

Subject: The Trouble with Gilded Age Civil Rights

How do you explain the failure of Reconstruction to bring justice and social and economic equality to freed Blacks?

DOCUMENT A

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

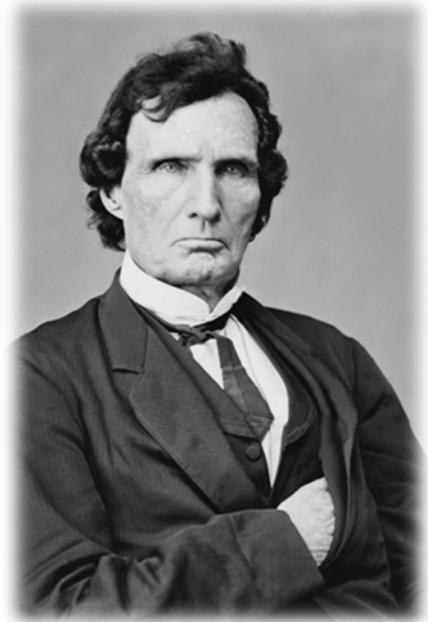
Source: *U. S. Constitution*, Amendment XIII (1865).

DOCUMENT B

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

...Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Source: *U. S. Constitution*, Amendment XIV (1868).



DOCUMENT C

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Source: *U. S. Constitution*, Amendment XV (1870).

DOCUMENT D

An act to protect all citizens in their civil and legal right.

Whereas, it is essential to just governments 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,

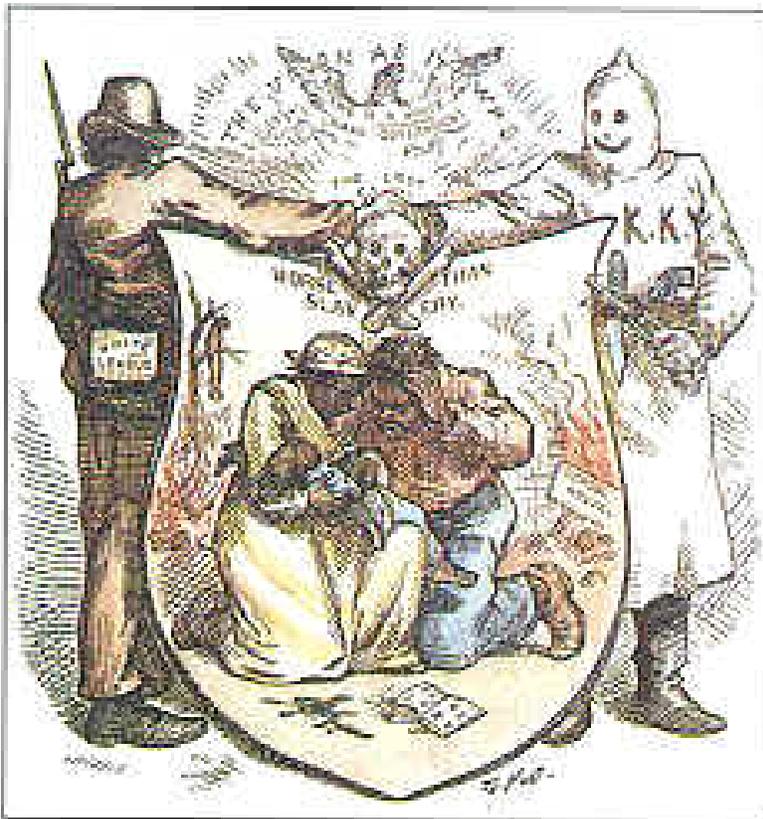
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public 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 citizens, 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, ... and pay the sum of five hundred dollars

...Sec. 4. That no citizen possessing all other qualifications 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.

Source: Civil Rights Act of 1875.

DOCUMENT E



Source: "Worse than Slavery" by Thomas Nast.

DOCUMENT F

Nurses- No person or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either public or private, in which Negro men are placed. *Alabama*

Restaurants- It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectual separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment. *Alabama*

Toilet Facilities- Male Every employer of white or Negro males shall provide for such white or Negro males reasonably accessible and separate toilet facilities. *Alabama*

Cohabitation- Any Negro man and white woman, or any white man and Negro woman, who are not married to each other, who shall habitually live in and occupy in the nighttime the same room shall each be punished by imprisonment not exceeding twelve (12) months, or by fine not exceeding five hundred (\$500.00) dollars. *Florida*

Parks- It shall be unlawful for colored people to frequent any park owned or maintained by the city for the benefit, use and enjoyment of white persons...and unlawful for any white person to frequent any park owned or maintained by the city for the use and benefit of colored persons. *Georgia*

Intermarriage- All marriages between a white person and a Negro, or between a white person and a person of Negro descent, to the third generation, inclusive, or between a white person and a member of the Malay race; or between the Negro and a member of the Malay race; or between a person of Negro descent, to the third generation, inclusive, and a member of the Malay race, are forever prohibited, and shall be void. *Maryland*

Promotion of Equality- Any person...who shall be guilty of printing, publishing or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and Negroes, shall be guilty of a misdemeanor and subject to fine or not exceeding five hundred (500.00) dollars or imprisonment not exceeding six (6) months or both. *Mississippi*

Education- Separate rooms [shall] be provided for the teaching of pupils of African descent, and [when] said rooms are so provided, such pupils may not be admitted to the school rooms occupied and used by pupils of Caucasian or other descent. *New Mexico*

Teaching- Any instructor who shall teach in any school, college or institution where members of the white and colored race are received and enrolled as pupils for instruction shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. *Oklahoma*

Textbooks- Books shall not be interchangeable between the white and colored schools, but shall continue to be used by the race first using them. *North Carolina*

Hospital Entrances- There shall be maintained by the governing authorities of every hospital maintained by the state for treatment of white and colored patients separate entrances for white and colored patients and visitors, and such entrances shall be used by the race only for which they are prepared. *Mississippi*

Source: "Jim Crow" Laws (from various states 1875- 1900's).

DOCUMENT G

No more crafty and effective device for defrauding the southern laborers could be adopted than the one that substitutes orders upon shopkeepers for currency in payment of wages. It has the merit of a show of honesty, while it puts the laborer completely at the mercy of the land-owner and the shopkeeper.... It gives the shopkeeper a customer who can trade with no other storekeeper, and thus leaves the latter no motive for fair dealing except his own moral sense, which is never too strong...

The merchant puts him off with his poorest commodities at highest prices, and can say to him take these or nothing. Worse still. By this means the laborer is brought into debt, and hence is kept always in the power of the land-owner. When this system is not pursued and land is rented to the freedman, he is charged more for the use of an acre of land for a single year than the land would bring in the market if offered for sale. On such a system of fraud and wrong...

It is said if the colored people do not like the conditions upon which their labor is demanded and secured, let them leave and go elsewhere... Having for years paid them in shop orders, utterly worthless outside the shop to which they are directed, without a dollar in their pockets, brought by this crafty process into bondage to the land-owners, who can and would arrest them if they should attempt to leave when they are told to go.

Source: Frederick Douglass Assesses the Post- Reconstruction Economic Settlement, 1883

DOCUMENT H

... We think the enforced separation of the races, as applied to the internal commerce of the State, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the Fourteenth Amendment.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of any-thing found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals...Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane...

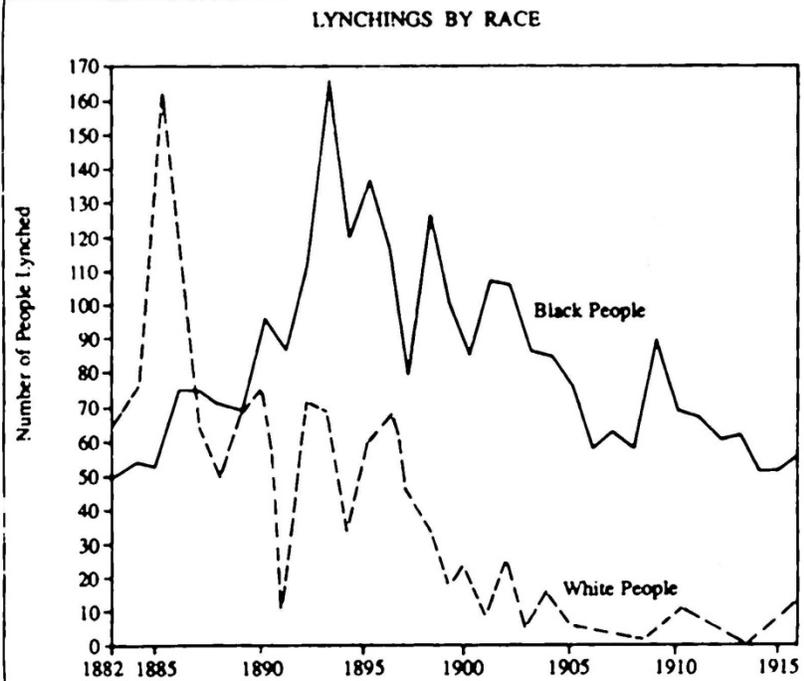
Mr. Justice Harlan, dissenting.

...we have before us a state enactment that compels, under penalties, the separation of the two races in railroad passenger coaches, and makes it a crime for a citizen of either race to enter a coach that has been assigned to citizens of the other race...

The white race deems itself to be the dominant race in this country. ...Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. ...It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.

Source: *Plessy v. Ferguson*, 1896.

DOCUMENT I



DOCUMENT J

To every one applying to rent land upon shares, the following conditions must be read, and agreed to.

To every 30 and 35 acres, I agree to furnish the team, plow, and farming implements, except cotton planters, and I do not agree to furnish a cart to every cropper. The croppers are to have half of the cotton, corn, and fodder (and peas and pumpkins and potatoes if any are planted) if the following conditions are complied with, but-if not-they are to have only two-fifths (2/5). Croppers are to have no part or interest in the cotton seed raised from the crop planted and worked by them.... All must work under my direction. All plantation work to be done by the croppers. My part of the crop to be housed by them, and the fodder and oats to be hauled and put in the house. All the cotton must be topped about 1st August. If any cropper fails from any cause to save all the fodder from his crop, I am to have enough fodder to make it equal to one-half of the whole if the whole amount of fodder had been saved.

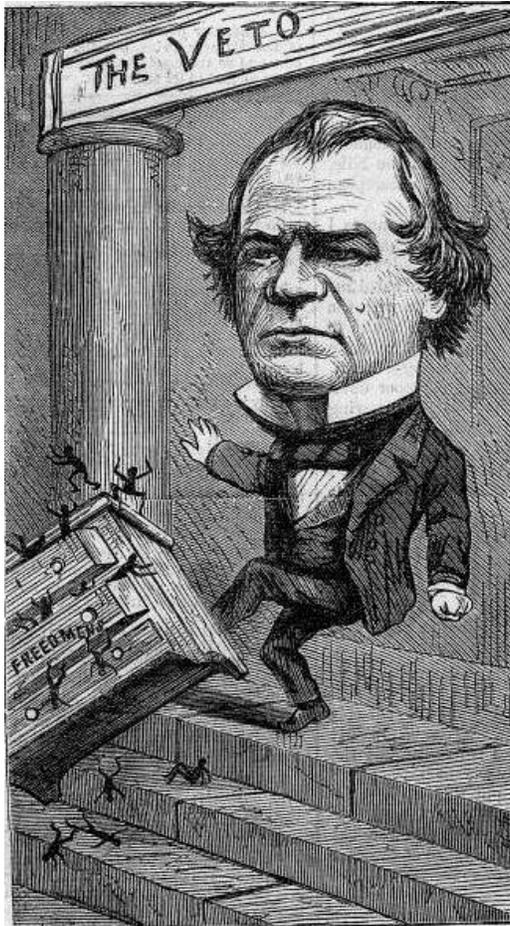
...No cropper is to work off the plantation when there is any work to be done on the land he has rented, or when his work is needed by me or other croppers.

...Every cropper must feed or have fed, the team he works, Saturday nights, Sundays, and every morning before going to work, beginning to feed his team (morning, noon, and night every day in the week) on the day he rents and feeding it to including the 31st day of December. ...for every time he so fails he must pay me five cents.

The sale of every cropper's part of the cotton to be made by me when and where I choose to sell, and after deducting all they owe me and all sums that I may be responsible for on their accounts, to pay them their half of the net proceeds. Work of every description, particularly the work on fences and ditches, to be done to my satisfaction, and must be done over until I am satisfied that it is done as it should be.

Source: A Sharecrop Contract, 1882.

DOCUMENT K



Source: "Kicking the Freedmen's Bureau" by Thomas Nast, 1866