

# Denmark Vesey and His Co-Conspirators

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IN the pantheon of rebels against slavery in the United States, Denmark Vesey stands exalted. Historians celebrate this free black carpenter who organized slaves to emancipate themselves in 1822 by setting fire to the city of Charleston, South Carolina, slaying all whites, and sailing off to the black republic of Haiti. A free man who identified with slaves, a black man who claimed the human rights monopolized by whites, an urban artisan who prepared to lead an army of rural field hands, a man of African descent who built a coalition of native Africans and country-born creoles, a religious man who melded the Christianity of Europe with the spiritual consciousness of Africa, a diasporic man inspired by the black Atlantic's legacy of rebellion and sovereignty, a radical man who wielded the ideals of the Age of Revolution against white oppression and hypocrisy, a militant man who scorned compromise and relished redemptive killing, a brave man unintimidated by the long odds against liberation, a loyal man who refused to name his co-conspirators when informants betrayed his scheme at the last minute, a stoic man who died on the gallows without giving his executioners the satisfaction of remorse or confession—Denmark Vesey was a bold insurrectionist determined to free his people or die trying.

This heroic interpretation of Vesey and his co-conspirators seemed more or less reasonable to me in December 1999 when I accepted the *Quarterly's* invitation to review three new books about the Vesey conspiracy.<sup>1</sup> In subsequent months, as the project veered in entirely unanticipated directions, I came to believe that historians have been wrong about the conspiracy. In the pages that follow, I explain why and point toward an alternative account. In general, I argue that almost all historians have failed to exercise due caution in reading the testimony of witnesses recorded by the conspiracy court,

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<sup>1</sup> Douglas R. Egerton, *He Shall Go Out Free: The Lives of Denmark Vesey* (Madison, 1999); David Robertson, *Denmark Vesey* (New York, 1999); Edward A. Pearson, ed., *Designs against Charleston: The Trial Record of the Denmark Vesey Slave Conspiracy of 1822* (Chapel Hill, 1999). Page references for quotations from these works are given in parentheses in the text.

thereby becoming unwitting co-conspirators with the court in the making of the Vesey conspiracy; that the court, for its own reasons, colluded with a handful of intimidated witnesses to collect testimony about an insurrection that, in fact, was not about to happen; that Denmark Vesey and the other men sentenced to hang or to be sold into exile were not guilty of organizing an insurrection; that, rather than revealing a portrait of thwarted insurrection, witnesses' testimony discloses glimpses of ways that reading and rumors transmuted white orthodoxies into black heresies.

Historians who seek to learn about Vesey and his co-conspirators confront a daunting obstacle. The Charleston Court of Magistrates and Freeholders that pronounced Vesey "the author, and original instigator of this diabolical plot . . . [whose] professed design was to trample on all laws, human and divine; to riot in blood, outrage, rapine . . . and conflagration, and to introduce anarchy and confusion in their most horrid forms" collected almost everything known about him during the last two weeks of his life and the six weeks following his execution.<sup>2</sup> Since 1822, scholars have resorted to the court's *Official Report* for information about who he was, what he did, and what he hoped to do.<sup>3</sup> By drawing mostly on sources used to convict the insurrectionists, historians have followed the lead of the court and of nineteenth-century abolitionists who accepted the court's conclusions about Vesey's leadership while rejecting the court's defense of slavery and white supremacy. In 1861, Thomas Wentworth Higginson summarized the still-prevailing consensus that the Vesey conspiracy "was the most elaborate insurrectionary project ever formed by American slaves, and came the nearest to a terrible success. In boldness of conception and thoroughness of organization there has been nothing to compare with it."<sup>4</sup>

According to the court, Vesey grew up as a slave on the Danish island of St. Thomas. When he was about fourteen years old, he was purchased by Captain Joseph Vesey, who took him with a cargo of 390 slaves to St. Domingue and sold him there. After a year, the planter who bought the young slave declared him "unsound, and subject to epileptic fits" and returned him to Captain Vesey. For the next seventeen or eighteen years, the young man who became Denmark Vesey served Captain Vesey in Charleston as a "most faithful slave." In 1799, Denmark Vesey won fifteen hundred dollars in a local lottery and used six hundred to purchase his freedom. For the

<sup>2</sup> Lionel H. Kennedy, "Sentence on Denmark Vesey," in Kennedy and Thomas Parker, eds., *An Official Report of the Trials of Sundry Negroes, Charged with an Attempt to Raise an Insurrection in the State of South Carolina: Preceded by an Introduction and Narrative; and, in an Appendix, A Report of the Trials of Four White Persons on Indictments for Attempting to Excite the Slaves to Insurrection* (Charleston, 1822), 177 (hereafter cited as *Official Report*). A convenient reprint of the *Official Report* is John Oliver Killens, ed., *The Trial Record of Denmark Vesey* (Boston, 1970), though it is marred by typographical errors.

<sup>3</sup> For examples of accounts that rely on the *Official Report*, see "Further Reading" at the end of this article.

<sup>4</sup> [Higginson], "Denmark Vesey," *Atlantic Monthly*, 7 (1861), 728-44.

next twenty-two years he lived in Charleston as a free man, working as a carpenter "distinguished for great strength and activity."<sup>5</sup>

Because almost nothing else is known about Vesey until he was fifty-five, when witnesses began to testify against him, it is tempting to look through the lens of his last days and see his long life as the making of an insurrectionist. In his new biography of Vesey, Douglas R. Egerton argues that the spirit of rebellion Vesey manifested in 1822 dated back to his year as a slave in St. Domingue, when, as an "artful boy," he "somehow managed to understand that local law required all newly-imported slaves to be free of affliction or disease" and "began to display 'epileptic fits'" (p. 20). By this clever ruse, Vesey "outsmarted" the St. Domingue planter who had purchased him and manipulated his own return to the more benevolent Captain Vesey, with whom his "epileptic fits ceased as quickly as they had begun" (pp. 20–21). David Robertson, the author of another new study of Vesey, agrees, terming the fits "a charade" (p. 30). Vesey "probably feigned fits," Edward A. Pearson observes in the 164-page introduction to his transcription of the manuscript record of the conspiracy trials. Pearson ventures that Vesey "may have suffered from seizures as a consequence of participating in voodoo ceremonies" (p. 27).<sup>6</sup>

Artful charades and voodoo ceremonies are only two of many possible reasons for "fits" that may or may not have been "epileptic." The court's biographical sketch is the sole source attributing epileptic fits to Vesey; it was published more than forty years after the fits allegedly occurred, and it says nothing about voodoo ceremonies or Vesey's understanding of St. Domingue's laws regulating imported slaves. By imputing legal knowledge, charades, and possibly even voodoo to fits the court termed epileptic, Egerton, Robertson, and Pearson read the mentality of a wily fifty-five-year-old insurrectionist into the behavior of a fourteen-year-old slave boy.

This interpretive procedure characterizes almost all the historical writing about Vesey. Most scholars have uncritically accepted the court's judgment and the witnesses' testimony about Vesey and his co-conspirators. Like many others, Egerton, Robertson, and Pearson routinely put in Vesey's mouth words that the court recorded as witnesses' testimony about what Vesey said. They fail to consider that what Vesey actually said might have been different

<sup>5</sup> The quotations in this paragraph are from the biographical sketch of Vesey in the *Official Report*, 42–43, 177. The sketch first appeared in James Hamilton, Jr., *An Account of the Late Intended Insurrection Among a Portion of the Blacks of This City* (Charleston, 1822), 17 (hereafter cited as *An Account*). Although *An Account* does not clearly identify any source for this biographical information, Egerton, *He Shall Go Out Free*, 233, argues that it "could only have been supplied" to court authorities by Vesey's longtime owner, Captain Joseph Vesey, who still lived in Charleston at the time.

<sup>6</sup> Although Pearson, ed., *Designs against Charleston*, 26, acknowledges that "no direct evidence links [Vesey] to voodoo ceremonies," he claims that "during his [Vesey's] sojourn on Saint Domingue, he possibly recognized the importance of supernatural forces and ritual for forging a sense of collectivity, enjoining people to silence, and sustaining an identity independent of slavery rooted in African tradition." These rather specific possibilities levitate above the absence of evidence about the perceptions of a 14-year-old slave boy.

from what witnesses testified and the court recorded. Egerton avers, for example, that “literally *all* of Vesey’s numerous religious pronouncements were drawn from the Old Testament, and in a very real sense, Vesey and his disciples turned their back on the New Testament God of love,” fashioning “a theology of liberation that fused the demanding faith of the Israelites with the sacred values of Africa” (p. 124).<sup>7</sup> In reality, the only evidence of Vesey’s religious pronouncements comes, not from him, but from the testimony of witnesses against him, an unsteady foundation for interpretive generalizations about “literally *all* of Vesey’s numerous religious pronouncements.” Similar reliance on witnesses’ testimony leads Pearson to claim that Vesey was “an agent of cultural revitalization who forged a new political discourse of rebellion from ethnic African practices and customs, militant Old Testament Christianity, and the language of revolutionary emancipationism” (p. 128). Vesey’s cultural syncretism included, Robertson surmises, “probable knowledge of Islam and the Koran” (p. 47), as suggested by the initial date of Vesey’s planned insurrection, July 14, 1822: “The number fourteen, according to Islamic numerology, is particularly propitious, as representative of the Prophet’s name; and the date of July 14, 1822, reckoned by the Islamic lunar calendar, marked the last two months of that Islamic year, Dhu al-Qa’dah and Dhu al-Hijah, respectively. The latter month, Dhu al-Hijah, by which time Vesey had hoped to have liberated his people and to have returned them to Africa, takes its name from the *Hijrah* in the Koran, meaning ‘to migrate, withdraw, or to make an exodus’” (p. 38). Again, although the court and its witnesses—not Vesey—supplied the July 14 date (among others), Robertson hazards Vesey’s debt to Islam atop a precarious scaffolding of Arabic etymology and Islamic numerology and time reckoning.

Such interpretive improvisations are not limited to Vesey’s religious beliefs. Egerton, for example, asserts that Vesey was “enormous” (p. 34), a man of “immense size” (p. 58), “a giant” (p. 72) of “towering height” (p. 119). Unfortunately, no source documents Vesey’s physical size, nor does any record state that Vesey planned, as Egerton argues, “a mass exodus of families” (p. 168), “more of a mass migration than a conventional slave rebellion” (p. 148). Here, the symmetry of a big conspiracy by a big man with big plans substitutes for evidence.

For the central narrative of the insurrection conspiracy, Egerton, Robertson, Pearson, and other historians rely on the court’s *Official Report*. They reverse the moral polarity of the court’s chronicle, applauding what the court deplored and vice versa. Egerton affirms that witnesses’ testimony “must be used with great care” (p. 237), but only once does he express skepticism about the testimony. One witness’s statement that an accused conspirator said that, after the white men had been killed, “we know what is to be done with the [white] wenches” shows, according to Egerton, that this testimony was “nonsense served up for the magistrates” because “Vesey’s escape

<sup>7</sup> Several pages later, Egerton, *He Shall Go Out Free*, 140, acknowledges Vesey’s “sole known reference to the New Testament.”

was a mass exodus of families," and the accused's "notoriously hot-tempered" wife would not "have stood idly by while her husband ravished female prisoners" (p. 168).<sup>8</sup> Except for this singular defense of the conspirators' family values, Egerton, like other historians, treats the testimony of witnesses as a faithful rendition of what Vesey and other conspirators said and did. Egerton observes that "testimony obtained from bond defendants under emotional duress—sometimes even under torture—is not by definition spurious; it is merely coerced" (p. 237). This chilling view that coerced and tortured witnesses tell the truth was wholeheartedly shared by the Charleston court, but few other American jurists then or since concur. Although Robertson, Pearson, and other scholars do not explicitly echo Egerton's endorsement of coerced testimony, they practice it by simply accepting the statements of both the witnesses and the court.

The lone dissenter from the court's narrative and the historiographical consensus is historian Richard C. Wade. In a 1964 article, Wade challenged the reliability of the *Official Report* by comparing its rendition of the confessions of two slaves with manuscript depositions that those slaves gave outside of court and that happen to have survived in the private papers of white planters.<sup>9</sup> The discrepancies between those depositions and the *Official Report*, Wade explained, "indicate that little confidence can be placed in the authenticity of the official account."<sup>10</sup> Examining the conflicting testimony about the conspiracy in the *Official Report* as well as the doubts about the plot expressed by Governor Thomas Bennett and United States Supreme Court justice William Johnson brought Wade to conclude that "there is persuasive evidence that no conspiracy in fact existed, or at most that it was a vague and unformulated plan in the minds or on the tongues of a few colored townsmen."<sup>11</sup>

Wade's argument has been rejected by all subsequent historians.<sup>12</sup> Before the studies by Egerton, Pearson, and Robertson, the most vigorous defender of the consensus version of the Vesey plot was William W. Freehling. Terming Wade's analysis "a step backward," Freehling pointed out that Wade failed to consult the manuscript trial record before conclud-

<sup>8</sup> William W. Freehling, "Denmark Vesey's Antipaternalist Reality," in *The Reintegration of American History: Slavery and the Civil War* (New York, 1994), 47, highlights this testimony, arguing that it revealed both the conspirators' motives and the response of terrified whites: "Rolla [the accused defendant] raped with words."

<sup>9</sup> Wade, "The Vesey Plot: A Reconsideration," *Journal of Southern History*, 30 (1964), 143–61. The two slaves were Bacchus Hammet, whose deposition is in the Benjamin Hammet Papers at the Duke University Library, and John Enslow, whose deposition is in the Henry Ravenal Papers at the South Carolina Historical Society. Transcriptions of both depositions are included in Pearson, ed., *Designs against Charleston*, 327–30, 336–37.

<sup>10</sup> Wade, "Vesey Plot," 156.

<sup>11</sup> Ibid., 150.

<sup>12</sup> Egerton notes that "Wade's hypothesis" has been "effectively dismantled," a judgment that Pearson shares; Egerton, *He Shall Go Out Free*, 238; Pearson, ed., *Designs against Charleston*, 15. Robertson, *Denmark Vesey*, 95, is more guarded, observing, "Wade's categorical finding that the Vesey plot never existed was disproved in part by both white and black historians of the 1960s and 1970s. . . . Yet, his interpretation is not wholly disproved."

ing that the *Official Report* had tampered with trial testimony.<sup>13</sup> Freehling announced that his comparison of "the entire Vesey trial record" in both the unpublished manuscript and the *Official Report* "exonerates the judges from ever falsifying a quote. . . . The verbal evidence of conspiracy was not falsified in the slightest."<sup>14</sup> Making explicit what other historians' use of the trial testimony implicitly assumed, Freehling mounted a spirited defense of the court, declaring "the Vesey judges unusually responsible." The judges "struggled to live up to their democratic conscience," Freehling proclaimed, and, within the limits of the inherently despotic regime of slavery, they succeeded: "In the end, these uneasily despotic judges, in a time of extreme hysteria acquitted almost half their defendants."<sup>15</sup> In sum, the Vesey plot that Wade concluded was "probably never more than loose talk by aggrieved and embittered men" was instead, according to Freehling, an "unusually credible conspiracy," although "no one who values democratic justice can be altogether sure."<sup>16</sup>

Freehling properly spotlighted the manuscript trial record as the key document for determining "whether the conspiracy seems credible and whether the judges seem to have been scrupulous in weighing suspect testimony."<sup>17</sup> Although Governor Bennett submitted the manuscript transcript to the South Carolina legislature in November 1822 and it has resided in the state archives ever since, few historians have consulted it, preferring instead the more convenient printed testimony in the *Official Report*, which they assume mirrors the manuscript. Since any persuasive account of Denmark Vesey and his co-conspirators must begin with the manuscript trial transcript, scholars should welcome Pearson's transcription published in *Designs against Charleston*.<sup>18</sup> They should, but, regrettably, they had better not. To understand why, it is necessary to examine the manuscript and then to compare it with Pearson's transcription.

Pearson correctly points out in a brief "Editorial Note" that two manuscript transcripts exist. He claims that "Document A, Copy One, starts with the first trials on 19 July 1822 and closes with the proceedings of 26 July," while "Document B, Copy Two, replicates the first document but contains testimony from the proceedings of early August" (front matter). Pearson says that he "used both Documents A and B" in preparing his published transcription, "remaining faithful to the transcript as it appeared in the original" (*ibid.*). Unfortunately, these statements are mostly wrong. The court pro-

<sup>13</sup> Freehling, "Denmark Vesey's Antipaternalist Reality," 45.

<sup>14</sup> *Ibid.*, 45–46. Freehling gives special emphasis to certain testimony regarding poisoning that, as he points out, the *Official Report* censors from the manuscript trial record. Freehling argues that "testimony that an *individual* domestic might slip poison into a household's water was too terrifying to be published"; *ibid.*, 56.

<sup>15</sup> *Ibid.*, 46, 54–55.

<sup>16</sup> Wade, "Vesey Plot," 160; Freehling, "Denmark Vesey's Antipaternalist Reality," 46.

<sup>17</sup> Freehling, "Denmark Vesey's Antipaternalist Reality," 46.

<sup>18</sup> Pearson, ed., *Designs against Charleston*, 165–282.

ceedings began on June 19, not July 19, 1822; Document A is a brief printed narrative of the trials, not one of the court transcripts; one manuscript is labeled "Document B House of Representatives" and is referred to hereafter as "House"; the other manuscript is labeled "Evidence Document B" and is referred to hereafter as "Evidence"; the words "Copy One" and "Copy Two" do not appear on either transcript; the two manuscript transcripts are not replicates; and the transcription in *Designs against Charleston* is not faithful to the original.<sup>19</sup>

First, consider the appearance of the original manuscripts. Both are in remarkably good condition, each written in a clerk's clear hand that fills—with important exceptions—both sides of the eight-inch by thirteen-inch pages.<sup>20</sup> The handwriting in both documents appears similar, suggesting that they were written by the same clerk. The unambiguously legible and perfectly horizontal handwriting stretching line after line indicates that neither manuscript represents rough notes scribbled hurriedly during court sessions. Both must have been written later, at least one of them presumably based on notes that no longer survive. Neither document, then, preserves the court transcript as we think of such things today: verbatim records of what witnesses said. Instead, both manuscripts are revised versions of the words witnesses uttered, words filtered through ears and pens belonging to one or more unknown clerks, words that now appear with seductive clarity in the surviving manuscripts.

Careful comparison of the two manuscripts demonstrates that House is a copy of Evidence, apparently created, as the label indicates, for the House of Representatives; that Evidence was written before House and is the earliest extant record of the court proceedings; and that for the most part *Designs against Charleston* is based on House, the copy, rather than on Evidence, the original manuscript. The manuscripts contain compelling signs of the priority of Evidence. To recognize those signs, one must examine the basic organization of both documents. Both manuscripts have four major sections: an initial section of testimonies, a section of June court proceedings, a section of confessions, and a section of July trial proceedings. Only Evidence has a fifth section that covers the trials of August, as *Designs against Charleston* states.<sup>21</sup>

<sup>19</sup> The manuscript transcripts are in Records of the General Assembly, Nov. 28, 1822, Governors' Messages, 1328, South Carolina Department of Archives and History (SCDAH), Columbia, South Carolina. "Document B House of Representatives" is an 87-page manuscript in folder 2 and is cited hereafter as "House"; "Evidence Document B" is a 113-page manuscript in folder 3 and is cited hereafter as "Evidence." I am indebted to the superb SCDAH staff for their help and cooperation, including permitting me to have simultaneous access to both original transcripts in order to read them side by side.

<sup>20</sup> Each sheet is now professionally encased in acid-free paper. Whether the sheets were originally bound or loose is impossible to determine by simple visual examination. They are now separate sheets that show no obvious signs, such as holes for stitching along the edges, of having been bound. They may have been sliced from a bound volume, however, for purposes of preservation.

<sup>21</sup> Pearson, ed., *Designs against Charleston*, 260–75; coverage of the August trials is therefore necessarily based on Evidence.

Unlike *Designs against Charleston*, neither manuscript begins with the proceedings of June 19.<sup>22</sup> Instead, both start with the section of undated testimonies that precedes the June 19 material.<sup>23</sup> The first sign of the priority of Evidence is the way this initial testimony section ends in each manuscript. In Evidence, the section ends near the top of a page; the remainder of that page is blank, and the proceedings of June 19 begin at the top of the next page.<sup>24</sup> In House, the initial testimony section also ends close to the top of a page. Then, with no intervening blank space, the June 19 proceedings begin and fill the rest of that and subsequent pages.<sup>25</sup>

The absence of such continuity in Evidence shows that it was the original manuscript, which a clerk copied to produce House. In Evidence, the June 19 court proceedings begin at the top of a new page in what appears to be the same clerical handwriting as the foregoing testimony section, but this new section is strikingly different from the preceding one in two respects. First, the opening page is noticeably discolored compared to the previous pages; its left edge is considerably frayed, unlike the straight, smooth edges of previous pages.<sup>26</sup> It

<sup>22</sup> Pearson begins the published transcript with the testimony of June 19 and makes no reference to the initial testimony section. Instead, he disaggregates the initial testimonies and inserts them without notice at various points in the published transcript. For example, the testimony of Pompey Bryant that begins both manuscript transcripts is silently placed on 192—some 27 pages after the start of the June 19 proceedings—as a part of the court proceedings on June 27, a date that appears nowhere in Bryant's manuscript testimony; Pearson, ed., *Designs against Charleston*, 165, 192.

<sup>23</sup> Evidence, 143–50; House, 55–58, 61–64. These and subsequent page numbers of Evidence and House refer to numbers assigned to each side of each manuscript sheet by the archives (unless explicitly stated otherwise). These archival numbers are clearly marked on the sheets of each manuscript and permit any reader to identify the location of any given passage.

<sup>24</sup> In Evidence, the initial testimony section ends on page 150; the June 19 material begins at the top of page 151.

<sup>25</sup> In House, the initial testimony section ends and the June 19 trials begin on archival page 64. Certain sheets of each transcript also have numbers apparently written in 1822 by the clerk who wrote the documents. These original numbers provide additional signs that Evidence was written first. The first sheet of House lacks an original number; the sheet's upper right-hand corner is missing. The next full sheet of House has a clear "3" in the upper right-hand corner, and subsequent pages through page 11 are sequentially numbered in the same spot in what appears to be the handwriting of the clerk who made the copy. Presumably the missing corner of the first sheet had "1" on the front side and "2" in a corresponding place on the verso. The House sheets with these original numbers have the archival page numbers 55–58 and 61–64. (The archives mistakenly assigned the numbers 59–60 to a subsequent page of testimony. Because the testimony flows continuously from one page to the next, it is easy to identify the correct original location of this misplaced and incorrectly numbered page. No other page of either manuscript appears to be out of its original order, which can be conclusively established by the continuity of testimony from one page to the next.) The original page numbers of House establish a continuous sequence of pages through page 11. After page 11, House does not have original page numbers. Evidently the clerk neglected to number those pages. The continuity of testimony from page to page proves, however, that the unnumbered pages are in proper sequential order. Since the initial section of testimonies in House ends on the page originally numbered "8" and the June 19 proceedings begin immediately on the same page and run continuously through the page originally numbered "11" and thereafter, at least these pages of House represent a continuous document, a document apparently copied from the discontinuous initial testimony and June sections of Evidence.

<sup>26</sup> Evidence, 151.



appears, in other words, to have been the first page of the proceedings, darkened by greater exposure to light than its reverse side and all other interior pages, which are a light cream color.<sup>27</sup> Page numbers are a second way the June court proceedings section of Evidence differs from the initial testimony section. The nineteen pages of the June court proceedings in Evidence are numbered consecutively, establishing that the record of the proceedings was originally a separate document from the initial testimony section, which lacks original page numbers.<sup>28</sup> A comparison of this pattern to the continuous pagination of House, from the outset of the initial testimony section through the first pages of the court proceedings, strongly suggests that a clerk copied the separate documents of Evidence (that is, the initial testimony section and the June proceedings) to prepare House, which begins with the initial testimony section on a page he numbered "1."

Confirming evidence that House is a copy of Evidence comes from the way the June court proceedings and the subsequent confessions section are recorded. In Evidence, the court proceedings from June 19 through June 27 are recorded on pages originally numbered 1 through 19.<sup>29</sup> The concluding testimony of June 27 stops about halfway down original page number 19, and the rest of that page and its reverse are blank.<sup>30</sup> At the top of the next new page the confessions section begins and continues without interruption for eleven pages, then stops less than halfway down the concluding page, which is followed by two blank pages.<sup>31</sup> Then, starting at the top of a new page, the testimony of the second set of court proceedings begins with the dated entry for July 10.<sup>32</sup> In other words, it appears that a clerk wrote the transcript of the first eight days of court proceedings (June 19–27) and then stopped. The same clerk also transcribed a separate collection of confessions, which were placed in Evidence following the June 27 testimony. Then, when the court reconvened on July 10, the clerk started a new page of the tran-

<sup>27</sup> Turning to the last page (256) of Evidence, the page labeled "Evidence Document B," one finds a similar, though somewhat lighter, discoloration and clear signs that the entire document was once folded in fourths, probably at the time it was originally filed with the legislature. This suggests that the current last page is the original last page of the proceedings submitted as evidence to the General Assembly.

<sup>28</sup> Unlike House, the initial testimony section of Evidence lacks original page numbers. These opening pages are intact; they contain no signs that the original page numbers have been effaced or torn away. The pages originally numbered 1–19 have archival numbers 151–169. The tip of the upper right-hand corner of the first sheet of the June court proceedings is missing, but what appears to be the bottom of the numeral "1" is visible below the tear. The verso side of this sheet has no sign of a page number, nor does the recto of the next sheet, which also has a tip missing from the upper right corner. The verso of this page is clearly numbered "4," and all subsequent pages are sequentially numbered in the same spot through page "19." Sheets following archival page number 169 do not have original page numbers, probably because of clerical neglect. The continuity of testimony establishes that the sheets are in proper sequential order.

<sup>29</sup> Evidence, 151–69.

<sup>30</sup> Testimony stops on Evidence, 169; page 170 is blank.

<sup>31</sup> Although this section is not labeled "Confessions Section," it is composed exclusively of what are called "confessions" in the transcript. This section runs continuously from the top of page 171 through a third of the way down 180. The rest of page 180 is blank, as are pages 181–82.

<sup>32</sup> Evidence, 183.

script. This pattern of recording strongly suggests that the transcript of the proceedings of June 19–27 was written out by the clerk sometime after June 27 and before July 10, a likelihood of considerable significance in understanding the conspiracy trials.

These discontinuities in Evidence between the end of the June 27 testimony and the start of the confessions section and between the end of the confessions section and the start of the July 10 testimony are not matched in House. There, the confessions section immediately follows, on the same page, the end of the testimony of June 27. The confessions run continuously to end in the middle of a page; then, with no blank space, they are immediately followed by the trial testimony of July 10 and subsequent days.<sup>33</sup> This pattern of continuity in House and discontinuity in Evidence persists throughout the manuscripts, making virtually certain the priority of Evidence.<sup>34</sup> Apparently, a clerk wrote out House as a continuous copy of the separate sections of Evidence.<sup>35</sup>

Knowing that House is a copy helps date the manuscripts, crucial information for understanding the transcripts and their context. According to the manuscripts, court proceedings occurred in three separate phases. The first set of court sessions convened between Wednesday, June 19, and Thursday, June 27, interrupted only by observance of the Sabbath. The Evidence record of these proceedings was probably written sometime during the next twelve days before the beginning of the second phase of trials, which ran from Wednesday, July 10, through Friday, July 26, again interrupted only by

<sup>33</sup> Page 80 of House contains the end of the June 27 proceedings and the start of the confessions section; page 88 contains the end of the confessions section and the start of the July 10 proceedings.

<sup>34</sup> For example, in Evidence, the proceedings of July 10 begin at the top of page 183 and end about halfway down page 184, the rest of which is blank. The testimony of July 11 starts at the top of page 185 and ends midway down the page; it is immediately followed by the trial record of July 12, which ends near the bottom of page 185, the rest of which is blank—the court had short sessions on those two days. Page 186 is blank. At the top of page 187 begin the trial proceedings of July 13. In House, the proceedings of July 11–13 are recorded continuously on pages 89–90, with no blank spaces intervening between the end of testimony one day and the start of testimony the next day.

<sup>35</sup> Ample additional evidence that House is a copy of Evidence can be found in the content of the two manuscripts, but that evidence is ignored here to conserve space. Knowing that House is a copy helps establish that Evidence is intact. Although the blank pages in Evidence might indicate missing intervening pages, the continuous sequence of recording in House that parallels the discontinuous material in Evidence shows conclusively that there are no missing pages in Evidence—with one exception. The last surviving page of the July 26 proceedings (Evidence, 232) ends in the middle of witness testimony. (This page is also discolored compared to 231 and preceding pages, suggesting that it has been the last surviving page of this section for some time. The discoloration is notably less dark than that on the first page of the trial proceedings section [Evidence, 151].) At the top of the next surviving page (Evidence, 233), the trial proceedings of Aug. 3 begin, recorded in different clerical handwriting. The missing testimony that concludes the July trials is found at the end of House, where it occupies one page and three lines—conclusive evidence that one sheet is missing from Evidence, that this sheet existed at the time the House copy was made, and that it became lost sometime thereafter, probably after both Evidence and House were submitted to the legislature in late Nov. 1822. For the August proceedings, see Evidence, 233–51. Page 233 is not discolored.

Sunday recesses. For the most part, the July trials in Evidence are recorded by starting a new day's testimony at the top of a new page and, at the conclusion of that day's testimony, leaving blank whatever space remained on the page, then starting the next day at the top of the next new page. This pattern suggests the likelihood that at the end of each day, a clerk wrote out the record of that day's testimony. Seven days after the end of the July proceedings, the third, abbreviated set of trials started on Saturday, August 3, then recessed for two days before concluding on Tuesday, August 6.<sup>36</sup> House was probably copied, using all the accumulated records preserved in Evidence, after the July trials ended. The clerk who wrote House did not copy the material from the August trials and probably did not have access to it. Evidence, in other words, recorded the court proceedings in process; the House copy of Evidence was made retrospectively, probably in late July or early August. In any case, it seems certain that both Evidence and House existed in their present form by early to mid-August 1822, before the publication of the *Official Report* in October. There can be no doubt that the *Official Report* is based on the manuscripts, rather than vice versa. Nor can there be doubt that Evidence is the original surviving transcript of the Vesey court.

In *Designs against Charleston*, Pearson demonstrates no awareness that House is a copy of Evidence. Although he claims to have "used" both manuscripts, a word-by-word comparison of *Designs against Charleston* with both House and Evidence proves that *Designs against Charleston* is based mostly on House. For example, *Designs against Charleston* usually adheres to the House practice of changing "&" found in Evidence to "and." The book also follows House's introduction of commas to Evidence passages that lack them and House's omission of commas from Evidence passages that have them. The decision to base *Designs against Charleston* on House, the copy, rather than on Evidence, the original, would not matter if the contents of House and Evidence were truly replicates, as Pearson asserts. After all, the fundamental question is whether the transcript published in *Designs against Charleston* is faithful to the original manuscript, Evidence. But they are not replicates. A word-by-word comparison of Evidence and *Designs against Charleston* reveals that there are 5,000–6,000 discrepancies between the Evidence manuscript and the published transcript in *Designs against Charleston*.

<sup>36</sup> The Evidence record of the August trials follows the familiar discontinuous pattern, suggesting that clerks summarized testimony after the end of each day's proceedings. The Aug. 3 testimony begins at the top of Evidence, 233, and continues to its conclusion less than halfway down page 236, the rest of which is blank. The Aug. 6 testimony begins at the top of page 237 and runs continuously to the middle of page 251. The Aug. 3 handwriting is different from the Aug. 6 handwriting, and both are different from that in all the rest of both Evidence and House, suggesting that three different clerks transcribed the manuscript: Clerk 1, who wrote everything except the August testimony; Clerk 2, who wrote Aug. 3; and Clerk 3, who wrote Aug. 6. This last section of Evidence was probably completed in early August, most likely after the completion of the House copy. If the House copy had not been completed by Aug. 6, when the trials finally ended, it seems likely—though not certain—that House would have included the August material.

Since many of these differences are matters of punctuation and capitalization, it may be tempting to wave them off as insignificant editorial alterations made for publication. That temptation should be resisted. Changes in punctuation can alter both the meaning of passages and the authority of the text. It becomes impossible for a reader of the published text to judge such essential qualities of the original as the care with which it was transcribed or its peculiarities of diction and syntax, which may be revealing.<sup>37</sup> The introduction of thousands of changes of punctuation and capitalization conveys a false sense of the original manuscript. To promise a faithful transcript and not deliver it violates the authenticity of the manuscript and the trust of the reader.

Worse, *Designs against Charleston* does not reliably transcribe passages that are the same in both Evidence and House. In the first twenty-nine words of the court proceedings published in *Designs against Charleston*, there are ten differences between the published version and both Evidence and House.<sup>38</sup> Consider some of more than 550 instances in which *Designs against Charleston* adds words not present in either Evidence or House (see Figure I), omits words that are present in both manuscripts (see Figure II), or changes clearly legible words present in both manuscripts (see Figure III). Although such word additions, omissions, and changes are not the most damaging flaws in *Designs against Charleston*, they fatally corrupt the published transcript and render it an unreliable guide to the manuscript court record.<sup>39</sup> All these discrepancies between *Designs against Charleston* and the manuscript transcript appear to be the result of nothing more systematic than unrelenting carelessness. *Designs against Charleston*, however, also compromises the unique chronological integrity of the manuscript court record with ill-advised editorial interventions.

The *Official Report* provides no chronology for the various trials and testimony except to say that they began on June 19 and ended on August 6. It does include a list of arrest and execution dates.<sup>40</sup> Otherwise, the court simply listed trials and witness testimonies without indicating who said what when, a matter of fundamental significance in assessing the meaning of both

<sup>37</sup> Consider just one example: In *Designs against Charleston*, 232, a witness testifies: "Peter named Poyas' plantation where he went to meet Bellisle Yates, I have seen at the meetings, and Adam Yates, Naphur Yates." In Evidence, the testimony reads: "Peter named Poyas plantation where he went to meet—Bellisle Yates I have seen at the meetings & Adam Yates, Nafur Yates" (207b; to correct an archival page numbering error, this unusual number was assigned by the archives to an otherwise ordinary sheet.)

<sup>38</sup> In this brief opening passage, Pearson omits two words found in both Evidence and House, raises one capitalized name to all capitals, capitalizes a lower-case word, makes a plural singular, adds a comma and a period, twice omits *th* after 19, and reverses the order of the day and the month; compare Pearson, ed., *Designs against Charleston*, 165, Evidence, 151, and House, 66. In addition, Pearson lists the names of 6, not 5, freeholders as members of the court, mistakenly listing James Legare twice, an error also pointed out in Charles H. Lesser, "Failed Revolt, Faulty Edition," *Documentary Editing*, 21 (1999), 61–64.

<sup>39</sup> I have prepared a faithful transcript of Evidence for publication.

<sup>40</sup> This list of arrests is the source of all the arrest dates mentioned hereafter; *Official Report*, 183–88.

FIGURE I

Word Additions: Words in *Designs against Charleston* Not Present in Evidence or House, Selections from More Than 150 Instances. (Boldfaced words in the *Designs against Charleston* column are not present in Evidence or in House. Page references follow each selection; punctuation and capitalization are from *Designs against Charleston* and Evidence, respectively.)

<i>Designs against Charleston</i>	Evidence
a pendant on a vessel's mast . . . 'tis numbered <b>76</b> (p. 166)	a pendant on a vessels' mast . . . 'tis numbered [blank space] (p. 151)
he put the same question to me <b>on that subject</b> (p. 169)	he put the same question to me (p. 153)
they would kill <b>all</b> the whites (p. 174)	they would kill the whites (p. 157)
he had <b>not</b> met him at Jack's (p. 178)	he had met him at Jack's (p. 148)
if my master had not <b>any</b> arms in his house (p. 192)	if my master had not arms in his house (p. 143)
Jack appointed <b>me</b> to meet Julius (p. 196)	Jack appointed to meet Julius (p. 183)
I know that he had joined <b>me</b> in the business (p. 204)	I know that he had joined in the business (p. 190)
<b>(taken three days after his arrest on July 10)</b> (p. 206)	(p. 191)
<b>When I was working with Tom, I did not eat any meals at the shop, but at home.*</b> (p. 209)	(p. 194)
<b>I know Jack Purcell, but not that he is concerned in this business— I did give to Monday Gell a message for Vesey.**</b> (p. 214)	(p. 196)
a free <b>black</b> man (p. 215)	a freeman (p. 197)
white people would <b>like to</b> kill as many as they could (p. 217)	white people would kill as many as they could (p. 176)
<b>(alias Harry Bull, one of the Bishops or Ministers in the African Church)***</b> (p. 222)	(p. 180)
crossing the <b>Mall in front</b> of Flinn's Church (p. 222)	crossing the [blank space] of Flinns Church (p. 180)

FIGURE I (CONT'D)

<i>Designs against Charleston</i>	Evidence
to fight against the <b>Whites</b> before the 16th. June (p. 224)	to fight against the [blank space] before the 16th June (p. 203)
the wise ones <b>are</b> at the root of it (p. 231)	the wise ones at the root of it (p. 179)
<b>from whom the horse was hired</b> ****(p. 233)	(p. 209)
does not recollect that Monday Gell was <b>ever</b> there (p. 261)	does not recollect that Monday Gell was there (p. 234)
Prisoner spoke favorably [sic] to this business but once <b>in a</b> while at his Shop (p. 264)	Prisoner spoke favourably to this business but once while at his Shop (p. 238)

\* These words can be found in *Official Report*, 111–12.

\*\* Similar words can be found *ibid.*, 117.

\*\*\* These words can be found *ibid.*, 126.

\*\*\*\* These words can be found *ibid.*, 134.

the testimony and the trials. The manuscript court record preserves much of the vitally important chronology obscured in the *Official Report*. With the exceptions of the initial testimonies and confessions sections, Evidence lists witnesses' statements under the date of the court session, creating an unambiguous chronology for nearly all the testimony.

Instead of remaining faithful to the chronological order of Evidence, *Designs against Charleston* scrambles it, taking testimony from the initial testimonies section of the manuscript and inserting it here and there throughout the published transcript, often according to where those testimonies were published in the undated *Official Report*. For example, *Designs against Charleston* presents the testimony of slave Yorrick Cross as the lead-off witness on June 21.<sup>41</sup> In Evidence, Yorrick Cross's testimony does not appear on June 21. Instead, it is part of the initial section of testimonies.<sup>42</sup> Although Cross's testimony is not explicitly dated, the content of the testimony makes it possible to approximate when it was given. Cross testified that he spoke to slave Harry Haig "last tuesday the very day the 6 men were hanged about 6 oClock (AM)."<sup>43</sup> Denmark Vesey and five others were hanged on Tuesday, July 2. Cross could not possibly have known on June 21 that Vesey and five others would be executed eleven days later on Tuesday, July 2; Denmark Vesey was not even arrested until Saturday, June 22.<sup>44</sup> Although Pearson's

<sup>41</sup> Pearson, ed., *Designs against Charleston*, 175, places Cross's testimony under the heading, "The trial of PETER," obtained with notice from the *Official Report*.

<sup>42</sup> Evidence, 144–48.

<sup>43</sup> *Ibid.*, 146; Pearson, ed., *Designs against Charleston*, 176.

<sup>44</sup> Reading Cross's impossibly prescient testimony in Pearson, ed., *Designs against Charleston*, 175–78, provoked me to go to the archives and consult the manuscript documents.

FIGURE II

Word Omissions: Words in Evidence and House Omitted from *Designs against Charleston*, Selections from More Than 130 Instances. (Boldfaced words in the Evidence column are present in the Evidence and House manuscripts but absent from *Designs against Charleston*. Page references follow each selection; punctuation and capitalization are as in *Designs against Charleston* and Evidence, respectively.)

<i>Designs against Charleston</i>	Evidence
I asked to join (p. 175) we will, said he (p. 179) 158)	I asked <b>him</b> to join (p. 144) we will <b>give them notice</b> said he (p. 158)
I have not conversed with him (p. 181)	I have not <b>since</b> conversed with him (p. 161)
he said he wanted to join them (p. 191)	he said he wanted <b>me</b> to join them (p. 166)
the blacks stood in great fear of him, and so much so (p. 192)	the blacks stood in great fear of him and <b>I</b> so much so (p. 143)
we will not tell any one (p. 206)	we will not tell <b>on</b> any one (p. 175)
tried to get people to join (p. 214)	tried to get <b>down the</b> people to join (p. 196)
he was going to fix the pikes (p. 223)	he was going to fix <b>on</b> the Pikes (p. 201)
a quantity of slow match was found (p. 226)	a quantity of slow match was found <b>secreted</b> (p. 204)
(p. 227)	<b>Capt. Christopher Black-Sworn— The match rope produced resembles the rope in the arsenal precisely, and I believe it to be the same</b> (p. 205)
he had frequent conversations with the witness (p. 248)	he had frequent conversations <b>on this subject</b> with the witnesses (p. 223)
did not speak to any one (p. 252)	did not <b>stop on the way to</b> speak to any one (p. 226)
they slept in the hall and in my room (p. 253)	they slept in the Hall and <b>I</b> , in my room (p. 227)
the Prisoner had horses ready (p. 273)	the Prisoner had <b>two</b> horses ready (p. 249)
The Prisoner said positively that he would join them. (p. 274)	The Prisoner <b>never</b> said positively that he would join them. (p. 250)

FIGURE III

Word Changes: Words in *Designs against Charleston* that Differ from Corresponding Words in Evidence and House, Selections from More Than 270 Instances. (Boldfaced words in the *Designs against Charleston* column differ in both Evidence and House from the corresponding boldfaced words in the Evidence column. Page references follow each selection; punctuation and capitalization are as in *Designs against Charleston* and Evidence, respectively.)

<i>Designs against Charleston</i>	Evidence
the last time we <b>met</b> (p. 176)	the last time we <b>spoke</b> (p. 146)
I said that won't do to fight with <b>hoes</b> (p. 179)	I said that wont do to fight with <b>here</b> (p. 158)
Peter and Ned Bennett, <b>Isaac</b> talking together (p. 180)	Peter & Ned Bennett <b>I saw standing &amp;</b> talking together (p. 159)*
he told us (vizt. <b>Joe Jore</b> and myself) (p. 182)	he told us (viz <b>Tom, Toney</b> & myself) (p. 162)
Since Joe gave information against Rolla, he has been <b>disheartened</b> (p. 183)	Since Joe gave information against Rolla, he has been <b>distracted</b> (p. 163)
about <b>a</b> month <b>after</b> Rolla advised me to join (p. 184)	about <b>a a</b> month <b>ago</b> Rolla advised me to join (p. 163)
Henry <b>Campbell</b> also present (p. 184)	Henry <b>Woodworth</b> were also present (p. 164)
Denmark Vesey frequently came into our Shop, which is near <b>our</b> house (p. 191)	Denmark Vesey frequently came into our Shop, which is near <b>his</b> house (p. 166)
Bacchus asked about arms— <b>whose</b> they were (p. 200)	Bacchus asked about arms— <b>where</b> they were (p. 171)
he thinks <b>Purcell</b> knows (p. 200)	he thinks <b>Perault</b> knows (p. 172)
they threatened to kill every <b>man</b> (p. 200)	they threatened to kill every <b>one</b> (p. 173)
Monday Gell can tell who is at the <b>heart</b> of this (p. 201)	Monday Gell can tell who is at the <b>head</b> of this (p. 173)
Previous to the <b>10th</b> . (p. 204)	Previous to the <b>16th</b> (p. 189)
he was to get some powder <b>for</b> his master (p. 204)	he was to get some powder <b>from</b> his master (p. 190)

\* The House manuscript contains a hole as follows: "I sa[the hole] talking together."



FIGURE III (CONT'D)

<i>Designs against Charleston</i>	Evidence
Bacchus <b>and</b> Charles (p. 205)	Bacchus <b>met</b> Charles (p. 175)
Denmark took the pistol to himself, it was given to him in his own <b>house</b> (p. 206)	Denmark took the pistol to himself it was given to him in his own <b>hand</b> (p. 176)
talked together in Gullah so that I <b>should</b> not understand them (p. 209)	talked together in Gullah so that I <b>could</b> not understand them (p. 194)
he wanted to say something particular to <b>one</b> (p. 211)	he wanted to say something particular to <b>me</b> (p. 144)
the <b>3 times</b> I met Joe (p. 212)	the <b>3d time</b> I met Joe (p. 195)
if you hear of a good <b>ride</b> , make him <b>Captain</b> of Troop (p. 218)	if you hear of a good <b>rider</b> make him <b>Capt</b> of Troop (p. 178)
Polydore brought to the farm <b>three</b> pike poles (p. 222)	Polydore brought to the farm <b>those</b> pike poles (p. 201)
Robert <b>Bounaparte</b> (p. 222)	Robert <b>Robertson</b> (p. 200)
Some time before any <b>discussions</b> or apprehensions (p. 245)	Some time before any <b>discoveries</b> or apprehensions (p. 221)
he was engaged some time before the affair was <b>discussed</b> (p. 248)	he was engaged some time before the affair was <b>discovered</b> (p. 223)
<b>by</b> about <b>dark</b> (p. 252)	<b>they</b> about <b>dusk</b> (p. 227)
we <b>would</b> rise (p. 257)	we <b>must</b> rise (p. 231)
always enquired what arms and ammunition they had <b>possessed</b> (p. 262)	always enquired what arms and ammunition they had <b>prepared</b> (p. 235)
it was his <b>contention</b> to make a discovery (p. 262)	it was his <b>intention</b> to make a discovery (pp. 235–36)
He is an <b>officer</b> . (p. 265)	He is an <b>African</b> . (p. 253)
Some <b>are then prepared</b> to make the attempt <b>in</b> the morning of Execution (p. 267)	Some <b>one there proposed</b> to make the attempt <b>on</b> the morning of Execution (p. 241)
it should be made the day before, & <b>right</b> on that day (p. 267)	it should be made the day before & <b>not</b> on that day (p. 241)
Enslow was <b>seen</b> often at his Shop (p. 267)	Enslow was <b>not</b> often at his Shop (p. 242)

FIGURE III (CONT'D)

<i>Designs against Charleston</i>	Evidence
had met with him twice <b>over</b> at Monday Gell's shop (p. 268)	had met him twice <b>once</b> at Monday Gells Shop (p. 243)
Smart Anderson spoke to the Prisoner of the necessity of <b>readying</b> themselves in order to accomplish their purpose (p. 270)	Smart Anderson spoke to the Prisoner of the necessity of <b>renting</b> themselves in order to accomplish their purpose (p. 245)
he said that on that day <b>in the</b> night there would be a "Gentleman's <b>Battle</b> " (p. 272)	he said that on that day <b>or</b> night there would be a "Gentleman <b>battle</b> " (p. 247)
James Clement and <b>Nero</b> worked (p. 273)	James Clement and <b>others</b> worked (p. 249)
the whites would kill without <b>hesitation</b> (p. 274)	the whites would kill without <b>distinction</b> (p. 249)
the witness said " <b>We</b> , the people <i>will</i> rise to <i>prevent</i> the Execution" (p. 274)	the Witness said " <b>No</b> the people <i>will</i> rise to prevent the Execution" (p. 249)

logic for placing the Cross testimony on June 21 remains ineffable, the testimony itself shows that it must have been given after Tuesday, July 2 ("last tuesday"), and on or before Tuesday, July 9.<sup>45</sup> Even the *Official Report* notes,

<sup>45</sup> This approximate date is valuable because it helps to date the initial testimony section of the manuscript. The week between July 2 and 9, when Cross testified, falls in the 12-day period between the end of the June proceedings and the start of the July trials, when—according to Evidence—the court was not in session. That is, Evidence contains no dated entries for the period after the end of the June trials on the 27th and the start of the July trials on the 10th. Yet, the Cross testimony explicitly states that Cross testified in the presence of the court, providing one piece of evidence that the court was taking testimony when, according to the manuscript record, it was not in session; Evidence, 144. The other testimonies collected in the initial section of testimony were probably taken under similar circumstances. In order, they are: slave Pompey Bryant (143), slave Edwin Paul (143), slave Frank Ferguson (143–44), master James Ferguson (144), slave Pharo Thompson (144), slave Patrick Datty (144), slave Yorrick Cross (144–48), master George W. Cross (149), and slave George Vanderhorst (150). All the testimonies could have been given between the June and July trials; one black witness (Cross) definitely testified then; three (Bryant, Ferguson, and Vanderhorst) probably did; two others (Paul and Thompson) might have; and one (Datty) cannot be dated at all. With the exceptions of Bryant and Datty, none of these witnesses could have given their testimony before the opening of the court proceedings on June 19 because they referred to events that occurred after the trials began. Most likely, these testimonies were taken by the court opportunistically on various days after the end of the June proceedings and before the start of the July trials, whenever a witness happened to be presented to them either by arresting officials or by masters. At some point, the clerk probably collected the notes of these interrogations and copied them into the continuous

without identifying Cross, that this testimony was given after the June sessions "in the course of the succeeding trials."<sup>46</sup>

Nonetheless, the manuscript transcript makes clear that the *Official Report* routinely falsifies the June court proceedings by calling them trials. Consider the case of Denmark Vesey. Under the heading "THE TRIAL OF DENMARK VESEY, a free black man—Col. G. W. Cross attending as his Counsel," the *Official Report* groups testimony from five witnesses, all of it preceded by the label "Evidence." Although the court conducted its sessions behind closed doors, according to the *Official Report* it allowed the accused to confront and cross-examine witnesses, to make statements in their own defense, and to be represented by counsel or, if slaves, by their owners.<sup>47</sup> The manuscript court transcript makes it possible to determine the extent to which these rules governed the proceedings against Vesey. Two of the witnesses against Vesey listed in the *Official Report*, William Paul and Joe LaRoche, testified on June 19 and June 20, before Vesey was even in custody. Since Vesey was not arrested until June 22, he could not possibly have heard their testimony or questioned them. The other three witnesses against Vesey—Frank Ferguson, Adam Ferguson, and Benjamin Ford—all testified on June 27, although approximately a third of Frank Ferguson's testimony that appears in the *Official Report* was actually given after the June court sessions adjourned.<sup>48</sup> In all, half the testimony the *Official Report* published against Vesey was given when he could not possibly have been present to hear or question it.<sup>49</sup>

The manuscript transcript contains no mention of a trial of Denmark Vesey. It says nothing about the presence in court of Vesey or G. W. Cross as his counsel. It says nothing about Vesey facing his accusers or questioning them, yet the *Official Report* describes dramatic encounters of this sort. While various witnesses mentioned Vesey in their statements during the June proceedings, the manuscript discloses no evidence that Vesey himself was ever examined. Not a single word of testimony from Denmark Vesey exists in the manuscript. Nor is there any statement of the court's verdict or of Vesey's sentence, although the *Official Report* concludes Vesey's trial with "The Court *unanimously* found Denmark Vesey GUILTY and passed upon him the sentence of *death*."<sup>50</sup> If a trial of Denmark Vesey was held, as the

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record that now appears as the initial testimonies section in Evidence (and House) and that is placed before the opening of the court sessions on June 19. That placement was almost certainly an arbitrary clerical convenience rather than an indication that the testimonies were given before the trials began.

<sup>46</sup> *Official Report*, 76.

<sup>47</sup> *Ibid.*, 85–90, vi.

<sup>48</sup> The *Official Report* silently merges Ferguson's June 27 testimony with additional testimony that was evidently collected from him after the end of the June session and before the start of the July sessions. The additional testimony appears in the initial testimonies section of the manuscript court record; Evidence, 143.

<sup>49</sup> Testimony from witnesses against Vesey occupies 161 lines in the *Official Report*; 52 of those lines of testimony came from Paul and LaRoche before Vesey was arrested, and 27 came from Frank Ferguson while Vesey awaited execution or after he was dead.

<sup>50</sup> *Official Report*, 40, 45, 89.

*Official Report* claims, no sign of it appears in the original manuscript of the court proceedings.

Vesey's case is typical of the June court proceedings, with one exception: all five slaves who were executed with him were at least in custody when the witnesses the *Official Report* attributes to their trials actually testified in court, although there is no evidence that they were present during the testimony against them.<sup>51</sup> The word "trial" never appears in the record of the June sessions, nor does the word "Evidence" precede testimony. Instead, the manuscript court proceedings simply report the testimony of individual witnesses. In the June proceedings, there is no sign that any given witness's testimony referred to the trial of a specific defendant.<sup>52</sup> Four of the five slaves executed along with Vesey—Rolla Bennett, Batteau Bennett, Jesse Blackwood, and Peter Poyas—are mentioned as present in court at one time or another, but none of them is described as present during the testimony against him, as claimed by *Official Report*.<sup>53</sup> The Evidence manuscript strongly suggests that during the June sessions the court simply interrogated various witnesses, then decided by June 27 that the testimony added up to sufficient proof of the guilt of Denmark Vesey and the five others executed on July 2.

Despite the absence of any sign of trials in the June proceedings, *Designs against Charleston* imports into the published court transcript, with due notice, the *Official Report* headings of trials. Inexplicably, *Designs against Charleston* encourages readers to believe that the record of proceedings in the *Official Report* possesses the same authority and reliability as the manuscript trial record. When read in light of the Evidence manuscript, the *Official Report* manifestly creates the illusion of trials by describing separate trials not present in the court record, chopping up continuous witness testimony to make it appear to have been given in the trials of specific defendants, reporting the courtroom presence of defendants and their masters or counsels, and reporting individual verdicts and sentences. It is no exaggeration to say that, if Evidence is to be believed, the *Official Report* lies about the trials of Denmark Vesey and the five slaves sentenced to death at the conclusion of the June proceedings.

Far from being an impartial account of court proceedings, the *Official Report* is a document of advocacy, a public, retrospective statement of the prosecution's case against Denmark Vesey and the many other defendants. It must be read and interpreted with the suspicion warranted by special pleading. In the *Official Report*, the court defended its procedures and congratulated itself on a job well done: "By the timely discovery of this plot, Carolina has been rescued from the most horrible catastrophe with which it

<sup>51</sup> Rolla, Batteau, and Ned Bennett and Peter Poyas were all arrested on June 18, one day before the court's opening session. Jesse Blackwood, the fifth slave executed on July 2, was arrested on June 23.

<sup>52</sup> Five witnesses, however, offered very brief testimony "in behalf of," that is, in defense of, Rolla Bennett; Evidence, 162–63.

<sup>53</sup> See *ibid.*, 164, 166, 168–69.

has been threatened since it has been an independent state.”<sup>54</sup> By giving the appearance of trials, the court justified its decision to send thirty-five men to the gallows. In addition, by claiming to have conducted trials that evidently never occurred, the court responded to its critics by cloaking its summary procedures in false claims of rudimentary due process.

The court’s actions provoked two important critics, one public and outspoken, the other private, maneuvering through official channels behind the scenes. Although both critics held high office and wielded considerable power, neither influenced the court as he desired. On the contrary, the criticisms of both men backfired, invigorating the court, sending more slaves to the gallows, and ultimately shaping the character of the *Official Report* and subsequent histories of the Charleston insurrection conspiracy.

Only two days after the court launched its June sessions, William Johnson, Jr., published in the *Charleston Courier* a seemingly innocuous account of an insurrection scare a decade or so earlier near the Georgia-South Carolina border. South Carolina’s most eminent jurist of the era, Johnson had been a United States Supreme Court justice since 1804, when Thomas Jefferson tapped him as his first appointee.<sup>55</sup> Johnson’s familiarity with cases and courts from the lowest to the highest levels of jurisprudence gave his remarks a certain gravity. Under the title “Melancholy Effect of Popular Excitement,” Johnson described political leaders’ overreaction to a hoax that hinted of an impending slave insurrection in 1810 or 1811. A half-drunk cavalry trumpeter in Edgefield County, South Carolina, bored with waiting for the slave rebels to appear, sounded a blast on his bugle. Vigilant cavalrymen nearby interpreted the bugle call as the signal for the insurrection to begin and galloped away to crush the uprising. Finding only “a single poor half-witted negro . . . crossing a field on his way home, without instrument of war or music,” the cavalry seized the slave and, when he denied any knowledge of the insurrection, “he was whipped severely to extort a confession, and then, with his eyes bound, commanded to prepare for instant death from a sabre, which a horseman was in the act of sharpening beside him.” The slave “now recollected” that another slave named Billy had a horn. Militiamen rushed to Billy’s home, where they “found him sleeping in the midst of a large family” and there in one corner of his dwelling, a “terrific horn.” Although “the horn was actually found covered and even filled with cobwebs,” a hastily convened Court of Magistrates and Freeholders convicted Billy of inciting an insurrection and sentenced him to hang. Billy’s master, “thunderstruck at the sentence,” urged the court to give Billy “a more deliberate hearing,” but to no avail. The master roused a judge to appeal to the Court of Magistrates and Freeholders, but the “presiding mag-

<sup>54</sup> *Official Report*, 59.

<sup>55</sup> See Donald G. Morgan, *Justice William Johnson, the First Dissenter: The Career and Constitutional Philosophy of a Jeffersonian Judge* (Columbia, S. C., 1954), and N. Louise Bailey, ed., *Biographical Directory of the South Carolina House of Representatives*, vol. 4, 1791–1815 (Columbia, S. C., 1984), 322–25.

istrate actually conceived his dignity attacked and threatened impeachment against the judge, who, as an individual, had interfered only to prevent a legal murder." Billy was executed.<sup>56</sup>

Johnson claimed later that he believed this account "contained an useful moral, and might check the causes of agitation which were then operating upon the public mind" in Charleston.<sup>57</sup> But rather than checking anything, Johnson's story energized the Charleston Court of Magistrates and Freeholders. Shortly after the article appeared, the court—as if re-enacting Johnson's script—privately wrote him that his account "was calculated to produce, not only a distrust of our proceedings, but contained an insinuation, that, under the influence of popular excitement, we were capable of committing perjury and murder."<sup>58</sup> The members of the court demanded that Johnson retract that insinuation. In a choreography of offended honor, the court and Johnson exchanged barbed accusations that quickly became public.

Two days after the conclusion of the June sessions, on the same day that newspapers first published news of the court's proceedings—namely, that Denmark Vesey and five slaves had been sentenced to hang for "an attempt to raise an insurrection"—the court's "Communication" appeared in the *Courier*.<sup>59</sup> Johnson had insinuated that they were "capable of committing perjury and murder," the court proclaimed, and had "implied" that he "possessed sounder judgment, deeper penetration, and firmer nerves, than the rest of his fellow citizens." The members of the court invoked their own "purity of motives, and their conduct through life" as well as their hope "to have pursued their labors, important to the state and distressing to themselves, unassailed by suspicion or malevolence."<sup>60</sup>

In a brief paragraph published immediately following the court's statement, Johnson asked Charlestonians to "suspend" their "opinion" until he prepared a narrative that would "satisfy all the world that it [the court's communication] is one of the most groundless and unprovoked attacks ever made upon the feelings of an individual. . . . an instance of the most unprecedented pretension." Within a week, Johnson published his rejoinder explaining that he was "the injured man" who had been attacked by the court, "not in the language of my natural political and social equals, but that of dictators."<sup>61</sup>

White Charlestonians spoke out in defense of the court, not Johnson. A. S. Willington, editor of the *Courier*, expressed the "perfect respect which I

<sup>56</sup> "Melancholy Effect of Popular Excitement," *Charleston Courier*, June 21, 1822.

<sup>57</sup> William Johnson, *To the Public of Charleston* (Charleston, [early July] 1822), 5. Although Johnson professed to regret his publication of "Melancholy Effect of Popular Excitement," *To the Public of Charleston* exhibits less remorse than belabored justification of his behavior.

<sup>58</sup> Quoted in Johnson, *To the Public of Charleston*, 8–9.

<sup>59</sup> Announcements of the impending executions appeared in both the *Charleston Courier* and the *Charleston Mercury*, June 29, 1822.

<sup>60</sup> "Communication," *Charleston Courier*, June 29, 1822.

<sup>61</sup> "TO THE PUBLIC," *ibid.*, June 29, 1822; Johnson, *To the Public of Charleston*, 12–13.

feel, in common with the community, for the character and conduct of the gentlemen who compose the Court." When the members of the court, in a huff, proposed to quit now that Vesey and the five convicted slaves were scheduled to hang, a statement appeared in the *Courier* that claimed to speak for "the whole of our citizens" who "cannot refrain from expressing an anxious wish that the gentlemen who compose the present Court, would continue their services until the causes and extent of the excitement which now pervades our community, shall be thoroughly explored." The statement praised the members of the court for the "arduous and painful duty" they had performed, for their "sacrifice of time, of feeling, and of personal consideration," for the "unbounded and unequivocal confidence" their decisions had earned, and for their "integrity, talents, firmness, humanity, and all of those qualities which are calculated equally to ensure justice to the accused, and security to the public."<sup>62</sup>

Whether this balm soothed the court's bruised egos cannot be known. But a glance at the pace of arrests suggests that it may have. Between June 17, the day after the uprising was supposed to begin, and June 28, the day after the court adjourned its June sessions, officials arrested thirty-one suspects, rounding up one or more every day, with the exception of two days.<sup>63</sup> Then for three days after the adjournment of the June court sessions, no arrests were made, suggesting that the court believed its investigation was winding down. Arrests started again on July 2, the day after the appearance of the statement by "the whole of our citizens" and the day Vesey and five slaves went to the gallows. Arrests continued every day for the next two and a half weeks, with the exception of two days, until the court adjourned its July sessions on the twenty-sixth.<sup>64</sup> In all, the court arrested eighty-two suspects in July, more than twice as many as in June.

Executions also indicate the court's renewed vigor. After the six hangings on July 2, the court executed twenty-eight more convicted conspirators before the end of the month, more than four times the number of hangings that resulted from the June sessions. This record of judicial energy during the sweltering heat of July suggests that the court set out to show William Johnson and his ilk that the insurrection conspiracy was no illusion and that the executed black men were bloodthirsty rebels, not victims of legalized murder.

Johnson's ilk included the governor of South Carolina, Thomas Bennett, Jr. The two men were brothers-in-law and close friends. In 1794, Johnson had married Bennett's sister Sarah, and the couple later named one of their sons Thomas Bennett. Like Johnson, Bennett was a Charleston native and a Jeffersonian—he named one of his sons Washington Jefferson.<sup>65</sup> The propri-

<sup>62</sup> *Charleston Courier*, June 29, 1822; "E." to Editor, and "Communication," *ibid.*, July 1, 1822.

<sup>63</sup> No arrests were made on June 19 or 26, both Wednesdays; *Official Report*, 183–88.

<sup>64</sup> Arrests were made every day except July 9 and 14, a Tuesday and a Sunday, respectively; *ibid.*

<sup>65</sup> Bailey, ed., *Biographical Directory of the South Carolina House of Representatives*, 4:54–57.

etor of a thriving lumber and rice mill on the outskirts of the city, Bennett had served in the state legislature almost continuously since 1804, including four years (1814–1817) as Speaker of the House. In the summer of 1822, he was in the last months of his term as governor.

Bennett had an insider's perspective on the proceedings of the Court of Magistrates and Freeholders, and not just because he was governor. The court found treachery lurking in the governor's home at 19 Lynch Street, among his most trusted household slaves. Rolla, Ned, Batteau, and Matthias Bennett were among the first ten slaves arrested in June, and all but Matthias were executed with Vesey on July 2. Since his own slaves were among the accused conspirators and he did not want his objections to appear self-interested, Bennett waited to express his opposition to the court's June proceedings.

As Bennett explained in a report to the legislature that fall, he considered the organization of the court by the Charleston City Council "in every sense . . . an usurpation of authority, and a violation of Law." Bennett objected to the court's mode of operation. He lamented that the court opted "to close its doors upon the community" and hold its sessions in secret. He considered it no less "a source of embarrassment and concern" that the court took testimony from witnesses "under pledges of inviolable secrecy" and "convicted [the accused], and sentenced [them] to death, without [their] seeing the persons, or hearing the voices of those, who testified to their guilt." Such procedures violated the "rules which universally obtain among civilized nations, in the judicial investigation of crime." Secret testimony "shut out those accidental rays, which [in open court proceedings] occasionally illuminate the obscurity, in which innocence and guilt are indistinguishable," a matter of great consequence since a slave conspiracy trial necessarily "admitted no testimony, but such as was equivocal, the offspring of treachery or revenge, and the hope of immunity." By refusing to allow the accused to face their accusers, the court lost the opportunity to separate truth from fiction. "The presence of the innocent [accused], will sometimes fetter the [accuser's] tongue of guilt, and dissolve the best concerted scheme of falsehood," Bennett declared.<sup>66</sup>

Shortly after the court concluded its June sessions and sent three of his slaves to the gallows, Bennett solicited an official opinion from the attorney general of South Carolina, Robert Y. Hayne. In his lengthy response, Hayne advised Bennett, "If I had been asked whether a *free white man* could be lawfully tried by a Court sitting with closed doors and without being confronted with his witnesses I should have had little difficulty in giving the answer. . . . But nothing can be clearer than that *slaves* are not entitled to *these rights*. Magna Charta & Habeas Corpus and indeed all the provisions of our Constitution in favour of Liberty, are intended for *freemen* only." The Charleston court was complying with South Carolina law, Hayne said, and

<sup>66</sup> Thomas Bennett, Jr., Message No. 2 to the Senate and House of Representatives of the State of South Carolina, Nov. 28, 1822, Governors' Messages, 1328, General Assembly Papers, SCDAH.



in any case the governor "is certainly not bound to examine into Judicial errors, nor is it his duty to correct them."<sup>67</sup>

By July 2, the members of the court had been criticized in public by a justice of the United States Supreme Court for committing legalized murder and in private by the governor of South Carolina for sending black men to the gallows in proceedings that could not withstand public scrutiny. Rather than causing the court to exercise greater caution or restraint, the criticisms galvanized the magistrates and freeholders to prove that they knew what they were doing.<sup>68</sup> No proof could be more convincing than identifying, convicting, and punishing additional conspirators. The court set out to do just that when it re-convened on July 10.

The court's critics made the reputation of leading white men dependent in part on discovering an insurrectionary plot among black men. Especially after Johnson accused the court of hot pursuit of a chimera, the magistrates, freeholders, and their supporters needed to uncover more conspirators in order to fortify their own honor and integrity. Both the court and its critics understood the importance of whites' perception of the insurrection conspiracy. Bennett and Johnson deplored "the pitch of excitement" to which the "public mind had been raised."<sup>69</sup> From mid-June to early July, white Charlestonians had lived in a state of hyper vigilance. Day after day militia officers called men away from their jobs and homes to muster, march, patrol, and stand guard. Beating drums and ringing bells summoned and dispatched soldiers, putting ordinary citizens on edge.<sup>70</sup> Was that pealing bell a signal the conflagration had begun? Was that drum roll the call to arms? Were those artillery rounds fired at a black army advancing toward the city? Such questions gave the court compelling public incentives to prove that Johnson and Bennett were wrong, that the conspiracy was more extensive and insidious than the six executions from the June sessions had suggested. More arrests, convictions, and executions would redeem their impugned honor, confirm the wisdom of public alarm, and verify their suppression of the threat. By its actions, the court said to Bennett and Johnson, in effect, "You want trials? We'll give you trials."

During July the court continued to meet behind closed doors, but for the first time the manuscript transcript routinely links the name of an accused slave with the word "trial."<sup>71</sup> The criticisms of Bennett and Johnson

<sup>67</sup> Hayne to Bennett, July 3, 1822, Document E (copy), Governor's Messages, 1328, General Assembly Papers, SCDH.

<sup>68</sup> Other historians of the Vesey conspiracy have discussed the criticisms of Johnson and Bennett without considering their influence on subsequent actions of the court. For another instance of newspaper conflict among whites generating persecution of blacks, see Glenn M. McNair, "The Elijah Burritt Affair: David Walker's *Appeal* and Partisan Journalism in Antebellum Milledgeville," *Georgia Historical Quarterly*, 83 (1999), 448–78.

<sup>69</sup> Bennett, Message No. 2, Nov. 28, 1822, SCDH.

<sup>70</sup> For a description of the city on alert, see Thomas Bennett, Jr., General Orders, Order No. 4, July 8, 1822, Governor's Messages, 1328, General Assembly Papers, SCDH.

<sup>71</sup> For example, "Trial of Mingo Harth." Inexplicably, Pearson routinely omits such passages and instead reprints—with notice—the more elaborate and formal statements from the *Official Report*. See Pearson, ed., *Designs against Charleston*, 213, and *Official Report*, 114.

on one side and the rebuttal by Hayne on the other constitute potent evidence that during the June sessions the accused were not present when witnesses testified against them. In July, however, the accused may have been present in court when testimony was given against them, although the manuscript transcript seldom says so.

Testimony from the accused would document their presence. But, with important exceptions, the accused remain mute in the July transcript, just as they do in June. Of the forty-six men on trial during July who did not confess, only two testified in court, according to the transcript.<sup>72</sup> The most frequent exceptions to the silence of the accused in the July transcript and the strongest evidence of their presence in court are their pleas.<sup>73</sup> The transcript states, for example, "Jimmy Clement—arraigned plea not guilty—put on trial."<sup>74</sup> The July transcript records a plea of not guilty for forty-five of the forty-six defendants who did not confess.<sup>75</sup>

Unlike in the June sessions, during July witnesses came before the court to testify in the trials of specific black defendants. Sometimes during July, a master or his representative cross-examined a witness, a rare occurrence in the June sessions.<sup>76</sup> In addition to announcing trials, listing witnesses and their testimony, and permitting cross-examination, the court also explicitly pronounced judgments and sentences during July. Such judgments and sentences never appear in the June transcript.

The court clearly altered its procedures during July, presumably in response to the criticisms of Bennett and Johnson. But rather than exculpating defendants, as Bennett and Johnson expected, the formalities of trials greatly expanded the scope of the alleged conspiracy, leading to the conviction and punishment of one black man after another who—like the slave Billy in Johnson's account in the *Courier*—admitted no conspiratorial activity. The trials resulted in forty-four convictions: twenty-six men went to the gallows, and eighteen were sentenced to exile outside the United States. Just

<sup>72</sup> The transcript records 22 words of testimony by accused slave Jacob Stagg and 15 words by accused slave Jack Purcell. Accused slave William Colcock pleaded not guilty and gave a 60-word statement during his trial, but he had already "confessed" outside of court. The court considered Colcock's "confession" exculpatory and found him not guilty.

<sup>73</sup> It is possible that the accused were not present in court when their pleas were made.

<sup>74</sup> Evidence, 214. Pearson, ed., *Designs against Charleston*, 240, renders Clement's first name as "Jemmy" and omits the words "put on trial."

<sup>75</sup> Incredibly, Pearson omits "not guilty" pleas clearly present in the trial transcript for 5 of these men: Jerry Cohen, Dean Mitchell, Jack McNeill, Billy Robinson, and John Vincent; Pearson, ed., *Designs against Charleston*, 240, 241, 246, 253, 254; Evidence, 215, 222, 228. In addition, Pearson records "plea not guilty" (216) in the trial of Smart Anderson, although the transcript (Evidence, 197) clearly states "plea Guilty." The plea is followed ultimately by Anderson's confession, which is also included in Pearson, ed., *Designs against Charleston*, 217–18. Two other slaves, Peter Ward and Ben Cammer, pleaded not guilty, but no testimony was taken against them, and evidently they were never actually put on trial. I therefore did not include them among those who had trials and entered "not guilty" pleas. No plea was entered for Julius Forrest. The transcript contains guilty pleas for Smart Anderson and John Enslow. Bacchus Hammett entered no plea at his trial; he made 3 separate confessions.

<sup>76</sup> For the most part, the cross-examinations were perfunctory and brief—at least as recorded in the transcript.

two of the forty-nine men the court tried in July were found unambiguously not guilty. It exaggerates only slightly to say that the July trials were held by a hanging court.

After the execution of thirty-four black men during July, the August trials were an anticlimax. A new court composed of different magistrates and freeholders lacked the zeal of its predecessor. The August court presided over fourteen trials in two days. All the defendants pleaded not guilty, and all but three of them testified in court. Eight men were convicted; one, William Garner, was sentenced to hang, and seven were sent into exile. The court acquitted the other six men. Finally, on August 9, Garner became the last conspirator to die in a noose.

The court not only whitewashed its self-image by retrospectively claiming—falsely—that the trial procedures it adopted in July had been in use since the first sessions in June. It also sanitized, in its *Official Report*, the trial proceedings of July and August. None of the “not guilty” pleas made by forty-five of the men on trial in July appears in the *Official Report*, although the report does not fail to mention the two guilty pleas. Likewise, the three-paragraph narrative of the August trials makes no mention of the “not guilty” pleas entered by all fourteen of the defendants. The *Official Report* literally silences these men who, according to the transcript, officially declared in court that they were innocent.

The substance of the testimony published in the *Official Report* differs from that in the manuscript transcript in two other major ways. First, the court did not resist the temptation to “improve” testimony recorded in the transcript. A word-by-word comparison with the manuscript testimony discloses that the court made thousands of changes in the *Official Report*, omitting words that are present in the transcript, adding words that are not present, and changing words, punctuation, capitalization, and word order. In the aggregate, these changes have the effect of making the testimony of witnesses smoother, less ambiguous, more coherent, and—thereby—more inculpatory. The second major innovation of the court was to publish confessions that do not appear in the manuscript transcript. Calling routine testimony confessions and printing confessions uttered at death’s door helped the *Official Report* inculcate all the defendants, whether or not they confessed, as well as exculpate the court for any alleged irregularity or misjudgment.<sup>77</sup>

In sum, the *Official Report* combines an assertion of the conspirators’ guilt with a defense of the court’s honor. Although historians have inter-

<sup>77</sup> The *Official Report* printed a “voluntary Confession” given by Rolla Bennett and by Jesse Blackwood after witnesses had testified against them but before they had been convicted. Although the June transcript contains testimony from both men, it labels neither testimony a confession. According to the *Official Report*, Bennett and Blackwood confessed again to a local minister who visited them in prison while they awaited execution. The *Official Report* includes these death-row confessions; the transcript does not. During the July sessions, defendants Harry Haig and Jack Purcell confessed after they had been convicted and sentenced to die. Purcell made his confession a “few moments preceding his execution” to the intendant of Charleston, James Hamilton, Jr. Neither of these July confessions appears in the transcript; *Official Report*, 66, 80, 106, 118; Evidence, 164, 168.

preted the court's activities as a response to the insurrectionists' conspiracy, it is more accurate to consider the evidence of conspiracy—especially in the deadly July proceedings—as the court's self-generated response to its wounded honor. It is beyond doubt that the *Official Report* falsifies the record of testimony and court procedures documented in the manuscript transcript. Historians who have relied on the *Official Report* as an accurate statement of the words and deeds of the court, the accused, and their accusers have unwittingly collaborated in the court's deception. Rather than offer a faithful account of what was said and done by the court and the people who appeared before it, the *Official Report* makes a less than scrupulous case for the prosecution of the black defendants and for the defense of the white magistrates and freeholders. It should be read and interpreted with caution, as a document that reveals more about the court and its supporters than about the Vesey insurrection conspiracy. Any credible account of the conspiracy must be derived from the manuscript transcript, a complex and troublesome source.

The court's power inflected every word that appears in the transcript. The court defined the question it considered as "Who were the conspirators?" rather than "Were there conspirators?" It operated on the premise that it must suppress an impending slave insurrection, and it interrogated witnesses, passed judgment, and pronounced sentences accordingly. South Carolina law gave the court power to "hear and determine the matter brought before them in the most expeditious and summary manner."<sup>78</sup> With this mandate, the court used intimidation, beatings, and the threat of death to collect testimony. The court's procedures re-enacted hierarchies of race and status familiar to all masters and slaves. Black witnesses knew that their words, heard by an imposing group of white men, could send them to the gallows. They also knew that the right words might save them from the executioner's slipknots. The court's power over life or death—superseding even the power of a slave's master—gave black witnesses a powerful incentive to try to say what the white court wanted to hear.

One example well illustrates the overt exercise of power that influenced all testimony before the court. William Paul, the first witness interrogated by the court, was arrested May 31, nineteen days before he testified on the opening day of the court's June sessions. Paul's arrest followed a conversation he had on May 25 with Peter Prioleau, who subsequently told his master, John C. Prioleau, that Paul had invited him to join a slave uprising. The white Prioleau immediately informed the intendant of Charleston, James Hamilton, Jr., who convened the Charleston City Council and Governor Bennett to examine Paul on the day of his arrest. Not satisfied when Paul "flatly denied" knowledge of a slave uprising, city officials placed him in "solitary confinement in the black-hole of the Work-House." Hamilton

<sup>78</sup> Attorney General Hayne quoted these words from the slave codes of 1740 and 1754 in his reply to Gov. Bennett; Hayne to Bennett, July 3, 1822, Governor's Messages, 1328, General Assembly Papers, SCDH.

reported later that he appointed a committee "to examine [Paul] from time to time, with the hope of obtaining further intelligence." Since white Charlestonians routinely sent their slaves to the workhouse for beatings, Paul's examinations probably included physical stimuli considered likely to improve his memory. According to Hamilton, after Paul spent "a week in solitary confinement, and beginning to fear that he would soon be led forth to the scaffold, for a summary execution," he recalled in graphic detail the plans for insurrection, plans he repeated in his court testimony.<sup>79</sup>

All the black men arrested were placed in the workhouse.<sup>80</sup> Even if they were not roughed up by the city wardens who arrested them or beaten afterward in the workhouse—as many of them probably were—residing in the workhouse, where beatings were as normal as sunrise, had to focus their minds, much as it did William Paul's.<sup>81</sup> Especially after June 29, when the court announced publicly that Denmark Vesey and five slaves would be hanged, accused conspirators knew their lives were on the line. That knowledge translated the court's power into the personal idiom of each witness.

The palpable menace of the court's power underscores the courage of the forty-five men who pleaded not guilty during the July trials. Just as remarkable, 83 percent of the men arrested did not succumb to the court's desire to hear incriminating testimony. Only twenty-three of the 131 men arrested cooperated with the court by testifying against other defendants. All the rest said nothing, at least nothing recorded in the court transcript.

The silence of the men executed by the court is particularly striking. Of the thirty-five men eventually hanged, twenty-four remained mute. Two of the condemned men gave lengthy confessions to their masters and then briefly testified against other defendants.<sup>82</sup> Four men who went to the gallows gave statements in court implicating others.<sup>83</sup> Only six hanged men spoke a few words in self-defense.<sup>84</sup> No testimony appears in the transcript

<sup>79</sup> *An Account*, 5–7.

<sup>80</sup> Aeneas S. Reeves, the master of the workhouse, submitted a reimbursement request to the legislature for the cost of incarcerating each of the arrested men. See Reeves, General Assembly Petitions, 1822, No. 130, SCDH.

<sup>81</sup> Beatings administered by masters probably preceded the arrest of several of the accused. When James Ferguson heard that two slaves on his plantation were implicated in the conspiracy, he had them "severely corrected in the presence of the other negro men on the plantation; but neither from them, nor from the others could I get any confession that they were at all cognizant of the intended plot." Frustrated, Ferguson "gave orders to my driver to press on them the inutility of denying what was so fully proved against them," but for 4 weeks he could learn nothing; *Official Report*, 28–31. The euphemism "press on them" conveys masters' routine use of beatings to coerce slaves to say what masters wanted to hear. For another instance of the use of beatings to obtain information about a slave conspiracy, see Winthrop D. Jordan, *Tumult and Silence at Second Creek: An Inquiry into a Civil War Slave Conspiracy* (Baton Rouge, 1993).

<sup>82</sup> Here and subsequently the quantity of testimony is indicated by the number of lines occupied by the testimony in the court transcript. The confessors were Bacchus Hammett (confession, 186 lines; testimony, 4 lines) and Smart Anderson (confession, 71 lines; testimony, 7 lines).

<sup>83</sup> Those who testified against others were Rolla Bennett (18 lines), Jesse Blackwood (36 lines), Pharo Thompson (13 lines), and Jack Purcell (6 lines).

<sup>84</sup> Those who spoke in their own defense were Peter Poyas (7 lines), Caesar Smith (3 lines), Jack Purcell (2 lines), Dick Sims (3 lines), Jacob Stagg (3 lines), and William Garner (30 lines). Garner's atypically long defense came in his trial by the anticlimactic August court.

from all the other men who shared Denmark Vesey's fate.<sup>85</sup> Since only two of the executed men had confessed and just six testified to any knowledge of the plot, the court's case against the executed men necessarily rested principally on the testimony of other witnesses. Historians' judgments of Denmark Vesey and the insurrection conspiracy rest there as well.

During June and July the court heard testimony from thirty-three cooperative black witnesses; twenty-three of them had been arrested and were in custody; ten others were not arrested.<sup>86</sup> Almost all (97 percent) of the testimony from those who were not arrested came during the June court sessions or shortly thereafter.<sup>87</sup> These witnesses gave the majority of testimony during the sessions that led to the execution of Vesey and the first five slaves.<sup>88</sup> Nearly all (96 percent) of their testimony was given in secret.<sup>89</sup> Although the court transcript clearly records the names of these witnesses, the *Official Report* does not reveal their identities, in deference to the court's deal with the witnesses' masters to conceal witnesses' names in exchange for their testimony.<sup>90</sup>

By testifying, these unarrested witnesses tiptoed through a dangerous minefield. Their testimony was valuable to the degree that it revealed their knowledge of a conspiracy, but knowing about a plot could easily implicate them in the eyes of the court. To excuse themselves while incriminating others, these men gave testimony in the general form "it's not me; it's them." Such testimony succeeded: the court granted these unarrested witnesses immunity from prosecution. Their immunity is notable since their self-

<sup>85</sup> Ned Bennett, Batteau Bennett, Mingo Harth, Lot Forrester, John Horry, Gullah Jack Pritchard, Joe Jore, Julius Forrest, Tom Russell, John Robertson, Robert Robertson, Adam Robertson, Polydore Faber, Dick Sims, Jack Glenn, Jimmy Clement, Bellisle Yates, Naphur Yates, Adam Yates, Charles Billings, Jerry Cohen, Dean Mitchell, Jack McNeill, and Tom Scott.

<sup>86</sup> I have defined a cooperative black witness as any slave or free person of color whose testimony was not explicitly labeled "in behalf of" a defendant, a clear sign of a defense witness. I have concentrated on the June and July sessions, since the August court was composed of different magistrates and freeholders, met for only two days, and sentenced only one man, William Garner, to be executed. During the June sessions, 5 slaves gave testimony in defense of Rolla Bennett (12 lines), and Peter Poyas spoke in his own defense (7 lines). In the July sessions, 8 black witnesses spoke in defense of a defendant (81 lines in all, 60 lines of which were in defense of Agrippa Perry), and 4 defendants spoke in their own defense (18 lines). In other words, a total of 13 blacks who were not arrested spoke in behalf of a defendant, an act of great bravery and loyalty.

<sup>87</sup> All but 3% of the testimony (15 lines) from cooperative witnesses who were not arrested was given during the June sessions (266 lines) or recorded in the initial testimony section of the manuscript transcript (167 lines).

<sup>88</sup> Of 484 total lines of testimony in the June transcript, 55% (266 lines) came from witnesses who had not been arrested. The remainder (218 lines) came from arrested witnesses.

<sup>89</sup> Including testimony in the initial testimony and June sections of the transcript, secret testimony accounted for 397 of the 415 lines of testimony from cooperative unarrested witnesses.

<sup>90</sup> For example, the initial testimony section of the transcript notes at the outset of the testimony (135 lines) of slave Yorrick Cross, "Before the name of this Witness was given to the Court, his Master [George W. Cross] required of the Court a Solemn pledge that his name should never be revealed, under which pledge the Witness was produced and testified." The transcript identifies Yorrick as "Y"; Evidence, 145. The other secret witnesses were Robert Harth (114 lines), Joe LaRoche (95 lines), George Vanderhorst (32 lines), George Wilson (24 lines), Sally Howard (14 lines), and Sambo LaRoche (9 lines). Three witnesses—Cross, Harth, and LaRoche—accounted for 87% of the secret testimony.

incriminating statements—ignored by the court—were similar to testimony that led the court to convict many defendants. In effect, these men were the court's pet witnesses.<sup>91</sup>

Arrested witnesses gave three and a half times as much testimony as pet witnesses.<sup>92</sup> During the July sessions, testimony came almost exclusively from arrested witnesses.<sup>93</sup> Since the July sessions convicted 80 percent of the men who went to the gallows—confirming both the extent of the conspiracy and the wisdom of the court in crushing it—arrested witnesses merit special attention. Six arrested slaves, the court's star witnesses, furnished more than 90 percent of the July testimony. Three "superstar" witnesses, Monday Gell, Perault Strohecker, and Charles Drayton, provided three-fourths of the July testimony.<sup>94</sup> Three other men, John Enslow, Billy Bulkley, and Harry Haig, accounted for another 20 percent.<sup>95</sup> At least one of these star witnesses testified in every trial during July and at least one of the superstars testified in all but five trials. Testimony from the star witnesses had devastating results for the men they implicated.<sup>96</sup> Every man tried and executed during July was incriminated by at least one star witness; at least one superstar testified against all but four of them.<sup>97</sup> When the court heard testimony from at least two superstars, it convicted 92 percent of the defendants and sentenced 84 percent of them to death.<sup>98</sup> Clearly, the court believed that its star witnesses supplied convincing evidence against the accused conspirators. Historians who share the court's view that the executed men had plotted an insurrection must also rely on the testimony of these witnesses.

All the arrested witnesses had every reason to fear for their lives. Unlike the pet witnesses, they lacked immunity. Arrested on suspicion of involvement in the conspiracy based on testimony they did not hear from witnesses they did not confront, these men found themselves in the dreaded workhouse, awaiting appearance before the court.<sup>99</sup> It is reasonable to assume that, like William Paul, they wanted to avoid the hangman. But how could they do that? Should they plead not guilty, hoping that the evidence the

<sup>91</sup> Monday Gell explicitly named Yorrick Cross as a conspirator, but the court never arrested Cross, although it did arrest—and often execute—men Gell fingered who were not pet witnesses; *Evidence*, 187–90.

<sup>92</sup> In all sessions before August, arrested witnesses gave 78% (1,707 lines) of the testimony from cooperative black witnesses.

<sup>93</sup> Arrested men provided 99% (1,156 lines) of all the testimony from cooperative black witnesses during the July sessions. During the June sessions such witnesses provided 45% of the testimony.

<sup>94</sup> These 3 men gave 73% (857 lines) of the July testimony from cooperative arrested witnesses.

<sup>95</sup> These men accounted for 234 lines of testimony.

<sup>96</sup> At least one of the superstars testified in 44 of the 49 July trials.

<sup>97</sup> During the July sessions, 26 men were tried and executed. At least one superstar testified against 22 of them. Following the pattern of the June sessions, two men who did not have trials—Gullah Jack and John Horry—were executed on the basis of testimony given during the July sessions.

<sup>98</sup> The 38 cases in which at least two superstars testified resulted in 35 convictions and 32 death sentences. Twelve of those sentenced to death were later exiled rather than executed.

<sup>99</sup> Five of the 6 star witnesses did not have trials, according to the transcript.

court considered strong enough to arrest them proved too weak to convict them? This strategy offered the possible reward of acquittal but was accompanied by the high risk of execution. Should they choose instead to admit involvement in the conspiracy and cooperate with the court by testifying against other defendants? Should they tell the court, in general, "It's me *and* them"? Such a strategy would align them with, rather than against, the power of the court. Every slave and every African American knew it was less dangerous to go along with white people than to challenge them. Cooperating with the court promised reduced risk along with the possibility of a real reward—some punishment short of execution. Whether for these or other reasons, the arrested witnesses tried to make the best of their desperate situation by confessing their own involvement, testifying against defendants who claimed to be uninvolved, and throwing themselves on the mercy of the court.

Monday Gell expressed the pressures probably felt to one degree or another by all the arrested witnesses. Taken into custody on June 27 and confined to the workhouse, Gell confessed in court sixteen days later. His first words announced his desperation: "I come out as a man who knows he is about to die."<sup>100</sup> Gell then identified thirty-five fellow conspirators. The champion confessor, Gell named more names, gave more testimony, and incriminated more defendants than any other witness.<sup>101</sup> In its *Official Report*, the court praises Gell as "distinguished for the candour, sobriety, and integrity of his life" and affirms that "every word which came from Monday could be implicitly relied on."<sup>102</sup>

Gell's cooperation did not happen by accident. The court convicted him and sentenced him to hang on July 12 along with Charles Drayton, Harry Haig, Gullah Jack Pritchard, and John Horry.<sup>103</sup> While in the workhouse awaiting execution, Drayton became "overwhelmed with terror and guilt," according to James Hamilton, Jr. Drayton berated Gell for placing him "in such a miserable and perilous situation." Gell told Drayton that many others were involved in the plot. Drayton—"in a state of the most lamentable depression and panic . . . from the fear of death and the consequences of an *hereafter*, if he went out of the world without revealing all that he knew"—passed Gell's information along to court officials. They put Drayton and Gell together in the same cell in order to obtain more secret information and ultimately Gell's cooperation.<sup>104</sup>

Although details about the court's encouragement of collusion between Gell and Drayton did not become public until mid-August, prominent

<sup>100</sup> Evidence, 187.

<sup>101</sup> In July, Gell gave 436 lines of testimony and appeared in 37 trials. Perault Strohecker, the runner-up, gave 250 lines of testimony against 31 defendants. Charles Drayton, the third superstar witness, furnished 171 lines of testimony in 36 trials.

<sup>102</sup> *Official Report*, 174.

<sup>103</sup> According to *An Account*, 19, Gell was tried on July 1 and sentenced along with the others on July 9. The manuscript transcript records no court sessions on those dates, nor does it document Gell's trial. Contemporary newspaper reports, discussed below, confirm that he was indeed sentenced to be hanged on July 12.

<sup>104</sup> *An Account*, 19–21; see also *Official Report*, 56–59.



notices in the *Courier* and the *Mercury* made it clear on July 12 that Gell, Drayton, and Haig were receiving special treatment. Pritchard and Horry were executed as scheduled, but Gell, Drayton, and Haig obtained a one-week stay of execution, followed by another stay a week later.<sup>105</sup> After Gell's confession and helpful testimony throughout the July trials, the court commuted his sentence to exile, along with Drayton's and Haig's, just before the July sessions ended.<sup>106</sup> The reward these three received for their cooperative testimony was typical. During the July sessions, the arrested witnesses who gave 97 percent of the testimony were ultimately sentenced to exile rather than execution.<sup>107</sup> Testifying that "it's me *and* them" worked; it saved "me" and hanged "them."

In a letter to Governor Bennett, the court explained why: "These men are unquestionably guilty of the offences with which they have been charged; but under the impression that they would ultimately have their lives spared, they have made to us disclosures not only important in the detection of the general plan of the conspiracy, but enabling the Court to convict a number of the principal offenders. Having used these individuals as witnesses and obtained from them the knowledge they could communicate, we deemed it uncessarily [sic] harsh and amounting almost to treachery, afterwards to sacrifice their lives."<sup>108</sup> In the court's view, because the witnesses spoke the truth, they should not be executed. Bennett claimed, on the contrary, that these witnesses said what seemed likely to save themselves from the gallows. He wrote that Charles Drayton "predicated his claims of escape [from execution], on the number of convictions he could make. Nothing could exceed the chilling depravity of this man." He also declared that the court "extorted" Monday Gell's testimony by "stratagem."<sup>109</sup> Bennett's observations about Drayton and Gell appear generally applicable to all the cooperative witnesses.

Allowing for exceptions, black men who did not admit guilt were executed on testimony from those who admitted their knowledge or guilt but

<sup>105</sup> *Charleston Courier*, July 10, 12, 19, 26, 1822. Similar reports appeared in the *Charleston Mercury*, July 10, 12, 19, 27, 1822. The July 27 *Mercury* declared that the court commuted the death sentences of Gell, Drayton, and Haig to transportation outside the U. S. "on account of much important information revealed by them."

<sup>106</sup> Evidence, 229.

<sup>107</sup> In addition to the 6 star witnesses (1,091 lines), cooperative testimony during the July sessions came from William Palmer (21 lines), Frank Ferguson (19 lines), and William Paul (2 lines), all of whom were sentenced to transportation outside the U. S. Brief statements against other defendants came from Smart Anderson (7 lines), Jack Purcell (6 lines), Bacchus Hammett (4 lines), and Jesse Blackwood (6 lines), all of whom were hanged; although Blackwood was executed on July 2, testimony he gave in June was included again in the manuscript transcript in the July 17 trial of Lot Forrester, who was also executed. Prudence Bussacre (15 lines) was not arrested.

<sup>108</sup> The court added that "we regard it politic that the Negroes should know that even their principal advisers and ring-leaders cannot be confided in, and that under the temptation of exemption from capital punishment they will betray the common cause." Although the court referred here to Gell, Drayton, and Haig, the statement applies equally well to all the cooperative arrested witnesses. Letter to Bennett, July 24, 1822, quoted in *Official Report*, 98–99.

<sup>109</sup> Bennett, Message No. 2, Nov. 28, 1822, SCDAB, 10, 9.

were not executed. The men who gave the least incriminating evidence—who usually said nothing at all—received the greatest punishment. The men who gave the most incriminating evidence, much of it self-incriminating, received the least punishment short of acquittal. Since nearly all the testimony about the conspiracy came from witnesses who sought to protect themselves by implicating others, the credibility of their confessions warrants consideration.

All the cooperative testimony from black witnesses amounted to confession of knowledge of the conspiracy, involvement in it, or both. Although the transcript affixes the label “confession” to testimony from just five of the arrested witnesses, those “confessions” did not differ in kind from the rest of the cooperative testimony from black witnesses.<sup>110</sup> All such testimony shares the core feature of confessions: the admission that the witness knew or did something wrong as defined by the court and the white society it represented. The court exercised the power to impose on witnesses its definition of right and wrong, good and evil, morality and immorality. That power, aside from motivating witnesses to cooperate with the court to avoid execution, offered witnesses an alluring temptation to redeem their disputed morality by admitting wrong, their own and others.<sup>111</sup> That the rewards of confession, moral and functional, have a confounding tendency to shape confessional testimony is illustrated by a different court case, one near in time but distant in space and social context.

In 1819 in Manchester, Vermont, brothers Jesse and Stephen Boorn were arrested and put on trial for murdering Russell Colvin, their brother-in-law.<sup>112</sup> Although Colvin’s body had not been found, he had been missing for almost seven years. Circumstantial evidence—charred bones, an old hat, a knife, a button—pointed the finger of suspicion at the Boorn brothers, who were known to have been at odds with Colvin for a long time. At first, both brothers insisted that they were innocent. Then Jesse confessed that Stephen had murdered Colvin and provided numerous details about the crime.<sup>113</sup> Stephen, however, refused to acknowledge guilt. The residents of Manchester had little doubt that both brothers were guilty. According to the brothers’ attorney, “public feeling” against the defendants “was intense.”<sup>114</sup> Their neighbors visited them in jail and implored them to confess. Finally Stephen wrote out a confession that vividly described how he had murdered Colvin, buried him, dug up his remains, reburied them under a stable that later burned, then recovered the charred bones, threw most of them in the

<sup>110</sup> Testimony labeled “confession” came from Monday Gell, Bacchus Hammett, Smart Anderson, John Enslow, and William Colcock.

<sup>111</sup> For a compelling analysis of the impulse to confess, see Peter Brooks, *Troubling Confessions: Speaking Guilt in Law and Literature* (Chicago, 2000).

<sup>112</sup> This account is derived from Leonard Sargeant, *The Trial, Confessions and Conviction of Jesse and Stephen Boorn for the Murder of Russell Colvin: And the Return of the Man Supposed to Have Been Murdered* (Manchester, Vt., 1873).

<sup>113</sup> For Jesse’s confession, see *ibid.*, 38–39.

<sup>114</sup> *Ibid.*, 8.

river, and stashed the other things in a hole under a stump—a story that neatly accounted for the circumstantial evidence.<sup>115</sup> The jury quickly found both brothers guilty of murder. But when the judge sentenced them to be executed, they again claimed to be innocent. While they awaited execution, their lawyer managed to find Russell Colvin, who was alive and working on a farm in Dover, New Jersey.

If Jesse and Stephen Boorn, free white men on trial by a court of free white men in Vermont in 1819, succumbed to the pressure to make false confessions when considered guilty and advised to confess by their free white neighbors, then it is prudent to suspect the veracity of the confessional testimony of the black witnesses—nearly all of them slaves vulnerable to the multiple coercions of bondage over mind and body—who stood before the court of white slaveholders in Charleston in 1822. One cannot assume that these witnesses told the truth, the whole truth, and nothing but the truth. Their statements should not be dismissed entirely, but they must be interpreted with great caution and skepticism.

Nowadays, prosecutors seek to corroborate confessions with physical evidence. In Charleston, despite the zealous efforts of court authorities, no physical evidence was found that corroborated testimony about such preparations for insurrection as stockpiled weapons, lists of conspirators, or communication with allies in St. Domingue.<sup>116</sup> The only evidence of the conspiracy came from witnesses' words, some version of which a clerk recorded in the court transcript. Consider a few of Monday Gell's words on these matters. On July 13, the day after he had received a one-week stay of execution, Gell testified, "I never wrote to St Domingo or any where else on this subject, nor kept a list or books, nor saw any such things . . . nor did I hear any thing about arms being in possession of the blacks—I dont know that Tom Russell made pikes nor that Gullah Jack had any of them."<sup>117</sup> Two days later in the trial of Tom Russell, a blacksmith, Gell testified in total: "Tom Russell and Charles Drayton talked together once in my Shop but I did not hear what they said—I had frequent conversations with Perault [Strohecker] but not with Tom." Testifying in Russell's trial before Gell spoke, Strohecker had said that Gell had six pike heads in his shop and kept a list with forty-two names on it, which he burned when the first arrests were made. Drayton, whose testimony also preceded Gell's, said that Russell made the pike heads for Gullah Jack, "which pikes were to be used for fighting according as I suppose."<sup>118</sup>

<sup>115</sup> For Stephen's confession, see *ibid.*, 43–44.

<sup>116</sup> The *Official Report*, 32, argues that the absence of physical evidence constitutes grounds for believing that it once existed and that the conspirators hid or destroyed it. For example, authorities found "a bundle . . . of twelve well selected [sic] poles, neatly trimmed and smothered [sic] off, and about nine or ten feet long" on a farm on Charleston Neck, "more than were requisite for only six pike heads, and as those six pike heads have not been found, there is no reason for disbelieving the testimony of there having been many more made." Notwithstanding the court's peculiar logic, 12 long poles on a farm do not constitute physical evidence of an insurrection conspiracy.

<sup>117</sup> Evidence, 189.

<sup>118</sup> *Ibid.*, 193.

Eight days later, after Russell had been convicted and sentenced to hang, Gell confessed again. He had testified repeatedly against other defendants and received another week-long stay of execution, but he did not yet know whether his sentence would finally be commuted to exile. This time as he confessed his memory was remarkably refreshed. He averred that, although he did not write to St. Domingue, Vesey did. Vesey, he said, "brought a letter to me which was directed to President Boyer" of Haiti; he accompanied Vesey to a wharf where Vesey gave the letter to a cook on a Haiti-bound schooner; the cook agreed to deliver the letter to his (the cook's) uncle in Haiti, who in turn was supposed to "present the letter to Boyer. . . . Nothing extraordinary took place after this."<sup>119</sup> This more specific testimony, while conforming to Gell's earlier statement that he did not write a letter, contradicts his claim that he knew nothing about it and simultaneously implicates Vesey, who could not testify on this point since he had been hanged three weeks earlier.<sup>120</sup> What Gell said about weapons and lists in his second confession more directly contradicts his initial statement, although it is congruent with the testimony of Strohecker and Drayton in Russell's trial. Gell declared, "I knew personally of no arms except six pikes shewn to me by Gullah Jack, which were made by Tom Russell—I knew of no lists except the one which I kept containing about 40 names, and which I destroyed after the first interruption and alarm."<sup>121</sup>

On the surface, this brief sequence of testimony strongly suggests collusion among the court's three superstar witnesses. If collusion commonly occurred, then testimony from cooperative witnesses would be even less trustworthy. On the other hand, if significant collusion can be ruled out, then congruent testimony by two or more witnesses would more likely be true. In the *Official Report*, however, the court boasts about orchestrating collusion between Drayton and Gell, proving that communication occurred between those two superstar witnesses. The *Official Report* also extols Gell and Strohecker "for veracity and honesty" and marvels at the "concurrence" of their testimony, especially since they "were not permitted to have any communications with each other, . . . were never informed of the particular prisoner against whom they were to appear. . . . [and] were brought forth separately and examined." However, the concurrence of Gell's second confession with Strohecker's testimony in Tom Russell's trial indicates that the court exaggerated the independence of these two superstar witnesses. The three superstars testified so frequently during July that they probably heard

<sup>119</sup> Ibid., 220.

<sup>120</sup> John Enslow contradicted Gell's account of the letter in his testimony on July 18, claiming, "Monday was writing a letter to St. Domingo to go by a Vessel . . . — the letter was about the sufferings of the Black & to know if the people of St Domingo would help them if they made an effort to free themselves." Enslow testified two days later that he and another defendant were "in Mondays Shop when Monday was reading the letter to St. Domingo" and that "The Brother [not the uncle] of the Steward [not the cook] who was to carry the letter to St. Domingo was a General as I understand in St Domingo"; Evidence, 207b verso, 213.

<sup>121</sup> Ibid., 221. On July 16 Gell testified that he "tore . . . up" the list rather than, as Strohecker claimed, burned it; *ibid.*, 197. The *Official Report*, 26, declares that Gell burned the list.

each other's testimony many times. Immediately following Gell's testimony against Scipio Sims, for example, Drayton said, "Monday told me pretty much what he has himself stated to the Court," strong evidence that collusion occurred during the trials.<sup>122</sup>

The crowded workhouse made it difficult to keep arrested men from talking to each other. According to the *Official Report*, Vesey was held in a cell with four other defendants. By July 13, when Gell gave his first confession, officials had already arrested sixty-seven men. Bacchus Hammett testified that when he was arrested on July 11, "he was put in the room in the work house with Perault—that Perault told him Gullah Jack had buried the powder and he thinks Perault knows where it is."<sup>123</sup> Even in the improbable event that, unlike Hammett, Strohecker, and Vesey, the other arrestees were housed individually in separate cells, communication among them would have been difficult to prevent. The workhouse was designed to punish blacks, not keep them incommunicado.

Witnesses also could communicate with each other before they were arrested. The star witnesses were all on the streets for a month after the arrest of the first suspect, William Paul, and for eight days after the start of the June court sessions.<sup>124</sup> During June, news of arrests and of the coming and going of witnesses who were not arrested spread quickly on the black grapevine. Edwin Paul, for instance, testified, "I heard every body even the women say when several [suspected conspirators] were apprehended that they wondered that Monday Gell & Denmark Vesey were not taken."<sup>125</sup> It strains credulity to imagine that Gell and the other men who became star witnesses during July did not hear and talk about the rumors in June while they were still at large.<sup>126</sup> In short, instead of being ruled out, significant collusion among cooperative witnesses seems almost certain.

Given the court's low standards for proof of guilt, collusion did not necessarily require much coordination of testimony. Here, for example, is the complete recorded testimony that led the court to sentence Dublin Morris to death:

Perault—Dublin said to me that Wm. Gardner had engaged him to join against the whites—he belongs to the African Church—

Charles Drayton—Dublin told me one day he had heard of it, but that was all—<sup>127</sup>

Even when testimony was somewhat more specific, minimal collusion among star witnesses—such as simply agreeing to implicate a man—could provide

<sup>122</sup> *Official Report*, 56–59, 174; Evidence, 207a, verso.

<sup>123</sup> *Official Report*, 45; Evidence, 172–73.

<sup>124</sup> Gell was arrested on June 27, Drayton on July 2, Haig on July 5, Strohecker and Bulkley on July 10, and Enslow on July 13.

<sup>125</sup> Evidence, 143.

<sup>126</sup> Bacchus Hammett claimed, for example, that Perault Strohecker told him that Denmark Vesey had been arrested and took him to Gell's, where both Strohecker and Gell urged him not to tell their names if authorities arrested him; Evidence, 172.

<sup>127</sup> Morris's death sentence was later commuted to exile; Evidence, 212.

sufficiently congruent testimony for the court to execute the defendant. Consider the full recorded testimony against Tom Scott, who was hanged:

Monday Gell Examined—I told Tom of the business and he joined—he was often at my Shop talking on this business he was willing had joined and said he was making ready—he was of the same mind after the 16th June—He belongs to the African Church— X exd. 'tis about 3 months since I spoke to him about it—the first time it was fixed to commence on 2d Sunday in July and Vesey afterwards altered it to 16th June

Perault—Tom told me he was engaged in this business with his own mouth, and was willing—He told me the day that Monday was taken of the circumstance and said the more we stand still the more of us will be taken—he belonged to Mondays Company

Charles Drayton I have heard him and Monday often in his Shop talking on this business, and heard him assent to the business; he spoke boldly<sup>128</sup>

Aside from collusion among witnesses, leading questions from the court probably created congruence in the testimony of witnesses eager to cooperate.<sup>129</sup> Regrettably, it is impossible to be certain, since the transcript includes none of the questions the court posed to witnesses. It is not difficult, however, to imagine the questions that preceded certain testimony. For example, it seems likely that the words “he belongs to the African Church” in Strohecker’s testimony against Dublin Morris and Gell’s testimony against Tom Scott were prompted by questions from the court such as “Does he belong to the African church?” or “What church does he belong to?”

The court’s antipathy to the African church in Charleston was no secret. The *Official Report* denounces the “inflammatory and insurrectionary doctrines” preached by black religious leaders who infected their “ignorant” followers with “perverted religion and fanaticism.”<sup>130</sup> Cooperative witnesses presumably had little trouble intuiting the answers the court expected to its questions about church membership. When the court repeatedly asked more or less the same questions to the same star witnesses during the numerous July trials, it collaborated with the witnesses to such an extent that, rather than simply listening to what witnesses had to say, it actively colluded with them in creating testimony.

<sup>128</sup> Gell’s testimony is from Evidence, 232. Because the last sheet of the July proceedings in Evidence is not extant, the testimony of Strohecker and Drayton comes from House, 138–39.

<sup>129</sup> On the power of the interrogator to shape the responses of the interrogated, see Ian Hacking, *Rewriting the Soul: Multiple Personality and the Sciences of Memory* (Princeton, 1995). See also Hacking’s discussion of “interactive kinds” of “classifications that, when known by people or by those around them, and put to work in institutions, change the ways in which individuals experience themselves—and may even lead people to evolve their feelings and behavior in part because they are so classified” in *The Social Construction of What?* (Cambridge, Mass., 1999), 104.

<sup>130</sup> *Official Report*, 23.

Perault Strohecker appears to provide an overt example of such collusion. The court declared that Strohecker's "open, frank and blunt manner convinced every one who heard him that he was incapable of uttering a falsehood." Governor Bennett did not share the court's confidence in Strohecker's truthfulness. According to Bennett, the Committee of Vigilance, a group of white citizens who privately interrogated possible conspirators, told Strohecker "a tissue of facts, which were assented to [by Strohecker], and eventually produced his confession."<sup>131</sup> In other words, white vigilants told Strohecker what to say and he said it, then adhered to the script in his testimony before the court. Although sources do not exist to corroborate Bennett's account, it seems quite plausible. If the vigilance committee was the ultimate source of Strohecker's testimony, then his case represents a difference in degree but not in kind from the court's collusion—via its questions and expected answers—with other cooperative witnesses.

Stated bluntly, the court believed that the pet and star witnesses who were eager to save their own necks and were successful in doing so told the truth and that most of the thirty-five executed men lied or refused to admit the truth. Historians who share the court's judgment that the men convicted were about to spark a slave insurrection have little choice but to believe the witnesses and disbelieve the men who pleaded not guilty or, like Vesey, said nothing. Yet the foregoing review of the witnesses' testimony, confessions, and collusion in the court transcript shows that it is absurd to suppose that witnesses told the unvarnished truth. It is no less absurd simply to assume that the executed men lied. It is not easy to specify why historians should embrace the court's view that Monday Gell, Perault Strohecker, Charles Drayton, and the other cooperative witnesses were more credible than Denmark Vesey, Peter Poyas, Gullah Jack Pritchard, and the other men who were hanged. But it is easy to see why the testimony of Gell, Strohecker, Drayton, and the other cooperative witnesses merits the utmost skepticism.

Witnesses often contradicted themselves and each other. From the loose jumble of testimony, the court crafted a coherent narrative of a skillfully planned insurrection.<sup>132</sup> While the liabilities of the testimony in the transcript provide ample grounds to doubt the veracity of the witnesses, can the testimony nonetheless sustain a credible narrative of a black insurrection aborted at the last moment? The inconsistencies among the witnesses and between them and the court's official narrative open fissures that disclose counter-narratives buried in the testimony beneath strata of confession and collusion. As Carlo Ginzburg has written, "texts have leaks" that can reveal insights unintended by their creators.<sup>133</sup> In this case, the court knew there

<sup>131</sup> Ibid., 110; Bennett, Message No. 2, Nov. 28, 1822, SCDAH, 9.

<sup>132</sup> *Official Report*, 17–60.

<sup>133</sup> Ginzburg, "Alien Voices: The Dialogic Element in Early Modern Jesuit Historiography," in *History, Rhetoric, and Proof: The Menahem Stern Jerusalem Lectures* (Hanover, N. H., 1999), 84. See also Ginzburg, "The Inquisitor as Anthropologist," in *Clues, Myths, and the Historical Method*, trans. John and Anne C. Tedeschi (Baltimore, 1989), 161. More generally, see Ginzburg, "Clues: Roots of an Evidential Paradigm," *ibid.*, 96–125, and *The Judge and the Historian: Marginal Notes on a Late-Twentieth-Century Miscarriage of Justice*, trans. Antony Shugaar (London, 1999).

was an insurrection conspiracy and colluded with cooperative witnesses to uproot it. But the witnesses said both more and less than the court intended. In a sense, to recast Winston Churchill's famous World War II remark, witnesses accompanied their confessional lies with a bodyguard of truth.<sup>134</sup> Deciphering the transcript requires identifying the lie-shielding truth that leaked through the cracks between witnesses' words and the court's foregone conclusions. Consider four features of the alleged plan of insurrection: timing, leaders, guns, and plantation slaves.<sup>135</sup>

According to the *Official Report*, city authorities first learned on Friday evening, June 14, that the insurrection was set to break out at midnight on Sunday, June 16.<sup>136</sup> This information came from one slave, George Wilson, who told his master about the impending attack.<sup>137</sup> Acting quickly, authorities mobilized the militia and patrols. "On the night appointed for the attack," the court explained, "the insurgents found a very strong guard on duty, and by 10 o'clock the whole town was surrounded by the most vigilant patrols."<sup>138</sup> The intimidating and noisy deployment of armed men communicated to everybody in the city—whether or not they were insurgents—that something momentous was expected to happen on Sunday night. James Hamilton, Jr., reported that white Charlestonians felt "deep interest and distressing anxiety" on Sunday night when "there was necessarily much excitement, and among the female part of our community much alarm."<sup>139</sup> Most likely, the mobilization that excited and distressed white citizens, male and female, also communicated to the black men who later became witnesses when the uprising was expected to occur.

The court's questions probably also prompted witnesses to focus on Sunday night. The court, after all, sought confirmation that the preemptive military mobilization was judicious and decisive. In June, every witness who specified the time for the outbreak of the insurrection put it on Sunday night; none mentioned the date June 16. During July, witnesses routinely referred to June 16 as the date for the burning and killing to start.<sup>140</sup> July witnesses' crisp recall of the date, compared to June witnesses' references to

<sup>134</sup> At Tehran, Churchill said about the counterintelligence campaign in preparation for the Normandy landings, "In war-time, truth is so precious that she should always be attended by a bodyguard of lies"; Churchill, *Closing the Ring*, vol. 5 of *The Second World War* (London, 1952), 338.

<sup>135</sup> I discuss these and other features of the Charleston slave conspiracy crisis more fully in "Conjuring Insurrection," a book in progress.

<sup>136</sup> *Official Report*, 54.

<sup>137</sup> Bennett, Message No. 2, Nov. 28, 1822, SCDAB, 2. Wilson's statement in court about Rolla Bennett reflected the ambiguity in much of the testimony about who was or was not involved in the conspiracy: "Rolla never told me in express words that he was going to join in a rising to kill the whites. . . . Though Rolla said nothing expressly to me about insurrection, yet we seemed to understand each other & that such was in contemplation"; Evidence, 157.

<sup>138</sup> *Official Report*, 54–55. The court's description of this sequence of events is corroborated by Governor Bennett's Order 1, June 15, and Order 2, June 16, and Bennett, Message No. 2, Nov. 28, 1822, Governor's Messages, 1328, SCDAB, 2–3, 259, 261.

<sup>139</sup> *An Account*, 10.

<sup>140</sup> Testimony on this point was not consistent. Both Smart Anderson and William Colcock claimed, for example, that the outbreak was scheduled for June 15; Evidence, 176, 179.



Sunday or Sunday week, is strong evidence that the court's questions produced both testimonial convergence about when the conspirators planned to attack and reassuring confirmation of white authorities' prescience.

After June, much of the testimony regarding when the insurrection was scheduled to occur focused not on plans made before June 16—the first conspiracy—but on a plot hatched after June 29, when the court announced that Vesey and five other convicted conspirators would be hanged on July 2. This second conspiracy, according to the court, moved from idea to near implementation in three days. The outbreak was set to erupt on July 2 in order to rescue the condemned men from the gallows.<sup>141</sup> Again, the court's questions and the mnemonic of six black men suspended from nooses presumably helped July witnesses clearly recall July 2 as the date for the second alleged uprising. Even after the July 2 executions occurred without protest or opposition, Gullah Jack Pritchard and others conspired to launch a third uprising, according to the court, this time on July 6. That plan was aborted by Gullah Jack's arrest on July 5 and his execution a week later.<sup>142</sup>

In all the court sessions, only one witness, Perault Strohecker, claimed (once) that he had actually showed up at the appointed time and place, ready to start an insurrection. According to Strohecker, a meeting of conspirators on June 29 resolved to "raise and make a rescue" of the men scheduled to be hanged on July 2. They agreed to meet early on July 1 at a certain place to seize arms for the uprising. Strohecker said he "did go there at day light, but no one else came." It did not trouble the court that no other witness ever claimed to be present at a conspirators' rendezvous—whatever the alleged date, time, and place—ready to attack. The court's single piece of testimony from a conspirator who claimed to be poised to strike pointed out that bold talk and solemn agreements did not translate into insurrectionary action, a message the court did not want to hear.<sup>143</sup>

In retrospect, white officials appear to have done more to set the timing of the three alleged insurrections than the accused conspirators did. If, for example, June 16 really was the initial launch date for the insurrection, then the behavior of Denmark Vesey is difficult to understand. As a free man, Vesey could leave Charleston at any time. But he stayed in the city twenty-three days after the first arrest, six days after the military mobilization and purported postponement of the scheduled uprising, four days after the start of the court sessions and after the arrest of fifteen men, until he was finally picked up on June 22.<sup>144</sup> If there was no launch date, Vesey's decision to stay in Charleston would make more sense. Since he had lived safely in the city for nearly forty years, why should he flee now if he had nothing to answer for? Would a real insurrectionist leader patiently await a doomed fate or would he flee to conspire another day?

<sup>141</sup> *Official Report*, 55.

<sup>142</sup> *Ibid.*, 55–56.

<sup>143</sup> Strohecker's testimony came in the Aug. 6 trial of Nero Haig. Of course, Strohecker's testimony is not trustworthy. Its significance lies in what it says about the court; Evidence, 253–54.

<sup>144</sup> The *Official Report*, 43, declares that authorities searched 3 days for Vesey before finding him "secreted in the house of one of his wives."

The first sentence of the court's official narrative identifies Denmark Vesey as "the head of this conspiracy." Vesey, the court declared, was the person "from whom all orders emanated."<sup>145</sup> Vesey's leadership received ample documentation from witness William Paul, who told the court that he heard "Denmark Vesey was the Chiefest man & more concerned than any one else." But testimony about Vesey's leadership was far from unanimous. Yorrick Cross claimed that Gullah Jack was "the head man." George Vanderhorst agreed, testifying that Gullah "Jack stood at the front of all, that is he was the head man."<sup>146</sup> According to Billy Bulkley, Gullah Jack and Robert Robertson "were the principal men."<sup>147</sup> Richard Lucas testified that Batteau Bennett "was one at the head." Cross claimed that Harry Haig told him "the head man . . . was a white man, but he would not tell me what was the white man's name." "As far as I know," Jesse Blackwood said, "I believe Vesey and Monday Gell were the Chief men." Blackwood's testimony was reinforced by John Enslow.<sup>148</sup>

Gell emphasized on the contrary that "Vesey bro't all of us into it." Like every other witness, Gell named somebody other than himself as the head man. As the court's champion superstar witness, Gell had a strong interest in claiming to be a subordinate reluctantly induced by Vesey to join.<sup>149</sup> To a considerable extent, the court shared Gell's interest in elevating Vesey to the head and relegating Gell to a knowledgeable lieutenant.<sup>150</sup> No other witness testified in such detail against so many defendants. The court seems to have considered Gell not simply more talkative but also better informed than any other witness—implicitly nominating him as the chief man. But if Gell was as responsible for the plot as he was for the testimony, how could the court refuse to execute him?

Gell offered a neat answer to the leadership question in his second confession. Gell explained that "Vesey said he would appoint his leaders and places of meeting about one week before the 16th of June, but the meeting for this purpose was prevented by the Capture of some of the principals before that period." In other words, Gell said that Vesey never got around to appointing his lieutenants. A major problem with this assertion is that only William Paul, whom nobody considered a principal, was under arrest about a week before June 16. Peter Poyas and Mingo Harth had been apprehended at the end of May, but they were quickly released after convincing authorities they knew nothing.<sup>151</sup> Gell's statement served his own and the court's interests by making Vesey the mastermind of the conspiracy, but it is unconvincing on its face.

<sup>145</sup> Ibid., 17, 27. Egerton, *He Shall Go Out Free*, 139, agrees with the court's assessment: "All orders emanated from the old carpenter."

<sup>146</sup> Evidence, 152, 147, 149. Harry Haig also singled out Gullah Jack; *ibid.*, 184.

<sup>147</sup> Ibid., 191; see also 201.

<sup>148</sup> Ibid., 156, 146, 169, 207b.

<sup>149</sup> Ibid., 197; see Gell's first confession, *ibid.*, 187–90.

<sup>150</sup> Why the court targeted Vesey is discussed in greater detail in "Conjuring Insurrection."

<sup>151</sup> Evidence, 220; *Official Report*, 35.

Jesse Blackwood testified that Gell acted more the leader than the follower. Blackwood claimed that on June 16 he “met Charles Drayton at Vesey’s who said that the business was postponed, Vesey asked Charles how he knew the business was postponed—Charles said Ned Bennett and Monday Gell told him so—But said Vesey how could they know it was postponed, as they have not seen me—says Charles, they said they had seen you and you had told them so.”<sup>152</sup> Blackwood’s testimony exemplifies the witnesses’ tangled account of conspiratorial leadership that the court straightened into a clear story of Vesey, the leader, and his many followers.

The court marveled at the attention Vesey and his subordinates devoted “to the most minute particulars” in preparing for the uprising.<sup>153</sup> Although guns hardly qualified as a minute particular, it is instructive to consider the conspirators’ plans to obtain firearms. For the most part, black Charlestonians did not possess guns and had little experience with them. In his first confession, Monday Gell said that he did not “hear any thing about arms being in possession of the blacks.” Gell later testified that Bacchus Hammett planned to get five hundred muskets from his master’s store and bring them to Vesey’s on the night of June 16.<sup>154</sup> Hammett claimed that, instead of 500 muskets, he took a pistol and sword from his master and delivered it to Denmark Vesey at the last minute, “on Sunday night the 16th June.” Yorrick Cross said that Charles Drayton “had prepared for himself a Gun & a sword,” that Gullah Jack told him he had arms “aplenty” just outside the city limits, and that Peter Poyas avowed that “a white man would purchase Guns and Powder for them.”<sup>155</sup>

In addition to such piecemeal preparations, the insurrectionists planned to obtain firearms by storming the city’s arsenals, guard houses, and stores. Robert Harth reported that Peter Poyas said rural slaves “will bring down their, hoes and axes, &c,” but Harth objected, “that wont do to fight with here.” Poyas explained that the captured arsenals would “supply the Country people with arms.”<sup>156</sup> Poyas told Harth, “after we have taken the Arsenals & Guard houses, then we will set the town on fire in different places & as the whites come out we will slay them.”<sup>157</sup>

Both the court and the witnesses found it difficult to imagine an insurrection without guns. But slaves’ lack of familiarity with guns did not bode well for their effective use. Billy Bulkley told the court that one day before June 16, when he and six other conspirators met, “a pistol was exhibited, and

<sup>152</sup> Evidence, 169.

<sup>153</sup> *Official Report*, 39. Egerton, *He Shall Go Out Free*, 143, argues, “Far from being a disorganized and chaotic melee, Vesey’s [was a] meticulously-timed plan.”

<sup>154</sup> Evidence, 189, 220. Gell added, “I know personally of no arms except six pikes shewn to me by Gullah Jack”; *ibid.*, 221.

<sup>155</sup> *Ibid.*, 172, 145, 148.

<sup>156</sup> *Ibid.*, 158. Witnesses differed about who would capture the arsenals. Harth claimed Poyas said the townspeople would; other witnesses said country slaves would; *ibid.*

<sup>157</sup> *Ibid.*, 160. The *Official Report*, 37, echoes this testimony: “Arms being thus from these different sources provided, the City was to have been fired, and an indiscriminate slaughter of the whites to commence.”

every one tried to fire it but no one could discharge it" except one man.<sup>158</sup> Bulkley explained that "those in whose hands it could not go off were considered as safe," an inauspicious qualification for a successful insurrectionist. The court, however, had no difficulty imagining that conspirators who, according to Bulkley, could not fire a pistol would successfully gun down white people with the weapons captured from the city's arsenals. All six of the men at the meeting with Bulkley were hanged; Bulkley, a star witness, was not.

In spite of all the testimony, the court could not find any guns secreted away by the conspirators. The *Official Report* observes, "To presume that the Insurgents had no arms because none were seized, would be drawing an inference in direct opposition to the whole of the evidence."<sup>159</sup> In other words, the court chose to believe its own preconceived conclusion, suitably buttressed by cooperative witnesses, that the insurrectionists had prepared themselves with guns that disappeared.

Plantation slaves promised to make up in numbers what the city's insurrectionists lacked in firepower. Witnesses differed considerably about just how many rural slaves had joined the conspiracy. William Paul said Peter Poyas "had a list with 9,000 names upon it."<sup>160</sup> Frank Ferguson reported that Gullah Jack "had spoken to 6,600 persons [in the country] who had agreed to join." Both Joe LaRoche and George Wilson testified that 4,000 men would come from James Island alone. William Colcock said "a Brother told him that 500 men were making up." John Enslow "heard that they [the conspirators] were trying all round the Country to Georgetown, Santee & around to Combahee &c to get people." Monday Gell testified that Frank Ferguson had recruited "4 Plantations of people." Charles Drayton declared that Jimmy Clement had engaged "2 or 3 men" from the country. Whatever the exact number, Ferguson claimed that Denmark Vesey assured him that "great numbers would come from all about and it [the uprising] must succeed, as so many were engaged in it."<sup>161</sup> The court acknowledged that "the numbers actually engaged in the plot, must be altogether conjectural." The testimony disclosed enough, however, "to satisfy every reasonable mind, that considerable numbers were involved" and that many would come from the "country around Charleston." The court believed that "sufficient evidence" of the large number of conspirators was "the plan of attack, which embraced so many points to be assailed at the same instant."<sup>162</sup>

To assemble a black army from the countryside and arrange for it to march into Charleston at the appointed hour required coordination between the urban vanguard and the plantation masses. The rural slaves who stood

<sup>158</sup> Bulkley claimed that Dick Sims managed to fire the pistol; Evidence, 191; see also 201.

<sup>159</sup> *Official Report*, 32.

<sup>160</sup> Evidence, 151. Egerton, *He Shall Go Out Free*, 140, considers "a not irrational guess" that "as many as 9,000 slaves at least heard of the plot."

<sup>161</sup> Evidence, 143, 154, 157, 188, 207b, 187 (see also 196, 219), 214, 167.

<sup>162</sup> *Official Report*, 27.

ready to swarm into the city needed to be told that the moment of truth had arrived, that the uprising would start at midnight on June 16. Jesse Blackwood testified that Vesey appointed him to convey this crucial message. According to Blackwood, at 1 P. M. on Saturday, June 15, Vesey gave him two dollars to hire a horse to go into the country and alert two men on one plantation. Blackwood agreed to go but told Vesey, "I dont know the way." Frank Ferguson, who had recruited the two plantation slaves, gave Blackwood directions and twenty-five cents. Adam Ferguson tossed in another quarter. Armed with directions and \$2.50 to rent a horse, Blackwood "promised to go that night" on a path he had never traveled to a plantation he had never visited to tell two men he had never met to call down the shock troops of insurrection from the countryside. On this weak link the insurrection depended for rural reinforcements, according to witnesses. Worse for the prospects of the uprising, Blackwood claimed he never went anyplace. On Sunday, June 16, Blackwood testified, "I told Vesey I had started, but that the Patrol turned me back—In fact I had not started and only told him so to deceive him."<sup>163</sup>

No black army of plantation slaves materialized in Charleston on the night of June 16 or any other night. According to Governor Bennett, the "perfect tranquillity which every where prevailed [in the surrounding countryside] was the strongest evidence of their having no participation, with the disaffected of the Metropolis." Bennett censured Vesey for entrusting such a vital mission to Blackwood. Vesey's "incapacity" for leadership was "strikingly exemplified" by the selection of Blackwood, Bennett declared. "This boy is represented as extremely simple, and assures him [Vesey] that he neither knows the place or the people; yet Vesey enjoins the duty, and as an outfit supplied him with two Dollars: he is to travel a distance of twenty-two miles from the City, and without any evidence of his mission, to deliver a message to two persons, who are at his bidding to assemble the males of four plantations and march them to the City, by 12 o'clock that night; the suspicion to be excited by this movement, or the vigilance of Patrols, form no part of his care. At 11 o'clock on Sunday morning, the boy is seen in the streets of Charleston, alledging to one that he did not intend to go, and to another that the Patrols were too strict. But it does not appear, that Vesey subsequently evinced the slightest solicitude for his success." Bennett concluded that "it is scarcely possible to imagine" a plot "more crude or imperfect."<sup>164</sup>

The court, however, had no difficulty imagining that the preemptive military mobilization in the city had prevented the plantation army from massing and joining the urban conspirators. The court believed that the actions of white officials—not the inaction of Blackwood, the casual neglect of Vesey, or the nonexistence of rural conspirators—saved the city from catastrophe. The court declared that "it was distinctly in proof, that but for those military demonstrations, the effort [of insurrection] would unques-

<sup>163</sup> Evidence, 168–69.

<sup>164</sup> Bennett, Message No. 2, Nov. 28, 1822, SCDAB, 11, 15–16, 14.

tionably have been made."<sup>165</sup> Witnesses reinforced the court's convictions with repeated testimony that all hell was about to break loose until whites flourished their impressive display of military might. By invoking the military mobilization, witnesses reassured the court that white vigilance prevented black insurrection. The intimidating mobilization also allowed witnesses to persuade the court that vague and contradictory testimony about timing, leaders, guns, and rural allies described a genuine plot of insurrection, a plot armed whites not only foiled but also made invisible. To the court, the mobilization explained the inconvenient invisibility of insurrectionary planning, preparation, and action.

In retrospect, neither the court nor the witnesses provided credible evidence that a black insurrection was about to break out in Charleston on or about June 16.<sup>166</sup> If white officials had not deployed the militia and beefed up patrols, it is virtually certain, according to the available evidence, that no insurrection would have occurred. To a credulous court determined to defend its honor, the cooperative witnesses provided more than enough evidence to execute thirty-five black men and exile thirty-seven others for "an attempt to raise an insurrection."<sup>167</sup> But even if historians refuse to accede to the court's credulity, the testimony remains meaningful, although not always as highlighted in previous accounts.

The first words of the first witness at the first court session characterized most of the subsequent testimony: "I have heard something about an Insurrection of the blacks."<sup>168</sup> Witnesses told the court what they heard—what some person told them or what a third party reported that some person said. Under pressure from the court to tell a tale of thwarted insurrection, witnesses recalled who said what about when, where, and why. As Billy Bulkeley testified, "Will Bee told Peter Ward who mentioned it to me that all the Draymen without exception would be light horse men."<sup>169</sup> When witnesses searched their memories, they did not need to invent incriminating statements *de novo*. They could, and evidently did, report rumors they had heard. Rumors transmitted on the black grapevine supplied the basic substrate of information that witnesses drew on for their testimony. Take the rumor that Denmark Vesey said the slaves were free.

On the second day of the June court sessions, pet witness Joe LaRoche testified that Rolla Bennett told him that, at a conspirators' meeting Bennett had attended a few weeks earlier, "'twas said that some white men said our Legislature had set them [slaves] free & our [white] people here would not let us be so."<sup>170</sup> Later in his testimony, LaRoche recalled an encounter with

<sup>165</sup> *Official Report*, 36. Egerton, *He Shall Go Out Free*, 165, argues that "the master class had come within a sword's blade of disaster, and they knew it."

<sup>166</sup> Wade, "Vesey Plot," 160, reached a similar conclusion based on evidence in the *Official Report*.

<sup>167</sup> The quotation is from the title of the *Official Report*.

<sup>168</sup> The witness was William Paul; Evidence, 151.

<sup>169</sup> *Ibid.*, 192.

<sup>170</sup> LaRoche did not say who reported this rumor at the meeting, but since white men probably did not attend the meeting, presumably Bennett and LaRoche meant that the rumor "'twas said" by a black person; Evidence, 153–54.

Denmark Vesey about a month earlier, when Vesey said "that the Legislature had made us free." A few days later, Frank Ferguson and Rolla Bennett also attributed this rumor to Vesey. Ferguson told the court that Vesey said he had instructed Peter Poyas and Ned Bennett "to go about & tell the blacks that they were free & must rise and fight for themselves." According to Rolla Bennett, "On one occasion he [Vesey] asked me what news—I told him none—He replied we are made free, but the White people here won't let us be so—and the only way is to raise up & fight the Whites."<sup>171</sup>

According to the *Official Report*, this testimony demonstrates that Vesey manipulated his followers "by distorting" speeches made "in Congress . . . opposed to the admission of Missouri into the Union, perhaps garbled and misrepresented," and persuaded them "that Congress had actually declared them free, and that they were held in bondage contrary to the laws of the land."<sup>172</sup> Historians have agreed with the court's reading. Pearson, for example, declares that Vesey "did mislead his followers," that he "appears to have deliberately distorted the result of the Missouri debates for consumption by his followers, circulating rumors that the compromise promised them freedom."<sup>173</sup>

In Evidence, no witness used the words "Congress" or "Missouri" to describe what Vesey said to them or to anybody else. Nor do those words appear anywhere in the transcript testimony of LaRoche, Bennett, or Ferguson. The words appear only twice in the transcript, both times in testimony about Monday Gell, not Vesey. On July 16, William Colcock testified "that when he went so often to Mondays it was to hear what was going on in Congress, as we the Blacks expected that Congress was going to set us free and as what was going on was printed in all the papers, so that every body black as well as white might read it (he alluded to the Missouri question . . .)."<sup>174</sup> On the last day of the July sessions, Jacob Stagg stated "that Monday read daily the papers and told him that Congress was going to set them free—alluding to the Missouri question."<sup>175</sup> According to the transcript, both Colcock and Stagg used the word "Congress" and referred to blacks' expectation that it would set them free, not that it had already set them free. Both witnesses "alluded" to Missouri, raising the question of whether they actually spoke that word or whether the clerk or the court assumed that Missouri must be what Colcock and Stagg had in mind. LaRoche's testimony in the *Official Report* proves that the court listened creatively.

According to the transcript, LaRoche said Vesey told him "that the Legislature had made us free." In the *Official Report* version of this testi-

<sup>171</sup> Ibid., 155, 166, 164.

<sup>172</sup> *Official Report*, 19.

<sup>173</sup> Pearson, ed., *Designs against Charleston*, 120. Egerton, *He Shall Go Out Free*, 131, argues, "Vesey understood all too well that Congress never actually debated emancipation where slavery already existed, but he realized that the peculiar institution was now part of the national discourse."

<sup>174</sup> Evidence, 200. Gell disputed Colcock's claim, testifying, "William has often been at my Shop and asked me what was going on—I did not tell him any thing"; ibid.

<sup>175</sup> Ibid., 232.

mony, the court substituted the word "Congress" for "the Legislature."<sup>176</sup> Similarly, the *Official Report* substitutes "Congress" for "our Legislature" in LaRoche's testimony that Rolla Bennett told him that "'twas said that some white men said our Legislature had set them [slaves] free & our [white] people here would not let us be so." Perhaps these substitutions simply grew out of the court's accurate knowledge that the South Carolina legislature had not emancipated slaves. The court probably reasoned that, since neither "the" nor "our" could possibly refer to the South Carolina legislature, the witnesses must have referred to Congress. This line of reasoning also located the source of ideas "inflaming the minds of the colored population of this state" among meddling antislavery northerners.<sup>177</sup>

Newspaper reports about the 1821 South Carolina legislature suggest that the source of the inflammatory ideas was closer to home, that the court and subsequent historians—deafened by accurate knowledge about state law—failed to hear what the witnesses said. Instead of listening to testimony exclusively through a filter of knowledge about what the state legislature was actually doing, why not ask whether there was any way a person like Denmark Vesey could get the idea "that the Legislature had made us free"?<sup>178</sup> Vesey could read. He probably read Charleston newspapers and derived information from them about the state legislature and other matters.

Imagine what Vesey might have thought about the first sentences in the *Charleston Courier's* first report of news from the 1821 South Carolina legislature: "Several petitions having been already presented for leave to emancipate slaves, the Senate has appointed a special committee on the subject, consisting of five, with authority to report by bill. This committee will probably be joined by one of the House on the same subject."<sup>179</sup> How might Vesey have interpreted the *Courier's* next notice of legislative activity on this subject, eleven days later: "The Legislature at their last session, passed a Law, whereby they changed the mode of emancipating slaves. It is believed they intended to do more, and before the session terminates they will be required to say what they did intend. In the Senate a bill has been reported to emancipate the slaves whose owners have petitioned, on security being given that they shall leave the State. The whole number applied for is less than 45, and consists chiefly of women and children."<sup>180</sup> What meaning might Vesey have derived from the final piece of news from the legislature: "On the subject of *Emancipation* an act will probably pass—permitting emancipation in cases where contracts for that purpose had been entered into previous to December last, and to restrain it in all other cases."<sup>181</sup>

Could news that "on the subject of *Emancipation* an act will probably pass" have caused Vesey to believe "that the Legislature had made us free"? If

<sup>176</sup> Ibid., 155; *Official Report*, 64.

<sup>177</sup> Evidence, 153–54; *Official Report*, 62 (quotation), 19.

<sup>178</sup> Evidence, 155.

<sup>179</sup> "From Columbia," *Charleston Courier*, Dec. 1, 1821.

<sup>180</sup> "South Carolina Legislature," ibid., Dec. 12, 1821.

<sup>181</sup> "From Columbia," ibid., Dec. 18, 1821.



so, what might Vesey think when no further news of this electrifying development appeared in the newspaper? News reports about the adjournment of the legislature included no mention of an emancipation act.<sup>182</sup> Could Vesey have concluded that an emancipation act had passed as predicted, but that the news was being deliberately suppressed, that a conspiracy of self-interested silence prevailed among Charleston whites? Could the news coupled with the ensuing silence have caused Vesey to tell Rolla Bennett, "We are made free, but the White people here won't let us be so—and the only way is to raise up & fight the Whites"?<sup>183</sup>

If Vesey or other black Charlestonians who could read interpreted news reports in this way, they were wrong on the facts. In 1820, the South Carolina legislature prohibited masters from manumitting their slaves, stating unambiguously "that no slave shall hereafter be emancipated but by act of the Legislature."<sup>184</sup> The "petitions . . . to emancipate slaves" mentioned in the *Courier's* first report from the 1821 legislature referred to entreaties from individual masters in response to the 1820 law, requesting an act of the legislature permitting them to manumit one or more specific slaves.<sup>185</sup> Although the 1821 legislature discussed changing the 1820 law, none of the proposed revisions passed.

The *Courier's* news reports from the 1821 legislature never made a clear distinction between the manumission of one or two slaves and the emancipation of all or most slaves. The brief reports assumed an audience of well-informed white people familiar with the provisions of the 1820 law and the narrowly limited meaning of news that an emancipation act was expected to pass. The news reports did not assume an audience of intensely curious black readers, although as William Colcock testified, "what was going on was printed in all the papers, so that every body black as well as white might read it."<sup>186</sup> Black readers were far less likely to know the provisions of the 1820 law and therefore to understand the benign context of the otherwise aston-

<sup>182</sup> See "From Columbia," *ibid.*, Dec. 24, 1821; "Acts of the Legislature," *ibid.*, Dec. 25, 1821. The insurrectionary consequences of rumors of freedom in Guyana are chronicled in Emilia Viotti da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (New York, 1994), esp. 169–206.

<sup>183</sup> Evidence, 164. Pearson, ed., *Designs against Charleston*, 120, misquotes Bennett as "testifying" that "Congress had set us free, and that our white people here would not let us be so" and cites Bennett's testimony in the court transcript on June 25. The quotation comes from Joe LaRoche's testimony in the *Official Report*, 62, which Pearson does not cite.

<sup>184</sup> The news report that appeared in "From Columbia," *Charleston Courier*, Dec. 19, 1820, about the 1820 bill failed, however, to make clear that the law was not an act of general emancipation. The report stated, "A bill concerning the emancipation of slaves has passed both Houses—its chief feature is that no slave shall in future be emancipated but by a special act of the Legislature." This report might well have prompted Vesey and other black readers to believe by late Dec. 1820 that the legislature had made them free and, in turn, might have made them all the more alert to emancipation news trickling back from the 1821 legislature. The quotation in the text is from the 1820 law in David J. McCord, ed., *The Statutes at Large of South Carolina* (Columbia, S. C., 1840), 7:459.

<sup>185</sup> Numerous such requests exist among the petitions to the 1821 General Assembly, SCDAH.

<sup>186</sup> Evidence, 200.

ishing news from the 1821 legislature. But even if Vesey knew the provisions of the 1820 law, it is still possible he read the news that "on the subject of *Emancipation* an act will probably pass" as an announcement that the legislature was about to take the very action required by the 1820 law.

If Vesey did believe the state legislature had freed the slaves, it would lend credence to Monday Gell's testimony that "the first time I heard of the intended Insurrection was about last Christmas from Denmark Vesey, who called at my Shop and informed me of it."<sup>187</sup> Regardless of who initiated the conversation, Gell's statement that it occurred in late December 1821 hints that the amazing news from the recently adjourned legislature may have prompted the discussion. That news, instead of the congressional debates about Missouri, which had occurred more than a year earlier, could help explain why black Charlestonians began to talk frequently and earnestly about their freedom in the spring of 1822.

Whatever Vesey told his friends about the legislature metamorphosed in the passage from his lips to their ears and in the endless oral-aural shuttle on the black grapevine.<sup>188</sup> Jacob Stagg's testimony that "Monday read daily the papers and told him that Congress was going to set them free" revealed the common link between reader and rumor. Witnesses who testified about conspirators' anticipated help from Santo Domingo disclosed the metamorphosis of reading into rumors. Detailed reports about Haiti routinely appeared in the *Charleston Courier*. Merchants in the city took a lively interest in the nation's markets, white refugees welcomed news from their former home, and slaveholders kept an eye on the course of events in the nation built by revolutionary slaves. Charleston's black readers also watched for news from Haiti.<sup>189</sup> Monday Gell testified that Saby Gaillard "took out one day [before June 16] out of his pocket . . . a piece of news paper & asked me to read it—I did so at my Shop & afterwards he asked me if I had read it—I said yes—'twas about Boyers battles in St Domingo against the Spaniards."<sup>190</sup>

In mid-April 1822, the *Courier* published a lengthy account of the occupation of Spanish Santo Domingo by thousands of soldiers under the command of Haiti's president, Jean Pierre Boyer.<sup>191</sup> The story capped a series of articles dating back to November 1820, when the news first reached Charleston of the "bloody civil war . . . raging in various parts of the Island"

<sup>187</sup> Ibid., 219; see also 187.

<sup>188</sup> See Patricia A. Turner, *I Heard It through the Grapevine: Rumor in African-American Culture* (Berkeley, 1993); Theodore Sasson, "African American Conspiracy Theories and the Social Construction of Crime," *Sociological Inquiry*, 65 (1995), 265–85.

<sup>189</sup> Historians, like white South Carolinians in the 1820s, have emphasized that slaves in port cities such as Charleston received news from black mariners who manned ships trading between Atlantic ports. In the court transcript, witnesses did not mention sailors as a source of news or rumors. The frequent reports about Haiti in the *Courier* demonstrate that black Charlestonians, regardless of their contact with black seamen, had a local source of news accessible to any reader. See, for example, Pearson, ed., *Designs against Charleston*, 30.

<sup>190</sup> Evidence, 199–200; see also 188–89.

<sup>191</sup> "St. Domingo," *Charleston Courier*, Apr. 11, 1822. Subsequent notices reported the success of Boyer's initiative; "From St. Domingo," *ibid.*, June 8, 1822; "Republic of Hayti," *ibid.*, June 10, 1822.

that resulted in Boyer's successful overthrow of Henri Christophe.<sup>192</sup> Subsequent notices reported that the new government would "prevent vessels from coming to this Island from any State or place where negroes and people of colour [are] held in slavery," that Boyer sailed into Port-au-Prince with "an army of 16,000 men," that in the midst of the unrest refugees flocked to a United States warship that "saved the whites from the horrors of a massacre," that Boyer ruthlessly suppressed an attempted coup by "a brave and generous officer . . . said to be a good friend to the whites," that "7000 men had marched to the city of St. Domingo . . . and the whole island was completely in possession of the blacks," and that Spaniards mounted an expedition "for the overthrow of that sable government," but the expedition failed.<sup>193</sup>

In Charleston, black readers probably wondered what would happen if Boyer and his black army sailed into their city's harbor. According to Monday Gell, the news from Santo Domingo moved Saby Galliard to boast that "if he had men he could do the same as Boyer & that he could whip 10 [white] men himself." Gell also claimed that Vesey wrote a letter inviting Boyer to "assist us." But when news skipped from readers to rumors it could be entirely transformed. Joe LaRoche told the court that "Vesey told me that a large army from St. Domingo & Africa were coming to help us & that we must not stand with our hands in the pocket." Rolla Bennett reported, according to LaRoche, "that St Domingo & Africa would come over & cut up the white people, if we only made the motion here first."<sup>194</sup> Robert Harth testified that Peter Poyas said, "have you not heard that on the 4th July the Whites are going to create a false alarm of fire & every black that comes out will be killed in order to thin them—Do you think they would be so barbarous said I [Harth]—yes said he [Poyas] I do—I fear they have some knowledge of an army from St Domingo & they would be right to do it to prevent us from joining that army if it should march towards this land."<sup>195</sup> This rumor inverted the court's narrative of black insurrection: whites would give the fire alarm and kill blacks rather than vice versa. But how could such a rumor arise? Although Charleston's slaves and free people of color understood white brutality all too well, why would they credit a rumor that the city's whites would kill blacks indiscriminately?

<sup>192</sup> By calling this and similar articles "news," I do not mean that the articles were accurate accounts of what happened. Instead, I intend "news" to mean published reports of events. Publication made news reports accessible to any reader; "Revolution in St. Domingo," *Charleston Courier*, Nov. 7, 1820.

<sup>193</sup> "Missouri Question in Hayti!" Dec. 5, 1820; "From Port-au-Prince," Jan. 11, 1821; "From Port-au-Prince," Mar. 31, 1821; "Latest from Cape Haytien," May 17, 1821; "From St. Domingo and the Spanish Main," Feb. 14, 1822; "Curacao, March 2," Apr. 3, 1822, all *Charleston Courier*. Other reports in the *Courier* include "From St. Domingo," Nov. 30, 1820; "Disturbances in St. Domingo," Mar. 26, 1821; "From Hayti," Apr. 12, 1821; "From St. Domingo," Apr. 25, 1821; "From Cape Haytien," June 28, 1821; "From Cape Haytien," July 31, 1821; "From Port-au-Prince," August 8, 1821; "From Hayti," Feb. 21, 1822; and "From St. Domingo," Apr. 24, 1822.

<sup>194</sup> Evidence, 199–200, 220, 155, 154.

<sup>195</sup> *Ibid.*, 159. For another version of this rumor, see Smart Anderson's confession, *ibid.*, 176.

In their classic study of rumor, Gordon W. Allport and Leo Postman pointed out, "Rumor travels when events have importance in the lives of individuals and when the news received about them is either lacking or subjectively ambiguous."<sup>196</sup> Rumors that the South Carolina legislature had freed slaves, that a black army was sailing from Haiti to help blacks defend their liberty, and that whites planned to kill blacks could hardly have been more important in the lives of individual black Charlestonians. A source of ambiguous news about whites killing blacks is suggested by Allport and Postman's observation that, as a rumor passes from person to person, details are sheared off and "it tends to grow shorter, more concise, more easily grasped and told."<sup>197</sup>

While the 1821 South Carolina legislature discussed revising the 1820 prohibition of manumission, it also debated and ultimately passed a law making it a capital crime for a white person to murder a slave. Such a reform had been advocated for more than a year in articles prominently featured in the *Charleston Courier*. In his message to the 1820 legislature, Governor John Geddes argued that "the rules of reason, Justice, and religion require" that the "barbarous deed" of a white person murdering a slave should receive "the same" punishment as any other murder.<sup>198</sup> Eleven months later, "Beccaria" urged the 1821 legislature to adopt such a measure, since "it cannot be believed that the wise ordinance of Heaven had special regard to color or complexion" in providing for the punishment of an "abandoned villain, who wantonly sports with the life of his fellow creature."<sup>199</sup>

Readers could learn about the 1821 legislature's response to such appeals in the *Courier's* notice that "a Bill was likely to pass prescribing the punishment of death for the murder of a slave."<sup>200</sup> A few days later the *Courier* reported, "In relation to the *Penal Code*, several very important alterations will probably prevail. The murder of a slave is to be punished by death." On Christmas day, the *Courier* explained that the new law provided that "murder in the first degree, on the body of a slave, is to be punished with death, without the benefit of Clergy; Manslaughter, \$500, fine, and six months imprisonment."<sup>201</sup>

What might it take for news that whites who murdered slaves were subject to the death penalty to become a rumor that whites intended to kill blacks? Would it take more than a black reader reporting the news to a

<sup>196</sup> Allport and Postman, *The Psychology of Rumor* (New York, 1965), 2. For other studies dealing with rumor, see "Further Reading" at the end of this article.

<sup>197</sup> Allport and Postman, *Psychology of Rumor*, 75.

<sup>198</sup> John Geddes, "Governor's Message," *Charleston Courier*, Dec. 1, 1820. Incoming governor Bennett endorsed this and other revisions to the penal code; "From Columbia," *ibid.*, Dec. 23, 1820.

<sup>199</sup> "The Penal Code—No. 2," *ibid.*, Nov. 7, 1821; see also "The Penal Code, No. 1," *ibid.*, Nov. 6, 1821.

<sup>200</sup> "State Legislature," *ibid.*, Dec. 15, 1821. See also "State Legislature," *ibid.*, Dec. 12, 1821.

<sup>201</sup> "From Columbia," *ibid.*, Dec. 18, 1821; "Acts of the Legislature," *ibid.*, Dec. 25, 1821. See also "From Columbia," *ibid.*, Dec. 24, 1821.

friend who in turn repeated a shortened version such as, "I hear whites are talking about killing blacks"? That may have been the source of the rumor that surfaced in Robert Harth's testimony to the court. More generally, black readers like Denmark Vesey and Monday Gell may well have been the sources of this and other rumors eventually voiced by witnesses in court.

According to the transcript, witnesses came to Monday Gell's harness-making shop to hear the latest news and talk about its meaning. Gell testified that "the first time" William Palmer came to his shop "he asked for the news paper." Yorrick Cross reported that as he was leaving Gell's shop, Gell "said when you want to hear the news come here." Gell told the court, "every day there were numbers in my Shop on this business [insurrection]." <sup>202</sup> Altogether, witnesses named fifty-seven slaves and free men of color who talked with Gell about the uprising. In large measure, the court rounded up, convicted, and executed or exiled members of Gell's reading and discussion group. Three-fourths of the men hanged and two-thirds of those exiled had discussed the uprising with Gell, according to the transcript. <sup>203</sup> Since Gell himself provided the testimony—corroborated by other pet and star witnesses—that placed these men in his shop talking insurrection, the court vicariously eavesdropped on those conversations and believed they were a plot to set fire to the city and kill the whites.

But was the court interpreting the testimony correctly? Or was it participating in the cycle of rumor by listening to the shocking talk circulating among black Charlestonians and amplifying it into "the most horrible catastrophe" that had ever threatened South Carolina? <sup>204</sup> If black men discussed the news, were they plotting to slaughter whites? If they talked about insurrection, were they joining it? If they speculated about an uprising, were they preparing for it? Not according to Caesar Smith, one of the few defendants who testified in his own behalf. John Enslow, Charles Drayton, and Gell named Smith as one of those who stopped by Gell's shop to talk. "He was always willing to join, there is no one more so," Gell said, adding, "He was as zealous as myself—He was at my shop often." Smith's entire defense was "that he had frequent conversations on this subject with the witnesses but denied he had joined." <sup>205</sup> Unpersuaded by Smith's distinction, the court sent him to the gallows.

Rather than evidence of insurrection, witnesses' testimony documented the heresies widespread among black Charlestonians: that blacks hated both slavery and whites, that slaves should be free, that blacks should be equal to whites. The authority of the Bible undergirded these heresies. Witnesses linked Vesey with the Bible much as they associated Gell with the newspaper. <sup>206</sup>

<sup>202</sup> Evidence, 209, 147, 214.

<sup>203</sup> Men who had talked with Gell included 27 (77%) of the 35 men hanged and 23 (62%) of the 37 exiled.

<sup>204</sup> *Official Report*, 59.

<sup>205</sup> Evidence, 223.

<sup>206</sup> Gell also testified that "Vesey had many years ago, a pamphlet on the slave trade"; *ibid.*, 221.

William Paul told the court that Vesey “studies the Bible a great deal and tries to prove from it that [Slavery and] bondage is against the Bible.” Rolla Bennett testified that Vesey, at a meeting at his house, “was the first to rise up & speak & he read to us from the Bible how the Children of Israel were delivered out of Egypt from bondage.”<sup>207</sup> Other defendants were also identified as Bible readers. Charles Drayton declared that “once at Vesey’s at a meeting about this business—[Jack] Glenn there quoted Scripture to prove he would not be condemned for raising against the whites—he read a chapter out of the Bible.”<sup>208</sup>

Historians of medieval and early modern Europe have observed the concomitant spread of reading and heresy among lay people, beginning in the twelfth century.<sup>209</sup> Heresy, of course, existed long before literacy diffused beyond learned elites. Before the twelfth century, heresy was associated with illiteracy.<sup>210</sup> Literate elites had exclusive access to authoritative texts, allowing them to define orthodoxy. Important developments such as the insertion of spaces between written words beginning in the ninth century made it possible for reading to shift over the next few centuries from spoken to silent, from mouth to eye, from public to private.<sup>211</sup> The growing intimacy between text and reader had profound political as well as devotional consequences. In private, silent readers cultivated unorthodox and even subversive ideas that literate elites labeled heresy.<sup>212</sup>

<sup>207</sup> Ibid., 152, 164. The words in brackets are taken from House, 66, since the corresponding section in Evidence has been torn away.

<sup>208</sup> Evidence, 203. Bacchus Hammett also claimed Glenn read the Bible; *ibid.*, 204. William Paul said he read the Bible, and Harry Haig testified that Peter Poyas “took out his book [a Bible?] and we prayed all night”; *ibid.*, 151–52, 183.

<sup>209</sup> See Peter Biller and Anne Hudson, eds., *Heresy and Literacy, 1000–1530* (Cambridge, 1994). For examples of the rich historiography on the causes, kinds, and consequences of literacy in medieval and early modern Europe, see “Further Reading” at the end of this article.

<sup>210</sup> Biller, “Heresy and Literacy: Earlier History of the Theme,” in Biller and Hudson, eds., *Heresy and Literacy*, 5–10; R. I. Moore, “Literacy and the Making of Heresy 1000–1150,” *ibid.*, 19–24. See also Brett Sutton, “Literacy and Dissent,” *Libraries and Culture*, 26 (1991), 183–98, and Darrin M. McMahon, “The Counter-Enlightenment and the Low-Life of Literature in Pre-Revolutionary France,” *Past and Present*, No. 159 (1998), 77–112.

<sup>211</sup> This sentence greatly oversimplifies a complicated, diverse, and multidimensional history stretching over many centuries; instances of silent reading, for example, can be found as early as the 5th century B.C.; Paul Saenger, *Space between Words: The Origins of Silent Reading* (Stanford, 1997), 1–17, 256–76. See also Guglielmo Cavallo and Roger Chartier, eds., *A History of Reading in the West*, trans. Lydia G. Cochrane (Amherst, Mass., 1999), 1–20, 37–148.

<sup>212</sup> Private reading also fostered subversive readings among elites. Saenger, *Space between Words*, 274, reports, for example, that “Charles of France, the rebellious brother of Louis XI, left a copy of Cicero’s *De officiis* with underlined passages justifying rebellion and the assassination of tyrants.” My colleague John Marshall has given me numerous quotations from 17th-century English defenders of religious orthodoxy who explicitly connected heresy with conspiracy and sedition. For examples of heretical texts collected by the inquisition in Languedoc, see James B. Given, *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc* (Ithaca, 1997), 49–51. A classic account of the significance of unorthodox conclusions from private reading is Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, trans. John and Anne Tedeschi (Baltimore, 1980), 62, whose observation that the “mental and linguistic world” of the miller Menocchio was marked “by the most absolute literalism” suggests the possibility that a similar literalism characterized black readers such as Vesey and Gell.

A chasm of time, space, and historical experience separates the literate heretics of medieval and early modern Europe from Denmark Vesey and other black readers in Charleston.<sup>213</sup> But like heretical readers centuries earlier, Vesey and other literate African Americans lived amid a community of nonreaders.<sup>214</sup> Although all illiterate Charlestonians participated in an oral culture, like early nineteenth-century city-dwellers everywhere they encountered words every day in shop signs, crumpled newspapers in the street, posters slapped on walls, and currency exchanged from hand to hand.<sup>215</sup> People who could not read, both black and white, knew that written words had powers accessible to those who could decipher them. Vesey and other black readers, like heretics of earlier times, challenged moral and political orthodoxies by giving nonliterate black listeners heterodox readings of authoritative words.<sup>216</sup>

South Carolina legislators understood the dangers of subversive readings in a slave society. The 1820 law prohibiting manumission provided severe penalties for any white person or free person of color "convicted of having, directly or indirectly, circulated or brought within this State, any written or printed paper, with intent to disturb the peace or security of the same, in relation to the slaves of the people of this State."<sup>217</sup> The legislators failed to imagine that their own "written or printed" words could invite disturbing heresies by circulating among black readers and listeners in Charleston. Religious heresies promulgated by the African church, white Charlestonians believed, justified the suspicion that, as William Paul testified Mingo Harth

<sup>213</sup> See Janet Duitsman Cornelius, *"When I Can Read My Title Clear": Literacy, Slavery, and Religion in the Antebellum South* (Columbia, S. C., 1991); Robert E. Gallman, "Changes in the Level of Literacy in a New Community of Early America," *Journal of Economic History*, 48 (1988), 567–82; and David Freedman, "African-American Schooling in the South Prior to 1861," *Journal of Negro History*, 84 (1999), 1–47.

<sup>214</sup> Bacchus Hammett testified to the opacity of writing to a nonreader, saying that "a large Book like a Bible was open before them at Denmarks house—that he does not know whether it was to sign names in or what purpose," that a black man who "could read . . . showed Monday Gell the large Book on the table—that he said to Monday shewing him some of the leaves of the book on the table 'see here they are making real game at we' and Monday looked at the book and said nothing"; Evidence, 173–74.

<sup>215</sup> See David M. Henkin, *City Reading: Written Words and Public Spaces in Antebellum New York* (New York, 1998); Stephen Rachman, "Reading Cities: Devotional Seeing in the Nineteenth Century," *American Literary History*, 9 (1997), 653–75.

<sup>216</sup> Henry Louis Gates Jr., *The Signifying Monkey: A Theory of Afro-American Literary Criticism* (New York, 1988), 128, writes that "the literature of the slave consisted of texts that represent impolite learning and . . . these texts collectively railed against the arbitrary and inhumane learning which masters foisted upon slaves to reinforce a perverse fiction of the 'natural' order of things." For other pertinent studies of the significance of reading, language, and literacy, see "Further Reading" at the end of this article.

<sup>217</sup> Whites were subject to a fine of up to \$1,000 and imprisonment for no more than a year. Penalties for a free person of color included a fine of no more than \$1,000 for the first offense and, for the second offense, a whipping of no more than 50 lashes and banishment from the state. The law provided that "any free person of color who shall return from such banishment, unless by unavoidable accident, shall suffer death without the benefit of clergy"; McCord, *Statutes at Large*, 7:460.

told him, "all those belonging to the African Church are engaged in the insurrection from the Country to the town."<sup>218</sup>

The liabilities of the testimony in the court transcript make it impossible to be certain about what Vesey said or believed. But the outlines of the heresies he and others circulated are visible in witnesses' attempts to exculpate themselves by embracing conventional orthodoxies. Pet witness Joe LaRoche told the court that he refused Rolla Bennett's entreaties to join because "God says we must not kill. . . . our parents for generations back had been slaves & we had better be contented." LaRoche explained, "I felt that it was a bad thing to disclose what a bosom friend [Rolla Bennett] had confided, that it was wicked to betray him—but when I thought on the other hand that by doing so I would save so many lives & prevent the horrible acts in contemplation that 'twas overbalanced, & my duty was to inform." Pet witness Robert Harth assured the court that he struck a similar balance when Peter Poyas asked him to join. Harth testified, "About 1st June I saw in the public papers a statement that the white people were going to build Missionary Houses for the Blacks, which I carried & showed to Peter & said to him you see the good they are going to do for us."<sup>219</sup> Star witness Frank Ferguson claimed that "Vesey said the negroes were leading such an abominable life, they ought to rise—I said I was living well—he said tho' I was, others were not, and that 'twas such fools as I that were in their way, and would not help them." George Vanderhorst told the court that the conspirators were bent on killing blacks who refused to embrace their heresies: "I have heard it said all about the streets generally, I cant name any one in particular, that whoever is the white man's friend God help them, by which I understood that they would be killed." Smart Anderson confessed that when he "asked him [Denmark Vesey] if you were going to kill the women and Children—Denmark answered what was the use of killing the louse and leaving the nit—Smart said my god what a Sin."<sup>220</sup>

By these self-exculpatory statements, witnesses tried to assure the court that they saw the world right side up, that is, white side up. Vesey, witnesses claimed, refused to embrace that orthodoxy. According to Benjamin Ford, "a white Lad about 15 or 16 years of age," Vesey did not confine his heresies to private conversations with his black friends. Ford testified "that Denmark Vesey frequently came into our Shop, which is near his house & always complained of the hardships of the blacks—he said the laws were very rigid & strict & that the blacks had not their rights, that every one had his time & that his would come round too—his general conversation was about religion, which he would apply to Slavery, as for instance, he would speak of the creation of the world in which he would say all men had equal rights, blacks as well as whites &c. all his religious remarks were mingled with Slavery." The court observed that Vesey "sought every opportunity of entering into conversations with white persons when they could be overheard by negroes

<sup>218</sup> Evidence, 152.

<sup>219</sup> Ibid., 153–55, 159.

<sup>220</sup> Ibid., 167, 150, 177.



near by, especially in grog shops; during which conversation he would artfully introduce some bold remark on slavery.”<sup>221</sup>

Perhaps Vesey's intransigent flaunting of his heresies made him a target for whites' suspicion and black witnesses' incrimination. Instead of an insurrectionist, perhaps Vesey was a fall guy for both the court and the witnesses who repeatedly testified against him. According to the *Official Report* (but not the transcript), Vesey told the court that “as his situation in life had been such that he could have had no inducement to join in such an attempt, the charge against him must be false; and he attributed it to the great hatred which he alledged the blacks had against him.” Perhaps Vesey spoke truths many whites and blacks preferred to suppress because they lived in a world brutally hostile to the heresy of racial equality.<sup>222</sup> Suppressed heresy—“don't ask, don't tell”—could be tolerated by both whites and blacks. Expressed heresy became intolerable, frightening whites and subjecting blacks to the harsh strictures of white suspicion and vigilance. Vesey, it appears, was the victim of a conspiracy of collusion between the white court and its cooperative black witnesses, both eager for their own reasons to pay homage to the enduring power of white supremacy.

Unanswered questions about Vesey and his co-conspirators abound.<sup>223</sup> But this much is clear: Vesey and the other condemned black men were victims of an insurrection conspiracy conjured into being in 1822 by the court, its cooperative black witnesses, and its numerous white supporters and kept alive ever since by historians eager to accept the court's judgments while rejecting its morality. Surely it is time to pay attention to the “not guilty” pleas of almost all the men who went to the gallows, to their near silence in the court records, to their refusal to name names in order to save themselves. These men were heroes not because they were about to launch an insurrection but because they risked and accepted death rather than collaborate with the conspiratorial court and its cooperative witnesses. Surely it is time to read the court's *Official Report* and the witnesses' testimony with the skepticism they richly deserve and to respect the integrity of a past that sometimes confounds the reassuring expectations generated by our present-day convictions about the evil of slavery and the legitimacy of blacks' claims to freedom and justice. Surely it is time to bring the court's conspiracy against Denmark Vesey and other black Charlestonians to an end.

<sup>221</sup> Ibid., 166; *Official Report*, 19.

<sup>222</sup> *Official Report*, 45. On suppressed truth, see James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, 1990), and Chris Wickham, “Gossip and Resistance Among the Medieval Peasantry,” *Past and Present*, No. 160 (1998), 3–24.

<sup>223</sup> A full discussion can be found in “Conjuring Insurrection.”

### *Further Reading*

For previous scholarship on the Vesey conspiracy, see Archibald Henry Grimké, *Right on the Scaffold, or, The Martyrs of 1822* (Washington, D. C., 1901); Ulrich Bonnell Phillips, "The Slave Labor Problem in the Charleston District," *Political Science Quarterly*, 22 (1907), 416–39, and *American Negro Slavery: A Survey of the Supply, Employment, and Control of Negro Labor as Determined by the Plantation Regime* (New York, 1918), 477–79; Joseph C. Carroll, *Slave Insurrections in the United States, 1800–1865* (Boston, 1938), 102–13; Herbert Aptheker, *American Negro Slave Revolts* (New York, 1943), 268–76; Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York, 1956), 135; Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life* (Chicago, 1959), 138–39; Richard C. Wade, "The Vesey Plot: A Reconsideration," *Journal of Southern History*, 30 (1964), 148–61, and *Slavery in the Cities: The South, 1820–1860* (New York, 1964), 228–41; John Lofton, *Insurrection in South Carolina: The Turbulent World of Denmark Vesey* (Yellow Springs, Ohio, 1964); William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1836* (New York, 1965), 51–63; Robert S. Starobin, ed., *Denmark Vesey: The Slave Conspiracy of 1822, Great Lives Observed* (Englewood Cliffs, N. J., 1970); John Oliver Killens, "Introduction," in Killens, ed., *Trial Record of Denmark Vesey*, vii–xxi; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia, S. C., 1973), 133–51; Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York, 1974), 270–71, 284–85; Eugene D. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, 1979), 44–50; John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans*, 5th ed. (New York, 1980), 154–55; Vincent Harding, *There Is a River: The Black Struggle for Freedom in America* (New York, 1981), 65–72; Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York, 1984), 37–42; Freehling, "Denmark Vesey's Peculiar Reality," in Robert H. Abzug and Stephen E. Maizlish, eds., *New Perspectives on Race and Slavery in America: Essays in Honor of Kenneth M. Stampp* (Lexington, Ky., 1986), 25–47; Margaret Washington Creel, "A Peculiar People": *Slave Religion and Community-Culture among the Gullahs* (New York, 1988), 150–66; Walter J. Fraser, Jr., *Charleston! Charleston! The History of a Southern City* (Columbia, S. C., 1989), 200–04; Norrece T. Jones, Jr., *Born a Child of Freedom, Yet a Slave: Mechanisms of Control and Strategies of Resistance in Antebellum South Carolina* (Hanover, N. H., 1990), 177–80, 185–86; Sterling Stuckey, "Remembering Denmark Vesey," in *Going through the Storm: The Influence of African American Art in History* (New York, 1994), 19–31; Freehling, "Denmark Vesey's Antipaternalist Reality," in *The Reintegration of American History: Slavery and the Civil War* (New York, 1994), 34–58; Bernard E. Powers, Jr., *Black Charlestonians: A Social History, 1822–1885* (Fayetteville, Ark., 1994), 29–35; Michael Mullin, *Africa in America: Slave Acculturation and Resistance in the American South and the British Caribbean*,

1736–1831 (Urbana, 1994), 228–30; W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, Mass., 1997), 192–99; Peter P. Hinks, *To Awaken My Afflicted Brethren: David Walker and the Problem of Antebellum Slave Resistance* (University Park, Pa., 1997), 22–62; Walter Edgar, *South Carolina: A History* (Columbia, S. C., 1998), 327–29; Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass., 1998), 362; Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, 2000), 298–99; and Lois A. Walker and Susan R. Silverman, *A Documented History of Gullah Jack Pritchard and the Denmark Vesey Slave Insurrection of 1822* (Lewiston, N. Y., 2000).

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