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A "Carpetbagger" in South Carolina

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JSTOR

A "CARPETBAGGER" IN SOUTH CAROLINA ¹

I. PRELIMINARY EXPLANATIONS

Ten years after the secession of South Carolina and less than six after the close of the consequent Civil War between the States, I became a South Carolina "carpetbagger." That is, I migrated from our "Empire" to our "Palmetto" State. Five years before, I had migrated from New Jersey, my native State, to New York; twenty-five years after that from New York to Ohio, and two years later from Ohio to Illinois—all without being called a "carpetbagger." But I was called a "carpetbagger" in South Carolina when in 1870 I migrated to that State from New York.

The opprobrious term implied light luggage and the *animo revertendi*. In my case it was apt only as to luggage. I had really intended to become in good faith a citizen of South Carolina. There was no difference in intent or otherwise between my migration to South Carolina and my subsequent migration to other States of our common country.

All immigrants to South Carolina from our Northern States in the late 1860's and the early 1870's were called "carpetbaggers," if while there they got living—more or less of it, and whether by honest earnings or dishonest graft—in connection with the public service. Those also who got their living in private employment, but who associated with the office-holding class, were called "carpetbaggers"; and those who pursued unofficial callings and had few official associates or none became "carpetbaggers" upon going into politics. This if they were from any of our Northern States. If natives

¹ Mr. Louis F. Post, the author of this article, has rendered distinguished service since the days of reconstruction. He was Assistant United States Attorney in New York from 1874 to 1875, and an editorial writer on *New York Daily Truth* from 1879 to 1882. He then became interested in the reforms advocated by Henry George. Next he espoused the cause of labor. Since 1881 he has advocated single tax and allied economic reforms, and he has edited several publications in the furtherance of such a program. In 1913 Mr. Post became Assistant Secretary of Labor under Woodrow Wilson and thus served until 1921.

of South Carolina, they became "scallawags," regardless of any previous condition of honor or respectability.

What I say above is said in no cavilling temper. Whether to the debit or the credit side, it must go to the account not of South Carolina nature in particular but of human nature in general. No doubt the native inhabitants of every other community in the world would in similar circumstances have acted as the South Carolinians did. Take Massachusetts, for instance, the State which in those days and for two generations before was cross-matched with South Carolina in the harness of American politics. Suppose the Confederacy had triumphed in the Civil War. Suppose it had not been satisfied with establishing secession of the Southern States, but had forcibly annexed the other States to the Confederacy under provisional governments subordinate to the Confederate authorities at Richmond. Suppose that in pursuit of this policy the Confederacy had placed Southern troops in Massachusetts, established bureaus in aid of foreign-born factory hands, unseated Massachusetts officials, and disfranchised all voters of that aristocratic Commonwealth of New England who rejected an oath of allegiance they abhorred. Suppose that in consequence Southern "fire eaters" and Massachusetts factory hands had together got control of the State and local governments, had repealed laws for making foreign-born factory hands stay at home of nights and otherwise to "know their place," and were criminally looting the treasury and recklessly piling State and county debts mountain high. Suppose also that the same uncongenial folk were administering national functions under the patronage of a triumphant Confederate government at Richmond—the post offices, custom houses, internal revenue offices and all the rest. And suppose that this regime had been forcibly maintained by detachments of the victorious Confederate army, some of the garrisons being composed of troops recruited from alien-born factory hands. Suppose moreover that there had been sad memories in Boston, as there were in fact in Charleston, of a mournful occasion less than ten years before, when the dead bodies of native young men of brahmin breed to a number

equalling 1 in 100 of the entire population of the city had lain upon a Boston wharf, battlefield victims of that same Confederate army now proudly victorious. And suppose that weeds had but recently grown in Tremont Street as rank as in an unfarmed field, because it had been in range of Confederate shells under a daily bombardment for two years.

I am imagining those conditions in no criticism of Federal post-war policies with reference to the South nor as any slur upon the factory hands of New England, but for the purpose of creating a state of mind capable of understanding the South Carolina of 1871 by contrasting what in either place would at the time have been regarded as "upper" and "lowest" class. If my suppositions do not reach the imagination, try to picture a conquest of your own State by Canada, and fill in the picture with circumstances analogous to those in which South Carolina was plunged at the time of which I write. If, however, the Massachusetts simile is graphic enough, then let me ask if the aristocratic natives of the old Bay State and their sympathizers of all the upper social grades wouldn't have found epithets in plenty, without much regard for truth as to individuals perhaps, that might have done full duty for the "carpetbagger" and the "scallawag" of South Carolina slang at the time of my migration to that unhappy State?

I did not go to South Carolina as a "carpetbagger." I did not intend to be one. My expectations were to become a South Carolinian, precisely as I should have expected to become a Californian, an Oregonian, or an Ohioan had my migration been to any of those parts of our common country. But when I realized the circumstances, I meekly accepted the term of reproach and retraced my steps to New York, the State of my first adoption, where I could feel that I was one of the household even if I had not been born in the house.

II. A JOURNEY SOUTH IN 1870

My experience as a South Carolina "carpetbagger" lasted hardly more than a year, and the story of it may not be worth the telling. But here it is.

Incidental to law studies which culminated in my admis-

sion to the New York bar in November, 1870, I had acquired moderate proficiency in Munsonian shorthand and this acquirement brought me my call to South Carolina. For the United States Attorney for that State, David T. Corbin, who was also State Senator from Charleston and had extensive business interests and a considerable law practice, wanted a law clerk with fair qualifications as a stenographer. To my legal attainments the Supreme Court of New York had already certified, quite recklessly as I suspected at the time and am now convinced, and Edward F. Underhill, one of the most distinguished New York court stenographers of his period, vouched for the rest. On three days' notice, therefore, I tore myself from a law clerkship I had held in New York for four years, and set out for Columbia.

There was a romance of expectation to me in this journey through a country I had associated mentally with pictures of orange groves and palms. With especial interest did I look forward to an hour's well-earned rest in the shade of some "tall sycamore of the Southland." For in war time I had been a devoted though surreptitious reader of Beadle's "dime novels," wherein the sycamore was a famous tree. The thought of seeing those "sycamores" of Civil War romance had its fascination. I did not know that I had been born and cradled in the shade of one; for in northern New Jersey where they abound we called them "buttonballs." More to the boiling patriotism of youth, however, than to expectations of seeing poetic palms and romantic sycamores, did my Southward journey appeal in advance to my Northern imagination.

Was I not to pass over historic battlefields in a recent war to preserve the Union and free the slave? Had not thousands upon thousands of brave men fought to the death upon those fields only a little while before? Were not these some of the places whence had sprung heroic military reputations all a glamor, reputations which had fired my enthusiasm as I "soldiered" on the playground of a village school in New Jersey or "deviled" in the country printing office of a near-by New Jersey borough? Nor was I wholly disappointed. My route from Washington ran by way of Gordonsville through

Manassas Junction to Richmond, and thence through Wilmington, North Carolina, to Columbia, South Carolina. Ghosts of historic scenes stared at me whichever way I looked. Although most of the physical indications of marching and fighting armies had been obliterated, there were still signs enough to identify the region as the seat of a recent war. Grass-grown earthworks were frequent through Virginia. Richmond was a sorrowful-looking city, suggestive of chivalrous romance rudely shattered by a conquering foe. To my Northern mind that old capital of the fallen Confederacy was chiefly interesting for her Libby Prison, which then bore upon its entrance what half a dozen years before would have been the welcome notice of "No Admittance."

At Columbia, sadder signs of recent war were abundant. Sherman's march to the sea had left blackened ruins in its wake, and round about in the capital city of South Carolina they were still conspicuous. In the State House yard, delicately chiseled Italian marble for the unfinished capitol building lay scattered in weather-worn fragments. At the rear of the building a metallic palmetto tree with its record of South Carolina troops in the Mexican War was badly battered, and the capitol itself bore traces of military vandalism. Main street, a vista of ruins, had been but half rebuilt, mostly after the shack models of a frontier town. Of the old bridge over the Congaree only naked piers remained, and crossings effected on a flat boat propelled either way by the current through the shortening and lengthening of guy ropes attached to a trolley. Defensive earthworks, unmanned and grass-grown, still guarded the Lexington road over which Sherman's troops had approached Columbia; and four miles from the city stood six plaster columns, all that remained save broken and blackened bricks, of Wade Hampton's once hospitably spacious mansion. As the city and its environs then appeared, Columbia needed no voice to proclaim her a conquered place. The evidence was even more startling within the capitol building than without.

A large unfurnished, unfinished, untidy space in the center of this building on the second floor, resounding with echoes at

every footfall, separated one legislative chamber from the other, each handsomely furnished yet less handsomely than expensively. In the Senate Chamber sat Major Corbin, whom I had been called South to serve. A captain of Vermont troops, badly wounded in the war and for a time in Libby prison, he had remained in military service until the end and was then ordered to Charleston in charge of the Freedmen's Bureau. Here he resigned from the army in order to practice law, and upon the adoption of the reconstruction State constitution he was elected to the State Senate. At the time of my coming he held the chairmanship of two committees—judiciary and elections—and of one other as I indistinctly remember. By legislative appointment he also worked as chairman of a commission for codifying and modernizing the laws of the State. With all the rest, he was, as I have already stated, United States Attorney for the District of South Carolina.

III. A "CARPETBAG," "SCALLAWAG" AND NEGRO LEGISLATURE

In the same body with Major Corbin sat Robert Small, who while still a slave had won national fame as a pilot by running the *Planter* out of Charleston harbor to the Federal fleet. Some of the local black folk said that he did this in fear and trembling at the mouth of a loaded pistol leveled by a braver and more determined slave, one who never shared in the fame of the *Planter* exploit and was big enough not to care to. It was of Small that a story was told in those "carpetbag" days about an aged Negro admirer whose fulsome praises were rebuked by a young Negro doubter. "Small aint God!" objected the doubter, as the story ran. "That's true! that's true!" replied the dusky apologist for Small; "that's true; Small aint God, but Small's young yet." The story is probably centuries older than Senator Small could ever have hoped to be, but when I heard it first it was told of him.

Another of those South Carolina Senators was Beverly Nash. Black as charcoal, handsome of face and commanding of figure, well born, keen minded and well trained, he was a

perfect type of the antebellum ideal of a "white gentleman's colored gentleman." I recall his shrewd reply in a Senate debate upon an appeal of his in behalf of some poor man's claim for lost property. There was objection by Senator Small that a lawsuit should have been brought. "It is easy to make that objection," replied Senator Nash; "but the Senator should understand that a lawsuit is like a sawmill, no matter which way the saw goes, down must come the dust."

Besides those three more distinguished Senators, there was Leslie, once a member of the New York legislature, shrewd, crooked and cynical. And there was Whittemore, who had got national notoriety while in Congress by selling a West Point cadetship for money instead of the customary price which was influence. There was also a large bodied, even tempered, intelligent and honest white South Carolinian of the small farmer class, whose name I have forgotten, unless it was Joel Foster, but whose attractive presence and lovable personality I shall never forget. Nominally he was a Democrat, and although he probably had the traditional prejudices of his place and race, I like to make allowances for all that and remember him as the democratic Democrat he believed himself to be.

For the rest, the Senate floor was occupied by whites and blacks, more of the former than of the latter, some native South Carolinians of both races and some of both races from other States, South and North. But there was nobody of the old romantic type of South Carolina aristocrat. At the president's desk sat a Negro, Lieutenant-Governor A. J. Ransier, who presided with dignity, and of whom the last news I ever heard had a touch of pathos in it. A year or two before he died and while working as a street cleaner in Columbia, so this account of him came to me, he picked up from the gutter an old daily paper the first words in which that caught his eye were the opening sentence of a report of Senate proceedings in the heyday of his citizenship. They included his own name as "Lieutenant-Governor in the Chair." Hardly can it be supposed that he was without emotion as he crumpled that vagrant sheet and tossing it into the dust cart went on humbly with his street-cleaning task.

In the chamber at the other end of the capitol building across that great echoing cave of an unkempt lobby, Frank J. Moses, Jr. (of unsavory but pathetic memory), sat in the Speaker's chair when I first saw him. He had acquired notoriety as early as 1861 by raising the Confederate flag over Fort Sumter when Major Anderson capitulated, young Moses being at that time private secretary to Governor Pickens. Son of the Chief Justice, an old time Jewish aristocrat of the South Carolina species, Speaker Moses was the only relic of South Carolina romanticism in either house of the legislature. But he had joined the vandals by accepting office. And so of his father as Chief Justice of the Supreme Court of the State. Since neither could be called a "carpetbagger," both were called "scallawags."

Before Speaker Moses, at desks that had cost their weight in almost any precious metal you please, were a great body of members—mostly Negroes. Some of those Negroes were self-sacrificingly honest, many were above the average level of legislative intelligence, some were men of education, not a few were deliberately and brazenly dishonest, and most of them bore testimony in their color to the natural possibility of miscegenation. The body as a whole was in a legislative atmosphere so saturated with corruption that the honest and honorable members of either race had no more influence in it than an orchid might have in a mustard patch. Years afterward I met a Negro steward of a Chicago club who had come from South Carolina. Although only a boy in my day there, he knew men I had known and we began to swap personal recollections. "Did you know So-and-so?" he would ask; and then, whether I knew the person or not, would tell me anecdotes about him. To my negative response to one of his questions as to whether I knew some "So-and-so" or other, my steward friend replied: "Well, he's dead; died rich." "Indeed," I remarked, "and how did he get rich?" Without hesitation and with great simplicity, nor with the slightest appearance of intending to reflect upon what Mark Twain would have called the "diseased," my dusky friend replied: "Oh, legislatin'." It was a snapshot at South Carolina politics as I had seen it in the early seventies.

Some notion of the educational as well as moral ideals of that remarkable lower House of the South Carolina legislature may be derived from an experience of my own. During the remainder of the session of 1870-71, I served as clerk for three Senate committees, getting a certificate at the rate of six dollars a day for one of the three. Who got certificates for the other two, if anybody did, I don't believe I ever knew, and if I knew I have forgotten—unless it may have been, as to one of them, and this impression comes to me indistinctly now, that it was a white governess of the Negro Lieutenant-Governor's children. All, however, that I positively know as to those committees is that I did the committee clerk's work for all three and got the pay for only one—the judiciary committee—and that most of this came to me reduced by a fat discount for cash. That discount is what gives illustrative value to the personal experience I am about to relate.

Going to the State Treasurer's office to cash my first pay certificate, I was informed that no funds were left in the appropriation against which that certificate was drawn. A Senator whom I then consulted told me that the Secretary of the Senate, Josephus Woodruff, was a good-natured fellow who might help me. I applied to Woodruff. He did help me. He was disinterested, too, for he got nothing from me. I thought him disinterested at any rate, but possibly I was mistaken. Yet it may have been that he really did serve me with no desire for reward, and that it was my unsophistication, in some way making it impossible for him to serve me similarly again, that compelled me to submit to a discount upon all my subsequent certificates. Mr. Woodruff tried to help me the second time, and with the same good humor as before; but this time he failed, although he looked when he handed the certificate back to me as if he had been working like a day laborer or a lawyer with a stubborn jury or judge. I was so young in politics, even though well past the voting age, that I never so much as wondered why he failed—not until years afterward. But as he did fail, I hunted up a broker.

Governor Scott's brother-in-law was suggested to me by Woodruff, but the Governor's brother-in-law offered only 80

per cent, and as I had honestly earned the certificate, I wanted nearer par than that. Finally I found a broker, a native South Carolinian, who offered me 90 per cent. I did not understand how he could afford to offer so much. He did not seem to have any connection with the looting crowd. Possibly he shrewdly "reckoned" that if Governor Scott's brother-in-law were paying 80 per cent there would be appropriations for par-payments not far in the future. But at the time I wasn't very curious. So long as he was willing to insure me against total loss for 10 per cent, I thought the bargain reasonable. Perhaps I wasn't very bright about it all, either; I know I wasn't bright in a good many ways. However this may be, I sold my certificate to that broker. Then we talked.

A native of South Carolina and white, finding in me a "carpetbagger" who had at least gone through the form of earning my plunder, he talked rather freely, as I thought, although he may have sensed my unsophistication and taken that way of going in quest of my confidence. It seems that he had been accustomed to cashing lower House pay certificates, both for members and for committee clerks; and in testimony of the recklessness of committee clerk appointments, he told me that there were at least 400 such clerks on the payroll of the House, many of whom were totally lacking in qualifications for their duties. To illustrate, he said that frequently those who sold their pay certificates to him were obliged from sheer illiteracy to endorse the certificates with a cross instead of a signature.

IV. PRESIDENT JOHNSON'S RECONSTRUCTION POLICY

For the larger facts of South Carolina history which came under my observation or are necessary to illumine this sketch of my pathway as a "carpetbagger," I am fortunate in being able to refer to native authority. John S. Reynolds, in his *Reconstruction in South Carolina*,² tells the history of that State during all the period of my "carpetbagging" and for the half dozen years before and the half dozen after. Though in middle class rather than aristocratic sympathy with what

² Printed in 1905 by the publishers of *The State* at Columbia.

South Carolina stood for prior to the Civil War, yet tolerant even if critical of the attitude of her aristocracy toward secession and toward freedmen, as well as outraged at the "carpetbag" and "scallawag" regime, Mr. Reynolds has written with good conscience as a fact-gatherer and with fine emotional restraint. His book appears to be complete and trustworthy, I have opened it frequently to refresh my memory and never without satisfaction; frequently also for the general history of South Carolina under reconstruction, and with like result. Coupling Mr. Reynolds's narrative with my own faded memoranda and fading memory, I shall try to picture conditions there as they seemed to me when I faced them and as they surrounded me until my departure.

At the time of my arrival in Columbia, full of patriotic and democratic enthusiasm, and with firm confidence in the Republican party as a sort of storage battery of patriotism and democracy, Robert K. Scott was at the beginning of his second term as Governor. His first had coincided with the advent of the "carpetbagger" and the discovery of the "scallawag," which followed close upon the overturning by Congress of President Johnson's reconstruction policy. For it must be remembered that upon Lincoln's assassination and the accession of Vice-President Johnson to Lincoln's high office, Johnson, as President, undertook the policy of conciliation toward the States of the defeated Confederacy which those States abused and which Congress thereupon overturned. The Johnson policy has been regarded as Lincoln's, and probably it was; but it depended too largely upon a responsive spirit on the part of the South to be successful. Though President Johnson did his part fairly, more fairly than he has had credit for, and I say this as one who at the time resented it fiercely—the virus of a pro-slavery civilization could not be so gently extracted.

The seceding States had found themselves at the close of the Civil War *in* the Union but not *of* the Union. Reorganization of domestic affairs and readjustment of Federal relations—"reconstruction," in the terms of the time—were therefore necessary. In South Carolina, the Governor being

a prisoner of war, there was in the spring and early summer of 1865 not even the appearance of any governmental authority save that of the army of the United States. And the army governed. Gen. Q. A. Gilmore issued a military order in May of that year declaring that the people of the black race were free citizens of the United States whose rights must be respected accordingly, and that all persons failing before a stated date to inform the Negroes on their lands of the fact that such Negroes were free would have their lands confiscated under the Freedmen's Bureau law; and by still another military order he directed that persons desiring to publish newspapers must first obtain the consent of the Major-General commanding. The function of promoting, formulating and supervising contracts between land owners and their former slaves was also exercised by the Federal military authorities.

Garrisons were at first composed of white troops, but Negro soldiers also soon came. The use of these is characterized by Mr. Reynolds as under the circumstances "essentially cruel" and "reckless in the extreme." I quote his reason for regarding the use of Negro troops as reckless. It is that "the presence of armed Negroes, wearing the uniform of the United States, representing the power of the conquering government, must have demoralized and even inflamed the blacks, just freed from slavery." The inflammation was in fact the other way, the use of Negro troops having inflamed the whites. But it was a South Carolina notion at that time (quite excusable under the circumstances, I suppose, for inflamed minds are seldom logical) that any treatment of the Negro which by recognizing his manhood caused his lynching by angered or fearful whites, was inflaming, not to the whites whom it angered but to the Negroes whom they lynched. This was the mental dynamic that brought about the Kuklux terror of which I know somewhat that I shall try to tell fairly farther on. I stop here merely to remark in behalf of Mr. Reynolds that the use of Negro troops may nevertheless have been reckless though it inflamed the whites and not the Negroes.

When I came upon the scene, President Johnson had some time before in pursuance of his conciliatory policy proclaimed restoration of the seceding States upon certain conditions; and under his proclamation several meetings were held in South Carolina which resulted in the organization of committees to petition him for "the appointment of a Provisional Governor." As this was in line with his policy, he granted the petitions and from a list submitted by the petitioners appointed Colonel Benjamin Franklin Perry of Greenville.

Governor Perry's was a long and distinguished record as an anti-secession statesman. He had helped to form the Union party in South Carolina in 1832 for the purpose of opposing Nullification; and in 1860, after Lincoln's first election, he declared openly and earnestly against secession. It was only when South Carolina actually seceded, and the strong Union sentiment of the Greenville region still made those mountaineers lukewarm to the Southern cause, and even disaffected, that he "went among those people" as Mr. Reynolds avers, and "urged them to follow his example—to go with their State."

In the proclamation appointing Col. Perry "Provisional Governor" of South Carolina, issued in the early summer of 1865, President Johnson prescribed the Provisional Governor's duty, and in accordance with those instructions Governor Perry called an election for September 4, 1865, to choose delegates to a convention at Columbia to carry out the purposes indicated in the President's proclamation. Meeting in a Baptist church at Columbia September 13, 1865, with David L. Wardlaw, an old time South Carolinian, as its president, this convention drafted and without reference to the people proclaimed a Constitution. Slavery was prohibited by that first post-war Constitution, and in other respects the State was adjusted to the new order of Federal relations. But some of its provisions were reactionary. They required voters and officials to be white men and directed the legislature to establish a special court for the trial of all cases civil and criminal wherein Negroes were parties. At one sweep, therefore, both the political and the civil rights of freedmen were nullified.

Under that foolishly undemocratic provision for a special court for Negroes, a "black code" which reestablished slavery came as naturally as fever from infection. To these "black codes," for the same fatuous legislation was enacted by other Southern States under President Johnson's amicable policy of reconstruction—more to those codes than to any other single cause is the failure of that policy attributable; and out of those codes rather than any other source sprang the Kuklux episode which, so far as the experience of South Carolina is concerned, is to be part of my "carpetbagger" story.

Having adjourned September 27, 1865, the Constitutional convention of South Carolina held upon the call of President Johnson's Provisional Governor was followed, October 18, 1865, by the first election under it. James L. Orr was elected Governor over Wade Hampton. Hampton, an aristocrat who had been a general officer of distinction in the Confederate army, had urged his compatriots not to vote for him; but those of them who voted at all appear to have disregarded his request, for he received 9,185 votes to 9,928 for Orr, coming within only 743 votes of election. William D. Porter, an old time aristocrat and an eminent Charleston lawyer of whom I saw much in the courts in my "carpetbag" days, was elected Lieutenant-Governor by 15,072; for he had no opposition. The men chosen for the legislature, like those who sat in the Constitutional convention, were South Carolinians of the ante-bellum type, though mostly of the middle class.

This State government having been duly organized at Columbia pursuant to President Johnson's reconstruction policy and Governor Perry's proclamation, its legislature met in special session October 25, 1865, and ratified the Thirteenth Amendment to the Federal Constitution. Thereupon, December 18, 1865—only two days less than five years after her secession—South Carolina was officially recognized by President Johnson as once more a State of the Union as well as *in it*.

Like the Provisional Governor, Governor Orr had a notable record as a Union man who reluctantly became a secessionist when his State seceded. He had been a Congressman from South Carolina from 1849 to 1859 and was

Speaker of the lower House of Congress in 1857. He served as a Confederate colonel early in the Civil War and thereafter in the Congress of the Confederacy at Richmond. Under the "carpetbag" regime following his brief service as Governor, he was one of the district judges of South Carolina, a judicial place like that of circuit judge in many States. This was still his function, I think, when I met him in the capitol at Columbia and felt a boyish thrill from the novelty of personal contact with a "reconstructed rebel" of national renown. Governor Orr went to Russia in 1872 as American Minister and died there in May, 1873. It was under his administration as Governor that the legislature of South Carolina committed that "black code" folly which contributed to the collapse of Johnson's policy.

V. THE "BLACK CODE"

The "black code" of South Carolina is minutely described by Mr. Reynolds, and fairly I think. I do not sympathize with his undertone of approval, but I appreciate his note of excuse. He seems to me to be as judicial as possible for a man of his nativity, traditions, period and environment when considering the status of Negroes. According to his account of the "black code" of his own State, it was from first to last a "master" and "servant" regulation of Negro relationships, borrowed wholly in spirit and not a little in detail from the slavery laws that had lost their force at Appomattox.

In any racial dispute, the Negro was relegated to a Negro court instituted by "masters" and presided over by judges of the "master" class, wherein the "master" class also furnished the jurors. Verbally, the Negro had contractual and property rights; verbally he was guaranteed personal protection; verbally there was an air of fairness about it all—the fairness which a self-conscious master class may have for a servant class. But in fact the contractual rights thus secured the Negro led his race into abject servitude; and all their rights—contractual, property, and personal—were subjected to a special jurisdiction controlled exclusively and absolutely by white men. Adjudication was relegated to courts created in distinct recognition of an impassable line

between the personal rights and the property interests as well as the civic concerns of the Negro and the white, the latter a class that had always despised and luxuriously lived upon the Negro and now despised and feared him. Saxon ceorls under the heel of Norman conquerors were mediaeval prototypes of the Negro race under this white man's "black code."

Making all reasonable allowance for the fears, whether well-founded or ill-founded, of a master class of one race in the midst of an enormously larger servile class of another, each accustomed from infancy to the former's rule of might, the fact is still evident that the "black code" of South Carolina was essentially a slave code, and that it was intended so to be. Its adaptation of the old terms, "master" and "servant," to white employer and Negro freedman under contract, terms having only slavery connotations in the thought of both races, would alone go far to stamp it as reactionary. But when its minute provisions for maintaining the power of the "master" class are considered, along with its equally minute provisions for holding the "servant" class and their descendants with less than seven drops in eight of Caucasian blood perpetually down to the levels of serfdom, its pro-slavery character in spirit and letter is unmistakable. Add the fact that it was made by masters for freedmen; add the further fact that in all their mutual relations it was to be interpreted and enforced by masters for freedmen; add again that in all controversies, civil and criminal, between freedmen and freedmen or between freedmen and masters, a little group of the local master class was to decide—put those circumstances together, and what reasonable person uninfluenced by prejudice or tradition can deny that the South Carolina "black code" was an attempt to reestablish, under slightly new forms but in all essentials, the very institution which had caused the Civil War and which the Civil War had abolished? Such an attempt it surely was; and a wretched one it turned out to be.

That the South Carolina "black code" was repealed before it got fully under way was due to no good will nor yet to any prudence of the class that framed it. Having tried to

secede and been conquered, the "Palmetto" State had not yet been securely restored to Federal relations when that code was sanctioned by her law-makers whom President Johnson had trusted to be sensible even if he feared they could not be democratic. By putting it into the statutes they gave Johnson's political enemies an argument wherewith to demolish his pacific policy, and that argument was quickly used. Instantly upon the adoption of the South Carolina "black code," the Federal military intervened and by military order the courts were forbidden to exercise jurisdiction under it. Governor Orr was constrained, therefore, to call a special session of the legislature at which, and at the following regular session, the "black code" was so amended as to abolish the "black code" courts and to establish tribunals for the trial of civil and criminal causes without reference to race or color. Those amendatory acts satisfied the Federal military authorities, and the State was thereupon remitted to the control of its civil officials pending final action by Congress.

But the damage had been done. Though Mr. Reynolds contends that the relations of master and servant prescribed by the "black code" may be said not to have been established in any instance, what of it? The "black code" itself revealed in its terms the pro-slavery spirit and purpose of the master class of his stricken State. Granted that many factors entered into the smashing by Congress of President Johnson's friendly policy of Statehood restoration, yet it may be fairly questioned whether any other was as effectual as the "black codes" in crystallizing Northern sentiment in favor of substituting for Johnson's pacific policy the drastic reconstruction measures of Congress.

VI. RECONSTRUCTION UNDER THE CIVIL RIGHTS AMENDMENTS

Those codes reasonably proved that the ex-slavemasters of the seceding States could not be trusted with the civil rights of the ex-slaves and their descendants unenfranchised. So the Fourteenth and Fifteenth Amendments found acceptance both in Congress and in the necessary number of States. Meanwhile public sentiment in the North was as over-

whelming in cheering on Congress with its anti-Johnson reconstruction policy as it had been in cheering on Lincoln in his prosecution of the war against secession. And for like reasons. Congress was therefore able to adopt its own reconstruction policy over President Johnson's veto, and in 1867 it did so. Though the Civil Rights Amendments were not yet part of the law of the land, they vitalized the Civil Rights sentiment of the nation.

The Congressional policy relegated the conquered States of the Confederacy to full military control and fixed a new basis for restoration to Statehood. To secure State autonomy and representation, the people of those States were required to disregard distinctions of race, color and previous condition, to submit their proposed Constitution to Congress for examination and approval, to adopt the Fourteenth Amendment, and then to await the actual embodiment in the Constitution of that Amendment. The mechanism provided by Congress for action by those States was undeniably democratic. It required registration of all qualified voters, a majority election of delegates to a Constitutional convention to be convened by the District Commander of the United States Army, and a Constitution framed by that convention according to the reconstruction acts of Congress and ratified by a majority of the registered voters by whom delegates to the convention had been elected.

In South Carolina the Republican party was immediately organized as the Union Republican party of that State. Meeting in convention at Charleston in May, 1867, it adjourned without other than formal action to meet at Columbia in July. A large proportion of the delegates—45 in a total of 69—were Southern Negroes. Yet the platform might well have been taken as a lesson in democracy by the white aristocrats of South Carolina who so absurdly boasted of being democrats. It declared for universal suffrage and for elections by the people. It proposed liberal provision by the State for the poor, whom it described as "those aged and infirm people, houseless and homeless and past labor, who have none to care for them." It declared also for *advalorem*

taxes. An early note for the exemption of labor products from taxation was its demand for repeal of the cotton tax; and in harmony with this sound fiscal principle there was a plank on the land question so radical as to provoke the withdrawal from the convention of at least one native white man. That particular plank of this truly democratic platform, this platform of the Union Republican party of South Carolina, composed mostly of Negroes and held away back in 1867, declared that "large land monopolies tend only to make the rich richer and the poor poorer, and are ruinous to the agricultural, commercial and social interests of the State." Because of that tendency, the platform demanded that "the legislature offer every practicable inducement for the division and sale of unoccupied lands among the poorer classes, and as an encouragement for immigrants to settle." An echo there, I take it, from the grave of Gerritt Smith. While this declaration was crude in the method it proposed, its essential truth has since become the vision of great masses of white men. The whole world is coming to see what those despised South Carolina Negroes saw so long ago. Will not that political platform, put forth by a convention composed for the most part of black freedmen but recently released from generations of servile bondage, that platform of the first convention dominated by Negroes ever held in South Carolina—will it not compare favorably, as civilization advances, with the "black code" which the superior race of the same State had tried twelve months before to impose upon those very Negroes? By forty odd years those Negroes forestalled Lloyd George with his proposal for old age pensions; by nearly four they preceded Henry George in apprehending the deadly import of land monopoly.

Nor did these newly enfranchised South Carolina Negroes try to protect themselves with anything like the severity toward the whites that the whites had so recently adopted with reference to Negroes. All they asked in the way of burdens upon the whites was that "rights to traitors" be restored cautiously and that the reconstruction acts of Congress be enforced. The expenses of their convention, it is

interesting to know, were only \$36.25. The collections were \$46.

Such a convention must have had good material in it. Its influential delegates must have had wholesome training in democracy. Yet so well disposed and usually considerate a South Carolina writer as Mr. Reynolds points to this very fact as in a manner excusing the Kuklux Klan. It seems from his history that Negroes had been organized in "Union Leagues" where they were pledged "to defend and perpetuate freedom and the Union"; and that those leagues adjured them to vote with the Union Republican party for certain specified reasons. This party had made them free and given them the right to vote; the friends of the Negro in Congress were of this party; Democrats were of the party which before the Civil War stood for the fugitive slave law and attempts to force slavery upon the western Territories; the Democratic party had resisted every measure in Congress looking to emancipation and had denounced the Federal Government for arming colored men as soldiers; the Democratic party was still the same enemy of freedom and the rights of man, and would disfranchise the Negro and if possible return him to slavery. Those were the reasons given South Carolina Negroes for voting the Union Republican ticket, to which objection was raised. But the adjuration seems to have been fair enough. Were not most of those reasons proved by the record of the Democratic party before and during the Civil War and in reconstruction times? and did not the "black code" of South Carolina prove the rest? The Democratic party certainly had in those old days a monopoly of despotic principles and policies with reference to the rights of man, though the Republican party afterwards took more comprehensive possession of the same field.

Our South Carolina historian intimates, however, that the whites of his State were put at a disadvantage by the Union Leagues in dealing with the Negro as a voter, because Negroes, having already become members of these Leagues, secret organizations sworn to vote the Republican ticket, were not amenable to reason. But though the South Carolina Negro

had not been thus oathbound, it is doubtful if South Carolina white men could have reasoned him into voting the Democratic ticket. They had made their hostile intentions toward the Negro as a citizen too evident; and although Negro freedmen were servile in behavior, they were never the fools it pleased the master class to think them.

That those intentions of the South Carolina whites had undergone no essential change since slavery times was pretty well shown by the official address of a white convention in South Carolina which followed by some months the Negro convention already mentioned and was presided over by James Chesnut, one of the distinguished South Carolinians of the Civil War period. This address protested not only against the *disfranchisement* of whites, but also against the *enfranchisement* of Negroes. It did indeed claim for the whites of South Carolina that they were the best friends of the Negro, and that as to property, life and person they were willing that black and white should stand together upon the same platform and be shielded by the same equal laws; but it is difficult to see why those whites should have expected Negroes to believe this profession, or how they could very profoundly have believed it themselves. That very address is a fine example of the kind of appeal to upper class groups that upper class leaders always make in derogation of political rights for what they are usually pleased to call lower class mobs.

When in October, 1867, the registration of voters under the Congressional reconstruction acts had been completed, there was a voting roll of 46,346 whites and 78,982 Negroes; and at the election in November the Constitutional convention was ordered by 69,000 to 2800. As aristocratic reactionaries like Wade Hampton had urged the whites to vote against the convention, so as to show acceptance by a separate act of the Negro population, the votes reported for the convention as cast by white voters were only 130 all told.

Under the call of Gen. Canby of the United States army, the delegates assembled at Charleston in January, 1868. Of the 124 elected, 48 were whites and 76 Negroes. Of the whites, 23 were native South Carolinians, 4 were from other

Southern States, 15 were from Northern States, 5 were from foreign countries, and the nativity of 1 was unknown; while the Negroes numbered 59 as natives of South Carolina, 4 from other Southern States, 6 from Northern States and 1 from a foreign country, the nativity of 6 being unknown. Among the more distinguished of both races that I afterwards knew were Daniel H. Chamberlain, Timothy Hurley, W. J. Whipper, Robert Smalls, J. J. Wright, C. P. Leslie, A. C. Mackey, E. W. M. Mackey, C. C. Bowen, F. L. Cardozo, R. H. Cain, A. J. Ransier, B. F. Whittemore, W. Beverly Nash, Robert B. Elliott, Joseph H. Rainey, and Franklin J. Moses, Jr. Much has been made of the fact that many of those delegates were either not taxpayers or only small taxpayers. But this distinction ought not to count for much—certainly not in disparagement of the so-called "non-taxpayer." Indirect taxation imposes upon so-called "non-taxpayers" heavy taxes with secrecy and subtlety. Some of those Negro delegates who were classed as non-taxpayers steadily paid heavier taxes, without knowing it, than many a critic of theirs who called himself a taxpayer but, also without knowing it, was not so very much of one.

In further proof of the genuine civic intelligence of the public-spirited Negroes of South Carolina in the late '60's let me cite Mr. Reynolds's history. Mr. Reynolds did not intend to be complimentary, but he was. The citation relates to Beverly Nash, that Negro Senator as black as the blackest velvet, of whom I have already told, and who was a delegate to that Constitutional convention. Mr. Nash proposed a Constitutional section that would have "taxed uncultivated lands one per cent higher than those under cultivation." This excellent provision was not adopted by the convention, but the episode goes to show that Beverly Nash saw clearer than his colleagues. The convention did, however, request Congress "to lend the State \$1,000,000 for the purchase of land to be resold on long time to persons in South Carolina." This clause antedated by more than 30 years the action of the British Parliament, which, to the plaudits of the world, voted to lend Irish tenants the money

wherewith to buy their farms on long time; and Nash's defeated provision, like the demand of his party platform already quoted, was 40 years before Lloyd George got the greatest of parliaments to put an extra tax upon unused land to force it into use.

This second Constitutional convention of South Carolina following the Civil War adjourned March 18, 1868. It had framed a Constitution providing for permanent allegiance of the State to the United States, making truth a defense in libel (the jury being judge of the law and the facts), abolishing imprisonment for debt, creating homestead exemptions of \$1000 in lands and \$500 in personalty, basing representation upon population, conferring voting rights upon every male citizen 21 years of age without distinction of race, color or former condition, abolishing property qualifications for office, requiring Presidential Electors to be chosen by popular vote instead of the legislature, establishing common schools to be free and open to all the children of the State without regard to race or color, and endowing women with separate rights to their own property.

VII. SOUTH CAROLINA'S NEGRO-MADE CONSTITUTION

By every truly democratic test, that Negro-made Constitution of South Carolina stands shoulder high above the white man's Constitution which it superseded. It was submitted to the people in April, 1868, at which time also officers were elected in accordance with its provisions. In preparation for this election, the Republicans nominated Robert K. Scott for Governor, Lemuel Boozer for Lieutenant-Governor, D. H. Chamberlain for Attorney General, and Francis L. Cardoza for Secretary of State, and Niles G. Parker for Treasurer. Cardoza was the only Negro on the ticket. He was a handsome man, almost white of color, and was reputed to have been the born slave of his own father who had educated him abroad—at Glasgow, I think. Scott was from Ohio, having come to South Carolina as assistant commissioner of the Freedmen's Bureau, and Boozer was a prominent native lawyer. Chamberlain, a graduate of Yale College and

at the outbreak of the Civil War a student in the Harvard law school, had been a lieutenant in a Negro regiment of cavalry. He was elected Attorney General after two years' residence in South Carolina as a cotton planter on Wadamalaw Island near Charleston.

The only approach to organized opposition at the election came out of a delegate convention of Democratic clubs which met at Columbia April 2, 1868, two weeks before the election. This convention adopted a platform which declared affiliation with the national Democratic party and urged defeat of the proposed Constitution. It went so far, however, as to recognize the Negro as an integral element of the body politic, entitled as such to full and equal protection in person and property. Another declaration went further and read as well. It might have averted the tragedies of reconstruction in South Carolina had it not come too late. This declaration professed the willingness of the Democratic party of South Carolina, upon coming to power, to grant to Negroes, "under proper qualifications as to property and intelligence, the right of suffrage." But the class that made that belated declaration had been trusted with this very power by President Johnson, and how had they used it? To discriminate against the Negro not only by denying him the suffrage without regard to property or intelligence but also as to his person and his property by a series of pro-slavery regulations. Was it remarkable that neither Negroes, who had the best of reasons for fearing the South Carolina white man in power, nor whites whose democracy rejected race lines in political affairs, distrusted those professions and refused that power? This platform must indeed have looked to them less like one to stand on than one to get in on. It is worthy of note also in that connection that one of the specific objections which this white convention made to the new Constitution and in the face of its own professions of good will for the Negro was directed at the free public school and compulsory education system for which the Constitution provided. William D. Porter was nominated for Governor by that Democratic convention, but he declined, being opposed to any nominations

at all. Like the rest of his aristocratic group he favored voting against the Constitution and then going into a political trance. The vote stood 70,758 for ratification and 27,288 against it. Of the registered voters, 133,598 in all, 35,551 went into the aristocratic trance and the Republican ticket was elected. Efforts were then made by leaders of the old regime to prevent approval of the Constitution by Congress, on the ground that it was "the work of Northern adventurers, Southern renegades and ignorant Negroes," and that it established "Negro supremacy."

Read the history of the time without prejudice and you will realize that Congress had but one alternative. It must either permit restoration of Negro slavery in its essentials, or else enfranchise the freedmen for their own protection against the efforts of the master class to reenslave them. Congress did the latter, rightly as I viewed it then and view it yet—rightly upon democratic principle, and rightly also out of the national and local necessities of the case. It was done by receiving South Carolina back into the Union under her "black-and-tan" Constitution of 1868, as that truly democratic document was derisively called.

This having been accomplished by Act of Congress of June 25, 1868, the first legislature of South Carolina under the new Constitution assembled at Columbia in July of that year. On the 24th of July, Gen. Canby, the military commander, remitted all authority to the State government, and the first legislature of South Carolina under the new regime assembled and organized. The Senate consisted of 21 white men of whom 6 were Democrats, and of 10 Negroes; the House of 46 white men of whom 14 were Democrats, and of 78 Negroes. Among the Senators was my subsequent employer, David T. Corbin, who was chosen president pro tem; among the Representatives was Franklin J. Moses, Jr., already described, who was chosen Speaker, his defeated adversary being W. J. Whipper, a Northern-born Negro. As soon as the legislature had organized, it ratified the Fourteenth Amendment, the Democratic members voting in the negative; and before it adjourned it had with like opposition ratified the Fifteenth

Amendment. Thomas J. Robertson was elected to the United States Senate by 130 to 21, and Frederick A. Sawyer as his colleague by 76 to 73. Both were white men. The former was a native of South Carolina, the latter a native of Massachusetts who had settled in Charleston before the Civil War as an educator and won pre-war distinction there in his profession.

I may quote Senator Sawyer in illustration of what I believe the fact to be, that the Negroes in office in South Carolina were honest men until white men seduced them. He repeated in my hearing a remark of Senator Robertson's that whereas the latter's first election to the United States Senate cost him only \$500, his second cost him \$30,000. The Negro legislators had learned in the interval what white legislators seem also to have learned, that United States Senatorships are valuable enough to buy. It may also be noted by way of tribute to that first legislature that its expenses at the 1869-1870 session, covering a period of 83 working days, were \$125,000—an average of only about \$10 per member per day. Later legislatures were not famous for any such economy.

Yet the fact must not be blinked that even in the first legislature "graft" measures were pushed through, pulled through and bribed through. Corruption set in even at that early day, and as time went on it thickened. When I got there you could almost cut it with a knife. The capitol atmosphere seemed to produce a peculiar intoxicating effect. Just to breathe it made one feel like going out and picking a pocket. Nor was this effect confined to the Negroes and the "carpetbaggers," nor even within the outlying region of "scallawagism." There were also South Carolina aristocrats who, though frightfully shocked at "nigger equality," were not immune to the furacious infections and contagions. The fact remains, however, that the experiment with Negro enfranchisement in South Carolina was pretty much all to the good until white man's corruption began to get in its destructive work.

As to democracy, nearly all was to the good at first, at any rate by comparison with what had gone before. Favorably

indeed does the civil rights bill adopted at the first session of that first legislature compare with the legislation of the aristocratic elements under the regime immediately preceding. Mr. Reynolds characterizes this measure as indicative of a purpose "to enforce social equality between the races"; but there is really no evidence, on the face of it at any rate, of any other purpose than to prevent unfair discriminations. It was a genuinely democratic measure. Declaring that the government is a republican democracy, that no person is entitled to special privileges nor to be preferred before any other person in public matters, all persons being "equal before the law," this measure of that first "black-and-tan" legislature of South Carolina simply and sensibly made it unlawful for any person doing business under a public license or charter to discriminate in its licensed public service on account of race, color or previous condition, the compensation or reward being equal. Licensed or chartered theaters, vessels and vehicles were specifically included; but no social obligations of any kind were imposed in any other sense than that licensed public services should be on equal terms. If that is social equality, pray what are common rights? In contrast with the "black code" of the South Carolina aristocracy in power in 1867, this bill of rights of the South Carolina Negro in power in 1868 is as modern as an automobile in contrast with a "one-hoss-shay." It was foresighted, too. The evils of special privilege which white men are only now beginning to appreciate were anticipated in principle by the civil rights bill of that Negro legislature of more than half a century ago.

Hardly had the first legislature come to an end when the campaign of 1870 began. The earliest concerted move in it was by white editors of the State. At a meeting in March 1870 they formally recognized the legal right to suffrage of all citizens of the State, irrespective of color, and "their legal right, irrespective of color or former condition, to office, subject alone to personal qualifications and fitness." This movement, which seems to have been started in good faith with a view to uniting all the honest elements against corruption, brought about a State convention composed of both

whites and Negroes. Gen. M. C. Butler (a Democrat) was nominated for Lieutenant-Governor by that convention, two Negro candidates withdrawing in order to make unanimous the nomination of this native white man as the running mate of R. B. Carpenter (Republican), a Northern white man who had won general confidence as a judge and whom the convention nominated for Governor. Once more, however, repentance had come too late. The Negro voters of South Carolina having by that time learned to distrust all white men of the old regime and all their political associates, Carpenter and Butler were defeated by over 30,000 majority. They got only 51,537 votes, while Governor Scott for Governor and A. J. Ransier, the Negro, for Lieutenant-Governor, got 85,071.

VIII. IN THE RÔLE OF A "CARPETBAGGER"

The election of 1870 was but just over and the second legislature had only fairly organized when my journey from New York across Virginia camping grounds and battlefields, and through the turpentine forests of North Carolina, ended at Columbia. It was in January, 1871. My experience during that winter was of a routine character until the close of the legislative session. Work as a State Senator's stenographer and as clerk of three Senate committees, with little or nothing of special interest about it all after the novelty wore off, made up the routine.

At the close of the session Major Corbin took me down to Charleston, where at his home and in his office the work was also routine. It consisted for the most part of the ordinary duties of a law office, with such variations as came from assisting Senator Corbin in his work on the codification of the statutes. The atmosphere of corruption was as thick in spots at Charleston as it had been in layers at Columbia; but if Senator Corbin or William Stone, his partner, were in any way participants at either place, I did not know it and I do not believe they were. In all their relations, both of them appeared to me to be honest men of the stern New England type. They were *personæ non gratae* to the corrupt elements of their own party, which was a significant circumstance in favor

of their honesty; and to natives of the opposition they were taboo as "carpetbaggers," a circumstance of no value whatever in estimating personal character.

An experience with that "taboo" which concerned me closely may be worth the telling for its illustrative value. In my summer vacation I had married in the North and after the honeymoon had brought my bride to Charleston. Hardly were we settled when an epidemic of yellow fever set in and we hurried to the higher land of Columbia, where we remained through the remainder of the summer of 1871 and until March, 1872. We lived at the Nickerson House, once a seminary for young ladies but then turned into a hotel. In early autumn, while we were still the only Northern guests at this hotel, South Carolinians from low-lying plantations about Columbia, who were there in considerable numbers as summer boarders, made us realize that we were undesirables. In the dining room we were demonstrably shunned, without any advances on our own part to provoke it; and on one occasion, as my wife went up a stairway she met two South Carolina ladies coming down. They drew close to the wall lest gown touch gown across the wide space from wall to bannister. At another time a Baltimore lady who came from far enough North to be friendly with us and from far enough South to escape the "taboo" fell in an upper hallway in a faint. One of the South Carolina ladies went to her assistance, but abandoned her instantly when my wife joined her with like intent. I criticize none of the contemptuous conduct of which these are but instances; for we of the North would probably have acted in the same way had all conditions been reversed. I merely mention the fact for the picture it helps to give of the place and the time. One must consider, too, that this local feeling was really not against Northerners as Northerners; tourists from the North were uniformly treated with courtesy. The contemptuous treatment was for "carpetbaggers"—for Northerners who stopped awhile and got into politics or public station.

As vigorous, also, were such manifestations toward "scallawags," those natives who affiliated politically or otherwise

with "carpetbaggers" and "niggers." Mr. Reynolds gives an instance in his history. The incident occurred in April, 1868. A society of the South Carolina University, the "Ephraim Society," expelled Thomas J. Robertson, afterwards United States Senator, and Franklin J. Moses, Jr., afterwards Speaker of the House in the South Carolina legislature. They were formally denounced by the "Ephraim Society" as—I am quoting literally—"no longer an ornament to or a jewel in the honorary roll" of that society, "but, as it were, two black stains upon that otherwise unblemished roll as yet of brothers true and faithful to their vows." Either Senator Robertson or Speaker Moses might have deserved such excoriations a few years later. Moses especially came to look very much less like jewelry for an honorable society of "brothers true and faithful" than "a black stain" upon an "otherwise unblemished roll." But at the time of that sophomoric indictment there were only political reasons for so assailing either man. Robertson, a native South Carolinian and a University graduate of the class of 1843, had for a quarter of a century thereafter lived the respectable life of a Southern slave owner. Moses, also a native, had indeed been dismissed from the freshman class of 1855, but honorably enough to remain for thirteen years a jewel of the "Ephraim Society." "The single ground upon which the young gentlemen of the Ephraim Society thus proceeded," says Mr. Reynolds frankly, "consisted in the active and uncompromising adherence of the obnoxious individuals to the Radical party of South Carolina." By Radical party Mr. Reynolds meant of course—the date being early in 1868—the party in South Carolina which supported equal political and civil rights instead of pro-slavery codes. He adds that "no charge was suggested against the personal character" of either Moses or Robertson; and so that there might be no mistake as to the great public significance of this personal episode, he explains that the feeling of the Ephraim Society was heartily shared by quite 99 per cent of the white people of South Carolina.

With reference to this general bitterness toward Robertson and Moses as "scallawags" for their affiliation with the

Union Republican party of South Carolina, and to the like bitterness toward all other "scallawags" and all "carpetbaggers," let me for emphasis repeat that I have not it in my heart to imply resentment or even so much as criticism, so sure am I that any other people or class, unless it be the affectionately patient and forgiving Negro, would act similarly under similar circumstances. The circumstances have a different significance, and for their bearing in that respect alone I tell them now. Though such conduct would not in my opinion reflect upon the normal good will of any people under like provocation, it would reflect on their competency to pass fair judgments upon the probity of individuals in the classes they held thus in contempt. For that reason South Carolina judgments upon "carpetbaggers" like Chamberlain, Corbin, Tomlinson and Stone, upon "scallawags" of whatever name, and upon "niggers" like Nash, must be taken with much allowance for patriotic prejudice and class hate or contempt. A community where such bitter feeling prevails, however excusably, cannot weigh evidence with good judgment nor wisely testify to the validity of their suspicions or their fears.

IX. THE OLD KUKLUX KLAN OF SOUTH CAROLINA

It was out of this widespread hate and contempt in South Carolina that the Kuklux terror burst forth. Before going there I had questioned the truth of newspaper reports about the Kuklux Klan. Indeed most of those reports were so fashioned as to inspire doubts of their seriousness. Their flavor was of *mardi gras* comedy rather than racial tragedy. I think that the general disposition at that time in the North was to assign the K. K. K. to the category of horse play. Certainly caricature K. K. K.'s appeared in Fourth of July parades at the North as late as 1871, and with no purpose whatever of making sport of murder. But after I had been in South Carolina a few weeks, Kuklux terrorism seemed real enough. While Negroes were as safe as anybody in the region of Columbia and Charleston, blood-curdling news from districts at a distance thrilled us now and again like tales of nearby Indian massacres.

The first of these stories to reach me, vital with detail, was of a piece with all that followed. At the previous holiday time five Negro militiamen, one of them a captain, who were in jail charged with murdering a white man, had been lynched by 500 armed and masked horsemen. As this story came to us these prisoners were seized, placed in line abreast, and while they stood there with their backs to the masked men, one of the latter called out: "Captain Smith, twelve paces to the front." The Negro militia captain obeyed, and was instantly riddled with bullets. Similar orders were given to the other prisoners; but they, warned by the fate of their captain, did not stop at twelve paces but ran for their lives. Two were killed and the other two badly wounded. A month later eight more of the same militia company were reported as having been arrested and soon afterward lynched. The bodies of five, with bullet holes in the head, were found on a morning lying under a tree near the jail in which they had been confined, and two were hanging from the tree by the neck. The eighth was missing. Although reports of this character, official and unofficial, all attributing the murders to the Kuklux Klan, trickled into Charleston from time to time, it was not until late in the fall of 1871 that I found myself face to face with the terrible reality.

Major Lewis Merrill of the Seventh United States Cavalry came to Columbia about that time, and Senator Corbin asked me to fetch him to the capitol where we were at work upon the codification of the laws. I hunted up the bluff Major and brought him in. Pretty soon I knew that "something was doing." President Grant had suspended the writ of habeas corpus in those counties of South Carolina where the Kuklux terrorism was at its height, and one of these was York County, at the seat of which, Yorkville, Major Merrill had his headquarters as commandant of a detachment of his regiment. Here he had turned an old sugar house into a temporary jail and filled it with prisoners, arrested without warrant or specific accusation and held without habeas corpus rights, presumably as members of the murderous Klan. To my surprise and great gratification I was soon afterwards directed

by Senator Corbin to go to Yorkville and put myself at the service of Major Merrill.

It was a beautiful South Carolina day in October, that on which I left Columbia for the heart of the Kuklux region. My route lay through Chester, where I had to change from the comfortable cars of the through road North to a twenty mile side-line, woefully old-fashioned, which connected Chester with Yorkville. To learn when the Yorkville train would start I had no little difficulty. At military headquarters they couldn't tell me, nor at the hotel where I was to have dinner, nor in the stores, and time tables there were none. But on the street I found a man who pointed out the conductor at a distance, saying that possibly he might tell me. Approaching the person indicated, I inquired of him if he truly were the conductor, and got his own assurance; whereupon I asked when his train would leave for Yorkville. "About two o'clock," he replied. Fearing I might have misinterpreted his qualifying word, having never known of dilatory trains being quite so candidly scheduled, I asked if it would be exactly at two, and he replied: "Aboot; a little befo', o' a little aftuh. You goin' to Yo'kville?" I told him I was, and asked if I would surely have time for dinner. "Take yo' time," he assured me; "th' train'll wait fo' you." Although he was serious in manner and charmingly friendly, I feared he might be jibing me. It would have been jibing at the North. But I didn't know my South Carolina yet. They do not jibe there—or did not in those days. Interrupted by the dinner bell, I went into the dining room where I laid my troubles before a Negro waiter, along with a quarter. He tried to convince me that I really could take my time, that the train would truly wait; but as I was still nervous, he told me he would go out and arrange the matter. Upon his return he assured me, with a good helping from the kitchen, that he would be responsible for getting me aboard in time; so I took it easy until he advised me to go, which was at nearly half past two.

Walking leisurely down the street, I saw at a little distance a railway car, and on the rear platform was my friendly con-

ductor beckoning to me. As he helped me up to the platform, he welcomed me cordially. "We waitin' fo' yo'," he said. And sure enough, as I settled into a seat the train began to move. It consisted of a locomotive, a freight car and a passenger car. There was a partition across the middle of the latter primarily to divide white smokers from other whites and incidentally to prevent racial promiscuity. Its wheels rolled on strap rails, but not very fast, for they were more than two hours in rolling us over the twenty miles from Chester to Yorkville.

I spent several weeks at Yorkville, my wife coming a little later than I. We lived at the village hotel, where our companions were young army officers most of whom afterwards won memorial honors with Custer in his last battle with Indians. The taxidermied battle-horse of one of these ill-fated friends of ours was at Kansas University as late as 1895.

I did most of my work at Yorkville in Major Merrill's headquarters. It consisted of making and transcribing stenographic notes of Kuklux confessions from early afternoon till midnight every day. My wife frequently transcribed my notes at the hotel while I was at headquarters taking more. For all this I got no pay other than my regular salary, and she got nothing. Somehow I did not know we were entitled to pay: it seemed like a patriotic service, or work for work's sake, or something of the sort. I even hesitated, lest I might be profiting inordinately at government expense, when toward the last Major Merrill gave me \$50 out of the United States secret service fund by way of an honorarium that "no one was better entitled to," as he kindly phrased it.

X. KUKLUX CONFESSIONS

Those Kuklux confessions, "pukes" as they were called by the sturdier voyagers upon that stormy sea of Yankee conquest with which the chivalry of South Carolina were battling in those "carpetbag" times, were produced by President Grant's suspension of the writ of habeas corpus. Major Merrill had spent the summer collecting evidence against members of the Kuklux Klan, and as soon as the writ of

habeas corpus was suspended by the President he made cavalry raids in all directions, arresting suspects by the score. For a time the prisoners were silent. But as hope of release died out and fears of hanging grew stronger, the weaker ones sought permission to tell Major Merrill what they knew. This developed evidence on which to make further arrests, and confessions became quite the fashion as arrests multiplied. The prisoners "bagged" of a night were thrust into the sugar house jail with the "catch" of previous nights and left there to think. Their plight was hopeless. Although held by no grand-jury indictment nor even a magistrate's warrant, they were beyond the reach of any court or judge; for under the President's proclamation Major Merrill would have been bound, if he needed coercion, which he did not, to ignore the courts had they intervened. Often there were confessions enough to keep us busy through the livelong day, and every day had its grist of one or more. On the occasion of those penitential visits, Major Merrill and I together would be closeted with a solitary prisoner, he examining and I recording. By this means he gathered an accumulating mass of testimony, each day bringing forth further clues for further arrests.

But it was by no means all easy sailing, and the military authorities were victimized by more tricks than they suspected, as I imagine now. The victim of one of them was Captain Hale, as fine a fellow as ever straddled a cavalry horse and one of the officers who fell by the side of Custer. I recall Captain Hale's early-morning indignation at that trick. On a rounding-up expedition with a squad of cavalry the night before, the objects of which were ten or fifteen miles away, he had impressed a native to guide him and his squad, and the native did it, "to the Queen's taste" as Captain Hale reported him. All night long he guided them through many a path and byway, but without once guiding them more than a mile or two from headquarters. Of course there was not a single catch that night. Captain Hale was furious, but as it was not war time the guide could not be shot offhand and I suppose he was "sugar-housed" in lieu of the Kukluxer Major Merrill had sent for.

Major Merrill himself suffered keener disappointment in another case, and not from any trick. There was pathos in the incident. There was a lesson in it too, a lesson in that peculiar chivalry of the Southerner of which I had heard much but believed little.

One raw November or December night already more than half gone, Major Merrill and I were alone in the business office at military headquarters when a slip of paper was handed in by the orderly at the door. The major read the message it bore, thought a moment with an expression of triumph he tried hard to conceal but could not, and then gave the command: "Bring him here at once!" Alone with me again, he explained the message. It was from the sugar-house jail of course, but from one of the "higher ups," as we should say now. Major Merrill used the slang of the time and place. "At last," he said, "one of the big ones wants to puke." The message was a request for an interview from one of the principal prisoners. I have forgotten his name, but he had worn shoulder straps in the Confederate service and was accounted a leading citizen in that part of the State. Through the high office the confessions of others indicated that he held in the county Klan, we supposed him able to incriminate officers of the State Klan, if not men who were still higher up in the murderous order. Thus far every similar request had been the forerunner of a confession, and neither Major Merrill nor I doubted that exciting work was before us which might continue till daylight. At the big table I sharpened my pencils, while the Major walked up and down the room sharpening his wits.

In fifteen or twenty minutes or half an hour there was a knock at the office door. Major Merrill opened it himself, admitting the prisoner and excluding the orderly. The prisoner saluted with dignity and grace considering the awkwardness of the situation; for it is not easy, I take it, to give a military salute to an officer who has opened a door for you while he is closing it behind you, especially if he happens to be your jailor. Major Merrill was too much excited to acknowledge the salute even awkwardly. He returned to the

table, looked his prisoner sternly in the eye, and waited for the expected offer of a confession. His mute inquiry got a quick response. "Major," said the prisoner, without a quiver in his voice, yet with unmistakable feeling in his curt phrases, "my little boy is sick; he is dying; my wife sends me word; I want to see him; may I go home on parole? I give you my honor to come back."

Major Merrill was speechless. His expected confession from "higher up" had gone a-glimmering. Not only that, but he faced a dilemma. The inhumanity of denying this helpless prisoner's pathetic request, with all the power to do so in his own hands, made battle in his mind. Fear of losing the prisoner and being court-martialed struggled for mastery over more brotherly instincts. The battle within him must have raged fiercely. But the man beneath the officer conquered. In nicely modulated tones, angelic it seemed to me from one so rough in manner as I had sometimes seen him, Major Merrill asked: "How old is your boy?" "Fo'teen," was the reply, with that soft Southern enunciation which cannot be reproduced in print but is indescribably charming to the ear. "How ill is he?" "My wife don't think he'll live till mo'n'n." "Are you sure he is dying?" "That is the word my wife sends me; I am sure; he may not live till I get there." "How far is it?" "Fo'teen miles." "How will you get there?" "Afoot." "When will you return?" "Day after tomorrow sundown." There was another pause. The Major continued looking his prisoner steadily in the eye, then dropped his own eyes to the floor, raised them again with another glance at the prisoner, and the battle between the military officer and the human man within him was over. The human man had won. Without changing expression of face, but gently of voice, Major Merrill said: "You may go."

The prisoner was off in an instant. With a swing of the arm intended for a parting salute, and a turn upon his heel, swiftly yet with military erectness and precision he passed out of our room, through the large hall, by the orderly whom Major Merrill had barely time to instruct, across the porch and down the steps into the thick darkness and the chill November rain.

Now that the Kuklux excitement is long past and we know that the worst punishment any of the prisoners got was a short period of confinement—the worst they could have got indeed from the Federal courts—that midnight incident at Major Merrill's headquarters seems to belong rather to the bouffe order of theatricals than to the truly dramatic. But it was dramatic enough at the time to both actors in it. The prisoner stood charged with several brutal murders. That these murders had been committed there was no room for question; and their commission had been traced to the secret organization of which he was a member. Major Merrill must have had no doubt of his prisoner's guilt. The prisoner himself, when he considered his plight—held by what was to him a foreign soldiery, threatened with indictment and prosecution for a capital offense by what he regarded as a star chamber grand jury and a packed panel of petit jurors acting under the orders of a bitterly partisan judge—must have felt, no matter how conscious of innocence he may have been, nor how well advised of the limitations of the law, that his imprisonment at that time was the prelude to certain death on the gallows. For similar reasons Major Merrill had cause enough for a troubled mind as his paroled prisoner's footsteps echoed down the walk; and troubled he evidently was. He tried to reassure himself that there would be no escape and therefore no courtmartial, by repeatedly assuring me before I went to the hotel that night that the prisoner would certainly return. "The word of honor of these men," he said, "is better than a bail bond."

Major Merrill didn't forget the incident over night, however, as I did. The possibility of his having made a mistake must have worried him all the next day, which was a Thursday, and all the next. Late in the afternoon of the Friday he invited me to a stroll with him about the camp. Supposing it for exercise, I accepted the invitation, but absorbed in other things, I paid no heed to the significance of his restless fussing with odds and ends in the tents we entered, nor to his frequent glances toward the west. But just as the sun's lower edge touched the western horizon, the waning

warmth of its rays piercing the cool air over an exposed hillock on which we stood, Major Merrill startled my memory into activity by exclaiming: "There he comes! I knew he would!" The exclamation was expressive rather of happy disappointment than of that consciousness of rewarded confidence which the words implied. And sure enough, off in the distance down the main street of Yorkville, headed directly for that hillock where Major Merrill's figure was conspicuous, the paroled prisoner strode, prompt to the minute.

As he neared us he halted and saluted, stiff as a private on parade. "Major," he said, "my little boy is still living, but the doctor says he will die before morning. I want to go back." There was no hesitation this time. All the Major's suppressed fears of an escape were gone. "When will you return?" he asked. "Tomorrow sundown." "You may go." The prisoner wheeled and was off; and when Major Merrill casually inquired of his orderly late the next night, it was to be informed that his prisoner had returned directly to the old sugar-house about four o'clock in the afternoon. The little boy had died meanwhile, and the father had helped to bury him before walking back to jail.

To appreciate the profound impression which this incident made upon me, one must believe that both those men supposed, as I did, that the prisoner had come back to be hanged. Major Merrill might have augmented his courageous generosity, I have often thought, with the loan of a horse for that sad double journey of his chivalrous prisoner. It would have made the story better. But maybe it wouldn't have been in good military form; or, possibly the Major did not wish to provide a comedy element at his own expense in case his confidence were abused. Nevertheless over all these years I have thought as warmly of the courageous generosity Major Merrill disclosed in that incident as I have of the fidelity of the bereaved prisoner whom he so rashly trusted.

Apart from Major Merrill's shattered expectation that the prisoner of that story would make a Kuklux confession, there were no "higher up" incidents, except arrests on suspicion and an empty confession by the scribe of a county Klan. But

there were scores of confessions of minor Klansmen, and many a Negro found his way into Major Merrill's office with a gruesome story. No one who heard all this testimony as I did could doubt the existence of the Kuklux Klan in South Carolina, nor that it had been organized to intimidate Negro citizens. That it contemplated murder by way of horrifying example is not so certain, although within the probabilities; but if not a murderous conspiracy in its inception, the Kuklux Klan became an engine of murder before it collapsed. Some of its murders within Major Merrill's military territory were hideous and cruel. Yet it must be admitted that with only a few notable exceptions, they were all open to the inference of having been "whitecap" murders in contradistinction to race murders. Much of the appearance of an anti-Negro motive may be plausibly explained by the theory that inasmuch as the population was largely of the Negro race the crimes that usually in those days provoked "whitecap" lynchings of white persons in States like Indiana provoked similar lynchings of Negroes in South Carolina. But after making full allowance for that explanation, the fact remains that the Kuklux Klan in South Carolina was distinctly designed and indisputably used for the suppression of Negro citizenship. Based upon the confessions and other evidence I recorded at Yorkville, and later at the Kuklux trials in Columbia, together with the general circumstances, my best guess is that in its inception the Kuklux Klan was political but not murderous; that local klans got to wreaking private vengeance without orders from above, to redressing local grievances and to enforcing local regulations—all in the name of the Kuklux Klan—and that in this way a non-murderous organization got involved in grossly murderous activities. I am not unmindful, in that guess, of the fact that capital crimes were responsibly committed, and for the very purposes for which this terrorizing order was organized—intimidation of Negro voters. But I incline to the belief that these were logical results of a grotesque form of organization which, though well adapted to furthering secret murders of public-spirited Negroes, was originally intended only to

frighten them and their followers. A conspiracy intended to intimidate might very easily in those times and places have got beyond control and into homicidal practices.

XI. ORIGIN AND ACTIVITIES OF THE SOUTH CAROLINA K. K. K.

The old Kuklux Klan of the South was organized at about the time of the reconstruction acts of Congress. Those laws, which abrogated the "black codes" and enfranchised the Negro, also guaranteed him the American citizen's right to bear arms. Both his right to bear arms and his ballot right were regarded by the white people of South Carolina as a menace. But emphasizing the arms-bearing right they expressed and doubtless felt serious concern for the safety of their families upon the organization of Negro militia regiments; and it is undeniable that they then determined, in good faith from fear as I have no doubt, but without reason as I believe, to terrorize Negro militiamen. It is quite clear, moreover, that by intimidating Negro voters they intended to suppress all Negro office-holding—from race motives and from race motives alone. That they were determined, too, to reduce the Negro to a servitude hardly distinguishable from slavery, as the Negro in good faith feared, may by possibility not be true; but the "black code" episode had given such strong color of truth to it as to make the Kuklux Klan seem very like a conspiracy to accomplish by terrorism and actual murder the reenslavement which had been attempted without success by legislative methods.

Gen. Forrest was reputed to be the "Great Grand Cyclops" or national head of the Kuklux Klan, and under its plan of organization was supposed to know no member as such except the aids of State "chiefs," nor to be known by others than them. It was through these channels that he was understood to communicate with subordinates. As this method of creating arbitrary power and securing secrecy extended, in plan at least, all the way from top to bottom, the danger of confession was well guarded against. No member of a township klan could expose any but his fellow members; the

chief of a township klan could expose no one but his township associates and his own aid, unknown as such to anybody but himself and to the county chief; township aids could expose no one but members of their respective township klans and their respective county chiefs; a county chief could expose no one but township aids and his own State aid; State aids could expose no one but their respective county chiefs and the State chief; State chiefs could expose no one but county aids and their respective national aids; and a national aid could expose only his own State chief and the national chief. This ingenious adjustment seems to have been only loosely observed. It did not need, however, to be observed very strictly in order to make detection of "higher ups" almost impossible. There could be little danger of exposure in a country where nearly all the white inhabitants sympathized with the Kuklux³ Klan, and the other inhabitants were a

³ Perhaps the Constitution of the Klan may be of interest in this connection and I incorporate here a copy, the authenticity of which there is no reason to doubt. It was verified again and again in confessions by township Klansmen: and afterwards proved in open court:

THE OBLIGATION

"I, [name] before the immaculate Judge of Heaven and Earth, and upon the holy evangelists of Almighty God, do of my own free will and accord subscribe to the following sacredly binding obligation:

"1. We are on the side of justice, humanity and constitutional liberty, as bequeathed to us in its purity by our forefathers.

"2. We oppose and reject the principles of the Radical party.

"3. We pledge mutual aid to each other in sickness, distress and especially pecuniary embarrassment.

"4. Female friends, widows and their households shall ever be special objects of our regard and protection.

"Any member divulging or causing to be divulged any of the foregoing obligations shall meet the fearful penalty and traitor's doom, which is death! death! death!

Constitution

"*Article 1.* This organization shall be known as the Order, No. . . . of the Kuklux Klan of the State of South Carolina.

"*Art. 2.* The officers shall consist of a Cyclops and Scribe, both of whom shall be elected by a majority vote of the Order and hold their office during good behavior.

"*Art. 3.* It shall be the duty of the C. to preside in the order, enforce a due observance of the constitution and bylaws and exact compliance with the rules and usages of the Order—to see that all the members perform their respective

despised and self-distrusting race less than ten years out of chattel bondage.

According to Mr. Reynolds's history of reconstruction in South Carolina the Kuklux were quiet until the latter part of duties, appoint all committees before the Order, inspect the arms and dress of each member on special occasions, to call meetings when necessary, draw upon members for all sums needed to carry on the Order.

"*Sec. 2.* The S. shall keep a record of the proceedings of the Order, write communications, notify other klans when their assistance is needed, give notice when any member has to suffer the penalty for violating his oath, see that all books, papers or other property belonging to his office are placed beyond the reach of anyone but members of the Order. He shall perform such other duties as may be required of him by the C.

"*Art. 4. Section 1.* No person shall be initiated into this Order under eighteen years of age.

"*Sec. 2.* No person of color shall be admitted into this Order.

"*Sec. 3.* No person shall be admitted into the Order who does not sustain a good moral character, or who is in any way incapacitated to discharge the duties of a Kuklux.

"*Sec. 4.* The name of a person offered for membership must be proposed by the committee appointed by the chief verbally, stating age, residence and occupation; state if he was a soldier in the late war; his rank; whether he was in the Federal or Confederate service, and his command.

"*Article 5. Section 1.* Any member who shall offend against these articles or the bylaws shall be subject to be fined and reprimanded by the C. as two-thirds of the members present at any regular meeting may determine.

"*Sec. 2.* Every member shall be entitled to a fair trial for any offense involving reprimand or criminal punishment.

"*Article 6. Section 1.* Any member who shall betray or divulge any of the matters of the Order shall suffer death.

"*Article 7. Section 1.* The following shall be the rules of order, and any matters herein not provided for shall be managed in strict accordance with the Kuklux rules.

"*Sec. 2.* When the Chief takes his position on the right, the Scribe with the members shall form a half circle around them, and at the sound of the signal instrument, there shall be profound silence.

"*Sec. 3.* Before proceeding to business the S. shall call the roll and note the absentees.

"*Sec. 4.* Business shall be taken up in the following order: 1, Reading minutes; 2, excuses of members at preceding meetings; 3, report of committee of candidates for membership; 4, collection of dues; 5, are any of the Order sick or suffering; 6, report of committees; 7, new business.

By-laws

"*Article 1. Section 1.* The order shall meet at

"*Sec. 2.* Five (5) members shall constitute a quorum, provided the C. or S. be present.

"*Sec. 3.* The C. shall have power to appoint such members of the Order

1870, a few weeks before I arrived in Columbia. As to that State I think this is true. Their operations probably began in the political campaign of 1870, when, as Mr. Reynolds to attend the sick, the needy, and those distressed, and those suffering from Radical misrule, as the case may require.

"*Sec. 4.* No person shall be appointed on a committee unless the person is present at the time of appointment. Members of committees neglecting to report shall be fined thirty cents.

"*Article 2. Section 1.* Every member on being admitted shall sign the constitution and bylaws and pay the initiation fee.

"*Sec. 2.* A brother of the Klan wishing to become a member of this Order shall present his application with the proper papers of transfer from the Order of which he was a member formerly; shall be admitted to the Order by a unanimous vote of the members present.

"*Article 3. Section 1.* The initiation fee shall be

"*Article 4. Section 1.* Every member who shall refuse or neglect to pay his fines or dues shall be dealt with as the Chief thinks proper.

"*Sec. 3.* Sickness or absence from the country, or being engaged in any important business, shall be valid excuse for any neglect of duty.

"*Article 5. Section 1.* Each member must provide himself with a pistol, Kuklux gown and signal instrument.

"*Sec. 3.* When charges have been preferred against a member in a proper manner, or any matters of grievance between brother Kuklux are brought before the order, they shall be referred to a special committee of three or more members, who shall examine the parties and determine the matter in question, reporting their decision to the Order. If the parties interested desire, two-thirds of the members present voting in favor of the report, it shall be carried.

"*Article 6. Section 1.* It is the duty of every member who has evidence that another has violated Article 2 to prefer the charge and specify the offense to the Order.

"*Sec. 2.* The charge for violating Article 2 shall be referred to a committee of five or more members, who shall, as soon as practicable, summon the parties and investigate the matter.

"*Sec. 3.* If the committee agree that the charges are sustained, that the member on trial has intentionally violated his oath or Article 2, they shall report the facts to the Order.

"*Sec. 4.* If the committee agree that the charges are not sustained, that the member is not guilty of violating his oath or Article 2, they shall report to that effect to the Order and charges shall be dismissed.

"*Sec. 5.* When the committee report that the charges are sustained and the unanimous vote is given in favor thereof, the offending person shall be sentenced to death by the Chief.

"*Sec. 6.* The prisoner, through the Cyclops of the order of which he is a member, can make application for pardon to the Great Grand Cyclops of Nashville, Tenn., in which case the execution of the sentence can be stayed until the pardoning power is heard from."

[There is an error in Sec. 2. Whether it was an error in the original transcribing, or in Mr. Reynolds's copy (for I quote the document from his book), or in the original document, I do not know. "Article 2" probably means Article 6 of the Constitution.]

explains, the Klan "was provoked to violence" by the Negro militia. He says that this offensive militia "constantly drilled and frequently moved about the country districts, to the disgust of the white citizens and the terror of their wives and children"; but he frankly concedes that "there were as yet not many acts of actual violence by the Negro militia," although he urges that their "insolence was naturally a source of much irritation." Particularly offensive appears to have been "one favorite practice" of theirs. This was their custom of marching "company front" so as to occupy an entire street, a practice of which Mr. Reynolds notes an instance. "The captain of a Negro company so marching sent a sergeant forward to order the driver of a carriage waiting at a store for its lady occupants to make way for the soldiers." Of course such instances are cited only to show a disposition by the militia to annoy. But Mr. Reynolds points also to reasons for fearing the militia.

There "were various acts of lawlessness" in Union County, he states, "accompanied with threats of violence against the whites"; and he tells of an influential member of the legislature for that county, a Negro "wielding great influence among the Negroes," who "declared that for every Republican killed at the polls ten white men should die." Such threats might have passed as highly honorable, I surmise, had they been made by white men with reference to Negroes. Mr. Reynolds implies, however, that Republican voters were in no danger of being killed at the polls, from which it could be inferred that this Negro legislator's threat was wanton. But Mr. Reynolds was doubtless mistaken as to the danger Negro Republicans were in, for the circumstances indicate that in fact they were in grave danger. At any rate the threat to "kill ten white men for every Republican" had an important condition precedent in the body of it. The threat was to have no vitality until a Republican had been killed.

For further evidence of danger from the Negro militia, Mr. Reynolds turns from Union County to Laurens for a story of five or six Negro militia companies whose "conduct caused general concern," as he says, "for the safety of the white

women and children in the section where the Negro population predominated." Somewhat of that concern might be accounted for by George W. Cable's observation in one of his novels that any race or class conscious of wronging another is always in fear of the other. But Mr. Reynolds asserts specifically that "in the town of Laurens the companies concentrated, and, joined by other Negroes, armed with pistols and shot guns, riotously paraded the streets"; that "in Camden, on the occasion of a parade, several of the Negroes got drunk, and one of them for some misconduct was arrested by the town marshal, whereupon the Negro militia became violent and threatened to 'kill the damned white men'"; and that "the Marshal having gone into a house for safety, they assaulted the house, to the terror of the lady occupants." Continuing in this strain our South Carolina historian writes that after the October elections of 1870 the conduct of the Negro militia became everywhere worse. "Armed and equipped," so his narrative runs, "they went about in groups or in regular formation, as if seeking a conflict"; they "incited their fellows to violence and incendiarism," they "insulted ladies on the public highways," they "moved about in the night time, firing their guns and in some instances shooting at dwelling houses"; and "behind these lawbreakers," he adds, "was the hostile local government sustained by the Federal authority." Consequently—and this conclusion is his, not mine, although I think it a correct conclusion—consequently, says Mr. Reynolds, "the Kuklux made their 'raids.'"

At first those raids were in Mr. Reynolds's opinion, which I also believe to be correct, "chiefly to quiet the Negroes by letting them know that the whites had some sort of organization and were otherwise ready to defend their persons and their homes." But "matters went from bad to worse," Mr. Reynolds proceeds, "until a trouble occurred which led to a raid" which in his opinion "must be considered the climax of Kukluxism in South Carolina." It related to the killing of an ex-Confederate soldier, a wagoner of the name of Stevens.

A company of Negro militia had killed Stevens, according

to the Reynolds history, which here gives a version of the Kuklux story of which we in Charleston had heard only the lynching climax—the story I have already told of a captain of militia and some of his men being taken from jail and shot, and later of their comrades having been lawlessly hanged. The killing of Stevens, says Mr. Reynolds, “was assassination pure and simple—assassination by soldiers organized under the law and bearing arms supplied by the State government,” and the “demeanor of the Negroes of Union County showed that as a body they were in sympathy with the slayers of Stevens and would do all in their power to shield them from arrest and punishment.” He adds that it was “natural that the whites should take some means to prevent a repetition of such a brutal murder—such an outrage against the whole white race”; that “a ‘committee of safety’ was formed”; that after consultation it was “determined to disarm the Negro company at once”; that this was “accomplished without disturbance,” that “the next step was to apprehend the murderers”; that thereupon “Negro militiamen to the number of thirteen were arrested, though not without a conflict by them with the sheriff’s posse in which two or more of the latter were badly wounded,” and that “the prisoners were lodged in the county jail at Union.” So much for what preceded the Kuklux raid. No doubt Mr. Reynolds believed just what he has told, but his sources of information were not altogether unbiased. However, I have no contrary testimony.

Now comes Mr. Reynolds’s version of the consequent Kuklux raid, of which I have told the Charleston version as it came to my ears at the time. “On January 4, 1871,” he proceeds with reference to the sequel to that alleged assassination of Stevens by Negro militiamen, “a party of Kuklux, all mounted and each disguised by means of a cap and mask that concealed the head and face, with some sort of gown or wrapper that enveloped the whole body, went to Union jail and seized five of the Negro militiamen charged with participation in the murder of Stevens,” of whom thereupon “two were shot to death and three escaped—the impression prevailing that the Kuklux allowed them to get away because

they were thought not to have been actual participants in the crime."

This coldblooded assassination of five helpless, unconvicted and untried prisoners was only the first of the two Kuklux raids of which we had heard in Charleston. Eight of those militiamen were still in jail when, eight days later—again I tell the story according to Mr. Reynolds, not to question him but for the benefit of his authority—eight days later, "January 12, 1871," he writes, "the Kuklux visited Union again—this time in a body, all mounted and disguised, numbering, according to different estimates, from 1000 to 1500," and going "to the jail, took out the eight militiamen above mentioned and shot them to death." Mr. Reynolds assures his readers that "this bloody work," as he justly calls it, was "done quietly," that there was "no uproar," and that "sentinels detailed from the ranks of the Kuklux body were posted, and these ordered back any of the town people who came out of their houses." Let it be noted also, quoting further from Mr. Reynolds, that "the men retired as quietly as they had come, their ranks well kept and their movements marked by a precision which was well nigh military." Such orderliness in cowardly crime had its merits, no doubt, whether the crime were Southern "kukluxing" or Northern "whitecapping."

Upon thus melting away into the dark and the silence, those orderly men left a paper behind them. I quote it from Mr. Reynolds's book:

To The Public

K.K.K.

Taken by Habeas Corpus.

In silence and secrecy thought has been working, and the benignant efficacies of concealment speak for themselves. Once again we have been forced by force to use Force. Justice was lame and she had to lean upon us. Information being obtained that a "doubting Thomas,"⁴ the inferior of nothing, the superior of nothing, and of consequence the equal of nothing, who has neither eyes to see the scars of oppression, nor ears to hear the

⁴ An allusion to Judge William M. Thomas of the Circuit Court, who had ordered the removal of the prisoners to Columbia for their safety.

cause of humanity, even though he wears the judicial silk, had ordered some guilty prisoners from Union to the city of Columbia, and of Injustice and Prejudice, for an unfair trial of life; thus clutching at the wheel spokes of Destiny—then this thing was created and projected; otherwise it would never have been. We yield to the inevitable and inexorable, and account this the best. "Let not the right hand know what thy left hand doeth," is our motto. We want peace, but this cannot be till Justice returns. We want and will have Justice, but this cannot be till a bleeding fight for freedom is fought. Until then the Moloch of Iniquity will have his victims, even if the Michael of Justice must have his martyrs.

Further accounts of Kuklux operations in Union County, where they appear to have begun in South Carolina, are given by Mr. Reynolds in his history; but as my knowledge of the subject is largely confined to York County, I quote from him hereafter more exclusively with reference to the latter region.

"In York County," says Mr. Reynolds in general terms, "the Negro militia were especially aggressive and offensive." Entering then into particulars, he asserts that "in Yorkville the local company had a fashion of parading the main street 'company front,' so that they actually took possession of the roadway between the sidewalks"; that "they went about at night in squads of five and ten, frequently carrying their guns and always wearing their bayonets and cartridge boxes"; that "they would walk abreast so as to occupy the entire sidewalk, and more than once a lady and her escort had to take the 'big road' rather than have a collision"; that "one Sunday night late in January, 1871, a gentleman was rudely jostled off the pavement by a squad of Negro militiamen fully armed"; that "a riot was narrowly averted, and there were fears of bloodshed"; that "the white men of the town, reinforced by many from the country, prepared for what seemed an unavoidable collision"; that "for a whole day and the following night there was constant danger of a conflict," and that Major General Anderson of the State militia, a white man, came to Yorkville and disarmed the company. Circumstances of that kind, even if Mr. Reynolds were not misinformed nor over-informed, would seem to be, disorderly as

they were, quite inadequate nevertheless as provocations for the Kuklux outrages they are cited to excuse, some of which, if the confessions I recorded were true, were extremely savage.

A few weeks before those Negro militia orgies to which Mr. Reynolds refers, a Negro known as Tom Roundtree was shot by members of a local klan, and as the shot was not fatal they dashed out his brains with the butt of a gun. The murderers then ripped open his dead body, and after thrusting into it ploughshares for sinkers threw it into a stream. His disappearance was a mystery until some of those Yorkville confessions unraveled it. Other Kuklux murders occurred in York, both after and before the disorderly conduct of Negro militiamen of which Mr. Reynolds tells as I quote him above; and less criminal though more revolting outrages even than murder were proved by Negro testimony and corroborated by Kuklux confessions. Brutal whippings were numerous.

One murder besides Roundtree's, which I recall as having been clearly proved, was that of "Jim" Williams, the Negro captain of a Negro militia company.

Captain Williams is described by Mr. Reynolds as "a bold and aggressive fellow," as "unquestionably a hater of the white race," and as "evidently bent on mischief." Yet I cannot throw off a suspicion, one by no means intended though to reflect upon the good faith of Mr. Reynolds, that he himself was just human enough to have made some verbal substitutions. If Williams had been the white captain of a white man's rifle club, I think it very likely, had the circumstances been precisely the same except for mere reversal of race—Captain Williams a South Carolina aristocrat instead of a South Carolina Negro—I think it quite likely that in those altered circumstances Mr. Reynolds's comments would have been to the effect that Captain Williams was a brave and determined Southern gentleman, instead of "a bold and aggressive fellow," a lover of the white race consecrated to maintaining its superiority, instead of "a hater of the white race and evidently bent on mischief." That Captain Williams was in any wicked sense "a bold and aggressive fellow," "a hater of the white race," or "bent on mischief," I do not

believe. The confessions I recorded, the other testimony, all the circumstances, indicated that he was the kind of man whose memory South Carolina white men would honor had he been white and had his boldness, his aggressiveness, his hate and his mischievous purpose been directed at "freedmen," who were despised and ought to have been willing to be, but who instead were "insolent." Doubtless Captain Williams enjoyed parading his company, just as white men do; doubtless he felt the pride of authority, just as white men do; doubtless his spirit rose erect with a sense of official responsibility, military at that, just as the spirits of white men do. It is not improbable, either, that he did declare, when incendiary fires were attributed by whites to blacks, and whites threatened indiscriminate and bloody vengeance upon blacks, that in the event of this threatened slaughter of Negroes he would retaliate by killing whites "from the cradle to the grave." This is what red-blooded white men often say and do under less provocation. Have we never heard white men assert that "the only good Indian is a dead one," or defend their slaughter of Indian babes with the brutal epigram that "nits make lice." And who among white men have rebuked these sentiments? But there was no proof that Captain Williams ever did threaten "to kill from the cradle to the grave." If he did, why was that threat worse than the actual crimes of the Kuklux, which some Southerners have had the hardihood to commend even at the cost of thereby accusing the white South of a barbarity which from my own acquaintance with it I regard as libelous. Whether Captain Williams made that threat or not, he certainly did refuse, as Mr. Reynolds states, and steadily refuse, "to disband his company or give up their guns." Well? Is not that a tribute to his personal courage and official competency? Surely it may be better taken as evidence of his sense of responsibility and the courage of it than of a wantonly evil purpose. All the testimony indicated that Captain Williams, this martyred Negro militiaman of South Carolina, was a self-respecting, brave, and law-abiding man, of whom his white neighbors might well have been proud as a citizen of their own rearing risen from slavery to leadership.

Yet a cavalcade of sixty cowardly white men, completely disguised with face masks and body gowns, rode up one night in March, 1871, to the house of Captain Williams, roughly and coarsely awoke him and his wife from their sleep, marched him to a little wood near by, forced his wife to remain behind when she had piteously but vainly pleaded for her husband's life and then begged to go with him, and in the wood hanged him to the limb of a tree and poured bullets from their rifles into his dying body. On the dangling corpse those despicable savages then pinned a slip of paper inscribed, as I remember it, with these grim words: "Jim Williams gone to his last muster."

The person toward whom the confessions at Major Merrill's headquarters pointed as the Kuklux chief in that murderous raid was Dr. J. Rufus Bratton, a leading physician of York. When the day of retribution seemed at hand Dr. Bratton escaped to Canada. After fruitless efforts by the United States to secure his extradition, he was kidnapped by United States secret service officers with the aid of Canadian confederates and brought to Columbia where he was bailed for trial. But the Canadian government promptly sent the local kidnapers to a Canadian penitentiary, and peremptorily demanded of the United States Government the return of Dr. Bratton and the cancellation of his bail bond. This was not from Canadian sympathy with Kuklux crime; it was from Canadian fidelity to law and order. No matter what Dr. Bratton had done in South Carolina, he had been kidnapped from Canada. That was the Canadian attitude. It is the British attitude, too; and it is our own tradition albeit we have drifted away from it under plutocratic rule. But in Dr. Bratton's case our government acceded to the Canadian demand; and this accused murderer of Captain Williams, meekly returned to Canada by our government and his bail bond cancelled, stayed in Canada until all danger was over. He then returned to South Carolina to live out a locally honored old age in perfect safety. The Negroes had lost all power to molest him by due process of law, even if they had wished to; and by his white neighbors he was regarded not as

a cowardly murderer but as a race patriot. Believe me, I am not blaming them. Patriotic fervor of a certain type knows no law but that of the savage, wherever you find it; and it must be remembered that the white people of South Carolina were as genuinely, though in my opinion as groundlessly, in fear of the Negro race about them as are children of ghosts.

Nor would I be understood as implying that Mr. Reynolds has misrepresented conditions in his spirit of palliation of these murders. Quite the contrary. His history is not far wrong, I think, nor unduly lacking in candor, when in conceding that the Kuklux of York County, to quote his own language, "committed numerous acts against law and order," he proceeds to set up provocations, explaining that "irresponsible men, goaded by the infamies of the State government, incensed and alarmed by the conduct of the Negro militia, went far beyond the scope of the organization, considered as a means of self-protection or as a counterpoise to the Union League." I do not admit the validity of that excuse; but as a South Carolinian I was a "carpetbagger," whereas Mr. Reynolds was a native and not a "scallawag," and no doubt that makes a difference of viewpoint. He certainly goes far to be fair. His book freely admits that these raids were made "to punish the immediate victims for previous threats, sometimes for previous impertinence only," and that "in many cases, according to the testimony of the victims, the raiders exacted the promise that these should never again vote the Republican ticket." In like spirit of fairness it must be said, as I have said already and as his book contends, that "in some instances the conduct of raiders had no relation either to politics, to race troubles, or to the misconduct of the Negro militia." By way of example he tells of a white man "visited and whipped because, against repeated insistence, he continued in the illicit sale of whiskey near a church"; and of a white lad who "was visited and whipped because of continued disobedience to his widowed mother." Mr. Reynolds might have added, in further confirmation, the case of a raid in York County upon a disreputable house maintained by white women whose naked bodies were daubed with tar by the

raiders and the women driven from the neighborhood. His book is right also, I think, in its statements that Kuklux operations ceased upon the disbandment of the Negro militia in the Kuklux counties. Whether there was any relation here of cause and effect, as he implies, I am not absolutely sure; but I grant there may very well have been, for I lean strongly to the opinion that the South Carolina Kuklux outrages were of the nature of mob-panics. They seem to me to have been excited by ungrounded fears, inherited from the traditions of slavery, that armed freedmen are dangerous to a master class. Not murder but terrorism through a show of power and through exciting superstitious awe among the Negroes was the probable purpose of the Kuklux Klan before it drifted into actual lynchings. It is probably true that it was swept into this savagely criminal crusade by fears of a militia made up almost exclusively of Negroes. That few but Negroes were in the militia is chargeable, however, to the whites. They refused to join the militia, but organized among themselves irresponsible and unlawful rifle clubs instead.

An example of attempted terrorism by appeal to superstitions was told by an old "uncle" with beautiful contrasts of white hair and black features who found his way to Major Merrill's headquarters one day while I was there. He said he had gone out early in the morning following the assassination of Capt. Williams, and seeing dimly in the dawn a masked cavalcade up the road had prudently hidden himself in a hedge. Some of the masked and gowned horsemen probably detected him, for as they came opposite his hiding place one asked another the time, loud enough for the old Negro to hear. The other replied, "About five o'clock." Then the first one said "Is it as late as that? Well, we must hurry on, for we've got to be back in hell for breakfast."

The old man was frightened badly enough; but not superstitiously. It is a mistake, I believe, to suppose that the South Carolina freedman was as simple as he often let on to be. The notion of the white South Carolinian that the white man of the South "knows the nigger" seems to me to have

less foundation in fact than in the Southern white man's imagination. As an enslaved race the Negroes had learned the "might of make believe," that defense of the defenseless always and everywhere, and this fact the Southerner is prone to ignore. Whenever I am assured that only the Southerner "knows the nigger," which may be recognized both in substance and form as a familiar remark in connection with discussions of the Negro "problem," my own experience with Negroes in South Carolina comes back to me and I say, or if I do not say it I think it: "My dear good friend of the Southland, the Southerner may know the Negro *as a slave*, but he does not know him *as a man*." Superstitious, for instance, the Southern Negro may be. So is the Southern white man. For the matter of that, so are most white men. But the Southern Negro is not superstitious in the precise way, nor to the extent, nor in the connections in which he prudently permits the master class to think him so. Whoever would understand the Negro must learn about him as we learn about other men—by neighborly association. It cannot be done otherwise. No master class has ever yet understood a slave, except as a slave.

But those observations are away from the story of the South Carolina Kuklux as I knew that story and as it now approaches the end.

XII. THE KUKLUX TRIALS AT COLUMBIA

In the winter of 1871-72 the trials of some of Major Merrill's prisoners came off at Columbia. Judge Bond of the Federal Circuit Court and Judge Bryan of the Federal District Court occupied the bench together. David T. Corbin as United States Attorney, and Daniel H. Chamberlain (the State Attorney General) as special counsel, were the lawyers for the prosecution. Reverdy Johnson of Baltimore and Henry Stansbery of Cincinnati, with local associates, were the lawyers for the defense. Benn Pitman and I shorthanded the trials.

The first case came to hearing on a motion to quash the indictment, which had been drawn under the Enforcement

Act of Congress. It charged one Allen Crosby with conspiracy to deprive a Negro citizen of his right to vote for a candidate for Congress. The questions raised were principally on points of Constitutionality, and the motion to quash was denied. This set the legal precedent, whereupon, under a similar indictment of another prisoner with reference to another Negro citizen, the first actual trial began.

The prisoner in this trial was Robert Hayes Mitchell. The crime, conspiracy to deprive a citizen of his vote on account of race and color. The overt act, participation in the murder of Captain "Jim" Williams. Mitchell was convicted. Had the case been in a court of common law jurisdiction, his conviction would have been for premeditated murder; but in the Federal courts, as lawyers will understand, it could only be for conspiracy to prevent the operation of an Act of Congress, no matter how heinous the means agreed upon nor how murderous the method adopted. So Mitchell's conviction was only for conspiracy to injure Williams because he had voted for Congressman at the election of 1870.

It was in Mitchell's trial that the Kuklux Constitution was proved as I quote it above. The authenticity of this document has never been denied, so far as I know, and Mr. Reynolds appears to accept it as genuine. It was found in the possession of Samuel G. Brown, whom Mr. Reynolds describes as "a highly respected citizen of Yorkville, well advanced in years, and who upon appearing at the Federal court at Columbia under indictment for Kukluxing, stated his purpose to plead guilty." Quoting still from Mr. Reynolds what my own memory confirms, Mr. Brown then submitted "affidavits to explain his possession of the Kuklux constitution and to show what little actual connection he had had with the Klan." But he refused, as Mr. Reynolds states, to give "testimony against the good people of York." Thereupon Judge Bond said: "We want to know not only your connection with the Klan, but that of every other person in your position in life in York County who belonged"; and as "you evidently don't propose to tell all you know," I don't "propose to hear you. The judgment of the Court in your case is that you be fined \$1000 and be imprisoned for five years."

I have no recollection of what afterwards became of Mr. Brown. His case was driven out of my memory by a more exciting one, one which turned attention at the time from the trial of a prisoner to contempt proceedings against one of his lawyers. This episode occurred in the case of Edward T. Avery. He was the hero, I think (though I am not sure), of Major Merrill's generous parole of which I have told above. As Avery's local lawyer was about to make the closing argument for the defense, the evidence being all in, District Attorney Corbin interrupted. I quote now from Mr. Reynolds the colloquy that was taken by me in shorthand at the trial and transcribed the same day from my dictation. Addressing the court, Mr. Corbin said:

"If your Honors please, I don't notice the defendant in court. I have just asked the counsel where the defendant was, and the reply I received was—that was for me to find out."

Colonel McMaster—"I repeat it now."

Judge Bond then inquired: "Where is your client?"

Colonel Wilson—"I understood, may it please the Court, when we adjourned on Saturday night [this being Monday] that Dr. Avery had gone to see his family and that he would return today."

Judge Bond—"Do you expect him back?"

Colonel Wilson—"I had no interview with him. I expected him to return by the next train. I know nothing save from the information I have received from Mr. McMaster."

Judge Bond—"Do you know where your client is, Mr. McMaster?"

Colonel McMaster—"I beg the Court will excuse me from answering that question."

Judge Bond—"Had you any knowledge from your client that he was going away?"

Colonel McMaster—"I hope the Court will excuse me from answering."

Judge Bond—"The clerk will lay a rule upon Mr. McMaster to answer the question or show cause why he should not be thrown over the bar."

The bail bond was thereupon forfeited, the trial proceeded, and the absent defendant was convicted. He was never sentenced, but came out of his hiding place to his home upon

receiving a pardon from President Grant. In the proceedings against his lawyer for contempt, the lawyer claimed an attorney's right to refuse to divulge professional communications, and the case against him was never decided, probably because Judges Bond and Bryan could not agree.

Several trials followed, all very much alike. The number of klansmen sentenced was 55, only 5 of whom had been tried. The rest were sentenced upon their pleas of guilty. Many who pleaded guilty were really about such persons as Mr. Reynolds describes them, "young men of little or no education" who "had joined the Klan just to be joining it and had done some raiding." That this raiding by them was, as Mr. Reynolds further says, "a result of their indignation at the insolence of some of the Negro politicians, the incendiary talk of others, and the misconduct of the Negro militia," may be conceded in fairness to the South Carolinian point of view regarding Negro insolence, incendiarism and misconduct; but Mr. Reynolds's further statement that the young men who confessed to Kuklux raiding gave "no sign of any animosity to the Negro on account of his race or color," and "had no consciousness of any purpose to conspire against the Negro's rights as secured by the Fourteenth or Fifteenth amendment," is reasonably questionable. Indeed any palliation of those Kuklux murders is explicable to me only by the antique ethics of a conquered people whose conquerors had given local political rights and powers to a class whom the conquered were accustomed to regard as natural born slaves. You may find parallels wherever and whenever there have been freedmen in large numbers of any color or race. Independent spirit on the part of the natural born slave class of South Carolina was regarded as "insolence," suggestive of an incendiary purpose and significant of such danger to the master class as to necessitate extreme measures in defense of "self and fireside."

The fact that juries in the Kuklux trials were composed largely of Negroes is dwelt upon by Mr. Reynolds; and it is a fact. That race-feeling among Negro jurors assured convictions regardless of guilt may also be true, as Mr. Reynolds

implies. Yet the rights of white men charged with Kukluxing were certainly as secure with Negro jurors as were the rights of Negroes at any time with white jurors. I do not mean by this to condemn the whites for their race bias any more than I mean to condemn the Negroes for theirs, although the Negro's bias against white men was a bagatelle in comparison with the white man's bias against Negroes. I acknowledge the provocation to the whites, from their own point of view, and am only stating a manifest fact when I say that white men were safer with Negro juries than Negroes with white juries; and in this connection let me state the further fact that if race bias did dictate those verdicts by Negro jurors against whites on trial for Kukluxing, the verdicts were nevertheless justified. While I dare not say that the results would have been different with Negro juries if the convicted defendants had been innocent, I do say that upon the evidence verdicts of guilty would have been found by unbiased juries of white men. Native white juries might have acquitted; but this would have been not because the crimes charged were unproven, but because under the political and social circumstances native white jurors, like the defendants themselves, would have looked upon those crimes as justifiable or excusable *for race reasons*.

What competent outsiders who heard the proof actually did think of it may be inferred from part of Reverdy Johnson's summing up speech at the first trial; Mr. Reynolds quotes it from my own shorthand report. Of course allowance must be made, as Mr. Reynolds cautions his readers, "for the somewhat rhetorical character of Mr. Johnson's protestations, and for the zeal of the lawyer in trying to disconnect his client from acts which necessarily inflamed the jury against the accused"; but, as Mr. Reynolds at the same time admits, "it must nevertheless be said that many acts were ascribed to the Kuklux which no good citizen could palliate or excuse." I may perhaps be permitted to add, what Mr. Reynolds could not find it in his loyal South Carolina heart to say, that no one who heard the testimony could have charged Mr. Johnson with much exaggeration.

"I have listened," said Mr. Johnson, "with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity. They admit of neither excuse nor justification. They violate every obligation which law and nature impose upon men. They show that the parties engaged were brutes, insensible to the obligations of humanity and religion. The day will come, however, if it has not already arrived, when they will deeply lament it. Even if justice shall not overtake them, there is one tribunal from which there is no escape. It is their own judgment—that tribunal which sits in the breast of every living man—that still small voice that thrills through the heart, the soul, the mind, and as it speaks gives happiness or torture—the voice of conscience, the voice of God. If it has not already spoken to them in tones which have startled them to the enormity of their conduct, I trust, in the mercy of Heaven, that that voice will speak before they shall be called above to account for the transactions of this world; that it will so speak as to make them penitent, and that trusting in the dispensations of Heaven, whose justice is dispensed with mercy, when they shall be brought before that great tribunal so to speak, that incomprehensible tribunal, there will be found in the fact of their penitence or in their previous lives some grounds upon which God may say—'Pardon.'"

Of the testimony to which Reverdy Johnson's words alluded, Mr. Reynolds makes the candid admission that "there was truth enough in these stories to justify the strongest condemnation of the Kuklux doings described." But he protests that "it should also be stated that none of the parties indicted was shown to have had any part in such outrages." In regarding him as mistaken in that protest I may be biased, but it is possible that he himself did not write without bias. His protest depends for its value upon whether confessions, and circumstantial evidence, and in some cases direct personal identification, were to be believed. His criticism that no effort was made "in the State courts or in the Federal to bring to justice any of the men who committed those outrages" loses point in view of legal limitations. On

one hand the United States court had no jurisdiction over those outrages except as evidence of a conspiracy to defeat the purpose of the Thirteenth, Fourteenth and Fifteenth amendments; on the other, common law prosecutions in the State courts of Kuklux counties would have been under the secret censorship of the Kuklux Klan. An attempt to get indictments in York County failed; possibly for lack of evidence, but more likely because six members of the grand jury were also members of the Kuklux Klan. In counties where Negro militiamen could with the approval if not the applause of the white community be taken out of jail and ruthlessly killed by large bodies of "orderly" Kuklux Klansmen, prosecutions for Kukluxing could not but be farcical. No local white jury would have convicted those white murderers, even if indictments could have been got, and no local Negro jury would have dared to.

But to go on with my story. When the Kuklux cases were on trial at Columbia, the Republican daily paper, *The Union* I think its name was, printed daily stenographic reports of the trials. Describing this as an undertaking too expensive for any other newspapers in South Carolina, Mr. Reynolds significantly adds that the cost was paid out of the public funds. As I got some of the cost, perhaps I had better state my part in the matter. Upon leaving Yorkville, I returned to Columbia in expectation of taking notes of the trials in my capacity as stenographic and law clerk for the United States District Attorney, Senator Corbin, but with no expectation of extra pay. The fact, however, that I was to take the notes, led to my employment by *The Union*, though at a very moderate price, \$10 a day, to furnish verbatim transcripts of my notes daily for publication, the paper to provide me as many amanuenses as I could efficiently dictate to. At about the time of this arrangement, Benn Pitman of Cincinnati, brother of Sir Isaac Pitman, came to Columbia to report the trials for Attorney General Akerman of President Grant's cabinet, and he and I went into partnership. He was to take notes at the morning sessions, I at the afternoon sessions. At the close of his task in the court room, he was to

dictate to *The Union's* amanuenses the testimony of the morning, whereupon I was to dictate that of the afternoon. In this way *The Union* got from us for publication every morning a verbatim report of the court proceedings of the day before. As to compensation, in addition to my regular salary of \$1500 a year from Major Corbin and the \$10 a day from *The Union*, I received 25 per cent of Mr. Pitman's government pay, he turning over to the Attorney General his reports and mine together as his own, which he had a perfect legal and moral right to do. I got no more money from any source whatever, except for a few newspaper letters I wrote at irregular intervals to the *New York Tribune*, as a silent partner of the *Tribune's* Columbia correspondent. The work I did was hard, exacting and intense, the hours were long and the pay was by no means excessive. I may say the same for Mr. Pitman, who can no longer speak in his own behalf. But Mr. Reynolds says that 5000 copies of our report were afterwards published in book form at a cost to the State of \$45,788, the real value being about \$10,000. All I know of that book is that I wrote the preface for it without pay, and that I got one copy which long ago went the way of books you lend. Copies may possibly be found in the Congressional Library at Washington, or the State Library in Columbia, and as every member of Congress in 1872-73 got a copy, there may be several fugitive copies still in existence.

With the close of the Kuklux trials at Columbia I turned away from South Carolina as gladly as I had gone there fifteen months before. I have never been there since, though the desire has often been strong within me. Returning to New York I began practicing law on my own account in the spring of 1872, or tried to begin it—which may some day make a story by itself—and my "carpetbag" career was over. All my migrations since have been from one part to another of my country, as a citizen who has left old friends only to be welcomed by new ones. Not long after my return to the North, the South Carolina Kuklux cases petered out. There were trials in Charleston at the spring term of 1872, as I learned by newspapers and through private correspondence,

but the Enforcement Act became obsolete—by its own terms, I believe—and President Grant perfunctorily pardoned the convicted Kukluxers.

XIII. SUPPLEMENTARY FACTS AND REFLECTIONS

South Carolina politics also underwent transformations. Passing at the election of 1872 from the depths of the corruption of which I had caught the sulphurous effluvia into the deeper depths of the administration of Governor Moses, and then upward under the administration of Governor Chamberlain which followed the election of 1874, the State came once more for a time under the dominion of the ante-bellum aristocracy. Wade Hampton defeated Chamberlain for Governor at the election of 1876. Quite curiously this defeat of a Republican by a Democratic candidate for Governor occurred at the same Presidential election at which the Democratic Electors were defeated by the Republican Electors. A mere statement of that incongruous fact might warrant suspicions of an understanding between President Hayes and Governor Hampton; but William Stone (Mr. Corbin's brother-in-law and law partner), who was Attorney General of South Carolina in 1876 and ex-officio one of the State canvassing board, assured me after he came to New York that at this election Wade Hampton honestly carried the State for Governor while Rutherford B. Hayes as honestly carried it for President. It required Stone's assurance to make me believe this, but upon his assurance I do believe it.

And now in closing this lengthy and woefully ragged but incomplete record of memories half a century old, I hope I shall not be thought guilty of over-repetition if I recur to Mr. Reynolds's book on "Reconstruction in South Carolina." It has been my companion and adviser since I began writing my rambling story, somewhat such a friend as a living South Carolinian might have been whose point of view differed from my own but whose essential kindness made me trust him. At the beginning I mentioned the book as on the whole fair, and in passing on I have frequently tried to emphasize my confidence in its good faith. Having now scrutinized it

paragraph by paragraph and from beginning to end, both for information and to refresh my memory, I would not withdraw a single approving word. It is the work of a well-informed and conscientious man. In saying this, however, I wish still to be understood as taking human nature fully into account. If the book, while fair in intent, is not altogether fair in substance, then in so far as it falls short of fairness human frailty is my explanation. I do not believe that any class situated as the aristocratic whites of South Carolina were in the '70's, nor the most considerate and conscientious spokesman of such a class wherever in the world you find him, can be quite fair to individuals of other classes. The individual is merged in the mass. All "niggers," all "scallawags" and all "carpetbaggers" looked alike to the aristocratic South Carolinian and his henchmen in those early post-bellum days when I was a South Carolina "carpetbagger." And very gracefully as well as frankly does Mr. Reynolds plead guilty for them in a plea of the kind that lawyers call "non-vult," which being interpreted is "I did it but didn't mean to." It is true, he says, that in their violent opposition to the State government the white people of South Carolina were influenced chiefly by the fact that "the Negro had been clothed with all the rights of citizenship," and "even had the Negro government been administered honestly, effectively and economically, the white people would not have acquiesced." Is not it easy to see that a people and their historian so minded cannot pass fair judgment, be they never so conscientious, upon the personal or official honesty of individuals, whether natives or not, who attach themselves to a democracy that ignores all privileges of race and class? The practical adherents of that kind of democracy in the '70's in South Carolina were branded as "scallawags" if white and native, "carpetbaggers" if white but not native, "niggers" wherever they came from if not white; and *ipso facto* all "scallawags," "carpetbaggers" and "niggers" were thieves at the slightest breath of suspicion. So would it be, let me repeat, anywhere else under the canopy of heaven and with any people whatever in similar circumstances.

It is this characteristic of class exclusiveness and patriotic antipathies that in my judgment explains the defects of Mr. Reynolds's history of reconstruction in South Carolina in so far as it falls short of what profoundly impresses me as the fairness of his intent. I think it explains his unfair reflections upon Daniel H. Chamberlain, Reuben Tomlinson and David T. Corbin. The evidence he adduces in support of suspicions against them is much less convincing—indeed, “convincing” is altogether too strong a word—than that upon which he as readily acquits Kuklux convicts of murderous conspiracies; and whoever knew Chamberlain, Tomlinson, or Corbin as well as I knew them all, will not lightly believe imputations of corruption against any of them. Although no animadversions upon William Stone's personal character are made by Mr. Reynolds, I wish none the less to say the same of him. All are dead now. Stone was the first to go, in the midst of a successful practice at the New York bar. Chamberlain also died while in practice at the New York bar, Corbin while in practice at the bar of Chicago. Tomlinson died at Minneapolis, where he had long been secretary of the principal Club. With the exception of Tomlinson, a Hicksite Quaker, each had served in the Union army, and with honor as men and officers, and Corbin and Stone had been badly wounded in battle. Their settlement in South Carolina was in no spirit of conquest or spoliation. As a major in the volunteer service, Corbin had been sent to Charleston to manage the affairs of the Freedmen's Bureau, and upon leaving the army he began the practice of his original profession of the law at Charleston. Chamberlain went to South Carolina to become a planter, and was legitimately pursuing this vocation when circumstances outside of his personal interests drew him honorably into politics. Stone, who had enlisted in the volunteer army early in the war as a private soldier and received his wound while a private, left the volunteer service with a major's brevet to take a commission as lieutenant in the regular army. In this capacity he was ordered to South Carolina after the war. While stationed there he studied law and was admitted to the bar, whereupon he formed a partner-

ship with Major Corbin. Stone took no part in politics until after my return from South Carolina; but Corbin and Chamberlain were early in the political field.

If there is discredit for that, for any of it, the discredit rests upon the aristocratic natives of South Carolina. When President Johnson undertook the restoration of the Southern States to the Union by conciliatory methods, following what he doubtless regarded as Lincoln's own plans, those aristocratic elements of South Carolina, playing upon the race passions and narrow patriotism of the poorer and despised whites, the same aristocratic elements that had plunged South Carolina into secession and by similar methods had drawn other Southern States with them into the vortex of the Civil War—those elements took advantage of President Johnson's friendly statesmanship to impress the North with their disposition to achieve in politics what they had lost in war.

The "black codes" did it. One of the first enactments of the aristocratic elements of South Carolina upon her restoration to civil authority, this set of race regulations helped make the North believe that slavery problems, which they supposed the Civil War had settled on the side of liberty, would be as baffling and dangerous in national politics as ever, if President Johnson's reconstruction policy were pursued. "Unrepentant rebels" was the phrase which, ringing through the North, sounded the doom of the Lincoln-Johnson policy. Everywhere it carried conviction that the South could not be trusted with its old political power unchecked by Constitutional amendments. The Lincoln-Johnson policy of reconstruction was sent to the scrap heap, and the drastic policy of Congress took its place. For the aristocratic whites of South Carolina (as of the other seceding States) there had been a *locus penitentiae* between President Johnson's proclamation and Congressional action, and they had ignored the opportunity.

There was a second *locus penitentiae* for those aristocratic whites when Congress enfranchised the Negro with a self-protecting ballot. Fearing and despising the poor-white class, South Carolina Negroes nevertheless loved the aristo-

crats and were disposed to trust them. The reason is plain to any student of Southern slavery. Indeed it is only a phase of a natural tendency of any depressed class—the tendency to look up to the highest. Was it ever Englishmen alone, for instance, who “dearly loved a lord”? Easy, then, would it have been for the aristocratic elements of South Carolina—even with the “black code” to their discredit, for the Negro had hardly felt its severity before Congressional reconstruction knocked it out—easy enough, one might suppose, for the old aristocrats to take possession of South Carolina politically under the reconstruction plans of Congress. Nothing was necessary but to foster in the Negro the tendency of the Negro to trust them; and this could have been done by graciously complying with the conditions imposed by Congress—impossible conditions before Appomattox, doubtless, but not after. This second opportunity, also, the whites of South Carolina rejected, still under the leadership of their aristocratic parasites. By the advice of such men as Wade Hampton, they stood out against the Congressional plans of reconstruction when these were no longer avoidable. Nor only that. They also encouraged contempt for every one of their class who, disagreeing with them, did participate. Meanwhile, they left nothing undone to convince the Negroes that their old masters held in store for them nothing but servitude. The result was natural and inevitable. Negroes dazed with a new sense of freedom, and whites despised by their neighbors, were left to reconstruct the State together as best they might. It may have been magnificent as tomfoolery; as patriotism and statesmanship it was contemptible.

Those were the circumstances that drew such “carpet-baggers” as Corbin and Chamberlain and Stone and Tomlinson into politics, along with a bare sprinkling of honest and able “scallawags” and many honest Negroes with here and there a capable one. And here was a third *locus penitentiae* for the aristocratic whites. In spite of the bloody folly of their secession in 1860, in spite of the race folly of their “black code” in 1867, in spite of their childish sulks in 1868, the way was now open for them to help the people of their

State of all races, nativities and classes, to distinguish individuals in politics, the capable from the incapable, the honest from the dishonest. But the same aristocratic leadership ignored this third opportunity for a genuinely patriotic policy, as fatuously as it had ignored the other two. Had an archangel come to South Carolina and gone into politics at that time, he would have been classed as "nigger," "carpetbagger" or "scallawag," and therefore as an instinctive thief. The capable and honest and self-respecting were under those circumstances soon outinfluenced at the polls and outnumbered in public office by the incapable, the dishonest and the cynical. Aristocratic parasitism had deliberately cast aside another opportunity to save South Carolina from the parasitism of ignorance steeped in poverty.

With the human material at their command almost for the asking, those aristocratic leaders might have erected upon the ruins of this old slave State a splendid democratic commonwealth. There were the three distinct opportunities noted above. But they could not tolerate the Jeffersonian principle of equal rights which they professed. To them South Carolina would not have been South Carolina with a Negro citizenship. As Mr. Reynolds frankly says, "even had the Negro government been administered honestly, effectively and economically, the white people would not have acquiesced."

An amazing epitaph, truly! And epitaph indeed it has become. For the great slaveholding aristocrats of South Carolina who led the South into the Civil War when defeated at the national polls, and away from the generous Lincoln-Johnson plan of reconstruction when defeated at arms, are at the present day displaced in political power in South Carolina by a regime which, though nominally of their own race and party, would have been as intolerable to the Hamptons and their class as the blackest of Negro governments.

Stone, Corbin, Chamberlain, Tomlinson, Nash and others like them were men with whom the best blood of South Carolina could have fraternized with as much honor to either side as to the other, and with great civic usefulness. They did not thrust themselves as conquerors or as political

adventurers into the local affairs of the conquered. They were drawn into those affairs as citizens who had made South Carolina their home and workshop, and whose abilities were needed in public affairs at a crisis in which the abilities of leading white South Carolinians of native birth were either rejected by Federal military authority or withdrawn by the leaders themselves. Corbin had married a cousin of Bayard Taylor; Stone had married her younger sister. Those girls came from Chester, Pa., to South Carolina as teachers—as “nigger teachers,” for I now recall that South Carolina epithets in those days were not limited to “nigger,” “scallawag” and “carpetbagger.” The Northern white woman, however respectable her antecedents and reputable her character, however generous and able her devotion to education, was despised as a “nigger teacher” if she came into South Carolina to educate Negro children. In this category there were of my acquaintance as a “carpetbagger” several besides Mrs. Corbin and Mrs. Stone. Alice E. Johnson, originally of Boston or thereabouts, who died at Portchester, N. Y., taught in the Shaw Memorial School for Negro children at Charleston. Martha Scofield of Pennsylvania had until recently a school in South Carolina for Negro children at which she taught when I was a South Carolina “carpetbagger.” There were others of the same group whose names I do not remember. All together, these were in every way as fine a group of women as ever trained a human mind. When pious persons who saved their own souls habitually by contributing to missionary work in heathen lands called such women “nigger teachers” in derision, their epithet had some of the richer qualities of unconscious self-satire.

Yet I must renew my expressions of confidence that all this contempt for “carpetbaggers,” “niggers,” “scallawags” and “nigger teachers” was not South Carolina nature but human nature. Put yourself into the South Carolinian’s place and think it over. Certain determining facts must never be let go in considering South Carolina in those times. Her white natives felt themselves a conquered people under the military heel of the conqueror. They beheld a servile

race arbitrarily lifted out of slavery and into political power by a triumphant and blindly ungenerous foe. They saw in immigrants from the conquerors' distant seat of power only a camp-follower class of low lineage and sordid ambitions. Whether this feeling was just or not makes no difference. To some extent it *was* just, though not wholly so. But it was excusable. A sense of outraged loyalty to country or class cares little for such "abstractions" as simple justice. Even the lofty well springs of generosity dry up when race lines and class lines are drawn.

So I tell of those conditions in South Carolina only as facts; and in the cooler season of half a century afterward, I try to comment upon them calmly even if frankly. I know now that if conditions had been reversed, with my own native New Jersey playing in the unhappy rôle of South Carolina, New Jersey would probably have done as South Carolina did. Although I myself might in those circumstances have been just and generous to immigrants from the Southland, and have democratically offered a welcome into citizenship to our uplifted "lower classes"—which is by no means certain, let me make haste to confess—yet if I had really risen to those democratic heights as I trust I might, I am sure that my neighbors of the humiliated "better classes" would have been less likely to send me to the legislature than to ride me on a rail.

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