

## Curriculum Unit Introduction

**Title of Unit:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Vital Theme of the Unit:** How did life change for the newly emancipated freedmen and freedwomen, and how did people in the South try to keep their lives the same?

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**Grade Level:** 5<sup>th</sup> Grade

**Number of Lessons in the Unit:** 5

**Time Needed to Complete Unit:** Three Weeks

### Curriculum Standards Addressed:

#### *Reading*

5.1.spi.14 – determine inferences from selected passages

5.1.spi.16 – locate information using available text features (e.g. maps, charts, graphics, indexes, glossaries, and tables of content)

5.1.spi.25 – identify information to support opinions, predictions, and conclusions

#### *Language Arts*

5.2.spi.5 – select details that support a topic sentence

5.2.spi.7 – develop and write a paragraph topic sentence with supporting details

5.2.spi.15 – select, limit, and refine a writing topic

5.2.spi.16 – write well-developed, organized, and coherent essays in response to narrative prompts

5.2.spi.19 – explain and/or illustrate key ideas when writing

5.2.spi.26 – write an effective concluding paragraph for a well-developed essay

#### *Social Studies*

5.2.spi.1 – differentiate between needs and wants on a personal and national level

- 5.2.spi.2 – differentiate between an economic boom and bust
- 5.4.spi.3 – recognize the rights established by the 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> and 19<sup>h</sup> amendments
- 5.5.spi.3 – interpret timelines that depict major historical post-Civil War events
- 5.5.spi.7 – interpret a primary reading sample
- 5.5.spi.8 – recognize examples of how the how the United States confronted Civil Rights issues, (i.e., Brown v. Board of Education, Montgomery Bus Boycott, Birmingham Civil Rights march, American Indian Movement (AIM) Civil Rights Act of 1964)
- 5.6.spi.1 – recognize people who contributed to reform in Tennessee and American society
- 5.6.spi.3 – recognize situations requiring conflict resolution
- 5.1.tpi.6 – explore the contributions of people of various racial, ethnic, and religious groups in the United States
- 5.4.tpi.3 – discuss how America's leaders come to reach thoughtful decisions by identifying goals, exploring actions, and recognizing consequences
- 5.6.tpi.2 – explain the development of the United States as a nation to include the struggles and the accomplishments of individuals and groups
- 5.4.tpi.7 – explain the role of voting in the democratic process and how this has changed the post Civil War Era
- 5.5.tpi.1 – recognize continuity and change in the history of Tennessee, the United States, and the world
- 5.5.tpi.10 – draw conclusions about past and present life in Tennessee and the United States based on relevant data derived from a variety of sources
- 5.6.tpi.4 – explain how individuals, groups, and nations interact through conflict, cooperation, and interdependence
- 5.6.tpi.6 – analyze the role that institutions have upon American society (e.g., universities, philanthropic organizations, religious institutions)
- 5.6.tpi.7 – analyze the role that institutions have upon American society (e.g., universities, philanthropic organizations, religious institutions).

5.6.tpi.8 – describe the responsibilities that individuals have both to themselves and to the groups to which they belong; and give examples of how these responsibilities may sometimes be in conflict

5.6.tpi.9 – assess the role and status of individuals and groups in Tennessee and the United States

5.6.tpi.10 – identify the similarities and differences within and among selected racial, ethnic, and religious groups in the United States

**Technology Used:**

Television

DVD Player

DVD: *Reconstruction: The Second Civil War*

Computer with Internet Connection and Web browser (to access websites, watch videos, Video to VGA Converter

Printer (to print worksheets, graphic organizers, Internet documents & pictures)

Copier (to copy and distribute graphic organizers and worksheets)

Document writer like Microsoft Word

**Unit Introduction and Overview of Instructional Plan:**

Over the course of this unit, students will understand how Reconstruction affected the lives of black men and women of the South. The lessons will help students to learn about the economic, social, and political changes that came with Emancipation, and the ways in which Southern whites used politics and violence to keep these freedmen and freedwomen in virtual slavery. This unit has several standards assessed for fifth grade on the Criterion Referenced Test. In addition, Loudon County addresses many of these items in the Social Studies Assessment Program.

Students will have a background understanding of historical events and people prior to this unit. Moreover, students will come to recognize cause-effect relationships as Southern society changes with Emancipation of all slaves, and the freedmen and freedwomen acquire greater economic, social, and political power, Southern whites, in turn, will use economic and political coercion and violence to keep their society the way it was.

This unit should be taught during the allotted Social Studies time, comprising of forty-five minutes daily. Students will complete the additional and supporting homework and assignments during Language Arts and writing time, which is approximately thirty minutes daily.

Students will address the following questions to help them fully understand the concepts taught in this unit:

1. How were Presidential Reconstruction and Congressional Reconstruction similar and different, and how did each fail to address the needs of the freedmen and freedwomen?
2. What were the primary concerns of the freedmen and freedwomen during Reconstruction?
3. How did life change for the former slaves during Reconstruction, and how would life remain the same?
4. Who were the blacks that entered American politics, and what did they accomplish?
5. In your opinion, were black politicians successful in improving the lives of the freedmen and freedwomen?
6. How did Southern whites respond to Northern authority and black freedom?
7. In your opinion, was Reconstruction a success or a failure? Explain why you believe this.

This unit should take approximately three weeks to complete. However, the times and lessons may be adapted to fit with any other lessons or time constraints a teacher may have.

### **Suggested Background Resources:**

Deane, Elizabeth, and Patricia Garcia Rios. *Reconstruction: The Second Civil War*. 175 minutes. Produced and directed by Llewellyn M. Smith and Elizabeth Deane. WGBH Boston, 2005. DVD.

Hakim, Joy. *A History of US: Reconstructing America 1865-1890*. Oxford, England: Oxford University Press, 2003.

Two invaluable websites for background information and primary documents, including pictures are the PBS website on Reconstruction, which is a supplement to the DVD listed above (located at <http://www.pbs.org/wgbh/amex/reconstruction/index.html>), and “America’s Reconstruction: People and Politics After the Civil War” (located at <http://www.digitalhistory.uh.edu/reconstruction/index.html>).

“Didn’t nobody give me nothing. I didn’t know what to do. Everything going. Tents all gone, no place to stay and nothin’ to eat. That was the big freedom to us colored folks” (Lester, 145). Thus began one of the most colossal and revolutionary experiments in American history, the creation of a true interracial democracy with the aid of over four million emancipated slaves. No other nation had attempted such a progressive idea, and many would come to see the success of Reconstruction on how far blacks could integrate into American society. This would not be an easy task since there were many people, in both the north and south, who felt that blacks were morally and racially inferior, and therefore should not expect the same rights or opportunities as whites. However, the freedmen and freedwomen would work hard to prove their worth to American society, often starting with nothing but the clothes on their backs. In time these very freedmen and freedwomen would become the leading politicians determining Reconstruction’s future in the South. However, as the freedmen and freedwomen struggled to determine their economic, political, and social place in the new South, whites would also struggle with this same problem, often through coercion and violence. This struggle would characterize Reconstruction, this experiment to reorganize freedmen and freedwomen into participants in a democratic society, and the attempts by southern whites, scared of the changes taking place, to put everything back the way it was.

When news of Emancipation came to the now former slaves, jubilation came to slave quarters all across the South as workers dropped their tools and celebrated their freedom for the first time. When the celebrating died down, however, the freedmen and freedwomen faced a desperate reality. They had just received their freedom, and yet that was all anyone bothered to give them. Blacks had only known servitude, and in return

the plantation master provided them with food and clothing. Now that freedom came freedmen and freedwomen had to rely on their own sweat and hard work to survive. Although working hard to survive was nothing new to the emancipated blacks, they had to work hard as slaves to support both themselves and their white overseers - blacks would find their hard work impeded by former masters seeking to limit their economic opportunities and, thus, keep them subservient.

Immediately following emancipation, several plantation owners were determined to hold onto their labor at all costs until Union troops arrived to enforce emancipation. In Mississippi, Master Jack forbade any of his blacks from leaving the plantation under any circumstance in case they should hear the seditious rumor that they had become free (Ash). In Lexington, Virginia, local judges passed ordinances meant to keep blacks under the lash through reorganized slave patrol systems, which meant to prevent black assembly and keep them in fear of whites. A resident of Lexington boasted on May 26, "There are as yet no 'Freedmen' here," (Ibid, 104). Other slave owners would move to Texas in an attempt to hold onto their "property" for as long as they could. In Tennessee, whites tried to hold onto slavery for so long that a West Tennessee newspaper had to warn whites that they must immediately free their slaves or suffer the consequences. Even after Union authorities came and enforced emancipation, newly established state legislatures in every Southern state, largely made up of former Confederate soldiers, passed laws called slave codes that made the blacks little more than slaves as late as 1866. Despite the best Southern attempts to do otherwise, however, emancipation came to the South, and Radical Republicans would send Union troops south to guarantee the former slaves' freedom.

Samuel Agnew witnessed this change as early as the summer of 1865. As news of freedom came to the slaves, they grew increasingly “indolent and disobedient.” Although the blacks never threatened the Agnew plantation the slaves only worked when it suited them and often spent many days “carousing in the slave quarters” after they bought liquor from a local trader (Ibid, 82). This scene would quickly repeat itself across the south. Many blacks simply left their master’s plantations and wandered the roads looking for relatives, food, or work. Many complained of these souls “roaming around like Indians” and stealing cattle and crops from surrounding farms, causing general unrest in the areas they wandered (Myers, 651). Those too scared to leave were given no other option but to work. They grudgingly signed labor contracts and continued working for the old slave master. Since cash was very scarce in the South, the landowners agreed to furnish their labor with food, clothing, shelter, a proportion of the crop after harvest, and a half day on Saturday, almost the same as what the freedmen and freedwomen received when they were slaves (Ash). Often working as a wage laborer was no different from the days of slavery, working in a chain gang under the watchful eye of an overseer from dawn to dusk, when they went to sleep in the slave quarters. Even under these near slave-like conditions, work was always fitful and unreliable as the freedmen and freedwomen insisted on working at their own pace. The southern blacks had worked like slaves long enough, and they had no intention of working like them now. In fact, most of these new hired laborers were very disinclined to stay on the plantation for longer than necessary. Rumors swirled throughout the south the President planned to reward each slave family with forty acres of land, and most blacks refused to settle down until they

saw what the future held for them. “They have an idea that a hireling is not a freeman,” Samuel Agnew wrote (Ibid, 224).

Unfortunately, newly emancipated slaves were very limited in where they could work. The South was so desolate and poor that everyone, white and black, rich and poor, faced desperate times. Poor weather created poor harvests that resulted in wiping out small farmers, and falling cotton prices threatened to wipe out the plantations. There was virtually no money for tools and supplies, leaving people all across the South angry and afraid. This was the existing world that blacks entered with Emancipation. Furthermore, the institution of slave codes made it illegal for blacks to work at certain types of jobs or to own certain types of stores, and provisions within the code made travel between plantations, towns, counties, and states nearly impossible without written permission. As much as blacks hated to admit, staying on the plantation was the only available choice if they wanted to eat and stay out of jail and they tried to make it work to their advantage as much as possible. Two things worked in their favor. First, as much as whites did not want to admit it, they needed black labor just as much as blacks needed their wages to survive. Second, the creation of the Freedmen’s Bureau guaranteed that blacks had a sympathetic and authoritative body that would investigate their complaints and stop discrimination against the freedmen and freedwomen.

Despite the desolation and hardship in the South, Freedmen and freedwomen used their limited economic power as wage laborers to better their existing situations.

Contract and labor disputes became the worst fear of any plantation owner. Often the laborers would stop working entirely until the planter resolved the issue, which threatened to wipe out an already poor harvest. Plantation owners understood that no

matter how many threats they used blacks had the upper hand, and that refusing to compromise with labor demands would surely lead to the freedmen leaving for better wages elsewhere. It was common for laborers to leave one plantation and employ themselves on a neighboring plantation. Employers had to toe a dangerous line. On the one hand, they had to make a profit from the yearly crops, which meant employers needed to keep labor costs low. On the other hand, if they did not satisfy the freedmen's needs, there would be no one to work the crop. By this time, many landowners were competing with one another for labor, and many considered it an unfriendly act to hire away another neighbor's labor (Ibid.). Without even knowing it, freedmen and freedwomen were introducing wage and labor competition amongst the landowners of the South.

Along with using their limited economic power to better their existing situations all over the South, freedmen and freedwomen found how to use the Freedmen's Bureau to their advantage. The freedmen and freedwomen knew well about this government organ; it meant to help them become functioning citizens. Better yet, they learned how to use the Freedmen's Bureau to their advantage in order to better their labor situation. Some Freedmen's Bureau officers, like Lieutenant Tubbs, wished that citizens reported every problem between blacks and whites. Freedmen's Bureau officers worked to see that blacks received fair justice in courts, end the violence against blacks, protect blacks from fraud, and ensure that wages and labor contracts were fair. Sometimes, as in the case of Hector Perry, who went to the Bureau for wages he never received for the work performed to his former owner Mathney Perry. The Bureau ruled that anyone under slavery as of April 10, 1865, one day after Lee's surrender, was to receive monthly

wages, in Hector's case eight dollars a month for each month he worked without wages (Ibid.). Mary Jones was just as surprised when a former slave, Sam, handed her an order to pay Sue, Sam's wife, and her niece fifteen dollars per month for the two from August 1 (Myers). However, whites had to admit that despite these successes for blacks, the Freedmen's Bureau often took the side of the whites in disputes like these. Still, the Freedmen's Bureau was a new agency that freedmen and freedwomen had to ensure equality where none existed before, and it was useful for them to guarantee limited economic freedom.

Even with the aid of the Freedmen's Bureau, blacks were very unhappy with the wage labor system. Often the blacks were stuck living in the same slave quarters they knew from the days of slavery, and an overseer still watched over them while they worked in the field. It seemed to them as though slavery never ended but in the most rudimentary sense. Blacks desired land and independence, and the wage labor system all but guaranteed that they would never achieve their dream. Furthermore, it was now clear that Northern promises of "forty acres" would not come to fruition. It truly seemed as though blacks would know only despair and poverty. Instead, blacks insisted on renting land from their former owners, and working it without the daily supervision required of wage labor (Ash). At first, whites would not hear of such a thing, and often treated those that did rent their land to the blacks with great contempt (Myers). However, falling crop yields and widespread despair, hunger, and poverty continued. As a result, there needed to be a new farming arrangement – sharecropping.

Sharecropping systems have usually resulted in countries that recently emancipated their slaves. Under this system, the plantation owners leased parts of their

plantation to blacks in exchange for a percentage of the crop yield. Sharecroppers were almost exclusively black, while poor white farmers often became tenant farmers. The plantation owners would supply the seed, supplies, and tools to the freedmen and freedwomen, and in return, he would expect usually one-third to one-half of what the sharecropper grew. On the one hand, it gave blacks a feeling of greater independence in the South. Freedmen and freedwomen could now set their own hours, they did not have to work in gangs, and there was never an overseer looking over their shoulder. In addition, since sharecroppers had control of the land, for the first time freedwomen could leave the field and tend to the children and the home if they so desired. To many blacks, it seemed like they owned the land they tended for the plantation owners. Land ownership was the one thing that freedmen and freedwomen thirsted for since emancipation came, and because of the feeling of ownership that came with sharecropping, as well as the other benefits, blacks initially embraced it.

Sharecropping, however, was to become an economic trap for many blacks across the south. It took little, if any, money to set up a sharecropping farm, and the landowner would provide seeds, supplies, and tools. Each sharecropper had a certain amount of credit with the landowner for the year, which the sharecroppers used for any supplies they might need, and which they were required to pay back at the end of the year, often with high rates of interest. Because of this, the landowner felt as though everything on the sharecropper's land was his or hers by right. As a result, the landowner had the right to hold all cottonseed sharecroppers raised on the land for exclusive use on the plantation, and he or she had authority on the goods a sharecropper could sell (A Sharecropping Contract). In a great sense, the landowner exercised virtual control over his

sharecroppers' economic lives, even to the point of telling them what they could plant. Often, the freedmen and freedwomen on these farms produced cotton, which depleted the soil so much that there were no nutrients left in the ground for animal feed, fruits, and vegetables, making that much more dependent on the landowner's credit. Furthermore, the landowner received the first, and often the best, harvest of anything planted on these farms. After payment of the bill, the landowner would still collect more money from the sharecroppers by controlling the gin, often including special provisions in the contract stating that only the landowner could gin cotton, and at exorbitant rates like four dollars a bale (Ibid.). If the sharecropper could not fully pay the bill, then the landowner had special privilege to seize and sell all animal stock, farming implements, and personal property until the debtors paid the money they owed, sometimes in direct violation of some homestead laws and exemption laws (Ibid.). Other times, the landowner would keep the freedmen and freedwomen virtually tied to the land like serfs or slaves until they paid off the debt. On the other hand, landowners faced lower financial risk and reduced responsibility for the freedwomen and freedmen that farmed their land. Records show that by 1876, ninety-five percent of all Southern black farmers owned no land (Sharecropping).

Another major change that Reconstruction saw was in politics as Radical Republicans tried to modernize the south into accepting former new slaves into places of political authority, and to revise southern life. For the first time in America's history blacks entered political life in the South, and when they came to the state legislatures of the South they sought to alleviate the plight that many colored people in the south faced. Affectionately called the "Bones-and-Banjo" Convention in New Orleans or the "Black-

and-Tan” Convention in other states, these new state senators and legislators did not seek radical policies, but merely wanted to ensure that the freedmen and freedwomen did not have their new rights trampled on (Myers, 645). They wanted blacks to have equality in the courthouse, the right to serve on juries, and the right to testify on their own behalf, ideas that would ensure the beginnings of a fair interracial society. Blacks could run public service offices in many towns and cities across the south during this time. People walking into a post office would see a black council members, black postmaster, black city clerks, and even black sheriffs. Meanwhile, in Washington D.C., Radical Republicans in Congress took over Reconstruction and passed the Thirteenth, Fourteenth, and Fifteenth Amendment, which also helped to uphold the initial stages of a fair society in the United States.

The new state legislatures did not simply seek to help blacks, but everyone in the South. These new legislatures sought to open schools all across the South, and provide education for the multitudes of illiterate Southerners across the countryside, beginning with the blacks, but it quickly expanded to encompass everyone. They sought to build roads and railroads, and began other social projects that would seek to reverse the devastation the Civil War brought on. At times the Freedmen’s Bureau simply distributed food as an act of goodwill to harmonize relations between the North and South as well as white and black. Meanwhile, state legislatures wanted to help people who could not take care of themselves, blacks and whites alike. These legislatures would have mixed success. They would pass many acts that renewed the South following its losses in the Civil War.

It was also during Reconstruction that one of the most forward-thinking pieces of legislation would pass, the 1875 Civil Rights Act. In many ways, this act restated many provisions from the 1866 Civil Rights Act, but this act was also very forward thinking. This civil rights act meant to reverse the large upsurge of violence and discrimination against freedmen and freedwomen occurring through the South because of “redeemer” governments retaking political power in the South. It sought to protect all the access of all Americans, regardless of race, to public facilities like restaurants, theaters, trains, and other public transportation. The Act also sought to recognize the civil and legal rights of all citizens in America and especially in the South, and to protect the rights of blacks to serve on juries. Anyone caught violating this act was to forfeit the sum of five hundred to one thousand dollars in fines and face jail time from thirty days to one year. This was an act ahead of its time, and one, unfortunately that would never be widely enforced. Within a decade, the Supreme Court would declare the act unconstitutional. However, this act would pave the way for the Civil Rights Act that would come out during the Johnson Administration almost a hundred years later (The 1875 Civil Rights Act).

Congress and the state legislatures of Reconstruction ardently tried to make a system of government that meant to help blacks and whites alike and to ameliorate the desperate conditions brought on by the Civil War. In some cases, these politicians were successful, and in many cases, they were not. Southern white planters could simply not believe the change happening around them, and tried to limit or impede its progress whenever they could, often through coercion and great violence.

Radical Republicans and black politicians were transforming the South’s landscape, and slowly, surely the South was rebuilding itself. However for some people

change was coming too fast and with too much force. Even if Robert E. Lee and most Southern generals surrendered during 1865, it did not mean that Southerners agreed. Instead, most Southerners still believed in the war, and wanted to continue fighting the war in one form or another. Led by the former plantation owners, many Southerners wanted to change everything back to the ways things were. They would become very important in the efforts to undermine Reconstruction through a variety of means. For example, sharecropping allowed the southern whites to marginalize the freedmen and freedwomen by prohibiting their economic and market independence. However, no method was more effective and widely used than violence.

As early as 1865, Andrew Johnson's Reconstruction policy was making it very easy for the former Confederate leaders, generals, and officers to take the reigns of power in the South. These men won reelection to Congress and State Legislatures, where they instituted bodies of statutes determined to keep freedmen and freedwomen in their place politically, socially, and economically; the "Black Codes." The Black Codes did recognize blacks as free citizens with certain inherent rights such as the right to sue, marry other freedmen and freedwomen, and to buy and own land when possible. However, they also meant to keep blacks subordinate to whites. One of the most devastating provisions in the slave code was the vagrancy law, which stated that any black unable to provide proof of employment or business resulted in a steep fine nearly impossible to pay as well as time in prison. Further stipulations then made it possible for white landowners to pay the fines of vagrant freedmen and freedwomen, and in return, they would work on the landowner's plantation until they worked off the debt. The Black Codes also sought to restrict orphaned black children or black children with destitute

parents by forcing them into apprenticeships with landowners. Once under the care of the landowner, blacks had to work as slaves and the law stated landowners could punish their workers like one, regardless of whether the person was a child or vagrant. When whites heard news of freedmen buying guns, the freedmen purchased these weapons for hunting and defending their homes, but guilty whites confused this with blacks wanting to start an insurrection and get their revenge for slavery (Ash), -the codes would then forbid blacks from owning knives, firearms, and ammunition. Congress would dissolve the state legislatures responsible for creating these Black Codes, and do what it could to support Southern blacks. However, even without the Black Codes, Southern whites would do what they could to disrupt the Reconstruction process, and if the ballot box failed, then they would resort to means that were more insidious.

Most of the Confederacy quietly seethed when the North began its intrusion into Southern lives and affairs, but many knew it would not last for very long. When the US military discharged colored soldiers previously stationed in Memphis, the powder keg of discontent and violence was set to explode. That explosion occurred on May 1, 1866, when a crowd of black men, mostly recently discharged soldiers, assembled on South Street. When police came to disperse the crowd, they arrested two of the men for “noisy and boisterous behavior” (Charles F. Johnson). Problems erupted when other freedmen attempted to rescue their comrades, resulting in a fight that left one police officer wounded and another dead by the accidental misfiring of his pistol while it was in his hand. As more police arrived on the scene, they began firing upon every black person they found, men, women, and children, resulting in several deaths. Meanwhile, the City Recorder, John C. Creighton, arrived upon the scene and gave a speech in which he

sought to arm whites in order to “kill every Negro and drive the last one from the city” (Ibid.). Police, firefighters, and other white citizens proceeded to hunt down and assault, rob, or plunder the homes of blacks. Conversely, the freedmen and freedwomen would offer no resistance to the rioters. The riots would continue sporadically for three more days. When the riots were over, three black churches, eight schoolhouses (five of which belonged to the US government), and fifty homes owned by freedmen succumbed to arson. Police and others stole large sums of money ranging from five to five hundred dollars. The white rioters murdered thirty blacks, including some women and children shot in their beds, and wounded about fifty others. Moreover, there were many reported cases of rape (Ibid.).

Everyone understood that responsibility for the riots lay almost entirely with the civic authorities for taking no active measure to protect the freedmen and freedwomen of the city, and, in some cases, to incite whites to take up arms and massacre them. In his report to General O. O. Howard, Colonel Charles F. Johnson wrote that Memphis mayor John Park “lost entire control of his subordinates and either through lack of inclination and sympathy with the mob, or on utter want of capacity, completely failed to suppress the riot and preserve the peace of the city,” (Ibid.). However, most citizens knew who the murderers in the Memphis Riots were, yet there were no arrests made, and it seemed to Colonel Johnson that there existed a lack of desire on the part of police officials to make any (Ibid.). The Knoxville Whig reported that the incompetence of its civic leaders was the main factor in the Memphis Riots. That particular article reported this quote from The Argus,

“...thirty well disciplined policemen could easily have put down this Memphis riot in its inception. It is now a well established fact that if the higher city

officials had faithfully performed their duty, when the first collision occurred on Tuesday afternoon, there would, in all human probability, have been no riot at all,” (The Memphis Riots).

The Memphis Riot was a travesty of immoral behavior, specifically immoral white behavior towards the freedmen and freedwomen of the city. The Knoxville Whig and Rebel Ventilator called it “a Fort Pillow affair upon a small scale,” (Ibid.). Tragically enough, another riot would erupt again in 1868, this time in New Orleans. Whites would once again take arms and massacre black men, women, and children, all in the name of restoring power to Southern whites. By this time, there would be another Southern group devoted to dismantling Reconstruction by any means necessary. This group would become synonymous with terror and violence in the name of establishing the old Southern elite back into power, the Ku Klux Klan.

From the very beginning, the Ku Klux Klan meant to overthrow Reconstruction by intimidating black voters and politicians when they could through fear and threats of violence. Clad in white sheets, the Klan often used the night to aid in their disguise, often telling their victims they were spirits of Confederate dead when on their nightly trysts, perhaps believing that their visits were some kind of divine retribution for the wrongs they felt a hostile North inflicted upon the South (Lester). Contrary to popular belief, the Klan was very careful in who they selected as targets, as they probably knew that too much terror and violence could cause the Federal government to respond with US soldiers, as Grant would in South Carolina when Klan violence got out of control. Often their targets were Northern men and women sent to help the former slaves, especially Radical Republicans, but they also attacked black politicians and civic leaders, or black leaders in the local community, and, sometimes, white Southern sympathizers. In the

same way, the Klan used terror and violence to intimidate and victimize the populace, but the Klan often used killing as a last resort. The frequency of their attacks always seemed highest around elections, when they would try to coerce whites and blacks into voting for Democrats. In Georgia, the Klan would ride around the homes and cabins of Republican supporters threatening to whip every one, and they did whip several they got their hands on. The Klan almost whipped a preacher, Bob Wiggins, to death because someone accused him of preaching “Radical doctrines” to the blacks in his parish (George Smith). Scared for their lives, the people attacked by the Ku Klux Klan would not try to vote.

It was possible, sometimes relatively easy to escape Klan violence. Many times, when the Klan showed up on a Republican supporter’s door, the person inside would flee into the woods, sometimes fleeing bullets as well as the Klan members. Reports abound of people taking to the woods and hiding there for weeks and months until the violence died down, sometimes until after elections ended (Richard Reese). The psychological fear people had for their safety was enough for the Klan because it kept them away from the election booths.

However, Klan violence was not enough to keep Republican supporters from voting the Republican ticket; even the threat of death was not enough. The Ku Klux Klan needed help keeping blacks and Republicans from the voting booths. Election officials within the different precincts, sometimes members of the Klan themselves, deliberately left voting booths closed because they feared the high turnout for the Republican ticket. Many states and precincts also used a poll tax that was applicable only to blacks and priced high enough that many could not pay. Furthermore, the tax only applied to blacks that planned to vote for Republicans. Freedmen that voted for Democrats did not have to

pay (Ibid.). If that policy did not work, then whites at the booths would shoot at any blacks that tried to vote. This policy, along with the Klan's efforts, made it very difficult for blacks to vote their mind. Klan coercion by itself was not enough to dissuade black attempts at equality. The local white populace needed to support Klan policy with racist policies in order to assure Reconstruction's failure.

Before Reconstruction would end, however, Klan violence intensified tremendously. Pierce Harper reported, "If they [freedmen] got so they had a good farm, the Ku Klux Klan would come and murder 'em," (Lester, 148). Any black that made money was a Klan target, like Jim Freeman, who the Klan hung from a tree in his front yard after destroying his possessions (Ibid.). Klansmen burned down freedmen schools such as a black schoolhouse in Schley County, Georgia on February 5, 1869. Local whites added to the problem by forbidding the freedmen and freedwomen from cutting any timber in the county (Reese). The Klan also lynched blacks accused of crimes against white citizens, often knocking their brains out, breaking their necks, and dumping the body in the river (Lester). Klan violence would be a deciding factor in the North's decision to cut its losses and abandon the South in 1876.

Reconstruction officially ended in 1877 as the last Union garrison in New Orleans withdrew. As the army marched toward the steamships that took them away from the city, someone in the gathered crowd let out a rebel yell. Reconstruction was an experiment ahead of its time as were many of the Congressional laws passed designed to incorporate blacks into American democracy. Despite the grandest ideals of the men and women attempting to make a just and equal society, Southern whites feared the change that Reconstruction promised, and they tried to destroy the whole thing by making blacks

insignificant economically, socially, and politically. Southern whites succeeded for a time, but they could never fully extinguish the dreams that Reconstruction promised, so that while the ideas lay dormant for nearly one hundred years, many felt and knew that in the future a truly just and equal society would come to fruition. In many ways that dream has, and has not, happened. However, the spirit of Reconstruction taught everyone, black and white, never to give up hope.

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## **A Sharecropping Contract**

Poor, illiterate and intimidated by widespread violence after the Civil War, many former slaves agreed to sharecropping contracts, such as this one, that were designed to keep them poor.

### **Agreement between Landlord and Sharecropper**

This agreement, made and entered into this 18th day of January, 1879, between Solid South, of the first part, and John Dawson, of the second part.

Witnesseth: that said party of the first part for and in consideration of eighty-eight pounds of lint cotton to be paid to the said Solid South, as hereinafter expressed, hereby leases to said Dawson, for the year A. D. 1879, a certain tract of land, the boundaries of which are well understood by the parties hereto, and the area of which the said parties hereby agree to be fifteen acres, being a portion of the Waterford Plantation, in Madison Parish, Louisiana.

The said Dawson is to cultivate said land in a proper manner, under the general superintendence of the said Solid South, or his agent or manager, and is to surrender to said lessor peaceable possession of said leased premises at the expiration of this lease without notice to quit. All ditches, turn-rows, bridges, fences, etc. on said land shall be kept in proper condition by said Dawson, or at his expense. All cotton-seed raised on said land shall be held for the exclusive use of said plantation, and no goods of any kind shall be kept for sale on any said land unless by consent of said lessor.

If said Solid South shall furnish to said lessee money or necessary supplies, or stock, or material, or either or all of them during this lease, to enable him to make a crop, the amount of said advances, not to exceed \$475 (of which \$315 has been furnished in two mules, plows, etc.), the said Dawson agrees to pay for the supplies and advances so furnished, out of the first cotton picked and saved on said land from the crop of said year, and to deliver said cotton of the first picking to the said Solid South, in the gin on said plantation, to be by him bought or shipped at his option, the proceeds to be applied to payment of said supply bill, which is to be fully paid on or before the 1st day of January, 1880.

After payment of said supply bill, the said lessee is to pay to said lessor, in the gin of said plantation, the rent cotton herein before stipulated, said rent to be fully paid on or before the 1st day of January, 1880. All cotton raised on said land is to be ginned on the gin of said lessor, on said plantation, and said lessee is to pay \$4 per bale for ginning same.

To secure payment of said rent and supply bill, the said Dawson grants unto said Solid South a special privilege and right of pledge on all the products raised on said land, and on all his stock, farming implements, and personal property, and hereby waives in favor of said Solid South the benefit of any and all homestead laws and exemption laws now in force, or which may be in force, in Louisiana, and agrees that all his property shall be seized and sold to pay said rent and supply bill in default of payment thereof as herein agreed. Any violation of this contract shall render the lease void.

[signed]

Solid South

John Dawson  
X (his mark)

Excerpt from Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction*. New York: Alfred A. Knopf, 1977.

## The 1875 Civil Rights Act

The last biracial U.S. Congress of the 19th century passed the Civil Rights Act of 1875. It protected all Americans, regardless of race, in their access to public accommodations and facilities such as restaurants, theaters, trains and other public transportation, and protected the right to serve on juries. However, it was not enforced, and the Supreme Court declared it unconstitutional in 1883.

The fight for civil rights moved to the judicial realm. In 1896, the Supreme Court ruled in [\*Plessy v. Ferguson\*](#) that designating separate railway cars for whites and blacks was constitutional, as long as the facilities were "equal." The "separate but equal" doctrine stood until 1954, when the Supreme Court ordered [school desegregation](#) in the case of [\*Brown v. Board of Education of Topeka\*](#).

The next federal bill designed to protect civil rights would not become law until 1957, three-quarters of a century after the 1875 Civil Rights Act.

### Civil Rights Act of 1875

18 Stat. Part III, p. 335 (Act of Mar. 1, 1875).

Chap. 114. -- An act to protect all citizens in their civil and legal rights. Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law:

Therefore, Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal and enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Sec. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or eliciting such denial, shall, for every offence, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

Provided, that all persons may elect to sue for the State under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State: And provided further, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively. .

Sec. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party; and the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: Provided, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by

reason of this act or otherwise; and any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars:

And provided further, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

Sec. 4. That no citizen possessing all other qualification which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

# Mississippi Black Code

Adapted from a document placed online by Jud Sage at Northern Virginia Community College

The status of the Negro was the focal problem of Reconstruction. Slavery had been abolished by the Thirteenth Amendment, but the white people of the South were determined to keep the Negro in his place, socially, politically, and economically. This was done by means of the notorious "Black Codes," passed by several of the state legislatures. Northerners regarded these codes as a revival of slavery in disguise. The first such body of statutes, and probably the harshest, was passed in Mississippi in November 1865. Four of the statutes that made up the code are reprinted below.

Source, *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, held in Jackson, October, November and December, 1865, Jackson, 1866*, pp. 82-93, 165-167,

## Apprentice Law

Section 1. *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 semiannually, at the January and July terms of said courts, all freedmen, free Negroes, and mulattoes under the age of eighteen within their respective counties, beats, or districts who are orphans, or whose parent or 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, having a particular care to the interest of said minors:

*Provided*, that the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a Suitable person for that purpose.

Section 2. *Be it further enacted*, that the said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor and fully to protect the interest of said minor. 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; teach or cause to be taught him or her to read and write, if under fifteen years old; and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice:

*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.

Section 3. *Be it further enacted*, that in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law:

*Provided*, that in no case shall cruel or inhuman punishment be inflicted.

Section 4. *Be it further enacted*, 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, on failure to give bond, until the next term of the county court; and it shall be the duty of said court, at the first term thereafter, to investigate said case; and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law, for desertion, until he or she shall agree to return to his or her master or mistress:

*Provided*, that the court may grant continuances, as in other cases; and *provided*, further, that if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture and also enter a judgment against the master or mistress for not more than \$100, for the use and benefit of said apprentice, to be collected on execution, as in other cases.

Section 5. *Be it further enacted*, 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.

Section 6. *Be it further enacted*, that it shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said Probate Court who are subject to be apprenticed under the provisions of this act, from time to time, as the facts may come to their knowledge; and it shall be the duty of said court, from time to time, as said minors shall be reported to them or otherwise come to their knowledge, to apprentice said minors as hereinbefore provided.

Section 7. *Be it further enacted*, that in case the master or mistress of any apprentice shall desire, he or she shall have the privilege to summon his or her said apprentice to the Probate Court, and thereupon, with the approval of the court, he or she shall be released from all liability as master of said apprentice, and his said bond shall be canceled, and it shall be the duty of the court forthwith to reapprentice said minor; and in the event any master of in apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference in reapprenticing said minor to the widow, or other member of said master's family:

*Provided*, that said widow or other member of said family shall be a suitable person for that purpose.

Section 8. *Be it further enacted*, that in case any master or mistress of any apprentice, bound to him or her under this act shall be about to remove or shall have removed to any other state of the United States by the laws of which such apprentice may be an inhabitant thereof, the Probate Court of the proper county may authorize the removal of such apprentice to such state, upon the said master or mistress entering into bond, with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal, comply with the laws of such state in such cases:

*Provided*, that said master shall be cited to attend the court at which such order is proposed to be made and shall have a right to resist the same by next friend, or otherwise.

Section 9. *Be it further enacted*, that it shall be lawful for any freedman, free Negro, or Mulatto having a minor child or children to apprentice the said minor child or children as provided for by this act.

Section 10. *Be it further enacted*, that in all cases where the age of the freedman, free Negro, or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age.

II.

## Vagrancy Law

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practising unlawful games or plays, runaways, common drunkards, common nightwalkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families or dependents, and all other idle and disorderly persons, including all who neglect all lawful business, or habitually misspend their time by frequenting houses of ill-fame, gaming houses, or tippling shops, shall be deemed and considered vagrants under the provisions of this act; and, on conviction thereof shall be fined not exceeding \$100, with all accruing costs, and be imprisoned at the discretion of the court not exceeding ten days.

Section 2. *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 1966, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together either in the day or nighttime, and all white persons so assembling with freedmen, free Negroes, or mulattoes, or usually associating with freedmen, free Negroes, or mulattoes on terms of equality, or living in adultery or fornication with a freedwoman, 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, 150, and a white man, \$200, and imprisoned at the discretion of the court, the free Negro not exceeding ten days, and the white man not exceeding six months.

Section 3. *Be it further enacted*, that all justices of the peace, mayors, and aldermen of incorporated towns and cities of the several counties in this state shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities; and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, counties, and cities are violating any of the provisions of this act, to have said party or parties arrested and brought before them and immediately investigate said charge; and, on conviction, punish said party or parties as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, city marshals, and all like officers to report to some officer having jurisdiction all violations of any of the provisions of this act; and it shall be the duty of the county courts to inquire if any officers have neglected any of the duties required by this act; and in case any officer shall fail or neglect any duty herein, it shall be the duty of the county court to fine said officer, upon conviction, not exceeding \$100, to be paid into the county treasury for county purposes.

Section 4. *Be it further enacted*, that keepers of gaming houses, houses of prostitution, all prostitutes, public or private, and all persons who derive their chief support in employments that militate against good morals or against laws shall be deemed and held to be vagrants.

Section 5. *Be it further enacted*, that all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes; and 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 given to the employer, if there be 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; and in case such freedman, free Negro, or mulatto cannot be hired out he or she may be dealt with as a pauper.

Section 6. *Be it further enacted*, that the same duties and liabilities existing among white persons of this state shall attach to freedmen, free Negroes, and mulattoes to support their indigent families and all colored paupers; and that, in order to secure a support for such indigent freedmen, free Negroes, and mulattoes, it shall be lawful, and it is hereby made the duty of the boards of county police of each county in this state, to levy a poll or capitation tax on each and every freedman, free Negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of \$1 annually, to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands and constitute a fund to be called the Freedman's Pauper Fund, which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free Negroes.

and mulattoes of this state, under such regulations as may be established by the boards of county police, in the respective counties of this state.

Section 7. *Be it further enacted*, that if any freedman, free Negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the 6th Section of this act, it shall be prima facie evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free Negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire, for the shortest time, such delinquent taxpayer to anyone who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

Section 8. *Be it further enacted*, that any person feeling himself or herself aggrieved by the judgment of any justice of the peace, mayor, or alderman in cases arising under this act may, within five days, appeal to the next term of the county court of the proper county, upon giving bond and security in a sum not less than \$25 nor more than \$150, conditioned to appear and prosecute said appeal, and abide by the judgment of the county court, and said appeal shall be tried *de novo* in the county court, and the decision of said court shall be final.

#### Civil Rights of Freedmen

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that all freedmen, free Negroes, and mulattoes may sue and be sued, implead and be impleaded in all the courts of law and equity of this state, and may acquire personal property and choses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may:

*Provided*, that the provisions of this section shall not be 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.

Section 2. *Be it further enacted*, that all freedmen, free Negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons:

*Provided*, that the clerk of probate shall keep separate records of the same.

Section 3. *Be it further enacted*, 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; and those shall be deemed freedmen, free Negroes, and mulattoes

who are of pure Negro blood; and those descended from a Negro to the third generation inclusive, though one ancestor of each generation may have been a white person.

Section 4. *Be it further enacted*, that in addition to cases in which freedmen, free Negroes, and mulattoes are now by law competent witnesses, freedmen, free Negroes, or mulattoes shall be competent in civil cases when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants, also in cases where freedmen, free Negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. 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:

*Provided*, that in all cases said witnesses shall be examined in open court on the stand, except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Section 5. *Be it further enacted*, that every freedman, free Negro, and mulatto shall, on the second Monday of January 1866, and annually thereafter, have a lawful home or employment, and shall have a 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, as provided in Section 6 of this act, which licenses may be revoked for cause, at any time, by the authority granting the same.

Section 6. *Be it further enacted*, 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, of which each party shall have one; and said contracts shall be taken and held as entire contracts; 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.

Section 7. *Be it further enacted*, 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 \$5, and 10 cents per mile from the place of arrest to the place of delivery, and the same shall be paid by the employer, and held as a setoff for so much against the wages of said deserting employee:

*Provided*, that said arrested party, after being so returned, may appeal to a justice of the peace or member of the board of police of the county, who, on notice to the alleged

employer, shall try summarily whether said appellant is legally employed by the alleged employer and his good cause to quit said employer; either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of as shall be right and just, and the decision of the county court shall be final.

Section 8. *Be it further enacted*, that upon affidavit made by the employer of any freedman, free Negro, or mulatto, or other credible person before any justice of the peace or member of the board of police, that any freedman, free Negro, or mulatto, legally employed by said employer, has illegally deserted said employment, such justice of the peace or member of the board of police shall issue his warrant or warrants, returnable before himself, or other such officer, directed to any sheriff, constable, or special deputy, commanding him to arrest said deserter and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section; and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this state, and that said warrant may be transmitted without endorsement to any like officer of another county, to be executed and returned as aforesaid, and the said employer shall pay the cost of said warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

Section 9. *Be it further enacted*, that if any person shall persuade or attempt to persuade, entice, or cause any freedman, free Negro, or mulatto to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free Negro, or mulatto, or shall knowingly give or sell to any such deserting freedman, free Negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor; and, upon conviction, shall be fined not less than \$25 and not more than \$200 and the costs; and, if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages:

*Provided*, if any person shall, or shall attempt to, persuade, entice, or cause any freedman, free Negro, or mulatto to desert from any legal employment of any person with the view to employ said freedman, free Negro, or mulatto without the limits of this state, such person, on conviction, shall be fined not less than \$50 and not more than \$1500 and costs; and, if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months' imprisonment in the county jail,

Section 10. *Be it further enacted*, that it shall be lawful for any freedman, free Negro, or mulatto to charge any white person, freedman, free Negro, or mulatto, by affidavit, with any criminal offense against his or her person or property; and, upon such affidavit, the proper process shall be issued and executed as if said affidavit was made by a white person; and it shall be lawful for any freedman, free Negro, or mulatto, in any action, suit, or controversy pending or about to be instituted, in any court of law or equity of this state, to make all needful and lawful affidavits, as shall be necessary for the institution, prosecution, or defense of such suit or controversy.

Section 11. *Be it further enacted*, that the penal laws of this state, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free Negroes, and mulattoes.

IV.

## Penal Code

Section 1. *Be it enacted by the legislature of the state of Mississippi*, that no freedman, free Negro, or mulatto not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry firearms 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 \$10, 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.

Section 2. *Be it further enacted*, that any freedman, free Negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance 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 the punishment of which is not specifically provided for by law shall, upon conviction thereof in the county court, be fined not less than \$10 and not more than \$100, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

Section 3. *Be it further enacted*, 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 \$50, and may be imprisoned, at the discretion of the court, not exceeding thirty days:

*Provided*, that any master, mistress, or employer of any freedman, free Negro, or mulatto may give to any freedman, free Negro, or mulatto apprenticed to or employed by such master, mistress, or employer spirituous or intoxicating liquors, but not in sufficient quantities to produce intoxication.

Section 4. *Be it further enacted*, that all the penal and criminal laws now in force in this state defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free Negroes, or mulattoes be and the same are hereby reenacted and declared to be in full force and effect against freedmen, free Negroes, and mulattoes, except so far m the mode and manner of trial and punishment have been changed or altered by law.

Section 5. *Be it further enacted*, 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. (Westport, Conn., 1972) Ark. Narr., Vol. 8, 175- 179.

Memphis, Tenn. May 22 '66  
Maj. Genl. O. O. Howard  
Commissioner B. R. F. & A. L.

Washington, D. C.

General,

In accordance with the instructions contained in S. O. No. 64, Ex. II, War Dept., B. R. F. & A. L. dated Washington, D. C. May 7, 1866 and your letter of "confidential instructions" of the same date, I have the honor herewith to submit a report of an investigation of the late riots in Memphis.

I reached Memphis May 11th and I found General Fisk, the Asst. Commissioner for Ky. And Tenn. here. He had already directed his Inspector General Col. C. T. Johnson to institute an investigation and I found the Colonel had commenced his work and was well advanced.

At the suggestion of General Fisk I immediately conferred with Colonel Johnson and we determined to make a joint investigation and report. We have taken some affidavits and as many more could have been procured if we could have taken the time.

I have the honor to be  
Very Respectfully  
Your Obedt. Servant  
(sd) T. W. Gilbreth  
Aid-de-Camp

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**Report of an investigation of the cause, origin, and results of the late riots in the city of Memphis made by Col. Charles F. Johnson, Inspector General States of Ky. And Tennessee and Major T. W. Gilbreth, A. D. C. To Maj. Genl. Howard, Commissioner Bureau R. F. & A. Lands.**

The remote cause of the riot as it appears to us is a bitterness of feeling which has always existed between the low whites & blacks, both of whom have long advanced rival claims for superiority, both being as degraded as human beings can possibly be.

In addition to this general feeling of hostility there was an especial hatred among the city police for the Colored Soldiers, who were stationed here for a long time and had recently been discharged from the service of the U. S., which was most cordially reciprocated by the soldiers.

This has frequently resulted in minor affrays not considered worthy of notice by the authorities. These causes combined produced a state of feeling between whites and blacks, which would require only the slightest provocation to bring about an open rupture.

### **The Immediate Cause**

On the evening of the 30th April 1866 several policemen (4) came down Causey Street, and meeting a number of Negroes forced them off the sidewalk. In doing so a Negro fell and a policeman stumbled over him. The police then drew their revolvers and attacked the Negroes, beating them with their pistols. Both parties then separated, deferring the settlement by mutual consent to some future time (see affidavit marked "A"). On the following day, May 1st, during the afternoon, between the hours of 3 and 5, a crowd of colored men, principally discharged soldiers, many of whom were more or less intoxicated, were assembled on South Street in South Memphis.

Three or four of these were very noisy and boisterous. Six policemen appeared on South Street, two of them arrested two of the Negroes and conducted them from the ground. The others remained behind to keep back the crowd, when the attempt was made by several Negroes to rescue their comrades. The police fell back when a promiscuous fight was indulged in by both parties.

During this affray one police officer was wounded in the finger, another (Stephens) was shot by the accidental discharge of his pistol in his own hand, and afterward died.

About this time the police fired upon unoffending Negroes remote from the riotous quarter. Colored soldiers with whom the police first had trouble had returned in the meantime to Fort Pickering. The police was soon reinforced and commenced firing on the colored people, men, women and children, in that locality, killing and wounding several.

Shortly after, the City Recorder (John C. Creighton) arrived upon the ground (corner of Causey and Vance Streets) and in a speech which received three hearty cheers from the crowd there assembled, counselled and urged the whites to arm and kill every Negro and drive the last one from the city. Then during this night the Negroes were hunted down by police, firemen and other white citizens, shot, assaulted, robbed, and in many instances their houses searched under the pretense of hunting for concealed arms, plundered, and then set on fire, during which no resistance so far as we can learn was offered by the Negroes.

A white man by the name of Dunn, a fireman, was shot and killed by another white man through mistake (reference is here made to accompanying affidavit mkd "B").

During the morning of the 2nd inst. (Wednesday) everything was perfectly quiet in the district of the disturbances of the previous day. A very few Negroes were in the streets, and none of them appeared with arms, or in any way excited except through fear. About 11 o'clock A. M. a posse of police and citizens again appeared in South Memphis and commenced an indiscriminate attack upon the Negroes, they were shot down without mercy, women suffered alike with the men, and in several instances little children were killed by these miscreants. During this day and night, with various intervals of quiet, the nuisance continued.

The city seemed to be under the control of a lawless mob during this and the two succeeding days (3rd & 4th). All crimes imaginable were committed from simple larceny to rape and murder. Several women and children were shot in bed. One woman (Rachel Johnson) was shot and then thrown into the flames of a burning house and consumed. Another was forced twice through the flames and finally escaped. In some instances houses were fired and armed men guarded them to prevent the escape of those inside. A number of men whose loyalty is undoubted, long residents of Memphis, who deprecated the riot during its progress, were denominated Yankees and Abolitionists, and were informed in language more emphatic than gentlemanly, that their presence here was unnecessary. To particularize further as to individual acts of inhumanity would extend the report to too great a length. But attention is respectfully called for further instances to affidavits accompanying marked C, E, F & G.

The riot lasted until and including the 4th of May but during all this time the disturbances were not continual as there were different times of greater or less length in each day, in which the city was perfectly quiet, attacks occurring generally after sunset each day.

The rioters ceased their violence either of their own accord or from want of material to work on, the Negroes having hid themselves, many fleeing into the country.

### **Conduct of the Civil Authorities**

The Hon. John Park, Mayor of Memphis, seemed to have lost entire control of his subordinates and either through lack of inclination and sympathy with the mob, or on utter want of capacity, completely failed to suppress the riot and preserve the peace of the city. His friends offer in extenuation of his conduct, that he was in a state of intoxication during a part or most of the time and was therefore unable to perform the high and responsible functions of his office. Since the riot no official notice has been taken of the occurrence either by the Mayor or the Board of Aldermen, neither have the City Courts taken cognizance of the numerous crimes committed.

Although many of the perpetrators are known, no arrests have been made, nor is there now any indication on the part of the Civil Authorities that any are meditated by them.

It appears the Sheriff of this County (P. M. Minters) endeavored to oppose the mob on the evening of the 1st of May, but his good intentions were thwarted by a violent speech delivered by John C. Creighton, City Recorder, who urged and directed the arming of the whites and the wholesale slaughter of blacks.

This speech was delivered on the evening of the 1st of May to a large crowd of police and citizens on the corner of Vance and Causey streets, and to it can be attributed in a great measure the continuance of the disturbances. The following is the speech as extracted from the affidavits herewith forwarded marked "B" . . . "That everyone of the citizens should get arms, organize and go through the Negro districts," and that he "was in favor of killing every God damned nigger" . . . "We are not prepared now, but let us prepare and clean out every damned son of a bitch of a nigger out of town . . . "Boys, I want you to go ahead and kill every damned one of the nigger race and burn up the cradle."

The effect of such language delivered by a municipal office so high in authority, to a promiscuous and excited assemblage can be easily perceived. From that time they seemed to act as though vested with full authority to kill, burn and plunder at will. The conduct of a great number of the city police, who are generally composed of the lowest class of whites selected without reference to their qualifications for the position, was brutal in the extreme. Instead of protecting the rights of persons and property as is their duty, they were chiefly concerned as murderers, incendiaries and robbers. At times they even protected the rest of the mob in their acts of violence.

No public meeting has been held by the citizens, although three weeks have now elapsed since the riot, thus by their silence appearing to approve of the conduct of the mob. The only regrets that are expressed by the mass of the people are purely financial. There are, however, very many honorable exceptions, chiefly among men who have fought against the Government in the late rebellion, who deprecate in strong terms, both the Civil Authorities and the rioters.

**Action of Bvt. Brig. Genl. Ben P. Runkle, Chief Supt., Bureau R. F. and A. L., Sub-District of Memphis**

General Runkle was waited upon every hour in the day during the riot, by colored men who begged of him protection for themselves and families, and he, an officer of the Army detailed as Agent of the Freedmen's Bureau was suffered the humiliation of acknowledging his utter inability to protect them in any respect. His personal appearance at the scenes of the riot had no affect on the mob, and he had no troops at his disposal.

He was obliged to put his Headquarters in a defensive state, and we believe it was only owing to the preparations made, that they were not burned down. Threats had been openly made that the Bureau office would be burned, and the General driven from the town. He, with his officers and a small squad of soldiers and some loyal citizens who volunteered were obliged to remain there during Thursday and Friday nights.

**The origin and results of the riot may be summed up briefly as follows:**

The remote cause was the feeling of bitterness which as always existed between the two classes. The minor affrays which occurred daily, especially between the police and colored persons.

The general tone of certain city papers which in articles that have appeared almost daily, have councilled the low whites to open hostilities with the blacks.

The immediate cause was the collision heretofore spoken of between a few policemen and Negroes on the evening of the 30th of April in which both parties may be equally culpable, followed on the evening of the 1st May by another collision of a more serious nature and subsequently by an indiscriminate attack upon inoffensive colored men and women.

Three Negro churches were burned, also eight (8) school houses, five (5) of which belonged to the United States Government, and about fifty (50) private dwellings, owned, occupied or inhabited by freedmen as homes, and in which they had all their personal property, scanty though it be, yet valuable to them and in many instances containing the hard earnings of months of labor.

Large sums of money were taken by police and others, the amounts varying five (5) to five hundred (500) dollars, the latter being quite frequent owing to the fact that many of the colored men had just been paid off and discharged from the Army.

No dwellings occupied by white men exclusively were destroyed and we have no evidence of any white men having been robbed.

From the present disturbed condition of the freedmen in the districts where the riot occurred it is impossible to determine the exact number of Negroes killed and wounded. The number already ascertained as killed is about (30) thirty; and the number wounded about fifty (50). Two white men were killed, viz., Stephens, a policemen and Dunn of the Fire Department.

The Surgeon who attended Stephens gives it as his professional opinion that the wound which resulted in his death was caused by the accidental discharge of a pistol in his hands (see affidavit marked "B"). Dunn was killed May 1st by a white

man through mistake (see affidavit marked "B"). Two others (both Policemen) were wounded, one slightly in the finger, the other (Slattersly) seriously.

The losses sustained by the Government and Negroes as per affidavits received up to date amount to the sum of ninety eight thousand, three hundred and nineteen dollars and fifty five cents (\$98,319.55). Subsequent investigations will in all probability increase the amount to one hundred and twenty thousand dollars (\$120,00.00).

(signed) Chas. F. Jackson  
Col. And Inspr. Genl. Ky. & Tenn.  
T. W. Gilbreth  
Aide-de-Camp.

## The Memphis Riots.

The brutal negro massacre at Memphis turns out to have been a Fort Pillow affair upon a small scale. It turns out that the city authorities were incompetent, according to the showing of their own papers. Gen. Thomas will, of course, require the city authorities to pay for the property destroyed by fire. And under the Civil Rights Bill, it may be that heavy damages will be required for the killing of heads of families! Better look to consequences before bringing on another riot.

We submit two extracts from two rebel Memphis papers—the first from the Argus, and the next from the Commercial. They tell the truth in their own way, and would not be apt to do their rebel friends injustice.

As we have said before—thirty well disciplined policemen could easily have put down this Memphis riot in its inception. It is now a well established fact that if the higher city officials had faithfully performed their duty, when the first collision occurred on Tuesday afternoon, there would, in all human probability, have been no riot at all.

Very well, this confession clearly shows the want of a Metropolitan police. The Commercial makes the following equally startling confession:

The order of Maj. Gen. Stoneman assuming control of the peace of the city, has been generally received by our citizens with satisfaction. It was felt that the civil authorities, from the difficulty of the situation, which will be comprehended by those familiar with it, were unable to control the elements of discord, and to concentrate their power upon the suppression of the disturbances existing in the community.

engaged in these outrages, has ever been arrested or punished in any way, and no one of these freedmen has ever had any redress for his sufferings and losses. I will make oath to these statements."

ANDERSONVILLE, GA., Feb. 12, 1869.

#### STATEMENT OF GEORGE SMITH.

George Smith now resides five miles from Ellaville, in Schley county, Georgia. He says:

"Before the election of Grant, large bodies of men were riding about the country in the night for more than a month. They and their horses were covered with large white sheets, so that you could not tell them or their horses. They gave out word that they would whip every Radical in the country that intended to vote for Grant, and did whip all they could get hold of. They sent word to me that I was one of the leaders of the Grant club, and they would whip me. I saw them pass my house one night, and I should think there were thirty or forty of them. They looked in the night like Jersey wagons. I supposed they were after me, and I took my blanket and gun and ran to the woods and lay out all night, and a good many other nights. Nearly all the Radicals in the neighborhood lay in the woods every night for two weeks before election. The Kuklux would go to the houses of all that belonged to the Grant club, call them to the door, throw a blanket over them and carry them off and whip them, and try and make them promise to vote for Seymour and Blair. The night I saw them they went to the house of Mr. Henry Davis and ordered him out. He refused to come out and they tore down both of his doors. He fired at them and escaped. I heard a good many shots fired at him. He lay out about a week in the woods, and then slipped back in the night and got his family and moved off. He had bought a place and paid \$250 on it; but he could not get a deed, and he has gone off and left it. They then went to the house of Tom Pitman and Jonas Swanson, called them to the door, threw blankets over their heads, carried them off and whipped them tremendously. They told them that they were damned Radicals and leaders of the Grant club, and that they would whip every one that voted for Grant, and would not give any work to any but Democrats.

Bob Wiggins, a preacher, was whipped all most to death because they said he was preaching Radical doctrines to the col-

ored people. It was supposed for a good many days that he would die, but he finally recovered.

I attended the election at Ellaville. None of the Radicals that had been Ku-Kluxed tried to vote; but a good many Radicals did try to vote, but the judges made them all show their tickets, and if they were for Grant they would not let them vote. I saw how they treated others and did not try to put my vote in. I went early in the morning, and the white and colored Democrats voted until about noon, when I went home.

ANDERSONVILLE, *February 7, 1869.*

#### STATEMENT OF RICHARD REESE.

Richard Reese, President of the Grant club of Schley county, confirms the statements of George Smith in regard to the treatment of the Radicals in Schley county. He says:

"When the Ku-Klux commenced riding about the country I was at Macon attending the colored convention. When I got home some white men, Democrats, who were friends of mine, told me that the Ku-Klux would certainly kill me if I staid at home at nights. I took my blanket and hid in the woods. I have never had a gun or pistol in my life. I lay in the woods every night until after election. Day times I came home and worked my crop. One day, as I was in my yard, Mr. Jack Childers, a Democrat, came along from Americus, and said to me, 'Where is old Dick, the damned old Radical?' I said, 'Here I am.' He said, 'Well, you will be certain to be killed.' I said, 'Well, if they kill me they will kill a good old Radical, and I haven't got much longer to live noway.' He then started to get out of his buggy and come at me, but the man with him held him in and drove on. I had the Grant tickets in my house, and went to the Bumphead precinct, but there were more Radicals than Democrats there, and they would not open the polls at all. We staid there till twelve o'clock, then started for Ellaville. The white and colored Democrats were voting, but they would not let a Radical vote until about two o'clock, when Charley Hudson got upon a stump and said no man could vote unless he had paid his taxes. He then got down, and he and nearly every white man there went around to the colored voters and told them that if they would vote the Democratic ticket their tax was paid. I offered my ticket, and they said my tax was not paid, and if I put in my ticket they would put me in jail, and send me to the penitentiary. I had already agreed

with a white man, who owed me \$50, to pay my tax, and he said he had done it, but when I found him, and he found what was the matter, he said he had not paid it. They demanded \$4.50 poll-tax, and I paid it and put in my vote. They were determined that I should not vote, and I was determined that I would vote for Grant any way, as I was the president of the club. They told me if I would vote for Seymour and Blair I need not pay my taxes. After I got my vote in I took all my Grant tickets and scattered them among the crowd, and told my club they need not try to vote, it would do no good. [Grant would be elected without Schley county, and we all went home.

"Last spring we built a school-house, and hired a white lady to teach our school for several months. We held meetings and schools every Sunday. Friday night, February 5, 1869, our school-house was burned up.

"Last night we had a meeting to see what we could do about building another house. We have a deed of one-and-a-half acres of land, but there is no timber on it, and the owners of the land around have put up a paper forbidding us to cut a stick on their's, and see how tight they have got us. We want the Government or somebody to help us build. We want some law to protect us. We know that we could burn their churches and schools, but it is against the law to burn houses, and we don't want to break the law or harm anybody. We want the law to protect us, and all we want is to live under the law."

ANDERSONVILLE, Feb. 7, 1869.

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#### STATEMENT OF REV. CHARLES ENNIS.

Charles Ennis informs me that he was sixty-two years old last June; that he was the slave of Mr. G. C. McBea, who kept the ferry on the Holston river, fifteen miles from Knoxville Tennessee; that he has often ferried the Hon. Messrs. Brownlow and Maynard over the river; that he learned to read when a small boy, and that he is now a preacher and teacher. He is the most intelligent colored man I have seen at Andersonville. He says:

"My wife has been a midwife for many years, and has attended upon a good many white and colored women in child-birth. Last year we lived in Mitchell county, and Mr. Henry Adams, of Baker county, sent for her to attend his wife, who was about

**Unit Plan:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Lesson Title:** Reconstruction: The Second Civil War

**Grade Level:** 5th

**Essential Question related to Vital Theme:** How were Presidential Reconstruction and Congressional Reconstruction similar and different, and how did each fail to address the needs of the freedmen and freedwomen? What were the primary concerns of the freedmen and freedwomen during Reconstruction?

**Lesson Time:** Four class periods (Each period lasting approximately 45 minutes)

**Curriculum Standards:**

Social Studies: 5.2.spi.1; 5.4.spi.3; 5.4.tpi.3; 5.4.tpi.7; 5.5.spi.3; 5.5.spi.8; 5.5.tpi.1; 5.6.spi.3; 5.6.tpi.4; 5.6.tpi.7; 5.6.tpi.8; 5.6.tpi.10

**Technology Used and How:**

TV

DVD Player (to view *Reconstruction: The Second Civil War*)

DVD – *Reconstruction: The Second Civil War*

Computer with Internet connection and browser (to view *Reconstruction: The Second Civil War* - <http://www.pbs.org/wgbh/amex/reconstruction/program/index.html>)

Video to VGA converter (so you can convert video on your computer to the TV – especially good if you wish to view the website version of *Reconstruction: The Second Civil War*)

Printer (to print the worksheet **A Whole Set of New Problems**)

**Materials:**

Pencil

Paper

Roll of Butcher Paper or equivalent

Crayons, Colored Pencils, or Markers

Copies of **A Whole Set of New Problems** worksheet

**Activity Descriptions and Overview of Instructional Strategies:**

1. On a sheet of paper, have students predict the concerns of the newly emancipated slaves. After they finish, give the students the worksheet, **A Whole Set of New Problems**, and have them compare the concerns predicted with the ones listed on this sheet. Have students answer the questions listed on the worksheet with a partner. Have the students put the paper and worksheet some place safe so that they can refer to it again later.

2. Measure and tear four to five foot sections of butcher paper (or something equivalent) for students. You might want to draw a timeline on the butcher paper for the students that span the years 1865 to 1877 so that each year is adequately spaced out. This will save trouble later since students may not adequately space out the years on their own.
3. Place students into groups of three or four, and give each group a section of butcher paper. Explain to the students that they will watch the video, *Reconstruction: The Second Civil War*. While the students watch the video, they are to place the important events from the program on their timelines and write a sentence or two about the importance of that event. To help the students, you might want to provide a list of the events on a sheet of paper or the board. These would be the events from Reconstruction that I deem important: 13<sup>th</sup> Amendment ratified (February 18, 1865), Freedmen's Bureau established (March 1865), President Johnson announces plan for Presidential Reconstruction (May 1865), Creation of Southern Black Codes (Fall 1865), Johnson declares Presidential Reconstruction Complete (December 1865), Civil Rights Bill of 1866 (April 1866), Memphis Riots (May 1, 1866), Elections of 1866 (Fall 1866), Radical Reconstruction begins (March 2, 1867), President Johnson impeached (May 16, 1868), 14<sup>th</sup> Amendment ratified (July 28, 1868), Grant elected president (November 3, 1868), Violence against blacks in the South (Fall 1869), 15<sup>th</sup> Amendment ratified (February 3, 1870), Congressional hearings on Ku Klux Klan violence (October 1870), President Grant reelected (November 5, 1872), Panic of 1873 (September 18, 1873), Civil Rights Bill of 1875 (March 1, 1875), Hayes elected president (March 4, 1877), Reconstruction policies officially end (1877). Students should feel free to add their own important dates to this list. It will take a couple of days for students to view the entire program.
4. After viewing the program, students may go back and illustrate each event. Students can now refer to this timeline any time they need to for the rest of these lessons. Have the class answer the first essential question vital to the theme.
5. With a partner, have the students fix the answers on their **A Whole Set of New Problems** worksheet to reflect what they watched on *Reconstruction: The Second Civil War*.

### **Supporting Assignments/Homework:**

Students will complete and hand in their predictions for **A Whole Set of New Problems**, **A Whole Set of New Problems** worksheet, and their timelines from *Reconstruction: The Second Civil War*.

Using the worksheet, **A Whole New Set of Problems**, students will write a fictional diary entry that discusses the problems newly emancipated slaves had.

**Assessment:**

Students will receive assessment for the worksheet, **A Whole Set of New Problems**, and the timeline.

**Unit Title:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Lesson Plan Title:** Bottom Rail on Top

**Grade Level:** 5th

**Essential Question to Vital Theme:** How did life change for the former slaves during Reconstruction, and how would life remain the same?

**Lesson Time:** One to Two Class Periods

**Curriculum Standards:**

Reading: 5.1.spi.14

Social Studies: 5.5.tpi.1; 5.5.spi.7, 5.6.tpi.8; 5.6.tpi.9; 5.6.tpi.10

**Technology Used and How:**

Computer with Internet capability (to access or download primary source narratives from PBS Website)

Printer (to print off materials downloaded from the Internet)

Copier (to Xerox selections from the Julius Lester book)

**Materials:**

Lester, Julius. *To Be A Slave*. New York: Scholastic, Inc., 1968.

Pencil

Copies of Venn diagram

Copies of T-Chart

Construction Paper or Poster Board

Crayons, Colored Pencils, or Markers

**Activity Descriptions and Overview of Instructional Strategies:**

1. Divide students into groups of three. I like to divide mine into multi-level groups with a high, average, and low-achieving student.
2. Students will receive a copy of three narratives from Julius Lester's book, *To Be A Slave*, each from one of the following chapters: sample one from either "To Be a Slave" or "The Plantation," sample two "Emancipation," and sample three from "After Emancipation" (excluding the excerpts from Pierce Harper and Anonymous on pages 148 & 149). Teachers will want to preview the narratives in Lester's book because of the language used sometimes. In addition, teachers may wish to use the superb narratives of Henry Adams, "Not Free Yet," ([http://www.pbs.org/wgbh/amex/reconstruction/sharecrop/ps\\_adams.html](http://www.pbs.org/wgbh/amex/reconstruction/sharecrop/ps_adams.html)) or "A

Sharecropping Contract”

[http://www.pbs.org/wgbh/amex/reconstruction/sharecrop/ps\\_dawson.html](http://www.pbs.org/wgbh/amex/reconstruction/sharecrop/ps_dawson.html) from the PBS website on Reconstruction. However, teachers may wish to have higher-level students investigate these two documents because of their length and the language used, especially in “A Sharecropping Contract,” which is filled with legal terms.

3. Each student will receive a copy of a Venn diagram. One side of the Venn diagram will be marked **Slaves Before Emancipation**, and the other side will be **Slaves After Emancipation**. Students are responsible for completing their own Venn diagrams.
4. In their groups, students will read their three selections aloud. When they finish, students will read through their narratives again, this time finding examples of how the lives of blacks were similar and different after Emancipation. Teachers should have a minimum number of responses in mind; I like my students to find five separate differences, and four similarities. However, invite students to write down as many similarities and differences as they can.
5. Once each group is finished, bring the students together again, and pass out the T Chart. Invite students to share what they wrote on their Venn diagrams. Write down student answers on a T Chart on the board and discuss them. Meanwhile, have students write down all answers on their individual T Charts, and have them correct or add any answers onto their Venn diagrams. Afterwards, have students write down the answer to the essential question on the back of the T Chart.

### **Supporting Assignments/Homework:**

Students will complete and hand in the Venn diagram and T Chart that accompany this lesson.

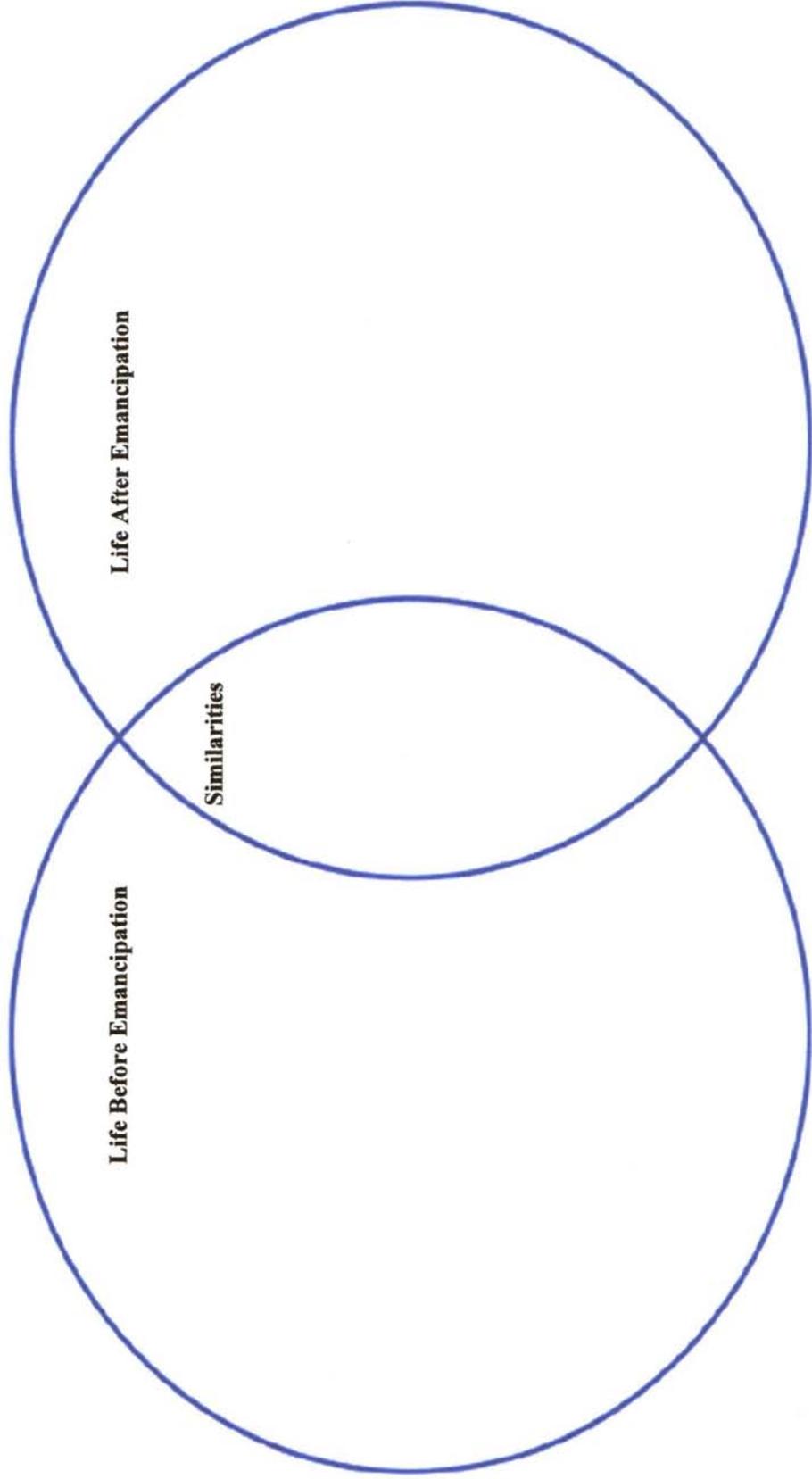
Either alone, with partners, or as a group, students will create a diorama on poster board that shows the lives of blacks before and after Emancipation using the T Charts used in class. The teacher may want students to present their dioramas to the class and show how the answers on their T Chart affected what they drew.

### **Assessments:**

Students will receive assessment on the Venn diagram and T Chart they complete

**NAME:**

**Bottom Rail on Top!**



Name:

<b>Life Before Emancipation</b>	<b>Life After Emancipation</b>

**Unit Plan:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Lesson Plan Title:** Blacks enter politics

**Grade Level:** 5<sup>th</sup>

**Essential Question related to the Vital Theme:** Who were the blacks that entered American politics, and what did they accomplish? In your opinion, were black politicians successful in improving the lives of the freedmen and freedwomen?

**Lesson Time:** Two class periods

**Curriculum Standards:**

Reading: 5.1.spi.14; 5.1.spi.16; 5.1.spi.25

Language Arts: 5.2.spi.5; 5.2.spi.7; 5.2.spi.15; 5.2.spi.17, 5.2.spi.19

Social Studies: 5.1.tpi.6; 5.4.spi.3; 5.4.tpi.7; 5.5.spi.8; 5.5.tpi.1; 5.5.tpi.10; 5.6.spi.1; 5.6.tpi.2; 5.6.tpi.6; 5.6.tpi.8

**Technology Used and How:**

Computer or computers with Internet connection and browser (for students to access websites for research – teachers might want to use a computer lab or mobile lab for students)

Document writer like Microsoft Word (if teachers would like students to type all of their information)

Printer (to print information and pictures off the Internet)

**Materials:**

Pencil

Paper

Poster Board

Crayons, Colored Paper, and Markers

Scissors

Glue

Encyclopedia Set

**Activity Descriptions and Overview of Instructional Strategies:**

1. Have students find a partner, and explain to them that they will create a presentation on poster board on one of the following topics or people: 13<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, 15<sup>th</sup> Amendment, Freedmen’s Bureau, “Forty acres and a mule,” Sharecroppers, Hiram Revels, Robert DeLarge, Jefferson Long, Benjamin Turner, Josiah Walls, Joseph Rainey, Robert B. Elliot, John Roy Lynch, Tunis Campbell, Thaddeus Stevens, Presidential Reconstruction, and

Congressional Reconstruction. Students will need to locate enough information and pictures to fill an entire poster board. However, to ensure that students do not waste all of their available time looking for pictures, teachers may want to insist that a certain percentage of the poster board must be written information.

2. If using a computer lab, show students how to use search engines like Google or Yahoo to find information. If the students have a limited number of computers to use, then teachers will have to manage the time each set of partners can be on the computer. Students will then need to look up information on their topics in the encyclopedia.
3. Once students finish their topics, students will present their topics to the class.
4. Students will answer the essential questions related to the theme in a multi-paragraph essay.

**Supporting Assignments/Homework:**

Students will complete the poster board presentation and the multi-paragraph essay in this lesson.

**Assessment:**

Students will receive assessment for the organization, neatness, clarity, and explanation of importance in their poster board presentation, as well as in their multi-paragraph essay.

**Unit:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Lesson Title:** The “Solid South” Responds

**Grade Level:** 5th

**Essential Question to Vital Theme:** How did Southern whites respond to Northern authority and black freedom?

**Lesson Time:** Five Class Periods

**Curriculum Standards:**

Reading: 5.1.spi.14

Language Arts: 5.2.spi.5; 5.2.spi.7; 5.2.spi.16; 5.2.spi.26

Social Studies: 5.2.spi.1; 5.5.spi.7; 5.5.spi.8; 5.5.tpi.1; 5.5.tpi.10; 5.6.spi.3; 5.6.tpi.2  
5.6.tpi.3; 5.6.tpi.4; 5.6.tpi.7; 5.6.tpi.8; 5.6.tpi.9

**Technology:**

Computer or computers with Internet connection (to access or download primary source material from the PBS website on Reconstruction or “The Rise and Fall of Jim Crow,” or “America’s Reconstruction: People and Politics After the Civil War” website – you may want to use a computer lab or mobile lab for students to use when doing this lesson to cut down on the amount of paper used for this lesson)

Printer (to print primary source material)

Copier (to copy and distribute primary source material)

**Materials:**

Lester, Julius. *To Be A Slave*. New York: Scholastic, Inc., 1968.

Pencil

Copies of any primary sources listed below

Copies of **Analyzing Editorial Cartoons** worksheet

Copies of **Primary Source Worksheet**

White Construction Paper

Crayons or Colored Pencils

**Activity Descriptions and Overview of Instructional Strategies:**

1. Begin the first day of this lesson by reviewing with students over the material covered in the three previous lessons. Next, partner students according to abilities. The teacher may wish to have students partner according to abilities, or to match high-level with low-level students, or to let students partner themselves.

2. Next, give each set of partners a copy of the primary sources from Julius Lester's *To Be A Slave* (148 & 150 – Pierce Harper & Anonymous), the PBS website on Reconstruction, the website from "The Rise and Fall of Jim Crow," and from the website, "America's Reconstruction: People and Politics After the Civil War." Here is a list of the ones I really like:

### **PBS Reconstruction**

The 1875 Civil Rights Act

[http://www.pbs.org/wgbh/amex/reconstruction/activism/ps\\_1875.html](http://www.pbs.org/wgbh/amex/reconstruction/activism/ps_1875.html)

Laws Fail to Protect Us

[http://www.pbs.org/wgbh/amex/reconstruction/activism/ps\\_calhoun.html](http://www.pbs.org/wgbh/amex/reconstruction/activism/ps_calhoun.html)

With the White People, Right or Wrong

[http://www.pbs.org/wgbh/amex/reconstruction/kkk/ps\\_marston.html](http://www.pbs.org/wgbh/amex/reconstruction/kkk/ps_marston.html)

The First Class-Men of Our Town

[http://www.pbs.org/wgbh/amex/reconstruction/kkk/ps\\_colby.html](http://www.pbs.org/wgbh/amex/reconstruction/kkk/ps_colby.html)

Were You Ever a Colored Boy? (warning – this article uses the N word)

[http://www.pbs.org/wgbh/amex/reconstruction/schools/ps\\_lichen.html](http://www.pbs.org/wgbh/amex/reconstruction/schools/ps_lichen.html)

Refusing to Pander to Prejudices

[http://www.pbs.org/wgbh/amex/reconstruction/carpetbagger/ps\\_bullock.html](http://www.pbs.org/wgbh/amex/reconstruction/carpetbagger/ps_bullock.html)

### **PBS The Rise and Fall of Jim Crow**

Ku Klux Klan (1866)

[http://www.pbs.org/wnet/jimcrow/stories\\_events\\_kkk.html](http://www.pbs.org/wnet/jimcrow/stories_events_kkk.html) (in the right margin under **Historical Documents**)

### **America's Reconstruction: People and Politics After the Civil War**

Mississippi Black Code (1865)

[http://www.digitalhistory.uh.edu/reconstruction/section4/section4\\_blackcodes.html](http://www.digitalhistory.uh.edu/reconstruction/section4/section4_blackcodes.html)

You may also want to let the students access the documents on the computer in a computer lab or using a mobile lab.

3. Using their primary document, students will complete the **Primary Source Worksheet**.
4. Afterwards, have the partners share what they discovered about their primary document. Invite students to quote from or share what they found interesting in their document.
5. On the next day, divide students into groups of three. Try to mix students up according to their abilities and work habits. I usually try to pair students according to their level: one high-level student, one average level student, and one low-level student.

6. Give each student a copy of the **Analyzing Editorial Cartoons** worksheet. Students are responsible for completing their own worksheet.
  
7. Next, either pass out printed copies of the Thomas Nast cartoons from the PBS website on Reconstruction located at [http://www.pbs.org/wgbh/amex/reconstruction/nast/sf\\_nast.html](http://www.pbs.org/wgbh/amex/reconstruction/nast/sf_nast.html), or you can help students navigate to the gallery of Thomas Nast's political cartoons. I really like cartoon numbers 2 (March 23, 1867), 3 (March 23, 1867), 4 (September 2, 1876), 5 ("One Less Vote"), 6 (September 5, 1868), and 7 (October 24, 1874). If the class is larger, or the teacher wishes to partner instead, there are fantastic cartoons to use at the website, America's Reconstruction: People and Politics After the Civil War. Here are just a couple more examples of political cartoons the students may use:  
[http://www.digitalhistory.uh.edu/reconstruction/section5/section5\\_18.html](http://www.digitalhistory.uh.edu/reconstruction/section5/section5_18.html),  
[http://www.digitalhistory.uh.edu/reconstruction/section5/section5\\_10.html](http://www.digitalhistory.uh.edu/reconstruction/section5/section5_10.html),  
[http://www.digitalhistory.uh.edu/reconstruction/section5/section5\\_20.html](http://www.digitalhistory.uh.edu/reconstruction/section5/section5_20.html), and  
[http://www.digitalhistory.uh.edu/reconstruction/section3/section3\\_10.html](http://www.digitalhistory.uh.edu/reconstruction/section3/section3_10.html).
  
8. Have students analyze their cartoons by completing the **Analyzing Editorial Cartoons** worksheet.
  
9. Afterwards, have students present their cartoons and what their answers were to each question. Then have the class discuss each cartoon: what they think is going on in the cartoon, what they feel about it, or what message they think the cartoon tries to convey. Together, have the students answer the question essential to the vital theme together. Students should write this on the back of either the **Primary Source Worksheet** or the **Analyzing Editorial Cartoons** worksheet.

### **Supporting Assignments/Homework**

Students must complete the **Primary Source Worksheet** and the **Analyzing Editorial Cartoons** worksheet.

Let students partner up. Then, the partnered students will go to the Freedmen's Bureau website, [www.freedmensbureau.com](http://www.freedmensbureau.com). From there, students will go to the link marked **Tennessee**, and click on it. Once the students are on that page, they will find a primary source document to cut and paste into Microsoft Word, or another document creator. Together, the students will write a paragraph long synopsis of what the document is about and how it concerns the lives of the freed black men and women.

### **Assessment:**

Students will receive assessment on the **Primary Source Worksheet** and the **Analyzing Editorial Cartoons** worksheet.

Name:

## Primary Source Worksheet

1. What type of document are you investigating (Check One)?

Interview

Court Testimony

Diary

Letter

Court Record

Law

Report

Congressional Act

Newspaper

2. Who is the author of this document?

3. Who was this document written for?

4. Why do you think this document was written?

5. What evidence in the document helps you know why it was written? Quote from the document.

6. List two things the document tells you about the lives of blacks in the United States at the time it was written.

7. Write a question to the author that is left unanswered by the document:

Name:

## **Analyzing Political Cartoons**

1. Describe the geographic setting of the cartoon.
2. Identify the time period depicted in the cartoon.
3. Describe the individuals and event depicted in the cartoon.
4. What is the viewpoint of the cartoon?
5. Write an alternative caption that could be substituted for the original one. This new caption should convey the same meaning of the cartoon.
6. If there are at least two people in the cartoon, write a response to the person who is speaking in the cartoon.
7. Write a description of the event presented in the cartoon.
8. On a separate sheet of paper, create a cartoon that shows a different perspective or a different aspect of the issue or event.

**Unit Plan:** Turmoil in the South: The Fate of Southern Blacks in Reconstruction

**Lesson Title:** The Fate of Reconstruction

**Grade Level:** 5<sup>th</sup> Grade

**Essential Question related to Vital Theme:** In your opinion, was Reconstruction a success or a failure? Explain why you believe this.

**Lesson Time:** One Class Period

**Curriculum Standards Addressed:**

Reading: 5.1.spi.25

Social Studies: 5.1.tpi.6; 5.2.spi.2; 5.4.spi.3; 5.5.spi.3; 5.5.spi.8; 5.5.tpi.1; 5.6.spi.1; 5.6.tpi.2; 5.6.tpi.4; 5.6.tpi.7; 5.6.tpi.8

**Technology Used and How:**

**Materials:**

Paper

Pencil

**Activity Description and Overview of Instructional Strategies:**

1. Divide the class into two groups. Group one will argue that Reconstruction was a success, and group two will argue that Reconstruction was a failure.
2. Both groups will have fifteen minutes to prepare an argument defending their positions. Students may use the timelines, presentations, graphic organizers, worksheets, and writing activities they completed from the other lessons.
3. Each group will have ten minutes to give their arguments, and then the other group will have five minutes to ask any questions they might have.
4. After both groups have made their presentations, and the other group has had its chance to ask questions, then each student will write a one page essay in which he or she answers the question, "In your opinion, was Reconstruction a success or a failure?" The student will then need to cite specific examples to support his or her opinion.

**Supporting Assignments/Homework:**

Students will complete the essay assignment that concludes this lesson.

The teacher should draw parallels about how Reconstruction in the South after 1865 is similar to Reconstruction currently going on in Iraq. The teacher should explain how the United States faced the difficult task of restoring order and helping rebuild while seeking to avoid a long and costly involvement in 1865, and faces that same dilemma today.

Divide the class into four groups, one each for the following basic postwar tasks: maintaining order, rebuilding the government, rebuilding the economy, and sustaining Americans' support for the occupation effort. Half of each group should evaluate the government's success in this task during Reconstruction and should give at least two facts to support their position. The other half should evaluate the government's success thus far in this task during the occupation of Iraq and should find at least two news articles in support of their position. Then each group will formulate a chart that lists the similarities and differences between Reconstruction in 1865 and Reconstruction of Iraq.

Students will read the section “Forty acres and a mule” from the PBS website on Reconstruction ([http://www.pbs.org/wgbh/amex/reconstruction/40acres/ps\\_so15.html](http://www.pbs.org/wgbh/amex/reconstruction/40acres/ps_so15.html)). Explain that the U.S. government provided very little in the way of economic help to the newly freed slaves during Reconstruction. However, in recent years many people have proposed that the government make reparation payments to slaves' descendants in recognition of the enormous crime of slavery. Working with a partner, students will find out more about these proposals and how the government might implement them. The partners will then work to list three arguments in favor of this idea and three arguments against it. Finally, as a class the students will give the reasons they came up with for and against reparations, which the teacher will list on the board. The class will then discuss which arguments are the most, and least, persuasive.

**Assessment:**

Students will receive assessment for the one-page essay they write at the conclusion of this lesson.