

Fugitive Slave Law of 1850

The Fugitive Slave Law of 1850 was part of the Compromise of 1850. This law required the United States government to actively assist Southern slaveowners in recapturing their runaway slaves. Under the United States Constitution, slaveowners enjoyed the right to reclaim slaves who ran away to free states. Under the Fugitive Slave Law of 1850, the federal government had to assist the slaveowners. No such requirement existed before this legislation's creation.

Northern abolitionists opposed this law. While the United States Congress debated the legislation, many Northerners tried to insert protections into the bill for African Americans. They wanted the Fugitive Slave Law to guarantee blacks the right to testify and also the right to a trial by jury. Southern legislators refused, claiming that African Americans were not United States citizens and that they were not human. African Americans, these Southerners concluded, were not entitled to the same rights as white Americans.

The Fugitive Slave Law clearly favored the Southern slaveowners. Anyone caught hiding or assisting runaway slaves faced stiff penalties. United States marshals had to actively seek out runaway slaves and attempt to remand them back to their rightful owners. If a marshal refused, the federal government would fine the man one thousand dollars. African Americans could not present evidence to the federal commissioner, the man appointed to hear the case and to determine the African American's status as a slave or free person. The slaveowner was responsible for paying the commissioner. If the commissioner ruled in favor of the white man, the commissioner received ten dollars. If he ruled against the slaveholder, the commissioner earned only five dollars. Many abolitionists claimed that this portion of the Fugitive Slave Law served as a means to bribe the commissioners.

Between 1850 and 1860, 343 African Americans appeared before federal commissioners. Of those 343 people, 332 African Americans became slaves in the South. The commissioners allowed only eleven of these people to remain free in the North. Thousands of African Americans, even some people who had been free for their entire lives, fled to Canada, beyond the reach of the slaveholders and of the federal government. Abolitionists challenged the Fugitive Slave Law's legality in court, but the United States Supreme Court upheld the law's constitutionality in 1859.

Ohio abolitionists also opposed the Fugitive Slave Law. They encouraged their fellow Ohioans to oppose any attempts to enforce it, referring to the legislation as the "Kidnap Law." As in other parts of the United States, some African Americans in Ohio fled to Canada. On rarer occasions, Ohioans physically impeded the Fugitive Slave Law's enforcement. An example of this was the Oberlin-Wellington Rescue Case in 1858. A federal marshal had captured a fugitive slave and was attempting to return him to the South. Oberlin and Wellington residents helped the slave to escape once again. Thirty-seven people were indicted for violating the Fugitive Slave Law of 1850, but only two of the accused were convicted and served any time in jail. The incident illustrated the tensions that existed in Ohio over the issue of slavery in the years preceding the Civil War and the deep animosity some Northerners, including Ohioans, had for the Fugitive Slave Law of 1850.

The Meaning of July Fourth for the Negro (5 July 1852)

by Frederick Douglass

What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy—a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival.

<http://www.historyisaweapon.com/defcon1/douglassjuly4.html>