

Johnson, Michael P. Reading the
American Past, Bedford/St. Martin's,
Boston, 2005.

RECONSTRUCTION

1863-1877

During the turbulent years of Reconstruction, the character of freedom for former slaves was the subject of intense debate within the South and across the nation. Most Southern whites sought the most limited form of freedom for African Americans, as the black codes passed by several states suggested. Most former slaves sought to exercise their liberty to the full, as advertisements by former slaves seeking to reunite families and black conventions repeatedly declared. White vigilantes resorted to murder, lynching, and other acts of brutality to force blacks to limit their horizons. In the end, most Northern white Republicans concluded that once former slaves had the vote, the South — not the North or the federal government — should determine how best to define freedom and preserve order.

DOCUMENT 16-1

Black Codes Enacted in the South

After the Civil War, the legal status of former slaves was defined by state legislatures throughout the South. In the months following General Robert E. Lee's surrender at Appomattox, white legislators devised laws to regulate and control former slaves. Known as black codes, these laws defined freedom for African Americans in terms that resembled slavery in many respects, as revealed in the following provisions of the Mississippi Black Code, enacted in November 1865.

Mississippi Black Code, November 1865

AN ACT to confer CIVIL Rights on Freedmen, and for other purposes.
Be it enacted by the Legislature of the State of Mississippi: That all freedmen, free negroes and mulattoes may sue and be sued, . . . in all the courts of law and equity of this State, and may acquire personal property . . . by descent or purchase, and may dispose of the same, in the same manner . . . that white persons

W. L. Fleming, ed., *Laws of Mississippi Documentary History of Reconstruction*, 2 vols. (Cleveland: A. H. Clark, 1865), 281-90.

may. Provided that the provisions of this section shall not be so construed as to allow any freedman, free negro or mulatto, to rent or lease any lands or tenements, except in incorporated towns or cities in which places the corporate authorities shall control the same.

That all freedmen, free negroes and mulattoes may intermarry with each other. . . . That all freedmen, free negroes and mulattoes, who do now and have heretofore lived and cohabited 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. That it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person, nor for any white 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.

That . . . freedmen, free negroes and mulattoes are now by law competent witnesses . . . in civil cases. . . and 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 freedman, free negro or mulatto.

That 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 the mayor thereof, and if living outside of any 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 . . . which licenses may be revoked for cause, at any time, by the authority granting the same.

That all contracts for labor made with freedmen, free negroes and mulattoes, for a longer period than one month shall be in writing and in 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. . . and if the laborer shall quit the service of the employer, before expiration of his term of service, without good cause, he shall forfeit his wages for that year, up to the time of quitting.

That 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, [fo] be paid by the employer.

AN [A]CT to regulate the relation of Master and Apprentice, as related to Freedmen, Free Negroes, and Mulattoes.

Be it enacted by the Legislature of the State of Mississippi:

That it shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties, semi-annually, at the January and July terms of said courts, all freedmen, free negroes and mulattoes, under the age of eighteen, within their res: . . . counties, beats or districts, who are orphans, or whose parent

parents have not the means, or who refuse to provide for and support said minors, and thereupon it shall be the duty of said probate court, to order the clerk of said court to apprentice said minors to some competent and suitable person, on such terms as the court may direct. . . . Provided, that the former owner of said minors shall have the preference.

That . . . the said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing, to treat said minor humanely, furnish medical attention in case of sickness, [and to] teach or cause to be taught him or her to read and write, if under fifteen years old. . . . Provided, that said apprentice shall be bound by indenture, in case of males until they are twenty-one years old, and in case of females until they are eighteen years old.

That in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law.

That if any apprentice shall leave the employment of his or her master or mistress, without his or her consent, said master or mistress may pursue and recapture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county.

That if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing, without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits, without such consent, said person so offending shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof before the county court, be punished as provided for the punishment of persons enticing from their employer hired freedmen, free Negroes or mulattoes.

AN ACT to amend the Vagrant Laws of the State.
Be it further enacted,

That 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 unlawfully assembling themselves together either in the day or night time, and all white persons so assembling with [them] on terms of equality, or living in adultery or fornication with a freed-woman, free negro, or mulatto, shall be deemed vagrants, and on conviction thereof, shall be fined in the sum of not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

That . . . in case any freedman, free negro or mulatto, shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act, to pay the same, that it shall be, and is hereby made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine or forfeiture and all costs. Provided, a preference shall be

ployer, if one, in which case the employer shall be entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto, then due or to become due.

AN ACT to punish certain offences.

Be it enacted by the Legislature of the State of Mississippi:

That no freedman, free negro or mulatto . . . shall keep or carry fire-arms of any kind, or any ammunition, dirk or bowie knife, and on conviction thereof, in the county court, shall be punished by fine, not exceeding ten dollars, and pay the costs of such proceedings; and all such arms or ammunition shall be forfeited to the informer, and it shall be the duty of every civil and military officer to arrest any freedman, free negro or mulatto found with any such arms or ammunition, and cause him or her to be committed for trial in default of bail.

That any freedman, free negro or mulatto, committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment of animals, seditious speeches, insulting gestures, language or acts, or assaults on any person, disturbances of the peace, exercising the function of a minister of the Gospel, without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor . . . shall, upon conviction thereof, in the county court, be fined, not less than ten dollars, and not more than one hundred dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

That if any white person shall sell, lend or give to any freedman, free negro or mulatto, any firearms, dirk or bowie-knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof, in the county court of his or her county, shall be fined, not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

That all the penal and criminal laws now in force in this State, defining offences and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free negroes or mulattoes, be and the same are hereby re-enacted, and declared to be in full force and effect, against freedmen, free negroes and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law.

That if any freedman, free negro or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse, for the space of five days after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take such convict for the shortest time.

QUESTIONS FOR READING AND DISCUSSION

1. What civil rights, if any, did these laws confer on freed black men and women?
2. Why did the laws repeatedly refer to "freedmen, free negroes and mulattoes"?
3. In what ways did these laws limit the freedom of African Americans in Mississippi? Were these laws different from the laws governing slaves? If so, how and why?
4. Did former masters exercise any control over their former slaves? To what extent did these laws limit the freedom of white Mississippians?
5. What do these laws suggest about white Southerners' anxieties and fears regarding the end of slavery? In what ways did the laws envision postemancipation society differing from antebellum slavery?

Former Slaves Seek to Reunite Their Families

With freedom, former slaves tried to reunite families slavery had separated. Some freed people traveled far and wide searching for kinfolk. Others appealed for help from the Freedmen's Bureau or enlisted literate friends to write letters of inquiry. But hundreds of former slaves placed advertisements in newspapers, asking for help in locating lost family members. The advertisements below appeared in the Christian Recorder, the weekly newspaper of the African Methodist Episcopal Church in Philadelphia. The ads provide a glimpse of the scars of slavery and the meanings of freedom for millions of former slaves.

Advertisements from the Christian Recorder, 1865-1870

INFORMATION WANTED

Jacob Brown wishes to find his sister and friends, from whom he was sold about eight years ago. He belonged to George Fisher, of Hardy County, Va., near Morefield. His sister Louisa, who was sold with him into Louisiana, has been back home once. She left three children, named respectively Peter, Isaac, and Moses. She is in New Orleans, and is anxious to hear of them. Another sister remained, named Arena or "Asemit," whose husband was named Paul Peterson. His uncle was Richard and Jacob Cassam, owned by McCoy.

January 25, 1865

Any person knowing any thing of them will confer a great favor upon the undersigned, who is their young brother, and who escaped from imprisonment in the jail, at Winchester, Va., by writing such information as shall unite those separated by slavery.

Respectfully,
Jacob Brown,
Baton Rouge, Louisiana

INFORMATION WANTED

July 29, 1865

Information is wanted of Cayrel Robinson, who left Liberty, Clay County, Missouri, about four years ago, to join the Union army at Wyandotte, Kansas; and he has not been heard from since. Any information of his whereabouts will be thankfully received by his wife.

Mrs. Fannie Robinson
Care of P. C. Cooper
Box 1129
Davenport, Iowa

DOCUMENT 16-5

A Northern Republican's Report on Reconstruction

By 1875, many Republican leaders in the North concluded that Reconstruction had done enough for former slaves. Concerned about the political consequences throughout the nation of federal support for Southern, mostly black, Republicans, they decided that the best way to achieve order and stability in the South, as well as in the North, was to permit home rule in the former slave states. The disillusionment of many Northern Republicans about Reconstruction and the conviction that Southern blacks had to defend themselves with their own meager resources were illustrated in the observations — excerpted here — of Charles Nordhoff, a Northern journalist, who spent five months traveling across the South in 1875.

Charles Nordhoff The Cotton States, 1875

To make clear my point of view, it is proper to say that I am a Republican, and have never voted any other Federal ticket than the Republican. I have been opposed to slavery as long as I have had an opinion on any subject . . . ; and I am a thorough believer in the capacity of the people to rule themselves, even if they are very ignorant, better than any body else can rule them.

The following, then, are the conclusions I draw from my observations in the Cotton States:

There is not, in any of the States of which I speak, any desire for a new war; any hostility to the Union; any even remote wish to re-enslave the blacks; any hope or expectation of repealing any constitutional amendment, or in any way curtailing the rights of the blacks as citizens. The former slave-holders understand perfectly that the blacks can not be re-enslaved. . . .

That the Southern whites should rejoice over their defeat, now, is impossible. That their grandchildren will, I hope and believe. What we have a right to require is, that they shall accept the situation, and that they do. What they have a right to ask of us is, that we shall give them a fair chance under the new order of things; and that we have so far too greatly failed to do. . . .

The Southern Republicans seem to me unfair and unreasonable in another way. They complain constantly that the Southern whites still admire and are faithful to their own leaders; and that they like to talk about the bravery of the South during the war, and about the great qualities of their leading men. There seems to me something childish, and even cowardly, in this complaint. . . .

In all the States I have seen, the Republican reconstructors did shamefully rob the people. In several of them they continue to do so. . . .

As to "intimidation," it is a serious mistake to imagine this exclusively a Democratic proceeding in the South. It has been practiced in the last three years quite as much, and even more rigorously, by the Republicans. The negroes are the most

savage intimidators of all. In many localities which I visited, it was as much as a negro's life was worth to vote the Democratic ticket. . . . That there has also been Democratic intimidation is undeniable, but it does not belong to the Southern Republicans to complain of it.

Wherever one of these States has fallen under the control of Democrats, this has been followed by important financial reforms; economy of administration, and . . . by the restoration of peace and good-will. . . .

The misconduct of the Republican rulers in all these States has driven out of their party the great mass of the white people, the property-owners, tax-payers, and persons of intelligence and honesty. At first a considerable proportion of these were ranged on the Republican side. Now . . . the Republican party consists almost exclusively of the negroes and the Federal office-holders. . . .

Thus has been perpetuated what is called the "color-line" in politics, the Democratic party being composed of the great mass of the whites, including almost the entire body of those who own property, pay taxes, or have intelligence; while the Republican party is composed almost altogether of the negroes, who are, as a body, illiterate, without property, and easily misled by appeals to their fears; and to their gratitude to "General Grant," who is to them the embodiment of the Federal power.

This division of political parties on the race or color-line has been a great calamity to the Southern States.

It had its origin in the refusal of the Southern whites, after the war, to recognize the equal political rights of the blacks; and their attempts, in State legislatures, to pass laws hostile to them. This folly has been bitterly regretted by the wiser men in the South. . . .

The color-line is maintained mostly by Republican politicians, but they are helped by a part of the Democratic politicians, who see their advantage in having the white vote massed upon their side. . . .

Inevitably in such cases there must be a feeling of hostility by the whites toward the blacks, and it is an evidence of the good nature of the mass of whites that, in the main, they conduct themselves toward the blacks kindly and justly. They concentrate their dislike upon the men who have misled and now misuse the black vote, and this I can not call unjust. It is commonly said, "The negroes are not to blame; they do not know any better."

On the other hand, as the feeling is intense, it is often indiscriminating, and includes the just with the unjust among the Republicans. . . . [It] will last just as long as the color-line is maintained, and as long as Republicans maintain themselves in power by the help of the black vote, and by Federal influence. . . .

There was, in those Southern States which I have visited, for some years after the war and up to the year 1868, or in some cases 1870, much disorder, and a condition of lawlessness toward the blacks — a disposition . . . to trample them under foot, to deny their equal rights, and to injure or kill them on slight or no provocation. The tremendous change in the social arrangements of the Southern State required time as well as laws and force to be accepted. The Southern whites have suffered a defeat which was sore to bear, and on top of this they saw their slaves — their most valuable and cherished property — taken away and made free, and not only free, but their political equals. One needs to go into the far South to know what this really meant, and what deep resentment and irritation it inevitably bred. . . .

I believe that there was, during some years, a necessity for the interference of the Federal power to repress disorders and crimes which otherwise have

spread, a... ed, perhaps, irretrievable blows on society itself. But, after all, I am persuaded, ... me was the great and real healer of disorders, as well as differences. We of the North do not always remember that even in the farthest South there were large property interests, important industries, many elements of civilization which can not bear long-continued disorders; and, moreover, that the men of the South are Americans, like ourselves, having, by nature or long training a love of order and permanence, and certain, therefore, to reconstitute society upon the new basis prescribed to them, and to do it by their own efforts, so soon as they were made to feel that the new order of things was inevitable. . . .

No thoughtful man can examine the history of the last ten years in the South, as he may hear it on the spot and from both parties, without being convinced that it was absolutely necessary to the security of the blacks, and the permanent peace of the Southern communities, to give the negro, ignorant, poor, and helpless as he was, every political right and privilege which any other citizen enjoys. That he should vote and that he should be capable of holding office was necessary. I am persuaded, to make him personally secure, and, what is of more importance, to convert him from a *freedman* into a *free man*.

That he has not always conducted himself well in the exercise of his political rights is perfectly and lamentably true; but this is less his fault than that of the bad white men who introduced him to political life. But, on the other hand, the vote has given him what nothing else could give — a substantive existence; it has made him a part of the State. . . .

General manhood suffrage is undoubtedly a danger to a community where, as in these States, the entire body of ignorance and poverty has been massed by adroit politicians upon one side. . . .

But the moment the color-line is broken, the conditions of the problem are essentially changed. Brains and honesty have once more a chance to come to the top. The negro, whose vote will be important to both parties, will find security in that fact. No politician will be so silly as to encroach upon his rights, or allow his opponents to do so; and the black man appears to me to have a sense of respectability which will prevent him, unencouraged by demagogues, from trying to force himself into positions for which he is unfit. He will have his fair chance, and he has no right to more.

Whenever the Federal interference in all its shapes ceases, it will be found, I believe, that the negroes will not at first cast a full vote; take away petty Federal "organizers," and the negro, left face to face with the white man, hearing both sides for the first time, knowing by experience, as he will presently, that the Democrat is not a monster, and that a Democratic victory does not mean his reenslavement, will lose much of his interest in elections. . . .

Of course, as soon as parties are re-arranged on a sound and natural basis, the negro vote will re-appear, for the leaders of each party, the Whig or Republican and the Democrat, will do their utmost to get his vote, and therein will be the absolute security of the black man. I believe, however, that for many years to come, until a new generation arrives at manhood perhaps, and, at any rate, until the black man becomes generally an independent farmer, he will be largely influenced in his political affiliations by the white. He will vote as his employer, or the planter from whom he rents land, or the white man whom he most trusts, and with whom, perhaps, he deposits his savings, tells him is best for his own interest. . . . But, at any rate, he will vote or not, as he pleases. And it is far better for him that he should act under such influences than that his vote should be massed

against the property and intelligence of the white people to act re purposes
of unscrupulous demagogues. . . .
These are my conclusions concerning those Southern States which have seen. If they are unfavorable to the Republican rule there, I am sorry for it.

QUESTIONS FOR READING AND DISCUSSION

1. What did Nordhoff mean by observing that Southern whites "accept the situation"? What "fair chance" did they "have a right to ask of" Northerners, and why had Northerners "greatly failed" to grant it?
2. Nordhoff criticized southern Republicans as "unfair and unreasonable." Why? To what standards had they failed to conform?
3. To what extent, according to Nordhoff, were "negroes . . . the most savage intimidators of all"? What were the consequences of Republican rule in the South? Did Nordhoff believe Reconstruction was necessary and justifiable? Why?
4. How did Nordhoff believe order could be established in the South? In his opinion, what would happen to black voters when home rule was established in the South?

COMPARATIVE QUESTIONS

1. How do the views of former slaves expressed by white Mississippians in their state's black code differ from those of the Black Convention in Alabama? To what extent do the two documents express contrasting conceptions of freedom? To what extent do they contrast with the meanings of freedom documented in the advertisements from the *Christian Recorder*?
2. To what extent do Nordhoff's observations justify the Klan's campaign of terror against black Republicans like Hill? To what extent do Nordhoff's conclusions endorse the activities of Hill and other Republicans?
3. In what ways do Nordhoff's conclusions about the South differ from those of black and white Southerners in the other documents in this chapter? What explains the differences?
4. Documents in this chapter provide evidence that Reconstruction profoundly challenged fundamental assumptions among Northerners and Southerners, whites and blacks. Judging from these documents, what assumptions were challenged, and how, if at all, did those assumptions change during Reconstruction?