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HUBBELL PRIZE AWARDED

CHRISTOPHER A. LUSE has won the John T. Hubbell Prize for the best article published in *Civil War History* during 2007. His study on “Slavery’s Champions Stood at Odds: Polygenesis and the Defense of Slavery” was selected by a committee at the Richards Civil War Era Center at the Pennsylvania State University. The prize earns the recipient a \$1,000 award.

Luse’s article earned distinction for delving deep into the intricacies of American race relations, examining of the little-studied anomaly of proslavery Southern Christians’ opposition to the growing power of scientific racism and the advancement of polygenesis—the belief that those of African descent were a separately created species with a fundamentally different origin and nature. White Southern Christians viewed polygenesis as a direct threat to the orthodox interpretation of the creation account in Genesis, and part of a broader attack on a conservative and religious worldview. Proslavery Christians vigorously defended the humanity of black slaves, ironically employing some of the same arguments as abolitionists, and at the same time, campaigned against its “abuses.”

With the defeat of the Confederacy and the destruction of slavery, however, appeals by proslavery Christians for benevolent race relations based on old paternalist rhetoric fell on deaf ears. A new more severe form of racism based on “biblical polygenesis” flourished and, along with lynchings and legal segregation, represented “the South’s contribution to the triumph of harsh racism throughout the Western world.” In the end, Luse argues, the proslavery Christian position could not prevail against the power of polygenism. “On questions ranging from the internal slave trade, fears of racial mixing, and advocacy of white democracy, the new ethnology provided a firmer foundation for white supremacy. Another way of expressing it is that proslavery Christians defended slavery in the abstract, while the ethnologists justified slavery in the concrete.”

Luse is a doctoral candidate in the Department of History at Emory University, and teaches part-time at the University of Georgia. His dissertation, “‘The offspring of Infidelity’: Polygenesis and the Defense of Slavery,” is currently under the direction of James L. Roark having previously been under the supervision of Elizabeth Fox-Genovese. He originally presented “Slavery’s Champions Stood at Odds” at the Southern Historical Association convention in November 2005.

Awarded annually and funded by a donor through the Richards Civil War Era Center at Pennsylvania State University, the John T. Hubbell Prize recognizes the extraordinary contribution to the field of its namesake, who served as editor of *Civil War History* for thirty-five years.

Editor's Note: Suppression of the African Slave Trade Revisited

WILLIAM BLAIR

Welcome to a special issue to commemorate the bicentenary of the closing of the African slave trade by the United States. On January 1, 1808, the legislation took effect that banned the importation of Africans. Although slavery continued in the Atlantic Rim, the occasion—coupled with action by Great Britain a year earlier—marked an important moment in the march toward the eventual abolition of slavery throughout the western hemisphere.

As scholars well know, the trade in Africans continued well beyond 1808, lasting legally and illegally until its close in 1867. During that time, between 2 and 3 million more Africans—a great many of them children—were taken from their homeland to the Americas. This represented a substantial portion of the 12.5 million enslaved who were carried in ships during the nearly 400 years of this largest forced migration in human history.

The focus for this issue on suppression of the trade borrows from the seminal work conducted by W. E. B. Du Bois, who published in 1896 the first professional study of the African slave trade. *The Suppression of the African Slave Trade to the United States of America* came out as the first volume in the “Harvard Historical Studies” series. Produced for his dissertation at Harvard University, it was a work of incredible breadth, tracing the rise of legislation and enforcement against the trade from the colonial period until just after the

1. W. E. B. Du Bois, *The Suppression of the African Slave-Trade to the United States of America, 1638–1870*, Harvard Historical Studies Series (Boston: Harvard Univ. Press, 1896).

American Civil War. For a long time, this book represented one of the only efforts to reveal the U.S. side of the story and it remains the only monograph on the subject that considers this perspective over such a wide time-frame.¹

When he published his study, Du Bois concluded that the 1807 law failed abysmally because of spotty enforcement and apathy on the part of the government and the white public in general. He considered the U.S. ban on the trade a “dead letter,” and estimated that the illegal trade brought perhaps as many as 250,000 Africans into the country by 1860. The study also patiently gathered and traced the voluminous legislation developed by the various colonies, as well as the efforts by the subsequent states and the U.S. Congress, in order to curtail the trade in Africans. This work continues to serve historians who wish to find in one place the legislation used by opponents to end this barbarous practice.

Interest in the U.S. side of this story has grown over the past decade, and although the literature remains nascent and evolving it has chipped away at some of Du Bois’s larger interpretations. Most do agree that U.S. enforcement against the illicit trade was irregular at best and at times bordering on non-existent, such as in the period between 1808 and 1842. And it is true that the only person executed for violating the U.S. statute came under the Lincoln Administration.²

Yet newer works have complicated the picture. Work on the African Squadron—the arm of the U.S. Navy that patrolled for slavers—has detailed attempts to crack down on the trade, even though they were hardly consistent or uniformly successful. Without these efforts, recent studies argue, the trade could have flourished even more. Scholars have even found southerners were split over the issue and that many influential people from what became the Confederacy strongly opposed the importation of Africans. This included southern members of the U.S. Supreme and Federal courts. And new compilations of data suggest that the 1807 ban enacted by the U.S. actually had a great impact on restricting the importation of Africans as slaves.³

2. Ron Soodalter, *Hanging Captain Gordon: The Life and Trial of an American Slave Trader* (New York: Atria Books, 2006).

3. Studies more sympathetic to U.S. enforcement include Donald Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery* (New York: Oxford Univ. Press, 2001), esp. chaps. 5, 6; Donald L. Canney, *Africa Squadron: The U.S. Navy and the Slave Trade, 1842–1861* (Washington: Potomac Books, Inc., 2006). For a contrary study that accepts the Du Bois characterization of failed enforcement, see Ernest Obadele-Starks, *Freebooters and Smugglers: The Foreign Slave Trade in the United States after 1808* (Fayetteville: Univ. of Arkansas Press, 2007).

With the exception of the estimation of numbers, Du Bois has not been completely overturned but to an extent modified. The participation of British North American colonies in the African trade was limited for most of the colonial period and the numbers of slaves smuggled into the U.S. certainly did not approach what he had projected. However, the Federal government exhibited a mixed track record at enforcement, and beyond 1807 the issue never really reached a level of national prominence in the debates that led to disunion and Civil War.

The small amount of work that does exist on the subject, however, suggests that important problems await untangling. Arguments still go on concerning the numbers of Africans illegally smuggled into the U.S.⁴ There is also the puzzling phenomenon of increasing commitment by the government to cut down on smuggling, especially under the Buchanan Administration, which otherwise supported proslavery positions. The contours of enforcement, and participation by U.S. sponsored carriers, continues to offer a fruitful area of inquiry. Scholars still have not dealt with why the illegal slave trade commanded such low interest among U.S. abolitionists. And there has been an unusual silence about the experiences and fate of the Africans in the illicit trade that has only recently begun to be rectified.⁵

Consequently, the articles that follow attempt to put into focus, and suggest some new ways of attacking, issues involving the suppression of the African slave trade after 1808. First, an overview essay by David Eltis highlights the demographics, which have become increasingly illuminated through a database of more than 35,000 voyages of the slave trade being completed by him at Emory University. Eltis is one of the pioneers in trying to describe the numbers involved, the origins of the Africans, and their dissemination throughout the Americas. He is followed by Paul Finkelman, who explores further the legislative history of the opposition to the slave trade, in which he suggests that the U.S. cracked down fairly effectively on the illegal commerce of human beings into the country.

The next two articles begin to consider the experience and impact of Africans involved in this trade after 1808. Sean Kelley looks at Africans who were smuggled into Texas while it was a republic. And Karen Fisher Younger

4. Obadele-Starks, for instance, places the number of Africans smuggled into the U.S. at roughly 192,000 minimum. See his *Freebooters and Smugglers*, 9.

5. For a recent work that focuses on the Africans, see Sylviane A. Diouf, *Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America* (New York: Oxford Univ. Press, 2007).

emphasizes the plight of the Africans who became “liberated” in the final wave of enforcement by the U.S. under the Buchanan Administration. Almost no one in the U.S. talked about returning the captives to their homes but instead favored sending them to Liberia. All of these papers began as part of a workshop series conducted by the Richards Civil War Era Center at the Pennsylvania State University in fall 2007, with financial support from the National Endowment for the Humanities.

One more issue bears editorial comment. The African slave trade was one of the most important factors in the shaping of the Americas. As Gary Nash observed, “Six out of every seven persons who crossed the Atlantic to take up life in the Americas in the 300 years before the American Revolution were African slaves.”⁶ This has left many legacies, including rich cultural resources that scholars continue to sort out as well as the problem of racism that rears its head in economic, social, and political life. Yet in the United States we had no commission formed to remember as a nation the abolition of the African trade. Various academic and public institutions have taken it upon themselves individually to bring attention to this important aspect of history. We add our voices to this mix so that this vital element in the development of the Atlantic World keeps gaining the attention it deserves.

6. Gary Nash, *Red, White & Black: The Peoples of Early North America*, 4th ed. (New Jersey: Prentice-Hall, Inc., 2000), 140.

The U.S. Transatlantic Slave Trade, 1644–1867: An Assessment

DAVID ELTIS

Last year was the bicentenary of the abolition of the African slave trade by the United States and 2008 is the bicentenary of that law going into effect. But there are perhaps better reasons to reconsider the patterns of the U.S. side of the African slave trade. More African migrants have arrived in the United States since 1992 than during the whole slave trade era. Moreover, the moment at which the second African diaspora overtakes the first in terms of size and diversity coincides with a technological revolution. Digitization and the World Wide Web have combined with an established computer revolution to provide historians easy access to documents, and, more important, the power to digest and manipulate the information they contain that is way beyond what their predecessors could ever have imagined. The impact of technology is particularly significant for a subject where the quality and quantity of surviving records is generally very strong and the geographic scatter of the documents immense. While there is much still to be discovered about the U.S. trade in Africans, we can now throw major new light on its rise and fall, the people involved, its size and direction, and a great range of other issues, many of which are not at all quantitative.

The recent launch of the new transatlantic slave trade database (at www.slavevoyages.org) permits an overall reassessment of colonial American and U.S. involvement in the slave trade over the more than three centuries when,

I thank Paul F. Lachance for his invaluable comments on an earlier version of this paper.

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by one or more of the definitions discussed below, it was a going concern. Containing records of 34,941 voyages to the Americas, plus a new set of interactive estimates of the volume and direction of the business, it contains the most complete compendium of the U.S. slave trade yet. It brings together and, more important, integrates approximately 3,700 voyages that had some connection with the North American mainland. Much, though not all, of the data were assembled by Elizabeth Donnan, Jay Coughtry, James McMillin, Warren S. Howard, and numerous other scholars. Voyages that took a year to complete and passed through several jurisdictions, each with its own record gathering processes, necessarily generated fragmentary information about their routes and the people who sailed on them. The new Voyages database constitutes the first serious attempt to tie the voluminous data on the slave trade to, among other places, the North American continent.¹

But there is an immediate preliminary question of definition. Even if we confine our attention to captives carried across the Atlantic Ocean as opposed to those coming in from elsewhere in the Americas, at least three overlapping definitions of “U.S. slave trade” come to mind. One is the traffic that brought slaves into the territories that either were or became the United States. A second is the traffic carried on in slaving expeditions organized in those territories. A third is the traffic carried on under the U.S. flag, which in the nineteenth century became in part a flag of convenience for slave traders based outside North America, especially those operating from Cuba and Brazil. But, whatever definition is employed, it is rather startling to consider that half a century after the first awakening of scholarly interest in slavery and the slave trade in the United States, which has generated many thousands of monographs and articles, there is still no book on the U.S. transatlantic slave trade, however defined.² It scarcely seems possible that what is offered here is, in fact, not so much a reassessment as a first assessment.

1. The Web site www.slavevoyages.org contains three search interfaces. The term “Voyages Database” refers to the first of these three, which gives users access to a database of 34,941 slave voyages. The term “Estimates Page” refers to the second interface, which allows users to interact with the authors’ assessment of the overall size and direction of the slave trade. The third interface, accessing details of 67,000 African captives, is not used in this essay.

2. Jay Coughtry *The Notorious Triangle: Rhode Island and the African Slave Trade, 1700–1807* (Philadelphia: Temple Univ. Press, 1981) takes up the Rhode Island slave trade only. As shown below, this accounted for less than half of the U.S. slave trade (again, by any definition). For arrivals in North America, see Robert W. Fogel and Stanley L. Engerman, *Time on the Cross: The Economics of American Negro Slavery*, 2 vols. (Boston, Little, Brown, 1974). For the last quarter century of the trade prior to federal abolition taking effect in 1807, see James A. McMillin, *The Final Victims: Foreign Slave Trade to North America, 1783–1810* (Columbia,

The first definition is probably the one that interests most historians. The size and origin of the first African diaspora is basic to more issues in U.S. history than it is possible to list. There may be no monograph on the overall subject, but there is certainly no shortage of opinion, laid out in books and essays on how many people came from Africa to the United States before slavery was abolished and where those people came from. The literature suggests two methods of estimating the number of arrivals from Africa. One is the demographic approach where scholars use population counts and vital rates from the historical record to calculate arrivals as the residual that cannot be accounted for by births and deaths. The procedure generates net arrivals—or arrivals less departures—to which the discussion below returns. The most carefully constructed series of this nature appeared in 1974 when Fogel and Engerman estimated 653,000 arrivals from all sources, including the Caribbean. A major feature of this series is that it has 45 percent of this total, or 291,000, arriving in just thirty years, 1780 to 1810, and 21 percent, or 143,000, in the last decade, 1801–10. James A McMillin has recently revised estimates for the 1783–1810 period downward and incorporated these into the Fogel and Engerman figures, reducing the total for the whole period to 530,700 from 653,000. However, the McMillin revisions are based not on any new population or vital rates data, but rather on a new set of assumptions on what vital rates and population counts might have been. While the new assumptions seem perfectly reasonable, dozens of others that would give quite different results are equally reasonable. There is no compelling reason to accept one set over another. The root of the problem, of course, lies with the fact that the historical record of vital rates for blacks in what became the United States is very thin before the nineteenth century and almost nonexistent before the mid-eighteenth century. In addition, part of the large jump in arrivals in the demographic series late in the period may stem from differences in how the first and second U.S. censuses were conducted (1790 and 1800) relative to their colonial predecessors, rather than the reality of immigration.³

S.C.: Univ. of South Carolina Press, 2004). “Foreign” in the title means “international” and is intended to separate out the author’s interest from the U.S. domestic slave trade, which has received much more scholarly attention. To these might be added W. E. B. DuBois’s study of suppression, which focuses on the nineteenth century, *The Suppression of the African Slave Trade to the United States of America, 1638–1870* (New York: Longmans, Green & Co, 1896). For a thesis that draws mainly on secondary sources, see Tommy Todd Hamm, “The American Slave Trade with Africa, 1620–1808,” Ph.D. Diss., Indiana University, 1975.

3. Robert W. Fogel, *Without Consent or Contract: Evidence and Methods* (New York: Norton, 1989), 55, table 4.2, “The U.S. Slave Trade: A Revised Estimate”; McMillin, *Final Victims*, 18–48.

The second kind of assessment of the number of captives arriving in North America stems from shipping data. As it is not possible to find a record of every vessel that brought in slaves, this approach can hardly be said to be free of assumptions either. Nevertheless, the empirical basis of shipping movements appears to be much stronger and internally consistent than that for vital rates in the colonial era. David Richardson and I have argued that the shipping data support an estimate of 389,000 captives arriving in the Americas direct from Africa. We think that records survive of vessels bringing about 85 percent of all slaves into North America by this route.⁴ This estimate does not include slaves carried from the Caribbean to the mainland, but it does incorporate McMillin's recently published database.⁵ To this total could be added an estimate of captives carried from the Gambia to Charleston in the early 1700s which have only just come to light.⁶

On the census issue, note that estimates of white immigration calculated by the same method also reveal improbably high inflows in 1780–1810. See Hank Gemery, "European Emigration to North America, 1700–1820: Numbers and Quasi-Numbers," *Perspectives in American History*, New series, 1 (1984): 283–342.

4. See <http://www.slavevoyages.org/tast/assessment/estimates.faces?yearFrom=1501&yearTo=1866&disembarkation=205.203.201.202.204>. For justification of the 85 percent figure see Introduction, "Extending the Frontier: Essays on the New Transatlantic Slave Trade Database," ed. by David Eltis and David Richardson (New Haven: Yale Univ. Press, 2008). The 85 percent figure is a weighted average of the ratio of known slaving voyages under the U.S. flag (77.5 percent) and the equivalent ratio for the British trade (93.7 percent) shown in table 1.4 in *ibid.*, pp. 132–33.

5. McMillin, *Final Victims*, enclosed CD-ROM. This contains 148 voyages not in our database at the time of the book's publication, subsequently added to [slavevoyages.org](http://www.slavevoyages.org). McMillin's estimates of slave arrivals in 1783–1810, derived from the "slave-carrying capacity" of the vessels in his database are similar to the independently calculated estimates on [slavevoyages.org](http://www.slavevoyages.org) (146,000 versus 121,000 transatlantic plus 17,000 intra-American arrivals from O'Malley). But the McMillin database has a greater than usual double-counting problem. What appear to be separate voyages are often really fragments of other voyages already included. Not all 1,764 entries in the McMillin database have been checked, but one voyage shows up as no less than five times, 22 others are entered three times, and 224 voyages are included twice. A further 31 are either not slave ships (or lack any identifying marks) or have dates that suggest probable double-counting. Moreover, some other entries have references that are not verifiable. We have set aside a total of 364 entries—one fifth—of the McMillin CD. Not yet checked are the arrivals of vessels in intra-American slave trade, which may have similar problems.

6. The agents of the Royal African Company wrote from the Gambia River in 1701 that "the whole trade of the River lyeth in the hands of the tennpercent ships who are here at this present seven in number some from Carolina & the rest from England who daily increase the price of slaves in this River ("Extract of a letter from Messrs Nathan Pile, Thomas Rayner & Richard Oakely dated 4 March 1700" in British National Archives [hereafter BNA], Treasury series 70, piece 175 [hereafter T70/175], fol. 23. Slave vessels from colonial North America disembarked an

Of the approximately 390,000 arrivals, the estimates page of slavevoyages.org has only 6,100 disembarking directly from Africa after 1808.⁷ This is dramatically lower than the 54,000 estimated by Curtin, and the “as many as 786,500” projected recently by Ernest Obadele Starks.⁸ While the first two of these three estimates purport to measure slave arrivals in the United States directly from Africa, the third seems to be for slave arrivals from all sources. Indeed, at times the term “foreign slave trade” in the subtitle of the Starks book appears to include slaves carried under the third definition of the United States traffic offered above—that carried on under the U.S. flag to Cuba and Brazil after 1808. Starks devotes only a half page to explaining how this estimate is derived, provides no references for the sources he mentions in his explanation, and makes no attempt to break down the 786,500 arrivals into the three categories of U.S. slave trading activity discussed here.

There are two reasons for believing that the true total of arrivals direct from Africa was closer to 6,100 than to either the Curtin or the Starks estimates. First is that between 1808 and 1863, the British maintained a significant naval force off the African coast and to a lesser extent in the Caribbean charged with suppressing the slave trade. British naval cruisers captured 1,559 slave vessels after 1808.⁹ Naval officers reported these captures to the admiralty, and, after they carried their prizes into courts around the Atlantic, these courts generated their own voluminous reports of proceedings which were sent to London. In addition, all court and naval personnel collected intelligence on the trade. Almost all the resulting correspondence survives today in thousands of bound volumes in the Admiralty 1 and FO 84 series of the British National Archives. None of the officials in London, the Caribbean, or Africa whose opinions are recorded in this documentation believed that any of the captives on which they reported were destined for the United States.

average of only 120 slaves before 1711. To replicate this result, see: (<http://wilson.library.emory.edu:9090/tast/database/search.faces?yearFrom=1514&yearTo=1710&ptdepimp=20000>). See also “Petition of Sundry Merchants and Planters of the Province of Carolina on behalfe of themselves and the Rest of the Inhabitants of the said Province,” circa 1711 (fol. 121).

7. See www.slavevoyages.org/tast/assessment/estimates.faces?yearFrom=1809&yearTo=1866&disembarkation=205.203.201.202.204.

8. Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison: Univ. of Wisconsin Press, 1969), 75. Ernest Obadele Starks, *Freebooters and Smugglers: The Foreign Slave Trade in the United States after 1808* (Fayetteville: Univ. of Arkansas Press, 2007), 10.

9. See <http://www.slavevoyages.org/tast/database/search.faces?yearFrom=1809&yearTo=1866&fate3=3>.

The British government was concerned about slave arrivals in Texas before it entered the union but never about slaves entering the United States.¹⁰

The second reason for preferring the lower figure is that the ninth census of the United States—the first to be taken after slavery was ended in the nation—shows that less than one tenth of 1 percent of the black population of the United States was African-born.¹¹ Thus, if 786,500 slaves arrived after 1808, then almost all of them must have been born in the Americas. This brings us to the issue of the intra-American slave trade. For the arrival of slaves in the smaller vessels that sustained the traffic from the Caribbean in the Colonial period Greg O'Malley has built a separate intra-American slave voyages database and has recently estimated 66,921 captives disembarking on the mainland.¹² But O'Malley's estimate does not include the period after 1808. Is it possible that 780,000 captives (786,500–6,100) born in the Americas arrived in the United States via the illegal slave trade? Probably not, given that this total is greater than all arrivals from Africa into the Caribbean—including Cuba—after 1808, as well as comparable to the total number of captives moved from the upper South to the deep South via the U.S. domestic slave trade in the same period.¹³ With slavery ended in much of Latin America by 1820 and in the French Caribbean by 1848 (there were, in any event, fewer than 200,000 slaves in Martinique and Guadeloupe combined in 1830) and with an effective slave registry supervised by the central government in place in the British Caribbean by 1817, only Brazil, Cuba, and Puerto Rico could have supplied such a number. It is inconceivable that planters in the booming Cuban and Puerto Rican sugar economies would

10. The Slave Trade Department of the Foreign Office generated about 1,100 volumes of correspondence between 1819, when it was established, and 1860 (FO 84). The Admiralty 1 series, containing letters from naval officers to the secretary of the admiralty, contains an approximate further two hundred volumes—particularly useful for the pre-1835 period. Over the years, I have consulted about two thirds of this material without finding any evidence of a systematic slave trade from Africa to the United States after 1808.

11. U.S. Census Office, *A Compendium of the Ninth Census* (June 1, 1870), Compiled Pursuant to a Concurrent Resolution of Congress, and under the Direction of the Secretary of the Interior (New York: N. Ross Pub., 1990). Curiously, Starks cites the ninth census but does so only to indicate the distribution of African-born across individual states. He draws no conclusions from the miniscule numbers of African-born people that he uses to derive this distribution (*Freebooters and Smugglers*, 208).

12. Greg O'Malley, "Final Passages: The British Inter-Colonial Slave Trade, 1619–1807" (Ph.D. diss., Johns Hopkins Univ., 2007), 112.

13. For estimates of arrivals in the Caribbean, see <http://www.slavevoyages.org/tast/assessment/estimates.faces?yearFrom=1501&yearTo=1866&disembarkation=309.501.305.405.304.401.600.310.306.303.402.311.701.403.302.307.702.404.301.308>.

have sold off their slaves, native- or African-born, to the United States after 1808, and a large movement of Brazilian born slaves into the United States is also unlikely. We will likely never know the precise size of the traffic into the United States from the rest of the Americas after 1808, but Fogel and Engerman's estimate of 1,000 a year from 1810 to 1860 based on census data is much more likely to reflect reality than is the Starks figure that is eight times larger.¹⁴ Fogel and Engerman did not attempt to separate out arrivals that were African from those that were Americas-born, but if the slavevoyages estimate of 6,100 is accepted then we can hypothesize that no more than 45,900 Americas-born slaves were smuggled into the U.S.¹⁵

Thus, the most recent voyage-based data for the intra-American and transatlantic slave traffics point to total arrivals of 390,000 direct from Africa down to 1860 and 67,000 from other parts of the Americas by 1808. If we add to this 46,000 for the years after 1808, then the total inflow into what became the U.S. amounts to 503,000 captives. This figure does not include the presumably several hundred free blacks migrating voluntarily over two and one half centuries, which would have to be taken into account to arrive at the immigrant base of the U.S. black population.

There is thus a discrepancy of nearly 150,000 between the demographic and voyage-based approaches to estimating the size of black coerced migration to the United States (no discrepancy exists if we accept McMillin's reworking of the Fogel and Engerman estimates). Yet the difference may be less than it seems at first sight. Fogel and Engerman made no allowance for slaves who escaped from U.S. slavery. Some escaping in ones and twos on vessels leaving North American ports over the whole period; others exited over land to the Spanish colonies to the south. But the biggest block departure of slaves is undoubtedly associated with the Revolutionary War and the War of 1812. Perhaps thirty thousand slaves escaped or were carried off by the British or were able to leave North America during these conflicts.¹⁶ The

14. Fogel and Engerman, *Time on the Cross*, 1: 25.

15. One thousand a year from 1809 to 1860 totals 52,000, and arrivals from other parts of the Americas is 52,000 less the 6,100 estimated to have come direct from Africa. Starks constantly conflates the traffic from Africa with the traffic from the rest of the Americas, but see chapters 3 through 5 of *Freebooters and Smugglers* for references to people and strategies that may have been involved in introducing foreign captives.

16. Philip D. Morgan, "Black Society in Lowcountry, 1760–1810," in *Slavery and Freedom in the Age of the American Revolution*, ed. by Ira Berlin and Ronald Hoffman (Charlottesville: Univ. Press of Virginia, 1983), 110–11; Allan Kulikoff, "Uprooted Peoples: Black Migrants in the Age of the American Revolution, 1790–1820," *ibid.*, 144–45 and *Tobacco and Slaves: The*

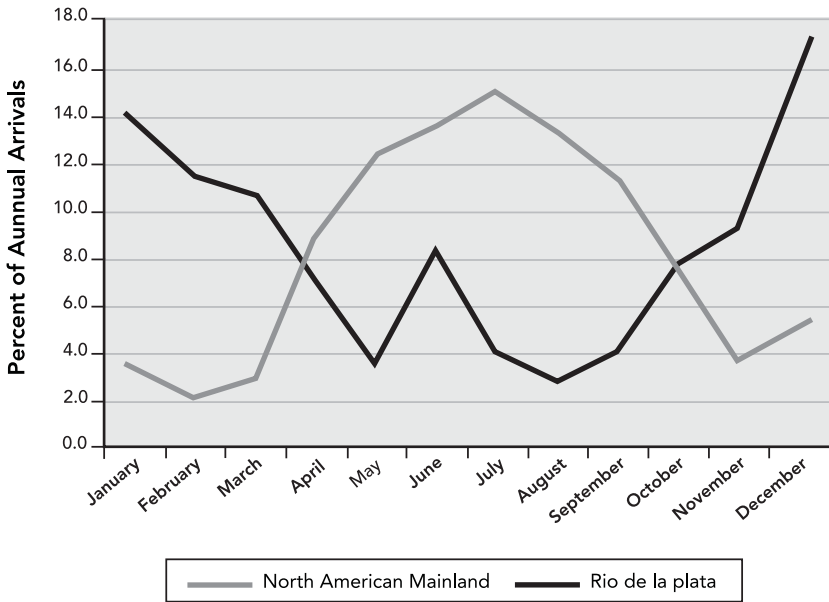
remaining discrepancy is largely concentrated in the post-1750 period. Our own voyage-based estimates for pre-1751 are 161,000 arrivals, compared with Fogel and Engerman's 201,000 for same period, which is a difference of only 20 percent. From 1780 to 1810, by contrast, the difference is almost two-thirds (102,000 versus 291,000). Until the problem of the compatibility of the federal and colonial population counts is resolved, the voyage-based data approach is to be preferred. As we now believe that 10.7 million slaves came to the Americas in total, this new estimate implies that the United States received only 3.6 percent of all slaves that survived the Atlantic crossing, as opposed to the 5 or 6 percent share that is sometimes cited.¹⁷ It is now apparent that the continent of North America received fewer slaves in total than did the tiny island of Barbados alone. In 1860, 4 million blacks had descended from a net inflow of 420,000 coerced migrants who had largely arrived by 1807. The demographic history of the U.S. black population has more in common with that of the Quebecois—12,000 migrants arriving between 1608 and 1760 provided the base of 800,000 French-speakers in 1851—than it has with the experience of the rest of the slave Americas. Clearly, the North American mainland was very much on the periphery of the Atlantic slave trade.

The peripheral status of the mainland trade emerges in other ways. There is no recorded instance of a slave vessel sailing direct from Africa to a port on the North American mainland. The three best known Africans to survive the middle passage to colonial North America were Ayuba Suleiman Diallo (Maryland), the poet Phillis Wheatley (Boston), and Venture Smith (Rhode Island). The voyages of each of them, as with those of almost all of their 400,000 compatriots, were interrupted when their vessel anchored in the eastern Caribbean. The purpose of each stop was to seek not supplies so much as information on markets. Every slaver captain sought the best market for his captives and St. Kitts, Antigua, Martinique, and especially Barbados would provide the latest news on prices, often the final instructions from owners, and the final destinations in the Americas for many slaves—if the captain opted not to proceed. Vessels clearing out for Africa and the Americas were required to declare the port at which they intended to sell their slaves. For those declaring for the Caribbean and Brazil almost

Development of Southern Cultures in the Chesapeake, 1680–1800 (Chapel Hill: Univ. of North Carolina Press, 1986).

17. The total of 389,000 arrivals is close to Curtin's estimate of 399,000, though there are considerable differences between our methodology and his (*The Atlantic Slave Trade: A Census* [Madison: Univ. of Wisconsin Press, 1969], 72–75).

Figure 1: Relative Monthly Distribution of Slave Arrivals from Africa in the Temperate Americas, 1680–1835



all voyages that reached the Americas sold slaves at the intended port. For North America, however, one third of the slavers that reached the eastern Caribbean were diverted to some other port.

One reason for this was the extra sailing time (and thus higher cost) for a voyage to the mainland. More important was the highly seasonal nature of mainland slave markets. Figure 1 shows that slaver captains aimed to arrive in North America in the summer months preceding the harvest of the major plantation crop. The further north the market, the more pronounced was the seasonal effect.¹⁸ In the Caribbean and Brazil, by contrast, the seasons had a much smaller impact on markets for slaves.¹⁹ Vessels intended for the mainland but unable to coordinate their arrival with crop harvesting there because of delays in Africa simply sold their slaves in the major markets of the Caribbean.

18. Stephen D. Behrendt, “Seasonality, African Trade and Atlantic History” (paper presented to Atlantic History seminar, Harvard, August 2007), directed by Professor Bernard Bailyn.

19. The Voyages Database shows that arrivals in the Caribbean in July, August, and September over the whole period of the slave trade were 54 percent of those in January, but the variation through the rest of the year was minor.

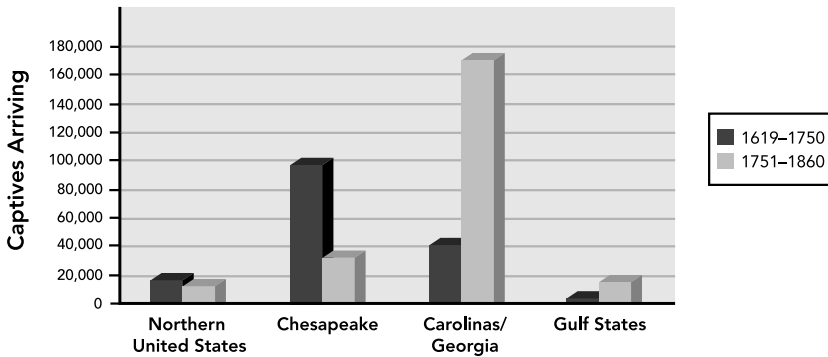
Figure 1 also shows the trend line for slave arrivals in another market on the periphery of the transatlantic slaving business, this one in temperate South America—the Rio de la Plata. Here, too, the great majority of slaves were sold in the summer, because of difficulties in connecting with Potosi and other ultimate markets in the winter. The temperate north absorbed many more slaves than did temperate South America, but its slave trade nevertheless had more in common with that of its southern counterpart than with the massive traffic to the sub-tropical Americas. Apart from the seasonal patterns these similarities included the greater reliance of temperate areas on the intra-American slave trade, and the fact that the major sub-tropical centers—Rio de Janeiro in the south and the British Caribbean in the north—acted as conduits for many of their slaves. The peripheral nature of the temperate slave markets was ultimately caused by their not growing sugar. Until the nineteenth century the slave trade existed because of sugar cane. In no other crop could the productivity of coerced labor match that of slaves producing sugar.

Having established the size of the coerced migration to the United States and its relative importance, we can now turn to its direction. Where did it go and where did it come from? The distribution of arrivals is already well known, and the Voyages Database has less to offer that is new on this than on other topics. Overall, despite the influx of slaves into Charleston from 1804 to 1807, it is now apparent that 72 percent of the African base of the U.S. population arrived before 1776. The Chesapeake had received all its captives by then, and the Northern states 98 percent of their eventual total. But even the lower South had received over half of those who would eventually come, and in 1775 only the Gulf State region (broadly defined to include Florida) had yet to receive the majority of its slaves.

If we set the dividing line at 1750, the above patterns are even more striking, as figure 2 shows. Seventy-five percent of those coming in to the Chesapeake had arrived by mid-century, but only 20 percent of those arriving into the low country. Overall, 55 percent of Africans entering North America arrived in Charleston and Savannah, with a further one third scattered across a wide range of Chesapeake entry points. In the Chesapeake, the only slave-importing area in the Atlantic world that lacked at least one major port, the York River, received at least twice as many slaves as any other Naval Office district in the region.²⁰ In the North, New York received five times as many

20. This no doubt explains the reluctance of the Royal African Company to bring slaves into the Chesapeake in the seventeenth century unless the slaves had been contracted for in

Figure 2: Arrival of Captives from Africa into Four Major Regions of the North American Mainland, before and after 1750

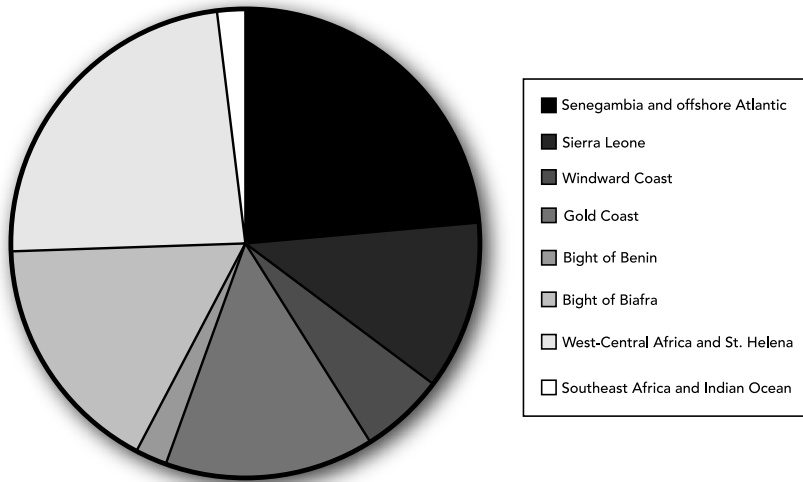


captives as Rhode Island, though Rhode Island arrivals may be somewhat undercounted because so many entered in very small groups—the residual of much larger contingents taken to larger markets to the south.

On the African side the new database offers more that is new for understanding points of origin of the captives. As with most of the Americas captives arrived from a wide variety of African coastal regions. Figure 3 presents the breakdown for the whole period of the traffic. The region just north of the Congo River supplied almost one quarter of the captives arriving in North America, with the Bight of Biafra supplying approximately a further sixth. But the striking pattern is the preponderance of slaves from Upper Guinea over the whole period of the traffic, represented by the segments from 12 o'clock to 5 o'clock in figure 3. Senegambia, Sierra Leone and the Windward Coast, which made up this region, contributed just one in ten of the captives carried across the Atlantic, yet two out of five U.S. arrivals set out from Upper Guinea. Indeed, the only other region of the Americas that drew its largest source of slaves from Upper Guinea was Amazonia in Brazil. Like the United States, Amazonia, too, was a marginal market for transatlantic slave ships, accounting for about 1.5 percent of the total slave trade. Marginal markets in Africa apparently supplied marginal markets in the Americas. The other striking feature of the provenance of the immigrant base of the U.S. black population was the very small proportion from the Bight of Benin, popularly known as the Slave Coast, which sent large numbers of slaves to almost every

London, prior to the vessel sailing. See David Galenson, *Traders, Planters and Slaves: Market Behavior in Early English America* (New York: Cambridge Univ. Press, 1986).

Figure 3: Coastal Origins of Captives Arriving Direct from Africa



other area of the Americas. There would have been very few Adja-speaking and even fewer Yoruba-speaking peoples in North America. There were also very few arrivals from Southeast Africa, but geography alone would have ensured this outcome. Despite this, it is worth noting that the region was the source of 30 percent of recorded arrivals in New York.

This last point raises the issue of transatlantic connections between specific regions in Africa and in the United States. One third of the relatively small traffic to ports north of the Chesapeake came from Upper Guinea, with most of the rest from the Gold Coast, and almost none from the Bights of Benin and Biafra. The Chesapeake, by contrast drew 35 percent of its captive Africans from the Bight of Biafra, and just under one third from the three Upper Guinea regions combined, with the Gold Coast and northern Angola supplying most of the rest. In the lower South, Upper Guinea accounted for an even higher proportion—46 percent—though Angola was the largest single regional source. But the region with the largest ratio of Upper Guinea captives was the Gulf States and Florida combined, with nearly 60 percent of its slaves from Senegambia, Sierra Leone and the Windward Coast. These summaries tend to skate over variations over time, which can be inspected more closely on the Slave Voyages Web site. The Bight of Biafra was of greatest importance before 1750, whereas Upper Guinea attained its largest role relative to the rest of Africa between 1776 and 1800. The factors

determining these patterns are discussed elsewhere. Suffice to say here that the cultivation of rice, long seen as a basic reason for low country planters seeking slaves from Upper Guinea, is not a part of the explanation.²¹

As is well established in the literature, the story of slave arrivals in colonial America is very much a British one (French, in what became the Gulf States), though few scholars have asked how important such arrivals were to the British. The Voyages Database shows that the British brought in 84 percent of the Africans that came before 1776, and two thirds of those who came the whole slave-trade era. The specific transatlantic links with England were even stronger than those with African regions. Lorena Walsh has shown the strong Maryland connection with London.²² Before 1725 almost every slave vessel disembarking there was organized in the British capital, and over the whole colonial period almost two of every three slave vessels originated in London. Yet Maryland accounted for a mere two percent of London's slave trading business. In Virginia, the early London dominance was quickly eroded by Bristol.²³ Between 1711 and 1750 Bristol sent out more than two thirds of all transatlantic slavers arriving in the colony. Bristol retained its position even in the face of Liverpool's emergence. Again, however, fewer than 10 percent of the slaves delivered by Bristol ships went to Virginia.

In the lower South, by contrast, the three major English ports shared the market, though at the outbreak of the Revolution, Liverpool was easily the dominant supplier. Yet for British slave traders, South Carolina and Georgia combined were no more important than the other mainland markets. The lower South provided markets for less than 5 percent of the total English slave trade. Only in the leading slave-importing region of the North—New York—was the organization of the slave trade in the hands of colonial merchants. Here, two out of three slaves arrived on small sloops and brigs owned by merchants in the city, but of course the Northern colonies accounted for a mere seven percent of all new slaves in North America. British merchants nevertheless had a presence. In the 1720s there was an interesting case of a

21. David Eltis, Philip D. Morgan, and David Richardson, "Agency and Diaspora in Atlantic History: Reassessing the African Contribution to Rice Cultivation in the Americas," *American Historical Review* 112 (2007): 1213–42.

22. Lorena S. Walsh, "Mercantile Strategies, Credit Networks, and Labor Supply in the Colonial Chesapeake in Trans-Atlantic Perspective," in *Slavery in the Development of the Americas*, ed. by David Eltis, Frank Lewis, and Kenneth Sokoloff (New York: Cambridge Univ. Press, 2004), 99–100.

23. *Ibid.*, 100–102.

venture jointly owned by New York and London merchants setting out from and returning to New York.²⁴ And the New York market did grow large enough to attract the occasional slave ship.

The overwhelming predominance of the British as slave suppliers to the North American mainland made it easy for Virginians to blame the British for the slave trade before and during the Revolution.²⁵ An early draft of the Declaration of Independence stated:

[The king] has waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them to slavery in another hemisphere, or to incur miserable death in their transportations thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain, determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.²⁶

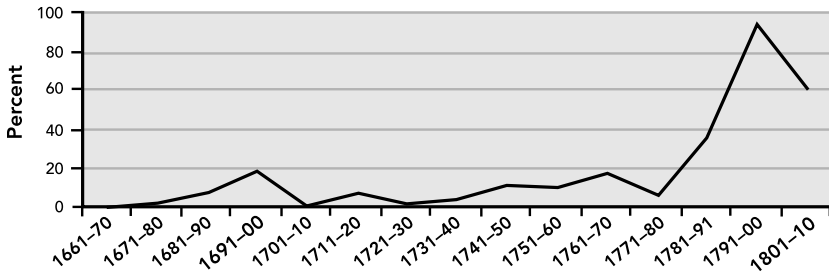
Yet Voyages Database nicely illustrates the transparent hypocrisy of this position and underscores a little appreciated feature of the U.S. slave trade. Figure 4 shows the U.S. share of slaves arriving in mainland colonies over 140 years, and—given that almost all other slaves arrived in British ships—compares that share with the British. As the figure makes plain, the initial impact of the American Revolution was to shift the slave trade to the North American mainland from British to U.S. control. Before 1776, the share of the slave trade to the colonies in colonial hands had been a mere 8 percent. After the Revolution, U.S. merchants brought in 61 percent of all arrivals coming direct from Africa. U.S. suppliers were quickly able to replace their British counterparts in the 1780s and 1790s when the British slave trade was at its peak. Only when South Carolina reopened its ports to the slave trade between 1804 and 1807 were the British able to recover a small portion of the very large market share they had formerly held.

Voyages Database also throws up some new perspectives for the second

24. Because the New York merchants were Jewish, the “Crown Galley” has received more attention from some researchers than it warrants. See Eli Faber, *Jews, Slaves, and the Slave Trade: Setting the Record Straight* (New York: New York Univ. Press, 1998).

25. David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca, N.Y.: Cornell Univ. Press, 1974), 121.

26. See “The Declaration of Independence: The Want, Will, and Hopes of the People,” <http://www.ushistory.org/declaration/document/rough.htm>.

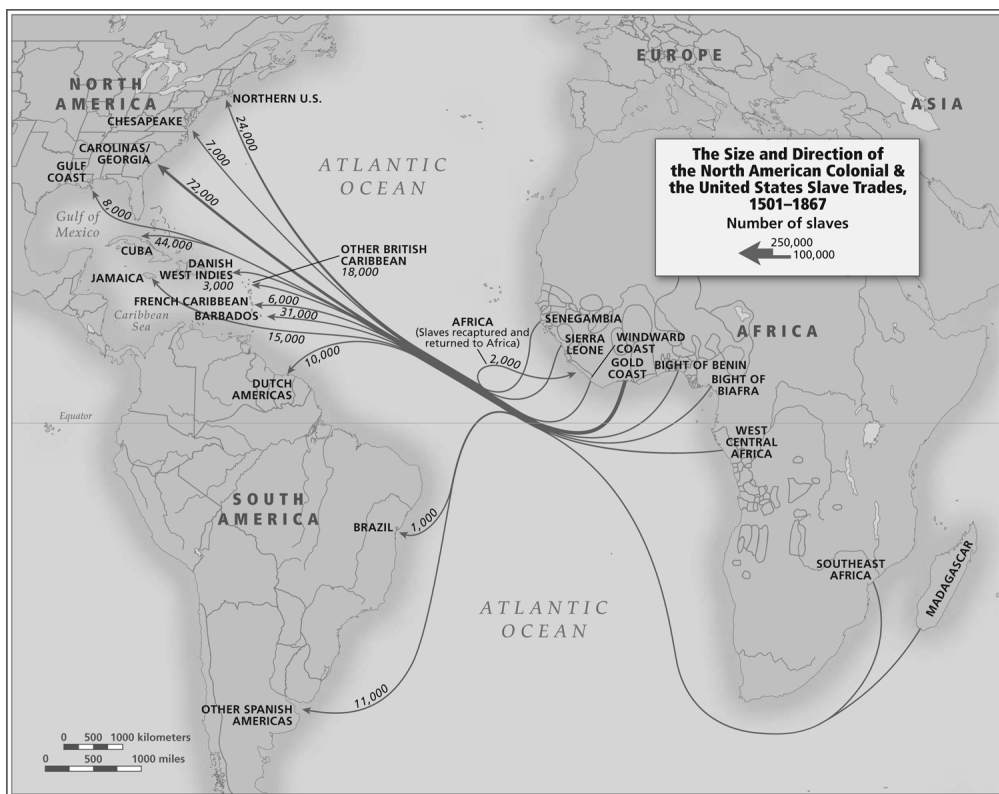
Figure 4: Share of Slaves Brought to North America by Colonial and U.S. Ships

definition of the U.S. slave trade offered above—the slave trade carried on under the U.S. flag, and, before 1776, organized in ports that eventually formed part of the United States. The first such voyage probably left Boston in 1644 and the last probably left from New York in 1863.²⁷ Figure 4 has already suggested some rather dramatic developments in this branch of the transatlantic traffic. An interesting broader context emerges if we place the U.S.-organized slave trade against the back drop of all slave trading activity in the Americas. A whole generation of English- and French-speaking scholars have failed to appreciate that close to half the slave trade operated out of ports in the Americas, not Europe, and was structured according to a bilateral route, not a triangular one.²⁸

Map 1 shows the relative importance of ports that organized slave-trading voyages with the size of circle icon determined by the number of slaves carried from Africa by vessels setting out from each port. As both map 1 and the Slave Voyages Web site quickly demonstrate, twice as many slave voyages were organized in ports in the Caribbean than in ports on the North American mainland, and fewer than 7 percent of all those slave voyages sailing to Africa from the Americas as a whole cleared out from ports located in the United States or what became the United States. In terms of our second definition of “U.S. slave trade,” it seems that the adjective “peripheral” is once more appropriate and that the amount of capital involved in the U.S. business—and, by implications, its effects on the US economy—cannot have been great. If there is a connection between industrialization and the slave

27. The name of the first of these vessels has not survived. The second was the *Marghareta* or *Mariquita*. The numbers for these voyages in the database (called a voyageid) are 25,055 and 4,829 respectively.

28. Daniel Domingues da Silva, “The Atlantic Slave Trade to Maranhao, 1684–1846: Volume, Roots and Organization,” *Slavery and Abolition* (forthcoming in December, 2008).

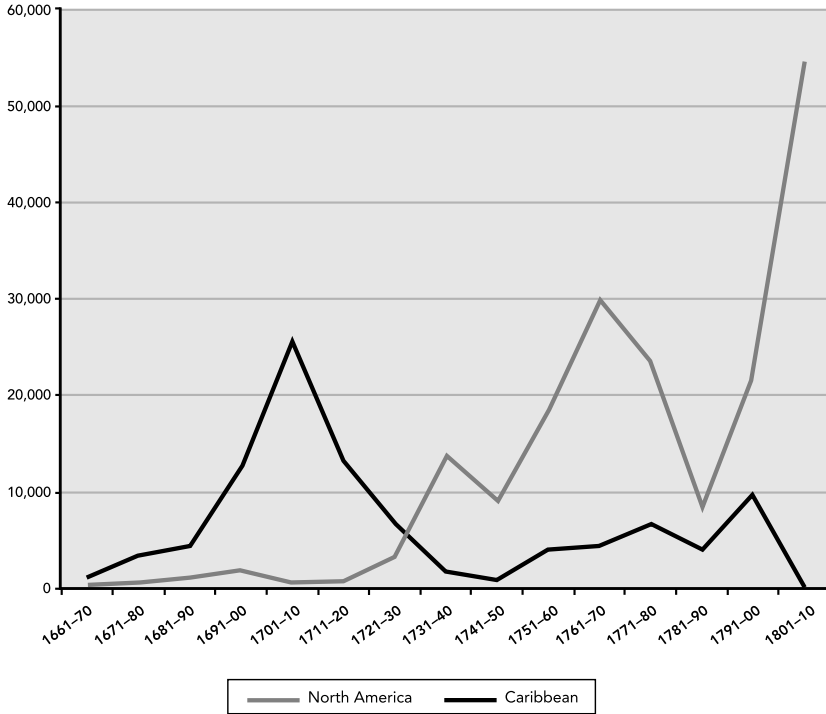


Source: Reproduced from David Eltis and David Richardson, *Atlas of the Transatlantic Slave Trade* (forthcoming in 2009), with permission of Yale Univ. Press.

trade, as an older generation of scholars has argued, map 1 suggests that we should seek such an effect in Brazil, not North America.²⁹

Yet a closer examination of the U.S.-based trade, particularly over time, points to its emerging centrality rather than its permanent fringe status. A comparison of colonial Caribbean voyages with colonial North American mainland ones reveals a fairly dramatic expansion of the mainland business. If there is no monograph on the U.S. slave trade, there is no literature at all on the slave trade based in the pre-1800 Caribbean—even though ships from the

29. For the larger argument see Eric Williams, *Capitalism and Slavery* (Chapel Hill: Univ. of North Carolina Press, 1944). For the U.S. case see Ronald Bailey, "The Slave(ry) Trade and the Development of Capitalism in the United States: The Textile Industry in New England," in *The Atlantic Slave Trade: Effects on Economies, Societies, and Peoples in Africa, the Americas, and Europe*, ed. by Joseph E. Inikori and Stanley L. Engerman (Durham, N.C.: Duke Univ. Press, 1992), 205–46.

Figure 5: Slaves Carried by Vessels Leaving North American Mainland and Caribbean Ports

British Caribbean took more slaves from Africa between 1691 and 1710 than did vessels from all French ports combined. Figure 5 shows first how very much more important were British Caribbean ports such as Kingston, Jamaica, and Bridgetown, Barbados as slave trading centers than any mainland port. Not until the 1730s did the expansion of the Rhode Island trade propel the mainland past that of the islands. Thereafter strong growth was interrupted only by the American Revolution and the series of state level proscriptions culminating in the federal abolition act of 1807 that followed. By the end of the slave trade era, U.S.-owned vessels had carried 306,000 slaves from Africa, or 2.4 percent of all captives embarked on the African coast. This placed the United States very much among the ranks of the minor slave trading powers, well below the Dutch, but three times higher than the Danish. But the most striking statistic is that almost one quarter of this number embarked in just one four year period, 1804 to 1807, and the first decade of the nineteenth century saw U.S. vessels take up no less than 109,500 captives. No other country involved in the traffic generated a pattern remotely like this one.

To put this in a slightly different perspective, in this very short period the U.S. was responsible for more than one-fifth of the entire transatlantic slave trade (21.3 percent). In addition, several U.S. slave-ship owners used the Danish flag to circumvent state anti-slave trade laws and in the hope that Danish vessels were less likely to be captured. The *Ann* Captain Ogden, captured by a French privateer and taken into Havana “was sailing under the Danish flag; her register and all the papers on board were Danish; and when . . . boarded, Ogden asked if the French were at war with the Danes.”³⁰ The Voyages Database contains eighteen “Danish” vessels that may have been American owned. However briefly, the United States became a major slave trading power, although abolition cut this development short.

Why this rapid expansion? As already hinted, with one state after another banning the trade, it was harder for the British to smuggle slaves into the United States than it was for U.S. natives. But this is a small part of the story. Figures 2 and 3 illustrate a fundamental competitive shift that had ramifications far beyond the slave-trading business. Prior to the steamship revolution, the U.S. merchant fleet made serious inroads into a range of long-distance commercial activities. Between the late eighteenth century and the dawn of the steam age in the mid-nineteenth, they developed the most competitive whaling fleet in the world and not only displaced the British as number one, but established a dominance the British had never been able to achieve.³¹ In one long-distance trade after another between the late eighteenth century and the mid-nineteenth, U.S. merchant vessels began to claim market shares from other nations in most of world’s sea lanes and in many types of commerce. The process was interrupted only when the age of steam allowed the British to reestablish their preeminence in the shipping and carrying trades. There seems little doubt that the United States’ 21 percent share of the slave trade would not have diminished if abolition had never happened, and indeed that the share could only have increased further until mid-century.³² The U.S. slave merchants were supplying many markets other than just Charleston in this period. The 21 percent was not just a function of South Carolina reopening

30. Helen Catterall, *Judicial Cases Concerning American Slavery and the Negro*, 5 vols. (Washington, D.C.: Carnegie Institution of Washington, 1926–37), 2:285.

31. The emergence of the U.S. whaling fleet forms the subject of one of the classic studies of the beginnings of a new industry in the federal period. See Lance E. Davis, Robert E. Gallman, and T. D. Hutchins, “Call Me Ishmael, not Domingo Floresta: The Rise and Fall of the American Whaling Industry,” *Research in Economic History* 13 (1991): 191–233.

32. For the appearance of steam ships in the slave trade, see <http://www.slavevoyages.org/tast/database/search.faces?yearFrom=1514&yearTo=1866&trig=28>.

its ports to slaves. In short the United States was a minor slave-trading power overall but was very much rising power at the time of abolition.

The direction of the U.S.-owned traffic was rather different from that of the slave trade to the United States and warrants a separate discussion. This difference has much to do with the organization of the trade in the Americas; trading for slaves on the African coast required a well-mixed trading cargo and a different range of merchandise for each region—sometimes, indeed ports within a given region. All slave traders based in the Americas relied heavily on the produce of the Americas for their trade goods. The gold; cachaça (liquor), and tobacco rolls of Brazil, supplemented by the textiles of the east brought in by East India men on their way back to Lisbon, made the slave trades of Pernambuco, Bahia, and Rio de Janeiro possible.

In colonial America, by contrast, the options were more limited. Virginia tobacco did not do well in Africa. Manufactured goods were available but had already crossed the Atlantic once, with all the costs implied, before they reached the slave trader, and there was no gold. This left rum. For seventy years, from the 1730s to early 1800s, U.S. slavers (and Caribbean-based vessels before them) carried little but rum to Africa. On the African coast they were known simply as “rum ships.” Ports in the Americas that could offer a combination of low cost rum, and efficient shipping facilities were most likely to be centers of the slave trade, and the vessels they sent out were more likely to sail to those parts of Africa where there was a demand for rum.

There were, nevertheless, few ports involved in long-distance trade on the colonial mainland that did not send out a slaving venture. The distribution of organizational centers was wide, and the location of the major centers shifted over time. Jay Coughtry’s comment that “the Rhode Island slave trade is the U.S. slave trade” is in need of revision.³³ The Voyages Database shows that all Rhode Island ports together accounted for almost half (48.6 percent) of the slave vessels leaving the North American mainland for Africa.³⁴ As table 1 shows, expeditions left Portland, Piscataqua, Marblehead, Salem, Portsmouth, the whaling center of New Bedford, New Haven, Perth Amboy, Annapolis, Norfolk, and Mobile, apart from every larger port on the east coast, of course. While it was the larger ports that dominated—Newport (see note to table 1), Boston, New York, and Charleston accounting for more than 80 percent of voyages—scholars have not generally recognized the role of ports in the U.S.

33. Coughtry, *Notorious Triangle*, 25.

34. Cf. David Richardson, “Slave Exports from West and West-Central Africa, 1700–1810: New Estimates of Volume and Distribution,” *Journal of African History* 30 (1989): 8–9.

south in the organization of the slave trade. Over one in five of U.S. slave voyages set out from south of Philadelphia. Nevertheless, almost two-thirds of all slave voyages over 220 years of slave trading began in New England, and the large role of Charleston is in part the result of the temporary reopening of the South Carolina's ports to the slave trade in 1804. But even between 1804 and 1807, the slave trade formed a tiny fraction of U.S. external commerce and there is no particular reason to believe its links with the U.S. economy were stronger than any other type of long-distance trade.³⁵

Table 1. U.S. Ports from which Slave Voyages Cleared, According to Voyages Database, by Number of Slaves Carried

New York (N.Y.)	28,554	Portsmouth (N.H.)	378
Charleston (S.C.)	28,084	Rappahannock R. (Va.)	283
Boston (Mass.)	21,433	Wye River (Md.)	260
Newport (R.I.)	21,412	Portland (Me.)	126
New Orleans (La.)	6,123	Charlestown (Mass.)	126
New Bedford (Mass.)	2,400	Lower James River (Va.)	126
Salem (Mass.)	1,757	New London (Conn.)	125
Baltimore (Md.)	1,577	Mobile (Ala.)	110
Philadelphia (Penn.)	1,553	Annapolis (Md.)	95
Savannah (Ga.)	1,032	Marblehead (Mass.)	78
Providence (R.I.)	864	New Haven (Conn.)	77
Bristol (R.I.)	580	Warren (R.I.)	45
Norfolk (Va.)	506	Perth Amboy (N.J.)	24
Piscataqua (Me.)	460		

Note: The departure point of the great majority of Rhode Island voyages is identified only at the state level and is thus excluded from this table. If all such voyages could be assigned to specific ports, there is no doubt that Newport would be at the head of this table.

Once on the African Coast, the trading patterns of U.S. slave vessels were very different from those of the British or, indeed, any other national group. Table 2 illustrates three major phases in the way they obtained slaves. The

35. Slaves on the African coast at this time cost about \$90 each, and U.S. merchants purchased about 20,000 a year; total cost on the coast thus amounted to \$1.8 million. The new U.S. Historical Statistics Web site gives total U.S. imports at this time of about \$80 million a year. Note that a peculiarity of the U.S. trade statistics in this era is that imports were valued at the port of loading, not on a c.i.f. (cost, insurance, freight) basis. Slaves were thus worth a little more than 2 percent of U.S. trade.

traffic before 1725 was quite small, based mainly in Massachusetts and New York, and used food provisions for trade goods.³⁶ A rum-based slave trade had started in the later 1670s, but from Barbados and, later, Jamaica and Antigua, not Rhode Island. When New England vessels at this time carried rum, it was from Barbados and it, too, was in part for provisions. One slaver captain “imbezled the Brandy & Provision for Negroes And gave them Mal-lagetta and water [instead] Which was the cause of their great mortality.”³⁷

Table 2. African Coastal Origins of Captives Carried on Slave Voyages Organized in U.S. Ports

	pre-1701	1701–50	1750–75	1776–1800	1800–10
Senegambia	6.4	36.0	11.7	9.5	14.9
Sierra Leone	0	6.0	6.1	32.3	21.0
Windward Coast	0	2.6	2.2	3.8	5.7
Gold Coast	0	45.0	78.1	46.6	18.4
Bight of Benin	0	0	1.1	1.4	1.4
Bight of Biafra	7.9	5.5	0.7	0	2.4
West Central Africa	0	4.8	0	1.7	22.2
Southeast Africa	85.7	0	0	4.9	14.0

Note: Number of captives: 100,942 Source: Voyages Database

The association is unlikely, but it does suggest that providing alcohol for slaves was a niche market at first supplied by European brandy. Caribbean rum quickly came to be preferred. In 1705, the RAC factor at Whydah on the Slave Coast compiled “A List of Negro Provisions Supposed to be Best to be sent [from England] for 100 negroes.”³⁸ The factor included “Brandy

36. On February 8, 1695, Edward Searle, an RAC factor at Commenda, noted the arrival of a brigantine from New England laden with provisions at Axim (Bread, flour, butter pork, Barbados rum, Madeira wine), Rawlinson manuscript, C746, fol. 67, Bodleian Library, Oxford. The Chief Factor at Cape Coast castle asked that a ship he was dispatching to Virginia be returned to the castle “with tobacco, Wheat, flow, rice, Beef, Pork, Pitch, Tarr, firr poles, Small Masts & Yards etc.” (Dalby Thomas, Apr. 22, 1705, BNA, T70/28, fol. 61).

37. Stede and Gascoigne, Feb. 2, 1686, BNA, T70/12, fol. 14. The Royal African Company instructed its factors: “For ye preservation of our negroes we Recomend to you to allow a sufficient quantity of Tobacco, Palm Ovle, Beans and Brandy” (RAC to Peter Duffield, Whydah, Aug. 12, 1701, BNA, T70/51, 105).

38. Captain Willis, May 5, 1705, T70/28, fol. 62, BNA. In the 1720s, another anonymous RAC official provided a similar list that specified 50 gallons per 100 slaves (T70/1222, fol. 8, BNA).

30 gallons,” but added “Rumm better and cheaper.” It also included 112 pounds of tobacco and four gross of pipes for the slaves to smoke it. Both were products of the Americas. As Dalby Thomas had commented from Cape Coast in the previous year, “As to your provision cargo you need never send Salt, Spirritts, nor English Brandy. Salt and Rum to be had cheaper here & Rum too, much more desirable than English spirits or English Brandy. . . . [T]he slaves will not drink English spirritts when rum is to be had.”³⁹ With 20,000 slaves a year leaving the Africa on British ships in the early 1700s, there was a market for 6,000 gallons of rum a year and more than double this if we include the Dutch, French and other northern European traders (Portuguese vessels used *cachaça*, from Brazil). Alcohol was certainly used as a trade good, and as a way of smoothing exchanges between traders, but rum in was initially brought to West Africa as a provisioning item for slaves.

Just as Caribbean rum had replaced European-made spirits by the early eighteenth century, rum distilled on the North American mainland largely displaced its Caribbean counterpart in the slave trade after 1730. This initiated the second phase in the African origins of the U.S.-based slave trade shown in the second, third, and fourth columns of table 2. Vessels bringing rum could not often trade the rum directly for captives. They needed access to trading factories, castles or rivers frequented by slave ships from Europe. U.S. slave merchants found these in the Gambia, in the Sierra Leone estuary and on the Gold Coast. Between 1730 and 1800 90 percent of the rum brought to the coast in the small U.S. sloops and brigs was sold in these locations, with the castles of the Gold Coast, Cape Coast Castle and Anomabu the most important. For reasons as yet unclear, the largest slave trading regions of all, the Bights of Benin and Biafra and Angola, attracted no rum ships in the eighteenth century. If it had been left to U.S. slavers there would have been no Igbo in the Chesapeake. Possibly the large British vessels that traded in the Bights and West-Central Africa bought their rum at Cape Coast Castle or in Upper Guinea prior to opening a trade for slaves.

From the late eighteenth century, however, U.S. slave traders shifted the distribution of their purchasing activities to a pattern more in line with the other major slaving nations of the North Atlantic. Thus the fourth column in table 2 shows one in five slaves obtained by U.S. vessels coming for the

The T70 911 to 968 pieces in BNA contain hundreds of manifests of actual slave provisions for slavers leaving London, all of which contain alcohol, tobacco and tobacco pipes.

39. Dalby Thomas, Apr. 28, 1704, BNA, T70/28, fol. 35.

first time from what was always the largest source of captives on the African littoral for other national slave-trader groups—West-Central Africa. Almost all of these coerced migrants left from Loango, Cabinda, and Malimbo north of the Congo River. The reasons for this shift have to be inferred. Surviving details of outbound cargoes are less abundant for this period than for the colonial era, but the composition of trade goods appears to have remained unchanged. There is nothing comparable to the move into rum that defined the transition from phase 1 to phase 2 of table 2. The essential continuity is reflected in George Brooks’s comment that American vessels could sell American produce “at considerably lower prices than that which passed through Europe. This gave American merchants . . . an advantage which legitimate traders were to exploit no less than slave traders.”⁴⁰

Rather, the main reason for the shift was likely geopolitical. The outbreak of war in 1793 effectively removed Dutch and the French traders from the African coast. Voyages Database shows that after largely squeezing out the English from the northern Angola coast and dominating the Atlantic connection with Southeast Africa in the 1780s, French slavers suddenly disappeared from the coast in 1794, never to return. Eventually, the resulting gap was more than filled by the Portuguese, but between 1794 and 1807, English and U.S. vessels had new opportunities they exploited to the full. For Brooks, one of the consequences was “the development of American legitimate commerce with West Africa,” but a more important immediate effect was a huge expansion in the geographic range and, as noted, the size of the slave trade based in the United States.⁴¹ Over one third of the U.S. slave trade was with Angola and Southeast Africa in these final years of the legal trade, and because U.S. merchants maintained their presence in Upper Guinea, most of the redistribution was at the expense of their traditional ties with the Gold Coast.

But perhaps the most significant changes in the direction of the U.S. slave trade as well as the largest contribution of the Voyages Database to our understanding of the slaving activities of U.S. merchants lies in what we can now say about where those merchants sold their captives in the Americas. Overall, U.S. slave ships carried well over twice as many slaves to the Caribbean and Spanish America as they did to the mainland. The only part

40. George Brooks, *Yankee Traders, Old Coasters & African Middlemen: A History of American Legitimate Trade with West Africa in the Nineteenth Century* (Boston: Boston Univ. Press, 1970), 18.

41. *Ibid.*, 23.

of North America to receive most of its slaves from U.S. and colonial slave ships was the northern colonies. Gold Coast slaves in particular tended to be sold in the Caribbean, and even when Charleston reopened its market to transatlantic vessels, Cuba was a very attractive alternative destination. Between 1804 and 1807, U.S. slave ships would often sail into both Havana and Charleston before the captain decided in which port he would disembark his captives. Cuba, in fact, received almost as many slaves from U.S. vessels as did Charleston before 1820 and certainly more than any British Caribbean market, including Jamaica and Barbados. Nevertheless, the most striking feature of the geographic distribution of U.S. slave sales is the rapid diversification of markets after 1783. Before the Revolution, colonial U.S. slave traders sold 60 percent of their slaves in the British Caribbean and most of the remainder in the mainland. After the Revolution, the British Caribbean took only 4 percent, and if we set aside the 28,000 slaves that U.S. ships brought in to Charleston between 1804 and 1807, then the proportion going to U.S. slave markets fell more than half, to 16 from 38 percent prior to 1783. For a quarter century after independence, U.S. slave traders carried thousands of slaves into the Rio de la Plata, the Dutch Americas, the Danish West Indies, the Mascarene Islands in the Indian Ocean as well as Cuba. U.S. slave traders had exploited new opportunities, left behind their traditional markets in the face of British restrictions, and were now able to compete with anyone internationally. Thus, quite apart from the increase in the volume of the U.S. slave trade, the extreme diversification of the markets which U.S. traders began to serve testifies to the rising status of the United States relative to the British and Portuguese, the major slave-trading powers.

The reasons for this dubious distinction are mostly woven into the above narrative. The increasing competitiveness of the U.S. long-distance shipping sector in general, the sudden departure from the slaving business of the French and the Dutch, and the gradual impact of abolition in the aftermath of the Revolution as one state after another banned slave imports and made it illegal for its residents to carry on the slave trade business anywhere else, are all important elements of the story. In addition, U.S. vessels were no longer welcome in most British ports. In effect, legislative restrictions were enforced in domestic markets and the British Caribbean at the same time as it was becoming easier and cheaper for Americans to obtain slaves in Africa. All this was happening just as the United States was greatly expanding and tightening its hold on the relatively empty North American continent.

But historians have missed another critical factor. In the last quarter of the

eighteenth century, just prior to abolition, slave trading in the Atlantic entered an era of freer trade in the form of duty-free ports in the Americas, new polities with more open trading regulations and new imperial rules such as the Bourbon reforms that threw open Cuba, Puerto Rico, and eventually the Rio de la Plata to foreign slave traders. Adam Smith's first practical impact, ironic given his skepticism toward slavery, was felt in the traffic supplying the plantation Americas with labor. There was an interlude of a decade or two between the erosion of the trading restrictions of the six old imperial systems (British, Dutch, French, Portuguese, Danish, and Spanish) and the gradual imposition of new restrictions on the trade in the form of abolition legislation, treaty restrictions and naval suppression. We should perhaps contemplate this interlude as giving a sense of what a nineteenth century without abolition might have been like. It was in this newly open trading environment that the U.S. slave trade thrived and more than overcame the loss of its traditional markets.

Abolition conveniently divides the second definition of "U.S. slave trade" from the third considered here. How do we assess a slave trade that used the U.S. flag as one of convenience? Voyages Database shows that 85,114 slaves arrived in the Americas under it between 1821 and 1867, the year the last slave vessel crossed the Atlantic. Many more thousands of captives must have traveled on vessels that flew that flag for at least part of the voyage out to Africa and back that we do not know about. If we combine definitions two and three and speculate about all those voyages that used the U.S. flag for at least part of their venture, then any estimate of the U.S. slave trade would almost certainly rise to well in excess of half a million. From such a perspective, the U.S. trade would appear bigger than its Dutch counterpart. Several authors have done exactly this.⁴² Yet their work provides little hard evidence of US *ownership* of slaving ventures to Cuba and Brazil, as opposed to US participation in the form of supplying ships, crew, fraudulent papers and port facilities. By contrast there is abundant evidence of Cuban, Spanish, Portuguese and Brazilian

42. Most recently, Gerald Horne, while avoiding any quantitative assessment, has argued that "U.S. slavers were flocking to the beleaguered continent in mid 1840s to buy and kidnap Africans," and that "the illicit slave trade to Brazil . . . was being engineered significantly by U.S. nationals." See *The Deepest South: The United States, Brazil, and the African Slave Trade* (New York: New York Univ. Press, 2007), 64. Starks, in *Freebooters and Smugglers*, 110–15, 156–62, 167–82, also implies large U.S. involvement, but unlike Horne does not always separate out the traffic to Brazil and Cuba from the traffic to the United States, even though his book is ostensibly about the latter.

ownership.⁴³ There were certainly slave vessels owned by U.S. citizens that carried slaves to the Americas after 1820. The two best known are probably the *Wanderer* (identified as voyage number 4,974 in the Voyages Database) and the *Clotilda* (number 36,990) that brought captives into Georgia in 1858 and Alabama in 1860, respectively. But to describe a significant part of the post 1820 transatlantic slave trade as American is to a large extent to misunderstand its nature.

There were two particularly strong American links with the illicit traffic to Brazil and Cuba. U.S. shipbuilders sent a steady stream of fast sailing vessels into the slave trade after 1830. The premium on speed had partly to do with voyage mortality risks and the high value nature of the cargo—by the 1860s 500 slaves could fetch close to half a million dollars in the Cuba. But it also had to do with the need to out-run naval patrols which became increasingly numerous and intrusive on both sides of the Atlantic in the last 30 years of the trade. The design of the slave vessel changed radically between 1800 and the mid 1830s, and the duration of the middle passage to Cuba declined by one third between the 1790s and 1850s.⁴⁴ Many of these vessels were yachts or clippers and were made in the United States. Baltimore, in particular, developed a reputation for constructing fast sailing vessels. A sample of 300 slave voyages in Voyages Database for which place of construction has survived from the post-1810 period, suggests that one-third of all slave ships were built in U.S. ports.

But country of construction is clearly not the same as country of ownership. A more tangible link with the United States developed after 1835. The international system designed to suppress the slave trade initiated by the Anglo-Portuguese treaty of 1810 was at first effective only against vessels that had slaves on board. Those equipped for the slave trade but without slaves aboard at the time of inspection went unmolested. Even this partial proscription would work only if each nation either maintained a strong naval presence off Africa or allowed the naval ships of other countries to visit and search its vessels. As is well known, France and the United States refused to concede this right to Great Britain and refused also to participate in the Courts of Mixed Commission which adjudicated suspected slave ships. The French came to maintain a large naval presence off the African coast and so were eventually

43. Eltis, *Economic Growth*, 55–56, 108–109, 145–63; and the literature cited in Alexandre Vieira Ribeiro and Daniel B. Domingues da Silva, “Amazonia and North-East Brazil in the Atlantic Slave Trade: A Reassessment of the Brazilian Slave Trade North of Rio de Janeiro,” unpublished paper, 2008.

44. Eltis, *Economic Growth*, 125–44.

able to enforce their own anti-slave trade legislation, but the United States rarely had the naval resources to police the use of its own flag along the sea lanes frequented by slave ships. From 1810 to 1835, the treaty system was sufficiently weak that slave traders had little incentive to sail under any flag other than their own. The Cuban trade was conducted under the Spanish flag, by and large, the traffic to the French Americas, under the French flag, and the traffic to Brazil under the Portuguese and Brazilian flags. Some of the vessels were American, with an American master and crew, especially after the 1815 peace treaty allowed the redeployment of U.S. privateers as slave ships operating out of Havana. But hard evidence of U.S. ownership of the ventures is scarce.⁴⁵

In 1835, this situation began to change. Great Britain and Spain signed a treaty that for the first time specified a range of equipment that could provide grounds for detention and conviction in the Mixed Commission courts. The immediate effect was that slave traders abandoned the Spanish flag, and began to register their vessels as Portuguese, though a minority did seek registration under U.S. colors. The British thereupon introduced other measures in 1839 and 1845 that extended the so called equipment clause to Brazilian and Portuguese slave traders. By this time the French had at last suppressed their own slave trade and had numerous cruisers on the African coast. As both Spanish and Portuguese traders now relied less on Portuguese registration, for a few years a weird set of flags appeared on the African coast, including Sardinian, Mexican, the Hanse Towns, and two voyages under imperial Russian colors. Vessels frequently carried more than one set of papers and flags, each to be used according to the circumstances. Many ships flew no flag at all, but this provided no protection against British naval action, whether slaves were present or not.

The great advantage of the U.S. flag was that only U.S. naval vessels could interfere with a vessel flying it, and U.S. naval coverage on the coast was intermittent at best. U.S. officers would often not interfere at all unless slaves were on board. While there were instances of British naval vessels detaining slave vessels with U.S. papers, conducting them to New York and handing them over to the U.S. courts, a U.S. flag generally provided protection against the

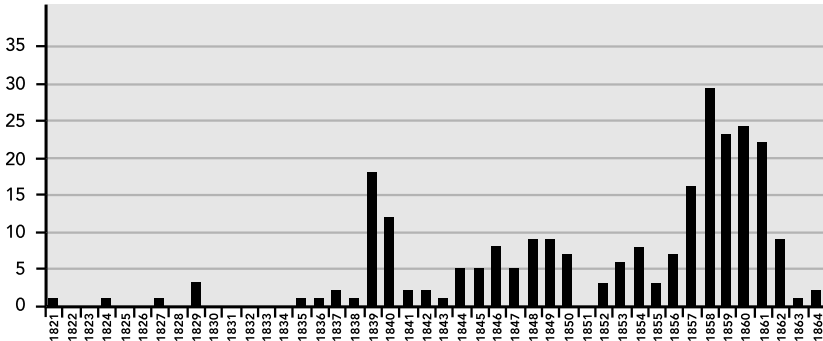
45. The *Rosa*, captured by the British in 1816 (voyageid = 5,034) turned out to be the *Perry*, a Baltimore privateer that had cleared out from Havana. The captain and all the crew were American. The crews of the slave vessels captured by the USS *Cyane* off Upper Guinea in 1820 (see below) were taken back to the U.S. and prosecuted as U.S. citizens. See the (*Annapolis Maryland Gazette and Political Intelligencer*, July 18, 1816; *Providence (R.I.) Patriot, Columbian Phenix*, Dec. 30, 1820.

British and, of course, the French at any stage of the voyage. Further, because of a hesitant U.S. naval anti-slave-trade strategy, a U.S. flag guaranteed slavers some protection against U.S. cruisers on the outbound leg to Africa. This situation ended only in 1862, when the United States signed a treaty with the British providing for mutual right of search on the high seas, an equipment clause, and Anglo-U.S. Mixed Commission Courts. The fact that those courts never heard a single case detracts not at all from their impact.

Figure 6 draws once more on the Voyages Database to show the pattern of slave trader use of the U.S. flag over time. As noted above, this cannot be a complete picture, but there is no reason to doubt the veracity of the trend line. Consistent with the preceding discussion, it shows that apparent U.S. involvement in the slave trade after 1807 was largely punctuated by two treaties, the Anglo-Spanish treaty of 1835, and the Anglo-U.S. convention of 1862. There is little evidence of U.S. involvement before 1836. Thus, in the immediate aftermath of the 1820 U.S. law that made slave trading a capital offence, the U.S. Navy sent its first war ships to the African Coast to combat the slave trade. They captured six slave vessels, most of which had no slaves on board. Worse, none turned out to have been U.S. owned, although some had U.S. papers. The outcome was that the U.S. government had to pay full damages to their real owners who turned out to be French and Spanish.⁴⁶ It was hardly surprising that almost two decades lapsed before the dispatch of the next U.S. anti-slave-trade squadron. At the other end of this 1835 to 1862 interlude, we know the slave trade continued another five years to 1867. Yet Voyages Database contains only three voyages under the U.S. flag after the 1862 convention—and, we should add, after the execution of Nathaniel Gordon—the only individual to suffer the full penalty of the 1820 Act. Compare this to the 123 such voyages documented in the Voyages Database in the five years that preceded the 1862 treaty.

From 1835 to 1862, shifting patterns of U.S. collaboration are apparent. For the first fifteen years—until the ending of the Brazilian traffic in 1851—slave

46. U.S. Government, *American State Papers*, 2d ser., vol. 5 (1823): 141; *The Federal Cases*, 30 vols. (St. Paul, Minn.: West Publishing Co., 1894–97), 8:985. But see also the report in the *Washington, D.C., Daily National Intelligencer*, June 19, 1820, “Of the Coast of Africa Extract of a Letter from an Officer on Board the U. States’ Ship Cyane, to His Friend in New York,” *Providence Patriot, Columbian Phenix*, Jan. 24, 1821. Two crews of two of the captured vessels retook their vessel from the American prize crew. See Serge Daget, *Répertoire des Expéditions Négrières Françaises à la Traite Illégale (1814–1850)* (Nantes : Centre de recherche sur l’histoire du monde atlantique, Université de Nantes : Comité nantais d’études en sciences humaines, 1988), 169.

Figure 6: Slave Ships Flying the U.S. Flag 1821–64

vessels sailing under the U.S. flag left from ports in Cuba and, primarily, Brazil. Most of these left from Brazil, given the low volume of the Cuban slave traffic in the 1840s, and only four from the United States. These were the years when some U.S. consuls in the Caribbean and South America were implicated in fraudulent transfers of ownership of vessels. It became a common practice for slave vessels leaving Brazil and Cuba to sail to the African coast under the U.S. flag, and return with either no flag at all or under colors other than the United States. Many of the voyages in Voyages Database identified as Portuguese or without a national identity for these years would have begun their ventures under a U.S. flag. When we created the database, we identified the colors of a slave vessel according to the flag flying at the time of disembarkation of slaves. Because U.S. colors were used mainly before the slaves were taken on board, U.S. registration is underrepresented in the database. A major shift occurred after 1850 when Voyages Database shows U.S.-flagged voyages were far more likely to leave from U.S. ports than from Brazil and Cuba. Out of 110 post-1850 voyages flying a U.S. flag and having an identifiable port of departure, 63 fitted out and left for Africa from mainland North America, two-thirds of them from New York, and most of the rest from New Orleans. Such vessels were also more likely to be flying the U.S. flag while carrying slaves. The reason for this is clear from the pattern of detentions by U.S. authorities. Between 1851 and 1857 U.S. naval vessels and port authorities together detained a total of only five vessels for slave-trading activities, an average of less than one a year. Slave traders had obviously decided that the risks of U.S. interference were so small they could afford fly the U.S. flag throughout the voyage. In these years, the United States took little action, and the British were helpless without U.S. cooperation. These were the easiest years for the illegal slave

trader in the whole history of the transatlantic traffic. Midway through 1858 a more active U.S. naval strategy on the African coast produced several high-profile captures and with sectional tensions increasing, the port authorities and the navy detained a total of thirty-two slave ships flying the U.S. flag in just over three years.

None of this addresses the issue of who owned these slave ships, but there is little evidence of significant U.S. involvement in the form of ownership or investment. U.S. citizens built and supplied slave vessels and were among the officers and crew on them. Along with a wide range of British merchants, they sold merchandise to Brazilian, Portuguese, and Spanish nationals knowing that those goods would be employed in the slave trade, and no doubt, like the British, extended credit on those goods until the slave voyage was complete.⁴⁷ Consuls such as Nicholas Trist in Havana, and others in Rio de Janeiro and Bahia facilitated the issuance of U.S. papers to Portuguese, Brazilian, and Spanish slave vessels of dubious authenticity. The British Foreign Office complained about all these activities. Further, they had paid informers in several U.S. ports and Brazil and Cuba to provide the facts for the often torrid diplomatic exchanges between the two powers, but they almost never raised the issue of ownership by U.S. citizens. U.S. ownership of slaving ventures is no more evident between 1835 and 1862 than it is before and after this period, when the U.S. flag was clearly not being used. We know who the owners of the *Wanderer* and *Clotilda* were that brought captives into the South in 1858 and 1860. We have no comparable evidence of U.S. ownership of any of the thousands of voyages that brought slaves to Brazil and Cuba after 1820.

In the construction of Voyages Database, we have included two variables for the nationality of the vessel. One records the flag as reported in the historical record—where possible at the point that the vessel disembarked slaves. The other is an imputed variable that allows the authors of the database to record their opinion on the true nationality of the voyage. From the seventeenth century until 1835, the two variables are largely identical. But for the period after 1835, when so many flags of convenience were in use (or no flags at all), we have taken the drastic step of overriding the historical data and making the assumption that all voyages bringing slaves into Cuba were Spanish- or Cuban-owned and all voyages going to Brazil were Portuguese- or Brazilian-owned. Users of course can make their own choices as to which

47. David Eltis, "The British Contribution to the Transatlantic Slave Trade after 1807," *Economic History Review* 22 (1979): 211–27.

of these variables to use, and write up their own interpretations. But there is no doubt in the authors' minds that the imputed variable comes much closer to the historical reality than the variable based on data extracted from the archives. The full story of U.S. participation in the transatlantic slave trade after 1807 has yet to be written, but when it is, it will have to address the issues raised here.⁴⁸

Finally, we should consider briefly the issue of abolition and how the new data and arguments presented here might change our assessment of its significance. The major implication is that abolition interrupted a rapid rise of the United States to the position of third most important supplier of slaves to the America—and possibly beyond. A free trade would have seen U.S. slave traders carrying ever larger numbers of slaves into Brazilian ports and expanding their already large market share in Cuba. But the U.S. market was potentially larger than that of either Brazil or Cuba. The difference was the strong natural rate of increase of slaves in the U.S. South. But obviously population growth was not a complete substitute for a slave trade given that a large domestic slave trade developed after 1807. Charleston acted as the conduit between Africa and the New South for only four years during the incipient cotton boom, but together with New Orleans, the port could have played that role indefinitely, but for federal abolition.

Thus, the largest single impact of the 1807 U.S. abolition act was to ensure that the expanding cotton growing states of the south and west drew not on Africa for labor but rather on the Old South. For anyone who has examined even a little of the massive surviving documentation on the mortality and crowding in transatlantic slave trade, this may constitute some small improvement in any index of human misery. And to switch to our other definitions of “U.S. slave trade” even between 1835 and 1862, U.S. capital does not appear to have returned to the transatlantic traffic in significant quantities. This, too, was a consequence of abolition. There was no shortage of other national groups to fill the gaps left by the withdrawal of British and U.S. capital from

48. Despite the fact that he did not accept that the voyage of the *Clotilda* did not actually take place, Warren S. Howard's *American Slavers and the Federal Law, 1837–1862* (Berkeley: Univ. of California Press, 1963) remains the most reliable survey of U.S. involvement in the last years of the slave trade, together with Don Fehrenbacher's *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (London: Oxford Univ. Press, 2001) and Sylviane A. Diouf, *Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America* (New York: Oxford Univ. Press, 2007) provide excellent accounts of particular aspects of the U.S. role.

the slave trade after 1807, and the second- and third-largest volume decades in the history of the slave trade came after the withdrawal of these leading traders, not before. But this is not a reason to argue for ambivalent consequences of the early efforts to suppress the slave trade by the Danes, British, and Americans.⁴⁹

49. After all, less than half the African captives crossed the Atlantic under the Danish, U.S. and British flags. To see this point, go to <http://www.slavevoyages.org/tast/assessment/estimates.faces?yearFrom=1501&yearTo=1866> and compare U.S. and British totals in bottom row of table with the total number of slaves exported in the bottom right-hand cell.

Regulating the African Slave Trade

PAUL FINKELMAN

In 1807 the U.S. Congress passed legislation, which became effective on January 1, 1808, to end all importations of slaves into the United States. Even before that date, Congress had passed a series of laws which prevented Americans from participating in the trade as sailors, ship captains, ship owners, ship builders, or investors in slave trading ventures. The bicentennial of closing the trade to United States provides an appropriate moment to examine how the United States withdrew from this form of commerce. At one level, the tale is inspiring. This was the first time in history that a slaveholding nation voluntarily ceased to import new slaves.¹ At another level,

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1. Great Britain passed legislation to ban the trade a few weeks after the United States did, and that law went into effect a few months before the American law. However, while Britain was heavily involved in the African trade to other places, no slaves were being imported into the British Isles.

this is a cautionary, but nevertheless instructive, tale about how to use law to effectuate social change. Starting in 1794, the United States passed a series of laws to prevent Americans from participating in the trade. After the 1807 law went into effect, the United States passed a handful of other statutes to strengthen the ban and make it more effective. Congress did not figure out how to fully ban the trade on its first try, or even its second or third, but by building on each legislative attempt, it eventually closed the trade to all but the most intrepid smugglers.

Before the American Revolution, both the colonies and Great Britain regulated the African slave trade to what became the United States. The British government gave special protection to the Royal Africa Company, which brought more slaves to the American colonies than any other single entity. The slave trade was an important part of Britain's mercantile policy. Britain collected taxes on imported slaves while merchants in the metropolis profited from the trade. Investors in the Royal Africa Corporation reached the highest echelons of British society and included members of the royal family.

In the colonies, the slave trade was a source of labor, profits, and local tax revenues. However, for both economic and prudential reasons, colonial governments occasionally sought to limit importations. In 1698, for example, the South Carolina legislature concluded that "the great number of Negroes which of late have been imported into this Collony may endanger the safety thereof."² This law did not limit the trade, but was rather designed to encourage the importation of white servants. It had virtually no impact on the growth of the black population, which by 1708 exceeded the white population.³ Facing a black majority, in 1717 a tax of £40 per slave virtually shut down the trade, but two years later the legislature reduced the tax to £10 for every new slave brought from Africa, and the trade boomed.⁴ In 1740, in response to the Stono Rebellion of 1739, South Carolina passed a new tax law that was designed to

2. "An Act for the Encouragement of the Importation of White Servants," Act of Oct. 8, 1698, 2 *Statutes at Large of South Carolina* 153 (1698).

3. For statistics on the growth of the white and slave populations in colonial South Carolina see Peter Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Knopf, 1974).

4. No. 368 (Dec. 11, 1717), 7 *Statutes at Large of South Carolina* 368, 370 (ed. David J. McCord, 1840); see also W. E. B. DuBois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (Cambridge: Harvard Univ. Press, 1896), 7; "An Act for laying an Imposition on Negroes . . ." Act of July 24, 1719, 3 *Statutes at Large of South Carolina* 56, 57 (ed. Thomas Cooper, 1836). See generally, Wood, *Black Majority*.

gradually slow importations.⁵ For the first fifteen months after the law was adopted South Carolinians would pay £10 for every slave imported into the colony. Then for a three-year period there would be a tax of £100 on each adult slave imported from Africa.⁶ The law, passed in direct response to the Stono Rebellion, recited the “very dangerous consequence to the peace and safety” of the colony from the ‘barbarous and savage disposition’ of Africans.⁷ However, the legislature apparently was unwilling to end importations immediately, perhaps for fear that it would be unfair to slavers already on the way to South Carolina as well as to masters who desperately needed more slaves. A fifteen-month moratorium on the £100 tax allowed for an orderly transition away from massive importations into the colony. In any event, the law expired in 1744 and the colonists could once again import slaves without facing prohibitive duties. In 1760 South Carolina banned the trade outright because the colonists feared the growing number of African-born slaves, but royal authorities disallowed this law.⁸ In 1764 the colony levied a new tax of £100 per head, on imported slaves because, as the legislature noted, the growing number of African-born slaves “may prove of the most dangerous consequence.”⁹ However, as it had done in 1740, the legislature delayed the start of this duty, thus time for just over sixteen months. The law was to be in force only until 1767, but apparently the trade was not resumed, because of the growing tension between the colonies and Britain.¹⁰ The trade into South Carolina would not be reopened until after the Revolution.

The use of tax policy to regulate and even stop the trade suggests that the South Carolinians wanted to avoid any moral issues that might have arisen with a debate over absolutely closing the trade. In addition, by using an economic tool to regulate an economic activity, the South Carolina government was able enlist the only bureaucracy available—the tax collectors and regulators of the colony’s ports—to limit the trade. The tax policy may also have made enforcement easier because juries sympathetic to slavery might

5. “An Act for the better strengthening of this Province, by granting to His Majesty certain taxes on the purchasers of Negroes imported. . . .” Act of Apr. 5, 1740, 3 *Statutes at Large of South Carolina* 556 (1740) (Sec. 1) (ed. Thomas Cooper, 1836).

6. *Ibid.*

7. *Ibid.*

8. DuBois, *Suppression of the African Slave-Trade*, 7.

9. “An Act for laying an additional duty upon all Negroes hereinafter to be imported into this Province,” Act of Aug. 25, 1764, 4 *Statutes at Large of South Carolina* 187 (1764) (ed. Thomas Cooper, 1836).

10. DuBois, *Suppression of the African Slave-Trade*, 7.

have been unwilling to convict illegal traders if the only sanction had been criminal penalties.

Shortly before the Revolution, Virginia also tried to ban the trade, not for prudential reasons but to prevent the outflow of capital from the colony. Virginians attempted to use prohibitive taxes to discourage the trade, but the Crown overruled this law, because the trade was vital to the British economy and because the Royal Africa Company had powerful patrons in the government. In his *Summary View of the Rights of British America* (1774), Thomas Jefferson asserted, somewhat disingenuously, that Virginians favored the “abolition of domestic slavery” and that as the first step towards this end “it is necessary to exclude all further importations from Africa.” He complained, however, that “our repeated attempts to effect this by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty’s negative.”¹¹ There is in fact no evidence that any substantial number of white Virginians opposed slavery at this time.¹² In his first draft of the Declaration of Independence Thomas Jefferson condemned the Crown in more forceful language, asserting that King had “waged cruel war against human nature itself, violating its most sacred rights of life and liberty” by perpetuating the African slave trade. Calling the African trade “piratical warfare,” Jefferson asserted that “a CHRISTIAN king of Great Britain” was so “determined to keep open a market where MEN” were bought and sold that he used his “negative” to suppress “every legislative attempt to prohibit or to restrain this execrable commerce.”¹³

The Continental Congress removed Jefferson’s tirade from the draft of the Declaration, in part because it simply did not ring true.¹⁴ The colonists, for the most part, had been willing and eager purchasers of slaves. Nor is there any evidence that either Jefferson or any of the other leaders of Virginia had any interest in actually ending slavery. Virginia’s attempt to ban the trade was purely economic, and not based on any moral opposition to slavery. Similarly, the Crown’s refusal to allow them to limit or end the trade was

11. *Summary View of the Rights of British America* (1774), in *The Papers of Thomas Jefferson*, 22 vols., ed. by Julian Boyd et al. (Princeton, N.J.: Princeton Univ. Press, 1950), 1:130; *Autobiography of Thomas Jefferson* (1821), reprinted in *The Life and Selected Writings of Thomas Jefferson*, ed. by Adrienne Koch and William Harwood Peden (New York: Modern Library, 1944), 51.

12. Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* 2d ed. (Armonk, N.Y.: M. E. Sharpe, 2001).

13. *The Papers of Thomas Jefferson*, 1:426.

14. Finkelman, *Slavery and the Founders*.

economic. Before the Revolution, most slaves came on English ships, and even those on American ships were usually purchased from agents of the Royal African Company stationed on the west coast of Africa.

During the Revolution all of the new states banned or suspended the trade. This ban was part of the general non-important movement at the beginning of the Revolution. In some of the northern colonies, abolition of the trade had a moral as well as an economic basis. Opposition to slavery was growing, and during or immediately after the Revolution five states either ended slavery outright (Massachusetts and New Hampshire) or passed gradual abolition acts (Pennsylvania, Rhode Island, and Connecticut) that led to a relatively speedy end to slavery.¹⁵ In those states, a ban on the trade was consistent with growing opposition to slavery itself. In the remaining new states, where slavery was central to the economy, opposition to the trade was economic and political, but not essentially moral. After the Revolution, South Carolina reopened the trade, but then suspended it 1785 because of a statewide ongoing depression. Similarly, North Carolina levied a prohibitive tax on imported slaves and then in 1794 banned the trade altogether. The trade remained open in Georgia in 1787, but in the wake of the Haitian Revolution that state also banned it. Thus, in 1787, when the Constitutional Convention met in Philadelphia, only Georgia was importing slaves.

The Revolution brought freedom to slaves who joined the armies or escaped in the chaos of war. Thousands of slaves left South Carolina and Georgia when the British army evacuated those states. Some of these people remained free, while others ended up as slaves in the British Caribbean. At the end of the war, leaders in the Deep South fully expected to reopen the trade at some point. Although in 1787, when the Constitutional Convention met in Philadelphia, only Georgia had yet reopened it, with the expectation of reopening the trade, the delegates from the Deep South jealously guarded their right to import slaves.¹⁶

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15. Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: Univ. of Chicago Press, 1967); Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: Univ. of North Carolina Press, 1981). So too would the Canadian province of Upper Canada (Ontario). "An Act to prevent the further introduction of SLAVES, and to limit the Term of Contracts for SERVITUDE within this Province," Act of July 9, 1793, *Statutes of Upper Canada*, 33 George III, pp. 24–25, chap. (1793).

16. Donald Robinson, *Slavery in the Structure of American Politics, 1765–1820* (New York: Harcourt Brace Jovanovich, 1967), 295–99.

A major reason for calling the Convention was to give the new national government the power to regulate international and domestic commerce. All of the delegates understood that the national government had to have some power over international and domestic commerce, but they disagreed on the scope of that power. Most northern delegates favored a strong national commerce power that would stimulate foreign trade, help defend domestic commercial markets from foreign competition, and help protect the northern maritime industry. Southern delegates feared that this power would be used to adversely affect their states, which produced raw materials for export, were dependent on imports, and had no local shipping industry of their own.

Slavery was at the heart of these southern fears because the South's economy was based on agricultural products produced by slaves. Southern delegates at the convention envisioned an aggressive commercial North that would undermine their economy through export taxes and other commercial regulations. While there was no significant antislavery movement in the North at this time, southern delegates feared it would soon turn on their institution, using tax and commerce powers to attack slavery. No northerners at the convention ever even suggested that the national government should be able to regulate slavery or touch slavery in the states. But, some southerners feared this would happen in a stronger national government. Thus, in one debate South Carolina's Pierce Butler blurted out: "The security the Southn. States want is that their negroes may not be taken from them which some gentlemen within or without doors, have a very good mind to do."¹⁷

In addition to fearing that taxation or commercial regulation might indirectly harm slavery, delegates from the Carolinas and Georgia also worried that if the new Congress could regulate commerce, it would immediately ban the African slave trade. No northerner ever raised this issue, but at the Convention the delegates from South Carolina did on their own, when the Convention debated the powers of Congress over what the delegates called navigation acts and what is today known as the commerce power. Their fear was quite simple. They assumed that if Congress had plenary power to regulate international commerce, a majority of Congress would immediately vote to close the African slave trade.

In the wake of the Revolution, opposition to the trade was strong for a variety of reasons. Some Americans found slavery deeply immoral as well

17. Max Farrand, *The Records of the Federal Convention of 1787*, rev. ed., 4 vols. (New Haven, Conn.: Yale Univ. Press, 1966), 1:605.

as a fundamental violation of the principles of the Revolution. By the time of the Convention, Pennsylvania and all the New England states had either ended slavery outright or were in the process of doing so through gradual abolition acts. Southerners presumed these states would also oppose a continuation of the trade. In addition, the South Carolinians feared that other slave states, like New York, New Jersey, Maryland, and Virginia, would support a ban. These fears were not unreasonable, because many Americans made a distinction between slavery and the African trade.

Some Americans who were comfortable with, or at least resigned to, the continuation of slavery, nevertheless believed that the African trade was particularly immoral and pernicious. Many people who could justify—or at least rationalize—holding people in bondage, who were born to that condition, saw no good reason for bringing more slaves to the nation. Other Americans, particularly in the South, who had no strong moral feelings about the trade, or even slavery, nevertheless believed that slavery was an inherent threat to the society, and the further importation of African slaves would only exacerbate an already dangerous situation. Having just fought a revolution for their own liberty, many Americans worried that slaves might soon follow the model of their masters. Finally, many slaveowners in Virginia and Maryland opposed the African trade for narrowly economic reasons. They had more slaves than they needed and knew that if the trade ended their surplus slaves would be more valuable.¹⁸

At the Convention, the delegates from South Carolina, supported by other southerners, insisted on explicit protection for the African trade in the Constitution. The debates over this issue were among the most intense there. These debates were not part of the disagreements over slave representation that led to the three-fifths clause, but they were influenced by that clause. Once the Convention agreed to count slaves for purposes of representation in Congress, its status became more important. A continuation of the African trade would not only lead to an increase of slaves and human misery in the new nation, but it would also strengthen the South in Congress, giving more political power to the supporters of bondage. This prospect led Gouverneur Morris, who represented Pennsylvania, to denounce the immorality of political compromises over slavery, which “when fairly explained comes to this: that the inhabitant of Georgia and South Carolina who goes to the

18. For example, in the 1780s and 1790s Thomas Jefferson sold more than eighty slaves to raise money to pay his debts and buy the many things he imported from France. See Finkelman, *Slavery and the Founders*, chap. 7.

Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a practice.”¹⁹

Despite the attempts of Morris and a few others to raise the moral question of slavery, most of the delegates focused on compromise and economic necessity. In August the Convention debated the commerce clause, which would give Congress the power to regulate international and interstate commerce by a simple majority. Before that debate could take place, the South Carolina delegation insisted on protection for the African slave trade and a ban on export taxes. Southerners believed that export taxes could be used to tax the commodities produced by slave labor, such as tobacco and rice, and thus indirectly harm slavery. South Carolina’s John Rutledge noted that he would vote for the commerce clause as it stood, but only “on condition that the subsequent part relating to negroes should also be agreed to.”²⁰ Delegates from Connecticut and Massachusetts indicated some support for Rutledge’s position. What should be called the “dirty compromise” of the Convention was taking shape. The South Carolina delegation would support the commerce clause if New England would support prohibition on export taxes and a protection for the African slave trade. This understanding solidified in late August.

On August 21, the New England states joined the five slave states south of Delaware on three crucial votes. On the first of these, all three New England states voted to defeat an amendment to the draft Constitution that would have allowed Congress, by a simple majority, to tax exports in order to raise money to support the national government. During the debate over this motion, Connecticut’s Oliver Ellsworth—a future chief justice of the U.S. Supreme Court—argued against taxing exports because such taxes would unfairly hurt the South, which produced major export crops such as “Tobacco, rice and indigo.” Ellsworth believed “a tax on these alone would be partial and unjust.” Next, in a key five-to-six vote Connecticut joined the five slave states to defeat a proposal, made by James Madison, to allow taxes on exports by a two-thirds majority of Congress. On the final vote, to absolutely ban all export taxes, Massachusetts joined Connecticut, and the measure to prohibit

19. Farrand, *Records*, 2:220–23.

20. *Ibid.*, 306.

export taxes, favored by the South passed, seven to four. During the debate the Virginia delegation was divided, three to two, with James Madison and George Washington unsuccessfully favoring congressional power to tax exports.²¹

The Convention then debated a motion by Luther Martin to allow a tax on imported slaves. Martin represented Maryland, a slave state, but one with a surplus of slaves, a fact that helps explain his opposition to the African trade. Rutledge opposed Martin's motion with a two-pronged attack. He first told the Convention that the "true question at present is whether the Southern States shall or shall not be parties to the Union." The implied threat of secession was clear. He then told the northern delegates that, if they would "consult their interest," they would "not oppose the increase of slaves which will increase the commodities of which they will become the carriers." Ellsworth of Connecticut agreed, refusing to debate the "morality or wisdom of slavery," instead simply asserting, "what enriches a part enriches the whole." The alliance for profit between the Deep South and New England was now fully developed. It is important to understand that this was not alliance stimulated by New England's involvement in the trade. At this time, all of the New England states had banned the African trade and prohibited their citizens from participating in it. The alliance was over trade and commerce that would involve the products of slave labor, and not the bodies of slaves themselves.

Despite the support from Connecticut, Charles Pinckney reaffirmed that South Carolina would "never receive the plan if it prohibits the slave trade."²² Shrewdly, Pinckney equated a tax on imported slaves with a prohibition on the trade itself. This was part of the South Carolinians' apparent tactic of constantly exaggerating any threat to slavery combined with making persistent blustering threats to oppose the Constitution if they did not get their way on slavery-related issues.

The next day Roger Sherman, also of Connecticut, declared his personal disapproval of slavery but refused to condemn it in other parts of the nation. He then argued against a prohibition of the slave trade, asserting that "the public good did not require" an end to it.²³ In this debate, Sherman seemed to have accepted the hyperbole of the South Carolina delegation that even a tax on the trade was the equivalent to an outright ban, since in fact no delegate

21. *Ibid.*, 360, 363–64.

22. *Ibid.*, 363–65.

23. *Ibid.*, 369–70.

had actually suggested that the Convention insert anything in the Constitution to ban the trade. He also implicitly accepted the arguments coming from the Deep South that anything short of an explicit protection of the trade was the same thing as ban. Noting that the states already had the right to import slaves, Sherman saw no point in taking a right away from the states unnecessarily because “it was expedient to have as few objections as possible” to the new Constitution. Here Sherman assumed it was necessary to defuse southern opposition, which might result from a ban on the slave trade, but he did not think it necessary to placate those who might be against the Constitution if it allowed the slave trade to continue. Sherman was prepared to appease those who supported it, but he apparently was unconcerned about the strong opposition to the slave trade in his own region. Next, Sherman observed that “the abolition of slavery seemed to be going on in the U.S.” If left alone, the “good sense of the several States” would soon put an end to all slavery in the country. In making this argument, Sherman either confused the abolition of the slave trade with the abolition of slavery itself or he foolishly believed that because New England and Pennsylvania had begun to abolish slavery, the rest of the nation would soon follow. Finally, revealing his priorities, Sherman urged the delegates to hurry and finish their business, noting, no doubt, that they had been in session for almost three months.²⁴

George Mason of Virginia responded to Sherman with a fierce attack on the “infernal traffic” in slaves, which he blamed on “the avarice of British Merchants.” Reflecting the sectional hostilities at the Convention, as well as trying to lay blame on anyone but Virginians for the existence of slavery, Mason then “lamented” that his “Eastern brethren had from a lust of gain embarked in this nefarious traffic.” Mason leveled some of the strongest criticism of slavery yet heard at the Convention, declaring it an “evil” system that produced “the most pernicious effect on manners.” He declared that “every master of slaves is born a petty tyrant” and warned that slavery would “bring the judgment of heaven on a Country” and ultimately produce “national calamities.” Despite this apparent attack on the whole institution, Mason ended his speech by demanding only that the national government “have power to prevent the increase of slavery” by prohibiting the African trade. As historian Peter Wallenstein has argued, “Whatever his occasional rhetoric, George Mason was—if one must choose—proslavery, not antislav-

24. *Ibid.*, 369–70.

ery. He acted in behalf of Virginia slaveholders, not Virginia slaves,” when he opposed a continuation of the African trade.²⁵

Others at the Convention understood this quite well. Mason failed to say that Virginia, like Maryland, had a surplus of slaves and did not need the African slave trade any longer. But James McHenry candidly wrote in his private notes: “that the population or increase of slaves in Virginia exceeded their calls for their services,” and thus a prohibition of the slave trade “would be a monopoly” in Virginia’s “favor.” Under such conditions “Virginia etc would make their own terms for such [slaves] as they might sell.”²⁶ The “etc” no doubt included McHenry’s own state of Maryland.

Ellsworth of Connecticut, adopting the same pose as Sherman, answered Mason. Because “he had never owned a slave,” Ellsworth declared he “could not judge of the effects of slavery on character.” However, if slavery were as wrong as Mason had suggested, merely ending the trade was insufficient. Ellsworth, of course, knew that the Virginians opposed allowing the national government to abolish slavery. Therefore, since there were many slaves in Virginia and Maryland and fewer in the Deep South, any prohibition on the trade would be “unjust towards S. Carolina and Georgia.” So Ellsworth urged the Convention not to “intermeddle” in the affairs of other states.²⁷ The Convention had now witnessed the bizarre phenomenon of a New Englander defending the slave trade against the attacks of a Virginian. Once again, it also important to understand that in this debate no one had suggested that the Constitution interfere with slavery in the state or that it ban the trade. The South Carolinians had successfully turned the debate into one over a ban on the slave trade, which ignored the fact that no one had suggested such a ban. In doing this, they were able to get New Englanders to defend their right to import slaves, thus setting the stage for an affirmative protection for the trade.

The Carolinians were, of course, quite capable of defending their own institution. Charles Pinckney, citing ancient Rome and Greece, declared that slavery was “justified by the example of all the world.” He warned that any prohibition of the slave trade would “produce serious objections to the Constitution which he wished to see adopted.” His older and more famous cousin, Gen. Charles Cotesworth Pinckney, also declared his support for the

25. *Ibid.*, 369–70. On scholarly and popular misunderstandings of Mason’s views on slavery, see Peter Wallenstein, “Flawed Keepers of the Flame: The Interpreters of George Mason,” *Virginia Magazine of History and Biography* 102 (Apr. 1994): 229–60 (quotation on 253).

26. Farrand, *Records*, 2:378 (McHenry notes).

27. *Ibid.*, 370–71.

Constitution, but noted that his “personal influence . . . would be of no avail towards obtaining the assent” of his home state. He believed Virginia’s opposition to the trade was more pecuniary than moral. Virginia would “gain by stopping the importations” because “her slaves will rise in value, and she has more than she wants.” Prohibiting the trade would force South Carolina and Georgia “to confederate” on “unequal terms.” While Virginia might gain, the nation as a whole would not. More slaves would produce more goods, and that result would help not only the South but also states involved in “the carrying trade.” Furthermore, he declared, “the more consumption also, and the more of this, the more of revenue for the common treasury.” Seeing the slave trade solely as an economic issue, Pinckney thought it “reasonable” that imported slaves be taxed. But a prohibition of the slave trade would be “an exclusion of S. Carola from the Union.” As he had made clear at the beginning of his speech, “S. Carolina and Georgia cannot do without slaves.” Rutledge and Pierce Butler added similar sentiments, as did Abraham Baldwin of Georgia and Hugh Williamson of North Carolina.²⁸

New England voices continued to support the Southern drawls. Elbridge Gerry of Massachusetts offered some conciliatory remarks, and Sherman, ever the ally of the South, declared that “it was better to let the S. States import slaves than to part with them, if they made that a sine qua non.” However, in what may have been an attempt to give his remarks an antislavery tone, he argued that taxing imported slaves was morally wrong, because that “implied they were property.”²⁹ This position undoubtedly pleased Sherman’s southern allies, who did not want to pay taxes on any slaves they imported. Sherman’s speech also underscored the profound support that the Carolinians and Georgians found among some New Englanders.

The reasons for cooperation between New England and the Deep South on this issue were now clear. New Englanders, involved in the “carrying trade,” would profit from transporting rice and other products produced by slave labor. And the South Carolinians seemed willing to support the New Englanders’ demands for congressional power to regulate all commerce. In return, New Englanders would support the right of the Carolinas and Georgia to import the slaves they could not “do without.”

On the other side of the issue, John Dickinson of Delaware vigorously opposed allowing the slave trade to continue. He argued that it was “inadmis-

28. *Ibid.*, 371–75.

29. *Ibid.*, 371–75.

sible on every principle of honor and safety.” Furthermore, he was prepared to call the Carolinians’ bluff on the question of union, doubting the Deep South would reject the Constitution if the trade were prohibited. James Wilson was also skeptical of southern threats, but he did not offer any strong rebuttal. Nor did Rufus King, of Massachusetts, who only pointed out that prohibiting a tax on imported Africans was an “inequality that could not fail to strike the commercial sagacity of the Northern and middle States.”³⁰

The most surprising contribution to this debate came from Gouverneur Morris of Pennsylvania, who had previously been the most consistent opponent of slavery at the Convention. He suggested that the subject of commercial regulation acts and the African slave trade be sent to committee. “These things may form a bargain among the Northern and Southern States,” he shrewdly noted. The Convention quickly accepted his suggestion.³¹

On August 25 the Convention considered a proposal that Congress be barred from prohibiting the African slave trade until 1800 but that in the meantime a reasonable tax could be levied on imported slaves. South Carolina’s General Pinckney immediately urged that the date be changed to 1808, twenty years after the Constitution was ratified. Nathaniel Gorham of Massachusetts seconded this motion. At this point, James Madison complained that this provision was “dishonorable to the National character” and to the Constitution and that the “twenty years will produce all the mischief that can be apprehended from the liberty to import slaves.” Nevertheless, the delegates accepted Pinckney’s change by a seven-to-four vote. Three New England states, Maryland, and the three Deep South states supported Pinckney’s motion.³²

Gouverneur Morris, still resisting a continuation of the slave trade, then proposed that the clause specifically declare that the “importation of slaves” be limited to the Carolinas and Georgia. Morris wanted it known “that this part of the Constitution was a compliance with those States.” Having made this motion only to embarrass supporters of the trade, Morris withdrew it. By a seven-to-four vote, the Convention then adopted the slave-trade provision. The three New England states again joined Maryland and the Deep South to allow the slave trade to continue for twenty years.³³ This vote formed a key component of the “dirty compromise.”

30. *Ibid.*, 372–73.

31. *Ibid.*, 374.

32. *Ibid.*, 414–15.

33. *Ibid.*, 415–16.

On August 29 the debates over commerce and the slave trade were joined to complete this “dirty compromise.”³⁴ In a debate over the commerce clause, Charles Pinckney, the younger and more impetuous of the two cousins, moved that a two-thirds majority be required for all commercial regulations. He argued that “the power of regulating commerce was a pure concession on the part of the S. States” and that therefore the two-thirds requirement was reasonable.³⁵

General Pinckney agreed that “it was the true interest of the S. States to have no regulation of commerce.” But, in one of the most revealing statements of the Convention, he explained his support for a clause requiring only a simple majority for passage of commercial legislation. Pinckney said he took this position because of “their [the eastern states’] liberal conduct towards the views of South Carolina,” which concerned the slave trade. In the margins of his notes, Madison made this clear; he wrote that Pinckney “meant the permission to import slaves. An understanding on the two subjects of navigation and slavery, had taken place between those parts of the Union, which explains the vote on the Motion depending, as well as the language of General Pinckney and others.” Other delegates confirm this analysis. Luther Martin later reported that “the eastern States, notwithstanding their aversion to slavery, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the slave trade, provided the southern States would in their turn gratify them, by laying no restriction on navigation acts; and after a very little time, the committee by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted.”³⁶

Subsequent debate confirmed that New Englanders and South Carolinians had indeed struck a bargain. Butler, for example, declared that the interests of the southern and eastern states were “as different as the interests of Russia

34. This compromise also included the adoption of the Fugitive Slave Clause of Article IV, Sec. 2.

35. Farrand, *Records*, 2:449.

36. *Ibid.*, 449–52; Luther Martin, “The Genuine Information Delivered to the Legislature of the State of Maryland Relative to the Proceedings of the General Convention Lately Held at Philadelphia,” in *The Complete Anti-Federalist*, ed. Herbert J. Storing, 7 vols. (Chicago: Univ. of Chicago Press, 1981), 2:60–61. Martin, who later opposed the Constitution, made this point in his letter to the Maryland ratifying convention. He had been on the committee that drafted the compromise over commerce and the slave trade.

and Turkey.” Nevertheless, he was “desirous of conciliating the affections of the East” and so opposed the two-thirds requirement. The Virginians, who had opposed the slave-trade provisions, now supported the demand for a two-thirds requirement for commercial legislation. But they were in the minority. South Carolina joined all the northern states to defeat the motion to require a two-thirds vote to regulate commerce. The Convention then adopted the clause allowing a simply majority to regulate commerce.³⁷

Immediately after this vote, Butler reintroduced the fugitive slave clause. Without debate or recorded vote, it too passed.³⁸ The last bargain over slavery had been made. The northerners who had opposed the fugitive slave provision only a day before were now silent.

The final text of the slave-trade provision was designed to obfuscate what the Convention had done. The clause read: “The Migration or Importation of such Persons as any of the State now existing shall think proper to admit shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.”³⁹

It is important to understand that the clause did not require an end to the trade in 1808. It only prevented Congress from ending the trade before 1808. Moreover, when the Convention accepted this clause, almost all the delegates assumed that the Deep South and the southwest would grow faster than the rest of the nation. The delegates assumed that what is Alabama and Mississippi might have become new states and that South Carolina and especially Georgia would have much larger populations. If these assumptions had been correct, then by 1808 the states that most wanted to continue the trade would have had enough political power, and enough allies, to prevent an end to the trade. Ending the trade would require that a bill pass both houses of Congress and be signed by the president. That process would give the supporters three opportunities to stop a bill and keep the trade open. Thus, the slave-trade debate was seen in the Deep South as a major victory. South Carolina and Georgia had bought two decades to gain the strength to preserve the trade forever.

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37. Farrand, *Records*, 2:449–53.

38. *Ibid.*, 453–54.

39. U.S. Constitution, Art. I, Sec. 9, Cl. 1.

The slave-trade provision was a significant factor in the debates over ratification, but its impact was complicated. Opponents of the Constitution, in both the North and the South, roundly condemned the clause. On the other hand, supporters of the Constitution—even those ambivalent or hostile to slavery—praised the clause, although for very different reasons.

Antifederalists in the North and the upper South hammered home, again and again, the clause's fundamental immorality. On the last day of the Convention, Virginia's George Mason, to no one's surprise, declared he would not sign the Constitution, citing the slave-trade provisions as one of his major objects. A man who owned many slaves, and who would never emancipate any of them, Mason nevertheless saw no reason to add more slaves to the nation, because "such importations render the United States weaker, more vulnerable, and less capable of defense."⁴⁰ He did not add, but could have if he had been totally honest, that the slave trade would also diminish the value of the many slaves he already owned. Like other elite Virginians—George Washington being a major exception—Mason sold men "as you would do cattle at a market," to pay his debts and support his lifestyle.⁴¹

Many in the North, and some in the South, took a more principled stand against the Constitution because of the slave-trade provision. A New Yorker complained that the Constitution condoned "drenching the bowels of Africa in gore, for the sake of enslaving its free-born innocent inhabitants."⁴² A correspondent for the Philadelphia Independent Gazetteer sarcastically noted that "among the blessings of the new-proposed government" were the lack of a free press, the lack of a jury trial in civil case, and "a Free importation of negroes for one and twenty years."⁴³ A Virginian thought the slave-trade provision was an "excellent clause" for "an Algerian constitution: but not so well calculated (I hope) for the latitude of America."⁴⁴

40. Wallenstein, "Flawed Keepers of the Flame"; Farrand, *Records*, 2:633, 640.

41. Washington quoted in John C. Miller, *Wolf by the Ears: Thomas Jefferson and Slavery* (New York: Free Press, 1977), 107. See also, Henry Wiencek, *An Imperfect God: George Washington, His Slaves, and the Creation of America* (New York: Farrar, Straus and Giroux, 2003); Fritz Hirshfeld, *George Washington and Slavery: A Documentary Portrayal* (Columbia: Univ. of Missouri Press, 1997).

42. Letters from a Countryman from Dutchess [*sic*] County (letter of Jan. 22, 1788), in Storing, *The Complete Anti-Federalist*, 6:62.

43. "Blessings of the New Government," in *Documentary History of the Ratification of the Constitution*, ed. by John P. Kaminski and Gaspare J. Saladino, 22 vols. (Madison: State Historical Society of Wisconsin, 1981), 13:354–46.

44. "Essays by Republicus (Mar. 12, 1788)," in Storing, *Complete Anti-Federalist*, 5:169.

It was more than just the slave trade that northern antifederalists feared. Three opponents of the Constitution in Massachusetts noted that it bound the states together as a “whole” and “the states” were “under obligation . . . reciprocally to aid each other in defense and support of every thing to which they are entitled thereby, right or wrong.” Thus, they might be called to suppress a slave revolt or in some other way defend the institution. They could not predict how slavery might entangle them in the future, but they did know that “this lust for slavery, [was] portentous of much evil in America, for the cry of innocent blood, . . . hath undoubtedly reached to the Heavens, to which that cry is always directed, and will draw down upon them vengeance adequate to the enormity of the crime.”⁴⁵

Northern supporters of the Constitution were at a rhetorical disadvantage in this debate, but they nevertheless had to engage the issue. They developed three tactics. The most honest response to the slave-trade clause was to acknowledge that the Constitution protected the trade because it was necessary secure the support of the Deep South, but that this clause was still an improvement of the current situation because under the Articles of Confederation the national government had no power to regulate commerce or ever end the slave trade. These supporters of the Constitution argued that under the new system of government it would be possible, in *just* twenty years, to end the trade.⁴⁶ The best argument for this position came from Tench Coxe, who argued that the clause was a “clear implication” that the trade was “inconsistent with the disposition and the duties of the people of America,” and that the “*temporary* reservation of any particular matter must ever be deemed as admission that it should be done away.” Coxe admitted that this clause was in the Constitution because in the Convention “regard was necessarily paid to the peculiar situation of our southern fellow-citizens.”⁴⁷ Such arguments were entirely correct and doubtless provided cover for those who favored the Constitution but did not like the slave trade. However, it is hard to imagine they persuaded very many people not already inclined to support the Constitution, because they did not answer the question of why the Convention so willingly suspended its power to regulate commerce

45. Consider Arms, Malichi Maynard, and Samuel Field, “Reasons for Dissent,” in Storing, *Complete Anti-Federalist*, 4:262–63.

46. Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 5 vols. (1888; rpt., New York: Burt Franklin, 1987), 2:484, 287, 207.

47. [Tench Coxe], “An American Citizen IV: On the Federal Government,” Oct. 21, 1787, reprinted in Kaminski and Saladino, *Documentary History*, 13:431.

only for the African slave trade. Northern opponents of the Constitution doubtless were underwhelmed by the argument that their interests had to be sacrificed to placate the “peculiar situation” of southerners.

A second argument was that the clause would require an end to the trade in 1808, and thus this clause was actually antislavery. Just after the Convention ended the *Pennsylvania Gazette* made this claim, arguing that the Constitution “provides an effectual check on the African trade, in the course of one and twenty years.” Rather than bemoaning the law’s waiting period, the *Gazette* bragged that this clause was “honorable to America,” and made it “the first Christian power that has borne a testimony against a practice, that is alike disgraceful to religion, and repugnant to the true interests and happiness of Society.”⁴⁸ Similarly, Benjamin Rush assured a private correspondent that in 1808 “there will be an end of the African trade in America.”⁴⁹ In Massachusetts, Reverend Isaac Backus was probably just expressing his hopes when he praised the clause for setting the stage to destroy slavery “with a consumption.”⁵⁰

This argument was of course not correct. The clause clearly did not require or even guarantee an end to the trade. South Carolina’s delegation was counting on having enough political clout, in 1808, to prevent an end to the trade. Optimistic supporters of Constitution who opposed the trade hoped—correctly as it turned out—that in twenty years their side would have the votes to end the trade. But, people like Rush were either themselves misled, or willing to mislead others, in asserting that the clause guaranteed an end to the trade in 1808.

Ironically, the federalist advocates of ratification who supported this interpretation of the clause may have been the first Americans to implement “popular constitutionalism” in the interpretation of the Constitution. By constantly asserting that the clause meant the trade would end in 1808, these supporters of the Constitution helped turn their wishful thinking into a self-fulfilling prophecy. By the time the Constitution was ratified many voters—perhaps a majority of them—believed that the Constitution mandated an end to the trade, when it did not.

There were, however, limits to how far popular constitutionalism might re-

48. *Pennsylvania Gazette*, Sept. 26, 1787, reprinted in Kaminski and Saladino, *Documentary History*, 13:253, 254.

49. Benjamin Rush to John Coakley Lettson, Sept. 28, 1787, in Kaminski and Saladino, *Documentary History*, 13:262.

50. Backus quoted in Finkelman, *An Imperfect Union*, 25.

shape the document. The third variation of the northern federalist argument on the trade bears this out. This was a thoroughly misleading, if not outright dishonest, claim that the slave-trade clause would actually lead to an end to slavery itself. However dishonest the argument, it may have been politically shrewd. Thus, James Wilson of Pennsylvania, asserted at the Pennsylvania ratifying convention “I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania.” He also predicted, that under the Constitution no new slave states would be admitted to the Union.⁵¹ A day later he declared that this clause was a “lovely feature in the Constitution” that “would diffuse a beauty over its whole countenance.” In these speeches Wilson made the subtle shift from the “trade” to slavery, and since most of his listeners were not as legally sophisticated as Wilson, he was able to fudge the issue. Thus, he told the Pennsylvania ratifying convention that after “the lapse of a few years . . . Congress will have power to exterminate slavery from within our borders.”⁵² Since Wilson attended all the debates in the Convention over this clause, it is impossible to accept this statement as his understanding of the slave-trade clause. More likely, he simply made this argument to win support for the Constitution.

Upper South supporters of the Constitution, like Madison, argued that a ban on the trade was impossible under the Articles, and thus the Constitution, even if imperfect, was still a good bargain. Deep South supporters, like General Pinckney, simply bragged that they had won a great victory—as indeed they had—in protecting the trade for *at least* twenty years. In summing up the entire Constitution, General Pinckney, who had been one of the ablest defenders of slavery at the Convention, proudly told the South Carolina House of Representatives: “In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could; but on the whole, I do not think them bad.”⁵³ David Ramsey, writing as *Civis*, reminded South

51. Speech of James Wilson, Dec. 3, 1787, in *Documentary History of the Ratification of the Constitution*, ed. by Merrill Jensen, 22 vols. (Madison: State Historical Society of Wisconsin, 1976), 2:463.

52. Speech of James Wilson, Dec. 4, 1787, in Jensen, *Documentary History*, 2:499.

53. Elliot, *Debates in the Several State Conventions*, 3:598–99 (Randolph; emphasis in the original), 4:286 (Pinckney).

Carolínians that Congress could end the trade after 1808, but “it is probably that they will not” because “The more rice we make, the more business will be for their shipping; their interest will coincide with our’s.”⁵⁴

While Congress did not have the power to end the trade before 1808, it did have the power to regulate it, and starting in March 1794 it did just that by prohibiting the use of any U.S. port or shipyard for the purpose of fitting out or building any ship to be used in the trade. The law also prohibited ships leaving U.S. ports from trafficking in slaves to foreign countries. Ships sailing from the United States to Africa, even if of foreign registry, were required to “give bond with sufficient sureties, to the treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board . . . to be transported, or sold as slaves in any other foreign place, within nine months thereafter.”⁵⁵ Penalties under the law included fines ranging from \$2,000 for outfitting a ship to \$200 for an individual working on one. The act provided that the actual ships involved in the trade could be confiscated. The law gave half of all fines to any informants, thus providing an incentive for ship captains and mariners to monitor the activities of anyone they suspected of being involved in the illegal trade.

In 1800 Congress amended the 1794 act by dramatically increasing fines for illegal American participation in the trade and giving informants a right to the entire value of any ship condemned under the law. In addition to not allowing American ships to participate in the trade, the new law prohibited any American from having any interest in a ship involved in the trade. Thus, Americans could no longer invest in the trade, even if carried on legally by non-U.S. ships. If convicted of having an interest in the trade, an American was subject to a fine that double the value of his investment in the vessel and also double the value of any slaves in which he had an interest. The 1800 amendment explicitly prohibited any American citizen or resident alien from voluntarily serving “on board any foreign ship or vessel . . . employed in the slave trade.” It no longer mattered if the ship was a U.S. bottom or even if the ship left an American port. American sailors found on slave ships were now subject to a \$2,000 fine. The law authorized all “commissioned

54. Civis [David Ramsey] “To the Citizens of South Carolina,” *Charleston Columbian Herald*, Feb. 4, 1788, in Kaminski and Saladino, *Documentary History*, 16:25.

55. “An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,” 3d Cong. 1, 1st sess., Act of Mar. 22, 1794, Chap. 11, 1 Stat. 347, 349.

vessels of the United States, to seize and take any vessel employed” in the trade contrary to the law, with the crew receiving half the value of the ship when it was sold. This provided an enormous incentive for American ships to police the trade.⁵⁶

In 1803 South Carolina reopened the trade.⁵⁷ Earlier that year, probably in anticipation of South Carolina’s act, Congress passed a new law to regulate the trade. This act provided new fines for people who brought slaves into states that banned the importation of them. The law applied to a “negro, mulatto, or other person of color” imported from Africa or the Caribbean. The language prevented people who might bring in Africans by claiming they were not slaves but servants or indentured servants.⁵⁸

The acts of 1794, 1800, and 1803 had been designed to limit American participation in the African trade but could not be used to stop the trade itself. Significantly, all of the laws passed before 1807 focused on ships, sailors, and investors. None of the laws had any provision for what should happen to slaves illegally imported into the United States. Indeed, while the 1794 law provided for the sale of a ship and its “tackle, furniture, apparel and other appurtenances” of a slave ship, it did not mention what should happen to any slaves or other cargo on the ship. Presumably, they too would be sold for the benefit of the United States, the informant, or any other claimant under the three laws.

In his annual message to Congress in December 1806, Thomas Jefferson, who had long opposed the trade (but not slavery itself) reminded the nation that on January 1, 1808, the constitutional suspension of congressional power on this issue would finally expire. He took a moment in his address to “congratulate” his “fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human

56. “An Act in addition to the act entitled, ‘An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,’ 6th Cong., 1st sess., Act of May 10, 1800, Chap. 51, 2 Stat. 70.

57. “An Act to alter and amend the several Acts respecting the importation or bringing into this State, from beyond seas or elsewhere, Negroes. . . .” Dec. 17, 1803, 7 *Statutes at Large of South Carolina* 449–51 (ed. David J. McCord, 1840). See also Jed H. Shugerman, “The Louisiana Purchase and South Carolina’s Reopening of the Slave Trade in 1803,” *Journal of the Early Republic* 22 (2002): 263.

58. “An Act to prevent the importation of certain persons into certain states where, by the laws thereof, their admission is prohibited,” 7th Cong., 2d sess, Act of Feb. 28, 1803, Chap. 10, 2 Stat. 205.

rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe.” He noted that any law passed by Congress could not take effect until January 1, 1808, but he urged Congress to act quickly “to prevent by timely notice expeditions which can not be completed before that day.”⁵⁹ Congress readily complied with legislation to absolutely ban all importations of slavery after January 1, 1808. The 1807 act was a comprehensive attempt to close the African trade. By passing the law in March, Congress gave all slave traders nine months to close down their operations in the United States.⁶⁰

The ten sections of the 1807 act were designed to eliminate all American participation in the trade. After January 1, 1808, it would “not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, with intent to hold, sell, or dispose of such [person] . . . as a slave, to be held to service or labour.”⁶¹

Penalties for participating in the trade varied. The act provided an enormous penalty—up to \$20,000—for anyone building a ship for the trade or fitting out an existing ship to be used in it. American citizens participating in the trade were subject to fines of up to ten thousand dollars and jail terms of no less than five years and no more than ten years.⁶² Ships of any nation found in American ports or hovering off the American coast with slaves on them could be seized and forfeited, with the captain facing a \$10,000 fine and up to four years in prison. Any American who purchased an illegally imported slaves would lose the slaves and be fined \$800 for every slave purchased. The law allowed the U.S. Navy to interdict ships involved in the illegal trade. It required ships legally transporting slaves within the United States, from one slave southern port to another, to register their cargo with port authorities before commencing their voyage. This section was designed to further prevent the illegal importation of slaves.

59. Thomas Jefferson, “Sixth Annual Message,” Dec. 2, 1806, in *A Compilation of the Messages and Papers of the Presidents*, ed. by James D. Richardson, 10 vols. (New York: Bureau of National Literature, 1897), 1:396.

60. “An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight,” 9th Cong., 2d Sess., Act of Mar. 2, 1807, Chap. 22, 2 Stat. 426.

61. *Ibid.*, Secs. 2 and 3.

62. *Ibid.*, Secs. 2, 3, 4, 5.

The law certainly had teeth to it. Fines under the statute were enormous, and the potential jail time was surely enough to discourage most slave smugglers. Moreover, for the Jefferson administration, which never much liked federal power, this act constituted a huge grant of power to the national government. Had Congress provided sufficient funding to enforce the law, it would have surely closed the trade. Funding its suppression would, however, be problematic until the Civil War.

There was one other problem with the 1808 law: the disposition of illegally imported slaves. Logically, the slaves should have been either freed in the United States or sent back to Africa. After all, one of the goals of the law was to end the importation of new slaves from Africa. Given the views of President Jefferson, and many of the leaders of his party, either option was impossible. Jefferson was deeply hostile to the presence of free blacks in the United States. In a letter to Edward Coles, shortly after he left office, he referred to them as “pests” to society.⁶³ Thus, his administration had no interest in freeing Africans illegally imported into the nation. Nor was the deeply parsimonious Jefferson likely to support spending any money on returning the hapless Africans to their homeland. They may have been illegally seized as slaves, and illegally brought to America, but that did not mean they should be free.

So, what would the nation do with slaves, illegally brought to its shores? Reflecting Jefferson’s states rights ideology, his hatred of free blacks, and his refusal to spend money unless absolutely necessary, the law provided that any slaves illegally found in the United States would be treated according to the law of the state in which they were found—or brought to.⁶⁴ In practice this meant the unfortunate Africans illegally taken to the United States would not become free but instead would become slaves in some southern state. Furthermore, the states where they were captured would actually profit from the illegal trade by selling them. This aspect of the law illustrates that the Jefferson administration was not antislavery and that it had few concerns about the immorality of actually enslaving free-born Africans. Such confiscations had the triple advantage of discouraging slave smugglers (who would, after all, lose all their cargo), enriching the southern states, which would profit from the sale of the illegally imported slaves, and also giving individual southerners the opportunity to acquire new slaves.

63. Thomas Jefferson to Edward Coles, Aug. 25, 1814, in *The Portable Jefferson*, ed. by Merrill D. Peterson (New York: Viking, 1975), 546.

64. Finkelman, *Slavery and the Founders*, chaps. 6 and 7.

Under the law, the United States would gain money from the sale of confiscated ships and the large fines imposed on anyone involved in the trade. People informing on those who violated the law, as well as the crews of naval ships that seized traders, would also share in the proceeds for the sale of ships that were seized. Southern states would have the proceeds of from the sale of illegally imported slaves, and southern slaveowners would have access to a few more slaves. Anticipating the logic of Chief Justice Taney's decision in *Dred Scott v. Sandford* (1857), the Africans themselves would "have no rights," and remain slaves.⁶⁵ In sum, the act of 1807 provided heavy penalties—great disincentives—for slave traders but ignored the slaves themselves. They were treated like merchandise to be transferred from the smuggler to some owner who could get clear titles to them. The 1807 act sought to end the trade, but did nothing to undermine the legitimacy of holding men and women in bondage. In that respect, it truly represented the ideology of the president who signed it into law.

In 1818 Congress passed an elaborate new act, technically an amendment to the 1807 law, but really more like a new statute. The new law tinkered with the penalties for various offenses. For example, the maximum fine for fitting out a ship was reduced to \$5000, and the jail time was reduced to no more than seven years.⁶⁶ The reduction in penalties probably did not reflect any sense that the trade was less heinous. Rather, it suggested that the original penalties were out of line with standards for punishments at the time. The most significant change in the law was the standard by which courts would judge those charged under the 1818 act. The new law shifted the burden of proof from the prosecution to the defendant. The new law required the defendant "prove that the negro or mulatto, or person of colour, which he or they shall be charged with have being brought into the United States, or with purchasing . . . was brought into the United States at least five years previous to the commencement of the prosecution."⁶⁷ This section of the law created a statute of limitations of five years on the law banning the trade. But, it also made prosecutions easier within those five years. Under this law, anyone in possession of an African-born slave might have to prove how he came into possession of that slave, demonstrating the slave was in the United

65. *Dred Scott v. Sandford*, 19 How. (60 U.S.) 393 (1857).

66. "An Act in addition to 'An act to prohibit the introduction [importation] of slaves . . ." Act of Apr. 10, 1818, 3 Stat. 450.

67. *Ibid.*, Sec. 8.

States at least five years before any prosecution. The “Africanness” of the slave would be *prima facie* evidence against an owner, who could rebut it only by producing contrary evidence.

In 1819, Congress dramatically changed the regulation of the trade.⁶⁸ First, it authorized the president to send “armed vessels of the United States, to be employed to cruise on any of the coasts of the United States . . . or the coast of Africa” to interdict slave traders. This was the beginning of what became known as the African Squadron, which patrolled the waters off the coast of Africa in attempt to stop the trade at its source. The law also provided that illegally imported slaves be returned to Africa, rather than being sold in the United States. This provision was directly tied to the creation of the African squadron. The act authorized the president to appoint agents to receive rescued Africans and return them to the continent of their birth. Shortly after the adoption of this law, the United States would use Liberia as a destination for Africans taken off of intercepted ships. American ships could now seize slave ships off the coast of Africa and immediately return the slaves. The law provided an economic incentive for sailors on these ships; the U.S. government promised a \$25 bounty, to be shared by the crew of the interdicting vessel, for every slave rescued from traders. The act also provided a bounty of \$50 per slave to any informant whose information led to the recovery of illegally imported slaves.

This act changed the direction of the suppression of the trade. The focus was now in part on the injustice of enslaving someone who deserved to be free. The law now implicitly condemned American slavery itself. If it was wrong—unlawful—to enslave an African after 1819, why, someone might ask, was it not wrong to enslave one before 1808? And if the original enslavement was morally wrong, then what was the basis of holding the descendants of that person in slavery? The act also took the United States out of the business of marketing slaves. Before 1819, confiscated slaves were sold, under the laws of the states where they ended up. Naval crews and informants were in part compensated from these sales. Now the taxpayers compensated naval crews and informants through bounties and the Africans went home. This was a dramatic change in American policy. For the first time in the nation’s history, the United States was willing to spend money to help Africans gain their liberty.

The final substantive statute to regulate the trade was passed in 1820, with the unlikely title “An Act to continue in force ‘An act to protect the commerce

68. “An Act in addition to the Acts prohibiting the slave trade,” Act of Mar. 3, 1819, Chap. 101, 3 Stat. 532.

of the United States, and to punish the crime of piracy,' and also to make further provisions for punishing the crime of piracy."⁶⁹ The key elements of the law were two sections declaring that any American citizen engaging in the African slave trade "shall be adjudged a pirate; and on conviction thereof before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death." The same language was applied to non-Americans found on board slave ships owned or commissioned by Americans. The statute provided that this penalty was to be in force for only two years, but on January 3, 1823 Congress made it a permanent statute.⁷⁰ This was a dramatic and important change in U.S. policy.

After 1820, participation in the African slave trade was to be considered the most heinous crime on the high seas—piracy—to be punished by death. Never before had the United States taken such a stand against any aspect of slavery. Enforcement would be a challenge. The Atlantic Ocean was vast, and the African Squadron was always too small. Slavers captured in or near southern ports would be tried by jurors sympathetic to slavery. These jurors might also not always be hostile to the illegal importation of slaves. Until the Lincoln administration actually enforced the law to its fullest, no slaver would actually be executed. But the 1820 law was somewhat effective in curbing the trade. Few sailors were willing to risk their lives for the relatively paltry earnings on board a slave ship. The high cost of failure—confiscation of a ship, large fines, jail time for the owner, and possibly death for the captain and crew—surely discouraged most would-be traders. Incentives for informing on Americans who bought illegally imported slaves were high. At \$50 a slave, an informant could make \$5,000 for tipping off authorities that a mere one hundred Africans had been secretly and illegally landed. At \$25 a slave, the crews of the African Squadron had a strong incentive for acting "above and beyond" the call of duty. Even in cases where the slavers were not executed, ships were seized and forfeited, making the business very expensive and not very profitable.

To be sure, some slaves were smuggled into the United States after 1820. But the risks were high and the numbers were relatively few. In an eight-year period, from 1800 until December 31, 1807, about forty thousand Africans were forcibly brought into the country.⁷¹ After 1820 it is unlikely that more

69. "An Act to continue in force . . . 'An act to protect the commerce of the United States, and punish the crime of piracy . . .'" Act of May 15, 1820, Chap. 113, 3 Stat. 600.

70. "An Act in addition to 'An act to continue in force . . .'" Act of Jan. 30, 1823, Chap. 7, 3 Stat. 721.

71. Shugerman, "Louisiana Purchase."

than ten thousand illegal Africans were successfully landed in the United States. It may have even been a tenth of that. American-born slaves would be shipped South in large numbers, as the internal slave trade replaced the African trade and hundreds of thousands of African-American slaves were uprooted and moved further south and further west. The cost of ending that trade would be much higher than ending the African trade. But, the moral issue was set in 1819 and 1820 when the United States finally stated, in unequivocal terms that enslaving people was a “wrong” and those who engaged in the African trade were no better than common pirates. And, like common pirates, they deserved to be hanged.⁷²

72. The only trader actually hanged was Nathaniel Gordon. See *United States v. Gordon*, 25 F. Cas. 1364 (1861), *affirmed*, *Ex parte Gordon*, 66 U.S. (1 Black.) 503 (1861).

Blackbirders and Bozales: African-Born Slaves on the Lower Brazos River of Texas in the Nineteenth Century

SEAN KELLEY

About forty miles south of Houston, in Brazoria County, Texas, down a gravel road and across a fenced pasture, lie the ruins of a large brick building, two hundred feet long, wrapped in a chrysalis of vines, with trees sprouting in and around it. The structure was once the center of Chenango Plantation, the heart of Texas's nineteenth-century African community. In the 1830s this was home to more than one hundred—at times perhaps nearly two hundred—African-born slaves. And Chenango was far from only plantation in the area with African-born slaves: The Mims plantation farther south on the San Bernard River had at least seventeen; the various plantations belonging to members of the McNeel family had an unknown number, likely in the dozens; the Randon plantation straddling the border between Brazoria and Fort Bend Counties had an undetermined but significant number, as did a host of other local plantations.

In his 1896 dissertation-turned-monograph on the slave trade, W. E. B. DuBois argued that the federal ban on importations after January 1, 1808 “came very near being a dead letter” in the first few years after its passage and was routinely circumvented even after enforcement was strengthened in the 1810s. In subsequent years historians would point out that DuBois overestimated post-1808 imports, failing to distinguish between American citizens and vessels importing Africans into the United States and those transporting them to other parts of the hemisphere, most notably Cuba and Brazil. Since

then, while no serious scholar doubts that some Africans were imported after the ban, most agree that the number was quite small. In his landmark 1969 survey, Philip Curtin argued that the illegal trade “was too small to influence the demography of the Afro-American population,” amounting to perhaps a thousand per year from the ban to the Civil War. And David Eltis’s 1987 work on the final decades of the transatlantic trade suggested that after an initial influx of ten thousand slaves in the first ten years or so after the abolition of the foreign slave trade, the number of imports fell to near negligible levels—only twenty-three hundred between 1820 (when slave smuggling was declared piracy and became punishable by death) and 1860. Given the clandestine nature of this commerce, a reliable estimate of total imports is likely to remain elusive, but there is little reason to doubt the consensus view that the post-1808 trade to the United States was very small indeed.¹

Still, some Africans were imported during the nineteenth century, and their circumstances are worth looking into. After all, even if the demographic impact of illegally imported Africans was insignificant in the aggregate, it was potentially significant locally. The area with perhaps the largest concentration of illegally imported African slaves was the lower Brazos River of Texas, which saw the arrival of between five hundred and one thousand Africans during the 1830s.² Their presence reveals another problem with the post-1808 numbers game: it counts only those slaves who were imported into the United States. Those in Brazoria County never actually crossed into the United States; rather—to borrow a phrase from the Chicano movement—the border crossed them when the United States annexed Texas in 1845. Because they were smuggled in by local planters and not commercial speculators, they tended to remain in the area, up to emancipation and beyond. Assessing their impact on the local community is difficult, given the nature of the

1. W. E. B. DuBois, *The Suppression of the African Slave-Trade to the United States of America, 1638–1870* (1896; rpt., New York: Social Sciences Press, 1954), 109; Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison: Univ. of Wisconsin Press, 1969), 74; David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford Univ. Press, 1987), 249. On American participation in the trade to Cuba and Brazil, see Eltis, *Economic Growth*, 52–56, and Robert Conrad, *World of Sorrow: The African Slave Trade to Brazil* (Baton Rouge, Louisiana State Univ. Press, 1986), 133–53.

2. The African population of Brazoria County was almost certainly much larger than the two more famous communities that resulted from the landing of the slave ships *Wanderer* in Georgia (ca. 400) and *Clotilda* in Alabama (110). For a recent study of the *Clotilda*, see Sylviane Diouf, *Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America* (Oxford: Oxford Univ. Press, 2007).

evidence, but the Africans seem to have made their presence felt on two levels. At the household level, it appears Africans did all they could to find partners of similar background and likely perpetuated Old World understandings of family, gender, and perhaps the sacred, at least among those with whom they were most intimate. At the community and even regional level, they seem to have claimed a special symbolic and moral place in the consciousness of all black residents of the lower Brazos.

Why Texas, and why Brazoria County? At first glance, Brazoria seems an unlikely candidate for the dubious distinction of having such a large population of illegally imported Africans. After all, it lay not in the heartland of nineteenth-century American slavery—in Alabama or Mississippi—but on its far periphery and was not even part of the United States until 1845. Two historical factors combined to bring the Africans into Brazoria County. The first was the rapidly increasing demand in industrial Europe and the northeastern United States for slave-produced products like sugar and cotton, which prompted a geographic expansion of plantation agriculture from the Atlantic coast deep into the continent. Most of the work was performed by slaves from the seaboard states, their labor now more valuable in the interior. Ultimately over 1 million wound up participating in what Ira Berlin has called the “Second Middle Passage.”³ As the largest river between the Mississippi and the Rio Grande, the Brazos attracted the attention of many would-be planters. The fertility of the soil approached that of the lower Mississippi flood plains, but because navigation of the Brazos was dependable only within sixty miles of the Gulf, it was in this relatively small section of Texas, the site of the future Brazoria and Fort Bend Counties, that plantation agriculture developed first.

The second factor was political and grew directly out of Texas’s status as a borderland region. It was not so much the desire of the Mexican government to keep Texas from becoming an extension of the U.S. south, which was clear despite the rather erratic and halting measures it took to accomplish this. Mexico’s opposition to slavery was, despite Anglo violations, a significant impediment to the development of plantation agriculture in Texas. But this mattered less in the case of the Africans. More important was the political chaos surrounding the Texas Revolution that made the importations possible. Mexico, the United States, and the soon-to-be Texas Republic of 1836–45 all prohibited the importation of foreign slaves (though Texas permitted

3. Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge: Harvard Univ. Press, 2003), 161.

the importation of U.S. slaves). But in the 1830s, none of these states had enough presence or legitimacy in Texas to prevent slave smuggling, and the importers made the most of it. In fact, much of the post-1808 smuggling into the United States occurred in borderland regions where indeterminate sovereignties and scant state presence furnished ideal conditions. Before the 1820s, slaves were smuggled into Louisiana from Spanish East Texas, and in the 1810s, smugglers took advantage of the disruptions produced by the Creek and Seminole Wars to bring Africans into Georgia and Florida. Disputed border regions were, as a rule, highly conducive to smuggling of all valuable commodities, including people.

As the most desirable land in Texas, the lower Brazos attracted Anglo settlers from the moment it was opened to them by Stephen F. Austin in the early 1820s. By 1824, almost all of the riverfront land had been patented by newcomers from the southern states. Most of the tracts were of the standard 4,428-acre size, far larger (and cheaper) than comparable federal land in the United States. Most settlers planned to grow cotton or sugar, and even those who did not want to plant eventually sold out to those who did. In either case, labor held the key to their fortunes. Many of the grantees brought slaves with them, but few owned enough to take full advantage of the fantastic size of their tracts. And buying slaves in the United States was not always a realistic option. Many settlers had come to Texas to escape debts and consequently could not borrow the necessary money. In addition, in the 1830s, once cotton prices began to soar and the crop began to conquer additional territory, many Texans were priced out of the U.S. market.

Cuba provided a potential solution to the problem of slave supply. How Brazos planters came up with the idea of buying *bozales*, newly imported Africans, there, and whether any had prior experience in Cuba, is impossible to say. Clearly, the Texans recognized that slave prices in Cuba, particularly for bozales, were low in comparison with the United States. The average price for a bozal in Cuba in 1831–35 was \$282 U.S. dollars; the average price for a slave in Texas in 1837 (the first year with reliable data) was \$568.⁴ Transportation costs, which would likely have included bribes in addition to shipping, would

4. Price and shipping estimates for Africa and Cuba are in 1821–25 U.S. dollars. See Eltis, *Economic Growth*, 263, 280. Price estimates for Texas are in Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865* (Baton Rouge: Louisiana State Univ. Press, 1989), 71. According to the Economic History Services calculator, inflation had little effect during these years, with \$568 in 1837 worth \$549 in 1825. See “How Much is That,” Economic History Services, <http://eh.net/hmit/ppowerusd>.

have cut into the traders' profits. Because of this, it seems reasonable to assume that lower Brazos traders were motivated more by a desire to procure labor for their own plantations than by the lure of speculative profit. While the illegal nature of their enterprise makes it impossible to know for certain, it appears that most of them used their Texas lands to help finance their slaving ventures. A biography of one of the traders, Monroe Edwards, suggests that "Empresario grants" were used to back the importations. The Mexican government never actually granted Edwards land, but he did purchase some from grantees and other owners. Later, when Edwards was standing trial in New York on an unrelated fraud charge, the prosecution produced documents purporting to outline a scheme to buy slaves in Martinique and transport them to the Texas. Here too, Edwards apparently planned to finance the scheme with his landholdings, though by this time whether he actually held legitimate title to any land in Texas is questionable.⁵

So who were the Texas slave traders, or "blackbirders," as they were called at the time? Most were the landowners themselves. The man who first imported Africans from Cuba was a Kentuckian named Benjamin Fort Smith, who came to Texas from Mississippi in 1832 and bought several thousand acres of rich land along Oyster Creek, a tributary of the Brazos. Smith visited Cuba some time before 1835 and returned with an unknown number of slaves. Accompanying him on the venture, according to later reports, were the brothers Leander and Sterling McNeel, who, along with several other members of their family, owned tens of thousands of acres on the Brazos and San Bernard River delta. Among them also was James Fannin, whose execution by General Santa Anna at Goliad in 1836 would grant him a place in the pantheon of Texas Revolutionary martyrs. Only a year earlier, Fannin imported over a hundred Africans to work his San Bernard River plantation.⁶

But the most prolific—and colorful—of these traders was Monroe Edwards, a native of Kentucky who came to Texas as an adolescent in the 1820s. After apprenticing with a merchant in East Texas, in 1832 he gained a small measure of fame by taking part in an attack on the Mexican customs house

5. *Life of the Celebrated Munroe Edwards* (Boston: William White and H.P. Lewis, 1842); New York Herald, *Celebrated and Extraordinary Trial of Col. Monroe Edwards for Forgery and Swindling* (1842; rpt. Austin: Pemberton Press, 1970).

6. For a general discussion, see Eugene C. Barker, "The African Slave Trade in Texas," *Quarterly of the Texas State Historical Association* 6 (October 1902); Fred Robbins, "The Origins and Development of the African Slave Trade into Texas, 1816–1860," M.A. thesis, Univ. of Houston, 1972.

at Anáhuac on the Trinity River in East Texas. Some time in 1835 he seems to have formed a partnership with Christopher Dart, a Natchez attorney with a slightly shady reputation. Dart had apparently come into a sum of money through a lawsuit and reportedly put up \$40,000 for a slaving venture, while Edwards contributed “land certificates.” Edwards then appears to have gone to Cuba and obtained more financing from George Knight and Company, a New Orleans firm that supplied Cuban sugar plantations with timber and fuel, and then went to purchase the slaves. The anonymous author of an otherwise reliable biography reported that Edwards made two voyages, one each in 1835 and 1836, but corroborating evidence survives for only one, in 1836, when William S. Fisher, the customs collector at the mouth of the Brazos, reported that Edwards landed a cargo of 170 Africans on February 28. “The schooner *Shenandoah* entered this port on the 28th ult. And proceeded up the river, without reporting,” Fisher wrote to the Texas Constitutional Convention. He and a small company of soldiers later found the slaves at Chenango plantation, owned jointly by Edwards and Ben Fort Smith. With Anglo Texans now well into the process of declaring independence from Mexico, it was suddenly unclear whether Mexican prohibitions on slave importations were in effect. Fisher therefore refrained from seizing the Africans. “The negroes I have given up to Mr Edwards . . . on his giving bond and security to the amt of their value to be held subject to the decision of the Government,” wrote Fisher. Although the eventual constitution of the Republic of Texas outlawed the importation of slaves from places other than the United States, Edwards never faced charges.⁷

The rest of Edwards’s financial scheme is extremely difficult to reconstruct since many crucial documents are missing. It seems probable that Edwards, Dart, and several other landowners in newly-created Brazoria County used their holdings to back Edwards’s ventures. Deed records suggest a chain of deals involving land and slaves. On September 10, 1836, Ben Fort Smith sold the Edwards Chenango plantation, along with seventeen African slaves, for \$35,000—\$5,000 down, \$12,000 due at New Orleans in four months, and \$18,000 twelve months later. Two days later, Edwards resold the same slaves and lands to planter Warren D. C. Hall, who promptly sold them all to a Vincent Drouillard. Drouillard then conveyed a half interest back to Hall, who turned around and sold part of it to William J. Russell for \$50,000,

7. William S. Fisher to S. R. Fisher, Mar. 2, 1836, 1836 Convention Records, Texas State Archive and Library (hereafter cited as TSL).

although Hall apparently retained an interest.⁸ Matters then grew still more complex. The original note that Edwards gave to Smith was refused, rendering Hall's title and subsequent resale invalid. Smith then sold the property to a John Hall, prompting Warren D. C. Hall to file a suit halting the sale, although this suit seems to have failed. In the meantime, Edwards seems to have pocketed whatever payment was made by Warren D. C. Hall, although no record of a suit has survived.⁹

We may never know the full extent of Edwards's wheeling and dealing, but it eventually caught up with him. In 1839 he attempted to defraud his partner, Christopher Dart, by drawing up a legal document in impermanent ink, having Dart sign at the bottom, and then applying a chemical that removed the parts of the original text while leaving Dart's signature. Edwards then altered the text of the document to convey Dart's share in Chenango and its slaves to him. The forgery was discovered and Edwards was convicted of fraud, but he fled to Natchez. His trail goes somewhat cold for the next few years, but at one point he apparently attempted to defraud the abolitionist Lewis Tappan by accepting financial inducement to manumit his slaves. There is also evidence that he may have attempted to import slaves to Texas from Martinique. Then in 1840 and 1841, he engineered a complex grift in which he impersonated a Texas planter named Caldwell and conned several eastern banks out of tens of thousands of dollars. When authorities finally caught up with him in a Philadelphia boarding house in 1841, he had in his possession a Colt revolver with powder and bullet molds, a bottle of hair dye, a bundle of forged ink stamps, \$44,054 in gold and banknotes, and, most puzzling of all, a stomach pump. His ensuing trial made him nationally famous, and for the rest of the century his name was synonymous with "confidence trickster." He was convicted and sent to Sing Sing prison, where, after attempting one last, desperate con in an attempt to escape, he died in 1844.¹⁰

Because the Texas blackbirders bought all their slaves in Cuba, it is reasonable to ask whether some of these were in fact Afro-Cuban creoles, and if so,

8. Brazoria County Deeds, Book A, 23, 145-48, 335-37, Brazoria County Clerk, Angleton, Texas (hereafter cited as BCC).

9. *Warren D. C. Hall v. Ben Fort Smith*, Oct. 7, 1836, Records of the District Court of Brazoria County (hereafter cited as DCBC), Brazoria County Historical Museum (hereafter cited as BCHM).

10. *Celebrated and Extraordinary Trial of Col. Monroe Edwards*; Rev. John Luckey, *Life in Sing Sing Prison, As Seen in a Twelve Years' Chaplaincy* (New York: Tibbals & Co., 1860), 276-93.

what proportion. All available evidence points to the same conclusion: that all, or practically all, of the slaves brought to the lower Brazos from Cuba were African born, and more than that, were newly imported bozales. Without exception, every eyewitness account in existence stresses the African birth and unacculturated nature of the captives. William Fairfax Gray, a land speculator from Virginia who happened upon Edwards's and the McNeels' Africans as they fled Santa Anna's army in 1836, actually attempted to communicate with them. "They are evidently native Africans, for they can speak not a word of English, French, or Spanish," he wrote in his diary, which suggests that their stay in Cuba was too short for them to pick up the language. Gray also compiled a lexicon of their words for various everyday objects which, unfortunately, has been lost. In addition to the eyewitness accounts, virtually every other existing record—deeds, bills of sale, plantation accounts, probate inventories, and Freedmen's Bureau records—refers to them as African. Lastly, the U.S. censuses of 1870, the first to record the former slaves' place of birth, counted 120 African-born residents in Brazoria and only a single Cuban-born resident. Based on the age reported in the census, it seems the latter was probably born to one of the Africans during their brief stay in Cuba.¹¹

The actual number of slaves imported has been a matter of speculation and debate for 170 years. Opponents of Texas annexation, like the Quaker abolitionist Benjamin Lundy, placed the number of African imports in the thousands, even exceeding ten thousand, a clear overstatement. Similarly, President Sam Houston reported in a speech to the Congress of the Republic of Texas that "thousands" of Africans had been brought in from Cuba. But Houston's statement was likely intended to aid in the process of courting (or perhaps pretending to court) Great Britain's support in order to scare the United States into annexation, and thus Houston had reason to exaggerate the trade to highlight the danger of letting Texas go her own way. Others placed the number in the high hundreds to one thousand. The U.S. consul at Havana, the peripatetic Nicholas P. Trist, estimated total departures at a thousand as of 1836, and in 1843 the British consul at Galveston "ascertained" total imports to be 504, with approximately three hundred of those brought in by lower Brazos traders.¹²

11. Paul D. Lack, ed. *The Diary of William Fairfax Gray: From Virginia to Texas, 1835–1837* (Dallas: Southern Methodist Univ. Press, 1997), 151; U.S. Census, Brazoria County, Texas, 1870, Population Schedules.

12. For Houston's speech, see Barker, "African Slave Trade," 155. For Trist, see Havana Consul [Trist] to Secretary of State John Forsythe, Feb. 12, 1836, Despatches from U.S. Consuls in

Significantly, none of these, with the possible exception of the British consul at Galveston, actually claimed to have made a systematic effort to determine the number. That only came after emancipation, when an agent of the Freedmen's Bureau, charged with registering voters in Brazoria County, reported finding five hundred African-born men and asked whether they should be considered citizens for the purposes of casting ballots.¹³ (His superiors ruled that they should.) However, it is not clear whether the agent actually counted the Africans; five hundred is a suspiciously round number. On the other hand, the agent could not have been too far off, and he undoubtedly saw at least several hundred. Moreover, because he was registering male voters, he had no reason to count or report on the female population, which, though about half the size of the male, was significant. Finally, the 1870 census, notorious for its undercounting, enumerated 120 African-born men and women in Brazoria County. Virtually all were fifty and older, a fact that supports the notion that almost all importations occurred within a relatively narrow window in the 1830s. It also suggests an 1830s population several times that size, possibly approaching a thousand. In sum, it seems reasonable to suggest that the African population of Brazoria County approached the higher end of the five hundred-to-one thousand range, and possibly even exceeded it.

Where the Africans came from originally is even more difficult to determine. In the absence of William Fairfax Gray's lexicon—the piece of evidence that could probably shed the best light on the topic—we can get some idea of their origins by examining importations into Cuba during the years immediately preceding their arrival in Texas. According to the DuBois Institute's slave-trade database, over 40 percent of all Africans imported into Cuba during the years 1831–35 embarked from ports on the Bight of Benin. Most of these were probably Yoruba-speaking refugees, enslaved as the Oyo Empire collapsed in the 1830s. Indeed, military conflict figured largely in the memories of the Africans and their descendants. In 1913, African-born Ned Thompson told a curious local merchant that he had been captured in battle, and in 1938 Nancy Antwine told a WPA interviewer that her father

Havana, Feb. 12, 1836 to July 17, 1838, copy no. T-20, roll 7, National Archives Microfilm. For the British Consul, see William Kennedy to Lord Aberdeen, Sept. 5, 1843, "British Correspondence Concerning Texas," ed. by Ephraim Douglass Adams, *Southwestern Historical Quarterly* 17 (Oct. 1913): 197–201.

13. Philip Duggan to J. T. Kirkman, Aug. 6, 1867, Letters Sent, Subassistant Commissioner, Columbia, Texas, item 3689, Record Group (RG) 105, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, National Archives (hereafter cited as BRFAL).

had been a prisoner of war. Oyo certainly had no monopoly on warfare in the period, but given the percentages it is very probable that a significant number of the Africans on the Brazos had been enslaved as a consequence of the fortunes of war.¹⁴

The next largest region of embarkation was West Central Africa, accounting for 22 percent. The actual percentage was probably much higher because West Central African exports are notoriously under-documented. Most of these probably sailed from ports north of the Kongo River and likely consisted of Ki-Kongo speakers from the Central African interior, as well as other groups. The remainder was composed of Africans who embarked from Sierra Leone (about 20 percent) and the Bight of Biafra (15 percent).¹⁵

If we assume that the Texas traders drew randomly upon the population of newly imported Africans on their visits to Cuba, then the population of Africans in Texas probably approximated these proportions. Indeed, the only surviving account of the purchases, based on hearsay and written down in 1902, suggests that the blackbirders did draw randomly on the Cuban plantation population. According to William P. Zuber, who was a teenager in the 1830s and who heard his father describe the process of purchase, the McNeel brothers and Ben Fort Smith sailed to Havana and then fanned out to make their purchases, visiting plantations in the vicinity and buying slaves in lots of twelve to fourteen. If true, then it seems likely that the slaves they bought would have arrived in Cuba on several different vessels, producing a Texas population of mixed origins resembling the ethnic composition of Cuban *bozales*, with Yoruba speakers and Ki-Kongo speakers accounting for a three-quarters majority.¹⁶

Several sources corroborate the notion that Yoruba speakers had a strong presence along the lower Brazos. A list of 111 African names compiled from probate inventories, court records, and census returns contains several of

14. David Eltis et al., *The Transatlantic Slave Trade: A Database on CD-ROM* (Cambridge: Cambridge Univ. Press, 1999). On the dominance of Yoruba speakers among slave exports from the Bight of Benin in the nineteenth-century, see Eltis, "The Yoruba Factor in the Transatlantic Slave Trade," in *The Yoruba Diaspora in the Atlantic World*, ed. Toyin Falola and Matt D. Childs (Bloomington: Indiana Univ. Press, 2004), 17–39.

15. On the nineteenth-century trade from Central Africa, see Joseph Miller, "Central Africa During the Era of the Slave Trade, c. 1490s–1850s," 57–58, in *Central Africans and the Cultural Transformation of the American Diaspora*, ed. Linda M. Heywood (Cambridge: Cambridge Univ. Press, 2003), 21–69.

16. William P. Zuber to Eugene C. Barker, Mar. 12, 1902, Eugene C. Barker Papers, Center for American History, Univ. of Texas at Austin.

probable Yoruba origin, such as Ojo, Ajie, and Ega. In addition, a case from the U.S. Supreme Court involving some of David Randon's African-born slaves hints at a Yoruba presence. Locked in a dispute with a local merchant named Thomas Toby, Randon attempted to block the seizure of several African-born slaves with the surprising argument that the Africans were not subject to seizure because they had not been legitimately enslaved and presumably were indentured to him. Randon then brought in an "expert" witness who had traveled to Africa to testify on the important question of whether slavery existed among the "Lucame tribe." Lucumí, of course, was the Cuban term applied to most Yoruba speakers. The name list also lists hints at a Central African presence with several place names, including "Congo" and "Bengola." Corroboration of sorts comes from a biography of Monroe Edwards. The author is anonymous, leaving us to guess at the reliability of the source, but it did report that two of the Africans who became Edwards's close personal servants, a brother and sister, came from "Congo." Each of these pieces of evidence is flawed, but taken together, they all tend to confirm that the origins of the African population of the lower Brazos roughly resembled those of Cuba, their initial New World home.¹⁷

What, then, can we say about African life on the lower Brazos? Specifically, was it possible for the African-born slaves to transfer specific Old World practices and identities to Texas (a model we will call "ethnicity"), or was the population so diverse that the newcomers blended into African American culture at large ("creolization")? As is so frequently the case, evidence is scarce. However, enough survives to suggest that many Africans were able to preserve certain practices at the household level; to do so at the community or regional level would have been significantly more difficult, though not impossible at places like Chenango and Mims.¹⁸

17. David Randon, *Plaintiff in Error v. Thomas Toby*, in *Cases Argued and Decided in the Supreme Court of the United States, 1850-1851*, ed. by Stephen K. Williams, Lawyers Edition (Rochester: Lawyers Co-operative Publishing, 1901), 784-97. The "expert witness" was Thomas League, a Houston merchant who claimed to have made two trips to the Grain Coast, Gold Coast, and Slave Coast. League's expertise was discounted by the court, but the term "Lucame," because of its widespread use in the New World, probably arose not from League's alleged travels, but interviews either with the slaves themselves or people close to them. The court ruled that the question of whether the Africans had been legitimately enslaved was irrelevant because they had been purchased and had lived as de facto slaves since arriving in Texas; List of Contracted Laborers, Chenango Plantation and Mims Plantation, 1866, Letters Sent, Subassistant Commissioner, Columbia, Texas, RG 105, item 3689, BREAL.

18. The classic statement of what has become known as the "creolization" argument, as

It is virtually certain that Africans were able to form speech communities along the Brazos. William Fairfax Gray encountered a group of fifty of Edwards's slaves while on the run from the Mexican army. Armed with the lexicon he made earlier, he set out to determine whether these Africans spoke the same language as those he saw two weeks before. "Some of them gave the same names to common things that those I had seen at Edwards' did," he recorded, "others gave different names; of course, from different tribes." He noted also that they sang and danced together in the evenings. At other times, the Africans were clearly able to communicate well enough to engage in acts of collective resistance. In 1838, approximately two years after landing, a Brazoria County grand jury found that "several negroes belonging to the Estate of Munroe Edwards, did Burglariously and feloniously Enter the House of Hamilton & Henderson used as a provisional store and did then and there purloin from said house two bottles of Sugar & five sacks of Corn the whole amounting in Damage to one hundred and six dollars." That same year eight men belonging to Edwards took to the woods to force his executor to provide them with wives, an act that required not only communication among the Africans but an ability to negotiate with their captors.¹⁹

Beyond the apparent existence of speech communities, evidence for the substance of their beliefs, practices, and identities, such as might be identified as "Yoruba" or "Kongo," is sketchy at best. Slave-quarter excavations at the Levi Jordan plantation have revealed artifacts that may indicate a continuation of Central African spiritual practices, but these could just as easily be (and in this case probably are) evidence of creolized spirituality.²⁰ The

applied to Africans in the New World, is Sidney W. Mintz and Richard Price, *The Birth of African-American Culture: An Anthropological Perspective* (Boston: Beacon, 1992), originally published as *An Anthropological Approach to the Afro-American Past* (Philadelphia: Institute for the Study of Human Issues, 1976). A recent work that emphasizes the endurance of specific African identities is Gwendolyn Midlo Hall, *Slavery and African Ethnicities in the Americas: Restoring the Links* (Chapel Hill: Univ. of North Carolina Press, 2005).

19. Paul D. Lack, ed. *The Diary of William Fairfax Gray: From Virginia to Texas, 1835-1837* (Dallas: Southern Methodist Univ. Press, 1997), 151; *Monroe Edwards vs. William J. Russell, et al.*, case no. L96.01.1184, DCBC; *Republic of Texas vs. Monroe Edwards*, WPA typescript, Monroe Edwards File, BCHM.

20. Kenneth L. Brown and Doreen C. Cooper, "Structural Continuity in an African-American Slave and Tenant Community," *Historical Archaeology* 24.4 (1990): 7-19; Kenneth L. Brown, "Material Culture and Community Structure: The Slave and Tenant Community at Levi Jordan's Plantation, 1848-1892," in *Working toward Freedom: Slave Society and Domestic Economy in the Plantation South*, ed. Larry E. Hudson Jr. (Rochester, N.Y.: Univ. of Rochester Press, 1994), 95-118.

ubiquitous references to “voodoo” and “conjure” in WPA narratives from the area may refer to Yoruba and Kongo spirituality, respectively; or they may refer to practices and concepts that were widely disseminated in African American culture. Disaggregating African and creolized cultures decades or centuries after the fact using archaeological evidence alone is extremely difficult. Material culture spanned large areas and was often shared among people of differing identities and polities. Even in Virginia, where contact with Africa lasted much longer and where the African population was much greater, scholars have found it challenging to distinguish specific African ethnicities in the remnants of the material culture.²¹

But if we cannot know the substance of African beliefs and identities along the Brazos, we can gain at least determine their probable parameters. To start, we need to know whether it was demographically and geographically possible for the Africans to form and sustain ethnic communities. Evidence suggests that it was. Most (probably a significant majority) of the Africans who arrived on the Brazos in the 1830s were not scattered but remained concentrated in Brazoria County through emancipation and into the postwar period. To be sure, some did wind up isolated in distant corners of Texas. From court records, we know about an adolescent boy named Fagbo, who in 1837 was revealed to be living on a farm eighty-five miles upstream in sparsely populated Austin County. Fagbo suffered from tuberculosis, and his master eventually won a judgment against Monroe Edwards for selling him a defective slave.²² A few even left Texas. In 1847 a woman named Isabella, who was imported by James Fannin as a teenager in 1835, turned up in St. Martin’s Parish, Louisiana, suing for her freedom on the grounds that she had been illegally enslaved and imported into the United States. (She lost her case.)²³

Census and other records, however, reveal that Fagbo and Isabella were in the minority; most of the Africans remained in the area. If we estimate the African population conservatively at five hundred in 1837, then they would have constituted almost half of all slaves in the county. Additionally, they tended to be geographically concentrated on a few of the larger plantations. Evidence of an African presence survives for fourteen of approximately fifty plantations, and these were concentrated in three locales in the county: at

21. See for example Lorena S. Walsh, *From Calabar to Carter’s Grove: The History of a Virginia Slave Community* (Charlottesville: Univ. of Virginia Press, 1997).

22. *Robert Peebles vs. Monroe Edwards*, May 31, 1837, DCBC, file L96.01.1125, BCHM.

23. *Isabella, f.w.c. vs. Peter Pecot*, No. 373, 2 La. Ann. 387 (1847) Supreme Court of Louisiana, Legal Archives, Univ. of New Orleans.

Chenango near Columbia in the northern portion; at Mims along the San Bernard; and on all but two of the large plantations on Gulf Prairie a few miles from the mouth of the Brazos.²⁴

This concentration would have maximized—though not necessarily guaranteed—opportunities to form families and preserve knowledge and lifeways from Africa. The transfer of specific African cultural practices would have required the presence of many individuals of the same or similar background. That this circumstance prevailed on at least some plantations is suggested by marriage patterns. Specifically, the Mims plantation, which had at least seventeen African slaves, offers a rare record of family formation. In a near-unique occurrence for Texas, three probate inventories, dating from 1839 to 1862, survive. One of these distinguished between Africans and creoles, and two of them grouped families together. These records can be supplemented with the 1850 slave census, in which the local census taker took the unusual step of grouping slave mothers with their children. Though they are not named, by using the ages to gauge child spacing it is possible to identify all of the families. Finally, in addition to these sources the 1870 census offers a portrait of the community five years after emancipation. Taken together, they

24. Locations of plantations are taken from Allen A. Platter, “Educational, Social, and Economic Characteristics of the Plantation Culture of Brazoria County, Texas,” Ph.D. diss., Univ. of Houston, 1961; James A. Creighton, *Narrative History of Brazoria County* (Waco: Texian Press, 1975), 479–97; P. A. Champomier, *Statement of the Sugar Crop Made in Louisiana* (New Orleans: Cook, Young & Co., 1853), 44. For documentation of the African presence at Peach Point, see James F. Perry, *Plantation Cotton Accounts and Daybook*, Perry Family Papers, Center for American History, University of Texas at Austin (hereafter cited as CAH); for the Mills’s Low Wood, see Oscar Addison private journal, Feb. 21, 1861, Oscar Addison Papers, CAH; for the John Greenville, Pleasant, and Leander H. McNeel, see William Pitt Zuber to Eugene C. Barker, Mar. 12, 1902, Barker Papers, CAH; for the Peter Bertrand Plantation, see Bertrand Estate Inventory, Probate Records, BCC; for the Fannin-Mims Plantation, see James Fannin Estate Inventory, Probate Records, BCC; for the William J. Russell Plantation, see *Edwards vs. Russell*, file No. L96.01.1184, BCHM; for Charles D. Sayre, see clipping from *Galveston Daily News*, May 10, 1936, Black History File, BCHM; for Monroe Edwards’s Chenango and Sterling McNeel’s Darrington, see William S. Fisher to S. R. Fisher, Mar. 2, 1836, box 2–9/21, series 73, TSL; for Warren D. C. Hall’s China Grove, see *Columbia Planter’s Gazette*, Feb. 4, 1843; for William J. Hill’s Osceola, see *Monroe Edwards vs. William J. Hill*, file L96.01.1208, BCHM; for Edwin Waller, see *Brazos Courier*, Dec. 1, 1840. Mills owned two other plantations in the county in addition to Low Wood. It is likely that African-born slaves lived on them, but there is no direct evidence of it. In addition to the preceding, there are several owners of African-born slaves who apparently lived in Brazoria County, but whom I was unable to locate geographically. For Solomon Page, see *Monroe Edwards vs. Solomon Page*, file L96.01.1187, BCHM; for T. F. L. Parrott and Peyton Splane, see *Monroe Edwards vs. T. F. L. Parrott*, file L96.01.1135, BCHM; for James Cleavland, see *Monroe Edwards vs. James Cleavland*, file L96.01.1126, BCHM.

offer a rare glimpse of family formation among Africans on one plantation over a twenty-five-year period.²⁵

The Mims plantation records reveal that African men and women were able to find partners of similar background and thus probably enjoy some cultural continuity in Texas. While it appears that African-born men were not averse to partnering with creole women, not a single African-born adult woman on the Mims plantation (there were four) married a creole man; rather, all joined together with African-born men. This discrimination on the part of the women suggests that they chose partners with particular criteria in mind, probably having to do with communication and compatibility. And this tendency toward endogamy was pronounced off the Mims plantation as well. The 1870 census reveals that twenty-eight of thirty-three married or partnered African-born women in Brazoria County chose African-born men. The consistency with which Africans sought out African marriage partners suggests not merely that “African” constituted a distinct identity among Brazos slaves but that African-born men and women of specific linguistic, religious, and cultural backgrounds sought—and in many cases found—marriage partners with similar backgrounds.

The Mims records reveal not only endogamous relationships among Africans but enduring and fertile ones. Though by 1845 both groups averaged 3.5 children per woman, the creole mean was distorted by one mother with 8 children, while several others had only one or two. Most of the African women, in contrast, bore 3 or 4 children. The comparatively high fertility rate (which runs counter to those for other plantation societies) suggests that the Africans would have been able to pass on select beliefs and practices to a second generation. However, we should be careful not to overstate the point. Virtually all of the Africans’ children had English names, and they showed no particular preference for marriage partners with African parents. They were, in other words, creoles, though with particularly strong and immediate connections with their African past.

Constituting about half of Brazoria’s slave population in the 1830s, African-born slaves made their presence felt in the community beyond the walls of their own cabins. This is not to say that their relations with American-born slaves were always good. Tension and mutual suspicion seems to

25. James Fannin Estate Inventory, Joseph Mims Estate Inventory, and Sarah Mims Estate Inventory, Probate Records, BCC; U.S. Census, Brazoria County, 1850, 1870, Population Schedules.

have divided the two groups. Some of this was no doubt cultivated by the slaveowners. William Fairfax Gray recorded that Edwards's slaves were kept in check by an African American driver armed with a whip. Such episodes could not have helped the cause of black unity. Creoles also tended to view the Africans as different and inscrutable. In 1938, Cinto Lewis recalled that his master, David Randon, had to watch [the Africans] close, 'cause they is what mostly runs away to de woods."²⁶

Over time, however, with the acculturation of the immigrant generation and the emergence of a second generation, the Africans and creoles seem to have grown close. Africa and the Africans loomed large in the consciousness and memory of black Brazoria Countians. Three of the seven WPA narratives from there mention the Africans, and at least one, perhaps two of the interviewees had African-born parents. One of these, Nancy Antwine, went into some detail on the enslavement of her mother and in the process revealed something of the ideological significance of the African slaves in the community memory. In Antwine's telling, as a girl in Africa her mother had gone down to the riverside with her sister (Antwine's aunt) to wash peanuts. A boat suddenly appeared and the "white folks" on it asked the girls if they wanted to trade the nuts for "lots of red cloth and things." They boarded the boat, but it left before they could debark. The boat eventually stopped in a "big place," where Antwine's mother could see "lots of more black folks."²⁷

Antwine's story was apparently repeated so many times over the years that it more closely resembled a parable, with its moral and symbolic qualities eclipsing the specific personal histories. The most obvious function of the tale was to keep the memory of Africa alive by representing the true experience of a member of the local black community. More importantly, it offered a coded critique of the slave regime and its origins. Significantly, Antwine did not use condemnatory language in her retelling. Noting only that that her mother's captors were white (which was unlikely to have been the case), Antwine expressed no ill will toward them. She did not say that her mother was kidnapped or captured; rather, she "came from Africa." Similarly, the boat simply "starts goin'" while Antwine's mother and aunt are "lookin' around." She did not mention violence and did not give details of the middle passage, nor is there

26. Lack, *Diary of William Fairfax Gray*, 152. Cinto Lewis narrative, in Henry Rawick, ed., *The American Slave: A Composite Autobiography Texas Narratives*, vol. 16, part 3 (Westport, Conn.: Greenwood Press, 1972), 2 (hereafter cited as ASCA).

27. Brazoria County Tax Rolls, 1837, TSL; Nancy Antwine narrative, ASCA, Texas Narratives, ser. 2, vol. 2, part 1, 61.

any specific mention of Cuba. In fact, Antwine's story is sandwiched between two paragraphs, stressing how good her "white folks" were.

The white interviewer found the story "interesting," but the tale's moral relevance should have been clear to anyone who bothered to listen closely. First, it offered a historical explanation for slavery, a Book of Genesis that told what happened in the Beginning. Second, while Antwine's recollection that the captors were white probably did not reflect historical reality, it did articulate a certain moral principle: as the ultimate beneficiaries of black labor, whites assumed the ultimate culpability for slavery. In other words, the narrative of events condemned slavery, despite being told in language calculated not to provoke a reaction from the descendants of local slaveholders. Antwine's ability to tell whites what they needed to hear, likely honed over her long life, was apparently still sharp. Lastly, her statement that her mother arrived at a place with "lots of black folks" probably speaks to the eventual solidarity that emerged between African-born slaves and creoles, an identity rooted primarily in race rather than ethnicity.²⁸

While emancipation in 1865 delivered the Africans from bondage, it did not deliver them to Africa. The vast majority stayed in the area well into the post-bellum period, and a few were still living there in the early twentieth century. In a situation rather unique to Brazoria County, a relatively high percentage of former slaves (perhaps 15 percent) managed to purchase small tracts of land in the 1870s and maintain a peasant-style existence. Interestingly enough, a disproportionate number of these landowners had been born in Africa. Their comparative success in the postwar years owed much to the large numbers of children they had, who contributed extra labor and wages to the household economy. It may also have derived from a continuing sense of ethnic solidarity, which allowed for the pooling of resources.²⁹ As the nineteenth century came to a close, the African population had dwindled to a few scattered individuals, like Washington Edwards, who in 1889 was reported, at the age of 103, to speak his "native language." Ned Thompson, who was interviewed in 1913, had retained much over the years. According to his white interviewer, he "remembers well the battle in which his tribe was defeated and in which he

28. Michael A. Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill: Univ. of North Carolina Press, 1997), 219–20.

29. Sean Kelley, "A Texas Peasantry? Black Smallholders in the Texas Sugar Bowl, 1865–1890," *Slavery and Abolition* 28 (Aug. 2007): 193–209.

was taken prisoner. . . . Remembers the customs and habits of the wild people of his native land. Speaks the language or dialect of his native land.”³⁰

Scholars of American slavery have rightly made a great deal of the year 1808. The legal abolition of the trans-Atlantic slave trade not only put a stop to what even then was understood to be a morally unjustifiable enterprise, it profoundly altered the nature of American slave society. After 1808, American slaves became more creole, and as they did their cultures, communities, and political acts were transformed. But abolition did not end all importations from Africa. Though too few to stem the tide of creolization, those who arrived in the nineteenth century did have an effect on the localities and communities in which they resided. They existed, and they endured.

30. Caption to photograph of Washington Edwards, Prints and Photographs Collection, TSL; J. P. Underwood journal, BCHM.

Liberia and the Last Slave Ships

KAREN FISHER YOUNGER

There had never been a day in U.S. history like August 8, 1860, when, within hours, the Africa Squadron of the U.S. Navy seized two slave ships within hours off the coast of Africa with more than 1,500 Africans aboard. On the *Erie* there were found 897 Africans crammed below deck. Approximately half were children; the youngest, six months of age. Another 130 women, 164 men, and 329 children were packed below in the slave deck of the *Storm King*. The seizure of the slavers *Erie* and *Storm King* constituted the largest number of Africans freed from slavers on a single day by the U.S. Navy. Equally remarkable, most of the U.S. vessels seized with Africans aboard were captured during the year 1860. Between April and October of that year, some 4,500 Africans were discovered aboard eight ships flying the U.S. flag.¹

In numbers of slave ships captured and Africans freed, the year 1860 is in a category by itself. During the roughly two decades of operation, from 1843 to 1861, the Africa Squadron intercepted thirty-six slavers or suspected slavers. If vessels taken by the U.S. Navy off Brazil and Cuba are added in, the total number of slavers seized during this time increases to fifty-one, or an average of a little fewer than three vessels per year.² In 1860, however, the navy

1. Warren Howard, *American Slavers and the Federal Law, 1837–1862* (Berkeley: Univ. of California Press, 1963), 136–38, 214–23.

2. American warships averaged only one ship per year from 1851–1858. Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (London: Oxford Univ. Press, 2001), 187.

seized five times the average, capturing eight slavers off the coast of Africa and another seven in Cuban waters.³ Much of this part of the story has been known. What has escaped greater attention, however, is the fate of the Africans seized, the involvement of the American Colonization Society (ACS), and the impact of their forced adoption on their new home, Liberia.

Surprisingly little attention has been written on the plight of the over six thousand Africans discovered aboard U.S. slave ships between 1842 and 1861 and how the U.S. government attempted to deal with them.⁴ The few historians who have studied America's involvement in the illegal slave trade have scrutinized the slave-trade laws and its prosecution. Scholars have analyzed the politics of the slave trade, the economic pull of the slave trade, the actions of the navy and the Africa Squadron, and shipboard insurrections. There are books devoted to the story of slave ships that arrived in the United States after the legal end of the slave trade. There is a book devoted to Nathaniel Gordon, the only man executed for the crime of slave trading. On the topic of the recaptured Africans, however, scholarship is nearly silent.⁵

In one sense it is not surprising that historians have slighted the subject. The plight of the African was not a popular topic among many Americans at the time. Certainly, the disappointing record of the Africa Squadron helped keep the issue quiet. Before 1858, the U.S. Navy had rescued fewer than a thousand Africans aboard U.S. vessels, and nearly all of these individuals were discovered aboard one slave ship, the *Pons*, of Philadelphia, in 1845. In many

3. Howard, *American Slavers*, 215–21; Donald L. Canney, *The Africa Squadron: The U.S. Navy and the Slave Trade, 1842–1861* (Washington, D.C.: Potomac Books, 2006), 222–23.

4. Ronald P. Falkner, "The United States and Liberia," *American Journal of International Law* 4 (July 1910): 529–45; William D. Boyd, "The American Colonization Society and the Slave Recaptives of 1860–61: An Early Example of United States-African Relations," *Journal of Negro History* 47 (Apr. 1962): 108–26.

5. W. E. B. DuBois, *The Suppression of the African Slave Trade to the United States of America 1638–1870* (New York: Longmans, Green, 1896), 292; Howard, *American Slavers*; David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford Univ. Press, 1987); Tom Henderson Welles, *The Slave Ship Wanderer* (Athens: Univ. of Georgia Press, 1967); Philip Curtin, *The Atlantic Slave Trade: A Census* (Madison: Univ. of Wisconsin Press, 1969); Eric Robert Taylor, *If We Must Die: Shipboard Insurrections in the Era of the Atlantic Slave Trade* (Baton Rouge: Louisiana State Univ. Press, 2006); John T. Noonan, *The Antelope: The Ordeal of the Recaptured Africans in the Administrations of James Monroe and John Quincy Adams* (Berkeley: Univ. of California Press, 1977); Sylviane Diouf, *Dreams of Africa in Alabama: The Slave Ship Clotilda and the Story of the Last Africans Brought to America* (New York: Oxford Univ. Press, 2007); Ron Soodalter, *Hanging Captain Gordon: The Life and Trial of an America Slave Trader* (New York: Atria, 2006).

ways, the African slave trade seemed a remote, if repulsive, criminal enterprise that could not compare to the ulcerating crisis of domestic slavery.

More than this, however, most people believed at the time there was nothing to talk about. For more than forty years the U.S. policy had been to send the few Africans discovered aboard U.S. vessels to Liberia, and there seemed little reason to question it. This does not mean individuals and groups were silent on the illegal slave trade, especially with the emergence of the pro-slave-trade crusade in the late 1850s. By this time, many Americans had registered their outrage over the illegal slave trade. The pro-slave-traders could muster only minority support even in areas where it was strongest. Efforts in southern state legislatures to repeal American suppression legislation were universally unsuccessful. The U.S. House of Representatives voted nearly unanimously on a resolution offered by Democrat James L. Orr of South Carolina that declared the repeal of the slave-trade laws would be “inexpedient, unwise, and contrary to the settled policy of the United States.”⁶ Although newspapers loved to retell the sensational and graphic stories of the plight of the “poor savages,” very little public discussion went beyond imagery that objectified the recaptured Africans as ignorant, debased, and in great need of pity. Unlike abolitionist discourse that highlighted the humanity of black Americans, few wrote or spoke about the humanity of the recaptured African. Indeed, there was virtually no interest in discerning the desires of the Africans and only minor concern for the wishes of the Liberian government, which bore the responsibility for the future of the recaptured Africans.

In another sense, however, it is surprising that historians have not delved into the subject with more energy, in part because it was a topic of great concern earlier in the nineteenth century. In March 1807, when Congress passed legislation forbidding the importation of any further slaves after January 1, 1808, it was very concerned with the final disposition of illegally imported Africans. Forty of the sixty pages of officially reported debates on the legislation were devoted to the question of what to do with illegally imported Africans. Essentially, it centered on whether illegally imported Africans should be set free in the United States or sold as slaves. In the end, the legislation declared that “any Negro, mulatto, or person of color, brought into the United States, or territories thereof, in violation of law, shall remain subject to any regulations . . . of the states or territories . . . for disposing of any such Negro, mulatto, or person of color.” In other words, it was up to the

6. Fehrenbacher, *Slaveholding Republic*, 180–81.

state in which the Africans were first brought to decide whether they would be set free, indentured, or sold into slavery. But this presented problems to both the North and the South. Clearly, allowing these individuals to be free set a dangerous precedent as far as the South was concerned. Most northerners thought it criminal to allow states to sell Africans into slavery, but they did not want to introduce Africans into their society either. The debate surrounding the Slave Trade Act of 1807 also recognized that the United States could not send recaptures back to Africa without some institutional support. The idea of sending Africans back to Africa was judged imprudent because it seemed unlikely they would find their way home and more likely they would be sold into slavery again.⁷

Within a few short years, renewed concerns surfaced about American involvement in the illegal slave trade, and the conviction arose among some that rescued Africans were inevitably ending up in domestic slavery under the provisions of the Slave Trade Act of 1807. In response, Congress easily passed the Slave Trade Act of 1819, which sanctioned the cruising along the African coast by the U.S. Navy and established a system of awarding prize money to naval personnel for the capture of slave ships. Most important, it authorized the president to make arrangements for the return of Africans rescued from U.S. vessels to Africa rather than state authorities. The act also provided for appointing an agent in Africa to facilitate the resettling of the Africans and \$100,000 appropriation. Practically, this act allowed President Monroe to make the federal government a partner with the ACS and support its efforts to establish a settlement site for black Americans.⁸

The society's aim was the resettling of black Americans in Africa, but the motivations of its adherents varied. Some saw their efforts as a way to end slavery—reforming America by ending slavery and Africa by sending black American Christians as missionary emigrants. Many members acted out of deep religious convictions, hoping to evangelize Africa and make amends for the injustices perpetrated by the United States. Others supported colonization because they believed free blacks were a threat and should be removed from the United States.⁹ Nearly all colonizationists agreed on one issue: that their

7. DuBois gives a complete summary of the entire debate in *Suppression of the African Slave Trade*, 94–108.

8. "Documents Relating to the United States and Liberia," *American Journal of International Law* 4 (July 1910): 188–90; P. J. Staudenraus, *The African Colonization Movement, 1816–1865* (New York: Columbia Univ. Press, 1961), 51; Fehrenbacher, *Slaveholding Republic*, 151–54.

9. Staudenraus's *African Colonization Movement* remains the most comprehensive, if dated, study of the ACS. More recent works on the ACS include Eric Burin, *Slavery and the Peculiar*

efforts would help end the illegal slave trade. Colonizationists insisted the key to destroying the trade was to attack it at its source. A colony in Africa grounded in American democratic ideals would eventually grow and spread its values and culture, ultimately striking a fatal blow to the slave trade.

From the point of view of many in Congress, the newly formed ACS seemed to provide the solution to the dilemma over what to do with recaptured Africans. The Slave Trade Act of 1807 had exposed the sectional controversy over the disposition of the recaptured Africans. The society seemed to provide the answer in its efforts to establish a colony on the shores of Africa. Similarly, it viewed the Slave Trade Act of 1819 as ideal. The navy station could serve as a nucleus for their proposed colony and its ships provide free security for the colony.

President James Monroe readily supported the ACS, and thus began its intimate association with the U.S. government and the U.S. Navy. The first vessel sent to search for a settlement site was chartered and paid for by the United States. The first agents in the colony received salaries from the government. And in February 1820, the *Elizabeth*—carrying tools, supplies, thirty-three African American men masquerading as hired laborers, and their wives and children, eighty-eight in all—left for the shores of West Africa under the protection of the U.S. sloop of war *Cyane*. A settlement was founded, and over time authorities established a regular system of settling recaptured Africans with the ACS operating as the middleman between the U.S. government and the Liberian government. Even after it became clear in the 1830s that the federal government was not going to support the society's efforts to repatriate black Americans, the ACS remained on the government's payroll helping to transport recaptured Africans and assist in their care in Liberia.¹⁰

Throughout the nineteenth century few white Americans questioned the premise that recaptured Africans should go to Liberia.¹¹ Liberia seemed like a necessity, an obligation borne out by circumstances. It was too dangerous and irresponsible to leave the liberated slaves on African shores with no protection. If they managed to survive on their own, it was believed they

Solution: A History of the American Colonization Society (Gainesville: Univ. of Florida Press, 2005); Claude A. Clegg III, *The Price of Liberty: African Americans and the Making of Liberia* (Durham: Univ. of North Carolina Press, 2004); Karen Fisher Younger, "Africa Stretches Forth Her Hands unto You": Female Colonization Supporters in the Antebellum United States" (Ph.D. diss., Pennsylvania State Univ., 2006); Marie Tyler-McGraw, *An African Republic: Black and White Virginians in the Making of Liberia* (Durham: Univ. of North Carolina Press, 2007).

10. Staudenraus, *African Colonization Movement*, 48–59.

would be extremely vulnerable to recapture. Furthermore, neither the North nor the South would be willing to receive them as free men and women. "What without Liberia, would be their destiny?" asked John H. B. Latrobe before the Massachusetts Colonization Society. "Would you be willing to see them . . . shipload after shipload starving in your streets, or peopling your almshouses? Would you consent, readily, to their finding masters south of Mason and Dixon's line. . . . Or would you prefer that they should be landed . . . on the nearest point of the African coast, and there abandoned, as you would tilt a load of rubbish from a cart upon a common?"¹² Perhaps Jacob Thompson, Buchanan's secretary of the interior, expressed the conundrum best when he said, "Owing to the prejudice and distrust of our people, it is difficult to suggest a change which would be acceptable to all."¹³

Although the government was committed to returning Africans to Liberia, its financial commitment to the Africans was less clear. Exactly how much money the federal government would appropriate for the care and support of recaptured Africans remained imprecise. Although the act of 1819 clearly authorized the president to send recaptured Africans back to Africa, it was not at all apparent whether it authorized any expenditure in respect to the recaptives after their arrival in Africa. This had not been an issue as long as the arrival of Africans in Liberia remained infrequent and small. It became a problem, however, when large numbers of Africans needed support.

Such a case occurred in 1845, in what has been described as "the cruelest of slave voyages." The Africa Squadron seized the *Pons* carrying 850 males

11. One exception occurred when three small African boys were found on board the slaver *W. R. Kibby* in July 1860 and brought to New York. A black orphanage in the city asked to receive them and several philanthropic individuals, including the Tappan brothers proposed to pay the expenses of their education. In November the boys were escorted under guard to the *Mary Caroline Stevens* where they departed for Liberia with eighty-three black American emigrants. *New York Herald*, Aug. 16, 1860. In 1824, 1,100 Africans were sent to their homeland via the ACS after President Monroe said the U.S. government would pay for the voyage if proper certificates were given of their desire to return. It appears the reason these Africans were allowed to return to their homeland is that an African prince was in Baltimore and was able to translate the wishes of the men. One boy remained in Baltimore, allegedly because he spoke a different language from the others, and could not be understood. This is the only known case of the ACS sending Africans to their homeland rather than Liberia. *Philadelphia Recorder*, Apr. 19, 1823: 9; "Liberated Africans," *Religious Intelligencer*, (Jan. 31, 1824): 549–51.

12. John H. B. Latrobe, "Address before the Massachusetts Colonization Society," *Colonization Herald* (Nov. 1859).

13. Jacob Thompson, "Report of the Secretary of the Interior," *Washington, D.C., Daily National Intelligencer*, Dec. 27, 1860.

in a space of less than two thousand square feet. The Africans were piled on mats atop bags of farina. Another fifty females were cramped in the deck cabin. None had been fed in three days at sea. Commander Charles H. Bell of the US *Yorktown* wrote of his discovery: "The stench from below was so great that it was impossible to stand, more than a few moments, near the hatchways. Our men who went below . . . were force[d] up sick in a few minutes. Then all the hatches were off. What must it have been the sufferings of these poor wretches when the hatches were closed?"¹⁴

The *Yorktown* took the seized vessel to Monrovia and turned over the Africans to the ACS agent for recaptured Africans. This was by far the largest group of Africans liberated by the United States since 1808: an overwhelming number for the agent to resettle at one time and a challenge for the country to absorb. In the end, the society spent tens of thousands of dollars on medical care, clothing, and food. It had every reason to believe the U.S. government would reimburse its efforts for the recaptured Africans, so it presented a proposal to Congress in 1847. But Congress did not act for another four years, appropriating a sum far lower than the ACS had hoped (\$50 per person rather than \$100).¹⁵ In 1858 the Africa Squadron seized another vessel, the *Echo*, with 319 Africans aboard and brought it to Charleston, South Carolina. The federal government was not prepared for such an arrival. The Africans were placed at Fort Sumter and the U.S. marshal there subsequently amassed a large debt that the federal government only reluctantly paid in following years. Once again, Congress debated what to do. In the end, it allocated \$45,000 to the society to transport the Africans to Liberia and furnish them with shelter, clothing, provisions, medical attendance, and schooling for one year.¹⁶

The issue of the African trade and its consequences on Liberia escalated dramatically under the Buchanan administration. The marked increase in captures has caused historians to ask important questions about the possible reasons for the escalation. Scholars have documented the resurgence of slave trading into Cuba and the utilization of American ships under the protection of the American flag in the Cuban traffic in the 1850s.¹⁷ Perhaps the navy's newfound success was simply the consequence of more U.S. vessels engaged in the slave trade at sea. This reasoning concludes that the

14. Quoted in Canney, *Africa Squadron*, 76–77.

15. "The Recaptured Africans," *African Repository* 34 (Oct. 1858): 295; "American Colonization Society," *New York Observer and Chronicle*, Jan. 29, 1852.

16. Fehrenbacher, *Slaveholding Republic*, 188.

17. Eltis, *Economic Growth*, 245.

squadron's success multiplied with the number of slave vessels at large. But this conclusion would be shortsighted. In the 1840s, for example, the slave trade landed more than 350,000 Africans in Brazil, many of these imported with the assistance of Americans. Yet the U.S. Navy was only a minor factor in the suppression of the trade in that decade, not capturing a single vessel in 1842, 1843, 1848, and 1849. So an explanation for the surge in 1860 must look beyond a larger pool of potential targets to the changes in policies and procedures implemented by the Buchanan administration.¹⁸

As a senator, Buchanan had shown little inclination to suppress the illegal slave trade. In fact he had voted against the Webster-Ashburton Treaty that set in motion the establishment of the Africa Squadron by the navy.¹⁹ He favored a limited navy and believed the annexation of Cuba, not the enforcement activities of the U.S. Navy or England, for that matter, would end the slave trade. In December of his first year as president he argued that with the annexation of Cuba, "the last relic of the African slave trade would instantly disappear."²⁰ Yet, less than one year later Buchanan implemented a plan that became the strongest attack on the slave trade ever launched by any administration.

Historians such as Warren Howard and more recently Don Fehrenbacher have pointed to the political context that prompted the Buchanan administration to take additional measures to strengthen the Africa Squadron. At the same time that Buchanan came to office, the British began to reassert diplomatic pressure on the U.S. government that had waned during the Crimean War. British naval forces, especially in and around Cuba, resurrected the practice of forcibly boarding American vessels for evidence of slave trading. The right of search had long been a source of conflict with Britain with roots in the War of 1812, and there was growing suspicion of British commercial motives. The U.S. position maintained that there was no right of search in peacetime under international law. Early in 1858, British vessels nevertheless had begun stopping and searching vessels of all nations off the shores of Cuba. Congress reacted in uncharacteristic bipartisan unity. The Buchanan administration—like administrations of the past—argued that the

18. Fehrenbacher, *Slaveholding Republic*, 179.

19. Article 8 of the treaty called for the U.S. and England to "maintain on the coast of Africa a sufficient squadron to enforce separately and respectively, the laws, rights and obligations of the two countries." Each squadron was to be composed of vessels carrying a minimum of eighty guns. The squadrons would patrol independently but act "in concert and cooperation." The treaty was the culmination of decades of debate over the right of search.

United States would enforce its own slave-trade laws and would submit to no international system of enforcement that jeopardized the freedom of the seas. At the same time, however, this reassertion of U.S. independence forced the administration to disprove British claims that the U.S. was complicit in the slave trade and largely responsible for the increase in importations of Africans to Cuba.²¹

While the Buchanan administration tried to vindicate American activities against the illegal slave trade, it also sought to distance itself from proslavery extremism in domestic politics that advocated reviving the African slave trade. The small but strident minority group agitating for reopening the slave trade received an overwhelmingly unfavorable response in both the North and the South, yet it successfully sensationalized the slave-trade issue and added heat to an already simmering political environment. One particular incident helped provoke the Buchanan administration to action. The yacht *Wanderer* successfully evaded the Africa Squadron and in open violation of federal law landed 170 slaves in Georgia on November 29, 1858. The vessel's owner, Charles Augustus Lafayette Lamar of Savannah was arrested by federal officials, tried by a Georgia jury, and acquitted of all charges. Many southern newspapers applauded Lamar's action and his subsequent acquittal, outraging a good number of northerners. In the following months reports of other slave landings filled northern and southern papers. The rumors of huge slave importations and the apparent revival of slave importations into the United States flourished in an atmosphere of political turmoil and fueled sectional hostilities.²²

By the end of 1858 the Buchanan administration faced a triple threat: British diplomatic pressure, growing domestic fears of a virtual reopening of the slave trade, and a Republican party gaining strength in the face of proslavery extremism and the accusation that the administration was simply unable to enforce the slave-trade law itself. In response, Buchanan allowed the secretary of the Navy to take two steps that officers and leaders of the Africa Squadron had been advocating for years. First, four steamers were added to the squadron. In addition to giving the squadron faster, more agile steam-powered vessels, the addition also nearly doubled its size. Moreover, four more steamers were added to the Home Squadron guarding the shores

20. James Buchanan, "Message to Congress," quoted in DuBois, *Suppression of the African Slave Trade*, 292.

21. Fehrenbacher, *Slaveholding Republic*, 186–87.

22. For the story of the *Wanderer*, see Welles, *Slave Ship Wanderer*.

of Cuba in the Gulf of Mexico. The second measure moved the African supply base from the Cape Verde Islands to St. Paul de Loando, a point on the African mainland much nearer the center of slave-trade activity. So the two key factors that had hindered the operations of the Africa Squadron for over a decade were rectified. These measures had remarkable results. From late 1859 to the end of the squadron's tenure in mid-1861, the squadron captured twenty-two vessels. Naval historians point to the major changes in the application of longstanding policies in the war against the slave trade as central in any attempt to explain the upsurge in captures in 1860.²³

When the three vessels—*William*, *Wildfire*, and *Bonita*—were captured off the coast of Cuba in spring 1860, Congress was forced to act again. This time, lawmakers passed legislation intended to settle the issue. The U.S. Navy seized the three ships in April and May 1860 with nearly 1,400 Africans aboard. The Africans were taken to Key West, Florida, and placed in former slave pens, with care handed over to Fernando Moreno, the U.S. marshal for the southern district of Florida. By June 10, Moreno had requested \$22,000 reimbursement for expenses incurred while caring for the Africans; the total cost for the six weeks of care would come to \$27,650.²⁴

In response to the crisis in Key West, Congress overwhelmingly voted into law a bill that authorized a more specific agreement with the ACS. The contract stipulated that the government would allocate \$100 for one year for each recaptive over eight years old, and \$50 for each under that age. To avoid another Key West incident and the expense and complications of having thousands of recaptured Africans on U.S. soil, the bill included a policy that allowed the navy to take a seized ship with Africans aboard directly to Liberia rather than the United States as had been the policy. In exchange, the society would provide transportation of the recaptured Africans to Liberia and support them for one year after their arrival. An authorized American agent would be required to check in on the Africans from time to time to see that their needs were being met, as well as keep track of those who died. By the terms of the contract, monthly payments were to be made, except that the amount due for the last quarter was to be deferred until all the statistics had been examined and

23. Canney, *Africa Squadron*, 222–27.

24. Fernando Moreno, Key West, to Jacob Thompson, Washington, D.C., June 10, 1860, microfilm edition of the Records of the Office of the Secretary of the Interior Relating to the Suppression of the African Slave Trade and Negro Colonization, 1854–72, Penn State Libraries, University Park, reel 9, (hereafter cited as SASTR); *New York Herald*, Dec. 5, 1860.

certified.²⁵ When the last quarter came, in February 1863, in a move similar to the one in 1845 when the government stalled on paying out for the recaptured Africans from the slave ship *Pons*, the U.S. government refused to pay the \$31,000 it still owed, claiming that the records were not detailed enough to account for the exact number of recaptives still alive. For several years, the federal government delayed payment and politely ignored the efforts of ACS leaders and the pleas of the poverty-stricken Liberian government. It was 1865 before the government closed its business with Liberia.²⁶

Easy passage of the legislation in both houses did not mean there was not resistance to the bill. In fact, for the first time since 1807 significant opposition emerged over sending Africans to Liberia, perhaps exacerbated by the presence of so many Africans within U.S. borders at Key West, Florida. Indeed, a few individuals tried to take matters into their own hands. A party from South Carolina, Georgia, Alabama, and Louisiana sailed to the Key West depot and offered \$40,000 in gold to Fernando Moreno and his chief guard if they would “only turn their backs a certain night.”²⁷

The most vocal opponents were Southern delegates such as James Mason of Virginia and Robert Toombs of Georgia, who argued the suggested appropriation of \$200,000 for the transportation and care of the Africans was far too charitable. Jefferson Davis offered the most colorful critique. He suggested that the humane thing was to leave the recaptives in the United States. It was not wise to send a content group of laborers to a place where they would succumb to barbarism. Instead, Davis suggested, tongue in cheek, that the Africans be freed somewhere in the North among those who denied the distinction of race or color.²⁸

Davis was one of a number of southern sympathizers who denounced the repatriation of the Africans, especially providing care for them after their arrival in Liberia. “Charity begins at home,” asserted Davis. “I have no right to tax our people in order that we may support and educate the barbarians of Africa.”²⁹ Opponents insisted that the current arrangement of sending

25. “Journal of the Executive Committee Journal,” July 28, 1860, SASTR.

26. John Seys, Springfield, Ohio, to William McLain, Washington, D.C., May 24, 1862, William McLain, Washington, D.C., to J. P. Usher, Washington, D.C., Oct. 31, 1863, both in SASTR.

27. Fernando Moreno, Key West, to Jacob Thompson, Washington, D.C., July 26, 1860, SASTR.

28. Boyd, “American Colonization Society,” 112.

29. Quoted in Fehrenbacher, *Slaveholding Republic*, 189.

Africans to Liberia was also bad for Liberia, for it would surely ruin the tiny country. "Liberia, diluted by monthly additions of clattering savages taken out of slave-ships, will certainly never prove the elixir which is to vivify the African continent. What it wants is not more Negroes to educate, but more 'colored persons' from this country, to keep the light it already possesses from dying out." Moreover, and most importantly, the course of action was simply too expensive. Congress is taking "hundreds of thousands of dollars to carry African savages back to their jungles. Why must we, while suffering so much from scarcity of labor, pay enormous sums, in order to send it away," they asked.³⁰

Opposition to the legislation also arose in Liberia's legislature. The Liberian government had not been consulted by either the U.S. government or the ACS on the matter of admitting thousands of liberated Africans into their country without warning or preparation.³¹ On hearing about the U.S. Congress's legislation, Liberian president Stephen Benson expressed strong reservations about a policy that allowed the Africa Squadron to go directly to Liberia with captured Africans and did not allow the Liberian government to control the funds being directed at their new residents. Writing to the ACS he asserted, "We are alarmed!" Not unlike southerners who argued that recaptured Africans were bad for Liberia, Americo-Liberians (black American emigrants and their descendents) feared the consequences as well. "Thousands of raw savages, exceeding the number of Americo-Liberians," wrote Benson, "may be thus landed within a few months, kept under the control of the agents of foreign bodies for a twelvemonth; after, which, thrown upon the government to support, protect, and train." John Seys, the ACS agent for recaptured Africans in Liberia, also expressed fears of "an influx" in "a place like this." He worried as to whether the Africans could be provided for in a place where there was not often a large surplus of basic necessities,

30. "Negroes Rescued from Slavers," *New York Times*, June 26, 1860.

31. On Tuesday, August 21, 1861, nearly 1,500 Africans from the *Storm King* and *Erie* arrived at Monrovia, Liberia, an unprecedented number in the country's history. Just five days later, over 800 more Africans began arriving in Liberia from Key West. In October another 1,300 arrived. John Seys, the U.S. agent for recaptured Africans, described the scene in mid-October: "On Sunday evening, Oct. 14, the 'Cora' . . . arrived with 694 more captured by the Flag Ship 'Constellation,' and on Saturday evening the 27th, the brig 'Bonita' . . . came into port with 616 more, a prize to the U.S.S. 'San Jacinto,' thus up to date no less than . . . 3,616 . . . snatched from endless bondage and oppression" and "brought within the Liberian Territory." "Liberated Slaves at Monrovia," *African Repository* 36 (Nov. 1860): 323. Another 800 landed in spring 1861, for a total of over 4,400 Africans relocated to Liberia within a span of ten months.

and the affect the “savages” would have on the moral and political situation in Liberia.³²

As a sovereign nation, Liberian officials believed that they alone had the power to make contracts for admission, care, and support of the Africans. Besides the obvious reason that as citizens of an independent country they should have final authority on their domestic and foreign policy, the Liberians believed they had made an agreement to this effect in 1847. In that year Liberia became an independent nation, and it drew up an agreement that outlined its new relationship with the ACS. One provision stated that, “recaptured Africans shall be admitted as heretofore . . . the United States government making provisions for their support.” This seems to suggest that the society would continue as a middleman between the U.S. federal government and the Liberian government and that it would negotiate with the U.S. government and assist the United States in sending recaptured Africans to Liberia. But Liberia’s senate attached an explanation to the proviso before ratifying the agreement. The explanation stated that the “Republic of Liberia is the only party to contract with the United States Government for the admission, care, and support of the Recaptured Africans landed in Liberia.” The ratified agreement with explanations was sent to the ACS, asking for its concurrence. In fact, the society did nothing, and no formal recognition of the addition to the agreement was ever made.³³

The actions of the U.S. government and the ACS in 1860 infuriated the Liberian government. Its representatives demanded that the money appropriated by Congress be turned over to them rather than the ACS. President Bensen informed John Seys: “This Government must have exclusive control over them (the recaptives) or else exercise none.” He notified Seys that unless the society “passed over to the Government of Liberia the people and the whole amount which the we [the ACS] received from the United States” the Liberian government “would not have any thing to do with” it or “cooperate in any way” for the welfare or management of the Africans.³⁴ The ACS communicated its desire “to build houses for them, to employ superintendents and teachers for them . . . to require them to work one half of the day, and to attend school the

32. John Seys, Monrovia, to Isaac Toucy, Washington, D.C., Aug. 24, 1860, John Seys, Monrovia, to Caleb Smith, Washington, D.C., Dec. 23, 1861, both in SASTR.

33. “Liberia Government for the Suppression of Wild Africans,” Miscellaneous Incoming Correspondence, Records of the American Colonization Society, Library of Congress, reel XX.

34. “Journal of the Executive Committee,” Oct. 18, 1860, SASTR.

other half.” It expressed its commitment to the recaptured Africans even after the year of support expired. Liberia’s secretary of state, John Lewis, responded that it was the Liberian government, not the ACS, who had the most to gain or lose. “In this work, this Government claim [*sic*] to be infinitely more interested than any other Government or body of people can possible be, it is, therefore, a work that cannot be entrusted to another.” Indeed, many in the Liberian government believed the society maintained too much authority in the affairs of the nation. More to the point, the Liberian government wanted to control the money and use it as it deemed appropriate.³⁵

The ACS board of directors acquiesced to the Liberian request with little protest. Leaders expressed sympathy for Liberia’s plight of having so many people suddenly thrust upon their tiny and impoverished community. And more important, perhaps, the society’s efforts on behalf of recaptured Africans had become a serious financial burden on an institution already struggling to survive. Allowing the Liberian government more control, moreover, would perhaps force the United States to move toward formally recognizing Liberia as a sovereign nation, something ACS supporters had long advocated. A new contract was drawn up and signed on December 31, 1860, which transferred to the Liberian government control of all contracts with the United States for recaptives landed during the previous six months. Liberia would also receive any surplus not already expended by the ACS. In return, the government of Liberia agreed to fulfill all the society’s obligations to the United States, including the right of an ACS agent to make visits of inspection and inquiry into the status of all recaptives.³⁶

Caught in the middle of all of this power brokering among the United States, the ACS, and the Liberian government were the recaptured Africans themselves. On the one hand, Americo-Liberians—black American emigrants, many of whom were former slaves, and their descendents—communicated fear at the great numbers of Africans left on their shores. On the other hand, they understood the usefulness of the “Congoes,” so named by the American settlers. With the assistance of local citizens’ committees, the majority of recaptured Africans were apprenticed to Americo-Liberian families. Under Liberian law, this apprenticeship could last anywhere from

35. “Journal of the Executive Committee,” Oct. 18, 1860; J. W. Lewis, Monrovia, to John Seys, Monrovia, Aug. 22, 1860, SASTR.

36. “Journal of the Executive Committee,” Oct. 18, 1860; Boyd, “American Colonization Society,” 118–19.

seven to fourteen years. The funds allocated by the U.S. government were intended to be parceled out quarterly to those who took in the Africans. Many families, however, were unable to wait that long and had to have rations given each month. Those not apprenticed, usually those less desirable to families such as small children, girls and women, were turned over to mission stations.³⁷

Liberians came to view the newly landed Africans as a benefit for the country. They represented, "one of the greatest blessings which could have been bestowed upon the Liberians," asserted Alexander Crummell. "For it gives them first of all a labouring population, which is their great need in the cultivation of their great staple, sugar." Under this system, the Americo-Liberian sugar planters finally found pliable workers, and other Americo-Liberians found willing servants and workers. "My entire farming operations are carried on with them [Congoes]. . . . My sugar-marker, cooper and fireman are Congoes. . . . My cooper is far in advance of many Americo-Liberians, who style themselves such; likewise my sugar maker."³⁸

Liberian missionaries also understood the benefit of the recaptures. The native communities were generally unwilling to permit their sons or daughters to enter mission programs because it almost certainly meant they would not return. Missionaries believed that once educated and Christianized, the natives had to remain removed from their traditional environment or risk being drawn back into "heathenism." Instead, they were expected to live in christian villages established near mission stations. But the recaptures had no choice but to go if assigned. And mission societies welcomed the additions. When the *Pons* arrived in Monrovia in December 1845, the Methodist mission viewed the Africans with great excitement and played a critical role in the relief efforts, taking in numerous children. Susan Benham, a married white missionary, described the forty-seven girls found aboard as a "great acquisition." Benham asserted that the mission schools would direct "every attention . . . to the unfortunate girls' moral and physical training." Benham and her husband, John, adopted four children, two boys and two girls. It was her responsibility to teach her "family of recaptives" in an evening school. Another single female missionary, Ann Wilkins, took a "goodly number," approximately twelve to fifteen, into her home to teach "them the sacred

37. John Seys, Monrovia, to Issac Toucey, Washington, D.C. Aug. 24, 1860; John Seys, Monrovia, to J. W. Lewis, Monrovia, Aug. 23, 1860, all in SASTR; "From Liberia," *Friend* 34 (Jan. 26, 1861): 163.

38. "Liberated Africans," *Colonization Herald* (Apr. 1863).

principles of our holy religion and the arts of civilized life.” In all, the Methodist mission selected about one hundred children for the several mission schools. With little success with the surrounding Africans, missionaries gladly welcomed the hundreds of recaptured children and teenagers assigned to their stations and eagerly publicized God’s providential work in the Africans lives.³⁹

From the beginning of Liberian history there had been conflict, even civil wars, between black American settlers and the native communities surrounding them. And the natives quickly learned how to exploit their position. They demanded high wages. They worked sporadically and irregularly, if they agreed to work at all. They refused to send their children to mission schools and were reluctant converts to Christianity. The recaptured Africans, on the other hand, were “remarkably pliant and industrious.” More than this they “easily moulded into Americo-Liberians,” to use a phrase of Alexander Crummell. Thousands of miles from home with no way to return, alone and isolated, the recaptured Africans accommodated in ways the natives did not. And it certainly helped that the majority of the recaptured individuals were children. They attended Liberian schools. They crowded Liberian churches. They adopted Liberian dress. They learned English. They were even trained with the Liberian militia.⁴⁰

Not all the recaptured Africans were willing accommodationists. There are reports of runaways and even a few suicides. “Hundreds wandered off throughout the country,” wrote Liberian secretary of state J. W. Lewis, of the recaptured Africans apprenticed out in 1860. It was necessary for communities to form search parties to find and arrest runaways. Not until the Liberian government offered \$3 for each African recovered were they brought back and order restored.⁴¹ Two years later recaptives were continuing to run away. John Seys reported, “a number of our recaptives have wandered away, under the idea of returning to their own country. . . . In one day twenty-five were thus apprehended.”⁴² There is one stunning account of a

39. Ann Wilkins, “Letter from Mrs. Ann Wilkins,” *African Repository and Colonial Journal* 22 (May 1846): 151; Susan H. Benham, “Letter from Mrs. Benham,” *African Repository and Colonial Journal* 22 (May 1846): 150; Susan H. Benham, “Liberia,” *Christian Advocate and Journal* 20 (Apr. 22 1846): 147.

40. “Recaptured Africans in Liberia,” *Friend* 35 (Sept. 28, 1861): 29.

41. John Seys, Monrovia, to Isaac Toucey, Washington, D.C., Oct. 31, 1860; J. W. Lewis, Monrovia, to William McLain, Washington, D.C., Aug. 28 1860, both in SASTR.

42. *African Repository* 39 (Apr. 1863): 102.

group of daring boys—mostly under the age of twelve—who escaped from the Lutheran Mission Station in the darkness of a cloudy and rainy night armed with cutlasses with which they had cut bush that day. They told one man their goal: “By directing their course by the rising and setting of the sun, by fighting bravely in case of opposition, and by selling their clothes for food, when the present supply should fail, they hoped in two moons to catch the Congo country.” They surrendered and gave up their attempt to return home only after a large crowd of men surrounded them and fought them to submission in a town some forty miles from where they began. The *Liberia Herald* printed the account of the failed attempt of the boys as evidence that recaptured Africans—even the most rebellious—eventually desired to live in Liberia. “Having now seen the dangers and difficulties of a return to the Congo country, although they would much like to see their own country and friends,” wrote the *Herald*, “they would have to abandon that design, and content themselves here.”⁴³

The majority of recaptured Africans did conform to the dominant culture. The *Liberia Herald* concluded that the recaptured Africans’ quick assimilation was in large part due to “the distance they are removed from their own country, [and] the aversion of the tribes contiguous to us to fraternize with these captives.”⁴⁴ A missionary concurred: “The congoes are captives, entirely separated from their tribe, living in the mission families and with other pious people. Thus cut off . . . they are humble and docile and desolate lonely far away from parents and homes and relatives, and the Gospel comes like a healing balm to their lacerated hearts.”⁴⁵

Americo-Liberians, many former slaves themselves, telescoped the diverse ethnic origins of the recaptured Africans into one monolithic, degraded and uncivilized “Congo.” This reduction exploited the vulnerability of the recaptured Africans. Mostly children—isolated and alone, thousands of miles from home, despised by the surrounding population and seeking some security and future—the majority of recaptured Africans quite naturally acquiesced to the dominant culture’s demands. In time, this erasure not only eradicated the cultural distinctiveness of the Africans, it allowed the Americo-Liberians to justify the superiority of their minority community even as it added to

43. “Congo Energy and Perseverance,” *Liberia Herald* (Mar. 1861).

44. “Liberated Africans,” *Colonization Herald* (Apr. 1863).

45. N. S. Bastion, “Annual Report,” 1849, microfilm edition of the Missionary Correspondence of the Board of Missions of the Methodist Episcopal Church, 1840–1912, United Methodist Archives and History, Drew University, Madison, N.J.

their number of loyalists. The importation of thousands of recaptured Africans into their tiny community helped the Americo-Liberians maintain their cultural, political, and economic domination in Liberia.

Compared to the millions of Africans successfully transported across the Atlantic and enslaved, the number of recaptured Africans rescued from U.S. vessels appears insignificant. Still, more than six thousand Africans were discovered aboard U.S. slave ships, and the U.S. policy to send them to Liberia had significant impact on the development of that nation. It is also noteworthy that the ACS played an important role in the fight against the illegal slave trade and, for over forty years performed an integral part in the federal government's anti-slave-trade operations. From its inception, colonizationist rhetoric established the focal point of racial discourse in Africa not the United States. Colonizationists rarely wrote or spoke about the black American. On the topic of Africa, recaptured Africans, and the slave trade, however, they were effusive: it represented one of their strongest moral arguments for supporting their efforts. Indeed, in response to increasingly bitter abolitionist attacks beginning in the 1830s, the group only strengthened its discussion of the slave trade. Perhaps this is the colonization movement's most lasting contribution to the anti-slavery cause.

Historians have been quick to highlight the inconsistencies and racist assumptions of the ACS and point to the cozy relationship between the ACS and the federal government, which allowed the government to engage in "informal colonialism."⁴⁶ Any study of the colonization movement reveals myriad contradictions. But it is also true that it was colonization leaders—not abolitionists—who pressured the government to act on behalf of the Africans. In an interesting irony, the ACS—the movement that sought to rid America of black Americans—transported the Africans, hired physicians to care for them, clothed and fed them, worked with the Liberian government to secure safe and profitable living arrangements and even petitioned the U.S. government to pay its debts to Liberia. In the end, the story of the U.S. illegal slave trade and recaptured Africans is another example of the complexity and contradictions that characterized race relations in the nineteenth century.

46. Fehrenbacher, *Slaveholding Republic*, 153.

APPENDIX: SLAVE SHIPS CAPTURED WITH AFRICANS IN 1860

Slave Ship	Date	Captor	Location	Number of Africans	Initial Landing	Number of Africans landed at Monrovia
<i>Wildfire</i>	4/26/60	<i>Mohawk</i>	off Cuba	530	Key West	285 ^a
<i>William</i>	5/9/60	<i>Wyandotte</i>	off Cuba	570	Key West	218
<i>Bogota</i>	5/23/60	<i>Crusader</i>	off Cuba	411	Key West	220
<i>W. R. Kibby</i>	7/23/60	<i>Crusader</i>	off Cuba	3 ^b	New York	3
<i>Erie</i>	8/8/60	<i>Mohican</i>	off Congo River	897	Monrovia	867
<i>Storm King</i>	8/8/60	<i>San Jacinto</i>	off Congo River	619 ^c	Monrovia	616
<i>Cora</i>	9/26/60	<i>Constellation</i>	off Congo River	705	Monrovia	694
<i>Bonito</i>	10/10/60	<i>San Jacinto</i>	off Congo River	750	Monrovia	632 ^d
<i>Totals</i>				4,485		3,535

Notes

a. 295 Africans died in Key West. The rest were placed on three different ships and taken to Monrovia. The *Castilian* left June 30, 1860, with 400 Africans, arriving August 26 with 285. The *South Shore* departed July 14, 1860, with 355 and arrived at Monrovia on August 31 with 218. Of these, 90 were adults and 128 were children ages ten to seventeen years old. The *Star of the Union* left Key West on July 9, 1860, taking 383 Africans. It arrived with 320, of these 190 were men, 114 women, 10 girls under fourteen, 5 boys, and 1 infant.

b. Three African boys.

c. 130 women, 164 men, and 329 boys and girls.

d. 632 is the number of Africans listed from the *Bonito* on January 1, 1861. Most likely more initially landed in Monrovia.

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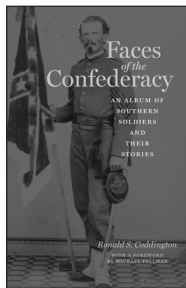
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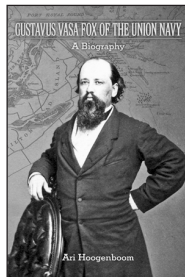
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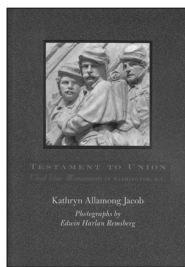
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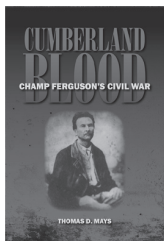


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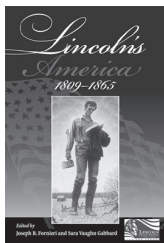
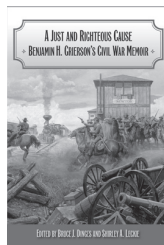


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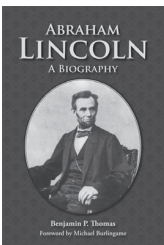
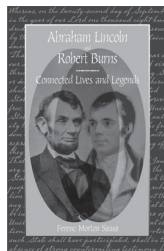


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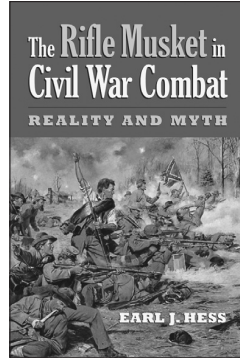
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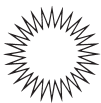
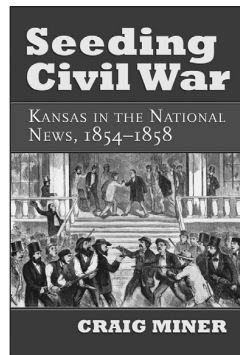


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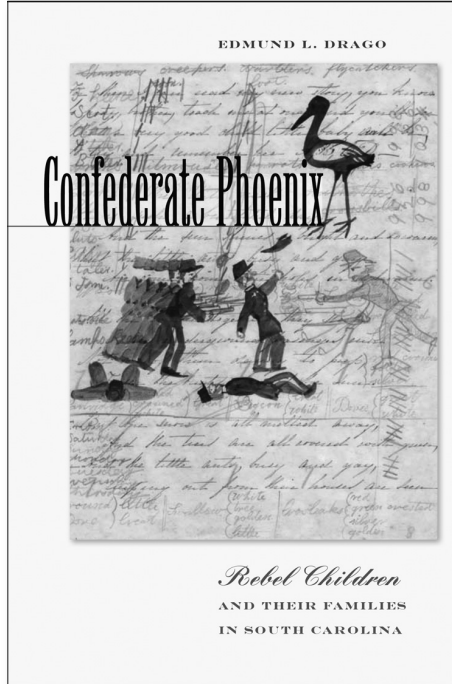
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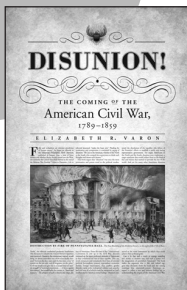
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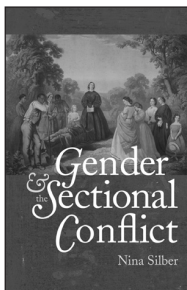
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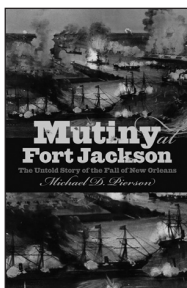
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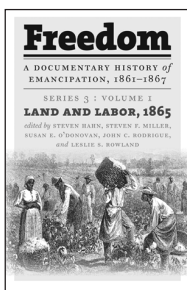
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