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Snow-Storm in August: The Struggle for American Freedom and Washington's ...
By Jefferson Morley

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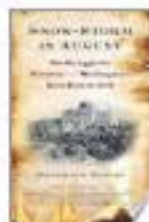
bachelor fond of opium and poetry, admired Key's benevolence but did not entirely trust it.

In his relations with enslaved people, Key was decent by the standards of the day. He had grown up on his family's plantation in the hills of northern Maryland surrounded by slaves and an ethic of service. His mother read the Bible to the blacks in residence. Family lore held that his grandmother had been blinded by smoke while rescuing a black family from a fire. Key abhorred the mistreatment of bondsmen and the sundering of families by slave dealers. A prim man, he was incapable of brutality. Condescension came more easily. During his lifetime, Key freed seven of his slaves. He said that all but one of them—whom he did not identify—had thrived in freedom. But in general, Key expressed disappointment at the results of his efforts on behalf of colored people. "I have been thus instrumental in liberating several large families and many individuals," he told a contemporary. "I cannot remember more than two instances, out of this large number, in which it did not appear that the freedom so earnestly sought for them was their ruin." Key concluded Negroes could not handle the responsibilities of liberty in America. When they moved back to Africa, the United States would then be free of slaves (and former slaves) and could thus fulfill its destiny as a "land of the free" for white people.

Key was a colonization man. He had helped organize the first meeting of the American Colonization Society in 1817, unquestionably sincere in his belief that African emigration would bring about the end of chattel slavery in America, perhaps within a century. He had served as one of the group's twelve managers, or agents, ever since. But what had he achieved? In the fourteen years of Key's service, the society arranged transportation for no more than two thousand freed American slaves. Those numbers showed that colonization could succeed, Key said to many a meeting room, often to applause. Critics like Benjamin Lundy pointed out that

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SNOW-STORM IN AUGUST

during the lifetime of the society the enslaved population in America had grown by nearly four hundred thousand people. Numerically speaking, colonization had failed to diminish slavery in any way. Key did not waver. When Congress balked at funding the scheme, Key took on the chore of fund-raising—"the begging business," he called it—for the selfless cause of sending the blacks back to Africa.

So when Isaac Cary, John Cook, and other free blacks spoke out against colonization at the AME church meeting in April 1831, Key probably took exception. Their avowed "distrust" of the American Colonization Society could have only irked his sense of benevolence. But Key preferred not to respond to the critics of colonization. And at that moment, he had a rather more important matter to ponder:

President Jackson wanted to see him personally.

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Snow-Storm in August: The Struggle for American Freedom and Washington's ...

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THE LARGELY FORGOTTEN friendship of Francis Scott Key and Roger Taney would soon shape the life of the United States and Washington City in profound ways. Taney, with Key's help, would become the attorney general and then the chief justice of the Supreme Court and eventually the author of the *Dred Scott* decision, which hastened the coming of the Civil War. Key, in constant contact with Taney, would go on to serve the Jackson administration and the people of Washington through a seven-year stint as district attorney. The fraternal bond that sustained Key and Taney through the political wars of the Jackson era subjected them to danger, controversy, and tragedy. It also elevated them to positions of power in a formative period of the country's political life. Not only did the modern two-party system of American politics originate during the Jackson administration, so did the "red-blue" dynamics that still animate partisan political conflict in the twenty-first century. Francis Scott Key and Roger Taney flourished as recognizably modern men. They were founding fathers of the enduring American political tradition that might be called "red patriotism."

Key's prosecution of Arthur Bowen and the rioters served him well in the councils of the Jackson administration. Months before, when President Jackson was considering appointing Roger Taney to fill an opening on the Supreme Court, Key had the foresight to help his brother-in-law's cause by coaxing an endorsement from his longtime friend Chief Justice John Marshall, who was living out his life as the most venerated judge in the new republic. After Marshall died in July 1835, Jackson decided to nominate Taney to succeed him, and on December 28, 1835, he announced the appointment publicly. It had been less than five years since Key had helped lift Taney from Maryland state politics to the presidential cabinet.

In that short span of time Taney had transformed himself. From small-town lawyer in Frederick, where he felt inferior to the more gifted Key, Taney now stood atop the American legal profession. The former treasury secretary who championed the Bank War was a provocative but unsurprising choice for Jackson. In the words of historian Page Smith, Taney shared the president's "democratic aspirations and sometimes misplaced faith in the people." He was sympathetic to "the rights of states and suspicious of the moneyed interests," meaning his legal thinking defended the southern slave masters and mistrusted eastern banks and corporations. According to biographer Victor Weybright, Key worked "day and night" to secure approval for Taney's ascension to the high court.

Key rose at once and addressed the jurors. He read the five counts of the indictment, stressing that the first three were the most important. He said that Crandall had “published” various libels—meaning that he had made them available to others—including statements that we are not to meddle with the subject of slavery in any manner; neither by appeals to the patriotism, by exhortation to humanity, by application of truth to the conscience.”

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This, said the district attorney, unlawfully challenged the right of white men to own property in black people.

A second charge said Crandall had “published” another libelous passage, which Key read: “Our plan of emancipation is simply this—to promulgate the doctrine of human rights in high places and low places, and all places where there are human beings—to whisper it in chimney corners, and to proclaim it from the housetops.” For the district attorney such sentiments were patently illegal.

A third count charged Crandall with possession of a dozen copies of publications that exhibited “disgusting prints and pictures of white men in the act of inflicting, with whips, cruel and inhuman beatings and stripes upon young and helpless and unresisting black children.” Such pictures, Key said, sought to incite slaves to attack their masters.

There was no issue of freedom of speech, he added.

“Such publications are always indictable,” he insisted. The publications that Crandall possessed in his Georgetown office were intended “to produce excitement, tumult, and insurrection among slaves, and among the free colored people; and among those white men who differ with most of us . . . upon the question of slavery.”

There were three threats to the city, in Key’s view. The first was the enslaved Negroes of the city, like Arthur Bowen, whose alleged murderousness had been encouraged by these pamphlets. The second was the free people of color like Beverly Snow and Isaac Cary and John Cook, who deluded themselves with dreams of citizenship; and the third was their fanatical white friends like Ben Lundy and Reuben Crandall, who sought to impose their northern philosophies on the South. This was what Key wanted the white men of the jury to understand: They were the city’s first line of defense against this triple danger.

“There is *nothing*,” he emphasized, “more calculated to excite sedition

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and insurrection in a community situated as ours is, than publications of such a character. It will be my duty to read some of these publications; and there can be but one opinion about their character."