

THE GADFLY GEORGE H. MOORE¹

AND

“SLAVERY IN MASSACHUSETTS”



NOTE: It is curious that just before Henry Thoreau delivered his lecture which he would title **“SLAVERY IN MASSACHUSETTS”**, Massachusetts Senator Charles Sumner had declared piously in Washington DC that the sacred soil of his state was innocent of slavery: “In all her annals, no person was ever born a slave on the soil of Massachusetts.” Was the title Thoreau assigned to his 4th-of-July oration in Framingham in part a response to this filial-but-false allegation that his friend Senator Bragadocchio had just issued? Was Thoreau poking fun? Well, in considering this question we should take into account that there has been another person who has taken Senator Sumner to task for such **insanely false allegations**: the gadfly historian **GEORGE H. MOORE** who in 1866 in his **NOTES ON THE HISTORY OF SLAVERY IN MASSACHUSETTS** would make a rock solid case that very much to the contrary, not only had this “innocent” Massachusetts originally led the way into human enslavement in America, but also that despite what any of the patriotic locals had been claiming, such enslavement had remained lawful there through all its historical periods – all the way forward until the general banishment of the peculiar institution by means of a XIIIth Amendment to the United States Constitution in 1865! –That paradoxically, the votes of the iniquitous Southern states of South Carolina and Georgia had been helpful in bringing about, at very long last, the illegalization of human slavery in this hypocritical northern bastion state of Massachusetts!

1. Clearly, this University of the City of New-York graduate with the Class of 1842 George Moore was not the same person as George Moore, son of Sheriff Abel Moore of Concord – who had been a Harvard College graduate with the Class of 1834.

1616

In the area that would become the Boston Harbor, or off Cape Cod, a French trading ship in difficulties was taken by the native Americans. The ship was burned and all but five of its crewmembers were slaughtered. These five were made slaves of the local sagamores, of various native towns (including *Namasket* and *Massachuset*), who would use them for sport as well as for menial labor.² About this time another French ship was intercepted by the Americans near Peddock's Island in Massachusetts Bay, and the entire crew was killed and the ship burned.

MASSACHUSETTS BAY

1662

Those who want to consider Massachusetts to have been the originator of liberty should reflect on the sad fact that Massachusetts was the 1st English colony to legalize slavery. One of the few free blacks in the Boston area about whom we know anything from the pivotal decade of the 1650s is Bostian Ken (or Sebastian Kane). He was a seaman who owned a modest amount of property in Dorchester. He was active in the coastwise trade between Massachusetts Bay and Virginia. In this year he moved his residence from Dorchester to the Virginia Eastern Shore, where he would live until his death in 1670. Clearly, for this free black seaman, the Virginia Eastern Shore was in 1662 for some reason preferable to Dorchester, Massachusetts!

1774

May-September: The Intolerable Acts effectively required that Boston be closed as a port as of July 1st. This means that, although Massachusetts would not formally ban the African slave trade until the revolution and would allow the persistence of slavery despite its constitution of 1780 and despite the judicial determinations in the Quock Walker cases of 1781 and 1783, effectively its importation of black slaves ceased at this point.

June: By this document a group of slaves from Massachusetts petitions the colonial governor General Thomas Gage, the Council, and the Massachusetts House of Representatives, asserting that they share in common with other men, a natural right to be free.

To his Excellency Thomas Gage Esq Captain General and Governor
in Chief in and over This Province
To the Honourable his Majestys Council and the Honourable House
of Representatives in General Court assembled may 25 1774
[Although the year looks a little like 1777, the heading, and
the fact that Gage was Governor between 1774-1775 would show
that the date is 1774.]
The Petition of a Grate [Great] Number of Blackes of this

2. **RHODE ISLAND** College's anthropologist, Professor Richard Lobban, has interestingly asserted that slavery began in New England as an export business — exporting native American prisoners of war at the suggestion of the Reverend **ROGER WILLIAMS** after the Pequot campaign later in the 17th Century. In the light of the above information, that is a strangely ethnocentric stance in which to be discovering, of all persons, an anthropologist!

Province who by divine permission are held in a state of Slavery within the bowels of a free and Christian Country Humbly Shewing That your Petitioners apprehend we have in common With all other men a naturel [natural] right to our freedoms without Being depriv'd of them by our fellow men as we are a freeborn Pepel [People] and have never forfeited this Blessing by aney [any] compact or agreement whatever. But we were unjustly dragged by the cruel hand of power from our dearest frinds [friends] and others sum [some] of us stolen from the bosoms of our tender Parents and from a Populous Pleasant and plentiful country and Brought hither to be made slaves for Life in a Christian land Thus are we deprived of every thing that hath a tendency to make life even tolerable, the endearing ties of husband and wife we are strangers to for we are no longer man and wife then our masters or Mestreses [Mistresses] thinkes [think] proper marred [married] or onmarred [unmarried]. Our Children are also taken from us by force and sent maney [many] miles from us wear [where] we seldom or ever see them again there to be made slaves of fore [for] Life which sumtimes [sometimes] is verrey [very] short by Reson [reason] of Being dragged from their mothers Breest [Breast] Thus our Lives are imbittered to us on these accounts [Page 2]

By our deplorable situation we are rendered incapable of shewing our obedience to Almighty God how can a Slave perform the duties of a husband to a wife or parent to his child How can a husband leave master and work and Cleave to his wife How can the wife submit [theres?] [there?] themselves to there [their] Husbands in all things. How can the child obey thear [their] parents in all things. There is a grat [great] number of us Members Sencear [Sincere] thou [though] once [ov the?] members of Christs Church the Church of Christ how can the master and the Slave be said to fullfil [fulfill] that command Live in love let Brotherly Love contuner [continue] and abound Beare [Bear] yea onenothers [one another] Bordenes [Burdens] How can the master be said to Beare my Borden [Burden] when he Beares [Bears] me down, with the Have chanes [chains] of slavery and operson [oppression] aganst my will and How can we fullfill [fulfill] our parte [parte] of duty to him whilst in this Condition and as we cannot searve [serve] our god as we ought whilst in this situation Nither [Neither] can we reap an equal benefet [benefit] from the laws of the Land which doth not justifi [justify] but condemes [condemns] Slavery or if there had bin [been] aney [any] Law to hold us in Bondege [Bondage] we are Humbely [Humbly] of the opinon ther never was aney [any] to inslave our children for life when Born in a free Countrey [Country]. We therfor [therefore] Bage [Beg] your Excellency and Honours will give this it its deu [due] weight and consideration and that you will accordingly cause an act of the legislative to be pessed [passed] that we may obtain our Natural right our freedoms and our Children be set at lebety [liberty] at the yeare of Twenty one for whoues [whose] sekas [sakes] more Petequeley [Particularly] your Petitioners is is in Duty ever to Proy [Pray].

1780

The Commonwealth of Massachusetts adopted a Constitutional document which declared that all men were born free and equal.

Passage in the Constitution which was held by the courts to abolish slavery: "Art. I. All men are born free and equal, and have certain, natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties," etc. CONSTITUTION OF MASSACHUSETTS, Part I., Art. 1; prefixed to PERPETUAL LAWS (1789).

This would eventually come to be considered by some to have abolished local race slavery, though nobody at the time supposed that that was what they had accomplished, and though such an after-the-fact re-interpretation is entirely unfounded and utterly self-magnifying:

As clause is inserted as an abolition of human bondage. It gives liberty to the slaves here and elsewhere. Thus fell one of the greatest abominations ever chargeable upon the home of the Puritans. Well, unspeakably well, would it have been for no small portion of our Republic, could it have been influenced by the same enlightened views, and by the same righteous motives. But we are aware that it is not so. The cries of oppressed multitudes still throng Heaven's tribunal for awful retribution upon our land. Millions, holding their fellow-beings in servitude, are bequeathing to their children a heritage of peril, iniquity, blood, and carnage.

Article III of the Massachusetts Constitution provided for an established "Publick religion." Although it protected rights of conscience and permitted religious pluralism, it also authorized the state legislature to require towns to institute the public worship of God, to provide tax support for elected "public protestant teachers of piety, religion, and morality," and to "enjoin attendance upon the instructions of the public teachers" for residents who could conscientiously and conveniently attend. Those townsfolk who regularly worshiped with other denominations could if they chose stipulate that their taxes were to be disbursed to their own ministers, but for everyone else, these taxes would go toward the maintenance of the community's chosen public minister. Article III enabled three manifestations of state religion:

- "institutional" — this would prove to be unworkable, in practice, and would be removed by constitutional amendment in 1833
- "ceremonial," invoking the name and presence of God in public rituals, as when public officials swore their oaths of office, in the tradition the Puritan covenantalism
- "moral," taking the form of endorsements of religious morality as the prerequisite for civil liberty

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This Article III actually had not received the requisite 2/3rds majority in the popular vote which ratified the Constitution — but the representatives delegated to attend the constitutional convention chose to disregard that expression of popular opinion. Puritans, who had been running the established commonwealth church since 1691, fell in this year from that state of grace as Massachusetts became the first of the former colonies to give lip-service to the idea that freedom was a constitutional right of its citizens. Also, almost as if these people had no idea what it was that they had just declared, over the protests of local religious dissenters and other malcontents a state constitution was adopted which allowed for governmental support of religion. The exemption to which **QUAKERS** and Baptists had been accustomed, by which they could support their religious institutions directly and voluntarily rather than formally and enforcedly by way of the town clerk, was eliminated. Everyone, like Episcopalians, had to pay a tax to the government, which was then supposedly passed on to the church of their registry. A number of times, however, powerful Congregationalist clerks would be able to stall and stonewall rather than pass that money on to powerless non-Congregationalist assemblies, and when taken to court, the Federalists on the bench would also be able effectively to stall and stonewall, and invoke technicalities. We know of one egregious example in which a Baptist group had to spend \$100.⁰⁰ in a four-year struggle to get their hands on \$4.⁰⁰ that was clearly due to them. (Would they have been motivated by the principal?)

1781

The first Quock Walker case having to do (more or less, or supposedly) with the outlawing of **SLAVERY** in Massachusetts under its new Constitution of 1780. "It is simply crazy that there should ever have come into being a world with such a sin in it, in which a man is set apart because of his color — the superficial fact about a human being. Who could **want** such a world? For an American fighting for his love of country, that the last hope of earth should from its beginning have swallowed slavery, is an irony so withering, a justice so intimate in its rebuke of pride, as to measure only with God."

— Stanley Cavell, *MUST WE MEAN WHAT WE SAY?*, 1976, page 141



1783

A slave named Quaco sued for his freedom in the Massachusetts courts under the 1780 constitution, and apparently won on the basis of some technicality. At the census of 1790, Massachusetts would be the sole state to allege that its citizens held no slaves. This was the final Quock Walker case, in which this Worcester County slave managed to persuade the Massachusetts Supreme Court to examine its Constitution of Government document. It was at this point opinioned that the new Massachusetts Constitution of 1780 had effectively outlawed slavery in Massachusetts, Chief Justice William Cushing himself issuing the court's determination that, at least within the boundaries of the Commonwealth of Massachusetts, "there can be no such thing as perpetual servitude of a rational creature." You'd suppose that put an end to the issue — wouldn't you? However Zilversmit's *THE FIRST EMANCIPATION: THE ABOLITION OF SLAVERY IN THE NORTH* (Chicago IL: U of Chicago P, 1967, pages 112-116) makes a case that the Massachusetts courts had exceeded the original intent of the 1780 Constitution, and that therefore this was not in fact the end of the controversy over slavery in Massachusetts. How could it be considered "over," while there still existed actual enslaved persons in the state? No, as the saying goes, it ain't over 'till it's over!

"EMANCIPATION IN THE BRITISH WEST INDIES": All the great geniuses of the British senate, Fox, Pitt, Burke, Grenville, Sheridan, Grey, Canning, ranged themselves on its side; the poet Cowper wrote for it: Franklin, Jefferson, Washington, in this country, all recorded their votes.

— The same phenomenon would occur in New Hampshire, with the lives of fewer slaves in issue, where courts would opinion that slavery violated the 1783 New Hampshire Constitution despite the fact that it was not at all clear that any of the delegates to New Hampshire's Constitutional Convention had intended any such thing.

1823**GEORGE H. MOORE** was born.**1839****GEORGE H. MOORE** attended Dartmouth College.**1842****GEORGE H. MOORE** graduated from the University of the City of New-York.

1845

GEORGE H. MOORE obtained his master's degree from the University of the City of New-York.

1849

GEORGE H. MOORE became the librarian of the New-York Historical Society.

1854

June 28, Wednesday: The following item has been extracted from page 3, column 4 of the Worcester Palladium of this date by Bradley P. Dean, to add to our understanding of the context for Henry Thoreau's delivery of a portion of "SLAVERY IN MASSACHUSETTS" on a mourning-crepe-draped platform of the 4th of July commemoration at the Harmony Grove in Framingham MA:

Meeting for True Freedom ON THE FOURTH OF JULY.

THE Managers of the Massachusetts Anti-Slavery Society invite, without distinction of party or sect, and without reference to varieties of opinion, ALL who mean to be known as on LIBERTY'S side, in the great struggle which is now upon us, to meet in full and earnest convention, at THE GROVE IN FRAMINGHAM, on the approaching FOURTH OF JULY, there to pass the day in no idle and deceptive glorying in our country's liberties, but in deep humiliation for her Disgrace and Shame, and in resolute purpose –God being our leader– to rescue old Massachusetts at least from being bound forever to the car of Slavery.

SPECIAL TRAINS will run on that day, to the Grove, from Boston, Worcester, and Milford – leaving each place at 9.25 A.M. Returning – leave the Grove about 5 1-2 P.M. FARE, by all these Trains, to the Grove and back, FIFTY CENTS.

The beauty of the Grove, and the completeness and excellence of its accommodations, are well known. Eminent Speakers, from different quarters of the State, will be present.

In the morning of this Wednesday Henry Thoreau went by boat to the Island. On this day Senator Charles Sumner was speechifying, quite falsely, that "In all her annals, no person was ever born a slave on the soil of Massachusetts."³ In fact, it had been in the Bay Colony, in 1639, that there had occurred one of the earliest – if not the very earliest– project on this continent for the breeding of slaves. As the honest historian GEORGE H. MOORE would point out in 1866, although there were no longer any slaves in Massachusetts, slavery was **still** theoretically possible as a point of Massachusetts law as of the very day of the passage of the XIIIth Amendment to the US Constitution in 1865.

³ How could someone get elected who was this ignorant, or this obtuse? According to Bliss Perry, it had been Friend JOHN GREENLEAF WHITTIER the behind-the-scenes political manipulator who had "sent Sumner to the US Senate." According to Claude M. Fuess, it was this Quaker single-issue-advocate politician's "avowed aim to extort from the Massachusetts Congressmen every concession to anti-slavery principles which could be secured by any kind of strategy short of criminal methods."

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Our national birthday, the 4th of July, Tuesday: This was Nathaniel Hawthorne's 50th birthday.



Rowland Hussey Macy (1822-1919) had gotten started in retail in 1851 with a dry goods store in downtown Haverhill. Macy's policy from the very first was "His goods are bought for cash, and will be sold for the same, at a small advance." On this date Macy's 1st parade marched down the main drag of the little New England village. It was too hot and only about a hundred people viewed his celebration. In 1858 Macy would sell this store and, with the financial backing of Caleb Dustin Hunking of Haverhill, relocate the retail business to easier pickings in New-York. (So, have you heard of the New York Macy's department store? –Have you shopped there?)

When the mayor of Wilmington, Delaware jailed City Council member Joshua S. Valentine for setting off firecrackers, he was mobbed by a group of indignant citizens.

Henry Thoreau went at "8 A.M. –To Framingham."

At this abolitionist picnic celebrating our nation's birthday and the Declaration of Independence, attended by

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some 600, a man the Standard described as “a sort of literary recluse,” name of Henry David Thoreau, **declared for dissolution of the federal union.**

Sojourner Truth was another of the speakers, although we do not know whether she spoke before of after Thoreau (the newspaper reporter who was present failed entirely to notice that Sojourner took part), nor whether he sat on the platform beside her. Stephen Symonds Foster and Abby Kelley Foster were present



(Abby probably brought her daughter Alla to the pic nic, for it was always a family affair, with swings for the children, boating on a nearby pond, and a convenient refreshment stand since the day would be quite hot,

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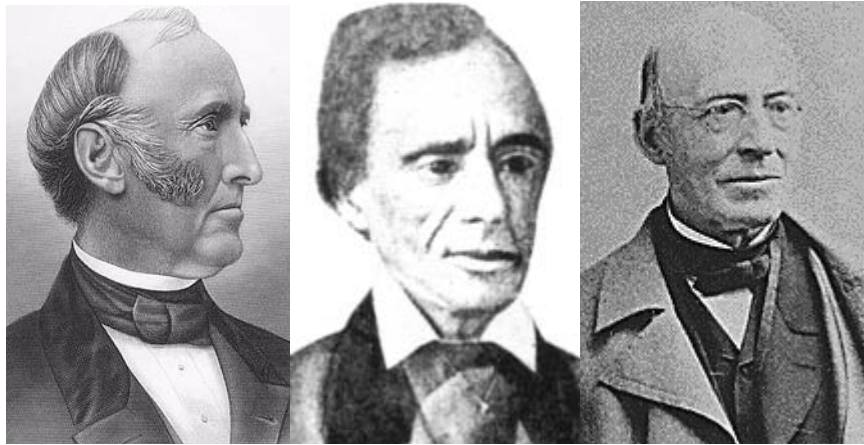
and confined her remarks to an appeal for funds), and Lucy Stone, as were Wendell Phillips, Charles Lenox



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Remond, and William Lloyd Garrison.⁴



4. There was an active agent of the Underground railroad on that platform, we may note, and it was not the gregarious Truth but the “sort of literary recluse” Thoreau. That is, please allow me to state the following in regard to the existence of eyewitness testimony, that the Thoreau home in Concord was in the period prior to the Civil War a waystation on the Underground Railway: we might reappraise Henry Thoreau’s relationship with Sojourner Truth, of whom it has been asserted by [Ebony Magazine](#) that she was a “Leader of the Underground Railroad Movement” (February 1987), by asking whether there is any comparable eyewitness testimony, that Truth ever was involved in that risky and illegal activity? Her biographer refers to her as a “loose cannon,” not the sort of close-mouthed person who could be relied upon as a participant in a quite secret and quite illegal and quite dangerous endeavor, and considers also that no such evidence has ever been produced. The Thoreaus, in contrast, not only were never regarded as loose in this manner, but were, we know, regarded as utterly reliable — and in the case of the Thoreau family home the evidence for total involvement exists and is quite conclusive.

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I will quote a couple of paragraphs about the course of the meeting from the Foster biography,
AHEAD OF HER TIME:



Heading the finance committee, Abby made her usual appeal for funds, Stephen called on the friends of liberty to resist the Fugitive Slave Law, "each one with such weapons as he thought right and proper," and Wendell Phillips, Sojourner Truth, and Lucy Stone held the audience in thrall with their "soul-eloquence." After an hour's break for refreshments Henry Thoreau castigated Massachusetts for being in the service of the Slaveholders and demanded that the state leave the Union. "I have lived for the last month -and I think that every man in Massachusetts capable of the sentiment of patriotism must have had a similar experience- with the sense of having suffered a vast and indefinite loss. I did not know what ailed me. At last it occurred to me that what I had lost was a country."

Thoreau's speech is still reprinted, but William Lloyd Garrison provided the most dramatic moment of that balmy July day. Placing a lighted candle on the lectern, he picked up a copy of the Fugitive Slave Law and touched it to the flame. As it burned, he intoned a familiar phrase: "And let all the people say **Amen**." As the shouts of "Amen" echoed, he burned the U.S. commissioner's decision in the Burns case. Then he held a copy of the United States Constitution to the candle, proclaiming, "So perish all compromises with tyranny." As it burned to ashes, he repeated, "And let all the people say **Amen**." While the audience responded with a tremendous shout of "Amen," he stood before them with arms extended, as if in blessing. No one who was present ever forgot the scene; it was the high point of unity among the Garrisonian abolitionists.

This biography of Abby Kelley, with its suggestion that Henry Thoreau's speech, which it condenses to three sentences, must have been significant because it is "still reprinted," overlooks the fact that Thoreau had not been granted an opportunity to read his entire lecture. A contemporary comment on the speech was more accurate:



Henry Thoreau, of Concord, read portions of a racy and ably written address, the whole of which will be published in the Liberator.

That is, Thoreau delivered a 4th-of-July oration at Framingham MA on **"SLAVERY IN MASSACHUSETTS"**, criticizing the governor and the chief justice of Massachusetts who were in the audience. –But, he was not

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allowed the opportunity to read his entire essay.

The whole military force of the State is at the service of a Mr. Suttle, a slaveholder from Virginia, to enable him to catch a man whom he calls his property; but not a soldier is offered to save a citizen of Massachusetts from being kidnapped! Is this what all these soldiers, all this training has been for these seventy-nine years past? Have they been trained merely to rob Mexico, and carry back fugitive slaves to their masters? These very nights, I heard the sound of a drum in our streets. There were men training still; and for what? I could with an effort pardon the cockerels of Concord for crowing still, for they, perchance, had not been beaten that morning; but I could not excuse this rub-a-dub of the "trainers." The slave was carried back by exactly such as these, i.e., by the soldier, of whom the best you can say in this connection is that he is a fool made conspicuous by a painted coat.

Note that on paper, at least, if not verbally as well, he made a reference to martyrdom by **HANGING**: "I would side with the light, and let the dark earth roll from under me, calling my mother and my brother to follow." Here is another account of the actual speech, as opposed to what was printed later, from one who was there in the audience standing before that platform draped in mourning black:

He began with the simple words, "You have my sympathy; it is all I have to give you, but you may find it important to you." It was impossible to associate egotism with Thoreau; we all felt that the time and trouble he had taken at that crisis to proclaim his sympathy with the "Disunionists" was indeed important. He was there a representative of Concord, of science and letters, which could not quietly pursue their tasks while slavery was trampling down the rights of mankind. Alluding to the Boston commissioner who had surrendered Anthony Burns, Edward G. Loring, Thoreau said, "The fugitive's case was already decided by God, -not Edward G. God, but simple God." This was said with such serene unconsciousness of anything shocking in it that we were but mildly startled.

— AUTOBIOGRAPHY, MEMORIES, AND
EXPERIENCES OF MONCURE DANIEL
CONWAY (Boston MA: Houghton,
Mifflin & Co.), Volume I,
pages 184-5.
[Moncure Daniel Conway]

At the end of the morning meeting Henry Thoreau was on the platform while William Lloyd Garrison, the featured speaker, burned the federal Constitution on a pewter plate as a "covenant with death" because it countenanced the return of runaway slaves to their owners — Margaret Fuller's grandfather Timothy Fuller Sr., who had refused to consent to that document when it was originally promulgated because of its ridiculous mincing about slavery, would have been proud of him! Thoreau's inflammatory oratory was less inflammatory than addresses made on that occasion by Garrison, Wendell Phillips, and Charles Lenox Remond, for their speeches drew comments but Thoreau's did not.

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On our nation's birthday the platform had been draped in black crepe as a symbol of mourning, as at a state funeral, and carried the insignia of the State of Virginia, which stood as the destination of Anthony Burns, and this insignia of the State of Virginia was decorated with — with, in magnificent irony, ribbons of triumph! Above the platform flew the flags of Kansas and Nebraska, emblematic of the detested new Kansas/Nebraska Act. As the background of all this, the flag of the United States of America was hung, but it was upside down, the symbol of distress, and it also was bordered in black, the symbol of death.

I think no great public calamity, not the death of Daniel Webster, not the death of Charles Sumner, not the loss of great battles during the War, brought such a sense of gloom over the whole State as the surrender of Anthony Burns.

William Lloyd Garrison placed a lighted candle on the lectern, and touched a corner of the Fugitive Slave Law to the flame. As it burned, he orated “And let all the people say **Amen**” and the crowd shouted “Amen!” Then he touched a corner of the US commissioner's decision in the Burns case to the candle flame. Then he touched a corner of a copy of the US Constitution to the candle flame, and orated “So perish all compromises with tyranny.” As the paper was reduced to ashes, he orated “And let all the people say **Amen**” and stood with his arms extended as if in blessing.



William Lloyd Garrison (in 1865)

Moncure Daniel Conway's comment, later, about the moment when William Lloyd Garrison set the match to the constitution, and the few scattered boos and hisses were drowned out by the thunderous “Amen” of the

crowd, was:

That day I distinctly recognized that the antislavery cause was a religion.

In the afternoon Moncure Daniel Conway spoke, as a Virginian. It was his 1st antislavery speech. He said that the force of public opinion in his home state was so insane and so hotheaded for slavery that every white man with a conscience, “or even the first throbbings of a conscience,” was a slave to this public opinion. He offered that to resist this Southern certitude, each Northerner would need to “abolish slavery in his heart.”⁵ Then Wendell Phillips spoke.

We know that Sojourner Truth spoke from that mourning-draped platform after a white man from Virginia had described his being thrown in jail there on account of his antislavery convictions, because in her speech she commented on this: how helpful it was for white people to obtain some experience of oppression. She warned that “God would yet execute his judgments upon the white people for their oppression and cruelty.” She asked why it was that white people hated black people so. She said that the white people owed the colored race a debt so huge that they would never be able to pay it back — but would have to repent so as to have this debt forgiven them. Nell Painter has characterized this message as “severe and anguished,” and has commented that despite the cheers and applause, “Her audiences preferred not to grapple with all she had to say.” Her humor must have been such, Painter infers, as to allow her white listeners to exempt themselves from this very general denunciation:

They did not hear wrath against whites, but against the advocates of slavery. It is understandable, no doubt, that Truth’s audiences, who wanted so much to love this old black woman who had been a slave, found it difficult to fathom the depths of her bitterness.

5. We may note how different this was from the Reverend Theodore Parker’s “kill the Negro in us.”

Carleton Mabee's BLACK FREEDOM

Americans at large often held the abolitionists responsible for the war. They argued that the abolitionists' long agitation, strident as it often was, had antagonized the South into secession, thus beginning the war, and that the abolitionists' insistence that the war should not end until all slavery had been abolished kept the war going. In 1863 the widely read New York Herald made the charge devastatingly personal. It specified that by being responsible for the war, each abolitionist had in effect already killed one man and permanently disabled four others. ... While William Lloyd Garrison preferred voluntary emancipation, during the war he came to look with tolerance on the abolition of slavery by military necessity, saying that from seeming evil good may come. Similarly, the Garrisonian-Quaker editor, Oliver Johnson, while also preferring voluntary emancipation, pointed out that no reform ever triumphed except through mixed motives. But the Garrisonian lecturer Pillsbury was contemptuous of such attitudes. Freeing the slaves by military necessity would be of no benefit to the slave, he said in 1862, and the next year when the Emancipation Proclamation was already being put into effect, he said that freeing the slaves by military necessity could not create permanent peace. Parker Pillsbury won considerable support for his view from abolitionist meetings and from abolitionist leaders as well. Veteran Liberator writer Edwin Percy Whipple insisted that "true welfare" could come to the American people "only through a **willing** promotion of justice and freedom." Henry C. Wright repeatedly said that only ideas, not bullets, could permanently settle the question of slavery. The recent Garrisonian convert, the young orator Ezra Heywood, pointed out that a government that could abolish slavery as a military necessity had no antislavery principles and could therefore re-establish slavery if circumstances required it. The Virginia aristocrat-turned-abolitionist, Moncure Daniel Conway, had misgivings that if emancipation did not come before it became a fierce necessity, it would not reflect true benevolence and hence could not produce true peace. The Philadelphia wool merchant, Quaker Alfred H. Love, asked, "Can so sublime a virtue as ... freedom ... be the offspring of so corrupt a parentage as war?" The long-time abolitionist Abby Kelley Foster—the speak-inner and Underground Railroader—predicted flatly, if the slave is freed only out of consideration for the safety of the Union, "the hate of the colored race will still continue, and the poison of that wickedness will destroy us as a nation." Amid the searing impact of the war—the burning fields, the mangled bodies, the blood-splattered hills and fields—a few abolitionists had not forgotten their fundamental belief that to achieve humanitarian reform, particularly if it was to be thorough and permanent reform, the methods used to achieve it must be consistent with the nature of the reform. ... What abolitionists often chose to brush aside was that after the war most blacks would still be living in the South, among the same Confederates whom they were now trying to kill.



August 2, Wednesday: Henry Thoreau surveyed in the east part of Lincoln.

View Henry Thoreau's personal working drafts of his surveys courtesy of AT&T and the Concord Free Public Library:

http://www.concordlibrary.org/scollect/Thoreau_Surveys/Thoreau_Surveys.htm

(The official copy of this survey of course had become the property of the person or persons who had hired this Concord town surveyor to do their surveying work during the 19th Century. Such materials have yet to be recovered.)

On this day our author received a specimen copy of WALDEN; OR, LIFE IN THE WOODS.⁶ At 5 PM he walked to Conantum ("J6" on the Gleason map of the Concord vicinity) along Hubbard's Path. Here is a painting "Thoreau's Path" by Cindy Kassab:



The full text of Henry Thoreau's **"SLAVERY IN MASSACHUSETTS"** having been published in the Liberator, at this point Horace Greeley used that as the basis for a republication in the New-York Daily Tribune, without paraphrasing and with an editorial entitled "A Higher- Law Speech":

The lower-law journals so often make ado about the speeches in Congress of those whom they designate champions of the Higher Law, that we shall enlighten and edify them, undoubtedly, by the

6. On this day, also, a copy was purchased for \$1.⁰⁰ by F.W. Kellogg. This Member of Congress representing a district in Michigan may have purchased a copy of a new book of such a title merely due to a known genealogical connection with a Kellogg family of the 16th Century in the town of Saffron Walden in England.

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report we publish this morning of a **genuine** Higher Law Speech – that of Henry D. Thoreau at the late celebration of our National Anniversary in Framingham, Mass., when Wm. Lloyd Garrison burned a copy of the Federal Constitution. No one can read this speech without realizing that the claims of Messrs. [Charles Sumner, William Henry Seward and Salmon Portland Chase] to be recognized as Higher-Law champions are of a very questionable validity. Mr. Thoreau is the Simon-Pure article, and his remarks have a racy piquancy and telling **point** which none but a man thoroughly in earnest and regardless of self in his fidelity to a deep conviction ever fully attains. The humor here so signally evinced is born of pathos – it is the lightning which reveals to hearers and readers the speaker's profound abhorrence of the sacrifice or subordination of one human being to the pleasure or convenience of another. A great many will read this speech with unction who will pretend to blame us for printing it; but our back is broad and can bear censure. Let each and all be fairly heard.

November 12, Sunday: Henry Thoreau's **"SLAVERY IN MASSACHUSETTS"** appeared in The National Anti-Slavery Standard.



1865

According to Don H. Doyle's "Slavery, Secession, and Reconstruction as American Problems" in *THE SOUTH AS AN AMERICAN PROBLEM* (Athens GA and London: The U of Georgia P, 1995), the Civil War did not exactly except as a first approximation bring any "right to life, liberty, and the pursuit of happiness" to America's formerly enslaved citizens of color:

The strategy conservative whites in the Deep South pursued immediately following emancipation was to utilize the power of the state to reestablish planters' control over their former slaves. Mississippi led the way in 1865 by devising a Black Code, a multifaceted legal instrument designed to force blacks to either sign year-long labor contracts or face arrest and fines (chiefly for vagrancy), which would be secured by the planters to whom the state would then bind over the prisoners to serve as an involuntary workforce. There were, in addition, a whole range of laws restricting black civil rights: the right to bear arms, assemble, and practice religion, among others. An apprenticeship law gave the state power to declare freed minors orphans and bind them over to a guardian, their former owners having first claim. Where before the state sanctioned the power of the master over slave, now the state itself was the source of coercive power over black labor ... white Democrats would stand by the polls and write down the names of black Republican voters and publish their names in the local paper along with editorials urging landlords not to employ these "disloyal" blacks the following season. Fraudulent ballot counts and other improprieties became commonplace in closely contested southern elections.... What was truly shocking to Americans outside –and many within– the South was the hideous reign of terror carried out by the Ku Klux Klan and its various local imitators, such as the Knights of the White Camelia, that began with the onset of Radical Reconstruction and peaked in 1871. Here was a violent campaign involving murder, mutilation, whipping, and the burning of homes, schools, and churches. It took place far outside the bounds of law and well outside the traditions of even the most vicious political or labor conflicts seen up to that time in America. The Klan was engaged in a campaign of terror deliberately designed to intimidate black voters and to harass or murder Republican leaders. To be sure, many of the atrocities committed by the Ku Klux Klan and its ilk were acts of personal vengeance aimed at punishing individual blacks who were "out of their place." At times they seemed motivated by the more general goal of denigrating the status of blacks at a time when Republicans were struggling to elevate them. The Klan was never a highly structured organization; it was more a collection of very local dens who imitated one another rather than following a coherent plan. Democratic leaders did all they could to dismiss concern about the Klan by denying its existence or explaining it away as a series of disconnected personal conflicts. But the geographical pattern of violence that was concentrated in politically contested areas such as upstate South Carolina and northern Mississippi, the strategy of intimidating Republican voters and leaders, and the timing of Klan atrocities before and during elections all point to its purposeful role as the terrorist wing of the Democratic Party allied in a struggle to overthrow Republican rule....

The fault for this did not, however, lie entirely with white southerner hypocrites:



As horrified as they were at the atrocities in the South, northerners were growing indifferent to the plight of blacks or at least less willing to maintain their rights by force of arms. From the beginnings of the antislavery crusade, even radical abolitionists had focused moral attention on purging the Republic of sin, not on uplifting the slave or integrating freed blacks into the society as full and equal citizens. That latter goal had been advanced as a necessary political strategy of Republicans in a reconstituted Union and not solely out of humanitarian concern for the freed slaves. White supremacy may not have been as salient to northern political and social thought, but public opinion there was hardly united behind ideals of a biracial democracy in America. Furthermore, as Democrats excoriated Republicans for intervention in southern affairs, the rising political price for intervening on behalf of blacks offset the benefits of defending black citizenship in the South. President Grant referred to the change in northern public opinion in 1875 in response to the desperate pleas of fellow Republican Adelbert Ames, governor of Mississippi, who begged Grant to send U.S. troops to safeguard the coming state elections and prevent more racial violence: “[The] whole public are tired out with these annual, autumnal outbreaks in the South.” It was two years later that all federal troops were withdrawn and Reconstruction was brought to an end, part of the bargain made between Democrats and Republicans following the disputed presidential election of 1876.

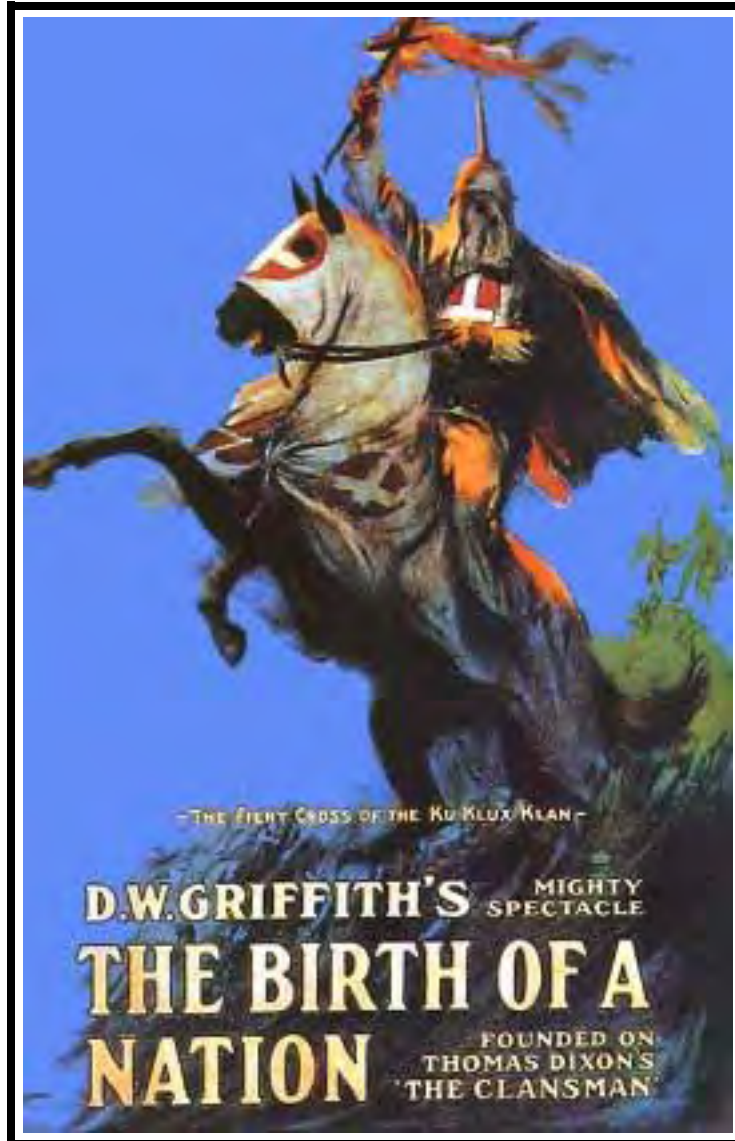


No, case you hadn’t noticed, there’s hypocrisy all over the place, folks. It ain’t a local monopoly.

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It ain't exactly a scarce commodity.



Throughout the period of civil strife, Charles King Whipple had discouraged any army enlistment, black or white, until the government abolished slavery. Not even the Emancipation Proclamation, of course, would come close to meeting this requirement. At this point, Whipple, utterly consistent to his principles, spoke out against all proposals that rebel leaders be executed.

The 1st federal Congress meeting in New-York in 1789 had considered a “sweetener” to get several holdout states to ratify the Constitution and join in the union, the “sweetener” being adoption of 10 or 11 amendments to the newly drafted constitutional document — a batch of amendments that would come to be referred to collectively as our Bill of Rights. The federal government had retained one of these initial 14 official copies and sent out the other 13 to the prospective signees. On March 19, 2003, an attempt would be made to sell North Carolina’s official copy of the US Constitution’s Bill of Rights to the new National Constitution Center museum in center-city Philadelphia for \$4,000,000 — and the FBI would recover this document under the law

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of “replevin” because in this year, at the end of the Civil War, it had been stolen. However, no arrest would be made. The document in question had originated as one of the 14 copies of the proposed Bill of Rights scribed by clerks of the 1st House of Representatives and Senate and signed by Senate Secretary Samuel A. Otis, House Clerk John Beckley, House Speaker Frederick Augustus Muhlenberg, and Vice-President John Adams. (North Carolina’s copy would be retained in their statehouse until stolen, presumably by some Union soldier of General William Tecumseh Sherman’s army who would take it home with him to Tippecanoe, Ohio. In 1866 this veteran would find a buyer for the document he had looted. Over the decades one owner after another would offer, through intermediaries, to sell the purloined paper back to the state of North Carolina. It would turn up again in 2000 when some people would come to George Washington University’s First Federal Congress Project with armed bodyguards, making an attempt to authenticate the document.)



January 31: The proposed XIIIth Amendment to the Constitution of the United States of America, enabling the federal congress to enact legislation that would criminalize the enslavement of human beings in the United States of America, had during April 1864 received the required support in the Senate but in June 1864 it had failed of passage in the House of Representatives. On this day, however, it was again being considered by the House of Representatives. To pass, it needed at least a $\frac{2}{3}$ ds majority. A sufficient number of the northern Democrats broke with their party that the amendment carried, 119 over 56, with two votes to spare, 8 representatives not voting. Black Americans, who had for the past year been being admitted to the gallery above the chamber, were gullible enough, ignorant enough of the actual workings of the government, to be impressed by this cynical Civil War Reconstruction ploy, and to began to weep and embrace one another. There was cheering on the floor and from the gallery. In the midst of this misplaced emotion, the cynical assembly was able to adjourn without taking any action in actual implementation of the authority which had just been granted to it.⁷

“No matter how cynical you get,
it is impossible to keep up.”
— Lily Tomlin



7. The cheering and weeping and embracing were of course sadly premature. Authorizing Congress to do something is not at all the same as inducing Congress to do something — in the business of government there is many a slip ’twixt cup and lip! Even the sovereign State of Mississippi has by now been able to embrace this XIIIth Amendment, since in effect it has been entirely null and void, disregarded, functioning only as a cover story. In all the years since the enactment of this enabling amendment, Congress has never seen fit to enact any such legislation, and the enslavement of US citizens is actually still as legal at our federal level of government, in 2001, as it had been in the year 1801. Nobody has ever been punished by the federal authorities for having enslaved a US citizen. **Nobody. Ever.** This just couldn’t happen, as anyone who has been cunning enough to figure out how to enslave a citizen through fraud, without violating some other law such as the federal law against violent taking (kidnap), has been smart enough to figure out how to enslave a citizen without violating any law at all. Enslavement, in and of itself, is not now and never has been an offense against our federal criminal code, simply because the concept “enslavement” has never been granted any statutory or case-law definition. And, I may hasten to add, this is no oversight. No single thing would alter the reality of life in the United States of America more, than if we had on our books a defined and enforceable federal crime of enslavement with an appropriate penalty.

(Cornell University Library’s manuscript memorial of the Thirteenth Amendment is signed by President Lincoln and the members of Congress who voted for the joint resolution. It is in the Nicholas H. Noyes Collection of Historical Americana, Division of Rare and Manuscript Collections, of the Cornell University Library.)

February 1: Amendment XIII to the US Constitution had been proposed by Congress on January 31, 1865. The amendment, when first proposed by a resolution in Congress, had been passed by the Senate, 38 to 6, on April 8, 1864, but had been defeated in the House, 95 to 66 on June 15, 1864. On reconsideration by the House, on January 31, 1865, the resolution had passed, 119 to 56. It had been ratified by a sufficient number of the states on December 6, 1865. President Lincoln added his own signature on this day — even though the Supreme Court had decided in 1798 that no President has anything at all to do either with the proposing of amendments to the US Constitution, or with their adoption:

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

We notice that the amendment is merely permissive. Giving Congress the power to enforce the article by appropriate legislation would be a mandate by which it might enact such legislation, but it did not create any obligation that such legislation be enacted. We note however that when considered in conjunction with the “separation of powers” doctrine—that a power granted to one of the three branches of the federal government, the executive, the legislative, and the judicial, is thereby denied to the other two of those three branches—this amendment forever removes any constitutional possibility that the judicial branch would itself attempt to regulate or forbid human enslavement in the United States of America, and also, this amendment forever removes any constitutional possibility that the executive branch would issue another martial law order such as the Emancipation Proclamation, and renders the Emancipation Proclamation which had been issued during the civil war by President Lincoln into a document that retroactively is void ex post facto, as unconstitutional.

We notice also that the language used, “slavery” and “involuntary servitude,” is language which had never received either a federal juridical or a federal legislative definition. The language “persons held to labor or service,” which had been used in the various fugitive slave laws and which had been included in the proposed 13th Amendment which had been delivered to the state legislatures for approval on March 2, 1861, had been effective, defined language. This, quite the opposite, was undefined language, which could only be activated when (and if) the federal congress chose to provide it with an effective definition. In other words, the amendment placed the federal congress in sole and total control over the issue of whether slavery would ever be effectively abolished.

(No such legislative definition of a federal crime of enslavement would ever be forthcoming. No American, therefore, could ever be arrested, arraigned, prosecuted, convicted, and punished, for a crime of enslaving another human being — because no federal judge would ever be able to infer, in what such enslavement might consist.)

“It is simply crazy that there should ever have come into being a world with such a sin in it, in which a man is set apart because of his color – the superficial fact about a human being. Who could **want** such a world? For an American fighting for his love of country, that the last hope of earth should from its beginning have swallowed slavery, is an irony so withering, a justice so intimate in its rebuke of pride, as to measure only with God.”

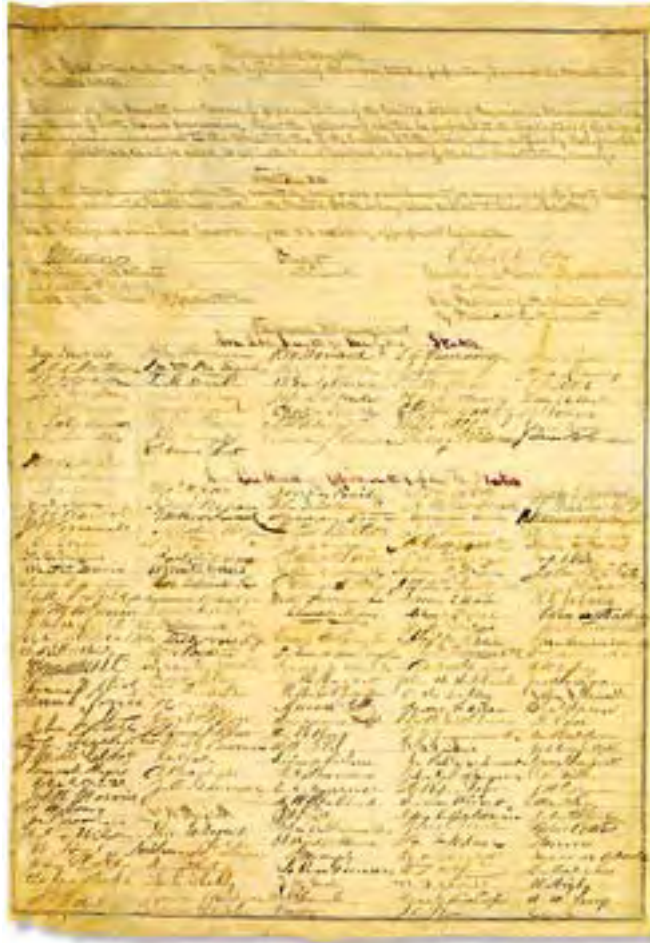
– Stanley Cavell, MUST WE MEAN WHAT WE SAY?,
1976, page 141



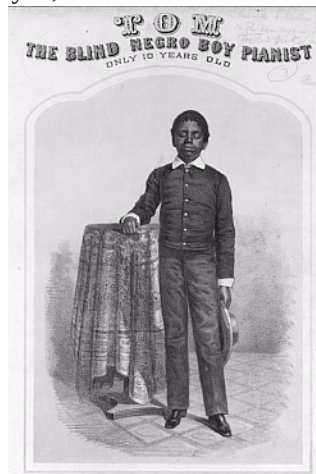
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The signatures of Abraham Lincoln, Hannibal Hamlin, Schuyler Colfax, and members of the US Senate and House of Representatives appear upon this ceremonial copy:



So much changed as a result of this amendment! After this sort of amendment to the Constitution, the parents of “Blind Tom” needed to be persuaded to sign papers of indenture amounting to an extension of their black son’s slavery, so that his “former” owner could continue to profit enormously from the proceeds of his piano performances! You do agree, don’t you, that Blind Tom was a whole lot better off after he became a free



indentured man, than he had been when he was a mere slave before the passage of the XIIIth Amendment. Don’t you? Come on, admit it, it does **sound** a whole lot better to be indentured, than to be enslaved! Doesn’t it?

December 6: The XIIIth Amendment to the United States Constitution, passed by Congress on January 31, 1865, was ratified. The federal legislature, and only the federal legislature (not the executive branch, nor the judiciary), was to hold the constitutional power to criminalize human enslavement. The only thing that remained to be done, was for the federal congress actually to define a federal crime of enslavement, with associated punishments, and to make this federal criminal legislation effective by providing a definition of the elements of the offense, so that our court system would have guidelines to work with — something which in fact it would never do, as this constitutional amendment had been intended to function only as a stone fraud. (In fact, in these United States of America, neither before, during, or after our Civil War has **any** American citizen **ever** been arrested, arraigned, tried, convicted, sentenced, and punished, for a federal offense of having enslaved another person. It isn't possible because the federal congress, which acquired exclusive agency, has always refused to state, what slavery might be, what it might consist of, how it might be recognized if it did exist. By virtue of this amendment, neither the executive nor the judiciary can act until the legislature acts, because that would be to violate the "separation of powers" doctrine. Therefore our federal court system, and our federal system of district attorneys, cannot protect us against being enslaved any more than they might protect us against being "aardvarked," for lack of any clue as to what might constitute our being "aardvarked," or our being "enslaved."

December 18: As the Emancipation Proclamation of January 1, 1863 had not even ostensibly ended slavery in America, having been a mere temporary Civil War martial law measure applying only to a restricted group with a restricted geographical area, at this point a XIIIth Amendment to the federal Constitution was ratified, granting to the US Congress whatever authority it required to eventually enact legislation as part of Reconstruction to outlaw and proscribe the practices of human enslavement in the United States of America, thus effectively denying under our separation-of-powers doctrine such authority to the executive and judicial branches of the government.⁸ This amendment rendered the Emancipation Proclamation, therefore, unconstitutional.⁹ If it had not ceased its effectiveness prior to this date, it ceased it as of this date. There could never again be such an executive pronouncement. Actual enslavements would continue, of course, for there would be no penalty for failing to inform one's slave (as happened for instance in regions of East Texas), and as persons would still be being for many decades bought and sold openly in such venues as the Los Angeles market.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted,¹⁰ shall exist within the United States, or any place subject to their jurisdiction.¹¹

Section 2. Congress shall have power to enforce this

8. This was not legislation outlawing slavery, but permission to enact such legislation. Actually, the federal congress would never get around to this. As far as our federal government is concerned, human enslavement is just as legal in 1997 as it had been in 1797. The only function possessed by the words of the amendment as above is to intercept and prevent our thought.

9. The Emancipation Proclamation had set up an elaborate procedure by which slaves who performed work for the federal army would receive a **MANUMISSION** document, but the Executive branch of the federal government had never in fact implemented any such freedom program, and therefore no such documents had ever been granted. Had the administrative procedure actually been implemented, and had such administrative freedom documents actually been granted, they would have been granted by the Executive branch of the federal government and would therefore at this point have been rendered null and void by this XIIIth Amendment, since it assigned such power exclusively to the Legislative branch of the federal government.

10. We may note that even had this amendment been implemented by a positive federal criminal statute (which it to date has not since the constructs deployed, "slavery" and "involuntary servitude," have never been defined either by statutory definition or as a result of the piling up of case law and precedent), there can never be any federal prohibition of enslavement that is accomplished by duly constituted authority after due process of law when said enslavement is ostensibly a punishment for crime.

11. We may note that the federal government is specifically not empowered here to punish the crimes of US citizens, if these crimes are committed in, say, Guatemala. Thus if a US citizen commits child molestation in Guatemala and Guatemala law permits child molestation, the US citizen cannot be prosecuted in a US court, and likewise, if a US citizen enslaves another US citizen while present not in the United States of America or Guam or Puerto Rico, but instead in, say, the Shah's Iran, since Iran is allegedly not a place subject to the jurisdiction of the United States, that enslavement of one US citizen by another would be perfectly OK according to our constitution.

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article by appropriate legislation.¹²



Proclamation.

Abstract. In the transformed line of *Mytilus*, μ and σ of some loci are very small and slight deviations from the 1:1 proportion of the alleles of one of the P - F crosses should be considered as a sign of a change in the linkage of the

It should be the duty of the State to protect the people from the effects of the epidemic, and to see that the people are not exposed to the danger of the disease. The State should also see that the people are not exposed to the danger of the disease.

[illegible]

Book Reviews—**Journal of U.S. Politics** and **U.S. Politics** are two new books by the same author, published by the same publisher, and both are excellent. The first is a collection of essays on the history of the U.S. political system, and the second is a collection of essays on the current state of the U.S. political system. Both are highly recommended.

and up there of the grass and the low grasses all right, I do not believe that grasses live in dense woods — and perhaps that's just what I mean and I'm proved still by the fact that I have seen grasses of the typical type growing in the open and in some places in the woods and I remember seeing the growth of the woods.

[illegible][illegible]

Thus even to this date in the 21st Century, despite everything that has been said about our having “outlawed slavery” here, there is no federal criminality attached to the enslavement of humans, nor is there even any formal legal definition of what it is that enslavement or involuntary servitude might be.¹³

Nowhere, for instance, in the series of federal enactments that are known to the general public as “Fugitive Slave Laws” (that is only a popular name, and does not appear in the actual legislation as written) will you find any mention of slavery. Such federal legislation speaks only of “persons bound to service,” a pot category which primarily includes apprentices and other contract laborers, with –wink wink, nudge nudge– runaway slaves merely “understood” to be implicitly included.

Please make careful note of the fact that the proscription of a thing we term “slavery” in the XIIIth Amendment to the US Constitution as of 1865 happens actually to be **the very first** reference to any such term as “slave” or “slavery” or “enslavement” in federal legislation and jurisprudence — at no prior point had such a term been formally and officially been “written down on paper” as part of our structure of laws at the federal level. One might have supposed that, having written such a term into our foundational document, the Constitution of the United States of America, by way of a formal amendment, and, having stipulated in Clause 2 of that Amendment XIII that the federal legislature was empowered to enact such laws as to make this proscription effective, then the very first thing which we would have accomplished was, we would have arrived at a formal definition of this entity “slavery” and of this entity “involuntary servitude.” We would have enacted legislation stating precisely what constituted this “slavery” and precisely what constituted this “involuntary servitude” which had been proscribed. We didn’t do that. Instead what we did was, we extended the previous “gag rule,” which had quite prevented debate on the subject in the US House of Representatives for a number of decades, and made this “gag rule” to apply to our entire national life. Whatever we did at the federal level, whatever we did at the state level, whatever we did at the local level, there was one thing we might **not** do: no one could in the future legitimately deploy such a term as “slavery” to describe any official doing. This gag rule effectively made it impossible for any of us in the United States of America to **know** whether or not slavery had effectively

12. The states of the south were allowed back into the federal union before any such law was enacted, and allowing them back into the federal union so altered the voting parameters of the federal congress that subsequent enactment of any such federal criminal statute against human enslavement became quite impossible.

13. There is a specific disqualification in regard to a topic near and dear to many a heart, to wit, the military draft. Since the military draft was in existence prior to this XIIIth Amendment, and since the amendment does not specifically outlaw the military draft, it has always been presumed in our courts that the military draft cannot be construed to amount to either enslavement or involuntary servitude. —It is a well established, standard, even non-controversial judicial parameter, that an existing practice that is well known to legislators is simply **not** prohibited by their legislation, unless in their legislation they **specifically** mention it as prohibited.

been ended. Very frequently I hear citizens claiming that we have “outlawed” slavery. To understand what they mean, it would seem necessary to parse this interesting term “outlawed” which they so frequently use in such a context. What does such a term mean to them, when in point of fact no US citizen has ever been arrested, arraigned, prosecuted, found guilty, been sentenced, and been punished for a crime of enslavement? One very well known usage came while President Ronald Reagan was preparing for one of his Saturday radio broadcasts from his ranch in California, while the technicians were doing what they call a “voice check,” to make sure that all the mikes were turned on and all the cable connections tight. Reagan said into an open mike, that is, one which turned out to be on the air nationwide: “My fellow Americans, I am pleased to tell you I have signed legislation to outlaw Russia forever. We begin bombing in five minutes.” I gather that at a minimum, what must be meant by this term “outlawed” in the common belief “We must have outlawed slavery” is that we must have criminalized such a thing as one citizen of the US enslaving another citizen of the US while on US soil. To criminalize some conduct, it is necessary to define an offense of enslavement and make that offense part of prohibited behavior under the US criminal code. It seems most interesting to me that the US Congress, despite the permissions given to it in 1865 in the second clause of the XIIIth Amendment to the federal constitution, has never done anything even remotely approaching that. Our legal system literally has no knowledge of slavery. No federal judge **has** ever taken any situation whatever, and interpreted that situation as being a proscribed situation of enslavement. No federal judge **could** ever take any such situation whatever, and interpret it as a proscribed enslavement. The groundwork for this simply is not there, simply has not been put into place. I would think that it would be one prime objective of our public educational system, to make certain that all Americans are well aware of such a fact as this one, that although there are federal laws against kidnapping, which proscribe and punish a violent taking from one place to another, and that although there are federal laws against murder, which proscribe and punish an unjustified taking of human life, there are no federal laws against an enslavement even when it takes place on US soil, so long as said enslavement 1.) does not deprive its victim of life itself, thus constituting in addition murder, and so long as it 2.) is not initiated by a violent removal of the person from one place to another, thus constituting in addition kidnapping. Would you disagree?

Why do you suppose it would be that the XIIIth Amendment contained the interesting limiting clause “within the United States, or any place subject to their jurisdiction” making it inapplicable in locations outside the United States which are not subject to our jurisdiction? The reason is, the only limitations on the power of the federal government of the USA that are contained in the Constitution as its foundational document are those limiting its power in internal affairs, that is to say, in relation to the pre-existent state governments, and in relation to the specified individual rights of citizens. Thus, when this amendment was added to the Constitution, granting to the federal congress a new authority to enact legislation against human enslavement within the territories of the respective states of the federal union, but not granting the federal congress power to enact such legislation against the enslavement of American citizens **abroad**, this was because any such granting of power would have added to the authorities of the legislative arm by subtracting from those of the executive. The amendment did not need to reassign a power already inhering perfectly in the legislative branch of the federal government. Not only did the federal government already possess complete authority to take action in regard to any discovered cases of enslavement of American citizens abroad, it had already in at least one circumstance exercised that authority.¹⁴

Before the civil war and this amendment to the US Constitution, the American whites had arranged that although there would be slavery in the USA, it would not apply to them, merely to somebody other than them. They arranged for their own safety by implementing a color convention, in accordance with which any degree of blackness of skin was going to equate to slavery. This led initially to Americans with only the lightest tinge of color being defined as vulnerable to enslavement, and culminated, in the Dred Scott decision of the US

14. We were so eager to get hostile that we actually dispatched a punitive naval expedition from New-York harbor on May 20, 1815 to retrieve or take vengeance for a supposed American supposedly enslaved by the “Barbary pirates” of the north coast of Africa, without first having made sure what the man’s name really was, or that he actually was an American citizen, or even that indeed he had been enslaved. Even today our historians aren’t sure of the man in question’s name or nationality, or of whether he was anything other than a manipulative homosexual lover of a local bey. As in the case of our recent attack on Iraq, we perceived no need to allow any facts to get in our way.

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Supreme Court, with the declaration that no person of color had ever had (historically, of course, this was a factual falsehood), had, or would ever have any citizenship rights which any white American citizen would be obliged to respect. The XIIIth Amendment did not change this “even one drop” concept. Just as before the amendment, slavery and negritude were equated. However, after the amendment, this worked to the disadvantage of the whites, rather than to their advantage, for the federal government now insists that what laws exist against enslavement can be considered to protect only persons of color: since slavery is something which only happens to persons of color, therefore, whatever happens to a white person in life, whatever victimizations they suffer, it cannot be considered that they are enslaved.



Well, but Friend **JOHN GREENLEAF WHITTIER** was very, very impressed by the bells pealing on this day, and wrote the following poem of praise to God:

Laus Deo

It is done!
Clang of bell and roar of gun
Send the tidings up and down.
How the belfries rock and reel!
How the great guns, peal on peal,
Fling the joy from town to town!

Ring, O bells!
Every stroke exulting tells
Of the burial hour of crime.
Loud and long, that all may hear,
Ring for every listening ear
Of Eternity and Time!

Let us kneel:
God's own voice is in that peal,
And this spot is holy ground.
Lord, forgive us! What are we
That our eyes this glory see,
That our ears have heard this sound!

For the Lord
On the whirlwind is abroad;
In the earthquake He has spoken;
He has smitten with His thunder
The iron walls asunder,
And the gates of brass are broken!

Loud and long
Lift the old exulting song;
Sing with Miriam by the sea,
He has cast the mighty down;
Horse and rider sink and drown;
'He hath triumphed gloriously!'

Did we dare,
In our agony of prayer,
Ask for more than He has done?
When was ever His right hand
Over any time or land
Stretched as now beneath the sun?

How they pale,
Ancient myth and song and tale,
In this wonder of our days
When the cruel rod of war
Blossoms white with righteous law,
And the wrath of man is praise!

Blotted out!
All within and all about
Shall a fresher life begin;

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Freer breathe the universe
As it rolls its heavy curse
On the dead and buried sin!

It is done!
In the circuit of the sun
Shall the sound thereof go forth.
It shall bid the sad rejoice,
It shall give the dumb a voice,
It shall belt with joy the earth!

Ring and swing,
Bells of joy! On morning's wing
Sound the song of praise abroad!
With a sound of broken chains
Tell the nations that He reigns,
Who alone is Lord and God!

1866

In issuing his book NOTES ON THE HISTORY OF [SLAVERY IN MASSACHUSETTS](#), [GEORGE H. MOORE](#) made himself the “tormentor of Massachusetts” by pointing up the fact that much of that state’s patriotic



history had been founded upon straightforward lies.¹⁵

[READ CHAPTER ONE](#)

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The state that was considering itself to have been the cradle of abolitionism had in fact been one of the very most complicit with the evil of human slavery.

At the end of this book, at the end of its Chapter Ten, this tormenter wrapped up his analysis of the question, at what early point was slavery abolished in Massachusetts, by declaring that “flavery, having never been formally prohibited by legiflation in Maffachufetts, continued to ‘fubfift in point of law’ until the year 1866 when the grand Conftitutional Amendment terminated it forever throughout the limits of the United States. It would be not the leaft remarkable of the circumftances connected with this frange and eventful hiftory, that, although virtually abolifhed before, the actual prohibition of flavery in Maffachufetts as well as Kentucky, fhould be accomplifhed by the votes of South Carolina and Georgia.” We are left with the question, how is it possible that in these states where slavery used to be practiced, such a fine contempt for the Southern slave states has been developed, combined with such a total erasure of their own history as slave states? The answer, I believe, is that these two ingredients, 1.) this fine contempt for the other states as unrighteous, and 2.) this total erasure of their own sad history, serve as masks for an essential third ingredient, to wit 3.) their ongoing unanalyzed and uncorrected white-racist disdain for any and all Americans of the black race:

“In those parts of the Union in which the negroes are no longer slaves, they have in no wise drawn nearer to the whites. On the contrary, the prejudice of the race appears to be stronger in the States which have abolished slavery ... and nowhere is it so intolerant as in those States where servitude has never been known.”

– Alexis de Tocqueville

15. Note that pages 10 and 11 are missing from this electronic text. Note also the puzzling circumstance, that in the stereotyping of this volume in 1866 by the company of John H. Trow at 50 Greene Street in New York, all the body text with the exception of the title page and the text of the table of contents were set “old style,” so that a “slave” would often be rendered as a “flave.” I do not understand what was intended by the setting of type in such an archaic manner, in New York in 1866 — almost as if the year of publication were instead 1686. Can anyone explain this for my benefit?

Slavery in Maffachufetts.

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Again, where is the evidence that flaves were capable of holding property, etc., beyond the occafional and exceptional permiffion to enjoy fome privileges as a *peculium*, with the profits of which they might in fome cafes be enabled even to purchafe their manumiffion? Could flaves take and hold real eftate

GEORGE H. MOORE AND

SLAVERY IN MASSACHUSETTS

"A too confident sense of justice always leads to injustice."

— Reinhold Niebuhr, *THE IRONY OF AMERICAN HISTORY*
Charles Scribner's Sons, 1952, Chapter 7

READ THE FULL TEXT

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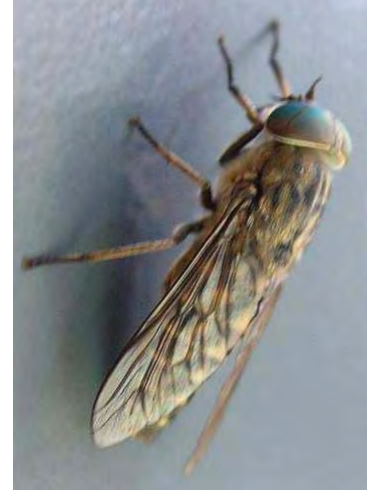
GEORGE H. MOORE AND

SLAVERY IN MASSACHUSETTS

December: **GEORGE H. MOORE** had of course been lambasted by the proud defenders of Massachusetts's sins. Nothing like his NOTES ON THE HISTORY OF **SLAVERY IN MASSACHUSETTS** should ever have been allowed to be published. He replied to his critics not in the pages of the Daily Advertiser (which had refused to publish his response letter), but instead in the pages of the Historical Magazine.

READ MOORE'S REPLY

I have thus re-examined the leading points of animadversion presented by my critic in lieu of that general review of my book which he thinks that it invites from the hand of the careful and candid investigator. The reader who has had the patience to accompany me through the details which I have given, will doubtless indulge me a little further. He must judge whether I have effectually disposed of the specific charges of suppression, dishonesty and misrepresentation, or not. He will also be able to estimate the value of those general accusations with which the former are repeated at the close of the review, as well as the opinion that "in no part of the work is it safe to follow the author upon trust." This opinion would be stronger in everything but expression if my critic had pointed out a single statement of fact which is not sustained by a formal reference to the authorities on which it is based, or any passages in my work which justify his wholesale denunciation.

**1869**

GEORGE H. MOORE obtained his LL.D. degree from the University of the City of New-York.

1876

GEORGE H. MOORE became the librarian of the Lenox Library.

1892

GEORGE H. MOORE died.

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"It's all now you see. Yesterday won't be over until tomorrow and tomorrow began ten thousand years ago."

- Remark by character "Garin Stevens"
in William Faulkner's INTRUDER IN THE DUST



Prepared: March 13, 2008

GEORGE H. MOORE AND

SLAVERY IN MASSACHUSETTS

ARRGH: THE AUTOMATED RESearch

REPORT GENERATION HOTLINE



This stuff presumably looks to you as if it were generated by a human. Such is not the case. Instead, upon someone's request we have pulled it out of the hat of a pirate that has grown out of the shoulder of our pet parrot "Laura" (depicted above). What these chronological lists are: they are research reports compiled by ARRGH algorithms out of a database of data modules which we term the Kouroo Contexture. This is data mining. To respond to such a request for information, we merely push a button.

Commonly, the first output of the program has obvious deficiencies and so we need to go back into the data modules stored in the contexture and do a minor amount of tweaking, and then we need to punch that button again and do a recompile of the chronology – but there is nothing here that remotely resembles the ordinary “writerly” process which you know and love. As the contents of this originating contexture improve, and as the programming improves, and as funding becomes available (to date no funding whatever has been needed in the creation of this facility, the entire operation being run out of pocket change) we expect a diminished need to do such tweaking and recompiling, and we fully expect to achieve a simulation of a generous and untiring robotic research librarian. Onward and upward in this brave new world.

First come first serve. There is no charge.
Place your requests with kouroo@brown.edu.
Arrgh.