

Chapter 3:

Setting the Stage for Civil War

Ay, even if slaveholders treated their slaves with the utmost kindness Slavery is, not to belong to yourself - to be robbed of yourself. There is nothing that I so much abhor as that single thing - to be robbed of one's self. We are our own legitimate masters. Nature has not created masters and slaves I go for emancipation of all kinds - white and black, man and woman . . . there should be no slaves of any kind among them.

**- Ernestine L. Rose'
August 4, 1853**

Contradictions in the policies of our new government toward servitude would remain for a long time: dispute over chattel slavery developed into battles over gaining new territories; contempt for tribal nations' rights to their native lands resulted in broken treaties and war; racist prejudices justified the servitude of immigrants, stolen peoples, and those from whom land was stolen. The Northwest Territory Ordinance's provision for slavery as a punishment for crime spread to new states and, while northern workers suffered under industrial servitude, prisons were being built to reinforce their bondage.

Early Contradictions within the Movement for Abolition

As colonists were beginning to complain of taxation without representation, Native Americans were being pushed from their ancestral lands, indentured servitude had become the cornerstone of seventeenth century industrialism in the North, and the labor of chattel slaves was building the plantation aristocracy of the South. Few cried out against the injustice of slavery; few had an effective voice in the new government. While wealth determined whose best interests would be protected by government, the most gaping inequality was the blight of chattel slavery, protected by the Constitution of 1787 and reinforced six years later by the Fugitive Slave Act. The 1793 law authorized the capture of runaway slaves and imposed a five hundred dollar penalty on anyone who obstructed a master's "rightful" claim to his human "property."

Chattel slavery violated the teachings of the Gospels but professed Christians would be among the last to break their slavemaster chains.

The first American Christian congregation to be free of slaveholding was the Quaker meeting of Germantown, Pennsylvania, in 1688. During the 120 years that followed, several Quakers who spoke out against slavery were disowned by their congregations. By 1776, however, Philadelphia Quakers were clear of slaveholding and, by 1808, every American Quaker meeting had taken steps to rid its membership of slave-owning.² Quakers earned unfavorable reputations among slaveholders, but, as a group, turn-of-the-century Quakers began to retreat from abolitionism as they turned inward to church concerns.³ At a time when slavery was most vulnerable to attack, abolitionists were the weakest. As W.E.B. DuBois would later write:

That the various abolition societies and anti-slavery movements did heroic work in rousing the national conscience is certainly true; unfortunately, however, these movements were weakest at the most critical times. When, in 1774 and 1804, the material advantages of the slave trade and the institution of slavery were least, it seemed possible that moral suasion might accomplish the abolition of both. A fatal spirit of temporizing, however, seized the nation at these points; and although the slave-trade was, largely for political reasons, forbidden, slavery was left untouched.⁴

While the British had introduced slavery to the colonies, they could not be held responsible for policy toward its continuance. In 1792, the Dutch abolished their slave traffic and, after the "united efforts of Sharpe, Clarkson, and Wilberforce . . . began to arouse public opinion by means of agitation and pamphlet literature,"⁵ Britain began a legislative battle culminating in 1807 with abolition of its slave trade. The United States also passed legislation to prohibit slave trade in 1807, but, as with all measures taken regarding the United States traffic in slaves before the Civil War, no effective prohibition occurred. Throughout the 1820's and 1830's, the government refused to participate in international efforts to end the trade. In 1842, the United States signed the Treaty of Washington with Britain but failed to participate in a joint Right of Search of vessels in order to halt the trade. The slave trade continued under the American flag until 1862, when, under the leadership of President Lincoln, the United States "immediately expressed a willingness to do all in its power to suppress the slave trade."⁶

American Quakers also lagged behind British Quakers in taking a firm stand against slavery. During the years before they emancipated their slaves, American Quakers were severely criticized by their British brethren. Friends played a vital role in purging this land of chattel slavery but their unwillingness to see the roots of oppression represents the failing of many abolitionists of that era. An important exception to this failing was American Quaker John Woolman.

John Woolman: Quaker Vanguard of Abolition

John Woolman (1720-1772) was twenty-three when he gave up his lucrative merchant's career in New Jersey to become an abolitionist. The crisis point in his life came when he wrote a bill of sale for a slave. "Suddenly it flashed upon his conscience that the whole institution of slavery was inconsistent with the religious testimony for equality."⁷ Woolman traveled throughout the colonies to convince slaveholders, particularly those of his own faith, to give up their slaves. He brought his testimony to fellow Quakers in religious meetings, and with gentle staunchness, criticized habits of wealth that yielded oppression to others.

The love of ease and gain are the motives in general of keeping slaves, and men are wont to take hold of weak arguments to support a cause which is unreasonable.⁸

He urged that people boycott businesses profiting from the slave trade:

To trade freely with oppressors without laboring to dissuade them from such unkind treatment, and to seek for gain by such traffic, tends, I believe, to make them more easy respecting their conduct than they would be if the cause of universal righteousness was humbly and firmly attended to by those in general with whom they have had commerce. . . .⁹

In 1762, John Woolman initiated the tradition of Quaker gray by refusing to purchase colored cloth dyed by slave labor. A man ahead of the times, Woolman endured ostracism from Friends in stylish circles.

In attending meetings [Quaker Church services] this singularity was a trial to me, and more especially at this time, as white hats were used by some who were fond of following the changeable modes of dress, and as some Friends who knew not from what motives I wore it grew shy of me, I felt my way for a time shut up in the exercise of the ministry.¹⁰

Unlike many who would later try to emulate his ministry, he did not separate slavery from the sufferings of the poor and exploited elsewhere. In "A Plea for the Poor," he wrote that labor and wealth should be shared and that those who exploit others are slaves "to a selfish spirit." Woolman saw the relation among all forms of slavery and realized that abolition would not occur until the inequalities that breed all suffering end.¹¹

Woolman's concern for the plight of all oppressed people provides an important lesson for modern abolitionists. Addressing himself also to crimes against Native Americans and the poor, he knew that one form of oppression gives rise to another and abolition demands a fight

on many fronts. John Woolman did not subscribe to contemporary prejudices, and in 1763, traveled among tribal villages to better understand Native Americans. He had for many years, he said,

felt love in my heart towards the natives of this land who dwell far back in the wilderness, whose ancestors were formerly the owners and possessors of the land where we dwell, and who for a small consideration assigned their inheritance to us. . . .¹²

Ignoring warnings from his friends of the potential dangers of such journeys, Woolman traveled without harm among the Native Americans. In Wyoming, he recorded his meeting with an "ancient man" who, though greeting him with mistrust, soon invited him into his home.

Though taking his hatchet in his hand at the instant I drew near to him had a disagreeable appearance, I believe he had no other intent than to be in readiness in case any violence were offered to him.¹³

As history proved again and again, the old man was wise in his distrust of a stranger's call upon his people. After American independence was secured, the fight for tribal land accelerated with United States government plans of westward expansion.

In June 1772 John Woolman made his final voyage to England, where he died of smallpox four months later. He traveled among Friends to convince them to relinquish participation in the slave trade. On July 12th, he wrote in his journal:

I have felt great distress of mind since I came on this island, on account of the members of our Society being mixed with the world in various sorts of traffic, carried on in impure channels. Great is the trade to Africa for slaves; and for the loading of these ships a great number of people are employed in their factories, among whom are many of our Society.¹⁴

He was greatly distressed by the poverty he found in England:

Great numbers of poor people live chiefly on bread and water in the southern parts of England, as well as in the northern parts; and there are many poor children not even taught to read. May those who have abundance lay these things to heart!¹⁵

And, in closing paragraphs of "A Plea for the Poor," he wrote:

Thus oppression in the extreme appears terrible; but oppression in more refined appearances remains to be oppression, and when the smallest degree of it is cherished it grows stronger and more extensive.¹⁶

He placed responsibility for slavery and poverty in the hands of those who reap the fruits of other people's labor without equal sharing. He sought to convince those engaged in the struggle for wealth that riches are always "attended with power. . . and hence oppression."¹⁷

John Woolman created an important model for future abolitionists and his teachings remain to remind us of the need to end slavery, that "dark gloominess hanging over the land" which stands "grievous to posterity."¹⁸

Many slaves on this continent are oppressed, and their cries have reached the ears of the Most High. Such are the purity and certainty of his judgments, that he cannot be partial in our favor. In infinite love and goodness he hath opened our understanding from one time to another concerning our duty towards this people, and it is not a time for delay.¹⁹

Although John Woolman's life and writings provided a source for inspiration, few followed his devout path to abolition. "To turn all we possess into the channel of universal love," he said, "becomes the whole business of our lives."²⁰ For Woolman, abolition of African slavery was but one vital step toward achieving equality. John Woolman marked a difficult path to follow, especially since Quakers not only had a testimony against slaveholding but also a testimony against going bankrupt. This testimony against permitting themselves to fall into poverty prevented many Quakers from understanding the roots of slavery in the relationship between wealth and oppression.

The Ironies of Philanthropy

The atrocities of the African slave trade brought cries of indignation from humanitarians, but plantation slavery also served as an influential model for disciplining poor workers in the growing private industries which required new methods of labor management. As plantation slavery was increasingly exposed as controlled by torture, less obviously cruel forms of discipline were sanctioned. One example of domestic oppression sanctioned by antislavery advocates was that of British Quaker and abolitionist Josiah Wedgwood, whose sugar mill kept men, women and children laboring from dawn until dark under constant watch of his overseers. Conditions suffered by his workers were so severe that they, like chattel slaves, resisted management pressures to increase their work output and finally rioted in 1783, only to be suppressed by the police.²¹

In Britain and in the United States, the abolitionist movement was fraught with many internal contradictions. As David Brion Davis stated in *The Problem of Slavery in the Age of Revolution, 1770-1823*, "Even where slavery is of marginal economic importance, it will be

sheltered by a concern for the rights and security of private property."²² Several abolitionists were people whose wealth afforded them leisure for philanthropy but whose status nevertheless depended on a social order that kept workers subordinated by low wages. For these philanthropists, abolition represented personal and national self-purification rather than true equality for all people. While abolitionists concerned themselves with removing the personally exploitive relationship between master and slave, most of them advocated, however naively, a more "impersonal" exploitation for the future when, as Davis wrote,

All workers would be citizens, subject to the same laws and the same forces of the market. . . . According to [Britisher] Thomas Clarkson, there was nothing inequitable about slavery when considered merely as a form of labor. Any state, for example, might legitimately use convicts to clear rivers, repair roads, or work in the mines."²³

While influential citizens championed the cause of slavery abolition, their participation in preserving the existing social order helped pave the way for oppression of the industrial poor. Out of this grew the American prison movement.

The Institutionalization of Prison Slavery

While abolitionists were fighting to throw off slavemasters' chains on the political front, human cages for slave punishments were being built at home. Cesare Beccaria justified slavery as "a punishment worse than death" that would ensure the continued power of society's rulers. Thomas Jefferson, under the guise of preventing slavery from spreading, enshrined it as punishment for crime in the Ordinance of 1787. Yet convict slavery was nothing new to civilization. Even in America, it had enjoyed brief trials. Boston opened its first jail in 1635 and its first house of corrections thirty years later. Shortly after, William Penn, Quaker and colonial protector of Pennsylvania, provided for houses of correction where offenders would pay their debts to society in hard labor. Penn's system was discontinued after 1718, the year of his death, and the colony returned to the more traditional practice of corporal punishments and executions.²⁴

Misguided but well-intended, Pennsylvania Quakers initiated the prison movement. In response to Pennsylvania's harsh penal code of 1786 forcing convicts to labor on public roads while secured to each other by heavy chains, Quakers and like-minded citizens formed the Philadelphia Society for Alleviating the Miseries of Public Prisons. Abhorring practices of corporal and capital punishment, the Society convinced the legislature to approve the proposed Walnut Street Jail which would be founded on the Society's belief that "solitary confine-

ment to hard labor and total abstinence from spiritous liquors will provide the means of reforming these unhappy creatures."²⁵

Influenced by the European principle that "the concept of crime was blended with that of sin,"²⁶ the Society attempted to speak to the "inner light" of prisoners by keeping them in complete silence and solitary confinement, working at such daytime jobs as "shoe-making, weaving and tailoring; clipping logwood, grinding plaster of Paris, beating hemp, sawing and polishing marble. . . [and] picking oakum."²⁷ Corporal punishment was forbidden but, like slaves, prisoners had no rights, were forced to labor, and their lives depended upon the kindness of their keepers.

Caleb Lownes, member of the Society, is credited with the publicity that attended the Walnut Street Jail under his directorship. Lownes co-authored the *Account of the Alteration and Present State of the Penal Laws of Pennsylvania* which influenced legislatures of several states to reform their penal codes.²⁸

In 1796, Quaker Thomas Eddy and General Philip Schuyler visited the Walnut Street Jail and, upon returning to their native New York, convinced that legislature to pass a bill substituting imprisonment for corporal punishments. Designed by Eddy and built in 1796, the Newgate Prison in Greenwich Village housed felons rather than the vagrants and misdemeanants of the Pennsylvania model. By 1803, Newgate showed a small profit over expenses and corporal punishments were prohibited, but conditions soon deteriorated, largely from severe overcrowding. In 1804, Eddy resigned from Newgate's directorship to build a better designed prison.²⁹

While Eddy helped plan the new Auburn Prison, designed for congregate labor during the day and complete solitary confinement at night, Philip Williams was imprisoned in the Washington, D.C., jail for failure to pay his debts. In an 1806 letter to an abolitionist, the jailed debtor described the fate of black prisoners confined with him:

Was it not that I owe money, of which I have no means or prospect of paying, I could be much better reconciled to my fate - I owe perhaps 1,000 dollars, & am now worth not a cent. However when I look round me and hear the piteous moan of so many fellow Prisoners & fellow creatures, doomed to perpetual servitude, & oppression's bloody scourge, I feel reason to bless GOD for the small portion of hope which yet remains with me; & which these poor creatures cannot enjoy - Since my confinement here, more than "One Hundred" of the poor blacks have been taken out of this one prison, manacled, & driven off to Georgia, by those monsters in human shape call'd "negro Buyers" or "Georgia-men." Several members of congress have been concerned in this traffic, during the late session - They were often at the Jail - I saw them. . . These members pretended they were only buying for their own use, but it is notorious that it was for speculation - It is common to

see at the starting of these *droves* (I have often seen it with anguish) children parted from their parents, brothers from sisters, & husbands from wives, with all the agonizing tortures, which separations are calculated to produce.³⁰

Permanent destruction of families would be forced upon millions victimized by slavery in southern plantations and by the expanding prison movement, which was attracting as much fervor on the part of its followers as the abolitionist movement, but more quietly.

In antebellum America, racial minorities, which make up a disproportionate number of our poor and convicted peoples today, faced other forms of slavery: Native Americans were fighting for the right to live on their ancestral lands, Mexicans and Asians were in some form of indenture or peonage, and most Blacks were chattel slaves or running from slave catchers.

Prison evangelists were devoted to encouraging the errant poor to adjust to their status in society and to develop an attitude of complacent obedience. By 1812, New York, Virginia, Massachusetts, Vermont, Maryland and New Hampshire built their first prisons, but the cruel refinement of prison slavery took shape in the Auburn plan. Auburn Prison was built in 1816. The War of 1812 had ended and crime increased as soldiers returned home to unemployment. Growing population and rising industrialism engendered a new form of class struggle which contributed to the growing unease of those benefiting from the status quo. New York legislators reacted to overcrowded conditions and deteriorating discipline in prisons by imposing repressive punishments upon convicts. In 1819, they passed a law permitting corporal punishments and use of stocks and irons in their prisons.³¹

Paradoxically, the new law actually made it possible for criminals to be punished more inhumanely than would be the case under the old penal code. Whereas a thief might be given thirty-nine lashes under the old system and then set free, he could now be sentenced to a long prison term and flogged repeatedly if he did not conform to certain rules under confinement.³²

Under the Auburn plan, prisoners were forbidden to talk, were kept in solitary confinement at night and at harshly supervised congregate labor during the day, were marched to and fro in rigid lock-step and forced to keep their eyes cast down at all times. Developing practices in American punishment treated the convicted as subhuman.

From the moment a convict entered the prison at Auburn he was subjected to a process of calculated humiliation, in which every attempt was made to strip away whatever pride and self-respect he possessed. At Newgate, prisoners had been obliged to wear different types of uniforms, depending upon how many convictions appeared on their records. Under the Auburn system, all inmates wore black-and-white striped

outfits which made them look grotesque and ridiculous. Although the convicts were forbidden visitors of their own, citizens who paid a fee could come to the prison as if they were animals in a zoo. The word of an inmate was never to be taken. A convict was to use the most polite terminology when speaking or referring to prison officers, but to refrain from any titles or expressions of respect when talking about his fellows.³³

The prisoner's time was forfeit to the State. His labor was part of that forfeit. He was the slave of the State. He had forfeited his citizenship.³⁴

Auburn prison designer Thomas Eddy objected when the contract-labor system was initiated at Newgate but contract labor gained special favor in the eyes of New York prison keepers because of financial gains available from convict slave labor. The state leased the labor of prisoners to private businesses which came into the prison to work the confined population, selling their slave-made products on the open market to the great profit of the state and private contractors. Auburn advocates believed that prisons should pay for themselves and indeed they did, for prisons built on the self-supporting model showed impressive increases in revenue after 1820: Auburn made twenty-five dollars in 1830 but this increased to \$1,800 by 1831; Connecticut's Wethersfield Prison showed a profit of \$1,000 in 1828, more than \$3,200 in 1829 and nearly \$8,000 in 1831; and Baltimore made \$11,500 in 1828 and nearly \$20,000 in 1829.³⁵

Advocates of the Pennsylvania solitary system, the main rival of the Auburn plan, built the Cherry Hill Prison in Philadelphia in 1827. Louis Dwight, defender of the Auburn plan and outspoken leader of the Boston Prison Discipline Society, criticized the Pennsylvania system as an "insanity breeder."³⁶ True, the solitary system was cruel, but it became especially cruel when reformed as an experiment at Auburn Prison. Reacting to outbreaks of prisoner unrest in New York and in Pennsylvania's overcrowded Walnut Street Jail, in 1821 New York legislators ordered more punitive methods of convict treatment. Therefore, on Christmas 1821, 81 prisoners at Auburn were placed in complete solitary confinement without work or recreation for the remainder of their sentences. A state-ordered investigation discovered that most of the men in solitary had gone insane or were suffering from serious illness, and the Governor faced the embarrassing task of ordering their release from prison.³⁷ Louis Dwight nevertheless continued his mission of converting other states to the Auburn plan and his arguments exploited the economic differences between the two systems: the Pennsylvania plan cost money while the Auburn plan brought in profits. Massachusetts's Charles Sumner, who would later make crucial contributions in the U.S. Senate to the abolition of slavery, also belonged to the Boston Society and criticized Dwight's advocacy of the Auburn plan. The Auburn system, however, remained the victor.³⁸

While the Quakers who started the Walnut Street Jail were, like other philanthropic reformers, incorrect in their assessment of what caused crime and how to alleviate injustice, they meant well. Limiting their understanding of crime to that of sin, they fell victim to the myths that insulate the privileged from understanding the causes of crime. With introduction of the Auburn plan, penal philosophy changed from the Quaker design of addressing the "Christ within" to conquering the "innate depravity of man."³⁹ Both the Pennsylvania and the New York systems were forms of slavery in their denial of human rights and in their exploitation of labor. The victory of the Auburn system proved a victory for a punitive philosophy based on the same motives that guided plantation masters - financial gain. What began as an attempt to reform the law-breaker turned into the cruelty of institutionalized convict slavery.

Prison slavery, like all slavery, became a lucrative business attractive to the greed of many state governments. Auburn-inspired prisons were built in the South and the West, and, in 1802, Ohio became the first state to include prison slavery in its constitution. According to Article 6 of the Northwest Territory Ordinance of 1787, Ohio was to prohibit "slavery or involuntary servitude, OTHERWISE THAN IN THE PUNISHMENT OF CRIMES WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED." Following that precise mandate, Article 8, Section 2 of Ohio's first Constitution read:

There shall be neither slavery nor involuntary servitude, in this state, OTHERWISE THAN FOR THE PUNISHMENT OF CRIMES WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED.

When, however, that sparsely settled state put its constitution into effect, it had not yet institutionalized prison slavery. The first settlers had arrived only 24 years earlier under the direction of the New England based Ohio Company. Colonial traditions in corporal punishments prevailed in Ohio until 1812: petty larceny was punishable by death, destruction of fruit trees by 50 lashes, robbery by 79, and second-offense theft by 100.⁴⁰ Building its first state prison in 1817, Ohio "modernized" its punishments, emulating changes already instituted in the more "civilized" eastern states. In 1820 and 1831, penal advisors to the State of Ohio recommended that it adapt the Auburn plan to its prison system. In 1832, the Ohio penitentiary was built on the Wethersfield, Connecticut model, a prison which shaped itself after the New York plan.⁴¹ Hence, the first *prison slave state*, that is, a state authorizing slavery "for the punishment of crimes" by constitutional mandate, was fully implementing its constitutional proviso. In 1848, the Governor of Ohio stated that "our penitentiary was never before in so flourishing a condition. The earnings and profits of the prison exceed all expenses by \$23,000."⁴²

Elam Lynds, Sing Sing's first warden, summarized American penal philosophy when he said, "In order to reform a criminal you must first break his spirit."⁴³ Expansion of this simple statement is found in Rusche and Kirchheimer's critique of European penal practices during the Industrial Revolution:

In like manner, the 1825 report on the prison of the canton Waad [in Europe], one of the most valuable documents of the whole prison literature of the period, insisted first of all that mere deprivation of liberty is no effective punishment for the lower classes. The conclusion was reached that the necessary condition for the prisoner's reentry into society is unconditional submission to authority, a conclusion which has remained unshaken by reform programs and tendencies up to the present. If the prisoners resign themselves to a quiet, regular, and industrious life, punishment will become more tolerable for them. Once this routine becomes a habit, the first step toward improvement has been taken. As far as possible there must be a guaranty that the improvement will continue after the prisoner has been released. Obedience is demanded not so much for the smooth functioning of the prison but for the sake of the convict himself, who shall learn to submit willingly to the fate of the lower classes.⁴⁴

Expanding Slave Territory

The "free" states that entered the Union under the precedent of the Ordinance of 1787 may have been free of chattel slavery, but they were not free of slavery. In 1816 and 1818, respectively, Indiana and Illinois joined Ohio as *prison slave* states. Another category must be recognized in determining the true nature of the "free" North: those states that practiced prison slavery without specific state constitutional authorization, *without proviso* states. In 1820, the northeastern State of Maine joined the Union without a constitutional stipulation regarding slavery or its use in punishing the convicted. Soon following the prison slave punishments established by its neighbors, Maine joined New York, New Jersey, Connecticut, Pennsylvania and Massachusetts in practicing prison slavery without a specific state constitutional proviso authorizing that punishment.⁴⁵

Slavery in all its forms represented the victory of the interests of private property over human needs. While the Mason-Dixon Line divided two economic systems, it did not insulate the practice of prison slavery to the North or chattel slavery to the South.

Although in 1830 no person could be born into slavery north of the Mason and Dixon's Line, slavery and the incidents of slavery continued to exist in most of the free states. In Maine, Vermont, New Hampshire, and Massachusetts no permanent

slaves appear; in Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, the census of 1830 shows a total of about twenty-seven hundred slaves; and in 1850 New Jersey still counted two hundred and thirty-six. All the northwestern states except Michigan contained a few slaves in 1840, in part old slaves held previous to 1787, in part persons who had come in previous to 1820 under what were termed indentures with their masters.⁴⁶

Carved out of the Louisiana Territory purchased from France in 1803, Louisiana entered the Union as a slave state in 1812. Slave states had little need for large penitentiaries since most of their labor force was already in bondage. While the Carolinas adhered to the old colonial practices of corporal and capital punishments, other southern states erected small prisons to house their few ex-slave and white convicts. But the reputation of lucrative prison slave industries in the North traveled southward. By 1835, Louisiana opened its Baton Rouge Prison with a cotton mill and shoe factory to compete with the prices of northern capitalists. Mississippi put its convicts to work at a cotton mill which paid for the prison's maintenance. Auburn-inspired prisons were erected in the states of Kentucky, Tennessee, and Alabama, where contractors seized the opportunity to lease convict slaves for profit.⁴⁷ Even in the South, slavery crossed racial lines. For example, an abolitionist imprisoned in a penitentiary in the slave state of Missouri from 1841 to 1845

found it an awful place of cruelty and wretchedness, in which the warden came home drunk at midnight to drag white men out of their cells to be whipped before him, and where white women prisoners were sometimes chained to the wall.⁴⁸

Punishment in slavery reinforced class barriers and continued to grow. The South, attracted by the lucrative profits of the prison movement in the North, added that form of slavery to her own cruel traditions.

How Free Was "Free"?

Economic differences between slave and free states were acted out during the Industrial Revolution. While northern participation in the slave trade fed the South, the slavocracy fed northern industries raw materials for production. In New England and the Middle Atlantic States, there were 800 cotton factories in 1831, increasing to 1200 factories by 1840. Fuel for industrialism became big business: mining expanded after 1838, with anthracite coal added to charcoal and coke and, in 1846, bituminous coal was introduced in Ohio.⁴⁹ The North developed rapidly into an industrial nation stoked by the labor of propertyless citizens subject to a system of free enterprise that cared

nothing about just wages. Government protection of the slavemaster's right to property assured capitalists of continued pursuit of private wealth through exploitation of workers.

The bourgeoisie of the late eighteenth century threw off the chains of British royalty, and their greatly publicized answer to centuries of aristocratic rule was the doctrine of equality among all men. They nevertheless identified the right to pursue happiness as the right to pursue private property, placing few restrictions upon the emerging competitive system of free enterprise.

Many colonists fled to this country seeking religious freedom. Among the values they brought with them was belief in the natural inferiority and immorality of propertyless peoples. The sixteenth century Protestant reformer John Calvin preached that salvation was predestined before birth and his followers came to believe that the identity of those chosen for eternal happiness could be guessed at on earth by their good fortune. A successful and prosperous citizen easily translated into one chosen for eternal reward. The Protestant work ethic was rooted in Calvin's teachings, and even Quakers, intent on recognizing the inherent goodness of each person, were bound to a testimony that prevented them from learning what it was like to be indigent. The stigma of sin reinforced old prejudices against the poor, and punishment for crimes moved toward the cruelties of institutionalized slavery. Successful industrial capitalism became a new means to prove one's salvation.

The freedom to pursue happiness was cherished by those who demonstrated their social "worth" by exploiting the labor of others. Class privilege contradicted equal opportunity and equal protection before the law. Seeds of that inequality could be seen in the proportion of Americans allowed to vote on the American Constitution - less than 15 percent of the population: those safe from slavery, safe from indentured servitude and relatively insulated from economic hardship by the property they owned. The contradiction intensified as, increased by poor Europeans brought here to provide a cheap work force, the ranks of industrial laborers swelled. No laws protected workers from exploitation and the opportunity to pursue happiness was scarcely equal for those without means to pay for education, medical expenses, insurance, clothing, or surplus funds to invest in security. Those who had the capital to invest in factories and raw materials gained control of the free market and its workers; those who worked in the growing industries far outnumbered those who owned and profited from them.

The Industrial Revolution did not bring with it laws protecting the fruits of workers' labor and was not marked by star-spangled banners or heroes' graves. Medals were given in cash and power; those who fell in battle fell quietly from long, hard hours of meagerly rewarded labor, poverty-stricken in new-made ghettos, or as slaves of the state in recently built prisons. Workers, "duly convicted" of straying from

the accepted paths of good, became slaves of the State rather than personal slaves of any one master.

For most abolitionists, slavery was synonymous with American chattel slavery and chattel slavery became a scapegoat issue rather than one tragic symbol of the inequalities of an "enlightened age" of liberty and free enterprise. As Davis indicated,

Most of the philanthropies linked with the abolition cause had two broad aims: to protect an urban population from disease and disorder, thereby ensuring the smooth functioning of the social and economic system; and to inculcate the lower classes with various moral and economic virtues so that workers would want to do what the emerging economy required.⁵⁰

Those whose wealth afforded them the leisure for philanthropy were also those whose status depended on a social order that kept workers subordinated by subsistence wages.

Hidden behind prison walls and inserted between two commas in the Northwest Territory Ordinance, the institution of prison slavery grew naturally from unacknowledged inequalities. The pursuit of happiness and the right to personal property, even human property, were protected by the Constitution with little regard to the victimization of others. The crimes of the rich, while affecting large numbers of people, were rarely subject to prosecution. As today, the wealthy paid for their crimes in fines while poor people paid in slavery. Most of the convicted committed crimes after having endured long periods of inequality and suffering; punishment in slavery was designed to train people to accommodate themselves to being exploited. As the 1820 report on the prison at the canton of Waad stressed, convict submission was "demanded not so much for the smooth functioning of the prison but for the sake of the convict himself, who shall learn to submit willingly to the fate of the lower classes."

The Struggle of Free Workers

Notice. Those employed at these mills and works will take notice that a store is kept for their accomodation, where they can purchase the best goods at fair prices, and it is expected that all will draw their goods from said store. Those who do not are informed that there are plenty of others who would be glad to take their places at less wages.

Crompton Mills, Feb. 1843

BENJ. COZZENS⁵¹

In 1792, Eli Whitney's cotton gin, a machine that separated seeds from the shorter cotton fiber, enabled slavemasters to increase the speed at which they supplied their clients with large volumes of cot-

ton. Other inventions like Whitney's advanced the progress of industry through worker-operated machines. The American Industrial Revolution that began around 1800 is often referred to as bringing a new age of wealth and prosperity; it may have meant prosperous times for manufacturers, but not for workers.

Perhaps the clearest evidence of this discrepancy between the reward of labor and capital is seen in the statements of the manufacturers themselves in reply to questions sent out by the Treasury Department in 1846 to secure information as to the state of industry under the tariff of 1842. The replies constitute a mine of information as to profits, prices, wages, hours, etc. Under the question as to the cost of production there are occasional indications of respective shares paid in wages and in profits during the four years of operation of the protective tariff of 1842. In these cases wages are seen to have fallen or remained stationary, cost of production declined, while prices were maintained and profits increased.⁵²

As water- and steam-driven machinery began to modernize the factories and as Europeans were imported to work for the new industrialists, individual craftspeople such as shoemakers were pushed out of business, unable to compete with the cheap prices of mass-produced goods.

Aside from a few riots in Pittsburgh, in which the hand-loom weavers destroyed some of the new machines, the American worker was not actively opposed to machinery. He was opposed to the method of its introduction, for exploitive purposes, as he conceived it, in the hands of a group alien to the producer. For every protest against machine industry, there can be found a hundred against the new power of capitalist production and its discipline.⁵³

By the 1840's, industrialism gained an edge over other means of producing goods and services. Corporations grew from the profits of low wages. Those workers who resisted exploitation found themselves out of work. On October 16, 1846, the *Voice of Industry*, a weekly labor newspaper published in Massachusetts by workers, reported:

Hundreds of honest laborers have been dismissed from employment in the manufactories of New England because they have been suspected of knowing their rights and daring to assert them.⁵⁴

The spirit of the era changed from liberalism to exploitation. A Fall River, Massachusetts, labor leader remarked on this change, saying, "The first lesson a boy is taught on leaving the parental roof is to . . . gain wealth . . . forgetting all but self."⁵⁵

Between 1840 and 1860, the population density of the North Atlantic

states increased by 57 percent. Poverty increased also, at an alarming rate as wages steadily decreased. In 1814, one in 300 Americans were considered paupers; 30 years later, one in seven persons in New York City were reported destitute. Philadelphia and New York City more than doubled their populations in the two decades that followed 1840, and it was reported that the average life span of the Irish in Boston was 14 years.⁵⁶

As Dr. Henry Clark's report of a tenement house in Boston in 1849 testified, the working class poor lived in congested, unhealthy homes and neighborhoods:

The first cellar from the street was occupied in one corner by a bar for the sale of refreshments, and served as a kitchen and a parlor. The second, into which two beds were crowded, served as family sleeping-room, whilst a third, a dungeon six feet square and the same in height, with no aperture for the admission of air save the narrow door, which was closed at night, served to accomodate the boarders.

The landlord said the tide came through the floor of his rooms but rarely! One cellar was reported by the police to be occupied nightly as a sleeping-apartment for thirty-nine persons. In another, the tide had risen so high that it was necessary to approach the bedside of a patient by means of a plank which was laid from one stool to another; while the dead body of an infant was actually sailing about the room in its coffin.⁵⁷

Landlords were reported to be making 100 percent profits from their rentals.⁵⁸

While the influx of immigrant workers contributed to crowded urban conditions, a good deal of the impoverished population also included those who had lost their jobs, such as apprentices who, once they learned a trade, were dismissed only to be replaced by new apprentices. Even employed workers struggled to survive; wages earned during 11- to 13-hour working days did not provide the essentials for living. Philadelphia carpenters went on strike for a 25¢ increase in daily wages which would have brought their weekly salary to \$10.50. On May 21, 1851, the New York *Daily Tribune* published "A Budget for Family of Five for One Week" totaling \$10.37, thirteen cents less than the carpenters were striking for. The *Tribune's* calculations did not, however, include medical insurance, educational, or recreational expenses. Father, mother and child sought employment.⁵⁹

Exploitation of workers by their bosses was justified by either a philosophy of laissez-faire or of paternalism. One laissez-faire industrialist expressed his position this way:

As for myself, I regard my work people just as I regard my machinery. So long as they can do my work for what I choose to pay them, I keep them, getting out of them all I can. What they do or how they fare outside my walls I don't know, nor do I

consider it my business to know. They must look out for themselves as I do for myself. When my machines get old and useless, I reject them and get new, and these people are part of my machinery.⁶⁰

The Lowell factories of Massachusetts provide a good example of a paternalistic philosophy in action. Corporations controlled the town of Lowell, Massachusetts, planting their advocates among the ministers and leaders of the city and regulating practically every aspect of the worker's life:

Aside from the printed rules, which were copious enough, it was said by one of the agents, in 1852, that not one tenth of the regulations were printed. Their operatives were told when, where, how, and for how much they must work; when and where they were to eat and sleep. They were ordered to attend church, for which they had to pay pew rent. They were discharged for immoral conduct, for bad language, for disrespect, for attending dancing classes, or for any cause that the agents or overseers thought sufficient. When thus discharged, they were blacklisted and could obtain no employment in any corporation in Lowell or nearby towns. They were required to work one full year before receiving an 'honorable discharge' and to give two weeks' notice of intention to leave. The contract was entirely one-sided, however. The corporations accepted no responsibility as to the length of employment and reserved the right to change the conditions as to wages, hours, speed and effort as they saw fit. Thus a girl employed at two dollars a week might be reduced to one dollar a week and still she must serve her full twelve months before she was entitled to an 'honorable discharge.'⁶¹

By 1850, workers throughout the northeast were organizing for a ten-hour day. They petitioned Congress and the President to regulate work hours, but in order to affect private corporations, they had to go through state legislatures. In 1840, President Van Buren ordered that all government employees work only ten hours a day. In 1848, the legislatures of New Hampshire and Pennsylvania passed ten-hour work laws. New Jersey followed in 1851 and Rhode Island in 1853. The struggle was more difficult in Massachusetts, however, where corporations like Lowell wielded tremendous power over the "people's" delegates. In 1851, Boston machinists got a ten-hour day, and, beginning in 1852, the movement to curb working hours spread through Massachusetts. After several work strikes, Lowell gave its workers an eleven-hour day and other companies followed. By 1855, the movement for a ten-hour day impressed the legislature enough that a special committee approved a ten-hour work law. When, however, the bill came to a vote:

There the men who, for years, had clamored for a ten-hour law and whose pockets had been lined with corporation gold, were seen "doing the heavy standing round" and suggested to members that, as the operatives were satisfied with the eleven-hour rule, it was not worthwhile to carry the matter further. Accordingly, the bill failed.⁶²

Money wielded the vote and manufacturers continued their "moral policing" with the blacklist. Those who asserted their rights often found themselves on the street with no other company willing to hire them. The prospects were not good for "free" workers under the free enterprise system. Even moving west was an unrealistic alternative. Striking workers in the jeans factories of Ohio remarked that travel was expensive for someone earning fifty cents a day. One explained:

Suppose we had the means, we know nothing about the cultivation of land - we have all our lives worked in a factory and we know no other employment. . . . Besides which, we have always been used to live in a town where we could get what little things we want if we have the money, and it is only those who have lived in the wilderness who know what the horrors of wilderness life are.⁶³

Industrial workers were experiencing the beginning of a struggle that remains unresolved today. The northern capitalist, like the southern slavemaster, was gaining power. The right to private property, through chattel slave labor in the South or through worker wage slavery in the North, became the symbol of the right of the ruling to pursue their own happiness.

Two arenas of struggle evolved for American masters: control of their labor force at home and expansion of their territorial boundaries westward. Both found sanction in government control. The northern capitalist had like-minded friends in government to control labor legislation and in prisons to train rebellious workers into submission as convict slaves; the southern slavemaster had state and national laws to protect his claim to supremacy over others and a permissive slave trade policy to assure his continued acquisition of slaves. Animosity was growing between these two masters in their hunger for power.

A Manifest Destiny

A call went out for the government to extend its boundaries from coast to coast:

The *untransacted* destiny of the American people is to subdue the continent - to rush over this vast field to the Pacific Ocean - to animate the many hundred-millions of its people. . . . to unite the world in one social family - to dissolve the spell of

tyranny and exalt charity - to absolve the curse that weighs down humanity, and to shed blessings round the world!⁶⁴

While Congress diplomatically let the slave trade continue, the tactics of the slavemaster permeated the institutions of business and justice in America's "free" sector. As Southern plantations depleted the soil quickly and more land was needed to maintain profits, the influence of the South weighed heavily in determining the "free" or "slave" status of the incoming states. After one portion of the Louisiana Territory became the state of Louisiana in 1812, the rest of the territory was renamed Missouri. A great debate ensued over the fate of the remainder of the Missouri territory when the state of Missouri applied for admission. In the Missouri Compromise, an agreement was reached whereby Missouri would enter the Union as a slave state, the rest of the territory would remain "free," and Arkansas would be a slave territory. States would thereafter be admitted alternately under a banner of slave or free.

The laws within all the "free" territories contained a bargain with slavery: fugitive slave clauses prevented the Afro-American's flight to freedom and slavery and involuntary servitude was reserved for all workers duly convicted of crime. The compromising precedent set by Article 6 of the Northwest Territory Ordinance was also found in the Missouri Enabling Act of 1820:

Sec. 8. . . . in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36 degrees and 30 minutes north latitude, not included within the limits of the state, complemented by this act, slavery and involuntary servitude, OTHERWISE THAN IN THE PUNISHMENT OF CRIMES WHEREOF THE PARTIES SHALL HAVE BEEN DULY CONVICTED, shall be, and hereby is forever prohibited. *Provided always*, That any person escaping into the same, from whom labour or service is lawfully claimed in any state or territory of the United States, such a fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

During the 1830's, Georgia began to push its Native American populations out by claiming jurisdiction over all tribal lands and by raiding villages. Slavemasters wanted more land to replace the soil they had already depleted. Settlers infiltrated Cherokee land, the federal government refused to honor its treaty obligations, and Cherokees were tried and punished for crimes in Georgia courts without being allowed to give testimony. Supreme Court Justice Marshall ruled in favor of the Cherokee right to land granted them by U.S. treaty. President Jackson, however, retorted with, "John Marshall has made his decision, now let him enforce it!" and forced tribal nations to move to lands west of the Mississippi.⁶⁵

Then began the "Trail of Tears." The Choctaw left first, in 1831. The Creeks managed to delay for four years and were finally removed by force; those who resisted made the journey in chains. The Chickasaws left in 1837. The Cherokees . . . continued to resist. Once more they appealed their removal to the Supreme Court, and once more the Court ruled in favor of the Cherokees But President Jackson sent troops to force the Indians to leave their homes At last the Cherokees agreed to go in peace, since to remain was suicide.⁶⁶

On foot, wagon, boat and prodded onward by the military, nearly one fourth of the Cherokee people died from lack of supplies, cold, and disease along the westward path.⁶⁷

Many thought bickering over new territory was finally settled by the Missouri Compromise. The expansion of slave territory became a real threat, however, when, in 1836, through a conspiracy to expand the southern slavocracy, Texas obtained independence from Mexico and sought annexation to the United States as a slave state. The South told the North that it wanted Texas in order to balance slave and free power. Henry Clay was among those who disagreed, arguing: "For if to-day Texas be acquired to strengthen one of the Confederacy, tomorrow Canada may be required to add strength to another. . . ." ⁶⁸ Clay's response was timely, for in 1845 an article entitled "Re-annexation of Canada" which defended reuniting the continent while giving a greater market to the slave power appeared in the *Baltimore American*:

It will still better secure and perpetuate the peculiar institution, the protection of which is a main argument in favor of other measure [the annexation of Texas]; for it would cut off the intercourse of England with all our part of this continent, and remove the refuge which has long existed in Canada for fugitive slaves.⁶⁹

The philosophy of territorial expansion was not unique to nineteenth century America. Cecil Rhodes, builder of the British Empire in South Africa, and Adolf Hitler, whose "compelling destiny from which none can escape our life's destiny in the world," would also adhere to their own doctrines of Manifest Destiny.⁷⁰ The likeness of American expansionism to Hitler's designs becomes frightening when one examines the following from an article on Manifest Destiny reported in the *Niles National Register* on January 22, 1848:

Now we ask, whether any man can coolly contemplate the idea of recalling troops from the territory we at present occupy . . . and thus, by one stroke of a secretary's pen, resign this beautiful country to the custody of the ignorant cowards and profligate ruffians [the Mexican government] who have ruled it for the last twenty years? Why, humanity cries out against it. . . . the aborigines of this country have not attempted and cannot attempt to exist *independently* alongside of us. Prov-

idence has so ordained it; and it is folly not to recognize the fact. The Mexicans are *aboriginal Indians*, and they must share the destiny of their race.⁷¹

Slavemasters were intent upon extending their boundaries beyond Mexico. Advocates of territorial expansion found a friend in President Polk, who took office in 1844, and dispute over the unsettled southern boundaries of Texas led to war with Mexico in 1846. The new land the United States acquired from the Mexican war embraced another form of servitude - peonage.

In New Mexico, the peonage of Mexican Indians had been enforced since the seventeenth century. Some called the peonage of the Mexican even worse than chattel slavery, since the system was "without the obligations of rearing him in infancy, supporting him in old age, or maintaining his family."⁷² A form of debt slavery, peonage often continued from generation to generation. Fugitive slave laws authorized the return of runaway peons to their masters, since emancipation required that the servant first repay all debts to his master.

This the poor peon is unable to do, and the consequence is that he and his family remain in servitude all their lives. Among the proprietors in the country, the master generally keeps a store where the servant is obliged to purchase every article he wants, and thus it is an easy matter to keep him always in debt. The master is required to furnish the peon with goods at the market value, and may advance him two thirds the amount of his monthly wages. But these provisions, made for the benefit of the peon, are in most instances disregarded, and he is obliged to pay an enormous price for every thing he buys, and is allowed to run in debt beyond the amount of his wages, in order to prevent him from leaving his master.⁷³

Before the Mexican War, the boundaries of Mexico reached as far north as the line that extends from the Colorado River to the Pacific. With the signing of the Treaty of Guadalupe-Hidalgo in 1848, Mexico gave all its territory north of the Rio Grande to the United States. The dispute over the destiny of the newly acquired land - slave or free - did not end. Texas wanted slavery and the Territory of California had expanded southward to meet the population requirements to apply for statehood. The Compromise of 1850 put an end to the Mexican controversy with a bargain that covered five areas of agreement: California would be admitted as a free state; territorial governments would be established in New Mexico and Utah with no immediate decision as to whether they would be slave or free; a stricter fugitive slave law would be enacted to guarantee the return of escaped slaves to their masters; slave trade would be abolished in the District of Columbia; and dispute between Texas and New Mexico over territorial boundaries would be settled by federal government liquidation of any debts incurred by Texas.

Seventy-two years after the signing of the Declaration of Independence, the United States had almost reached its present expansion to the Pacific Ocean, the South was reaching the height of its power, and Article I, Section 18 of the Constitution of California prohibited slavery, except, of course, "for the punishment of crimes."⁷⁴

Notes

1. Samuel Sillen, *Women Against Slavery* (New York: Masses & Mainstream, 1955), p. 91.
2. Thomas E. Drake, *Quakers and Slavery in America* (Gloucester, Mass.: Peter Smith, 1965; reprint ed. Yale University Press, 1950), pp. 1-84.
3. *Ibid.*, p. 114.
4. Du Bois, pp. 195-196.
5. *Ibid.*, p. 132. Du Bois refers to the abolitionist work of Granville Sharpe, William Clarkson, and William Wilberforce in England.
6. *Ibid.*, p. 150.
7. Woolman, p. vii.
8. *Ibid.*, p. 56.
9. *Ibid.*, pp. 180-181.
10. *Ibid.*, p. 132.
11. *Ibid.*, pp. 224-249.
12. *Ibid.*, p. 134.
13. *Ibid.*, p. 146.
14. *Ibid.*, p. 212.
15. *Ibid.*, p. 211.
16. *Ibid.*, p. 249.
17. *Ibid.*, p. x.
18. *Ibid.*, p. xiii.
19. *Ibid.*, p. 87.
20. *Ibid.*, p. 227.
21. David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca: Cornell University Press, 1975), p. 460.
22. *Ibid.*, p. 84.
23. *Ibid.*, pp. 381-382.
24. Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair, N.J.; Patterson Smith, 1977), p. 3; W. David Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848* (Ithaca: Cornell University Press, 1965), p. 2.
25. McKelvey, p. 8.
26. W.D. Lewis, p. 6.
27. McKelvey, p. 8.

28. Ibid.
29. Ibid., p. 9; W.D. Lewis, pp. 33-35.
30. Cynthia Owen Philip, ed., *Imprisoned in America: Prison Communications 1776 to Attica* (New York: Harper & Row, Publishers, 1973), pp. 24-25.
31. See W.D. Lewis, pp. 41, 43-46.
32. Ibid., p. 46.
33. Ibid., pp. 91-92.
34. O.F. Lewis, p. 333.
35. Rusche and Kirchheimer, p. 131.
36. McKelvey, p. 29.
37. W.D. Lewis, pp. 68-70.
38. McKelvey, pp. 20-21; W.D. Lewis, pp. 227-228; David Donald, *Charles Sumner and the Coming of the Civil War* (New York: Alfred A. Knopf, 1960), pp. 120-128.
39. W.D. Lewis, p. 47.
40. Clara Bell Hicks, "The History of Penal Institutions in Ohio to 1850," *Ohio Archaeological and Historical Publications*, 33 (1924): 370.
41. Ibid., pp. 378, 380-382. Hicks reports the actual building of the prison used "1,113,462 days of convict labor" and lasted from March 1833 to 1837.
42. Ibid., pp. 412-413.
43. Jessica Mitford, *Kind and Usual Punishment* (New York: Alfred A. Knopf, 1973), p. 32. See also W.D. Lewis, pp. 87-88.
44. Rusche and Kirchheimer, p. 107.
45. See Appendix, "No Proviso Constitutions." Maine used the solitary system until the mid-1830's, when it adopted the Auburn plan. (McKelvey, pp. 29, 49.)
46. Hart, p. 78; c.f. Alice Dana Adams, *The Neglected Period of Anti-Slavery (1808-1831)* (Gloucester, Mass.: Peter Smith, 1964; reprint ed., Radcliffe College, 1908), p. 9. Adams says that slaves were reported in every existing state in 1830 except Vermont.
47. McKelvey, pp. 43-50. Adoption of the Auburn system also expanded westward to Michigan, Ohio, Indiana, Iowa, Illinois, Wisconsin and other "free" states during this period. (Ibid.)
48. Hart, p. 10 and cites George Thompson, *Prison Life* (Hartford: A. Work, 1854), *passim*. Thompson was imprisoned for his attempt to aid three fugitive slaves cross the Mississippi River.
49. Hart, p. 54.
50. Davis, p. 242.
51. Norman Ware, *The Industrial Worker, 1840-1860* (Boston and New York: Riverside Press, Houghton Mifflin Company, 1924), p. 35.
52. Ibid., p. 9.
53. Ibid., p. xi.
54. Ibid., p. 110.
55. Ibid., p. 25 quoting *Voice of Industry*, April 3, 1846.

56. *Ibid.*, pp. 12, 27, 14.
57. *Ibid.*, p. 13.
58. *Ibid.*, p. 14 from an 1853 report by the Society for the Improvement of the Condition of the Poor.
59. *Ibid.*, p. 33.
60. *Ibid.*, p. 77 as quoted from Mass. Senate Doc. no. 21, 1868, p. 23.
61. *Ibid.*, p. 107.
62. *Ibid.*, p. 162 as quoted from Chas. Cowley, *History of Lowell* (Boston: 1868), p. 149.
63. *Ibid.*, p. 37 as quoted from John R. Commons, *A Documentary History of American Industrial Society* (Cleveland: 1910), 7: 54-55.
64. Excerpted from Allan O. Kownslar, *Manifest Destiny and Expansionism in the 1840's* (Boston: D.C. Heath and Company, 1967), p. 5 quoting William Gilpin, close adviser to President James K. Polk and Senators Thomas Hart Benton and James Buchanan, in a message to the Senate dated March 2, 1846.
65. Richard B. Morris, ed., *Encyclopedia of American History* (New York: Harper & Row Publishers, 1976), pp. 204-205. Jackson's response was to Marshall's March 3, 1832, decision in *Worcester v. Georgia* (6 Peters, 515).
66. Jayne Clark Jones, *The American Indian in America*, vol. 2 (Minneapolis: Lerner Publications Company, 1973), p. 21.
67. *Ibid.*, pp. 21-22.
68. Kownslar, p. 50.
69. *Ibid.*, p. 65.
70. *Ibid.*, pp. 1-3.
71. *Ibid.*, p. 117.
72. Lieutenant W.H. Emory, an army officer on duty in New Mexico during 1846, quoted by Loomis Morton Ganaway, *New Mexico and the Sectional Controversy, 1846-1861* (Philadelphia: Porcupine Press, Inc., 1976; reprint ed. University of New Mexico Press, 1944), p. 9.
73. William H. Davis, *El Gringo; or, New Mexico and Her People* (New York: Arno Press, Inc., 1973; reprint ed. Harper & Brothers, 1857), pp. 232-233.
74. Article I, Section 18 of the 1849 California Constitution stated:
 Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Chapter 4:

Movement for Abolition

I pictured myself a bloated, swaggering libertine, trampling on the Bible - its own Constitution - its treaties with the Indians - the petitions of its citizens: with one hand whipping a negro tied to a liberty pole and with the other dashing an emaciated Indian to the ground. . . Every person who is. . . a citizen of the United States, i.e., a voter, politician, etc., is at once a slave and slaveholder - in other words a subject and ruler in a slaveholding government.

- John Humphrey Noyes¹

Quakers and Abolitionists

The abolitionist movement that began to shock this nation into greater international embarrassment three decades before civil war rested its case on issues of moral conscience and yet, in spite of its Christian roots, few churches initially stood behind it. American churches reflected the attitudes of their respective states' populations on slavery. Abolitionists like Stephen Foster and James Gillespie Birney called churches the bulwarks of slavery, especially criticizing Southern congregations where slavemasters weighted church ruling bodies.² The national exceptions were Quakers, Mennonites and Brethren who were particularly conspicuous for their anti-slavery sentiments, regardless of geographic location. In the South, however, abolitionist visibility was limited by law and most advocates of the cause gave quiet testimony by refusing to hold slaves. More radical advocates used their homes to help slaves escape to freedom by the Underground Railroad.

For several, it was difficult to belong to a church and be an abolitionist too. Brought up in Charleston, North Carolina, sisters Sarah and Angelina Grimké faced religious ostracism for their abolitionist beliefs. Sarah, the older, was disowned by the Charleston Presbyterians for speaking out against the practices of her congregation's slaveholders. She left for Philadelphia where she soon joined a Quaker meeting. The following, written by Sarah Grimké in 1827, expresses the effect that chattel slavery had on those who dedicated their lives to its abolition:

From early childhood [I] long believed their bondage inconsistent with justice and humanity. . . after being for many months in Pennsylvania when I went back it seemed as if the sight of their condition was insupportable, it burst on my mind with renewed horror. . . [I] can compare my feeling only with a canker incessantly gnawing - deprived of ability to modify

their situation, I was as one in bonds looking on their suffering I could not soothe or lessen. . . . Events had made this world look like a wilderness. I saw nothing in it but desolation and suffering. . . .³

Angelina soon joined Sarah as a Quaker in Philadelphia, but dissension began to divide Quakers in the 1820's:

The early simplicity of their way of life had been affected by the commercial success and growing political influence of the leading Quakers, especially in Philadelphia. A subtle rift began to divide city and country Quakers, with the former holding almost all the influential positions of leadership, the latter feeling themselves at a disadvantage and highly critical of what they considered the corruption of wealth and position among city Quakers.⁴

A final split occurred in 1828. Orthodox or city Quakers adhered to a traditional Quaker style of worship and the new group, Hicksites, following the teachings of Elias Hicks, focused on a less rigid style of worship stressing "inner light" and adherence to John Woolman's boycott of slave-made products.

The Grimké sisters continued to speak out against slavery and were criticized not only for their staunch abolitionist perspectives but also for stepping beyond passive roles as women. When Angelina married Baptist minister and abolitionist Theodore Weld, their Quaker meeting took the opportunity to disown both outspoken abolitionist sisters - Angelina for marrying outside of meeting and Sarah for attending the ceremony.⁵

The 1830's witnessed the rise of an abolitionist movement criticized by organized churches. Advocacy of gradual emancipation among Quakers and those of like-minded faiths was displaced by a growing demand for immediate emancipation which found outspoken leadership in William Lloyd Garrison. The time for radical abolitionism had come and most Quakers were not ready. Abolitionist Quakers criticized their brethren: slavery should be destroyed and the gradualism of past decades could no longer suffice. Meetings throughout the country differed in their positions. Orthodox Quakers were particular recipients of abolitionist appeal, as the following message from British Quakers to American Friends in 1834 indicates:

In the warmth and freedom of brotherly love. . . we entreat you fearlessly. . . to take your stand upon the uncompromising righteousness of the law of Christ, to suffer no considerations of expediency, no apprehension of commercial or political difficulties, to divert you from your purpose: to assert that freedom, political and religious liberty to their full extent, are the unalienable rights of slaves and free people of color, equal with the white men; that they have an undoubted right to en-

joy their freedom in the place where Providence has given them birth.⁶

Orthodox Quakers resisted the appeal and decided to wait for lawful action on slavery from the separate state legislatures. Even Baltimore Hicksites took steps to discipline members who joined the ranks of the American Anti-Slavery Society. Gradually, Northern Yearly Meetings of the Society of Friends forbade use of their meeting houses for outside lecturers on temperance, women's rights and abolition, and warned their members against joining the worldly ranks of radicalism.⁷

Many American churches suffered internal division over abolition that resulted in conflict and ostracism. Because of their longstanding testimony against slavery, Quakers provide a special example of church struggle; however, dedicated abolitionists within their ranks made their voices heard. For instance, when Quaker Susan B. Anthony, hearing a Virginia Quaker defend the silence of conservatism on slavery by saying "Christ was no agitator, but a peacemaker," Ms. Anthony responded with all her abolitionist fervor:

"I came into this world not to bring peace but a sword. . . . Woe unto you, scribes and Pharisees, hypocrites that devour widows' houses!" Read the New Testament, and say if Christ was not an agitator! Who is this among us crying, "Peace, peace, when there is no peace"?⁸

Immediate, Not Gradual Emancipation

In 1829, the Afro-American publication *Freedom's Journal* printed David Walker's *Appeal. . . to the Coloured citizens of the world, but in particular and very expressly to those in the United States* to throw off the yoke of slavery. On August 21, 1831, Nat Turner led his famous slave revolt in Virginia, during which 60 whites were killed and which resulted in a reactionary massacre of 100 blacks. During this time, New York philanthropist Arthur Tappan rescued William Lloyd Garrison from a Baltimore jail. Garrison had been sued for libel for an editorial in the *Genius of Universal Emancipation* newspaper in which he named some local slave traders "highway robbers and murderers. . . enemies of their own species." With Tappan furnishing financial assistance, Garrison published the first issue of his *Liberator* in Boston.⁹

Garrison's was not the first call for immediate emancipation, but many Northern abolitionists saw him as their new leader. In 1831, the same year Nat Turner's slave rebellion was suppressed and the first issue of the *Liberator* published, a committee in Columbia, South Carolina offered a \$1,500 reward for anyone distributing the newspaper and the Georgia legislature offered a \$5,000 reward for Garrison's arrest.¹⁰

Within a few months, the Tappans and other New York reformers gathered to discuss forming an abolitionist society based on “immediate abolition gradually accomplished” and held their first convention in Philadelphia in 1833. They chose the “city of brotherly love” in order to draw on the old and substantially Quaker Pennsylvania Abolition Society. That Society, however, refused the invitation to participate in convention but, regardless of the lack of support from abolitionist traditionalists, several Quakers attended. The Anti-Slavery Society was formed, and by the end of the '30's there were 250,000 members in 1,350 state and local chapters throughout the nation.¹¹

Northern capitalists did not want to hear the call to immediatism. They fought the slavemaster over new territory, using the moral banner of “free soil,” but they did not want to challenge the Southerner's claim to his “personal” property because doing so would hit at the same foundation of private property upon which Northern capitalists were building their empires:

Immediatism challenged the Northern hierarchy of values. To many, a direct assault on slavery meant a direct assault on private property and the Union as well. Fear for these values clearly inhibited anti-slavery fervor (though possibly a reverse trend operated as well - concern for property and Union may have been stressed in order to justify the convenience of “going slow” on slavery).¹²

Women's Rights in Abolition

Labeled “fanatics” and “communists,” radical abolitionists' sole purpose was abolition of chattel slavery and their call for human equality reinvoked the best spirit of the American Revolution. In that spirit was women's rights. Many women came out of their homes to join the abolitionist movement. In 1837, the first women's Anti-Slavery Convention was held in New York with representatives from free and slave states alike, 100 in all. Ex-slave and abolitionist Frederick Douglass wrote in his autobiography:

When the true history of the antislavery cause shall be written, women will occupy a large space in its pages, for the cause of the slave has been peculiarly woman's cause. Her heart and her conscience have supplied in large degree its motive and mainspring. Her skill, industry, patience, and perseverance have been wonderfully manifest in every trial hour. Not only did her feet run “willing errands,” and her fingers do the work which supplied the sinews of war, but her deep moral convictions, and her tender human sensibilities, found convincing and persuasive expression by her pen and her voice.¹³

Due to their own second-class citizenship, some women had a unique understanding for the plight of the slave, but those who spoke out

were criticized for "scandalous" and "immoral" behavior. Fighting women refused to be censured from participation, and so began the women's movement in America which, as Angelina Grimké wrote to brother abolitionist critics, belonged to Abolitionism:

This invasion of our rights was just such an attack upon us, as that made upon Abolitionists generally when they were told a few years ago that they had no right to discuss the subject of Slavery. . . . The time to assert a right is the time when that right is denied. We must establish this right for if we do not, it will be impossible for us to go on with the work of Emancipation. . . . If we surrender the right to speak to the public this year, we must surrender the right to petition the next year and the right to write the year after and so on. What then can woman do for the slave when she is herself under the feet of man and shamed into silence?¹⁴

Not only were women denied the right to vote, admonished for public speaking and forced into accepting substandard wages, but they were also denied the right to manage family property without their husbands' permission, the right to inherit property and guardianship of their children. Their garments were frivolous harnesses from which their only recognized social value - prettiness - emerged.

Struggle

Important leaders in the cause of people's rights belonged to the nineteenth century movement for abolition - Susan B. Anthony, Frederick Douglass, James Forten, Lucretia Mott, Wendell Phillips, Charles Sumner, Sojourner Truth, Harriet Tubman, John Brown, David Walker, William Lloyd Garrison, Sarah and Angelina Grimké, Nat Turner, Dred Scott, and so many others. The real Abolitionist Movement was just beginning and remains uncompleted today. No matter what the time, place, or specific focus of struggle, Abolition has never been easy. Nineteenth century abolitionists met with planned opposition, insults, and even violence. In 1834, a Boston meeting of clergymen voted to refuse to announce abolitionist meetings in church and they were followed by like-minded ministers in Massachusetts and Connecticut.¹⁵ Beginning with a pro-slavery riot in Boston in 1835, opposition to abolitionism became more violent. The press usually "prepared the ground for violence with a barrage of distorted interpretations of abolitionist views or outright lies," and mobbings and beatings of anti-slavery speakers were not infrequent.¹⁶ In 1837, an abolitionist newspaper editor in Alton, Illinois tried to rescue his shop after it was set afire by an angry mob. Elijah Lovejoy was shot and killed while attempting to put out the flames.

Despite such obstacles, abolitionist societies increased greatly by 1839 - 2,000 in all, with 14 abolitionist newspapers bringing their argu-

ments against slavery to the nation's readers.¹⁷ Throughout the few decades before Emancipation, abolitionists collected thousands of signatures on anti-slavery petitions.

One gets an idea of their efforts from the fact that during one five-month session of Congress petitions were sent to it for the abolition of slavery in the District of Columbia, signed by more than 400,000 people. In two years, more than two million signatures were obtained to these petitions.¹⁸

The courts continued to defend the rights of property of the slave owner. In 1842, the Supreme Court declared in *Prigg v. Pennsylvania* that the Fugitive Slave Act of 1793 remained constitutional and "somewhat gratuitously, held that the common-law right of recaption was thereby guaranteed to each slaveholder and that all state laws or processes which had to do therewith were unconstitutional and void."¹⁹ As a term of the Compromise of 1850, Congress passed a new and more repressive fugitive slave law. Slavemasters were assured of their right in human property by the stipulation that forbade the testimony of any alleged runaway claimed by a master.

In 1854, the famous Kansas-Nebraska Act was passed which left the decision of "slave" or "free" up to the voters of the two states. "It was the secret understanding of the promoters of the bill that Kansas would become slave territory and Nebraska free."²⁰ The rush to tip the vote was on as settlers moved in, sent by "free soilers" and abolitionists in the North and by slavemasters in the South. Violence spread across Kansas and John Brown organized abolitionist guerillas to fight incoming slaveholders. Daniel and J. Merritt Anthony, brothers of Susan B. Anthony, moved to Kansas to help - Merritt as a soldier in John Brown's band.²¹ The South won, so the blood shed in Kansas was temporarily lost to slavery.

In May 1856, Senator Charles Sumner took two days of Congressional time to deliver his "Crime Against Kansas" speech which attacked the slave conspiracy in Kansas. "A crime has been committed," he said, "which is without example in records of the past. . . . It is the rape of virgin territory, compelling it to the hateful embrace of slavery. . . ."²² Among the senators he attacked for their positions on slavery was Senator Butler from South Carolina who, he said, "has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight. . . . the harlot, Slavery. . . ."²³ While Sumner's speech brought abolitionist praise, it incurred slavemaster venom. Butler's nephew Preston Brooks, a Congressman from South Carolina, avenged his uncle's honor. Choosing a gold headed cane for his weapon, a few days after that speech he went up to Sumner on the emptying Senate floor and mercilessly beat him. The injuries to his head Sumner sustained were so severe that he was unable to return to the Senate seat for three years.²⁴ During the years of Sumner's ab-

sence, Massachusetts kept his Senate seat vacant, the Dred Scott Decision was handed down, and John Brown raided Harper's Ferry.

The 1857 Dred Scott Decision declared that blacks were not citizens and that the Missouri Compromise was therefore unconstitutional, since the court could not deprive slaveholders of their right to take slaves in any part of the Union. The battle over Scott's freedom had begun several years before. Dred Scott, born Sam Blow, slave of Peter Blow, chose his new name after receiving a terrible beating from fugitive slave hunters who returned him for the promised bounty. Scott was sold to Dr. John Emerson in Missouri who took him to an army post in the "free" state of Illinois. There Dred Scott married Harriet, a slave of the local Indian agent, and together they spent the next seven years of bondage in places where chattel slavery was forbidden by law.²⁵

When they returned to Missouri, Scott asked his master for his freedom but was refused. In 1843, he was leased to an officer who took him into Mexico as the Mexican war began. There he contracted malaria and, upon being returned to Missouri, Dred and Harriet Scott obtained legal counsel to sue their master for freedom. Their suit claimed that the Scotts were legally free since their master had taken them into a territory where slavery was forbidden. The freedom granted to them by the Missouri court lasted only from January 23 to February 14, 1850. On appeal to Missouri's higher court, the majority of the justices decided that the Scott family should be returned to their old master.²⁶

Then began a long legal battle which resulted in a retaliatory beating of the Scott family by their master's agent and a final appeal to the Supreme Court in 1856. Five of the Court's nine justices, including Chief Justice Taney, were from the South. *Harper's Weekly* reported the decision on March 14, 1857:

This long-expected judgement has been delivered. Chief Justice Taney, expressing the views of the majority of the Court, decided that as the legal condition of a slave in the State of Missouri is not affected by the temporary sojourn of such slave in any other State, but on his return his condition still depends on the laws of Missouri, and as the plaintiff was not a citizen of Missouri, he therefore could not sue in the Courts of the United States. The suit was dismissed for want of jurisdiction.

Incidentally, the following points were also decided:

First, Negroes, whether slave or free, that is, men of the African race, are not citizens of the United States by the Constitution.

Second, The Ordinance of 1787 had no independent constitutional force or legal effect subsequently to the adoption of the Constitution, and could not operate of itself to confer freedom or citizenship within the Northwest Territory on negroes not citizens by the Constitution.

Third, The provisions of the Act of 1820, commonly called the Missouri Compromise, in so far as it undertook to exclude

slavery from and communicate freedom and citizenship to, negroes in the northern part of the Louisiana cession, was a Legislative act exceeding the powers of Congress, and void, and of no legal effect to that end.

Judge Curtis dissented in part, and Judge M'Lean in *toto*, from the decision.²⁷

Despite such setbacks, abolitionists continued to help blacks escape to freedom through the Underground Railroad and found various means to lawfully attack slavery.

Faced with defeat at the national level of government, the anti-slavery forces . . . waged a continuous struggle at the state level . . . in five free states (Massachusetts, New York, Pennsylvania, Ohio, and Wisconsin) . . . "Personal Liberty Laws" were passed. These laws variously guaranteed a jury trial to a person who claimed to be free; extended habeas corpus to cover the claims to freedom of fugitives; required state procedures in addition to, or as an alternative to, the federal fugitive rendition procedures; punished state officials for performing duties under the federal fugitive slave acts, or withdrew jurisdiction from state officials in such cases; denied the use of jails to house alleged runaways; provided counsel for blacks or persons claimed as slaves; and provided punishment for persons convicted of kidnapping.²⁸

Although some of the Personal Liberty Laws faced eventual repeal, they nevertheless threw a wrench into pro-slavery attempts to kidnap free blacks and find fugitive slaves.²⁹

These were frustrating times. The slavemaster was gaining ground, Congress refused to take action to suppress slavery, the Supreme Court was stacked in favor of slaveholding interests and the cruelties of chattel slavery continued without check. John Brown had had enough. On October 16, 1859, Brown and his army of abolitionists and ex-slaves took Harper's Ferry in Virginia, the first step in Brown's grand plan to free the slaves. On October 18, wounded and having lost two sons in battle, he was captured. Before he was hanged for treason on December 2, 1859, John Brown wrote these prophetic last words:

I, John Brown, am quite certain that the crimes of this guilty land will never be purged away but with blood. I had, as I now think vainly, flattered myself that without very much bloodshed it might be done.³⁰

Disunity and Unclearness

While we are grateful for its successes, the old Abolitionist Movement could have been more effective; we must learn from its failings to avoid similar mistakes. While the charismatic leadership of William Lloyd Garrison provided a popular focus for abolitionism, the move-

ment fell short of what it should have been. This failure cannot be attributed to one man, but reflected the failure of an era to perceive the real roots of slavery in America - economic exploitation.

Early divisions in the movement foreshadowed its weaknesses. "Immediate emancipation gradually achieved" grew to mean different things to different factions. While some adhered to the design of complete equality and political representation for the ex-slave, others were not as willing to confer absolute equality: some thought a form of apprenticeship should be required of the freedman first, and others talked of sending ex-slaves to African colonies, thereby preserving segregation of the races.³¹

In 1840, abolitionists were divided on the woman question. The World Anti-Slavery Convention refused to seat women in their ranks while the American Anti-Slavery Convention, under the sway of Garrison, included women. Garrison also argued that those against slavery should divorce themselves from any political activity. A government that permitted slaveholding, he said, did not deserve recognition. He refused to consider the irresponsibility of such a policy, for the slave was still oppressed by government mandates. Among those dissenting were Joshua Leavitt, Elizur Wright, and Myron Holley who left the Society to join the Liberty Party in order to challenge lukewarm politicians failing to take a staunch stand against slavery.³²

While the Liberty Party unsuccessfully ran James Gillespie Birney for President in 1840 and 1844, abolitionists scored a clear victory when former President John Quincy Adams campaigned for a seat in the House of Representatives and won. As Congressman, Adams stopped the "Pickney gag" House rule that violated people's right to petition their government by ordering all anti-slavery petitions to be accepted and laid aside for no further action.³³

Frederick Douglass, who joined the Garrisonians after escaping to freedom in 1838, soon abandoned them. Criticized for the eloquent speeches he gave, the self-taught man was considered by some of his upper class abolitionist colleagues to be an unrealistic representative of an ex-slave. Douglass tolerated their short-sightedness and continued to speak as he wished, but when Garrison declared that abolitionists should refrain from political activity, Douglass withdrew from the Garrisonians and continued his work as an independent. Garrison, said Douglass, hated him because he rejected "Garrisonism - an 'ism' which comprehends opposition to the Church, the ministry, the Sabbath and the government. . . apart from the question of Slavery."³⁴

As today, those who knew oppression best were the last to achieve recognized leadership. Elimination of the oppression of women, debased as long as there had been slaves, would be seen as a separate issue, rather than part of the universal emancipation that abolition demands. The slave, like today's convict, might be recognized for his or her suffering but not for understanding what abolition requires. When 1800 of the original 2300 subscribers to the *Liberator* in 1834 were

black, but history speaks little of the dedicated abolitionists who came up from the ranks of slavery, we face ignorance of what abolition must stand for - empowerment of and leadership from those who have been most oppressed.³⁵ Harriet Tubman, who escaped from slavery, returned again and again to lead people to freedom. The Moses of her people and “General Tubman” to John Brown, she died in poverty in 1913 still fighting for equality in Auburn, New York. Many have deserved the eulogy that Frederick Douglass wrote for Tubman:

Most that I have done and suffered in the service of our cause has been in public, and I have received much encouragement at every step of the way. You on the other hand have labored in a private way. I have wrought in the day - you in the night. I have had the applause of the crowd and the satisfaction that comes of being approved by the multitude, while the most that you have done has been witnessed by a few trembling, scared and foot-sore bondmen and women, whom you have led out of the house of bondage, and whose heartfelt “God Bless you” has been your only reward. The midnight sky and the silent stars have been the witnesses of your devotion to freedom and of your heroism. Excepting John Brown - of sacred memory - I know of no one who has willingly encountered more perils and hardships to serve our enslaved people than you have. Much that you have done would seem improbable to those who do not know you as I know you.³⁶

After his trip to Ireland in the 1840's, Douglass remarked on the victimization of poor people throughout the world, exploited by investors in slavery under other names:

The open, uneducated mouth - the long, gaunt arm - the badly formed foot and ankles - the shuffling gait - the retreating forehead and vacant expression . . . all reminded me of the plantation, and my own cruelly abused people.³⁷

Sources of the movement's weakness can be found in the superficial understanding that directed some of its influential members. The abolition movement ignored and covered over less obvious forms of bondage which would replace chattel slavery unless quickly uprooted. The attack on the slavery of Afro-Americans could have revealed other forms of servitude that rendered so many unequal before the law, but for nineteenth-century American abolitionists the situation was no different than the British movement of 50 years earlier: “It was unthinkable that an attack on a specific system of labor and domination might also validate other forms of oppression and test the boundaries of legitimate reform.”³⁸ To them, the boundaries of legitimate reform ended with abolition of chattel slavery. In a January, 1831, edition of the *Liberator*, Garrison criticized labor leaders for trying “to inflame the minds of our working classes against the more opulent, and to persuade men that they are condemned and oppressed by a wealthy aristocracy.” Five

months later, however, the *Liberator* contradicted its editor's earlier statement by claiming "there is a proud aristocracy in the north, sympathizing with and publicly approbating the still more haughty aristocracy at the south; and together, it is their aim, if possible to degrade and defraud the workingmen of all classes, irrespective of color." Garrison's abolitionist campaign failed to act on these words.³⁹ Since abolitionists failed to consider the labor question as a whole and to support struggling workers who so desperately needed support, labor hesitated to lend its support to the abolition movement until right before the war. The northern worker also demanded emancipation:

That the factory system contains in itself the elements of slavery, we think no sound reasoning can deny, and every day continues to add power to its incorporate sovereignty, while the sovereignty of the working people decreases at the same ratio.⁴⁰

It is the monopoly feature that we have opposed . . . It is the divorce of labor and capital in the repartition of dividends - the fact that labor is not represented in these companies . . . They who work in the mills ought to own them.⁴¹

William West said of northern workers that it was that "they do not hate chattel slavery less, but that they hate wage slavery more."⁴²

In 1845, the National Industrial Congress adopted the following resolution in an astute criticism of abolitionism:

The Abolition movement, sincere, ardent, heroic with attacks upon chattel slavery, has not succeeded, because those engaged in it have not perceived that it was only one of the many modes of oppression that productive labor has to endure, which everywhere condemn him to ignorance and want.⁴³

Blind to this unity of oppression, Garrison and his followers opposed people like Wendell Phillips and Frederick Douglass when they wanted to keep the abolitionist movement alive after certification of the Thirteenth Amendment. While most freedom fighters closed up shop and went home, Wendell Phillips joined the labor movement, Frederick Douglass kept up his work for the quickly forgotten blacks and Susan B. Anthony continued her work for equal rights for women.

Frederick Douglass made the following observation on the disbanding of the American Anti-Slavery Society:

The American Anti-Slavery Society under the lead of Mr. Garrison had disbanded, its newspapers were discontinued, its agents were withdrawn from the field, and all systematic efforts by abolitionists were abandoned. Many of the society, Mr. Phillips and myself amongst the number, differed from Mr. Garrison as to the wisdom of this course. I felt that the work of the society was not done and that it had not fulfilled

its mission, which was, not merely to emancipate, but to elevate the enslaved class. But against Mr. Garrison's leadership, and the surprise and joy occasioned by emancipation, it was impossible to keep the association alive, and the cause of the freedmen was left mainly to individual effort and to hastily extemporized societies of an ephemeral character, brought together under benevolent impulse, but having no history behind them, and, being new to the work, they were not as effective for good as the old society would have been, had it followed up its work and kept its old instrumentalities in operation.⁴⁴

Different struggles continued, seemingly unaware of their inherent unity of interest but growing closer to needed unity with each year. The plight of women has always been a matter of slavery; racism has always been a lie used to defend imperialism and to divide people in the face of their mutual oppression; and the labor movement has always been a fight against bondage. But to several influential abolitionists, content with the social order that afforded them the luxury to participate in social reform, there were standards of "legitimacy" to abide by. Had abolitionists been free from such a narrow vision, they could have related the slavery of the Afro-American to the sufferings in the northern ghettos; they could have recognized sexist and racist prejudices as symptomatic of their own victimization; they could have looked behind prison walls for the antebellum cruelties in their own back yards and could have worked against the quiet prison movement that was institutionalizing slavery for all poor and working class people. They could have embraced the cause of northern workers who, struggling to survive under industrial servitude, could not, alone, extend their energies any further.

A Silent Admission of Guilt

While abolitionists were struggling to free the chattel slave, a significant change in the constitution of Iowa foreshadowed future attempts to cover over the embarrassing sore of prison slavery. A *prison slave state*, Article 1, Section 23 of the Iowa 1846 Constitution stated:

23. Neither slavery nor involuntary servitude, UNLESS FOR THE PUNISHMENT OF CRIMES, shall ever be tolerated in this State.

In 1857, Iowa amended its constitutional status to that of an *involuntary servitude state* by changing Section 23 to:

There shall be no slavery in this State; nor shall there be involuntary servitude, UNLESS FOR THE PUNISHMENT OF CRIME.

This state constitutional change can be regarded as an admission of guilt, an attempted erasure of that guilt, and no more.

Charles Cook, in his autobiographical *Ways of Sin*, published in 1894 to convey his experiences as an Iowa prisoner, reported conditions uncomfortably reminiscent of the old Auburn plan. Upon entering prison with hands and feet in shackles, the prisoner was made to wear a black and white striped suit, had all his hair cut off in the old slavish style that prevented him from combing it, was marched to and fro with other convicts in lock-step, worked twelve hours every day in the boot and shoe shop without being allowed to leave for a sip of water and lived in unsanitary, rat-infested conditions. Cook described the brutal punishments which were meted out to prisoners who did not meet their keepers' demands.⁴⁵

Iowa had prohibited prison slavery and yet retained involuntary servitude for crime. While the repugnant connotation of the word "slavery" was avoided, close examination of the two conditions shows little actual difference between them. Involuntary servitude is the labor relation of slavery and the ancient reason for slavery's existence.

Webster's New World Dictionary of the American Language defines "servitude" as "the condition of a slave." Add the word "involuntary" and you have "involuntary servitude," a ridiculous, redundant attempt to convey a more humanitarian flavor than "slavery." Our Congressional delegates did not use the word "servitude" unconsciously. A notable insight occurs in a speech by Representative Kasson of Iowa on January 10, 1865, in the U.S. House of Representatives:

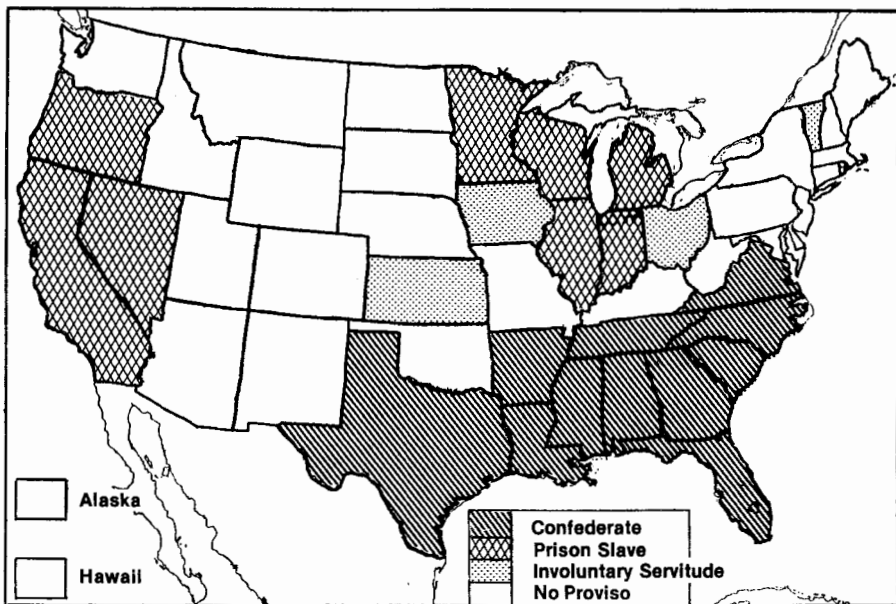
For example, quoting from the third volume of the Madison Papers, when the very question of the action of the [Constitutional] Convention upon this subject was referred to and was under consideration, Mr. Madison declared that he "thought it wrong to admit in the Constitution that there could be property in man"; and Mr. Randolph moved that the word "servitude" be stricken out and the word "service" inserted; and then follows the reason, as given in the Madison Papers, for the change:

"The former [servitude] being thought to express the condition of slaves, and the latter [service] the obligation of free persons."

It was so done.⁴⁶

Emancipation of the slave would be the banner under which thousands of Americans would sacrifice their lives in the 1860's. The next century of lawful bondage called upon sophisticated labels to disguise and protect slavery's continuance. As will be later discussed, "involuntary servitude" proved a convenient change.

As the country moved closer to Civil War, the states were divided in the following ways:



PRE CIVIL WAR STATES

Not Merely a Moral War

As W.E.B. DuBois wrote, the war that freed the chattel slave resulted from a combination of moral, political, and economic forces.⁴⁷ The North wanted to neutralize the profits of the South. Secession of the South meant losing America's collateral in cotton for international trade. Furthermore, big northern commercial interests "were using the South's great white harvest to offset the enormous quantity of goods that the nation, especially the West, was importing."⁴⁸ The "free" states participated in and profited from the slave trade and its tariffs. New York City became the hub of the slave trade, but the North bickered with the South over annexation of new territories: additional "free" states would enable new industrial masters to expand and profit from skilled wage labor while additional slave territory would enable the slavocracy to expand and profit from slave labor. Chattel slavery stood in the way of the financier-industrialists, and northern money-makers manipulated the moral protests against slavery into a convenient smoke screen for their ultimate gain.

The South stood at the height of its power in 1860: it influenced Congress, controlled the ruling majority in the Supreme Court, and substantially achieved its ends. Despite restrictions on the slave

trade, importation of slaves to the South greatly increased between 1850 and 1860. Before the chattel slavemaster fell, he had crushed 250 slave rebellions. Until secession of the southern states, Congress attempted to appease the South. At the opening of the December 1860 Congressional session, President Buchanan

...recommended in his annual message three explanatory amendments to the Constitution on the subject of slavery. The first of these was an express recognition of the right of property in slaves; the second declared the duty of protecting this right in the Territories, and the last, recognized the validity of the fugitive slave law.⁴⁹

Congress could not agree on any of the several amendments proposed to settle the slavery question. The Corwin amendment however, did receive Congressional approval in March 1862. It stated:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or to interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.⁵⁰

The amendment did not achieve state ratification, for many thought it would not prevent remaining southern states from seceding. The North needed the South and war became the solution to this dilemma.

That same year, 1862, an editorial by abolitionist Horace Greeley, the "Prayer of Twenty Millions," elicited President Lincoln's response:

If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union and is not either to save or destroy slavery. If I could save the Union without freeing any slaves, I would do it; and if I could save it by freeing all the slaves, I would also do that. What I do about slavery and the colored race, I do because I believe it would help to save the Union. . . .⁵¹

Slavery was an obscenity that had caused the United States international as well as national embarrassment. Fighting for preservation of the Union alone could not win international support and the situation of the black became strategic:

His was the only appeal which would bring sympathy from Europe, despite strong economic bonds with the South, and prevent recognition of a Southern nation built on slavery. . . . Slowly but surely an economic dispute and a political test of strength took on the aspects of a great moral crusade.⁵²

1862: The Final Punishment of Prisoner Toole and The Emancipation Proclamation

While plantation slavery provided a moral smoke screen for the political and economic motives of the Union, the slaves in the North were kept at hard labor behind prison walls. One such prisoner was Irish immigrant Gerald Toole. Despite a credible denial that he set fire to his own business, Toole was serving a life sentence at Wethersfield Prison in Connecticut.

From the first week that I entered the prison walls, to the month of March, 1862, was characteristic of brutality and audacious hardship never before witnessed. The storm was a long time coming, but could be seen hovering in the distance - a long, dark cloud, that at no distant day was sure to burst asunder. Threats came to me every week, but not to me only, for these same threats were extended to the other prisoners. It was one continual strain from morning till night, "every where and in all places," whether at hard, laborious work, or at dinner, or in the lonely cell - it was everywhere. The emissaries were everywhere to be found. There was no peace, no comfort; in fact, nothing that could be desired. These continual threats and cuffs were now about coming to an end.⁵³

Toole worked in the prison boot shop and could not meet his supervisor's demands for a case of boots, twelve per day.

I told him [the supervisor] plainly, in language not to be misunderstood, that more work I could not do, and follow it up for any length of time. I asked him to look at the big drops of sweat that came running down my brow. On one occasion, while engaged in wiping the perspiration from my face, I was hailed by Buck, with all the airs he was capable of assuming, and in all the bitterness of his nature, (which, I may here add is of the first water,) who shouted at the top of his voice: "If I ever catch you again killing time this way, we'll lick you every day!" (Here I was working in a close shop, without any fresh air, from morn until night, in a state of stupidity half of the time from the effects of physical labor and mental weakness, working as hard as I could, and using all the muscular powers that kind nature had bestowed on me).⁵⁴

The warden promised to beat Toole if he failed to complete a case of boots. That next day Toole strained to complete twelve pair but only finished ten. After "doing all in my power to avoid this disgraceful usage,"⁵⁵ he was taken to the dungeon.

I held up my head, and walked with a quick pace. On entering the dungeon, the doors had all been closed. With a sullen aspect and a flash of the eye, [Warden] Webster told me to

“strip off.” This demand I did not anticipate, and I ventured to ask my persecutor what he meant to do. The response was the same as before, but somewhat sharper and more authoritative. I yielded, remarking that this was the first time I had ever been so treated. Deputy Fenton stood by, with his mounted cane in his hand; Webster also had his in the same position. I had no means of defending myself, so I was obliged to leave myself to the mercy of my cruel masters. Having my coat and shirt off, Webster ordered me to turn round and place my hands on the wall, holding them up high as possible. This done, he drew out the piercing and cutting “cat,” and laid it on to my shoulders with all the dexterity and force of an enraged barbarian who has long had practice in the same school. . . . Again and again the poisonous lash cut up my flesh, and then the unmerciful tyrant, still thirsting for my blood, drew the bloody cords and sunk them on my back! The pain was excruciating; it was piercing beyond conception. I had never before conceived of the horrid nature of the “cat-o’-nine-tails.” I had read of instances where the surgeon looked on, to see if the victim was capable of bearing more; in my case there was not a surgeon, but a *butcher* in his place. . . . Ere the last two blows fell, Webster exclaimed, in all the bitterness of his heart, “Now will you make a case of boots to-morrow - now will you make a case of boots?” I answered in the affirmative, adding, “I have this day done all that I am capable of doing.” I also remember having several times begged his pardon while the hellish “cat” fell on my naked shoulders. “Now,” he said, “if you don’t make twelve pairs to-morrow, I will take you over here again in the evening, and give you twice the number you have now got.”⁵⁶

The following day, Toole again did all in his power to avoid another beating.

The hour was now fast approaching for the catastrophe! I found at four o’clock that I could do no more than ten pair of boots, and dreaded the awful punishment that was to take place, - yes, in another hour, with more severity than had yet been inflicted. My yet bleeding and trembling shoulders crept at the very thought. My life at the time became wearisome. Yes, death then would be a relief - that “dreamless sleep, that knows no awakening.”

In this distracted state of mind, I placed my knife in my pocket, took another to work with from the bench in front, and continued up to twenty minutes to six, when Buck paid me the first visit for the day. . . . Boss Buck now inquired of me how many pairs I had done. I told him the same as yesterday, - on the last boot of the tenth pair, - adding, “you have seen me here all day, in a state of perspiration, endeavoring to do all my strength would allow; and I now find out, as I said yesterday, that twelve pair I can not do.” Not a sentence more he uttered, save the words, “Go off to the space.” I went off on

the moment, as required, for experience taught me remonstrance with Buck would only get me kicked about the shop, and in the state of mind I was then in I might draw the knife I had thus concealed for self-defense. Here I had been remaining for near ten minutes, awaiting the moment of being pulled and dragged away to that ever to be remembered dungeon. Oh, God! when thus standing in that space during that ten minutes, what awful fleeting thoughts flashed across my mind! I even thought the other degraded prisoners that caught my eye were happy to me beyond measure. No living being could ever be in so awful a state of mind, broaching on insanity. I became maddened! The shop appeared rolling around! I could scarcely hold my feet, from terror, excitement and horror! Indeed, at the time I would have faced daggers and swords, for all I wanted was a death-blow that would send me out of pain!⁵⁷

When Warden Webster appeared and pushed Toole toward the dungeon, Toole grabbed his knife to defend himself against another beating, and in the scuffle that followed, stabbed Webster three times before being dragged off to the dungeon by four men and beaten far worse than before, with eight men holding him down.⁵⁸

Webster died the next day and Toole was put on trial for murder. Convicted of Webster's murder, Toole suffered death by hanging on September 28, 1862, eleven days before his twenty-fourth birthday.⁵⁹ Gerald Toole suffered the slavemaster's final punishment - death - and the cries of others like him were muffled in the North by the quietly enforced institution of slavery as a punishment for crime.

A few days after Toole's death, and as a tactic of war, President Lincoln issued the Emancipation Proclamation:

That on the 1st day of January, A.D. 1863, all persons held as slaves within any State...in rebellion against the United States shall be then, thenceforward, and forever free.⁶⁰

Freeing all the chattel slaves in the rebel states, the edict served two strategic functions. It defended the position of the Union by giving moral purpose to the war, thereby encouraging support from Europe, and it hit the Confederacy at its economic foundation - slavery. By setting Confederate slaves free, the President encouraged 4 million blacks to fight on the side of the Union for their emancipation.⁶¹

[Lincoln] delayed it as long as he could. He twice overruled field commanders who had issued edicts of abolition in their war zones. He pondered the obviously troubling matter of constitutional authority for the step. The Constitution had left the lawfulness of slavery up to the separate states. The only legal ground Lincoln could plausibly stand on in issuing the Emancipation Proclamation was that of war-emergency power in his role as commander-in-chief, and so he used it on the first day of the year 1863. Technically, it is true, it did not free any-

body within Lincoln's territorial command. It applied only to those slaves in rebel states, excluding parts of Virginia and Louisiana then under Union control. It did not mention the rest of the Union, for there would have been no military justification for such a step. But it did confirm what was happening in the battlefield: it formally invited free slaves to join the Union army - a step they had taken right along.⁶²

War

Slavery reached beyond its chained victims by reducing the number of available jobs to free labor and forcing workers to accept lower wages. Many working people recognized that the struggle of the Afro-American was also their struggle. The *Voice of Industry* declared:

The question of slavery is in truth the question of labor. Wherever the rights of laborers are discussed or upon whatever department of labor reform we insist, the influence of slavery is arrayed against us. Do we ask for a Free Soil, a land limitation law, or any other measure which looks to the protection and elevation of the laboring classes, we are told by the McDuffies and the Calhouns that slavery is the natural and necessary condition of the producing classes. . . .⁶³

And the November, 1862 edition of the *Iron Platform* read:

There is one truth which should be clearly understood by every working man in the Union. *The slavery of the black man leads to the slavery of the white man.*⁶⁴

More than 50 percent of the nation's workers left for the battlefield, leaving their families to carry on the struggle to survive without them. In the South, men and women with long-cherished aspirations for freedom also joined Union ranks, for, as Lincoln had counted on and as W.E.B. DuBois would later confirm, the black

became in the first year contraband of war; that is, property belonging to the enemy and valuable to the invader. And, in addition to that, he became, as the South quickly saw, the key to the Southern resistance. . . .⁶⁵

The wage slave and the chattel slave won the war for the Union. The poor Southern white followed the action of the slaves by abandoning the slavemaster, whose losing war became too much of a burden to bear. Some became "recalcitrant, some went into active opposition; and at last it was more desertion and disunion than anything else that brought about the final overthrow."⁶⁶ Before the final overthrow of the Confederacy, more than 600,000 died and more than 400,000 were injured on the four-year battle front. The cost to the fighting troops of

workers, farmers, slaves and ex-slaves was high. And, as Harriet Tubman, then scout for the Union army, reported after one of the bravest assaults of the war, fought by black Union troops at Fort Wagner,

And then we saw the lightning, and that was the guns; and then we heard the thunder and that was the big guns; and then we heard the rain falling and that was the drops of blood falling; and when we came to get in the crops, it was the dead men that we reaped.⁶⁷

While men and women were dying for freedom, J.P. Morgan, John D. Rockefeller, Philip Armour, James Hill, Andrew Carnegie, Jay Gould and Jim Fisk were building empires out of war. Avoiding the draft of 1863 by paying the going price of \$300 to young men who took the rich men's places in battle, young capitalists reaped their harvest of war in greenbacks. Morgan sold previously condemned government rifles back to the government at lucrative profits; banker Jay Cooke earned \$20,000,000 from commissions that the government paid war industries; Armour made \$2,000,000 selling pork to the army at inflated prices; Rockefeller initiated his plan to monopolize the oil industry; and 10,000 Chinese and 3,000 Irish were suffering casualties as they labored for pittance to build the transcontinental railroad. Investigations into the war dealings of J.P. Morgan led a Congressional committee to conclude: "Worse than traitors are the men who, pretending loyalty to the flag, feast and fatten on the mistortunes of the nation."⁶⁸

By the end of the Civil War, these robber barons gained unforetold control over the industrial capital of the reunited nation.

The young men who were to form the new nobility of industry and banking had, most of them, reached their prime of youth or manhood when Lincoln issued his first call for volunteers. Jay Gould, Jim Fisk, J.P. Morgan, Philip Armour, Andrew Carnegie, James Hill and John Rockefeller were all in their early twenties; Collis Huntington and Leland Stanford were over thirty, while Jay Cooke was not yet forty. In the ensuing years all the members of this band of youth would meet their first "windfalls": sure-footed they . . . would take their posts in the economic revolution which rose to a climax in the war; and the end of the war would see them masters of money, capitalists equipped to increase their capital. In the hour of danger it was as if *they alone were prepared*. It was as if the Second American Revolution had been fought for them.⁶⁹

These men represented monied interests that then exploited the war-torn South using agents known as carpetbaggers and fought the rising labor movement with deceit, sabotage, control of government officials and agencies, and called in American troops to stop worker protests for higher wages. In their propagandized cry for "law and order," they continued to suppress suffrage, civil rights, labor leaders;

victimized workers and the poor met with slavery as a punishment for their crimes of resistance.

Notes

1. Gerda Lerner, *The Grimké Sisters from South Carolina* (New York: Schocken Books, 1967), p. 174.
2. See James Gillespie Birney, *The American Churches, the Bulwarks of American Slavery* (New York: Arno Press and The New York Times; reprint ed. 1842); Stephen S. Foster, *The Brotherhood of Thieves* (New York: Arno Press and The New York Times; reprint ed. 1886). Foster's book is taken from an 1843 letter which was prepared for the press to criticize churches for supporting slavery, "exposing the deep and fathomless abominations of those *pious* thieves, who gain their livelihood by preaching and stealing babies" (p. 8).
3. Lerner, p. 52.
4. *Ibid.*, p. 61.
5. *Ibid.*, p. 255.
6. Drake, p. 142.
7. *Ibid.*, pp. 142-148.
8. Katharine Anthony, *Susan B. Anthony: Her Personal History and Her Era* (New York: Russell & Russell, 1975; reissue ed. Doubleday & Company, Inc., 1954), p. 134.
9. Francine Klagsbrun, *Freedom Now!* (Boston: Houghton Mifflin Company, 1972), pp. 25-29, 36-39.
10. *Ibid.*, p. 41.
11. *Ibid.*, p. 53.
12. Martin Duberman, "The Northern Response to Slavery," Martin Duberman, ed., *The Antislavery Vanguard: New Essays on the Abolitionists* (Princeton: Princeton University Press, 1965), pp. 398-399.
13. Frederick Douglass, *Life and Times of Frederick Douglass*, intro. by Rayford W. Logan (New York: Collier Books, 1962; reprint of 1892 revised ed.), p. 469.
14. Lerner, p. 201.
15. *Ibid.*, p. 171.
16. *Ibid.*, pp. 127-128.
17. James J. Green, *Wendell Phillips* (New York: International Publishers, 1964; reprint ed. 1943), p. 11.
18. *Ibid.*, p. 13.
19. Wyeth Holt, "The Myth of Civil Liberties in America" (book review of *Free Men All: The Personal Liberty Laws of the North* by Thomas D. Morris) *Vanderbilt Law Review*, 27 (1974): 1065.
20. W.E.B. DuBois, *John Brown* (New York: International Publishers, 1972 printing of 1962 ed.; first ed., 1909), p. 135.
21. Anthony, p. 135.
22. Donald, p. 283.

23. *Ibid.*, p. 285.
24. *Ibid.*, pp. 288-312.
25. Charles Morrow Wilson, *The Dred Scott Decision* (Philadelphia: Auerbach Publishers, Inc., 1973), pp. 7-10. Harriet and Dred Scott spent their first five years together as slaves where slavery was prohibited by law, four years while Emerson was buying Harriet from her owner, which "was in double violation of the prevailing territorial laws that also prohibited the *buying* and selling of slaves," and another year as "hire-outs" in Minnesota while Emerson was in Missouri (pp. 9-10). Wilson's "A Chronology of the Life and Times of Dred Scott" lists 1831 to 1838 as years during which "Dred Scott began his seven-year tenure as a slave held in places where slavery was forbidden by state or territorial laws." (p. 114).
26. *Ibid.*, pp. 14-21, 116.
27. *Ibid.*, p. 57.
28. Holt, pp. 1066-1067.
29. *Ibid.*, p. 1067.
30. DuBois, *John Brown*, p. 365.
31. See Larry Gara, "Who Was an Abolitionist?" *The Antislavery Vanguard*, pp. 3-31.
32. See Foner, *Frederick Douglass*, pp. 42-45.
33. Klagsbrun, pp. 125-135.
34. Douglass, pp. 217-218; Foner, *Frederick Douglass*, pp. 59, 136-154; Douglass on "Garrisonism" in Philip S. Foner, *The Life and Writings of Frederick Douglass*, vol. 2 (New York: International Publishers, 1950), letter "To the Secretary of the Edinburgh New Anti-Slavery Association," p. 425.
35. Klagsbrun, p. 40, for subscribers to the *Liberator*.
36. Foner, *Frederick Douglass*, p. 135; see also Sillen, pp. 52-53.
37. Foner, *The Life and Writings of Frederick Douglass*, vol. 2, "The Claims of the Negro Ethnologically Considered, an address delivered at Western Reserve College, July 12, 1854," p. 305; see also James M. McPherson, "A Brief for Equality: The Abolitionist Reply to the Racist Myth, 1860-1865," *The Antislavery Vanguard*, p. 171.
38. Davis, p. 350.
39. William Lofton, "Abolition and Labor", *The Journal of Negro History*, 33 (1948): 250-253. Garrison's defense of his failure to give more support to the labor struggle is explained in this way:
- The great eastern abolitionist, Garrison, recognized the cogency of the argument [for a strong coalition of labor and abolitionists] but felt that it was wise not to adopt the proposed appeal [to give more support to the labor movement] because "we are already staggering under the load of responsibilities connected with what we deem to be, for the time being, the most radical movement on the American soil."
40. Ware, p. 78, quoting *Voice of Industry*, October 9, 1846.
41. *Ibid.*, p. 79, quoting *Voice of Industry*, March 28, 1848.
42. Lofton, p. 272.
43. *Ibid.*, pp. 270-271.

44. Douglass, p. 378.
45. Charles A. Cook, *The Ways of Sin or Experiences of Convict Life* (Des Moines: Patterson-Brown Printery, 1894), chaps. 3-10.
46. *Congressional Globe*, 38th Congress, Second Session, p. 190.
47. DuBois, *Suppression of the African Slave Trade*, pp. 195-196.
48. Kluger, p. 41.
49. Herman V. Ames, *Proposed Amendments to the Constitution of the United States During the First Century of its History* (New York: Burt Franklin, 1970; reprint ed. 1896), p. 194.
50. *Ibid.*, p. 196. The Corwin amendment bears the name of its prime sponsor, Congressman Corwin from Ohio.
51. W.E.B. DuBois, *Black Reconstruction* (Millwood, New York: Kraus-Thomson Organization Limited with permission of Russell and Russell, 1963; reprint ed. Harcourt, Brace and Co., 1935), p. 85.
52. *Ibid.*, pp. 79-80.
53. Gerald Toole, *An Autobiography of Gerald Toole, the State's Prison Convict, who Murdered Daniel Webster, Warden of the Connecticut State Prison on the 27th of March, 1862* (Hartford: Press of Case, Lockwood and Company, 1862), pp. 21-22.
54. *Ibid.*, p. 22.
55. *Ibid.*, p. 25.
56. *Ibid.*
57. *Ibid.*, p. 29.
58. *Ibid.*, pp. 30-32.
59. *Ibid.*, pp. 42-43.
60. *Encyclopedia Americana*, International ed. (1981), s.v. "Emancipation Proclamation."
61. DuBois, *Black Reconstruction*, p. 57. DuBois reports that of the 4.2 million blacks in the South, 3,953,740 were slaves and 261,918 were "free."
62. Kluger, pp. 42-43.
63. Ware, p. 225.
64. Richard O. Boyer and Herbert M. Morais, *Labor's Untold Story*, 3rd ed. (New York: United Electrical, Radio & Machine Workers of America, 1975), p. 14n.
65. DuBois, *Black Reconstruction*, p. 80.
66. *Ibid.*, as quoted from Campbell, *Black and White in the United States*, p. 165.
67. Boyer and Morais, p. 23.
68. *Ibid.*, p. 19.
69. *Ibid.*, p. 20, quoting Matthew Josephson.