

Trump's anti-immigrant orders and the Fugitive Slave Act of 1850

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On January 19, 1861, runaway slave Lucy Bagby Johnson, 18, was arrested in Cleveland by US federal marshals in the company of her owner, a wealthy Virginia slave owner named William Goshorn. Johnson had escaped several months earlier, making her way to Ohio, where she gained employment as a domestic. Arrested and taken to and from prison past crowds of protesters, Johnson was prosecuted under the Fugitive Slave Act of 1850, a law that prevented her from testifying on her own behalf. She was ultimately placed on a train and sent south across the Mason-Dixon line that separated "slave" and "free" states, and back into bondage in Virginia.

On February 8, 2017, Guadalupe García de Rayos, an undocumented worker living in Arizona, was detained by US Immigration and Customs Enforcement (ICE) officials during a routine visit to ICE's Phoenix office. Arrested by authorities acting under President Donald Trump's new anti-immigrant executive orders, García de Rayos, a mother of two teenagers and a US resident since 1996, was spirited away for deportation past hundreds of protesters, among them her friends and family. Like Johnson 156 years earlier, she had no recourse to the courts.

History doesn't repeat itself, but it often rhymes, or so the saying goes. Several commenters, among them Columbia University historian Eric Foner, have noted similarities between the Fugitive Slave Act, which was a major cause of the American Civil War (1861-1865), and Trump's January 25 executive orders entitled "Border Security and Immigration Enforcement Improvements" and "Enhancing Public Safety in the Interior of the United States."

The infamous Fugitive Slave Act, or the "bloodhound law" as the abolitionists called it, enlisted local police in the North as agents of the slave owners by imposing a \$1,000 penalty on any law enforcement official who did not arrest an alleged runaway slave, based on as little as an affidavit of ownership from a Southern court. The law precluded the arrested individual, now bound for deportation to slavery, from having a jury trial or being able to testify on his or her own behalf in court. Its specific intent was to prevent cities and towns in northern states from providing sanctuary to runaway slaves and absorbing them into the growing wage-earning working class.

The law made Canada the ultimate destination for most runaway slaves, via the "Underground Railroad"—the system of safe houses and hiding places slaves used to escape bounty hunters, bloodhounds and federal marshals. In Canada, part of the British Empire, laws and court rulings had followed the famous Somerset decision of 1772 in which Lord Mansfield held that in England there "was too pure an air for slaves to breathe in."

Even more consequentially, attempts to enforce the Fugitive Slave Act increasingly angered masses of people in the North, leading many to believe in the existence of a "Slave Power conspiracy" that was intent on expanding slavery throughout the union.

Like the Fugitive Slave Act, Trump's executive orders target so-called "sanctuary cities," where local authorities extend a modicum of social

services to undocumented workers and their children, or turn a blind eye to their presence. Like their antebellum precursor, Trump's orders dragoon local authorities into the apprehension of immigrants, threaten punishment to anyone who would assist immigrants, and deny the apprehended due process.

They have created a new Underground Railroad, with many immigrants attempting to traverse the US in the hope of finding sanctuary in Canada. And, like the Fugitive Slave Act, Trump's orders have been met with angry protests across the US. The undocumented worker, as with the escaped slave 160 years ago, is the object of a growing sentiment of solidarity.

As striking as the parallels between the Fugitive Slave Act and Trump's anti-immigrant orders may be, there is also a direct link overlooked by Foner and other commentators. Though separated by 167 years, both are outcomes of the Mexican-American War of 1846-1848.

The Fugitive Slave Act emerged directly out of that predatory war, which was provoked by the Democratic administration of James K. Polk as a means of tamping down the growing controversy over slavery beneath a wave of national patriotism—and adding vast new territories for slavery's expansion. The stage for war was set by immigration—but at that time, by slaveholding Americans following the expansion of the cotton economy westward and into the province of *Tejas* in Mexico, where slavery had been illegal since 1829. The central aim of the Anglo-Texan plantation elite, in declaring independence from Mexico in 1836 and then conspiring to join the US, was to secure and expand slave-based cotton production.

Polk's war looked to have been a smashing success. The American military routed its weaker Mexican rival, occupying Mexico City in September 1847. In the subsequent Treaty of Guadalupe Hidalgo, the United States took one-third of Mexico's territory, forcing Mexican recognition of the annexation of Texas, New Mexico and part of Oklahoma, and ceding what are today the states of California, Arizona and Nevada, as well as parts of Colorado and Wyoming.

A great wave of flag-waving patriotism swept the country, as Democrats and Whigs set aside their differences to celebrate "military glory—that attractive rainbow that rises in showers of blood," as the young congressman Abraham Lincoln, an opponent of the war, put it. Disgusted, Lincoln left politics and returned to his Illinois law practice.

The writer Henry David Thoreau was put in prison for refusing to pay taxes in protest against the war. "If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose," Thoreau said.

But some observers understood the predatory war would solve nothing. "Mexico will poison us," Thoreau's friend Ralph Waldo Emerson presciently warned.

History teaches again and again that wars of aggression have outcomes their plotters fail to predict. Waged to preserve slavery indefinitely, the Mexican-American War instead set into motion a series of events that led

in 15 years to its destruction. In the short term, the southern elite's dream of expanding its slave empire to California was thwarted by the discovery of gold there in 1848, just one week before the signing of Guadalupe Hidalgo. California quickly drew tens of thousands of prospectors, small businessmen and incipient industrialists who demanded "free labor" in the Golden State. It entered the union as a free state in 1850.

Shocked at the loss of California—and the betrayal by northern Democrats led by David Wilmot of Pennsylvania, who had attempted, unsuccessfully, to block slavery from all territories taken from Mexico—the Southern elite demanded redress. This they were given with the Fugitive Slave Act, part of the Compromise of 1850, authored by Henry Clay (1777-1852). Bowing before accomplished fact, California, and with it the agricultural bonanza promised by its Mediterranean climate and fertile valleys, would be a free state. In exchange, the South was given an aggressive new Fugitive Slave Act along with "popular sovereignty"—the possibility that slavery could be established in any new territory based on the vote of the free white settler population.

None of this served to appease the South or to defuse the "irrepressible conflict." Just the opposite. Popular sovereignty ultimately brought a dress rehearsal for war in the form of "Bleeding Kansas," as the territory filled up with armed free-staters such as abolitionist John Brown (1800-1859), who faced off against the pro-slavery guerrilla bands organized in neighboring Missouri. As for the Fugitive Slave Act, it served only to radicalize Northern public opinion against "the Slave Power."

Again and again, Northerners poured out into the streets to defend their neighbors and coworkers targeted for extradition to slavery. One example was the rescue of Joshua Glover in Milwaukee in 1854 by a crowd of some 5,000 people. In this way, the Fugitive Slave Act only hastened the Second American Revolution.

The other outcome of the Mexican-American War has been incubating in American history for a much longer time. The new border imposed through Guadalupe Hidalgo attempted to divide in two that which would prove, in the long run, impossible to keep separate: the economy and the people of the southwestern portion of North America.

The treaty left behind tens of thousands of Mexican citizens in the new American states. From the 1850s until the last several decades, Mexicans could, and did, move back and forth across the border with relative ease. Their migration was encouraged in the 1920s after the US effectively prohibited mass European immigration with the National Origins Act of 1924, which imposed no quota on Mexican immigrants.

Then, in the depths of the Great Depression, the Democratic Party administration of Franklin Delano Roosevelt targeted Mexicans for deportation and repatriation, including many who were US-born. This was reversed in World War II with the Bracero Program, which over the next 25 years brought several hundred thousand Mexicans to the US as low-paid and highly-exploited "guest-workers."

The end of the Bracero Program in 1964, combined with the dispossession of the massive Mexican peasantry owing to the "Green Revolution" organized by US banks and agribusiness in collusion with the Mexican elite, fueled a large-scale labor migration. Driven from the land, their subsistence agriculture replaced by cash-crop agricultural export industries, the Mexican and Central American peasantry has been incorporated, in all but name, into the American working class.

Nowhere is the contradiction between nation-state and global economy more clear than on the US-Mexico border. California and Texas, the big prizes taken from Mexico in the 1840s, are today the two most populous American states. Were they independent, they would be the world's sixth and 10th largest economies, respectively, each by itself larger than the Mexican economy with which they conduct several hundred billion dollars in trade.

Yet, according to a 2012 estimate, each state's population is 38.2 percent "Hispanic"—a figure that is growing rapidly. From the border, the

Mexican and Central American migrants have spread across the US, living and working side by side with US-born workers. Outside of Los Angeles, the largest Mexican-American population is found in Chicago, where some 700,000 reside.

This raises one other telling parallel between the Fugitive Slave Act and Trump's orders. Both are desperate bids to defend a border against disruptive social and political changes—that is, to stop the progressive advance of history.

The Southern elite had learned that "in the relation between the two races," as the pro-slavery politician John C. Calhoun phrased it, wherever slaves interacted with free workers, black or white, slavery was undermined. It was not accidental that Frederick Douglass learned to read and write and came to know of the North, freedom and abolitionism by living side-by-side as a rented slave with working class boys and men in Baltimore. As the late C. Vann Woodward noted, "[T]he encouragement that city conditions gave to interracial contact, familiar association and intimacy... corroded the master's authority, diminished his control, and blurred the line between freedom and bondage."

In the decades before the Civil War, the Democratic Party attempted to arrest these developments by establishing the first segregation laws in the South and in the North, imposing the Fugitive Slave Act, and whipping up racism by suggesting that freed slaves would take the jobs of workers, drive down their wages and rape white women—the very rhetoric aped by Trump and his fascist supporters today.

The failure of these politics, manifested in the election of Lincoln in 1860, required more desperately reactionary measures. Civil War historian James McPherson has described the Southern secession that year as a "preemptive counterrevolution."

He writes that "rather than trying to restore the old order, a preemptive counterrevolution strikes first to protect the status quo before the revolutionary threat can materialize." Yet the slaveocracy's attempt to roll back the wheel of history, which can be traced back to the Fugitive Slave Act, resulted in its destruction. "Seldom in history has a counterrevolution provoked the very revolution it sought to preempt," McPherson concludes.

Today, powerful historical forces—above all, the growing social power and political consciousness of the working class—threatens America's decadent oligarchy, personified in Trump and his ultra-right personnel, who are quite conscious that time is working against them. Michael Anton, director of strategic communications for the US National Security Council, last year warned in his pseudonymously published *Flight 93 Election* that "the ceaseless importation of Third World foreigners with no tradition of, taste for, or experience in liberty means that the electorate grows more left, more Democratic, less Republican, less republican, and less traditionally American with every cycle."

Trump's anti-immigrant measures, like the Fugitive Slave Act, are an attempt to strike out against history and prevent a gathering revolutionary threat. They will prove no more successful.



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