

Dan Gediman: This is the Reckoning, I'm Dan Gediman.

Many of us have heard the phrase "forty acres and a mule". It refers to Union General William Sherman's 1865 General Order 15 which proposed redistributing confiscated Southern land to newly freed African Americans. Land, and the ability to work it, could have been a step toward restitution for more than 100 years of enslavement.

General Sherman's plan never came to pass -- it was rescinded the following year by President Andrew Johnson. But during that same era, there were other smaller, more personal efforts to seek reparations. The most successful was a lawsuit brought by a formerly enslaved woman from Kentucky named Henrietta Wood. We'll explore her courageous story in this episode of our podcast.

This is the Reckoning.

Henrietta Wood: I can't quite tell my age, but I guess I might be about 58 or 59 years old.

Dan Gediman: In 1876, Henrietta Wood sat down to tell her story, to a journalist from a Cincinnati newspaper. She'd been born into slavery, on a farm along the Ohio River, in Boone County, Kentucky.

Henrietta Wood: I lived on the farm till I was about 14 years old when old Moses Tauser died and there was a division of the property among the children. Then the old man's son --- Homer Tauser-- I think his name was --- came down from Indianapolis where he lived to see after things. And we were all sold. I was taken together with my brothers and one sister to Louisville and sold there to Mr. Henry Forsythe for \$700. He did not buy my brothers and sisters and I never saw them since.

Dan Gediman: For the next few years Henrietta Wood's story was a typical one for the time. She worked in Forsythe's home in Louisville until he sold her to a French immigrant, William Cirode, who took her to New Orleans. When Cirode abandoned his family and went back to France, his wife, Jane Cirode, moved the family to Cincinnati, Ohio and opened a boarding house, eventually bringing Henrietta with her. The move to Cincinnati was pivotal for Henrietta Wood.

Caleb McDaniel: Because of the laws of the state of Ohio at the time, any person of color who entered the state had to be registered as free before they could be employed.

That's Caleb McDaniel, professor of history at Rice University and author of a book about Henrietta Wood called *Sweet Taste of Liberty: A True Story of Slavery and Restitution in America*, which won the Pulitzer Prize in 2020. McDaniel says Jane Cirode did just as she was required.

Caleb McDaniel: She went to a county courthouse there in Cincinnati, and recorded Henrietta Wood's freedom, and Wood received a copy of her freedom papers. And so she began for the next few years to live in freedom. It was a period that she later referred to as her sweet taste of liberty.

Dan Gediman: Henrietta Wood continued to work for Jane Cirode for two years but Cirode rarely paid Wood her wages. Because she was free, Henrietta went in search of other employment, finding work with various families and boarding-house owners, including a Mrs. Boyd, the wife of a dentist and owner of a boarding-house in Cincinnati.

Henrietta Wood: Mrs. Boyd she came to me one Sunday night, and said "Henrietta I want you to come over the river with me. I have some friends to see, and we can be back in time for supper." She also asked me if I would like a nice carriage ride, and I said yes. I never suspected anything.

Dan Gediman: The carriage went over the river to Covington, Kentucky then deeper into the countryside. Three men were waiting. One of them was Zebulon Ward, a deputy sheriff in Covington.

Henrietta Wood: I was ordered to get out [of the hack] and one of the men said to me "don't run or I'll shoot you". I said I've got nothing to run for and one of the men said, "she talks mighty big don't she". Another came up close and looked into my face with a mean sort of look and said, "Don't you know me?" Then they all laughed and while I was looking right at Mrs. Boyd, I saw one of the men hand her a roll of money.

Dan Gediman: Zebulon Ward had set up a scheme with Mrs. Boyd to kidnap Wood and return her to slavery. It was the sort of kidnapping that happened all the time to free Black people, especially in border regions like Cincinnati.

Dan Gediman: There is a key piece of information that I think is worth sharing about Jane's daughter and son in law if I remember the story correctly, who are the ones who set this drama in motion to get her to trick her to cross the river to Kentucky.

Caleb McDaniel: Right, Cirode's family didn't all agree with her decision to take Wood to Cincinnati, when they thought of Henrietta Wood and the other people their father had enslaved, Cirode's daughter and son in law only thought of the inheritance money that they would lose if Wood was liberated. And so they were the ones who approached Zebulon Ward and informed him about Wood's existence across the river and set in motion the kidnapping plot; they lived in Covington, Kentucky at the time.

Dan Gediman: So the next twist in the story is that Henrietta for the first time but not the last time, she sticks up for herself and says, "Hey, wait, wait, wait, hold on. This is, this is not right". And turns to the courts in Kentucky to try to reverse what had happened. Can you tell that story?

Caleb McDaniel: Well, Henrietta Wood began telling her story, almost from the earliest hours of her abduction. She was taken to a hotel or sort of a roadside inn in the small town of Florence, Kentucky, where many travelers from the river would stop after making the long climb from the Ohio River. And so, while she was confined by her abductors in this roadside inn in Florence, she told what had happened to a sympathetic innkeeper there, a man whose name she remembered as Williams. And Williams was able to follow her to Lexington where the kidnappers intended to sell her to slave traders there. And he was able to get some help to file a lawsuit in the Fayette County courts that argued that Henrietta Wood was rightfully a free woman. This was something that most southern states and did have a legal process for at the time, there was such a thing as a freedom suit where people could sue to show that they were wrongfully enslaved. It required the assistance of a lawyer, someone who was free to appear on their behalf before the court. But it did sort of allow some people to go to the courts and tell their story if they had been kidnapped. And that's what Henrietta Wood did. A suit was filed in 1853. That then dragged on for another year before the court ruled against her and dismissed her petition for freedom. After that her lawyers appealed the case to the Court of Appeals, the state is the state's highest court in Kentucky. And that court upheld the lower court's decision. And so, two years after her freedom suit began, she was ruled to be the slave of Zebulon Ward.

Dan Gediman: And then he in turn, sells her to slave traders, right?

Caleb McDaniel: Right. For a time, he took her to Frankfort, Kentucky. Frankfort was the capital of the state then and also the home of the Kentucky State Penitentiary. And in the middle of Wood's freedom suit, Zebulon Ward had become the keeper of the State Penitentiary in Frankfort. And so, for a brief time Wood moved to Frankfort and was made to work in his household there. But he ultimately sold her back to some slave traders in Lexington, who took her to Natchez, Mississippi.

Henrietta Wood: Mr. Wilson, who lived in Natchez, wanted to buy me the first time he saw me, to do washing and ironing, but the traders wouldn't sell me to him. They said that Ward had told him to get me out on a plantation, and not sell me to anyone in town, because I'd raise another suit in the courts. So, they sold me to an old cotton planter named Gerard Brandon for \$1080.

Dan Gediman: Gerard Brandon was one of the largest slaveholders in the country, and Wood suffered the same as all the enslaved who toiled in the cotton fields of the deep south. Along the way, she gave birth to a son, Arthur. When Lincoln announced the Emancipation Proclamation in 1863, Brandon marched everyone from Mississippi to Texas to keep them away from Federal troops. The 13th Amendment in December 1865 ended slavery, but it would take Wood another three years to be completely free of Brandon. When she was finally able to scrape together enough money, she took her son and headed back north.

Caleb McDaniel: Well, when Henrietta Wood returned to the Cincinnati area, after the Civil War, she managed by 1870 to locate a lawyer in Covington, Kentucky named Harvey Myers, who helped her to file a suit for restitution. And in her petition, Wood made clear that she was suing Zebulon Ward, both for the damages caused by her abduction in 1853, but also for all of the wages that she had lost while she was enslaved, both by Ward and by Gerard Brandon, the man who purchased her in Mississippi. And so, the petition made clear that this was not just a suit about her kidnapping, but it was really about slavery itself and about the unrequited toil that she had endured for so many years. And so, she sued for \$20,000. In this suit that she filed in 1870. In the end, she would receive only a fraction of that amount. But I think it's an indication of how she and her lawyer thought about the suit-- that it was a suit that raised basic questions about what freedom meant without restitution, and what was owed to people who had labored in slavery for so long.

Dan Gediman: I'm curious how they put a price tag on her labor while she was enslaved.

Caleb McDaniel: The petition that Wood filed in court said that she could have made up to \$500 a year while working as a free woman during her second enslavement. So, the \$20,000 represented both that figure in addition to the damages that she had suffered, due to her enslavement.

Dan Gediman: So, she asked for \$20,000, what she got was \$2500. And I'm curious how the jury came up with that number.

Caleb McDaniel: There was a lot of speculation among commentators after the suit, about how the jury had determined the amount that they would award Wood. It was a small fraction of what she had sued for. And it could indicate that, although Wood and her lawyer viewed the suit as about slavery itself, that the jury was really focused on the kidnapping that had occurred in 1853, and sort of narrowly limited the judgment to what they believe she was owed, for that kidnapping. Some commentators speculated that the jury might even have figured out what she could have been sold for, in the mid-1850s, and calculated the amount on the basis of her market value, if you will, in the domestic slave trade before the Civil War. But we don't know exactly how the jury came to that decision. We do know that the judge in giving the jury instructions, certainly encouraged them to think of the case in narrow terms. Whereas Wood and her lawyer thought of this as about slavery itself, he encouraged them to focus on the question of whether she had been free in 1853, when she was kidnapped and enslaved. And so that could explain why the jury gave her so much less than what she had asked.

Dan Gediman: So even though the amount of the settlement was far less than she wanted, what she got was \$2500, which is roughly \$65,000 today. It would have represented a significant windfall, for a former slave at that time, and what kind of impact did that money have on Henrietta and her son?

Caleb McDaniel: In 1878, \$2500, was a significant sum of money, it would amount to well over \$60,000 in today's dollars, and so although Wood may well have understood this amount as insufficient. It certainly wasn't inconsequential for her life, and the life of her son. Wood had a son named Arthur, who had been born in Mississippi after her kidnapping. And so, he was born enslaved because of the laws of Mississippi at the time. But he returned with Wood to the Cincinnati area after the Civil War. And he observed her victory in court. And after that victory, Wood and Arthur moved to Chicago, where the money that Wood won made a big difference for him and his descendants. In the 1880s, Sims was able to purchase a house in Chicago outright for around \$1600 dollars. And we know from the history of the time that homeownership rates were very low for wage workers in Chicago in the 1880s, and especially low for African Americans. So, to be able to purchase a house outright, it seems to me very probable that Arthur Sims was able to use the money that Wood had won from court to purchase that house. And that house became then a very fruitful asset for Arthur and his family, he used it to take out loans and lines of credit and secure cash that enabled him to go to school. He later became one of the first African American graduates of the Union College of Law, which later became the Northwestern University Law School. And he practiced law in Chicago until his death in 1951. And so, it's possible by following his story to see the real difference that even a small amount of restitution made for Wood and her descendants.

Dan Gediman: You mentioned it in passing, but and I don't know how much you looked into this when you're doing your research, but how rare or common was, Henrietta's predicament where people of color who were free who were living in border states, like Indiana and Ohio, were then either just flat out kidnapped or somehow coerced into back into slavery. Hmm.

Caleb McDaniel: Well, Woods' victory was extraordinary and, in some ways, exceptional. But what had happened to her predicament was not uncommon at all. Historians know that free people of color living along the borders with slave states in the Ohio River Valley, were at constant risk of being kidnapped and sold into slavery, especially after the Fugitive Slave Law of 1850 made it much easier for would be enslavers to enter free states, and claim that free people of color were actually fugitive slaves, and without providing much evidence to demonstrate their case, they could take people back into Kentucky, and sell them far down the river before a hue and cry could be raised. And so many abolitionists at the time raised awareness of this problem. The newspapers contained many stories of kidnappings from the streets of cities like Cincinnati.

Caleb McDaniel: You know, the kidnapers like Zebulon Ward and the slave traders he was in cahoots with understood that they were engaged in a criminal enterprise. But they also knew that most of the time, kidnapers could get away with that sort of thing. The slave traders who took Wood to Mississippi made a point to sell her to a plantation in the countryside away from Natchez to prevent her from making contact with lawyers there who might have heard her story and advanced her claims in court. And over the antebellum period, many southern states made it much more difficult for plaintiffs to sue for freedom in state courts, and even more difficult to recover

restitution for what had happened to them. In fact, many states passed laws, including Kentucky, that said restitution in a freedom suit could only be awarded in cases where the defendant had knowingly enslaved a free person. But if the defendant could, could demonstrate that they had enslaved the person, quote, in good faith, then no restitution claim could be made against them. And you know, of course, not surprisingly, most of the defendants who are like Zebulon Ward claimed that they had no idea that this person was free. And so, restitution was seldom paid.

Dan Gediman: Why should Americans today, care about this story all these years later? How does it in any way, shape or form have relevance to the national conversations we're having today?

Caleb McDaniel: Henrietta Woods' story matters because it shows that enslaved and formerly enslaved people, from the very beginning, were making the case for restitution and repair. And sometimes in the national conversation about reparations, for example, that long history of struggle gets lost, that there were women like Belinda Sutton in the 1780s in Massachusetts, who sued a former owner's estate for a pension, because she argued, his wealth had been accumulated through her labor. And there were women like Kelly House, who in the 1890s, after Henrietta Wood, launched, a grassroots movement to pressure Congress to award what she called ex slave pensions to free people. So, there was a long history of struggle for Reparations, and Henrietta Wood is a forgotten participant in that long tradition. She was someone who, from the earliest possible moment, after the Civil War, when she could return to Cincinnati, she went to court and made the case that she was owed something for what had happened to her. And so, this is not something that has just emerged in recent years. But is a long

history of struggle for Reparations. I think her story also demonstrates that even a small amount of restitution could make a large difference in a particular family's life. That's what Woods' descendants showed in Chicago. Her son was able to go to law school and purchase a house because of the suit that she had won. And it really set them on a path towards the middle class that most formerly enslaved people struggled to achieve. In some ways, Sims' story in Chicago is a story of what might have been, or the path not taken had restitution and reparations been taken more seriously as a matter of policy during Reconstruction.

Dan Gediman: In our next episode, we'll look more closely at the man that sold Henrietta Wood back into slavery, and then helped to pioneer the convict leasing system that replaced slavery in much of the South. The troubling story of Zebulon Ward, next time on the Reckoning.