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Sweet Taste of Liberty: A True Story of Slavery and Restitution in America

By W. Caleb McDaniel

Reviewed by Marc Alexander

“A rather interesting case has been commenced in the Superior Court of this city,” reported the *Cincinnati Enquirer* in 1870, “out of the custom of slavery, now supposed to be extinct.” The plaintiff, Henrietta Wood, a former resident of Cincinnati, had sued Zebulon Ward, alleging she had been abducted by Ward’s slave trading agent, and delivered to Kentucky from Cincinnati, the place where she had enjoyed her “sweet taste of liberty.” She was then reenslaved in Kentucky and sold to subsequent plantation owners, “remaining there in the bonds of slavery until her shackles were knocked off by the lamented Mr. Lincoln.” She asked for \$20,000 in damages, including years of lost wages.

The most amazing thing about this story is that it is told at all. As triumphalists remind us, history is written by the winners. Born in slavery, Wood was illiterate and signed her name with an X. Wood’s story is told thanks to the dedication and ability

of its author Caleb McDaniel, a historian at Rice University, who ferreted out dusty court property and other civil records, as well as newspaper interviews by the journalist Lafcadio Hearn, who interviewed Wood in 1870, and by another journalist in 1879.

Blind in his left eye, myopic in his right, the son of an Irish surgeon in the British army and a Greek woman of noble descent, a born outsider, the journalist Lafcadio Hearn was known as a sensationalistic writer, with a taste for the grotesque and horrible. He also had an interest in the underclass and he latched on to the story of Henrietta Wood.

Wood was born into slavery in Kentucky, though she did not exactly know when, or who her father was, sometime between 1818 and 1820. In 1848, she crossed the Ohio River, moving with her mistress from the slave state Kentucky to the free state Ohio. In Ohio, she received “freedom papers” when her mistress declared her free. She then be-



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came employed in boarding houses. Perhaps it was tension between her and an employer she worked for, or sheer greed on the part of the employer, that led her employer in 1853 to conspire with a slave broker in Kentucky to have Wood sent in a carriage with blinds drawn, boarded on a ferry, and returned to Kentucky. Once in Kentucky, Wood found herself enslaved again.

Wood found a supportive attorney to initiate a “freedom suit,” while she was held in a slave pen, waiting for an outcome. She had no voice in court, and lost her suit, perhaps because she could not produce her freedom papers, which had been stolen from her at the time of her kidnapping. Even if she could have produced those papers, she would likely have lost her suit in Kentucky. The defendant, Zebulon Ward, argued successfully that he had bought Wood for \$300 from the beneficiary of the estate that owned her in Kentucky and that he was therefore allowed to capture her in Ohio and bring her back to Kentucky. For Wood, the outcome was calamitous. She would be sold for \$1050 and resold, living in captivity for 16 years in Kentucky, Louisiana, Mississippi, and Texas.

The villainous Ward was a charming and hardened rogue who became wealthy as the warden of three state prisons, using primarily Black prison labor to produce hemp products and to work on construction projects. He was a gambler and he was audacious. He ran prisons as businesses for his financial benefit. He became notorious for squeezing his prison laborers, concerned solely about their productivity and his bottom line, rather than their welfare. As post-Civil War historians rehabilitated the rebel and slave owner Robert E. Lee as the handsome Southern gentleman of impeccable honor, bravery, and bearing, so Ward became a sort of Colonel

Sanders figure, bearded, wearing white hat and suit, a dedicated “turf man” devoted to his racehorses, and an entertaining raconteur. He came with his story as “the last man in this country to pay for a negro slave.”

McDaniel’s writing is fluid, vivid, and clear, yet thick with context and interesting details. One gets a sinking feeling from what it must have been like to have no control over one’s body or destiny, to live in fear that one could be sold and resold, to know family members could be separated, to serve at the whim of a master, to see and experience whippings and beatings, to experience sexual abuse, to sweat in the heat of a cotton field, to constantly hold one’s tongue, to work in the master’s house cooking and ironing all day long, and to be unable to read or write.

While the historical background is fascinating, the main attraction for lawyers may well be the legal process itself. The Fugitive Slave Act of 1850, negotiated between Southern slaveholders, and Northerners, attempted to save the union at the cost of enforcing the return of slaves from free states to slaveholding states. It placed major burdens on the person seeking freedom, for the former slave was not allowed a voice or a jury trial, a federal commissioner enforced the law, the black person was presumed to be a slave in a slaveholding state, and the commissioner was paid more for finding the person to be a slave than for finding the person to have been released from slavery. In slaveholding Kentucky, Wood could not sustain her burden in court in 1853.

After the Civil War, Wood eventually returned to Cincinnati, where she brought a new suit in 1870, with the help of a Kentucky lawyer in whose house she had worked, a “lawyer’s lawyer” named Harvey Myers. Cincinnati lawyers joined in her representation,

and the ensuing legal machinations will seem familiar to a contemporary litigator. There were service issues. The defendant removed the case from state to federal court. The defendant challenged the pleadings as defective for the obscure reason that Wood had sued in trespass on the case, rather than in simple trespass, evidently seeking to achieve more than damages for the single act of abduction. The demurrer was sustained, and there were further rounds of amendment, demurrer, court rulings, and amendment, until the issue was joined by Ward's filing of affirmative defenses. During the pendency of Wood's case, her attorney Myers was shot dead by the estranged husband in a nasty divorce case involving a client of Myers, placing the representation squarely in the hands of the Cincinnati attorneys, who did not move the case forward with alacrity.

The trial itself was short, and the newspaper reporter describing Wood wrote that "Henrietta Woods [sic], waiting for the jury, sat like a black marble statue." Her impassivity was warranted, given the disappointing result of the first trial.

After a short trial, an all-white jury returned an award in Wood's favor, but only awarded \$2,500 — raising questions for observers, and for the reader, of how this amount was ever arrived at. One suggestion was that she was being repaid for her sale price of \$1,050, plus interest for her years of captivity.

There were only three substantial issues in the case: (1) Was suit barred by the statutes of limitation? (2) Was she free in 1853, or still a slave and in Ohio without consent of her owner?; (3) Was the Kentucky case that failed to free her in 1853 binding on the court in Ohio? Evidently the jury decided all questions in Wood's favor.

But then the case was appealed. On appeal the key issue was whether Ohio was bound by the Kentucky court. And here there was an irony and a legal twist, for the Circuit Judge treated the question purely as one of law, explaining why the Kentucky court lacked jurisdiction to rule on the merits. Having failed to establish her freedom in Kentucky, Wood remained a slave. And a slave had no standing to bring suit. And lacking a competent plaintiff, the Kentucky court had dismissed the freedom suit. And because Wood lacked standing to bring a suit, and her claim could not be adjudicated on the merits, the Kentucky court dismissal did not bind other courts. Thus, by failing to establish her freedom in Kentucky, Wood was allowed to establish that she had been free in 1853 at the time of her abduction.

The case had taken nine years to resolve.

McDaniel carefully separates the factual history from an epilogue that addresses the question of contemporary relevance. It is impossible to separate Wood's life and legal battle from the issue of reparations. How much were her years of slavery worth? \$2,500? Is it too late to seek compensation for wrongs long ago? Given Wood's extraordinary efforts to obtain reparations in 1870, and a nine-year legal battle, can one fairly conclude that it would have been easier to obtain reparations in 1870 than today? And does reparation simply mean money, or rather, "the things that many advocates for reparations most desire: apology, respect, recognition, truth-telling, and truth-hearing"?

All eight pillars of caste described in Isabel Wilkerson's new book *Caste* existed in the world Wood lived in: religious support for slavery, the heritability of caste, control of marriage and mating, purity versus pollution, occupational hierarchy, dehumaniza-

tion, terror as enforcement of control, and inherent superiority. For this reader, McDaniel's book raises a question about the extent to which the residue and shadow of the caste system exist today. It was only in the 1960s that formal Jim Crow laws were swept aside. Yet a vast system of incarceration, voter suppression, economic inequality, the problem of capital accumulation, neighborhood separation, and White nationalism burden the present.

McDaniel raises an intriguing question: Did Wood win? On the one hand, she obtained vindication that Ward had wronged her. On the other hand, even in 1879, \$2,500 after nine years of trial and an appeal seems a pittance for conspiracy, a kidnapping, removing Wood's freedom papers, and returning her to slavery and captivity for 16 years. Indeed, Wood herself may have been disappointed with the result. One clue is that her lawyer sued for fees.

That is not the end of the story, however. Wood had a son named Arthur. Henrietta and Arthur joined the Great Migration north to Chicago, and McDaniel speculates that the monetary award played an important role in the future fortunes of the family. In Chicago, Arthur worked as a Pullman porter, purchasing a house in 1885 for \$1,150 outright, money that he likely could not have saved as a young Pullman porter. In 1887, he began law school, becoming a successful attorney who borrowed against his first property and purchased more property. Dying at age 95, Arthur "was memorialized in *Jet* magazine as the 'nation's oldest practicing Negro lawyer.'" It is not much of a stretch to surmise that his mother's modest monetary victory helped Arthur purchase that house and launch his successful legal career. Future family generations would include a Tuskegee

airman, a jazz musician, and a host of professionals, "including a librarian, a doctor, and a great-granddaughter ... who graduated from the University of Chicago, and died in 2018, after a long career in computers." So perhaps the legal system, which often can only provide money as compensation for injury, did provide a measure of relief that proved to be meaningful to Henrietta, Arthur, and Arthur's progeny. However, the shortcomings of the legal system also point to the conclusion that the project of truth and reconciliation transcends monetary awards.

In "An Essay on Sources" at the end of the book, McDaniel creates an innovative experiment in "open notebook history," providing readers access to all his sources.

In 2020, *Sweet Taste of Liberty* won the Pulitzer Prize for history.



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