

THE BLACK CODES



ESSENTIAL QUESTION

What brought about the Black codes and how did they restrict the lives of Black Americans?



OBJECTIVES

Students will:

- Discuss the circumstances for Black Americans following the Civil War.
- Investigate how the Black codes limited rights and freedoms for Black Americans, using primary and secondary source materials.
- Describe examples of resistance to the Black codes.



LEARNING STANDARDS

See the [standards alignment chart](#) to learn how this lesson supports New Jersey State Standards.



TIME NEEDED

75 minutes



MATERIALS

- AV equipment to watch a video
- *Excerpt from “What the Black Man Wants”* handout (one per pair of students)
- *Examples of Black Codes* handout (one per student)
- *Black Codes: Scenarios* handout (one per small group)



VOCABULARY

apprentice/apprenticeship

Black codes

emancipation

Reconstruction

vagrant/vagrancy

Procedures

- 1** Project or distribute the handout *Excerpt from “What the Black Man Wants.”* In pairs, have students read the passage and discuss the questions that follow it. Reconvene the class and ask for volunteers to share their response to the last question. Discuss what conditions students think Black people faced following the Civil War.
- 2** Tell students that they will learn about the Black codes, a set of laws—passed mostly in the South from 1865–1866—that aimed to restrict Black people’s freedoms, keep their wages low, and force them back into slavery-like servitude. Explain that they will watch a video and take notes on ways that the Black codes limited rights and freedoms.
- 3** Show the PBS Learning Media video “Reconstruction: The Black Codes” [4:05]: <https://ny.pbslearningmedia.org/resource/reconstruction-black-codes/reconstruction-the-black-codes>. Pause the video in key places to highlight important information and allow students to record notes; play the video twice if beneficial for students. After the video, allow students to share some of the main ideas they noticed and list them on the board.
- 4** Highlight the idea from the video that vagrancy laws were a core part of the Black codes. Ask students what a vagrant is or what vagrancy means, and share the definition below as needed.

A **vagrant** is someone who is homeless, poor and may drift from place to place; **vagrancy** is the state of wandering from place to place.

Ask students how Black people were punished for vagrancy and if this was fair. Make sure they understand that Black people who did not have a job or assembled in public were unjustly labeled as vagrants and penalized harshly. These laws controlled the movement of Black people and forced them into low-wage jobs, often at the plantations on which they had once been enslaved.

NOTE

The speech “What the Black Man Wants” argued for voting rights for Black people and condemned the practice of accusing free Black people of vagrancy and then penalizing them with hard labor or forcing them to sign labor contracts for work on plantations. The full text of the speech can be found at <https://www.blackpast.org/african-american-history/1865-frederick-douglass-what-black-man-wants>.

NOTE

During this lesson, make sure that students understand these additional key concepts about the Black codes:

- The Black codes were an attempt to replicate the conditions of slavery even as they acknowledged the end of slavery.
- The Black codes restricted freedom of movement by imposing vagrancy and loitering statutes that prevented Black people from assembling or moving about without permission from white authorities.
- The Black codes provided cheap labor by compelling Black people to work for white employers (mostly in the agricultural sector) at low wages and with limited ability to protest poor working conditions, leave jobs or collect back wages.
- The Black codes forced children into servitude by removing them from parents unfairly convicted of Black codes violations and “apprenticing” them for little or no wages.
- The Black codes were enforced through violence, perpetrated by both law enforcement officers and hate groups, such as the Ku Klux Klan.

NOTE

Circulate and help groups interpret any difficult language or concepts. Explain that “negro,” “mulatto” and “colored” were terms commonly used to describe Black and mixed-race people in other times, and that they are inappropriate to use today.

5

Tell students that they will look at the text of some actual Black codes and apply them to situations that Black people may have faced in the post-Civil War era. Divide the class into small groups and distribute copies of the handout *Examples of Black Codes* (give each group the handout for just one state—LA, MS or FL). After reading the introduction together, direct groups to collaboratively review the text and record their ideas in the column labeled, “What freedoms were limited or taken away?”

6

Next, form new groups comprised of students who have investigated Black codes from different states. Distribute the handout *Black Codes: Scenarios*. Have groups cut apart the cards and place them face down. Instruct them to read the scenarios one at a time and respond, using evidence from the *Examples of Black Codes* handouts. Allow enough time for groups to respond to at least three scenarios. When time is up, review their answers as a class in order to check for understanding and clarify any concepts that may have been unclear to students.

7

Comment that although the Black codes severely limited the rights and freedoms of Black people, many found ways to organize and challenge the unjust laws. One example of resistance is the 1865 Colored People’s Convention of the State of South Carolina, during which community members advanced a “declaration of rights and wrongs” and a petition to the legislature, among other protests.

- 8 Play the video clip of a dramatic reading of the petition mentioned above—*FOURTEEN: A Theatrical Performance* [2:06-3:58]: <https://constitutioncenter.org/learn/hall-pass/14th-amendment-discussion-starter-the-black-codes>. As they listen, direct students to record one phrase that they find most meaningful or inspiring. Following the video, conduct a read-around, in which students take turns sharing their phrases aloud.
- 9 Share that the harsh nature of the Black codes, violent anti-Black riots in the South and resistance among Black Americans led Northern politicians to pass the Civil Rights Act of 1866 and to enact Radical Reconstruction (1865–1877). Reconstruction abolished the Black codes; however, they would reemerge in the form of Jim Crow laws a decade later.
- 10 Conclude the lesson by engaging students in a final discussion using some of the questions on the next page.

3

NOTE

If time allows, consider showing the full video clip [4:26]—the first two minutes feature performers reading sections of the Black codes. The full text of the petition featured in the video can be found at <https://omeka.colored-conventions.org/items/show/570>.

Discussion Questions

ADDITIONAL RESOURCES

- + Childs, David. "Exploring Historic Black Codes: Combating Prejudice with Social Studies Teaching." *Democracy&Me*, May 31, 2019. <https://www.democracy-andme.org/exploring-historic-black-codes-combating-prejudice-with-social-studies-teaching>.
- + History.com. "Black Codes." October 10, 2019. <https://www.history.com/topics/black-history/black-codes>.
- + National Constitution Center. "14th Amendment Discussion Starter: The Black Codes." <https://constitutioncenter.org/learn/hall-pass/14th-amendment-discussion-starter-the-black-codes>.
- + "What Were the Black Codes." January 28, 2012. YouTube video, 1:51. <https://www.youtube.com/watch?v=HvWVX84RBt4>.

1

What was the purpose of the Black codes? How were they similar to slavery?

2

Which Black codes did you find most surprising or troubling? Why?

3

How did the Black codes affect Black communities? What was the impact on white communities?

4

In what ways were Black people freed but not truly free following Reconstruction?

5

How did the Black codes make it difficult—even impossible—for Black people to fight back *physically*? How might they have resisted *spiritually*, or through their family and cultural lives?

Lesson Extensions

- The Black codes of 1865–1866 receded, only to be replaced by Jim Crow laws a decade later. Have students research the two types of laws and create a Venn diagram analyzing the similarities and differences, making sure to include two to three examples of each.
- While the Black codes were state-level laws, their establishment was tied to presidential politics of the day. Have students research the stances of Presidents Andrew Johnson (Democrat, 1865–1869) and Ulysses S. Grant (Republican, 1869–1877) on Reconstruction and the Black codes. Assign them to write a one-paragraph speech in the voice of each president, reflecting their viewpoints.



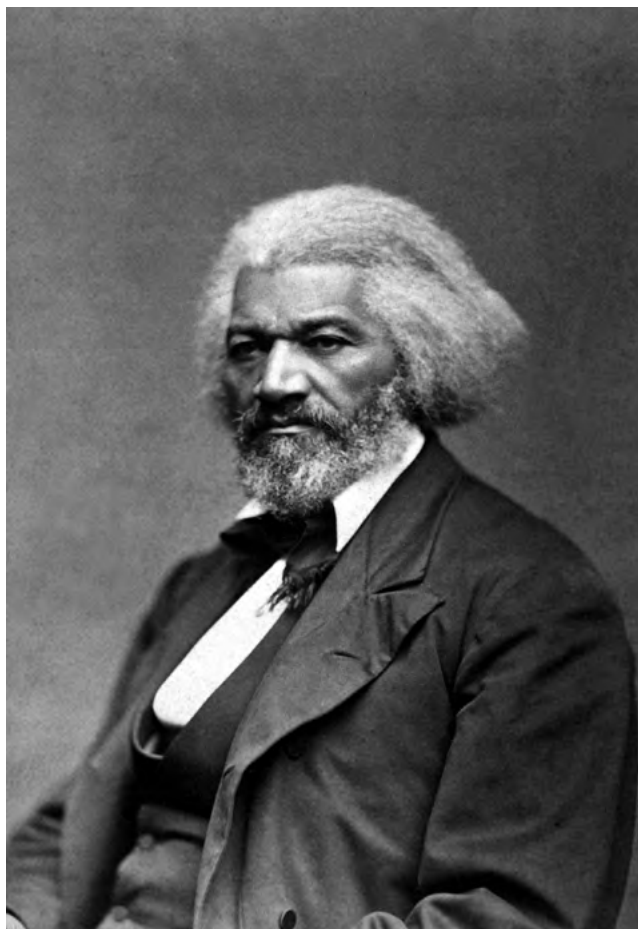
Excerpt from “What the Black Man Wants”

The following selection is from a speech delivered by Frederick Douglass to the Annual Meeting of the Massachusetts Anti-Slavery Society in April 1865—just before the end of the Civil War.

“What I ask for the Negro is not benevolence, not pity, not sympathy, but simply justice. The American people have always been anxious to know what they shall do with us...Everybody has asked the question...“What shall we do with the Negro?” I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us!...All I ask is, give him a chance to stand on his own legs! Let him alone! If you see him on his way to school, let him alone, don’t disturb him! If you see him going to the dinner table at a hotel, let him go! If you see him going to the ballot-box, let him alone, don’t disturb him! If you see him going into a work-shop, just let him alone,—your interference is doing him a positive injury...If you will only untie his hands, and give him a chance, I think he will live. He will work as readily for himself as the white man.”

DISCUSS:

- What is benevolence? How is this different from justice?
- Why do you think Douglass’ plea is, “Do nothing with us!”? What does he most want for Black Americans?
- After the Civil War and emancipation, do you think Black people were “let alone”? What do you know about this period or what do you suppose were the circumstances for newly freed Black people?



Frederick Douglass (1818–1895) was an important writer, speaker and leader in the struggle for equal rights for Black people. After escaping from slavery in Maryland, he lived in Massachusetts and New York, and became a leader of the national movement to abolish slavery.

IMAGE SOURCE: George K. Warren. *Frederick Douglass*, ca. 1879, National Archives, [https://commons.wikimedia.org/wiki/File:Frederick_Douglass_\(cir-ca_1879\).jpg](https://commons.wikimedia.org/wiki/File:Frederick_Douglass_(cir-ca_1879).jpg).



Examples of Black Codes: Louisiana

Black codes were laws that restricted the freedom and movement of Black people and forced them to work for low wages. Though they existed before the Civil War throughout the U.S., most of these laws were passed in the South from 1865–1866. Below are some examples of Black codes from one state. As you review them, note what freedoms each law was trying to limit or take away.

SOME BLACK CODES IN LOUISIANA

WHAT FREEDOMS WERE LIMITED OR TAKEN AWAY?

Every negro is required to be in the regular service [employment] of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own time [get additional work] by special permission in writing, which permission shall not extend over seven days at any one time.

Independence

Decision making

Choosing a job

No negro shall be permitted to rent or keep a house within said parish [community]. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence.

No public meetings or congregations of negroes shall be allowed within said parish [community] after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol [police], within whose beat such meetings shall take place...

No negro shall be permitted to preach...or otherwise declaim [make public speeches] to congregations of colored people, without a special permission in writing from the president of the police jury.

SOURCES:

Central Piedmont Community College, "Black Code and Jim Crow Law examples," <https://sites.google.com/a/email.cpcc.edu/black-codes-and-jim-crow/black-code-and-jim-crow-law-examples>.

Cengage Learning, "Louisiana Black Code," <https://college.cengage.com/history/us/resources/students/primary/blackcode.htm>.



Examples of Black Codes: Mississippi

Black codes were laws that restricted the freedom and movement of Black people and forced them to work for low wages. Though they existed before the Civil War throughout the U.S., most of these laws were passed in the South from 1865–1866. Below are some examples of Black codes from one state. As you review them, note what freedoms each law was trying to limit or take away.

SOME BLACK CODES IN MISSISSIPPI

WHAT FREEDOMS WERE LIMITED OR TAKEN AWAY?

All freedmen, free negroes and mulattoes in this State, over the age of eighteen years...with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time...shall be deemed vagrants [beggars, drifters], and on conviction thereof shall be fined in a sum not exceeding...fifty dollars...and imprisoned at the discretion of the court [but] not exceeding ten days.

Gathering/assembling with others

Moving around freely

All contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing... 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 [surrender] his wages for that year up to the time of quitting.

...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...[and] confined in the State penitentiary for life.

If any freedman, free negro, or mulatto, convicted of any of the misdemeanors [crimes]...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...to any white person who will pay said fine and all costs, and take said convict for the shortest time.

SOURCE: Central Piedmont Community College, "Black Code and Jim Crow Law examples," <https://sites.google.com/a/email.cpcc.edu/black-codes-and-jim-crow/black-code-and-jim-crow-law-examples>.



Examples of Black Codes: Florida

Black codes were laws that restricted the freedom and movement of Black people and forced them to work for low wages. Though they existed before the Civil War throughout the U.S., most of these laws were passed in the South from 1865-1866. Below are some examples of Black codes from one state. As you review them, note what freedoms each law was trying to limit or take away.

SOME BLACK CODES IN FLORIDA

WHAT FREEDOMS WERE LIMITED OR TAKEN AWAY?

No person shall be a Representative [elected to office] unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State two years next preceding his election...

Representing one's community

Working in government

Participating in democracy

... If any white female resident within this State shall...attempt to intermarry...with any negro, mulatto, or other person of color, she shall be deemed to be guilty of a misdemeanor [crime], and upon conviction shall be fined in a sum not exceeding one thousand dollars, to be confined in the public jail not exceeding three months, or both...and shall...be disqualified to testify as a witness against any white person.

...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...and any negro, mulatto, or other person of color, so offending...shall be sentenced to stand in the pillory [wooden post] for one hour, or be whipped, not exceeding thirty-nine stripes, or both...

...If any negro, mulatto, or other person of color, shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall...be sentenced to stand in the pillory [wooden post] for one hour, or be whipped, not exceeding thirty-nine stripes, or both...



Black Codes: Scenarios

Cut apart the scenarios below. Place them face down like a deck of cards. Choose the top one and discuss with your group, using evidence from the *Examples of Black Codes* handouts to determine your answer. Discuss as many scenarios as time allows.

A Black woman in Louisiana works on a farm. In her spare time, she wishes to take a second job sewing clothes. The second job will last for five days. Can she do it? What does the law say?

A Black man in Mississippi spends his days looking for a new job, but isn't having any luck. He meets up with some friends in a local park to see if they have any leads. A police officer approaches them. What happens?

A Black preacher in Louisiana wishes to form his own church, where he can deliver sermons every Sunday. Can he do it? What does the law say?

A Black man in Mississippi is fined for owning a hunting rifle, even though white community members are allowed to own guns. He doesn't have the money to pay the fine. What happens to him?

In Mississippi, a Black woman signs a one-year contract for a job cleaning houses, but she quits after three months because her boss doesn't allow her to take any breaks. Her boss refuses to pay her for the work she has done, so she goes to court. What happens?

A Black woman in Florida, exhausted from work, falls asleep on her train ride home. She doesn't realize that she has taken a seat in a "whites only" car. When the train stops, the porter summons a police officer. What happens to the woman?
