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TRABAJO DE FIN DE GRADO

## Some Steps towards Abolitionism in American Society in the 19th Century: An Analysis of Historical Documents

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## ABSTRACT

En este trabajo, analizo documentos históricos relevantes con respecto a la abolición de la esclavitud en los Estados Unidos de América en el siglo XIX. Primero realizo un resumen de la historia de la esclavitud en los Estados Unidos, desde la primera vez que los africanos llegaron en 1619, hasta la proclamación de la decimocuarta enmienda en 1869 que define a la población de raza negra como ciudadanos de los EEUU. Posteriormente, llevo a cabo un detallado análisis de algunos documentos históricos, de los que se proporciona información histórica, se extraen las ideas principales y secundarias y finalmente se explican las consecuencias e implicaciones de dichos documentos. La mayoría de los documentos surgen como una consecuencia de los anteriores por lo que al final obtenemos una buena idea de los pasos que se siguieron para conseguir la libertad de los afroamericanos.

**Palabras clave:**

Abolicionismo, esclavitud, enmienda, trabajo forzoso, Estados Confederados.

In this dissertation, I analyze historical documents relevant in terms of the abolition of the slavery in the United States of America in the 19th century. First, I write a summary of the history of slavery in the USA, from the first time that blacks arrived to the country in 1619, until the proclamation of the fourteenth proclamation in 1869 by which the black population is given citizenship. Later on, I realize a detailed analysis of several historical documents, of which I give historical information, draw the main and secondary ideas and finally explain the consequences and implication of the documents I have mentioned before. The majority of the documents emerged as a consequence of the preceding ones, which allow us to obtain a good idea of the steps that were taken to achieve the freedom of the African-Americans.

**Key words:**

Abolitionism, slavery, amendment, intendured service, Confederate States.

## INDEX

Introduction .....	1
Historical survey .....	3
Analysis of documents:	
- Abolitionist documents .....	9
The Compromise of 1850 .....	9
Massachusetts Personal Liberty Act .....	11
Frémont's Proclamation on slaves .....	14
Compensated Emancipation .....	15
Emancipation Proclamation .....	17
The Civil Rights Act .....	18
The 13 <sup>th</sup> Amendment .....	20
The 14 <sup>th</sup> Amendment .....	20
- Pro-slavery documents .....	21
Trial of Mrs. Douglas for teaching colored children to read .....	21
Opposition to the Emancipation Proclamation .....	23
Black Code of Mississippi .....	24
Black Code of Louisiana .....	26
Veto of the Civil Rights Act .....	27
Conclusion .....	29
References .....	30

## **1.- INTRODUCTION**

In this dissertation, I am going to analyse historical documents related to the abolition of slavery in the United States of America in the 19<sup>th</sup> century.

There are several reasons why I have decided to write my dissertation about this topic. I believe that the subject of history, both in a secondary school level and in a university level, is more focused in the history of the United Kingdom and Ireland than in the United States. However, I have always been interested in the history of the U.S.A. and hence I wanted to make a deeper research on this subject. Moreover, I have always been intrigued of the capability of the human being of mistreating someone due to different race, religion or sex just for its own benefit. Even though this project does not focus on the psychological reasons that lead us to do such a thing, I will provide reasons of the expansions of slavery which might help us to understand this fact.

In order to do so, I am first going to provide a brief overview of the history of slavery in the country: when it started, the reasons why it became a very profitable institution which led to the increase of the number of slaves, the beginning of the abolitionist movement, the first steps taken towards abolitionism, proslavery actions in order to continue with the institution, the American Civil War and its consequently abolition in the whole country.

After the historical contextualization, I will analyse some historical documents related to the issue of slavery in the U.S.A. I have selected thirteenth documents due to their importance in that period. While most of the documents are abolitionists and could be defined as the most important measures taken towards abolitionism and integration of the African American population in the country, some other documents actually searched for the perpetuation of the institution in the country. Therefore, I will have to make a division between categories, which might be difficult sometimes referring to laws that might have points pro and antislavery. By doing so, I will not only be able to see the abolitionist movement but also the proslavery movement which will help me to have a wide view of the issue.

Referring to the analysis of the documents, first I will provide some historical details about the document, to later provide the main and secondary ideas that can be extracted

from it. Later, I will discuss the consequences of the texts. As it might be expected, some of the documents were actually responses to other texts. This will enable me to link documents with each other.

Due to the limited space of this dissertation, my analysis does not cover every single aspect of the abolition in the United States. Even though I am aware of the limitation of my work, I have tried my best to give the most important information. Although there are aspects that have not been covered, I believe that I have managed to select and analyse those key historical times and documents that definitely changed the history of not only the African-Americans but also of the whole country.

There are several objectives that I aim to achieve with this dissertation. First, I want to analyse the steps towards abolitionism taken by the abolitionist movement. Due to the fact that the majority of the documents that I am going to analyse are abolitionists, I will get to know the antislavery ideas of the time that contributed to the abolition of the peculiar institution. In addition, my second objective is to analyse the reaction of some pro-slavery states. Some of the documents that I will analyse are actually responses to the abolitionist documents.

In order to write this dissertation, I have done research on the topic. Even though I have read many books, webpages and articles, the main books that I have used to write it are: *Battle Cry of Freedom* by James McPherson, *The Limits of Liberty: American History: 1607 – 1980* by Maldwyn A. Jones and *Give me Liberty! An American history* by Eric Foner. *Battle Cry of Freedom* provides its readers a highly detailed analysis of the American Civil War, when the abolition of slavery took place. Both Jones's and Foner's book deal with the development of the American society and history since the colonial America until the end of the 20<sup>th</sup> century, providing information in a chronological way.

The documents I am going to analyse have been extracted from the book *Documents of American History*, edited by Henry Steele Commager, except for the 13<sup>th</sup> and 14<sup>th</sup> amendments that have been extracted from Foner's book.

## **2.- HISTORICAL SURVEY**

As stated by Buell (2004: 9-10), slavery in what are now the United States of America started in 1619 when a Dutch boat brought nineteen blacks from Africa to the city of Jamestown, in Virginia, to work as slaves. Colonizers first used indentured white service from four to seven years in exchange for an income. However, this did not work since it was expensive. Three other reasons that helped to establish the institution of slavery in the United States can be summed up as the need for cheap labour, prejudices against black people and the beginning of large plantations, especially in the South.

As explained by Jones (1988: 18), farming was the main source of income in colonial America due to the great extensions of land. It is estimated that over ninety per cent of the population worked in farms at that time. However, the techniques that were used to cultivate the land were really antiquated.

Jones (1988: 22-23) claims that in 1660, blacks started to be classified as slaves, and therefore a difference between their status and that of the white servants was established. It was in 1700, when the number of slaves that arrived to the colonial America increased dramatically, especially because of the fall of the slave prices. “The Negro population of the colonies soared from 20.000 in 1700 to about 350.000 in 1763.” (Jones, 1988: 22). Even though there were slaves in every colony, about four-fifth of the black population worked in the Southern plantations. The growth of the population had as one of its main consequences an increase in the population of the settlements.

It is also very remarkable the importance of slave trade between America and Africa in the grow of the number of slaves until it was forbidden since it constituted “a vital part of world commerce.” (Foner, 2011: 137-139)

As Foner (2011: 141-143) claims, many Africans did not survive the journey from Africa to America due to inhuman conditions in which they used to travel. The living conditions of the slaves were also awful. They did not have rights such as getting married or owning a property and the gap between white and black population was just becoming higher and higher. For instance, they were not able to employ white servants or to bear arms and they were subjected to special taxes.

Foner (2011: 146) keeps on explaining that while the differences between the amount of slaves in the Northern and Southern colonies started to increase, the gap between the blacks in the North and in the South also increased in terms of their relation with their masters.

It is important to remark the rebellion that took place in South Carolina in 1739, when twenty armed slaves, influenced by young runaways who managed to arrive in Florida, obtain freedom and own a section of land, decided to kill several white inhabitants as they walked. Some other slaves joined the rebellion leading to about 50 slave rebelling at the end. Whites decided to assemble and gunfire among both groups started which resulted into thirty slaves dead while the others who ran away were finally captured and murdered. As a consequence, the Negro Act was approved and negroes were no longer able to grow their own food, assemble in groups, earn their own money or learn to read. (“The Stono Rebellion”, *pbs.org*.)

As Foner (2011: 207) explains, since British Army accepted blacks to fight with them because of opportunities of freedom in the Independence War against the States, George Washington also decided to enlist black troops. Even though liberty was not promised because of the mere fact of enlisting, many of them obtained freedom after war. The slave population was over 500.000 in 1776 when independence was declared.

As it is stated by Jones (1988: 60-61), the Revolutionary period and the thoughts of independence and freedom produced a change in the American mentality. The contradiction between obtaining political independence, which was a way of social freedom for them, and at the same time denying freedom for the slaves became obvious.

Jones (1988: 61) continues explaining that in the Northern States, where slavery was never as successful as in the South due to the soil and climate conditions, slavery was abolished between 1774 and 1804. However, it took a little bit longer in states such as New York or New Jersey where there was a larger slave population. Down in the South, the institution was less affected by this abolitionist movement although it is true that the number of free blacks increased in some states such as Virginia. Further South, the “antislavery agitation had virtually no impact.” (Jones, 1988: 61)

As Craig Valenta states, in 1780's, when the Constitutional Convention took place, the abolitionist movement was not great, therefore, the issue of slavery is not widely referred to in the Constitution. There are only a few instances where we can see mention to slavery in the Constitution. One of them was the statement that slave trade cannot be abolished until 1808. "Congress eventually passed a law outlawing the slave trade that became effective on January 1, 1808." ("Constitutional Topic: Slavery - The U.S. Constitution Online", *usconstitution.net*.)

Foner (2011: 286) explains that following the writing of the Constitution, in the era of the Revolution, free blacks actually obtained some rights included the right to vote in most of the states.

Even though in 1787 slavery was forbidden in the Northwest territory by the Northwest ordinance, in 1794, Eli Whitney invented the cotton gin which definitely changed the history of the development of slavery in the United States. This invention made the cotton extraction easier, which led to more plantation owners in the Southern States acquiring more slaves. Since it helped them to obtain larger profit, they needed more people to work, therefore they just decided to increase the number of slaves. ("Cotton Gin and Eli Whitney." *History.com*.)

However, several rebellions took place. These demonstrated the eagerness of the black population for freedom and their resistance to slavery. Gabriel's rebellion in 1800 was the first. He was a beloved slave in Virginia that planned a rebellion but was betrayed by another slave. Therefore, Gabriel, along with his brothers and twenty-three slaves were hanged. Even though it did not mean the achievement of freedom for Gabrielle, it certainly had an effect and it increased the slave owner's fear of other revolts. ("Slave Gabriel Prosser's Thwarted Revolt Happened On This Day In 1800." *Newsonline.com*.)

The conspiracy of Denmark Vessey in 1822 was also important, as Foner (2011: 446) states. He was a slave who bought his freedom after winning the lottery. He would support equality among blacks and whites on the basis of the Bible, the language used in the Declaration of Independence and the Haiti's revolt that freed slaves. However, his plot was discovered before it could be successful.



Nat Turner's rebellion is also remarkable. He was a slave of Virginia that had several visions during the years that convinced him into starting a rebellion. Finally, in 1831, he and six other men decided to kill his owner and owner's family and continued killing other white people's that they encountered. He organized around forty blacks but when they arrived to Jerusalem his forces were disorganized to fight against the militia that was waiting for them. However, "In the end, the rebels had stabbed, shot and clubbed at least 55 white people to death." Turned escaped but he was later found and executed. As a consequence of this rebellion, fifty-five blacks were executed and around other two hundred blacks that had nothing to do with the rebellion were murdered. ("Nat Turner's Rebellion," *pbs.org*)

As it is stated by Foner (2011: 467-468), the abolitionist movement that arose in the 1830s was of great importance. We can highlight the figure of William Lloyd Garrison, who started a weekly journal in Boston in 1831 named *The Liberator* about abolitionism that remained the preeminent abolitionist journal. The number of abolitionists started to increase with the creation of the American Anti-Slavery Society in 1833 and around 100.000 northerners joined the abolitionist cause at the end of the decade.

Another important abolitionist leader who was influenced by Garrison was Frederick Douglass. He escaped from slavery and wrote three autobiographies narrating his life under slavery, as a mean of antislavery propaganda. He was also in favour of the Civil War as a way for emancipation, collaborated with the president Lincoln and acted as recruiter of black troops. ("Frederick Douglass." *History.com*.) As stated by Sundquist (1994: 323-324), Douglass became the important antislavery figure that he was after publishing his book *Narrative of the life of Frederick Douglass* in 1845. It basically sumps up the struggles of life under bondage and how forces were against the achievement of human rights by the African American population.

It is also important to mention to revolt of John Brown. Brown was a huge defendant of the abolitionist cause all his life. In 1859, he tried to attack the federal arsenal at Harpers Ferry, Virginia, along with other 21 men, in order to give guns slaves. However, his plan was frustrated and he was tried and convicted for treason. Finally, in that same year, he was hanged after having killed five slave owners.. ("John Brown", *pbs.org*.)

The differences between the Northern and the Southern states were becoming more and more obvious and therefore Southern states decided to secede from the Union in 1860 and create the Confederate States. The Confederacy was formed by seven southern states, South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas. In 1862, then it found later support of other four southern states: Virginia, Arkansas, North Carolina and Tennessee. These states decided to secede from the Union in the spring of 1861 after years of problems caused by the issue of slavery, states' rights in opposition to federal authority and the expansion towards the West and the Civil War started in that same year. ("Emancipation Proclamation." *History.com.*)

Jones (1988: 214) explains that the victory of Lincoln and the Republican Party in the elections of 1860 led to the secession of the first seven Lower States. Basically, Lincoln's election meant the end of the sovereignty of the Southern States. Moreover, Northern States were increasing in population and in wealth, and the Southerners were afraid that this would lead into the abolition of the peculiar institution of slavery.

Foner (2011: 548) states that, at first, the Union did not have any intention to interfere with the institution of slavery, even though they did not morally accept the institution. However, Lincoln saw the abolition of slavery as a way to debilitate the Confederate States and their economy.

As it will be explained in the analysis of historical documents that I have selected, Lincoln looked for the emancipation of slaves and he actually proposed a compensated emancipation, and also colonization of blacks twice to the Congress. Finally, in 1863, encouraged by the victory of the Union over the Confederacy in the battle of Antietam, in Maryland, he proclaimed the Emancipation Proclamation. However, the Emancipation proclamation did not have much immediate effect since it only provided freedom to slaves in the rebelled areas that had to wait for Union victories in order to finally obtain freedom. ("Emancipation Proclamation." *History.com.*) As it is stated by Foner (2011: 554), some of the blacks started to join the Union Army once they obtained more victories.

The Civil war ended up with the Union victory in 1865 and the Reconstruction (1865 – 67) period began carried out by the new president Andrew Johnson. That same year, the

thirteenth amendment that guaranteed freedom for the African-American population was ratified. (“13<sup>th</sup> amendment” and “Reconstruction”, *history.org*.)

According to Jones (1988: 242), the black codes, that limited the rights of the black population - they will be explained in a more detailed way later on.- were passed in Southern States. As a consequence, the Congress passed both the Freedman’s Bureau Bill and the Civil Rights Bill in 1866.

Foner (2011: 592-593) explains that the Freedman’s Bureau attempted to establish a “working free labor system.” It lasted from 1865 and 1870 and it certainly made improvements in the black education and medical care of the black population but did not have the same good effect in relation to economic activities.

The Civil Rights Bill “defined all persons born in the United States as national citizens who were to enjoy equality before the law.” Despite the veto of the president Johnson, it was finally passed in 1865. (“Reconstruction”, *history.org*)

Finally, as it is stated by Jones (1988: 243), the fourteenth amendment of the Constitution was ratified in 1866 by the Joint Committee on Reconstruction. It removed “widespread doubts about the constitutionality of the Civil Right Act and gave citizenship to every person born in the United States, no matter their race.” (Jones, 1988: 243)

### **3.- ANALYSIS OF DOCUMENTS**

#### **3.1.- Abolitionist documents**

##### The Compromise of 1850<sup>1</sup>

After the Mexican War (1846 – 1848), Henry Clark, a U.S.A. senator, introduced the compromise in 1850 in the Congress in which several laws were passed. California was included as a free State in the United States, Texas boundaries were limited abandoning its interest in territories of New Mexico in exchange of 10 million dollars which would be used to pay its debts. In addition, slavery was not abolished in the District of Columbia, the capital of the States, but slave trade was forbidden which constituted a victory for abolitionists (“Compromise of 1850.” *history.com.*)

Moreover, the territories that the United State bought from Mexico would be organized into territories and included in the States without mentioning the issue of slavery. Whether slavery would be allowed in those new territories would be decided upon popular sovereignty. The Congress would not have the right to interfere with the interstate slave-trade.

The most important part of this Compromise is the Fugitive Slave Act which was passed on the 9<sup>th</sup> of September of 1850 and was a law that allowed the persecution of runaway slaves in other States. Therefore, the plantation owner, a marshal or a deputy marshal was able to chase his runaway negro, put him on trial and take him back to the plantation. Moreover, use of “reasonable force and restrain as it may be necessary” (“Compromise of 1850”, 1973: 319-324) was permitted and the slave was not able to testify in his own trial to defend his right to freedom, which gives us a clue of the situation of that race in the United States back then.

Northerners who would help the runaway slaves or would do anything to impede the recuperation of the slave by his old master would be fined. The Fugitive Slave Act

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<sup>1</sup> Each document (excluding the 13<sup>th</sup> and 14<sup>th</sup> amendment) and their respective comments in terms of historical contextualization has been extracted from the book *Documents of American History*, edited by Henry Steele Commager, published in 1973.

emerged as a solution to the slavery problem but did not last long. Great part of the population, especially Northerners, were against it, which gave rise to several problems as happened with the case of Anthony Burns which I will explain in more detail later on.

As explained by McPherson (1988: 80), the fact that the marshals and deputies would be fined if they refused to collaborate with the Fugitive Slave Act and that the commissioner would receive a higher amount of money if he would decide in favor of the claimant give us a clue on how this law was rigged in favor of the claimant. The Fugitive Slave Act was the main action taken in favor of the Slave states' rights.

Moreover, referring to the issue of slavery, it was decided that each State would have the authority, depending on the opinion of its inhabitant, to claim if slavery was legal or not.

Referring to the consequences, since black individuals were not allowed to defend themselves in the trial, a large number of free slaves were chased and sent to the South. This only helped to make the abolitionists more determined about ending slavery. ("The Compromise of 1850 and Fugitive Slave Act." *Pbs.org*.)

McPherson (1988: 80-81) claims that in the 1850s, 332 blacks had to return to slavery even though some of them were actually residents of the North. Moreover, the majority of returned fugitives stayed in the South.

Blacks that used to go to the Northern States looking for a new life without being bound to slavery were afraid of the imposition of the Fugitive Slave Act, therefore decided to go to Canada in order to start their new lives, which led to over 20.000 blacks moving there. ("The Compromise of 1850 and Fugitive Slave Act." *Pbs.org*.)

McPherson (1988: 84) provide us with an example of what the abolitions were willing to do in order to end this law. Even though the methods used by them were usually non-violent, it was reported that "the colored people were arming" (McPherson, 1988: 24), some of them encouraged by the black leader Frederick Douglass.

As stated by McPherson (1988: 84-84) an abolitionist Quaker community in Maryland even murdered a slave owner who wanted his slave back. As a consequence, "the

president Fillmore called out the marine” (McPherson: 1988, 84) to fight against this kind of violence. This situation also fanned the flames of the secessionist movement and the governor of South Carolina even claimed that there was not a doubt about the secession of the State. In addition the “Georgia Platform” was adopted by several state unionists that would lead Georgia and other states to secede from the Union if the Government decided to take more actions against slavery.

However, as McPherson (1988: 88) mentions, not everyone in the North was against the Compromise of 1850, and groups such as Democrats, conservative Whigs and mercantile associations aided by Negrophobia in the North, supported the fugitive slave law.

McPherson (1988: 88-90) also mentions that the antislavery book, *Uncle’s Tom Cabin* published in 1852 written by Uncle Harriet Beecher, was a best seller and deemed very influential in the outbreak of the Civil War by president Lincoln. Sundquist (1995: 243) also gives us an example of another antislavery book, *An appeal in Favor of that Class of Americans Called Africans*, written by Lydia Maria Child, in which she expresses her concern of the threat of secession of the South even though she was relieved since Mexico prevented the annexation of Texas to the Union

#### Massachusetts Personal Liberty Act (1973: 335-336)

This Personal Liberty Act came up as a response to the Fugitive Slave Act included in “The compromise of 1850” and the case of Anthony Burns.

This act was passed by the General Court of Massachusetts the 21th of May of 1855 over the veto of Governor Gardner who was removed from his charge of governor in 1858. Due to the Fugitive slave act, the master or mistress of a slave was able to recover his or her property when the said runaway slave arrived in another state. As Foner (2011: 510) explains, “the security of slavery was more important than states’-right consistency” since it affected every single state.

This was not only present in the Fugitive Slave Act but also in the IV Article, Section II of the Constitution of the United States of America that was later superseded by the 13<sup>th</sup> Amendment as it claims:

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Referring to the case of Anthony Burns, he was a runaway slave from Virginia who ended up in Boston. Since the Fugitive Slave Act had already been passed, Burns was arrested accused of robbery which caused huge revolt among Boston abolitionists. A large group of about two hundred both white and black people led by abolitionists went to the courthouse in order to set Burns free but some people (included a white minister) ended up injured and one, a deputy, lost his life. Sadly, Burns was brought back to Virginia by the Federal troops after the trial that had E.G. Loring as judge (“Anthony Burns captured.” *pbs.org*.)

As a response to those events, northern states passed several personal liberty laws. This act, also known as “An Act to protect the Rights and Liberties of the People of the Commonwealth of Massachusetts,” provided the runaway slaves that arrived in the state some rights. Apart from those rights, it made it more difficult for the owners to prove in court that that person was his runaway slave and also made it expensive for them to do so. (“U.S. GOVERNMENT Introduction to the U.S. System Guiding Principles Basic Readings in U.S. Democracy.” *ait.org.tw*.)

Everyone who was imprisoned to the writ of *habeas corpus*, defined by the Oxford dictionary as “a writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person’s release unless lawful grounds are shown for their detention.” (“Definition of Habeas Corpus in English:.” *oxforddictionaries.com*). It also specifies which courts were able to carry this action.

Moreover, the master of the slave is referred to as a “claimant” and in order for him to claim back his possession (since slaves were considered a property back then) he should put in writing the said facts, however neither him nor the fugitive would be able to testify in court. Also, he needs the testimony of two credible witnesses to have his slave

back. No presumption arises in favour of the claimant from any proof unless that proof is legal.

In the section seven of this same bill, it is specified that any person that removes a fugitive slave or helps in his removal without proving the facts to a state court would be punished by a fine up to five thousand dollars and imprisonment up to five years.

State judges and officers were forbidden to issue a warrant or help the claimant by penalty of losing his or her job. The same thing applied to counsels of either the claimant of the alleged fugitive and to sheriffs or other officers that arrested an alleged fugitive.

In addition, the volunteer militia was not able to act against a person alleged to be a fugitive slave and no one could confine the said fugitive in jail.

Another important law that was passed at that time was the Kansas-Nebraska Act. As it is stated by Foner (2011: 511), Douglas, the Democratic senator of Illinois, created a bill to organize the territories of Kansas and Nebraska. Due to their geographical disposition, the terms of the Missouri compromise applied there, which stipulated that slavery was forbidden.

Douglas's bill, according to Foner (2011: 511), repealed that law since he chose to apply the principle of popular sovereignty in those territories. As a consequence, antislavery congressmen created the *Appeal of the Independent Democrats*, which is described as "one of the most effective pieces of political persuasion in American history." (Foner, 2011: 511) Finally, the Kansas-Nebraska act became a law which resulted in the collapsing of the Whig Party due to internal differences. As a consequence, the South became mostly Democratic and the Republican Party, focused on the abolition of the peculiar institution, emerged.

These laws definitely constituted a step towards abolitionism due to the numerous rights that it provided to back people which were previously denied to them. In addition, they amplified the differences amongst the abolitionists and the defenders of the institution of slavery.



However, as it is stated by Morris (1974: 173), it is true that the Massachusetts Personal Liberty Act was considered unconstitutional by some proshouthern conservatives led by Caleb Cushing, who tried to completely repeal the law while some moderates just wanted to change or eliminate some sections of it. Finally, in 1858, the point of view of the moderates succeeded.

To sum up, as it is explained by Hur (2012: 8), these laws' importance lies in the fact that they proved that the majority of the Northern population was against the abolition of the institution and there were not only a few abolitionists. The Southerners slaveholders just felt humiliated since the laws were taking away their property which created a feeling of insecurity among them.

#### Frémont's Proclamation on slaves

This State Bill took place in St. Louis, the thirtieth of August of 1861, proclaimed by Frémont.

In this edict, several measures are taken. According to it, the commanding general of the department, in other words, Frémont, assumes the administrative powers of the State of Missouri. He will look for the public welfare, hoping to obtain active support.

Frémont claims that he is taking the following measures due to the condition of insecurity and the growth of enemies that are running the state. Therefore, he establishes martial law in the state and forbids people to carry arms. If not, they will be tried and, if found guilty, shot.

In my opinion, the most shocking measure is the one by which those persons taking arms against the United States, meaning the Confederacy, will have their properties confiscated. Therefore, if they have any, their slaves will be declared free.

He wants to give power to the military authorities but at the same time, he does not intend to suspend the ordinary tribunals of the country.

This bill was very bold and even though Frémont counted on the support of the most fervent abolitionists, the president Lincoln did not have a choice and had to

countermand it in order not to intensify the secessionist movement. ("Frémont's proclamation on slaves", 396-398)

### Compensated Emancipation

These messages were sent by Lincoln to the Congress in 1862, when the Civil War had already started. The first message took place the 6<sup>th</sup> of March of 1862 while the second speech was delivered by the president during the Annual Message on the first of December of 1862. He recommended Compensated Emancipation in both messages without having any effect on the Congressmen. He believed that it would be the best option to end up with the issues that America was going through so he firmly supported the idea.

Lincoln (1809 – 1865) was the 16th president of the United States who was in charge during one of the most tragic periods of the American history, the Civil War (1861 – 65). This confronted the Union (23 states) and the Confederacy. The Confederacy was formed by seven southern states, South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas, (that found later support of other four southern states: Virginia, Arkansas, North Carolina and Tennessee) that had decided to secede from the Union in the spring of 1861 after years of problems caused by the issue of slavery, states' rights in opposition to federal authority and the expansion towards the West. ("Emancipation Proclamation." *History.com*.)

As stated by Jones (1983: 220), there were four border States: Maryland, Delaware, Kentucky and Missouri, where slavery was legal, that remained neutral during this conflict and were of crucial importance due to their strategic situation.

We can find a message sent by Lincoln to the Senate and House of Representatives on the sixth of March of 1862, when he recommends the gradual abolition of slavery in the Border States in exchange of economic aid by the U.S.A. However, if the Border States would accept this deal, it would forbid them of later joining the Confederacy and fighting against the Union.

However, as it is explained by Jones (1983: 228) “his efforts to persuade the Border slave states to accept the plan were unsuccessful.”

The second message sent by Lincoln in December of that same year recommending again the gradual abolition of slavery, from that date until the end of the century was part of the Annual Message, as explained before. The states that would initiate this abolition would receive pecuniary aid by the United States but if they would return to slavery, they would have to give back this aid. There would also be compensation to the owners of slaves who have already obtained freedom during the war.

According to Jones (1983: 228), the Congress first signed a resolution not to interfere with slavery on July 1861, named the Crittenden Resolution, but in December of the same year they refused to reaffirm it and some steps toward abolitionism were taken such as the abolition of slavery in the District of Columbia and the territories. However, despite the progress towards abolition, the plan for Compensated Emancipation did not achieve any success.

Lincoln ends his speech by listing all the advantages of compensated emancipation. These can be summed up as follows: shorten the war, perpetuate peace, insure the increase of population, and proportionately wealth of the country. According to Foner (2011: 549-550), he knew that the basis of Southern economy was slavery and by ending that, the Southern ability to continue war would be much weaker. Moreover, it would be less expensive than the war fares.

Lincoln also suggests the colonization of free black population by the Congress. Hence, the Congress would appropriate money for the deportation of that section of the population to other countries.

“Lincoln believed that colonization—or the idea that a majority of the African-American population should leave the United States and settle in Africa or Central America—was the best way to confront the problem of slavery” (“5 Things You May Not Know About Lincoln, Slavery and Emancipation.” *History.com.*). As it is said by Foner (2011: 550), he believed that blacks and whites were different races therefore belonged to different places which caused controversy among black people who considered themselves native-Americans.

He ends up his message with a motivational speech in order to encourage congressmen to accept this proposal “in giving freedom to the slave we assure freedom to the free-honourable alike in what we give and what we preserve.” (“Compensated emancipation”, 1973: 405)

However, these two messages did not have any success among the Congressmen which let Lincoln proclaim the emancipation proclamation in 1863.

### Emancipation Proclamation

After the negative of the Congressmen to accept his suggestion of the Compensation Emancipation, Lincoln still believed that the best option to end up with war was to abolish slavery. Hence he continued with his plan towards emancipation and read a preliminary draft of an emancipation proclamation to his Cabinet the 22th of July of 1862.

However, Lincoln was persuaded by his Cabinet to delay the emancipation proclamation pending a victory that would strength the Union forces. The battle of Antietam (September 17, 1862) in the state of Maryland, considered the bloodiest day of the American Civil War with more than 20.000 men died in combat, played a crucial role in the abolition of the institution. The Confederate troops advanced into Maryland, but the Union troops finally managed to break the Confederacy troops line which was considered a great victory for the Union, turning back the Confederate invasion towards the North. ("Battle of Antietam." *History.com*.)

Therefore, Abraham Lincoln first issued a preliminary Proclamation that would come into effect the first day of 1863 unless the Confederacy army would surrender. Meanwhile, he kept on trying to make the compensated emancipation possible without obtaining success.

As stated by Foner (2011: 511), the first of January of 1863 the Emancipation Proclamation entered in force. Nonetheless, it has its limitations since it only applied to Confederacy areas where the Union had no control. Hence, the Border States, Tennessee and parts of Virginia and Louisiana were not affected by the proclamation.

The Emancipation Proclamation did not have an immediate effect since slaves had to wait for Union victories to obtain freedom but as the number of victories started to increase, large numbers of slaves joined the Union army and up to 186.000 blacks served in the Union army at the end of the war, which “stroke a mortal blow against the institution of slavery and paving the way for its eventual abolition by the 13th Amendment” (“5 Things You May Not Know About Lincoln, Slavery and Emancipation.” *History.com.*)

The Emancipation Proclamation was generally not well received among conservatives. Referring to the army, there were different reactions towards emancipation, many officers had the idea that the aim of the war had changed and now was all about slavery. Overseas, it helped to expand the liberal ideas of the Union not only in Britain but in the whole world and its influence continued to increase over time. (“Compensated Emancipation - Abraham Lincoln.” *MrLincolnandfreedom.org.*)

As stated by Jones (1983: 229), Lincoln’s decision provoked different reactions not only in the United States but also in Europe. Northern Democrats did not support the proclamation and claimed that it was unconstitutional. Meanwhile, in the old world, it obtained the favour of people in France and Great Britain but they were also disappointed by the limitations of the proclamation.

However, a law that would forbid slavery was necessary, which resulted in the passing of the thirteenth amendment of the Constitution. It was stipulated that the army should give freedom to those people who were victims of slavery.

### The Civil Rights Act

The Civil Rights Act was definitely passed April 6, 1866 in the Congress. It aided to avoid discriminations against black people as happened in the Dred Scott decision in 1857.

Scott was a slave who travelled with his master from Missouri to Illinois and Wisconsin. Slavery was forbidden in Illinois because of the Northwest Ordinance of 1787 and in Wisconsin due to the Missouri Compromise. The Northwest Ordinance was

a law by which the Northwest territory was settled and added to the United States of America. It was dictated that slavery would be forbidden in those territories but white Southerners were not worried about that, because they believed they would now become abolitionists. (“Congress enacts the Northwest Ordinance”, *History.com.*)

Referring to the Missouri Compromise, it was passed in 1820 dictating that Maine would remain a slaver state whereas Missouri would be a slave state in order to keep the balance between slave and free states in the Congress (“Primary Documents in American History.” *Loc.gov.*)

Once he returned to Missouri, Scott decided to sue for his liberty in 1857 on the basis that he has been twice in slavery-free territory.

As Foner (2011: 519) explains, the majority of the Supreme Court considered that the black population were not citizens, had no rights to sue and as a consequence he had to remain a slave. Roger B. Taney, the Chief Justice, considered that both the Northwest Ordinance and the Missouri Compromise were unconstitutional and restrained the rights of the owners of slaves.

By the Civil Rights Act, the black population born in the United States obtained citizenship and they therefore have the same equality before the law as the white population, as for example to sue and to be sued. It also stipulates the right to punish people who act against this act.

This protected the black population from racist measures as the ones before explained in the Black Code of Missouri and Louisiana.

As Foner (2011: 603) stresses, although the black population obtained citizenship in the U.S.A., there was no mention of the right of vote for this section of the population, however, “the Civil Rights Bill represented the first attempt to give concrete meaning to the Thirteenth Amendment, which had abolished slavery, to define in law the essence of freedom”.

### The Thirteenth Amendment

The sixth of December of 1856, the 13<sup>th</sup> amendment was ratified. The first section of this amendment forbids both slavery and involuntary servitude, except as a punishment for a crime, and the second section gives power to the Congress in order to enforce this act.

The first of January of 1863, as explained before, the president Lincoln proclaimed the Emancipation Proclamation that eliminated the institution of slavery in the rebelled areas of the United States. However, this did not have much immediate effect since slaves had to wait for Union victories in the South to achieve the eager freedom.

“Lincoln believed that a constitutional amendment was necessary to ensure the end of slavery.” After a debate on how far this amendment would extent to, and if it should also forbid discrimination against black people or not, the Senate passed it in April 1864 (“13th Amendment Ratified.” *History.com*).

After the presidential election of 1864 won by the Republicans leaded by Lincoln , that looked for the complete abolition of slavery, the ratification of the thirteenth amendment was implemented (“*Thirteenth Amendment*.” *History.com*).

### The Fourteenth Amendment

The 14<sup>th</sup> amendment was ratified in 1868 by the Congress and gived citizenship to the black population. (“The 14<sup>th</sup> amendment”, *history.com*)

As explained by Foner (2011: 603): “The fourteenth amendment placed in the Constitution the principle of citizenship for all persons born in the United States and which empowered the federal government to protect the rights of Americans.” As a consequence, Black Codes that used to give privileges to white people over black people were forbidden since now everyone had the equal protection of the law.

Even though “the amendment did not grant blacks the right to vote” (Foner, 2011: 603), if a former slave state would deny the right of its African American population to vote,

they would lose representation in the Congress. However, if they would allow the right of vote to the black population, they would lose the white supremacy.

As stated by Foner (2011: 604), this led to an intense division between parties. Democrats did not vote in its favour and only four Republicans opposed to it. This amendment is described as “the most far-reaching in its implications for federal-state relationship.” (Jones, 1988: 243)

This amendment is divided in four sections. The first one is about the principle of citizenship, “The aim was simply to protect the freedmen-though some were motivated less by philanthropy than by the hope than improving the lot of Negroes in the South might prevent them from moving North.” (Jones, 1988: 243)

“The third section disqualified from office all those who had joined the Confederacy after having earlier sworn to support the Constitution. Finally the fourth section upheld the validity of the national debt and invalidated the Confederate war debt, together with any claims for compensation for loss of slaves.” (Jones, 1988: 243)

As Jones (1988: 243) continues to explain, moderate republicans had a huge influence on the fourteenth amendment which resulted into a less radical amendment, easier to accept by the Southerners. As a consequence, the president disapproved the amendment and only Tennessee from the other Confederate States ratified it, and therefore came back to the Union, whereas the other ten states rejected it.

### **3.2.- Pro-slavery documents.**

#### Trial of Mrs. Douglas for teaching colored children to read (Norfolk, Virginia, 1853)

The Compromise of 1850 was passed three years before this trial and the tension around the issue of slavery amongst Northerners and Southerners started to rise.

By that time, it was outlawed to teach slaves to read and write in most of the Southern states. Furthermore, in the state of Virginia this law was extended to all the black



population. (“Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329)

As a result, Mrs. Margaret Douglass, who taught black children to read and write at her home, was found guilty and spent one month in prison in 1853. (“Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329)

In this document, we can find the statements used by the Judge Baker to imprison her to serve "as an example to all others in like cases." (“Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329)

Mrs. Douglass tried to proclaim her innocence by affirming that she was not aware of the law and she thought it was only forbidden to teach to read and write to children of the enslaved population and not to the entire black population. Moreover, she claimed that this practice had been taking place in the city Sunday’s school for years, thus she was not the only responsible individual in this incident. She also claimed how interested she was in giving those black children moral and religious instructions, trying to explain that she was only doing it for the children to acquire more knowledge about the Bible and religion in general. (“The case of Mrs. Margaret Douglass.” *Pbs.org.*)

The judge, however, emphasizes the fact that “it is not true that our slaves cannot be taught religious and moral duty, without being able to read the Bible and use a pen.” (“The Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329)

Baker carries on explaining that way that African American people have been taught religion up to those days had achieved a great success, converting from heathenism to Christianity and leaning them towards Gospel music. He claims that the black population has a good life and condemns those whites with a high sense of sensibility towards the feelings and interests of the black population who believe that the law do not consider them enough. However, law, according to Judge Baker, is there to protect the interests of the white masters.

Nevertheless, Judge Baker cannot deny the evidence of slavery but still tries to play down the importance of slavery and claiming that there have only been “occasional

instances of cruelty and oppression.” (“The Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329)

In addition, he expresses his concern about the abolitionist movement, claiming that it is only leading to a revolt that will make the negroes “cut our throats” (“The Trial of Mrs. Douglas for teaching colored children to read”, 1973: 327-329) that are given by Northern fanatics that seek to stir up insubordination among the slaves of the Southern states. If it was not because of this abolitionism, negroes would have remained happy with the life as slaves that they were living.

Ultimately, Mrs. Douglas had to spend one month in jail. However, she relocated to Philadelphia after her release where she wrote and published a book relating to her experience, in which she claimed that she was living “happy in the consciousness that it is here no crime to teach a poor little child, of any colour, to read the Word of God.” (“Virginia Memory: Margaret Douglass." *virginiaMemory.com.*)

Another reason why the judge did not want Douglass to teach black children to write and read is because they would be able to write slave narratives.

Slave narratives were autobiographical narratives from the point of view of black slaves in the Southern States. The topic of the slave narratives were the struggles that the slave population were going through under slavery, which helped to increase the abolitionist feeling especially during the 1840s and the 1850s. As explained by William L. Andrews, “slave narratives were an important means of opening a dialogue between blacks and whites about slavery and freedom,” they did not only constituted a huge success among American readers but also among Europeans which shows us the great importance of that kind of narratives and the effect that it had on their readers. (“Slave Narratives: An Introduction to the Slave Narrative." *Docsouth.unc.edu.*)

### Opposition to the Emancipation Proclamation

As explained before, the issue of the Emancipation Proclamation had its critics, and one of them were the Copperheads, “pacifist who wanted negotiated peace with the South and an end to Lincoln’s despotic assumption of power.” (Pelster, 2011: 95)

As stated by Foner (2011: 567), “the growing power of the federal government challenged traditional notions of local autonomy” that released tension among Northern Democrats, who criticized the emancipation.

The Illinois State Register defines the Emancipation Proclamation as unconstitutional and its war objective does not justify the fact that 3.000.000 “violent”, as put by them, blacks are obtaining freedom. It predicts horrible consequences for both races and thus disapproves this proclamation.

### Black Code of Mississippi 1865

After the end of the Civil War (1861 – 1865) and the victory of the Union over the Confederate States, there were some four million free black people in the country. The thirteenth amendment was signed by late 1865 and the status of the newly free blacks in the South was uncertain. As part of the Reconstruction policies (1865 – 1867) carried by the president Andrew Johnson, “black codes” were designed by white southerners in order to restore the civil authority in those Southern states. (“Black Codes.” *History.com.*)

The Black Code of Mississippi was a bill passed in the State of Mississippi in 1865. It was the first state to enact a Black Code along with South Carolina.

As Jones (1983: 241) claims, the main objective of the Black Code was to keep “the freeman in a subordinate position.” The more aggressive laws were the vagrancy ones where unemployed freemen, mulattoes or black people in general could be apprehended and convicted if they did not have enough money to pay the fine. Moreover, they could be hired by former owners or other employers if they were able to pay the fine imposed to the vagrant. For the majority of the population of the North, this was only another way to maintain the institution of slavery under another name since it was reminiscent of the old slave codes:

Referring to the Civil Rights of freedmen in Mississippi, we can see that it limited the new liberty acquired by the black population in that state. For example, in the first

section, we can see that it is forbidden for black or mulatto population rent or lease any lands.

In addition, interracial marriage is forbidden for people with pure negro blood until the third generation of negro blood mixed with another race, under the penalty of being confined in the State penitentiary for life. Moreover, labour contracts for more than one month should be written and in duplicate, and if the labourer quits without a good cause he would forfeit his wages for that year up to the time of quitting.

Furthermore, they must be arrested by a Civil officer if they decide to quit the job and if anyone influences him or her in order to do so they would be guilty of misdemeanour.

However, freed men, black people and mulattoes also obtained some rights such as the right to sue (and to be sued by) white people and also act as witnesses in cases against white people, once they would have been previously examined. Also, if the labourer that has had quit the labour before the time of quitting has a good reason to do so, he or she can appeal to Justice. In terms of relationships, coloured people were people then to legally marry with each other.

The Mississippi apprentice law was also passed. It was directed to black minors who were in orphans or whose parents were unable to support them. They would become apprentices of any employer, but the former owners had preference over them.

Those minors would have to be fully protected, furnished, have medical attention, and be taught to read and write. However, if necessary, their employer had the right to punish them as a father. In my opinion, this section is a reminder of the so-called father – son relationship that the masters used to have with the slaves.

In addition, if that apprentice would quit his or her apprenticeship without a good cause, he or she would be persecuted, recaptured and punished until he or she would come back to work. However, if there was a good reason to do so, there would be a trial against the master or mistress.

The Mississippi vagrant law was also signed. As I have said before, it was one of the best ways to limit the liberty of the black population.

In the Penal Laws of Mississippi, we can find that it was prohibited for vagrants to carry arms or munitions, which is actually the second Amendment of the Constitution of the U.S.A., thus a Constitutional right was being denied to the African American population. Also, they could be imprisoned for causing disturbances or selling liquors. The same thing applied to the white population that would sell arms or liquors to black people.

Should a black person failed or refused to pay the fine, he would be hired out to a white person. I believe this is a reminiscence of the indentured service since they are forced to do a job for a specific period of time.

As a consequence, many northerners were furious about the black codes since they denied rights to the African American population. Hence, the Civil Rights Bill was ratified in 1865 followed by the fourteenth amendment of the Constitution which gave equal rights to both black and white population as well as giving the blacks equal protection of the Constitution. ("Black Codes." *History.com.*)

However, in the South, whites tried to maintain their white supremacy and disagreed with the Reconstruction policies that gave the African American population more rights. Radical organizations such as the Ku Klux Klan were created which resulted in little improvement for the equality of blacks in the South especially in terms of their economic situation. ("Black Codes." *History.com.*)

### Black Code of Louisiana

In the Black Code of Louisiana, passed by the General Assembly of Louisiana Regulating Labor in 1865, there are also some restrictions of liberty of the Afro-American population.

They were forced to present a contract for labour for a year each January. They could choose their employer but if they would quit the job before finishing the contract they would renounce to their wages earned. However, if the employers treated them inhumanely or failed to comply with their contract they would either be fined or would have to pay the labourer.

It is my contention that one of the most important clauses of this code is the one that stipulates that if the labourer refused to work for more than three days, he would be forced to work on roads, levees or other public, without being paid, until he decided to go back to their employment.

In addition, if there was any issue between the employer and the employee, the law would benefit the employer and in case of insubordination, habitual laziness, or he violates his contract he would be dismissed.

Also, it was stipulated the apprenticeship as well as in the Black Code of Massachusetts and the indentured labour during five years as domestic servants, working in farm plantations or manufacturing establishments.

I want to note the Race Riot that took place in Memphis, city of Louisiana, on the thirtieth of July of 1866. As Carter (1985: 248) where about one hundred and fifty African-Americans were either killed or wounded by the New Orleans police and a mob of white people. Those blacks were gathering in favour of the black suffrage, which would be later achieved by the proclamation of the fifteenth amendment, when they were attacked by the people retreating into the white supremacy.

#### Veto of the Civil Rights Act

The president Andrew Johnson decided to veto the Civil Rights Act because of his “obligations to the Constitution of the United States” (“Veto of the Civil Rights Act”, 1973: 466). He was against giving citizenship to every native born of the United States claiming that the four million people that emerged from slavery into freedom were unfamiliar with the laws of the United States and it discriminated patriotic foreigners in favour of the negro.

The main basis on which he stands in order to veto the amendment is the right of the States. He claims that Federal laws are being imposed over State laws, as it happens with citizenship, leaving the States with no power, which is actually unconstitutional according the Johnson. He claims that the Civil Rights Act just affirms the distrust of the Federal government towards the State rights by having to transfer them several

causes. In addition, the large number of official agents in order to ensure compliance in this new law would lead to oppression and fraud by the Federal government.

To sum up, he certainly believes that the fact that the bill is in favour of the black people and against white people and the centralization of the legislative power in the National government against the State right constitutes a sufficient basis to veto this bill.

As stated by Foner (2011: 602–603), the reason why the president decided to veto the Civil Rights Bill was because it would “centralize power in the national government and deprive the states of the authority to regulate their own affairs”. He did not believe in the right of citizenship for the African American population, and claimed that the Congress was carrying positive-discrimination measures against black people.

However, the veto was only useful to establish a division between the president Johnson and the Republican Party. For the first time in history, as explained by Foner (2011: 603), the Radicals in the Congress were able to gather the two-thirds majority required to overpass the veto of the president.

This led to the pass of the fourteenth amendment in order to “remove widespread doubt about the constitutionality of the Civil Right Act” (“Veto of the Civil Right Bill”, 1973: 466). The fourteenth amendment was formulated by the Joint Committee on Reconstruction in April 1866.

#### **4.- CONCLUSION**

Over this dissertation, we have been able to analyse the main steps taken towards abolitionism in the 19<sup>th</sup> century in the United States. The Massachusetts Personal Liberty Act was one of the most effective steps towards abolitionism and also a clear cause of the Civil War. Personal liberty acts were also passed in other states, and what is remarkable about them is not only the fact that they gave rights to the black population over the whites, but also that they therefore nullified the Fugitive Slave Act, which was the biggest achievement of the Southerners in the Compromise of 1850. As a consequence, the gap between the North and the South became bigger and people had to decide between having abolitionist ideas or proslavery ideas.

The Compensated Emancipation and the Emancipation Proclamation are two of the most important documents analysed in this dissertation. The importance of the Compensated Emancipation is based on how we get to see the ideas of the president Lincoln and the Union. Giving freedom to the black population was not only based on moral ideas, but also on war tactics. The fact that Lincoln proposes the colonization of the black population let us know how we was not only concerned with the African Americans obtaining rights and being citizens of the United States but also he was concern with obtaining the support of the Border States and the victory over the Confederate States.

Even though freedom for black population was ratified in the 13<sup>th</sup> amendment of the Constitution, we can see that blacks continued to suffer inequality in some Southern States as it is stated in the Black Codes. Therefore, the 14<sup>th</sup> amendment which gave citizenship to the black population was ratified in 1868 as a Reconstruction measure.



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