

Why the U. S. Fugitive Slave Phenomenon Was Crucial

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My favorite amusement, when sitting around with academic pals and quaffing a Guinness, is to go around the table, hearing everyone's answer to a mutually intriguing question. With fellow Civil War buffs, the question is most often, "which Civil War battle was the turning point?" (You might be surprised that neither Gettysburg nor Antietam receive a nomination). With fellow preCivil War affectionadoes, the question is most often, "at what point did the Civil War become inevitable?" (You might be surprised that Lincoln's election seldom receives a nomination). But with a more varied group of scholarly companions, the question is most often, at what moment did your central thesis for a book hit you? We'd have a great time if we now went around this room and asked each of you to spin the tale of how and when a master conception captured your imagination.

My own key moments of revelation (or moments of folly, as some would say) have varied. Sometimes, the defining insight has come not at any one discernible moment but slowly, incrementally, over many years of study; more a drift of the imagination than a seizure of the intelligence. Once, a transforming seizure came when I happened upon a single letter from Abel P. Upshur, while I was passing time before watching Puddin, our beloved Dandie Dinmont

Terrier, perform in a dog show. (I told that slightly loony story in a slightly loony essay which has alas come to be known as my Puddin trifle instead of my Upshur analysis).

On another more public and embarrassing occasion, the jolt came when I could not answer a question after an endowed lecture at the University of Texas. I was in my first throes of unreflective enthusiasm about the key importance of the United States fugitive slave problem. In my lecture, I marveled at how 100,000+ runaway slaves had entered the Union army and become the final crushing military force. Why then, a Civil War buff asked me in the question and answer session, does one see few blacks in crucial front line maneuvers on the climactic Virginia battle fields? I parried the question, in the traditional manner of speakers who have no clue about the answer—with a distracting joke. Only many months later did I wake up in the middle of the night, in a cold sweat, with the answer.

I'll get to my belated answer in a moment, for it is crucial to how I now defend the proposition that the fugitive slaves' active agency has been a crucial missing theme in studies of slavery, the causes of the Civil War, and the causes of Confederate defeat. But first I want to tell you how I initially saw, at a transforming moment, that this subject, in all its ramifications, demanded my sustained attention.

It was about a decade ago, and I was lecturing to a predominately black audience, giving them what then was (and largely still unfortunately is) the Politically Correct conventional wisdom about U. S. slavery as an institution. I lauded the two types of slaves who resisted masters' dominion in extreme ways. First of all, I recalled the black killers, whether group insurrectionists such as Nat Turner or individual midnight murderers such as the Missouri slave Celia (who slayed her master and then burned the corpse to a crisp in her fireplace). Secondly, I described brave fugitives who ran toward freedom, such as Frederick Douglass.

But we have to realize, I told my black listeners, that these extreme acts of self liberation were the United States exceptions—and that these exceptional rebels usually failed to attain freedom. Compared to other systems of New World slavery, I said, the U. S. black killers and fugitives were very small in numbers and in impact. No extreme slave resistance in North America, I noted, compares to the far more frequent slave revolts in Latin America (to say nothing of insurrectionists’ triumph in Haiti) or to the far more frequent fugitive slaves south of the United States (especially the Latin American maroon colonies, 100,000+ souls strong, so prominent during this conference).

Black killers and runaways remained relatively infrequent, I explained in the conventional vein, because U. S. masters wielded total power—too much power for blacks to overturn them. The masters’ unshackled power could only be overturned by white legislatures, without blacks present, and in a war between largely white armies, with blacks rarely on the front lines.

But in contrast to this slave powerlessness to win freedom in the United States, I continued, slaves developed a powerful cultural resistance. I extolled slaves’ capacity to develop their own religion, family structures, music, folk tales—a remarkable psychological countersurgency that also underlay much day-to-day petty sabotage in the cotton fields. These small acts of mental and physical defiance, I asserted, allowed a people to endure psychologically whole, until whites’ political and military processes yielded black freedom. Historians’ new emphasis on slave culture, said I, gave blacks a true useable past, magnificently forged by folks trapped in an all-powerful dominion.

Alas my gift of a black useable past left my black listeners cold. In yet another of those embarrassing question/answer periods, a young black woman reflected the audience’s

exasperation. “You mean to tell us, whitey,” she exclaimed, “that our forebearers did nothing to control their own destiny but tell tales to each other in the Quarters? That slaves had nothing vital to do with destroying slavery? That our useable tradition consists only of a creative way of suffering? Well, I simply don’t believe that slaves’ agency in securing freedom was so pathetic!”

That night, as I was puzzling over this outburst, I reread Harriet Beecher Stowe’s *Uncle Tom’s Cabin*, for a class the next day. I had told the class that Stowe’s was a remarkably accurate depiction of slavery. But I noticed that evening that Stowe had absolutely nothing to say about slave culture. Instead, her wonderful novel revolved around fugitive slaves who changed their destiny. At the beginning of the novel, George and Eliza Harris sprint from enslaved Kentucky to Yankee freedom, with Eliza leaping miraculously from one Ohio River icy patch to another. At the end of the novel, the slaves Cassy and Emmeline sneak resourcefully toward the North. In between, slave sales force Uncle Tom in the other classic direction, south toward more vicious enslavement. The fugitives are the great hope to move the South and America in the better direction, Harriet Beecher Stowe implicitly proclaims, in a novel where slave culture is nowhere seen.

After this troubling day, I could no longer have it both ways. Either Harriet Beecher Stowe was fatally flawed, in her exaggeration of fugitives’ impact, or the whole new history of slavery is profoundly wrong, in its exaggeration of slave culture as the master example of slave agency. I have long since decided that Stowe was profoundly right—and that the major problem with the whole new conventional wisdom about slavery is that we have underestimated the agency of fugitive slaves. I still think that the numbers of North American fugitives were low, in any comparative perspective. Less than 5000 U. S. slaves successfully ran away a year, or 1/8 of

1 percent. Even during the Civil War, when runaways' prospects vastly improved, under 20 percent of the Confederacy's slaves successfully escaped, and under 20 percent of the successful escapees served in the Union army.

Yet two essential circumstances of North American slavery, compared to Latin American slavery, gave far less fugitives far more leverage over slavery's fate. First of all, uniquely in the United States, slavery was an essential institution in a liberal (for white men) democratic system, with the fate of the despotism long hanging on a republic's decisions. Secondly, also uniquely in North America, the final decision on emancipation hung on battlefield outcomes, after bullets had replaced ballots as arbiters of U. S. slavery's fate. Nowhere else in the Americas could fugitives wrench slaveholders' dominion out of shape by intensifying democratic political disputes, then by running toward an invading army. United States runaways' use of their special prewar and wartime leverage ultimately turned Harriet Beecher Stowe into a prophetess, in emphasizing fugitives' agency in ending slavery. It is high time that the insight of the prophetess invade the consciousness of all modern students of U. S. bondage and emancipation.

The job of an underclass, when it seeks to overturn a crushing dominion, is to find the spaces where successful resistance can be mounted. In the U. S., precious little space existed for black killers. The white nation, North and South, had scant tolerance for blacks who rose to kill whites. In my favorite example, Ulysses S. Grant wrote his father in May 1861, pledging that if blacks rose in rebellion, he would join hands with Confederates in marching to slay insurrectionists. U. S. blacks usually shrewdly sensed that violent resistance could not succeed.

Nonviolent resistance, involving no blacks killing whites, had the better chance in racist America. Fugitives from the plantation sometimes brought nonviolence to its most effective form of resistance. Yet in few U. S. spots could fugitives find decent opportunities. Fugitives

succeeded in prewar America because in their most opportune spot, slaveholders' power was most waning. By increasing slaveholders' vulnerabilities on masters' most vulnerable terrain, the fugitives helped intensify furious slaveholder political defenses that ultimately brought tensions inside the national republic to the breaking point. Then the armies could change everything around—and widen fugitives' opportunities.

A simple formula defines the arena of fugitives' richest prewar U. S. opportunities. The farther from the free North, the more difficult a slave's escape. Forbidding distance made fugitives' attempts and their success a trifling prewar irritation in the heart of the plantation South, the Deep South. But the closer to northern free labor terrain, the less forbidding a fugitive's chances and the less trifling their success. Relatively nearby portals to freedom made the fugitive phenomenon especially dangerous in the least enslaved South, the Border South. At least 80 percent of the fugitive attempts and 95 percent of the successful escapes started near the top of the South.

Border fugitives' escapes northward knocked the border regime the more offstride because borderland slavery's power also leaked southward. The nineteenth century Slave South's history featured the drain of slaves and slaveholders downward toward the tropics. Because of the closure of the overseas African slave trade and the opening of lush southwestern areas, U. S. slaves seeped north to south and east to west, to the tropical areas where the largest slaveholder profits could be collected. Around 750,000 northern South slaves drained down to the southern South in the nineteenth century. The institution waned ever more spottily—more attenuated than anywhere in the New World—in the Border South, while it waxed ever more powerfully—more powerfully than anywhere in the Americas—in the Lower South.

With profits slimmer at the top of the South, masters in the eastern Border South indulged in a process supposedly reserved for Latin America—the slow manumission of their peoples. By 1860, almost half of Maryland’s blacks were free. So too were 90 percent of Delaware’s blacks. Out in the border west, masters shunned manumission but suffered under another seachange—the massive westward movement of whites, making black laborers increasingly unnecessary. Between 1830 and 1860, the number of Kentucky whites almost doubled, hammering the proportion of slaves in the population down from 24 to 19 percent. During the same 30 years, Missouri’s white population increased ten fold, slicing the state’s proportion of slaves almost in half, to 9.7 percent. Where one in five members of the Border South’s population had been enslaved in 1830, the proportion dropped to one in eight on the eve of the Civil War, compared to almost one in two in the Deep South.

Fugitives’ greater numbers, in slavery’s shallowest area, could become the proverbial straws that broke the camel’s back. Too great a danger of slave flight northward could speed the slaves of slaves southward, as slaveholding capitalists shifted to investments that did not run away. Too many black departures could also lessen fear of a race problem, making whitened areas less wary of emancipation. (Only in the Border South did an emancipator, St. Louis’ Frank Blair, Jr., win a congressional seat and another liberator, Kentucky’s Cassius Clay, secure 10 percent of a statewide vote).

The border’s greater stake in containing a larger fugitive menace highlighted the first way the runaway phenomenon forces us to revise our conception of slavery: masters’ supposedly absolute control actually stopped at the plantation’s gates. The title of this conference is inspired: unshackled spaces. In the spaces beyond the master’s property line, slaveholders’

absolute power to shackle became no power, no mastery, unless others shackled slaves who departed from masters' limited area of dominion.

In the Old South, slave patrols became the main shacklers of the unshackled spaces. More nonslaveholders than slaveholders rode in black belt neighborhoods' patrols. The fugitives thus shifted mastery from the masters to the nonmasters—to nonslaveholders who had to chase down and lash temporarily masterless fugitives. The phenomenon made nonslaveholders in a sense slaveholders, with a very real psychological stake in the system. We have here a key neglected reason why black belt nonslaveholders supported the system—and a key refutation of the notion that masters wielded all the power over slaves and were their peoples' only significant others. Whether or not it takes a village to raise a child, it took a community to shackle a fugitive.

The trouble in the border was that *northern* communities were close by. That trouble became a cancer, eating away the last national ties in the preCivil War decade. The border's constant insistence on shackling the communities that lay past the southern boundaries, whether in the North or in Kansas, yielded a devastating decade of political turmoil. The decade of the 1850s began with James Mason of the western Virginia borderlands, insisting on the national Fugitive Slave Law. That draconic national law will always be in contention for the booby prize: for the most despotic edict ever passed by this sometimes not so democratic nation. The despotic features included no judge for alleged fugitives, no jury, no writ of habeas corpus, and an unappealable judgment only by a one-case commissioner, who received \$5 if he freed the supposed runaway, \$10 if he dispatched the accused to slavery. But the worst of the new federal despotism inside the North, to Northerners who wanted slavery to be entirely the South's

dictatorial morass, was the requirement that every Yankee asked must help capture alleged fugitives.

The requirement turned every Northerner, upon demand, into a member of a southern-style patrol. It made every liberty-loving citizen an enslaver of the North's liberated spaces. It destroyed the illusions that a southern black's enslavement had no impact on a northern white's liberties, that slavery only polluted a peculiar Southland. It made every Northerner a potential accomplice in enslaving a freedom fighter.

Harriet Beecher Stowe is at her splendid best in portraying the mind-transforming consequence. Her fancied northern legislator, Senator John Bird, having just helped enact a fugitive slave law, could not bear to enforce his own tyrannical sanctions, after confronting black seekers of freedom. So too, nonfictional Northerners often could not bear to be enslaved themselves—to be forced by southern tyrants to reenslave humans. Thus notorious northern defiances of the Fugitive Slave Law saturated the newspapers, including and especially the Anthony Burns fiasco in Boston. It took \$100,000 plus many soldiers to return this solitary Virginia slave to thralldom, over the partially violent protests of thousands of Bostonians. Other northern headline seizing events included Shadrack's escape from Boston, the Maryland master Edward Gorsuch's murder in Pennsylvania, and the Jerry rescue in Syracuse, all occurring but a year after the Compromise of 1850 allegedly doused the nation's sectional flames forever.

The nation destroying impact of the border fugitives continued in the crises over the unshackled spaces west of borderland Missouri. It was a champion of Missouri slaveholders, U. S. Senator Davy Atchison, who insisted in 1854 that Stephen A. Douglas give slaveholders a chance for Kansas territory, if the Illinois senator wished to pass any territorial law at all. It was the Missourians who proclaimed that if fugitives could spill past their state's borders on a third

free labor side, to wit Kansas, slavery would be doomed in their state and soon throughout the borderlands. It was the Missourians again, led again by Davy Atchison, who became the border ruffians, forcing a proslavery, fugitives-returning regime on Kansas. And it was Bleeding Kansas that sparked a new Republican Party, dedicated to stopping Southerners from enacting despotic laws inside free labor spaces.

The whole Kansas controversy illuminated the wisdom in Stephen A. Douglas's famous answer to Abraham Lincoln at Freeport, in the 1858 Lincoln-Douglas debates. Lincoln asked Douglas how a community could abolish slavery, if the Dred Scott decision forbade laws emancipating the slaves. Douglas replied that communities could abolish slavery by doing nothing to protect the institution. He understood that it took a community, not just a master, to consolidate slavery. If no laws shackled a community—if unshackled spaces invited fugitives—absolute power could be not an illusion but an impossibility. As the Missouri slaveholders saw it, unless they enslaved neighboring Kansas communities, fugitives from Missouri would make Missouri slavery an impossibility. So the border ruffians imposed their dictatorial laws, including compulsions that whites never speak of antislavery and always remand fugitives to bondage. Northerners did not want their communities so shackled. And the war came.

The tritest sentence that I ever wrote is also the truest: Without the fugitive slaves, there would have been no fugitive slave controversies. Without the “mere” [quote, unquote] 5000 fugitives a year there would have been no Fugitive Slave Law of 1850, no crises in the North over returning fugitives, no Dred Scott Decision, no desperation among Missourians to insist that Stephen A. Douglas repeal the Missouri Compromise. These were the key final events that brought on the Civil War. Fugitive such as Frederick Douglass could not have more clearly been agents bringing on these events if they had been allowed to agitate inside the halls of Congress.

Fugitive slaves' agency in helping to end slavery swelled when the ultimate decision shifted from the congressional halls to the Civil War battlefields. This time no one can scoff at the number of fugitives: not 5000 a year, as in the 1850s, but around 150,000 a year from 1861-1865. (The total of fugitive slaves who ran northward toward the Union army, ironically, came close to equaling the number of slaves dispatched southward from the northern South, during the prewar slave drain). Nor can one scoff at the number of fugitives who ultimately entered the Union army, over 100,000, replacing almost a third of the Union's slain men. Nor can anyone scoff at these runaways' agency in turning a white men's war strictly for Union into a biracial war for an emancipated Union. Just as there could have been no fugitive slave controversies without fugitive slaves, so Lincoln could never have seen one of his major reasons for the Emancipation Proclamation without tens of thousands of blacks running toward his army, asking only for the opportunity to serve.

The knotty question, as I have previously said, is *how* the Union's sable arm served, or rather how fugitive slaves' peculiar sort of military service helped win the war and secure their freedom. My long-ago questioner had it right—black Union soldiers did not usually fight in the front lines in the eastern theater of the war, despite the fact that blacks comprised around 1/8 of Ulysses S. Grant's ultimate Virginia armies. In this sense, the Massachusetts 54th's heroic charge at Charleston, South Carolina's Fort Wagner, featured in the movie *Glory*, has distorted understanding. The Robert Shaw-led black charge was a rare exception to the rule: blacks did not usually participate in front line combat. Even the black 1/8 of Grant's Virginia armies was an exception; most blacks did not serve in the Union's Army of the Potomac. How, then, can one talk about fugitive slaves' agency in winning the war and securing black freedom?

By realizing that the war was not really won in the east. Civil War military historians are gradually coming to an important new consensus on where the war was most won: on *western* battlefields. The war in Virginia, fought in the 90 miles stretch between Richmond and Washington, was long a stalemate. In so confined a battle theater, with such good interior lines, Robert E. Lee could masterfully fight Union troops to a standstill. But the military situation was different in the West, where the sprawling terrain and the rivers pointing right at the Confederate heartland left the rebels at a huge disadvantage on a second military front. Here the Union army and navy won battle after battle, securing the Mississippi, Cumberland, and Tennessee River Valleys, then turning east to march on Chattanooga, Atlanta, and on to the sea, then up through the Carolinas to strangle Lee's Virginia. We call that strangulation the Anaconda strategy, containing Lee's Virginia in a circle of starvation, with no hope for Confederate recruits or food from beyond Virginia. Then not even Lee could save his beloved state.

In the western theater of operations below the Border South, fugitive slaves' wartime opportunities to twist the white man's history rivaled their borderland cousins' opportunities before the war. The Yankees' western intrusion unshackled Deep South spaces. The potentially liberating Yanks were no longer north of the Upper South's primarily white belts but deep inside the Deep South's black belts. The Border South atmosphere, somewhat more congenial to fugitives, had come to in the Lower South. And to those Union invaders Lower South runaways did scramble.

The results included the collapse of the Confederacy's prime plantations. The western river deltas, especially the Mississippi's fertile shores, had been the king of King Cotton. The slaves' departure toppled the South's proudest, richest monarchs. This phenomenon showed yet another way that the conquerable west became more important than long-unconquerable

Virginia. Only around a fifth of Virginia's slaves lived in the battle zone between Richmond and Washington. If all had absconded, Virginia's slaveholding establishment would still have been 80 percent intact; and relatively few slaves north of Richmond dared flight, for Lee's army usually remained in control. Virginia, relatively high up in the South, was almost as safe from destruction by fugitive slaves as the Lower South had been in prewar times. The incursion of Yankee troops in Lower South bastions, however, flipped the danger zone. Union success and slaveholder retreat gave fugitives the opportunity to rip the agricultural heart out of the formerly invulnerable Lower Mississippi Valley.

Many western fugitive slaves wished to help kill the Confederate army as well. For two years, Lincoln turned them down—or rather his generals accepted their services only for menial army labor. The president feared that by accepting southern blacks as soldiers, he would lose southern whites, especially the Border South establishment that had remained for the most part loyal to the Union. But two years into the war, with the Border South mostly secure and the Lower South blacks begging to serve, the President shifted directions. In his Final Emancipation Proclamation of January 1, 1863, he announced that freed blacks could enroll in a liberating army.

Lincoln's limited mode of welcome was political genius, whatever one thinks of its problematic morals. The president welcomed blacks only as second-class soldiers. They would serve, he said, largely in western garrisons, protecting western conquests from rebel recapture and freeing whites to march east in the front lines. That predominant use of black soldiers in black line western garrisons mollified racist northern whites who objected to standing shoulder to shoulder with a supposedly inferior race on the front lines. Important exceptions occurred, such as blacks' front line duty in the battle for Nashville. But blacks' more frequent western

garrison duty explains why Civil War buffs encounter black front line troops rarely, when they analyze the major Virginia battles.

Blacks as garrison guardians remained invaluable. Someone had to protect the western heartland when the Union soldiers moved east, or everything hard won in the west would be lost. If not 100,000 ex-fugitive slaves, 100,000 Yankee whites would have had to guard the garrisons. Lincoln then would have had to make the military draft of northern whites far more onerous—this at a moment when draft riots troubled the North—or Grant and Sherman would have had to settle for 100,000 less troops—their margin of superiority over Lee. It really didn't matter whether 100,000 blacks served in the western army of occupation or in the eastern army of conquest, so long as blacks manning the garrisons freed 100,000 Yankees to strangle Lee. Thus did black fugitives, having been a major force in destroying Lower South plantation agriculture, become military agents in destroying Lee's army.

This new understanding of fugitive slaves' agency in winning the war and securing emancipation contradicts the old view that Abraham Lincoln was the great emancipating agent—the Great Emancipator whose proclamations and white armies brought freedom to slaves unable to free themselves. Proponents of the old view have taken to ridiculing the new view of fugitives' agency as “self emancipation”—as a wild exaggeration of slaves' capacity to liberate themselves. The unfortunate “self liberation” label—one that proponents of the new view would never use—at least correctly indicates that massive runaways in the Lower South could not occur until the Union army came close to enslaved neighborhoods.

But the penetration of the army hardly led automatically to the flight of the slaves. The presence of Union troops merely made the odds against successful slave flight slightly less horrific. I cannot emphasize strongly enough an essential fact pervading this whole subject—

that whether in the borderlands before the war or in the Mississippi Valley after Union armies entered, fugitives faced enormous dangers—just less enormous peril than in other places and at other times. Before the war, borderland fugitives had to duck around vicious dogs and angry patrols, just to reach the North; and even the North teemed with property-loving, Union-loving white racists, sympathizing with any master who sought to reclaim his possession. And still the borderland fugitives came.

During the war, the first Union armies that entered the Mississippi River Valley bore General Orders #3, directing soldiers not to allow fugitives to enter Union lines. And still the fugitives came. Because of Civil War troops' filthy uniforms, runaways often could not tell whether they approached Union soldiers under orders to deter them or Confederate soldiers under orders to ravage them. And still the fugitives came.

After the Emancipation Proclamation replaced General Orders #3, runaways still had to evade rebels who would savage them, before they could reach some Union generals who did not want them in Union ranks, except when performing second class garrison duty. And still the fugitives came.

As they came and came and came, the fugitives substantially added to Lincoln's pressure to free them, substantially subtracted from Confederate resources, and substantially augmented the Union's capacity to tighten that anaconda. So too before the war, the runaways had substantially increased the intensity of the borderland issues that drove the nation toward war. "Self emancipation"—emancipation sheerly by slaves' agency—this was not. Emancipation secured solely by white agents this was not either.

The fugitives' agency, in helping to secure emancipation, I repeat, demands a reconsideration of the central tenants of the current conventional wisdom on U. S. slavery. The

fugitives assuredly did not accept any “paternalistic bargain,” consenting to slavery if bondage was administered humanely. Nor did the runaways settle for a cultural creativity, sustaining self-respect until the world outside (or their own deaths) freed them from bondage. Nor did masters possess absolute power, not beyond their plantation gates in the somewhat unshackled spaces that fugitives entered. The presence of those fugitive-enticing spaces, beyond masters’ absolute control, helps explain why shattering political disputes escalated over territories beyond the South and why an invading army inside the South became lethal.

If anyone protests that the fugitives comprised only a fraction of the slaves—that creative acquiescence may remain the largest truth about the larger fraction of non-fugitives and thus about slave society in general—well, how many extremely effective protesters does a culture have to produce before it stops being characterized as fundamentally acquiescent? We properly measure underclasses by the effectiveness of their advanced guard, in battling exploitation. Twenty percent of the slaves eventually seized their most effective way of freeing themselves and their people, and with that partial agency, they ultimately prevailed.

My only doubt about how to put the fugitives’ agency in the widest perspective is precisely the theme of this conference. I’ll end with the generalization that I emphasized at the beginning: that because of runaways’ special opportunities in a democratic republic that required a civil war to abolish slavery, many less North American fugitives and next to no maroon colonies secured far more leverage than their Latin American cousins, in bringing abolition to their nation. If that generalization holds, we have even less reason to scoff at “self liberation” and even more reason to reconsider the notions of paternalistic compromise and of creative acquiescence.

But does my comparative history generalization hold? Like most comparative historians, I know far more about one side of the comparison than about the other. I might be wrong that the huge numbers of fugitives in Latin American maroon colonies ultimately had less leverage over their nation's emancipation decisions. If I am wrong, I'll no doubt hear about my latest folly in what could be another embarrassing question/answer session.

But that's all right. We'll all grow wiser—especially yours truly—from such embarrassments. So thank you, fellow harvesters of this lush fugitive slave field, for your attention—and let the embarrassments begin.