

Compelling Question: Should Americans obey 'unjust laws' ?

Original activity by Ron Adkisson

Grades: 7or 8

Time: 2-3 periods

Edited & expanded by E. Dorgan (8/2022)

Standards and Practices

- Students will learn how the U.S. government protected the institution of slavery (i.e., Fugitive Slave Acts, Compromise of 1850, etc.).
- Students will learn how the American abolitionist movement challenged existing laws of slavery in Antebellum America.
- Students will conduct historical inquiry by analyzing primary sources, reading oral histories, and actively researching resistance to slavery in the mid-nineteenth century.

Staging the compelling question: Show the flier - "*Caution!! Colored People of Boston*" broadside, Boston, Mass., April 24, 1851, Printed Ephemera Collection, Library of Congress, www.loc.gov/item/rbpe.06002200/

Students will answer in their notebook:

- **What do you see?**
- **What is the message (of the poster)?**
- **What questions do you have?**

Supporting questions:

- Why was the Fugitive Slave Act of 1850 written? And What did the Fugitive Slave Act (1850) require of Americans?
- What was the response by Americans (In Connecticut General Assembly) to the Fugitive Slave Act, in 1850?
- When confronted with obeying and/or helping to enforce an "unjust" law, what is the responsibility of an American citizen?

MATERIALS -

- "*Caution!! Colored People of Boston*" broadside, Boston, Mass., April 24, 1851, Printed Ephemera Collection, Library of Congress, www.loc.gov/item/rbpe.06002200/
- Activity Sheets with Excerpts from the Fugitive Slave Act of 1850, Sections 4-9, The Avalon Project–Documents in Law, History and Diplomacy, Lillian Goldman Law Library, Yale Law School
- The Fugitive slave law. Hartford, Ct.?: s.n., 185-?. Hartford. [Pdf] Retrieved from the Library of Congress, <https://www.loc.gov/item/98101767/>
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PROCEDURE

1. Introduce the activity by projecting the image of "Caution!! Colored Citizens of Boston" to the students.
2. Have students answer specific questions and create at least 3 questions about the document. (see above)
3. Students will share their questions with the class. The instructor will display the questions on the whiteboard. Lead a discussion that will help students select 3-4 questions that would help them as historians understand the audience, context, and purpose of the document. (Do not discuss answers to the questions at this time.)
4. Briefly discuss (review) the historical background on the Fugitive Slave Law (i.e., 1793, 1850) and the impact of the Underground Railroad on property rights of enslavers.

5. Distribute the first activity sheet, “Excerpt from Section 4 of the Fugitive Slave Act of 1850.” (This worksheet will serve as a model for the procedure for the rest of the excerpts.)

6. “Share read” the excerpt from Section 4, having the students follow along silently while you begin to read aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in with the reading while you continue to read aloud, still serving as the model for the class.

7. Have students work in pairs. Each pair reads the selection again and determines the main idea of the passage, filling in that section of the activity sheet.

8. After a brief discussion of the main idea, display the following list, which is also provided on the activity sheet:

• Enslaved Person • Abolitionist • Free Black • Southern Slave Holder • US Marshall and/or Deputies • Fugitive • Common Laborer from the North • Other (Specify)

The purpose of this step is to encourage students to interpret the historical information from different points of view. Instruct the class to read the excerpt from Section 4 again and choose the person/group from the list that they believe was most significantly impacted by this part of the law. Discuss a working definition of “significant impact.”

9. Students will then write a brief explanation of why they chose the answer they did. The explanation should include evidence from the text to support their opinion.

10. Distribute the worksheets for Sections 5-9. Assign students (in pairs) to read the excerpts from one section, determine the main idea, and identify the person/group most significantly impacted for each selection. Their explanation for their selection must include evidence from the text.

11. Distribute the Main Ideas activity sheet. Students should write the main idea for their section.

12. Have students share the main idea from each section, with the class. Students should fill-in the activity sheet.

The students will now have, in their own words, a summary of Sections 4–9.

13. Direct the students’ attention back to the original questions that they wrote at the beginning of the lesson. Working independently, the students should attempt to answer the five questions you selected in Procedure 4 and Procedure 7. The answers still may not be clear, so encourage them to make inferences or predictions. They should use textual evidence to support their answers. This activity can be used to assess student learning about the Fugitive Slave Act of 1850.

14. Distribute ‘The Fugitive slave law. Hartford, Ct.?: s.n., 185-?. Hartford. Students (collaborating with a partner) will read the document and answer the ‘close reading’ questions.

Summative Performance Task

Make an argument (i.e., letter to President Fillmore, a PowerPoint, a poster, etc.): should Americans obey the Fugitive Slave Act (1850), if the law encouraged support of kidnapping of free African Americans?

Remember – to use supporting evidence from the activity documents. Also, cite sources using MLA format.

Excerpt from Section 4 of the Fugitive Slave Act of 1850

Section 4. And be it further enacted, that the commissioners above named . . . shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such persons may have escaped or fled.

Key terms and definitions –

Claimant: a person who believes that he or she has a right to something

Certificate: a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality been complied with

What is the main idea of this section in your own words:

From the list below select the key person/ group most significantly impacted (in your opinion) by the provisions of this selection.

- Enslaved Person • Abolitionist • Free Black • Southern Slave Holder • US Marshall and/or Deputies • Fugitive • Common Laborer from the North • Other (Specify)

Then use textual evidence to support your selection.

Excerpts from Section 5 of the Fugitive Slave Act of 1850

Sec. 5- Excerpt 1: That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 5 - Excerpt 2: . . . and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 5 - Excerpt 3: . . . and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 5 - Excerpt 4: . . . with authority to such commissioners, or the persons to be appointed by them, . . . to summon and call to their aid the bystanders, or posse comitatus of the proper county, when necessary to ensure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; 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, . . .

What is the main idea of this section in your own words: _

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpts from Section 6 of the Fugitive Slave Act of 1850

Sec. 6 - Excerpt 1: 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 . . . may pursue and reclaim such fugitive person . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 6 - Excerpt 2: . . . 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, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 6 - Excerpt 3: . . . and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, . . . of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, 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 . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 6 - Excerpt 4: . . . In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 6 - Excerpt 5: . . . and the certificates in this and the [fourth] section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever. What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpts from Section 7 of the Fugitive Slave Act of 1850.

Sec. 7 - Excerpt 1: That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive . . . or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting . . . or shall aid, abet, or assist such person so owing service or labor . . . directly or indirectly, to escape . . . or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a

fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months . . . What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 7 - Excerpt 2: . . . and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost . . . to be recovered by action of debt, in any of the District or Territorial Courts . . . within whose jurisdiction the said offence may have been committed. What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpts from Section 8 of the Fugitive Slave Act of 1850.

Sec. 8 - Excerpt 1: That the marshals, their deputies, and the clerks of the said District and Territorial Courts, shall be paid, for their services, the like fees as may be allowed for similar services in other cases; . . . and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid, in either case, by the claimant, his or her agent or attorney . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpts from Section 9 of the Fugitive Slave Act of 1850.

Sec. 9 - Excerpt 1: That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney . . . What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Sec. 9 - Excerpt 2: And to this end, the officer . . . is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made and paid out of the treasury of the United States. What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Fugitive Slave Act of 1850: Main Ideas Directions:

1. With students from your assigned Section of the Fugitive Slave Act (of 1850), write a summary of the main ideas, of your Section (in your own words).
2. Listen to your fellow students share their main ideas from each segment and fill-in the remaining sections.

Section 4: (completed as a class)

Section 5:

Section 6:

Section 7:

Section 8:

Section 9:

After completing the readings from the Fugitive Slave Act, what questions do you still have?

THE FUGITIVE SLAVE LAW of 1850. (A bill to amend the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters.")

SYPNOSIS OF THE LAW.

1. It clothes any ruffian who may be commissioned to act in this new and infamous office of Slave-Catcher, with magisterial and judicial authority.
2. It commands and requires good citizens to aid in this heartless and brutal business, imposing the work of bloodhounds upon them.
3. It authorizes such kidnappers and rascals as may choose to do so, to arrest or seize persons without "due process of law."
4. It jeopardizes the liberty of every colored person, by requiring merely a "general description," and by casting out the evidence of the person arrested.
5. It seeks to annul the writ of Habeas Corpus, which tends to secure justice and liberty by delivering a person from false imprisonment, or by removing a case from one court to another.
6. It imposes excessive fines.
7. It denies the citizen a Jury Trial, where his liberty, and perhaps his life, is at stake.

Objections -

1. It violates the spirit and letter of the Constitution, in the form and manner of seizures or arrests; in its requirements upon good citizens, in imposing excessive fines, in crushing the Habeas Corpus, and in depriving the person arrested of a trial by a jury of his peers.
2. It contravenes the Law of Nature, which is the foundation of all human laws, and which, being dictated by the Almighty himself, is of course superior in obligation to any other.

Therefore, this enactment of Congress is both unjust and unreasonable, consequently becomes of no binding force—is null and void. Let it be placed among the abominations! - S. M. Africanus, Hartford, Ct.

1. Shame on the costly mockery of piling stone on stone
To those who won our liberties, the Heroes dead and gone,
While we look coldly on and see law-shielded ruffians slay
The men who fain would win *their own*, the Heroes of *to-day!*
2. Are we pledged to craven silence? O fling it to the wind,
The parchment wall that bars us from the least of humankind—
That makes us cringe and temporize, and dumbly stand at rest,
While Pity's burning flood of words upheaves within the breast.
3. Though we break our fathers' promise, we have nobler duties first,
The traitor to humanity is the traitor most accursed: —
Man is more than Constitutions; better rot beneath the sod,
Than be true to Church and State, while we're doubly false to God.

Source information:

United States Fugitive Slave Law. (1850) The Fugitive slave law. Hartford, Ct.?: s.n., 185-?. Hartford. [Pdf] Retrieved from the Library of Congress, <https://www.loc.gov/item/98101767/>.

A bill to amend the Fugitive Slave Act of 1850 (Submitted in Hartford, Connecticut in opposition to abolitionism).

What are the reasons why some Connecticutans opposed the Fugitive Slave Act of 1850? Read the 'Synopsis (SP) of the Law' and in your own words, explain why the Fugitive Slave Law (of 1850) is unjust.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

What are the reasons for objecting the Fugitive Slave Act (of 1850)? (Read the Objectives – from the Hartford bill to amend the Fugitive Slave Act and explain each objection and declarations (of actions).

1. _____
2. _____

Declarations:

1. _____
2. _____
3. _____

Concluding assignment:

Make an argument (i.e., letter to President Fillmore, a PowerPoint, a poster, etc.): should Americans obey the Fugitive Slave Act (1850), if the law encouraged support of kidnapping of free African Americans?