

Competing Visions

DEMANDING RIGHTS, PROTECTING PRIVILEGE

In the aftermath of the Civil War, one question dominated the minds of Americans North and South: now that slavery was abolished, what would be the status of the freedmen? While newspaper editors, clergymen, and members of Congress debated the issue, white and black Southerners set out to answer the question themselves. As you read the following documents, one from a convention of freedmen and the other from the state legislature of Mississippi, consider the starkly contrasted visions for the future of Southern society. Why do the freedmen feel compelled to say they bear no ill will toward their “former oppressors.” Why do Mississippi legislators define vagrancy in such vague terms?

“Address to the Loyal Citizens and Congress of the United States of America,” Proceedings of the Convention of the Colored People of Virginia, Held in the City of Alexandria, August 2, 3, 4, 5, 1865.

We, the delegates of the colored people of the State of Virginia ... solemnly declaring that we desire to live upon the most friendly and agreeable terms with all men; we feel no ill-will or prejudice toward our former oppressors; are willing and desire to forgive and forget the past, and so shape our future conduct as shall promote our happiness and the interest of the community in which we live ...

We must, on the other hand, be allowed to aver and assert that we believe that we have among the white people of this State many who are our most inveterate enemies; who hate us as a class, who feel no sympathy with or for us; who despise us simply because we are black, and more especially, because we have been made free by the power of the United States Government ...

We claim, then, as citizens of this State, the laws of the Commonwealth [of Virginia] shall give to all men equal protection; that each and every man may appeal to the law for his equal rights without regard to the color of his skin; and we believe this can only be done by extending the franchise, which we believe to be our inalienable right as freemen, and which the Declaration of Independence guarantees to all free citizens of this Government and which is the privilege of this nation. We claim the right of suffrage:

- 1st. Because we can see no other safeguard for our protection.
- 2nd. Because we are citizens of the country and natives of this State.
- 3rd. Because we are as well qualified to vote who shall be our rulers as many who do vote for that purpose who have no interest in us, and do not know our wants.

Mississippi legislators in December 1865 enacted the first “Black Codes” to limit the freedoms of African Americans. Defining vagrancy in such vague terms allowed white Southerners to arrest freedmen at will and to curtail their freedom of movement. These measures were quickly copied in the remaining ex-Confederate states.

Section 1. All rogues and vagabonds, idle and dissipated persons, ... persons who neglect their calling or employment, mispend what they earn, or do not provide for the support of themselves or their families, or dependents shall be deemed and considered vagrants, and upon conviction thereof shall be finned not exceeding one hundred dollars, with all accruing costs, and be imprisoned ... not exceeding ten days. ...

Section 5. ...In case of any freedman, free negro or mulatto shall fail for five days after the imposition of any 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 and forfeiture and all costs ...

Colored Men's Convention 1869.



no regular home or employment—as a pretext for controlling freedmen. (See *Competing Visions: Demanding Rights, Protecting Privilege*.) Any freedman who hit the road seeking new opportunities could be arrested as a vagrant and fined. If a freedman could not pay his fine, he could be hired out for a period of time to a local plantation owner willing to pay his fine. As this drawing (14.8) dramatically shows, in some cases the contracts for such labor were auctioned off to local planters. The artist's intent was to conjure in the minds of Northerners a grim scene reminiscent of a slave auction, suggesting that one of the war's chief accomplishments, emancipation, was being undermined. Some Black Codes required that the children of "vagrant" freedmen be forced to accept apprenticeships that bound them to an employer until age twenty-one. Other stipulations encouraged blacks to sign long-term work contracts as proof of employment. This left them at the mercy of their employers, who were not required to pay them for any work performed if they quit before the contract expired. Other codes included laws restricting freedmen to renting land only in rural areas (to keep them on plantations), prohibiting ministers from preaching without a license, outlawing

interracial marriages, and barring blacks from serving on juries.

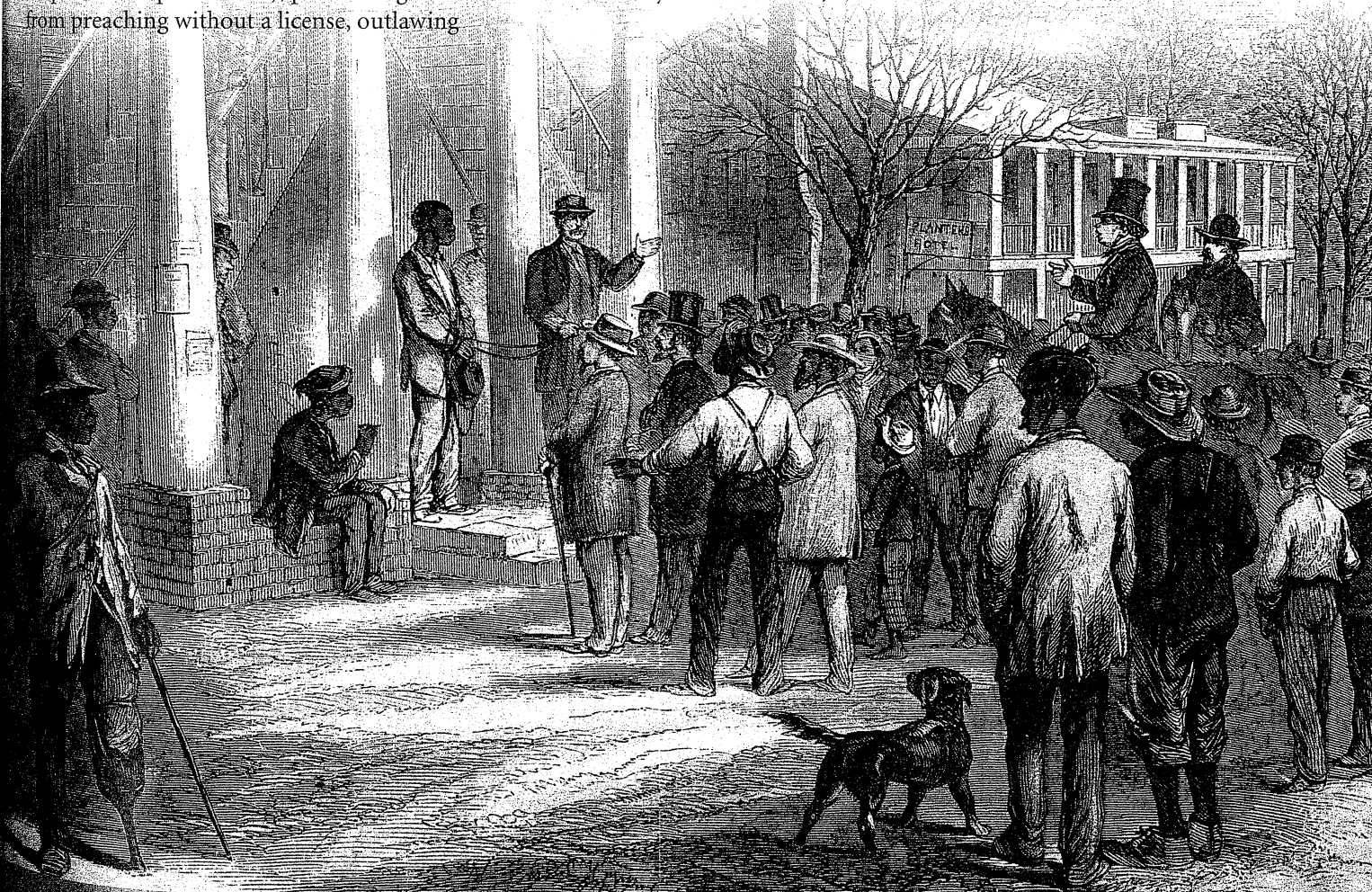
Congressional Reconstruction and the Fourteenth Amendment

Republicans in Congress, both moderate and Radical, vowed to block Johnson's rapid and lenient Reconstruction program for both idealistic and practical reasons. Excepting emancipation, none of the Republicans' goals for changing Southern society had been accomplished, and the former slavocracy appeared poised to resume power—a result that would lead to the rebirth of the Democratic Party. A slower process of Reconstruction would allow time for the Republican Party to take root in the South, especially if African Americans were granted the right to vote, as many Radicals like Thaddeus Stephens demanded.

The confrontation began in January 1866 when Congress reconvened. Congressional Republicans, led by Sumner and Stephens, refused to admit the senators and representatives from the former Confederate states declared reconstructed by Johnson. Next they established the Joint Committee on

14.8 The Black Codes in Action

Unable to pay his fine for "vagrancy" as defined in the Black Codes of Florida, a freedman is auctioned off. The high bidder won the right to a freedman's labor for months or years.



How did Black Codes calling for freedmen to sign labor contracts curtail their freedom?