

During- Reading Activity: The primary resources which have been selected for this activity focus on the impact of the Fugitive Slave Act of 1850 on American culture.

- Read the title of each primary resource and think about what you already know about this topic.
- Read the questions that follow each primary resource. Could you formulate a response to these questions without looking at the excerpt from the primary resource?
- Next, read the excerpt from the primary resource. Underline any words and essential phrases that would help you respond to the ECR.
- Answer the questions that follow each of the excerpts.

Primary Resource 1

This excerpt is from Article Four, Section II, of the United States Constitution. Pierce Butler, one of the delegates from South Carolina at the Constitutional Convention, proposed this clause, which eventually was written into the Constitution.

"Wheresoever any person bound to service or labour in any state shall flee into another state, he shall not be thereby discharged from such service or labor: but the legislatures of the several states shall make provision for the recovery of such person[.]"

This clause does not contain the words "fugitive slave." Cite words within the text that imply these words.

Why do you think the term "slavery" was omitted in the Constitution until the passage of the 13th Amendment in 1865?

Primary Resource 2

The enforcement of the Fugitive Slave Act of 1850, which was a part of the Compromise of 1850, intensified the already heated arguments between anti-slavery Northerners and pro-slavery Southerners. The Fugitive Slave Law of 1850 made the federal government responsible for finding and apprehending fugitive slaves in the North and then sending them back to the South. Essentially this law gave the federal government permission to negate the legal processes already established in the North. In fact, all citizens, even white northerners who were against slavery, were required to help capture and return slaves escaped slaves to their owners. The federal government was empowered with the ability to force citizens, even against their wills, to take part in the seizure of fugitive slaves.

Even though southern slaveholders believed in state's rights and their own local autonomy, they supported and benefited from the power of the federal government in its enforcement of the Fugitive Slave Act. Not only would this law help to stop the flow of fugitive slaves to the North, but this legislation bolstered southern slaveholders' constitutional right to own slave property.

Section 5 of the Fugitive Slave Act of 1850:

“...and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, any where in the State within which they are issued.”

What is this section of the Fugitive Slave Act of 1850 requiring citizens to do?

Section 6 of the Fugitive Slave Act of 1850:

"And be it further enacted, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process..."

Besides the legal owner of a fugitive slave, who else had the authority to apprehend a runaway?

Section 6 of the Fugitive Slave Act of 1850:

"...to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence ..."

Was the testimony of a fugitive slave permissible in court? Use information from the text to support your answer.
