by another constitution, one that was written by a convention of angry Tillmanites.

■ THE CONSTITUTION OF 1895

The background for a new South Carolina constitution began to develop in the 1880s under the leadership of Benjamin R. Tillman when agricultural and labor groups began to agitate to change the state's political order.[69] Tillman organized state politics along lines of economic, social, and racial differences and was elected governor in 1890.[70] His agrarianism appealed to white farmers who did not feel they had a role in governing the state, although they were the majority of the voting population. African Americans were still the numerical majority.

Severe depression in the state's cotton-based agricultural economy heightened Tillman's appeal, especially among small farmers. Tillman blamed the traditional leadership, the Conservatives, for the deteriorating economic conditions. In the 1890 campaign for the governorship, the conservative white candidate, A. C. Haskell, openly appealed to the African American voter as a basis for his election and his policies of maintaining the status quo.[71] This provided the positive proof to Tillman and his followers of the need for an immediate change in the politics of the state. The nontraditional Democrats and small farmers rallied behind Tillman in an unbending effort to eliminate all but whites from South Carolina politics.

A major underlying reason for framing a new constitution seems to have been the fear by the white minority of the potential impact of the majority African American vote. Alleged dangers were a return to the politics of Reconstruction led by reforming outsiders and the U.S. Congress or the manipulation of the large African American majority vote by an active, conservative white minority of conservative insiders: former planters, new professional men, and prospering business leaders.[72] Tillman's steered the state toward the narrow course of disfranchising South Carolina's African Americans without disfranchising too many poor, illiterate whites or stirring the national government to act on the

[69] William J. Cooper, Jr., *The Conservative Regime in South Carolina, 1877–1890* (Baltimore: Johns Hopkins University Press, 1968).

[70] Lacy K. Ford, Jr., "Origins of the Edgefield Tradition: The Late Antebellum Experience and the Roots of Political Insurgency," *South Carolina Historical Magazine* 98 (1997): 328–48.

[71] In 1888, incumbent Governor John P. Richardson was unopposed for a second two-year term. State Democratic Party rules at the time required a candidate for the party's nomination to make a public statement of his position at least in each of the state's seven congressional districts. Richardson was dogged at each of his speakings by Tillman and Tillmanites. He was reelected as the last conservative governor until Richard I. Manning was elected in 1914. See Paul R. Begley, "Governor Richardson Faces the Tillman Challenge," *South Carolina Historical Magazine* 89 (1988): 119–26.

[72] George B. Tindall, *South Carolina Negroes, 1877–1900* (Columbia: University of South Carolina Press, 1952).

provisions protecting African Americans in the U.S. Constitution. In the process, state legislative leaders came to promote white supremacy.

The white conservatives tried to appease the demands of the Tillmanite Democrats by promising, for example, that African Americans would receive no offices in a conservative government. The Tillmanites saw this as one more deception or so-called conspiracy between upper-class whites and African Americans to dominate the minority of poor white farmers and mill workers. It was a conspiracy based on buying out the African American votes with money today that would ultimately grant them offices in the future. Once in office, African Americans would be dependent on and only an extension of upper-class interests against the poor, working white masses. "Buying-out the Negroes" was styled in Tillmanite rhetoric as a worse abomination than the carpetbaggers. The carpetbaggers were democratic reformers who had been encouraged or imposed from outside by federal authority, and they in turn had been driven from the state after 1876. Conservative appeasement of African Americans was worse to the Tillmanites than carpetbaggers because it would result in a self-imposed suppression of the white minority by self-serving, ultimately naive, "neighbors."

The 1895 constitution was adopted by a convention made up of 113 Tillmanite delegates, 43 conservatives, and 6 blacks. The convention's objectives were to restrict or eliminate black suffrage by establishing white supremacy as the spirit of its actions, to reestablish the dominance of the state legislature to ensure the continued subordination of blacks, and to promote local government—especially counties—as the operative basis of governing authority and as the level of resistance to federal authority. Under these conditions, the Black Codes would reemerge under the 1895 constitution as so-called Jim Crow laws in forms subtle enough to avoid immediate conflict with the Fifteenth Amendment to the U.S. Constitution. The political and social consequences stemming from the convention that produced the 1895 constitution had the significant effect of excluding African Americans from politics—a clear setback of the intentions and standards of the 1868 constitution.[73]

African Americans in 1900 made up 58 percent of the state's population. The means for their disfranchisement was through the suffrage clause in the 1895 constitution. The new constitutional provision gave the right to vote to all males who were paying taxes on property assessed at $300 or more and who were able to read and write the state constitution. Registration before voting required state residency for two years, county residency for one year, and precinct residency for four months. Poll taxes would have to be paid six months in

[73] Orville Vernon Burton, "'The Black Squint of the Law,'" in *The Meaning of South Carolina History: Essays in Honor of George C. Rogers, Jr.*, ed. David R. Chesnutt and Clyde N. Wilson (Columbia: University of South Carolina Press, 1991), 161–85, esp. 179.

advance of voting. Registration was left to the discretion of a county-level official. The poll tax as a criterion for voting registration was not abolished until 1964, and unsupervised registration of voters by a separate registrar in each county continued until passage of the federal Voting Rights Act in 1965.[74]

Even if an African American male voter could qualify on the basis of property ownership and tax payment, the literacy tests permitted by the state constitution could be used by local, white voting registrars to disqualify him. Literacy tests also could be used to exclude poor whites whose loyalty to Tillman might be questionable. Until January 1, 1898, any eligible voter applying to register had to be able to read any section of the state constitution or give evidence of understanding it when read to him. If found qualified, the registrations lasted for life. After January 1, 1898, a potential voter had to be able to read and write any part of the state constitution to the satisfaction of the local registrar or county supervisor as well as show the ownership or payment of taxes on property worth $300 or more. Residency requirements for voting registration was especially difficult, given the transient nature of tenant farming or sharecropping, which affected many blacks. Registration also could be denied under the constitution to a person convicted of a long list of crimes, including adultery, miscegenation, and bigamy—another tool to control African Americans and undesirable whites.

The South Carolina tradition of legislative control of local government, as old as colonial times, was continued in the 1895 constitution through the failure to provide for locally elected county governing bodies. The 1895 constitution made specific use of the county as a base from which to organize politics and representation. Charleston lost its two senators, and each county was allowed one senator regardless of population. House members were apportioned in part by population.[75] The legislative delegation was made up of the county senator plus the county's House members.

In the absence of any provisions for county governance, each legislative delegation became its county's governing board. As head of the legislative delegation, individual senators controlled local governmental affairs through special legislation. A special so-called local government session was reserved for the end of each legislative year to pass a budget, or supply bill, for each county.[76] Although passed by the General Assembly in Columbia, special legislation applied only to one county, and, supported by senatorial courtesies, each senator

[74] Kari Frederickson, "'The Slowest State' and 'Most Backward Community': Racial Violence in South Carolina and Federal Civil-Rights Legislation, 1946–1948," *South Carolina Historical Magazine* 98 (1997): 177–202.

[75] Bryant Simon, "The Devaluation of the Vote: Legislative Apportionment and Inequality in South Carolina, 1890–1962," *South Carolina Historical Magazine* 98 (1997): 227–45.

[76] Columbus Andrews, *Administrative County Government in South Carolina* (Chapel Hill: University of North Carolina Press, 1938).

customarily did not interfere with the special laws or local appointments proposed by another senator.[77]

The dispersion of political power to the county as a representation and governing jurisdiction led to dominance by the rural areas. The long-standing political influence of the low country was partially diminished through the influence of single senators in the more numerous Up-country counties. In turn, the growth of political influence from developing urban areas was precluded by the large number of small, rural counties across the state.

Nevertheless, some of the typical and therefore more reform-oriented features of the 1868 constitution were retained. Among them were the governor's veto, legal rights for women, and the provisions for public education. The practical side of the 1895 revisions, however, was that the executive department was still split into many offices, including elected department heads. The formal powers of the governor were generally restrained, especially by limits to a two-year term with potential for only one reelection.

The 1895 constitution was not submitted to a popular referendum. The theory was that because the convention delegates were chosen by the people, the convention could put its provisions directly into operation. Its provisions established a legal framework that remained virtually unchanged through mid-twentieth century.

■ REVISION OF THE 1895 CONSTITUTION

Contemporary state constitution reform perhaps stems from publication by the National Municipal League of the first edition of its model state constitution in 1921.[78] Among typical deficiencies were: (1) a poorly functioning legislature unrepresentative, understaffed, unresponsive, and a tool of special interests; (2) a weak executive with dispersed powers and little control over administration; (3) an uncoordinated judicial branch with politically oriented judges; (4) weak local governments with little or no powers of self-governance; (5) a long ballot by which many officers are elected without regard to professional qualifications; (6) cumbersome, unworkable constitutional amendment

[77] Ralph Eisenberg, "The Logroll, South Carolina Style," in *Cases in State and Local Government*, ed. Richard T. Frost (Englewood Cliffs, NJ: Prentice-Hall, 1961), 155–63.

[78] National Municipal League, *Model State Constitution* (New York: National Municipal League, 1921). Some studies of U.S. state constitutions of the time that point toward principles and needs for revision are James Quayle Dealey, *Growth of American State Constitutions from 1776 to the End of the Year 1914* (Boston: Ginn, 1915); and Walter Fairleigh Dodd, *The Revision and Amendment of State Constitutions*, Johns Hopkins University Studies in Historical and Political Science (Baltimore: Johns Hopkins Press, 1910).