

THE SLAVE'S CAUSE

A History of Abolition

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Abolitionists had no illusions about slavery being an ongoing war in which they had to match wits, daring, and resources with slaveholders, who had the machinery of the state and the law at their disposal. That very year a fugitive was remanded back to slavery from Wilkes-Barre. Chastened by recent events, including the kidnapping of free blacks from Philadelphia, McKim convened a meeting on December 2, 1852, to revamp the PVC, as the old committee had become "disorganized and scattered." Black abolitionists took the lead: Purvis was named chairman of the new General Vigilance Committee, and Still was named secretary of the acting committee, which consisted of Jacob C. White, the agent of the first Vigilant Committee, Depee, and the Quaker abolitionist Passmore Williamson. As secretary, Still was a one-man action committee and left the most comprehensive account of the UGRR in his magnum opus, *The Underground Rail Road*, published after the Civil War. He personally assisted in over four hundred slaves' escape to freedom.⁹

Barely had the uproar over Christiana settled when Marshal Henry Allen arrested William Henry, known as Jerry, in Syracuse in October on behalf of James Lear, the agent of his Missouri owner, John McReynolds. Just two months earlier Commissioner Henry Smith had remanded a fugitive, John Davis, alias Daniel, in Buffalo back to slavery. When Davis was arrested he was assaulted in a "brutal and wanton" manner, his head clubbed and left lacerated and bloodied. His master's agent, Benjamin Rust, was prosecuted for assault and battery and fined fifty dollars. Davis's lawyers got a writ of habeas corpus, and he was spirited to Canada. In 1839 Syracuse's black community, with the assistance of Smith, secreted Harriet Pownell, visiting with her Mississippi owners, to Canada. The Syracuse VC (SVC), formed by May, Smith, Ward, and Loguen, to ensure that "no person is deprived of his liberty without 'due process of law,'" vowed to resist the "license for kidnapping." In January Syracuse hosted the New York State Anti-Fugitive Slave Law Convention. A few months later Webster, visiting Syracuse, threw down the gauntlet, demanding the rendition of fugitives in the middle of an "Anti-Slavery convention."

The SVC member Charles Wheaton witnessed Jerry's capture, and the news spread via the tolling of church bells to the Onondaga Agricultural Society's annual fair and a Liberty Party convention. Jerry, pleading for his liberty, nearly escaped through the huge crowd that quickly gathered. Bloodied and bruised, he was recaptured, shackled, and kept heavily guarded. At a meeting of the

SVC at the office of the physician Hiram Hoyt. Smith recommended a "bold and forcible rescue." Just a year earlier Hoyt had treated a runaway, William Harris, for self-inflicted wounds, the result of his being tormented by abusive seamen. Though William's daughter died, his tormenters were jailed, and he escaped with his wife, Catherine, to Canada. May met with Jerry to calm him down and had a carriage ready to spirit him away, admonishing the rescuers not to harm any of the officials. Loguen had no such qualms. In 1844 he had written, "If our rights are withheld any longer, then come war—let blood flow without measure." An interracial group of armed men overwhelmed the guards and managed to enter the jail by using a battering ram. Jerry was taken triumphantly to the home of two black sisters, where an abolitionist blacksmith broke apart his shackles, which were sent to Fillmore in a show of defiance. After being hidden at the home of a butcher, a proslavery Democrat who converted on seeing his plight, Jerry escaped to Kingston in Canada West through the abolitionist underground. He died two years later from tuberculosis but was immortalized by the annual Jerry rescue anniversary. Abolitionists from all factions used the occasion to proclaim their unified opposition to the law.

Most of the crowd that took part in the Jerry rescue were working-class men, many of whom lived alongside the city's black community. Twenty-five were indicted, of whom twelve were black. Among the first to post bail for the men was Seward. Of the five brought to trial, four white men, whose cases dragged on, were acquitted, while the trial of a mason named Ira Cobb, who managed to reach Jerry first, ended in a hung jury. Enoch Reed, a black laborer, the first rescuer tried and convicted, died before his appeal was decided. A law-and-order petition that upheld the Constitution and was critical of the rescue was signed by seven hundred people, the occupations of over four hundred of whom were identified as lawyers, merchants, landlords, barkeepers, and a few others. They were "gentlemen of property and standing." Abolitionists held protest meetings and formed a Jerry Rescue Committee led by Wheaton to raise funds for the defendants. Wheaton brought suit against Lear for kidnapping, but he too died before his case could be decided. Allen was charged with violating the state's personal liberty law. Smith pronounced the law unconstitutional, contending that the government was not meant to be a "gigantic slave catcher." Ward and Loguen left for Canada, and neither May nor Smith were tried. Governor Hunt ignored Loguen's plea for safe passage, but he returned, recommencing his work on the UGRR with his wife, Caroline.

Loguen, a runaway from Tennessee, had long settled in upstate New York as a minister and teacher. He lectured for the Liberty Party and was nominated for the state senate. Loguen advertised his name and address in newspapers

so runaways could seek him out and refused to purchase his own freedom. Loguen's attempt to buy his mother failed because his master refused to sell her unless he paid for himself also. When his mistress, after selling off his siblings, asked him for a thousand dollars to relinquish her claims on him and pay for a mare he had used to escape, Loguen responded, "Wretched woman! Be it known to you that I value my freedom, to say nothing, of my mother, brother, and sisters, more than your whole body." The fugitive community became his family: his sister-in-law married Lewis Clarke, and his daughter Amelia married Douglass's son, Lewis. About the fugitive law he declared, "I don't respect this law—I don't fear it—I won't obey it! It outlaws me, and I outlaw it." Loguen wrote to Garrison in 1854 that he had personally dissolved the Union and that "my brethren should do as I have done: they should strike a blow for themselves and not wait for the hair-splitting of politicians and speakers." In 1856 Loguen helped found the Fugitive Aid Society, with May at its head, and was appointed its general agent a year later. Loguen published his narrative with the help of his amanuensis, John Thomas, the erstwhile editor of the *Liberty Party Paper*, in 1859. The narrative detailed Loguen's sale by his own father to Manasseth Logue, his uncle, who treated him brutally. Loguen whipped his master, threw him down to the ground, nearly breaking his neck, and ran away. After escaping to Canada, he attended Oneida Institute and settled in Syracuse in 1841. The last half of his narrative is devoted to the Jerry rescue. Thomas wrote that Loguen had "set slave laws at defiance, and trample[d] them under his feet." Douglass admired Loguen's refusal to buy himself, calling him "the man who does not lie down at night, nor rise in the morning, without being under the liability of being kidnapped!" Loguen, he estimated, had assisted over a thousand fugitives.¹⁰

Widely publicized instances of abolitionist defiance of the law made northern conservatives and the federal government determined to enforce it. In May 1854 they got their Pyrrhic victory with the arrest of Anthony Burns in Boston on a warrant issued by Commissioner Edward G. Loring and executed by the notorious Butman, who "made the hunting of fugitive slaves his special avocation." Burns's Virginian owner, Charles F. Suttle's agent William Brent, initiated the arrest. Both Jerry and Burns were arrested on the pretext of stealing, a nineteenth-century version of stop-and-frisk. Grimes, whose "fugitive slave church" Burns attended, soon got wind of his arrest, and Dana delayed the proceedings. The BVC lawyer Seth Webb served a writ of personal replevin, which Marshal Watson Freeman ignored, and got Suttle and Brent charged for kidnapping. The men were released on bond posted by Hallet's son and Freeman, but Hayden kept a conspicuous watch on them. The BVC was divided on the

forcible rescue recommended by Hayden, Grimes, and Higginson or the employment of legal means, a result of the differing orientations of its members. Lawyers such as Charles Mayo Ellis, who had advised against forcible rescue during the Sims case, and Dana were appalled at how easily abolitionists spoke of direct action. "Advocates for an assault on the Court House" were outvoted at the committee's emergency meeting. A thirty-man rescue committee consisting of Higginson, Parker, Phillips, Howe, and Bearse nevertheless planned Burns's rescue. Phillips and Parker made fiery speeches at a five-thousand-strong protest meeting at Faneuil Hall led by Sewall, Bowditch, Howe, and Morris. Phillips urged that the people of Massachusetts must fall back on their own sovereignty. Parker addressed them as "subjects of Virginia" whose ancient writs, liberties, and constitutional protections had to bow down before the law of slavery.

Informed that a "mob of negroes" was going to assault the courthouse, many in the protest meeting adjourned there, according to a plan hatched by Higginson and Martin Stowell, who had taken part in the Jerry rescue. Higginson, who had left his conservative Unitarian congregation in Newburyport for a friendlier, radical one in Worcester in 1852, on Stowell's suggestion purchased axes to break down the doors. In Worcester, Higginson regularly escorted fugitives to the Fosters' farmhouse, but that, according to him, was minor antislavery work compared to the Burns rescue. Soon, the crowd, "the white and the colored race, the freeborn sons of Massachusetts and fugitive slaves from the South, here cooperated together" and attacked the courthouse, throwing bricks and stones, shattering its windows. Led by Hayden and Higginson, one group managed to open the heavy doors with a battering ram. Stowell tried to hack it down with his ax and was arrested. The men who participated in the attempted rescue of Burns were working-class radicals and black Bostonians. Two other men besides Stowell were arrested, a mechanic named John Roberts, for snuffing out the streetlights, and a black man, Walter Phoenix, for hurling a brick. The courthouse crowd included John Cluer, a mill worker from Scotland, a Chartist, and a leader of the ten-hour-a-day movement. He was a member of the BVC and, like Bearse, a fund raiser for it. Cluer and Stowell had witnessed Sims's rendition. The crowd also included the future labor leader Ira Steward. In the melee a deputized Irish truckman, James Batchelder, who was blocking the entry was stabbed to death. The Boston Irish, some of whom, like Riley, were known for slave hunting, and the Catholic Church came down on the side of enforcing the law. There were exceptions, like the BVC member Henry Kemp, an Irishman. Joseph K. Hayes, a BVC infiltrator, resigned from the city police rather than participate in Burns's rendition.

After the failed assault the mayor called out the militia, and Freeman requested the presence of two companies of U.S. Marines, making the courthouse impregnable. In the Jerry rescue Wheaton had dissuaded both from participating. The law President Pierce wrote must be executed, no matter what the cost. Two hundred radicals from the Worcester Freedom Club marched outside the courthouse. The BVC had no choice but to fall back on legal means. Shaw shut down the Supreme Judicial Court as armed men took over the courthouse. Boston was under virtual martial law. Meanwhile, Grimes raised a subscription of twelve hundred dollars, Suttle's price for Burns, but Suttle changed his mind. His northern as well as southern backers were determined to foil the abolitionists. Despite an effective defense by Dana and testimony from black and white workers at the Mattapan Iron Works that Burns was working there before his owner claimed he had escaped, Loring, whose mother had married into the Curtis family after the death of his father and who was a staunch defender of the fugitive law, ruled in favor of Suttle. Ironically, his cousin Charles G. Loring was a BVC lawyer. Two southern Harvard men participated: Moncure Conway, a student at the Divinity School, attended BVC meetings and became an abolitionist; Charles C. Jones Jr., the son of the proslavery Georgia minister, who volunteered as a guard, was appalled at the use of "negro testimony."

Exactly a week after his arrest Burns was escorted by the armed might of the government back to Virginia. Unlike the Sims rendition witnessed mainly by BVC members, thousands lined the streets; buildings were draped in black, American flags were outlined in black, and a coffin with the word *Liberty* on it was displayed. The tide of public sentiment had clearly turned. James Freeman Clarke evoked the scene: "Hung be the Heavens in black." The law could be enforced only "at the point of a bayonet." Coming on the heels of the Kansas-Nebraska Act, Burns's rendition converted some of Boston's cotton Whigs, including Amos Lawrence. They signed a petition for the repeal of the Fugitive Slave Act, and some contributed funds to purchase Burns. John Pearson, who had helped with the Sims rendition, refused permission to a U.S. cutter to dock at his wharf. Whittier's "The Rendition" and Whitman's "A Boston Ballad" captured antislavery angst.

Riding a wave of popular revulsion and hostility against immigrants, including Irish involvement in the Burns rendition, the Know-Nothing Party swept into power in Massachusetts. The nativist legislature passed the Personal Liberty Law of 1855, which nullified the federal fugitive law. It required a suspected fugitive to be brought for trial before state courts on a writ of habeas corpus and prohibited not only state lawyers like Seth Thomas, who had represented

the claimants of the Crafts, Sims, Shadrach, and Burns, from representing slaveholders, but also the use of state facilities to hold fugitives and state officials from participating in rendition. It made claimants subject to fines and imprisonment for kidnapping, and being a commissioner enforcing the fugitive law became an impeachable offense. Despite a legislative hearing in which Phillips, Parker, Grimes, and Ellis gave testimony, the abolitionist campaign to impeach Loring failed, mainly owing to the opposition of Dana and the nativist governor Henry Gardner. In 1858, with Garrison invited to witness the proceedings, Republicans in the legislature voted for the removal of Loring, and the new governor, Nathaniel Banks, signed off on it. Benjamin Curtis, Shaw, and a bunch of die-hards signed a petition for the repeal of the new personal liberty law. Shaw resigned from the Supreme Judicial Court in 1860, his judicial legacy intertwined with the defense of slavery and racial segregation. His son-in-law Melville captured his tortured commitment to judicial formalism in the character of Captain Vere in *Billy Budd*.

In May 1855 Curtis and Judge Sprague presided over the trial of eight men, including Higginson, Stowell, Cluer, a black man named Wesley (alias Walter Bishop as well as Parker and Phillips, indicted for inciting riot and for the murder of Batchelder, Hale, Ellis, and Andrew defended them. Hayden was not arrested or tried. Hallet, at the prompting of Pierce and his doughface attorney general from Massachusetts Caleb Cushing, and Elias Merwin, Curtis's law partner, prosecuted the case. They changed their minds, Curtis releasing Stowell on a technicality and the government entering a nolle prosequi, or refusal to proceed, for the others, not wanting to give abolitionists another forum to make their case. Parker foiled these plans when he published *The Trial of Theodore Parker*, in which he vindicated the "great Human Right to Freedom of Speech." It was not the abolitionists but government itself that was lawless. Parker argued that slavery was at war with democratic institutions and the independence of the judiciary corrupted by denying fugitives common law protections of trial by jury and habeas corpus. His long disquisition on the history of "judicial tyranny" in England, the use of torture by corrupt judges, and cruel laws preceded his indictment of the fugitive law, which read, "Its sins outrun my powers of speech." The sorry history of its enforcement resulted in "one huge Despotism, a House of Bondage for African Americans, a House of Bondage also for Saxon Americans." For good measure, he reproduced his speeches against slavery and the fugitive law, advocating revolutionary resistance.

Higginson marveled that the fugitive law had turned "honest American men into conscientious law-breakers." To him, antislavery was no longer a reform but a revolution. The Worcester radicals had their revenge. In October, Butman, on

a fact-finding trip, ran afoul of the Worcester VC and was arrested for carrying a concealed weapon. He barely made it out of the city alive, being surrounded by a crowd of thousands and protected, ironically, by Higginson and Stowell. He first hid in a toilet at the train station and then rode posthaste back to Boston, swearing never to come back. Stephen Foster, who had urged the crowd to rough up Butman but not kill him, was arrested along with three others, but a black man was indicted for assault. In Boston some drunk toughs assaulted Dana, and threats were made against Phillips and Parker. Burns bore the brutality of slave law, locked in an airless cell in the slave trader Robert Lumpkin's pen for four months in shackles, with no privies and barely enough rotten food to keep him alive. He was sold to David McDaniel of North Carolina. When news of him trickled back to Massachusetts, Grimes and Charles C. Barry, the secretary of the Pine Street ASS, collected enough money to purchase him. Burns was excommunicated from his Virginia church for disobeying the law by running away, to which he replied, "I was stolen and made a slave as soon as I was born. . . . The manstealer who stole me . . . committed an outrage on the law of God. . . . I disobeyed no law of God revealed in the Bible. . . . You charge me with disobeying the *laws of men*. . . . To be real laws, they must be founded in equity. You have thrust me out of your church fellowship. . . . You cannot exclude me from heaven." On his return, Burns attended Oberlin and became a minister in Indianapolis before Indiana's black laws compelled him to leave for Canada. In 1862 Rev. Anthony Burns died of tuberculosis in St. Catherines, Ontario. He was the last fugitive to be recaptured in New England.¹¹

The Burns rendition inspired Garrison, who called it a "deed of infamy," to make one of his most celebrated protests against slavery. On the Fourth of July the MASS converted its annual celebration in Framingham into a day of mourning, with black bunting surrounding an upside-down American flag. Phillips, Lucy Stone, Abby Kelley Foster, and Sojourner Truth, who said that if whites repaid blacks all that they owed they would not have enough left to seed, made speeches. Thoreau's "Slavery in Massachusetts" was one of the best statements on the abolitionists' understanding of the law caricatured by conservatives as higher law doctrine. "The law," Thoreau wrote, "will never make men free: it is men who have got to make the law free. They are the lovers of law and order, who observe the law when the government breaks it." Emerson made a similar argument in his speech on the fugitive slave law in 1851 justifying Shadrach's rescue: "An immoral law makes it a man's duty to break it, at every hazard." In the twentieth century these ideas would find new resonance in the conviction of Nazis for following immoral and unjust orders. Furness's three discourses on the rendition of Burns and Pennington's family urged the "Christian duty" of

northerners to withhold "all aid and countenance from the work of oppression." Garrison read the Declaration and then proceeded to burn the Fugitive Slave Act, Loring's decision, the grand jury's charge against the courthouse protesters, and the Constitution with its fugitive slave clause, "the source and parent of the other atrocities." He concluded, "So perish all compromises with tyranny." Even antislavery allies who disagreed respected the sheer boldness of his gesture. Garrison's disunionism seemed less unreasonable in the age of the fugitive law, when an antislavery conscience was deemed seditious. Remond, who had pushed for the deliverance of Burns in a dramatic speech at the NEAS convention, defended Garrison's protest in the name of the three million slaves with whom he was identified by complexion. He gave it his "hearty approbation," but said the Constitution and the law had outlawed black people.¹²

The same year as Burns's rendition, a successful fugitive slave rebellion occurred in Racine, Wisconsin. The arrest and rescue of Joshua Glover, a runaway slave of Benammi Garland of Missouri, precipitated another long contest in the courts. Garland came armed with a certificate of removal from a St. Louis court and a federal warrant for Glover's arrest from Judge Andrew Miller of the Eastern District of Wisconsin. It took two marshals—Deputy Marshal John Kearney landed a blow on Glover's head—and their four assistants to subdue the resistant Glover, who had escaped from slavery two years earlier. A black man named William Alby, who was with Glover at the time of his seizure, soon spread the word of his arrest, and the sheriff arrested Kearney and his assistants on charges of kidnapping, assault, and battery. The next day Racine abolitionists tolled church bells and held a protest meeting condemning the kidnapping of Glover, "a faithful laborer and honest man," demanding that a trial by jury be held for him and that the "Slave catching law of 1850" be repealed. Deputy Marshal Charles Cotton whisked Glover off to Milwaukee, where the abolitionist editor of the *Daily Free Democrat*, Sherman Booth, received the resolutions of the Racine meeting. As a student at Yale, Booth had taught the *Amistad* rebels English. A Liberty Party man, he had moved to Wisconsin from Connecticut, following his mentor, Ichabod Coddington, and, like Chase, had made the transition to the Free Soil Party. Booth published a handbill on Glover's arrest and rode around Milwaukee, including the German Second Ward, a nineteenth-century Paul Revere summoning people to the courthouse. Another Liberty man, James Paine, who had moved to Milwaukee from Ohio, served a writ of habeas corpus on Cotton.

Led by the physician Edward B. Wolcott, Booth, Paine, his son Byron, and Abram Henry Bielfeld, who was born in Bremen and made a speech in German, a courthouse meeting passed resolutions demanding a trial by jury for

Glover. The meeting also formed a twenty-five man Vigilance Committee. A nervous Cotton, backed by the federal judge Miller and District Attorney John Sharpstein, whose request for military reinforcements was ignored, did not obey the writs of habeas corpus served on him by the local sheriff. Meanwhile, a contingent of one hundred from Racine joined the meeting, and the abolitionist Charles Watkins recommended taking the law into their own hands. A blacksmith, James Angove, led the predominantly working-class crowd, using a battering ram to break open the jail, and they carried Glover away. Glover doffed his cap to the crowd, crying, "Glory, Hallelujah," and disappeared in the abolitionist underground to Canada.

Glover's escape led to a flurry of lawsuits: Watkins and Paine appeared on behalf of Racine County seeking the arrest of Garland for disturbing the peace, and Garland sued Booth for the value of Glover and costs incurred to recapture him. A grand jury handed down indictments against Wolcott, the Paines, Watkins, and Herbert Reed, the chairman of the Milwaukee Vigilance Committee. The Pierce administration was determined that some heads should roll for the Glover rescue, so Booth, who had advised against violence, and John Rycraft, who had helped break down the jail door, were arrested by Marshal Stephen Abelman for violating the fugitive slave law. In his hearing before Commissioner Winfield Smith, Booth raised issues of trial by jury and habeas corpus, and his attorney Paine, of the freedom of assembly and speech. Sharpstein made his distaste for radicalism clear, saying, "The whole matter of abolitionism, women's rights, Fourierism, Etc., is intended only to enable men to violate and trample on the laws. I despise the whole of it. I despise any man who preaches it, and I despise any man who defends him." Edward Ryan, an Irish immigrant and self-described proslavery Democrat, joined him in prosecuting the case against Booth and Rycraft in federal court. Despite a plea from Byron Paine, both were found guilty.

Abolitionists, not conservative judges in the federal judiciary, built legal precedents for modern law stemming from the fugitive slave cases, including the reading of Miranda rights. In addition, it was not clear which side perpetrated more violence. By the eve of the war, slave-catching posses and officials took to operating by stealth, at night and by surprise, and to violently implement the fugitive law in the North. Booth and his lawyers constantly alluded to the violence of Glover's arrest and the abusive nature of the law. They secured a writ of habeas corpus from the state supreme court justice Abram Smith, known for his abolitionist leanings, who declared the law unconstitutional. In his famous brief before Smith, Byron Paine had challenged the constitutionality of the Fugitive Slave Act by disputing the power of Congress to enact it and its subversion

of trial by jury; further, he questioned the constitutionality of giving federal commissioners judicial powers. He referred to the authority of Spooner, used Rantoul's argument from the Sims case, and impressed Sumner, who asked for a copy of his brief. The state supreme court upheld Smith's decision by two to one. In Wisconsin, state judges set themselves up as defenders of citizens' liberties and distinguished their version of states' rights from nullification, South Carolina's attempt to overthrow federal law during the tariff controversy.

State and federal officials worked at cross-purposes. Booth and Rycraft were found guilty of violating the fugitive law in federal court. The court sentenced Booth to one month in prison and a thousand-dollar fine, but the Wisconsin Supreme Court unanimously discharged Booth and Rycraft in February 1855. Evoking Jefferson's and Madison's Virginia and Kentucky resolutions against the Alien and Sedition Acts, as had Paine, but, significantly, not South Carolina's nullification of federal tariff laws, the court interposed itself between the state's citizens and the federal law and courts. It was not simply a matter of states' rights vis-à-vis federal power, but the protection of the civil liberties and constitutional rights of Wisconsin's citizens. Two years later Republicans in the state legislature passed a personal liberty law establishing the writ of habeas corpus, right to trial by jury, and legal counsel in fugitive slave cases. It punished the kidnapping of free blacks and prevented a lien on the personal property or real estate of persons who refused to obey the law. This section of the state law helped Booth get a writ of replevin against unlawful seizure of property when the zealous Abelman started impounding his press and printing materials to execute the judgment against him in *Garland v. Booth*. On appeal, the U.S. Supreme Court in *US v. Booth* and *Abelman v. Booth* in 1859 unanimously upheld the supremacy of federal law, overturning the decisions of the Wisconsin Supreme Court. Coming after *Dred Scott*, the decision of the Taney court came as no surprise, and the state legislature passed a joint resolution promising "positive defiance" of it. For good measure, the people of Wisconsin elected the young Byron Paine to the state supreme court.

The persistent Abelman arrested Booth again in 1860, but his supporters managed to spirit him out of the U.S. Custom House where he was being held. Booth surrendered himself later that year after campaigning for Lincoln. He languished in jail until President James Buchanan pardoned him just before leaving office in March 1861. Booth had lost much of his credibility after his arrest and trial in 1859 for seducing his fourteen-year-old babysitter, which ended in a hung jury but led to the breakdown of his marriage. He remarried after his wife's death and died at the ripe age of ninety-one in 1904. Glover died in Canada in 1888.

Abolitionists and black Wisconsinites led by Lewis Johnson saw resistance to the fugitive law and the fight for African American rights as two sides of the same coin. According to the 1850 Census, the state had slightly over six hundred free black people in a total population of more than three hundred thousand. The state hosted speaking tours by Lewis Washington, a fugitive slave, in 1847 and by Douglass in the 1850s. Like J. B. Smith, whose restaurant refused to serve soldiers in Boston, the black barber William Noland of Madison, who managed to hold state office without attracting much attention, refused to shave kidnapers. Abolitionists such as Booth and Rufus King, named for his antislavery Federalist father, the editor of the antislavery *Milwaukee Sentinel*, and Rev. Byrd Parker, a "Bird of African plumage," as racist Democrats called him, launched a campaign for black suffrage in the 1850s, but in 1857 the referendum was defeated by a vote of 45,157 to 31,964. Although the Republican Party never officially endorsed the measure, 95 percent of the vote for black suffrage came from Republicans. In 1865 Ezekiel Gillespie, a leader of Milwaukee's black community, accompanied by Booth, attempted to vote but was turned back by election officials. Byron Paine brought suit on Gillespie's behalf, holding that Wisconsin had established black suffrage in 1849, when a small majority had voted in its favor. The results had been disallowed because of the low number of votes cast. In March 1866 the Wisconsin Supreme Court ruled in Gillespie's favor, making the state one of a handful in the North to grant black suffrage before the passage of the Fourteenth and Fifteenth Amendments.¹⁵

The last well-known fugitive slave rebellion, in 1858, occurred in the abolitionist stronghold of Oberlin. In August a Kentuckian named Anderson Jennings who was looking for a fugitive slave recognized John Price, a fugitive belonging to his neighbor John Bacon. Price had run away with his cousin, Dinah, and Frank, who belonged to a Richard Lloyd, in the winter of 1856 when the Ohio River had frozen over. Price lived among Oberlin's activist black community, which, together with the college, was an important stop in the abolitionist underground. Deputy Marshal Anson Dayton was always on the lookout for fugitives and was known to write about their whereabouts to their Kentucky owners. Dayton, Deputy Marshal Jacob K. Lowe of Columbus, and two Kentucky slave catchers had tried to seize a black family, the Wagoners, in a midnight raid before being scared away by Wagoner, who was armed. It was Dayton who had brought Price to Jennings's attention. Bacon and Lloyd sent a slave catcher, Richard Mitchell, to recover their slaves. Though watched closely by a black community always on the alert for slave hunters, Jennings and Mitchell managed to abduct Price with some help from locals. Malachi Warren, an Alabama planter who had moved to the area with his "slave wife," and

the Boynton family, who tricked Price with an offer of employment, assisted them. Lowe also got a warrant to arrest Price.

As the slave hunters made their way to Wellington, Ohio, they ran into an abolitionist student from Oberlin, Anson Lyman, who had ridden with John Brown in Kansas. Price cried out for help. Lyman raised an alarm, and soon a large, armed interracial crowd surrounded the Wellington hotel, where Price was being held. John Watson, a black grocer and leading member of the state black conventions, got a warrant for the arrest of Price's kidnappers, and Langston tried to negotiate his release. News that troops might arrive by train to reinforce the men guarding Price compelled action. An abolitionist named Charles Griffin advised the crowd, "Pay no attention to the laws." Two rescue parties, a group of Oberlin students led by Lyman, John Cowles, and the British-born William Lincoln, who had worked for the AMA, and a group of black men led by the former North Carolina slave John Scott, Jeremiah Fox, a fugitive himself, and a free black man, John A. Copeland, converged on the attic of the hotel. Richard Winsor, who was Price's Sunday school teacher, managed to spirit him out into a waiting buggy procured by Scott. Another student, Simeon Bushnell, rode the buggy with Price and Winsor to the home of the Oberlin bookseller James Fitch. Fitch's home was a known stop on the UGRR, so they took Price instead to the home of James Fairchild, a professor at Oberlin, where he hid for several days before being sent to Canada. A triumphant antislavery meeting at Oberlin celebrated what came to be known as the Oberlin-Wellington rescue, with three cheers for liberty and three groans for the informer Dayton and the federal government. Dayton was run out of town, as was Warren, who, disowned by his children and accused of whipping his wife, returned to Alabama. President Buchanan, like his predecessors, was determined to enforce the law and harshly punish all who defied it. A stacked, all-Democratic federal grand jury, including a member of the Boynton family, indicted thirty-seven men for the rescue, of whom twenty-five were from Oberlin, eleven from Wellington, and one from Pittsfield. Most of the Wellington defendants, farmers and one bricklayer, were listed as "Known member of the Underground Railroad." Of the Oberlin men, four were students, one a professor, and three were born in England and Scotland. Twelve were African American, including fugitive slaves like Fox and John Hartwell.

The rescuers' protracted trials in Cleveland became a political spectacle. Governor Chase's political allies Rufus Spalding and Albert Riddle acted as counsel for the defense before an unsympathetic Democratic district judge, Hiram Willson, and all-Democratic juries. The prosecution, led by District Attorney George Belden, got rid of the Wellington rescuers, striking deals or

releasing them on bond or, in the case of the seventy-four-year-old "Father" Matthew Gillet, forcing him out of jail. One of them, Loring Wadsworth, was elected mayor. The government wanted to concentrate its fire on the "Oberlinists." The college was a breeding ground for sedition and treason in the opinion of the prosecuting attorney George Bliss. Bushnell and Langston were tried first. In the Bushnell case, Riddle and Spalding justified the defendant's actions and called for the overthrow of the fugitive law. Langston's lawyers, the Oberlin graduate Seneca Griswold and Franklin Backus, commended his actions and character.

On his conviction, Langston gave a moving speech (see above), which was reproduced as an abolitionist pamphlet. He justified resistance to the law. It was his revolutionary duty as a colored man, an "*outlaw of the United States*," to rescue the fugitive. The courts and the law of the country, Langston noted, were made to "oppress and outrage colored men." He had not been tried, he observed pointedly, by a "jury of my peers"—state conventions had long protested the exclusion of blacks from juries. He had no rights that a white man was bound to respect, repeating Taney's obiter dicta from the Dred Scott decision, but he had the right of self-preservation. Willson, who was moved enough by the speech to recommend a light sentence, threatened the audience at the courtroom with removal because of their prolonged applause. In Boston, Wells Brown, Nell Hayden, Grimes, and J. Sella Martin, the newly installed pastor of the Joy Street Baptist church, led a meeting of colored citizens, commending Langston's "thrilling eloquent speech." Self-taught, Martin had escaped from slavery in 1856. He moved to Massachusetts in 1859 as a pastor for a white church in Lawrence, filling in at the famous Tremont Temple too.

Charles and John Mercer Langston were the sons of a Virginia planter and his common-law enslaved wife, Lucy Langston. They moved to Ohio in 1834 after the death of their parents, and both attended Oberlin. Charles was a teacher in black schools in Chillicothe and Columbus and sent some of his pupils on to Oberlin. His more famous younger brother John became the state's first black lawyer, after training with the Republican lawyer Philemon Bliss, and officeholder. He replaced Dayton as town clerk. After the war he became a Republican congressman from Virginia and the American minister to Haiti. Both were active in the state black conventions and the Ohio Colored American League, founded in 1850. Referring to the rescue at the state black convention in 1858, Mercer Langston argued that black people would trample the fugitive slave law under their foot. As secretary of the Ohio State ASS, Charles Langston continued to assist fugitives. He helped found Wilberforce University and became a superintendent in the Freedman's Bureau.