



Chicago Historical Society



JOHN JONES AND THE FIGHT TO REPEAL THE BLACK LAWS

Grade level: Middle school

Estimated time: Two class periods

Topic: Fight for the repeal of the Black Laws of Illinois

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 strident appeal in 1864 for the repeal of the Black Laws of Illinois. Abolitionist John Jones became one of the staunchest supporters for the repeal of the Illinois Black Codes. He dedicated much of his time, energy, and money to the repeal of these repressive laws.

Although Illinois was admitted to the union as a "free state," it placed severe restrictions on the civil liberties of African Americans, as was the policy in most northern states. Slavery existed in Illinois for nearly one hundred years before it became 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 the Illinois Constitution and Laws reflected those views. It is also important to note that the United States Constitution defined African Americans as three-fifths 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 fundamental freedoms provided under the Constitution and most state laws. The Black Laws of Illinois were in existence in from 1818 to 1865. 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.

Key concepts

Structuring an argument, supporting evidence, equality under the law, and freedom

Key questions

If John Jones were alive today, for what cause would he fight? How do you think others, both whites and African Americans, reacted to John Jones and other abolitionists?



JOHN JONES AND THE FIGHT TO REPEAL THE BLACK LAWS

Goals of this lesson

This lesson will familiarize students with the concept of argument based on supporting evidence. Students will read excerpts from the Black Laws of Illinois and John Jones's book *The Black Laws of Illinois and a Few Reasons They Should be Repealed* and examine the arguments Jones used to support his beliefs. Afterward, through a letter-writing activity, students will be asked to draw conclusions about equality in America today.

Objective

Students will learn the concepts of historical analysis and interpretation.

Materials

Master copies of the following handouts are provided.

1. Excerpts from the Black Laws of Illinois and John Jones's *The Black Laws of Illinois and a Few Reasons They Should be Repealed*
2. Summary of the Illinois Black Codes, 1818-65
3. Paper and pens or pencils

Procedures

Day 1

The arguments John Jones uses in his rebuttal are quite detailed, so choosing one or two might be enough to give students a broad understanding of Jones's intellect and approach to repealing the Black Laws of Illinois.

Begin by having students read Section 1 of the Black Laws of Illinois and Jones's rebuttal. Then ask them to develop a working definition of "citizen" and to identify all of the ways in which African Americans living in Illinois at that time were denied the basic rights of citizenship. Students can also refer to the "Summary of the Illinois Black Codes, 1818-65" to complete this portion of the lesson.

Distribute a second excerpt and rebuttal. On a separate sheet of paper, students should site main points of the code and determine how well Jones uses his rebuttal. For more information about the Illinois Black Codes and Jones's arguments, this process can be repeated with a third excerpt and rebuttal or Jones's closing argument.

Day 2

Ask students to generate a list of issues confronting African Americans today, e.g. police brutality, AIDS, incarceration of African American males, U.S. drug policy, failing public schools, gang violence, and the death penalty. Ask students to choose an issue and write a letter to John Jones. In their letters, students should clearly state their issue and persuade Jones to support their cause. Students should conduct research to support their position.

Subsequently, or as an alternative activity, ask students to write a letter to their Congressperson or Senator presenting the same argument and proposing government intervention. For example, a student could detail funding inequities in public schools in their neighborhood or a near-by city and ask the state for more aid.

Suggestions for student assessment

Evaluate students on their class participation, their analysis of the Black Laws of Illinois and Jones's rebuttal, and their abilities to formulate an argument based on supporting evidence through the letter-writing activity.

Extension activities

1. Ask students to select a controversial topic. For example, students might choose the death penalty, abortion, search and seizure laws, gay rights, the Pledge of Allegiance, or the suspension of certain civil liberties of Arab Americans after September 11. Have students choose a particular side of their issue and write a persuasive essay. You may want to provide students with historical examples of well-written arguments that have instigated social change. This portion of the lesson can be used to demonstrate the importance of well-researched and well-written arguments.
2. Ask students to examine Black Laws in other northern states, such as Ohio and Oregon. At the time, many northern states implemented laws similar to those of Illinois. During the activity, have students compare and contrast the Black Laws of Illinois with those of other states.

This lesson fulfills the following Illinois Learning Standards:

English Language Arts

- State Goal 1: Read with understanding and fluency.
- State Goal 3: Write to communicate for a variety of purposes.
- 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.

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Name(s) _____

Date _____

Excerpt from Section I of the Black Laws of Illinois

Section 1. No black or mulatto person shall be permitted to reside in this State, until such person shall produce to the County Commissioners' Court where he or she is desirous of settling, a certificate of his or her freedom; . . . And until such person shall have given bond, with sufficient security, to the people of this State, for the use of the proper county, in the penal sum of one thousand dollars, conditioned that such person will not, at any time, become a charge to said county, or any other county of this State, as a poor person. . . . And it shall be the duty of the such clerk to make an entry of the certificate so produced . . . after which it shall be lawful for such free negro or mulatto to reside in this State.

**John Jones's rebuttal to Section I from the
*Black Laws of Illinois and a Few Reasons Why They Should be Repealed***

If being natives, and born on the soil, of parents belonging to no other nation or tribe, does not constitute a citizen in this country, under the theory and genius of our government, I am at a loss to know in what manner citizenship is acquired by birth. Fellow citizens, I declare unto you, view it as you may, we are American citizens. . . .

JOHN and MARY JONES

Name (s) _____

Date _____

Excerpt from Section 2 of the Black Laws of Illinois

Sec. 2. If any person shall harbor such negro or mulatto as aforesaid, not having such certificate, and given bond, and taken certificate thereof, or shall hire, or in anywise give sustenance to such negro or mulatto, not having such certificate of freedom, and of having given bond, shall be fined in the sum of *five hundred dollars*, one-half thereof to the use of the county, and the other half to the party giving information thereof: *Provided*, This section shall not affect any negro or mulatto who is now a resident of this State.”

**John Jones’s rebuttal to Section 2 from the
Black Laws of Illinois and a Few Reasons Why They Should be Repealed**

This section prohibits you from giving us employment through which we expect to be sustained, and subjects you to a fine of *five hundred dollars* for acting the part of humanity toward a [downtrodden] race. Colored men must be employed in all the vocations of life, and you ought not to be subjected to this unjust and heavy fine. Therefore, this section, with the whole code, ought to be repealed, because they make every colored person, who has come into the State since 1845, an outlaw.

JOHN and MARY JONES

Name(s) _____

Date _____

Excerpts from Sections 6 to 22 of the Black Laws of Illinois

Sec. 9. If any slave or servant shall be found at a distance of ten miles from the tenement of his or her master, or the person with whom he or she lives, without a pass, or some letter or token, whereby it may appear that he or she is proceeding by authority from his or her master, employer or overseer, it shall and may be lawful for any person to apprehend and carry him or her before a justice of the peace, to be by his order punished with [lashes], not exceeding thirty-five, at his discretion.

Sec. 12. If any person or persons shall permit or suffer any slave or slaves, servant or servants of color, to the number of three or more, to assemble in his, her or their out-house, yard or shed, for the purpose of dancing or [reveling], either by night or day, the person or persons so offending shall forfeit and pay the sum of twenty dollars . . .

Sec. 15. No person shall buy, sell, or receive of, to or from any servant or slave, any coin or commodity, without leave or consent of the master or owner of such slave or servant, and any person so offending shall forfeit and pay to the master or owner of such slave or servant four times the value of the things so bought, sold or received. . . .

Sec. 19. No negro, mulatto or Indian, shall at any time purchase any servant other than of his own complexion; and if any of the persons aforesaid shall, nevertheless, presume to purchase a white servant, such servant shall immediately become free, and shall be so held, deemed and taken.

Sec. 20. Servants shall be provided by the master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, food, clothing and lodging, shall receive from him one new and complete suit of clothing, suited to the season of the year, to wit: a coat, waistcoat, pair of breeches and shoes, two pairs stockings, two shirts, a hat and blanket.

**John Jones's rebuttal to Sections 6 to 22 from the
Black Laws of Illinois and a Few Reasons Why They Should be Repealed**

As to sections sixth to the twenty-second of this code, inclusive, had they been written in the dark ages, they would have been worthy of comment, but as they were approved in the nineteenth century by a Christian Legislature, they speak for themselves. Are you willing they should remain on your statute book?

JOHN and MARY JONES

Name(s) _____

Date _____

Excerpt from Section 16 of the Black Laws of Illinois

Sec. 16. No black or mulatto person, or Indian, shall be permitted to give evidence in favor or against any white person whatsoever. Every person who shall have one-fourth part or more of negro blood, shall be deemed a mulatto; and every person who shall have one-half Indian blood, shall be deemed an Indian.

**John Jones's rebuttal to Sections 6 to 22 from the
*Black Laws of Illinois and a Few Reasons Why They Should be Repealed***

. . . It is not the complexion or shades of men that we are discussing; it is the rights of all the inhabitants of the State, that we are advocating for, for all are equally concerned and interested—the white, the black, and the colored. The interest of one, is the interest of all. We are inseparably and rightfully connected, in our business relations with each other, and for this reason, if no other, we ought to be allowed to testify for or against you in the courts of justice. Are we not to be found in all the industrial pursuits of life that other men are? Have we not eyes to see, intellect to understand, and hearts to feel, what other men see, understand and feel? If we have, then in the name of civilization, let us tell it for or against you in open court.

JOHN and MARY JONES

Name(s) _____

Date _____

**Excerpt from John Jones's closing argument from the
*Black Laws of Illinois and a Few Reasons Why They Should be Repealed***

You ought to, and must, repeal those Black Laws for the sake of your own interest, to mention no higher motive. . . . For I do assert, without the fear of successful contradiction, that the colored people of America have always been the friends of America, and, thanks be to God, we are [today] the friends of America; and allow me to say, my white fellow-citizens, God being our helper, we mean to remain on American soil with you. When you are in peace and prosperity, we rejoice; and when you are in trouble and adversity, we are sad. And this, notwithstanding proscription follows us in the [schoolhouse], and, indeed, drives us out; follows us in the church, in the lecture-room, in the concert-hall, the theatre, and all places of public instruction and amusement; follows us to the *grave*;—for I assure you, fellow-citizens, that [today] a colored man cannot buy a *burying lot* in the city of Chicago for his own use. . . . Then, Fellow-Citizens, in the name of the great Republic, and all that is dear to a man in this life, erase those nefarious and unnecessary laws, and give us your protection, and treat us as you treat other citizens of the State. We only ask evenhanded justice, and all of our wrongs will be at an end by virtue of that act. May God in his goodness assist you to do the right. Will you do it?

JOHN and MARY JONES

Name(s) _____

Date _____

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 Black Laws of Illinois:

- 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.

