

Eighth-graders' Historical Reading, Thinking, and Writing about Convict-leasing

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Over the last decade, there has been an increased emphasis on unearthing racist elements of cities, states, and universities across the United States. Historians, journalists, and educators have shined lights on these racist elements to explore a location's past; they have used these historical events to put into context the racist roots that appear today. Examples include the recent study of Black Wall Street's financial successes and the subsequent violence that resulted in the Tulsa Race Massacre of 1921 and White segregationists overthrowing of the multiracial government in Wilmington at the 19th-century's end.¹ These two examples, separated by decades, speak to the long-simmering resentments and racist actions across the country in the decades after the U.S. Civil War.²

Neither of these examples included the individual and institutional racism of the convict-leasing system. The convict-leasing system started with arbitrary laws and pernicious policing practices targeting primarily African Americans, who—once convicted—are forced to engage in brutal labor to pay off court fees and fines.³ The convict-leasing system emerged throughout the American South in the aftermath of the U.S. Civil War.

Students need learning opportunities to investigate primary and secondary sources like historians. This inquiry positioned eighth-graders to explore the convict-leasing system, social injustices that violated the rights of African Americans, and racist sentiments present in Alabama and the South in late 19th and early 20th centuries. This article reports how eighth-grade students readily grasped individual and institutional racism throughout the South in history during implementation of a previously published guided inquiry.⁴ The authors, two social studies education professors, selected this unimplemented guided inquiry because they appreciated the curricular possibilities within it. The historical content—convict-leasing in the American South—is engaging, accessible, yet often overlooked and largely forgotten.

1 Hannibal Johnson, *Black Wall Street 100: An American City Grapples With Its Historical Racial Trauma* (Forth Worth, TX: Eakin Press, 2020); Tim Madigan, *The Burning: Tulsa Race Massacre* (New York: Griffin, 2021); David Zucchini, *Wilmington's Lie the Murderous Coup of 1898 and the Rise of White Supremacy* (New York: Grove Press, 2021).

2 Henry Louis Gates, Jr., *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (New York: Penguin Books, 2019); Rayford W. Logan, *The Betrayal of the Negro: From Rutherford B. Hayes to Woodrow Wilson* (New York: Da Capo Press, 1997); C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge, LA: Louisiana State University Press, 1951).

3 Douglass Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2019); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996); Matthew J. Mancini, *One Dies, Get Another: Convict-leasing in the American South, 1866-1928* (Columbia, SC: University of South Carolina Press, 1996).

4 John H. Bickford and Jeremiah Clabough, "Imprisoned Civil Liberties: Teaching Middle Grade Students about Prisons, Racism, and Profit". In Janie Hubbard's (Ed.) *Extending the Ground of Public Confidence: Teaching Civil Liberties in K-16 Social Studies Education* (171-193, Information Age Publishing: 2019).

Historical Overview

American chattel slavery originated with enslaved Africans' survival of the Middle Passage and arrival in the New World. Chattel slavery is characterized by unending labor and ineffable brutality over generations.⁵ The U.S. Civil War's conclusion prompted Congress to end chattel slavery, except "as a punishment for a crime" when the citizen has been "duly convicted."⁶

With optimism generated from newly freed African Americans and some political gains—such as African American males' voting rights and elections to public office—during Reconstruction, reactionary resistance emerged forcefully and in multifaceted ways.⁷ Civil liberties were rescinded, violence rose, and hopes of serenity and security evaporated after Reconstruction as White America largely refused to accept African Americans' newly-established civil liberties.⁸ The convict-leasing system played an integral role in this reactionary response. Convict-leasing was grounded on dubious (and even false) charges, arbitrary imprisonment, and dangerous working conditions for indefinite periods of time, which kept African Americans as second-class citizens. The convict-leasing system helped White industrialists in the South avoid contentious labor issues of the time while perpetuating existing racist sentiments long after the end of the U.S. Civil War.⁹ Students can grasp the complex content if the sources are age-appropriate, the scaffolding is discipline-specific, and the pedagogy is cutting-edge.

History-Based Pedagogy

Recent state and national education initiatives include the Common Core State Standards and the C3 Framework.¹⁰ Both are grounded in discipline-specific pedagogy.¹¹ Critical thinking appears in gradations of intensity throughout both.¹² *Remembering* and *understanding* make up lower tiers of criticality, *application* and

5 Ira Berlin, I. (1998). *Many Thousand Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998); John W. Blassingame, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977); John Boles, J. *Black Southerners 1619-1869* (Lexington, KY: The University of Kentucky Press, 1983); Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, NY: Vintage Books, 1972); Lawrence W. Levine, L. (1977). *Black culture and Black consciousness: Afro-American folk thought from slavery to freedom* (Oxford England: Oxford University Press, 1977).

6 Amendment Thirteen, 1865

7 Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York, NY: Harper, 2014); Gates, *Stony the Road*; Allen C. Guelzo, *Fateful Lightning: A New History of the Civil War and Reconstruction* (Oxford: Oxford University Press, 2012).

8 Michael Ezra (Ed.) (2013). *The Economic Civil Rights Movement: African Americans and the struggle for economic power* (Routledge Press, 2013); Allen C. Guelzo, A. *Fateful Lightning: A New History of the Civil War and Reconstruction* (Oxford, England: Oxford University Press, 2012); Tera W. Hunter, T. (1997). *To Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge, MA: Harvard University Press, 1997); Frank McGlynn and Seymour Drescher, *The Meaning of Freedom: Economics, Politics, and Culture After Slavery* (Pittsburg, PA: University of Pittsburg Press, 1992).

9 Blackmon, *Slavery By Another Name*; William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge, LA: Louisiana State University Press, 1991); William H. Worger, W. (2004). Convict labour, industrialists, and the state in the U.S. South and South Africa, 1870-1930. *Journal of South African Studies*, 30, no. 1 (2004): 63-86.

10 National Council for the Social Studies, *Social Studies for the Next Generation: Purposes, Practices, and Implications of the College, Career, and Civic Life (C3) Framework for Social Studies State Standards* (Bulletin 113, Silver Spring, MD: NCSS, 2013); National Governors Association Center for Best Practices and Council of Chief State School Officers *Common Core State Standards for English language arts and literacy in history/social studies, science, and technical subjects* (Washington, D.C.: Author, 2010).

11 Jeffery D. Nokes, "Recognizing and Addressing the Barriers to Adolescents' 'Reading Like Historians,'" *The History Teacher* 44, no. 3 (May 2011): 379-404; Peter C. Seixas and Tom Morton, *The Big Six Historical Thinking Concepts* (Toronto, Canada: Nelson College Indigenous, 2012); Samuel S. Wineburg, *Historical Thinking and Other Unnatural Acts: Charting the Future of Teaching the Past* (Philadelphia, PA: Temple University Press, 2001).

12 Lorin W. Anderson and David R. Krathwohl, eds., *A Taxonomy for Learning, Teaching, and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (New York: Longman, 2001); Association for Middle Level Education (formerly, National Middle School Association), *This We Believe: Keys to Educating Young Adolescents*, fourth ed. (Westerville, OH: Association for Middle Level

analysis form the middle tiers, and *evaluation* and *creation* are at the highest levels. Adolescents can demonstrate all levels of criticality when using accessible, engaging texts and effective, discipline-specific tasks.¹³ Students' criticality, when scaffolded appropriately, appears in disciplinary formats.¹⁴

This scholarship on the teaching and learning of history is grounded in historical literacy, historical thinking, and historical argumentation.¹⁵ Historical literacy manifests as close readings of diverse primary and secondary sources when students scrutinize each document for its source, the source's perspective or bias, the context in which it was created, and if claims can be corroborated by other sources.¹⁶ Understandings developed from history literacy shape historical thinking, which emerges when students explore historical significance, continuity and change, cause and consequence, and ethical dilemmas in history, to list four historical thinking heuristics.¹⁷ Interpretations generated from history literacy and historical thinking inform historical argumentation, or evidence-based communication of conclusions. Viewed from the lens of educational psychology, history literacy is synonymous with close reading and manifests as analysis; historical thinking is disciplinary cognition and emerges as evaluation; and historical argumentation is text-based communication that centers on the critical expressions using evidence.¹⁸

These pedagogical elements—historical literacy, thinking, and argumentation—emerge within state and national education initiatives.¹⁹ Both Common Core State Standards and the C3 Framework expect students to use disciplinary concepts to unpack primary and secondary sources to deconstruct and contextualize arguments (C3 Framework's Dimensions 2 and 3 of the Inquiry Arc; Common Core Reading Standards) before constructing and articulating historical understandings about the issues, people, and events (C3 Framework's Dimension 4 of the Inquiry Arc; Common Core Writing Standards), like historians.²⁰ The C3 Framework and Common Core State Standards influenced the National Council for Accreditation of Teacher Education (NCATE) Accreditation

Education, 2010); Victor Benassi, Catherine E. Overson, and Christopher M. Hakala, eds., *Applying Science of Learning in Education: Infusing Psychological Science into the Curriculum* (Washington, DC: American Psychological Association, 2014); Benjamin S. Bloom, *Taxonomy of Educational Objectives: The Classification of Educational Goals, Handbook I: Cognitive Domain* (New York: Longmans, Green and Co., 1956).

13 Association for Middle Level Education, *This We Believe*.

14 Ross Collin and Gabriel A. Reich, "Literacy Models and the Reconstruction of History Education: A Comparative Discourse Analysis of Two Lesson Plans," *Journal of Curriculum Studies* 47, no. 4 (2015): 462-485.

15 Chauncey Monte-Sano, Susan De La Paz, and Mark Felton, *Reading, Thinking, and Writing About History: Teaching Argument Writing to Diverse Learners in the Common Core Classroom, Grades 6-12* (New York: Teachers College Press, 2014); Jeffery D. Nokes, *Building Students' Historical Literacies: Learning to Read and Reason with Historical Texts and Evidence* (New York: Routledge, 2013); Seixas and Morton, *The Big Six Historical Thinking Concepts*; Samuel S. Wineburg, *Historical Thinking and Other Unnatural Acts: Charting the Future of Teaching the Past* (Philadelphia, PA: Temple University Press, 2001); Samuel S. Wineburg, Daisy Martin, and Chauncey Monte-Sano, *Reading Like a Historian: Teaching Literacy in Middle and High School Classrooms* (New York: Teachers College Press, 2011).

16 Nokes, "Recognizing and Addressing the Barriers to Adolescents' 'Reading Like Historians'"

17 Seixas and Morton, *The Big Six Historical Thinking Concepts*;

18 Anderson and Krathwohl, *A Taxonomy for Learning, Teaching, and Assessing*; Benassi, Overson, and Hakala, *Applying Science of Learning in Education*;

19 National Council for the Social Studies, *College, Career, and Civic Life*; National Governors Association Center for Best Practices and Council of Chief State School Officers, *Common Core State Standards*.

20 Linda S. Levstik and Keith C. Barton, *Doing History: Investigating with Elementary and Middle Schools*, fifth ed. (New York: Routledge, 2015); Nokes, *Building Students' Historical Literacies*; Monte-Sano, De La Paz, and Felton, *Reading, Thinking, and Writing About History*; Seixas and Morton, *The Big Six Historical Thinking Concepts*; Bruce A. VanSledright, "Fifth Graders Investigating History in the Classroom: Results from a Researcher-Practitioner Design Experiment," *The Elementary School Journal* 103, no. 2 (November 2002): 131-160; Bruce A. VanSledright, *Assessing Historical Thinking and Understanding: Innovative Designs for New Standards* (New York: Routledge, 2014); Wineburg, *Historical Thinking and Other Unnatural Acts*; Wineburg, Martin, and Monte-Sano, *Reading Like a Historian*.

Standards, which emphasize historians' analytical skills in American teacher preparation programs.²¹ The subsequent section details the specific pedagogical steps for this guided inquiry.

History-Based Sources, Strategies, and Sequence

This guided inquiry engaged eighth-grade students in history-based pedagogy using diverse texts over the course of five consecutive class periods. Each day, students individually analyzed different primary and secondary sources. For homework, students completed post-reading synthesis questions, or thinking prompts, which were individualized for each specific historical text. Graphic organizers—differentiated for source type—positioned students to engage in historical literacy, thinking, and argumentation to determine and communicate historical understandings.

Sam Pollard's 90-minute documentary *Slavery by Another Name* was the central text and took two class periods to view entirely.²² On days three through five, students analyzed the primary and secondary source collection within the previously published guided inquiry.²³ Students' analyses of these fourteen sources form the crux of this paper. As social studies textbooks and trade books often detach chattel slavery from the civil rights movement of the 1950s and 1960s and omit related events in-between, this convict-leasing unit fills a curricular gap.²⁴

Graphic organizers can direct students to engage in complex historical reading, thinking, and writing. Teachers can scaffold students' historical thinking using a variety of possible graphic organizers. The *Digital Inquiry Group: Historical Thinking Chart* (DIG),²⁵ the *Historical Thinking Project's* chart (HTP),²⁶ *Library of Congress: Primary Source Analysis Tool* (LOC),²⁷ and *National Archives: Document Analysis Worksheets* (NA)²⁸ were all considered because they all had similar intents with distinct emphases. DIG's prompts spark students' sourcing, contextualization, corroboration, and close reading, which are key elements to history literacy. HTP evokes students' consideration of continuity and change, ethical dimensions, cause and consequence, perspective, and significance, to mention a few historical thinking heuristics. LOC's interactive site allows students to record observations, reflections, and questions prior to printing and offers distinct questions for specific types of sources. NA's printable worksheets have distinct queries depending on the type of primary source and are organized around students' abilities and experiences. Aspects from DIG, HTP, LOC, and NA were selected and utilized within the employed graphic organizers, which came in two forms: one (Figure 1) provided prompts specifically for text-based sources and another (Figure 2) contained questions for visual-oriented sources.

21 National Council for the Social Studies, *National Standards for the Preparation of Social Studies Teachers* (2018). A general overview of this document is available at <<https://www.socialstudies.org/standards/teacherstandards>>. The document itself is available at <https://www.socialstudies.org/sites/default/files/media/2017/Nov/ncss_teacher_standards_2017-rev9-6-17.pdf>.

22 Sam Pollard (Producer and Director), *Slavery by Another Name* (Twin Cities Public Television, 2012) <https://www.pbs.org/tpt/slavery-by-another-name/>

23 Bickford and Clabough, "Imprisoned Civil Liberties."

24 John H. Bickford and Lieren Schuette, "Trade Books' Historical Representation of the Black Freedom Movement, Slavery Through Civil Rights," *Journal of Children's Literature* 41, no. 1 (2016), 20-43; James Loewen, *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong* (New York, NY: Simon and Schuster, 2007).

25 Digital Inquiry Group's Historical Thinking Chart can be found at <https://inquirygroup.org/sites/default/files/download-pdf/Historical%20Thinking%20Chart.pdf>

26 The Historical Thinking Project's graphic organizers can be found at <https://historicalthinking.ca/historical-thinking-concept-templates>

27 The Library of Congress's primary source analysis tools can be found at <https://www.loc.gov/programs/teachers/getting-started-with-primary-sources/guides/>

28 The National Archives' graphic organizers are located <https://www.archives.gov/education/lessons/worksheets>

Document #	Questions:	Your Answer:
	What kind of document is this? (Letter, journal, interview, etc.) Why was it written?	
	Who wrote this? What do we know about this person?	
	Who is this written to? What did the author want to convey to the audience?	
	What is the most important thing to learn from this? Why did I have you read this?	

Figure 1. Text-Based Documents: Letters, Diaries, etc.

Document #	Questions:	Your Answer
	What kind of document is this? (photograph, drawing, map, etc.) Why was it created?	
	What is the most important thing you can learn from this document? What does this document tell you?	
	What cannot be learned from this document? What is missing that the visual does not show you?	
	Where do you see overlap or similarity to a text based document? How does it relate to the text based document?	

Figure 2. Visual Documents: Maps, Drawings, Photographs, etc.

Figure One, which targets text-based primary sources, sparks students' consideration of medium, source, source's intent, audience, and significance. Figure Two, which focuses on visual primary sources, elicits students' consideration of medium, significance, limitations, and potential areas for corroboration. In these ways, the graphic organizers were differentiated to accommodate the distinct types of sources students analyzed.

Methods

Qualitative research practices enabled examination of students' work.²⁹ Specifically, we coded students' daily writing on the graphic organizers and responses to the thinking prompts (Appendix A). Both researchers read all students' writing samples. During open coding, or inductive analysis, each researcher worked independently to scrutinize individual students' work. All students' written responses to graphic organizers and thinking prompts were used to examine the presence, absence, and frequency of the codes. The researchers then discussed possible themes, or emergent patterns, that were notable. After the themes were identified, a matrix was created for testing during axial coding, or deductive analysis. The identified themes—reported in the following section within students' writing samples—underscore students' emergent historical understandings. The above steps aligned with best-practice qualitative methods.³⁰

The teacher, Mr. Williams,³¹ was a White, cisgender male with seven years teaching experience and a graduate degree. The students were eighth-graders studying American history after the U.S. Civil War. Demographically, 81% of the students were White with the remaining 19% being Black, Indigenous, Persons of Color, and 45% were on free and reduced lunch. The school is located in a small, midwestern college town. This was one of the students' first experiences ever analyzing primary and secondary sources during a guided inquiry.

Findings

We analyzed the students' written responses to thinking prompts and graphic organizers. There were numerous examples from students' writing that illustrate how this project strengthened their historical literacy, thinking, and argumentation skills. In the following subsections, we first present one student's work as an exemplar and then report common patterns of eighth-graders' thinking which were apparent in their writing. Illustrative excerpts from students' thinking prompts and graphic organizers are provided throughout.

An Illustrative Sample

Aftyn's work sample (Appendix B) was selected as an exemplar to highlight. She ably unpacked and constructed meaning from the collection of texts. Aftyn first analyzed prison records, which, she discovered, gave "information about convicts (personal info, death)."³² She identified how some prisoners' records had a date-of-discharge ("April 7, 1911" for the first record) while other records had listed the date-of-death, place-of-death, and cause-of-death ("March 12, 1910; Pratt Mines; [and] Falling Rock", respectively, for the second record). Aftyn identified the source of the document ("the record taker for the jail"), determined the audience ("owners of convicts, prisons"), recognized the purpose ("personal information, death information of the convict"), and established historical significance ("there were many convicts that died from horrible living conditions"). These key detections emerged from scrutiny and interpretation, which are examples of the analysis level of critical thinking.³³

29 Carl F. Auerbach and Louise B. Silverstein, (2003). *Qualitative Data: An Introduction to Coding and Analysis* (New York, NY: New York University Press, 2003); John W. Creswell and Cheryl N. Poth (2017). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (4th ed.), (New York, NY: Sage, 2017); Michael Williams and Tami Moser, "The Art of Coding and Thematic Exploration in Qualitative Research," *International Management Review*, 15, no. 1 (2019): 45-55.

30 Auerbach and Silverstein, *Qualitative Data*; Creswell and Poth, *Qualitative Inquiry and Research Design*; Williams and Moser, "The Art of Coding and Thematic Exploration in Qualitative Research."

31 All names are pseudonyms.

32 Two pages from a convict register, listing six African American men who were tried in the city court of Montgomery, Alabama. (1909 August 7). Alabama Department of Correction and Institutions: State Convict Records, SG007463, Volume 7 <http://digital.archives.alabama.gov/cdm/singleitem/collection/voices/id/2959/rec/1>

33 Anderson and Krathwohl, *A Taxonomy for Learning, Teaching, and Assessing*; Benassi, Overson, and Hakala, *Applying Science of Learning in Education*; Bloom, *Taxonomy of Educational Objectives*.

Aftyn next analyzed a photo of the entrance of an abandoned mine.³⁴ When prompted to identify similarities or connections between documents, she wrote, “This is a picture of an abandoned mine. [Document] 10 had a record of a man who died in a mining incident. The mine he died in probably ended up like this [mine in the photograph].” Aftyn engaged in corroboration as she constructed meaning at the intersection of two distinct primary sources, a prison record and a photograph. Intertextual connections are meaningful examples of the evaluation level of critical thinking.³⁵

Aftyn next analyzed what she described as “a section of the Constitution”, which actually were the Thirteenth, Fourteenth, and Fifteenth Amendments. She ably noted their purpose (“to make chattel slavery illegal, give everyone voting rights, and equal rights...that these issues were extremely serious that a law needed to be made”), its authors (“President, Congress, [and] Leaders of US”), and its audience (“Citizens of the United States”). When asked the most important item learned, Aftyn mockingly noted both “the laws’ orders in sequence, and how they left out women.” Her wry comment about women was a text-to-self connection beyond the curricular boundaries of this unit, which suggests Aftyn’s deep rumination with the material and refined historical schema. Aftyn reinforced her previous droll observation (“#13 abolish chattel slavery; #14 not allow citizen rights restricting laws legal; #15 giving *men* [emphasis added] the right to vote”). Aftyn, later, made the intertextual connection with the Black Codes (“Document 2 [which] talks about vagrancy [laws] which targeted certain groups like the Amendments said”). She adroitly unpacked, constructed meaning from, and made intertextual connections using these three Amendments.

The final document Aftyn analyzed was a photograph³⁶ of “a graveyard that is huge,” she wrote. She established the historical significance (“so many laborers died from poor conditions that they made a graveyard that is huge”). When asked about the document’s limitations, Aftyn noted an untold numbers of laborers beneath the soil (“how many laborers died, and [were] buried in the cemetery [sic]”). Aftyn was asked about similarities and connections with other documents, and she made two strong intertextual connections:

This [photograph, Document 12] is showing at [the] mine[’s] graveyard and [Document] 11 [photograph of mine opening] showed a [sic] actual mine and [Document] 10 [which was] a record for a man who died in the mine, he might have been buried in a grave like this.

Aftyn thoroughly evaluated this source. She placed it in the proper context using understandings developed from prior analyses of other primary documents.

Aftyn’s historical understandings appeared more nuanced, more complex as she progressed through the source analysis from her first fully analyzed source to her fourth (Appendix A). Other students were similarly successful analyzing and evaluating the primary and secondary sources. Specific patterns of thinking emerged across students’ work with graphic organizers, which are reported and unpacked in the subsequent subsections.

Grasping the Unjust Convict-Leasing System

The eighth-grade students ably depicted the convict-leasing system as unjust. For example, Arthur wrote, “The vagrancy laws don’t explicitly state it’s about [African Americans], but we can guess they are a large majority.” Arthur suggested that the convict-leasing system specifically targeted African American males by charging them

34 Historic American Engineering Record, Creator. *Pratt Coal & Coke Company, Pratt Mines, Coke Ovens & Railroad, Bounded by First Street, Avenue G, Third Place, Birmingham Southern Railroad, Birmingham, Jefferson County, AL*. Alabama Birmingham Jefferson County, 1968. Documentation Compiled After. Photograph. Retrieved from the Library of Congress, <https://www.loc.gov/item/al1109/>. (Accessed October 04, 2023.)

35 Anderson and Krathwohl, *A Taxonomy for Learning, Teaching, and Assessing*; Benassi, Overson, and Hakala, *Applying Science of Learning in Education*; Bloom, *Taxonomy of Educational Objectives*.

36 Historic American Engineering Record, Creator. *Pratt Coal & Coke Company, Pratt Mines, Convict Cemetery, Bounded by First Street, Avenue G, Third Place & Birmingham Southern Railroad, Birmingham, Jefferson County, AL*. Alabama Birmingham Jefferson County, 1968. Documentation Compiled After. Photograph. Retrieved from the Library of Congress, <https://www.loc.gov/item/al1048/>. (Accessed October 04, 2023.)

with breaking the law. In a similar fashion, Mike described it as a “scheme”: “The scheme in Alabama is to arrest [African Americans] for something they didn’t do to make them work as forced laborers.” Ally argued that there was a need to get more convict laborers. “The goal is to get more convicts that are African American so they work for Whites.” This echoed sentiments expressed by Jack that “African Americans were being treated bad by the Whites.” Kyler wrote of African Americans’ bad treatment by saying that “They had to get permission to leave... That there were actual laws set to keep [African Americans] there working.” All of the students’ comments got at the concept with the convict-leasing system that Black men’s labor was used to enrich White men’s pockets.

Several students determined that the local and state levers of power were designed to perpetuate the convict-leasing system. Molly said, “The goal of the law was to enslave [African Americans], but in a different ‘legal’ way.” Blaire also inquired about a charge raised against an African American and punishment of work done as a convict laborer due to the “supposed crime”: “A question I have is about why the judge would have a plan to accuse the [African Americans] when he knew it was a small crime.” The students’ comments here demonstrate that they grasped the components of the convict-leasing system and how state government—the courts, law enforcement, prison—empowered this racist system and enabled racist individuals.

Capturing African Americans’ and White Segregationists’ Perspectives

Many students’ comments captured African Americans’ and White segregationists’ perspectives about issues and events in the half century after the U.S. Civil War. Most of the students focusing on African Americans’ perspectives discussed the horrible living and working conditions in the convict-leasing system. Jonah’s comments about the living and working conditions are indicative of what numerous students stated. “It shows the terrible sleeping and working conditions while in prison. Lots of Blacks had to sleep in a condensed area.” Natvayle further articulated the frustration that African American males forced to work in the convict-leasing system felt about the economic inequalities of this unjust system. “... Blacks are being forced to work with no pay.” Students did not dive deeper into African American males’ perspective past these statements, but they did go in much more depth about White segregationists’ perspectives.

Several students captured White segregationists’ perspectives about not being able to let go of their racist beliefs after the U.S. Civil War. Shannon argued that White segregationists were still “fighting for the Confederacy” even after the U.S. Civil War ended. Grady, being more specific, argued that White segregationists “... wanted to have government power. The Whites thought they had power over Blacks.” Seth stated that White segregationists wanted to “control everything and that African Americans had no power or rights.” Emily built on Seth’s argument by commenting, “... they [White segregationists] are going to still try and have segregation, and they are not going to allow African Americans’ [civil] rights to stand.” Students’ comments here illustrate how White segregationists were committed to maintaining the social, cultural, economic, and political status quo after the U.S. Civil War that kept African Americans as second-class citizens.

Analyzing Causes and Consequences of the Convict-Leasing System

Two students analyzed the causes and consequences of the convict-leasing system.³⁷ Specifically, they articulated that the convict-leasing system needed a large pool of workers to function. Ellie stated, “These rules [laws] are to get more convicts that are African Americans so they can work for them [White business owners in the South].” Jakson echoed the same sentiment as Ellie but took it a step further. He realized that in the attempt to get more convict laborers to work that “... the number of African Americans’ arrests are going up.” Both of these students made the connection that the convict-leasing system depended on a constantly growing pool of laborers.

Exploring Continuity and Change with Post-Bellum Racial Discrimination

Students consistently connected chattel slavery to the Black Codes and convict-leasing system. Most of the students focused on the connections between chattel slavery to the convict-leasing system, but a few students

37 Seixas and Morton, *The Big Six Historical Thinking Concepts*.

made connections between chattel slavery and the Black Codes. For example, Kyler said “The state [of Alabama] wants to keep segregation ...” Mike went into even more depth on the goal of the Black Codes. “The goal is to section off the Blacks from Whites and segregate them. The laws also were a lot like slavery. It makes the lives harder for the newly freed slaves.” Kyler and Mike each argued that chattel slavery system and Black Codes shared similar goals: African American subjugation.

Students made judgments about the convict-leasing system. For example, Jonah wrote, “... Black conditions in the Confederacy are similar to convict-leasing system.” In a similar vein, Tom argued that, “Convict leasing was just as bad as slavery.” Mike contended that White segregationists’ calculated steps perpetuated racial discrimination against African Americans: “Sources talk about the loopholes that people used to get out of being convicted so they [White segregationists] could have slaves legally.” He went on to argue that convict-leasing system put “restrictions on their [African Americans’] lives, and they [the restrictions] are similar to slavery.” Nick did a nice job of summarizing the purpose of laws to wrongfully convict African Americans to force them to work in the convict-leasing system. In his words, “The point was to give a substitute for slavery that was just no longer called slavery.” Students’ comments demonstrated that they made connections with the racial discrimination that African Americans faced across time.

Contextualizing Racial Discrimination through Different Means

Students consistently argued that White people found “loopholes” to perpetuate racial discrimination against African Americans. Jack mentioned how the Thirteenth, Fourteenth, and Fifteenth Amendments were designed to help African Americans. “All of these amendments all have the same goal, which is to help African Americans to get equal rights. These amendments caused the Black Codes by White people.” Jack is communicating that White people reacted to changes to the U.S. Constitution by using new laws, in this case the Black Codes, to try to maintain the status quo. Emma argued that, “The goal of the Black Codes was to make life more difficult for newly freed slaves shortly after the Civil War.” Students ascertained that the Black Codes were partially in response to slavery’s demise and the Thirteenth, Fourteenth, and Fifteenth Amendments and made similar arguments when it came to the convict-leasing system.

Students determined the convict-leasing system to be a “loophole” used by Whites. Ally argued that, “People [White Southerners] are creating schemes of arresting Black people and to put them in slavery [the convict-leasing system].” Seth focused on the trap of the convict-leasing system when he noted, “I learned that they [African Americans] really couldn’t legally leave or get to a better place because the Whites found loopholes to keep them [African Americans] there.” Tom’s individual writing extended Seth’s arguments by stating that, “People in the convict-leasing system were stuck there because they could not pay out of the lease.” Students’ comments about the convict-leasing system and Black Codes show the adaptability of Southern segregationists to develop new legal methods to perpetuate their racist beliefs and policies.

Understanding the Ethical Dilemmas of Racial Discrimination in the Post-Civil War South

A handful of students talked about the ethical dilemmas of racial discrimination in the Post-Civil War South. Shannon argued that the racial discrimination African Americans encountered stemmed from the belief that “... Whites think that they’re superior.” White Southerners’ racist mindsets, Shannon argued, led to the creation of laws that discriminated against African Americans. Shawna stated, “[I learned] that African Americans were treated poorly.” Ally built on Shawna’s argument by stating, “African Americans were punished for things that they couldn’t help [the color of their skin].” Jonah argued that this punishment took the form of the Black Codes. “... Black Codes were wrong. Black Codes were worse than they sound.” Jonah concluded that the Black Codes, in particular, perpetuated African Americans’ second-class status.

Several students focused on a letter from an Alabama judge, Thomas Goode Jones,³⁸ while expressing moral

38 Letter from Thomas Goode Jones (Federal Judge in Alabama) to Philander C. Knox (Attorney General in Washington DC), March 21, 1903, ff 5280-03, RG60, NA as quoted directly in Blackmon (2008), p. 423-424.

outrage about the racial discrimination present in the convict-leasing system. Natvayle wrote, "An Alabama judge [Thomas Goode Jones] is trying to protect a Black person from violence [endemic within the convict-leasing system]." She went on to say that, "The most important thing from this source is a judge trying to protect an African American during that time period." Judge Jones is taking these actions according to Molly because, "T.G. Jones is a judge and doesn't think [African Americans] should be working while imprisoned [in the convict-leasing system]." According to Jakson, Judge Jones realizes "... African Americans were being locked up and their freedoms were being taken away from them." Students' focus on Judge Jones illustrates their realization of the realities of the time period that not all White Southerners supported the convict-leasing system, and some opposed it based on the violation of individual rights and freedoms guaranteed to all American citizens in the U.S. Constitution.

Historical Significance of African Americans' Racial Discrimination in U.S. Justice System

Several students pointed out the disparate treatment African Americans received through the U.S. justice system. Grady noted how the Thirteenth, Fourteenth, and Fifteenth Amendments did not address all the issues African Americans faced in the aftermath of the U.S. Civil War. "They [the 13th, 14th, and 15th Amendments] didn't give Blacks all of the freedom they deserved. Although they had freedom, they didn't have full freedoms [and civil] rights." Grady, in writing this, pondered the limits of freedom.

Several students inquired about the disparate treatment that White Americans and African Americans had before the law. Logan astutely asked, "Are these laws [Black Codes and vagrancy laws] the same for White men and women?" Several students articulated the different treatment African Americans had under the law. For example, Shannon wrote, "I learned about the very strict laws and their consequences." Several students used this type of language to describe African Americans' treatment under racist laws. Emily argued that, "It is important to learn that these harsh laws against African Americans happened and how they [the harsh laws] discriminated against them [African Americans] and their rights." Mike wrote that the discriminatory laws African Americans faced had specific goals. "Laws [Black Codes] for the Blacks were forcing them into basically a new type of slavery to tell them what they can do and what they can't do." All of these statements illustrate how students established the historical significance of convict leasing by articulating how racial discrimination seeped into U.S. laws and legal system in the aftermath of the U.S. Civil War. Students, in doing so, recognized racism to be both individual and institutional.

Corroborating Arguments and Intertextual Connections

The students consistently corroborated arguments across primary and secondary sources within the guided inquiry. Many of the students' statements demonstrated their ability to corroborate arguments about the challenges African Americans faced after the U.S. Civil War. For example, Ally stated that, "Document #7 connects to Document #8 because they are both talking about the terrible things that are happening to Black people." Emily built on Ally's argument and went in more depth. "In Document #1, it describes the laws that were against the African Americans, and you can see that in the pictures of that hatred in their conditions and shackles on their feet." Emily references African Americans' treatment in the convict-leasing system. Kiley described the horrible working conditions that African Americans endured. "Both Document #11C and Document#11D show African American males being worn out from working [as convict laborers]." Emma stated several primary sources "show African Americans being locked up in jail." The students' comments provided here illustrate that they corroborated African Americans' experiences through the convict-leasing system using several sources.

Regionalizing Racial Discrimination African Americans Faced after the U.S. Civil War

Many students regionalized the racial discrimination African Americans faced during and after the U.S. Civil War in the South. This outcome should not be surprising since all of the documents used originated in the

American South. Aftyn stated about a political cartoon³⁹ that, “The man has a belt with ‘Confederate States of America.’ They are on top of a Black man, which represents White people’s place over Blacks [presumably due to racist public policies].” In a similar vein, Seth wrote that, “African Americans’ lives were hard and unfair in the South.” Several students focused on certain items that discriminated against African Americans. For example, Tom wrote, “Black Codes inform us of the extreme segregation in the South.” Tom was the only student that explicitly connected the Black Codes to the South. However, Jonah and Kiley connected the Alabama judge Thomas Goode Jones’ moral outrage to the convict-leasing system in his home state in basically the same argument. Jonah wrote that, “Alabama is in the South and was part of the Confederacy.” Across all five students’ arguments, they identified in different ways how the South, and Alabama as part of this region, illustrate a sustained history and various examples of racial discrimination against African Americans.

Discussion

The students spent two days watching the movie, *Slavery by Another Name*,⁴⁰ before three days of analyzing related primary and secondary sources.⁴¹ The employed texts and tasks were both age-appropriate and discipline-specific. The students engaged in complex reading, writing, and thinking as they critically evaluated an oft-forgotten era using the best available evidence. This study has import for both teachers and researchers.

Students’ inexpertly incorporated the contemporaneous language when writing and speaking. The students read 19th- and 20th-century sources in their original prose and syntax, which included the word *Negro*. Many students repeated the word within their classroom speech and text-based writings, despite the teacher’s admonitions about how it was once common, its problematic history, and how it is now considered profane. This is a difficult situation as the primary source material routinely used the word *Negro*, though the secondary sources employed the terms Black and African American. Teachers might consider removing the word from the primary sources entirely or, taken constructively, utilize students’ verbal usage of the word as teachable moments and students’ written use of the word as an opportunity for revision and resubmission. While a seeming small step on the surface, it is important that history teachers take measures to not perpetuate the use of derogatory racist terms in the public sphere.

Not all curricular resources were thoroughly unpacked. The teacher allowed students to simply watch *Slavery by Another Name*.⁴² Mr. Williams did not have students engage in note-taking, analysis, or other forms of active viewing,⁴³ which was not anticipated by the researchers. Passive viewing might reveal why students did not refer much to the relevant documentary when making intertextual connections. Or, perhaps students did not refer to the documentary because it was many days removed from primary source analysis. Regardless, students did not unpack all the meaning out of all the sources.

Students failed to contextualize the sources as being largely from Birmingham, Alabama. Convict-leasing flourished in Birmingham, Alabama, in particular, because of valuable natural resources under the soil and reactionary resistance to formerly enslaved folks exercising citizens’ rights and privileges.⁴⁴ The city of Birmingham, founded in 1871, sat atop vast deposits of iron ore, coal, limestone, and sandstone. These natural resources, which geological surveyors first identified in the 1840s and 1850s, were needed to make steel.⁴⁵ After

39 Nast, T. (1868) “*This is a white man’s government*” “*We regard the Reconstruction Acts so called of Congress as usurpations, and unconstitutional, revolutionary, and void*” - *Democratic Platform* // *Th. Nast*. United States, 1868. [Photograph] Retrieved from the Library of Congress, <https://www.loc.gov/item/98513794/>.

40 Pollard, *Slavery by Another Name*, <https://www.pbs.org/tpt/slavery-by-another-name/>

41 Bickford and Clabough, “Imprisoned Civil Liberties.”

42 Pollard, *Slavery by Another Name*, <https://www.pbs.org/tpt/slavery-by-another-name/>

43 Bickford and Clabough, “Imprisoned Civil Liberties.”

44 Lichtenstein, *Twice the Work of Free Labor*; Mancini, *One dies, get another*.

45 Eugene Allen Smith, “Geological Surveys in Alabama,” *The Journal of Geology* 2, no. 3 (1894): 275–287.

the U.S. Civil War's conclusion, White industrialists capitalized on the natural resources within the Birmingham area as entrepreneurs saw many opportunities for investments. During the Gilded Age, or the late 19th-century period of rapid economic growth in America, Birmingham's industrial center thrived.⁴⁶ As the city developed, an ever-present need for more workers emerged as labor relations were tenuous and strikes abounded across the country.⁴⁷ By 1875 with Birmingham's population under three-thousand, convict-leasing became entrenched as companies and individuals paid state and county governments to lease the prisoners' labor.⁴⁸ White segregationists benefitted by charging primarily African Americans with crimes. By 1900, with unfree hands providing free labor to the capitalist classes, Birmingham's population jumped to 38,415.⁴⁹ Birmingham became a key transitioning point between chattel slavery and the unfreedom of convict-leasing. The teacher could have prompted students to identify, and ask questions about, the context of Birmingham, which was featured in nearly all the primary sources.

The selected sources about convict-leasing were rich, yet so many more exist. Teachers, particularly at the high school and college level, might consider adding primary and secondary sources to the guided inquiry. Public Broadcasting Service (PBS), a private and nonprofit American corporation whose members are American public television stations, has an abundance of supplementary sources, such as an interactive timeline⁵⁰ as well as dozens of additional text-based primary sources⁵¹ and contemporaneous photographs.⁵² PBS's *Slavery By Another Name* website also has curricular guides, entitled "Classroom and Community Materials," for Civics and Social Justice Curriculum, English and Media Literacy Curriculum, History Curriculum, Economics Curriculum, and Digital Storytelling Curriculum.⁵³ Teachers can utilize these resources to situate students as historians, economists, geographers, and political scientists.

Differentiation is effective, yet has the potential to marginalize struggling students. Hiding differentiation, we assert, is important in the middle grades because differentiation is necessary, yet students are sensitive to hierarchical social structures. Mr. Williams incorporated a multifaceted approach to hide his differentiation. First, he provided text-based primary sources in their original language and then in a simpler format, altered for length with adapted language. Next, Mr. Williams moved around the room directing children towards accessible, engaging sources. Finally, he overloaded the students with sources but required analysis of only four. Few eighth-graders can be expected to fully analyze more than a dozen sources in three class periods, yet all students ably examined the expected amount. Mr. Williams' differentiation appeared hidden to the students and effective to the researchers. It is important for scholars to be cognizant of students' diverse learning needs when designing projects like ours to help strengthen their historical thinking, literacy, and argumentation skills.

Students' writing within their graphic organizers left room for improvement. Students consistently articulated accurate analysis of primary and secondary sources. However, their analyses were extremely short. Most of their

46 W. David Lewis, *Sloss Furnaces and the Rise of the Birmingham District: An Industrial Epic* (Tuscaloosa, Ala.: The University of Alabama Press, 1994).

47 Lichtenstein, *Twice the Work of Free Labor*.

48 Blackmon, *Slavery By Another Name*; Cohen, *At Freedom's Edge*; Lichtenstein, *Twice the Work of Free Labor*; Lewis, *Sloss Furnaces and the Rise of the Birmingham District*.

49 Birmingham's Population, 1880–2000, Government Documents, Birmingham Public Library, www.bplonline.org/resources/government/BirminghamPopulation.aspx. From: U.S. Census of Population and Housing, 1990: Population and Housing Unit Counts: United States. Washington: U.S. Dept. of Commerce, Bureau of the Census, 1993. [Table 46: Population Rank of Incorporated Places of 100,000 Population or More, 1990; Population, 1790 to 1990; Housing Units: 1940 to 1990] (C 3.223/5: 1990 CPH-2-1) www.census.gov/prod/cen1990/cph2/cph-2-1-1.pdf.

50 <https://www.pbs.org/tpt/slavery-by-another-name/interactive-timeline/>

51 <https://www.pbs.org/tpt/slavery-by-another-name/themes/historic-documents/>

52 <https://www.pbs.org/tpt/slavery-by-another-name/themes/slideshow/>

53 <https://www.pbs.org/tpt/slavery-by-another-name/classrooms-communities/>

writing in the graphic organizer was not more than two sentences for each prompt. Students' responses in the graphic organizers could be strengthened in several ways. First, teachers can expect students to write in full sentences. The teacher might develop prompts to do so. Next, the graphic organizer might contain lines (instead of open space) to provide students higher expectations for longer ideas. Finally, students can be asked to work together to share and build answers cooperatively and constructively.


This unit situated students to explore power displays within America's cherished institutions. Students readily grasped institutional and individual racism in laws, policing, and the courts, which occurs infrequently within common K-12 curriculum. The uniqueness of our project in relation to the concept of power appears in terms of race. Students commented on racist power dynamics in the South, and specifically Alabama. They constantly stated how White segregationists took calculated steps and employed local and state levers of power through different means, such as Black Codes and vagrancy laws, to perpetuate the existing, unequal racial order in the South. Students' comments demonstrated an unevenness that emerged before the law that caused African Americans' rights to be violated and for them to remain second-class citizens even after the U.S. Civil War.


These findings diverge with a previous study⁵⁴ where students failed to identify the Whiteness of segregationists and did not attach their actions to racist goals and outcomes. The students in our study had no problem identifying the Whiteness of segregationists and could attach their actions to racist goals and outcomes. This speaks to the importance of selecting evocative, yet accessible primary and secondary sources when teaching issues of race and the Black Freedom Movement. Scholars looking to build on our project need to select primary and secondary sources that allow students to identify the Whiteness of segregationists as well as how racist motives underpinned public policies that resulted in racially disparate outcomes.

Conclusion

Learning about one region's racist history might spark students' queries into their own region's history. This unit has value for teachers and students outside of Birmingham and the South, as it was for the Midwestern students who engaged in the guided inquiry. To educate is to reclaim our oft-forgotten, yet shared histories. This unit had students examine an underexplored topic in the Black Freedom Movement: convict-leasing system. Students articulated the racist goals and outcomes of the Black Codes and vagrancy laws that emerged after the U.S. Civil War in Alabama and throughout the South. This work gets to the heart of being an historian. An historian's first duty is to the truth whether it paints a city, state, region, or country in a positive or negative light. In this case of Birmingham and the American South, racist sentiments and policies lie at the heart of its founding that unfortunately extend into the present.⁵⁵ It is an honest analysis and acknowledgment of a state's or region's racist past that allows history teachers to equip students as future democratic citizens with the knowledge to address the vestiges of racism in the present to create a brighter future for all.

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54 Jeremiah C. Clabough and John H. Bickford, "Freedom Summer and the Foot Soldiers of the Civil Rights Movement: Bottom Up Historical Inquiry to Combat the Master Narrative," *The History Teacher*, 53, no. 2 (319-353, 2020).

55 Alabama Political Reporter Staff. (2021, July 28). Alabama Department of Education launches campaign to recruit next generation of teachers. *Alabama Political Reporter*. <https://www.alreporter.com/2021/07/28/alabama-department-of-education-launches-campaign-to-recruit-next-generation-of-teachers/>; Rebecca Griesbach, (2022, September 12). Teacher shortages in Alabama, US are real, but not for the reason you heard. *AL.com*. <https://www.al.com/educationlab/2022/09/teacher-shortages-in-alabama-us-are-real-but-not-for-the-reason-you-heard.html>; Chip Scarborough, (2023, January 7). Teacher shortage lingers in Central Alabama districts. *WVTM 13 NBC*. <https://www.wvtm13.com/article/school-districts-faced-with-teacher-shortage/42424532>.

Appendix A – Primary and Secondary Sources

Document #1: Portions of the Bill of Rights

Fourth Amendment to the U.S. Constitution (ratified 1791): The right of the people to be secure ... against unreasonable searches and seizures ... but upon probable cause.

Fifth Amendment to the U.S. Constitution (ratified 1791): No person shall be ... deprived of life, liberty, or property, without due process of law.

Sixth Amendment to the U.S. Constitution (ratified 1791): In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Eighth Amendment to the U.S. Constitution (ratified 1791): Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Document #2: Alabama Black Code (1865)

Sec. 1. No negro shall pass within city limits without special permit in writing from his employer. Violators will pay a fine of two dollars and fifty cents, or shall be forced to work four days, or suffer corporeal punishment (whipping).

Sec. 3. No negro shall rent or own a house within city limits. Any negro violating this provision shall be immediately removed and any person who shall rent or sell a house to a negro shall pay a fine of five dollars for each offence.

Sec. 4. Every negro is required to work for a white person who shall be held responsible for the negro's behavior.

Sec. 5. No public meetings of negroes shall be allowed within city limits after sunset.

Sec. 6. No negro shall be permitted to preach to congregations of colored people without a special permission in writing from the police.

Sec. 7. No negro shall be allowed to carry fire-arms, or any kind of weapons, without the special written permission of his employers and approved by the police.

Sec. 8. No negro shall sell, buy, or exchange any merchandise without the special written permission of his employer.

Sec. 9. Any negro found drunk shall pay a fine of five dollars, or five days on the public road, or suffer **corporeal punishment** (whipping).

Sec. 11. It shall be the duty of every citizen to act as a police officer for the detection of crimes and the apprehension of offenders, who shall be immediately handed over to the proper captain or chief of patrol.

Document #3: Amendments Thirteen, Fourteen, and Fifteen

Thirteenth Amendment of the U.S. Constitution (ratified in December 1865): “Neither slavery nor **involuntary servitude** (forced labor), except as a punishment for crime where the person has been convicted, shall exist within the United States.”

Fourteenth Amendment of the U.S. Constitution (ratified in July 1868): “All persons born or naturalized in the United States are citizens of the United States and the State where they live. No State shall make or enforce any law which shall **abridge** (restrict) the privileges of citizens; nor shall any State **deprive** (prevent) any person of life, liberty, or property, without due process of law; nor deny to any person the equal protection of the laws.”

Fifteenth Amendment of the U.S. Constitution (ratified in February 1870): “The right of citizens of the United States to vote shall not be denied or **abridged** (shortened) by the United States or by any State on account of race, color, or previous condition of **servitude** (enslavement).”

Document #4: Political Cartoon



Nast, T. (1868) “*This is a white man’s government*” “*We regard the Reconstruction Acts so called of Congress as usurpations, and unconstitutional, revolutionary, and void*” - *Democratic Platform* // *Th. Nast*. United States, 1868. [Photograph] Retrieved from the Library of Congress, <https://www.loc.gov/item/98513794/>.

From the Library of Congress: Cartoon showing man with belt buckle “CSA” [Confederate States of America] holding a knife “The Lost Cause” [often used by Southerners to describe their fight for the Confederacy], a

stereotyped **Irishman** holding club “**a vote**” [Irish were looked down upon at the time], and another man wearing a button “**5 Avenue**” [perhaps it stood for 5th Avenue in New York City] and holding wallet “capital for votes,” with their feet on an African American soldier sprawled on the ground. In the background, a “colored orphan asylum” and a “southern school” are in flames; African American children have been **lynched** [killed] near the burning buildings. The words at the top say, “This is a white man’s government.” The words on the bottom say, “We regard the Reconstruction Acts (so called) of Congress as usurpations, and unconstitutional, revolutionary, and void” - Democratic Platform.

Document #5: Secondary Reading

Nine former Confederate states adopted **vagrancy** (homeless) laws in 1865–1866. These laws made it illegal to be homeless and it jailed homeless men, women, and children for a period of time. Every state except North Carolina hired-out the vagrants, which was sometimes called *convict leasing*. Hiring-out, or convict leasing, put prisoners to work on public projects, like roads and bridges, or in private businesses, like mines and farms. Each of these nine former Confederate states also **enacted** (made) convict laws allowing for the hiring-out, or convict leasing, of people who could not pay their fines and costs. So, if someone was too poor to have a home and too poor to pay for a lawyer, then they were hired-out twice. The first part was as punishment for being homeless and second part was for not having the money for a lawyer. Douglas Blackmon called this “slavery by another name” and William Cohen said that African Americans were always “at freedom’s edge” but never fully in freedom.

Blackmon, D. (2008). *Slavery by another name: The re-enslavement of Black Americans from the Civil War to World War II*. New York, NY: Doubleday; Cohen, W. (1991). *At freedom’s edge: Black mobility and the Southern White quest for racial control, 1861–1915*. Baton Rouge, LA: Louisiana State University Press; Lichtenstein, A. (1996). *Twice the work of free labor: The political economy of convict labor in the New South*. New York, NY: Verso.

Document #6: Secondary Reading

We have got through with the South Carolina and Louisiana problems. At any rate, the troops are ordered away, and I now hope for peace, and what is equally important, security and prosperity for the colored people. The result of my plans to get from those states and by their governors, legislatures, press, and people pledges that the 13th, 14th, and 15th amendments shall be faithfully observed; that the colored people shall have equal rights to labor, education, and the privileges of citizenship. I am confident this is a good work. Time will tell...

Linden, G. M. (1999). *Voices from the Reconstruction years, 1865–1877*. New York, NY: Harcourt Brace/Cengage, 316.

Document #7: Excerpt from Frederick Douglass's book

Chapter III – The Convict Lease System

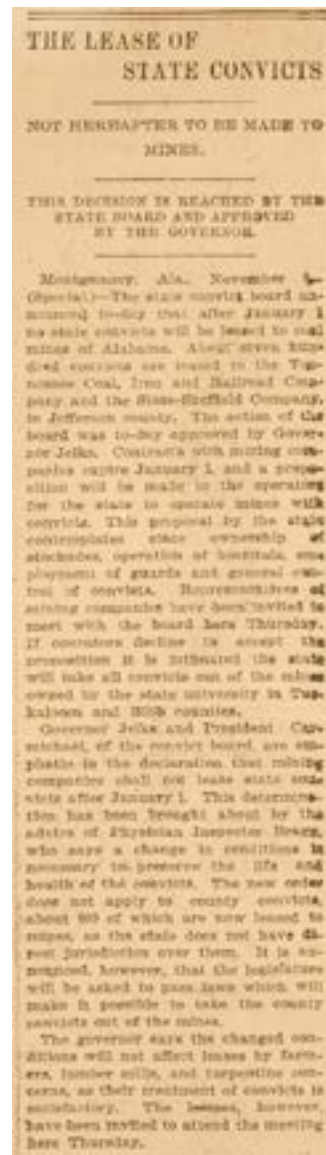
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, South Carolina, Tennessee and Washington claim to be too poor to maintain state convicts within prison walls. Hence the convicts are leased out to work for railway contractors, mining companies and those who farm large plantations. These companies assume charge of the convicts, work them as cheap labor and pay the states a handsome revenue for their labor. Nine-tenths of these convicts are Negroes. There are two reasons for this.

- (1) The religious, moral and philanthropic forces of the country — all the agencies which tend to uplift and reclaim the degraded and ignorant, are in the hands of the Anglo-Saxon [white]. ... The white Christian and moral influences have not only done little to prevent the Negro becoming a criminal, but they have deliberately shut him out of everything which tends to make for good citizenship. ... The Negro is shut out and ignored, left to grow up in ignorance and vice. Only in the gambling dens and saloons does he meet any sort of welcome. What wonder that he falls into crime?
- (2) The second reason our race furnishes so large a share of the convicts is that the judges, juries and other officials of the courts are white men who share these prejudices. They also make the laws. ... *The People's Advocate*, a Negro journal, of Atlanta, Georgia, has the following observation on the prison showing of that state for 1892. "It is an astounding fact that 90 per cent of the state's convicts are colored; 194 white males and 2 white females; 1,710 colored males and 44 colored females. Is it possible that Georgia is so color prejudiced that she won't convict her white law-breakers? Yes, it is just so, but we hope for a better day." ...

Every Negro so sentenced not only means able-bodied men to swell the state's number of slaves, but every Negro so convicted is thereby *disfranchised* [unable to vote].

Douglass, F. (1893). *The reason why the Colored American is not in the World's Columbian Exposition* (pp. 19-23). [Manuscript/Mixed Material] Retrieved from the Library of Congress, <https://www.loc.gov/item/mfd.25023/>

Document #8: Newspaper article



(transcription)

THE LEASE OF STATE CONVICTS NOT HEREAFTER TO BE MADE TO MINES.

THIS DECISION IS REACHED BY THE STATE BOARD AND APPROVED BY THE GOVERNOR
 Montgomery Ala. November 8 (Special) - The state convict board announced today that after January 1 no state convicts will be leased to coalmines of Alabama. About seven hundred convicts are leased to Tennessee coal. Iron and Railroad Company and the Sloss-Sheffield company in Jefferson County, The section of the board was today approved by governor Jelks. Contracts with mining companies expire January 1 and a proposition will be made to the operations for the state to operate mines with convicts. This proposal by the state contemplates state ownership at stockades, operation of hospitals, and employment of guards and general control of convicts. Representative at mining companies have been invited to meet with the board here Thursday. If operators decline to accept the proposition it is intimated the state will take all convicts out of the mines owned by the state university in Tuscaloosa and Bibb counties.

Governor Jelks and President Carmichael, of the convict board are emphatic in the declaration that mining companies shall not lease state convicts after January 1. This determination has been brought about by the advice of Physician Inspector Bragg, who says a change in conditions is necessary to preserve the life and health of the convicts. The new order does not apply to county convicts, about 800 of which are now leased to mines as the state does not have direct jurisdiction over them. It is announced, however, that the legislature will be asked to pass laws which will make it possible to take the county convicts out of the mines.

The governor says the changed conditions will not affect leases by farmers, lumber mills, and turpentine concerns, as their treatment of convicts is satisfactory. The leases, however, have been invited to attend the meeting here Thursday.

The Daily Register (Montgomery, Alabama) (1902 November 9). The Lease of State Convicts. V240, Alabama Department of Archives and History, 624 Washington Avenue, Montgomery, AL 36130 <http://digital.archives.alabama.gov/cdm/singleitem/collection/voices/id/2810/rec/2>

Document #9: Alabama Judge

Sir:

Some witnesses before the Grand Jury here have developed the fact that in Shelby County (Alabama) in this District, and in this Coosa County in the Middle district, a systematic scheme of depriving negroes of their liberty, and hiring them out, has been practiced for some time.

The plan is to accuse the negro of some petty offense, and then require him, in order to escape conviction, to enter into an agreement to pay his accuser so much money, and sign a contract, under the terms of which his bondsmen can hire him out until he pays a certain sum. The negro is made to believe he is a convict, and treated as such. It is said that thirty negroes were in the stockade at one time.

Thursday, a negro witness who had been summoned here, and testified before the Grand Jury, was taken from the train by force, and imprisoned on account of his testimony; but finally his captors became frightened and turned him loose. The grand jury found indictments against nine of the parties. I deemed it essential to the safety of the negro that a deputy marshal should protect him while in that county, and while here giving testimony; and that the accused parties should be promptly arrested and held to bail, in order to deter them, at least, from further violence to the negro. ...

Yours Truly,

T. G. Jones

Letter from Thomas Goode Jones (Federal Judge in Alabama) to Philander C. Knox (Attorney General in Washington DC), March 21, 1903, ff 5280-03, RG60, NA as quoted directly in Blackmon (2008), p. 423-424.

Document #10: Alabama Newspaper

Washington, May 26, 1903 – The Department of Justice is investigating the charge of **peonage**, or holding another in slavery to work out a debt. This is happening in and around Montgomery, Alabama. The punishment for this crime is a fine of between \$1,000 and \$5,000 or imprisonment of between one year and five years.

One man, named Robert N. Franklin, has already been charged with keeping a negro in **peonage** for a least a year. Other information shows that this has been going on for a long time. The plan has been to accuse a poor negro of a flimsy charge. Having no money to pay a fine, the negro must work for the white man to reimburse him for the money and trouble he has taken to keep the negro out of jail. The negro is thereupon taken away and begins his peonage, being frequently whipped for failure to perform work to the satisfaction of his employer or owner.

An investigator who is now on the ground will make a thorough report of the whole system and turn over to the United States Attorney all information he may learn.

Source: Montgomery (AL) Advertiser, May 27, 1903

Document #11

<https://bplonline.contentdm.oclc.org/digital/collection/p4017coll6/search/searchterm/dukes>

Document #12: Convict Records

<http://digital.archives.alabama.gov/cdm/singleitem/collection/voices/id/2959/rec/5>

Source: Two pages from a convict register, listing six African American men who were tried in the city court of Montgomery, Alabama. (1909 August 7). Alabama Department of Correction and Institutions: State Convict Records, SG007463, Volume 7

<http://digital.archives.alabama.gov/cdm/singleitem/collection/voices/id/2959/rec/1>

Document #13

Source: Historic American Engineering Record, Creator. *Pratt Coal & Coke Company, Pratt Mines, Coke Ovens & Railroad, Bounded by First Street, Avenue G, Third Place, Birmingham Southern Railroad, Birmingham, Jefferson County, AL.* Alabama Birmingham Jefferson County, 1968. Documentation Compiled After. Photograph. Retrieved from the Library of Congress, <https://www.loc.gov/item/al1109/>. (Accessed December 04, 2017.)

Document #14



Source: Historic American Engineering Record, Creator. *Pratt Coal & Coke Company, Pratt Mines, Convict Cemetery, Bounded by First Street, Avenue G, Third Place & Birmingham Southern Railroad, Birmingham, Jefferson County, AL.* Alabama Birmingham Jefferson County, 1968. Documentation Compiled After. Photograph. Retrieved from the Library of Congress, <https://www.loc.gov/item/al1048/>. (Accessed December 04, 2017.)

Appendix B – Affyn's Writing Sample

Text-Based Documents: Letters, Diaries, etc.

(11)

#	Questions	Answers
10	<p>What type of document is this? (Letter, journal, interview, etc.)</p> <p><i>Why was it written?</i></p>	<p>Convict Records. To give information about convicts. (Personal info, death.)</p>
10	<p>Who wrote this?</p> <p><i>What do we know about this person?</i></p>	<p>The record taker for the jail?</p> <p>They might decide/help decide sentences for convicts.</p>
10	<p>Who is this written to?</p> <p><i>What did the author want to convey to the audience?</i></p>	<p>owners of convicts, prisons to read.</p> <p>personal information, death information of the convict.</p>
10	<p>What is the most important thing to learn from this?</p> <p><i>Why did I have you read this?</i></p>	<p>There were many convicts that died from the horrible living conditions.</p> <p>To understand how the recording process is. How much information the people had to find about the convicts.</p>

Visual Documents: Maps, Drawings, Photographs, etc.

#	Questions	Answers
11	<p>What kind of document is this (photo, art, map, something else)?</p> <p><i>What type of person made this?</i></p>	<p>Photo. "Pratt Coal and Coke Company" took the photo.</p>
11	<p>Why is this important?</p> <p><i>What can you learn from this?</i></p>	<p>To show old mines that had been damaged, there are probably many of these that are/aren't intact.</p>
11	<p>What <u>cannot</u> be learned from this document?</p> <p>What is missing that you don't see or know?</p>	<p>The detailed cause of the abandonment/destruction of the mine.</p> <p>The inside of the mine.</p>
11	<p>Where do you see a similarity to or a connection with another document?</p>	<p>10. This is a picture of an abandoned mine. 10 had a record of a man who died in a mining incident. The mine he died in probably ended up like 11.</p>

Text-Based Documents: Letters, Diaries, etc.

#	Questions	Answers
	<p>What type of document is this? (Letter, journal, interview, etc.)</p> <p><i>Why was it written?</i></p>	<p>It is a section of the Constitution. (document.)</p> <p>To make slavery illegal, give every one voting rights, and equal rights</p>
	<p>Who wrote this?</p> <p><i>What do we know about this person?</i></p>	<p>The President / Congress / Leaders of U.S.</p> <p>They were probably pressured to write these even if their views weren't the same. They had much power.</p>
	<p>Who is this written to?</p> <p><i>What did the author want to convey to the audience?</i></p>	<p>Citizens of the United States.</p>
	<p>What is the most important thing to learn from this?</p> <p><i>Why did I have you read this?</i></p>	<p>That these issues were extremely serious, that a law needed to be made.</p> <p>The laws' orders in sequence, and how they left out women.</p>

Visual Documents: Maps, Drawings, Photographs, etc.

#	Questions	Answers
12	<p>What kind of document is this (photo, art, map, something else)?</p> <p><i>What type of person made this?</i></p>	<p>Photo. Photographer for "Pratt Coal and Coke Company"</p>
12	<p>Why is this important?</p> <p><i>What can you learn from this?</i></p>	<p>So many laborers died from poor conditions, that they made a graveyard that is huge.</p>
12	<p>What <u>cannot</u> be learned from this document?</p> <p>What is missing that you don't see or know?</p>	<p>How many laborers died, and and buried in the cemetery.</p> <p>↗</p>
12	<p>Where do you see a similarity to or a connection with another document?</p>	<p>11, This is showing at mine graveyard, and 11 showed a actual mine.</p> <p>10, It was a record for a man who died in a mine, he might have been buried in a grave like this.</p>

① Document #3:

#13: abolish slavery

#14: not allow citizen rights-restricting laws legal.

#15: giving men the right to vote.

Document 2 talks about vagrance laws which targeted certain groups, like the amendments did.

No questions.

② Document #2: They connect because 1 targets blacks.

The vagrance laws don't explicitly state it's about blacks, but we can guess they were a large majority. Why would they target homeless blacks first?

③ Document #1: To put blacks legally into slavery as much they could.

Why wasn't there an uprising by blacks?

④ Document #4

The man has a belt with "Confederate States of America." They are on top of a black man, which represents white people's place over blacks. They hold items representing voting. The white government rules over blacks.

No questions.