

Slavery and Civil Rights in Virginia

At the time of the Constitutional Convention, half of all slaves resided in Virginia. The provision to count slaves as three-fifths of a white person was related to counting population for representation in Congress. Neither the word "slave" nor "black" nor "Negro" nor "African" nor "colored" was written anywhere in the Constitution. It is, therefore, reasonable to conclude, since the subject of slavery was possibly the most inflammable question on the agenda and provoked sharp exchanges each time it came up, that the lack of any direct allusion to it in the final version of the Constitution was purposeful. Thus, the conflict was passed on to other generations.

Of the thirteen original states, six—Maryland, Delaware, Virginia, the Carolinas and Georgia—practiced slavery. In Virginia, there was strong sentiment to emancipate slaves at the time the Constitution was being drafted and ratified, but soon dimmed when the cotton gin was patented, making cotton a viable option for a crop to replace tobacco. So much tobacco had been grown that European markets were flooded and the soil depleted.

The South underestimated how hostile the North was against slavery, and it was not for humanitarian motives. New immigrants saw great opportunity before them. Wide, open land was available, unlike in Europe. If slavery continued, the large plantation system would most likely move west gobbling up land. In addition, whites did not want blacks as rivals for jobs.

Issued by Abraham Lincoln on the first day of the year in 1863, the Emancipation Proclamation did not free anybody within Lincoln's territorial command. It applied only to those slaves in rebel states, excluding parts of Virginia and Louisiana then under Union control.

American slavery came to an end with the surrender of the Confederate armies in 1865, and the economy of the South was in ruins. Four million blacks were free at last, a freedom paid for heavily with their own blood. With the Confederate states seeking readmission to the United States, the Old South had a choice—it could embrace democratic ideals and institutions or it could hold fast to slavery-time beliefs and practices.

Direction from Washington, DC would be needed. The President and Congress would help determine what happened in the South. Many plans existed, and with each President, plans changed. Lincoln wanted the seceded states to rejoin the Union, but under guidance from the President. Initially, Lincoln would have denied suffrage rights as well as rights to hold office to blacks, but had a change of heart because they had “demonstrated in blood their right to the ballot.” Andrew Johnson, Lincoln’s successor, quickly granted pardons to many Southern leaders. He chose to allow Confederate states back into the Union on easy terms. He withdrew most Federal troops from the South. As a result, most of the Southern states enacted laws in 1865 and 1866 that came perilously close to reinstating the system of slavery. These “black codes” denied voting rights to blacks as well as restricting public education to whites. Many shared the view of Edmund Rhett of South Carolina that, “the general interest of both the white man and of the negroes [sic] requires that he should be kept as near to the condition of slavery as possible, and as far from the condition of the white man as is practicable. . .”

The backlash against these restrictions by both blacks and many whites such as Freedmen’s Bureau officials in the South, as well as other humanitarians, resulted in the U.S. Congress becoming angered by the audacity of these acts. Northern Republicans in Congress feared the loss of their national political dominance to the Democrats, and as a

result, nullified presidential Reconstruction plans, dismantled the Southern state governments, and enacted their own program for restoring the Southern states to the Union.

This Reconstruction plan went into effect in March 1867. It gave citizenship and political rights to blacks in the South. In order to be readmitted to the Union, Southern states were required, under military supervision to do the following:

- register both blacks and whites as voters,
- hold constitutional conventions in which both black and white delegates participated,
- form new state governments in which both blacks and whites held office,
- ratify the Fourteenth Amendment which made blacks citizens and forbade the states to deny them equal protection of the law or to deprive them of life, liberty, or property, or due process of law.

All this began to fall apart, however, in 1877, when President-elect Rutherford B. Hayes struck a bargain with Southern Conservatives to ensure his acceptance as President. Essentially, he traded Southern acquiescence in his election for removal from federal troops and the appointment of ex-Confederates to high national office. This ended the Reconstruction era and left the role and status of blacks up to the South.

Complete black disenfranchisement did not happen immediately. In the presidential election of 1880, 66% of adult black males voted in Virginia. Virginia was a state in which blacks enjoyed the greatest political success between the end of Reconstruction and 1890. Democrats in Virginia employed disenfranchising acts that resulted in a decline in black representation in the state legislature, a decline from thirty members in 1870 to five in 1878. A political comeback of sorts was staged between 1879 and 1883 when blacks

won twelve seats in the House of Delegates and two in the Virginia Assembly. As a result, blacks won a number of concessions of particular importance to the black community. Whipping posts for crimes were abolished as were a poll tax for voting and unequal salaries for black and white teachers. A state college and an insane asylum for blacks were established. The number of black schools increased from 675 in 1879 to 1,715 in 1883, and black school enrollment rose from 36,000 to 91,000. Black teachers replaced white teachers in black public schools, and a few blacks found jobs with the state government.

Although blacks in Virginia were more successful in achieving rights than in many Southern states, severe obstacles existed. Violence and intimidation continued, and every possible way to keep blacks from the polls was employed. Gerrymandering was used to create white voting districts and complex registration and election procedures were introduced. Worse was yet to come, however.

In 1902, Virginia put into place a new Constitution that negated the 1867 document. The writing and enacting of the Virginia Constitution of 1867 had required Congressional approval. The document had to adhere to strict guidelines in order for Virginia to be readmitted to the Union. In it rights for blacks were guaranteed. In contrast, the Constitution of 1902 stripped these rights and sanctioned segregation. A cumulative poll tax was enacted that successfully kept blacks and many poor whites from voting.

By 1900, Virginia enacted legislation to require railroad companies to provide separate cars or sections of cars for blacks holding tickets. Ten years later separate waiting rooms in railway stations were required as was segregation on buses and streetcars. By 1920, a system of apartheid was in place. Racial segregation became the rule of the day with respect to the following:

- hospitals,

- asylums,
- orphanages,
- parks,
- playgrounds,
- restaurants,
- theaters,
- hotels,
- other places of public accommodation and amusement, and
- textile mills and other places of employment.

Richmond required separate residential districts for the two races, and though these requirements were struck down by the Supreme Court in 1917, gentlemen's agreements and restrictive covenants took their place.

Other prevalent and demeaning tactics included these:

- separate entrances in buildings;
- separate elevators
- separate bathrooms, if bathrooms for blacks existed at all,
- requirement for blacks to go to the back door or white homes,
- separate telephone booths and drinking fountains.

Many Southerners resorted to violence when law and custom were not considered stringent enough, and rarely was any white person convicted. In 1893, a white mob brutally lynched an innocent man in Roanoke. Twenty persons were indicted, and three convicted. Their punishments? Because of public outcry against the brutality of the act, one man was fined \$100 and sentenced to thirty days in jail, while the other two received a penalty of \$1 fine and an hour in jail. Between 1882 and 1927, 85 blacks were lynched in Virginia with little or no consequence for the perpetrators.