



Chicago Historical Society



LIVING UNDER THE ILLINOIS BLACK CODES

Grade level: Middle school

Estimated time: One class period

Topic: Illinois Black Codes

Subtopic: African American life in Illinois 1818-67

Teacher background information

“People of the State of Illinois, I appeal to you, and to your Representatives, who will assemble in the city of Springfield in a few weeks, to legislate for a noble and generous people. We ask you in the name of the Great God, who made us all; in the name of Christianity and Humanity, to erase from your statute book that code of laws commonly called the Black Laws.” So began John Jones’s appeal for the repeal of the Illinois Black Codes. Although Illinois was admitted to the union as a “free state” in 1818, it still placed severe restrictions on the civil liberties of African Americans.

According to Roger Bridges, “Slavery existed in Illinois for nearly 100 years prior to Illinois becoming a state in 1818, and continued to exist until 1845. Like their Midwestern neighbors, most early Illinois settlers believed in white supremacy and African American inferiority. Consequently, Illinois’ constitutions and laws reflected those views.”

It is also important to note, however, that the United States Constitution defined African Americans as 3/5 of a person for purposes of representation. As a result, whether blacks were living in the South under chattel slavery or in the

North, they were denied the basic fundamentals of freedom under the Constitution and most state laws. The Illinois Black Codes were in existence in the state from 1818 until 1865. After 1853, Illinois prohibited all African Americans from entering the state. This law was passed in response to the Fugitive Slave Law. Full civil rights and suffrage were not given to African Americans until the passage of the Fourteenth and Fifteenth Amendments in 1868 and 1870 and the Illinois Civil Rights Act of 1885.

To prepare for this lesson, the teacher should become familiar with the Summary of the Illinois Black Codes (provided). Also, it will be beneficial for teachers to read “Codes” by Rodger Bridges, which can be found on Northern Illinois University’s Illinois Periodicals Online website at www.lib.niu.edu/ipo/iht329602.html.



LIVING UNDER THE ILLINOIS BLACK CODES

Key concepts

Equality, freedom, disenfranchisement, suffrage, civil liberties, racism, slavery, and citizenship

Key questions

Why were the Illinois Black Codes put into place? What effect did these laws have on African Americans living in Illinois at the time?

Goals of this lesson

This lesson aims to help students critically examine the Illinois Black Codes, and draw conclusions as to why these laws existed in what was supposedly a “free state.” Students will draw conclusions about the purpose of these laws and how they affected the lives of African Americans living in the North.

Objectives

1. To apply inquiry skills for the purpose of historical analysis and interpretation.
2. To understand the significance of Illinois Black Codes and how they worked to deny the civil liberties of African Americans.
3. Learn about nineteenth-century Illinois history in the years leading up to the Civil War.
4. To understand the concept of argument based on supporting evidence.

Materials

Master copies of all handouts are provided.

1. Summary of the Illinois Black Codes (one for each student)
2. Scenario Cards (one for each student or one per group)
3. Paper and pens or pencils

Procedures

1. Distribute copies of the “Summary of Illinois Black Codes.” Introduce the Illinois Black Codes and discuss the significance of these laws. Review the document carefully and facilitate a class discussion. Have students openly respond to the Illinois Black Codes. Please remember that some of the information in the handout may be disturbing or offensive

to some students. End the class discussion by asking the questions:

- What do these laws tell us about Illinois in the early nineteenth century?
- Illinois was admitted to the Union as a “free state.” What does that mean to you?

Some of the ideas generated should be a good prelude to having students conduct a detailed examination of the Illinois Black Codes.

2. Distribute copies of the “Scenario Cards.” Have students cut apart the cards and complete the scenarios in pairs or small groups. On a separate piece of paper, students should evaluate and answer the question posed in each scenario by citing specific sections from the summary sheet. This activity is designed to give students a thorough understanding of the restrictions the Black Codes imposed on African Americans living Illinois in the first-half of the nineteenth century
3. After students have completed the scenarios, hold a class discussion. Encourage students to share their answers and reactions during the discussion.

Suggestions for student assessment

Students should be assessed on their completion of the scenarios.

Additional resources

Angle, Paul M. “The Illinois Black Laws.” *Chicago History*, vol. 8, no. 3 (1967): 65-75.

Bridges, Roger D. “Codes.” Northern Illinois University, Illinois Periodicals Online website, www.lib.niu.edu/ipo/iht329602.html.

Payne, Ethel. “Unearth Tale of ‘Forgotten’ Man.” *Chicago Defender*, 12 July 1951.

Turner, Glennette Tilley. *The Underground Railroad in Illinois*. Glen Ellyn, Illinois: Newman Educational Publishing, 2001.

Extension activities

1. Have students compare and contrast the Illinois Black Codes to those of Ohio and Oregon. This activity will give students a better understanding of this historical time period.
2. Ask students to examine other racially based laws in Illinois: for example, the restrictive housing covenants used in Chicago before the 1960s.

This lesson fulfills the following Illinois Learning Standards:

English Language Arts

- State Goal 1: Read with understanding and fluency.
- State Goal 4: Listen and speak effectively in a variety of situations.
- State Goal 5: Use the language arts to acquire, assess, and communicate information.

Social Science:

- State Goal 14: Understand political systems, with an emphasis on the United States.
- State Goal 16: Understand events, trends, individuals, and movements shaping the history of Illinois, the United States, and other nations.
- State Goal 18: Understand social systems, with an emphasis on the United States.

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Scenario Cards Answer Key

Scenario #1: You are a fugitive slave and have just arrived in Illinois by way of the Underground Railroad. Can you legally settle in Illinois and live as a free person?

Answer: No, according to the Illinois Black Codes: "Upon entering the state all blacks and family members were required to give evidence of their freedom."

Scenario #2: You are a free African American living in Illinois in the 1840s and are the only witness to a robbery committed by a white person at the local store. The person is captured and then set free despite the fact that you were an eyewitness. Why?

Answer: Yes, according to the Illinois Black Codes: "African Americans Indians were not permitted to testify in court against a white person."

Scenario #3: You are a white woman living in Illinois. You have always hated slavery, so you decide to become a conductor on the Underground Railroad. What might happen to you and to the slaves you harbor if you are discovered?

Answer: According to the Illinois Black Codes, "If any person harbored an African American or mulatto without a bond or certificate they were subject to a fine of \$500," and "any African American without the necessary certificate was deemed a runaway slave and subject to be sent back into slavery or sold to the highest bidder."

Scenario #4: You are an African American, and you and your family have just arrived in Illinois from North Carolina. In North Carolina, you lived as free blacks. What steps do you have to take to live legally in Illinois?

Answer: According to the Illinois Black Codes, "All African Americans entering the state were required to post a \$1000 bond," and "no African American was permitted to reside in Illinois without a Certificate of Freedom."

Scenario #5: It is 1818, and Illinois has just been admitted to the Union. You are a twelve-year-

old African American and have lived as a slave in Illinois since you were born. Now that Illinois has been admitted as a free state, are you now free? Why or why not?

Answer: According to Illinois Black Codes, "The Illinois Constitution permitted limited slavery at the salt mines in Massac County, and allowed slavery introduced by the French to continue. The state constitution, however, included a provision that freed the children of those slaves when they reached adulthood."

Scenario #6: You are a slave living in Illinois. One day, you leave your master's home without his knowledge, because you urgently need to see your elderly mother who lives in a town twenty miles from yours. If you are stopped along the way and asked for proof of your business, what might happen to you?

Answer: According to the Illinois Black Codes, "If any slave or indentured servant was found more than ten miles from the home of their master without a pass, they were subject to be taken before a justice of the peace and . . . to be punished with stripes [lashes], not exceeding thirty-five, at his discretion."

Scenario #7: You are a free African American living in Illinois, and you want your cousins who live in New York to come visit you for the summer. Can your cousins spend June, July, and August with you?

Answer: No, according to the Illinois Black Codes: "No African American from another state could remain in Illinois for more than ten days. If they did they could be arrested, jailed, fined and removed from the state."

Scenario #8: You are a free African American living in Illinois in 1820. You have always followed local politics closely. This year, the election for your town mayor is hotly contested. Despite your interest and informed opinions, you cannot vote. Why not?

Answer: According to the Illinois Black Codes, "The right to vote was denied to all African Americans."

ILLINOIS BLACK CODES SCENARIO CARDS**SCENARIO 1**

You are a fugitive slave and have just arrived in Illinois by way of the Underground Railroad. Can you legally settle in Illinois and live as a free person? Why or why not?

SCENARIO 2

You are a free African American living in Illinois in the 1840s and are the only witness to a robbery committed by a white person at the local store. The person is captured and then set free despite the fact that you were an eyewitness. Why?

SCENARIO 3

You are a white woman living in Illinois. You have always hated slavery, so you decide to become a conductor on the Underground Railroad. What might happen to you and to the slaves you harbor if you are discovered?

SCENARIO 4

It is 1847. You are an African American, and you and your family have just arrived in Illinois from North Carolina. In North Carolina you lived as free blacks. What steps do you have to take to live legally in Illinois?

SCENARIO 5

It is 1818, and Illinois has just been admitted to the Union. You are a twelve-year-old African American and have lived as a slave in Illinois since you were born. Now that Illinois has been admitted as a free state, are you now free? Why or why not?

SCENARIO 6

You are a slave living in Illinois. One day, you leave your master's home without his knowledge, because you urgently need to see your elderly mother who lives in a town twenty miles from yours. If you are stopped along the way and asked for proof of your business, what might happen to you?

SCENARIO 7

You are a free African American living in Illinois, and you want your cousins from New York to come visit you for the summer. Can your cousins spend June, July, and August with you?

SCENARIO 8

You are a free African American living in Illinois in 1820. You have always followed local politics closely. This year, the election for your town mayor is hotly contested. Despite your interest and informed opinions, you cannot vote. Why not?



SUMMARY OF THE ILLINOIS BLACK CODES, 1818–65

The State of Illinois observed the Illinois Black Codes from 1818 until the passage of Amendment XII in 1867. After 1853, Illinois prohibited all African Americans from entering the state. This law was passed in response to the Fugitive Slave Law. Despite the severe restrictions placed on African Americans living in Illinois at the time, the state became a major center of antislavery activity.

A summary of the Illinois Black Codes:

- The right to vote was denied to all African Americans.
- No African American was permitted to reside in Illinois without a Certificate of Freedom.
- Any African American without the necessary certificate was deemed a runaway slave and was subject to be sent back into slavery or sold to the highest bidder.
- All African Americans entering the state were required to post a \$1,000 bond.
- If any slave or indentured servant was found more than ten miles from the home of their master without a pass, they were subject to be taken before a justice of the peace and “punished with stripes [lashes], not exceeding thirty-five, at his discretion.”
- All contracts created between a master and his indentured servants during the servant’s time of service were void.
- African Americans could be jailed and beaten if they gathered in groups of three or more.
- African Americans and Native Americans were not permitted to testify in court against a white person.
- African Americans were not permitted to serve in the militia.
- Any person that harbored an African American without a bond or a Certificate of Freedom was subject to a fine of \$500.
- Slaveholders could not bring slaves into Illinois in order to free them.
- African Americans from other states could not remain in Illinois for more than ten days. If they did, they could be arrested, jailed, fined, or removed from the state.
- The Illinois Constitution permitted limited slavery at the salt mines in Massac County and allowed slavery introduced by the French to continue; however, the children of these slaves were freed when they reached adulthood.

