

# Handout A: Document Packet

## Key Question:

In what ways did the legal status of African Americans change after emancipation and the Reconstruction Amendments, and in what ways did their experience remain the same as under the institution of slavery?

## Document 1: Virginia Slave Codes: “An Act Concerning Servants and Slaves,” 1705

### Source:

[https://www.encyclopediavirginia.org/\\_An\\_act\\_concerning\\_Servants\\_and\\_Slaves\\_1705](https://www.encyclopediavirginia.org/_An_act_concerning_Servants_and_Slaves_1705)

Text
That all servants imported and brought into this country, by sea or land, who were not Christians in their native country . . . shall be accounted and be slaves . . .
And for a further prevention of that abominable mixture . . . white men and women intermarrying with negroes or mulattos, as by their unlawful coition with them . . . shall, by judgment of the county court, be committed to prison, and there remain, during the space of six months . . .
The said justice of the peace, when such runaway shall be brought before him, shall, by his warrant commit the said runaway to the next constable, and therein also order him to give the said runaway so many lashes as the said justice shall think fit, not exceeding the number of thirty-nine . . .
And if any slave resist his master, or owner, or other person, by his or her order, correcting such slave, and shall happen to be killed in such correction, it shall not be accounted felony; but the master, owner, and every such other person so giving correction, shall be free and acquit of all punishment and accusation for the same, as if such incident had never happened . . .
if any negro, mulatto, or Indian, bond or free, shall at any time, lift his or her hand, in opposition against any Christian, not being negro, mulatto, or Indian, he or she so offending shall, for every such offence, proved by the oath of the party, receive on his or her bare back, thirty lashes, well laid on.

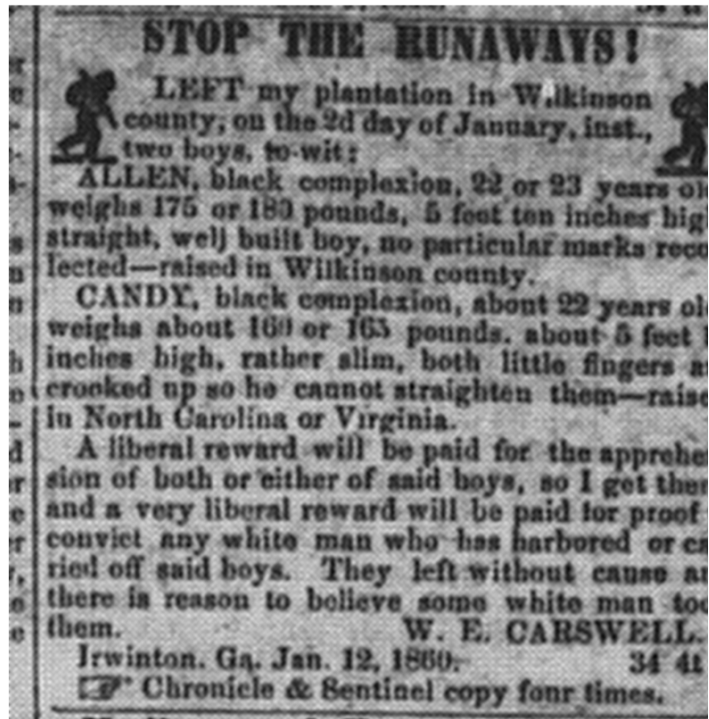
### Questions:

1. What is the legal status of interracial relationships?
2. What is the legal consequence for an enslaved person who runs away or raises his hand against a white person?
3. What is the penalty if a slaveholder kills a slave by excessive punishment?

## Document 2: Runaway Slave Ad, 1860

### Source:

<https://app.freedomonthemove.org/advertisements/0dd3a3df-0295-4416-b94a-bd5580648f93?limit=12&page=1&q=W.%20E.%20CARSWELL&rName=Candy>



This “Stop the Runaways!” advertisement was published in the Milledgeville Federal Union newspaper in early 1860.

### Questions:

1. How does W. E. Carswell describe the “two boys”?
2. Why do you think he calls the adult men “boys”?
3. Why do you think Carswell gives a detailed physical description?
4. Why do you think it was common in these ads for the author to use the phrase “They left without cause”?

### STOP THE RUNAWAYS!

LEFT my plantation in Wilkinson county, on the 2d day of January, inst., two boys, to-wit:  
ALLEN, black complexion, 22 or 23 years old, weighs 175 or 180 pounds, 5 feet ten inches high, straight, well built boy, no particular marks recollected—raised in Wilkinson county.  
CANDY, black complexion, about 22 years old, weighs about 160 or 163 pounds, about 5 feet 10 inches high, rather slim, both little fingers are crooked up so he cannot straighten them—raised in North Carolina or Virginia.  
A liberal reward will be paid for the apprehension of both or either of said boys, so I get them, and a very liberal reward will be paid for proof to convict any white man who has harbored or carried off said boys. They left without cause and there is reason to believe some white man took them. W. E. CARSWELL.  
Irwinton, Ga. Jan. 12, 1860. 34 4t  
Chronicle & Sentinel copy four times.

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## Document 3: Thirteenth Amendment to the U.S. Constitution, ratified December 6, 1865

### Source:

<https://www.law.cornell.edu/constitution/amendmentxiii bd5580648f93?limit=12&page=1&q=W.%20E.%20CARSWELL&rName=Candy>

### Introduction:

Upon ratification, this amendment formally ends the constitutional ambiguity over chattel slavery

Text
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. Section 2. Congress shall have power to enforce this article by appropriate legislation.

### Questions:

1. What important legal change is made by this amendment?
2. How will this amendment be enforced?

## Document 4: An Act to Confer Civil Rights on Freedmen, and for other Purposes, 1865

### Source:

<http://teachingamericanhistory.org/library/document/black-codes-of-mississippi/>

### Introduction:

These laws were passed by the Mississippi legislature in an attempt to define the legal status of former slaves under state law. Although there are some rights affirmed, there are notable exceptions with serious practical consequences.

Text
All freedmen, free negroes and mulattoes may ... acquire personal property ... [but no] freedman, free negro or mulatto [shall] rent or lease any lands ... All freedmen, free negroes and mulattoes may intermarry with each other ... and it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person ... 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 ...
Every freedman ... if living in any incorporated city, town, or village, [may acquire] a license from the mayor thereof; ... authorizing him or her to do irregular and job work ... which licenses may be revoked for cause, at any time, by the authority granting the same. ...
If any person shall persuade or attempt to persuade, entice, or cause any freedman ... to desert from the legal employment of any person before the expiration of his or her term of service ... he or she shall be guilty of a misdemeanor ...
All ... idle ... persons ... or persons practicing unlawful games or plays ... or lascivious persons, in speech or behavior ... persons who neglect their calling or employment, misspend what they earn ... habitually misspend their time by frequenting houses of ill-fame, gaming houses ... shall be deemed and considered vagrants, under the provisions of this act; and, on conviction thereof shall be fined not exceeding \$100 ... and be imprisoned at the discretion of the court, not exceeding ten days. ...
All freedmen ... over the age of eighteen years ... with no lawful employment or business, or found unlawful assembling themselves together ... or living in adultery or fornication with a freedwoman, free negro or mulatto, shall be deemed vagrants; and, on conviction ... imprisoned at the discretion of the court ... not exceeding ten days ...
If any freedman ... shall fail or refuse ... 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 such convict for the shortest time.

### Questions:

1. In what way are the property rights of freedmen abridged?

2. In what could the licensing requirement restrict the individual liberty of freedmen?
3. Given the description of vagrancy, what would the practical consequence of having a license to work revoked?
4. How else might the vagrancy laws give white officials additional power over the lives of freedmen?
5. How does the tax provision endanger the liberty of freedmen?

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## Document 5: Fourteenth Amendment to the U.S. Constitution, ratified July 28, 1868

### Source:

<https://www.law.cornell.edu/constitution/amendmentxiv>

### Introduction:

This amendment sought to define U.S. citizenship and classes of citizenship, especially in the case of the formerly enslaved persons.

Text
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. . . . Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### Questions:

1. What legal status does the opening line of Section 1 confer upon all former slaves?
2. What are the individual states forbidden by this amendment?
3. What is the practical implication of the “equal protection” clause for former slaves?

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## Document 6: Fifteenth Amendment to the U.S. Constitution, ratified February 3, 1870

### Source:

<https://www.law.cornell.edu/constitution/amendmentxv>

### Introduction:

This amendment was intended to protect the right of African American male citizens to vote. The Thirteenth, Fourteenth, and Fifteenth Amendments together are referred to as the Reconstruction Amendments.

Text
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. Section 2. The Congress shall have power to enforce this article by appropriate legislation.

### Questions:

1. Why was the right of African American male citizens to vote a significant factor in determining and affecting their legal status?

## Document 7: Opinion of the Supreme Court in the case of Plessy v. Ferguson, 1896

### Source:

<http://teachingamericanhistory.org/library/document/plessy-v-ferguson-full-text/>

### Introduction:

Homer Plessy had been convicted of violating a racial segregation law that applied to railroad cars in Louisiana. Plessy's case made it to the Supreme Court on his argument that segregation violated equal protection of the law under the Fourteenth Amendment. The court ruled 7–1 against Plessy, and the decision became settled law in such interpretations for nearly six decades. The following is taken from the majority opinion of the court, written by Justice Henry Brown.

Text
The constitutionality of this act is attacked upon the ground that it conflicts both with the thirteenth amendment of the constitution, abolishing slavery, and the fourteenth amendment, which prohibits certain restrictive legislation on the part of the states. . . .
So far, then, as a conflict with the fourteenth amendment is concerned, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation . . . we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the acts of congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures. . . .
When the government, therefore, has secured to each of its citizens equal rights before the law, . . . If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.

### Questions:

1. Why does the court decide that Plessy's civil rights have not been violated?
2. What would be the consequences for African American rights under the Fourteenth Amendment, based on this interpretation?
3. To what extent is this decision in keeping with the spirit and intention of the Reconstruction Amendments (i.e., the Thirteenth, Fourteenth, and Fifteenth Amendments?)