

# PRIMARY SOURCE PROJECT 14

## Testing and Contesting Freedom

► How did blacks and whites view emancipation and what role did the federal government play in overseeing the transition from slavery to freedom?

Nine months after the Civil War ended in April 1865, twenty-seven states ratified the Thirteenth Amendment, abolishing slavery throughout the United States. Freedom, however, did not guarantee equal rights or the absence of racial discrimination. Immediately following the North's victory, white southern leaders enacted black codes, which aimed to prevent freedpeople from improving their social and economic status ([Source 14.6](#)). Although Lincoln's successor, Andrew Johnson, did not support the codes, he did nothing to overturn them. A southern advocate of limited government, Johnson clashed repeatedly with Congress over Reconstruction. In 1867 the Republican majority in Congress took control and passed the Military Reconstruction Acts, placing the South under military rule and forcing whites to extend equal political and civil rights to African Americans.

Then in 1870, ratification of the Fifteenth Amendment extended suffrage to black men. In alliance with white Republicans, blacks won election to a variety of public offices, including seats in local and state governments. These interracial legislatures improved conditions for blacks and whites, providing funds for public education, hospitals, and other social services. But their opponents succeeded in tarring them with claims of fraud, corruption, wasteful spending, and "Black Rule" ([Sources 14.7](#) and [14.10](#)). Most newly freed blacks were eager to acquire land so they

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By the mid-1870s, many white Northerners sought reconciliation rather than continued conflict while southern whites created vigilante groups like the Ku Klux Klan that used violence to intimidate black and white Republicans. By the mid-1870s, northern magazines as well as southern newspapers began challenging black political rule, further isolating blacks from popular and government support ([Sources 14.9](#) and [14.10](#)). Ultimately, the withdrawal of federal oversight crushed southern Republicanism, leaving African Americans struggling to retain the freedoms they had supposedly gained.

## Source 14.6 Mississippi Black Code, 1865

Southern legislatures created black codes primarily to limit the rights of free blacks after emancipation and return them to a condition as close as possible to slavery. Mississippi was one of the first states to enact a black code. Although its laws did legalize marriage for blacks and allowed them to own property and testify in court, its primary intent was to limit freedpeople's mobility and economic opportunities.

*An Act to Confer Civil Rights on Freedmen, and for other Purposes*

... SECTION 2. 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. All freedmen, free negroes or mulattoes who do now and have herebefore 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; and it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; nor for any 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

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SECTION 4. 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. 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. . . .

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*An Act to Amend the Vagrant Laws of the State . . .*

SECTION 2. All freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawful[ly] assembling themselves together, either in the day or night time, and all white persons assembling themselves 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 freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisonment at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months. . . .

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SECTION 6. The same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes or mulattoes, to support their indigent families and all colored paupers; and that in order to secure a support for such indigent freedmen, free negroes, or mulattoes, it shall be lawful, and is hereby made the duty of the 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 one dollar 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, . . . for the maintenance of the poor of the freedmen, free negroes and mulattoes of this State.

*Source: Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi*

## Source 14.7 Richard H. Cain | Federal Aid for Land Purchase, 1868

Richard H. Cain, a free black minister raised in Ohio, went to South Carolina after the war and served as a Republican member of the U.S. House of Representatives for two terms in the 1870s. The following excerpt comes from a speech Cain made in 1868 as a representative to the South Carolina constitutional convention. Cain proposed that the convention petition Congress for a \$1 million loan to purchase land that could be resold to freedmen at a reasonable price.

I believe the best measure to be adopted is to bring capital to the State, and instead of causing revenge and unpleasantness, I am for even-handed justice. I am for allowing the parties who own lands to bring them into the market and sell them upon such terms as will be satisfactory to both sides. I believe a measure of this kind has a double effect: first, it brings capital, what the people want; second, it puts the people to work; it gives homesteads, what we need; it relieves the Government and takes away its responsibility of feeding the people; it inspires every man with a noble manfulness, and by the thought that he is the possessor of something in the State; it adds also to the revenue of the country. By these means men become interested in the country as they never were before. . . . I will also guarantee that after one year's time, the Freedman's Bureau will not have to give any man having one acre of land anything to eat.

## Source 14.8 Willis B. Bocock and Black Laborers, Sharecropping Agreement, 1870

Because Congress did not generally provide freedpeople with land, African Americans lacked the means to start their own farms. At the same time, plantation owners needed labor now that slavery was abolished. Out of mutual necessity, white plantation owners such as Willis B. Bocock entered into sharecropping agreements with blacks to work their farms in exchange for a portion of the crop. Several of the blacks who signed this agreement had previously been enslaved to Bocock.

Contract made the 3rd day of January in the year 1870 between us the free people who have signed this paper of one part, and our employer, Willis P. Bocock, of the other part. . . . We are to furnish the necessary labor . . . and are to have all proper work done, ditching, fencing, repairing, etc., as well as cultivating and saving the crops of all kinds, so as to put and keep the land we occupy and tend in good order for cropping, and to make a good crop ourselves; and to do our fair share of job work about the place. . . . We are to be responsible for the good conduct of ourselves, our hands, and families, and agree that all shall be respectful to employer, owners, and manager, honest, industrious, and careful about every thing . . . and then our employer agrees that he and his manager shall treat us kindly, and help us to study our interest and do our duty. If any hand or family proves to be of bad character, or dishonest, or lazy, or disobedient, or any way unsuitable our



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For the labor and services of ourselves and hands rendered as above stated, we are to have one third part of all the crops, or their net-proceeds, made and secured, or prepared for market by our force. . . .

We are to be furnished by our employer through his manager with provisions if we call for them . . . to be charged to us at fair market prices.

And whatever may be due by us, or our hands to our employer for provisions or any thing else, during the year, is to be a lien on our share of the crops, and is to be retained by him out of the same before we receive our part.

## Source 14.9 Ellen Parton | Testimony on Klan Violence, 1871

In March 1871, white mobs killed some thirty African Americans in Meridian, Mississippi. Later that month, a joint committee of the United States Congress held hearings on the violence, which included the following testimony by Ellen Parton of Mississippi, a former slave and domestic worker. The Klan suspected that Parton's husband was involved in the Union League, a southern affiliate of the Republican Party. Congress also conducted hearings on the vigilante violence against blacks throughout the South.

Ellen Parton, being sworn, states:

I reside in Meridian; have resided here nine years; occupation, washing and ironing and scouring; Wednesday night was the last night they came to my house; by "they" I mean bodies or companies of men; they came on Monday, Tuesday, and Wednesday. On Monday night they said that they came to do us no harm. On Tuesday night they said they came for the arms; I told them there was none, and they said they would take my word for it. On Wednesday night they came and broke open the wardrobe and trunks, and committed rape upon me; there were eight of them in the house; I do not know how

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## Source 14.10 Thomas Nast | *Colored Rule in a Reconstructed (?) State*, 1874

Thomas Nast began drawing for the popular magazine *Harper's Weekly* in 1859. Nast initially used his illustrations to rouse northern public sentiment for the plight of blacks in the South after the Civil War. By 1874, however, many Northerners had become disillusioned with federal efforts to enforce Reconstruction. Like them, Nash accepted the white southern point of view that “Black Reconstruction” was a recipe for corruption and immorality. The figure of Columbia (at the top right) represents the nation, and the caption captures the view of many Northerners by 1874: “You are Aping the lowest Whites. If you disgrace your Race in this way you had better take Back Seats.”



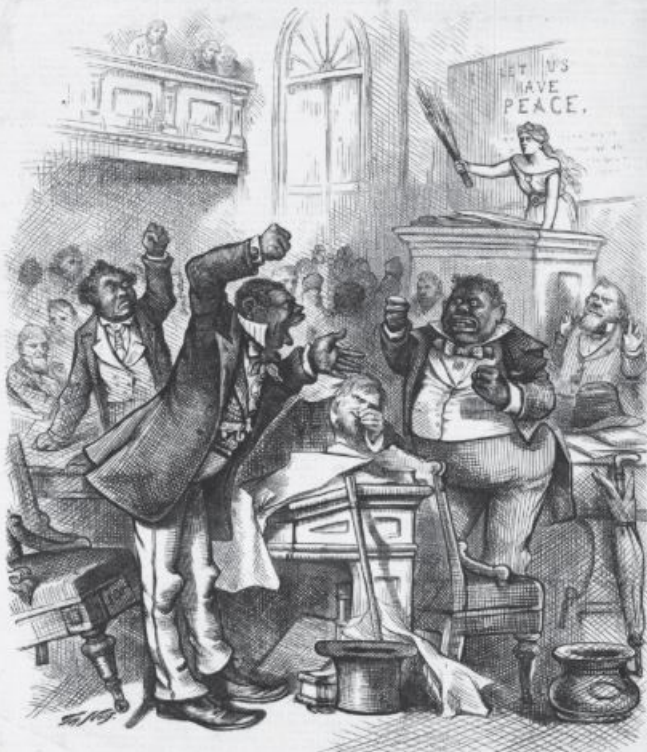
# HARPER'S WEEKLY.

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["POLA REVIEWS"]



COLORED RULE IN A RECONSTRUCTED STATE.—(DRA. PAGE 214.)

(THE MEN ARE CALLED EACH OTHER THIEVES, LIARS, RASCALS, AND COWARDS.)

OSCAR.—"You are among the lowest Whites." I got dignity gone from in this way you had better take back seats."