

Telling Untold Stories

The 272: The Families Who Were Enslaved and Sold to Build the American Catholic Church

Rachel L. Swarns (Penguin Random House 2023), 320 pages

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In April 2016, I read an article in *The New York Times* in which journalist Rachel Swarns described that on June 19, 1838, the Maryland Society of Jesus (“Jesuits”), a Catholic religious order, and Georgetown College (now Georgetown University) sold more than 272 enslaved people from Jesuit-owned plantations in southern Maryland to plantation owners in southern Louisiana.¹ The article explained that the school sold the enslaved men, women, and children to cover some of its debts.² The sale was instrumental in supporting Georgetown, and more broadly, ultimately growing Catholicism.³ At the end of the article, there was a call for descendants—who were Black, Catholic, with ties to several plantations in Louisiana.⁴ Although I descend from a Black Catholic family, my family’s roots are in Southern Maryland. I made a mental note but did not think more about the article until six months later when my father received a call from Malissa Ruffner, a genealogist with the Georgetown Memory Project. Ms. Ruffner explained that approximately one-third of the enslaved people sold in the 1838 sale, 91 in all, were nowhere to be found in any historical record in Louisiana.⁵ These “lost Jesuit slaves” never left

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¹ Rachel L. Swarns, *272 Slaves Were Sold to Save Georgetown. What Does it Owe Their Descendants?*, N.Y. TIMES, Apr. 16, 2016, <https://www.nytimes.com/2016/04/17/us/georgetown-university-search-for-slave-descendants.html>.

² *Id.*

³ *Id.*; RACHEL L. SWARNS, *THE 272: THE FAMILIES WHO WERE ENSLAVED AND SOLD TO BUILD THE AMERICAN CATHOLIC CHURCH* 179 (2023).

⁴ Swarns, *supra* note 1.

⁵ Terrence McCoy, *They Thought Georgetown’s Missing Slaves were ‘Lost.’ The Truth Was Closer to Home Than Anyone Knew*, WASH. POST, Apr. 28, 2018, https://www.washingtonpost.com/local/social-issues/they-thought-georgetown-missing-slaves-were-lost-the-truth-was-closer-to-home-than-anyone-knew/2018/04/28/074beb66-3e65-11e8-a7d1-e4efec6389f0_story.html.

Maryland.⁶ I am a descendant of Nace Butler, one of those “lost” enslaved people.⁷

In *The 272: The Families Who Were Enslaved and Sold to Build the American Catholic Church*, Rachel Swarns tells the stories that could not be told in a series of newspaper articles.⁸ In doing so, she elevates the voices of those enslaved and their descendants—those repeatedly left out of the narrative.⁹ In challenging the prevailing narrative of enslaved Black people and their ability to resist, and by telling the story of the Jesuits and enslavement, Swarns’s counter storytelling recasts those enslaved as empowered agents while simultaneously taking a critical look at the institution that enslaved them. Her counter storytelling creates space for untold narratives and truths from “outsiders”—those who are left out of the dominant stories.¹⁰ As professors, lawyers, and judges, we are storytellers and advocates. Swarns provides us with a model to create space for these “outsider” stories as well.

I. “Our liberty was stolen. We should be free people.”¹¹

Swarns traces the Mahoney family through two hundred years beginning with the matriarch Ann Joice’s wrongful enslavement and ends with the present day. Throughout this compelling counter storytelling journey, she centers untold narratives of my ancestors and others. In uplifting these “outsider” stories, Swarns dispels the narrative that those enslaved were disempowered and that slavery was central to their identity.¹² She instead views them as whole people with complex identities—people who were dedicated to their families, their faith, and securing their freedom.

Throughout the book, Swarns contests the narrative that enslaved people, like the Mahoneys, were disempowered. She begins by documenting the Jesuits’ arrival to colonial Maryland in the seventeenth century but quickly shifts the reader’s focus to the arrival of Ann Joice, the

6 *Id.*

7 Malissa Ruffner, *Ignatius “Nace” Butler, Jr. (GMP-199)*, GEORGETOWN MEMORY PROJECT GENEALOGICAL REP., 2–3, <https://www.georgetownmemoryproject.org/>.

8 SWARNs, *supra* note 3.

9 *Id.* at 143.

10 Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim’s Story*, 87 MICH. L. REV. 2320, 2323 (1989).

11 SWARNs, *supra* note 3 at 12.

12 *Id.*

Mahoney matriarch, a few decades later.¹³ Although Ann Joice came to colonial Maryland as an indentured servant, her papers were intentionally destroyed in a successful attempt to enslave her and her descendants.¹⁴ To resist their enslavement, the descendants of Ann Joice passed down from generation to generation the knowledge that they were wrongly enslaved;¹⁵ used force against their oppressors;¹⁶ filed freedom suits;¹⁷ hid to prevent being transported to Louisiana in the 1838 sale;¹⁸ and, most impressively, took ownership of the religion of their oppressors.¹⁹

II. Counter storytelling and the Catholic Church

Swarns also joins the conversation of reevaluating the Catholic Church's and the Jesuits' narrative related to slavery. The evolution of Church law related to slavery ranged from the existence of "natural slaves," to rationalizing the enslavement of those captured in war, foreigners, as well as racist ideologies about Africans to justify the trade.²⁰ Contrary to many previously published works about slavery and the Catholic Church, Swarns informs the reader that the Jesuits would ultimately justify, "defend, and participate in, the enslavement of Africans and their descendants."²¹ One Jesuit, Father James Ryder, even "described slaveholders as noble protectors of the enslaved, who could take comfort in the 'kindness of his compassionate' enslavers."²²

In offering this perspective, Swarns joins others who challenge the Catholic Church's record on enslavement,²³ including Father Christopher

13 SWARNs, *supra* note 3 at 1–8.

14 *Id.* at 8.

15 *Id.* at 17, 27.

16 *Id.* at 16–19.

17 *Id.* at 27.

18 *Id.* at 130–31.

19 *Id.* at 219.

20 Although much has been documented about Jesuit slaveholding and how the Jesuits treated the human beings they enslaved, (*see, e.g.*, CHRISTOPHER J. KELLERMAN, *ALL OPPRESSION SHALL CEASE: A HISTORY OF SLAVERY, ABOLITIONISM, AND THE CATHOLIC CHURCH* 29 (2022); ROBERT EMMETT CURRAN, *SHAPING AMERICAN CATHOLICISM: MARYLAND AND NEW YORK, 1805–1915* (2012); THOMAS MURPHY, S.J., *JESUIT SLAVEHOLDING IN MARYLAND, 1717–1838* 7–8 (2001); EDWARD F. BECKETT, S.J., *LISTENING TO OUR HISTORY: INCULTURATION AND JESUIT SLAVEHOLDING* (1996), https://open-library.org/books/OL25462592M/Listening_to_our_history (last visited May 15, 2024); KENNETH J. ZANCA, *AMERICAN CATHOLICS AND SLAVERY, 1789–1866: AN ANTHOLOGY OF PRIMARY DOCUMENTS*, 23–26 (1994)), modern narratives describing the history of the Jesuits omit Jesuit slaveholding. *See e.g.*, JOHN W. O'MALLEY, S.J., *THE JESUITS: A HISTORY FROM IGNATIUS TO THE PRESENT* (2014).

21 SWARNs, *supra* note 3, at 9, 12.

22 *Id.* at 98.

23 *Id.* at 1, 9.

Kellerman, who has stated that the Catholic Church “embraced slavery in theory and in practice.”²⁴ Swarns’s narrative illustrates that “practice.” By telling the stories of a single family’s ordeal, she details the inhumanity and brutality of slavery. Not only is she able to trace the impact that the horrors of slavery had on generations of descendants, but she is also able to demonstrate the benefits that Georgetown and the Society of Jesus received.

III. Rethinking universities and slavery

Finally, in this book Swarns continues the conversation that her April 2016 article began—forcing us to challenge and confront the often hidden and troubling histories of the institutions of higher learning that that we as lawyers attended, support, and, in my case, are employed by. Swarns’ counter storytelling is a reminder that connections to colonialism, enslavement, and oppression impact all global communities, but those narratives are often fictionalized, falsified, or simply ignored. In challenging the prevailing narrative of enslaved Black people and their ability to resist, and by telling the story of the Jesuits and enslavement, Swarns’s counter storytelling recasts those enslaved as empowered agents while simultaneously taking a critical look at the institution that enslaved them—imploping us to be critical of the stories we are told, the stories we tell ourselves, and the stories we tell when we advocate for others.

²⁴ Christopher J. Kellerman, *Slavery and the Catholic Church: It’s Time to Correct the Historical Record*, AM: JESUIT R., Feb. 15, 2023, <https://www.americamagazine.org/faith/2023/02/15/catholic-church-slavery-244703>. For a comprehensive account of the evolution of the Church’s teaching on and slavery, see also KELLERMAN, *supra* note 20.