inhumane practice of humanity was compounded and serves as another reason to honor the wrong of slavery in the United States with a national memorial.

W.E.B. DuBois had examined the state and federal records of slavery in the United States as a young college graduate and wrote later in life in 1920 that he would forgive the white South for “its slavery, for slavery is a world-old habit; I shall forgive its fighting for a well-lost cause, and for remembering that struggle with tender tears; I shall forgive its so-called ‘pride of race,’ the passion of its hot blood, and even its dear, old, laughable strutting and posing; but one thing I shall never forgive, neither in this world nor the world to come; its wanton and continued and persistent insulting of the black womanhood which it sought and seeks to prostitute to its lust.”¹¹

The rationalizations of the Slave Power for slavery and the dehumanization of the black slave, nearly brought the entire nation down a bottomless pit. But some citizens did what was right in small steps. The Slave Power, for example, did not want a slave to be baptized, for to be brought into the Christian church would make the slave a brother and sister in the church! Whereas the Slave Power preferred to keep the slave “beyond the circle of human brotherhood.”¹²

We should not pretend, as some of our history books counseled us to believe in school or college, that the Civil War was about an industrial north and an agrarian south having a difference of opinion. In the words of W.E.B. DuBois, this was not a struggle about “Union” or about “State’s Rights,” the [Civil] war was about slavery.¹³ While Abraham Lincoln did not believe in slavery, his first goal was to preserve the union. Without a union there was no hope to end slavery as the southern states would have gone their own way as an independent nation. Only as one nation could slavery be ended on these shores. In the opinion of W.E.B. DuBois, “Abraham Lincoln was perhaps the greatest figure of the nineteenth century. Certainly of the five masters, - Napoleon, Bismarck, Victoria, Browning and Lincoln, Lincoln is to me the most human

¹¹ “The Damnation of Women,” *Essays, Writings*, DuBois, p. 958

¹² “Vast Changes,” *Autobiographies*, Douglass, p. 820

¹³ “The Propaganda of History, p. 1031.

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and lovable. And I loved him not because he was perfect but *because he was not and yet triumphed*. The world is full of illegitimate children. The world is full of people whose taste was educated in the gutter. . . . To these I love to say: See this man. He was one of you and yet he became Abraham Lincoln.”¹⁴ And as if giving advice to the politically correct today, Mr. DuBois continues: that “[t]he difficulty is that ignorant folk and inexperienced try to continually to paint humanity as all good or all evil. Was Lincoln great and good? He was! Well then all evil alleged against him are malicious lies, even if they are true.”¹⁵ “The scars and foibles and contradictions of the Great do not diminish but enhance the worth and meaning of their upward struggle; it was the bloody sweat that proved the human Christ divine; it was his true history and antecedents that proved Abraham Lincoln a Prince of Men.”¹⁶

And while some history books have downplayed the hell that was slavery, Frederick Douglass, born a slave and died a freedman, gives us a sense of the physical and mental anguish of slavery for the slave. Mr. Douglass countered the argument of those in America who wanted to lessen the crimes of slavery with the excuse that it was in the interest of most slave owners to be a "good" slave owner. And a "good" slave owner would give their slaves adequate clothing, food and shelter, so as to protect their "investment" and get more work out of their slave. Frederick Douglass made the point that he would prefer the whip of the cruel master where the slave would be kept at the edge of death. In such a state, the slave only asks for life and thinks of nothing else. When you have adequate clothing, food and shelter, a man or woman slave then asks him or herself: "Why am I chattel?" "What have I done, that I am not allowed to learn to read or write?" "I am your brother, I am your sister, you have no right to bind me." So for Frederick Douglass, the mental anguish of being able to question and contemplate your human condition is worse than being held at the edge of death, where all you seek is life, is a tactic of tyrants immemorial.

This great American, Frederick Douglass, who had endured the indignities and hardships of slavery in Maryland but was able to escape to the North at about age 19 or

¹⁴ “Again Lincoln,” *The Crisis, Writings*, Dubois, p. 1198.

¹⁵ *Id.*, p. 1199.

¹⁶ *Id.*

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20 in 1838 has many useful insights into what the institution was in the United States. Arriving in a free state did not guarantee an escaped slave liberty as the master could use the court systems of a free state to retrieve their “chattel” or “property.” Nonetheless, Frederick Douglass persevered as a leading abolitionist prior to the Civil War and spoke across the free states in opposition to slavery. He was the first official black visitor to the White House during the administration of Abraham Lincoln. His letter “To My Old Master, Thomas Auld,” contains a level of humanity that is infrequently found amongst our fellow citizens. It states in part: “How, let me ask, would you look upon me, were I, some dark night, in company with a band of hardened villains, to enter the precincts of your elegant dwelling, and seize the person of your own lovely daughter, Amanda, and carry her off from your family, friends, and all the loved ones of her youth—make her my slave—compel her to work, and I take her wages—place her name on my ledger as property—disregard her personal rights—fetter the powers of her immortal soul by denying her the right and privilege of learning to read and write—feed her coarsely—clothe her scantily, and whip her on the naked back occasionally; more, and still more horrible, leave her unprotected— a degraded victim to the brutal lust of fiendish overseers, who would pollute, blight and blast her fair soul—rob her of all dignity— destroy her virtue, and annihilate in her person all the graces that adorn the character of virtuous womanhood? . . . Yet sir, your treatment of my beloved sisters is in all essential points precisely like the case I have now supposed. . . . I will now bring this letter to a close: . . . I shall make use of you as a means of exposing the character of the American church and clergy—and as a means of bringing this guilty nation, with yourself, to repentance. In doing this, I entertain no malice toward you personally. There is no roof under which you would be more than safe than mine, and there is nothing in my house which you might need for your comfort, which I would not readily grant. Indeed, I should esteem it a privilege to set you an example as to how mankind ought to treat each other.”¹⁷

“[S]lavery is wicked—wicked, in that it violates the great law of liberty, written on every human heart—wicked in that it violates the first command of the decalogue—

¹⁷ “My Bondage and My Freedom,” *Autobiographies*, Douglass, appendix, p. 418,

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wicked, in that it fosters the most disgusting licentiousness—wicked, in that it mars and defaces the image of God by cruel and barbarous inflictions—wicked, in that it contravenes the laws of justice, and tramples in the dust all the humane and heavenly precepts of the New Testament.”¹⁸

An Imperfect Revolution

The Declaration of Independence, signed on July 3-4, 1776, declared in part that “these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the state of Great Britain, is and ought to be totally dissolved”¹⁹ The battle for independence had already begun the year before in 1775 in Concord, Massachusetts on April 19, 1775 when the British tried to disarm a Continental militia. What started in 1775 as a struggle for the “rights of an Englishman” turned into a struggle for independence by 1776. The Declaration of Independence was primarily drafted by a young thirty-three year old Thomas Jefferson. Thomas Jefferson would later become the third president of this young republic.

The second paragraph of the Declaration of Independence, states: “[w]e hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness, Prudence”²⁰ The document continues and touches on our nation’s birth as one of immigrants that the king has “endeavored to prevent the Population of . . . ; for that Purpose obstructing the Laws for Naturalization

¹⁸ “My Bondage and My Freedom” appendix, Douglass, p. 426

¹⁹ U.S. Declaration of Independence, therefore clause

²⁰ Declaration of Independence, para. 2

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of Foreigners; refusing to pass others to encourage their Migrations hither”²¹ The king “has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.”²² He has “quarter[ed] large Bodies of Armed Troops among us . . . [and] protect[ed] them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States”²³ Other complaints against the King of England were: “[f]or cutting off our Trade with all Parts of the World;” “[f]or imposing Taxes on us without our Consent;” “[f]or depriving us, in many Cases, of the Benefits of Trial by Jury;” “[f]or transporting us beyond Seas to be tried for pretended Offenses;” “[f]or taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;” “[f]or suspending our own Legislatures, and declaring themselves invested with Power to Legislate for us in all Cases whatsoever;” and “plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People;” amongst other offenses. “Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.”²⁴ The signers declared “[t]hat these United Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, Free and Independent States”²⁵ The signers finished that they “mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.”²⁶ It is not an understatement to say that they pledged their lives as this Declaration of Independence was treason to Great Britain, which could have been punished by death.

Slavery existed in this newly independent country, pending a successful resolution of their war with England, not just in the southern states but also in New York and New Jersey. Was slavery going to change the decision of the thirteen original colonies to declare their independence together as a group of thirteen colonies? No.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

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They were stronger together than apart. The institution of slavery would not stop this revolution but it almost destroyed it.

Practitioners of something called “presentism” try to dismiss the significance of the American Revolution because slavery existed in the Colonies and was allowed to continue in parts of the Union. The institution was not rendered illegal by the Declaration of Independence, the Articles of Confederation or the 1787 Constitution and Bill of Rights, but that is to miss the significance of the Revolution.

One should not ask the practitioners of “presentism” today whether the American Revolution was significant but rather the opinion of people who lived at the time of slavery and experienced America’s experiment in democracy, such as Frederick Douglass, W.E.B. DuBois, Sojourner Truth, Harriet Tubman and Abraham Lincoln. The failure of the thirteen original colonies to act in concert as one nation invited the potential machinations of the European powers of Great Britain, France and Spain and to a lesser degree The Netherlands and Portugal to split off and form alliances with one or more colony to the detriment of the other colonies. That was the stock in trade of great powers of Great Britain, Russia, France, Austria, Spain and Portugal and none of those nations forbade slavery in 1776.

The Declaration of Independence, however, was just that: a declaration of independence. It was not a plan on how these thirteen colonies, at war with a great power, Great Britain, and trying to get another great power, France, to lend a hand against Great Britain, would run themselves. Instead from the time of the Declaration of Independence in July, 1776 until November 1777 the thirteen colonies debated, drafted and approved the Articles of Confederation by the Second Continental Congress on November 15, 1777. The Articles were then sent to the legislatures and governors of the Thirteen Colonies for ratification. These Articles came into effect on March 1, 1781, after all Thirteen Colonies had ratified them.²⁷ These articles recognized and preserved the sovereignty of the thirteen states. The central government was weak. In fact they called the Articles of Confederation: the “states’ league of friendship”²⁸ The central

²⁷ *Articles of Confederation*, en.m.wikipedia.org, accessed 27 May 2020

²⁸ Id.

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government continued to direct the war effort, conducted diplomacy with foreign states and dealt with Native American relations. The central government was purposefully weak and proved ineffective to cope with numerous issues.

An armed rebellion in 1786-1787 in Western Massachusetts, led by Daniel Shays, a Revolutionary War veteran, changed the perspective on the efficacy of the Articles of Confederation when the rebels tried to seize weapons from an armory in Springfield, Massachusetts. The rebels sought to overthrow the government of Massachusetts concerning taxes and debt collections, amongst other issues. The assault on the armory failed and Shay's Rebellion was put down by a private militia as well as militia members of the Commonwealth of Massachusetts. This rebellion hastened the formation of the Second Constitutional Convention at Philadelphia in 1787.

Consider that the Articles of Confederation allowed the national Congress to regulate and fund a Continental Army but that same Continental Congress couldn't make the states pay for the Continental Army.²⁹ The Articles proved inadequate to the task of this league of fourteen sovereign states. A representative of the national government couldn't even negotiate a treaty with another nation on navigation or trade, and know whether one of the fourteen states would actually ratify that treaty and honor it? In addition, money printed by the central government became worthless. A government can print money, but if people don't recognize the currency as credible, then it has no value.

A convention was called by the fourteen states to amend the Articles of Confederation at Philadelphia. The convention took place from May 25 - September 17, 1787.³⁰ While originally some delegates arrived thinking that they would work on amending the Articles of Confederation, other delegates believed that a whole new document needed to be drafted, and that is what ultimately transpired.

With the addition of Vermont, there were fourteen states, both slave and free. New York and Virginia were populous. Rhode Island, Delaware and Vermont, on the other hand, had small populations. For the populous states, The *Virginia Plan* would

²⁹ "Presidents of Congress," *Articles of Confederation*, wikipedia.org, accessed 27 May 2020

³⁰ "Constitutional Convention (United States), wikipedia.org, accessed 27 May 2020

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place most of the power with states that had large populations as the national legislature would be selected by votes per eligible voter. The *New Jersey Plan*, on the other hand, would give states equal weight based on their status as a sovereign state. The *New Jersey Plan* was unpopular with the delegates of Virginia and New York, for example, as the small states would have an equal say to states with larger economies and populations. Connecticut came to the rescue with the *Connecticut Compromise* based on the framework of Connecticut's own government. Connecticut had two legislative bodies. One, the senate, represented areas based on towns and the other, the house, sent representatives based on population. This would become the blueprint for our senate with two senators for each state and the house which sent representatives based on the population of a state.

Eleven years after the Declaration of Independence, would anything be done about slavery? Would this blemish on the nation's founding be eliminated? How would the sovereign states that had slavery respond to requests of free states to abolish the practice? Could it be made a condition of the new constitution? Would the Slave Power voluntarily relinquish its power over other human beings? What was the likelihood that the slave states, which still included New York and New Jersey, in addition to the states south of Pennsylvania would abandon slavery? By sheer number of states in 1787, there were seven slave states, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, and seven free states, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire and Vermont. Slavery, however, was not outlawed with the drafting of the Constitution, but it was given a deadline of twenty-one years.

A rationale offered by W.E.B. DuBois for the failure to outlaw slavery in the Constitution is a reason but not an excuse: "As the [Revolutionary] war slowly dragged itself to a close, it became increasingly evident that a firm moral stand against slavery and the slave trade was not a probability. The reaction which naturally follows a period of prolonged and exhausting strife for high political principles now set on. . . and all the

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selfish motives that impelled a bankrupt nation to seek to gain its daily bread did not long hesitate to demand a reopening of the profitable African slave-trade.”³¹

The Constitution itself does not contain the flowery language of the natural rights of man such as speech, press, property, assembly, religion, the right to bear arms, right to trial by jury, and the right from arbitrary searches and seizures, to name a few. Instead, those are contained in the Bill of Rights which are the first Ten Amendments to the Constitution. Rather, the Constitution is mostly the nuts and bolts of the three branches of government, the legislative, the executive and the judicial. Each branch would impose a check and balance on the power of the others. Who could become a congressperson, senator, president or judge?

In determining how the population of a state would be counted, the Slave Power, who did not contemplate giving the vote to a slave nor the rights of a human being, nonetheless wanted to have their congressional delegation increased by the number of slaves in their states. At the time of the convention there were approximately 400,000 blacks in the fourteen states. By the time the Slave Power attempted a coup d’etat to take half the states out of the union in 1861 so that the slave would never be free, there were approximately 4,000,000 blacks in the United States. The compromise in the drafting of the Constitution was that each slave would count for 3/5ths of a person.³² The Constitution termed it as “three fifths of other persons.” This came after excluding “Indians not taxed” and “those bound to Service for a Term of Years.”³³ The “Service for a Term of Years” was another name for an indentured servant who had contracted to work for a number of years in exchange for the expense of being brought to the United States and their food and board whilst working for that person. At the expiration of that number of years, the person acquired their full freedom.

Even with the slave states equal in number to the non-slave states at seven apiece and the slave states numerically superior in population to the smaller free states, the anti-slavery voice was not lost at the Philadelphia Convention. At Article 1 Section 9,

³¹ The Suppression of the African Slave Trade to the United States of America 1638-1870, p 54-55

³² U.S. Constit., Art. 1, Sec. 2

³³ Id.

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the United States Constitution the language stated: “[t]he Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight [1808]”

Where does the number twenty-one come from? As humans we have numbers that we like to use. When there is a couple, it is as two, where three is a crowd. Three can represent the holy trinity of God: the father, son and Holy Ghost. We have twelve for a dozen eggs. There are twelve months in the year. Somebody made up a “baker’s dozen” of thirteen, although thirteen is sometimes seen as an unlucky number, but we will take an extra pastry, if it is free. So where could twenty-one come from?

In studying for the law, a law student learns about different areas of the law, which includes trusts and estates and property law. There one learns of such things as “life estates,” where somebody might give a property away or sell it but retain a life estate for themselves. This means that a person can use the property as long as they live, but after they die it goes automatically to the person to whom was given the remainder property interest. Lands could be left to one’s children and then grandchildren, but at some point, land could become so encumbered by restrictions and reversions to others that the land is not being used fully to benefit society in the here and now. Society needed the land to grow food, lumber or feed animals for the sustenance and prosperity of the citizenry. If land is tied up for too long it loses value to society. So a rule developed in the English common law called “The Rule Against Perpetuities.” It basically says that a property must vest in someone after a life in being at the time of the creation of the interest plus twenty-one years. It started in a common law case of Duke of Norfolk’s Case in 1682.³⁴ The rule against perpetuities prevents the imposition of constraints on property twenty-one years beyond a life in being when the interest is created. If we apply this twenty-one year standard to the Constitution, the framers were saying that the inhumane shipping of slavery into the United States would die in 1787 plus twenty-one years to 1808 after which it could be made illegal to import

³⁴ 3 Ch. Cas. 1, 22 Eng. Rep. 931, (Ch. 1682), cited in, “Rule Against Perpetuities,” [wikipedia.com](https://www.wikipedia.com), accessed 27 May 2020

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slaves. Perhaps the Slave Power thought that it would have enough power in the Congress to prevent any action against slavery?

“[S]lavery is wicked—wicked, in that it violates the great law of liberty, written on every human heart—wicked, in that it violates the first command of the decalogue [The Ten Commandments] — wicked, in that it fosters the most disgusting licentiousness—wicked, in that it mars and defaces the image of God by cruel and barbarous inflictions—wicked, in that it contravenes the laws of eternal justice, and tramples in the dust all the humane and heavenly precepts of the New Testament.”³⁵

The Act of 1807 and the Response of the Slave Power

The imperfect Constitution of 1787, which was ultimately ratified by sufficient states, protected slavery for twenty-one years and then the importation of slaves could be prohibited beyond 1808. The Act of 1807 was passed in 1807 and prohibited “the importation of Slaves into any port or place within the jurisdiction of the United States, from and after [January 1, 1808].³⁶ The Act of 1807 was to stop the importation of slaves into the United States, which required funding for interdiction ships to be run by the federal government to stop slave traders out of Boston, Massachusetts, for example. These slavers continued to land human cargo from Africa on the shores of Florida and Texas and other southern states or territories. The Slave Power helped its own cause by starving appropriations at the federal level for slave interdiction ships. The Act of 1807 provided for three basic penalties for engaging in the slave trade: (1) freeing of the human cargo; (2) seizing and forfeiture of the slaver ship; and, (3) death penalty for the captain. As explained by W.E.B. DuBois, the slaves were often returned to Spanish possessions, returned to Africa or freed in free states.³⁷ The ships would be held by a marshall or impounded but then ultimately find their way back into the slave trade. And the captains were never put to death until the administration of Abraham Lincoln. “ Five vessels being fitted out for the slave trade have been seized and condemned. Two

³⁵ “My Bondage and My Freedom,” Douglass, Frederick, *Autobiographies*, p. 426

³⁶ “Suppression of the Slave Trade,” Appendix B, *Writings*, DuBois, p. 253

³⁷ *Id.*, Appendix C, “Typical Cases of Vessels Engaged in the American Slave Trade, 1619-1864”

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mates of vessels engaged in the trade, and one person in equipping a vessel as a slaver, have been convicted and subjected to the penalty of fine or imprisonment, and one captain, taken with a cargo of Africans on board his vessel, has been convicted of the highest grade of offense under our laws, the punishment of which is death.”

“President Lincoln’s Message, Dec. 3, 1861,”³⁸

The Slave Power kept money appropriated for federal interdiction ships at low levels such as \$5,000, \$20,000 and \$6,000, per year, for example, until a new Congress and President Lincoln appropriated \$900,000 for interdiction in 1861.³⁹

The international slave trade started to become illegal in 1802 with Denmark outlawing it followed by the United States and Great Britain in 1807, Sweden in 1813, the Netherlands in 1814, Spain (north of the equator) in 1817, France, 1818, Spain, 1820, Brazil, 1829, and Portugal, 1830. The Act of 1807, however, did not make slavery illegal within the United States nor in her territories to the West. It did, however, make the international slave trade illegal, if the slaver ships could be caught. An example would be the seizure of the Spanish slave ship *La Amistad* off the American coast in 1839 after the captive slaves had taken over the ship off of Cuba. The District Court in Connecticut ruled that the Mende people on board had been kidnapped and were being transported contrary to international law. The captives were justified in fighting for their freedom. The United States Supreme Court affirmed the lower court ruling but not that the Mende would be returned to Africa at government expense.⁴⁰ Ultimately, funds were separately raised and thirty-five Mende, who wanted to return to Sierra Leone, were sailed back.⁴¹

Perhaps the most significant examination of the legal underpinnings and later efforts at suppressing the slave-trade was performed by W.E.B. DuBois, whilst a Rogers Memorial Fellow at Harvard University. His work was titled “The Suppression of the African Slave-Trade to the United States of America 1638-1870.” At the end of this

³⁸ *Senate Exec. Doc., 37 Cong. 2 secs. 1. No. 1, p. 13, cited in*, “Suppression of the Slave-Trade,” *Appendix B, Writings*, DuBois, p. 300-301.

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⁴⁰ “United States v. The *Amistad*,” wikipedia.org, accessed 27 May 2020

⁴¹ *Id.*

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exhaustive study are two appendices of significance: “Appendix A. A Chronological Conspectus of Colonial and State Legislation Restricting the African Slave-Trade. 1641-1787,” and “Appendix B. A Chronological Conspectus of State, National, and International Legislation. 1788-1871.”⁴² Appendix A showed that prior to 1776, there were records of legislation to restrict or prohibit the importation of slaves for colonies such as Connecticut, Rhode Island and Virginia. And then after 1776 legislation to prohibit or restrict slavery is cited for states such as Massachusetts, Pennsylvania, Vermont, Delaware, Virginia, New York and others. But the slave-trade persisted.

Mr. DuBois quoted President James Madison’s message before Congress on December 3, 1816 saying in part: “The United States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffick (sic), cannot but be gratified at the progress, made by concurrent efforts of other nations, towards a general suppression of so great an evil.”⁴³ But the Act of 1807 itself had shortcomings. And try as opponents might, the Slave Power kept importing more slaves as well as the natural increase through the offspring of the slaves already in the United States. The Slave Power also pushed westward into new territories purchased from Spain and France or taken from Native Americans. The Missouri Compromise of 1820 admitted the State of Maine as a free state and the State of Missouri as a slave state, thereby maintaining an even split of 11 states on each side. It also provided that no new territory, other than Missouri, above the 36 30’ parallel would be admitted as a slave state.

The Southern Slave States insisted that under “state sovereignty” they had the right to determine what happened within their individual states. They pushed that to extend to new territories.⁴⁴ For all of the laws and statutes passed to restrict the international slave trade and restrictions on the slave-trade and slavery within the United States, the amount of slaves in the United States grew almost ten-fold from 400,000 in

⁴² “Writings,” DuBois, pgs. 199-305

⁴³ *Id.*, *Appendix B*, p. 255

⁴⁴ “Emancipation and Equal Rights: Politics and Constitutionalism in the Civil War Era,” Belz, Herman, W.W. Norton & Company, New York, 1978, first ed., p. 1

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1787 to 4 million in 1860. The coming confrontation between the slave and free states was reflected in the saga of “Bleeding Kansas” of the 1850s with “years of electoral fraud, raids, assaults, and retributive murders carried out in Kansas and neighboring Missouri by pro-slavery ‘Border Ruffians’ and anti-slavery ‘Free-Staters.’”⁴⁵ The core question was whether the Kansas Territory would allow or prohibit slavery? John Brown, an abolitionist from Torrington, Connecticut, arrived in Kansas with armed volunteers to oppose the Slave Power and led the Pottawatomie Massacre in Kansas where five slavery supporters were killed.⁴⁶ His volunteers also partook in the Battle of Black Jack and Battle of Osawatomie in that same year of 1856.⁴⁷ He continued in 1859, with thirteen other white men and five black men to invade the town of Harper’s Ferry at the confluence of the Potomac and Shenandoah rivers in Virginia and “took possession of the arsenal, rifle factory, armory, and other government property at that place, arrested and made prisoners of nearly all the prominent citizens in the neighborhood, collected about fifty slaves, put bayonets into the hands of such as were able and willing to fight for their liberty, killed three men, proclaimed general emancipation, held the ground more than thirty hours”⁴⁸ U.S. troops under the command of Colonel Robert E. Lee took back the town within thirty-six hours, with the defenders killed, wounded or captured. Captain John Brown was grievously wounded, but instead of dying a martyr or being rescued by his supporters he was carted off to Charlestown, Virginia, “where before his wounds were healed, he was brought into court, subjected to a nominal trial, convicted of high treason and inciting slaves to insurrection, and was executed.”⁴⁹ This was seen as a last straw for slave states. His facilitators and co-conspirators must be hunted down!

Formation of the Republican Party

⁴⁵ “Bleeding Kansas,” [wikipedia.org](https://www.wikipedia.org), accessed May 28, 2020

⁴⁶ “John Brown (abolitionist),” [wikipedia.org](https://www.wikipedia.org), accessed May 28, 2020

⁴⁷ Id.

⁴⁸ “Life and Times: Demands of the Slave Power,” Douglass, Frederick, p. 747

⁴⁹ Id.

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And who in the free states opposed slavery and how would they slow its march and curtail its expansion? The annexation of the Texas territory by the United States government in 1845 as a slave territory below the 36 30' parallel had been opposed by northern states and politicians as it would expand the slave power versus those opposed to slavery. According to former U.S. Senator Hugh Gregg the annexation of the Texas territory was the defining moment for Amos Tuck of New Hampshire to split from the Democratic Party of New Hampshire, as that Democratic Party had refused to re-nominate his Congressman friend John P. Hale to run for Congress. Congressman Hale had opposed slavery and the annexation of Texas as a slave territory.⁵⁰ Amos Tuck had also been thrown out of the Democratic Party in 1844 for his opposition to slavery.⁵¹ On January 7, 1845, Congressman Hale wrote a letter to his "Democratic-Republican electors" on why he refused to vote for the annexation of Texas and the expansion of slavery. On February 22, 1845, Amos Tuck called for a convention to support Congressman Hale and oppose the extension and perpetuation of slavery. The convention was held at the First Congregational Church of Exeter, New Hampshire, where he obtained 263 signatures.⁵²

Prior to the formation of the Republican Party in the 1850s, the Whig Party and Free Soil Party had opposed slavery and the Democratic Party. On March 1, 1854, Alan E. Bovay called a meeting in Ripon, Wisconsin to bring together smaller parties that opposed slavery. After the Kansas-Nebraska bill was passed, which would allow the citizens of new states to decide whether they would be slave or free and a refutation of the Missouri Compromise of 1820, a second meeting was held at Ripon, Wisconsin and the name "Republican" Party was adopted for a new party opposed to slavery and its expansion.⁵³ The small white schoolhouse where they met is now on the List of Registered Historic Places.

This is not to belittle the claim of Jackson, Michigan as a birthplace of the Republican Party. On July 6, 1854, a convention of anti-slavery men met to form a new

⁵⁰ "Birth of the Republican Party," 1995, p. 5

⁵¹ Id.

⁵² Id.

⁵³ ProjectWisconsin.com

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political party. They met under an oak tree on a hot summer day and nominated a slate of state-wide candidates who subsequently won most of the seats that they ran for that fall of 1854.

Opposition was not limited to one geographic area in the northern states. In fact, the Republican Party was the first “woke” party. Using this term is not to give any deference to the politically correct who today cast about demanding that people be “woke,” and that they fancy themselves “woke,” but rather for them to reconsider their conceit as they exhibit intolerant tendencies vis-a-vis people different from themselves or their political views. Early Republicans before the Civil War included the “Wide-Awakes,” who provided a modicum of protection for Republican candidates for their anti-slavery positions from Democrat mobs that would try to prevent their speeches. The Democratic Party was strong in the District of Columbia and harassed Republicans and even invaded and vandalized the local Republican club headquarters, which had been established in 1855, which same club worked diligently until the election of President Lincoln in 1860 to elect Republicans.⁵⁴

“In political struggles in the 1850s proslavery forces took actions that northerners regarded as lawless and coercive. Congressional gag rules, the mobbing of abolitionist speakers, interference with the mails and denial of free speech in the South, fugitive slave recaptures which abrogated free states’ due process of law, the reliance on fraud and violence in the attempt to establish slavery in Kansas [and] *the caning of* [Republican] *Massachusetts Senator Charles Sumner in the Senate chamber.*”⁵⁵ It was these types of tactics of intolerance that Republican speakers around Washington, D.C. needed the protection of the Wide-Awakes for in order to be heard.

Ultimately it took the formation of the Republican Party and the election of their candidate, Abraham Lincoln, in 1860 to bring the struggle between the Slave Power and the rest of the nation to a head.

⁵⁴ At a re-union in January, 1899, for members of the 1855-60 Republican Club, Lewis Clephane gave “a hearty welcome to all the surviving members of the Republican Association of 1855-1860, and the Wide-Awakes also.”

⁵⁵ “Emancipation and Equal Rights,” p. 3

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Further Inroads by the Slave Power

The Slave Power would not voluntarily stop. The Dred Scott decision of the United States Supreme Court in 1857 was yet another dismal chapter in the history of slavery in the United States. Mr. Dred Scott was born a slave in 1799 in Virginia and worked as a slave in Alabama, Missouri and Illinois, amongst other states. Mr. Scott married Harriet Scott and they had children, even though marriage amongst slaves was not recognized in slave states. After Mr. Scott's offer to his owner to allow him to purchase his own freedom was denied, he brought an action in St. Louis, Missouri to assert his claim of freedom for having lived in a free state or territory. There was case law in Missouri dating back to 1824 that slaves who had been freed by being in a free state for a period of time would remain free on returning to Missouri. "Once free, always free."⁵⁶ After losing in a first trial, Mr. Scott won in a retrial and a jury held in his favor. The Missouri Supreme Court struck down this result on appeal, thereby undoing 28 years of legal precedent.⁵⁷ In 1853, Dred Scott sued in federal court, which he lost, which he then appealed to the United States Supreme Court. On March 6, 1857, Justice Roger Taney of the United States Supreme Court issued an opinion that any person descended from Africans, whether slave or free was not a citizen of the United States and provisions in the Missouri Compromise of 1820 that attempted to exclude slavery or give freedom and citizenship to a non-white person was void.⁵⁸ Therefore since a slave did not have citizenship, he or she could not bring suit in a court of law. In addition, as the slave was ruled private property, such property under the Fifth Amendment to the Constitution, could not be taken without due process of law.

This wrong amongst a parade of wrongs had to wait to be righted by the Civil War and the 14th Amendment to the Constitution that "All persons born or naturalized in the United States . . . are citizens of the United States and of the state wherein they

⁵⁶ "Dred Scott," wikipedia.org, accessed 28 May 2020

⁵⁷ Id.

⁵⁸ Id.

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reside. . . .⁵⁹ Dred Scott had entered the court a free man and had left as property. Mr. Scott and his family were deeded to Taylor Blow who manumitted his family, which is another word for “freed,” on May 26, 1857. Whilst Mr. Scott worked as a porter for a St. Louis hotel thereafter, he died of tuberculosis in September, 1858.⁶⁰

Another Supreme Court case further rocked the boat after the Dred Scot decision. The Compromise of 1850, had allowed California to join as a free state; new territories would decide by popular vote if they would be slave or free; and, the fugitive slave law was strengthened in favor of slave owners retrieving runaway slaves. In the Abelman v. Booth case, abolitionist editor Sherman Booth had allegedly incited a mob in Wisconsin in 1854 to rescue an escaped slave from a U.S. Marshal, Stephen Abelman. Abolitionist Booth was arrested and filed a writ of habeas corpus in a state court to be released. A state court ordered that Booth be released from federal custody. The US Marshal appealed to the Wisconsin Supreme Court, who ruled the federal statute unconstitutional and affirmed the release of Booth. In the mean time, the freed slave, Joshua Glover, had escaped to Canada. The U.S. appealed to the United States Supreme Court and Justice Roger Taney in March, 1859, declared that federal law was supreme to state law where they conflicted and that the federal courts had the ultimate authority to interpret federal laws and the U.S. Constitution.⁶¹ The Abelman case energized the Republican Party in Wisconsin on an anti-Fugitive Slave law platform and they won seats in the legislature that fall. President James Buchanan pardoned Booth in 1861 shortly before President Buchanan left office. Here again the slave state laws authorizing the recapture of slaves as property were vindicated over the laws of the free states concerning personal liberty and due process.⁶²

Slavery challenged not only the federalism where a state could have its own laws but “it also challenged the rule of law. . . .”⁶³ The denial of free speech in the South; the intimidation of abolitionist speakers; the fugitive slaves recaptured in free states; fraud

⁵⁹ 14th Amend, U.S. Const.

⁶⁰ “Dred Scott,” wikipedia.org

⁶¹ “Abelman v. Booth, wikipedia.org., accessed May 28, 2020

⁶² “Emancipation and Equal Rights,” p.2

⁶³ Id., p. 3

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and violence to try to make Kansas a slave state; and, other actions were seen as the coercive and lawless nature of the Slave Power. All of the rules and statutes passed against the international slave trade and slavery in the United States were rendered moot as the Slave Power was concerned.⁶⁴ The Slave Power would continue to march on.

Abraham Lincoln and the Civil War

After Abraham Lincoln was elected in November, 1860, South Carolina seceded from the Union in December, 1860. After more Southern states had seceded from the Union, and President Lincoln had been inaugurated in March, 1861, the South Carolina Militia fired on the federal military facility at Fort Sumter in Charleston, South Carolina's harbor in April, 1861. This is not to suggest that the majority of the citizens of the free states would have gone to war to free the slave. They would not have. Rather "[t]he North went to war without the slightest idea of freeing the slave."⁶⁵ The secession and the attack on Ft. Sumter convinced the North "that force must not be allowed to supersede the peaceful methods of constitutionalism. Underlying this outlook was the fact that the political ideal of local self-government under the law was a stabilizing, unifying force in the decentralized, heterogeneous, and rapidly changing society of the mid-nineteenth-century America."⁶⁶ Lincoln had warned the Slave Power on the campaign trail in 1860: "if constitutionally we elect a President, and therefore you undertake to destroy the Union, it will be our duty to deal with you as old John Brown has been dealt with."⁶⁷

Years into the Civil War, Lincoln issued the Emancipation Proclamation on September 22, 1862 to take effect on January 1, 1863, that any enslaved black in the Confederate states that could escape control of the Confederate government by getting

⁶⁴ Id., pgs. 3-4

⁶⁵ "The Propaganda of History," p. 1032

⁶⁶ "Emancipation and Equal Rights," p. 4

⁶⁷ "With Malice Toward None, The Life of Abraham Lincoln," Oates, Stephen B., New American Library, New York, 1977, p. 183

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across union lines would be permanently free. Those who did not escape were ultimately freed by the effect of the Union's military victory over the South. Those slaves in areas that were not part of the Confederacy, were later freed by state legislation and the passage of the 13th Amendment to the Constitution, ratified in December, 1865, whereby "[n]either slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."⁶⁸ "It was abolition and belief in democracy that gained for a time the upper hand after the war and led the North in Reconstruction."⁶⁹ "The decisive action which ended the Civil War was the emancipation and arming of the black slave"⁷⁰

President Abraham Lincoln won reelection in the fall of 1864 and saw the Civil War to the end on April 9, 1865, when Confederate General Robert E. Lee surrendered to Union General Ulysses S. Grant at Appomattox, Virginia. Other Confederate generals followed suit but not immediately. On June 19, 1865, Union General Gordon Granger announced federal orders in Galveston Texas proclaiming all slaves in Texas free.⁷¹ The day of June 19 has more recently been referred to as "Juneteenth" as the slaves in Texas were at last emancipated, the slaves in Texas, however, were not necessarily the last slaves freed as the Cherokee and other Southeast Native Americans had allied themselves with the Confederacy as these Indian nations had over eight thousand African-American slaves as workers and property.⁷²⁷³ The last Confederate General to surrender was General Stand Watie, a Cherokee, on June 23, 1865, at Choctaw Nation (now Oklahoma) four days after General Gordon's declaration in Texas.⁷⁴

But the Slave Power was not done after the surrender of General Robert E. Lee at Appomattox. It had plotted to kill the newly elected President Lincoln before the Civil

⁶⁸ 13th Amend., U.S. Const.

⁶⁹"The Propaganda of History," p. 1032

⁷⁰ *Id.*,

⁷¹ en.wikipedia.org, *Juneteenth*.

⁷² okhumanities.org, *Slavery in Indian Territory*.

⁷³ en.wikipedia.org, *Cherokee Freeman Controversy*.

⁷⁴ en.m.wikipedia.org, *Stand Watie*

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War in February, 1861 as he travelled from his home in Springfield, Illinois through Indiana, Ohio, Western Pennsylvania, New York State, New Jersey down through Philadelphia, on to Washington. D.C. The plot was to kill the President-elect as he transferred between trains in Baltimore. The Slave Power failed as the President's agents learned of the plot and were able to secret him in disguise to another train in Baltimore. Defeated on the battlefield, the Slave Power struck again and John Wilkes Booth shot President Lincoln at the Ford's Theatre on April 14, 1865. He died a few days later. The Thirteenth Amendment was ratified on December 6 of that same year. Lincoln had faults, as do all humans, but "[t]he scars and foibles and contradictions of the Great do not diminish but *enhance* the worth and meaning of their upward struggle."⁷⁵ This might come as a surprise to some people today who demand and expect perfection from citizens. President Lincoln was not perfect but he did hasten the end of slavery in the United States.

The Southern states persisted in denying the freedman his and her civil rights. The Congress passed and the states ratified the Fourteenth Amendment on July 9, 1868, which reads in part "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."⁷⁶ Next, the Southern states prevented the freedman from voting. The Congress responded by passing and the states ratifying on February 3, 1870 the Fifteenth Amendment, which provided that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."⁷⁷ This only applied to men, however. The right to vote for women was passed and ratified on August 18, 1920 and provided "[t]he right of citizens of the United

⁷⁵ "Again Lincoln," *Writings*, DuBois, W.E.B., p. 1199

⁷⁶ 14th Amend., U.S. Const.

⁷⁷ 15th Amend., U.S. Const.

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States to vote shall not be denied or abridged by the United States or by any State on account of sex.”⁷⁸

After the Civil War, Freedman Frederick Douglass gave an address at Arlington, Virginia on Decoration Day in 1871 and said, in part: “We must never forget that victory to the rebellion meant death to the republic. We must never forget that the loyal soldiers who rest beneath this sod flung themselves between the nation and the nation’s destroyers. If to-day we have a country not boiling in an agony of blood, like France, if now we have a united country, no longer cursed by the hell-black system of human bondage, if the American name is no longer a by-word and a hissing to a mocking earth, if the star-spangled banner floats only over free American citizens in every quarter of the land, and our country has before it a long and glorious career of justice, liberty, and civilization, we are indebted to the unselfish devotion of the noble army who rest in these honored graves all around us.”⁷⁹

A National Slavery Memorial

Our work to create a more perfect union is not done and we must forge ahead together. It would be altogether fitting and appropriate to have a memorial in the nation’s capital to honor the humanity that suffered and fell to the institution of slavery in the United States, which people also persisted and persevered through their offspring and progeny to strengthen this land and make her better.

An example of a great economic or military power that has put a memorial in its capital city to honor a past wrong would be Germany. The Holocaust was the World War II genocide of the European Jews. “Between 1941 and 1945 across German-occupied Europe, Nazi Germany and its collaborators systematically murdered some six million Jews, around two-thirds of Europe’s [Jewish] population.”⁸⁰ The murders were carried out through pogroms, mass shootings, extermination through work camps, gas

⁷⁸ 19th Amend., U.S. Const.

⁷⁹ “Life and Times, Weighed in the Balance,” *Autobiographies*, The Library of America, 1994, New York, p. 851

⁸⁰ “The Holocaust,” wikipedia.org, accessed June 1 2020

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chambers, gas vans and extermination camps.⁸¹ The Holocaust also included the extermination of other groups including Slavs such as Poles and Soviet civilians and prisoners of war, gypsies, political and religious opponents, gay men and the “incurably sick.”⁸² Some say that the Holocaust was a Jewish event but that carries the risk that non-Jews might dismiss the crime as not concerning them when such fanaticism and inhumanity can be directed at all people. World War II in Europe ended on May 8, 1945. Some of Germany’s territory in the east was transferred to Poland and the Soviet Union. The rest of Germany was divided into four occupation zones with Great Britain, France and the United States occupying zones in the western part of the country and the Soviet Union occupying the remaining eastern part. The Soviet Union erected a Soviet War Memorial in Berlin in 1945 steps from the German Reichstag, which is the German equivalent of the U.S. Capitol Building. The Soviet’s ended their occupation of East Germany only after the fall of the Berlin Wall in 1989 and the unification of the two Germanys in 1991, forty-six years later! After the Soviets left, the Germans did not remove the Soviet War Memorial to the fallen Soviet soldiers steps from the Brandenburg Gate and Reichstag in downtown Berlin. In fact, it was only after the unification of Germany and the departure of the Russians that the Germans voted to erect the Memorial to the Murdered Jews of Europe in June, 1999. It was finally completed in May, 2005. It covers an entire city block and consists of uniform rectangular blocks lain over the city block with varying heights and undulating paths between the blocks. There is no official description of what the Memorial means. The rectangular blocks could represent the shape of a sarcophagus. The rectangles are taller towards the center of the memorial but also shorten to the height of the paving stones that surround the memorial. The larger rectangles could represent the death camps of Auschwitz, Belzec, Chelmno, Majdanek, Sobibor and Treblinka or even mass exterminations of Jews in Belarus or the Ukraine in forests and fields. The low rectangles in the sidewalk could represent the execution of a single citizen? The place

⁸¹ Id.

⁸² Id.

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where Adolf Hitler's body was unsuccessfully burned by German soldiers after Hitler committed suicide on April 30, 1945 is in a nearby parking lot.

The Holocaust Memorial sits behind the United States embassy and is visible from the Brandenburg Gate, the ultimate symbol of Germany, and yet Germany still stands today. It has not lost its credibility for acknowledging an historic wrong committed by its people. They did not erect this memorial in a secondary city of the country or in the country somewhere. They did not erect it in a suburb of Berlin or on the outskirts. They constructed and dedicated it in the center and core of the nation's capital. This point was brought home to the author when attending a tour of downtown Berlin, lead not by a German citizen but by a British citizen. This young man was in Berlin because he loved the city. He pointed out that Germany was the only major economic or military power in the world that has a monument/memorial in its nation's capital right at its center acknowledging a wrong by the country.

When traveling the world and visiting the capitals of great nations, you will not find a memorial to the mistake or dark period in that nation's history in its capital city! In no nation but Germany, that is. Russia will not honor the 22 million or more citizens that Vladimir Lenin, Joseph Stalin and their successors starved, worked and executed to death during the dictatorship of the Union of Soviet Socialist Republics, 1917-1991. The tyranny of communism executed and worked many of these victims to death in the gulag slave labor camps that were the backbone of their socialist state economy or the millions of Ukrainians that were starved to death due to the collectivization of farms in the 1920s and 1930s and the intentional removal of food from the Ukraine for opposing their communist overlords, likewise millions starved in Uzbekistan during a similar time frame.

China does not have a memorial in Beijing for the more than 40 million citizens who were starved, beaten to death, executed and worked to death under the rule of Mao Zedong from 1949-1976. In public "struggle-sessions," citizens would be denounced as one of the "Four Types" of landlords, rich farmers, counter-revolutionaries and bad influencers. It was enough to be the son of a landlord or formerly rich farmer to be publicly tried and shamed and then have the person beaten to death with farm

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implements by their fellow citizens during the “struggle session.” Yet, China has no memorial to honor these victims. Nor does China have a memorial in Tiananmen Square honoring the citizens who were shot and run down by tanks in Tiananmen Square in 1989.

France does not have a memorial in Paris to commemorate the horrors of the French Revolution after 1789 when prisoners were given summary trials in the street to then be handed to the mob to be beaten to death with tools and bare fists; or the summary mass execution of prisoners by floating them onto a river and sinking the boat thereby drowning the poor souls; or, the summary execution of prisoners by placing them above a ditch and shooting the many with cannon fire.

What about Japan’s colonization of Korea from the early 1900s through the end of World War II in 1945? Or Japan’s war against China in Manchuria that Japan commenced in September, 1931 whereafter they established the puppet state of Manchukuo six months later. Japan stayed in China through their surrender in 1945 after the bombing of Hiroshima and Nagasaki by the Americans. The Second Sino-Japanese War commenced in July, 1937 and lasted until the end of the World War II in Asia. The Japanese occupation included mass murder and mass rape of the Chinese citizens in Nanjing after the Japanese captured it in December, 1937. But the Japanese have not built a memorial in Tokyo to the treatment of the Koreans as a colony nor for the treatment of the Chinese during the Sino-Japanese war.

Query whether there is a memorial in Madrid for the victims of the Spanish Inquisition? Yet the Germans have the Holocaust Memorial in their nation’s capital, Berlin, to honor the victims of the genocide committed against the Jews under the leadership of the National Socialist German Workers’ Party regime between 1933 and its fiery defeat in May, 1945.

The United States will not be weaker by dedicating, erecting and solemnizing the National Slavery Memorial on the Washington Mall in downtown Washington, D.C. On the contrary, it will strengthen our union by showing that we are able to acknowledge the imperfection of our revolution at its inception and the continued expansion of slavery and its concomitant human suffering after the adoption of the U.S. Constitution of 1787.

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The dedication, solemnization and erection of this National Slavery Memorial does not mean that work of perfecting our union is complete, rather it is still underway as is the human project.

Today, there are living descendants of slaves in the United States and it is important to recognize and acknowledge that the institution of slavery was with this great nation at its founding. And to repeat the words of W.E.B. DuBois that slavery was “an inexcusable anachronism, . . . [which] nearly ruined the world’s greatest experiment in democracy.”⁸³

So as to memorialize the countless slaves who perished on the journey from Africa and the countless slaves who suffered and died under the lash of slavery in the United States before and after the Declaration of Independence and the drafting of the Constitution in 1787, it is fitting and proper to erect the National Slavery Memorial on the Washington Mall between the Washington obelisk and the Lincoln Memorial. It is also appropriate that the National Slavery Memorial be visible to Abraham Lincoln, who’s life was also claimed by the Slave Power.

Why on the Washington Mall? Because our country is strong enough to recognize the imperfection in its creation and still stand stronger together as a nation united in liberty for all citizens. We are a single people whether we were born here or immigrated here. Martin Luther King warned before the graduating students at Oberlin College in 1965 that “[We must] learn to live together as brothers and sisters. Or, we will perish together as fools.”⁸⁴ Or as Abraham Lincoln said in accepting the Illinois Republican Party’s nomination to run for U.S. Senator:

-A house divided against itself, cannot stand.

-I believe this government cannot endure, permanently half slave and half free.

-I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided.

⁸³ “The Propaganda of History,” p. 1031

⁸⁴ “Identity Politics Are Tearing America Apart,” Young, Andrew and Baker, James A. III, *The Wall Street Journal*, August 31, 2017, p. A17

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-It will become all one thing or all the other.

-Either the opponents of slavery, will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction; or its advocates will push it forward, till it shall become lawful in all the States, old as well as new—North as well as South.”⁸⁵

Let us do this work together to place the National Slavery Memorial on the Washington Mall and endeavor to mend our flaws.

Do not think of the National Slavery Memorial as only a tribute to the Inhumanity of Slavery to African-Americans, Slavery almost destroyed our Nascent Democracy

Fellow citizens, it is natural to think of slavery as impacting primarily Africans kidnapped in Africa and brought to these shores to work as slaves and their offspring. That conception would be directly applicable to the twelve to thirteen percent of our population who are black today. The other eighty-seven percent of the nation should appreciate that the poison of slavery almost destroyed the United States itself, the land to which many of us or our forbearers immigrated for a better life. Over three hundred thousand Union soldiers, white and black, died to defeat the Confederacy, that was an existential struggle in its own right of brother against brother, sister against sister, family members on both sides of the conflict. That is the superficial and real part of a civil war. Consider the bigger question posed by Abraham Lincoln above before the Civil War: that either our nation would be all one or all the other and not both slave and free at the same time. You had northern states considering themselves “free-soil” states. Even if a state was a free-soil state, a bounty hunter from Georgia could still come to the State of Maine and apply to the local court for a writ to retrieve property, in the nature of a runaway slave. And the law allowed our brothers and sisters to be seized and taken back. This was an affront to our humanity. Now consider the practical effect of the *Dred Scot* United States Supreme Court decision in 1857, that any person descended from Africans, whether slave or free was not a citizen of the United States regardless of an

⁸⁵“With Malice Toward None,” p. 156, “Lincoln’s House Divided Speech,” [wikipedia.org](https://www.wikipedia.org), accessed June 2, 2020

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act of Congress such as the Missouri Compromise of 1820⁸⁶. This meant that the son(s) and daughter(s) of Thomas Jefferson and his slave Sally Heming, were ruled private property and not citizens of the United States! Imagine that the offspring of Thomas Jefferson, the author of the Declaration of Independence and our third President of the United States of America, were ruled not citizens and not entitled to the rights declared under the Declaration of Independence and our Bill of Rights from 1787! Each American should take a personal affront at the poison of slavery, it almost destroyed our entire nation. This is but another reason to support the National Slavery Memorial, the National Register of Donors and, by extension of donations to the National Slavery Memorial for our HBCUs. The National Slavery Memorial has relevance to Americans of all stripes, shades and persuasions.

In July, 2020, a member of the Stamford NAACP posed a question as to the purpose of the NSM whether “the mission/purpose of this monument is to serve as a symbol of this country’s most consequential shame or is it to serve as symbol, finally acknowledging the strength and enduring spirit of a people that despite the restrictions of chains and the weight of oppression played a pivotal role in building this nation?”⁸⁷ In her efficient phraseology, she completely captures the purpose of the NSM as well as the design of the proposed memorial as exemplified in the Slavery Memorial located on the University of North Carolina campus at Chapel Hill. Yes, the memorial will serve as a symbol of this country’s most consequential shame, and, in addition, the proposed memorial itself exemplifies the strength and enduring spirit of an enslaved people in persevering and in building our nation. With a miller’s wheel substituted for the table top of the memorial at Chapel Hill, the figures of countless slaves hold up the miller’s wheel and show the strength and resolve of those under the yoke of slavery. With multiple people holding up the miller’s wheel, a committee could consider a son and daughter of Thomas Jefferson and Sally Heming, for example, under the miller’s wheel facing the

⁸⁶ The irony of the *Dred Scot* decision is that we are all Africans to the extent that the first *Homo sapiens* likely developed in the Horn of Africa 200,000 to 300,000 years ago, who migrated out of Africa. It has been proposed that “all modern non-African populations are substantially descended from populations of *Homo sapiens* that left Africa after that time.”

en.m.wikipedia.org, *Recent African origin of modern humans*, accessed July 20, 2020

⁸⁷ Dr. Eunice Matthews-Armstead, July 2020

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Jefferson Memorial, looking to their father and he returning their gaze? These are some of the potentials of the NSM for consideration in examining our history and moving forward as one nation.

Registry of Donors for the National Slavery Memorial

To pay for the permitting and construction of the Memorial, it is proposed that a private 501(c)(3) entity be chartered in to receive these donations. An on-line national registry would allow people and corporations to have their name and address listed as contributing towards the Memorial. As is done in church, any contribution that a person can make is welcomed as the poor person's donation may be worth more than the rich person's donation. Starting at \$1, one could put one's name on the registry. A family of five could put their entire family on the registry for \$5. There might be a donation level above \$100 or \$1,000 that grants a different category. This is an effort by all the people to remember the slavery that existed in America, It is not meant to divide Americans by how much they are willing to donate. At the same time, one does not want to diminish the amounts that could be donated, as the excess funds, which would be most of it, would be donated to our historically black colleges and universities, hereafter "HBCUs." Donations by individuals and corporations could also be done anonymously.

Excess Donations to go to HBCUs and a modest amount to the Stamford NAACP Scholarship Committee

Judging by the anecdotal reaction of citizens to the ability to make a contribution towards the Memorial, which would allow them to post their name on the registry and that the excess funds would go to HBCUs indicates a very deep reservoir of potential funding and goodwill amongst our citizenry. It should not be underestimated what benefit this could have for our HBCUs!

It is anticipated that the design, structural engineering, permitting and construction of the Memorial would only require some millions of dollars, the anticipated abundant funds above that, with a goal of over one billion dollars for 330 million

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American citizens and our corporate citizens, is a significant potential good work for America's HBCUs! A selection committee would qualify the HBCUs based on being in existence in 2019 with an enrolled student body. The size of the payments to the HBCUs would be based on enrolled students in 2019 and not based on clout, prestige or connections. What qualifies as an HBCU would need to be defined by participation of HBCUs in the process, which would also be publicly vetted.

It is proposed that the first monies to the HBCUs be used to eliminate mortgage debt and other bank debt. After the HBCU wipes its debt out, it is suggested that the next monies go to building their endowments. After a certain percentage endowment is reached as a percent of enrolled students, further monies could be used to reduce tuition. Preliminarily, just by paying off mortgages and debt, an HBCU has freed up money that can be used for student tuitions and capital projects at the schools.

As a tribute to the Stamford NAACP for conceiving and managing the National Slavery Memorial proposal, five percent of the monies raised annually would go to the Stamford NAACP Scholarship fund up to a maximum of two million dollars per year. By using the proposed Memorial to fund HBCUs, it supports one of W.E.B. DuBois' recommendations of fortifying the Talented Tenth in the black community. Our nation has gone beyond that Tenth, but more can be done. HBCUs have struggled valiantly to be here today, they deserve our nation's support.

Peter Thalheim⁸⁸
Executive Committee Member
Stamford, Connecticut branch of the NAACP
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82 It has dawned on me that some intolerants in the United States might object to a white male writing in favor of the National Slavery Memorial. ("Intolerants" here would be the politically correct. The more politically correct a person is the more intolerant that person is, which is what makes that person an "intolerant.") But on further reflection, the National Slavery Memorial is actually an action that the United States would take as a nation to present to the descendants of slaves and their deceased forbearers. It is imperative as a first step that the descendants of slaves think that the National Slavery Memorial is a good idea in order to proceed. Likewise, when Germany decided to create, erect and memorialize the Holocaust Memorial, it was considered an appropriate gesture by the Jewish community, That Memorial is a solemn gesture to the Jewish community for a past wrong. The National Slavery Memorial would be a solemn tribute to the slaves who died and suffered under slavery without the self-evident truths that all men and women are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The Memorial would also be testimony to the descendants of slaves of the wrong and to acknowledge the imperfection of the beginning of this novel experiment in democracy on these shores. This memorandum is not so much to convince the members and officers of the N.A.A.C.P. that the National Slavery Memorial should be built, but rather to persuade the other 87% of the nation that is not African-American, that it is fitting and appropriate to fund, erect, dedicate and solemnize this memorial.

There is also the issue of the Veil. As non-black, I could not know what it is like to be black in America or what the history of slavery could mean to a black person in the United States. Although I have been attending an African-American Baptist church for a number of years, I can only get the smallest hint of what life might be like on the other side of the Veil. From where I sit, it can only be imagined but not experienced. Nonetheless, the positivity is constantly streaming from the other side of the Veil to my side. The Veil can be likened to the condition of many minorities throughout the world as the minority is rarely given what the majority has anywhere in the world. Customarily, the minority has to try harder to earn the same and struggle more than the majority. Muslims are minorities in Myanmar, formerly Burma, as well as in Thailand. Christians are minorities in Iran, Iraq and Syria. The Eritreans split themselves off of Ethiopia. The Ukrainians have been under the Russian heel for centuries. Koreans in Japan are not warmly viewed. Indigenous peoples have a harder time in South American countries as well as in the United States. The list can go on almost ad infinitum.

W.E.B. DuBois wrote about the Veil in "The Souls of Black Folk," Writings, p. 506-511. We have heard of Martin Luther King's "I have a dream" speech delivered on August 28, 1963 on the steps of the Lincoln Memorial, saying in part: "one day this nation will rise up and live up to its creed, 'We hold these truths to be self evident: that all men are created equal,' I have a dream." Mr. DuBois also had something poignant to say about the Veil in 1903: "Surely, there shall yet dawn some mighty morning to lift the Veil and set the prisoned free. Not for me, —I shall die in my bonds,—but for fresh young souls who have not known the night and waken to the morning; a morning when men can ask the workman, not "Is he white?" but "Can he work?" When men ask artists, not "Are they black?" but "Do they know?" Some morning this may be, long, long years to come."

Thank you for your patience.

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Description of the Memorial

-A memorial is a monument, shrine, mausoleum, cenotaph, statue, tribute, testimonial, and remembrance.

-It is recommended that the National Slavery Memorial be modeled after the Slavery Memorial on the campus of the University of North Carolina at Chapel Hill. Such memorial at U.N.C. is on a much smaller scale than proposed for the Washington Mall in our nation's capital.

- a. The bronze statues of the slaves under a round stone would be 150% of the size of people today. This size puts them on a human scale that the viewer can empathize with but by having them larger than life could accentuate the heroism of each figure.
- b. The width of the memorial would match the width of the rotunda on top of Thomas Jefferson's estate, Monticello, in Charlottesville, Virginia. That width is estimated at 30 feet. The circumference of thirty feet is 94.2 feet. If one were to assume a five foot width for each statue with outstretched arms, that would be 18 to 19 heroic figures on the outer ring.
- c. Suggestions for statue's could be Frederick Douglass, Sojourner Truth, Harriet Tubman, a son and daughter of Thomas Jefferson and Mary Hemings looking out at their father at the Jefferson Memorial, other people could be represented on the outer ring as well as the numerous inner rings.
- d. The benefit of the memorial from the U.N.C. campus is that it is round and can be viewed, studied and appreciated from all sides. There is no one view. The memorial can be taken in with the Lincoln or Jefferson Memorials behind it. The memorial can be studied with the Washington Monument and the Capitol Building behind it.
- e. By having the table top of the U.N.C. memorial modified to represent a watermill's miller's wheel with a hole in the center, it could show the underpinning of the economy by slavery, without the support of which the economy collapses?
- f. Having the miller's wheel of stone on top also expresses a law of physics that for each force there is an equal and opposite opposing force. This could reference that regardless of how hard the Slave Power pushed down on the slaves, they had the strength and resilience to push back with equal force. W.E.B. DuBois suggested that only this race could have survived the iniquities and suffering of slavery practiced in the United States.
- g. By having a hole in the middle of the miller's wheel it could represent a little light in the center of the memorial, perhaps symbolic of where there is light there is hope? But the darkness and shade under the stone could refer to the cramped, dark and inhumane conditions in the slaver ships transporting their human cargo from Africa to the United States, the Caribbean and South America?

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h. There would be no inscriptions on the monument itself as it is for the viewer to interpret.

i. There might be a display off to the side of the memorial to identify it as the National Slavery Memorial?

Respectfully submitted:

Peter Thalheim

Executive Committee Member

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