

Free Black Resistance in the Early Republic, 1813 and 1833



Unknown artist, James Forten, watercolor, ca. 1818 (Historical Society of Pennsylvania)

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BY ALYSHA BUTLER (CREATED IN 2024)

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GRADE LEVELS: 9–12

RECOMMENDED TIME FOR COMPLETION: One 45-minute class period

UNIT OVERVIEW

This lesson plan is one of the Gilder Lehrman Institute’s Teaching Literacy through History™ (TLTH) resources, designed to align with the Common Core State Standards. Students will learn and practice skills that will help them analyze, assess, and develop knowledgeable and well-reasoned points of view on visual and textual primary and secondary source materials. These skills will enable students to understand, summarize, and evaluate documents and other resources of historical significance.

This lesson plan explores the responses of free Black people to racially discriminatory laws in the early 1800s. Students will examine how these laws impacted Black Americans’ lives and how they became champions for civil rights as they fought to preserve their freedom. Students will analyze a nineteenth-century portrait of James Forten, a free Black abolitionist and businessman from Philadelphia; a letter he wrote fighting a proposed law that would have required free Black people to register with local officials; and a free Black sailor’s affidavit regarding his incarceration in New Orleans. You will assess students’ understanding through a close-reading activity, answers to critical thinking questions, and an optional Socratic seminar.

Students will be able to

- Analyze a historical image and draw conclusions and formulate a claim
- Summarize a secondary source
- Analyze, assess, and synthesize the meaning of two primary source documents
- Identify a historically significant debate (e.g., who has rights of citizenship)

ESSENTIAL QUESTIONS

- What sorts of laws made it difficult for free Black people to enjoy full citizenship rights?
- How did free Black men fight racial discrimination and further the cause for civil rights in the early republic?

COMMON CORE STATE STANDARDS

CCSS.ELA-LITERACY.RH.9-10.1: Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.

CCSS.ELA-LITERACY.RH.9-10.5: Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

CCSS.ELA-LITERACY.RH.9-10.6: Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

CCSS.ELA-LITERACY.RH.11-12.5: Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.

CCSS.ELA-LITERACY.RH.11-12.6: Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

MATERIALS

- Source 1: A Portrait of James Forten, by an unknown artist, ca. 1818, Historical Society of Pennsylvania, Leon Gardiner Collection, #151, digitallibrary.hsp.org/index.php/Detail/objects/151#.
- Source 2: Historical Background: “Racism and Resistance in the Early Republic” by Kate Masur, Professor of History, Northwestern University
- Activity Sheet 1: Critical Thinking about the Historical Background Essay
- Source 3: Excerpts from James Forten, *Letters from a Man of Colour, on a Late Bill Before the Senate of Pennsylvania* (Pennsylvania: s.n., 1813), pp. 1, 5, 6, 9, 10, The Gilder Lehrman Institute of American History, GLC06046.
- Activity Sheet 2: Critical Thinking about James Forten’s *Letters from a Man of Colour*
- Source 4: Excerpts from an Affidavit by Joseph Thompson, Suffolk, November 20, 1833, Boston, in David L. Child, *The Despotism of Freedom; or the Tyranny and Cruelty of American Republican Slave-Masters, Shown to Be the Worst in the World; in a Speech, Delivered at the First Anniversary of the New England Anti-Slavery Society, 1833* (Boston, 1833), p. 70. Available at HathiTrust, catalog.hathitrust.org/Record/102574414.
- Activity Sheet 3: Critical Thinking about Joseph Thompson’s Affidavit

PROCEDURE

1. Warm Up: Students will analyze a portrait (Source 1) of James Forten, a free Black man in the early republic, in groups or independently. They will answer four analysis questions relating to the portrait in a classroom discussion or in their journals to guide them to a better understanding of how free Black men wished to be portrayed and the positions they hoped to carve out for themselves in society.
 - a. Describe the figure’s manner of dress. What item of clothing catches your attention and why?
 - b. Describe the figure’s countenance and facial expressions. (Is he serious, silly, somber?)
 - c. What impression or demands do you think he was trying to make on all those who might later view the portrait?
 - d. Based on the way that he presented himself in his portrait, what hopes or plans do you think he had for himself as a free man in America?
2. Distribute Source 2, the Historical Background essay by Professor Masur, and Activity Sheet 1 with critical thinking questions. Students will read the historical background on racism and resistance in the early republic and answer three to five comprehension questions. You may decide how many questions they should answer and whether you or the students will choose those questions.

3. Markup the Text: Distribute Source 3, excerpts from James Forten's *Letters From a Man of Colour*, 1813. As students read, they will
 - a. highlight the sentence that best summarizes the details of the proposed Pennsylvania law
 - b. place a star next to examples in the text that explain how free Black men would be impacted by this potential law
 - c. circle examples of words or phrases Forten used to appeal to his readers
4. Distribute Activity Sheet 2: Critical Thinking about James Forten's *Letters from a Man of Colour*. Students will then answer three to five short-answer questions, as selected by you or by them.
5. Markup the Text: Distribute Source 4, the affidavit of Joseph Thompson, 1833. As students read, they will
 - a. highlight or underline sentences detailing instances in which Joseph Thompson was jailed
 - b. place a star next to occasions where Thompson suffered or witnessed racial discrimination
6. Distribute Activity Sheet 3: Critical Thinking about Joseph Thompson's Affidavit. The students will respond based on evidence in the text.

ASSESSMENT

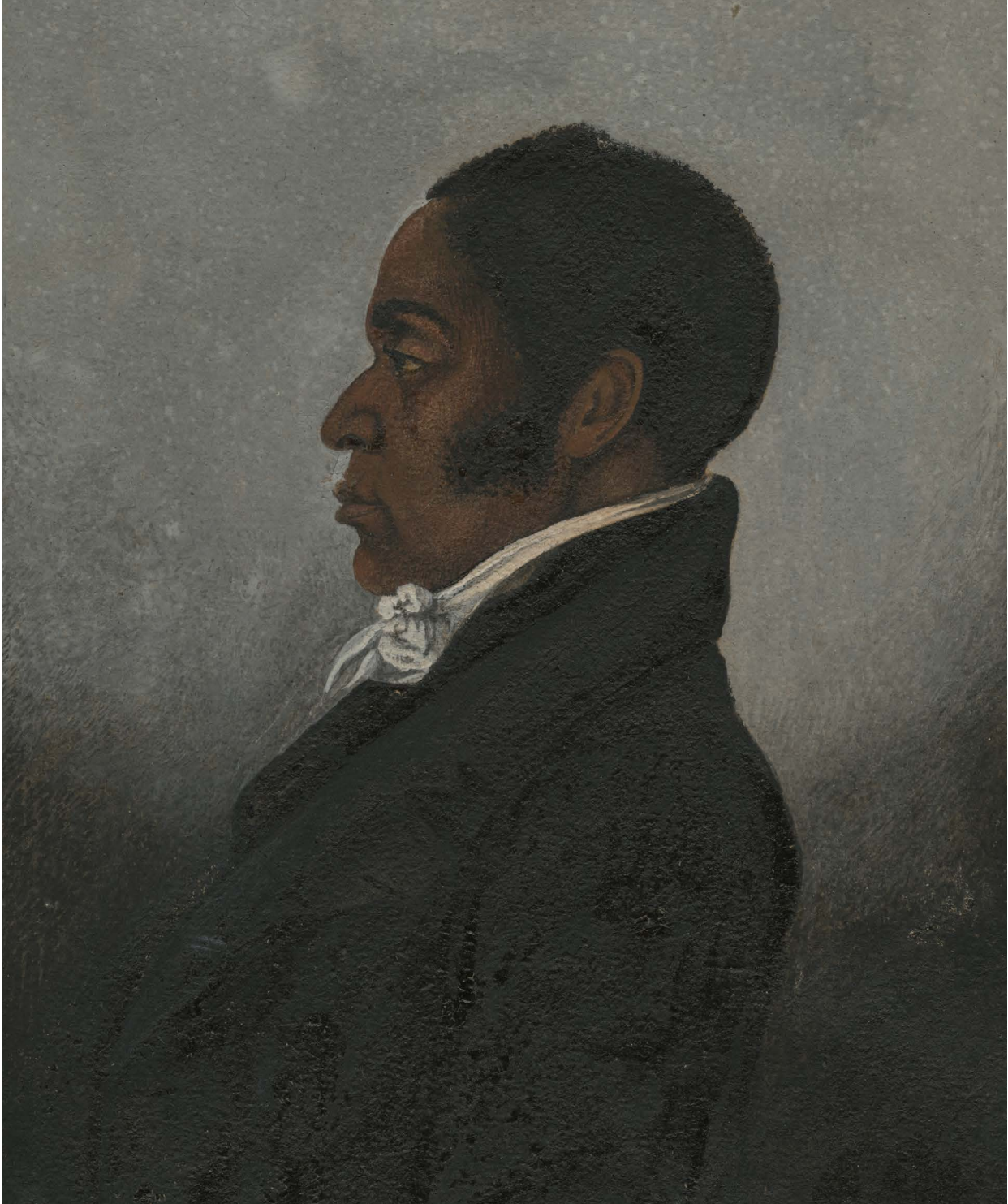
1. Students will revisit and use clues from the portrait, the readings, the historical background, and the completed activity sheets to complete the sentence starters below.

Based on the documents, I can infer that

 - a. Free Black men in the early republic desired . . .
 - b. Free Black people in the early republic faced laws that . . .
 - c. Free Black men in the early republic fought discrimination by . . .
 - d. Free Black men in the early republic furthered civil rights by . . .
2. Optional Socratic Seminar Assessment/ Reflection Activity: Using the documents as anchor texts, pose the following as classroom discussion questions. When answering the questions, students must reference a document.
 - a. Students often assume that the North was both a safe haven and a land of equal opportunity for free Black people. How does James Forten's *Letters from a Man of Colour, on a Late Bill Before the Senate of Pennsylvania* challenge or reaffirm that assumption?
 - b. After reading James Forten's description of the bill before the Pennsylvania Senate, what seems to be the primary concern or fear white Pennsylvanians had about free Black people?
 - c. What evidence in Forten's letter supports Professor Masur's claim that the fight for civil rights began in the early republic?
 - d. Explain how laws in the early republic permitted or encouraged ordinary white citizens to police Black bodies.
 - e. Provide the most compelling quotation from the documents to support the argument that freedom did not mean equality for Black people in the early republic.
 - f. If you had to create a social media campaign for equal rights in the early republic using one line from Forten's letter, which line would it be and why?

- g. Why is it important to represent Forten's and Thompson's experiences when discussing life in the early republic? What do their experiences illuminate about this period's fundamental character that we might otherwise miss?
- h. What are some voices that are not included in the documents? How do you think hearing those voices might add to your understanding of the lives of free Black people in the early republic? Where might those voices be recorded if you wanted to investigate?

Source 1
A Portrait of James Forten, ca. 1818



Unknown artist, James Forten, watercolor, ca. 1818 (Historical Society of Pennsylvania)

Source 2: Historical Background Racism and Resistance in the Early Republic

by Kate Masur, Northwestern University

Many people have heard of American abolitionists—the Black and white Americans who worked together to demand the end of slavery in the United States. Far fewer know about the movement for racial equality that emerged in the free states between the American Revolution and the Civil War. Across that period, activist northerners mobilized to denounce racism and to insist that Black Americans were entitled to the same rights and privileges white people enjoyed. Activists in this “first civil rights movement” tried to influence elections and public policies. Their decades-long struggle—at the local, state, and federal levels—is an important example of the collective organizing that made American democracy more inclusive and more just.

When the American Revolution began, slavery was legal in all the British North American colonies. American slavery was a race-based institution. People of European origin could not be enslaved, while people of African and Native American descent could be treated as property and forced to labor. During and after the Revolution, northern states including Pennsylvania, Massachusetts, and New York began the process of abolishing slavery. In 1787, Congress passed the Northwest Ordinance, which outlawed slavery in the Northwest Territory, the vast expanse of land west of Pennsylvania and north of the Ohio River.

But the end of slavery did not mean the end of anti-Black racism. Many white northerners supported laws that placed free Black people in subordinate positions. Policies varied from state to state. Massachusetts, for example, had few such laws. But Ohio and other midwestern states adopted anti-Black policies that placed special burdens on free African Americans. They sent a message that Black people were not welcome in the state and that if they tried to settle there, they would be treated as a separate and degraded group.

At the same time, southern states adopted elaborate legal codes that reinforced enslavers’ power and restricted the liberties of free Black people. White southerners were especially worried about the many free Black sailors who worked on ships that docked in southern ports like New Orleans and Charleston. Those sailors—who came from Haiti and the British empire, as well as from the US North—carried ideas about freedom and equality that, white southerners feared, might prompt uprisings among enslaved and free Black people. Starting with South Carolina in 1822, southern states required free Black sailors to be jailed while their ships were in port; free Black sailors could be sold into slavery if their ship’s captain did not secure their release when it was time to leave the port.

Whether in southern or northern locales, discriminatory laws reinforced racism and made free Black people vulnerable to all kinds of abuses. Activists in the first civil rights movement condemned such policies and tried to get them repealed. What sources did they draw on for their ideas about racial equality? Activists often mentioned the Declaration of Independence, which had declared it a “self-evident” truth that “all men are created equal.” Sometimes they referred to the US Constitution. The Constitution allowed slavery to continue in the states where it already existed, but nowhere did it say that only white people could be citizens, nor did it make other distinctions between free Black people and white people. Activists also frequently alluded to the Bible, particularly to the phrase that God had “made of one blood all nations of men.” And finally they referred to scientists of the period who believed that although human beings came in varying colors and complexions, they were all fundamentally the same.

Beyond their rhetoric, how did activists mobilize to make change? Black people organized among themselves to petition state governments for repeal of racist laws. They spoke publicly about their experiences with racist policies in an effort to persuade white people and other Black people to join them in the struggle for change. White people participated in this movement by amplifying Black voices, petitioning state legislatures, and running candidates for office. Women were also active in this movement, though it is often easier to “see” men than women in our historical sources, because men generally had greater access to publishing and public speaking. Black women were especially involved in fighting injustice in public education and demanding schools for Black children.

Activists in the first civil rights movement turned to the federal United States government to contest southern state laws that restricted the freedom of Black sailors. They argued that Congress should pass a law invalidating those policies. When that didn't work, the state of Massachusetts sent legal representatives to Charleston and New Orleans to challenge the laws in court. That strategy was also unsuccessful, because white residents of the two southern cities, threatening violence, ran the Massachusetts men out of town. At the state level, however, the movement won some victories. In Pennsylvania, for example, James Forten and his allies stopped the state legislatures from passing an anti-Black residency law. In Ohio, the movement succeeded in repealing most of the state's racist laws in 1849. But progress was not linear. Some states made their anti-Black policies more severe during the 1850s.

The struggle was difficult and sometimes discouraging. Activists persevered, however, and when the Civil War began in 1861, they were poised to usher their ideas into federal policy.

*Kate Masur is a professor of history and Board of Visitors Professor at Northwestern University. Her book *Until Justice Be Done: America's First Civil Rights Movement, from the Revolution to Reconstruction* (Norton, 2021) was a finalist for the Pulitzer Prize in History and winner of the Littleton-Griswold Prize from the American Historical Association, the John Phillip Reid Book Award from the American Society for Legal History, and the John Nau Book Prize in American Civil War Era History.*

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Activity Sheet 1
Critical Thinking about the Historical Background Essay

1. How were the anti-Black laws that emerged in Ohio and midwestern states unique from other states' anti-Black laws?

2. What special burden did the 1822 South Carolina law place on Black sailors? What was the rationale behind this law? How did it affect Black people who were not residents of South Carolina or the United States?

3. Identify and explain three ways Black men and women activists fought against anti-Black laws.

4. How did free Black people call on the federal government in their fight for equal rights? Compare and contrast their level of success on the state and federal levels.

5. Explain how the efforts of free Black men and women activists in the early republic had lasting effects beyond that time period.

Source 3

Excerpts from James Forten, *Letters from a Man of Colour*, 1813

In a series of letters, James Forten, a prominent Black resident of Philadelphia, argued that the legislature of Pennsylvania must not pass a law requiring free African Americans to register with local officials. Such laws had already been adopted in the slave states as well as in Ohio and elsewhere in the Old Northwest. Forten and his allies succeeded; Pennsylvania never passed such a law. The text below is excerpted from Forten's protest.

As you read the text

1. *highlight the sentence that best summarizes the details of the proposed Pennsylvania law*
2. *place a star next to examples in the text that explain how free Black men would be impacted by this potential law*
3. *circle examples of words or phrases Forten used to appeal to his readers*

WE hold this truth to be self-evident, that GOD created all men equal, and is one of the most prominent features in the Declaration of Independence, and in that glorious fabrick of collected wisdom, our noble Constitution. This idea embraces the Indian and the European, the Savage and the Saint, the Peruvian and the Laplander, the white Man and the African, and whatever measures are adopted subversive of this inestimable privilege, are in direct violation of the letter and spirit of our Constitution, and become subject to the animadversion of all, particularly those who are deeply interested in the measure. . . .

We will cheerfully submit to the laws, and aid in bringing offenders against them of every colour to justice; but do not let the laws operate so severely, so degradingly, so unjustly against us alone.

Let us put a case, in which the law in question operates peculiarly hard and unjust.—I have a brother, perhaps, who resides in a distant part of the Union, and after a separation of years, actuated by the same fraternal affection which beats in the bosom of a white man, he comes to visit me. Unless that brother be registered in twenty four hours after, and be able to produce a certificate to that effect, he is liable, according to the second and third sections of the bill, to a fine of twenty dollars, to arrest, imprisonment and sale. Let the unprejudiced mind ponder upon this, and then pronounce it the justifiable act of a free people, if he can. To this we trust our cause, without fear of the issue. The unprejudiced must pronounce any act tending to deprive a free man of his right, freedom and immunities, as not only cruel in the extreme, but decidedly unconstitutional both as regards the letter and spirit of that glorious instrument. The same power which protects the white man, should protect A MAN OF COLOUR. . . .

[Under the proposed law] The man of colour receiving as a visiter any other person of colour, is bound to turn informer, and rudely report to the Register, that a friend and brother has come to visit him for a few days, whose name he must take within twenty four hours, or forfeit a sum which the iron hand of the law is authorized to rend from him, partly for the benefit of the REGISTER. Who is this Register? A man, and exercising an office, where ten dollars is the fee for each delinquent, will probably be a cruel man and find delinquents where they really do not exist. The poor black is left to the merciless gripe of an avaricious REGISTER, without an appeal, in the event, form his tyranny or oppression! O miserable race, born to the same hopes, created with the same feeling, and destined for the same goal, you are reduced by your fellow creatures below the brute. . . . What have the people of colour been guilty of, that they more than others, should be compelled to register their houses, lands, servants and *Children*. Yes, ye rulers of the black man's destiny, reflect upon this; our *Children* must be registered, and bear about them a certificate, or be subject to imprisonment and fine. You, who are perusing this effusion of feeling, are you a parent? Have you children around whom your affections are bound, by those delightful bonds which none but a parent can know? . . .

By the third section of this bill, which is its peculiar hardship, the police officers are authorized to apprehend any black, whether a vagrant or a man of reputable character, who cannot produce a Certificate that he has been registered. He is to be arrayed before a justice, who is thereupon to commit him to prison!—The jailor is to advertise a Freeman, and at the expiration of six months, if no owner appear for this degraded black, he is to be *exposed to sale*, and if not sold to be confined at hard labour for seven years!!—Man of feeling, read this!—No matter who, no matter where. The Constable, whose antipathy generally against the black is very great, will take every opportunity of hurting his feelings!—Perhaps, he sees him at a distance, and having a mind to raise the boys in hue and cry against him, exclaims, “Halloa! Stop the Negro!” The boys, delighting in the sport, immediately begin to hunt him, and immediately from a hundred tongues, is heard the cry—“*Hoa, Negro, where is your Certificate!*”—Can any thing be conceived more degrading to humanity!—Can any thing be done more shocking to the principles of Civil Liberty! A person arriving from another state, ignorant of the existence of such a law, may fall a victim to its cruel oppression. But he is to be advertised, and if no owner appear—How can an owner appear for a man who is free and belongs to no one!—If no owner appear, he is exposed for sale!—Oh, inhuman spectacle: found in no unjust act, convicted of no crime, he is barbarously sold, like the produce of the soil, to the highest bidder, or what is still worse, for no crimes, without the inestimable privilege of a trial by his peers, doomed to the dreary walls of a prison for the term of seven tedious years!—My God, what a situation is his. . . . It has been left for Pennsylvania to raise her ponderous arm against the liberties of the black, whose greatest boast has been, that he resided in a State where Civil Liberty, and sacred Justice were administered alike to all.—What must be his reflections now, that the asylum he had left from mancipation has been destroyed, and that he is left to suffer, like Daniel of old, with no one but his God to help him! Where is the bosom that does not heave a sigh for his fall, unless it be callous to every sentiment of humanity and mercy?

Source: James Forten, Letters from a Man of Colour, on a Late Bill Before the Senate of Pennsylvania (Pennsylvania: s.n., 1813), pp. 1, 5, 6, 9, 10. (The Gilder Lehrman Institute of American History, GLC06046)

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Activity Sheet 2

Critical Thinking about James Forten's *Letters from a Man of Colour*

1. Explain the requirements free Black people would have had to meet under the proposed Pennsylvania law.

2. Summarize the consequences legislators proposed for people who did not comply with the law.

3. Explain how the rights and freedoms of free Black people were restricted by this proposed law. To what extent do you believe Black men and women would have shared or had different experiences under the law based on their gendered positions in society? What sources would you need to examine to make that determination?

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4. Describe two ways Forten attempted to appeal to his audience.

5. Provide an example of how Forten advocated equal rights while he critiqued the discriminatory laws facing the free Black community.

6. Forten wrote this appeal thirty-seven years after the Declaration of Independence was signed. How did he invoke the memory of the Declaration of Independence? Why does it matter?

Source 4

Excerpts from an Affidavit by Joseph Thompson, 1833

Joseph Thompson was a Black sailor from Boston who was incarcerated while working in New Orleans. He made it back to Boston, and in 1833 told his story to a white abolitionist, David L. Child. Thompson signed an “x” as his signature, probably because he was not able to write. His signature was a pledge that everything he had said was true. Child published this sworn document as part of an abolitionist pamphlet.

As you read Joseph Thompson’s affidavit

1. *highlight or underline sentences detailing instances in which Joseph Thompson was jailed*
2. *place a star next to occasions where Thompson suffered or witnessed racial discrimination*

I, Joseph Thompson, of Boston, in the State of Massachusetts, aged thirty-four years, testify and say, that in the year eighteen hundred and twenty-nine I sailed from New York in the ship Milton, Captain William B. Webb, for Bourdeaux, and thence to New Orleans. The mate’s name was Charles Price Bulkley. At New Orleans . . . Bulkley was directed in writing to pay the hands who went with him. There was due to me at that time, as steward, at the rate of \$18 per month, the sum of \$286 or 7. I asked Bulkley for the sum of \$18, for my use at New Orleans. He was angry, and ordered me ashore. I went, taking my clothes. He charged me with stealing, and put me in a calaboose. He then sold me to a man by the name of Turner, from the country. I refused to go. Fortunately, I was able to speak some French, and I had some old acquaintances at New Orleans, one a landlord named John Pouch, and the other named Caleb Bartlett, a merchant of New Orleans, son of the late Dr. Bartlett, of Charlestown, Massachusetts. This gentleman had sailed, when a boy, before the mast in a vessel of which I was steward. . . . By the kindness of those gentlemen, I was released; whereupon Bulkley accused me of being a dangerous fellow, and having a design to raise the slaves and murder the whites, and said I was fitted for such an undertaking. The jailor was about to shackle me, when Messrs. Pouch and Bartlett came, in consequence of a message which I sent by the guard, and relieved me. If I had not had friends in New Orleans, or if I had had them, but could not have sent a message in French by the guard, I should not have been able to recover my liberty, and should, in all probability, have been in slavery at this time.

While I was in prison, I saw William Johnson, whom I had known as a free man at Baltimore. He was taken up in the street the same day that I was. He was chained, and put to work on the levee. He had a shackle round his right ankle, and a chain running from that to his waist, and attached to a belt round his body. I saw him whipped dreadfully with a cowhide, because he did not walk faster. I left him in that situation, and suppose that he is still a slave, as, in the usual course, he would be sold into the country in twenty days. In the calaboose there were *nine* other colored men, who were freemen. . . . All these, after twenty days, were to be sold for slaves. I suppose they must be in slavery now. They urged me to go and intercede for them. I did go to the landlord, Pouch, and asked him to help them, and he did all that he could, but it was in vain. . . . There is a continual stream of free colored men from Boston, New York, Philadelphia, and other seaports of the United States, passing through this calaboose into slavery in the country. . . .

his
JOSEPH X THOMPSON.
mark.

Suffolk, ss: Boston, Nov. 20, 1833.

Subscribed and sworn, before me,

DAVID L. CHILD, *Justice of the Peace.*

Source: Thompson, Joseph, Affidavit, Suffolk, November 20, 1833, Boston. In David L. Child, The Despotism of Freedom; or the Tyranny and Cruelty of American Republican Slave-Masters, Shown to Be the Worst in the World; in a Speech, Delivered at the First Anniversary of the New England Anti-Slavery Society, 1833, Boston, 1833, p. 70.

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Activity Sheet 3
Critical Thinking about Joseph Thompson's Affidavit

1. Identify three racial injustices Joseph Thompson encountered or witnessed.

2. Explain how these injustices limited his freedom.

3. Explain how Thompson fought back.

4. What types of personal skills and connections did Thompson draw upon to regain his freedom? Were these skills and connections specific to his life experience or universally held?

5. Why might David Thompson have wanted to tell his story to David L. Child?
