# JIGSAW READINGS: RECONSTRUCTION

## Changes After the Civil War

The Emancipation Proclamation in 1863 freed African Americans in rebel states, and after the Civil War, the Thirteenth Amendment emancipated all U.S. slaves wherever they were. As a result, the mass of Southern blacks now faced the difficulty Northern blacks had confronted—that of a free people surrounded by many hostile whites. One freedman, Houston Hartsfield Holloway, wrote, “For we colored people did not know how to be free and the white people did not know how to have a free colored person about them.”

Even after the Emancipation Proclamation, two more years of war, service by African American troops, and the defeat of the Confederacy, the nation was still unprepared to deal with the question of full citizenship for its newly freed black population. The Reconstruction implemented by Congress, which lasted from 1866 to 1877, was aimed at reorganizing the Southern states after the Civil War, providing the means for readmitting them into the Union, and defining the means by which whites and blacks could live together in a nonslave society. The South, however, saw Reconstruction as a humiliating, even vengeful imposition and did not welcome it.

During the years after the war, black and white teachers from the North and South, missionary organizations, churches and schools worked tirelessly to give the emancipated population the opportunity to learn. Former slaves of every age took advantage of the opportunity to become literate. Grandfathers and their grandchildren sat together in classrooms seeking to obtain the tools of freedom.

After the Civil War, with the protection of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution and the Civil Rights Act of 1866, African Americans enjoyed a period when they were allowed to vote, actively participate in the political process, acquire the land of former owners, seek their own employment, and use public accommodations. Opponents of this progress, however, soon rallied against the former slaves' freedom and began to find means for eroding the gains for which many had shed their blood.

*Reprinted from Library of Congress (n.d.). Reconstruction and Its Aftermath. The African American Odyssey: A Quest for Full Citizenship. https://www.loc.gov/exhibits/african-american-odyssey/reconstruction.html*

## Andrew Johnson and Presidential Reconstruction

At the end of May 1865, President Andrew Johnson announced his plans for Reconstruction, which reflected both his staunch Unionism and his firm belief in states' rights. In Johnson's view, the southern states had never given up their right to govern themselves, and the federal government had no right to determine voting requirements or other questions at the state level.

Under Johnson's Presidential Reconstruction, all land that had been confiscated by the Union Army and distributed to the formerly enslaved people by the army or the Freedmen's Bureau (established by Congress in 1865) reverted to its prewar owners. Apart from being required to uphold the abolition of slavery (in compliance with the 13th Amendment to the Constitution), swear loyalty to the Union and pay off war debt, southern state governments were given free rein to rebuild themselves.

As a result of Johnson's leniency, many southern states in 1865 and 1866 successfully enacted a series of laws known as the "black codes," which were designed to restrict freed Black peoples' activity and ensure their availability as a labor force. These repressive codes enraged many in the North, including numerous members of Congress, which refused to seat congressmen and senators elected from the southern states.

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## A Loophole in the 13th Amendment

The 1865 ratification of the 13th Amendment prohibited slavery and servitude in all circumstances "except as a punishment for crime." This loophole resulted in Southern states passing the black codes to criminalize activities that would make it easy to imprison African Americans, and effectively force them into servitude once more.

First enacted in 1865 in states such as South Carolina and Mississippi, the black codes varied slightly from place to place but were generally very similar. They prohibited "loitering, vagrancy," Claybrook says. "The idea was that if you're going to be free, you should be working. If you had three or four Black people standing around talking, they were actually vagrant and could be convicted of a crime and sent to jail."

In addition to criminalizing joblessness for African Americans, the codes required Black people to sign annual labor contracts that ensured they received the lowest pay possible for their work. The codes contained anti-enticement measures to prevent prospective employers from paying Black workers higher wages than their current employers paid them. Failing to sign a labor contract could result in the offender being arrested, sentenced to unpaid labor or fined.

*Reprinted from Nittle, N. K. (2021, January 28). How the Black Codes Limited African American Progress After the Civil War. History.com. https://www.history.com/news/black-codes-reconstruction-slavery*

## Black Codes

When President Abraham Lincoln announced the impending passage of the Emancipation Proclamation in early 1863, the stakes of the Civil War shifted dramatically. A Union victory would mean no less than revolution in the South, where the "peculiar institution" of slavery had dominated economic, political and social life in the antebellum years.

In April 1865, as the war drew to a close, Lincoln shocked many by proposing limited suffrage for African Americans in the South. He was assassinated days later, however, and his successor Andrew Johnson would be the one to preside over the beginning of Reconstruction.

Johnson, a former senator from Tennessee who had remained loyal to the Union during the war, was a firm supporter of states' rights and believed the federal government had no say in issues such as voting requirements at the state level.

Under his Reconstruction policies, which began in May 1865, the former Confederate states were required to uphold the abolition of slavery (made official by the 13th Amendment to the U.S. Constitution), swear loyalty to the Union and pay off their war debt. Beyond those limitations, the states and their ruling class—traditionally dominated by white planters—were given a relatively free hand in rebuilding their own governments.

*Reprinted from Editors, History.com. (2022, January 26). Black Codes. History.com. https://www.history.com/topics/black-history/black-codes*

## Limits on Black Freedom

Under Johnson's Reconstruction policies, nearly all the southern states would enact their own black codes in 1865 and 1866. While the codes granted certain freedoms to African Americans—including the right to buy and own property, marry, make contracts and testify in court (only in cases involving people of their own race)—their primary purpose was to restrict Black peoples' labor and activity.

Some states limited the type of property that Black people could own, while virtually all the former Confederate states passed strict vagrancy and labor contract laws, as well as so-called "anti-enticement" measures designed to punish anyone who offered higher wages to a Black laborer already under contract.

Black people who broke labor contracts were subject to arrest, beating and forced labor, and apprenticeship laws forced many minors (either orphans or those whose parents were deemed unable to support them by a judge) into unpaid labor for white planters.

Passed by a political system in which Black people effectively had no voice, the black codes were enforced by all-white police and state militia forces—often made up of Confederate veterans of the Civil War—across the South.

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## Progress With the 14th and 15th Amendments

The black codes not only forced African Americans to work for free but also essentially placed them under surveillance. Their comings and goings, meetings and church services were all monitored by the authorities and local officials. Black people needed passes and white sponsors to move from place to place or to leave town. Collectively, these regulations codified a permanent underclass status for African Americans.

After the black codes had been enacted throughout the South in 1865, Congress passed the Civil Rights Act of 1866 to give African Americans more rights—to a degree. This legislation allowed Black people to rent or own property, enter contracts and bring cases before courts (against fellow African Americans). Moreover, it allowed individuals who infringed upon their rights to be sued.

The passing of the 14th and 15th amendments gave African Americans some hope for the future. Ratified in 1868, the 14th Amendment granted citizenship and "equal protection of the laws" to Black people, while the 15th Amendment, ratified in 1870, barred states from depriving citizens the right to vote based on race. In the end, the South rescinded the black codes, but the repeal of these restrictions didn't significantly improve life for African Americans.

"With the passage of the 14th and 15th amendments, there was a shift over to Jim Crow laws, which were kind of a perpetuation of the black codes," says Connie Hassett-Walker, an assistant professor of justice studies and sociology at Norwich University in Vermont. "You don't just flip the switch and all that structural discrimination and hatred just turns off. It kept going."

And Black Americans weren't "separate but equal," as the states enforcing Jim Crow laws claimed. Instead, their communities had fewer resources than white communities, and white supremacist groups like the Ku Klux Klan terrorized them.

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