



SLAVERY

by Another Name

LAW and ORDER

GRADE LEVEL: 9–12

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OVERVIEW

This activity guide focuses on the laws and statutes — including the Black Codes, vagrancy statutes, pig laws and Jim Crow — enforced by Southern states after the Civil War to assert control over the freedom, mobility and labor of the newly freed blacks. Students will examine Black Codes and Jim Crow laws and analyze their impact on blacks in the decades after the Civil War. Students will make connections between these types of oppressive laws and the rise of forced labor and will have the opportunity to analyze a labor contract. Finally, students will make contemporary connections between state statutes and legislation that potentially impact civil rights.

BACKGROUND

Immediately after the Civil War ended, Southern states enacted “Black Codes” that granted African Americans certain rights, such as legalized marriage, ownership of property, and limited access to the courts, but denied them the right to testify against whites, to serve on juries or in state militias, vote, or start a job without the approval of the previous employer. The codes largely disappeared in 1866 when Reconstruction began.

Even before Reconstruction ended in 1877, however, many Southern states began enacting and enforcing an array of laws intended to re-subjugate newly freed blacks and provide cheap sources of labor. Vagrancy, loitering, riding the rails, changing jobs, even talking too loudly in public — these behaviors and more — all became crimes carrying stiff fines or sentences. The “pig laws” unfairly penalized petty crimes such as stealing a pig (crimes more likely to be committed by poor blacks), as opposed to crimes more likely to be committed by whites. The 1896 Supreme Court *Plessy v. Ferguson* decision upheld the practice of “separate but equal,” which had long been unspoken custom in the South but now was law (and would remain so until overturned by *Brown v. Board of Education* in 1954). After the ruling, segregation became even more ensconced through a battery of Southern laws and social customs known as “Jim Crow.” Schools, theaters, restaurants and transportation cars were segregated. Poll taxes, literacy requirements and grandfather clauses not only prevented blacks from voting, but also made them ineligible to serve in jury pools or run for office.

With these laws, there was a huge increase in the numbers of blacks arrested and convicted and then forced to labor under two systems: convict leasing and peonage.

Many black men were picked up for these minor crimes or on trumped-up charges, and when faced with staggering fines and court fees, they were forced to work for a local employer who would pay their fines for them.

In Southern courtrooms, men were ensnared into peonage primarily through two methods. In many cases, defendants were found guilty of real or fabricated crimes, and were fined for both the crime and additional court fees. When the men were unable to pay, a local businessman would step forward to pay the fines. The convict would then sign a contract agreeing to work without pay until the debt was paid off.

A second method involved a defendant who, when faced with the likelihood of a conviction and the threat of being sent to a far-off work camp, would “confess judgment,” essentially claiming responsibility before any trial occurred. A local businessman would step forward to act as “surety,” vouching for the future good behavior of the defendant, and forfeiting a bond that would pay for the crime. The judge would accept the bond, without ever rendering a verdict on the crime. The defendant would then sign a contract agreeing to work without pay until the surety bond was paid off.

Through convict leasing, from county courthouses and jails, these men were leased to local plantations, lumber mills, factories, and railroads. At the state level, convicts were leased *en masse* to local industrialists. The paperwork and debt record of individual prisoners was often lost, and these men found themselves trapped in inescapable situations.

For additional background, visit the following from the *Slavery by Another Name* Theme Gallery:

Black Codes and Pig Laws:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/black-codes/>

Jim Crow and *Plessy v. Ferguson*:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/jim-crow/>

White Supremacy and Terrorism:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/white-supremacy/>

ESSENTIAL QUESTIONS

1. What were the pig laws, Black Codes and Jim Crow and what role did they play in criminalizing the behavior of blacks and black life?
2. How was the legal system used to force blacks and other vulnerable citizens into forced labor?

ENDURING UNDERSTANDING

The introduction of forced labor in the South after the Civil War was aided by the enforcement of local, oppressive laws that targeted blacks and limited their freedom.

SUGGESTED ACTIVITIES

ACTIVITY: BLACK CODES

Materials

- Alabama Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfAlabama.pdf>
 - Arkansas Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfArkansas.pdf>
 - Florida Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfFlorida.pdf>
 - Georgia Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfGeorgia.pdf>
 - Mississippi Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfMississippi.pdf>
 - North Carolina Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfNorthCarolina.pdf>
 - South Carolina Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfSouthCarolina.pdf>
 - Tennessee Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfTennessee.pdf>
 - Texas Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfTexas.pdf>
 - Virginia Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/pdfVirginia.pdf>
1. Prior to viewing “The Origins of the Black Codes,” facilitate a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, continue the discussion using the post-viewing questions.

2. Next, tell students that they are going to analyze Black Codes that were enacted by several Southern states after the Civil War with the goal to limit the freedom and control the labor of newly emancipated blacks.
3. Divide students into groups. Assign each group Black Codes from a different state. Have groups summarize, in one or two sentences, at least five sections within their assigned codes. Have students identify the sections that they think are the most restrictive.
4. As a class, create a list of the sections from the various Black Codes that the students think are the most restrictive. Have students draft amendments to the Black Codes to ensure that they protect the freedoms and rights of all people.
5. Facilitate a post-activity discussion about the Black Codes and why they were enacted. Inquire about potential conflicts with the codes and the Reconstruction Amendments. Explain that the Black Codes largely disappeared with the introduction of Reconstruction. Have students consider the power of state governments versus the federal government and the extent of the federal government in protecting the rights of all citizens.

ACTIVITY: TO BE VAGRANT

Materials

- The Impact of Vagrancy
1. Facilitate an opening discussion by asking students if they have ever loitered at school or at their jobs. Then ask them if they think it would be fair if they were arrested for it.
 2. Have students define vagrancy and provide contemporary examples of it.
 3. Project the following on a board: “The following persons are vagrants... a laborer or servant who loiters away his time, any such person may be sent to the common jail of the county.”
 4. Ask students to reword the meaning of the passage, which is excerpted from the 1865 Alabama Black Codes. If necessary, provide a background on the Alabama Black Codes.
 5. Prepare to view “Black Codes” and “Pig Laws and Imprisonment” by facilitating a discussion using the pre-viewing questions. Provide background on the clips for students. After viewing, facilitate a discussion using the post-viewing questions.

6. Ask students to define what vagrancy meant in the South after the Civil War. Encourage students to consider how the vagrancy statutes targeted blacks who were newly freed and looking for work.
7. Distribute “The Impact of Vagrancy.” Instruct students to first read the vagrancy statute from the 1866 Virginia State Code. Using the statute, have students complete the chart by answering the questions based upon the nineteenth century versus today.
8. As a class, review student answers. Continue the discussion by asking students to consider how they would feel if similar changes in laws that targeted young people were enacted now. Ask students to detail the implications for being arrested for vagrancy after the Civil War. Then ask students to detail the implications for being arrested for vagrancy now.
9. As an extension activity, have students research and reflect upon contemporary thought surrounding current vagrancy laws.

ACTIVITY: WORSE THAN SLAVERY

Materials:

- Examples of Jim Crow Laws | The University of Dayton
<http://academic.udayton.edu/race/02rights/jcrow02.htm>
 - Cartoon Analysis Worksheet | National Archives
http://www.archives.gov/education/lessons/worksheets/cartoon_analysis_worksheet.pdf
 - “Worse Than Slavery” by Thomas Nast
This cartoon appeared in *Harper’s Weekly* in 1874. Thomas Nast was a political cartoonist who advocated for the abolition of slavery and opposed white supremacy groups like the Ku Klux Klan. This cartoon focuses on the plight of blacks after emancipation as they fought against limited freedom and widespread violence.
1. Prepare to view “Reflections on Jim Crow,” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, continue the discussion using the post-viewing discussion questions.
 2. Tell students that they will analyze examples of laws that limited freedom for blacks during the nineteenth and twentieth centuries. Facilitate a discussion about the origins and scope of the Jim Crow laws enacted in Southern states in the 1880s and in place until the 1960s. Distribute “Examples of Jim Crow Laws.” Working in small groups, have students read and examine the laws to better understand the conditions existing in the South for blacks following the Civil War.

3. Then have students identify all laws that would directly impact young people today, such as those about education.
4. Allow students to discuss their findings and opinions and the impact of the laws on blacks and society as a whole. Explain to students that laws like these not only worked to limit the freedoms of blacks and protect white supremacy, but also played a role in expanding forced labor, where blacks were arrested for a range of minimal and often nonexistent crimes, then leased by Southern states to private industry, as well as through peonage where blacks were charged with minimal crimes, but forced to labor to pay off fines that resulted from their arrests.
5. Next, distribute "Worse Than Slavery" and "Cartoon Analysis Worksheet." Have students analyze the cartoon. Discuss the cartoon and its meaning as a class. Inquire about connections between the Jim Crow laws and the cartoon. How could life after slavery actually be worse than slavery? Also discuss the use of cartoon as a media form to get a point across.
6. Have students select one of the Jim Crow laws to create their own political cartoon that offers commentary about the law that they select. Consider having students use an online resource such as Create Your Own Comic (www.superherosquad.marvel.com/create_your_own_comic) or MakeBeliefsComix.com (www.makebeliefscomix.com).
7. To accompany their cartoon, have students write a reflection paragraph about Jim Crow and its impact.
8. Have students share their cartoons and reflections with the class.
9. Facilitate a post-activity discussion. Ask students who should have stepped in to end Jim Crow.

ACTIVITY: WELCOME TO GOODWATER

Materials

- John Davis Excerpt
- Convict Labor Contract
- Written Document Analysis Worksheet | National Archives
http://www.archives.gov/education/lessons/worksheets/written_document_analysis_worksheet.pdf
- Goodwater Slideshow
<http://www.pbs.org/tpt/slavery-by-another-name/classrooms/civics-social-justice/>

The pictures in this slideshow were taken in Goodwater, Alabama in 2011.

1. Distribute “John Davis Excerpt.” After the reading, ask students to write a one-sentence summary about John Davis’ life.
2. Prepare to view “Arriving in Goodwater” by facilitating a class discussion using the pre-viewing questions. Provide a background on the clip for students. After viewing, continue the discussion using the post-viewing questions.
3. Be sure to steer the discussion to include pig laws and vagrancy laws, their connection to forced labor and the role of some public officials in forced labor. Also discuss John Davis and how he was forced into labor.
4. Prepare to listen to “Big Business” by facilitating a class discussion using the pre-listening questions. Provide a background on the clips for students. After listening, continue the discussion using the post-listening questions.
5. Distribute “Convict Labor Contract” and “Written Document Analysis.” Have students analyze the contract using the analysis worksheet. Facilitate a class discussion about the impact that these agreements, enforced by some public officials, and coupled with oppressive laws like the vagrancy statutes, had on John Davis and others like him who were forced into labor.
6. Project the “Goodwater Slideshow.”
7. Using the pictures as a guide, have students recount and reimagine what happened to John Davis between his arrival into Goodwater and his subsequent labor sentence.

ACTIVITY: A DIVIDED ISSUE

Materials

- From Jim Crow to Juan Crow — a Boomer Reflects on Alabama’s Civil Rights Legacy by Paul Kleyman | Huffington Post, October 13, 2011
http://www.huffingtonpost.com/paul-kleyman/alabama-immigration-law_b_1006219.html
1. Facilitate an opening discussing by asking students if they know of any current state laws that infringe upon the freedoms of citizens. Next, tell students that they are going to examine recent examples of state legislation that have received criticism for possibly infringing on civil rights.

2. Distribute “From Jim Crow to Juan Crow — a Boomer Reflects on Alabama’s Civil Rights Legacy” by Paul Kleyman. Have students read independently. Then in a class discussion ask students for general reactions to the article. Then inquire about the specific ways that the author compares Jim Crow to current immigration state legislation.
3. Tell students that they will analyze the argument further by researching the current immigration debate. Instruct students that they will write a response to the commentary. In order to do so, they will conduct additional research about immigration legislation such as Arizona’s SB 1070, Mississippi’s SB 2179, and Alabama’s HB 56, as well as researching details presented in the commentary. Have students find at least two articles that present arguments or viewpoints that they agree with and one article that presents an opposing viewpoint that they will include in their response. Tell students that they don’t have to agree or disagree entirely with the commentary, but instead should write a thorough response that analyzes, supports, critiques, or deconstructs both the core and nuances of the author’s commentary.
4. Provide an opportunity for students to share their responses. If technology is available, consider posting student work in an online classroom space such as a blog platform like Tumblr (www.tumblr.com) or WordPress (www.wordpress.com).

MULTIMEDIA CLIPS

The Origins of the Black Codes

<http://www.pbs.org/tpt/slavery-by-another-name/themes/black-codes/video-origins-black-codes/>

This video clip discusses how the Black Codes emerged and the purpose that they served in limiting the freedoms of blacks.

Pre-Viewing Discussion Questions

1. Do you know of any laws that are just local to where you live?

Post-Viewing Discussion Questions

1. What were some of the Black Codes?
2. What was the purpose of the Black Codes?
3. What impact did the Black Codes have?
4. What authority did the federal government have over these local laws?

Black Codes

Pig Laws and Imprisonment

<http://www.pbs.org/tpt/slavery-by-another-name/themes/black-codes/>

<http://www.pbs.org/tpt/slavery-by-another-name/themes/black-codes/video-pig-laws-and-imprisonment/>

This first video clip discusses the Black Codes, vagrancy statutes, and other oppressive laws. These laws, passed in Southern states in the wake of the Civil War, significantly limited the freedoms of Blacks who were recently granted citizenship. This second video clip, “Pig Laws and Imprisonment,” discusses the pig laws. These laws, passed in Southern states in the wake of the Civil War, also significantly limited the freedoms of Blacks who were recently granted citizenship.

Note to Educators: It is most effective to view “Black Codes” and “Pig Laws and Imprisonment” in succession.

Pre-Viewing Discussion Questions

1. Are there any current laws that you think are unfair? If so, what are they and why do you think they are unfair?
2. In what ways, past and present, have people manipulated the law to limit the freedoms of others?

Post-Viewing Discussion Questions

1. What were some of the crimes in the South for which blacks were primarily arrested because of the Black Codes and pig laws?
2. How did the pig laws originate?
3. What was the impact of these oppressive laws?
4. What was the connection between these laws and the rise of convict leasing?

Reflections on Jim Crow

<http://www.pbs.org/tpt/slavery-by-another-name/themes/jim-crow/video-reflections-jim-crow/>

This excerpt is from a StoryCorps oral history that features descendants Tonya Groomes, her father Bill, and her daughter Lauren. Groomes is a descendant of Green Cottenham, a young man who was charged with vagrancy and forced into labor, only to die shortly thereafter. His story is featured in the film and also provides the primary arc for Douglas A. Blackmon’s book *Slavery by Another Name*. As a family, they talk about how the freedoms of blacks were limited through oppressive laws like Jim Crow.

Pre-Viewing Discussion Questions

1. How would you feel if the freedoms you enjoyed now were limited or obstructed?
2. What are some of the contemporary impacts of oppressive legislation like Jim Crow?

Post-Viewing Discussion Questions

1. How did literacy tests and poll taxes impact voting?
2. What do you think Tonya Groomes meant by: "How could these people put up with this?" Would you have 'put up' with these issues if you had lived then? Why or why not?
3. What are some social issues confronting Americans today that you think people should fight harder for?

Arriving in Goodwater

<http://www.pbs.org/tpt/slavery-by-another-name/classrooms/civics-social-justice/>

This film clip from *Slavery by Another Name* tracks the arrival of John Davis, a 23-year-old who traveled to Goodwater, Alabama where he was subsequently forced into labor.

Note to Educators: This clip contains offensive language. Educators are encouraged to review "Ten Tips for Facilitating Classroom Discussions on Sensitive Topics" from the *Slavery by Another Name in the Classroom* homepage (www.pbs.org/tpt/slavery-by-another-name/classrooms).

Pre-Viewing Discussion Questions

1. Do you know of anyone who has been wrongly imprisoned? What are reasons why this happens?

Post-Viewing Discussion Questions

1. What options were available to John Davis when he was stopped by Robert Franklin?
2. What is peonage?
3. What role did laws like the Black Codes and Jim Crow play in the imprisonment of blacks like John Davis?
4. How was freedom limited for blacks during this time?

Big Business

<http://video.pbs.org/widget/partnerplayer/2195244112/?w=400&h=224&chapterbar=false&autoplay=true>

In this excerpt from the book *Slavery by Another Name*, author Douglas A. Blackmon writes about the role of some local officials in forced labor — and the financial profits that they gained from their involvement.

Pre-Listening Discussion Questions

1. Why does corruption in government exist? What factors lead to greater or lesser corruption?
2. What options are available to citizens to report corruption or wrongdoings of public servants and officials?

Post-Listening Discussion Questions

1. What role did some sheriffs play in convict leasing?
2. Who benefited from convict leasing? How was it, as the author writes, “lucrative”?
3. What impact do you think the involvement of law enforcement and judicial servants in convict leasing and peonage have on communities?
4. What are some ways that citizens can hold public officials accountable for wrongdoings?

ADDITIONAL RESOURCES

The American Black Codes | George Washington University
<http://home.gwu.edu/~jjhawkin/BlackCodes/BlackCodes.htm>

STANDARDS

Common Core State Standards

Reading Standards for Literacy in History and the Social Studies

Standards 1 to 3: Key Ideas and Details

Standards 4 to 6: Craft and Structure

Standards 7 to 9: Integration of Knowledge and Ideas

<http://www.corestandards.org/>

NCTE/IRA National Standards for English Language Arts

Standard 1; Standard 3; Standard 8

<http://www.ncte.org/library/NCTEFiles/Resources/Books/Sample/StandardsDoc.pdf>

National Curriculum Standards for Social Studies

Theme 2: Time, Continuity, Change; Theme 6: Power, Authority, and Governance

<http://www.socialstudies.org/standards>

National Standards for History

ERA 7: The Emergence of Modern America (1890-1930)

Standard 1A; Standard 1B; Standard 1C

<http://www.nchs.ucla.edu/Standards/>

Historical Thinking Standards

Standard 1; Standard 3; Standard 4

<http://nchs.ucla.edu/Standards/historical-thinking-standards-1/overview>

John Davis Excerpt

The last thing John Davis should have been doing in the second week of September 1901 was a long hike across the parched fields of cotton stretching endlessly along the Central of Georgia Railway line running from the Georgia state line to the notorious town of Goodwater. Millions of crisp brown cotton bolls, fat and cracking at the seams with bulging white fiber, waited in the fields and river flatlands of central Alabama calling out to be picked. The task would take weeks and demand the labor of virtually every available man, woman, and child for hundreds of miles.

Davis needed to be in his own patch of cotton — the lifeline of his tiny farm near Nixburg, a wisp of a town twenty miles south of Goodwater. For him to maintain any glimmer of independence in the South's terrifying racial regime, Davis had to produce his single bale of cotton — the limit of the physical capacities of one farmer and a mule and just enough to pay a share to the owner of the land he farmed and supply his family with enough food and warmth to pass the cold months soon to set in.

But as he struggled to reach the tight bend in the rails more than ten miles from his farm, where freight trains were forced to slow and itinerant travelers knew there was a chance to leap aboard empty freight cars, John knew he needed just as badly to see his wife, Nora. She was ill — so sick it had become impossible for him to care for her and the young couple's two children — especially at the very time of the season when he, like hundreds of thousands of men working small farms across the South, had no choice but to remain in his fields from dawn to dusk.

John and Nora had been married for only three years. At twenty-five, she was two years older. She came to the marriage with two children born when Nora was little more than a child herself. John treated the youngsters as his own. The husband and wife had come of age just miles apart on the outskirts of the rough-edged railroad town of Goodwater and married there in 1898. Eleven-year-old Albert certainly was already John's most important helpmate in the fields. At harvest time, he would have also needed ten-year-old Alice and Nora picking the rows. Sending them all to Nora's parents' house meant John would have to pull every boll himself. But it must have seemed the only way.

John stayed behind working furiously to bring in the crop. But Nora remained desperately ill. Her husband had to see her now. So Davis made his way on September 10, 1901, to the big railroad curve outside Alexander City and waited with the other men wandering the rails for the No. 1 train. The fall sun was just beginning to falter as the train eased out of the little mill town at 5:31 P.M. each day. Half an hour later, he would be on the outskirts of Goodwater.

As the train ambled forward, Davis must have felt a contradictory set of worry and relief as panoramas of cotton fields flashed by in a gentle blur on each side of the tracks, bobbing across the low foothills at the southernmost base of the Appalachian range. He would have to hurry to see Nora and the children, and still return to Nixburg in time to save his cotton.

He prayed he was not going to Goodwater to bury his wife. He had to know he might not make it home before his fields were ruined.

Still, the dust-choked freight car rattling across the landscape was in its own way a respite from the torturous tasks of the harvest. Gathering a season's cotton was excruciating work. Davis, like nearly every black man and woman in Alabama, had spent most of his waking life pawing through such fields. The passing crop rows soon would be choked with laborers: strapping young men coursing through the rows with swift, nimble expertise; young mothers with babies towed atop long sacks of cotton dragging behind them; nearly feeble old men and women — African Americans whose lives were grounded immutably in the seasonal rhythm of growing, tending, and picking cotton for other men.

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Convict Labor Contract between John W. Pace, Goodwater, Alabama and a man named Patterson, April 28, 1902

“I further agree to be locked up in the cell at night and that I will be obedient and faithful in the discharge of every duty required of me by said Pace or his agents, and that should the said Pace advance me anything over and above what he had already furnished me, I agree to work for him under this contract until I have paid for same in full, working at the rate of five dollars per month. I agree that if I fail to comply fully with all the obligations on my part under the contract that I will pay the said Pace for all cost and trouble he is put to in forcing to comply with the same, including a reasonable attorneys fee for prosecuting or making me company with this contract. I agree that should I fail to comply with all requirements of this contract on my part that said Pace is hereby authorized to hire me out to any person, firm or corporation in the state of Alabama-at such sum as he may be able to hire me at for a term sufficient to pay all that I may owe him, including all cost and expense in making me do the work or apprehending and arresting me if I escape.”

Signature

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NAME: _____

DATE: _____ SECTION: _____

The Impact of Vagrancy

(excerpted from the 1866 Virginia State Code)

The following described persons shall be liable to the penalties imposed by law upon vagrants:

...All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they then are.

...All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor as aforesaid.

...All persons going about from door to door, or placing themselves in streets, highways or other roads, to beg alms, and all other persons wandering abroad and begging unless disabled or incapable of labor.

...All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering and residing therein, and shall follow no labor, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business in such place.

Using the above vagrancy statute, complete this chart for how it impacted certain groups after the Civil War and translate how it might impact certain groups today if it was still in effect.

	Nineteenth Century	Now
Who is considered vagrant?		
What were/are causes for arrest?		
What happens to those arrested?		
What is the overall impact of this statute?		

“Worse Than Slavery” by Thomas Nast

