

Historical Context of Section 25 of the Kentucky Constitution

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Kentucky Constitution- Section 25

“Slavery and involuntary servitude in this State are forbidden, **except as a punishment for crime**, whereof the party shall have been duly convicted.”

Text as Ratified on: August 3, 1891, and revised September 28, 1891.



Thesis

- ▶ Convict leasing laws prevalent after the American Civil War were designed for corporations to profit from prisoners and most importantly keep Blacks enslaved after 1865. The language of Section 25 of the Kentucky permitting slavery in the case of prisoners was drawn directly from the 13th Amendment of the US Constitution. These laws made convict leasing legal.

13th Amendment

Section 1: 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.

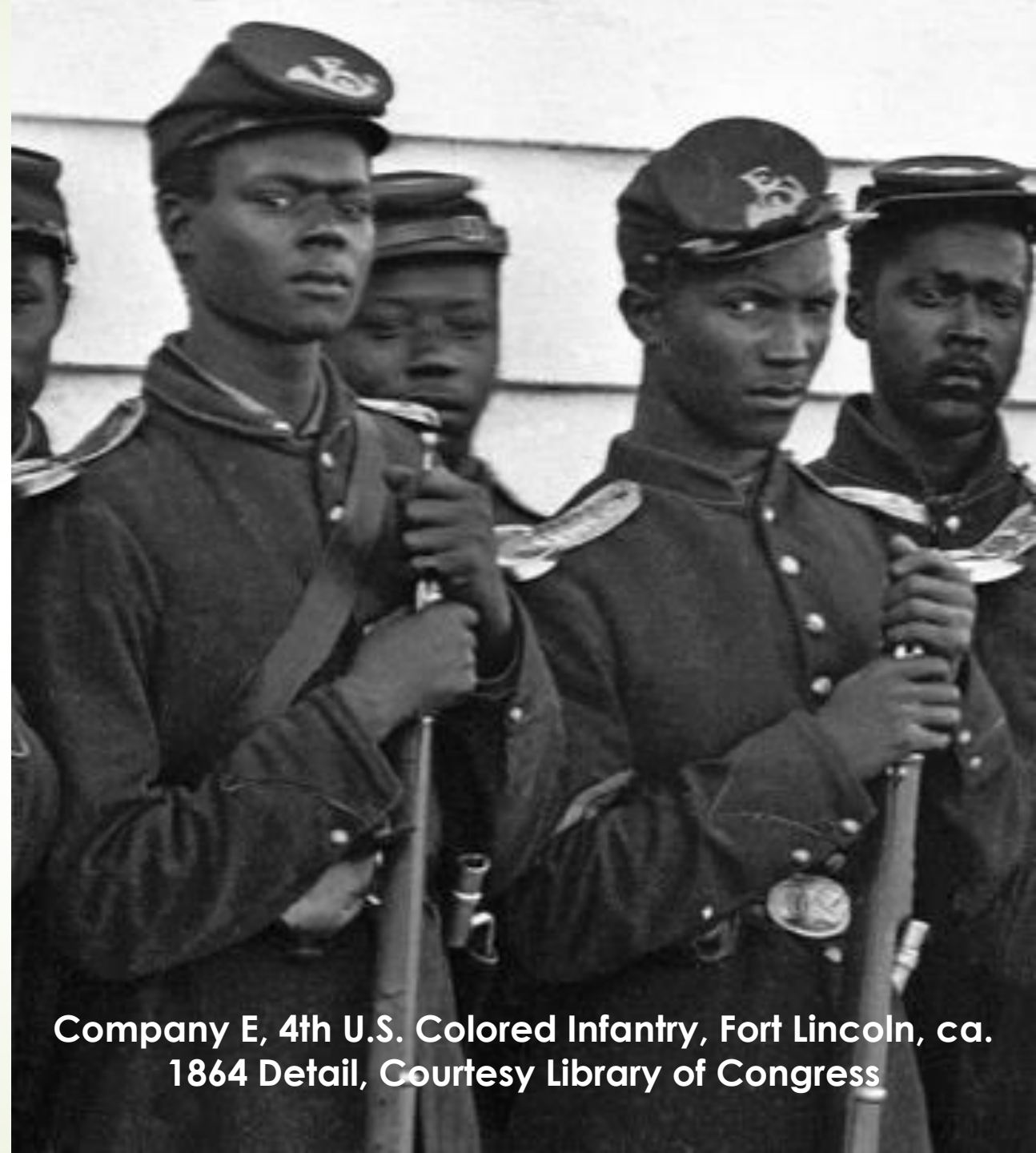
Section 2: Congress shall have power to enforce this article by appropriate legislation.

► 13 Amendment of US Constitution- Section 1.

“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”

-Text as Ratified on: December 6, 1865.

Civil War (1861-1865)



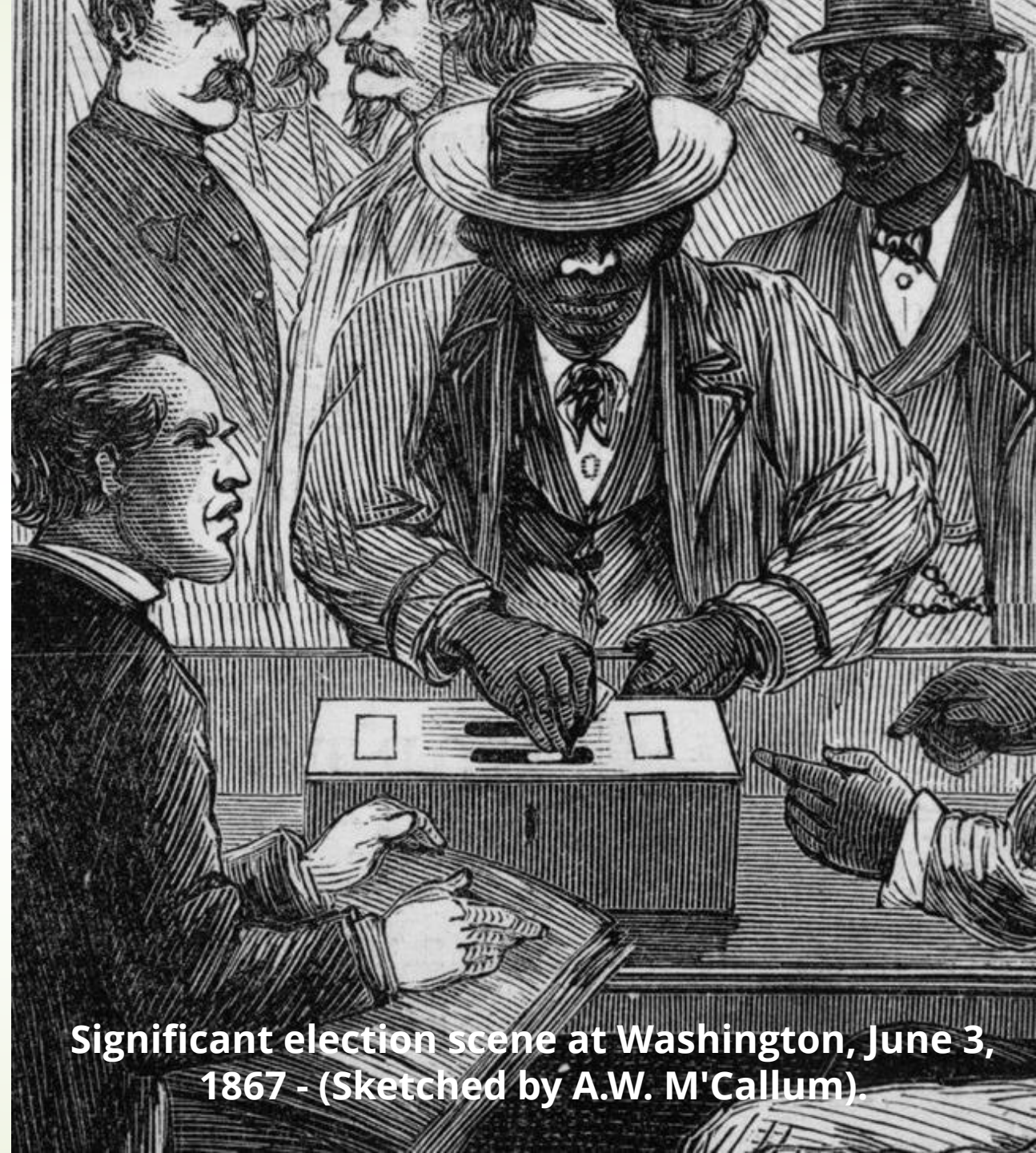
Company E, 4th U.S. Colored Infantry, Fort Lincoln, ca. 1864 Detail, Courtesy Library of Congress

- **US Civil War:** Purported to be over states rights, but it was primarily over states rights to own slaves. Also known by the south as the “War of Northern Aggression.”



After 1863, U. S. Colored Troops. Only known photograph of an African American Union soldier with his family.

Reconstruction Era (1865-1877)



Significant election scene at Washington, June 3,
1867 - (Sketched by A.W. M'Callum).



► Reconstruction Era (1865-1877)

- The Reconstruction era was a period in American history, which lasted from late in the American Civil War (1861–1865) until the Compromise of 1877. Its main goals were to rebuild the nation after the war, reintegrate the former Confederate states, and address the social, political, and economic impacts of slavery. After the end of the Civil War, Southern legislatures were ruled by majority coalitions of African Americans and Radical Republicans, and Union generals acting as military governors.
- Reconstruction had significant shortcomings, including the failure to protect freed Black people from Klan violence before 1871, as well as issues of corruption, starvation, disease, death, and brutal treatment of Union soldiers. Moreover, it offered reparations to former slaveowners but not to former slaves.

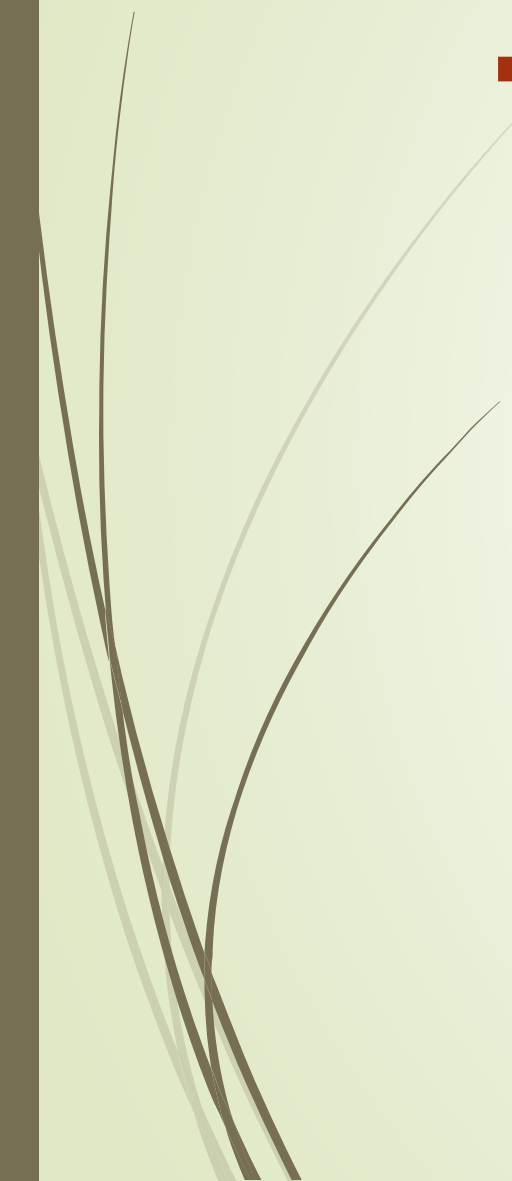
Nadir of American Race Relations (1877-Early 1900's)



This photograph shows a Ku Klux Klan musical band from Dayton, Ohio, parading in Springfield, Ohio, on September 8, 1923.




➤ **Nadir of American race relations (1877-Early 1900's)**

- The nadir of American race relations was the period in African-American history and the history of the United States from the end of Reconstruction in 1877 through the early 20th century, when racism in the US, especially anti-black racism, was more open and pronounced than it had ever been during any other period in the nation's history. During this period, African Americans lost access to many of the civil rights which they had gained during Reconstruction. Anti-black violence, lynchings, segregation, legalized racial discrimination, and expressions of white supremacy all increased.
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Convict Leasing (1840's-mid 1900's)



Convicts leased to harvest timber in Florida
around 1915.

- 
- A practice that was linked to indentured servanthood, convict leasing in the United States was widespread in the South during the Reconstruction Period (1865–1877). **Farmers and businessmen needed to find replacements for the labor force once their slaves had been freed.** Some Southern legislatures passed Black Codes to restrict free movement of black people and force them into employment. For instance, several states made it illegal for a Black man to change jobs without the approval of his employer. If convicted of vagrancy, Black people could be imprisoned, and they also received sentences for a variety of petty offenses.
 - States began to lease convict labor to the plantations and other facilities seeking labor, as the freed men were trying to withdraw and work for themselves. This provided the states with a new source of revenue during years when their finances were largely depleted, and **lessees profited by the use of forced labor at less than market rates.**
 - The criminal justice system colluded with private planters and other business owners to entrap, convict and lease black people as prison laborers. The legal basis was rooted in “exception” language in the US and state constitutions in regards to involuntary servitude.

- Convicts pause from their work, with armed Guard, 1895.

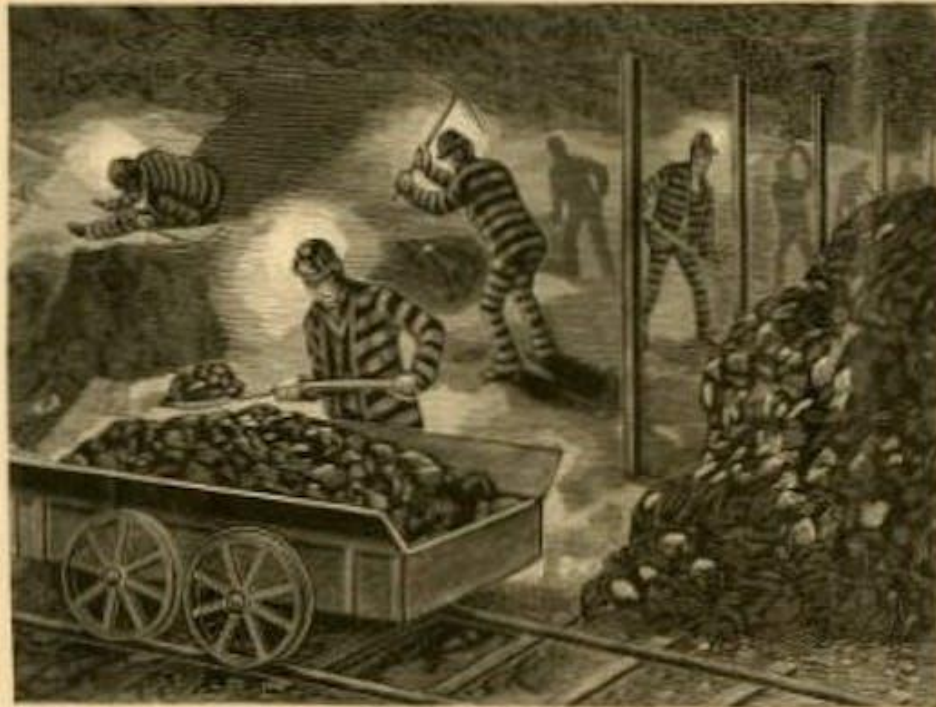




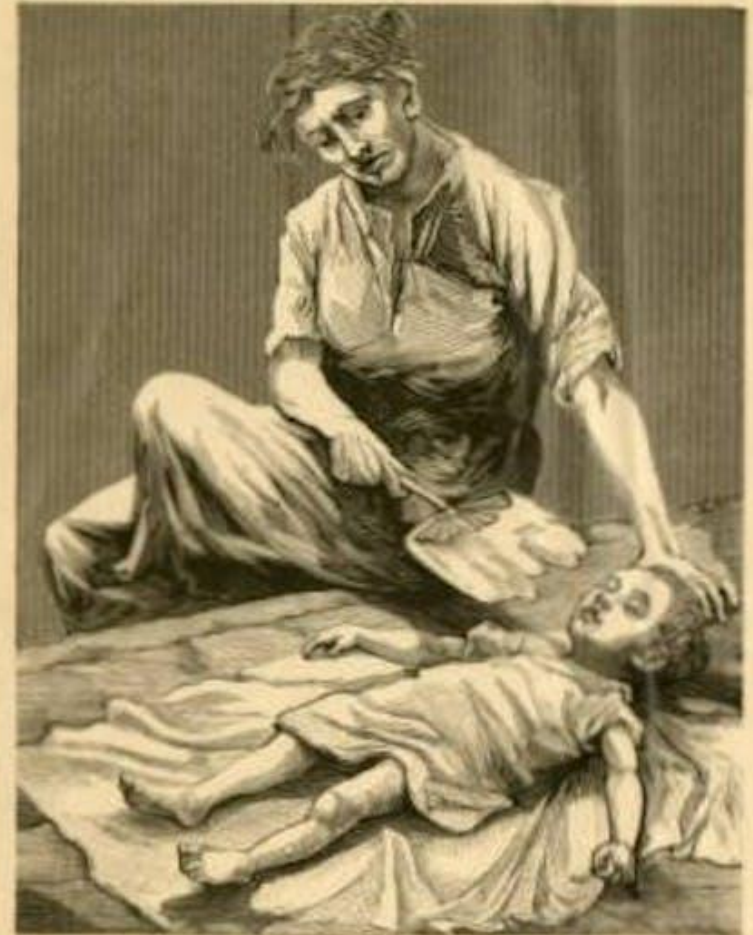
Convicts leased to do agricultural work. Much like antebellum plantation work, late 1800's.

TENNESSEE'S SHAME!

Convicts in the Coal Creek Mines.



CONVICTS AT WORK.



ONE OF THE RESULTS-STARVATION
The father and husband has gone to a distant State for work.

Vote for **TURNEY** for Governor and **WELCKER** for Congress, if you wish this to continue.

Vote for **WINSTEAD** for Governor and **HOUK** for Congress, if you wish to abolish this great crime, which has so long been committed in order to raise Democratic campaign funds from the lessees

- ➔ An 1892 Tennessee campaign ad condemning prison labor.

- ▶ Comparing convict leasing to slavery.



Titled "What'll You Give?," Atlanta Georgian and News, **July 27, 1908**, Courtesy of Georgia Newspaper Project.



Slavery in State Constitutions (These States recently amended the language).

- Colorado (2018)
- Nebraska (2020)
- Utah (2020)
- Tennessee(2022)
- Alabama (2022)
- Oregon (2022)
- Vermont (2022)

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RECONSTRUCTION

America's Unfinished Revolution

1863-1877

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May 31, 2019 David Childs Black History Month, Branches Of Government, Democracy & Me Blog, Elections 13

THE LATEST FROM DEMOCRACY & ME

By David Childs, Ph.D., Northern Kentucky University

Introduction

As much as our way of life and the status quo changes throughout history there are things that remain the same. Interestingly enough, a lot of the issues and topics that are hotly debated in the political realm in the twenty-first century were hotly contested in previous centuries. For example, issues surrounding immigration were debated throughout the nineteenth and twentieth centuries and are still



Halloween Past and Present: With Lessons and Resources for Teachers

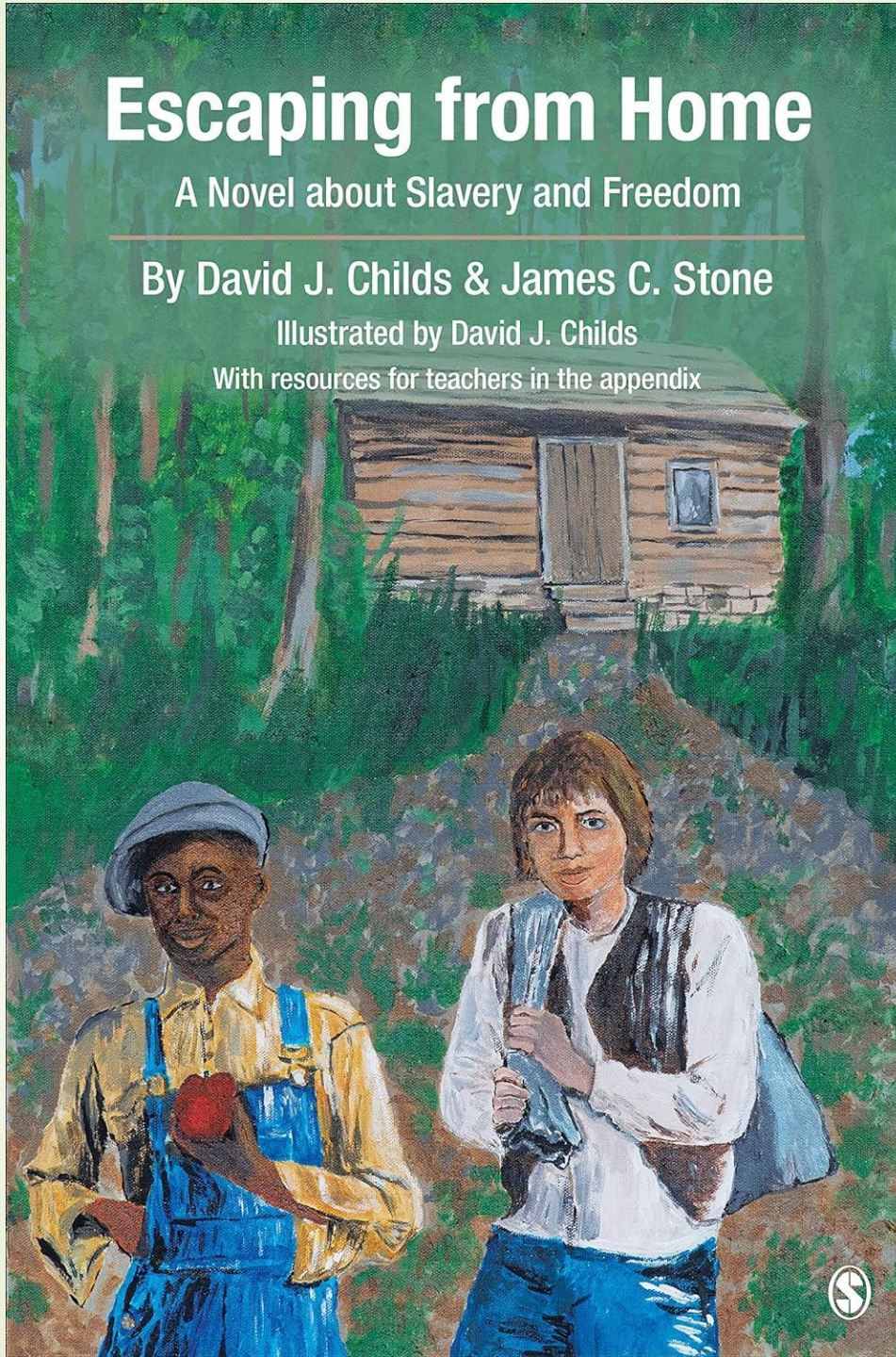
Escaping from Home

A Novel about Slavery and Freedom

By David J. Childs & James C. Stone

Illustrated by David J. Childs

With resources for teachers in the appendix





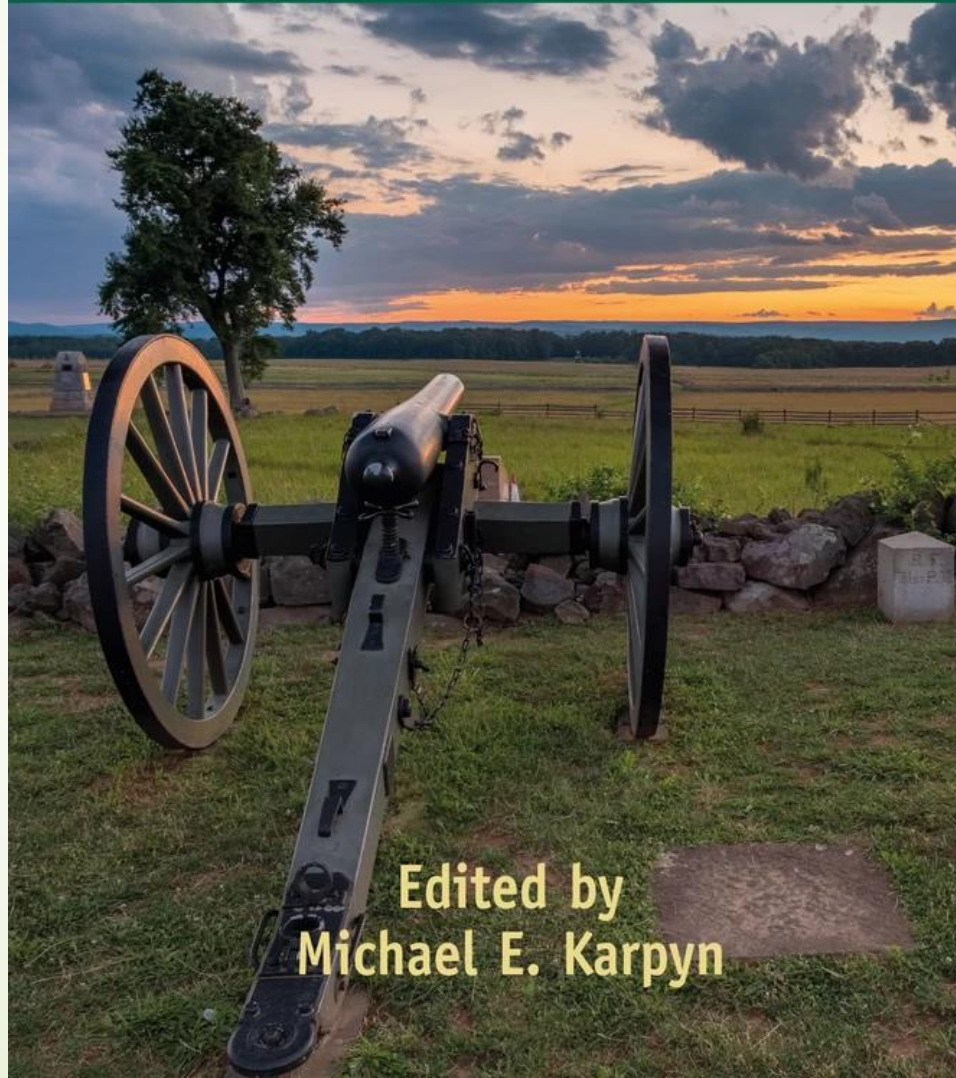
NINTH EDITION

FROM SLAVERY TO FREEDOM

A History of African Americans

JOHN HOPE FRANKLIN ★ EVELYN BROOKS HIGGINBOTHAM

Teaching the Causes of the American Civil War, 1850–1861



Edited by
Michael E. Karpyn



Select References

- “Escaping from Home: A Novel about Slavery and Freedom” by David Childs
- “From Slavery to Freedom: A History of African Americans” by John Hope Franklin & Evelyn Higginbotham
- “Reconstruction: America's Unfinished Revolution 1863-1877” By Eric Foner
- “Exploring Historic Black Codes: Combating Prejudice with Social Studies Teaching” by David Childs
- “Slavery Was God’s Will: How Abolitionists Challenged Social and Theological Justifications for the Civil War” by David Childs
- “Teaching the Causes of the American Civil War, 1850-1861” By Michael E. Karpyn



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