## **Francis Scott Key**

Author of the National Anthem and a notable D.C. prosecutor who has a complex and decidedly mixed legacy on slavery and race, including enslaving at least 19

Francis Scott Key (1779–1843), namesake of Francis Scott Key Middle School in White Oak, is enshrined in U.S. history as the author of the National Anthem. But "the man who penned the words 'the land of the free' had a complicated relationship with the institution of slavery," according to biographer Marc Leepson.

Key was born into a wealthy slaveholding family in a part of Frederick County that is now Carroll County. He became a lawyer early in life, first in Frederick and then in Washington, D.C., serving as its District Attorney from 1833 to 1841. Census documents show he had five enslaved people in 1820 and six by 1830 in the nation's capital. In 1840, three years before he died, Key held 12 people in bondage—four in Washington and, as shown below, eight at his Maryland boyhood home, which he inherited in 1830. He had previously manumitted seven, one of whom chose to continue working for him, overseeing those Key enslaved in Maryland. Over his lifetime, he thus held at least 19 people in bondage.

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As DC's prosecutor Key brought charges against 26 white men for days of destructive rioting and attacks on free Blacks, their businesses, and a school—the infamous D.C. "Snow Riot" of 1836—winning rare convictions against 16. (Six of these, including the alleged leader of the rioters, were jailed, the others fined). Yet he also sought the death penalty for the 19-year-old Black man accused of threatening a white woman, the incident sparking the riot, even though she did not want him prosecuted.

Furthering complicating his legacy, he defended enslavers in legal fights to reclaim freedom seekers and prosecuted a free Black man for forging a certificate of freedom for an enslaved man, yet he was responsible for a constable losing his job after capturing a free Black man to sell him into slavery. And before becoming district attorney, Key offered his legal services without charge to free and enslaved Blacks, bringing lawsuits seeking the freedom of at least two—a man in one case and a woman in the other—but ultimately unsuccessfully. Around the same time, he helped establish, and taught at, a "Sabbath school" for free Blacks in Georgetown. In an 1825 Supreme Court case he argued that U.S. laws prohibiting the international slave trade superceded other nations' slavery laws on the high seas.

An acquaintance once remarked, "If ever a man was a true friend to the African race, that man was Francis Scott Key... 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." However, even though Key voiced opposition to slavery and declared it evil, he did not embrace abolition—indeed, "disdaining" it, noted Leepson in his biography of Key (cited below).

Instead, Key was a staunch supporter of colonization—sending free Blacks to Africa. He eventually believed that freedom for Blacks, which he himself had once "so earnestly sought" for some, "was their ruin." And "Key believed that blacks were inferior to whites," according to Leepson, though adding such was "the accepted view of nearly all Americans at the time." Dubious of widespread freedom for Blacks,



Key wrote, "I am still a slaveholder, and could not, without the greatest inhumanity, be otherwise." His noteworthy efforts on Blacks' behalf—remarkable in many ways at that time and in comparison to contemporaries—were nonetheless offset in other ways.

Although Key never lived in Montgomery County, he passed through on his travels between his boyhood home and the nation's capital. In 1813, the year before he witnessed the battle at Fort McHenry in Baltimore and was moved to write the words that became the National Anthem, he purchased two enslaved people in the county seat of Rockville, then known as Montgomery Courthouse. According to another Key biographer, Sina Dubovoy, he wrote to his father: "I bought at Montg[omer]y Court an old woman & a little girl about 12 or 13 yrs old...the girl is used to housework & the old woman chiefly to plantation work." Dubovoy added, "He purchased them not for himself, but for his mother's use.... In the years to come, he would cease to buy slaves."

Of the seven enslaved people Key held who ultimately gained their freedom, only a six-year-old girl and a 65-year-old woman were manumitted by Key outright. He specified that two boys, six months and two years old, were not to go free until they "attained the age of 25 years." He allowed a man 40 years of age to buy his freedom for just one dollar, but set the price at \$300 for another man in his mid-20s. The seventh was the one who continued to work for Key. His will left his remaining enslaved people to his wife, freeing them after her death "unless (which I wish she would do) she...manumit them" sooner. There is no indication she did so.

## Main sources:

Sina Dubovoy, The Lost World of Francis Scott Key, 2014 Marc Leepson, What So Proudly We Hailed: Francis Scott Key, A Life, 2014



<sup>&</sup>lt;sup>1</sup> The 65-year-old woman, biographer Leepson surmised, was "freed to rid [Key] and his wife of the burden of caring for an aged enslaved woman."