

Insuring “the Safety of the Black Belt”

Suffrage restriction both reflected and affected political conditions. Having traced the development of Southern politics from 1877 to the early disfranchising statutes, explored how those laws worked, and examined their efficacy in reducing the number of voters and channeling them into the Democratic party, we must now seek to discover the human agents of electoral change. Which groups of men favored and opposed restriction and why? Why were the statutes in each state adopted at one time rather than another? How much of a threat did opposition parties and factions pose to the dominant interests at the time of disfranchisement? And what was the impact of franchise limitation on political conflicts? Answering these questions requires a detailed look at the political contexts of suffrage restriction in each of the eleven ex-Confederate states. Besides analyzing the passage of the disfranchisement acts, I will attempt in this and the following three chapters to revise some of the received wisdom about late nineteenth-century Southern politics.

The standard narratives discussing the legal restriction of the suffrage concentrate on the five disfranchising conventions and on the elaborate constitutional amendments submitted to the North Carolina and Georgia electorates. Other instances of the passage of restrictive laws, some requiring only action by the legislatures and some, the acquiescence of the voters, have been neglected. For example, in the most complete study of disfranchisement, William A. Mabry omitted the four ex-Confederate states where the poll tax and various quasi-literacy tests sufficed to constrict the franchise, and excluded from his discussion most of the nonconstitutional disfranchising laws passed by legislatures in the seven states he did cover.¹ As a consequence of this neglect,

1. Mabry, “Disfranchisement of the Negro.” Similarly, C. Vann Woodward devoted just three paragraphs, by my count, to voting restrictions passed by legislatures in *Origins of the New South*, pp. 55–56, 275, 335. His general treatment of suffrage restriction, in chapter 12, “The Mississippi Plan as the American Way,” concentrated on the same events Mabry examined.

historians have often misunderstood the timing and dynamics of disfranchisement, the conditions necessary for a successful movement to limit voting, the comparative efficiency of different techniques, and the identities and motives of the disfranchisers. Excessive stress on constitutional disfranchisement has, particularly, led historians to over-emphasize race and underemphasize partisanship as motives for restriction. The convention delegates talked much more of racist aims than their counterparts in the legislatures. Furthermore, there were many more Republicans and Populists in the legislatures to damn the restrictionists' party-oriented purposes than there were in the conventions. By analyzing the passage of laws affecting the suffrage in five states and placing the struggles over their enactment in the context of each state's politics, I will attempt in the next two chapters to re-emphasize these slighted episodes in the history of suffrage restriction.

SOUTH CAROLINA: BOURBON DISFRANCHISEMENT

South Carolina in 1880 linked the Southern reactionary past with its antidemocratic future. Identifying itself with the aristocratic antebellum tradition, the influential *Columbia Daily Register* derided majority rule as "a mere count of noses" and maintained that "whenever it crosses the substantial power of the State, its intelligence, its wealth and its established social appointments, [majority rule] ever melts away as a political myth and the philosopher's fair dream." All too aware of their race's minority status in the state, fearing that violence, intimidation, and fraud might not permanently maintain them in political power, and worried about the lasting effects of such practices on their state's existence as a social entity, the more foresighted white South Carolinians searched for an ultimate solution.²

The Palmetto State's Polity was perhaps farther advanced in 1881—more like the Southern political system of the first half of the twentieth century—than that of any other state. To Democrats, political contests seemed to "involve the very existence of society itself." Since Republican leaders were "the vilest class . . . ever known in American politics"

2. *Columbia Daily Register*, Jan. 3, 1882; three pamphlets by Edward McCrady, Jr., *The Registration of Electors* (Charleston, South Carolina, 1879), *The Necessity of Education as the Basis of Our Political System* (Charleston, South Carolina, 1880), and *The Necessity of Raising the Standard of Citizenship and the Right of the General Assembly of the State of South Carolina to Impose Qualifications upon Electors* (Charleston, South Carolina, 1881).

and their followers “a sea of brute force, ignorance and besotted prejudice,” that party was “a perpetual menace to civilization.” Unlike the border states, therefore, South Carolina had already abjured the luxury of a strong statewide Republican party. Unlike even such states as Mississippi, South Carolina suffered no potent Independent or Greenback movement. Lacking a viable opposition party which could hinder the passage of discriminatory laws or capitalize on the voter reaction to such legislation, and rid of the necessity of appearing “liberal” in their treatment of their former slaves (as had seemed requisite before and for a short time after Hayes’s withdrawal of the troops), legislative leaders of the state which cradled secession felt free to take whatever steps were necessary to protect the political status quo permanently from upheaval.³

Though all Democrats, no doubt, agreed upon the desirability of shackling the Republicans—since by this time nearly all South Carolina GOP voters were black, discrimination against race and party coincided—no such consensus existed on the means of doing so. Some Democrats favored extralegal efforts. Former Governor Benjamin F. Perry, for example, advised systematic statewide economic intimidation as the best way to “crush out the Radical party in South Carolina.” Others endorsed legal restriction. At the beginning of the 1880–1882 session of the legislature, a *Charleston News and Courier* poll of white Democratic state legislators found 25 in favor of calling a constitutional convention, 18 proponents of a registration law, 9 desirous of passing constitutional amendments providing for property or educational qualifications, 7 satisfied with the “old methods,” 39 offering no opinion, and a scattered few members in favor of concessions to the blacks. Consequently, the legislature set up a commission on election laws and one on constitutional amendments to meet between the two sessions of the legislature and draft definite proposals.⁴

Probably the most important member of the election law commission and the chief author of its proposal was Edward McCrady, Jr., de-

3. *Columbia Daily Register*, Nov. 3, 1880. Restriction of the suffrage in this instance was clearly a partisan move. As the *Columbia Daily Register*, May 24, 1881, noted, “Nobody charges that the colored man is deprived of his vote on account of his color but on account of his politics.”

4. *Ibid.*, Nov. 18, 1880; *Charleston News and Courier*, Dec. 2, 1880. Unfortunately, the poll did not list the proponents of the several schemes by name. Legislation is recorded in *S. C. House Journal* (1880), p. 434.

scendant of an old Charleston family, lieutenant colonel in the Confederate army, civil service reformer, lawyer, and historian of the glories of colonial South Carolina. His plan, expounded in several speeches which circulated throughout South Carolina as pamphlets, required each voter to be able to sign his name in order to register to vote. In this manner, the Democrats could disfranchise illiterates without going to the trouble, expense, and possible danger of calling a constitutional convention. In addition to this literacy test, which he thought would exclude about 71,000 blacks and 12,000 whites, McCrady favored setting the price for renewal of a lost registration certificate so high as to disfranchise the careless.⁵

To those who objected to robbing even 12,000 whites of the vote, the Charleston patrician responded with perhaps the first form of what was in the 1890s to become the grandfather clause. The Massachusetts constitution of 1857 required literacy of all voters after its enactment, but not of those who could vote in 1857. With fine legal logic, McCrady analogously proposed guaranteeing the suffrage after 1881 to those South Carolinians who had voted in 1857 or some similar date, thus excusing from the literacy test at least the older whites. In this way, South Carolina could constitutionally guarantee white supremacy and thumb its nose at the symbol of abolitionism and radicalism at the same time. The very cleverness of the stratagem led one major newspaper to fear that the bill would inflame Northern opinion, arouse Congress, and meet defeat in the courts.⁶

McCrady's ingenious scheme had a rough time in the election law committee and a rougher one in the legislature. At first, a majority of the committee opposed the measure. The plan that the committee presented to the legislature modified the Charlestonian's proposal in several respects. Literacy was no longer required for registration;

5. Cooper, *Conservative Regime*, p. 98; Wallace, *History of South Carolina* 3: 441. McCrady's father was one of South Carolina's premier jurists and Episcopal laymen. Educated at Yale, he read law with U.S. Supreme Court Justice William Johnson. A Unionist in 1832, he, like many other low country conservatives, became a "cooperationist" in the fifties. A prominent member of the Southern Rights Association, he worked hard to break up the Union and signed the secession ordinance. See his front-page obituary in the *Atlanta Constitution*, Nov. 18, 1892. For details of McCrady Jr.'s disfranchising plan, see his *Registration of Electors*, p. 8, and *Necessity of Education*, p. 14.

6. McCrady, *Registration of Electors*, pp. 10–11. Previous historians have overlooked the Yankee origin of the grandfather clause. Fear of Northern opinion appears in *Columbia Daily Register*, May 3, 1881; Jan. 19, 22, 1882.

instead, the literacy test was shifted to a new, second section of the law providing for eight separate boxes. If two separate boxes for federal and state elections were constitutional, McCrady's legalistic mind must have reasoned, then a mere multiplication by four would outrage no principle of jurisprudence. Besides this change, the committee's proposal included a 50-cent charge for registration and a \$5 deposit in case of an appeal from an official's decision. The new plan excluded the exemption clause for older whites and the prohibitive price tag for re-registration. The committee's bill, in sum, altered McCrady's proposal significantly and closed the loophole for the whites.⁷

Though the committee's proposal sailed through the Senate with just one important record vote, the opposition made up in noise what it lacked in numbers. After assaulting the measure because "under it the poor white man would be driven to the wall with the black man," Senator Fishburne, a white who had been elected by a fusion of both races in Colleton County, promised to bolt the Democrats and set up a statewide "People's Party." In the major speech against the bill, black leader Thomas E. Miller charged that McCrady's device was "framed for the purpose of keeping the middle classes and the poor whites, together with the Negroes, from having anything to do with elections."⁸

Only extensive revision saved the bill in the House. First the provisions requiring a 50-cent fee for registration and a \$5 deposit for appeals were eliminated. Then the registration section survived two tests by margins of only 56–50 and 53–52, despite Democratic caucus endorsement of the bill. Opponents of the eight-box section lost more decisively on motions to reduce the number of boxes to two, require the election officials to number the eight boxes and not shift their order during the voting, and allow an illiterate voter to bring a friend to read the labels for him. Most of the bill's critics were white Democrats, for the House was composed of 114 whites, all members of the dominant party, 6 black Democrats, and but 4 black Republicans. Many of the whites feared that the bill would disfranchise those whites who were illiterate, or neglected to register, or lost their certificates. Indeed, three members of the election law commission, McCrady, Murray,

7. *Columbia Daily Register*, Aug. 7, Nov. 23, 1881; *Charleston News and Courier*, May 25, Aug. 6, Nov. 24, 1881.

8. *Charleston News and Courier*, Jan. 3, 4, 1882; *Columbia Daily Register*, Dec. 3, 1881. A move in the Senate to strike out the registration section of the bill failed, 20–10. See *S.C. House Journal* (1881–1882), pp. 108–109.

and Hutson, freely acknowledged that they intended to disfranchise white as well as black illiterates.⁹

The pattern of voting among white Democratic legislators in the House confirms these notions. As table 4.1 shows, the members from counties over 70 percent black, fifteen of whom resided in the "low country," supported the bill overwhelmingly. Those legislators from counties with fewer Negroes, who presumably worried about the disqualification of whites more than the representatives of coastal planters did, opposed the bill by a slight margin. With the whites split over the registration section, the bill lost a third reading vote, 51-56.¹⁰

Table 4.1. Section, Racial Composition of Counties, and Support for Voter Registration among White Democrats in South Carolina Legislature, 1882.

<i>Section of State</i>	<i>For Registration Section</i>	<i>Against Registration Section</i>
Low-country	17	7
Midlands	14	19
Up-country	21	17
<i>% Negro</i>		
20-29	2	1
30-39	7	2
40-49	1	7
50-59	3	11
60-69	23	19
70-79	16	3

SOURCE: Information on which counties fell in each section of the state was taken from William J. Cooper, Jr., *The Conservative Regime*, p. 12.

NOTE: Abstainers are omitted.

9. The *Charleston News and Courier*, Dec. 3, 1881, reported the Democratic endorsement. S.C. *House Journal* (1881-1882), pp. 180, 327, 337, 367, 368, records the motions. Also cf. *Columbia Daily Register*, Jan. 13, 1882. One may conclude from the debates reported in the *Register* that most of those who wanted to reduce the number of boxes did not act out of antipathy to disfranchisement. Rather, they feared that federal officials would be able to supervise state elections (and thereby reduce fraud) if all the voting boxes were in the same polling place, or that the Republicans would overcome the literacy test by concentrating on only one of the eight offices and teaching their partisans how to recognize the name of that office on the box. For the expressions of intent to disfranchise whites, see *Charleston News and Courier*, Jan. 13, 1882.

10. S.C. *House Journal* (1881-1882), p. 369; *Charleston News and Courier*, Jan. 18, 1882. 92 percent of the white Democrats who opposed the registration section and voted on the third reading of the bill cast "no" votes on the latter. 86 percent of the white Democrats who favored the registration section and voted on the third reading cast "ayes" for the measure.

The surprise defeat forced concessions from the disfranchisers. On the next day, the third reading vote was reconsidered, and the bill was referred to a special committee, consisting of five opponents and five proponents of the bill, who proceeded to amend it in two crucial respects. The first amendment provided that at the close of registration, the registrar

shall revise the list; and in case it be made to appear to his satisfaction that there is a qualified voter in his precinct who has failed to register, he may, upon such evidence as he may think necessary, in his discretion, permit the name of such voter to be placed on said list and issue a certificate therefor.¹¹

In other words, the registrar could add to his list the names of any whites who had neglected to register. If so inclined, of course, the registrars could use this provision as an invitation to effortless fraud, for, as the *Aiken Recorder* put it, "How easy it is to manufacture names"¹²

The other change made by the committee authorized election officials to read the labels on the ballot box to any voter who so requested. Now guaranteeing suffrage to persons acceptable to the white Democratic registrars and to election officials, who were appointed directly by the governor, the bill was ordered for a third reading by 57–39. Three days thereafter, the House indefinitely postponed a constitutional convention bill, which had been kept in reserve in case the legislature adopted no simpler solution to the suffrage problem.¹³

Since neither the *News and Courier* nor the *Register* printed biographical sketches of the legislators at this session, characterization of the proponents and opponents of the bill will necessarily be sparse. The chief author of the law, Edward McCrady, was an erudite low-country patrician, in style as different as possible from the later leader of the

11. S.C. *Acts* (1881–1882), section 5, p. 1112. The import of this section, which seems to have escaped the notice of previous historians, was noted by the black Republican Robert Smalls in an article, "Election Methods in the South," *North American Review* 151 (1890): 595–596: "All persons desiring to vote the Democratic ticket are registered, without personal application, and certificates are furnished them either before or on the day of election without even the formality of an oath as to eligibility."

12. *Aiken Recorder*, quoted in *Columbia Daily Register*, Feb. 2, 1882.

13. *Charleston News and Courier*, Dec. 8, 1881, Jan. 23, 26, 1882; S.C. *House Journal* (1881–1882), pp. 417–418. As in other states, many in South Carolina believed that a constitutional convention was dangerous because no one could be sure who would control it or what it would do. See statement of John D. Wylie, in *Columbia Daily Register*, May 17, 1881.

South Carolina disfranchising convention, Ben Tillman—whom McCrady opposed. As for the other members, we may classify them into four groups on the basis of the three crucial votes of January 17–21, 1882: the roll calls on which the bill was defeated, on reconsideration of that vote, and on subsequent passage after amendment. One group is composed of the stalwart opponents of the bill, who voted against it at every turn; another (denominated “converts” in table 4.2), those who opposed it on January 17, but voted for reconsideration the next day and did not oppose final passage on January 21; a third, the constant proponents of the bill; and finally, those whose voting fits into no discernible pattern or who failed to vote.

Membership in these groups is cross-tabulated in table 4.2 with data on the section from which each delegate came and the racial composition of his home county. The first part of the table shows that while the disfranchisers were distributed fairly evenly throughout the state, opposition to the election law varied directly with distance from the ocean. Twice as high a percentage of uplanders as of lowlanders opposed the law. The second part of the table indicates that, in general, as the proportion of Negroes in the delegates’ counties rose, support for the law grew and opposition subsided. One-third of the members from

Table 4.2. Who Opposed the Eight-Box Law in the 1882 South Carolina Legislature?

	PROPOSENTS	CONVERTS	OPPONENTS	OTHERS	TOTAL
<i>Section of State</i>					
Low-country	16 (51.6%)	5 (16.1%)	6 (19.4%)	4 (12.9%)	31 (100%)
Midlands	19 (46.3%)	7 (17.1%)	13 (31.7%)	2 (4.9%)	41 (100%)
Up-country	19 (45.2%)	3 (7.1%)	16 (38.0%)	4 (9.5%)	42 (100%)
Total	54 (47.4%)	15 (13.2%)	35 (30.7%)	10 (8.8%)	114 (100%)
<i>% Negro</i>					
20–29	1 (25%)	0	3 (75%)	0	4 (100%)
30–39	8 (80%)	0	2 (20%)	0	10 (100%)
40–49	1 (12.5%)	4 (50%)	3 (37.5%)	0	8 (100%)
50–59	3 (17.6%)	3 (17.6%)	8 (47.1%)	3 (17.6%)	17 (100%)
60–69	27 (49.9%)	6 (11.3%)	16 (30.2%)	4 (7.5%)	53 (100%)
70–79	14 (63.7%)	2 (9.1%)	3 (13.6%)	3 (13.6%)	22 (100%)
Total	54 (47.4%)	15 (13.2%)	35 (30.7%)	10 (8.8%)	114 (100%)

NOTE: Opposition analyzed for white Democrats only. Abstainers are omitted.

counties below 60 percent Negro were classed as disfranchisers, and 41 percent as opponents. In the counties over 70 percent Negro, the respective figures were 64 percent and 14 percent.

Legend has it that the conservative followers of Wade Hampton, concentrated most heavily in the low country, favored Negro suffrage and practiced a benevolent paternalism toward the freedmen. The raw, uncultured upcountryman, led by the likes of Martin W. Gary and Ben Tillman, is usually pictured as the black man's real enemy. The Hamptonite intellectual Edward McCrady's central role in popularizing, drafting, and passing the registration and eight-box law tends to discredit these stereotypes. Moreover, table 4.2 demonstrates that opposition to the law was most prevalent among House members from the upcountry and those whose counties contained relatively small percentages of blacks. Their opposition apparently grew out of fear of white disfranchisement rather than any desire to protect the black man's vote. Since support for the law cut across sectional lines, blacks must have found little difference between the various groupings of whites. Perhaps most whites in South Carolina at the time would have agreed with a contemporary editorial in the organ of the conservative low country, the *Charleston News and Courier*. In an article entitled "Lynch Law—the Higher Law," this Hamptonite newspaper commended the recent lynching of two blacks. It worried, however, that quick hanging might not be a sufficient deterrent to crime. Instead, it advised burning at the stake or "chopping the offender into mince-meat."¹⁴

McCrady's law had an instantaneous effect on the politics of South Carolina, and it was exactly what he desired. As tables 4.3 and 4.4 show, the eight-box law cut the Republican vote by two-thirds, and it cut the Negro vote and overall turnout by half. The 1895 disfranchising convention merely finished the job by blotting out the tiny Negro and Republican percentages. Widely recognized as a potent disfranchising device, McCrady's 1882 scheme inspired a similar law later in the decade in Florida.

FLORIDA: THE ESTABLISHMENT OF "ARISTOCRACY AND DESPOTISM"

Markedly democratic during the 1880s, Florida became solidly

14. Jarrell, *Wade Hampton and The Negro*, expounds the Hampton myth. The Negro population and the geographical location were of course closely correlated. Twenty-five of the 39

Table 4.3. Republican Threat Dissolved Legally: Effect of Election Law Changes in South Carolina on Turnout and Party Voting in Presidential Elections, 1876–1896.

<i>Year</i>	<i>Republican</i>	<i>Democrat</i>	<i>Not Voting</i>
1876	45	44	11
1880	28	55	17
<i>Eight Box Law</i>			
1884	10	32	58
1888	6	29	65
1892	6	23	71
<i>Disfranchising Convention</i>			
1896	3	22	75

Table 4.4. Voting Participation Sliced by Half: Effect of Election Law Changes in South Carolina on Estimated Turnout by Race in Presidential Elections, 1876–1896.

<i>Year</i>	<i>White</i>	<i>Negro</i>
1876	73	96
1880	96	70
1884	55	35
1888	45	26
1892	39	22
1896	46	11

Democratic by the 1890s. The registration, poll tax, eight-box, and secret ballot laws simply exterminated the opposition. Though usually ignored in studies of disfranchisement, Florida's election law changes produced as dramatic effects as the property and literacy qualifications instituted elsewhere. Three of every four adult males voted in 1888, before the major amendments in the Sunshine State's electoral statutes; in the next statewide contest four years later, only one-third voted. In the 1888 presidential race the Democratic ticket prevailed by a 3–2 margin; in 1892, by better than 5–1.

Unlike the anemic South Carolina Republicans, Florida's opposition party showed a good deal of vitality in the eighties, despite the usual Democratic violence, harassment, fraud, and petty disfranchisement devices. Perhaps partly because William E. Chandler, President

delegates from counties under 60 percent Negro lived in the state's westernmost section. For the article, see *Charleston News and Courier*, Jan. 20, 1881, p. 2.

Arthur's Minister for Southern Affairs, had exceptionally close ties with Florida Republicans, the state spawned the most successful Independent movement in the South in the 1880s save Mahone's in Virginia. Alienated by planter Governor William D. Bloxham's sale of four million Florida acres to a Philadelphia promoter and other discriminations against the poor and the farmers, many whites threatened to bolt the Democratic party in 1884. Even though the Democrats patched over the feud between former governors Drew and Bloxham by awarding the gubernatorial nomination to the state's chief war hero, General Edward A. Perry, and in spite of the fact that the Independents ran a colorless local official, Frank W. Pope, the Democrats carried the 1884 gubernatorial contest by a mere 4,200 votes.¹⁵

After the failure of the Republican attempt to gain power through this front group and the general collapse of Southern Independentism when Cleveland's victory in 1884 left the Republicans bereft of federal patronage, the Florida GOP still polled a respectable 40 percent of the total votes for the state and national tickets in 1888. Furthermore, they continued to control local offices in such counties as Duval (Jacksonville), where they elected their whole slate in 1888. Consequently, although the GOP threat had been contained, especially in the legislature, where Democratic majorities fattened on the gerrymander, the opposition constituted a clear danger to Democratic control in the immediate as well as the far distant future. Both contemporary newspaper reports and election statistics belie the statement made by a recent student of the subject that Negroes "had largely surrendered the right to vote" in Florida by 1884.¹⁶

15. The Florida GOP's catalogue of Democratic abuses included most of those used in other states as well—disfranchisement of Republicans for petty larceny, gerrymandering, the employment of tissue ballots and ballot-box stuffing, refusal to allow Republican election inspectors and poll watchers to oversee the voting and the counting, appointment of ignorant or otherwise unqualified GOP representatives as inspectors over the protests of the county Republican committees, armed intimidation of Republican voters, and violence. See the *Report of the State Executive Committee of Florida to the Republicans of the State Upon the Election Held Nov. 2, 1880* (Washington, D.C.: National Republican Pub. Co., 1881). Edward C. Williamson, "Era of the Democratic County Leader," quotes many letters from Florida GOP leaders to Chandler. For example, see p. 97. The 1884 election is treated in Edward C. Williamson, "Independentism," pp. 131–156.

16. Regression analysis of party cross-overs from the 1880 governor's race to that of 1884 indicates that three-fourths of the 1880 Republican voters supported Pope in 1884, while only 10 percent of the 1880 Democrats left their party in the second election. GOP control of Duval reported in *Jacksonville Florida Times-Union*, Nov. 7, 1888. The student cited is Charlton

The need for restriction of the suffrage became particularly acute when white county Democrats threatened to substitute direct election for the provision of the 1868 constitution under which the governor appointed local officials. Unless supplied with other safeguards, black belt Democrats would then face the prospect of dealing with Negro county commissioners, judges, sheriffs, etc. A proposal to call a constitutional convention, fought out primarily on the issue of the election of local officials, failed in an 1880 referendum chiefly because white county Democrats had given their black belt compatriots no guarantee of protection against local Negro domination. Proponents of home rule hastened to provide the proper assurances, and an 1884 referendum on the same subject carried easily. Though both the Democratic and Independent gubernatorial candidates endorsed the convention call, statistical analysis of the vote on the referendum shows that virtually all the support for calling the convention came from white Democrats, while most Negroes and other Independent-Republicans either opposed the convention or abstained (table 4.5).¹⁷

Table 4.5. White Democrats Called the Convention: Estimates of Voting, by Race and Party, in Referendum on Calling 1885 Florida Constitutional Convention.

<i>Race</i>	<i>% For Calling Convention</i>	<i>% Against Calling Convention</i>	<i>% Not Voting</i>
White	70	0	30
Negro	11	21	68
<i>Party^a</i>			
Democrat	100	0	0
Independent	0	21	78
Not Voting	0	0	100

^aParty named in 1884 gubernatorial election.

W. Tebeau, *A History of Florida*, p. 289. Tebeau does recognize that the election laws finished off the Negro voters in particular and the Republicans in general, pp. 289–293.

17. This appointment provision had been adopted by the “moderate” Republicans who controlled the Reconstruction constitutional convention, in order to preserve white rule in the black belt. Jerrell H. Shofer, “The Constitution of 1868,” *Florida Historical Quarterly* 41 (1963): 356–374. For the 1884 referendum, see J. E. Dovell, *Florida*, 2 : 593, 651. “Leon,” in a letter to the *Florida Times-Union*, Feb. 5, 1885, stated that black belt Democrats had agreed to work for the convention only after promises of protection had been made to them at the Democratic state convention in June, 1884. Speaking for the black belt (Leon County had

If the white counties had provided the bulk of votes for the convention, the single most important agitator for it was Samuel Pasco of Jefferson County (77.4 percent black in 1890).¹⁸ Born in London, England, raised in Massachusetts, a graduate of Harvard, Pasco moved to Florida in 1859 and fought in the rebel army. He was chairman of the state Democratic executive committee from 1876 to 1887, the liberal candidate for the Democratic nomination for governor in 1884, and the compromise winner of a U.S. Senate seat in 1887, a place he held for two terms. The ease with which he was elected president of the 1885 constitutional convention indicates the degree of control exercised by the Democratic leadership and the partisan nature of the convention from the beginning.

On the question of voting restriction, the convention's most important figure was the chairman of the suffrage committee, Austen S. Mann of Hernando County (36 percent black in 1890). Born, reared, and educated in Ohio, Mann had been a lawyer and manufacturer in the North before his removal to Florida in 1873—a strange career for someone later to become the most powerful Populist leader in Florida. As a Democratic state senator in the early 1880s, Mann had been chairman of the Senate committee on calling the constitutional convention. In the convention itself, he was a chief spokesman for the young, liberal Democrats and the leading opponent of the poll tax. Mann's chief adversary in the suffrage committee and on the convention floor, Samuel J. Turnbull of Jefferson County, had never before held political office. Born into a prominent Florida family, owner of a large plantation, Turnbull led the black belt proponents of disfranchisement in the convention.¹⁹

the highest proportion of Negroes in Florida), "Leon" threatened to torpedo ratification of the constitution, as he claimed he and his fellows had defeated the 1880 referendum, if black county Democrats were not sufficiently safeguarded in the convention. See also *Florida Times-Union* editorial, Aug. 4, 1885, corroborating "Leon's" account of events. Analysis of the November 1886 referendum on ratifying the constitution revealed a party and racial alignment similar to that of 1884 except that most Independents and Negroes opposed the constitution instead of abstaining.

18. *Florida Times-Union*, Nov. 12, 1886.

19. Observers have often wondered why the Farmers' Alliance chose to hold perhaps its most important national convention in a small Florida town, and why the railroads granted low rates or free passes to the agrarian delegates. According to the chief Alliance newspaper in Tennessee, it was A. S. Mann's "eloquence and magnetism" which convinced Alliance leaders to come to Florida and railroad owners to grant special rates. *Tennessee Weekly Toiler*,

In the five constitutional conventions from 1890 to 1902 in Mississippi, South Carolina, Louisiana, Alabama, and Virginia, the chief argument was over the *means* of limiting the suffrage. In the 1885 Florida convention, where the principal issue was not disfranchisement in the black counties but home rule in the white areas, there was strong opposition to any restriction at all. The issue was forced on the convention when the delegates voted to make all county officers elective except the most important ones, the members of the county commission. Thereafter, the chief problem of the convention, according to the *Florida Times-Union*, was how best to insure "the safety of the black belt."²⁰

The suffrage committee, consisting of two black belt and four white county Democrats, three Independents, and two Republicans (one, T. V. Gibbs, an outstanding young Afro-American leader), split on the question of instituting a poll tax. The majority report favored submitting to the voters a poll tax article separately from the rest of the constitution. A minority report, signed by Turnbull and Odom, a white county Democrat, favored submission of the poll tax as part of the constitution. The Democratic caucus overwhelmingly endorsed the minority's views. After the convention adopted the minority report, the major issues became the amount of the capitation tax, the time for payment, and whether to make the tax mandatory or require the legislature to take positive action to put it into effect. The antirestrictionists won on the first two issues, defeating a proposal to require payment three years before the election as a prerequisite for voting and one setting the tax at \$2 annually. On the third issue the convention followed a twisting course,

Dec. 18, 1889, quoted in *Florida Times-Union*, Oct. 21, 1890. The Florida Knights of Labor awarded Mann a medal, which he thereafter wore during election campaigns, for his defense of voting "without price." *Florida Times-Union*, Sept. 30, 1890. Biographical information on the convention leaders is from J. B. Whitfield, compiler, *Florida State Government, 1885* (Tallahassee, Fla.: Steam Book and Job Office, 1885); Samuel Pasco, Jr., "Samuel Pasco (1834-1917)," *Florida Historical Quarterly* 7 (1928): 135-138; Dovell, *Florida*, 2: 647-648, 688; Williamson, "Era of the Democratic County Leader," pp. 307-309.

20. An attempt to make county commissioners elective was beaten down, 57-38, and a motion to require the governor to appoint no more than three members of one political party to the five commissioners' posts failed 48-42. Fla. Con. Con. *Journal* (1885), pp. 409-412. See also *Florida Times-Union*, July 25, 1885. The Republicans and "young liberal Democrats" did succeed in making all judges elective, July 17, 1885. Mann voted with the Republicans on each of these issues. The chief purpose of the convention was exposed in the Aug 5, 1885 edition.

first voting for a mandatory poll tax, then sending the whole question back to the committee, which failed to resolve it, and finally investing the legislature with the power to make the tax a prerequisite or not. This final outcome was a compromise, more a victory for the opponents than the proponents of disfranchisement. The black belt's security, however, was insured through the gubernatorial appointment of county commissioners and the requirement that other county officeholders be heavily bonded by sureties acceptable to the county commissioners. The latter requirement was invoked in 1888, for example, to replace a Republican sheriff in Jacksonville with the future "Progressive" governor, Napoleon Bonaparte Broward.²¹

The lineup on suffrage restriction in the Florida convention was strongly related to party affiliation and the racial composition of the delegate's county. On the issue of requiring poll tax payments for the preceding year as well as the election year (a compromise between the proponents of paying it for three years and those who wanted it paid for only the election year), the Democrats voted 51–17 for, while the Republicans and Independents cast 26 of their 28 ballots against (table 4.6). Black belt Democrats voted 21–1 for the stiffest poll tax they could get. On the other hand, 16 of the 17 Democrats who opposed requiring poll tax payments for two years before the election came from predominantly white counties. Evidently, these deviant Democrats fought the tax because they feared that it would disfranchise many whites in their counties. In attacking the capitation tax the 16 delegates arrayed themselves with a "convention of the working people of

Table 4.6. Democratic Disfranchisers: Party Affiliation and Votes on the Poll Tax in the Florida Constitutional Convention of 1885.

<i>Party</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>
Democrat	51 (64%)	17 (21%)	12 (15%)
Independent	1 (17%)	5 (83%)	0
Republican	1 (4%)	21 (96%)	0

NOTE: Voting on the motion to require payment of the poll tax for election year and the preceding year.

21. The reports appear in Fla. Con. Con. *Journal* (1885), pp. 361–362; Democratic endorsement in *Florida Times-Union*, July 9, 21, 1885; the roll calls in Fla. Con. Con. *Journal* (1885), pp. 472–473, 510–513, 557–566, and in the debates in *Florida Times-Union*, July 30, August 2, 1885. Use of the appointment provision appears in Flynt, *Fletcher*, pp. 18–19; *Florida Times-Union*, March 24, 1889.

Jacksonville" (a white group), who protested against the tax in a memorial to the constitutional convention. The memorial claimed that the measure would hurt the "working classes," and tend to set up "aristocracy and despotism." Pointing to the shrunken political participation in Georgia, they attributed it to the operation of the poll tax, which limited voters to the "privileged class."²²

The new constitution required poll tax prepayment for voting only when the legislature authorized it. In the 1887 session, a coalition of Republicans, Independents, and such white-county liberals as Stephen R. Mallory and Austen S. Mann defeated attempts in both houses to pass capitation tax bills introduced by Democrats from black-majority counties (table 4.7).²³

The Democrats did, however, succeed in ramming through a registration bill over Republican protest on the last day of the session. Like the South Carolina law, the Florida annual registration act required the voter to present his registration certificate at the polls in order to vote.

Table 4.7. The Black Belt and the Poll Tax: Party, Proportion Negro, and the Poll Tax in the Florida Legislature of 1887.

Party and Racial Composition of County	Senate		House	
	For	Against	For	Against
Republican and Independent	1	8	1	19
Democrat, under 50% Negro	9	8	10	13
Democrat, black belt	4	0	12	4
Total	14	16	23	36

NOTE: Abstainers are omitted.

22. There were four significant roll calls on the poll tax. One was a motion to allow the legislature to impose any penalty (implicitly including disfranchisement) for nonpayment of taxes, which was so vague that it was withdrawn by its author the day after it passed. Another would have required payment of the poll tax two years in advance of the election. The other two suspended the tax as a suffrage prerequisite unless the legislature took positive action. See Fla. Con. Con. *Journal*, pp. 267-268, 509-510, 566. The motivation of deviant Democrats is exposed in Joseph B. Christie to *Florida Times-Union*, October 14, 1886; A. H. Curtin to *ibid.*, July 12, 1885; editorial in *ibid.*, July 22, 1885. Memorial appears in Fla. Con. Con. *Journal* (1885), pp. 402-404; Williamson, "Era of the Democratic County Leader," p. 230.

23. Fla. *House Journal* (1887), pp. 72, 110-111, 133, 252-253, 459; *Senate Journal* (1887), pp. 88, 173, 676-680; *Florida Times-Union*, April 16, 18, May 8, 25, 27, 1887. Since Mallory held the conventional white supremacist opinions of a Southern Democrat, his staunch opposition to restrictive laws apparently stemmed from hostility to disfranchising any whites. See *ibid.*, Sept. 13, 1890.

The Democrats also gerrymandered the legislature, transferring seats in both white and black areas where Republicans were strong to safely Democratic counties. These two actions and an apparent increase in frauds prepared the way for the disfranchisers' success in the next session. Before the 1888 election Democratic registrars, in what seems to have been a fairly concerted effort, refused to hold office hours on the designated days, unlawfully required blacks to produce white witnesses to prove their places of residence, refused outright to register Negroes, and registered Democrats fraudulently. On election day, ballots were rejected on the grounds, for instance, that an asterisk or a dash was printed on the ticket, that names were written in red ink, and that the ballot had "specks" on it. The chief federal election supervisor in Florida, Philip Walter, reported to the U.S. attorney-general that at least ten persons were denied registration in each of over 700 precincts and that "over 10,000 Republican votes were thrown out after they were cast." Such practices enabled the Democrats to gain control of the black belt, at least for one election. Grover Cleveland had carried only three of the ten Florida counties with Negro majorities in 1884; he took eight of them in 1888.²⁴

These legal and extralegal actions reduced the opposition sufficiently to allow the Democrats to use their temporary top-heavy majorities to pass election laws, which, in effect, declared them rulers in perpetuity. Republicans and Independents had made up 31 percent of the 1887 legislature, but only 14 percent in 1889. In addition, several liberal Democrats and Independents, including Mann and Mallory, either lost their campaigns or chose not to stand for reelection. One indication of the power of the black belt in this legislature was the election of future Populist A. P. Baskin of Marion County (55 percent

24. On the registration act, see Fla. *Senate Journal* (1887), pp. 800, 901, 910-911, 923; Fla. *House Journal* (1887), pp. 919-922. The registration bill's provisions are given in Fla. *Acts* (1887), pp. 52-66. One white county Republican's amendment, disposed of without a record vote, would have added a little humor to the statute books: "Provided that when any person shall apply to the supervisor of election to be registered, it shall be the duty of the said supervisor to register him and also to brand him on the north part of his person with the initial letter of the party to which he belongs; if a Democrat, with the letter 'D'; if Republican, letter 'R'; if Mugwump, letter 'M', and if Knight of Labor, 'Let Her Up,' . . ." Fla. *House Journal* (1887), pp. 910-911. On the gerrymandering, see Fla. *Senate Journal* (1887), p. 943. Walter's figures appear in *Goodrich vs. Bullock* (1889), summarized in Chester H. Rowell, compiler, *Digest of Contested Election Cases, 1789-1901*, pp. 464-466; *Memphis Daily Appeal*, February 13, 1890.

black) as head of the Democratic caucus. Another was the fact that Randall of Madison (61 percent black) and Turnbull of Jefferson (77 percent black) chaired the privileges and elections committees in the 1889 state Senate and the House, respectively, and black belt Democrats composed majorities of both committees. The state's leading newspaper, the *Florida Times-Union*, located in the Negro-majority county of Duval, spewed racist, antidemocratic editorials in a successful month-long campaign to replace Jacksonville's duly elected Republican government with one chosen by the governor and controlled by the Democrats.²⁵

In this climate, the bills—all introduced by black belt Democrats—which provided for a more stringent registration procedure, payment of a poll tax as a prerequisite for voting, and an eight-box law met with little resistance. The poll tax law, which represented “the thoughtful deliberations of many weeks by the leading Democrats of the State,” passed the House by 43–10 and the Senate by 15–7. Only five white-county Democrats in the House and four in the Senate, apparently fearing that the tax would discourage many white Democrats from voting, joined the Republicans in opposing the measure. The registration and eight-box law, written by William Milton, Jr., of Jackson (64 percent black), son of the antebellum Whig planter whom Andrew Johnson had appointed governor during Presidential Reconstruction, faced a slightly graver challenge. Despite Democratic caucus endorsement of the Milton bill, a move to strike the eight-box section in the House failed by only eight votes. The bill then passed the House by 43–15 and the Senate by 16–8. Every Democratic opponent of the bill on these votes represented a white county (table 4.8).²⁶

Despite the fact that the “political war was being waged to the knife

25. For committee appointments, see *Florida Times-Union*, April 2, 1889; *Fla. Senate Journal* (1889), p. 45; *Fla. House Journal* (1889), p. 58. See editorials *Florida Times-Union*, April 3 to May 10, 1889, especially the issues of April 30 and May 10.

26. Poll tax bills were introduced by Theodore Randall and Hugh Patterson of Madison (61 percent black), Samuel Turnbull of Jefferson (77 percent), B. F. Walker of Leon (82 percent), W. C. Rives of Alachua (57 percent), and A. P. Baskin of Marion (55 percent). See *Fla. Senate Journal* (1889), p. 100; *House Journal* (1889), pp. 51, 61, 68, 419. Reports on the law occur in *Florida Times-Union*, April 30, 1889; *Fla. House Journal* (1889), pp. 589–590; *Senate Journal* (1889), p. 469. *Florida Times-Union*, May 19, 1889, indicates that fear of white disfranchisement determined the vote of the most important Democratic opponent of the poll tax in this legislature, Senate President J. P. Wall. On the registration and eight-box bills, see *Fla. House Journal* (1889), pp. 832–835, 995–996; *Senate Journal* (1889), p. 766.

Table 4.8. The Black Belt and the Eight-Box Section: Party, Proportion Negro, and the Eight-Box Section in the Florida House, 1889.

Party and Racial Composition of County	Position on Eight-Box Section		Total
	For	Against	
Republican or Independent White County	0	9	9
Democrat Black Belt	18	14	32
Democrat	13	0	13
Total	31	23	54

NOTE: Abstainers are omitted.

a whole year before the official campaign was opened,” turnout in Florida in 1890 plunged below 50 percent for the first time in twenty years. Although the Republicans organized registration drives, disbursed money to pay poll taxes, and drilled their partisans on the new voting methods, the Democrats buried the GOP. The swollen Democratic majority, the *Times-Union* commented, was “due almost wholly to the operation of the new election law.” While proclaiming that “the poll-tax pre-requisite was undoubtedly the greatest factor in the [R]epublican defeat in Florida,” the *Times-Union* did not ignore the effect of the eight-box provision. In the black belt, “a large number of the Negroes could not read and placed their ballots in the first box they came to.” Republicans charged that the election judges placed fresh Democratic ballots on the top of each election box (thereby eliminating the educational qualification for voters of the dominant party), but enforced the literacy test rigidly against Republicans. “The new election law,” the *Times-Union* concluded, “is a God-send to the state, as it prevents ignorance from ruling and controlling the destinies of the Land of Flowers.”²⁷

If the 1890 contest entombed the Republicans, the election of 1892 aborted the Populists. The captains of Florida Populism, former Democratic and Independent leaders Austen S. Mann, A. P. Baskin,

27. *Florida Times-Union*, Sept. 8, 9, 14, 20, October 6, 9, 11–12, 16, 18–19, 23, 28, 30–31, November 5, 6, 23, 1890; *Congressional Record*, 53rd Cong., 2 sess. (1894), pp. 1865–1866. Quotations are from the *Times-Union* issues of October 28 and November 5, 6, and 23.

and D. L. McKinnon, appear to have been as competent as any in the South. The Democrats canvassed actively in every county, delivered 1,600 speeches, and sent out 145,000 pieces of campaign literature. All this activity notwithstanding, overall turnout declined from 75 percent in 1888 to only 39 percent in 1892, and the Populist gubernatorial hopeful attracted less than a third as many voters as the Republican candidate had in the preceding governor's race (table 4.9). Negro turnout dipped to an estimated 11 percent, and despite Republican endorsement of the Populists—which had come in return for a Populist commitment to repeal “the infamous election law”—all Negro votes seem to have been cast, or at least counted, for the Democrats (table 4.10).²⁸ Substitution of the less openly revolutionary secret ballot for the notorious eight-box law in 1895 merely continued the practice of

Table 4.9. Populism Aborted: Effect of Election Laws in Florida on Turnout and Party Voting in Elections, 1880–1896.

Year	<i>Republican and Independent</i>		<i>Populist</i>	<i>Democrat</i>	<i>Not Voting</i>
1880	38		0	46	16
1884	37		0	42	21
1888	30		0	45	25
<i>Eight Box and Poll Tax</i>					
1892	0		8	31	61
<i>Secret Ballot</i>					
1896	7		4	22	67

Table 4.10. Black Suffrage Terminated: Effect of Election Laws in Florida on Estimated Turnout by Race in Gubernatorial Elections, 1880–1896.

Year	<i>White</i>	<i>Negro</i>
1880	96	71
1884	74	87
1888	86	62
1892	59 ^a	11 ^a
1896	57 ^a	5 ^a

^aOne deviant county deleted in making 1892 estimates, and three deviant counties deleted in making 1896 estimates. Ballot boxes were apparently stuffed in these black belt counties to inflate Democratic totals.

28. *Florida Times-Union*, October 2, 4–6, November 13, 1892.

eliminating illiterates under a new guise. The security of the black belt and the Democratic party had been purchased at the cost of abandoning popular government.