**FREEMEN TO THE RESCUE**

**The Fugitive Slave Law in Wisconsin**

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| On a cold night in March 1854, there was a rattling at the door of a small cabin near Racine, Wisconsin. Someone was trying to get in. A few black men were inside and they remained silent. The door was locked securely and the rattling stopped. One of the men was a slave who had escaped from the South. There were rumors that slavecatchers were in the area. As soon as possible the man moved on; he did not want to take a chance of being returned to slavery.  The fearful incident at the cabin was not an isolated event. There was a national debate about slavery and how runaway slaves should be treated. The arguments and emotions of the debate affected virtually everyone in the United States.  In 1850, the Congress had passed the Fugitive Slave Law. According to this law, federal commissioners in the Northern states were given the power to return escaped slaves to their masters. The escaped slaves were to have no jury trial; only the word of their supposed owners was necessary to claim the runaway. Anyone who interfered with the carrying out of the law was to be fined and placed in prison.  Northern opponents of slavery were outraged by the Fugitive Slave Law. Antislavery groups wrote resolutions condemning the law and urging its repeal. In Wisconsin, for example, one resolution said the law was "directly subversive of the principles of Liberty, in violation of Constitutional Rights, and at war with the plainest dictates of humanity."  Some people protested by working for what was known as the Underground Railroad. These people secretly helped runaway slaves by providing money, hiding them from slavecatchers, and aiding their safe arrival in Canada. Occasionally anger against the law was more open and direct. Such direct action became the case in Wisconsin.  Joshua Glover, a runaway slave, had been one of those playing cards at the cabin near Racine. He had been invited to the game by Nelson Turner, a free black man. The mysterious rattling at the door had occurred the previous evening. This night there was a loud knock at the door. "Don't open it until we know who's there," whispered Glover. Turner ignored him and immediately opened the door.  Benjamin Garland, two federal marshals, and several other men burst into the room. They rushed toward Glover and beat him to the floor. The bleeding Glover was dragged away into the cold night.  Glover had escaped from slavery in Missouri two years earlier. Garland had been his master. Now Garland, working legally under the Fugitive Slave Law, had tracked him down. Glover was taken to Milwaukee and placed in jail. As soon as possible, Garland intended to take Glover to a federal commissioner, identify him as a runaway slave, and return him to Missouri. Garland was following legal procedures.  It was not clear how Garland had found Glover, but people believed that Turner, the free black man, had been involved. Turner had visited Missouri the previous winter and reportedly had talked with federal officials. It was likely that Turner told | them about Glover, but it was not clear why Turner would have done so. It was possible that he hoped for a reward from Garland or that he feared punishment under the Fugitive Slave Law, because he knew Glover was a runaway slave. One thing is certain – Glover was captured.  It appeared that Glover would be returned to slavery. There were some people in Wisconsin, however, who were determined to prevent such an outcome. Sherman Booth was one of them.  When Booth – a newspaper editor – heard of Glover's capture, he was furious. He had long been a loud and active antislavery advocate. He often spoke at public meetings, and his newspaper editorials practically screamed against slavery and the Fugitive Slave Law.  On Saturday, March 11, Booth mounted his horse and rode into Milwaukee. Along the way he stopped and urged people to attend a protest meeting in front of the courthouse. It was reported that he shouted "Freemen to the rescue!"  Later in the day a few thousand people gathered near the courthouse. Speeches were given and the crowd reared its disapproval of slavery, slavecatchers, and the Fugitive Slave Law. One speaker said that the people should take the law into their own hands in protest or they might become slaves themselves. Booth gave a number of speeches. He said that the people should not break the law but should do everything possible to show their disgust with it.  Late in the day some angry members of the crowd took action. They charged the jailhouse where Glover was being held. Doors were battered down, and Glover was released and was whisked away. In a few days Glover found himself safely across the Canadian border.  Booth had not been with the mob that attacked the jail, but he was considered the one who inspired the people to take action. Booth later said that he was trying to get a trial for Glover and that he opposed the violent mob action. Nonetheless, Booth was regarded as the man who brought about Glover's escape. In his newspaper Booth boldly wrote: "We send greetings to the Free States of the Union, that, in Wisconsin, the Fugitive Slave Law is repealed! The first attempt to enforce the law, in this state, has signally, gloriously failed! NO MORE COMPROMISE WITH SLAVERY!"  Many people were pleased that Glover had been freed but did not approve of the mob violence. One newspaper editor wrote that the people hated to see law-breaking but that the laws dealing with slavery were so inherently unjust that no good man can or will obey them."  Federal authorities took quick action. On March 15, Booth was arrested and charged with helping Glover escape. Before his trial began, Booth and his lawyer, Byron Paine, went to the Wisconsin Supreme Court.  At the state court Paine argued that the Fugitive Slave Law was unconstitutional. He said that because no jury trial was allowed, |

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| accused runaway slaves were losing their liberty without the due process of law guaranteed by the Constitution of the United States. He also presented a states’ rights argument: He said that since each state originally had agreed to the Constitution, each state could decide whether or not a federal law was constitutional. By his argument the state court had the right to decide on the constitutionality of the Fugitive Slave Law.  The court agreed with Paine's position. The judges said the law was unconstitutional and Booth should be set free. The decision was publicized widely. Antislave groups throughout the nation praised the court and lawyer Paine.  Booth and Paine’s victory celebration was short-lived. Federal officials believed the state court had exceeded its legal authority by declaring a federal law unconstitutional. Booth was rearrested in the summer and held for trial in a federal court.  The jury convicted Booth of aiding in the escape of Glover. He was sentenced to one month in jail and fined $1,000. Again Booth went to the state court and. again, the court ordered him freed.  The legal controversy continued. Finally, late in 1858, the Booth case reached the Supreme Court of the United States. Things did not look promising for Booth. In the previous year the Supreme Court, under Chief Justice Roger Taney, had ruled against Dred Scott, a slave seeking his freedom. The Court had said that slaves were property like any other piece of merchandise. Because of this, Taney said, the Fifth Amendment of the Constitution applied. According to the amendment, people were not to be denied their property except under due process of law. Slaves were property and the government was to protect slaveowners' property rights. Given the Court's opinion in the Dred Scott case, it was unlikely that the judges would support Booth. | The Court ruled against Booth. It said the Fugitive Slave Law was constitutional and that the state courts of Wisconsin had no right to interfere with federal laws. Taney said that if states had the power to decide which federal laws they would obey, it would be virtually impossible to enforce any federal laws consistently throughout the states. Booth was rearrested in March 1860 and placed in jail again.  In the meantime, Booth's former lawyer, Paine, had been elected to the Wisconsin Supreme Court. Booth again appealed to the state court, but Paine ruled against him. Paine said that the Booth case was now a federal matter and that the state court could not legally take action. The judgment of the United States Supreme Court prevailed.  While Booth was in jail a number of public meetings were held and speeches were delivered praising states’ rights and condemning the federal government's treatment of Booth. Another jail break was planned and on August 1, 1860, a group of men entered the Milwaukee jail. They overpowered the jailer and helped Booth to freedom.  Booth was at large for over a month before he was recaptured by federal officers and returned to jail. Eventually Booth was freed legally. In March 1861, just before newly elected President Lincoln took office. Booth was pardoned by President Buchanan.  The major sources for this story were:  Claris, James I. *Wisconsin Defies the Fugitive Slave Law: The Case of Sherman M. Booth*. Madison. Wis.: The State Historical Society of Wisconsin. 1955.  Mason, Vroman. "The Fugitive Slave Law in Wisconsin.” Bachelor of Literature thesis. Madison: University of Wisconsin, 1895. |

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| **Historical Understanding**  1. What were the provisions of the Fugitive Slave Law?  2. What was the Underground Railroad?  3. Briefly explain the idea of states’ rights. | **Reviewing the Facts of the Case**  1. Identify the following men: Garland, Glover, Turner, Booth, Paine.  2. Why did antislavery groups in the North oppose the Fugitive Slave Law?  3. Why did Garland take Glover to Milwaukee?  4. When Booth was arrested, with what crime was he charged?  5. Why did Booth and Paine first go to the Wisconsin Supreme Court? What did the state court decide?  6. What did the United States Supreme Court decide in the Booth case? What reasons were given in its decision? |

**Analyzing Ethical Issues**

In this story there were many times that people had to make ethical decisions. In making such decisions people decide what they think is right or wrong, fair or unfair. Find four incidents in which people made ethical decisions and write a sentence describing each as illustrated in this example: *Some people thought it was right to break into jail to free Glover.*

**Expressing Your Reasoning**

1. Acting out of hatred the Fugitive Slave Law and the emotions stirred up by speeches in front of the courthouse, a group of people broke into jail and freed Glover. Was it right or wrong for them to do that? Why or why not?

2. Some people helped runaway slaves to escape to freedom even though they were violating the Fugitive Slave Law. Were these people wrong in helping slaves escape? Why or why not? Does the Fact the Supreme Court said the law was constitutional affect your judgment in any way? Why or why not? Write a paragraph expressing your position.

3. *Seeking Additional Information.* In making decision about such questions as those above, we often feel we need more information before we are satisfied with our judgments. Choose one of the above questions about which you would like more information than is presented in the story. What additional information would you like? Why would that information help you make a more satisfactory decision?