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Black Codes

After the Civil War, African Americans could no longer be owned as slaves. But the rules of freedom remained unwritten. Abraham Lincoln's successor, Andrew Johnson, allowed former slaveholders and the politicians and officers who had served the Confederacy during the war to remain in power. These men resented their defeat. They did not think that African Americans could live and work as free people. Southern whites "appear to believe that they still have the right to exercise over [African Americans] the old control," a visiting Northern journalist wrote. When Southern states in 1865 and 1866 drafted new laws, the former Confederates tried to restrict the newly won freedom of the people who had once been their property. These laws were known as the Black Codes.

Some of these laws limited social interaction between the races. For example, in Florida, a new law prevented blacks from attending white churches or mixing with whites on railroad cars. Many Southern states passed laws forbidding blacks and whites from marrying one another. Southern lawmakers also used the Black Codes to keep African Americans working on the plantations. Field workers needed a pass to leave the plantation on which they worked. Blacks without jobs, including children, could be forced to work for whites for no pay. Other laws excluded blacks from many occupations.

Every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto [a person of mixed black and white ancestry] who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause. — Mississippi Black Code, 1865

These restrictions on freedom outraged African Americans and their Northern supporters. African Americans insisted that "the same laws that governed white men should govern black men." In order to enforce equality before the law, Congress required the Southern states to ratify the 14th Amendment to the Constitution. This law gave all Americans the rights of citizens of the nation. The amendment also prevented individual states from enacting unfair laws similar to the Black Codes. Congress also passed the Civil Rights Act of 1866 to guarantee African American rights and oversaw free elections in the South. As a result, blacks and their white allies voted many African Americans into office in the South. With newly elected black members, Southern legislatures repealed the Black Codes.

Over time, however, the courts interpreted the 14th Amendment and the 1866 Civil Rights Act in such a way as to allow "separate but equal" treatment of the races. This thinking led to the passage of segregation, or Jim Crow laws, which meant unequal access to schools, jobs, homes, hospitals, courts, theaters, and shops for Southern African Americans. The Black Codes were gone, but until the passage of the Civil Rights Act of 1964, Jim Crow laws took their place.

PHOTO (BLACK & WHITE): Opposition to segregation and discrimination in the armed forces motivated protests such as this one in 1948.

PHOTO (BLACK & WHITE)

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By Alex Lichtenstein

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