

Re: Wm. Cohen, "Negro Involuntary Servitude in the South, 1865-1940"
Use w/ argument of coercion in the monopolistic model provided for development of postwar South economy. Journal of Southern History 62(February 1976)

Basis question: was the kind of coercion detailed in Cohen article commonplace enough throughout the New South to justify using it as an explanation of the political economy of postwar economy?

Cohen's work is a sample of the legal historians contribution to this debate.

Work on the nature of these means of involuntary enforcement of labor. Point here is that these practices were aimed at Negro labor and not the whites. This color-coding of the practices suggest that the competitive model of postwar southern economy w/ stress on free market forces and how they impinged on individuals and omit any discussion of "classes" is not reflective of the reality in the postwar South.

A brief history of the involuntary servitude laws:

They grew out of the Black Codes during 1865 1867. While these were generally under the gun during Congressional Reconstruction after the South was finally "reconstructed" under the 1877 compromise they returned in slightly altered forms:

Enticement acts: Virtually every Southern state choose to make these laws criminal statutes. Thus, these laws made it a criminal offense to entice away a laborer(black) from an employer by offering better wages or condition of work. Cohen argues that many of these enticement laws were rendered unlawful after the Congressional Reconstruction period. . .but resurfaced again and remained on state statute books well into the era of WW II. Generally blacks figured unanimously or in great majority of cases involving the enticement laws in the South.

Labor agents: Offspring of the slave systems slave-traders. Labor agents responsible for signing on and delivering lots of black workers across state borders. Southern states clamped down on their activities with liscense fees that were inordinately high.

These acts were aimed at controlling whites in the ongoing struggle of white men to control their black labor after the Civil War.

Vagrancy laws: These were aimed at blacks and forced them to find release from these by signing up under some form of contract labor arrangement. Caught up in the vagrancy system blacks would usually end up in jail and would have to work off their fines and court costs by working for the county or the state on chain gangs, etc.

*Ask:
C. Wright
Argument about
freeing Negroes
in southern
economy -
arguing
freeing them to
plant cotton and
for his land*

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Vagrancy laws: (cont.):

These were used during labor shortages. . .The vagrancy law "dragnet" was put into operation to round up necessary laborers in times of high demand.

A variation was surety system under Vagrancy. In this case, the "vagrant" was allowed to work for a white man who paid his jail fines and court costs. To effectively work off the costs by working for Mr. Charlie who paid these costs in his name. If the "vagrant" broke the contract he could be arrested. That is, if he did not fulfill the time he owed the white employer he could be arrested and go through the white process all over again with higher penalties. [See Ed. Rivers case].

Convict lease system: Every southern state except Virginia instituted a convict lease system. Penitentiaries were opened to allow private corporations to hire laborers usually to do heavy capitalization projects--build railroads, rebuild levees, work in mines, turpentine industry. The hellishness of the system--the mortality rates were appalling, etc.