

# ESSENTIAL CIVIL WAR CURRICULUM

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## Personal Liberty Laws

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### Resources

**If you can read only one book**

Author	<i>Title</i> . City: Publisher, Year.
Morris, Thomas D.	<i>Free Men All: The Personal Liberty Laws of the North 1780-1861</i> Baltimore: Johns Hopkins University Press, 1974.

### Books and Articles

Author	<i>Title</i> . City: Publisher, Year.
Baker, H. Robert	<i>The Rescue of Joshua Glover: A Fugitive Slave, the Supreme Court, and the Coming of the Civil War</i> . Athens: University Press of Ohio, 2006.
_____.	<i>Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution</i> . Lawrence: University Press of Kansas, 2012.
Blackett, R. J. M.	<i>Making Freedom: The Underground Railroad and the Politics of Slavery</i> . Chapel Hill: University of North Carolina Press, 2013.
Blight, David	<i>Passages to Freedom: The Underground Railroad in History and Memory</i> . Washington D.C.: Smithsonian Books, 2006.
Campbell, Stanley W.	<i>The Slave-Catchers: Enforcement of the Fugitive Slave Law, 1850-1860</i> . Chapel Hill: University of North Carolina Press, 1970.
Cover, Robert	<i>Justice Accused: Antislavery and the Judicial Process</i> . New Haven, CT: Yale University Press, 1978.

Fehrenbacher, Don E.	<i>The Slaveholding Republic: An Account of the United States Government's Relations to Slavery</i> . New York: Oxford University Press, 2001.
Finkelman, Paul	<i>Slavery and the Law</i> . Madison, WI: Madison House, 1996, chap. 4.
_____.	<i>Slavery and the Founders: Race and Liberty in the Age of Jefferson</i> . Armonk, N.Y.: M. E. Sharpe, 2001.
Franklin, John Hope and Loren Schweniger	<i>Runaway Slaves: Rebels on the Plantation</i> . New York: Oxford University Press, 1999, part 2, 87-206.
Lubet, Steven	<i>Fugitive Justice: Runaways, Rescuers, and Slavery on Trial</i> . Cambridge, MA: Belknap Press, 2010.
Maltz, Earl M.	<i>Fugitive Slave on Trial: The Anthony Burns Case and Abolitionist Outrage</i> . Lawrence: University Press of Kansas, 2010.
Morris, Thomas D.	<i>Free Men All: The Personal Liberty Laws of the North 1780-1861</i> Baltimore: Johns Hopkins University Press, 1974.
Slaughter, Thomas P.	<i>Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North</i> . New York: Oxford University Press, 1991.
Von Frank, Albert J.	<i>The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston</i> . Cambridge, MA.: Harvard University Press, 1998.
Wilson, Carol	<i>Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865</i> . Lexington: University Press of Kentucky, 1994.

## Organizations

## Web Resources

URL	Name and description
<a href="https://memory.loc.gov/ammem/aaohhtml/exhibit/aopart3b.html">https://memory.loc.gov/ammem/aaohhtml/exhibit/aopart3b.html</a>	Library of Congress resources on the Fugitive Slave Law of 1850 are available on line here.
<a href="http://www.pbs.org/wgbh/aia/part4/4narr3.html">http://www.pbs.org/wgbh/aia/part4/4narr3.html</a>	This is a PBS Documentary on Africans in America, a section on fugitive slaves.

<a href="http://nationalhumanitiescenter.org/pds/maai/community/text7/text7read.htm">http://nationalhumanitiescenter.org/pds/maai/community/text7/text7read.htm</a>	This is the National Humanities Center collection of resources on the making of African-American identity in antebellum America.
<a href="http://www.pbs.org/wnet/slavery/timeline/1842.html">http://www.pbs.org/wnet/slavery/timeline/1842.html</a>	This is the PBS Documentary on Slavery and the Making of America section on personal liberty laws.

## Other Sources

### Scholars

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### Topic Précis

The personal liberty laws of the northern “free” states, enacted between 1780 and 1859, protected African-Americans from kidnapping and from being claimed as fugitive slaves. Slave-holding states complained that the laws violated the Fugitive Slave Clause of the Constitution and the Fugitive Slave Act of 1793. Abolitionists responded that a fundamental principle of state sovereignty was that states could define the status of its inhabitants and protect them in their liberty. When secession came in the winter of 1860 and 1861, the slave states that seceded cited the personal liberty laws as evidence of the failure of northern states to uphold their end of the constitutional bargain. Personal liberty laws evolved over time and fell into four distinct periods. From 1780 to about 1820 anti-kidnapping laws protected free blacks and regulated fugitive slave reclamations. In theory anti-kidnapping laws protected state residents and fugitive slave regulations applied to non-residents. In practice courts were used to sort out conflicting claims about the status of African-Americans pursued by slaveholders. From 1820 until 1842 the growing strength of abolitionist societies fueled the creation of a new kind of state personal liberty law. These laws defined kidnapping as removing any person from the state, and in some cases forbade the issuance of certificates of removal by state officers under the Fugitive Slave Act of 1793. These provisions made fugitive slave rendition virtually impossible. In the case of *Jack v. Martin* in 1834 the New York Supreme Court held that state personal liberty laws were unconstitutional, the first time such a ruling occurred. In 1842 the case of *Prigg v. Pennsylvania* came before the Supreme Court which struck down state personal liberty laws. Starting in 1843 state personal liberty laws actively forbade state officers from participating in the enforcement of federal fugitive slave reclamation including not using state jails in the process. As part of the Compromise of 1850 Congress passed a new Fugitive Slave Act empowering federal courts to appoint commissioners to enforce the act and forbidding state courts and officers from interfering. Federal officers were given power under the doctrine of *posse commitatus* conscript able bodied men to help them enforce the

renditions. With the passage of the Kansas-Nebraska Act in 1854 a new level of state defiance of federal fugitive slave laws. Massachusetts was the first of several states to pass new personal liberty laws. Among the provisions were prohibiting state officers for any involvement in the process of fugitive slave removal, fines and jail terms for anyone seizing a person not subsequently shown to be a slave, extending habeas corpus to anyone seized as a slave to be heard before a state court, and setting onerous evidentiary requirements on the slaveholder claiming a fugitive slave. In 1859 the Supreme Court issued a ruling in *Ableman v. Booth* affirming that the Fugitive Slave Act was constitutional and any state laws contravening it were null and void. The ruling had little effect on abolitionists who continued to use state laws to thwart fugitive slave reclamations. Following the election of Abraham Lincoln in 1860, southern states cited the personal liberty laws as a major reason for the extraordinary and extra-constitutional remedy of secession. South Carolina, in its *Declaration of Causes*, adopted on December 24, 1860, asserted that “fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations, and we refer to their own Statutes for the proof.” The obligation to which the state referred was enforcement of the Fugitive Slave Clause of the Constitution, and charged that the northern states “have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution.”

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