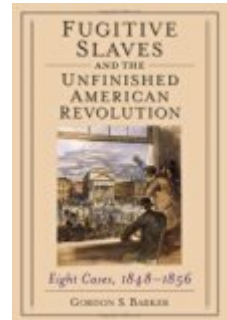


Gordon S. Barker. *Fugitive Slaves and the Unfinished American Revolution: Eight Cases, 1848-1856*. Jefferson: McFarland & Company, 2013. 232 pp. \$45.00, paper, ISBN 978-0-7864-6987-1.



Reviewed by Emily Margolis

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U.S. historians tend to mark the end of the American Revolution as George Bancroft did, in the early 1780s when military action with the British ceased (upon either the surrender of Cornwallis at Yorktown in 1781 or the Treaty of Paris in 1783). As Gordon Barker rightly points out, in the 1980s, American and Atlantic social historians began to produce a new body of scholarship that challenged this periodization as they found ordinary men, women, and African Americans employing the principles of the Declaration of Independence in their battle to gain freedom from different types of tyranny long after the end of the eighteenth century. In fact, some argue that the battle, for these groups, continues today. In *Fugitive Slaves and the Unfinished American Revolution: Eight Cases, 1848-1856* Barker contributes to the work of these later American and Atlantic Revolutionary historians as he joins the call for a reimagining and re-periodization of what he identifies as George Bancroft's "grand American narrative" of the U.S. Revolution. Focusing specifically on African Americans, he argues that for blacks,

their Revolution was the war against slavery and their quest was to create a "more perfect union." Therefore, he claims their Revolution ended—at the very earliest date—with the ratification of the Thirteenth Amendment.

Using black and white abolitionist lectures, correspondence, annual reports, newspapers, diaries, and memoirs, as well as Northern and Southern newspapers, fugitive slave trials, and lawyers' papers, Barker employs a sociopolitical approach to illustrate African Americans' continued battle against the tyranny of slavery. To show their continued Revolution, he centers his book on the late 1840s and 1850s and chronicles eight cases of fleeing bondsmen pursued by their owners, their owner's agents, and sometimes federal allies under the Fugitive Slave Law of 1850. Barker reframes these well-known fugitives and their abolitionist allies, such as Lewis Hayden, Theodore Parker, Samuel Joseph May, Wendell Phillips, and Frederick Douglass, as new Revolutionary war heroes who believed in the principles of the Declaration of Independence and whose

dramas went far beyond their immediate personal conflicts as they captured the nation's attention and fueled social and political tensions between anti- and proslavery states. Barker writes eight chapters and moves chronologically, beginning with a narrative of William and Ellen Craft and then moving to the stories of Shadrach Minkins, Thomas Sims, William Parker, Jerry (also known as William Henry), Joshua Glover, Anthony Burns, and ending with the wrenching tale of the Garner family, in which the apprehended Margaret Garner killed one of her daughters to prevent her enslavement.

H-Law readers might read these eight narrative chapters as battles in a revolution. These microhistories build on one another to show a protracted and sublimated Revolutionary War in which radical principles were espoused, popular uprisings ensued, and battles were won and lost. In this work, the war is one against slavery and it focuses on slaves who were made fugitives by the incredibly contentious Fugitive Slave Law of 1850. Within this abolitionist framework, battles were won if local communities sheltered fugitives, rose up in popular resistance against slave-hunters and their federal allies, and ensured that a pursued fugitive avoided reenslavement, even if that meant seeking permanent refuge outside of the United States. Battles were lost if communities failed to effectively rise up and protect a fugitive slave.

Although the Fugitive Slave Law of 1850 plays a role in Barker's selected narratives because it made his chosen subjects "fugitives" who owed custody to their owners even in free states, critical examination of the law itself or its legal history is not a central to this work. In fact, Barker does not describe the Fugitive Slave Law until chapter 2, and even then, offers little detail. H-Law readers will notice that this is primarily a sociopolitical work that focuses on the ideology and personal reactions of its many subjects to conflicts between black and white abolitionists, proslavery

Southerners, and newspaper editors throughout the country. Barker does use legal sources and chronicles the rendition court cases of his subjects as part of a larger narrative about their struggle for freedom. It is not, however, a legal history in the sense that works like Steven Lubet's *Fugitive Justice: Runaways, Rescuers, and Slavery on Trial* (2010) or Earl Maltz's *Fugitive Slave on Trial: The Anthony Burns Case and Abolitionist Outrage* (2010) are as both Lubet and Maltz provide a more in-depth picture of legal precedents and legal reasoning that shaped their selected fugitive slave trials. But this is not Barker's mission. Rather, Barker is more interested in both a public memory and historiographical project of remaking the narrative of the Revolution, one that incorporates the battles of abolitionists, especially African American abolitionists. Barker explains that he wrote this book for both public historians and academics and therefore is more concerned with illustrating the political and social consequences for slaves, free blacks, and the abolitionist movement.

Although it is a social history with supplementary legal aspects, Barker's eight narratives are so rich in detail both inside and outside of the courts that they allow legal scholars to see how antislavery activists' used state criminal laws to challenge slave-hunters and the Fugitive Slave Law of 1850. Sometimes, they found success in challenging the slave-catchers acting under the Fugitive Slave Law rather than the law itself. In chapter 1, after the passage of the Fugitive Slave Act of 1850, William and Ellen Craft's former owners sent slave-hunters to Boston, where the Crafts resided, to reclaim their human property, who had become active radical abolitionists. Black and white Bostonian radical abolitionists threw up strong walls of resistance. The Boston Vigilance Committee led a campaign against the slave-hunters. Barker contends that the campaigns' relentless efforts led to the arrest of the slave-hunters for "slander" and hurting William Craft's business. After posting a \$10,000 bail, the slave-

hunters were released from jail, only to be arrested once again for “attempting to kidnap Craft and wife” (p. 32). After being released a second time, the slave-hunters fled Boston.

H-Law readers can also see that abolitionists’ creative efforts to use state criminal law to challenge the effects of the Fugitive Slave Law, proved less successful when they challenged the law itself. As recounted in chapter 8, an Ohio state coroners’ jury charged Margaret Garner with first-degree murder of her daughter Mary, and Garner’s husband, Robert, and his father, Simon, as accessories to the murder. The Garners’ attorney, John Joliffe, argued that the criminal indictments under state law should supersede federal proceedings under the Fugitive Slave Law. This maneuver would at least prevent the Garners from being immediately returned to slavery and provide vigilante abolitionists time to formulate a plan to help the Garners escape. Joliffe’s argument was twofold. First, he argued that because slavery was outlawed in Ohio and the Garners’ master had previously brought them to Ohio, they were no longer slaves but free persons. Second, he argued that the Tenth Amendment granted Ohio the exclusive right to enforce state criminal laws. Yet the presiding judge ruled that the Fugitive Slave Law had supervening authority over Ohio law. The judge also rejected Joliffe’s argument that Garners were freed as a result of having previously been taken to Ohio by their owners. The judge cited Supreme Court Chief Justice Roger Taney’s opinions in *Strader et al. v. Graham* (1850) and *United States v. The Ship Garonne* (1837) as support for his ruling that because the Garners had returned to Kentucky voluntarily, they had relinquished their right to freedom. This ruling sent the Garner family back to slavery shortly thereafter.

Barker’s work is a welcome contribution to Revolutionary and Early Republic scholarship which advocates for recognizing the many revolutions in the United States. The book’s highly read-

able, in-depth chronicling of individual narratives makes it useful for undergraduate courses on U.S. history or legal history, as it could be easily coupled with the corresponding case records to prepare students for a discussion of the Fugitive Slave Law’s social and political consequences and how pro- and antislavery activists interpreted the law. Its narratives provide material to illustrate how on-the-ground tensions arose from the interplay of state and federal laws, mob law, black letter law, and American principles, as put forth in the Declaration of Independence and positivist federal constitutional law. Chapter 1, on the Crafts, and chapter 7, on Anthony Burns, could be juxtaposed to highlight the militancy of radical abolitionists (which included a proposed Northern succession from the Union and several uprisings to free detained fugitives), federal reaction to antislavery resistance (which included President Franklin Pierce’s deployment of “the largest American military show of force ever seen in peacetime,” pp. 147-148), and the transnational interest in slavery. Moreover, these chapters explore the varied ways both abolitionists and judges interpreted and used the law to both fight and defend the rendition of slaves made possible by the Fugitive Slave Law. Examining the complex factors at play in the background of Barker’s eight narratives will provide students with a more sophisticated understanding of the American Revolution.

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