

Cambridge Essential Histories

326.0973
Sen 282

Cambridge Essential Histories is devoted to introducing critical events, periods, or individuals in history to students. Volumes in this series emphasize narrative as a means of familiarizing students with historical analysis. In this series, leading scholars focus on topics in European, American, Asian, Latin American, Middle Eastern, African, and World History through thesis-driven, concise volumes designed for survey and upper-division undergraduate history courses. The books contain an introduction that acquaints readers with the historical event and reveals the book's thesis; narrative chapters that cover the chronology of the event or problem; and a concluding summary that provides the historical interpretation and analysis.

General Editor

Donald T. Critchlow, Arizona State University

Other Books in the Series

Michael G. Kort, *The Vietnam War Reexamined*

Maura Jane Farrelly, *Anti-Catholicism in America, 1620-1860*

David M. Wrobel, *America's West: A History, 1890-1950*

Mark E. Neely Jr., *Lincoln and the Democrats: The Politics of Opposition in the Civil War*

Howard Brick and Christopher Phelps, *Radicals in America: The U.S. Left since the Second World War*

W. J. Rorabaugh, *American Hippies*

Sean P. Cunningham, *American Politics in the Postwar Sunbelt*

Jason Scott Smith, *A Concise History of the New Deal*

Stanley G. Payne, *The Spanish Civil War*

J. C. A. Stagg, *The War of 1812*

Ian Dowbiggin, *The Quest for Mental Health: A Tale of Science, Medicine, Scandal, Sorrow, and Mass Society*

Wilson D. Miscamble, *The Most Controversial Decision: Truman, the Atomic Bombs, and the Defeat of Japan*

Edward D. Berkowitz, *Mass Appeal: The Formative Age of the Movies, Radio, and TV*

Charles H. Parker, *Global Interactions in the Early Modern Age, 1400-1800*

John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good*

James H. Hutson, *Church and State in America: The First Two Centuries*

Maury Klein, *The Genesis of Industrial America, 1870-1920*

John Earl Haynes and Harvey Klehr, *Early Cold War Spies: The Espionage Trials That Shaped American Politics*

Unrequited Toil

A History of United States Slavery

CALVIN SCHERMERHORN

Arizona State University

LIBRARY ST. MARY'S COLLEGE

 **CAMBRIDGE**
UNIVERSITY PRESS

Slow Death for Slavery?

In the newly independent United States, slavery seemed to be on the road to marginality, even extinction. Britain punished the new nation for revolution by closing its West Indian markets to Chesapeake tobacco and Carolina rice, which left enslavers with surplus bound laborers working at a losing economic game. And after the tumultuous seven-year war, enslaved Americans faced a conflict of rootedness versus rootlessness, knitting ties against the constant unraveling done by enslavers. But victorious Patriots hedged against freeing bondspersons too soon. They scrambled to patch up the slave societies in the Chesapeake, Carolinas, and Georgia, while mid-Atlantic enslavers reasserted their control over African-descended people.

It is often asked why the republican principles of liberty and self-government did not apply to enslaved people. One answer has to do with the economic geography of slavery. After 1776, states with small or marginal slave populations began to abolish slavery gradually. But freedom did not equal citizenship. In the flush of Revolutionary fervor, the sole state that outlawed slavery immediately was Vermont, which had the smallest slave population. The rest of New England, along with New York, Pennsylvania, and New Jersey, refused to emancipate enslaved people, instead setting a course for gradual abolition or else leaving it to courts and African-descended people to challenge their enslavement. States dependent on slave labor did not consider abolition. But some permitted manumission or freeing bondspersons individually. Virginia, Maryland, and other states to the south (except North Carolina) liberalized manumission laws. They left in place property rights in people, and few enslaved people succeeded in bargaining their way out of bondage.

Despite British closures of West Indies rice markets, South Carolina and Georgia planters resumed importing captive Africans. Noticing such a demand, enslavers in the Chesapeake began selling bondspersons in an interstate trade. And even in states where slavery was marginal, enslavers held on to the bondspersons who had market value in other states.

States north of Delaware gradually abolished slavery, but a long colonial history of associating African descent with servitude worked against full equality even where slavery was marginal or disappearing. That perception disadvantaged free African-descended people. As colonial hierarchies crumbled, those at the bottom of the old structures of patronage often found themselves at the mercy of wage and labor markets that even in the best of times permitted workers to scrape by. The new United States was a fragile confederation of independent states that acted like small republics. When Britain formally recognized an independent United States, the federal constitution would not be drafted for four years, and like their colonial predecessors, the new states formulated individual laws regarding slavery. Between 1777 and 1804, all states north of Maryland adopted measures that set slavery on the road to abolition, most doing so gradually. During the upheavals of war, Revolutionary state governments created new state constitutions – some more than one – that experimented with republican government. Abolition appeals by black activists such as Lemuel Haynes and Felix Holbrook were part of the language of liberties and rights, and in the course of fighting a revolution for those ideals, many state legislators stood on principle when attempting to write abolition measures into law. But appeals to abandon slavery found more purchase in areas where slavery remained marginal.

Like so many other questions state constitutional conventions tackled, measures concerning slavery were subject to compromise based on competing interests. Vermont took a bold early step in its 1777 constitution, abolishing slavery and servitude for males over twenty-one and females over eighteen. The constitution established religious liberty and enfranchised nearly all adult males regardless of race or previous condition of servitude. But colorblind measures were uncontroversial in a state with a handful of enslavers and a miniscule population of black people. Not counting Native Americans, Vermont was 0.3 percent nonwhite in 1790. In neighboring New Hampshire, the language of its 1783 constitution was just as stridently pro-individual rights, but slavery was left ill-defined. The slave population fell from 633 to 158 people between 1767 and 1790 and would be counted in single digits in nineteenth-century censuses. Neighboring Massachusetts adopted similar language. The first article of the Massachusetts constitution

of 1780 reads, “[a]ll men are born free and equal, and have certain natural, essential, and unalienable rights,” which was essentially what Felix Holbrook had argued in 1773 and black activists like minister Lemuel Haynes and poet Phillis Wheatley articulated during the Revolution.¹ But Massachusetts omitted a clear statement of slavery’s illegality.

The challenge to slavery in Massachusetts came not from freedom-seeking statesmen but from a former slave. Whether Quok Walker had the Massachusetts constitution in mind when he fled the farm of his Worcester County owner in the spring of 1781 is unclear. But the twenty-eight-year-old clearly thought himself a free man at twenty-five. He refused to return, and the enraged owner and some hired men caught up with him at the farm of his younger brother and beat him with the handle of a whip. They locked him in a barn. Walker escaped and hired a lawyer to sue not for his freedom, but for the assault.

Walker sought a legal remedy while the War of Independence was still raging in the southern part of the country. It was an exceptional move that illustrates how far Revolutionary rhetoric had penetrated the popular understanding. Walker wagered that a court would uphold the republican principles for which Massachusetts Patriots were fighting. The case, *Walker v. Jennison*, ended in the Supreme Judicial Court’s 1783 ruling that “the idea of slavery is inconsistent with our own conduct and Constitution.”² In the meantime, favorable rulings by lower courts had already freed Massachusetts resident Mum Bett, who emerged from slavery as Elizabeth Freeman.³

But even in freedom, women were not citizens. Married women’s legal identities were still considered parts of their husbands’ under laws of coverture. “I desire you would [r]emember the [l]adies,” Abigail Adams wrote her husband, John Adams, in March 1776, “[r]emember all [m]en would be tyrants if they could.”⁴ Founders ignored such prayers. And black women like Elizabeth Freeman were doubly disenfranchised.

¹ Emily Blanck, *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts* (Athens, GA: University of Georgia Press, 2014), 119 (quotation), “Slavery in New Hampshire,” Slavery in the North, online: <http://slavenorth.com/newhampshire.htm>, accessed: July 29, 2016.

² *Commonwealth of Massachusetts v. Nathaniel Jennison* (1783), in *A Necessary Evil? Slavery and the Debate over the Constitution*, ed. John P. Kaminski (Madison, WI: Madison House, 1995), 18.

³ Ben Z. Rose, *Mother of Freedom: Mum Bett and the Roots of Abolition* (Waverly, MA: TreeLine Press, 2009).

⁴ Abigail Adams to John Adams, March 31, 1776, cited in Lynne Withey, *Dearest Friend: A Life of Abigail Adams* (New York, NY: Simon and Schuster, 2001), 81.

The Walker decision did not free any other slaves, but it decided that Massachusetts law did not protect slave property. The legal ambiguity worked in favor of Walker and abolition, but it also meant that any other bondsperson would have to sue for freedom. Some owners were enraged at the decision. One attempted to sell his bondspeople to Barbados. But public opinion was squarely on the side of the high court. Slavery was marginal in Massachusetts, as it was elsewhere in New England, even though New Englanders had enslaved Africans and Indians since the seventeenth century.⁵ When New York and Pennsylvania confronted the issue, they also confronted financial interests in slavery.

New York made a false start in abolishing slavery. While fugitives from Virginia and elsewhere were fleeing to British-occupied New York City in 1777, the state passed a constitution that protected property, including slave property. The 1777 constitution permitted freeholders – owners of real property – to vote regardless of race. Delegate and congressman Gouverneur Morris proposed that “every being who breathes the air of this State shall enjoy the privileges of a freeman,” but fellow delegates received his statement as so much bluster.⁶ Several years later, future governor and chief justice of the US Supreme Court John Jay wrote to Morris and Robert R. Livingston, “I should also have been for a clause against the continuation of domestic slavery,” but New York enslavers made up a considerable financial interest.⁷ Black New Yorkers pressed for their freedom, and Jay led the New York Manumission Society.

Unlike elsewhere, military service was one avenue to freedom in New York. While Boston King was in New York City in 1781, the state government manumitted any enslaved person who served the Patriot cause in the state militia or in George Washington’s Continental Army. The state was also willing to punish Loyalists by stripping them of slave property. Following the British evacuation, the legislature declared that known supporters of the Crown forfeited their slave property. In 1786, there were nearly 19,000 African-descended people in New York. Federal census-

⁵ Wendy Warren, *New England Bound: Slavery and Colonization in Early America* (New York, NY: Liveright, 2016).

⁶ Douglas R. Egerton, *Death or Liberty: African Americans and Revolutionary America* (New York, NY: Oxford University Press, 2009), 111.

⁷ Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777–1865* (Athens, GA: University of Georgia Press, 2015), chaps. 1–2; John Jay to R. R. Livingston and Gouverneur Morris, April 29, 1785, in *America’s Founding Charters: Primary Documents of Colonial and Revolutionary Era Governance*, vol. 3, ed. Jon L. Wakelyn (Westport, CT: Greenwood Press, 2006), 802 (quotation).

takers would count 21,324 slaves in New York in 1790, more than half of all those held in bondage north of Maryland. The state would not pass an emancipation law until 1799, and even that measure trapped members of families in slavery until the second quarter of the nineteenth century.⁸

Pennsylvania struggled with the issue of human liberty versus property rights in its 1780 constitution. Philadelphia was the largest American city, home to the national Congress convened under the Articles of Confederation, and in many Americans’ minds the epicenter of liberty. The Declaration of Independence had been drafted and adopted there. Pennsylvania was also the geographic center of Quakerism, and the Society of Friends was a vocal opponent of slavery. African-descended reformers petitioned the government to live up to the Revolution’s republican ideals and restore “the common blessings” of liberty to which all Americans were entitled.⁹ Besides that, Pennsylvania’s population was just 3 percent black, and enslavers were distributed through a small proportion of the population. In 1780, about 400 Philadelphia residents owned 539 bondspersons, and in neighboring Chester County about 200 owners held 493 people in slavery.¹⁰ Yet despite such a marginal interest in slavery, the state refused to end it.

After a flood of petitions and Quaker organizing, Pennsylvania passed an abolition act that failed to free any slaves. The 1780 abolition act held that any child born of a slave mother after March 1, 1780 would have to serve twenty-eight years of bondage. Any child born to an enslaved mother would still be enslaved. The measure made it possible for an owner to hold in slavery two more generations of descendants. One pair of historians contends that under Pennsylvania law, an enslaved female born in late February 1780 could give birth at age forty to a child who would not be freed by the law until 1848, nearly seventy years after the act was passed. Pennsylvania ended up abolishing slavery in 1847, but in practical terms the abolition act was a life sentence to slavery made in the name of liberty.¹¹ Some Pennsylvania enslavers exploited a loophole, taking pregnant bondswomen out of state so that babies would not be born under the abolition act, and the legislature had to close the loophole in 1788. Lower New England states took their cue from Pennsylvania.

⁸ Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626–1863* (Chicago, IL: University of Chicago Press, 2003), chap. 1.

⁹ Egerton, *Death or Liberty*, 98.

¹⁰ Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York, NY: Oxford University Press, 1991), 138.

¹¹ Nash and Soderlund, *Freedom by Degrees*, 111.

Rhode Island passed an abolition law in 1784, but it was also a half-measure that freed no slaves immediately. As in Pennsylvania, the Society of Friends agitated for black freedom. With the help of Quaker businessman Moses Brown (brother of slave trader John Brown), Rhode Island passed a gradual abolition measure that freed all slaves born after March 1, 1784, females at eighteen and males at twenty-one.¹² But while the measure freed Rhode Island bondspersons, shippers and merchants remained active in the transatlantic slave trade, just as they had before the Revolution. Between 1751 and 1775, Rhode Island slavers embarked 41,581 captives and sold the survivors in the Americas. In the next quarter century – even after state abolition – Rhode Island shippers embarked nearly 25,000 more captives on the Middle Passage. Following the Revolution, half of the captives embarked on Rhode Island ships were sold to Cuba, a Spanish colony. Thirty percent went to South Carolina and more than 8 percent went to neighboring Georgia. Rhode Islanders would continue to embark tens of thousands more in the nineteenth century. And yet fewer than 400 enslaved people were counted in Rhode Island in 1800, subject to its gradual abolition act.¹³

Other so-called free states were reluctant to extinguish citizens' property in people. Connecticut, home to fewer than 3,000 enslaved people, passed the Gradual Abolition Act of 1784, which freed no bondsperson then in slavery but only those born after March 1, 1784, and only after twenty-five. Life expectancy at birth was not much above thirty. It took until 1804 for New Jersey to pass a gradual abolition measure that freed all enslaved children born after the Fourth of July but also bound them to service for twenty-one years if female and twenty-five if male. Liberty ultimately fell on the shoulders of enslaved people and loved ones.¹⁴ Enslavers' property rights was one of a constellation of impediments to African-descended people's rise from slavery. But there was a widespread expectation that slavery would be confined to a narrow patch of land on which it might be extinguished.

¹² Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780–1860* (Ithaca, NY: Cornell University Press, 1998), chaps. 2–3.

¹³ Christy Clark-Pujara, *Dark Work: The Business of Slavery in Rhode Island* (New York, NY: New York University Press, 2016), chap. 1; Gregory E. O'Malley, *Final Passages: The Intercolonial Slave Trade of British America, 1619–1807* (Chapel Hill, NC: University of North Carolina Press, 2014).

¹⁴ James J. Gigantino II, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775–1865* (Philadelphia, PA: University of Pennsylvania Press, 2015).

Early national attempts to regulate the spread of slavery were ambivalent. Congress under the Articles of Confederation prohibited slavery in the territory north of the Ohio River and west of Pennsylvania to the Mississippi River. The Northwest Ordinance of 1787 – passed while the Constitutional Convention was meeting – provided that “there shall be neither slavery nor involuntary servitude” in the territory. States carved out of it, including Ohio, Indiana, Illinois, Michigan, and Wisconsin, abolished it.¹⁵ Some of those states, like Ohio, adopted antislavery constitutions, but others, like Indiana and Illinois, treated African Americans as second- or third-class citizens, imposing requirements that black residents post bonds, carry identification attesting to their free status, and become subject to fines or even slavery for a term should they fail to comply.¹⁶ In 1790, the first US Congress responded to pressure from enslavers to safeguard slave property south of Virginia. It passed the Southwest Ordinance covering what became Tennessee, and providing “that no regulations made or to be made by Congress, shall tend to emancipate slaves.”¹⁷ South of Tennessee no one expected Congress to restrict slavery. And when the Thomas Jefferson administration made the Compact of 1802 with Georgia, in which that state ceded lands west of its present border to the federal government, federal authorities promised to remove Indian nations that stood in the way of slavery's expansion. So even before the rise of the cotton economy the federal government encouraged slavery's expansion into the Old Southwest and restricted it north of the Ohio River.

At the same time Americans were theorizing race and racial difference. Prejudice against African-descended people had existed at least since the early days of the slave trade from Africa, but it was not until the eighteenth century that Europeans developed an idea of white exceptionalism. Early in the century, Swedish biologist Carl Linnaeus classified human beings as a primate species and then divided humans into subspecies including Europeans, Native Americans, Asians, and Africans. While disparaging their physical features, Linnaeus contended that African-descended people were “[c]rafty, indolent, negligent ... Governed by caprice.”¹⁸

¹⁵ John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville, VA: University of Virginia Press, 2007), 9.

¹⁶ Matthew Salafia, *Slavery's Borderland: Freedom and Bondage along the Ohio River* (Philadelphia, PA: University of Pennsylvania Press, 2013).

¹⁷ Jeffrey Allen Zimler, *James Madison, the South, and the Trans-Appalachian West, 1783–1803* (Lanham, MD: Lexington Books, 2014), 129.

¹⁸ Andrew S. Curran, *The Anatomy of Blackness: Science and Slavery in an Age of Enlightenment* (Baltimore, MD: Johns Hopkins University Press, 2011), 158.

Europeans, by contrast, were “acute, inventive,” and ruled by law.¹⁹ Such thinking appeased Europeans’ conceptions of superiority, emphasizing inherent characteristics rather than religion or achievement. Some European scholars like Johann Friedrich Blumenbach disputed such hierarchies, but he was in a minority. In 1780, classically educated Virginia governor Thomas Jefferson penned an elegant blueprint for his newly independent state, *Notes on the State of Virginia*. At a historical moment with so many open possibilities, he argued against African American citizenship on the assumption that “that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind.”²⁰

Slavery ought to be removed, he contended, but so should African-descended people. Their historical memories of wrongs posed a gathering threat to European-descended Americans. Jefferson contemplated a gradual abolition measure that freed females at eighteen and males at twenty-one, but that freedom would be coupled with expatriation. They must be sent away from America. Racial attributes closed the possibility of citizenship. Black men were more sexually aggressive, he argued, “but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and emotion.”²¹ Blacks’ memories “are equal to the whites[’]; in reason much inferior,” he argued; “in imagination they are dull, tasteless, and anomalous.” He made some allowances for the fact that African-descended people had been put to agricultural labor, but did not let that excuse their apparent lack of intellectual and moral advancement. “They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their imagination glowing and elevated,” he conceded. “But never yet could I find that a black had uttered a thought above the level of plain narration; never see even an elementary trait of painting or sculpture.” Positioning himself as a proponent of racism and a critic of African-descended authors’ literature, Jefferson deprecated Phillis Wheatley’s poetry and Ignatius Sancho’s writings. “Their griefs are transient,” he argued, as if to excuse the litany of charges used to

distance African-descended Americans from inclusion in the Revolutionary experiment.²²

Yet at the time of the Revolution, slave owners in the Chesapeake remained deeply ambivalent. Virginia and Maryland passed liberalized manumission statutes between 1782 and 1796. Until then it took an act of the legislature to manumit slaves. Some Quakers had already taken the lead. Mary Pleasants of Goochland County, Virginia, manumitted five slaves, for instance, on the Fourth of July, 1781. From religious and moral “conviction” and “being fully persuaded that freedom is the Natural Right of all mankind, and that no law, moral or divine, has given me a right to, or property in the persons of any of my fellow creatures,” Pleasants freed sixty-year-old Cato, fifty-six-year-old Will, fifty-five-year-old Dick, sixty-year-old Judy, and sixty-six-year-old Biddy.²³ All were among a tiny proportion of the slave population that lived past forty. But freedom came without back wages or health care.

Yet even at the slow pace of gradual abolition and individual manumissions, African Americans seemed to be moving in the direction of freedom. In 1776, free people of African descent accounted for just 5 percent of the black population. But by 1790, they were 8 percent; by 1800, 11 percent. The number of free black people in Virginia rose by half between the start of the Revolution and 1790. More than half of Delaware’s black population was free in 1800 and a fifth of African Americans in Maryland was as well. North of the Mason-Dixon Line all of the states passed either immediate or gradual abolition laws by 1804. Yet even in this ferment of freedom, countervailing forces began to pull the process back toward slavery. Most bondspersons were young, and manumission represented a financial loss that enslavers were unwilling to take. Among them was George Washington, who favored a gradual emancipation law for Virginia in the 1780s, but opposed Quaker antislavery activism. His ambivalence played havoc with his bondspersons.

In death, Washington granted freedom for some but left others to be sold. When Washington died in 1799, 316 bondspersons lived at his Mount Vernon plantation home. Some were hired, some were his, and some were held jointly with other relatives. Washington’s will directed 123 slaves to

¹⁹ George M. Fredrickson, *Racism: A Short History* (Princeton, NJ: Princeton University Press, 2015), 56.

²⁰ Thomas Jefferson, *Notes on the State of Virginia* (1787), online: http://avalon.law.yale.edu/18th_century/jeffvir.asp, accessed: July 29, 2016.

²¹ Jefferson, *Notes on the State of Virginia*.

²² Jefferson, *Notes on the State of Virginia* (quotations); Henry Louis Gates Jr., *The Trials of Phillis Wheatley: America’s First Black Poet and Her Encounters with the Founding Fathers* (New York, NY: Civitas, 2003).

²³ Manumissions July 4, 1781, Folder Three, Pleasants Family Papers, Mss BR 12-15, Robert Alonzo Brock Collection, Huntington Library, San Marino, California.

be manumitted, but only after Martha Washington died. Washington also provided resources from the estate to care for the elderly and ordered that orphans and those too poor to support themselves be bound out to service. But that still left some members of families enslaved and subject to the whims of a new owner or owners. One hundred fifty-three bondspersons were the property of Martha Washington as part of inheritance she owned jointly with relatives. The Washingtons had attempted to raise money for their freedom by selling lands, but those plans failed. Martha ordered the manumissions take place before her death, and those named in Washington's will received freedom in 1801. Meanwhile some escaped, and when nephew Bushrod Washington inherited Mount Vernon, he took over an estate that was burdened with debt. Bushrod was an associate justice of the US Supreme Court and also a founder of the American Colonization Society, which encouraged black emigration as an eventual solution to slavery. But encouraging African-descended residents of Mount Vernon to emigrate from their homeland did not pay the estate's debts, and in 1821, Washington sold fifty-four to Louisiana enslavers. Washington's legacy was an irony verging on tragedy when the chattel principle undermined a dying attempt at justice.

Spanning the political distances among the states and their regions, the federal Constitution safeguarded enslavers' property rights in people but set limits on the political representation of enslaved people's owners. To enslavers, the Constitution was a half-measure. And given the strength of slavery in the broader Atlantic world in the 1780s – the height of the transatlantic slave trade – it is surprising that enslavers did not insist on more secure constitutional protections for their slave property. The reason was that enslavers were bargaining from a position of relative weakness in 1787. The old slave economies of tobacco and rice were threatened by the Revolution. In gaining independence, Virginia and Maryland enslavers lost the British tobacco market. Exiting the British Empire, South Carolina and Georgia rice growers lost their Caribbean market for grain. It was just four years since the end of the American Revolution and four years before the outbreak of the Haitian Revolution, and in that lull the future of North American slavery was unclear. In 1787, Hispaniola (the western third of which was St. Domingue, the future Haiti) and other Caribbean islands supplied much of Britain's cotton. In 1791, Britain imported four times as much cotton from its West Indies colonies as in 1781. Cotton growers in the French Caribbean, Brazil, Suriname, and Demerara quickly followed suit. No one knew that St. Domingue would erupt in rebellion – or that cotton would be America's great contribution to the British industrial

revolution. But instead of the absolute protections for slave property, the Southern delegates received half-loaves at the 1787 Constitutional Convention.

The Constitution protected slave property but limited enslavers' representation in the national legislature to three-fifths of the numbers of their bondspersons plus the number of free residents (excluding Indians). The Constitution's 1808 Clause prohibited Congress from banning the imports of foreign captives for twenty years, which covered the expected career lives of merchants and growers who agreed to the prohibition. The constitution empowered the government to return fugitive slave property. Delegates from states where slavery was marginal argued that the Constitution was a framework that slowly constricted a political evil. In 1787, delegate James Wilson told his fellow Pennsylvanians that "I consider [the 1808 Clause] as laying the foundation for banishing slavery out of this country."²⁴ Wilson could hope for gradual abolition on the Pennsylvania model.

But farsighted observers like James Madison of Virginia glimpsed the possibility that cotton was key to America's future prosperity and with it slavery's expansion. Two years after the Constitutional Convention George Washington wrote fellow Virginian Thomas Jefferson that "the increase of that new material (cotton) ... must be of almost infinite consequence to the prosperity of the United States."²⁵ Both understood that cotton meant slavery.

And where cotton grew, slavery expanded. Until Congress abolished slavery in 1808, the port of Charleston, South Carolina, was a regional destination for ships carrying the transatlantic slave trade. Of the 133 slaving voyages that arrived in the United States in 1807 alone – carrying more than 20,000 African-descended captives – 126 ships landed in South Carolina, six in Louisiana (one after landing first in Charleston), and one at Savannah. The *Union* of Newport, Rhode Island, arrived in Charleston in January 1807, with 168 of 188 surviving captives bought off the Gold Coast. The *Fourth of July* followed in February with 44 of 59 slaves surviving the journey from the Rio Pongo on the Windward Coast. The crew of the Philadelphia-based brigantine *Washington* put down a slave uprising en route to Charleston from Senegambia and arrived

²⁴ Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill, NC: University of North Carolina Press, 1981), 25.

²⁵ George Washington to Thomas Jefferson, quoted in Sven Beckert, *Empire of Cotton: A Global History* (New York, NY: Vintage, 2014), 100.

with 32 of the 38 human beings purchased there. Captives were sold as individuals or in small lots on the docks.²⁶ The *Cleopatra* of Liverpool embarked 402 captives in the Congo River region before setting sail across the Atlantic. Forty Africans died along the way. Besides the trip itself being a living hell for the human cargo, the ship's master, supercargo, and boatswain killed three crew members and starved, tortured, and maimed several others. Captain John Butman's successful defense was that his brutality served the legitimate ends of the trade. During the *Cleopatra's* voyage, the British Parliament banned its subjects from participating in the slave trade. So after selling 362 Africans in Charleston, Butman reflagged the *Cleopatra* as an American ship and sailed straight back to Africa to buy another cargo of captives. He raced against time since the US Congress had passed an act barring the slave trade to America starting in 1808. After hauling down the British flag and flying an American one, the *Cleopatra* departed Charleston in April, less than two months after Congress had passed the act prohibiting the importation of foreign captives after January 1, 1808. It sailed directly to the African coast. Then Butman pushed the ship back to Charleston, arriving in December with 218 of 290 captives loaded in the Congo River region. The hasty voyage resulted in an unusually high death rate of 25 percent. Twelve Angolans and Congolese captives escaped confinement in South Carolina. The rest languished on the ship until March of the following year, after the 1808 ban on imported slaves fell. The survivors were treated like warehoused commodities, sold when market scarcity drove up prices.²⁷

A revolution commencing with the idea that all men are created equal culminated in an enslavers' republic. There were radical elements to the American Revolution. It flattened colonial hierarchies of class and overthrew British rule. Patriots developed a grammar of political freedom, framed in ringing terms, uniting citizens from Massachusetts to Georgia. It also inspired African Americans who used that language of liberty to argue for their inclusion in the project of American freedom. But Patriots who banded together to fight British redcoats also fought British-allied

Indians and African-descended loyalists. In creating a nation they also created racial categories that infused the project. Indians and African-descended people had no rightful place in that vision.²⁸ The American Revolution was profoundly transformative for citizens, but their gains were accented by the Revolution's shortcomings for women and people of African descent. In a republic of white male citizens, black disqualification would be predicated on perceived inferiority. As the old aristocracy was replaced by a new one in which white men were citizens, 20 percent of the Patriot army – who were nonwhite – became a forgotten fifth. And as the old slave economies of tobacco and rice gave way to a growing empire of cotton, profound changes reshaped US slavery.

²⁸ Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 2016).

²⁶ Voyages: The Trans-Atlantic Slave Trade Database, Voyage Identification Numbers: 25478 (*Fourth of July*); 36863 (*Union*); 25392 (*Washington*), online: www.slavevoyages.org/voyage/search, accessed: April 10, 2017; Ira Berlin, *The Making of African America: The Four Great Migrations* (New York, NY: Pantheon, 2010), 76–98.

²⁷ Voyages: The Trans-Atlantic Slave Trade Database, Voyage Identification Numbers: 25511, 80854 (*Cleopatra*), www.slavevoyages.org/voyage/search, accessed: April 10, 2017; Emma Christopher, *Slave Ship Sailors and Their Captive Cargoes, 1730–1807* (New York, NY: Cambridge University Press, 2006).