

Background Information

Following the Civil War, it became apparent that rights would need to be established for the freed slaves. To achieve this, Congress would pass the Reconstruction Amendments. The Reconstruction Amendments are the Thirteenth, Fourteenth, and Fifteenth amendments to the United States Constitution. Lincoln and his successor, President Johnson, sought to transform the country from "half slave and half free" to one that guaranteed equality for the slaves.

The Thirteenth Amendment was passed at the end of 1865 before the Southern States had been brought back into the Union. It was a constitutional way to end slavery.

The Fourteenth Amendment extended the Bill of Rights to former slaves. This amendment would limit the ability of states to discriminate against people based on their race, national origin, gender, or other status.

The Fifteenth Amendment granted voting rights regardless of "race, color, or previous condition of servitude." The Fifteenth Amendment gave the federal government power to state the qualifications for voting.

Despite these amendments, many Southern states did everything possible to limit the power of former slaves by passing a series of laws called Black Codes and Jim Crow laws. Both Black codes and Jim Crow laws denied African Americans the right to enter into contracts, testify in court against whites, marry white people, be unemployed, or even loiter in public places.

Violence by the Ku Klux Klan (a group organized to promote racism) had become so common that Congress had to pass the Ku Klux Klan Act in 1871. This act allowed the military to protect the rights of African Americans.

The idea of Jim Crow laws and Black Codes was not only a Southern issue. The North had laws to restrict the rights of African-Americans as well. In colonial times, free African-Americans were required to carry passes when traveling in some places, and they were forbidden to own property in others. Although taxed in New England, they could not vote there in early times. In some communities in Rhode Island, they could not even own horses or sheep. Additionally, some communities restricted the right to marry, to own property and could not sue others in court.

Therefore, the Reconstruction Amendments were intended to transform the country and protect the rights of all.

Examining the Fourteenth Amendment

The following is the amendment as it appears in the Constitution (

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Changed by section 1 of the 26th amendment*

Interpreting the Amendment

Name _____

Put the following paragraphs into your own words. Some vocabulary words you need to know:

abridge: to cut down, reduce

immunity: exempt from an obligation or service

deprive: to remove, take away

jurisdiction: power to rule, control

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What do you think this means?

Give three examples of how someone could have their life, liberty or property abridged.

1.

2.

3.

Why do you think the North had also enacted laws to restrict the rights of African-Americans?

What Does This Black Code Mean?

Name _____

For this activity you will read actual Black Codes and decide what it means in your own words.

Actual Law

In My Own Words

<p>Alabama</p> <p>SECTION 1. <i>Be it enacted by the Senate and the House of Representatives of the State of Alabama in General Assembly convened,</i> That an act entitled, "An Act to prevent the sale of spirituous liquors to free persons of color," approved February 9, 1852</p>	
<p>Arkansas</p> <p>SEC. 5. <i>Be it further enacted by the General Assembly of the State of Arkansas</i></p> <p>That no negro or mulatto shall be admitted to attend any public school in this state, except such schools as may be established exclusively for colored persons.</p>	
<p>Florida</p> <p>SEC. 12. <i>Be it further enacted,</i> That it shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge of Probate of the county in which he may be a resident for the time being: and the said Judge of Probate is hereby authorized to issue such license, upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant ; and any negro, mulatto, or other person of color, so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction, shall forfeit to the use of the informer all such fire-arms and ammunition, and in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, and the discretion of the jury</p>	
<p>Florida</p> <p>SECTION 14. <i>Be it further enacted,</i> That if any negro, mulatto, or other person of color, shall intrude himself into any religious or other public assembly of white</p>	

persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed to be guilty of a misdemeanor, and upon conviction, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, and the discretion of the jury; nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle, set apart for the exclusive accommodation of persons of color, under the same penalties.

Georgia

9. SECTION 1. *The General Assembly of the State of Georgia do enact*, Penal Code of Georgia shall read as follows, to-wit: “All persons wandering or strolling about in idleness, who are able to work, and who have no property to support them ; all persons leading and idle, immoral or profligate life, who have no property to support them, and are able to work, and do not work; all persons able to work, having no property to support them, and who have not some visible and known means of a fair , honest and reputable livelihood ; all persons having a fixed abode who have no visible property to support them... and it shall be lawful for any person to arrest said vagrants, and have them bound over for trial to the next term of the County Court, and upon conviction they shall be fined or imprisoned, or sentenced to work on the public works or roads for no longer than a year, or shall, in the discretion of the Court, be bound out to some person for a time not longer than one year, upon such valuable consideration as the Court may prescribe, the person giving bond, in a sum not exceeding three hundred dollars, payable to said Court, and conditioned to clothes and feed, and provide said convict with medical attendance for and during said time, *Provided*, that the defendant may, at any time before conviction, be discharged upon paying costs, and giving bond and security in a sum not exceeding two hundred dollars, payable to said Court, and conditioned for the good behavior and industry of defendant for one year. Approved 12th March, 1866.

Mississippi

<p>SECTION 6. All contracts for labor made with freedmen, free negroes and mulattoes for a longer period than one month shall be in writing, and a duplicate, attested and read to said freedman, free negro or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to performed, of which each party shall have one: and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.</p>	
<p>Mississippi</p> <p>SECTION 2. All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawful assembling themselves together, either in the day or night time, and all white persons assembling themselves with freedmen, Free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisonment at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.</p>	
<p>North Carolina</p> <p>SEC. 8. <i>Be it further enacted,</i> That marriage between white persons and persons of color shall be void; and every person authorized to solemnize the rites of matrimony, who shall knowingly solemnize the same between such persons; and every clerk for a court who shall knowingly issue license for their marriage, shall be deemed guilty of a misdemeanor, and moreover, shall pay a penalty of five hundred dollars to any person suing for the same.</p>	

Tennessee

SEC. 3. *Be it further enacted*, That all persons of color, being blind, deaf and dumb, lunatics, paupers or apprentices, shall have the full and perfect benefit and application of all laws regulating and providing for white persons being blind or deaf and dumb or lunatics or paupers or either (in asylums for their benefit) and apprentices

Texas

SEC. 7. That if any apprentice shall run away from, or leave the employ of his master or mistress, without permission, said master or mistress may pursue and recapture said apprentice, and bring him before any Justice of the Peace of the county, whose duty it shall be to remand said apprentice to the service of his master or mistress ; and, in the event of a refusal on the part of said apprentice to return, then said Justice shall commit said apprentice to the county jail, on failure to give bond for appearance, at the next term of the County Court ; and it shall be the duty of the County Judge, at the next regular term thereafter, to investigate said cause, and, if the Court shall be of opinion that said apprentice left the employment of his master or mistress without good and sufficient cause, to order him to receive such punishment as may be provided by the vagrant laws then in force, until said apprentice agrees to return to his employment ; *Provided*, That the Court may grant continuances, as in other cases; *And further provided*, That if the Court shall be of opinion that said apprentice has god cause to quit said employment, the Court shall discharge said apprentice from his indentures of apprenticeship

T-Chart Assignment

Name _____

With a partner, create a T chart that supports your arguments that these Black Codes violated the Fourteenth Amendment. You should list 3 examples of specific Black Codes that violated the 14th Amendment. You must include your source(s) of information.

Example: **Black Code:** No colored barber shall serve as a barber for a white woman or girl.

14th Amendment: No person should be denied life or property without due process. If a barber cannot work then he will have no property or ability to sustain his/her life.

Source: <http://home.gwu.edu/~jjhawkin/BlackCodes/BlackCodes.htm>

Black Code

The 14th Amendment

Source of Information _____