

POLITICAL CONTRIBUTIONS TO RACISM DURING CIVIL WAR RECONSTRUCTION

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This work explains the prevalence of racism in America during the post-Civil War era through the examination of the legislation and political policy of the time. While the Civil War resulted in the abolition of slavery in the United States, the post-war politicians developed numerous laws and enacted policies that resulted in the advancement of racist ideologies. The paper explains further that the actions of such politicians, while appearing at first to encourage the creation of a more equal society, were intentionally developed to increase the gap between the white and black societies in America.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness.”¹ The United States Declaration of Independence proclaims that all men have the right to a life free of constraints that would limit personal liberties; that this freedom would only be applicable to the white men of America is never explicitly stated, but is deeply ingrained in the history of civil liberties in the United States. During the first century of America’s existence, the black men and women of this nation were denied every basic human right. But when the Civil War ensued and the Northern abolitionists prevailed, the citizens of the United States saw an entirely new society in which, theoretically, all men were to be considered truly equal.

If the Civil War was fought to free the black slaves, and Reconstruction after the war was intended to bring equal rights to all men, why is it that a racist institution in which all men are not regarded as equals came to exist? Though it appears that the intentions of the Civil War and post-Civil War politicians were to create an equal environment for all men in America, and that the legislation of the time appears to support the development of a new America in which racist beliefs and practices would

be removed from society, these intentions have been misconstrued. The apparent intent of United States policy was to move into a new sphere of liberal thought; however, the system of government that developed during this time period provided not only for the persistence of a social racist ideology, but for the growth of a system in which racism was politically justifiable.

Eliminating Slavery in the South: A Matter of Economics

The elimination of the institution of slavery in the Southern United States was one not motivated entirely by anti-racist sentiments. While radical abolitionists were able to persuade American politicians of the pre-Civil War era to begin the process of eliminating slavery in the South, their intentions were not always based on a personal belief in racial equality. The radical “reformers themselves, almost unanimously opposed to racial equality in social relations, found it difficult to espouse basic reforms” that dealt with equality for black slaves.² While the majority of abolitionists believed that the slaves in the South should be given their freedom, they still found it difficult to support any type of reform that would place freed blacks in the same social surroundings as themselves. The years of separation between the free white men and black slaves had provided for a situation in which most U.S. citizens, anti-abolitionists and abolitionists alike, could not imagine a world in which the black man would be equal to the white man at all levels.

Anti-slavery movements before the Civil War were also often based on economic issues in the United States. According to Northern capitalists and abolitionists, “slave labor degraded labor...Slavery stunted Southern economic development...[and] sapped the motivation of the white Southern laborers.”³ Beginning in the nineteenth century, capitalists in the U.S. began to criticize the economics of slave labor: they claimed that slavery provided for a system in which men became unmotivated to work, and one in which jobs that were desperately needed by non-slaves were being taken by the non-wage labor of slaves in the South. The economic issue of slavery produced a racist sentiment in which slavery was seen as “prevent[ing] the immigration of whites who really enrich and strengthen a country.”⁴ Racists and antiracists could both support the end of slavery, as the economics of the country as a whole could be improved with abolition. The abolition, according to some, could even help to promote the number of non-black members of society, as ending slavery would encourage the immigration of white workers who would provide for a “better” society on the whole.⁵

Each of these ideas was considered by the politicians of the time, and as a result their actions to abolish slavery were not necessarily based on anti-racist motives. The majority of the politicians during the time of the

Civil War believed that because the United States Constitution did not deal specifically with slavery, there was no “necessity for bringing it within the policy of the Union.”⁶ This policy toward slavery insisted that the issue of its legality was a matter for the individual states to consider. The popular attitude of the pre-Civil War era was that the slave issue should not be dealt with on a federal scale, but because of popular pressure by Northern abolitionists. Politicians in the North rose to the occasion.

The Lincoln Myth

While President Abraham Lincoln is known as the emancipator of the Southern slaves, he followed suit with the political agenda of the Republican party, and in so doing, often geared his actions toward a policy of suppression and poor race relations toward the black population in America. Lincoln is most commonly spoken of in reference to his “deep opposition to slavery,” but he publicly “declared his firm opposition to all claims set up for the Negro for social and political equality.”⁷ Lincoln believed, as did most abolitionists, that ending slavery would boost industrialization and improve the economic position of the United States as a whole. He found it absurd to think that blacks would be considered on the same social level as whites. When fighting for the abolition of slavery, Lincoln often “paid ritual obeisance to existing racism while drawing even racists into his coalition to end slavery.”⁸ As a politician, Lincoln knew that his actions and public policies must be popular with the American public and, in an attempt to get further support for the emancipation of the Southern slaves, he often would use economic policies to influence even blatantly racist Americans to support his campaign. Lincoln had no intention of alleviating the racist inclinations of the American people by supporting a campaign of abolition, and any support he could get towards his political policy was welcomed. In fact, Lincoln only supported “black civil rights (the right to own property, to contract, to sue and be sued, to testify in court, to be subject to the same criminal codes as whites) because they were necessary in pursuing an economic livelihood.”⁹ Lincoln’s personal views about interacting on a social level with blacks were overshadowed by his political awareness of the economic situation in the United States. He understood that in order for the nation to grow economically, the institution of slavery must be abolished. The prospect of dealing with the freed slaves in a social setting was quite another matter.

Empty Promises

The first legislation to free Southern blacks did not come as a measure to secure the equality of the black man or to ensure him a better position in life among the free. Rather, the Confiscation Act of 1861, in the midst of the Civil War, was intended only to “deprive the enemy of slave labor, but

did not in express terms confer liberty on blacks released from service to rebel masters.”¹⁰ The first Confiscation Act was used as a measure to disable the economic system of the South during the Civil War in order to help ensure the victory of the North over the Southern armies. By freeing the slave population, the Northerners hoped that the plantation system of the South would fail without slave labor. While the Act most definitely served its purpose, it did nothing to ensure the fair treatment of the newly freed slave population. This Act was only the first in a long line of “numerous emancipation and confiscation bills...which declared unequivocally that slaves of persons aiding the rebellion were free men.”¹¹ Each of the bills passed during the Civil War and throughout Reconstruction provided for the freedom of black slaves in the sense that they would no longer be legally forced into slave labor. However, they did nothing to protect the freedom and liberty promised to all other U.S. citizens by the Declaration of Independence.

The confiscation and emancipation bills passed during this time period set precedence for a continued political policy in the United States in which legislation called for black freedom, yet provided no means of attaining the freedom. The Republicans, who at that time maintained political power in the U.S., as well as President Lincoln’s Administration, “failed to deal with the problem of the freed slaves.”¹² As Lincoln and his administration held the belief that blacks should in no way be equal to other U.S. citizens on a political or social level, it became difficult to create legislation that would give the freed slaves any type of equality in other areas of life. After the Civil War ended, the government became the mediator between the freed slaves and their former masters. It became the responsibility of the government to provide “employment, support, and protection” to the freed slaves, and the solution to the problem of the freed slaves, it was decided, would be to organize “a system of plantation leases under which freed slaves would be employed as contract laborers.”¹³ The U.S. government had decided that the best way to ensure economic cooperation between the former slave owners and the now freed slaves was to institute a program wherein the former slaves would remain workers on the plantations. The only difference between the system of slavery and the new system devised post-Civil War was that the former slaves would now be provided with minimal wages. This system, it seemed, would solve the government’s problem of having to deal with an integration of blacks into white society and politics. In fact, the solution to the problem held no “possibility of independent tenure”¹⁴ for the blacks of the South. The idea that the black community in the South could own and work their own land and plantations was inconceivable to the Republican leaders who still saw the black man as inferior. Not only was this original plan to deal with the issue of the freed slaves unsatisfactory, but even this minimal support by the U.S. government was eventually disregarded completely. The protection that was to be

given to the freed slaves by the federal government was spelled out in the Freedmen Bureau bill, but the protection clauses were later discarded after they were found to be too preferential to blacks.¹⁵

The U.S. government was no less racist in their legislation when dealing with the black victims of the Civil War. The original draft of a bill that would provide aid to civilian victims of the War and create what would later be called the Freedmen's Bureau did pay "exclusive attention to blacks," but the draft was vehemently torn apart by both Democrats and Republicans who called for a bill without "discrimination according to race."¹⁶ This call for a change in the wording of the bill was based on the "anti-Negro prejudice, that the freedmen might receive privileges and benefits not available to whites,"¹⁷ and had the inclusion of white war victims not been included in the second draft of the bill the legislation would never have been enacted. The Freedman's bill also originally contained legislation that would provide for the oversight of the freed slaves in attaining jobs in the South; however, just like the rest of the first draft, this "guardianship idea"¹⁸ was scrapped quickly. The fact that the government would not pass a bill in which attention would be paid exclusively to the black population of the South suggests the white population was still fearful of setting any privileges aside for the former slaves. While the legislation may appear racially nondescript, the fact that the post-Civil War politicians were unable to set any special preferences aside to a population of black men and women who had been held in captivity for a century shows that their willingness to accept the black society into their own was far from present. The Southern blacks had no chance to succeed in their newly found freedom without the aid of the government; the lack of assistance is further evidence that this type of legislation did nothing to improve the situation of the blacks in America, and certainly did not alleviate the racial tensions of the time.

Land: An Economic Barrier

The largest failure of the U.S. government in alleviating the condition of the former slaves, and a reason for the continued racist ideology of most white citizens of the time, was its failure to provide land to the freedmen. The liberty of the freedmen could only truly be granted if the federal government were to "assume physical protection of the black man, promote his welfare, and underwrite [*sic*] his independence by distribution."¹⁹ It was the duty of the federal government, after emancipating an entire population of slaves in the South, to protect the new population of black American citizens. Not only did the government fail to institute any privileges regarding the protection of the black community from physical violence, but even when the opportunity was presented to aid the black community economically, the federal government denied them this right as well. Rather than providing the black men in the South with the

opportunity to own land and compete with other Southern landholders, the federal government chose to allow the system, in which the white man was the “boss” and the black man the “worker,” to continue. The freedmen “entered the free labor system with no property and the government was not going to provide it for them, they would have to work for the landowners and support themselves.”²⁰

The government in the U.S. allowed for the image of the black man as an inferior class to persist in the South, and it was clear to them that the black men would be limited by their options as mere workers of the land rather than as owners. Each of the systems of work that the freed slaves were forced into after their emancipation, “Wage labor, sharecropping, indentured contracts calibrated to limit freedom of movement and/or alternative employment.”²¹ While the limits placed on the black Southerners were not the same as those of conventional slavery, the politicians of the time were certainly motivated to keep the black man in “his place” by not distributing land to the former slaves. The politicians knew that if they could emancipate the slaves, but keep them as a primarily Southern workforce, the economy of the U.S. would be improved, but the position of the blacks as a separate class of people would carry on. Once again, the politicians had no intention of helping the cause of the black man, and their lack of action regarding the distribution of land after the Civil War in fact furthered the racist inclinations of the South.

Amendments and Black Codes

While the Thirteenth and Fourteenth Amendments to the Constitution provided for the freedom of slaves and “prohibited the states from abridging the privileges and immunities of the U.S. citizens, depriving any person of life, liberty, or property without due process of law, or denying to any person ‘the equal protection of the laws,’” the federal government still failed to provide for equality among all of the nation’s citizens, and even the mandates of the Fourteenth Amendment themselves were not upheld by the federal government.²² Throughout President Lyndon Johnson’s administration, the Southern states:

determined the status and rights of their former slave population[s]. Although the laws that ensued, known as Black Codes, conferred rights previously withheld, they also imposed racially conditioned legal disabilities and restrictions of the freemen. States also administered racially neutral laws in a discriminatory manner. Outside the sphere of public policy or state action, moreover, violence and discrimination against blacks by private individuals were widespread.²³

The Fourteenth Amendment clearly states all men are to be treated and protected equally under the law, yet the policies of the Southern states continued to restrict the liberties and freedoms of their black citizens. Either the federal government was unable to enforce the Amendment or chose to ignore the South's blatant refusal to accept it. In either case, the federal government was at fault for not restricting the behavior of the Southern states, and this lack of action enabled the continuation of racist practices in the South.

Not only did the federal government fail to enact the Fourteenth Amendment, but when the first Civil Rights Act was passed under the Johnson administration in 1875, it became clear that the government in no way intended to prohibit discriminatory practices in the United States. The Civil Rights Act did not ensure unlimited equality for American citizens, and it was "not intended to confer political rights, or to create total racial equality... whether at the hands of state governments or private individuals."²⁴ The act was never intended to ensure the total equality of the black community, as it had already become clear that the South intended to ignore the provisions of the Fourteenth Amendment. In addition, a phrase stating "that there shall be no discrimination in civil rights or immunities among the inhabitants of any State or Territory of the United States on account of race, color or previous condition of slavery"²⁵ was omitted from the Act before its passage. The fact that this phrase was purposely omitted shows that the original drafters had taken into consideration the fact that there was possible racial discrimination continuing in the South, yet the phrase was removed before the majority of the politicians would agree on its passage. This action by the federal government was a deliberate attempt to put into place legislation that would appear to appease the black population, but could not prevent the unequal treatment of the black community in the South. The creators and supporters of the Fourteenth Amendment and the Civil Rights Act (which was overturned in 1883) did not intend to provide equality to all men, especially to the Southern blacks. In fact, they appeared to act "to protect civil rights not because they believed in racial equality; they did so despite a belief in racial *inequality*."²⁶

Southerners and Northerners Alike

Each of these actions, or inactions, by the federal government during the Civil War and Reconstruction eras provided for the continued and growing racist sentiments of the American public. As the government had not provided for any assistance to the freedmen in attaining employment or skills necessary for employment, failure for the freedmen as wageworkers in post-Civil War America seemed imminent. The mass migration of freed black men in the "United States from the directly oppressive condition in the Southern rural areas to the somewhat freer atmosphere of the urban

North did not alter the conviction of most whites that they were lower-caste people, born to serve."²⁷ This migration appeared to be welcomed, as it was the Northern abolitionist movement that had enabled the slaves to become emancipated, but the Northern whites still had no intentions of dealing with the black community on a social level. When the North was suddenly thrown into a situation where interaction between blacks and whites was unavoidable, previous anti-racist sentiments by Northern whites were quickly altered. Many Northerners had "loudly condemned Southern race policies," but they often did so in order to embarrass "the South and enhance their own political prospects without any corresponding benefits to the Negro."²⁸ Immediately after the Civil War, the Northern attitude was one of capitalist gain. In an attempt to encourage the development of the U.S. economic system, the Northern politicians found it profitable to criticize Southern slavery. While the effect of this criticism was the abolition of slavery, the Northern industrialists and politicians came to hold quite a different view when it came to dealing with the freedmen in Northern social surroundings.

Most of the Northerners who attempted to hire freedmen after the war "failed at their ventures, and their experience with freedmen as workers encouraged them to place the blame on their employees and to seek something in their workers' nature to rationalize their own failure."²⁹

Post-war America was full of economic failure, and whether or not the freedmen hired by the Northern industrialists were unskilled, the business ventures were already set up for these failures. The government's refusal to help prepare the freedmen was a contributing factor to these industrial disappointments, but rather than blaming the government for their failures, the Northerners turned to a pattern of racist behavior. In the post-war time the black man's "alleged failure as an economic man...opened a window for the old proslavery theory of the childlike African to reenter in new-fashioned Darwinian dress."³⁰ Scientific theories from Europe based on evolutionary dominance within species had recently spread to America; these theories, combined with the apparent failures of the "economic" black man led the way for a new type of racist belief. The Northerners now joined the South in their dislike of the former slaves and they were able to support the inabilities of the black man in Northern industry with a racist ideology that suggested that the black man was of a lesser breed of human.

This newfound racism in the North, supported by the Darwinian theory, provided for a situation in which the South was able to practice racism without the abhorrence of the once anti-racist Northerners. The Northerners declared that "Order, efficiency, rationality, progress, intelligence and culture...had been sacrificed to their misguided experiment in government by 'Negro rule,' and they were prepared to

undo the damage they had done to their unfortunate Southern brethren, the ‘best men’ of the white South.”³¹ The Northerners continued to blame the failure of Northern economics on the infiltration of the freedmen into the northern industry rather than realizing that the “federal effort to enforce civic...equality for blacks during Reconstruction failed because the government proved unwilling...to commit sufficient resources”³² to enable the success of a black workforce. Without the proper job skills, freedmen could in no way compete with a white population who had always lived in freedom, and the Northerners quickly turned towards racist ideology to explain the failures of the black workers.

Once the Northerners began to share the extreme racist ideologies to which the South had already consented, it became easier for American politicians to practice a policy of racism toward the black community. Northern politicians intended to allow the Southern states to determine their own policies toward freedmen, and this idea of “home rule” for the Southern states, combined with the increasing racism in the North, “enabled most Northerners and Westerners to ignore the patently illegitimate practices of Southern political life.”³³ Between 1877 and the end of the nineteenth century, “fraudulent elections” were continually ignored in the South by the Northern politicians as mere “evidence...of the ‘Negro Problem.’”³⁴ Rather than intercepting the illegal practices of the South which were continuing to promote racial tensions in the U.S., the politicians stood by and condoned the Southern practices that continued to escalate in the form of “disfranchisement, Jim Crow laws, and segregation.”³⁵ The pattern of ignoring the racist political practices and legislation in the South by Northern politicians only strengthened the racist tendencies of the United States as a whole, and provided an even more intolerable situation for the free black community.

“Separate-But-Equal”

Politicians during and after the emancipation of the Southern slave population were often unconcerned with whether or not legislation passed dealing with blacks in America actually had any benefit for the black community. In fact, more often than not, the legislation had more adverse affects than positive influences on black-white relations, and while they outwardly discussed racial reforms to better the black community:

[They] were usually satisfied by the outward manifestation of reform and they rarely insisted upon substance. Racists were therefore able to hide a multitude of discriminations behind statements that their policies made no distinctions of race, and behind this fiction few reformers cared to look. As a result, separate-but-equal became a convenient rationalization

for inaction and complacency among reformers, and a transparent camouflage for prostituting the American Constitution and elemental democratic processes.³⁶

It would often appear throughout U.S. political history that policies geared towards separate-but-equal conditions were created in order to better the position of the black American. Politicians argued that the Constitution only called for equal treatment among all citizens, and in no way prohibited separate facilities for blacks and whites. The problem with this policy was that the facilities for black citizens were often much less accommodating than those for the white citizens and, by keeping the population separated into two different groups, the white Americans would be able to exist socially with as little contact with black Americans as possible. Before the end of slavery, “it was not necessary to have laws on the books restricting the residential areas of the slave. The plantation itself took the cell form of a modern ghetto. . . Separate living was automatic and organic,”³⁷ but even after the slaves were emancipated, the white Americans still wanted the buffer between white society and blacks to remain. The only way the politicians saw to deal with a free black community and a white America who was not ready to interact with black civilians on a social level was to institute separate facilities for the two races.

Laws were quickly arranged in order to maintain separate living conditions for blacks and whites in the South, and this separation led to a furthering of racist ideas in America. The Supreme Court determined in the 1896 case of *Plessy v. Ferguson*³⁸ that “legislation requiring segregation, as such, is not discriminatory.”³⁹ This decree by the United States Supreme Court opened the doors for future discrimination in the U.S., as the Court refused to believe that “the enforced separation of the two races stamps the colored race with a badge of inferiority,” and observed, “if this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it.”⁴⁰ The Court held in their finding that any adverse affects that the laws might have upon the blacks in America were due to their own actions and interpretation of the law. As long as the laws did not specifically call for unequal facilities for blacks and whites, the Supreme Court was unwilling to determine the separation laws as unconstitutional. Politicians and the federal government refused to accept that the policy of separation would undoubtedly cause further unrest for the black population.

The Supreme Court eventually found that legislation that called for segregated cities unconstitutional, but the Court made sure to allow room for other types of residential segregation. Landowners were still able to make “deals with each other to prohibit ownership and occupancy by those rated as unacceptable,” and in that way, the “Supreme Court...upholds realtor’s right to discriminate.”⁴¹ Landowners and

realtors were still permitted to work together to keep black citizens out of certain neighborhoods. The Supreme Court could have stopped the racist actions, as this type of behavior provides for the unequal treatment of blacks and whites when determining where they can or cannot live. The courts continued to decide “that a deed between landowners is the action of an individual and not of a state,”⁴² and, therefore, it was not the duty of the courts to determine the Constitutional merits of the individuals’ actions. Explanations such as these were blatant attempts to avoid dealing with racism on a national or even state level. Courts allowed states the right to discriminate, and states continued to allow individuals to act in a discriminatory manner. Each time the courts or politicians could have altered legislation to provide truly equal systems, they avoided their duty to do so until nearly a century later. In 1954, *Plessy v. Ferguson*⁴³ was overturned by the finding in the case of *Brown v. Board of Education*.⁴⁴

Conclusion

Racism in America existed long before the emancipation of the slaves, but the actions of the United States government and the legislation passed after the Civil War to deal with the freedmen contributed to the lasting racist ideology in the nation. Once slaves were made U.S. citizens, the United States Constitution legally recognized their rights. As citizens, the freedmen were entitled to the same liberties as all other U.S. citizens, and it was the duty of the American government to protect these rights. Among the rights guaranteed in the U.S. Constitution is the right to equal treatment under the law. The federal government in the United States failed to protect this right, and, furthermore, the legislation passed during the Reconstruction provided for a situation in which the freedman was more vulnerable to the unjust principles of racism. Legislation passed regarding the condition of the freedmen in the South lacked substance when dealing with how the freedmen would integrate into a predominantly white America. The federal government failed to provide adequate job training, jobs, land, and protection from violence, and each of these failures allowed for the racism towards them from the white society to grow. Protection was not given to these men, and as a result their equality was restricted on many levels. In effect, the government’s determination to limit the black men socially provided for the escalation of racism in America.

Endnotes

1. Declaration of Independence, July 4, 1776.

2. I.A. Newby, *Jim Crow's Defense: Anti-Negro Thought in America, 1900-1930* (Baton Rouge: Louisiana State University Press, 1965), 14.
3. Pamela Brandwein, *Reconstructing Reconstruction: The Supreme Court and the Production of Historical Truth* (London: Duke University Press, 1999), 25.
4. James Z. George, *The Political History of Slavery in the United States* (New York: The Neale Publishing Company, 1915), 10.
5. Ibid, 10.
6. Ibid, 71.
7. Ibid, 70.
8. Dinesh D'Souza, *The End of Racism: Principles for a Multiracial Society* (The Free Press).
9. Brandwein, 27.
10. Belz, Herman, *Abraham Lincoln, Constitutionalism, and Equal Rights in the Civil War Era* (New York: Fordham University Press, 1998), 105.
11. Ibid, 105.
12. Ibid, 105.
13. Ibid, 145-148.
14. Ibid, 145.
15. Ibid, 161.
16. Ibid, 151.
17. Ibid, 151-159.
18. Ibid, 159.
19. Ibid, 165.
20. Nancy Cohen, *The Reconstruction of American Liberalism, 1865-1914* (London: The University of North Carolina Press, 2002), 65.

21. Thomas C. Holt, *The Problem of Race in the Twenty-First Century* (Massachusetts: Harvard University Press, Cambridge, 2002), 69.
22. Belz, 170.
23. Ibid, 180.
24. Ibid, 181.
25. *Civil Rights Act of 1964, U.S. Statutes at Large* 78 (1964): 241.
26. Belz, 185.
27. George M. Fredrickson, *Racism: A Short History* (New Jersey: Princeton University Press, New Jersey, 2002), 93.
28. Newby, 156.
29. Cohen, 77-78.
30. Ibid, 80.
31. Ibid, 80.
32. Earl Conrad, *Jim Crow America* (New York: Duell, Sloan and Pearce Publishing, 1947), 81.
33. Cohen, 139.
34. Ibid, 139.
35. Ibid, 139.
36. Newby, 14.
37. Conrad, 95-96.
38. *Plessy v. Ferguson*, 163 Sup. Ct. 537 (1896).
39. Jesse Walter Dees Jr., and James S. Hadley, *Jim Crow* (Connecticut: Greenwood Press, Inc., 1970), 201.
40. Ibid, 201.
41. Conrad, 99.

42. Ibid, 99.

43. *Plessy v. Ferguson*.

44. *Brown v. Board of Education*, 347 Sup. Ct. 483 (1954).

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