

Francis Scott Key – “A True Friend to the African Race”

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Within days of the Francis Scott Key bridge disaster, in Maryland, local activists and activist organizations were demanding that any new bridge should not be named after Key and branding him a racist. Over the past few years, the historiographical direction of popular commentators and historical writers have fallen in behind those who, for their own purposes, wish to paint Key in this light. Despite its current popularity, such a view dishonors his legacy, is historically inaccurate, and disregards many significant actions Key took throughout his life to end slavery.

This article disputes the assertion that Key was a wealthy plantation owner and provides Key’s position on slavery and the abolition of slavery based principally on his own actions and writings, but also on writings of important figures who knew him best. In addition, we review Key’s ownership of slaves.

Key’s critics describe him as a rich landowner with money inherited from a long line of wealthy plantation owners. While Key’s grandparents indeed fit that description, he did not. Annapolis socialite Rosalie Calvert wrote at the time of his marriage in 1802, “Polly Lloyd [the youngest child from one of Maryland’s wealthiest families] is to be married next month to Frank Key *who has nothing* [emphasis added] and who has only practiced for two years as an [attorney].”¹ This assessment of Key was much closer to the truth.

While Key’s father, John Ross Key, a Captain in the American Revolution, had inherited the large Terra Rubra or Pipe Creek tract in Frederick County, by the early 1790’s he was heavily in debt and began selling parcels of the property. In 1800, John Ross Key sold most of his personal property, including slaves, for \$1750 to satisfy a debt.² Later, Francis Scott Key would write to his father urging him to sell personal property at the farm rather than taking on more debt, and, finally, in 1813, Key borrowed \$10,000 to purchase his father’s remaining real property at auction.³ Because of this, during the early years of their marriage, the young Key family was heavily dependent on the \$5,000 trust fund dowry Key received from his wife Polly’s family.⁴ At the time of his death in 1843, Francis Scott Key himself was heavily in debt, partly due to his lifelong philanthropy, and his executors were forced to sell the farm and other personal property to settle the estate.⁵

Francis Scott Key was an abolitionist for the entirety of his life. He believed slavery was an evil and a sin, writing in 1839, “I was born in Maryland, and have always lived in a slave State. No northern man began the world with more enthusiasm against slavery than I did. For forty years and upwards, I have felt the greatest desire to see Maryland become a free

State. That desire and that conviction have not abated in the least.”⁶ In a 2016 CNN opinion article about the Star-Spangled Banner, Key biographer, Mark Clague, writes that “claims about its author as especially racist have been distorted and exaggerated.” Clague noted that “Key viewed slavery as a moral wrong that required a solution,” and that he was “dedicated to ending slavery.”⁷ When once asked if Southerners believe God sanctioned slavery, Key responded with the guiding principle of his own life, “Do unto others as you would they should do unto you. This must govern all possible cases of human conduct.”⁸ This is how Frank Key lived his life.

Many articles written about Key discuss a dichotomy of his opposition to slavery while owning slaves, himself, and that his views were “complicated. Key explains this perceived dichotomy in his letters and defends the concept of “benevolent slaveholder” which we are now told to believe was a myth. After all, we are told the “slave holder could always manumit them and hire them back – it wasn’t against the law.” Yet, things were not so straightforward.

Maryland and District of Columbia law prevented the manumission of enslaved minors and slaves over the age of forty-four years old from the years 1796 through 1831. After the year 1832, a new Maryland and District law took effect which required any newly manumitted slave to leave the state, preferably to Liberia. During the drafting sessions for this law, Key supported a gradual emancipation of enslaved people which was not adopted, but successfully lobbied the Maryland legislature to append a condition such that manumitted slaves, with an annual permit, could remain as free and not be removed from the state when “the said courts may be satisfied by respectable testimony, that such slave or slaves so manumitted, deserve such permission on account of their extraordinary good conduct and character.”⁹ We see several manumissions by Key in the year 1831, before the revised Maryland law took effect in 1832.

Most states, including Maryland and the District of Columbia also held that manumission “shall not exempt any manumitter or his representatives, or his estate, from any liability to maintain any hereafter emancipated slave, who, at the time his or her right to freedom accrues, may be unable to gain a livelihood, or be over forty-five years of age at said time, and afterwards become unable to maintain himself and herself.”¹⁰

In a pamphlet published by the African Repository in 1836, Key writes; “If slavery in its origin is here meant, all agree it is a sin but if they mean that buying a slave or holding a slave, is, under all circumstances, a sin, no proposition is more false.” He relates an occasion where he and a Quaker associate purchased an enslaved man who was about to be sold to the South, away from his family, and “whose wages for a few years would amount to the price demanded for him. He begged us to buy him and let him work out the

price. We advanced the money, and the man repaid us and was free.” He noted that neither he nor his Quaker friend had the money to purchase the enslaved man’s contract on their own and that the friend was mightily disturbed about being henceforth portrayed as a slaveholder, which would be contrary to his religion. He continued: “If this was a sin, [I] certainly have not repented of [my] share of it. It is true we might, if able to do so, had advanced the price as a gift, and it would have been a greater charity; but we were not able to do more than we did. We did not think our inability to do the greater charity was any reason against our doing the less.”¹¹

In his book, *What So Proudly We Hailed*, Key biographer Mark Leepson writes, “Francis Scott Key’s record on slavery is mixed. While Key freed a few of his slaves, he did not free them all.”¹² This is not true. Key owned no slaves at his death despite the many legal obstacles he faced in freeing them.¹³ Other detractors continue to attribute a racist quote to Key that his position was that free Blacks are “a distinct and inferior race of people, which all experience proves to be the greatest evil that afflicts a community.” Clague disproves this assertion in his book, *O Say Can You Hear*, noting that Key was responding to a question as to why he thought Christians in the South believed slaves should not be emancipated, not providing his own position. Key did not consider himself a Southerner.¹⁴

It certainly cannot be denied that Key owned black as well as white bondsmen. Francis Scott Key owned no slaves until his marriage to his wife Polly in 1802. Polly had inherited her first enslaved black American, Milley, as well as her own trust fund, from the will of her father when she reached the age of sixteen in the year 1800.¹⁵ In a letter from Key to his mother in June 1811, Key discussed Milley telling his mother that she “will be surprised and sorry to see Milley – she has been complaining for some time and though she seemed occasionally getting better, she has for the last week or two been growing rapidly worse. I had intended to send her up for some time to Pipe Creek and wish now that I had done so sooner. Dr. Worthington thinks it will be of service to her and he has given directions as to her treatment. Milley’s husband goes up with her. He is very kind and attentive to her.”¹⁶

Another enslaved man, inherited by wife Polly in her mother’s will, was an elderly man who was relocated to the Key farm in Frederick. Key wrote that due to his age, and possible blindness, the enslaved man had been unable to perform “no work for me for years, I pay his board and other expenses, and cannot believe that I sin in doing so.”¹⁷

In another instance, we have the case of forty-five-year-old enslaved Clem Johnson, who stated he did not wish to be manumitted. Clem “wept and said he did not care to have the papers and was unwilling to leave the service of Mr. Key.” Key then hired Clem as a free man. In fact, in this instance, Key and Johnson travelled to Pennsylvania in 1831 to file the papers as it would have been illegal under Maryland law due to Clem’s age.¹⁸ It is

worthwhile to consider Clem's reluctance to accept manumission until employment with Key was guaranteed and Key's timing and location of the manumission, given that slaves manumitted after 1831 in Maryland were required to leave the state. As Clem was supporting a wife and family, it is likely he was unwilling to take the risk of finding a place to live and a job as a free black in exchange for the known security, familiarity, and kindness with the Key family. We know that Key was fond of Clem, as in a letter he reflects on "alone time" spent at Pipe Creek with "Uncle Clem" and Aunt Prissy."

Key, himself, inherited most of his slaves at his parent's death and had manumitted all of them by 1841.¹⁹ He purchased several enslaved people during his life for the purpose of freeing them, and all of those were immediately manumitted or manumitted later due to manumission restrictions in Maryland law. Even when manumission was legally possible, there was potential significant liability to the manumitter and onerous conditions placed on the manumitted enslaved person which Key, an expert in slave law, considered. It is useful to analyze these additional documented examples which demonstrate Key's actions matching his words.

In 1839, Key wrote "I have emancipated seven of my slaves. They have done pretty well, and six of them, now alive, are supporting themselves comfortably and creditably."²⁰ One of them was Philip Toy and his wife at the Pipe Creek farm who was manumitted in August 1833.²¹ While he noted that he felt it his responsibility to provide them education before they were manumitted, he still worried about their future "when age and infirmity come upon them." Clague relates the story of an enslaved woman, Ann Williams, who, while awaiting sale in Washington, and in despair at her family being broken part, jumped from a third-floor attic window, fracturing her spine and both arms. "Remarkably, Key kept in contact with Ann Williams." Nearly thirteen years after the jump, he successfully filed a freedom petition on behalf of Ann and her children, paying the court fees himself.²²

In the other known cases, where Key purchased enslaved people for the purpose of manumission, we can see his empathy especially for young children and the elderly. In June 1811, he purchased a six-year-old enslaved child named Kitty and immediately manumitted her to her free mother.²³ (Under Maryland law, minor slaves could not be manumitted until they reached the age of eight unless reunited with a free family member who could support them and enslaved people over the age of forty-four could not be manumitted). Later in 1811, Key purchased two-year-old James and six months old Joe to be manumitted at age twenty-five. He later manumitted them both to their free father, Joseph Bowling, in 1821, well before they reached the age of twenty five.²⁴ In a letter to his father in 1813 noted that he had purchased a young girl and an old woman whom he knew nothing about (neither of whom could be legally manumitted) and would send them to

assist his mother in the household in Pipe Creek.²⁵ In 1819, he purchased an eight year old mulatto girl, Lucy, to be manumitted at age thirty²⁶, and in 1822, he purchased forty two year old Jenny Jackson and her two year old daughter, Eleanor, and immediately manumitted them.²⁷

We also know that during that period Key had indentured white Americans, as an agreement was signed on 28 August 1810, indenturing Frederick D. Stone of Charles County, Maryland to Key until he reached age twenty-one.²⁸

As previously noted, many authors have stated that Key's views on slavery were "complicated" or "inconsistent". However, in addressing this assertion, one must often distinguish between the oratory of Key, the attorney, from his personal views. As an attorney, Key necessarily expounded, in court, a position most zealous to his client. Certainly, those views could be conflicting, depending on the client. For example, in the Crandall case, where Key is often villainized for his role as the district attorney in prosecuting a case under the Washington code for "publishing libels tending to excite sedition among the slaves and free colored persons in this district," the defense attorney nevertheless noted that Key's remarks in his letters and public speeches regarding the manumission of enslaved people were "quite as strong, and as much calculated to excite sedition, as the words of the libel charged against [his client]." ⁹⁸ Key, throughout his lifetime, was consistent in his personal view that slavery was an evil.

According to Clague, "Key's record of supporting Black men, women and children who were seeking freedom through legal action is more substantial than typically recognized. While his legal career was a long one, no single lawyer is affiliated with more freedom petitions in the District of Columbia than Key with many handled pro bono.³⁰ Based on the excellent "O Say Can You See" database between 1806 and 1840, Key filed petitions on at least 106 cases on behalf of Blacks seeking freedom."³¹ Key himself writes: "As a lawyer, I always undertook these causes with peculiar zeal, and have been thus instrumental in liberating several large families and many individuals."³² Clague notes that "One historian has called such freedom positions a "public counterpart of the Underground Railroad." Key reportedly made "a great many enemies" because of his freedom work.

Key was an ardent supporter of the American Colonization Society, the idea of encouraging slave owners to free their slaves and of free black Americans to voluntarily leave the country and settle in Africa. It was a movement supported by many free black Americans, such as the American Society of Free Persons of Color, abolitionist whites, slaveholders and many noted political figures of that period who continued to support colonization until the issuance of the Emancipation Proclamation in 1863. (The American Society of Free Persons of Color was an organization formed in 1830 by African Americans to improve their

condition in the United States and establish and relocate black Americans to a settlement in Upper Canada.)³³ Yet, Key, a lifetime Maryland resident qualified his support for the colonization concept by writing, “and if there is any other way, to which they will consent, which is better for the slaves than their present condition, it ought to be acquiesced in, even by those who may think that there is a better way.”³⁴ Key also supported efforts in the Maryland and Virginia legislatures to adopt laws enacting a gradual emancipation, similar to Pennsylvania, believing that “no state next to a free state can long continue so.”

It is certainly true that Key opposed the members of the Abolitionist movement calling for the immediate end of slavery, as he believed their methods would lead to economic instability, endanger the safety of all people, and lead to armed conflict. In this view, he was in accord with the overwhelming sentiment of the South as well as the great majority of leaders in the North. His ideas coincided closely with those of Abraham Lincoln, who in 1837, as a member of the Illinois Legislature, signed a statement saying that while slavery was “founded on injustice and bad policy,” the promulgation of abolition doctrines tended “rather to increase than abate its evils.”³⁵

In early June of 1842, a huge crowd of mourners turned out for the funeral of William Costin, the widely respected leader of the free African American community in the nation’s capital. More than seventy carriages filled with people trailed his casket to the cemetery. Key chose to not be in those carriages with the other white participants as would have been expected for a distinguished white Washington lawyer. Behind the carriages followed a long line of men on horseback, all of them African Americans with one exception. The one exception was Francis Scott Key.

“Whatever we may think of the errors of his belief, in the Colonization scheme” an extreme abolitionist newspaper, *The Boston Emancipator*, commented, “that for a distinguished white citizen of Washington to ride alone among a large number of colored men in doing honor to the memory of a deceased citizen of color, evinces an *elevation of soul above the meanness of popular prejudice*, [emphasis added] highly honorable to Mr. Key’s profession as a friend of men of color. He rode *alone*.”³⁶

Rev. John T Brooke, a Protestant Episcopal clergyman, from Frederick County, Maryland, and rector of Christ Church, Georgetown, D.C., a contemporary of Key said it best: “If any man was a true friend to the African race, that man was Francis Scott Key. Throughout his own region of the country, he was proverbially the colored man’s friend. He was their standing gratuitous advocate in courts of justice, pressing their rights to the extent of the law, and ready to brave odium or even personal danger in their behalf.” Yet, God “made him a man, not an angel. They who knew him best, knew how few were his real faults, and

how very little they implicated the soundness of his heart or the straightness of his conscience.”³⁷

- 1 Rosalie Calvert to Charles J. Stier, Dec. 30, 1801, quoted in Margaret Callcott, ed. *Mistress of Riversdale: The Plantation Letters of Rosalie Stier Calvert, 1795-1821* (Baltimore: Johns Hopkins University Press, 1991) 31.
- 2 Frederick County Court (Land Records), MSA, Book, WR 19, folio 499, 1799-1800, C814-49, MdHR 40341-11.
- 3 Frederick County Court (Land Records), MSA, Book WR 45 folio 607. 1813-1814, C814-75, MdHR 40341-37
- 4 Maryland Court (Chancery Records), Maryland State Archives (MSA), Book 161, folio 159, 1843, S517, MdHR 17877.
- 5 Maryland Court (Chancery Records), op. cit. p 153.
- 6 Francis Scott Key, “Mr. Key’s Letter.” *The African Repository and Colonial Journal*, 31 March 1839, Vol. 15, Issue 7, p. 115.
- 7 ‘Star Spangled Banner’ Critics Miss the Point, Mark Clague
<https://www.cnn.com/2016/08/31/opinions/star-spangled-banner-criticisms-opinion-clague/index.html>
- 8 Francis Scott Key, “Mr. Key’s Letter.” op. cit. p. 118.
- 9 Maryland Session Laws, 1831, Volume 213, p. 346.
- 10 Ibid.
- 11 Francis Scott Key, “Mr. Key on the Colonization Society.” *The African Repository and Colonial Journal*, 31 October 1836. Vol. 12, Issue 11, p. 349. This enslaved man was likely William Ridout who Key manumitted in 1831 for the payment of \$300. See Provine, Dorothy S. ed., *District of Columbia, Free Negro Registers, 1821-1861*, Bowie, MD., Heritage Books, 1996, Registration No. 819, p 195.
- 12 Leepson, Marc. *What So Proudly We Hailed: Francis Scott Key, A Life*. New York, Palgrave Macmillan, 2014.
- 13 Carroll County, Maryland, District 1, 1841 Personal Property Assessment Record, MdHR 50325-2 show no slaves owned by Francis S. Key. The 1825 Frederick County Assessment record shows fifteen slaves owned by Francis S. Key with nine who could not have been manumitted due to age. The 1835 Frederick County, District 6 Personal Property Assessment Record, MDHR 19272, shows Key owned no slaves at Terra Rubra. As Key’s mother, Phobe, as well as Key himself, inherited slaves from John Ross Key, it is unclear the number actually owned by Key at this point. The

discrepancy with the numbers in the 1840 U.S. Census may be explained by the fact that in his later years, according to his letters, he often leased slaves in both Washington and Pipe Creek.

- 14 Clague, Mark. *O Say Can You Hear*, New York, W.W. Norton & Company, 2022, p. 207.
- 15 Talbot County Register of Wills (Wills), MSA, Book JP 5, folio 154, 1794-1804, C1925-5, C 1633-2, MdHR 11218.
- 16 Letter of Francis Scott Key to Ann Phobe Key, 16 July 1811, Papers of Francis Scott Key 1808-1841, Special Collections, University of Virginia Library, MS 6949.
- 17 Francis Scott Key, "Mr. Key's Letter." op. cit. p. 117.
- 18 "Personal Mention." Gettysburg Star and Sentinel, March 13, 1888, p. 6.
- 19 United States Census 1830, Frederick County, MD. (Slaves at the Frederick farm are registered under the name of Phoebe Ann Key). In fact, after Key's mother's death in 1830, much of the Pipe Creek property was rented to tenant farmers. Total personal property assessed to Key at the farm was \$1345 in 1841 and \$1743 in his probate inventory in 1843. Most of the value of personal property was in livestock. See also note 13.
- 20 Francis Scott Key, "Mr. Key's Letter." op. cit. p. 117.
- 21 Frederick County Court (Land Records), MSA, Book JS 44 folio 4. 18, C814-122, MdHR 40341-84-1.
- 22 Clague, op cit. pp. 202-204.
- 23 Leepson, op. cit. p 26.
- 24 District of Columbia Land Records, 1812, Book AC 28, p 62.
- 25 Leepson, op. cit. p 38.
- 26 District of Columbia Land Records, 1819, Book AV 46, p 170.
- 27 Provine, Dorothy S. ed., *District of Columbia, Free Negro Registers, 1821-1861*, Bowie, MD., Heritage Books, 1996, Registration No. 84, p 19.
- 28 Maryland State Archives Charles County Estate Papers, Box 7, Folder 19, Subfolder 4, C651-A
- 29 "The trial of Reuben Crandall, M.D., charged with publishing and circulating seditious and incendiary papers, &c., in the District of Columbia, with the intent of exciting servile insurrection." Member of the Bar, Washington City, 1836. <https://www.loc.gov/resource/rbcmisc.lst0090>
- 30 Clague, op. cit. p. 200.

- 31 William G. Thomas III, Kaci Nash, Laura Weakly, Karin Dalziel, and Jessica Dussault. *O Say Can You See: Early Washington, D.C., Law & Family*. University of Nebraska-Lincoln. <http://earlywashingtondc.org>
- 32 Francis Scott Key, "Mr. Key's Letter." Op cit p 117
- 33 "The Proceedings of the Convention with their Address to Free Persons of Colour in the United States" (J W Allen, Philadelphia, 1830)
<https://udspace.udel.edu/items/e96f45ed-b63b-47b3-b7c5-5ef42b4f5ff8>
- 34 Francis Scott Key, "Mr. Key's Letter." Op cit p 116
- 35 Phillip S. Paludan, "Lincoln's Prewar Constitutional Vision" in *Journal of the Abraham Lincoln Society* 15 (1994).
- 36 "The Death of William Costin" *Boston Emancipator*, June 9, 1842, p. 23
- 37 Rev. John T. Brooke, "Discourse on the Character of the Late Francis Scott Key, Esq." *The African Repository & Colonial Journal*, 30 April 1843, Vol 19, Issue 5, p. 149.