

LISA SHARON HARPER



FORTUNE

**HOW RACE BROKE MY FAMILY AND THE WORLD
AND HOW TO REPAIR IT ALL**

Foreword by **OTIS MOSS III**
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How Race Broke My Family and
the World—and How to Repair It All

LISA SHARON HARPER



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Lisa Sharon Harper, Fortuna



Lisa Sharon Harper, Fortune

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Prologue

“Have they come yet?”

“Have who come?” I was sitting on the patio of a retreat center in west Michigan with a new friend, Greg Ellison, professor at the School of Theology at Emory University. We had come to this center to be among spiritual leaders and discuss faith-based approaches to healing the world.

“The ancestors,” he replied.

I had explained to Ellison and a few colleagues with deep roots in the mystic tradition that I was about to embark on a pilgrimage to the place where the first ancestors in my family were brought to the US as slaves from West Africa in the 1680s. Somerset County on the Eastern Shore of Maryland was not far from my home in Washington, DC, but it felt a world away. I told them I was terrified to unearth the story of my family. It felt like I was about to push into the heart of American evil.

I had heard rumors that this area in southern Maryland was like the Deep South, a breeding ground for hate groups holding onto racial caste systems. If you’ve ever visited Gettysburg National Park, one of the more striking things isn’t the park itself or its famous landmarks. It’s the locals who proudly display Confederate flags in their front yards or on their vehicles, or sell Southern trinkets in their antique stores, as if to dismiss the meaning behind

the battle and the pivotal address that took place there. I had heard similar stories of Somerset County. Just south of the Mason–Dixon line, Somerset had pockets of Southern sympathizers.

All I could think was that I—a Black woman—was about to drive into the heart of hate to discover truth, beauty, and healing. I did not know what to expect or who from my past I might encounter.

“They will guide you,” Ellison told me.

One week later, I sat in my living room remembering his words. Despite his reassurances, I still felt fearful about my trip. Cable news droned in the background. Something about Russia. Something about collusion. Something about America going to hell in a gift box from Trump Tower.

Then I felt it.

A presence.

In my mind’s eye, I saw her: a Black woman with my shape—curvy, soft—a white apron over a dingy blue floor-length skirt, and a white head wrap. I don’t know how, but I knew—it was Betty Game, my great-aunt going back eight generations. For many years, I had been researching Betty, her family and descendants. Betty lived in Maryland in about the 1750s; she was a mixed-race, emancipated indentured servant who had managed to buy land of her own. I had located tax records dating back to that era and found a single sentence explaining how Betty had refused to pay an extra tax required of free Black women landowners. Further record digging showed that Betty never paid the Black tax on that property.

Betty stood in my living room like an eighteenth-century Black Fairy Godmother.

“I will guide you,” she said without words. As Ellison had predicted, my ancestors were helping me on my journey.

Days later, I moved closer to the land of my American origin with every revolution of the rental car wheels across the mighty Chesapeake. Suspended high above the water, this bridge was one of the longest I’d ever crossed. Crossing over the water, I moved toward the land from which my ancestors escaped.

Prologue

Records show that three generations of my family lived on the Eastern Shore of Maryland: some of them enslaved, some indentured servants, and some free. The fourth generation likely crossed the Chesapeake as indentured children, separated from their family by the movement of masters. They eventually lived free in Virginia. How they got there, the substance of their struggles, and how those struggles affected the generations that came after has been my journey for the last three decades. This book is the product of their pain and their push.

Introduction

My mother, Sharon, leaned over my seven-year-old body as I lay on my side, curled up in bed. Eyes closed, I had just watched the first episode of the television series *Roots*, based on Alex Haley's novel, huddled near the television set in our West Oak Lane neighborhood row house in Northwest Philadelphia.

Mommy sang to me:

Wade in the water
Wade in the water, children.
Wade in the water
God's gonna trouble the water.

I didn't understand it then, but my mother's generation was made up of baby boomers whose parents had transplanted to the North during the Great Migration and had infused them with a power that Dr. King called "soul force." It was gleaned from the blood-soaked earth of the South. They refused to be crushed by northern oppression. Moreover, Black boomer women and men were the first generation of people of African descent to live on this land with legal and systemic protection of their civil rights since the Civil Rights Act of 1875 was overturned and Reconstruction crumbled. Now under the cover of the Civil Rights Act of 1964

and the Voting Rights Act of 1965, which they had fought, bled, and died for, there was space to look back and re-member.

There in my flower-wallpapered bedroom on East Walnut Lane, a sleepy suburban street where middle-class African American children played hopscotch, Mother May I?, Red Light–Green Light, and hide-and-seek from morning to night on sloped lawns in front of our row houses—there in the final hours of the day, once I’d had my bath and been tucked into bed, my mother sang “Wade in the Water” over me. With a hum that rose from deep within her soul and words passed down through generations, she knit me together with my family’s 289-year struggle on American soil.

Previous generations did not have the luxury of memory. Under constant threat and suffering from constant trauma, family separation, and death, many attempted to bury the past. My mother’s mother, Willa, had suffered Jim Crow degradation as a child and escaped to the North as a teen. Tucked on the second floor of a three-story South Philadelphia row house owned by her mother, my great-grandmother, Lizzie—a home that offered northern shelter for three generations of her family—Grandmom Willa sang my seven-year-old mother to sleep with a song that attempted to lift her from the entanglement of Black struggle into the world of make-believe. Willa leaned over Sherry’s bed and sang, “I’m a little teapot, short and stout. This is my handle. This is my spout.” But in the daytime hours when daily trials and memories haunted mundane tasks, my mother remembers her mother’s voice filling the house with the songs of Billie Holiday and Bessie Smith like background prayers. Holiday’s cover of George Gershwin’s “Summertime” was her favorite. Willa sang of the morning her children would spread their wings and fly:

But till that mornin’, there’s a-nothin’ can harm you
With daddy and mammy standin’ by

Willa’s mother, Great-Grandmom Elizabeth, was born in 1890 in Camden, South Carolina. I remember her at ninety years old, learning to walk again after breaking her hip and living with her

daughter—my grandmother—Willa. I don't remember her ever uttering a word, but the elders say they remember a much younger Lizzie, the first in her family to seek asylum in the North, circa 1920. They say she moved through her days with a hum on her lips—often humming or singing “Precious Lord,” a song written in her youth:

Lead me on, let me stand
I'm tired, I'm weak, I'm lone

Lizzie left the South and never returned—intentionally dismembered from her past.

On that night in January 1977, in the comfort of my mother's nest in our Philadelphia suburb, listening to my mommy sing me into the wading waters of sleep, remembering Alex Haley's *Roots*—Kunta Kinte and Yaisa, Binta and Omoro Kinte, and the last scene of episode one where Omoro presents baby Kunta to the heavens—I was awakened to a truth that lodged itself deep in my marrow: I have a past and a people and a soul force that extend far beyond my life.

The seed of this book was planted that night.

For most of my childhood I gleaned stories from my grandmother and my mother, but never wrote anything down. Then I saw *Dances with Wolves*.

When I was a child, every week we visited Grandmom Willa and Grandpop Junius Lawrence in South Philly. As we entered their row house, I hugged Grandmom and asked her, “Where's the brush?” She would point me to her dresser-top in her bedroom. I'd run and get the brush, then climb behind her and sit against the wall on the back of the couch. Willa sat with her back between my legs. Then I ran the brush through her bone-straight hair. Brushing Grandmom's hair was like brushing the head of my 1970s hairstyling doll.

I always wondered how her hair got that way. When I asked what she was, she got mad. She said with definitive finality, “We're Black. That's it.”

But one day in fifth grade, on the school playground, several friends shared that they were part Cherokee. I thought of my grandmother's hair again. The next weekend when we visited, I waded into the troubled waters of identity again.

"Are we part Indian?" I asked her with trepidation—not wanting to offend.

But this time she answered with a secret: "We're part Indian, but don't ever tell anybody. They'll think you're trying to pass for White."

When my grandfather died, she gave me a beautiful Native American beaded necklace that she said he wanted me to have. I cherished it like a gift from the ancestors. I didn't understand the politics of passing at that time. I didn't know that Willa's mother, Lizzie, had passed at one point in her life. I didn't know what I understand now: that the political constructs of race in the US are made up, illogical, and devised for one purpose—to determine one's place in a human hierarchy of belonging. All I knew was that I didn't want anyone to think I was trying to pass. I knew enough to know that would be bad. So, I told no one. I never wore that beaded necklace in public, and I held my grandmother's secret until 1990.

In the first moments of Kevin Costner's award-winning 1990 movie, *Dances with Wolves*, Captain John Dunbar attempts suicide. His desperate act opens an opportunity for the Union army to attack. His bravery is commended with the opportunity to be posted anywhere he wants. He chooses the western frontier. From the moment I watched him step foot on the prairie—hands skimming tall prairie grass—tears streamed from an unknown place deep within my soul. A sense of longing rose from that place—longing for a home I'd never known—longing to be re-membered with my people and my land. But I didn't know who we were—only that we were "part Indian."

I called my mother when I got home from the movie theater. On that call, I sketched my first family tree. One branch reached

back to Lea Ballard, Willa's great-grandmother—my third-great-grandmother—the last enslaved adult in our family. The other branch stretched back into the Lawrence family—my mother's father's patrilineal line—to Henry Lawrence.

"Henry fought in the Civil War," my mother explained. "He was Cherokee and Black."

That's all we knew. Later, my mother's brother corrected her: "We were Chickasaw," Uncle Larry said with his wavy gray hair tied back in a braid.

So, I came to understand, the Lawrence line descends from people who were African, Cherokee, and/or Chickasaw. I make no claim to be a member of any federally recognized tribe, be it Cherokee, Chickasaw, or any other. I only share the stories my ancestors shared with me.

Mystery . . . and bread crumbs.

I followed the bread crumbs and found they were enough to sustain life. I wrote an award-winning play inspired by those bread crumbs. Filled with my research and imagination of what might have happened, *An' Push da Wind Down* imagined how my Black and Cherokee family came together and ended up on the Trail of Tears, as family stories attempt to re-member.

In 2010, on the night I joined Ancestry.com, the doors swung open. I filled in the branches of our family tree as far as I could go. Hints popped up in the form of leaves. Those leaves led to an 1850 slave schedule for a Jonathan Lawrence with several "mulatto" enslaved children. There was no listing of their names, only their ages. The pre-Civil War census listed the names of free people. Enslaved people were listed according to their declared racial status (B=Black, M=mulatto, I=Indian). All of Jonathan's enslaved children had an M next to their names. I scanned the ages. According to my mother, Henry should have been born around 1842. There was an exact match.

On that slave schedule, listed as the unnamed property of Jonathan Lawrence, I was seeing likely evidence of the existence of

the man who I had only heard spoken of, like the Greeks spoke of Hermes and Dionysus—mythical figures connected to their genesis. Here was the first evidence of Henry’s reality.

Finding no more information about Henry that night, I switched to Jonathan’s White daughter to uncover more information about the Lawrence family. White people were listed by name and had clear paper trails. My mother suspected that Jonathan was actually Henry’s father. She imagined that he listed Henry as his slave to evade capture, because Jonathan may have been a passing Cherokee in Kentucky—after the Cherokee Trail of Tears. Jonathan’s White daughter, Mariah Teresa Lawrence, married William Walter Lawton. Leaves kept popping up on Lawton’s line. From generation to generation, I went further back until finally I was among the original settlers of the colony of Jamestown.

Suddenly I was connected to history. The colonial world seemed incredibly small. Truth is, there weren’t many people in the US in the early colonial years. There’s a good chance that if your ancestors were there, they had some connection with people we think of as mythical figures now.

More than a decade of research since then has filled in blanks through countless hours on Ancestry.com, FamilySearch, Geni, Fold3, and at the National Archives in Washington, DC, and on pilgrimage to the lands where my ancestors lived. DNA science has helped me, and all of us, make connections previously unfathomable. Ancestry.com, 23andMe, and African Ancestry have uncovered mysteries and secrets, correcting or confirming family stories while deepening my understanding of the lives of my ancestors and raising new questions.

The fleshed-out picture clarifies the profound costs of the political constructs of race and gender in the US and on my family and all those trapped in the talons of America’s hierarchies of human belonging. Several times, while researching the lives of my great-grandmothers and great-grandfathers I found myself weeping—literally weeping. If only the constructs of race hadn’t existed, Martha might have lived, Annie might have flourished, Augustin might not have been such a monster to his children, fam-

ily fracture might not have been such a pathology on both sides of my family—and every woman in my matrilineal line might not have been molested or raped. How do we measure that cost? It is infinite, for it scrapes out the insides of the survivors and severely limits their capacity to flourish.

Mine is the first generation in more than four hundred years with enough distance from slavery and Jim Crow to try to assess the damage—and to demand repair. Not long ago, African Americans across the nation commemorated the four hundredth year since the first “twenty and odd”¹ Angolan men and women were forced off the English warship the *White Lion* and were received by John T. Rolfe, secretary of the colony. These men and women had been purchased in Luanda, Angola, and pirated from a Portuguese slave ship bound for Mexico.² The first enslaved Africans stepped foot in Point Comfort (present-day Hampton), Virginia, in 1619—in shackles. In the shadow of the four hundredth year since American slavery imposed itself on African lives—as scholars, documentarians, policymakers, and artists clarify the shape-shifting systems of control and confinement crafted to secure White supremacy on American soil and as White nationalist politicians seek to undermine the importance of 1619—we are compelled to ask one question, lest we find ourselves in the same controlled, confined, shackled space four hundred years from now: How do we repair what race broke in the world?

Reparation is about repair. To repair the world, we must first understand how the world broke. Any examination of racial injustice in the Western world must consider the theological grounds upon which legalized conquest and enslavement stood. Pope Nicholas V issued the *Romanus Pontifex*, which declared that explorers could claim the land of “uncivilized” peoples and enslave them. That papal bull laid foundations for the legal doctrine that fueled Europe’s age of conquest: the doctrine of discovery.

This doctrine broke the world by mangling the proper power relationships between people groups. The theological lie of racialized human hierarchy became the fuel for Europe’s age of conquest. The world cracked apart the moment the first European

explorers looked at indigenous people who had stewarded land for thousands of years and declared them “uncivilized” and therefore unfit to exercise stewardship of their lands—or themselves.

If the break was fundamentally spiritual and relational, the remedy must heal our souls and repair the way we relate to each other in the world. While our relatedness has been shaped by conscious and unconscious beliefs, the power of belief does not stop with the mind. Belief is worked out in our bodies, practices, laws, systems, and structures. Belief shapes the world. But what shapes belief? Stories.

From Camelot to Beowulf to Mark Twain’s *Tom Sawyer* and Jane Austen’s *Pride and Prejudice*, stories born of European bodies shaped worldviews about European history around the globe. Even the story of Jesus, a Brown man, a colonized man, from a serially enslaved people, who lived in a time of occupation and colonization—that story was handed to the world through the sanitizing, White-ifying filter of European empires. Africa, Asia, Latin America, and indigenous people around the world received a White, blonde, straight-haired Jesus who always spoke with an English accent. If Jesus is White, then God is White. If God is White, then White people are closest to God. We must bow to them.

The varying perceptions of the Christian story divided our nation in antebellum times into two main camps: those who reconciled slavery and those who opposed slavery, both based on biblical teachings. Different interpretations of the Christian story divided our nation in the days of Jim Crow and the civil rights movement and culminated in the days leading up to the 2020 election when, in the face of racially disparate death rates due to COVID-19, Mayor Muriel Bowser, a Christian, ordered that “Black Lives Matter” be permanently painted on the street leading to the White House. And on January 6, 2021, the story of the ordained rule of White Christian men fueled an attempted coup and killed at least five images of God.

Nearly three-quarters of Americans identify themselves as followers of Jesus. How do we reconcile our faith stories? We bring disparate, competing narratives together by examining them, interrogating them, and most of all sitting at the feet of those who

live and breathe and move in the same social hierarchy as those who first wrote and read and lived the biblical texts. Perhaps formerly enslaved ones, perhaps colonized ones, perhaps Brown ones in a White supremacist world can show White Christian Americans what they did not see in Brown, colonized Jesus. Any attempt to repair what race broke in our nation must contend with what race broke in our faith. In that space we will find the remedy for our nation's repair.

We have been deeply shaped by the stories we've told ourselves about God. We have also been shaped by the stories we've told ourselves about ourselves. The victor wrote our history. Celebrating the heroes of our nation's founding, the crafters of our national story marked its progression through a timeline of military conquests and economic exploits. The stories of the conquered and exploited have rarely risen to a height to be heard or seen beyond family and local community. These marginalized narratives must be pushed to the center. We must see them. We must reckon with them. These stories unearth the details of how and why and where racial hierarchy was built and protected. These stories reveal the details of the loss born of the practices, laws, systems, and structures created by human hierarchy. These suffocated stories raise a primal scream that cuts to the bone and reveals the depths and contours of our shattered national soul.

Fortune is divided into three parts. Part one explores the roots of our national story of race. Part two explores the toxic fruits of legal, judicial, legislative, and social decisions made that entrenched racial hierarchy in our nation. Part three explores what it will take to repair what race broke in the world. Along the way you will be introduced to my ancestors. They lived in the times when consequential history was made. Their Black and Brown bodies absorbed the trauma of laws and judgments passed to forge a White nation. This will be an emotional journey. Where I lacked details about my ancestors' lives, I have filled in their stories with context. I discovered through this process that often context is text.

Context often shapes the lives of the oppressed. Drought demands the choice be made to either hack it out on the land or migrate and live. Racial terror demands a choice: be brutalized, fight back, or run. Slavocracy demanded choices of enslaved children sold far away from their parents and families: be overcome by the trauma of the loss or find ways to protect your heart from attaching again. Context often dictates text. The details of context are usually erased from the victor's narratives. Sometimes discovering those details is enough to fill in the narrative.

My mother took me and my toddler sisters to see the classic a cappella Black women's quartet Sweet Honey in the Rock in Philadelphia back in the 1970s. I will never forget how their hums and beats called forth the spirit of the ancestors like Jesus called forth Moses and Elijah. In a Carnegie Hall performance about a decade later, they explained that Harriet Tubman used to tell the people she conducted on the Underground Railroad, "Wade on in the water. It's gon' really be troubled water."³ You can't get through troubled times without wading in.

We are in troubled times. There is no way around it: we must wade in, face the realities and costs of the hierarchies of human belonging that we constructed in our nation's earliest years. We must face the cost and figure out how to pay it. If we don't wade into the water, we will find ourselves in this same place ten generations from now, with new iterations of control and confinement for people of African descent and others, exploiting their labor and justifying inaction on the basis of a Whitewashed Jesus read through the lens of empire.

In the same way that my mother leaned over my small Brown body and sang, "Wade in the Water," I sing:

Wade in the water
God's gonna trouble the water

I am here—in the water. Enter in. Let's get to the other side.

PART ONE

THE ROOTS

There is a tiny road that leads to a dead end, tucked back beyond the coniferous trees that line Mount Vernon Road on Maryland's Eastern Shore. The trees stretch to the sky, lining a maze of back-roads that meander their way to the Wicomico River. I wound through the maze on my second full day on the Eastern Shore—the birthplace of Britain's second North American colony.

The previous day, Betsy McCready, a helpful clerk at the local assessments and taxation office, marveled as I explained my research and requested her help in finding any land records connected to Sambo Game, Maudlin Magee, or their daughter, Fortune Game/Magee. Betsy explained that the archives would have those records. But Betsy took out a map and showed me something we both marveled over. Game Road is located at the very top of the property once owned by Mrs. Mary Day, the woman to whom Fortune Game/Magee was indentured. Three of Fortune's children were also indentured by Mrs. Day. It's probable, Betsy said, that Fortune and her children lived on that road during the time of

their indenture. It is a historically Black alcove. We both wondered aloud if Game Road was named after the Game family.

Seven lots line Game Road. One ancient, abandoned two-story house with an attic sits at the entrance to the road, flanked by several smaller one-story rentals. I parked my car at the top of the road. Black dragonflies the size of a truck driver's thumb swarmed the road. They were everywhere, as if standing guard, protecting the land from those who would encroach upon this sleeping part of the world. History happened here. America's first race and gender laws were lived out here. The cost of those laws was borne and born here.

I got out of the car at the street sign: Game Road. There it was.

Part one of this book begins with the story of Fortune, my likely seventh-great-grandmother. Her teenage body absorbed the wrath of the first race, gender, and citizenship laws in this land. In our national imagination, the experience of slavery is the singular link that binds all African Americans. We are a nation of black and white, winners and losers, cowboys and Indians, with simple morals attached to every story. We don't like shades of gray, nuance, and complexity. In submission to our culture's dualistic narratives, we have cast our nation's foundational stories as if they were sketched by Disney or John Wayne. Virtual cardboard cutouts of slave plantation caricatures separate field slaves from house slaves and paint them as warring factions. This two-dimensional, dualistic diorama of slavery in the US is at best inaccurate. At worst, it is insidious. This caricature of what it means to be African American oversimplifies the complex, textured, and nuanced creation story of colonial and antebellum America, as well as the current US economic system built on the foundation of 246 years of free and exploited labor.

The American economy was built on a foundation of exploited blacksmiths and carpenters and accountants and engineers and doctors and architects and chefs and coachmen and footmen and musicians and preachers, as well as planters and pickers and herdsmen and nursemaids and butlers and housekeepers. Each one exploited. Each one brutalized. Each image of God crushed

or twisted or covered or violated or starved under the smothering blanket of slavery. Each one's sweat built this country. Each one's body controlled by the political and legal constructs of Whiteness in order to secure and protect global, economic, social, and cultural dominance for Europe and people of European descent.

Yet there is another dimension to the complex roots of America's racialized economy. There was something even before chattel slavery. Many of the earliest Africans in the US who were brought to the first colonies from the Caribbean, or born here before Virginia erected the first legal scaffolding of chattel slavery in North America in 1662, were indentured servants, not slaves. Indenture was not a race-based system. England's courtier class often received land grants and leased the labor of indentured European immigrants, Native Americans, and Africans to cultivate the land. Indentured servitude had a time limit of four to seven years, though people of African descent often did not benefit from time limits, because masters would fail to keep accurate records of their years of service, making it possible to hold Black servants indefinitely.

Lest the idea take root that indenture was equivalent to employment with labor protections, as we experience today, it was not. Indenture was slavery with an expiration date. Indentured servants were legally owned by their masters during the time of their indenture. They were property. Servants were beaten, pilloried, and whipped, tongues were bored, ears were cropped or nailed. Like the enslaved, escaped servants were hamstrung, hung on public display, or quartered as a warning for the masses. The women were raped. All with legal impunity. Courts added four to seven years to women's service as penalty for bearing children out of wedlock, and their children were indentured for decades—a punch to the gut for indentured women whose children were conceived as a result of rape by men in their indenturing families.

One thing I've learned in my research is that law is rarely, if ever, crafted in response to philosophical belief. Law is crafted to deal with real-time issues rising from common life in a society. Such was the case for the construction of race laws in the US. Through

the story of Fortune we will encounter the initial system and its cost on Black and mixed-race bodies.

Next, we will encounter the Lawrence line, which is pure mystery with multiple possibilities and some I'm sure I have not yet conceived. In undertaking an African American family history you encounter a brick wall when you reach past the Civil War into antebellum slavocracy. Our family was fortunate that the Lawrence brothers were emancipated between 1850 and 1860, so we know something of their lives before the war. Still, the mystery overwhelms at times, and I have attempted to fill it in by tracing two possible narratives, given the evidence we have.

Finally, I will introduce you to Lea, who slaved in South Carolina—the last adult enslaved person in my family. Lea lived in the time of slavery, Reconstruction, and survived the deprivation of Jim Crow. She and her daughter Martha will reveal the particular burden of Black women attempting to survive race in America.

These are the roots of race in America. Political, legislative, and judicial decisions were made in this genesis era. They laid the political, economic, social, and spiritual foundations of America's slavocracy, Jim Crow segregation, redlining, and our persistent racial hierarchy. In the tradition of the Ghanaian Sankofa bird, our feet are faced forward—moving forward toward repair—but we cannot repair without turning our gaze back to understand how we broke. In part one, we encounter our genesis story—not the meta-story dictated by nobility and embedded in official narratives. No. This genesis story rises from court, tax, and military records and from the DNA of the oppressed. Hidden in these stories is the substance of the break—and the key to our collective repair.

1

Fortune

How Race Became Law

Mixed-race, eighteen-year-old Fortune Game/Magee stood alone in the quaint wooden courthouse in Somerset County, Maryland. Fortune lived and breathed and had her being in the exact days when English settlers built the legal framework that eventually enslaved more than four million people of African descent on American soil. Standing in that courtroom, Fortune’s “mulatto” (mixed) body was used by the pioneers of our nation’s legal framework to establish, enforce, and protect White supremacy. Their strategy? Snatch and suppress the flourishing of everyone else. This is the crack in our national foundation. Fortune felt that crack in her body.

I imagine Fortune sitting in the Somerset County courtroom having no control over her future. Her only crime was being born of a mixed-race couple. Black and White—that was the demarcation line between bondage and freedom in Fortune’s days. But her court proceedings took place on ground layered with iterations of White nationalist subjugation.

The Somerset courthouse was built on land stewarded for thousands of years by the Nanticoke Nation and other neighboring

tribes. A tidewater farming nation, Nanticoke towns lined expansive swaths of rivers and creeks that flowed into the Chesapeake Bay, serving as main veins of transportation and sources of food. The towns were established deep in the surrounding marshes and swamps, where the people found emergent plants with edible roots. The land was plush with tall forest trees whose top branches seemed to weave together and touch the sky and whose roots stretched deep into the marshy earth.¹

The doctrine of discovery was developed from a 1455 edict of Pope Nicholas V that granted the right of explorers to claim “uncivilized” land for the crown and enslave its people. Formally named *Romanus Pontifex*, this edict served as the legal foundation for the conquest of indigenous lands across the globe. In typical fashion, since the 1620s Virginia-based English traders conducted business with the Eastern Shore’s indigenous nations, navigating a competitive market that traded guns, gunpowder, axes, hoes, Dutch cloth, and other goods in exchange for corn and fur. After more than a decade of trade, Lord Baltimore leveraged the doctrine of discovery to receive title to the land in 1632. He named it Maryland after Henrietta Maria, the wife of King Charles I, asserting the supremacy of England in the territory.² This was the way. Europeans landed on land and leveraged their own laws without respect to the laws of the indigenous peoples. They claimed the land and subjugated the people, leveraging their labor for White flourishing. For White men to flourish, Brown ones had to bow.

Over the next thirty years, Maryland’s Eastern Shore went from a remote fur-trading outpost to a proprietary plantation colony of English courtiers, African and Native American indentured servants, Quakers, Ulster Scots (Scotch-Irish migrants), and a growing population of free men and women of mixed African, Native, and European descent.³ Native tribes were removed to remote tracts of land and reservations. European racial logic was largely applied informally in these initial stages. Racialized hierarchies were imposed implicitly through the attachment of “Negro” or “Indian” or “Irish” to a person’s name, and prejudice was largely exercised directly by

individuals rather than in racialized systems, structures, and laws. The first official race laws developed in the colony of Virginia and then Maryland over these three decades. They took root in social and economic interactions, then through the courts, and finally through the legislature. Laws flow from and reveal the hearts of a society. I imagine Fortune's life before entering that courtroom. She knew the heart of that society. In her early colonial Maryland, race laws were in nascent form, born from the hearts of her neighbors and their White world. White supremacy and White privilege were explicit. They were assumed. And they were relentless.

Each word spoken by the prosecutor, the judge, and witness after witness wedged Fortune further away from freedom. Freedom—that condition ordained by God for all humanity on the first page of the Bible: “Then God said, ‘Let us make humankind in our image, according to our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth’” (Gen. 1:26). God said all humanity bears the image of the divine. God said all humanity is called by God and created with the capacity to exercise dominion in the world. God said this of Fortune. She was human. She was born to run and laugh and love and flirt and be courted and marry and have children (or not have children) and help steward the world—to make choices that protect, serve, and cultivate her family, her community, her town, and her nation.

This is what it means to be human. This is what it would have meant for the law to see Fortune as human. But on that day in 1705, in the Somerset County courthouse, men of European descent spoke with conviction and agreed on one basic premise: Fortune Magee may be half-White, but she was not fully White. Further, she was a woman—designed for use by men. Three decades of ever-changing race codes that reflected increasingly hardened ideas of race and commitment to White supremacy brought Fortune to this moment. She stood amid White men who looked at her and did not see a human being. They looked at her mixed-race body and saw a challenge to their supremacy.