

Trayvon Martin, the Stand Your Ground law, and the Fugitive Slave Law mentality

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BY [Harold Michael Harvey](#)



Dred Scott challenged the Fugitive Slave Law and sued for his freedom in 1858. The U. S. Supreme ruled a Negro did not have a legal right to bring suit before the court.

The facts are still coming out in the incident that happened on Feb. 26 of this year which led to the shooting death of Trayvon Martin, a 17-year-old black teenager in Sanford, Fla.

The shooter alleges the teenager looked suspicious because he was wearing a hoodie (a jacket with an attached hood, worn by the hip hop generation) and walking in a predominantly white neighborhood. The adult shooter asked the black teenager in essence for his papers, when he demanded, “where are you going?” The teenager’s girl friend who was listening to the conversation via cell phone says that Trayvon Martin responded: “Why are you following me?”

At this point the dynamics of the situation changed, as neither [fugitive slave laws](#) nor their progeny, the “Stand Your Ground” law, allows the person challenged an opportunity to speak. Under Florida’s “Stand your Ground” law a person can use deadly force if he or she reasonably believes that they are in imminent threat of serious bodily injury or death, or to prevent a forcible criminal act.

Thus once someone makes that split-second judgment call, the person on the other end of the conversation may not live to tell his side of the story. The “Stand your Ground” law is contrasted with pre-Civil War fugitive slave laws in that in the latter the “suspected” slave who was caught away from where people like him usually could be found could not speak up to provide proof that he was in fact a free man.

In the instant case, Trayvon Martin’s fate was sealed when he challenged the person following him for reasons not apparent to Martin. Florida’s “Stand your Ground” law empowered George Zimmerman to shoot first and let the public ask questions later.

Thus the roots of this killing can be traced directly back to the constitutional convention held in 1787 with the enactment of [Article 4, Section 2 of the United States Constitution](#), which required the return of runaway slaves. It sought to force the authorities in Free states to return fugitive slaves to their masters.

Therefore a mindset developed whereby blacks could be stopped and questioned about their whereabouts by any non-black person. They were, after all, mere property of another and not given to rights of free movement like other human beings.

The *Fugitive Slave Clause* read in part: “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.”

Paul Finkelman, author of “Slavery and the Founders: Race in the Age of Jefferson,” provides an example: “[Pierce Butler](#) and [Charles Pinckney](#), both from [South Carolina](#), submitted the fugitive slave clause to the [Constitutional Convention](#). [James Wilson](#) of Pennsylvania objected, stating that it would require state governments to enforce slavery at taxpayers' expense. Butler withdrew the clause. However, on the next day the clause was quietly reinstated and adopted by the Convention without objection. This clause was added to the clause that provided extradition for fugitives from justice.” (pg 82, 2nd edition, 2001)

When first adopted, this clause applied to [fugitive slaves](#) and required that they be extradited upon the claims of their enslavers, but it provided no means for doing so. The [Fugitive Slave Act of 1793](#) created the mechanism for recovering a fugitive slave, overruled any state laws giving sanctuary, made it a federal crime to assist an escaped slave, and allowed slave-catchers into every U.S. state and territory.

As time went on Free States weakened the Fugitive Slave Act of 1793 by not enforcing it and failing to convict suspected runaway slaves. Then the nation heading towards a civil war during much of the 1840s was able to avert dividing the country when President Millard Fillmore pushed through the Senate the Compromise of 1850 by including the Fugitive Slave Law of 1850. It gave southern states what they wanted:

“Law-enforcement officials everywhere now had a duty to arrest anyone suspected of being a runaway slave on no more evidence than a [claimant's](#) sworn testimony of ownership. The suspected slave could not ask for a jury trial or testify on his or her own behalf.” (Milton Meltzer, "Slavery a world history," New York: Da Capo Press, pg. 225, 1971).

In 1858, [Dred Scott](#) and his family lived in Free states and territories with his master. Under prevailing state and territorial law at the time he was free. However, the United States Constitution did not make any provisions for citizenship of black people, whether free or slave. So Dred Scott sued for his freedom and “the Supreme Court ruled in *Dred Scott v. Sanford*, that a black man did not have any rights a white man was bound to respect.” He and his family were summarily returned to his original slave owner in St. Louis.

Goldie Taylor, contributing editor at [The Grio](#) and a contributor at MSNBC, recounts a story her mother told her about her great, great grandfather, Major Blackard, who 41 years after the Dred Scott decision, in 1899, was asked by a police officer to produce his papers. Major Blackard was 19 years of age at the time.

“Sir, I done left my wallet...” Blackard said. Before he could finish his sentence, the young man was posted against the brick wall, cuffed and taken to the St. Louis city jail. Unable to prove his identity, he would spend the next 21 days in a cramped, musty cell. That’s where his older brother Matt found him, beaten and bloodied. Matt returned with Major’s employer later that day, wallet and identification card in hand, to post bond.”

(See <http://youtu.be/anPFSXDgHtM>).

One hundred and ten years later, the United States of America elected its first black president, albeit not one with a slave past like Dred Scott, but nevertheless three years into his presidency white Americans demand to see his papers. It is as if President Obama does not have any legitimacy to live where he lives and has to constantly prove that he indeed is an authentic occupier of the White House and entitled to all the rights and privileges appertaining thereto.

Now this, a black teenager gunned down by a self-proclaimed neighborhood watch captain in a neighborhood without a registered neighborhood watch program. The “Stand your Ground” law is the brainchild of the National Rifle Association, whose aim seemingly is to put a gun in every adult hand in America and jerk us back to the days of the Wild, Wild West. It would be interesting to note the NRA’s ties to gun manufacturers and where money is derived for its considerable lobbying efforts.

The law as it stands allows the last man standing in an altercation to literally get away with murder.

For African Americans, it’s that old pesky bug-a-boo of never being fully accepted into the American ethos due to a slave past and all the stereotypes which come along with that historical baggage.

“Show me your papers,” non black Americans. Justify, given the passage of time, why the legal system is still skewed in your favor.

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