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Name _____ Date _____ Period _____

Ordinance Relative to the Police of Recently Emancipated Negroes or Freedmen (Opelousas "Black Code")

Board of Police of the Town of Opelousas, Louisiana • July 3, 1865

A town ordinance passed less than three months after the Confederate surrender

BACKGROUND

After the war, white Southern governments under President Andrew Johnson's lenient Reconstruction plan passed laws called "black codes" that tried to control freedpeople's movement, work, and daily lives in ways that resembled slavery. This ordinance from Opelousas, a town in southwest Louisiana, was printed in a New Orleans newspaper and included by Carl Schurz, a Union general sent by Johnson to tour the South, in his 1865 report to Congress as evidence of how freedpeople were being treated. Laws like this one angered many Northerners and helped convince Congress to pass the Civil Rights Act of 1866 and the 14th Amendment.

Key Vocabulary

Word	What it means
police	(here) regulation and control of people's behavior by local government
ordained	officially ordered; enacted as law
freedman	a person who had been freed from slavery
lessor	a person who rents out property to someone else
hire his time	to work for pay for someone other than one's regular employer
exhort	to urge strongly, as in a sermon
barter	to trade goods without using money

in lieu of	instead of

The Ordinance

Complete text. Original spelling and punctuation are kept; the town's numbered sections are printed as "Section" here. The ordinance uses the word "negro," the common term of its time.

[1] Relative to the Police of Recently Emancipated Negroes or Freedmen, within the Corporate Limits of the Town of Opelousas.

[2] Whereas the relations formerly subsisting between master and slave have become changed by the action of the controlling authorities; and whereas it is necessary to provide for the proper police and government of the recently emancipated negroes or freedmen, in their new relations to the municipal authorities;

[3] Section 1. Be it therefore ordained by the Board of Police of the Town of Opelousas: That no negro or freedman shall be allowed to come within the limits of the Town of Opelousas, without special permission from his employer, specifying the object of his visit, and the time necessary for the accomplishment of the same. Whoever shall violate this provision, shall suffer imprisonment and two days work on the public streets, or shall pay a fine of two dollars and fifty cents.

[4] Section 2. Be it further ordained that every negro or freedman who shall be found on the streets of Opelousas, after 10 o'clock at night, without a written pass or permit from his employer, shall be imprisoned and compelled to work five days on the public streets, or pay a fine of five dollars.

[5] Section 3. No negro or freedman shall be permitted to rent or keep a house within the limits of the town under any circumstances, and any one thus offending, shall be ejected and compelled to find an employer, or leave the town within twenty-four hours. The lessor or furnisher of the house leased or kept as above, shall pay a fine of ten dollars for each offense.

[6] Section 4. No negro or freedman shall reside within the limits of the Town of Opelousas, who is not in the regular service of some white person or former owner, who shall be held responsible for the conduct of said freedman. But said employer or former owner may permit said freedman to hire his time, by special permission in writing, which permission shall not extend over twenty-four hours at any one time. Any one violating the provisions of this section, shall be imprisoned and forced to work for two days on the public streets.

[7] Section 5. No public meetings or congregations of negroes or freedmen, shall be allowed within the limits of the Town of Opelousas, under any circumstances or for any purpose, without the permission of the Mayor or President of the Board. This prohibition is not intended, however, to prevent freedmen from attending the usual Church services conducted by established ministers of religion. Every freedman violating this law shall be imprisoned and made to work five days on the public streets.

[8] Section 6. No negro or freedman shall be permitted to preach, exhort or otherwise declaim, to congregations of colored people, without a special permission from the Mayor or President of the Board of Police, under the penalty of a fine of ten dollars or twenty days work on the public streets.

[9] Section 7. No freedman, who is not in the military service, shall be allowed to carry fire-arms or any kind of weapons, within the limits of the Town of Opelousas, without the special permission of his employer in writing, and approved by the Mayor or President of the Board of Police. Any one thus offending shall forfeit his weapons and shall be imprisoned and made to work five days on the public streets, or pay a fine of five dollars in lieu of said work.

[10] Section 8. No freedman shall sell, barter or exchange any articles of merchandise or traffic, within the limits of Opelousas, without permission in writing from his employer or the Mayor or President of the Board, under the penalty of the forfeiture of said articles, and imprisonment and one day's labor, or a fine of one dollar in lieu of said work.

[11] Section 9. Any freedman found drunk within the limits of the town shall be imprisoned and made to labor five days on the public streets, or pay five dollars in lieu of said labor.

[12] Section 10. Any freedman not residing in Opelousas, who shall be found within its corporate limits after the hour of 3 o'clock P.M. on Sunday, without a special written permission from his employer or the Mayor, shall be arrested and imprisoned and made to work two days on the public streets, or pay two dollars in lieu of said work.

[13] Section 11. All the foregoing provisions apply to freed men and freed women, or both sexes.

[14] Section 12. It shall be the special duty of the Mayor or President of the Board, to see that all the provisions of this ordinance are faithfully executed.

[15] Section 13. Be it further ordained, That this ordinance to take effect from and after its first publication.

[16] Ordained the 3d day of July, 1865. E. D. Estillette, President of the Board of Police. Jos. D. Richard, Clerk.

Guiding Questions

Answer in complete sentences. Cite the paragraph number [ ] where you found your evidence.

1. Read the opening "Whereas" paragraph. What change does it say has happened, and what does the town claim it needs to do? [2]

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2. List four things a freedman could not do in Opelousas without permission from an employer or a town official. [3–12]

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3. According to Section 4, whom must every freedman in town work for? How is this similar to slavery? [6]

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4. What were the usual punishments for breaking these rules? Why do you think the town chose forced labor on the streets? [3–12]

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5. Why do you think the ordinance restricted public meetings, preaching, and carrying firearms? What rights do these sections take away? [7–9]

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6. Which parts of the 14th Amendment were written to stop laws like this one? Explain. [1–16]

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Source: Ordinance of the Board of Police of the Town of Opelousas, Louisiana, July 3, 1865, as printed in a New Orleans newspaper, July 15, 1865, and reprinted as Accompanying Document No. 34 in Carl Schurz, Report on the Condition of the South, Senate Executive Document No. 2, 39th Congress, 1st Session (Washington, DC: Government Printing Office, 1865). Public domain.