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Charles Langston

(1817-1892)

In my days at Oberlin, the Wellington Rescue was remembered; a graduate student even made an opera of it. But the facts are plot enough, and as for libretto, we will get to that. The Rescue was theatrical from the start; played out on the stage of the nation. The trial was held in May 1859.

The Fugitive Slave Law required northern citizens to assist in returning escaped slaves to the south: to be, in effect, policemen for the slave states. What then becomes of the idea of a free state? This was felt especially keenly in Ohio, long an abolition center (there were whole Ohio towns of free blacks; Paul Lawrence Dunbar's early novels describe them). In September 1858, an escaped slave going under the name John Price, who had reached Oberlin, was lured into the country by slave catchers and taken to Wellington to put him on the train back to slavery. An Oberlin crowd quickly formed, went to the hotel where Price was confined, freed him, and took him to Oberlin. He was hidden for three days in the house of future Oberlin College President James Fairchild, and then sent on to Canada and legal safety. The slave catchers sought redress. Thirty-seven men were indicted for their part in the Wellington rescue; of these, twenty-one were imprisoned in the Cuyahoga County jail, awaiting trial.



While in jail, the rescuers played to the gallery, even putting out one issue of a newspaper they called *The Rescuer*. In the end, only two of them were brought to trial: Simeon Bushnell (white) and Charles Langston (black), both Oberlin graduates. Bushnell was tried and convicted. Next up was Langston, and here is the conclusion of the transcript – not the oft quoted last paragraph, but the whole thing – from the 12 May 1859 trial record.

The Court: Mr Langston, you will stand up, sir. [Mr Langston rose]

The Court: You have been tried, Mr Langston, by a jury, and convicted of a violation of the criminal laws of the United States. Have you or your counsel anything to say why the sentence of the law should not now be pronounced upon you?

Mr Langston: I am for the first time in my life before a court of justice, charged with the violation of law, and am now about to be sentenced. But before receiving the sentence, I propose to say one or two words in regard to the mitigation of that sentence, if it may be so construed. I cannot, of course, and do not expect that anything which I may say will in any way change your predetermined line of action. I ask no such favor at your hands.

I know that the courts of this country, that the laws of this country, that the governmental machinery of this country, are so constituted as to oppress and outrage colored men, men of my complexion. I cannot, then, of course, expect, judging from the past history of the country, any mercy from the laws, from the constitution, or from the courts of the country.

Some days prior to the 13th of September 1858, happening to be in Oberlin, I found the country round about there, and the village itself, filled with alarming rumors as to the fact that the slave-catchers, kidnappers, Negro-stealers, were lying hidden and skulking about, waiting some opportunity to get their bloody hands on some helpless creature to drag him back – or for the first time – into helpless and life-long bondage. These reports becoming current all over that neighborhood, old men and women and innocent children became exceedingly alarmed for their safety. It was not uncommon to say hear mothers say that they could not send their children to school, for fear they would be caught up and carried off. Some of these people had become free by long and patient toil at night, after working the long, long day for cruel masters, and thus at length getting enough money to buy their liberty. Others had become free by means of the good-will of their masters. And there were others who had become free – to their everlasting honor I say it – by means of their own God-given powers: by escaping from the plantations of their masters, eluding the blood-thirsty patrols and sentinels so thickly scattered all along their path, outrunning bloodhounds and horses, swimming rivers and fording swamps, and reaching at last, through incredible difficulties, what they, in their delusion, supposed to be free soil. These three classes were in Oberlin, trembling for their safety, because they well knew their fate should those men-hunters get their hands on them.

In the midst of such excitement, the 13th day of September was ushered in – a day ever to be remembered in the history of that place, and I presume no less in the history of this Court – on which those men, by lying devices, decoyed into a place where they could get their hands on him – I will not say a slave, for I do not know that – but a man, a brother, who had a right to his liberty under the laws of God, under the laws of Nature, and under the Declaration of American Independence.

Many of us believed that there would not be courage to make a seizure, but in the midst of all this excitement, the news came to us like a flash of lightning that an actual seizure by means of fraudulent pretenses had been made!

Being identified with that man, by color, by race, by manhood, by sympathies such as God implanted in us all, I felt it my duty to go and do what I could toward liberating him. I had been taught by my Revolutionary father – and I say this with all due respect to him – and by his honored associates, that the fundamental doctrine of this government was that *all* men have a right to life and liberty, and coming from the Old Dominion, I brought into Ohio these sentiments, deeply impressed upon my heart. I went to Wellington, and hearing from the parties themselves by what authority the boy was held in custody, I conceived, from what little knowledge I had of the law, that they had no right to hold him. And as your Honor has repeatedly laid down the law in this Court, that in the State of Ohio a man is presumed to be free until he is proven to be legally restrained of his liberty, I believed that upon that principle of law those men were bound to take their prisoner before the very first magistrate they found, and there establish the facts set forth in their warrant, and that until they did this, every man had a right to presume that their claim was unfounded, and to institute such proceedings for the purpose of securing an investigation as he might find warranted by the laws of this State. Now, sir, if that is not the plain common sense and correct view of the law, then I have been misled, both by your Honor and by the prevalent received opinion.



It is said they had a warrant. Why, then, should they not establish its validity before the proper officers? And I stand here today, sir, to say that, with an exception of which I shall soon speak, to procure such a lawful investigation of the authority under which they claimed to act, was the part I took in that day's proceedings, and the only part. I supposed it to be my duty as a citizen of Ohio – excuse me for saying that, sir, as an *outlaw* of the United States [much sensation], to do what I could to secure at least this form of Justice to my brother whose liberty was in peril. Whatever more than that has been sworn to at this trial, as an act of mine, is false, ridiculously false. When I found these men refusing to go, according to the law as I apprehended it, and subject their claim to an official inspection, and that nothing short of a *habeas corpus* would oblige such an inspection, I was willing to go even thus far, supposing in that country a sheriff might perhaps be found with nerve enough to serve it.

In this again I failed. Nothing then was left to me, nothing to the boy in custody, but the confirmation of my first belief that the pretended authority was worthless, and the employment of those means of liberation which belong to us all. With regard to the part I took in the forcible rescue which followed, I have nothing to say further than I have already said. The evidence is before you. It is alleged that I said, “*We will have him anyhow.*” This I never said. I did say to Mr Lowe, what I honestly believed to be the truth, that the crowd were very much excited, many of them averse to longer delay and bent upon a rescue at all hazards, and that he being an old acquaintance and friend of mind, I was anxious to extricate him from the dangerous position he occupied, and therefore advised that he urge Jennings to give the boy up. Further than this I did not say, either to him or to anyone else.

The law under which I am arraigned is an unjust one, one made to crush the colored man, and one that outrages every feeling of Humanity, as well as every rule of Right. I have nothing to do with its constitutionality, and about it I care a great deal less. I have often heard it said by learned and good men that it was unconstitutional; I remember the excitement that prevailed throughout all the free States when it was passed, and I remember how often it has been said by individuals, conventions, communities, and legislatures, that it never could be, never should be, and never was meant to be enforced. I had always believed, until the contrary appeared in the actual institution of proceedings, that the provisions of this odious statute would never be enforced within the bounds of this State.

But I have another reason to offer why I should not be sentenced, and one that I think pertinent to this case. I have not had a trial before a jury of my peers. The common law of England – and you will excuse my referring to that, since I am but a private citizen and not a lawyer – was that every man should be tried by a jury of men occupying the same position in the social scale with himself. That lords should be tried before a jury of lords, that peers of the realm should be tried before peers of the realm, vassals before vassals, and aliens before aliens, and they must not come from the district where the crime was committed, lest the prejudices of either personal friends or foes should affect the accused. The Constitution of the United States guarantees – not merely to its citizens, but *to all persons* – a trial before an impartial jury. I have had no such trial. The colored man is oppressed by certain universal and deeply fixed prejudices. Those jurors are well known to have shared largely in those prejudices, and I therefore consider that they were neither impartial, nor were they a jury of my peers. And the prejudices which white people have against colored men grow out of this fact: that we have, as a people, consented for two hundred years to be the slaves of the whites. We have been scourged, crushed, and cruelly oppressed, and have submitted to it all tamely, meekly, peaceably; I mean as a people, and with rare individual exceptions.

And today you see us thus, meekly submitting to the penalties of an infamous law. Now the Americans have this feeling, and it is an honorable one, that they will respect those who will rebel at oppression, but despise those who tamely submit to outrage and wrong, and while our people as a people submit, they will as a people be despised. Why, they will hardly meet on terms of equality with us in a whiskey shop, in a car, at a table, or even at the altar of God. So thorough and hearty a contempt have they for those who will meekly lie still under the heel of the oppressor. The jury came into the box with that feeling. They knew they had that feeling, and so the Court knows now, and knew then. The gentlemen who prosecuted me have that feeling, and even the counsel who defended me have that feeling. I was tried by a jury which were prejudiced, before a Court that was prejudiced, prosecuted by an officer who was prejudiced, and defended, though ably, by counsel that were prejudiced. And therefore it is, your Honor, that I urge by all that is good and great in manhood, that I should not be subject to the pains and penalties of this oppressive law, when I have not been tried, either by a jury of my peers, or by a jury that were impartial.

One more word, sir, and I have done. I went to Wellington knowing that colored men have no rights in the United States which white men are bound to respect, that the courts had so decided, that Congress had so enacted, that the people had so decreed.



There is not a spot in this wide country, not even by the altars of God, nor in the shadow of the shafts that tell the imperishable fame and glory of the heroes of the Revolution; no, not in the old Philadelphia Hall, where any colored man may dare to ask a mercy of a white man. Let me stand in that Hall, and tell a United States Marshal that my father was a Revolutionary soldier, that he served under Lafayette, and fought through the whole war, and that he always told me that he fought for *my* freedom as much as for his own, and he would sneer at me, and clutch me with his bloody fingers, and say he had a right to make me a slave!

And when I appeal to Congress, they say he has a right to make me a slave; when I appeal to the people, they say he has a right to make me a slave, and when I appeal to your Honor, your Honor says he has a right to make me a slave, and if any man, white or black, seeks an investigation of that claim, they make themselves amenable to the pains and penalties of the Fugitive Slave Act, for black men have no rights which white men are bound to respect. [Great applause]. I, going to Wellington with the full knowledge of all this, knew that if that man was taken to Columbus, he was hopelessly gone, no matter whether he had ever been in slavery before or not. I knew that I was in the same situation myself, and that by the decision of your Honor, if any man whatever were to claim me as a slave and seize me, and my brother, being a lawyer, should seek to get out a writ of *habeas corpus* to expose the falsity of the claim, he would be thrust into prison under one provision of the Fugitive Slave Law, for interfering with the man claiming to be in pursuit of a fugitive, and I, by the perjury of a solitary wretch would, by another of its provisions, be helplessly doomed to life-long bondage, without the possibility of escape.

Some person may say that there is no danger of free persons being seized and carried off as slaves. No one need labor under such a delusion. Sir, four of the eight persons who were first carried back under the act of 1850 were afterwards proved to be free men. The pretended owner declared that they were not his, after his agent had "satisfied the Commissioner" that they were, by his oath. They were free persons, but wholly at the mercy of the oath of one man. And but last Sabbath afternoon a letter came to me from a gentleman in St Louis informing me that a young lady, who was formerly under my instruction at Columbus, a free person, is now lying in the jail at that place, claimed as the slave of some wretch who never saw her before, and waiting for testimony from relatives at Columbus to establish her freedom. I could stand here by the hour and relate such instances. In the very nature of the case they must be constantly occurring. A letter was not long since found upon the person of a counterfeiter when arrested, addressed to him by some Southern gentleman, in which the writer says,

"Go among the niggers; find out their marks and scars, make good descriptions and send to me, and I'll find masters for 'em."

That is the way men are carried "back" to slavery.

But in view of all the facts I say, that if ever again a man is seized near me, and is about to be carried Southward as a slave, before any legal investigation has been had, I shall hold it my duty, as I held it that day, to secure for him, if possible, a legal inquiry into the character of the claim by which he is held. And I go farther; I say that if it is adjudged illegal to procure even such an investigation, then we are thrown back upon those last defenses of our rights, which cannot be taken from us, and which God gave us that we need not be slaves.

I ask your Honor, while I say this, to place yourself in my situation, and you will say with me that if your brother, if your friends, if your wife, if your child, had been seized by men who claimed them as fugitives, and the law of the land forbade you to ask any investigation, and precluded the possibility of any legal protection or redress – then you will say with me, that you would not only demand the protection of the law, but you would call in your neighbors and your friends, and would ask them to say with you, that these your friends could not be taken into slavery.

And now I thank you for this leniency, this indulgence, in giving a man unjustly condemned, by a tribunal before which he is declared to have no rights, the privilege of speaking in his own behalf. I know that it will do nothing toward mitigating your sentence, but it is a privilege to be allowed to speak, and I thank you for it. I shall submit to the penalty, be it what it may.

But I stand up here to say, that if for doing what I did on that day at Wellington, I am to go to jail six months, and pay a fine of a thousand dollars, according to the Fugitive Slave Law, and such is the protection the laws of this country afford me, I must take upon myself the responsibility of self-protection, and when I come to be claimed by some perjured wretch as his slave, I shall never be taken into slavery. And as in that trying hour I would have others do to me, as I would call on my friends to help me; as I would call upon you, your Honor, to help me; as I could call upon you [to the District Attorney] to help me, and upon you [to Judge Bliss] and upon you [to his counsel], so help me God! I stand here to say that I will do all I can, for any man thus seized, and help, though the inevitable penalty of six months imprisonment and one thousand dollars fine for each offense hangs over me! We have a common humanity. You would do so, your manhood would require it; and no matter what the laws might be, you would honor yourself for doing it; your friends would honor you for doing it; your children to all generations would honor you for doing it; and every good and honest man would say, You had done *right!* [Great and prolonged applause, in spite of the efforts of the Court and the Marshal]

The Court: . . . You have done an injustice to the Court, Mr Langston, in thinking that nothing you might say could effect a mitigation of your sentence. You have presented considerations to which I attach much weight.

I am fully aware of the evidence that was given to the jury, of the circumstances that were related, of your action in relation to the investigation of the cause of the detention of the fugitive, and of your advice to others to pursue a legal course, and although I am not disposed to question the integrity of the jury, still I see mitigating circumstances in the transaction which should not require, in my opinion, the extreme penalty of the law. This Court does not make laws; that belongs to another tribunal. We sit here under the obligations of an oath to execute them, and whether they be good, it is not for us to say.

We appreciate fully your condition, and while it excites the cordial sympathies of our better natures, still the law must be vindicated. On reflection, I am constrained to say that the penalty in your case should be comparatively light. It is, therefore, the sentence of the Court, that you pay a fine of one hundred dollars; that you be confined in the jail at Cuyahoga County, under the direction of the Marshal, for a period of twenty days from date; and that you pay the costs of this prosecution; and that in case any casualty or other occurrence should render your confinement there insecure, that the Marshal shall see the sentence executed in any other county jail within the District.

The legal phase was not quite over. Bushnell and Langston sued for a writ of habeas corpus, on grounds that the Fugitive Slave Law under which they had been convicted was unconstitutional. The Ohio Supreme Court in 1859 denied the petition by a vote of two to one. Such was the public feeling in Ohio that the Chief Justice, who had voted with the majority, was denied re-election.

Charles Langston spent the rest of his life in education and advocacy. In 1862 he went to Leavenworth, Kansas, where he organized a school for refugees from the Confederacy. In 1863, he returned to Ohio to help recruit volunteers for the U S Colored Troops, whose formation had just been authorized. In 1865, he was appointed general superintendent for refugees and freedmen for the Freedman's Bureau in Kansas. In 1869 he returned to Oberlin to marry his second wife, Mary Patterson Leary, the widow of Lewis Sheridan Leary, who had died of wounds in John Brown's 1859 attack on the arsenal at Harper's Ferry. In 1872 he became president of the Quindaro Freedman's School (chartered in 1865), near Kansas City.

His and Mary's second child, Caroline Mercer Langston, was the mother of poet Langston Hughes.



Do you see the resemblance? Keep looking, until you see the resemblance to all of us.