

## The Disfranchising Conventions: “Family Meetings of the Democratic Party”

In contrast with the legislative activities described in chapters 4 and 5, the disfranchising conventions held between 1890 and 1902 in Mississippi, South Carolina, Louisiana, Alabama, and Virginia are familiar to students of late nineteenth-century America. But the notoriety of these spectacles, the comparative wealth of easily available information on them, and the colorful personages who dominated some of the convocations have tended to obscure the fact that these assemblies were largely anticlimactic. By focusing on the conventions themselves, scholars have tended to slight the political battles that prepared the way for disfranchisement in each state and exaggerate the disagreements within the safely Democratic gatherings. The fact is that the suppression of dissenting groups and parties by legal and illegal means *preceded* the conventions. The contention over various disfranchisement plans has sometimes concealed the wide extent of the underlying consensus that existed among the delegates. On the other hand, the eclipse of the opposition was neither complete nor necessarily permanent at the time any of the conventions met, and both the collapse of the enemies of restriction and the consensus among its friends often predated the conventions by only a few months. To see the conventions and their accomplishments in proper perspective, therefore, we must shift the emphasis to the events which led up to them.

### MISSISSIPPI: “PROPER PATRIOTISM”

The Mississippi Democrats faced threats from within and without in 1889–90.<sup>1</sup> Not only did the national Republicans push a federal

1. On the reasons for calling the convention and the Mississippi political situation at the time, see Kirwin, *Revolt of the Rednecks*, pp. 58–64; Wharton, *Negro in Mississippi*, pp. 207–211; James Sharbrough Ferguson, “Agrarianism in Mississippi, 1871–1900: A Study in Nonconformity” (Ph.D. diss., Univ. of North Carolina, 1952), pp. 443–482; Mabry, “Disfranchise-

fair elections bill, the state GOP in 1889 nominated a complete state ticket for the first time since 1875. Although extensive Democratic violence led to the Republican candidates' quick withdrawal, their nomination proved that the opposition was only dormant, not moribund.

The agitation for a constitutional convention originated in the counties where there were comparatively few Negroes. Led by Farmers' Alliance activist and future Populist gubernatorial candidate Frank Burkitt, many small farmers wanted a convention to repeal convict-leasing, reapportion the state legislature and the school funds, enact prohibition, provide for an elective judiciary, and regulate corporations. Burkitt's resolution for a convention passed the 1886 House, but died in the Senate.<sup>2</sup> A similar resolution in 1888 passed both houses, but was vetoed by Governor Robert Lowry. His veto message indicated that he feared that Alliance men might be able to write some of their reforms into the state constitution. Mississippi politics were peaceful, he went on:

Why disturb society under such circumstances and surroundings? Why agitate and convulse the country when quiet is so desirable and important for the public welfare? . . . It is important to the people that there should not be disturbance of elections and the disquieting issue of race questions and other exciting issues, for they know that their success and prosperity depends, not so much on constitutional laws, as on their own efforts and the blessings of Heaven.<sup>3</sup>

Apparently the Deity Himself sanctioned electoral chicanery.

But Lowry's passive conservatism gave way the next year to the activist conservatism of U.S. Senator James Z. George. Frightened by the Lodge Elections Bill, George realized that radical changes in the electorate were necessary to maintain the established party in power. In 1889, therefore, he campaigned throughout the state for a constitutional convention. His call for suffrage restriction converted many political leaders from the overwhelmingly black counties who had

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ment of the Negro," pp. 104-123; McNeilly, "History of Measures," pp. 131-132; Frank Johnston, "The Public Services of Senator James Z. George," pp. 209-216.

2. Kirwin, *Revolt*, p. 60; Wharton, *Negro in Mississippi*, pp. 207-208. Burkitt's actions and comments during and after the convention, detailed below, make it exceedingly unlikely that his motive in calling for a convention was "to eliminate blacks from politics," as Jack Temple Kirby claimed in *Darkness at the Dawning*, p. 10.

3. Miss. *Senate Journal* (1888), pp. 146-149.

opposed a convention aimed at socioeconomic reforms or hesitated to replace the familiar methods of election control with legal ones. The ballot-box stuffers felt they could trust Senator George, chief organizer of the bloody 1875 overthrow of the Radicals, to discover a way of maintaining white Democratic supremacy without openly violating the U.S. Constitution. Although legislators from the counties with fewer Negroes had little immediate interest in disfranchising the blacks and balked at any action which would deny the vote to whites, many of them continued to favor a convention as the only means of instituting other changes. By refusing to discuss plans for suffrage qualification, George retained enough support for the convention from legislators from the hills and piney woods to pass a convention bill through the 1890 legislature.<sup>4</sup>

Table 6.1. Who Called the Constitutional Convention in Mississippi? Changes in Support for the Convention in Mississippi Legislature, 1888-1890.

% Negro in Member's District	For	Against	Total	For	Against	Total
	1888 HOUSE			1888 SENATE		
Less than 50%	34 (89%)	4 (11%)	38 (100%)	7 (88%)	1 (12%)	8 (100%)
More than 50%	33 (58%)	24 (42%)	57 (100%)	12 (44%)	15 (56%)	27 (100%)
Totals	67 (70%)	28 (30%)	95 (100%)	19 (54%)	16 (46%)	35 (100%)
	1890 HOUSE			1890 SENATE		
Less than 50%	27 (66%)	14 (34%)	41 (100%)	8 (62%)	5 (38%)	13 (100%)
More than 50%	39 (60%)	26 (40%)	65 (100%)	16 (64%)	9 (36%)	25 (100%)
Totals	66 (62%)	40 (38%)	106 (100%)	24 (63%)	14 (37%)	38 (100%)

NOTE: All the votes given in table 6.1 are on third readings of the constitutional convention bills, except the 1888 Senate vote, which was the attempt to override Governor Lowry's veto. This required a two-thirds majority, and the bill therefore failed to pass. Only Democrats are included. Abstainers omitted. Percentages in parentheses add up to 100% across rows.

4. Kirwin, *Revolt*, pp. 60-64; George, quoted in Mabry, "Disfranchisement of the Negro," p. 109; McNeilly, "History of the Measures," p. 132; Johnston, "Public Services of Senator George," pp. 213-216; and "Suffrage and Reconstruction in Mississippi," p. 209.

Table 6.1 demonstrates the changes from 1888 to 1890 in support for calling the constitutional convention. Nearly 90 percent of the delegates from predominantly white counties favored a convention in 1888, but only about 65 percent in 1890. A majority of black belt senators actually opposed the attempt to override Governor Lowry's veto in 1888, whereas by 1890 over 60 percent of the black belt senators and representatives favored the convention. Moreover, the vote on the bill shows how little support existed—or was necessary—for disfranchisement in Mississippi. Since the Mississippi constitution required a referendum neither on calling a convention nor on ratifying its results, all the proponents of disfranchisement needed to attain their ends were bare majorities in the legislature and the convention. They got only 62 percent of the Democratic legislators. And a mere 15 percent of the eligible voters bothered to turn out in the elections for delegates to the convention. No grass roots upsurge was responsible for disfranchisement in Mississippi. It was strictly a movement by the elite.<sup>5</sup>

The convention itself was composed of 130 Democrats and four men from other parties. Senator George's candidate, Solomon Salidin Calhoun, a wealthy lawyer and planter, won the presidency, and all accounts agree that George was the dominating figure in the convention.<sup>6</sup>

In the consideration of the suffrage article, the delegates split along white county–black belt lines. The Farmers' Alliance opposed any educational or property qualifications. Frank Burkitt, who eventually refused to sign the constitution, and John E. Gore, the convention's only Greenbacker, opposed disfranchising anyone, white or black. James L. Alcorn, a Republican governor of the state during Reconstruction, earnestly but unsuccessfully appealed to the convention to allow Negroes to control the lower house of the legislature and gradually reenter

5. For consideration of the bills, see *Miss. House Journal* (1888), pp. 109–113; *Miss. Senate Journal* (1888), pp. 91, 159–162; *Miss. House Journal* (1890), pp. 165, 211–218; *Miss. Senate Journal* (1890), pp. 165, 168, 172–175. The Senate was solidly Democratic in both sessions. Two of the nine lower house members classed as Republicans or Independents in 1888 favored the convention, six opposed, and one cast no vote. Five of the six Republicans in the 1890 House voted against the bill, and the other did not vote. The turnout for the election of convention delegates was computed from figures in Kirwin, *Revolt*, p. 65. For a similar analysis of the change in motives for calling the convention, see Ferguson, "Agrarianism in Mississippi," pp. 443–454, 461, which I encountered only after reaching the conclusions in this paragraph.

6. E.g., Kirwin, *Revolt*, pp. 65–70; Johnston, "Suffrage and Reconstruction," p. 222.



the entire political system. In Mississippi, as elsewhere in the South, political and racial unorthodoxy often went hand in hand.<sup>7</sup>

The contradiction between white county opposition to limitations on the electorate and black belt insistence that the qualifications be high enough to destroy Negro voting majorities in every county forced an elaborate series of compromises. The delegates apportioned the legislature so that the white counties had a majority in the House and the black belt in the Senate. They also set up an electoral college scheme that gave the gubernatorial candidate "electoral" votes for carrying each county proportional to the number of lower house seats assigned to the county. To win, a candidate had to have a majority in both the electoral college and in the popular vote, which would prevent the election of a governor supported chiefly by Negroes if the federal courts ruled the new constitution invalid. In the most important compromise, the delegates allowed illiterates to register if they could prove to the registrar's satisfaction that they understood the constitution. Although most delegates apparently expected that discriminatory administration would allow all white and few black illiterates to vote, the early history of the operation of the clause belied the predictions. As pointed out in chapter 2, only about 2,000 adult males, nearly half of them black, qualified under this clause in 1892. Other provisions of the suffrage article required residency for a year in the precinct and payment of a \$2 poll tax annually for two years before the election, and allowed municipalities to set additional suffrage qualifications. The suffrage article as a whole passed by an 82-37 margin. Twenty-two of the thirty-four dissenters whose home counties were given (the others were at-large delegates) resided in areas under 50 percent Negro.<sup>8</sup>

7. Memorial to the convention by the Farmer's Alliance, printed in *Miss. Con. Con. Journal of the Proceedings* (1890), pp. 50-51. For Burkitt's exceedingly liberal views on the suffrage, see *New Orleans Daily Picayune*, Dec. 6, 1897, and Norman Pollack, *The Populist Mind*, p. 397. For Gore's opinion, see Kirwin, *Revolt*, p. 68; for Alcorn's, *Jacksonville Florida Times-Union*, Sept. 20, 1890, but cf. Alcorn's more orthodox racist views cited in Lillian A. Pereyra, *James Lusk Alcorn*, pp. 196-197. Burkitt also strongly opposed a move to segregate school taxes by race and appropriate only Negro taxes for Negro schools. See *Miss. Con. Con. Journal* (1890), p. 349.

8. On the compromises, see a statement of G. T. McGehee, a black belt member of the Franchise Committee, quoted in *Congressional Record*, 51st Cong., 2nd sess., pp. 734-735; McNeilly, "History of the Measures," pp. 133-137; Alfred Holt Stone, "Address to the Jackson Lions Club, May 30, 1947," quoted in Frank B. Williams, "Poll Tax as a Suffrage Requirement," p. 175; Kirwin, *Revolt*, pp. 66-73; *Proceedings of a Reunion of the Surviving Members of the*

The new constitution not only prevented a resurgence of Negro opposition, it also aborted the Populist party (tables 6.2 and 6.3). Rural, poverty-stricken Mississippi should have welcomed a new party that sought to remedy many farmers' grievances. And with the Republican party clearly dead in Mississippi by 1892, the Populists had no competition for the votes of those disenchanted with the Democrats. Moreover, the knowledge that almost no Negroes were left in the electorate should have freed whites to split without fear of "Negro domination." Nonetheless, the Populists garnered but 4 percent of the adult males in 1892 and 6 percent in 1895. According to my estimates, less than a fifth of all adult white males, which equaled only a third of those who turned out to vote, backed the well-known and widely respected Populist Frank Burkitt for governor in 1895.<sup>9</sup> The constitution cut Negro turnout from about 30 percent in the 1888 presidential race to virtually nothing thereafter.

Such figures lend credence to a statement made in 1904 by Mississippi Congressman Eaton J. Bowers. According to the congressman, Mississippi had "disfranchised not only the ignorant and vicious black, but the ignorant and vicious white as well, and the electorate in Mississippi is now confined to those, and to those alone, who are qualified by intelligence and character for the proper and patriotic exercise of this great franchise."<sup>10</sup> Bowers no doubt believed only Democrats properly patriotic.

Table 6.2. An Innoculation against Populism: Effect of Election Law Changes on Turnout and Party Voting in Mississippi, 1888-1895.

Election	Percentage of Adult Males			
	Democrat	Republican	Populist	Not Voting
1888 Presidential	32.3	11.0	0.0	56.7
<i>1890 Constitution</i>				
1892 Presidential	14.3	0.5	3.9	81.3
1895 Gubernatorial	15.1	0.0	5.6	79.3

*Constitutional Convention of 1890, Held November 1, 1927* (Jackson, Mississippi: Premier Printing Co., 1928), pp. 55-56; Wharton, *Negro in Mississippi*, pp. 209-213. On the operation of the understanding clause, see Johnston, "Suffrage and Reconstruction," pp. 229-230; Kirwin, *Revolt*, p. 74. For the roll calls, see Miss. Con. Con. *Journal* (1890), pp. 229-239, 245-247.

9. On Mississippi Populism, see Kirwin, *Revolt*, pp. 93-102.

10. Quoted in Newby, *Jim Crow's Defense*, p. 151.

Table 6.3. Blacks Disfranchised: Effect of Election Law Changes on Voting, by Race, in Mississippi, 1888–1895.

Election	Percentage of Adult Males			
	Democrat	Republican	Populist	Not Voting
<i>Whites</i>				
1888 Presidential	55	6	0	38
1892 Presidential	28	0	11	59
1895 Gubernatorial	35	0	19	45
<i>Blacks</i>				
1888 Presidential	14	15	0	71
1892 Presidential	2	0 <sup>a</sup>	0	98
1895 Gubernatorial	0 <sup>a</sup>	0 <sup>a</sup>	0 <sup>a</sup>	100 <sup>a</sup>

<sup>a</sup>Estimates within 3% of the 0–100% logical limits have been set at 0% and 100%. For an explanation of the procedures involved, see my “Ecological Regression” article.

#### SOUTH CAROLINA: “PERPETUATING THE RULE OF THE DEMOCRATIC PARTY”

Although fraud, violence, and the 1882 election law had severely damaged the Republican party in South Carolina, by the end of the eighties the Democrats there could not rest too easily. As Governor John P. Richardson remarked in 1888, “We now have the rule of a minority of four hundred thousand [whites] over a majority of six hundred thousand [Negroes]. . . . The only thing which stands to-day between us and their rule is a flimsy statute—the Eight-Box Law—which depends for its effectiveness upon the unity of the white people.”<sup>11</sup> That unity broke in the early nineties with the rise of Benjamin Ryan Tillman.

The split between Tillman and the Conservatives involved no fundamental matters of political principle. The “Conservative” and “Reform” platforms of 1892 could have been interchanged with few corrections or deletions. Tillman and Senator Matthew C. Butler endorsed the same parts of the Alliance’s Ocala platform in their 1894 contest for the Senate, and Tillman was perhaps more vigorous than the aristocratic Butler in denouncing the Populist schemes for railroad nationalization and the subtreasury. As governor, Tillman authored no startling economic programs to raise up the lower or tear down the

11. *Charleston News and Courier*, July 31, 1888, as quoted in Thomas B. Reed, “The Federal Control of Elections,” *North American Review* 150 (1890): 677. See similarly Ben Tillman’s speech at the disfranchising convention, in S.C. Con. Con. *Journal* (1895), pp. 443–472.

upper strata. When he pushed through a bill strengthening the railroad commission, for example, he appointed to it conservative men who did the corporations no harm. A large farmer himself, Tillman brought into the government not roughhewn tenants or small landowners, but such men as his successor as governor, John Gary Evans, a well-dressed, Northern-educated son of a Confederate general. While his manner no doubt seemed radical and "populistic" to cultivated businessmen in Charleston or New York, Tillman's actions were solidly in the mainstream of contemporary Southern Democrats. He endorsed Grover Cleveland in 1892 and Alton Parker in 1904, assailed the more substantive economic changes proposed by the Populists as "socialistic," and denounced any attempt to set up a party opposed to his own in South Carolina as a conspiracy to turn the state over to the blacks. Genteel Carolinians were put off not so much by his programs as by his manners and his willingness to discard the older, honored political leaders. He retired war heroes Wade Hampton and Matt Butler from the Senate, irresponsibly charged honest state legislators with taking bribes, and uttered curse words on public platforms to please rowdy audiences.<sup>12</sup>

Nonetheless, he rekindled opposition to the Democrats. Conservatives revolted against his rhetoric, less wealthy whites against the timidity and irrelevance of his economic programs, unsuccessful politicians against his failure to back them for office, and Negroes against his virulent racism. The Republican state committee joined a few conservatives behind the independent candidacy of Alexander C. Haskell for governor in 1890. Notorious among the blacks for his racist activities as state Democratic chairman during the 1876 Red Shirt campaign, Haskell offered Negroes neither patronage nor specific policy commitments. Nor did he tender economic proposals to attract lower strata whites. In addition, the *Charleston News and Courier*, Wade Hampton, and most other Democratic officeholders loyally backed Tillman as the party nominee. Haskell, the first man to contest a South Carolina governor's race since 1882, was lucky to get a sixth of the votes. Two years later, Tillman scotched a proposed coalition between the conservatives and the Farmers' Alliance by investing in the state Alliance

12. Wallace, *History of South Carolina*, 3: 351-353, 363-364; Cooper, *Conservative Regime*, pp. 17-20, 156-157, 203, 208-213; Simkins, *Tillman*, pp. 161, 166-167, 189, 198, 204-206, 209-214, 218-220, 265-267, 274.

newspaper and having the state Democratic convention endorse the subtreasury plan, a plan which he opposed before and after the convention. In 1894, Tillmanite John Gary Evans faced a surprisingly strong challenge in the governor's race from a former follower of Tillman who ran as an independent. Lacking either newspaper support or any semblance of a campaign organization, Samson Pope did strongly appeal to Negroes by defending, in court, their right to register and vote freely. He gained about 30 percent of the ballots in that contest. After his defeat, Pope called for a conference of white and Negro Republicans and anti-Tillmanites to meet in early 1896 to prepare for that year's race for governor.<sup>13</sup>

To end the possibility of Democratic defeat by a coalition of Negroes and some disaffected white group, Tillman promoted a constitutional convention. Enabling legislation for a referendum on calling a convention failed to get the necessary two-thirds in the Conservative-dominated 1892 House, but passed in 1894. Along with the referendum bill, the Tillmanites passed a new registration law designed to prevent Negroes from surging back into the electorate to defeat the convention. The new system allowed those already registered—most of whom were whites—to vote, but set up virtually incomprehensible regulations for those previously unregistered. In addition, Tillman and Evans instructed local officials to refuse registration blanks to Negroes, and they removed uncompliant functionaries. Local officials did their duty in the classic Southern manner, failing to appear on designated registration days, intimidating those who tried to register; conducting their business in such a dilatory way as to leave hundreds waiting in line at the day's end. Only ten thousand Negroes managed to register, and, said a Republican complaint, "one hundred thousand, after unparalleled suffering and sacrifice, remain unregistered." Although a federal district judge ruled the registration law unconstitutional, the circuit court overturned the decision on the grounds that the courts lacked jurisdiction over such "political questions."<sup>14</sup> Nevertheless, the renewal of political interest among blacks and the extent to which Democrats went to discourage the Negroes' activity proved the necessity of sub-

13. Simkins, *Tillman*, pp. 162–168, 204–206, 280–281; Wallace, *History of South Carolina*, 3: 367; *Jacksonville Florida Times-Union*, Nov. 5, 1890; *Birmingham Age-Herald*, Nov. 7, 1894.

14. Rowell, *Contested Election Cases*, pp. 530–534, 541–546; Simkins, *Tillman*, pp. 175, 282, 289–291; Tindall, *South Carolina Negroes*, pp. 75–80.

stantial changes if the Democrats were to insure against future black uprisings.

The campaign on the referendum itself indicated the difficulty the Tillmanites might have in the future without suffrage restriction. The Democratic state executive committee appealed for a "yes" vote in the referendum on the grounds that only disfranchisement would prevent the blacks from holding the balance of power in the expected campaign between Democrats and independents in 1896. Many spokesmen for the poorer whites, especially Larry Gantt, an upcountry editor, theretofore a staunch Tillmanite, feared that any suffrage plan would eliminate large numbers of whites as well as blacks. Tillman himself confirmed these fears when he remarked that "a Constitutional Convention can deal with the suffrage question in a way to save the suffrage to *every white man who is worthy of a vote*, while at the same time reducing the Negro voters at least one-half, possibly more" (my italics). He left vague what standards of fitness he would apply, but his statement made clear that mere membership in the Caucasian race was not enough. Many Conservatives also opposed calling the convention, charging that the idea of Negro domination was merely a "bugaboo" to hide the Tillmanites' desire to write the state liquor dispensary and other "reforms" into the constitution.<sup>15</sup>

Amid widespread charges of fraud, the convention call barely passed, 31, 402 to 29, 523—a recorded turnout of less than a quarter of the potential electors. The *Charleston News and Courier*, which had opposed the convention, headlined its story on the election outcome "A Machine Election—White Men Cheat White Men in South Carolina." In preparation for a contested election case in the Second Congressional District, Republican leaders took down the names of their followers who tried unsuccessfully to register and vote. If the GOP figures were accurate, over 4,500 people were denied the right to vote

15. The Democratic fear is enunciated in a pamphlet on the referendum, quoted in *Charleston News and Courier*, October 10, 1894. Gantt's and similar views appear in *Yorkville* (South Carolina) *Enquirer*, quoted in *Charleston News and Courier*, October 2, 1894; W. W. Sellers to *News and Courier*, October 4, 1894; *Piedmont* (South Carolina) *Headlight*, quoted in *News and Courier*, October 13, 16, 1894; and summaries of newspaper opinions opposing the convention because of the fear of white disfranchisement given in *News and Courier*, October 29, Nov. 5, 1894. Tillman's pledge quoted in *Charleston News and Courier*, October 30, 1894. The Conservative opposition appears in *Charleston Sun*, quoted in George Brown Tindall, "The Campaign for the Disfranchisement of Negroes in South Carolina," *Journal of Southern History* 15 (1949): 226–227.



in that district alone, a margin large enough to have defeated the convention by nearly 3,000 votes.<sup>16</sup>

Regression analysis of the official returns also indicates fraudulent practices as well as the pattern of white opposition to the convention (table 6.4). In view of the fervent activity against the convention in the black communities, it is likely that the estimated 8 percent of the Negroes recorded for the convention were products of election officials' imaginations. The four contested election cases make it clear that the 17 percent turnout figure for Negroes resulted not from apathy, but from discriminatory operation of the registration law. The fact that only 38 percent of the whites turned out indicates that in South Carolina as elsewhere, the impetus for disfranchisement derived not from the masses, but from a fairly small elite.

Part B of table 6.4 shows that support and opposition for the convention cut across factional lines. The Conservatives who supported Sheppard in the white primary in 1892 opposed the convention 18 to 14, but two-thirds of them failed to vote at all. Nearly a third of those who supported Tillman in 1892 and voted in the referendum split with their leader, presumably because of opposition to white disfran-

Table 6.4. Tillman's Convention? Estimated Relations between Race, Party, Faction, and Voting in the Referendum on Calling a Constitutional Convention in South Carolina, 1894.

	1894 Referendum		
	% For Convention	% Against Convention	% Not Voting
<i>Race</i>			
White	21	17	62
Negro	8	10	83
<i>Faction in 1892<sup>a</sup></i>			
Tillman	35	15	49
Sheppard (Conservative)	14	18	68
Not Voting	6	11	83
<i>Party in 1894<sup>b</sup></i>			
Evans (Democrat)	72	13	15
Pope (Independent)	0	90	10
Not Voting	3	5	92

<sup>a</sup>Faction in 1892 reflects the vote in the 1892 Democratic primary for governor.

<sup>b</sup>Party in 1894 reflects the vote in the 1894 general election for governor.

16. Tindall, "Disfranchisement of Negroes in South Carolina," pp. 230-231.

chisement. In the 1894 governor's race, the Conservative faction, hesitant to bolt the Democratic party in support of a former Tillmanite, gave Samson Pope little backing.<sup>17</sup> Most of Pope's votes probably came from disgruntled Tillmanites and Negroes. In any case, to vote for Pope against the Democratic nominee signified disloyalty to the old party, and his followers no doubt found it easier to reject the party position in the referendum. Democratic loyalists stood by Evans and the convention. In sum, table 6.4 tends to confirm the theory that the election was carried only by fraud and spreads the blame for calling the convention to the Conservative, as well as the "Reform" faction.

Once the referendum was over, the lines between the two factions blurred even more. After all, leaders of both sides agreed that blacks did not deserve the vote. In the same speech in which he appealed for Negro support in 1890, for instance, the Conservative, Alexander Cleves Haskell, rather undiplomatically announced that he hoped for their future disfranchisement. Although a compact to divide the seats to the convention equally between the factions broke down, the contests for delegates proceeded equably enough in a special Democratic primary. In the convention itself, Tillman worked closely with the actual author of the suffrage plan, J. P. K. Bryan, a Charleston lawyer aligned with the Conservative faction. In fact, the leader of the opponents of the suffrage plan in the convention was U.S. Senator J. L. M. Irby, erstwhile Tillman crony and self-proclaimed "poor man's friend." Irby believed that the plan would disfranchise many white illiterates.<sup>18</sup>

The suffrage committee proposed to limit the vote to those who paid a poll tax six months before the election and who were literate or owned \$300 worth of taxable property. Illiterates who applied before January 1, 1898, would be permanently registered if they could convince an

17. Ibid., pp. 222-223. According to my estimates, only one-third of those who voted for Sheppard (Conservative) in the 1892 primaries and voted in the 1894 general election supported Pope in that contest. Two-thirds of the Sheppardites, apparently unwilling to vote against the Democratic nominee, backed John Gary Evans. The Tillmanites of 1892 who voted in 1894 split three-to-one for Evans over Pope. Factional alignments between South Carolina Conservatives and Tillmanites were considerably weaker than contemporary Democratic-Populist splits in other states.

18. Haskell is quoted in Tindall, *South Carolina Negroes*, p. 52. Convention events are detailed in Simkins, *Tillman*, pp. 286-289, 293-297; S.C. Con. Con. *Journal* (1895), p. 468; Tindall, *South Carolina Negroes*, p. 85.

election official that they understood a section of the Constitution when read to them.<sup>19</sup>

Opposition to the Bryan-Tillman scheme encompassed both extremes on the question of white suffrage. Irby proposed to require every voter to explain sections of the Constitution read to him, thus bypassing the literacy and property tests altogether. The Senator obviously expected virtually all whites to be registered and all Negroes tidily excluded by administrative discrimination. Some of the extreme Conservatives joined Irby's effort to torpedo the suffrage committee's report because they believed it left too many whites enfranchised. McMahan of the Conservative stronghold of Richland County, for instance, wanted only large property-holders to vote. Expressing a philosophy seldom heard in America since the 1820s, McMahan stated that the right to vote was "a privilege to be bestowed by the State" only upon citizens who had a "vested interest" in it. "Book-education," he went on, "is no indication of judgment, of character, or of patriotism." The only true test was "property in land." But most Tillmanites and Conservatives apparently trusted their leaders, for they passed the suffrage plan with no important amendments.<sup>20</sup>

Former students of suffrage restriction in South Carolina have distorted its nature in several respects. Some concentrate almost entirely on the 1895 convention. But tables 4.3 and 4.4 showed that the 1882 registration and eight-box law caused larger percentage declines in Negro and Republican voting. It would be wrong, however, to conclude with George Tindall that "disfranchisement already had been substantially accomplished" by the nineties, and the 1894 registration law and the convention had only a "psychological impact." For the sudden, vigorous reawakening of the blacks in 1894, the crack in Tillman's ranks which Pope's surprising 1894 showing exposed, and the widely publicized plans for an 1896 coalition of Republicans and disgruntled Democrats all would have spelled trouble for the Tillman-

19. S.C. Con. Con. *Journal* (1895), pp. 297-299. The property qualification was higher than it appeared to be, since property was never assessed at 100 percent of its value. Actually, one had to own \$1,500 to \$3,000 worth of real property to qualify under that provision of the constitution. See David Duncan Wallace, *The South Carolina Constitution of 1895*, p. 34.

20. For Irby's proposition, see William Alexander Mabry, "Ben Tillman Disfranchised the Negro," *South Atlantic Quarterly* 37 (1938): 181. For McMahan, see S.C. Con. Con. *Journal* (1895), pp. 151-153. For the passage of the suffrage plan see *ibid.*, pp. 423-427, 430-434, 438-443, 482-484, 516-518.

ites if they had not limited the electorate when they did. As Georgia Populist Tom Watson commented at the time, "The whole scheme of the [D]emocrats of South Carolina [i.e., the disfranchising convention] is to perpetuate the rule of their party." Finally, the South Carolina example should offer little comfort to those historians who believe that "the democratization of politics robbed the Negro of his democratic rights," and that Conservatives merely "acquiesced" in the black man's disfranchisement. McCrady's role in 1882, the support for the convention by an estimated 43 percent of the 1892 Sheppard supporters who voted in the 1894 referendum, the extensive cooperation between Conservatives and Tillmanites in the selection of delegates and the drafting and passage of the suffrage plan—all these facts show that the "aristocrats" must share the responsibility for suffrage restriction in South Carolina.<sup>21</sup>

#### LOUISIANA: ELIMINATING "THE FORCE OF BRUTE NUMBERS"

Most delegates to the Louisiana constitutional convention of 1879 resisted moves to limit the vote because they feared federal intervention. They therefore rejected clauses containing education or literacy tests by votes of 81–14 and 107–4. Apparently reasoning that it was a more subtle qualification, one less likely to invite Northern Republican wrath, a few black belt Democrats, however, advocated a poll tax prerequisite. Although backed by such important figures as future Congressman, Senator, and Governor Newton C. Blanchard of Caddo Parish (74 percent Negro in 1880), the capitation tax failed by votes of 83–34 and 59–43. In the most important roll call, the 32 Republicans and a few Greenback and independent delegates opposed the tax by a 31–1 margin, while white parish Democrats voted 32–13 against it, and black belt Democrats split evenly, 20–20. On a later attempt to insert the prerequisite in the suffrage article, majorities of both white and black parish Democrats favored the measure. It was defeated only by the virtually solid opposition of the Republicans and other anti-Democrats, led by the erudite, race-conscious Theophile T. Allain, a wealthy Negro sugar planter.<sup>22</sup>

21. Mabry, "Ben Tillman Disfranchised the Negro," concentrates too much on the convention. The Tindall quotation is from his *South Carolina Negroes*, pp. 88–89; Watson's, from *People's Party Paper*, Nov. 8, 1895, quoted in Woodward, *Tom Watson*, p. 371. The "conservative acquiescence" thesis appears in Stark, *Damned Upcountryman*, p. 29.

22. For Louisiana's fear of federal intervention, see Governor Murphy J. Foster, quoted

Failing to secure legal suffrage restriction, the Democrats turned to perfecting fraud. The brazenness with which the Louisianians fabricated returns still shocks one accustomed to tales of election chicanery in this period. For instance, Robert H. Snyder of Tensas Parish (93 percent Negro in 1890), a key leader in the machine faction of the Democrats and future lieutenant governor, told the Louisiana legislature in 1890, "We all admit that when it comes to our elections 'we suspend the law until the danger is passed.' " In 1896, the official newspaper organ of the Democratic party charged its opponents with the awful crime of desiring to "fasten indefinitely upon the people the Negro vote and [compel] it to be counted as cast." Likewise, the Democratic *Shreveport Evening Judge* declared that the Populists "even go so far as to say that they are in favor of voting the Negro honestly. . . . Think of this, Louisianians! Are you willing to go this far with them?" No wonder that William Pitt Kellogg, a Republican governor of the state during Reconstruction, believed that in late nineteenth-century Louisiana, "after the polls are closed the election really begins."<sup>23</sup>

Selected returns from the 1888 governor's race substantiate these statements. After losing renomination in the Democratic convention, Governor Samuel D. McEnery threatened to use his powers to insure a fair count in the general election. Shocked by such an ungentlemanly threat, Francis T. Nicholls, the former Redeemer governor who had been the candidate of the "best people" in the 1888 convention, promised to name McEnery to the state supreme court. This bribe succeeded, and McEnery stumped the state for his opponent, telling audiences, "It is time we shall say that the law shall be silent and uphold

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in *New Orleans Daily Picayune*, Jan. 4, 1898; Congressman Charles J. Boatner, quoted *ibid.*, Jan. 6, 1898; Judge Lawrason, quoted *ibid.*, Feb. 15, 1898. For the proceedings on education and literacy tests, see *La. Con. Con. Journal* (1879), pp. 256, 309. For poll tax prerequisite, see Edwin Aubera Ford, "Louisiana Politics and the Constitutional Convention of 1898," p. 114. Philip D. Uzee, "Republican Politics in Louisiana," p. 62, says there were 97 Democrats, 2 Greenbackers, 3 Independents, and 32 Republicans in this convention. I could identify only 36 of the non-Democrats from votes recorded in the *La. Con. Con. Journal* (1879). The votes on the poll tax are given on pp. 258-259, 309. On Allain, see Simmons, *Men of Mark*, pp. 208-230.

23. Snyder, quoted in *Congressional Record*, 51st Cong., 2nd sess., p. 558; *Baton Rouge Daily Advocate*, June 11, 1896; *The Evening Judge*, Aug. 9, 1895, and Kellogg quotes are taken from William Ivy Hair, "Agrarian Protest in Louisiana, 1877-1900" (Ph.D. diss., Louisiana State Univ., 1962), pp. 95-96, 357. The *Evening Judge* statement is also given in the published version of Hair's dissertation, *Bourbonism*, p. 249.

our liberty at all hazards." The Republican threat to Democratic "liberty" was Henry Clay Warmouth, who, like Kellogg, had occupied the governor's chair during Reconstruction. The GOP ticket, which included a black man, James F. Patty, as secretary of state, as well as the widely known Warmouth, should have drawn almost unanimous Negro support. But as table 6.5 shows, Nicholls rolled up remarkable majorities in several black belt parishes. In a commendable show of patriotic fervor and attention to civic duty, 104 percent of the eligible voters of Madison Parish trooped to the polls and cast their tickets unanimously for Nicholls. Election officials in Tensas and Concordia Parishes atoned for allowing a few Warmouth votes by putting in 112 percent and 115 percent, respectively, for Nicholls. The same Democrats, a decade later, led what they called a crusade for ballot reform and purity in elections.<sup>24</sup>

Such methods carried Louisiana Democrats safely through the eighties. In 1890, the convention in next-door Mississippi attracted a good

Table 6.5. Democracy, Louisiana Style: Election Returns from Selected Parishes, 1888 Gubernatorial Race.

Parish	% Negro	% of Estimated Adult Males <sup>a</sup>	
		Democrats <sup>b</sup>	Republicans
Concordia	85	115	4
Tensas	90	112	3
Madison	90	104	0
Bossier	78	98	2
East Carroll	90	87	9
Red River	68	77	4
Caddo	70	68	5
West Feliciana	81	67	12
East Feliciana	66	66	0

<sup>a</sup>Estimates of adult males in each county made by straight-line interpolations between population data in the 1880 and 1890 censuses.

<sup>b</sup>Only two candidates ran in this election.

24. For McEnery's statement, see Hair, *Bourbonism*, p. 140; Uzee, "Republican Politics," p. 83. On the election returns, an anonymous but knowledgeable correspondent wrote the *New Orleans Daily Picayune*, June 11, 1894, that the 1882 election law, under the provisions of which the 1888 election operated, "is confessedly an act in the interest of fraud and for the purpose of thwarting popular will and juggling with figures in the distribution of popular offices." Obviously a Democrat, he opposed changing the law on the grounds that even if Negroes were disfranchised, Republicans or Populists would probably carry four of Louisiana's six congressional districts.



deal of interest in New Orleans and Baton Rouge. "Everybody," said the *Picayune*, "will wait to see what Mississippi will do." But the struggle between proponents and opponents of the fantastically profitable Louisiana Lottery Company, the emergence of the Farmers' Union and the Populist party as political forces, and the defection of many wealthy subsidy-hunting sugar planters from the Democrats to the high-tariff Republicans threw Louisiana's politics into chaos. To call a convention in such times, the *Picayune* pointed out, might disturb "the existing order of things." Consequently, Louisiana Democrats turned to a simpler vehicle. The 1892 legislature set up a constitutional commission, composed entirely of Democrats, to recommend separate amendments at the 1894 legislative session. The commission proposed to limit the electorate to those who paid poll taxes and could read or owned \$200 worth of assessed property.<sup>25</sup>

The commission's was but one of several remedies before the legislature in 1894. The New Orleans Ballot Reform League, a typical middle-class "Progressive" organization, favored an Australian ballot law both to end frauds and disfranchise illiterates, thereby depriving the New Orleans machine of some of its followers. The Australian system, the League told the legislature, "will at once eliminate from politics the great mass of black ignorance and incompetence. If it works well in Tennessee, Florida, and Mississippi, why not in Louisiana?"<sup>26</sup>

Another plan that illustrated the cooperation of disfranchisers across the South was written by E. H. Farrar, who had presented a similar scheme to the Mississippi Convention of 1890. This patently unconstitutional bill required mere registration for voting in predominantly white parishes. In parishes with black majorities, however, the voter had to be literate and also own property assessed at \$500.<sup>27</sup>

25. *New Orleans Daily Picayune*, quoted in *Natchez (Mississippi) Daily Democrat*, February 4, 1890, quoted in Mabry, "Disfranchisement of the Negro," p. 113. On the chaotic political climate, see Berthold C. Alwes, "The History of the Louisiana State Lottery Co.," *Louisiana Historical Quarterly* 27 (1944): 964-1118; Hair, *Bourbonism*, pp. 201-223; Henry C. Dethloff, "The Alliance and the Lottery: Farmers Try for the Sweepstakes," *Louisiana History* 6 (1965): 141-159. The statement from *New Orleans Daily Picayune* appeared June 4, 1894; similarly, see *New Orleans Times-Democrat*, May 27, 1894, quoted in Ford, "Louisiana Politics," pp. 69-71. The Constitutional Commission's propositions are from *New Orleans Daily Picayune*, May 2, 17, 1894; Ford, "Louisiana Politics," pp. 34-39.

26. *New Orleans Daily Picayune*, May 11, 22, 1894; *La. Senate Journal* (1894), pp. 319-320.

27. *New Orleans Daily Picayune*, June 6, 1894. The bill was actually introduced in the legislature by C. C. Cordill of Tensas Parish (93 percent Negro in 1890).

These bills and others including poll tax, property test, and understanding clause provisions encountered opposition from several sides. Legislators identified with the Populists, the Farmers' Union, and the New Orleans machine were against disfranchisement through the secret ballot or property qualifications. Representatives of the state machine fought any law that might encourage a fair count, because, as one of the machine leaders put it, "the very social, financial, and political existence of Louisiana depends upon the continued triumph of the Democracy." Many middle-class reformers, on the other hand, denounced fraud, but, in the words of the *Picayune*, favored an electorate restricted to "the men who own the land, who conduct the industries, who pay the taxes." "The ignorant and brutal classes," they believed, should be disqualified.<sup>28</sup>

Unable to agree on any real changes in election statutes, the Democrats passed a bill which differed very little from the infamous 1882 law. The conflict and confusion in the legislature ended only when Governor Murphy J. Foster proposed a constitutional amendment to be submitted to a referendum on the same day as the April 1896 state and local elections. The amendment allowed literate or propertied voters to retain the franchise, but contained no poll tax, secret ballot, or understanding clauses. The joker in the bill was a provision that allowed the 1896 legislature to alter the qualifications by a two-thirds vote without submitting its changes to a referendum. The proposition breezed through the Democratic caucus, the Senate, 27-0, and the House, 74-9. Five

28. Ibid., June 3, 9, 16, 17, 19, 1894. The Populist state platform of 1897 stated, "We favor the adoption of an Australian ballot system which will disfranchise no one, but shall effectually preserve the secrecy of the ballot." This declaration, said the state Democratic newspaper, signified that the Populist party had "come out flat footed as the advocate of Negro suffrage." *Baton Rouge Daily Advocate*, November 23, 1897. Henry C. Dethloff confuses Populist support for a secret ballot which would not disfranchise illiterates with Ballot League and Democratic support for the ballot as a literacy test, a grave error typical of his failure to discriminate between the very different motives and behavior of the several groups of "reformers" in Louisiana. See his "Populism and Reform in Louisiana" (Ph. D. diss., Univ. of Missouri, 1964), p. 306. Robert H. Snyder is the machine spokesman quoted in *New Orleans Daily Picayune*, June 29, 1894, p. 1, and see a similar justification by another proponent, Gates, on the same page. See also *ibid.*, June 28, 1894. When the Farmers' Union leader in the legislature savagely attacked the 1894 election bill as an invitation to fraud, Democratic leaders Snyder and Lott again admitted its partisan purposes. Ibid., June 29, 30, July 3, 4, 1894. For "reformers," see *La. Senate Journal* (1894), pp. 339-343, 346-369; *New Orleans Daily Picayune*, June 20, 21, 23, 1894.

Farmer's Union members and the four blacks opposed the bill in the House. The Senate's only Populist did not vote on the bill.<sup>29</sup>

The year 1896 was easily the most critical in Louisiana political history between the end of Reconstruction and the rise of Huey Long. First, sugar planters, Populists, and the Warmouth faction of the regular Republican organization gingerly drew together into a coalition. After some maneuvering among themselves, these groups settled on John N. Pharr, a millionaire Republican sugar planter, to head the "Fusion" state ticket, which included four Populists and two other sugar planters. The combination of adequate campaign money, a comprehensive organization, and adherents with high social status made the Fusion movement formidable and outweighed the incongruity of the temporary association. Despite the fact that it did not formally endorse Pharr, the organization of a "Citizens' League," successor to numerous businessman-reform organizations in New Orleans, further split the Democrats.<sup>30</sup>

Believing the Fusionists, in the words of the *Baton Rouge Advocate*, "a grave menace to our civilization," the Democrats buried their factional differences by putting out a state ticket carefully balanced between the McEnery and Foster wings of the party. They also buried several Populists and Republicans, and intimidated many others. In six heavily Negro cotton parishes among the nine listed in table 6.5, the Democrat, Murphy J. Foster, received 15,976 votes to Pharr's 139.<sup>31</sup>

The gravity of the Fusion challenge and the general unpopularity of the suffrage amendment, with its clause allowing the legislature to set any qualifications it liked, led Democrats across the state to abandon the amendment during the campaign. For instance, when the New

29. The text of the 1894 law is given in *La. Acts* (1894), pp. 223-236. On the confusion and partisan conflict in the legislature, see *New Orleans Daily Picayune*, May 30, 31, June 2, 15, 1894, and *La. House Journal* (1894), pp. 187-209. For the votes, see *New Orleans Daily Picayune*, June 22, 1894; *La. Senate Journal* (1894), p. 367; *La. House Journal* (1894), p. 836.

30. Hair, *Bourbonism*, pp. 247-261; *Baton Rouge Daily Advocate*, Jan. 3-April 28, 1896; Philip D. Uzee, "The Republican Party in the Louisiana Election of 1896," pp. 332-344; Lucia E. Daniel, "The Louisiana People's Party," pp. 1099-1109; Ford, "Louisiana Politics," pp. 55-64; Jackson, *New Orleans in the Gilded Age*, pp. 30-50, 313-318; Dethloff, "Populism and Reform," pp. 241-320.

31. *Baton Rouge Daily Advocate*, Jan. 9, Feb. 4, 6, 7, 9, March 16, 1896; Hair, *Bourbonism*, pp. 257-264; Uzee, "Republican Party in the Louisiana Election of 1896," p. 341.

Orleans machine, apparently fearing disfranchisement of its poorer white followers, came out against the amendment, the Citizens' League, too, had to oppose it or alienate the lower classes. The Fusionists, of course, denounced the amendment. Pharr declared that the legislature passed it "avowedly for the purpose of maintaining the government in the hands of the Democratic party, and for that sole purpose." Hardy Brian, a prominent Populist, castigated it as "infamous, damnable and hell born . . . a stepping stone to perpetually place this government in the hands of the rich, depriving the poor of any rights except to eke out their lives in hovels." Fervid enemies and tepid friends swamped the amendment, 34,761 to 3,534.<sup>32</sup>

In spite of Governor Foster's 56-44 margin in the official count, the Democrats' difficulties continued. In an attempt to heal Democratic wounds and present a solid front against the expected Populist-Republican threat in 1896, Foster two years earlier had appointed Congressman Newton C. Blanchard, a McEnery supporter and archenemy of the Anti-Lottery League, to a vacant seat in the United States Senate. Blanchard, however, had alienated south Louisiana sugar planters by voting to end their subsidy. Many of the sugar planters who remained Democratic preferred Congressman Andrew Price, who favored reestablishing the subsidy, for the Senate in 1896. The rift between the Blanchard and Price supporters also involved the monetary system. Price backed the gold standard, while Blanchard endorsed free silver.<sup>33</sup>

The irreconcilable split between the followers of Blanchard and those of Price and the fact that only 72 of the 134 legislators were officially Democrats invited an opposition coalition. Thirty-one of the legislators were Populists or Republicans, and 31 listed themselves as Independents, Independent Democrats, or Citizens' Leaguers.<sup>34</sup> After five days of deadlock, the Populist-Republican caucus threw its support to

32. According to the *New Orleans Daily Picayune*, July 9, 1896, Richard Henry Lea, the chief organizer of the Citizens' League, was not chosen president of the League because he was a strong advocate of the suffrage amendment and also a strong Democratic partisan. On the referendum, see *Baton Rouge Daily Advocate*, Jan. 19, June 5, 1896; Ford, "Louisiana Politics," pp. 49-52; Daniel, "Louisiana People's Party," pp. 1100-1104; Hair, *Bourbonism*, pp. 234-237. For the Populist party platform's bitter denunciation of the amendment and disfranchisement, see Dethloff, "Populism and Reform," pp. 244-246.

33. Ford, "Louisiana Politics," p. 26; *New Orleans Daily Picayune*, May 27, 1896; *Baton Rouge Daily Advocate*, May 21, 1896.

34. The Citizens' Leaguers refused to enter the Democratic caucus from the beginning of

the Citizens' League candidate, a young New Orleans reformer named Walter Denegre. The count then stood: Denegre, 60; Blanchard, 45; Price, 13; Samuel D. McEnery, 9; and others, 6. The *Picayune* commented that "the proximity of Mr. Denegre to an election has driven the Democrats to desperation." On the first ballot the next day, May 27, Denegre picked up 6 more votes, only one short of a majority of those present, and all observers thought another vote-count that day would surely elect him senator. To stave off defeat, the Senate's presiding officer, Lieutenant Governor Robert H. Snyder, high-handedly refused to entertain a motion for another ballot and declared the session adjourned.

In the next 24 hours, Governor Foster, Lieutenant Governor Snyder, former New Orleans Mayor John Fitzpatrick, and Democratic State Chairman Ernest Kruttschnitt labored intensely to save the party. In a final move to reconcile the party's old factional difficulties, the leaders persuaded all the other Democratic candidates to withdraw in favor of former Governor McEnery. On May 28, McEnery was elected by a 71–63 margin over Denegre. "Never in the history of the State, since [1876]," said the *Picayune*, "has the Democratic party been so near its overthrow."<sup>35</sup>

Denegre's election to the Senate might have profoundly changed the history of this legislative session and, consequently, of Louisiana. While it is not clear what the Populists and Republicans asked from the Citizens' Leaguers in return for supporting Denegre, their quid pro quo was probably a promise of opposition to disfranchising laws and backing for an unlimited constitutional convention not focused on disfranchisement. A victory in the senatorial contest might have solidified the anti-Democratic coalition. With Denegre's defeat, however, the alliance collapsed, the Citizens' Leaguers joined the Democratic caucus, and the legislature passed two laws that severely restricted the suffrage and provided for calling a constitutional convention.

The defeat of the suffrage amendment in April 1896 convinced many Democratic sachems of the necessity for calling a disfranchising con-

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the legislative session until the Senate race was decided. *Baton Rouge Daily Advocate*, June 2, 1896.

35. *New Orleans Daily Picayune*, May 27–29, 1896; *Baton Rouge Daily Advocate*, May 21, 28–30, 1896. Foster later musically chaired Blanchard into a state supreme court seat. Dethloff, "Populism and Reform," p. 295.

vention. In early May, the Democratic state central committee put out a pamphlet in support of such a convention. In his inaugural address, Governor Foster added his voice to the chorus.

The aggregation of the mass of ignorance, vice and venality, without any proprietary interest in the State, real or personal [said the Governor in reference to those who had had the bad taste to vote against him], is a standing menace to good government, when thrown as a body into the scales of popular elections. The elimination of this force of brute numbers is, and must be, the paramount question on the solution of which the success of a *truly representative government* must turn (my italics).<sup>36</sup>

Before calling a convention, the State Committee pamphlet stated, the legislature must enact "a proper election law." The Democrats' official organ, the *Baton Rouge Advocate*, explained shortly after the April election why such a law was desirable:

It would be the sheerest folly to go into a constitutional convention without adopting some sort of law the practical effect of which would be to restrict the right of suffrage. The defeat of the suffrage amendment renders such a law absolutely necessary, and the new legislature should proceed to enact it at its first session . . . . If an election for delegates to a constitutional convention were called under our present unrestricted suffrage laws, the experience of the late campaign would be re-enacted, practically the same majority that was rolled up against the suffrage amendment would be given in favor of men who would promise not to interfere with the elective franchise, the result would be that the advocates of Negro domination would be in absolute control of the convention.<sup>37</sup>

To protect the party's interest against Populists and Republicans who favored a convention because they hoped to write socioeconomic reforms into the constitution, the Democratic caucus in the legislature set up a joint committee of fifteen members to consider all election and convention bills. Two-thirds of the committee's members came from predominantly Negro parishes. Most important was Dr. P. J. Trezevent of Caddo Parish (68 percent Negro in 1900), a druggist, contractor, legislative clerk for two decades, and the chief Democratic leader in the House. With advice from Governor Foster, Senator McEnery,

36. *Baton Rouge Daily Advocate*, May 6, 19, 1896.

37. *Baton Rouge Daily Advocate*, May 1, 1896. Similarly, see *ibid.*, May 5, June 19, 1896; *Amite (Louisiana) Florida Parishes*, quoted in *New Orleans Daily Picayune*, June 1, 1896; *Picayune*, May 29, June 13, 1896; Ford, "Louisiana Politics," pp. 86-90.



and other party chiefs, Trezevant drafted a constitutional convention bill which prohibited the body from discussing six important topics. After a few minor changes in caucus, the Democrats rushed Trezevant's bill through the House without even printing it, thereby catching the Populists and Republicans off guard. Every Populist and Republican recorded, six Citizens' Leaguers, and eleven white parish Democrats opposed the bill in the legislature.<sup>38</sup>

The joint committee coupled the convention bill with an Australian ballot law designed, in the *Advocate's* words, to "secure the control of the convention to the Democratic party." Protected by such a law, the paper went on, the Democrats could enter the contest for convention delegates "fully assured of victory from the very outset." The law was also necessary to protect the Democrats against defeat in the November 1896 election. For unless the electorate was restricted, the *Picayune* and an anonymous "power in the Democratic party" predicted, McKinley would carry the state.<sup>39</sup>

Based on a draft offered by the Ballot Reform and Citizens' Leagues, the secret ballot bill absolutely prohibited election officials from assisting illiterates. The spectacle of city "progressives" and former Fusionist sugar planters working closely with the Democratic machine against the Republicans and Populists on the Australian ballot question demonstrated the extent to which Pharr's and Denegre's defeats had broken down the anti-Democratic coalition. The celerity with which the upper-class elements of that defunct coalition turned on their erstwhile allies and voted to disfranchise them also underlines the complete opportunism with which they solicited Populist and Republican votes. The bill's origin and its failure to make any provision whatever for a fair count, moreover, reveals the New Orleans businessmen-reformers' claim to favor "honest elections" to be pure cant. In the final vote on the secret ballot bill, eight white parish Democrats, every recorded Populist and Republican, only three Citizens' Leaguers, and

38. *New Orleans Daily Picayune*, June 11, 18, 25, 26, July 21, 1896; *La. House Journal* (1896), pp. 415-417; *La. Senate Journal* (1896), pp. 295-297. Two Democrats from the black belt county of Ouachita opposed the bill on the grounds that it would give the Populists too strong an issue for 1898, and therefore hurt the Democrats. See Sholars' comments in *ibid.*, pp. 295-297.

39. *Baton Rouge Daily Advocate*, June 18, 1896; *New Orleans Daily Picayune*, June 13, 15, 1896. Cf. the account of the Australian ballot as a "reform" and Governor Foster as a reluctant reformer in Dethloff, "Populism and Reform," pp. 293-301.

one lone black belt Democrat stood in opposition. The *Advocate* at first believed the bill would disfranchise 60–75 percent of the state's Republicans, but later changed the estimate to 90 percent.<sup>40</sup>

As additional insurance against Populist or Republican efforts to elect delegates to the constitutional convention, the Democrats passed a law proposed by J. D. Wilkinson of Red River Parish (65 percent Negro in 1900), requiring voters to register anew after January 1, 1897. A friend or registrar could write down an illiterate's exact words in answer to the form's often obscure questions, but could not explain a question or suggest a reply. Moreover, any two representatives of a political party or the registrars themselves could purge the voting lists, for any reason whatever, of any names they desired. The names of those purged from the lists were supposed to be published in a newspaper. Unless the purged elector filed a challenge against the deletion of his name within five days after the publication, he could not vote. All registration and election officials, of course, were Democrats. As on the other roll calls, virtually every Democrat favored the bill. The opponents included all the recorded Republicans and Populists, one Independent, three Citizens' Leaguers, and six Democrats from predominantly white parishes.<sup>41</sup>

The passage of these two election laws allowed the Democrats to escape the threat of an opposition breakthrough. With the Australian ballot in effect, opposition totals in November 1896 fell off nearly 75 percent from the April state election. Overall nonvoting more than doubled (table 6.6). To express the figures another way, 56 percent of those voting favored Foster in April, while 76 percent backed William Jennings Bryan in November. The registration act, which went into

40. *New Orleans Daily Picayune*, June 19, 1896, reported that an important Negro Republican politician, T. B. Stamps, circulated around the Louisiana House the preceding day, cornering Citizens' Leaguers and accusing them of duplicity in soliciting Negro support and then breaking their promises by backing the limited convention and secret ballot laws. The Citizens' Leaguers apparently offered no defense. The narrative of the bill's progress may be followed in *New Orleans Daily Picayune*, June 2, 15, 16, 19, 27, 30, 1896; *Baton Rouge Daily Advocate*, June 19, 23, 1896; *La. House Journal* (1896), pp. 468–471; *La. Senate Journal* (1896), pp. 325–326; *La. Acts* (1896), section 76, pp. 214–215; Uzee, "Republican Politics in Louisiana," pp. 162–163. The estimates of disfranchised Republicans appear in *Baton Rouge Daily Advocate*, July 1, 1896.

41. On the Wilkinson proposal, see *New Orleans Daily Picayune*, June 9, 12, 23, 24, 30, 1896. The voting is recorded in *ibid.*, June 23, 1896; *Baton Rouge Daily Advocate*, June 26, 1896; *La. Senate Journal* (1896), p. 343; *La. House Journal* (1896), pp. 495–496.

Table 6.6. Pre-Convention Suffrage Restriction: Effect of Election Law Changes on Registration and Voting in Louisiana, 1892-1900.

A. Registration				
Year	% White Adult Males Registered	% Negro Adult Males Registered		
January 1, 1896	96.3	93.0		
January 1, 1897	103.2	95.6		
New Registration Law				
January 1, 1898	46.6	9.5		
Constitution				
January 1, 1902	58.9	2.9		
January 1, 1904	52.5	1.1		
B. Voting				
Election	Percentage of Adult Males			
	Democratic	Republican	Populist	Not Voting
1892 Gubernatorial	47.5	15.1	3.2	34.2
1896 Gubernatorial	39.4	30.5	(Fusion)	30.1
Secret Ballot Law				
1896 Presidential	26.1	6.2	1.9	65.6
Registration Law and Constitution				
1900 Gubernatorial	18.5	3.6	1.5	76.4
1900 Presidential	16.5	4.4	0.0	79.1

effect after January 1, 1897, cut the white registration by more than half and the Negro by 90 percent. The percentage of whites registered actually climbed after the enactment of the new constitution. The disfranchisement of almost all Negroes and many whites was, therefore, a fait accompli by the time of the constitutional convention, but it was a fact accomplished by the passage of election laws intended to restrict the vote.

The new laws also made short work of potential opponents of a constitutional convention. In 1896, Louisianians turned down a suffrage amendment by 34,671 to 3,534. In the January 1898 referendum on the question of calling a convention, the chief aim of which would be to restrict the electorate, the voters proved themselves remarkably fickle. Despite a joint regular Republican-Populist effort against the convention, the question carried, 36,178 to 7,578. The effect of the

secret ballot on illiterates in this contest may be gleaned from the fact that the four-foot long official ballot contained more than 100 names, including 92, listed alphabetically, for the 36 delegate-at-large posts. Each voter had three minutes to fill out his ballot. One justice of the state supreme court failed to finish in the allotted time.<sup>42</sup>

Every faction of the Democratic party cooperated in the referendum campaign. In New Orleans, the Citizens' League and the Choctaw Club, as the reorganized machine was known, joined in the effort to disfranchise (in the words of the League chairman) "the ignorant, the vicious and the degraded classes." Old enemies Murphy J. Foster and Samuel D. McEnery spoke from the same platform at proconvention rallies. All but one of the delegates elected to the convention was a Democrat. Ernest Kruttschnitt, president of the convention and chairman of the Democratic state executive committee, did not exaggerate when he said in his opening address: "We have here none of the clash of faction. We have here no political antagonism, and I am called upon to preside over what is little more than a family meeting of the Democratic party of the State of Louisiana."<sup>43</sup>

In a passage packed with the tender solicitude characteristic of the Southern paternalistic tradition, Kruttschnitt, nephew of Confederate Secretary of State Judah P. Benjamin, went on:

My fellow-delegates, let us not be misunderstood! Let us say to the large class of the people of Louisiana who will be disfranchised under any of the proposed limitations of the suffrage, that what we seek to do is undertaken in a spirit, not of hostility to any particular men or set of men, but in the belief that the State should see to the protection of the weaker classes; should guard them against the machinations of those who would use them only to further their own base ends; should see to it that they are not allowed to harm themselves. We owe it to the ignorant, we owe it to the weak, to protect them just as we would protect a little child and prevent it from injuring itself with sharp-edged tools placed in its hands.

42. *New Orleans Daily Picayune*, December 5, 9, 11, 1897; Uzee, "Republican Politics in Louisiana," p. 176; Ford, "Louisiana Politics," pp. 95-97; Hair, *Bourbonism*, p. 275. According to the machine Democratic *Opelousas Courier*, Jan. 15, 1898, cited in Dethloff, "Populism and Reform," p. 329, the Populists in this election tried, but "were unable to rally opposition to Negro disfranchisement."

43. *New Orleans Daily Picayune*, December 16, 18, 19, 1897, January 4, 1898; La. Con. Con. *Journal* (1898), pp. 8, 9, 68, 374. The only Populist in the convention refused to sign the new constitution. See Hair, *Bourbonism*, p. 275.

With equal gravity, he predicted that the convention would "establish the relations between the races upon an everlasting foundation of right and justice."<sup>44</sup>

The divisions in the convention itself were not very important. Quarrels over whether to adopt an obviously unconstitutional grandfather clause or a patently fraudulent understanding clause did not hide the fact that the vast majority of delegates wanted some kind of temporary escape mechanism for whites. Under the watchful eye of Governor Foster, who established a special office in New Orleans so that he could superintend the convention, the conventioners also compromised on the poll tax issue. The actual qualifications finally agreed upon—literacy in the voter's tongue or ownership of \$300 property, with a grandfather clause exemption for those whites who registered within the next four months, and payment of a poll tax after 1900—were less significant than the fact that the restrictions were permanent. Within the Democratic consensus, the chief critics of the new document were those who believed it enfranchised too many whites. Until the rise of Huey Long, at least, their fears proved unjustified.<sup>45</sup>

#### ALABAMA: "A SMALL VOTE AND A LARGE COUNT"

The question of calling a constitutional convention plagued Alabama throughout the nineties, for despite the fact that most Democrats desired to replace the Sayre law with a more permanent restriction of the suffrage, every faction and interest group feared that a convention might damage the group's present power. Efforts to qualify the electorate through amendments submitted to voters in referenda also aroused opposition. After persuading the 1899 legislature to repeal its call for a convention, Governor Joseph Forney Johnston tried to push a property-or-literacy qualification through the legislature. But his amendment fell short of the constitutionally required two-thirds in the legislature, as poll tax amendments had earlier in the decade. Although enabling acts for a convention passed the House in the 1896–97 session, and both houses in the 1898–99 session, it was not until the conservative faction

44. La. Con. Con. *Journal* (1898), p. 10.

45. Those who wish to untangle the minor squabbles in the convention should consult the La. Con. Con. *Journal* (1898); *New Orleans Daily Picayune*, February 8 to March 27, 1898; Ford, "Louisiana Politics"; George E. Cunningham, "The Italian, A Hindrance to White Solidarity in Louisiana, 1890–1898," *Journal of Negro History* 50 (1965): 22–36; and Mabry, "Disfranchisement of the Negro," pp. 218–257.

of the Democrats took firm control in 1900–01 that the convention was finally called.<sup>46</sup>

Unlike other states, Alabama instituted no law to restrict the suffrage immediately before calling its convention, and submitted the new constitution to the voters, instead of merely proclaiming it. The voting patterns in the two referenda on calling the convocation and ratifying the changes it proposed deserve close analysis.

As in other states, only a small minority of the population voted for disfranchisement. Turnout in the referenda amounted to 27.3 percent and 44.9 percent, respectively. Only 16.6 percent of the adult males voted in favor of calling the convention, and but 25.6 percent for ratifying the constitution.

Suffrage restriction attracted widespread support only in Alabama's black belt. As table 6.7 shows, only 52.4 percent of those from counties

Table 6.7. Black Belt Disfranchisers: Election Returns in the Constitutional Referenda in Alabama Counties, by Percentage Negro.

<i>A. Groupings of Counties</i>					
<i>County Group</i>		<i>% for Calling Convention</i>		<i>% for Ratification</i>	
All 66 Alabama counties		60.7		57.1	
11 counties over 70% Negro		93.5		88.3	
55 counties under 70% Negro		52.4		49.7	
21 counties over 50% Negro		87.3		78.9	
45 counties under 50% Negro		47.7		45.2	
<i>B. Selected Individual Counties</i>					
<i>County</i>	<i>% Negro 1900</i>	<i>Number of Votes</i>			
		<i>For Convention</i>	<i>Against Convention</i>	<i>For Ratification</i>	<i>Against Ratification</i>
Dallas	80	5668	200	8125	235
Hale	80	2318	66	4698	95
Greene	84	1479	19	1077	101
Marengo	74	2197	241	1958	341
Perry	76	2295	43	3209	88
Sumter	79	1440	69	2930	168
Wilcox	78	1689	25	4652	178

46. For the uneasiness about what a convention might do, see McMillan, *Constitutional Development*, pp. 232–257; Hackney, *Populism to Progressivism*, pp. 147–174. On efforts to call a constitutional convention, see *Ala. Senate Journal* (1896–97), pp. 42–43, 73–74, 288–289, 1042–1044, 1195; *Ala. House Journal* (1896–97), pp. 1044–1045; *Ala. Senate Journal* (1898–99),



less than 70 percent Negro in 1900 backed the call for a convention, and a majority from these 55 counties actually opposed ratification. If all 21 counties with Negro majorities had been excluded, both the convention and ratification referenda would have lost. On the other hand, nearly nine of every ten votes in the predominantly Negro counties were recorded for the convention, and nearly 80 percent for the finished constitution.

In a Democratic state executive committee meeting shortly before the first referendum, one black belt politico is reported to have remarked, "All we want is a small vote and a large count." The spectacular vote totals from the seven counties in table 6.7B indicate that this was no idle comment. The disfranchisers carried every county over 50 percent Negro in the first referendum, and lost only four of the twenty-one, three by small margins, in the second. In seven of the eleven counties over 70 percent Negro, the number of votes recorded for the convention and/or ratification substantially exceeded the number of white adult males. These figures demonstrate that the promise of one prominent black belt delegate, Thomas W. Coleman—"We will ratify your constitution"—was more than braggadocio. In several counties, at least, the Negro vote was not merely suppressed; it was counted for suffrage restriction.<sup>47</sup>

Estimates of the relation between voting patterns in the referenda and those in the decade's gubernatorial contests should disprove any notion that most Populists approved of disfranchisement (table 6.8). Those voters who backed Kolb in 1892, at the time he still attracted some conservative farmers, split better than four-to-one against calling the convention. Virtually all of those who still managed to vote after the Sayre law's passage and stayed loyal to the declining Populists voted negatively in both referenda. The tiny number of Democratic defectors to the antirestriction forces does not alter the overall picture:

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pp. 47, 296-297, 326, 433-434, 495; Ala. *House Journal* (1898-99), pp. 452-453, 459; Ala. *Senate Journal* (extra session 1899), pp. 17, 34, 36-37, 51, 56; Ala. *House Journal* (1900), pp. 351-352; Ala. *Senate Journal* (1900), p. 320; Joseph F. Johnston, "Negro Suffrage in Alabama," *The Independent* 51 (1899): 1535-1537; Joseph H. Taylor, "Populism and Disfranchisement in Alabama," p. 420; Joseph Matt Brittain, "Negro Suffrage and Politics in Alabama Since 1870," p. 83.

47. The anonymous black belt politico quoted in McMillan, *Constitutional Development*, pp. 261-262, n. 93. Some Democrats publicly admitted the fraud in the black belt. See, e.g., *Montgomery Daily Advertiser*, June 11, 1902. Coleman of Greene (80 percent Negro), quoted in Ala. Con. Con. *Proceedings* (1901), vol. 4, p. 4853.

Table 6.8. Populists against Suffrage Restriction: Estimated Relationships between Party and Voting in the 1900 Constitutional Referenda in Alabama.

## A. The 1892 Governor's Race and the First Referendum

Vote in 1892 Governor's Race	Vote in 1901 Referendum on Calling Convention		
	% For	% Against	% Not Voting
Democrat	29	0	81
Populist	8	34	52
Not Voting	17	3	78

## B. The 1898 Governor's Race and the First Referendum

Vote in 1898 Governor's Race	Vote in 1901 Referendum on Calling Convention		
	% For	% Against	% Not Voting
Democrat	42	11	39
Populist	0	53	65
Not Voting	9	3	91

## C. The 1896 Governor's Race and the Second Referendum

Vote in 1896 Governor's Race	Vote in 1901 Referendum on Ratifying Constitution		
	% For	% Against	% Not Voting
Democrat	70	0	31
Populist	0	69	36
Not Voting	6	11	79

<sup>a</sup>Since some of the original estimates came out to be less than 0% (logically but not statistically impossible results), I set several of the estimates at zero and recalculated the other estimates accordingly. As a consequence, some totals do not add to 100% across rows. For procedures see my "Ecological Regression" article.

suffrage restriction in Alabama was a partisan issue. As the *Montgomery Advertiser* crowed, "The Democratic Party, through its most patriotic spirits, called the convention, framed the new instrument, [and] adopted it at the polls."<sup>48</sup>

The convention itself reflected the aims of its conservative, Democratic, black belt sponsors. Of its 155 delegates, 141, including each of the 25 Suffrage Committee members, were Democrats. Judge Thomas W. Coleman, ex-slaveholder, Princeton graduate, Confederate officer, justice of the Alabama Supreme Court, and small town banker, led the

48. Similar matrices relating each of the 1892-1900 gubernatorial contests to the two referenda show exactly the same relationship between partisanship and suffrage restriction. The quotation is from *Montgomery Daily Advertiser*, April 8, 1902.

black belt majority on the Suffrage Committee. The convention elected John B. Knox, perhaps Alabama's richest railroad lawyer, to its presidency, and brushed aside all efforts at social reform. The body refused to strengthen the railroad commission or impose limitations on other corporate activity, refused to abolish child labor or the convict leasing system, and it straitjacketed the government's ability to provide social services by cutting the constitutionally set maximum state tax rate.<sup>49</sup>

Despite the Democrats' pledge not to disfranchise a single white man, the suffrage article was obviously calculated to discourage from voting "the ignorant and vicious" whites (a much-repeated formula in the convention). In the words of Malcolm McMillan, representatives of the black belt and the businessmen "wished to disfranchise most of the Negroes and the uneducated and propertyless whites in order to legally create a conservative electorate." The new qualifications included lengthy residency requirements, a \$1.50 cumulative poll tax, and a literacy or property test with temporary exemptions for ex-soldiers, the descendants of ex-soldiers, and men of "good character." Any registrant after 1902 had to be able to read and write, as well as be employed regularly for a year preceding the election, or own 40 acres of land or \$300 worth of real or personal property. Judge Coleman thought the employment clause alone would exclude 10,000 "tramps." Although ultraconservative delegates fought the broad white suffrage guaranteed by the fighting grandfather clause, the majority realized that without the clause the constitution would lose in the contest for ratification. Moreover, if the courts declared the temporary plan unconstitutional, "the chief effect of such a decision," as a writer in a contemporary magazine recognized, "would be to aid in purging the registration lists" of whites. One white county delegate charged that the black belt representatives, believing the courts would throw out the grandfather clause, plotted in the Suffrage Committee to exclude white illiterates by writing that flagrantly discriminatory provision into the constitution.<sup>50</sup>

49. Taylor, "Populism and Disfranchisement," pp. 422-423; McMillan, *Constitutional Development*, pp. 264-269, 315-317, 339; Hackney, *Populism to Progressivism*, pp. 191, 209-227.

50. McMillan, *Constitutional Development*, pp. 268-269. The suffrage provisions are detailed in Taylor, "Populism and Disfranchisement," p. 421; Ala. Con. Con. *Proceedings* (1901), vol. 3, p. 3160; *ibid.*, vol. 1, pp. 1257-1264; *ibid.*, vol. 3, pp. 3163, 3172-3175. The contemporary observer was Francis G. Caffey, "Suffrage Limitations at the South," pp. 56-57, 59. The references in the *Proceedings* to the issue of white disfranchisement and the fighting grand-

The only delegates to defend universal suffrage for both whites and blacks were the Populists and Republicans. Most of the Democrats believed that suffrage "is not a right that belongs to any citizen or any man. It is a pure privilege which the State extends to certain men in the interest not of the man, but of the State itself." The preamble to the 1875 constitution had designated suffrage a "right"; the draft of 1901 changed that to a "privilege." One black belt delegate, future U.S. Senator Tom Heflin, even propounded the theory that suffrage was "an inherent right with the white man and a privilege with the Negro." The Populists, on the other hand, kept to the older belief in universal manhood suffrage. Pointing out that Negroes had to pay taxes and obey the laws of the state, N. B. Spears stated, "I do not believe it is right to disfranchise any man simply because he is a Negro." The Populist-Republican John H. Porter opposed disfranchising "any citizen of Alabama except for crime." The Negro was law-abiding and patriotic, Porter continued. "All he asks is the right to choose between two or more the one he prefers to rule over him. This right, in my judgment, he should have."<sup>51</sup>

Toward the end of the convention, N. H. Freeman, a Republican from the old Unionist stronghold of Winston County, offered what at first seemed a racist amendment to the suffrage article. Since everyone knew that the Alabama Constitution contravened the Fifteenth Amendment indirectly, he reasoned, it would be more bold and manly to limit the vote on ratification to whites only. Predicting that only extensive fraud in the Negro-majority counties could carry the constitution, Freeman went on, "I respectfully submit that it is enough to

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father clause are too numerous to note. For a sample, see vol. 1, pp. 1264-1266; vol. 2, pp. 2715-2739; vol. 3, pp. 2789-2797, 2809-2811, 2849, 2856, 2866, 2869, 2952-2953, 3101-3107, 3115. The white county delegate's statement is in *ibid.*, vol. 3, p. 3086. One piece of evidence to substantiate this charge is that when the suffrage article was first drafted, it contained a provision allowing the legislature, by a two-thirds vote, to rewrite any section of the qualifications voided in the courts. This provision was later replaced with one stating that if any section were declared unconstitutional, the rest of the constitution would stand as written. See Mabry, "Disfranchisement of the Negro," pp. 350-363.

51. On the "privilege" of voting, see Cobb of Macon (81.6 percent Negro in 1900), in *Ala. Con. Con. Proceedings* (1901), vol. 4, pp. 4870-4871; *ibid.*, vol. 2, p. 1759 for changing of the preamble. Heflin's theory appears in *ibid.*, vol. 3, p. 2842. During this speech Heflin noted his upperclass descent. His father had been the largest slaveholder in Randolph County. See *ibid.*, vol. 3, p. 2846. For the Populist-Republican response, see Spears, in *ibid.*, vol. 3, pp. 2971-2981; Porter in *ibid.*, vol. 3, pp. 3018-3019; Reynolds in *ibid.*, vol. 3, p. 3285.

disfranchise the Negro, without making him an involuntary party to his own disfranchisement. We should not call upon him in the Black Belt to be the victim of a ballot he never cast."<sup>52</sup> But the convention quickly tabled the amendment, the promised fraud occurred, and Alabama settled down to decades of a shapeless, partyless politics dominated, not accidentally, by the black belt—"Big Mule" coalition which controlled the convention.

#### VIRGINIA: "THE DEMOCRATIC SALVATION"

Since Negroes made up more than 40 percent of Virginia's populace in the 1870s and since a goodly number of white mountain folk translated their Unionist sympathies into membership in the Republican party after the War, the Virginia Conservative-Democratic Party was fortunate that it did not lose a statewide contest during the decade. In 1869, the Conservatives backed a moderate Republican for governor, and four years later, in a contest that involved extensive vote-buying, intimidation, and race-baiting, the Conservatives elected a Confederate general. By enacting a poll tax in 1876, they hoped to avoid the rule of an elected Radical government entirely.<sup>53</sup>

But in the latter part of the decade, the Conservatives made two crucial mistakes: they passed over their ambitious wire-puller General Billy Mahone for governor in 1877, and they committed themselves to complete repayment ("funding") of the state debt, most of which had been accumulated by state financing of antebellum railroads and most of which was owned by Northern and foreign bondholders. Mahone bolted the Conservatives and organized the Readjuster party which promised to scale down the debt, increase school expenditures (the Funder candidate for governor in 1881, John W. Daniel, declared

52. Ibid., vol. 4, pp. 4782-4784. On the ratification campaign, see McMillan, *Constitutional Development*, pp. 341-352; and Hackney, *Populism to Progressivism*, pp. 227-229, 343-344.

53. For the 1869 and 1873 elections, see Richard L. Morton, *The Negro in Virginia Politics, 1865-1902*, pp. 77, 87; Wynes, *Race Relations in Virginia, 1870-1902*, p. 11. On virtually all issues relating to the Virginia Democrats in this period, the authoritative work is Jack P. Maddex, Jr.'s *The Virginia Conservatives, 1867-1879*. On the poll tax, see Maddex, *Virginia Conservatives*, pp. 197-198. The poll tax was less effective in restricting the suffrage in Virginia than elsewhere because the political parties, in this highly competitive period, regularly paid their poor followers' taxes. For evidence on this point, see Morton, *Negro in Virginia Politics*, pp. 93, 112; Wynes, *Race Relations*, p. 24; DeSantis, *Republicans Face*, p. 153; Robert E. Martin, "Negro Disfranchisement in Virginia," p. 86; Rowell, *Contested Elections*, pp. 402-404, 410-411.

he would rather burn the schools than default on the debt), repeal the poll tax, and carry out a generally liberal program. Gradually fusing with the GOP, the Readjusters took over the legislature in 1879 and the governorship in 1881, kept their promises, including poll tax repeal, and barely lost the 1883 contest for the legislature.<sup>54</sup>

After gaining control of the legislature, the Democrats passed the Anderson-McCormick election law, a law which, according to Democratic chieftain Hal Flood, permitted the election judges, all Democrats,

when the polls were closed to turn everyone out of the election room until they had an opportunity to make the number of ballots in the ballot box tally with the number of names on the poll book. In the black counties this enabled them to change the ballots to suit themselves. This was done in many instances to save those counties from Negro domination.<sup>55</sup>

Though the Democrats, employing the usual fraud, carried the three governor's races from 1885 to 1893, the tenure of the dominant party was not as secure as it appeared on the surface. For one thing, the Populist party won the support of several prominent Virginia aristocrats, and the new party's label had the potential to attract normally Democratic voters who had hesitated to back the party of Lincoln. Furthermore, the 1893 election to the U.S. Senate of the hitherto unknown railroad lobbyist Thomas S. Martin over the popular war hero Fitzhugh Lee lent credibility to the Populist claim that a political machine, financed by out-of-state corporations, ruled Virginia by means of fraud and bribery. The fact that allegations about Martin's underhanded dealings later fueled the "Independent" faction of the Democratic party for more than a decade indicates what the Populists and Republicans, had they operated in an unrestricted electorate, might have done with these issues.<sup>56</sup>

54. On the Readjusters, see Pearson, *Readjuster Movement*; Blake, *William Mahone of Virginia*; Wynes, *Race Relations*, pp. 18-26; Pulley, *Old Virginia Restored*, pp. 34-40.

55. Flood to R. D. Haislip, July 28, 1911, quoted in Harry Edward Poindexter, "Carter Glass," p. 87. On the partisan purposes of the law and the fraud it encouraged, Pulley, *Old Virginia Restored*, pp. 46-47; Wynes, *Race Relations*, pp. 40-46; and William C. Pendleton, *Political History of Appalachian Virginia*, p. 359.

56. On the 1885-1893 elections, see Pendleton, *Appalachian Virginia*, p. 365; Herman L. Horn, "The Growth and Development of the Democratic Party in Virginia Since 1890," pp. 28-29; and Blake, *Mahone*, pp. 219-223. For evidence of widespread fraud, see Joseph B. Cheadle to Benjamin Harrison, November 16, 1889, quoted in Daniel W. Crofts, "The



The Democrats took advantage of the widespread demand for election reform, fostered chiefly by the Republicans and Populists, to pass a secret ballot law. Although known as the "Walton Act," the statute was probably written by the head of the Democratic organization, Senator Thomas S. Martin. The law, which another Democratic leader, Richard E. Byrd, called "the [D]emocratic salvation," provided for a publicly printed ballot containing neither party names nor symbols. Voters had two and a half minutes to draw lines three-fourths of the way through the names of all candidates for whom they did *not* want to vote. Special constables (all Democrats, of course) could assist illiterates.<sup>57</sup>

Election statistics, as well as contested congressional elections, testify to the effectiveness of the secret ballot law (table 6.9).<sup>58</sup> The shift of labels for the opposition between 1889 and 1893 apparently attracted fewer Democrats than it lost Republican loyalists. The 1893 race also failed to inspire as large a turnout as the epic contest of 1889, in which the best-loved and best-hated character in postbellum Virginia politics, Mahone, had been a candidate. Still, the Populists garnered 41 percent of the votes in 1893.

The GOP must have expected to lose in 1897. Mahone had died two years earlier. Some Populists backed the Democratic "farmer" J. Hoge

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Blair Bill and the Elections Bill," pp. 238-239. Cheadle, an Indiana Congressman who observed the 1889 election in Virginia for the president, concluded that the only way to guarantee fair elections in such cases was to pass a federal regulatory bill. See also Rowell, *Contested Elections*, pp. 451-454, 457-460. The Populists gathered strength when Mahone indirectly endorsed the new party in 1893, declaring that he favored "any ism that will bust the Democracy." Quoted in Horn, "Democratic Party in Virginia," p. 39. Regression analysis shows that virtually every Populist vote in 1893 came from those who had backed Mahone four years earlier. On the Populist party in Virginia, see Sheldon, *Populism in the Old Dominion*. The Populist charges about the Martin organization were true. See Allen W. Moger, *Virginia, Bourbonism to Byrd, 1870-1925*, pp. 98-100, 102-105, 111-121. On the 1893 Senate election, see, in addition to Moger, Pulley, *Old Virginia Restored*, p. 165; Burton Ira Kaufman, "Henry De La Warr Flood," pp. 31, 67; Poindexter, "Carter Glass," pp. 185-192; Holt, "Virginia Constitutional Convention," p. 70. For Populist charges of election fraud, see Sheldon, *Populism in the Old Dominion*, pp. 94-95, 111-112.

57. On the authorship and operation of the "Walton Act," see the evidence offered in Poindexter, "Carter Glass," p. 196, and Byrd to Hal Flood, April 1, 1894, quoted in *ibid.*, p. 197. For the law, see *Va. Acts* (1894), pp. 862-867.

58. For more detailed information on the Walton Act's abuses, see Rowell, *Contested Elections*, pp. 534-540, 547-552, 565-574, 578-580, 606, 611-613. Anger at these abuses forced a few token changes in the law in 1897, on which see Poindexter, "Carter Glass," pp. 211-212, 215, 220-221.

Table 6.9. Two-Step Disfranchisement: Effect of Election Law Changes on Voting by Party and Race in Gubernatorial Elections in Virginia, 1885–1905.

<i>A. Party</i>				
<i>Percentage of Adult Males</i>				
<i>Year</i>	<i>Democrat</i>	<i>Republican</i>	<i>Other</i>	<i>Not Voting</i>
1885	43	38	0	19
1889	44	32	0	24
1893	32	0	22 <sup>a</sup>	46
<i>Secret Ballot</i>				
1897	26	13	1 <sup>b</sup>	60
1901	26	18	0	56
<i>Constitution</i>				
1905	17	10	0	73
<i>B. Race</i>				
<i>Percentage of Negro Adult Males</i>				
<i>Year</i>	<i>Democrat</i>	<i>Republican</i>	<i>Other</i>	<i>Not Voting</i>
1885 <sup>c</sup>	27	71	0	3
1889 <sup>c</sup>	30	56	0	15
1893 <sup>c</sup>	19	0	46	35
1897	20	2	0	78
1901	24	0	0	76
1905	10	—13	0	103

<sup>a</sup>Populist and Prohibitionist.

<sup>b</sup>Prohibitionist.

<sup>c</sup>These estimates were calculated by splitting the state into groups—those counties under 30 percent Negro, and those over that figure. The estimates for each group were then weighted according to population and summed. In the other elections, a simple straight-line linear equation fit the data better than separate lines for each group.

Tyler for governor. The switch from Republican to Populist to Republican must have disjoined some voters' party loyalties. Nonetheless, the Walton Law undoubtedly accounted for much of the decline in GOP strength and in overall turnout from 1893 to 1897. Whereas in 1889 the GOP had the sympathies of nearly a third of the potential electors, it attracted but one in eight in 1897. The opposition percentage of those voting dropped from 42 percent in 1889 and 41 percent in 1893 to 31 percent in 1897. More important, table 6.9B shows that the estimated percentage of Negroes who cast their ballots for the op-

position fell from 46 percent in 1893 to 2 percent in 1897. The estimated 20 percent of the black vote counted for the Democrats in 1897 probably existed only in the minds of election officials. The Walton Law ended most actual black voting in Virginia.<sup>59</sup>

Nevertheless, many Democrats in Virginia wished to replace the election law with more permanent, constitutional restrictions. Accordingly, in 1894, State Senator Eugene Withers of Danville (54 percent Negro in 1890) introduced a bill calling for a constitutional convention. But the usual fearful attitude of interest groups toward constitutional conventions, the threat of "populist ideas," and splits within the Democratic party over monetary policy and "machine control" prevented Withers' bill from passing and doomed the convention in an 1897 referendum.<sup>60</sup> As table 6.10 shows, the chief support for the convention in the referendum came from the black belt. What appear to be black votes in the estimates undoubtedly represent either stuffed ballot boxes or considerable white support for the convention in the predominantly Negro areas.

Rejection in the 1897 referendum did not end the movement to call a convention. If the Republicans in Virginia were still too weak and divided to win elections on the issue of Democratic fraud, the Re-

Table 6.10. Only the Black Belt Wanted a Convention in Virginia in 1897: Estimates of Voting, by Race, in the Referendum on Calling a Constitutional Convention in Virginia.

Race	Vote on Referendum		
	For	Against	Not Voting
White	8	35	57
Negro	12	0	89

59. The Walton Act seems to have had little effect on white voting, which indicates that it was not enforced very strictly in the mountain counties. For other evidence of the Walton Law's effect, see Va. Con. Con. *Proceedings* (1901-02), pp. 3029, 3070; Martin, "Negro Disfranchisement in Virginia," p. 114; Morton, *Negro in Virginia Politics*, pp. 133-134; McDanel, *Virginia Constitutional Convention*, pp. 29-32; Wynes, *Race Relations*, pp. 53-54.

60. Pulley, *Old Virginia Restored*, pp. 68-69; Martin, "Negro Disfranchisement in Virginia," p. 119; Poindexter, "Carter Glass," pp. 198-199, 216-217, 231, 265, 269-274; Holt, "Virginia Constitutional Convention," p. 72; Richard Burke Doss, "John Warwick Daniel," pp. 216-230, 238-248, 264-269; Morton, *Negro in Virginia Politics*, pp. 147-148; *Richmond Times*, February 6, 1900, quoted in McDanel, *Virginia Constitutional Convention*, p. 10; J. A. C. Chandler, "History of Suffrage in Virginia," in *Johns Hopkins University Studies in Historical and Political Science* (Baltimore, Maryland: Johns Hopkins Univ. Press, 1901), pp. 72-73; Allen W. Moger, "The Rift in Virginia Democracy in 1896," *Journal of Southern History* (1938) 4: 295-317.

publicans in Congress could unseat candidates elected by egregious chicanery. From 1894 to 1900, the Republicans and Populists initiated ten contested election cases in Virginia and won four of them. Pointing out that the Virginia constitution guaranteed adult males the right to vote, the Republican minority in one case declared that the secret ballot was a literacy test and therefore unconstitutional according to Virginia's fundamental law.<sup>61</sup> If the GOP ever applied this doctrine consistently, they could contest and throw out every Virginia congressman.

It was also safer to call a convention by 1899, for the split between Gold and Silver Democrats which caused defections to McKinley by several leading Democrats in 1896 had healed. The threat of "Kansas ideas" had faded with the Populists. The state's Republicans wrangled amongst themselves. Despite the growing strength of antiorganization Democrats, Tom Martin easily won reelection to the Senate in 1899. With Martin safe for another six years, such organization members as Hal Flood and State Democratic Chairman J. Taylor Ellyson felt free to work for a convention.<sup>62</sup>

Flood, chief spokesman for the corporations and the Martin machine in the legislature, introduced the enabling act for the constitutional convention in 1899. A descendant of some of the most distinguished planters and politicians among the Virginia gentry, Flood had risen quickly in Virginia politics. Winning a seat in the House of Delegates in 1887 at the age of 21, he attached himself to Tom Martin, whose 1893 and 1899 Senate campaigns he managed, and played a large role in blocking attempts in the state legislature to regulate railroads and provide for fair elections. His patrician heritage never deterred him from race-baiting in close elections. His typical Southside prejudices against Negro voting led him to support a convention, which his mentor Martin opposed, when it became safe to do so without endangering Democratic hegemony. Practically all the "Independents" also favored a disfranchising convention.<sup>63</sup>

61. Rowell, *Contested Elections*, pp. 534-537. For discussions of the relation between contested elections and the decision to call the convention, see *Richmond Times*, March 14, 1900, quoted in Mabry, "Disfranchisement of the Negro," p. 400; Wynes, *Race Relations*, p. 55.

62. Horn, "Democratic Party in Virginia," pp. 49-50.

63. On Flood's support of the constitutional convention, see Kaufman, "Flood," pp. 80-88. For the "Independents' " sympathies, see Holt, "Virginia Constitutional Convention," pp. 72-77; Poindexter, "Carter Glass," pp. 301-302; Doss, "Daniel," pp. 250-251; Moger,

This consensus on the desirability of a convention among important leaders of both Democratic factions enabled the proponents to push their bill through the legislature over the opposition of the small Republican minority. To guarantee its passage by the electorate, the legislators scheduled the referendum to coincide not with the state or national elections, when GOP turnout might be large, but with the contests for local office. They also biased the ballots, printing on them only the words, "For the Convention." To vote as the Democrats wished, one had merely to place the ticket in the ballot box. To oppose the convention, one had to mark through all three words and place no other mark on the paper, a provision which made it easy for officials to discard ballots against the convention.<sup>64</sup>

The Democrats' stratagems were successful. In the November 1900 presidential election, 60 percent of Virginia's adult males turned out, and the Republicans received the backing of 44 percent of those who voted. In the May 1900 referendum, the same percentage, 44 percent, stood with the GOP platform against the convention, but overall turnout amounted to only 31 percent of the electorate. Fewer than 18 percent of the eligible voters cast their ballots for the convention. As table 6.11A shows, voting in the referendum split sharply along party lines. Part B of table 6.11 indicates the similarity of patterns of support for and opposition to a constitutional convention in the 1897 and 1900 referenda. Most of those who voted in both elections chose the same side each time. The convention picked up support in 1900 from some of the 71 percent of the adult males who had not voted three years earlier. Sixty percent of those who had opposed the convention in 1897 do not appear to have voted in 1900. The Democratic party's endorsement of the convention in 1900 obviously activated some voters previously apathetic toward calling one and quieted the apprehensions of others who had heretofore feared what a convention might do.

The estimates of voting in the referendum by race given in part C of table 6.11 indicate that the convention was most popular among whites in the heavily Negro counties. Southside Democrats turned out in large numbers, compared to the rest of the state, and either voted

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*Bourbonism to Byrd*, p. 186; McDanel, *Virginia Constitutional Convention*, pp. 12-15; Horn, "Democratic Party in Virginia," p. 60.

64. Poindexter, "Carter Glass," pp. 358-362; McDanel, *Virginia Constitutional Convention*, pp. 59-60.

Table 6.11. Black Belt Democrats Called the Virginia Convention:  
Estimates of Relationships between Voting Patterns in 1900 Referendum  
and Party, Race, and Voting in the 1897 Referendum.

	% <i>For</i> <i>Convention</i>	% <i>Against</i> <i>Convention</i>	% <i>Not</i> <i>Voting</i>
Democratic <sup>a</sup>	35	0	65
Republican <sup>a</sup>	0	56	44
Not voting <sup>a</sup>	14	0	86
White	13	16	71
Negro	24	16	59
1897 referendum, compared			
For convention	57	14	28
Against convention	2	37	60
Not voting	17	10	74

<sup>a</sup>Party preferences estimated by votes in 1900 presidential election.

overwhelmingly for the convention or stuffed the ballot boxes for it.<sup>65</sup> These estimates and the graphs (not presented here) which relate referendum voting to the Negro percentage in each county also demonstrate that there was a fairly sizable black vote against the convention. The opponents of the convention carried 18 of the 35 counties with Negro majorities. In no Virginia county did the returns in this referendum approach the blatant falsification in the comparable Alabama and Louisiana elections.

Once in session, the convention lasted off and on for over a year, principally because of inability to agree on a suffrage article. The chief reasons for the delay were factional divisions among the Democrats in this period, the presence in the convention of too many moderately important politicians—several ex-congressmen and ex-governors, a senator, and some intelligent and stubborn local leaders—and the absence of a single dominant figure. Senator George in Mississippi,<sup>66</sup> Senator Tillman in South Carolina, Governor Foster and Convention Chairman Kruttschnitt in Louisiana, and Judge Coleman in Alabama had pushed suffrage plans through their conventions. Senator John W.

65. For analyses of the campaign and returns, see *Richmond Times*, May 30, 1900, quoted in McDanel, *Constitutional Convention*, p. 18; *Petersburg (Virginia) Daily Index-Appeal*, May 25, 1900, quoted in Horn, "Democratic Party in Virginia," p. 60; Poindexter, "Carter Glass," pp. 390-397, 406.



Daniel, chairman of the Elective Franchise Committee in the Virginia convention might have played an analogous role, but was apparently incompetent at anything but stump speaking. It was only when Daniel retired from the convention after suffering a nervous breakdown that Southside newspaper editor Carter Glass emerged to patch up a compromise which could win a majority of the committee and the Democratic "conference."<sup>66</sup>

Four factions vied to write the suffrage article. At the extreme right, a group of men primarily representing counties with large proportions of Negroes urged setting the qualifications so high that no Negro could be elected to any office in Virginia. They also wished to eliminate a substantial number of poor whites. The black belt group first proposed a property test as the sole qualification for registering, a plan which, according to contemporary tax statistics, would have allowed less than 5 percent of the Negro and one-third of the white adult males to vote. To meet objections that this plan would affect too many whites, Alfred P. Thom, a wealthy railroad lawyer, proposed dividing the electorate into categories based on employment, and disfranchising all unskilled laborers. When this, too, proved unacceptable to white county Democrats, the black belt men demanded a free hand to discriminate administratively by requiring all potential registrants to prove they understood the duties of all officers for whom they might vote. A man who could not explain the duties of justices of the peace well enough to please a registrar could, under this provision, be denied the right to vote entirely. This group also desired a cumulative poll tax.<sup>67</sup>

These reactionaries made up for their relatively small numerical strength by their strategic placement. They held a majority on the Elective Franchise Committee. Most of the others on the committee, only slightly less conservative, wanted to eliminate as many Negroes as they could while still allowing virtually all white Democrats to regis-

66. Poindexter, "Carter Glass," pp. 463-465, 477, 487-499; Doss, "Daniel," pp. 279-280; Holt, "Constitutional Convention," pp. 93-99.

67. Alfred P. Thom, in *Va. Con. Con. Proceedings* (1901-02), pp. 2961, 2968, 2972, 2986-2988. "There is no reason," Thom said, "for enfranchising the whites." See also McIlwaine, in *ibid.*, pp. 2988-3004; Walter A. Watson, "Diary," April 4, 1902, quoted in McDanel, *Constitutional Convention*, p. 43. The effect of the property tax proposal can be seen by noting tax statistics quoted in Morton, *Negro in Virginia Politics*, p. 158. For the other proposals of the reactionaries, see Thom, in *Va. Con. Con. Proceedings* (1901-02), pp. 2970-2971, 2982-2985, 2989-2990; Daniel, in *ibid.*, p. 2943.

ter. The poorer whites, they realized, would "disfranchise themselves" by failing to pay the poll tax six months in advance.<sup>68</sup>

The conservative grouping shaded off towards a band of moderates, mostly Democrats from overwhelmingly white counties in the western region. This third group acquiesced in suffrage restriction because of party loyalty and an implicit bargain which swapped eastern votes for a strong corporation commission for western support of a limited electorate.<sup>69</sup>

Most of the one hundred-man convention's twelve Republicans fell into a fourth category of delegates who opposed any restriction whatever on the suffrage. A. L. Pedigo of Henry County (44 percent Negro in 1900) spoke for them when he remarked, "I cannot tolerate the thought of depriving even one of the humblest of our citizens of his right to vote, and to have his vote counted, and honestly weighed in making the returns. No matter how humble, or poor, or ignorant, or black he may be . . . yet I would keep a ballot in his hand."<sup>70</sup>

The final suffrage plan was a compromise between the conservatives and the reactionaries. Every voter had to satisfy lengthy residency requirements and, six months in advance, pay a poll tax which could accumulate for three years. Three classes of persons could register before 1904: soldiers and their sons, those who held \$333 worth of assessed property, and men who could give a reasonable explanation of some part of the constitution. After 1904, new registrants had to prove their literacy by filling out, with no aid whatsoever, a very complex blank registration form.<sup>71</sup>

Aware of the difficulty the Alabama Democrats had in ratifying their constitution in 1901, the Virginia delegates broke a Democratic party pledge to submit their finished document to a referendum. After

68. Daniel, in *ibid.*, p. 2955; Thom, in *ibid.*, pp. 2961, 2989; Glass, in *ibid.*, p. 3076; Goode, in *ibid.*, pp. 20-21; Doss, "Daniel," p. 276; Pulley, *Old Virginia Restored*, pp. 76-77, 83; Poindexter, "Carter Glass," pp. 269-270, 473-474, 492-493.

69. Holt, "Constitutional Convention," pp. 84, 87; Wysor, in *Va. Con. Con. Proceedings* (1901-02), p. 2996; Kendall and Gordon, in *ibid.*, pp. 3027-3028.

70. *Va. Con. Con. Proceedings*, p. 3047. See similar comments of Gillespie, p. 3001; Davis, p. 3058.

71. *Ibid.*, pp. 2937-2940. Known as the "Glass Amendment," the final proposal was more restrictive than the earlier "Daniel plan," against which the Southside delegates had waged a long battle. See John W. Daniel, "The Work of the Constitutional Convention," in *Report of the Fourteenth Annual Meeting of the Virginia State Bar Association* (Richmond, Virginia, 1902), pp. 264-272; Poindexter, "Carter Glass," p. 498.

proclaiming the constitution, the party used its control of the electoral process to discriminate against white and black Republicans, register Democrats, and guarantee that loyal followers' poll taxes were paid. The restriction of the electorate and partisan domination of the electoral bureaucracy paved the way for the Byrd machine. The active electorate was so small that from 1905 to 1948 state employees and officeholders cast approximately one-third of the votes in state elections.<sup>72</sup>

72. For the Democratic failure to submit the constitution to a vote, see Va. Con. Con. *Proceedings* (1901-02), pp. 3032, 3037, 3259-3260; Pulley, *Old Virginia Restored*, p. 88, gives evidence of the direct effect of Alabama's experience; McDanel, *Constitutional Convention*, pp. 114-129 shows that delegates thought the constitution would lose in a referendum. For the party's discriminatory tactics, see Pendleton, *Appalachian Virginia*, p. 457; Ernest H. McClintic to Hal Flood, September 20, 1902, and C. W. Manger to Flood, September 29, 1902, both quoted in Buni, *The Negro in Virginia Politics*, p. 21; Horn, "Democratic Party," pp. 89-91; Pulley, *Old Virginia Restored*, pp. 75-77. On the reduced electorate and the Byrd machine, see Horn, "Democratic Party," pp. iii-iv, 111-113, 119, 223-228, 329-331.