Bill of Rights in Action

Constitutional Rights Foundation

WINTER 2020 Volume 35 N°2

HAITI'S SLAVE REVOLT AND WAR FOR INDEPENDENCE

Toussaint Louverture and Jean-Jacques Dessalines played key roles in modern history's only successful slave revolt. What became known as the Haitian Revolution led to the founding of an independent nation now called Haiti.

The large Caribbean island of Hispaniola, located between Cuba and Puerto Rico, was the island where Christopher Columbus landed in 1492, claiming it for Spain. In 1697, Spain gave up the western side to France, which took that portion as its colony of Saint-Domingue. The eastern side remained the Spanish colony of Santo Domingo.

During the 1700s, Saint-Domingue emerged as the world's biggest producer of sugar. The sugar plantations required large numbers of laborers. The native Taino people were soon wiped out by slavery, massacres, and European diseases. French colonists then replaced them with African slaves.

The port city of Cap-Francais, usually called Cap (Cape), became the French colony's capital. Through this city most slaves were imported, and sugar was exported. By the late 1700s, Saint-Domingue was France's richest colony.

Saint-Domingue's social structure was shaped by the institution of slavery. At the top were the white French planters. They owned the large sugar plantations and most of the enslaved people who worked the land. Next were whites who were plantation overseers, skilled workers, merchants, and soldiers. Some of them owned small coffee farms and a small number of slaves.

Unlike how slavery was practiced in the United States, in Saint-Domingue white slaveholding men often emancipated (freed) the mixed-race children they fathered with enslaved black women. Planters sometimes emancipated adult slaves, too. Once freed, these "free people of color" could have some of the same privileges as free whites, including getting an education and even becoming prosperous in business and trades. But they did not have all the rights of full French citizens. Some became coffee growers and, once free, owned slaves themselves.

Toussaint Louverture, French general and leader of the Haitian Revolution.

By 1790, there were a half million slaves laboring on Saint-Domingue's sugar plantations. Their numbers overwhelmed the white colonists 10-to-1. Up to 10% of plantation slaves died each year due to overwork, hunger, brutal treatment, and disease. The French King Louis XIV ordered a code to protect slaves from mistreatment, but the planters largely ignored it.

The Revolution Begins

Uprisings in several French Caribbean colonies, but not Saint-Domingue, were inspired by the American and French revolutions between 1776 and 1789. However, the revolutionaries in those other colonies were whites seeking self-rule and free people of color demanding an end to laws that discriminated against them. Slaves did not participate in these revolts. France easily put them down.

In August 1791, a massive, well-planned slave revolt erupted throughout Saint-Domingue. Rebels destroyed hundreds of sugar and coffee plantations and killed many French planters and their families. By September, 20,000 rebels had won numerous battles against French troops. The Haitian Revolution had begun.

IN THIS ISSUE

Louverture: From Slave to Revolutionary

Toussaint Louverture was born around 1743 to West African slave parents on the Breda family plantation near Cap. His father was soon sold to another slaveholder.

The Bredas were Roman Catholics, so Toussaint grew up a devout Christian. His mother named him Toussaint, meaning All Saints Day. He received some education in the French language and culture from his godfather, a free person of color who worked on the Breda plantation.

At about 18, Toussaint was given permission to informally marry Cecile who was also a Breda slave. Fifteen years later in 1776, he was emancipated in circumstances that are not clear. One of his first acts was to buy Cecile's freedom.

Toussaint saved money from being a carriage driver for the Breda family and bought a small coffee farm worked by a dozen slaves that he leased. But this enterprise failed, and his marriage and family split apart. He returned to the Breda plantation as a manager of mules that transported sugar cane to the refinery that he helped run.

By 1785, Toussaint had married again, this time in the Catholic Church. Suzanne Baptiste was another Breda slave and probably the daughter of his godfather. As with Cecile before, he paid for Suzanne to be free.

When the slave revolt began on Saint-Domingue in 1791, Toussaint was in his late 40s and not at first involved. Soon, however, he joined the rebellion and demonstrated outstanding military and political skills. These skills and his ability to speak French gave him a key role in attempts to negotiate an end to the fighting. Toussaint proposed banning the use of the whip and adding an additional non-work day. But the planters rejected this, and the revolt continued.

Recognized as a key revolutionary leader, Toussaint became committed to ending slavery. He adopted the last name "Louverture," from a French concept, meaning "the one who opened the way."

France Abolishes Slavery

While the slave revolt on Saint-Domingue was going on, revolution in France overthrew the king and replaced him with a republic. Despite its soaring words about all men being born "free and equal," the new revolutionary government sent troops to crush the slave revolt on Saint-Domingue.

Spain, long an enemy of France, supported the Saint-Domingue rebellion from the neighboring colony of Santo Domingo. Louverture and other rebels crossed over into Santo Domingo and joined the Spanish army, which then invaded Saint-Domingue to fight the French. At the same time, Britain also invaded in an attempt to grab the sugar-rich colony.

But things changed quickly. In 1793, Leger Sonthonax, sent by France to end the slave revolt, changed sides. He and the other French generals proclaimed the emancipation of all Saint-Domingue slaves to draw them into the fight against Spain and Britain. Louverture and the other rebel leaders changed their loyalty back to France and joined the French army.

The French government confirmed the emancipation of slaves in Saint-Domingue in 1794. Then, in 1799, it declared the abolition of slavery throughout the French empire. Suddenly, freed slaves became French citizens. France became the first major power to abolish slavery. However, the free people of color did not immediately gain full citizenship rights, which caused discontent among them.

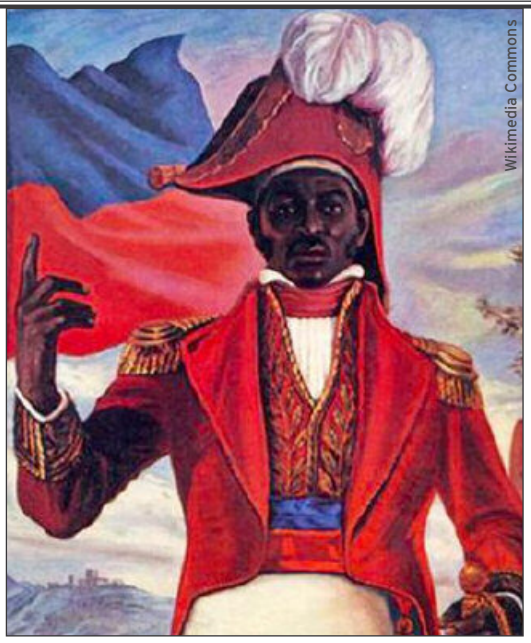
'The Black Napoleon'

Louverture and his former-slave soldiers took the lead in successfully winning battles against the Spanish and

British. Spain finally withdrew in 1795 and gave up Santo Domingo to France. Britain left Saint-Domingue a few years later after yellow fever killed many British troops.

France promoted Louverture to a general in the French army and then lieutenant governor of Saint-Domingue. He fought a bloody civil war against a rival mixed-race general. The war ended only after Louverture ordered massacres of many of his rival's mixed-race supporters. After the elimination of his rival, Louverture was the de facto ruler of Saint-Domingue.

Louverture began to establish relations with other countries, including the United States. The U.S. had long traded with Saint-Domingue. And U.S. warships blockaded the ports controlled by Louverture's rival during the Saint-Domingue civil war.


Wikimedia Commons

Jean-Jacques Dessalines, leader of the Haitian Revolution after Louverture and first ruler of an independent Haiti.

In 1799, the U.S. responded to French interference with its trade by placing an embargo (ban) on Americans trading with France and its colonies. But Louverture managed to get President John Adams and supporters in Congress to make an exception to allow the continuation of American trade with Saint-Domingue.

Louverture wanted to restore Saint-Domingue's profitable sugar plantation system. He required the former slaves to return to the sugar and coffee plantations and take pay in the form of a portion of what they produced. However, the former slaves, whom Louverture called "cultivators," were not happy with his plan. Many wanted their own plots of land to farm. Louverture used his army to put down a revolt in 1801, killing thousands of cultivators.

Louverture hand-picked an assembly to draft a constitution for the colony. The Constitution of 1801 forever abolished slavery: "All men who are born here live and die free and French." The Constitution entrusted Louverture with the control of the colony's government "for the remainder of his glorious life." The Constitution also granted him the authority to name his successor.

The Constitution upheld Louverture's cultivator system and granted him important powers that put Saint-Domingue under one-man rule. He became known at this time as the "Black Napoleon," named after Napoleon Bonaparte who had recently seized power in France.

Napoleon Invades Saint-Domingue

Back in France, Napoleon was enraged by Louverture's constitution that seemed to be almost a declaration of independence. Early in 1802, Napoleon sent a massive expedition consisting of 43,000 soldiers and two-thirds of his navy to Saint-Domingue under the command of his brother-in-law Victoire Leclerc to restore French authority. When they landed near Cap, Louverture ordered the city burned. He declared, "We must die or live free."

To recruit fighters to his army, Louverture used the fear of Napoleon bringing back slavery to Saint-Domingue. But many who hated Louverture's cultivator policies refused to join. Napoleon's professional army defeated Louverture in a number of battles, driving him into the mountains. He resorted to guerilla warfare tactics.

However, in May of 1802, Louverture negotiated a cease-fire. Shortly afterward, Leclerc arrested him and sent him in chains to France where he was imprisoned. Louverture warned, "In overthrowing me you have cut down in Saint-Domingue only the trunk of the tree of liberty; it will spring up again from the roots, for they are numerous and they are deep."

The War for Independence

To prevent any further uprisings, Leclerc ordered a policy of disarming all former slaves. Fighting resumed when many black people feared this was the first step toward the return of the slave plantation system.

Yellow fever hit Napoleon's troops hard in the spring and summer of 1802. This tropical disease was introduced to the New World by the slave ships from Africa. Although the slaves were not immune, they were much more resistant to this disease than the French and other whites.

As yellow fever weakened the French forces, rebel fighters drove them and civilians into the cities where they sought protection. But the overcrowding only spread the disease faster. No one knew that yellow fever was caused by a virus spread by mosquitoes and that it was contagious among humans. During the epidemic, nearly half the French troops who arrived with Leclerc died of the disease. Many others were too sick to fight.

Leclerc then called for a war of extermination of all rebels. He ordered mass executions of thousands of rebel prisoners and any civilians, even women and children, who were suspected of aiding them. Firing squads and hangings were soon replaced by forcing thousands of captured rebels, civilians, and their families onto ships to be dumped into the sea to drown.

Jean-Jacques Dessalines, an African-born slave, was one of Louverture's top generals who joined the French army after the cease-fire. At first, he fought with the French against the rebels. But he finally defected when he

could no longer tolerate Leclerc's brutality and the French army's atrocities, as did other generals and soldiers.

Dessalines soon became the chief rebel general, unifying black and mixed-race fighters into a well-trained army. "Unity makes strength," he said.

Leclerc died of yellow fever in November 1802. He was replaced by Donatien Rochambeau, who led a brief successful offensive against the rebels and added to Leclerc's atrocities by ordering burnings at the stake and crucifixions. But he is best remembered for introducing hundreds of large war dogs that ended up being frightened by gunfire and sometimes attacked French soldiers.

By the summer of 1803, independence had become the official goal of the rebels who now included large numbers of black people, mixed-race people, and even some whites. As more black and mixed-race officers and soldiers defected from the French army, Rochambeau withdrew most of his forces to defend Cap, the capital of the colony.

Dessalines besieged Cap and finally forced Rochambeau to surrender on November 18, 1803. Rochambeau and the surviving French troops were permitted to sail out of Cap's harbor amid jeers from crowds who yelled, "Go to the sea and drown!"

In the meantime, Napoleon was at war with Britain and had decided to abandon his plans for an American empire. He never sent troops back to Saint-Domingue, and he sold French Louisiana to the U.S. in 1803.

From the first slave revolt in 1791 until independence was won in 1803, about half the entire population of Saint-Domingue had been killed. Back in a castle dungeon in France, Louverture died alone at age 57, separated from his family, on April 7, 1803.

Haitian Independence

On January 1, 1804, Dessalines declared the independence of Saint-Domingue. His declaration focused on the cruelties of the French, "these tigers still dripping with their [victims'] blood."

Dessalines renamed the colony Haiti, which means "mountainous land" in the native Taino language. Haiti became the second independent nation in the Americas after the United States.

One of Dessalines's first acts after independence was to order the massacres of up to 5,000 French men who had remained in Haiti. He justified this as revenge for French slavery and atrocities.

In 1805, Dessalines produced a new constitution that kept Louverture's cultivator system and one-man rule in place. After proclaiming himself Emperor Jacques I, Dessalines was assassinated by military officers in 1806. Haiti's cultivator system collapsed when Haitians refused to work on the sugar plantations, Haiti's chief source of income.

Troubles Since Independence

In 1825, France finally recognized the independence of Haiti, but only after Haiti agreed to compensate the French planters for their loss of land. For the next 120 years, 80% of Haiti's revenues went toward paying these reparations to France, stunting Haiti's economy, education system, and democratic development.

The United States did not recognize Haiti's independence until 1862. In that same year, American lawyer William Whiting wrote a book that used the example of the emancipation of slaves in Saint-Domingue almost 70 years before to make the case for a presidential power to emancipate Southern slaves during the American Civil War. Abraham Lincoln read this book before deciding to issue the Emancipation Proclamation the following year.

In the 20th century, while Haiti was still trying to pay off the enormous debt to France, U.S. Marines occupied the country from 1915-1934 to control its finances and protect American businesses. Fifteen thousand Haitian resisters to occupation were killed during those years.

Lack of economic development, poverty, political instability, military dictators, civil war, hurricanes, and earthquakes have made Haiti the poorest nation in the Western Hemisphere. This is a troubled legacy for the land of Louverture, who had defeated the early modern world's great empires of France, Britain, and Spain.

WRITING & DISCUSSION

1. Describe the influence of the Haitian Revolution from 1791 - 1804 both in Haiti and beyond.
2. What do you think was the biggest mistake made by the French during Haiti's war for independence? Why?
3. Today, Jean-Jacques Dessalines rather than Toussaint Louverture is the revolutionary hero most celebrated by the Haitian people. Why do you think this is?

ACTIVITY: Reparations for Haitian Descendants of Slaves

Two-hundred years after securing independence, Haiti presented France with a bill for over $21 billion for reparations (compensation) for the suffering caused by slavery. In 2014, Haiti and other former French colonies in the Caribbean issued demands for reparations that included programs to improve the literacy and health of the descendants of slaves.

In small groups, discuss whether Haiti should get reparations from France for slavery on Saint-Domingue. If so, what form should the reparations take: payments to individual slave descendants, college scholarships, free health care, job training, economic development, or other compensation? Each group should be ready to have a spokesperson share their group's recommendations with the class.

REMEMBERING JOHN BROWN

Just over 160 years ago, radical abolitionist leader John Brown launched a raid on the federal arsenal at Harpers Ferry, in what was then Virginia (now West Virginia). Eighteen men fought with "Captain" Brown. Five of them were black; of the 13 white men, two were Brown's sons. Their aim was to seize the armory in Harpers Ferry and use the weapons there to equip a guerrilla army of liberated slaves that would then free the rest of the slaves in Virginia and, Brown believed, send such a shock wave through the nation that it would ultimately force an end to the institution of slavery.

John Brown's famous raid on Harpers Ferry did not end slavery. In fact, it would take a devastating and bloody Civil War to abolish legal human bondage in the United States. But Brown's raid was a crucial moment that helped to set the stage for the larger conflagration of the Civil War.

Yet the way that John Brown is remembered, especially in textbooks, is often as a wild-eyed extremist, even a madman. One high school textbook contrasts him with Abraham Lincoln and Stephen Douglas in a representative passage: "Both Lincoln and Douglas believed the slavery crisis had to be resolved within the framework of the nation's laws. Abolitionist John Brown felt no such constraints. Brown viewed himself as an angel of God, avenging the evil of slavery."

Metropolitan Museum of Art

In this painting "The Last Moments of John Brown," the Irish-born American painter Thomas Hovendon (also an abolitionist) envisioned a scene that had been reported by at least one newspaper at the time: the moment when John Brown stopped on his way to the gallows to kiss an African-American baby.

The Sectional Period

John Brown's engagement with the times in which he lived was profoundly shaped by his upbringing. He was raised in a household rooted in the old Puritan tradition. His father's religious convictions included a fundamental opposition to slavery. This upbringing and John's friendship when he was 12 years-old with an enslaved boy of the same age only cemented his passionate abolitionism born out of strict religious faith.

With this background, it is not surprising that John Brown would emerge as a critical figure during the sectional period in U.S. history, marked by the question of whether or where slavery would continue or expand. As the nation acquired and populated new territory through conquest, annexation, and settlement, relations between the competing Northern and Southern sections of the country grew ever more tense.

After the murder in 1837 of abolitionist minister and newspaper publisher Elijah Lovejoy by a mob in Illinois, John Brown publicly vowed to fight slavery. At a prayer meeting in Hudson, Ohio, he stood, raised his right hand, and said, "Here, before God, in the presence of these witnesses, from this time, I consecrate my life to the destruction of slavery!"

But policy makers remained unwilling to tackle the fundamental question of slavery head on. In 1820, Congress passed the Missouri Compromise, admitting Missouri to the Union as a slave state and Maine as a free state in order to maintain a balance between free and slave states in the U.S. Senate. The Compromise of 1850 included an expanded Fugitive Slave Law, a major concession to Southerners in Congress and their proslavery supporters.

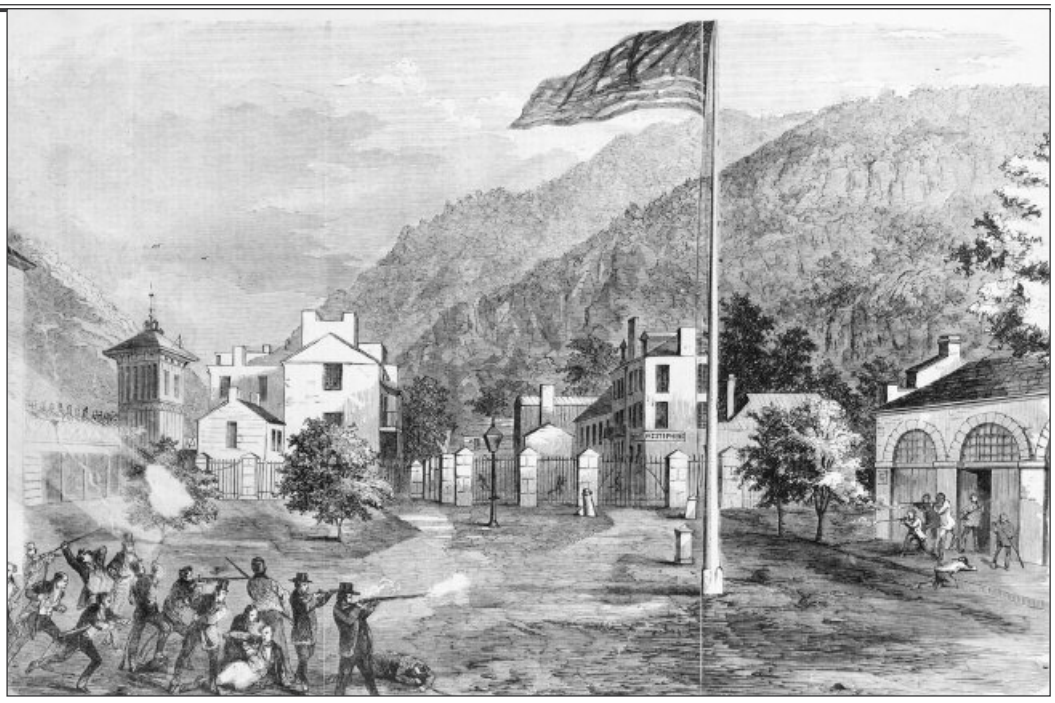
'Bleeding Kansas'

Sectional violence escalated after the passage of the Kansas-Nebraska Act in 1854. Signed by President Franklin Pierce, this law stipulated that the newly created territories of Kansas and Nebraska could decide for themselves whether they would seek to join the Union as slave or free states.

As soon as the law was passed, men known as "Border Ruffians" streamed into Kansas from the neighboring slave state of Missouri to promote a proslavery agenda. They used voter fraud, intimidation, and violence.

The proslavery faction's opponents in the fight for Kansas were known as "Free State" or "Free Soil"

settlers. They didn't want to see slavery extend into Kansas, but with few exceptions, they were not abolitionists. They had come to Kansas for economic opportunity but did not want to compete with black labor. Their deep-seated racism led them to include a clause in their 1855 constitution that prohibited all black people — slave or free — from coming to Kansas.



Library of Congress

The storming of the engine house (far right) at Harpers Ferry.

But the Free Soilers' reasons mattered little to proslavery forces in Kansas who, with their Border Ruffian supporters, carried out countless acts of violence. They committed murder and wholesale attacks on Free Soil towns. The majority of the people murdered during this period lost their lives to proslavery forces.

In May 1856, Border Ruffians stormed the town of Lawrence. They destroyed the offices of two antislavery newspapers, looted and torched homes, and leveled a hotel with cannon fire.

In reaction, Brown's supporters killed five men near Pottawatomie Creek. All five were leaders in the proslavery community. However, four men, two women, and one teenage boy whose lives were spared that night were not. The victims were taken from cabins late at night, questioned about their position on slavery, led a couple of hundred yards away, and killed with large, heavy swords by stabbing and slashing.

By all accounts, Brown directed the gruesome killings but did not carry them out himself. When confronted the following day by his son Jason who called the murders an "uncalled for, wicked act," Brown answered: "God is my judge. We were justified under the circumstances."

Brown was reacting to the sack of Lawrence and to direct threats against himself and his family by those targeted at Pottawatomie. These events and other brutal murders of Free Soil settlers combined to convince Brown that an institution as inherently violent as slavery could only be overthrown by violence.

The Raid on Harpers Ferry

Since at least 1847, well before his time in Kansas, Brown had been devising a bold plan for liberating slaves throughout the South. But it was after the battles in the territory that he headed back east and obtained financial backing for his mission to strike at slavery in the heart of the region where it was strongest. In 1858, he secured a commitment from a small group of prominent abolitionist leaders in Boston and New York known as the "Secret Six." They used their social, economic, and political connections to provide support for Brown's mission.

In the meantime, Brown and a small group of men crossed into Missouri from Kansas in December 1858 and freed 11 slaves from three small plantations. Deeds like this helped 18 men decide to join John Brown in the planned attack on Harpers Ferry. Without their support, the backing of the Secret Six would have meant little. John Brown's single-mindedness proved essential in inspiring these men to take what would likely be deadly risks, especially for the black men who joined his cause.

The details of the events of the raid itself are well-documented. Brown and his men headed straight for the armory, captured its watchman, and took control of its weapons, as well as the town's bridges and railroad lines. They cut telegraph lines and took as prisoners many of the town's most prominent citizens, including the mayor and a slave-owning descendent of George Washington. They gathered and armed about 50 slaves. Four townspeople were killed during the raid, as were ten of Brown's men. The raiders hunkered down with their hostages in the armory's engine house, which they held for over 30 hours.

When word got to the federal government that the armory had been seized by "armed abolitionists," the closest federal troops were 90 marines in Washington, D.C., who were quickly dispatched to Harpers Ferry. There, they were put under the command of U.S. Army Colonel Robert E. Lee, who arrived with his aide, Lieutenant Jeb Stuart. Lee planned, and Stuart helped, to storm the engine house and capture Brown and his surviving comrades-in-arms.

Brown was gravely injured in the marines' taking of the engine house, and the officials who took him into custody feared he might not survive to be prosecuted. In an 1881 speech looking back on the raid and its impact, Frederick Douglass recalled Brown's final days: "his captors hurried him to Charlestown . . . , placed him in prison strongly guarded by troops, and before his wounds were healed he was brought into court, subjected to a nominal trial, convicted of high treason and inciting slaves to insurrection, and was executed."

Wikimedia Commons

Lewis Sheridan Leary, pictured here, escaped from slavery in North Carolina and was living in northeast Ohio when he joined John Brown's efforts in early 1859. Leary was killed during the raid on Harpers Ferry. His widow, Mary Patterson Leary, later remarried and moved to Kansas, where she helped to raise her grandson and told him "long, beautiful stories about people who wanted to make the Negroes free." That grandson was poet Langston Hughes, who remembered those stories in this 1931 poem.

October 16: The Raid
by Langston Hughes

Perhaps
You will remember
John Brown.

John Brown
Who took his gun,
Took twenty-one companions
White and black,
Went to shoot your way to freedom
Where two rivers meet
And the hills of the
North
And the hills of the
South
Look slow at one another—
And died
For your sake.

Now that you are
Many years free,
And the echo of the Civil War
Has passed away,
And Brown himself
Has long been tried at law,
Hanged by the neck,
And buried in the ground—
Since Harpers Ferry
Is alive with ghosts today,
Immortal raiders
Come again to town—

Perhaps
You will recall

John Brown's Impact

The raid on Harpers Ferry did not have the result Brown hoped for, but it was still a pivotal moment in U.S. history. This was partly due to the fact that it did *not* succeed. Because he was captured alive, he had multiple, public opportunities to explain his aims and his actions. He had a public (and closely followed) trial ending with his execution, which made people in the United States hear from him and about him in great detail.

Southerners pointed to the raid as evidence that Northerners were, in fact, conspiring to invade the region, steal their slaves, and force an end to the institution of slavery. Free and enslaved black people, as well as white Northerners, became targets of violence throughout the South. Newspapers reported countless people being whipped; tarred and feathered; and lynched.

In a speech to his Senate colleagues, Andrew Johnson of Tennessee — who would later become Lincoln's vice president and successor after Lincoln's assassination — charged that "old man Brown was nothing more than a murderer, a robber, a thief, and a traitor."

The raid also fueled secessionist feeling that had already been building. The election of Abraham Lincoln the following year pushed that to another level.

Lincoln, for his part and like many Northerners, distanced himself (and the Republican Party) from Brown's use of violence. But many other Northerners — especially abolitionists who had previously been divided across a number of factions — rallied around Brown, especially in the wake of his execution. Henry David Thoreau spoke of him as a hero and a martyr who personified "transcendent moral greatness."

In his 1881 speech, Frederick Douglass recalled the aftermath of Brown's capture and how the wounded fighter challenged those who would hold him to account. Douglass stressed the impact of Brown's words under interrogation and during his perfunctory trial, as well as his forceful articulation of his opposition to slavery: "They could kill him, but they could not answer him."

Brown had long maintained that ending slavery would require bloodshed. We cannot know if he fathomed that it would take place on a scale far greater than his attacks at Pottawatomie and Harpers Ferry, much less that it would be carried out by the U.S. government and states that would secede from the Union. Though we may question his methods, we cannot argue with his warning to his interrogators in 1859: "You had better . . . prepare yourselves for a settlement of that question that must come up. . . . You may dispose of me very easily . . . but this question is still to be settled — this Negro question I mean — the end of that is not yet."

WRITING & DISCUSSION

1. In what ways did John Brown's early life and experience during the period of sectional conflict influence the actions he took to fight against the institution of slavery?
2. What do you think Frederick Douglass meant when he said, "They could kill him, but they could not answer him"? Use evidence from the article to support your answer.
3. In your own words, what do you think is the best way to remember John Brown? Use evidence from the article to support your answer.

ACTIVITY: Historians Remember John Brown

Just as people in the U.S. were divided and conflicted over what to make of John Brown in 1859, many historians still are today.

Directions: Form a group with three other students. Read the following historians' descriptions of John Brown. Then, deliberate in your group to choose the description that seems the most complete and accurate, based on what you know about Brown from the article "Remembering John Brown" and any other reading you may have done about him. Provide reasons for your group's choice. Finally, choose a spokesperson to share your findings with the whole class.

David W. Blight

Sterling Professor of History, African American Studies, and American Studies; Director, Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition at Yale University. His most recent book, published in 2018, is *Frederick Douglass: Prophet of Freedom*.

Was John Brown a midnight terrorist or a revolutionary hero? [He]'s a very troubling legacy. Nobody should prettify him and nobody should utterly dismiss him. . . . I think John Brown is our template in American history. . . . John Brown forces us to face the almost natural ambivalences about his acts. He is disturbing and inspiring. . . . He in some ways worked for the highest ideals — human freedom and the idea of equality — but he also used the most ruthless deeds. . . .

Paul Finkelman

President, Gratz College; former professor of law, history, and public policy. His most recent book, published in 2018, is *Supreme Injustice: Slavery in the Nation's Highest Court*.

Brown's actions in Kansas and at Harpers Ferry were clearly violent. He killed people or at least supervised their death. But was he a terrorist? At neither place do his actions comport with what we know about modern terrorists. . . .

So, what in the end can we make of John Brown? If he was not a terrorist—what was he? He might be seen as revolutionary, trying to start a revolution to end slavery and fulfill the goals of the Declaration of Independence. As proslavery border ruffians tried to prevent democracy in Kansas, and were willing to murder and assault supporters of freedom, John Brown surely had a right to defend his settlement and his side. . . . This was not terrorism, but a fact of warfare in Bleeding Kansas. Nevertheless, modern Americans are uncomfortable endorsing his vengeful violence in Kansas, however necessary it may have been.

David S. Reynolds

Distinguished Professor in the English and American Studies programs at the CUNY Graduate Center. His most recent book, published in 2014, is *Lincoln's Selected Writings*. He is also the author of the 2005 biography, *John Brown: Abolitionist*.

Undeniably, John Brown *was* an anomaly — he was an Abolitionist who believed in violence and who actually made war. . . .

It is hard to admire someone who directed killings. . . . The Pottawatomie killings were not admirable or legally defensible. But they were explainable, given John Brown's makeup as it intersected with special conditions of time and place, and given the long-term social tensions that led to these conditions. . . .

[The killings] can best be explained as an act of terroism improvised at a moment when outside forces — some local and recent, some national and long-developing — converged. . . .

Terrorism is violence that avoids combat, is used against the defenseless (often civilians), and is intended to shock and horrify, with the aim of bringing about social change. . . . Brown's Pottawatomie murders may qualify as terrorism on these counts. It might be argued that excessive force . . . challenged real social injustice: . . . the twin horrors of chattel slavery and Southern violence.

WHAT IS TREASON?
THE AARON BURR CASE

Aaron Burr was involved in a complicated conspiracy in the early years of the republic that resulted in his trial for treason. The trial established important principles about what treason, the only crime described in the Constitution, really meant.

At 13 Aaron Burr entered Princeton University and graduated with a degree in religion. He then studied law.

During the Revolutionary War, he served as an officer under Benedict Arnold who later defected to the British side. Burr married Theodosia Provost in 1784, but she died twelve years later.

Burr became a successful lawyer and New York politician. He helped build Thomas Jefferson's Democratic-Republican Party. He was elected to the New York State Assembly and was appointed a U.S. senator by the state legislature.

In the presidential election of 1800, Burr ran with the understanding that he was Jefferson's vice presidential running mate for the Democratic-Republican Party. But both men ended up with the same number of electoral votes. Burr then plotted to be president, which had to be decided by the House of Representatives.

After many votes in the House, several Federalists broke the tie by withholding their votes. Jefferson became president and Burr became vice president. (Later, the Twelfth Amendment directed the electors to vote on separate ballots for president and vice president.)

After the 1800 election, Burr and Jefferson become bitter toward one another. Jefferson dropped Burr as his running mate in the next election.

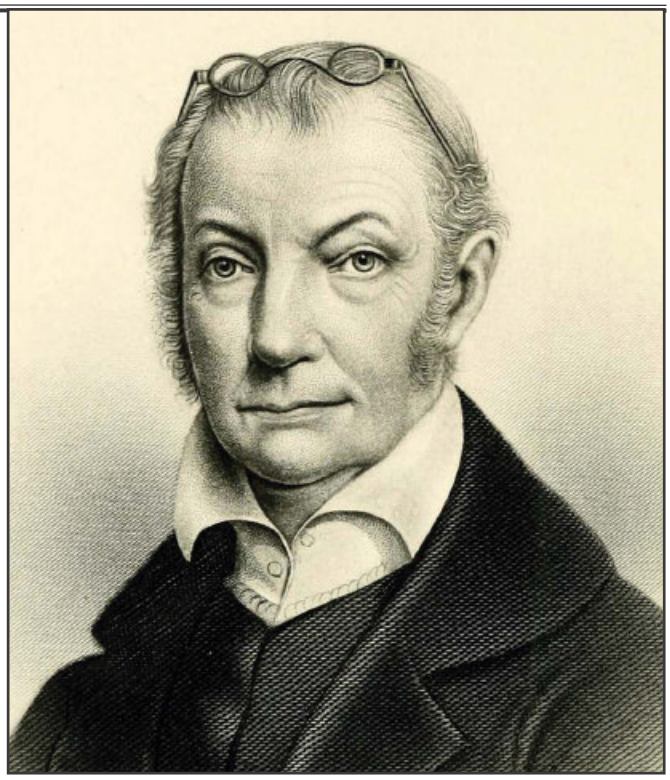
Burr then ran for governor of New York in April 1804, but lost after Hamilton called him "a dangerous man." This and Hamilton's personal insults against Burr were what led to the famous 1804 duel in which Burr shot and killed Hamilton.

Burr was charged with murder but was never tried. He finished his term as vice president in March 1805, and then decided to look westward for his future.

James Wilkinson

James Wilkinson fought alongside Aaron Burr during the Revolutionary War, but never achieved the glory he wanted. After the war he became a merchant who sought his fortune in America's western territories ceded to the U.S. by the British at the end of the war. Many be-lieved that control of the great rivers like the Ohio and Mississippi was the key to the nation's economic devel-opment and power.

At this time, Spain possessed Florida and everything west of the Mississippi River plus New Orleans. The natural way for the American western frontiersmen to export their grain, furs, and other products was by sending them down the Ohio and Mississippi rivers to New Orleans. However, in 1784 Spain closed the Mississippi to all American commerce.



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A portrait of Aaron Burr when he was Thomas Jefferson's vice president.

Wilkinson soon discovered that the American frontiersmen were upset with both Spain for closing the river and their own country for doing nothing about it. Rumors of secession began to spread.

Seeing opportunity, Wilkinson met with Spanish officials and made a deal. He would become a Spanish paid agent and promote the independence of the American western territories in exchange for Spain permitting him to use the Mississippi to take his goods to New Orleans.

In 1800, France's Napoleon Bonaparte acquired from Spain the Louisiana Territory that extended from New Orleans to the Canadian border. In 1803, Napoleon gave up his ambition for an American empire and sold Louisiana to the U.S.

By 1804, Wilkinson somehow managed to get President Jefferson to appoint him General in Chief of the U.S. Army. Still a secret Spanish agent, Wilkinson dreamed of becoming an empire builder.

In May of that year, just after Burr lost the election for governor of New York, Wilkinson met secretly with him in New York City. The Burr conspiracy may have begun then. The next year, at the end of his term as vice president, Burr persuaded Jefferson to make Wilkinson governor of the Louisiana Territory.

The Burr Conspiracy

Burr began circulating ideas for separating American western lands from the U.S. union while he was vice president. In 1804, he secretly offered to Britain a plan to divide Louisiana from the union in exchange for half a million dollars and aid from the Royal Navy. Britain never accepted.

North Wind Picture Archives/Alamy Stock Photo

Aaron Burr addressing followers on Blennerhassett Island in 1806. Later that year, followers would again assemble there without Burr's presence.

In 1805, Burr embarked on an expedition from Pittsburgh down the Ohio and Mississippi rivers to New Orleans. He investigated the commercial and strategic military potential of the largely unsettled western territories.

Burr talked with the western frontiersmen about the advantages of seceding from the union. He spoke with Andrew Jackson about conquering Spanish Florida and Mexico. Jackson was favorable to war against the Spanish whom he hated, but opposed secession of emerging western states and territories. Burr also met with Wilkinson.

On Burr's boat trip down the Ohio, he came across a large island with a mansion owned by Harman Blennerhassett. Burr calculated that Blennerhassett Island would be a perfect place for an army to assemble to take New Orleans and beyond.

Burr's intentions were never exactly clear. But at different times they appear to have involved separating the western territories from the union, conquering Spanish Mexico, and creating a vast new empire west of the Appalachian Mountains.

Burr had one big problem. His plan required lots of money and he was deeply in debt. Therefore, much of his time was now devoted to fund-raising. He appealed to individual sympathizers, countries, and even relatives.

Wilkinson's Betrayal of Burr

In October 1806, two messengers delivered to Wilkinson near identical letters in cipher (code) from Burr, revealing his plans. (Today, scholars debate whether Burr wrote these letters himself. Regardless, whoever actually penned them clearly reflected Burr's plans as indicated by other sources.)

In the cipher letter, Burr declared he now had the money and indicated he had begun operations. He disclosed that the "Eastern detachments" would assemble on the Ohio River (probably Blennerhassett Island) in early November 1806. He claimed that both the British and U.S. navies backed his plan (not true). He said that an army of 500-1000 men in light boats would be at Natchez on the Mississippi, not far from New Orleans, in early December. Wilkinson was to join this force with his U.S. Army command. "The gods invite us to glory and fortune," he proclaimed. Missing, however, was any specific mention of raising a revolt in New Orleans in order to split the American West from the U.S. union.

Now that Burr's plan actually seemed to be happening, Wilkinson decided he would be better off betraying Burr, warning Jefferson, and becoming the savior of the nation. From New Orleans, Wilkinson wrote letters to Jefferson about a "deep, dark, and widespread conspiracy" to take the city and then Mexico. At the same time, he changed parts of Burr's cipher letter, minimizing his own role in the conspiracy. He then sent this letter to Jefferson. Wilkinson also declared Burr a public enemy with a reward for his capture.

Jefferson had been receiving warnings about Burr for quite a while. But when he received the altered cipher letter from Wilkinson on January 18, 1807, he reported to Congress, long before Burr was put on trial, that he was guilty of treason.

Burr Arrested and Indicted for Treason

Meanwhile in August 1806, Burr visited Harmon Blennerhassett on his island and involved him in ordering boats to be built. In early December, about 30 armed men assembled at Blennerhassett Island, but Burr himself was not present. Getting word that state militias from Ohio and Virginia were on the way to arrest them for treasonous activities, the men left the island on boats down the Ohio River on the night of December 10. Burr with additional recruits later joined these men, now amounting to a force of about 100 men.

On February 19, 1807, Burr was arrested in Mississippi Territory and sent under military guard to Richmond, Virginia. This was the location of the circuit court where Chief Justice John Marshall of the U.S. Supreme Court presided. (When the Supreme Court was not in session in Washington, the justices presided as trial judges in different parts of the country at so-called circuit courts.)

Burr appeared before a grand jury at Marshall's circuit court in May 1807. Wilkinson testified against him. But Burr's defense lawyers accused Wilkinson of lying under oath and tampering with the cipher letter, which Burr denied writing.

On June 24, the grand jury indicted (charged) Burr, Blennerhassett, and five others with treason. The indictment stated that Burr traitorously intended "to raise and levy war, insurrection and rebellion against the United States" by taking possession of New Orleans. Curiously, the only acts of levying war cited in the indictment focused on the activities at Blennerhassett Island on December 10, 1806, when Burr was not present. Burr's treason trial took place in Marshall's Richmond court since Blennerhassett Island was within the state of Virginia.

New York Public Library

The arrest of Aaron Burr in February 1807 as he tried to flee to Spanish territory.

The Background of Treason Law

The English Parliament enacted its first treason law in 1352 under King Edward III. Treason was making war against the king or aiding and comforting his enemies. Over time, English courts adopted the idea of "constructive treason," so that it included include speech, writings, and conspiracy that could stir violence against the king's government.

The framers of the U.S. Constitution in 1787 were cautious to limit their definition of treason. Art. III, Sec. 3, states:

> Treason against the United States, should consist only in levying [making] War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Congress was given the power to decide the punishment for treason and set death as the penalty in 1790.

Burr's Treason Trial

Burr's treason trial with Justice John Marshall presiding began on August 3, 1807, and went on for about a month. Over 100 witnesses testified, including Wilkinson, the prosecution's chief witness. But his trustworthiness had been seriously challenged at the grand jury hearing. Burr himself, an accomplished attorney, participated in cross-examining some witnesses.

The government prosecutors were burdened by the fact that most of their witnesses testified about Burr's plans and ideas, not about his overt acts of levying war against the U.S. The prosecutors tried to convince the jury that to wait for acts of violence to occur was to put the nation in danger. In doing this they adopted the expanded English definition of treason to include conspiracy.

The prosecution was also hobbled by Burr's indictment. This limited the overt acts to those that happened only on Blennerhassett Island on December 10, 1806. About 30 men assembled with supplies and a few boats. They were armed, but mostly with hunting rifles not military muskets. They marched around, took target practice, and made bullets. When state militias approached, the men escaped down the Ohio.

What about Burr's force that later joined up with the Blennerhassett men to form an army of about 100? Marshall ruled this could not be admitted as evidence since these acts did not happen on Blennerhassett Island, as required by Burr's indictment.

Then there was the inconvenient fact that Burr was not on Blennerhassett Island when the treasonous acts supposedly occurred. One prosecutor tried to make that case that Burr was there in spirit:

> He is the first mover of the plot. He planned it, he maintained it; he contrived the doing of the overt acts which others have done.

The jury had to decide if the assembly of men at Blennerhassett Island, and Burr their absent leader, had committed overt acts of levying war against the United States amounting to treason. But before the case went to the jury, Marshall had to clarify the meaning of these terms. Marshall had attempted to do this in an earlier case before the Supreme Court, but his legal opinion was confusing and seemed to support both the prosecution and defense in the Burr case.

Marshall's Clarification of Treason

1. **Allegiance:** A person accused of treason must be a citizen with allegiance to the United States.
2. **Levying War:** This did not always have to be armed conflict. But it did have to involve the appearance of a "competent" organized force strong enough to pose a serious threat to the U.S.
3. **Overt Act:** This had to be a warlike act against the U.S., not just dangerous talk.
4. **Confession or Witnesses:** Confession in open court or the testimony of two witnesses to the same overt act against the U.S. is necessary to connect someone to treason. But such a person did not necessarily have to be present when these treasonous overt acts occurred.
5. **Conspiracy:** This and treason are two different things. Conspiracy by itself is not an overt act of treason.
6. **First Amendment:** This protects one's right to speak out and write against the government. Thus, Marshall rejected the expanded English "constructive treason."

On September 1, 1807, the jury declared Burr "not proved to be guilty under this indictment by any evidence submitted to us." Attempts to try Burr on other charges or for treasonable activities outside Virginia all failed.

Marshall's circuit court opinion was not a Supreme Court precedent. However, his opinion became the foundation of the law of treason in the United States. Treason prosecutions have been rare in U.S. history. Today, under federal law the penalty for treason can be death or a minimum prison sentence of five years, as well as a minimum $10,000 fine. No one convicted of treason may hold public office.

* * * * *

Burr soon departed to Europe but returned to New York City in 1811 where he became a successful lawyer. Burr died September 14, 1836 at age 81. Even today, scholars are not sure what Burr was really up to. Create a new nation? Conquer Mexico? Overthrow Jefferson? Glory? Some say it was all a scam to raise money to pay off his debts.

WRITING & DISCUSSION

1. Despite the jury's verdict that Aaron Burr was "not proved to be guilty under this indictment by any evidence submitted to us," do you think he was still guilty of treason? Why or why not?
2. Do you think John Marshall should have adopted the British idea of "constructive treason"? Why or why not?
3. If a U.S. citizen assists in computer-hacking against the U.S. government by a hostile foreign country, should that be considered "levying war"? Why or why not?

ACTIVITY: Who Was a Traitor?

Form small groups to each discuss one of the cases below. Review Art. III, Sec. 3 of the Constitution and John Marshall's legal opinion in the Burr case to decide if the accused in each case was legally a traitor.

Assume that the facts were true. Each group will then report its decision and discuss reasons for it with the class.

1. **Benedict Arnold, 1780:** Unhappy that he had been denied promotions, Arnold plotted with the British to surrender an American fort for a price. The plot was discovered, and he defected and fought for the British.
2. **Jefferson Davis, 1865:** After the Civil War, Davis, the former president of the Confederacy, was indicted for treason because of his acts "to raise, levy and carry on war" against the U.S. However, he was never tried and the indictment was dropped in 1869.
3. **Tomoya Kawakita, 1952:** During World War II, a Japanese-American who was a citizen of both Japan and the U.S. was convicted of treason and sentenced to death. He had worked as a language interpreter at a Japanese prisoner of war camp and mistreated American POWs. Kawakita's sentence was later reduced to life. He was deported to Japan in 1963.
4. **Adam Gadahn, 2006:** This American citizen was charged with treason for making videos in which he appeared as a spokesman for the terrorist al-Qaeda organization responsible for the 9/11 attacks. In video statements, he threatened more attacks on American soil. A fugitive in Pakistan, he was killed by an American drone strike.

Erratum

In the original version of "What Is Treason? The Aaron Burr Case," the statement that Alexander Hamilton broke the tie in the House was incorrect and has been since been changed to correctly state that Federalists withheld votes to break the tie.

Standards Addressed

Haiti's Slave Revolt and War for Independence

California History-Social Science Standard 10.4: Students analyze patterns of change in the era of New Imperialism in at least two of the following regions or countries: Africa, Southeast Asia, China, India, Latin America, and the Philippines. (2) Discuss the locations of colonial rule of such nations as England, France, Germany, Italy, Japan, the Netherlands, Russia, Spain, Portugal, and the United States. (3) Explain imperialism from the perspective of the colonizers and the colonized and the varied immediate and long-term responses by the people under colonial rule. (4) Describe the independence struggles of the colonial regions of the world, including the roles of leaders. . . .

National World History Standard 29: Understands the economic, political, and cultural interrelations among peoples of Africa, Europe, and the Americas between 1500 and 1750. High School: (4) Understands characteristics of the development of European colonies in the Americas (e.g., the appeal of the Americas for European colonists in the 16th and 17th centuries). (8) Understands how slavery was defined by different groups of people (e.g., key differences between the understanding of "slavery" by Africans and by European settlers in the Americas; how slavery was practiced . . . in early modern times. (9) Understands how the African slave trade influenced the lives of slaves in the Western Hemisphere (e.g., the institutions, beliefs, and practices of slaves working on plantations in the Western Hemisphere; the history of open slave rebellion and resistance in the Western Hemisphere. . . .).

National World History Standard 32: Understands the causes and consequences of political revolutions in the late 18th and early 19th centuries. High School: (1) Understands the impact of the Haitian Revolution (e.g., connections between the French and Haitian Revolutions, the impact of this event on race relations and slavery in the Americas and the French Empire). (2) Understands comparisons between the Latin American revolutions and those in America, France, and Haiti (e.g., pre-independence social and political conditions, opposed regimes/policies, justifications of the revolutions, class representation, extent of revolution)

Common Core State Standards: SL.9-10.1, SL.9-10.3, RH 9-10.1, RH.9-10.3, RH.9-10.10, WHST.11-12.10.

Remembering John Brown

California History-Social Science 8.9: Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (1) Describe the leaders of the movement (e.g., John Ouincy Adams and his proposed constitutional amendment, John Brown and the armed resistance, Harriet Tubman and the Underground Railroad, Benjamin Franklin, Theodore Weld, William Lloyd Garrison, Frederick Douglass). (5) Analyze the significance of the States' Rights Doctrine, the Missouri Compromise (1820), the Wilmot Proviso (1846), the Compromise of 1850, Henry Clay's role in the Missouri Compromise and the Compromise of 1850, the Kansas-Nebraska Act (1854), the Dred Scott v. Sandford decision (1857), and the Lincoln-Douglas debates (1858).

National U.S. History Standard 10: Understands how the industrial revolution, increasing immigration, the rapid expansion of slavery, and the westward movement changed American lives and led to regional tensions. High School: (3) Understands how slavery influenced economic and social elements of Southern society (e.g., how slavery hindered the emergence of capitalist institutions and values, the influence of slavery on the development of the middle class, the influence of slave revolts on the lives of slaves and freed slaves) (6) Understands the social and cultural influence of former slaves in cities of the North (e.g., their leadership of African American communities, how they advanced the rights and interests of African Americans).

Common Core State Standards: SL.8.1, SL.11-12.1, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, WHST.6-8/11-12.10.

What Is Treason? The Aaron Burr Case

California History-Social Science Standard 8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it. (5) Know the significance of domestic resistance movements and ways in which the central government responded to such movements. . . .

California History-Social Science 8.4: Students analyze the aspirations and ideals of the people of the new nation. (1) Describe the country's physical landscapes, political divisions, and territorial expansion during the terms of the first four presidents.

California History-Social Science 8.5: Students analyze U. S. foreign policy in the early Republic. (2) Know the changing boundaries of the United States and describe the relationships the country had with its neighbors (current Mexico and Canada) and Europe . . . and how those relationships influenced westward expansion. . . .

California History-Social Science 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established by the U. S. Constitution. (5) Discuss Article III of the Constitution as it relates to judicial power. . . .

National U.S. History Standard Standard 8: Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U. S. Constitution and the Bill of Rights. High School: (4) Understands the significance of Chief Justice Marshall's decisions on the development of the Supreme Court . . . .

National U.S. History Standard Standard 9: Understands the United States territorial expansion between 1801 and 1861, and how it affected relations with external powers . . .

National Civics Standard Standard 15: Understands how the United States Constitution grants and distributes power and responsibilities to national and state government and how it seeks to prevent the abuse of power. High School: (6) Understands the extent to which each branch of the government reflects the people's sovereignty (e.g., Congress legislates on behalf of the people, the president represents the nation as a whole, the Supreme Court interprets the Constitution on behalf of the people).

Common Core State Standards: SL.8.1, SL.11-12.1, RH.6-8/11-12.1, RH.6-8/11-12.2, RH.6-8/11-12.3, RH.6-8/11-12.4, WHST.6-8/11-12.10.

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MOCK TRIALS

People v. Klein

False Report of an Emergency and Criminal Threat - Featuring a pretrial argument on the First Amendment

Grades 6–12

People v. Klein is the trial of Reagan Klein. Reagan is charged with two felony counts: making a false report of an emergency (in this case, commonly referred to as "swatting") and making a criminal threat. The prosecution alleges that Reagan threatened a coworker, Sawyer Smith, via a social media post and that Reagan had animosity against Sawyer because Sawyer had become a rising social-media influencer and because Sawyer was responsible for Reagan being fired from the restaurant where they both worked. The prosecution further argues that Reagan made a false "text-a-tip" to the police requesting police respond to a "hostage situation" at Sawyer's residence. A SWAT team responded to the call, and Sawyer was seriously injured.

The defense argues that Reagan neither threatened Sawyer nor made the false text to the police. The defense further argues that Reagan had no more animosity toward Sawyer than other coworkers who all disliked Sawyer's influencer personality and who had all engaged in the cyberbullying of Sawyer.

In the pretrial motion, the defense will argue that Reagan's social media posts were not a "true threat," and it is therefore protected free speech under the First Amendment self-incrimination.

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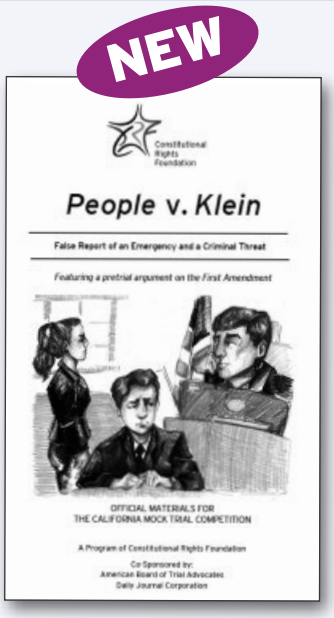

People v. Meadows A Mock Trial Designed for the Classroom

Grades 6–12

The high-interest case involves a high school basketball game that got out of hand. A coach is arrested for aggravated assault against a referee. The two had a history of antagonizing one another with texting and posting pictures on the Internet.

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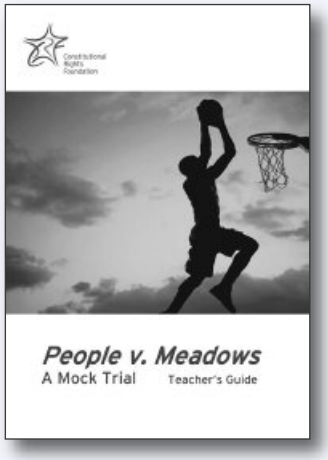

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