



# 200th Anniversary of the Slave Trade Act of 1808

## Global Scope of the Slave Trade and the Act of Abolition

January 10, 2008

The Slave Trade Act of 1808, passed by Congress in March of 1807, became effective January 1, 1808. On January 10, 2008 the Center for the National Archives Experience held a day-long symposium to commemorate its 200th anniversary and raise awareness of the slave trade, its abolition, and its impact on United States history and culture.

This panel addresses the national and international reasons for abolition. Moderated by **Howard Dodson**, director, Schomburg Center for Research in Black Culture; panelists include **Joseph Inikori**, professor of history, Rochester University; **Ira Berlin** (pictured), professor of history, University of Maryland; **Sylviane Diouf**, curator, Schomburg Center for Research in Black Culture; **Marika Sherwood**, The Black and Asian Studies Association, England; and **Lisa Crooms**, professor of law, Howard University.

**HOWARD DODSON:** I had the privilege of standing before you earlier in the program and want to again thank you for your presence and for the enthusiasm you've shown for, and appreciation you've shown for the need for this kind of program and activity. By way of introduction I've had the privilege of being a part of the slave route project for the last decade or so and as Ali mentioned, this project came into existence under UNESCO and UN sponsorship and sanction because there had developed a general agreement, certainly in the western hemisphere, but also in Europe and in parts of Africa that the time to break the silence on the centrality of slavery and the slave trade in the making of the modern world had indeed arrived and the notion that everywhere in the Atlantic world this issue of slavery and the slave trade was something - I keep pushing this thing- okay, I'm told I have to keep it in my ear because I get my instructions from there.



[laughter]

But wherever you went in the Atlantic world for the most part, certainly undergraduate and K-12 educational settings and in public settings this subject of slavery and the slave trade was virtually absent and in many instances the tendency was to avoid any discussion of the subjects, either A because whites didn't want to deal with it because it was potentially too embarrassing, too threatening to them and for the black populations didn't want to deal with it because of the potential embarrassment. The whites have the possibility of feeling guilty about it and all the rest of this. So we found ways, very systematic ways of avoiding when I was going through school. What would usually happen is we'd have one day in which we dealt with slavery and the slave trade and certainly in integrated schools that was the day that some of us decided to be absent. And in other days there were times when if you were there you almost went under the desk and hoped it would pass over quickly and be through. The central and simple fact is that you can't erase 400 years of global history, 400 years of global experience, 400 years of involvement of people in the four corners of the Atlantic world, you can't erase that from your history and your heritage and think you know anything about who you are, where you've been and what you've become as people in your respective societies and in the world at large. And so the slave route project was actually brought into existence with the goal of trying to get the academic community, the educational community, and the general public to begin to open up a dialogue, a conversation about this subject. Over the course of more than a decade of activity and I'd like to say with very, very limited funding, we've had incredible success in the United States in parts of Latin America, on the African continent itself, and in Europe and this initiative to commemorate the abolition of the slave trade has been a part of that broader sense of dialog and movement.

This conference has as its purpose obviously to explore and hopefully extract from an interrogation from the active abolition and the slave trade itself, some deeper understandings of its implications for both our knowledge of the experience on the one hand and our understanding of its consequences on the other and the panel that I'm chairing has as its title the global scope of the slave trade and the act of abolition. When we started the slave route project it was really singularly focused on the trans-Atlantic slave trade and the relationships between Africa, Europe and the Americas. As the project has evolved we've come to realize that the trade was not simply one from Europe and Africa to the west, but that it also moved in other directions as well. And over the course of time we've actually embraced and brought under the rubric of the project explorations of the slave trade in the Indian Ocean area and the so called Middle East and other places of the world. And so our panel has as its agenda to look at



the global scope of the slave trade, obviously with an emphasis on the Atlantic world and more specifically the meaning and significance of this act of abolition and I underscore act of abolition because certainly as will become clear in the presentations on this panel, the passage of the act did not end the slave trade either in Britain, in the United States or indeed in the Atlantic world.

We have a privilege to have with us today some really extraordinary scholars and students of this experience and it's my pleasure to introduce them. They will be coming before you speaking for about 8 to 10 minutes, I way 8 to 10 knowing that they will do at least 10, but my job will be to keep them within their 10 minute limit. They'll be speaking in the order in which they're seated in the platform beginning with Joseph Anacory at the end, to my far right. At the end of their initial presentations you will have an opportunity to raise questions with them. Mics have been set up on either side and we'll ask that you go to the mike and pose your questions and in the interest of time and the interest of everyone else whose here we'll ask that you ask a question.

[laughter]

We have several panelists and I know all of you are well equipped to be panelists today and I could call on any one of you and you could do a 10 minute presentation, but you're not on the program.

[laughter]

So, if we could with those, you know kind of governing rules in mind, move forward, let me introduce all the panelists and then I'll just have them come forward very quickly and make their presentations. First professor Joseph S. Inikori, professor of history at University of Rochester, formerly chairman of the department of history at Amadubello University. He's the author of his most recent book is *Africans and the Industrial Revolution, a study of the international trade and economic development*. He has also authored with Stanley Ingriman, *The Atlantic Slave Trade, effects on economy, societies, and peoples in Africa, the Americas and Europe*. Our second panelist is Professor Ira Berlin, professor of history at the University of Maryland. He has written extensively on American history and the large Atlantic world in the 18th and 19th centuries, especially the history of slavery. He's the author of *slaves without masters*, he was the founding editor of the documenting history of emancipation, the author of *many thousands gone, the first two centuries of slavery in mainland America*, and most recently *generations of captivity, a history of slaves in the United States*. Sylviane Diouf is a curator, digital collections at the Shamburg Center for Research and black culture and historian. She's the author of most recently of *dreams of Africa* in



Alabama, the slave ship *Plautilda* and the story of the last Africans brought to America. She is also the author of *Servants of Allah: African Muslims Enslaved in the Americas* and editor of *Fighting the Slave Trade: West African Strategies*. She is finally co-editor with me of book in motion the African-American migration experience and an extensive 25000 page web site of the same title that you can find on the Schomburg Center's web site. Lisa Crooms is a professor of law at Howard University and teaches constitutional law, gender, and the law in international human rights law. She's a human rights activist since 1994 having worked with the Washington office on Africa and the American committee on Africa her publications include *Remembering the Days of Slavery: Plantations, Reparations and Contracts*. And finally Marika Sherwood a senior research fellow at the Institute of Commonwealth Studies the University of London and one of the co-founders of the Black and Asian Studies Association in the United Kingdom. Her most recent book entitled *After Abolition: Britain and the Slave Trade Since 1807* was published this past year. Please welcome our panelists and let's have a wonderful panelist session. Joe.

**JOSEPH INIKORI:** Let me just start by thanking the organizers and I don't want to repeat all of the good things that have already been said about their competence in putting together this very impressive symposium. I feel very much like somebody carrying an elephant that wants to jump because there is so much that I would like to say about this subject and I have only 10 minutes. So what I have selected to do is read a very short observation that I think will provoke discussion without leading into any details. In order to understand what the 1807,1808 British and United States abolition of the trans-Atlantic slave trade meant, historically, that we are commemorating now, we must first of all determine the place of the trade as a factor in the long run historical process of globalization. The cornerstone of the trade was the transportation of millions of Africans against their will across the Atlantic for sale into slavery in the Americas where they were forced to produce commodities on a large scale for Atlantic commerce. For analytical purposes there are two main interlinked problematic areas to examine.

First and foremost we have the individuals transported and sold into slavery, their families and communities left behind in Africa, and their descendents in the Americas. Second we have the long time effects of the trade on the process of development of economies and societies of the Atlantic basin. Whatever we say about these problematic areas determines what the 1807 1808 abolitions meant historically that we are commemorating after 200 years. For discussion purposes two opposing positions which more or less reflect the diverse views in the current literature on the subject may be stated. One was presented by the Archbishop of Canterbury during the commemoration of 1807 by the British government some



months ago. "We are born into a world already discolored by the internationalizing and industrializing of slavery and our human heritage is shadowed by it. We who are heirs of the slave owning and slave trading nations of the past have to face the fact that our historic prosperity was built in large part on this atrocity. Those who are heirs of the communities ravaged by the slave trade know very well that much of their present suffering and struggling is their result of centuries of abuse. Today it is for us to face our history. The Atlantic slave trade was our contribution to this universal sinfulness." From this passage it is clear that for Rowan Williams, the arch bishop of Canterbury of 1807 and 1808 meant historically a major service to humanity, the ending of evil that inflicted considerable pain on millions of people for several centuries and caused long term damage to the process of socio-economic development in continental Africa and a more diasporas Africans in the Americas. But which at the same time contributed largely to the development of the major economies of the Atlantic basin which constituted the nucleus of our current global economy. For the bishop our commemoration of 1807 and 1808 drew a center of the recognition of this fact and the dedication of our energies and resources to effectively combating the lingering legacies of this evil. But not everyone accepts this position. In 1978 during a UNESCO conference in Haiti, a well known North American historian stated verbally that wage labor is worse than slavery. All participants disagreed. The point has again been made in a paper published in 2007 by two also well known North American historians. "The rise of slavery to the status of evil has led to a number of philosophical complexities. Compared to free weapons slaves are often fed better, live longer, and have more control over their physical environment. Those forced onto vessels and taken to the Caribbean into what became the United States had progeny that were more nutritionally secure than those who managed to avoid being sent to the Americas." For these two historians and others who share their position, 1807 and 1808 did not mean in historical reality, the ending of evil. To put it bluntly, it was a disservice to humanity, a misguided act which eliminated a trade that for centuries saved millions of Africans from nutritional insecurity, starvation, and death. In this context the commemoration of 1807 and 1808 has a meaning clearly different from that from Archbishop Rowan Williams and those who share his understanding of the trans-Atlantic slave trade and African slavery. America's the factor in their longer historical process of globalization. One thing professional historians must take from the current commemorations of 1807 and 1808 is the need to rededicate ourselves to uncovering all of the facts that committed research can produce on the problematic areas in and to base our statements and the exchange or disagreement strictly on a rigorous analysis of the evidence. Those familiar with my work will recognize that Archbishop Williams more or less captured my position on this subject. I therefore want to comment briefly on the second position. But first it is important to note that what



1807 and 1808 meant historically is complicated by the fact that trans-Atlantic slave trading continued after those dates and even more important that African slavery and domestic trading of enslaved Africans in the Americas continued for almost a century after those years. Estimates in the most recent work show that in the four decades 1820 to 1860, between 535,000 and 612,500 African-Americans were sold and purchased in the anti-regional slave trade in the United States. These figures that those estimated for the 200 years of the trans-Atlantic slave trade to the United States. Similar inter-regional trading of Afro-Brazilians continued to 1888 when the second large slavesystem involving African peoples was abolished in Brazil. Now, the brief comments on the factual accuracy of the second position, starting with the people transported against their will, their families and communities left behind in Africa and their descendents in the Americas. We are the victims of evil or the beneficiaries of a benevolent trade that saved them from starvation and death in Africa.

To provoke a dialogue let me cite two pieces of evidence. The first piece of evidence is the rate of survival of enslaved Africans in the Americas. At the time of abolition in 1807 there were approximately 776,000 Africans in the British Caribbean, but by the time of emancipation in 1834, the numbers had gone down to 665,000, a natural decrease of approximately 111,000 in 27 years. Then 26 years after emancipation natural increase raised the population to 963,000 by 1860. A comparison of African and European migration to the Americas in the three centuries preceding 1820 is even more revealing. As Patrick Manning wrote over a decade ago, "The new world demographic result of this migration after three centuries are striking, particularly when it is remembered that Africans had an epidemiological advantage over Europeans. By 1820 some 10 million Africans had migrated to the new world as compared with two million Europeans but in 1820 the new world white population of some 12 million was roughly twice as great as their black population. The relative rate of survival and reproduction of whites and blacks in the Americas were sharply different."

Clearly the claim that Africans transported across the Atlantic against their will were fed better, lived longer than free and continental Africans can not stand in the face of the foregoing evidence. All knowledgeable students of African history know that naturally decreasing population did not operate in pre-Atlantic slave trade in western Africa and has not operated since the ending of the trans-Atlantic slave trade in the mid 19th century. It is pertinent to add that for generations Africans in the Americas depended on African food crops, rice, yams, plantains, and others transported to the Americas from Africa, even including the form of cooking. The second piece of evidence is the horror of the Atlantic crossing endured by the first migrants from Africa. The insurance case of the ship in the 1780s offers a glimpse. The ship and it's cargo of 442 captives



were issued from the African coast to Jamaica. Due to shortage of water during the crossing as the captain explained, more than 64 of them were thrown overboard into the Atlantic. The George of King's Bay who presided over the case in England in 1783 declared "The matter left for the jury was whether it was from necessity for they had no doubt though it shocks very much, the case of slaves was the same as if the horses had been thrown overboard. It is a very shocking case."

There can be no doubt that the horrors of the middle passage, some of which are elaborately narrated in the recent book, the slave ship, a human history, 2007, and other pains and degradation suffered by these first migrants constituted evil in the history called reality. It is not factually correct to say that the conditions of free wage workers at any time in history were worse then or even as bad as those suffered by the enslaved Africans from the time of their capture to their years on their plantations. The commemoration of 1807 and 1808 offer an opportunity to professional historians to uphold the scientific standards of their discipline in searching for the elusive truth on these unrelated issues, particularly those concerning the rule of African slavery in the Americas and the long process of the development of the economies and societies of the Atlantic basin. I have argued elsewhere that given the large body of evidence and the pains and the conditions suffered by the Africans transported against their will, and the negative impact of the trade on the socio-economic development in Africa it is reasonable to say that continental Africa and its economies and peoples were the main beneficiaries of the 1807 and 1808 abolitions which led ultimately to the complete ending of the Atlantic slave trade. I thank you for your attention.

[applause]

Thank you Joe.

**IRA BERLIN:** I'm going to remain tethered to my seat and I'll take my, try in my ten minutes to fulfill my assignment which was to speak about the affects of the 1808 prohibition on the United States. What difference did it make? And I'll try to speak to it in terms of what happened and then what didn't happen, the factual in some sense and the counter factual as well. I think the first thing that we can say is that 1808 had a profound effect on the development of the African-American life. That is it speeded the process of creolization. It looked like after 1803 when South Carolina reopens the slave trade and very quickly nearly 100,000 Africans are brought into mainland United States and Louisiana opens the slave trade that there will be a re-Africanization of American society. That doesn't happen, because that doesn't happen the process of Creolization takes place in a very different way. That doesn't mean that African life doesn't have an affect on



American society, but it has an affect in a very different way as if the slave trade was open. The close of the Atlantic slave trade of course means the re-expansion of what is called the Georgia trade, the movement of slaves from the upper south into Georgia which quickly morphs into a trans-continental trade which leads to the forcible removal of native Americans from the American southwest, both by the American military and other irregular military groups. It means the enormous expansion of cotton production, the transformation of the American economy and I say American economy, not simply southern economy because the north is deeply involved in this cotton revolution and then of course finally the transformation of American politics and the kind of alliance between the north and the south which is manifested in the American democratic party which will dominate American politics. A third important change and understanding coming out of that prohibition in 1808 of course is the transformation of African-American society, the movement of one million people between the revolution and the civil war, forcible deportation from the upper south, from Virginia, Maryland, North Carolina, eventually other parts of the upper south to the deep south. That means the destructions of communities, the destructions of families. It's extraordinarily traumatic, that number is almost twice the number of the Africans brought to the United States over two centuries, takes place in less than half a century and it means the transformation of African American culture in a whole variety of ways. Tobacco and rice growers have become cotton growers, families have to be reconstructed, new leaders have to be found, and of course perhaps most importantly comes along with that the embrace of the invasive Christianity as well.

A third effect of this transformation is the division of the south between the upper and the lower south. One region which has a conditional embrace of slavery as slaves are being pulled out of the upper south and southerners in Virginia, Maryland, Kentucky can't imagine their region without slavery and another part of the south, the deep south, having an absolute desire to maintain slavery, the believe that slavery will expand and expand forever and that division within the south is generally conceded now by historians to be the reason why fire eaters, why those defenders of slavery in the lower south will go for a pre-emptive strike to maintain a slave holding republic in 1860 with of course disastrous results. And finally of course, 1808, and the prohibition on the slave trade begins a transformation of the American anti-slavery movement from gradualism to immediatism, a movement which of course has a lot to do with a new alliance between English and American abolitionists and the rise within New England of an anti-Jeffersonian, anti-Southern Faction which will eventually produce William Lloyd Garrison a generation later. Let's flip this over, think about its effect on the United States in other ways in counter-factual ways. What if the slave trade had not been closed in 1808? And slaves would continue to pour into the United





States as they had been with the reopening of the South Carolina, Louisiana, trade of the early years of the 19th century. The United States would have become a much more African place, a much more African place. The growth of that African forced working class may well have tipped the balance between slavery and anti-slavery in the United States. That balance was being challenged in the early years of the 19th century particularly in the American mid west, in Ohio, in Indiana, in Illinois, where slavery had gone clandestinely or had existed as long term indentures where there were movements to overthrow the northwest ordinance and of course if the northwest ordinance had been overthrown, and if slavery had gone into Indiana and Illinois, the challenge of abolition would have been much, much greater and of course that Illinois politician would have looked much differently coming from a slave state than from a free state. The expansion of an African slave population with an open slave trade may well have discouraged European immigrants to come to the United States and the United States as I said would have become a much more African society than we think it now if those waves of European immigrants which began in the 1830s and 40s to re-people the United States had not taken place, the United States may have looked demographically and ultimately socially a lot more like Brazil than it comes to look like. A society with a majority population of African descent, that large African population might have resisted in a variety of different ways. We might have had great quilombos, marooned societies within the United States. We probably would have had to create a large middle caste of people of mixed racial origins which serve the kind of function that they served in Brazil and elsewhere in the new world, of slave catchers, of tradesmen, of artisans, they would have been given some privileges, but not the privileges of course of white people. Those middle caste people we've seen elsewhere in the new world, generally identified up rather than down, while there were some Denmark faces, there were generally more collaborators with their slaveholding masters, fathers, they would have looked a lot different than Frederick Douglass looked in the United States.

In short the prohibition in 1808 has a transformative effect on American society, on African-American society and on the challenge to slavery which will eventually take place.

[applause]

You were actually close to eight! Sylviane.

**SYLVIANE DIOUF:** I will address some of the impact of the abolition or the ban on Africans and the responses of African-Americans at that time. Now as we talk about the different factors who fought against the slave trade I think it's also



important to stress the roll of Africans in Africa. They were the first to fight the slave trade. They were the first to attack it, to defend themselves from it and they did it in a variety of ways. They did it with violence such as attacks on and barricades and forts and ships. They also used non-violent means such as relocation to hard to find places, the manipulation of the environment, the building of fortresses and fortified towns, and a wide range of other strategies at the personal, the familial, the communal and the state levels. Now concerning their assessment of what the abolition of the slave trade was going to bring to them, in 1807 and 1808 it's kind of difficult to find direct expressions of that.

I think we can probably safely say that there must have been frustration on the part of the commercial and the political elite was involved in the slave trade and was probably incensed at the loss of potential revenue, but there was probably as Joseph has stressed, a lot of contentment on the part of the rest of the population. Now we'll use one testimony, It's a testimony of a man who's name was Mani Lucani, he was from Senegal and he expressed some of his views in 1808. And what he said was actually interesting because it also confirms the strategies that Africans used to defend themselves from the trans-Atlantic slave trade and it showed also how it affected their daily life at the personal and the community level.

Lucani stressed that in his mind, the abolition of the slave trade would put an end to the mistrust that people had for one another. People feared kidnappings and raids and they suspected everybody and everybody was armed. He thought that people would clear the woods around their towns. Those woods were used as camouflage as well as places of refuge during raids. He also believed that new towns would be built in more exposed places such as near rivers. We know that in many cases villages and towns actually left the river areas to go to less exposed places and in some cases people built dams on the river so that the rivers then would - what does a river do? Oh - flow!

[laughter]

So that the river would flow in another direction far away from their town. So the fact that people would build their towns near river would also mean that there would be more communication and exchange. He also believed that people would devote more time to the cultivation of the crops. So what we can see there is that he envisioned a time of social peace as well as economic development, but reality turned to be very different from what Lucani believed because for the Africans, the abolitions in 1807, 1808 and then 1817 and so on, it goes to different countries, abolition of slave trade at different times, what it meant was it was really the story now of the illegal slave trade. So had this vision of peace and



development in 1808 but in where he was, actually the slave trade started only to decrease in the 1820s and kind of ended in the 1840s. To that was a long time after we have these thoughts. That period of time saw the rise of East Africa as a source of captives. Mozambique and Madagascar, actually 81% of the traffic from this area took place between 1801 and 1866. The slave trade lasted the longest in the which is, you know and Western Nigeria but in that period of illegal slave trade West Africa, the Congos and Angola dispatched more people than all of the other regions combined. The illegal slave trade also at the time, meant that the majority of the captives were forced, were deported from Africa, came from areas that were closer to the coast than what had been true before. And much later from the forts and the island castles on the coast. There was a shift in ethnic origins of the people as well as a shift in geographic origin, but there was also a shift in demography.

During the illegal slave trade about 70% of, even more than that actually I think it was 75% of the Africans deported were males as compared to about 60% before. Another characteristic was that the percentage of children increased dramatically, about 43% as compared to about 30% before. Actually that also had an effect on the rebuilding during this time, they had much less at the time because there were also a lot more children. And for everybody who entered the slave ships at this time, the mortality rate was much higher in the last 25 years of the slave trade than it had been for the 50 years before. So for Africans post 1808 even though there was a decrease of the roll in the number of people deported, especially for young people, for people closer to the coast, for people from west central Africa and eastern Africa the risks were probably actually greater than they were before and for all the risk of death in the middle passage was also higher. In addition the actual repression against the slave trade by the royal navy in particular and the imposition of the legal trade in raw product such as peanuts in Senegal and Panama and led to the monoculture of cash crops to the detriment of subsistence farming. The repression of the slave trade also led to the occupation of land by European powers, the weakening of the African policies and ultimately the partition of Africa. So the acts ending the slave trade, as good as they were, can not be envisioned in isolation and there are consequences for Africans in Africa, some of them may be unintended, some of them very much intended, that were not exclusively positive as could have been expected. Now at the time in 1808 people, abolitionists and others believed that everything, you know would be you know would be good and positive.

African-Americans in particular and from January 1, 1808 and for about 30 years after that they held celebrations in New York, in Boston, in Philadelphia which were the strongholds of free blacks in the United States, in the north. They gathered in churches and listened to inspirational sermons. The writers, it was



interesting to see, you know are proud they say of being African, of being African descent and they presented a very positive image of Africa at a time when Africa was absolutely painted in such negative light. It was a place of abundance filled with generous and peaceful people until it was spoiled by the slavers. The January first celebration was started in 1808, kind of followed the same model for a long time. It was a history and demonstration of the slave trade and slavery. Christian exhortations, of course, and a call to political action against slavery and the domestic slave trade which displaced about 1.2 million people from the upper south to the deep south and the orators also appeal to the free blacks' sense of responsibility for social and racial uplift. But what we're seeing also is that after 1808 the slave trade there so that the slave trade did not end to the United States that it continued legally elsewhere and slavery itself was reinforced, actually in the Gulf states in particular. So the orators became more militant. There was real deconstruction in their sermons of white racism including the biblical explanation for the plight of black people. There was also in some cases a justification of armed rebellion against the system and that has been stressed by other people as well as before this panel, a glorification of the 1791 uprising in. That was a very, I mean I don't think we can overstate the importance of the Haitian revolution. So throughout those sermons that commemorated and celebrated the end of the slave trade, there was always some kind of what I would call Christian paternalism, you know Africans are to be Christianized. But the speakers, nevertheless redress misconceptions about African History. They've created a positive basis on which to create, to construct a common nationality and they rewrote European and American history as well exposing it's brutality towards the African.

As I mentioned the celebrations did not last long but it was the first time that this kind of celebration produced written texts that we of course still have and as the orators address themselves to a black audience the speakers were freer than 18th century petitioners to forcefully articulate their opinions and criticism.

To conclude 200 years ago African-Americans, black Africans had had high expectations, you know that turned out to be premature. But in the case of those celebrations in the United States they expressed their solidarity with Africans in Africa and with people in the Caribbean as well and it was important in the redefinition of the global history of Africans and their descendents, the preservation of memory and the promotion of political action and for social justice.

[applause]

I too am going to sit. Thank you very much.



**LISA CROOMS:** I feel, ahhh, I feel like the lone lawyer in a group of people who found something infinitely more interesting to do with their lives than me.

[laughter]

So having said that you know, you know it's right, okay, I took the easy way out. In a message to congress at the beginning of the session of 1806, 1807 then President Jefferson stated the following. "I congratulate you fellow citizens on the approach of the period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human rights which have so long been continued on the unoffending inhabitants of Africa in which the morality, the reputation, and the best interest of our country have long been eager to prescribe." Needless to say we all know that Jefferson is a terribly complicated individual, but let it suffice to say that this is what opened up for all intents and purposes the session in which congress exercised the authority granted to it within article 1 section 8 of the constitution that contains the abolition clause.

That is the clause states as most of you probably know, that not before the year 1808 could congress in fact prohibit the importation and of course it's in very neutral kind of nuances non-racial language, so one really couldn't tell that they were talking about people of African descent, nor discussing the institution of slavery, but much of that is actually discussed by a colleague at NYU, professor Derrick Bell in terms of the constitutional compromise and the lack of specificity in that regard. So what happens after that is you know congress passes an act and it says being enacted by the senate and the house of representatives of the United States of America and Congress assembled that from and after the first day of January, 1808 it shall not be lawful to import, bring into the United States from territories thereof from any foreign kingdom, place, or country, any Negro, Mulatto or person of color with intent to hold, sell or dispose of such Negro, Mulatto or person of color as a slave or to be held to service or labor. The rest of the act goes on, it's relatively brief based on you know the way lawyers judge laws. It's about ten sections and it lays out all sorts of penalties, forfeiture, paperwork, what it is that you had to demonstrate in order to prove that you in fact were not violating the act. I thought about how to approach this even for a long time and having already explained to you my envy of your academic choices, or the short sightedness of mine, the idea here is that either we could talk about this in terms of the particularities of the legislation, and I'll tell you it's dry, you know. Or we could talk about sort of the bigger picture, particularly as it relates to the relationship between the federal government and the state government and the slight shift that you see when congress enacts this particular piece of legislation, questions of citizenship, personhood, who is a human, who



is a person, do peoples of the United States and persons, do they mean the same thing? To me that's just much more interesting. So I'm opting for let's say the John Coltrane version of my favorite things rather than Julie Andrews and I'm sorry if I offend anybody. Who in fact might be a Julie Andrews fan. So having said that there are four points I think I want to make about the act in sort of those broad terms. The first is this notion of shared federalism. The constitutional compromise, for all intents and purposes said slavery or didn't actually say it, left slavery to be regulated by states, except there was one instance where congress had the authority, or the federal government had the authority and that related to fugitive slaves. And it didn't mean that the federal government emancipated or allowed the fugitive slaves to remain free, it meant that the federal government ended up operating in a way to protect the property interests of the owners of the slaves who had fled. In addition to the fugitive slave clause, when you get the Abolition Act of 1808 or 1807 depending on which date you choose, that what one perhaps should understand is that Congress at that point is only able to legislate with respect to these two very discreet areas of slavery. The rest of it remains unchanged and it remains unchanged, until we have, you know the civil war that most unfortunate incident and some would contend that there's not much that's changed since then but we're not even really going to get into that. The second point here is that the statute does what the framers of the constitution either refused to do or could not do, that is it renders in very specific and concrete language the people they're talking about and the institution involved.

If you go through at some point the constitution, you realize that the constitution talks about slavery before you get to, of course the reconstruction amendments without ever saying slavery. At this point one's to contend that you know everybody knew what it was that you were talking about, so congress felt perhaps less restricted than those who gathered at the constitutional convention to name what it was that they were in fact legislating around and to be very specific about it. The third piece of it has to do with the separation of powers, that is the relationship between the executive branch, the legislative branch and the judiciary. Because the clause in question with respect to abolishing the slave trade is found in article one, it means that that is constitutional power delegated or committed to congress. It doesn't however mean that the other branches had nothing to do or to say about how this thing was going to happen or quite honestly wasn't going to happen.

So for example those who were charged with violating the act found themselves before federal courts pursuant to article three of the constitution. Article two of the constitution gave the executive branch and in particular the navy was supposed to play an interesting role here, but gave the executive branch the



authority to enforce the law, but in many respects you're talking about attempting to enforce a law that there's little political will to actually enforce, let alone moral will to enforce and it's a largely, virtually impossible thing to do because in order to actually enforce the law fully, you would need to basically set up naval ships in many respects all down the coast to guard the ports to ensure that the ships coming in, in fact complied with the requirements of the statute. And I'm actually going to be under time I think.

The fourth piece deals with this idea of persons, peoples, and citizens. What we're clear about – there are a number of things we're clear about - what the law didn't do. One of the things we're clear about is that it did not render the slaves anything other than property. They remain property, they might have been persons, see this is where we get into the person and semantics of law, right? They might have been persons, they were not peoples, and peoples and citizens as we were told later on in *Dred Scott*, were viewed as being synonymous. So it doesn't change the status, the legal status of the slaves, nor does it give them any cause of action if in fact they contend that they were brought here in violation of the act. It merely sort of reinforces this idea that the compromise that was struck at the constitutional convention that rendered human beings property, capable of being constitutionally protected by the 5th amendment, but also something subject to the control of states at one level but in many respects the individual property owners themselves that that didn't change and one would contend perhaps it doesn't change until probably the ratification of the 14th amendment. It begins to change let's say with the passage of the civil rights act of 1866 that some will contend was later captured in part of the text of section one of the 14th amendment, but it doesn't change until the 14<sup>th</sup> amendment, but the reality is that if we take into account much of the discussion that occurs around, I don't know things like affirmative action.

Many of the contemporary legal debates that we're involved in right now, the citizenship, the chattel to person, person to citizenship transformation that the reconstruction amendments for example envisioned, has yet to occur. So in many respects we stand in somewhat similar shoes in terms of the ability to seek real legal redress and remedy for continuing rights violations that are at least recognized on paper but when it comes down to the enforcement and moving beyond that the paper ends up holding, I guess what is ultimately a very hollow promise. So, in light of the fact that I'm going for shorter rather than longer, I'm done.

[applause]

**DODSON:** That's great. Right.



**MARIKA SHERWOOD:** Hello everybody. I must first of all say that it's a great honor for this Hungarian Brit to be here at and I want to thank Howard and Joe for asking me. You might wonder why I'm emphasizing the Hungarian bit when I don't sound very Hungarian, I sound very middle class Brit. And I'm doing that because I happen to be the only one who brought out a book last year among the many, many, many that came out which said, 1807, lovely piece of paper, but was it any more than that? And I'm sure I don't have to explain to you what that might mean about Britishness, you know. Now what I think I ought to perhaps emphasize given what I've been learning about the act passed here, is that the 1807 act stopped British vessels carrying enslaved Africans. Because this was not monitored and because evidence came before parliament again and again that nobody was obeying this, we had what we called royal commissions which cost a lot of money, you bring in a lot of people to give evidence and you publish it all and then you pass another act of parliament and then you do nothing to enforce that. There were so many passed that by 1824 they had to be consolidated. Still nothing is done, so more acts are passed, they are consolidated again in 1842 and still nothing is done.

Then other act, the act of emancipation which British propaganda said we emancipated all of the slaves in the British Empire was also more than a bit of a lie and enslaved Africans in the Caribbean had to serve an apprenticeship initially it was suggested for 100 years because they claim they haven't learned how to work on the plantations, then it was reduced to 40 years and when there were so many revolutions that the British couldn't cope then it was reduced to 1838. But this is what is called the British West Indies and Cape Town and Canada. Now you might know the British Empire was rather large. Acts of emancipation from the different bits of the empire went on until 1928 and I think in terms of American history you have to bear in mind from wherewithin the British Empire you might have been buying things or to whom you might have been selling things and were those people free or were they enslaved and there was absolutely as far as I know, no outcry in Britain against this. I mean for example when Britain was in the process of taking over Egypt Lord Milner who just happens to have come from a slave trading family 100 years or so ago, writes back to the foreign office that he believes - believes - he doesn't know that the systemic slave trade to Egypt has stopped. And that's it. The government doesn't say, you know what do you mean? You believe? What are you doing about it? Absolutely nothing. That's the beginning and the end of the story. The relevance of that to today is that the people who would be being walked up to Egypt just happen to be mainly from Darfur, you know history has a lot of after affects. A few years before that the British council in Zanzibar which the British are also in the process of taking over. He's writing back about the trade and slaves going





form Zanzibar up to Ammon and over to India and again I'd say you know beginning and end of the story, slowly it will maybe peter out. So be very careful when you listen to British propaganda.

[laughter]

And I think in terms of international trade this is very important. In my book I don't do much research on Africa but there are some issues that do come up. The cotton that is imported by Britain and woven and then often re-exported back here and used also as trade goods for buying Africans on the west and east African coasts doesn't come directly from the little I found from the certain United States. It gets shipped up to the north and then across to Britain. And the reverse is also true. I also try to find out how many of the plantation owners in the British Caribbean might have decided to try to buy land in the certain United States after all they wanted to maintain slavery, but nobody could tell me. There's apparently absolutely no research on whether there was this sort of movement. The other thing I couldn't find out that's relating to you as well as to Britain, is I did some research on a guy called Pedro DeZulueta who was originally from Cadiz which was the main slave trading port in Spain. Pedro happened to live in England and got away with trading in slaves in the 1840s. I followed that up because I thought this was very interesting, he was domiciled therefore he's a British citizen and the information comes back to Britain that one of his ships is caught trading in slaves on the west coast and to cut a long story very short the government refuses to prosecute him, in fact there's hardly any prosecutions in the British courts. But a private prosecution is taken out against this man and when you read all the newspaper accounts, you actually read the final words of the judge who says that he had to find the man innocent on a technical ground and this bears investigation. Is there any investigation? No. So I thought I'd better look to see just who Pedro DeZulueta was. Well he happened to be one of the founders of the P&O Company which had just got the contract to carry British mail to India so you're not going to prosecute him of course. But then I thought I'd better see what's his relationship to Cuba because the slaves are being shipped to Cuba. Well it turns out that his cousin is the biggest slave trader in Cuba and the largest plantation owner. Very modern man, a lot of industrialization goes on his plantations, you know he buys all kinds of machinery from England and ports a lot of Africans as well and has at least two offices in the United States. Now I haven't done any work on that but please, you know if Zulueta and how many others, and how many Brazilians. So there's an awful lot of linkages. One of the other things that concerned me a lot is when you look at who profited from the trade and enslaved Africans we usually talk of the ship owners, the traders, we don't talk nearly often enough about the insurance companies. And I did no research on the insurance companies, I haven't got a clue about how to research



insurance companies to be honest.

But what about the bankers? The major bankers that were involved here in the US as well as in the Southern States and all the Caribbean, the Black Barclays and Rothchild's and I must say here that in Britain where we have obtained space in one of the central parks as a memorial to the slave trade, my colleagues asked both the banks for a donation to this and both banks refused. I want to say that in public because there would be no Barclay's if it hadn't been for their involvement in the trade in slaves. Rothchilds might have survived, they were much more broadly spread. But to me the profits are much broader than that. After all if nothing else somebody had to make the paper on which the banks wrote everything. Somebody had to build the buildings that the banks were housed in. Somebody had to build the vessels that carried the slaves and then carried the cotton and then carried the woven cotton. Because the British population is now herded into the factories that are making the goods that are being exchanged for enslaved Africans and that is in all the documentation that is up to 80% of the good come from Britain, but that means that there are other people in Britain who are growing the food to meet the people who are working in the factories. There are people who are weaving the sails, there are people who are making the machinery that Zuluetta imports and to me this is very important and it's just as important here I think as it is in all of Europe. It's not just the bankers and the traders themselves, it treads much more broadly, much, much more broadly and I think we need to look at that and try to come to some sort of assessment of that.

The other thing that has nothing to do with you but has to do with Britain and anybody who's looking for research to do, of course the British owners of enslaved Africans in the Caribbean were given 20 million pounds as compensation, that is over a thousand million pounds today. Would you believe it, that is absolutely no research on where that money went. Absolutely no research. Now that is quite something, I mean that's an awful lot of money, and all right, a lot of the big wigs, you know had to pay off some debts, but I don't think they spent a thousand million pounds paying off debts and I want to know how that contributed to the capitalist growth and investor growth of the UK.

Finally I want to say something about the after effects. When the Europeans went to Africa of course they found all of these savages that had to be civilized and Christianized and most of our politicians said, oh, 50, maybe 300 years that Joseph Chamberlain, you know the after effects are what today we call racism which is well and truly embedded here, or certainly was when I lived here for five years, I think things have improving in England too but it is very deeply there and of course it must be there in different ways and in the whole of Americas, it is



certainly there in France, read the riots about France. But more than that I have some very powerful feelings about Africa because not very, very long ago, something like three years ago I was sitting talking with some colleagues up in the north of Ghana, very close to the border of, and a number of the people I'm talking to have tribal marks coming down here still, many in their 50s and older, the very young ones don't. And they explained to me that even when they were young, this was done because of the after affects of colonialism. When the British moved into Ghana they wanted peace. Now before they wanted peace they wanted enslaved Africans and a lot of warfare and abduction and so on that Sylvian was talking about, I was there I've seen some of the villages with the walls around them to try to protect themselves. They set off a lot of animosity. People, some empires rise and become very strong like the Ashanti from which Mr. Kufur comes. The Ashanti, by the way when they conquered the people to the north, they're in central Ghana, if you don't know Ghana, they conquered people to the north and they said we'll leave you in peace as long as we get 2000 slaves a year from you. So the getting of slaves went on to the north of Ghana. Now when you have peace then what you want is people to be working on the plantations because now you want your palm oil or your coffee or your gold for the lowest possible price. So you point guns and you say I now want peace but all that went on before is there. You don't forget it, you know it is there. Then you have independence and of course at independence you face enormous problems because Ghana is drawn on the tables of Berlin around a map of Africa, you know I'll have this and you'll have that. No you won't, I'll have this. And you are putting people together who have their own histories and often very troubled histories with each other and now you want peace and now you have independence and how are you going to keep that peace? Well not easily and you still want very cheap labor.

So what I learned was that the people in northern Ghana were no longer slaves, but weren't that much better. So there was no need for schools up there, the white fathers built a school and that was about it. And what you were good for was to go in the police or to go in the military or to go in the mines or to work on the very worst of the large plantations. And when you talk to people in their 50s they talk of how they recalled slaves if they did manage to get to the white father school and then perhaps even to higher schools in the south. Now that's very hard to listen to you know. And then when I went back to from there, I was sitting in the courtyard of this little hotel I stay in, in which is not for Europeans, but for Ghanaians and there's two young guys sitting in the court yard and one of them had dreadlocks. Now most Ghanaians don't have dreadlocks, you know Jamaicans have dreadlocks and black Brits have dreadlocks, so I'm listening for a Jamaican accent or another Caribbean accent or a British accent but what I hear is Ghanaian being spoken. So I thought, well I'll trade on my graying hair



and I'll excuse myself and ask why do you have dreadlocks? You know it's very unusual. So I do that. And I get questioned about these two guys about who the hell I am, and how dare I ask this question.

[laughter]

And it's when I say that I am just down from and have been up into Zurungu and have been to Pandi and Katiajali that the atmosphere changes and they say you will understand. We grew the hair because - they're guys in their mid 20s - we were fortunate, we got to high school, you know we qualified, you know, we finished senior secondary school. Of course there's no work up in the north because you know there's no investment up there, there's nothing up there so we came south. And the moment we asked for a job they asked for our names, and we give our names, and they say, "Oh, you're just a descendent of slaves, go back up north." So they grew the dreadlocks as rebellion against that emphasis you know. So the after affects to me are very much there, this is only Ghana I haven't had similar experiences in Nigeria, but I don't imagine it different in most other countries and you just don't know what to do with yourself when you hear stories like that. Thank you.

[applause]

**DODSON:** We didn't do as well as we had hoped. And I've gotten word from the mysterious voice in my ear saying in effect that we really don't have time for Q&A. I know that there will be time for Q&A in some of the subsequent sessions, our panelists will be around to approach directly with any questions that you might have. I don't know about you but I've been enriched by the quality of the presentations that we've had.

[applause]

And I thank all of the panelists for their conscientiousness and the really serious thought they've given to preparing themselves for today's session. Joe Harris is going to come back up and close out this session formally. Let me just on behalf of the committee again thank you for allowing us the opportunity to share these concerns with you and look forward to working with you in the course of the year to make sure that more people have opportunities to learn more about this part of our heritage and to learn from it that we might build a better nation and a better world. Thank you.

**JOE HARRIS:** I just want to reiterate the thanks to the panelists and ask that you remember some of the basic themes that they have raised that will be pursued



in some of the afternoon panels. The whole question of identity, the matter of identity that was raised by Dr .Diouf was fascinating and we need to pursue that. The extent to which the abolition tended to raise a level of African consciousness among African-Americans and she didn't have time to develop that, maybe others of you would have something to say about that because we see a change in that with the convention movement and the reaction against Africa as the resistance increases against colonization in Liberia and other places and it helps to explain I think that change that one sees in the way in which blacks in this country label themselves from African to Black to Colored to Negro, very significant identity. The other question of identity in terms of the constitution itself. The movement as a lawyer I think you brought particular emphasis to that, the way in which the system makes a distinction between the people and the citizens I think is very significant. One can deal with that in a many different ways. The wider impact in towns we have in our last panel, that discussion by the, the way in which enslavement effected the whole economy of Bristol in Rhode Island, somewhere they're here in the sense that you were mentioning, somebody has to pay for these workers. Someone constructs and they construct many things that have to do, not only with shipping, but with the shackles and other things that are part of enslavement. So it's the wider impact that we look at, we look at the banks and all of that very significant development. I want you to keep this in mind because we have not had this period for questioning and I'm hopeful that some of the other panels will do a little bit better, no criticism too much here.

[laughter]

Hopefully we'll do a little bit better so that people will have time to question. I won't go down all of these but there were certain themes and these were some of those that stood out. The whole question of interpretation, the way in which interpretations changed, the whole global impact, it's not just the United States, it's not just Africa, although significant things are happening here, the impact is much wider. We want to keep that in mind and I know that our time is short. What I want to say then on that is that we're going to break and we're going to resume promptly at 2:15. If 2:15 if only I am here to hear the panels, we will begin. Now during the lunch period some of you may want to visit the café and the bookstore. You have a list of books that are available, we want you to purchase some of those while you have authors here who can autograph those for you. You have a list of restaurants in your materials, do rush out and come back at 2:15. Have I covered everything? The books will also be on sale at the reception in the lobby here, thank you so much. I'll see you at 2:15. Amadubello University.

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