

“Secession’s Moving Foundation”:
Fugitive Slave Rendition and the Politics of American Slavery

by

Evan Turiano

Advisor: James Oakes

This dissertation examines the political conflict over fugitive slave rendition from the era of the American Revolution through the passage of the 1850 Fugitive Slave Law. It pays particular attention to the struggle over the legal rights due to African Americans accused of being fugitive slaves. Slaveholders claimed an absolute property right over accused fugitive slaves and argued that any recognition of legal remedies for accused runaways threatened that right. Free African Americans and their allies in the abolitionist movement asserted that Black people accused of having escaped slavery were due a legal process. This was a vital protection against kidnapping, but also became an important component of the antislavery constitutional project. By 1860, proslavery Southerners considered this conflict to be fundamental when calculating the value of the Union. This dissertation will show that the irreconcilability of Black legal rights claims and the slaveholder property right—revealed in every fugitive slave case—played a significant, underappreciated role in the coming of the Civil War and the destruction of American slavery.

Through petitions, court cases, Congressional debates, legislation, and local organization meeting minutes, this dissertation considers how the debate over Black legal rights and fugitive slave rendition shaped parallel developments in antislavery and proslavery politics and law. It reperiodizes the story of freedom seekers and the politics of slavery, showing that the 1850 Fugitive Slave Law was not a starting point but was in some ways an ending point for a decades-

long struggle. It was the product of eighty years during which northerners and southerners struggled over the question of Black legal rights and fugitive slave renditions on nearly every available terrain, pushed the nation to the brink of disunion at multiple junctures, failed to find anything resembling a compromise, and significantly hardened their irreconcilable constitutional positions. The settlement slaveholders forced through in the Compromise of 1850 was, in many ways, the last option short of war.