



## PODCAST TRANSCRIPT

# Slavery & the Civil War, Part 1

### HASAN JEFFRIES

It finally happened. An Original Pancake House was opening in Columbus, Ohio, and I could not wait to go. It had been one of my favorite breakfast spots in Atlanta when I was working on my dissertation, although I was never able to eat there as much as I wanted. When you're a graduate student, even eggs are expensive. The Columbus restaurant was just like the Atlanta one. The mouthwatering aroma of buttermilk pancakes greeted you well before you reached the door. Pure deliciousness. Once I was inside, I gave my name to the hostess and took a seat in the small waiting area. That's when I noticed what was playing on the television.

I forget which cable news network the TV was tuned to, but I'll never forget what was being broadcast. Although the TV was muted, the images spoke volumes. It was Saturday, August 12, 2017, and all hell had broken out in Charlottesville, Virginia. The night before, I had caught glimpses on the news of the white supremacist tiki torch march, and I had assumed that would be the worst of it. But the white supremacists who claimed to be there to protest the decision to remove a statue of Confederate General Robert E. Lee clearly were there to provoke violence. I totally lost my appetite.

Things got much worse in Charlottesville as the day wore on, and when it was over, those white supremacists had killed one person and injured several dozen more. In the wake of that horrible event, contemporary issues of race and culture began to be confused and muddled in ill-informed discussions of slavery, the Confederacy and the Civil War. Making matters worse, the misinformation was amplified by politicians, the media and even ordinary people online. As a historian of African American history, I find historical debates about the Civil War that always seem to avoid or gloss over slavery exhausting. I've grown even more tired of watching these debates keep us from talking about the serious issues of racism and racial inequality that face us today. On countless occasions I've thought to myself, "If only there was a way to help future generations better understand this important history." Fortunately, I'm also an educator. And if you're listening to this, chances are, you are too.

I'm Hasan Kwame Jeffries, and this is *Teaching Hard History: American Slavery*. It's a special series from Teaching Tolerance, a project of the Southern Poverty Law Center. This podcast provides an in-depth look at how to teach important aspects of the history of American slavery. In each episode, we explore a different topic, walking you through historical concepts, raising questions for discussion, suggesting useful source material and offering practical classroom exercises. Talking with students about slavery can be emotional and complex. This podcast is a resource for navigating those challenges, so teachers and students can develop a deeper understanding of the history and legacy of American slavery.

The connections between slavery and the Civil War are significant. So much so, we're going to spend

a couple of episodes exploring that relationship. In this episode, historian Bethany Jay explains the complex and surprising story that slavery played in causing the Civil War. She outlines for us ways to incorporate historical accounts and public records into lesson plans. She also identifies opportunities to confront some of the common misperceptions that students typically bring into the classroom.

I'll see you on the other side. Enjoy.

### **BETHANY JAY**

Controversies surrounding slavery's role in the Civil War have been simmering since the end of the Civil War. They've been just below the surface of the American consciousness for the past 150 years, and these controversies have reemerged recently in the forefront of many Americans' minds, bubbling up in the public consciousness. Because, as we talk about removing Confederate monuments or the appropriateness of displaying the Confederate battle flag on public buildings, at the heart of that question is what the Confederacy was about. Was the Confederacy about a sort of abstract southern way of life that is removed from the question of slavery and the rights of African American people? Or was the Confederacy intrinsically tied to the issue of slavery? Was it in fact a movement whose main focus was to perpetuate the enslavement of three and a half million people?

Reasonable people around the country are making arguments that the veneration of Lee is not tied to the subjugation of African Americans. I've had conversations with people in Gloucester, Massachusetts who say, "Why take down statues of Lee? He was such a great man." So, this is not a southern problem. We frequently separate the Confederacy and the Old South from the system of slavery in a way that's artificial and really was created more in the 20th century.

To understand how slavery was connected at the time, we need to understand the Confederacy in its own historical terms. So we're going to talk about the historical questions that are at the heart of this debate. What is the connection between slavery and the Civil War? How does that relate to the issue of states' rights? What role did slaves actually play during the war or in their own emancipation? And just as the modern-day questions are complicated, we'll find that the history is much more complex as well.

Specifically, let's focus on two distinct historical moments. First, let's look at the period leading up to secession and what ways slavery was the cause of the Civil War. Then, let's look at the progress of the war itself, but from a different perspective. Let's examine how the actions of enslaved people and free African Americans influenced the outcome of the Civil War on and off the battlefield, which is something we really, as a nation, haven't considered very much. As the historical roots of the Civil War become clear, the historical and contemporary connections to slavery will also become much more clear.

No matter where you're teaching across the United States, if you ask students to name some of the causes of the Civil War or the cause of the Civil War, you'll most likely hear states' rights come up. And that's even in classrooms where students are not at all emotionally attached to the subject of the Civil War. For many students and for most Americans, states' rights is an issue that's separate from, and in fact, a sort of alternative to slavery as a cause of the Civil War. They don't necessarily see these two issues as linked together. But that conversation about states' rights and slavery—which one? As though it could be one or the other, as the cause of the Civil War. That's a conversation that we really only can have after the Civil War.

That's the conversation that people have pretty much been having since 1877, since the end of Reconstruction, twelve years after the end of the war. But that's different than the conversations that people were having *before* the war, because everybody knew the reasons that people were seceding before the Civil War, because the South was very clear about why they were seceding. They were seceding to protect slavery. And the issue of states' rights was connected to the issue of slavery. So, this is a conversation that has only happened as we've historically looked back at the Civil War, whether we're looking back at it in 1877, in 1954 with *Brown v. Board*, or in 2018.

So, we're going to jump back to the 1850's, the decades before the Civil War, to really complicate the notion that it's *either* states' rights or slavery as a cause of the Civil War. By looking at how they were related in the decades before the war, we can understand the actual connection much more clearly. From the ratification of the Constitution onwards, one of the biggest issues that separated northern and southern states was the enforcement of federal laws relating to slavery. Particularly, whether federal laws could compel people in the North to return escaped slaves to slave owners in the South. The Fugitive Slave Clause was written into the Constitution. It's in Article 4, Section 2, and it guaranteed that slaves who fled to free states would still have to be returned to slavery if southern slave owners claimed them.

The reason why this was such a thorn in the side of southerners for most of the 19th century was that northern states flagrantly disregarded this piece of the Constitution, and they passed personal liberty laws—state laws—that actually prevented the return of slaves hiding in their state. So, for years and years and years, southern lawmakers railed against the basically unconstitutional actions on the part of their northern counterparts and argued for increased federal attention to the enforcement of returning escaped slaves.

These slaveholders finally got what they wanted in 1850, when Congress passed the Fugitive Slave Act as part of the Compromise of 1850. The act significantly increased federal enforcement power for the Fugitive Slave Act. The big weakness of the Fugitive Slave Clause was that it didn't specify anything about the process. It didn't name any particular person or entity as responsible for finding or actually returning fugitives, or even how they should do it. The 1850 law did just that. It created commissioners who, instead of judges, could issue warrants for the capture and return of escaped fugitive slaves. My students are often completely outraged to hear that a commissioner would earn \$10 if he determined that an accused person was actually a fugitive and returned him or her to slavery, and only \$5 if they found that the accused fugitive was free.

Suspected fugitives could not testify on their own behalf, but a simple affidavit from an absent slaveholder could be used as proof of ownership. This law obviously has an incredible impact on accused runaways, but it also had an impact on northerners. It allowed the commissioners to deputize any citizen to help enforce the law. Those citizens or public officials could be fined or even jailed if they refused to cooperate.

So, what was the reaction to this beefed-up law? Southerners were really excited about it, and they increased their efforts to recapture their fugitive slaves. And in the North, it fueled animosity and fear. White northerners were outraged that they could be compelled to enforce the law, and they promised civil disobedience if necessary. As you may expect, black northerners had the most to lose. Many

fugitives, even those who had been living in the North for decades, had to flee to Canada or went into hiding. I often tell my students that this is one of the places where we see the Underground Railroad to Canada really having an impact, as folks leave places like Massachusetts for Nova Scotia. And even black northerners who were free and were born free were worried that they might be kidnapped, because the number of fraudulent claims about runaways also increased.

For the classroom, you can find many broadsides online with titles like, “Beware Kidnapper.” There’s particularly a number from the Boston area warning free black northerners and possible fugitives that slave catchers and kidnapers are in the area. And those broadsides mostly date to right after that 1850 Fugitive Slave Act was passed.

The black community was right to be concerned. Here are two examples that show the very real ways in which the Fugitive Slave Act impacted the lives of black northerners. I teach in Salem, Massachusetts, so I like to talk about the case of John Andrew Jackson. Jackson escaped from South Carolina in 1847 and ended up settling in Salem for several years. He kept his name, he did not try to hide who he was, and he openly spoke about his experience in slavery. This goes to show us just how ineffective those original fugitive slave laws were, that he could publicly speak using his own name and exactly where he was from, and he did this as a way to raise funds to buy his wife and baby daughter out of slavery.

But before Jackson was able to get enough money to buy his family, the 1850 Fugitive Slave Act was passed. So that act pushed Jackson into hiding and he had to flee Salem. He went to Canada, eventually via the Underground Railroad. So while he’s passing through Brunswick, Maine, Jackson stayed at the home of Harriet Beecher Stowe where he told her about his life as a slave. And there’s an English professor named Susanna Ashton who contends that Jackson and his stories about slavery were key inspirations for Stowe’s book, *Uncle Tom’s Cabin*, which as you know, Lincoln playfully noted was one of the causes of the Civil War.

The point of this story is that Jackson’s case also demonstrates the relative openness that many escaped slaves like Jackson lived with in some northern cities and the ways the 1850 law changed that. In addition to Jackson, the 1854 case of Anthony Burns in Boston is also a useful study for classroom discussions about the Fugitive Slave Law. But before we can talk about the meaning of the Anthony Burns case, we want to know exactly what happened.

Burns had been a slave in Virginia, and he escaped to Boston. In Boston, Burns was likely planning to blend in with the city’s substantial free black population. And he also probably hoped to be protected by its powerful abolitionist movement. Unfortunately, Burns’ former master intercepted a letter between the Boston fugitive and his brother who was still enslaved. This happened despite Burns taking numerous precautions to try to secure the letter.

Nevertheless, when the former slaveholder learned where Burns was, he traveled to Boston to reclaim what he saw as his property, namely, Anthony Burns. In May of 1854, Burns was eventually arrested. He was jailed in Boston’s federal courthouse. Boston abolitionists mobilized in response to Burns’ arrest. This is an interesting detail. There were actually two separate meetings of white and black abolitionists that were happening in two different locations in Boston. And eventually, those two meetings converged

on the courthouse where Burns was being held. In the chaos that ensued, a police officer was fatally wounded, but Burns remained in jail. So, despite the obvious opposition of the citizens in Boston, federal authorities were determined to make an example out of Anthony Burns. They declared him to be a fugitive slave, and they sent soldiers to come and collect Burns from Boston and bring him back to slavery in Virginia.

After the Burns judgment, 50,000 Bostonians lined the streets to watch as he was marched in shackles right to a waiting vessel. Reaction to Burns' arrest and his return to slavery was profound in Boston. One Massachusetts native wrote, "We went to bed one night old-fashioned, conservative, compromised Unions Whigs, and waked up stark mad abolitionists." It's probably exaggerated, but it does give us some sense of exactly how much this had an effect on people.

So, the Burns case is a really dramatic chapter in the history of slavery, and it translates very well for students. There's really two reasons why the 1854 Burns case works so well. It provides a useful counterpoint to that assumption that southern slaveholders were always advocates of states' rights over federal authority. In fact, the Burns case demonstrates the way that slaveholders really relied on the federal government protecting their slave property, really in opposition to northern states and their laws. The second reason why the Burns case is so important is that it really illustrates the depth of tension that existed between the northern and southern sections of the country over this law.

In the classroom, you can screen parts of the 2013 PBS documentary, *The Abolitionists*, which offers a really nice overview of the Anthony Burns case that can lead to a really great discussion with your students. In discussing the Fugitive Slave Law and Anthony Burns, you'll want to get at the heart of not only the story and what happened, but its connections and its impact on both the North and the South and the development of the sectional crisis. So, thinking about asking questions like, "What did the southern slaveholders want? Did they have the authority to go into Massachusetts and capture Burns? What gave them that power?" Think about, "Why did the northerners resist? How might northerners feel if they were forced to search for a fugitive slave?"

Those discussions in your classroom should lead students to several conclusions. First, that when it came to protecting slaveholders, southern politicians were firmly in favor of that federal Fugitive Slave Law. And that they were in favor of that law *because* it trumped the state laws of Massachusetts that protected people like Anthony Burns. In other words, the states that would become the Confederacy were certainly not in favor of states' rights when those states were threatening slavery. So that Fugitive Slave Act is, I think, the best way to really demonstrate the complicated relationship between states' rights and slavery and to really think about the ways that slaveholders opposed states' rights when that position protected their slave property.

The second important thing that comes from the Anthony Burns case is that, your students should really recognize, this is a key moment in galvanizing northern opposition to slavery. Think particularly about that quote, "We went to bed one night old-fashioned, conservative, compromised Unions Whigs, and waked up stark mad abolitionists," because northerners had to watch individual people be taken from their communities. Slavery was no longer an amorphous, faceless, something that happened elsewhere. Here, we're making northerners complicit in the capture of fugitive slaves, and we're giving faces and

names to what had initially been an invisible and anonymous enslaved population to the North.

Another nice thing about discussing the Fugitive Slave Act as a way to investigate this connection between slavery and the cause of the Civil War is that it's already part of that sectional crisis and the Compromise of 1850 that we're all talking about in our classrooms anyway. But this allows us to give it a slightly different focus and meaning for our students.

When we teach about the 19th century and the decade leading up to secession and the Civil War in our classrooms, we talk about the fact that there is always hope that this is going to be the Compromise that actually works, whether it's the Missouri Compromise, the Compromise of 1850, whatever it might be. Well, it becomes quickly clear as we go through the 1850's that the Fugitive Slave Act and the other laws that were part of the Compromise of 1850 did nothing to quiet sectional tensions between northern and southern states. And when I say sectional tensions, I'm referring to the repeated clashes between southern slaveholding states and the largely northern non-slave or free states that really characterized the better part of the 19th century, from the 1820 Missouri Compromise through the Civil War.

And so, in the 1850's, what we have are pro-slavery and anti-slavery forces that are really fighting throughout the decade in multiple ways. They're fighting over territory in what would become known as Bleeding Kansas. They're also fighting on the floor of Congress. Massachusetts senator Charles Sumner was brutally beaten at his desk in the Senate chamber by South Carolina representative Preston Brooks. Sumner had insulted Brooks' relative while giving an anti-slavery speech. They were even fighting an illegal battle in the Supreme Court during the Dred Scott case over whether African Americans, free or enslaved, deserved even basic human rights.

This festering tension, these moments of violence, all came to a head in 1860 when Abraham Lincoln won the presidency. Very shortly after Lincoln wins the presidency, South Carolina passes a resolution declaring the quote, "Union now subsisting between South Carolina and other states is hereby dissolved." The secession crisis had started. Within another two months, six more states—Mississippi, Florida, Alabama, Georgia, Louisiana and Texas—had also seceded. And their representatives in federal government made last speeches, packed up, and headed home. And as those states left the Union, southern politicians explained exactly why they had seceded, and they did this in numerous documents and in numerous speeches. So, we can look at those particular documents, and that becomes another way to discuss with our students the complicated relationship between secession, slavery and that concept of states' rights.

I'm not the first person to do this. In fact, much of this work draws on historian Charles Dew, who did a great job analyzing these documents and speeches in a very short and accessible book called *Apostles of Disunion*. And Dew has noted that there's a lot of similar themes that emerge in many of them. The first theme is that secessionists really believed that Lincoln's election represented a crisis for the institution of slavery. Lincoln had been very clear throughout his candidacy, and really even before that, that he didn't believe he had the constitutional power to do anything about slavery where it existed. And he really just ran on the non-extension of slavery into the territories. But apparently slaveholders didn't believe him, because in the numerous documents and pronouncements that they made about secession, they argued that leaving the union was necessary to protect the institution of slavery from Lincoln.

For example, South Carolina's Immediate Causes documents said that with Lincoln's election, northerners conspired to elect, quote, "A man to the high office of President of the United States whose opinion and purposes are hostile to slavery." And in light of Lincoln's election, southerners declared, quote, that "The public mind must rest in the belief that slavery is in the course of ultimate extinction." South Carolina's secessionists followed this argument about Lincoln to its ultimate conclusion. They argued that Lincoln's inauguration would mean that, among other things, quote, "A war must be waged against slavery until it shall cease throughout the United States. The guarantees of the Constitution will then no longer exist. The equal rights of the states will be lost. The slaveholding states will no longer have the power of self-government or self-protection, and the federal government will have become their enemy."

That quote is really one of the only real references to states' rights in document. Here, South Carolinians are rallying behind the sovereignty of the state, because they viewed the federal government under Lincoln as threatening their slave property. So, in one of the only articulations of states' rights in document, we see secessionists are really talking about slave property.

If Lincoln's election was the final straw pushing these states out of the Union, the seceded states also argue that the long-standing failure to enforce the Fugitive Slave Act and the existence of personal liberty laws in northern states were also causes of secession. If that had been a problem throughout the 19th century, Lincoln's election certainly wasn't going to make it any better. So if we think about the South Carolina Immediate Causes documents as being a kind of secession counterpart to the Declaration of Independence, the failure to enforce the Fugitive Slave Act and the personal liberty laws are among the grievances that they're including in this document.

So, you can use two quotes from this document in your classrooms to make the link between discussions of the Fugitive Slave Act and the secession crisis. The first says, "The states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them. In many of these laws the fugitive is discharged from service or labor claimed, and in none of them has a state government complied with the stipulation made in the Constitution." So this passage clearly names the states that had passed those personal liberty laws that we talked about before that protected supposed fugitives from being returned to slavery. And it also accused them of not complying with even the 1850 Fugitive Slave Act.

Further in the document, it reads, "Those states," the non-slaveholding states they just listed, "have assumed the right of deciding upon the propriety of our domestic institutions, and have denied the rights of property established in fifteen of the states and recognized by the Constitution. They have denounced as sinful the institution of slavery. They have permitted the open establishment among them of societies whose avowed object is to disturb the peace and elohn the property," or seize the property, "of the citizens of other states. They have encouraged and assisted thousands of our slaves to leave their homes." So there's a lot here, right? The Fugitive Slave Act, personal liberty laws, abolitionist societies, they're all referenced. South Carolina is accusing the northern states of deciding that slavery is wrong, refusing to return the property of southern slaveholders, even though their obligation to do so was recognized by the Constitution.

They're also talking about the emergence of abolitionist societies. When they say, "They have denounced as sinful the institution of slavery," and, "They have permitted the open establishment of societies," the secessionists are really talking about the growing abolitionist movement among northerners. And the line, "They have encouraged and assisted thousands of our slaves to leave their homes," there, they're making reference to the Underground Railroad and other methods that were used to actually ferry individuals away from enslavers in the South.

So how do we teach this in our classroom? What you can do is ask your students to put these arguments into their own words using excerpts from prewar secessionist documents like South Carolina's Immediate Causes. I found that this is very successful even with my college students. If they're forced to think about, "How would I say this?", they should come to a few different conclusions. First and foremost, students should recognize that southern politicians were not always in favor of states' rights. In fact, for the majority of the 19th century, prior to the Civil War, they supported the use of federal authority over states' rights to protect slavery. But when they did secede, and they're very clear about that, they seceded to protect slavery. They're seceding to protect their way of life that is based on slavery. And when we see these political arguments that are being made, in that moment, at the time of the secession crisis, we see that states' rights are now connected to slavery. Southern lawmakers begin saying, "Look, states' rights are necessary if we're going to protect slavery."

So what changed? What changed from the Constitutional Convention in 1787 to 1860? Well, what changes is Lincoln's election, and southerners feeling that the power of the slaveholders in the federal government is no longer going to be a sort of bulwark to protect slavery no matter what. This brings up something really interesting that I talk about with my students. When we think about this moment, the secession moment, the South isn't doing anything different than it had always done. The South makes the argument that, "Look, we created this Union that allows slavery, and *you* guys have changed. You're the ones who are moving away from the original plan with your abolitionist societies and your non-extension of slavery. We're the ones doing things as we always have. We're holding up our end of the bargain, and it's you guys in the North that are changing things."

And they're not wrong. It is the northerners who have kind of changed, because the Constitution is created to protect slavery. This was a slaveholding republic from the start. There's all sorts of protections for slavery and slaveholders in the Constitution, beyond just the obvious ones. Southerners were confident in that throughout most of the 19th century, but Lincoln's election signaled a larger shift.

So now that we've done the work of looking at the Compromise of 1850 and the Fugitive Slave Act, looking at this moment of the secession crisis and what the seceded states are saying the reasons for their secession are, we can see how artificial it is when we continue to talk about states' rights as an issue that is separate from or an alternative to slavery. If we take slaveholders at their word, in their own words, we know that slavery is the reason for secession, and that it's the preeminent cause of the Civil War.

### HASAN JEFFRIES

Bethany Jay is an associate professor of history at Salem State University where she teaches courses in 19th century American history, African American history and history education. She is also co-editor of the informative book that this podcast is based on. We're going to continue her discussion of slavery and

the Civil War in our next episode, moving from slavery's role as the cause of the war to examine how the actions of enslaved people shaped the war and contributed to their own emancipation.

*Teaching Hard History* is a podcast from Teaching Tolerance, with special thanks to the University of Wisconsin Press. They're the publishers of a valuable collection of essays called *Understanding and Teaching American Slavery*. In each episode, we are featuring a different scholar to talk about material from a chapter they authored in that collection. We've also adapted their recommendations into a set of teaching materials which are available at [Tolerance.org](http://Tolerance.org). These materials include over 100 primary sources, sample units, and a detailed framework for teaching about the history of American slavery. Teaching Tolerance is a project the Southern Poverty Law Center, providing free resources to educators who work with children from kindergarten through high school. You can also find those resources online at [Tolerance.org](http://Tolerance.org).

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I'm Dr. Hasan Kwame Jeffries, associate professor of history at the Ohio State University and your host, and you've been listening to *Teaching Hard History: American Slavery*.