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Bill of Right in Action

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"We Came to Free the Slaves": John Brown on Trial

Throughout American history people have protested and broken the law. Once in court, they often have tried to use their trials to advance their causes. In the 1960s and 1970s, many people sought to use the courtroom to denounce racial segregation and the [Vietnam War](#). In the 1980s and 1990s, many others tried to turn their trials into an attack on [abortion](#). Before the [Civil War](#), [John Brown](#), a tireless crusader against [slavery](#), fought his last battle against slavery in an American courtroom.

John Brown's Secret Plan

No one had a deeper moral hatred of slavery than John Brown. He had grown up on the Ohio frontier, the son of a stern man who believed slavery was a sin against God. As John grew up, he became an active [abolitionist](#) -- someone who fights to abolish slavery - - by helping runaway slaves escape. He married and in 1849 moved his family to North Elba, New York, to join a farming community of ex-slaves and free blacks.

A few years later, his anti-slavery views took him away from his wife and younger children to continue his personal crusade in Kansas. The Kansas territory had become known as "[Bleeding Kansas](#)" because of many pitched battles over slavery. Small homesteaders wanted Kansas to enter the Union as a free state. Bands of pro-slavery gunmen called "border ruffians" crossed over from Missouri to attack them. Brown's older sons had moved to Kansas earlier, and he joined them to help defend the free-soil homesteaders.

Border ruffians attacked [Lawrence](#), Kansas, in May 1856, and burned down much of the town. Brown led a counter-raid and ordered five pro-slavery settlers hacked to death with sabers. This brutal response was one of the most controversial events in his life. Brown fought several other battles in Kansas, defending free-soil towns, and he led guerilla raids into Missouri.

During this period, Brown began to develop a much bigger plan, designed to free all slaves. He traveled to Boston in 1857 and again in 1858 to ask wealthy abolitionists for arms and money. He said he had a vision that God would make him "the deliverer of the slaves the same as Moses had delivered the children of Israel."

Many abolitionists were scared off by his reputation for violence. But finally he won over a small group of financial backers, known as "The Secret Six." He convinced them that only by force could "this slave-cursed Republic be restored to the principles of the Declaration of Independence."

In May 1858, Brown held a secret anti-slavery convention in Canada. About 50 black and white supporters adopted Brown's anti-slavery constitution. In December, Brown moved beyond talk and plans. He led a daring raid from Kansas across the border into Missouri, where he killed one slave owner and freed 11 slaves.

In the spring of 1859, Brown traveled east to complete his plan for a large slave revolt. He gathered recruits and ordered guns, spears, and other supplies. At a meeting of the New England Anti-Slavery Society, he denounced the endless discussions of many abolitionists.

"Talk! Talk! Talk!" he cried. "That will never free the slaves. What is needed is action -- action!"

As the starting point for the rebellion, John Brown chose [Harpers Ferry](#), a small town at the junction of the Shenandoah and Potomac rivers. It was far away from the large plantations near the Atlantic where most of the slaves were. But it had an arsenal where Brown's raiders could seize guns.

On July 3, 1859, Brown and a few supporters rented an old farmhouse near Harper's Ferry. For five months they studied maps and finalized plans. Boxes of arms came by wagon. His remaining recruits trickled in. The raiders were all young, idealistic, and bitter opponents of slavery. Five of them were free black men who had given up their safety in the North to fight for their slave brothers and sisters.

Brown believed that after he seized the arsenal, masses of slaves would rebel against their masters and join the revolt. He planned to distribute guns and spears to his new army, strike southward, and set off a chain reaction of slave uprisings throughout the South. Unfortunately, he did little to spread the word among the slaves nearby. All his attention was focused on seizing the arsenal. He made few plans for what would happen the day after.

The Raid

On Sunday night, October 16, 1859, Brown and 18 others, swept down on the armory and took several prisoners. In the darkness and confusion, one raider shot and killed the baggage master at the railroad station. Sadly, this free black man was the first victim of a raid to free the slaves.

Brown sent some of the raiders into the countryside to try to spread the rebellion. His men returned with two slave owners and about a dozen slaves. Since Brown had given no advance warning, the slaves were as surprised and confused as their masters.

By the next morning, word had spread of a massive slave uprising. Armed citizens and militia units struck back. Townspeople drove the raiders into a small fire engine house, where they traded rifle fire for most of the day. Brown appeared confused and uncertain

about what to do next. This delay gave federal authorities in nearby Washington time to send a unit of U.S. Marines under the command of Colonel [Robert E. Lee](#).

When Brown's men peered out through their gun holes in the early light of Tuesday, the second day of the revolt, they saw Lee's Marines. Beyond the Marines, more than 2,000 spectators waited to see the final assault. Lee demanded that Brown surrender, and Brown refused. The Marines then rushed the engine house. Brown and most of his men resisted to the last. One of the Marine officers wounded Brown with his saber, and then used the hilt to beat him unconscious.

Seventeen men died in the raid on Harper's Ferry. In addition to the African-American baggage master, the raiders killed three white townspeople and one Marine. Ten of the raiders, including two of Brown's sons were killed, plus two of the slaves they liberated. Brown and four others were taken alive. A few raiders waiting at the farm nearby escaped.

A few hours after his capture, Brown regained consciousness. He was surrounded by an excited crowd, including Virginia's governor, members of Congress, and news reporters. When they asked him why he did it, Brown said simply, "We came to free the slaves, and only that."

John Brown on Trial

Troops transported Brown and his surviving raiders to the county courthouse in Charleston. The governor wanted a speedy trial to prevent either a [lynching](#) or a rescue attempt.

One week after the raid, Brown and four of his raiders, two black and two white, were brought to court under heavy guard. The state appointed two Virginia defense attorneys. The next day, the court read the grand jury indictment. Brown and his followers were charged with treason against the government of Virginia, conspiracy to induce slaves "to rebel and make insurrection against their masters and owners," and premeditated murder. The five pleaded not guilty, and each was given a separate trial.

In the afternoon John Brown, still suffering from his wounds, was carried into court on a cot to open his trial. Prospective jurors were examined and anyone who had been at Harper's Ferry during the raid was eliminated. The final jury was made up of 12 men, some of whom were slave owners.

As the trial opened, one of the court-appointed defense attorneys surprised Brown. He read a telegram from an Ohio resident who claimed that several of Brown's close relatives suffered from insanity. Brown protested. He wanted the trial to be a forum to attack the institution of slavery. He insisted that the insanity defense was "a miserable artifice and pretext" to avoid discussing slavery. The judge ordered the trial to continue.

The prosecution called as witnesses many Harper's Ferry townspeople and those Brown had held hostage. Under cross-examination, the hostages admitted that Brown had treated them well and had ordered his men not to shoot unless fired upon.

The Secret Six in Boston hired a young Massachusetts lawyer named George H. Hoyt to help defend Brown. He was also told to scout the possibility of a rescue, but when the lawyer arrived, Brown refused to be rescued. He knew he would not have his forum if he escaped. He seemed to feel that he had to become a martyr in order to stir up more anti-slavery feeling.

The prosecution introduced into evidence Brown's anti-slavery constitution, letters from his backers, and other materials found at the farmhouse. After a few defense witnesses were called, Brown denounced his Virginia attorneys. He asked for a delay because more legal help was being sent from the North. The two appointed lawyers withdrew, but Judge Parker ruled against a delay.

The following morning, Samuel Chilton of Washington and Henry Griswold of Cleveland, Ohio, joined Brown's defense. They asked for a delay to prepare, but the judge refused again. The remaining defense witnesses were examined, but Brown himself did not testify.

Griswold and Chilton made the closing arguments for the defense. They said that the state had failed to prove the charges. Since the state had kept the trial focused on the legal issues of treason and murder, the defense had to respond to simple questions of evidence. Brown showed little interest in this defense. He wanted to attack slavery, but had not yet found a way to do so in court.

The jury deliberated for less than an hour and found John Brown guilty of all the charges. Two days later, Judge Parker sentenced Brown to be hanged.

At the sentencing, Brown finally found his forum. He stood in court and made a passionate attack on slavery. Brown brushed aside questions of treason and other legal issues. He said he was simply trying to free slaves, as he had done the previous year in Missouri. He insisted that fighting against slavery was the right thing to do. His statement was published in papers all over the country.

A gaunt but defiant John Brown walked to the gallows at age 59. On this last walk, he had one more chance to argue his views. He offered a terrible prophecy: "I John Brown am now quite *certain* that the crimes of *this guilty land* will never be purged *away*, but with Blood."

For Discussion and Writing

1. Was it right for John Brown to cross the border into Missouri and kill slave owners to free slaves? Why or why not?

2. Do you think John Brown received a fair trial and a just sentence? Why or why not?
3. John Brown wrote, "I am worth inconceivably more to *hang* than for any other purpose." What did he mean by this?

For Further Information

[John Brown and the Valley of the Shadow](#) The story and links to newspaper articles of the time, eyewitness accounts, and pictures.

[John Brown's Holy War](#) From PBS's *The American Experience*.

[John Brown](#) A biography and primary documents. From Spartacus.

[Harpers Ferry National Historical Park](#) has a [Photo Archive](#) and [Guide to Harpers Ferry History](#) From the National Park Service

[John Brown Raid Photos/Illustrations](#) From the West Virginia Division of History and Culture.

[John Brown's Raid](#) From Shotgun's Home of the American Civil War.

[A Plea for Captain John Brown](#) Written by Henry David Thoreau in 1859.

[The Kennedy Farmhouse](#) This was the staging area for the attack on Harpers Ferry. From the John Brown Historical Foundation.

[John Brown: Citizen of Kent](#) An illustrated story of Brown's life.

[John Brown's Final Address to the Court](#)