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During 2016, the Rhode Island Historical Society has been developing programming for the theme, "Fashioning Rhode Island." We have been exploring Rhode Island’s rich history of industry and ingenuity, including jewelry-making in Providence and beyond. The exhibit, "Brains and Beauty: Rhode Island's Jewelry Industry," debuted at the Aldrich House this past spring, and the Society is offering walking tours of the jewelry district. To develop these tours, RIHS staff relied on the expertise of Peter DiCristofaro of the Providence Jewelry Museum as well as primary sources, including materials at the Mary Elizabeth Robinson Research Center. One of the fascinating stories we have recently discovered centers on the American Ring Company, whose president, Anthony Calandrelli, serves as a trustee of the Rhode Island Historical Society. RIHS intern Michelle Johnson interviewed Mr. Calandrelli and his employees about the history of his family’s company, which is located on Grosvener Street in East Providence. An excerpt of the interview follows:

M.J. Can you say something about the history of the company?

A.C. Let’s go back to 1972 when American Ring was incorporated. My father, Renato Calandrelli, his brother, my Uncle Gino, and two other partners started out renting space in a factory in Johnston, Rhode Island, and they stayed there, I believe, about a year, and then moved here to East Providence.

They were manufacturers; jewelry was what they knew. Now, my father and his brother made rings, but they made rings using die struck, which means you had to make a hub and a die and have a big press. They would put a sheet of metal in between it, and it would come down and strike it. They would make one ring at a time. So, they made the tools for that, and then my father decided that wasn’t the way to go. The way to go was lost wax casting. So, they threw everything away that they had done all year, and they went into lost wax casting. And that was a better way to make rings. Keld Olson [one of the partners] was the master model maker, so he would make the first model. He’d get a block of silver and carve out that model, and from that you would make the production models.

My father was the president and my uncle was the vice president. My uncle took care of production. And I got out of school in 1978. I majored in finance and accounting and joined the company. At the time we were manufacturing quite a few rings. We got it up to 150,000 rings a week that we were producing here.

And, of course, there are so many things that happened in the period because we lived through a time of going from completely manual to computers. To the fax machine. To the calculator. Which to you seems incredible, but I remember when I graduated high school my parents bought me a calculator. It was almost three hundred dollars. For a simple calculator. Cutting edge, Texas Instruments. I think I still have it.
You may see it in an antique store one day. But, you know, it was going from a manual system to a computer system and all the headaches that came with that.

**MJ** How would you describe your employees? How long have some of them been here?

**AC** We have roughly fifty employees. It ranges from fifty to seventy-five depending on the season. And a lot of those employees have been here a long, long time. Over thirty years, some of them. It becomes a home for some people.

**MJ** Can you talk about the neighborhood where the factory is located?

**AC** It hasn’t changed that much. It’s a nice family neighborhood. The reason the factory was built here was so all the people could walk to work. I know when we were really rocking and rolling with a lot of people, people would just walk here.

The factory was not on Grosvenor Avenue when it was built. It was Williams Street. This factory was built on Williams Street by Mr. Grosvenor who, as it turned out, went to Brown. His father owned two textile mills in Connecticut in what is now Groton, which is right near Putnam. They had two or three buildings there, and this was the fourth building, I think. And the reason he came here is because he negotiated with the city of East Providence not to pay taxes if he would employ people in the community. That’s why he built here, otherwise he would have been in Connecticut. That’s all I’ve found on my own. But we’re still doing research on that part of it because it’s so fascinating, these questions of why was this building put here? What was made here? I know at one point they made handkerchiefs when it was a textile mill.

**MJ** Are there any anecdotes or stories you can share about working here? Any good stories?

**AC** I have a lot of good stories. My father’s plan was to build the company to a certain amount, certain level and then sell it. Well, I screwed that up. Because he wanted me to be a doctor. I didn’t want to be a doctor. You have to have a passion for what you want to do, and I wanted to be in the family business.

So, I left pre-med, and I went to the School of Management at Boston College and studied finance and accounting. I graduated in ‘78. And I’ll never forget my first day [working at the factory] my father said to me, ‘How much do kids make nowadays when they graduate from college?’ And I said, ‘Between 18 and $21 a year.’ And he said, ‘Alright, I’ll start you off at $14.’ Right off the bat, I knew this was going to be an uphill battle. He said, ‘I want you to work in every department for about a month and that way you learn how to make rings.’ I said, ‘Okay.’ Ten years later I was still in the factory. I paid my dues. Then he had a heart attack, so I moved into the office, and I stayed in the office and then eventually ran the company for him.

[Mr. Calandrelli invites longtime employee Ellen Pelletier to join the conversation.]

**EP** Years and years ago there was no air conditioner. And this building holds the heat and holds the cold. And I was a wrapper. We had to inspect the rings and the size of that little card there was a little piece of paper. 120 degrees in here. And you’re sitting at the bench inspecting the paper, and you get the paper and try to fold it over, but your hands are soaking wet.

**AC** It was tissue paper.

**EP** And then the fans would just blow. All of the papers would be blown all over.

**AC** It was hot. And because he had, and we still have, a tar roof, the tar would drip down on us. It was so hot. If you went up the steps, you would see the pieces of tar on the steps. It would get to 120 degrees.

And Gino [Calandrelli] wouldn’t shut the factory down. The blizzard of ’78, they shut the factory at 4 o’clock. Now, the blizzard started in the morning. Just incredible. They would work all the time. You made it home?

[He asks Ellen, who nods.]

Gino didn’t. And I worked til 4:30. Ellen stayed until the very end. Gino never made it home. He got stuck in Fox Point. ☹

This interview has been edited and condensed.
Making Brown University’s “New Curriculum” in 1969: The Importance of Context and Contingency

LUTHER SPOEHR

During Brown University’s first two centuries, its curriculum—with one notable, unsuccessful exception in the mid-nineteenth century—stayed firmly in the established mainstream of American higher education. The curriculum did change and evolve over the years, but change usually tiptoed in, always keeping a weather eye out for what the competition was doing—even at the beginning, when there was very little competition to watch. Then in the late 1960s, an unpredicted—indeed, unpredictable—confluence of factors outside and inside the institution made dramatic deviation possible. The result was a curriculum that no individual reformer or group had expected or sought. This essay, after considering why a standard curriculum prevailed for so long, and why its first curricular revolution failed in the middle of the nineteenth century, examines why Brown suddenly, dramatically, and successfully departed from the norm in the late 1960s.
Founded in 1764, Brown was the seventh college to be established in Great Britain’s North American colonies. By then many collegiate prece- dents and expectations, generally imported from Britain, were already in place in older institutions such as Harvard, Yale, and Princeton. That meant that if Brown was to carry out the charge of its charter and produce graduates who would lead “lives of usefulness and reputation,” the institution had to establish itself as useful and reputable by established standards. Brown’s first president, James Manning, was a graduate of the College of New Jersey (now Princeton), and was strongly influenced by the educational ideas of its president, John Witherspoon. Manning was also professor of languages, “and other branches of learning.” Professors were what we would call “generalists” because colleges had few students, few classes, and fewer instructors—some of the latter were “tutors,” usually recent graduates. Even as enrollment grew to over one hundred in 1823, Brown still employed only a handful of professors.

The curriculum emphasized the ancient classics (read in Latin and Greek), the Bible, and moral philosophy (including more modern writers such as John Locke). Classroom activi- ties required recitation, not discussion; outside it, the emphasis was on writing and oratory, the skills needed by men in the ministry, the law, and politics. Students gave frequent speeches on historical controversies and current events, most publicly at commencement with, in historian Walter Bronson’s words, “English, Latin, and Greek jostling one another.”

While the curriculum did become more differentiated and more secular, what strikes the modern observer is not the change, but the continuity. Even in the early 1840s one could still find plenty of classes in Latin and Greek (although English was now the language of the campus), geometry and algebra, naviga- tion and astronomy. Well into the nineteenth century, American colleges, including Brown, treated teaching as the passing on of received, ancient truths and the reconciliation of appar- ently contradictory spheres. The English cler- guyman William Paley’s Evidences of Christianity, published in 1794, claimed to reconcile Enlight- enment science with Christianity. It was still being used to instruct Brown undergraduates more than half a century later. The capstone of the curriculum was still the president’s moral philosophy course.

When the classical curriculum was chal- lenged by Thomas Jefferson’s more utilitarian University of Virginia, which was avowedly secular and allowed students to choose their course of study, traditionalists fired back, most notably in the Yale Report of 1828, which accommodated some of the new (especially in the sciences), but firmly rejected the idea that college was the place for specialized professional study. “The two great points to be gained in intellectual culture,” it said, in its most famous formulation, “are the discipline and the furniture of the mind; expanding its powers, and storing it with knowledge.” The many colleges that sprang up before the Civil War generally chose to establish their legitimacy by adopting the traditional model.

So in 1850 President Francis Wayland of Brown was taking a chance when, after twenty years of tinkering, he told the Brown Corpora- tion that he would resign if they did not fund his New System. His disdain for the traditional curriculum was palpable. “We have produced an article for which the demand is diminishing,” he said. “We sell it at less than cost, and the defi- ciency is made up by charity. We give it away and still the demand diminishes.” The Corporation yielded, raised the $125,000 Wayland deemed necessary to support his reforms, and Brown plunged ahead, implementing his famous 1850 Report to the Corporation.

Wayland was convinced that changing times—expanding population in a modernizing nation—called for a new way. He wanted a utili- tarian education for businessmen, industrialists, even farmers, so his New System included agricultural chemistry and civil engineering, all available in a wide array of electives. His New System led to new degrees. Three tracks led to a Bachelor of Arts degree; they required, among other things, different mixtures of ancient and modern languages. Requirements for a Bachelor of Philosophy included no modern languages, but many electives. These were three-year programs. The Master of Arts became an under- graduate degree, to be earned in four years.

It was all very ambitious. But the need for new resources— instructors, facilities, and the rest—far outran Brown’s ability to provide them. After growing to 193, enrollment slumped back to where it had been: about 170 students. And Brown’s reputation suffered. In 1855, Wayland resigned. His successor, Barnas Sears, lamented: the character and reputation of the University are injuriously affected by the low standard of scholarship required for the degrees of A.M. and A.B. ... We are now literally receiving the refuse of other colleges. Students who cannot go through a complete course, entitling them the degree of A.B. in other colleges, look upon this college as a kind of convenient establishment where they can soon build up a broken-down reputation... We are in danger of becoming an institution rather for conferring degrees upon the unfortunate than for educating a sterling class of men.”

James Manning, the first President of Brown University, served from 1794 until his death in 1800. The classical curriculum he brought to Brown closely resembled those at other late-eighteenth-century American colleges—especially Princeton. Portrait by Cesare Alexandre, 1770, Brown University Portrait Collection.

The College Edifice (later called University Hall) and the President’s house. The College Edifice at the College of Rhode Island (later, Brown University) was both a dormitory and a classroom building. From an engraving by David Augustin Leonard, c. 1790. Courtesy: Brown University Archives.
Brown returned to a tried-and-true curricular formula, and for the next century it evolved as its peer institutions did. As the United States rushed headlong into industrialization and urbanization, the economy demanded more specialized skills, and members of the middle and upper-middle classes sought ways to improve or protect their status. Higher education increasingly provided both. "Utility" surged in curricular importance after the Morrill Act, providing for land-grant colleges, was passed in 1862. Educators increasingly recognized that a prescribed curriculum would not work for all students. In the late 1860s, both venerable Harvard and newly-hatched Cornell went all-in for electives. Brown and fellow institutions did not go quite so far (and Harvard backtracked after President Charles Eliot was replaced by Abbott Lawrence Lowell in 1905), but eventually Yale expanded its curricular options. Perhaps the most important on-campus driver of curricular change was the emergence of a highly educated, newly specialized, professionalized professoriate, focused on research and credentialed with the Ph.D. Schools scrambled to keep up with pioneering Johns Hopkins University, founded in 1876. Brown made it possible to study for a M.A. or Ph.D. in 1887, but the program remained small. During E. Benjamin Andrews's presidency (1889–1897) only fifteen Ph.D. degrees were awarded. But it was a start.9

Specialization and differentiation had momentous consequences for the curriculum. The day of the president/professor who was a jack-of-all-trades, assisted by lightly-educated "tutors" ended. Growing institutions could hire more faculty, establish discipline-based departments, and specify precise curricular requirements while still offering electives. As Laurence Veysey argues in his classic study, when universities competed in this period, "they became more standardized, less original, less fluid. Thus a university now nearly always attempted to offer a 'complete' course of study, in as many fields as possible, so that it could not be outdone."9 Institutions did not always proceed at exactly the same pace, but similarities far outweighed the differences. That imitation and standardization were becoming the rule was further revealed when colleges replaced their own admissions tests with one provided by the newly established College Entrance Examinations Board. Brown adopted the CEEB exam in 1905. To strike a balance between electives and requirements, colleges began to require a "major" or "concentration" in a particular discipline; Brown added this practice in 1919.10

By the 1920s the curriculum—indeed, the college experience in general—had taken on characteristics thoroughly recognizable today. Moreover, it was becoming more common: while only about four percent of eligible graduates had gone on to college in 1900, the attendance rate approximately doubled every fifteen years thereafter. By 1960, it was forty percent. A college education was becoming a standard part of the middle-class experience.

From the 1930s into the 1960s, Brown tinkered endlessly around the edges of its curriculum. In 1937, a "New Curriculum" aimed particularly at freshmen redefined distribution requirements, but Brown's new president, Henry Winton, was not satisfied. In 1939, Brown reduced the required course load to a three-quarter semester. After World War II, Winton, becoming well-known as a spokesman for liberal education, got another "New Curriculum" in 1947. Again, Brown was riding a national wave, this one heralded by Harvard's famous 1946 "Red Book" reforms calling for "general education" in the liberal arts.11

As undergraduate enrollment inchéd above three thousand in the 1950s, Brown's faculty worried about engaging students in their courses, preferably in small, discussion-based classes. In 1953, thanks to a Carnegie Corporation grant, the "Identification and Criticism of Ideas" (quickly shortened to "I.C.") curriculum was created, offering small seminars focused on a single "great book" or idea to freshmen and sophomores. (At first restricted to high-ranking students, in 1958 it was opened to all of them.) Speaking of the new demands the seminars placed on instructors, Prof. Juan Lopez-Morillas wrote that the experience amounted to a "Socratic shake-down." And he liked it: "The better student is willing to learn but balks at being indoctrinated," he said.
"[T]he best class hour by far is one beset by doubts and perplexities, for they alone bring into play the student’s imagination and inventiveness."4

One can see the ground being prepared, all unwittingly, for the curricular revolution of 1969. In 1953, Wriston’s protégé and successor, Barnaby Keeney, authorized a new kind of seminar, the “University Course in Interdisciplinary Studies.” Professor George Morgan’s was called, expansively, “Modes of Experience: Science, History, Philosophy and the Arts.” Prof. Bruce Lindsay offered “The Role of Science in Civilization.” More Carnegie money followed, as did several additional courses, including one taught by Professor Lopez-Morillas. Distribution requirements were further loosened in 1967. Given what was soon to follow, it is worth pointing out that it was known as “The Permissive Curriculum.”6

The campus context at Brown was already hospitable to curricular experimentation, but the coming of the next “New Curriculum” was hardly inevitable. Contingencies had to fall into place—and from the largest to the smallest, they did. Nationally, post-World War II prosperity and the population explosion gave higher education the biggest boost it had ever had, as colleges and universities moved to the center of American life. New jobs in an increasingly service-oriented economy demanded skills that higher education could provide, and college enrollments skyrocketed. In 1947, 2.3 million students were enrolled in college; by 1970 the number had almost quadrupled, to 8.5 million. Louis Menand crunches the numbers this way:

Between 1945 and 1975, the number of American undergraduates increased by almost 500 percent and the number of graduate students by nearly 500 percent. In the 1960s alone enrollments more than doubled, from 3.5 million to just under 8 million; the number of doctorates awarded annually tripled; and more faculty were hired than had been hired in the entire 325-year history of American higher education to that point.8

New emphasis on college preparation in the public schools expanded the pool of college applicants, and colleges that before had been merely “exclusive” could also be more and more “selective.”

Henry Wriston had caught the wave early. Because until the late 1940s students had to list their school choices on their College Board forms, Wriston required that only students who listed Brown as their first choice would be admitted. As Brown historian Jan Phillips points out, “Brown acquired a reputation for being hard to get into, and both the number and quality of applicants increased.”7

Then came the baby boomers. Throughout the 1950s, they surged through the schools. More and more middle-class children, reared amid unprecedented prosperity, aimed for college. In 1964, the first of them, their learning accelerated by new Advanced Placement courses (the program began in 1955) and curricular reforms such as the “New Math,” ignited by the post-Sputnik panic that led to the National Defense Education Act of 1958, arrived on campus. They were confident that they were well prepared—not least because everyone told them they were the best-educated generation America had ever produced. And they had record SAT scores to prove it.

Elliot Maxwell and Ira Magaziner, crucial players in Brown’s curricular revolution, were products of this new, high-powered college preparation. Maxwell—class valedictorian and National Merit Scholar at his Port Chester, New York public high school—arrived in the fall of 1964, thinking of becoming a lawyer. Magaziner—valedictorian, veteran of Advanced Placement courses at Lawrence High School on Long Island—came to campus in the fall of 1965.

The other freshmen men and women (they were not yet called “first-years”) arriving at Brown in the fall of 1964 and the fall of 1965 came from all over the country. To Wriston and Keeney, “diversity,” if they used the term at all, meant geographical variety, achieved by admitting excellent students from strong public high schools all around the nation. By the 1968–69 school year, students came from forty-four states. The largest group, 625, came from New York. Perhaps surprisingly, from today’s perspective, 590 were Rhode Islanders. There were seventy-six international students.9

In many ways, it was a homogeneous group that arrived in the mid-sixties, mainly upper-middle-class white students whose college preparation was both high-powered and virtually identical to everyone else’s. Everyone seemed to have read The Scarlet Letter, Adventures of Huckleberry Finn, and The Great Gatsby. Virtually all of them had taken a survey in American history (not called “United States history” then). The “Pepsi Generation” had grown up as consumers in a national market: they had watched the same TV shows and danced to the same Top 40’s hits. In short, in ways trivial and important, they arrived with a shared frame of reference—a fact that made it much easier to organize them when some of their number decided to reform the curriculum.

The Brown University that greeted them was larger than it had been before, but much smaller than today. There were fewer than four thousand undergraduates, and the Graduate School consisted solely of programs attached to academic departments.11 There was no medical school, engineering school, or school of public health. Henry Wriston liked to describe Brown as a “university-college,” but the undergraduate program clearly had pride of place.

What we now think of as “The Sixties” had not yet begun at Brown in the middle of the 1960s—or anywhere else. The Civil Rights Movement was still unified in its integrationist phase—the term “Black Power” had not yet been coined. The Tonkin Gulf Resolution passed Congress with hardly a murmur against it in August 1964, and the anti-war movement was virtually invisible. Protests had a very different tone from what they would have in just a few years. Members of the Berkeley Free Speech Movement, a coalition that spanned the political spectrum from Young Socialists to Youth for Goldwater, wore coats and ties, skirts and blouses, when they marched through Sather Gate in the fall of 1964. In the 1960 presidential election, most Brown students had supported Richard Nixon over John F. Kennedy.
Administration saw the boomers coming, and many of them worried. Pembroke’s Dean Rosemary Pierrel (considered—rightly—by Pembroke’s to be a staunch conservative on social rules and parietals) was not an academic conservative: she thought the 1963 curriculum was not “permissive” enough and feared that high-flying students accustomed to AP seminars, discussion, and rigor would be bored by the large introductory lecture courses that dominated the freshman year. Dean of the College Robert Schulze told the Brown Daily Herald in the fall of 1965, “Student criticism and positive discontent can be a driving force behind academic and administrative reform,” and welcomed the prospect of student initiative. Others in the administration, including Dean of the University Morton Stoltz (recently described by Magaziner as the “unsung hero” of the movement), also supported change. If students wanted to take that initiative, unexpectedly sympathetic ears were ready to hear.23

Maxwell and then Magaziner felt let down by their first two years of college. Maxwell says he was “sleep-walking for my first two years at Brown”; Magaziner, that he “wasn’t getting [what he had hoped to get] out of college.”24 They undertook individual study projects on education, then gathered like-minded students into a Group Independent Study Project (GISP) to think about the possibilities. Around them, “The Sixties” were happening. City dwellers had come to expect “long hot summers,” as race riots broke out with appalling regularity—predictably and symbolically, the most devastating came after the assassination of Martin Luther King, Jr., the apostle of nonviolence, in April 1968. Relatively polite protest gave way to rowdy confrontation on and off campus, ignited partly by demands for student rights, partly by dissatisfaction with the pace of change in civil rights, and, increasingly, by anger over the draft and the war in Vietnam. The prototypical example, the Columbia rebellion of 1968, started with takeovers of university buildings and ended with the thump of policemen’s nightsticks on students’ heads. Other schools, from San Francisco State to Harvard, supplied their own variations on violent themes. A more restrained version of the zeitgeist enveloped Brown. There were harsh words about the presence of ROTC, but no buildings burned. In December 1968, sixty-five of Brown’s eighty-five black students “walked out” to a local church to call attention to their demands for more African-American students and faculty. Although there was substantial anti-war activity on campus, rapidly radicalizing national leaders of Students for a Democratic Society (SDS) thought Brown activists insufficiently militant. But there always was the possibility that things could escalate.

While the GISP worked away, starting in the fall of 1966, potential obstacles to their program were quietly disappearing. President Barnaby Keeney, tough-minded and imposing heir to Henry Wriston, retired in 1966. Elliot Maxwell said later that if Keeney had remained president, the New Curriculum “doesn’t happen.”25 Keeney’s successor, Elizabethan literature scholar Ray Heffner, at first sounded stern: “The University is not a participatory democracy and never will be,” he said in an early speech. The use of “participatory democracy,” a phrase associated with SDS’s “Port Huron Statement,” was undoubtedly intentional.26

But Heffner proved to be much more pliable when the atmosphere heated up. The faculty also proved sympathetic, a good thing considering that they had to be persuaded to vote for the new program. Looking back, Maxwell thought that “the most striking thing” about the whole New Curriculum movement was the “lack of a coherent defense of the status quo.”27

It is unclear just when the GISP finally decided to go for wholesale curricular change: it “just evolved,” Maxwell says. The evolution that began with seventy students and faculty advisors ended with a report, written primarily by Magaziner and edited mainly by Maxwell. The modestly titled “Draft of a Working Paper for Education at Brown University,” four-hundred pages long, was a term paper on steroids, an earnest brief for dramatic curricular changes. Citing educational philosophers from Alfred North Whitehead to Robert Maynard Hutchins, the report called for a “student-centered” University, with a curriculum that would rely on student interest, curiosity, and motivation, rather than requirements or grades.28

Two chapters containing, “Proposals for Curriculum,” and seven more on related topics, such as “Testing” and “Grading,” occupied nearly 120 pages of the “Draft.” Specifics eventually considered by the faculty included introducing “Modes of Thought” courses: a number of small, interdisciplinary seminars for freshmen and sophomores, intended to replace large introductory lecture courses, would be required. Independent Concentrations already existed, but even more students were expected to step outside traditional majors and set up their own programs of study. There was to be no limit on the number of courses that could be taken “pass/fail” (or “Satisfactory/No Credit”), and reformers hoped that students would use S/NC more than traditional letter grades. GISP,
like the one that led to the "Draft of a Working Paper," were encouraged as ways to individualize education without requiring that faculty create entirely new courses. Perhaps most radical, distribution requirements, except for four semesters of Modes of Thought courses, were to be abolished.

The Report also contained a few statements that were sufficiently naïve to provoke some eye-rolling from their authors many years later—and probably from faculty at the time. For instance, fearing that Brown was becoming a large, impersonal institution dominated by research (the Report sometimes echoes the 1964 Berkeley protest, "I am a human being. Do not fold, spindle, or mutilate"), it argued that "while universities might encourage their professors to do research, they should not compel them to publish." Still, its twenty-four chapters, examining everything from the history of American higher education to procedures for implementing the new curriculum, this remarkable student performance gave the movement credibility. Even Harvard took note: sociologist David Riesman, who had just co-authored The Academic Revolution, thought it "a Herculean effort, an impressive document." The curriculum debate dominated the 1968-69 school year. The intellectual heavy lifting had been done; next came the organizational challenge. Although Maxwell was gone (having graduated, he was teaching school in the Bronx), Magaziner was elected president of the Class of 1969 for the fourth year and also elected (without opposition) to head the student government. As he noted in a recent essay, "the grassroots process that we implemented was also crucial to the success and sustainability of these reforms." He set up a committee of twenty to "mobilize the student body and lobby the faculty." They worked in shifts to mimeograph a thousand copies of each page of the Report; they set up four hundred chairs—one chair per page—in Sayles Hall for a "Collation Dance" that put together hundreds of copies. Dorm discussions grew and grew; teams of three students talked to virtually every faculty member (and rated their supportiveness on a 1-to-4 scale). Like a political machine, they built a network, held rallies, and got signatures (eventually from well over half of the student body) on their petition asking the faculty to consider the proposal.

Meanwhile, President Heffner and faculty leaders put the wheels of policy in motion and steered the proposal through bureaucratic channels. Between early October and early December, it bounced from the Curriculum Committee to various subcommittees and back again, before finally ending up in the hands of a Special Committee on Curricular Philosophy, chaired by widely respected associate provost Paul Maeder, where it stayed until again being sent to the Curriculum Committee and then on to the entire faculty. Nothing curricular could happen without their consent.

A sympathetic article by Douglas Riggs in the February 1969 issue of Brown Alumni Monthly surveyed the whole landscape of student causes at Brown and compared Heffner favorably to President Grayson Kirk of Columbia, who (in remarks that helped to provoke the notorious Columbia strike of April 1968) had publicly denounced students' "nihilism," adding that "I know of no time in our history when the gap between the generations has been wider or more potentially dangerous." Heffner, on the other hand, had clearly set aside at least some of his doubts about "participatory democracy," saying in his first report to the Corporation that, on the basis of his experience, I would conclude that student initiative is well developed on this campus and that students here show an extraordinary capacity, not only for thoughtful suggestions, but for hard work to achieve desired objectives. I would conclude, also, that the abiding gap between the generations has been much exaggerated.

Riggs argued that Brown's student movements (to enroll more black students, ban ROTC, abolish parietals, end investment in South Africa, and change the curriculum) combined tactical pragmatism with deep moral commitment and argued that Heffner, often criticized both for giving in too much or not enough, was an effective leader.

Certainly Magaziner believed these causes were all of a piece, and he had a hand in nearly all of them, a fact which gave him great credibility when bringing factions together to support a new curriculum and then urging patience as it wound its way to final consideration. He knew that Brown officials wanted to avoid violent scenes like the ones at Columbia and other universities—including in April 1969, Harvard—and visited student groups, organizations, and athletic teams, making the case that rallies and personal lobbying would ultimately be more effective than taking over University Hall. As one member of the Cammician Club (the student government) said, "We want student representation, not student power. We expect that the faculty will support us."

Then, in Sayles Hall in early May, the faculty held, in Professor Jerome Grieder's words, "certainly the longest, and [probably] the largest, faculty meeting in the history of the University," three days of "sustained and often spirited debate." Lotspeachers carried the proceedings to the Main Green, where, Magaziner estimates, "80 percent of the student body gathered" to cheer or boo what they heard. Faculty turnout was substantial, too: Thomas Bancroft, then an assistant professor in the Mathematics Department, remembers it as "by far the largest number of faculty present that I have seen at any one time," and adds that "the spirit was not at all confrontational, even though there were many opinions represented." When the issue of eliminating distribution requirements was discussed, some wondered if the Math Department would be willing to give up the math requirement. Bancroft recalls that a colleague "got up to give the only speech I ever heard him give at a University faculty meeting (and the only time he attended one as far as I know). He gave a short statement, 'Nobody wants to teach mathematics to people who don't want to learn it.' Then he sat down."

The faculty voted to eliminate existing distribution requirements, to allow students to set up Independent Concentrations, and to take as many courses as they wanted for "Satisfactory/No Credit" (S/NC) rather than traditional grades. They reduced the number of courses required for graduation from 32 to 28. So the reformers got most of what they wanted. But the final outcome regarding requirements was a case study in unintended consequences. The students' proposal had called for requiring undergraduates to take a set of Modes of Thought seminars. Then the faculty did the math and realized that if they offered enough of them
The next day, May 9, President Heffner resigned. The Brown Daily Herald, which headlined its story "The RLH Years: Caution, Crisis, Committees," reported surprised, respectful, even affectionate comments by students, faculty, and Corporation members about the departing executive, who said that his decision had nothing to do with the debate over the curriculum: "I have simply reached the conclusion that I do not enjoy being a university president." Given what he had faced in the previous three years, it is not hard to understand why.26

With the New Curriculum approved and the president on his way out, a significant chapter in Brown's history and, indeed, in the history of the 1960s, was concluded. Replete with unpredictable twists, turns, and unanticipated outcomes, over the years the story was incorporated into the institution's master narrative as the simple tale of an inspiring student leader who had a vision and led fellow students on a mission to transform the University. As with many master narratives, there is an element of truth to it. Without Ira Magaziner, the New Curriculum does not happen. His role—and the GISPs—was necessary, but far from sufficient.

Other contingencies, accidents and coincidences of time and place mattered just as much. The national context was unique and indispensable. Half a century later, it is difficult to recapture the sense of optimism that suffused the country, particularly in the first half of the 1960s. A prosperous nation was going to go to the moon, to win the war on poverty, to stamp out racism, to bring democracy to Vietnam, and then to go on to even greater triumphs, propelled by the best-prepared generation of young people in history. Although that optimism was beginning to fray at the edges as the sixties went on, it was still widespread enough, not least among young people themselves, to provide a spur to action. Even—perhaps especially—dissenters thought they could move mountains.

Universities were expected to be at the center of the action. Clark Kerr's widely read Uses of the University (1963) argued that higher education would do for late twentieth-century America what the railroads had done for late nine-teenth-century America. By 1970, half of American high school graduates would be enrolling in college. And for the first and only time, when polled about what they hoped to get from their college experience, more students said they wanted to "develop a meaningful philosophy of life" than talked about getting a well-paying job or other goals.27

Of course, the spirit of the age did not spawn movements for an open curriculum at every university. But "free universities" and "experimental colleges" had sprung up elsewhere, including, naturally, Berkeley. For a while, Magaziner and Maxwell had thought that might be the outcome of their efforts.28 A few undergraduate institutions such as Hampshire College set up open curricula. However, Brown became (and remains) the only research university to have one.

The open curriculum came to Brown because of Brown's specific character and characteristics at that time. Magaziner and his cohorts were entering an environment that was ready to hear them. As noted, both faculty and deans believed this bright new generation should be trusted with more responsibility for its own education before Maxwell and Magaziner ever set foot on campus. The 1963 "permissive curriculum" was only the latest in a series of liberalized courses of study. The trend was set, even though it was not always noticed.

By 1968, Henry Wriston and Barnaby Keeney, presidents jealous of their own prerogatives, were gone, replaced by a far less forceful executive. Ray Heffner could come on strong ("If anyone or any group tries to shut this university down, I must and will do all in my power to see it remains open," he said during one tense moment), but his most powerful instinct was to discuss and negotiate.29 In the end, that made possible many changes besides the New Curriculum: pietas were eliminated, ROTC was soon banned, more minority students and faculty appeared on campus.

The road to Brown's New Curriculum was littered with contingencies. What if Maxwell
had gotten off the Wait List at Harvard and gone there? What if Magazine had been accepted at Harvard? What if activists lost patience and seized a building or two? It was happening—frequently—on other campuses, as Brown's administration knew only too well. In the end, Magazine's restraint paid off, and the administration's worries worked for the students. But there had been no guarantee that more impulsive followers would not outrun their leader.

Magazine was also fortunate that Brown was still small enough to let him and his organization stay in touch with every student group on campus, and to contact virtually every faculty member. It is impossible to imagine sustaining a similar movement at one of Clark Kerr's enormous "multiversities." The Brown students knew the faculty, and the faculty knew them: political scientist Newell Stultz, who chaired a subcommittee that vetted the proposal, remembered years later: "Our brief report basically said that this was a serious effort by students who had raised some very important questions. We thought they should be given respectful consideration by the University." 61

While chance and circumstance conspired to help make the New Curriculum possible, there was no guarantee that it would work as its creators had hoped. But the question of how "successful" it turned out to be is more difficult to answer than may appear at first glance. (For one thing, it is important to remember that the faculty never implemented the original proposal: Modes of Thought courses were never required of all students.) Nevertheless, at first the whole program that was put into place seemed to be embraced enthusiastically. In the fall of 1969, forty percent of all students took all of their courses S/NC and eighty-nine percent took at least one, leaving only eleven percent of students taking all their courses for letter grades. Eighty-six courses, including thirty-seven new Modes of Thought courses, mandated that students take them S/NC. 62

Even Harvard, not typically noted for seeing something to envy at any other school, made approving noises about Brown's new direction. Still reeling from its own upheaval in early 1969, the Crimson published a two-part series in January 1970 about the coming of the New Curriculum, particularly highlighting Magazine's leadership. While the writer couldn't resist mentioning that Magazine had not been accepted at Harvard, he conceded that "there are impressive signs of undergraduate intellectual ferment in Providence," before sniffing, "Obviously, some parts of Brown's "reformed" curriculum are already established practice here." But the article admitted that Brown had accomplished two things that Harvard so far had not: it had defined the purpose of undergraduate education as fostering "the intellectual and personal growth of the individual student," and students had driven the change. 63

There were, however, contrary straws in the wind: in the fall of 1969, only twenty-eight percent of juniors and seniors took all of their courses S/NC, and seventeen percent took all courses for letter grades. As one "student observer" commented to the Brown Alumni Monthly, freshmen were "less under the noses of the graduate schools." 64 Moreover, the national context was changing dramatically as the '60s gave way to the '70s: political unrest was joined by a soured economy, with accompanying loss of optimism. Students in what came to be called the "Me Decade" understandably worried about how to make their undergraduate work position them for life after college.

In February 1974, a New York Times article was headlined "At Brown, Trend Is Back to Grades and Tradition." Dean of Academic Affairs Jacqueline Mattfeld noted that Brown, under considerable financial stress, lacked resources to implement an ambitious new program: "We are being asked to produce a Cadillac educational experience on a Volkswagen chassis," she said. Only forty-three Modes of Thought courses were offered, the percentage of courses being taken S/NC had dropped from sixty-three percent in 1970 to thirty-six percent in 1973, and students generally seemed engaged (in the Times's words) in a "dreadful scramble to getinto graduate schools." One junior, a member of the Educational Policy Committee, even said, "I am in favor of admitting we are conservative and not attracting students like me who should be at Bennington or Haverford." 65

The Magazine-Maxwell Report clearly expected Brown students to seek "self-fulfillment" and inveighed repeatedly against preprofessional training. In that regard, it seems both a product of "the Sixties" and a continuation of the ancient, always tenuous, but durable liberal arts tradition, found even in the Yale Report of 1828. Sociologist Dietrich Rueschemeyer, chair of the Faculty Policy Group, noted in 1971 that, the basic idea of the reform is really very conservative. It's a reaffirmation of the ideas of liberal education, of general education. What is possibly radical are certain ways of implementing it. As to whether it is a success or not, we don't know yet, although we are in the middle of it... The new program is definitely a success in that it gives the chance of exercising individual autonomy in one's studies.

Brown activist Susie Friedman '70 agreed: "We achieved radical ends, but we did it through orderly and established processes." Indeed, that combination of tradition and innovation may
have helped persuade some dubious faculty to support it. Along the same line, although the Sixties made "relevance" a mantra for curricular critics, the Magazine-Maxwell Report brushed the term aside: the "university should not be training social workers or political activists," it said, "and should not give credit for such work."43

Times and society changed. Throughout the seventies and eighties and beyond, polls showed that American students had a fundamentally instrumental view of higher education, with purposes such as "to be able to get a better job," and "making more money" topping their list of priorities. In 1990 "The Brown Curriculum Twenty Years Later," an official Report to the President by Dean of the College, Sheila Blumstein, noted that Modes of Thought courses had virtually disappeared: in 1988–89, there were only four, with a total enrollment of sixty-seven. Only about twenty percent of course grades were S/NC. And Independent Concentrations constituted barely one percent of the total. Nevertheless, Blumstein pronounced the New Curriculum a "resounding success, both for [Brown's] students and its faculty," because of its "rigor" and "flexibility."44

While perhaps exaggerated, the claim had substance. The lack of Independent Concentrations was due partly to the fact that the number of "official" concentrations had more than doubled. The grading system that had eliminated plus and minus grades, leaving just A, B, C, and NC, was still in place. The centerpiece of the reform was eliminating distribution requirements; students, in consultation with their advisors, would presumably have to think harder about their own courses of study, and would "own" the choices they made more fully than if they were merely "meeting a requirement." The Blumstein Report argued that this was indeed happening—and added survey data showing that Brown students typically took a range of courses that corresponded closely to those taken by students at other Ivies, the ones with requirements. In other words, students generally avoided premature specialization and were seeking a liberal education.

The New Curriculum also succeeded in a way not envisioned by its creators: it was a triumph of "branding." In 1969, the Ivy League Guidebook, supposedly an "insider's guide," had sneered that "Brown is scarcely known west of the Mississippi or south of Philadelphia. Hardly one of the more prominent Ivies."44 By the time Blumstein reported, Brown was a "hot school," with more applicants than it knew what to do with, and the New Curriculum, if admissions literature and student response to polls about what drew them to Brown are to be believed, showed unequivocally that "New Curriculum was the magnet."45

Certainly its longevity confounded one injunction from the Report that created it, that "Every new curriculum should be born with its own death warrant written into it."46

The New Curriculum succeeded where Francis Wayland's New System had failed, not least because it fit neatly into the emerging American culture, which emphasized consumer choice above virtually everything else. That emphasis has only grown stronger over the years. In addition, although the abolition of distribution requirements was dramatic, it did not shake up the educational structure nearly as much as Wayland's changes did. The New Curriculum preserved the four-year path to the bachelor's degree, credits, courses, departments, and grades, and a declared mission of a liberal education, among other familiar elements.

Although the number of courses required for graduation was lowered from thirty to twenty-eight, it was soon bumped back up, and while pluses and minuses were no longer attached to letter grades, the familiar A-B-C distinctions remained. Few seemed to believe that these minor shifts mattered.

Maxwell and Magazine were not utopians: "we were reformist, rather than radical," Maxwell says. Some students, they realized, might drift, or in other ways not be up to the challenge. But that, they say, would be true anywhere. Their goal, in Maxwell's words, was "to make it easier for students who are there for the right reasons to do the right thing."47 Subsequently—and consequently—the New Curriculum has arguably evolved in ways that give this 250-year-old institution reason to expect that its graduates will indeed lead "lives of usefulness and reputation," even though the circumstances that gave it birth will surely never appear again. 

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10. Mitchell, Encyclopedia Brownienses, 260-261. A Graduate Department was established in 1903, the Graduate School in 1927.


22. Spodek, interview with Elliot Maxwell.


24. Heffner quoted in Mitchell, Encyclopedia Brownienses, 275; Spodek, interview with Elliot Maxwell.


35. Thomas Ranchel, e-mail to Luther Spodek, January 20, 2016. Edward Abearth, then a junior professor of comparative literature, remembers faculty support as "overwhelming." Luther Spodek, interview with Edward Abearth, March 29, 2016.


39. Spodek, interview with Elliot Maxwell and Ira Magaziner.


41. Spodek, interview with Ira Magaziner. Magaziner says he learned later that he had been denied admission at Harvard because, as a high school student, he had been arrested at civil right demonstrations.


Slaver Captain and Son of Newport: Philip Morse Topham and Jeffersonian Justice

CRAIG A. LANDY

AMONG THE SHIPS SAILING OUT OF NEWPORT HARBOR ON January 28, 1800, were the brig Peggy and the sloop Fanny. Both vessels had been cleared for Africa by the custom house the previous day. Both ships' captains were native Rhode Islanders and veterans of the commercial maritime routes up and down the Eastern Seaboard and beyond, and both were embarking on their first, and, as it would turn out, their only slave voyages. Both captains would later earn the dubious distinctions of being the only Rhode Islanders imprisoned for violating the federal slave trade laws and the only slaver captains pardoned by President Thomas Jefferson. The voyage of the sloop Fanny under the direction of Nathaniel Ingraham, a Bristol captain who was imprisoned for two years for violating the federal Slave Trade Act of 1794 and subsequently pardoned, is well documented. The voyage of the brig Peggy under the command of Philip Morse Topham, who came from a long-established Newport family, has yet to be fully explored by historians.1

1 Joseph Story, 1779–1845, Associate Justice of the United States Supreme Court, 1817–1845 and Acting Chief Justice, 1835–1836, 1844. Among his official duties, Story presided over trials in the federal circuit court sitting in alternate years in Providence or Newport. Photograph by Matthew B. Brady, c. 1864, from the Library of Congress, Prints and Photographs Division. LC-USZ62-10196.
Despite extensive study of the Newport slave trade, there has been little mention of the brig Peggy or the subsequent federal case brought against Philip M. Topham for his participation in the Peggy's slave venture. The Topham case is virtually unknown and is not mentioned in otherwise comprehensive standard works about the early enforcement of the slave trade acts in Rhode Island, which is hardly surprising because the case took place in New York City and was brought by a New York antislavery society. A recent publication aside, the Topham case has evaded the attention of students of Rhode Island's turn-of-the-nineteenth-century African commerce, but offers a window into a Newport comfortably insulated from antislavery forces at home, yet exposed to the enemies of slavery beyond its borders. The Topham case also illustrates the considerable political capital that Newporters were willing to expend to free one of their own from the grasp of antislavery forces in the early 1800s. Rhode Island was an important participant in the North American transatlantic slave trade. From 1709 to 1807, well over nine-hundred vessels left Rhode Island for the coast of Africa to transport over 100,000 enslaved Africans. Most of these Rhode Island voyages followed the conventional triangular pattern, with many exceptions reflecting the complexity of the slave trade. Rhode Island had distilleries where molasses was made into rum, which was exchanged in West Africa for slaves, who were in turn carried to the West Indies or other market ports and exchanged for cash, letters of credit, or goods, such as molasses. Molasses or other goods were shipped back to Rhode Island, where its merchants sold them or in the case of molasses, made rum. Before the Revolutionary War, Newport was Rhode Island's largest city and the leader in the state's slaving activity. However, the British occupation of Newport from December 1776 to October 1779 interfered with Newport's profit-making ventures, including its commerce in slaves. Newport's post-war recovery depended on reviving its maritime industry, which meant restarting that traffic. While never resuming the volume of the transatlantic slave trade it had before the Revolutionary War, Newport was only slightly behind Bristol in importance in Rhode Island's African ventures during the early years of the nineteenth century. Old-fashioned pressures of supply, demand, return on investment and tightening federal regulations drove the expansion and contraction of Newport's slaving during the early 1800s. Yet, the single most important catalyst to the rebirth of that business was the reopening of Charleston to the importation of African slaves in 1804, which played directly to Newport's maritime strengths and its merchants took full advantage of this. 

window of opportunity. From 1804 to 1807, Newport traders sent out from Newport or other Rhode Island ports, thirty-four slavers delivering to Charleston over four thousand of the roughly 39,000 enslaved Africans who flooded Charleston during that period. One historian described this influx as "probably the strongest surge in the history of the global slave trade." This was the Newport where the story of Philip Topham and the voyage of the Peggy unfolded.

By Philip Morse Topham’s birth in about 1777, his family had fled the British occupation of Newport to Warren, Rhode Island. After the British departed from Newport, Philip’s family returned to Newport where he was baptized by the Reverend Ezra Stiles at the Second Congregational Church on Clarke Street on May 29, 1780—only the second day that baptism resumed in the meeting house since November 17, 1776; it had been used during the war as a barracks and hospital by the British and then the French. Philip was the fourth son of John Topham (1742–1793) and his wife Ann Tew (1747–1824). The Tews were an established Newport family with roots in the town dating back to the mid-1600s. Ann’s maternal grandmother, Ann Arnold Tew (1715–1805), was an aunt of Benedict Arnold, the Revolutionary War traitor.

John Topham, Philip’s father, was born in Newport in 1742 to Ann and John Topham and was among the earliest patriots of the Revolutionary War. As a captain, he marched with Colonel Benedict Arnold’s expedition against Quebec and was taken prisoner. Released, he rose to the rank of colonel in the Rhode Island military and led troops as part of the Battle of Rhode Island in 1778. After the British abandoned their occupation of Newport in October 1779, Topham and his state regiment were discharged. Following his discharge, he was elected in May 1780 as a deputy representing Newport in the Rhode Island General Assembly and reelected nearly each term until his death in 1793. Before and after the war, John Topham lived in a two-story gambrel-roof building on the southeast corner of Marsh and Washington Streets in the Point section of Newport. He was a successful and influential merchant whose firm, Topham, Boss and Newman, situated near the Point Ferry, was heavily invested in shipping interests, trading in rum, molasses, tar and sugars. The firm participated in at least two slaving ventures during the late 1780s. John Topham owned five slaves, one of whom apparently fled to the safety of the British lines at the beginning of hostilities, a loss which John Topham unsuccessfully tried to recover.

John Topham’s firm, Topham, Boss and Newman, was an active retailer of goods and participated in at least two slaving ventures during the late 1780s. The mercantile store was located near the Point Ferry in Newport, not far from John Topham’s house at the southeast corner of Marsh and Washington Streets. This ad appeared in the Newport Mercury, February 27, 1784, p. 4. From the Collection of the Rhode Island Historical Society, RH7749.

District of Newport Custom House listed in the Newport Mercury, January 25, 1800, p. 3, showing the brig Peggy, Captain Philip P. Topham, and the sloop Fanny, Captain Nathaniel Sturgis, cleared for Africa. From the Collection of the Rhode Island Historical Society, RH77419.

“Guided by youthful ambition, Topham’s life irreversibly changed when his path crossed that of fellow Newporter Captain Freeman Mayberry.”
Philip Topham's childhood and early adulthood coincided with an era during which Newporters attempted to repair the enormous damage to the town caused by the British occupation. Restoration of the physical devastation included rebuilding some of the estimated six hundred homes destroyed during the occupation. Many homes had been demolished by the British for firewood during two harsh winters. Restoration of the economy became a matter of the town's survival. Following Rhode Island's ratification of the U.S. Constitution, a letter published in the Newport Herald and signed by "Philanthropos" delivered a call to action to all Newporters: "Rome was not built in a day. By industry, commerce and economy alone can we expect to emerge, and disengage ourselves from our present embarrassments, and by them, under the auspices of the New Government, and the smiles of Heaven, we may not only gradually recover, but rise superior to our former situation."

Taking his place in Newport's age of restoration and hope, Philip Topham turned to the sea, following his father's shipping interests and his older brothers' careers as sea captains. By the first three months of 1799, he had already mastered the coastal trade between New York and Charleston; he was about twenty-two years old. Later that spring, Philip Topham added the West Indies to his ports of call. Between January and August 1799, Philip made five trips ferrying passengers, sugar, Sea Island cotton and rum on the schooner Two Sisters between New York, Charleston and Havana. Guided by youthful ambition, Topham's life irreversibly changed when his path crossed that of fellow Newporter Captain Freeman Mayberry.

Captain Mayberry (c. 1764–1819), a veteran sea captain with at least one slave venture prior to 1800, arrived in Havana in May 1799 following an eventful middle passage. On December 16, 1798, he had sailed the brig Orange from Newport to Illes de Los off the coast of Guinea. A month later he took on board one-hundred-and-twenty enslaved Africans and proceeded to Havana. On March 26, 1799, off the Bahama Islands, the Orange struck a reef sustaining major damage. Following repairs in Nassau, the Orange sailed to Havana where the slaves were sold. Captain Mayberry remained in Havana until late May before returning to New York on June 12th. Meanwhile, Captain Topham arrived in Havana from New York on May 11, 1799, with the Two Sisters and stayed there until late May before returning to New York on June 12th. While there is no record of Mayberry and Topham meeting in Havana, records show they were both in Havana at the same time and both were scheduled to sail for Newport within five days of one another. It would be difficult to imagine that they did not meet during this time in view of subsequent events; six months after leaving Havana, Philip Topham sailed out of Newport Harbor in command of the brig Peggy, a willing pawn in an illegal slave venture orchestrated by Captain Mayberry and his partners.

The voyage of the Peggy presents an interesting study of Newport's participation in the Atlantic slave trade in the early nineteenth
the Peggy's single voyage shows the occasional large profits that tempted Newport's otherwise prudent merchants.

Captain Topham returned from Havana stopping at New York City on February 25, 1801. Three days later he was arrested by the Federal Marshal of the District of New York for violating the 1794 Act on the complaint of the New-York Manumission Society, the most active anti-slavery group in New York. Unable to procure bail, Captain Topham was remanded to New York's Bridewell prison, located just west of today's City Hall in Lower Manhattan.53

The first national act against the slave trade, and the law under which Philip Topham was arrested, originated from petitions to the United States Congress for a law against the transportation of slaves, including a petition from the Providence Society for Abolishing the Slave Trade. The Slave Trade Act was passed by the Congress and signed by President George Washington in 1794. It prohibited the building, fitting, equipping or loading any vessel within American borders intended for slave trading in a foreign country.39 The Act's penalties included condemnation and forfeiture of the ship and for individual violators, including the owner and sailing master (captain), a fine of two-thousand dollars plus two-hundred dollars for each person transported.40 To encourage enforcement, all monetary penalties levied were to be shared fifty-fifty between the United States and the private individual who commenced the prosecution, in a legal proceeding known as qui tam.41

A series of lawsuits under the 1794 Act in Rhode Island courts against local slave ventures were brought with varying degrees of success by abolitionists and federal prosecutors with the assistance of William Ellery, the first United States Customs Collector at Newport.42 Ellery and other anti-slavery advocates faced well-financed opponents who enjoyed a local advantage with juries sympathetic to slavery. With a new customs district at Bristol created in 1801 outside of Ellery's jurisdiction through the efforts of those supporting the African ventures, and the eventual appointment in 1804 of Bristol customs officials sympathetic to the slavers, the effort to stop the slave trade in the Rhode Island courts came to an end. Without Ellery's interference, Bristol's African commerce might have been expected to expand at Newport's expense.43 However, that was not the case. While Bristol's African activity increased after 1804, Newport also experienced a robust share of those enterprises until the close of 1807, a testament to the determination of Newport's merchants. From 1804 through 1807, Newport's share of Rhode Island's slave trade jumped to thirty-nine percent compared to Bristol's share of fifty-one percent, by one historian's reckoning.44

Following Topham's arrest in New York in February 1801, a qui tam suit against Captain Topham was commenced by James Robertson, a leader of the New-York Manumission Society, for monetary penalties under the 1794 Act in the United States Circuit Court for the District of New York, the first lawsuit of its kind for the New York anti-slavery society. Society members interviewed witnesses, including Cesar Mumford, a black seaman who had sailed from Rhode Island in the schooner Chance for the African coast, and who reported to the Society that he saw Captains Topham and Mayberry on the West African coast with sixty-seven slaves on board the Peggy. John Fellows, the well-known New York City bookseller, publisher and close friend of Thomas Paine, recently returned from St. Bartholomewes, described to Society members how he saw Captain Topham there with at least sixty, and as many as eighty enslaved Africans.45

In August 1801, Captain Topham was released on $20,000 bail posted by John Thurston, the Newport merchant whose family had been associated with the slave trade, and John Champlin, a Bristol slave captain.46 Following his return to Newport, Topham married Mary Richmond Peck, who came from a well-established Bristol family.47

It took the New-York Manumission Society four years to gather confidence and necessary evidence, including documents from Rhode Island, to move the case to trial.48 In late March 1805, the Manumission Society engaged Thomas
1801 recount the voyage of the Peggy. These merchants would have tipped off the Society to Topham’s activities and his presence in New York City. Fellows undoubtedly testified at trial that he saw Topham in St. Bartholomew’s, as he had previously reported to the Society. The deposition of William Ellery, the anti-slavery advocate and Newport Collector, taken on March 20, 1805 before a Newport judge shortly before the trial, was read to the jury. The deposition was a crucial part of the plaintiff’s case because it allowed into evidence copies of the Peggy’s Certificate of Registry, which listed Philip M. Topham as the brig’s master and sole owner and the Peggy’s manifest, dated January 21, 1805, which described the Peggy as bound for Africa laden with thousands of gallons of rum and gin. Ellery’s deposition, when coupled with the testimony of the four witnesses, amounted to strong evidence of Topham’s violation of the 1794 Act. At the conclusion of the plaintiff’s case, Topham’s counsel, Cadwallader D. Colden and Peter W. Radcliff, two well-regarded trial lawyers, called no witnesses.

On April 4 the jury returned a verdict for the plaintiff in the amount of $16,000—one half owing to the Society and the other half to the United States. The Topham case resulted in what was the first monetary judgment under the 1794 Act in New York and the most dramatic and most difficult anti-slavery case prosecuted by the New-York Manumission Society during its sixty-five-year history.

Following the trial, Topham returned to Newport on bail awaiting formal entry of judgment against him and certain imprisonment in debtors’ prison—possibly for life if he could not pay the staggering judgment. An all-out campaign by Topham’s supporters began immediately to obtain a pardon from President Thomas Jefferson and to protect the liberty of one of Newport’s sons. On May 3, 1805, Topham requested the president to release him from that portion of the judgment owed to the United States. In his pardon petition, Topham blamed his involvement in the Peggy venture on his “early youth,” his ignorance “of the consequences” and his being “seduced by the interested persuasions of others.” He described his inability to work as a sea captain due to bail restrictions, which left him “entirely destitute” and he detailed the suffering of his “aged mother,” “beloved wife” and “infant family,” all of whom were solely dependent on him. He implored Jefferson to “save him and his helpless family from ruin and restore him to society, and the power of obliterating by future usefulness the unfortunate indiscretion of his youth.”

On June 21, 1805, William Hunter, a well-respected Federalist lawyer and representative of Newport in Rhode Island’s General Assembly, and later United States senator, forwarded Topham’s petition to Gabriel Duval, the Comptroller of the Treasury in Washington, D.C., with the expectation that the petition would be forwarded to President Jefferson, writing:

This unfortunate young man has strong encouragement to believe that the private prosecutors will relinquish their portion of the heavy penalties to which he is subjected. And if the President of the United States should in his wisdom and mercy deem it expedient to remit the portion that will become the property of the United States, Capt. Topham instead of consuming away his life in prison, will be restored to liberty and usefulness … The Petition is signed as you will observe by our highest officers of Government, and our most respectable inhabitants, and its success would be highly gratifying to our Citizens at large.

The one-hundred-and-sixty “highest officers of Government” and “most respectable Inhabitants” who signed the petition included Paul Mumford, Rhode Island’s Republican Lieutenant-Governor, Henry Sherburne, the state’s Federalist General-Treasurer, three Republican state senators, eight members of the state House of Representatives from both major parties, the Newport County Sheriff and several owners of the strongest mercantile houses in Newport, including Walter Channing and George Champlin.

Each signatory, begged respectfully to recommend the prayer of the within Petitioner, to the tender consideration of the President of the United States, being assured by satisfactory information, that the facts therein stated are correct and that the Petitioner is an object worthy of the President’s compassionate favor.

Topham’s supporters had every reason to believe that their request would be granted. Rhode Island had stood firmly with Thomas Jefferson in the 1804 election and in 1805 the Rhode Island legislature was solidly Republican. Yet that political dominance was beginning to erode. In the April 1805 elections, a third-party faction (the Quids) joined with the Federalists to achieve a few local successes for state House of Representatives, including in Newport and Portsmouth, which the Newport Mercury, the leading voice of the Federalist party, heralded as a “victory, to be sure,” signaling a shift in political loyalties within the state. In May 1805, Joseph Stanton, Jr., the leading Republican member of the United States House of Representatives from Rhode Island, and one of the state’s first two United States senators, warned the president that while the Republicans held a majority in the Rhode Island House of Representatives and were unanimous in the state senate, the Federalists had added seven new representatives to the state legislature in the April election. In the same letter, Stanton alerted the president to the forthcoming pardon petition of Philip Topham, in what can only be read as an effort to persuade Jefferson not to take Rhode Island for granted. Comptroller Duval forwarded Topham’s petition to the president on July 2, 1805. When no answer was received and the start of Topham’s imprisonment loomed, Topham wrote to Stanton on December 29, 1805, imploring him to obtain the president’s response. No record of Stanton’s communication to the president remains, but Jefferson’s reply followed shortly. Placing principle over politics, Jefferson denied Topham’s petition in a letter to Stanton.
“The president did not respond to these petitions, which was no surprise.”

In responding to Captain Ingraham’s pardon request two years before Topham’s petition, Jefferson noted that the 1794 Act inflicted monetary punishment only, without imprisonment and it was not until 1800 that Congress added imprisonment not exceeding two years for future slave trade cases. Jefferson reasoned that if the 1800 law’s measure be just now, it would have been just then, and consequently shall act according to the views of the legislature, by restricting his imprisonment to their maximum of 2 years, instead of letting it be perpetual as the law of ’94, under which he was convicted, would make it, in his case of insolvency. He must remain therefore the 2 years in prison ... as a terror to others meditating the same crime.19

Jefferson’s sense of justice applied in denying Topham’s petition was not only consistent with his handling of Captain Ingraham’s request, but conformed to his long-standing philosophy that
it was the province of the legislature, rather than that of the judiciary or the executive branches, to determine the extent of criminal punishment. In 1776, he wrote:

Punishments I know are necessary, and I would provide them, strict and inflexible, but proportioned to the crime... Laws thus proportionate and mild should never be dispensed with. Let mercy be the character of the law-giver, but let the judge be a mere machine. The mercies of the law will be dispensed equally and impartially to every description of men; those of the judge or of executive power, will be the eccentric impses of whimsical, capricious designing men."

Stanton wasted no time after learning of the denial of Topham's petition, in conveying his profound disappointment to the president. On the same day he received Jefferson's letter—January 15, 1806—he wrote back: "an Opinion is prevailing in Rhode Island among the Republican Conservatives that the laws and the forces of the Republican Cause and the Administration faithfully: But in the Distribution of Favors, they have been forgotten. They have solicited in Vain." In May 1806, a judgment was docketed against Topham for $16,000 plus $124.44 for costs of the suit. Without means to pay the judgment, Topham was committed to New York City's debtors' prison, located just east of today's City Hall. An appeal was never taken due to the difficulty of procuring an appeal bond for so large a sum. Four months following his imprisonment, Philip's first son, William Henry Topham, was born. When the Manumission Society rejected Topham's pleas to be relieved from that portion of the judgment owed to the Society, Topham's supporters arranged for Topham to file for insolvency in New York, thereby extinguishing one-half of the judgment owed to the Manumission Society, and leaving a presidential pardon as Topham's only real hope of freedom. Topham renewed his petition to Jefferson for a pardon three times during 1807. In his August 18, 1807 request, Topham revealed that his wife and infant child had become so destitute, having exhausted the charity of family, that they were "now living in companionship with him" in New York City's debtors' prison. The president did not respond to these petitions, which was no surprise. Topham might have expected that any attempt to play on Jefferson's heartstrings by citing his "helpless Family," would fail. Almost three years earlier, Jefferson was unmoved by similar attempts to invoke Captain Ingraham's family hardship, and instead the president turned the tables, recalling the misery Ingraham had inflicted on the families of the slaves he carried away:

[Ingraham] petitioned for a pardon, as does his wife on behalf of herself, her children and his mother. His situation, as far as respects himself, merits no commiseration: that of his wife, children and mother, suffering for want of his aid, does: so also does the condition of the unhappy human beings whom he forcibly brought away from their native country and whose wives, children and parents are now suffering for want of his aid and comfort. Between these two sets of suffering beings whom his crimes have placed in that condition, we are to apportion our commiseration.

Renewed pressure was applied by Topham's supporters in early 1808 as Topham's period of incarceration neared the two-year mark and on February 28, 1808, Jefferson directed that "in consideration of the punishment already inflicted, and of the change in the state of the law on this subject, let a pardon issue." In citing a change in the state of the law, the president was referring to the maximum term of imprisonment for two years for violation of the 1800 Slave Trade Act. On March 1, 1808, President Jefferson signed the pardon remitting the fines and costs against Philip Topham. However, United States Supreme Court Justice Brockholst Livingston, sitting as a circuit judge in New York, rejected the pardon as improper, agreeing with the arguments of counsel for the Manumission Society and the Marshal for the District that the pardon warrant stated, incorrectly, that the prosecution of Topham was predicated on the 1800 Act. When this error was discovered, Topham's supporters once again appealed to the president for Topham's release. A new pardon warrant was signed by the president on April 25 correctly predicated on the 1794 Act and Topham was released. In a May 2, 1808 letter of thanks to the president, Philip Topham stated "may God forget me when I again trample on my Country's laws." Following his release, Topham returned to Newport, raised his family and continued his livelihood as a sea captain. During the War of 1812, he served in the U.S. Navy from July 27, 1813 to 1815. Shortly after his discharge, he died at sea on December 29, 1816, in the Caicos Islands. After the voyage of the Peggy, only Captain Mayberry profited. Mayberry was never held accountable at law for his role in the voyage nor was he required to turn over the full portion of proceeds of the voyage that belonged to his partners. Supreme Court Justice Joseph Story, sitting as a circuit judge, ruled against Mayberry's partners in their suit filed in the federal court in Providence in May 1803 against Mayberry for their share of the voyage's proceeds. In a sweeping condemnation of slaving and other illicit ventures, Justice Story was direct and to the point:

The traffic in slaves is a most odious and horrible traffic, contrary to the plainest principles of natural justice and humanity... The voyage was, in its very elements, infected with the deepest pollution of illegality; and the present action is brought between the very parties, who formed and executed this reprehensible enterprise... A party alleging his own turpitude shall not be heard in a court of justice to sustain an action found upon it; and, where the parties stand in pari delicto, the law leaves them, as it finds them, to reap the fruits of their dishonesty, as well as they may.

The voyage of the Peggy marked the passage for Philip Topham from a life of youthful ambition as a novice mariner to a life under the restrictive shadow of heavy bail for four and a half years and the grim reality of debtors' prison for another thirty months. By the time Philip was released from prison, he was about thirty-one years old, leaving him—as it turned out—only eight more years of life. By skillful politics in creating Bristol as a separate customs district, coupled with the absence of an antislavery champion in Washington, the friends of the Rhode Island's African ventures had neutralized the enemies of the trade at home after 1804, just in time for the reopening of South Carolina's ports to the African ventures. By the early 1800s, Newport's slave trade was once again thriving. Reverend Samuel Hopkins, the renowned abolitionist and pastor of the First Congregational Church in Newport, offered a bleak assessment of Newport's participation in slaving and the central role that traffic played in Newport's economy, in a sermon preached in 1800 and published in 1803 shortly before his death. He lamented,

This inhuman trade has been the first and chief spring of all the trade and business by which this town has risen and flourished; which has, therefore, been built up, in a great measure, by the blood and unrighteous sufferings of the poor Africans. And this trade is yet carried on here, in the face of all the light and matter of conviction of the unrighteousness and aggravated iniquity of it, which has of late years been offered, and against the express laws of God and man. And there is no evidence that the citizens in general have a proper sense of the evil of this business, of the guilt which has been contracted by it, and of the displeasure of God for it, or that they have a just abhorrence of it; but there is much evidence of the contrary, and that there is little or no true repentance of it.

Newport's merchants and captains, however, could not control the enemies of the slave trade beyond its borders. While there is no evidence that the Topham case curtailed Newport's slaving activity, Philip Topham's prolonged imprisonment and the president's obstinate refusal to issue a pardon until Topham had served a "due
term of imprisonment,” must have been nagging reminders to Newport’s businessmen of the legal risks of participation in the African ventures in the years leading up to January 1, 1808, when it became unlawful to deliver slaves into the United States. A few Rhode Island merchants are known to have continued in the illicit business after 1808, but traffic from the state wound down by 1820, when Congress made participation in the slave trade punishable by death as a crime of piracy.

The Topham case illustrates the complex interplay between slavery and the law at the turn of the nineteenth century and the obstacles encountered when the law was used to battle slavery. A successful attack on the slave trade required a committed and well-financed prosecution, cooperative witnesses, sufficient financial assets to commence and conclude the litigation, skilled counsel to advocate the cause, and a judge and jury willing to enforce the law. Even a successful prosecution could have been detailed by a pardon. In the Topham case, however, Jefferson chose to enforce the antislavery laws and to ignore the politically expedient earlier pardon. In the process, new light has been shed on the character of this complex founding father. 

This headline was emblazoned in memory of Captain Philip Topham in Newport's Common Burying Ground. It records the date and geographic coordinates of his death at sea near the Cape Islands in 1810. Courtesy of Leffy Champion and the Rhode Island Historical Cemetery Commission.


2. The Topham case does not appear to have been brought to Professor Coughtry’s attention because he wrote that Captain Ingraham was “the first and only Rhode Islander over impressed for violating federal slave trade laws.” Coughtry, Notorious Triangle, 223. For a discussion of the Topham case, with a concentration on the role played in it by the celebrated Irish patriot, Thomas Addis Emmet (1774–1825), see Craig A. Landy, “Society of United Irishmen Revolu-


4. The resurrection of the African trade into South Carolina has been tied to four key factors: increased cotton production—and correspondingly increasing in the state’s demand for slave labor— in South Carolina following the invention of a successful cotton gin; the state’s desire to end illegal slavery from the Atlantic Caribbean by seeking an alternative as a more deadly supply of slaves from Africa; the westward expansion of slavery driven by the Louisiana Purchase and the highly anticipated Congressional ban on slavery altogether scheduled to take place in 1808. See Hulme Schuman, “The Louisian Purchase and South Carolina’s Repealing of the Slave Trade in 1805,” Journal of the Early Republic 22 (Summer 2002): 263–65. Importation of slaves to America was constitutionally protected until 1808; the foreign slave trade was the target of antislavery advocates until then.

5. Schuman, “Louisiana Purchase,” 264. The number of Newport slaves included both those registered in Newport, but leaving from other ports, as well as vessels departing Newport. The number of slaves disembarking in Charleston was derived from Coughtry, Notorious Triangle, 275–285. For the challenges in estimating the number of African slaves imported into South Carolina during this period, see James A. McMillen, The Final Victim: Foreign Slave Trade to North America, 1783–1810 (Columbia, S.C.: University of South Carolina, 2004), 31–39.


9. The Topham house was twice moved; first to 10 Market Street. It now stands attached to the John Townsend House at 50 Bridge Street, “10 Market St. Sold; Owner To Move In,” Newport Mercury, March 13, 1976, 1.

10. For the Topham family’s slave ventures as owners of the brig Hannah, see Coughtry, Notorious Triangle, 262–63; “Vessels Belonging to Newport, March 17, 1786,” Newport Historical Magazine 3 (July 1888): 124; and for the firm’s location, see Newport Mercury, February 21, 1784, 2.

thirty blacks, who later joined him in plundering raids in New York, see Benjamin Quarles, The Negro in the American Revolution (Chapel Hill, N.C.: University of North Carolina Press, 1936), 153. It is not known whether John Topham’s former slave was among the thirty.

14. Rev. Siles recorded in the same month of Philip’s baptism, May 1780, that “The Town is in Ruins” but predicted that Newport “will be rebuilt in a few years at a great expense.” Siles Diary, 2:247.

15. Newport Herald, June 17, 1790, 2.


19. James Robertson, Binary: Philip M. Topham, Law Case Files of the U.S. Circuit Court for the Southern District of New York, 1790–1854, Record Group 21, National Archives Administration [hereinafter cited as NARA], M608, 569 [hereinafter cited as Topham, Binary: 1780–1794], 278, 279. By 1784, the Peggy departed from Charleston for Turks Island on a slave voyage with Captain Nathaniel Small in command and was seized by a French privateer. Both the vessel and cargo were condemned, yet her cargo was subsequently regained possession.


21. During a prolonged legal battle and trial in Providence federal court over the ownership of the Peggy, the Peggy’s true owners were revealed to be Mayhew, Fales and Athern, Fales & Athern v. Mayhew, 8 F. Cas. 979 (Case No. 4582b) (C.C.D.R.I. 1813) (Story, C.J.). The Fales decision established the fundamental legal principle that partners in an illicit transaction may not seek relief from the courts on any right to ill-gotten gains. Fales v. Athern v. Mayhew, Law Case Files, U.S. Circuit Court for the District of Rhode Island, Group 21, NARA, Walla Walla, Wash. [hereinafter cited as Fales Case File].

22. Manifest of Peggy, Topham Case File.

23. Russell’s Gazette [Boston], Novem-
ber 18, 1799, 2; Newport Mercury, December 31, 1799, 3; Georgia Gazette [Savannah], February 13, 1800, 3, and April 5, 1800, 2.


25. See profit and loss summary for the joint venture in the Fales Case File and the Peggy’s manifest in the Topham Case File. Mayhew never accounted to his partners for twenty-eight of the eighty-two slaves who made it to St. Bartholomew. For a revealing analysis of the profits and losses of Rhode Island’s slave ventures, see Coughtry, Nottawasaga Triangle, 16–21. For an examination of the fluctuation in prices of the Cuban slave market, see Laird W. Bregel, Fe Ingegna Garcia and Maria del Carmen Barcia, The Cuban Slave Market, 1780–1805 (New York: Cambridge University Press, 1995), 91–94.


28. In October 1787, Rhode Island outlawed participation in slave trading, becoming the first state legislature to do so and to ban the slave trade during this period was even slightly larger than previously understood. Where Professor Michael B. H. Brown (ibid., at 272–273) lists only home ports where Rhode Island’s slave ventures were registered, but not the ports of departure for Africa, my analysis calculated both departures from Newport, as well as from other Rhode Island ports for vessels calling Newport home (based on Rhode Island court house records reported in the Newport and the Warren [R.I.] Herald of the United States, 1788–1808 and reflected in Coughtry’s catalog). Eighty-one vessels left Newport for Africa and an additional eleven ships owned vessels cleared for Africa from Rhode Island ports, resulting in a participation rate for Newport from 1800 to 1807 of over twenty percent (46%) of the total 198 vessels clearing Rhode Island for the African coast. During the eight years studied, Newport led Rhode Island’s slavery activity in 1800 when its merchants fitted out fifteen of nineteen vessels; in 1803, dispatching nine of seventeen vessels bound for Africa and again in 1807, when it sent out twenty-five of forty-nine African ventures leaving Rhode Island. The number of African vessels bound by Newport in 1805 was thirty-one, but the number of vessels in commerce due to the inconsistent nature of the supporting evidence and that generally related to the larger geographical area of newspaper crawlers might suggest. Crean, Dependence People, 18–21. Not every vessel bound for Africa was conclusively a slave carrier, there appears little doubt that the Newport-sponsored slave trade was thriving during 1800–1810. Elizabeth Dowd, “The New England Slave Trade after the Revolu-

29. N-YMS, 7:194–195. For the contrary position that Newport’s economic well-being had been restored to its prewar prosperity by 1796, see Kenneth Wallis, The Economic History of Rhode Island From the Colonial Era to

30. N-YMS, 7:195–196. Memorial of Philip M. Topham to Thomas Jefferson, August 18, 1807, Petitions For Parcels. For background on Camphius and Thurlow, see Coughtry, Nottawasaga Tri-

31. Vinel Record, 8:346 (December 11, 1803).

32. In the early 1780s, the Manumission Society suffered a series of setbacks in court proceedings against the slave trade which contributed to its reluctance to try the Topham case. For discus-

33. Minutes, Trial Notes and Rolls of Attor-
neys of the U.S. Circuit Court for the Southern District of New York, 1790–1814, in Records of the Circuit Courts of the United States, Record Group 21, NARA, M584 roll 1 (hereinafter cited as Minutes).

34. Ibid. Creus Mumford, the black seaman from Rhode Island, was apparently unavailable to testify at the trial by April 1805.

35. “Whitney Phoenix, The Whitney Fam-


37. Elley’s deposition was limited to authenticating the Peggy’s January 1800 manuscript and Certificate of Registry for the court, Topham Case File.


39. Pettit of Philip M. Topham to Thomas Jefferson, May 6, 1805, Mary Robinson Librarian Collection of the Rhode Island Historical Society [hereinafter, RISS]. Manuscripts Collection, MSS 9905 – T Box 5. From his release from prison in 1801 until the start of the trial in April 1805, Topham was required to return to New York City every six months to appear before the court or forfeit bail. Consequently long voyages were out of the question for Topham. Topham’s confrontation is his petion that the Manumission Society was “gener-


41. The petition was also signed by other Newport merchants and traders, including many owners and sea captives who had participated in the slave-trade.

42. Newport Mercury, April 20, 1805, 3; August 31, 1805, 3; Providence Phoenix, April 20, 1805, 3; Marcus W. Jerangian, The Tammany Society of Rhode Island (Providence: Preston and Rounds, 1987), 3.

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