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**Chains of a Stronger Kind**  
The Trials of Prudence Crandall and the Limits of African-American  
Freedom in Antebellum New England

By  
Julia Bernier

Submitted in partial fulfillment of the requirement for the degree of Master of Arts of the  
City College of the City University of New York.

## Introduction

“... Nor are the rights of any town to be considered as of equal, much less of paramount importance to the *eternal principles* of right, and truth, and justice.” Samuel J. May to Andrew T. Judson, March 1833

In 1832 Sarah Harris, a twenty year old African-American woman, came to the school of Prudence Crandall in Canterbury, a small town in northeastern Connecticut, and asked to become a student. The acceptance of Harris by Crandall would lead to events that would ignite a furor throughout the region, involving some of Connecticut’s more eminent men and William Lloyd Garrison, one of the nation’s most famous and controversial abolitionists. The state had begun gradual emancipation in 1784 and some 8,000 free African Americans were living there, but racist sentiment was still strong in Connecticut.<sup>1</sup> In response to Crandall, who, in 1833, opened a school solely for young black women after her white pupils left in response to the arrival of Harris, the state passed a law prohibiting black students who were not residents of Connecticut from coming into the state for educational purposes. The influx, however small, of African-American students into Connecticut to attend Crandall’s school and an earlier attempt to open a college for black males in New Haven had tested the limits of the state’s goodwill

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<sup>1</sup> William Fowler, *Local Law in Massachusetts and Connecticut* [Freeport, NY: Books for Libraries Press, 1971], 141.

towards free African Americans. Many believed that it was not the North's job to protect a liberal morality of African-American equality that could prove dangerous to the security of the state.<sup>2</sup> It should be kept in mind that Crandall's school was opened to black students only two years after Nat Turner's rebellion, which had renewed fears of African-American populations. Much like the black laws throughout the South, which were defended as part of a state's right to internal police power, the Connecticut legislature claimed the right to regulate its schools and its borders.

The public and legal reaction to Prudence Crandall's school not only illuminates what was happening to African-American citizenship in Connecticut, but also a general trend within New England to restrict the rights of free people of color. Throughout the antebellum North, African-American citizenship rights remained highly inconsistent and there were no guarantees on black citizenship. Unlike the almost complete denial of citizenship for Southern black people, the North had a more fluid approach. Citizenship for northern African Americans could be maneuvered and curtailed for any purpose. Since there was no solid definition of citizenship within the U.S Constitution, Northern states constantly tested the boundaries of constitutional citizenship through their courts. Therefore, it was cases like the one of Prudence Crandall that helped to define the legal status of black people, not only in Connecticut, but also throughout the region. This paper will use Connecticut's "black law" and the trials of Prudence Crandall as a window into the ever-changing dynamics of African-American citizenship in the North during this period.

Racial tension and discontent were rife in the period leading up to the 1833 prosecution of Prudence Crandall. In the aftermath of Nat Turner's rebellion in 1829 in

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<sup>2</sup> Paul Finkelman ed, *Abolitionists in Northern Courts : The Pamphlet Literature* [New York: Garland Publishing, Inc., 1997], 109.

Southampton Virginia, came the abolition of slavery in Canada and the Emancipation Act of Great Britain in 1833.<sup>3</sup> Closer to home, there were also race riots in Providence, Rhode Island, in which free blacks and their homes were targeted by working class whites.<sup>4</sup>

In the 1820s, the question of African-American citizenship came up in national debate over the Missouri constitution's exclusion of free blacks and mulattos from the state.<sup>5</sup> Once the state had been accepted into the Union the federal government was largely silent on the treatment of blacks crossing its borders.<sup>6</sup> President Monroe's Attorney General, William Wirt, thought that black rights had to be granted by individual states, not the federal government. Most agreed with this point of view, which allowed the states to control their own African-American populations as they saw fit.<sup>7</sup> While the citizenship rights of African Americans were better recognized in some places than others, "taken as a whole, America's law and its ideas of civic membership still displayed a severely inegalitarian ascriptive racial structure."<sup>8</sup>

As African Americans made their homes in the North and gained power as communities, the tolerance of many was tested.<sup>9</sup> Many states attempted to protect their citizens against this potential threat by controlling and reducing the rights that black people had.<sup>10</sup> There was great concern over allowing African Americans to have the same rights as white people. It was also important to the nation that each state be able to decide individually how to control its African-American population without being overruled by

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<sup>3</sup> James and Lois Horton, *In Hope of Liberty: Culture, Community and Protest Among Northern Free Blacks, 1700-1860* [New York: Oxford University Press, 1997], 209.

Warner, 142.

<sup>4</sup> Warner, 58.

<sup>5</sup> *Ibid.*, 175.

<sup>6</sup> *Ibid.*, 177.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, 106.

<sup>9</sup> C.G. Woodson, *The Education of the Negro Prior to 1861* [Washington DC: Associated Publishers, Inc., 1919], 171.

<sup>10</sup> Finkelman, *Abolitionists in Northern Courts*, 109.

the Constitution. The rights of free black people brought into question what rights the states held in relation to the federal government and the Constitution. The police power, believed to have been granted to the states by the Constitution, was brought under scrutiny in cases where state law prohibited certain activities by African Americans. This included crossing borders, as in the case of Connecticut's law. This is why the unrestricted movement of free black people caused such a stir. It was not only about African-American rights, but also about what rights states had to control their borders and populations. The fear of free African Americans and of federalism intertwined in the defense of black laws.

For those who fought these laws, Article 4, Section 2 of the Constitution, which entitled citizens of one state to the "privileges and immunities" of citizens in the other states, was of paramount importance. In order to claim these laws limiting the movement of free blacks and their right to education unconstitutional, however paradoxically, it had to be proved that African-Americans were indeed citizens. Thus, while generally better off than their Southern counterparts, Northern black people still lived as second-class, or quasi citizens. As the legal trials of Prudence Crandall proved, the rights of free African Americans were to a large degree undecided and hotly contested in the antebellum period.

To understand the delimitation of their citizenship rights during this period it is necessary to move beyond an explanation based solely on simple racism. It is necessary to also study shifts in the economy, immigration, and social movements that had a direct effect on the status of African Americans and how their presence was perceived by their white neighbors. For, as these things shifted, so too did the prospect of rights for African Americans. What was it about these changes in their region's social landscape that made

white New Englanders attempt to restrict African-American liberties? What exactly did Northern states fear from their small black populations? What did states like Connecticut stand to gain by denying their black residents legally, what they allowed them in practice? What were the implications of state residency versus citizenship?

These questions are central to the passage of the Connecticut “black law” to be analyzed in this paper. The “black law” enacted in response to Crandall’s school sought to limit two well-known dangers, black people’s travel and their pursuit of education. The reasons for this fear in the minds of 19<sup>th</sup> century slaveholders are more readily understandable, but, in the absence of a large number of slaves or African Americans, what were Connecticut whites so afraid of? The black population of Connecticut was relatively small and not rising very quickly. In 1820 there were 7, 844 free blacks compared to almost 270,000 whites. By 1840 the number of free blacks had risen to just over 8,000 while the white population rose by roughly 30,000.<sup>11</sup> Free African Americans mostly lived in cities like New Haven and Hartford. In 1820, New Haven was home to 3% of Connecticut’s total population, but housed 8% of the state’s free blacks.<sup>12</sup> These numbers are comparable to other New England states, but it seems that there are many reasons that prompted Connecticut to seek to limit the freedom of New England African Americans.

The state had a history of supporting Southern ideas of states’ rights and defended the entitlement to police power.<sup>13</sup> Like many other Northern states, there were also strong business connections between Connecticut and the South. New Haven was famous for the manufacture of carriages that were used with pride by many Southerners. The larger

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<sup>11</sup> William Fowler, *Local Law in Massachusetts and Connecticut* [Freeport, NY: Books for Libraries Press, 1971], 141.

<sup>12</sup> Robert Warner, *New Haven Negroes: A Social History* [New Haven: Yale University Press, 1940], 5.

<sup>13</sup> Fowler, 96.

portion of the state dealt in agriculture and depended on trade with the South and the West Indies.<sup>14</sup>

Support for colonization was also strong in Connecticut and specifically among those who held political power in the state. Men like Andrew T. Judson, who was the prosecutor in Crandall's trial, was an active member. He and others even appealed to the society for assistance in stopping Crandall's school and getting the legislation passed to do so. The American Colonization Society's purpose was to remove free African Americans to Africa in order to maintain a white nation and protect the institution of slavery. Black education was, therefore, not only contrary to the organization's purposes, but also extremely dangerous.

In addition, and partially in response to, colonizationist arguments, beginning in the 1820s, there was a rapidly growing mobilization among free black people in the North and in Connecticut itself which also contributed to white fears of African-American power. They began to organize as a community in order to support their access to jobs, education and other resources. Not only were African Americans speaking out about their own rights and those of their fellow blacks still in slavery, but so were some white people. William Lloyd Garrison and others began to make immediate abolition a national issue. Garrison's *The Liberator*, an anti-slavery newspaper, began publication in 1831, two years before Crandall's trial. Many abolitionists were also concerned with free African Americans in the North and assisted them in setting up community groups, schools, and taking advantage of their rights as free people. Garrison also supported Crandall in turning her school into an academy for African Americans, and continued to help her during her legal trials.

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<sup>14</sup> Warner, 45-6.

Combined, these issues make it clear just how insecure African-American freedom was in the North. Before *Dred Scott vs. Sanford*, 1857 it was not clear whether black people could be considered American citizens and thus entitled to the Constitution's privileges. States like Connecticut, in the case of Crandall, were left to carve out a space for black citizenship that suited them. The constitutional arguments both for, and against African-American citizenship can be succinctly studied in the history of Connecticut's black law and the prosecution of Prudence Crandall. But so too, can the precipitating factors that caused the law to begin with. The trials of Prudence Crandall can be used as a departure point to study the condition of everyday African-American liberty and the larger ideal of citizenship in New England.

### **Canterbury and the school for "little misses of color"**

In 1833, the year the Connecticut legislature passed its "black law," Canterbury, Connecticut was one of the "most attractive and promising little towns in New England."<sup>15</sup> It had a population of about 1,000 who were mostly agriculturists of stout Puritan stock. The town was ironically similar to the New England townships that Tocqueville described as not so large that the "interests of its inhabitants would be likely to conflict."<sup>16</sup> Most business came from farming, but cloth and millinery were also gaining ground.<sup>17</sup> Attempts were made to support innovation in the town, including a contest in 1825 with a prize going to whoever could cultivate mulberry trees and create a

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<sup>15</sup> John C. Kimball, *Connecticut's Canterbury Tale, Its Heroine Prudence Crandall, and its Moral for Today* [Hartford: Plimpton Press, 1885], 2.

<sup>16</sup> Alexis de Tocqueville, *Democracy in America* [New York: The Century, 1898], 77.

<sup>17</sup> Ellen Larned, *History of Windham County, Connecticut, Volume II, 1760-1880* [Worcester, MA: Charles Hamilton, 1976], 422.

good amount of silk.<sup>18</sup> At least one factory owner, Joseph Simms, a woolen hat maker, sold his goods to the Southern market.<sup>19</sup>

According to the 1820 census, Windham County, which included Canterbury, had 11 slaves and 655 free African Americans, compared to almost 25,000 whites. The 1830 census recorded 631 free blacks and no slaves, while the white population rose by almost 2,100. The proportion of African Americans was a mere 2.33%. That proportion dropped again to 2.13% in the next census. In 1830, Canterbury itself was home to 30 households of color, a number which also included Native American families. The members of these households totaled 68 people of color. While not a huge number, Canterbury did have one of the highest proportions of African Americans in the area.<sup>20</sup> It would seem that these families did not have too much trouble coexisting with their white neighbors, leading up to 1833. Or at least there is no record of any altercation. But the record is also oddly silent on how these African Americans felt about the actions of their neighbors in the fight against Crandall's school.

In the state, Canterbury was considered to be a rather influential town, noted for the "public spirit and high character" of its leading men and the "pleasant familiar intercourse" of its residents, who were united in efforts to improvement.<sup>21</sup> Female education and other modern ideas were generally popular.<sup>22</sup> So when Prudence Crandall graduated from Brown Seminary in Providence, Rhode Island and decided to open the Canterbury Female Seminary in 1832 for young women from the surrounding area she

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<sup>18</sup> Ibid, 503.

<sup>19</sup> Ibid, 423.

<sup>20</sup> Marcella Houle Pasay, *A Directory of Native Americans and African Americans in Windham County, Connecticut and Vicinity, 1650-1900* [Bowie, MD: Heritage Books, 2002], 681.

<sup>21</sup> Ibid, 490.

<sup>22</sup> Kimball, 2.

received support from the town leaders.<sup>23</sup> The Crandall family was well respected in the town and no one had reason to see Prudence as a “serpent entering this bit of paradise,” who would force the town to choose between “respectable prejudice with comfort and gain, and religious principle with conflict and loss.”<sup>24</sup>

When Sarah Harris, whose family had firm roots in town, decided that she wanted to become a teacher, she came to Prudence and asked to attend the school. Crandall accepted her without hesitation. Crandall had been brought up as a Quaker and believed that blacks could be “elevated” and have their “intellectual and moral wants supplied” through education.<sup>25</sup> As Harris joined the other students in class, parents immediately began to withdraw their daughters from the school. When Harris was the only student who remained, Crandall took the bold step of transforming her school into an institution solely for black women. She met with William Lloyd Garrison and other leading abolitionists to garner support for her scheme. Once she was sure of their backing she placed an advertisement in *The Liberator* for her school as a place for “young ladies and little misses of color.”<sup>26</sup> Crandall would secure seventeen such pupils mostly from New York and Rhode Island.<sup>27</sup>

In response to white parents’ concerns about the “purity of their children” local officials called a town meeting to deal with the situation.<sup>28</sup> Members of Canterbury’s local council and people who lived in the town came together to discuss their concern over the school and to decide what actions they would take against Crandall’s plan. These town meetings could be called by the town’s civil authority at the request of residents in order

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<sup>23</sup> Susan Strane, *A Whole-Souled Woman: Prudence Crandall and the Education of Black Women* [New York: Norton Press, 1990], 6.

<sup>24</sup> Kimball, 3.

<sup>25</sup> *Fruits of Colonization* [Boston:1833], 9.

<sup>26</sup> Kimball, 3.

<sup>27</sup> “Miss Crandall’s School” [*The Liberator*. July 6, 1833]: 27.

<sup>28</sup> Kimball, 5.

to address anything that was at issue in the area. At the chaotic meeting over what Crandall's detractors called the establishment of a school which was "designed by its projectors as the theatre in which to promulgate their disgusting doctrines of amalgamation and their pernicious sentiments subverting the Union and to educate pupils to scatter fire-brands," the town's residents voted to fight the school and decided to seek assistance from the state legislature in stopping the school, through their representatives who were present at the meeting.<sup>29</sup> A petition describing the dangers of the school to the state and to the town of Canterbury was drawn up and delivered to the state Assembly. Andrew T. Judson, a member of Canterbury's civil authority and a representative to the state's General Assembly and other members of the town authority also appealed to the American Colonization Society (ACS) for support.<sup>30</sup> Indeed, many of Crandall's supporters believed that the town's sentiments were "flowers of the colonization garden," inspired by the ACS's racist beliefs that African Americans would only be able to flourish if sent back to Africa.<sup>31</sup>

The town, represented by Judson in the General Assembly, sought to create a law that would effectively shut down Crandall's school by making it illegal for her to teach black students from out of state. Although most of Connecticut was proud of the education that it provided for its own African Americans, it was held unnecessary, even dangerous to provide the same right to those from other states. Judson, claimed that the "people of Connecticut have done more for the *education* of the blacks than has been done in any other portion of the civilized world." They only opposed the "importation" of students from out of state.<sup>32</sup>

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<sup>29</sup> Ibid, 6.

<sup>30</sup> *Fruits of Colonization*, 4.

<sup>31</sup> Ibid, 1.

<sup>32</sup> Finkelman, *Abolitionists in Northern Courts*, 81.

The General Assembly record shows that the state was indeed willing to support Connecticut's own African-American residents. In education, the state picked up the tab for a school to educate 97 black children in Hartford when they could not be 'accommodated' in the existing schools in 1830.<sup>33</sup> The state records also show that the Assembly was not only willing to support African-American education, but assist in other ways as well. In 1825, legislators provided funds for the town of Haddam to support Betsey Wood, a mentally ill woman who could not return to her place of origin.<sup>34</sup> In the same year, they also paid for a convoy to rescue Peter Augustus, a freeman, from South Carolina, where captors illegally took him to be sold into slavery.<sup>35</sup> From these examples, it is clear that the Connecticut elite was not completely opposed to supporting African Americans who hailed from the state.

In 1833, in response to the Canterbury petitions, the General Assembly set up a committee to compile a "Report on Conditions of African Americans." The report of the committee is an interesting example of Northern contradictions. It opens by stating that the condition of African-American populations should be of great concern to state governments throughout the nation. The report then goes on to lament the historical existence of the slave trade, stating that it "will be long before we cease to suffer from the evils entailed upon us" and that "every prudent and wise means for their mitigation should be anxiously sought and adapted."<sup>36</sup> In examining the rights of African Americans within Connecticut, the committee admitted that the state laws and constitution secured some rights and privileges of blacks, including the protection of property and the right to practice any profession. The only right they did not, and should not enjoy, was that of the

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<sup>33</sup> Ibid, Folder 8.

<sup>34</sup> General Assembly 1821-1869 Box 1, Folder 5.

<sup>35</sup> Ibid.

<sup>36</sup> "Report on the Conditions of African Americans," General Assembly 1821-69 Box 1, Folder 9, 75.

franchise. Regarding education for those African Americans who were residents of Connecticut, they believed that the state government should “foster and sustain the benevolent efforts of individuals directed to that end.”<sup>37</sup> Thus, providing some support for education, without making the state completely responsible for it.

The committee made it unequivocally clear that Connecticut would not and could not support African Americans from other jurisdictions. The state was “under no obligations, moral or political, to invite the immeasurable evils of receiving into our own state, colored emigrants from abroad.”<sup>38</sup> It was the state’s top priority to protect its, read white, citizens from the “host of colored emigrants, which would rush in from every quarter when invited to our colleges and schools.”<sup>39</sup> While recognizing the original source of the degradation of African Americans in slavery, the committee was unable to move past the common conception of free blacks as dangerous sources of crime and poverty to be seen as a threat to the safety of Connecticut whites.

In the end, the Assembly could not ignore the memorials of the town of Canterbury begging the assistance of the government to bar Crandall’s school through state law. The General Assembly answered their pleas for help with legislation, entitled, “Act for the Admission and Settlement of Inhabitants in Towns” that made it illegal for anyone to set up any academy for the education of blacks who were not from Connecticut without the written consent of the town’s civil authority. The statute was meant to stop a “great increase of the colored population of the state” and therefore, the “injury of the people.”<sup>40</sup> As punishment, the offender would be forced to pay a fine of \$100 which

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<sup>37</sup> Ibid, 76.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> *Report of the Arguments of Counsel, in the Case of Prudence Crandall, Plff., in Error, vs. State of Connecticut before the Supreme Court of Errors at their Session at Brooklyn, July Term, 1834, by a Member of the Boston Bar* [Brooklyn, CT: Advertiser Press, 1833], 9.

would double with each continued offense. According to the General Assembly report, Connecticut was “under no obligation, moral or political to incur the incalculable evils, of bringing into *our own state*, colored emigrants from abroad.”<sup>41</sup> It was only the duty of the state to protect its own citizens, not moral ideals. When, in May 1833, the law was passed outlawing the teaching of blacks from out of state, the town of Canterbury erupted in celebration, even shooting off a cannon.<sup>42</sup> Not long after the celebration, Prudence Crandall was indicted for breaking this new law. What would make the men who seemingly understood the cause of African-American disadvantage choose to willingly create a law that would only create a further hindrance? What were the deeper causes of this restriction? These are questions which have long and complicated implications and can be best answered by studying, not only the Connecticut, but the regional debate over the status of African Americans.

### **Once Open this Door: The Fear of African-American Community in New England**

“Once open this door, and New-England will become the Liberia of America!” Civil Authority of Canterbury to the American Colonization Society, March 22, 1833

Although they made up a relatively small percentage of the population in Northern states: 1.2% in Massachusetts, 3.7% in Rhode Island, 2.3% in New York and 2.7% in Connecticut, by 1833 many in Connecticut and other states thought they had genuine reason to be concerned with the status of free African Americans in New England.<sup>43</sup> For a variety of reasons, forces combined during this period to make the region ripe for the type of prosecution witnessed in *State v. Prudence Crandall*. Changes in the

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<sup>41</sup> Finkelman, *Abolitionists in Northern Courts*, 109.

<sup>42</sup> “Scenes in Canterbury,” [*The Liberator*: June 22, 1833].

<sup>43</sup> Malone, *Between Freedom and Bondage: Race, Party and Voting Rights in the Antebellum North* [New York: Routledge, 2008], 9.

political and economic landscape brought the free black community fully into the eye of their neighbors. Much of the controversy swirled around the concomitant issues of Colonizationism and Abolitionism, movements that were both influenced by the fast moving events of the early 19th century. These new circumstances caused polarization within New England, along not only political, but also racial lines. People of color, as Joanne Pope Melish suggests, were relegated to the role of the other.<sup>44</sup> This was not only necessary to justify the existence of a secondary and controllable class, but was also a consequence of the black community's newly concerted effort to mobilize against outside threats.

As the free black population grew and could begin to assert itself, it became an even greater threat to the stability of the American racial system. While one could deny the slave his rights, by virtue of his being the property of another, it was harder justify stripping away the rights of a man who, according to his freedom, should be able to enjoy the same pursuits as any other person, regardless of his color. The contradiction inherent in the condition of the freed slaves illuminated the discrepancy between American ideals and reality.

As a response to this problematic and embarrassing situation, the American Colonization Society was founded in 1816 in the nation's capital. A pamphlet printed by the Massachusetts chapter, claimed that the aim of the society was to promote and implement the colonization of willing free people to Africa, namely a colony to be created for this purpose on the continent's Western coast, at Liberia. This colony was to be supplied with land bought with ACS and government funding.<sup>45</sup>

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<sup>44</sup> Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* [Ithaca: Cornell University Press, 1998], 195.

<sup>45</sup> William Lloyd Garrison, *Thoughts on African Colonization* [Boston: Elibron Classics, 2005], 79.

Leaders from both the black and white communities had serious reservations about whether or not they would be able to co-exist with any kind of lasting success. Most thought that the problems faced by ex-slaves would only compound as time went on. In an 1825 speech to the Vermont Colonization Society, minister John Wheeler made clear the colonizationist belief that the country could never be a biracial nation:

We may do all in our power, by enactments, by laws, by moral and intellectual efforts, we can never, until human nature loses her elements, we can never amalgamate our colored population with the yeomanry of our land. The whole of our nature revolts from it, and the whole cause of our education and the whole spirit of our institutions are opposed to it.<sup>46</sup>

Proponents of colonization thought that a combination of societal factors and natural deficiencies would forever stand in the way of African-American success in the United States. In an address published in 1828 the Connecticut chapter of the ACS claimed that any efforts to support African Americans in the United States would be “fruitless.”<sup>47</sup> There was a “broad and impassable line of demarcation between every man who has one drop of African blood in his veins.” For they believed that education and property was of little value to the American ancestors of Africa, and could not put them on equal footing with whites.<sup>48</sup>

In one of the first examples of African-American political organization, freedmen and women across the country rallied together to oppose colonization. Meetings sprang up in all the major black communities to dispel any notions about whether or not colonization had their support. In 1817 a group of free people rallied in Philadelphia to have their voices heard in the battle against colonization. The address, given by James Forten, stated that those he spoke for looked to gain advancement through no other means

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<sup>46</sup> John Wheeler, *A Sermon preached before the Vermont Colonization Society at Montpelier, October 25, 1825* [Windsor, VT: W. Spooner, 1825], 19-20.

<sup>47</sup> *Address to the Public by the Managers of the Colonization Society of Connecticut* [New Haven: Treadway and Adam, 1828], 5.

<sup>48</sup> *Ibid*, 6.

than by, “honest efforts and by the use of those opportunities for their improvement, which the constitution and laws allow to us all.”<sup>49</sup> The Unitarian minister and supporter of Crandall, Samuel J. May, reminded his listeners in 1831 that while some may “cherish the colony at Liberia, we must not forget that we have a much greater work to do at home.”<sup>50</sup> It was becoming clear that African Americans planned to stay in the United States and prosper there and that there were white Americans who would help them do just that.

As a result of this political and economic growth of African Americans in the North, states began to closely examine their black populations. Starting in the 1800s, the legislatures of Massachusetts, Rhode Island and Connecticut all limited the rights of African Americans in various ways. While only Connecticut, in 1818 and Rhode Island, in 1822, disenfranchised their African-American residents, they were not the only states to debate the issue.<sup>51</sup> There was little debate in the constitutional convention as to why Connecticut decided to take this course of action, limiting the vote in Article 6, Section 2 to “every white male citizen of the United States” with a 7\$ yearly freehold or military service.<sup>52</sup> While Massachusetts had allowed their African American citizens to vote since 1780, they did not allow interracial marriages and controlled residency. In 1800, 240 non-resident blacks were deported from Massachusetts back to Rhode Island, New York, Pennsylvania and even the West Indies.<sup>53</sup> At the same time Rhode Island also began to pay closer attention to race in their process of “warning out,” a rouse traditionally used to

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<sup>49</sup> George Ducas ed, *Great Documents in Black American History* [New York: Praeger Publishers, 1970], 54.

<sup>50</sup> Samuel J. May, *Mr. May's Discourse on Slavery in the United States, Delivered in Brooklyn, July 3, 1831* [Boston: Garrison and Knapp, 1832], 28.

<sup>51</sup> Melish Joanne, *Disowning Slavery: Gradual Emancipation and “Race in New England, 1780-1860* [Ithaca: Cornell University Press, 1998], 189.

<sup>52</sup> *Journal of the Proceedings of the Convention of Delegates convened at Hartford* [Hartford: Case, Lockwood and Brainard Printers, 1873], 90.

<sup>53</sup> Litwack, 16.

force out indigents and others who did not belong.<sup>54</sup> Melish records that in the 1750s, blacks made up only 5% of transients who were expelled from the state, by 1800 they made up 50%. She believes that this is in part due to better record keeping, and surely a “heightened attention” to race.<sup>55</sup> In reality, Providence records show that African Americans in fact used up little of state funds for the poor. In Providence in 1824 blacks only counted for 9 out of 157 cases of town support.<sup>56</sup> Melish states that these “transient examinations provided the legal ammunition to achieve what abolition could not-removal.”<sup>57</sup> In Connecticut these laws had been on the books for years, and were reawakened when deemed useful, like in the case of Canterbury. Rhode Island also followed Connecticut’s suit by disenfranchising its black residents in 1822.<sup>58</sup> While few could meet the state’s \$134 freehold requirements from the beginning, the move to legally take away the franchise of African Americans was symbolic of the tide of sentiment moving through New England.

In 1822, in response to the actions of its two neighbors, the Massachusetts legislature created a committee to study whether the state should enact laws to control the admission of “free Negroes and Mulattoes” into the state. The committee agreed with other New England states that blacks could indeed become a burden to the state, citing the number of blacks in the prison system and poor houses.<sup>59</sup> They also saw that the legal measures of its neighbors might cause an influx of African Americans into their state, but did not find it fitting to the state’s sentiments to bar blacks, any more than they could bar

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<sup>54</sup> Melish, 190.

<sup>55</sup> Ibid.

<sup>56</sup> Melish, 191.

<sup>57</sup> Melish, 190-191.

<sup>58</sup> Malone, 128.

<sup>59</sup> “Free Negroes and Mulattoes” [Massachusetts House of Representatives, January 16, 1822], 1.

whites who might become paupers.<sup>60</sup> The reasons for the relative liberalness of Massachusetts in the face of Rhode Island and Connecticut, involved the state's immigration pattern, the politics of the party system, and the small number of African-American voters as discussed in depth by Christopher Malone.<sup>61</sup>

The African-American community, which had solidified during the struggle against colonization, continued to use its newfound organizational power to fight against discrimination, continuously putting it at odds with white New England. Most white people thought that African Americans should "occupy a legal position commensurate with his degraded social and economic position."<sup>62</sup> This reasoning became problematic when black mobilization began to gain African Americans more tangible rewards.

Not content with white paternalism in the form of charity, African Americans began to set up their own institutions to help each other. In the early 1800s Newport, RI saw the emergence of the African Union Society as well as the African Benevolent Society. Both societies supported the black community by keeping records of births, deaths and marriages and assisting apprentices in finding job opportunities.<sup>63</sup> In the face of segregated white churches, African Americans set up their own houses of worship in record numbers during this period of expansion. In New Haven, the African Ecclesiastical Society, hoping to improve morals and religious learning in its community, opened the first all black church in Connecticut on Temple Street in 1824.<sup>64</sup> Thanks to these groups, who pushed for better living conditions and opportunities, blacks were also

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<sup>60</sup> Ibid, 2.

<sup>61</sup> Christopher Malone, *Between Freedom and Bondage: Race, Party and Voting Rights in the Antebellum North* [New York: Routledge, 2008], 151-158.

<sup>62</sup> Leon Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* [Chicago: University of Chicago Press, 1961], 30.

<sup>63</sup> Irving H. Bartlett, *From Slave to Citizen: The Story of the Negro in Rhode Island* [Providence: Urban League of Greater Providence, 1954], 35.

<sup>64</sup> Moss, 26-27

experiencing economic improvement. In Providence the worth of African-American property increased fivefold in the years between 1822-1839.<sup>65</sup>

This prosperity for blacks in Rhode Island caused some of the more violent backlash in New England. Due largely to industrialization, which drew workers to Providence and made them propertyless, large numbers of white men in Rhode Island were not much better off than their black counterparts. By the 1830s only about a third of white men could meet the qualifications to vote in the state, pitting the north against the landed elite of southern Rhode Island.<sup>66</sup> This shift, combined with new European immigration, contributed to white men throughout the state viewing black people as a source of competition. These tensions exploded in the destruction of black neighborhoods in Providence in 1824 and 1831. The Hard Scrabble and Snow Town riots both pitted working class whites against black communities that had become loci for vice and poverty. When the white instigators were brought to trial, the court blamed the violence, not on the looters, but on the horrid conditions of the African-American neighborhoods, stating that the “destruction of this place is a benefit to the morals of the community.”<sup>67</sup> It is important, here, to remember Canterbury’s proximity to Providence. News of the riots would probably have quickly reached Crandall’s hometown. And, being one of the most racially charged states in New England, it would not be surprising if the sentiments of Rhode Island’s working class whites, reached into Windham County, influencing the mob violence that would later cause Crandall to close her school.

African-American communities throughout New England fought for their own advancement. They realized ‘racial independence’ through their own organizations,

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<sup>65</sup> Ibid, 38.

<sup>66</sup> Malone, 116-17.

<sup>67</sup> Ibid, 110-11.

leaders, and participation with new and distinct ideas that served them best.<sup>68</sup> The black community could no longer be relegated to inferiority by their supposed “story of simple, unalleviated and unromantic wretchedness.”<sup>69</sup> With this newfound power, African Americans fought to participate in society and receive all the benefits that that entailed. At the forefront of this struggle was a demand for educational opportunities. With these expanding opportunities for education came the chance for better possibilities in the workplace, which of course pitted African Americans at ever-greater odds with the white working class.

### **Improve Their Minds and Elevate Their Character: African-American Education in the North**

Public schools were segregated in Boston in 1820, in Hartford in 1830 and in Providence in 1838.<sup>70</sup> In most cities the facilities for African-American students were not on par with those for whites and they were few and far between, but did exist. If public education was limited, private attempts to provide institutions of learning for young black students were springing up all over the North. While not all of them lasted, the undertaking by African Americans themselves as well as white abolitionists, is proof that the importance of education in furthering the social gains already made, was not underestimated.

For many whites, African Americans were a race of “aliens and outcasts,” who, by nature, could not take part in American society. In his *Plea for Africa*, colonization advocate Leonard Bacon asked of his audience in regard to blacks, “Who among them

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<sup>68</sup> James Stewart, *Abolitionist Politics and the Coming of the Civil War* [Amherst: University of Massachusetts Press, 2008], 54.

<sup>69</sup> Leonard Bacon, *A Plea for Africa; Delivered in New Haven, July 4, 1825* [New Haven: T.G. Woodward and Co., 1825], 7.

<sup>70</sup> Melish, 188.

ever aspires to wealth or office, or ever dreams of intellectual pursuits or intellectual enjoyment?"<sup>71</sup> While these questions may have seemed easy for Bacon to answer in the height of Colonizationism's popularity, the social gains made by African-American communities in the following years, made the answer he wanted no longer possible. Free black people were daily proving that they could become upstanding citizens and just as successful as whites, all the while undermining the main premise of colonization.<sup>72</sup> As African Americans flourished and created their own businesses, churches, and schools, support for colonization was declining while a new, more radical form of Abolitionism, symbolized by Garrison, grew. For many white people of the old guard, the lack of plans for colonization, combined with growing support for African-American education was a danger to white American society.<sup>73</sup> These white people were generally weary that it would be impossible to educate African Americans fully, as the African-American community and abolitionists proposed, and then still expect them to disappear from the nation. Unlike the colonizationists' missionary schools, these new academies, created by African Americans provided an education with no strings attached.

A number of cases show that education without colonization was still unacceptable to a large group of white Americans, and that colonization, on the other hand, was a deal breaker for African Americans. Starting in 1831, various attempts were made in New York to begin independent schools for young black Americans. A high school intended to teach classical study was never able to get off the ground due to funding. In 1833 the Phoenix Society was founded to provide lending libraries and schools, although garnering the support of Arthur Tappan, it was not able to provide

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<sup>71</sup> Bacon, 13.

<sup>72</sup> Moss, 50.

<sup>73</sup> Ibid, 62.

lasting services because it could not get enough financial support. The Literary and Benevolent Association of New York was founded on the same principles by notable African Americans, David Ruggles and Henry Highland Garnet, as well as William Lloyd Garrison, but it was also not able to gain enough backing.<sup>74</sup> In New Jersey, which still had a sizable slave population, schools were mostly run by whites and funded by colonizationist efforts. The schools were based on missionary principles and, not surprisingly, could muster few students.<sup>75</sup>

Support for education was generally popular in Connecticut. In 1830, the state had the highest college attendance rates in the nation. By 1840 it had also had the highest literacy rate of 99%.<sup>76</sup> This zeal for knowledge, however, did not apply so universally for blacks. Canterbury was not the only town in Connecticut where black education was attempting to expand. African-American parents in Norwich petitioned the state in 1817 demanding education for their children or to be relieved of their tax duties. When the state directed Norwich to provide schooling for the children or end taxing for black families, the town abruptly stopped taxing its African-American residents, making it rather clear where they stood on the issue.<sup>77</sup> As early as 1809 a private school was opened in Hartford for young African Americans and funded through charity. It was later paid for by the state.<sup>78</sup> Hartford had one public school for its African-American students, compared with eleven for white students.<sup>79</sup> Churches and religious societies began to pick up some slack by starting day schools in their facilities, in some towns doubling the

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<sup>74</sup> Graham Russell Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* [Chapel Hill: University of North Carolina Press, 1999], 243.

<sup>75</sup> Moss, 38.

<sup>76</sup> Moss, 45.

<sup>77</sup> Christopher Collier *Connecticut's Public Schools: A History, 1650-2000* [Orange, CT: Clearwater Press, 2009], 615.

<sup>78</sup> Collier, 616-17.

<sup>79</sup> Warner, 72.

number of students enrolled in schools.<sup>80</sup> In 1827 the aforementioned Leonard Bacon, started the African Improvement Society in New Haven that included a school, bank, temperance society and library, but all under the auspices of colonization.<sup>81</sup>

In New Haven in 1831, just a few days after news of Nat Turner's rebellion, an attempt was made, with the support of Arthur Tappan, Connecticut minister Simeon Jocelyn, and Garrison to open a technical college for African Americans. City leaders immediately called a meeting in which the town almost unanimously declared itself against the project in a vote of 700 to 4.<sup>82</sup> Claiming that, because the college was supported by Garrison and others who believed in immediate emancipation, it was considered an "unwarrantable and dangerous interference with the internal concerns of other states," suggesting that African-American education and immediate abolition were intertwined.<sup>83</sup> The record also made clear that New Haven residents thought the college would be detrimental to the success of Yale University and the other academies of learning that were already established in the city. New Haven had strong ties to the South, in both business and pleasure.<sup>84</sup>

But the reasons listed in the city's resolution against the college just skim the surface of the perceived threat of black education. During this crisis, the *Connecticut Herald* ran an article stating that African Americans could not be educated without "kindling the torch of the incendiary and unsheathing the sword of rebellion and insurrection."<sup>85</sup> Knowledge had proven to be dangerous in the hands of African-American rebels such as Nat Turner and Denmark Vesey. In the petition for state

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<sup>80</sup> Moss, 26.

<sup>81</sup> Ibid, 21.

<sup>82</sup> Ibid, 44-45.

<sup>83</sup> "Extraordinary Conduct" [*The Liberator*, September, 17, 1831], 2.

<sup>84</sup> Warner, 14.

<sup>85</sup> Warner, 57.

assistance in stopping Crandall's school to the Connecticut General Assembly from the town of Canterbury, the authors claim the danger of education for African Americans if "large numbers of them [African Americans] come together where they might devise and execute their plans against the public head and laws of the state."<sup>86</sup> A strange fear considering that Crandall's pupils were mostly young women in their teens. This claim hints at the deeper causes for fearing the intelligence of black people.

The battle over African-American rights and education in Connecticut took place at a time of great economic and social change in many New England states. The region was attempting to decide how "racial boundaries ought to be drawn to accord with conflicting claims of 'respectability,' citizenship, and heightening color consciousness."<sup>87</sup> Unfortunately the assumptions behind colonization, in particular that African Americans were a singular and forever downtrodden group of strangers, would influence New England's attitudes on race and the place of African Americans within their communities, even after the movement had gone out of fashion.<sup>88</sup> It was even obvious to some contemporaries that measures to control African Americans were not entirely necessary and could not affect the results that the supporters of laws like Connecticut's claimed. Simply put, the specter of the increase of African Americans in their states was not apparent.<sup>89</sup> The control of free African-American communities that had previously been attempted through violence and social action would now be put to the legal test in the case of the Connecticut law enacted in response to Prudence Crandall and her school in Canterbury.

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<sup>86</sup> "Canterbury Petitions," [General Assembly 1821-1869 Box 1, Folder 10]

<sup>87</sup> Stewart, 42.

<sup>88</sup> Melish, 198.

<sup>89</sup> "Memorial" [Citizens of Connecticut to the Senate and House of Representatives, 1834].

## State v. Prudence Crandall: Black Citizenship on Trial

Soon after the passage of the black law of 1833, Windham County authorities arrested Prudence Crandall. When she was no longer able to pay the fines, she was jailed in a cell which was scandalously rumored to have last been occupied by a murderer.<sup>90</sup> The lawyers on both sides debated the constitutionality of the statute. Crandall's first trial took place in August 1833 at the Windham County Court. The jury was hung and did not reach a verdict. The case was set to be retried at the next session of the Superior County Court.<sup>91</sup>

Many people, including William Lloyd Garrison and Samuel J. May, Connecticut's first Unitarian minister, came to the defense of Crandall.<sup>92</sup> In writing to Andrew T. Judson, May complained that the legislation's supporters with Judson at the forefront had "twanged every chord that could stir the coarser passions of the heart."<sup>93</sup> May was "ashamed" that such activities could go on in Connecticut.<sup>94</sup> There was also no shortage of commentators who noted the irony of a black law being passed in the Northern state of Connecticut. For New England states to complain of inconvenient Southern laws like the Negro Seamen Acts, which called for the holding of free black sailors in jail until their ships left Southern ports, was like "the devil chiding sin."<sup>95</sup> Both laws controlled the movement of free blacks and were contested on the same constitutional grounds, namely, Article 4, Section 2. It was believed by some that the black law turned Connecticut into an "ally in the unholy cause of Slavery."<sup>96</sup>

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<sup>90</sup> "The Canterbury Affair" [*Genius of Universal Emancipation*. July 1833]: 9.

<sup>91</sup> *Report of the Arguments of Counsel*, 15.

<sup>92</sup> Strane, 19.

<sup>93</sup> Samuel J. May, *The Right of Colored People to Education, Vindicated, Letters to Andrew T. Judson, Esq.* [Brooklyn, CT: Advertiser Press, 1833]. 9.

<sup>94</sup> *Ibid*, 1.

<sup>95</sup> *Fruits of Colonization*, 3.

<sup>96</sup> *Report of the Arguments of Counsel*, 15.

For his part, Garrison immediately recognized the “momentous consequences to a large portion of our countrymen” that this case could have.<sup>97</sup> He feared that if Connecticut vindicated the law and denied the rights of African Americans to education and free travel for such purposes, that soon “other places will partake of the panic.”<sup>98</sup> Garrison, who believed that black people were entitled to all the rights that white Americans enjoyed, thought that if their rights to movement and education were denied, there was no end to the controls that could be placed on them which would deny them their constitutional rights. Crandall’s supporters secured the attorney William W. Ellsworth, who had served in Congress and who would later become Governor of Connecticut and a State Supreme Court judge, to represent Crandall. While Garrison privately doubted whether Ellsworth would be able to “redeem the reputation of Connecticut,” he knew that Crandall’s supporters had to give the battle all that they had in order to avoid establishing a dangerous legal precedent.<sup>99</sup>

Chief Justice David Daggett presided over the second trial in the Superior Court’s October 1833 term. The entire case of the defense was designed around the unconstitutionality of the law based on the rights of black people to citizenship, a question that they recognized “occasion has never arisen to decide.”<sup>100</sup> They believed that blacks were indeed citizens and tried to prove just that. The case could have been decided on other grounds, including Crandall’s right to use her property as she wished or to follow her profession, but it seems the defense team and her supporters decided to make the case about something bigger than just her school by arguing on the constitutionality of the law.

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<sup>97</sup> Walter M. Merrill, ed, *The Letters of William Lloyd Garrison, Volume I: I will be Heard* [Cambridge, MA: Belknap Press, 1971], 384.

<sup>98</sup> *Ibid*, 212.

<sup>99</sup> *Ibid*, 384.

<sup>100</sup> *Report of the Arguments of Counsel*, 24.

The team made it clear to the court, perhaps in spite of their personal sentiments, that they were not promoting emancipation, but merely the rights of free African Americans to be considered citizens.<sup>101</sup> Since the constitutionality of the law rested on the privileges and immunities clause of the Constitution, which explicitly refers to the privileges and immunities of “citizens,” it was absolutely necessary to decide on whether or not these African-American students were citizens. Because there was an extremely limited case law to support either side, Crandall’s lawyers had to glean their support for black citizenship from many varied sources. They began with the grander ideals of citizenship and equality and worked their way through the more gritty and specific examples to prove that African Americans could be citizens of the United States.

To their legal minds, a “distinction founded in *color*, in fundamental rights, is *novel, inconvenient* and *impracticable*.” Fundamental rights, they claimed, came from being born within a certain jurisdiction. It was the work of a higher power to decide where one would be born, for no one really had control over their place of birth. Citizenship, therefore, was merely an, “ordination of heaven.” Blackstone, Swift, and Vattel, all authorities on the law of nations, had made no other distinctions like that of race in their texts. If this were the case, making the distinction of color would be to create a new “classification of half citizen and half alien.”<sup>102</sup> This would be against reason and common sense. If black people were expected to owe their allegiance to the United States, then there should be some kind of allegiance due in kind. There was no such distinction made in the Declaration of Independence, nor in the Connecticut Constitution. Of course if color did matter in determining citizenship, that determination could easily

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid, 6.

lead to the citizenship held by African Americans native to Connecticut eventually being completely revoked.<sup>103</sup>

In order for the privileges and immunities clause to hold any true meaning its law “must be alike and general, or there is an end of equal privileges and immunities.”<sup>104</sup> Otherwise, there would be no end to the schemes that the state governments could create at their will to prohibit certain activities by non-natives within its borders. While recognizing the state’s police powers, the defense attempted to show the singular racist intent of the legislature. Carried out, the approval of this law could lead to the exclusion of white students from out of state at Yale and Connecticut’s other leading educational institutions.<sup>105</sup> Everyone knew, of course, that this would never occur. On this note, there was also the issue of a statute from the 1750s that warranted the removal of non-citizens from Connecticut borders. This was argued to be a moot point because at the time there was no federal government and so someone from, say, Massachusetts, would actually have been an alien and subject to immigration controls. After the creation of the national government in 1789 this statute was no longer valid.<sup>106</sup>

Of these privileges and immunities it was claimed by Crandall’s lawyers that education was the “first and fundamental pillar on which our free institutions rest, and it is the last privilege *we* will give up.”<sup>107</sup> Appealing to the prestigious intellectual and educational history of the North, the right to education was distinguished as fundamental and natural. More to the point for those who found offense in interracial education, Crandall’s school had attempted to respect the mores of the time by being segregated.<sup>108</sup>

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid, 13.

<sup>105</sup> Ibid, 5.

<sup>106</sup> Ibid, 13.

<sup>107</sup> Ibid, 12.

<sup>108</sup> Ibid.

This right to segregated education was one that black people who lived in Connecticut were clearly entitled to and received state funding for without much question.

Complicating the definition of citizenship further was the fact that citizenship did not necessarily entail voting rights. African Americans could not vote in Connecticut but were still considered citizens, at least to some degree. African Americans in the state participated in citizenship rights in limited ways and were allowed to petition the government, received public funding for education, welfare support, and were taxed in some areas. Interestingly, most of Crandall's students were from states where they were definitely considered citizens and came from families where their fathers could vote.<sup>109</sup> In New York and Massachusetts, while subjected to some limitations based on the ownership of property in the former, the girls' fathers could vote. So while it did not necessarily prove that black people were citizens, since most free African Americans could not vote at this time, this argument did add to the confusion over whether the girls were citizens in their own states, and whether that mattered to the case.

Since original intent was not as important to the defense as it was to the prosecution they did not spend as much time on it. They did attempt to show that there was no national consensus over black citizenship at the time of the Constitutional Convention. Starting with the debates over the Articles of the Confederation, Crandall's team recalled that Alexander Hamilton had suggested that the "whole number of white and other free citizens" should be taxable.<sup>110</sup> This wording clearly suggests that being white was not the only criterion for citizenship in the new nation. In addition, as of 1792 black people could register their seafaring vessels and reap all the protections that were afforded to American ships. In 1799, African Americans were allowed to obtain patents

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<sup>109</sup> Ibid, 5.

<sup>110</sup> Ibid, 25.

and received copyrights as of 1831.<sup>111</sup> All of these things were meant to be privileges for citizens of the United States. For the men who wrote the Constitution to allow for these activities to occur, strongly suggested that black people were considered citizens during that time.

Judson and his prosecution team did not hesitate to proceed as if the fate of the nation depended upon the Crandall case, pleading that it would not be claimed that a “jury in Windham County commenced the work of dissolving the Union.”<sup>112</sup> To claim that Crandall was not guilty would be to declare the Constitution “dead letters” and would sink the country into “ruin.”<sup>113</sup> To ignore the history and opinions of most Americans was not the way to “redeem Africa.”<sup>114</sup> In typical fashion for a member of the American Colonization Society Judson believed that African Americans should and could only find their salvation on the continent from which their ancestors came.

The prosecution had no choice but to argue that black Americans were never meant to be considered citizens by the framers of the Constitution and therefore could not be made such by state law. The Declaration of Independence was written by men who owned slaves. Judson did not believe that such great men could have been so naive as to suggest that the humans they held in bondage were created equal by the stroke of their own hand.<sup>115</sup> In response to the argument for birth as the sole marker of citizenship Judson suggests that this would mean that not only free African Americans but all slaves and Native Americans would also be citizens by this standard, which of course had never been the case.<sup>116</sup> Thus, if they were aliens, they could never become citizens because later

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<sup>111</sup> Ibid, 8.

<sup>112</sup> Finkelman, *Abolitionists in Northern Courts*, 101.

<sup>113</sup> Ibid, 94.

<sup>114</sup> Ibid, 99.

<sup>115</sup> *Report of the Arguments of the Counsel*, 17.

<sup>116</sup> Ibid.

legislation stated that any alien that is a “free white citizen” could become naturalized. This qualification would necessarily exclude people of color. Much like the prosecution, William Lloyd Garrison also believed that the founding American documents were written to ensure the existence of slavery and the subjugation of people of African descent. It is interesting that Garrison’s own views of the Declaration and Constitution were not called into question, since his view closely followed this originalist argument, if for different reasons.

Even if black people were to be considered citizens, there was a difference between their rights and the rights of white people. The prosecution quoted Kent, the author of the famous *Commentaries on American Law*, who noted a “distinction in respect to political privileges, between free white persons and free coloured persons”<sup>117</sup> Among other examples, that African Americans were barred from working for the United States postal service seemed to suffice for Judson to prove his point. To claims that the black law went against Article 4, Section 2, Judson claimed that the privileges and immunities guaranteed in the Constitution were meant to be only fundamental rights, like the right to life.<sup>118</sup> They would not include the secondary rights, like education, which were at issue here.

The state’s lawyers were also concerned with the right of the states to regulate and secure their internal order, a favorite argument of the South to support black laws. Judson claimed, quoting James Madison, that the powers which were reserved for the state by the Constitution were those that involved the “lives, liberties and properties of the people: and the internal order, improvement and prosperity of the state.”<sup>119</sup> These rights would

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<sup>117</sup> Ibid, 19.

<sup>118</sup> Finkelman, *Abolitionists in Northern Courts*, 97.

<sup>119</sup> Ibid, 87.

have included the regulation of education. The entitlement of a state to control its educational system had long been accepted as constitutionally strong. In Connecticut there had been legislation on the books for a Board of Visitors for schools since 1717, which had been periodically updated and upheld. This was also true of Massachusetts.<sup>120</sup> Because all Connecticut schools were, in theory, subject to the same controls, it did not seem that this new law broke with this legal tradition of states' rights.

What these arguments did not account for was the true intent behind the law. It was not just a blanket police regulation, but was a regulation that denied education to only a specific group of people. During this period there were no special considerations for legislative intent and even if there were, not many people would have found any problem with placing free black people under such strict control. Judson called on the jury not to decide the case based on anything other than the facts. If they disagreed with it morally then their remedy should take place at the "ballot boxes" not in a court of law.<sup>121</sup>

The defense faced another obstacle in arguing in front of Chief Justice Daggett, who was well known for his successful attempts in 1831 to close a trade school for African Americans that had been backed by Arthur Tappan, Reverend Simeon Joyce and other abolitionists in New Haven, Connecticut.<sup>122</sup> So it was no great surprise that on Crandall's appeal Chief Justice Daggett returned a guilty verdict, stating that he did not consider blacks citizens "within the meaning of the Constitution."<sup>123</sup> When Daggett returned his guilty verdict many commentators thought it "very possible [that] a little of the same influence, imperceptibly to himself, may have accompanied this decision."<sup>124</sup>

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<sup>120</sup> *Report of the Arguments of Counsel*, 17.

<sup>121</sup> Finkelman, *Abolitionists in Northern Courts*, 108.

<sup>122</sup> Edmund Fuller, *Prudence Crandall: An Incidence of Racism in 19th Century Connecticut* [Middletown, CT: Wesleyan University Press, 1971], 57.

<sup>123</sup> *Report of the Arguments of Counsel*, 17.

<sup>124</sup> *Christian Secretary*, 1.

The case was again appealed and ended up at the Brooklyn, Connecticut Court of Errors in July 1834. This court was the final appeals court for the region.

For all their trouble, neither the defense nor the prosecution would receive much satisfaction at the Brooklyn Court of Errors. Crandall's case was reversed on a mere technicality because her indictment did not say that the school had been set up without a license. Written consent from the town council was declared necessary by the state law to run her school but the indictment only stated that she had opened an educational facility for African Americans. The court refused to address the constitutionality of the law itself.<sup>125</sup> While the decision did allow Crandall to continue to teach at her school, the court did not lend legal, nor moral legitimacy to her endeavor. The decision was a practical victory, but did not secure the lasting existence of her school, or a repeal of the statute. While her legal struggles were over, her battle with the public was not. Soon after her last trial a series of violent attacks on her school made Crandall fear for the safety of her students. On September 10, 1834 Prudence Crandall closed her school.<sup>126</sup> While she narrowly won her legal battle, she was not able to stay the opinion of her neighbors against her academy.

Unfortunately, the trials of Crandall and Justice Daggett's decision would set a legal precedent supporting the seemingly racist sentiments of both the framers and those who continued to believe in a static Constitution. Many cases involving issues similar to those in Crandall's case, in both the North and South, followed the basic arguments presented at her trial.<sup>127</sup> This was the kind of precedent that Garrison had feared most. Garrison had made it clear that he thought the Constitution to be the most "bloody and

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<sup>125</sup> *Report of the Arguments of Counsel*, 34.

<sup>126</sup> Kimball, 9.

<sup>127</sup> Smith, 256.

heaven-daring arrangement ever made by men for the continuance and protection” of slavery. He was willing to let its structure “crumble into dust.” It seems though, that by supporting this case he did recognize the practical necessity of relying on the law of the land.<sup>128</sup> Constitutional law had not finished disappointing William Lloyd Garrison.

## **Conclusion**

The enactment of a black law in Connecticut was just one of many attempts of New England states to control their burgeoning African-American populations. Tocqueville saw that the presence of a black population had the potential to be the “most formidable of ills” to American society.<sup>129</sup> He might have said, more accurately, that it was the prejudice against that presence that was at issue. The de facto slavery of New England’s free black population, as witnessed by the events in Connecticut proved that “chains of a stronger kind still manacled their limbs, from which no legislative act could free them.”<sup>130</sup>

The reaction against free African Americans throughout the country, but especially in the North, showed that no matter what rights they were granted legally, they would only be given in practice what white communities were ready to forfeit. While free African Americans constituted a small and compliant minority, white people better accepted their presence and were willing to allow them some freedoms. However, as their numbers and power grew they posed a greater economic and political threat. The backlash against this specter, represented by African-American communities, contributed

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<sup>128</sup> William Lloyd Garrison, “On the Constitution and the Union” [*The Liberator* December 29, 1832]: 1,3.

<sup>129</sup> Tocqueville, 457.

<sup>130</sup> John Morrison Duncan, *Travels through part of the United States and Canada in 1818 and 1819*. Volume 1 [Glasgow:University Press for Hurst, Robinson and Co, London,1823], 60.

to laws like the one under which Crandall was prosecuted. This struggle over African-American rights, power, and competition prefigured the one that the country would reckon with, once again, during the Reconstruction era.

For those of us like myself, who grew up in New England and absorbed the regional myths which equate the North with the land of Freedom, it is a hard, but necessary, awakening to understand how our early history of racial discrimination fits into and influenced the national dialogue about African-American citizenship. As Leon Litwack writes, “the inherent cruelty and violence of Southern slavery requires no further demonstration, but this does not prove Northern humanity.”<sup>131</sup> Connecticut and her neighbors played a complicit role, if not in the full defense of slavery, then in the absolute contradiction between American ideals and reality.

Twenty-three years after Crandall’s constitutional battle over African-American citizenship a case came before the nation’s Supreme Court in which the justices would come to the same conclusion as that of Justice Daggett, that African Americans were not citizens. It is worth noting that both *Dred Scott* and Crandall’s trial dealt in some way with the movement of black people and the rights of states to control it. From the moment it was decided *Scott* caused a renewed national discussion about the status of African Americans. All nine justices wrote an opinion, for the first time prior to the Civil War, proving they knew that the case would generate controversy. It was also the first time that the Court had declared a major federal statute, the Missouri Compromise, unconstitutional.<sup>132</sup> It definitively answered the legal question about black citizenship that the nation had been struggling with for decades.

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<sup>131</sup> Litwack, vii.

<sup>132</sup> Paul Finkelman, *Dred Scott v. Sanford: A Brief History with Documents* [Boston: Bedford Books, 1997], 6.

How is it that something as morally reprehensible as this decision, be legally correct? One answer to this question is to be found in a disturbing fact about the origins of our country's most revered documents. Both cases, especially *Scott*, led many Americans to the conclusion that William Lloyd Garrison had accepted all along; the Constitution was built in many ways to protect the institution of slavery and the general subservience of African Americans. Rather than face these truths, it is much easier to declare both *Scott* and *Stave v. Crandall* to be patently wrong. However, to find the truth, which is actually somewhere in between, takes a more intrepid journey.

The outcome of these decisions both supported ideas which, in turn, secured the degradation of a group of Americans to whom the nation owed a "debt...which we can never pay," for decades to come.<sup>133</sup> In 1834, Crandall's lawyer claimed that to uphold the law for which she was on trial would be to "open wounds not easily healed."<sup>134</sup> It appears that this statement was perhaps even more apt than he could have imagined, for what was to come in defense of the ideas which Crandall's case and *Scott* promulgated would cause injuries that still smart to this day. While these decisions and what they supported were painful to many of their contemporaries and still are to present-day minds, they have to be viewed as historical records which tell nasty truths about our nation's founding myths.

As such, they can be accepted, if nothing else, as examples of what appalling things the law of the United States has allowed based on Constitutional principles in the hopes that the document which claims to be the supreme law of the land will not again be seen as an inflexible supporter of its racist and oppressive origins. In 1832, Garrison described the Constitution as a "compact formed at the sacrifice of the bodies and souls of millions of our race, for the sake of achieving a political object- an unblushing and

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<sup>133</sup> *Report of the Arguments of the Counsel*, 12.

<sup>134</sup> *Ibid*, 15.

monstrous coalition to do evil that good might come.”<sup>135</sup> In 1868, the 14<sup>th</sup> Amendment was written in direct response to the idea of citizenship put forth in *Scott* with the purpose of overturning the ruling.<sup>136</sup> If, as Garrison famously claimed, the Constitution was “dripping” with blood at its adoption, the only thing to do is to move forward and ensure that the “good” continues to come.

## Bibliography

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<sup>135</sup> Garrison, 1.

<sup>136</sup> Paul Finkelman, “Was Dred Scott Correctly Decided? An “Expert Report” for the Defendant” [*Lewis and Clark Law Review* 12, no. 4. Winter 2008]: 1230.

“The Canterbury Affair.” *Genius of Universal Emancipation*. July 1833.

Benes, Peter, ed. *Slavery/ Antislavery in New England*. Boston: Boston University, 2009.

Berry, Mary. *Black Resistance, White Law: A History of Constitutional Racism in America*. New York: Penguin, 1994.

Brown, Barbara. *Black Roots in Southeastern Connecticut, 1650-2000*. Detroit: Gale Research Company, 1980.

Collier, Christopher. *Connecticut’s Public Schools: A History, 1650-2000*. Orange, CT: Clearwater Press, 2009.

Carey, Matthew. *Letters on the Colonization Society; With a View of its Probable Results*. Connecticut Colonization Society, 1832.

Cottrol, Robert J. *From African to Yankee: Narratives of Slavery and Freedom in Antebellum New England*. Monk, NY: ME Sharpe, 1998.

Duncan, John Morrison. *Travels through part of the United States and Canada in 1818 and 1819*. Volume 1. Glasgow: University Press for Hurst, Robinson and Co, London, 1823.

Finkelman, Paul ed. *Abolitionists in Northern Courts: The Pamphlet Literature*. New York: Garland Publishing, Inc., 1988.

Finkelman, Paul. *Dred Scott v. Sanford: A Brief History with Documents*. Boston: Bedford Books, 1997.

Finkelman, Paul. “Was Dred Scott Correctly Decided? An “Expert Report” for the Defendant.” *Lewis and Clark Law Review* 12, no. 4. [Winter 2008]: 1219-1252.

Fowler, William Chauncey. *Local Law in Massachusetts and Connecticut, Historically Considered; and the Historical Status of the Negro in Connecticut*. Freeport, NY: Books for Libraries Press, 1875, 1971.

*Fruits of Colonization!* Boston: 1833.

Fuller, Edmund. *Prudence Crandall: An Incident of Racism in Nineteenth-Century Connecticut*. Middletown, CT: Wesleyan University Press, 1971.

Garrison, William Lloyd. “On the Constitution and the Union.” *The Liberator*. December 29, 1832.

Garrison, William Lloyd. *Thoughts on African Colonization*. Boston: Elibron Classics, 2005.

Graber, Mark A. *Dred Scott and the Problem of Constitutional Evil*. Cambridge: Cambridge University Press, 2008.

Greene, Lorenzo. *The Negro in Colonial New England*. New York: Atheneum, 1971.

Higginbotham, Leon. *In the Matter of Color, Race and the American Legal Process: The Colonial Period*. New York: Oxford University Press, 1978.

Hodges, Graham Russell. *Root and Branch African Americans in New York and East Jersey 1613-1863*, Chapel Hill: University of North Carolina Press, 1999.

Horton, James and Lois Horton. *In Hope of Liberty: Culture, Community and Protest among Northern Free Blacks, 1700-1860*. New York: Oxford University Press, 1997.

“Judge Daggett’s Charge.” *The Liberator*. October 26, 1833.

Judson, Andrew T. “Letter from Canterbury April 8<sup>th</sup> 1833 to P.M. in Westford, CT.” 1833. E 185.93. C& Y69 1833. CT State Library, Broadside.

*Journal of the Proceedings of the Convention of Delegates Convened at Hartford, August 26th, 1818 for the Purpose of Forming a Constitution of Civil Government for the People of the State of Connecticut*. Hartford: Case, Lockwood and Brainard Printers, 1873.

Kimball, John C. *Connecticut’s Canterbury Tale, Its Heroine Prudence Crandall, and its Moral for To-day*. Hartford: Plimpton Print, 1885.

Kirchner, Miles J. “The Shame of the North: The Black Suffrage Issue in Connecticut, 1814-1876- Master’s Thesis. New Haven: Southern Connecticut State University, May 1996.

Larned, Ellen. *History of Windham County, Connecticut, Volume II, 1760-1880* [Worcester, MA: Charles Hamilton, 1976.

“Letter from Miss Prudence Crandall.” *The Liberator*. May 25, 1833.

Litwack, Leon. *North of Slavery: The Negro in the Free States, 1790-1860*, Chicago: University of Chicago Press, 1961.

Malone, Christopher. *Between Freedom and Bondage: Race, Party and Voting Rights in the Antebellum North*. New York: Routledge, 2008.

May, Samuel J. *A Discourse on Slavery in the United States, delivered in Brooklyn, July 3, 1831*. Boston: Garrison and Knapp, 1832.

May, Samuel J. *Some Recollections of Our Antislavery Conflict*. Boston: Fields, Osgood and Co., 1869.

May, Samuel J. *The Right of Colored People to Education, Vindicated, Letters to Andrew T. Judson, Esq. and others in Canterbury, Remonstrating with them on their Unjust and Unjustifiable Procedure Relative to Miss Crandall and her School for Colored Females.* Brooklyn, CT: Advertiser Press, 1833.

Melish, Joanne. *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860.* Ithaca: Cornell University Press, 1998.

Merrill, Walter M. ed, *The Letters of William Lloyd Garrison, Volume I: I will be Heard.* Cambridge: Belknap Press, 1971.

"Miss Crandall's School." *The Liberator.* July 6, 1833.

"Memorial, Citizens of Connecticut to the Senate and House of Representatives." 1834.

"More Barbarism." *The Liberator.* 1833.

Moss, Hilary J. *Schooling Citizens: The Struggle for African American Education in Antebellum America.* Chicago: University of Chicago Press, 2009.

Mumford, Thomas J. *Memoir of Samuel J. May.* Boston: Roberts Brothers, 1873.

Pasay, Marcella Houle. *Directory of Native and African Americans in Windham County,* 2002.

"Personals." *Hartford Daily Courant.* June 23, 1881.

"Prudence Crandall's School in Canterbury." *Hartford Daily Courant.* October 21, 1879.

*Report of the Arguments of Counsel, in the Case of Prudence Crandall, Plff. in Error, vs. State of Connecticut before the Supreme Court of Errors at their Session at Brooklyn, July Term, 1834, by a Member of the Boston Bar.* Boston: Garrison and Knapp, 1834.

Smith, Rogers. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History.* New Haven, CT: Yale University Press, 1997.

Strane, Susan. *A Whole-Souled Woman: Prudence Crandall and the Education of Black Women.* New York: Norton Press, 1990.

The Trial of Miss Crandall. *The Liberator.* August 31, 1833.

Tocqueville, Alexis de. *Democracy in America.* New York: The Century, 1898.

"To the General Assembly, to be held at Hartford on the 1<sup>st</sup> Wednesday of May 1833." 1833. E 185.93.C7 T6 1833, CT State Library Broadside.

Trial of Miss Prudence Crandall. *Connecticut Courant.* September 9, 1833.

Walker, David. *Walker's Appeal in Four Articles: An Address to the Slaves of the United States of America*. New York: Cosimo, Inc., 2005.

Warner, Robert. *New Haven Negroes: A Social History*, New Haven, CT: Yale University Press, 1940.

Welch, Marvis Olive. *Prudence Crandall: A Biography*. Manchester, CT: Jason Publishers, 1983.

Wilson, Harriet. *Our Nig; Or, Sketches from the Life of a Free Black in a Two-Story White House, North*. General Books LLC, 2010.

Woodson, C. G. *The Education of the Negro Prior to 1861: A History of the Education of the Colored People of the United States from the Beginning of Slavery to the Civil War*. Washington DC: Associated Publishers, Inc., 1919.

Wong, Edlie. *Neither Fugitive, Nor Free: Atlantic Slavery, Freedom Suits and the Legal Culture of Travel*. New York: New York University Press, 2009.

Yates, William. *Rights of Colored Men to Suffrage, Citizenship and Trial by Jury: Being a Book of Facts, Arguments and Authorities*. Philadelphia: Merrihen and Gunn, 1838.