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**A House Divided (23): That Peculiar
Institution - II**

Lead: One hundred and fifty years ago the Republic was facing its greatest crisis. This continuing series examines the American Civil War. It is "A House Divided."

Intro: *A Moment in Time* with Dan Roberts.

Content: The Constitution was clear. Slavery was a permitted and permanent fixture in American life. According to Article IV, escaped slaves even had to be delivered up for their owners. As each decade passed the

South demanded and Congress delivered ever increasingly effective fugitive slave laws. Those opposed to slavery suspected, with some justification, that those in pursuit were none too scrupulous about correct identification of slaves, often grabbing free blacks instead or even bothering always to bring them before northern local courts to press their claims. In a reversal of the normal regional preference for federal intervention, Northern states began to resist the work of slave catchers and their federal enablers, passing personal liberty laws. These laws gave escaped slaves legal rights and set up barriers to prevent easy capture and return.

In the 1837 Prigg case, a slave catcher appealed his kidnapping conviction by a Pennsylvania court. The Supreme Court struck down the law under which he was arrested but made it clear that states were under no obligation to assist slavers in their efforts. This set up a terrific tug of war between the regions with Northern states actively opposing Southern and federal attempts to recapture slaves, and Southern states pressing for more vigorous enforcement of federal fugitive slave laws as a price for diminished Southern agitation for separation. This growing dispute caused enormous national resentment with both slave owners and abolitionists seeing that justice and moral righteousness was clearly on

their side. The South considered Northern attempts to protect slave fugitives, less as a question of property loss. In the great scheme of things, not that many slaves were successful in escaping, possibly a few hundred per year. The enterprise was seen by southerners as an assault on Southern honor. Senator James Mason of Virginia: “Although, the loss of property is felt, the loss of honor is felt still more.” Next time: empowering the slave catchers.

In Richmond Virginia, this is Dan Roberts.

Resources

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