

The Effect of Black Codes on the Reconstruction Amendments

The Emancipation Proclamation declared that “all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.”

With the above executive order, President Abraham Lincoln freed enslaved people within the Confederate States of America. Lincoln knew there would need to be a constitutional amendment in the near future to free those enslaved in border states and make this change permanent. The 13th Amendment did just that, making the enslavement of a person illegal. The former Confederate states were required to ratify this amendment before they could be readmitted to the Union. Shortly after the 13th Amendment, the 14th Amendment granted citizenship to all formerly enslaved people. The passing of the 15th Amendment in 1869 gave African American men the right to vote. Together these three amendments granted freedoms African Americans had never experienced before. At the same time, Southern states enacted laws to restrict the rights of African Americans. These black codes were in direct opposition to the intent of the 13th, 14th, and 15th Amendments also known as the Reconstruction Amendments.

Directions: Using the following excerpts of amendments and black codes, students will construct an essay contrasting the Reconstruction Amendments with Mississippi Black Codes. The primary location for contrasting information is found in sections three, five, and seven; however we have included all sections as this resource is not currently digitized. Further essay instructions about the length and scope of the essay will come from teachers.

Amendment XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Amendment XIV

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.

Amendment XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

An Act to Confer Civil Rights on Freedmen, and for other Purposes (Mississippi Black Codes)

Section 1. All freedmen, free negroes and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and chooses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: Provided, that the provisions of this section shall not be construed as to allow any freedman, free negro or mulatto to rent or lease any lands or tenements except in incorporated cities or towns, in which places the corporate authorities shall control the same.

Section 2. All freedmen, free negroes and mulattoes may intermarry with each other, in the same manner and under the same regulations that provided by law for white persons: Provided, that the clerk of probate shall keep separate records of the same.

Section 3. All freedmen, free negroes or mulattoes who do now or have herebefore lived and cohabitated together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; and it shall not be lawful for and freedman, free negro or mulatto to intermarry with any white person; nor for any person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes and mulattos who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Section 4. In addition to cases in which freedmen, free negroes, and mulattoes are now by law competent witnesses, freedmen, free negroes or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedmen, free negro or mulatto: Provided, that in all cases said witnesses shall be examined in open court, on the stand; except, however they maybe examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Section 5. Every freedman, free negro and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof as follows, to wit: if living in any incorporated city, town, or village, a license from that mayor thereof; and if living outside of an incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work; or a written contract, as provided in section 6 in this act; which license may be revoked for cause at any time by the authority granting the same.

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 be 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.

Section 7. Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employee aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer, and held as a set off for so much against the wages of deserting employee: Provided, that said arrest party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer. Either party shall have the right to appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

Essay Rubric

Purpose and Supports	4. Compares and contrasts items clearly. The paper points to specific examples to illustrate the comparison. The paper includes only the information relevant to the comparison.	3. Compares and contrasts items clearly, but the supporting information is general. The paper includes only the information relevant to the comparison.	2. Compares and contrasts items clearly, but the supporting information is incomplete. The paper may include information that is not relevant to the comparison.	1. Compares or contrasts, but does not include both. There is no supporting information or support is incomplete.
Organization	4. Breaks the information into whole-to-whole, similarities - to-differences, or point-by-point structure. It follows a consistent order when discussing the comparison.	3. Breaks the information into whole-to-whole, similarities - to-differences, or point-by-point structure but does not follow a consistent order when discussing the comparison.	2. Breaks the information into whole-to-whole, similarities - to-differences, or point-by-point structure, but some information is in the wrong section. Some details are not in a logical or expected order, and this distracts the reader.	1. Many details are not in a logical or expected order. There is little sense that the writing is organized.
Transitions	4. Moves smoothly from one idea to the next, uses comparison and contrast transition words to show relationships between ideas. The paper uses a variety of sentence structures and transitions.	3. Moves from one idea to the next, but there is little variety. The paper uses comparison and contrast transition words to show relationships between ideas.	2. Some transitions work well; but connections between other ideas are fuzzy.	1. The transitions between ideas are unclear or nonexistent.
Grammar and Spelling	4. No errors in grammar or spelling that distract the reader from content.	3. 1-2 errors in grammar or spelling that distract the reader from the content.	2. 3-4 errors in grammar or spelling that distract the reader from the content.	1. 4 errors in grammar or spelling that distract the reader from the content.

Enrichment:

The First Black Legislators in Mississippi: <https://mshistorynow.mdah.ms.gov/issue/first-black-legislators-mississippi> and Reconstruction in Mississippi 1865-1876: <https://mshistorynow.mdah.ms.gov/issue/reconstruction-in-mississippi-1865-1876>

Amendment Links:

13th Amendment <https://catalog.archives.gov/id/1408764>

14th Amendment <https://catalog.archives.gov/id/1408913>

15th Amendment <https://catalog.archives.gov/id/299797>

Essay